

# Lot 21 Hearn's Lake Road, Woolgoolga

## Major Project Application

### Preliminary assessment

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Prepared for

**BBK Developments Pty Ltd**

## INTRODUCTION

The purpose of this report is to provide a description and preliminary environmental assessment of a preliminary draft proposal for a residential land subdivision on land located on the eastern side of the Pacific Highway on the outskirts of the township of Woogoolga.

The proponent seeks approval from the Minister under Part 3A of the Environmental Planning and Assessment Act, 1979 for a Major Project under State Environmental Planning Policy (Major Projects).

The preliminary draft proposal is to comprise both a Concept and Project Approval for the development under the provisions of Section 75 P (c) of the Environmental Planning and Assessment Act 1979.

The preliminary assessment includes a description of the land and the preliminary draft proposal, a request for agreement to a proposed process and sequencing of approvals

## THE SUBJECT LAND

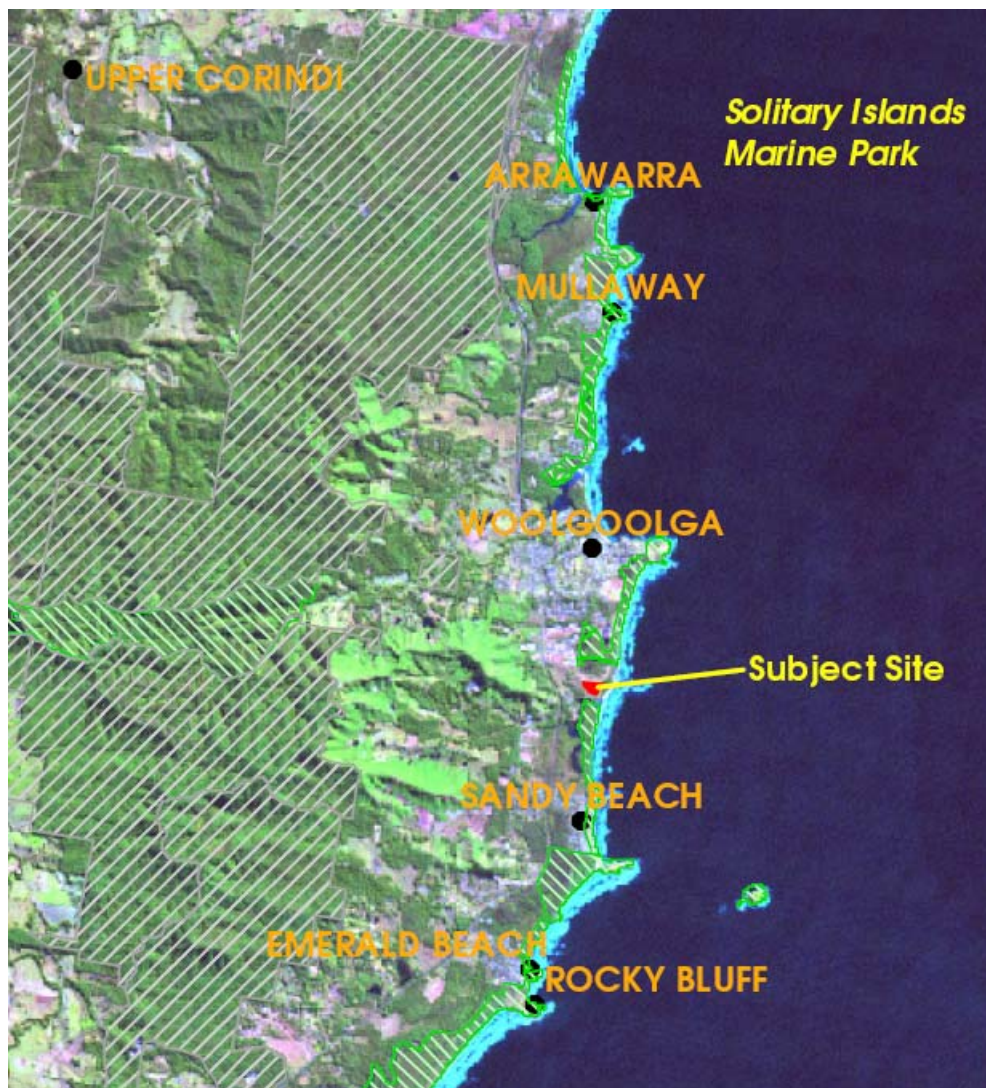
The site occupies approximately 2.989ha of land bounded by Hearn's Lake Road to the south, an existing residential subdivision and pasture land to the north and west, and Coastal Littoral Forest and the Pacific Ocean to the east.

