

PRELIMINARY ASSESSMENT

PROPOSED SEVEN (7) LOT SUBDIVISION AND BOUNDARY ADJUSTMENT

AT WONBOYN LAKE, NSW.

for Hemingway, Ross and Ross

July 2006

PROJECT NO: 206.064

[ACN 100 209 265 / ABN 90 100 209 265](#)

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**The Planning Group (NSW) Pty Ltd,
PO Box 1612,
North Sydney,
NSW 2059.
Tel: (02) 9925 0444
Fax: (02) 9925 0055**

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1. INTRODUCTION

We act on behalf of our clients Mr Hemingway, Mr Ross and Mr Ross. They own an area of 131.1ha of land registered as Portion 14 Parish of Narrabarba at Wonboyn Lake, NSW. Adjoining and to the south of this land is Lot B of DP33573 which is a standalone parcel owned by Mr Ross. The proposal is for the subdivision of Portion 14 into 7 lots as well as a boundary adjustment with the adjoining Lot B of DP33753.

Lot B has direct access to Ivor Jones Drive. The site location is illustrated in a regional and local context in **Figures 1.1 and 1.2** respectively.

Figure 1.1: Regional Location Plan



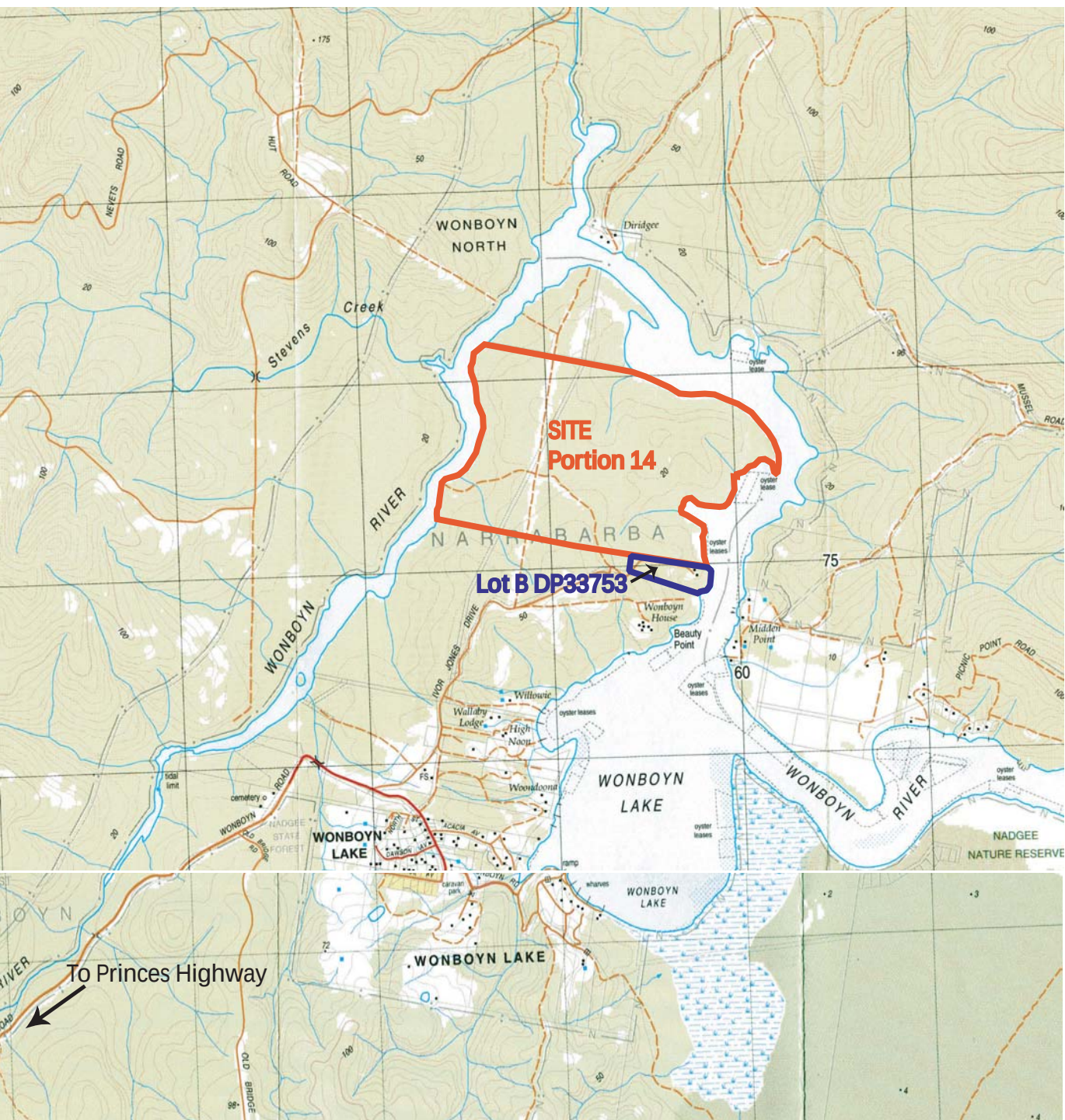
Source: www.southcoast.com.au/sapphire/southern.html

