

MAJOR PROJECT ASSESSMENT:
***Construction of 31 dwellings, community
title and torrens title subdivision in two
stages Lot 211 DP 1044292 & Lot 1 DP
262300, 1206D Pacific Highway and 36
Woodhouse Road Moonee Beach
Proposed by TELPAT Pty Ltd***



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

June 2012

Cover Photograph: The subject property - Looking North-West towards the Pacific Highway

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ABBREVIATIONS

CIV	Capital Investment Value
Council	Coffs Harbour City Council
Department	Department of Planning & Infrastructure
DCP	Development Control Plan
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning & Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning & Infrastructure
OEH	Office of Environment & Heritage, formerly known as DECCW
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	Telpat Pty Ltd
RMS	Roads and Maritime Services, formerly know as RTA.
RtS	Response to Submissions
SEPP	State Environmental Planning Policy

EXECUTIVE SUMMARY

This is a report on a major project application by Telpat Pty Ltd to carry out the construction of 31 dwellings and torrens and community title subdivision at 1206D Pacific Highway and 36 Woodhouse Road Moonee Beach Lot 211 DP 1044292 & Lot 1 DP 262300 ("the proposal"). It is proposed to develop the site as an integrated subdivision and housing proposal.

On 27 February 2008 the then Minister for Planning declared the proposal to be a project to which Part 3A of the Act applies. Part 3A, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the Act, continues to apply to the project.

On 6 March 2008, the Director General delegated to Coffs Harbour City Council all assessment powers and functions in relation to the assessment of the application. Council has therefore prepared this assessment report.

The estimated project cost of the development is \$8,166,000. The proposal will create 12 full time equivalent construction jobs and 3 full time equivalent operational jobs.

During the exhibition period, Coffs Harbour City Council received a total of six (6) submissions from public authorities and seven (7) submissions from the public. Key issues raised in the public exhibition of this major project include:

- flora and fauna impacts
- traffic and access
- subdivision layout
- building design
- bushfire impacts and the location of asset protection zones
- stormwater drainage
- noise impacts
- archaeology (Aboriginal cultural heritage)
- acid sulphate soils
- land contamination.

Council has assessed the merits of the amended project and is satisfied that the impacts of the proposed development have been addressed via the Proponent's amended Statement of Commitments and the recommended conditions of approval, and can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance. On these grounds, council is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region.

All relevant documents have been considered in accordance with the objectives of the EP&A Act and ecologically sustainable development. In this regard, all statutory requirements have been met. Council considers that on balance, the project is in the public interest and the project should be approved subject to conditions.

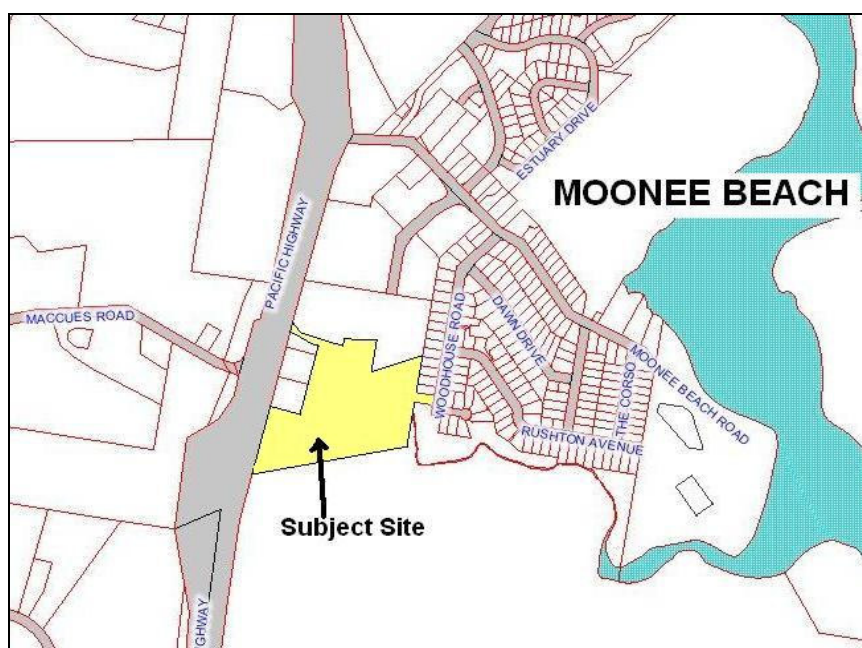
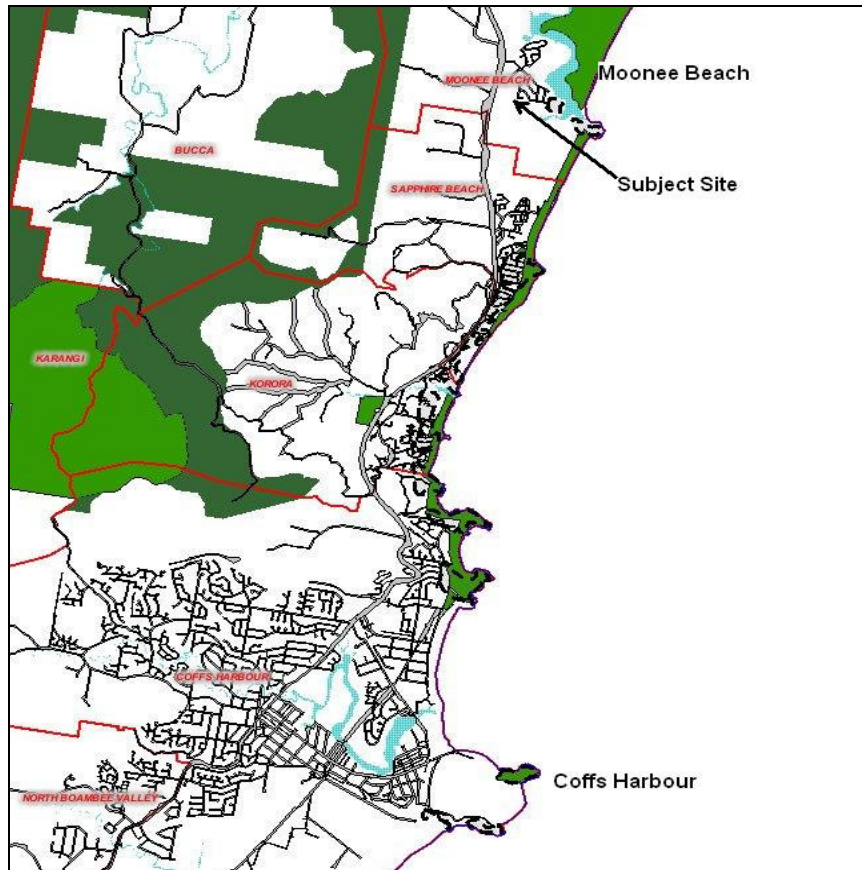
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1. BACKGROUND

Telpat Pty Ltd proposes to construct 31 dwellings and subdivide (by both Torrens Title and Community Title) lands at 1206D Pacific Highway Moonee Beach and 36 Woodhouse Road. The project location is shown in Figures 1 & 1A.

Figure 1 & 1A: Project Location



1.1 Site context and location

The site is located at 1206D Pacific Highway Moonee Beach and 36 Woodhouse Road, and is described as Lot 211 DP 1044292 & Lot 1 DP 262300. Moonee Beach is a residential community 11 kilometres north of Coffs Harbour, within the Coffs Harbour City Council Local Government Area on the NSW Mid-North Coast.

The site is owned by Telpat Pty Ltd.

1.2 Existing site features

The northern, level section of the land is used for an animal boarding establishment (Pettina Park pet care centre) and landscaped garden. There is a constructed access to and from the Pacific Highway to serve the animal boarding establishment and informal access from Woodhouse Road within the village of Moonee Beach.

