

**PORT MACQUARIE-
HASTINGS COUNCIL**

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**PORT MACQUARIE
HASTINGS**

7 February 2012

File: 032.2012.00000002.001

The Regional Director (North Coast)
Department of Planning
PO Box 9022
GRAFTON NSW 2460

Received
- 9 FEB 2012
12/02891
North Coast

Dear Sir

**Planning Proposal under s55 of the Environmental Planning and Assessment Act
1979 for land at Ocean Drive, Lake Cathie and described as Part Lot 1232, DP
1142133, Lots 1, 2, 3 & 4, DP 1150758 and Lot 5 DP 25886**

Please find enclosed a Planning Proposal supporting the rezoning of the subject land.

The Planning Proposal includes numerous supporting reports and studies. These are listed as attachments in the Proposal. The reports and studies were prepared to support the Part 3A Concept and Project Applications that are currently with the Department of Planning and Infrastructure. The project officer for those applications is Mr Sebastian Tauni.

Please find attached to this letter a copy of Council's resolution to prepare a Planning Proposal dated 14/12/2011.

Should you require further information please do not hesitate to contact Rob Corken on telephone number 6581 8632 or by email robert.corken@pmhc.nsw.gov.au

Yours faithfully

Peter Cameron
Manager – Strategic Planning
enc
(Electronic copy of all materials)

Environment

Meeting Date: 14/12/2011 - Environment

Item 25

Subject AREA 14 (SVF) PLANNING PROPOSAL AND VOLUNTARY PLANNING AGREEMENT

Director MATT ROGERS (DES)

The NSW Department of Planning & Infrastructure is expected to determine an application for Concept Plan approval (under repealed Part 3A of the Environmental Planning and Assessment Act 1979) for the subject land as early as December 2011. In the event that the application is approved, a Planning Proposal to rezone the subject land to reflect the Concept Plan will be required. It is important that this planning proposal is prepared to minimise the time taken to adjust zone boundaries on the subject land, following any approval by the State Government.

In conjunction with the Concept Plan application Council has received an offer to enter into a Voluntary Planning Agreement. As the Planning Agreement is consistent with Council's infrastructure planning for the area and to ensure Council's position on the Planning Agreement is provided to the Department of Planning and Infrastructure without delay, it is proposed that the General Manager be delegated authority to consider any submissions and subject to no significant issues arising from the exhibition, to determine whether or not to enter into and execute the Planning Agreement.

RECOMMENDATION

1. That Council;

- i. Prepare a Planning Proposal for land at Ocean Drive, Lake Cathie described as Part Lot 1232 DP 1142133, Lots 1,2,3 & 4, DP 1150758 and Lot 5 DP 25886 to rezone the land from R1 General Residential and RU1 Rural to those zones that reflect the anticipated land use proposed in the Concept Plan proposal.**
- ii. Subject to approval of Concept Plan (Reference 06 0085) by the NSW Minister for Planning (or delegate), submit the planning proposal to the NSW Department of Planning & Infrastructure for Gateway Determination, and exhibit the Planning Proposal in accordance with that determination.**
- iii. Delegate authority to the General Manager to consider any submissions made in relation to the Rainbow Beach Central Corridor Planning Agreement and to enter into and execute the Rainbow Beach Central Corridor Planning Agreement relating to land off Ocean Drive, Lake Cathie being Part Lot 1232 DP 1142133, Lots 1,2,3 & 4, DP 1150758 and Lot 5 DP 25886 provided that the General Manager is of the opinion that no significant issues have arisen as a result of the exhibition of the Planning Agreement.**

2. That a report on the outcome of the exhibition process be presented to the meeting of Council following the execution of the Rainbow Beach Central Corridor Planning Agreement.

Discussion

The subject land is part of the Lake Cathie Bonny Hills Urban Growth Area. The land is currently zoned R1 General Residential and RU1 Rural. The proponent submitted a Concept Plan application to the Department of Planning and Infrastructure under Part 3A of the Environmental Planning and Assessment Act 1979. Part 3A is now repealed however the application was sufficiently advanced for the Minister to determine that it would continue under the transitional arrangements.

The Concept Plan, if approved, will support a range of land uses including; general residential, medium density residential, open space, public recreation, environmental management and business. Two (2) school sites are also identified.

It is proposed to amend the LEP to adopt zones that reflect the uses that will be permitted by the Concept Plan approval.

Amending the LEP can take months to complete. There is merit in commencing the process prior to the determination of the Concept Plan approval so that the time between any Concept Plan approval and LEP amendment is minimised.

In conjunction with the Concept Plan application, Council received an offer to enter into a Voluntary Planning Agreement. The Rainbow Beach Central Corridor Planning Agreement will provide for:

- Establishment, embellishment and dedication of a local "community" park.
- Establishment and dedication of district sporting fields. Council will be responsible for the final turfing, irrigation and drainage for the sporting fields.
- Provision of road access to the sporting fields. The location of the access to the sporting fields will depend on the staging of the development. Three alternative locations are provided in the Planning Agreement.
- Establishment, management and dedication of environmental lands, including ongoing management of environmental lands for 20 years which is consistent with other similar environmental land planning agreements entered into by Council. Part of the environmental land to be dedicated will include a large water body that will be excavated to provide fill for the adjacent subdivision development described in the Concept Plan. Council will be responsible for the ongoing management of the water body after the 20 year maintenance period proposed in the Planning Agreement.
- Provision of a \$200,000 security for rectification of any significant environmental events that occur during the establishment period or 20 year management period in or adjacent to the environmental land to be dedicated. Any funds remaining after the management period will continue to be held by Council.
- Provision of a security to secure the performance of obligations under the agreement.
- Payment of Administration Levy, Open Space, and Roads Contributions in accordance with contributions plans in force at the time of the approval for a stage in the development.
- Offsets against Development Contributions, in consideration of the provision of the local park and sporting fields and provided that the sporting field access road intersection is constructed in a location consistent with Council's road strategy for the area, an offset for a component of the intersection.

A copy of the draft Planning Agreement is attached.



RainbowBeachCentralCorridorPAExecutionVersionOct2011.pdf

Exhibition of the Planning Agreement will not conclude until 16 December 2011. Therefore, to ensure Council's position on the Planning Agreement is provided to the Department of Planning and Infrastructure without delay it is proposed that the General Manager be delegated authority to consider any submissions. Provided that no significant issues arise as a result of the submissions it is also proposed that the General Manager be delegated authority to enter into and execute the Planning Agreement.

Alignment With Strategic Direction

Ensuring Good Governance

The existing residential zones have been in place since the 1980's and do not reflect the expected land use outcomes on parts of the subject land. It is important that Council update the LEP once the concept plan has been determined and the expected land use outcomes are known.

Looking after our environment

The Concept Plan includes large areas of environmental lands. The LEP zones will reflect the environmental objectives of those areas and the Planning Agreement will provide for establishment and ongoing maintenance of environmental lands for 20 years.

Planning & Providing our Infrastructure

Development Contribution Plans are in place in relation to essential infrastructure, including road, water and sewer infrastructure. The Planning Agreement provides for the establishment and dedication of a local park and sporting fields.

Consultation

Extensive community consultation was undertaken as part of the Urban Design Master Plan 2004 for the entire Area 14 Growth Area and the Concept Plan and Project Applications for the subject land.

Council's Manager Strategic Planning, Manager Recreation and Buildings, Manager Technical Services and Manager Environmental Services were consulted as part of the preparation of the Planning Agreement.

Consultation in relation to any draft LEP amendment will be undertaken in accordance with Section 57 of the Environmental Planning and Assessment Act 1979, once the Concept Plan (Reference 06 0085) has been determined by the NSW Minister for Planning and a planning proposal has been referred to the NSW Department of Planning.

The Planning Agreement is currently being publically exhibited.

Planning and Policy Impact

It is proposed to amend the LEP to reflect the land uses approved in the Concept Plan. This will ensure consistency and minimise confusion.

The Planning Agreement is consistent with the provisions of Council's Planning Agreements Policy, Section 94 Development Contributions Plans and infrastructure planning for the area.

Financial & Economic Implications

There are no financial or economic implications to amend the LEP other than Council staff time to prepare and manage the Planning Proposal.

The Planning Agreement will provide Local Open Space and Sporting Fields identified in Council's Contributions Plans with an offset against future payment of development contributions. Establishment and management of environmental lands for 20 years is consistent with other similar environmental land planning agreements entered into by Council.

Options

Council could wait until the Concept Plan is determined to prepare of a planning proposal. However, this would extend the time between that approval and an amendment to the LEP. There is no risk to Council to commence the process. On this basis, it is recommended that Council prepare and submit a planning proposal to rezone land from R1 General Residential and RU1 Rural to those zones that reflect the draft land use proposed in the Concept Plan proposal and that this proposal be forwarded to the NSW Department of Infrastructure & Planning, subject to approval of the Concept Plan.

Council could choose not to delegate authority to the General Manager to consider any submissions and to determine whether to enter into the Planning Agreement. However, this would delay consideration to the February 2012 meeting of Council.

COUNCIL RESOLUTION: ADOPTED:

1. That Council;

i. Prepare a Planning Proposal for land at Ocean Drive, Lake Cathie described as Part Lot 1232 DP 1142133, Lots 1,2,3 & 4, DP 1150758 and Lot 5 DP 25886 to rezone the land from R1 General Residential and RU1 Rural to those zones that reflect the anticipated land use proposed in the Concept Plan proposal.

ii. Subject to approval of Concept Plan (Reference 06 0085) by the NSW Minister for Planning (or delegate), submit the planing proposal to the NSW Department of Planing & Infrastructure for Gateway Determination, and exhibit the Planning Proposal in accordance with that determination.

iii. Delegate authority to the General Manager to consider any submissions made in relation to the Rainbow Beach Central Corridor Planning Agreement and to enter into and execute the Rainbow Beach Central Corridor Planning Agreement relating to land off Ocean Drive, Lake Cathie being Part Lot 1232

DP 1142133, Lots 1,2,3 & 4, DP 1150758 and Lot 5 DP 25886 provided that the General Manager is of the opinion that no significant issues have arisen as a result of the exhibition of the Planning Agreement.

2. That a report on the outcome of the exhibition process be presented to the meeting of Council following the execution of the Rainbow Beach Central Corridor Planning Agreement.

Planning Proposal under s55 of the EP&A Act

**Part Lot 1232, DP 1142133, Lots
1,2,3 & 4, DP 1150758 and Lot 5 DP
25886**

Ocean Drive, Lake Cathie



**PORT MACQUARIE
HASTINGS**

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Executive Summary

The land referred to as Area 14 – St Vincent's Foundation is identified as suitable for urban development in Council's Urban Growth Management Strategy and the Mid North Coast Regional Strategy.

It is currently zoned R1 General Residential and RU1 Primary Production. The Department of Planning and Infrastructure are currently assessing Concept Plan and Project Applications. The Concept Plan will enable a range of uses on the site that are not reflected in the Port Macquarie-Hastings Local Environmental Plan 2011. With the revocation of Part 3A of the Environmental Planning and Assessment Act 1979 any future development will be assessed under Part 4 of the Act and determined by either Council or a regional assessment body.

To ensure consistency with the LEP Council proposes to rezone the land in accordance with the Concept Plan.

The Part 3A applications have been rigorously assessed by the Department, State Agencies and Council. The applications and the voluntary planning agreement have also been exhibited.

The reports that accompany this planning proposal are those that were submitted and assessed by the Department and State Agencies.