1.1 OBJECTIVES OF THE DEVELOPMENT

Wonboyn Lake is a small community in which the majority of people have been living there or owned family houses there for generations. The owners of the land proposed to be subdivided are locals who have owned property in the village for 56 years. Their intention for the subdivision is to fulfil the needs of their growing families, retaining the lots for their families use in the future.

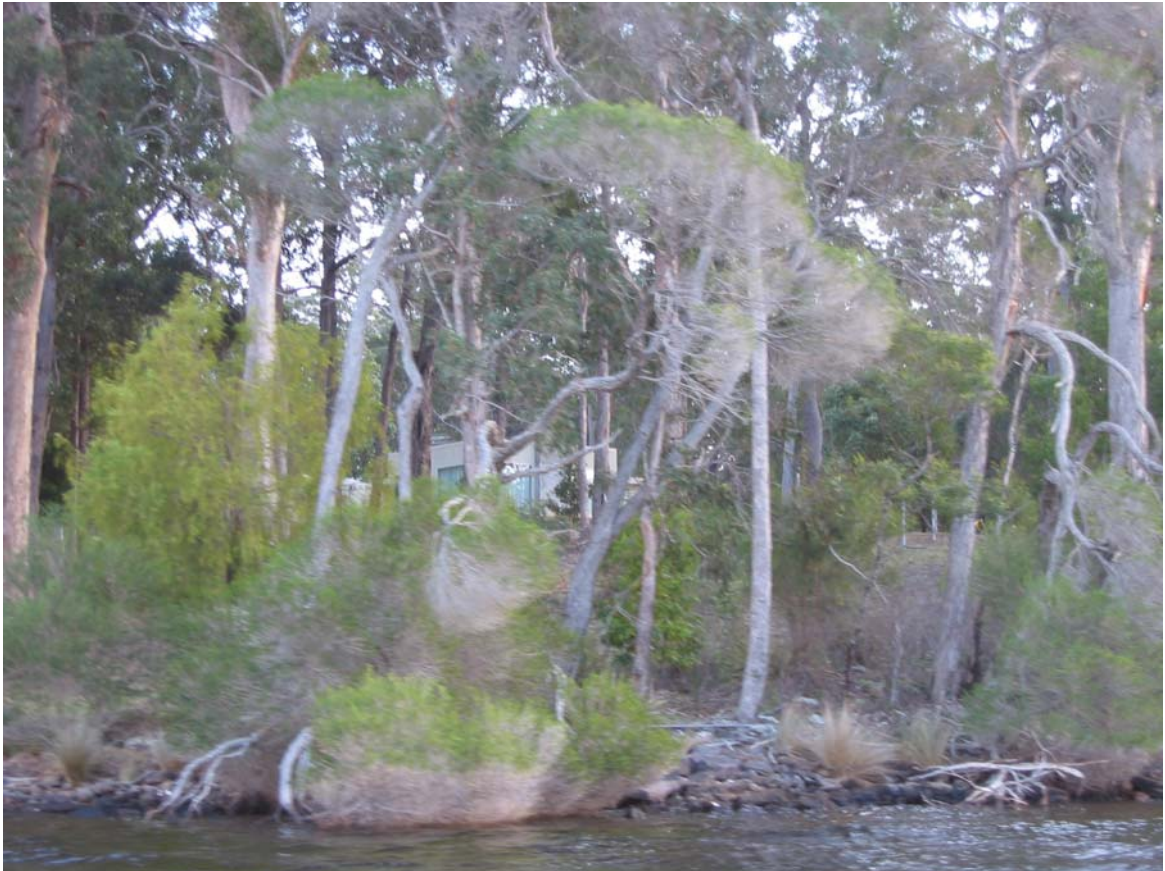
The development is intended to retain the natural beauty of the area by developing the lots in a low key style typical of other properties around the lake. An example of this style of development is the dwelling which is situated on Lot B of DP 33753 (shown below).

