

**4.2.1.14 Cl. 81 Development adjacent to the Ocean**

The development site is located at least 110m from the ocean.

**4.3 RELEVANT LEP's**

**4.3.1 Coffs Harbour LEP 2000**

The following matters apply in the circumstances of the subject development :-

**4.3.1.1 Cl. 8 Zoning Controls**

The land is almost entirely zoned "Residential 2A Low Density" (Zone 2A), with the south-western corner zoned "Environmental Protection 7A Habitat and Catchment" (Zone 7A), and a strip along the entire highway perimeter zoned "Environmental Protection 7B Scenic Buffer" (Zone 7B).

**4.3.1.2 Cl. 9**

**Zone 2A**

The proposal can be justified on the basis of the Zone 2A objectives, as follows: -

- (i) **The proposal can enable housing development and other development that is compatible with a low density residential environment**

The proposal is consistent with this objective in that no lot within the estate is less than the 400m<sup>2</sup> and 500m<sup>2</sup> standards prescribed by the Low Density DCP. The minimum lot size proposed is 579m<sup>2</sup>.

- (ii) **The proposal can provide for development that is within the environmental capacity of a low density residential environment and can be adequately serviced**

The proposal involves creating lots for low density residential purposes adjacent to an existing settlement with all infrastructure available, and with the capacity for expansion. The proposal is ideally located for development consistent with this objective.

**Zone 2A**, amongst other things, permits dwelling-houses, roads, utility installations and the subdivision of land, with development consent. The 'earthworks', 'culvert construction', 'bridge construction' and 'residential subdivision' components of the proposal are all works associated with the subdivision of land, and are therefore permitted.

#### Zone 7A

The proposal can be justified on the basis of the Zone 7A objectives, as follows: -

- (iii) **The proposal can ensure that habitat values and water quality of the areas zoned 7A are protected.**

The proposal is consistent with this objective in that no works are proposed within that part of the land subject to Zone 7A, and in that the proposed works can occur without disruption to the existing water quality conditions. The proposal includes installing a treatment train that treats stormwater runoff originating from within the residential estate area before discharge into the bushland and drainage corridor that connects to the Zone 7A component of the land.

- (iv) **The proposal can ensure that the environmental capacity of the area zoned 7A is not exceeded**

The proposal does not include works within that part of the land subject to Zone 7A.

**Zone 7A**, amongst other things, permits the subdivision of land, with development consent.

#### Zone 7B

The proposal can be justified on the basis of the Zone 7B objectives, as follows: -

- (v) **The proposal can ensure that housing development is provided within the area zoned 7B without adverse impact on the scenic qualities of the Pacific Highway .**

The proposal involves completing the construction of the existing site access off the highway in accordance with consent conditions to Coffs Harbour DA 452/82. The consent requires construction of the highway intersection “in accordance with Example (4) of NAASRA’s Guide to Intersections at Grade”. As regards the Zone 7B component of the land, the works apply only to the site of existing intersection, and it is not proposed to alter the existing state of the remainder of the highway frontage to the land. The proposal is consistent with the objective in that only about 8% of the Zone 7B component of the land will be affected by development works.

- (vi) **The proposal can ensure that the environmental capacity of the area zoned 7B is not exceeded.**

The proposal involves completing the requirements of the consent to DA 452/82 as regards the existing highway access to the site. The intersection of the existing access with the highway is logical and ideally located since it offers excellent sight distances for all highway intersection scenarios, and, in this respect, is superior to the existing Fiddaman Road intersection with the highway.

**Zone 7B**, amongst other things, permits roads, utility installations and subdivision of land, with development consent.

#### **4.3.1.3    Cl. 12    Koala Habitat**

The proposal can be justified on the basis of the Koala provision objective, as follows: -

**The proposal can ensure that the protection of koalas and their habitat is provided**

Assessments have disclosed that the land is not potential koala habitat.

