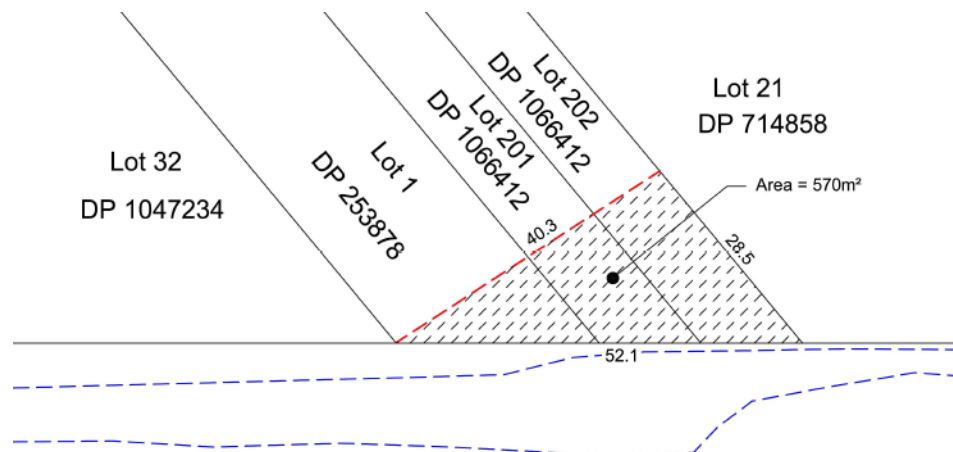

amenity infrastructure. The cornerstone of the Hearnese Lake/Sandy Beach DCP is that the developer provide the required infrastructure and forward fund its construction so as not to put any burden on the community. However, the DCP seems to indicate, and this is further borne out by the consultation responses, that the onus is on the applicant to acquire land which is in private or in Crown ownership, upgrade it with the necessary infrastructure and then dedicate it to the CHCC. This is unrealistic and a derogation of responsibility by the local authority. The Local Government Act empowers the Local Authority to acquire land which is needed for infrastructure provision, yet the DCP states:

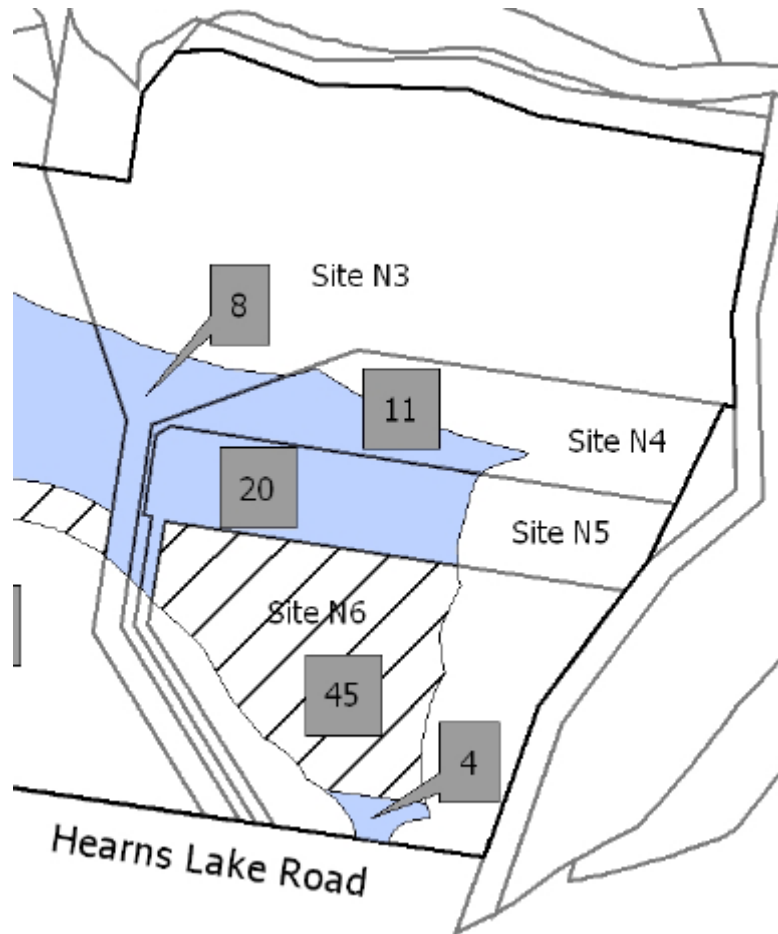
HEARNES LAKE ROAD

- Properties affected by the realignment of Hearnese Lake Road to provide for a bus turning bay (see Map 7) are to dedicate the required land as development occurs to ensure the provision of public access to beach foreshore areas.



However, if we consider the density map we will note that the three properties affected have particularly low dwelling yield densities which make development of these sites uneconomic

until such time as the infrastructure has been provided and forward funded so that the cost to these landowners is minimised. However, instead of acquiring the land, which is only 570m² of access handle severely constrained for any development and as such of very low value, the local authority seeks to pass on this responsibility to the applicant for the subject land, in derogation of its responsibility.



Similarly, the land required for the sewer pumping station needs to be acquired and made available for the installation of the infrastructure to facilitate the plan.



Similarly, Hearnes Lake Road is a Crown public road. By letter dated 21 August 2007 Crown Lands NSW advises that:

“access to the site is currently afforded by way of the Crown public road, however, further construction and necessary upgrading of that formation is well beyond the level that the Department would consent to. Consequently, it is recommended that the applicant seek to have the control of the required part of that road transferred to the Council.”

The Hearnes Lake/Sandy Beach DCP has been years in the making, and was adopted on 7 December 2005. Crown Lands NSW was consulted during the preparation of the DCP and both Crown Lands and CHCC are aware of the DCP requirement for the upgrading of Hearnes Lake Road yet it would appear that nothing has been done to facilitate the transfer of control of the road to CHCC. The DCP is the local authority's plan yet CHCC has done nothing since its adoption more than 2 years ago to facilitate the plan. By letter dated 22 August 2007 CHCC advises:

“the developer should investigate the status and ownership of this road (Crown Road) including all necessary and required approvals to undertake works on this road, to include water and sewerage infrastructure.”

The Local Government Act 1993 provides the following in its opening:

8 The council's charter

(1) *A council has the following charter:*

- *to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively*

The Act then describes what those services are in Chapter 6:

Local Government Act 1993 No 30

Introduction. *This Chapter confers on councils their service or non-regulatory functions. Examples of these functions include the provision, management or operation of:*

- *community services and facilities*
- *public health services and facilities*
- *cultural, educational and information services and facilities*
- *sporting, recreational and entertainment services and facilities*
- *environment conservation, protection and improvement services and facilities*
- *waste removal, treatment and disposal services and facilities*
- *pest eradication and control services and facilities*
- *public transport services and facilities*

-
- *energy production, supply and conservation*
 - *water, sewerage and drainage works and facilities*
 - *storm water drainage and flood prevention, protection and mitigation services and facilities*
 - *fire prevention, protection and mitigation services and facilities*
 - *land and property development*
 - *housing*
 - *industry development and assistance*
 - *tourism development and assistance.*

This list of examples is not exhaustive.

These functions are conferred in broad terms in Part 1. Particular provisions are made for the management of public land in Part 2. Part 3 imposes some restraints and qualifications on the exercise of the service functions.

A council may have other service functions under other Acts. For example, a council has functions relating to the provision and management of roads under the Roads Act 1993.

The Act then provides for the mechanism to achieve this purpose:

186 For what purposes may a council acquire land?

- (1) *A council may acquire land (including an interest in land) for the purpose of exercising any of its functions.*
- (2) *Without limiting subsection (1), a council may acquire:*

-
- (a) land that is to be made available for any public purpose for which it is reserved or zoned under an environmental planning instrument, or*
 - (b) land which forms part of, or adjoins or lies in the vicinity of, other land proposed to be acquired under this Part.*
 - (3) However, if the land acquired is, before its acquisition, community land vested in a council, the acquisition does not discharge the land from any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land or any part of the land immediately before that acquisition.*

It is requested that the Minister advise the CHCC to seek transfer of control of Hearnese Lake Road as a matter of urgency in order to facilitate the plan, and request Crown Lands NSW co-operate with CHCC to affect this transfer with the minimum of delay.

Furthermore, two options have been proposed for the sewer pumping station. The first requires an acquisition of land from Lot 32 DP1047234 the second provides for the sewer pumping station to be located within the existing road reserve. It is requested that the Minister advise CHCC that if the option of locating the sewer pumping station within the road reserve is not satisfactory, then CHCC acquire the land to facilitate the location of the pumping station in accordance with the plan as a matter of urgency.

The applicant is prepare to forward fund the construction of the bus turning circle and bus shelter in accordance with the DCP on the basis that the land is made available. It is requested that the Minister acquire this land as a matter of urgency in order to facilitate the implementation of the DCP.

Matters have also been raised in the consultation relating to access to the permissive occupancies located on the Reserve for Public Recreation managed by CHCC as appointed

matter that needs to be addressed and resolved by Crown Lands NSW and the CHCC in order to facilitate the plan.

It is considered that the proposed development is consistent with the layers of State, Regional and Local statutory and strategic frameworks. However, there are a number of matters of strategic importance that have been derogated to the applicant which in fact require attention and action by the Local Authority and State Government in order to facilitate the plan.

5.1.1 North Coast Regional Environmental Plan

2 Aims

- (1) *The aims of this plan are:*
- (a) *to develop regional policies that protect the natural environment, encourage an efficient and attractive built environment and guide development into a productive yet environmentally sound future,*
 - (b) *to consolidate and amend various existing policies applying to the region, make them more appropriate to regional needs and place them in an overall context of regional policy,*
 - (c) *to provide a basis for the co-ordination of activities related to growth in the region and encourage optimum economic and social benefit to the local community and visitors to the region, and*
 - (d) *to initiate a regional planning process that will serve as a framework for identifying priorities for further investigation to be carried out by the Department and other agencies.*

The relevant clauses of this instrument which apply to this application include the following:

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.*

The proposed development has incorporated appropriate measures to ensure that the quality and quantity of flows of water entering the adjoining wetland system are such that they will not cause any adverse effect on wetlands and fishery habitats.

The quality and quantity of flows of water from the site are to be controlled by bioretention trenches, rain gardens, rain water tanks and a bio-retention basin which will complete the natural treatment

cycle before the water enters Hearn's Lake Road or the ephemeral wetland.

There will be no adverse impact arising from the development on the existing commercial or amateur fisheries, loss or habitat or pollution of a wetland or estuary. The coastal foreshore will be accessible to the public by controlled access points.

