

# Environmental Impact Statement

Residential Community Title Subdivision  
29 Charlesworth Bay Road Coffs Harbour

Date: September 2024

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### Why is this proposal Designated Development?

The proposed subdivision is Designated Development and requires an Environmental Impact Statement (EIS) rather than a Statement of Environmental Effects (SoEE) because a small part of the subject land is incorrectly mapped as Littoral Rainforest. As shown in the images below, the mapped area actually presents as heavily derived exotic grassland and domestic landscaping.



In March 2024 a formal request was made to the Department of Planning Housing and Infrastructure (DPHI) to amend the Coastal Wetlands and Littoral Rainforest Area (CWLRA) map, who provided the following response:

*There is currently no formal process in place to amend the Coastal Wetlands and Littoral Rainforest Area (CWLRA) map in the Resilience and Hazards SEPP 2021 (R&H SEPP), previously known as the Coastal Management SEPP. However, the Department does from time to time undertake a broader review of the coastal wetlands and littoral rainforest mapping. To date, we have undertaken two map review programs since the maps were first published in 2018. The most recent map review program occurred in October 2022. You may lodge a request for our team to review the coastal wetland mapping. However, please be aware that there is currently no timeframe for when the next map review will take place.*

As there is no formal route to review Littoral Rainforest mapping, the polygon affecting the subject land unfortunately cannot be removed and the proposed subdivision is deemed by Clause 2.7(1) of *SEPP Resilience and Hazards 2021* to be “other development” within land that is mapped as Littoral Rainforest. Clause 2.7(2) declares “other development” within land mapped as Littoral Rainforest to be designated development.

# 1.0 Introduction

## 1.1. General Description of the Proposal

Keiley Hunter Town Planning has been engaged by the landowners to act as Planning Consultants for the preparation of an Environmental Impact Statement to accompany a Development Application (DA) for a Community Title residential subdivision of land described as Lot 1(part) and Lot 5 DP 270532 located at 29 Charlesworth Bay Road, Korora.

The subject land is part of a larger, well established Community Title estate comprising three existing dwellings and community land.

**Illustration 1.1 Site Locality**



Source: Open Street Map, 2024



**Illustration 1.2 Aerial Photo showing Subject Land**



Source: CHCC 2024

## 1.2. Background

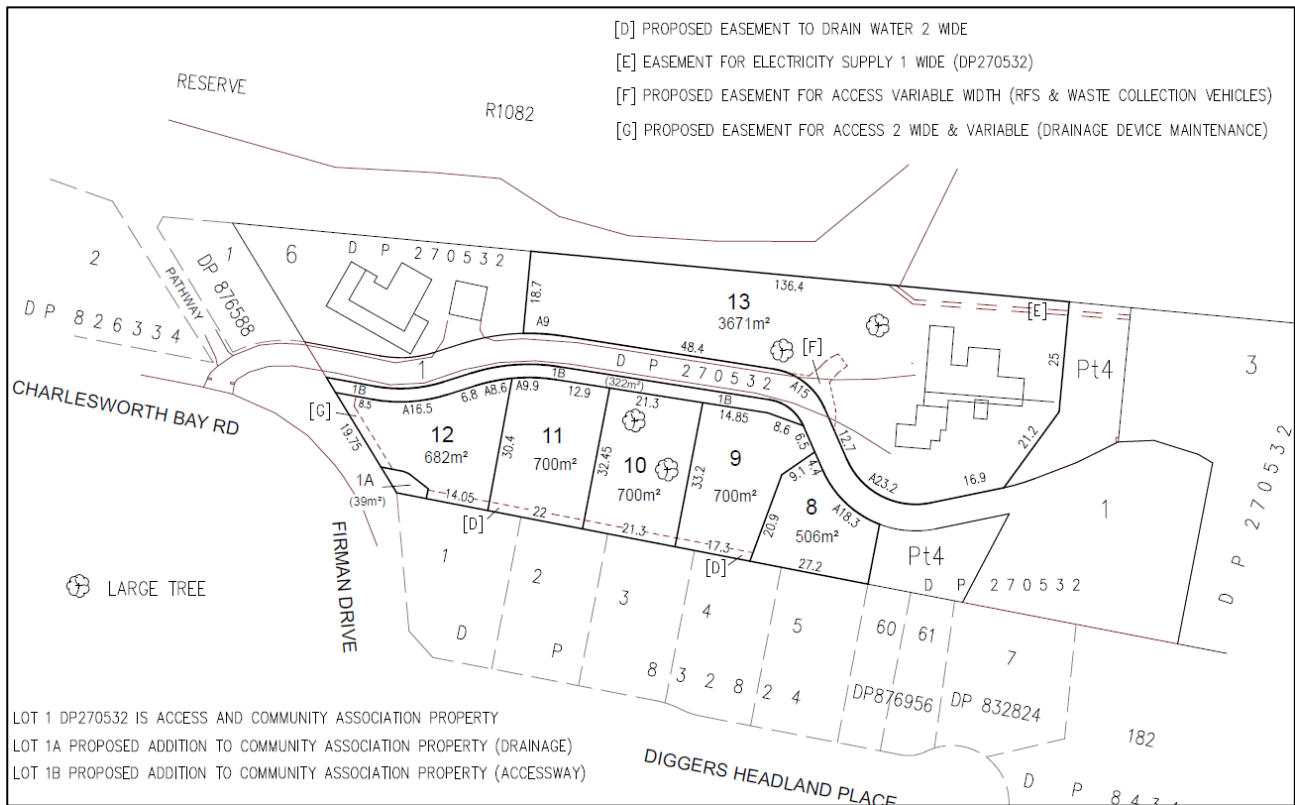
This proposed subdivision will result in the creation of five (5) additional vacant Community Title lots suitable for low density housing. The development is a relatively minor infill development of cleared residential land, however, part of the subject land is mapped as Littoral Rainforest pursuant to *State Environmental Planning Policy (Resilience and Hazards) 2021*, whereby development is declared to be designated development requiring an EIS rather than a Statement of Environmental Effects. The proposed development avoids works or clearing within land mapped as Littoral Rainforest.

Further residential development of the subject land has long been envisaged by the original proponents of the Community Title scheme, consequently, the land has been continuously managed with domestic lawn and landscaping. The Community Title accessway will remain in its present location, however it will be widened to accommodate upgraded water, sewer and electrical servicing. A turning area will be constructed within the residual parent lot (proposed Lot 13) to allow emergency vehicles and the garbage truck to turn safely within the site and will be formalised within an easement for access.

A stormwater management system has been designed to ensure drainage is managed onsite and then directed to a legal point of discharge in Firman Drive.

The City's planning department and the Department of Planning, Housing and Infrastructure (DPHI) have been consulted in the preparation of this EIS.

### Illustration 1.3 Plan of Proposed Subdivision



#### Plan of Proposed Subdivision, 22/7/24 (Full Version Appendix C)

### Approvals History

The following approvals apply to the subject land. Please note that this list is not complete:

- BA47396 Dwelling Additions (Granny Flat) Lot B DP 412817
- DA1879/05 Subdivision of Land - Lot B DP 412817(one lot into two lots)
- DA0928/13 Community Title Subdivision of Lot 2 DP 270532 (3 lots into 4 lots)
- 0245/15DA Community Title Subdivision of Lot 2 DP 270532 (3 lots into 5 lots)
- 0444/19DA New Dwelling Lot 4 DP 270532

### 1.3. Consent Authority

The subject land is located in the Coffs Harbour Local Government Area and the DA constitutes 'designated development' under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is "other development" within land identified as "littoral Rainforest" on the *Coastal Wetlands and Littoral Rainforests Area Map* pursuant to Section 2.7(1) of *State Environmental Planning Policy (Resilience and Hazards) 2021*. Section 2.7(2) of the SEPP declares the development to be designated.

The subdivision application is additionally integrated development as a Bush Fire Safety Authority under section 100B of the *Rural Fires Act 1997* is required:



City of Coffs Harbour is the consent authority for the development.

Other approvals:

- Activity approvals under section 68 of the *Local Government Act 1993* with respect to water supply, sewerage and stormwater drainage work.
- An approval under section 138 of the *Roads Act 1993* from Coffs Harbour City Council for works within Firman Drive.

## 1.4. Specialist Technical Advice

Specialist advice and design input was provided from consultants listed in **Table 1.1** below.

**Table 1.1 Specialist Technical Advice**

Consultant	Service	Appendix
Barker Ryan Stewart	Civil Engineering Drawings	<b>D</b>
	Stormwater Management Plan	<b>E</b>
GeoLINK	Bushfire Hazard Assessment	<b>F</b>
Earth Water Consulting	Detailed Environmental Site Assessment	<b>G</b>
Biodiversity Australia	Biodiversity Assessment Report	<b>H</b>

## 2.0 The Subject Site

### 2.1. Overview

The subject land is a Community Title property described as Lot 5 DP 270532 with an area of 7,321 m<sup>2</sup>. Lot 1 DP 270532 (Community Property) is also included in the subject land because part of the existing accessway will be widened and new services will be laid within the community lot.

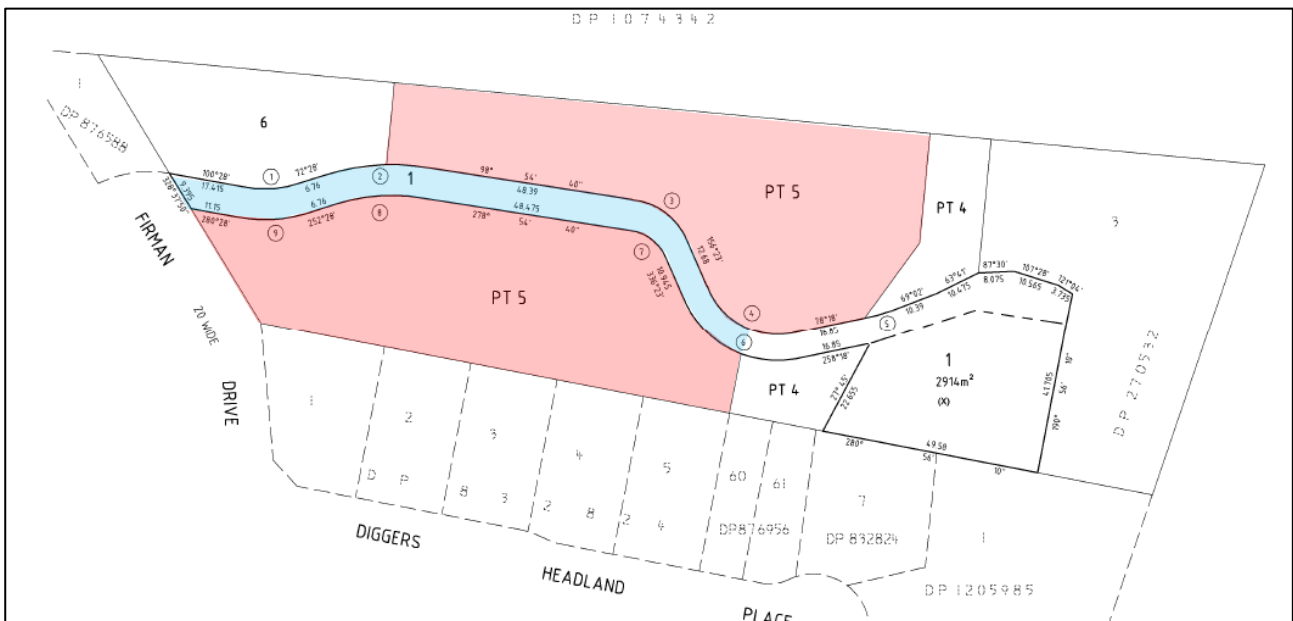
The land is irregular in shape with frontage to Charlesworth Bay Road and Firman Drive. The northern boundary of the site adjoins the Coffs Coast Regional Park. The land adjoins dwellings situated at 1 to 9 Diggers Headland Place along the southern boundary.

There is a detached dwelling situated within each property described as No. 27 and No. 31 Charlesworth Bay Road (Lots 6 and 3 DP 270532 respectively), both being lots within the subject Community Title scheme.

There is an area of retained remnant vegetation that is mapped as Littoral Rainforest situated in the south eastern part of the Community Lot 1.

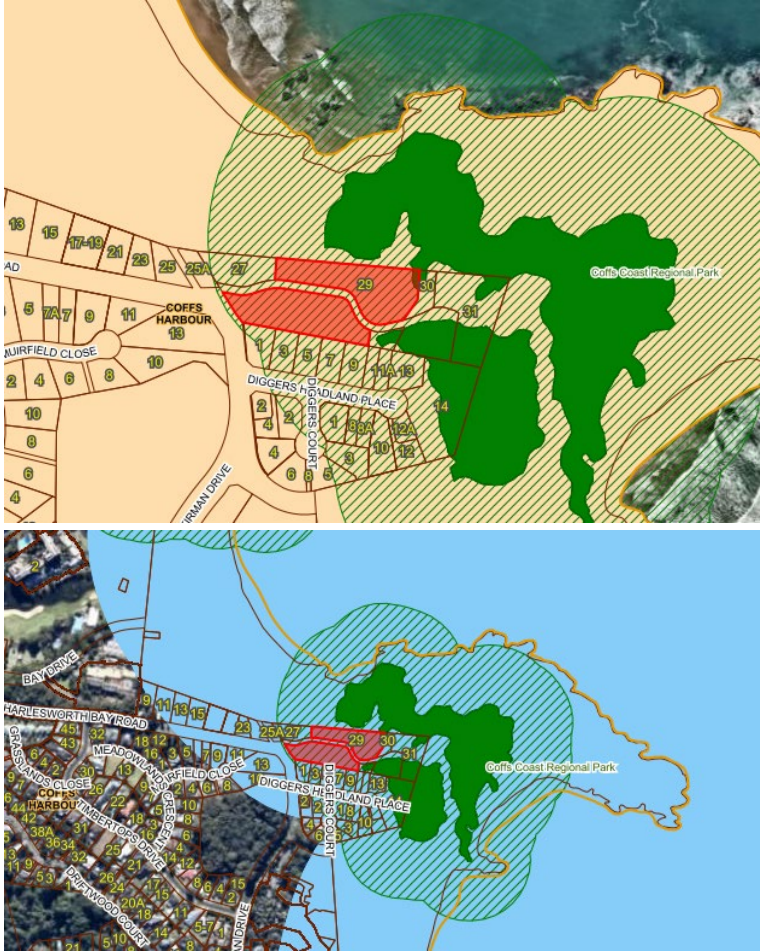
The property mostly falls to south west towards Charlesworth Bay Road and the southern boundary from approximately RL 35 m AHD in the northeastern corner of the subject land to RL 18 m AHD in the south western corner adjoining Firman Drive. Existing fall across the site ranges from 20% to 17%, varying from approximately 30m AHD down to 18m AHD.