Planning Proposal

Proposal	Proposal to rezone land from RU1 Primary Production and R1 General Residential to B2 Local Centre, R1, R3 Medium Density Residential, RE1 Public Recreation, E3 Environmental Management and E2 Environmental Conservation.
Property Details	Part Lot 1232, DP 1142133, Lots 1, 2, 3 & 4, DP 1150758 and Lot 5 DP 25886 Ocean Drive, Lake Cathie
Applicant Details	St Vincent's Foundation Pty Ltd
Land owner	St Vincent's Foundation Pty Ltd

Background

The Hastings Urban Growth Strategy (HUGS) 2001 identified 'Area 14' as an urban investigation area. 'Area 14' is located between the existing villages of Lake Cathie and Bonny Hills.

The area is supported for urban investigation in both the Mid North Coast Regional Strategy (MNCRS) and the Council's Urban Growth Management Strategy (UGMS).

An Urban Design Master Plan (UDMP) was prepared by Diecke Richards and adopted by Council in 2003. Some minor revisions to the UDMP were made in 2004. The UDMP broadly examined the constraints and opportunities of the area and proposed a land use pattern that responded to that analysis (Refer Figure 1).

There are three (3) sub precincts within Area 14 that are identified as suitable for development in the immediate-short term (refer Figure 2). The remaining areas of Area 14 are either heavily constrained or identified in the longer term for investigation.

These sub-precincts are referred to as:

1. Area 14 – 1A (Precinct A).
2. Area 14 – 1B (Precinct B).
3. St Vincent's Foundation (SVF).

A copy of the Urban Design Master Plan is at appendix A.



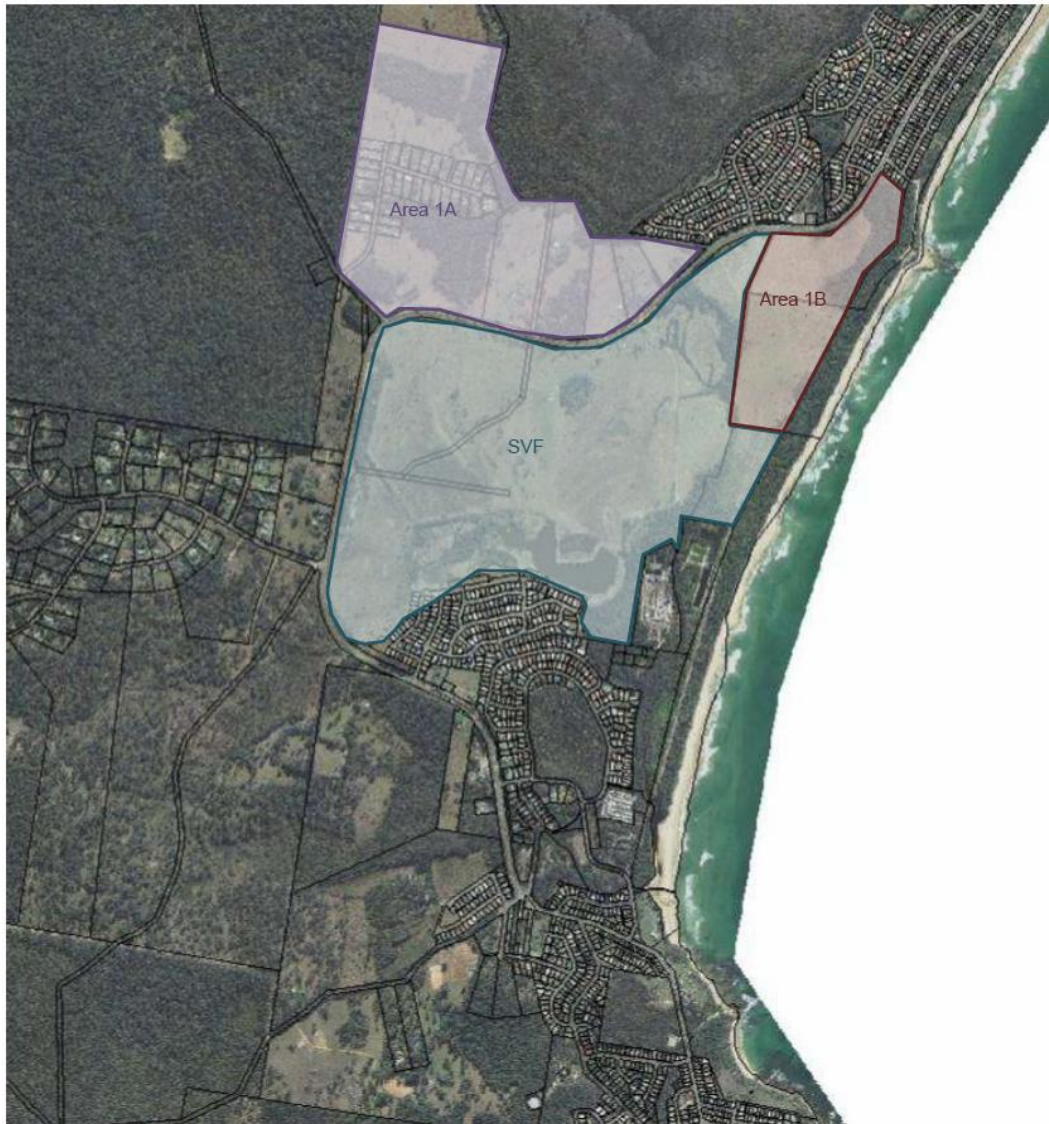


Figure 2: Sub Precincts 1A, 1B and SVF.

Status of Area 14 – SVF and relationship to other approval processes

The St. Vincent's Foundation Pty Limited (the proponent) is seeking approval for a Concept Plan (MP 06_0085) and Project Application (MP 07_0001) on a 177.4 ha parcel of land located within the Port Macquarie – Hastings local government area (LGA) between the coastal villages of Bonny Hills and Lake Cathie. The Project Application is the initial development stage of the overall Concept Plan and comprises drainage, open space and habitat restoration works.

1. The Concept Plan application seeks approval for the delineation of future land uses within the 177.4 ha site as follows:
 - the delineation of the limits of the residential subdivision;
 - the location of the three adopted intersections with Ocean Drive;
 - the location of an additional intersection with Ocean Drive currently under investigation by Port Macquarie –Hastings Council;
 - the delineation of the extent of the future school sites;
 - the general location of the Village Centre;
 - the delineation of the development area of Lot 5 DP 25886 (previously referred to as the eco-tourist site);

- the delineation of the extent of the open space, drainage and wildlife habitat corridors.

The Project Application seeks approval for the Central Corridor (located within the open space, drainage and wildlife habitat corridor of the Concept Plan), and associated works as follows:

- open space, environmental and recreational elements;
- excavation works required to construct wetlands;
- stormwater treatment and management elements;
- establishment works for the district sporting fields;
- placement of fill won from wetland excavation; and
- a formalised access way on Crown land to allow access to Rainbow Beach.

The site is currently zoned R1 General Residential and RU1 Primary Production under the Port Macquarie-Hastings Local Environmental Plan 2011. This planning proposal proposes to rezone the land generally in accordance with the Concept Plan application. The planning proposal will reflect the open space and central corridor areas, areas of environmental significance, the areas of public recreation, the village centre and the residential zones.

The proponent has prepared a Preferred Project Report (PPR) for both the Concept Plan and Project Applications. A copy of these are at appendices B and C.

The rezoning of the Lake Cathie – Bonny Hills Urban Growth Area requires a coordinated approach on a range of issues including infrastructure, road works and environmental management. These are addressed by various mechanisms including the Voluntary Planning Agreement's (VPA) and will be addressed in the Development Control Plan – Area Based Provisions.

A 'memorandum of understanding' exists with the landowners of the adjacent precinct (1B) that seeks to promote cooperation between the landowners of each precinct on the following key issues:

- Road access from Ocean Drive across SVF land to the 1B properties;
- Road access to the proposed coastal residential land (that will be isolated by the open space corridor);
- Restoration of the natural flow in Duchess Gully from the SVF land across 1B;
- A range of servicing/infrastructure issues (water supply, sewerage, drainage, roads);
- The connection of sewerage services to the Lake Cathie Bonny Hills Sewerage Treatment Plant (STP) through the SVF land.

The MOU sets up the structure for future, more detailed landowner agreements as the planning and construction of the two developments proceeds.

Status of sub precincts – 1A and 1B.

An application to rezone Area 14 -1A is currently with the Department of Planning and Infrastructure and is expected to be notified in the early 2012.

In November 2011 the Minister approved a Concept Plan and Project Application under Part 3A of the *Environmental Planning and Assessment Act 1979* for Area 14 – 1B. The Concept approval delineates land use and proposes a mixture of residential, environmental protection, mixed use zone and a small area of public recreation.

The Project Application permits environmental works such as revegetation of the environmental management areas, fencing and a public access through the littoral rainforest to Rainbow Beach.

Precinct 1B was rezoned to reflect the Concept Plan approval and notified on 7 October 2011. A minor amendment was made to that approval to rectify an error. That amendment was notified in November 2011.

Area 14 Working Group

A working group that includes landowners, representatives and council officers has been meeting since 2007. The working group promotes a working relationship between the landowner representatives and also the landowner representatives and the Council.

Site

The site includes part Lot 1232 DP 1142133, Lots 1, 2, 3 & 4 DP 1150758 and Lot 5 DP 25886, located at Ocean Drive, Lake Cathie.

The site is between the coastal villages of Bonny Hills and Lake Cathie. It is bound to the north and west by Ocean Drive. The mid-eastern boundary of the subject land has frontage of approximately 350 metres to a crown beach reserve, and the south-eastern boundary adjoins the sewage treatment plant which services both Bonny Hills and Lake Cathie. Adjoining the southern boundary of the subject land is the existing Rainbow Beach residential estate. This estate is its final development stage having been developed under a development consent originally issued in the late 1980s.

The total land area is approximately 177.4 hectares.