Lot and DP numbers

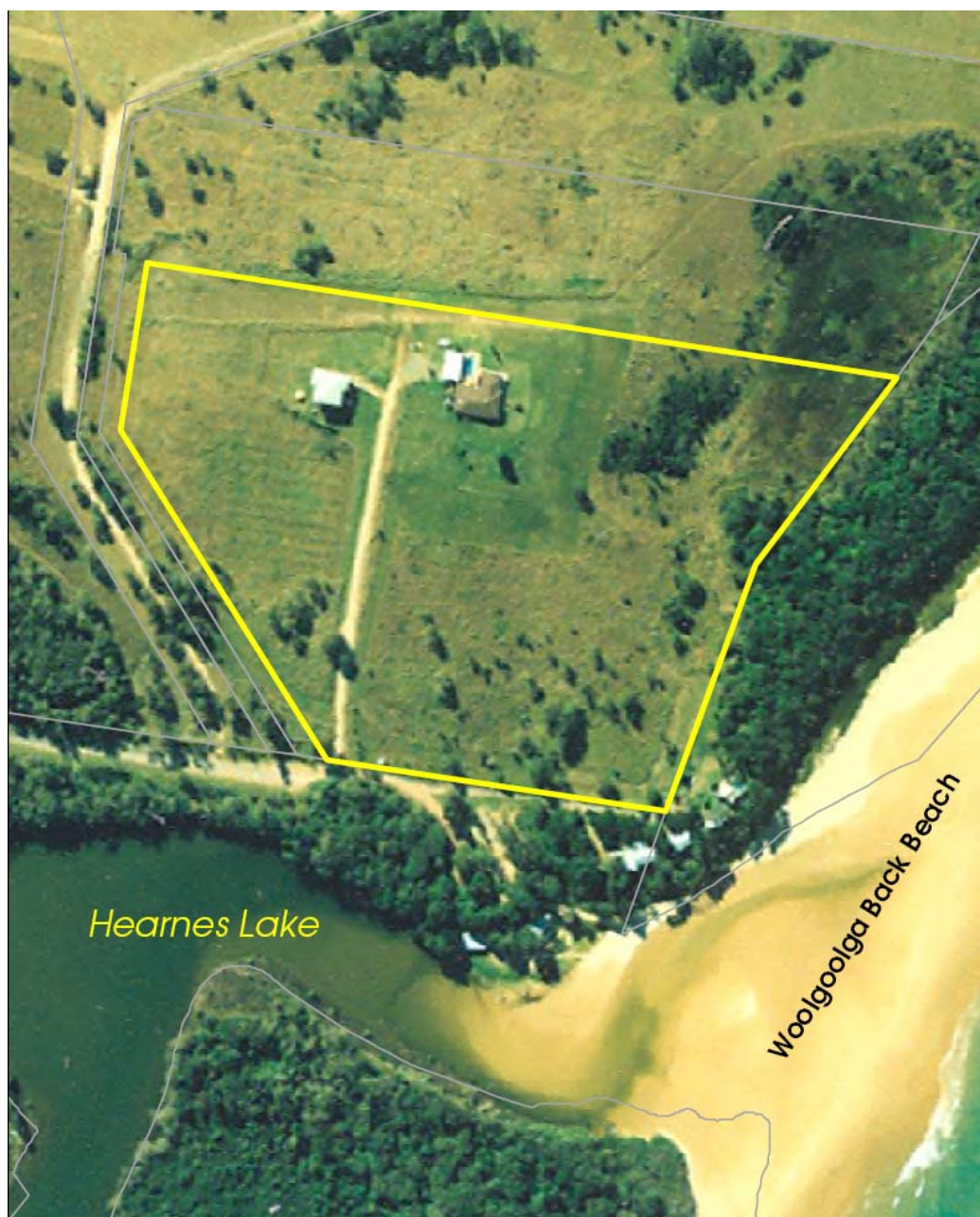
We note the title references are:

Lot 21 DP714858

## Site Location Plan



Aerial View of the Site





## THE PROPOSAL

The application is for the residential subdivision of the land known as Lot 21 DP714858 Hearn's Lake Road, Woolgoolga. This development will involve a torrens title residential subdivision comprising 47 allotments (45 residential allotments) and is proposed to be constructed in one stage but released in five stages.

Stage 1 will comprise 11 allotments, 10 being residential allotments varying in size from 615m<sup>2</sup> to 805m<sup>2</sup> and an allotment containing the stormwater management infrastructure (Lot 11). Lot 11 is proposed to be dedicated to CHCC. Stage 2 will comprise 7 residential allotments varying in size from 586m<sup>2</sup> to 928m<sup>2</sup>. Stage 3 will comprise 9 residential allotments varying in size from 616m<sup>2</sup> to 760m<sup>2</sup>. Stage 4 will comprise 11 allotments being 10 residential allotments varying in size from 641m<sup>2</sup> to 1,330m<sup>2</sup> and an allotment containing a proposed Environmental Protection 7(a) zoned land and its buffers (Lot 36). Stage 5 will comprise 9 residential allotments varying in size from 765m<sup>2</sup> to 1,281m<sup>2</sup>.

