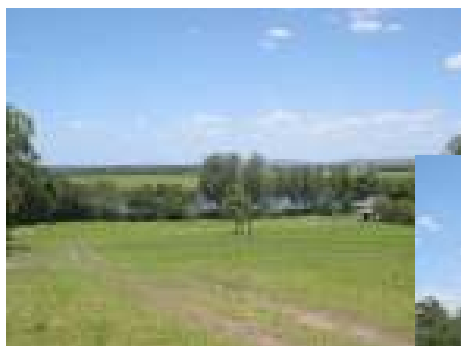




**8 LOT RESIDENTIAL SUBDIVISION LOT 1 DP
572076 AND LOT 24 DP 1055427
42 ILUKA ROAD, WOOMBAH
*Proposed by Mr Barry Dowman***

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

December 2006



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December 2006

1 EXECUTIVE SUMMARY

1.1 The Proposal

Mr Barry Dowman (the Proponent) is proposing to subdivide land at 42 Illuka Road, Woombah (Lot 1 DP 572076 and Lot 24 DP 1055427) to create 7 residential lots at the northern-most part of the site (proposed lots 15 – 18 and 20 – 22) plus one residue lot (proposed lot 19) ("the proposal"). The lots comprise areas of between 4,000m² and 6,450m² with the residue lot comprising 2.8 hectares. The residue lot is a battle-axe lot comprising the entire frontage of the land to the North Arm of the Clarence River.

In January 2004 a development application was lodged for a fourteen lot subdivision on the same land. That application required the preparation of a Masterplan under *State Environmental Planning Policy No.71 – Coastal Protection*. After extensive negotiations with the applicant, a range of issues remained unresolved. The Masterplan was not adopted and in February 2006 the Minister refused the development application.

The proposal has been redesigned and refined following a lengthy consultation process involving Clarence Valley Council and a range of government agencies over the last 3 years. The development is now in accord with the relevant objectives of the North Coast Regional Environmental Plan 1988 and the Maclean Local Environmental Plan 2001.

The estimated project cost of the development is \$280,000. The proposal will create 2 full time equivalent construction jobs.

During the exhibition period, the Department received a total of 5 submissions from public authorities and 1 from the Department's North Coast Regional Office. 5 submissions were received from the public. Key issues considered in the Department's assessment included:

- threatened species;
- effluent management and water quality;
- stormwater management;
- revegetation and rehabilitation;
- foreshore access and public open space;
- demand for housing;
- traffic; and,
- subdivision design & layout.

The Department has assessed the merits of the project and is satisfied that the impacts of the proposed development have been addressed via the Department's recommended conditions of consent, and can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance. On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region. In addition, all statutory requirements have been met.

Consequently, the Department recommends that the project be **approved**, subject to conditions of approval.

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2 BACKGROUND

2.1 Site Context

The site, located at 42 Illuka Road, Woombah, is within the local government area of Clarence Valley Council (Lot 1 DP572076 and Lot 24 DP 1055427) and is owned by Mr Barry Dowman. **Figure 1** shows the location of the subject site. The site has an area of approximately 5.8 hectares.



Figure 1: Site location



Figure 2: Existing Layout of the Site

The site is located to the west of the village of Woombah and adjoins the Bimbimbi Caravan Park. The site has frontage to the North Arm of the Clarence River and street frontages to Illuka Road, which is bitumen sealed, and to West Street, which is partly constructed in gravel. The site falls from Illuka Road at RL 24m AHD in the north toward the Clarence River in the south at RL 4m AHDm, a slope of approximately 6% (or 1 in 17.5). A partly vegetated un-named gully (approximately 240m in length) is located towards the western perimeter within the boundaries of the site and discharges to the Clarence River. The site is serviced with electricity, town water and telecommunication services. **Figure 2** and **Figure 3** show the existing layout and an aerial photograph of the site respectively.

The land has been used as a horse grazing paddock for over 30 years. The northern end of the site is characterised by an open cover of grassland with tall mature scattered trees (refer **Figure 4** overleaf). A disused dam is located in the centre of the site. A dwelling house and garage are located toward the river frontage of the site which are owned by the proponent and will be located on the residue lot (refer **Figure 5** overleaf). The cottage and garage are located approximately 30m and 90m from the Mean High Water Mark, respectively.



Figure 3: Aerial View of Site from the West



Figure 4: Northern end of site with tall mature scattered trees



Figure 5: Existing cottage and garage

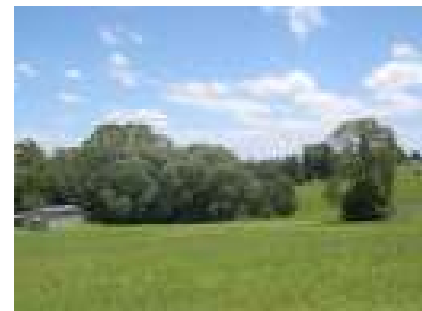


Figure 6: Tall stand of ironbark on western ridge

The south-western portion and south-eastern perimeter of the site are characterised by dense vegetation. A tall stand of grey ironbark occupies the ridge to the west (refer **Figure 6**), while the gully is occupied by exotics and other introduced plantings. The riparian corridor contains a strip of mangroves and associated species, including the grey mangrove, which is a protected species under the NSW Fisheries Act 1997. The mangrove community protects the riparian areas of the Clarence River against erosion and provides for fisheries breeding.

The land to the north of the site on the opposite side of Illuka Road is zoned 1(r) Rural Residential and has been, and is being, developed as such. The adjoining land parcels to the east and west have a similar topography with the land to the west being zoned 1(r) Rural Residential and the land to the east comprising 2(a) Residential lots within the Village of Woombah. **Figure 7** shows the current zoning of adjoining lands.



(Note: 1(a) - Rural Agricultural Protection Zone; 1(r) - Rural Residential Zone; 1(w) - Rural Waterway Zone; 2(a) - Residential (Low Density) Zone; 6(a) - Open Space Zone; 7(a) - Environmental Protection (Ecological Significance) Zone; 8(a) - National Parks Zone)

Figure 7: Zoning Plan

2.2 Site History

- On 21 January 2004 a draft Master Plan and development application (DA) were lodged with the Department for a fourteen lot staged residential subdivision in accordance with the Environmental Planning and Assessment Act ('the Act') and State Environmental Planning Policy No.71 – Coastal Protection (SEPP 71).
- On 23 June 2004 the applicant was advised that the submitted proposal and supporting material was inadequate and did not satisfy the requirements of SEPP 71. Issues related to lot size, wastewater management, subdivision layout, foreshore access, flora and fauna and stormwater management.
- On 2 December 2004 further information was received by the Department, however the information received still did not address the Department's concerns nor did it satisfy the requirements of SEPP 71. No further information was received.
- On 27 July 2005 the applicant was advised that the application was likely to be refused.
- On 2 December 2005, a site meeting was held with the applicants, their consultant, representatives of Council and the Department of Planning, at the request of the applicant. The applicant was advised of the perceived deficiencies of the proposed subdivision and the need for a redesign.
- The applicant was advised that the proposed subdivision would not be recommended for approval, but that consideration could be given to a proposal which addressed the Department's concerns over lot size, no direct frontage to the river, flora and fauna and stormwater issues.
- A response was requested by the end of January 2006 but no further information or redesign was supplied.
- As a result, the Masterplan was not adopted.
- On 25 February 2006 the Minister refused the DA.
- On 24 August 2006 the Proponent lodged a new application under Part 3A of the EP&A Act. The application addresses the Department's previous concerns and a new subdivision design has been presented.
- On 9 November 2006 the Proponent was asked to provide further information regarding stormwater management, flora and fauna and a response to the public and agency submissions.
- On 14 November 2006, Coastal Assessments attended a site meeting with the Proponent and their consultants (surveyor and planner).
- On 28 November 2006, the Department received the response to submissions from the Proponent and further information regarding stormwater management and flora and fauna as requested by the Department.

3 PROPOSED DEVELOPMENT

3.1 Project Description

The proponent proposes to subdivide the land to create 7 new residential lots in 7 stages. The lots comprise areas of between 4,000m² and 6,450m², with the residue lot (proposed Lot 19) comprising 2.8 hectares. **Figure 8** presents the proposed development layout. The 8 lots are proposed with the following areas and descriptions:

Lot 15 – 4,000m²;
Lot 16 – 4,000m²;
Lot 17 – 4,190m²;
Lot 18 – 4,000m²;
Lot 19 – 2.8 hectares (residue lot with existing dwelling);
Lot 20 – 4,000m²;;
Lot 21 – 4,000m²;
Lot 22 – 6,450m²;

The residue lot is a battle-axe lot that includes the entire frontage of the land to the North Arm of the Clarence River. The access corridor to Lot 19 is 15 metres wide with the purpose of not precluding the potential future development of this lot.

The development is proposed to be staged to create lots in the following sequence. **Figure 8** presents the staging plan for the development. This may change according to market forces:

Stage 1 – Lot 19
Stage 2 – Lot 18
Stage 3 – Lot 17
Stage 4 – Lot 20
Stage 5 – Lot 21
Stage 6 – Lot 16
Stage 7 – Lots 15 and 22

The development will involve the upgrading of approximately 70 metres of the northern end of West Street, including the intersection with Illuka Road. A new access road, approximately 200 metres in length, will also be constructed within the development as the principal access for each new lot within the site. The new roads will be constructed in 4 stages in accordance with the access required for each stage of the subdivision (refer **Figure 9**). The intersection upgrade will occur during the Stage 1 works,

The development will divide the existing gully corridor that runs adjacent to the western boundary of the site (refer **Figure 8**) into separate management areas within proposed Lots 22 (for the upper gully portion) and 19 (for the lower gully portion).

The proposal will utilise shallow grassed open swales along the new constructed access road to divert stormwater into the existing natural drainage lines. All new lots will incorporate an on-site effluent treatment system designed and constructed in accordance with Council's requirements.

