

## 2.14. Design & Visual Amenity

The site is considered suitable for residential subdivision due to the proximity of the site to existing residential subdivision. While the site is located within the Coastal Zone, it is not within the visual curtilage of the Pacific Ocean. Due to the relative low topography no part of the site is viewed from the Manning River. It is anticipated the form of residential housing will be similar to the low level (one/two storey) residential development located in the near vicinity.

The proposed development is compliant with the *Coastal Design Guidelines of NSW (2003)*:

- The site does not have a high level of visual sensitivity due to it not being located within a primary visual corridor, and the development - including the subsequent housing component - will not impact upon views from the public domain.
- The design respects the ecological limits of the site and its context.
- The proposed street layout and hierarchy builds upon the street pattern of Old Bar.
- The streets focus on natural and topographical features with a boundary provided between the development and open space areas.
- Variety of allotment sizes with potential for residential development up to two storeys.
- Dedication as public reserve of sensitive habitats (SEPP14 Wetland) and 40m wide buffer, and enhancement of these lands through revegetation of native species.
- Providing convenient and well graded pedestrian access linkages to adjoining urban areas via open space lands.
- Maintaining the existing character of the residential areas of Old Bar via maintaining existing density of urban form, separation of urban areas with open space lands, encouraging housing affordability, and protecting important natural elements.
- The existing ecological and urban values of the locality are not compromised by the development.

## 2.15. Public Access , Public Transport and Community Services

A system of public pathways for both cyclists and pedestrians is to be provided - see LMP for detailed design. These pathway link to the existing network which follows the Banyula Creek upstream to its junction with Old Bar Road and the commercial area of the Town. The pathways are shown as continuing over the larger site (Precinct 2B section) and will link into the proposed pathway network of Precinct 2B ( draft DCP 57) to the west along Banyula Drive extension.

A daily bus service operates between Old Bar and Taree with stops outside Banyula Retirement Village in Medowie Street. With the completion of the proposed subdivision and the future extension of the balance of the site, the bus route would be extended through the subdivision, thus making the service more viable. This service connects with the Old bar shopping centre. A school bus service operates throughout Old Bar and will be extended into the development as the subdivision proceeds.

Old Bar supports a local shopping centre which has capacity to meet the day to day needs of future residents. A public school located in Smith Street (1.4km) while a well established bowling club operates in Waterman Street (6km). bilo supermarket

## **2.16. Public and Agency Consultation**

The proposed development of the subject site has been the subject of public consultation since the exhibition of the Old Bar/Wallabi Point Development Strategy in 2001. In 2003 Taree City Council exhibited the draft LES for Precinct 2A. In 2005 Council exhibited a draft LEP for the site calling for submissions. Rezoning of the site for residential purposes was not controversial and obtained the universal support from Council and government agencies.

Preparatory to detailed design, a planning focus meeting was held on site on Wednesday 13 July 2005 attended by representatives of DIPNR, RFS and Council. Minutes of this meeting are included as **Appendix J**. Representatives of Department of Fisheries (Scott Carter) and DEC have visited the site during the LES/LEP process. Minutes of this meeting are included in the Stormwater management Report - Appendix D. The primary issue raised during this meeting was the management of the 6(a) land and 7(c) lands and the management of stormwater into downstream receiving waters. These issues have been fully addressed in the application. These issues appear in the DGREA's.

During the preparation of the environmental assessment consultations were had with representatives of Greater Taree City Council (various occasions), Country Energy and Mid Coast Water (see Appendix C). Telephone discussion was held with Colin Nunn of RTA on 9 September 2007, who advised that unless the development adjoined or accessed directly onto an classified road, the RTA would not become involved at development approval stage.

### 3. STATUTORY & NON STATUTORY PROVISIONS

The primary instrument under which the application for the subdivision of land is assessed, is the Greater Taree Local Environmental Plan 1995. The provisions of various State Environmental Planning Policies and Development Control Plans are also of relevance.

#### 3.1. Greater Taree Local Environmental Plan 1995

The subject site was rezoned to permit residential, environmental protection, and open space landuse by way of Greater Taree LEP 1995 Amendment No. 54 of 18 March 2005. The site is zoned 2(a) Residential, 6(a) Public Open Space and & 7(a) Environmental Protection Habitat. The zoning was determined following the determination of an LES and draft LEP for the land, in consultation with various government agencies.

The proposed development is not inconsistent with the provisions of the LEP, the recommendations contained within the LES, or any of Council's DCP's, codes or policies.

Development undertaken within the Local government Area of Taree is required to meet the aims of GTLEP 1995.

##### **9. Aims of the plan**

*This plan generally aims to:*

- (a) uphold and promote the objects of the Act;*
- (b) identify zones as referred to in clause 10 and achieve the objectives for each zone;*
- (c) promote development which is environmentally sustainable and seeks to minimise use of nonrenewable resources;*
- (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;*
- (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;*
- (f) ensure the protection of significant environmentally sensitive areas;*
- (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;*
- (h) provide for open space and community facilities sufficient to meet the needs of existing and future residents;*
- (i) provide for future arterial road needs;*
- (j) provide for the general infrastructure necessary to cater for the needs of the community;*
- (k) provide land for adequate commercial facilities and encourage consolidation of major commercial activities in central business areas;*
- (l) provide suitable land and service facilities so as to maximise the employment base and future employment opportunities throughout the City;*
- (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) encourage further development of tourism and recreational facilities, while minimising any adverse impact on the natural attractions and amenity enjoyed by permanent residents.*

The proposed development meets the aims of the plan through:

- protection and enhancement of environmentally sensitive lands;
- limiting development to areas which are not subject to flooding or bushfire risk;
- provision of extensive areas of public open space;
- provision of a collector road of suitable width to meet long term traffic needs generated by development of adjoining lands;
- provision of an open space buffer between the road edge and environmentally sensitive environments.

