

# Part 3A Preliminary Assessment Report

Pursuant to Part 3A of the Environmental Planning and Assessment Act 1979

## Proposed Subdivision for Residential Purposes



Lot 1 DP 1097742 & Lot 6 DP252223  
Pacific Highway  
Moonee

Mooney Parklands Trust



### **Town Planning**

Level 1, Suite 13/478 The Esplanade  
WARNERS BAY NSW 2282  
Tel: 02 4948 4322  
Fax: 02 4948 4366  
Email: [email@jwplanning.com.au](mailto:email@jwplanning.com.au)

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## 1.0 Introduction

JW Planning Pty Ltd act for Moonee Parklands Trust (**'the Trust'**), which holds an interest in residential zoned land legally described as Lot 6 DP 252223 and Lot 1 DP 1097743 Pacific Highway, Moonee (**'subject site'**).

The Moonee Beach locality is identified in the Department of Planning's *Mid North Coast Regional Strategy* (MNCRS), along with Coffs Harbour, Woolgoolga and Sawtell, Toormina and Boambee East, as having the greatest potential to accommodate the growth expected in the coastal areas of the subregion. In this regard, the subject site is identified in Coffs Harbour Council's *Moonee Planning Strategy* as an area with development potential for low density housing.

The Trust wish to obtain approval to subdivide the subject site for residential purposes, and in accordance with s75B of the Environmental Planning and Assessment Act (EP&AA) 1979, we seek the Minister's declaration that the proposal is a project to which Part 3A applies.

The subject site comprises two (2) parcels of land that literally sit in-between two (2) sites already declared by the Minister to be projects under Part 3A of the Act.

In this respect, the adjacent site to the north is owned by Rothwell Boys Pty Ltd (**'Rothwell site'**), with project approval granted very recently on 5 March 2009. The adjacent site to the south is owned by Mr. Ralph Bateman (**'Bateman site'**) (c/- Geoff Smyth Consulting), and the Director General's Environmental Assessment Requirements (EARs) were issued for that site on 8 January 2009.

While all three (3) sites adjoin the Pacific Highway, it is understood that direct access to the Highway is not permitted. Accordingly, the Rothwell site relies on access being provided through the subject site and in turn, both the Rothwell site and the subject site will rely on access through the Bateman site via a service road connecting with Moonee Beach Road further to the south.

Given the 'access relationship' between the three sites, and in anticipation that a similar Part 3A declaration will be made concerning the subject site, this report constitutes a Preliminary Project Assessment that should guide the issuing of the EARs to facilitate applications for both Concept Plan and Project approval for the proposal.

This assessment provides the following information relevant to the proposal:

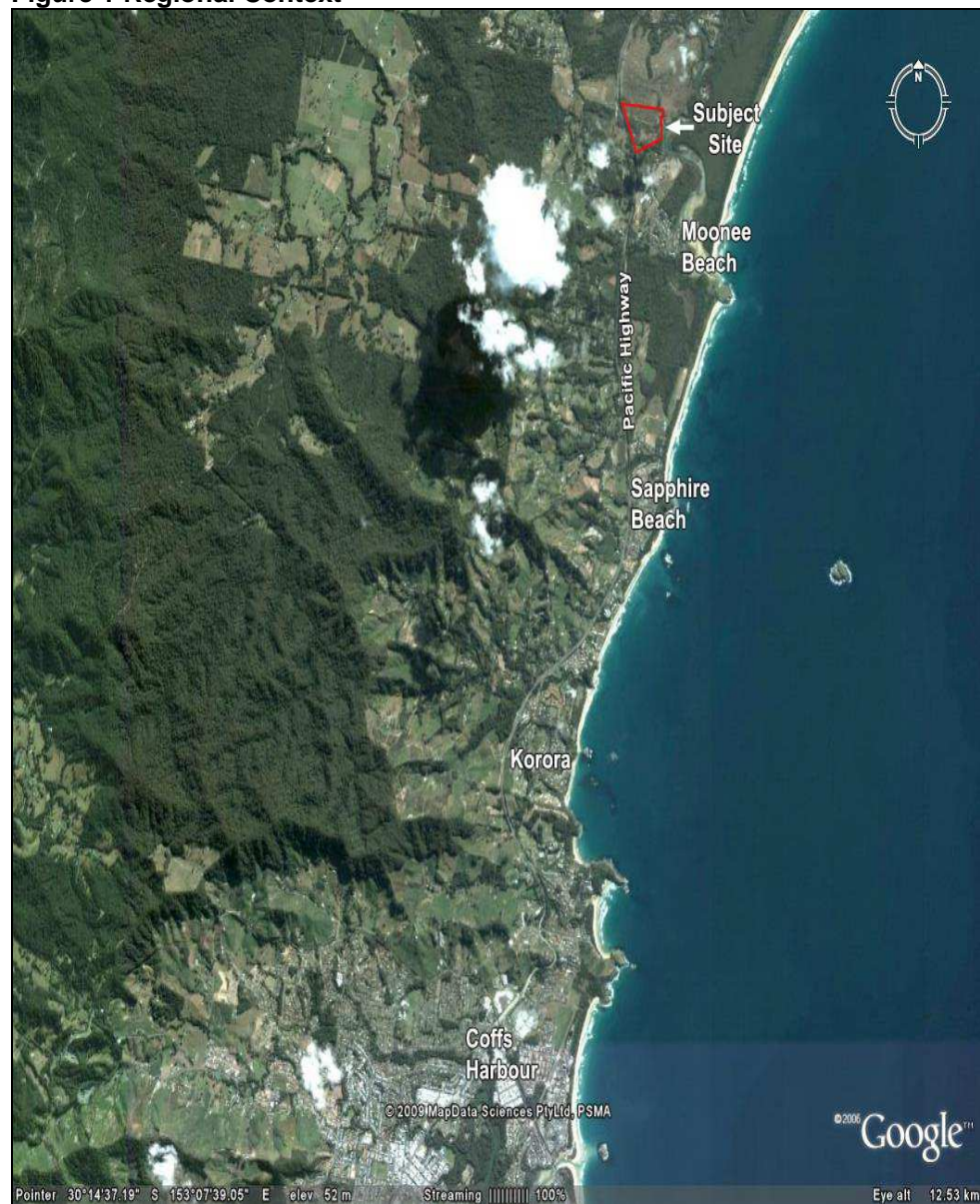
- Site location, context and description;
- A background of the project;
- A description of the proposed development;
- Justification for major project classification;
- Applicable planning instruments; and
- Identification of opportunities and items to be addressed to facilitate those opportunities, based on background information previously prepared over the site.

