MODIFICATION OF DEVELOPMENT CONSENT

(section 75W Environmental Planning & Assessment Act 1979)

DA 234-08-01 – 44 Lot Rural Residential Subdivision
LOT 2 DP 848520
PACIFIC HIGHWAY, VALLA

MAY 2010

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Reference No: 030080
18 MAY 2010

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1 INTRODUCTION

This modification relates to a Determination of Development Application 234-08-01 for a 44 lot rural residential subdivision near Oyster Creek, Pacific Highway, Valla. The determination was made on 30 July 2002 by the Minister for Planning under s80(1)(a) of the *Environmental Planning and Assessment Act (EP&A) 1979.*

The Minister was the consent authority for the development pursuant to Part 3 of *State Environmental Planning Policy 71 Coastal Protection* as Significant Coastal Development.

All of the roads and infrastructure for the development are completed and the project is being actively marketed for sale. A modification of consent is required to address three relatively minor matters prior to the release of the Subdivision Certificate.

The following amended Development, Construction and Landscape Management Plans prepared by Smyth, Maher & Associates Pty Ltd and de Groot & Benson Pty Ltd, are submitted for approval:

1. Construction Plan - Drawing C-01 REV.D – 30/4/10
2. Landowner's Plan – Drawing L-01 REV.C - 30/4/10
3. Pressure Sewer System Plan – Drawing PSS-01 REV.D – 30/4/10
4. Management Plan – Drawing M-01 REV.F
5. Vegetation Plan – VP-01 REV.C
6. Lot Layout – Drawing LL-01 – 11/11/01
7. Landowner's Fire Plan – LF-01 REV.C

The subject modification does not seek to alter any lot boundaries, rather, is seeks to address the following three matters:

1. Buffers to adjoining rural zoned land;
2. Buffer to adjoining railway; and
3. Fencing of detention ponds.

The Development, Construction and Landscape Management Plans provided at Annexure A have been amended to show the revised buffers and also show the location of the dams and detention ponds.

2 NAME AND ADDRESS OF THE APPLICANT

Geoff Smyth Consulting

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3 DESCRIPTION OF THE DEVELOPMENT

The subdivision development is known as "Pearl at Valla" and is located east of the Pacific Highway, near Oyster Creek north of Valla Beach (refer to map below). The subdivision involves the creation 44 rural residential lots, , construction of three new roads, detention basins and revegetation planting and landscaping.

The rural residential lots range in size from 5,007 m^2 to 1.84 ha and have been designed in character with the surrounding natural environment. The theme of the development is closely related to the nearby Oyster Creek and derives its name and character from its coastal location.

The subject land is known as Lot 2, DP 848520 Locality of Valla in the Nambucca Local Government Area.

The subject modification application seeks consent to vary the following conditions of consent (DA 234-08-01):

Condition 1 is to be amended as follows (amendments shown **bold**):

The development shall be carried out generally in accordance with the amended Development Application (Option A) documents being drawing numbers LL-01, C-01 REV.D, **L-01 REV.C,** PSS-01 REV.C,: **M-01 REV. F**, VP-01 REV.B, **LF-01. REV.C** and plan 92278-100 dated 11 November 2001, **and amended on 30 April 2010** prepared by Smyth Maher and Associates Pty Ltd and de Groot & Benson Pty Ltd as lodged with the Department on 13 December 2001. Where applicable, the development shall be carried out in accordance with the Statement of Environmental Effects (SEE) Volumes 1 and 2.

Condition 29: To be revoked.

Condition 60: Pursuant to section 88B of the Conveyancing Act easements and restrictions as to user shall be created to achieve the following:

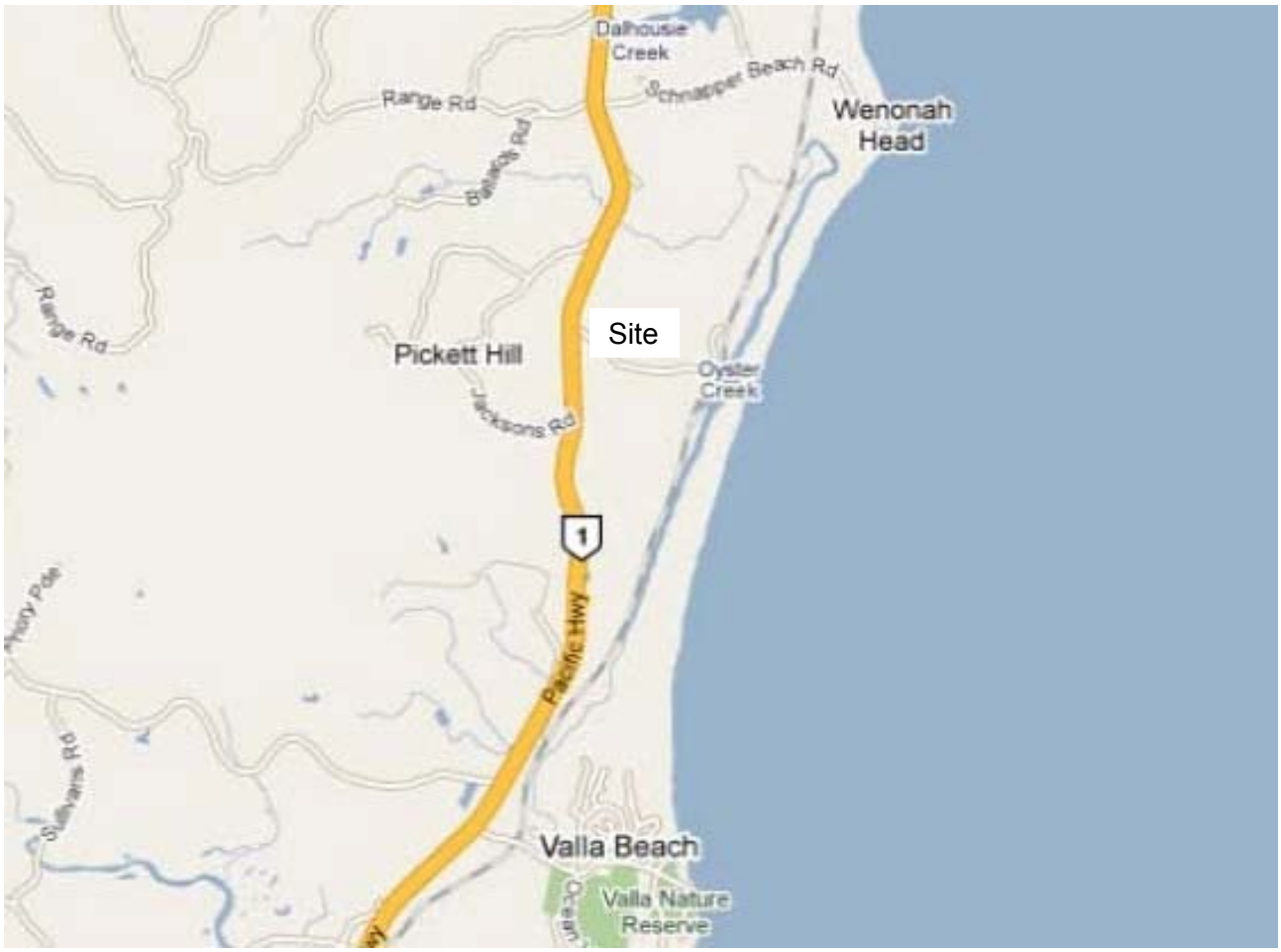
(a) ...
(b) ...
(c) ...
(d) ...
(e) ...
(f) (i) Prohibiting construction of buildings outside building envelopes shown on drawing no **L-01 REV.C** prepared by Smyth Maher and Associates Pty Ltd and de Groot & Benson Pty Ltd dated 11 November 2001 **and amended on 30 April 2010. The location of dwellings must meet the road noise level requirements of the Environmental Noise Control Manual (1994) and the Environmental Criteria for Road Traffic Noise (1999) compiled by the Environmental Protection Authority as calculated for traffic in the year that the majority of the lots on the sites are expected to be developed; and**

(ii) The location of habitable dwellings within Lots 6 to 15 must be in accordance with '*Development near Rail Corridors and Busy Roads – Interim Guideline*' prepared by NSW Department of Planning in 2008 and the provisions of cl, 87 of State Environmental Planning Policy (Infrastructure) 2007.

(g) ...
(h) ...

(i) Prohibiting habitable buildings within setbacks defined by drawings **L-01 REV.C** prepared by Smyth Maher and Associated Pty Ltd and de Groot & Benson Pty Ltd dated 11 November 2001 **and amended on 30 April 2010.**

(Note: items (j) to (t) are unchanged.)



Location Map (Google, 2010)

4 RURAL BUFFER VARIATION

This modification seeks to vary Condition 60 of Development Consent 234-08-01:

> *Pursuant to section 88B of the Conveyancing Act easements and restrictions as to user shall be created to achieve the following purposes:*
>
> *(i) Prohibiting building within setbacks defined by drawing no.L-01REV.B prepared by Smyth Maher and Associates Pty Ltd and deGroot & Benson Pty Ltd dated 11 November 2001.*

The setbacks defined by drawing no. L-01REV.B include 80 metre buffers from adjoining rural land to the buildings to be located on the rural residential lots. The proposed variation to Condition 60 is set out below:

> *Pursuant to section 88B of the Conveyancing Act easements and restrictions as to user shall be created to achieve the following purposes:*
>
> (i) Prohibiting **habitable** buildings within setbacks defined by drawings **L-01 REV.C** prepared by Smyth Maher and Associated Pty Ltd and de Groot & Benson Pty Ltd dated 11 November 2001 **and amended on 30 April 2010.**

The revisions to Drawing L-01 involve the modification of a notation denoting the rural buffer on the southern boundary of the property as follows:

Approved notation: SOUTHERN BOUNDARY 80m SETBACK TO HABITABLE BUILDING FOR RURAL ACTIVITIES ON ADJOINING LOT.

Amended notation: SOUTHERN BOUNDARY 40m SETBACK TO HABITABLE BUILDING FOR RURAL ACTIVITIES ON ADJOINING LOT.

The Development, Construction and Landscape Management Plan drawings including Drawing No L-01 REV C dated 30 April 2010 are contained in Annexure A

This variation is requested for the following reasons:

1. At the time of approval, July 2002, Nambucca Shire Council's guideline/policy for rural buffers to residential development was 80 metres. Since then, the NSW Department of Primary Industries and the Northern Rivers Catchment Management Authority have prepared the handbook '*Living and Working in Rural Areas, A handbook for managing land use conflict on the NSW North Coast'*.

   This handbook was produced to consolidate the variety of practices, strategies and products that have been adopted throughout the North Coast to manage and avoid land use conflict and disputes in rural areas.

   The buffers recommended are a starting point and a guide only in the absence of any other more appropriate separation arrangements. Local and site specific circumstances are also relevant to the determination of an appropriate separation buffer.

   In this case, the adjoining land to the south is used for beef cattle grazing and it is unlikely that

the quality of the land and area available would support an increase to more intensive agricultural pursuits. In addition, the grazing is undertaken on a paddock rotation system whereby the land adjoining the rural residential lots is occupied by cattle for limited periods throughout the year.

In a similar way, other sources of potential conflict such as pasture slashing and weed spraying are intermittent activities undertaken for short periods of time in the vicinity of the rural residential lots and only occur occasionally.

On this basis, the duration and extent of adjoining rural activities likely to be a source of conflict in proximity to the subject development, are of little significance and justify a lesser buffer distance.

2. Buffers can be based on separation distances, vegetation planting and physical landscaping or property management practices. Table 6: Recommended minimum buffers for primary industry in *Living and Working in Rural Areas* provides a synthesis of existing recommended and best practice minimum buffer distances. Site specific and development specific factors also play a role in determining the most appropriate level of separation to avoid rural land use conflict.

   Table 6 recommends a buffer of 50 metres between 'grazing of stock' and 'residential areas and urban development'.

   It is considered that this handbook provides justification for reducing the approved 80 metre to 50 metres, however, the following site specific factors justify a further decrease to a buffer of 40 metres.

3. The adjoining rural land is not identified as Regionally Significant Farmland pursuant to the NSW Department of Planning's Farmland Mapping project. Refer to the illustration below. The adjoining land to the north and south of the site is heavily timbered in parts and comprises some cleared land. The rural land in the locality is fragmented into holdings below the general North Coast minimum rural lot size of 40 hectares and are not likely to sustain any intensive form of agriculture other than hobby farms.

   The Department of Primary Industry (Beef Stocking Rates & Farm Size – Hunter Region, 2006) notes that *'a small holding of 40 hectares (100 acres) with an average productivity of 4 DSE/ ha (as used in the above example) could only sustain 11 breeding units and produce less than 9 weaner calves for sale each year. Such low levels of are highly unlikely to justify pasture improvement, or to cover basic operating costs.'*

   Consequently, the primary function of the adjoining rural land is for rural lifestyle purposes rather than income generating farm land. This 'lifestyle' use is compatible with the use of the subject site for rural residential purposes.

