



Belle O'Connor Residential Subdivision

*Modification Assessment
(MP 08_0167 MOD 2)*



November 2018

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Cover photo

Residential area. Port Macquarie, NSW.

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	Kempsey Shire Council
Department	Department of Planning and Environment
DPI	Department of Primary industries
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RFS	Rural Fire Service
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>



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1. Introduction

1.1 Background

This report is an assessment of a request to modify the Project Approval (MP 08_0167) for a residential and seniors living subdivision at Belle O'Connor Street, South West Rocks in the Kempsey local government area (LGA).

The request has been lodged by Keiley Hunter Town Planning on behalf of Teebee Property Trust (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to amend the residential subdivision by modifying the location, layout and number of residential lots, road network layout and access, bushfire asset protection zone requirements and supporting services.

1.2 Site

The subject site covers an area of approximately 28 hectares (ha) and is located at South West Rocks. South West Rocks is located on the New South Wales mid-north coast approximately 28 kilometres (km) to the north-east of Kempsey and 65km to the south of Coffs Harbour (refer to **Figure 1**).



Figure 1: Site location (outlined in red) and subdivision boundary (highlighted blue and outlined in a dashed line) (Base source: Nearmap)

To the north of the site is the future residential development site known as Saltwater. To the north-east is the Saltwater Lagoon and an extensive area of coastal wetlands which borders the lagoon and extends into the north-eastern portion of the site. The South West Rocks Sewage Treatment Plant adjoins the north-western corner of the site, and the South West Rocks Golf Course is situated along the site's western boundary. A small number of rural-residential properties are located directly to the east and south-east. A Crown road acts as the site's southern boundary with low density residential housing development located to the south-west (refer to **Figure 2**)



Figure 2: Aerial view of the site location (outlined in red), its surroundings and the subdivision boundary (outlined in blue dashed line) (Base source: Nearmap)

This modification request relates solely to the western part of the site, known as Stages 5 and 6 (refer to **Figures 3 and 4**)

1.3 Approval History

On 3 June 2011, the Planning Assessment Commission (the Commission) approved a Project Application (MP 08_0167) for a residential subdivision (the Project Approval) including low and medium density residential lots, parks conservation zone and roads.

The Project Approval has been modified on two occasions, as summarised in **Table 1**.

Table 1: Summary of modifications to the Project Approval

MOD No.	Summary of Modifications	Approval Date
MOD 1	Provision of four additional residential lots, reduction of bushland exercise park, enlargement of the central open space, modifications to the stormwater treatment system, road network layout, project staging and section 94 contributions.	6 Aug 2013
MOD 3	Deletion of 122 residential lots and creation of a seniors living lot for 199 dwellings, amended road layouts, relocation and reduction in the size of the public park, boundary adjustment and overall staging of the development.	19 Dec 2017
MOD 4	Administrative changes to the conditions of approval.	16 October 2017
MOD 5	Extension of the seniors living development further to the west into Stage 3 and part of Stage 2.	Withdrawn

The Project Approval as modified includes:

- 161 low density residential lots constructed in eight stages
- 199 Senior Living Development lots and associated amenities
- one medium density lot
- internal public road network
- public open space areas with recreation facilities
- a network of pedestrian and cyclist pathways
- a 14.9ha conservation zone
- two stormwater treatment areas
- on-site landscaping works.

Since the Project Approval, Kempsey Shire Council (Council) has issued Construction Certificates relating to the bulk earthworks for Stage 1A of the project.

The approved layout and staging of the Project Approval (as modified) is shown in **Figures 3 to 4**.



Figure 3: The Project Approval layout (the modification site outlined red) (Base source: MP08_0167 MOD 3)