## 1.1 Site Details

### 1.1.1 Location and Context

Moonee Beach is a locality approximately 14 km or 10 minutes north of Coffs Harbour (refer **Figure 1**).

**Figure 1 Regional Context**



Source: Google Earth annotated by JWP

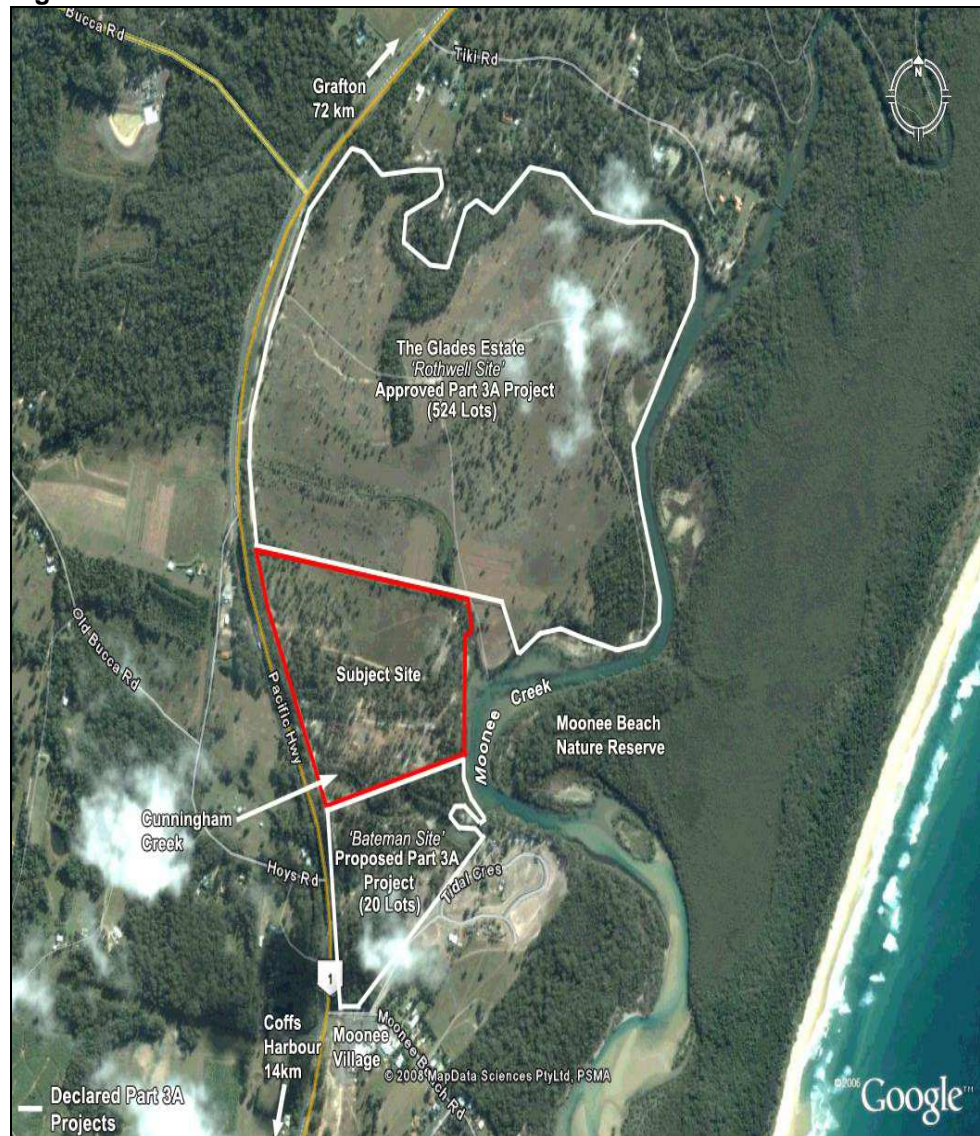
The subject site is located adjacent to the Pacific Highway, north of the village of Moonee. The site is currently accessed from the Pacific Highway via a gravel driveway.