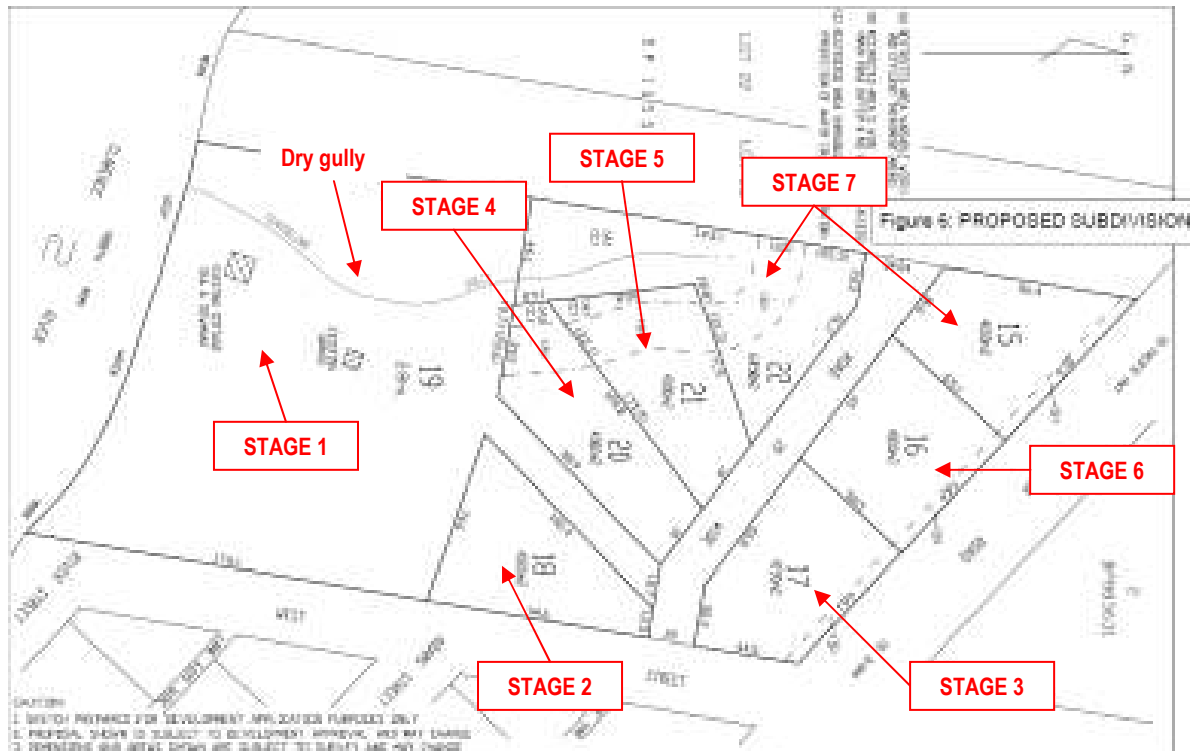


Figure 8: Proposed development layout & staging

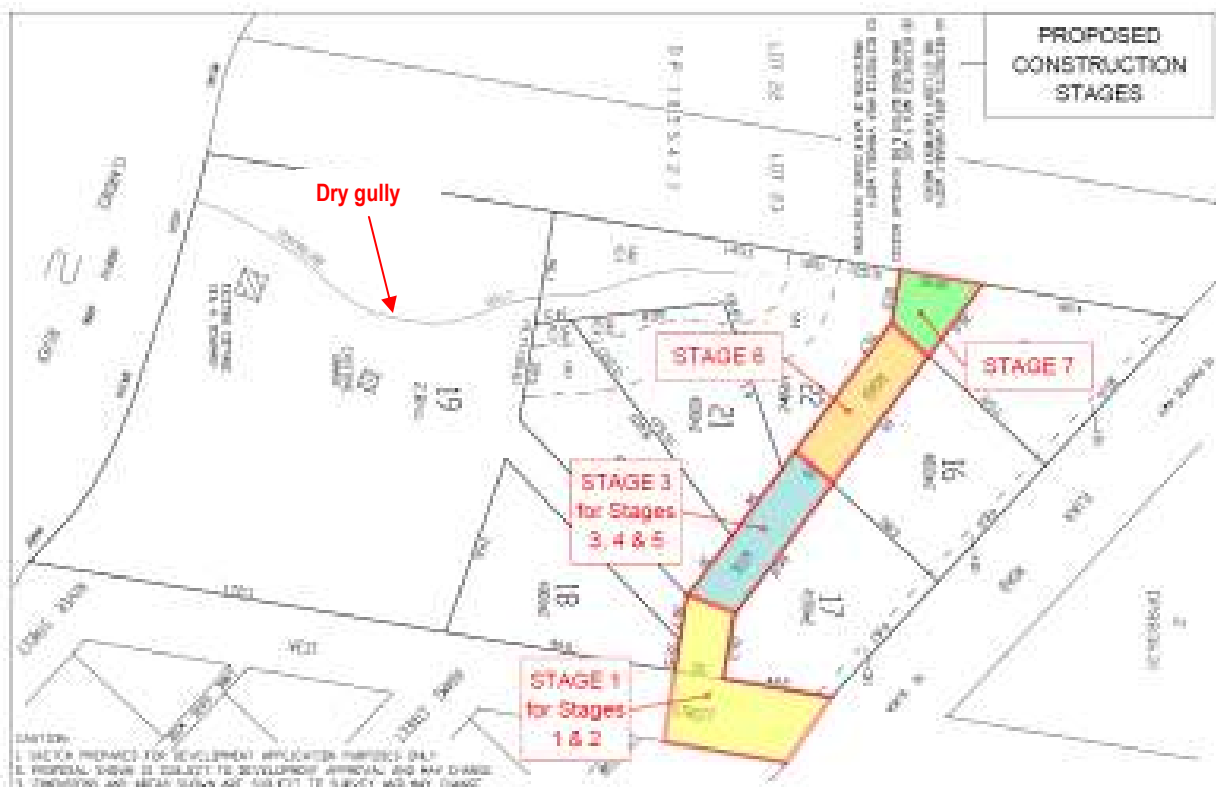


Figure 9: Proposed road construction staging plan

4 STATUTORY CONTEXT

4.1 Major Project

The project is declared to be a Major Project under *State Environmental Planning Policy (Major Projects) 2005* being development for the subdivision of land into more than 2 lots in a sensitive coastal location, where the future development created by the subdivision will not be connected to an approved sewage treatment work or system in the coastal zone. The opinion was formed by the Director-General under delegation on 24 May 2006.

4.2 Permissibility

Under the *Maclean Local Environmental Plan 2001* (Maclean LEP), the site is zoned 2(a) Residential (Low Density), permitting low density dwelling houses. The Proposal is considered to be consistent with the objectives of Zone No. 2(a) and is therefore permissible subject to the Minister's approval.

4.3 Minister's Approval Power

The Department has exhibited the Environmental Assessment (EA) in accordance with section 75H (3) of the Environmental Planning and Assessment Act, 1979, as described in section 5, below. Additionally, the project is permissible and meets the requirements of the Major Projects SEPP. Therefore, the Department has met its legal obligations and the Minister has the power to determine this project.

4.4 Environmental Planning Policies

The assessment of the proposed development is subject to the following environmental planning instruments and strategies:

- *Maclean Local Environmental Plan 2001;*
- *North Coast Regional Environmental Plan;*
- *State Environmental Planning Policy (Major Projects) 2005;*
- *State Environmental Planning Policy No. 44 - Koala Habitat; and,*
- *State Environmental Planning Policy No. 71 – Coastal Protection.*

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

- *Maclean Shire Council Development Control Plan for Woombah;*
- *Clarence Valley Council Development Control Plan No.7 Erosion and Sediment Control;*
- *Maclean Shire Council Development Control Plan Subdivision Guidelines;*
- *Maclean Shire Council Sustainable Water Development Control Plan;*
- *Clarence Valley Council Development in Residential Zones DCP;*
- *New South Wales Coastal Policy 1997;*
- *Clarence Valley Council – On-site Wastewater Management Strategy 2005;*
- *Lower Clarence Flood Plain Management Plan 1999;*
- *NSW Coastal Policy 1997; and,*
- *Coastal Design Guidelines.*

The proposed development has been assessed against these controls in **Appendix E** to this report and complies with the provisions of the instruments.

4.5 Director General's Environmental Assessment Requirements

The proposal has been assessed against the Director General's Environmental Assessment Requirements (DGRs) issued to the applicant on 13 June 2006. The proposal is considered to be consistent with the DGRs.

5 CONSULTATION AND ISSUES RAISED

5.1 Public exhibition

The Major Project application was exhibited from 15 September to 16 October 2006 and was published in the Grafton Examiner. The Environmental Assessment (EA) was made available to the public in the Department's Information Centre, North Coast Regional Office in Grafton and at the Maclean and Grafton offices of Clarence Valley Council.

5.2 Public Authorities

The Department received a total of 6 submissions in response to the public exhibition of the project from the following public authorities:

- Department of Natural Resources;
- Department of Environment and Conservation;
- Department of Primary Industries;
- Roads and Traffic Authority;
- Rural Fire Service; and,
- Clarence Valley Council.

The Department of Natural Resources (DNR) raised the following issues:

- No provision for a undeveloped buffer zone along the Clarence River foreshore;
- The proposal does not provide for improved public access along the Clarence River frontage;
- The need for appropriate effluent control; and,
- The cumulative and local impacts of clearing that are likely to eventually occur.

The Department of Environment and Conservation (DEC) raised the following issue:

- The applicant had originally proposed in the previous development application to extensively plant the dry gully that runs adjacent to the western boundary of the site with suitable native species, this has not been proposed in the current application;
- Request re-vegetation and rehabilitation of the dry watercourse/gully that runs adjacent to the western boundary of the site and the Clarence River riparian corridor.

The Department of Primary Industries (DPI) raised the following issue:

- Impacts on the Estuary General fishery;
- Request a riparian buffer to the Clarence River; and,
- Retention of vegetation along the dry watercourse/gully and provision of a buffer is supported.

The Roads and Traffic Authority (RTA) raised no concerns in relation to the proposed development. The RTA advised that Illuka Road is a local road in the Clarence Valley Council area, therefore Council is the Road Authority for this road. The RTA recommended that the access should be located where there are adequate sight lines from either direction on Illuka Road.

The Rural Fire Service (RFS) raised no concerns or special consideration in relation to bushfire matters for the proposed development.

Clarence Valley Council did not raise any issues regarding the proposal and provided numerous conditions of approval.

Internal consultations

The application was referred to the Department's North Coast Regional office on 8 September 2006. The North Coast office responded on 26 September 2006 with several issues, including provision of public open space, revegetation of the dry watercourse and the subdivision design. These issues are discussed in detail in Section 6.

A summary of all agency submissions received can be found in **Appendix A**. Where necessary, key issues have been discussed in detail in Section 6 below.

5.3 Public Submissions and Special Interest Groups

5 submissions were received from the public or special interest groups raising the following issues:

- Effluent management;
- Stormwater management and drainage;
- Traffic and safety of West Street and Iluka Road intersection; and,
- Clearing of vegetation.

A summary of all public submissions received can be found in **Appendix B**. The proponent's response to submissions can be found at **Appendix C**. Where relevant, these issues are discussed in detail in Section 6.

5.4 Draft Master Plan

The issues that were previously raised by the Department as reasons for refusal of the 14 lot draft Masterplan included:

- The appropriateness of the site for on-site effluent disposal and treatment given the proximity of the Clarence River and the size of the lots proposed;
- Additional lots with frontage to the Clarence River;
- Access to the site from Iluka Road via the West Street intersection;
- The subdivision layout is considered to be inappropriate development; and,
- Inadequate assessment of fauna and flora impacts of the subdivision.

A discussion on how the application has addressed the above matters is included within each of the relevant sub-sections in Section 6.

6 ASSESSMENT OF ENVIRONMENTAL IMPACTS

Key issues considered in the Department's assessment include the following:

- Subdivision design
- Effluent treatment and disposal
- Riparian buffers
- Access to the Clarence River foreshore
- Vehicular access to the site
- Flood management
- Stormwater and drainage management
- Crown land
- Utilities and servicing
- Natural heritage

Some of these issues were resolved following consultation with the Proponent, or were directly addressed via the conditions of approval (refer to **Appendix F**). Significant issues are discussed in detail, below.

6.1 Subdivision Design

The issues previously raised by the Department when assessing the draft Masterplan for 14 residential lots on the site in relation to subdivision design related to the following:

- development of the top lots to meet the minimum area required for effluent treatment and allow for greater density at a later stage;
- it is not desirable for the western gully to be fenced across;
- there should be no additional lots with direct frontage to the river as provision should be made for future public access and a riparian corridor along the Clarence River; and,
- multiple narrow driveways should be avoided, particularly close to the eastern gully.

A discussion relating to how the applicant has now addressed each of these points through the amended subdivision design is provided in the following.

Lot Areas and Design

The proposal meets the minimum lot size requirements of Council's On-Site Effluent Management Strategy (4,000m²) and the Maclean Shire Council's LEP (400m² minimum).

The constraints associated with effluent disposal limit the lot sizes to a minimum of 4,000m², however, the proposed lot layout and road design provides for greater density residential development in the future.

A condition of approval requires all roads in the subdivision to have full road construction and bitumen sealing and be constructed in accordance with Council's Development Specification – NR2 (refer to Condition E9).

Fencing of Western Gully

The subdividing boundary between Lots 22 and Lot 19 is proposed to be located above the existing vegetation along the dry western gully (refer **Figure 10**). The division of the existing western gully corridor into two separate management areas within proposed Lots 22 (for the upper gully portion) and Lot 19 (for the lower portion) is considered appropriate for accessibility and maintenance reasons. The terrain above the subdividing boundary does not allow direct access from Lot 19 to the upper gully portion for maintenance purposes.

It is considered appropriate that fencing may be placed across the gully at this location provided that it is of an open construction and does not obstruct overland flows along the gully. A condition of approval has been imposed that restricts the type of fencing allowed between Lot 19 and Lot 22. Fencing must be of open construction, such as post and rail, to allow the free flow of overland drainage flows (refer to Condition E2).

River Frontage and Foreshore Access

The proposal includes a single battle-axe residue lot along the entire frontage to the Clarence River. A restriction-as-to-user 88B Instrument has been placed on Lot 19 that prohibits the removal of vegetation or erection of any structures within 20 metres of the Clarence River (measured from the point of Highest Astronomical Tide). This allows for the consideration of public access if the residual lot (lot 19) is subdivided in the future.

Driveways

Driveways for the proposed new lots will be directly off the proposed new road through the development. There are no driveways directly off West Street near the eastern gully or off Illuka Road. A restriction-as-to-user 88B instrument ensures that there are no driveways or informal access points from Illuka Road to lots 15, 16 and 17 (refer Condition E2). In addition, a condition of approval requires that an approved access in accordance with Council's specifications is to be provided to every lot (refer to Condition E9).

6.2 Riparian Buffers and Clearing of Vegetation

Clarence River Riparian Buffer

The 2.8 hectare residue lot (Lot 19) is, for the most part, cleared with the exception of the immediate foreshore area and the area surrounding the existing dwelling and lower dry western gully (refer **Figure 10**).

