

Forster Palms Estate -The Southern
Parkway, Forster
***Preliminary Assessment of a Part 3A
Project Application***



Davglade Pty Ltd

October 2006

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Approved by:	<u>Steve O'Connor</u>
Position:	<u>Project Director</u>
Signed:	<u></u>
Date:	<u>13 October, 2006</u>
Partner:	<u></u>
	<u>Steve O'Connor</u>

Environmental Resources Management Australia Pty Ltd Quality System

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The chapter describes the site and the project and provides relevant background information.

Environmental Resources Management Australia Pty Ltd (ERM) has been engaged by Davglade Pty Ltd to prepare this preliminary assessment of a proposed residential subdivision in South Forster. The Minister for Planning has confirmed that the project is a matter to which Part 3A of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) applies and that a project application may be lodged with the Director General. This preliminary assessment accompanies the project application and aims to assist the preparation of the Director General's Environmental Assessment Requirements.

The development of the Forster Palms Estate began many years ago and has been proceeding in stages. This is the final stage and planning for the development of this infill site began over eight years ago. Council resolved in 1998 to commence the rezoning process for this stage. Since that time, extensive environmental studies have been undertaken to confirm the site's suitability for urban development. These studies have included the *South Forster Planning Study*, *South Forster Local Environmental Study* prepared in accordance with section 57 of the EP&A Act, the *Forster / Tuncurry Conservation and Development Strategy*, *South Forster Drainage Study*, *South Forster Stormwater Flood and Pollution Control Ponds Report*, *Forster / Tuncurry Flood Study*, *Wallis Lake Stormwater Source Control Study* and *Stormwater Quality Management Report "L" Leg, South Forster*. These studies are in addition to the site specific engineering, stormwater management and geotechnical reports that have been undertaken on behalf of Davglade in relation to the proposed subdivision and drainage reserve designs.

The studies have identified the issues and mitigation measures required to ensure the development of the site proceeds in accordance with ecologically sustainable principles. The subdivision layout has been designed taking into account the findings and recommendations of these studies and reports. In this regard, the planning for the development of the site has proceeded well beyond the preliminary assessment phase.

The rezoning process is nearing completion. Council resolved at its meeting held on 26 September 2006 to forward the draft Local Environmental Plan (LEP) to the Minister for Planning with a request that the draft Plan be made under section 70 of the EP&A Act upon execution of a Deed of Agreement in relation to funding arrangements for stormwater management. The draft Deed of Agreement is currently being finalised by Council's and Davglade's solicitors and is expected to be executed by the end of October 2006.

This report sets out the key issues that have been identified by the environmental studies carried out for the site to date. It also details the mitigation strategies that have been recommended to ensure that the project can proceed on environmentally acceptable terms.

1.2

SITE DESCRIPTION

This infill site has an irregular shape and is located approximately three kilometres south of the Forster commercial area, two kilometres to the east of Wallis Lake and one kilometre to the west of the Pacific Ocean. The site comprises part Lot 6177 in DP 1099599 and is approximately 29 hectares in area. Access to the site will be from the extensions of the Southern Parkway (at the south western end of the site), Kentia Drive (to the north of the site) and Akala Avenue (at the south eastern end of the site). The site has a south eastern aspect, with the higher parts having distant views of Wallis Lake.

The northern part of the site is on the south and east facing slopes of a hill, whose crest is north of the site. The southern part of the site mostly comprises low lying flat land that is traversed by a drainage path. At the eastern end of the site the land begins to rise. The upper slopes of the site contain a mixture of closed and open forest vegetation communities while the low lying areas of the site are mostly open woodland and cleared grassland. A locality plan is provided as *Figure 1* and an aerial photograph showing the site and its surrounds is provided as *Figure 2*. The aerial photograph shows that the proposed subdivision will provide infill residential development.

1.3

PROJECT DESCRIPTION

The project is the final stage of a major residential estate (Forster Palms) that has had over 1000 lots developed and is part of Great Lakes Council's adopted urban land release strategy for South Forster.

Planning for this final stage of the Forster Palms Estate commenced over eight years ago and the detailed design has nearly been completed. Council is currently finalising the rezoning of the site from 1(c) Future Urban Investigation to part 2(a) Low Density Residential and part 6(a) Open Space and Recreation. Approximately nine hectares (or one third) of the site is proposed to be included within the 6(a) zone. This land will be dedicated at no cost to Council and be added to adjacent public reserve. The land within this zone will function as a regional habitat corridor linking reserves to the southwest with the Booti Booti National Park to the north east.

Approximately 3.6 hectares of the site will be reserved for drainage purposes. The drainage reserve will include constructed wetlands to ensure that there is no increase in pollutants leaving the site as a result of the proposed residential development. The management of stormwater quality for this site has been

Source: UBD



Figure 1 Locality Plan



Source: Geo Spectrum (Australia) Pty Ltd - Forster Palms

Figure 2 Aerial Photo

the subject of exhaustive studies and modelling and has been peer reviewed by a consultant for Council. An 'Interim Stormwater Quality Management Strategy' has been prepared for the site to demonstrate that the site can be developed prior to construction of the downstream (Section 94 funded) "L" Leg wetland while still maintaining compliance with Council's objective of 'no net increase' in pollutants on the catchment. The proposed subdivision plan, the subject of the project application, is based on the interim stormwater strategy. The interim strategy contains provisions for the management of the transition from the short term strategy to the long term rain gardens.