The application is a project application and the staging is only intended to facilitate the release of the land over time.

Those parts of the site which are environmentally constrained (7a) land are proposed to undergo long term environmental rehabilitation to provide a high quality setting for the development and to enhance the environmental and recreational values of the site and its locality. The entire development has been designed to minimise environmental impact with the use of vegetated swales, bio-filters, rain-gardens and bio-retention basins to prevent pollutants from entering Hearn's Lake and to manage the flow of water leaving the site. All areas of environmental significance on the site have been identified and protected in a proposed 7(a) zone.

The site is situated east of the Pacific Highway, on the outskirts of the Woolgoolga township (approximately 3km to the north). To the south of the site is Hearn's Lake Road, Hearn's Lake and land zoned for public open space and environmental protection. The site abuts a narrow strip of littoral rainforest, coastal dunes and then the Pacific Ocean to the east.

The site has an area of 2.989ha, is in single ownership and accommodates two dwellings. In its current condition, the land is predominantly cleared on the upper slopes as a result of its previous use for grazing stock, and is well maintained open grassland. The site rises approximately 16m from the southern boundary to a knoll in the central part of the northern boundary. At the north-eastern corner of the site is a natural drainage sump containing wetland vegetation. The site includes a narrow strip of littoral rainforest on its eastern edge.

Access to the site will be from Hearn's Lake Road and then to the Pacific Highway. However, in the longer term access will be via a service road from Hearn's Lake Road to Bosworth Road once residential development utilising Hearn's Lake Road has achieved a threshold.

The site is able to be adequately serviced for sewer, town water, power and telecommunications.

#### STAGING AND APPROVALS PROCESS

The proponent is seeking to lodge both a Concept and Project Application for the development under the provisions of Section 75 P (c) of the Environmental Planning and Assessment Act 1979. The subdivision plan is indicated on the attached drawings prepared by de Groot and Benson Pty Ltd. (Appendix 1)

#### KEY PLANNING ISSUES

A number of issues have been identified as significant to appropriate planning for the land. These are listed and briefly addressed below. The preliminary analysis indicates that all of these issues can be successfully addressed in the development of the site.

1. Compatibility with regional and local planning strategies

The proposal will be consistent with current regional planning for the North Coast generally and Coffs Harbour/Woolgoolga in particular.

More specifically, the proposal is consistent with:

North Coast Regional Environmental Plan

The proposal is consistent with the NCREP and makes provision for the following considerations:

*15 Development control—wetlands or fishery habitats*

*The council shall not consent to an application to carry out development for any purpose within, adjoining or upstream of a river or stream, coastal or inland wetland or fishery habitat area or within the drainage catchment of a river or stream, coastal or inland wetland or fishery habitat area unless it has considered the following matters:*

- (a) the need to maintain or improve the quality or quantity of flows of water to the wetland or habitat,*
- (b) the need to conserve the existing amateur and commercial fisheries,*
- (c) any loss of habitat which will or is likely to be caused by the carrying out of the development,*
- (d) whether an adequate public foreshore reserve is available and whether there is adequate public access to that reserve,*
- (e) whether the development would result in pollution of the wetland or estuary and any measures to eliminate pollution,*
- (f) the proximity of aquatic reserves dedicated under the Fisheries Management Act 1994 and the effect the development will have on these reserves,*

(g) whether the watercourse is an area of protected land as defined in section 21AB of the Soil Conservation Act 1938 and any measures to prevent soil erosion, and

(h) the need to ensure that native vegetation surrounding the wetland or fishery habitat area is conserved, and

(i) the recommendations of any environmental audit or water quality study prepared by the Department of Water Resources or the Environment Protection Authority and relating to the river, stream, wetland, area or catchment.

**32B Development control—coastal lands**

(1) This clause applies to land within the region to which the NSW Coastal Policy 1997 applies.

(2) In determining an application for consent to carry out development on such land, the council must take into account:

- (a) the NSW Coastal Policy 1997,
- (b) the Coastline Management Manual, and
- (c) the North Coast: Design Guidelines.

(3) The council must not consent to the carrying out of development which would impede public access to the foreshore.

(4) The council must not consent to the carrying out of development:

- (a) on urban land at Tweed Heads, Kingscliff, Byron Bay, Ballina, Coffs Harbour or Port Macquarie, if carrying out the development would result in beaches or adjacent open space being overshadowed before 3pm midwinter (standard time) or 6.30pm midsummer (daylight saving time), or
- (b) elsewhere in the region, if carrying out the development would result in beaches or waterfront open space being overshadowed before 3pm midwinter (standard time) or 7pm midsummer (daylight saving time).