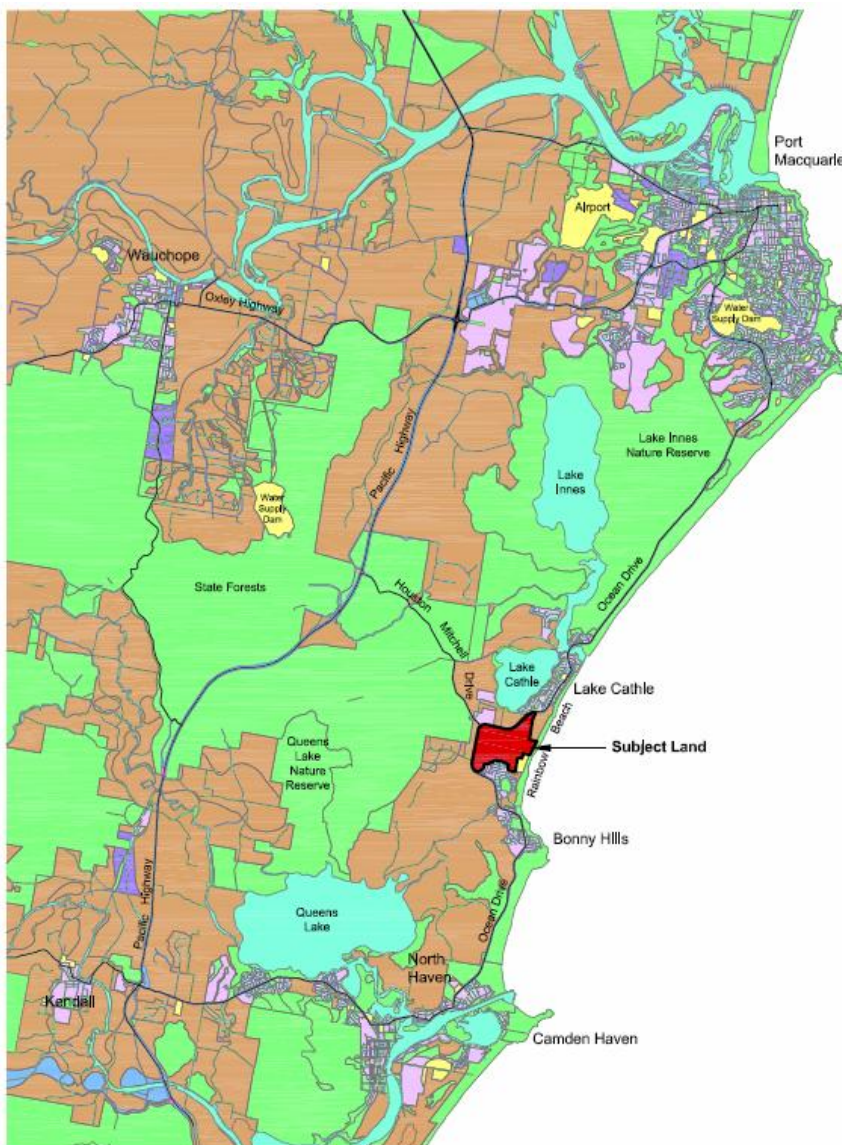


Figure 3: Location Plan. Source: Luke and Company EA.



Plate 1: View south across the site.



Plate 2: View from Rainbow Beach towards the site.



Plate 3: Track entrance onto Rainbow Beach.



Plate 4: Track through Littoral Rainforest.



Plate 5: Littoral Rainforest.



Plate 6: Existing edge of forest.



Plate 7: Existing treatment of interface between site and Crown Reserve

Historic landform modification done in association with a former development approval for an international sports resort (including golf course) during the 1980s has resulted in the construction of artificial drainage lines and bulk earthworks.

A 6.3 hectare, man-made lagoon located in the southern portion of the property was constructed as part of these mid 1980's development works. Excavated material from this lagoon was used to provide fill for the residential development located on the southern side of the lake. The residential development was developed by St Vincent's Foundation between 2000 and 2006.

The Proposal

The proposal is to rezone the subject site from R1 General Residential and RU1 Primary Production to R1, R3 Medium Density Residential, B2 Local Centre, RE1 Public recreation, E3 Environmental Management and E2 Environmental Conservation.

Part 1 - Objectives or Intended Outcomes

To enable the development of land at Part Lot 1232, DP 1142133, Lots 1, 2, 3 & 4, DP 1150758 and Lot 5 DP 25886, Ocean Drive for urban purposes, environmental management and public recreation uses.

Part 2 - Explanation of Provisions

To amend the Port Macquarie-Hastings Local Environmental Plan 2011 to rezone land at Part Lot 1232, DP 1142133, Lots 1, 2, 3 & 4, DP 1150758 and Lot 5 DP 25886, Ocean Drive, Lake Cathie from R1 General Residential and RU1 Primary Production to R1, R3 Medium Density Residential, B2 Local Centre, RE1 Public recreation, E3 Environmental Management and E2 Environmental Conservation.

Part 3 – Justification

Section A - Need for the planning proposal.

Is the planning proposal a result of any strategic study or report?

Area 14 has been formally identified as suitable for investigation for urban purposes since at least the adoption of the Hastings Urban Growth Strategy (HUGS) in 2001 (refer Figure 4).

The site is specifically identified for urban purposes in the Mid North Coast Regional Strategy (Figure 5) and most recently in the Urban Growth Management Strategy 2011 (Figure 6).

This is the strategic basis for supporting the detailed investigation of Area 14 – SVF for urban purposes and the justification for pursuing a planning proposal to rezone the site.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Concept Plan approval will enable the landowner to lodge a Project Application (or equivalent) for development in accordance with that approval. The site is currently zoned R1 General Residential and RU1 Primary Production which does not reflect the proposed uses enabled by a Concept Plan approval.

The Part 3A Concept Plan approval will delineate the proposed land uses therefore it is appropriate that the Local Environmental Plan reflects those.

The revocation of Part 3A of the Environmental Planning and Assessment Act 1979 is likely to result in the devolution of future development applications to Council or to the Joint Regional Planning Panel. It is beneficial that the Council's Local Environmental Plan reflect the Concept Plan so as to apply its development assessment framework.

The rezoning of the land to reflect the Concept Plan approval is the best means to achieve the intended objectives and outcomes for the site.

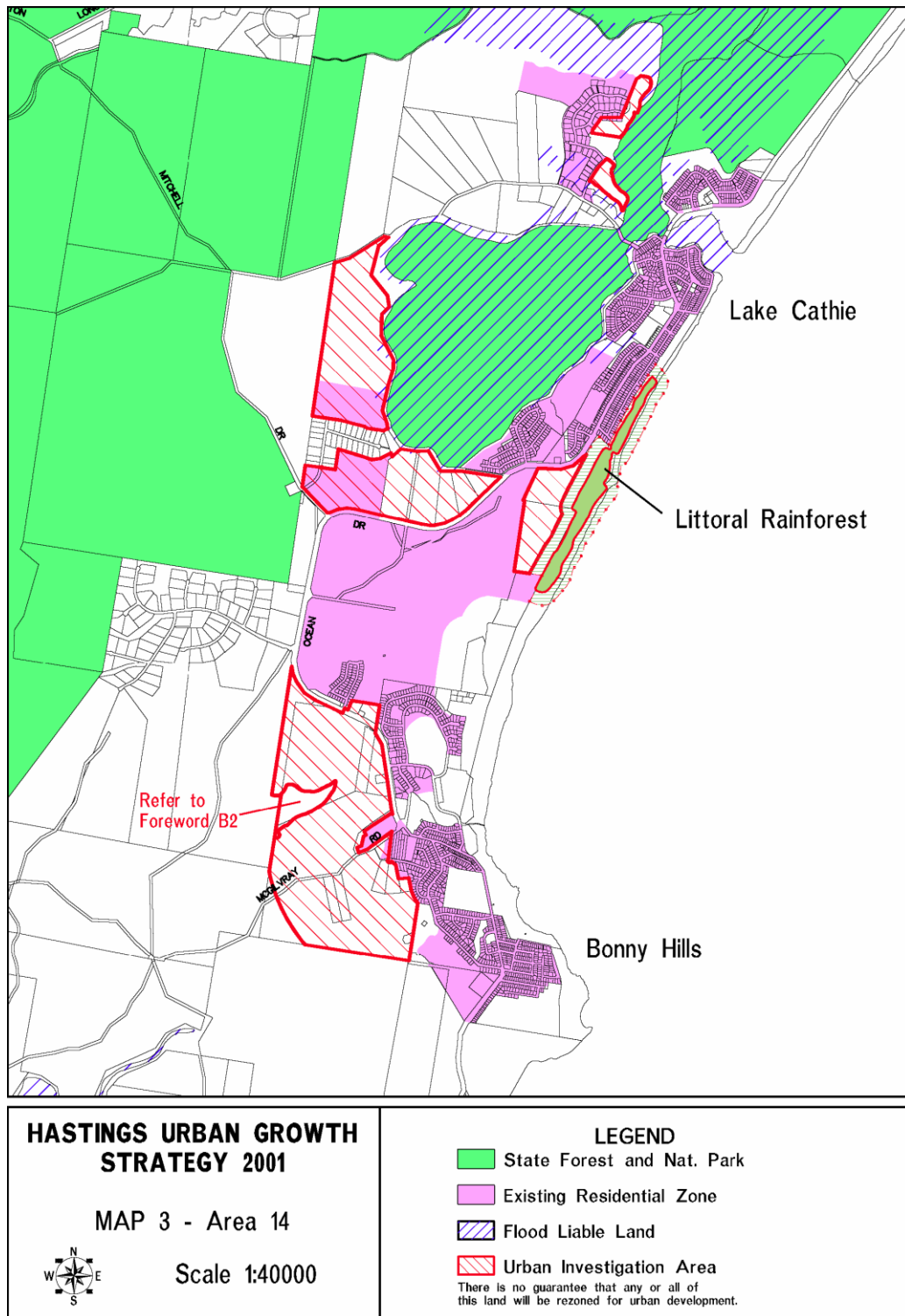


Figure 4: Extract from Hastings Urban Growth Strategy that identifies Area 14 Urban Investigation Areas.

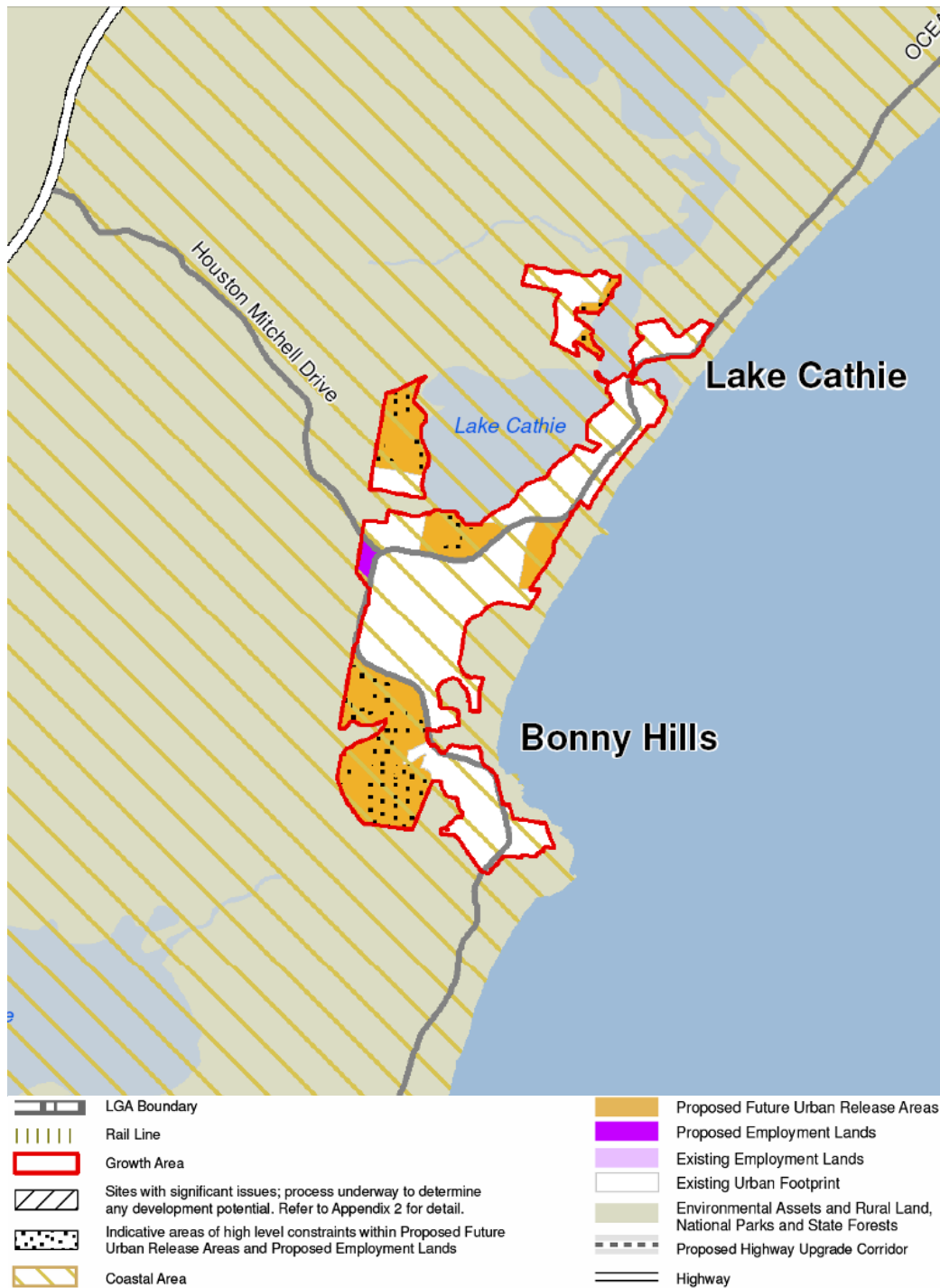


Figure 5: Extract from Mid North Coast Regional Strategy.