NSW Department of Planning Farmland Mapping Project

- National Parks
- Existing Urban Footprint
- Proposed Urban Areas
- Proposed Employment Land
- Rural Residential Zone
- Regionally Significant Farmland
- Other Rural Land

Aerial Photo: Surrounding Land Use (source: de Groot & Benson Pty Ltd)

4. The s88B Restrictive Covenant that will be annexed to all lots in the development provides restrictions on the keeping of dogs and cats. Dogs and cats, other than a registered Assistance Dog, are prohibited within the development.

   This restriction will significantly reduce one of the most common and annoying sources of conflict between urban and rural uses without the need for a separation buffer.

   The s88B Restrictive Covenant also provides that all fencing must be approved by Council. The aim of this restriction is to ensure that fauna is not restricted within the site, however, this provision will provide an increased level of security for adjoining farm owners over and above that provided by the *Dividing Fences Act*.

   It is considered that 'good fencing makes good neighbours' and the existing three strand wire fence provides a permanent separation between the grazing land adjoining rural residential lots in addition to the proposed 40 metre separation buffer.

5. Noise generating rural activities associated with stock grazing are minimal and tend to be located at a central location such as the stock yards. As mentioned early, paddock rotation results in stock grazing for a limited period within each paddock. Slashing and weed spraying is similarly sporadic and highly unlikely to cause conflict with rural residential neighbours for any extended period if at all. It is considered that the proposed 40 buffer is more than sufficient to mitigate any farm noise impacts to the rural residential subdivision.

6. Native vegetation is to be retained within a 30 metre wide buffer along the southern boundary of the site. This vegetation is located within the proposed 40 metre buffer and will enhance its effectiveness as a visual screen between the development and the adjoining rural land.

7. Reduction of the buffer from 80 metres to 40 metres will provide for more flexibility within the identified building envelopes for the affected lots. Adherence to the 80 metre buffer will result in a consistent set back from the street frontage, rendering an urban character to the development. A more flexible approach will encourage diversity in dwelling location, consistent with the semi-rural environment and will provide a more visually acceptable streetscape.

5 RAILWAY BUFFER

This modification seeks to vary Condition 60 of Development Consent 234-08-01:

> *Pursuant to section 88B of the Conveyancing Act easements and restrictions as to user shall be created to achieve the following purposes:*
>
> (i) Prohibiting **habitable** buildings within setbacks defined by drawings **L-01 REV.C** prepared by Smyth Maher and Associated Pty Ltd and de Groot & Benson Pty Ltd dated 11 November 2001 **and amended on 30 April 2010.**

The setbacks defined by drawing no. L-01REV.B include a 40 metre buffer from the adjoining North Coast Railway to proposed Lots 6 to 15. The proposed variation of Condition 60 is set out below:

Pursuant to section 88B of the Conveyancing Act easements and restrictions as to user shall be created to achieve the following:

(a) ...
(b) ...
(c) ...
(d) ...
(e) ...
(f) (i) Prohibiting construction of buildings outside building envelopes shown on drawing no **L-01 REV.C** prepared by Smyth Maher and Associates Pty Ltd and de Groot & Benson Pty Ltd dated 11 November 2001 **and amended on 30 April 2010. The location of dwellings must meet the road noise level requirements of the Environmental Noise Control Manual (1994) and the Environmental Criteria for Road Traffic Noise (1999) compiled by the Environmental Protection Authority as calculated for traffic in the year that the majority of the lots on the sites are expected to be developed; and**

(ii) The location of habitable dwellings within Lots 6 to 15 must be in accordance with '*Development near Rail Corridors and Busy Roads – Interim Guideline'* prepared by NSW Department of Planning in 2008 and the provisions of cl, 87 of State Environmental Planning Policy (Infrastructure) 2007.

(g) ...
(h) ...
(i) Prohibiting **habitable** buildings within setbacks defined by drawings **L-01 REV.C** prepared by Smyth Maher and Associated Pty Ltd and de Groot & Benson Pty Ltd dated 11 November 2001 **and amended on 30 April 2010.**

The revisions to Drawing L-01 involve the modification of the buffer notation on the eastern boundary of the property as follows:

Approved notation: **60m SETBACK FROM NORTH COAST RAILWAY TO HABITABLE BUILDINGS.**
Amended notation: **40m BUFFER FROM NORTH COAST RAILWAY TO HABITABLE BUILDINGS IN ACCORDANCE WITH cl.87 OF SEPP INFRASTRUCTURE 2007.**

A copy of Drawing No L-01 REV C dated 30 April 2010 is provided in Annexure A.

Condition 60(i) is to be varied to adopt amended drawing no. M-01 REV C for the following reasons:

1. In 2002, when consent was issued, very little information or guidelines were available in regard to buffers to railways from rural land. At the time, an urban guideline (Hornsby) was used to determine the approved 60 metre buffer.

   Two relatively recent guidelines have been considered in the preparation of this report. They are the *'Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects'* prepared by DECC and NSW Department of Planning in 2007 and '*Development near Rail Corridors and Busy Roads – Interim Guideline'* prepared by NSW Department of Planning in 2008.

   These guidelines identify the various requirements for noise impact assessment depending on the speed limits of the relevant section of rail corridor. '*Development near Rail Corridors and Busy Roads – Interim Guideline'* references the State Environmental Planning Policy (Infrastructure) 2007 and is the current planning guideline for consent authorities.

2. The following brief assessment based on the guideline, *'Development near Rail Corridors and Busy Roads – Interim Guideline, Part C: Noise and Vibration'* provides sufficient justification to reduce the 60 metre buffer to 40 metres in accordance with current guidelines and Clause 87 of the Infrastructure SEPP.

   There are several factors listed in the guideline that influence the level of noise and vibration to residential dwellings from rail or road sources, including:

   - *Determination of whether development is in direct line of sight of rail. In locations where trains are obscured from view by impervious objects such as the ground, noise barriers of other buildings, acoustic treatment may not be needed.*

     The railway line is grade separated from the site by a steep up to 20m high metre high embankment.

   - *Determination of the type and speed of rail services.*

     The maximum track speed in the vicinity of the subdivision is 80 kph or greater for passenger services and 80 kph or less for freight services.

   - *Assessment of the development against the graph provide below*:

Figure 3.1 provides a guide as to the level of assessment required when noise sensitive developments are located in the vicinity of existing rail lines. Zones A and B are indicative acoustic assessment zones where sensitive land-uses are likely to be adversely affected. Where there are noise maps available based on actual rail movements the noise map information should be used in preference to **Figure 3.1**.

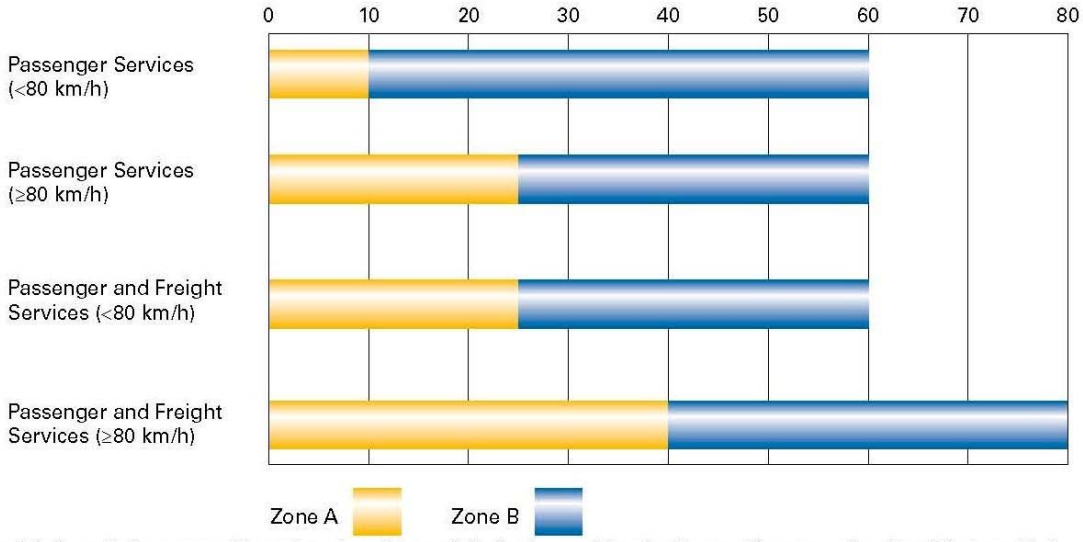


Figure 3.1: Acoustic Assessment Zones based on distance (m) of noise-sensitive development from operational track (not corridor)

The appropriate indicative acoustic zone for the subject development is based on 'Passenger Services ≥ 80 km/h' and 'Freight Services < 80 km/h'. This graph indicates that:

- Dwellings within 25 metres of the track – a full noise assessment is required at Development Application stage for the dwelling.
- Dwellings between 40 and 80 metres – mitigation measures to the elevation facing the track such as having windows and doors closed and rooms ventilated in accordance with BCA requirements.

3. SEPP Infrastructure 2007 provides that:

   ... the consent authority must be satisfied that appropriate measures will be taken to ensure that the following LA_{eq} levels are not exceeded:

   (a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,

   (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

   This is a provision that would be considered at DA stage for new dwellings that are located within 25 metres of the track. The use of this control is a more appropriate and relevant assessment tool than the use of buffers as it provides a development standard that is able to be measured, whilst providing for some flexibility in house location and design.

4. Comparative developments – Bella Vista Estate, Pearce Drive, Coffs Harbour (see aerial photo below).

   The following conditions apply in relation to the construction of dwellings within the Estate:

   - dwellings more than 20 metres from the railway line – no restrictions
   - dwellings within 20 metres of the railway line – noise treatments may apply for the elevations facing the line.

The aerial photo below shows the Estate in relation to the North Coast Railway. The Estate will eventually comprise 147 conventional residential nominal 700m² allotments. Many have a common rear boundary with the railway line.

5. Residential dwelling design factors such as
    - low rise profile will shield future residences from noise impacts;
    - north westerly aspect will concentrate windows and private outdoor spaces away from the railway line located to the east of the lots;
    - window treatment such as double glazing and non opening windows / alternative sources of ventilation; and
    - sleeping areas and other habitable areas should be placed on the side of the building furthest from the source of noise.

To summarise this section, the previously approved 60 metre buffer was based on urban land use guidelines available at the time.

This modification seeks to reduce the buffer based on the provisions of Infrastructure SEPP and the interim guideline prepared by the NSW Department of Planning.

This assessment indicates that the buffer can be reduced to 25 to 40 metres with further buffer reduction justified because of topographical conditions.

Consideration of comparative developments and the use of the criteria provided in the Infrastructure

SEPP to ensure that the LA_{eq} levels are appropriate are considered to be the current relevant tools for managing noise impacts to residential development.

The use of overly restrictive buffers will not result in the best design outcome for the development and is not consistent with current guidelines.

6 FENCING OF DETENTION PONDS

This modification to consent seeks to delete Condition 29 of Development Consent 234-08-01:

> *The developer shall ensure that detention ponds are fenced with cyclone wire fencing or similar product 1.8 metres high with access limited to a locked gate.* ***Reason: To ensure the safety of residents.***

This condition is to be deleted for the following reasons:

1. There are four ponds on the site. Two ponds are located on running creeks, whilst the other two are located "effectively" off-stream.

2. The purpose of the fence is to keep children and others out of the detention pond areas. It is considered that the type of fence required for the detention ponds will not practically achieve this aim. This is because it will not be possible to adequately fence the running creeks in the case of two ponds, nor to effectively fence the spillway areas of the other two ponds. The running creeks and spillways must be free flowing. If they were fenced, then it is highly likely that they will become blocked with vegetation. If the fencing is not frequently cleared (ie. after each significant rainfall event), then it is highly likely that the fence would be knocked over during the next storm event following the blockage.

   The gap under the proposed fence at the spillway location will allow easy access for children into the enclosed area of the detention ponds.

3. Similarly at the inlet to the ponds, the issue is the same. It will not be possible to fence across the creeks / drainage lines entering the ponds to prevent children entering the area without blocking the drainage lines.

4. Council will have an easement for drainage over the ponds allowing them access for maintenance etc the terms of which are set out in an s88B Instrument. Should the intention of the fences have been to 'lock' out land owners or restrict access for reasons other than safety, the consent should have required the dedication of the land comprising the dams / detention basins to Council as drainage reserves.

5. The basins will function similarly to farm dams, many of which are located on rural residential properties and are unfenced. From a child safety perspective, the fencing of a dam is not the same as fencing a pool. Pools generally are located closer to residences and surveillance. This is important to ensure that pool fencing and gates are functioning and closed at all times.

   The fencing of dams may lead to the assumption of safety, when in fact, gates may be left open or the fencing compromised due to vegetation build up or fencing collapsing. Whilst dams remain unfenced, there is always the permanent presumption of danger which, from a child safety perspective, is considerably safer than incorrectly presumed safety.

6. As the dams provide a source of drinking water for local fauna, fencing would impact on this use. This is particularly important for the two dams in Lot 44 as they are located in a "koala corridor".