This project application relates to the interim subdivision plan. It is proposed to subdivide part of the site within the 2(a) zone (approximately 15 hectares or 52% of the site) into 166 residential allotments (the remainder of the site within the proposed 2(a) zone will be reserved for drainage purposes). The proposed residential lots range in area from approximately 455m² to 3029m² and comprise 138 single residential lots, 24 duplex lots and two medium density lots providing for a total yield of approximately 200 dwellings. The site density is approximately 15 dwellings per hectare of the land proposed to be zoned for residential development. The proposed interim subdivision plan is provided as *Figure 3*.

Once the downstream water quality control devices are constructed in the "L" Leg catchment the redundant portions of the interim rain gardens will be decommissioned and released as conventional residential allotments and sites suitable for medium density development. A plan showing the long term subdivision plan is provided as *Figure 4*. Separate development applications will be lodged with Great Lakes Council to convert the rain gardens to residential allotments at the appropriate time.



Figure 3 Subdivision Plan

Stage 5b Forster Palms Estate



Source: Lidbury, Summers & Whiteman - 3104538 31/10/05



Figure 4 Long Term Subdivision Plan

Stage 5b Forster Palms Estate

This chapter discusses the planning provisions applying to the site and the project's consistency with the prevailing environmental planning instruments, development control plans and policies.

2.1 ENVIRONMENTAL PLANNING INSTRUMENTS

2.1.1 State Environmental Planning Policies

State Environmental Planning Policy (Major Projects)

State Environmental Planning Policy (SEPP) (Major Projects) identifies certain developments that are major projects under Part 3A of the EP&A Act. These projects are determined by the Minister for Planning. The Minister has confirmed that in his opinion the development is of a kind that is described in the Schedules to the SEPP and that a project application may be submitted in respect of the proposal to the Minister.

The Department has further advised by letter dated 27 July 2006 that the project application should only relate to the number of lots that can be catered for by an adequate stormwater management system and requested that an amended plan be submitted to reflect such a revised subdivision layout. In addition the revised subdivision plan was to clearly depict the areas that would be deferred from the draft LEP and the preliminary assessment was to include the terms of Council's section 68 resolution.

The proposed subdivision has been amended to indicate three areas of the site to be used as rain gardens to cater for stormwater from the site and ensure the 'no increase in pollutants' test can be met as an interim measure until the downstream drainage facilities are constructed. Given the relatively small, discrete areas required for this purpose and its temporary nature, these areas were not deferred from the draft LEP. In addition, the terms of the draft LEP require any subdivision of the land to achieve Council's water quality objectives and be in accordance with the adopted stormwater management strategy for the site. This requirement will ensure that the interim rain gardens will not be developed for residential purposes until water quality objectives can be met. Council has resolved to request the Minister make the draft Plan under section 70 of the EP&A Act. The terms of Council's section 68 resolution are discussed at *Section 2.1.3*.

*State Environmental Planning Policy 11 – Traffic Generating Developments
(SEPP 11)*

The aims, objectives, policies and strategies of this Policy are to ensure that the Traffic Authority is made aware of, and is given an opportunity to make representations in respect of, amongst other matters, the subdivision of land into 200 or more allotments where the subdivision includes the opening of a public road (Schedule 1 of SEPP 11) or into 50 or more allotments where the development has either direct vehicular or pedestrian access to an arterial road or a road connecting with an arterial road, if the access is within 90 metres of the alignment of the arterial road (Schedule 2).

The subdivision (creating 166 allotments) is proposing a connection to The Southern Parkway, which is a Council road. Council has advised that The Southern Parkway is not classified as an arterial road under the *Roads Act 1993*. The nearby Lakes Way is an arterial road under the Road and Traffic Authority's (RTA) control however, the proposed road connection to the Southern Parkway is more than 90 metres from The Lakes Way.

While the proposal would not be required to be referred to the Traffic Authority under SEPP 11, Council has advised that the proposal would be referred to its Local Traffic Committee. In this regard, Council requires a traffic impact assessment for the proposal having particular regard to the potential traffic impacts of the development on the external traffic network, including the:

- primary intersection capacity and arrangement;
- secondary access points; and
- assessment of traffic safety implications.

State Environmental Planning Policy 44 – Koala Habitat (SEPP 44)

This policy applies to land in the Great Lakes local government area (LGA). The policy aims “...to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:

- (a) *by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and*
- (b) *by encouraging the identification of areas of core koala habitat, and*
- (c) *by encouraging the inclusion of areas of core koala habitat in environment protection zones”.*

The South Forster local environmental study (LES) prepared for the rezoning identified koala feed trees on part of the site. An assessment would need to

be undertaken to determine whether or not the site contains potential koala habitat and if so, whether or not the site contains core koala habitat. Should it be determined that the site contains core koala habitat then SEPP 44 requires a plan of management be prepared for that part of the site.

