

**PRELIMINARY ASSESSMENT UNDER PART 3A OF THE ENVIRONMENTAL  
PLANNING AND ASSESSMENT ACT, 1979**

**PROPOSED COMMUNITY TITLE RESIDENTIAL SUBDIVISION OF LOT 2  
DP 862876, BOOMERANG DRIVE, PACIFIC PALMS AND THE ERECTION OF  
DWELLING HOUSES ON EACH OF THE RESULTING LOTS.**

**PREPARED FOR CADEM DEVELOPMENTS PTY LTD.**

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**APRIL 2008**

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## **1. INTRODUCTION.**

**Doug Sneddon Planning Pty Ltd** has been engaged by Cadem Developments Pty Ltd (1/19 Darby Street, Newcastle, NSW 2300) to prepare this preliminary assessment under Part 3A of the Environmental Planning and Assessment Act, 1979 in respect of the proposed subdivision of Lot 2 DP 862876, Boomerang Drive, Pacific Palms into 35 residential lots and the erection of a dwelling house on each of the resulting allotments.

On the 13<sup>th</sup> March 2008 the Director General, as a delegate of the Minister, formed the opinion that the proposed development is a Project to which Part 3A of the Environmental Planning and Assessment Act, 1979 applies. A copy of the Department of Planning's confirming advice is provided at Appendix A.

The purpose of this preliminary assessment is to assist the preparation of the Director-General's Environmental Assessment Requirements and to identify key issues which need to be satisfactorily addressed in the design of the proposed development.

## **2. PROPERTY DESCRIPTION.**

The subject land is described as Lot 2 DP 862876, fronting Boomerang Drive, Pacific Palms and is located approximately one kilometre from the ocean at Blueys Beach:

- a Locality Plan is provided at Figure 1;
- a copy of Deposited Plan 862876 is provided at Figure 2;
- a Site Survey Plan is provided at Figure 3;
- Great Lakes LEP 1996 (Amendment No. 13) zoning map is at Appendix B; and
- site photographs are provided in Appendix C.

The site is a highly degraded quarry site of 3.398 hectares and is mostly cleared of native vegetation, except for a narrow strip of regrowth vegetation along the western boundary and an area of regrowth/remnant vegetation located in the north-eastern corner of the site and generally along the eastern property boundary.