*43Development control—residential development*

*(1)The council shall not grant consent to development for residential purposes unless:*

- (a) it is satisfied that the density of the dwellings have been maximised without adversely affecting the environmental features of the land,*
- (b) it is satisfied that the proposed road widths are not excessive for the function of the road,*
- (c) it is satisfied that, where development involves the long term residential use of caravan parks, the normal criteria for the location of dwellings such as access to services and physical suitability of land have been met,*
- (d) it is satisfied that the road network has been designed so as to encourage the use of public transport and minimise the use of private motor vehicles, and*
- (e) it is satisfied that site erosion will be minimised in accordance with sedimentation and erosion management plans.*

*45Plan preparation—hazards*

*(1)A draft local environmental plan should not permit development for tourism, rural housing or urban purposes on land subject to the following hazards, namely:*

- (a) coastal processes,*
- (b) flooding or poor drainage,*
- (c) dangers arising from potential or actual acid sulphate soils,*
- (c1) dangers arising from contaminated land,*
- (c2) geological or soil instability,*
- (d) bush fire,*
- (e) aircraft noise at levels of more than 25 (measured according to the Australian Noise Exposure Forecast),*
- (f) air or water pollution, or airborne pollution, within 400 metres of sewage treatment works,*
- (g) disposal of septic effluent,*
- (h) existing offensive or hazardous industries, and*
- (i) high tension electrical power lines,*

*unless the council has made an assessment of the extent of the hazard and included provisions in the plan to minimise adverse impact.*

*(2)(Repealed)*

*(3) In the event of a bush fire hazard being identified for land on which dwellings are proposed to be permitted, the council shall not permit development unless it is satisfied that arrangements where appropriate have been made to:*

*(a) require the creation of a perimeter road or reserve which circumscribes the hazard side of the land intended for that development,*

*(b) require the creation of a fire radiation zone located on the bushland side of the perimeter road,*

*(c) specify minimum building setbacks for buildings that will be erected on allotments adjoining the perimeter road,*

*(d) set standards for the use of fire retardant materials for buildings and building construction, and*

*(e) provide fire trails which link with individual access roads or a through road.*

*(4)(Repealed)*

The proposal incorporates water sensitive design, bioretention trenches and basins to complete the natural treatment cycle before water enters Hearn's Lake. There will be no adverse impact on fisheries, loss of habitat or pollution of wetland or estuary.

The proposal does not impede access to the foreshore or beach areas nor does it result in overshadowing of these areas.

The density of dwellings is consistent with the Hearn's Lake/Sandy Beach DCP density targets. The road widths follow Council standards. The road network has been designed with a high level of permeability to encourage public transport access. Site erosion will be minimized through the use of erosion and sediment control practices.

#### Coffs Harbour City Local Environmental Plan 2000

The site is zoned 2E Residential Tourist. The objectives of the zone are to enable tourist development and other development compatible with the surrounding environment. Dwelling are a permissible use.

#### Draft Local Environmental Plan Amendment No 29

The draft amendment will introduce a 7A Environmental Protection Habitat and Catchment Zone over part of the site and rezone the remainder Residential 2A. The proposal is consistent with this amendment as it does not propose any residential subdivision of the sensitive land but aggregates it into a single allotment for protection.

#### Hearns Lake/Sandy Beach Development Control Plan

The proposal is consistent with the objectives and satisfies the specific strategies applying to the area and development on the site.

#### Subdivision Development Control Plan

The proposal meets the subdivision and road standards contained within the DCP.

#### Council and community opinion

The preliminary draft proposal has been developed in close consultation with planning and environmental staff in Coffs Harbour City Council. The preliminary draft proposal that accompanies this preliminary assessment has been presented to Council staff (and in fact an earlier version has been submitted as a development application) and has received a positive response. In particular, the proposal is consistent with the current objectives of the Plan to

allow for development of Woolgoolga in a manner that protects and enhances its character as a coastal town and to protect visually and environmentally sensitive lands.

The proponent is committed to continued consultation with Council and the other stakeholders in Woolgoolga in the ongoing development and implementation of the proposal.

## 2. Permissible uses

The residential subdivision component of the proposal will be developed entirely within land zoned 2E Residential Tourist Zone under the Coffs Harbour City Local Environmental Plan 2000 and the Draft Amendment 29. The land identified as sensitive Hearn's Lake native vegetation and habitat and to be protected under the draft amendment is excluded from the development. All of these uses are consistent with the zone objectives and permissible with consent.

## 3. Flood hazard and capacity

A portion of the site lies below the 1 in 100 year flood contour. However, all residential development is proposed to occur above the contour and access has been ensured to all lots during the 1 in 100 year peak event. Flood hazard and capacity has been assessed by Patterson Britton and Partners Pty Ltd. The development as proposed would be well within accepted safety and environmental standards with respect to impacts of flooding on the development and impacts of the development on flooding.

