

Preliminary Environmental Assessment

Sandy Beach Mill Stage 2

Proposed Residential Subdivision at Lot 260
DP1110719 Graham Drive, Sandy Beach.

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Ref: SJC1184-175
Date: December 2008

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Section 1

Introduction

1.1 Introduction

This Preliminary Environmental Assessment (PEA) has been prepared by S J CONNELLY CPP PTY LTD and the Petersen Consulting Group for Sandy Beach Mill Pty Ltd. The PEA accompanies a Project Application for a Major Project (the Project) at Sandy Beach, within the Coffs Harbour Local Government Area. It is submitted pursuant to Part 3A of the Environmental Planning and Assessment Act 1979 (the Act).

A copy of the completed Project Application Form is included in **Appendix A**.

The Project includes the creation of 43 Torrens title residential allotments and a public reserve (park) adjoining Double Crossing Creek.

The purpose of this PEA is to provide:

- a written and graphical description of the Project, which also identifies its location;
- a review of planning provisions relevant to the Project, including an assessment of whether the Project is inconsistent with any of these provisions;
- plans showing the current and draft zonings applying to the site;
- any views on the Project from agencies, the local council or the wider community;
- studies, investigations or regional or local strategies which affect the Project; and
- To seek the Director-General's environmental assessment requirements (DGR's) for the preparation of a Draft Environmental Assessment (Draft EA).

Notably, the Minister has formed the opinion that the proposed development is a Project to which Part 3A of the Act applies (**Appendix A**).

1.2 Site Location

The site is located approximately 20km north of the Coffs Harbour City Centre and 3km south of the Woolgoolga Town Centre. It is also located west of the Pacific Highway, and is shown in **Figure 1** below.

1.3 Site Characteristics

The site has frontage to Graham Drive along its western boundary and is bound by Double Crossing Creek to the north. The land is typical of the land that lies within the narrow floodplains of the coastal basins that exist along this part of the coast. It is relatively flat, is part of a small catchment (i.e. the catchment of Double Crossing Creek) and contains a mix of forest and riparian vegetation along its northern boundary adjoining Double Crossing Creek, with scattered trees in other locations.

The Real Property description of the site is Lot 260 DP1110719.

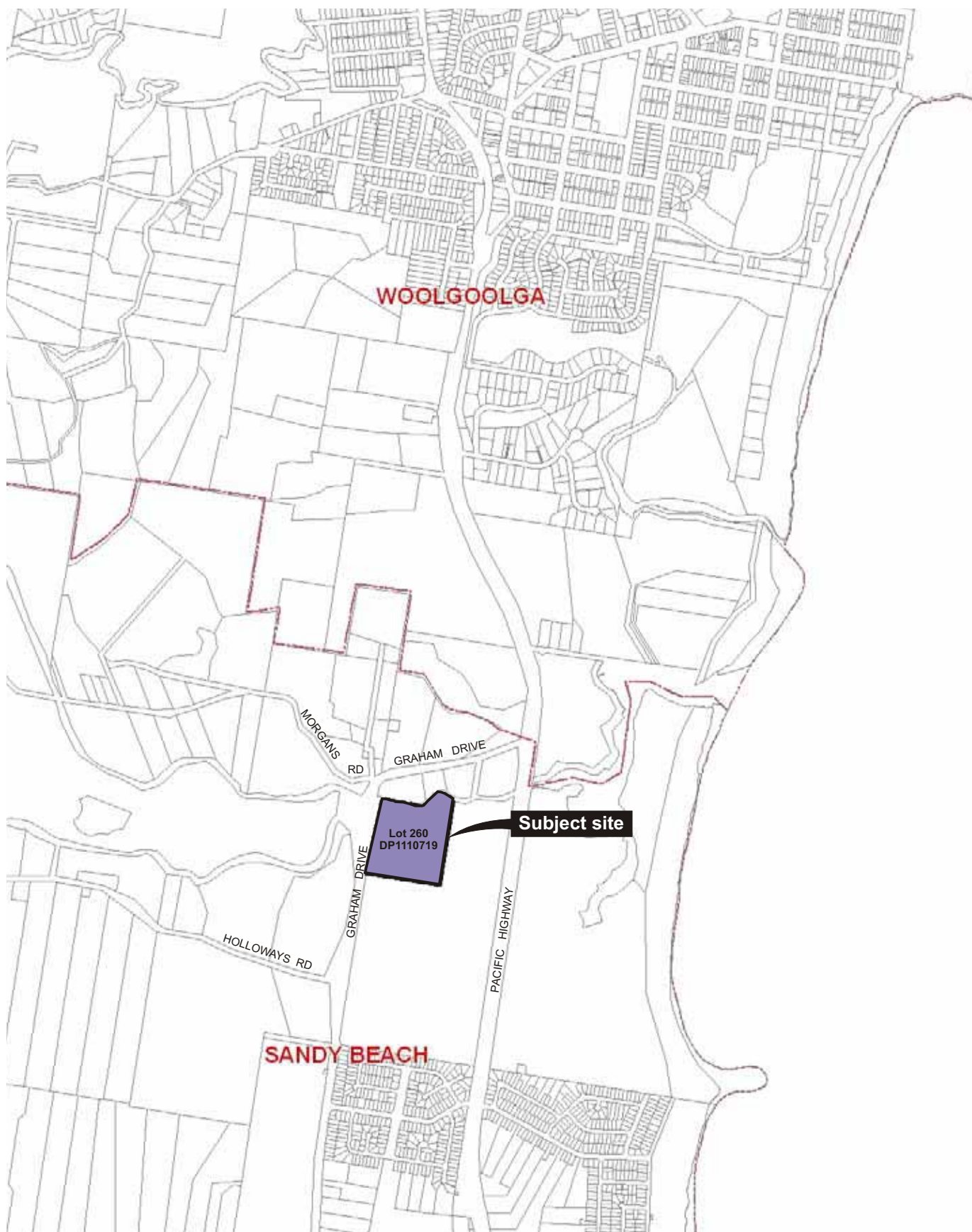
Lot 260 DP1110719 has an area of 7.89 hectares and has a frontage of 284.5m to Graham Drive. Two unsealed access roads that once served the sawmill and dwelling houses located on the site extend across the land. The site is shown in better detail in **Figures 2** and **3** below.

1.4 Donation Disclosure

The applicant and land owners have no political donations to disclose.