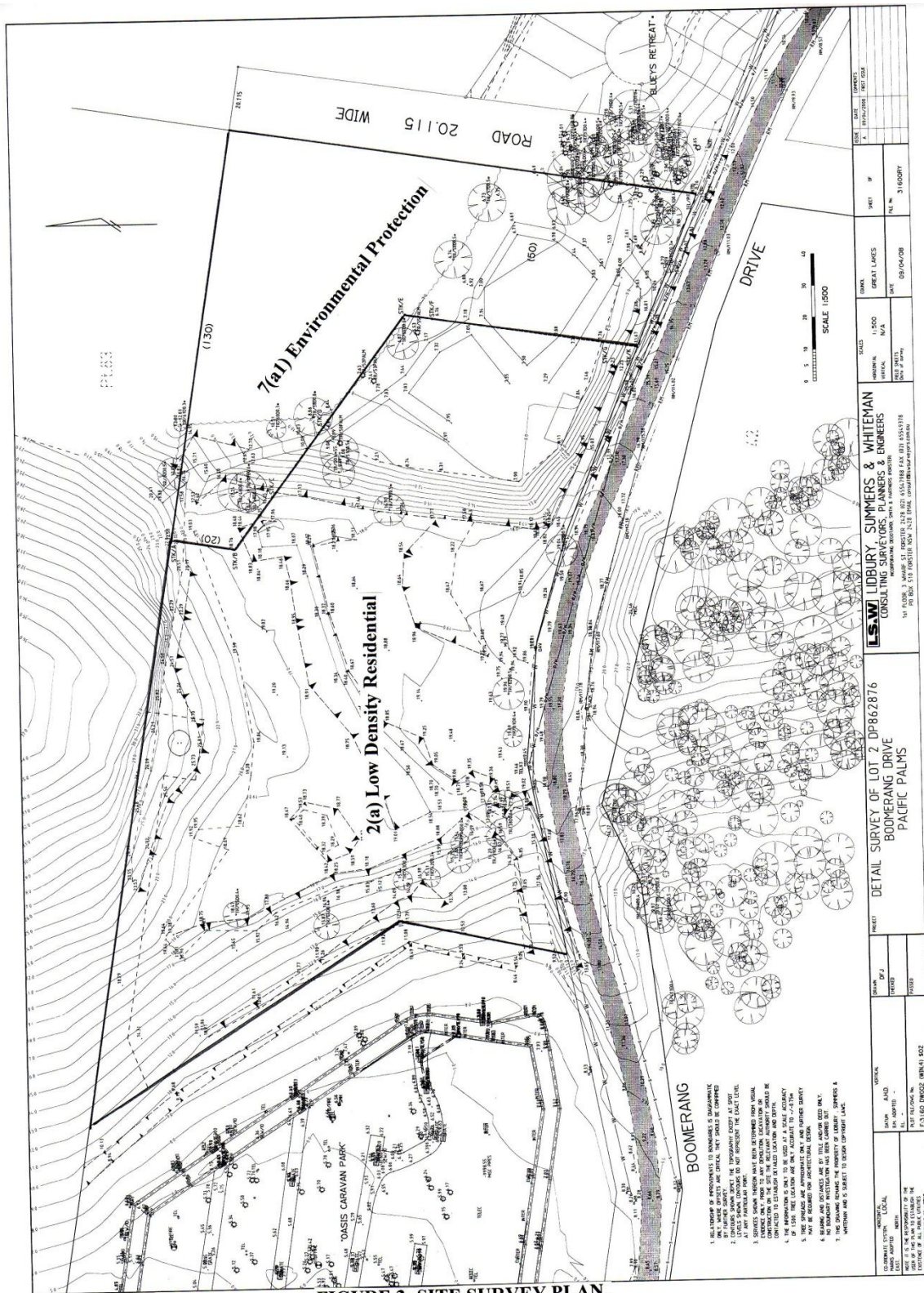
Prior to its use as a quarry, the site formed a saddle defining the Wallis Lake Catchment boundary, with part of the site draining westwards towards the lake and part draining easterly to the Pacific Ocean. Existing site levels have been modified by quarrying such that the entire site now proposed for development is relatively flat and predominantly drains to the east.

The site is located within an urban corridor fronting Boomerang Drive, with the "Blueys Retreat" residential development located adjacent to the eastern boundary and the "Palms Oasis Caravan Park" located adjacent to the western boundary. Residential development on the subject land would therefore represent a minor infill/consolidation of existing urban settlement/tourist development located along Boomerang Drive. All urban services, including reticulated water and sewer, are capable of being provided to the land and the proposed development.

Along part of the northern boundary of the land there is a water reservoir and easement for access, providing water supply to the Palms Oasis Caravan Park.







Part 3A - Preliminary Assessment in respect of proposed residential subdivision and integrated housing development on Lot 2 DP 862876, Boomerang Drive, Pacific Palms.  
Doug Sneddon Planning Pty Ltd – April 2008

### 3. PROPOSED DEVELOPMENT.

It is proposed to develop the site for integrated housing, comprising 35 residential lots under community title and a single community lot to contain remnant vegetation located along the eastern property boundary, to be rehabilitated and managed as an environmental corridor. A Concept Development Plan is provided at Figure 4.