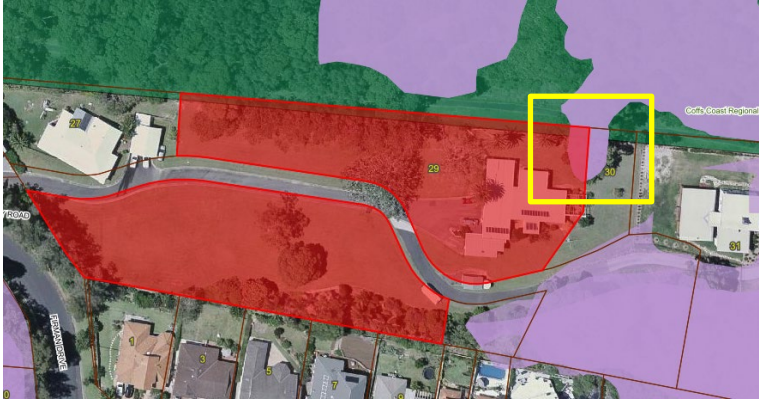

**Illustration 2.1 Extract from DP 270352**



A summary of the key planning and environmental matters relevant to the land are listed in the table below:

**Table 2.1 Site Summary**

Zone	<b>R2 Low Density Residential</b>
Min Subdivision Lot Size	<b>400 m<sup>2</sup></b>
Heritage	<b>No</b>
Acid Sulfate Soils	<b>5</b>
Flood Planning	<b>No</b>
Koala habitat	<b>No</b>
Coastal Management Areas	<p><b>Yes</b></p> <p><b>Littoral Rainforest</b></p> <p><b>Proximity to Littoral Rainforest</b></p> <p><b>Coastal Environmental Area</b></p> <p><b>Coastal Use Area</b></p> <div> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Coastal Wetlands</li> <li><input checked="" type="checkbox"/> Littoral Rainforest</li> <li><input type="checkbox"/> Littoral Rainforest</li> <li><input type="checkbox"/> Littoral Rainforest..</li> <li><input type="checkbox"/> Coastal Environment...</li> <li><input type="checkbox"/> Coastal Vulnerability ...</li> <li><input type="checkbox"/> Coastal Use Area Map</li> </ul> </div> 

Coastal Hazard Study	<b>No</b>	
Biodiversity Values Map	<b>Yes</b>	
Key Fish Habitat	<b>No.</b>	
Riparian Land and Watercourses	<b>No.</b>	
Contaminated Land Banana Cultivation 1943-94		
Significant Tree Register	<b>No.</b>	



Prescribed vegetation	<b>Yes</b> 
Bushfire Prone Land	<b>Yes.</b> 
Hydrolines	<b>No.</b> Nearest stream is Jordons Creek (330 m south)

## 2.2. Site Analysis

Most the site is cleared lawn with a scattering of planted ornamental landscape species and a large fig (to be retained). The site has been continuously maintained by mowing and weeding. An area of remnant native vegetation mapped as Littoral Rainforest within the Community Lot 1 has been left to regenerate naturally.

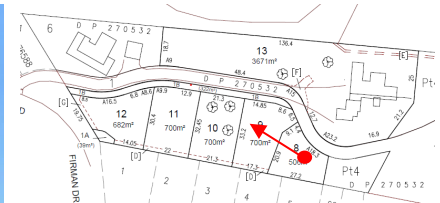
The land is elevated and has filtered ocean views north and south. The adjoining Coffs Coast Regional Park is jointly managed by Council and the National Parks and Wildlife Service (NPWS). This parkland is partially vegetated with large managed areas adjoining the walking track and power easements. A management trail and walking track along the site's northern boundary links Charlesworth Bay with Diggers Beach. Upgrading of this trail is listed as a high priority in the Coffs Coast Regional Park Plan of Management.



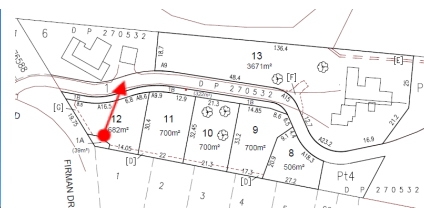
Councils mapping indicates previous land use for banana cultivation within the land, however soil testing did not detect any significant arsenic, lead or OCP contamination across the site and found that the land is suitable for residential use.

The development area within the site does not contain any vegetation that conforms to an EEC or high conservation value vegetation.

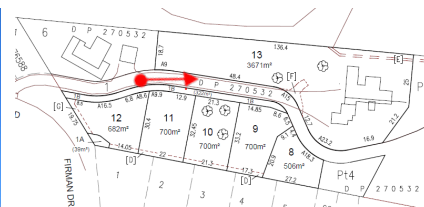
## Site Images



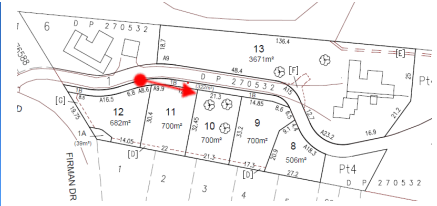
View over proposed lots looking west.



View over proposed lots looking north east.



Looking east along existing accessway.



Looking east towards Lots 8, 9 and 10.



**Illustration 2.2 Site Analysis**



**LEGEND**

<span style="border: 2px solid red; display: inline-block; width: 20px; height: 10px;"></span> Site boundary	<span style="display: inline-block; width: 20px; height: 10px; background-color: #00FF00;"></span> Coastal Headland Heaths	<span style="display: inline-block; width: 20px; height: 10px; background-color: #8B4513;"></span> Plantation
<span style="border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> Cadastre	<span style="display: inline-block; width: 20px; height: 10px; background-color: #FFA500;"></span> Exotic vegetation	<span style="display: inline-block; width: 20px; height: 10px; background-color: #ADD8E6;"></span> Watercourse
	<span style="display: inline-block; width: 20px; height: 10px; background-color: #006400;"></span> Littoral Rainforest	<span style="display: inline-block; width: 20px; height: 10px; background-color: #FFD700;"></span> Contours at 2 m intervals
	<span style="display: inline-block; width: 20px; height: 10px; background-color: #FFFF00;"></span> Native remnant vegetation	
	<span style="display: inline-block; width: 20px; height: 10px; background-color: #90EE90;"></span> North Coast Wet Sclerophyll Forest	

Source: GeoLINK, Bushfire Hazard Assessment, Site Analysis – Illustration 2.2, 28/7/24

## 3.0 The Proposed Development

### 3.1. General Description of the Development

The proposal involves a residential subdivision of Lot 5 DP 270532 (No.29 Charlesworth Bay Road) to create five (5) additional vacant lots suitable for low density housing. Lot 1 DP 270532 is Community Property comprising the accessway and an area of remnant native vegetation. Lot 1 will increase in area from 2,914 m<sup>2</sup> to 32,75 m<sup>2</sup> as a result of the proposed subdivision.

#### **Community Property:**

Proposed part lot 1A will comprise the proposed SQID (water quality device).

Proposed part lot 1B will comprise the accessway widening required to meet DCP requirements and to accommodate services within community land.

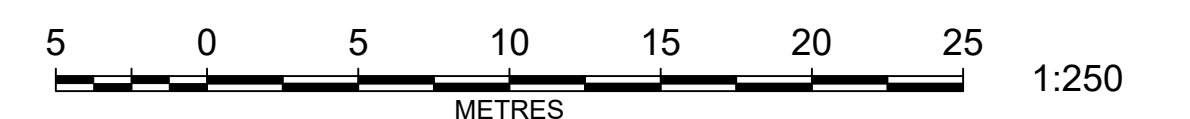
An Easement for Access variable width will be created within proposed Lot 13 to accommodate the RFS and waste vehicle turning path (medium rigid vehicle MRV).

The proposed lots will be fully serviced including interallotment drainage, reticulated water and sewer, underground power and telecommunications.

Subdivision and engineering concept plans are provided at **Appendices C and D**. The Stormwater Management Plan is provided at **Appendix E**.

The Engineering Detail Plan provided at **Illustration 3.1** shows the main construction work required to create the proposed additional lots in accordance with Council's controls and guidelines.





Plan No.  
**240204-01-101**

File Ref.  
**240204**

REV.  
**A**



**Table 3.1 Lot Schedule**

Lot No	Lot Area (m <sup>2</sup> )	Frontage (m)	Depth (m)	Comment
1	3,275			Community Land Increase in area by incorporating part Lots 1A and 1B. Existing access to Lot 3 and 6 DP 270532
1A	39			Stormwater Management Area (SQID Devise)
1B	322			Accessway widening
8	506	22.7	13.775	Vacant lot
9	700	29.95	33.2	Vacant lot
10	700	21.3	32.45	Vacant lot
11	700	22.8	30.4	Vacant lot
12	682	40.4	30.4	Vacant lot
13	3,761	116.2	18.7	Residual lot comprising existing dwelling. Vehicle turning area. NSW RFS water tank

### 3.2. Subdivision Design Principles

The subdivision has been intentionally designed to maintain the low density, coastal character of the Diggers Beach locality. The intent is for the residential amenity presently enjoyed by the existing lot owners in the Community Title scheme to be maintained or enhanced.

All of the proposed vacant lots are generously proportioned to allow for separation between future dwellings and substantial landscaping.

Interallotment drainage is proposed to improve on existing and to accommodate the proposed additional lots.

The Community Neighbourhood Plan will be updated to include dwelling design criteria, density of one dwelling per vacant lot and a restriction on use limiting the accessway within Lot 1 to residents and service vehicles.

### 3.3. Traffic and Access

The internal Community Title accessway carriageway will be widened from 5 m to 6 m to comply with Control 1.6 *Design Requirements for Community Title Schemes*. The accessway intersection with Charlesworth Bay Drive will be reconstructed and extended 1 m on each side with layback kerb to meet AUSPEC and improve sight lines in both directions.

A turning bay will be constructed within proposed Lot 13 to ensure turning and manoeuvring in a forward direction in and out of the site for the design vehicle (RFS and waste collection MRV).

Traffic generated by the development will be up to 7.4 additional trips per dwelling in accordance *Transport for NSW Technical Direction 2013/04* published August 2013. The surrounding public road network is considered to be capable of accommodating traffic generated by the development. Access from Charlesworth Bay Drive to the Pacific Highway and south to Coffs Harbour will improve substantially following completion of the highway bypass project.

### 3.4. Stormwater Management

A detailed Stormwater Management Plan is provided at **Appendix E** and summarised below:

The following Council guidelines informed the stormwater drainage design for the proposed site.

- *Water Sensitive Urban Design (WSUD) Guideline 2018;*
- *Development Specification Design - 0074 – Stormwater Drainage Design.*

The Council's WSUD guideline applies to a development type which consists of a subdivision of land with three or more resulting lots therefore on-site detention and water quality is required for the proposed development.

DRAINS software was used to model both the pre-development and post-development flows within the proposed system to ensure that post-development flows for 1EY, 0.5EY, 20%AEP, 10% AEP, 5% AEP, 2% AEP, and 1% AEP storm events do not exceed the pre-developed scenario.

#### **On-Site detention (Rainwater Tank)**

Proposed rainwater tanks were sized so that the Permissible Site Discharge (PSD) is the maximum discharge from the post-development site and shall not exceed the pre-developed flows for all storm events up to the 1 in 100 years ARI (1% AEP).

A provision of a two (2) 7kL rainwater tanks for each lot (detention and reuse) have been designed to manage stormwater for the future dwellings with an assumed footprint of 200 m<sup>2</sup> to be discharged towards the proposed interallotment drainage (IAD) line via underground piped connection.

#### **Water Quality**

Water Quality devices were designed to meet CHCC'S pollutant reduction target. A full analysis of water quality pollutant loads was undertaken using The Model for Urban Stormwater Improvement Conceptualisation (MUSIC) software modelling package.

The analysis considered the use of the following devices to improve the quality of stormwater discharge leaving the site:

- Atlan Stormacks pit inserts within all proposed pits (to remove larger pollutants and to avoid blockages within the storm filter tanks), or approved equivalent.
- Atlan Storm Filter (FLF 2500/12) SQID device, or approved equivalent.
- Rainwater Tank Re-use.

Water quality results are shown in the below table.