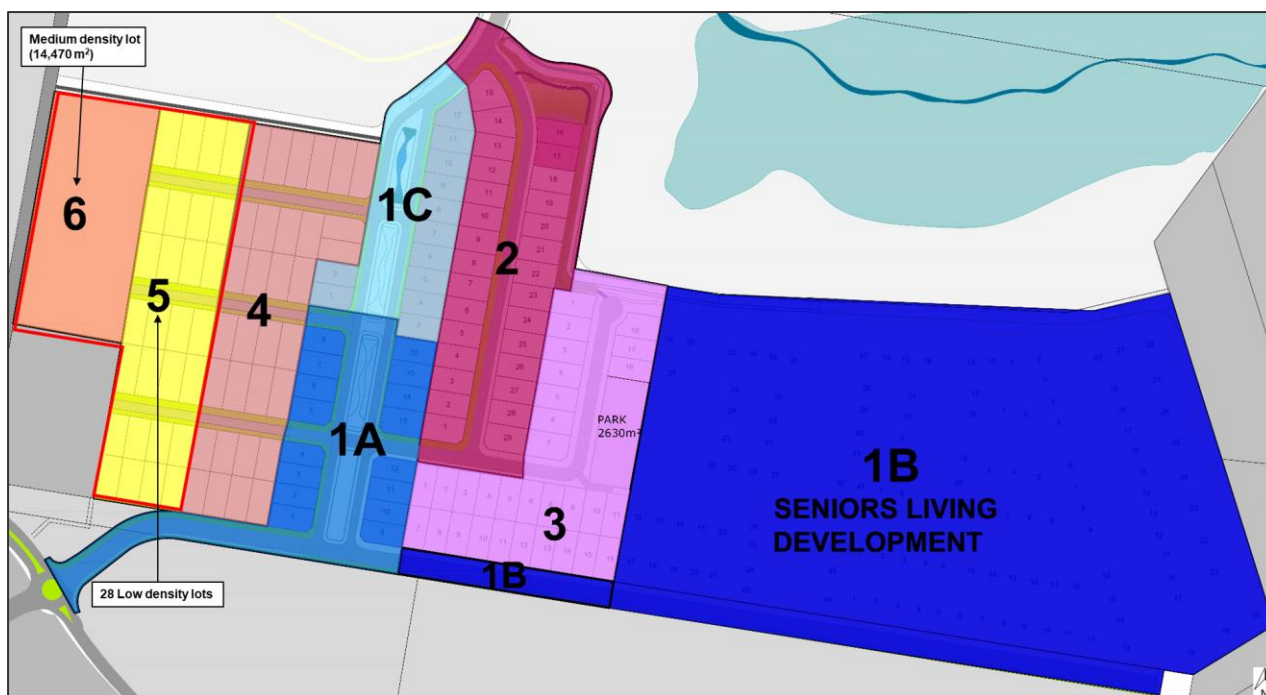


Figure 4: Project Approval staging plan (the modification site highlighted red) (Source: MP08_0167 MOD 3)



2. Proposed Modification

On 14 October 2016, the Proponent lodged a section 75W modification application (MP 08_0167 MOD 2) seeking approval for the following modifications to the residential subdivision located within Stages 5 and 6:

- amend the size, location and layout of residential lots
- deletion of medium density lot and increase of 14 low density residential lots (from 28 to 42 low density residential lots) ranging in area from 500 square metres (m²) to 844 m²
- amend and provide a new internal road network
- create a new public vehicular access to allow lots 1 to 42 to be released independently of the adjoining stages
- amend bushfire asset protection zone requirements
- provision of essential services and infrastructure.

The modification is requested on the basis that the:

- the modified subdivision layout of Stages 5 and 6 enable it to occur independently of rest of the subdivision
- land within all other stages of the development is now held in separate ownership and the development of Stages 5 and 6 should not be restricted or delayed by the subdivision program of those adjoining stages
- development of Stage 6 for medium density residential development is not compatible with the low density character of the surrounding area and the Kempsey Development Control Plan (KDCP) 2013 density controls.



Figure 5: Approved (left) and proposed (right) residential lot layout within stages 5 and 6 (Base source: Proponent’s application and RtS)



3. Statutory Context

3.1 Section 75W

The project was originally approved under Part 3A of the EP&A Act. The project is a transitional Part 3A project under Schedule 2 of the EP&A (Savings, Transitional and Other Provisions) Regulation 2017. The power to modify transitional Part 3A projects under section 75W of the EP&A Act, as in force immediately before its repeal on 1 October 2011, is being wound up – but as the request for this modification was made before the ‘cut-off-date’ of 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the carrying out of the project under section 75W of the EP&A Act.

The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act.

3.2 Consent Authority

The Minister for Planning is the approval authority for the request. However, the Executive Director, Key Sites and Industry Assessment may determine the application under delegation as:

- the relevant local council has not made an objection

- a political disclosure statement has not been made
- there are no more than 25 public submissions in the nature of objections.