There are no aquatic reserves dedicated under the Fisheries or Oyster Farms Act 1935. There is no watercourse in an area of protected land likely to be affected by this subdivision.

29A Development control—natural areas and water catchment

- (1) *The council must not grant consent for the clearing of natural vegetation in environmental protection, scenic protection or escarpment preservation zones unless it is satisfied that:*
- (a) *the wildlife habitat will not be significantly disturbed by the proposed development, and*
 - (b) *the scenery will not be adversely affected by the proposed development, and*
 - (c) *an erosion and sediment control plan will be implemented which will successfully contain on the site any erosion or sediment caused by the proposed development.*
- (2) *In this clause, **clearing of natural vegetation** means:*
- (a) *the removal of the majority of the vegetation, ground cover, topsoil or flora (other than noxious weeds, or trees which are dead, dangerous, exotic or propagated for horticultural purposes) within an area in excess of 1 hectare, or*
 - (b) *the reduction of the canopy or the population of any one tree species in excess of 20 per cent within an area in excess of 1 hectare,*
but does not include such removal or reduction:
 - (c) *within 3 metres of the boundary of land in different ownership or occupation for constructing or maintaining a fence, or*

-
- (d) within 0.5 metre of the common boundary of land in different ownership or occupation to allow a registered surveyor to survey the boundary.*

The proposed development is based upon a thorough study of the lands which has identified those areas which are environmentally sensitive and valuable and consolidated them in a single lot as a reserve. This area will protect the sensitive natural vegetation as well as providing a buffer to the adjoining Littoral Rainforest and will serve to provide a habitat corridor.

The development includes the preparation of a vegetation management plan in consultation with CHCC for the removal of weeds and exotic vegetation and the rehabilitation of the reserve areas.

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).

The proposal has taken into consideration the NSW Coastal Policy, Coastal Management Manual and North Coast Design Guidelines. These are considered in the following section and the proposal is considered to be consistent with these instruments.

The proposed subdivision and subsequent development will not result in any overshadowing of the beach.

33 Development control—coastal hazard areas

Before granting consent to development on land affected or likely to be affected by coastal processes, the council shall:

- (a) take into account the Coastline Management Manual,*
- (b) require as a condition of development consent that disturbed foreshore areas be rehabilitated, and*
- (c) require as a condition of development consent that access across fore dune areas be confined to specified points.*

The proposed development has given consideration to and is consistent with the Coastline Management Manual. The proposal includes rehabilitation within the environmental sensitive eastern section and retains limited access across the fore dune areas being confined to the current specific points.

36 Development control—heritage items, generally

- (1) A person shall not, in respect of a building, work, relic, tree or place that is a heritage item:*
 - (a) demolish or alter the building or work,*
 - (b) damage or move the relic, or excavate for the purpose of exposing the relic,*
 - (c) damage or despoil the land on which the building, work or relic is situated or the land which comprises the place,*

-
- (d) erect a building on, or subdivide, land on which the building, work or relic is situated or on the land which comprises the place, or*
 - (e) damage any tree on land on which the building, work or relic is situated or on the land which comprises the place, except with the consent of the council.*
 - (2) The council shall not grant a consent required by subclause (1) unless it has made an assessment of:*
 - (a) the heritage significance of the item,*
 - (b) the extent to which the carrying out of the development in accordance with the consent would affect the heritage significance of the item and its site,*
 - (c) whether the setting of the item and, in particular, whether any stylistic, horticultural or archaeological features of the setting, should be retained,*
 - (d) whether the item constitutes a danger to the users or occupiers of that item or to the public, and*
 - (e) measures to be taken to conserve heritage items, including any conservation plan prepared by the applicant.*

The site has been surveyed for aboriginal heritage and all of the areas of interest are contained within the non-developable reserve area to ensure that they are not disturbed. An area of the upper portion of the site which has been identified as potentially of interest has been marked for further investigation prior to any site works. It is considered that the proposal appropriately addresses this clause.

43 Development 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.*

The proposal maximises the number of lots proposed under the subdivision without adversely affecting the environmental carrying capacity of the land. The Hearnese Lake/Sandy Beach DCP acknowledges a target yield of 49 dwelling and the proposal realises 41. The allotments which adjoin the reserve area have been made larger to allow for buffer areas to constrain impacts on the adjoining land.

The proposed road widths are consistent with the CHCC subdivision DCP standards for residential development. The development has been designed to encourage and facilitate the use of public transport initially providing a bus turning circle on Hearnese Lake Road and later allowing the connection to the collector road back to Woolgoolga township.

Erosion and sediment control management plans prepared for the construction certificate and will be in force during construction and the system of swales and bioretention basins will arrest sediment on completion.

66 Development control—adequacy of community and welfare services

Before granting consent to a development application for the subdivision of land intended for residential or rural residential purposes, the council shall consider the adequacy of community

and welfare services available to the land and take into account the results of that consideration.

The proposed development is within close proximity to the township of Woolgoolga and the facilities that it provides. The CHCC S94 plan makes provision for the contribution towards the upgrade and improvement of these facilities arising from the demand generated by the proposed development. It is considered that community and welfare services in the locality are adequate for the needs of the future residents.

81 Development control—development adjacent to the ocean or a waterway

- (1) The council shall not consent to a development application for development on land within 100 metres of the ocean or any substantial waterway unless it is satisfied that:*
- (a) there is a sufficient foreshore open space which is accessible and open to the public within the vicinity of the proposed development,*
 - (b) buildings to be erected as part of the development will not detract from the amenity of the waterway, and*
 - (c) the development is consistent with the principles of any foreshore management plan applying to the area.*
- (2) Nothing in subclause (1) affects privately owned rural land where the development is for the purpose of agriculture.*

The proposal does not adversely affect the foreshore open space currently available to the public and retains access for both existing and future residents. The proposal adds significantly to the available open space through the dedication of more than 8,890m² of land adjoining the existing foreshore reserve.

The proposed development is considered to adequately satisfy the relevant considerations under the North Coast Regional Environmental Plan.

5.1.2 Coastal Design Guidelines of NSW (2003)

The Coastal Design Guidelines for new settlements (which includes subdivisions of in excess of 25 lots) require the following:

DESIRED FUTURE CHARACTER

New settlements are located according to a regional and local strategy that avoids creating ribbon development along the coast and considers ecological qualities, settlement types, separation between settlements, transportation, employment opportunities and population capacity.

New settlements:

- *respect the ecological limits of the site and its context*
- *are developed with careful consideration for landform and views from public areas*
- *provide alternative transport option from private car use*
- *have a public domain. Part of the key to the success of new settlements is the way the public domain relates to the geographic location and topography.*

The components of the public domain include:

- *a pattern of development based on the unique natural, urban, historic, visual and environmental features of the location*
- *reserves for nature conservation and flood processes*
- *open space and public places for the recreation and social*

The proposal respects the ecological limits of the site conserving and enhancing more than 20% of the land area as ecologically sensitive land. The public domain makes best use of the geographic location and topography.

Needs of residents and visitors

-
- *an interconnected street pattern providing long-term access and social and economic opportunities for the settlement*
 - *areas for total water cycle management.*

The proposal provides for an interconnected grid street pattern and provides areas for total water cycle management.

1. Relationship to the environment

- a. New development avoids areas of ecological value and respects setbacks between natural areas.*
- b. Wildlife corridors, existing mature trees, rivers, streams, lakes and natural features are incorporated into green space networks, reserve areas, riverine and foreshore corridors.*
- c. Aboriginal and European places, relics and items are protected.*
- d. Foreshore and estuarine vegetation is protected.*
- e. The potential disturbance to acid sulphate soils is managed.*
- f. Original native landscape is maintained and reinstated.*
- g. Waterways and coastal lakes are protected through water sensitive urban design and total cycle water management.*
- h. Degraded natural areas are rehabilitated.*
- i. Vegetation is maintained whilst managing asset protection areas for bushfire protection.*
- j. Land swaps, community stewardship programs, transferable development rights and voluntary conservation agreements provide opportunities to sensitively locate development and protect ecosystems and views*
- k. Native vegetation is preferred on public and private land.*
- l. Land is revegetated with species native to the local area.*

The development avoids ecologically sensitive land and provides for setbacks to natural areas. The vegetated swales are incorporated into the development as water sensitive features and open space and habitat corridors. Significant

trees were identified before master planning and are proposed to be retained.

2. Visual sensitivity

- a. Views to and along the foreshore align with streets.*
- b. Views and vistas of the foreshore and natural features in or surrounding the site are aligned with public streets.*

The proposed development aligns streets with views and vistas to the surrounding countryside and natural features.

3. Edges to the water and natural areas

- a. In new coastal settlements the centre and surrounding residential areas are separated from the foreshore by a parkland or roadway or nature reserve.*
- b. Setbacks from the coastal edge and other surrounding natural areas, such as reserves and lakes, respect environmental constraints and protect properties from coastal hazards.*
- c. Public access along the foreshore is generally located on the boundary between public and private land and along streets.*
- d. Pathways through foreshore vegetation are restricted to ensure the ecological integrity is not degraded.*
- e. Foreshore vegetation is not removed to create views.*
- f. Land is not filled to promote views.*

The proposal includes edges to the natural areas that are accessible to residents of the development but restricts pathways through the vegetation to ensure ecological integrity is maintained.

4. Streets

- a. New coastal settlements have a street pattern similar to coastal hamlets or coastal villages. They present an ideal opportunity to provide a street pattern responding to the*

landform, views and permitting a high level of visual, pedestrian, cycle and vehicular permeability.

b. The street pattern also:

- creates public neighbourhood centres and a main street*
- avoids privatised enclaves by providing direct access to the foreshore*
- provides an interconnected and permeable street pattern*
- responds to pedestrian and cycle distances and connects to a local and regional network.*

The street pattern responds to the existing grid pattern of Woolgoolga relates to the landform and topography. The proposal retains direct access to the foreshore and provides an interconnected and permeable street pattern.

5. Buildings

a. The pattern of land development within the settlement is designed to provide amenity.

b. The settlement has a compact footprint to reduce land take.

c. Blocks and streets are walkable and safe.

d. The neighbourhood centre has commercial, retail, education and civic buildings and some shop-top housing.

e. Buildings address the street.

f. Tourist developments integrate into the settlement's street pattern and define the edge between public and private land.

g. Lot sizes and configurations are designed to support a range of housing types that integrate into the street pattern and the location of functions throughout the settlement.

h. Residential areas consist of coastal cottages, detached and semi-detached houses, town houses and terraces.

i. A diversity of lot and housing types are developed to accommodate various household sizes and types.

j. Buildings are designed to suit the climate and use environmentally sustainable building design and materials.

k. Housing types optimise visual and acoustic privacy, integrate passive solar design principles, minimise water use, and seek to achieve architectural distinction and excellence.

