

Statement of Environmental Effects

In relation to

**Proposed Rural Tourist Facility,
Oval and Community Building
Lots 3 & 4 DP 260256
Blackhead Road
Blackhead**

Prepared for Hallidays Point Development Pty. Ltd. And J. Donnantuoni

August 2008

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Statement of Environmental Effects
Proposed Rural Tourist Facility, Oval and Community Building.
Lots 3 & 4 DP 260256, Blackhead Road, Hallidays Point

1. Introduction

1.1 History

The development application that is the subject of this Statement of Environmental Effects was originally lodged with Greater Taree City Council in 2006 as a staged development application and included the proposed uses, along with an Aged Care Facility and Medical Centre.

The development application was refused by Council and the applicants lodged an appeal with the Land and Environment Court (10646 of 2007).

A preliminary hearing on points of law was conducted by Lloyd J and his judgement was delivered on 16 April 2008.

As a result of the decision of Lloyd J, the application was amended to remove the Aged Care Facility and Medical Centre and provide additional tourist sites in that area. The amendments also involves the provision of fencing to the frontage and along the access road to restrict pedestrian access. This Statement of Environmental Effects has been prepared in relation to those new plans.

1.2 Site Description

The land comprises two (2) allotments which are in separate ownership. Lot 3 is owned by Donnatuoni and Lettieri while Lot 4 is owned by Hallidays Point Development Pty Ltd.

The site is located on the southern side of Blackhead Road, opposite the urban area of Tallwoods. Frogalla Swamp adjoins the site to the south. The site falls from north to south, from Blackhead Road towards Frogalla Swamp.

Two (2) main drainage lines run through the area to a modified swamp area that was created after the damming of the ephemeral water courses crossing the site. This damming was carried out a considerable time ago, during mining operations in the area, and now forms a swamp area (Conacher Travers, 2007). This area forms a large vegetated area in the central parts of Lot 4. The rear

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20% to 30% of the land is comprised of wetland area, part of the larger Darawank wetlands system, which drains to the Wallamba River.

The land is generally comprised of cleared grazing land used for marginal agricultural activities. The exception is the wetland areas in the southern parts of the site, the area of remnant vegetation over the central swamp on Lot 4 and the riparian vegetation over the drainage lines which drain to that swamp area.

Land form in the area varies across the site. Two (2) large hills with gradual slopes exist on Lot 3 with some larger areas of level land surrounding them. The non-vegetated areas of Lot 4 are generally level and the topography of the area does not constrain development. Areas of wetlands identified over the land are classified as SEPP 14 wetlands and have been mapped as same. A floristic survey of the vegetation has shown the true ecological wetland boundary is very different to that which has been mapped by aerial photography interpretation.

Site Locality Plans are shown on the following page.

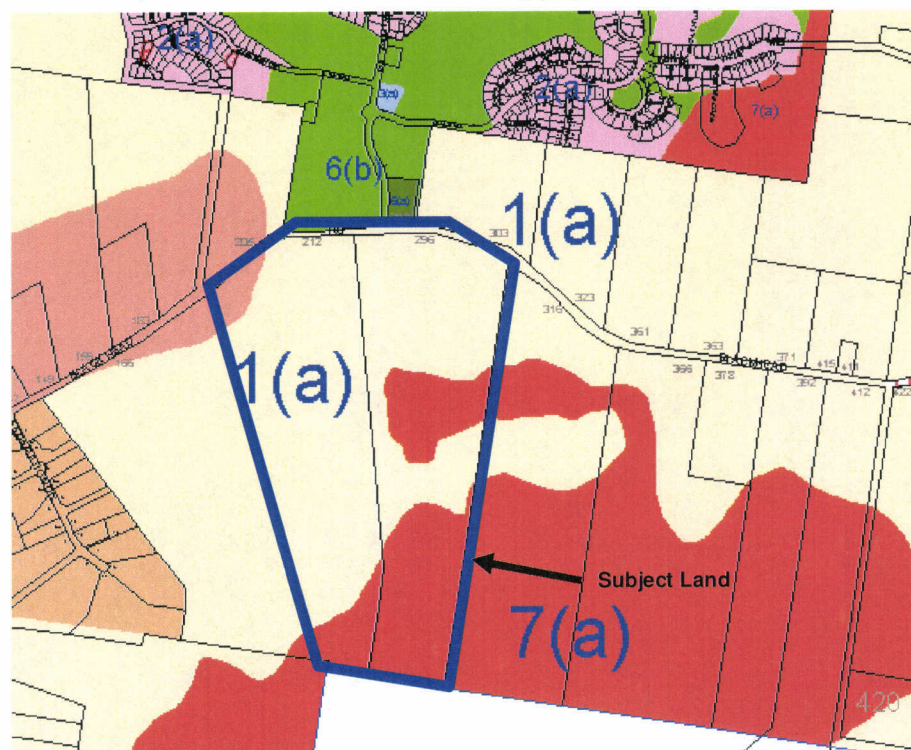


Figure 1a – Site Locality Plan (Zoning)

[Source GTCC Exponare]



Figure 1b – Site Locality Plan (Satellite)

[Source GTCC Exponare]

1.3 The Proposed Development

The proposed development involves the establishment of the following uses:

- Rural Tourist Facility;
- Community Sports fields; and
- Community Centre.

The proposed rural tourist facility involves the establishment of 353 tourist sites over developable land on the site. The accommodation is associated with the establishment of a new equestrian centre and ecotourism reserve on the site which will form an attraction for people to make holiday stays in this location. The proposed sporting fields will also provide a venue for sporting competitions, which are expected to attract sporting teams from distant areas. These groups will then be able to stay in the various forms of accommodation which will be established in the caravan park.

The proposed equestrian centre will cater to the novice rider with horses kept on site and riding lessons/tours available. The facility will also include full stables to enable experienced horse riders to bring their horses on holidays with them and ride along the trails or in the equestrian centre. The equestrian centre could also be utilised for competition purposes with participants able to stay in the caravan park accommodation during the competitions. In this way, the facility is seen as a unique holiday opportunity providing the ability for people to bring their horses on holidays with them.