#### **4.3.1.4    Cl. 13    Landform Modification**

The proposal can be justified on the basis of the Landform provision objective, as follows: -

**The proposal can ensure that soil erosion, sedimentation, tree loss and drainage impacts associated with landform modification is controlled.**

The proposal involves disturbance to about 46.5% of the land. Landform modification will occur through vegetation clearing and topsoil stripping activities across about 14.4ha, filling (to a depth of 0.7m) a designated area (about 4.7ha) such that the ground surface is likely to be flood-free in regular storm events, and raising the existing access road surface (up to a depth of 1.2m) to flood-free levels. Road modifications involve installation of a 25-cell culvert.

A flood study has been undertaken which concludes that the proposal is unlikely to affect existing flood levels or water table levels upstream or downstream of the site.

Measures have been devised to mitigate erosion and sedimentation during the construction phase.

A stormwater treatment train has been devised as a post-construction measure.

Vegetation that will be disturbed across the site comprises predominantly groundcover species. Landscape measures include establishing about 100 Tuckeroo sp. trees along the principal circulation route.

The proposal is consistent with the objective in that soil and erosion measures have been devised to account for construction phase and post-construction phase scenarios, small tree loss is expected which will be offset by the establishment of a substantial number of native trees in a logical arrangement, and drainage impacts will be offset by the installation of a 25-cell culvert along the highway access road.

#### **4.3.1.5    Cl. 14    Services**

The proposal can be justified on the basis of the Services provision objective, as follows: -

**The proposal can ensure that the development has adequate water and sewage services**

The proposal involves connection of the estate to water and sewage services available within the Emerald Beach settlement.

#### **4.3.1.6    Cl. 23    Environmental Hazards**

The proposal can be justified on the basis of the Environmental Hazards provision objective, as follows: -

**The proposal can ensure that environmental hazards that apply to the land will not adversely affect the environment.**

##### **Acid Sulfate Soils**

The site has been assessed as having ‘actual’ and ‘potential’ acid sulphate conditions (ASS). However, excavation works for the proposal is not expected to extend to more than 0.5m below the existing ground surface across the proposed residential estate area, or more than 1m below the existing ground surface along the existing highway access. Consequently, ASS conditions are not expected to be encountered.

Nevertheless, a Plan of Management for ASS has been devised, and, before construction works commence, further precautionary sampling for ASS conditions across the residential estate area and along the access shall be undertaken in accordance with the present ASSMAC guidelines. The sampling shall occur at the rate of at least 1 sample per 100m x 100m grid cell when depths of excavation below the existing ground surface for construction works can be determined from the engineering design plans. Analysis of each sample shall determine whether ASS conditions exist, and the rate of lime application required to neutralise those conditions.

#### Flood Prone Land

A flood study has been undertaken which indicates that 70% of the subject land would be inundated by the 1 in 100 year flood event. The proposal involves retaining 53.5% of the land as a bushland and drainage corridor, and filling 4.7ha of area (representing 15% of the land) to a depth of only 0.7m above the existing ground surface to provide flood-free residential lots. The flood study indicates that the installation of a 25-cell culvert along the existing access to the highway should ensure that the development as proposed does not affect existing flood levels or water table levels upstream or downstream of the site.

## **4.4 RELEVANT DCP's**

The proposal has been assessed against the following DCP's that apply to the land under the Coffs Harbour LEP 2000, as presented in the tables below: -

- Low Density DCP;
- Off Street Car Parking DCP; and

- Subdivision DCP.

#### **4.4.1 Low Density DCP**

<b>DCP CATEGORY</b>	<b>CRITERIA</b>	<b>COMPLIANCE</b>	<b>COMMENTS</b>
<b>Site Analysis</b>			
site dimensions			see Figures
spot levels/ contours			
north point			
site drainage			
contaminated soils/fill areas			
services			
existing trees			
views to & from site			
prevailing winds			
surrounding development			
<b>Design Response</b>			see Figure 3a
<b>Density</b>	1 dwelling per 400m <sup>2</sup>	yes	lots range from 579m <sup>2</sup> to 1526m <sup>2</sup>
	1 dwelling per 500m <sup>2</sup> for lots fronting cul- de-sac head	yes	lots fronting culs-de-sac heads range from 579m <sup>2</sup> to 1526m <sup>2</sup>



