

# **Part 3A Preliminary Assessment**

In relation to

**Lot 20 DP 813233  
215 Red Gum Road, Bohnock**

**June 2006**

**Prepared for: R E & D L Hennessy**

**Project: 5075**

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## TABLE of CONTENTS

<b>1. INTRODUCTION .....</b>	<b>2</b>
<b>1.1 BACKGROUND .....</b>	<b>2</b>
<b>1.2 SITE DESCRIPTION .....</b>	<b>2</b>
<b>1.3 PROJECT DESCRIPTION .....</b>	<b>3</b>
<b>2. PLANNING PROVISIONS .....</b>	<b>4</b>
<b>2.1 STATE ENVIRONMENTAL PLANNING POLICIES .....</b>	<b>4</b>
<b>2.1.1 State Environmental Planning Policy (Major Projects) .....</b>	<b>4</b>
<b>2.1.2 State Environmental Planning Policy No. 14 – Coastal Wetlands .....</b>	<b>4</b>
<b>2.1.3 State Environmental Planning Policy No. 44 – Koala Habitat (SEPP 44) .....</b>	<b>5</b>
<b>2.1.4 State Environmental Planning Policy No. 71 – Coastal Protections (SEPP 71) .....</b>	<b>5</b>
<b>2.2 HUNTER REGIONAL ENVIRONMENTAL PLAN 1989 .....</b>	<b>7</b>
<b>2.3 GREATER TAREE LOCAL ENVIRONMENTAL PLAN 1995 .....</b>	<b>8</b>
<b>2.4 OTHER RELEVANT PLANS, POLICIES AND STRATEGIES .....</b>	<b>11</b>
<b>2.4.1 Hunter Coastal Urban Settlement Strategy .....</b>	<b>11</b>
<b>2.4.2 Greater Taree Interim Flood Plain Management Policy 1987 .....</b>	<b>11</b>
<b>2.4.3 Greater Taree Development Control Plan 1995 (DCP 1995) .....</b>	<b>12</b>
<b>3 CONSULTATION .....</b>	<b>12</b>
<b>3.1 GREATER TAREE CITY COUNCIL .....</b>	<b>12</b>
<b>3.2 OTHER AGENCIES .....</b>	<b>13</b>
<b>4. KEY ISSUES .....</b>	<b>14</b>
<b>4.1 FLOODING .....</b>	<b>14</b>
<b>4.2 BUSHFIRE .....</b>	<b>15</b>
<b>4.3 FLORA AND FAUNA .....</b>	<b>15</b>
<b>5 CONCLUSION .....</b>	<b>18</b>

### APPENDIX A – CONCEPT PLAN OF TOURIST FACILITY

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## **1. INTRODUCTION**

*This section serves to describe the site and the project and provide relevant background information in regards to the proposal.*

Coastplan Group Pty Ltd has been engaged by R E & D L Hennessy to prepare this preliminary assessment for a proposed tourist facility on their land at Red Gum Road, Bohnock. The Minister has confirmed that the project is a Part 3A Major Project and that a Project Application may be lodged with the Director General (a copy of the Minister's determination is provided in Appendix A of this Preliminary Assessment). This Preliminary Assessment accompanies the Project Application to assist the Director-General in the preparation of environmental assessment requirements for the proposed development.

### **1.1 BACKGROUND**

For many years the land that is the subject of this Preliminary Assessment has been used for low intensity grazing purposes and rural living. With the de-regulation of the dairy industry and the general poor returns of agricultural operations over this land, a diversification of economic activities on the land has been identified as necessary to enable ongoing production. The former dairy has been adapted with Council consent for residential use in association with the existing dwelling on the land. An opportunity has been identified to utilise this building as a separate occupancy for tourist accommodation whilst providing additional cabins on the land to provide a small scale rural tourist facility taking advantage of the agricultural uses of the land and the superior location on the banks of the Manning River.

### **1.2 SITE DESCRIPTION**

The description of the site is Lot 20 DP 813233, 215 Red Gum Road, Bohnock. The development site has an area of approximately 33.15 hectares and is currently used for low intensity cattle grazing purposes.

The site is located approximately 1 kilometre from the existing urban area of Old Bar and approximately 700 metres north of the identified future urban areas of Old Bar. The site is accessed via Red Gum Road which connects to Old Bar Road at the western extremity of the township.