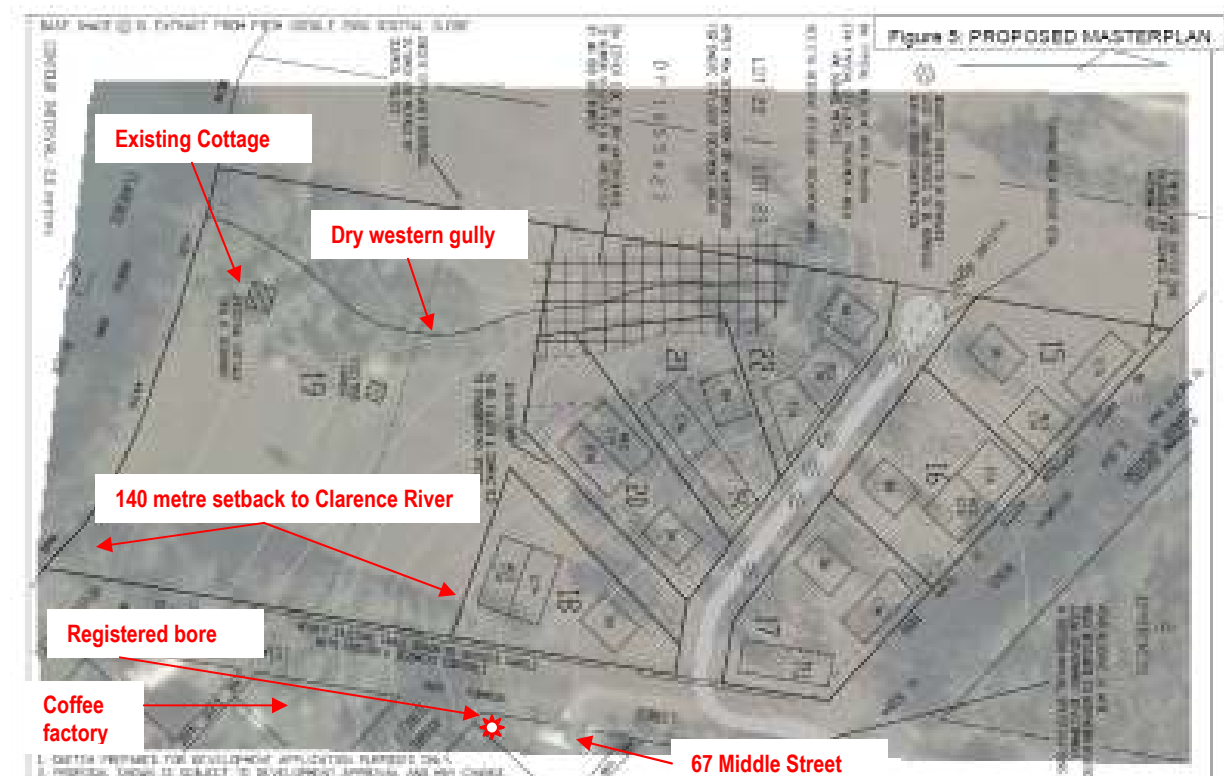


Figure 10: Riparian Buffers & Site Constraints

DNR supported the establishment of an undeveloped buffer zone along the Clarence River frontage, managed for the protection of the riparian zone and for public access with connection to Woombah Village. However, DNR also requested that any consent granted for subdivision of the site should clearly identify the buffer and contain provisions securing this zone against future clearing and management failure.

As the North Arm of the Clarence River at Woombah is considered a particularly good hauling ground for licensed commercial fishers operating in the Estuary General fishery, the Department of Primary Industries (DPI) indicated that the Department's policy is to impose a 50 metre vegetated buffer along the Clarence River foreshore to minimise the impacts of development on aquatic habitats.

It is not considered appropriate to impose a 50 metre buffer along the Clarence River on the subdivision approval for the following reasons:

- there is no actual development proposed within Lot 19 adjacent to the Clarence River foreshore,
- stormwater runoff from the new lots will be managed and treated on-site, and
- the existing residential dwelling is located approximately 20 metres from the Mean High Water Mark.

However, as the foreshore area contains significant vegetation including the Grey Mangrove which is listed as "Marine Vegetation" and protected under the NSW Fisheries Act, it is appropriate that an undeveloped managed 20m buffer be imposed as a condition of approval to ensure protection of the riparian vegetation. The boundary of this buffer has been modified adjacent to the existing dwelling such that it does not impact upon the existing residence. The undeveloped buffer will be imposed on Lot 19 via a restriction-as-to-user Section 88B instrument under the Conveyancing Act 1919 (refer to Condition E2).

Dry Watercourse in West of Site

The proposal provides for a restricted area of approximately 20 metres to the centreline of the dry gully within lots 20, 21 and 22 to protect watercourse vegetation with a further 20 metre restricted area included as a buffer to effluent disposal areas. The proposal does not, however, extend the restricted area to the southern portion of the gully into the residue lot 19.

The length of gully proposed to be protected is mostly unvegetated, with the exception of a few scattered trees at the northern most point. The applicant has not proposed any replanting or rehabilitation of this gully.

The DEC and DPI encourage the revegetation and rehabilitation of the dry watercourse in the west of the site (refer **Figure 10**). The DEC state that the revegetation and rehabilitation should endeavour to remove all weed species and replant suitable locally native species to resemble the pre-cleared ecosystem. It is intended that these areas are restored to natural areas, not landscaped areas.

As much of the site is already cleared the replanting and retention of vegetation along the full extent of the gully would compensate the vegetation removal that is likely to occur from the proposed development of the new lots and ongoing use. The retention of vegetation within this gully would serve to improve water quality, reduce the velocity of overland flows, improve aquatic environments and protect important habitats.

The following reasons are provided to support the replanting and retention of vegetation along the full extent of the gully:

- the property is known to provide habitat for at least three 'Vulnerable' species on Schedule 2 of the *Threatened Species Conservation Act 1995* and one of these species recorded is also listed as 'Vulnerable' under the Federal *Environmental Protection and Biodiversity Conservation Act 1999*,
- the revegetation and rehabilitation will compensate the removal that is required from the proposed development and ongoing use;
- the revegetation and rehabilitation would serve other environmental functions particularly improved water quality, improved aquatic environments and catchment management; and,
- it is highly likely that the pre-cleared vegetation communities resembled the Endangered Ecological Community described as "Subtropical coastal floodplain forest of the NSW North Coast Bioregion".

As such it is considered appropriate to impose a condition of approval that requires the preparation of a Vegetation Management Plan for the western gully. The riparian zone so restored is to consist of a diverse range of native plant species local to the area. The plants to be used will consist of species and communities that emulate the original natural situation (refer to Condition B17).

A second condition of approval requires a 20 metre restricted area for the protection of riparian vegetation either side of the dry watercourse on Lot 20, 21, 22 and the residue lot 19. This area will be restricted by a restriction-as-to-user 88B Instrument under the *Conveyancing Act 1919* (refer to Condition E2).

Clearing of Vegetation

The construction of the new road through the development will require the removal of 5 mature trees, 2 of which represent potential habitat for the Osprey (listed as 'vulnerable' under the Threatened Species Act 1995) and Whistling Kite (identified as 'protected' and 'nesting'). The flora and fauna report prepared by Land and Marine Management Strategies P/L (October 2004) states the following:

- "the removal of any remaining tall forest vegetation at the site could remove a small, but significant area of potential breeding habitat [for the Osprey]" (page 17);
- "the removal of some of the known habitat and forest vegetation along the edges and top of the property could remove a small, but significant area of potential feeding and breeding habitat for this species [the Grey-crowned Babbler]" (page 18).
- "the eight part test indicates the removal of remaining tall forest vegetation at the site could remove a small but significant area of Brahminy Kite and Whistling Kite habitat and potentially Osprey breeding habitat. The development itself will remove only two trees, however, future housing will further compromise potential Osprey habitat as trees are slowly removed." (page 19);

To enable the biodiversity of the site to be preserved and the health of the Clarence River to be unaffected by the development, the report recommends that the developer contributes to the replenishment of habitat for threatened species.

The clearing of vegetation was raised as an issue in one public submission, the DNR and the DEC. DNR and DEC raised their concern that the EA misleadingly represents the clearing impacts of the proposal as limited to 5 trees on the site's upper slopes within the footprint of the proposed access road. DNR expressed their concern that the EA did not recognise the clearing that would occur during development of the individual lots. The objector also raised concern about the clearing of vegetation along West Street as a result of the proposed upgrading of this road.

The applicant has confirmed that the construction of the West Street carriageway will not necessitate the removal of any trees adjacent to 67 Middle Street (refer **Figure 10**), which is located opposite the proposed access from West Street to the new lots. However, it is possible that further clearing will be required to allow the construction of dwellings on each lot.

To address any further clearing than proposed (5 trees for construction of the new road) on the plans, a condition of approval specifies that no trees are to be removed from the site during subdivision construction, with the exception of those necessary for road construction without the approval of Clarence Valley Council (refer to Condition D8). The applicant is also required to prepare a Vegetation Management Plan to rehabilitate and revegetate the dry western gully with locally native species to mitigate for the loss of vegetation on the site (refer Condition B17).

6.3 Effluent Treatment and Disposal

The existing site is currently unsewered. Due to the clayey nature of the soil at the site, Council's On-site Wastewater Management Strategy requires a minimum lot size of 4,000m² for management of on-site effluent management.

The Department's previous concerns with the draft Master Plan related to small lot sizes and inadequate area for effective and reliable wastewater treatment. The application failed to show that the proposal was unlikely to have a negative impact on water quality. The previous design proposed lot sizes ranging from 2,300m² to 5,580m² (8 lots below the required minimum of 4,000m²), with an average lot size of 4,000m². The resolution required a revised design to provide lots of adequate size or implementation of alternative sewage disposal methods.

The applicant has submitted two reports, prepared by McKenzie Burridge & Associates, titled "*Wastewater Management Report Revision B (2 December 2004)*" and "*Wastewater Management Report (21 October 2003)*" to address wastewater management matters. The reports assess the suitability of the site for an on-site effluent disposal system. McKenzie Burridge & Associates recommend an Aerated Wastewater Treatment System (AWTS) to be used on the lots with disposal via subsurface irrigation. A minimum lot size of 4,000m² is recommended for any on-site wastewater treatment system on the site.

Three (3) public submissions received during the exhibition period raised concerns regarding the proposed on-site effluent disposal systems to be used on the new lots, in particular Lots 17 and 18. The issues raised related to the potential escape of untreated effluent to the registered bore used for coffee processing on the corner of West Street and Adams Street (refer **Figure 10**), and contamination of the existing table drain that runs along the western alignment of West Street during periods of heavy rainfall.

DNR also noted the impacts that inadequate effluent control may have in such a sensitive environment and the need for effluent treatment areas (ETAs) to be located accurately according to soil and landform characteristics, an effective program of maintenance and servicing to be established, and regular monitoring to be undertaken and remedial action initiated should surrounding contamination of soil and water be detected.

Council's On-site Wastewater Management Strategy requires a minimum lot size of 4,000m² for management of on-site effluent management. The proposal complies with this minimum. For development or redevelopment on existing lots where there is an increase in density, Council also requires a high quality of effluent (secondary treatment) and at least 250m² of land per dwelling or per unit for effluent disposal (ETA). The proposal involves the secondary treatment of wastewater by means of a sealed AWTs before disposal by means of sub-surface irrigation to the disposal fields (effluent treatment area). The proposal allows for an ETA of 400m² per lot.

For all new subdivisions the Strategy also requires a reserve ETA to be provided for each lot as required in the *Environmental Health Protection Guidelines On-site Sewage Management for Single Households* (NSW Government 1998). Each new lot created as part of the subdivision also incorporates a reserve ETA in accordance with Council's requirements. Each reserve ETA is also at least 400m² per lot.

For subdivisions which include existing dwellings, as is the case in the proposal, it is a Council requirement to upgrade the wastewater systems of the existing dwelling/s to the same standard as those proposed in the subdivision wastewater report unless the consultant's report can justify retaining the existing wastewater system. The existing residence that will remain on the residue lot (proposed lot 19) has recently installed an approved biolytic wastewater treatment system and therefore complies with this requirement.

The recommended buffer distances within Council's On-Site Wastewater Management Strategy are 100m to permanent surface waters, 250m to a water bore if the bore is down slope from the ETA, 50m to a water bore if the bore is up slope from the ETA, and 40m to other waters (e.g. intermittent waterways and drainage channels). Each effluent treatment area and reserve wastewater application area has been set back a minimum of 40 metres from the dry watercourse in the western portion of the site. In addition, the applicant has provided a 140metre setback from the ETA and reserve treatment area for the southern most lot (lot 18) to the Clarence River.

The registered bore on the corner of Adams Street and West Street is within 100 metres of Lot 18. However, the bore is located up slope of the southern portion of the lot and therefore, provided the ETAs are constructed upslope of the bore, this lot complies with Council's 50 metre setback requirements. A condition of consent ensures that the ETAs on Lot 18 are constructed up slope of the registered bore (refer Condition B20).

The applicant advised that the effluent treatment systems proposed will ensure that no untreated effluent will escape from the site. It is understood that modern treatment units are now sealed and able to remove contaminant loads to negligible levels. Domestic wastewater is only discharged to the treatment areas following treatment to a secondary standard within the sealed unit.

A condition of approval will ensure that the proposed on-site effluent treatment measures proposed are constructed in accordance with Clarence Valley Council's On-Site Wastewater Management Strategy, or any alternate system subsequently approved by Council (refer to Condition B20).

