

It is proposed that tidal flow will be restored to the SEPP 14 wetland within the site by construction of a new 900 mm diameter culvert pipe beneath Government Road (adjacent to the existing pipe). The new pipe will be fitted with an automatic tide floodgate similar to the design shown in **Plate 4.1**. The automatic tide floodgate includes a secondary gate with an aperture that opens and closes with an adjustable floating arm to allow a degree of tidal flushing and fish passage whilst providing flood protection (if required). This design is used in the rehabilitation of wetland environments that have been damaged by excessive floodplain drainage (NSW Department of Industry and Investment, 2009).

The opening and closing of the aperture on the secondary gate is triggered by the water level on the downstream side (north side) of the system. When the water level drops below the float during low tide events, the weight of the float arm causes it to fall and the secondary gate to open, resulting in the exchange of water. This continues until the incoming tide lifts the float to its maximum height and causes the gate to seal. The gate is held closed by the rising action of the float and the back pressure applied to the gate once overtopped, providing protection against flood water flowing upstream (NSW Department of Industry and Investment, 2009:17).

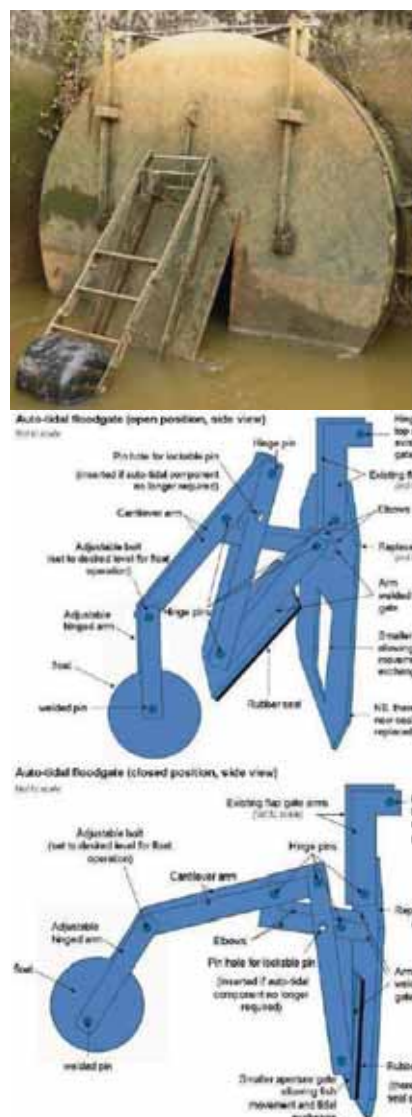
The secondary gate can be manually adjusted to set the level at which the aperture closes during an incoming tide. This provides control on the amount of tidal inflow and the subsequent extent of inundation of the SEPP 14 Wetland in the subject site.

The automatic tide floodgate will be owned and managed by the proponent. The initial phase of the floodgate operation will involve restricting the amount of tidal inflow to confine tidal inundation of the SEPP 14 Wetland in the subject site to the extent of vegetation with a full salt tolerance. This is based on management objectives outlined in the Wetland Management Plan (James Warren & Associates, 2010).

Three stages are proposed for the restoring tidal flow to the SEPP 14 Wetland in the site:

1. construction of a new 900 mm diameter culvert pipe with an automatic tide floodgate beneath Government Road (adjacent to the existing pipe);
2. remove the floodgate from the existing 375 mm pipe to convert it to an open pipe culvert for increased tidal flow exchange (this stage will only be implemented if deemed appropriate following monitoring of the response of the SEPP 14 Wetland in Stage 1 above);
3. remove the automatic floodgate from the new 900 mm pipe to also convert it to an open pipe culvert for increased tidal flow exchange (similar to above, this stage will only be implemented if deemed appropriate following monitoring of the response of the SEPP 14 Wetland to Stage 2).

The amount of tidal inflow for the above stages has been modelled to estimate the extent of tidal inundation (refer to **Appendix O** for modelling details). The estimated extent of tidal inundation for the above three stages is shown in **Illustration 4.2**. Modelling indicates that for Stage 1 with a fully open aperture gate in the automatic tide floodgate a maximum tide level of 0.41 m AHD can be achieved on spring tides in the site. This corresponds to the existing extent of vegetation with a full salt tolerance



Source: NSW Department of Industry and Investment (2009)

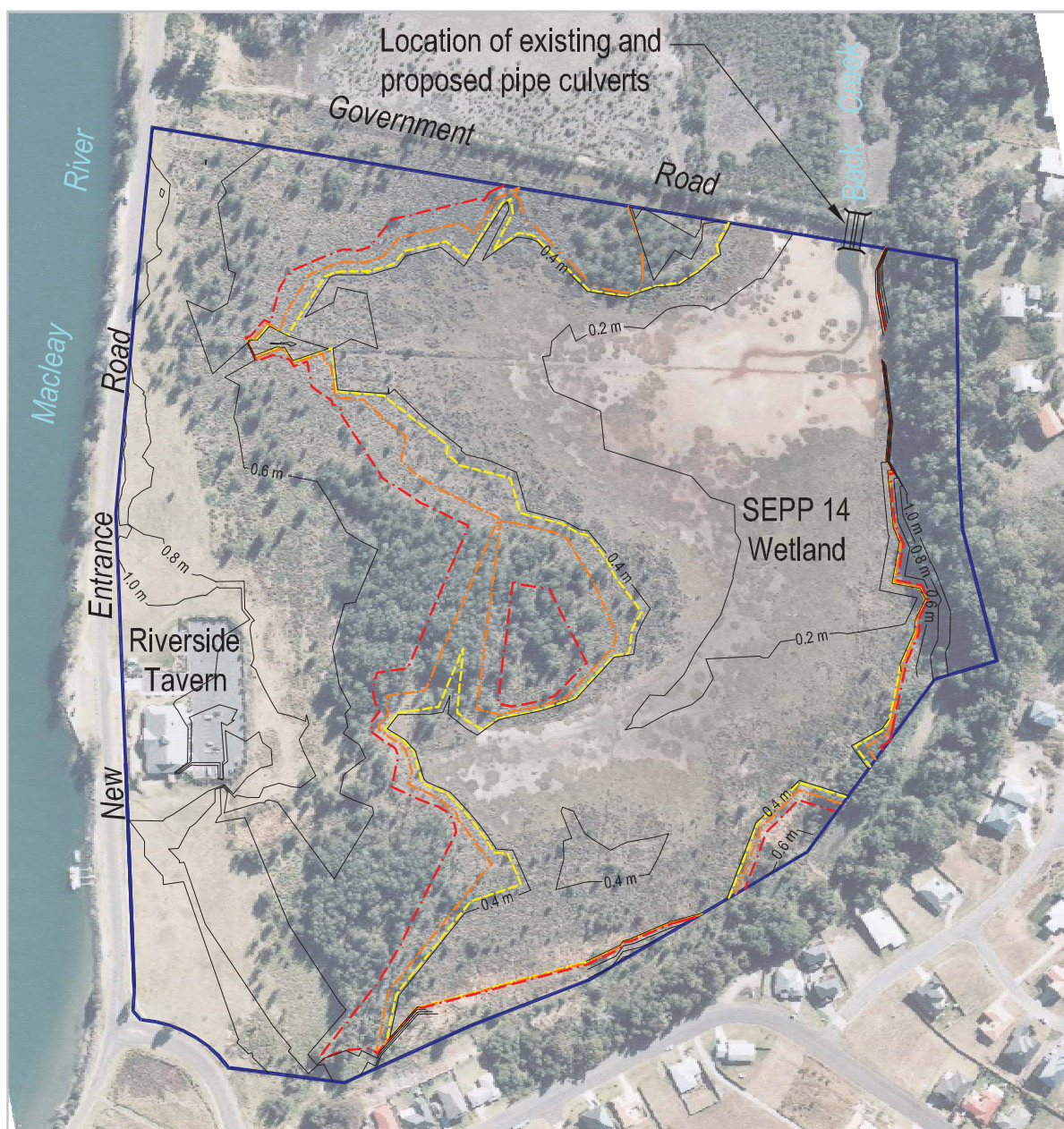
Plate 4.1 Indicative Examples of an Automatic Floodgate

which is the boundary for initial tidal inundation suggested by Sainty in the Wetland Management Plan (James Warren & Associates, 2010). The extent of tidal inundation for Stage 2 and 3 is estimated to be approximately 0.44 m AHD and 0.48 m AHD respectively.

Tide levels in the site generally follow the same pattern as the tidal variations on the downstream side of Government Road with a fully open aperture gate. However the magnitude of the tidal variations in the site is reduced due to the dampening effect of flow restriction through the aperture gate. This is beneficial for restricting tidal inundation levels the existing extent of vegetation with a full salt tolerance.

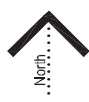
The initial phase of the floodgate operation (Stage 1) will involve restricting the amount of tidal inflow to confine tidal inundation of the SEPP 14 Wetland in the subject site to the extent of vegetation with a full salt tolerance (approximately the 0.4 m AHD contour). Commencement of operation of the automatic tide floodgate will require gradual adjustment of the secondary gate over the period of a couple of months to determine the appropriate amount of tidal inflow. This will be determined by observing the extent of inundation for different tidal phases (ie spring and neap tides).

Appropriate culvert design and scour protection will be provided on the upstream and downstream side of the pipe beneath Government Road to address scour issues associated with the reintroduction of tidal flows.



Extent of Tidal Inundation

Stage 1	0.41 m AHD	(1 x 900Ø pipe with tidal floodgate)
Stage 2	0.44 m AHD	(as above plus 1 x 375Ø pipe with floodgate removed)
Stage 3	0.48 m AHD	(floodgates removed from both 900Ø and 375Ø pipes)



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4.6.2 Acid Sulfate Soil Monitoring and Management for Tidal Flow Restoration

Due to the past blocking of tidal flows to the wetland area in the site, the watertable will have been lowered which has been potentially exposed shallow actual acid sulfate soil (ASS) horizons resulting in oxidation of sulphides within the soils and generation of sulphuric acid and acid leachate. The soils would then referred to as actual ASS (AASS). The generated sulphuric acid would be stored as acid pools within the soils and potentially on the soil surface.

Restoring tidal flows to the SEPP 14 wetland area in the site has the potential to export acidic water and other products of ASS oxidation into Back Creek. This could occur due to tidal water infiltrating into shallow actual acid sulfate soil horizons and draining out these products as tidal waters recede.

If AASS are present it is anticipated this impact is currently occurring during significant rainfall events via stormwater inflows to the wetland infiltrating into the shallow actual acid sulfate soil horizons and draining out these products as the stormwater flows discharge to Back Creek via the culvert beneath Government Road.

Preliminary research included a search of the NSW DPI fish kill database, a review of the Back Creek South West Rocks Sustainability Assessment Report (SWRSAR), and a discussion with Mr Matthew Birch, a contributor of the Coastal Lake Assessment and Management (CLAM) for Back Creek. The research indicated that there are no records of fish kills occurring in Back Creek. Export of acidic water and other ASS byproducts were not considered a significant issue in the CLAM for Back Creek and the SWRSAR. However it is understood that the wetland area above the floodgates may have contained acid scalds. It is considered that restoring tidal flows in the wetland would have less capacity to export acid water and leachates when compared to storm events.

Restoring tidal flows to the SEPP 14 wetland area in the site also has the potential to provide beneficial water quality impacts by providing some buffering of acidic water exiting the site during significant stormwater events.

To confirm that there is no significant export of acidic water and other ASS byproducts, particularly in the initial stages of tidal restoration, the following water quality monitoring is proposed:

- Water quality monitoring within the wetland at the upstream end of the Government Road culvert, and at the New Entrance Road culvert, Back Creek (monitoring to be undertaken on the outgoing tide):
 - before the restoration of tidal flows to provide baseline levels (to be undertaken weekly over two weeks);
 - during the initial inundation (to be undertaken weekly for a minimum period of six weeks);
 - at each significant increase in tidal exchange capacity (at the commencement of Stage 2 and Stage 3) to be undertaken weekly for a minimum period of six weeks.

4.7 Access and Parking

The site is bounded to the west and south west by New Entrance Road and Marlin Street respectively. Marlin Street is an 8 metre wide road corridor and Marlin Street is a 15 metres providing access along the waterfront of the Macleay River.

A single access to the cabins is provided off Marlin Street with a turning head at the end for circling vehicles. The internal access road will be an 11 metre wide road constructed of asphalt connecting to gravel driveways for access to cabins. Four of the cabins have double access forward drive in/drive out access and five have traditional single access. Located on the eastern side of the access road is a gravel verge for additional car and trailer parking. The access road will be initially filled to a minimum level of 1.9 m AHD at the northern end of the site, with a consistent rising grade of at least 0.3% from north to south to provide flood evacuation to the high ground at Marlin Drive.

A gravel path from the rear of the cabins to the tavern and through the wetland area would be constructed. This would allow a pedestrian connection enhancing passive recreational opportunities and enable visitors to interpret and interact with the wetland environment.

4.8 Integration and Suitability

If not carefully designed and planned, the tourist cabins have the potential to create internal land use conflicts. These conflicting uses include a licensed premises, neighbourhood, residential, environmental and tourism interrelationships.