### **3.1.1. Provision of 2(a) Residential Zoned Land**

The objectives of the zone are:

- (a) *the preservation of the residential amenity;*
- (b) *the regulation of the subdivision and use of land for housing, with ancillary development permitted only where the scale, type and traffic generating characteristics of the ancillary development are compatible with the character and amenity of the area;*
- (c) *the encouragement of a range of residential development providing for flexibility and variety of housing types and designs, densities and associated land uses, with conservation of visual amenity; and*
- (d) *the promotion of development considered by the Council to be a desirable land use within the urban living area, which is compatible with the residential environment.*

The proposed subdivision of the site meets the objectives of the zone through providing land for housing. The site adjoins a residential area along the eastern and southern boundaries.

### **3.1.2. Provisions of 6(a) Open Space Recreation zone**

The objectives of the 6(a) Open Space Recreation zone are:

- (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.*

The proposed subdivision sets aside an area of 4.5 hectares of land for recreational purposes. Part of this land is to be used for stormwater management. It is proposed to embellish the open space land as indicated on the landscape concept plan for the development. It is concluded that the objectives of the zone will be met.

### **3.1.3. Provisions of 7(a) Environmental Protection Habitat**

The objectives of the 7(a) Environmental Protection Habitat zoning are:

- (a) *the protection and conservation of features which are environmentally sensitive or delicate, or of particular environmental interest; and*
- (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.*

The objectives seek to maintain the environmental attributes of lands that are considered to be environmentally sensitive or of particular environmental interest. In addition the zoning seeks to regulate development so that inappropriate land uses that would destroy sensitive habitat are avoided, in particular those of coastal wetlands and significant ecosystems.

Urban development is inconsistent with the objectives of this zone. The area of the site zoned 7(a) is also a SEPP 14 wetland and is subject to flooding. No urban development is proposed in the 7(a) zone.

### **3.2. Additional LEP Provisions Applicable to the Site**

The following additional provisions in the GTLEP 1995 regulate development control with respect to development in a variety of zones. Provisions from the LEP applicable to the development are discussed below.

#### **3.2.1. 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*
- (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.*

The site is within the existing service area of the Old Bar/Wallabi Point locality and is within the catchment of Sewerage Pump Station 3.

Mid Coast Water have advised that reticulated water is available to the site. While there is some spare capacity in the existing sewer system to accommodate the development, there is a likelihood that an additional pump station may need to be constructed to service the latter stages of the subdivision. The development sets aside land for the proposed PS 3a pump station as requested by Mid Coast Water..

#### **3.2.2. Clause 48 Development of flood liable land**

The objectives of this clause are to minimise future potential flood damage and adverse effects of flooding on the community. If land is likely to be subject to flooding, then Council must consider the following:

- (1) *For the purposes of this clause, “minor additions” means additions to a building 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.*
- (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.*
- (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.*
- (5) *The consent of the Council under this clause is not required for development involving minor additions to a building or work.*

Areas within the vicinity of Banyula Creek and the SEPP 14 wetland are subject to flooding based on the 100 year AEP flood level. These lands are not zoned Residential 2(a) and the proposal will not impact upon flood affected land or cause changes in the movement of floodwater off the site.

The proposed development complies with the requirements of Council's *Interim Flood Management Policy* 1987, and the NSW Government Floodplain Management Manual (2005) through excluding urban development from flood affected lands.

### **3.2.3. Clause 49 Bushfire Hazard**

- (1) *The Council may consent to the development of land zoned 1(c1) where it has identified a bush fire 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.*
- (2) *The Council may consent to the development of land in an urban zone where it has identified a bush fire 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,*
  - (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 bush fire hazard which may not be developed for urban purposes, and*
  - (e) *controls which avoid placing inappropriate components of developments in hazardous areas.*

A bushfire hazard assessment report was prepared for the total development in accordance with the provisions of *Planning for Bush Fire Protection 2006*. The report appears as **Appendix F**.

The report concludes that the design layout satisfies the requirements of the guidelines with none of the proposed lots required to satisfy higher than Level 1 construction standard AS 3959-1999. Until such time as development of the remainder of the site is undertaken, ie. land west of the proposed 98 lot subdivision, an Asset Protection Zone of 20 metres in width, will be maintained around the boundary of all allotments.

### **3.2.4. 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, public reserve or land zoned 6(a) only if it is satisfied as to the likely appearance of the proposed development when viewed from those locations.*
- (2) *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.*

The site is currently in view from the local road network within the Old Bar urban area, in particular Banyula Dr., Medowie Rd., Molong Rd. and Gannet Cr. The proposed residential development on the site will impact on these existing views. The landscape management plan has been prepared so as to provide a landscaping regime which will seek to mitigate impact over time. Given the relative slow takeup rate envisaged, the landscaping works proposed for the public reserve area should be well established prior to the latter stages of the development being constructed.

### **3.2.5. Clause 58 Heritage items and heritage conservation areas**

*(1) The consent of Council must be obtained to carry out the following development:*

- (a) to demolish, alter or damage a heritage item or a building or work within a heritage conservation area,*
- (b) to move a relic or excavate land for the purpose of discovering or moving a relic, or*
- (c) to erect a building, or subdivide land, on which a heritage item is located, or within a heritage conservation area.*

*(2) When determining a development application required by this clause, the Council shall take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area.*

*(3) The Council's consent is not required if it is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage item or heritage conservation area.*

Detailed assessment of the site was undertaken by the Purfleet-Taree Local Aboriginal Land Council (LALC). The LALC raised no objection to development occurring on the site. Notwithstanding, the consent of Council is required to carry out development on the site where items of Aboriginal cultural heritage are to be removed or destroyed. Development on the site should be sympathetic to the Aboriginal heritage of the area, and ensure that any identified items, are preserved. During this site walk a number of artefacts were found at two locations and were identified as having potential archaeological significance. A full report prepared by the Purfleet-Taree LALC is contained in Appendix A.

