

PRELIMINARY ASSESSMENT

Major Project Application

90 lot subdivision

No 1 Hearn's Lake Road, Woolgoolga Lot 4 DP 612977

A) Description and Location of the Project

The site is in the Coffs Harbour local government area, is zoned 2E residential tourist and has an area of approx. 10ha. The site is located to the north of Hearn's Lake Road, south of Woolgoolga and is known as lot 4 in deposited plan 612977.

The proposed project is to subdivide the land into residential sites approximately 600m² in size. It is expected the site will yield 80 to 90 lots of this size. Housing development on the site will generally be free standing one and two storey houses and be limited to 6.0m high measured from natural ground to the building eaves.

The project will provide affordable housing for first homeowners, young couples and retirees.

Preliminary plans at this stage are limited to those provided in the Coffs Harbour City Council (CHCC) Sandy Beach / Hearn's Lake Development Control Plan (the DCP) adopted by the Council on 1st December 2005. The DCP clearly identifies and resolves constraints affecting the site and defines the developable area.

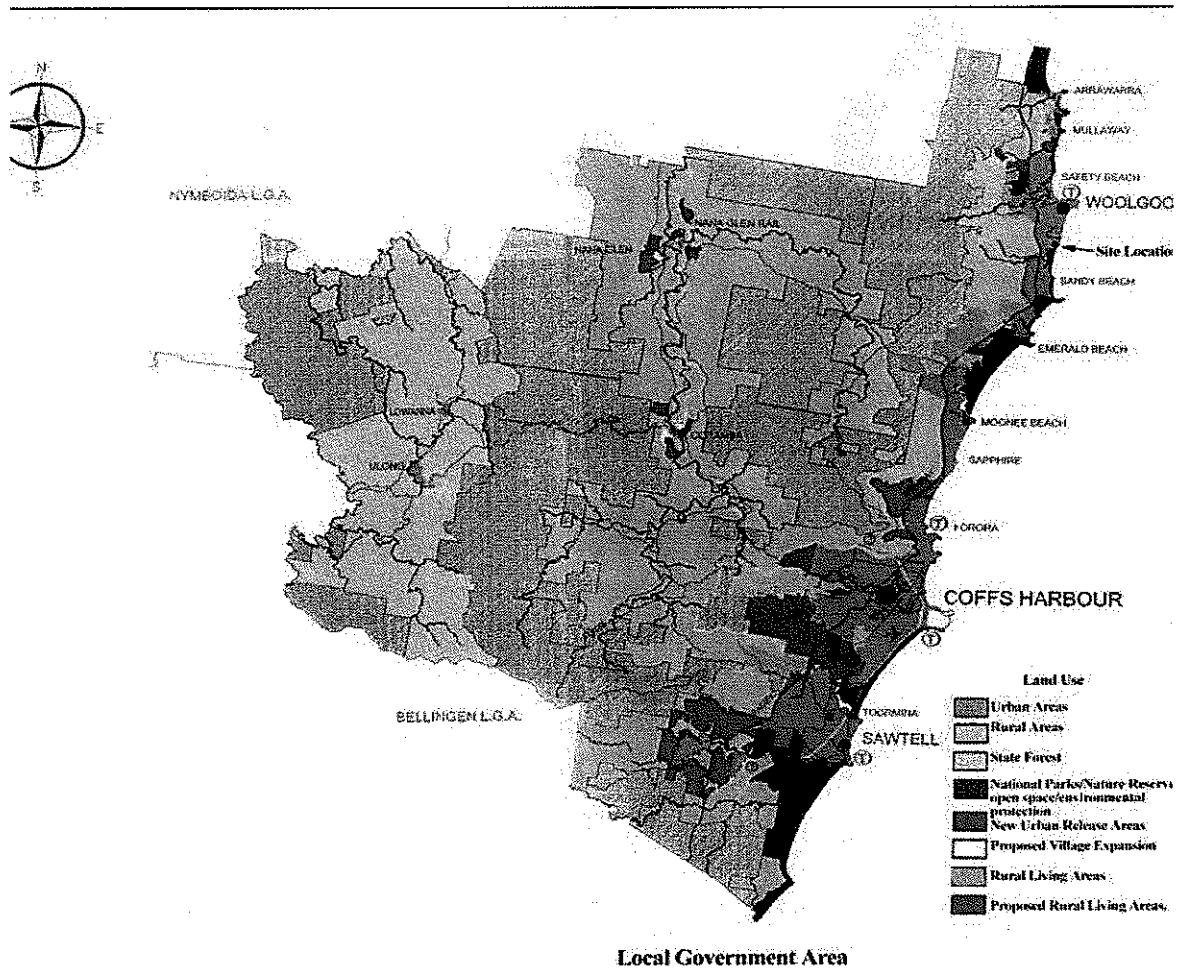
Our preliminary assessment of the developable area provides a yield of 80 to 90 lots as noted above.