Potential conflicts that may arise from this form of use include noise, traffic, visual amenity and socio-economic impacts. These potential conflicts and impacts have been carefully considered in the design of the Riverside Tourist Cabins. Measures that have been implemented to reduce conflict are comprehensively discussed in the body of this environmental assessment report. Some of these measures include:

- ensuring uses the cabins are orientated away from the tavern (licensed premises) to ensure noise does not impact on cabin amenity;
- the careful siting of cabins to ensure that they are located to minimise visual impacts from surrounding vantage points;
- designing the access road to ensure ease of traffic flow and access to cabins does not negatively impact on views from the Macleay River; and
- providing a comprehensive integrated water cycle management plan to control stormwater quality to the wetlands to ensure natural qualities of the site is enhanced.

The implications of noise generated from the tavern have been carefully considered during the design and location of the cabins. The Tavern has been operating for since 2001 and has the potential to impact on the amenity of the surrounding residents.

Currently the licensed operating hours of the Tavern are 10am to 12 midnight Monday to Saturday and 10am to 10pm Sunday.

Noise from outdoor entertainment (from the deck) has the potential to impact on the tourist cabins. The potential for this noise to impact the tourists cabins is considered to be low given the following measures are in place:

- only occurs six times a year during summer;
- is non amplified (acoustic);
- has only single or duo musicians at any one time; and
- only occurs between 2pm and 5pm.

Indoor entertainment occurs between 8pm and 11pm Friday and Saturday. The Tavern doors and windows are closed and security guards are in place to ensure, inter alia, that patrons do not make undue noise whilst outside and to ensure the doors remain closed during entertainment.

All Tavern entertainment and operation is consistent with the Liquor Licence (LL Number: 110545) which requires:

"The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in an Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 7:00 am and 12:00 midnight at the boundary of any affected residence."

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between 12:00 midnight and 7:00 am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00 am.

The behaviour of patrons is to be monitored by the licensee; that is the licensee should take reasonable action to ensure that patrons do not create a noise nuisance.

An automatic sound limiting system shall be installed and maintained in an operating condition at all times in the hotel which limits the generated sound level, in particular the low frequency. The generated noise level shall be limited to not greater than 105 dB, pre-midnight, in the 125Hz Octave Band when measured at 1m from the inside of walls to the exterior.

All windows and doors within the premises are to remain closed during the provision of entertainment save for necessary entry and exit from the premises.

Access to the hotel building during entertainment must be provided through noise traps to the double doors on the eastern and north western walls of the Fisherman's Bar. The noise traps are to comprise a small room separating the interior of the hotel from the exterior of the hotel. Doors on the noise traps must be hung with minimum gaps, be self closing and not held in an open position.

An announcement is to be made upon the cessation of entertainment to the effect that patrons should leave the premises and the vicinity quickly and quietly to avoid disturbance of the neighbourhood.

On evenings when entertainment is provided, at least two (2) licensed uniformed security personnel are to be engaged by the licensee on the premises to ensure that no unruly behaviour occurs within the premises and immediate surrounds such as the car park area and the area fronting the Macleay River. Such security are to be engaged at least one (1) hour before entertainment commences and remain until closure of the premises at which time they are to patrol the area to ensure patrons of the premises do not loiter or linger in the area or cause nuisance annoyance to the neighbourhood until the last patron has left the vicinity of the premises."

The riverside cabins are to be established for tourist accommodation with the closest being located 28 metres from the Tavern. Given the infrequent potential for noise, the mitigation measures addressed above and the transient nature of guests it is considered unlikely that guests would be impacted by noise from the Tavern.

It should also be noted that the Licences of the Tavern will be responsible for the management, operation and administration of the proposed tourist cabins. The licensee will be the first point of contact for all noise and other complaints from occupants of the cabins. The licensee will be required to ensure no breaches of noise conditions of the existing liquor licence and existing development consent.

4.9 Integrated Water Cycle Management

Integrated Water Cycle Management (IWCM) is a holistic approach to the planning and design of urban development that aims to minimise negative impacts on the natural water cycle and protect the health of aquatic ecosystems. It promotes the integration of stormwater, water supply and sewage management at the development scale. IWCM considers ways in which urban infrastructure and the built form can be integrated with a site's natural features. In addition, IWCM seeks to optimise the use of water as a resource (Moreton Bay Waterways and Catchments Partnership, 2006:1-2).

The key principles of IWCM are to:

- protect existing natural features and ecological processes;
- maintain the natural hydrologic behaviour of catchments;
- protect water quality of surface and ground waters;
- minimise demand on the reticulated water supply system;
- minimise sewage discharges to the natural environment; and
- integrate water into the landscape to enhance visual, social, cultural and ecological values.

4.9.1 Proposed IWCM System

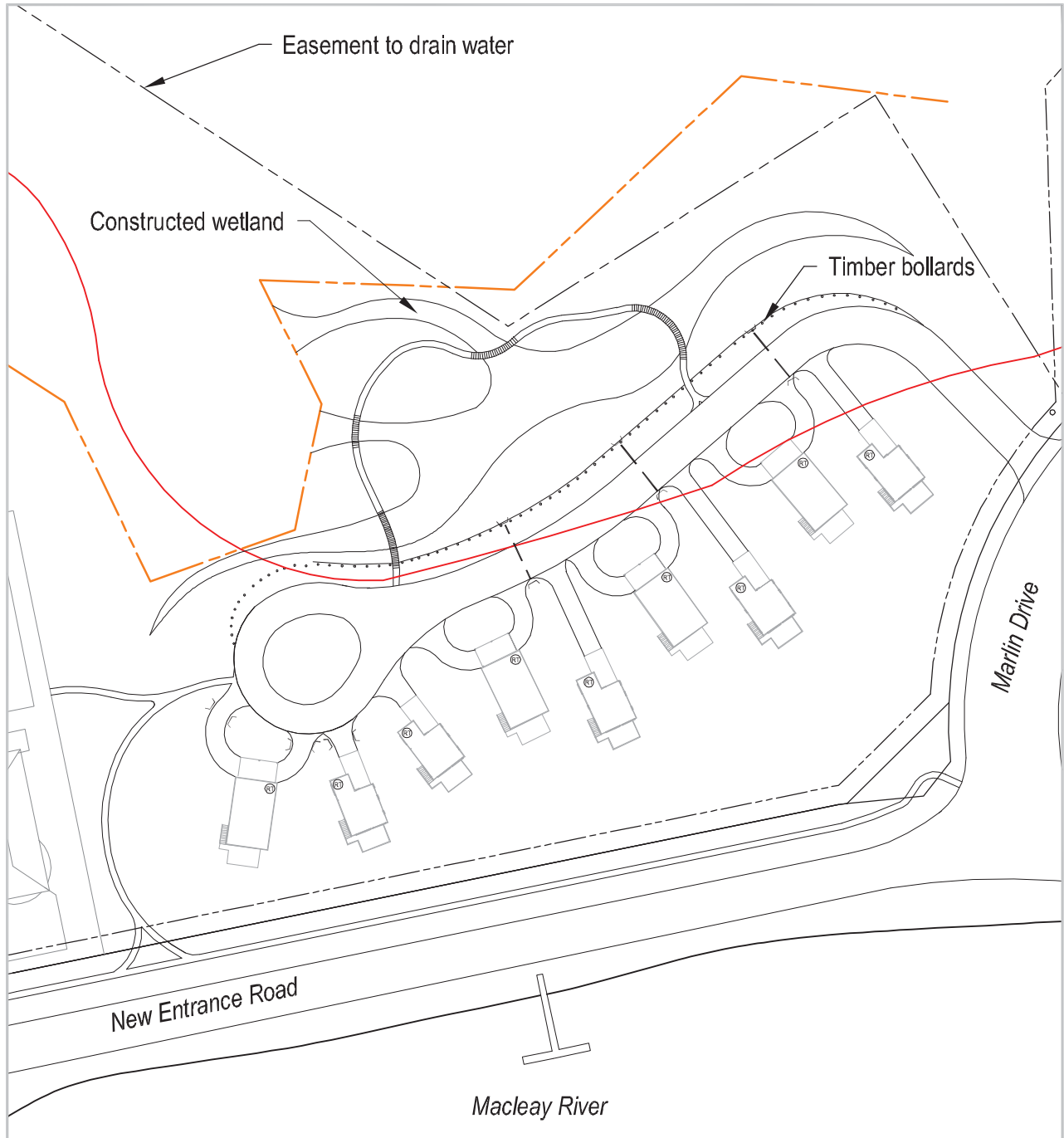
As a general principle the area of hard surface has been minimized in order to maintain the existing drainage patterns within the land. Roadways and access ways will be sealed and constructed to shed water into pervious gravel areas and shallow grassed swale drains. All road edges will be adjoined by grassed and landscaped areas and actions that tend to concentrate flows will be avoided. Areas that are dedicated for visitor parking and all sealed areas will also be drained to swales. The drainage system will exclude drainage from the tavern to ensure the system

Roofwater from cabins will be harvested for re-use. This practice also functions to retard and dissipate stormwater flows during rainfall events and will assist in minimizing erosion and preventing the contamination of existing watercourses with sediment.

The proposed IWCM elements for the development are shown in **Illustration 4.4** and comprise:

- **Rainwater tanks** at each cabin: water captured in the tanks will be used for toilet flushing and laundry to reduce water usage from the reticulated supply system (further details are provided in **Section 4.9.2**);
- **Swale drainage**: grassed or vegetated swales will provide preliminary treatment of stormwater, promote infiltration of stormwater to groundwater and direct stormwater runoff to the constructed wetland for further treatment (further details are provided in **Section 4.9.3**);
- **Pervious parking area**: a gravel visitor parking area is located between the bitumen roadway and the SEPP 14 wetland to promote infiltration / filtering of the road runoff with excess runoff directed to the constructed wetland for further treatment. Cabin parking areas are also gravel surface to promote infiltration. Runoff from these parking areas are directed to swale drains (further details are provided in **Section 4.9.3**); and
- **Constructed wetland**: for final treatment of stormwater to ensure that water reaching the SEPP 14 wetland is of a high quality. All swale drains discharge to the constructed wetland for further treatment (further details are provided in **Section 4.9.3**).

Information shown is for illustrative purposes only



LEGEND

- Original SEPP 14 wetland boundary
- - - Re-surveyed SEPP 14 wetland boundary
- - - Easement to drain water



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The above measures address the key principles of IWCM in the following manner:

- *protect existing natural features and ecological processes*: the extensive treatment process provides high quality runoff to ensure no significant impacts on the SEPP 14 wetland;
- *maintain the natural hydrologic behaviour of catchments*: the proposed stormwater treatment train maximises the use of overland flow / natural flow paths as opposed to piped flow to promote infiltration to groundwater, provide filtration of sediments in flows, and minimise flow velocities and peak discharge rates. Rainwater tanks and detention in the constructed wetland will also detain flows to compensate for increased flow rates associated with impervious areas on the site;
- *protect water quality of surface and ground water*: the extensive treatment process provides high quality water suitable for discharge to the SEPP 14 wetland. Water infiltrated to groundwater will also be treated via the filtration process through the grassed swales, gravel parking areas and the base of the constructed wetland;
- *minimise demand on the reticulated water supply system*: The use of rainwater tanks to provide rainwater for toilet flushing and laundry use will minimise demand on the reticulated water supply system;
- *minimise sewage discharges to the natural environment*: the installation of general water-saving devices in the cabins (tap fittings, showerheads, etc) will minimise discharges to the sewerage system;
- *integrate water into the landscape to enhance visual, social, cultural and ecological values*:
 - the area of hard surface has been minimized in order to maintain the existing drainage patterns within the site;
 - surface drainage will be facilitated by open swales to provide treatment and a 'softer' visual appearance in comparison to standard kerb and gutter;
 - proposed new vegetation in the constructed wetland will incorporate a dominance of locally indigenous native plants to ensure that the existing landscape character prevails; and
 - the constructed wetland combined with walkway / boardwalk adds recreational interest to the site and provides opportunity for education regarding water quality and the value and protection of locally significant wetlands.



4.9.2 Water Supply

Domestic water supply will be provided by two sources: individual rainwater tanks at each cabin and connection to the Macleay Water reticulation system.

The rainwater tanks will be above ground at each cabin. The captured roofwater will be used for laundry use and toilet flushing, therefore the rainwater tanks will be connected to the Macleay Water reticulation system for top-up purposes when there is insufficient rainwater. The top-up connection will be fitted by a licensed plumber and will include a dual check device to the water meter (pers. comm. T. Castle, email 26/11/2009).

Water supply for other uses in the dwelling (and top-up supply for the laundry and toilet flushing) will be supplied directly from the Macleay Water reticulation system. There is an existing 100 mm diameter main along the frontage with New Entrance Road. The adequacy of supply is assessed in **Section 6.12**.

Water supply for fire-fighting will be supplied from the Macleay Water reticulation system. Fire hydrants will be installed in accordance with AS 2419.1 (2005). This will provide the principle source of water for fire fighting in the event of a bushfire.

4.9.3 Stormwater

4.9.3.1 Design Criteria

The design criteria for the stormwater strategy considered Council's general stormwater management objectives (**Table 4.2**) and project specific objectives of improving current water quality discharges to the SEPP 14 wetland. Council's general stormwater management objectives were obtained from *Kempsey Shire Council Stormwater Management Plan Technical Supplement* (2004).

Table 4.2 Council Stormwater Management Objectives – Post Construction Phase

Pollutant / Issue	Suggested Retention Criteria
<i>Suggested Quantitative Objectives Post Construction – applicable to subdivisions and all medium – large scale development (generally defined as greater than 2500 m² total area).</i>	
Course Sediment	80% of average annual load for particles 0.5 mm or less
Fine Particles	50% of average annual load for particles 0.1 mm or less
Total Phosphorous	45% retention of average annual load
Total Nitrogen	45% retention of average annual load
Litter	70% retention of annual litter load greater than 5 mm
Hydrocarbons, motor oils, fuels and grease	90% of average annual pollutant load

A quantitative assessment of water quality improvements provided by the proposed stormwater treatment train is detailed in **Section** Error! Reference source not found.. The quantitative assessment indicates that the water quality from the site will be significantly improved in comparison the current runoff from the site.