Much of the central area of the site is relatively flat and has been cleared and is maintained by periodic slashing. Scattered trees occur in this area. The south of the site slopes to a creek flat and is covered by wet sclerophyll forest with rainforest species along the riparian zone. The slope to the creek flat, in the south west corner, is relatively steeper.

Refer to Figure 2 for the existing site layout.

1.3 Surrounding development

The property is on the eastern side of the Pacific Highway, 400 metres south of its junction with Moonee Beach Road. The land lies between the Highway and the residential area of Moonee Beach.

Land to the west comprises large residential lots facing the Pacific Highway. There are standard low density residential lots along the subject site's eastern boundary. Land bordering the site to the south includes a tributary of Sugarmill Creek, and has been identified as containing high conservation value vegetation, with these lands being predominantly wet sclerophyll forest and zoned Environmental Protection 7A Habitat and Catchment.

A large property containing a dwelling immediately abuts the Northern boundary of the subject site, while shopping, entertainment and community facilities have been constructed further to the north of the subject site, on the southern side of Moonee Beach Road.

It should also be noted that the land immediately north of the subject site holds an approval for a medium density residential development which includes the continuation of the Collector Road from its existing constructed alignment adjacent to the Moonee Beach shopping centre, to the boundary of the subject site.

The land is more than 600 metres from Moonee Creek, which forms part of the Solitary Islands Marine Park.

Figure 2: Existing Site Layout

2. PROPOSED PROJECT

2.1. Project Description

This is an application for approval to carry out a project application.

It is proposed to develop the site as an integrated subdivision and housing proposal in the following manner:

- subdivision of the land in two stages to create 31 residential lots varying in size from 320m² to 920m² and construction of a dwelling on each of the lots comprising 3 x 2 bedroom and 28 x 3 bedroom dwellings
- provision of reticulated services and provision of an internal access road as a separate lot under community title (lot 23)
- stage one (1) comprising 12 residential lots and construction of associated dwellings and infrastructure with initial access to the lots by way of a connection to the internal access road via Woodhouse Road located to the East of the subject site
- stage two (2) of the development will be the subject of a deferred commencement, where the release of the remaining 19 residential lots and construction of associated dwellings and infrastructure, including extension of an internal access road, shall take place upon

extension and construction of a collector road on the western edge of the residential development section, and its dedication as a public road, as required by the Moonee Beach DCP. This is to provide for primary access to stage two of the development. Three proposed dwellings will have driveway access to the collector road

- construction of a 4m wide gravel fire trail from Woodhouse Road, traversing the southern perimeter of the dwelling sites and looping around to join lot 23 initially (at Stage1), and then joining the collector road when it is constructed as part of stage two. This road will serve as a perimeter road for both bushfire management purposes and aid protection of the creek
- construction of a bio retention basin on the southern perimeter of the residential allotments, adjacent to the fire trail
- dedication of residue area of 3.102ha (Lot 24) for environmental protection as a public reserve which will contain a creek, riparian vegetation and a number of endangered plants (Moonee Quassia and Rusty Plum) and an associated planted buffer area surrounding the Quassia. The dedication of this land is to occur at no cost to council
- creation of a separate community allotment (Lot 25) containing the fire trail and bio retention basin
- provision of one residue lot (Lot 22), at Stage 2, of 818m² fronting the Pacific Highway. This lot is located in the north eastern corner of the site is intended to be acquired by the RMS for provision of a service road to access neighbouring lots fronting the Pacific Highway
- retention of threatened and endangered species of Moonee Quassia and Rusty Plum within the lot (lot 24) that is to be dedicated to council, including provision of a vegetated buffer zone and translocation of one specimen of Rusty Plum.

The project layout is shown in Figure 3 (initial lots and dwellings) and Figure 4 (entire development). The key components of the project are listed in Table 1.

Figure 3: Project Layout – Initial 12 lots (stage 1)

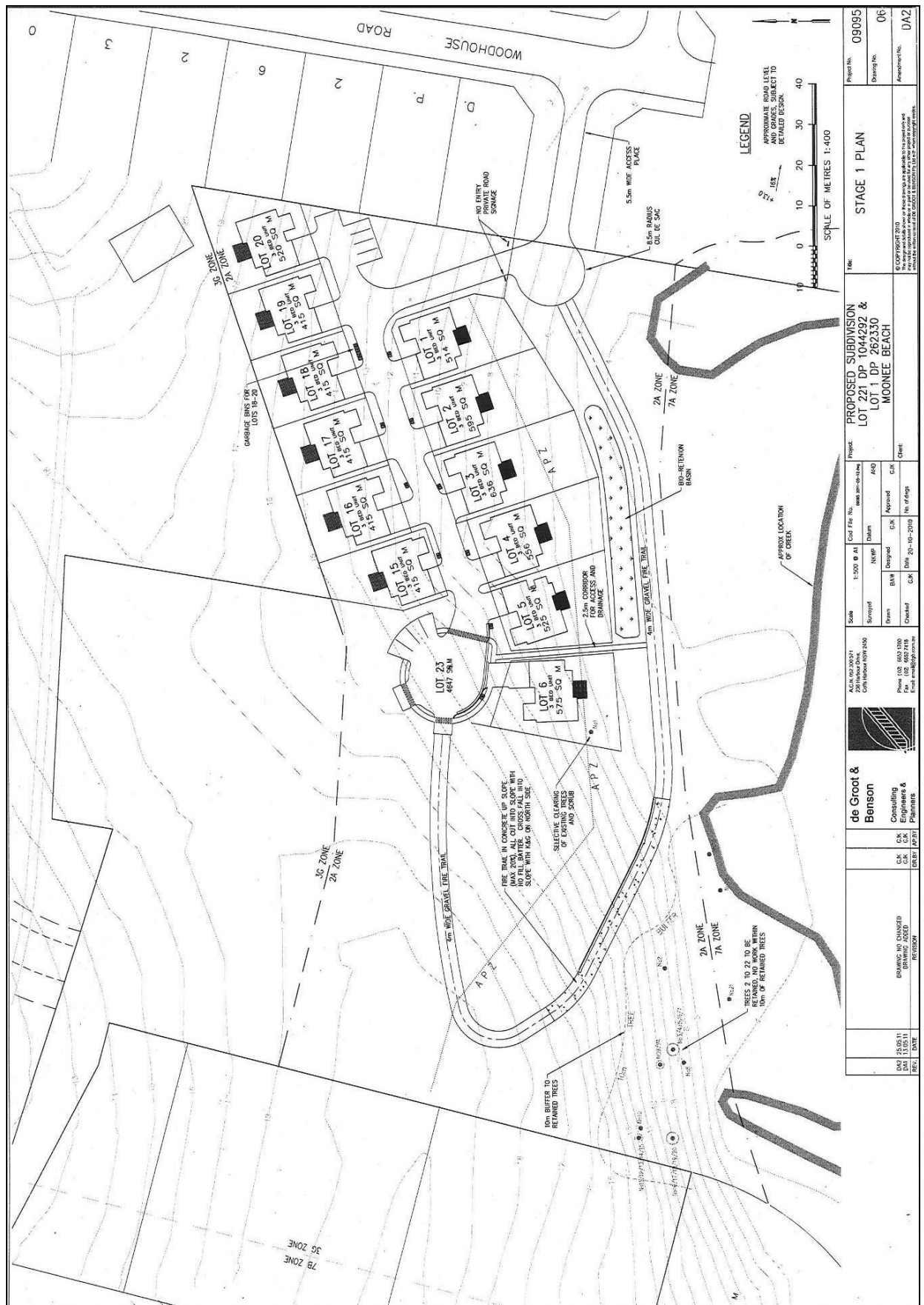
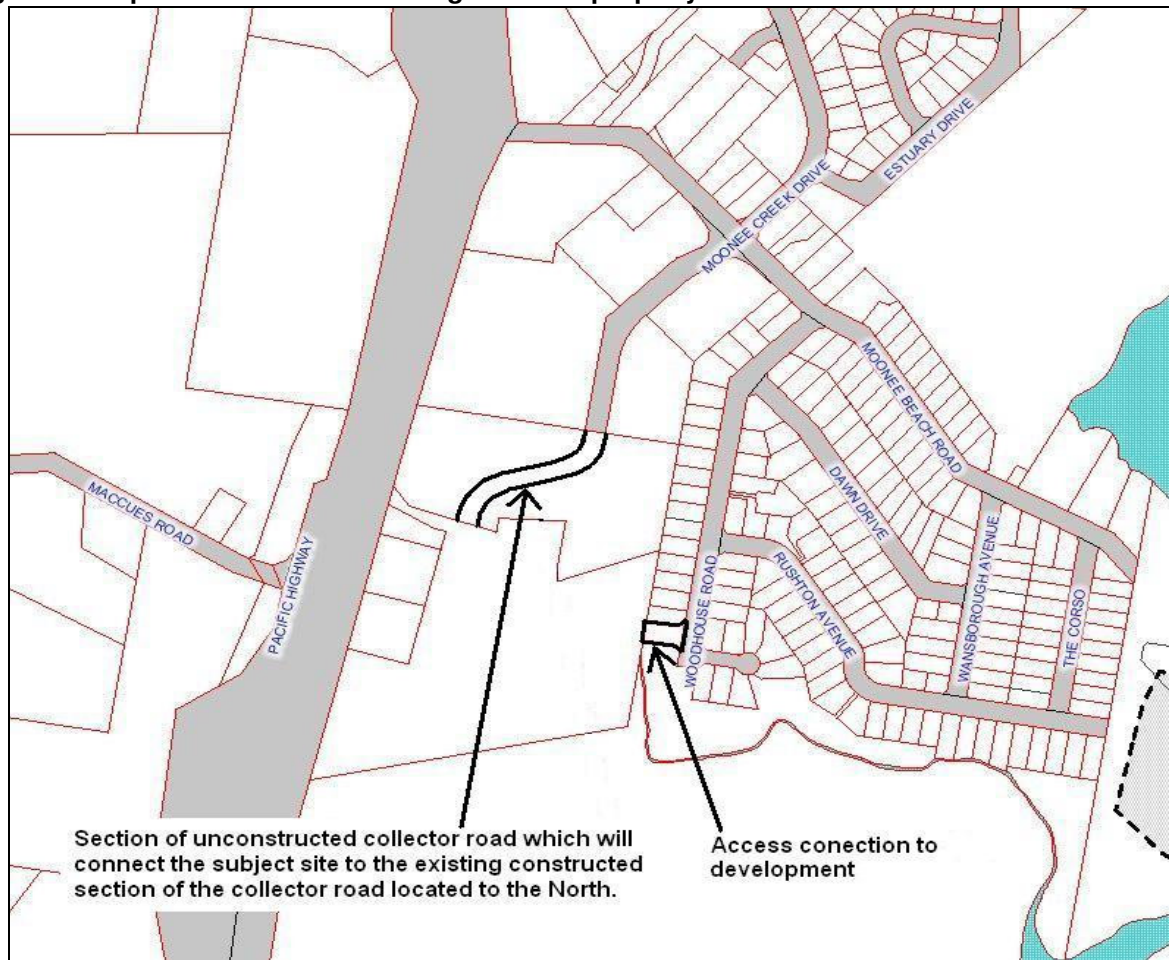