Figure 1.2: Site Location Plan



Source: Topographic Maps (8823-1S and 8823-2N, 2nd Eds)
Land and Property Information NSW, 2001.

Figure 1.3: Existing dwelling on Lot B of DP 33753 viewed form Lake Wonboyn



(The Planning Group NSW: Photograph taken June 2006)

This house was renovated with the advice of the local Fire Chief to comply with the bushfire requirements whilst still retaining a visually unobtrusive dwelling on the lot. It is envisaged that the setbacks, retention of vegetation along the foreshore and low profile dwellings would be of a similar style of development for the proposed lots. The proposed lots and building envelopes would incorporate the appropriate bushfire measures including “*asset protection zones*” (APZs) and bushfire construction standards. Appropriate architectural design, materials and colours will ensure the dwellings blend with their natural surroundings.

1.2 THE SITE

1.2.1 Local and Regional Context

The site is located adjoining Wonboyn Lake in the Parish of Narrabarba. The village of Wonboyn is located to the south of the site. The main access road to the village is Wonboyn Road which joins the Princes Highway approximately 9km to the west of the village.

Surrounding the village are the following areas:

- North west Ben Boyd State Forest
- North east – Ben Boyd National Park
- East – Disaster Bay
- South east – Nadgee Nature Reserve
- South west – Nadgee State Forest
- West – East Boyd East Forest

The surrounding settlements include the villages of Kiah and Boydtown to the North. Eden is located approximately 30km north of Wonboyn on the northern shore of the harbour in Twofold Bay and is characterised as a rapidly growing town. The main industries currently operating include commercial fishing and logging. Tourism is also further developing in Eden and new areas of residential subdivision are currently being sold.

Merimbula is the closest major centre further to the north of Eden. It is also a growing area which is a successful tourist destination which includes services such as an airport and various recreational areas. The main commercial area is located in the major regional centre of Bega which is situated to the north west of Merimbula.

1.2.2 Site Description

The existing land details are as follows:

Portion 14 Parish of Narrabarba:

This lot consists of 131.1ha of land which is currently unimproved. Clearing for access roads and services has been undertaken in the past. Access is provided along the western side of the land mainly in relation to the overhead power lines. The site is covered in natural vegetation and includes two frontages to Wonboyn Lake along the eastern and western sides of the lot. The land is within a “point” that is bounded by the Wonboyn River to the west, north and east with Wonboyn Lake located further to the south-east of the site.

The lot effectively straddles the point from the east to the west with frontages to Wonboyn River along the length of both boundaries of the lot. The north eastern portion of the lot is also defined by the river frontage. To the north of this lot is a separate lot described as Portion 11 which constitutes the northern tip of the point.

Lot B of DP33573:

This lot is a separate parcel containing an existing dwelling. Access to this lot is via Ivor Jones Drive (a public road). This lot is included in this application as the owner (Mr Ross) is willing to provide access and extension of the available utilities (power and phone) across his lot to service the Portion 14 site. Access across Lot B is provided in exchange for a boundary adjustment to provide more land to the north of Lot B.

This is a positive outcome as the existing dwelling is currently situated close to the boundary and the proposed boundary adjustment will allow an increased Asset Protection Zone to the north of the existing house. The proposed boundary adjustment will also provide a greater setback between the existing dwelling and any future dwellings on the proposed allotments.

2. THE PROPOSED DEVELOPMENT

The proposal is for the subdivision of Portion 14 into 7 lots as well as a boundary adjustment with adjoining Lot B DP33753. The subdivision will create 6 lots of approximately 2ha each excised from the original allotment with the residual land retained in a single large allotment. A Right of Carriageway will provide access to the proposed new lots from Ivor Jones Drive across Lot B DP 33753 and into Portion 14.

A sketch plan of the proposed subdivision is illustrated in **Figure 2.1** below. The proposed subdivision is considered to be in compliance with the objectives and specific controls of the Bega Valley Local Environmental Plan 2002 (BVLEP).

A meeting has previously been held between officers of the Department of Planning and the proponents in Sydney on 18th November 2005. Following that meeting, the Department of Planning's advice has been incorporated into the redesigned subdivision layout. Substantial changes have been made to the original design of the subdivision. The land had previously been subdivided into larger allotments (6 x lots of approximately 10ha leaving a residual lot of approximately 66ha).