4.9.3.2 Stormwater Management Plan

The proposed stormwater management plan consists of the following measures (refer to **Illustration 4.4**):

- rainwater tanks with a volume of approximately 3 kL at each cabin to capture roof runoff to detain flows and reduce runoff volumes;
- grassed or vegetated swales will receive overflows from the rainwater tanks and runoff from the road surfaces, gravel areas and other impervious areas. The swales will convey the flows to the constructed wetland and in the process provide some infiltration of stormwater to groundwater and removal of coarse and medium sediment. The basic swale dimensions are a base width of 300 mm, depth of 200 mm with gentle side slopes of approximately 1(vertical):6(horizontal);
- gravel parking areas to promote infiltration / filtering of the road runoff with excess runoff directed to the swales and constructed wetland for further treatment;
- grassed buffer strips between the entrance road / visitor parking and the constructed wetland to provide some infiltration of stormwater to groundwater and removal of coarse and medium sediment;
- constructed wetland for final treatment of stormwater via enhanced sedimentation, fine filtration and biological uptake processes to remove pollutants. Details of the constructed wetland include:
 - a surface area of approximately 1,000 m² which is approximately 7% of its catchment area. This size provides a high quality treatment suitable for release to the SEPP 14 wetland. This size is approximately double the standard sizing of constructed wetlands;
 - Permanent pool volume of 40 m³. It is noted the permanent pool volume may be less due to infiltration into the soils. A reduction in the permanent pool volume via infiltration will increase the volume available for detaining flows and thereby increasing the treatment effectiveness beyond the modelled figures;
 - Detention time of approximately 40 hours;



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- The maximum depth of the wetland is 0.4m. The embankment slopes of in the wetland are gentle with a grade of 1:10 to enable public egress from the water in the event of someone falling into the water. Dense vegetation within the wetland will also deter public access to deeper sections. The vegetation will consist of macrophyte zone planting of ephemeral marsh, shallow marsh and marsh zones. The maximum water level in the wetland is approximately 0.7 m AHD which is controlled by the level of the outlet weirs.

4.9.4 Sewerage

Sewerage services for the proposed cabins will be provided by connection to the Macleay Water sewerage system. Initial investigation of gravitating sewer flows to the Riverside Tavern pump station indicates the distance to the cabins is too excessive to grade the sewer therefore on-site sewage pumping systems will be provided as part of the development.

GeoLINK wrote to Macleay Water and requested advice on the capacity of the existing system on the 26 August 2009. A copy of this letter was forwarded to Macleay Water again on the 14 May 2010 and again on the 25 May 2010 however no response has been received.

However Macleay Water has indicated verbally that an on-site sewage pumping system will need to provide adequate on-site storage capacity to hold cabin sewage flows during peak periods in the day. The sewage will be pumped from the on-site systems into Council's sewer system during low flow periods: late at night or early in the morning (*pers. comm.* Macleay Water, August 2009).

Two small package pump stations are proposed to service all nine cabins. Each pump station has 2,200 litre storage capacity and duplex pumps (one operating / one standby). The two pumps will operate simultaneously for greater flow rate when required. These pump stations are typically used for multiple connections of four x four-bedroom houses. The proposed locations are shown in **Illustration 4.4**.

The package pump stations will be connected to the existing private sewer rising main from the Riverside Tavern pump station using "boundary kit" connections with a non-return and isolation valve. The pump stations will be installed below-ground with a 1.0 m diameter access lid and dry well housing the pumping equipment and a 1.7 m diameter storage chamber. The depth of the pump stations is 2.0m. Indicative details are provided in **Appendix N** based on the Mono system.

The grinder pumps ensure solids are ground into fine particles that pass easily through the pump, valves and small-diameter pipe lines.

Pumping from the two package pump stations would be timer controlled to pump at off-peak times to avoid any increase in peak flows at the downstream pump station. The package pump stations will be designed with sufficient capacity to store the equivalent of one-day flow from the cabins. This system is assessed in **Section 6.12**.

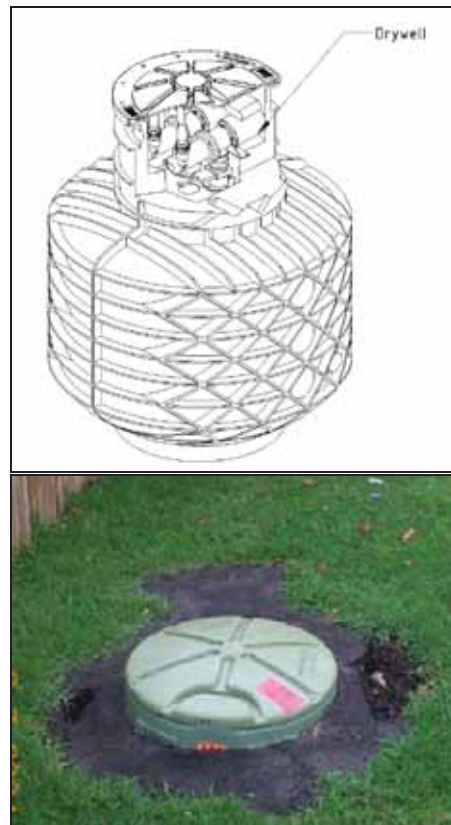


Plate 4.1: Indicative Illustrations of Sewage Pumping Units

4.10 Services and Infrastructure Provision

A full range of services and infrastructure will be provided for the development. These include standard services such as water, sewer, telecommunications, electricity and roads:

- water and sewer services are described in the previous section;
- electricity will be provided by connection to the Country Energy supply available to the lot (refer to **Section 6.12** for more details); and
- telecommunication will be provided by connection to the infrastructure along New Entrance Road (refer to **Section 6.12** for more details).

4.11 Building Management Plan

The proposed development seeks to facilitate the establishment of tourist accommodation in the form of self-contained cabins in a natural coastal setting. This development seeks to provide a high quality tourist experience for the travelling public, at a scale that does not adversely impact on the amenity of the local area or the surrounding environment. The intent of this section is to provide the content of what will be a Building Management Plan which will be attached to the title of the land as a 'Restriction as to User' pursuant to Section 88B of the Conveyancing Act 1919. The Building Management Plan sets out the framework for the operation of the tourist cabins, ensures consistency with tourism principles and demonstrates that the buildings are not used for permanent occupation.

Table 4.3 Building Management Plan

<i>Issue</i>	<i>Principles for inclusion in the Building Management Plan</i>
Management Systems	The Cabins will be operated as part of the Riverside Tavern. The Licensee of the Riverside Tavern will be responsible for: ▪ all bookings and enquiries; ▪ cleaning and day to day servicing of the cabins; ▪ customer complaints, requests and general maintenance; and ▪ gardening and landscape maintenance.
Occupancy	Occupancy of the cabins will be for short term holiday accommodation only. The tourist cabins have been specifically designed in terms of size provision of amenities to accommodate short-term tourist occupation. Any occupation of the cabins for permanent accommodation is prohibited. Cabins are not permitted to have: ▪ an individual electric meter box; ▪ an individual mailbox; or ▪ an individual rural/residential address number.
Use of amenities and facilities	Use of amenities and facilities will be for use of holiday tenants only.
Ownership	Ownership of the cabins and ancillary infrastructure will remain with the owner of Lot 4 DP 1022342.
Subdivision of Lot 4 DP 1022342	Subdivision of Lot 4 DP 1022342 to create separate titles for any of the cabins is not permitted.
Restrictive covenants proposed to control use and occupation of the site for tourism	A 'restriction as to user' will be registered against title pursuant to Section 88B of the Conveyancing Act 1919 prohibiting any permanent occupation of the cabins.

4.12 The Need

The proposal will result in economic benefits to the locality, the local government area and the region. The cabin accommodation style will increase the range of choices for people who are considering the area as a possible holiday destination by providing a facility that is quite different to other tourist accommodation in South West Rocks.

This proposal will increase the supply of short term sites for holidaymakers and as a consequence will have the potential to attract additional visitors to the township and to Kempsey Shire. The character of the park will be unique with spacious cabin sites which will be set within a large land parcel with very little apparent adjoining development. The uniqueness of the proposal is unlikely to have a significant impact on the market share of other tourist developments. In fact the proposal should strengthen South West Rocks as tourist destination by which providing a wider range of tourist accommodation.

The design of the tourist facility has been conceived to target a wide range of market segments. The site will provide accommodation for people with an interest in the natural environment, healthy lifestyle, recreational fishing and other water based recreational activities.

The development of sustainable tourism generates many ancillary benefits including:

- multiplier effect of tourist spending;
- creation of employment opportunities;
- diversification of the regional economy;
- improved facilities for the resident population;
- opportunities for the establishment of new businesses and expansion of existing businesses;
- stimulating residential development in the region; and
- preservation of natural assets.

This proposal brings forward a tourist facility as a low impact tourist development that will be viable and sustainable in the long term and have a positive contribution to the local economy with respect to these issues.

The creation of new jobs is vital to the growth and stability of every local economy. The unemployment rate in the region is significantly higher than the state average. This proposal will create new jobs in both the construction phase and the long term management of the facility.

With the completion of the tourist facility, employment will be provided for the equivalent of one person on a full-time basis, an additional two people on a casual or part-time basis and an additional pool of staff on a seasonal basis. There will be jobs requiring a range of skills including administrative and office based duties, care of and education in relation to native wildlife, grounds development, wetland regeneration, cleaning, marketing and sales. During the construction stages there will be work opportunities for local individuals and businesses and the proponents have always had a "buy local and employ local" policy and focus.

In summary it can be seen that the proposal seeks to respond to the issues of tourism and economic development in the following ways:

- the proposed accommodation forms are all low key elements aimed at short term tourism;
- ESD principles have been applied throughout the proposal and will include such elements as energy savings and efficiencies for the cabins, the harvesting and reuse of water;
- the provision of additional employment throughout the staged development program as well as ongoing employment opportunities in the day to day running of the tourist facility; and

- the flow on effect of increased economic activity in the nearby towns and settlements as a result of the increase in the temporary population seeking goods, services and experiences.

4.13 Alternatives Considered

A number of alternative design and layouts were considered during the development refinement. These are discussed in this section.

1. Caravan Park

A previous application was submitted for the development of the northern section of the site (north of the Tavern) for a caravan park with a total of 43 short term sites. The objective was to develop a tourist caravan park that complements the location and the environmental attributes of the site. The development aimed to preserve the existing constraints of the land, namely the flooding and wetland. Design attention was also given to other constraints of the site including planning and design, flooding, bushfire management, water control management and potential visual impacts. The development application was refused on the grounds of flooding and hazard and risk associated with evacuation, proximity to the SEPP14 wetland.

2. Tourist Cabins

A proposal for eleven 2 storey cabins was considered which included three cabins on the northern side of the Tavern and eight cabins on the southern side. In consideration of the refusal of the proposed caravan park on the northern side which included 43 cabins (as discussed above), low density development was considered more appropriate and therefore a total of 11 cabins on the site including addressing flooding and avoiding the SEPP14 Wetland was considered cognisant of the local constraints. However, correspondence from the Department of Planning noted its concern with the development on the northern section due to setting a precedent for further strip development to the north of the Tavern which would not be supported. The Department of Planning also did not support the cabin design and requested the development proposed include addressing management of the adjacent SEPP14 wetlands.

3. The “Do Nothing” Approach

The do nothing approach would result in the potential benefits of the project not being realised. The most significant benefit of the proposal is the rehabilitation of the SEPP 14 Wetland which is unlikely to occur if the proposed development does not proceed. This proposed rehabilitation will create significant improvements to water quality and habitat for fish and other wetland dwelling species. Other benefits include the social and economic benefits the project will bring through the increase in tourism and employment. The proposed development would increase the supply of short term accommodation for holidaymakers and as a consequence would have the potential to attract additional visitors to South West Rocks and the Kempsey Shire.

The cabin development would also create many indirect benefits as provided below which would not be experienced if the development did not proceed.

- Multiplier effect of tourist spending;
- Creation of employment opportunities;
- Diversification of the regional economy;
- Opportunities for the establishment of new businesses and expansion of existing businesses; and
- Preservation of natural assets.

This proposal presents a low impact tourist development that would be viable and sustainable in the long term and have a positive contribution to the local economy and the local environment.