Pollutant Type	Water Quality Assessment Results	
	Council Target	Percent Reduction
Total Suspended Solids (kg/yr)	80	82.5
Total Phosphorus (kg/yr)	60	61.8
Total Nitrogen (kg/yr)	45	51.8
Gross Pollutants (kg/yr)	90	99.6

### Interallotment Drainage

The existing site topography grades towards the southern boundary of the site which would require an interallotment drainage based on the Council's development design specification: 0074 – Stormwater Drainage Design) Section 5.1. The extract of the section states that:

*"...interallotment drainage shall be provided for every allotment which does not drain directly to its frontage street or a natural water course".*

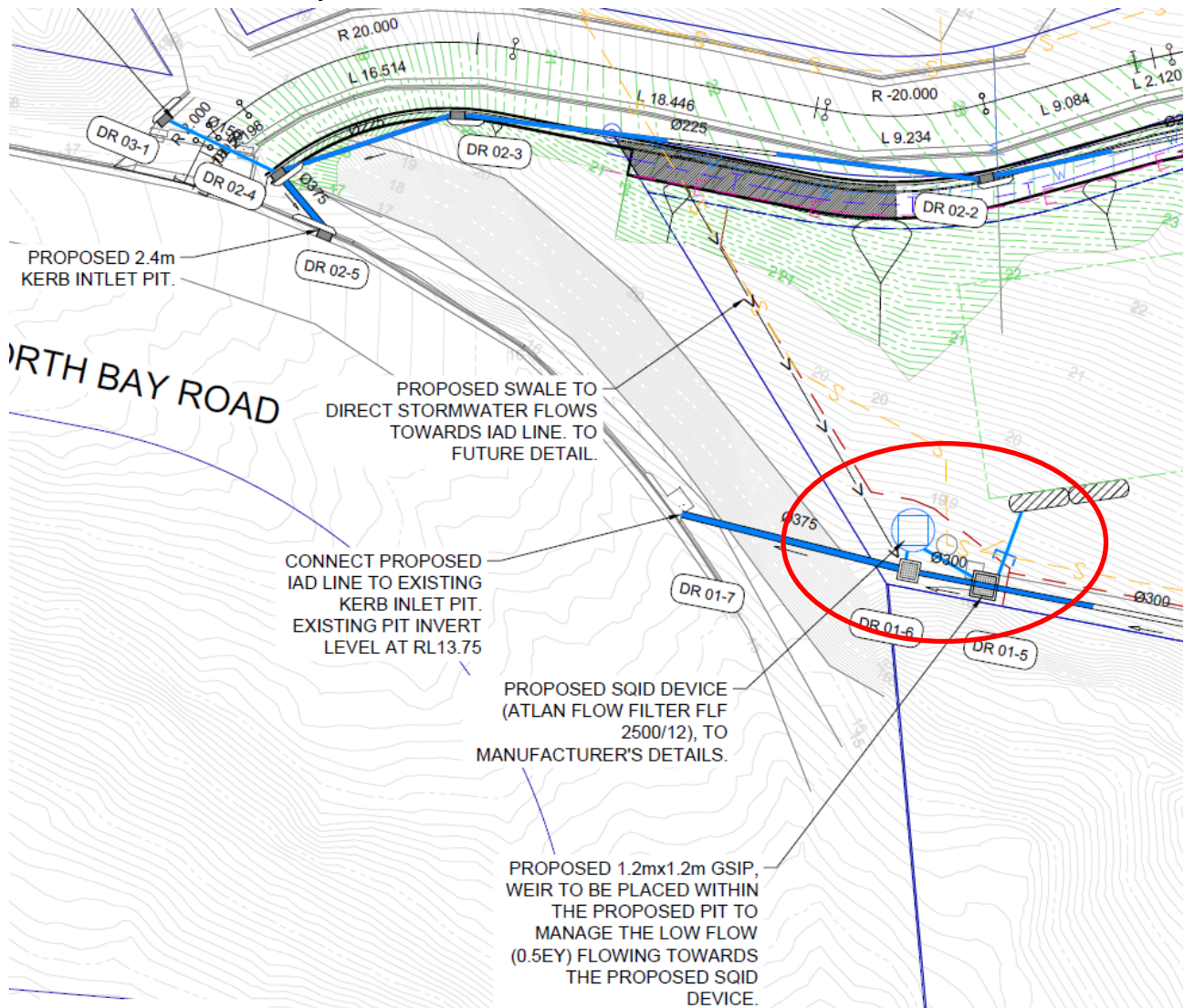
Based on Table 5.1 Runoff Contribution to Interallotment Drains of CHCC drainage handbook, the total contributing impervious area flowing towards the proposed IAD line has been adopted to be 40% for each lot.

### Maintenance Management

To ensure the system functions efficiently over the long term, the Community Title Neighbourhood Association will carry out regular maintenance on the stormwater system and the water quality devices. A maintenance schedule will be prepared for the Community Title Neighbourhood Association, including cleaning / replacing filters at six (6) monthly intervals. The Community Title Neighbourhood Association will engage a contractor to inspect and pump out the SQID device annually.

During construction, erosion and sediment control measures will be put in place to protect the proposed downstream drainage system from silt and sediment generated by the works. The installation of the SQID device filter cartridges shall not be undertaken until all other works have been completed.

**Illustration 3.2 Proposed SQID Device**



Source: Barker Ryan Stewart, Drainage Layout Plan, Drawing 240204-01-501, 06/09/2024

### 3.5. Services

New gravity sewer line, watermain with hydrants at 60 m intervals, electrical line and communication line will be installed along the southern side of the Community Title accessway as shown on the Proposed Utility Servicing Plan prepared by Barker Ryan & Stewart, Drawing # 240204-01-601 dated 6 September 2024.



### 3.6. Bushfire Assessment

A Bushfire Hazard Assessment was prepared by GeoLINK (**Appendix F**) to guide the proposed lot layout.

The Bushfire Hazard Assessment has taken into consideration the proposed development layout, the vegetation creating a bushfire hazard, the effective slope and Fire Danger Index for the site in accordance with *Planning for Bush Fire Protection 2019*. Vegetation within the site is classified as 'managed land', comprising mown lawn with isolated trees.

All lots are capable of siting a dwelling to BAL-29 construction standard or less. The table below summarises compliance with Planning for Bushfire Protection 2019 key criteria.

**Illustration 3.3 Bushfire APZ**



Source: GeoLINK, Bushfire Hazard Assessment, Asset Protection Zone – Illustration 4.1, 29/7/24

**Table 3.2 Summary of Bushfire Protection Measures**

Asset Protection Zones	The entire area of each lot is to be managed as an Inner Protection Area (IPA) in accordance with Appendix A4.1.1 of <i>Planning for Bushfire Protection 2019</i> .
Landscaping	Any fencing is to be constructed of non-combustible material.
Construction	<p>The existing dwelling is to be upgraded for ember protection by:</p> <ul style="list-style-type: none"> <li>• sealing any gaps around the house, including facias and eaves, vents and weepholes, with appropriate joining strips, flexible silicon based sealant or corrosion resistant mesh (maximum aperture 2 mm);</li> <li>• installing weather strips, draught excluders or draught seals at the base of side hung external doors; and</li> <li>• - providing mesh screens with a maximum aperture of 2 mm, made from corrosion resistant steel, bronze or aluminium to all external doors and openable windows.</li> </ul>
Access	<p>Access is to be provided in accordance with Table 5.3b General Requirements and Non-Perimeter Road requirements of <i>Planning for Bush Fire Protection 2019</i>, except that:</p> <ul style="list-style-type: none"> <li>• a perimeter road is not required;</li> <li>• alternative access is not required;</li> <li>• a through road is not required; and</li> <li>• a reverse turning area is to be provided in accordance with <i>Planning for Bush Fire Protection 2019</i> – Figure A3.3 (Type D) in lieu of a turning circle.</li> </ul>
Services - Water, Electricity and Gas	Water and electricity services are to comply with Table 5.3c of <i>Planning for Bushfire Protection 2019</i> .

### 3.7. Tree Removal

Tree removal, whilst minimal, is necessary for the proposed development as shown in the following images.

#### Proposed Lot 10

One (1) *Lophostemon confertus* and one (1) *Eucalyptus crebra*. As discussed in the accompanying BDAR, these trees are part of PCT No 3127 *Mid North Headland Brush Box Littoral Rainforest of the NSW North Coast Bioregion* however were found to be degraded and of low integrity:



*This community is predominately in a grassland state featuring little rainforest species that are representative of the assigned PCT, exotics feature heavily in the ground layer with native species being present in the canopy.*

Trees to be removed **X**



Source: K Hunter 2024.

### Accessway Widening

A small cluster of planted shrubs and slash pine will be removed to make way for the accessway widening as shown in the image (right).



Source: K Hunter 2024

### 3.8. Waste Management

#### **Construction Waste Management**

The development involves the following construction processes to establish the proposed subdivision:

- Clearing of onsite vegetation.
- Widening of accessway.
- Installation of services.

Where appropriate, waste generated from the above construction process will be re-used onsite or conveyed to an appropriately licensed facility for recycling or disposal. A Waste Minimisation and Management Plan is provided at **Appendix I**.

#### **Operational Waste Management**

The resulting lots will be subject to future development application(s) processes to establish low density residential dwellings within each lot. Notwithstanding, it is anticipated that future land uses within each resulting allotment will utilise Council's public kerbside waste collection services. Accordingly, each lot will be provided a three stream waste system comprising three 240L mobile garbage bins (MGBs) for weekly collection from the kerbside. Furthermore, the accessway (Community Lot 1) has been designed to accommodate the swept paths of the design waste vehicle (MRV).

## 4.0 Statutory and Policy Assessment

The proposal's compliance and consistency with the relevant statutory framework is provided in the following Section.

### 4.1. Project Justification

The following outlines the justification factors for the subdivision having regard to biophysical, economic and social considerations and the principles of ecologically sustainable development.

The proposed vacant residential lots will contribute to the supply of serviced land for housing. Road and servicing infrastructure costs are fully the responsibility of the Community Title lot owners, thereby reducing ongoing costs to Council and the community to maintain assets.

The proposed subdivision has long been envisaged within this Community Title estate, is a permitted use in the zone and is compatible with the surrounding area. The land is suitable for the proposed development and future low density housing.

#### **Ecologically Sustainable Development**

Clause 1.2(2)(i) of the *Coffs Harbour Local Environmental Plan 2013* aims to *promote ecologically sustainable development that supports a strong and diverse local economy both now and into the future.*

The proposal has also been assessed against the Ecologically Sustainable Development (ESD) principles summarised below.

##### *The precautionary principle*

If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:

- 'Careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment
- An assessment of the risk-weighted consequences of various options'.

The precautionary principle has been applied in the environmental assessments undertaken for the proposal. Potential environmental impacts would be minor due to the context of the site and the nature of the proposed development. The subdivision has been designed in consideration of site specific environmental assessments.

##### *Intergenerational equity*

*"The present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations".*

The proposal would not significantly affect the viability of local or threatened species, or any TECs. Local biodiversity values would not be adversely affected by the proposal. The development does not impact the retained native vegetation within the Community Lot 1, an area that will benefit future



generations. Overall, the proposal would have socio-economic benefits by providing for housing and very limited environmental impact.

#### *Conservation of biological diversity and ecological integrity*

No threatened species, endangered populations or TECs are likely to be significantly affected by the proposal. No populations of native species are likely to be made locally rare or unviable as a result of the proposal. Consequently, ecological integrity and biological diversity would be maintained.

#### *Improved valuation, pricing and incentive mechanisms*

Mitigation measures and safeguards will be implemented throughout the construction phase of the development to ensure sound environmental practices and outcomes during construction. The proposal would be undertaken in a manner to ensure responsible environmental outcomes.

## 4.2. State Environmental Planning Policies

The following table sets out the State Environmental Planning Policies (SEPPs) that are relevant to the subject proposal:

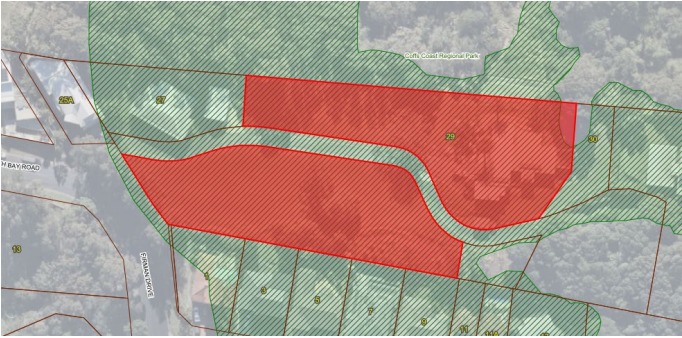
**Table 4.1 State Environmental Planning Policies**


SEPP	Comment
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>	<p><b><i>Chapter 2 – Vegetation in non-rural areas</i></b></p> <p>The aims of this Chapter are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. Chapter 2 of this act requires approval to be granted for vegetation to be removed in non-rural areas.</p> <p>The subject land has mapped Biodiversity Values areas, mapped Prescribed Vegetation and mapped Littoral Rainforest within the northeastern corner of Lot 5 DP 270532 and within the eastern extent of the Community Lot 1 DP 270532.</p> <p>A Biodiversity Assessment Report was prepared for the development which found that:</p> <p><i>An area of Biodiversity Values associated with SEPP (Resilience &amp; Hazards) 2021 mapped Littoral Rainforest occurs in the north east and south east corner of the Subject Land. These two areas were assessed in the field and, though they are adjacent littoral rainforest on adjoining land, they are devoid of native vegetation above the ground layer, field verification considers this area inaccurately mapped as Littoral Rainforest.</i></p>

SEPP	Comment
	<p><i>The Development Footprint does not contain any vegetation that conforms to an EEC.</i></p> <p><i>No threatened flora species were detected within the Development Footprint despite targeted survey by suitably qualified BAM accredited assessors.</i></p> <p><i>Targeted threatened fauna surveys were not undertaken as there was deemed to be no habitat for threatened species on the Subject Land as determined by initial vegetation and habitat surveys.</i></p> <p><i>The development footprint, including the existing accessway, has been assessed as the vegetation impact area associated with the proposal. No further vegetation loss will be required through the operational phase of the development. The majority of vegetation being removed is derived grassland featuring various native and exotic species, there will also be three larger trees being removed within the central areas of the Development Footprint. This loss is required to be offset through biodiversity credits, however, due to the low vegetation integrity of the Subject Land there is no ecosystem credits generated for the proposed development.</i></p> <p>Approval for native vegetation removal is required though this development application.</p>
	<p><b>Chapter 4 – Koala Habitat Protection 2021</b></p> <p>Chapter 4 of this SEPP concerns Koala habitat and aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas. It applies to the City of Coffs Harbour inclusive of the subject land due to its zoning and the application of the <i>Coffs Harbour City Koala Plan of Management</i>, November 1999. Clause 4.8 (2) of the SEPP establishes that Council’s “determination of the development application must be consistent with the approved Koala plan of management that applies to the land.”</p> <p>The proposal does not impact land mapped as Koala habitat. The development area occurs wholly within disturbed, managed land.</p> <p>As shown below, part of the eastern extent of the existing Community accessway is mapped as containing primary koala habitat. No vegetation will be cleared from this area. The development will have no impact or effect changes to the existing access driveway, fencing or residential use of land that is mapped as primary and secondary Koala habitat.</p> <p>There is no infrastructure or APZs <i>including fuel reduced zones</i> provided within any land mapped as Koala habitat.</p>

SEPP	Comment
	<div data-bbox="539 331 667 450"> <p> <span style="color: orange;">■</span> Koala Habitat  <span style="color: blue;">✓</span> Primary  <span style="color: lightblue;">✓</span> Secondary  <span style="color: green;">✓</span> Tertiary         </p> </div> <div data-bbox="715 315 1369 629"> </div> <p data-bbox="523 645 1430 712">The subject land is not situated within a koala habitat link as shown on the Landscape Corridors Map.</p>
<p><b>State Environmental Planning Policy (Resilience and Hazards) 2021</b></p>	<p><b>Chapter 2 – Coastal Management</b></p> <p>Chapter 2 of the SEPP concerns coastal management and seeks to deliver land use planning outcomes that are consistent with the objects of the <i>Coastal Management Act 2016</i>.</p> <p>The subject land mapped as being within mapped areas of:</p> <ul style="list-style-type: none"> <li>– Littoral Rainforest</li> <li>– Proximity to Littoral Rainforest</li> <li>– Coastal Environmental Area</li> <li>– Coastal Use Area</li> </ul> <p><b>Clause 2.7 Development on certain land within coastal wetlands and littoral rainforests area</b></p> <div data-bbox="523 1361 1209 1794"> <p>■ Littoral Rainforest</p> </div> <p>(1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with <b>development consent</b>—</p>