7. The dams provide a source of water for fire fighting purposes. If fenced, with locked gates, access to the water source in times of emergency will be limited.

8. Fencing of the dams will be visually unattractive, particularly in terms of the semi-rural character of the area and the visual importance of the dams when viewed from the roadway.

9. Council should adopt a consistent approach to dam fencing. A requirement to fence rural dams is not part of any Council policies or guidelines and has not been applied to other rural residential developments in the Local Government Area including the detention ponds at the entrance to the estate or the large dam on the adjoining property to the south.

7 STATUTORY CONSIDERATIONS

7.1 Environmental Planning and Assessment Act 1979

The principal law regulating land use in NSW is the *Environmental Planning and Assessment Act (EP&A Act) 1979.* The EP&A Act is administered by the Minister for Planning.

Pursuant to s80(1)(a) of the Act and s8J(8)(c) of the Regulation, the Minister for Planning determined Development Application 234-08-01 by granting consent subject to conditions.

This application seeks a modification to the Minister's approval pursuant to s75W of the EP& A Act by revoking or varying a condition of approval (s75W)(1)(a).

This modification to consent seeks to revoke Condition 29 of Development Consent 234-08-01:

> *The developer shall ensure that detention ponds are fenced with cyclone wire fencing or similar product 1.8 metres high with access limited to a locked gate.*

This modification seeks to vary Condition 60 of Development Consent 234-08-01

> *Pursuant to section 88B of the Conveyancing Act easements and restrictions as to user shall be created to achieve the following purposes:*
>
> *(i) Prohibiting building within setbacks defined by drawing no.L-01REV.B prepared by Smyth Maher and Associates Pty Ltd and deGroot & Benson Pty Ltd dated 11 November 2001.*

Details of the variation are provided in Section 3 of this report.

7.2 Environmental Planning and Assessment Regulation 2000

The Regulation provides further controls for modification of development consent, including the fees payable and reporting requirements for such a modification.

Clause (8) provides that:

> *For the purposes only of modification, the following development consents are taken to be approvals under Part 3A of the Act and section 75W of the Act applies to any modification of such a consent.*

Subclause (c) provides that:

> *…a development consent granted by the Minister under Division 4 of Part 4 of the Act (relating to State significant development) before 1 August 2005 or under clause 89 of Schedule 6 to the Act.*

The Determination of Development Application No 234-08-01 granted by the Minister on 30 July 2002 is consistent with clause (8)(c).

The development consent, if so modified, does not become an approval under Part 3A of the Act.

Clause 115 of the Regulation provides the requirements for an application for modification of a

development consent. This clause relates to modifications of development consent under section 96 (1), (1A) or (2) or 96AA (1) of the EP&A Act and is not strictly relevant to this application, however, the requirements have been considered as follows:

Table of Consistency with Clause 115	
An application for modification of a development consent under of the Act must contain the following information:	
the name and address of the applicant	Refer to Section 2
a description of the development to be carried out under the consent (as previously modified)	Refer to Section 3
the address, and formal particulars of title, of the land on which the development is to be carried out	Refer to Section 3
a description of the proposed modification to the development consent,	Refer to Sections 4, 5 and 6
a statement that indicates either: *(i) that the modification is merely intended to correct a minor error, misdescription or miscalculation, or* *(ii) that the modification is intended to have some other effect, as specified in the statement.*	The modification is not consistent with subclause (i) in that it is not intended to correct a minor error, misdescription or miscalculation. The modification will have the effect of revoking a consent condition and varying two consent conditions as described in Sections 4, 5 and 6.
a description of the expected impacts of the modification,	Impacts from the modifications are minor. The revocation of Condition 29 regarding the removal of the need to fence out the detention ponds will have a positive impact on the visual environment and will enable fauna better access to habitat and water sources. The variation to Condition 60 will have a positive impact in regard to the visual environment in that it will allow a more flexible and varied development pattern in regard to the location of new dwellings.
an undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved	The development will remain substantially the same as originally approved. There is no increase to the number or size of the approved lots, nor the location of any boundaries.
if the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the making of the application (except where the application for the consent the subject of the modification was made, or could have been made, without the consent of the owner),	The owner's consent is provided under separate cover.
a statement as to whether the application is being made to the Court (under section 96) or to the consent authority (under section 96AA),	The application is being made to the consent authority, in this case, the NSW Department of Planning.

7.3 State Environmental Planning Policies

7.3.1 SEPP Infrastructure

The Infrastructure SEPP commenced on 1 January 2008 to facilitate the effective delivery of infrastructure across the State. One of the aims of the Infrastructure SEPP is to identify matters to be considered in the assessment of development adjacent to particular types of infrastructure.

More specifically, the Infrastructure SEPP refers to guidelines which must be taken into account where development is proposed in, or adjacent to, specific roads and railway corridors under clauses 85, 86, 87,102 and 103. The *Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects* fulfils that purpose.

Clause 87 '**Impact of rail noise or vibration on non-rail development'** is relevant to the subject proposal and applies to development for 'a building for residential use' that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration:

Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

The relevant guideline is *'Development near Rail Corridors and Busy Roads –Interim Guideline'* prepared by the NSW Department of Planning in December, 2008.

The Guideline is primarily for consent/approval authorities and proponents (both private and public) and for their designers, architects, project managers, engineers and contractors involved with new residential and other developments alongside railway corridors and busy roads. The Guideline applies to development adjacent to rail corridors and busy roads.

Part C *'Development impacted by rail corridors and busy roads'* of the guideline contains information on development impacted by rail corridors and busy roads. It addresses the specific Infrastructure SEPP requirements for noise and vibration. Part C is considered in Section 5(2) of this report.

Clause 87(3) of the SEPP provides that:

> *If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*
>
> *(a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,*
>
> *(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

This clause would apply for all new dwellings located on proposed Lots 6 to 15. In regard to the subject application for modification of consent, the *'Development near Rail Corridors and Busy Roads –Interim Guideline'* applies. However, the consent authority should also have regard to Clause 87(3) in terms of providing further controls for noise impacts to residential housing at a later stage of the development.

7.4 Nambucca Local Environmental Plan 2005

Clause 16 'What controls apply to rural-residential development?' applies to development which consists of subdividing land and erecting dwelling-houses within Zone No 1 (a1).

In determining the subject application for modification, the consent authority should consider subclauses (l) and (r) as follows:

> *(l) The proposed development will maintain, where possible, the existing amount, diversity and form of native vegetation and wildlife habitat areas.*
>
> *The* revocation of Condition 29 (*The developer shall ensure that detention ponds are fenced with cyclone wire fencing or similar product 1.8 metres high with access limited to a locked gate.)* will result in an improvement to wildlife habitat areas in providing unimpeded access to sources of fresh water within the subject land.
>
> *(r) The proposed development will maintain adequate noise attenuation buffers between potential dwelling sites adjoining any railway or highway transport corridor.*
>
> The variation to Condition 60 to reduce the 60 metre buffer to the railway will maintain adequate noise attenuation buffers provided the controls in Clause 87 of the Infrastructure SEPP and the guideline *'Development near Rail Corridors and Busy Roads –Interim Guideline'* are complied with.

In the subject case, consent has already been granted for subdividing land, however, some of the controls in Clause 16 will apply for future development for erecting dwelling houses.

8 CONCLUSION

The information provided in this Modification of Consent report demonstrates that the revocation of Condition 29 and the variation of Condition 60 are consistent with the development standards applicable within Nambucca Local Government Area, including relevant State Environmental Planning Policies of NSW.

The subject modification is of a minor nature and will not adversely impact on the natural or built environment.

The subject modification does not substantially alter the development as approved.

The modifications sought aim to correct minor aspects of the development as approved that are consistent with current development standards and guidelines.

It is recommended that these modifications be approved based on the justification provided within this report and the provisions of the *Environmental Planning and Assessment Act 1979*.

GEOFF SMYTH CONSULTING

GEOFF SMYTH
18 May 2010

ANNEXURE A

Construction Plan – Drawing C-01 REV.D – 30/4/10
Landowner's Plan – Drawing L-01 REV.C – 30/4/10
Pressure Sewer System Plan – Drawing PSS-01 REV.D – 30/4/10
Management Plan – Drawing M-01 REV.F
Vegetation Plan – VP-01 REV.C
Lot Layout – Drawing LL-01 – 11/11/01
Landowner's Fire Plan – LF-01 REV.C

LEGEND

DIVERSION BANK
LEVEL SPREADER
WATERWAY
NATURAL GRASSED
CONSTRUCTED GRASSED
CONSTRUCTED GRASS WITH CHECK DAM
SEDIMENT BASIN — SB2
SEDIMENT TRAP — ST1
SEDIMENT FENCE
STRAW BALE SEDIMENT FENCE
VEGETATION FILTER STRIP
SOIL STOCK PILE — S.S.P 1
TEMPORARY CONSTRUCTION EXIT
LIMIT OF CLEARING AND GRADING — XX
CATCHMENT BOUNDARY — C C

SCHEDULE OF OPERATIONS
- ALL TOPSOIL WILL BE STOCKPILED
- CLAYS TO BE STOCKPILED

NOTES :

1: PRIOR TO COMMENCEMENT OF EARTHWORKS, CONSTRUCT TEMPORARY DIVERSION DRAINS TO REDUCE RUNOFF FROM ADJACENT UNDISTURBED CATCHMENTS, DRAINING ONTO THE ROADWORK ZONE. MINIMUM 400mm DEPTH WATERWAYS CAPACITY. MAXIMUM 1 IN 4 BATTERS.

2: TOPSOIL STRIPPED FROM ROAD WORKS SHALL BE STORED AS FAR AS PRACTICAL IN ONE AREA AS APPROVED BY THE SUPERINTENDENT. GRASS SEED IMMEDIATELY. DIVERSION DRAINS SHOULD BE CONSTRUCTED ON THE HIGH SIDE AND ANY HAY BALES/GEOFABRIC BARRIERS ON THE LOW SIDE TO MINIMISE SOIL TRANSPORTATION AS APPROVED BY THE SUPERINTENDENT.

3: STORM WATER RUNOFF FROM THE ROADWORK ZONE DURING CONSTRUCTION SHALL BE DIRECTED THROUGH THE FILTER BARRIERS AS DETAILED. PROVIDE ADDITIONAL DIVERSION DRAINS AND FILTER BARRIERS WHERE/IF SCOUR IS EVIDENT.

4: PRIOR TO APPROVAL OF STORM WATER PIPES AND PITS PREVENT RUNOFF DRAINING INTO PIPE SYSTEM BY SAND BAGGING AND DIVISION TO FILTER BARRIERS ADJACENT TO LINTEL INLET MAINTAIN BARRIER DURING THE COURSE OF ROAD CONSTRUCTION.

5: ROAD BATTERS (BOTH CUT AND FILL) SHALL BE TOPSOILED AND GRASS SEEDED IMMEDIATELY TO ENSURE ADJACENT STABILIZATION.

6: AREAS SUBJECT TO SITE FILLING SHALL BE ADEQUATELY STABILIZED BY TOP SOILING AND GRASS SEEDING AS SOON AS PRACTICAL AFTER APPROVAL.

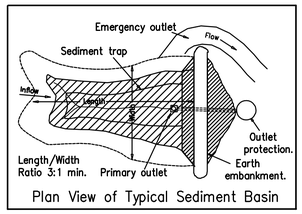
7: THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING DRAINS AND FILTER BARRIERS DURING THE COURSE OF CONSTRUCTION TO ENSURE ADEQUATE OPERATION.

8: ALL DIVERSION DRAINS TO BE STABILIZED BY TOPSOIL AND GRASS SEEDING.

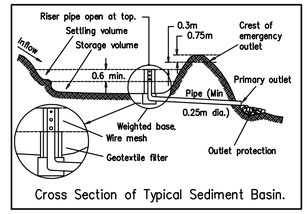
9: PRESERVE EXISTING VEGETATION ON THE LOTS DURING CONSTRUCTION UNNECESSARY MOVEMENTS OF CONSTRUCTION EQUIPMENT ON UNDISTURBED NATURAL VEGETATION MUST BE MINIMIZED.

10: ALL TEMPORARY EARTH STRUCTURES, INCLUDING SOIL STOCKPILES TO BE TRACK ROLLED AND SEEDED WITHIN 14 DAYS OF THEIR CONSTRUCTION, WITH THE FOLLOWING COVER CROP/FERTILISER MIXTURE.

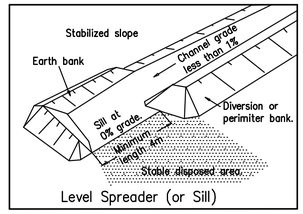
JAPANESE MILLET	30	kg/Ha (SPRING/SUMMER)
RYECORN/OATS	30	kg/Ha (AUTUMN/WINTER)
	250	kg/Ha



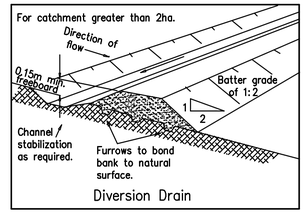
Plan View of Typical Sediment Basin



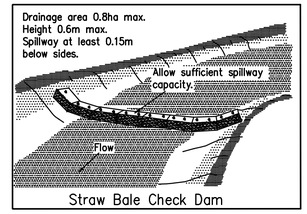
Cross Section of Typical Sediment Basin.



