

PRELIMINARY ASSESSMENT

SANDY BEACH NORTH RESIDENTIAL DEVELOPMENT

Prepared for

SANDY SHORES DEVELOPMENT PTY LTD

planning workshop australia

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Document No.	Issue No.	Description of Issue	Prepared by / date	Verified by Director	Approved by Director
JOB NO/rep005	1	Draft	CH 04/01/06	CH	
		Final	CH 18/01/06	CH	

Note: This document is preliminary unless it is approved by a Director of **planning workshop australia** Job No. 2041127

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1 INTRODUCTION

This report has been prepared by Planning Workshop Australia in reference to the Department of Planning's letter of 13/12/05 which requested the lodgement of a Preliminary Assessment for consideration by the Director General in accordance with 75E of the Act, and approval by the Minister.

The following Preliminary Assessment has been prepared having regard to the guidelines provided in the Schedule and should be read in conjunction with the more detailed Concept Plan previously submitted to the Department.

In preparing the report regard has also been given for the detailed assessments provided by individual consultants identified as follows:

Master Planning, Landscape Architecture and Urban Design – John Holland
Landscape Architect,

Strategic Planning – Planning Workshop Australia,

Architecture and Urban Design – Mark Hurcum Design Practice,

Flooding and Surface Water Management – Patterson Britton and Partners,

Flora and Fauna – Conacher Travers,

Bushfire – Conacher Travers,

Traffic and Noise – SKM

Community Title – Dynamic Properties,

Aboriginal Heritage – Mary Dallas,

Geotechnics and Ground Water – Coffey GeoSciences,

Surveyor – Asquith deWitt

2 THE SITE AND LOCALITY

The Sandy Beach North Residential Development is located on the eastern side of the Pacific Highway approximately 3 kilometre south of the township of Woolgoolga, and 12 kilometres north of the city of Coffs Harbour (**Figure 1**).

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The land adjoins the northern boundary of the existing village of Sandy Beach, and extends northwards along the side of the Pacific Highway to Double Crossing Creek and Hearn's Lake which forms the northern boundary of the property.

The site has an area of 49 ha and is rectangular in shape with a southern boundary of approximately 701 metres, a frontage to the Pacific Highway along the western boundary of 1,049 metres, an irregular frontage to Hearn's Lake which runs along the northern and north western boundary. It has almost one kilometre of beach frontage on the eastern boundary.

The site has been substantially altered and degraded by sand mining in the coastal strip during the 1960s and 1970s and has been used for grazing for decades.

Existing residential development in the form of Sandy Beach suburb occurs immediately to the south. A caravan park is located on the northern side of Hearn's Lake (**Figure 2**).

The site is well served by community facilities. Local public schools are located in Sandy Beach and Woolgoolga. A general store is located within Sandy Beach with major shopping facilities available in Woolgoolga and Moonee.

The land is zoned part Residential 2A (low density), (29.5 ha) part Residential 2E (Residential Tourist) (8.7 ha), part 7A Environmental Protection Habitat and Catchments and part 7B Environmental Protection/Scenic Buffer) (Total 10.8 ha) (**Figure 3**) in accordance with the Coffs Harbour City Local Environmental Plan 2000.

The site is not visually prominent from immediate surrounding areas with boundary vegetation along its western and eastern edges and by the existing residential development to the south restricting views into the site. Distant views are gained of the site from nearby hills to the southwest.

The proximity of the site to existing residential areas means there is potential to provide reticulated water and sewerage to the site. A sewer pumping station is located along the southern boundary. Electricity and communication services are available to the site.

Key natural site features include Hearn's Lake and lagoon estuary with adjacent vegetated coastal strip and beachfront. The site is generally flat with several pockets of woodland cover with the remainder of the site comprising scattered, lightly spaced canopy with a low, grassy understorey.

3 THE PROPOSAL

This proposal seeks to provide a high quality environmentally responsible residential development comprising 295 residential lots ranging in size from 400 m² to 2,000 m² with an average size of 550 m²; in an area which has been mined and cleared regularly over the last 40 years, and which is currently used for grazing.

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In respect of the 2E Zone it should be noted that it is proposed to have an equal mixture of 2,000 sqm lots combined with smaller 400 – 500 sqm lots, with the surplus area dedicated to open space; as an alternative to the current DCP of 2,000 sqm lots only. The benefit of this approach is the building footprint (ie roads, driveways house locations) is smaller and it achieves significant setbacks from the lake edge (ave 100 metres), whilst satisfying potential yield for this zone.