4. Engagement

4.1 Department's Engagement

The Department made the modification request publicly available on its website, and consulted with Council, the Rural Fire Service (RFS), Roads and Maritime Services (RMS) and Office of Environment and Heritage Regional Operations (OEHR) about the proposed modification.

Council does not object to the proposal. However, it has provided the following comments:

- it should be demonstrated how utilities, roads, vehicular access, open space and stormwater treatment will be supplied/provided in the event that Stages 5 and 6 are developed independently of the remainder of the subdivision
- an assessment of the traffic impacts associated with the new road connection to Burrawong Drive is required
- further assessment of the internal road layout is required, in particular the creation of dead-end roads
- water quality should be maintained and stormwater infrastructure should meet the requirements of the subdivision
- appropriate building envelopes should be provided, which have regard to building setbacks and bush fire APZs
- the condition relating to developer contributions should be updated to reflect the modified proposal.

RFS did not support the proposal and raised the following concerns:

- the plan of subdivision does not indicate the required bush fire Asset Protection Zones (APZs) or fire trail and the drainage easement should be more clearly shown
- the APZ to the north is partially located on adjoining land, consent from the adjoining owner and confirmation of management is required
- further justification is required for the provision of a drainage easement (rather than perimeter road) as separation between urban area and bushland
- further justification should be provided for the deletion of the APZ to the adjoining property.

OEHR does not object to the proposal and has provided the following comments:

- a biodiversity offset should be determined/secured as part of this modification application
- all bushfire Asset Protection Zones should be contained within the subject property boundary and not impact on biodiversity values.

RMS does not object to the proposal. However, it provided the following comments:

- an assessment of traffic impacts as a result from the increase in residential lots is required
- any new intersection should be appropriately located and designed to safely accommodate vehicle, pedestrian and bicycle movements generated by the development.

One public submission was received in relation to the proposal, which raised the following key issues:

- timing of roads
- stormwater drainage
- staging of the development.

4.2 Response to Submissions

On 2 March 2017, the Proponent provided a Response to Submissions (RtS) (**Appendix A**). The RtS contains further information and clarification of the key issues raised in public submissions and by the government authorities. The RtS did not include any amendments to the proposal.

The Department made the RtS publicly available on its website and referred the RtS to relevant government authorities.

Council considered the RtS and provided the following additional comments:

- the request should be considered against clause 6.3 (Development Control Plan) of the KLEP 2013
- the subdivision of Stages 5 and 6 should address its own impacts and not rely on the services / infrastructure provided within the remaining stages, which are under separate ownership
- stormwater infrastructure is prohibited within the E2 Environmental Conservation zone
- clarification is needed of how stormwater infrastructure will be managed
- the site should include its own open space areas.

RFS considered the RtS and does not object to the proposal. It recommended amendments to existing conditions and new conditions relating to APZs, easements and fire trails.

OEH considered the RtS and recommended conditions relating to the provision of biodiversity offsets, dedication of offset land to Council and preparation of a Vegetation Management Plan.

RMS considered the RtS and confirmed it has no further comments on the proposal.

On 11 May 2018, the Proponent provided a supplementary RtS (**Appendix A**), which included:

- amendments to the size, location and layout of residential lots,
- a reduction in the number of lots within stage 5 and 6 from 43 to 42
- amendments to the new public vehicular access connection to Burrawong Drive
- amendments to the bushfire asset protection zones (APZ) so they are located wholly within the site boundary
- amendments to the stormwater connection and infrastructure.

On 10 September 2018, the Proponent submitted an amended traffic report assessing the new road connection from Burrawong Drive to Stages 5 and 6.

Council reviewed the supplementary information and confirms it has no objection to the proposal, including the new road connection, subject to the imposition of the following restrictions:

- a minimum finished floor level of 4.1 metres AHD for all habitable structures
- no vehicular access across the southern boundaries of Lots 1, 2 and 3 in Stage 5.

RFS recommended a condition be included requiring the fire trail to be provided in accordance with *Planning for Bushfire Protection 2006*.

OEH recommended conditions to ensure the dedication and rehabilitation of the conservation zone reflects the proposed staging.

On 29 October 2018, the Proponent submitted an updated Layout Plan showing a modified boundary between Stages 5 and 6, and the fire trail along the northern boundary of Stages 4,5 and 6 located within the R1 zoned land.



5. Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification request and associated documents
- the Environmental Assessment and conditions of approval for the original project
- all submission received on the proposal and the Applicant's response to the submissions
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department has assessed the potential impacts associated with the proposal in **Table 2**.

Table 2 | Summary of other issues raised

Issue	Findings	Recommended Condition
<i>Subdivision design / layout</i>	<ul style="list-style-type: none">• The proposal seeks to amend the approved residential subdivision layout within Stage 5 and 6 by:<ul style="list-style-type: none">◦ amending the size, location and layout of residential lots◦ deleting the medium density lot and replacing it with 14 low density residential lots ranging in area from 500 m² to 844 m²• Council and the Department initially raised concern about the subdivision and internal road layout, in particular, the proposal to dead end connecting roads to the adjoining subdivision with cul-de-sacs.• In response, the Proponent reconfigured the subdivision layout to delete all cul-de-sacs, improve connections to the internal road network and reconfigure lot layouts and orientations. The Proponent also provided an assessment against the requirements of the KDCP 2013.• The Department is satisfied the revised internal road and lot layout is acceptable as:<ul style="list-style-type: none">◦ it provides for a grid subdivision pattern that is appropriately integrated into the remainder of the residential subdivision◦ the revised lots would meet Council's minimum lot size and are capable of accommodating houses with sufficient setbacks, landscaping, solar access and amenity.	No additional conditions or amendments necessary.

	<ul style="list-style-type: none"> The Department also considered the modification request against clause 6.3 of the KLEP 2013 at Appendix C. The Department is satisfied the proposal meets the aims and objectives of clause 6.3 of the KLEP 2013. The Department therefore considers the proposed subdivision and road layout would provide acceptable connectivity and amenity. 	
<i>Vehicular access</i>	<ul style="list-style-type: none"> Council recommended the modified subdivision within Stage 5 and 6 should be provided with its own vehicle access. In response, the Proponent amended the proposal to include a new intersection and road connecting Burrawong Drive to Road 1, providing Stage 5 and 6 with its own independent site access. The Proponent also submitted a Traffic Assessment (TA) which considered the design of the intersection and road against the KDCP and associated 'Engineering Guidelines for Subdivision and Development'. The Traffic Assessment concludes the intersection and road connection are acceptable and would meet Council's requirements. The Department is satisfied the new intersection and road connection provide for an appropriate access point to the site and are acceptable as: <ul style="list-style-type: none"> The intersection is consistent with the KDCP requirements in terms of design, spacing and sight distances the new intersection and road connection allow the Stages 5 and 6 to be developed independently of the remainder of the site Council reviewed the TA and raised no issues with the design or location of the proposed road connection. The Department is therefore satisfied the proposed road connection and intersection would provide adequate access for the site, and allow Stages 5 and 6 to be developed independently. The Department also notes the proposal would not result in an increase in traffic generation as the overall density of the development would reduce as a result of replacing the medium density lot with single dwelling lots. 	The Department has recommended updated conditions A5 and B9 regarding the timing and design of the new intersection and road connection.
<i>Access from Burrawong Drive</i>	<ul style="list-style-type: none"> Council recommended that a restriction be imposed on lots 1, 2 and 3 preventing vehicular access across the southern boundary of those lots to Burrawong Drive. The Proponent argues the restriction is unreasonable as Lots 1 and 2 have adequate sight distance to safely enter and exit onto Burrawong Drive, and Lot 3 would gain access from the adjoining road (Road 1). The Department considers the restriction is unnecessary given the current approval relies on access to these lots being provided from Burrawong Drive and the lots further to the east would also gain direct access to Burrawong Drive. Further, the Department considers there is no alternative access arrangement that could be provided to Lots 1 and 2 without significantly redesigning the subdivision layout. To minimise the potential impacts of the lots accessing Burrawong Drive, the Department recommends the driveways for lots 1 and 2 be combined. Subject to the recommended condition, the Department is gaining access from Burrawong Drive for lots 1 and 2 is acceptable. 	Amended condition E5 is recommended requiring the driveway for Lots 1 and 2 to be combined.
<i>Bushfire risk</i>	<ul style="list-style-type: none"> RFS initially raised concern about the proposed design of the subdivision and potential bushfire risk. RFS also recommended the fire trail be contained within an APZ, and detail about the management and ownership be provided. OEH recommended all APZs be contained within the site and not extend into the adjoining conservation land. In response to RFS' and OEH's concerns, the Proponent amended the bushfire 	The Department has recommended condition B28 and E5 be modified to require the provision of the APZs and the