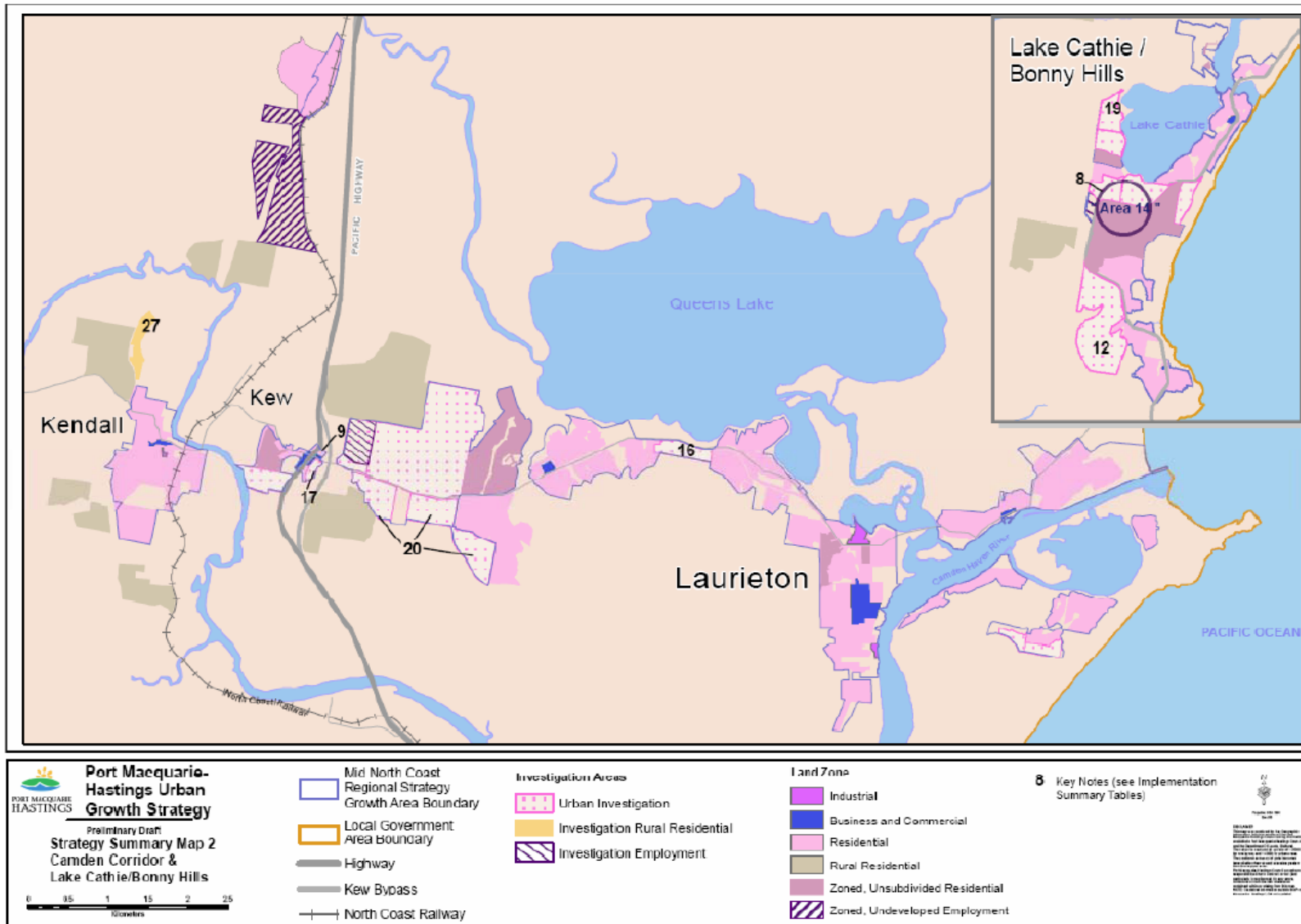


Figure 6: Extract from Urban Growth Management Strategy 2011.

Is there a net community benefit?

The site, being part of the Area 14 Urban Investigation Area, has been included in previous investigations in relation to social impact. The Concept Plan proposal represents a medium scale urban development within a much broader scale urban community comprising the area from Lake Cathie to Bonny Hills which is forecast to house approximately 10,000 people.

The Lake Cathie Bonny Hills Urban Design Master Plan 2004 prepared by Diecke Richards carried out the following investigations relevant to social impact:

- Population Growth and Community Needs (being the population characteristics, community facilities, education, childcare, sport and recreation, open space and economic needs of the area); and
- Community issues and values.

The community consultation process included design workshops which were attended by Council, the Hastings Urban Growth Strategy (HUGS) Implementation Committee, State Government agencies and the local community.

In addition a public meeting, the 'Community Visioning Workshop', was conducted and included representatives from the community, local organisations and the Lake Cathie and Bonny Hills Progress Association.

The workshops discussed the following issues relevant to Area 14:

- Movement – street network, public transport, pedestrian / cycle access, built form interfaces;
- Environment and heritage – fauna / flora, bushfire, Aboriginal archaeology, visual assessment, built form interfaces;
- Infrastructure – water, sewerage, soils, geotechnical, landslip, hydrology, drainage, flooding,
- Community and cultural needs – community facilities, education, retail, employment, cultural.

This process identified the significant issues for the community. In priority order these were:

1. Maintaining a village atmosphere and environmental values
2. Sensitive water management
3. Environmental management and wildlife corridors
4. Adequate infrastructure for development
5. Remedy existing infrastructure deficiencies
6. Urban/community/environment relationships
7. Integrated community centre
8. Ensure road system adequacy
9. Danger of overdevelopment

The following table provides a summary of the overall findings from the Master Plan process (Diecke Richards, 2003):

Table 1: Summary of overall findings from the Master Plan process.

Issue	Summary
1. General	- The population of the Hastings Local Government area is expected to grow to 97,800 by 2021; - The proportion of this growth planned for Area 14 is 9,900; - The Master Plan anticipates a final population of 10,000 for Area 14.
2. Population Characteristics	The Master Plan population differs from the NSW average in the following areas: - Older age profile, with less people in the 15 – 34 age group and more in the 60+; - Significant in-migration of families and retirees with out-migration of postsecondary school young people; - There is a similar proportion of children (therefore schools are full); - Individual incomes are generally lower than for NSW as a whole.
3. Facilities	A number of community facilities will be required, some of which requiring a catchment population of 6,000 to 7,000, including: - One state and one non-government primary school; - Community / cultural branch library; - Multi-purpose community centre; - A child care centre (30 to 50 place); - Sports facilities including soccer, baseball, tennis, rugby league, cricket and netball; - Open space, including passive areas, smaller parks and buffer areas adjoining sensitive ecological areas.
4. Economic needs	Facilities which will support the development of local employment, including the following sectors: - Retail; - Tourism; - Community services; and - Business, property and financial services. The above services should include: - Specialty and supermarket shopping; - Medical and other professional services; - Library; - Community centre; - Office space; - Tourist accommodation; - Tourist related services; - Tourist related retail; The higher order retail uses should be related to community facilities and schools; It would be anticipated that 30% of employment will be created in the Master Plan area to service the day to day needs of the residential community.
5. Industrial lands	A single area with good road access will be required.

Social Impact Assessment

The proposal triggers the Council's Social Impact Assessment Policy. No Social Impact Assessment has been undertaken as part of this planning proposal.

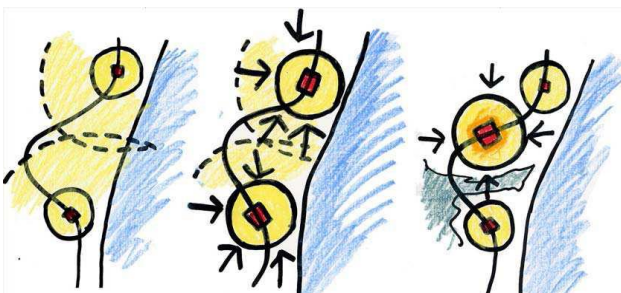
Net Community Benefit (Draft Centres Policy)

The "Guide to Preparing planning proposals" refers to the Net Community Benefits Test (NCBT) developed for its Draft Centres Policy. This test is required as part of the planning proposal preparation to evaluate the net community benefit of the planning proposal. The NCBT lists evaluation criteria that are reproduced in the table below. The proposal is assessed against each criterion and provided with an explanation and an evaluation – being 'not applicable'; 'negative'; 'neutral' or 'positive'.

Table 2: Assessment of Net Community Benefit of the proposed rezoning in accordance with the test development as part of the Department's Draft Centres Policy.

Evaluation Criteria	Evaluation	Benefit
Will the LEP be compatible with agreed State and regional strategic direction for development in the area?	Yes. Refer Section B - Relationship to strategic planning framework.	Neutral
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Yes. Refer <i>"Is the planning proposal a result of any strategic study or report?"</i> above.	Neutral
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	No. The site is part of a Master Plan area within an identified Urban Investigation Area.	Neutral
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	There are no other spot rezoning in the area. The other rezoning applications for precincts 1A and 1B are generally consistent with the Master Plan for the Area.	Neutral
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	A 4.8ha 'Village Centre' zone is proposed within the site. It is proposed to contain: • Community facilities including a branch library; • Multi-purpose community centre; • Child care centre; • Council administration centre; • Other commercial and retail activities. It is likely to generate a small amount of local employment. A report on the likely configuration of the village centre is provided at Appendix R.	Positive
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The proposal will provide additional housing for the Port Macquarie-Hastings and in particular the villages of Bonny Hills and Lake Cathie. The mixture of residential zones (R1 - General residential, R3 – Medium Density Residential) should encourage housing diversity however it is unclear if the additional housing will result in greater affordability. The development of the site requires significant investment in infrastructure such as roads, sewerage and water reticulation. In addition the earthworks required to win the fill will also add to the cost of the development. There is also a significant investment required to establish and then maintain the central corridor. These costs will be recovered from the land purchaser. Therefore it is unlikely that the development will result in affordable housing.	Positive
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The site is serviced by a regional road – Ocean Drive and by a single bus route that connects the Camden Haven to Port Macquarie via Area 14. The additional population is likely to support the existing public transport (buses) infrastructure. The development of Area 14 will require the upgrade of Ocean Drive to accommodate the additional population. This has been modelled and the proposed upgrades are represented in the Roadnet Traffic Assessment Report (Appendix D). The ultimate configuration of Ocean Drive will accommodate on road cycling and public transport infrastructure such as bus stops although this is not represented in the Traffic Impact Assessment. The Council proposes to prepare a corridor plan for Ocean Drive as part of the DCP. A proposed coastal cycle and pedestrian link is proposed to run through the site parallel to Rainbow Beach. There are also other pedestrian and cycling links proposed through the greater Area 14 area including through Areas 1A and 1B and into the existing Rainbow Beach estate.	Positive/Negative