Natural features as well as existing and proposed land uses in the local context of the site include (refer **Figure 2**):

- The Glades Estate, an approved 524 lot residential development to the north of the subject site (the Rothwell site);
- A proposed 20 lot residential development to the south of the subject site (the Bateman site);
- Moonee Beach Nature Reserve to the east;
- Cunninghams Creek;
- Moonee Creek; and
- The Moonee Village Town Centre.

**Figure 2 Local Context**



Source: Google Earth annotated by JWP

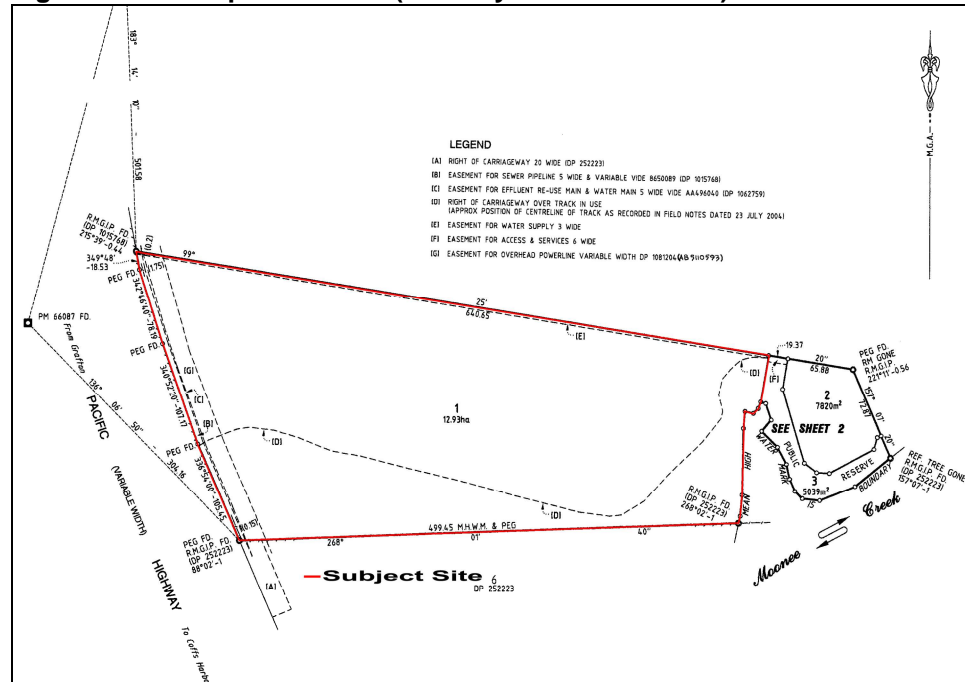
The site contains a low density of vegetation and varies in slope from gently undulating to flat. The majority of the site drains to the south into Cunninghams Creek.

