

Preliminary Environmental Assessment
for
'The Banksias'
Lot 101 DP 833435
Point Plomer Road, Big Hill via Crescent Head
14575 January 2008

Preliminary Environmental Assessment for
'The Banksias' at
Lot 101 DP 833435,
Point Plomer Road, Big Hill via Crescent Head

Prepared for:

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Table of Contents

Introduction	1
1.1 Introduction	1
1.2 Project Description.....	2
1.3 Land Ownership and Project Team	4
1.4 Consultation.....	4
Site Details.....	5
2.1 Zoning.....	5
2.2 Site Description and Context	5
Legislation Review.....	7
Key Issues	11
4.1 Ecological	11
4.2 Geotechnical.....	12
4.3 Flooding.....	13
4.4 Bushfire Protection	13
4.5 Coastal Processes.....	13
4.6 Aboriginal Heritage	13
4.7 Visual Amenity and Landscape	14
4.8 Traffic Management.....	14
Conclusion	15

List of Exhibits

After Section

Exhibit 1 – Site Context 1

Exhibit 2 – Site Location..... 1

Exhibit 3 – Detail Survey 1

Exhibit 4 – Master Plan 1

Exhibit 5 – Master Plan Detail 1

Exhibit 6 – Master Plan with Aerial..... 1

Section 1

Introduction

1.1 Introduction

This project application for 'The Banksias' at Big Hill (within the Kempsey Shire Local Government Area) is submitted pursuant to Part 3A of the Environmental Planning and Assessment Act, 1979 (the Act).

The Banksias tourist facility will include provision for 24 individual holiday cabins and the Community Title Subdivision of the site.

The purpose of this submission is:

1. To firstly seek the Ministers confirmation that the proposal should be declared a project under Part 3A of the Act.

Clause 6 of State Environmental Planning Policy (Major Projects) 2005 identifies development described in Schedule 2 as being, in the opinion of the Minister, a project under Part 3A of the Act.

The site satisfies the criteria listed in both clauses 1(f)(i) and 1(h) to Schedule 2 for the following reasons:

- The site is located within the Coastal Zone of New South Wales;
- The proposed development is for the purpose of a '*tourist facility*', where the definition of '*tourist facility*' includes '*holiday cabins*';
- The site will be subdivided into more than 2 lots and the development will not be connected to an approved sewage treatment work or system; and
- The development area is within a '*sensitive coastal location*', being land within 100m of land to which State Environmental Planning Policy No.14 – Coastal Wetlands applies. The detail survey at Exhibit 2 shows the location of the SEPP 14 lands.

On the basis of receiving confirmation from the Minister that the proposal should be declared a project under Part 3A of the Act, the additional purpose of this submission is:

2. To confirm that a 'project approval' is sought in relation to the proposed development;
3. To provide a 'preliminary environmental assessment', including a description of the proposal, a legislation review and an identification of the 'key issues'; and
4. To seek the Director-Generals environmental assessment requirements (DGR's) for the preparation of the Draft Environmental Assessment.

1.2 Project Description

'The Banksias' tourist facility is to be designed to ensure the existing biodiversity and environmental features of the site are maintained or improved. The development will be of a 'low impact nature', in accordance with the detailed requirements of clause 64 of Kempsey Local Environmental Plan 1987.

The aim of the development will therefore be to ensure minimal negative impact on the sites' ecology, character and amenity and minimal negative impact on the scenic value of the locality. These aims will be supported through the proposed Community Management Statement which will accompany the Environmental Assessment and include specific provision in relation to the tourist function of the property and the protection of its unique environmental features.