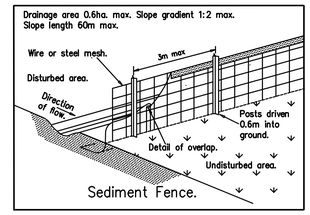
Level Spreader (or Sill)



Diversion Drain



Straw Bale Check Dam



Sediment Fence.

SEDIMENT BASIN SB1

Properties	UNITS	VALUES
Catchment Area	ha	0.73
Slope	%	8
Soil Erodability	K	0.03
Basin Vol. Required	m^3/ha	230
Basin Area Req.	m^2/ha	185
Basin Volume	m^3	167.9
Basin area	m^2	135.05
Basin width	m	6.7
Basin Length	m	20.1
Basin Depth	m	1.2

SEDIMENT BASIN SB3

Properties	UNITS	VALUES
Catchment Area	ha	0.52
Slope	%	7.5
Soil Erodability	K	0.03
Basin Vol. Required	m^3/ha	230
Basin Area Req.	m^2/ha	185
Basin Volume	m^3	119.6
Basin area	m^2	96.2
Basin width	m	5.7
Basin Length	m	17.0
Basin Depth	m	1.2

SEDIMENT BASIN SB5

Properties	UNITS	VALUES
Catchment Area	ha	0.83
Slope	%	6
Soil Erodability	K	0.03
Basin Vol. Required	m^3/ha	170
Basin Area Req.	m^2/ha	170
Basin Volume	m^3	141.4
Basin area	m^2	141.4
Basin width	m	6.9
Basin Length	m	20.6
Basin Depth	m	1.0

SEDIMENT BASIN SB2

Properties	UNITS	VALUES
Catchment Area	ha	0.56
Slope	%	9
Soil Erodability	K	0.03
Basin Vol. Required	m^3/ha	230
Basin Area Req.	m^2/ha	185
Basin Volume	m^3	128.8
Basin area	m^2	103.6
Basin width	m	5.9
Basin Length	m	17.6
Basin Depth	m	1.2

SEDIMENT BASIN SB4

Properties	UNITS	VALUES
Catchment Area	ha	0.56
Slope	%	8.5
Soil Erodability	K	0.03
Basin Vol. Required	m^3/ha	230
Basin Area Req.	m^2/ha	185
Basin Volume	m^3	128.8
Basin area	m^2	103.6
Basin width	m	5.9
Basin Length	m	17.6
Basin Depth	m	1.2

PROGRAMME OF WORKS

PHASE 1 – CIVIL CONSTRUCTION

1 REFER TO NOTES ABOVE

PHASE 2 – DOMESTIC CONSTRUCTION

1 ALL AREAS DOWNHILL OF DISTURBED AREAS SHALL BE PROTECTED BY SILT FENCE AS PER DETAIL.

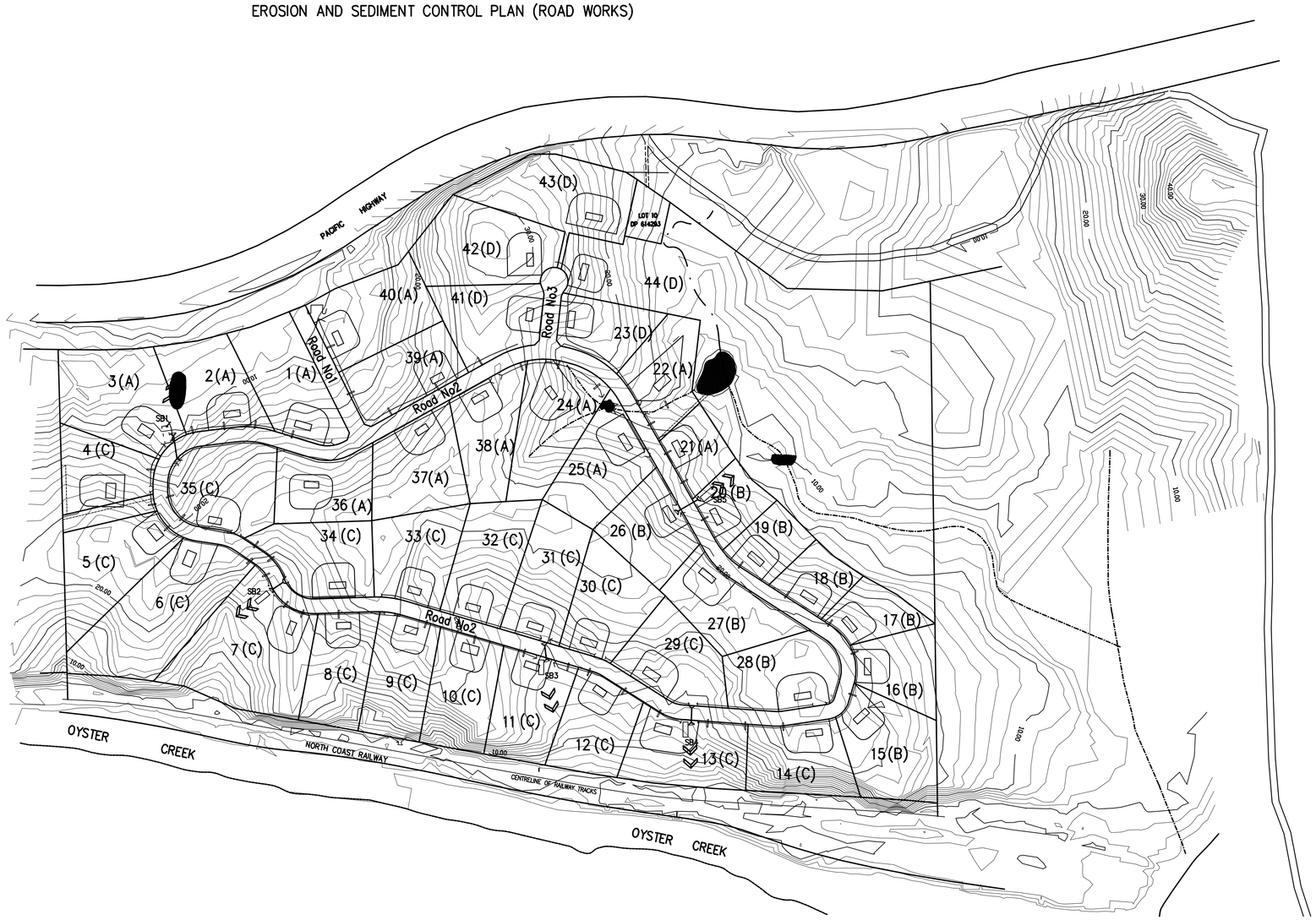
2 A SINGLE ROAD CROSSING IS PERMITTED ONLY FOR EACH ALLOTMENT.

3 ROAD CROSSING SHALL BE CONSTRUCTED OF ROAD BASE GRAVEL

PHASE 3 – LONG TERM CONTROL

1 REFER DEVELOPMENT CONTROL PLAN – WATER QUALITY – SHEET 2 OF 2

EROSION AND SEDIMENT CONTROL PLAN (ROAD WORKS)



LEGEND

37(A) — Lot No. / Staging Sequence

MAJOR CONTOURS (5m INTERVALS)

MINOR CONTOURS (1m INTERVALS)

EXISTING WATER COURSE

EXISTING DAMS

INDICATIVE 1500m² BUILDING ENVELOPE
PRECISE LOCATION TO BE DETERMINED ON SITE BY SITE BASIS AND APPROVED BY NATIONAL PARKS & WILDLIFE SERVICE , OWNER FLORA & FAUNA CONSULTANT & COUNCILS FIRE CONTROL OFFICER
FUEL REDUCED UNDER STOREY AROUND BUILDING ENVELOPE (see detail above)

L.S.G. NORTH

0 100 200 300

A1 SHEET SCALE 1:3000 A3 SHEET SCALE 1:6000

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TOWN PLANNERS & DEVELOPMENT ADVISERS
12A BELLINGEN ROAD
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A.C.N. 052 300 571
236 High Street
Coffs Harbour NSW 2450
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Email dgb@tpgi.com.au

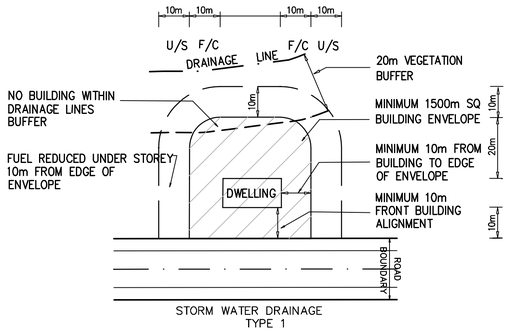
DEVELOPMENT, CONSTRUCTION AND LANDSCAPE MANAGEMENT PLAN
LOT 2 DP 848520
PACIFIC HWY. VALLA