In preparing the proposal a number of highly experienced consultants were engaged by the owners of the land to undertake extensive studies of the area over a two year period, and covered such areas as flora and fauna, geotechnical, heritage, Aboriginal archaeology, noise, air, traffic planning, water management, flooding or stormwater management, coastal hazards, urban design and town planning, landscape architecture, building form and house design and water sensitive urban design.

Whilst a planning focus meeting has not been held, the applicant's representatives have met and presented to the relevant representatives of the Department on a number of occasions, and the individual consultants have liaised with appropriate agencies in preparing their advice.

It can be concluded that the proposal provides for housing areas with potential density and built form; access arrangements, identifying roads and pedestrian and cycle access; open space pattern and linkage to ensure a strong framework of open space and vegetation together with water quality and stormwater management; environmental protection and habitation; improvement of the environment of the lake system; bushfire management; protection of Aboriginal Archaeology; the implementation of the principles of Water Sensitive Urban Design (WSUD).

It is anticipated that the development will be built over a 5 year timeframe commencing with the construction of all roadworks and landscaping. The development itself will be developed as an "integrated" house and land package, with development commencing in the south-east corner of the site.

The intention for the residential development is to provide a defined level of control over the architectural outcomes by dividing the site into a number of precincts with a variety of building types, and number of storeys, and the use of colour schemes and materials.

Figure 4 indicates an outline of the proposed development.

4 STATUTORY CONTEXT

4.1 State Environmental Planning Policy (Major Projects) 2005

The Department of Planning has confirmed (letter dated 16/12/05) that the proposed project for the site is identified as a "Part 3A project" pursuant to **Clause 6** of **State Environmental Planning Policy (SEPP) (Major Projects) 2005**.

The Minister of Planning is the consent authority for the proposed project under the Part 3A project provisions of the **Environmental Planning and Assessment Act 1979** (the Act). Accordingly the Minister can grant consent to a concept plan for the project under **Section 75J** of the Act following the making of a proper application and the meeting of the other requirements provided in accordance with **Part 3A** of the Act.

4.2 State Environmental Planning Policy (SEPP) No. 71 – Coastal Protection

Lot 22 in DP 1070182 is located within the Coastal zone and therefore State Environmental Planning Policy (SEPP) No. 71 applies. The site is also categorised as a sensitive coast location because the subject land is within 100 metres above high water mark of an estuary.

SEPP 71 previously required the Minister for Planning to adopt a master plan for the land before any development consent could be granted. This reference to a master plan is now to be construed as requiring a development control plan as per recent reforms to the Act. Furthermore, these amendments to the Act, namely at **Section 75M**, provide that a concept plan may be submitted for a project to which **Part 3A** applies as an alternative to a development control plan now required under an environmental planning instrument.

4.3 Coffs Harbour Local Environmental Plan

In accordance with **Coffs Harbour Local Environmental Plan 2000** the subject land is zoned Part Residential 2A Low Density Zone; Part Residential 2E Tourist Zone; Part Environmental Protection 7A Habitat and Catchment Zone and Part Environmental Protection 7B Scenic Buffer. A zoning extract of the subject site is shown at **Figure 3**.

The aim of the 2A Low Density Zone is

“to provide for the low density housing needs of the population.”

The objects of zone are

- “- to enable housing development and other development that is compatible with a low density residential environment.*
- to provide for development that is within the environmental capacity of a low density residential environment and can be adequately serviced.”*

In accordance with LEP 2000 dwelling houses are permissible with Council consent in this zone.

The aim of the **Residential 2E Residential Tourist Zone** is

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"To provide for tourist accommodation and recreational land uses."

The objectives of this zone are

- "- to enable tourist development and other development that is compatible with the surrounding environment.*
- to provide for development that is within the environmental capacity of a high density residential environment and can be adequately serviced."*

In accordance with LEP 2000 uses such as eco-tourism facilities, entertainment facilities, hotels, multi unit housing, and tourist facilities are permissible with Council consent in this zone.

That is, the development as proposed in this application is permissible with Council consent.

Further to the above it is noted that the 7A and 7B zones are peripheral to the site. No development is proposed in these areas.

5 OTHER LEGISLATION, POLICIES AND GUIDELINES

State Environmental Planning Policy No. 11 – Traffic Generating Developments, Coastal Guidelines, Coastal Protection Act, 1979, Environment Protection and Biodiversity Conservation (EPBC) Act, 1999, Fisheries Management Act, 1994, Heritage Act, 1977, Marine Parks Act, 1997, National Parks and Wildlife Act, 1974, Native Vegetation Conservation Act, 1997, Threatened Species Conservation Act, 1995, Rivers and Foreshores Improvement Act, 1948, Water Management Act, 2000, NSW Coastal Policy 1997, North Coast Design Guidelines, Native Vegetation Act 2003, Protection of the Environment Operations Act, Bushfire Protection Guidelines.