	<p>strategy for the site including:</p> <ul style="list-style-type: none"> o a 21 m wide APZ within and along the northern boundary of the site (lots 25-32) o an 8 m wide APZ along the eastern boundary (lots 33-39) o the relocation of fire-trail from the environmental conservation area to within the new APZ within lots 25 to 32. <ul style="list-style-type: none"> • Following consideration of the revised Bushfire Strategy, RFS now supports the proposal subject to conditions requiring the approved fire trail to be included within an APZ and appropriately constructed. • Based on the revised Bushfire Strategy, the Department considers the proposal adequately addresses the requirements of RFS. • The Department has also recommended conditions requiring the provision of the APZs and dedication of the fire trail to Council. • To address OEH's concerns about the fire trail being located within the E2 zoned land, the Department recommends a condition be imposed requiring updated plans to be submitted showing the fire trail within the residential zoned land. This is also consistent with the original approval which required the fire trail to be located within the residential zoned land. • The Department is therefore satisfied bushfire risks can be appropriately mitigated and managed, subject to conditions. 	<p>relocation of the fire trail.</p> <p>New Condition E14 is recommended requiring the fire trail to be dedicated to Council.</p>
Stormwater infrastructure	<ul style="list-style-type: none"> • Council and the Department raised concern about the stormwater infrastructure being located within the E2 Conservation Area zone to the north of the proposed subdivision and that the site should not rely on infrastructure within adjoining stages. • In response, the Proponent amended the proposal to provide all stormwater management infrastructure within the site, including: <ul style="list-style-type: none"> o piped inter-allotment drainage o connection to the approved north/south bio-retention swale in Stage 1A serving all stages of the development o provision of a temporary bio-retention swale within residential lot 25 for use until the site-wide bio-retention swale in Stage 1A has been completed. • The Department notes the site is provided with all other essential services, including water, sewerage and vehicle access to allow it to be subdivided independently of the remaining stages. • The Department has recommended the following conditions to ensure stormwater is managed appropriately as a result of the proposed modification: <ul style="list-style-type: none"> o Condition B8 be modified to require an interim on-site stormwater detention and treatment basin to be constructed, in accordance with Council's requirements, if the works approved under MOD 2 are commenced before the other stages. o Condition B12 be updated to require updated water quality and stormwater reports specifically for the modification site (Stages 5 and 6) in the event it is developed before the remainder of the site. o Condition B15 be modified to require details of artificial wetlands and temporary detention basins to be provided prior to the relevant Construction Certificate. • The Department considers, subject to the provision of the temporary bio-retention swale, stormwater can be appropriately managed on the site and the proposal would not result in any detrimental impacts on adjoining environmentally sensitive area. 	<p>The Department has recommended modified conditions B8, B12 and B15 to ensure stormwater impacts are appropriately managed.</p>

