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Urban planning and environmental architecture

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Preliminary Environmental Assessment

Proposal: Subdivision – Six Allotments

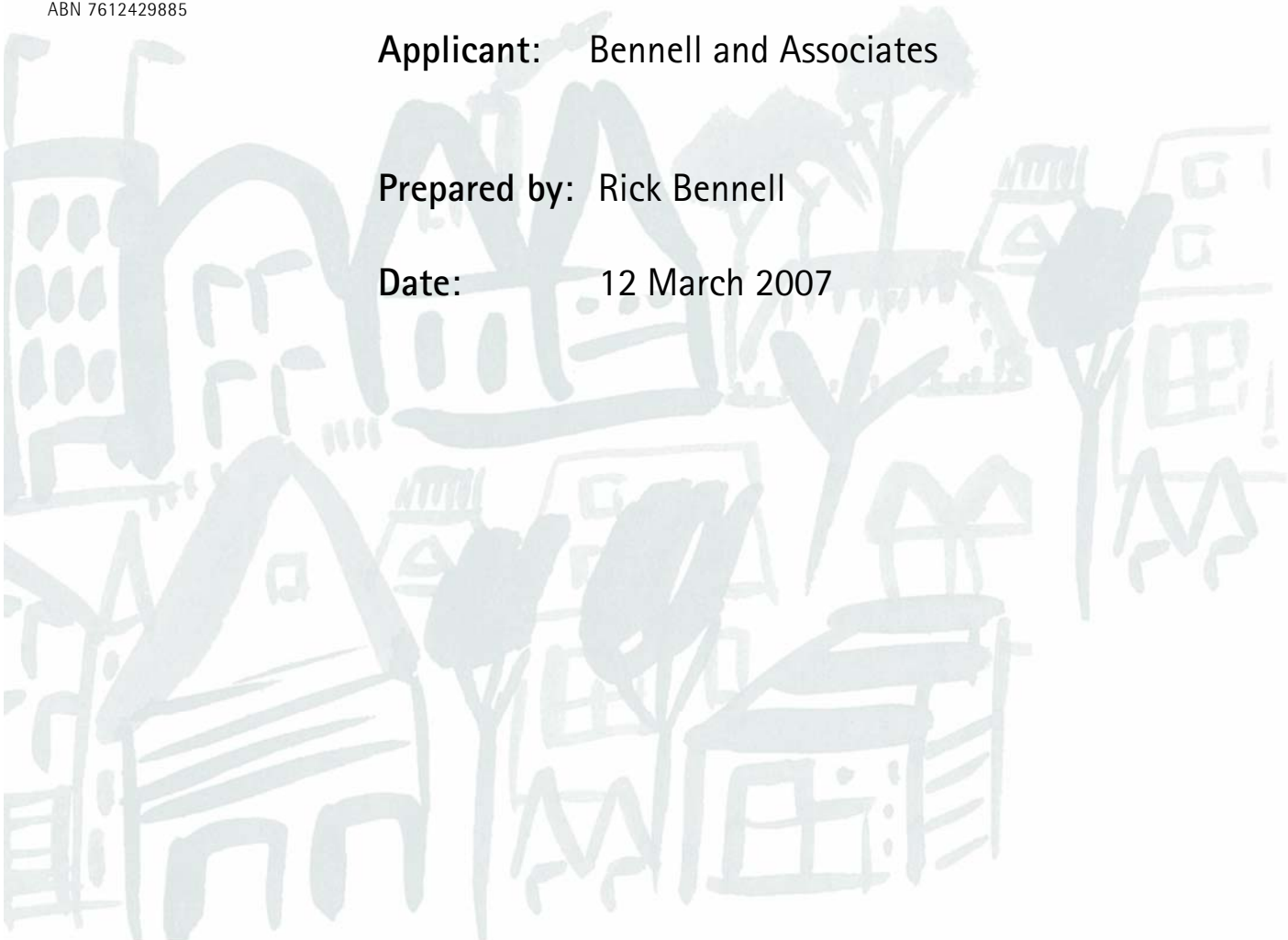
Property: No. 1 Hunter Close, Korora
Lot 2, DP 557352, Lot 10, DP 850496
and Lot 2, DP 844814

Owner: Mr D Sartor

Applicant: Bennell and Associates

Prepared by: Rick Bennell

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Summary

The land is located within the area commonly referred to as the “Korora Basin” approximately 5km north of Coffs Harbour City Centre (refer Figure 1). The real property description is Lot 2 DP557352, Lot 10 DP 850496 and Lot 2 DP 844 814 and the address is No 1 Hunter Close, Korora. The land has an area of 7.18 hectares and has a frontage to Old Coast Road, Hunter Close and the Pacific Highway, refer Figure 2.