While further assessment will be undertaken to determine whether the site contains core koala habitat, it is considered unlikely that the development of the part of the site to be included within the 2(a) zone will disrupt any koala populations in the area given the adjacent residential land uses. In addition the proposed habitat corridor that is to be retained on the northern third of the site will provide effective linking between any koala habitat on site and the Booti Booti National Park.

State Environmental Planning Policy 71 – Coastal Protection (SEPP 71)

SEPP 71 applies to land within the ‘coastal zone’ of New South Wales. The site is within the coastal zone and therefore the provisions of SEPP 71 apply to the proposal.

The proposed subdivision is consistent with the aims of the Policy and the relevant matters for consideration listed under clause 8. The site is a sufficient distance from the beach (approximately one kilometre) and Wallis Lake foreshore (approximately two kilometres) so that it will not impact on the beach/marine environment, visual amenity or public access to these areas.

2.1.2 *Hunter Regional Environmental Plan 1989*

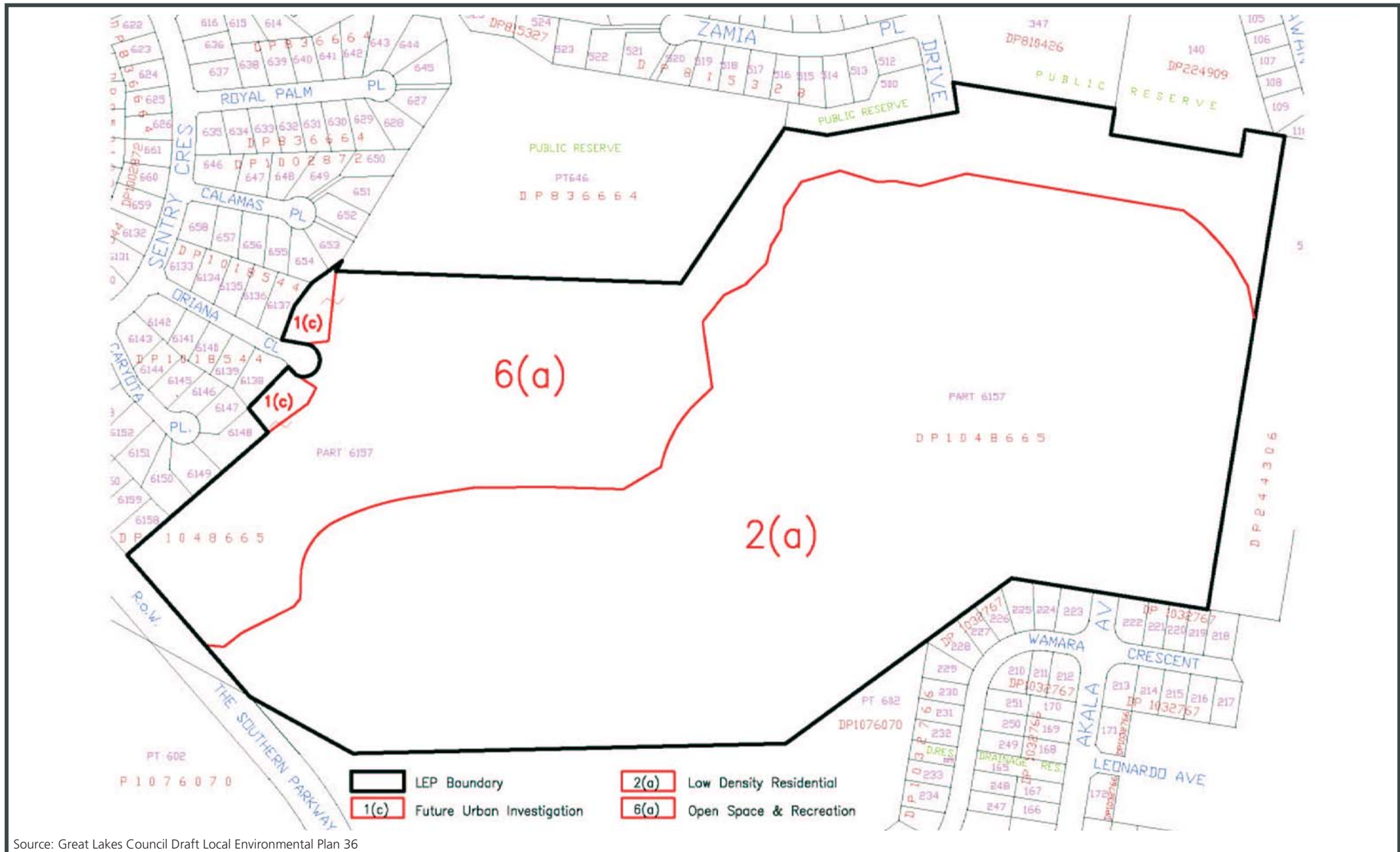
The *Hunter Regional Environmental Plan 1989* (HREP) aims to promote the balanced development of the region and includes provisions in relation to social and economic development, land use and settlement, transport, natural resources, environment protection and conservation and recreation.

Forster-Tuncurry is identified as a major centre in the Northern Hunter sub-region. The HREP notes that Forster-Tuncurry will need to rezone additional residential land to accommodate the projected increases in residential population.