There are no items of European cultural heritage significance located on the site.

### **3.3. Greater Taree DCP No. 1**

The following sections of the Greater Taree City Council Development Control Plan regulate and guide residential development in the Greater Taree LGA.

#### **3.3.1. DCP No. 41 Subdivision**

Section 2 of this DCP sets out a range of general requirements that should be addressed when considering urban subdivision, including design principles, site hazards, road designs, landscaping, services, drainage, existing development and heritage and environmental protection. These requirements are addressed in detail below:

### ***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 1979.

- *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 ridgelines 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.*

The proposed subdivision layout has had regard to all the above criteria which have been discussed above. Provision has been made for road and open space linkages with future development areas (Precinct 2B). The majority of allotments enjoy good solar access orientation, view sharing, and access to open space.

### ***Road design and Construction***

Council's objectives for the design and construction of roads is to provide roads consistent with their function within the road network, having regard to their safety and visual impact and to provide sufficient road reserve, carriageway and verge widths to allow roads to perform their designated functions within the road network. Also:

- *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 minimize the need for earthworks due road construction. And*
- *To ensure safe and convenient access is available to each new lot created.*

The road and drainage system has been designed to be consistent with these objectives. During the preparation of the layout and drainage system, consultations were had with Council engineering staff to ensure compliance with Council standards.

A typical cross sections of the road and stormwater controls is provided in the Booklet of Plans.

### **Stormwater Drainage**

Council's objectives in respect to the management of stormwater in residential estates is:

- *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.*

Council requirements provide for the drainage system shall be designed in accordance with Council's AUSSPEC 1 Design Specification. The major system must be able to accommodate the ARI=1:100 year and meet the safety criteria of AR & R 1987. If capacity is limited in some way the underground (minor) system must be capable of safely conveying the balance. The minor system shall have a minimum capacity of 1:5 year ARI.

The stormwater management plan meets the abovementioned objectives. Council engineering staff were provided with the opportunity to review the draft stormwater management report and their comments have been incorporated into the final document and design.

### **3.4. Regional Plans and Strategies**

#### **3.4.1. Hunter Regional Environmental Plan 1989**

The Hunter Regional Environmental Plan 1989 (HREP) provides guidelines for the management of land through plan making. The HREP provides some guidance in respect to the development of residential subdivision however these guidelines are of a general nature and have been generally superceded through local controls, eg. Council Development Control Plans. The relevant provisions of the Hunter Regional Environmental Plan 1989 are discussed below.

The objectives of the HREP are:

- (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;*
- (b) *to co-ordinate activities related to development in the region so there is optimum social and economic benefit to the community; and*
- (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.*

The following summary identifies the relevant matters within the Hunter Regional Environmental Plan (REP) applicable to residential development of the site, and comments on the consistency of any residential development with the HREP.

### ***Housing***

Clause 10 specifies that development consent for residential purposes should not be granted unless the availability of health, education and welfare facilities have been assessed. The proposed development has the potential to accommodate an additional 250 people, which will add to the demand for services in Old Bar. The majority of these people are expected to be in the younger age groups with a resultant demand on education facilities.

During the LES/Rezoning process (2003-2006) the Mid North Coast Area Health Service advised that increased population has the potential to put a strain on resources and staffing at MNCAHS Generalist Care Program. It was requested that the Service be advised when increased residential development is taking place, ie at construction stage, so service planning can take these development into account.

### ***Environment Protection***

Clause 47(2) of the Hunter REP relates to pollution control and requires a council to ensure any new development provides for the protection of significant surface waterways and groundwater, and minimisation of air and noise pollution granting development consent. The proposed design has been prepared having regard to best practice standards for mitigating soil erosion both during and post construction, maintaining water quality, and managing urban stormwater runoff. The development proposal provides setbacks in excess of 40 metres to existing watercourses which is considered a sufficient distance to mitigate urban impact.

### ***Conservation and Recreation***

Clause 62 specifies that Council shall not consent to development on lands zoned open space or bushland unless it has assessed the need to protect the land and is satisfied that disturbance is necessary and in the public interest, is minimal and can be rehabilitated. The proposed development does not impact on land zoned 7(a) Environmental Protection Habitat, which contains a SEPP 14 wetland. The development provides for the dedication of an area of 4.5 hectares for public open space and the landscaping of this land in accordance with the landscape management plan.

#### **3.4.2. Draft Mid North Coast Regional Strategy**

Released in January 2007, the Draft Mid North Coast Regional Strategy provides strategic planning for conservation and development for the Mid North Coast including Greater Taree City Council. The Regional Strategy seeks to ensure that adequate land is available and appropriately located to accommodate the projected housing and employment needs of the Region's population over the next 25 years. The proposed subdivision is on land that is zoned for residential development, and is consistent with the provisions of the Strategy.

### **3.5. State Environmental Planning Policies**

The following provides an outline of the State Environmental Planning Policies applicable to the development of the site, and provides comments on matters required for consideration under these policies.

### 3.5.1. Coastal Design Guidelines for NSW

NSW Coastal Guidelines were published in 2003 and Old Bar is identified as a Coastal Town. The Guideline document identifies key issues associated with each type of locality, and then sets out desired future character criteria relating to the relationship to the environment, visual sensitivity, edges to the water and natural areas, streets, buildings and height characteristics. The guidelines also set out design principles for coastal settlements. The proposed development has been assessed in accordance with the guidelines.