A restriction-as-to-user 88B instrument also imposes a 40 metre restricted setback from any watercourse (including the dry gully that runs along the western perimeter of the site) to any ETA (including reserve treatment areas) (refer to Condition E2).

6.4 Access to the Clarence River Foreshore

The proposed subdivision backs onto the Clarence River to the west of Woombah. The village has a road reserve adjacent to the river that is heavily vegetated and acts as a public reserve. The Department's regional office considered that it would be appropriate if the developer provide a strip of land along the river for public open space to continue this reserve.

The previously refused draft Master Plan proposed additional lots with direct frontage to the river. The resolution proposed required a revision of the subdivision design to eliminate the additional river frontage as this would not allow for a future public access corridor.

The current subdivision proposal does not provide public access to the Clarence River foreshore. The proposal is over private land and will not impede any existing public access arrangements to or along the foreshore. The proponent considers that the provision of public foreshore access through the subject land is unwarranted since the adjacent West Street and River Street provide ample public access opportunities within Woombah Village. Notwithstanding, the proponent has offered that any future development of the residue lot will provide an opportunity to consider open space provisions along the foreshore.

The DNR expressed their concerns regarding the deferral of any opportunity to provide for improved public access, in accordance with the provisions of SEPP 71. The DNR supported the establishment of an undeveloped buffer zone along the Clarence River frontage managed for the protection of the riparian zone and for public access, with connection to Woombah Village.

Council has indicated that it is not in a position to take on board additional foreshore area in this instance due to its isolated nature and expected difficulty in maintenance and control. Further discussion with the DNR indicated that they would support an undeveloped buffer imposed on this approval to allow public access opportunities to be investigated on any future subdivision of Lot 19.

As the riparian corridor adjacent to the Clarence River contains a strip of mangroves and associated species, including the grey mangrove, which is a protected species under the NSW Fisheries Act 1997 it is considered appropriate to require a 20 metre undeveloped buffer (as discussed in Section 6.2 above) along the Clarence River foreshore. This will be imposed as a condition of approval (refer to Condition E2). This buffer will remain as private property with a positive covenant (Section 88B Instrument) ensuring the protection and maintenance of this land. The benefit of securing this 20 metre restricted buffer strip now, is that it will provide an opportunity for an easement to be imposed for a public access corridor along the foreshore on any future subdivision of Lot 19.

6.5 Vehicular Access to the Site

Iluka Road & West Street Intersection

The traffic report prepared by ERM Mitchell McCotter (1997) states that the proposed development is predicted to increase the current traffic volume trends along Iluka Road, near the Pacific Highway and the Wharf Street intersections by 63 vehicle movements, i.e. 7 additional lots at 9 daily vehicle movements per dwelling). On this basis, the report states that the development will not affect the present "A" category Level of Service of Iluka Road at the West Street intersection.

Clarence Valley Council will not allow direct access to the subdivision from Iluka Road and objectors consider the use of West Street is fraught with problems and conflicts with school bus movements.

At a pre-lodgment Planning Focus Meeting in April 2004 involving Maclean Shire Council and the RTA, it was determined that the Iluka Road / West Street intersection needed to be upgraded to service the proposal from West Street. The proposal includes the construction of a Type B intersection (relates to Level of Service – B in accordance with RTA's *Guide to Traffic Generating Developments*) at the corner of Iluka Road and West Street.

An intersection detail drawing has been prepared by McKenzie Burridge & Associates Pty Ltd and was included within the EA documentation submitted by the proponent. The proposed works include the widening of

approximately 280 metres of Illuka Road (approximately 140 metres to the east and to the west of the intersection) by up to 3 metres and the bitumen sealing of the northern section of West Street (approximately 70 metres).

The proposed intersection offers sight distances in excess of 90 metres towards Wharf Street, which is in accordance with AUSTROADS standards. In addition, the proposed intersection, nearby playground and bustop are in a highly visible location from all approaches to the intersection. All approaches offer stopping distances in excess of the 46 metres, in accordance with AUS-SPEC-1 standards.

Therefore, it is considered that the new intersection proposed will adequately address any safety concerns.

A condition of approval requires the provision of a Type B intersection at the Illuka Road intersection to the development in accordance with AusRoads (refer to Condition E9). As the construction of an approved access off Illuka Road into West Street is required to access the new lot created in Stage 1, the intersection is to be completed prior to the issue of subdivision certificate for Stage 1 of the subdivision.

Traffic Noise & Movements

The issue of traffic and the impacts on the amenity of adjacent residents was also raised by objectors. Traffic is proposed to enter from the newly constructed road onto West Street at an angle of 90 degrees. The residence at 67 Middle Street (on the corner of Illuka Road and West Street) is located only 1.85 metres from the eastern alignment of West Street and almost directly opposite the proposed entry from the proposed new road within the development to West Street. Traffic entering and leaving the proposed new road onto West Street has the potential to lower the amenity for the resident due to noise from braking and accelerating and headlights shining on the residence in the evenings.

During the site inspection attended by the Department on 14 November 2006, it was noted that the western boundary of the existing residence at 67 Middle Street was characterised by a number of mature trees and shrubs (refer **Figure 11**). The potential for headlights of left turning traffic to shine into the residence from the new road onto West Street, although opposite the residence, is therefore likely to be minimised by existing landscaping.



Figure 11: Residence on West Street shielded by trees.

6.6 Flood Management

The Draft Grafton and Lower Clarence River Floodplain Risk Management Plan identifies the existing 1% AEP flood level at the site as 2.67m AHD and the Probable Maximum Flood (PMF) level as 4.14m AHD. Existing ground levels across the subdivision site range from approximately 2.0m AHD in the south to RL 24m AHD in the north.

Therefore, in a 100 year flood event approximately 10 metres of the lower sections of the residual lot (proposed Lot 19) are flood affected below RL 2.67m AHD. In a PMF event, approximately 20 – 25 metres of the lower sections of the residual lot are flood affected below 4.14m AHD. However, as the proposed 7 new lots are confined to that area of the site above 12.0m AHD none of the new lots are at risk of flooding.

6.7 Stormwater and Drainage Management

It was noted that rainwater tanks, grassed swales and existing drainage lines will be utilised to ensure stormwater disposal is managed sensitively on the new lots and new roads. However, the proponent failed to show how the proposal complies with the requirements of Clarence Valley Council's Sustainable Water Development Control Plan (July 2004). On 9 November 2006 the Proponent was requested to provide a stormwater concept plan sketch to demonstrate the proposed stormwater treatment train through the development and to the existing table drain adjacent to West Street.

A number of public submissions also raised concerns regarding the management of stormwater from the site, in particular, the conveyance of additional flows into the table drain adjacent to West Street.

The applicant provided a stormwater concept diagram on 28 November 2006. It is proposed to construct the northern end of West Street with a bitumen seal. The cross-fall of the road will be toward the west (away from the residence at 67 Middle Street) such that stormwater flows are directed into the existing table drain that runs adjacent to the western perimeter of West Street. The table drain will be modified to form a grassed swale with erosion and sediment controls. The formation of West Street will occur above the River Lane intersection and will not interfere with the prevailing stormwater flow path conditions of the adjacent residences. Stormwater will be treated and managed on site prior to discharge.

The need for and extent of drainage required will be determined at the engineering design phase. A condition of approval requires the preparation of a detailed Stormwater Management Plan that ensure post development flows leaving the development do not to exceed the pre development flow rates and the control of stormwater quality leaving the site (refer to Condition B13). In addition, Council may require upgrading of downstream drainage facilities by the developer where the facility is directly affected by the development.

6.8 Crown Land

The Department of Lands have previously confirmed that the northern section of West Street is vested in the ownership of Council and the southern half running down to the river, which is not formed road, is owned by the Crown (refer **Figure 12**).

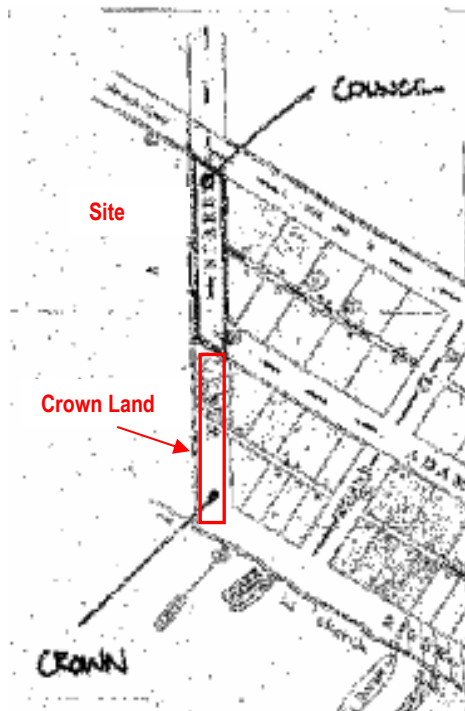


Figure 12: Extent of Crown Land

Although the proposal has been specifically designed away from the foreshore and adjacent Crown land so that it will not interfere or impact on Crown land, the Department considered that there was potential for stormwater to drain onto the Crown land at the southern end of West Street. The applicant was requested to confirm the concept for stormwater management, in particular the proposal to convey flows from the new subdivision lots to the northern end of West Street.

On 28 November 2006 the applicant provided a stormwater concept plan. The plan illustrates that all excess runoff from the new lots and the northern end of West Street will be channelled into grassed swales within the site. The swales and a gross pollutant trap will serve to treat the runoff prior to discharging off the site. A condition of consent requires the applicant to provide a detailed stormwater management plan prior to issue of construction certificate. This will ensure that the post-development flow to the Crown Land will not exceed the existing pre-development flows (refer Condition B13).

This has also been addressed in a second condition of consent to ensure that the development does not:

- Encroach on Crown land;
- Remove any vegetation from Crown land;
- Use Crown land to access the property;
- Stockpile materials, equipment or machinery on the Crown land; or,
- Direct stormwater discharges on the Crown land additional to those already directed there (refer Condition D17).

6.9 Natural Heritage

Flora and Fauna

During the assessment of the draft Master Plan the Department raised the following issues regarding the flora and fauna assessment:

- The Flora & Fauna Assessment prepared by Land and Marine Management Strategies has not clarified the impact that the proposal will have in respect to the identified species. The 8 part-tests are not definitive and do not show that no adverse environmental impacts will occur.
- The application fails to show that there will not be an adverse impact on threatened or vulnerable flora and fauna on the site. The application fails to show that there will not be an adverse impact on the grey-headed flying fox, which is listed as 'vulnerable' under the EPBC Act.

The construction of the new road through the development will require the removal of 5 mature trees, 2 of which represent potential habitat for the Osprey (listed as 'vulnerable' under the Threatened Species Act 1995), Brahminy and Whistling Kite (identified as 'protected' and 'nesting'). The trees do not, however, represent existing significant habitat for any threatened species. Notwithstanding, the flora and fauna report prepared by Land and Marine Management Strategies P/L (October 2004), recommends that the impact to trees providing potential habitat should be minimised and that same species replacement trees be established for those removed.

The DEC agreed that the revegetation and replacement of trees along the western gully would provide compensation to the loss of vegetation in the northern portion of the site.

A condition of approval requires the preparation of a Vegetation Management Plan that specifically addresses the provision of appropriate species of trees that provide habitat for the Grey-Headed Flying Fox, the Osprey and the Whistling Kite (refer to Condition B17).

A second condition of approval states that no trees are to be removed from the site during subdivision construction with the exception of those necessary for road construction (5 trees only) without the prior approval of Clarence Valley Council (refer to Condition D8).

The Grey-headed Flying-fox is listed as vulnerable under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 4 December 2001. An advisory note has been included with the conditions of consent that advises the applicant that this Major Project application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. The determination of this assessment has not involved any assessment of the

application of the Commonwealth legislation. It is the applicant's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval (refer Advisory Note AN9).

Aboriginal Heritage

The site has no known Aboriginal cultural significance and this was confirmed by the Yaegl Local Aboriginal Land Council following their inspection of the site. The DEC raised no concerns regarding Aboriginal heritage. Notwithstanding, a condition of approval requires works to stop immediately should any Aboriginal objects be unexpectedly discovered and the DEC informed.

6.10 Other matters

(i) Public benefits and the public interest

The proposal is considered to provide many public benefits summarised below and is considered to be in the public interest:

- Provision of additional low density residential housing in Woombah;
- Improvements to the intersection of Illuka Road and West Street;
- Upgrading of the northern portion of West Street to a sealed bitumen public road;
- The proposal will boost the local economy in the short term throughout the construction phase by the use of contractors, consultants and suppliers.

(ii) Suitability of the site

The site is considered suitable for the proposed development for the following reasons:

- The site is zoned for low density residential development specifically designed to be compatible with the existing surrounding developments;
- The proposal is permissible with consent under the current zoning;
- The proposal is immediately adjacent to Woombah Village and there is a direct nexus with the Village;
- The environmental and technical assessments of the site support the subdivision proposal for low density residential purposes;
- The former Maclean Shire Council had long planned the residential development of this land as part of the growth strategy of the region.