The tourist facility will be provided with internal tracks which can be used for horse riding, bike riding and walking/jogging amongst the surrounding environment. These trails also join with other trails throughout the area which lead to Nine Mile Beach and the Darawank Nature Reserve.

The central area of the site is to be left in its current vegetated form and will enhanced through management and rehabilitation of buffers around the area. This vegetation will form a natural area for activities such as bird watching and other conservation activities.

The proposed playing fields have been provided centrally within the tourist facility and are provided as an area for the use of guests of the tourist facility as well as the general public. It is envisaged that the fields will be available for the general public and used for local and regional sporting events that are attracted to the area. If public authorities do not wish to manage such a facility, the facility will be constructed and managed for tourists and the public under private arrangements. The tourist facility will be able to provide accommodation for visiting sporting participants. The area includes a space for a community centre.



The proposed service station and convenience store have been incorporated with the reception area for the tourist facility and have been provided to service the needs of patrons to the tourist facility.

A large portion of Lot 3 has not been included in the proposed development and will instead be reserved for later development in line with the findings of the

Hallidays Point Development Strategy and draft Greater Taree Conservation and Development Strategy.

Access to the proposed development is via a new road to be constructed off Blackhead Road. This road will provide access to the tourist facility, recreational facilities, horse facilities and community centre. As some of the uses will be separately managed and run, public road access into and within the site will be necessary. In the event that the recreation facilities and community centre will be managed by Council, the road up to that point will be a public road. If not, the road will be public for at least the main entry boulevard. Should the future rural residential area on the plan be established, public road access through the site will be required to serve future residents. Any other use on this land in the future will require public road access. To better plan for future development in the area, it is proposed to provide public road linkages to adjoining land that can be used to facilitate access. To provide access throughout the site, it is proposed that Roads A, B and C will be constructed and dedicated as public roads.

The owners have advised that, in addition to private car transport, a park bus will be provided which will transport tourists staying in the facility to the beaches and other facilities in Hallidays Point and surrounding areas.

A plan of the proposed development layout is provided in Appendix A.

2. Planning Provisions

2.1 Staged Development Application

The application has been lodged as a 'staged development application' in accordance with Division 2A Part 4 of the *Environmental Planning and Assessment Act 1979*. This allows a development concept to be submitted to a consent authority for consideration without the need to provide full detail of the various parts of the proposal. Upon consent being issued for a staged application, the various parts or stages of the concept will be subject to a separate development application in which detailed information and/or design can be resolved.

The proposed development stages are listed below:

- **Stage 1** – Concept Approval
- **Stage 2** – Main entrance, office, shop and fuel facilities, 93 tourist sites and horse stables
- **Stage 3** – 132 sites, oval, community centre and horse jumping area
- **Stage 4** – All remaining sites, cabins and facilities.

2.2 Integrated Development

The proposed development is 'integrated development' for the purposes of Section 91 of the *Environmental Planning and Assessment Act 1979*.

In addition to development consent, the proposed development requires the following approvals:

- The issue of a Bushfire Safety Authority by the Commissioner of the NSW Rural Fire Service under the provisions of Section 100B of the *Rural Fires Act 1997*; and
- A permit from the Department of Water and Energy under Part 3A of the *Rivers and Foreshores Improvement Act 1948*.

2.3 State Environmental Planning Policy Number 11

The site is located on an arterial road and the entire development provides parking for in excess of 200 vehicles. As such, the proposed development is identified in Schedule 1 as development which must be referred to the RTA under SEPP 11.

2.4 State Environmental Planning Policy Number 14

The land contains areas mapped as Coastal Wetlands under SEPP 14.

SEPP 14 provides that certain development within areas mapped as SEPP 14 wetlands will be treated as 'designated development' and will be subject to the

concurrence of the Director of the Department of Planning. The works which will trigger these provisions in SEPP 14 wetlands are:

- clearing that land;
- constructing a levee on that land;
- draining that land; or
- filling that land.

Floristic survey of the land by Conacher Travers in 2005 has shown that the actual on-ground wetland boundary does not correspond to the mapped boundary, which was interpreted from aerial photography. The actual boundary is much smaller than the mapped boundary. The identification of the wetland areas by Conacher Travers was undertaken in consultation with Council officers.

It should be noted that the layout of the development has been established so that required Asset Protection Zones (APZs) can be established without resulting in the clearing of existing areas of native vegetation communities. These areas are currently managed to the standards of an APZ by the grazing activities which are occurring over the land. As such, the proposed development will not result in clearing in the areas identified as SEPP 14 wetland.

Under the current land uses and management of the land, the areas mapped as SEPP 14 are used for grazing purposes and cattle are able to wander amongst areas mapped under SEPP 14 as well as actual wetland areas. This will not change in the absence of the proposed development. In the event that the proposed development proceeds, however, this use will cease in those areas. This will allow for the rehabilitation and management of these areas, allowing for the re-establishment of trees and the creation of native vegetation resources (while being maintained as an APZ). As such, the proposed development will be accompanied by positive impacts on the natural values of the wetlands on the land which is consistent with the aim of SEPP 14, that is, to preserve and protect coastal wetlands.

2.5 State Environmental Planning Policy Number 21

SEPP 21 provides that Council may consent to an application to establish a caravan park on land, subject to the consideration of certain items. The SEPP requires Council to determine the number of long term and short term sites. The SEPP also provides that installation of movable dwellings on the caravan park sites does not require development consent.

Clause 10 of SEPP 21 provides the matters that should be considered by councils in determining whether to grant consent and also how many sites should be identified for long term and short term use. The matters listed in Clause 10 are as follows:

- (a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,*
- (b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,*
- (c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,*
- (d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,*
- (e) any relevant guidelines issued by the Director, and*
- (f) the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.*

With regard to item (a), it is proposed to develop a 100% tourist park in an area that is a popular holiday destination for families. The proposed development provides a form of affordable holiday accommodation that enables people to bring their horses on holiday with them if they wish. The site is considered suitable for tourist occupation given its location and character of the area.

In relation to item (b), the proposed development provides tourist sites only and will increase the provision of tourist accommodation in the area.

With regard to item (c), it is not considered that there is adequate low-cost housing, or land available for low-cost housing, in the locality. The draft Greater Taree Conservation and Development Strategy recognises that affordable housing in the Greater Taree local government area is an issue that is required to be addressed. While this is the case, the proposed development does not propose to provide long term sites, instead being a tourist focused park.