**Table 3.5.1 Coastal Design Checklist**

Coastal Design Guidelines - Key Issues	Comments on this Proposal
<p><i>Degradation of the economic viability of the town centre by new commercial and retail uses, development located remote from the town or its commercial centre.</i></p>	<p>There is no intention to include in this proposal a shopping centre that is likely to degrade the viability of the existing neighbourhood centre in Old Bar (approximately 1km south east).</p> <p>This proposal is not so remote from existing facilities to require inclusion of a general store or larger shopping centre.</p>
<p><i>Impact on the environment and reduction of the existing town's character and viability, caused by new settlements and major commercial, retail and tourist developments.</i></p>	<p>This proposal provides an extension of an existing settlement, not the creation of a new or separate settlement per se. It has been demonstrated that there will be minimal adverse environmental impact as a result of the construction of subdivision and future dwelling houses, no loss of biodiversity or threatened species or endangered ecological communities or adverse impacts upon water quality.</p> <p>This proposal is not likely to erode the character of the locality or the Old Bar urban areas as a whole; the development is similar in nature to the existing adjoining and adjacent subdivision in Old Bar area which is relatively recent (1960s – 2000s), and there are no distinctive architectural characteristics such as heritage buildings defining the style of dwelling.</p> <p>Dwellings in the immediate locality are therefore predominantly detached dwellings of new construction on recently cleared lots rather than renovation or reconstruction of older housing stock / lots through progressive urban renewal. There is limited low scale one medium density development in the immediate area.</p> <p>It is anticipated that future dwelling construction within the subdivision is likely to reflect the current modern dwelling form, with a high reliance on face brickwork with tile or metal roofing similar to the surrounding dwellings.</p> <p>The streetscape in the locality is characterized by a mix of single storey and two storey dwellings, generally setback 7.5 metres from the street boundary of the allotments, complying with minimum side boundary setbacks in accordance with Council's current policy.</p>

<p><i>Ribbon development reducing the natural and rural lands that separate settlements because of the location of new release areas.</i></p>	<p>The subject land is not located on a through road that connects settlements to each other, therefore there is no likelihood of ribbon development occurring. The site is surrounded by grasslands and wetlands that are retained in public ownership for public use.</p>
<p><i>Degradation of water quality in waterways and coastal lakes</i></p>	<p>Water sensitive urban design measures are proposed to ensure minimal adverse water quality impacts on the Manning River.</p>

Future buildings are likely to be similar and complimentary to those existing in the locality being single detached dwelling houses on an allotment, of single or two storey construction, with potentially reduced street building line setbacks to those existing dwellings in Banyula Drive and Molong Street. There is no site or sites identified within the development for the purpose of medium density housing, , therefore the “character” of the area as low density residential can be assured. There are five main broad design principles for coastal settlements, being:

- Defining the footprint and boundary of settlement;
- Connecting open spaces;
- Protecting the natural edges;
- Reinforcing the street pattern, and
- Appropriate buildings in a coastal context.

The above principles are supported by objectives, each of which has a separate aim. In regard to the subject project, the first principle of defining the footprint and boundary of settlement has been determined by Council. Council has effectively expanded the boundary of the urban area by consciously rezoning the subject land for urban development purposes. This subdivision does not compromise the objectives of this design principle under the Coastal Design Guidelines.

Similarly in expanding the boundary of the urban settlement, Council has rezoned areas of land for environmental protection purposes in an effort to connect large tracts of sensitive coastal environments to limit the potential adverse impacts of development on biodiversity and water quality, protecting the Manning River from potential degradation. This vegetation retention / open space linkage also physically separates the SEPP 14 Wetland from potential conflict with urban settlement, which could otherwise reduce ecological values.

Design Principle 4 is the reinforcement of the street pattern. The hierarchy of the existing road network is not compromised by the development and the resultant traffic generated from the proposed residential streets is within the environmental capacity of the existing road network. The street pattern of the locality is reinforced through providing for the future extension of Banyula Drive. The perimeter road defines the edge between the subdivision and the adjacent public reserve providing access for fire fighting and forming part of the asset protection area for the dwellings on the eastern side of that road.

The final principle relates to appropriate buildings for a coastal context. This subdivision provides single dwelling allotments which are likely to result in a mix of single storey and two storey dwelling houses similar to those existing in the neighbourhood. No site is designated for medium density development reducing the likelihood of that housing form being constructed within the subdivision.

### **3.5.2. State Environmental Planning Policy No. 11—Traffic Generating Developments**

The aims and objectives of this policy are to ensure that the Roads & Traffic Authority (RTA) is made aware of and is given an opportunity to make representations in respect of developments listed under Schedules 1 or 2 of this policy.

Any subdivision of the subject land of residential allotments in excess of 200 lots or, a subdivision in excess of 50 lots which adjoins or is within 90m of an arterial road, is required to be referred by the consent authority to the RTA, prior to the determination of the development application. The proposed development comprises 98 lots and is not located within 90m of a main or arterial road, and therefore referral to the RTA is not a mandatory requirement.

### **3.5.3. State Environmental Planning Policy No. 44—Koala Habitat Protection**

The objective of this policy is to encourage the conservation and management of areas of habitat for koalas, to ensure the current distribution of koalas is maintained.

A SEPP 44 assessment involves:

- Determination of whether the subject site occurs within the Local Government Areas (LGA's) listed on Schedule 1 of SEPP 44;
- Determination of Potential Koala Habitat within the subject site;
- Determination of Core Koala Habitat; and
- Consideration of the need for a Koala Plan of Management.

The site is situated within the Greater Taree LGA, which is listed on Schedule 1 of SEPP 44, therefore a Koala assessment must be undertaken in accordance with this policy.