### 1.1.2 Site Description

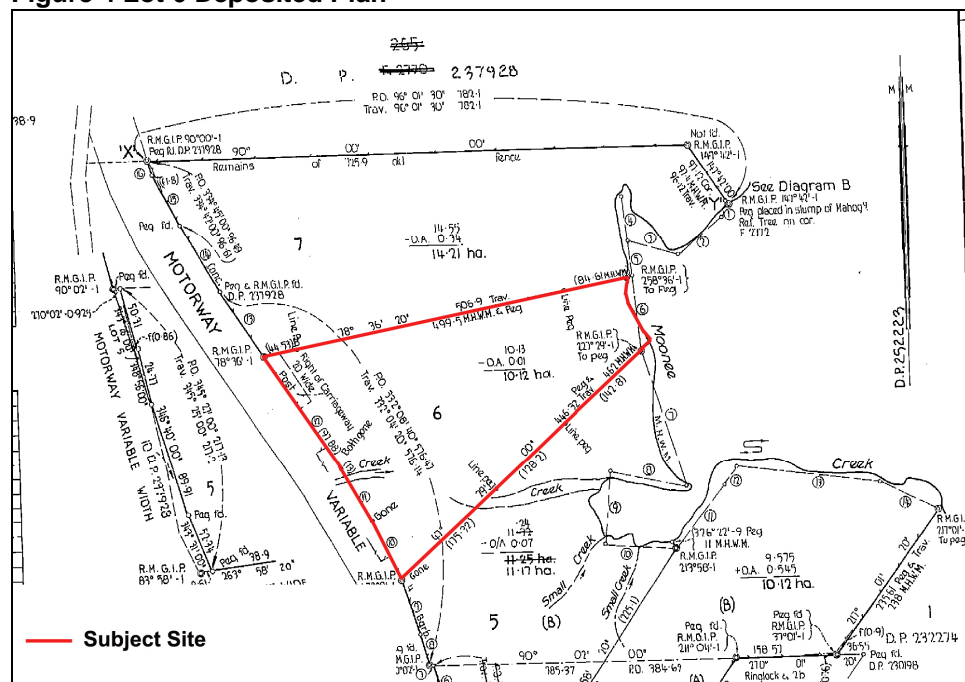
The subject site is described as Lot 6 DP 252223 and Lot 1 DP 1097743 (formerly Lot 7 DP 252223), Pacific Highway, Moonee. The landowners of each lot are Mr Rodger Barker and Eric Fuller/ Kerry Albert, respectively.

Lot 6 has an area of 10.073 ha while Lot 1 is 12.93ha in area, giving the site a total area of approximately 23 ha (refer **Figure 3 & 4**).

**Figure 3 Lot 1 Deposited Plan (formerly Lot 7 DP 252223)**

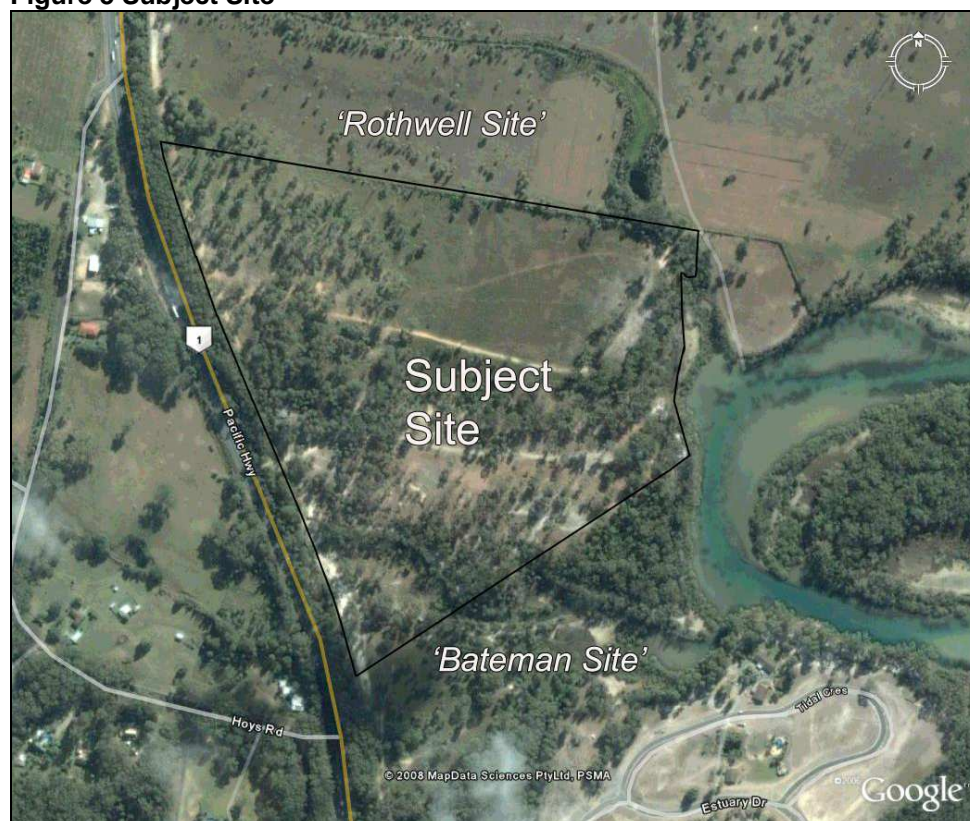


**Figure 4 Lot 6 Deposited Plan**





**Figure 5 Subject Site**



There are no significant structures presently within the site.