All these matters would be addressed where relevant as part of any Concept Plan proposal.

6 COUNCIL DEVELOPMENT CONTROL PLANS

Council has an array of Development Control Plans which apply to the subject land. These include: Low Density Housing, Medium Density Housing, Residential Tourist Land, Access and Mobility, Off street car parking, Subdivision.

There are also a number of development control plans prepared in accordance with Section 94 of the Environmental Planning and Assessment Act that apply to the site.

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More recently Council has adopted its own Development Control Plan (DCP) for Hearn's Lake. This plan seeks to significantly reduce the potential development of the subject land.

The owners of the land have objected strongly to Council's DCP as it is not soundly based and would not achieve its stated objectives, in particular the bringing into public ownership those lands identified for environmental protection, including the foreshores of Hearn's Lake.

In particular the DCP is inconsistent with the current zoning of the land; it contains numerous text errors, contradictions, inaccurate statements and mapping errors which contribute to the DCP being a technically inaccurate document. Further there are no supporting surveys, references or documentation to substantiate Council's position in relation to land identified for environmental protection, nor conversely for land identified for development.

In that regard it would appear that the Draft DCP has been prepared as a document which is to be used to change the existing zoning of the area without going through the more appropriate Local Environmental Plan process.

It is considered that in its current form the draft DCP contains incorrect and inaccurate statements, and is not supported by specific scientific surveys. It would therefore be inappropriate to rely on the Draft DCP as a document that should guide future land-uses of the subject land.

7 KEY ISSUES

The following key issues have been identified:

7.1 Soils and Geology

Coffey's Geosciences Pty Ltd conducted preliminary assessment of the site in November – December 2003. The site is generally flat, consisting of predominantly alluvial soil deposits, with residual topsoils of 200 – 300 mm overlying sand and sand with clays.

It is considered that the site is suitable for residential development.

As there is a possibility of acid sulphate soils occurring, within a depth of about 1 – 3 m, it is recommended that an Acid Sulphate Soil Management Plan be prepared to guide development of the site. Further to the above there were no obvious signs of soil contamination observed, within the site, although there may be potential minor contamination in isolated areas as a result of previous agricultural use.

7.2 Water Management Strategy

The proposed development will involve the construction of buildings and the formation of paved surfaces such as roads, footpaths and driveways, resulting in an increase in the proportions of the site that is covered by impervious surfaces.

Accordingly, there will be an associated increase in the proportion of the rain that falls on the site that will not infiltrate the land surface. The rainfall will accumulate as runoff and will be concentrated along existing or artificially created water courses. The proposed development also has the potential to alter the quality of run-off that will enter Hearn's Lake.

The applicant recognises the inherent aesthetics and ecological value of Hearn's Lake. The lake is considered to provide an excellent vista for the style of development that is proposed. Furthermore, the ecological and environmental value of the lake is considered to appeal to the type of residents that the company would like to attract to the development.

Therefore, in the interests of retaining this vista and ensuring that the proposed development provides an eminently attractive setting, the applicants engaged Patterson and Britton and Partners to prepare a water management strategy for the proposed development.

The Water Management Strategy which includes the provision of bio-retention systems, water quality control ponds and associated water sensitive urban design features, will suitably treat and polish runoff from the development site, and ensure that runoff discharged to Hearn's Lake is of a quality that will not adversely impact on the lake hydrology and associated ecosystem.

Figure 5 indicates the major components of the proposed water management strategy.

7.3 Flooding

Hearn's Lake is an intermittently closed and open lake or lagoon (ICOLL) which draws to the ocean at the northern end of Hearn's Lake and extends to the rear of the back beach dunes along Hearn's Lake Beach. The lake has a surface area of approximately 15 ha.

All possible scenarios and combinations of ocean and catchment storm conditions have been assessed by Patterson Britton (Engineers) to determine the potential for flooding of areas of the site proposed for residential development.

Hydrologic and hydraulic models were developed as part of this study to investigate and quantify flood behaviour at the Sandy Beach North development site for existing conditions. These models were used to determine peak discharges from the catchment and to establish design flood levels for major flood events.

A 2D hydrodynamic model of Hearn's Lake and the lower reaches of Double Crossing Creek was developed and used to simulate a number of design flood scenarios. These

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scenarios include combined catchment and ocean storm events, and various entrance blockage conditions.

Based on the results of the hydraulic modelling, it is recommended that a peak design 100 year recurrence flood level of 2.6 m AHD be adopted for the development site.