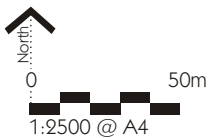
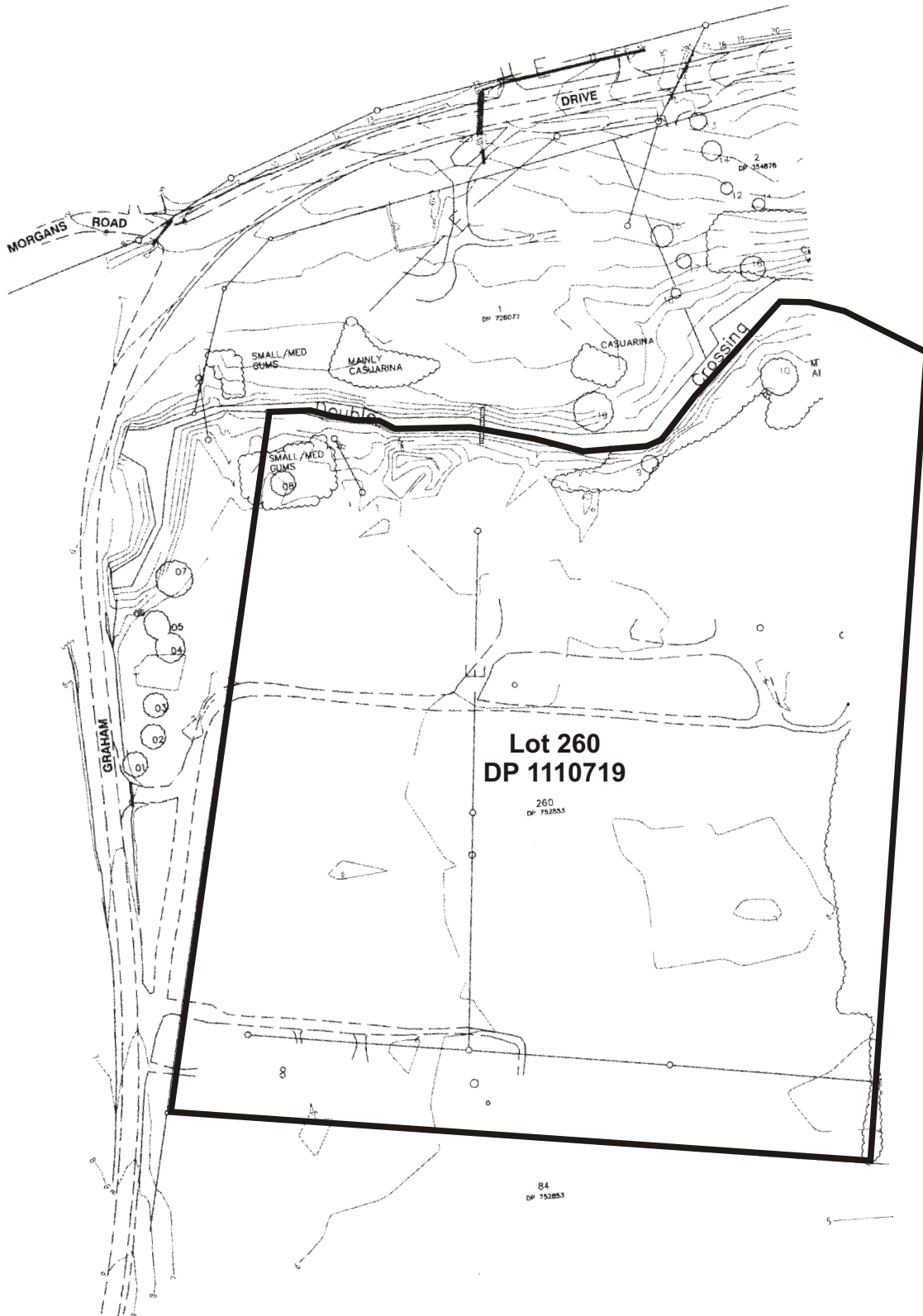
1.5 Further Information

Should the Department require any additional information or wish to clarify any matter raised by this PEA please feel free to contact Mr Connelly (02 66877171) or Mr Petersen (02 6652 6821).



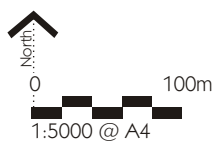
North
0 400m
1:20 000 @ A4
Source: Deposited Plan
Date: December 2008
1184-175 Plan 1

Figure 1
LOCALITY PLAN



Source: Blairlanskey Surveys
Date: December 2008
1184-175 Plan 2

Figure 2
SITE PLAN



Source: Coffs Harbour City Council (date unknown)
Date: December 2008
1184-175 Plan 3

Figure 3

EXISTING ENVIRONMENT

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Section 2

Background/History

2.1 Site History

The site was Crown land up until 1964, after which it was purchased and used for the purpose of a sawmill.

A number of structures related to sawmilling operations were located on the site, as well as a number of houses along the southern boundary.

All of the structures and houses have since been removed, and the site remains vacant.

2.2 Recent Planning History

On 3 May 2006 Development Consent 931/06 was issued by Coffs Harbour City Council for the demolition of various structures (sheds associated with previous sawmilling operations and houses located along the southern boundary) across the site (**Appendix B**). These structures have been removed.

On 9 August 2007 Coffs Harbour City Council issued Development Consent 1144/07 for the remediation of land over the site (**Appendix B**), addressing contamination arising principally from the site's past use as a sawmill.

On the 19 February 2008 Coffs Harbour City Council issued Development Consent 508/07 for a staged development incorporating the site (**Appendix B**). Stage 1 of this development involved the creation of 24 Torrens title residential allotments, as well as a residue allotment – being the remainder of Lot 260 DP1110719 – which is now the subject of this Application (Stage 2).

Development Application 508/07 included conceptual information regarding Stage 2 (the Project), which included the creation of 43 Torrens title residential allotments as well as land to be dedicated to Council as a public reserve (park). Stage 2 is the Project to which this PEA applies.

The above planning history is also summarised in a letter (24 April 2008) from Coffs Harbour City Council (**Appendix B**).