<i>Flooding</i>	<ul style="list-style-type: none"> • Council initially recommended all finished floor levels (FFL) be limited to 4.3 m AHD for all habitable structures. However, after reviewing the previous flooding assessments prepared for the development, Council confirmed that the FFL should be maintained at 4.1 m AHD as per the original approval. • The Department notes condition E5 already includes a restriction limiting all FFLs to 4.1 m AHD, which was determined by an independent flooding expert. • Subject to the existing condition of approval, the Department is satisfied the proposal would not result in any additional flood impacts beyond those already assessed and approved. 	No additional conditions or amendments necessary.
<i>Biodiversity Offsets</i>	<ul style="list-style-type: none"> • Condition E8 requires the Proponent to rehabilitate and dedicate to Council 14.9 ha of conservation zone, as an offset for the development's biodiversity impacts, prior to the issue of a Subdivision Certificate. • Condition B14 currently requires the Proponent to prepare a Vegetation Management Plan (VMP) for all the Wetland Protection and Environmental Protection zoned land on the site, which includes provision for the dedication and rehabilitation of the conservation land. • Given the subdivision of Stages 5 and 6 are likely to be undertaken independently of the remainder of the site, OEH recommended the dedication and rehabilitation of the land be staged to take account of the separate ownership and subdivision of the site. • The Proponent also proposed to modify Condition E8 to require a separate VMP for Stages 1 to 4, and Stages 5 and 6 to allow for independent development of these stages. • OEH reviewed the proposed conditions, and raised no objection, but suggested they be modified to refer to each proportionate area of the conservation land. • The Department considers that it is reasonable to stage the dedication and rehabilitation of the conservation land, given Stages 5 and 6 are likely to proceed independently of the remaining stages. The Department has also recommended Condition B14 and E8 be updated, as recommended by OEH, to ensure the rehabilitation and dedication of conservation land and the VMP reflect the proposed staging. • Subject to the recommended conditions, the Department is satisfied the potential biodiversity impacts associated with the proposal would continue to be appropriately mitigated and managed. 	The Department recommends conditions B14 and E8 be amended to require the staged dedication / rehabilitation of the conservation land.
<i>Coastal SEPP</i>	<ul style="list-style-type: none"> • The Coastal SEPP identifies the site as located within: <ul style="list-style-type: none"> ◦ Coastal Wetlands and Proximity Area for Coastal Wetlands and clauses 10 and 11 apply ◦ Coastal Environment Area and Coastal Use Area and clauses 13 and 14 apply. • Clauses 10, 11, 13 and 14 of the Coastal SEPP require the consent authority to be satisfied the following matters (see Appendix D) are addressed in respect of all applications. • Based on the assessment at Appendix D, the Department is satisfied the modification is consistent with the requirements of the Coastal SEPP and it would not result in any unreasonable impacts on the Coastal Environment or Use area. 	No additional conditions or amendments necessary.

Contributions

- Council recommends the contributions within condition E10 Section 94 Contributions be updated to reflect the modification.
- The Department agrees the contributions should be updated to reflect the modifications and recommends condition E10 be updated accordingly.

The Department has recommended condition E10 be updated to take account of the modification.



6. Evaluation

The Department has assessed the modification request and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposed modification is appropriate as:

- the increase of 14 low density lots is minor in nature and unlikely to have any adverse amenity impacts
- the revised internal road and lot layouts provide for an appropriate subdivision pattern and meet Council's standards
- the site would be provided with its own independent access and essential services satisfactorily allowing it to be developed independently of the remainder of the site
- bushfire risk can be appropriately mitigated and managed, subject to recommended conditions of approval
- conditions are recommended requiring the fire trail and stormwater infrastructure to be wholly located within the residential zone
- the Department has recommended a condition requiring an interim on-site stormwater detention and treatment basin to be constructed in Stage 5, in accordance with Council's requirements, if works are commenced prior to the other stages.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.



7. Recommendation

It is recommended that the Executive Director, Key Sites and Industry Assessments, as delegate for the Minister for Planning:

- **consider** the findings and recommendations of this report
- **determine** that the request falls within the scope of section 75W of the EP&A Act
- **approve** the Belle O'Conner modification application (MP 08_0167 MOD 2), subject to conditions
- **sign** the attached notice of modification (**Appendix C**).

Recommended by:

Anthony Witherdin

Director

Regional Assessments



8. Determination

The recommendation is: **Adopted by:**

Anthea Sargeant

Executive Director

Key Sites and Industry Assessments



Appendices

Appendix A – Statement of Environmental Effects/ Environmental Assessment

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8023

Appendix B – Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8023

Appendix C – Notice of Modification

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8023

Appendix D – Kempsey Local Environmental Plan 2013 (Clause 6.3)

The Kempsey Local Environmental Plan (KLEP) 2013 identifies the land to which the original Project Approval relates is an urban release area. Therefore, if the request was not a 'transitional Part 3A project' it would be subject to the requirements of clause 6.3 of the KLEP 2013, which requires development be staged, subject to a development control plan and specific controls.

The Department has considered the proposal against the specific requirements of clause 6.3 in **Table 3** below and concludes that the proposal includes appropriate controls and is acceptable overall.