DCP CATEGORY	CRITERIA	COMPLIANCE	COMMENTS		
	185m2 to be provided for landscaping	yes	allowing a 150m2 dwelling plus 20m2 driveway/carspace footprint for each lot, areas available for landscaping range from 409m2 to 1356m2		
	5.5m minimum frontage for 3 or more dwellings	yes	6m access frontage available to all lots		
<b>Building Setbacks</b>	Primary road frontage - 6m	yes	dwelling envelopes set at 6m		
	Secondary Road frontage - 3m	yes	corner lot dwelling envelopes set at 3m		
	Creeks/major watercourses - 20m	yes	all dwelling envelopes more than 20m from flowpath of drainage corridor		
	Side & Rear boundary setbacks (generally) - 0.9m for walls, 0.675m for eaves & gutters		Dwelling envelopes are proposed as follows: -	Side boundary setback	Rear boundary setback
			Primary road frontage forms SOUTHERN boundary	1.5m	5m
			Primary road frontage forms WESTERN or EASTERN boundary	3m from NORTH bdy & ZERO Setback from SOUTH bdy	5m

DCP CATEGORY	CRITERIA	COMPLIANCE	COMMENTS		
			Primary road frontage forms NORTHERN boundary	1.5m	10m
ZERO Building Setbacks for Rear & Side Boundaries	3m maximum wall height		Where applied, 2.7m maximum wall height is proposed, with the envelope then following a plane inclined at 21degrees to match the path of mid-winter sun		
	should only occur on SOUTHERN boundary	yes			
Building Design	maximum building height - 6m	yes			
Solar Access	Living areas to receive at least 2 hours of mid-winter sun	yes	Dwelling envelopes include a combination of inclined planes that match the path of the mid-winter sun		
	Overshadowing to be minimised				
Environmental Constraints					
koala habitat			To be included in Environmental Assessment		
acid sulfate soils			To be included in Environmental Assessment		
contaminated land	not applicable		no activities listed in Table 1 of Information Sheet have occurred on the land		

<b>DCP CATEGORY</b>	<b>CRITERIA</b>	<b>COMPLIANCE</b>	<b>COMMENTS</b>
flood prone land			see assessment above
bushfire hazard			see assessment above
obstacle height limit	not applicable		
aircraft noise	not applicable		
heritage			see assessment above
<b>Private Open Space</b>	minimum area - 90m2	yes	The dwelling envelopes will ensure that at least of 90m2 with a minimum dimension of 5m is available for POS across the rear of each lot
	minimum dimension - 4m		
	POS to be located at the rear of development		
<b>Vehicle Access &amp; Parking</b>	2 parking spaces per LARGE dwelling		Each proposed dwelling envelope is sufficiently large enough (minimum area 150m2) to include at least 1 parking space (14m2)
	1 parking space to be provided behind front setback		
	2.4m x 5.5m space to be provided		

DCP CATEGORY	CRITERIA	COMPLIANCE	COMMENTS
Driveways	2m width minimum for driveways serving up to 3 dwellings		Lot layout allows for 3m wide construction
Water & Sewerage Services	extension of Council's mains required		see assessment above
Stormwater	to be directed to street drainage system		see assessment above

All relevant DCP categories have been considered, and all criteria specified can be achieved by the proposal.

#### **4.4.2      Off Street Car Parking DCP**

DCP CATEGORY	CRITERIA	COMPLIANCE	COMMENTS
Schedule A Parking Requirements	2 spaces (at least 1 space behind building line)		Each proposed dwelling envelope is sufficiently large enough (minimum area 150m <sup>2</sup> ) to include at least 1 parking space (14m <sup>2</sup> )

All relevant DCP categories have been considered, and all criteria specified can be achieved by the proposal.

### 4.4.3 Subdivision DCP

DCP CATEGORY	CRITERIA	COMPLIANCE	COMMENTS
<b>Site Analysis</b>			
waterways (creeks, rivers, streams)			To be included in Environmental Assessment
significant vegetation/ habitat/ fauna corridors			
flood liable land			
steep land/land slip	not applicable		
fire hazard			
access points (vehicles, pedestrians, cyclists)			
soil conditions (acid sulfate, contaminated)			
surrounding land uses			
service connections			
easements			
archaeological sites			
topography			
aspect			