Figure 4: Project Layout – Entire Development



Figure 5: Proposed Collector Road Alignment on property to the North and Eastern Access Point

2.2. Project Need and Justification

The site is located within a coastal village as identified by the Mid North Coast Regional Strategy. The proposal complies with the settlement planning principles of the Mid North Coast Regional Strategy with regard to coastal villages. The proposal will provide additional housing and cater for expected population growth within the Coffs Harbour LGA.

The intention of the proposal is to achieve a sustainable extension of the present Moonee community. The re-development of the site for residential purposes constitutes a significant improvement over the existing land use as it allows for the sustainable use of land zoned for more intensive development. The development will also help to preserve a riparian corridor and protects the aquatic habitat of Sugar Mill Creek, as well as the endangered Moonee Quassia and Rusty Plum. The development proposal will also contribute to the provision of the necessary population and infrastructure to sustain Moonee Beach as a Coastal Village.

2.3. Project Amendments

The proposal was amended in response to the submissions received from surrounding residents as well as council biodiversity officers and the Office of Environment & Heritage. The applicant originally proposed to translocate a stand of the critically endangered Moonee Quassia from the central southern areas of the site (some located within a housing allotment boundary) to the reserve area that is proposed to be handed over to council. With no known

proven success rate attributed to the translocation of Moonee Quassia, the preference was to retain the Quassia in situ. This resulted in removing one allotment from the proposal (containing the Moonee Quassia) and preparing a buffer planting plan that will provide a vegetated buffer around the Quassia. All threatened plants will be contained in the allotment proposed to be dedicated at no cost to council. It was also demonstrated that the alignment of the proposed collector road, as required by council's Moonee Beach DCP can be amended to avoid any impact on the Quassia.

Amendments were also made to the timing of construction of dwellings. No definite timeframe can be given for the construction of the collector road through the adjoining property to the north, and it is not considered to be appropriate to allow the entire development (31 dwellings) to be accessed from the local road system to the east of the subject site. Therefore it is proposed that Stage 2 of the development, comprising 19 dwellings, is deferred and will only proceed once the construction of the collector road is resolved.

3. STATUTORY CONTEXT

3.1. Major Project Declaration

On 27 February 2008 the then Minister for Planning declared the proposal to be a project to which Part 3A of the Act applies under State Environmental Planning Policy (Major Projects) 2005 (as was in force at the time), being a subdivision within the coastal zone of more than 25 lots (Schedule 2 clause 1(1)(j)(i) of the MP SEPP).

Part 3A of the EP & A Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the Act, continues to apply to transitional Part 3A projects. Director-General's environmental assessment requirements (DGRs) have been issued in respect of this project and the environmental assessment was lodged prior to 8 April 2011. The project is therefore a transitional Part 3A project.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75J of the Act.

The Minister has delegated his functions to determine Part 3A applications to the department where:

- the council has not made an objection, and
- there are less than 25 public submissions objecting to the proposal, and
- a political disclosure statement has not been made in relation to the application.

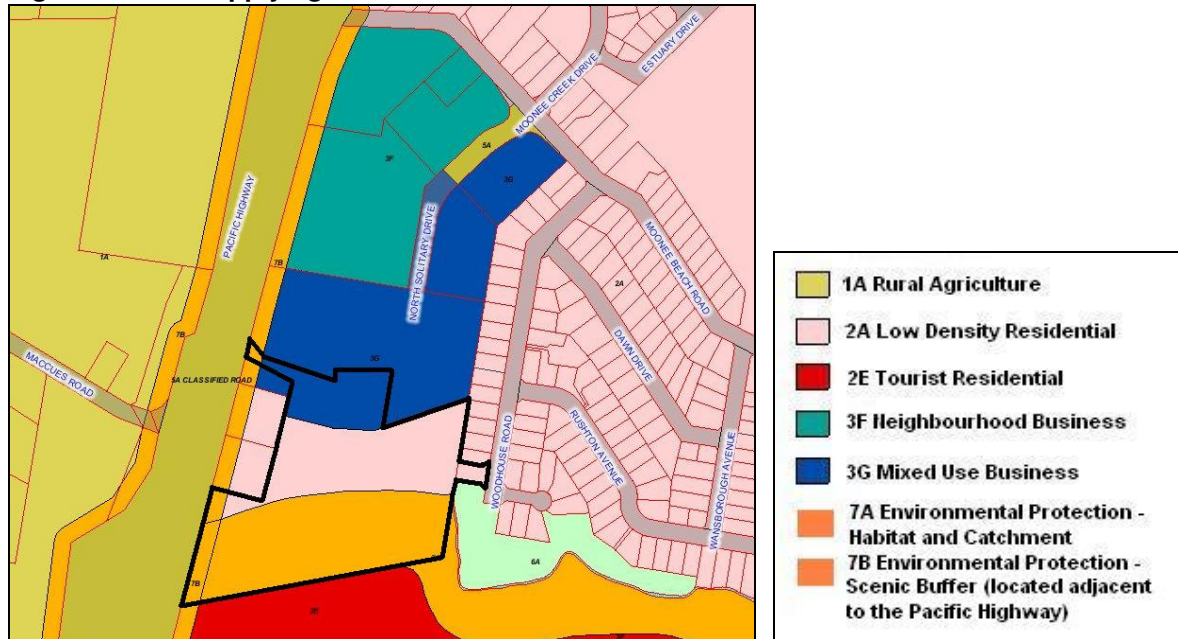
There have been seven (7) public submissions received from the public and council has not made an objection to the proposal. There has also been no political disclosure statement made for this application or for any previous related applications, and no disclosure made by any persons who have lodged an objection to this application.