The proposal is for a rural residential subdivision to create 6 rural residential allotments. The lot configuration is responsive to the planning requirements for a minimum lot size of 1 hectare, the site contours and the general site constraints associated with the watercourse. The existing dams have been assigned to separate lots with an adequate perimeter to enable access for maintenance. The proposed candidate areas for building envelopes provide for good views from each lot and ease of access, with the majority of envelopes being located close to the access roads.

The land is subject to the provisions of Coffs Harbour City Local Environmental Plan (LEP) 2000. Under this plan the subject land has four zones; the land is zoned part Rural 1B Living, part Rural 1A Agriculture, part Environmental Protection 7A Habitat and Catchment and Environmental Protection 7B Scenic Buffer. The proposed development constitutes the “subdivision of land” which is permissible, with Council consent, under all the zones applying to this land.

The subject land is not connected to reticulated sewer, is in the coastal zone and the proposal is for the subdivision of land into more than 5 lots. Accordingly, the proposal meets the criteria listed in Schedule 2 of the State Environmental Planning Policy (SEPP) – Major Projects.

The proposal complies with the core planning controls, namely the Coffs Harbour City LEP 2000, Korora Rural Residential DCP, North Coast REP 1988 and SEPP No. 71 Coastal Protection.

While the proposal meets the criteria of the Major Projects SEPP, the proposal is a minor subdivision providing for an additional population of approximately 15 people, a capital investment of less than \$200,000 and is in keeping with the future land use proposals for rural residential development in the area. Initial discussions with Coffs Harbour City Council indicate that they would prefer to deal with such applications as they are of a local scale.

The following represents a preliminary assessment to identify the key issues to assist in the director General’s Environmental assessment requirements for a six (6) lot rural residential subdivision.

Section 2

The Land

The land forms part of the Korora Rural Residential Release Area which was rezoned by Coffs Harbour City Council in 2004 for the development of rural residential housing.

The area was formerly a banana growing area and the nature of the land at present is testimony to this with cleared valleys, vegetated windbreaks and ridge top vegetation. Land with a northerly aspect, such as this land, provided the best banana growing conditions with the less fertile land, gullies and ridge tops retaining native vegetation because they were unsuited to banana growing.

The land is located within the area commonly referred to as the “Korora Basin” approximately 5km north of Coffs Harbour City Centre (refer Figure 1).

The real property description is Lot 2 DP557352, Lot 10 DP 850496 and Lot 2 DP 844 814 and the address is No 1 Hunter Close, Korora. The land has an area of 7.18 hectares and has a frontage to Old Coast Road, Hunter Close and the Pacific Highway, refer Figure 2.

The allotment is an irregular shaped allotment that slopes upward towards Old Coast Road from Hunter Close. The land contains a banana plantation, a dwelling house, a packing shed and two dams located along a watercourse that traverses the site.

Proposal

The proposal is for a rural residential subdivision to create 6 rural residential allotments with the following characteristics:

Lot Number	Area
Lot 1	1.00 ha
Lot 2	1.00 ha
Lot 3	1.07 ha
Lot 4	1.00 ha
Lot 5	1.29 ha
Lot 6	1.53 ha*

** Note this area excludes land zoned 1A and 7b.*

Figure 3 describes the proposal. The lot configuration is responsive to the planning requirements for a minimum lot size of 1 hectare, the site contours and the general site constraints associated with the watercourse.

The dams have been assigned to separate lots (i.e. Lot 1 and 6) with an adequate perimeter to enable access for maintenance.

The proposed candidate areas for building envelopes provide for good views from each lot and ease of access, with the majority of envelopes being located close to the access roads.