SEPP 44 also makes provision for the preparation of a Koala Management Plan. Greater Taree City Council's Draft Comprehensive Koala Plan of Management (CKPoM) has been prepared for the Greater Taree Local Government Area. The CKPoM has been prepared in accordance with SEPP 44 and has the following objectives:

- Evaluating and ranking Koala habitat in the LGA;
- Identifying and prioritising conservation areas and strategies to protect Koala habitat;
- Identifying principle threats to Koalas and Koala habitat areas;
- Devise conservation strategies to address principle threats to Koalas and Koala habitat;
- Provide for the restoration of degraded Koala habitats;
- Promote a balanced approach to Koala conservation and development;
- Provide adequate guidelines and development standards to protect Koala habitat;
- Provide effective public awareness and education programs concerning Koala conservation issues; and
- Identifying potential funding sources for implementation of the CKPoM.

As the site is located within the area covered by the CKPoM, this plan is required to be considered in relation to any proposed development on the site. The draft CKPoM currently identifies a small area near the north west corner of the site as Koala Planning “Class 5” habitat (buffers and links for Classes 1, 2, and 3).

A assessment for Koala habitat was undertaken by Orogen Pty Ltd and is include within the Flora & Fauna Assessment of the site (Appendix B). The assessment concluded the site of the proposed subdivision does not contain koala habitat.

#### **3.5.4. State Environmental Planning Policy No. 55—Remediation of Land**

The objective of this policy is to encourage a consistent State-wide approach to the remediation of contaminated land. Clause 7 of the policy is applicable to the consideration of contamination and remediation in relation to development proposals. The determining authority is required to consider whether there is the possibility that the land may be contaminated due to past land uses, and if so, whether the land is suitable for its proposed use in its current or remediated state.

A preliminary investigation into the previous land uses of the property have identified agricultural land use, which is listed as a potentially contaminating activity, as identified in Councils DCP No. 45 and State Environmental Planning Policy No. 55. Agricultural land use of the site has been limited to cattle grazing, though no dip sites are located on or in close proximity to the site.

Potential site contamination is determined to be low. A completed DCP No. 45 Potential for Site Contamination Checklist is provided in **Appendix H**.

### 3.5.5. State Environmental Planning Policy No. 71 — Coastal Protection

The objective of State Environmental Planning Policy No. 71 - Coastal Protection (SEPP 71) is to further the implementation the NSW Coastal Policy (1997). SEPP 71 establishes a number of matters for consideration in relation to development within the coastal zone. These are addressed below:

**Table 1 - SEPP 71**

CLAUSE	MATTER FOR CONSIDERATION	COMMENTS
Clause 2	(a) to protect and manage the natural, cultural, recreational and economic attributes of the NSW coast.	The proposed development would contribute to the economic attributes of the area by providing new residential land opportunities. The proposal has allocated part of the land (i.e. northern area) as conservation area to protect the natural and cultural heritage values identified and attributed to the site.
	(b) to protect and improve existing public access to and along coastal foreshores.	Public access is protected and improved through dedication of parkland and construction of pathways.
	(c) 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.	The site is not adjacent to a coastal foreshore. See comments above.
	(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge.	The development will not impact on any known aboriginal cultural heritage.
	(e) to ensure that the visual amenity of the coast is protected.	The site is not readily visible from the Manning River. Proposed landscaping will mitigate any visual impact to coastal lands.
	(f) to protect and preserve beach environments and beach amenity.	Beach environments and beach amenity will not be affected by the proposal. No direct access to the foreshore is available from the site.

CLAUSE	MATTER FOR CONSIDERATION	COMMENTS
Clause 2	g) to protect and preserve native coastal vegetation;	The proposal aims to protect native vegetation on the site through the retention of the SEPP 14 Wetland and protection of same via a 40m wide landscaped buffer.
	(h) to protect and preserve the marine environment of NSW;	The proposed development will not affect any marine environments.
	(i) to protect and preserve rock platforms;	The proposal will not affect any rock platforms.
	(j) to manage the coastal zone in accordance with the principles of ESD;	The proposed development is considered consistent with the principles of ESD. See detail below at 3.5.7.
	(k) to ensure that the type, bulk, scale and size of development is appropriate for the location; and	The proposal is for subdivision of the land only. The resulting residential development will be of an appropriate bulk, scale and character for the location. Suitable housing mix is also proposed. Future housing will be subject to separate development assessment by Taree City Council.
	(l) to encourage a strategic approach to coastal management.	The proposal is consistent with the land use zone as set out in the GTLEP and the broader strategic provisions of the draft Mid North Coast Planning Strategy.

CLAUSE	MATTER FOR CONSIDERATION	COMMENTS
Clause 8	Protection of natural, cultural, recreational and economic attributes of NSW Coast	The development provides for the protection of sensitive coastal wetland environments.
	Protect & improve public access to coastline	Public access is protected and improved through dedication of parkland and construction of pathways.
	Conservation of fish	The development will not impact on any fish or marine vegetation
	Maintenance of existing wildlife corridors	The proposal maintains all of the existing vegetation on the site with the exception of three trees. Existing wildlife corridors will not be impacted by the development.
	Likely impact on coastal processes	The site is well removed from the coast and is not at risk of impacting upon or being impacted by coastal processes.
	Aboriginal heritage	The development will not impact on any known aboriginal cultural heritage.
	Visual amenity	The site is not readily visible from the Manning River. Proposed landscaping will mitigate any visual impact to coastal lands.
	Native coastal vegetation	Coastal vegetation is not impacted by the development. SEPP 14 wetland vegetation is protected through best practise stormwater design solutions.
	Marine environment	Stormwater from the development will discharge, following retention and high quality treatment, into Banyula Creek thence to Manning River.
	Ecological sustainable development	The proposed subdivision has been designed in accordance with ESD principles.
	Bulk & scale of development - scenic quality	Low scale residential development is a permissible use in the 2(a) Residential zone. The development of dwellings will not have a significant visual impact on the coastal environment due to the relative slope of the land, site topography, and distance from a coastal waterway.
	Suitability of development	The proposed development is considered to be an appropriate use for the site.

