

PRELIMINARY ASSESSMENT



PROPOSED SUBDIVISION LOT 2 DP 250984 GRANDFATHER'S GULLY ROAD LILLI PILLI

PREPARED BY PLANNING INITIATIVES
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SECTION 1 – SITE ANALYSIS

1.1 Studies

The following studies/analyses have been conducted:

- archaeology – NSW Archaeology Pty Limited (July 2005)
- bushfire assessment – Bushfire Protection Planning and Assessment Services (April 2006)
- flora and fauna assessment – PMA Consulting (August 2005)
- surveying and site analysis – Conway Burrows & Hancock (February 2006)
- water cycle management – Storm Consulting (February 2006).

The findings and recommendations of the above studies and field analysis work have influenced the design and management approaches formulated for the proposed rural residential subdivision of the land.

1.2 The site

Lot 2 DP 250984 Grandfather's Gully Road Lilli Pilli land has an area of approximately 10.2 hectares. The site contains access from Grandfather's Gully Road which runs adjacent to the western boundary. The north-eastern side boundary is in close proximity to the arterial road George Bass Drive (see attachments 1 "Locality and Rural Zoning Plan" and 2 "Residential Zoning Plan").

1.3 Site context

The site is located on the western perimeter for Lilli Pilli which is a suburb of the greater Batemans Bay urban area on the South Coast of New South Wales (NSW). Batemans Bay town centre is approximately nine kilometres north-west of the site. Circuit Beach is about 400 metres to the east of Lot 2. The Malua Bay neighbourhood shopping centre is 3.5 kilometres by road to the south. The Surf Beach neighbourhood shopping centre is about 1.6 kilometres to the north. The Eurobodalla Shire Council Surf Beach landfill, sewerage treatment works and proposed industrial/bulky goods retail area are to the west of the land (see attachments 1 and 2).

1.4 Current use of the land

A vacant dwelling (uninhabitable) is located on the higher part of the land. Most of the land is cleared and underscrubbed with patches of remnant forest vegetation on the western portion (see attachment 3 "Plan Showing Tree Cover"). An examination of "The Reader's Digest Guide to the Coast of New South Wales" published in 1986 shows the site to have been substantially cleared back then. Deer farming and grazing of other livestock has occurred in the past. Four dams have been constructed on the property the largest of these being adjacent to the western boundary.

1.5 Services

The site is on the fringe of an existing urban area therefore electricity and telephone is available. Reticulated water and sewerage is nearby however as the land is zoned for rural residential purposes Eurobodalla Shire Council's policy is that the site would not be serviced for sewer and water. Rural residential development has to be self sufficient in terms of water supply and waste disposal.

Waste contractors have indicated that general waste collection could be provided to the subdivision even though the proposed internal access on the site is to be by way of a right of access private road.

1.6 Topography

The area is located on the eastern edge of the coastal hinterland and comprises moderate to steep gradient slopes that fall away from minor crests and ridgelines. The north-south oriented spur crest about 100 metres wide at its broadest point traverses the proposed area just to the east of the middle of the site sloping gently to the north from an elevation of 70m AHD before falling away sharply just short of the northern boundary.

Within the land the topography drops from the spur crest to the west and east at relatively steep gradients. A drainage line extends from the south-west corner of the property to the north-east joining an intermittent watercourse on the western side of Grandfather's Gully Road (see attachment 4 "Slope Analysis"). The land is underlain by the ancient Wagonga beds that are thought to be Ordovician in age. The beds consist of chert conglomerate, agglomerate, slate, sandstone and phyllite. Soils are deep yellow podzolics with lithosols on broad crests. Shallow podzolics occur on steep slopes. Soil depth ranges from 50-100cm. Drainage depressions consist of yellow podzols and soloths with deeper soils greater than 150cm.