In summary 'The Banksias' tourist facility will include provision for the following:

- Twenty-four (24) holiday cabins with frontage to the existing drainage channel located within the southern boundary of the site;
- Two (2) barbeque pavilions and a 12m in-ground pool;
- Road access from Point Plomer Road at its junction with the existing crown road reserve located on the northern boundary of the site;
- A number (approximately 50 spaces) of well positioned visitor parking bays at various locations on the loop road;
- Bushfire protection measures, including 20m and 50m Asset Protection Zones to the north-east and north-west respectively and a 4m wide bushfire access trail;
- On-site wastewater management system to provide high quality effluent disposal, to achieve the following objectives (Martens and Associates);
 - *Protection of public health: applied effluent is to be assimilated into the soil profile and remain beneath the soil surface. No effluent resurfacing is to occur. Effluent runoff from dedicated re-use areas is to be managed to ensure protection of local surface water resources.*

- *Ecologically Sustainable Beneficial Re-use: design is to maximise assimilation of nutrients within the application area. Rates of nutrient leaching to the receiving environment, where full in-field assimilation is not achieved, are to be sufficiently low that the risk of environmental degradation is minimal;*

- Demolition of the existing dwelling; and
- The Community Title Subdivision of the site.

Cabins:

Three (3) individual architectural designs have been developed for the proposed tourist cabins. The layout of the cabins has been developed to enable their optimum siting within the development area. Each cabin is provided with a distinctive rain water tank which has been positioned to reinforce water conscious use by the occupants of the cabin. The internal layout and open style deck area of each cabin design have been designed to aid visual and acoustic privacy.

Pavilions / pool:

The proposed pavilions and 12m in-ground pool have been sited to take advantage of the natural bush and waterfront setting of the site. The pavilions are of an open-style design for their location adjacent to the drainage channel and will offer an attractive, alternate location for outdoor activities for visitors to the site.

Road Layout:

The proposed road access to the site is from Point Plomer Road, at its junction with an existing crown road reserve located on the northern boundary of the site. From this point a 5m wide bitumen road will proceed in a south-western direction to provide vehicular access to each of the proposed cabins. At the western extent of this road the road will convert to a 4m wide bushfire access trail to 'loop' back to the Point Plomer Road entry. Approximately 50 on site parking spaces are located adjacent to the bitumen road enabling direct access to the proposed cabins.

Community Title Subdivision:

The proposed subdivision will provide one community lot (Lot 1) with 24 individual lots which will each contain a single holiday cabin within a 2m curtilage. The proposed community Lot will include the majority of the site and will include the proposed roads and fire trails, services, swimming pool and pavilions, asset protection zones and wetlands / significant vegetation. A Community Management Statement will be prepared to accompany the Environmental Assessment. The Community Management Statement will draw together the mandatory matters required pursuant to the Community Land Development Act 1989 with recommendations provided by the specialist consultants in

relation to bushfire, flora and fauna, flooding and archaeology. The Management Statement will be designed to be used to provide certainty with respect to the delivery of the above recommendations to the consent authority and community.

1.3 Land Ownership and Project Team

LANDOWNER:	
LOT 100 DP 833435	THE BANKSIAS BIG HILL PTY LTD
PROJECT TEAM:	
PROPONENT	KING & CAMPBELL PTY LTD
ARCHITECTURE	KING & CAMPBELL PTY LTD
PLANNING, URBAN & LANDSCAPE DESIGN, OVERALL CO-ORDINATION	KING & CAMPBELL PTY LTD
ECOLOGICAL	PETER PARKER ENVIRONMENTAL CONSULTANTS PTY LTD
ON SITE WASTEWATER MANAGEMENT	MARTENS AND ASSOCIATES PTY LTD
CULTURAL HERITAGE	ARCHAEOLOGICAL SURVEYS & REPORTS PTY LTD
BUSHFIRE	AUSTRALIAN BUSHFIRE PROTECTION PLANNERS PTY LTD

1.4 Consultation

Consultation with Kempsey Shire Council in relation to the site and a proposed tourist facility was initially carried out in 2003. At this time Council planning officers confirmed the legislative requirements for the proposed use and discussed similar development in the locality and their approvals. The current owner at that time did not pursue the proposal.

A further meeting was held with Mr David Mutton of the Department of Planning in December 2003 to discuss the proposed tourist facility and the approval process that applied at the time (SEPP No.71).

In May 2005 King & Campbell represented the owners again with a submission on the proposed amendments (Amendment No.89 in relation to the development of land in the vicinity of Point Plomer Road) to Kempsey Local Environmental Plan 1987. Further discussion was carried out with Council planning staff on the basis of developing the site for a tourist facility.