On 6 March 2008, the Director-General delegated to Coffs Harbour City Council all assessment powers and functions in relation to the assessment of the project application under Part 3A of the Act. The delegation allowed Coffs Harbour City Council to undertake exhibition and assessment of the proposal.

3.2. Zoning and Permissibility

Under the Coffs Harbour City Local Environmental Plan 2000, the site consists of a combination of three zones – Low Density 2A Residential, Business 3G Mixed Use and Environment Protection 7A Habitat and Catchment, permitting the construction of dwelling houses and the subdivision of land. The proposal is consistent with the objectives of the previously mentioned zones and is therefore permissible with consent.

The zones that apply to the site are shown in Figure 6 below:

Figure 6: Zones applying to site

3.3. Environmental Planning Instruments

The EPIs that substantially govern the carrying out of the development proposal include:

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy No. 55 - Remediation of Land
- State Environmental Planning Policy No. 71 – Coastal Protection
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- North Coast Regional Environmental Plan (deemed to be a SEPP)
- Coffs Harbour City LEP 2000.

In addition to the EPIs listed above, other strategies, guidelines and plans relevant to the project include:

- Mid-North Coast Regional Strategy
- Coastal Design Guidelines for NSW

Local Plans/Development Control Plans

- Moonee DCP
- Moonee developer contributions plan
- Subdivision DCP
- Low Density Housing DCP
- Medium Density Housing DCP
- Notification DCP
- Off Street Car Parking DCP.

Consideration of relevant EPIs, strategies, guidelines and plans is provided in Appendix B.

3.4. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The Objects stipulated under section 5(a) (i), (ii), (iii), (iv), (vi), (vii), (viii) are significant factors informing the determination of the application. The development proposal is generally consistent with them. In particular, the proposal allows for the redevelopment of generally unused land which is zoned to accommodate a higher intensity of development. The proposal also provides for the protection of important ecological resources within the site by enhancing a riparian area to protect the values of Sugarmill Creek and vesting that land to the public in perpetuity, and protecting and enhancing the immediate environment of the critically endangered Moonee Quassia sp. The proposal also provides for a more suitable land use for a site which is located close to the Moonee Beach commercial area. The proposal generally provides for an enhancement to the social, economic and ecological wellbeing of the Moonee Beach local environment which is consistent with the objectives of the Mid North Coast Regional Strategy.

3.5. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

Of particular relevance to the assessment of this proposal is (a) *the precautionary principle*, and (c) *the conservation of biological diversity and ecological integrity*, where a thorough assessment of the environmental impacts of the proposal has been undertaken and amendments made to the proposal in response to potential biodiversity and other environmental impacts such as noise.

Consistency with the ESD principles is further addressed in Section 5.

3.6. Statement of Compliance

In accordance with section 75I of the EP&A Act, the Director-General's environmental assessment requirements have been complied with.

3.7. Commonwealth Environment Protection and Biodiversity Conservation Act, 1999

The project, as originally submitted, was determined (by council) to potentially be a "controlled action" under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), as it was considered likely that the proposal could have a significant impact on the critically endangered Moonee Quassia sp.

Council's Biodiversity Officers, in discussion with staff from the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (DESWP&C), confirmed that the proposal, as submitted could potentially be viewed as a "controlled action". The proponent's consultant then commenced a dialogue with staff from the DESWP&C.

The proposal was subsequently amended to ensure that the Quassia will be preserved by way of a vegetated buffer surrounding the plants. The EPBC Compliance section of the DESWP&C wrote to the proponent's consultant on 11 April 2011 indicating that due to the amendments to the proposal it is apparent that significant impacts on the Quassia are unlikely to occur (See Appendix 1 of the James Warren Buffer Planting Plan dated June 2011).

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

Under section 75H(3) of the EP&A Act, the Director-General is required to make the environmental assessment (EA) of an application publicly available for at least 30 days. After accepting the EA, the application was publicly exhibited from 16 October 2009 until 16 November 2009 (30 days) on the department's website, and at the Coffs Harbour City Council offices and Community Libraries. It was also advertised in the Coffs Harbour Independent newspaper on 15 October 2009 and notified local landholders and relevant State and local government authorities in writing.

Council received 14 submissions during the exhibition of the EA - seven (7) submissions from public authorities and seven (7) submissions from the general public and special interest groups. A summary of the issues raised in submissions is provided below.

A Preferred Project Report was lodged on 9 November 2010 and a further amended proposal was lodged by the proponent on 22 June 2011. As the changes to the nature of the project were not considered to be significant, reducing the number of lots and providing for staging of the subdivision, the amended proposal was not re-exhibited. It was however made available to the public on the department's website.

4.2. Public Authority Submissions

Seven (7) submissions were received from public authorities. Those public authorities and their issues, as well as an assessment response to those issues include the following:

- the NSW Office of Environment & Heritage (OEH), who raised an objection to the initial proposed translocation of the Moonee Quassia. The OEH's concerns have since been satisfied.
- NSW Office of Water outlined a number of issues that are relevant to the proposal including groundwater issues, riparian issues, stormwater management, acid sulphate soils, water sharing plan, and water supply issues. These considerations have been addressed where necessary, by way of amendments to the proposal and through recommended conditions of approval.
- the Northern Rivers Catchment Management Authority, who raised concerns over the proposed translocation of the Moonee Quassia within the site. Riparian zone issues were also brought up. All of the NRCMA concerns have been addressed by amendments to the proposal and recommended conditions of approval.
- NSW Roads and Maritime Services, who raised issues regarding noise from the Pacific Highway (the highway is currently being upgraded). The proponent responded to these issues by proposing special acoustic treatments to those dwellings that are likely to be affected by noise from the upgraded highway. Affected dwellings were identified through an acoustic assessment submitted in response to those concerns.
- NSW Rural Fire Service who provided comments on the proposed development. These comments have been incorporated as recommended conditions of approval.
- NSW Department of Primary Industries (Crown Lands Division) provided comments on the project. The comments related to a Crown waterway (Sugar Mill Creek) located on the southern outskirts of the site, and a request not to encroach upon, or remove vegetation from the waterway. The submission also highlighted the need for rehabilitation of the proposed reserve beside the creek, as well as raising issues about the threatened entities occurring on the site (Moonee Quassia and Rusty Plum).

4.3. Public Submissions

Seven (7) submissions were received from individual members of the public. Of the seven (7) public submissions, all seven (100%) objected to the project. The key issues raised in public submissions, and council staff response are listed below in Table 2.