Notably, Development Consent 508/07 included a deferred commencement condition, which provided:

"DEFERRED MATTER:

- A. *This consent shall not operate until such time as a Statutory Site Audit Statement and Report, prepared in accordance with the NSW Department of Environment and Climate Change - Contaminated Sites Guidelines for the NSW Site Auditor Scheme (2nd edition, 2006) has been submitted to and endorsed by Council. The Statement and Report shall confirm that the site is suitable for residential purposes, the site being Lot 260, DP1110719.*
- B. *In the event that the requirements of the deferred matter listed in "A above, are not completed within two (2) years from the date of this consent, then the consent shall lapse and become inoperative.*
- C. *Upon the completion of the requirements set out in the deferred matter listed in "A above, within a period of two (2) years from the date of this consent, then this consent becomes operative subject to the following conditions."*

Consistent with Development Consent 1144/07, remediation works are presently being carried out on the site. It is anticipated that these works will be completed around March 2009, culminating in a site audit statement that will be submitted to Coffs Harbour City Council, enabling the satisfaction of the above deferred commencement condition. The satisfaction of this condition will result in Development Consent 508/07 becoming operable, and will permit the consent to be further acted upon.

On the 24 October 2008 the Department of Planning (DoP) advised that the Minister had formed the opinion that the proposed development is a Project to which Part 3A of the Act applies (**Appendix A**).

Section 3

The Project

3.1 Project Particulars

The Project is for the second (and final) stage of a wider residential subdivision over the site. Stage 1 involves the development of part of the southern precinct to create 25 Torrens title allotments. Twenty-four residential allotments are included within Stage 1, with the remaining residue allotment now the subject of this Project (Stage 2) and to be developed for 43 housing lots, along with a public reserve (park). The plans (Urban Design Strategy and Staging Plan) included in **Appendix C** shows both Stages 1 and 2 (The Project).

Figure 4 shows a concept layout plan with the current LEP zoning lines also depicted.

Notable components of Stage 1 include:

- Type BA Intersection on Graham Drive which has the potential to be upgraded to a Type C intersection;
- Entry Statement;
- Bus shelter;
- Landscaping/Street tree planting;
- Cycleway connections; and
- Acoustic fence along the western edge of the site within the Graham Drive road reserve.

Coupled with the allotments in Stage 1, the varied allotment sizes (range) is expected to provide for a varied social mix. It is however anticipated that the majority of allotments will be purchased by first homeowners, having regard to the site's location and characteristics.

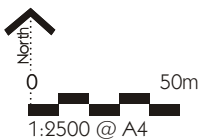
The road layout is a simple square grid with a loop road, central road and laneway access available to Lots 32-41. The intention of the road layout is to provide a vista to Double Crossing Creek from most parts of the estate and to provide a safe, efficient and legible road network for residents and visitors.

The housing areas have been sufficiently setback from Double Crossing Creek to comply with riparian buffer standards, to avoid flood prone land and to allow for asset protection zones.



LEGEND

- 1A** Rural Agriculture
- 2E** Residential Tourist
- 7A** Environmental Protection Habitat & Catchment



Source: Coffs Harbour City Council, Dec 2008
LEP 2000 Amended
Date: December 2008
1184-175 Plan 4

Figure 4

CONCEPT LAYOUT PLAN

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The central road was initially designed with a road reserve width of 24m to provide for bio-retention facilities in the spine and a central boulevard to the Creek. This road will need to be redesigned given condition 25 of Development Consent 508/07 which seeks the removal of the central swale from this road. This change will not result in any substantial changes to the layout or yield of Stage 2 (the Project).

Four lots will have access via three connecting driveways: Lots 30, 31, 42 and 43.

Double Crossing Creek is to be rehabilitated with native species along with weed removal. In this regard a Creek Rehabilitation Plan was produced to accompany Development Application 508/07 (**Appendix C**).

Conceptual landscaping plans for both Stage 1 and 2 (the Project) were produced as part of Development Application 508/07. An extract (landscaping Plan) is included in **Appendix C**. Given condition 25 of Development Consent 508/07 has removed the central swale from the centre of the central north-south road, the final detailed landscaping plans (expected to be provided in response to a condition of approval) will need to account for this.

Development Consent 508/07 acknowledged the construction of a gravity sewer system to service allotments, and a sewer pump station and rising main to service both the site and the future development immediately to the south of the site. This service will be extended from the Stage 1 area to the Project.

For background purposes, the gravity sewer will be directed to a proposed sewer pump station to the south of the site. The sewer pump station will discharge to a proposed gravity sewer system which then discharges into an existing sewer pump station on the eastern side of the Pacific Highway. The existing sewer pump station discharges to the Woolgoolga Sewage Treatment Works via a sewer rising main along the Pacific Highway.

Potable water will be provided to the Project from the existing 225mm diameter water main immediately to the north east of the site. A 150mm diameter water main will be constructed to connect to the existing main, and loop around the site. The remainder of the site will be serviced by 100mm diameter mains fed by the 150mm diameter main.

Section 4

Legislation Review

4.1 Strategic Context

There are four strategic documents of particular relevance to the site, including the:

- Draft Mid North Coast Regional Strategy;
- Coffs Harbour Urban Development Strategy;
- Our Living City Settlement Strategy; and
- Hearn's Lake Estuary Management Plan.

Draft Mid North Coast Regional Strategy (Draft Regional Strategy)

In January 2007 the Minister for Planning released the Draft North Coast Regional Strategy. The purpose of the Strategy is to provide planning policy guidance for sustainable development of the region over the next 25 years.

One of the key actions of the Draft Regional Strategy is that the DoP, with council's, will define growth areas to address land supply needs for the next 25 years. To this end, the DoP is identifying areas that will be available for future urban development. The mapped areas have been identified for their ability to deliver a desirable future growth pattern, in keeping with the settlement planning principles outlined in the draft Regional Strategy, and are shown on Draft Growth Area Maps.

Once finalised, the growth area maps will guide local planning. Local councils will only be able to identify land for settlement if it falls within one of the growth areas shown on these maps or if it meets the Draft Regional Strategy's sustainability criteria.

The site is included in a Draft Growth Area, as shown on the Draft Growth Areas Map 3 – Coffs Harbour.

Coffs Harbour Urban Development Strategy (Urban Development Strategy)

The Urban Development Strategy was prepared in 1996 and provided a plan for the accommodation of 86,000 - 100,000 people by the year 2021. The Strategy considered the environmental and servicing capacity for the local government area and envisaged a population of 6000 people for the Sandy Beach/Emerald Beach locality.

The Urban Development Strategy recognised the current zoning of the site as 'tourist lands' and deferred consideration of the lands from the overall residential landstock; the tourist lands were to be addressed in a Tourism Strategy before being included in the Urban Development Strategy. The Tourism Strategy subsequently prepared in 2001 stated that *"in general there is sufficient accommodation product, especially at the resort level, for significant growth in demand"*.