SEPP	Comment
	<p>(a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,</p> <p>(b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,</p> <p>(c) the carrying out of any of the following—</p> <ul style="list-style-type: none"> <li>(i) earthworks (including the depositing of material on land),</li> <li>(ii) constructing a levee,</li> <li>(iii) draining the land,</li> <li>(iv) environmental protection works,</li> </ul> <p>(d) any other development.</p> <p>The land is partially mapped as “Littoral Rainforest”, noting that Littoral Rainforest mapping affecting Lot 5 DP 270352 is an error that cannot be rectified by DPHI within a reasonable timeframe, and the proposed development is identified as “any other development”. Development consent is required.</p> <p>(2) Development for which consent is required by subsection (1), other than development for the purpose of environmental protection works, is <b>declared to be designated development</b> for the purposes of the Act</p> <p>The development is declared to be designated development. An Environmental Impact Statement rather than a Statement of Environmental effects is the required level of assessment for Designated Development.</p> <p><b>Clause 2.8 Development on land in proximity to coastal wetlands or littoral rainforest</b></p>  <p>All of the land is mapped as “proximity to coastal wetlands”.</p>

SEPP	Comment
	<p><i>(1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—</i></p> <p><i>(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or</i></p> <p><i>(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.</i></p> <p><i>(2) ....</i></p> <p>The proposed subdivision has been designed to avoid mapped areas of littoral rainforest. A Stormwater Management Plan has been prepared to meet Councils water quality reduction targets.</p> <p><b>Clause 2.10 Development on land within the coastal environment area</b></p>  <p>Coastal Environmental Area Map</p> <p>All of the land is mapped as within the Coastal Environment Area. The development cannot be approved unless Council is satisfied that it will not adversely impact on:</p> <p><i>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</i></p> <p><i>(b) coastal environmental values and natural coastal processes,</i></p> <p><i>(c) the water quality of the marine estate (within the meaning of the <a href="#">Marine Estate Management Act 2014</a>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</i></p> <p><i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</i></p>

SEPP	Comment
	<p> <i>(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i>  <i>(f) Aboriginal cultural heritage, practices and places,</i>  <i>(g) the use of the surf zone.</i> </p> <p>The subdivision is located within cleared urban land and has been designed maintain the integrity and resilience of the biophysical, hydrological and ecological environment by implementing stormwater drainage measures and creating lots of a sufficient size to enable generous landscaped areas.</p> <p>The land is elevated above coastal vulnerability areas. Existing LEP and DCP controls that manage dwelling density and building height are sufficient to maintain coastal environmental values and visual impact arising from future housing within each resultant vacant lot.</p> <p>All proposed residential lots will be connected to Council's sewer system and have access to Council's waste collection services. Stormwater management includes a combination of future BASIX requirements at the individual allotment level and treatment via the engineered treatment train (rainwater tanks, IAD, Atlan SQID system) at the subdivision level. The quality and quantity outcomes of this integrated stormwater system have been designed to ensure that potential adverse impacts on the adjacent lands biophysical, hydrological and ecological integrity are duly mitigated.</p> <p>The subject land adjoins the Coffs Coast Regional Park. The subdivision will have no impact on safe access and enjoyment of public open space. Beach access to all future additional lot owners will be via the internal accessway to Charlesworth Bay Road and Firman Drive.</p>



SEPP

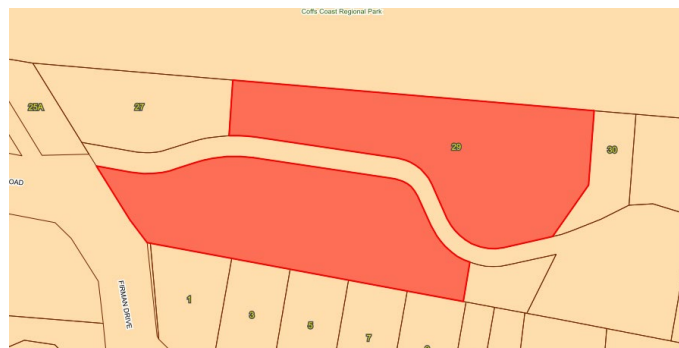
Comment

Beach Access



The development footprint will occur within disturbed and managed land, with a prior history of banana cultivation, and is therefore highly unlikely to comprise Aboriginal artefacts or relics.

**Clause 2.11 Development on land within the coastal use area**



Coastal Use Area Map

All of the land is mapped as within the Coastal Use Area.

*Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—*

*(a) has considered whether the proposed development is likely to cause an adverse impact on the following—*

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*

SEPP	Comment
	<p>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</p> <p>(iv) Aboriginal cultural heritage, practices and places,</p> <p>(v) cultural and built environment heritage, and</p> <p>(b) is satisfied that—</p> <p>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p> <p>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</p> <p>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p> <p>Council's existing LEP and DCP controls to manage dwelling density, building height and separation between buildings are sufficient to guide future development for housing to maintain the amenity of the surrounding coastal and built environment.</p> <p>Additionally, as per <b>clause 2.12</b>, development consent must not be granted to developments on land within the mapped Coastal Zone that will increase risks of coastal hazards on the subject land or any other. <b>Clause 2.13</b> states the consent authority must take into consideration any certified coastal management programs that apply to the land.</p> <p>The subject site is not identified within the Coastal Vulnerability Area maps and is elevated well above any coastal hazard area.</p> <p><b>Chapter 4 – Remediation of Land</b></p> <p>Chapter 4 of the SEPP seeks to provide a State-wide planning approach to the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. This Chapter of the SEPP aims to ensure that the contamination risk of land is compatible with the proposed land use.</p> <p>A <i>Detailed Environmental Site Assessment</i> was prepared for the development by Earth Water Consulting as contained at <b>Appendix G</b>. Informed by investigations of site history centred on potentially contaminating former banana farming activities, soil testing was carried out across the development area and did not detect any</p>

SEPP	Comment
	significant arsenic, lead or OCP contamination across the site and found that the land is suitable for residential use.
<b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b>	Clause 2.48 of the SEPP applies to development in proximity to electrical infrastructure and provides referral thresholds to Essential Energy.

## 4.3. Coffs Harbour Local Environmental Plan 2013

The subject land is zoned in its entirety R2 Low Density Residential.

### Clause 2.3 Consideration of Zone Objectives

The objectives of the Zone R2 Low Density Residential under the CHLEP 2013 are as follows:

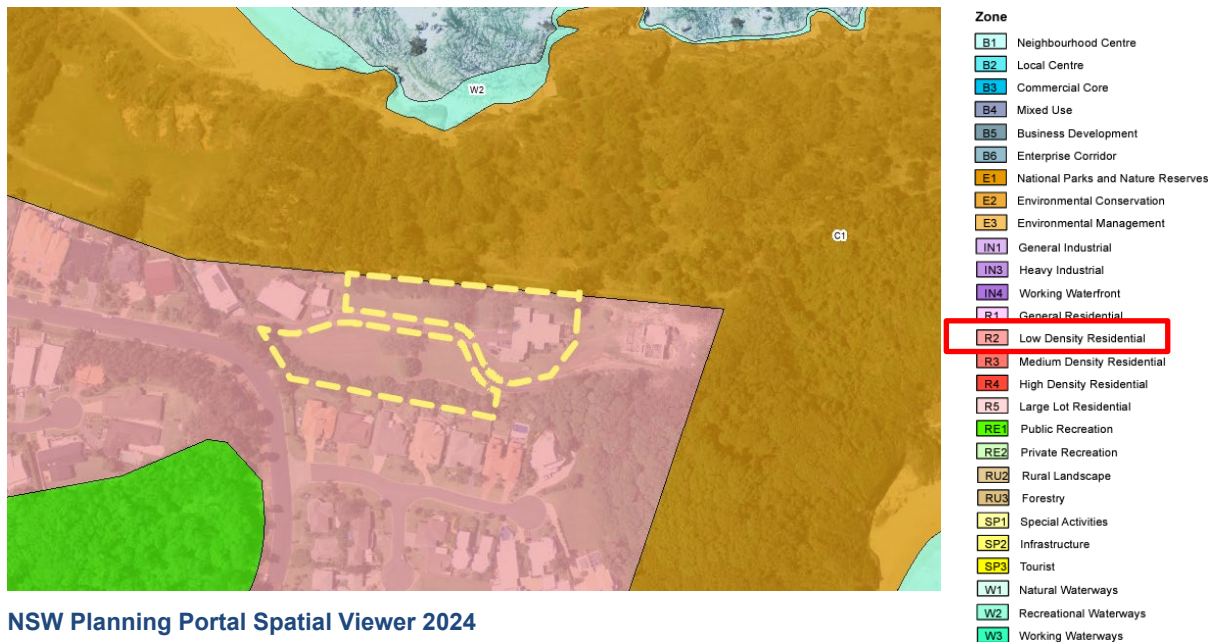
- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for housing diversity and choice and associated infrastructure that supports the changing housing needs of the population that is consistent with local character.*
- *To encourage active living through the provision of healthy, walkable, green and safe built environments and streets, greener connections and walking and cycling infrastructure.*
- *To ensure that development reflects design excellence in its presentation to the public realm.*

The proposed development seeks to provide well designed and serviced residential lots that will assist in delivering the housing needs of the community. The proposal is compatible with the planned and existing range of housing types and densities within the surrounding neighbourhood.

The provision of vacant lots of a suitable size and shape to accommodate future residential accommodation in line with State and local planning projections and the housing needs of the community is consistent with the zone objectives.



**Illustration 4.1 LEP Zone Map**



## Clause 2.6 Subdivision

The subject land may be subdivided with development consent. The relevant consent to proceed with the proposed subdivision is sought in this application.

## Clause 4.1 Minimum Subdivision Lot Size

This clause binds the subdivision of the land to the Lot Size Map and precludes the creation of a lot from the subject land that has a minimum subdivision lot size of less than 400 m<sup>2</sup> for land within the R2 Low Density Residential Zone. All proposed lots exceed the minimum subdivision lot size.

## Clause 7.1 Acid sulfate soils

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The site is shown on the *Acid Sulfate Soils Map* as Class 5 Acid Sulfate soils.

Clause 7.1 (3) of the CHLEP requires the development application to be accompanied by an acid sulfate soils management plan prepared in accordance with the Acid Sulfate Soils Manual where the following works are proposed on:

### Class 5 land

*Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.*

All of the land is at or above RL 18 m AHD. Proposed excavations for service trenching will not lower the watertable on any adjoining land. An Acid Sulfate Soils Management Plan is not required for this development.

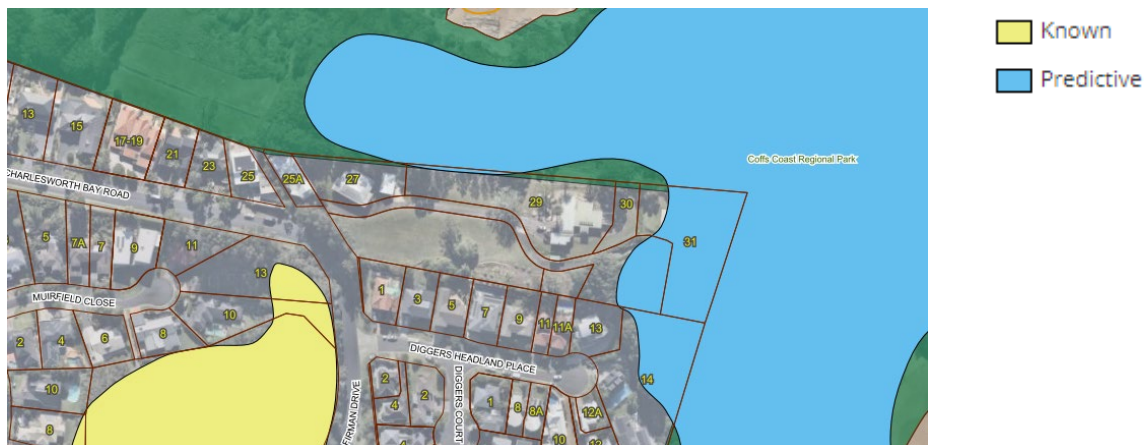
## Clause 7.2 Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposed development does not involve significant earthworks or retaining walls.

The development area for the proposed subdivision will occur wholly within cleared, managed land, that is downslope from the crest of the Charlesworth Bay Headland and bounded to the south by established residential development.

There are no old growth trees or other obvious indicators that the development area would comprise Aboriginal cultural items or artefacts. There are no Aboriginal cultural items registered in the AHIMS database. The site is not identified as a known or predictive place on the City's Aboriginal Cultural Heritage Landscape map.



**Source: CoCH Aboriginal Cultural Heritage Landscape Mapping**

Council's *Aboriginal Objects Unexpected Find Procedure* condition of consent will adequately manage soil disturbing works primarily located along the southern edge of the existing accessway and for service trenching.

## Clause 7.8 Koala habitat

This clause seeks to protect koalas and their habitat. As with the State Environmental Planning Policy for Biodiversity and Conservation 2021, CHCC LEP requires development to be in accordance with the *Coffs Harbour City Koala Plan of Management*, November 1999.

Part of the eastern extent of the Community Lot 1 is mapped as primary Koala habitat. There is no development, including excavations, vegetation or tree impact, in this area arising from the proposed subdivision. As such, no further assessment or management actions are required under clause 7.8 of the CHLEP.

#### Clause 7.11 Essential Services

This clause requires that development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable vehicular access.*

The above listed urban services are already provided to the site and are proposed to be extended to service the subdivision in accordance with the Civil Drawings by Barker Ryan Stewart provided at **Appendix D**.

## 4.4. Draft Environmental Planning Instruments

The author of this Statement of Environmental Effects is unaware of any draft Local Environmental Plan that is applicable to the subject proposal.