### 4. PLANNING FRAMEWORK.

#### 4.1 Local Planning

##### 4.1.1 Great Lakes Local Environmental Plan 1996 (Amendment No. 13).

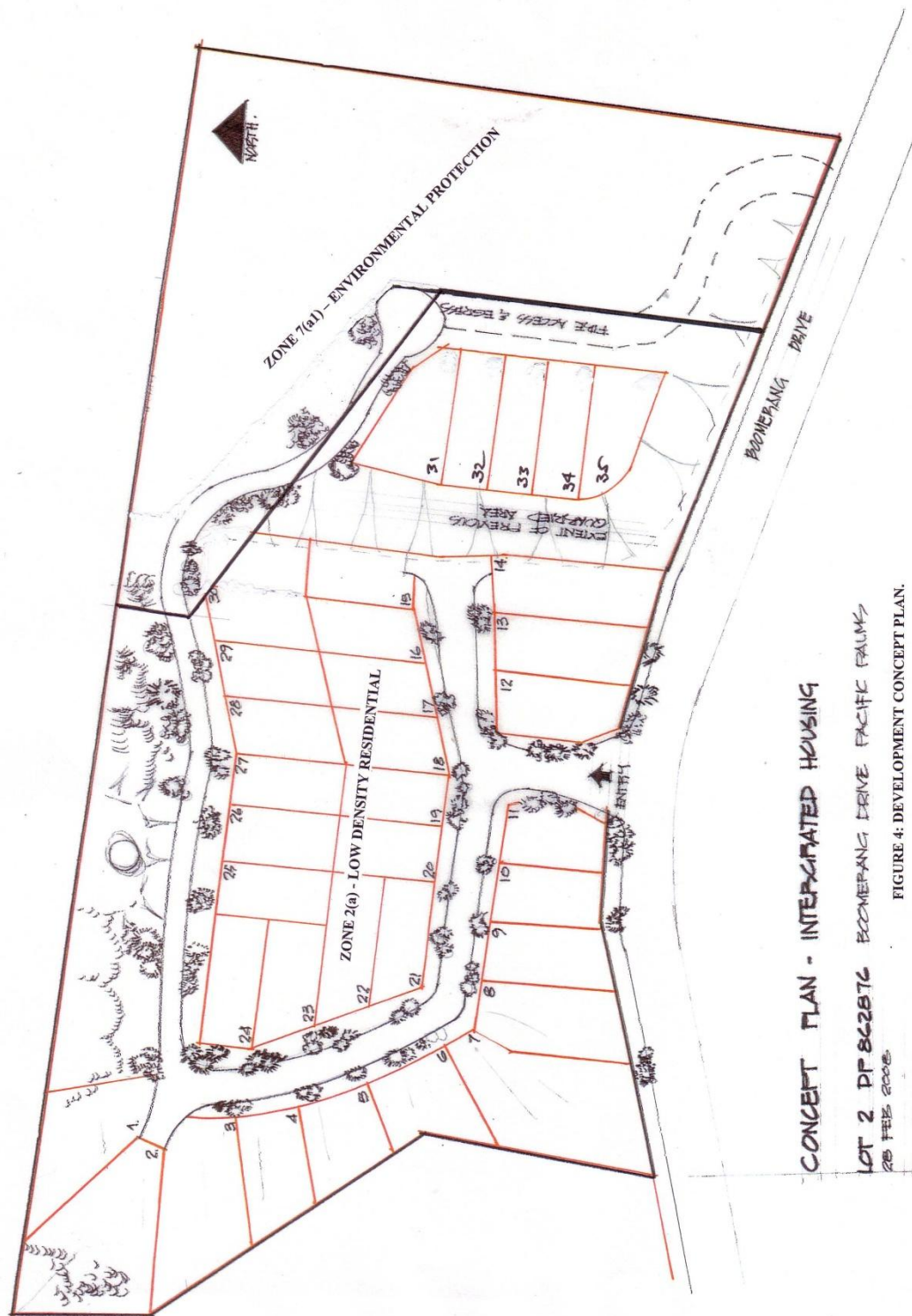
Under Great Lakes Local Environmental Plan 1996 (Amendment No.13), the subject land is zoned part 2(a) Low Density Residential and part 7(a1) Environmental Protection:

- under the 2(a) Low Density Residential zone, residential development is to consist primarily of housing that generally does not exceed two storeys in height and has private gardens.
- under the 7(a1) Environmental Protection Zone, the following development is permissible with development consent: *“Bushfire hazard reduction; dwelling houses; environmental facilities; roads and utility installations.”*

The low density concept subdivision layout; the erection of two storey dwelling houses on the resultant lots; and the protection/maintenance of the proposed environmental corridor, are permissible with development consent and consistent with the relevant zone objectives.