The previous grazing activities over the land have resulted in the clearing of the majority of native vegetation on the land and vegetation is dominated by introduced pasture species. Some areas of remanent vegetation currently exist in the southern areas of the land adjacent to Red Gum Road. A small drainage depression forming a swampy area runs through the northern 1/3 of the land.

A single dwelling, renovated dairy bales, agricultural shedding and smaller ancillary buildings currently exist in the north-western corner of the land. An existing access track connects to Red Gum Road providing access for small and large vehicles. A series of rights of carriage way also connect across the adjoining properties to the west providing alternative physical and legal access to Red Gum Road.

The new cabins are proposed to be erected on a raised levy area between the Oyster Creek frontage and the wetland area that segregates much of the site.

### **1.3 PROJECT DESCRIPTION**

The project involves the establishment of five (5) new tourist cabins on the land, to be used in association with the existing converted dairy bales to provide tourist accommodation. The proposed cabins will be small one (1) to two (2) bedroom light weight structures with timber floors utilising weatherboard materials and colorbond roofs to compliment existing dwellings on the land.

The cabins will provide a rural retreat type accommodation for visitors to the area. Outlook to the river and fishing will be key activities available from the cabins. The proposed development seeks to utilise the agricultural activities of the site in a passive manner to provide a rural outlook complete with grazing cattle around the cabins.

Access to the proposed tourist facility will be via the existing access road that connects with Red Gum Road at the southern boundary of the site. Alternative access will also be available via the existing rights of carriageway to the west.

No works are proposed to be carried out within the existing forested areas or the existing wetland areas on the site. The existing crossings through these areas are considered sufficient for the purposes of the tourist facility.

## 2. PLANNING PROVISIONS

*This chapter discusses the relevant planning provisions for the site and proposed development. The discussion below indicates the proposal consistency with these planning provisions.*

### 2.1 STATE ENVIRONMENTAL PLANNING POLICIES

#### 2.1.1 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 Environmental Planning and Assessment Act. The Minister for Planning must confirm that these projects are major projects for the purposes of Part 3A of the Environmental Planning and Assessment Act. The Minister has confirmed that in his opinion, the proposed development is a Part 3A Major Project.

#### 2.1.2 State Environmental Planning Policy No. 14 – Coastal Wetlands

This SEPP provides certain requirements for lands that are mapped as SEPP 14 Wetlands. The wetlands that cross the site in the northern third of that site are mapped as SEPP 14 Wetlands.

The SEPP provides that person shall not:

- Clear that land;
- Construct a levy on that land;
- Drain that land; or
- Fill that land.

that is mapped SEPP 14 Wetland, unless they do so with the Consent of Council and the concurrence of the Director. The proposed development does not involve any activities on the land which is mapped SEPP 14 Wetland and the further provisions of this SEPP are not considered to apply.

#### **2.1.3 State Environmental Planning Policy No. 44 – Koala Habitat (SEPP 44)**

This policy applies to land in the Greater Taree Local Government area. The policy applies to the proposal as it is proposed on land which has an area greater than 1 hectare. The small area of remanent vegetation at the south of the site may contain koala feed trees and may therefore constitute potential koala habitat. No additional development is proposed in this area of remanent vegetation and the proposed development will therefore have little to no impact on koalas which may/may not inhabit this vegetation. A targeted search for koala feed trees is considered an appropriate activity to be undertaken in the environmental assessment.

#### **2.1.4 State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)**

SEPP 71 applies to land within the coastal zone of New South Wales. The subject lands are located within the coastal zone and the provisions of this policy therefore apply.

The following table highlights issues for consideration listed under SEPP 71 which relate to development matters.