The proposed development has a compact footprint and the surrounding blocks and streets are walkable and safe with buildings addressing the street.

The proposed development includes a diversity of lot sizes to allow for varying housing types. The lot layout is environmentally sustainable and designed to suit the climate taking advantage of the northern orientation and high ground for cooling breezes.

6. Height

- a. Residential buildings are one to two storeys.*
- b. The neighbourhood centre or the main street has buildings up to two storeys.*
- c. Where visual prominence is not apparent three storey buildings may be appropriate.*
- d. Heights are subject to place-specific urban design studies. New development is appropriate to the predominant form and scale of surrounding development (either present or future), surrounding landforms and the visual setting of the settlement. Buildings avoid overshadowing of public open spaces, the foreshore and beaches in centres before 3pm midwinter and 6.30pm Summer Daylight Saving Time. Elsewhere avoid overshadowing of public open spaces, the foreshore and beaches before 4pm midwinter and 7pm Summer Daylight Saving Time*

The proposal is for subdivision only. All future dwellings will be governed by CHCC residential DCP requirements which restrict housing to one and two storeys.

It is considered that the proposed development is consistent with the provisions of the Coastal Design Guidelines (2003) which lend

strong direction to the form, urban design character and scale of the development as a new coastal settlement.

5.1.3 New South Wales Coastal Policy 1997

The NSW Coastal Policy sets out the matters relevant to development assessment and includes the following:

N a t u r a l Environment

- 1.1.6 Voluntary conservation agreements.*
- 1.1.7 Seagrass, mangroves, saltmarsh and other wetland associated species.*
- 1.2.3 Fish habitat modification or alienation.*
- 1.2.5 Threatened Species Conservation Act.*
- 1.3.1 EPA licensing of STP and other point source discharges.*
- 1.3.2 Non-point source pollution.*
- 1.3.7 Waste water discharge limits.*
- 1.3.8 Contaminated stormwater.*
- 1.3.12 Vessel sewage pumpout facilities.*
- 1.3.13 Re-use of treated biosolids and effluent.*
- 1.4.5 Assessment of coastline development proposals.*
- 1.4.7 Assessment of estuarine development proposals.*

The proposal addresses the matters raised in relation to the natural environment through a combination of reservation of sensitive lands and bioremediation of stormwater to ensure that discharge quality and quantities are within acceptable limits. It is considered that the proposal adequately addresses these considerations.

N a t u r a l Processes & Climate Change

- 2.1.3 Physical and ecological processes to be considered when assessing development applications.*

2.1.4 Acid sulfate soils - environmental studies; DLWC mapping and EPA guidelines; requirement for EIS; monitoring and restoration works; management plans.

2.2.2 Sea level change.

The proposal gives consideration to physical and ecological processes to avoid acid sulphate prone soils and all proposed works are above the nominated RL which would be affected by sea level change. The proposal is considered to adequately address these matters.

A e s t h e t i c Q u a l i t i e s

3.2.1 North and South Coast Design Guidelines and Guidelines for Tourism Development along the NSW Coast.

3.2.4 Design and locational principles for development applications.

3.2.5 Siting of navigational aids, marine communication towers, warning signs and moorings.

The proposal has been assessed in terms of visual impact and is considered to satisfy design and locational principles so that the visual impact of the future development on the coastline and foreshore is acceptable. The proposal is considered to adequately address these matters.

C u l t u r a l H e r i t a g e

4.2.2 Coastal sites of Aboriginal heritage significance

The proposed development has addressed aboriginal heritage significance by placing sensitive areas within restricted access reserves and identifying areas which warrant further investigation prior to construction.

It is considered that the proposal satisfies these matters.

E c o l o g i c a l l y S u s t a i n a b l e U s e o f R e s o u r c e s

*5.1.11 Ecotourism developments and Guidelines for Tourism
Developments adjacent to Natural Areas.*

5.3.3 Aquaculture procedures, permits and guidelines.

5.3.4 Development consent for mining.

The proposal does not involve any of these matters.

Ecologically Sustainable Human Settlement

6.1.4 Canal estate developments

The proposal does not involve this form of development.

Public Access and Use

7.1.5 Tourism development and public foreshore access.

7.2.3 Coastal developments and surf life saving facilities.

7.2.4 Surf life saving facilities and Section 94 levies.

The proposal does not involve any of these matters.

The proposed subdivision is considered to adequately address all of the relevant matters raised in the NSW Coastal Policy.

**5.1.4 State Environmental Planning Policy No: 71 Coastal
Considerations**

The SEPP 71 states the aims of the policy as:

2 Aims of Policy

(1) This Policy aims:

*(a) to protect and manage the natural, cultural, recreational and
economic attributes of the New South Wales coast, and*

-
- (b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
 - (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, 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*
 - (f) to protect and preserve beach environments and beach amenity, and*
 - (g) to protect and preserve native coastal vegetation, and*
 - (h) to protect and preserve the marine environment of New South Wales, and*
 - (i) to protect and preserve rock platforms, 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.*

(2) This Policy:

- (a) identifies State significant development in the coastal zone, and*
- (b) requires certain development applications to carry out development in sensitive coastal locations to be referred to the Director-General for comment, and*
- (c) identifies master plan requirements for certain development in the coastal zone.*

(3) This Policy aims to further the implementation of the Government's coastal policy.

It is considered that the proposed development satisfies these aims in terms of its urban design, visual impact and sustainability considerations.

The SEPP 71 requires the following considerations to be made when assessing an application under the provisions of this policy.

8 Matters for consideration

The matters for consideration are the following:

- (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 water bodies,*
 - (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.*

The proposed development has been master planned with the aims and considerations of this policy in mind giving due considerations to these concerns.

14 Public access

A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.

The proposal does not impede land based access along the foreshore.

15 Effluent disposal

The consent authority must not consent to a development application to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.

The proposal relies upon a reticulated effluent system.

16 Stormwater

The consent authority must not grant consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.

The proposal will not result in the discharge of untreated stormwater into a waterbody.

18 Master plan required before certain consents may be granted

- (1) A consent authority must not grant consent for:
- (a) *subdivision of land within a residential zone, or a rural residential zone, if part or all of the land is in a sensitive coastal location, or*
 - (b) *subdivision of land within a residential zone that is not identified as a sensitive coastal location into:*
 - (i) *more than 25 lots, or*

-
- (ii) 25 lots or less, if the land proposed to be subdivided and any adjoining or neighbouring land in the same ownership could be subdivided into more than 25 lots, or
- (c) subdivision of land within a rural residential zone that is not identified as a sensitive coastal location into more than 5 lots, unless:
- (d) the Minister has adopted a master plan for the land, including any adjoining or neighbouring land in the same ownership, as referred to in paragraph (b) (ii), or
- (e) the Minister, after consulting the Natural Resources Commission, has, under subclause (2), waived the need for a master plan for the whole or a specified part of the land referred to in paragraph (d).
- (2) The Minister may waive the need for a master plan to be adopted because of the nature of the development concerned, the adequacy of other planning controls that apply to the proposed development or for other such reasons as the Minister considers sufficient.
- (3) For the purposes of this clause, areas of land that are adjoining or neighbouring are in the same ownership if:
- (a) the registered proprietor of all the areas of land is the same person, or
- (b) the registered proprietor of part of the areas of land is a body corporate and the registered proprietor of the other part is, or the registered proprietors of the other parts are, a director or shareholder of the body corporate, or a related body corporate of the body corporate.

The Minister has advised under the provisions of Part 3A that a Master Plan is not required.

20 Preparation of master plans

- (1) A draft master plan may be prepared by or on behalf of the owner or lessee of the land concerned.
- (2) A draft master plan is to illustrate and demonstrate, where relevant, proposals for the following:

-
- (a) *design principles drawn from an analysis of the site and its context,*
 - (b) *desired future locality character,*
 - (c) *the location of any development, considering the natural features of the site, including coastal processes and coastal hazards,*
 - (d) *the scale of any development and its integration with the existing landscape,*
 - (e) *phasing of development,*
 - (f) *public access to and along the coastal foreshore,*
 - (g) *pedestrian, cycle and road access and circulation networks,*
 - (h) *subdivision pattern,*
 - (i) *infrastructure provision,*
 - (j) *building envelopes and built form controls,*
 - (k) *heritage conservation,*
 - (l) *remediation of the site,*
 - (m) *provision of public facilities and services,*
 - (n) *provision of open space, its function and landscaping,*
 - (o) *conservation of water quality and use,*
 - (p) *conservation of animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,*
 - (q) *conservation of 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.*

The proposed Plan addresses all of the matters raised in clause 20 of the SEPP.

5.1.5 COFFS HARBOUR CITY COUNCIL LOCAL ENVIRONMENTAL PLAN 2000

The CHCC LEP controls development on the land. The subject land is zoned 2E Residential Tourist Zone . The following uses are proposed within the 2(E) zone:

- Sub-division

-
- dwelling houses,
 - Earthworks;
 - access roads and infrastructure.

All uses proposed within the 2(E) zone are permissible under the LEP and are consistent with the aims and objectives of the 2(E) zones.

In order to understand the intent of the LEP one needs to consider the aims and objectives of the Plan as a whole before turning to the objectives of the particular zones. The aim of the Plan is cited as:

2 What are the aims and objectives of this Plan?

(1) *The aims of this Plan are:*

- (a) *to provide a single local environmental plan for the City of Coffs Harbour, and*
- (b) *to encourage sustainable economic growth and development within the City, and*
- (c) *to recognise the need to provide for, and to provide for, development within the City in an ecologically sustainable manner, and*
- (d) *to provide a quality lifestyle within the City.*

(2) *The objectives of this Plan are:*

- (a) *to provide a policy framework for the preparation of more detailed development control plans, and*
- (b) *to identify areas for compatible development opportunities, and*
- (c) *to protect environmentally sensitive areas and the City's heritage, and*
- (d) *to allow for the equitable provision of social services and facilities for the community.*

The Plan identifies the Residential 2 (E) zone as one which is appropriate for Housing.

The proposal ensures the orderly and economic development of the subject land by providing for a concept proposal which deals with the future development of all of the land and takes into account and plans for the future development of land within the vicinity.