(iii) Future opportunities

The proposal will provide opportunities for future development as follows:

- The proposed lot layout and road construction provides opportunity for greater lot densities and appropriate road widths and design for access;
- The area to the west of the site is zoned 2(a) Low Density Residential and will in time be developed for such a purpose. The proposed new road to be constructed through the site will create a link to any new development in this adjacent lot and the residue lot in the southern portion of the development.

7 CONCLUSION

The Department has assessed the EA and considered the issues raised in submissions in response to the proposal. The Department has considered these issues and a number of conditions are recommended to ensure the satisfactory addressing of these issues and minimal impacts as a result of the proposal.

The proposed development will allow for additional low density residential housing in Woombah Village and the upgrading of part of West Street and intersection with Illuka Road. Furthermore, the project application has largely demonstrated compliance with the existing environmental planning instruments.

On these grounds, the Department considers the site to be suitable for the proposed development and that the project is in the public interest. Consequently, the Department recommends that the project be approved, subject to conditions of approval.

8 RECOMMENDATION

It is recommended that the Minister:

- (A) consider the findings and recommendations of this report (**tagged "A"**);
- (B) approve the project application, subject to conditions (**tagged "B"**), under Section 75J of the *Environmental Planning and Assessment Act, 1979*; and
- (C) sign the Determination of Major Project (**tagged "C"**).

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APPENDIX A. AGENCY SUBMISSIONS

8 Lot Residential Subdivision 42 Illuka Road, Woombah MP06_0115

Summary of all agency submissions received for this application

Date	Agency comment
Department of Natural Resources (DNR)	
20/10/06	<ul style="list-style-type: none"> - There is no provision in the 8 lot subdivision arrangement for the proposed 140 metre buffer to the Clarence River. - The proposal declines the opportunity to provide for improved public access, deferring it to a subsequent process when the residue lot is developed. - The DNR support the establishment of an undeveloped 140m buffer zone along the Clarence River frontage, managed for the protection of the riparian zone and for public access, with connection to Woombah Village. The subdivision plan should clearly identify this buffer zone. - Due to the impact the inadequate effluent control may have in such a sensitive environment, it is essential that effluent treatment areas are located accurately according to soil and landform characteristics; an effective program of maintenance and servicing is established; and, regular monitoring is undertaken and remedial action initiated should surrounding contamination of soil and water be detected. - The EA misleadingly represents the clearing impacts of the proposal as limited to five trees on the site's upper slopes within the footprint of the proposed access road. Subsequent clearing for the development of individual lots is likely to remove much of the remaining vegetation.
Department of Environment and Conservation (DEC)	
12/10/06	<ul style="list-style-type: none"> - DEC encourage consideration to the revegetation and rehabilitation of the dry watercourse in the west of the site and the riparian zone adjacent to the Clarence River contained in proposed Lot 19. Revegetation and rehabilitation should endeavour to remove all weed species and replant suitable locally native species to resemble the pre-cleared ecosystem. - The revegetation and rehabilitation areas should be protected by an 88B Instrument - The revegetation and rehabilitation will compensate the vegetation removal that is required from the proposed development and ongoing use, improve water quality, aquatic environments and catchment management. - Past poor management practice of clearing riparian vegetation on the site can now be rectified. - The applicant had previously proposed to extensively plant the dry watercourse with suitable native species.

Date	Agency comment
Department of Primary Industries (DPI)	
26/9/06	<ul style="list-style-type: none"> - The development should be designed cognisant that commercial fishers regularly operate in the immediate vicinity. The North Arm of the Clarence River at Woombah is considered a particularly good hauling ground for licensed commercial fishers operating in the Estuary General fishery. - Establishment of pontoons, jetties and other structures can directly impact on commercial fishing operations, accordingly subsequent applications for such structures in this area by future residents will require considerable consultation with DPI and commercial fishers and are unlikely to be supported. - To minimise the impacts of development on aquatic habitats the Department's policy on buffer zones requires a foreshore buffer zone at least 50m wide (some may need to be increased to 100m) should be established and maintained with their natural features and vegetation preserved. - Appropriate retention of vegetation along the dry gully is important as rain events that can make the gully flow can enhance the fishing. The proposal to retain 20m of vegetation either side of the gully is supported.
Rural Fire Service (RFS)	
19/9/06	<ul style="list-style-type: none"> - Based upon the assessment of the plans and documentation the RFS raises no concerns or special consideration in relation to bushfire matters for the proposed development.
Roads and Traffic Authority (RTA)	
28/9/06	<ul style="list-style-type: none"> - Illuka Road is a local road in the Clarence Valley Council area; accordingly, Clarence Valley Council is the Road Authority for this road. Consequently, the RTA does not have any approval role for works along this road under the Roads Act 1993.

APPENDIX B. PUBLIC SUBMISSIONS

8 Lot Residential Subdivision, 42 Illuka Road, Woombah - MP06_0115

Summary of all public submissions received for this application

Topic	Details / Comment	No. of times raised
Effluent Management	<p><u>Clarence River Water Quality</u></p> <ul style="list-style-type: none"> The proposal has included an on-site effluent disposal system. Concern regarding stormwater runoff from proposed lots 17 and 18, particularly in relation to the escape of any untreated effluent to the creek during periods of heavy rainfall. Heavy clay soils means that water does not permeate into the ground. <p><u>Proximity of Bore</u></p> <ul style="list-style-type: none"> Registered bore used for food processing in close proximity to the eastern alignment (less than 200m). Any escape of effluent treatment during periods of heavy rain could pollute the groundwater and subsequently the bore water. 	3
Stormwater management / drainage	<p><u>Drainage</u></p> <ul style="list-style-type: none"> An open drain will be required in forming the proposed West Street. This will be very close to 67 Middle Street. Concerned that construction of West Street will result in exacerbation of surface water flooding of 67 Middle Street and 58 River Lane if stormwater is not allowed to flow across 67 Middle Street and into West Street in a westerly direction. Stormwater flows down West Street cause the erosion and the undermining of root systems of native trees which have fallen over and died. Modification to the drain would allow an even greater volume of stormwater to further erode this area and damage trees. 	2
Traffic & safety of Illuka Road / West St intersection	<p><u>Amenity of Adjacent Residents</u></p> <ul style="list-style-type: none"> Traffic is proposed to enter at an angle of 90degrees onto West Street. The residence at 67 Middle Street is located only 1.85m from the eastern alignment of West Street. Traffic entering and leaving the proposed new road onto West Street would considerably lower the amenity for the resident of 67 Middle Street due to noise from braking, accelerating and headlights. Headlights of turning traffic would shine into the sleeping area of the residence causing a serious reduction in privacy. An alternative exit could be constructed from the proposed subdivision along the future road to Middle Street between existing lots 22 and 23 DP 1055427. <p><u>Sight Lines</u></p> <ul style="list-style-type: none"> Potential increase in traffic from Wharf Street if the Port of Yamba on Goodwood Island is expanded. Trucks may have difficulty in seeing over the rise in Illuka Road toward West Street increasing the chance of collisions with traffic entering Illuka Road from West Street. 	3

Topic	Details / Comment	No. of times raised
	<u>Safety for children</u> <ul style="list-style-type: none"> Impact on safety for children in nearby playground and bustop due to new "busy intersection". Suggest use of a roundabout to control speed at the intersection. 	
Clearing of native vegetation	<ul style="list-style-type: none"> Trees planted on western side of 67 Middle Street were planted by the Electricity Commission to compensate for placing 22,000 volt electricity poles in close proximity to this residence. These trees would have to be removed to allow for the proposed development. 	1

APPENDIX C. RESPONSE TO SUBMISSIONS

APPENDIX D. ENVIRONMENTAL ASSESSMENT

APPENDIX E. ENVIRONMENTAL PLANNING INSTRUMENTS CONSIDERATION

The aims and objectives of the relevant environmental planning instruments and development control plans are assessed below in relation to this development application.

It is generally considered that the application proposes development which is capable of satisfying the objectives of the environmental planning instruments and development control plans applicable to the site as outlined below.

- *State Environmental Planning Policy No.71 – Coastal Protection;*
- *State Environmental Planning Policy No.44 – Koala Habitat;*
- *North Coast Regional Environmental Plan 1988;*
- *Maclean Shire Local Environmental Plan 2001;*
- *Maclean Shire Council Development Control Plan for Woombah;*
- *Maclean Shire Council Development Control Plan Subdivision Guidelines (8 September 2006);*
- *Maclean Shire Council Development Control Plan No.7 Erosion and Sediment Control (1 August 2005);*
- *Clarence Valley Council Sustainable Water Development Control Plan (22 November 2004);*
- *Maclean Shire Council Car Parking Development Control Plan;*
- *NSW Coastal Policy 1997; and*
- *NSW Coastal Design Guidelines.*

1.1 State Environmental Planning Policy 71 – Coastal Protection

MATTERS	COMPLY	COMMENT
CLAUSE 2: AIMS OF POLICY		
(a) To protect and manage the natural, cultural, recreational and economic attributes of New South Wales coast and	YES	The proposal is consistent with the zoning. It is considered that the proposal will have no undue affects on the coastal attributes of New South Wales.
(b) To protect and improve existing public access to and along coastal foreshores to the extent that it is compatible with the natural attributes of the coastal foreshore, and	YES	The proposal is over private land and will not impede any public access to or along coastal foreshores. There is currently no public access to the river through the site. There is public access to the Clarence River within the Village of Woombah.
(c) To ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and	YES	The proposal is over private land and will not impede any prevailing public access arrangements to or along coastal foreshores. The further development of the land (i.e. of the residue Lot 19) adjacent to the Clarence river, may enable new opportunities for public access to the foreshore to be identified at that stage.
(d) To protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and	YES	The land to which the proposal applies has no known aboriginal cultural significance.
(e) To ensure that the visual amenity of the coast is protected, and	YES	The proposal will have no impact on the visual amenity of the locality.

(f) To protect and preserve beach environments and beach amenity, and	YES	No beach environments are affected.
(g) To protect and preserve native coastal vegetation, and	YES	The proposal will only remove 5 trees and will not significantly impact on coastal vegetation communities.
(h) To protect and preserve the marine environment of New South Wales, and	YES	The proposal involves development activity that is sufficiently displaced from the marine environment to provide insignificant effect on any marine environment.
(i) To protect and preserve rock platforms, and	YES	No rock platforms are proposed to be disturbed as part of this development.
(j) To manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6(2) of the <i>Protection of the Environment Administration Act 1991</i>), and	YES	The land is within an existing residential settlement and is consistent with the land's zoning. Furthermore the 7 lots to be developed will comprise 4,000 square metres or greater, and this will ensure that onsite effluent disposal can be carried out sustainably. The proposal will not result in any impacts on genetic reserves or biological diversity.
(k) To ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and	YES	The proposal is consistent with surrounding land uses and subdivision pattern. The proposed unsewered development is appropriate in that it does not maximise the lot yield and is specifically located at the furthest distance from the river foreshore.
(l) To encourage a strategic approach to coastal management.	YES	The proposal is consistent with the current zoning, development standards and surrounding land use and utilizes existing infrastructure whilst ensuring there is a clear displacement between development activity and foreshore areas. The proposal will not interfere with any strategic intentions for coastal management.
CLAUSE 8: MATTERS FOR CONSIDERATION		
(a) the aims of this Policy set out in clause 2,		Addressed above
(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,	N/A	The proposal is over private land that contains no existing public access arrangements. There is no alteration to public access to coastal foreshore arrangements in the vicinity.
(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,	YES	There are no opportunities proposed to provide new public access to and along the coastal foreshore. This is considered unwarranted since the adjacent West Street and River Street provide ample public access opportunities within the Village of Woombah.