Clause	Comment
8(a)	Consistent with the aims of SEPP 71.
8(b)	No impact on existing foreshore access arrangements.
8(c)	Development of the land provides access to the foreshore by the residents of the retreat. There is no known demand for public access to this foreshore given its lack of connectivity with other public land. The foreshore is isolated from other public areas by title and also by impassable wetlands.
8(d)	The proposed development involves a rural tourist facility in a rural area. The use is compatible with the function and use of the surrounding lands. The proposed cabins are relatively small structures built in large open areas in the same way as existing development in the area.
8(e)	The proposed development does not create any significant impacts on the coastal foreshore. The buildings do not overshadow the foreshore and do not affect any views from public or private spaces. The site is not visually prominent and the retention of the riparian vegetation along the foreshore maintains the visual quality of the foreshore.
8(f)	The proposed development will not alter the scenic qualities of the area.
8(g)	The development is carried out on cleared grazing lands and has a small footprint. As such, there are no threatened species issues.
8(h)	The proposed development will not impact on aquatic flora or fauna.
8(i)	There are no wildlife corridors over the land which will be affected by the proposed cabins.
8(j)	The site is subject to infrequent flooding from the Manning River, as will be discussed, however, the flooding hazards can be overcome through suitable design and access arrangements.
8(k)	No land/water based conflict issues.
8(l)	No Aboriginal archaeology issues or major land disturbance.
8(m)	The proposed development will be connected to a high quality on-site sewerage management systems with suitable buffers to water ways. Roof water will be collected and reused for potable and non-potable purposes. Any water collected from roads will be drained into the surrounding paddock where

	it will infiltrate or be taken up by evapotranspiration. As such the proposed development will not impact on coastal water quality.
8(n)	No heritage/archaeological issues.
8(o)	Not Applicable
8(p)(i)	There are no cumulative impacts which have been identified for this development.
8(p)(ii)	The proposed development will be certified under BASIX providing a high level of water and energy efficiency.

Part 4 of SEPP 71 also contains Development Controls for proposals in the coastal zone. Relevant to clause 13, no flexible zone provisions need to be utilised to enable approval of development on the land. In relation to public access to coastal foreshores, the proposal would not impede or diminish public access to the foreshore. The proposed development relies upon on-site effluent disposal, and relevant to clause 15, sufficient information will be required in the preliminary assessment to show that the proposal will not have a negative effect on coastal waterbodies. Relevant to clause 16 the project will not generate significant volumes of stormwater which cannot be disposed of effectively on-site, the environmental assessment shall show that stormwater can be effectively treated on-site.

## 2.2 HUNTER REGIONAL ENVIRONMENTAL PLAN 1989

The Hunter Regional Environmental Plan 1989 (HREP) promotes the balanced development of the region and provides guidelines for social and economic development, land use and settlement, transport, natural resources, environmental protection and conservation and recreation in the region. The proposed development is generally considered consistent with the provisions of the Hunter Regional Environmental Plan. Clause 27 of the HREP is a specific consideration in relation to development of rural land. The clause requires Council's before granting consent to development on land that is identified as prime crop or pasture land to consult with the Director-General of the Department of Primary Industries and should be satisfied that the proposed development will not significantly reduce the agricultural potential of the land.



The proposed development enables the ongoing agricultural use of the land and supplements this economic activity. The proposed development is therefore considered to be consistent with the aims of the REP in this regard.

## **2.3 GREATER TAREE LOCAL ENVIRONMENTAL PLAN 1995**

The site is currently zoned 1(b1) Rural Valley Agriculture under Greater Taree Local Environmental Plan 1995 (LEP). All development in this zone is permissible so long as it is not inconsistent with the objectives of the zone that are relevant to the case.

The general rural zone objectives are as follows:

- (a) the efficient sustainable agricultural utilisation of rural land, particularly prime crop and pasture land,*
- (b) the conservation of prime crop and pasture land by ensuring that:*
  - it is not unnecessarily converted to non-agricultural purposes,*
  - any allotment created for intensive agriculture is potentially capable of sustaining it without detrimental effect on the environment of the locality, and*
  - development will not have a detrimental effect on agricultural operations in the locality,*
- (c) the protection or conservation of:*
  - soil stability by controlling development in accordance with land capability,*
  - forests of commercial value for timber production and trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is likely to reduce land degradation,*
  - land affected by acid sulphate soils by controlling development of that land likely to affect drainage or cause soil disturbance,*
  - valuable deposits of minerals and extractive materials by controlling the location of development to enable the efficient extraction of those deposits,*
  - water resources,*
  - environmental values of the land and visual amenity including landscape and scenic quality, rural character and tourism values,*