The proposal responds to the particular objectives relating to environmental protection, ecologically sustainable development, land management, heritage conservation, transport , housing and the general objectives in preparing the application.

The most environmentally valuable and sensitive parts of the site are protected, retained and enhanced with the development constrained to the less important parts of the site. The resources are utilized in an equitable and sustainable way, protecting biological diversity and properly valuing assets.

The land management practices limit risk from bush fire, flooding and tidal inundation including the long-term effects of global warming. Items and relics of natural, historic, scientific or cultural significance are conserved and integrated into the development for their future protection.

Transport is integrated and encourages the provision of a balanced transport system, including safe and convenient facilities for pedestrians, cyclists, public transport users and road users generally. The development provides a range of housing opportunities to meet the needs of the community for a choice of dwelling size, type, tenure, cost and location. The new development is consistent with the character of existing residential areas, having regard to the physical characteristics of the land, the nature of the vegetation and landscape, and existing buildings in the locality.

The proposal relies upon the existing planning framework to realize the development without the need for changes to the planning framework.

Zone Objectives

The objectives of the Residential 2(E) zone are:

Aim:

To provide for tourist accommodation and recreational land uses.

1 Objectives of zone

- *to enable tourist development and other development that is compatible with the surrounding environment.*
- *to provide for development that is within the environmental capacity of a high density residential environment and can be adequately serviced.*

The proposal is consistent with objectives in providing low density residential development well within the environmental capacity of the land.

12 Koala habitat

Objective of provision

To provide for the protection of koalas and their habitat.

Consent shall not be granted to development on land to which this Plan applies unless the development is in accordance with a koala plan of management.

The site has been extensively surveyed and it has been concluded that it is very low level koala habitat and the proposed development is considered to be consistent with the Koala Plan of Management.

13 Landform modification

Objective of provision

To control soil erosion, sedimentation, tree loss and drainage impacts associated with landform modification.

A person shall not, without development consent, carry out a work or any other development on land to which this Plan applies for any purpose where the work or other development has the effect, in the opinion of the consent authority, of significantly adversely affecting the natural environment, through either filling or excavation.

The proposal includes bulk earthworks in preparation of the site for road construction, drainage infrastructure and future dwellings. The subdivision has been designed and sited to minimise the extent of earthworks and land modification taking advantage of the natural topography of the land. It is considered that the proposal does not significantly affect the natural environment and meets the objects of this clause.

14 Services

Objective of provision

To ensure that all development has adequate water and sewage services.

Consent shall not be granted to the carrying out of any development on land to which this Plan applies unless:

- (a) a water supply and facilities for the removal or disposal of sewage and drainage are available to that land, or*
- (b) arrangements satisfactory to the consent authority have been made for the provision of that supply and those facilities, or*
- (c) the consent authority has formed the opinion the development proposed does not require that supply or those facilities.*

The proposed development provides for reticulated water and sewerage services consistent with the CHCC services plan. The proposal is considered to satisfy the provisions of this clause.

Land adjoining the Solitary Islands Marine Park

- (4) *Consent must not be granted to the subdivision of, or the erection of a building or the carrying out of a work on, land adjoining the Solitary Islands Marine Park unless:*
- (a) *the consent authority has taken into account the following objectives of the Marine Parks Act 1997:*
- (i) *to conserve marine biological diversity and marine habitats by declaring and providing for the management of a comprehensive system of marine parks,*
- (ii) *to maintain ecological processes in marine parks,*
- (iii) *where consistent with the preceding objectives:*
- to provide for ecologically sustainable use of fish (including commercial and recreational fishing) and marine vegetation in marine parks, and*
 - to provide opportunities for public appreciation, understanding and enjoyment of marine parks, and*
- (b) *where the use of the land after subdivision, erection of the building or carrying out of the work is likely to, in the opinion of the consent authority, have an effect on the plants or animals within the Marine Park and their habitat, it has consulted with the Solitary Islands Marine Park Authority.*
- (5) *The consent authority has consulted in accordance with this clause if it has given that Authority details of the development proposal and taken into account any submission made by that Authority about the proposed development within 28 days of providing the details to it.*

The subject site adjoins the Solitary Island Marine Park and consequently the objectives of the Marine Parks Act 1997 have to be taken into account in assessing the proposal. The objectives are:

Marine Parks Act 1997 No 64

3 Objects of Act

The objects of this Act are as follows:

-
- (a) to conserve marine biological diversity and marine habitats by declaring and providing for the management of a comprehensive system of marine parks,*
 - (b) to maintain ecological processes in marine parks,*
 - (c) where consistent with the preceding objects:*
 - (i) to provide for ecologically sustainable use of fish (including commercial and recreational fishing) and marine vegetation in marine parks, and*
 - (ii) to provide opportunities for public appreciation, understanding and enjoyment of marine parks.*

The proposed subdivision is consistent with these objectives and does not hinder their attainment.

23 Environmental hazards

Objective of provision

To ensure development of land subject to environmental hazards is conducted in a manner which does not adversely affect the environment.

Potential acid sulfate soils

- (1) A person must not, without development consent, carry out works on land to which this Plan applies shown as being Class 1, 2, 3, 4 or 5 land on the map marked "Potential Acid Sulfate Soils", being the works specified for the class of land in the following table, except as otherwise provided in this clause:*
 - (2) For the purposes of subclause (1), **works** includes:*
 - (a) any disturbance of more than one tonne of soils (such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries dredging, the construction of artificial water bodies (including canals, dams, and detention basins) or foundations, or flood mitigation works), or*
 - (b) any other works that are likely to lower the water table.*

-
- (3) Subclause (1) does not require consent for the carrying out of those works if:
- (a) a copy of a preliminary assessment of the proposed works, undertaken in accordance with the Acid Sulfate Soil Manual, has been given to the Council, and
 - (b) the Council has provided written advice to the person proposing to carry out the works confirming that results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the Acid Sulfate Soil Manual.
- (4) The consent authority must not grant a consent required by subclause (1) unless it has considered:
- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the Acid Sulfate Soil Manual, and
 - (b) the likelihood of the proposed development resulting in the discharge of acid water, and
 - (c) any comments received from the Department of Land and Water Conservation within 21 days of the consent authority having sent that Department a copy of the development application and of the related acid sulfate soils management plan.
- (5) Subclause (1) requires consent for development proposed by the Council, another council, a county council or a drainage union despite:
- (a) clause 7, and
 - (b) clause 10 of State Environmental Planning Policy No 4—Development Without Consent.
- (6) Regardless of subclause (5), development to which subclause (1) applies may be carried out by the Council or a county council, without consent, being:
- (a) development consisting of emergency works, or
 - (b) development consisting of routine maintenance, or
 - (c) development consisting of minor works,
and development ancillary to that development, such as the carrying out of excavation work, the construction of access ways and the provision of power supplies.

-
- (7) *Despite subclause (6), development consisting of routine maintenance or minor works may be carried out only with consent for development on a site listed as a heritage item in Schedule 5.*
- (8) *Where the Council or a county council carries out development described in subclause (6) and encounters, or is likely to encounter, acid sulfate soils, the Council or county council shall properly deal with those soils in accordance with the Acid Sulfate Soil Manual so as to minimise the actual or potential impact to the environment arising from disturbance of the soils.*

Flood prone land

- (9) *Consent shall not be granted to the subdivision of, or the erection of a building or the carrying out of a work on, land that is prone to flooding, unless the consent authority has had regard to the provisions of the Council's Floodplain Development and Management Policy, if any, and the Floodplain Development Manual most recently notified by the Minister for Urban Affairs and Planning under section 733 (5) (a) of the Local Government Act 1993.*

The development does not propose any works in the vicinity of potential acid sulphate soils. The proposal does not propose any residential development below the 1:100 year flood line. The proposal is considered to satisfy these clauses.

The proposed development is considered to be consistent with the objectives, zoning and special provisions of the CHCC LEP 2000.

5.1.6 Coffs Harbour City Council Local Environmental Plan Draft Amendment No 29

This draft plan was exhibited but not made which proposes to rezone most of the site to Residential 2A with a small pocket of Residential 2E retained. The proposal also rezones the sensitive lands Environment Protection 7A.

The proposal is consistent with this draft plan.

5.1.7 HEARNES LAKE/SANDY BEACH DEVELOPMENT CONTROL PLAN

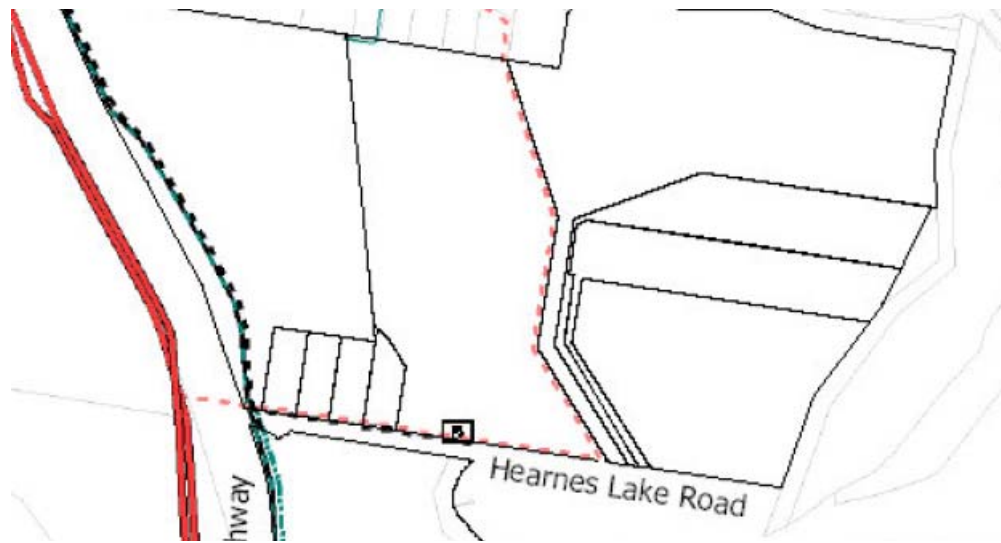
The subject site is subject to the provisions of the Hearnese Lake/Sandy Beach DCP as nominated on the locality map. The following provisions apply to the development:

Part 2 – Planning Strategy

Economic Sustainability

- Provide for an additional population of approximately 1,352 people.
- Enable sustainable residential housing and low-key ecotourism opportunities (refer to Map 5 Target Densities).
- Require developers to provide reticulated water and sewer to new development by extending the existing network (refer to Map 3 Servicing Strategy).
- Require developers to forward fund any works required ahead of Council's Developer Servicing Plans.
- Provide access to retail and commercial services in the townships of Woolgoolga and Moonee Beach.