Table 2: Summary of Key Issues Raised in Public Submissions

Issue	Council staff response
1 Dust Nuisance Adjoining landowner concerned with the potential for dust nuisance following construction / earth works;	"Minimisation of movement of dust offsite" provisions have been included in the Stormwater Management Plan for the development proposal.
2 Flooding, stormwater and erosion in general Adjoining landowners concerned with the potential for erosion and stormwater runoff affecting theirs and other properties, and the potential exacerbation of flooding experienced in the area;	Erosion and sediment control measures are to be implemented by the proponent. Recommended conditions of approval reinforce the measures. Additional information was provided by the proponent's consultant engineers demonstrating that the dwellings proposed for construction are not affected by flooding. The same information also concluded that the proposal would not significantly impact on flood behaviour experienced in the vicinity of the development.
3 Site Traffic Parking on Private Lands Adjoining landowner wants no cars, trucks or other machinery associated with the development to park on their land;	Recommended condition of approval applied to address this issue – see Condition D8.
4 Traffic and Safety Concern with the safety of Woodhouse Road being compromised if used as an access road, especially by construction machinery at the construction stage;	Recommended condition of approval applied to address this issue – Condition B12 requires the submission of a Traffic and Pedestrian Management Plan.
5 Construction of Collector Road Prior to Development Occurring Concern that the construction of the collector road may not happen for years. Objector claims that they were assured by council's representative that the collector road would be in place prior to the commencement of any development;	There is no provision in the DCP stating that the collector road needs to be in place prior to the commencement of any development. Stage two of the development proposal can only proceed following the resolution of issues that will enable the connection of the collector road servicing stage two of the project through to the existing Collector Road.
6 Noise from Construction	This is to an extent an unavoidable

Issue	Council staff response
Machinery Concern for the potential noise generated by the number of trucks and heavy machinery using Woodhouse Road for access;	consequence of development. The noise etc associated with the construction works will only be temporary will construction is occurring.
7 Privacy and setbacks Concern for the privacy of residences along Woodhouse Road as the dwellings proposed on the eastern side of the proposed development are very close to the boundary.	The dwelling proposed for lot 20 is the only dwelling that can be considered to be "close" to the existing houses located at 28 & 30 Woodhouse Road, and 1206 Pacific Highway. The setback associated with proposed lot 20 complies with requirements and it is also considered that existing landscaping within these potentially affected properties will screen them from view.

4.4. Proponent's Response to Submissions

Telpat Pty Ltd provided a response to the issues raised in submissions (see Appendix C). The response included a Preferred Project Report which with further amendments has included the following changes to the proposal:

- the collector road will provide the main access to the estate with two stages of development, as shown in Figures 3 and 4 and described in section 2.3
- remove the east west connection road to Woodhouse Road and retain access only for bushfire vehicles
- construct the eastern most end of the east west connection to Woodhouse Road to allow garbage vehicles to pass through the estate and as a secondary access point for residents and visitors if needed
- construct the collector road for the full frontage of the development section with a cul-de-sac end pending extension of the collector road through the properties to the south (unknown timeframe for construction of the collector road)
- dedication of all the area to the south of the proposed residential lot boundaries to council as public reserve.

A detailed discussion of the key issues with respect to the project and how they have been addressed is contained within section 5 of this report.

5. ASSESSMENT

With regard to the Environmental Assessment, the Preferred Project Report and the proponent's draft Statement of Commitments, the key environmental issues for the project to be:

- flora and fauna
- traffic – road construction and access
- subdivision layout
- building design
- bushfire and location of APZs
- stormwater
- acid sulphate soils and land contamination

- noise impacts
- archaeology (Aboriginal Cultural Heritage).

5.1. Flora and Fauna

The OEH and Coffs Harbour City Council's Biodiversity Unit initially had several issues with the development proposal, as originally lodged, including the following:

5.1.1 Impacts on 7A Zone

The encroachment of urban development or associated bushfire asset protection zones into areas that are zoned Environmental Protection 7A Habitat and Catchment was not supported, particularly as a threatened species and its habitat was likely to be significantly affected. As required by council, the development proposal was revised and amended to ensure that no components of the development proposal encroached onto lands zoned 7A. This portion of the site is to be dedicated to council in accordance with the provisions of Moonee DCP 2004 and Moonee Developer Contributions Plan 2008.

5.1.2 Impacts on Moonee Quassia

The development proposal as originally submitted, proposed to remove and modify the habitat of an entire local population of a state and federally listed Endangered Species, Moonee Quassia (*Quassia* sp. 'Moonee Creek'). The project was amended in response to the issue (including the removal of one allotment), and the Quassia were left in situ, with a buffer planting plan created to buffer and protect all but one of the Quassia plants in the future. These plants and their associated buffer will be located in a public reserve lot (lot 24) which will be dedicated to council at no cost.

5.1.3 Impacts on Rusty Plum

The issue regarding the definition of a local population of a threatened flora species mentioned in relation to Moonee Quassia is also applicable to the Rusty Plum (*Niemeyera whitei*) population occurring on the subject site.

The known habitat of the entire local population of Rusty Plum, as identified and mapped in the flora and fauna assessment report, would be removed or modified by the development proposal as initially submitted. The development proposal as exhibited would have subjected a large proportion of the population to a management regime aimed primarily at bushfire asset protection, which would not be consistent with the long-term management of a threatened species.

The amendments mentioned above at section 5.1.2 also addressed most of the concerns regarding the potential impacts on the Rusty Plum occurring on the site. One stem is proposed to be translocated to the western end of the buffer planting area. No objection to this proposed translocation has been raised by council's biodiversity staff, or NSW OEH staff.

5.1.4 Coffs Harbour Koala Plan of Management (KPoM)

State Environmental Planning Policy No 44 – 'Koala Habitat Protection' does not apply to the Coffs Harbour local government area. Protection for koalas and their habitat within Coffs Harbour is provided by the KPoM and by clause 12 of Coffs Harbour City LEP 2000. KPoM mapping indicates that secondary and tertiary Koala habitat occurs on the site. The proposal will result in the removal of a number of (secondary) Koala habitat trees.

In response to this issue, the proponent will prepare a Vegetation Management Plan (VMP) outlining the rehabilitation of approximately 2700m² of land adjacent to and within the 7A zoned land. This will include the planting of koala food species. It is considered that the overall improvement to the quality of forested vegetation will improve the area as potential forage habitat for this species. Council staff support these actions and consider that this sufficiently addresses KPoM issues.

5.2. Traffic and Access

The site currently houses an animal boarding establishment and is currently accessed via the Pacific Highway. The Pacific Highway is being upgraded and access to this site is subject to modification by the RMS as part of that project.

The eastern end of the site contains an allotment that has been previously set aside for access to the future development of the subject lands (see figure 5). This access point comes from Woodhouse Road, to the east of the subject lands. Woodhouse Road is a two lane bitumen sealed and kerbed minor collector road that services the existing residential development to the east of the subject site.

Moonee Beach Road functions as a major collector road which connects Woodhouse Road to the Pacific Highway. The Moonee Beach DCP requires the construction of a collector road that will run parallel to the Pacific Highway and is located on the western edge of this development proposal. Council's Moonee Developer Contributions Plan 2008 provides for the partial or full funding of the construction of the collector road through section 94 contributions. Construction of this collector road to service this site is dependant on its construction through a separate privately owned property immediately to the north of this site, being Lot 210 DP 1044292.

RMS advised the department in writing on 22 December 2011 that it intends to provide an extension of the local collector road across Lot 210. RMS is currently negotiating with landowners regarding acquisition of land for the construction of the collector road. RMS has also confirmed that this will be consistent with the alignment as shown on the subdivision plans.

As access to the site via the collector road across lot 210 is not yet in place, access to the development is essentially proposed in two stages. The initial stage would see 12 dwellings constructed and accessed via the eastern connection on to Woodhouse Road. The subsequent stage would see the remainder of the dwellings constructed (19 dwellings) with access being provided to Stage Two via the constructed collector road mentioned earlier. The collector road would ultimately provide the primary access to the entire development with the eastern access point to provide a secondary (minor) access point for the development.