The DCP is discussed in further detail in section (c) of this Preliminary Assessment.

Maps and Location of the Site:

Please refer to attached maps identifying the site, its location and its current zoning.

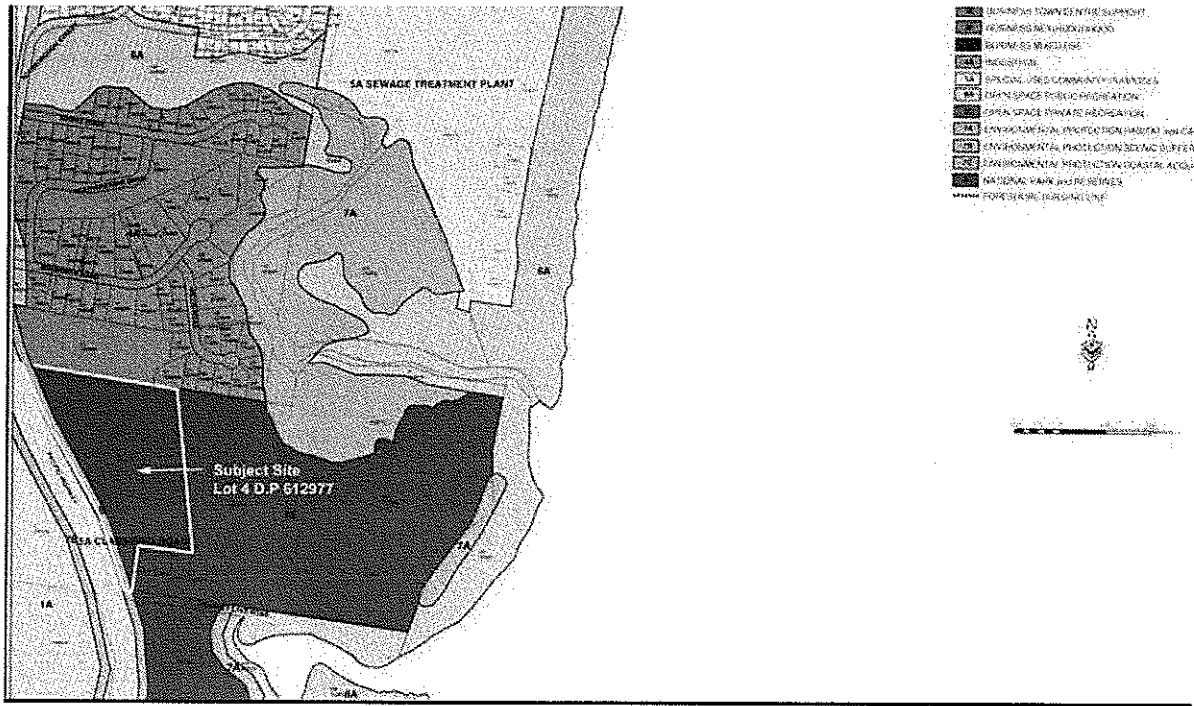
B1. Site Location Map within Coffs Harbour LGA