- (d) the protection of development from significant hazards particularly risks from bushfire or flooding so that development would not be likely to increase those hazards,*
- (e) the location of development in such a way as to avoid creation of road traffic hazards or ribbon development along roads, and*
- (f) the regulation of development so that it:*
  - upholds the principles specified in paragraph (c), and*
  - does not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services.*

The specific objectives of the 1(b1) zone adopt the general rule zone objectives above and provide the following additional objectives:

- (b) the conservation of prime crop and pasture land in units or holdings which may be efficiently used for agriculture appropriate to the locality,*
- (c) the regulation of development to avoid fragmentation of land into holdings which are inadequate to support commercial farming practices,*
- (d) the regulation of development to ensure that the type and intensity of development is appropriate, having regard to the characteristics of the land, the long term production potential of the land, the rural environment and the cost of providing public amenities and services, and*
- (e) the proper consideration of flooding issues in flood liable lands, so that development is not exposed to the hazards of flooding, or does not have a significant detrimental effect on flood flows or flood storage on any land.*

The proposed development is considered consistent with the above objectives and maintains its agriculture use of this parcel of land. A rural tourist facility is considered to be of an appropriate type and intensity of development that has regard to the characteristics of the land and the long term production potential of the land. All necessary services are available to the land or are dealt with onsite without the need for reticulated services. Whilst the land is flood prone, the levels of the land are only just below the flood level and flood hazard is not considered excessive, so as to preclude development from this land.

Clause 36 of the LEP provides that:

*The Council may grant consent to the development of any land but only if it is satisfied that, where appropriate:*

- (a) a water supply, sewerage and drainage facilities are available to that land, or*
- (b) arrangements satisfactory to the Council and to the water supply authority have been made or are required to be made, for the provision of that supply and those facilities.*

As previously discussed, roof water will be collected to supply the potable and non potable requirements within the development. On-site sewerage management will be provided to enable the disposal of domestic effluent generated by the cabins. Drainage from roads and overflows from tanks will be disposed of onsite.

Clause 48 of the LEP provides:

- (1) For the purposes of this clause, **minor additions** means additions to a building or work where the additions have a floor area of not greater than 10 percent of the floor area of the existing building or work.*
- (2) A person shall not erect a building or carry out a work on flood liable land recorded at the office of the Council without the consent of the Council.*
- (3) The Council may, as a condition of its consent, require the floor of the building or work to be erected at a height sufficient, in the opinion of the Council, to prevent or reduce the incidence of flooding of that building or work or of adjoining land.*
- (4) The Council shall take into account as a matter for consideration in determining a development application the effect of the proposed development on flooding.*
- (5) The consent of the Council under this clause is not required for development involving minor additions to a building or work.*

As discussed, the proposed cabins will be erected so that their floor levels are a minimum of five hundred (500) mm above the one (1)% flood level advised by Council and the buildings will be erected to allow the passage of flood waters

under the floor, preventing any major impact upon the behaviour of flood waters in this locality.

## **2.4 OTHER RELEVANT PLANS, POLICIES AND STRATEGIES**

### **2.4.1 Hunter Coastal Urban Settlement Strategy**

This Strategy was prepared to guide development in the coastal area in the Hunter region. The Strategy examines a number of key issues, recognises environmental limitations to development and provides areas which have the capability to accommodate growth. Section 4 of the Strategy discusses development potential in the coastal region of the hunter and provides some specific discussion on tourism development. The Strategy states that in northern coastal area, the small centres of Harrington, Old Bar and Hallidays Point provide some opportunities for low key small scale tourism development.

### **2.4.2 Greater Taree Interim Flood Plain Management Policy 1987**

The Interim Floodplain Management Policy has been prepared by Council to guide the development of land which is inundated in a 1% flood. The 1% flood level for this area has been identified as 2.5 metres AHD and areas of the land are subject to inundation. There are no measures for tourist facilities, however, discussions with Council's Engineers reveal that they require floor levels for all cabins to be a minimum of 500mm above the flood level. It was also advised that suitable evacuation procedures should be evidenced which may or may not require the provision of access meeting safe wading criteria.

The cabins are located on parts of the land which exceed 2m AHD in elevation and suitable floor levels will be achievable for the site.