It is considered inappropriate to access all 31 dwellings via the eastern access connection as this will introduce substantial traffic issues to the immediate area. The public exhibition of the proposal attracted seven submissions from surrounding landowners, all of which objected to the development being accessed from the eastern access point. It is however, considered to be acceptable to access Stage One only from this eastern access point. The reduced number of vehicular trips generated by Stage One only is considered by council's engineering staff to be acceptable. This number will be lessened again when the collector road is built on the western side of the subject site.

The recommended conditions of approval require that Stage Two of the project will not be able to proceed until evidence has been submitted to the Director-General indicating that the relevant agreements and approvals have been obtained for the construction of the collector road through land to the north of the subject site, Lot 210 DP 1044292, to service Stage Two of this development and link with the proposed collector road alignment on the subject site. Prior to issue of subdivision certificates for the Stage Two residential lots the collector road will need to be completed.

5.3. Subdivision Layout & Amendments

The proposal as subject to the PPR proposed to:

- complete the development in one stage so that the collector road will provide the main access to the estate
- remove the east west connection road between Woodhouse Road and the proposed collector road and retain access only for bushfire vehicles
- construct the eastern most end of the east west connection to Woodhouse Rd to allow garbage vehicles to pass through the estate and as a secondary access point for residents and visitors
- construct the collector road for the full frontage of the development section with a cul-de-sac end included pending the extension of the collector road over a creek and through to the properties to the south
- dedication of all of the area to the south of the proposed residential lot boundaries to council as public reserve.

A number of issues including biodiversity, road design and other issues as mentioned earlier in this report, necessitated a second and then a final re-design of the proposal. The re-designed proposal included the following amendments:

- redefinition of the stages of development to accommodate delays in the construction of the proposed collector road
- deletion of Lot 25 to accommodate revised Asset Protection Zones for bushfire hazard reduction
- further reduction of the length of collector road, and a change in the alignment of the road to avoid impacts on endangered plants
- retain all endangered plants on site and the translocation of a Rusty Plum in proposed Lot 6
- provision of a 10m revegetated buffer adjoining endangered plant species together with an additional buffer up to the access for bushfire vehicles to provide improved protection. The Asset Protection Zone was also adjusted to accommodate the buffer planting and Lot 25 deleted as a result
- relocation of proposed access for bushfire vehicles to avoid endangered plants and the proposed buffer to the plants
- relocation of bio-retention basin to a position wholly within the Residential 2A zone
- enlargement of the bio-retention basin to accommodate stormwater from the north-west and to overcome the need to discharge stormwater onto an adjoining property
- amend Asset Protection Zone to accommodate a buffer to endangered plants and avoid encroachment into Zone 7A land
- revise waste collection arrangements and demonstration of compliance of waste collection vehicle circulation
- absorption of former residue lot 21 into the proposed public reserve lot (lot 24), and reduced area of lot 25, where an area which includes the threatened plants mentioned in 5.1 above, and an associated vegetated buffer have been included with the proposed public reserve lot (lot 24).

The final revised layout and staging plans have been shown earlier in this report – see Figures 3 & 4.

5.4. Building Design

The application is accompanied by plans for the 31 single storey dwellings to be constructed on each lot, comprising 29 x 3 bedroom and 2 x 2 bedroom dwellings. Each dwelling is of similar design but with variations to suit site orientation and slope. Each 3 bedroom dwelling will have a double garage while the 2 bedroom dwellings will have single garages.

5.4.1 Overall Building Design

Overall building design has been undertaken to comply with varying categories of bushfire risk. The design of buildings on Lots 26 - 36 will also need to consider road noise from both the collector road proposed at the western extent of the site, as well as the Pacific Highway (see 5.8 below).

While the dwellings are single storey, due to the slope of the land dwellings on steeper blocks, in particular to the south of the site, will have building heights of one to two storeys. The building heights generally comply with council requirements, with two instances where the eaves height will exceed the allowable 6m by a maximum of approximately 700mm due to them being built on the steepest part of the land. The two buildings in question are on larger blocks of land and the minor encroachment is considered acceptable in this instance.

The residences located on Lots 1 – 9 have 1.5m high rear fences facing the fire trail connecting Woodhouse Road and the proposed collector road. Such boundary fencing provides a degree of privacy to the rear yards of each residence, as well as defining private space from the public domain. The elevation of the residences on these lots and their distance back from the fire trail will provide a satisfactory level of privacy for the occupants.

Crime prevention through environmental design (CPTED) principles has been applied to lots 1 - 9. The elevation of the residences on these lots will allow for passive surveillance of the fire trail and reserve to the south of the development.

Some aspects of CPTED are more difficult to apply to the lots (Lots 25 – 28 & Lot 36) fronting the proposed collector road due to the overriding noise issues associated with the Pacific Highway which necessitated the location of non-living spaces on that side of the residences. However the front doors of the houses on Lots 25 – 28 do face the street offering casual surveillance opportunities.

A number of lots require some cut and/or fill, involving a small percentage of the lot with walls tapered down from the maximum heights. Lots 15 – 20 require the biggest cuts (1800mm max tapering to 1300mm) and these are generally located in the rear yards (on the northern side of the houses). Benching will occur on these lots at each side boundary and secured with retaining walls. The rear yards of these houses are sloped upwards to minimise the height of walls required along the rear boundaries.

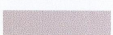
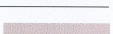
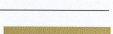
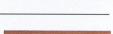
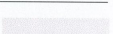
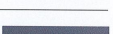
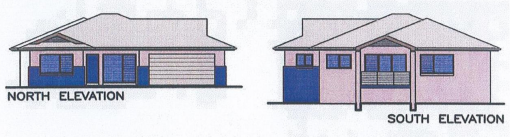
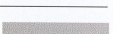
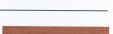
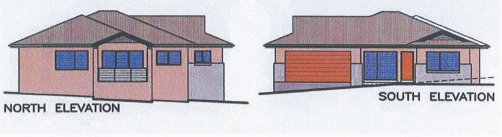
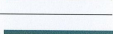
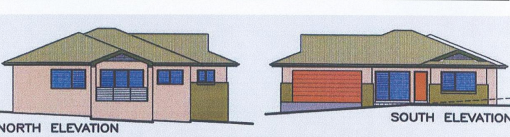
5.4.6 External Colour Schemes

The dwellings will be of brick veneer construction with feature panels and colorbond roofs. Colour schemes (earthy tones including brown, cream and green) that are proposed to be used throughout the development were chosen to complement the surrounding bush landscape, as well as reflecting the coastal location of the site. Four different colour schemes have been chosen for use throughout the development. The four different colour schemes are shown in figure 9 below.

According to the proponent's consultant, the similar building designs are intended to provide a sense of consistency with individual dwellings contributing to an integrated overall aesthetic. The colour schemes have been chosen to add interest to the streetscape and to provide a sense of individuality to each home while remaining a part of the overall design.

The building design and chosen colour schemes are considered to be acceptable.

Figure 7 – Colour Schemes 1 – 4 for use throughout development

COLOUR SCHEME 1		
Roofing:	Colorbond JASPER	
Fascias:	Colorbond DUNE	
Gutters:	Colorbond JASPER	
Windows:	Dulux JASPER	
Walls Generally:	Dulux HEIFER	
Feature Walls:	Dulux BEAN SHOOT	
Garage Door:	TIMBER LOOK MOCHA	
		
COLOUR SCHEME 2		
Roofing:	Colorbond DUNE	
Fascias:	Colorbond DUNE	
Gutters:	Colorbond DUNE	
Windows:	Dulux PEARL WHITE	
Walls Generally:	Dulux LINSEED	
Feature Walls:	Colorbond DEEP OCEAN	
Garage Door:	Colorbond DUNE	
		
COLOUR SCHEME 3		
Roofing:	Colorbond BUSHLAND	
Fascias:	Colorbond MONUMENT	
Gutters:	Colorbond MONUMENT	
Windows:	Dulux OLDE PEWTER	
Walls Generally:	Dulux SELF-DESTRUCT	
Feature Walls:	Dulux POZIERES	
Garage Door:	TIMBER LOOK MOCHA	
		
COLOUR SCHEME 4		
Roofing:	Colorbond PALE EUCALYPT	
Fascias:	Colorbond COTTAGE GREEN	
Gutters:	Colorbond COTTAGE GREEN	
Windows:	Dulux OLDE PEWTER	
Walls Generally:	Dulux HOG BRISTLE	
Feature Walls:	Dulux GRAPE LEAF	
Garage Door:	TIMBER LOOK MOCHA	
		
The colour schemes will be distributed approximately as follows: Colour Scheme 1: Lots 4, 6, 9, 11, 15, 19, 26, 29, 36. Colour Scheme 2: Lots 2, 7, 12, 17, 20, 28, 32, 35. Colour Scheme 3: Lots 1, 3, 8, 13, 14, 27, 31, 34. Colour Scheme 4: Lots 5, 10, 14, 18, 25, 30, 33.		