The proposed development is consistent with the HREP.

2.1.3 *Great Lakes Local Environmental Plan 1996*

The site is currently zoned 1(c) Future Urban Investigation under *Great Lakes Local Environmental Plan 1996* (LEP 1996). The objectives of this zone relate to ensuring the orderly development of land identified as having the potential for urban expansion. Subdivision of land within the 1(c) zone is only permitted if each allotment to be created will have an area of not less than 40 hectares. In this regard, the site requires rezoning to allow the proposed subdivision to proceed in accordance with the provisions of LEP 1996.



Source: Great Lakes Council Draft Local Environmental Plan 36



Figure 5 Draft Local Environmental Plan 36

Council has identified the site as a suitable extension of the existing urban area and has exhibited a draft Local Environmental Plan (DLEP 36) and Local Environmental Study (LES) proposing to rezone the site to part 2(a) Low Density Residential and part 6(a) Open Space and Recreation. The DLEP 36 zoning map is illustrated as *Figure 5*. The proposed residential subdivision and drainage works are permissible under the 2(a) Low Density Residential Zone.

The LES identified flora, fauna, drainage and to a lesser degree slope as constraints to the future urban development of parts of the site. DLEP 36 reflects the findings and recommendations of the LES with approximately nine hectares of the site to be included within a habitat corridor and proposed to be zoned 6(a) Public Open Space and Recreation. A drainage reserve is shown on the subdivision plan that will address drainage issues.

With respect to slope, the geotechnical report undertaken as part of the LES did not note any evidence of landslip or soil creep within the site. Given the relatively stable nature of the soil profile, the LES determined that all slopes with gradients less than 25% can be classified as having a low risk of slope instability. There are small areas of the site proposed for residential development with slopes between 25 and 30%. The LES determined that these steeper slopes can be classified as having medium risk of slope instability. The LES did not exclude these slopes from development on geotechnical grounds noting that the incorporation of engineering principles suitable for hillside construction into the design of proposals would allow these areas to be developed. This is demonstrated by the fact that nearby lands at slopes up to 30% have been successfully developed.

Similarly with low lying lands, the LES did not exclude these areas from development noting that footing systems could be designed taking into account the soil conditions of these areas including any filling placed on this part of the site. It is important to note that, substantial parts of Forster Palms have similar characteristics and have been successfully developed.

DLEP 36 was publicly exhibited from 8 December 2005 to 27 January 2006 and no submissions were received. At its meeting held on 26 September 2006, Council resolved to:

- 1. Delegate to the Director Planning & Environmental Services, the General Manager and the Mayor the final terms and powers of execution of any Deed of Agreement entered into for the purpose of formalising funding obligations in relation to the future water management system on this land;*
- 2. Adopt the Voluntary Planning Agreement between Great Lakes Council and Davoglade Pty Ltd concurrently with draft Great Lakes Local Environmental Plan – Amendment No. 36 (as amended), as contained in Annexures 'B' and 'C' respectively to this report;*
- 3. Upon execution of the Deed of Agreement referred to in '1' above, that Council forward the adopted draft Plan and voluntary Planning Agreement to the*

Department of Planning pursuant to s68(4) of the Environmental Planning and Assessment Act 1979 along with a request that the Plan be made under s.70 of the Act;

4. *Adopt draft Development Control Plan No. 36 (as amended) as contained in annexure 'D' to this report, which will become effective upon gazettal of draft Great Lakes Local Environmental Plan – Amendment No. 36; and*
5. *Adopt the document entitled Review of Stormwater Management Strategy for "L" Leg Catchment – South Forster (WBM, 2006a) as contained in Annexure 'E' to this report, which replaces:*
 - a) *the previous stormwater management strategy adopted by Council (Ord – 14/12/04) titled 'Review of Alternative Stormwater Quality Management "L" Leg South Forster' (Jelliffe, 2002), and*
 - b) *the need to prepare a separate stormwater DCP for the "L" Leg catchment'.*

The draft Deed of Agreement is currently being finalised by Council's and Davglade's solicitors and is expected to be executed by the end of October 2006.

Following the gazettal of DLEP 36, the part of the site zoned 6(a) will be subdivided from Lot 6177 and dedicated to Council in accordance with the terms of an adopted planning agreement between Council and Davglade Pty Ltd.

The project is consistent with all other provisions of LEP 1996.

2.2 OTHER RELEVANT PLANS, POLICIES AND STRATEGIES

2.2.1 Forster / Tuncurry Conservation and Development Strategy

The *Forster / Tuncurry Conservation and Development Strategy* was adopted by Council in June 2003 and endorsed by the Department of Planning in 2004. The South Forster precinct has been identified in the Strategy as an area that will form an extension to the existing urban area. The main future land use identified for this area is low and medium density residential development in association with some commercial and community uses. The site has been specifically identified in the Strategy as a 'Category 1' area. Category 1 areas are those areas where there is a high degree of certainty that sustainable development can occur. The Strategy states that *'there will be support from relevant Government Departments for development in these areas'*. The rezoning of this site is included in the first stage of the implementation of the Strategy. An integral part of the Strategy is the completion of "The Southern Parkway", which will be facilitated by the development of the site.