### 1.1.3 Site Zoning

While the subject site is predominately zoned for residential purposes (refer **Figure 6**), the land does comprise a mix of zones pursuant to Coffs Harbour City Local Environmental Plan 2000 (CHCLEP 2000):

- Part Residential 2A Low Density;
- Part Environmental Protection 7A Habitat and Catchment; and
- Part 7B Scenic Buffer zone

**Figure 6 Site Zoning & Zoning Context**



Source: Coffs Harbour City LEP 2000



#### **1.1.4 Relevant Background**

In 2005, two (2) separate SEPP 71 draft master plans were prepared and submitted to the then Department of Infrastructure, Planning and Natural Resources (DIPNR) for each parcel (Lot 6 and the former Lot 7) that now comprise the subject site.

The SEPP 71 draft master plans were a prerequisite to any development consent as the land is defined as being within the coastal zone, as defined under the Coastal Protection Act 1979, and within a *sensitive coastal location* as defined under SEPP 71 (i.e. land that is within 100m above mean high water mark of the sea, a bay or an estuary).

The SEPP 71 draft master plans were exhibited but were withdrawn for each lot in January 2006 due to changes in legislation, namely the introduction of SEPP Major Projects. This change essentially negated the need for a SEPP 71 master plan where subdivision in coastal areas proposed less than 26 residential lots.

In January and February of 2006, the owner of each parcel lodged separate Development Applications with Coffs Harbour City Council seeking consent for subdivision. The Development Applications for each lot remain undetermined but in summary, they each propose 23 lots for residential purposes, 1 residual parcel for future stages of residential subdivision, and 1 lot comprising the 7(A) zone for environmental and conservation purposes.

Preference is now given to obtaining Concept Plan and Project approval for subdivision under Part 3A of the EP&AA (instead of Part 4). This will expedite the provision of access to adjoining land recently approved for development and in turn, the supply of land to the market. It will also negate any need to execute many separate Development Applications lodged in 25 lot increments (the Major Projects threshold applicable to Part 4).

## 2.0 Proposed Development

The proposal involves subdivision of the land to create residential allotments and a legally defined conservation area consistent with the zone provisions and/or the recommendations of the site studies prepared to address the EARs.

Previous plans of proposed subdivision for the purpose of informing the now redundant draft SEPP 71 master plan submissions indicate that the subject site is capable of sustaining approximately 170 allotments (refer **Figure 7**).

**Figure 7 Indicative Subdivision Layout under Former SEPP 71 Master Plans**



Source: Draft SEPP 71 Master Plan prepared by Ozenscapes 2006

The subject site is 22ha in area which would suggest a 'rule of thumb' yield in the order of 200 lots.

The former master plans were prepared in 2004 based on limited studies available at that time, and provisions for a market generally seeking large residential lots. The resulting lot yield was around 175 lots.

Under today's market conditions, there is market interest in a diversity of lot sizes to suit various stages of the lifecycle, and differing lifestyles. With generally smaller lot sizes, and a layout based on up to date and more refined site information, it is conceivable that a higher lot yield is achievable than previously planned.

It is proposed that the subdivision of the land for low density residential purposes will involve:

- The dedication of land for the purpose of environmental conservation and community purposes;
- The provision of part of a collector road that will link approved residential development to the north of the site (Rothwell site) with the Moonee town centre and the Pacific Highway; and
- The extension of sewer and water infrastructure to service the site and the proposed development to the north.

No staging plan has been determined as yet for the proposal, with staging to be assessed during the preparation of the detailed environmental assessments.

### 3.0 Justification for Major Project Classification

Preference is given to obtaining Concept Plan and Project approval for subdivision under Part 3A of the EP&AA instead of Part 4 of that Act.

Assessment under Part 3A will expedite the provision of access to the adjoining land recently approved for development. This in turn will expedite the supply of land to the market, ensuring diversity of housing stock in the sub-region, and greater opportunities for affordable housing through competition between release areas.

It is considered that the provisions of Clause 6(1) of the Major Projects SEPP will apply to the proposed development, in that the development is of a kind referred to in both Schedule 1 and Schedule 2 of State Environmental Planning Policy (Major Projects) 2005, and to which Part 3A of the Act applies.

Pursuant to Schedule 1, Group 5, Clause 13(1) of State Environmental Planning Policy (Major Projects) 2005, the proposed development is primarily a residential development project with a capital investment value of more than \$50 million and (as a site nominated within the Department of Planning's Mid North Coast Regional Strategy) would be development that is important in achieving State and regional planning objectives.