## 4.5. Development Control Plans

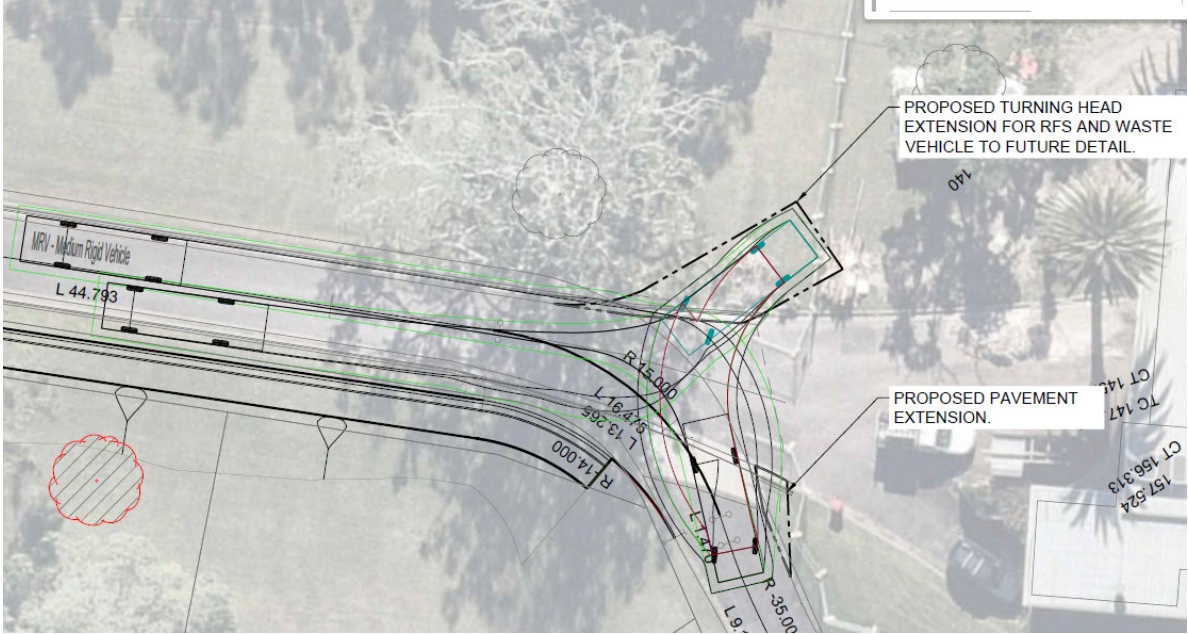
### Coffs Harbour Development Control Plan 2015

**Table 4.2 DCP Compliance**

	<i>DCP CONTROL</i>	<i>Comment</i>
<b>C1</b>	<b>SUBDIVISION OF LAND</b>	
<b>C1.1</b>	<b><i>Subdivision – general design requirements</i></b>	
(1)	<i>Lots are to be of regular shape and comprise a suitable frontage to depth ratio to enable future development that is responsive to the lands characteristics.</i>	<p>All proposed lots are of a regular shape, well over 400 m<sup>2</sup>, and will provide suitable north facing building envelopes.</p> <p>All proposed lots will provide generous building areas.</p> <p>All lots will facilitate future residential development in compliance with Councils DCP controls.</p>
(2)	<i>Subdivisions are not to comprise an access handle where more than two access handles will directly adjoin. Two access</i>	N/A

DCP CONTROL	Comment
<i>handles are only permitted to adjoin where they are in reciprocal right of carriageway arrangement.</i>	
(3) <i>Road networks, subject to topographic constraints, are to be based on a grid pattern to encourage pedestrian connectivity.</i>	The existing Community Title accessway will be widened to accommodate servicing for the proposed development.
(4) <i>Road hierarchy, layout and construction shall be designed in accordance with Council's Development Specifications.</i>	The Community Title accessway will be upgraded to meet the design requirements at Control C1.6.  Refer to Civil Engineering plans prepared by Barker Ryan Stewart ( <b>Appendix D</b> ).
(5) <i>Intersections off collector, or higher order roads are to be rationalised where practical.</i>	No new intersections proposed. The existing intersection will be widened as shown at Drawing 240204-01-101 ( <b>Appendix D</b> ). Proposed lot 12 will be restricted to access off the internal community road.
(6) <i>Pathways are to be provided as an accessible integrated network of walking and cycling routes for safe and convenient travel.</i>	No public pathways are proposed.
(7) <i>Subdivisions comprising steep land shown on the Steep and Highly Erodible Land Map are to be designed so that smaller lots are located on north facing slopes and larger lots are located on south facing slopes.</i>	N/A
(8) <i>Subdivisions are to be designed to integrate with existing or proposed development on adjacent sites.</i>	The proposed subdivision design is compatible with the surrounding low density subdivision pattern.
(9) <i>Threshold and pavement treatments are to be designed to create an attractive streetscape.</i>	Pavements will be to Council specifications.
(10) <i>The use of cul-de-sacs in the design of subdivisions should be minimised.</i> <i>Exceptions</i> <i>The use of cul-de-sacs in the design of subdivisions may be supported where they:</i> <ul style="list-style-type: none"> <li><i>are short in length;</i></li> <li><i>are not the dominant element of the subdivision road pattern;</i></li> </ul>	The existing internal community title accessway will be widened to meet the requirements of Control C1.6.



DCP CONTROL	Comment
<ul style="list-style-type: none"> <li>are located off a road network that has a high degree of connectivity; and</li> <li>are appropriate for the characteristics of the land.</li> </ul>	
<b>C1.2 Subdivision –design requirements for certain residential zones</b>	
(1) Subdivision proposals are to demonstrate that development can be accommodated on the resulting lot(s) in accordance with the Density Map and relevant built form controls contained within this Plan.	The subject land is identified on the DCP Density Map as B-400 (1 dwelling per 400 m <sup>2</sup> ). All resultant lots will provide for one dwelling per 400 m <sup>2</sup> .
<b>C1.2 Subdivision –design requirements for community title schemes</b>	
(1) Resulting lots are to be designed and located to minimise impacts on high conservation value land.	There is no high conservation value land within the proposed subdivision footprint.
(2) Access and parking areas are to be designed to provide acceptable levels of safety, amenity and convenience for users.	All proposed lots are of sufficient size to accommodate off street parking. A turning area will be constructed to improve the functionality of the access formation for Emergency and Waste vehicles.
	
(3) Access is to be designed in accordance with the City of Coffs Harbour's Development Specifications and the road design requirements for Community Title Schemes specified in the following table:	The internal community title accessway will be upgraded to meet Type 1 access requirements.

DCP CONTROL		Comment	
Internal access requirements for Community Title Schemes			
	Type 1	Type 2	Type 3
	Minor loop <u>road</u> not exceeding 200m in length	Minor loop <u>road</u> for vehicular and pedestrian use not exceeding 100m in length	<u>Road</u> for vehicular and pedestrian use not exceeding 50m in length
Maximum design speed	40km/h	30km/h	20km/h
Minimum carriage width	6m	5.5m low speed entrance treatment	5m
Minimum total access way reserve	10m	8m	8m
Minimum shoulder width	1.5m	1m	1m
Nature strip width	1.5m	N/A	N/A
Cul-de-sac design for service vehicles	3 point turn	3 point turn	3 point turn
Kerb and gutter	Business and Residential zones	Business and Residential zones	All zones

(4)	<i>Communal areas are to be distinguished from <u>private open space</u> for each resulting lot</i>	Community Lot 1 comprises the accessway, stormwater management device and retained native vegetation at the eastern end of the site.
(5)	<i>Development applications for Community Title Schemes are to be accompanied by details of proposed private and/or <u>City of Coffs Harbour</u> infrastructure and services that are to be provided to the subdivision and a draft community management statement</i>	The Community Title plan of subdivision will be updated to include proposed infrastructure and servicing arrangements.
(6)	<i>Reticulated water and sewerage services are to be provided in accordance with the City of Coffs Harbour's Development Servicing Plans and Development Specifications.</i>	Reticulated water and sewer services will be extended to each lot as shown on the Proposed Utility Servicing Plan.

C1.7 Infrastructure requirements for certain subdivisions		
(1)	<i>The following infrastructure is to be provided as part of subdivision proposals in accordance with Council's Development Specifications:</i>  <i>(a) roads and intersections;</i> <i>(b) bus bays;</i> <i>(c) cycleways;</i> <i>(d) footpaths;</i> <i>(e) kerb and gutter;</i> <i>(f) drainage; and</i> <i>(g) street lighting.</i>	The development will be provided with the required infrastructure.

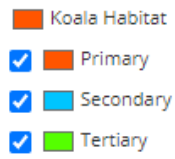
DCP CONTROL	Comment
<p>(3) <i>The following services are to be extended to all resulting lots in accordance with Council's Development Specifications:</i></p> <ul style="list-style-type: none"> <li>a. <i>Council's water main;</i></li> <li>b. <i>Council's sewer main;</i></li> <li>c. <i>Telecommunications;</i></li> <li>d. <i>Electricity;</i></li> <li>e. <i>National Broadband Network (where available).</i></li> </ul>	<p>Noted. Such services will be provided underground in accordance with Council's development specifications.</p>
<p>(4) <i>Separate water meters are to be provided to all resulting lots subdivided under community and strata title schemes in accordance with Council's Development Specifications, including lots comprising existing development.</i></p>	<p>Noted. All lots are Community Title and will have separate water meters.</p>
<p>(5) <i>Underground reticulated services are to be provided to:</i></p> <ul style="list-style-type: none"> <li>a) <i>greenfield subdivisions; and</i></li> <li>b) <i>infill subdivisions with existing underground services in accordance with Council's Development Specifications.</i></li> </ul>	<p>Complies.</p>
<p>(6) <i>Subdivision proposals are to be designed so that the minimum target lot yield specified in any relevant Developer Contributions Plan is achieved for the land.</i></p>	<p>There is no minimum target lot yield for the subject land.</p>
<p>(7) <i>Subdivision proposals incorporating water sensitive urban design to be dedicated to Council must be designed to enable access for future management and maintenance to Council's satisfaction.</i></p>	<p>The proposed WSUD (SQID devise) will not be dedicated to Council. It will be located within the community Lot 1. Access to the SQID devise for maintenance will be achieved from the internal access road.</p>
<b>C1.9 Water management requirements</b>	
<p>(1) <i>Stormwater drainage is to be provided in accordance with Council's Development Specifications.</i></p>	<p>Complies. Refer Civil Engineering plans and Stormwater Management Plan prepared by Barker Ryan Stewart (<b>Appendices D and E</b>).</p>
<p>(2) <i>Development applications for subdivision proposals are to be supported by concept stormwater drainage designs.</i></p>	<p>As above.</p>
<p>(3) <i>Stormwater is to be gravity drained to Council's drainage system or a designated watercourse as shown on the NSW Hydro Line Dataset.</i></p>	<p>The discharge of stormwater from the proposed subdivision will be gravity drained via the proposed interallotment drainage, and SQID device to Council's drainage system.</p>

DCP CONTROL	Comment
(4) <i>Where a subdivision proposal requires drainage works over adjoining properties, the respective development application is to be supported by land owners consent from the affected properties to the lodgement of the development application, including written agreement to the creation of easements on title for interallotment drainage purposes.</i>	Not applicable. All proposed drainage works are within the subject land.
(5) <i>Stormwater drainage design is to generally reflect the pre-existing flow characteristics of the site, and may require on-site stormwater detention.</i>	The proposed treatment train has been designed to meets the following Council requirements: <ul style="list-style-type: none"> <li>• <i>Water Sensitive Urban Design (WSUD) Guideline 2018;</i></li> <li>• <i>Development Specification Design - 0074 – Stormwater Drainage Design.</i></li> </ul>
(6) <i>Water sensitive urban design is to be incorporated into the design of the development in accordance with Council's Water Sensitive Urban Design Guidelines.</i>	The subdivision includes WSUD measures, designed and sized to manage stormwater in accordance with Council's Guidelines.
(7) <i>Where Estuary Management Plans, Coastal Zone Management Plans or Coastal Management Programs (approved by Council) outline specific water quality targets that are to be met, subdivision proposals within the catchment area (to the extent that they could have a significant impact on the water quality of a waterbody) of those Management Plans / Programs must demonstrate that they can achieve the specified water quality targets. Appropriate modelling is to be used to demonstrate compliance with this requirement.</i>	The development site is outside the coastal hazard zone policy area, bedrock extent and bedrock control lines identified in the <i>Coastal Hazard Study</i> . The development is therefore unlikely to be affected by coastal processes and a Coastal Hazards assessment pursuant to the <i>Coastal Hazard Zone Policy</i> is not required to be prepared.
<b>C1.10 Erosion and sediment control requirements</b>	
(1) <i>Erosion and sediment control measures are to be provided in accordance with the document Managing Urban Stormwater – Soils &amp; Construction Volume 1 (Landcom 2004) for subdivision proposals comprising earthworks.</i>	Noted.
(2) <i>Development applications for the subdivision of land comprising earthworks are to be accompanied by supplementary information in accordance with the following table:</i>	A Sediment and Erosion Control Plan is provided at <b>Appendix D</b> .