CLAUSE	MATTER FOR CONSIDERATION	COMMENT
Clause 8	Threatened flora & fauna	The development does not impact on threatened flora & fauna species.
	Wildlife corridors	The development does not reduce existing vegetation or impact upon a known wildlife corridor.
	Coastal processes & hazards	The development does not involve flood affected land. All allotments will be located above the 1% flood contour level.
	Impact on water quality of coastal waterbodies	Due care has been given to ensuring all stormwater discharging from the development area is managed to the highest appropriate standard and meets Council requirements - AUSSPEC 1 Design Specification.  Overall, the water cycle management system proposed includes pollutant traps, grassed swales and retention and infiltration ponds to ensure that stormwater pollutant loads from the developed site will be less than pre-development levels.
	Cumulative impacts	No adverse cumulative impacts are anticipated as a result of the development.
	Efficient water and energy usage	The development will be serviced by existing water and electrical infrastructure. All dwellings will be required to meet BASIC's requirements.
Clause 15	Effluent disposal	Effluent will be discharged through a reticulated system.
Clause 16	Stormwater	All stormwater will be appropriately managed prior to discharge into the Manning River.

### 3.5.6. Ecologically Sustainable Development (ESD) Principles – Clause 2(j)

Consideration has been given to the 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);*

The decision making process of this site has been ongoing over several years and involved several government agencies through both the LES and LEP process. Socio-economic benefit along with the long term protection of sensitive ecosystems have been achieved by the proposal.

*(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);*

The proposed subdivision is supported by technical and environmental reports which conclude that the proposal's impacts can be successfully managed and mitigated. No serious or irreversible environmental impacts have been identified.

*(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);*

The design of the subdivision and proposed management of stormwater will ensure the existing environment is protected for future generations.

*(d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and*

The site contains SEPP 14 wetland which is protected through transfer to Council. A landscape buffer 40m wide dedicated as public reserve will provide an acceptable level of protection to wetland and riparian ecology.

*(e) improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).*

This principle is not directly applicable to the subject subdivision proposal.

### 3.5.7. NSW Coastal Policy 1997

The NSW Coastal Policy contains nine goals and a number of strategies to maintain an ecologically sustainable coastline for NSW. The nine goals are:

- Protecting, rehabilitating and improving the natural environment of the coastal zone.
- Recognising and accommodating the natural processes of the coastal zone.
- Protecting and enhancing the aesthetic qualities of the coastal zone.
- Protecting and conserving the cultural heritage of the coastal zone.
- Providing for ecologically sustainable development and use of resources.
- Providing for appropriate public access and use.
- Providing information to enable effective management of the coastal zone.
- Providing for integrated planning and management of the coastal zone.

With regard to these goals, a number of strategic actions have been formulated, many of which are the responsibility of Council to implement when pursuing the rezoning of land (through Section 117 Directions).

Goal 1 – Protecting, rehabilitating and improving the natural environment of the coastal zone, has the following objective:-

*"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".*

This objective is followed by 11 strategic actions, including 1.1.11 which states – *"Regional open space networks / corridors (including water areas) should, where possible, be used to protect natural habitats and environments".* The prime responsibility for that strategic action lies with the Department of Planning and Local Councils, with other responsibility being with the Department of Environment and Conservation (NPWS) and the Department of Water & Energy.

With regard to the subdivision of the subject land, that strategic action was achieved during the zoning process when Council zoned the subject land Residential to facilitate further subdivision.

Goal 3 - *"To protect and enhance the aesthetic qualities of the coastal zone"* has an objective (3.2) which states *"To design and locate development to complement the surrounding environment and to recognise good aesthetic qualities"*, where one corresponding strategic action is *"In preparing and amending regional and local environmental plans and development control plans and when assessing development applications, consideration of the design and locational principals contained in the Coastal Policy will be required."* The prime responsibilities for this strategic action are with the Department of Planning and local Councils.

The proposed development is consistent with the Goals contained within the NSW Coastal Policy in that the design provides for residential subdivision on a parcel of cleared land while protecting important and sensitive coastal environments. The design of the development will compliment the aesthetic qualities of Old Bar.

### **3.6. Other Relevant Legislation**

#### **3.6.1. Threatened Species Conservation Act 1995**

This Act applies to all native flora and fauna (except fish). Its main objectives are to:

- Conserve biological diversity and promote ecologically sustainable development;
- Protect critical habitat of threatened species, populations and ecological communities; and
- Ensure that the impact of any development or activity potentially affecting threatened species is properly assessed.

Flora and fauna surveys have been carried out over the subject site to assess the likely occurrence of Threatened species, populations or ecological communities. The findings of this assessment are provided in Appendix B. The assessment indicates that there will be no significant impact on any Threatened species and as such, a Species Impact Statement (SIS) is not required.

#### **3.6.2. National Parks and Wildlife Act 1974**

This Act governs the activities of the National Parks and Wildlife Service. The relevant aspects of the Act to the proposed development are the conservation and management of native flora and fauna, and Aboriginal sites and relics. Specific requirements of the National Parks and Wildlife Service with respect to the preparation of this Environmental Assessment are addressed in this EA. Consultation with the Purfleet-Taree Local Aboriginal Land Council has been undertaken. Their letter of support for the project is attached at **Appendix A**.