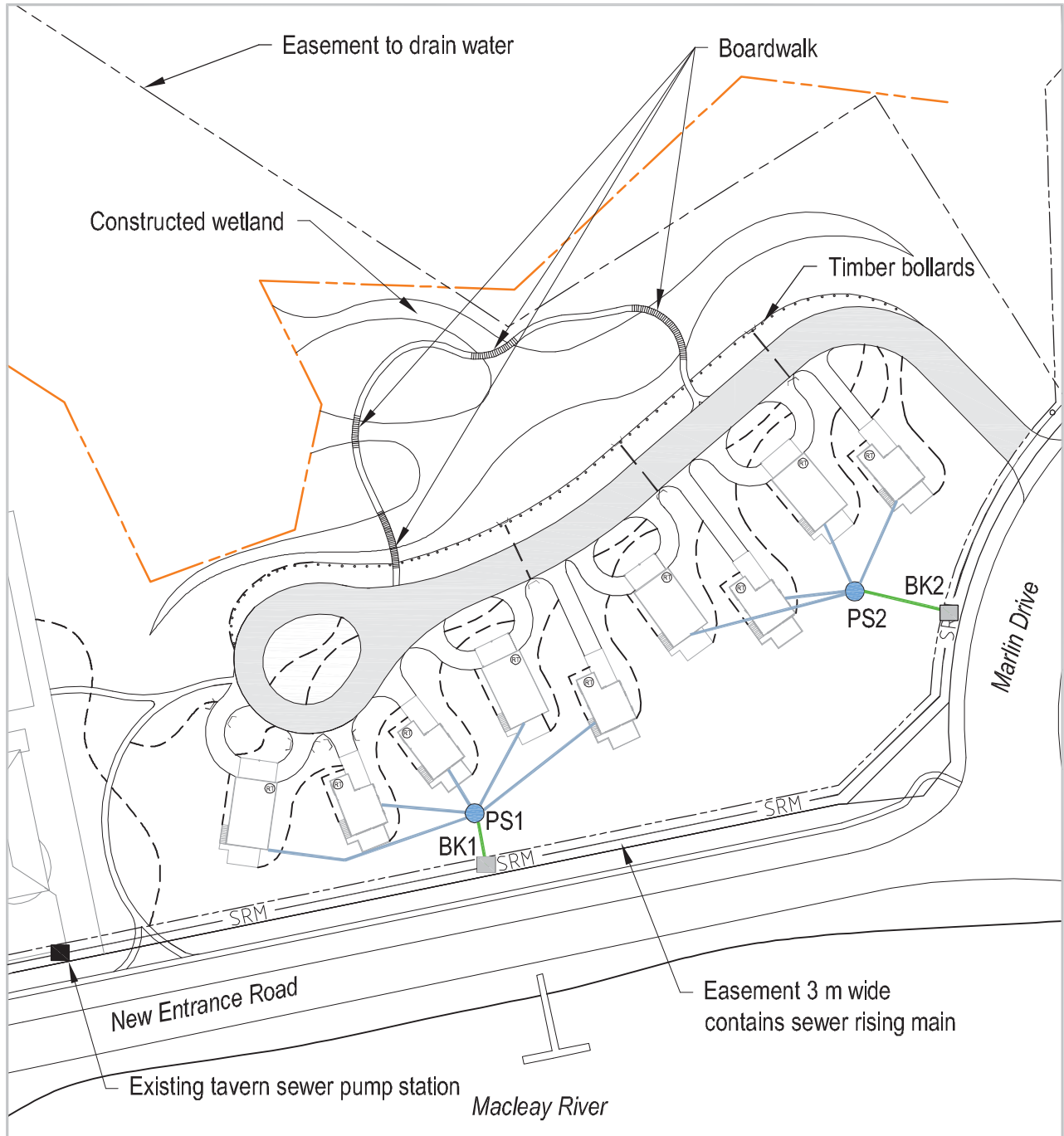
4.14 Justification

The proposed development is justified on the following grounds:

- provides for substantial environmental improvements to the site including rehabilitation, maintenance and monitoring of the existing SEPP 14 Wetland;
- the design creates a low key tourist development which design responds to the aims, objectives, policies and guidelines outlined in relevant State and local, environment, planning and urban design controls;
- creates an attractive facility that integrates the development with the existing landscape and character of the area. The careful design and selection of materials provides, coupled with the attractive landscaped settings enhances the experience of guests;
- responds appropriately to prevailing environmental considerations;
- provides servicing of the facility in a manner appropriate for cabin development and is consistent with the principles of ecologically sustainable development;
- to create a tourist facility that offers an attractive holiday environment and caters for the needs of holidaymakers in a way that recognizes the documented recreational value of the Macleay River and is consistent with State, Regional and Local tourism initiatives;
- provides all elements necessary for the establishment and ongoing operation of an effective and responsible tourist management regime; and
- provides appropriately staged implementation of the proposal.

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Information shown is for illustrative purposes only



LEGEND

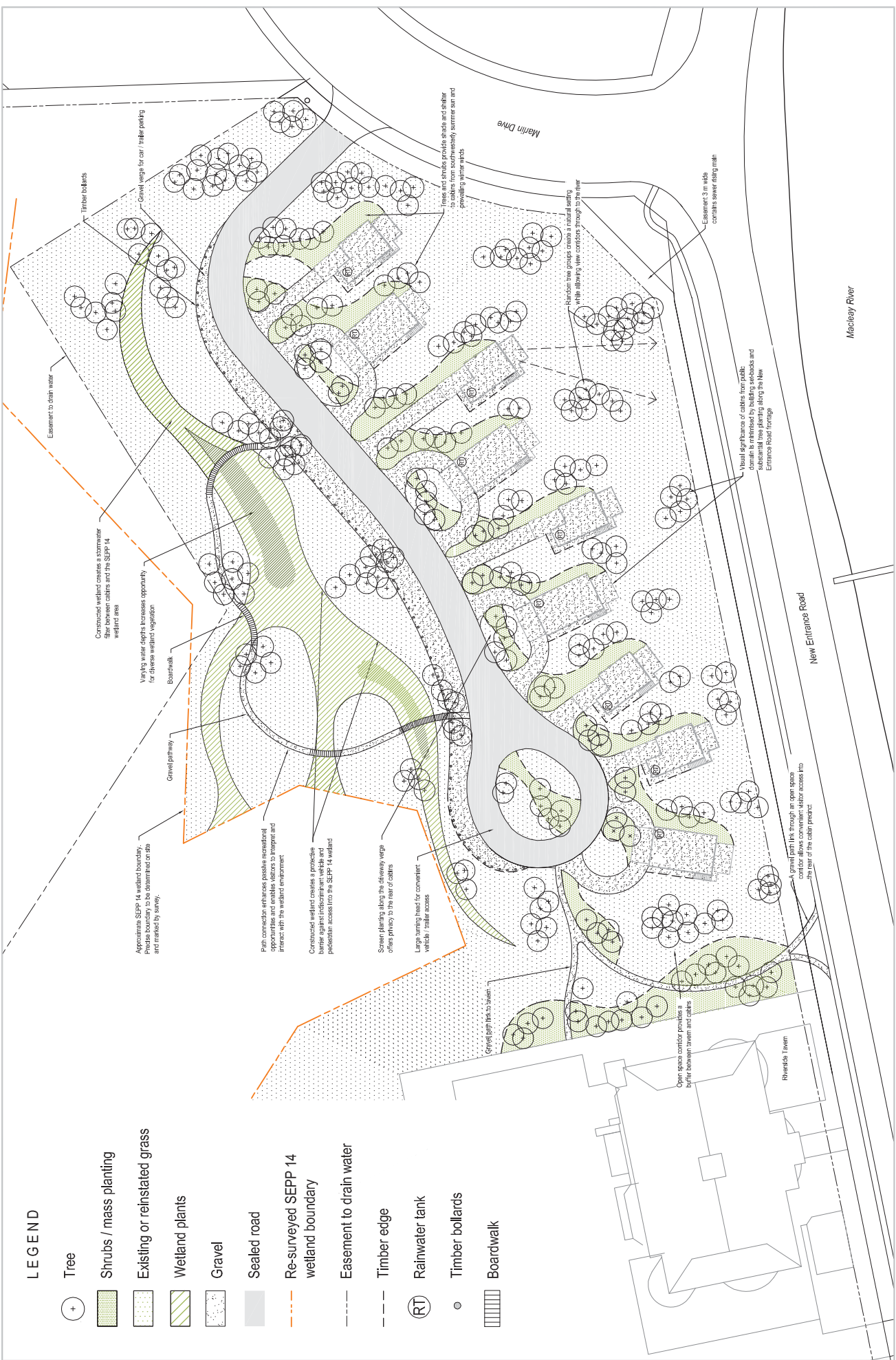
- | | |
|--------------------------------------|-------------------------------------|
| Sealed road | SRM – Sewer rising main |
| Re-surveyed SEPP 14 wetland boundary | Proposed sewer rising main |
| Easement to drain water | Proposed gravity sewer pipeline |
| Timber edge | Proposed boundary sewer kit |
| Rainwater tank | Proposed package sewer pump station |
| Timber bollards | |
| Boardwalk | |



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GeoLINK
environmental management and design

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Planning Framework

5.1 Approval Process

The EP&A Act and the supporting Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) provides the framework for the assessment of the environmental impact of development proposals in New South Wales.

Pursuant to State Environmental Planning Policy (Major Projects), Schedule 2, paragraph 1(f) (now repealed) the proposed cabins were defined as a tourist facility within a sensitive coastal location and are therefore defined as a Major Project. The Minister for Planning declared the proposal as a Major Project and is therefore the consent authority for the development with the Department of Planning being the assessment authority. Clause 75H of the EP&A Act requires Shannon Pty Ltd to submit an EA to the Director-General for approval to carry out the project. This EA is to address relevant environmental assessment requirements.

5.2 Environmental Planning and Assessment Act 1979

The EP&A Act is the principal legislation guiding development assessment and land use strategy in NSW. The EP&A Act has three processes for development assessment for NSW based development known as Part 3A, Part 4 and Part 5.

Part 3A of the EP&A Act applies to major infrastructure and other projects. A project is defined as follows pursuant to Clause 75A of the EP&A Act:

- “project means development that is declared under section 75B to be a project to which this Part applies.”; and
- “approved project means a project to the extent that it is approved by the Minister under this Part, but does not include a project for which only approval for a concept plan has been given.”

According to Clause 75B of the EP&A Act, the proposed development comprises a “project” to which part 3A applies as it has been declared as such by State Environmental Planning Policy (Major Development) 2005.

Clause 75E requires an application to be made to the Minister, which includes addressing matters specifically required by the Director-General. The Department of Planning has issued the DGRs which are provided in **Appendix A**.

Clause 75H requires the proponent to submit an Environmental Assessment (EA) to the Director-General for approval to carry out the project. This EA is to address the above environmental assessment requirements. Pursuant to Clause 75R(1) of the EP&A Act, parts 4 and 5 of the Act do not apply to approved projects. As a result, the provisions in Part 4 relating to, inter alia, integrated development approvals, state significant development and designated development do not apply to the RBMC. However, environment protection licences under the Protection of the Environment Operations Act 1997 will still be required (Clauses 75U and 75V apply).

5.3 State Environmental Planning Policy (Major Development) 2005

The Major Projects SEPP identifies the types of development declared to be major projects for the purposes of Part 3A of the Act. For the purposes of the SEPP, certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within the SEPP.

At the time that the minister declared this proposal to be a “project” to which part 3A applied, this proposal constituted a tourist facility within a sensitive coastal location. Pursuant, therefore, to item 1(f) of Schedule 2 of this SEPP (now repealed), the project was defined as a major project and required approval under Part3A of the EP&A Act.

5.4 Other State Environmental Planning Policies

The following State Environmental Planning Policies are relevant to this proposal.

State Environmental Planning Policy No. 14 – Coastal Wetlands

The aim of policy is to ensure that coastal wetlands are preserved and protected. It is considered that the main potential impact from the proposal on the wetlands is from:

- urban runoff from the future development of the site into the wetland;
- sedimentation from the construction phase of the development; and
- disturbance of potential acid sulfate soils.

SEPP 14 Wetland No. 436 affects the vast majority of the site. The wetland boundary was resurveyed with (DarkHeart Ecology), Peter Nelson (Department of Planning) and Amos and McDonald Surveyors.

It is known that this wetland has significant ecological value and will be rehabilitated as part of the proposal. No development is proposed within this wetland area, with the cabins set back more than 30 metres from the surveyed wetland boundary. Between the cabins and the wetland is a road, and a to-be-constructed freshwater wetland aimed at treating stormwater runoff and thereby reducing the impact of the development on the SEPP 14 wetland.

The cabins are proposed on the south west section of the site adjacent but outside of the SEPP 14 Wetland. The water cycle management measures incorporated into the development design will ensure that there are no direct or indirect impacts on this wetland. Modelling of stormwater quality predicted pollutant load reductions will readily satisfy Council’s objectives for stormwater quality (refer to **Section 6.4**). The stormwater management measures are consistent with current best practice guidelines.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The site has previously been investigated as part of the recent caravan park application, which contained a comprehensive ecological assessment. This ecological assessment found that the site did not constitute potential koala habitat as Schedule 2 primary preferred browse species do not exceed 15% of the total tree canopy component (DarkHeart 2004). An updated Ecological Assessment was prepared by James Warren and Associates (refer **Appendix D**) which found that the presence of koalas on the site was very unlikely given the lack of feed trees and therefore the current proposal would not have a significant impact on koala habitat or population.

State Environmental Planning Policy No. 71 – Coastal Protection

The objective of this policy is to provide for the protection and management of sensitive and significant areas within the coastal zone. The site is a ‘sensitive coastal location’ within the meaning of SEPP 71, as it is within 100 m of State Environment al Planning Policy No. 14 Coastal Wetland No. 436, which covers a significant portion of the site.

Accordingly, the provisions of Part 2 (Matters for Consideration) and Part 4 (Development Control) of the SEPP apply to this development. Key issues raised by these provisions are addressed in the following, **Table 5.1**.