CONSTRUCTION PLAN
OPTION A

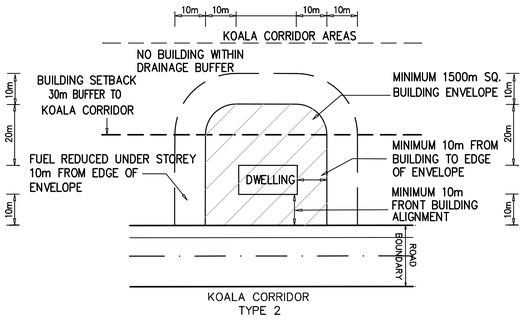
Date. 30–4–2010 Drawing No. C–01 Rev. D

FULLY CLEARED = F/C
FUEL REDUCED UNDER STOREY = U/S

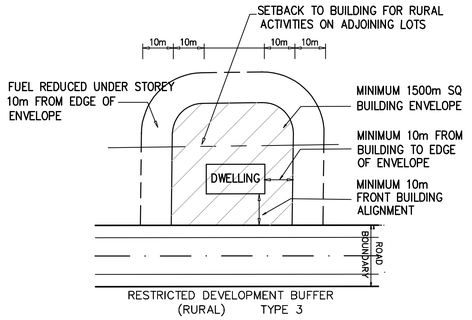
TYPICAL BUILDING ENVELOPES



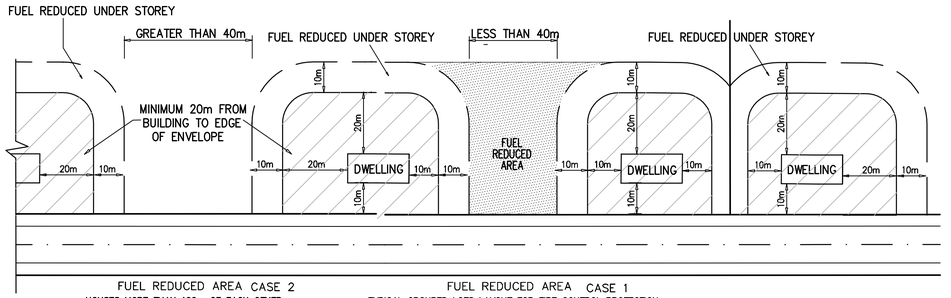
STORM WATER DRAINAGE
TYPE 1



KOALA CORRIDOR
TYPE 2



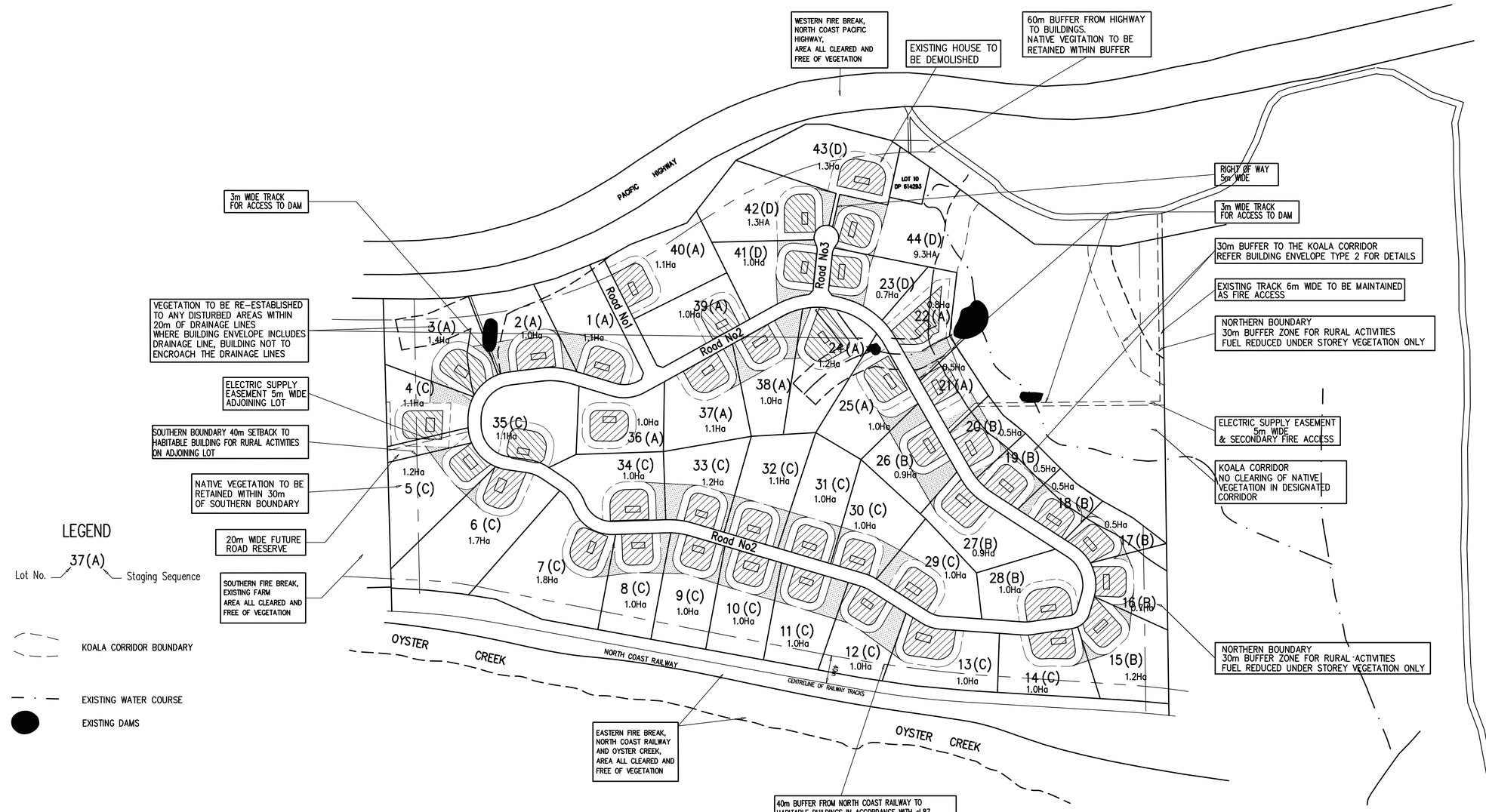
RESTRICTED DEVELOPMENT BUFFER
(RURAL) TYPE 3



FUEL REDUCED AREA CASE 2
HOUSES MORE THAN 100m OF EACH OTHER

FUEL REDUCED AREA CASE 1
TYPICAL GROUPED LOTS LAYOUT FOR FIRE CONTROL PROTECTION

NOTE: FUEL REDUCED AREA TO BE MAINTAINED AND RESPONSIBILITY OF EACH OWNER.
OWNER TO INSURE ACCESS FOR FIRE FIGHTING TO BE MAINTAINED IN CLEARED AREA.



LEGEND

37(A) — Lot No. — Staging Sequence

KOALA CORRIDOR BOUNDARY

EXISTING WATER COURSE

EXISTING DAMS

FUEL REDUCED AREA
WHEN DISTANCE BETWEEN UNDER STOREY ENVELOPES IS LESS THAN 40m; SHADED AREA TO BE MAINTAINED SO THAT COMBUSTIBLE MATERIAL IS LESS THAN 8 TONNES/HECTARE. (SEE CASE 1 & 2)

INDICATIVE 1500m² BUILDING ENVELOPE
PRECISE LOCATION TO BE DETERMINED ON SITE BY SITE BASIS AND APPROVED BY NATIONAL PARKS & WILDLIFE SERVICE , OWNER FLORA & FAUNA CONSULTANT & COUNCILS FIRE CONTROL OFFICER
FUEL REDUCED UNDER STOREY AROUND BUILDING ENVELOPE (see detail above)

L.S.G. NORTH
0 100 200 300
A1 SHEET SCALE 1:3000 A3 SHEET SCALE 1:6000

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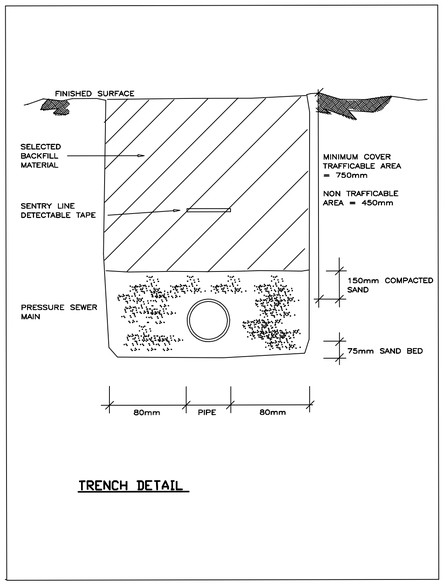
DEVELOPMENT, CONSTRUCTION AND LANDSCAPE MANAGEMENT PLAN
LOT 2 DP 848520
PACIFIC HWY. VALLA

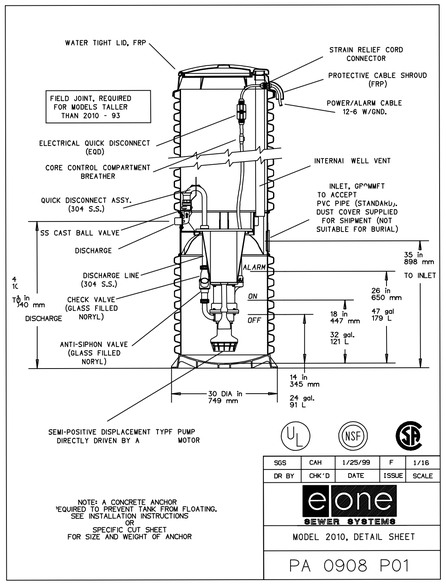
LANDOWNER'S PLAN

OPTION A

Date. 30-4-2010 Drawing No. L-01 Rev. C



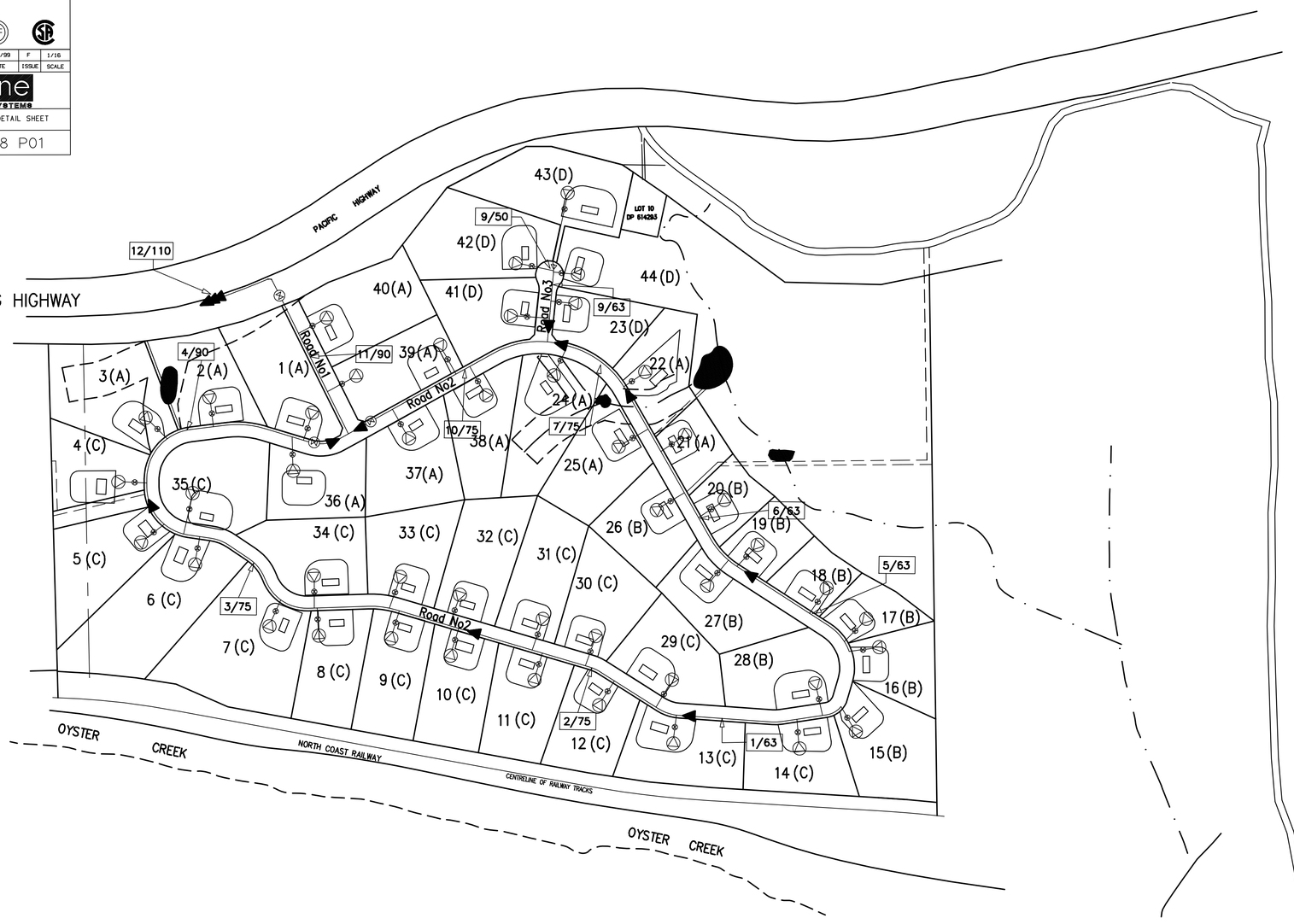
TRENCH DETAIL



NOTES

- THIS PRESSURE SEWER DESIGN IS SUITABLE FOR EONE POSITIVE DIPLACEMENT PUMPS ONLY
- PIPE MATERIAL TO BE PE80, PN10 POLYETHYLENE PIPE AND ELECTROFUSION FITTINGS
- ALL VALVES AND ANCILARY ITEMS TO BE INACCORDANCE WITH THE SPECIFICATION OR AS SUPPLIED BY EONE

COUNCIL SEWER APPROX 3KM SOUTH ALONG HIGHWAY



LEGEND

Lot No. 37(A) Staging Sequence

- PIPESIZE AND ZONE NUMBER CHANGE
- FLUSHING POINT
- ISOLATION VALVE
- PIPE DIAMETER
- 4/90 — ZONE NUMBERS
- EXISTING WATER COURSE
- EXISTING DAMS

ROSS FRASER CONSULTING
PO BOX 326 TERRY HILLS
NSW 2084 AUSTRALIA
PH 61 2 9450 0740 FX 61 2 9450 0970

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TOWN PLANNERS & DEVELOPMENT ADVISERS
12A BELLINGEN ROAD
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I.S.G. NORTH

0 100 200 300
A1 SHEET SCALE 1:3000 A3 SHEET SCALE 1:6000

LOT 2 DP 848520
PACIFIC HWY. VALLA

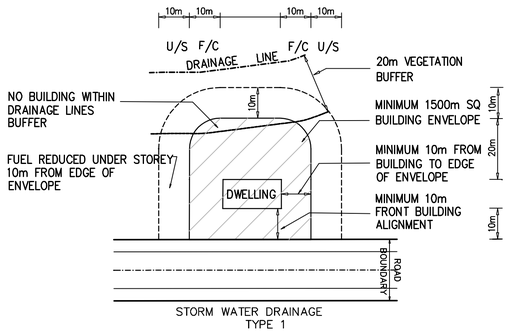
PRESSURE SEWER SYSTEM PLAN

OPTION A

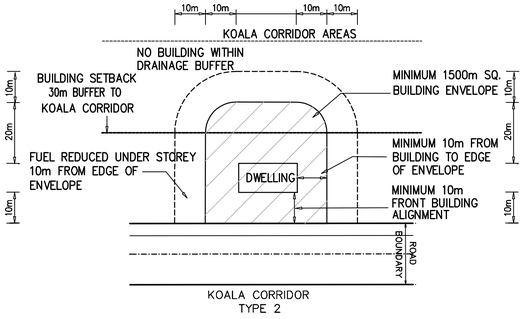
Date. 30-4-2010 Drawing No. PSS-01 Rev. D

FULLY CLEARED = F/C
FUEL REDUCED UNDER STOREY = U/S

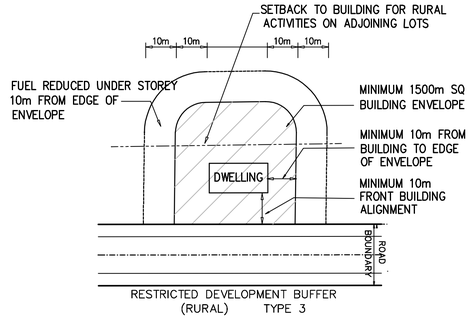
TYPICAL BUILDING ENVELOPES



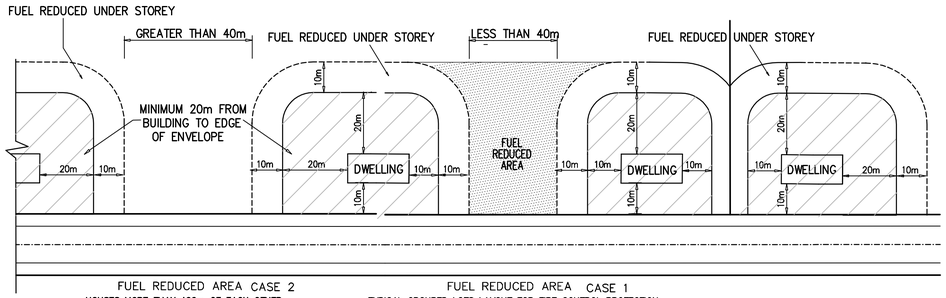
STORM WATER DRAINAGE
TYPE 1



KOALA CORRIDOR
TYPE 2



RESTRICTED DEVELOPMENT BUFFER
(RURAL) TYPE 3



FUEL REDUCED AREA CASE 2
HOUSES MORE THAN 100m OF EACH OTHER

FUEL REDUCED AREA CASE 1
TYPICAL GROUPED LOTS LAYOUT FOR FIRE CONTROL PROTECTION

NOTE: FUEL REDUCED AREA TO BE MAINTAINED AND RESPONSIBILITY OF EACH OWNER.
OWNER TO INSURE ACCESS FOR FIRE FIGHTING TO BE MAINTAINED IN CLEARED AREA.