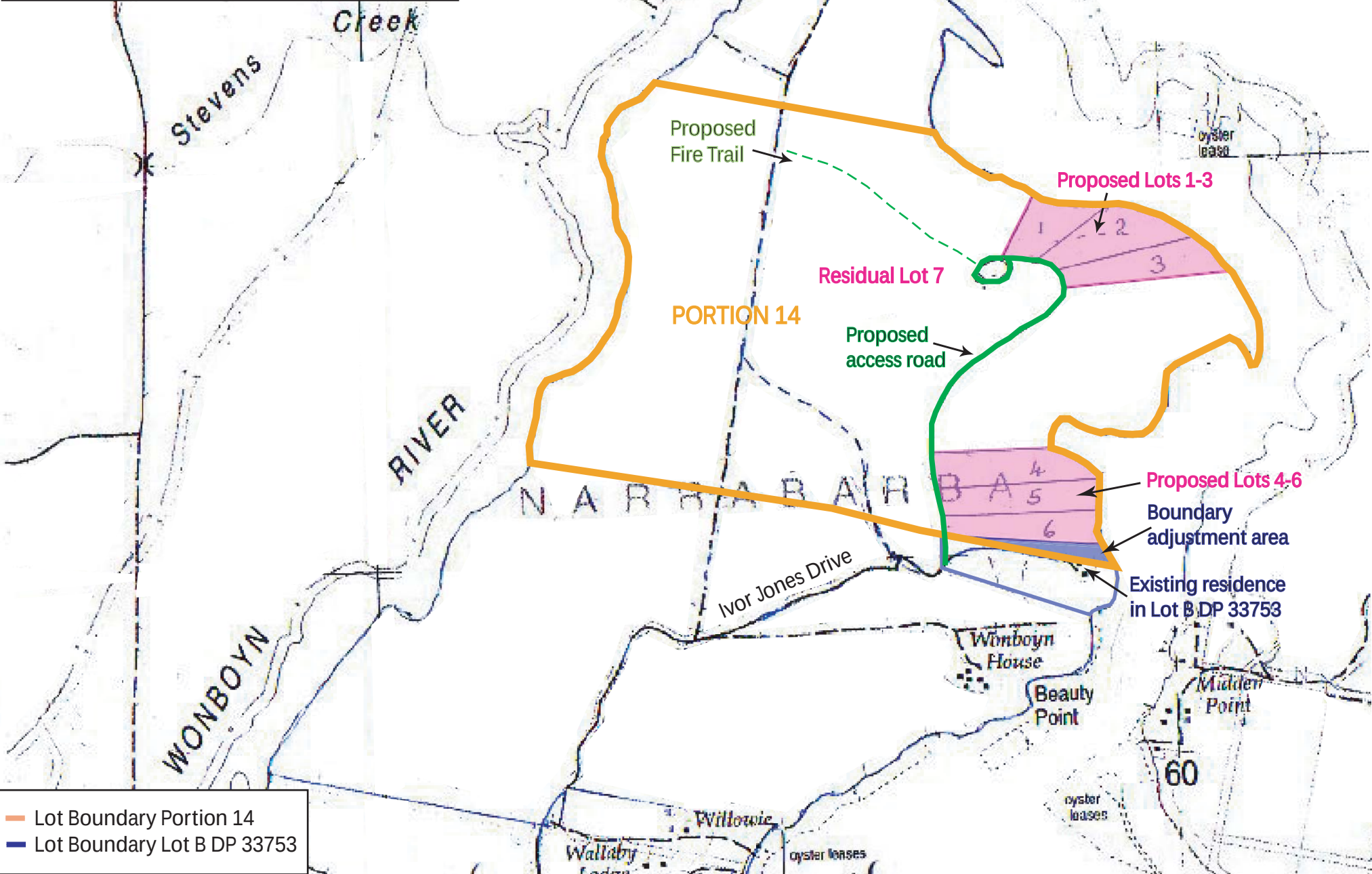
The previous subdivision layout has been revised to include smaller lot sizes (with a minimum of 2ha of 1(a) zoned land included in each lot) which have been clustered on the north eastern and eastern side of the existing lot to minimise disturbance to the site. This will allow the existing natural environmental conditions to be retained on the majority of the site. The clustering of the lots is anticipated to significantly reduce the amount of clearing that would have been required (particularly for the provision of APZs) under the previous subdivision layout.

The proposed subdivision has been designed to leave the majority of the site undisturbed within the residual lot to the west of the proposed new access road. This subdivision plan will be detailed further and finalised after sub-consultant reports have been completed as part of the environmental assessment and after appropriate locations for the dwelling envelopes are nominated.

It is intended that a fire trail will provide a link to the existing access track in the west of the lot. The western access which currently provides access to Lot 11 (an unimproved lot to the north) will be retained as existing.