The proposal provides for reticulated water and sewerage extending the existing network from the Pacific Highway down Hearnese Lake Road as shown in Map 3.



MAP 3 SERVICES

	Existing Water Lines
	Water Identified in Council's Servicing Plan
	Existing Sewer Lines
	Sewer Identified in Council's Servicing Plan
	Sewer Constructed by Developer
	Existing Sewer Pump Station
	Sewer Pump Station Identified in Council's Servicing Plan
	Sewer Pump Station Constructed by Developer

The applicant proposes to forward fund the required works consistent with the DCP requirement. The proposal provides access to the retail and commercial services of Woolgoolga and does not propose competing services.

Social Sustainability

- Require developers to construct a collector road system accordance with the Master Plan.
- Require developers to provide pedestrian access in a timely manner, linking residential areas to the public open space network.
- Ensure that developers provide bus shelters so that all residential areas are generally within 500m from the nearest shelter.
- Provide a sporting field, which incorporates a playground and BMX track (as shown in the Master Plan).
- Ensure that developers provide children's playgrounds so that all residential areas are no further than 500m from the nearest facility.

The proposed collector road system does not occur on the subject land and as such its construction does not form part of this proposal. The proposal provides for pedestrian links between the residential areas and the public open space as detailed in the proposed road and walking track layout plan. The proposal includes the provision of the bus turning circle and bus shelter subject to CHCC resuming the required land from the adjoining sites. There are no play areas required on the subject site.

Environmental Sustainability

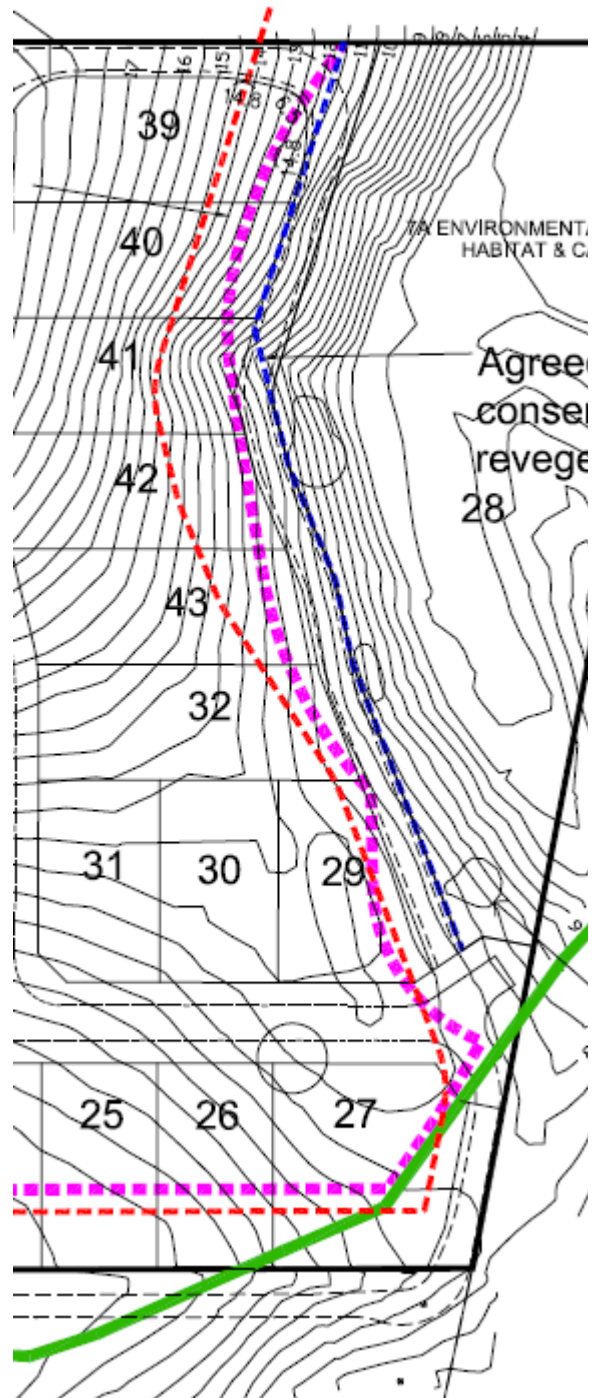
- Restrict development from environmental protection areas (see Master Plan) and require the dedication of such land to Council as part of development proposals.
- Require developers to provide perimeter roads adjacent to environmental protection areas for fire fighting purposes, access for maintenance, and for passive surveillance of parkland by residents.
- Ensure development proposals provide bush fire buffers, which do not encroach on environmental protection areas or involve the removal of native vegetation.
- Encourage the use of bush fire buffers for passive recreational activities and/or community facilities where it does not involve negative impacts on environmental values.
- Ensure development demonstrates the achievement of the Stormwater Management Strategy for the release area (see attachment A).
- Utilise innovative Water Sensitive Urban Design strategies to reduce nutrient loading, sedimentation and chemical contamination of local waterways.
- Restrict urban development from land identified with a significant flood risk.
- Utilise acoustic design to ensure highway traffic and Industrial noise does not exceed acceptable levels within residential areas.

-
- Provide landscaped buffers (utilising local native species) between future residences and the highway/industrial land, and where practicable incorporate essential service corridors.
 - To ensure that development does not conflict with the intended outcomes for 'Healthy Modified Lakes' as specified in the Healthy Rivers Commission Final Report on Coastal Lakes.
 - To ensure that development is consistent with the aims and objectives of State Environmental Planning Policy 71 – Coastal Protection.

The proposal restricts development from the land shown on the master plan as environmental protection and it is intended to dedicate this land to Council as part of the development proposal.



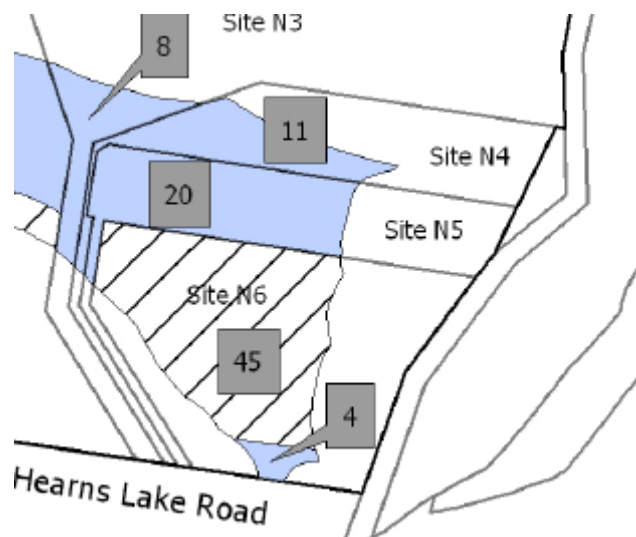
The proposal includes perimeter roads adjacent to environmental protection areas for fire fighting in the form of 4m wide fire fighting trails as shown on the proposed subdivision plan.



The proposal utilises water sensitive urban design strategies to reduce nutrient loading, sedimentation and chemical contamination of local waterways. The proposal has demonstrated consistency with SEPP 71.

HOUSING STRATEGY

- Optimise dwelling yield on areas suitable for urban development;
- Ensure densities comply with those specified on Map 5 – Target Densities;



The subject site has a nominated target density of 49 dwellings. The proposal yields 41 dwellings and is well within the targeted density.

URBAN DESIGN STRATEGY

- Urban form is to create three precincts as shown on the Master Plan (Map 2);
- Each precinct is to provide for compact walkable neighbourhoods with access to social opportunities and public open space areas;
- A variety of lot sizes and types should be provided to facilitate housing diversity and choice to meet the requirements of people with different housing needs;
- Urban form is to ensure a site-responsive approach that supports and enhances the context in which it is located, particularly the topography and environmental constraints of the land;
- Development shall strengthen local character and identity and promote a sense of community through a range of design techniques.

The proposed development creates a compact walkable neighbourhood within a 500m walking grid. The proposal provides for a variety of lot sizes varying from 550m² to 1100m². The site planning responds to the local topography, views, cooling breezes and northern orientation experienced by the site.

SERVICING STRATEGY

- Require developers to extend water and sewer from the nearest point identified in Council's Water and Wastewater Developer Servicing Plans (see Map 3);
- Where services identified in Council's Water and Wastewater Servicing Plans are not in place at the time the developer wishes to proceed, it will be the developer's responsibility to forward fund these services;
- Development should enable efficient provision of utility services to new localities, and should ensure that innovations in Water Sensitive Urban Design can be incorporated, either at the time of development or in the future.

Northern Precinct

- Require developers to provide pump stations as shown on Map 3;
- Additional pump stations should be avoided where other alternatives are available.

The proposal extends water and sewer services in accordance with the Servicing Plans and proposes to forward fund the required works. The applicant is prepared to construct the proposed pump station subject to the Council acquiring the land. Failing the acquisition an alternate location within the existing Hearn's Lake Road, road reserve has been proffered as part of the application.

BUSINESS STRATEGY

- Provide strong links between proposed neighbourhoods and the town centres of Woolgoolga and Moonee;
- Provide good accessibility through street layouts and promote walking and cycling;
- Enable the development of a low-key Restaurant/Café or General Store in the Northern Precinct.

The proposal provides strong links with Woolgoolga town centre for services and facilities. The street layout promotes walking and cycling.

While the opportunity exists for a low-key café/general store consultation with the Council advised that this use was not desirable. It is still considered possible for this to occur on Lot 27 and usefully serve the local area in accordance with the DCP and draft Amendment 29. The current zoning allows for this to occur.

TRAFFIC AND TRANSPORT STRATEGY

Hearnes Lake Road

- The DCP assumes that the Roads and Traffic Authority (RTA) will upgrade the Hearnes Lake Road/Pacific Highway Intersection as part of the Coffs Harbour Highway Planning Strategy. Hearnes Lake Road may be closed at the Pacific Highway as part of this upgrade.
- Investigate the feasibility of closing sections of Hearnes Lake Road to provide for environmental benefit to the lake, subject to alternative access being provided to residents.

Bosworth Road/Pacific Highway

- Development of the Northern Precinct being limited to a maximum of 80 lots until such time as Highway Upgrade works are completed or alternative access is provided via the Pacific Highway /Bosworth Road Intersection.
- Development of the northern precinct above 80 lots being restricted to the number of lots to be accommodated by the Pacific Highway/Bosworth Road Intersection in terms of safety and intersection capacity, until such time as the Pacific Highway Bypass works are complete.