Forster Land Supply

The *Conservation and Development Strategy* identified that as of February 2002 there was sufficient vacant lots zoned for urban development to provide nearly three years land supply. Additional land was identified as being potentially suitable for development (including the subject site). Considering the land identified as potentially suitable and land that was zoned for urban development but un-subdivided, it was concluded that the total lot supply was sufficient for eight years growth. Given the current demand and lot yields it is anticipated that land supply will be exhausted in Forster within 13 years.

Housing Affordability

While housing affordability is a complex issue, it is generally accepted that the most effective measure Council can undertake to encourage affordable housing is to ensure that a mixture of housing styles, types and sizes is provided in future. Whilst the predominant form of housing in Forster/Tuncurry continues to be traditional, detached dwellings, the demand for townhouses and flats is likely to increase as the population ages further (in accordance with current trends). The proposed subdivision makes provision for a range of lot sizes and dwelling types thereby providing housing for a range of markets.

2.2.2 *Development Control Plan No. 31 Subdivision (DCP 31)*

DCP 31 provides controls and design principles for all subdivisions within the Great Lakes LGA. General subdivision requirements relate to:

- site considerations;
- site hazards;
- road design and construction;
- landscaping and site design;
- services;
- drainage;
- existing development and heritage; and
- environmental protection.

With respect to residential subdivisions DCP 31 provides controls with respect to:

- allotment orientation;
- allotment dimensions;
- road network, design and construction; and
- public open space.

The proposed subdivision can readily comply with the provisions of DCP 31.

2.2.3 *Draft Development Control Plan No. 36 – Lot 6177 DP 1099599, South Forster*

A draft site specific Development Control Plan (DCP) has been prepared and exhibited in May / June 2004. The purpose of the site-specific DCP is to implement agreed principles in relation to water quality and stormwater management, open space and conservation corridors, bushfire protection and management, traffic management and buffers to conservation areas. The DCP is to be used in the preparation of any application for and the assessment of any future development of the land, including conventional residential development. Council has resolved to adopt DCP 36. This DCP will become effective upon gazettal of DLEP 36.

2.2.4 *Voluntary Planning Agreement*

The rezoning of the site is linked to a number of agreed planning principles between Council and Davglade. These principles were adopted in 2002 and were formulated to address a range of planning issues including the dedication of an open space / conservation corridor linking the south west and north east corners of the site with existing flora / fauna corridors.

Davglade has agreed to enter into a voluntary planning agreement with Great Lakes Council that details the process for the dedication of the land proposed to be zoned 6(a) Open Space. The voluntary planning agreement has been publicly exhibited along with the DLEP 36 and no submissions were received. Execution of the voluntary planning agreement is subject to the pending rezoning in accordance with Council's resolution of 26 September 2006.

2.2.5 *Coastal Design Guidelines for NSW*

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

- defining the footprint and boundary of the settlement;
- connecting open space;

- protecting natural edges;
- reinforcing the street pattern; and
- appropriate buildings in a coastal context.

The proposed subdivision incorporates these principles into its design, as discussed below.

Defining the Footprint and Boundary

The site is located within the South Forster precinct as identified in the *Forster/Tuncurry Conservation & Development Strategy*. This precinct is located adjacent to the existing Forster urban area and existing infrastructure, services and facilities. The proposed subdivision will reinforce and extend the existing urban structure of Forster. The site has been identified in the *Forster/Tuncurry Conservation & Development Strategy* as having potential for urban development and as a logical extension of the urban area.

The northern boundary of the site is to be retained as a habitat corridor linking areas from the south west to the north east. The site is bounded on the west by the Southern Parkway and to the south by residential development (or future residential development). The Booti Booti National Park is 0.5 kilometres to the east. The proposed habitat corridor forms part of the *Forster Tuncurry Conservation and Development Strategy's* long term proposal to establish a link to Booti Booti National Park.

The proposed subdivision is consistent with the design guidelines for defining the settlement footprint.

Connecting Open Space

The proposed subdivision is consistent with the design guidelines for the open space network as the part of the site to be retained as a habitat corridor within the 6(a) zone will establish a continuous ecological corridor and incorporate existing remnant vegetation by connecting conservation areas from the south west to the north east. Other features of the open space network include:

- a perimeter road or fire trail is proposed adjoining the residential allotments to act as a buffer between the residential zone and the proposed 6(a) zone. Asset protection zones are provided within residential lots that adjoin public reserves;
- the proposed open space zone is located on the upper slopes of the site which will preserve visual amenity in the locality;
- a variety of large and smaller open space reserves are proposed; and

- a vegetated drainage reserve is proposed for stormwater runoff to assist in protecting sensitive habitats.

Protecting Natural Edges

The site is not adjacent to the coast, Wallis Lake or other water body. However, it is proposed to provide a perimeter road between the majority of the proposed residential area and open space zone. Dwellings will also be setback from these boundaries to incorporate an appropriate asset protection zone.

Reinforcing the Street Pattern

The proposed internal road network will reinforce and extend the existing street pattern. The street pattern reflects the Development Strategy and draft DCP 36. The street pattern responds to the topography, is legible and integrates land use and transport functions.