#### **Schedule 1 Part 3A projects - classes of development**

##### **Group 5 Residential, commercial or retail projects**

##### **13 Residential, commercial or retail projects**

*(1) Development for the purpose of residential, commercial or retail projects with a capital investment value of more than \$50 million that the Minister determines are important in achieving State or regional planning objectives.*

*(2) This clause does not apply to major development within the meaning of section 31 of the City of Sydney Act 1988.*

Pursuant to Schedule 2, Item 1, Clause 1(j) of State Environmental Planning Policy (Major Projects) 2005, the proposed development involves subdivision of land (that is not in the metropolitan coastal zone) for residential purposes into more than 25 lots.

#### **Schedule 2 Part 3A projects - specified sites**

##### **1 Coastal areas**

*(j) subdivision for residential purposes of land that is not in the metropolitan coastal zone (unless it is wholly or partly in a sensitive coastal location):*

*(i) into more than 25 lots, or*

*(ii) into 25 or fewer lots, if the land proposed to be subdivided and adjoining or neighbouring land in the same ownership as that land could be subdivided into more than 25 lots*

The proposal is wholly located in the Coastal Zone, is within a sensitive coastal location (as defined by SEPP 71) and has the potential to yield greater than 25 lots. The proposal is therefore considered to constitute a Major Project under the SEPP.

## 4.0 Relevant Strategic and Statutory Planning Provisions

It is anticipated that the EARs will be addressed in the context of the following planning framework:

### 4.1 Commonwealth and State Legislation

The provisions of the following legislation will be considered (but not limited to):

- Environmental Protection & Biodiversity Conservation Act (1999)
- Threatened Species Conservation Act (1995)

### 4.2 State and Regional Planning Instruments

#### 4.2.1 State Environmental Planning Policies

##### ***State Environmental Planning Policy (Major Projects) 2005***

Refer to **Section 3.0**.

##### ***State Environmental Planning Policy (Infrastructure) 2007***

The proposal will need to respond to Section 101 of SEPP Infrastructure; given it has frontage to a classified road.

Further, in accordance with Schedule 3 of the SEPP, the proposal represents traffic generating development that requires referral to the Roads and Traffic Authority.

##### ***State Environmental Planning Policy 55 – Remediation of Land***

Should land require remediation following the completion of the environmental assessment it will be undertaken in accordance with SEPP 55.

##### ***State Environmental Planning Policy 71 – Coastal Protection***

The proposal is required to address the aims and objectives of the SEPP during the preparation of the detailed environmental assessment.

#### 4.2.2 New South Wales Coastal Policy 1997

The proposed development will respond to all relevant aims and objectives.

#### 4.2.3 Coastal Design Guidelines for NSW

The *Coastal Design Guidelines* include five principles for coastal settlement structure, namely:

- defining the footprint and boundary of the settlement;
- connecting open space;
- protecting natural edges;
- reinforcing the street pattern; and
- appropriate buildings in a coastal context.

The proposed development will incorporate these principles into the design, prepared during the detailed environmental assessment phase.

#### 4.2.4 North Coast Regional Environmental Plan 1988

The proposal will be required to address the following sections of the regional plan, in particular the development control guidelines provided by this plan:

- Part 3 Conservation and the Environment
- Part 4 Urban Development



It is noted that the site:

- is not listed as being within a conservation area (Schedule 1);
- does not include a heritage item of State or regional environmental significance (Schedule 2);
- does not contain heritage items of regional environmental significance (Schedule 3).

## **4.3 Local Planning Instruments**

### **4.3.1 Coffs Harbour Local Environmental Plan 2000**

The proposal will address the following clauses of the LEP.

#### ***Cl. 9 How does the development control table work?***

The aims and objectives of the zones within the subject site:

- Zone No. 2 (a) – Residential;
- Zone No. 7(a) – Habitat and Catchment Zone; and
- Zone no. 7(b) – Scenic Buffer Zone.

#### ***Cl. 12 Koala Habitat***

#### ***Cl. 13 Landform Modification***

#### ***Cl. 14 Services***

#### ***Cl. 15 Development near Zone Boundaries***

#### ***Cl. 22 Waterways***

#### ***Cl. 23 Environmental Hazards***

#### ***Cl. 23A Development on Flood Prone Land***

#### ***Cl. 25 Public Infrastructure in Urban Release Areas***

### **4.3.2 Relevant Development Control Plans, Council Guidelines and Policies**

The proposal will have regard for the following Development Control Plans.

#### ***Development Control Plan – Moonee***

#### ***Development Control Plan – Subdivision***

#### ***Development Control Plan – Low Density Housing***

#### ***Development Control Plan – Off Street Car Parking***

If site specific information provides alternative development options, relevant departures will be considered and/or addressed.