Table 5.1 SEPP 71 Matters for Consideration

Matter for Consideration	Comments
The aims of the Policy set out in Clause 2	
To protect, preserve and manage the natural, cultural, recreational and economic attributes of the NSW coast.	The majority of the site is a classified SEPP 14 Wetland with only small areas being suitable for development. The proposed tourist cabins will be situated in the south-west of the site within an open grassed area that is not part of the SEPP 14 wetland. The proposal involves rehabilitating the SEPP 14 wetland on site. The development will create accommodation tourists, enabling more people to enjoy recreating at South West Rocks and in and around the Macleay River. There are no significant cultural items or attachments associated with the site. Economically, the proposed development will have a range of benefits associated with increased jobs and increased spending capacity associated with additional tourist visitation.
Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	Access to the foreshore of Macleay River will not change as a result of this development.
Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	Foreshore access currently exists and the proposed development will not change this.

Matter for Consideration	Comments
The suitability of development given its type, location and design and its relationship with the surrounding area.	Tourist accommodation at the small scale proposed is considered suitable for the proposed location. The Macleay River provides directly accessible recreation opportunities, with surf beaches approximately 3 km away. The development's direct proximity to the Riverside Tavern will be highly beneficial to visitors, as will the short distance to South West Rocks' Town Centre. The buildings have been designed to complement the surrounding landscape and through intensive landscaping will integrate with the nearby wetland through: use of locally dominant and indigenous native plants to ensure that the existing landscape character prevails; and planting of trees and shrubs strategically located around cabins that will help disguise and visually absorb the structures.
Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	The proposed tourist cabins are of a height that they will not cause overshadowing of the Macleay River or foreshore. Residents of Marlin Drive are most likely to be affected by a change in view. Houses on the southern side of Marlin Drive are elevated above road level and residents will be able to see over the proposed tourist cabins to the River. The impact on those people will be very minimal. Residents of the four houses located on the northern side of Marlin Drive (at the western end) will be more greatly affected. These houses are also elevated above the level of the tourist accommodation, but some, non-detrimental impact will be evident. Views of the Macleay River from a public place will not be affected. A detailed Visual Assessment can be found in Appendix L.
The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	No direct access to beach environments is available from the site.
Measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i>) and plants (within the meaning of that Act), and their habitats.	The proposal involves the retention and embellishment of existing significant native vegetation on the site.

Matter for Consideration	Comments
Measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i>) and marine vegetation (within the meaning of that Part), and their habitats.	The site is located directly opposite the Macleay River. As such, all available stormwater design measures have been integrated into the design to ensure there is no impact on the river from water leaving the site. Stormwater will be managed and treated using rainwater tanks, swales and a constructed wetland. The predicted pollutant load reductions satisfy Council's objectives for suspended solids and nutrients and significantly improve the current water quality discharges to the SEPP 14 wetland.
Existing wildlife corridors and the impact of development on these corridors.	The SEPP 14 wetland on site has significant environmental value. The following measures have been incorporated into the design of the development to ensure no impact will occur as a result of it: ▪ re-establishment of a healthy ecosystem within the SEPP 14 Wetland by restoring tidal flow; ▪ weed control; ▪ facilitation of natural regeneration; ▪ enhancement plantings (Adaptive management); and ▪ a five year monitoring and maintenance program. Additionally, the SEPP 14 wetland will be rehabilitated in accordance with an approved Wetland Management Plan as part of this Project.
The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	Flooding is an issue for this site, which is evidenced in the building design. Sea level rise is a coastal hazard that needs to be designed for at this site and this has been done in accordance with best practice methods.
Measures to reduce the potential for conflict between land-based and water-based coastal activities.	This development will not create any conflict between land-based and water-based coastal activities.

Matter for Consideration	Comments
Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	An Indigenous Archaeological Assessment determined that two sites are located within the property boundary. However they are not located within the area of the proposed development. The site is not a significant site for Aboriginal persons. It is not thought that through this development, any impact will be felt for Aboriginal persons. The heritage assessment recommended the following measures to protect cultural places and values: - the wetland, trees associated with the wetland and the run-off into the creek and into the river should not contain sediments that might contaminate the flathead breeding grounds opposite the Riverview Tavern; and - if any Aboriginal sites are found during excavation, it is essential that all works cease until the area has been inspected by members of the local Aboriginal community and an archaeologist.
Likely impacts of development on the water quality of coastal waterbodies.	Stormwater management at the development has been a key consideration throughout the design of this development. The effective management of stormwater will be crucial to ensure no impacts are had on the nearby wetland or river. It is considered that through the design proposed, no impacts will be had on any coastal waterbodies.
The conservation and preservation of items of heritage, archaeological or historic significance.	There are no items of heritage, archaeological or historic significance at the development site.
Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	The development is suitable for the current zoning of the land and does not decentralise the town of South West Rocks.
Only in cases in which a development application in relation to proposed development is determined: (i) the cumulative impacts of the proposed development on the environment, and (ii) measures to ensure that water and energy usage by the proposed development is efficient.	ESD principles have been applied throughout the proposal and will include such elements as energy savings and efficiencies for the cabins, the harvesting and reuse of water
Flexible zone provisions A provision of an environmental planning instrument that allows development within a zone to be consented to as if it were in a neighbouring zone, or a similar provision, has no effect.	The proposed development does not seek to use the flexible zone provisions.

Matter for Consideration	Comments
Public access A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	This development will not impact on any person's access to the coastal foreshore. It will not prevent anyone from accessing the Macleay River.
Effluent disposal The consent authority must not consent to a development application to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.	Effluent will be disposed of via a reticulated sewer system.
Stormwater The consent authority must not grant consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	All stormwater will be treated prior to discharge. Stormwater pollutant loads and volumes post development will not exceed the levels experienced pre development. The predicted pollutant load reductions satisfy Council's objectives for suspended solids and nutrients and significantly improve the current water quality discharges to the SEPP 14 wetland.

North Coast Regional Environmental Plan (Deemed SEPP)

The following summary identifies the matters within the NCREP (Deemed SEPP) applicable to the Proposal.

Part 2 Rural Development

Division 1 Agricultural Resources

Clause 12 Development control—impact of development on agricultural activities

This clause states that council shall not consent to an application to carry out development on rural land unless it has first considered the likely impact of the proposed development on the use of adjoining or adjacent agricultural land and whether or not the development will cause a loss of prime crop or pasture land. The site contains no significant agricultural land and consequently will not cause a loss of prime crop or pasture land.

Division 1 Agricultural Resources

Clause 15 Development control— Wetland and Fishery Habitats

This clause states that:

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

- *the need to maintain or improve the quality or quantity of flows of water to the wetland or habitat;*
- *the need to conserve the existing amateur and commercial fisheries;*
- *any loss of habitat which will or is likely to be caused by the carrying out of the development;*
- *whether an adequate public foreshore reserve is available and whether there is adequate public access to that reserve;*
- *whether the development would result in pollution of the wetland or estuary and any measures to eliminate pollution;*
- *the proximity of aquatic reserves dedicated under the Fisheries Management Act 1994 and the effect the development will have on these reserves;*
- *whether the watercourse is an area of protected land as defined in section 21AB of the Soil Conservation Act 1938 and any measures to prevent soil erosion;*
- *the need to ensure that native vegetation surrounding the wetland or fishery habitat area is conserved; and*
- *the recommendations of any environmental audit or water quality study prepared by the Department of Water Resources or the Environment Protection Authority and relating to the river, stream, wetland, area or catchment..'*

These matters have been carefully considered in **Section 6** of this report.

Part 3 Conservation and the Environment

Division 1 The Natural Environment

Clause 29A Development Control – natural areas and water catchments

This clause states that the council must not grant consent for the clearing of natural vegetation in environmental protection, scenic protection or escarpment preservation zones unless it is satisfied of certain issues.

The application proposes no vegetation removal.

Clause 32A Development Control —coastal foreshore areas

This clause applies to the site as it is within the Coastal Protection Zone. It requires compliance with the NSW Coastal Policy. Compliance with this policy is demonstrated in **Section 5.8.1**.

Part 6 Tourism and Recreation

Division 1 Tourism

75 Development control—tourism development

This clause states the council must not grant consent to tourism development unless it is satisfied that:

(a) adequate access by road, railway or water transport (or any combination of them) exists or will be provided to service the development, taking into account the scale of the development proposed;
Adequate access is provided to the proposal (refer to **Section 6.8**).

(b) if the proposal involves permanent residential accommodation, all social and community services reasonably required by those residents exist in close proximity to the development;
The proposal will not provide for permanent residential accommodation (refer to **Section 4.11**).

(c) the development will not be detrimental to the scenery or other significant features of the natural environment.;
The proposal will not have a detrimental visual impact (refer **Section 6.13**).

(d) reticulated water and sewerage are available, or arrangements satisfactory to the council have been made for the provision of those facilities;
The proposal will be connected to reticulated water and sewerage (refer to **Section 4.10**)

(2) In considering an application for consent to tourism development, the council must have regard to principles contained in the Tourism Development Along the New South Wales Coast: Guidelines.
The proposal is small scale tourist development that will complement existing facilities and development along New Entrance Road. The proposal is in proximity to the South West Rocks CBD and other Shopping and community facilities. It is considered that the proposal is generally consistent with the Principles of contained in the *Tourism Development Along the New South Wales Coast: Guidelines*.

(3) The council must not approve an application for large scale resort development unless it is within or adjacent to a prime tourism development area or adequate urban services are available.
The proposal is not a large scale resort development.

Division 2 Recreation

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

The council shall not consent to a development application for development on land within 100 metres of the ocean or any substantial waterway unless it is satisfied that:

(a) there is a sufficient foreshore open space which is accessible and open to the public within the vicinity of the proposed development,

The site is adjacent to the Macleay River. There exists a sufficient open space in the foreshore reserve along new entrance drive in front of the proposed cabins called Mattys Flat New Entrance Public Reserve.

(b) buildings to be erected as part of the development will not detract from the amenity of the waterway,
The proposed buildings will not detract from the visual amenity of the area (**refer Section 6.13**).

(c) the development is consistent with the principles of any foreshore management plan applying to the area.

The reserve adjacent to the proposal is called Mattys Flat and New Entrance. The Plan of Management for this reserve is currently being revised by Kempsey Shire Council and the NSW Land and Property Management Authority. The proposal will not significantly impact on the Reserve or any planned future works for the reserve.

5.5 Mid North Coast Regional Strategy

The following are the aims of the Mid North Coast Regional Strategy (MNCRS) and how the proposed development satisfies those aims:

- *protect high value environments, including significant coastal lakes, estuaries, aquifers, threatened species, vegetation communities and habitat corridors by ensuring that new urban development avoids these important areas and their catchments.*

The proposed development is in close proximity to two high value environments, being the Macleay River and a SEPP 14 wetland. As the Macleay River is on the opposite side of the road to the development and the wetland directly adjoins the proposed development footprint, it is considered that the SEPP 14 wetland is the more susceptible to impact. The design of the development ensures that there will be no significant impact on either of those high value environments. This will be achieved through stormwater management measures and ecological enhancement measures. Visitors to the proposed cabins will be restricted from entering the SEPP 14 wetland area.

- *cater for a minimum housing demand of 59 600 new dwellings by 2031 to accommodate the forecast population increase of 94 000 and any anticipated growth beyond this figure arising from increased development pressures in the Region.*

This development will address the expected demand in the region for permanent housing. Through the provision of these cabins, there will be less strain on existing holiday rental housing stock in the area.

- *ensure that new housing meets the needs of smaller households and an ageing population by encouraging a shift in dwelling mix and type so that 60 per cent of new housing is the traditional detached style and 40 per cent is of multiunit style.*

The above aim is not strictly applicable to the proposed development. Two types of cabin will be provided at this development, allowing for large and small family vacations.

- *ensure an adequate supply of land exists to support economic growth and the capacity for an additional 48 500 jobs in the Region by protecting existing commercial and employment areas and securing sufficient land to support new employment opportunities.*

The proposed development is not located on land that could otherwise be used for a commercial or industrial purpose. This development is an efficient use of an environmentally sensitive area that will consolidate development in the western portion of South West Rocks.

- *encourage the growth and redevelopment of the Region's four major regional centres and six major towns as a means of protecting sensitive coastal and natural environments and strengthening the economic and administrative functions of these centres as well as meeting increased housing density targets.*

Under the Mid North Coast Regional Strategy, South West Rocks is not a major regional centre or major town. Therefore the above aim is not applicable.

- *protect the coast and the character of coastal villages by limiting growth to the agreed growth areas of towns and villages leaving greenbelts between settlements.*

The proposed development is located within an already developed area. The tourist cabins will have complimentary relationship with the existing tavern on the site.

- *direct new rural residential development to areas close to existing settlements away from the coast.*

The proposal is not rural residential development.

- *only consider additional development sites outside of growth areas if they can satisfy the Sustainability Criteria (Appendix 1).*

In response to the North Coast Regional Environment Plan, Kempsey Shire Council prepared the Residential Land Release Strategy 1997. This plan identifies that there will be a shortage of land in South West Rocks designated for development, based on the projected increase in population. Accordingly, medium term and long term development land has been identified. The site of the proposed tourist cabins is not within either the medium or long term future development areas. Accordingly the Sustainability

Criteria contained within Appendix 1 of the Mid North Coast Regional Strategy is addressed in **Table 5.2** below.