With regard to item (d), it is considered that the proposed caravan park will provide community facilities and services for the tourists staying at the park. There are substantial recreational and open space facilities for tourists, and necessary facilities have been provided to service the needs of tourists. A key feature of the park is the provision of horse riding and stable facilities that will provide a unique tourist opportunity in the area.

In relation to items (e) and (f), the *Planning Circular B15* and the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds, and Movable Dwellings) Regulation 2005* have been addressed in the following section of this Statement.

It is noted that Council must determine what number of short and long term sites are suitable, given the above considerations. In these circumstances, 100% of the sites are proposed as tourist (short term) sites.

2.6 Department of Planning Circular B15 – Caravan Parks

This planning circular was released in 1992 to coincide with the release of SEPP 21. This circular provides explanations in relation to the clauses within SEPP 21. These sections have been read and considered in providing the above discussions.

The circular also refers to a previous 1986 circular which provides guidelines for the location of caravan parks accommodating long term residents. The issues discussed in this circular relate primarily to limitations on the provision of long-term sites in a caravan park. As such, the issues are not considered relevant to the proposed tourist facility.

2.7 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) 2005

The proposed caravan park extensions and upgrades will need to comply with the provisions of this Regulation. Part 3 of the Regulation deals with caravan parks, camping grounds and moveable dwellings. Division 3 of Part 3 is the most relevant consideration for this proposal as it provides the design and facility requirements for caravan parks. The following provides the requirements under Part 3 Division 3 of the Regulation, and comments on how the proposal complies with these requirements:

Note: In the following discussion, "dwelling site" refers to a site upon which a caravan or other moveable dwelling can be placed.

▪ Subdivision 1 – Land and Site Requirements

- Clause 83 – A site for a caravan park must have a minimum site area of 1 hectare. The proposed site has an area of well in excess of 1 hectare.
- Clause 84 – Provides that 10% of a caravan park site should be set aside for recreational or other communal purposes and provides that this area may be reduced (to no less than 6%) having regard to the type and arrangement of amenities provided. The proposed caravan park provides over 10% of land for recreation purposes, including a community building, playing fields, parks and other open space areas.
- Clause 85 – Provides that sites in a caravan park must be a minimum of 65m² (short term) and 80m² (long term). All sites are larger than these minimum areas.
- Clause 86 – Provides that each site must be numbered. In future detailed development applications, each site will be designated a number, which will be marked on the land.

▪ Subdivision 2 – Setbacks

- Clause 87 – Requires each site to have frontage to an access road. Each site has frontage to an internal road.
- Clause 88 – Requires any community building to be setback 10 metres from the caravan park boundary or a dwelling site boundary (unless appropriately screened, in which case a setback of 3-5 metres applies). The proposed community buildings are setback in excess of 10 metres from all boundaries (including dwelling site boundaries).
- Clause 89 – Requires dwelling and camp sites to be setback 10 metres from boundaries which form road frontages and 3 metres from other boundaries, or allows a lesser distance if the sites are appropriately fenced, screened or otherwise treated. All setbacks from the site boundaries exceed these minimum setbacks.
- Clause 90 – Provides that setback areas may be used for parking, roads, landscaping and other purposes.
- Clause 91 – Provides setback requirements for moveable dwellings. These are matters for compliance during operation of the park.

▪ **Subdivision 3 – Roads**

- Clause 92 – Provides that any entrance road to a caravan park must be a minimum of 7 metres wide. All entry roads to the sites from the new public road system will be greater than 7 metres wide.
- Clause 93 – Requires that a forecourt, 4m x 20m, be provided to accommodate incoming vehicles. A forecourt of these dimensions will be provided near the site office.
- Clause 94 – Requires two way roads to be 6 metres wide and one way roads to be 4 metres wide. Roads within the proposed park will meet these requirements.
- Clause 95 – Requires speed limits of 15km/h to apply within caravan parks. Signage will be provided restricting speed to this limit.

- Clause 96 – Requires provision of a parking space for each site. Each site is of sufficient dimensions to provide for a car parking space.
- Clause 97 – Requires the provision of visitor parking at the rate of one (1) space per 20 short term sites. Detailed designs of the tourist park will be provided in future development applications that show required visitor parking spaces. There is ample space within the proposed tourist park for visitor parking to be provided.
- Clause 98 – Provides that at least one (1) of the visitor spaces must be a disabled parking space. As discussed, future development applications for the park will provide details of parking areas, including disabled parking spaces.
- Clause 99 – Requires all roads to have an all weather sealed surface. It is proposed that the subject roads will be constructed of concrete or bitumen sealed pavement.
- Clause 100 – Requires all access roads to be lit between sunset and sunrise. Suitable lighting will be provided to meet this requirement.

▪ **Subdivision 4 – Utility Services**

- Clause 101 – Provides that a caravan park and each dwelling site must be connected to suitable water supply. The park and each dwelling site will be connected to the MidCoast Water reticulated supply.
- Clause 102 – Requires that the park be connected to a sewage disposal system. Sewage generated from the park will be collected via a gravity sewerage system that is connected with a proposed new pump station which will pump sewage to MidCoast Water's reticulated sewerage system.
- Clause 103 – Provides that a park must be provided with a stormwater drainage system and that all sites must be adequately drained. The park will be provided with a piped drainage system that treats and detains stormwater.

- Clause 104 – Requires that each dwelling site must have an electrical service. Each dwelling site will be provided with an electricity service.
- Clause 105 – Allows the use of common trenches for the installation of services.

▪ **Subdivision 5 – Shower and Toilet Facilities**

- Clause 106 – Provides that dwelling sites which are reserved for self contained moveable dwellings are disregarded from the calculation of facilities. Some of the proposed sites will be reserved for self contained caravans and manufactured homes, and no formal amenities will be required for these sites. Other sites will not be reserved for self contained caravans and will be provided with en-suite facilities or centralised amenities blocks. There is ample room on and around the sites for the placement of en-suites or amenities blocks and the final design and location will be the subject of future development applications.