DCP CONTROL			Comment
	Area of earthworks (m <sup>2</sup> )	Supplementary Information	
	< 800m <sup>2</sup> of disturbed area	Basic Erosion and Sediment Control Plan	
	800m <sup>2</sup> to 2,500m <sup>2</sup> of disturbed area	Erosion and Sediment Control Plan	
	>2,500m <sup>2</sup> of disturbed area	Soil and Water Management Plan	
(3)	Basic Erosion and Sediment Control Plans are to be prepared in accordance with the principles of Best Practice Management for Small Areas of Disturbance.		Noted.
(4)	Erosion and Sediment Control Plans are to be prepared in accordance with the document Managing Urban Stormwater – Soils & Construction Volume 1 (Landcom 2004)).		Noted.
(5)	Soil and Water Management Plans are to be of a scale 1:500 or larger and are to be prepared in accordance with the document Managing Urban Stormwater – Soils & Construction Volume 1 (Landcom 2004).		A compliant Sediment and Erosion Control Plan is provided at <b>Appendix D</b> .
C1.11 Environmental requirements			
(1)	Development applications for subdivision proposals comprising land with a final slope >20% shall provide for the following: (a) building envelopes of functional proportions, not less than 250m <sup>2</sup> in size; and (b) building envelopes that do not exceed a maximum grade of 20%; and (c) a concrete access driveway for each resulting lot at a grade ≤ 20%.		N/A. Slopes across the development area within the site are less than 20%.
(2)	Subdivision proposals are to comply with the relevant controls of E1 Biodiversity of this Plan.		Refer to E1 Biodiversity below.
E1 BIODIVERSITY			
E1.1 Preservation of trees and vegetation			
(1) Prescribed vegetation for the purposes of the SEPP (Biodiversity and Conservation) 2021 is: (a) All native vegetation shown on the Preservation of Vegetation Map (regardless of size); and (b) any native tree with either a height greater than five metres or any part of a trunk that has a diameter greater than 15 centimetres (or a girth greater than 47 cm); and			

DCP CONTROL	Comment
<p>(c) any hollow bearing tree; and</p> <p>(d) any significant tree.</p> <p>No vegetation will be removed that is identified as (a), (c) or (d). Two trees with a trunk greater than 15 centimetres will be removed from within proposed Lot 10.</p> <p>(2) Approval is required in accordance with the SEPP (Biodiversity and Conservation) 2021 prior to the removal (or other specified action) of any prescribed vegetation.</p> <p>The removal of two trees (prescribed vegetation) and a small area of planted landscape vegetation at the accessway frontage with Charlesworth Bay Drive are works associated with this development proposal and approval is therefore required.</p>	
<b>E1.2 Compensatory requirements</b>	
<p>E1.2(1): DCP compensatory requirements.</p> <p>Two (2) trees (trunk greater than 15 cm) will be removed however, these trees do not meet the criteria for high conservation value vegetation. Compensatory requirements are not enacted by this development.</p>	
<b>E1.4 Environmental design requirements - general</b>	
<p>(1) Perimeter roads are to be provided between land proposed for development and:</p> <p>a. high conservation value land; and</p> <p>b. land reserved for public recreation and environmental purposes.</p> <p>(2) Infrastructure associated with development and subdivision proposals (including bush fire asset protection zones) are not to be provided on high conservation value land.</p> <p>(3) Development and/or subdivision proposals on land to which Clause 7.8 Koala Habitat of Coffs Harbour LEP 2013 applies are to incorporate specific design requirements in accordance with the Coffs Harbour City Koala Plan of Management 1999 (see also E1.5(6) of this Plan).</p>	<p>(1) The existing Community Title accessway will be retained and widened.</p> <p>(2) No infrastructure or APZs will be located within high conservation value land.</p> <p>(3) The proposal does not impact land mapped as Koala habitat. The development area occurs wholly within disturbed, managed land.</p> <p>The development will have no impact or effect changes to the existing access driveway or residential use of land that is mapped as Primary and secondary Koala habitat</p>

DCP CONTROL		Comment
		
<p>(4) to (8) – The land is not within a Kangaroo Management Unit, is not adjacent to a Flying Fox Camp, is not nearby any (known) Osprey nest and does not adjoin land managed by the Office of Environment and Heritage.</p>		
<b>E1.5 Application requirements</b>		
This development proposal has been informed by a Biodiversity Assessment Report (BDAR) prepared by Biodiversity Australia ( <b>Appendix H</b> ).		
<b>E2 COASTAL VULNERABILITY AREA</b>		
The subject land is not identified as being within the Coastal Vulnerability Area.		
<b>E3 CONTAMINATED LAND</b>		
<b>E3.1</b>	<b>Potentially contaminated land</b>	<b>Comment</b>
(1)	<p><i>Development and subdivision proposals are to accord with Council's Contaminated Land Policy.</i></p> <p>Clause 2.3 of the Coffs Harbour City Council <i>Contaminated Land Policy</i> provides that:</p> <p><i>An initial evaluation of contamination is performed by Council to assess whether contamination may be an issue at a site and if sufficient information is available to carry out a planning function in good faith. Council will perform an initial evaluation of contamination, in the first possible instance, when assessing the suitability of planning proposals and development applications.</i></p>	<p>A <i>Detail Environmental Site Assessment</i> by Earth Water Consulting (<b>Appendix G</b>) found that the site is suitable for the proposed development.</p>
(2)	Development applications are to be	A Detailed Environmental Site Assessment



DCP CONTROL		Comment
	<i>accompanied by a preliminary site investigation where an initial evaluation indicates that the land may potentially be contaminated.</i>	prepared by Earth Water Consulting is contained at <b>Appendix G</b> concludes that:  <i>Based on the DESA it is confirmed that the Site and investigation area is suitable for the proposed subdivision and residential development, and no further environmental works are required.</i>
(3)	<i>Preliminary site investigations are to be: (a) carried out in accordance with the requirements of any relevant Guidelines made or approved by the NSW Environment Protection Authority in accordance with the Contaminated Land Management Act 1997; and (b) undertaken by a suitably qualified consultant at no cost to Council (including a site auditor, if requested by Council).</i>	The <i>Detailed Environmental Site Assessment</i> was prepared by Strider Duerinckx of Earth Water Consulting who is an environmental geologist with 25 years' experience in contaminated sites investigations and is CEnvP (Site Contamination Specialist) accredited.
(4)	<i>Where contaminating activities are suspected to have or have had the potential to impact upon land proposed to be developed, sampling and analysis may be required at the discretion of Council to confirm and support any conclusion reached from the site history appraisal.</i>	Noted.
<b>F1 ACCESS AND PARKING</b>		
<b>F1.1 Vehicular access and manoeuvring - general</b>		
(1)	<i>Where possible, driveways are to be provided from lanes and secondary roads rather than primary roads.</i>	The proposed subdivision will utilise the existing accessway held within Community Lot 1.
(2)	<i>Vehicle access and entry points are to be integrated into the building design so as not to dominate the streetscape.</i>	Not applicable at subdivision stage. All proposed lots will allow future dwelling designs with compliant access points.
(3)	<i>Driveway width and grades, vehicle circulation, passing bays and vehicular ramp width and grades are to accord with Australian Standard 2890.1.</i>	Noted.
(4)	<i>Vehicles must be able to enter and leave the site in a forward direction.</i>	Each proposed lot is of a sufficient area to facilitate vehicle access and egress in a forward direction.
(5)	<i>Driveway crossovers are to be: (a) designed in accordance with Council's</i>	(a) Noted. (b) Noted.

DCP CONTROL	Comment
<p><i>Driveway Specifications, and</i></p> <p><i>(b) located to take into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees, and</i></p> <p><i>(c) a minimum of six metres from any intersection of two roads, and</i></p> <p><i>(d) located to minimise amenity impacts to adjacent residential properties.</i></p> <p><i>(e) located to avoid adverse impacts on traffic safety.</i></p>	<p>(c) All lots able to comply.</p> <p>(d) All lots have sufficient frontage to allow for suitable driveway cross-overs.</p> <p>(e) The Community Title accessway is a low speed / low traffic environment.</p>
F2 HERITAGE CONSERVATION	
F2.1 Cultural heritage requirements	
<p><i>Development applications for development and subdivision proposals are to be accompanied by an archaeological assessment prepared by an appropriately qualified person where the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010) identifies that such an assessment should be undertaken.</i></p>	<p>As shown in the Detailed Environmental Site Assessment, the subject land has a long history of disturbance, with the site cleared circa 1954 for banana cultivation. A dwelling was erected in 1964 with banana cultivation expanded in 1973. A second dwelling was erected by 1989. The Community Title subdivision, including servicing and the internal accessway was constructed in 2005.</p> <p>The development area for the proposed subdivision will occur wholly within cleared, managed land, that is downslope from the crest of the Charlesworth Bay Headland, and bounded to the south by established residential development.</p> <p>There are no old growth trees or other obvious indicators that the development area would comprise Aboriginal cultural items or artefacts. There are no Aboriginal cultural items registered in the AHIMS database.</p> <p>The development site is not identified on the City's Aboriginal Cultural Heritage Landscape Mapping as known or predictive under the draft Aboriginal Cultural Heritage Management Plan.</p> <p>Council's <i>Aboriginal Objects Unexpected Find Procedure</i> condition of consent will adequately manage soil disturbing works primarily located along the southern edge of the existing accessway and for service trenching.</p>
<p><i>Where ever practicable, heritage values should be protected in situ and managed appropriately in consultation with the local Aboriginal</i></p>	<p>Noted.</p>

DCP CONTROL		Comment
community		
F2.4 Heritage requirements – subdivision requirements		
The proposed subdivision does not comprise or adjoin a heritage item and is not within or adjoining a heritage conservation area. This clause does not apply to the proposed development.		
F3 LANDSCAPING		
F3.5 Landscaping requirements - subdivision		
(1)	Development applications for subdivisions:	The proposed subdivision does not comprise a public road. Street trees are not proposed.
(a)	on greenfield .....	
(b)	on infill sites are to provide a minimum of 1 street tree for every 5 - 10 metres of frontage to a public road in accordance with Council's requirements and the Coffs Harbour Public Realm Urban Design Guidelines.	
F6 WASTE MANAGEMENT		
F6.1 Waste requirements - general		
The resulting lots will accommodate future low density residential development. Accordingly, waste generation rates for each lot will be consistent with that of single residential dwellings and will be serviced by Council's public waste collection services. Accordingly, each resulting lot will be provided a three-stream waste management system comprising three 240L MGBs to facilitate organics waste (green bin), recycling (yellow bin) and general waste (red bin). Future occupants of each allotment will deliver their bins to the kerbside for weekly collection.		
The internal accessway has been designed to accommodate the movements of a Council MRV waste collection vehicle.		
F6.6 Waste requirements – Strata and Community Title Schemes		
(1)	Communal waste bin storage areas are to be retained within common property and are to be accessible to: <ul style="list-style-type: none"><li>all resulting lots; and</li><li>the service road.</li></ul>	Due to the length of the internal accessway, the subdivision has been designed to accommodate Council's waste collection vehicle. A 'turning area' is provided to enable forward in/forward out manoeuvring. This will provide a beneficial outcome to waste management for the occupants of No.31 Charlesworth Bay Road (Lot 3/DP270352) by reducing the distance that wheelie bins must be delivered kerbside from 210 m to 60 m.
F6.7 Application requirements		
(1)	Development applications are to be accompanied by: <ul style="list-style-type: none"><li>a Waste Minimisation and Management</li></ul>	A Waste Minimisation and Management & Plan is provided at <b>Appendix I</b> .



DCP CONTROL	Comment
<p><i>Plan outlining measures to minimise and manage waste generation during the construction and operational stages of the development; and</i></p> <p><i>(b) a site analysis plan (prepared at a scale of 1:200) detailing:</i></p> <p><i>(i) the location of bin storage areas; and</i></p> <p><i>(ii) design details for bin storage areas, including a floor plan, elevation plans, cross-sections, screening, dimensions and drainage.</i></p>	

## 4.6. Suitability of the Site

The site is considered suitable for the proposed development for the following reasons:

- The land is within Zone R2 Low Density Residential wherein objectives include the provision of housing and associated infrastructure inclusive of infrastructure supporting active living principles with which the subdivision aligns.
- The site is of a sufficient size and configuration to accommodate the proposed subdivision, inclusive of safe community title road access to Charlesworth Bay Road.
- The site is within an established Community Title subdivision whereby the development area has continuously been maintained as managed land in anticipation of further subdivision.
- The use of the site for the proposed subdivision will not cause harm or loss to any high value ecological areas.
- The site is presently developed for a Community Title subdivision wherein all infrastructure services are provided at no cost to the community or Council.
- The site is well located in terms of proximity to urban services and coastal recreational areas.

## 4.7. The Public Interest

The proposed development is not contrary to the public interest. The proposed development is not contrary to any relevant policy statements from Federal or State Government agencies. The public interest is well served by developing a currently underutilised infill lot within a suitable location to assist in meeting local housing targets and to provide suitable low density housing.

## 4.8. The Regulations

This Statement of Environmental Effects and the accompanying plans and assessments meets the requirements of clause 24 of the *Environmental Planning and Assessment Regulation 2021*:

### **24 Content of development applications**

*(1) A development application must—*

- (a) *be in the approved form, and*
- (b) *contain all the information and documents required by—*
  - (i) *the approved form, and*
  - (ii) *the Act or this Regulation, and...*

This Development Application is submitted via the NSW Planning Portal in the “approved form.” Part 4 of the *Environmental Planning and Assessment Regulation 2021* contains additional matters that the consent authority must have regard to in determining the development application.

## 4.9. Biodiversity Conservation Act 2016

Section 1.7 of the Act links the development application process to the provisions of Part 7 of the *Biodiversity Conservation Act 2016*.

The proposed development would exceed the biodiversity offsets scheme (BOS) threshold for the purposes of Part 7 of the *Biodiversity Conservation Act 2016* if it is or involves:

- a. the clearing of native vegetation of an area of 0.25 hectare (ha) or more as declared by clause 7.2 of the *Biodiversity Conservation Regulation 2017* for land having a minimum lot size of less than one (1) hectare, or
- b. the clearing of native vegetation, or other action prescribed by clause 6.1 of the *Biodiversity Conservation Regulation 2017*, on land included on the Biodiversity Values Map.

### **Biodiversity Offset Clearing Threshold**

- The land is included on the Biodiversity Values Map.
- The development footprint exceeds the 0.25 ha required for entry to the biodiversity offset scheme (BOS).
- Due to the low vegetation integrity of the Subject Land, there is no ecosystem credits generated for the proposed development and there are no species credits generated for the proposed development. (Biodiversity Australia, Biodiversity Assessment Report (BDAR), Page 51, **Appendix H**)

Section 6.5 of the *Biodiversity Conservation Act 2016* (BC Act) requires developments to consider Serious and Irreversible Impacts (SII) on threatened species and ecological communities which meet the following criteria:

- are in a rapid rate of decline;
- have a very small population size;
- have a very limited geographic distribution; and
- are unlikely to respond to measures to improve habitat.

These criteria have been applied to all threatened species and ecological communities listed under the BC Act. Entities that meet the criteria under one or more principles are identified as ‘potential’ SII species/communities. None of the ecosystems of species credits species impacted by this proposed activity are listed as SII. No further assessment in relation to SII has been undertaken.

#### 4.10. Fisheries Management Act 1994

Section 1.7 of the Act links the development application process to the provisions of Part 7A of the *Fisheries Management Act 1994*. In consultation (**Appendix B**), DPI Fisheries confirm that the proposed works do not trigger any of the provision of the Fisheries Management Act 1994. AS confirmed by DPI Fisheries, there are no approvals required under Part 7A of the *Fisheries Management Act 1994*.

#### 4.11. Environmental Protection and Biodiversity Conservation Act 1999

The Matters of National Environmental Significance (MNES) assessments carried out for the proposed development determined that the proposal is not expected to significantly impact upon any of the known or potentially occurring threatened species on the Subject Land. Consequently, the proposal is not considered to require referral to the DCCEW for approval under the EPBC Act 1999 (BDAR, **Appendix H**).