Evaluation Criteria	Evaluation	Benefit
	Given the limited additional development in other areas along Ocean Drive such as Bonny Hills, North Haven and Laurieton it is unlikely that Ocean Drive would require upgrading in the absence of the development of Area 14. The development of Area 14 will result in the upgrading of Ocean Drive along the length of the site but will not contribute to any upgrades elsewhere on the route. The proposal does not consider the impact of the additional population at other key locations such as "Cathie Bridge" or "Cathie Straight" which may need augmenting to service the additional traffic. The other significant impact on infrastructure is those facilities that are already under strain such as schools and in particular medical facilities. The development of Area 14 includes at least (1) one and perhaps (2) schools and regional playing fields. The provision of medical facilities is an Australia-wide, regional problem. However the zoning plan will not prohibit the establishment of medical practices in Area 14 due to the provisions of the SEPP (Infrastructure).	
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	A village centre is proposed within the Area 14 – SVF precinct. It is expected that this will cater for the daily needs of the local population with a supermarket, bank/s and community facilities including a library. The 'hill top' village within the 1B precinct is expected to provide convenience services such as a neighbourhood shop. The population's higher order needs will continue to be provided by the other centres of Laurieton and Port Macquarie. Employment will continue to be provided at the larger centres although a small amount of local employment is expected. This will not result in changes to the car distance travelled but the additional population will support the existing bus service and encourage more frequent services.	Positive
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The key government investment has been in water and sewerage infrastructure. A moratorium on development in the Lake Cathie / Bonny Hills Area has recently been lifted on the commissioning of the upgraded sewerage treatment plant. The Council has also secured an interest free loan for the installation of trunk water infrastructure. The infrastructure will be paid for by the developer (through s68, s94 contributions and voluntary planning agreements) and the new residents (by their rates). A copy of the infrastructure report is at appendix E.	Positive.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	Detailed investigation into a range of environmental constraints including ecological (appendix F), flooding, groundwater (appendix G) and acid sulphate soils (appendix H) have been undertaken into account in the development of the proposed zoning layout. The most significant environmental constraint is the maintenance and enhancement of the central corridor and the restoration of key linkages through the site to the Queens Lake State Forest and Lake Innes Nature Reserve. The ecological values of the site have been assessed in a review of environmental factors for the entire Area 14 precinct and in a more detailed assessment by Darkheart Eco-consultancy in 2008. A copy of the report accompanies this planning proposal (appendix F). The proposed land use zone reflects the environmental values on the site. The dedication of the central corridor is an opportunity to secure this environmental asset within public ownership. The dunal vegetation south of the SEPP 26 Littoral Rainforest meets the criteria for listing as littoral rainforest/vine thickets under the EPBC Act. The impact of the proposed development on this littoral rainforest vegetation has not been assessed under the	Positive

Evaluation Criteria	Evaluation	Benefit
	requirements of EPBC Act. However the proponent has addressed its protection by providing a 26-51m revegetated buffer. The site is not identified as flood prone land as a result of a waterway overflowing its banks. However, it is subject to flooding caused by stormwater. The land affected by stormwater is within the 'central corridor' and proposed to be zoned E2 – Environmental Conservation. A more detailed discussion of flooding on the site is provided Section C - Environmental, social and economic impact. Acid sulphate soils are expected to be present in the lower areas of the site and in particular in a small area northwest of the proposed wetland. Further discussion on ASS has been provided in Section C - Environmental, social and economic impact.	
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The area is part of the Urban Design Master Plan for the whole of Area 14. It is generally consistent with the 2004 plan for the area. A detailed view analysis accompanies the planning proposal that investigates the sites relationship with the surrounding environment. The proposal will result in some key public spaces such as the 'village centre', the 'central corridor' and the 'local park' and the access track to Rainbow Beach. It will also provide a significant link in the proposed coastal bikeway and walkway. Ocean Drive is a designated tourist route and Council intends for it to also provide strong pedestrian and cycle links between the sub-precincts of Area 14. A considerate design response of this corridor will be important to provide a high level of amenity and safe and efficient function.	Positive
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The 'village centre' is proposed to be zoned B2 – Local Centre. It is expected to provide a range of community facilities and neighbourhood level commercial and retail facilities.	Positive
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	The UDMP considered 3 possible futures for the Lake Cathie – Bonny Hills area. Option 3 was chosen which involved the establishment of a new village centre. The proposal is generally consistent with the UDMP (Appendix A).  Figure 7: Possible future scenarios considered as part of the UDMP.	Neutral
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The Local Growth Management Strategy expects to accommodate additional population growth in the Hastings in the Wauchope-Port Macquarie Corridor (including Area 13), in Area 14, Area 15, infill sites and urban consolidation of the existing urban footprint. Area 14 – is expected to house a population of around 6000 people and therefore it is an important part of future provisions of residential land in the LGA. The implications for not proceeding at this time is negligible. Area 13 is approved (and expected to provide for around 10000 people), there are a number of infill sites and sufficient existing approved residential land to satisfy immediate and medium term	Neutral

Evaluation Criteria	Evaluation	Benefit
	housing demand for the region. The Council (and State Government) have invested significant funds in water and sewerage infrastructure to service development in Area 14, Lake Cathie and Port Macquarie. A negative impact of not proceeding at this time is the delay in paying off this infrastructure by development contributions.	

Table 2 discusses the net community benefits with reference to the format set out in the Department of Planning's 'Draft Centres Policy'. The only negative impact identified is the potential impact of the increased population on the greater road network and the impact of the additional population on community infrastructure such as schools and medical facilities.

The remaining assessment is either neutral or positive.

It is considered that the net community benefit of the proposal is POSITIVE.

Section B - Relationship to strategic planning framework.

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Mid North Coast Regional Strategy identifies the site as a proposed future release area (Refer Figure 5). The proposal to rezone the site is consistent with the objectives and actions contained within the Mid North Coast Regional Strategy.

Table 3: Summary of objectives of the Mid North Coast Regional Strategy.

Objectives	Response
Protect high value environments, including significant coastal lakes, estuaries, aquifers, threatened species, vegetation communities and habitat corridors by ensuring that new urban development avoids these important areas and their catchments.	Detailed investigation into a range of environmental constraints including ecological, flooding, groundwater and acid sulphate soils have been undertaken into account in the development of the proposed zoning layout. The most significant environmental constraint is the maintenance and enhancement of the central corridor and the restoration of key linkages through the site to the Queens Lake State Forest and Lake Innes Nature Reserve. The ecological values of the site have been assessed in a review of environmental factors for the entire Area 14 precinct and in a more detailed assessment by Darkheart Eco-consultancy in 2008. A copy of the report accompanies this planning proposal and an update has been provided in the PPR (Appendix C). The proposed land use zone reflects the environmental values on the site. The dedication of the central corridor is an opportunity to secure this environmental asset within public ownership. The dunal vegetation south of the SEPP-26 Littoral Rainforest meets the criteria for listing as littoral rainforest/vine thickets under the EPBC Act. The impact of the proposed eco-tourism site on this littoral rainforest vegetation has not been assessed under the requirements of EPBC Act. The site is not identified as flood prone land. However, it is subject to flooding caused by stormwater. The land affected by stormwater is within the 'central corridor' and proposed to be zoned E2 – Environmental Conservation. A more detailed discussion of flooding on the site is provided in Section C - Environmental, social and economic impact. Acid sulphate soils are expected to be present in the lower areas of the site and in particular in a small area northwest of the proposed wetland. Further discussion on ASS has been provided in Section C - Environmental, social and economic impact.
Cater for a minimum housing demand of 59,600 new dwellings by 2031 to accommodate the forecast population increase of 94,000 and any anticipated growth beyond this figure arising from increased development pressures in the Region.	The proposed development will cater for additional residential development within an area identified by HUGS and the Lake Cathie/Bonny Hills UDMP as being a suitable location.
Ensure that new housing meets the needs of smaller households and an ageing population by encouraging a shift in dwelling mix and type so that 60 percent of new housing is the traditional detached style and 40 percent is of multi unit style.	The proposed development will include a mix of low density, medium density and commercial generally in accordance with the Greater Lake Cathie and Bonny Hills Urban Design Master Plan and the MNCRS. There are minor deviations from the UDMP in terms of the footprint of the various residential land uses. However the dwelling yield proposed in the Part 3A Applications are comparable: UDMP 1109 Dwellings: Concept Plan

Objectives	Response
	Application: 1015 Dwellings.
Ensure an adequate supply of land exists to support economic growth and the capacity for an additional 48,500 jobs in the Region by protecting existing commercial and employment areas and securing sufficient land to support new employment opportunities.	New employment opportunities will be available with the development of the proposed Village Centre. There is also an employment area identified within the greater Area 14 urban investigation area.
Encourage the growth and redevelopment of the Region's four major regional centres and six major towns as a means of protecting sensitive coastal and natural environments and strengthening the economic and administrative functions of these centres as well as meeting increased density projections.	The Area 14 locality within which the site is located has been identified for future urban growth since the adoption of the Hastings Urban Growth Strategy in 2001. Area 14 is also recognised in the MNCRS as one of the major investigation areas within which growth will occur in the PMH Local Government Area. This strategic plan has promoted the development of a 'village' between Lake Cathie and Bonny Hills, whilst maintaining and protecting its unique environmental features. The subject application is the culmination of detailed investigation which has each confirmed that the site can be developed, in accordance with the strategic documents, as set out in this submission.
Protect the coast and the character of coastal villages by limiting growth to the agreed growth areas of towns and villages leaving greenbelts between settlements.	The site is located within an agreed 'growth area' as identified by HUGS, the Lake Cathie/Bonny Hills UDMP and the MNCRS.
Direct new rural residential development to areas close to existing settlements away from the coast.	Not applicable
Only consider additional development sites outside of growth areas if they can satisfy the Sustainability Criteria.	Not applicable
Designate a coastal area east of the proposed final alignment of the Pacific Highway from which application of the Sustainability Criteria will be excluded (noting that approximately 70 per cent of the future dwelling capacity identified within growth areas is already within the Coastal Area).	Not applicable
Limit development in places constrained by coastal processes, flooding, wetlands, important primary industry land and landscapes of high scenic and conservation value.	Detailed investigations of the site with regard to all site constraints have been undertaken. These studies all confirm that development of the site as described in this submission is appropriate.
Protect the cultural and Aboriginal heritage values and visual character of rural and coastal towns and villages and surrounding landscapes.	The Aboriginal Archaeological and Cultural Heritage of the site has been the subject of a number of investigations. Further discussion on the aboriginal archaeology is provided at Section C - Environmental, social and economic impact.
Where development or rezoning increases the need for State Infrastructure, the Minister for Planning may require a contribution to the infrastructure having regard to the NSW Government State Infrastructure Strategy and equity considerations.	A Voluntary Planning Agreement has been executed. No State Infrastructure requirements have been identified to date.

Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The proposal is consistent with the Urban Growth Management Strategy.

The objectives of that strategy are as follows;

Table 4: Urban Growth Management Strategy Objectives.