(d) the suitability of development given its type, location and design and its relationship with the surrounding area,	YES	The proposal is a low density residential in-fill in an existing residential settlement that is consistent with the current zoning and surrounding land use. It is connected to the existing village settlement pattern.
(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,	YES	The proposal will generate only 7 additional low density dwellings. Therefore there will be no significant impact on visual or scenic amenity.
(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,	YES	There will be no impacts on the scenic amenity of the coast as a result of this proposal
(g) measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i>) and plants (within the meaning of that Act), and their habitats,	YES	The subdivision has been specifically designed to minimise clearing and any alteration to the landform. In addition the land has been extensively cleared and utilised as a horse stud for over 30 years. It is unlikely that the current proposal would result in the local extinction of any threatened, endangered or vulnerable species of flora and fauna.
(h) measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i>) and marine vegetation (within the meaning of that Part), and their habitats	YES	The proposal will not effect marine vegetation, fish life or their habitats.
(i) existing wildlife corridors and the impact of development on these corridors,	YES	The surrounding land is already established as part of the Woombah Village settlement, and the proposed site has been extensively cleared. The development is therefore not expected to have any detrimental impact on wildlife corridors.
(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,	YES	There will be no development activity within at least 140 metres of the river and therefore no alteration to existing coastal processes in the vicinity.
(k) measures to reduce the potential for conflict between land-based and water-based coastal activities,	YES	The proposal will not generate potential conflict between land-based and water-based coastal activities.
(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,	YES	The site has no known aboriginal cultural significance.
(m) likely impacts of development on the water quality of coastal waterbodies,	YES	The proposal will not include any development within at least 140 metres from the river. Erosion and sediment control measures will be implemented, throughout the development, to ensure that there is no detrimental impact on water quality

(n) the conservation and preservation of items of heritage, archaeological or historic significance,	N/A	The site has no known items of heritage, archaeological or historic significance, nor is there any such listing in the Maclean LEP 2001.
(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,	N/A	
(p) only in cases in which a development application in relation to proposed development is determined:	N/A	
(i) the cumulative impacts of the proposed development on the environment, and	YES	There is presently a target environmental capacity of 1 dwelling per 4000 m ² specified by Council's Onsite Sewage Management Strategy for unsewered land in the Clarence Valley Council (CVC) Local Government Area (LGA). The proposal achieves this for the 7 additional lots proposed.
(ii) measures to ensure that water and energy usage by the proposed development is efficient.	YES	Existing water and power services are directly available to the development site. The cost efficient use of these services is based on maximizing the number of consumers within the service catchment, (generally the residential zoned precinct). In addition an energy efficiency policy applies to all dwellings proposed to be erected within the Clarence Valley LGA. The merit of dwelling design will be the subject of further dwelling applications.
CLAUSE 14: PUBLIC ACCESS		
A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impending or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	YES	The proposal is over private land that contains no existing public access arrangements. There is no alteration to public access to coastal foreshore arrangements in the vicinity.
CLAUSE 15: EFFLUENT DISPOSAL		
The consent authority must not consent to a DA to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, coastal creek or other similar body of water, rock platform.	YES	Onsite effluent disposal is proposed for each of the additional lots. These lots have been specifically sized at 4000 sq m or greater in order to comply with Council's policy for onsite effluent disposal. Wastewater Management Reports are attached as Appendix C & D. It clearly establishes that onsite wastewater treatment can successfully be achieved, for each of the proposed lots, in order to satisfy regulatory health and policy requirements.

CLAUSE 16: STORMWATER		
The consent authority must not consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	YES	<p>The proposal will utilize shallow grassed open swales along the new constructed access road to divert stormwater into the existing drainage lines. The proposed road will generally follow level grades, and thereby will not generate significant flow rates into the existing drainage lines. The road side swales will be designed in accordance with Council's engineering standards. Additional measures will be undertaken to control stormwater runoff generated by the subdivision through:</p> <ul style="list-style-type: none"> • Use of rainwater tanks for new dwellings, • Appropriately designed effluent disposal fields, • Restricting site clearing to building envelopes. <p>Stormwater quality will be controlled by:</p> <ul style="list-style-type: none"> • Ensuring swales are grassed, • Ensuring effluent disposal fields are constructed in accordance with the design, • Ensuring the protection of the vegetation in the existing drainage lines.

1.2 State Environmental Planning Policy No.44 – Koala Habitat

MATTERS	COMPLY	COMMENT
Step 1 – is the land potential koala habitat?		
(1) Before a council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat.	YES	<p>There are a number of factors which indicate that SEPP 44 does not apply:</p> <ul style="list-style-type: none"> • The site has been significantly cleared in the past and has been used for grazing for over 30 years. • The exposed nature of the site discourages its use as a major koala habitat. • The adjoining lands are also significantly cleared and used for residential purposes. • There is no evidence that koalas use the site.

1.3 North Coast Regional Environmental Plan

GOALS	COMPLY	COMMENT
Development control – residential development		
(1) The council shall not grant consent to development for residential purposes unless:		
(a) it is satisfied that the density of the dwellings have been maximised without adversely affecting the	YES	The proposed lot layout and road design provides for greater density at a later stage.

environmental features of the land,		
(b) it is satisfied that the proposed road widths are not excessive for the function of the road,	YES	The access corridor to Lot 19 (the battle-axe block) is 15m wide, which has the capacity to facilitate the future development of the site. The proposed road widths are not excessive for the function of the road.
c) it is satisfied that, where development involves the long term residential use of caravan parks, the normal criteria for the location of dwellings such as access to services and physical suitability of land have been met;	NA	
(d) it is satisfied that the road network has been designed so as to encourage the use of public transport and minimise the use of private motor vehicles, and	YES	The road network provides shared use of pavement for pedestrians and cyclists.
(e) it is satisfied that site erosion will be minimised in accordance with sedimentation and erosion management plans.	YES	Erosion and sediment control measures will be implemented, throughout the development, to ensure that there is no detrimental impact on water quality
Development control – development in the vicinity of the ocean or a waterway		
(1) The council shall not consent to a development application for development on land within 100 metres of the ocean or any substantial waterway unless it is satisfied that:	YES	The proposed development is displaced from the foreshore by approximately 140m.
(a) there is a sufficient foreshore open space which is accessible and open to the public within the vicinity of the proposed development,	YES	There are no opportunities proposed to create any public foreshore open space. This is considered unwarranted since the adjacent West Street and River Street provide ample public foreshore opportunities within the Village of Woombah.
(b) buildings to be erected as part of the development will not detract from the amenity of the waterway, and	YES	No buildings are proposed under this application. Notwithstanding, the proposal will generate only 7 additional low density dwellings. Therefore there will be no significant impact on visual or scenic amenity.
(c) the development is consistent with the principles of any foreshore management plan applying to the area.		There are no foreshore management plans relevant to the area.

1.4 Maclean Local Environmental Plan

The subject site is zoned as 2(a) Residential (Low Density) Zone.

MATTERS	COMPLY	COMMENT
Clause 10: Bushfire Hazard		
Consent must not be granted to the carrying out of development on land within the local government area of Maclean in respect of which a bushfire hazard has	YES	The subject site borders the CVC listed fire prone area of Woombah. A Bushfire Risk Management Plan has been prepared. The report assesses the site as a "low fire risk".

been identified in the <i>Maclean Shire Local Environmental Study 1989</i> , deposited in the office of the Council, unless the Council is satisfied that adequate provision has been or will be made for the reduction of bushfire hazard on the land.		RFS have no concerns or special considerations with regard to the development.
Clause 11: Flood Liable Land		
<p>(1) Consent must not be granted to the erection of a building or the carrying out of a work on land to which this plan applies if, in the opinion of the consent authority:</p> <p>(a) the land is within a floodway, and</p> <p>(b) the carrying out of the development is likely:</p> <p>(i) to adversely impede the flow of floodwaters on that land or land in its immediate vicinity, or</p> <p>(ii) to imperil the safety of persons on that land or land in its immediate vicinity in the event of those lands being inundated with floodwaters, or</p> <p>(iii) to aggravate the consequence of floodwaters lying on that land or land in its immediate vicinity with regard to erosion, siltation or the destruction of vegetation, or</p> <p>(iv) to have an adverse effect on the water table of that land or of land in its immediate vicinity.</p>	YES	The subdivision layout will provide for sufficient setback to the river to ensure residential development is located in flood free areas of the site.
Clause 12: Development in the vicinity of waterways		
<p>In determining a distance for the purposes of this clause, the consent authority shall have regard to:</p> <ul style="list-style-type: none"> the preservation of the scenic quality of the foreshores, minimizing the risk of pollution of waterways, and the protection of foreshore ecosystems. 	YES	The proposal satisfies this clause in that it is a low density development specifically located some 140 metres from the river foreshore. There will be minimal disturbance of the existing environment to facilitate the proposal and erosion and sediment control measures will be implemented as a further foreshore environmental safeguard.
Clause 13: Development in the Coastal Zone		
Before granting consent for any development in the coastal zone as defined in the <i>NSW Coastal Policy 1997</i> , the consent authority must take into consideration the design and location principles as set out in Table 3 entitled "Design and Location Principles for Consideration in LEPs, DCPs and Development Control" in the <i>NSW Coastal Policy 1997</i> .	YES	The site is within the area identified as the Coastal zone on Council mapping. The proposal meets the goals and objectives of the policy in that it is a low density development which complies with the zoning, and is consistent with the adjoining land uses. It has been specifically designed not to intrude into the foreshore zone and practices will be implemented to ensure the protection of the foreshore environment.

Clause 18: Development on land identified on Acid Sulfate Soils Planning Maps		
A person must not, without development consent, carry out works as described in Clause 18 of the REP on land of the class specified for those works, except as provided by subclauses (3), (4) and (8).	YES	<p>The subject site is identified on the Acid Sulfate Soils Planning Maps as containing land identified as Class 3 and Class 5. The Class 3 land is located close to the river foreshore with the larger area of Class 5 land setback from the river.</p> <p>Although, no specified details were provided in the supporting documentation lodged with the application, it is considered that the subdivision works would not involve works relevant to Class 3 or Class 5 land as detailed in this Clause. Therefore an Acid Sulfate Soils Management Plan is not required.</p> <p>Additional investigations however, may be required for housing development that may involve additional earthworks.</p>
Clause 19: Development on main or arterial roads		
(b) a subdivision, where access is intended onto the main or arterial road, except that (subject to subclause (3)) consent may be granted where no other alternative access is available and, if the main or arterial road is controlled by the RTA, the consent authority has received the concurrence of the Chief Executive of the RTA and taken into consideration the Chief Executive's comments,	YES	<p>Iluka Road is defined as an arterial road under the Maclean LEP. Access to the proposed development will be via West Street. A preliminary intersection design at West Street and Iluka Road has been prepared in consultation with Council and the RTA. No proposed Lot will have direct access to Iluka Road. The proposal complies with provisions of this clause.</p>
Clause 46: Zone Objectives		
(a) the provision of low density housing		The proposed development will provide for low density housing in accordance with the objective.
(b) a residential environment free from any adverse impact from commercial and industrial uses,	YES	There are no commercial or industrial uses in the vicinity of the development.
(c) the provision of community uses, such as child care centres, of a compatible scale, bulk, height and design, which do not detract from the amenity and character of the residential area,	NA	
(d) adequate provision for water and effluent disposal.	YES	There is adequate provision for water and effluent disposal, in accordance with the Clarence Valley Council's requirements.
Clause 47: Subdivision Controls in residential, business and industrial zones		
All subdivisions in any residential, business or industrial zone which are not exempt development require development consent.	YES	<p>This clause specifies that development consent is required for subdivision within the residential zone. Development consent is sought with this application.</p> <p>The proposal does comply with provisions for drainage, stormwater management, on-site effluent disposal, flooding, road design and hazard protection.</p>

1.5 Woombah Development Control Plan

The proposed development is considered to be in accordance with the objectives of the DCP. Of particular relevance are the objectives and controls outlined below.

MATTERS	COMPLY	COMMENT
Permanent Fire Trail	YES	The development is generally clear of understorey and low vegetation and will therefore permit access to bushfire fighting vehicles.
Koala Protection	YES	No Koala feed trees are located on site.
Drainage Control	YES	Drainage swales with infiltration beds are proposed to be incorporated into the road design and can be linked to the natural drainage system.
Roads	YES	Clarence Valley Council has raised no objection to the internal road layout and the proposed upgrade to the West Street and Illuka Road intersection as detailed in the application.

1.6 Maclean Shire Council Development Control Plan Subdivision Guidelines

The proposed development is considered to be in accordance with the objectives of the DCP. Of particular relevance are the objectives and controls outlined below.

MATTERS	COMPLY	COMMENT
Section 5 – Subdivision in Residential Zones		
5.1 Lot Orientation	YES	Sufficient area is available within each lot to maximize access to daylight for both occupiers and neighbours, to promote energy efficiency and sustainable development and to take advantage of any views or outlook.
5.2 Site Frontage	YES	Sufficient area to ensure provision is made for pedestrian and vehicular access and the provision of services to all lots.
5.3 Lot Dimensions	YES	All lots are well in excess of the minimum of 400 sq m specified in the LEP. This will encourage variety and choice in housing forms, provide sufficient area to enable construction of dwellings and wastewater disposal areas.
5.4 Road Network	YES	The road network will provide acceptable levels of access, safety and convenience for all road users, ensure convenient vehicular access to properties for residents, visitors and service and emergency vehicles.
5.5 Road Design	YES	Subject to engineering design
5.6 Public Open Space/recreation facilities	YES	Contributions to be paid via conditions of approval.
5.7 Community Facilities	YES	Contributions to be paid via conditions of approval.
5.8 Pedestrian & Cyclist Facilities	YES	The road network will provide shared use of

		pavement for vehicles, pedestrians and cyclists.
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1.7 Clarence Valley Council Erosion and Sediment Control Development Control Plan No.7

The proposed development is considered to be in accordance with the objectives of the DCP. Of particular relevance are the objectives and controls outlined below.