## 4. Stormwater management

The preliminary draft concept plan allows for implementation of current best practice in passive stormwater management. In this regard, existing riparian corridors on the site have been retained and protected with setbacks in accordance with Department of Natural Resources' requirements. Further, the preliminary draft concept incorporates space to accommodate treatment train stormwater quality management. Commentary on the preliminary draft concept from WBM Pty Ltd indicates that adequate land is allowed for provision of drainage and water treatment across the site for water sensitive urban design and stormwater treatment.

## 5. Access

The preliminary draft concept indicates a road system designed to provide permeability through the developed portions of the site and connectivity within its locality. Further, the proposal ensures safe access to and egress from the site above the 1 in 100 year flood

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contour. To achieve these two objectives, the proposal allows for access via Hearn's Lake Road to the Pacific Highway and later via a service road to Woolgoolga to the north. Access locations along the western boundary are being positioned in relation to the neighbouring land parcel to ensure an appropriate relationship between the two developed sites.

RoadNet Traffic and Transportation Consultants are working in consultation with Coffs Harbour City Council and the NSW Roads and Traffic Authority to finalise the access structure for the proposal. The Hearn's Lake DCP has now been adopted which accepts that the existing Pacific Highway intersection can accommodate an additional 80 lots.

#### 6. Service availability and capacity

Coffs Harbour City Council has published both a water supply and sewerage reticulation strategy for the Woolgoolga area. The subject site falls within the strategy and the proposed methods of servicing the site with water and sewer are in accordance with the Council's strategy. The proposal will require the construction of a sewer pumping station adjacent to Hearn's Lake Road to the west of the site. From this location a sewer rising main will carry effluent northwards to link with the existing reticulated system. The current reticulated water system available adjacent to the Pacific Highway will be extended along Hearn's Lake Road. The site is within a short distance of the Woolgoolga Zone substation and County Energy have indicated that the existing infrastructure is adequate to support the development.

#### 7. Scenic quality

The subject site is screened from the beach, lake and foreshore areas by the existing coastal dunes and littoral forest vegetation. The sensitive land to be retained on the site further screens any future development.

#### 8. European heritage

The site has been mostly cleared in the past and most vegetation found on the site today is recent regrowth. The two dwellings on the site are of recent construction and of no heritage significance.

#### 9. Aboriginal archaeology

An assessment of the potential Aboriginal archaeological value of the site has been carried out by Bonhomme Craib and Associates Pty Ltd (August 2003). The assessment found a number no surface sites although small scatters of shells were found. Past land practices have potentially disturbed surface archeological material. The possibility of sites having survived in a subsurface context within the study area is low. The probability that trees with aboriginal scarring remain in the area is low. There is a recommendation that a cultural heritage management plan be prepared as part of the planning process.

#### 10. Flora / fauna / environmental quality

Ecological have carried out investigations of flora / fauna and environmental values on the land and concluded that the development is unlikely to have an impact on any threatened species. No EEC's occur within the area identified for development in the preliminary draft concept plan. EEC will be retained to provide further input to the Concept and Project Applications in order to ensure protection of habitat and the general environmental values of the land.

#### 11. Bushfire hazard

No part of the land is mapped as Bushfire Prone Land so that the requirement for assessment as Integrated Development under the Environmental Planning and Assessment Act, 1979 is not triggered. Notwithstanding this, bushfire is a significant issue to be addressed in residential development within rural / bushland areas. BushfireSafe have provided preliminary recommendations to address fire management in the development of the site, including setbacks and evacuation / fire fighting routes to the proposed residential areas. The consultants have reviewed the preliminary draft concept and have indicated concurrence of

the current proposal with all relevant bushfire protection requirements. The consultants will be retained to provide ongoing input in this regard.

#### 12. Site soils

Existence of acid sulphate soils on the site is a potential constraint to development. Soil investigations have identified a very small lens of acid sulphate soil in the lower, north eastern corner of the site. As no development is proposed in this area, it is considered that acid sulphate soils will not constraint the development as currently proposed.

#### STATUTORY CONTEXT

The proposal has been considered in relation to the following environmental and local planning instruments:

##### North Coast Regional Environmental Plan

Assessment under the REP will be carried out as part of the Application.

##### State Environmental Planning Policy No 71 – Coastal Protection

The proposal is believed to qualify as a Major Project under Schedule 2 by virtue of the fact that it occurs within a Coastal Area (specified in SEPP 71 – Coastal Protection) and involves subdivision of land in a residential zone into more than 25 lots (Schedule 2, Cl.1 (1) (i)).

Assessment under the SEPP will be carried out as part of the Application.

##### Coffs Harbour City Local Environmental Plan 2000

The CHCLEP is to be applied to all development on land within the 2E zoning. Nothing within the current proposal is inconsistent with the objectives and controls of that zoning.