Amenities blocks and en-suites will provide toilet and shower facilities in accordance with the regulations as well as facilities for the disabled.

▪ **Subdivision 6 – Laundry Facilities**

- Clause 113 – Requires the provision of at least one (1) washing machine for each 30 short term sites. Washing machines will be provided in centralised laundry facilities within the amenities blocks to be provided.
- Clause 114 – Requires the provision of at least one (1) laundry tub for each 60 short term sites. Laundry tubs will be provided in centralised laundry facilities within the amenities blocks to be provided.
- Clause 115 – Requires the provision of at least one (1) mechanical clothes dryer for each 80 short term sites.

Mechanical clothes dryers will be provided in centralised laundry facilities within the amenities blocks to be provided.

- Clause 116 – Requires the provision of at least 2 metres of clothes line per dwelling site. Clothes lines will be provided adjacent to the centralised laundry facilities within the amenities blocks to be provided.
- Clause 117 – Requires the provision of hot and cold water to the washing machines. Hot and cold water will be provided to the washing machines.
- Clause 118 – Requires the provision of irons and ironing boards. These will be available in the laundry building(s).
- Clause 119 – Provides construction requirements for the construction of laundry buildings. These specifications will be observed in the design/construction of the laundry facilities.

▪ **Subdivision 7 – Management**

- These requirements relate to the management of the park and must be observed in the operation of the park.

▪ **Subdivision 8 – General**

- Clause 127 - Provides that arrangements must be made for the disposal of garbage and the maintenance of bins in a clean and sanitary condition. A waste collection service will be run within the park on a weekly basis. The bulk bins will then be stored in a dedicated garbage storage area to be located at the rear of the park office, shop and fuel facilities and/or toward the rear of the site near the horse riding facilities. The storage area will be suitably enclosed and screened. This area will also be used for cleaning of the bins, and the runoff will be appropriately drained and treated.
- Clause 128 – Requires the provision of fire hydrants throughout the park. Hydrants will be provided within the park to the appropriate standards.

- Clause 129 - Requires the provision of fire hose reels throughout the park. Fire hose reels will be provided within the park to the appropriate standards.
- Clause 130 – Requires the provision of a car wash bay. Car wash bays will be provided throughout the park. It is proposed that these bays will be constructed over a grassed area and will include allowance for on-site soakage of water.
- Clause 131 – Provides that caravan park approvals can allow for buildings. Also, the approval is to allow for community buildings but that these are not permitted on dwelling or camp sites.

The proposed park will be capable of complying with the requirements of the Local Government Regulations and full details of compliance will be provided in future detailed development applications and with the applications for the caravan park approvals under the *Local Government Act 1993*.

2.8 State Environmental Planning Policy No.44

A SEPP 44 assessment has been undertaken for the land in accordance with the requirements of the SEPP. This assessment was undertaken by Conacher Travers in November 2005 and April 2007.

The vegetation surveys and transects revealed that parts of the site contained koala feed trees in sufficient densities to be considered *potential koala habitat*.

The further searches for koala activity over the land revealed no evidence of previous koala habitation of the site. As such, it was not considered that the vegetation constituted *core koala habitat*. As such, the requirements of the SEPP have been fulfilled and a koala plan of management is not necessary for the site.

2.9 Greater Taree Local Environmental Plan 1995

The provisions of Greater Taree Local Environmental Plan (LEP) are applicable to the site and the wider area. The site is zoned 1(a) – Rural General and 7(a) –

Environmental Protection Habitat. There are also small areas of land zoned 1(b1) Rural Valley Agriculture in the north-western corner of the land.

The proposed facilities are generally located in the parts of the land identified as zone 1(a). The north-western part of the development also extends to a very minor degree into the small area of 1(b1) zoned land. The provisions of Clause 45 of the LEP permit 100 metres of flexibility between the zone boundaries. The proposed tourist sites are within 100 metres of the zone boundary and would be subject to the 1(a) zoning provisions only, utilising the provisions of that clause.

The objectives of the 1(a) zone are commenced with the General Rural Zone objectives which are:

a) the efficient sustainable agricultural utilisation of rural land, particularly prime crop and pasture land,

(b) the conservation of prime crop and pasture land by ensuring that:

- it is not unnecessarily converted to non-agricultural purposes,*
- any allotment created for intensive agriculture is potentially capable of sustaining it without detrimental effect on the environment of the locality, and*
- development will not have a detrimental effect on agricultural operations in the locality,*

(c) the protection or conservation of:

- soil stability by controlling development in accordance with land capability,*
- forests of commercial value for timber production and trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is likely to reduce land degradation,*
- land affected by acid sulphate soils by controlling development of that land likely to affect drainage or cause soil disturbance,*
- valuable deposits of minerals and extractive materials by controlling the location of development to enable the efficient extraction of those deposits,*
- water resources,*

- *environmental values of the land and visual amenity including landscape and scenic quality, rural character and tourism values,*

(d) the protection of development from significant hazards particularly risks from bushfire or flooding so that development would not be likely to increase those hazards,

(e) the location of development in such a way as to avoid creation of road traffic hazards or ribbon development along roads, and

(f) the regulation of development so that it:

- *upholds the principles specified in paragraph (c), and*
- *does not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services.*

The objectives of the 1(a) Rural General Zone are the above objectives plus the following:

(b) the promotion of rural tourist facilities which are appropriate for and require a rural location for efficient operation,

(c) the promotion of industries which require special environmental conditions, such as a large site or remote location, in areas where services and access appropriate to the industry can be facilitated, and

(d) the enabling of development for purposes that are:

- *appropriate in a rural location,*
- *appropriate for agriculturally productive lands used for grazing and cropping, and*
- *sympathetic with the environmental characteristics of the land.*

The various components of the proposed development are addressed below:

Rural Tourist Facility – The tourist facility includes the following:

- Equestrian Centre and Stables;

- Caravan Park Sites;
- Reception and General Store with fuel dispensing facilities.

All of the above uses are directly related to, or ancillary to, the tourist facility. The accommodation of people on the site, and the uses thereon, will demand the provision of general store facilities and petrol service.

Rural tourist facilities are specifically mentioned in objective (b) to the 1(a) zone. The proposed facility is a rural tourist facility requiring location in a rural area. The key activities of horse riding and nature appreciation will attract people to the facility requiring large areas of space, and must be carried out in a rural location.