Clause 33B provides special provisions for ecological management and bushfire hazard reduction on certain land at Pacific Palms, including the subject land:

- Clause 33B (2) - Before granting development consent, the consent authority must have regard to:
  - (a) *the capability of the land to support the proposed development,*
  - (b) *the protection of significant vegetation and habitats, including habitats for threatened species,*
  - (c) *the facilitation of fauna movement within and through the land,*
  - (d) *the protection of the scenic attributes of the land,*
  - (e) *the protection of development from bushfire without unreasonably compromising the ecological values of the land.*
- Clause 33B (3) - Before granting development consent the consent authority must be satisfied that:
  - (a) *adequate measures will be implemented to achieve the long-term preservation and management of biological diversity and ecological integrity on the land, and*



- (a) *adequate measures will be implemented to achieve the long term protection and management of significant habitats on the land, including habitats for threatened species, for wildlife conservation purposes, and*
  - (b) *adequate measures will be implemented to facilitate fauna movements within and through the land, and*
  - (c) *if the proposed development is on land within Zone No. 2(a), adequate measures will be implemented to protect development on the land from bushfire and such measures will not unreasonably compromise the ecological values of the land.*
- Clause 33B(4) – Development consent must not be granted for subdivision unless the consent authority is satisfied that:
    - (a) *any part of the land to which the development application relates that is within Zone No. 7(a1) is, or will be contained in, a single lot, and*
    - (b) *land within that lot will be effectively managed in the long term for ecological and conservation purposes.*

Clause 12 (Services) seeks to ensure that all development has adequate water and sewerage services and requires the Council not to grant consent to the development of any land unless adequate water supply and facilities for the removal of sewerage and for the drainage of the land are available, or satisfactory arrangements for their provision have been made. These services can be provided to the land.

**4.1.2 Great Lakes Development Control Plan Subdivision (DCP 31)** contains detailed controls and standards for residential subdivision. The requirements of this DCP are able to be satisfied by the concept proposal.

Under DCP 31 “Integrated Housing Development means a Development Application made to Council that involves both the subdivision of land and the erection of two or more dwellings.”

The proposed development is categorized as Integrated Housing Development. The DCP further provides that residential lots of less than 450m<sup>2</sup> “will only be permitted when allotments are incorporated within an integrated housing development.....”.

The intention to create allotments of less than 450m<sup>2</sup> is consistent with this requirement.

#### **4.1.3 Great Lakes Development Control Plan for Urban Areas (DCP No. 30)**

Great Lakes Development Control Plan for Urban Areas (DCP No. 30) provides design guidelines for urban housing, including *Integrated Housing Development*.

The principal site characteristics which determine lot layout/yield on the subject land include:

- two distinct site levels as indicated on the site survey plan (Figure 3);
- efficient site access and traffic circulation system;
- vegetation and bushfire management within the site; and
- bushfire hazard design requirements – Planning for Bushfire Protection 2006;

The development concept plan is consistent with the objectives of DCP 30 relating to the Councils support for the efficient use of residential land and to expand the variety of housing options available within the Great Lakes Area.

Integrated housing development within the subject site is capable of satisfying the design requirements of DCP 30. All relevant issues will be addressed when responding to the Director-General’s environmental assessment requirements.

#### **4.2 Regional Planning - Hunter Regional Environmental Plan 1989.**

Hunter Regional Environmental Plan 1989 applies to the subject land.

The regional plan “ aims to promote the balanced development of the Region, the improvement of its rural and urban environments and the orderly and economic development and optimum use of land and other resources, consistent with conservation of natural and man made features, so as to meet the needs and aspirations of the community.”

In relation to housing:

- Clause 8 - the plan aims “to provide opportunities for the adequate provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups throughout the region; and to ensure that the design and siting of residential development meets community needs, minimizes impact on the natural environment and involves the quality of the regions built environment.”

In relation to environmental hazards:

- (Clause 52), the plan seeks to minimize the effects of soil erosion and landslip; the dangers of coastal erosion and storm damage; and minimize the dangers of bushfire.