Objectives	Response
Provide an efficient settlement pattern that will maximise residents' access to services and facilities and reduce the cost of infrastructure to private, public and community sector providers.	The Area 14 locality within which the site is located has been identified for future urban growth since the adoption of the Hastings Urban Growth Strategy in 2001. Area 14 is also recognised in the MNCRS as one of the major investigation areas within which growth will occur in

Objectives	Response
	the Port Macquarie-Hastings Local Government Area. This strategic plan promoted the development of a 'village' between Lake Cathie and Bonny Hills, whilst maintaining and protecting its unique environmental features. The subject application is the culmination of detailed investigation which has each confirmed that the site can be developed, in accordance with the strategic documents, as set out in this submission.
Provide sufficient land to accommodate the kinds of households expected to be living in and visiting the area.	The proposed development will include a mix of low density, and medium density residential, commercial, retail and community uses that is generally in accordance with the Greater Lake Cathie and Bonny Hills Urban Design Master Plan and the MNCRS. There is a deviation from the originally proposed area of medium density housing however the dwelling yields between the UDMP and the Concept Plan are similar.
Allocate land for employment growth and protect economic resources in line with population growth and suited to changing business enterprise needs and opportunities.	New employment opportunities will be available with the development of the proposed village centre. There is also an employment area within the greater Area 14 urban investigation area although not part of this planning proposal.
Conserve the natural environment and provide opportunities to extend valuable biodiversity lands and protect threatened species.	The proposal includes a large area of land termed 'the central corridor' that is proposed to be zoned 'environmental management'. The Part 3A Project Application includes the rehabilitation and revegetation of the corridor. This land will be dedicated to Council in accordance with the Draft Voluntary Planning Agreement accompanying the Part 3A Applications. The master planning process and review of environmental factors identified key environmental assets in the area. These have been reflected in the proposed zoning layout.
Integrate the Urban Growth Management Strategy with other Council strategic plans and land use plans, including planned infrastructure and facilities.	The proposed development is consistent with the Area 14 - Urban Design Master Plan, the Hastings Urban Growth Strategy and the draft Urban Growth Management Strategy.

Is the planning proposal consistent with applicable state environmental planning policies?

SEPP (Major Development) 2005

The repeal of Part 3A of the Environmental Planning and Assessment Act resulted in the repeal of clause 1 of Schedule 2 to the Major Development SEPP. The effect of the repeal means that Part 3A of the Act no longer applies to coastal subdivision.

Therefore new development applications for coastal subdivision will be lodged and assessed under Part 4 of the Act.

The amendment to the Major Development SEPP sets out special assessment requirements for new applications under Part 4 of the Act which relate to a site which is already the subject of an approved concept plan under Part 3A.

Specifically, councils will be required to assess development applications for these proposals consistently with the approved concept plan, notwithstanding any:

1. prohibition, and
2. non-compliance with any development standard that would otherwise apply in any relevant environmental planning instrument.

SEPP 26 – Littoral Rainforest

SEPP 26 does not apply to residential land and therefore not applicable under cl4. However, Council has determined that the vegetation south of the access track constitutes littoral rainforest/vine thicket under the Federal Environment Protection and Biodiversity Conservation Act (EPBC Act).

The ecological report and Preferred Project Report (PPR) do consider the impact of development on the littoral rainforest. The PPR includes a Designated Development Area (DDA) that includes requirements for the interface between development and the adjoining littoral rainforest including a buffer that varies between 26-51m in width (refer Figure 8).

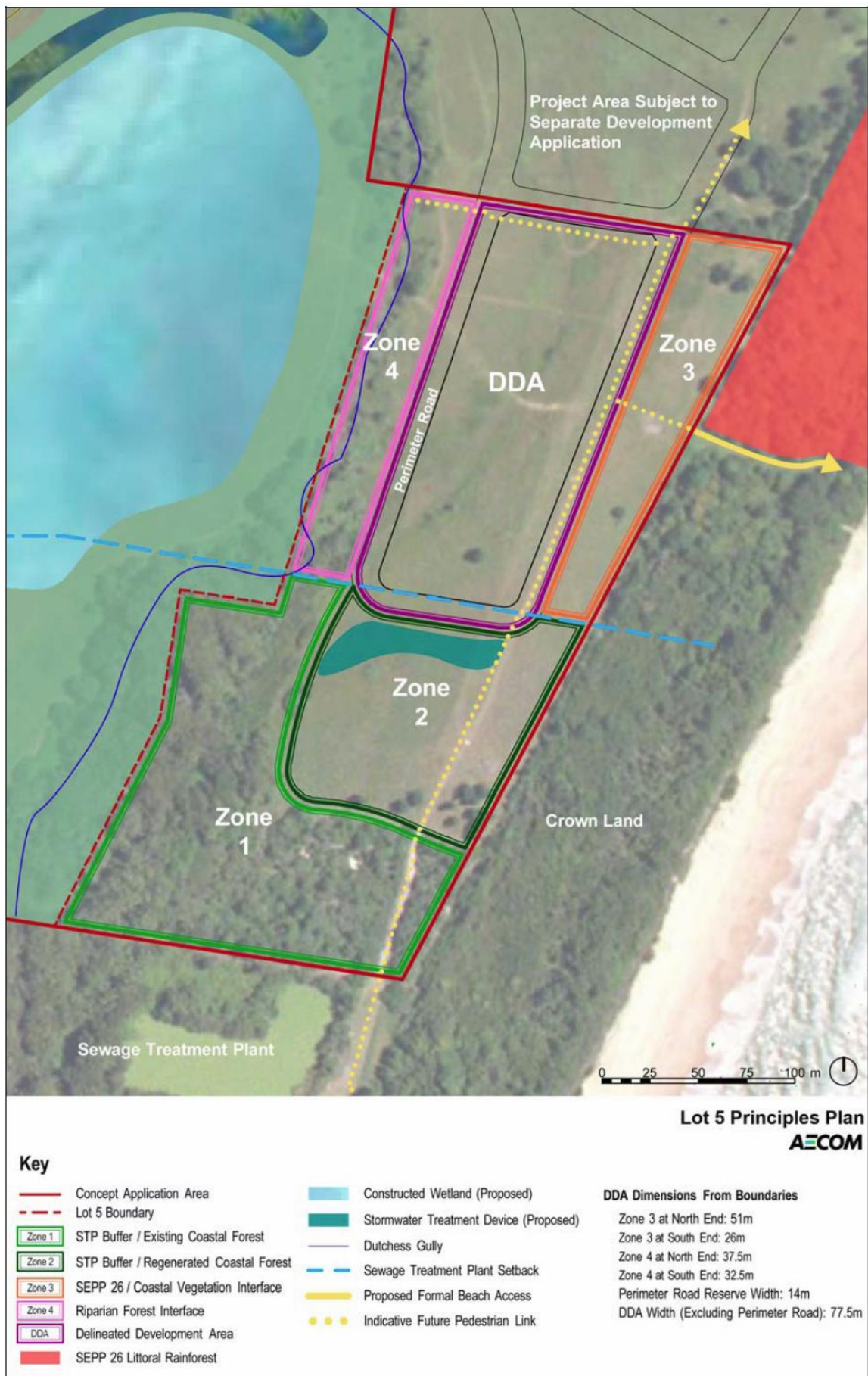


Figure 8: Lot 5 Principles Plan. Preferred Project Report accompanying Part 3A Concept Plan Application.

SEPP 44 – Koala Habitat Protection

This policy applies to land within the Port Macquarie - Hastings local government area.

The aim of SEPP 44 is:

to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:

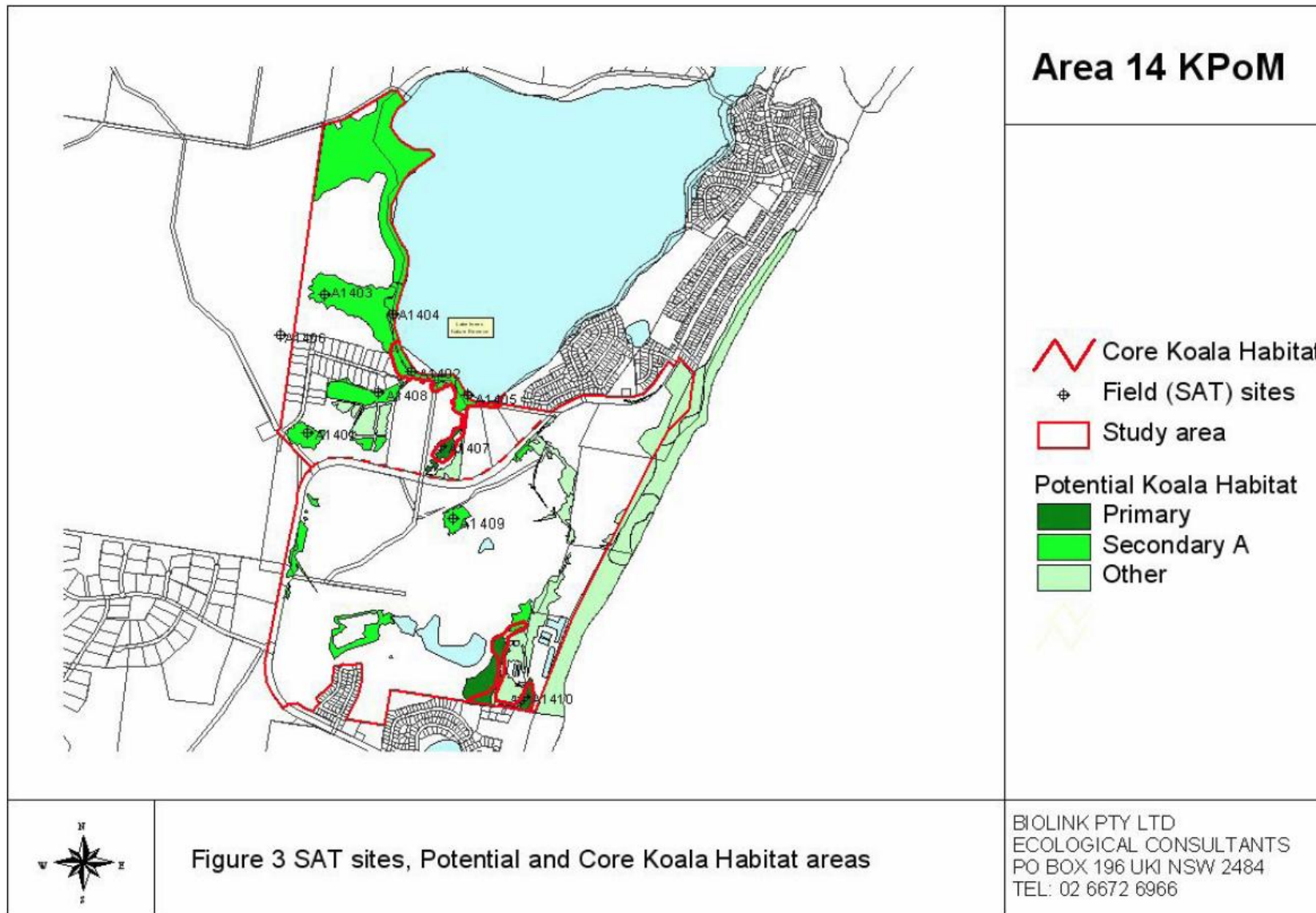
- (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and*
- (b) by encouraging the identification of areas of core koala habitat, and*
- (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones*