Large tracts of land, including the site, were rezoned under Coffs Harbour Local Environmental Plan 1988 for tourism purposes, reflecting the boom in large tourist resorts in the 1980's. The gradual development of these tourist lands for permanent residential development is symptomatic of the decline in large resort developments on the NSW Coast. Consequently, Council has recognised these market forces and has prepared a Draft LEP (Amendment No. 29) for the locality proposing the rezoning of the land from tourism to residential purposes; the land is now being incorporated into the review of the Urban Development Strategy for permanent residential accommodation (see Our Living City Settlement Strategy below).

Our Living City Settlement Strategy (Settlement Strategy)

The Settlement Strategy will replace the current Urban Development Strategy and anticipates the development of the land for permanent residential accommodation.

Council has adopted the principle of a "Compact City" under the Settlement Strategy. The site falls within the "Compact City" scenario as existing urban lands to assist in accommodating part of the additional 33,000 people expected in the City by 2031.

In light of the above, the proposed development of the land for residential purposes is in accordance with the Settlement Strategy.

Hearn's Lake Estuary Management Plan (the Plan)

This Plan is currently in the process of being developed with an overarching goal of protecting the Hearn's Lake estuarine environment.

Double Crossing Creek feeds into the Hearn's Lake estuary.

4.2 Statutory Planning Context

Environmental Planning and Assessment Act & Regulations EP&A

Development Application 508/07 was recently consented to by Coffs Harbour City Council, and applies to the site. The application was a "staged development application" in accordance with Division 2A of the Act, and "concept" approval was sought for the Project (Stage 2). In this regard Development Application 508/07 provided:

"The proposal is for the staged development of the subject land for residential development as described in Section 3 of this document and pursuant to Section 83A of the (EPA Act, 1979). In accordance Section 83B of the Act, the application sets out the concept proposals for the development of the whole site and includes detailed proposals for Stage 1 of the development. In accordance with Section 83C of the Act, a formal request is made for the application to be treated as a 'Staged Development' application.

A formal request is also made with respect to Clause 70A of the Regulations to the Act for deferral of the detailed information with respect to Stage 2 to a subsequent development application."

The concept for the site is shown on the plan included in **Appendix C** (Urban Design Strategy).

NSW Coastal Policy (Coastal Policy)

Section 92 of the Environmental Planning and Assessment Regulation 2000 provides that the Coastal Policy is a relevant consideration for development in those (coastal) areas affected by the Policy; development along the coast of Coffs Harbour is subject to the Policy.

Tables 2 and 3 of the Coastal policy provide a list of matters which should be considered in the assessment of development applications. The majority of these matters are not applicable to the proposed development for various reasons (i.e. the nature of the proposed development, the location of the site).

4.3 State Environmental Planning Policies

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

Under SEPP 55 a consent authority is to consider whether the land has been contaminated by past land uses. The land is identified by Council as potentially contaminated land because of former land uses principally associated with sawmilling.

Clause 7 of SEPP 55 requires a consent authority to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the development before consent is granted.

4.4 Regional Environmental Plans

North Coast Regional Environmental Plan (REP)

The REP includes provisions relating to development control in a number of circumstances. Clauses of the REP that are relevant to the Project include 15, 29A and 32B.

Clause 15 requires that for development adjoining a river or stream, a consent authority take into consideration a number of factors including impacts on water quality, loss of habitat, pollution impacts on the estuary, and retention of foreshore reserves.

Clause 29A states that a consent authority must not grant consent to the clearing of natural vegetation in environmental protection zones unless it is satisfied that wildlife habitats and scenery will not be adversely affected.

Clause 32B applies to land to which the NSW Coastal Policy applies and requires Council to take into account:

- (a) The NSW Coast Government Policy;
- (b) The Coastline Management Manual; and
- (c) The North Coast: Design Guidelines.

The *Coastline Management Manual* is largely concerned with coastal processes and is of no particular relevance to the Project.

4.5 Local Environmental Plans

City of Coffs Harbour Local Environmental Plan 2000 (LEP 2000)

Under LEP 2000 the land is zoned part Residential 2E Tourist and part Environmental Protection 7A Habitat and Catchment, as shown in **Figure 4** below. The Environmental Protection 7A Habitat and Catchment zone extends along Double Crossing Creek for a width of approximately 50m. The remainder of the site is zoned Residential 2E Tourist.

The proposed development constitutes the "subdivision of land" which is permissible in each zone. Clause 18 of LEP 2000 provides a minimum lot size of 40 hectares in the Environmental Protection 7A Habitat and Catchment zone provided it meets the following test:

- each lot has an adequate building envelope outside the Environmental Protection 7A Habitat and Catchment zone (in the opinion of the consent authority); and
- the subdivision is desirable for achieving the long term management of the land within Environmental Protection 7A Habitat and Catchment zone.

Clause 11 allows a consent authority to make, revoke and amend a Tree Preservation Order. The site is subject to Council's Tree Preservation Order, and consent is required to remove trees.

Clause 13 requires consent for certain landform modification works involving filling or excavation. The proposed site works involve levelling of the ground and works associated with the provision of infrastructure (i.e. water, sewer, roads, electricity etc).

Clause 14 requires adequate arrangements for services to be provided for:

- water supply;
- removal and disposal of sewerage; and
- drainage.

Under **clause 22** a 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."

Double Crossing Creek forms part of the Solitary Islands Marine Park.

Clause 23 imposes requirements upon land identified on the Potential Acid Sulfate Soils Map.

The site is partly identified as Classes 3 and 4 on the Potential Acid Sulfate Soils Map.

Clause 23 provides that a person must not, without development consent, carry out works beyond 1m of ground surface for Class 3 soils, or 2m for Class 4 soils, without development consent.

This clause also provides that a consent authority must not grant a consent 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 Water and Energy 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."

Coffey's have previously prepared a Preliminary Acid Sulfate Soils Assessment for the Project, as well as an Acid Sulfate Soil Management Plan. A copy of this Assessment and Plan will be included in the Draft EA.

4.6 Draft Local Environmental Plans

There are two Draft LEPs of relevance to the site, namely, Draft LEP (Amendment) No. 23 and Draft LEP (Amendment) No. 29.

Draft LEP No. 23, if gazetted, will require consent for removal of native vegetation from the site and will require vegetation clearing to be in accordance with the Vegetation Conservation Development Control Plan.