In relation to natural areas:

- (Clause 50), the plan seeks to protect natural areas of geological, ecological or scenic interest by retaining environmental protection zonings and bushland.

These matters are addressed in section 6 of this report.

### **4.3 State Planning.**

#### **4.3.1 NSW Coastal Policy 1997**

The subject land is located within the area to which the NSW Coastal Policy 1997 applies.

The Policy recognises the need to reconcile rapid coastal urban population growth with the need to conserve valuable ecosystems. In particular the Policy promotes the need to identify opportunities to more efficiently use land in existing urban centres. This will allow more people to live in the coastal zone while preserving important environmental attributes.

The proposed *integrated housing development* on the subject site is consistent with the Policy's promotion of the need to more efficiently use land within existing urban areas.

#### **4.3.2 State Environmental Planning Policy No. 14 – Coastal Wetlands.**

There is no SEPP 14 – Coastal Wetland within Lot 2 DP 862876.

#### **4.3.3 State Environmental Planning Policy No. 26 – Littoral Rainforest.**

There is no SEPP 26 – Littoral Rainforest within Lot 2 DP 862876.

#### **4.3.4 State Environmental Planning Policy No. 44 – Koala Habitat.**

Previous site assessment by Andrews Neil Environmental Pty Ltd in conjunction with an earlier rezoning application indicated that the high level of disturbance of the subject land would preclude it from supporting Core Koala Habitat as defined by SEPP 44 and that there was no evidence of Koala presence within the site.

#### **4.3.5 State Environmental Planning Policy No. 71 – Coastal Protection**

State Environmental Planning Policy No. 71 – Coastal Protection applies to the subject land and the proposed development.

Parts 3, 4 and 5 of the Policy apply to the preparation and consideration of development applications. These requirements will be addressed at the development when responding to the Director General's environmental assessment requirements.

#### **4.3.6 State Environmental Planning Policy (Major Projects).**

The Director General, as a delegate of the Minister, has formed the opinion on the 13<sup>th</sup> March 2008 that the proposal is a Project to which Part 3A applies (Schedule 2 – Coastal Areas: Item (j) (i)).

## 5. VIEWS OF GREAT LAKES COUNCIL.

The suitability of the subject land for residential development has been the subject of extensive examination by Great Lakes Council in its preparation of the Pacific Palms Local Environmental Study and Great Lakes Local Environmental Plan 1996 (Amendment No. 13), gazetted on the 7<sup>th</sup> December 2007.

The Council supports the development of that part of the site zoned 2(a) Low Density Residential for the purpose of *Integrated Housing* under community title and the rehabilitation/management of that part of the site zoned 7(a1) Environmental Protection as an environmental corridor.

## 6. OVERVIEW OF ENVIRONMENTAL ISSUES.

### 6.1 Topography and Slope.

The subject land is located on the northern side of Boomerang Drive on a saddle which forms the catchment boundary between the eastern watershed draining to the Pacific Ocean and the western catchment of Wallis Lake.

The site has been highly modified by quarry operations. Current site levels are presented in the site plan at Figure 3, indicating the site to be divided into two distinct levels. The upper level is located in the western and central portion of the site and represents an area of approximately 1.76 hectares while the lower level covers the eastern portion of the site and is approximately 1.64 hectares. The height differential between the two is approximately 10 metres. Both portions are relatively flat and drainage of the proposed development area will, in its final form, be predominantly to the east.

The lowest part of the site is in the north eastern corner, which forms an edge to a broad drainage path across adjacent properties, falling towards the east.

Site topography does not impose any physical constraints on the proposed development.

### 6.2 Geology and Soils.

**Coffey Geosciences Pty Ltd** has undertaken an assessment of geotechnical conditions within the site. Geologically the site is situated within a region underlain by the Yagon siltstone, which typically comprises thinly interbedded siltstone, mudstone and sandstone. These sedimentary rocks are of high to very high strength and are quarried within the Great Lakes area for use as construction material.