FIGURE 2.1: SKETCH PLAN FOR PROPOSED SUBDIVISION AND BOUNDARY ADJUSTMENT



3. ENVIRONMENTAL PLANNING INSTRUMENTS

3.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

A letter was received from the Department of Planning (Ref: MP 06_0147) confirming that this project is a Major Project and that Part 3A of the Act Applies.

3.2 OTHER LEGISLATION

The requirements of the following Acts will also be considered in the detailed Environmental Assessment.

3.2.1 Rivers and Foreshores Act

The Rivers and Foreshores Act will be considered in relation to any development that may be undertaken in close proximity to a stream or river. Interpretation of the requirements of the Act will be discussed with the Department of Natural Resources. It is considered that all development will be able to be situated a suitable distance away from any potential areas of sensitivity such as the Womboyn River itself and any defined “rivers” that cross the land.

3.2.2 EPBC Act, Threatened Species Conservation Act and the Native Vegetation Act.

The majority of the site will remain undisturbed however a portion of the land on the eastern part of the site will require some clearing for the provision of APZs, dwelling envelopes, access and utilities. The Flora and Fauna report to be undertaken as part of the detailed environmental assessment will consider these acts and their implications in relation to the proposal.

3.3 STATE ENVIRONMENTAL PLANNING POLICIES

3.3.1 Major Projects State Environmental Planning Policy

This project is confirmed to be a Major Project and therefore this SEPP will be considered in the assessment of the proposal. This SEPP aims to protect coastal sites (this site is captured under Schedule 2 of the SEPP). The proposed development has been redesigned to ensure environmental impacts are minimised and the majority of the site will in fact remain managed but undisturbed by development as a result of the proposal.

3.3.2 State Environmental Planning Policy 71 – Coastal Protection

The site is located within the coastal zone and as such the relevant provisions of SEPP 71 will be considered and assessed in relation to the proposed subdivision. The redesign of the proposal has reduced the potential environmental impacts through a significant reduction in the amount of clearing and site disturbance required which will reduce potential impact on any Aboriginal places, visual amenity, native coastal vegetation, whilst

also ensuring that the type, bulk, scale and size of development is appropriate for the location.

3.4 REGIONAL ENVIRONMENTAL PLANS

3.4.1 Lower South Coast Regional Environmental Plan No.2 (REP No.2)

The Lower South Coast Regional Environmental Plan No.2 (REP No.2) applies to land within Bega Valley. The redesigned subdivision is considered to be consistent with the general objectives within the plan which include minimising “*changes to natural coastal processes resulting from development*”.

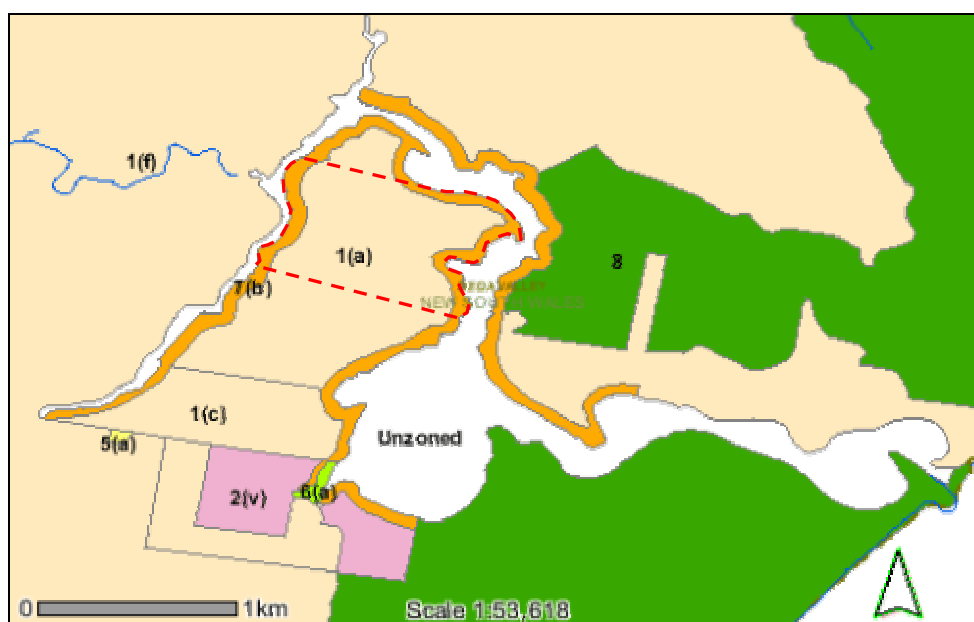
3.4.2 Draft South Coast Regional Strategy

The Draft South Coast Regional Strategy has recently been on public exhibition however has not yet been finalised. The plan applies to Bega Local Government Area and is one of a number of regional strategies currently being prepared by the DOP. The strategy will be considered as part of the assessment of the proposal.