### **4.2.3 Our Living City Discussion Paper – Interim Settlement Strategy for Coffs City to 2030 (2007)**

Coffs Harbour City Council has identified the site as an undeveloped urban zoned area in this strategy.

The proposal is consistent with the intentions of this document and the likely population targets identified by the strategy.

### **4.2.4 Koala Plan of Management 1999**

The ecological assessment prepared over the site will have consideration for this plan of management.

## **5.0 Overview of Site Opportunities and Constraints**

### **5.1 Traffic**

All egress and access for the site from the Pacific Highway will be undertaken via the proposed service road identified in the Coffs Harbour Council Moonee Development Control Plan.

This will extend through Lot 5 to the south and will link the subject site, and the adjoining Rothwell site to the north, to Moonee Beach Road.

### **5.2 Heritage**

The site is not listed under the Coffs Harbour City Council Heritage List as being of heritage value, nor are there any heritage listed sites in the immediate vicinity.

A survey for aboriginal artefacts has been carried out over the site by members of the Coffs Harbour Aboriginal Land Council.

No artifacts or sites of aboriginal significance were discovered on the site during the survey and the presence of aboriginal artifacts is considered unlikely due to the heavily disturbed nature of the site given a history of clearing and grazing.

### **5.3 Flora and Fauna**

James Warren & Associates conducted a flora and fauna study over both parcels comprising the subject site in 2004. A more specific assessment of the riparian buffer was prepared by Ecological Australia in 2006.

Although these studies are between three (3) and five (5) years old, and in need of updating, the findings are summarized below to provide a reasonable indication of ecological significance:

- No threatened flora species were recorded on site during any survey period.

A total of twelve (12) threatened flora species were considered as potentially occurring within the site and although specifically targeted, they were not detected.

- It is understood that one (1) threatened fauna species, the Osprey (a large bird of prey) was observed to be foraging along the banks of Moonee and Cunningham Creeks.

The report suggests that the bird may have been associated with a nest located in the north east corner of former Lot 7 (now Lot 1). It is unknown whether the nest still exists and if so, if it is used.

- Eight (8) other threatened species are considered likely to occur in the area based on the range of potential habitats available within the site. The species potentially located on the subject site include:
  - the Koala (small areas of the site adjacent Moonee Creek contain Swamp Mahogany, and these areas may be deemed secondary Koala habitat);
  - Wallum Froglet (in the low lying areas of the site); and
  - Bat species (foraging and roosting).

The protection of these species can be undertaken through the identification of areas of the site most suitable for conservation and enhancement. Up to date ecology reports will be obtained to inform these requirements.

## 5.4 Stormwater Management

A preliminary stormwater strategy has been prepared for the site by Australian Wetlands. The strategy indicates the following stormwater treatment measures that may be implemented in any future residential development.

Stormwater filtration swales will be incorporated on one side of each section of roadway (**Figure 8**). This will allow water to run off road surfaces and receive treatment prior to entering the stormwater system.

**Figure 8 Typical Filtration Swale**



Sub surface perforated drainage would direct the flow to a wetland area for additional treatment.

Bio-retention swales could be used on the outside of the roads along open space areas to facilitate treatment before stormwater leaves the site. Street trees should be placed in the road verges to assist in the take up of runoff.

Under the strategy, stormwater would be treated within the subdivision and eventually, it will enter a stormwater detention area that would further treat runoff before it discharges to Cunningham Creek and eventually to Moonee Creek.

The strategy recommends that rain water tanks be used within each dwelling allotment to collect roof water. Given the high rainfall, and the extent of surrounding vegetation, suspended solids should not present a problem for roof collection, however first flush devices should be included. The water collected in the tanks will be incorporated into the internal plumbing system for hot water, toilet flushing and landscaping use.

The above strategies are now typically adopted in subdivision design to ensure that pre development flows and water quality are maintained post development.

## 5.5 Services

### Water and Sewerage Services

Water and sewer services are currently not connected to the site. The Moonee DCP contains a strategy for servicing Moonee release areas including the subject site. The proposed subdivision is therefore capable of being serviced with water and sewerage.

## **Electricity and Communications**

Electricity and communications infrastructure are able to be extended to the site for the purpose of residential development. This was confirmed by both Country Energy and Telstra during the preparation of the Moonee DCP.

## **5.6 Noise**

Consideration of traffic noise associated with the Pacific Highway is required for the proposal. In this regard noise attenuation measures (e.g. landscaped mounding) can be established along the western boundary of the site to mitigate any impacts of noise from the Pacific Highway. Similarly, measures can be adopted, if needed, in the construction of dwellings on certain lots if in any way affected by road and traffic noise.

The actual extent of the noise attenuation required and mitigation measures deemed to be most suitable will be determined during the environmental assessment phase of the proposal.