Figure 6 indicates the predicated 1/100 year flood extent.

All lots and roadways are to be setback 70 – 170 metres from the edges of Hearn's Lake and Double Crossing Creek. Provision has also been made in the development layout to retain two existing drainage channels that run through the southern section of the site and discharge surface runoff from urban areas of Sandy Beach to the southern shoreline of Hearn's Lake.

In order to comply with Council's current Flood Policy, the flood level of all habitable dwellings will be at least 500 mm above the AHD 100 year recurrence flood level.

Selected fill material is proposed to raise the natural ground surface to achieve a floor height of 300 mm above the predicted level of the 100 year occurrence.

The approximate extent of filling proposed to achieve a finished surface level of 2.9 m AHD is shown on **Figure 7**.

7.4 Flora and Fauna

Comprehensive flora and fauna surveys of the area proposed for development have been carried out by Conacher Travers over an a seasonal basis for 18 months in 2003 and 2004 in order to accurately determine the composition of flora of the site.

The consultants found that the majority of the site is considerably decreased in value for fauna due to the history of disturbance including clearing of trees and understorey, sand mining, grazing and weed infestation.

The development proposes the retention and creation of substantial areas of habitat, with the provision of generous buffer (approximate ave 90 m) between Hearn's Lake and residential edge (which is formed by a continuous road edge) to aid the conservation of the threatened species observed within the subject site. In addition the design incorporates continuous road verges, incorporating swales and tree planting to enable the movement of wildlife.

Figure 8 indicates the proposed Riparian Corridor for the Wallum Froglet.

7.5 Traffic

Traffic wishing to access the site could potentially do so from a number of different directions being from the existing road network servicing Sandy Beach to the south,

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from the existing road network located north of Double Crossing Creek, and from the Pacific Highway located to the west of the site.

The section of the Pacific Highway which borders the development site to the west is to be incorporated in the RTA's upgrading of the Pacific Highway from Sapphire to Woolgoolga, including the construction of a grade-separated interchange at the intersection of the Pacific Highway and Graham Drive (north of the site), the extension / upgrading of the existing overpass at Sandy Beach to cover the widening of the road pavement (south of the site), and the upgrading of the seagull intersection at Graham Drive (south of the site).

Subject to the timing of the construction of RTA proposed intersection, access to the site would be required. Further, following discussions with RTA representatives, it is understood that the RTA will allow interim access to the site pending completion of the Highway upgrade at which time the interim access point would be removed.

Figure 9 indicates the interim and proposed access arrangements to the Pacific Highway.

7.6 Noise

SKM were commissioned to undertake a noise assessment for the proposed Sandy Beach "North" development site. In general the purpose of the noise assessment was to provide acoustic advice as part of the Concept Planning for the development and recommend any noise reduction measures required for the site.

In undertaking the noise assessment for the Sandy Beach "North" development it became clear that noise control in the form of a barrier would be required to meet RTA and EPA criteria for road traffic noise.

Ideally noise barriers should be located as close as possible to the noise source, in this case the Pacific Highway to provide optimal benefit. Based on this advice the noise assessment undertaken as part of the Concept Plan assumes a noise barrier setback of 10m.

With noise mounds and barriers in place, it is anticipated that the predicted traffic noise within the site will significantly decrease to be well within the Environmental Protection Authorities requirements.

7.7 Bushfire Management

A bushfire Protection Assessment Report has been prepared by Conacher Travers Pty Ltd at the request of Bluegrass Nominees Pty Ltd (the owners of the land) for the proposed residential subdivision of Part Lot 2 DP 813954 Pacific Highway, Sandy Beach.

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The proposed development is within a bushfire prone area. This requires the Commissioner of the NSW Rural Fire Service to consider the issue of a Bushfire Safety Authority provided that the proposed development conforms with the requirements of 'Planning for Bushfire Protection 2001'.

As a result of the Bushfire Assessment, dwellings on a number of allotments will require level 2 construction due to the high bushfire threat from the heath vegetation. These are detailed in the Bushfire Assessment Report and would be addressed as part of any conditions of approval.

7.8 Aboriginal Heritage

Aboriginal Heritage assessment was undertaken by Mary Dallas and Dan Tuck in December 2004. The study follows an earlier archaeological study undertaken in 1983. Two areas of interest were found within the site area.

Site 1 occurs in the southern portion of the site adjacent the southern boundary. Whilst visibility of artefacts was minimal, it was recommended that further tests be undertaken to determine the presence or absence of Aboriginal cultural remains prior to development as the elevated land adjacent surrounds lower and wetter land representing a potential Aboriginal location.