The proposed tourist facility is located on land which has been used for cattle grazing, but it is not highly productive land. Given the ecologically sensitive nature of some areas of the land, it is considered more appropriate for an alternative use for the land to be identified.

The proposed development is not likely to impact on soil stability, forests or mineral resources. The majority of development is located outside of Class 1, 2, 3 and 4 ASS on the ASS planning maps (www.ipplan.nsw.gov.au) and will not cause a rise in water tables in those areas. The Class 2 ASS boundary is in close proximity to some of the development at the rear of the site (such as the stables, equestrian centre and small cabins). There is unlikely to be any major disturbance to soils in this area, however, geotechnical studies at detailed design stage will investigate the issue further. Suitable drainage facilities will be provided within the development to ensure the protection of water quality, providing protection to the area's water resources. The environmental values of the land in terms of SEPP 14 Wetlands and Endangered Ecological Communities on the land have been preserved in the proposed development layout.

The development has been designed having regard to bushfire threat over the land, and appropriate APZs have been provided to development, as well as suitable access roads to meet the requirements of the NSW Rural Fire Service guideline entitled *Planning for Bush Fire Protection 2006*. The bushfire

assessment submitted with the application details compliance with this guideline.

The proposed development provides one main access to the property via a new roundabout opposite the entrance to Tallwoods Village. This singular access prevents the creation of ribbon development along Blackhead Road.

The proposed development is a rural tourist facility and provides a range of activities associated with a rural area, including horse riding and nature appreciation. The development has been designed with key environmental features in mind and conserves the environmentally significant features of the land.

Given the above discussion, it is considered that the proposed tourist facility is consistent with the zone objectives and, as such, is permissible in the 1(a) zone with the consent of Greater Taree City Council.

Community Oval/ Community Centre – While the sports field will be used by the tourists in the caravan park, it will also be utilised by the general public. While the offer has been made for this facility to be dedicated to Council, it can also be operated by the landowner.

The issues in relation to agricultural utilisation, natural resources and hazards are the same for the sporting oval as the tourist facility and are not repeated here.

The community oval within a tourist park is considered to be appropriate in a rural location near existing urban areas. The subject lands are not highly productive agricultural lands and this use does not impact on environmentally sensitive areas.

The community centre will be available to community organisations in the area as a meeting place as well as for the provision of services in association with sporting events on the community oval.

As the proposed developments are consistent with the objectives of the 1(a)

zone in which they are located, the proposed developments are permissible within those zones with the consent of Greater Taree City Council.

The land also includes a central area which is currently zoned 7(a) Environmental Protection Habitat under the LEP. The proposed plans for the site do not identify significant development uses in the area of the land which is zoned 7(a). The objectives of the 7(a) zone are:

- (a) the protection and conservation of features which are environmentally sensitive or delicate, or of particular environmental interest, and*
- (b) the regulation of development to avoid inappropriate uses which would destroy or damage a habitat ecosystem, particularly that of wetlands, significant vegetation or wildlife.*

The proposed development and resultant asset protection zones have been located on the land so that they are contained within existing cleared areas and do not impact upon areas of existing native vegetation. As such, the proposed development does not result in any direct impact upon the wetlands that exist on the land, or vegetation surrounding those areas. The areas of wetland and surrounding vegetation will be protected in the development of the land and managed to maintain natural values of the land. A plan of management would be prepared for this land which would include provisions to maintain and enhance these values. This management plan would be provided with future development applications for the land. The other potential impact upon the wetlands is from the stormwater generated from the proposed development. The proposal includes the construction of drainage facilities which will collect and treat the stormwater quantity and quality before it is drained from the development area to the wetland areas.

It is relevant that this wetland area is currently used and managed as grazing land, with cattle free to graze in the 7(a) zoned area and the wetland areas. This existing situation causes impacts to the wetland and 7(a) zoned areas by direct removal of vegetation (grazing and stock damage) as well as by indirect impacts (impacts on water quality from faecal matter). As a result of the proposed development, this area will be protected from such impacts (by exclusion of stock) and the land and vegetation will be managed for ecological purposes, improving habitat quality on the land.

Clause 27 of the LEP provides specific controls for development within and adjoining 7(a) zoned land. Subclause (1) provides that land within the zone shall not be cleared, drained, excavated or filled without the prior consent of Council. The proposal would not result in any of these activities in the 7(a) zoned area of the land.

Subclause (2) of Clause 27 provides considerations as to whether development on or near 7(a) zone should be granted consent. The considerations are:

- (a) the likely effects of the development on the water table and on the flora and fauna found on the land,*
- (b) the effect on any wetlands of any proposed clearing, draining, excavating or filling,*
- (c) the habitat value of the land,*
- (d) whether adequate safeguards and rehabilitation measures are proposed to protect the environment,*
- (e) the objectives and goals of the "National Conservation Strategy for Australia" referred to in clause 7 of State Environmental Planning Policy No 14—Coastal Wetlands, in so far as they relate to wetlands,*
- (f) whether consideration has been given to any feasible alternative to the proposed development, and*
- (g) comments received as a result of any advertising of proposals and advice from relevant public authorities.*

The proposed development has not been identified as being likely to impact upon the water table and does not result in impacts to native habitats on the land. Investigation and assessment of the land by Conacher Travers has shown that the proposed developments will not result in significant impacts on Threatened Species, Populations and/or Endangered Ecological Communities.

The proposed developments do not result in any clearing, excavation or filling that will affect wetlands on the land.

The proposed developments do not result in the clearing of native vegetation

habitats on the land and improves the existing habitat values of the 7(a) zoned land.

With regard to safeguards and rehabilitation, the key controls for the development are the water quality control structures and the proposed plan of management for the conservation areas of the site.

The proposed development design prevents any additional clearing of vegetation in or surrounding the 7(a) zoned area. The proposed drainage controls will maintain the existing hydrological regime, avoiding potential indirect impacts to the existing wetlands.

The only feasible alternative for the 7(a) zoned land is the 'do nothing' alternative which would involve the continuation of low intensity grazing activities on the land, which has the potential to further damage the wetlands on the site which have and can continue to be grazed by hard hoofed animals. As such, the development of the land in a suitable manner is a superior alternative in terms of protecting the existing wetland areas.