In summary the report recognizes that the site has been greatly modified by quarrying and indicates:

- the site is suitable for the proposed development from a geotechnical point of view;

- there are no particular geotechnical constraints on the type of structures to be constructed on the site, provided they are founded on footings designed and constructed in accordance with AS 2870, residential Slabs and Footings; and
- the site is situated within a rock and rock derived profile and as such is in an environment that would preclude the development of acid sulfate soils within the proposed development area.

### **6.3 Flora and Fauna.**

**Andrews Neil Environmental Pty Ltd** has undertaken an Ecological Assessment of the subject land in conjunction with a previous rezoning application. Inspections of the site were undertaken on 26<sup>th</sup> August 2002 and 5<sup>th</sup> February 2003 to evaluate the findings of previous locality assessments undertaken by a number of consultancies on behalf of the Council and landowners since 1993.

#### **6.3.1 Vegetation.**

The site has a history of disturbance as a working quarry. Consequently most of the site is devoid of native vegetation with the exception of a fringe of regrowth and remnant vegetation along property boundaries.

The site inspection found that original vegetation on the site was likely to be consistent with “Spotted Gum – Grey Gum Forest” and “Swamp Mahogany – Cabbage Tree Palm Swamp Forest” as described by SWC (1993), although mapping prepared by SWC did not consider the swamp mahogany community likely to be present on the site.

As determined by the site inspections, the subject land supports remnants of both communities, although the vegetation was varied as a result of several factors unique to the site:

- the subject site is located on a saddle between two local highpoints to the north and south. As a result, the vegetation across the saddle is likely to be influenced by its proximity to swamp vegetation and other areas of dry sclerophyll forest. Accordingly, remnant vegetation is likely to be ecotonal and may not fit within any of the descriptions by SWC; and
- the subject land has been severely modified with most of the original native vegetation being removed as a consequence of quarrying. The degraded areas of the quarry are characterized by extensive weed invasion.

These factors combine to create the current vegetation assemblage on site, which includes a mosaic of species typical of both the Spotted Gum – Grey Gum Forest and Swamp Mahogany – Cabbage Tree Palm Swamp Forest.

Remnant vegetation occurs only in the north eastern corner of the site at its lowest point, where an area of Swamp Mahogany – Cabbage Tree Palm Swamp Forest is present. This area supports some mature trees with visible hollows and pure stands of Cabbage Tree Palm. It is

part of the southern extent of a community mapped by SWC (1993) as extending north to Elizabeth Beach. Whilst this vegetation community displays high weed content around its edges, the quality of vegetation within the forest along the north eastern property boundaries is high. The Palm Forest on the subject land, which contains a relatively small area (approximately 6.0 percent) of the total Palm Forest within the Pacific Palms LES study area, is to be protected and maintained as part of the proposed environmental corridor.

### **6.3.2 Wildlife Corridor.**

Various environmental studies undertaken on behalf of the Council and landowners in the Pacific Palms area since 1993 have presented contradictory and confusing statements regarding the identification of habitat corridors for the north – south movement of fauna. Variable findings have been presented by these studies indicating potential corridors along either the site’s western or eastern boundaries, or both; or no corridor at all.

Following assessment of all relevant documentation, an environmental corridor has been identified through the subject land along its eastern boundary and zoned 7(a1) Environmental Protection under Great Lakes LEP 1996 (Amendment No. 13). Clause 33B of the LEP establishes a co-ordinated long term framework for the protection and management of wildlife corridors, providing a number of matters which must be considered by the consent authority before granting consent to development.

### **6.3.3 Threatened Species.**

Review of relevant literature and inspection of the subject site reveals that while the Pacific Palms area supports high quality habitat for a wide range of threatened species, the subject land provides no habitat for the majority of these species due to the high degree of site disturbance/modification.

Vegetation in the north eastern corner of the site provides potential habitat for a number of bat, glider and frog species although no targeted fauna surveys have been undertaken at this stage. Further investigation will be undertaken in accordance with legislative requirements in response to the Director General’s environmental assessment requirements.

However, the potential impact of the development proposal on threatened species will be minimal, as remnant native vegetation within the north eastern corner of the site and along the eastern boundary will be retained as part of a wildlife corridor, which will be rehabilitated and managed for long term conservation.