5.5. Bushfire

The development proposal includes subdivision and the construction of buildings which must comply with different bushfire risk levels (level 3 extreme for the southern dwellings, level 2 high in the centre and level 1 low in the north).

The information initially submitted with the proposal included a Bushfire Risk Management Report. The initial design showed a small section of the proposed APZ falling within the 7A Environmental Protection zone. As the applicant could not justify the encroachment of the APZ in this zone, the proposal was adjusted accordingly.

The re-designed proposal showed that a part of the APZ also impacted on some of the Moonee Quassia located on the site, which required a second revision to the bushfire assessment.

The second and final re-designed proposal included the provision of a 10m revegetated buffer adjoining endangered plant species together with an additional buffer up to the access for bushfire vehicles to provide improved protection. The Asset Protection Zone was also adjusted to accommodate the buffer planting and Lot 25 deleted as a result.

Although the APZ encroaches within a small section of the planted buffer area associated with the Moonee Quassia, the revegetated buffer design proposes the use of rainforest plant species which will comply with Planning for Bushfire Protection 2006.

NSW Rural Fire Service has issued key comments on the proposal and these have been incorporated within the recommended conditions of approval.

5.6. Stormwater

5.6.1 General

The site can be described as gently to moderately inclined with elevations ranging between 4m Australian Height Datum (AHD) in the south, to 20m AHD in the north. The site forms part of the Moonee Creek catchment.

Runoff from the site is proposed to be initially treated and then discharged towards the south and into the small unnamed creek draining the site (a tributary of Sugarmill Creek). This creek discharges into Sugarmill Creek about 300m southeast of the site. Sugarmill Creek then discharges into Moonee Creek a further 200m downstream, which in turn discharges into the Pacific Ocean a further 200m from this confluence.

The Pettina Park pet care centre, located on the northern extremities of the subject site, drains in a northerly direction into small drains which eventually drain into Moonee Creek about 1.5 km upstream of its confluence with Sugarmill Creek.

A Stormwater Management Plan (SWMP) was included as an attachment to the Environmental Assessment. The SWMP provides information on specific site management issues relating to potential environmental impacts from the development during the construction, maintenance and operational phases.

MUSIC modelling was completed for the operational phase of the project, but not for the construction phase. However, the SWMP includes a commitment (included within the statement of commitments) that prior to commencement of construction in any stage of the development, detailed sediment and erosion plans are to be prepared and submitted to council for approval.

The initial SWMP proposed a bio-retention basin located in the north-western corner of the site. This location was not considered to be acceptable as it was in the path of a proposed access road to three properties located to the west of this site. A bio-retention trench was also initially proposed within the road reserve of the east-west connection road located in the central / south-eastern portion of the site, and a bio-retention basin in the public reserve area proposed at the central / Southern part of the site. The proposal was amended to contain a single large bio-retention swale within the community property. Stormwater from the North and North-Western sections of the site will discharge to existing table drains located in the North-Western corner of the site, which is considered to be acceptable. Figure 8 below shows the stormwater management plan layout.

Each of the dwellings is proposed to include a 3000 litre water tank in accordance with BASIX requirements. 3000 litres was determined to be the optimum size considering dwelling roof areas etc.

Figure 8 – Stormwater management plan layout



5.7. Acid Sulfate Soils and Land Contamination

5.7.1 Potential Acid Sulfate Soils:

The proposal includes preliminary assessment for potential acid sulfate soils. The GHD preliminary ASS assessment report dated January 2009, submitted with the EA, concluded that an Acidic Soil Management plan would be required if greater than 1000 tonnes of soil is disturbed during construction. This aspect of the development is to be addressed as part of the recommended conditions of approval.

5.7.2 Potential Site Contamination:

A preliminary site investigation (PSI) found that prior to 1964 the subject land was used for grazing which appears to have ceased by 1979 when the northern portion of the property was developed for the purposes of an animal boarding establishment. The PSI identified the following past and current activities as having the potential to contribute to on-site soil and groundwater contamination:

- uncontrolled fill in various locations
- stormwater runoff and detention area
- septic tank and disposal area
- animal boarding establishment buildings
- two sites of periodic rubbish burning
- two rubbish piles.

Based on the above assessment, it was recommended that Detailed Site Investigations (DSI) be undertaken to further assess the extent and degree of contamination across the site.

A DSI was undertaken in May 2012. As part of the DSI a further interview was undertaken with the current operator of the animal boarding establishment to further clarify the nature and extent of areas of potential contamination as identified in the PSI. Soil sampling was concentrated within the potential areas of contamination. The DSI report concludes that:

- *the soil sampling and testing found no contamination of significance*
- *the approval authority can have a high level of confidence that the property is not contaminated*
- *contaminated land remediation is not required*
- *the property is suitable for residential development.*

On the basis of the findings and conclusions of the DSI there is no contamination of the land that requires remediation in order to make it suitable for the proposed residential use.

5.8. Noise

5.8.1 Discussion

An acoustic assessment was prepared for the proposed development. The acoustic report concluded that while the dwellings on Lots 1 – 20 of the development will not be adversely affected by noise, the dwellings built on Lots 26 – 36 of the proposal may be affected by noise from both the proposed collector road on the western side of the subject site, as well as the Pacific Highway, located a further 80 metres to the west of the subject site.

5.8.2 Building requirements for dwellings constructed on Lots 26 - 36

The acoustic assessment recommended that the minimum requirements for dwelling construction within Lots 26 – 36 comply with the following building standards, to be implemented as part of the recommended conditions of approval:

- rendered brick veneer construction ensuring no apertures or other features that may degrade transmission loss, including relative to the underside of the floor
- 6mm laminated glass windows throughout
- mechanical ventilation provided
- 6mm villa board, or equivalent, provided for eaves
- R3.0 ceiling insulation provided to all living and bedroom areas and R 1.5 wall insulation is provided for all external walls.

These requirements will need to prevail over any BASIX commitments regarding the construction of the dwellings and this has been noted within the recommended conditions of approval.

5.9. Archaeology

5.9.1 Initial Survey

The initial work was conducted in compliance with the relevant legislation, specifically the *National Parks and Wildlife Act 1974* administered by the NSW Office of Environment and Heritage (OEH) and the *Heritage Act 1977*. A search of the OEH Aboriginal sites database was conducted. A variety of sites are recorded in the general area. None of the recorded sites are impacted by the proposed development. A ground inspection of the area was undertaken (10/10/05). Two members of the Coffs Harbour Local Aboriginal Land Council (CHLALC) participated in the survey.

The overall visibility during the survey was less than 10%, however the CHLALC representatives were clear about where they either knew or expected sites to be present. These expected site locations were along the ridge crest which is to the north of the subdivision. They believed the study area would have provided a vantage point to the wetland areas nearby and would have provided a range of plant and other resources.

No Indigenous sites were located during the survey.