### **2.4.3 Greater Taree Development Control Plan 1995 (DCP 1995)**

The Development Control Plan was prepared to provide specific requirements for various types of development in the Greater Taree Local Government area.

Section 5 of the DCP deals with rural development and 5.16 of the DCP deals with rural tourist facilities. The DCP provides that Council may approve a tourist facility in a rural location where it complies with the zone objectives. The section provides that tourist facilities should be appropriate for a rural environment avoiding an intensive layout with liberal open space around buildings or tree planting, landscaping and car parking. The proposed development meets these requirements.

The proposed tourist facility utilises the rural location to provide a rural retreat type of accommodation providing passive enjoyment of the environment, as well as a number of activities such as fishing, bird watching, boating and quiet enjoyment of the rural surroundings.

Section 11 of the DCP provides a list of developments for each zone that the DCP considers inconsistent with zone objectives. It should be noted that the DCP cannot override the provisions of the LEP and that a simple listing of a development in the DCP does not make the proposal prohibited under the LEP. Under the 1(b1) Rural Valley Agricultural Zone the DCP provides that it considers facilities for farm holiday accommodation to be consistent with the zone objectives. The proposed development can be described as farm holiday accommodation and therefore is not identified by the DCP as inconsistent with the zone objectives.

## **3 CONSULTATION**

### **3.1 GREATER TAREE CITY COUNCIL**

Discussions were held with Mr Bruce Moore – Senior Development Planner on 20 February 2006 in relation to the proposed development. Council raised no

initial objections to such proposal and identified the following issues for tourist cabins on the site:

- Compliance with the zone objectives – especially maintaining rural character.
- That the site may be subject to flooding and appropriate measures would be required in any development of the land.
- Parts of the land are identified as bushfire prone and compliance with Planning for Bushfire Protection should be required.
- That there is no reticulated sewerage available to the land and suitable onsite disposal of effluent would be required.

In regard to flooding issues, further discussions were held with Mr. Graham Schultz – Council's Engineering Officer on 27 July 2006. Mr. Schultz advised that due to the nature of the proposal (tourist facility) the cabins could be raised above ground level using an elevated floor. In addition given the low flooding hazard, extended flood warning time and transient use of the cabins that evacuation may be considered that did not rely on safe wading criteria in a flood peak of 2.5m AHD.

### **3.2 OTHER AGENCIES**

No other agencies have been directly approached in relation to the proposal given the minor scale of development proposed. It is likely that the following agencies will have some input into the proposed development and their views may be sought through the environmental assessment. Those agencies are:

- New South Wales Rural Fire Service.
- Department of Natural Resources.
- Department of Primary Industries.

If the activity were a Part 4 Development Application, the Rural Fire Service and Department of Natural Resources would be integrated referral bodies.

## 4. KEY ISSUES

This chapter identifies key issues that have emerged from assessment of the project against relevant planning instruments, policies and codes as well as a desktop review of the land. The key issues to be discussed are as follows:

- Flooding.
- Bushfire.
- Water and sewer facilities.
- Acid sulphate soils.
- Flora and fauna.
- Ongoing agricultural production.
- Rural character.

### 4.1 FLOODING

The land is subject to inundation during a 1% flood event. The land is located within the large area of the floodplain at the lower reaches of the Manning River, meaning that there is unlikely to be high velocity flows as can occur in the upstream areas of the valley.

Greater Taree Council advise that the 1% flood levels at this location are 2.5 metres AHD.

The land levels have been ascertained from photogrammic surveys of the land, supplied by Council. These surveys indicate that the levels of the land vary between 0.5 metres AHD and 4.5 metres AHD. The cabins are proposed on a raised area near the river having a level of 2 metres AHD.

To protect the development from flooding hazards, it is proposed to elevate the floor level of the cabins to a level of 3 metres AHD so as to be 500mm above the 1% flood level. Flood warning times and evacuation procedures will need to be analysed to provide an appropriate level of safety. If necessary roads can be modified to meet safe wading criteria.

## **4.2 BUSHFIRE**

The land is partly identified as Bushfire Prone Land (southern end) and the proposed development involves the establishment of tourist cabins on the land. As such, the proposed development is identified in Section 100B of the Rural Fires Act 1997 as a 'special fire protection purpose', requiring a Bushfire Safety Authority under that clause.