Discussions have recently been held with planning staff at Kempsey Shire Council and a draft copy of the preliminary environmental assessment was forwarded to Council for information purposes.

Section 2

Site Details

2.1 Zoning

The subject site is known as Lot 101 in DP 833435, Point Plomer Road, Big Hill via Crescent Head and has a total site area of 48.53ha (excluding the 20m wide unformed crown road which traverses the site).

The site is within the Kempsey Shire Council Local Government Area, and is zoned Rural 1(a1) pursuant to the Kempsey LEP 1987.

2.2 Site Description and Context

The site is located on the mid-north coast of New South Wales, between Crescent Head (approximately 11km to the north) and Point Plomer (approximately 4.5km to the south). The site is accessed from Point Plomer Road, which runs from the North Shore of the Hastings River at Port Macquarie, north to Crescent Head.

Exhibits 1 and 2 show the site context and existing features in the vicinity of the site.

The coastline to the South Pacific Ocean is approximately 250m to the east of the site, on the eastern side of Point Plomer Road. Big Hill Point is approximately 500m west of the site and gives its name to the locality. Big Hill Point and higher land, including Noonan (100m AHD) to the south, give the site a visual context.

To the south and west of the site is Limeburners Creek Nature Reserve. This reserve includes a public picnic area, two primitive campgrounds (one on the southern bank of the existing flood mitigation channel and one at Big Hill) and a caravan park / campground at Point Plomer.

To the east of the site is Goolawah State Park which extends from Crescent Head south to the northern boundary of the Limeburners Creek Nature Reserve at Big Hill. This park includes two rustic camp sites (Racecourse and Delicate grounds) and several small car parks. The natural and tourist value of this area was recently recognised by the Department of Lands when declaring the area as Goolawah State Park in July 2007.

In addition to the primitive and rustic camping areas within Limeburners Creek Nature Reserve and Goolawah State Park, the immediate locality includes the following additional tourist facilities;

- A privately owned and operated caravan park adjacent to Delicate

Nobby;

- Big Hill Beachside Cabins, incorporating 6 x 3 bedroom self-contained cottages; and
- Wallum Cottages, incorporating 5 cabins with sleeping capacity between 6 to 15 persons each cabin.

The site itself is bound to the north by an unformed crown road, to the east by Point Plomer Road and to the south by the southern bank of the flood mitigation channel which is located within the southern boundary of the site. The flood mitigation channel is a modified channel with vegetated banks, providing drainage from areas to the north and north-west.

The site is traversed by a 20m wide unformed crown road, together with a 20m wide electricity easement for overhead transmission. To the west and north-west of the crown road the site includes relatively undisturbed native vegetation, including areas of SEPP 14 Wetlands. A dwelling is located on the adjoining property to the west, approximately 100m west of the boundary.

The site is flat and generally low-lying; however six (6) raised earth mounds are sited adjacent to the existing flood mitigation channel. The mounds were created by the excavation of sand during construction of the drainage channel in the early 1970's and achieve approximate heights ranging from RL 6m AHD (eastern mound) to RL 2 AHD (western mound). The subject holiday cabins are proposed to be located on the existing raised earth mounds.

A detail survey of the site is included as Exhibit 3.

Section 3

Legislation Review

The following planning instruments and guidelines are relevant to the proposed development and will be considered in the preparation of the Environmental Assessment:

Environment Protection and Biodiversity Conservation Act 1999:

This commonwealth legislation is designed to protect Australia's environment and heritage. The Draft Environmental Assessment will address the objectives of the Act and any relevant matters of national environmental significance (NES). Matters of NES under the Act include:

- World Heritage Areas;
- Wetlands protected by international treaty (the RAMSAR Convention);
- Nationally listed threatened species and ecological communities;
- Nationally listed migratory species;
- All nuclear actions; and
- The environment of Commonwealth marine areas.

NSW Coastal Policy:

The Coastal Policy provides a framework for the management of the coast's unique physical, ecological, cultural and economic attributes. The overriding vision for the policy is the ecological sustainability of the NSW coast. Therefore the policy is goal oriented and based on the principles of ecologically sustainable development (ESD).