The proposal provides for 41 lots which is well within the capacity of the Hearn Lake Road/Pacific Highway intersection. This is reinforced by the most recent traffic study and traffic counts undertaken in November 2007 which indicate that the capacity still is adequate for the development in terms of this intersection.

Part 3 - Planning Controls

DENSITY

- The density of development within each precinct is to be in accordance with the target densities specified on Map 5.

The proposal yields 41 lots which is well within the target density of 49 lots.

HOUSING MIX

General Controls

- Development is to comply with the controls provided below and Part 4 of this DCP;
- Lots must have appropriate area and dimensions to enable efficient siting and construction of a dwelling and ancillary buildings, provision of private outdoor space, convenient vehicle access to a public road and adequate parking.
- Tourist development should be in accordance with the prevailing guidelines;
- Where practicable bush fire buffers can be utilised for recreational activities, community facilities and stormwater treatment.

The proposed development provides for 41 regular shaped allotments varying in size between approximately 550m² and 1100m². The majority of the lots are between 700 – 800m² and provide for adequate area and dimensions to enable efficient siting and construction of a dwelling and ancillary buildings. All lots have direct access to a public road with 2 lots out of 41 being battle axe blocks.

URBAN DESIGN

- Subdivision layouts should establish legible street and open space networks, and should generally provide for buildings fronting streets to ensure safe, attractive and efficient circulation of pedestrians, cyclists and drivers.
- Development shall connect well to existing or proposed development on adjacent sites.
- Development shall provide open space linkages to adjacent environmental protection and/or open space areas.
- A landscape plan is required detailing treatment of the streetscape utilising local native species and shall include a three-year maintenance plan. The landscape plan shall be submitted to Council prior to the release of the Subdivision Certificate.
- Landscaping requirements shall not be reliant on Council land and is to occur on public land only at the request of Council.
- Residential development utilising 'gated' street formats is strongly discouraged.
- Where retirement or other lifestyle developments are proposed, these must incorporate the majority of their development on public streets, with good linkages to surrounding areas.

The subdivision layout provides for more than 95% of the allotments having buildings which will directly front public roads. The proposed development provides for 20% of the site, 8,890m² as a public reserve to form part of the regional open space network. A detailed landscape concept plan is provided with the application, using local native species and will include a three year maintenance plan. The development is not a gated development. The development is not a retirement development.

TIMING OF DEVELOPMENT

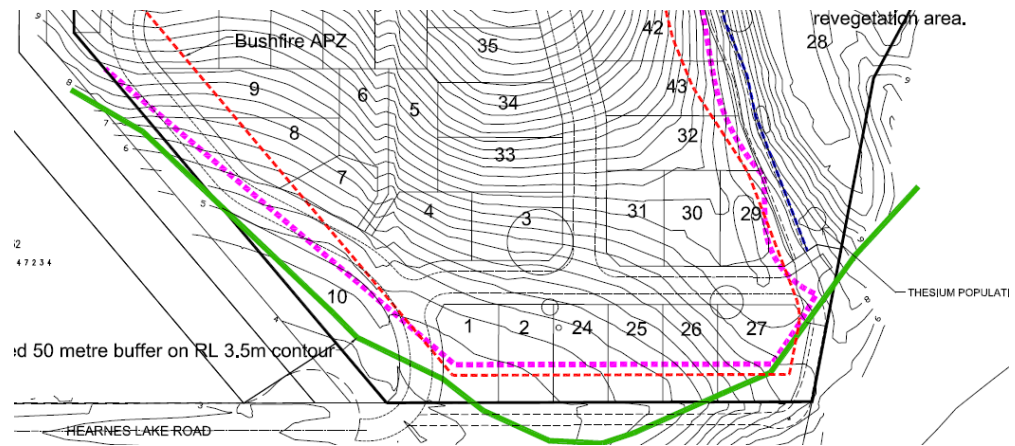
- No development is to occur until adequate road access and reticulated water and sewerage services are available to the land.

The construction of all road access and reticulated water and sewer will occur before any residential development.

WATER QUALITY

- Development involving earthworks or vegetation removal shall be accompanied by an Erosion and Sediment Control Plan in accordance with Council's Policy.
- To ensure protection of water quality, the following buffers are to be provided (as determined by Council and shown on the Master Plan):
 - A minimum of 50m from an RL Level of 3.5 around Hearn's Lake and Double Crossing Creek;
 - 50m from SEPP26 Littoral Rainforests;
 - 50m from SEPP14 Wetlands;
 - 50m from Willis Creek,
 - 20m from all other creeks,
- As part of development proposals the buffers specified above are to be rehabilitated and revegetated using local native species, in accordance with a detailed plan approved by Council, and dedicated as environmental protection land (refer to Master Plan and Map 4);
- Development applications for subdivision are to be accompanied by water quality modelling to assess the impact of development in accordance with the Stormwater Strategy for each precinct (refer to attachments A);
- Development is to incorporate Water Sensitive Urban Design in accordance with Council's adopted policy.
- Development applications for low lying areas are to be accompanied by groundwater monitoring over 12 months and an assessment of the impacts of proposed development, particularly placement of fill, drainage and stormwater facilities with regards to groundwater quality and levels, and the impacts on the estuary.

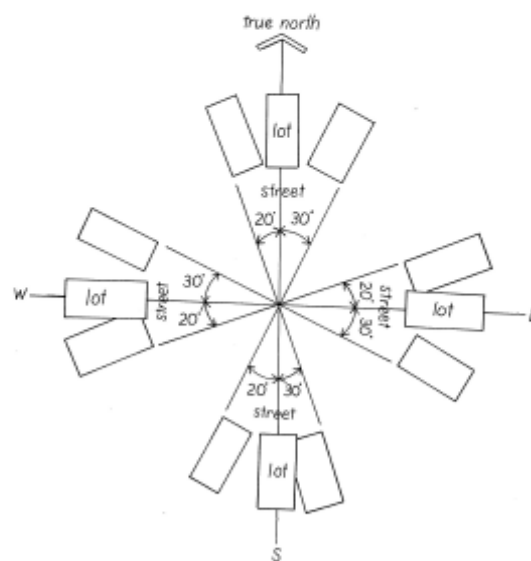
The proposed development includes the 50m buffer from RL3.5 and is in excess of 50m (as shown by the green line on the extract below) from the SEPP 26 Littoral Rainforest.



The buffers are proposed to be rehabilitated and revegetated and no residential development will occur within these zones. Water quality modelling accompanies the development application. The subject site is not a low lying area.

ENERGY EFFICIENT DESIGN

- Lots are to be orientated to facilitate the siting of dwellings that will have adequate solar access.
- A minimum of 75% of lots in any proposed subdivision for single dwelling allotments, shall be orientated so that the long axis of the lot is within the range shown in the Diagram.



- Residential development shall be designed in accordance with Council's Energy Efficiency Information Sheet.

The proposed subdivision provides for a total of 93% of the allotments which are orientated within the range shown on the diagram above. Only lots 7, 12 and 13 are provided marginally outside of this orientation.

FLOODPLAIN MANAGEMENT

General

Development will be required to comply with Council's Flood Prone Land Policy, parts of which are summarised below.

Subdivision

- All lots within a Flood prone Area (as defined by Council) must have a house site with a minimum area of 400m², with a minimum width of 15m, above the 100 year flood level.
- Any portion of the lot lower than the 100 year flood level will have a restriction on the construction of non exempt structures.

-
- Where development involves landform modification below the 1% flood level, the proposed development shall comply with the following provisions:
 - A flooding analysis is to be submitted with the development application and approved by Council's Flooding Engineer prior to issue of consent.
 - No filling will be permitted within the High Flood Risk Precinct.
 - Minor filling may be permitted within the 1% flood extent subject to an engineers report certifying the development will not result in any increased flood affectation elsewhere and results in a better planning solution. Minor filling being regarded as filling resulting in the 1% flood line having a more regular shape and/or minor movement of the line to facilitate a more practicable and/or efficient development.
 - No adverse change to the flood behaviour will be permitted, either on properties adjoining the site or elsewhere including upstream and downstream of the site.
 - Local perimeter roads should be above the 1% flood level.
 - Internal road layouts and subdivision design shall consider flood evacuation issues for pedestrians and vehicles.
 - Roads across waterways are to be constructed to Council standards.
 - In designing subdivisions, consideration must be given to the requirement for dwelling floor levels to be 500mm above the 1% flood level.

All of the proposed lots within the subdivision are above the 1:100 year flood level.

POTENTIALLY CONTAMINATED LAND

- The following requirements apply to any land with a history of Banana Cultivation and/or Potentially Contaminated Land identified.
- A detailed site assessment report with regard to potential soil and groundwater contamination shall be submitted with development applications for the above land.

-
- Where Site Assessment Reports, Remedial Action Plan's, or Validation Reports are required as part of development applications, these are to be prepared in accordance with relevant guidelines prepared by the NSW Environment Protection Authority (EPA) including the following:
 - *Guidelines for Assessing Banana Plantation Sites* (EPA 1997) and;
 - *Guidelines for Consultants Reporting on Contaminated Sites*.
 - The National Environmental Protection Council's *National Environment Protection (Assessment of Site Contamination) Measure (1999)* shall also be considered as part of assessment reports.
 - Where the detailed site assessment indicates that a Remedial Action Plan (RAP) is required, this Plan shall accompany Development Applications.
 - These reports are to be prepared by suitably qualified and experienced professionals.
 - Where the aggregate area to be remediated is more than 3 hectares, the development becomes designated development and requires the preparation of an Environmental Impact Statement.
 - No remediation is to occur without Council approval; compliance with the abovementioned guidelines; and compliance with SEPP 55 – Remediation of Land.

General

- Development applications for land being potentially contaminated and/or previously used for banana cultivation shall include as a minimum, consideration of site history and the potential of soil contamination from previous land use.
- Where this consideration identifies soil contamination and/or cannot exclude the possibility of contaminated land, then a detailed site assessment shall be undertaken as above.

The subject land does not have a history of use for banana cultivation and is not considered to be at risk of contamination.

CULTURAL HERITAGE

Site HL2 – Natural Mythological Site

- All development is excluded from land within Site HL2 as shown on Map 6.
- Adjacent development shall not impact on the spiritual/sacred significance of this site and an appropriate buffer between the site and future development is to be provided.