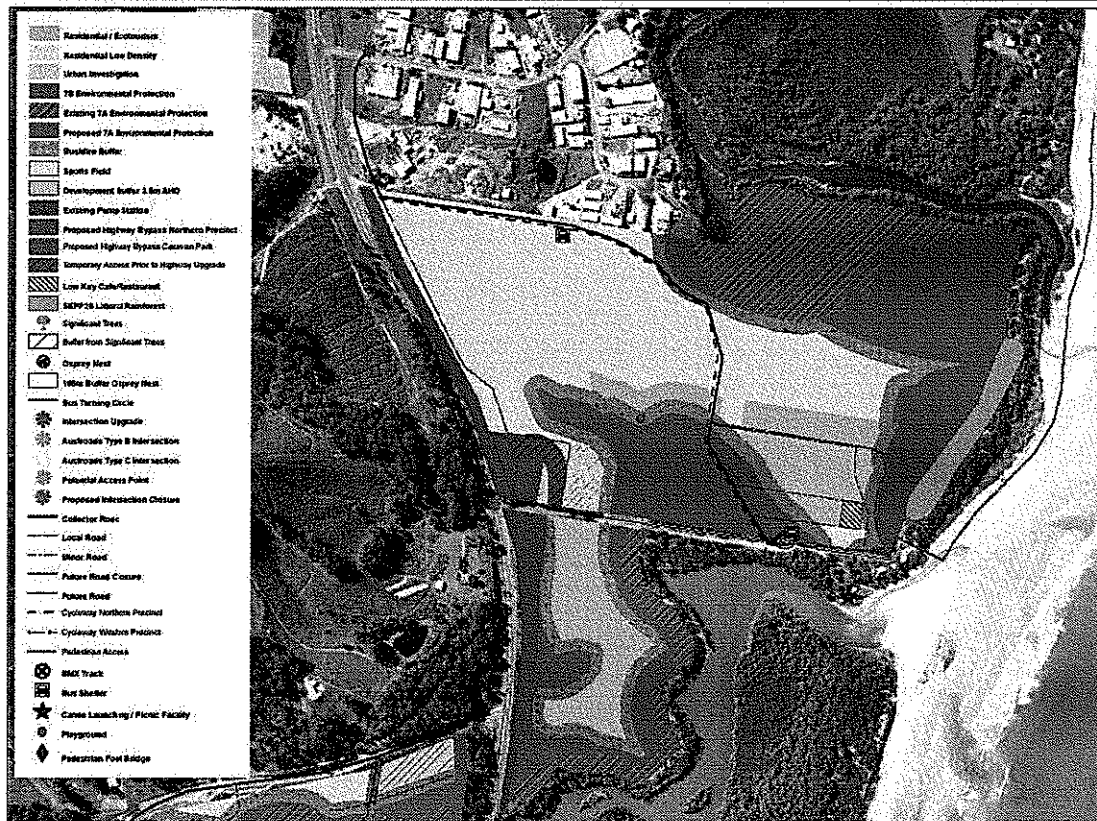
B2. Aerial Photograph with Site Highlighted



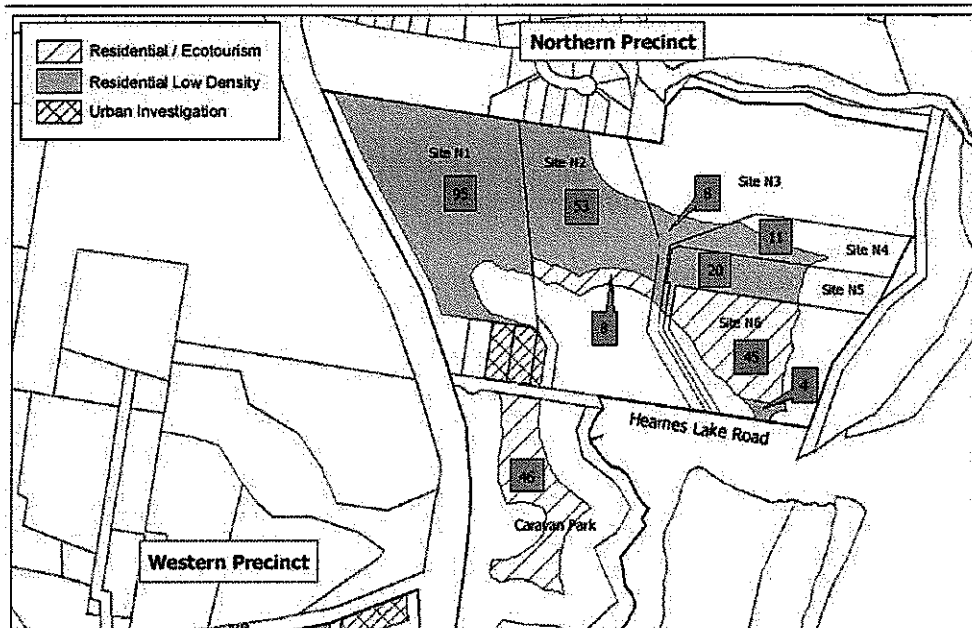
B3. CHCC LEP zoning map



B4: Part Map 2 from CHCC DCP Masterplan for Northern Precinct



B5: Part Map 5 from CHCC DCP showing densities for site N1



C) Planning Provisions:

The following Planning Provisions apply to the site:

SEPP71 – State Environmental Planning Policy No. 71 – Coastal Protection

The project site is within the coastal zone and is a subdivision of more than 25 lots and therefore, falls under SEPP71.

The proposed project is permissible under SEPP71 and satisfies the criteria of SEPP71.

Coffs Harbour Local Environmental Zone 2000 (LEP2000)

Under the Coffs Harbour Local Environmental Zone 2000 (LEP2000) the site is zoned 2E residential tourist. The objectives of the 2E zoning are:

To enable tourist development and other development that is compatible with the surrounding environment and

To provide for development that is within the environmental capacity of a high density residential environment and can be adequately serviced.

The zoning for the site allows a maximum building height of 7.5m.

The proposed project is permissible under the current zoning.

Coffs Harbour City Council (CHCC) Sandy Beach / Hearn's Lake DCP

On 1st December 2005 CHCC adopted the Sandy Beach / Hearn's Lake DCP. The DCP was prepared to meet all the objectives of SEPP 71, identified the key issues and constraints associated with development of the site and addressed those issues.

The subject site is included in Northern Precinct and is referred to as site N1 in the DCP.

The DCP proposes the site be used for low density housing with a maximum density of 95 lots. The DCP also proposes areas of the site be allocated to the RTA for the Pacific Highway upgrade, to environmental

protection areas, to bushfire asset protection zones and certain areas to be investigated during development for buried evidence of cultural heritage.

Sewer reticulation to all areas of the DCP precincts has been planned and included in the DCP. It has been identified that current septic overflows and runoff is the major pollutant source in Hearn's Lake (refer National Marine Science Centre). The addition of sewer infrastructure in the DCP area will require the connection of over 100 residences to the infrastructure and thereby, eliminate the major pollutant cause on Hearn's Lake.

Sediment runoff from unsealed roads, driveways and carparks also contribute significantly to the silt levels in Hearn's Lake. The DCP removes some of these areas and requires sealing of others, thereby eliminating the major cause of siltation in Hearn's Lake.

The DCP clearly specifies environmental buffers to be incorporated and details stormwater management requirements. These items have been included to ensure there is no impact on Hearn's Lake from development and have been prepared by an independent estuary management consultant. An estuary management study has been completed and the environmental buffers are based on that study. A management plan for the estuary (EMP) is underway. This plan is based on the study and will detail how the estuary is to be managed in the future. The EMP will have no bearing on development of this site because of the distance from the estuary and the buffers included in the DCP.

CHCC spent considerable time and effort to prepare a DCP that complies with the requirements of SEPP71.

The DCP has been prepared over a one and half year period, has been on public display, and has been the subject of a number of open community forums. The DCP has been reviewed and discussed with all relevant government departments and after this extensive process has been adopted by CHCC. The adopted DCP is available on the Coffs Harbour City Council website (www.coffs.harbour.nsw.gov.au) under Planning and Control / Development Control Plans. CHCC have numerous studies, reports and minutes in their files regarding this DCP and they would be able to provide any further information.

The proposed project is in accordance with the DCP and is permissible under the DCP.

D) Views of Other Agencies, Local Council and the Community:

D1: Other Agencies:

In preparing the DCP CHCC liaised with all necessary government departments and incorporated their views into the DCP. Our understanding from CHCC is the agencies supported the DCP as follows:

- **RTA:** Support development of the site in that it allows a better design for their highway upgrade program, incorporates all the requirements of the highway upgrade program and allows the eventual closure of the Hearn's Lake Road and Pacific Highway intersection. The DCP limits the number of lots to be developed within this precinct to 90 lots prior to an alternative route to the Woolgoolga CBD being provided. The development of this site will provide that alternative route.
- **Rural Fire Service:** The DCP has incorporated asset protection zones as required by the Rural Fire Service.
- **Dept of Natural Resources (DNR):** Support the protection of potential Wallum Froglet habitat and other areas of environmental significance. DNR have raised a concern regarding the impact of development on the water quality of Hearn's Lake and would prefer an Estuary Management Plan (EMP) be in place prior to development. CHCC advise the DCP has been based on the most conservative view of their consultant who has completed an estuary management study. A project application under Part 3A will address any items raised by the EMP.
- **Fisheries:** Support the protective measures provided within the DCP for Hearn's Lake including development buffers applied.
- **Solitary Islands Marine Park:** Support the protective measures provided within the DCP for Hearn's Lake including development buffers applied.

D2: Local Council - Coffs Harbour City Council:

CHCC has spent up to two years preparing the DCP for the area. The preparation of the DCP has involved considerable community consultation, a number of independent studies and has incorporated the views of all relevant statutory authorities. The Council support the development of the land in

accordance with the DCP. We have discussed with Council the possibility of developing 80 to 90 lots and they have confirmed this would be acceptable to them under the DCP. The Council has indicated they are prepared to be the determining Authority for development of this land should the Minister choose to delegate such authority.

D3: The Community:

The community is divided into various groups and we have discussed the project with a number of these groups.

- **Individual local residents:**

Many residents support the DCP on the basis it protects the environmentally sensitive area, allows development of areas that are currently run-down, allows better public access to the coastline and improves the safety of the area. It is known that carparks and bushland in the area are used extensively by groups using illicit drugs. Many residents are unwilling to venture to the area after dark or even during daylight for fear of infection from discarded syringes. The residents welcome the DCP as a way to provide a more secure environment for their families.

The residents also believe development of this site will enhance the safety and access to the area and look forward to its implementation.

- **Sandy Hearn's Action Group (SHAG):**

We have inspected the proposed site with members of SHAG and, whilst they are opposed to the DCP in general, the members made no specific comments regarding this site.

- **Woolgoolga Chamber of Commerce:**

The Chamber of Commerce support the DCP and the measures it provides to protect the environment.

- **Residents within the LGA:**

Numerous residents support the DCP and the protection it provides for Hearn's Lake and the improvement in infrastructure it provides to the area. Residents have addressed Council and written letters to the local newspaper confirming their support for the DCP.

E. Study or investigation that may affect the Project:

The site is not part of the Metro Strategy or other strategies that may affect the Project.

F. Previous Masterplan for the Site

A draft master plan (DMP) under SEPP71 for the site showing 91 lots was prepared in 2004, exhibited for public comment from 27 January 2005 to 9 March 2005 and was rejected by the Minister in July 2005.

The reasons for the rejection were stated as being that the DMP did not comply with the then draft DCP that the DMP failed to address a number of issues in relation to environmental protection. A revised lot layout for the site complying with the DCP now shows 86 lots and is attached herewith. The 5 lot reduction is due to areas of the site now being set aside for environmental protection and stormwater management.

All issues raised by the Department in their assessment of the DMP have been addressed and incorporated into the DCP.

The issues noted in the Department's assessment report were:

6.1.1 Hearn's Lake ICOLL – Estuary Process and Health:

The Department's assessment was "Likely impacts of the development proposed by the DMP, in addition to the cumulative impacts given the significant amount of development proposed in areas adjacent to Hearn's Lake, have not been resolved given that a thorough process study has not been undertaken for Hearn's Lake. The impacts on Hearn's Lake have not been adequately delineated and it is likely that the future development proposed will have significant impacts on the health of Hearn's Lake."

In preparing the DCP CHCC (funded by Department of Planning) engaged WBM Oceanics to complete an estuary study and subsequently to prepare an estuary management plan. The study has been completed and its results recommendations incorporated into the DCP. The DCP now includes environmental buffers (both vertical and horizontal) to the lake and detailed stormwater treatment requirements. The environmental buffers are to be zoned environmental protection and no development is to be incorporated within the area buffer.

6.1.2 Stormwater, Drainage and Groundwater:

The Department's assessment was "Overall it is considered that adequate and accurate information has not been provided to determine the impacts of stormwater run-off from the development on Hearn's Lake and the existing wetland/dam. It is considered that under the present draft Master Plan pollution of these environments is likely to occur. It is considered that the sensitivity of those environments warrants there to be scientific surety that there will be no adverse impacts as a result of the development. This has not been demonstrated and as such the precautionary principle should be applied in accordance with Clause 2(j) of SEPP 71.