The Draft Environmental Assessment will be prepared to specifically address the principles of ESD in relation to the location of the site within a 'sensitive coastal location'. Regard will also be given to the 'NSW Coastline Management Manual', the 'North Coast: Design Guidelines' and 'Coastal Design Guidelines for NSW'.

Threatened Species Conservation Act 1995

This Act provides for the protection of native plants and animals identified as threatened in New South Wales. The Act also provides for

the listing and protection of 'endangered populations' and endangered ecological communities'.

The preliminary vegetation mapping carried out by Peter Parker Environmental Consultants Pty Ltd has identified an Endangered Ecological Communities (EEC) in the vicinity of the development.

Native Vegetation Act 2003

This Act sets the legislative framework for protecting land, rivers and wildlife and is based on voluntary planning agreements between landholders and Catchment Management Authorities. The Act applies to rural zoned lands.

State Environmental Planning Policy (Major Projects) 2005:

The proposal, being the construction of 24 'holiday cabins', is defined as a 'tourist facility' under the provisions of this policy. A 'tourist facility' within a 'sensitive coastal location' is listed within Schedule 2.

Clause 6 of the policy identifies development described in Schedule 2 as being, in the opinion of the Minister, a project under Part 3A of the Act. The site satisfies the criteria listed in clause 1(f)(i) to Schedule 2 for the following reasons:

- The site is located within the Coastal Zone of New South Wales;
- The proposed development is for the purpose of a '*tourist facility*', where the definition of '*tourist facility*' includes '*holiday cabins*'; and
- The development area is within a '*sensitive coastal location*', being land within 100m of land to which State Environmental Planning Policy No.14 – Coastal Wetlands applies. The detail survey at Exhibit 2 shows the location of the SEPP 14 lands.

State Environmental Planning Policy No 14 – Coastal Wetlands:

The site contains land identified by SEPP No.14 – Coastal Wetlands. No development or site works are to be carried out within that portion of the site which falls within the defined SEPP No.14 wetlands area.

The Draft Environmental Assessment will however address the aim of the policy which states the following:

"..to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State."

State Environmental Planning Policy No 71 – Coastal Protection:

SEPP 71 applies to the proposed development as the site is located within the Coastal Zone. Clause 8 of the policy details the matters to be taken into consideration in the preparation of the Draft Environmental Assessment.

State Environmental Planning Policy No 44 – Koala Habitat:

This policy applies to land in the Kempsey local government area and as the site has an area greater than 1ha further investigation will be required to determine if the land qualifies as potential koala habitat. A preliminary ecological report has been undertaken by Peter Parker Environmental Consultants Pty Ltd and the existing vegetation communities on the site have been mapped. Whilst this preliminary mapping indicates that the site does not contain suitable koala habitat, the policy will be addressed in detail in the Draft Environmental Assessment.

North Coast Regional Environmental Plan:

The North Coast Regional Environmental Plan applies to the Kempsey Shire Council Local Government Area. The plan sets the basis for new urban and rural development with its aim being to encourage the development of regional policies that protect the natural environment, encourage an efficient and attractive built environment and guide development into a productive yet environmentally friendly sound future. It also aims to provide a basis for growth in the region, optimising the economic social benefits to the local community and visitors.

Clauses 15, 29A, 32B, 33, 76 and 81 will apply to the proposed development. These clauses are primarily in relation to the classification of the site as a 'sensitive coastal location' within the coastal zone. Clause 76 however specifically relates to the tourist development of the site which can be defined as a 'natural tourism area'. The Environmental Assessment will therefore have regard to the guidelines for 'Tourism Development Near Natural Areas: Guidelines for the North Coast'.

Kempsey Local Environmental Plan 1987:

The site is zoned Rural 1(a1) pursuant to the Kempsey LEP 1987. A 'rural tourist facility' and 'holiday cabins' are permissible with consent within this zone and therefore the Minister is able to give approval for the proposal, pursuant to sections 75J and 75O of the Act.