## **5.7 Bushfire**

An assessment of bushfire risk was undertaken pre-January 2006 for the currently undetermined subdivision applications seeking approval for 25 lots on each parcel comprising the subject site.

While the bushfire reports are out of date (prepared under superseded Planning for Bushfire Guidelines), the conclusions of the assessments provide an indication of the degree of bushfire hazard:

- bushfire risk is low and an Asset Protection Zone (APZ) of 20 metres will be required from the 7A and 7B zoned areas; and
- the APZ can be accommodated within any future perimeter roads or within separate dwelling allotments if required.

Further bushfire hazard assessment will be completed during the environmental assessment phase of the proposal.

## **5.8 Acid Sulfate Soils**

A high potential of acid sulfate soils exists in the eastern edge of the site within 50 metres of Moonee Creek. This area is not proposed to be developed for residential purposes.

A second area of high potential is located adjoining Cunninghams Creek in a location that is also not likely to be developed.

The majority of the site has been identified as having a low potential of acid sulfate soils. Nonetheless, an acid sulfate soils management plan will be completed for this area once detailed engineering plans have been completed and the likely depth of excavation for the provision of services is known.

## **5.9 Flooding**

There is reference in former documentation regarding the land to a 1 in 100 year flood event level in the eastern extremity of the site of approximately 3.0m AHD. The exact source of this information and the levels across the site are unclear at this stage, and more detailed investigation will be undertaken as part of the preparation of the environmental assessment.



## 5.10 Summary of Opportunities and Management Measures

A basic outline of the key site opportunities, and key items to address in order to facilitate those opportunities, is provided below:

Key opportunities include:

- Provision of urban land and housing to cater for anticipated population growth in an area specifically identified by the recently endorsed Mid North Coast Regional Strategy;
- Provision of additional housing supply, additional housing choice, and additional competition between release areas, creating an environment conducive to affordable housing;
- Proper assessment and identification of areas suitable to delivering long term sustainable environmental outcomes, and the potential dedication of those areas for conservation purposes;
- Provision of an essential part of a service road to provide traffic access to the approved development north of the subject site, negating the need to access directly to the Pacific Highway;
- Efficiency and positive economies of scale in the planning, design and provision of essential infrastructure required to service all three adjoining release areas;
- Social and economic benefits to the Mid North Coast Region in terms of:
  - A greater diversity of housing in an appropriate location to suit the changing needs of the population;
  - Catering for additional population and establishing a critical mass to sustain existing and future public and private infrastructure for the long term;
  - Provision of a diversity of housing stock, including affordable housing;
  - Stimulus of local economic activity in the construction and service industries;
  - A quantum of diverse and affordable housing commensurate with the expected jobs growth within 10 minutes of the site; and
  - A release area that is integrated with the national and regional movement system, with immediate access to existing services and facilities in the nearby Moonee Beach retail precinct, and the regional centre of Coffs Harbour.

Key items that should be addressed to facilitate the above opportunities:

- Measures to ensure protection from bushfire and flood hazard;
- The provision of transport linkages to, through and from the site in accordance with the Moonee Beach Development Control Plan;
- The provision of all necessary infrastructure to the site;
- The provided of adequate noise attenuation, where necessary;
- Measures to ensure visual amenity is maintained or enhanced, in terms of both views toward and from the site;
- Measures to protect areas of the site identified as being of high conservation value and long term sustainable; and
- Implementation of best practice stormwater management to ensure development promotes sensitive waterway protection.



## 6.0 Conclusion

The Moonee Beach locality is identified in the Department of Planning's *Mid North Coast Regional Strategy* (MNCRS), along with Coffs Harbour, Woolgoolga and Sawtell, Toormina and Boambee East, as having the greatest potential to accommodate the growth expected in the coastal areas of the subregion.

In line with this, the Moonee Parklands Trust wishes to obtain approval to subdivide the subject site for residential purposes.

This Preliminary Project Assessment seeks both the Minister's declaration that the proposal is a project to which Part 3A applies and, to facilitate both Concept Plan Approval and Project approval, the Director General's Environmental Assessment Requirements (EARs) for the proposal.

While a range of site studies will be required to inform the Concept Plan and Project application, previous site investigations provide confidence that the site is suitable for, and capable of, development.

The site sits in between two (2) adjoining sites already declared Part 3A projects, one of which has subsequently obtained Concept Plan approval and more recently, Project Approval. Importantly, the recently approved development relies on the subject site for access.

Obtaining authorisation to proceed under Part 3A of the Act will expedite the provision of access to adjoining land recently approved for development and in turn, the provision of additional housing supply, additional housing choice, and additional competition between release areas, creating an environment conducive to affordable housing.