Draft LEP No. 29, if gazetted, will rezone the site to part Residential 2A (Low Density) and Part Environmental Protection 7A Habitat and Catchment zone. The Residential 2A (Low Density) zone will generally replace the current Residential 2E Tourist zone to reflect Council's intention to have the locality developed for permanent residential accommodation. Under the Draft LEP, the Environmental 7A Habitat and Catchment zone is to be adjusted to accord with the findings of the Hearn's Lake Estuary Management Plan. It is expected this will result in a zone boundary that extends 50m from RL 3.5m AHD along Double Crossing Creek. The Draft LEP is yet to be exhibited and a map is not yet available.

4.7 Development Control Plans

Hearn's Lake/Sandy Beach Development Control Plan (DCP)

To manage development in the locality, Coffs Harbour City Council has prepared the Hearn's Lake/Sandy Beach DCP which came into force on 7 December 2005.

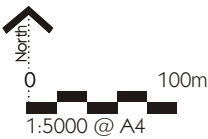
This DCP is the principal guiding plan for development within the Hearn's Lake/Sandy Beach locality. The DCP establishes economic, social and environmental sustainability objectives for the wider locality.

The DCP requires proponents of development to comply with the overall 'Planning Strategy' and detailed 'Planning Controls'. The DCP accepts alternative solutions to these measures where it can be demonstrated that the alternative will meet the DCP objectives.



LEGEND

-  1A Rural Agriculture
-  2E Residential Tourist
-  7A Environmental Protection Habitat & Catchment



Source: Coffs Harbour City Council, Dec 2008
LEP 2000 Amended
Date: December 2008
1184-175 Plan 5

Section 5

Key Issues

5.1 Traffic

Roadnet Pty Ltd prepared a comprehensive traffic assessment for both Stages 1 and 2 (the Project) in terms of impacts, access, layout, pedestrians and cyclists, public transport servicing and road safety.

The Hearnese Lake/Sandy Beach DCP identifies a 'Type C' intersection at Graham Drive for access to the wider residential area when fully developed (this area includes the site). Given that the development of Stage 1 and 2 (the Project) represents only 40% of the traffic to be generated from this area, a Type C intersection was considered unnecessary. Instead, a 'Type BA' intersection with basic right turn treatment (BAR) was considered suitable for the predicted traffic volumes from Stage 1.

The Roadnet Pty Ltd traffic assessment recommended that the intersection be constructed to accommodate a Type C intersection in the future and a threshold treatment on the access road to help identify the intersection as the entry to this area.

An addendum to the traffic assessment was provided by Roadnet Pty Ltd dated 23 June 2006, which provided:

"The Traffic Study Report identified full development of the proposal would generate 70 trips during peak hour. This would add 30 turning vehicles to the northern Pacific highway and Graham Drive intersection and 40 to the southern Pacific Highway and Graham Drive seagull intersection. The report identified both intersections currently operate adequately and that the additional traffic from the proposal would not impact on the operation or LOS now or 10 years into the future. Therefore intersection upgrades are not warranted for full development of the proposal."

Notably, the land north of Double Crossing Creek is no longer part of the proposal to develop Stage 1 and 2 (the Project). Given this, and the date upon which the addendum was provided, it is proposed to include a further traffic assessment or addendum to the initial traffic assessment, for inclusion in the Draft EA, which examines the traffic implications of the Project on both the site's Graham Drive intersection and

Graham Drive's intersections (north and south) with the Pacific Highway.

5.2 Ecological

A Flora and Fauna Survey dated November 2006 accompanied Development Application 508/07. The threatened species assessment completed as part of the Survey concluded that the proposal was unlikely to have a significant effect on threatened species, populations, ecological communities or their habitats.

Given the date of this Survey (and its reliance on field surveys carried out in September 2005 and 2006), an additional flora and fauna assessment (or addendum) will be included in the Draft EA.

5.3 Bushfire

A detailed "Bushfire Hazard Assessment" by Barry Eadie Consulting Pty Ltd accompanied Development Application 508/07.

The "Bushfire Hazard Assessment" was carried out in accordance with *Planning for Bushfire Protection 2001*. This document has since been revised (*Planning for Bushfire Protection 2006*). An addendum to the original Assessment or further assessment will be sought which addresses the provisions of *Planning for Bushfire Protection 2006*, and included in the Draft EA.

5.4 Contamination

Coffey Geotechnics Pty Ltd (Coffey) conducted a Phase 1 Environmental Site Assessment (ESA) which covered both Stage 1 and 2 (the Project) areas. The Phase 1 ESA included a site history, assessment of potential areas Areas of Environmental Concern (AECs) and Chemicals of Concern (COCs) and limited sampling and analysis of site soils.

The Phase 1 ESA identified sixteen main AECs over the site and the test results showed soil contamination, particularly for total petroleum hydrocarbons and zinc, above threshold concentrations for residential use. The report recommended further sampling and analysis in the identified AECs to confirm the presence or absence of contamination and to characterise the site in accordance with NSW EPA guidelines.

Coffey's conducted a subsequent Phase 2 ESA for Stage 2 (the Project) dated March 2007, making a further assessment of soil and groundwater contamination across the site, with recommendations regarding further investigation and options for site management/remediation.

Some of the recommendations from the Phase 2 ESA included:

"Due to size of the site, its history, and the number of AECs identified, it is recommended that a Remedial Action Plan (RAP) be prepared ... An RAP will allow remediation to be completed to a specified program, in accordance with relevant guidelines and advice ...

*Based on the on the results of the previous report, the field investigations and laboratory testing, it is considered that the proposed Stage 2 development area ... is currently **not** suitable for residential use with regards to soil contamination."*

As previously stated remediation works are presently being carried out on the site, and it is anticipated that these works will be completed around March/April 2009, culminating in a site audit statement that will be submitted to Coffs Harbour City Council for approval.

It is important to note that remediation works are being carried out across the whole of the site (Stage 1 and the Project site), and the site audit statement will similarly apply to the whole of the site. Following remediation works and acceptance of the site audit statement, the site will be suitable for residential development.

It is intended to include in the Draft EA either a copy of the site audit statement and Coffs Harbour City Council's acceptance of the statement, or otherwise an update regarding the status of remediation works across the site.

It should be noted that a Controlled Activity Approval under the Water Management Act 2000 is in place for the remediation works.

5.5 Acoustic

Atkins Acoustics and Associates Pty Ltd conducted a traffic noise assessment which accompanied Development Application 508/07.

The assessment identified the Pacific Highway and Graham Drive traffic as the only significant noise generators to potentially impact upon future residents on the site. The predicted noise levels were determined using a road traffic noise model.