#### 4.12. Coastal Management Act 2016

In conjunction with State Environmental Planning Policy (Resilience and Hazards) 2021, the *Coastal Management Act 2016* establishes the environmental planning framework for development within coastal areas.

Particularly relevant to beach front properties, the coastal planning controls aim to protect and enhance the social, cultural and economic environment within the following coastal management areas:

- Coastal wetlands and littoral rainforests area — areas which display the characteristics of coastal wetlands or littoral rainforests that were previously protected by SEPP 14 and SEPP 26.
- Coastal vulnerability area — areas subject to coastal hazards such as coastal erosion and tidal inundation.
- Coastal environment area — areas that are characterised by natural coastal features such as beaches, rock platforms, coastal lakes and lagoons and undeveloped headlands. Marine and estuarine waters are also included.
- Coastal use area — land adjacent to coastal waters, estuaries and coastal lakes and lagoons.

The land is mapped as within the Coastal Zone, the Littoral Rainforest Area, the Littoral Rainforest Protection Area, Coastal Environment Area and the Coastal Use Area. The land is elevated above the Coastal Vulnerability Area.

In terms of urban design, Chapter 4 of the NSW Coastal Design Guidelines *advise on best practice urban design for development in the coastal zone. Designers, architects, and landscapers can use the guidelines to better understand coastal places and create suitable designs for coastal areas. Drawing on this guidance to shape urban design projects will ensure future designs can accommodate growth along the coast while preserving coastal environments.*



The proposed coastal subdivision is located wholly within the boundary of an existing Community Title estate comprising three existing dwellings and one vacant lot. Each proposed lot has been designed to facilitate future low density detached dwellings. Council's existing LEP and DCP built form controls are sufficient to ensure that residential amenity will be maintained through height, building separation, landscaped/private open space and ancillary development requirements. Additionally, the Community Neighbourhood Association will include built form bylaws and guidelines including limiting density to one dwelling per lot and landscape guidelines.

## 4.13. Strategic Plans and Guidelines

### North Coast Regional Plan 2041

The *North Coast Regional Plan 2041* recognises the increasing housing pressures of the region and the potential conflict with the natural environment, noting the following:

*The most significant land use planning challenge for the North Coast into the future is ensuring that enough residential and employment lands can be delivered in a sustainable and coordinated way that maintains the region's unique character and addresses long term growth pressures.*

*New land release areas not affected by biodiversity issues, cultural heritage, important farmland or natural hazards such as flooding and bushfire risk, are becoming increasingly difficult to find. This is now preventing some cities and centres from being able to supply and deliver certain forms of housing and employment lands.*

*To address this issue and ensure all forms of housing and employment lands are available across the region, councils are encouraged, when preparing land use planning strategies, to look for opportunities and collaborate with partnering councils within their subregions to sustainably locate future release areas.*

*The priority will be to direct growth to existing zoned land and investigation areas within existing urban growth area boundaries in the first instance. (North Coast Regional Plan 2041, p65).*

The *North Coast Regional Plan 2041* further identifies the Regional Priority of:

*Deliver suitable housing and job opportunities across the LGA including in Coffs Harbour, Woolgoolga, Moonee Beach, Toormina and Sapphire Beach.*

to:

*Enable 'better places' through placemaking initiatives, active transport, urban design specific to the North Coast, and facilitation of the '20 minute neighbourhood'.*

The subject land is located within the Diggers Beach Placemaking Framework and adjoins the Coffs Coast Regional Park to the north and an established residential subdivision to the south. The proposed infill subdivision of this historically cleared land in the proposed form is likely to assist with housing outcomes in line with the blueprint that is the *North Coast Regional Plan 2041*.

### Coffs Harbour Local Growth Management Strategy

Chapter 7 of the Local Growth Management Strategy (LGMS) concerns residential lands and provides a series of aims, actions, strategies and incentives to deliver housing outcomes in the local government area, including increased housing supply, diversity, size and choice "in areas with good access to services, facilities, public open space and infrastructure."

According to the LGMS, “Demand for residential dwellings arising from population growth and demographic change up to 2040 is forecast to be between 10,650 and 13,267 dwellings.” The proposed subdivision will facilitate the delivery of a greater housing supply in line with this demand by providing additional allotments on Zone R2 Low Density Residential land capable of delivering low density residential accommodation land uses in line with the R2 Land Use Table and State Environmental Planning Policies.

The proposed subdivision provides for future housing outcomes in a location that can accommodate more housing. It is to be connected to existing and planned infrastructure and services and can further the delivery of “suitable housing densities in the right locations,” thereby protecting significant environmental areas from inappropriate urban sprawl elsewhere.

The proposal will increase the supply of vacant land for housing in a safe and connected location that is consistent with the aims and objectives of Council's housing strategy and compact city ideology.

### **Coffs Harbour Local Strategic Planning Statement**

*The Coffs Harbour Local Strategic Planning Statement was prepared by Coffs Harbour City Council to set out the 20 year vision for land use planning in the Coffs Harbour LGA. The LSPS aims to outline how growth and change will be managed so as to maintain the high levels of liveability, environmental amenity and landscape quality that characterises Coffs Harbour. It is formulated from the Coffs Harbour Local Growth Management Strategy.*

*The most significant land use planning challenge facing Coffs Harbour City Council is ensuring that the future residential and employment land requirements for our regional city can be delivered in a manner which can both retain and enhance our unique identity; and minimise the urban footprint expansion into our remarkable natural environment.*

*Community and stakeholder feedback has consistently supported a compact urban development model to maximise environmental, social and economic sustainability.*

The proposed subdivision is consistent with the LSPS in terms of the following key Planning Priorities aimed at achieving the overall vision of the plan:

- ***Planning Priority 1: Deliver and implement the Compact City Program Key Priorities***  
The subject land is within the urban footprint. Development of this land for vacant residential lots reduces greenfield expansion elsewhere.
- ***Planning Priority 3: Deliver the placemaking model by preparing local character statements and Place Manuals for priority areas throughout the LGA.***  
The land is situated within the “Diggers Beach” Placemaking Framework. Presently, preparation of a Place Manual for Diggers Beach is unfunded, however, development that will result in lots of a suitable size for detached housing set within landscaped grounds is in character with coastal residential themes present in the neighbourhood.

- *Planning Priority 5 Deliver greater housing supply, choice and diversity.*

The development meets the below rationale for this priority:

- *Deliver safe, connected neighbourhoods with distinctive characters, allowing space for walking, cycling and enjoying natural assets.*
- *Deliver a quality public realm environment, particularly in infill areas.*
- *Locate and manage residential development to minimise environmental impacts, risks and conflicts between residential uses, tourism and agriculture.*

- *Planning Priority 7: Protect and conserve the natural, rural, built and cultural heritage of Coffs Harbour.*

The development footprint will occur wholly within disturbed, cleared, managed land that has been continuously maintained as a domestic landscape in preparation for further subdivision.

- *Planning Priority 8 Prepare and implement Coastal Management Programs for the Coffs Harbour LGA.*

The land is within the Coastal Zone however is elevated well above any coastal hazard areas. Council's existing LEP and DCP controls are sufficient to guide future housing within the resultant lots to ensure low rise buildings with adequate separation to maintain the low density coastal character of the neighbourhood.

### **Developments adjacent to National Parks and Wildlife Service Lands, (DPIE 2020)**

*These guidelines have been prepared for use by councils and other planning authorities when they assess development applications that may impact on land and water bodies managed by the National Parks and Wildlife Service (NPWS).*

The subject land adjoins the Coffs Coast Regional Park as shown in the Illustration below. The management of Coffs Coast Regional Park involves a partnership involving the Coffs Coast Regional Park Trust Board, Coffs Harbour City Council and NPWS.

A management trail and walking track along the subject land's northern boundary links Charlesworth Bay with Diggers Beach. Upgrading of this trail from Grade 4 gravel to Grade 3 bitumen is listed as a high priority in the Coffs Coast Regional Park Plan of Management (Table 7, Page 36).

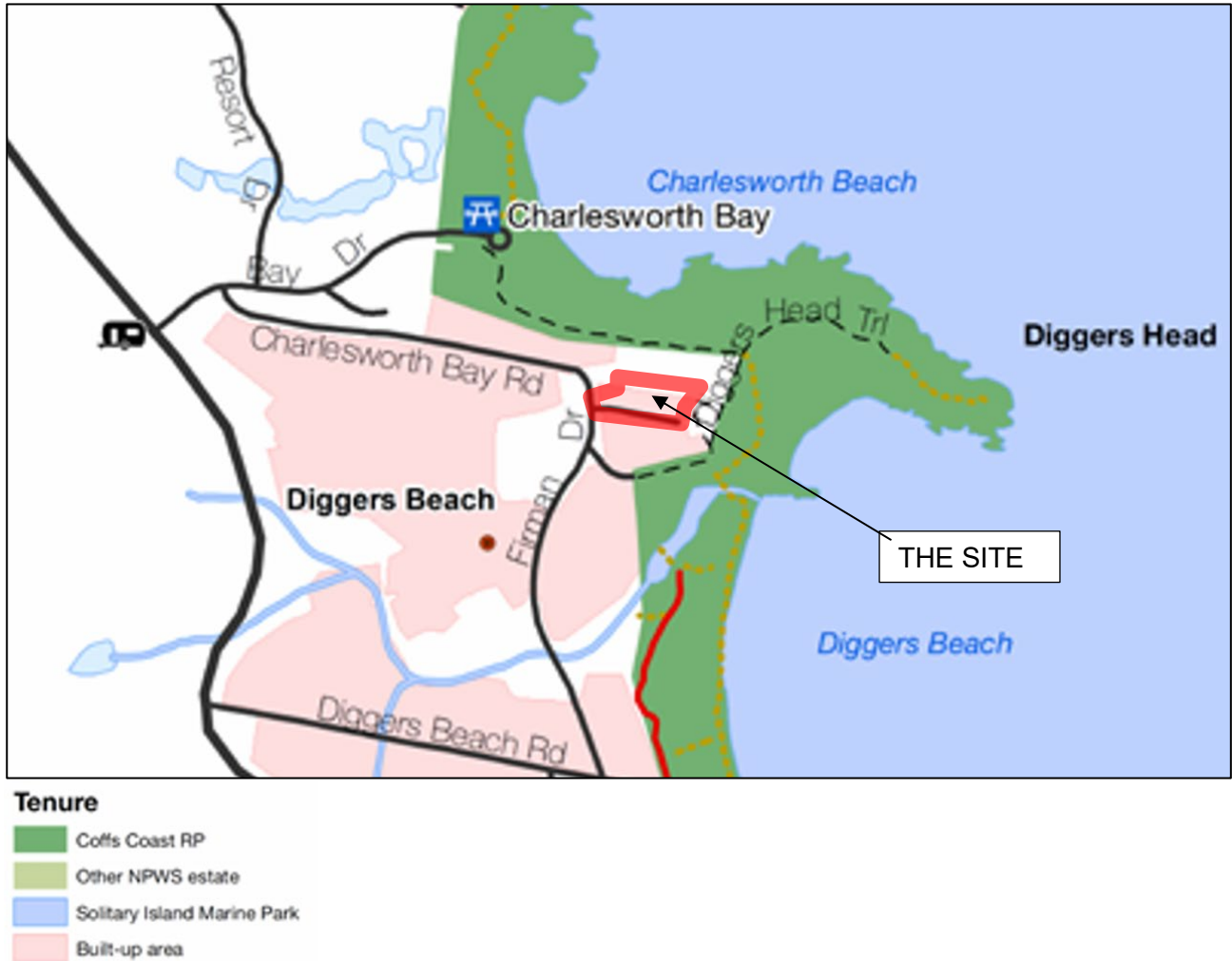
The proposed subdivision will not alter present land management arrangements between the subject land and the Regional Park for the following reasons:

- Lot 5 DP 270532 (the subject land) is separated from the Coffs Coast Regional Park by existing post and wire fencing.
- Proposed Lot 13 will comprise the existing dwelling and all of the land adjoining the Regional Park, thereby maintaining the existing interface with the Regional Park.
- All of the remaining proposed lots are south of the existing Community Title access way and do not border the Regional Park.



- Lots 3 and 4 DP 270532 adjoin the Regional Park (east and north), however those lots are not land included in this subdivision proposal.

**Illustration 4.2 Coffs Coast Regional Park**



## 5.0 Environmental Management

### 5.1. Mitigation Measures

Measures required to avoid, minimise or mitigate the impacts associated with the proposed works are detailed in the Table below.