The land is subject to the provisions of Coffs Harbour City Local Environmental Plan (LEP) 2000. Under this plan the subject land has four zones; the land is zoned part Rural 1B Living, part Rural 1A Agriculture, part Environmental Protection 7A Habitat and Catchment and Environmental Protection 7B Scenic Buffer, refer Figure 4.

The proposed development constitutes the “subdivision of land” which is permissible, with Council consent, under all the zones applying to this land. The subdivision standards for the 1A, 1B and 7A zone are established by the provisions of Clause 18 of the LEP. Clause 18 relevantly states:

18(1) This clause applies to land in Zone 1A, 1B, 1F, 7A or 7C.

18(2) Consent shall not be granted to the subdivision of land within a zone specified in the first column of the table to this clause which will enable creation of an allotment smaller than the area specified for that zone in the second column of the table.

Minimum Allotment Size Table

Zone	Minimum area per allotment
Rural 1A Agriculture Zone	40 ha
Rural 1B Living Zone	1 ha
Rural 1F State Forest Zone	40 ha
Environmental Protection 7A Habitat and Catchment Zone	40 ha
Environmental Protection 7C Coastal Zone	40 ha

Accordingly, a minimum allotment size of 1 hectare is required for land zoned 1 B and 40 hectares is required for land zoned 1A and 7A; no minimum allotment size applies to the 7B zone.

Clause 18 (4) provides relief from the 40 hectare standard for 1A and 7A zoned land where these zones apply to a parcel of land in conjunction with the 1B zone.

Clause 18(4) relevantly states:

(4) Regardless of subclause (2):

(a) if land in Zone 1A adjoins land in Zone 7A, consent may be granted to a subdivision of the composite parcel provided each resultant allotment contains at least 40 hectares of land within Zone 1A, or

(b) if land in Zone 7A adjoins land in Zone 1B, 2A, 2B, 2C, 2D or 2E, consent may be granted to a subdivision of the composite parcel provided:

(i) each resultant allotment contains an adequate (in the opinion of the consent authority) building envelope outside the land in Zone 7A, and

(ii) the consent authority considers that the subdivision is desirable for achieving long term management of the land within Zone 7A, and

(iii) if the composite parcel contains land in Zone 1B and 7A, each resultant allotment has an area of at least the greater of the following:

(A) the minimum area specified in Korora Rural Residential Development Control Plan as in force on the commencement of Coffs Harbour City Local Environmental Plan 2000 (Amendment No 28),

(B) one hectare,

The 7A zone is a narrow strip of land that adjoins Old Coast Road and the 1A zoned land is a narrow strip of land adjoining the Pacific Highway reservation; this 1A zone has been retained on the land to reflect the potential road widening as part of the Pacific Highway Planning Strategy; the actual road alignment has not formally been determined at this stage.

As can be seen by Figure 3 each lot has an adequate (1,500m²) building envelope outside the 7A zone. The proposed subdivision confines most of the land within the 7A zone to Lots 1 and 2 and is configured to allow building envelopes to be located away from the 7A zone to reduce potential “edge” effects and help in the long term management of the 7A zone. All lots have a minimum lot size of one hectare. Accordingly, the proposal complies with these provisions.

Key Issues/ Preliminary Assessment

The key issues relate to the site's natural characteristics, the surrounding rural residential environment and proximity to the Pacific highway. A Statement of Environmental Effects is to be prepared addressing the following:

- Strategic Planning;
- Statutory Planning (LEP, DCP, REP, SEPPs, etc.);
- Stormwater Management;
- Access and Parking;
- Effluent Disposal/Water Quality;
- Bushfire Hazard;
- Contaminated Land;
- Acoustic Issues;
- Flora and Fauna (especially Koala Habitat);
- Acid Sulphate Soils;
- Aboriginal Items/Places;
- Urban Design/Landscaping/Vegetation Management;
- Social Impacts;
- Relationship to adjoining uses.

While the project is a minor low scale project, it is caught by Part 3A of the Act. Notwithstanding, the proposal is not considered to be of State or regional significance in relation to its direct impacts or any likely cumulative impacts associated with like developments.