WETLAND 600m², AVERAGE DEPTH 0.6m, MAXIMUM DEPTH 1.5m
SUGGESTED PLANTING REGIME FOR SOUTH WESTERN CONSTRUCTED WETLAND

ELEOCHARIS SPHACELATA "TALL SPIKERUSH"	2 PLANTS PER m²	300 TO 600mm DEPTH
BAUMEA ARTICULATA "JOINTED TWIGRUSH"	2 PLANTS PER m²	150 TO 300mm DEPTH
SCHOENOPLECTUS MUCRONATUS	4 PLANTS PER m²	0 TO 600mm DEPTH
SCHOENOPLECTUS VALIDUS	2 PLANTS PER m²	0 TO 600mm DEPTH

A MEANS OF DRAINING THE WETLAND IS REQUIRED. THIS MAY BE BY A SIMPLE SIPHON ARRANGEMENT.

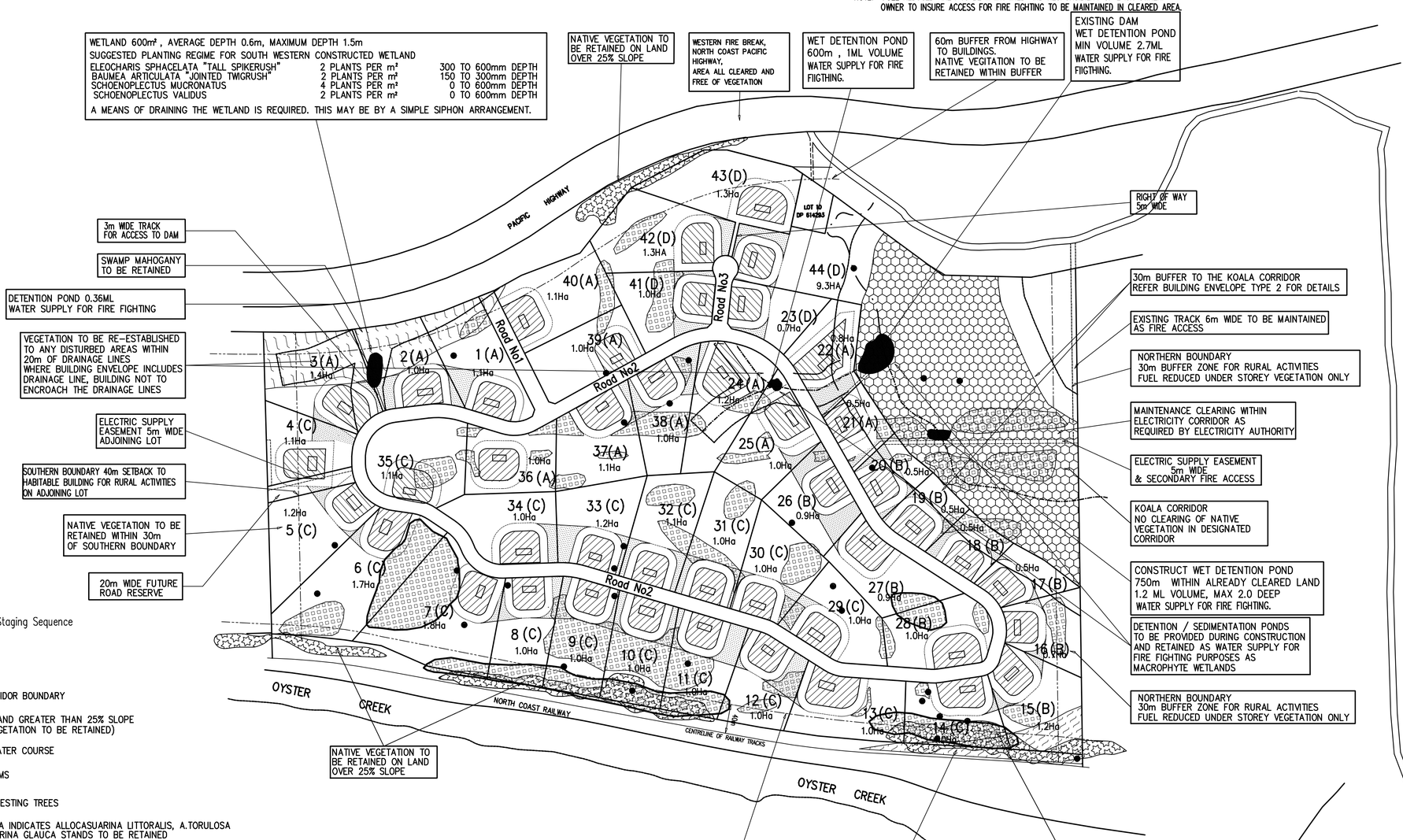
NATIVE VEGETATION TO BE RETAINED ON LAND OVER 25% SLOPE

WESTERN FIRE BREAK, NORTH COAST PACIFIC HIGHWAY, AREA ALL CLEARED AND FREE OF VEGETATION

WET DETENTION POND 600m , 1ML VOLUME WATER SUPPLY FOR FIRE FIIGTHING.

60m BUFFER FROM HIGHWAY TO BUILDINGS. NATIVE VEGITATION TO BE RETAINED WITHIN BUFFER

EXISTING DAM WET DETENTION POND MIN VOLUME 2.7ML WATER SUPPLY FOR FIRE FIIGTHING.



3m WIDE TRACK FOR ACCESS TO DAM

SWAMP MAHOGANY TO BE RETAINED

DETENTION POND 0.36ML WATER SUPPLY FOR FIRE FIGHTING

VEGETATION TO BE RE-ESTABLISHED TO ANY DISTURBED AREAS WITHIN 20m OF DRAINAGE LINES WHERE BUILDING ENVELOPE INCLUDES DRAINAGE LINE, BUILDING NOT TO ENCROACH THE DRAINAGE LINES

ELECTRIC SUPPLY EASEMENT 5m WIDE ADJOINING LOT

SOUTHERN BOUNDARY 40m SETBACK TO HABITABLE BUILDING FOR RURAL ACTIVITIES ON ADJOINING LOT

NATIVE VEGETATION TO BE RETAINED WITHIN 30m OF SOUTHERN BOUNDARY

20m WIDE FUTURE ROAD RESERVE

30m BUFFER TO THE KOALA CORRIDOR
REFER BUILDING ENVELOPE TYPE 2 FOR DETAILS

EXISTING TRACK 6m WIDE TO BE MAINTAINED AS FIRE ACCESS

NORTHERN BOUNDARY
30m BUFFER ZONE FOR RURAL ACTIVITIES
FUEL REDUCED UNDER STOREY VEGETATION ONLY

MAINTENANCE CLEARING WITHIN ELECTRICITY CORRIDOR AS REQUIRED BY ELECTRICITY AUTHORITY

ELECTRIC SUPPLY EASEMENT 5m WIDE & SECONDARY FIRE ACCESS

KOALA CORRIDOR
NO CLEARING OF NATIVE VEGETATION IN DESIGNATED CORRIDOR

CONSTRUCT WET DETENTION POND 750m WITHIN ALREADY CLEARED LAND 1.2 ML VOLUME, MAX 2.0 DEEP WATER SUPPLY FOR FIRE FIGHTING.

DETENTION / SEDIMENTATION PONDS TO BE PROVIDED DURING CONSTRUCTION AND RETAINED AS WATER SUPPLY FOR FIRE FIGHTING PURPOSES AS MACROPHYTE WETLANDS

NORTHERN BOUNDARY
30m BUFFER ZONE FOR RURAL ACTIVITIES
FUEL REDUCED UNDER STOREY VEGETATION ONLY

NATIVE VEGETATION TO BE RETAINED ON LAND OVER 25% SLOPE

40m BUFFER FROM NORTH COAST RAILWAY TO HABITABLE BUILDINGS IN ACCORDANCE WITH cl.87 OF SEPP INFRASTRUCTURE 2007.

FOREST RED GUM TO BE RETAINED

NATIVE VEGETATION TO BE RETAINED ON LAND OVER 25% SLOPE

LEGEND

37(A) — Lot No. / Staging Sequence

KOALA CORRIDOR BOUNDARY

AREA OF LAND GREATER THAN 25% SLOPE (NATIVE VEGETATION TO BE RETAINED)

EXISTING WATER COURSE

EXISTING DAMS

POSSIBLE NESTING TREES

HATCH AREA INDICATES ALLOCASUARINA LITTORALIS, A.TORULOSA AND CASUARINA GLAUCA STANDS TO BE RETAINED

HATCH AREA WITH THICK OUTLINE INDICATES ALLOCASUARINA LITTORALIS, A.TORULOSA AND CASUARINA GLAUCA STANDS NOT TO BE CLEARED.

FUEL REDUCED AREA
WHEN DISTANCE BETWEEN UNDER STOREY ENVELOPES IS LESS THAN 40m; SHADED AREA TO BE MAINTAINED SO THAT COMBUSTIBLE MATERIAL IS LESS THAN 8 TONNES/HECTARE. (SEE CASE 1 & 2)

INDICATIVE 1500m² BUILDING ENVELOPE
PRECISE LOCATION TO BE DETERMINED ON SITE BY SITE BASIS AND APPROVED BY NATIONAL PARKS & WILDLIFE SERVICE , OWNER FLORA & FAUNA CONSULTANT & COUNCILS FIRE CONTROL OFFICER
FUEL REDUCED UNDER STOREY AROUND BUILDING ENVELOPE (see detail above)

I.S.G. NORTH

0 100 200 300

A1 SHEET SCALE 1:3000 A3 SHEET SCALE 1:6000

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DEVELOPMENT, CONSTRUCTION AND LANDSCAPE MANAGEMENT PLAN
LOT 2 DP 848520
PACIFIC HWY. VALLA

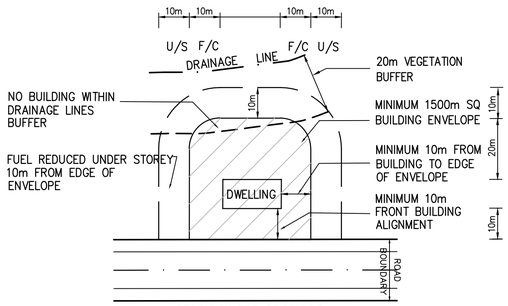
MANAGEMENT PLAN

OPTION A

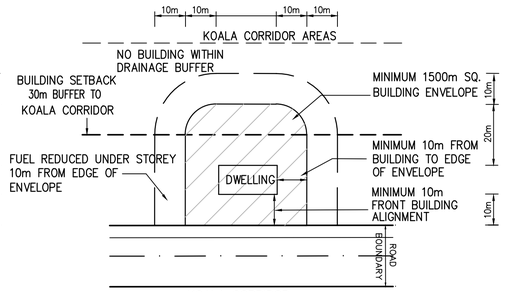
Date. 30-4-2010 Drawing No. M-01 Rev. F

TYPICAL BUILDING ENVELOPES

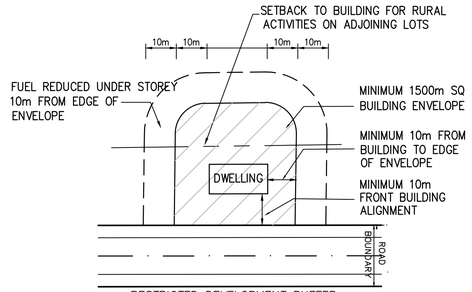
FULLY CLEARED = F/C
FUEL REDUCED UNDER STOREY = U/S