3.5 BEGA VALLEY LOCAL ENVIRONMENTAL PLAN 2002

The proposal is considered to be consistent with the relevant aims and objectives of the BVLEP 2002. The proposal is permissible with consent and complies with the controls of the zones applicable to the site - both 1(a) (Clause 12) and 7(b) (Clause 43). The zoning of the site is illustrated in the zoning plan in **Figure 3.1** below. It is also considered to be consistent with the requirements of other clauses relating to the subdivision (Clauses 16 and 67), general principles of development (Clause 65) and other relevant provisions relating to the proposal.

Figure 3.1: Zoning Plan



 Approximate Site Area

Source: IPLAN website

3.6 DEVELOPMENT CONTROL PLANS

The following DCPs will be considered in the detailed design stage of the environmental assessment and compliance achieved wherever possible:

3.6.1 DCP 2 – Subdivision Standards

The proposal will be designed in compliance with the aims and objective of this DCP. The DCP aims to *“facilitate land development projects which minimise adverse effects on the natural and built environment”*. The proposal aims to limit adverse effects on the natural environment through the minimisation of disturbance to the overall site through design. In particular consideration will be given to the relevant parts of the DCP relating to access and servicing (9), concessional lots (10.1), residual lots (10.2), subdivisions across zone boundaries (16), hazards (18), unsewered land (19), threatened species (21) and stormwater management (22),

3.6.2 DCP 5 – On- Site Sewerage Management

A report detailing the proposed on-site sewerage management proposed for the site will be undertaken for the detailed environmental assessment. This report will consider the provisions of DCP 5.

3.6.3 DCP No. 6 – Minimum Setbacks to Roads & Nominated Waterways.

The aim of this plan is to specify the minimum setback for development from roads and nominated waterways in the Shire. The final subdivision will be designed in consideration of the minimum setback requirements specified in relation to setbacks from waterways and roads as set out in the DCP.

3.7 OTHER RELEVANT PLANS

Other plans which will be considered are discussed below.

3.7.1 Coastal Design Guidelines

These guidelines state that coastal urban design is about working with communities and investors to design streetscapes and buildings in ways which reflect the sensitivities of a location's topography, ecology and cultural history.

The general principles of this policy are considered to be in keeping with how the owners of the site are proposing to develop their lots. The objectives of the proposal, as stated previously, are to provide some additional lots on the site, whilst maintaining the natural beauty of the location.

3.7.2 NSW Coastal Policy 1997

The central focus of the policy is the Ecologically Sustainable Development (ESD) of the Coastline. It is considered that the proposal has allowed for the appropriate number of lots allowable on the land whilst minimising environmental impacts through the design of the subdivision. The LEP does not allow for the residual lot to be further subdivided allowing the majority of the lot to remain undisturbed as a result of the proposal. It also still provides some additional lots in relatively close proximity to the existing village of Wonboyn.

3.7.3 The DRAFT Wonboyn Lake Village Strategic Plan

The vision statement of this plan is as follows:

“Wonboyn Lake Village's uniqueness will be maintained including the relaxed atmosphere and diversity of wildlife through responsible development to meet the needs of the community”.

It is considered that this development would be in keeping with the spirit of this plan in that the majority of the large site remains undisturbed whilst providing small scale development by local land owners.

3.7.4 Stormwater, Septic and Leachate Management Plan Wonboyn Lake

The potential water quality impacts of development in the catchment will be explored in the detailed environmental assessment, particularly in relation to on site sewerage management.

3.7.5 Bega Valley Shire 2025 – Our 20-year plan:

One of the *“top five things”* that come from this plan is intended to be to *“ensure that new development is limited by the capacity of the environment and infrastructure to support it”*. The site is capable of sustaining the lots proposed within it. The site is a large portion of land and the subdivision design reflects consideration to the provision of access and services which are available with minimal disturbance to the majority of the site.

3.7.6 RFS Wonboyn Village Protection Plan

This plan includes the site and as such the requirements will be considered and incorporated where required into the bushfire assessment that will be undertaken as part of the detailed environmental assessment.

3.7.7 Wonboyn Lake and Estuary Management Plan

This plan will also be considered in the environmental assessment.

4. LIKELY IMPACTS

4.1 BUSHFIRE

The site is bushfire prone land. A detailed Bushfire Assessment report for the proposed development will be undertaken during the environmental assessment to determine the requirements for the subdivision. A preliminary bushfire investigation was undertaken for the previous subdivision pattern however a new bushfire assessment report will be undertaken for the current proposal.