MATTERS	COMPLY	COMMENT
Requirements of the DCP		
This DCP requires that any development or activity application must include as part of the application either: (a) a signed statement that the "Deemed to Comply" requirements of this DCP will be installed and implemented; or (b) a "standard" erosion and sediment control plan (ESCP); or (c) a "detailed" erosion and sediment control plan (ESCP)	YES	A "detailed" erosion and sediment control plan will be required prior to issue of construction certificate.

1.8 Clarence Valley Council's Sustainable Water Development Control Plan

The proposed development is considered to be in accordance with the objectives of the DCP. Of particular relevance are the objectives and controls outlined below.

OBJECTIVES	COMPLY	COMMENT
Section 2.3 – Sub-Division Development		
To reduce the impacts on urban water infrastructure and the neighbouring and receiving aquatic environment caused by the development.	YES	Drainage swales with infiltration beds are proposed to be incorporated into the road design and can be linked to the natural drainage system.
To adopt Water Sensitive Urban Design into subdivision design.	YES	The proposal will utilize shallow grassed open swales along the new constructed access road to divert stormwater into the existing drainage lines. The proposed road will generally follow level grades, and thereby will not generate significant flow rates into the existing drainage lines. The road side swales will be designed in accordance with Council's engineering standards. Additional measures will be undertaken to control stormwater runoff generated by the subdivision through: <ul style="list-style-type: none"> • Use of rainwater tanks for new dwellings, • Appropriately designed effluent disposal fields, • Restricting site clearing to building envelopes.
To move away from the philosophy of drainage towards "urban creeks".	YES	Drainage swales with infiltration beds are proposed to be incorporated into the road design and can be linked to the natural drainage system.
To implement 'sustainable water' initiatives	YES	Rainwater tanks, grassed swales and existing

such as re-use whilst protecting public health and safety.		drainage lines will be utilised to ensure stormwater disposal is managed sensitively.
To maintain water quality as near as possible to the pre-development case.	YES	Stormwater quality will be controlled by: <ul style="list-style-type: none"> Ensuring swales are grassed, Ensuring effluent disposal fields are constructed in accordance with the design, Ensuring the protection of the vegetation in the existing drainage lines.
To maintain hydrology as near as possible to the pre-development case.	YES	Water sensitive control measures, such as rainwater tanks, grass swales and site specific onsite wastewater disposal units combined with relatively large residential lots will negate any requirement for providing stormwater detention basins. The proposed subdivision design is sympathetic to the topography and local environment by running parallel with the contours. The lot sizes are of sufficient area to allow stormwater permeation.
To protect property and public safety.	YES	Rainwater tanks, grassed swales and existing drainage lines will be utilised to ensure stormwater disposal is managed sensitively.
Table 4 – Water Quality Targets for Post Construction (occupational) Phase of Subdivision Development		
<ul style="list-style-type: none"> - Total Phosphorus 30% of average annual load to be retained - Total Nitrogen 30% of average annual load to be retained - Sediment 50% of average annual load to be retained - Gross Pollutants - Oil & Grease 30% of average annual load to be retained 	YES	The proposal is a small development located at the top of a small watercourse catchment. The proposal includes grassed swales throughout the development to manage stormwater on the site. The applicant will submit a detailed stormwater management plan prior to issue of the construction certificate.
WSUD principles & SQID's	YES	The "Information for Applicants" specifies system design requirements which are applicable to the engineering design stage.
Water efficient landscaping to be implemented 1. Habitat for indigenous species	YES	The proposal involves minimal environment disturbance which ensures that the proposed lots are compatible with the existing landscape and vegetation. No existing trees can be removed from any lot without development approval (Sec. 5 of EA)
2. Water efficient landscaping	YES	The proposal will be supplemented by the mandatory application of BASIX for all future dwellings. This will ensure that efficient landscaping initiatives are implemented during the operational stages of the development.
3. Minimal use of nutrients & herbicides in landscaping	YES	
4. Retention of Natural topography	YES	The proposal involves minimal environmental disturbance which ensures that the proposed lots are compatible with the existing landscape.

5. Retention of Watercourses	YES	The proposal involves protection of the dry gully corridor to a total width of 40m from disturbance by 88B Instrument Restriction. The riverfront corridor (i.e within proposed residue Lot 19) is appropriately vegetated with aquatic species and is also protected by an 88B Instrument Restriction.
6. Vegetation of Riparian Areas	YES	
7. Retention of Vegetation within buffers	YES	The proposal involves restricting Lots 19 -22 to ensure that no vegetation is disturbed within the watercourse corridor.
8- 9. Vegetation retention along streams	YES	
10. Use of indigenous grasses	YES	The proposal will be supplemented by the mandatory application of BASIX for all future dwellings. This will ensure that efficient landscaping initiatives are implemented during the operational stages of the development.
11. Use of water efficient irrigation & non-potable water sources	YES	
12. Stormwater infiltration	YES	
13. Erosion control measures for stormwater discharge	YES	The detail of such devices will be determined at engineering design stage.
14. SQID's	YES	
15. Weed Control	YES	The site is presently maintained as a weed-free environment, and is expected to remain as such.

Table 5 – “Sustainable Water” Requirements for Subdivision Development

The principles of WSUD are to be applied	YES	The proposal's drainage follows existing drainage paths.
1. Trunk Drainage		
2. Waterway corridors	YES	The proposal ensures that the existing watercourse corridors are protected from interference by 88B Instrument Restriction
3. Drainage System	YES	
4. Corridor Width	YES	Watercourse within Lots 19-22 is proposed to be protected for a total width of 40 m, which is supported by the various government agencies. A protected 20m wide corridor is proposed for the Clarence River within Lot 19.
5. Watercourse Profile	YES	Alignment & profile of watercourse is within 40 m protection zone to be enforced with Lots 19-22.
6. Water & Stormwater quality improvement devices (SQID's)	YES	The proposal is a small development located at the top of a small watercourse catchment. The proposal offers generous opportunities for installation of SQID's which can be determined at engineering design stage.
7. Open Space	YES	The watercourse corridor has been intentionally allocated to Lots 22 and 19 (residue) as a means of isolating the public from potential safety issues.
8. Indigenous Vegetation	YES	The proposal ensures that the existing watercourse corridors are protected from interference by 88B Instrument Restriction.
9. Transport System	YES	The proposal's roadway will avoid use of concrete channels and pipelines.
10. Trunk Drainage	YES	The proposal is a small development located at the top of a small watercourse catchment.

		Consequently, the reductions in storm events that will be achieved because of the mandatory application of BASIX for future dwellings ensures that there will be minimal requirement for Trunk Drainage management initiatives. Accordingly, the specific additional trunk drainage requirements will be determined at engineering design stage.
11. Stormwater Outlets	YES	The nature and extent of the stormwater outlets for the proposal will be determined at engineering design stage. Significantly, the proposal presents generous opportunities for installation of such structures.
12. Low Flows for watercourses	YES	The proposal will not impede low environmental flows to the watercourse which functions chiefly as a conveyance of stormwater in significant events.
Grass swales, etc are to be used in place of kerb & gutter	YES	The proposal involves the use of grass swales for the conveyance of stormwater.
Connectivity of drainage network with upstream & downstream environments	YES	The proposal, in protecting the existing watercourse corridor from interference within Lots 19-22, will safeguard its ongoing function as the primary stormwater conveyance for the catchment.
Vegetation reinstatement in stream buffer zones	YES	
Onsite stormwater management is required to limit increase in stormwater quantities	YES	The proposal's swale system can be supplemented to include infiltration beds along the swale invert. The extent of use of such beds will be determined at engineering design stage.

1.9 Maclean Shire Council Car Parking Development Control Plan

The proposed development is considered to be in accordance with the objectives of the DCP. Of particular relevance are the objectives and controls outlined below.

MATTERS	COMPLY	COMMENT
Section 3.0 – What are the parking requirements for development?		
3.1 Residential development – one (1) parking space to be provided behind front building line.	YES	Whilst this requirement needs to be satisfied at dwelling application stage, it is noted that each proposed lot comprises no less than 4,000m ² in area, and is therefore easily able to accommodate a 2.4m x 5.4m (i.e. 13m ²) parking space.

1.10 NSW Coastal Policy 1997

GOALS	COMPLY	COMMENT
1) To protect, rehabilitate and improve the natural environment	YES	Section 88B instruments will enforce a 20m undeveloped vegetated riparian buffer adjacent to the Clarence River and either side of the dry gully.

2) To recognise and accommodate natural processes and climate change	YES	Potential residential development can be undertaken with appropriate buffers from the Clarence River and its processes, including flooding in an extreme flood event (probable maximum flood).
3) To protect and enhance the aesthetic qualities of the coastal zone	YES	The development will not diminish the views to and from the coast. Development of the site retains the existing riparian vegetation (mangroves) along the Clarence River foreshore.
4) To protect and conserve cultural heritage	YES	There are no heritage issues associated with the site.
5) To promote ecologically sustainable development and use of resources.	YES	The proposed development observes the principles of ESD through the incorporation of water sensitive urban design measures within the development and appropriate management of wastewater on-site.
6) To provide for ecologically sustainable human settlement	YES	The proposal allows for future intensification of density with better services.
7) To provide for appropriate public access and use	YES	There are no opportunities proposed to provide new public access to and along the coastal foreshore. This is considered unwarranted since the adjacent West Street and River Street provide ample public access opportunities within the Village of Woombah. An undeveloped 20m wide buffer along the foreshore provides a corridor for public access to be considered in the future.
8) To provide information to enable effective management	YES	Adequate information has been provided to enable effective management of the site.
9) To provide for integrated planning and management	YES	Consultation has occurred with Maclean Shire Council, Clarence Valley Council, DEC, DPI, DNR, Department of Lands, NSW Rural Fire Service, DoP North Coast Regional Office, North Coast Water, Telstra, Country Energy, Local Aboriginal Groups and the local community.

1.11 NSW Coastal Design Guidelines

Under the Coastal Design Guidelines for NSW, Woombah would best be described as a small inland coastal village. Like many inland coastal settlements, it experiences growth pressures. However, because it is not serviced with a reticulated sewerage system at present, growth is limited by the capacity of subdivisions to handle on-site effluent disposal. Generally this has required residential lots to be expanded to 4,000m² in area in order to accommodate onsite effluent disposal.

MATTERS	COMPLY	COMMENT
Defining the Footprint		
The proposed subdivision has regard for:		

a) enhancing natural and heritage features and views	YES	Minimal environmental disturbance will ensure the proposed Lots are compatible with the landscape and will maintain the existing character and visual setting of the village. The proposal provides every Lot with the river views which are a feature of the Woombah village.
b) retaining existing vegetation and ecology	YES	5 trees are proposed to be removed to facilitate the proposal. The subdivision has specifically been designed away from the river bank to minimise impacts on marine ecology.
c) reinforcing and continuing existing open space networks and green belts, through and between settlements.	YES	Open space amenity through the village is currently achieved by the existing large residential holdings. There is no dedicated open space network or green belt through the village, other than the unformed River Street, which runs along the foreshore of the North Arm of the Clarence River. Future development of the proposed residue Lot will enable re-consideration of the open space network within the village.
d) reinforcing and continuing the urban structure of the existing settlement and its centre or main street	YES	The proposal is linked to the existing settlement via West Street. The proposed urban structure and settlement pattern is consistent with that which is current in the village
e) utilising existing services, infrastructure and to locating facilities	YES	Utility services, such as town water, electricity and telephone are available to the site and will be extended to service the development. The land is zoned residential and it has been incorporated into the Woombah catchment by the utility service providers, to ensure cost efficient services are delivered through the sharing of service distribution costs.
f) optimising under-utilised infrastructure, such as public transport, shops and community facilities, retail and commercial areas	YES	The village of Woombah is not sufficiently large enough to have a public transport system, shops and community facilities. This proposal will contribute towards achieving an economy of scale which will attract such infrastructure.
g) providing a permeable block and Lot pattern in sympathy with the topography and land uses	YES	The proposed subdivision design is sympathetic to the topography and local environment by running parallel with the contours. The lot sizes are of sufficient area to allow stormwater permeation.
h) relating higher density housing to the pattern of built form with the existing settlement	YES	Lots sizes and subdivision density is constrained by the capacity to handle on-site effluent disposal. The Lots cannot be smaller than 4000m ² to sustain onsite effluent disposal and this size is not inconsistent with the existing subdivision pattern. There is flexibility with the design to allow for further subdivision when (and if) reticulated sewer becomes available.