Table 5.2 Sustainability Criteria

<i>Suggested threshold Sustainability Criteria for defining potential development boundaries</i>	<i>Measureable explanation of criteria</i>	<i>Comments</i>
1. Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication area provided in a timely and efficient way	Development is consistent with the Mid North Coast Regional Strategy, any subregional strategy, the State Infrastructure Strategy and relevant section 117 directions.	This development is consistent with the MNCRS.
	The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on Government methodology for determining infrastructure development contributions.	No extraordinary infrastructure works will need to occur to enable this development to proceed. The land is already provided with standard urban services and residents will be easy access to the existing road network.
	Preparedness to enter into development agreement.	Given the above, it is not considered that a developer agreement will be necessary for this proposal.
2. Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.	- Accessibility of the area by public transport and/or appropriate road access in terms of: - location/land use – to existing networks and related activity centres; - network – the area's potential to be serviced by economically efficient transport services; and - catchment – the area's ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals.	The proposed tourist cabin site is directly adjacent to a residential neighbourhood. The area will be accessed by the same road network that services the existing estate. The area is not frequently serviced by public transport. However should Council improve this service in the future, the location of the cabins will be easily accessible.
	No net negative impact on performance of existing subregional road, bus, rail, ferry and freight network.	This very small development won't have a negative impact on the existing transport network.

<i>Suggested threshold Sustainability Criteria for defining potential development boundaries</i>	<i>Measureable explanation of criteria</i>	<i>Comments</i>
3. Housing Diversity Provide a range of housing choices to ensure a broad population can be housed.	Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.	The proposed cabins will be for tourists' use only. There will be two kinds of cabin, providing a small range for visitors.
4. Employment Lands Provide regional/local employment opportunities to support the Mid North Coast's expanding role in the wider regional and NSW economies.	- Maintain or improve the existing level of subregional employment self-containment. - Meets subregional employment projections. - Employment related land is provided in appropriately zoned areas.	This development is expected to result in 20 full time equivalent construction jobs and 10 full time equivalent operational jobs, for people within the subregion. This development will not create any employment related land.

<i>Suggested threshold Sustainability Criteria for defining potential development boundaries</i>	<i>Measureable explanation of criteria</i>	<i>Comments</i>
5. Avoidance of Risk Land use conflicts, and risk to human health and life, avoided.	No residential development within 1:100 floodplain.	Cabins are designed to have a minimum habitable floor level of 3.25 m AHD which is equivalent to the 1 in 100 year flood level under the 2050 climate change scenario plus 0.5 m freeboard.
	- Avoidance of physically constrained land, e.g.: - high slope. - highly erodible.	The site is affected by flood inundation and acid sulfate soils. Acid sulfate soils will be managed in accordance with the Acid Sulfate Soil Management Plan found under Section 6.7.2 and Appendix J.
	Avoidance of land use conflicts with adjacent existing or future land use as planned under relevant subregional or regional strategy.	This land is not planned to be developed for any purpose and therefore no conflict will result from the development of the proposed tourist cabins.
	Where relevant available safe evacuation route (flood and bushfire).	A Flood Emergency Plan has been prepared for the cabins and is attached at Appendix F. A Bushfire Hazard Assessment has been prepared for the cabins and is attached at Appendix E. The bushfire assessment requires appropriate bushfire protection measures for the cabins including: - asset protection zones, - bushfire construction levels; - landscaping; and - a bushfire emergency and evacuation plan

<i>Suggested threshold Sustainability Criteria for defining potential development boundaries</i>	<i>Measureable explanation of criteria</i>	<i>Comments</i>
6. Natural Resources Natural resource limits not exceeded/ environmental footprint minimised.	▪ Demand for water within infrastructure capacity to supply water and does not place unacceptable pressure on environmental flows.	There is sufficient water supply capacity to service the development.
	▪ Demonstrates most efficient/suitable use of land. - avoids identified significant agricultural land. - avoids productive resource lands – extractive industries, coal, gas and other mining, and quarrying.	This development is not located on land that is significant agricultural land or contains a productive resource.
	▪ Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy – requires demonstration of efficient and sustainable supply solution.	There is sufficient electricity supply capacity to service the development.

<i>Suggested threshold Sustainability Criteria for defining potential development boundaries</i>	<i>Measureable explanation of criteria</i>	<i>Comments</i>
7. Environmental Protection Protect and enhance biodiversity, air quality, heritage and waterway health	Consistent with government approved Regional Conservation Plan (if available).	Not Applicable
	Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DECC). This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitats.	Significant improvements to the existing wetland are proposed as part of the project.
	Maintain or improve existing environmental condition for air quality.	The existing air quality will be maintained after this development.
	- Maintain or improve existing environmental condition for water quality: - consistent with community water quality objectives for recreational water use and river health (DECC and CMA). - consistent with catchment and stormwater management planning (CMA and Council).	Stormwater measures designed for the project include rainwater tanks, swales and a constructed wetland. The predicted pollutant load reductions satisfy Council's objectives for suspended solids and nutrients and significantly improve the current water quality discharges to the SEPP 14 wetland.
	Protects areas of Aboriginal cultural heritage value (as agreed by DECC).	Whilst other parts of the site has Aboriginal cultural heritage value. The site of proposed cabins has limited Aboriginal cultural heritage value.
8. Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other government services are accessible.	- Available and accessible services. - do adequate services exist? - are they at capacity or is some capacity available? - has Government planned and budgeted for further service provision? - developer funding for required service upgrade/access is available.	As a tourist development, the services provided at South West Rocks are sufficient. Visitors will have adequate access to grocery shops, cafes and restaurants, and recreational opportunities.

- Limit development in places constrained by coastal processes, flooding, wetlands, important primary industry land and landscapes of high scenic and conservation value.*

The development is located on a lot that is subject to flooding, contains a significant wetland and is of high scenic and conservation value. The particular footprint of the tourist cabins is away from the designated

wetland and the cabins have been designed to have a minimum habitable floor level of 3.25 m AHD which is equivalent to the 1 in 100 year flood level under the 2050 climate change scenario plus 0.5 m freeboard. Rehabilitation works will be undertaken to improve the quality of the SEPP 14 wetland and significant landscaping will be done to ensure the visual amenity of the site is improved. It is considered that this small scale development is appropriate, given its design and the measures included overcoming the abovementioned constraints.

- *Protect the cultural and Aboriginal heritage values and visual character of rural and coastal towns and villages and surrounding landscapes.*

The proposal will not impact on Aboriginal heritage values. The development is in a visible location to quite a few houses and from the Macleay River and will change the visual character of the coastal town from those vantage points. However, the proposed tourist cabins have been designed with the vernacular of a coastal beach shack in mind and the associated landscaping works will ensure the buildings are well screened.

- *Where development or rezoning increases the need for State infrastructure, the Minister for Planning may require a contribution to the infrastructure having regard to the NSW Government State Infrastructure Strategy and equity considerations.*

This development won't increase the need for State infrastructure.

5.6 Kempsey Local Environmental Plan 1987

Under the Kempsey LEP, the site is zoned 7(d) Scenic Protection Zone. Tourist facilities are permissible within the 7(d) Scenic Protection Zone with development consent.

The objectives of the 7(d) Scenic Protection zone are:

- to conserve the scenic quality and natural characteristics of foreshore land; and*
- to permit productive use of such land where the use does not prejudice its conservation value.*

The proposed development of the site, involving the installation of nine tourist cabins on foreshore land, is consistent with the objectives of the 7(d) zone. This development will not prejudice the conservation value of the land, and in fact will improve the area of SEPP 14 wetland through rehabilitation in accordance with an approved Wetland Management Plan as part of this Project.

Special Provisions

The following special provisions of the Kempsey Local Environmental Plan 1987 apply to the proposal.

Clause 19 Landclearing in Zones 7(a), 7(d), 7(f1) and 7(f2)

As mentioned previously, the site is zoned 7(d). Landclearing includes removal, topping or lopping of any trees of greater than 3 m height, and altering the ground level of the land. No trees are proposed to be removed, however the proposal includes altering ground level through placement of fill and the construction of a stormwater wetland. This issue is discussed in detail in **Section 4.5**.

Clause 21 Filling of Land

Filling of land is proposed, including filling for placement of the cabins and construction of the road. This clause therefore applies to the proposed works. This issue is discussed in detail in **Section 4.3**.

Clause 32 Development on Land zoned 7(d)

The site is zoned 7(d) and this clause therefore applies to the proposed works. The clause states that:

- (1) Council shall not grant consent to the carrying out of development on the land unless it is satisfied that the development will not detract from the scenic quality of the land or the topographic feature of which the land is a part.*
- (2) The Council shall not consent to the erection of a building on land within Zone No 7 (d) unless it is satisfied:*
 - (a) that the building has been designed and sited so as to minimize disturbance to the natural appearance of the land from urban areas, arterial roads and scenic viewpoints, and*
 - (b) that the erection of the building will result in as little clearing or lopping of trees as possible.*

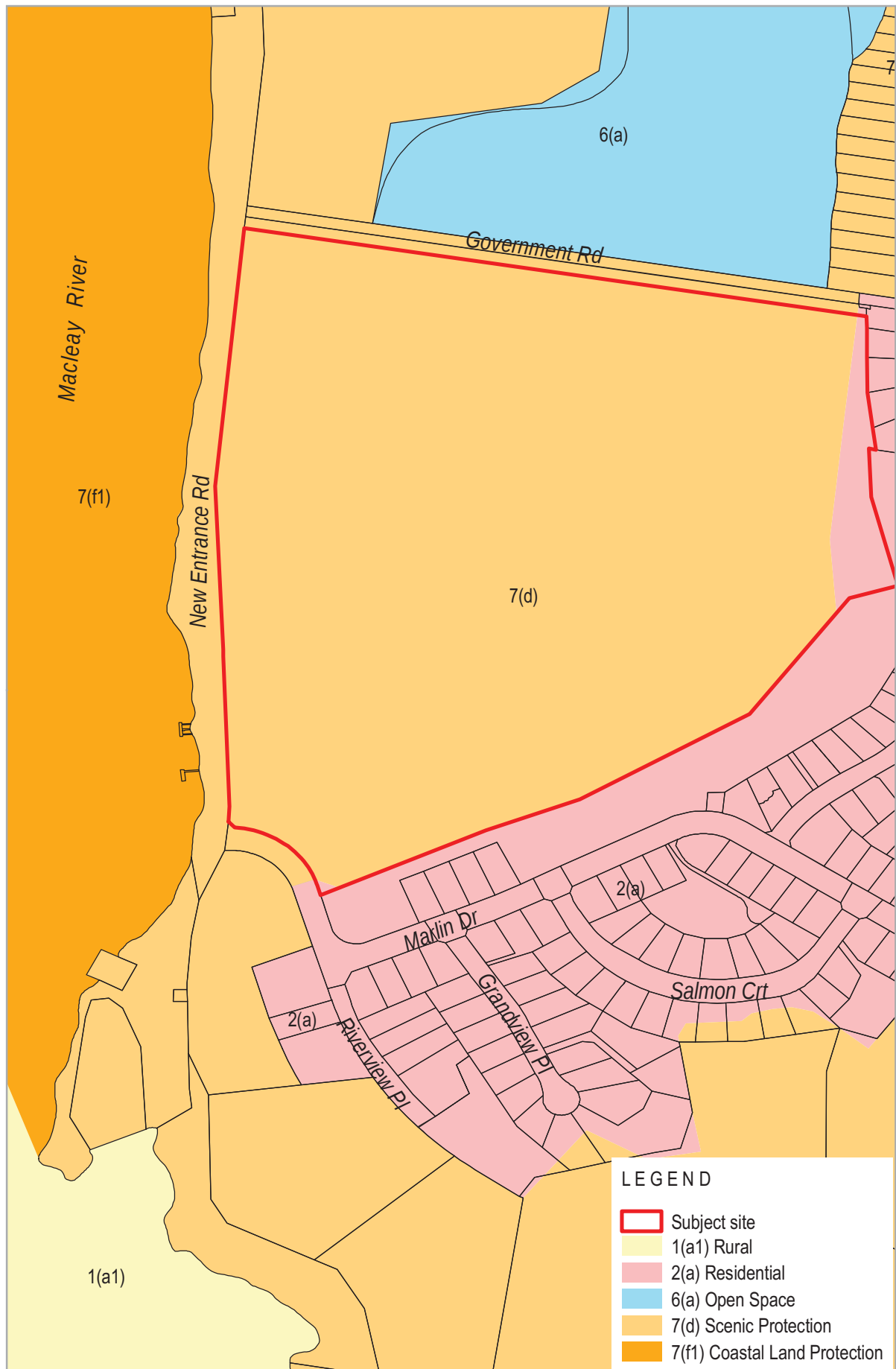
No tree clearing or lopping is proposed. A Visual Assessment has been prepared for the proposed cabins and is discussed in detail in **Section 6.13**.

Clause 56 Development on land containing potential acid sulfate soils

This clause applies to land identified as potentially containing acid sulphate soils (ASS). An extract of the Acid Sulfate Soil Risk Map showing the site and surrounding properties is shown in **Illustration 2.6**.