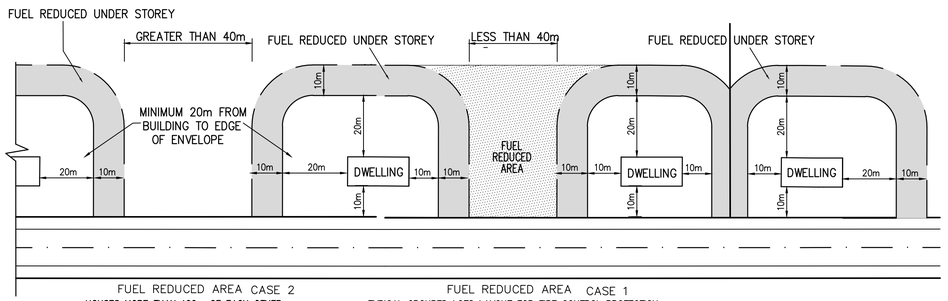
STORM WATER DRAINAGE
TYPE 1



KOALA CORRIDOR
TYPE 2



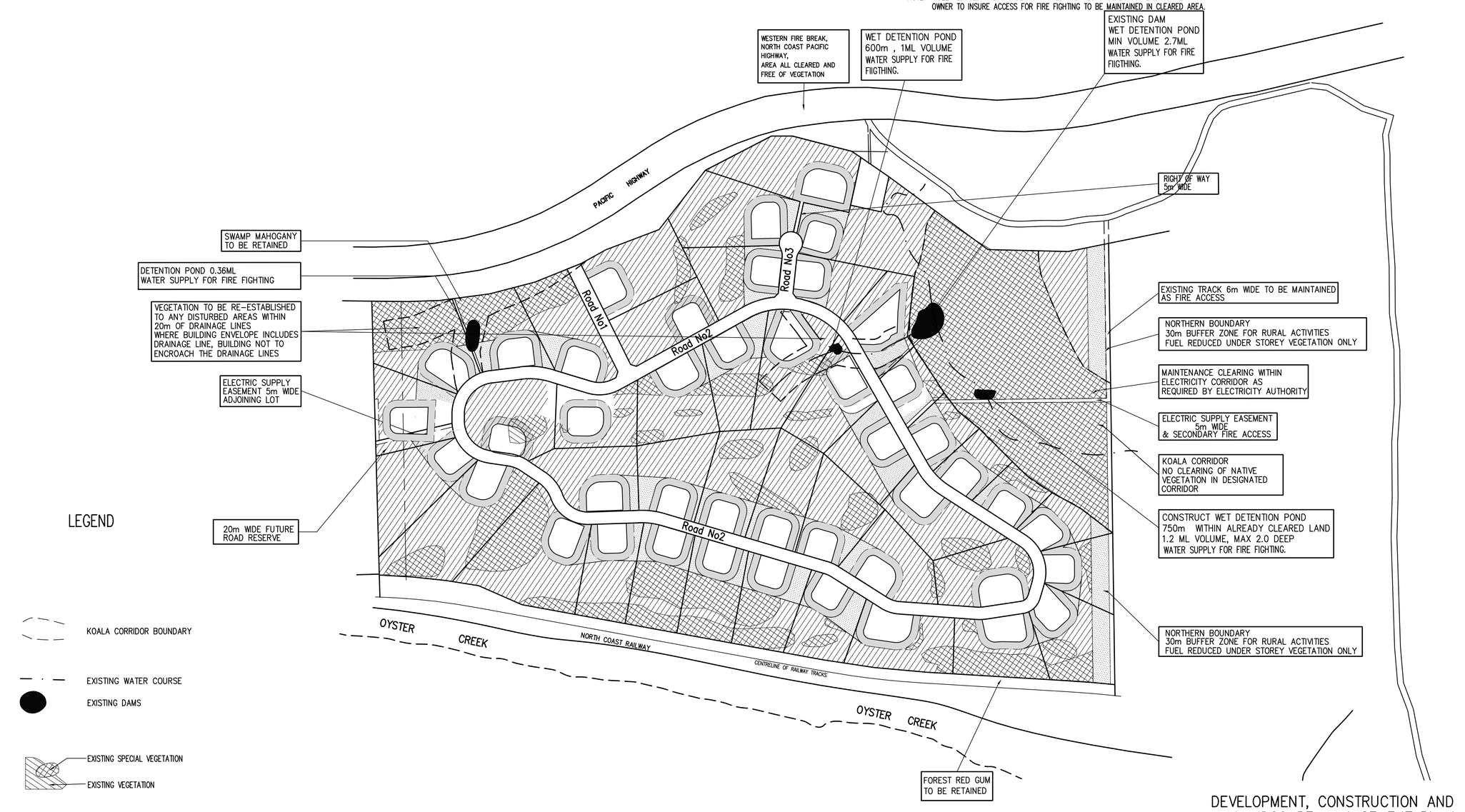
RESTRICTED DEVELOPMENT BUFFER
(RURAL) TYPE 3



FUEL REDUCED AREA CASE 2
HOUSES MORE THAN 100m OF EACH OTHER

FUEL REDUCED AREA CASE 1
TYPICAL GROUPED LOTS LAYOUT FOR FIRE CONTROL PROTECTION

NOTE: FUEL REDUCED AREA TO BE MAINTAINED AND RESPONSIBILITY OF EACH OWNER.
OWNER TO INSURE ACCESS FOR FIRE FIGHTING TO BE MAINTAINED IN CLEARED AREA.



LEGEND

KOALA CORRIDOR BOUNDARY

EXISTING WATER COURSE

EXISTING DAMS

EXISTING SPECIAL VEGETATION

EXISTING VEGETATION

FUEL REDUCED AREA
WHEN DISTANCE BETWEEN UNDER STOREY ENVELOPES IS LESS THAN 40m; SHADED AREA TO BE MAINTAINED SO THAT COMBUSTIBLE MATERIAL IS LESS THAN 8 TONNES/HECTARE. (SEE CASE 1 & 2)

INDICATIVE 1500m² BUILDING ENVELOPE
PRECISE LOCATION TO BE DETERMINED ON SITE BY SITE BASIS AND APPROVED BY NATIONAL PARKS & WILDLIFE SERVICE , OWNER FLORA & FAUNA CONSULTANT & COUNCILS FIRE CONTROL OFFICER
FUEL REDUCED UNDER STOREY AROUND BUILDING ENVELOPE (see detail above)

I.S.G. NORTH

0 100 200 300

A1 SHEET SCALE 1:3000 A3 SHEET SCALE 1:6000

Smyth, Maher & Associates Pty Ltd
TOWN PLANNERS & DEVELOPMENT ADVISERS
12A BELLINGEN ROAD
COFFS HARBOUR NSW 2450
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de Groot & Benson Pty Ltd
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236 High Street
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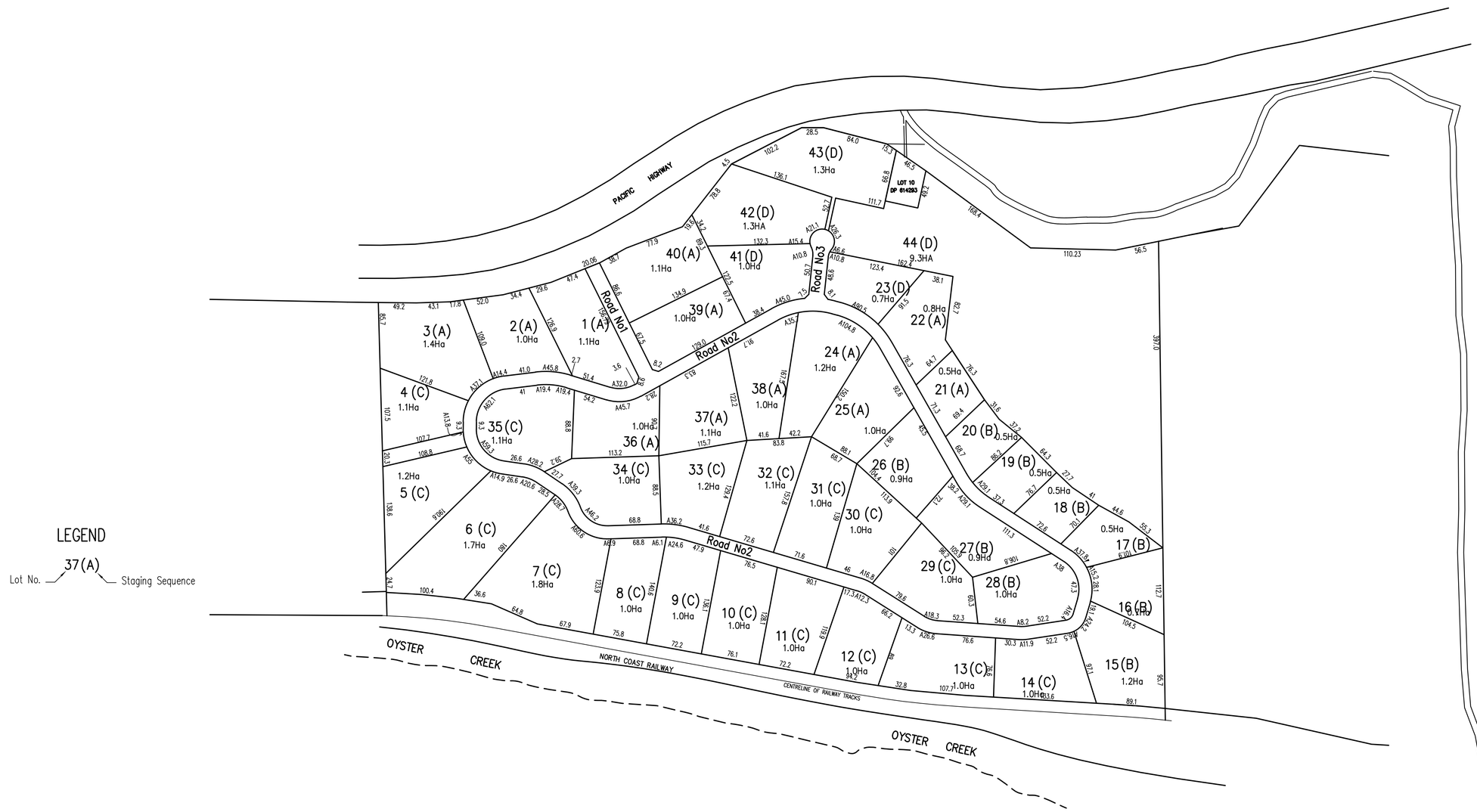
Email dgb@tpgi.com.au

DEVELOPMENT, CONSTRUCTION AND LANDSCAPE MANAGEMENT PLAN
LOT 2 DP 848520
PACIFIC HWY. VALLA

VEGETATION PLAN

OPTION A

Date. 30-4-2010 Drawing No. VP-01 Rev. C



LEGEND

37(A) — Lot No. / Staging Sequence

Smyth, Maker & Associates Pty Ltd
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Email dgb@tpgi.com.au

ALL DIMENSIONS AND AREAS ARE SUBJECT TO FINAL SURVEY.

L.S.G. NORTH

0 100 200 300

A1 SHEET SCALE 1:3000 A3 SHEET SCALE 1:6000

DEVELOPMENT, CONSTRUCTION AND LANDSCAPE MANAGEMENT PLAN

LOT 2 DP 848520
PACIFIC HWY. VALLA

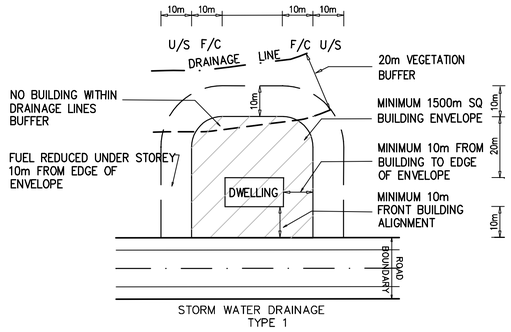
LOT LAYOUT

OPTION A

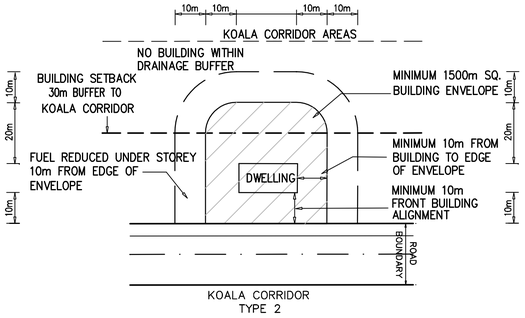
Date. 11-11-2001 Drawing No. LL-01 Rev.