Specifically, Amendment No. 89 to Kempsey LEP 1987 was introduced in relation to the development of land in the vicinity of Point Plomer Road and is relevant to the consideration of the subject proposal. Clause 64 sets out specific objectives and identifies a range of environmental issues to be considered by Council in their assessment of Development Applications in the locality. The Draft Environmental Assessment will have particular regard to this clause.

Consideration will also be given to any relevant Development Control Plans and guidelines developed by Kempsey Shire Council, including:

- DCP No. 24 – Access and Mobility;
Identifies Councils requirements for disabled access to public and commercial buildings, including tourist facilities.
- DCP No.27 – Acid Sulphate Soils;
Specifies measures to be considered when developing on potential acid soils.
- DCP No.31 – Energy Smart Homes;
Incorporates the principles of ESD by requiring dwellings to be designed to meet Sustainable Energy Development Authority guidelines.
- Building Code of Australia;
- Guidelines for Erosion and Sediment Control;
- Flood Plain Management Strategy Policy; and
- Parking Code.

While these plans and policies do not strictly apply to a Part 3A application, they will be given regard to in the project design and the Draft Environmental Assessment.

Section 4

Key Issues

The following provides a summary of the key issues and identifies the potential environmental impacts in relation to the development of the site:

4.1 Ecological

Mr Peter Parker of Peter Parker Environmental Consultants Pty Ltd has undertaken a preliminary ecological assessment of the site. This assessment has included vegetation mapping which includes the following vegetation associations:

- Littoral rainforest (ribbonwood, myrtle ebony, sandpaper fig);
- Forest (broad-leaved paperbark, swamp she-oak, pink-tipped bottle brush);
- Woodland (broad-leaved paperbark, coast banksia, forest red-gum, swamp she-oak); and
- Grassland.

Whilst this preliminary mapping has identified an Endangered Ecological Community (EEC) on the site, the mapping has also confirmed that the proposed development area is exclusive of the mapped EEC areas.

The overall approach to the design of the holiday cabin layout will be to promote the maintenance or improvement of the high biodiversity regime existing on the site.

The Ecological Assessment will address the relevant legislation including the Native Vegetation Act 2003, The Threatened Species Conservation Act 1995, State Environmental Planning Policy No.44 – Koala Habitat Protection, the Environment Protection and Biodiversity Conservation Act – Matters of National Environmental Significance, the draft Threatened Species Survey and Assessment – Guidelines for Development and Activities and the Environmental Planning and Assessment Act 1979.

4.2 Geotechnical

Mr Daniel Martens of Martens and Associates Pty Ltd has prepared a preliminary Wastewater Management Strategy for the proposed development. The project scope for this work has included the following investigations:

1. Identification of appropriate area(s) of land for long term sustainable re-use of effluent within the development site.
2. Determination of both the capability of the site to accept treated effluent in accordance with the relevant guidelines as well as physical and chemical properties of site soils within proposed effluent re-use areas.
3. Determination of minimum effluent treatment standards based on soil and land capability assessment.
4. Determination of expected hydraulic loads (wastewater generation) from the proposed development.
5. Specification of minimum effluent re-use requirements based on site limitations such as soils, geology, required setbacks and vegetation restrictions.
6. Development of a sustainable wastewater management system for the site including:
 - Performance specifications for the proposed Sewage Treatment Plant (STP)
 - Preliminary design requirements for the scheme infrastructure (e.g. STP, sewer mains, pump stations where required, reclaimed water wet weather holding structures, etc)
 - Specifications for effluent re-use field(s).

Additionally the scope of the Acid Sulfate Soils Assessment has included the following:

1. Identification of potential and actual acid sulfate soils on the site.
2. Assessment of the risk of acid sulfate soils on the site.
3. Recommendations of the mitigation, where required, of impacts relating to acid sulfate soils.

4.3 Flooding

The site is flood prone and Kempsey Shire Council has previously indicated that the current RL for the 1:100 year flood event is RL 3.5m AHD, where Council generally requires a clearance of 0.5m above this level. Accordingly the minimum floor level of the proposed holiday cabins will be RL 4.00m AHD.