The revision of the previous subdivision layout has several advantages in relation to bushfire management. The proposed layout is considered to be a significant improvement in relation to bushfire protection. The future dwellings will be clustered on the eastern side of the site which will enable APZs to be provided for the lots whilst minimising clearing of vegetation. Clearing for the provision of access and utilities can be incorporated into the areas to be cleared and shared wherever possible.

Appropriate construction standards will apply to all of the dwellings and the required water storage for both domestic use and fire fighting purposes will be provided in each lot. Improved accessibility and the availability of water tanks specifically for fire fighting purposes will benefit the local fire service as well. .

The proposal will also provide improved hazard reduction which would be beneficial to the village of Wonboyn (situated to the south of the site). This would be achieved through consistent management of fuel loads, provision of water tanks for fire fighting purposes (associated with future dwelling applications), as well as the construction of fire trails on the site providing improved access for the local rural bushfire service.

The layout provides areas large enough for suitable APZs for the future dwellings whilst also creating a balance so that the amount of clearing required for the provision of APZs is significantly reduced.

4.2 ABORIGINAL HERITAGE

An Aboriginal Heritage Inspection Report for Nadgee Road and Picnic Point, Wonboyn Lake was undertaken in June 2005. This report included the current site and was written by Graham Moore (Aboriginal Cultural Heritage Conservation Officer of the Southern Aboriginal Cultural Heritage Section, Far South Coast, Merimbula Office Cultural Heritage Division).

The report recommended that a fifty metre buffer zone be left from the high water mark, a full archaeological survey to be undertaken and continued liaison and consultation occur between the developer and Eden Local Aboriginal Land Council. A full Archaeological survey will be undertaken as part of the environmental assessment for the areas to be disturbed along the eastern and northern portions of the site where the smaller lots, dwelling envelopes and access roads are proposed to be located.

4.3 SEWERAGE MANAGEMENT

An On Site Sewerage Management report will consider the soils and impacts on water quality as part of the environmental assessment. The study will provide a detailed analysis of the dwelling envelopes and effluent areas nominated as a result of the opportunities and constraints identified in the environmental assessment.

A preliminary OSSM investigation was undertaken for the previous subdivision design. This previous investigation concluded that soil testing would be required to determine the calculations for the scheme and construction and installation details would need to be established once the final dwelling sites had been established.

Consideration will also be given to whether a central treatment plant would be a more suitable/beneficial alternative to cater for the sewerage generated by the 7 lots as opposed to individual on site treatment for each lot.

4.4 WATER QUALITY

There will be minor changes to storm water runoff as a result of the proposal due to the clearing required to provide APZs for the dwellings and an increase in the area of hard surfaces such as roads and roofs. However the dwellings will also be collecting water for domestic and fire fighting purposes.

These minor changes will only however occur on a small portion on the total site area of 131ha as all the proposed development has been clustered together so as to leave the majority of the land undisturbed. Any impacts during construction will be able to be effectively minimised and contained. Potential impacts will be detailed in the Environmental Assessment (EA).

4.5 ACID SULPHATE SOILS

The Section 149 Certificate for the site¹ indicates that the site contains Acid Sulphate Soils (Classes 1 and 2). This will be considered as required in accordance with the relevant requirements and the *Acid Sulfate Soils Assessment Guidelines* as part of the environmental assessment.

4.6 FLORA AND FAUNA

A flora and fauna report will be undertaken as part of the EA. This ecological assessment will concentrate on the areas of the proposed lots that will require some clearing of vegetation. Limited clearing will be required to provide dwelling envelopes, APZs, services and access roads. The areas for vegetation clearing/thinning are intended to be combined where possible to minimise the area of clearing required.

¹ Sect 149 Certificate Ref: 3731FC

4.7 VISUAL

The dwelling sites will be setback from the lake and the river as the dwelling envelopes are not proposed to be located within the 7(b) Environmental Foreshore Protection Zone (EFPZ) which runs along the eastern, northern and western boundaries of the site.

The EFPZ provides a setback of approximately 75-100m between the future dwellings and the water. This setback will still allow some water views through the trees from the proposed future dwellings however these well-dispersed dwellings are unlikely to create an adverse visual impact when viewed from the surrounding area or from the water.