Draft Local Environmental Plan Amendment 29

The amendment rezones part of the land within the 7A zoning and the remainder 2A however nothing within the current proposal is inconsistent with the objectives and controls of that zoning.

Hearns Lake/Sandy Beach Development Control Plan

The DCP will apply to development of the land. Preliminary assessment of the proposal have indicated consistency of the preliminary draft concept with the requirements of the DCP.

Subdivision Development Control Plan

The DCP will apply to development of the land. Preliminary assessment of the proposal have indicated consistency of the preliminary draft concept with the requirements of the DCP.

#### CONCLUSION AND PROPOSED STEPS TO APPROVAL.

Subsequent to this submission and receipt of the Director General's response, the proponent intends to prepare a Concept Application for lodgement with the Minister. Concurrent with this application, it is proposed to lodge a Project Application for the project, the extent of which is illustrated on the Preliminary Draft Concept Plan. Consequent to approval of the Concept and Project Applications, it is intended construct the proposal in a single stage but provide five stages for release.

It is our view that this Preliminary Assessment submission indicates that the proposal will deliver an innovative and locally responsive residential environment for the current and future residents of Woolgoolga. The Project Application identifies all relevant environmental, infrastructure and statutory issues pertaining to the proposed development and further indicates that the proposal has the potential to successfully address each and all of these.

We look forward to receiving the Director General's response to this submission and to our request to lodge a concurrent Project Application for the project.