It is also considered that the use of an existing on-site wetland/dam earmarked by Council's Draft DCP for Environmental Protection, and used by adjoining properties for domestic and livestock purposes, for the discharge of untreated stormwater is not appropriate."

The DCP has been based on stormwater runoff modeling prepared by WBM Oceanics for CHCC using the widely accepted MUSIC model. The stormwater management study prepared using the MUSIC model provides scientific surety that there will be no adverse impacts as a result of the development.

The DCP requires all lots to incorporate on site retention and requires the development to incorporate the use of swales, bio filters, gross pollutant traps and detention ponds. Detention ponds are to have a holding capacity of 125m³ per hectare. The DCP requires that all stormwater treatment facilities are to be incorporated within the development area and outside of environmental protection zones. The DCP also requires any subdivision application to provide full stormwater modeling using the MUSIC model. Areas raised as a concern in the assessment report have been protected by the DCP.

6.1.3 Lot Layout and Design:

The Department's assessment was "The lot layout and design with respect to the southern portion of the site is considered to be unacceptable. The DMP does not provide adequate allowance for open space, which is largely proposed to be used for stormwater treatment. These issues would require a significant re-design of the proposed lot layout and design. It is considered that due to the extent and nature of issues with respect to the Draft Master Plan, including these issues of lot layout and design, that the application should be refused."

The DCP notes a maximum density of 95 lots for the site. The DCP has delineated areas required for environmental protection and has resolved with the RTA areas to be set aside for future highway upgrade. A new indicative lot

layout has been prepared (and is attached). The new layout addresses the requirements of the DCP, shows perimeter roads delineating developable areas from RTA buffers and environmental protection zones and shows adequate area set aside for stormwater treatment. The layout is consistent with the DCP requirements for open space in the entire precinct and provides connections points to adjoining future developments and roads as envisaged by the DCP.

The layout shows a yield of 86 lots. This has been discussed with CHCC and they have confirmed the layout is consistent with the aims and objectives of the DCP and they would support an application.

During development application stage the layout can be modified and refined in line with Stormwater modeling and other investigations required by the DCP for such applications.

6.1.4 Geotechnical Constraints:

The Department's assessment was "The geotechnical study overall confirms the site is suitable for residential development in terms of geotechnical capabilities.

No indication has been given as to how the groundwater issues in zone W will be managed given the development proposed in that area, in particular the stormwater wetland. Issues associated with development in this zone have not been resolved. The proposed stormwater treatment wetland is located in this zone however flooding impacts have not been appropriately delineated to determine the affects on the wetland. The DMP indicates that groundwater will need to be diverted around this area however this will not be supported as a permanent management strategy by DIPNR."

The area noted as zone w in the geotechnical report is now wholly incorporated into an environmental protection area by the DCP. This area cannot be used for development or stormwater treatment. Stormwater systems have been modeled for the DCP and set specific requirements and areas to be incorporated into any development of the area.

6.1.5 Traffic:

The Department's assessment was "These issues have not been resolved given that the cumulative traffic impacts of proposed developments along Hearn's Lake Road will create traffic volume and safety issues, which can not presently be addressed by the RTA."

The DCP has been prepared with input and agreement from the RTA. The DCP addresses all concerns previously raised in regards to access, traffic volume and costs of infrastructure upgrades. The RTA support the DCP.

6.1.6 Bushfire:

The Department's assessment was "A number of the proposed lots are contained within the proposed Asset Protection Zones (APZ's) and those identified by the Draft HL / SB DCP. Given that the proposed master plan should be refused this issue has not been investigated further."

The DCP incorporates APZ's where required. Development will comply with those APZ's.

6.1.7 Soil Contamination

The Departments assessment was "These issues have not been resolved given that the proposed DMP should be refused."

The assessment report notes that the geotechnical report includes an area of the site where car bodies had been dumped. This is included as a note with the geotechnical report and is a readily identifiable area. There is no evidence of soil contamination on the site.

Any development will require the clean up of the car bodies.

Draft Lot Layout:

Refer separate PDF file included with this application.