1.7 Flora and Fauna

Flora

As the subject land has been cleared historically most of the ground cover consists of grasses dominated by kikuyu, barbed-wire grass and Brown's lovegrass. Scattered trees are situated on the land with Spotted Gum and Broad-leaved Ironbark being the common species. Understorey species are uncommon. Young regrowth Eucalypts can be found on the site. Fragments of an Open Forest vegetation community are present on the western ends of the land which are most likely to be a small part of Remnant Northern Foothills Moist Shrub Forest. That community has been seriously degraded through farming of the area. The land does not act as a corridor and development of the property should not isolate any fragments of vegetation.

Chef's Cap Correa is a threatened flora species that has been recorded within ten kilometres of the subject land. The site does not contain suitable habitat for that plant. The site does not house any threatened communities or critical habitat. The vegetation community present on the land is reasonably common throughout the region. Diversity of plant species is low. No large hollow bearing trees were found on the land nor were any feed trees used by Yellow-bellied Gliders identified.

Fauna

A survey of the site resulted in detection of three amphibians, two reptiles, 11 birds, two mammals and two bat species on or in the vicinity of the subject land. One species of conservation significance, the Grey-headed Flying Fox, was observed during the nocturnal survey foraging over flowered trees on the subject land. Threatened species known to occur within ten kilometres of the subject site include the Green and Golden Bell Frog, Glossy Black Cockatoo, Masked Owl and Microchiropteran Bats. No Green and Golden Bell Frogs were observed. Taking into account that the four dams on the site are isolated it was not expected that the species would be present.

No evidence was found of the Glossy Black Cockatoo primarily because there is no suitable foraging or breeding habitat on the site. The Masked Owl was not observed however from time to time they may forage over the land but there is a lack of suitable roosting and breeding habitat. Threatened species of bats were not found and it is unlikely that they would utilise the subject land. There was no evidence of koalas and no listed feed trees for that animal are located on the subject land.

SECTION 2 – THE PROPOSED SUBDIVISION

2.1 Description of the proposed development

It is proposed to create a 13 lot rural residential subdivision. Lot sizes range from 5,000m² to 1.58 hectares (see attachment 5 "Lot Layout"). The proposed subdivision pattern endeavours to be a sympathetic response to:

- the topography of the land
- environmental considerations
- the desire to provide a range of rural residential lot sizes
- a desire to integrate with the existing urban development to the east and south-east and rural residential development to the west and south.

The majority of dwelling locations are on the western side of the ridge that dissects the land north to south and so will not be visible from the coastline (approximately 400m to the east and the major arterial road, George Bass Drive). Existing vegetation would screen the majority of dwellings from Grandfather's Gully Road. Three dwellings are located along the already cleared north-south ridgeline. There is sufficient land to the east of the dwelling sites and existing scattered trees to soften the visual impacts of these dwellings. The existing dwelling on the site occupies one of these locations.

There is a strip of land owned by Council located between the subject and George Bass Drive. That land is currently vegetated and therefore screens the site due to the angle of vision from George Bass Drive. The site is not visible from the beaches to the east due to existing topography and vegetation. The proposed dwelling sites have been located so as not to interfere with drainage lines.

2.2 Desired character

Lifestyle living is the anticipated market that would be targeted. It is not perceived that purchasers would want to establish hobby farms rather the land offers the prospect of living on larger lots in close proximity to beaches and existing urban development.

Existing tree cover would remain outside of the inner asset protection zones and within the outer protection zones. Trees within the inner asset protection zones would be retained where they do not provide a continuous canopy leading to each dwelling.

Building design should be sympathetic to the immediate environment and acknowledge the coastal proximity.

2.3 Access

Access to the proposed subdivision would be via the existing Grandfather's Gully Road. A private right of access road would link to Grandfather's Gully Road servicing the proposed subdivision. Nine of the proposed lots would gain access from the private road. Four lots would gain direct access from Grandfather's Gully Road.

2.4 Infrastructure provision

Infrastructure provision proposed for the development would include:

- on-site water supply
- on-site wastewater management
- electricity
- telecommunications.

The site is immediately adjacent to the Lilli Pilli urban area and therefore it would theoretically be possible to utilise reticulated systems for water and wastewater. It is not proposed to do that as Eurobodalla Shire Council prefers that rural residential development not be connected to reticulated systems.