DCP CATEGORY	CRITERIA	COMPLIANCE	COMMENTS
drainage systems			
existing buildings, driveways, septic tanks & disposal areas	not applicable		
street & lot layout of locality			
Design			
koala habitat	not applicable		To be included in Environmental Assessment
acid sulfate soils			
contaminated land	not applicable		no activities listed in Table 1 of Information Sheet have occurred on the land
flood prone land			see assessment above
landform modification			<p>The proposal involves disturbance to about 46.5% of the land. Landform modification will occur through vegetation clearing and topsoil stripping activities across about 14.4ha, filling (to a depth of 0.7m) a designated area (about 4.7ha) such that the ground surface is likely to be flood-free in regular storm events, and raising the existing access road surface (up to a depth of 1.2m) to flood-free levels. Road modifications involve installation of a 25-cell culvert.</p> <p>A flood study has concluded that the</p>

DCP CATEGORY	CRITERIA	COMPLIANCE	COMMENTS				
			<p>proposal is unlikely to affect existing flood levels or water table levels upstream or downstream of the site.</p> <p>The proposal includes measures to mitigate erosion and <b>sedimentation</b> during the construction phase.</p> <p>The proposal includes a stormwater treatment train which has been devised as a post-construction measure.</p> <p>Vegetation that will be disturbed across the site comprises predominantly groundcover species.</p> <p>Landscape measures include establishing about 100 Tuckeroo sp. trees along the principal circulation route.</p>				
fire hazard			see Fig. 3i				
road hierarchy	design urban roads in accordance with Schedule 1	yes	Estate Road No.	1 & 2	3	4	5 - 9
			Road Category	Local	Local	Local	Minor
			Road Reserve Width	20 m	20 m	15 m	15 m
			Carriageway Width	8m	8m	7m	7m
road hierarchy	provide road links to adjoining properties	yes					

<b>DCP CATEGORY</b>	<b>CRITERIA</b>	<b>COMPLIANCE</b>	<b>COMMENTS</b>
	facilitate use of public transport	yes	
	achieve efficient access to all lots	yes	
	encourage safe levels of vehicle speed	yes	
	provide adequate sight distances	yes	
	provide efficient access for service vehicles	yes	
	provide for safe & functional vehicle & pedestrian movement	yes	
	provide for landscaping, utility services, mailboxes, street lighting		
	provide legible layout	yes	



DCP CATEGORY	CRITERIA	COMPLIANCE	COMMENTS						
	provide permeable layout	yes							
	propose short-length culs-de-sac	yes							
Energy Efficiency	maximise solar access								
orient roads to .....			proposed roads oriented as follows .....	Road 2	Road 3	Road 4	Road 5	Road 6	Road 7
	340degrees to 30 degrees range	no		51 & 35	35	51 & 38			
	70 degrees to 120 degrees range	no		125 & 128			125	141	141
Density	1 dwelling per 400m2	yes	lots range from 579m2 to 1526m2						
	1 dwelling per 500m2 for lots fronting cul-de-sac head	yes	lots fronting culs-de-sac heads range from 579m2 to 1526m2						
	minimum road access frontage - 4m	yes	6m access frontage available to all lots						
	minimum cul-de-sac head frontage - 10m	yes	10m access frontage available to all lots in cul-de-sac heads						

DCP CATEGORY	CRITERIA	COMPLIANCE	COMMENTS
	no more than 2 adjoining battle-axe handles permitted	yes	
Services			
road			
footpath			2m wide footpath to be provided on one side of Road No. 2
kerb & gutter			swale drainage system proposed
drainage			stormwater treatment train proposed incorporating roof water detention, roadside swales & bio-retention system before discharge into drainage corridor
reticulated sewer & water			To be included in Environmental Assessment
Tele-communications			underground service to be installed
street lighting			to be installed as designed
electricity			

All relevant DCP categories have been considered, and all criteria specified can be achieved by the proposal, with the exception of road orientation. Road orientation for the estate is governed by the need to provide a perimeter road as a fire hazard management tool. Despite this, the energy efficiency objective of this category is accounted for in the proposal in specifying dwelling envelopes which ensure that each lot receives mid-winter solar access to living areas between 9am and 3pm.