Spur Crests

Lot 21 DP 714858, Lot 1 DP 253878 & Lot 202 DP 1066412

- It will be the responsibility of the developer to undertake an Archaeological Investigation to determine the status of the Spur Crest identified on Map 6 before any disturbance works commence.
- The investigation is to involve:
 - The removal of grass cover by manually 'scrapping off' (to minimise ground disturbance);

-
- A comprehensive inspection and assessment of the site area;
 - Management options are to be developed on the basis of an interpretation and investigation of the results by a person deemed suitably qualified by Council.

The proposal excludes all development from the vicinity of Site HL2 - Natural Mythological Site and it is proposed to fence and restrict access. Pedestrian will be led by the siting of the paths away from this area.

The proposal includes further investigation of the spur crest prior to any disturbance works commencing. The appropriate consultation has been undertaken and copies of the studies forwarded for comment.

NATURAL AND HABITAT AREAS

- Environmental protection areas are to be protected through the provision of buffers (see Water Quality) and by excluding development from flood liable land.
- Land within 100m of any Osprey nest shall be added to environmental protection land and dedicated to Council as development occurs.
- Development applications shall require assessment of natural and habitat areas.
- Development or works on land with Known Habitat for Wallum Froglet and other endangered fauna species will require assessment under the *Threatened Species Conservation Act 1995*. Habitat areas shall be dedicated to Council for environmental protection as development occurs.

-
- Development shall have regard to Council's Koala Habitat Information Sheet.
 - Where practicable, perimeter roads shall be provided adjacent to all environmental protection areas to provide a separation distance between residential development and natural areas. Perimeter roads may be incorporated into bush fire buffers.
 - For all environmental protection land required to be dedicated to Council the following applies:
 - A detailed Vegetation Management Plan (VMP) for the rehabilitation/revegetation of environmental protection land is to be submitted and approved by Council;
 - The VMP is to incorporate bush fire buffers and provide management measures for the required buffers;

Note: Bush fire buffers can be utilised for Stormwater Quality Treatment.

- The VMP is to incorporate the treatment of the highway buffer, using local native species, with an aim to providing a scenic buffer for the travelling public;
 - Initial works identified within the VMP are to be completed prior to release of Subdivision Certificate;
 - Works may be staged but must be commensurate with staging of subdivision; and
 - Follow up maintenance works identified within the VMP are to be costed and contribution paid to Council at the time of dedication.
- Protected areas are to be fenced off prior to commencement of works to prevent degradation of natural vegetation during construction works.

The required buffers to residential development are provided in the proposal. There were no Osprey nests detected on the site. A thorough assessment of the natural and habitat areas has been undertaken by Eco Logical Environmental and forms part of the Environmental Assessment submission. Perimeter bush fire tracks have been provided as an additional buffer to sensitive lands.

A detailed Vegetation Management Plan shall be prepared in consultation with CHCC and submitted for approval prior to the commencement of any works.

BUSHFIRE HAZARD

- All proposals for subdivision must be accompanied by a Bush Fire Assessment in accordance with Council's Bush Fire Information Sheet.
- Bush fire buffers are to be maintained at all times with minimal fuel loads.

A Bush Fire Assessment forms part of the application.

NOISE

- Applications for subdivision within 300m of the Pacific Highway and/or land adjoining industrial areas will be required to be accompanied by an acoustic report, identifying measures (mounding, acoustic barriers, building design, building materials, etc) to ensure future residents are not subject to unacceptable noise levels.
- Assessment is to be undertaken by an appropriately qualified person, having regard to the following guidelines: *NSW Industrial Noise Policy* (EPA 2000) and the *NSW Environmental Criteria for Road Traffic Noise* (EPA 1999).

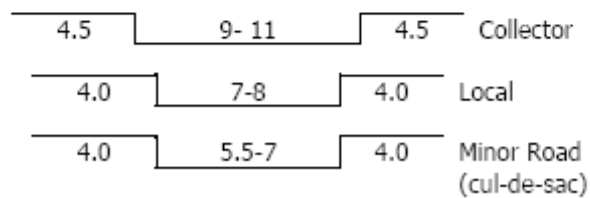
The subject site is not within 300m of the Pacific Highway and does not adjoin industrial land.

ROAD DESIGN AND ACCESS CONTROL

- Development shall be designed in accordance with the Traffic and Transport Strategy.
- Development shall be designed to incorporate the collector roads shown in the Master Plan (Map 2).
- Land required for a local road shall be dedicated to Council.
- Road design and construction works are to conform to Council's Development Design Specification.
- Road and footpath treatments are to be designed throughout the subdivision to create an attractive streetscape.
- Local native street trees are to be planted and protected with tree guards and maintained for a period of three years.

- Roads are to be constructed in accordance with the standards in the following table:

	Collector Road	Local	Minor Road
Road Reserve Width	20m	15-16m	13.5-15m
Carriageway Width	9-11m	7-8m	5.5-7m
Verge	4.5 – 5.5m	2 x 4.0m	2 x 4.0m
Minimum Design Speed	50km/h	40km/h	25km/h



The subject site does not contain any collector roads as designated by the master plan. The local roads are proposed to be dedicated to the Council. The landscape concept plan illustrates the native street tree planting proposed. The proposed roads comply with the CHCC standards being local roads with a reserve of 16m and a carriageway of 8m and a minor road of 14m reserve and 6.5m carriageway.

ROAD DESIGN FOR BUS ACCESS

Development is to provide for:

- The safe and efficient movement of buses through the subdivision.
- Staged development which takes into account bus access.
- Appropriate road widths on roads likely to form part of a bus route.
- Bus turning area (Map 7) and bus shelters (Map 4).
- Linking bus routes and bus stops to the pedestrian network.
- The preservation of significant roadside vegetation, particularly along Hearn's Lake Road.

The applicant proposes to construct the bus turning circle and bus shelter, forward funding these works subject to the Council acquiring the land.

PEDESTRIAN AND CYCLEWAY PATHS

- The developer is to provide cycleways where they pass through the development in accordance with Map 4.
- The developer is to provide footpaths in accordance with Council's requirements.

There are no cycleways proposed on the land as per the master plan. The proposal includes construction of footpaths as required.

HEARNES LAKE ROAD

- Properties affected by the realignment of Hearn's Lake Road to provide for a bus turning bay (see Map 7) are to dedicate the required land as development occurs to ensure the provision of public access to beach foreshore areas.

The applicant proposes to construct the realignment of Hearn's Lake Road, forward funding these works subject to the Council acquiring the land.

SUBDIVISION

OBJECTIVES

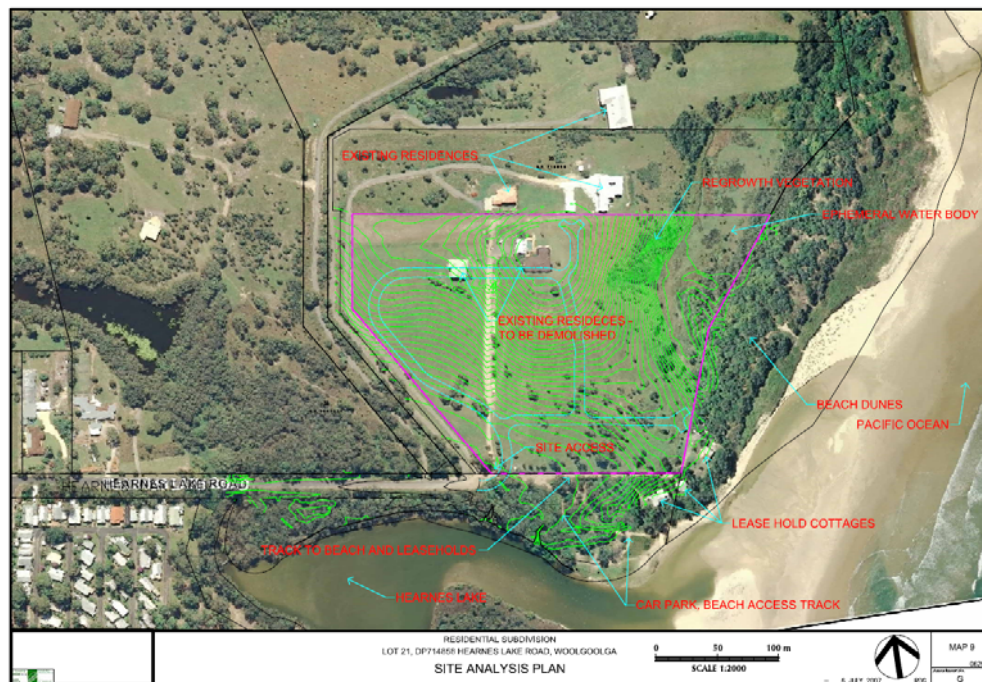
The controls in this DCP seek to:

- provide measures to protect and enhance the natural and built environment by ensuring that subdivision patterns relate to site conditions;
- ensure that subdivisions do not detract from the desired future neighbourhood character of the locality; and
- promote the orderly development of land by ensuring that the appropriate form of subdivision is used (i.e. Torrens, community, strata title) while ensuring that it is adequately serviced.

SITE ANALYSIS

- A site analysis plan is required to identify opportunities and constraints relating to the subdivision pattern and potential end use of the land.
- A site analysis plan should be prepared having regard to the following, where relevant:
 - waterways (creeks, rivers, streams);
 - significant vegetation/habitat/ fauna corridors;
 - flood liable land;
 - steep land/land slip;
 - fire hazard;
 - access points (vehicles, pedestrians, cyclists);
 - soil conditions (acid sulfate, contaminated);
 - surrounding land uses;
 - service connections;
 - easements;
 - archaeological sites;
 - topography (contours to Australian Height Datum at 1m intervals);
 - aspect;
 - drainage systems;
 - existing buildings, driveways, septic tanks and disposal areas; and
 - street and lot layout of locality.

The proposal includes a detailed site analysis plan which was prepared to inform the opportunities and constraints in preparing the subdivision plan. The plan accompanies the application and an extract is included below.



SERVICES

General

▪ Urban Areas

Subdivisions in urban areas are generally required to provide infrastructure to all lots including:

- road;
- footpath;
- kerb and gutter;
- drainage;
- reticulated sewer and water;
- telecommunications;
- street lighting; and
- electricity.

The proposal incorporates all of the infrastructure listed above as detailed in the accompanying plans.

Stormwater Drainage

Stormwater drainage shall be designed and provided in accordance with the Precinct Specific Stormwater Strategy (refer to Attachment A).

The design details will need to be approved by Council before the drainage is provided, and will need to be completed to Council's satisfaction prior to the issue of the Subdivision Certificate.

Stormwater is to be gravity drained to Council's drainage system. In some circumstances inter-allotment drainage easements over downstream properties may be required. This will necessitate a letter of consent from the owner(s) of the downstream properties to be submitted with the development application.