The report identified that noise mitigation measures would be required for dwellings constructed adjacent to the eastern and western site boundaries. In this regard Development Application 508/07 proposed:

- an acoustic mound was proposed in the Graham Drive road reserve running parallel to the western boundary;
- fencing along the eastern and western boundaries; and
- a covenant over Lots 1, 2, 7, 8, 9, 10, 24 and 25 requiring an acoustic report be prepared for any future dwelling on each allotment which, and prior to the issue of development consent, addressing acoustic levels of the proposed dwelling.

The above requirements were acknowledged by Coffs Harbour City Council in conditions 4-6 of Development Consent 508/07, which provided:

"Acoustic Controls - Future Housing:

4. *A covenant shall be created for Lots 1, 2, 7, 8, 9, 10, 24 and 25 within the subdivision pursuant to Section 888 of the Conveyancing Act 1919 and must be registered on the title of each such lot. Registration must be effected in conjunction with registration of the Plan of Subdivision. The restriction requires Council's approval to variation or removal. The covenant shall require the preparation of an acoustic report prior to the issue of development consent for any future dwellings on the affected lots. The acoustic report shall have regard to the design, internal layout, materials and ventilation of any proposed dwelling relative to traffic noise impacts (from Pacific Highway) and be prepared in accordance with relevant EPA Guidelines.*
5. *The western boundary of Lots 1, 23 and 24 and the eastern boundary of Lots 7, 8, 9 and 10 being fenced in accordance with fencing details shown on Figure 7H - Stage One Proposed Fencing prior to issue of the Subdivision Certificate.*
6. *The planted sound mound located adjacent to the western boundary of the site being constructed and landscaped prior to issue of the Subdivision Certificate. The sound mound is to be planted at a minimum 7 plants/m².*

It is suggested that a covenant be imposed requiring the preparation of an acoustic report prior to the issue of Development Consent for any future dwellings on the affected lots adjoining Graham Drive. The acoustic report shall have regard to the design, internal layout, materials and ventilation of any proposed dwelling relative to traffic noise impacts.

It is proposed to include a copy of the traffic noise assessment in the Draft EA, and it is anticipated that its recommendations (similar to condition 4 above) will extend to the Project.

5.6 Water Quality

An Addendum to the Water Quality Assessment prepared by GHD Pty Ltd and which accompanied Development 508/07 will be sought and included in the Draft EA, in part to address the fact that the land north of the site is no longer in the same ownership as that of the site, and to account for the removal of the swale from the central road.

The original Water Quality Assessment included an assessment of the Project's compliance with the water quality objectives from Coffs Harbour City Council's Urban Stormwater Management Plan 2000.

5.7 Cultural Heritage

Development Application 508/07 included correspondence from the Coffs Harbour Local Aboriginal Land Council and Yarrawarra Aboriginal Corporation advising that the site did not have any cultural significance nor was it likely to contain objects of significance.

The Draft EA will contain a further assessment of cultural heritage, consistent with the Draft Guidelines for Aboriginal Cultural Impact Assessment and Community Consultation (2005), and the Department of Environment and Conservation Interim Community Consultation Requirements for Applicants (2005).

5.8 Density

The Draft EA will include an assessment of compliance with the requirements of the Hearn's Lake/Sandy Beach DCP, however a preliminary review of compliance reveals that the Project will result in a total of 67 residential allotments being created over the site (24 within Stage 1 and 43 in Stage 2), while the DCP shows a target density of 69 allotments.

5.9 Landscaping

The area adjoining (and including) Double Crossing Creek is to be dedicated to Coffs Harbour City Council as public land (park) as part of the Project. It is proposed to landscape this land before dedication, and in this regard liaison with Council to produce a detailed landscaping plan will be necessary. It is anticipated that such a plan might be produced in response to a condition of approval; notwithstanding the Creek Rehabilitation Plan and Landscaping (**Appendix C**) submitted with Development Application Plan 508/07 will be included in the Draft EA.

5.10 Services

The gravity sewer system within the Project will be directed to a proposed sewer pump station to the south of the site. The sewer pump station will discharge to a proposed gravity sewer system which then discharges into an existing sewer pump station on the eastern side of the Pacific Highway. The existing sewer pump station discharges to the Woolgoolga Sewage Treatment Works via a sewer rising main along the Pacific Highway.

Potable water will be provided to the Project from the existing 225mm diameter water main immediately to the north east of the site. A 150mm diameter water main will be constructed to connect to the existing main, and loop around the site. The remainder of the site will be serviced by 100mm diameter mains fed by the 150mm diameter main.

Engineering plans prepared by GHD Pty Ltd which reflect the above arrangements (and which accompanied Development Application 508/07) will be included in the Draft EA.

5.11 LEP 2000

Proposed Lots 29-31 (Urban Design Strategy – **Appendix C**) are each partly affected by the Environmental Protection 7A Habitat and Catchment zone. The location of this zone is expected to change under Draft LEP 29, which is itself anticipated to be influenced by a recommendation from the Hearn's Lake Estuary Management Plan.

A plan for Draft LEP 29 is not yet available at this time. However, the Draft EA will include details regarding the extent to which the Environmental Protection 7A Habitat and Catchment zone affects proposed Lots 29-31.

Section 6

Conclusion

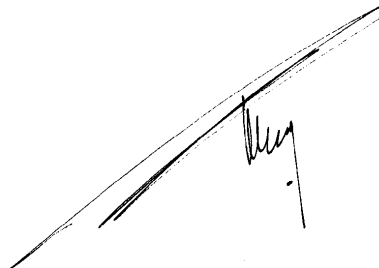
The site is considered suitable for residential development, and is consistent with various strategic and statutory documents which earmark it for low density residential development.

This PEA has identified the following key issues for further, detailed consideration in the Draft EA:

- Traffic;
- Ecological;
- Bushfire;
- Acoustic;
- Water Quality;
- Cultural Heritage;
- Density;
- Landscaping; and
- Services.

All of these Key Issues have been examined as part of the Stage 1 consent, and the information relating to them which formed part of the Stage 1 consent (Development Application 508/07) will be included in the Draft EA. Some of this information (reports etc) will be accompanied by addendums or further/replacement reports, in order to reflect present circumstances and requirements.

In conclusion, the Director-General's environmental assessment requirements are sought, to enable the preparation of a Draft EA.



Stephen J Connolly FPIA



Mark Petersen

Appendix A

Project Application Form and Minister's Correspondence

Major project application



NSW GOVERNMENT
Department of Planning

Date duly made: ____/____/____

Project application no. _____

1. Before you lodge

This form is required to apply for the approval of the Minister to carry out a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) applies.