Appropriate Buildings for a Coastal Context

The application does not seek approval for the erection of dwelling houses. Draft DCP 36 contains some guidelines with respect to the form that dwellings should take within this subdivision and Davglade proposes building covenants and guidelines to ensure coastal compatible housing.

This chapter outlines the views of the Council, other agencies and the community regarding the project.

3.1

GREAT LAKES COUNCIL

Davglade has been liaising with Council regarding this project over many years. The project has been reported to Council on numerous occasions:

- 1998 Council resolved to prepare a draft LEP;
- 11 June 2002, Council resolved to exhibit the Local Environmental Study and DLEP;
- 22 April 2003, Council endorsed the recommendations of a Stormwater Quality Management Report for the "L" Leg, South Forster and resolved to prepare an "L" Leg catchment DCP;
- 26 August 2003, Council resolved to adopt the DLEP and pending completion of the site specific DCP and stormwater DCP request the Minister for Planning to make the LEP;
- 11 May 2004, Council resolved to publicly exhibit draft DCP 36;
- 14 December 2004, Council adopted in principle a Stormwater Management Strategy for the "L" Leg catchment;
- 22 November 2005, Council resolved to enter into and exhibit a Planning Agreement pursuant to section 93G of the EP&A Act; and
- 26 September 2006, Council resolved to execute a Deed of Agreement in relation to stormwater management funding, adopt a voluntary planning agreement, DLEP 36, draft DCP 36 and the stormwater management strategy for the site and forward DLEP 36 and the voluntary planning agreement to the Department of Planning requesting that the draft Plan be made under section 70 of the EP&A Act upon execution of the Deed of Agreement.

As the record of Council resolutions shows, Council has consistently supported the proposed rezoning and residential subdivision of the site pending resolution of matters in relation to stormwater management and the reservation of public open space/habitat corridors.

The Voluntary Planning Agreement and DLEP were placed on public exhibition from 8 December until 27 January 2006 and no submissions were received. The draft Planning Agreement details the process for the dedication to Council of the land proposed to be zoned 6(a) Open Space. Detailed stormwater design strategies have been prepared for the site and have been peer reviewed by a consultant for Council. An agreed stormwater

management plan has been adopted by Council for both the short and long term development of the site.

3.2 OTHER AGENCIES

Council consulted with State government agencies under section 62 of the EP&A Act as part of the rezoning process. The following government agencies responded:

- Coastal Council of NSW;
- Department of Environment and Conservation (DEC); and
- NSW Rural Fire Service (RFS).

The Coastal Council raised concerns regarding the proposal's consistency with the *draft Forster / Tuncurry Conservation & Development Strategy* and stated that the proposal should not proceed until the draft Strategy had been adopted.

Comment

The draft Strategy has since been adopted by Council (June 2003). Council officers advise that the proposed rezoning is consistent with the key principles and planning framework for the South Forster locality as detailed in the *Forster / Tuncurry Conservation & Development Strategy*.

The Coastal Council also recommended that:

- the part of the site identified as having high conservation value be rezoned to an environment protection zone rather than an open space zone,
- stormwater be adequately managed so that runoff does not affect Wallis Lake and associated SEPP 14 Wetlands,
- low lying land not be filled for urban development, and
- a master plan be prepared for the site consistent with the *Coastal Design Guidelines*.

Comment

Council officers advised that conservation outcomes can be successfully achieved under the proposed 6(a) Public Open Space zone and that this has been demonstrated with other similarly zoned bushland reserves in Council ownership.

A stormwater management strategy has been prepared for the site and the majority of low lying land will be set aside for natural and/or constructed wetlands so that fill required for residential development will be minimal.

A draft DCP has been prepared to guide development of the site. Draft DCP 36 is based on ecologically sustainable principles and is consistent with the design principles contained in *Coastal Design Guidelines for NSW*.

The DEC and RFS raised no objections to the proposal and made recommendations regarding flora, fauna and bushfire management. Where relevant, these recommendations have been incorporated into the proposed subdivision plan.

3.3

COMMUNITY

DLEP 36 has been on public exhibition twice. Draft DCP 36 and the Voluntary Planning Agreement have also been placed on public exhibition. Only one public submission has been received by Council during the public exhibition periods. This submission was from the Great Lakes Environment Association and was in response to the first public exhibition period of DLEP 36.

The submission welcomed the creation of the 6(a) Open Space zone and the retention of high value conservation areas within this zone. The submission raised concerns regarding the impact of the extension of Kentia Drive on the fauna corridor, recommended that no development occur in the wetland areas of the property for water quality reasons and made recommendations regarding revegetating the site.

Comment

Draft DCP 36 contains provisions that will address the issues raised by the Great Lakes Environment Association such as traffic calming measures along Kentia Drive and landscaping controls. The majority of low-lying land is set aside for natural and/or constructed wetlands in accordance with the stormwater management strategy prepared for this catchment. The stormwater management strategy is based on Council's adopted water quality objective that no further increase in pollutant loads enter Pipers Creek from within the catchment.

This chapter identifies the key issues that have emerged from the assessment of the project against applicable environment planning instruments, policies, guidelines and other relevant planning documents, and from comments received from government agencies and the community.