The proposed tourist cabins are located in the northern part of the site away from the Bushfire Prone Vegetation, within open pasture. The provision of necessary Asset Protection zones to these cabins will be possible without the need to clear any native vegetation.

The primary access to the development is via the existing entry from Red Gum Road which is of a suitable standard for access via fire tankers. There is also a secondary access to Red Gum Road, via a series of rights of way. Access, with minor work, can comply with the requirements of Planning for Bushfire Protection.

Reticulated Water is not available to the site and on-site water supplies will be required for fire fighting purposes.

## **4.3 FLORA AND FAUNA**

The proposed development does involve the clearing or removal of areas of native vegetation and will have minimal effect of native flora and fauna in the locality. As there will be so disturbance of native vegetation communities or habitats, no targeted surveys or investigations for Threatened Species are considered necessary.

There is vegetation at the southern end of the site which may contain species that could support Threatened Species habitat. This land is not to be disturbed as a result of the proposed development.



The land includes an area of SEPP 14 wetland. This land is not proposed to be disturbed as part of the proposed development. The existing access to the property currently crosses this wetland. The proposed cabins will be constructed clear of this area and will not disturb the wetland areas. It may be necessary to fill some of the roads on the property to provide safe wading access (if required by flood investigations). If this is the case, to prevent disturbance of the wetland area, preference will be given to filling other roads which do not cross wetlands. Should raising of this road be required construction will be designed and undertaken to prevent damage to the wetland area and vegetation.

#### **4.4 ACID SULFATE SOILS**

The land is located in an area which is could potentially contain acid sulfate soils at various levels below ground level. The land is identified as Class 2 and 3 land under the Acid Sulfate Soils Planning maps held by Greater Taree City Council. These classifications mean that acid sulfate soils may be found at the surface level or at greater than 1 metre below the surface level. Development is proposed in areas that are class 3 where acid sulfate soils may be found at greater than a metre below the surface level. Areas of class 2 land are only present in the SEPP 14 wetlands or other low lying areas on the land, these areas will not be developed under the proposal.

Footings for the proposed buildings will result in minimal ground disturbance. Excavation for septic tanks may expose soils which could be potential or actual acid sulfate soils. The environmental assessment should include a provision to identify if there are acid sulfate soils present on the land and identify any management measures that may be required.

#### **4.5 WATER AND SEWER FACILITIES**

Reticulated water is not available to the subject land. Potable water is supplied to the existing dwelling on the site by rainwater tanks collecting roof water off the dwellings and other buildings. Roof water from the cabins will be collected and drained to storage tanks which will provide water supply for the cabins.

Reticulated sewer is not available to the subject land and all effluent generated from existing development is currently disposed of via a Council approved on-site effluent disposal system. This system has recently been upgraded to an Envirotech sand filter/soil mound system. While there is a large area of land available for effluent disposal, the site is also in close proximity to the river and wetlands. As such, a system delivering a high quality effluent will need to be utilised. A full system design should be provided as part of the environmental assessment.

#### **4.6 AGRICULTURAL USE**

The land is zoned Rural Valley Agriculture and is also prime crop or pasture land. As such the ongoing agricultural use of the land is an important consideration under the LEP and Hunter REP. The low intensity grazing on the land will continue and be supplemented by the proposed tourist facility.

#### **4.7 RURAL CHARACTER**

The land is located within a rural area used for low intensity agricultural purposes and rural living opportunities. The subdivision pattern to the west of the site shown a series of long narrow blocks and small rural residential allotments. This pattern has enabled narrow river frontages maximising the number of properties with access to the foreshore. As such the rural character of the area is identified through a series of dwellings with rural residential type separation along the river front. The proposed cabins will continue this theme (probably with larger setbacks) and maintain the character of the area.

## 5 CONCLUSION

This assessment identifies the issues that should be addressed during the planning and design of the proposed development. The key matters that require further investigation as part of the environmental assessment report are considered to be:

- Flooding Effects and Evacuation requirements;
- On-site effluent disposal;
- Acid Sulfate Soils investigations;
- Bushfire threat;

On behalf of the proponent we seek the Director-General's Environmental Assessment Requirements for project plan approval.