4.4 Bushfire Protection

The site is mapped as bushfire prone and therefore proposal must comply with the provision of Planning for Bushfire Protection 2006 (PBP 2006) for a 'Special Fire Protection Purpose'.

Mr Graham Swain of Australian Bushfire Protection Planners Pty Ltd has undertaken a preliminary bushfire risk assessment for the development proposal. This preliminary assessment has determined the requirements for a 'Special Fire Protection Purpose' in relation to Asset Protection Zones, access and egress, water supply and site services, landscaping and emergency and evacuation planning.

4.5 Coastal Processes

The site is within a 'sensitive coastal location' of the Coastal Zone and any development must have regard to coastal processes and land use impact in the vicinity of the site. The detailed requirements of Clause 8 of State Environmental Planning Policy No.71 – Coastal Protection will therefore be addressed as part of the assessment process.

4.6 Aboriginal Heritage

Aboriginal and European Heritage will be addressed, as required by clause 64 of Kempsey Local Environmental Plan 1987.

The proposed development area within the site has previously been highly disturbed with the creation of the mounds as a result of the excavation of sand during construction of the drainage channel in the early 1970's. Whilst the proposed development itself will only require minimal landform alteration, it is recognised that the adjoining Limeburners Creek Nature Reserve contains a high concentration of Aboriginal sites.

Therefore in addition to consultation with the LALC the Draft Environmental Assessment will address the draft document "Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation" (DEC, July 2005) and "Interim Community Consultation Requirements for Applicants" (DEC).

4.7 Visual Amenity and Landscape

The proposed development will minimise the disturbance of the existing natural vegetation through the careful siting of the proposed cabins on the existing earth mounds. While some disturbance of existing vegetation on the mounds is expected (and will be assessed in the Draft Ecological Assessment) it is expected that existing vegetation elsewhere on the subject site will be retained. This vegetation has been surveyed and mapped, as shown on the attached plans. Given the combination of this vegetation and the low-lying landform of the site, the proposed development will not be highly visible from the public approaches on Point Plomer Road. The Draft Environmental Assessment will include additional detail in relation to this issue, including photographs of this site and the general locality.

4.8 Traffic Management

Clause 64 of Kempsey Local Environmental Plan 1987 specifically requires an assessment of traffic management in relation to 'holiday cabins'. One of the objectives of the proposed development is to create a low impact, natural environment where holiday makers chose the site as their specific destination to enjoy the surrounding natural features of the locality without the need to drive to alternate destinations. A walking trail will be created to provide pedestrian access to Big Hill Beach via the existing beach access path in the adjoining Crown Reserve to the east of Point Plomer Road.

The site is also well situated to provide access to the proposed Coastal Walk. This facility is currently under consideration within the 'Plan of Management – Maria River Regional Crown Reserve, October 2007' which is currently on exhibition by the Department of Lands, Taree.

Traffic management, generation and access will be addressed in relation to the above as part of the Draft Environmental Assessment.

Section 5

Conclusion

The site is considered well positioned to provide accommodation for visitors to an area for its unique environmental and scenic qualities. The development footprint and accommodation options have been carefully considered to ensure the development is ecologically sustainable and within the environmental capacity of the land. In particular, the proposed development will provide responsible coastal tourist accommodation in an area where the existing low-key tourist facilities have been identified by the Department of Lands as being of key importance to the local economy. The development will enable appropriate public access, use and enjoyment of the adjoining crown reserves, consistent with the management vision identified by the Department of Lands, 'Plan of Management – Maria River Regional Crown Reserve, October 2007'.

This preliminary environmental assessment has identified the key issues that should be addressed within the Draft Environmental Assessment, these being:

- Ecological
- Geotechnical
- Flooding
- Bushfire Protection
- Coastal Processes
- Aboriginal Heritage
- Visual Amenity and Landscape
- Traffic Management

In conclusion we confirm that a 'project approval' is sought in relation to the proposed development and on behalf of the proponent, we seek the following:

1. The Ministers confirmation that the proposal should be declared a project under Part 3A of the Act; and
2. The Director-Generals environmental assessment requirements (DGR's) for the preparation of the Draft Environmental Assessment.