Clause 38 of the LEP provides that service stations may only be granted consent if the gross floor area for the selling of retail goods is less than 100 square metres. In the case of the proposed development, the fuel facilities are an ancillary component of the tourist facility and are provided as part of the reception/general store. This component of the facility will not include the sale of small consumer goods, as these will be sold in the general store which is also an ancillary part of the tourist facility.

Clause 35 of the LEP deals with special provisions relating to development along arterial roads.

Subclause (1) Part (a) of Clause 35 of the LEP provides that Council may consent to development along arterial roads where access to development is provided by a road (other than an arterial road) wherever practicable. As the proposed development involves a number of different uses, it is proposed to create a new public road entry to the site. This public road will provide access to the sporting fields, community centre, equestrian centre, stables as well as

the proposed tourist facility. Currently the land exists as two (2) separate parcels which only have frontage to Blackhead Road and do not have any other legal access. The consolidation of this land to a single public access to Blackhead Road is considered consistent with the objectives and the requirements of this part of the clause.

Subclause (1) Part (b) of Clause 35 of the LEP provides that Council should be satisfied that the efficiency and safety of the road will not be affected by development. A traffic report has been prepared by David Stewart Consulting which shows that the proposed new access can be provided so that an appropriate level of safety is maintained on Blackhead Road and the efficiency of this road will be maintained.

Subclause (2) of Clause 35 of the LEP provides that development for certain purposes (including tourist facilities) will be prohibited if access is obtained directly from an arterial road. Blackhead Road is identified in the LEP as an arterial road. Access to the proposed tourist facility will be via a new road off Blackhead Road which complies with this provision.

The matter of consistency with Clause 35 of the LEP was dealt with in a preliminary hearing into matters of law. The findings of Lloyd J were that the access arrangements for the development did not comprise direct access to an arterial road under the provisions of Clause 35(2)(a) of the LEP. Lloyd J held that the proposed access did not meet the 90 metre standard in Clause 35(2)(b) as pedestrian access would be available to the arterial road. A fence has now been provided to the development which would prevent direct pedestrian access for a distance of 90 metres from the intersection with Blackhead Road. This demonstrates compliance with Clause 35(2)(b) of the LEP.

2.10 Greater Taree Development Control Plan 1995

Greater Taree City Council's Development Control Plan (DCP) 1995 applies to all development in the Greater Taree City Council local government area. The key components of the DCP as they relate to this DA are:

- Rural Building Setbacks;

- Rural Tourist Facilities; and
- Development consistent with zone objectives.

The required street setbacks in Greater Taree DCP 1995 are 40 metres for buildings other than dwellings. All buildings in the proposed development are set back in excess of 40 metres from the frontage of the site to Blackhead Road. While the caravan park sites are not buildings, they are also setback in excess of 40 metres from the frontage of the site to Blackhead Road.

The DCP provides that rural tourist facilities should not just involve accommodation but also tourist activities. The proposed horse riding facilities and rural/natural outlook provide these activities and are the focus for the facility.

The DCP provides that direct access to main roads is not permitted but should be via another road which links with that road. The proposal involves the creation of a new road into the site and there is a singular access point to Blackhead Road which will involve a new roundabout at the intersection with the Tallwoods entry. This roundabout provides safe access to the road and is considered to enhance the safety of this intersection and the Blackhead Road.

The proposed Rural Tourist Facility (Caravan Park) is not listed as a use that is inconsistent with the 1(a) zone objectives. Similarly, recreation and community facilities are not listed as uses that are inconsistent with the 1(a) zone objectives.

2.11 Greater Taree Development Control Plan Number 34 Caravan Parks and Manufactured Home Estates

This DCP provides requirements for the development of caravan parks within the Greater Taree local government area. The DCP provides relevant consent processes and requirements for licensing and the payment of development contributions for community facilities and services under Section 94 of the *Environmental Planning & Assessment Act 1979*.

Section 9 of the DCP deals with location parameters and provides that caravan parks for long term sites should not be permitted in certain zones. While the 1(a) zone is not listed as a zone where long term sites would be inappropriate, it is not intended to provide long term sites in this park as it is to be for tourist sites.

Clause 9.2 of the DCP provides that caravan parks for short term sites are appropriate in rural locations where they are consistent with the zone objectives. As previously discussed, the proposed tourist park is consistent with the objectives of the 1(a) zone in which it is located.

Clause 9.4 of the DCP provides that the Council will not permit the placement of relocatable homes or fixed annexes on land which is flood prone in a 1% event. The proposed tourist park is located on land which is identified as flood free.

3. Likely Environmental, Social and Economic Impacts

3.1 Context and Setting

The proposed development is located in an area which is undergoing substantial change and has experienced high levels of growth for many years. The resulting changes have increased the density of development in the area quite substantially. The site is located on the opposite side of Blackhead Road from Tallwoods Village. Tallwoods village is a residential area that has developed separately from the established village/residential areas in the Hallidays Point locality. The residential development within the Tallwoods village has a density far higher than that of the proposed tourist facility. The proposal will, therefore, fit in with its setting relative to development on other lands.

Importantly, the proposed development involves the establishment of a caravan park in the Hallidays Point area, providing a lower cost form of accommodation in the area. Caravan parks have been gradually disappearing from coastal areas such as Hallidays Point. The creation of this type of development is considered important in order to maintain and enhance the existing and likely future context of the wider area, a central component of which is tourism.

The provision of rural tourism uses and eco-tours on the site helps to maintain activities which make the area attractive as a rural destination. The retention of natural features on the land helps to maintain the natural context and the amenity of the area. The creation of a tourist facility with horse facilities was decided after noting the use of the existing trails over the land by people in the area who own horses. As such, the development seeks to maximise the attractions of the land to people with horses and enhance this unique setting for visitors to the Manning Valley.

3.2 Socio-economic Effects

The proposed development is considered to have a positive socio-economic impact on the locality by providing an additional economic activity in the area and enhancing the capture of tourist income for the area. The development is intended as a new attraction for tourists and provides one of the few horse stay resorts in the region and, indeed, on the Mid North Coast. As such, the facility provides a substantial opportunity to attract new tourists to the area.