4.1

SUMMARY

The key issues that should be addressed to allow this project to proceed are related to the following matters:

- zoning;
- stormwater management;
- flooding and proposed filling of low lying areas;
- vegetation management including edge effects;
- fauna conservation;
- bushfire management; and
- traffic management.

Each of these issues is discussed in detail in the following sections. Based on these issues, key matters for assessment have been outlined to assist the Department in its preparation of Environmental Assessment Requirements for this project. The identified key matters for assessment are provided in the Table in *Annex A*.

4.2

ZONING

The site requires a rezoning from 1(c) Future Urban Investigation to 2(a) Low Density Residential in order for the proposed residential subdivision to proceed in accordance with the provisions of LEP 1996. It is also proposed to rezone the part of the site that has been identified as being of high conservation value to 6(a) Open Space so that this area can be retained as a habitat corridor linking areas from the south west to the north east. This part of the site will be dedicated to Council. Council has resolved to request the Minister to make the draft Plan pursuant to section 70 of the EP&A Act upon execution of the Deed of Agreement regarding funding obligations for stormwater management. The final draft of the Deed of Agreement is currently being finalised by Council's and Davglade's solicitors and is expected to be executed by the end of October.

4.3

STORMWATER MANAGEMENT

The site is located within what is known as the “L” – Leg catchment of South Forster. Runoff within the catchment ultimately drains into Pipers Creek (Wallis Lake), which is poorly flushed and sensitive to increases in pollutant loading. Council has adopted a Stormwater Management Strategy for the “L” Leg catchment, which has a water quality objective of no further increase in future pollutant loads entering Pipers Creek from within the catchment.

Draft DCP 36 has the following objectives in relation to water quality and stormwater management for development within this catchment:

- *‘no further increase in future pollutant loads entering Pipers Creek from the “L” Leg catchment , both during and post construction; and*
- *responsibility for the provision and maintenance of stormwater management measures is shared fairly between landowners/occupiers, developers and Council’.*

A stormwater management strategy consistent with these objectives has been adopted by Council for the site. The strategy will set higher standards for water quality than has previously been required for other residential areas.

4.4

FLOODING

The southern part of the site is low lying and subject to flooding from both Wallis Lake and local catchment runoff. The development of this part of the site will require the construction of a drainage channel and the appropriate placement of fill to ensure finished ground levels are well above the 1% Annual Exceedance Probability (AEP) flood levels. Engineering design has been completed for the stormwater management and subdivision layout, the design includes extensive wetlands for stormwater management.

4.5

VEGETATION MANAGEMENT

A survey of significant flora was conducted as part of the LES in 1999 using the listings of threatened species contained in the schedules to the *Threatened Species Conservation Act 1995* (TSC Act) and the ROTAP (Rare or Threatened Australian Plants) database. While no plants listed in ROTAP or threatened plant species listed under the TSC Act were found on the site, ten significant plant species were found, seven of which are protected species under Schedule 13 of the National Park & Wildlife Act 1974, and three of which are listed as koala feed tree species by SEPP 44. An update flora assessment should be undertaken against the current schedules to the TSC Act.

Four vegetation communities have been mapped on the site with the closed forest communities located on the north western part of the site being least

disturbed and of the highest ecological value. These areas are to be retained in the proposed 6(a) zone that is to be dedicated to Council following rezoning. Other vegetation communities were in various states of disturbance with the open woodland and grasslands on the lower lying areas of the site having a lower conservation value.

4.6

FAUNA CONSERVATION

The fauna survey undertaken for the site as part of the LES concluded that the site provided suitable potential habitat for eight threatened species: the Black-necked Stork, Black Bittern, Osprey, Powerful Owl, Masked Owl, Squirrel Glider, Koala and Wallum Froglet. No endangered fauna species listed under Schedule 1 of the TSC Act at the time of survey were recorded. Two Ospreys (a rare and vulnerable species) were observed over the site. The Little Bent-wing Bat was also recorded over the site. However, an updated fauna assessment should be undertaken against the current schedules to the TSC Act.

In total 112 native fauna species were recorded on the site, indicating a relatively high fauna biodiversity. The field survey indicated that the site functions as a wildlife corridor, and numerous bird species were observed flying between the study area and Booti Booti National Park. A number of bird species were observed nesting on the site, including the Forest Raven, a species of conservation concern. The area of high habitat value is to be retained as a habitat corridor within the proposed 6(a) zone. While urban development can result in a lowering of biodiversity through habitat removal, habitat modification, habitat fragmentation, the impact of edge effects, and other human influences, the retention of high conservation areas within the habitat corridor and the augmentation of the natural wetlands with constructed wetland within the drainage reserve will add to biodiversity values.

4.7

BUSHFIRE MANAGEMENT

The site is mapped as bushfire prone on Council's bushfire prone land maps. Any development of the site will need to comply with the *Planning for Bushfire Protection Guidelines 2001*. The two lots at the end of Oriana Place (shown as 'future lots' on the subdivision plan) have been excluded from the rezoning until bushfire issues can be satisfactorily resolved. DLEP 36 includes a clause prohibiting the erection of a dwelling on the lots while the lots remain within the 1(c) zone. The NSW Rural Fire Service has advised that the eight lots below the north-east boundary of the proposed habitat corridor will require a 'level 3' construction for any future dwellings on the lots. Options to ensure that this requirement is enforced, including placing a restriction on the title of these lots under Section 88B of the *Conveyancing Act 1919*, are proposed.