### 3.6.3. Native Vegetation Act 2003

The *Native Vegetation Act 2003* (NV Act) prohibits the clearing of native vegetation, except for certain exemptions or under certain approvals. Clause 25 (f) states that the Act does not apply to “*any clearing that is, or that is part of, designated development within the meaning of the EPA Act and for which development consent has been granted under that Act*”.

The objects of the Act are:

- (a) to provide for, encourage and promote the management of native vegetation on a regional basis in the social, economic and environmental interests of the State, and
- (b) to prevent broadscale clearing unless it improves or maintains the environmental outcomes, and
- (c) to protect native vegetation of high conservation value and having regard to its contribution to such matters as water quality, biodiversity, or prevention of salinity or land degradation, and
- (d) to improve the condition of existing native vegetation, particularly where it has a high conservation value, and
- (e) to encourage the revegetation of land, and the rehabilitation of land, with appropriate native vegetation, in accordance with the principles of ecologically sustainable development.

Approval for clearing under this Act is not required, in accordance with Clause 75U (e) of the *EP&A Act*.

#### **3.6.4. Heritage Act 1977**

The aim of this act is to preserve items of heritage significance. The Act provides an approval process for destruction of Non-Aboriginal items of heritage significance. There are no items of Non-Aboriginal heritage significance on the site.

#### **3.6.5. Crown Lands Act**

The aim of this act is to guide landuse activities on Crown Land in NSW. The subject site does not comprise any area of Crown land.

#### **3.6.6. Commonwealth Environmental Protection and Biodiversity Conservation Act**

The Commonwealth Environmental Protection and Biodiversity Conservation Act (1999) (EPBC Act) encompasses an assessment and approvals system for:

- Actions that have a significant impact on matters of National Environmental Significance (NES);
- Actions that have a significant impact on the environment of Commonwealth land; and
- Actions carried out by the Commonwealth Government.

Matters of National Environmental Significance (NES) under the EPBC Act are:

- World Heritage areas;
- Wetlands protected by international treaties (ie. the Ramsar Convention);
- Nationally listed threatened species and ecological communities;
- Nationally listed migratory species (ie. CAMBA, JAMBA agreements);
- All nuclear actions; and
- The environment of Commonwealth marine areas.

An assessment of Matters of NES is provided in the Flora and Fauna Assessment (Appendix B). This assessment was undertaken with reference to an Environment Protection and Biodiversity Conservation Act Online Database search, with a buffer area of 10 km. The assessment indicates that there are no matters of NES that would be affected adversely by the proposed subdivision.

### **4. Draft Statement Of Commitments**

In accordance with the Director General's requirements for the preparation of this Environmental Assessment, this section provides a draft Statement of Commitments which details the measures proposed by Hill Top Planners Pty Ltd ('the Proponent') for environmental mitigation, and management of the proposed project. The Director-General specified the requirement for a draft Statement of Commitments in the Environmental Assessment Requirements for the project in accordance with section 75F(6) of the Environmental Planning and Assessment Act 1979. The draft Statement of Commitments identifies those matters which will be dealt with in the next stage of the proposed project in order to minimise impacts on the environment. Those matters arise from the detailed analysis of the project proposals which has been carried out and documented in this report and the accompanying expert reports. If approval is granted under Part 3A of the Environmental Planning and Assessment Act 1979 the Proponent will commit to the following controls for the construction and operation of the proposed project.

## DRAFT STATEMENT OF COMMITMENTS

ITEM	COMMITMENTS
General	<p>The developer will obtain and maintain the following licences, permits and approvals for the residential subdivision:</p> <ul style="list-style-type: none"> <li>• Taree City Council - Construction Certificates for engineering works for each stage of the subdivision. The applications for Construction Certificates will comprise Engineering Design plans submitted containing, where relevant, detailed designs relating to earthworks, drainage, soil erosion and sediment control and site rehabilitation, tree clearing and site stability, roadworks, footpaths/cycleways, water supply and sewage works, and landscaping.</li> <li>• Taree City Council - Section 138 Consent for roadworks (Roads Act 1993);</li> <li>• Country Energy - Design Certification;</li> <li>• Telstra - Compliance Certificate;</li> <li>• Mid Coast Water - Compliance Certificate;</li> <li>• Department of Land and Property Information - registration of the subdivision.</li> </ul>
Staging	<p>The developer will construct the subdivision in accordance with the Proposed Staging Plan prepared by McGlashan &amp; Crisp or as otherwise approved in Construction Certificate plans approved by Taree City Council.</p>
Construction	<p>The developer will prepare a Construction Management Plan for approval by Taree City Council including education of workers in the approvals and conditions requiring compliance (including soil erosion and sediment controls, flora and fauna and aboriginal archaeological issues), details of the environmental management procedures during the development and measures relating to waste minimisation and management.</p>
Infrastructure	<p>The developer will provide underground power to each residential lot in the subdivision accordance with the requirements of Country Energy</p> <p>The developer will provide underground telecommunications infrastructure to each lot in the subdivision in accordance with requirements of Telstra.</p> <p>The developer will provide reticulated water and sewage services to each lot in the subdivision in accordance with the requirements of Mid Coast Water</p>