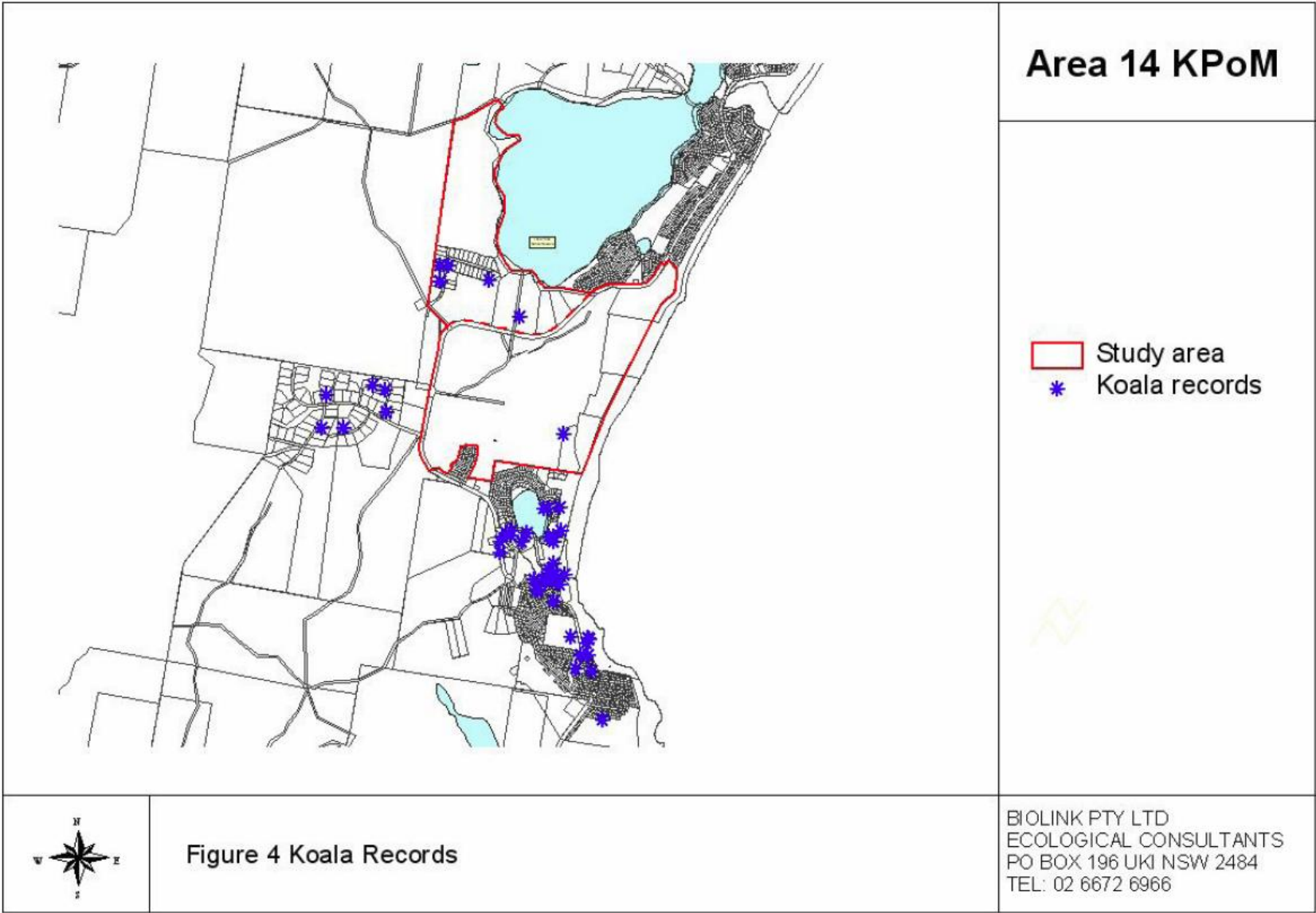
Council commissioned a Koala Plan of Management (KPOM) for the Area 14 Urban Investigation Area. The KPOM is currently with the Department of Planning and Infrastructure for approval.

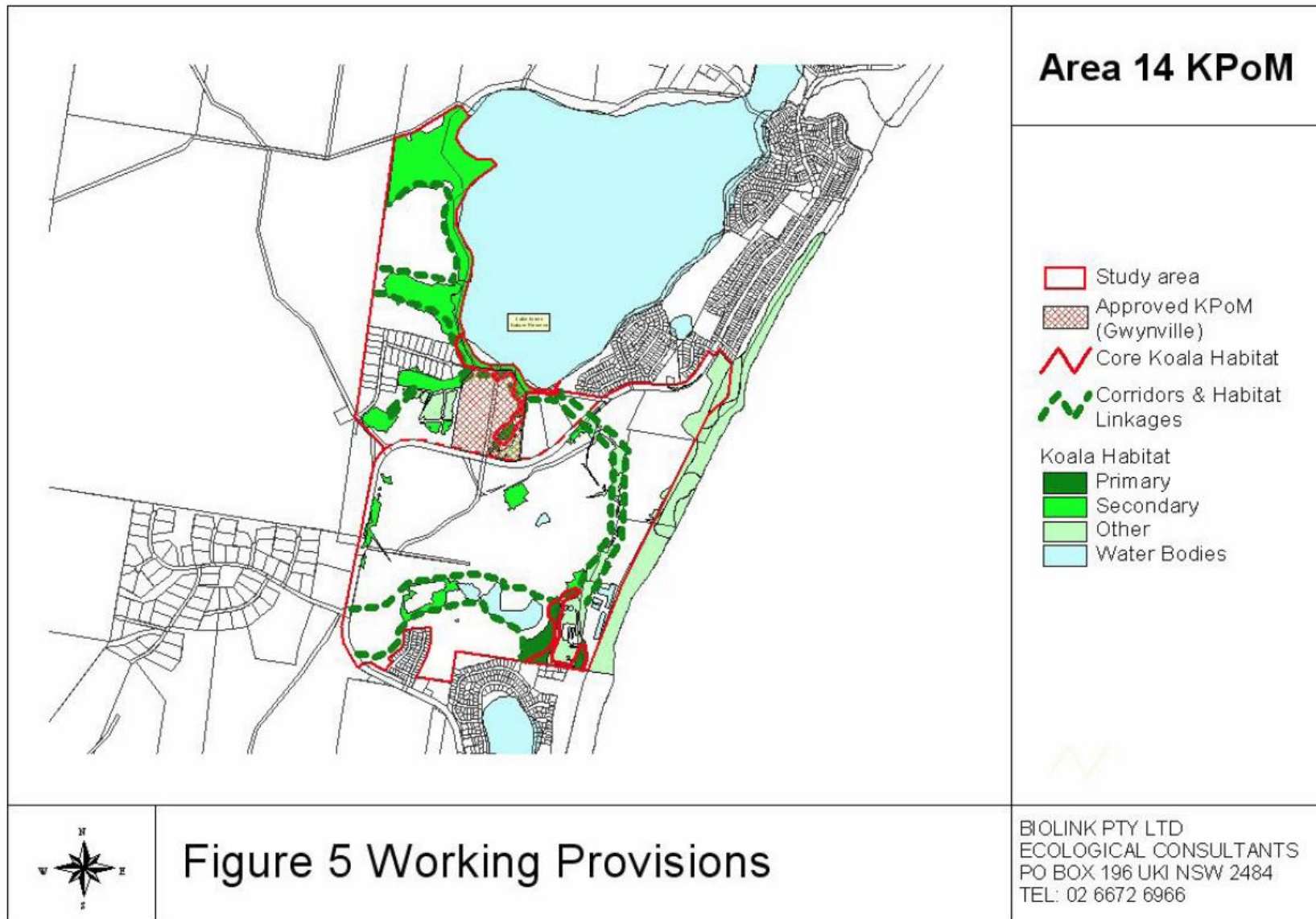
The site contains both primary and secondary koala habitat and provides an important linkage between the koala population on the site and adjoining sites and the Lake Innes Nature Reserve and Queens Lake State Forest.

The draft KPOM provides development provisions for the site. The zoning plan provides protection to the identified corridors through the site.

The draft KPOM is attached to this proposal (appendix I).







SEPP 55 – Remediation of Land

The proponent has carried out a Preliminary Site Investigation (PSI) because of the site's previous agricultural usage. A full copy of this investigation is included attached to this planning proposal.

The PSI identified that localised site contamination was identified that correspond to tow small areas of waste oil spillage near an existing shed and possible creosote used around the base of overhead powerlines.

The two (2) existing dwelling are both likely to contain asbestos building material which will require appropriate safety measures when the buildings are demolished.

The report concluded that the level of contamination is minor and these sites may be readily treated during the development of the land.

A copy of the report is at appendix H.

SEPP 71 – Coastal Protection

This State Environmental Planning Policy 71 – Coastal Protection aims:

- A. To protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and*
- B. To protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- C. To ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and*

The subject land has frontage to Rainbow Beach along the eastern boundary of Lot 5. This is the location of an existing informal beach access that is used by the general public albeit over private land.

The Part 3A Project Application includes the formalisation of this access. Council has requested that the access is consistent with that approved in the Part 3A Project Approval for Area 14 -1B.

There is an opportunity to continue the coastal walk through the site and link any pedestrian and cycling assets north and south of the site. However, the proposed alignment is jointly located on the alignment of an ex-filtration trench and partly on Crown Land. The PPR provides for the north-south shareway to be provided through the open space corridor.

This is consistent with Councils advice to the proponent.

- D. To protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and*

A number of investigations have been undertaken over the property in relation to Aboriginal heritage. These are discussed in Section C - Environmental, social and economic impact.

A copy of the cultural heritage assessment is attached to this report (Appendix J).

- E. To ensure that the visual amenity of the coast is protected, and*

Luke and Company have prepared a view analysis (Appendix K). The visual impact has been considered from a number of different viewpoints around the subject land. These include views from the existing residential subdivision to the south (at Magellan Drive), the intersections of Ocean Drive with Houston Mitchell Drive and Abel Tasman Drive which will provide views into the property, and the view of the land from more distant locations. These include elevated locations from the shops closest to the Rainbow Beach surf club, and the view from North Brother Mountain. Views from Rainbow Beach have also been considered.

The view analysis concludes that the development will have minimal visual impact from key locations.

The development of the site will fundamentally change the landscape. The public expectation that development would occur on the site should temper most adverse reactions. Council has sought urban design advice to ensure that the views from Ocean Drive to landscape features (Jolly Nose, North Brother) are maintained. The proponent has also demonstrated that the development will not be visible from Rainbow Beach.

Copy of the view analysis is attached to this planning proposal.

F. To protect and preserve beach environments and beach amenity, and

The key threat to the beach environment from the development is uncontrolled access to the beach through the littoral rainforest and dune. In a response to protect the littoral rainforest a single formal access track will be provided to the beach from the urban development.

G. To protect and preserve native coastal vegetation, and

The proposal includes an 86.1ha open space, drainage and wildlife habitat corridor that will be revegetation with native coastal vegetation.

The corridor will provide an important link between the foreshore including the littoral rainforest and Queens Lake State Forest.

The proposal will also provide protection to the EPBC Act Littoral Rainforest.

H. To protect and preserve the marine environment of New South Wales, and

Extensive investigation supports this planning proposal in regard to the protection and preservation of the marine environment in this location. The protection of the littoral rainforest, the allowance for coastal erosion, stormwater management, and formalised beach access are some of the considerations that aim to protect the marine environment.

I. To protect and preserve rock platforms, and

Not applicable

J. To manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the [Protection of the Environment Administration Act 1991](#)), and

The proposal is supported by a robust body of investigation and the development offers an opportunity to rehabilitate and enhance a large area of the coastal zone in this location. Ultimately this will be secured in public ownership.