In summary, in view of the highly degraded nature of the site and the intention to retain remaining native vegetation in the north eastern corner and along the eastern boundary, the proposed development will not have a significant impact on threatened species.

## **6.4 Landscape and Visual Significance.**

The Pacific Palms Local Environmental Study 2002 includes the subject land in the “cleared urban and rural land” landscape unit, which includes all land that has been cleared for

pasture, urban and rural development, or quarrying. The unit is regarded as not having a natural character and where vegetation has been greatly modified or removed.

Most of the subject land is also contained within Visual Management Zone 5, which is a “development zone” where activities and modifications may dominate surrounding visual characteristics and where native vegetation would not be retained. A small area of the north eastern corner of the site is included within Visual Management Zone 3, where “suitable development such as rural dwellings, urban cluster development and small scale tourist facilities, should remain subordinate to the visual character and native vegetation should be substantially retained. This area is to be protected and maintained within the proposed environmental corridor.

The site is therefore considered to be of low visual significance, being located in an urban corridor along the northern side of Boomerang Drive. Residential development on the subject land would form “infill” development between ‘Blueys Retreat’ located adjacent to the eastern boundary and the ‘Palms Oasis Caravan Park’ located adjacent to the western boundary.

### **6.5 Bushfire Hazard.**

**Terra Consulting Pty Ltd** has undertaken a Bushfire Hazard Assessment of the property in conjunction with the previous rezoning application. In summary, the principal findings of this assessment are that the subject land can be developed for residential purposes in a manner which satisfies legislative requirements and bushfire protection guidelines.

The subject land and the proposed development will be the subject of a new Bushfire Hazard Assessment addressing the requirements of *Planning for Bushfire Protection – 2006* which will be provided in the final environmental assessment.

### **6.6 Archaeological Assessment.**

The Pacific Palms Local Environmental Study 2002 presents an archaeological assessment of the Pacific Palms area. No restrictions on development or special requirements are identified in regard to the subject site in view of it having been highly modified and disturbed by quarry operations.

### **6.7 Urban Setting.**

The subject site is located within the Pacific Palms urban area (Pacific Palms, Boomerang Beach and Blueys Beach).

Pacific Palms is classified as a “town” in the settlement hierarchy proposed by the Draft Great Lakes Rural Living Strategy. The strategy suggests that the expansion of towns and villages should be based on the capability of the centre to cope with the expansion by way of facilities and services provided in the centre.

All studies undertaken by the Council since 1993 indicate that there are limited opportunities for additional residential land at Pacific Palms. The Council's priority has been to protect the natural environment and existing village character by encouraging small scale infill development, reducing vegetation clearing and protecting significant ecological assets.

All studies undertaken by the Council have recognized the degraded nature of the quarry site; its location in an urban corridor along the northern side of Boomerang Drive; and its inherent suitability as one of the limited local opportunities for infill urban development.

In response to the Department of Planning's public exhibition of the Draft Mid North Coast Growth Area Maps, a submission on behalf of the owners of the subject land requested that the "Draft Growth Areas Map – 9 Great Lakes North" should be amended to identify those areas recently zoned 2(a) Low Density Residential by Great Lakes Local Environmental Plan 1996 (Amendment No. 13), which includes the subject land, as "existing urban footprint".

## **6.8 Community Facilities and Services.**

The Pacific Palms community currently has access to the following facilities and services:

- community facilities include a multi-purpose community hall, community operated library, visitor centre, district recreational sporting facility and tennis courts. The community hall is capable of adaption for future use as a multipurpose facility;
- community services include an early childhood care centre, a community preschool, family day care, home care and community transport to Forster, Bulahdelah and Seal Rocks;
- the Blueys Beach retail centre located on Boomerang Drive in close proximity to the subject land provides a mini supermarket, newsagent, video shop/bakery/deli, bottle shop, surf shop, pharmacy, pizza restaurant, take away food shop, sportswear and fishing supply store and a real estate agent;
- in addition to the above shops there are also two doctors surgeries along Boomerang Drive, a combined supermarket/petrol station adjacent to the subject land in the Palms Oasis Caravan Park and a small shop in the Elizabeth Beach Caravan Park; and
- the Pacific Palms Recreation Club on the Lakes Way at Elizabeth Beach provides a public restaurant, tavern and live entertainment.