**Appendix 1**

**Proposed Subdivision Plan**

**Staged Release Plan**

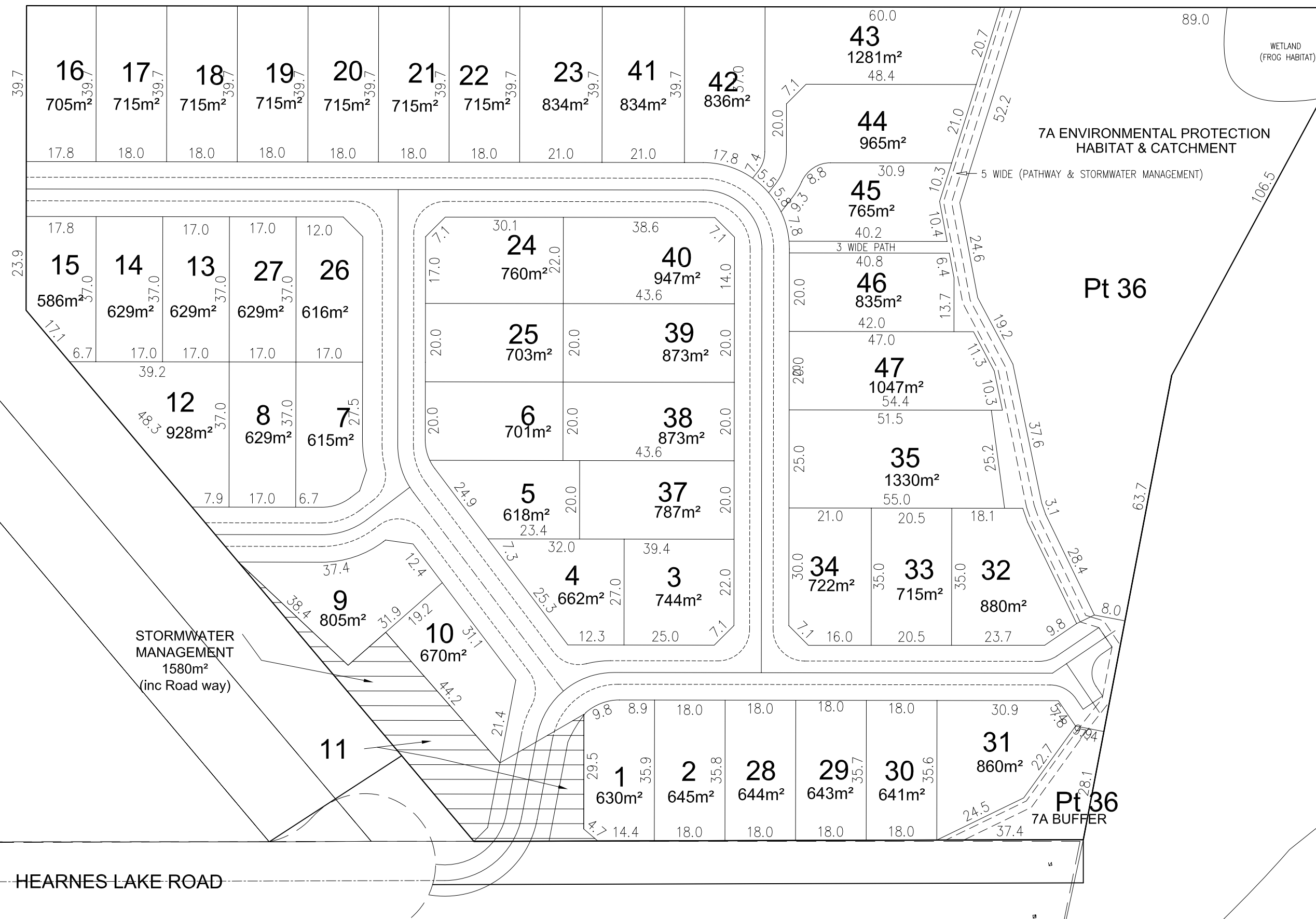
**Contour Plan**

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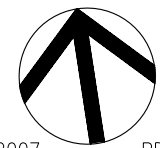
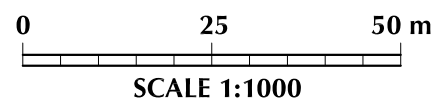