Drainage from sites should reflect the pre-existing or natural situation in terms of location, quantity, quality and velocity.

The stormwater has been designed in accordance with the Precinct Specific Stormwater Strategy. Design details will be provided prior to approval of the construction certificate. All of the stormwater is gravity fed to the drainage system and interallotment easements will be provided.

Utility Services

Utility services must be extended to all lots within a subdivision in accordance with the following table (except for common property in community title and strata subdivisions):

Utility Service	Urban Area	Rural Residential Area	Rural area
Council's water main	Yes	No	No
Council's sewer main	Yes	No	No
Telephone	Yes*	Yes*	No
Electricity	Yes*	Yes*	Yes**

** = In greenfield subdivisions these services must be underground.*

*** = Unless the applicant can demonstrate that alternative methods of providing electricity exists or that the provision of this service is cost prohibitive.*

Conditions on the development consent will outline how, when and to what standard, these services are to be provided.

Utility services are proposed to be extended to all lots. Power, telecommunications, reticulated water and reticulated sewerage are to be provided to each lot.

Street Tree Masterplan

A Street Tree Masterplan will be required for subdivisions on greenfield sites*. The Masterplan aims to guide street tree planting, providing for a more colourful City which complements its natural setting.

** = Where public road is proposed, and may be required for community title subdivisions.*

Planting proposed by the Masterplan is to be determined having regard to:

- site and dwelling boundaries;
- location and canopy of existing trees, noting any trees that overhang the sit;
- adjacent streets and trees;
- any connection to open space networks or proposed public reserves;
- paving materials and drainage treatment;
- details of any existing fencing and walls; and
- location of underground services.

A street tree master plan is provided with the application.

It is considered that the proposed development is consistent with all aspects of the Hearn Lake/Sandy Bay DCP.

5.1.8 CHCC SUBDIVISION DEVELOPMENT CONTROL PLAN

SITE ANALYSIS

- A site analysis plan is required to identify opportunities and constraints relating to the subdivision pattern and potential end use of the land.
- A site analysis plan should be prepared having regard to the following, where relevant:
 - waterways (creeks, rivers, streams);
 - significant vegetation/habitat/ fauna corridors;
 - flood liable land;
 - steep land/land slip;
 - fire hazard;
 - access points (vehicles, pedestrians, cyclists);
 - soil conditions (acid sulfate, contaminated);
 - surrounding land uses;
 - service connections;
 - easements;
 - archaeological sites;
 - topography (contours to Australian Height Datum at 1m intervals);
 - aspect;
 - drainage systems;
 - existing buildings, driveways, septic tanks and disposal areas; and
 - street and lot layout of locality.

The proposal includes a detailed site analysis plan which was prepared to inform the opportunities and constraints in preparing the subdivision plan. The plan accompanies the application and an extract is included in the previous section.

Density (Minimum Lot Size)

Subdivisions are not to produce lots which have areas less than that set out below:

- **Residential 2B, 2C, 2D, 2E**
The minimum lot size for these zones is determined having regard to the relevant Housing DCP. Subdivision in the Residential 2C and 2D zones should not jeopardize the site being developed to its maximum density.

The proposal has been designed to accommodate housing as per the Hearn's Lake/Sandy Beach DCP housing requirements and to satisfy the housing yield.

SERVICES

General

- **Urban Areas**
Subdivisions in urban areas are generally required to provide infrastructure to all lots including:
 - road;
 - footpath;
 - kerb and gutter;
 - drainage;
 - reticulated sewer and water;
 - telecommunications;
 - street lighting; and
 - electricity.

The proposal provides for the required infrastructure.

Stormwater Drainage

Stormwater drainage shall be designed and provided in accordance with Council's Development Design and Construction Specification.

The design details will need to be approved by Council before the drainage is provided, and will need to be completed to Council's satisfaction prior to the issue of the Subdivision Certificate.

Stormwater is to be gravity drained to Council's drainage system. In some circumstances inter-allotment drainage easements over downstream properties may be required. This will necessitate a letter of consent from the owner(s) of the downstream properties to be submitted with the development application.

Drainage from sites should reflect the pre-existing or natural situation in terms of location, quantity, quality and velocity.

This matter has been dealt with in the previous section.

Utility Services

Utility services must be extended to all lots within a subdivision in accordance with the following table (except for common property in community title and strata subdivisions):

Utility Service	Urban Area	Rural Residential Area	Rural area
Council's water main	Yes	No	No
Council's sewer main	Yes	No	No
Telephone	Yes*	Yes*	No
Electricity	Yes*	Yes*	Yes**

** = In greenfield subdivisions these services must be underground.*

*** = Unless the applicant can demonstrate that alternative methods of providing electricity exists or that the provision of this service is cost prohibitive.*

Conditions on the development consent will outline how, when and to what standard, these services are to be provided.

This matter has been dealt with in the previous section.

Erosion and Sediment Control

Subdivisions should be designed to minimize the disturbance of lands with topographical constraints.

Conditions on the development consent will indicate whether erosion and sediment controls will be necessary, and if so, these controls will need to be in place before site works commence. The controls will need to be provided in accordance with Council's "Erosion and Sediment Control or Building and Development Sites Policy and Code of Practice".

This matter has been dealt with in the previous section.

Street Tree Masterplan

A Street Tree Masterplan will be required for subdivisions on greenfield sites*. The Masterplan aims to guide street tree planting, providing for a more colourful City which complements its natural setting.

** = Where public road is proposed, and may be required for community title subdivisions.*

Planting proposed by the Masterplan is to be determined having regard to:

- site and dwelling boundaries;
- location and canopy of existing trees, noting any trees that overhang the sit;
- adjacent streets and trees;
- any connection to open space networks or proposed public reserves;
- paving materials and drainage treatment;
- details of any existing fencing and walls; and
- location of underground services.

This matter has been dealt with in the previous section.

5.1.9 Sustainability Criteria of the Draft Mid-North Coast Regional Strategy.

The primary purpose of the Regional Strategy is 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 draft

Strategy sets the policy to govern where and how growth can occur. While it is clear that expected growth can be accommodated in the Region, the draft Strategy places limits on growth in some areas where the value of environmental/cultural assets and natural resources is high. The importance of providing for employment land to provide increased capacity for new jobs has also been addressed in the Strategy.

The draft Strategy provides for Sustainability Criteria to guide future growth. These are quite similar to. And overlap with the criteria provided within the Hearnese Lake/Sand Beach DCP.

The Sustainability Criteria are as follows:

- 1. Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.**
 - **Development is consistent with the Mid North Coast Regional Strategy, any subregional strategy, the State Infrastructure Strategy and relevant section 117 directions.**
 - **The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on Government methodology for determining infrastructure development contributions.**
 - **Preparedness to enter into development agreement.**

The proposed development makes provision for the required utilities, transport and open space in a manner consistent with the Hearnese Lake/Sandy Beach DCP. The applicant is prepared to enter into a development agreement.

- 2. Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.**

Accessibility of the area by public transport and/or appropriate road access in terms of:

- **Location/land use – to existing networks and related activity centres.**
- **Network – the area's potential to be serviced by economically efficient transport services.**

-
- **Catchment – the area's ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals.**

No net negative impact on performance of existing subregional road, bus, rail, ferry and freight network.

The proposed development is incorporated into the existing road network and public transport system and expands the road network in a consistent manner. The proposed development connects to and utilises the existing related activity centres rather than attempting to create competing facilities. The proposal is considered to be consistent with these criteria.

3. Housing Diversity Provide a range of housing choices to ensure a broad population can be housed.

- **Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.**

The proposed development is limited in size and as such is restricted in terms of the range of housing choices which can be provided. However, the subdivision includes a range of lot sizes to provide for a reasonable diversity within the development.

4. Employment Lands Provide regional/local employment opportunities to support the Mid North Coast's expanding role in the wider regional and NSW economies.

- **Maintain or improve the existing level of subregional employment selfcontainment.**
- **Meets subregional employment projections.**
 - **Employment-related land is provided in appropriately zoned areas.**

The subject site does not include any employment lands.

5. Avoidance of Risk Land use conflicts, and risk to human health and life, avoided

- **No residential development within 1:100 floodplain.**
- **Avoidance of physically constrained land, e.g.**
 - **High slope.**
 - **Highly erodible.**
- **Avoidance of land use conflicts with adjacent existing or future land use as planned under relevant subregional or regional strategy.**
- **Where relevant available safe evacuation route (flood and bushfire).**

The proposed development avoids any high risk area by including these in the in the reserve area which is not to be developed for residential use. There is no residential development proposed within the 1:100 floodplain. The surrounding land is similarly zoned for residential use in the future.

**6. Natural Resources Natural resource limits not exceeded/
environmental footprint minimised**

- **Demand for water within infrastructure capacity to supply water and does not place unacceptable pressure on environmental flows.**
- **Demonstrates most efficient/suitable use of land.**
 - **Avoids identified significant agricultural land**
 - **Avoids productive resource lands – extractive industries, coal, gas and other mining, and quarrying.**
- **Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy – requires demonstration of efficient and sustainable supply solution.**

The proposed development incorporates water sensitive urban design which conserve and reuses water and ensures that unacceptable pressure does not get placed on environmental flows. The subject site is not sensitive agricultural land. The subject site is not resource land. The future housing will be subject to energy efficient design.

7. Environmental Protection Protect and enhance biodiversity, air quality, heritage, and waterway health

-
- **Consistent with government-approved Regional Conservation Plan (if available).**
 - **Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DEC). This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitats.**
 - **Maintain or improve existing environmental condition for air quality.**
 - **Maintain or improve existing environmental condition for water quality:**
 - **Consistent with community water quality objectives for recreational water use and river health (DEC and CMA).**
 - **Consistent with catchment and stormwater management planning (CMA and council).**
 - **Protects areas of Aboriginal cultural heritage value (as agreed by DEC).**

The proposed development protects all of those areas of the site within a reserve which is to be retained and rehabilitated. The reserve includes an ephemeral waterbody and is to be dedicated to Council. It is considered that the proposal meets the objectives of maintaining and improving existing environmental conditions of air and water quality.

8. **Quality and Equity in Services** Quality health, education, legal, recreational, cultural and community development and other government services are accessible.
 - **Available and accessible services.**
 - **Do adequate services exist?**
 - **Are they at capacity or is some capacity available?**
 - **Has Government planned and budgeted for further service provision?**
 - **Developer funding for required service upgrade/access is available.**

Subject site is part of the township of Woolgoolga and has ready access to services and facilities.