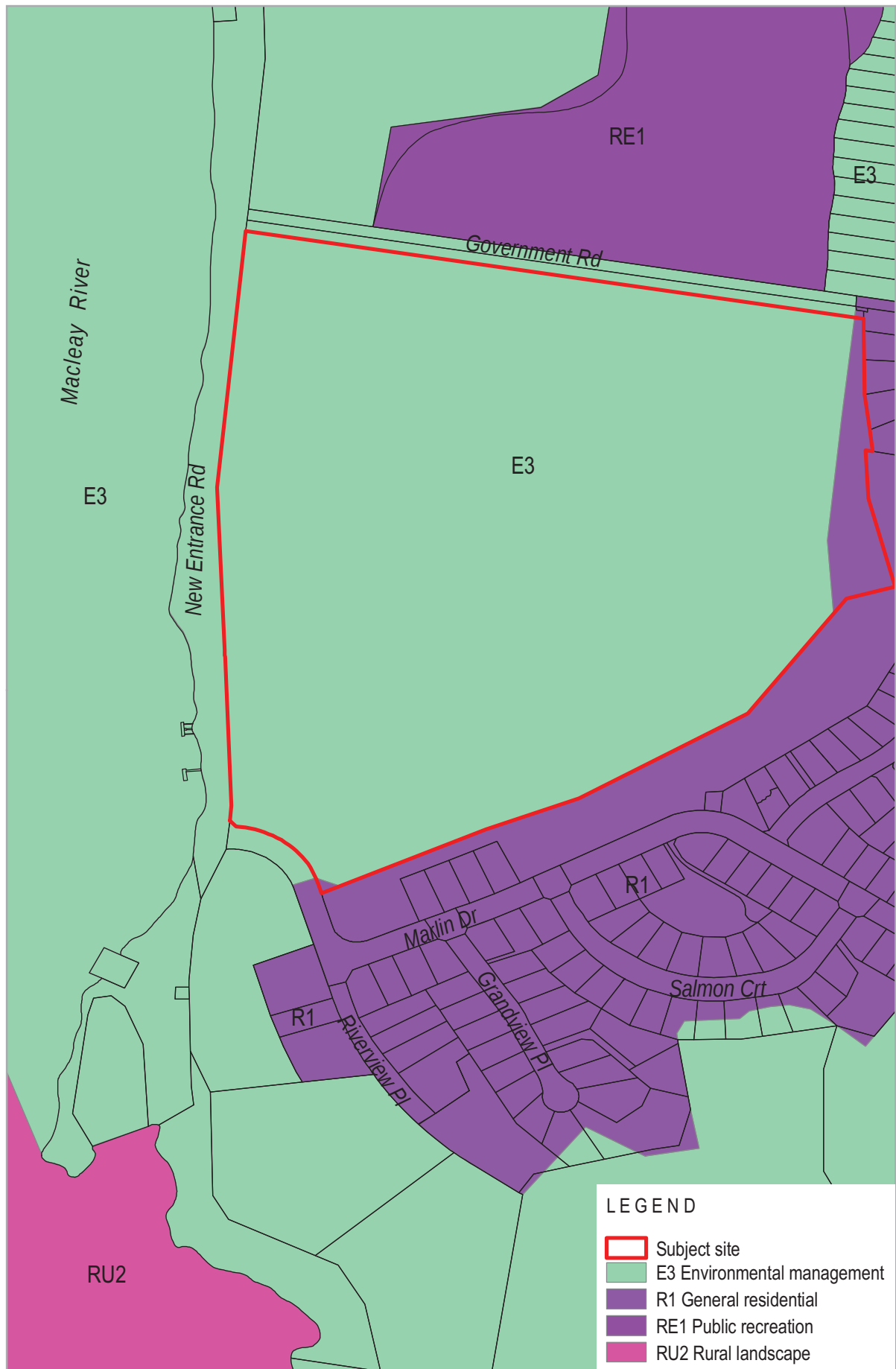
An Acid Sulfate Soil Assessment and Management Plan has been prepared for the proposal and is discussed in detail in **Section 6.7.2** with supporting documents attached in **Appendix J**.

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5.7 Development Control Plans

The following Development Control Plans (DCP) apply to the development:

5.7.1 DCP 24 – Access and Mobility

This DCP provides development standards for developers and builders on the provision of access for all people. All nine cabins are raised significantly off the ground to cater for potential flooding. Providing access and facilities for people with disabilities to all of the nine cabins is considered impractical and unreasonable due to the significant cost involved. This DCP was adopted in March 1997 and has not been amended since that time. The DCP contains no provisions for exemptions for providing access or facilities for people with disabilities.

Further assessment of impacts in regard to access and facilities for people with disabilities as well as discussion about compliance with this DCP as well as the Disability Discrimination Act (DDA) 1992 and the Building Code of Australia (BCA) are contained in **Section 6.14**.

5.7.2 DCP 26 – Advertising Signs

This DCP seeks to encourage advertising signs that are thoughtfully designed, located and maintained so as to direct the public to available goods and services, tourist facilities and the areas of natural, scientific, historical and scenic interest.

Any signage proposed for the Riverside Cabins will either be exempt under the provisions of the DCP or will be subject of a further Development Application.

5.7.3 DCP 30 – Acid Sulfate Soils

This development control plan requires a preliminary acid sulfate soil assessment be carried out to determine the extent of risk.

The DCP also requires an acid sulfate soil management plan be prepared where the nature of development poses a risk. As the proposed development is on land where actual or potential acid sulfate soils are within 1 m of the ground surface, an acid sulfate management plan has been prepared.

An Acid Sulfate Soil Assessment and Management Plan are outlined in **Section 6.7.2** of this report, with supporting documentation contained in **Appendix J**.

5.8 State Policies

5.8.1 NSW Coastal Policy

Provisions of the NSW Coastal Policy are stated and addressed below in **Table 5.3**.

Table 5.3 Coastal Policy Matters for Consideration

Strategic Action Number	Summary Provisions
Goal: To protect, rehabilitate and improve the natural environment	
Objective: To identify coastal lands and aquatic environments with conservation values and devise and implement acquisition policies, management strategies and controls to ensure that those values are protected.	
1.1.6	Voluntary conservation agreements <i>No voluntary conservation agreements are known to have been negotiated for or apply to the subject land. A Vegetation Management Plan will be prepared to guide management of the conservation and rehabilitation areas.</i>

Strategic Action Number	Summary Provisions
1.1.7	Seagrass, mangroves, saltmarsh and other wetland associated species <i>SEPP 14 No. 436 is located on the subject site, directly adjoining the proposed development area. The proposed development will not negatively impact on this wetland. A Wetland Management Plan has been prepared and includes measures such as restoration of tidal flows, weed control, enhanced plantings and a five year maintenance and monitoring plan. Through these works, the wetland will be improved and its biodiversity increased.</i> <i>Soil erosion and sedimentation control plans will be prepared to prevent adverse impacts during construction. Stormwater will be managed to prevent any adverse impacts upon water quality or flow entering the wetland from the site across the surface and to groundwater through a comprehensive Stormwater Management Plan.</i>
1.1.8	State Environmental Planning Policies No. 14 – Coastal Wetlands and No. 26 Littoral Rainforests will continue. <i>As discussed above, the proposed development takes full consideration of the adjoining SEPP 14 Coastal Wetland and ensures that no negative impact will occur as a result of this development.</i>
1.1.9	Local Environmental Plans <i>The proposed development is consistent with provisions in the Kempsey Local Environmental Plan 1987 in relation to coastal issues. As can be identified in Section 5.6 the proposal is generally consistent with KLEP 1987.</i>
Objective: To conserve the diversity of all native plant and animal species and to protect and assist the recovery of threatened and endangered species.	
1.2.1	Distribution, diversity and condition of native plants, animal habitats and natural environments <i>An ecological assessment has been prepared for the site which demonstrates no impact on threatened and endangered species</i> <i>It is also proposed that the SEPP 14 Coastal Wetland on site will be rehabilitated as part of the project in accordance with an approved Wetland Management Plan.</i>
1.2.5	Threatened Species Conservation Act <i>A comprehensive Ecological Assessment and Wetland Management Plan has been prepared and are attached as Appendices C and D. Threatened species are discussed in more detail in Section 6.1 of this report.</i>
1.2.6	Recovery Plans and Threat Abatement Plans <i>A comprehensive Ecological Assessment and Wetland Management Plan has been prepared and are attached as Appendices C and D. Threatened species are discussed in more detail in Section 6.1 of this report.</i>
Objective: To improve water quality in coastal and estuarine waters and coastal rivers where it is currently unsatisfactory and to maintain water quality where it is satisfactory.	
1.3.2	Non-point source pollution <i>Water cycle management measures are proposed to ensure that post development stormwater pollutant loads do not exceed pre development pollutant loads.</i>
1.3.7	Waste water discharge limits <i>The proposed development will be connected to the town reticulated sewer network and is within the capacity of the sewerage system.</i>
1.3.8	Contaminated stormwater <i>Water cycle management measures are proposed to ensure that post development stormwater pollutant loads do not exceed pre development pollutant loads.</i>
1.3.13	Re-use of treated biosolids and effluent <i>The proposed development will be connected to the existing Sewage Treatment Plant. It isn't proposed to re-use treated wastewater as part of this development.</i>

Strategic Action Number	Summary Provisions
Objective: To manage the coastline and estuarine environments in the public interest to ensure their health and vitality.	
1.4.5	Assessment of coastline development proposals <i>The site is located on the Macleay River and is subject to coastal processes such as storm surge and flooding. The development has been designed so that in the event of a threatening coastal process, residents of the development will be safe and so will the tourist cabins themselves. Further details on Flooding and Climate Change are included in Sections 6.3 and 6.5</i>
1.4.7	Assessment of estuarine development proposals <i>Various measures have been incorporated within the design that will assist in the protection and embellishment of the adjoining wetlands.</i>
Goal: Natural Processes and Climate Change	
Objective: To give the impacts of natural processes and hazards a high priority in the planning and management of coastal areas.	
2.1.3	Physical and ecological processes to be considered when assessing development applications <i>The comprehensive ecological assessment and associated 7 part tests (Appendix D) have assessed physical and ecological processes.</i>
2.1.4	Acid sulfate soils – environmental studies, DLWC mapping and EPA guidelines; requirement for EIS; monitoring and restoration works; management plans <i>An Acid Sulfate Soil assessment and Management Plan has been prepared for the project and is detailed in Section 6.7.2 with supporting documents attached at Appendix J. Mitigation measures are provided to avoid or minimise disturbance of ASS, and ensure handling and neutralisation of disturbed ASS is carried out safely and in accordance with best practice environmental management.</i>
Goal: Aesthetic Qualities	
Objective: To design and locate development to complement the surrounding environment and to recognise good aesthetic qualities.	
3.2.1	Coastal Design Guidelines and Guidelines for Tourism Development along the NSW Coast <i>The proposed development is consistent with the provisions of the North Coast Design guidelines.</i>
3.2.4	Design and locational principles for development applications <i>The proposed development does not compromise the natural and cultural values of the area.</i>
Goal: Cultural Heritage	
Objective: To recognise the rights and needs of indigenous people and to ensure inputs by Aboriginal communities prior to making decisions affecting indigenous communities.	
4.2.3	Coastal sites of Aboriginal heritage significance <i>An Indigenous Archaeological Assessment (refer to Appendix K) prepared for the site concluded that the “Aboriginal community are generally in favour of development, as it brings revenue to the area”, and that no sites of significance were found during site survey.</i>
Goal: Ecologically Sustainable Use of Resources	
Objective: To develop land use and management plans which ensure the sustainable development and use of resources.	
5.2.3	Management plans prepared for coastal areas will be considered in the preparation of REPs, LEPs and DCPs. <i>A Wetland Management Plan will guide the ongoing management of the conservation and rehabilitation areas.</i>

Strategic Action Number	Summary Provisions
Objective: To develop and implement “best practice” approaches to achieving sustainable resource management.	
5.3.1	Sustainable land and water management practices. <i>It is proposed to develop high quality tourist accommodation on the subject site. The use of the land for this purpose is considered an efficient use that consolidates development in an already established area, without impacting on the adjoining SEPP 14 Coastal Wetland. Best practice technology in stormwater disposal has been incorporated into the design.</i>
Goal: Ecologically Sustainable Human Settlement	
Objective: To ensure that future expansion or redevelopment of urban and residential areas, including the provision of infrastructure, avoids or minimises impacts on environmentally sensitive areas and cultural heritage.	
6.1.2	Urban Land Release/Settlement Strategies. <i>The land is Zoned 7(d) Scenic Protection and under this zoning tourist facilities are permissible with development consent. The development is consistent with the Mid North Coast Regional Strategy, including Appendix 1: Sustainability Criteria.</i>
Objective: To promote compact and contained planned urban development in order to avoid ribbon development, unrelated cluster developments and continuous urban areas on the coast.	
6.2.1	Planning instruments and DCPs to define boundaries. <i>The development site is not designated as a growth area for South West Rocks. However, given the zoning allows for the kind of development proposed, this is considered acceptable. The development will consolidate an existing area and does not perpetuate unsustainable ribbon development along the coast.</i>
Objective: To provide for choice in both housing and lifestyles.	
6.4.2	Higher density development in coastal town centres to be encouraged. <i>The scale of development proposed is adequate given the environmental sensitivity of its location and various site constraints.</i>

5.8.2 Coastal Design Guidelines for NSW

The Coastal Design Guidelines for NSW, (UDAS, 2003), provide a clear set of design principles for development within the coastal zone. They establish a framework for a place-based master planning approach, which has been adopted for the urban design of the development concept for the site. Some of the key guidelines include:

- respect the ecological limits of the site and its context;
- build in a strong public domain;
- avoid areas of ecological value and respect setbacks to natural areas;
- provide a street pattern that reflects the character of existing coastal villages, responding to landform and permitting a high level of permeability; and
- provide a development that supports a range of housing types, which integrates into the street pattern and the location of functions throughout the settlement.

These principles have strongly influenced the design of the development outlined in this report, albeit on a very small scale. This development proposes high quality built form outcomes which reflect, preserve and enhance the unique coastal character of South West Rocks.

A more detailed consideration of the Coastal Design Guidelines for NSW is addressed below in **Table 5.4**.