The site has been examined by Storm Consulting and it is recommended that each lot have an on-site system being either a Biolytix or AWTS for wastewater treatment. The water from either treatment system would be fed into a suitably sized subsurface irrigation or ETA/ETS trench system allowing water to be infiltrated into the ground, absorbed by vegetation and evaporated from the soil. Each lot has been designated for a recommended on-site system by Storm Consulting.

The selection of treatment systems, method of disposal and siting of disposal areas recommended by Storm Consulting were based on Council's On-site Sewage Management Code of Practice, AS1547:2000 and the "Environment and Health Protection Guidelines for on-site sewage management for single households".

In respect of water supply it is recommended that a tank size of approximately 40-50Kls be provided for each lot. Separate storage for fire fighting purposes of 10Kls is required which can be included in the main storage tank or contained in separate tanks.

2.4 Building envelopes

Building envelopes are nominated for each block to ensure compliance with bushfire guidelines and Council's Development Control Plan No 173. The envelopes are all located on slopes of less than 25%.

2.5 Heritage conservation

NSW Archaeology undertook an assessment of the site in July 2005. The fieldwork undertaken encompassed the entire proposal area and therefore was comprehensive. The land was determined to be generally disturbed as a result of prior land clearing, logging, slashing, grading, construction of a house, pool, shed and associated structures and the creation of sealed and unsealed vehicle tracks. The assessment concluded that the land was of low archaeological sensitivity in accordance with the predictive model of site location that was relevant and taking into account the prior levels of disturbance and the results of the survey.

The proposed development activity would have very low potential to cause impacts to any Aboriginal archaeological sites of high significance. Overall it was concluded that there were no archaeological constraints for the proposal and no Aboriginal objects had been recorded on the land.

2.6 Bushfire

Bushfire Protection Planning and Assessment Services has undertaken an assessment of the proposed subdivision development. The primary bushfire vegetation within and adjoining the study area has been assessed as Group 1 Forest. Taking into account the amount of bushfire vegetation likely to remain within the study area in the foreseeable future the proposed development site could be subject to

significant bushfire attack primarily from the north-east to west and to a lesser extent from neighbouring forest/remnant vegetation to the south and east.

It is also hypothesised that taking into account the level of residential development occurring on the South Coast and the respective zoning of the surrounding land to the west and south-west it is reasonable to assume that forested private land may be further fragmented or reduced of available bushfire vegetation/fuel within the foreseeable future.

The majority of other vegetation communities within the study area are grassland that have been cleared and actively managed by grazing/slashing. The majority of the subject land is free and clear of Group 1 Forest with some areas previously cleared for grazing purposes having minor regrowth. Taking into account the extent of regrowth/severely disturbed remnant areas within the subject site they are considered equivalent to Group 3 Vegetation as per the Planning for Bushfire Prevention Guidelines.

In respect of asset protection zones the proposed development site's location, layout, lot size and proximity to adjacent bushfire vegetation can facilitate adequate asset protection zones.

The point is made that some asset protection zones extent over slope exceeding 18° however these areas are already cleared and regularly slashed. In view of the fact that this has happened for some time the ongoing maintenance of the APZ areas over the 18° slope should not have a significant impact upon soil stability.

The bushfire assessment makes recommendations in respect of asset protection zones, water, access and construction standards. Generally it is concluded that if the recommendations are followed the consent authority can determine that the proposed development complies with the Planning for Bushfire Protection Guidelines as required under Section 100B of the Rural Fires Act.

2.7 Conclusion

The land is adjacent to the Lilli Pilli urban area and is at the northern end of a large tract of land zoned for rural residential purposes. The Surf Beach waste disposal site, sewerage treatment works and proposed Eurobodalla Shire Council light industrial/bulky goods retailing area are to the west of the site.