4.1 Strategic/
Statutory
Planning:

The following Environmental Planning Instruments, Development Control Plans and policies apply to the site:

- Coffs Harbour City Local Environmental Plan 2000
- Korora Rural Residential DCP
- Subdivision DCP
- Notification DCP
- Off Street Car Parking DCP
- Access and Mobility DCP
- Waste Management DCP
- North Coast Regional Environmental Plan 1988
- State Environmental Planning Policy No. 55 Remediation of Land
- State Environmental Planning Policy No. 71 Coastal Protection
- NSW Coastal Policy

It is to be noted that the project will also be subject to the provisions of the Rural Fires Act, threatened Species Conservation Act and Environment Protection and Biodiversity Conservation Act.

Coffs Harbour City LEP 2000: As stated above, the proposal is permissible with Council's consent under this LEP. There are no amending Draft LEPs that have been exhibited that will have a bearing on this proposal. The proposal will be subject to a number of provisions in the LEP relating to:

- Koala Habitat;
- Marine Park;
- Landform Modification;
- Services;
- Heritage;
- Waterways;
- Environmental Hazards.

The above provisions will be taken into account.

Relevant DCPs: The proposal will involve consultation with Council and the preparation of detailed assessments addressing the detailed design issues included in these DCPs.

The intention is to have a development in full compliance with these DCPs.

North Coast REP: The North Coast Regional Environmental Plan (REP) applies to the subject land. The relevant provisions of the REP are Clauses 12, 15, 32B, 66 and 81.

Clause 12: This clause requires Council to consider the likely impact of the proposal on the use of adjoining and adjacent agricultural land and upon prime agricultural land.

There is no prime agricultural land in the vicinity of the subject land. The distance of the building envelopes and buffering requirements will ensure the proposal has a negligible impact upon the productivity of adjoining banana lands; it is to be noted that no aerial spraying is conducted on the adjoining banana plantations. In the longer term it is anticipated that the adjoining banana lands, like the subject lands, will be converted to rural residential living areas in accordance with the rural residential zoning that applies to this locality.

Clause 15: This clause seeks to maintain or improve water quality or quantity of flows to waterways, conserve fish and habitat and ensure adequate public access to foreshore reserves. Stormwater will be managed to ensure the proposal meets Council's water quality standards. Treatment of stormwater before it enters the receiving waters of the Marine Park will ensure fauna and flora habitat and fish resources are protected.

The proposed development will not impede the existing access to the foreshore.

Clause 32B: This clause applies to land to which the NSW Coast Government Policy applies and requires Council to take into account:

- (a) The NSW Coast Government Policy;
- (b) The Coastline Management Manual; and
- (c) The North Coast: Design Guidelines.

The *Coastline Management Manual* is largely concerned with coastal processes and is of no particular relevance to this development proposal.

The *NSW Coastal Policy 1997* establishes a number of strategic actions that are relevant in determining development applications that will be taken into account.

Clause 66: This clause requires Council to ensure that adequate community and welfare services are available to the land. The Korora area was identified as a candidate area for rural residential development because of its proximity to social services within the Coffs Harbour Urban Area. The land is within 10km of basic social services (i.e. hospital, police, emergency, education and welfare services). This is considered to be adequate in terms of the relevant response and accessibility needs related to these services.

Clause 81: This clause requires Council to be satisfied that development on land within 100m of any substantial waterway:

- has sufficient accessible foreshore open space;
- is consistent within any foreshore management plan.

The locality has sufficient and accessible open space in the immediate neighbourhood; the Korora DCP. The proposal is not inconsistent with the management plans for the nearby open space areas.

SEPP No. 55 Remediation of Land: Under this Policy, Council is to consider whether the land has been contaminated by past land uses. The land is identified by Council as potentially contaminated land because of former banana growing on the land, refer Figure 5.

Clause 7 of SEPP No. 55 requires Council to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the development before consent is granted. Accordingly, an assessment of the soil will be undertaken by a suitably qualified expert to determine whether remediation is necessary and achievable.

SEPP No 71 Coastal Protection: The proposal will be designed to be consistent with this policy. The proposal will be in accordance with the environmental and cultural attributes of the land and will have no impact upon existing access to any foreshore areas.

NSW Coastal Policy: The proposal seeks to maintain the amenity and environmental condition of the coast through sound environmental site design. This is in keeping with the intent of the Policy.