i) designing blocks, lots and buildings together to ensure the efficient use of land.	YES	There is no advantage in conjointly designing buildings as this will not improve the efficient use of the land. Lot sizes and hence subdivision density is limited by the capacity for the land to effectively dispose of wastewater onsite.
j) providing or retrofitting to achieve water sensitive urban design initiatives locally and onsite	YES	Rainwater tanks, grassed swales and existing drainage lines will be utilised to ensure stormwater disposal is managed sensitively. In addition, site specific effluent disposal systems will be incorporated with every dwelling constructed as an added water sensitive design initiative.
k) achieving walking and cycling distance to places of importance within the settlement or providing new local centres within the catchment of residential areas	YES	The proposal is contained within the residential zone of the village, and walking and cycling distances are consistent with the existing subdivision pattern.
Connecting Open Spaces		
a) Locating and connecting new and existing open spaces which protect and maintain:		
<ul style="list-style-type: none"> nature reserves, conservation areas, park lands and environmental protection area 	YES	As stated above the key open space facilities within the village is the Crown Reserve located diagonally adjacent the proposed development and unformed River Street along the River foreshore. Whilst there is no formal public access constructed within the River Street corridor, this reserve area and the Crown Reserve are linked by the existing road network. The subject proposal also has access to this road network.
<ul style="list-style-type: none"> The natural and rural setting of the settlement including the scenic values of the visual catchment 	YES	The proposed subdivision is a low density subdivision which does not require dedication of additional open space areas
<ul style="list-style-type: none"> Remnant native vegetation 	YES	No such open space dedication is required with this proposal
b) establishing continuous ecological corridors to incorporate existing remnant vegetation by connecting reserves and conservation areas from the hinterland or surrounding mountains to the coastal edge	YES	Such corridors exist within and along the existing Crown Reserve and unformed road reserves. The development site has no potential to improve on this arrangement. The development will require the preparation and

		implementation of a Vegetation Management Plan for the rehabilitation of the dry gully within lots 19-22.
c) providing setbacks to protect property from the effects of coastal erosion, flooding and bushfire	YES	The subject proposal is setback a minimum of 140 metres from the Clarence River and is generally above RL 12m AHD which ensures minimal impact from flooding and coastal erosion hazards. The land is mostly cleared and the NSW Rural Fire Service has previously issued the proposed development a Bush Fire Safety Authority
d) locating open spaces to build on the special attributes of an area for long-term public amenity and identity of the place. An open space network may include hilltops, river frontage, mature trees, and places with panoramic views, rocky outcrops and remnant vegetation	YES	Future development of the residue lot will provide an opportunity to consider open space provisions along the river foreshore.
e) where feasible preserving settings for places of cultural heritage with the open space network	YES	There are no sites of cultural or heritage significance on the land.
f) Providing areas within the open space network sufficient to detain and cleanse stormwater runoff and avoid impacting sensitive ecologies	YES	Water sensitive control measures, such as rainwater tanks, grass swales and site specific onsite wastewater disposal units combined with relatively large residential lots will negate any requirement for providing stormwater detention basins.
g) Establishing edge open spaces with streets and pedestrian pathways. These are best located within the development footprint of the settlement, rather than in an open space zone.	YES	This is achieved within the subdivision design. The proposed road reserve is 20 metres wide and is sufficiently wide enough to accommodate pedestrian pathways.
h) Providing pedestrian and cycle access that:	YES	No such pedestrian or cycle access is proposed
i) does not compromise the ecological values of high conservation areas		
ii) connects important places throughout the settlement	YES	The proposed access road will be utilized as a pedestrian/cycle access, and this links with the existing settlement.
iii) connects residential areas to commercial and retail locations without compromising the visual, aesthetic or ecological values of the foreshore	YES	Whilst there are limited commercial and retail locations within the Woombah area, the proposal does not link with these facilities. However, it will allow for infill development that will make use of existing commercial and retail services.
i) Providing a variety of large and smaller open spaces to serve a range of different active and passive recreational roles, for example: <i>a. Playing fields</i> <i>b. playgrounds and small pocket parks</i> <i>c. walking and cycling connections</i> <i>d. places and activities for people with</i>	N/A	<i>a. Playing fields</i> The proposed subdivision is not significantly large enough to warrant dedication of land for playing fields. S. 94 contributions for active open space in the context of the Woombah catchment will be a requirement of development consent. <i>b. playgrounds and small pocket parks</i>

physical disabilities		<p>There is such a playground located diagonally opposite the subject land.</p> <p><i>c. walking and cycling connections</i> These connections are made via the proposed road network.</p> <p><i>d. places and activities for people with physical disabilities</i> There are currently limited places in Woombah for people with a disability and the proposal ensures a link with these places via the proposed road network.</p>
j) Co-locating recreational facilities with shops, schools and other facilities to reduce parking and minimise walking distances.	N/A	No such facilities are proposed or required by a development of this scale. The proposed development links with the existing settlement through the road structure.
k) Landscape design of open spaces should reflect the different qualities of the location and their function	N/A	There is no such requirement for open space and it is not proposed by the application.
Protecting the Natural Edges		
1. Defining the key characteristics and functions of public spaces along the foreshore with particular regard for sites of significant social and cultural importance.	YES	The proposed development is displaced from the foreshore and no public space is proposed along the foreshore.
2. Maintaining foreshore areas and setbacks in public ownership	YES	The river foreshore is in private ownership and the proposed development is displaced from the foreshore.
3. Ensuring that existing and remnant native vegetation is protected through generous setbacks and defined points of access	YES	Minimal vegetation is proposed to be removed (5 trees) to facilitate the development and restrictions will be imposed on new lots to protect sensitive environmental zones. A VMP is to be implemented to rehabilitate the dry gully within the site.
4. Providing pedestrian access to and along the foreshore with provision for those with less mobility.	YES	There is currently limited formal pedestrian access to the foreshore and the proposal is generally consistent with community expectations and strategic planning for public access to the foreshore.
5. Avoiding the remodeling of foreshore areas to ameliorate coastal processes by buildings or other structures.	YES	No development is proposed along or adjacent the foreshore.
6. In new areas providing edge roads (or unformed pedestrian pathways) between all urban areas, foreshore reserves and orient streets to provide: a. direct pedestrian access to the foreshore b. views to the foreshore as well as distant views and vistas	YES	<p>a. Pedestrian access to the foreshore is directed along the existing road network through the existing settlement</p> <p>b. The proposed subdivision design provides views to the foreshore as well as distant views and vistas.</p>
7. Defining clear pedestrian and vehicular entry points and access routes through the	YES	No development is proposed along or adjacent the foreshore.

foreshore reserve to reduce the impact of traffic through dunes, coastal vegetation and other fragile areas.		
8. Designing and locating foreshore facilities, such as carparks, toilet blocks and picnic areas, to reduce their visual intrusion on the foreshore, view corridors and vistas.	YES	No foreshore facilities are proposed.
9. Encouraging public rather than private jetties and boat facilities.	YES	No development is proposed along or adjacent to the foreshore, and no jetties or boat facilities are proposed
10. Ensuring the ecological integrity of vegetation on the foreshores and headlands is not compromised by creating views and outlook from private properties and by encouraging filtered views.	YES	No development is proposed along or adjacent the foreshore and no vegetation is proposed to be removed along the foreshore to facilitate the subdivision.
11. Areas adjoining freshwater estuarine, coastal habitats and the coastal edge are managed to reduce land use impacts through setbacks that also supports the protection of properties from erosion, protection of sensitive ecologies, provision of public access along the foreshore and to natural areas, provision of visual amenity along the foreshore, protection of properties from the effects of sea-level rise, improvement of water quality.	YES	The proposed development is displaced (by over 140 metres) from the foreshore and there will be no impact on the coastal edge as a result of the proposal.
12. Setbacks should also address coastal erosion hazards such as storm surge events and river flooding, long-term shoreline recession and sea-level rise, cliff retreat and catastrophic collapse, sand drift hazard, entrance stability, estuarine erosion and changes in tidal current position.	YES	The proposed development is setback some 140 metres from the foreshore and is generally above RL 12 AHD, thus eliminating the impact of coastal hazards on the development site.
13. Setbacks are designed to protect ecosystems and reserves covered under SEPP 14 wetlands, SEPP 26 littoral rainforest, SEPP 53 koala habitat as well as salt-marsh and mangrove communities, riparian vegetation, frontal dunes and headlands, national parks, protected areas and reserves.	YES	The proposal development is setback 140 metres from the Clarence River foreshore in order to provide maximum protection to the foreshore ecosystem.
14. For new developments the foreshore setbacks should be at least 50m wide as a precautionary measure where possible.	YES	The proposed development is setback approximately 140 metres from the foreshore.
15. Setbacks may need to be marked and their vegetation preserved. Setbacks should where possible be increased to 100m or more where they are adjacent to ecologically sensitive areas or in situations where the coastal erosion hazard requires greater distance.	YES	The proposed development is setback approximately of 140 metres from the foreshore.
16. Setbacks from redevelopment should	YES	The proposed development is located

consider a 100 year planning timeframe to address shore line retreat and sea-level rise.		approximately 140 metres from the river foreshore and is above RL 12 metres AHD thereby ensuring consistency with the 100 year planning time frame.
17. Coastal estuary planning for local areas must detail the issues place specifically and follow guidelines in the Coastal Zone Management Manual	YES	There are no specific issues which relate to the Woombah area.
18. Development on frontal dunes is avoided.	NA	The subject land is not in a beach environment.
19. Set new development back from the foreshore edges of the ocean, lakes and other waterways to protect visual amenity and create opportunities for public access	YES	The proposed development is set back 140 metres from the foreshore and there are further opportunities to create public access to the foreshore through the future development of the residue lot.
20. The design of buildings and other structures on properties adjoining the foreshore complements the function and character of the foreshore.	YES	No buildings or structures are proposed upon the residue lot which adjoins the foreshore.
21. Setbacks in public ownership wherever possible, allow opportunities for public access and have limited development including no roads, private allotments, infrastructure and retaining walls in these locations.	YES	No development is proposed along or adjacent to the foreshore.
Reinforcing the Street Pattern		
1. Building on the original and established street and block patterns in terms of the pattern of circulation, access to lots and uses.	YES	The existing road pattern has been adopted to access the proposed development.
2. Ensure the settlement is easily navigable and logical in terms of access and location of uses.	YES	The proposal complies with this requirement and is consistent with the recommendations of Council and the RTA.
3. Optimise the number of connections within the street hierarchy. The traditional grid provides high accessibility and permeability for pedestrians and vehicles.	YES	The proposal complies with this requirement. The proposed access can be extended to service future development and the existing caravan park to the west to provide permeability.
4. Recognise or design street in response to the topography and other natural features by ensuring a predominance of streets that relate to the original landform.	YES	The proposed subdivision layout has been designed to run parallel with the contours of the site.
5. Protect streets that provide access and views to the coast, foreshores and headlands, other significant natural features and places of public importance	YES	The proposed layout maximizes river and foreshore views for all of the new lots.
6. Allow for changes on private land whilst valuing the qualities of individual streets including:	YES	
a. their order within the hierarchy.	YES	The road hierarchy has been maintained by using the existing road network, in consultation with council and the RTA.
b. access and street address	YES	The new lots will be serviced by the new

		internal access road which is linked to the existing road corridors.
c. carriageway, footpath, reserve alignments and building setbacks	YES	The carriageway, footpath, reserve alignments and building setbacks for the proposed development will be consistent with the existing standards in the Woombah village.
d. street trees which will offer filtered views of the coast	YES	Street trees will be planted in accordance with the local Council policy.
e. vista and view corridors	YES	Vista and view corridors for each proposed lot are ensured by the sympathetic layout of the subdivision, to the landform.
7. Minimise road crossings over waterways and waterbodies.	YES	No crossings are proposed over waters or water bodies.
8. Encourage grass swales and pervious surfaces to increase stormwater infiltration	YES	Grass swales will be utilized throughout the development for stormwater management.
The street hierarchy can be strengthened by: 9. Protecting the rural and natural character of the main access roads by restricting development fronting onto them.	YES	Development has been restricted adjacent the Illuka Road whereby the estate's proposed access point at the West Street and Illuka Road intersection has been negotiated with Council and the RTA. Furthermore, access to the new lots will be via the proposed internal road.
10. Reinforcing main streets as the commercial and social heart of the settlement.	YES	The proposed subdivision layout utilizes the existing road network to link into the existing Woombah settlement.
11. Developing public edge roads around the settlement to provide separation between urban areas and sensitive ecologies and open-space areas. This provides asset protection zones for bushfire management and access to open spaces, foreshores and headlands.	YES	The proposed subdivision design focuses on developing the northern part of the land, adjacent to Illuka Road and away from the river foreshore.
12. Limiting fast moving traffic in residential streets.	YES	The proposed access road is a relatively short road which will end in a temporary cul-de-sac. It will not encourage fast moving traffic.
13. Protecting laneways in residential and commercial areas from being built into or over.	YES	No such lane ways exist or are proposed.
14. Establish a system of pedestrian pathways throughout then settlement and between settlements	YES	The existing road corridors are sufficiently wide enough to be utilised as pedestrian pathways, in a similar fashion to that which exists in the village.
15. Reinforcing streets with appropriate street vegetation planting.	YES	Street vegetation will be carried out in accordance with Council's policy.
Appropriate buildings in a coastal context		
No buildings are proposed under this application. The application is for a residential subdivision and any dwellings will be the subject of a further development application.		