Before lodging this application, it is recommended that you first consult with the Department of Planning (the Department) concerning your project.

A Planning Focus Meeting may need to be held for this project involving the Department, relevant agencies, council or other groups identified by the Department. If a Planning Focus Meeting is held, the Department will issue the Director-General's requirements for the Environmental Assessment following the meeting.

Disclosure statement

Persons lodging applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

For more details, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

All applications must be lodged with the Director-General of the Department of Planning, by courier or mail. An electronic copy should also be emailed to the assessment contact officer assigned to the project.

NSW Department of Planning
Ground floor, 23-33 Bridge Street, Sydney NSW 2000
GPO Box 39 Sydney NSW 2001
DX 10181 Sydney Stock Exchange
Phone 1300 305 695.

2. Details of the proponent

Company/organisation/agency

S J CONNELLY CPP PTY LTD

ABN

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Stephen

Family name

Connelly

Position

Director

STREET ADDRESS

Unit/street no.

6

Street name

Byron Street

Suburb or town

Lennox Head

State

NSW

Postcode

2478

POSTAL ADDRESS (or mark 'as above')

P O Box 538

Suburb or town

Lennox Head

State

NSW

Postcode

2478

Daytime telephone

02 66877171

Fax

02 6687 7067

Mobile

0419 237 982

Email

steve@connelly.com.au

3. Identify the land you propose to develop

STREET ADDRESS (where relevant)

Unit/street no.

234

Street or property name

Graham Drive,

Suburb, town or locality

Sandy Beach

Postcode

2456

Local government area(s)

Coffs Harbour

State electorate(s)

Coffs Harbour

REAL PROPERTY DESCRIPTION

Lot 260 DP 1110719

Note: The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the project applies to more than one piece of land, please use a comma to distinguish between each real property description.

OR detailed description of land attached. ☐

MAP: A map of the site and locality should also be submitted with this application.

4. Major project description and other requirements

Provide a brief title for your project.

Forty-three lot residential subdivision and public park, construction of roads and services

PROJECT APPROVAL

If you are applying for approval of a project, include in the project title, all significant components for which approval is being sought. If the application relates to part only of a project, the project title should reflect this.

Is the application for approval of a project?

☒ Yes ☐ No

Is the application related to part only of a project?

☐ Yes ☒ No

CONCEPT PLAN APPROVAL

If you are applying for approval of a concept plan, include in the project title, all components for which approval 'in concept' is being sought. If the application also relates to approval of a project, a description of this should also be included in the project title.

Is the application for approval of a Concept Plan?

☐ Yes ☒ No

Is a project application being made concurrently for all or part of the project?

☐ Yes ☒ No

You are also required to provide a Project Description and address any matters required by the Director-General in accordance with section 75E or section 75M of the Act. Failure to do so may lead to your application being rejected.

Is a Project Description attached?

☒ Yes ☐ No

Does the Project Description include any additional matters required by the Director-General under section 75E or section 75M of the Act?

☒ Yes ☐ No

Note: An electronic copy of the project description is also required as all applications must be provided on the Department's website. You should contact the Department on the correct electronic format.

ESTIMATED CAPITAL INVESTMENT VALUE

Please indicate the estimated capital investment value (CIV) of the project. The CIV includes all costs necessary to establish and operate the project, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment (but excluding GST and land costs).

\$ 4,000,000

EQUIVALENT FULL-TIME JOBS

Please indicate the number of jobs created by the project. This should be expressed as a proportion of full time jobs over a full year.

Construction jobs (full-time equivalent)

15

Operational jobs (full-time equivalent)

12

5. Approvals from State agencies

Does the project require any of the following: (tick all that are appropriate)

- ☐ an aquaculture permit under section 144 of the *Fisheries Management Act 1994*
- ☐ an approval under section 15 of the *Mine Subsidence Compensation Act 1961*
- ☐ a mining lease under the *Mining Act 1992*
- ☐ a production lease under the *Petroleum (Onshore) Act 1991*
- ☐ an environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997* (for any of the purposes referred to in section 43 of that Act)
- ☒ a consent under section 138 of the *Roads Act 1993*
- ☐ a licence under the *Pipelines Act 1967*

6. Landowner's consent or notification

As the owner(s) of the above property, I/we consent to this application being made on our behalf by the proponent:

Land

Signature

Refer to attached

Name

Date

Land

Signature

Name

Date

Note: Under clause 8F of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), certain applications for approval under Part 3A of the Act do not require the consent of the landowner, however, the proponent is required to give notice of the application:

- in the case of linear infrastructure projects, by notice in a newspaper circulating in the locality prior to the commencement of the public consultation period,
- in the case of mining or petroleum production projects, by notice in a newspaper circulating in the locality within 14 days of this application being made,
- in the case of critical infrastructure projects, to the owner of the land within 14 days of this application being made, and
- in other cases, to the owner of the land at any time before the application is made.

7. Political donation disclosure statement

Persons lodging applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. Disclosure statements are to be submitted with your application or request.

Have you attached a disclosure statement to this application?

- ☐ Yes
☒ No

Note: For more details about political donation disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

8. Proponent's signature

As the proponent(s) of the project and in signing below, I/we hereby:

- provide a description of the project and address all matters required by the Director-General pursuant to section 75E and/or section 75M of the Act, and
- apply, subject to satisfying clause 8D of the Environmental Planning and Assessment Regulation, for the Director-General's environmental assessment requirements pursuant to Part 3A of the Act, and
- declare that all information contained within this application is accurate at the time of signing.