- 4.2 **Stormwater Management:** The stormwater and effluent disposal systems will be designed to meet Council's standards and the site conditions. An expert in stormwater management, in terms of water quantity and quality impacts will be engaged to guide this aspect of the proposal.
- 4.3 **Access and Parking:** The site has access to Old Coast Road, Hunter Close and the Pacific Highway. Lot 6, which will accommodate the existing dwelling house, will have access to Hunter Close. The remainder of the Lots will have access to Old Coast Road.
- Suitable sight distances are available for each Lot with access to Old Coast Road for the safe ingress and egress of vehicles. No access will be provided to the Pacific Highway and consultations will be held with the Roads and Traffic Authority regarding any acquisition for road widening needed for the Highway upgrade. A review of the capacity of the intersection of Old Coast Road and the Pacific Highway will be undertaken as part of the Environmental Assessment for this project.
- 4.4 **Effluent Disposal and Water Quality:** An investigation of effluent disposal options will be carried out with a view to complying with Council's on site disposal requirements. The existing drainage line extending through the site will be provided with adequate buffers to ensure the future development of the land has a neutral impact upon water quality. A sediment and erosion control plan will be developed to manage runoff during construction.
- 4.5 **Bushfire Hazard:** The land is identified as fire prone land on the 'Fire Prone Lands' map certified by the Commission of the Rural Fire Service under the Rural Fires Act 1997, refer Figure 6. Given that the majority of the fire hazard is existing banana plantations which are proposed to be phased out, the required Asset protection Zones are not expected to be extensive. A bushfire hazard consultant will be engaged to provide advice on this aspect. This is not a significant limitation to the development of the land.
- 4.6 **Acoustic Issues:** Coffs Harbour City Council requires an assessment of noise impacts for residential developments within 300 m of the Pacific Highway; the requirement has been imposed at the bequest of the Roads and Traffic Authority (RTA), and stems from the RTA "Environmental Noise Management Manual".

The following is stated in the manual:

“The road traffic noise catchment area will generally not extend beyond a setback of 300 m from the road alignment, as beyond this distance most noise models are not capable of producing reliable predictions”.

An acoustic assessment will be undertaken taking into consideration the noise from the existing Highway and the projected noise levels from the Highway when it is upgraded.

- 4.7 Flora and Fauna:** The site is generally devoid of native vegetation. A small area of Tertiary and Secondary Koala Habitat exists along the road reserve of Old Coast Road as of the site, refer Figure 7. The proposal will have no impact upon these habitat areas with the house sites and access driveways able to be located to avoid the necessity to remove any trees. In fact this site represents an opportunity to enhance the habitat values of the site through appropriate planting of koala food trees.
- 4.8 Contaminated Land:** This issue is addressed above under SEPP No 55.
- 4.9 Aboriginal Items/Places:** An archaeological assessment in accordance with the *Interim Community Consultation Requirements for Applicants* will be undertaken if preliminary investigations reveal that the site is likely to contain any items or places of Aboriginal heritage; appropriate management methods to protect any item or place that is discovered will be addressed in any archaeological assessment.
- 4.10 Urban Design, Landscaping, Vegetation Management:** The lot layout provides for reasonable separation of future dwellings to create an open rural residential atmosphere in accordance with the desired future character of the area. A concept vegetation management and landscaping plan will be prepared with a view to enhancing the aesthetic, habitat and water quality conditions on the land. The removal of the monoculture banana plantations and additional tree planting is expected to result in positive environmental outcomes.

- 4.11 Social Impacts: The proposal will have positive socio economic impacts through the creation of new house sites. Future dwellings will assist in the support of the construction industry and future household expenditure will also be of benefit to the local economy. An additional population of approximately 15 people are expected as a result of this development; no significant impacts upon the capacity of social services are expected as a result of this additional population.
- 4.12 Adjoining Uses: The site is located in an area in a transition from banana farming to rural residential housing. This proposal is in accordance with this transition and no significant conflicts with adjoining land uses are anticipated.

Consultation

The following groups/organisations are to be consulted with respect to this proposal:

- Coffs Harbour City Council;
- Aboriginal Land Council;
- Adjoining Property Owners;
- Department of Natural Resources;
- Department of Environment and Conservation;
- Roads and Traffic Authority.

BENNELL & ASSOCIATES

Site Plan

Figure 2

Proposed Lot Layout and Aerial Photo

Figure 3