**Table 5.1 Mitigation Measures**

Issue	Action/Measure
Biodiversity	<ul style="list-style-type: none"> <li>Vegetation clearing would be limited to the amount required to undertake the works.</li> <li>Disturbances beyond the limit of works would be avoided.</li> <li>If non-mobile fauna or habitat features are identified (e.g. birds nest) before or during construction, a suitably licensed and experienced ecologist is to be contacted immediately and appropriate measures would be discussed and implemented prior to commencement/re-commencement of works. If an animal is injured during construction WIRES is to be contacted to arrange for capture/removal of the animal from the works area.</li> </ul>
Environmental Amenity	<ul style="list-style-type: none"> <li>Each lot is located within cleared, managed land.</li> <li>Each resultant lot has been designed to avoid areas of important native vegetation.</li> <li>Lots have been sized to accommodate low density detached dwellings and landscaped grounds.</li> <li>All APZs will occur within already cleared, managed land.</li> </ul>
Drainage and Stormwater	<ul style="list-style-type: none"> <li>Stormwater and drainage measures have been designed to maintain or improve existing water quality and quantity.</li> </ul>
Traffic, Access and Parking	<ul style="list-style-type: none"> <li>The existing Community Title accessway will be upgraded to serve each resultant lot.</li> <li>The accessway will be widened to facilitate updated water and sewer services and well as increased passing and manoeuvring.</li> <li>Layback kerb will be installed for ease of passing within the internal accessway formation.</li> </ul>
Ecologically Sustainable Development	<ul style="list-style-type: none"> <li>The proposed infill development meets ESD principles by utilising existing cleared serviced land to provide for residential development, thereby, reducing demand for greenfield development elsewhere on the periphery of the Coffs Harbour urban area.</li> <li>Post consent, detailed design and construction of the development will incorporate ESD principles, including: <ul style="list-style-type: none"> <li>Rainwater tanks to meet BASIX requirements</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Interallotment drainage.</li> <li>• SQID system</li> <li>• The Community Title Neighbourhood Management Statement will be updated to include landscaping measures, site density guideline (one dwelling per lot), and the like, aimed at maintaining the existing low density coastal residential character of the site and surrounding neighbourhood.</li> </ul>
Aboriginal Heritage	<ul style="list-style-type: none"> <li>• The development area of the Community Title property is unlikely to comprise unknown items of Aboriginal cultural heritage significance, however, Council's unexpected finds procedure would apply to any soil disturbing works.</li> </ul>
Non-Aboriginal Heritage	<ul style="list-style-type: none"> <li>• There are no items of European heritage significance within or surrounding the site listed on the local or state registers.</li> <li>• As shown in the Detailed Environmental Site Assessment, the subject land has a long history of disturbance, with the site cleared in (or prior to) 1954 for banana cultivation. A dwelling was erected in 1964 with banana cultivation expanded in 1973. A second dwelling was erected by 1989. The Community Title subdivision, including servicing and the internal accessway was constructed in 2005. It is therefore highly unlikely that the land will support any items of European heritage.</li> </ul>
Soils	<ul style="list-style-type: none"> <li>• Geotechnical Conditions – the land is not steep or erodible land and is highly unlikely to present issues for future dwelling foundations.</li> <li>• All topsoils stripped during earthworks for servicing and widening of the accessway will be stockpiled on site and re-used in landscaping.</li> <li>• No excavated material will be disposed off-site.</li> <li>• The land is mapped as Class 5 ASS, therefore it is highly unlikely to comprise actual ASS.</li> <li>• Soil testing conforms that the land is suitable for residential development.</li> </ul>
Erosion, sediment and dust controls	<ul style="list-style-type: none"> <li>• The erosion and sediment control plan will be implemented in accordance with The Blue Book prior to and during construction.</li> <li>• Works will only commence once all erosion and sediment controls have been established. The controls will be maintained in place until the works are complete and all exposed erodible materials are stable.</li> <li>• Erosion and sedimentation controls will be checked and maintained (including clearing of sediment from behind barriers) on a regular basis (including after any precipitation events).</li> <li>• All sediment control measures will be checked and repaired or reinstalled (if required) if heavy rainfall was forecast.</li> <li>• Stabilising (re-seeding) all disturbed/exposed surfaces and stockpiles as soon as practicable.</li> <li>• Construction work will be regularly monitored and water carts or handheld water sprays are be used to suppress dust as required.</li> </ul>



## 5.2. The Likely Impacts of the Development

The proposed development will have a positive impact in terms of the built environment, social and economic aspects and community expectations as detailed in the Table below. Subject to the mitigation measures listed at Table 5.1, impact to remnant native vegetation will be minor and impact to the surrounding built environment will be acceptable.

**Table 5.2 Impact Assessment**

<b>Impact</b>	<b>Comment</b>
<b>Impacts to Surrounding Road Network</b>	<p>The proposed subdivision incorporates improvements to the existing Community Title accessway and intersection geometry.</p> <p>The surrounding public road network is capable of accommodating increased traffic generated by five additional residential lots.</p>
<b>Ecological Impacts</b>	<p>The development site is a historically cleared and managed land parcel that has been maintained continuously as domestic landscaping by mowing.</p> <p>The development site, including the existing accessway, has been assessed in the BDAR as the vegetation impact area associated with the proposal. No further vegetation loss will be required through the operational phase of the development. The majority of vegetation being removed is derived grassland featuring various native and exotic species, there will also be three larger trees being removed within the central areas of the Development Footprint. This loss is required to be offset through biodiversity credits, however, due to the low vegetation integrity of the Subject Land there is no ecosystem credits generated for the proposed development.</p> <p>The proposed stormwater measures will maintain or improve stormwater quantity and quality leaving the site. The proposed SQID system will direct stormwater to the west to Council infrastructure in the road reserve, away from remnant native vegetation located at the eastern extent of Community Lot 1.</p>
<b>Impacts to the Surrounding Built Environment</b>	<p>The dominant surrounding settlement pattern is low density residential. The adjoining built environment comprises dwelling houses on urban lots to the south and west of the site.</p> <p>The Community Title estate has been established since 2006 and comprises three large, detached dwellings set within their own landscaped lots.</p> <p>The proposed vacant lots have been sized to enable future development for detached dwellings with generous landscaping to maintain the low density coastal character of the neighbourhood. Future development within the proposed vacant lots would be guided by Council's DCP controls aimed at maintaining residential amenity and, with suitable design, will be cohesive with the surrounding built environment.</p>

<b>Impact</b>	<b>Comment</b>
<b>Social Impacts</b>	<p>The proposed subdivision will enable the creation of 5 additional residential lots for homes supported by an expanded accessway, improved servicing and green infrastructure.</p> <p>Positive social impacts arising from the development include:</p> <ul style="list-style-type: none"> <li>• the increase in the number of lots available for future housing stock within a serviced coastal location;</li> <li>• facilitation of the delivery of new land uses to meet projected housing demand;</li> <li>• reinforcement of amenity values attributable to the Diggers Beach location and identity; and</li> <li>• secure title to land enabling development for permanent homes.</li> </ul>
<b>Economic Impacts</b>	<p>The proposed development will result in overall positive economic impact for the following reasons:</p> <ul style="list-style-type: none"> <li>• the subdivision provides 5 new secure, tradable, private titles;</li> <li>• all costs associated with the development will be met by the proponent;</li> <li>• the development will provide a short-term economic stimulus to local industries through construction, survey, design, sale and conveyancing inputs;</li> <li>• developer contributions will be levied on all additional lots; and</li> <li>• an increased rates base for the Council to deliver services, within a Community Title scheme, whereby infrastructure maintenance costs are borne by the lot owners, not Council or the community.</li> </ul>
<b>Construction Impacts</b>	<ul style="list-style-type: none"> <li>• Construction impacts for the subdivision will be of short duration, with impact areas located centrally within the site.</li> <li>• Construction impacts will be limited by ensuring the implementation and maintenance of mitigation measures during works.</li> </ul>

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## 6.0 Consultation

### 6.1. Consultation

#### **Pre-Lodgement Meeting**

A Pre-Lodgement Meeting was held on 23 April 2024 with senior planning, biodiversity and development engineering staff of the City of Coffs Harbour. The proposed subdivision presented to that meeting included an additional lot that has since been excluded from the proposal. Meeting notes are attached at **Appendix J**.

#### **Secretary's Environmental Assessment Requirements**

The Department of Planning, Housing and Infrastructure (DPHI) issued the Planning Secretary Environmental Assessment Requirements (SEARs) #1884 on 17 May 2024. Refer **Appendix A**. The General Requirements, Key Issues and Consultation Requirements are addressed in the EIS.

#### **EIS Consultation**

Plans and supporting assessments were provided to the following agencies for comment:

- National Parks and Wildlife Service
- Coffs Harbour Local Aboriginal Land Council
- City of Coffs Harbour
- DPI Fisheries
- Crown Lands
- NSW Rural Fire Service
- Department of Climate Change, Energy, the Environment and Water

Neighbour notification will be carried out by Council upon receipt of the Development Application. A record of consultation carried out is provided at **Appendix B**.



## 7.0 Conclusion

### 7.1. Conclusion

The proposed subdivision is Designated Development and requires an Environmental Impact Statement (EIS) rather than a Statement of Environmental Effects (SoEE) because a small part of the subject land is incorrectly mapped as Littoral Rainforest. The mapped area actually presents as heavily derived exotic grassland and domestic landscaping. As there is no formal route to review Littoral Rainforest mapping, the polygon affecting the subject land unfortunately cannot be removed and the proposed subdivision is deemed by Clause 2.7(1) of SEPP Resilience and Hazards 2021 to be “other development” within land that is mapped as Littoral Rainforest. Clause 2.7(2) declares “other development” within land mapped as Littoral Rainforest to be designated development.

The EIS has been prepared in accordance with the SEARs issued by The Department of Planning, Housing and Infrastructure and the advice provided by Council at a Pre-Lodgement Meeting was held on 23 April 2024.

Despite the fact that the proposal is deemed to be designated development, the subdivision is a relatively minor infill development occurring wholly within cleared and managed land within a well established Community Title estate. The proposed subdivision will result in five (5) additional vacant lots suitable for low density housing. The existing accessway will be widened to allow for new water, sewer and electrical servicing and a proprietary stormwater management device will be installed to improve drainage outputs from the land.

The subdivision has been designed in consultation with Council’s development engineers and is responsive to the findings of the supporting environmental assessments.

The development is permissible under the Coffs Harbour Local Environmental Plan 2013 and does not rely on any variations to the LEP or DCP provisions and controls.

It is recommended that this proposal be approved based on the justification provided within this report and the supporting plans and assessments.



KEILEY HUNTER

6 September 2024

# Appendix A SEARs

# Appendix B CONSULTATION

	Matter	Response
<b>SEARS Consultation</b>		
18/4/24 Department of Primary Industries	<p><i>It is understood that the proposal intends to conduct works outside of any Key Fish Habitat and therefore it is unlikely that the proposal would trigger requirements under the FM Act.</i></p> <p><i>Although the proposed development will not result in any on-grounds works within key fish habitat, the proposed subdivision has the potential to cause indirect impacts to adjacent sensitive receivers, including tidal waterways and the open coast, in the vicinity of the subject area by a reduction in the current buffering capacity between these sensitive areas and development, and via an increase in urban water discharges.</i></p> <p><i>Consequently, DPI fisheries requests that the SEARs include a request for the EIS to address:</i></p> <ul style="list-style-type: none"> <li><i>• water sensitive urban design measures that will be incorporated into the subdivision's operation that will ensure impacts to the adjacent tidal waters an open coast are avoided.</i></li> <li><i>• Best management practise measures for erosion and sediment control at the site</i></li> </ul>	<p>Noted.</p> <p>WSUD measures have been incorporated into the Stormwater Management Plan to meet Councils guidelines and requirements.</p>
NSW Rural Fire Service	<ul style="list-style-type: none"> <li><i>• The subject land is mapped bushfire prone by council</i></li> <li><i>• The EIS shall include a Bushfire report that addresses Planning for Bushfire Protection guidelines for new lots and for existing buildings.</i></li> </ul>	Refer Bushfire Hazard Assessment – <b>Appendix F</b>
3/5/24 Department of Climate Change, Energy, the Environment and Water	<p><i>BCS anticipates the EIS will be sufficiently comprehensive to enable unambiguous assessment of all direct and indirect impacts of the proposed development and will assess:</i></p> <ul style="list-style-type: none"> <li><i>• The indirect impacts of the proposal on areas of littoral rainforest mapped under the State Environmental</i></li> </ul>	<p>The development area is not within the mapped littoral rainforest area.</p> <p>The proposed lots do not adjoin the National parks estate.</p> <p>The proposed Stormwater Management Plan includes measures to ensure no adverse</p>



	<p><i>Planning Policy (Resilience and Hazards) 2021 on and adjoining the subject land.</i></p> <ul style="list-style-type: none"> <li><i>• The indirect impacts on the adjoining National Parks and Wildlife Service estate.</i></li> </ul> <p><i>We consider this information is necessary to assess the EIS for the proposed development.</i></p>	drainage impact to the receiving environment.
<p>24/5/24</p> <p>The Department of Planning, Housing and Infrastructure – Crown Lands</p>	<p><i>No Crown land/roads/waterways are contained within the project footprint, however a Crown road adjoins the project footprint, being a section of Firman Drive (Attachment A). The proposal requires the use of these Crown road therefore in order to implement the Residential subdivision - 29 Charlesworth Bay Road, Coffs Harbour proposal, the road will require a transfer to Coffs Harbour City Council under the Roads Act 1993. This is facilitated through a transfer request from Council to the Department prior to the commencement of development.</i></p>	<p>City of Coffs Harbour confirmed by email on 21 June 2024 that they have agreed to take ownership of this section of Crown road and the appropriate paperwork has been lodged with DPHI Crown Lands.</p>
EIS Consultation		
Proponent Action		Agency Response
<p>1/8/24</p> <p>NSW Rural Fire Service</p>	<p>Provide Plan of Subdivision and Bushfire Hazard Assessment for comment.</p>	<p>The EIS must adequately address the provision of chapter 5 of PBP19 including provisions of lots for existing dwellings.</p> <p><i>“potential building footprints must not be exposed to radiant heat levels exceeding 29 kW/m<sup>2</sup> on each proposed lot”.</i></p> <p><i>As clearly shown in the Bushfire Hazard Assessment (GeoLINK), each proposed lot comprises a building envelope to accommodate BAL 29 or less.</i></p>
<p>1/8/24</p> <p>Department of Climate Change, Energy, the Environment and Water</p>	<p>Provide Plan of Subdivision, APZ Plan and BDAR for comment.</p>	<p>12/8/24 Response</p> <p>No further comment.</p>

30/7/24 Department of Primary Industries	Provide Plan of Subdivision and preliminary stormwater management devise for comment.	30/7/24 Response <i>The proposed works do not trigger any of the provisions of the Fisheries Management Act 1994 (FM Act).</i> <i>No further advice needs to be provided by DPIRD Fisheries.</i>
30/7/24 City of Coffs Harbour	Provide Plan of Subdivision, Site Analysis, Plan of APZs and SEARs for comment.	No further comment.
30/7/24 Coffs Harbour Local Aboriginal Land Council.	Provide Plan of Subdivision, Site Analysis, Plan of APZs, SEARs and AHIMS Basic Search for comment.	No further comment.
30/7/24 Crown Lands	Provide Plan of Subdivision, SEARs and copy of City of Coffs Harbour email advice re ownership of Crown road for comment.	6/8/24 No further comment.
6 August 2024 NPWS	Provide Plan of Subdivision, Site Analysis, Plan of APZs, SEARs and BDAR for comment.	No further comment.

# Appendix C

## PLAN OF PROPOSED SUBDIVISION

# Appendix D

## CIVIL ENGINEERING DRAWINGS



# Appendix E

## STORMWATER MANAGEMENT PLAN

# Appendix F

## BUSHFIRE HAZARD ASSESSMENT

# Appendix G

## CONTAMINATION ASSESSMENT

# Appendix H

## BIODIVERSITY ASSESSMENT REPORT



# Appendix I

## WASTE MINIMISATION AND MANAGEMENT

# Appendix J

## PRE LODGEMENT MEETING NOTES