Signature



Name

In what capacity are you signing if you are not the proponent

Applicant and Town Planner

S J Connelly

Name, if you are not the proponent

Date

10/12/18

LAND OWNER AUTHORITY

TO WHOM IT MAY CONCERN

This is to advise that S.J Connelly Pty Limited has been engaged by:

Client Name: **Sandy Beach Mill Pty Ltd**

Client Address: **PO Box 9000 Moonee Beach NSW 2450**

Dated **1 November 2006**

in respect to land described as: **Lot 260, DP 1110719**

No: Street: **Graham Drive**

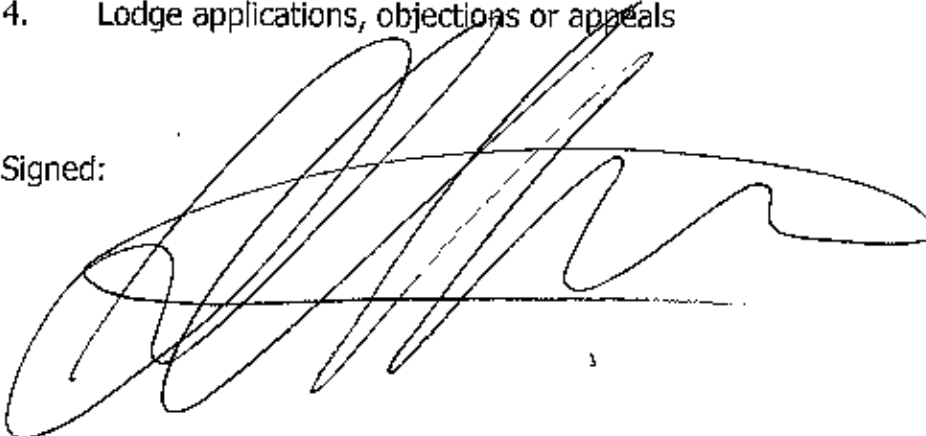
Locality/Suburb: **Sandy Beach**

Real Property Description:

The owner of the abovementioned land hereby authorises S.J Connelly Pty Limited or its agents to:

1. Inspect Records
2. Carry out searches and site inspections
3. Take Site Samples
4. Lodge applications, objections or appeals

Signed:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and somewhat abstract, with several loops and a long horizontal stroke at the end.



NSW GOVERNMENT
Department of Planning

24 October 2008

Contact: Sally Munk
Phone: (02) 9228 6498
Fax: (02) 9228 6540
E-mail: sally.munk@planning.nsw.gov.au
Our ref: 08_0148
File: S08/01196

Mr Steve Connelly
SJ Connelly Pty Ltd
PO Box 538
LENNOX HEAD NSW 2478

Dear Mr Connelly,

Subject: Proposed Residential Subdivision at 234 Graham Drive, Sandy Beach

I refer to your letter dated 11 July 2008 in which you requested confirmation that your proposal be declared as having only local environmental planning significance under Clause 1(1A) of *State Environmental Planning Policy (Major Projects) 2005*.

I am writing to advise you that on 20 October 2008, the Minister formed the opinion that your proposal is a Project to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies (refer declaration attached). Consequently, you should now apply for the approval of the Minister to carry out this project.

In seeking the Minister's approval, Section 75E of the Act requires you to lodge an application for your Project with the Director-General. Your application must include a completed application form; a Preliminary Assessment based on the information contained in this Schedule; and, the correct fee. I have enclosed a Major Project application form with this letter; a schedule that identifies what information should be addressed in the Preliminary Assessment; and, the required fees to be paid.

Please note that the *Local Government and Planning Legislation Amendment (Political Donations) Act 2008*, commences on 1 October 2008, requiring the public disclosure of donations or gifts when lodging or commenting on development proposals. If applicable to your application, please make sure you complete a Political Donations Disclosure Statement, which is available on the Departments website.

If you have any questions concerning any of the above matters or information required for the Preliminary Assessment, you should contact Sally Munk on 9228 6498 or via e-mail: sally.munk@planning.nsw.gov.au.

Yours sincerely

Sally Munk
Senior Environmental Planner
Coastal Assessments

24/10/08

cc: Mark Hannon, Coffs Harbour City Council

Schedule – Information required at lodgement

Application form	You must complete in full the Application for a Major Project form enclosed.
Preliminary Assessment – Purpose	The purpose of the Preliminary Assessment is to assist the preparation of the Director General's Environmental Assessment Requirements. The purpose of the Preliminary Assessment is to culminate in a summary of the "Key Issues". Key Issues are those matters that if not addressed satisfactorily may lead to refusal of the project.
Preliminary Assessment – Identifying Key Issues	"Key Issues" will emerge from: (a) the proponent's consultation with all relevant agencies and groups, and (b) from the proponent's assessment of the proposed project against applicable environmental planning instruments, policies, guidelines and other relevant planning documents. "Key issues" could include, but may not be limited to: (a) non-compliances with known relevant planning controls; (b) known community concerns about the development proposed; (c) potential environmental impacts associated with construction, operation, or occupation of a project; (d) likely environmental risks; (e) constraints arising from the peculiarities of a project site. "Key Issues" should not include those aspects of a proposed project that comply with known planning controls; where there are no community concerns or where there are no other contentious matters.
Preliminary Assessment – Information to be addressed	The Preliminary Assessment should include: (a) a written and graphical description of the project and any ancillary components, including relevant preliminary plans; (b) the location(s) and a map identifying the site(s)/alignment/corridor; (c) the planning provisions applying to the site and whether the project is permitted under the prevailing EPs, DCPs, policies, etc, and if the project is inconsistent with such instruments/plans/policies; (d) a plan showing the current and any draft zonings for the site; (e) the views of the other agencies, local council and/or the community if known; (f) an identification of any study or investigations undertaken for the preparation of regional or local strategies that may affect the Project;
Application Fee	\$1000.00, based on set fee for lodgement of a Major Project application. Outstanding fee's (to be determined) are to be paid at the lodgement of the Environmental Assessment.
Copies of Documentation	Please advise when you are ready to submit, so we can determine the number of copies required.
Electronic Version of Documents	1 CD in PDF format of all documentation lodged, and All plans should be in PDF format. Note: In the event that the documentation exceeds 5 Megabytes, you should contact the liaison officer prior to lodgement.
Acceptance of Application	The Director General will not accept your application until such time as you complete all the information required by this schedule, the accompanying fee, and a completed application form.

**Record of Minister's opinion for the purposes of Clause 6(1) of the State
Environmental Planning Policy (Major Projects) 2005**

I, the Minister for Planning, have formed the opinion that the development described in the Schedule below, is development of a kind that is described in Schedule 2 of the State Environmental Planning Policy (Major Projects) 2005 – namely Clause 1(1)(j)(i) – subdivision for residential purposes into more than 25 lots in the coastal zone - and is thus declared to be a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies for the purpose of section 75B of that Act.

Schedule

A residential subdivision at Lot 260 DP1110719
234 Graham Drive, Sandy Beach

A proposal for a 43 lot residential subdivision at 234 Graham Drive, Sandy Beach (Lot 260 DP1110719) in the Coffs Harbour local government area, generally as described in a letter dated 11 July 2008 from SJ Connelly CPP Pty Ltd to the Department of Planning.



**The Hon Kristina Keneally MP
Minister for Planning**

Date:

20/10/08