As described earlier it is intended to retain the natural beauty of the area by developing the lots in a low key style typical of other properties on the lake. An example was shown of this style of development in **Figure 1.3**. This house was renovated with the assistance of the local Fire Chief and updated to comply with the bushfire requirements whilst still retaining a visually unobtrusive dwelling on the lot. It is envisaged that a similar style of development will be achieved through:

- Similar setbacks from the foreshore,
- Single storey dwellings,
- Incorporation of all required bushfire measures, and
- Appropriate colours, architectural design and building materials to blend into the bush/natural surroundings.

5. CONSULTATION

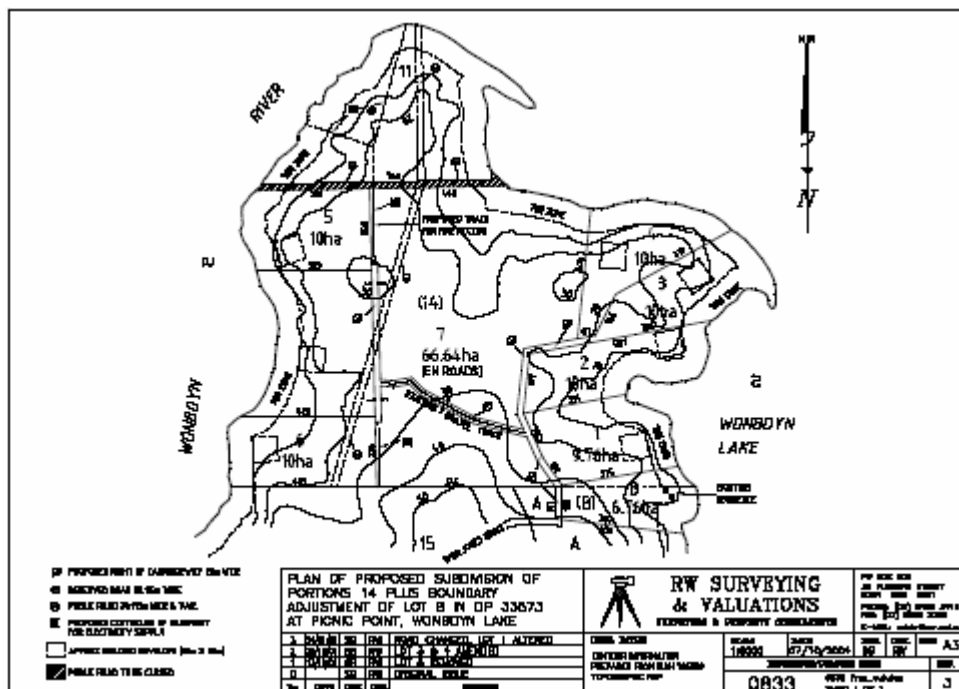
The following organisations were consulted in regards to the proposal:

5.1 DEPARTMENT OF PLANNING

The owners have previously approached the Department of Planning in relation to a proposed subdivision of the holding and met with David Mutton on the 18 November 2005 in relation to this matter. Substantial changes have been made to the original design of the subdivision as a result of the advice provided at this meeting. The land had previously been subdivided into larger allotments (6 x lots of approximately 10ha leaving a residual lot of approximately 66ha).

This subdivision layout has been revised to include smaller lot sizes (approximately 2ha each within the 1(a) zone) which have been clustered on the north eastern and eastern side of the existing lot to minimise disturbance to the site. This will allow the existing natural environment conditions to be retained on the majority of the site. The clustering of the lots is anticipated to significantly reduce the amount of clearing that would have been required (particularly for the provision of APZs) under the previous subdivision layout.

Figure 5.1: Previous sketch subdivision plan for the site including lots of approximately 10ha



5.2 COUNCIL

It is not known what the views of the Council are in relation to the proposed development

5.3 LOCAL RURAL FIRE SERVICE

The applicant has previously undertaken informal discussions with the local Fire Chief Mr Craig Butt of the Wonboyn Village Bush Fire Brigade regarding their property. The Fire Chief has indicated that a fire trail access in the eastern portion of the site would be desirable as a link to the existing access located on the western side of the site. This would allow the fire service greater access to the land in the event of a bushfire emergency.

6. CONCLUSION

This application is considered to be in accordance with general principles and controls of the relevant planning instruments which apply to the site. The outcome of this proposal would be 7 dwellings on lots of more than 2ha each (one on the residual lot) and setback from the water of at least 75-100m. These lots will require some clearing for APZs, the provision of utilities and the provision of dwelling envelopes. However the design of the subdivision has been modified from earlier options to minimise the area of disturbance and any potential environmental impacts on the site. This has been achieved through the inclusion of smaller lot sizes and a clustering of the lots on the eastern and north eastern part of the lot.