Although substantially cleared the site is not visually prominent from the arterial road, George Bass Drive, to the east or the public foreshore areas including Circuit and Lilli Pilli Beaches to the east. Due to its close proximity to the urban areas and associated facilities such as neighbourhood shopping centres and public foreshore areas and beaches (approximately 400m to the east) the proposed lot sizes are at the lower end of scale for rural residential development in the Eurobodalla Shire Council area. This approach facilitates the highest achievable sustainable development density taking into account physical constraints.

The propose subdivision pattern provides for allotment sizes from 5,000m² to 1.58 hectares and it is envisaged these would be lifestyle sites rather than be utilised for hobby farms.

SECTION 3 – RELEVANT PLANS AND POLICIES

3.1 NSW Coastal Policy 1977

The coastal policy's principle vision is to achieve ecological sustainability of the New South Wales coast. Nine goals give expression to this vision that represents a commitment to:

- "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 ecologically sustainable human settlement in the coastal zone
- 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."

3.2 State Environmental Planning Policy 71 – Coastal Protection (SEPP 71)

The eastern boundary of the subject land is about 400 metres to the west of the coastline so not all of the aims of SEPP 71 apply. Those that are relevant are:

- “(a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and
- (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and
- (e) to ensure that the visual amenity of the coast is protected, and
- (g) to protect and preserve native coastal vegetation, and
- (j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6(2) of the Protection of the Environment Administration Act 1991), and
- (k) 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
- (l) to encourage a strategic approach to coastal management.”

The subject land is located within the coastal zone and therefore SEPP 71 applies. Clause 8 of SEPP 71 requires a number of matters to be considered by the consent authority when determining an application to carry out development. Those matters for consideration are as follows:

- “(a) the aims of this Policy set out in clause 2,
- (b) 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,
- (c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,
- (d) the suitability of development given its type, location and design and its relationship with the surrounding area,
- (e) 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,
- (f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,

- (g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,
- (h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats
- (i) existing wildlife corridors and the impact of development on these corridors,
- (j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,
- (k) measures to reduce the potential for conflict between land-based and water-based coastal activities,
- (l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,
- (m) likely impacts of development on the water quality of coastal waterbodies,
- (n) the conservation and preservation of items of heritage, archaeological or historic significance,
- (o) 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,
- (p) 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."

3.3 State Environmental Planning Policy (Major Projects) 2005 (SEPP 2005)

The proposed subdivision is categorised as a state significant project under Schedule 2 of SEPP 2005.

3.4 Eurobodalla Rural Local Environmental Plan 1987 (LEP 87)

The subject land is zoned 1(c)(Rural Small Holdings Zone) under LEP 87. The objectives of the zone are as follows:

- "(a) to provide opportunities for small scale agricultural activity;
- (b) to provide residential opportunities while retaining the scenic quality and overall character of the land and the environmental quality of any adjoining waterways, wetlands, rainforest or other environmentally sensitive areas;
- (c) to ensure that environmental impacts of development and the impact of development on land or activity in surrounding zones are fully considered in advance of any significant development;
- (d) to ensure that development is compatible in scale and density with the level of essential public services and facilities to be provided;
- (e) to permit a variety of uses where these are compatible with small scale rural activity or require a location outside urban areas or villages; and
- (f) to permit the provision, expansion or maintenance of utility services within this zone."

The proposed development is permitted with consent under LEP 87.

3.5 Eurobodalla Shire Council Development Control Plan No 173 (DCP 173)

DCP 173 became effective from 11 October 1989. The DCP aims to:

- “(a) Identify environmental factors relevant to Rural Small Holdings development including:
- i) provision of public utilities;
 - ii) land capability as determined by landform, vegetation, climatic and soil factors;
 - iii) scenic value to residents and visitors in Eurobodalla Shire;
 - iv) the proximity of State Forests;
 - v) hazard factors, including bushfire hazard and flooding.
- (b) Establish development standards relating to subdivision, the erection of buildings and provision of services.
- (c) Emphasise controls already established concerned with land clearing and conservation of Aboriginal artefacts.”