HEARNES LAKE ROAD

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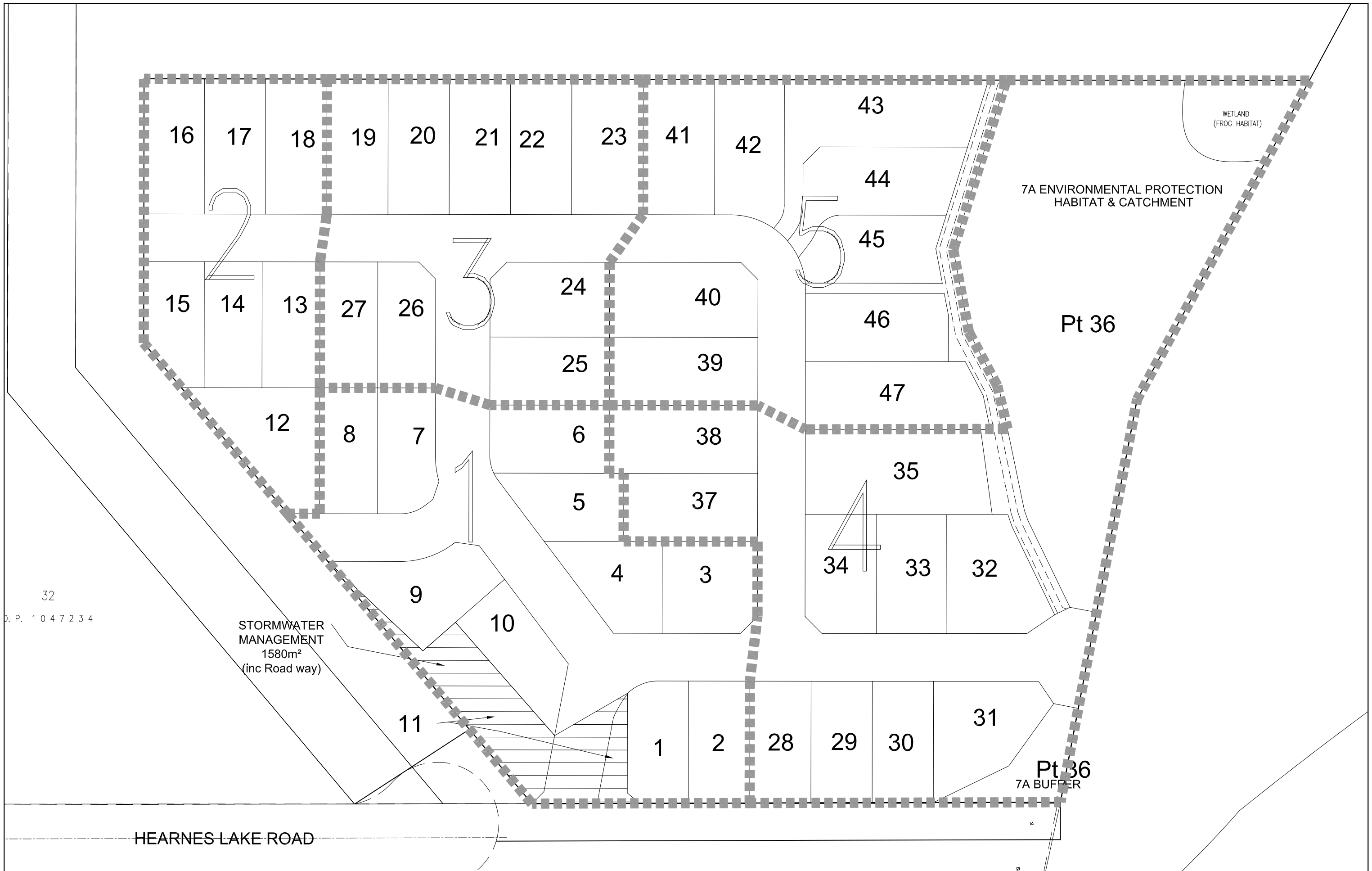
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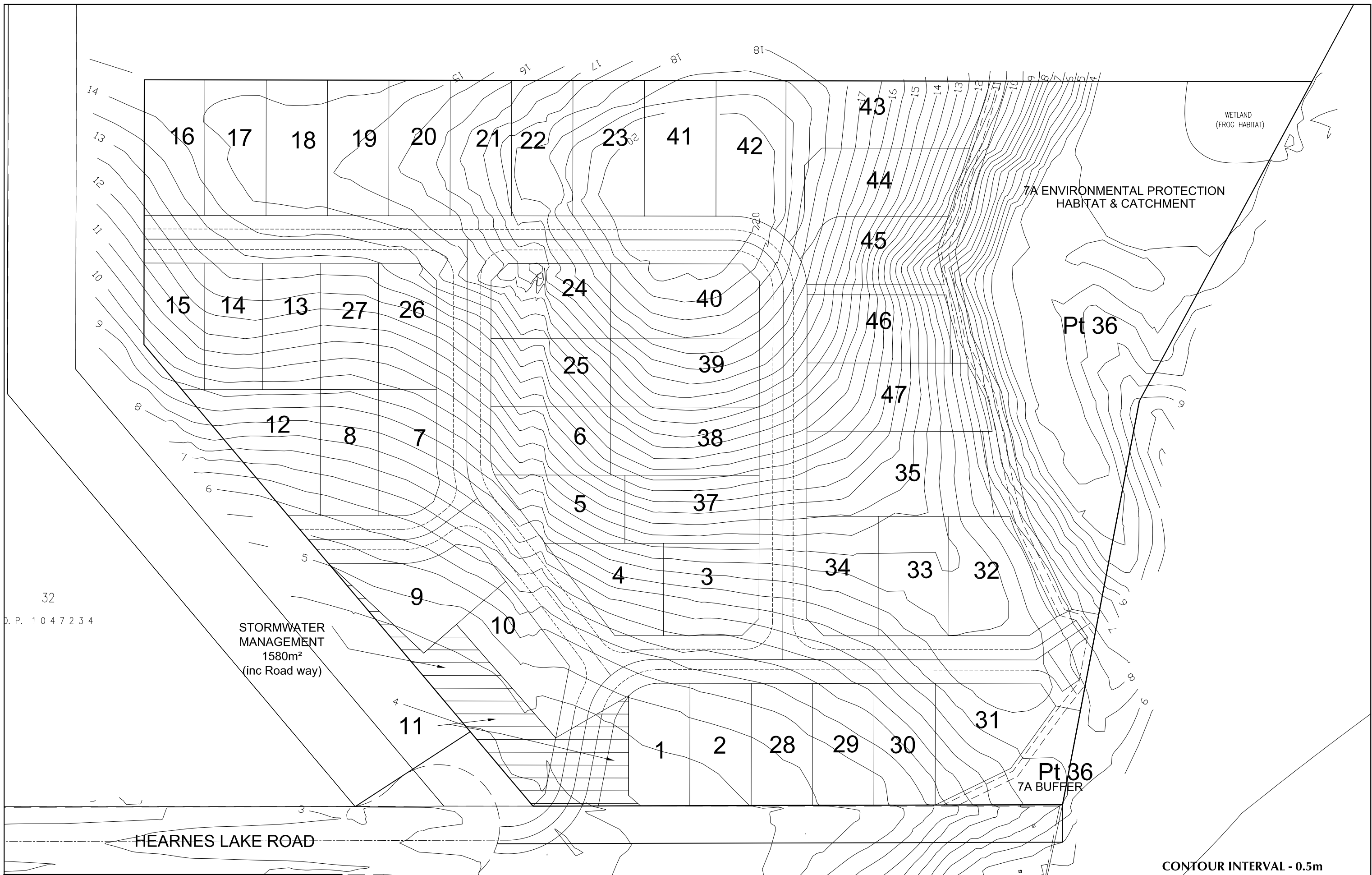
RESIDENTIAL SUBDIVISION  
LOT 21, DP714858 HEARNES LAKE ROAD, WOOLGOOLGA  
**OVERALL CONCEPT PLAN**



MAP 1  
Amendment No. 06265  
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8 JUNE 2007 RDG





**de Groot & Benson** Pty Ltd  
Consulting Engineers & Planners

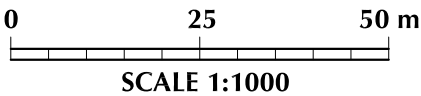
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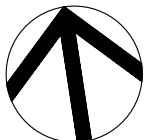
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RESIDENTIAL SUBDIVISION  
LOT 21, DP714858 HEARNES LAKE ROAD, WOOLGOOLGA  
**SITE TOPOGRAPHY**



CONTOUR INTERVAL - 0.5m



MAP 3

06265

Amendment No.  
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