FULLY CLEARED = F/C
FUEL REDUCED UNDER STOREY = U/S

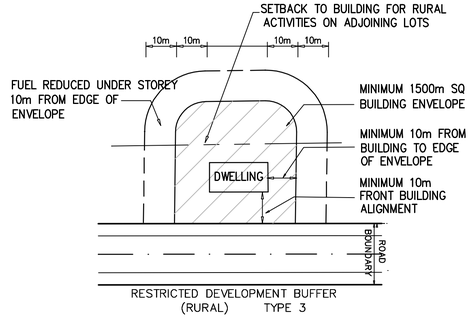
TYPICAL BUILDING ENVELOPES



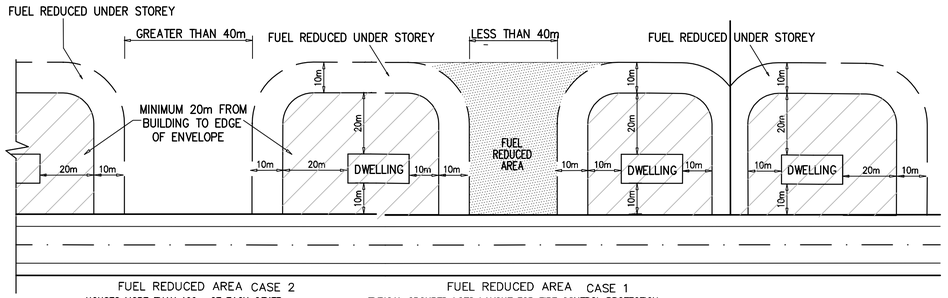
STORM WATER DRAINAGE
TYPE 1



KOALA CORRIDOR
TYPE 2



RESTRICTED DEVELOPMENT BUFFER
(RURAL) TYPE 3



FUEL REDUCED AREA CASE 2
HOUSES MORE THAN 100m OF EACH OTHER

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TYPICAL GROUPED LOTS LAYOUT FOR FIRE CONTROL PROTECTION

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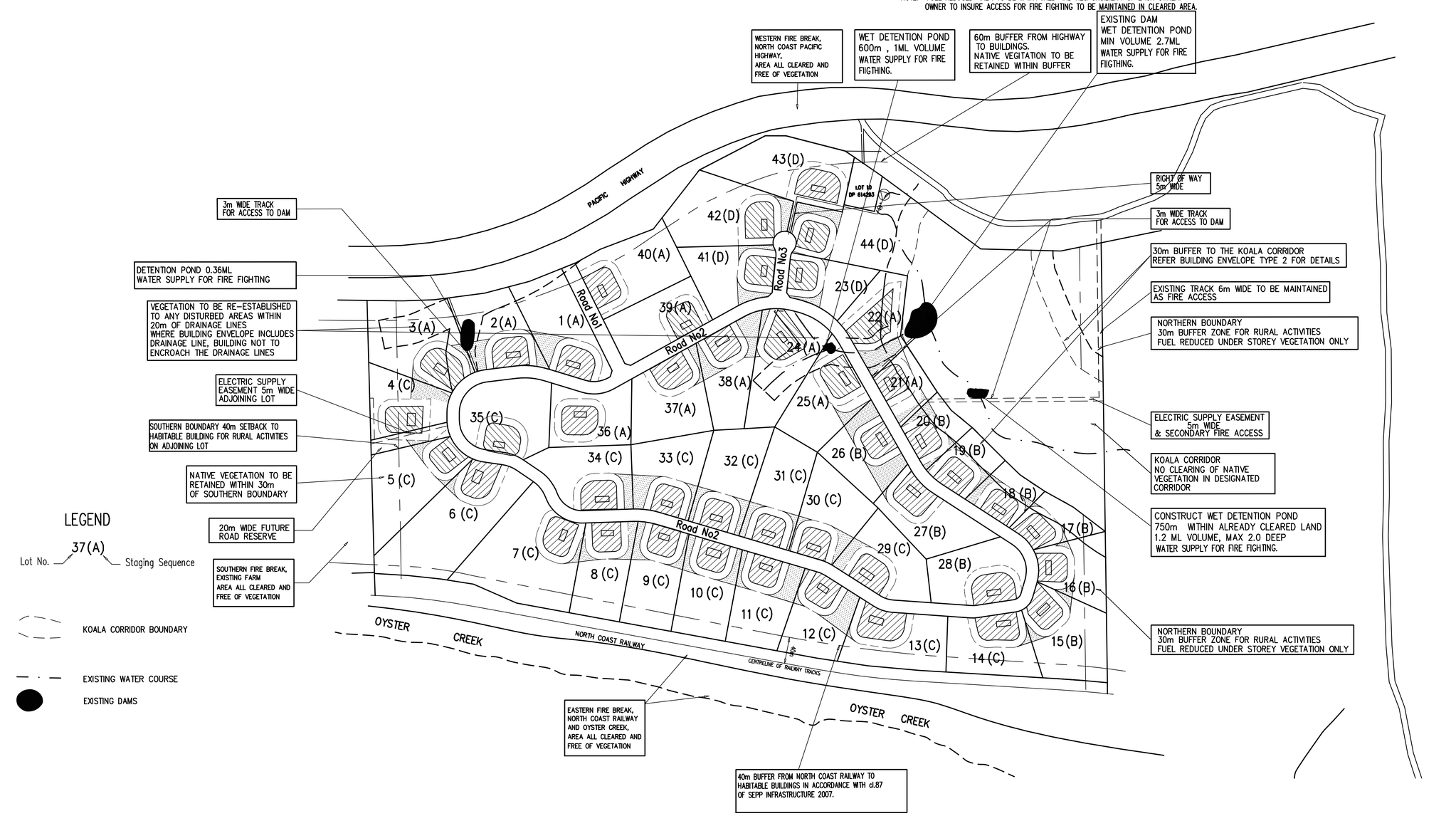

LEGEND

37(A) — Lot No. / Staging Sequence

KOALA CORRIDOR BOUNDARY

EXISTING WATER COURSE

EXISTING DAMS

FUEL REDUCED AREA
WHEN DISTANCE BETWEEN UNDER STOREY ENVELOPES IS LESS THAN 40m; SHADED AREA TO BE MAINTAINED SO THAT COMBUSTIBLE MATERIAL IS LESS THAN 8 TONNES/HECTARE. (SEE CASE 1 & 2)

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LOT 2 DP 848520
PACIFIC HWY. VALLA

LANDOWNER'S FIRE PLAN

OPTION A

Date. 30–4–2010 Drawing No. LF–01 Rev. C

Plot Date 1.9.2000

ANNEXURE B

ACCOUSTIC TREATMENT OF RESIDENCES
DEVELOPMENT NEAR RAIL CORRIDORS AND BUSY ROADS – INTERIM GUIDELINE
DECEMBER 2008

Appendix C – Acoustic Treatment of Residences

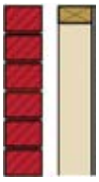
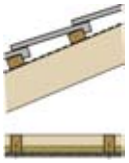
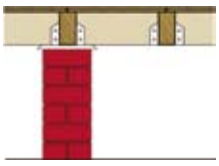
The following table sets out standard (or deemed-to-satisfy) constructions for each category of noise control treatment for the sleeping areas and other habitable areas of single / dual occupancy residential developments only. The assumptions made in the noise modelling are as follows:

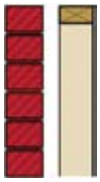
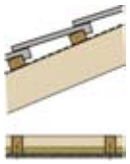
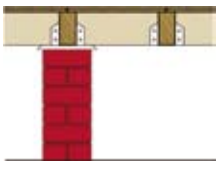
- Typical layout of a modern dwelling taken from a recent large residential development in an outer Sydney suburb
- Bedrooms and other habitable rooms are exposed to road noise

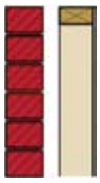
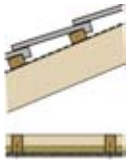
ACOUSTIC PERFORMANCE OF BUILDING ELEMENTS

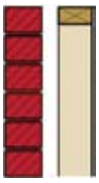
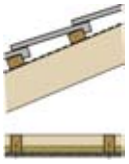
The acoustic performances assumed of each building element in deriving the Standard Constructions for each category of noise control treatment presented in the preceding Table, are presented below in terms of Weighted Sound Reduction Index (Rw) values, which can be used to find alternatives to the standard constructions presented in this Appendix:

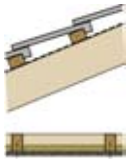
Category of Noise Control Treatment	R_w of Building Elements (minimum assumed)				
	Windows/Sliding Doors	Frontage Facade	Roof	Entry Door	Floor
Category 1	24	38	40	28	29
Category 2	27	45	43	30	29
Category 3	32	52	48	33	50
Category 4	35	55	52	33	50
Category 5	43	55	55	40	50

Category No.	Building Element	Standard Constructions	sample
1	**Windows/Sliding Doors**	Openable with minimum 4mm monolithic glass and standard weather seals	
	Frontage Facade	**Timber Frame or Cladding:** 6mm fibre cement sheeting or weatherboards or plank cladding externally, 90mm deep timber stud or 92mm metal stud, 13mm standard plasterboard internally	
		Brick Veneer: 110mm brick, 90mm timber stud or 92mm metal stud, minimum 50mm clearance between masonry and stud frame, 10mm standard plasterboard internally	
		Double Brick Cavity: 2 leaves of 110mm brickwork separated by 50mm gap	
	Roof	Pitched concrete or terracotta tile or metal sheet roof with sarking, 10mm plasterboard ceiling fixed to ceiling joists, R1.5 insulation batts in roof cavity.	
	Entry Door	35mm solid core timber door fitted with full perimeter acoustic seals	
	Floor	1 layer of 19mm structural floor boards, timber joist on piers	
		Concrete slab floor on ground	

Category No.	Building Element	Standard Constructions	sample
2	**Windows/Sliding Doors**	Openable with minimum 6mm monolithic glass and full perimeter acoustic seals	
	Frontage Facade	**Timber Frame or Cladding Construction:** 6mm fibre cement sheeting or weatherboards or plank cladding externally, 90mm deep timber stud or 92mm metal stud, 13mm standard plasterboard internally with R2 insulation in wall cavity.	
		Brick Veneer Construction: 110mm brick, 90mm timber stud frame or 92mm metal stud, minimum 50mm clearance between masonry and stud frame, 10mm standard plasterboard internally.	
		Double Brick Cavity Construction: 2 leaves of 110mm brickwork separated by 50mm gap	
	Roof	Pitched concrete or terracotta tile or metal sheet roof with sarking, 10mm plasterboard ceiling fixed to ceiling joists, R2 insulation batts in roof cavity.	
	Entry Door	40mm solid core timber door fitted with full perimeter acoustic seals	
	Floor	1 layer of 19mm structural floor boards, timber joist on piers	
		Concrete slab floor on ground	

Category No.	Building Element	Standard Constructions	sample
3	**Windows/Sliding Doors**	Openable with minimum 6.38mm laminated glass and full perimeter acoustic seals	
	Frontage Facade	**Brick Veneer Construction:** 110mm brick, 90mm timber stud or 92mm metal stud, minimum 50mm clearance between masonry and stud frame, 10mm standard plasterboard internally.	
		Double Brick Cavity Construction: 2 leaves of 110mm brickwork separated by 50mm gap	
	Roof	Pitched concrete or terracotta tile or sheet metal roof with sarking, 1 layer of 13mm sound-rated plasterboard fixed to ceiling joists, R2 insulation batts in roof cavity.	
	Entry Door	45mm solid core timber door fitted with full perimeter acoustic seals	
	Floor	Concrete slab floor on ground	

Category No.	Building Element	Standard Constructions	sample
4	**Windows/Sliding Doors**	Openable with minimum 10.38mm laminated glass and full perimeter acoustic seals	
	Frontage Facade	**Brick Veneer Construction:** 110mm brick, 90mm timber stud or 92mm metal stud, minimum 50mm clearance between masonry and stud frame, R2 insulation batts in wall cavity, 10mm standard plasterboard internally.	
		Double Brick Cavity Construction: 2 leaves of 110mm brickwork separated by 50mm gap	
	Roof	Pitched concrete or terracotta tile or sheet metal roof with sarking, 2 layers of 10mm sound-rated plasterboard fixed to ceiling joists, R2 insulation batts in roof cavity.	
	Entry Door	45mm solid core timber door fitted with full perimeter acoustic seals	
	Floor	Concrete slab floor on ground	

Category No.	Building Element	Standard Constructions	sample
5	**Windows/Sliding Doors**	Openable Double Glazing with separate panes: 5mm monolithic glass, 100mm air gap, 5mm monolithic glass with full perimeter acoustic seals.	
	Frontage Facade	**Double Brick Cavity Construction:** 2 leaves of 110mm brickwork separated by 50mm gap with cement render to the external face of the wall and cement render or 13mm plasterboard direct fixed to internal faces of the wall.	
	Roof	Pitched concrete or terracotta tile or sheet metal roof with sarking, 2 layers of 10mm sound-rated plasterboard fixed to ceiling joist using resilient mounts, R2 insulation batts in roof cavity	
	Entry Door	Special high performance acoustic door required - Consult an Acoustic Engineer	*Door to acoustic consultant's specifications*
	Floor	Concrete slab floor on ground	
6	**All**	Consult an Acoustic Engineer	