## 5. CONSULTATION

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In formulating this, and other previous, proposals, the proponent has prepared an Environmental Impact Statement (EIS dated 1998), and, between 1994 and 1996, has consulted with various government departments. The 'Key Issues' identified in the consultation process are tabulated below, and the advices received are contained in Appendix A herewith. The 'Key Issues' were previously addressed in the EIS, which will be submitted as an appendix to the assessment.

More recently, the Department of Environment & Conservation (DEC) has issued Director-General's Requirements for a Species Impact Statement for the proposal, which is presently being finalised. This is included in Appendix B.

**Table 8: Summary of 'Key Issues' identified by the Government  
Departments 1994 - 1996**

<b>SOURCE</b>	<b>IDENTIFIED ISSUES</b>
Dept. of Urban Affairs & Planning (DUAP) 25/11/94	Impacts on Solitary Is. Marine Park
DUAP 25/11/94	Impacts on SEPP 14 Wetland No. 318
DUAP 25/11/94 National Parks & Wildlife Service (NPWS) 10/7/95 Dept. of Land & Water Conservation (DLWC) 15/8/95	Significance of & impacts on Flora & Fauna
DUAP 25/11/94 Environmental Protection Authority (EPA) 19/7/95 Soil Conservation Service (SCS) 9/8/95 DLWC 15/8/95	Presence & management of Acid Sulphate Soil conditions
DUAP 25/11/94 DLWC 15/8/95	Impacts of Flooding & likelihood of Flooding nuisance

<b>SOURCE</b>	<b>IDENTIFIED ISSUES</b>
DUAP 25/11/94	Likelihood of Noise nuisance
DUAP 25/11/94 EPA 19/7/95	Likelihood of Dust nuisance
DUAP 25/11/94 Roads & Traffic Authority (RTA) 3/11/95	Site Access (from highway particularly)
NPWS 10/7/95	Likelihood of disturbance to Archaeological items
NSW Fisheries 13/7/95	Presence of & disturbance to Wetland vegetation
NSW Fisheries 13/7/95 DLWC 15/8/95	Impacts on Fiddamans Creek Water Quality
EPA 19/7/95	Nuisance to Nearest Residence
EPA 19/7/95	Management of Construction-phase Erosion & Sedimentation
EPA 19/7/95 DLWC 15/8/95	Management of Construction-phase Stormwater Runoff
SCS 9/8/95	Dune Degradation & Management
DLWC 15/8/95	Management of Operation-phase Urban Rubbish impacts on Fiddamans Creek
DLWC 15/8/95	Accumulation of Sediment & Nutrients in Fiddamans Creek
DLWC 15/8/95	Extent of Coastal Hazard impacts on proposal
RTA 3/11/95	Capability of Public Transport circulation within estate

## **6. CONCLUSION**

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This submission demonstrates that considerable consultation and detailed assessment has already been undertaken for the proposal. This justifies the proponent's choice to seek **Project Application** approval to the proposal.

This preliminary assessment indicates that the proposal is permitted by and generally compliant with all relevant planning provisions that apply to the subject site. The proposal compliments the site topography and surrounding land uses, and accounts for existing development approvals that apply to the locality. It offers potential for positive impact on the amenity of Emerald Beach township, and is the most appropriate landuse for the subject site.

It is considered that this preliminary assessment is sufficient to enable DGEAR's to be issued to facilitate finalisation and lodgement of the Environmental Assessment. The Department is now respectfully requested to issue the DGEAR's.

## Figures

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Figure 1a:	Extract of Coffs Harbour LEP 2000
Figure 2a:	Location Sketch
Figure 2b:	DP 840016
Figure 2c:	Existing Site Topography
Figure 3a:	Development Principles
Figure 3b:	Site Disturbance
Figure 3c:	Proposed Landfilling
Figure 3d:	Design Ground Surface
Figure 3e:	Proposed Major Drainage Components
Figure 3f:	Proposed Sequence of Public Transport Circulation
Figure 3g:	Proposed Staging of Residential Development
Figure 3h:	Proposed Extension of Sewer Network
Figure 3i:	Proposed Extension of Electricity
Figure 3j:	Site Masterplan
Figure 3k:	Proposed Community Title Scheme Community Plan
Figure 3l:	Proposed Community Title Scheme Neighbourhood Plan