Stormwater Management	<ul style="list-style-type: none"> <li>Construct Pit and pipe network for conveying stormwater to the discharge locations.</li> <li>Construct one water quality control basin (Basin A) as set out in Appendix D.</li> <li>Installation of GPT's.</li> <li>Ensure road levels surrounding the proposed detention basin contain the 1 in 100 year rainfall event.</li> </ul>
Bushfire Protection	<p>A perimeter road will be constructed between fire source and residential development - Roads 1, 3 &amp; 8.</p> <p>The public reserve to be maintained as an APZ.</p> <p>The open space area, and grounds and managed gardens within the proposed subdivision should be maintained so that all non-retardant understorey plants, leaf litter, branches and other fuel are cleared.</p> <p>Suggested guidelines for gardens which adjoin the perimeter roads are:</p> <ul style="list-style-type: none"> <li>Low cut lawn to be maintained adjacent to dwellings;</li> <li>Areas under fences and gates to be maintained free of fuel;</li> <li>Trees and shrubs should not overhang dwelling roofs;</li> <li>Tree canopies should not be continuous;</li> <li>Gutters and valleys to be kept clear of leaves at all times;</li> <li>Plant densely foliated deciduous or fire resistant evergreen trees;</li> <li>Plant smooth barked as opposed to rough barked trees;</li> <li>Minimise mulched areas; and</li> <li>Keep gardens well watered.</li> </ul>
Soil Erosion	<ul style="list-style-type: none"> <li>Surface drainage for construction is to be installed prior to commencement of earthworks to intercept overland flow from the upslope catchment area.</li> <li>An erosion control plan will be developed in accordance with relevant guidelines prior to the commencement of construction.</li> <li>Topsoils will be stockpiled for landscaping purposes.</li> <li>Any filling on the site will be placed and compacted in accordance with AS 3798 – 1996, Guidelines on Earthworks for Commercial and Residential Development.</li> <li>All excavation and fill batter slopes will be battered at a maximum gradient of 2H:1V and protected from erosion. Steeper batter slopes may be applicable in rock materials provided confirmation by a suitably qualified geotechnical engineer.</li> <li>Retaining walls will be designed for surcharge loading from slopes and structures above the wall. Adequate subsurface and surface drainage will be provided behind all retaining walls. All retaining walls constructed as part of subdivision development will be engineer designed.</li> <li>Where embankments are to be constructed on site, preparation will involve the stripping of all topsoil and fill materials to expose a natural clay subgrade. Impervious clay fill will be placed in layers and compacted to the specification noted above.</li> <li>All surfaces will be protected from erosion by vegetation. Topsoil will not be placed on batter slopes in excess of 1V:3H. Batter slopes in excess of 1V:3H will be directly seeded or if topsoil needs to be established, horizontal stepped benches cut prior to placement.</li> <li>Vegetation on pond embankments and impoundment areas will be restricted to grass species only and will not include trees or shrubs that are likely to result in significant root systems.</li> </ul>

Noise	<ul style="list-style-type: none"> <li>• Construction is to occur in Council approved hours</li> <li>• No truck haulage outside of normal working hours.</li> <li>• Avoid compression braking in proximity of residences.</li> <li>• Cover loads, ensure all tailgates are secured to eliminate rattling noises.</li> </ul>
Dust	<ul style="list-style-type: none"> <li>• All loads leaving the site are adequately covered to prevent wind blowing dust from trucks during transit.</li> <li>• Stockpiles are to be maintained in a moist condition to minimise wind blown and traffic generated dust.</li> <li>• All roads All roads and trafficked areas will be watered as required to minimise the generation of dust.</li> <li>• Any vegetation removal will be undertaken during damp conditions.</li> </ul>
Open Space, Landscaping and Vegetation Management	<p>Plantings to be in accordance with a detailed landscape plan to be prepared generally in accordance with the Landscape Management Plan.</p> <p>The Plan is to be prepared by a suitably qualified Landscape Architect.</p> <ul style="list-style-type: none"> <li>• The public open space areas are to be dedicated to Council for future ownership at the completion of each stage of the subdivision.</li> <li>• The embellishment of the public open space areas is to be carried out in accordance with the Landscape Management Plan. This embellishment is to be provided in lieu of Taree Open Space Section 94 contributions.</li> </ul>
Dedication of Wetland	Transfer to Council the area of land zoned 7(a) prior to the issue of a Construction Certificate for Stage 2 of the development, or at a point of time acceptable to Council.
Medical facilities	Notify MNCAHS of the proposed development following the approval of engineering plans at each stage of the development.
Final Plan of Subdivision	The developer will prepare a final plan of subdivision and Section 88B instrument for each stage of the development in accordance with the recommendations of this Environmental Assessment and requirements of Taree City Council.
Developer Contributions	The developer will pay Section 94 developer contributions in accordance with Taree City Council's Section 94 Contributions Plan on a "per lot" basis for each stage of the residential subdivision.

## 5. Conclusion

This Environmental Assessment has been prepared to accompany a Major Project Application under Part 3A of the Environmental Planning & Assessment Act, in order to address the Director – General's Environmental Assessment Requirements for a 98 allotment residential subdivision. Greater Taree City Council rezoned the subject land for residential development in 2005 expanding urban area of Old Bar to provide for continued growth in the region. The proposal provides for the logical expansion and servicing of the land with areas of wetland habitat to be retained to enhance the development and provide for passive recreation for all residents within the locality.

This Environmental Assessment has addressed in detail both the statutory and non statutory provisions that apply to a development of this nature, particularly the Greater Taree Local Environmental Plan, 1995, , Greater Taree Development Control Plan – Subdivision Code, Coastal Design Guidelines for NSW and the Rural Fires Act.

It has been demonstrated through specifically addressing each of the Director – General's requirements that the proposal does not adversely impact upon the surrounding environment. This has been supported by investigations by suitably qualified practitioners with expertise in a range of fields to ensure that there is no irrevocable damage to any significant environmental attributes.

It is considered that this proposal is the best economic use for the land while maintaining a low density residential character compatible with the surrounding neighbourhood environment. The development is not inconsistent with the NSW Government's policies for the protection of sensitive coastal environments.

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