In addition, the caravan park format will provide a substantial opportunity to retain budget accommodation in the area with many caravan parks on this part of the coast being shut down and turned into residential uses or higher cost tourism facilities.

The proposed development is considered to have significant social and economic benefits for the area and retains an existing tourism market that provides substantial capital inflow to the local community.

3.3 Traffic and Access

The proposed access to the development is via a single access point from Blackhead Road. This point of access is proposed directly opposite the main entrance to Tallwoods village. A roundabout will be provided in Blackhead Road to treat this intersection. It is understood that Council was keen to have this type of intersection treatment at this intersection in conjunction with the development of Tallwoods.

An Access and Traffic Impact Report has been prepared by David Stewart Consulting for the proposed development. The report details the likely traffic generation from the proposed developments and examines the traffic impacts of the developments proposed. The report also provides contingencies within the assessment for:

- additional traffic from the site; and
- for growth of traffic numbers along Blackhead Road from further development of Blackhead, Redhead and Diamond Beach.

The report recommends the construction of a new four (4) way intersection (roundabout) at the site entry, opposite the Tallwoods village entry. The report finds that with this treatment, an appropriate intersection can be provided which provides positive traffic outcomes, given the growth of development in the locality.

3.4 Hydrological Issues

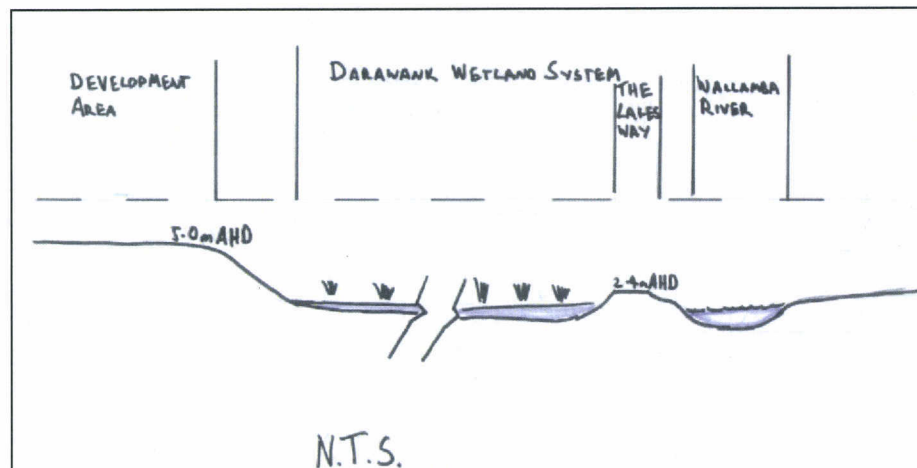
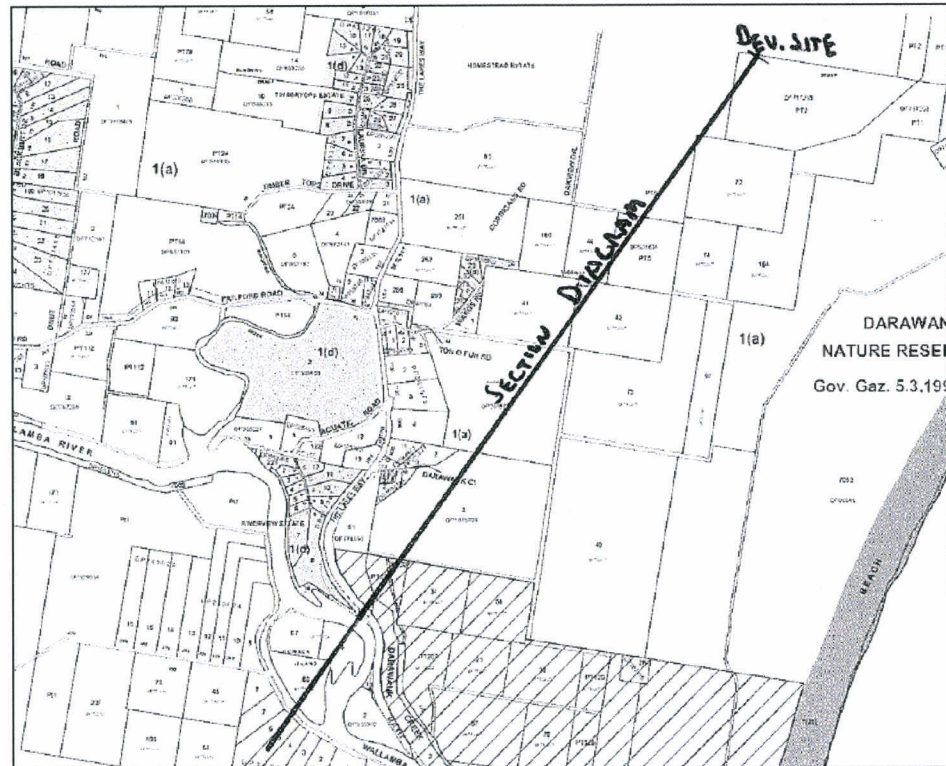
The key hydrological features of the site, being the main drainage lines and the man-made swamp, will not be encroached upon by the development proposal.

The proposal will include stormwater treatment systems, through which water will pass before it enters the natural drainage system. These systems will serve both a water quantity and water quality function. In this regard, the systems will act as both detention basins and water treatment systems, reducing nutrient levels before the stormwater is released into the surrounding creeks and wetlands.

A drainage assessment/strategy and MUSIC Model have been prepared. These demonstrate that additional runoff from the 1% interval storm can be detained in the proposed drainage system. They also demonstrate that the treatment train within this drainage system effectively addresses the water quality of the stormwater runoff. In this regard, there will be no net increase in modelled water borne pollutants from the site as a result of the proposed development.