5.9.2 Results of the Consultation Undertaken in 2009

Further consultation work was conducted in compliance with the OEH Interim Community Consultation Requirements for Applicants guidelines and the Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (29/4/09 to 25/5/09), as stipulated by the Director-General's Environmental Assessment Requirements. The applicant's consultant and the Coffs Harbour Aboriginal Land Council (CHLALC) conducted a cultural heritage assessment at the site in April and May of 2009.

Consultation was undertaken to ensure that all relevant stakeholders were given the opportunity to comment on the proposed development.

No comments on the draft report were received from any of the stakeholders. No responses to the newspaper advertisement were received.

The report recommendations are based on archaeological evidence which assesses the potential for the proposed activities to disturb archaeological material, the background research which indicates Gumbaynggirr occupation of the region and the previous and current consultation with the Aboriginal community.

It is acknowledged that no further archaeological work is required with regard to this proposal. The second recommendation put forward by the consultant can be accommodated by way of an appropriate condition of approval.

6. RECOMMENDATION

An assessment has been undertaken of the project on its merits on behalf of the Director-General. As part of the assessment, the submissions received from public agencies as well as the general public were considered. The key issues raised in those submissions related to traffic generation and impact on local roads, biodiversity issues (flora / fauna), as well as the perceived impact on village character. Following the consideration of the issues associated with the project, a recommendation has been provided on this basis. In this regard, approval of the proposal is recommended, and a number of conditions are recommended in conjunction with the Proponent's Statement of Commitments to ensure the effects of the project are mitigated by using methods of current best practice, and to therefore ensure that the project has minimal impacts. It should also be noted that stage two of the proposal is the subject of a deferred commencement for reasons outlined earlier in this report. The resulting development is considered to be a good environmental outcome for the site.

The project will allow for the:

- redevelopment of a large block of land presently containing an incongruous land use (animal boarding establishment) adjacent to the Moonee Beach village centre for residential purposes
- extension and connection of the village centre, providing additional residential properties in accordance with the requirements of the Moonee Development Control Plan
- dedication to council (and rehabilitation) of the riparian zone and surrounding lands adjacent to a tributary of Sugar Mill Creek, thereby providing positive biodiversity and water quality outcomes to be preserved in perpetuity.

The proposal is consistent with the requirements of Coffs Harbour City Council's Moonee Development Control Plan and is allowable with approval. Furthermore, the project conforms to the growth strategy outlined in the Mid North Coast Regional Strategy, as well as council's Urban Growth Strategy.

The proposal will provide opportunities for infrastructure and services to be extended to other parts of Moonee Beach. The project also excludes development from ecologically sensitive areas, including a riparian buffer that will be dedicated for public benefit, as well as lands immediately surrounding threatened flora species identified on site.

A thorough merit assessment of the proposal has been undertaken within this context and it is considered that the site is suitable for the proposed land use, and is in the public interest. Approval of the project is recommended subject to the attached conditions of approval and the proponent's Statement of Commitments.

SIGNED BY MARTEN BOUMA

**Land Use Planning Officer
Coffs Harbour City Council**

SIGNED BY CHRIS CHAPMAN

**Director
Land Use, Health and Development
Coffs Harbour City Council**

8 February 2012 (as amended)

APPENDIX A ENVIRONMENTAL ASSESSMENT

See the Department's website at
http://majorprojects.planning.nsw.gov.au/page/project-sectors/coastal-areas/subdivisions/?action=view_job&job_id=2218

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

This report includes references to the provisions of the environmental planning instruments that substantially govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

The provisions, including development standards of local environmental plans, and development control plans are not required to be strictly applied in the assessment and determination of major projects under Part 3A of the Act. Notwithstanding, these standards and provisions are relevant considerations as the DGRs require the proponent to address such standards and provisions. In summary, the relevant EPIs for this project include:

- State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to provide efficiency in the delivery of essential services and facilitate the delivery of infrastructure across the state. In particular the Infrastructure SEPP provides for development relating to road infrastructure facilities, sewerage reticulation systems, riparian zone and stream bank management activities and stormwater management systems to be undertaken without consent, or as exempt development complying with specific standards. Development for the purposes of sewerage reticulation systems, stormwater management systems, roads and other infrastructure essential for the operation of a subdivision may be carried out by, or on behalf of a public authority without consent on any land. However an approval will be required for sewerage, stormwater and water supply activities pursuant to section 68 of the Local Government Act 1993.

- State Environmental Planning Policy (Major Development) 2005 (as in force at the time the application was made and project declaration)

The Major Development SEPP applies to the project as discussed in Section 3.1 of this report.

- State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 requires a consent authority to consider the potential for a development site to be contaminated and therefore whether it is suitable for the use for which development is proposed. If the land is unsuitable, remediation must take place before the land is developed. The proponent has undertaken preliminary site investigations, with the results being acceptable, and a detailed site investigation will be required prior to the issue of a construction certificate for site works.

- State Environmental Planning Policy No. 71 – Coastal Protection

SEPP 71 applies generally to land within the coastal zone. Clause 8 of the policy sets out matters for consideration by a consent authority when determining a development application to which the policy applies. In particular, the project provides for the dedication to council (and rehabilitation) of the riparian zone and surrounding lands adjacent to a tributary of Sugar Mill Creek. It is considered that the relevant matters for consideration as set out in SEPP 71 have been considered in the assessment of this project.

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

BASIX was introduced to ensure adherence to minimum levels of sustainable design in residential development in the areas of water use, thermal comfort and energy use. As

this project included the construction of dwellings, a BASIX certificate was received for each of the proposed dwellings, thereby ensuring compliance with the requirements of this SEPP.

- North Coast Regional Environmental Plan

The North Coast Regional Environmental Plan (NCREP) is now considered a deemed SEPP as of 1 July 2009. The assessment of the project has had particular regard to the relevant provisions of the NCREP including the protection of coastal water quality, the enhancement of the natural environment, and the enhancement of visual quality and maximising the density of dwellings without adversely affecting the environment.

- Coffs Harbour City Local Environmental Plan 2000

See discussion in Section 3.2 of this report.

- Coastal Design Guidelines for NSW

This major project will result in a development that is generally consistent with the Coastal Design Guidelines as it will 'protect the natural edges' and will generally reinforce the provision of green belts between settlements by revegetating the riparian area adjacent to the creek bordering the property's southern boundary.

- Mid-North Coast Regional Strategy

The Mid North Coast Strategy identifies the site as being within the agreed growth boundaries. However, it is noted that the map includes a notation stating 'Not all land identified within the Growth Areas can be developed for urban uses. All sites will be subject to more detailed investigations to determine capability and future yield. Land that is subject to significant natural hazards and/or environmental constraints will be excluded from development'. This assessment concludes that most of the site is capable of development, but that the southern reaches of the site are subject to significant environmental constraints.

OTHER PLANS AND POLICIES

The project has also been considered against the following non-statutory documents:

- Various Coffs Harbour City Council Development Control Plans (DCPs)

Council's Moonee DCP, Subdivision DCP, Low Density Housing DCP, Medium Density Housing DCP, Notification DCP and Off Street Car Parking DCP set out the relevant standards and development controls for development in the Moonee Beach area. The proposal complies with these documents apart from a few minor discrepancies in matters such as building height and setbacks. See Section 5 of this report for further details.

- Coffs Harbour City Local Growth Management Strategy - Our Living City Settlement Strategy

The "Our Living City" (OLC) Settlement Strategy outlines a vision for the future development of the Coffs Harbour LGA, and details a strategy to achieve it. The development proposal complies with the OLC Strategy.

- NSW Coastal Policy 1997

The project is consistent with the Coastal Policy. The subject site is not visible from the coastline and is unlikely to have impacts on coastal processes.

- NSW Coastal Design Guidelines and North Coast Urban Design Guidelines

The project is consistent with these guidelines. The subdivision layout addresses orientation and existing environmental constraints.

The project is generally consistent with the objectives, policies and other relevant provisions of the above documents.