Table 5.4 Coastal Design Guidelines Matters for Consideration

<i>Provision</i>	<i>Comment</i>
1. Relationship to the environment	
The relationship of the town to the coast is protected and enhanced to provide: ▪ visual links and views of the coast; ▪ a clear relationship to the original landform, the foreshore and other unique natural features; ▪ protection of significant natural areas for environmental, educational and recreational purposes; ▪ ecological links between the coast and the hinterland as well as the surrounding coastal floodplain and wetlands; ▪ significant areas of native vegetation; ▪ access to foreshores whilst protecting dunes, lakes and beaches; ▪ water quality in wetlands, estuaries, coastal lakes and beaches; ▪ protection for Aboriginal and European relics and items; ▪ for the maintenance of significant areas of native vegetation and trees whilst managing for bush fire protection; and ▪ for the utilisation of sustainable water and waste water systems, where appropriate.	The proposed development will provide views to the Macleay River. The cabins have been designed to integrate into the existing environment and be visually appropriate for the area. The significant SEPP 14 Coastal Wetland on the site will be protected and rehabilitated. Stormwater management measures proposed to be utilised will ensure the water quality in the SEPP 14 Coastal Wetland will not be negatively impacted. A five year maintenance and monitoring program of the wetland rehabilitation is outlined for the SEPP 14 wetland (refer to Section 4.6). There are no items of Aboriginal or European cultural heritage on this site.
2. Visual sensitivity	
Areas of visual sensitivity include: ▪ views to and from the coast, rivers, lakes and other water bodies; ▪ views to and from the hinterland; ▪ views of headlands; ▪ night and daytime views; ▪ the urban settlement as it sits within the landscape; ▪ public views which are retained and reinstated, including views from the streets and public areas to the water; ▪ providing clear boundaries between each town and adjacent rural and natural land uses; ▪ providing clear separation between adjacent settlements by maintaining rural and natural land; and ▪ enhancing and upgrading the open-space network for conservation, recreation, views and public access.	The location of the proposed development is an area of visual sensitivity. Development on the site has the potential to affect views of the Macleay river from private residences. The development of nine tourist cabins on this land will have an impact on existing views to Macleay River for a number of residents on the lower slopes of the adjoining residential area. The Visual Assessment (refer to Section 6.13 and Appendix L) concluded that the development is small in scale and represents minor intervention on the site, and landscaping with native vegetation will greatly enhance the visual amenity of the site.
3. Edges to the water and natural areas	
A variety of edge conditions exist between the town and the coastline. Access to the coastal foreshore and waterways is optimised and adds cultural and social opportunities.	The site is located on an edge between an existing developed area of South West Rocks and the Macleay River. Development of the proposed tourist cabins won't affect access to the River.

Provision	Comment
4. Streets	
a. The street hierarchy of a coastal town includes: - key cultural and urban streets that connect to landmarks, vistas, public buildings and focal points, monuments and places of Aboriginal importance within the settlement; - key streets that reveal important vistas of and through the settlement, the coast and the surrounding environment; - streets that focus on natural and topographic features such as valleys, escarpments, vegetation, headlands and beaches, the sky or mountains; - streets of the original and historic subdivision and topographic pattern of the settlement; - streets with development on only one side that define public open spaces, such as parks, squares, the edges of conservation areas or the flood line; - streets or pathways separating conservation areas from urban development; - main social, retail and commercial streets; - a major access road passing through the centre of the town with a secondary arterial road bypassing the town; - residential streets or laneways; and - pedestrian and cycle pathways and routes. b. Public streets or public pathways provide the boundary between development and open spaces and the foreshore reserves. c. The street pattern of new development builds upon the historical and original urban structure of the settlement. d. Streets and public places provide quality pedestrian environments.	This provision isn't applicable to this tourist cabin development. No new roads will be constructed. Instead, all cabins will be accessed via one of two driveways. Both of these driveways will be screened from view through significant landscaping.
5. Buildings	
a. Predominant building types in town centres are small apartment buildings, mixed-use, shop-top housing, town houses, terraces, detached houses/ commercial/ retail, education and civic buildings. b. Predominant building types in suburban areas include small apartment buildings, town houses, semi-detached and detached dwellings. c. Development is predominantly low scale. d. Heritage buildings are retained and revitalised to tell the story of the town's growth through cycles of re-use, adaptation. e. Housing, employment and transport are integrated into the town centre as well as in surrounding suburban centres.	The proposed development will occur in a suburban area of predominantly detached houses. The proposed nine tourist cabins are of a low scale that is suitable for their location and that is similar to surrounding houses.

<i>Provision</i>	<i>Comment</i>
f. Industrial areas are located within the urban, environmental and visual constraints of the settlement.	
6. Height	
a. Generally heights of up to four storeys in town centres. b. Generally heights of up to two storeys in suburban areas. c. Heights are subject to place-specific urban design studies. New development is appropriate to the predominant form and scale of surrounding development (either present or future), surrounding landforms and the visual setting of the settlement. Buildings avoid overshadowing of public open spaces, the foreshore and beaches in town centres before 3pm midwinter and 6.30pm Summer Daylight Saving Time. Elsewhere avoid overshadowing of public open spaces, the foreshore and beaches before 4pm midwinter and 7pm Summer Daylight Saving Time.	The proposed cabins will be elevated on stumps to be above the 1 in 100 year Average Recurrence Interval flood level. As such, the cabins will only have one habitable level but will more closely resemble two stories. This is appropriate given the height of nearby dwellings.

5.8.3 Sustainable Urban Settlement Guidelines

The Sustainable Urban Settlement Guidelines provide a number of strategic planning tools associated with:

- resource management;
- environmental management;
- site design;
- road design; and
- community wellbeing.

The guidelines also provide a number of checklists that present useful reminders for all aspects of planning and design. **Table 5.5** (below) assesses the consistency of the proposed development against the guidelines provided within the Site Planning checklist.

Table 5.5 Sustainable Urban Settlement Guidelines

<i>Provision</i>	<i>Comment</i>
Managing Resources	
Protect and create environmental attributes on the site.	The area of ecological significance (SEPP 14 Coastal Wetland) will be protected and embellished by environmental rehabilitation activities. There will be sufficient buffering to provide protection from the proposed development.
Manage areas or buildings of special social, cultural or heritage significance to the local community so their main assets are conserved.	The site does not exhibit any items or places of cultural heritage significance.
Take opportunities to remediate and enhance the site, and whenever possible repair and adaptively reuse existing buildings.	The SEPP 14 Coastal Wetland on site will be rehabilitated in accordance with the approved Wetland Management Plan as part of this project. There are no opportunities in this case to reuse existing buildings.

Provision	Comment
Take measures to safeguard and avoid natural hazards.	A Flood Emergency Plan has been prepared for the cabins and is attached at Appendix F. A Bushfire Hazard Assessment has been prepared for the cabins and is attached at Appendix E. The bushfire assessment requires appropriate bushfire protection measures for the cabins including: ▪ asset protection zones, ▪ bushfire construction levels; ▪ landscaping; and ▪ a bushfire emergency and evacuation plan.
If acid sulfate soil has to be disturbed, manage the soil to permanently avoid mobilization of acid.	Acid sulfate soils and potential acid sulfate soils exist at the site. These soils will be disturbed to construct the cabins and therefore an Acid Sulfate Soils Management Plan has been developed (refer to Section 6.7.2 and Appendix J).
Where possible, avoid the need to fill land for development.	The developed portion of the site will be filled to a minimum level of 1.9 m AHD based on flood evacuation considerations and avoidance of nuisance flooding (refer to Sections 4.3 and Error! Reference source not found.).
Develop the site so it does not negatively impact on the environmental attributes of neighbouring sites.	No development is proposed within areas of environmental significance within the site. Design measures have also been implemented to ensure that the environmental attributes of adjoining properties are not negatively impacted upon. The SEPP 14 Coastal Wetland will be rehabilitated.
Managing the Environment	
To protect and improve wetlands and waterways.	As discussed previously, the SEPP 14 Coastal Wetland on site will be rehabilitated in accordance with an approved Wetland Management Plan as part of this Project.
Establish wildlife and community buffer areas between the site and neighbouring economic areas.	The site does not adjoin any employment or economic areas.
Facilitate only development which the local sewerage treatment and urban stormwater run-off disposal systems can cope with without affecting waterways, groundwater quality and natural areas.	The sewerage system for the cabins will be designed to ensure that there is adequate on-site capacity for storage during peak times. The sewage will be pumped into Council's sewer system during low flow periods, late at night or early in the morning (refer to Sections 4.9.4 and 6.11.2)
Design a system to manage stormwater and prevent silt entering watercourses during construction and in the long-term.	All stormwater will be treated prior to discharge. Treatment measures include rainwater tanks, grassed swales and a constructed wetland. Stormwater pollutant loads and volumes post development will not exceed the levels experienced pre development. The predicted pollutant load reductions satisfy Council's objectives for suspended solids and nutrients and significantly improve the current water quality discharges to the SEPP 14 wetland.

Provision	Comment
Designing the Site	
Design development to make the best use of the site's assets identified in the site analysis.	The layout of the development reflects the natural barrier of the SEPP 14 Coastal Wetland and the Riverside Tavern.
Enable solar alignment of buildings to override street alignment.	Due to the cabins orientation to the internal driveway, solar access from the east will be possible. As the best view to be gained is towards the west and the Macleay River, naturally the cabins will have decks and living areas on their western side. To reduce the impact of the western sun in summer, extensive landscaping works will be done.
Design new development or redevelopment to be compatible with neighbouring development.	The cabins have been designed to be compatible with typical low density coastal dwellings. Houses in the area are a mixture of low and high set brick and tile construction. It was not considered appropriate to duplicate this architectural style given site constraints and a desire for the cabins to be more light-weight.
To achieve energy smart lots in residential subdivisions.	Not applicable as the proposal is not for subdivision. The proposal will comply with the provisions of BASIX.
Maximise densities (where relevant) to reduce the area of land taken up by urban development, and to make servicing and transport more efficient.	The development of cabins on this site is a good use of land that is highly suitable for a tourist development. It is not perpetuating urban sprawl but is consolidating an already developed area, while at the same time preserving significant ecological resources.
Maximise the efficiency of non-renewable resources.	The proposal will comply with the provisions of BASIX.
Designing Roads	
Design roads so they lead directly to the heart of the settlement. Avoid the use circuitous streets or dead ends that result in extra travel distances. Design for easy pedestrian or cycle access, including pedestrian/cycle priority areas.	There will be no roads constructed as part of this development – only internal driveways. The internal layout has been designed to be user-friendly for pedestrians and cyclists.
Design local roads so they are as narrow as possible, saving land, construction resources, construction energy, rainwater run-off, and money; and making the site more pleasant to live and work in.	As above.
Design local roads with traffic calming measures in residential areas and other areas frequented by pedestrians.	As above.
Design and construct roads to best practice standards to protect them and their surroundings from stormwater damage. Use materials and design to encourage ground absorption of water onsite.	The internal driveways will be bitumen sealed. Various provisions have been implemented to maximise ground absorption of water onsite (refer to Section 6.4).
Community Wellbeing	
Provide sufficient public open space either within the site or nearby, include areas for people to meet, relax, have fun and make contact with nature.	The development site is surrounded by existing public open space and recreational opportunities.
Ensure development aims to achieve long-term lifestyle benefits for the whole community, including future generations. If in doubt, design it so options for future	The development achieves the principle of intergenerational equity by providing for the existing demand for tourist accommodation, in a style of

Provision	Comment
use of the site are as open as possible.	construction that makes future redevelopment of the site a simple process.
Charge Section 94 contributions.	The applicant will pay contributions in accordance with Council's applicable Section 94 plans.
When assessing the cost or benefit of development, ensure that any impact on the environment is considered in the best interest of existing and future generations.	A long term view was adopted during the preparation of the concept plan and architectural design.
Allow all stakeholders in the community input into the site development application. Use mediation, rather than litigation, for any conflict resolution.	Public notification of the development will occur to ensure that residents have the opportunity to provide comment and feedback on the proposed development. Where improvements can be made to the design as a result of this feedback, this will occur.

5.8.4 NSW Floodplain Management Manual

The *NSW Floodplain Management Manual* (DIPNR, 2005) provides supporting information for the NSW Government's Flood Prone Land Policy. It provides for the development of sustainable strategies for managing human occupation and use of the floodplain considering risk management principles, based upon a hierarchy of avoidance, minimisation (using planning controls) and mitigation works.

The aim of the manual is to:

- reduce the social and financial costs from the risks associated with occupying the floodplain;
- increase the sustainable benefits of using the floodplain; and
- improve or maintain floodplain ecosystems dependent on flood inundation.

A flood assessment was undertaken for the proposal in accordance with the *NSW Floodplain Management Manual*. This issue is outlined in detail in **Section 6.3**.

5.9 Local Policies and Strategies

5.9.1 Kempsey Shire Council Ecologically Sustainable Development Strategy June 2007

The KSC Ecologically Sustainable Development (ESD) Strategy was developed by Council in consultation with the local community. It sets progressive goals that need to be achieved in order for Kempsey Shire to achieve ESD. The proposed development is assessed against this Strategy's vision and key goals in the following Table 5.6

Table 5.6 Kempsey Shire Council Ecologically Sustainable development Strategy

Provision	Comment
<i>Vision</i>	
<i>The beauty of the natural environment and the country and coastal lifestyles in the Kempsey Shire will be both preserved and enhanced for the benefit of current and future generations by providing for the environmental, social and economic aspirations of its communities.</i>	This development does preserve the natural beauty of South West Rocks. The development will benefit the local community through providing more accommodation for tourists and therefore generating more tourism income in the town.