Site 2 occurs at the southern end of Hearn's Lake and is assessed to be the remains of a camp site. The site has been disturbed by prior activities on site such as timber clearance, grazing and sand mining. The site is located within the riparian area outside of any proposed area of development. It is recommended the site is protected by suitable topsoil cover and vegetation.

These matters would be addressed in any subsequent proposal for the site.

7.9 Social and Economic Impact

The positive socio economic impacts associated with the construction phase of the development will form an employment generation and the effects of workforce expenditure in local community. It is anticipated that the development will require a construction workforce of up to approximately **200** people for up to 5 years. It is anticipated that the local workforce will fill most if not all of these places.

The development will also require large quantities of construction materials, along with plant and machinery. It is anticipated that most, if not all of these materials and hiring of construction plant will impact positively both directly and indirectly on the local economy.

The development itself will provide a variety and choice of housing to accommodate the future socio-economic mix and expected growth in the population of the City.

8 JUSTIFICATION FOR PROPOSAL

8.1 Current Zoning

The residential zoning of the subject land has been in place since the mid 1980's when Council rezoned all parcels of land surrounding Hearn's Lake Estuary in accordance with Hearn's Lake LEP changing the zoning from Rural to Tourist / Residential.

In 1988 Coffs Harbour City Council consolidated all existing LEPs into a single document titled City of Coffs Harbour LEP 1988 retaining the existing zonings around Hearn's Lake.

These zonings were reviewed again in 2000 and incorporated into Coffs Harbour LEP 2000.

Accordingly it can be concluded that that whilst there are certain environmental constraints to the land as indicated above, Council has retained the existing Tourist / Residential zonings for approximately 30 years with no proposal to seek a change of zoning of that land.

There is therefore an expectation that the land had been foreshadowed for residential development for a considerable period of time and, an expectation that the owners would be allowed to develop that land, subject to an assessment of environmental constraints, in accordance with the objects of the EP & A Act and the provisions, and zoning of Coffs Harbour City Council's Local Environmental Plan.

8.2 Coffs Harbour Council: Urban Development Strategy

Centrally located between Sydney and Brisbane, Coffs Harbour is strategically placed to service as a major sub-regional centre on the north coast. The North Coast Planning Strategy identifies Coffs Harbour as a Sub Regional Centre together with Tweed Heads, Lismore, Grafton, and Port Macquarie.

This strategy was adopted by Council in 1996 to guide growth in the city over the next 25 years. The plan provides for the development of the Coffs Harbour Coastal strip from Arrawarra in the north to Bonville in the south to the year 2021.

This study followed the North Coast Urban Planning Strategy in 1995, prepared to provide a framework in which to make decisions about growth and development and to co-ordinate service provision and resource allocation by Commonwealth, State and Local Governments.

The strategy envisaged a population of 104,000 in the Coastal strip and identified a number of future urban release areas.

One such area identified to accommodate the future growth was the **Sandy Beach** locality. (Coffs Harbour City Council Local Environmental Study 1997.)

8.3 Enhancement of Degraded Site

The analysis of opportunities and constraints for the site has been integral in the planning process, with key consideration of flooding, riparian setbacks, flora and fauna and planning issues as well as the opportunity to enhance what is a significantly degraded site.

The identified constraints of the site are shown at **Figure 10** and the Opportunities at **Figure 11**.

With respect to key opportunities and constraints the proposal offers a highly coherent urban form articulated by individual places and the sharing of common open spaces and natural resources.

A summary of key opportunities include: internal views within the site, preservation and revegetation of remnant vegetation; the proposed upgrade of Pacific Highway and associated access; establishment of a 'gateway' statement at Pacific Highway entrance; creates a community park within the estate, opportunity to: manage Hearn's Lake, to create development that is appropriate to the location and provides a basis for protection and improvement of the natural environment; protect and enhance the natural and recreational values of the coastal lake and reserve, working in partnership with local environmental groups, to improve foreshore access whilst protecting coastal vegetation; provide a range of housing types within the development, demonstrate best practice Water Sensitive Urban Design, and ESD principles to assist in the protection and enhancement of Hearn's Lake.

Accordingly it is considered that the residential development proposal presents the best possible outcome for the site, restricting development to the flatter area of the site with minimal tree cover, minimising disturbance whilst preserving over 50% of the site as open space, which in turn provides considerable setback from the eastern edge, riparian zones, drainage lines and significant vegetation, enabling extensive revegetation and habitat creation, as well as protection of Aboriginal heritage, and the potential to bring those lands identified as environmentally sensitive into public control at no cost to Council.