With respect to subdivision design the DCP acknowledges that rural land can have scenic value both to residents and visitors. Subdivision design should therefore aim to:

- maximise retention of native vegetation
- minimise the potential for erosion, sedimentation and contamination of watercourses
- avoid intrusion of development on visually significant ridges, hill slopes and drainage lines (in respect of this point the constraints map within the DCP does not designate any of the site as containing visually significant ridges or hill slopes)
- ensure that the siting of dwellings would not be obtrusive as viewed from major public vantage points and overlook or intrude into the view of other existing or proposed dwellings.

The DCP sets the minimum lot sizes as being two hectares. A subsequent Council policy reduces the minimum lot size on this site to 5,000m². The DCP also requires that development envelopes also be identified and has general statements in respect of the siting of dwellings and their appearance. The height of buildings is generally restricted to two storeys.

3.6 Eurobodalla Shire Council Interim Policy for Minimum Rural Residential Lot Sizes

The policy sets a minimum lot size of 5,000m² for land zoned 1(c) where it adjoins existing urban or urban expansion land and certain criteria can be satisfied. The policy is as follows:

- “A minimum lot size of 5,000 square metres be permitted on land zoned 1(c) (Rural Small Holdings Zone) subject to the Eurobodalla Rural Local Environmental Plan 1987 where:
- a. The land adjoins and is adjacent to an urban area that is zoned residential or urban expansion,
 - b. The land is not environmentally constrained and is assessed to be suitable for residential development using the Strategic Environmental Assessment technique as applied to Council's Geographic Information System. a flora and fauna assessment is required to be submitted with the development application,
 - c. The development will not impact adversely on fauna habitat corridors and may enhance or restore habitat corridors through revegetation with endemic plant species,
 - d. Small lot rural subdivision is assessed to be the best long term use of the land given the

- proximity of the land to urban services, including commercial and community facilities.
- e. The objects of the Environmental, Planning and Assessment Act, specifically supporting the orderly and economic use of land, are satisfied,
 - f. Small lot rural subdivision will result in enhanced fire protection measures and improvements to the bushfire hazard that affects adjoining urban land,
 - g. An on-site effluent disposal system can be accommodated having regard to soil type, the slope of the land and an adequate designated effluent disposal envelope with provision for the re-use of treated effluent for garden watering and approved internal uses such as toilet flushing. Where Council's sewerage infrastructure is of adequate capacity and environmental constraints are such that on-site disposal is not possible nor appropriate, a low pressure sewerage system (LPSS) may be installed,
 - h. The development applies best practice water management principles as adopted in the Integrated Water Cycle Management Strategy, meaning that each lot must be able to be sustainably self-reliant in terms of water supply and effluent disposal,
 - i. The development will not lead to the clearing of ridgelines or other areas of scenic importance for any reason, including for bushfire protection,
 - j. The capacity of the local and arterial road network is able to accommodate additional traffic loads,
 - k. Access to properties can be provided in a manner that ensures safe ingress/egress from the site having regard to motorist sight lines and grades,
 - l. Stormwater drainage is managed to prevent excessive flows to and from the road network, and
 - m. Relevant objectives of the 1(c) (Rural Small Holdings Zone) are satisfied."

SECTION 4 – CONSULTATION AND KEY ISSUES

4.1 Consultation

The landowner has met with staff from Eurobodalla Shire Council on numerous occasions. The dates where discussions have been held were 5 April; 7,8,9 & 30 July and 11 November 2004. In 2005 discussions with staff were held on 8 April, 1 June, 16 August and 6 December. In 2006 meetings occurred on 11 January, 2 & 13 March. Much of the discussion revolved around Council's policies for rural residential development and the servicing of the site.

A meeting has also been held with the Rural Fire Service at Homebush on 19 December 2005. An on-site meeting was held with the Local Catchment Management Authority on 6 February 2006.

4.2 Key issues

Initially discussions with Council identified utilising reticulated water and sewerage as a key issue. Ultimately, the proposal has been designed so that on-site water and wastewater treatment would occur. At this stage there do not appear to be any key issues that are identifiable in respect of the proposed development.