4.8

TRAFFIC MANAGEMENT

The proposed 166 lot subdivision will have a modest impact on the external road network. An assessment of potential traffic impacts including an examination of intersection capacity and arrangement, public transport availability, pedestrian and cyclist access will need to be undertaken as well as an assessment of traffic and pedestrian safety. An assessment of the proposed internal traffic network (in accordance with applicable standards) will also be necessary.

4.9

CULTURAL HERITAGE ASSESSMENT

While a cultural heritage assessment was undertaken for the site as part of the LES, it was not carried out in accordance with the draft Department of Environment and Conservation guidelines. In this regard, an updated assessment is required.

CONCLUSION

This chapter draws conclusions regarding the issues that must be addressed in order to demonstrate that the site is suitable for the proposed development.

Planning for the development of this site commenced eight years ago and has proceeded in consultation with Council to ensure that all of Council's requirements were met. Planning investigations have included extensive environmental studies and detailed stormwater design to satisfy Council that all environmental issues can be adequately addressed. In this respect, the project has proceeded beyond concept planning and is at the detailed design stage.

The site requires rezoning prior to residential subdivision occurring. The rezoning process is at an advanced stage as Council has resolved to request the Minister to make the draft Plan.

A stormwater strategy has been completed for the site. Pending an updated flora and fauna assessment, bushfire hazard assessment, traffic assessment and cultural heritage assessment, there should be no impediments to the proposed subdivision being approved by the Minister.

REFERENCES

De Groot & Benson Pty Ltd & Jelliffe Environmental Pty Ltd (2000) **South Forster Local Environmental Study**, volumes 1 & 2, prepared for Great Lakes Council, May 2000.

Department of Planning (1989) **Hunter Regional Environmental Plan 1989**.

Great Lakes Council (1996) **Local Environmental Plan 1996**.

Great Lakes Council (2002) **Draft Forster / Tuncurry Conservation & Development Strategy**, volumes 1 & 2, February 2002.

Great Lakes Council (2005) **Draft Development Control Plan No. 36 - Lot 6177 DP 1099599, South Forster**.

NSW Coastal Council, Planning NSW's Urban Design Advisory Service and Tourism NSW (2003) **Coastal Design Guidelines for NSW**.

Annex A

Key Matters for Assessment

KEY MATTERS FOR ASSESSMENT

<p>Key Matters for Assessment</p>	<p>Key Issues to be addressed</p> <ul style="list-style-type: none"> • biodiversity <ul style="list-style-type: none"> ○ a flora and fauna assessment should be undertaken in accordance with the Department of Environment and Conservation's (DEC) <i>draft Guideline for Threatened Species Assessment</i>. • cultural heritage assessment <ul style="list-style-type: none"> ○ a cultural heritage assessment should be undertaken in accordance with the DEC's draft guidelines for Aboriginal cultural heritage assessment. • bushfire hazard assessment <ul style="list-style-type: none"> ○ identification of the bushfire hazard and constraints to development including required asset protection zones, road design, water supply, landscaping guidelines and levels of construction in accordance with <i>Planning for Bushfire Protection 2001</i> prepared by the NSW Rural Fire Service. • hydrology, water management & topography <ul style="list-style-type: none"> ○ topography and other physical features; ○ existing site hydrology, including flood prone areas and identification of indirect impacts on Pipers Creek; ○ detail management of stormwater runoff and treatment. • utilities and infrastructure provision <ul style="list-style-type: none"> ○ existing infrastructure in the locality; ○ future provision of roads, water, sewerage and communications. • transport and access <ul style="list-style-type: none"> ○ existing and future transport networks, traffic generation and circulation; ○ pedestrian and cycle access; and ○ compliance with relevant RTA, Council, AMCORD requirements, standards, controls and guidelines. • section 94 developer contributions / section 93 planning agreements <ul style="list-style-type: none"> ○ current status of Section 94 contributions in place, along with the terms offered by the proponent for inclusion in the proposed voluntary planning agreement to be entered into with Council. • urban design and built form <ul style="list-style-type: none"> ○ proposed subdivision layout, open space and roads; and ○ overall site density. <p>Statement of Commitments</p> <ul style="list-style-type: none"> • a draft Statement of Commitments detailing measures for environmental management and mitigation measures for the project.
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Consultation	Relevant Parties <ul style="list-style-type: none"> • government agencies <ul style="list-style-type: none"> ○ Department of Environment and Conservation; ○ NSW Rural Fire Service; and ○ Great Lakes Council • peer review <ul style="list-style-type: none"> ○ peer reviewed stormwater management strategy
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ERM consulting services worldwide www.erm.com



Environmental Resources Management Australia

53 Bonville Ave

Thornton NSW 2322

Telephone (02) 4964 2150

Facsimile (02) 4964 2152