In regard to flooding the following discussion is provided:

- There have been only two (2) potential flood sources identified as affecting the land:
 - from the central drains and dams that run through the site; and
 - from the large Darawank wetland system which exists at the southern end of the site and extends to the Darawank Creek/Wallamba River junction.
- The drainage assessment from Lidbury, Summers and Whiteman has determined a 1% headwater depth in the central wet area to be 3.3m AHD. The proposed sites are located on land with a level generally above 5 metres AHD and are not subject to flooding from this source.
- The parts of the Darawank wetland system on the land are generally located over land with levels generally below 2 metre AHD with standing water levels at or below 1 metre AHD. As such, the standing water level will be over 4 metres below the proposed development site levels.
- The normal outlet for the wetlands is Darawank Creek which discharges into the Wallamba River, several kilometres to the south-west of the site. The Wallamba River Flood Study identifies a 1% flood level of 2.65 metres AHD. This included analysis of Darawank Creek/Swamp.
- The separation between the Wallamba River and the Darawank Swamp is only comprised of the roadway in The Lakes Way for a distance of approximately 1.5km and the level of the road at this point is generally around 2.4 metres AHD. As such, it can be reasonably expected that if the water levels on the Darawank wetland system reached a level of 2.4 metres AHD, water would begin to discharge towards the river by overtopping the road, limiting the water level in the wetlands area to the level of 2.4 metres AHD or lower. The following diagram has been prepared to illustrate this point:



- As is evident from the above diagram, the level of the development site (approximately 5 metres AHD) is significantly higher than the adjoining wetland area. In the event that the water level in the wetland begins to rise with flood water, it will drain across The Lakes Way (level 2.4 metres AHD) before it will rise to a level anywhere near that will affect the development site.

- MidCoast Water has developed a Sewerage Treatment Plant (STP) on land adjoining the Darawank Swamp area. This STP receives sewage from both the Hallidays Point locality, and also from the larger Tuncurry Township. In a Review of Environmental Factors for the upgrade and substantial expansion of that plant, it was concluded that as the levels of the sewerage treatment facilities were at levels between 5 and 7 metres AHD, well above the wetland level, no further consideration of flooding from that wetland was necessary for the works. Given the importance of keeping such important public infrastructure out of flood prone areas, these comments further clearly reinforce that the characteristics of the hydrology of the area are that any land with levels of 5 metres AHD are unlikely to be subject to flooding from the Darawank wetland system.

Given the above discussion, it is concluded that the lands identified for development are not likely to be subject to flooding and are suitable for the proposed development.

3.6 Bushfire

The site is mapped, in parts, as Bushfire Prone Land. As such, the development will be required to comply with the NSW Rural Fire Service guideline entitled *Planning for Bush Fire Protection* 2006. Asset Protection Zones (APZs) will be incorporated in the development and have been provided between development and the existing vegetation on the site. The internal public road system provides suitable access throughout the development. There are large expanses of open area which are separated from bushfire threats within the development which can provide safe refuge in the event of a bushfire emergency affecting the land.

A Bushfire Protection Assessment had been prepared by Conacher Travers for the proposal. The report makes 7 recommendations for the proposed development, and these recommendations have been incorporated in the development design.

3.7 Flora and Fauna

Flora and Fauna investigation of the land has been undertaken by Travers Environmental. This investigation confirmed that the land was a disturbed landscape with some areas of environmental qualities. The report confirms that the proposed development will not have a significant impact upon Threatened Species, populations or endangered ecological communities.

The report concludes that the proposed development will not impact on existing wetlands or other ecological communities on the land and that the development provides appropriate buffers to ensure the long term viability of these environmental features. The report recommends the creation of a vegetation management plan for the site which can provide for the ongoing protection and management of the native vegetation communities retained on the land. The plan should also provide for the rehabilitation of these areas through supplementary works to repair damage caused by existing grazing activities. The development of a vegetation management plan in consultation with Council and other agencies is an appropriate outcome for development on this land.

4. *Suitability of the Site for the Development*

The site is located in an area close to all facilities and services, and relatively close to existing development including the residential land within Tallwoods village on the opposite side of Blackhead Road. The site is considered superior to a site which is located some distance away from existing development and is less economical to service.

The proposed site is already used for horse riding activities on an informal and uncontrolled basis by the residents of the area. One of the reasons that the development is proposed is in response to the opportunity to enhance this use on the land and to open it up to tourists who will be attracted to this type of activity. The setting of the site provides an opportunity to provide this use in close proximity to other attractions of the area such as the beach, lakes and rivers, allowing further enhancement of the holiday experience.

The site is subject to a natural hazard in the form of bushfire. As discussed above, however, this matter has been considered within the design and suitable allowance for bushfire threat has been made.

5. The Public Interest

Tourism is a major contributor to the local community. As discussed, the proposed development provides significant socio-economic benefits for the area by enhancing an existing economic activity in the area (tourism). This is achieved while conserving natural features of the land and enhancing tourist appreciation of these features.

The proposed development will introduce controls to protect and enhance the existing wetland areas on the site

The proposed development is considered to be consistent with the public interest.

6. Conclusion

The site is located in a developing area. The proposed development involves the establishment of a tourist facility, community oval and community facility. The proposed uses are considered to be permissible on the land under Greater Taree LEP 1995 as they are consistent with the objectives of the 1(a) Rural General zone which applies to the land.

The application has been lodged as a staged development application and is, in effect, seeking a concept approval for the proposal. New development applications will be required for each stage of the development and full details of each stage will be provided at that time.

The proposed development will create new opportunities for economic development in the Hallidays Point area. The proposal will also provide facilities that will benefit to the Hallidays Point area through the provision of services and facilities.

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The proposed development has been designed with due respect to the environmental features of the land as well as the natural hazards that exist on the land.

The site is considered to be suitable for the proposed development.

Tourism is a major contributor to the local community. As discussed, the proposed development provides significant socio-economic benefits for the area by enhancing an existing economic activity in the area (tourism). This is achieved while conserving natural features of the land and enhancing tourist appreciation of these features. As such, the proposal is considered to be in the public interest.

DECLARATION

In preparation of this report, I confirm that I have read and am aware of my obligations under the ***Land and Environment Court Practice Note: Class 1 Development Appeals*** and Schedule 7 of the ***Uniform Civil Procedure Rules***.

GAVIN MABERLY-SMITH BAppSc, GDipUrbRegPlan, MPIA, CPP

Director – Town Planner

Coastplan Consulting

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APPENDIX A – Plan of Proposed Development