Adequate community services/facilities are therefore available within close proximity to the subject land to meet the local needs of future residents within the proposed development.

## **6.9 Infrastructure.**

There are no service infrastructure availability or capacity constraints preventing development of the subject land for residential purposes. Arrangements can be made for the

provision of reticulated water/sewerage, electricity, telecommunications, waste disposal and road access to the site.

Further details of required subdivision/utility works to service the proposed development will be provided in the final environmental assessment.

#### **6.10 Ecologically Sustainable Development.**

The Local Government Amendment (Ecologically Sustainable Development) Act 1997, the NSW Coastal Policy and State Environmental Planning Policy No. 71 – Coastal Protection, require the Council to give consideration to the overarching principles of Ecologically Sustainable Development, namely the adoption of the precautionary principle, intergenerational equity, the conservation of biological diversity and ecological integrity, and improved valuation, pricing and incentive mechanisms.

As indicated in the preceding analysis:

- the land proposed for residential development is a highly degraded quarry site and is environmentally suitable for residential development;
- the proposed *integrated housing development* is consistent with all local, regional and state urban settlement strategies and policies regarding the efficient use of limited potential urban land supply;
- the proposal satisfies the requirement that “ Human settlement requires infrastructure and services at adequate levels and in appropriate locations”;
- all urban services, including reticulated water and sewerage, are capable of being provided to the land;
- community facilities and support services are available to the locality;
- the development does not involve critical habitat;
- remnant vegetation in the north eastern corner of the site will be retained, rehabilitated and managed as a wildlife corridor; and
- development within the site is capable of complying with relevant environmental and design codes for subdivision and housing.

In summary, the proposed development raises no significant adverse impacts in regard to the principles of Ecologically Sustainable Development.

## 7. KEY ISSUES.

The following key issues are identified from the above analysis as matters which particularly need to be addressed in the final environmental assessment required to be submitted in relation to this development application:

- **Flora and Fauna:** A Flora and Fauna/Threatened Species assessment meeting legislative requirements will be required to be undertaken in the final environmental assessment;
- **Wildlife Corridor:** Satisfaction of the requirements of Clause 33B of Great Lakes Local Environmental Plan 1996 (Amendment No. 13) in relation to ecological management and bush fire hazard reduction will need to be demonstrated in the final environmental assessment;
- **Bushfire Hazard Assessment:** A Bushfire Hazard Assessment Report will be required to accompany the final environmental assessment, satisfying the requirements of *Planning for Bushfire Protection – 2006* and relevant legislation;
- **Stormwater/Sewage/Sedimentation Management:** The management of stormwater and maintenance of water quality is important to ensure that off-site water quality impacts are suitably managed. A Water & Sewer Strategy and Drainage Network Layout should be submitted with the final environmental assessment;
- **Traffic Access:** Suitable arrangements need to be incorporated for vehicular/pedestrian access within the site and intersection arrangements with Boomerang Drive. A traffic study and concept intersection design should be provided with the final environmental assessment;
- **Community Title:** Legislative requirements in relation to DA lodgement for community title development will need to be satisfied in the final environmental assessment.

## 8. REQUEST FOR DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS.

Pursuant to Section 75E of the Environmental Planning and Assessment Act 1979 application is made to the Minister for approval to subdivide and develop Lot 2 DP 862876, Boomerang Drive, Pacific Palms, under Community Title for 35 residential lots and environmental conservation purposes, as indicated in the Concept Development Plan at Figure 4.

This preliminary assessment has been prepared to assist preparation of the Director General's Environmental Assessment Requirements under Part 3A of the Environmental Planning and Assessment Act 1979.

**Doug Sneddon**  
**14<sup>th</sup> April 2008.**

Part 3A - Preliminary Assessment in respect of proposed residential subdivision and integrated housing development on Lot 2 DP 862876, Boomerang Drive, Pacific Palms.  
Doug Sneddon Planning Pty Ltd – April 2008