Table 3: Consideration of clause 6.3 of the KLEP 2013

Clause 6.3(3) – requirements	Department Response
(a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,	The modification proposes that the subdivision be undertaken in a single stage and that it occur independently of the other stages of the Concept Plan to the east. The Department is satisfied the subdivision has provided the necessary essential services for this to occur.
(b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,	The proposed layout of the subdivision includes roads and pathways laid out in a grid pattern, which ensures the site is highly permeable and accessible for future residents.
(c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,	The modification does not propose to alter the approved concept landscape plan for the site, which includes open spaces and landscaping. As discussed at Section 7 , the subdivision has access to the public park within the residential component of the site that is located in a central location allowing ease of access for future local residents.
(d) a network of active and passive recreation areas,	Refer to comment above.
(e) stormwater and water quality management controls,	As discussed at Section 7 , the Department considers that the proposed stormwater strategy for the site is acceptable.
(f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,	The modification has been amended to ensure it has an appropriate bushfire strategy. Flooding and the environment were considered in detail as part of the Department's assessment of the Project Approval. The amendments to the residential subdivision are not

considered to result in any additional impacts beyond what has already been considered.

(g) detailed urban design controls for significant development sites,

The subdivision includes appropriate setbacks and building envelopes to ensure future residential development is acceptable.

(h) measures to encourage higher density living around transport, open space and service nodes,

This is not applicable to the site.

(i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,

This is not applicable to the site.

(j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.

The site is provided with its own vehicular access point allowing it to be subdivided independently of the other stages of the Concept Plan to the ease. On-site car parking is likely to be included as part of future development residential developments.

Appendix E – Consideration of Coastal SEPP

Table 4: Coastal SEPP, clauses 13 and 14 matters for consideration

Coastal SEPP matters for consideration	Comment
Clause 10 – Coastal Wetlands	
<p>(1) The following may be carried out only with development consent:</p> <p>(a) the clearing of native vegetation</p> <p>(b) the harm of marine vegetation</p> <p>(c) the carrying out of any of the following:</p> <p>(i) earthworks (including the depositing of material on land),</p> <p>(ii) constructing a levee,</p> <p>(iii) draining the land,</p> <p>(iv) environmental protection works,</p> <p>(d) any other development.</p>	<p>The area mapped Coastal Wetland under the Coastal SEPP is located at the north-western periphery of the overall project site and would not be affected by the current modification.</p>
Clause 11 – Development on Land in Proximity to Coastal Wetlands	
<p>(1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:</p> <p>(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland</p> <p>(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland</p>	<p>The area mapped Coastal Wetland under the Coastal SEPP is located at the north-western periphery of the overall project site and would not be affected by the current modification.</p>
Clause 13 – Coastal environmental area	
<p>(a) is not likely to cause adverse impacts on the biophysical, hydrological (surface and groundwater) and ecological environment, and</p>	<p>The modification does not propose to change the footprint of the development and would not have any additional environmental impacts.</p>
<p>(b) is not likely to significantly impact on geological and geomorphological coastal processes and</p>	<p>Refer to (a) above.</p>

features or be significantly impacted by those processes and features, and

(c) is not likely to have an adverse impact on the water quality of the marine estate, and	Refer to (a) above.
(e) will not adversely impact Aboriginal cultural heritage and places, and	Refer to (a) above. The modification would not have any archaeological impacts.
(f) incorporates water sensitive design, including consideration of effluent and stormwater management, and	The modification includes appropriate drainage infrastructure and would connect to existing (or temporary) effluent and stormwater infrastructure.
(g) will not adversely impact on the use of the surf zone.	The site is not located near the surf zone.

Clause 14 – Coastal use area

(i) if near a foreshore, beach, headland or rock platform—maintains or, where practicable, improves existing, safe public access to and along the foreshore, beach, headland or rock platform, and	The site is not located near a beach, headland or rock platform.
(ii) minimises overshadowing, wind funnelling and the loss of views from public places to foreshores, and	The modification would not have any overshadowing, wind or view impacts from public places to the foreshore.
(iii) will not adversely impact on the visual amenity and scenic qualities of the coast, including coastal headlands, and	The proposed works would not have an adverse visual impact.
(iv) will not adversely impact on Aboriginal cultural heritage and places, and	Refer to (e) above.
(v) will not adversely impact on use of the surf zone, and	Refer to (g) above.
(b) has taken into account the type and location of the proposed development, and the bulk, scale and size of the proposed development.	The proposed subdivision works are contained within the original approved site and stage boundary and continue to be considered acceptable.