- K. To ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and*

A view analysis has been prepared and supports the application. The analysis has been described in detail above. The analysis demonstrates that the key views into, through and out of the site are maintained or managed appropriately.

- L. To encourage a strategic approach to coastal management.*

The proposal is supported by the a hierarchy of strategic planning documents including;

- The Mid North Coast Regional Strategy;
- The Urban Growth Strategy 2011;
- The Hastings Urban Growth Strategy 2001;
- The Area 14 Urban Design Master Plan.

Clause 8 of the SEPP 71 – Coastal Protection are the matters for consideration and are as follows. Many of these have been addressed in the ‘aims’ above.

- A. the aims of this Policy set out in clause 2,*

These have been addressed above.

- B. existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,*
- C. opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,*

Currently there is no legal or formalised public access through the site to the Rainbow Beach in this location.

Improved public access will be provided by a suitably designed pedestrian access way through the rainforest to Rainbow Beach. The provision of appropriate public access will ensure both the protection of the sensitive coastal area and enjoyment by the public of the unique environmental feature.

Due to the nature of the environment at this location and in particular the transition through the active dune system, there will be no opportunity for disabled access to Rainbow Beach. The formalised walkway will provide better access and may provide opportunities for people with mobility impairment to experience the littoral rainforest.

There are other opportunities at both Lake Cathie and Bonny Hills where access for persons with a disability is available.

- D. the suitability of development given its type, location and design and its relationship with the surrounding area,*
- E. any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,*
- F. the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,*

Refer AIMS E, F and K above.

- G. measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,*
- H. measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats*
- I. existing wildlife corridors and the impact of development on these corridors,*

Refer AIMS G, H and I above.

- J. the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,*

Refer Section C - Environmental, social and economic impact.

- K. measures to reduce the potential for conflict between land-based and water-based coastal activities,*

Not applicable

- L. measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,*

Refer AIM D above.

- M. likely impacts of development on the water quality of coastal waterbodies,*

Refer Section C - Environmental, social and economic impact.

- N. the conservation and preservation of items of heritage, archaeological or historic significance,*

Refer AIM D above and Section C - Environmental, social and economic impact.

- O. only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,*

The Urban Growth Management Strategy 2011, Hastings Urban Growth Strategy 2001 and UDMP 2004 are part of suite of development strategies that have been developed to encourage coordinated urban development outcomes across the Port Macquarie-Hastings area.

The UDMP included identification of three alternative future growth strategies. The preferred strategy is that of a new village which provides higher order needs for the new and existing two settlements of Lake Cathie and Bonny Hills. Deicke Richards provides the following reasons for preferring this model:

- Lake Cathie and Bonny Hills are separated, there is enough land that is well integrated and connected to the overall urban structure of Area 14 to accommodate new discrete neighbourhoods or villages between them;
- There are environmental corridors restricting the area of expansion around Lake Cathie and Bonny Hills;
- Larger portions of the site are in single ownerships. This allows appropriate areas of land for large scale uses; supermarkets, community facilities, schools, regional sporting facilities to be incorporated and their inter-relationships will readily be achieved;
- The land is undulating and elevated facilitating high quality urban design outcomes;
- The existing settlements will have less pressure and need for major redevelopment allowing them to easily retain their existing character;
- Street systems can be designed to accommodate a variety of lot sizes and housing types.

The UDMP included a zoning layout that provided for a range of housing types – including a large area of medium density. The proposed zoning plan is generally consistent with the UDMP and the proposed dwelling yields are similar.

- P. only in cases in which a development application in relation to proposed development is determined:*
- (i) the cumulative impacts of the proposed development on the environment, and*
 - (ii) measures to ensure that water and energy usage by the proposed development is efficient.*

Not applicable.

SEPP - Rural Lands and Mid North Coast Farmland Mapping Project

The site is zoned R1 General Residential and a small part of the site is RU1 – Primary Production. The rural land is zoned as such because it falls within the buffer area of the sewerage treatment plant rather than having any primary production function.

Therefore it is not considered necessary to provide any further assessment against this SEPP or policy.

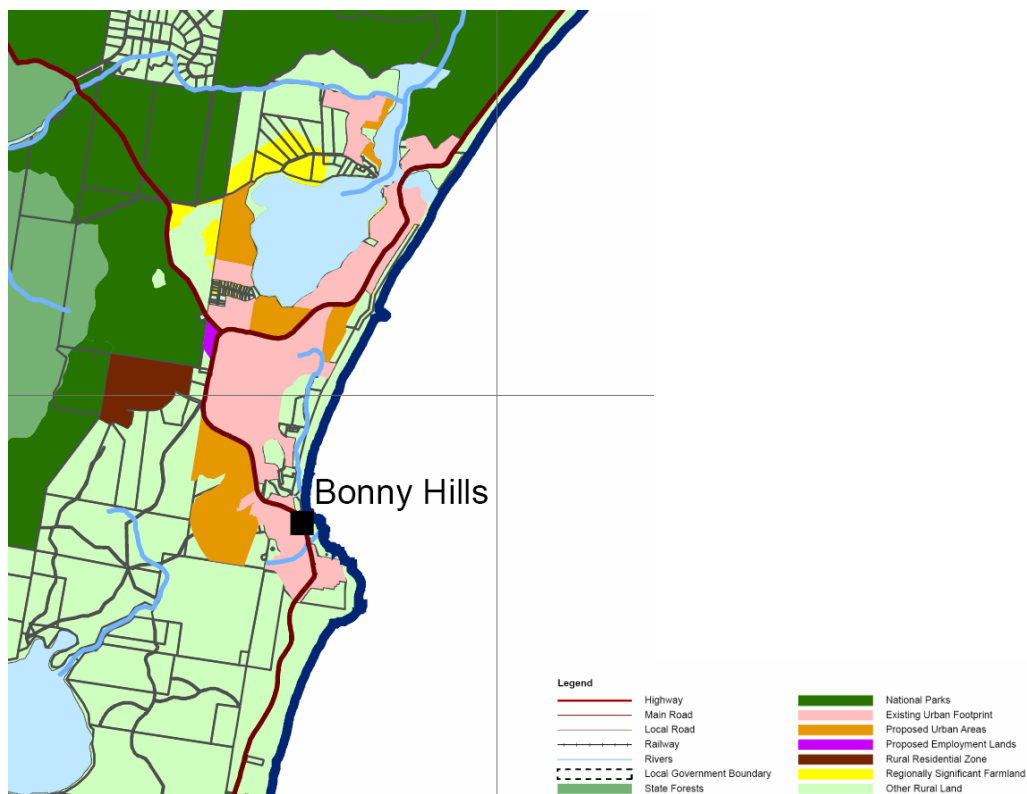


Figure 9: Mid North Coast Farmland Mapping Project

NSW Coastal Policy 1997

The New South Wales Coastal Policy is the Government's policy for the co-ordinated planning and management of the NSW coastline.

The overriding vision for the policy is the ecological sustainability of the NSW coast. Therefore the policy is goal oriented and based on the principles of ecologically sustainable development (ESD).

To express this vision, nine (9) goals have been developed, each with its own objectives and strategic actions.

Under the Coastal Policy the study site, being situated within 1km on the landward side of high tide, falls within the 'littoral coastal sub-zone'. Therefore in accordance with the policy the relevant strategic actions will primarily be in relation to, but not limited to, shoreline recession, climate change and coastal processes.

The nine goals embodied in the Coastal Policy are particularly relevant to the subject proposal.

1. Protecting, rehabilitating and improving the natural environment of the coastal zone;

The proposal offers an opportunity to rehabilitate a large portion of the coastal zone in this location and securing this in public ownership.

2. Recognising and accommodating the natural processes of the coastal zone;

The natural processes of the coastal zone have been considered in the preparation of this submission, including the effects of climate change and flooding. Specialist studies have confirmed that these natural processes can be suitably managed and will not detrimentally affect the development of the site. SMEC's Coastal Hazard Study plots coastal erosion hazard lines for 'immediate', '2050' and '2100'. A copy of the report is at appendix L.

3. Protecting and enhancing the aesthetic qualities of the coastal zone;

A visual impact assessment has been undertaken which included the preparation of sight cross-sections from the beach to the site. These investigations support that whilst the site is highly visible from surrounding existing urban areas, the existing urban character can absorb the proposed view change without causing a significant change in visual character.

The assessment also found that the existing density, scale and height of the rainforest ensure that the site is not visible from the adjoining coastline of Rainbow Beach.

On this basis, it is determined that the development shall not have a detrimental impact on the aesthetic or scenic qualities of the coastal zone.

4. Protecting and conserving the cultural heritage of the coastal zone;

Aboriginal cultural and heritage values have been considered and addressed as a part of the proposal and is discussed in detail at Section C - Environmental, social and economic impact. A copy of the assessment is at appendix J.

5. Providing for ecologically sustainable development and use of resources;

The proposal promotes the principles of ecologically sustainable development (ESD) including the conservation and protection of the sites flora and fauna and scenic attractions for future generations. The site is identified in the Mid North Coast Regional Strategy as 'future urban release area'.

6. Providing for ecologically sustainable human settlement in the coastal zone;

The development of the site is consistent with Council's Strategic Framework for the area. Development is proposed which will enable a wider range of housing and lifestyle choices within a contained and well planned urban setting. The development will also result in a rehabilitated

corridor that will function in part as a corridor between the coast and the Queens Lake State Forest and Lake Innes Nature Reserve.

7. Providing for appropriate public access and use;

Formalised public access to Rainbow Beach is to be provided.

8. *Providing information to enable effective management of the coastal zone; and*

It is expected that appropriate information for prospective purchasers of land adjoining the buffer to the littoral rainforest will be provided. It is also expected that the site will provide an opportunity to educate the public with potential to erect interpretive signage at an appropriate location/s.

9. *Providing for integrated planning and management of the coastal zone.*

By satisfying these nine (9) goals and therefore their respective objectives and strategic actions, appropriate development for the study site can be realised.

North Coast Regional Environmental Plan

The North Coast Regional Environmental Plan applies to the Port Macquarie-Hastings Council Local Government Area and the aims of this policy must be considered in relation to the preparation of a LEP.

The aims of this policy are:

- A. *to develop regional policies that protect the natural environment, encourage an efficient and attractive built environment and guide development into a productive yet environmentally sound future,*
- B. *to consolidate and amend various existing policies applying to the region, make them more appropriate to regional needs and place them in an overall context of regional policy,*
- C. *to provide a basis for the co-ordination of activities related to growth in the region and encourage optimum economic and social benefit to the local community and visitors to the region, and*
- D. *to initiate a regional planning process that will serve as a framework for identifying priorities for further investigation to be carried out by the Department and other agencies.*

The proposal to rezone the site is supported by a robust strategic planning framework including;

- The Mid North Coast Regional Strategy 2009;
- The Urban Growth Management Strategy 2011;
- The Lake Cathie - Bonny Hills Urban Design Master Plan 2004
- The Hastings Urban Growth Strategy 2001.

These strategic planning documents are the outputs of the NCRLEP and the Mid North Coast Regional Planning Strategy.

The aims of this policy are covered in depth in the discussion of other legislative and policy throughout this planning proposal and therefore are not reiterated here.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The relevant s117 directions are:

<i>S117(2) Direction – title & objectives</i>	<i>Draft LEP consistency – Council comments</i>
1. Employment and Resources	
1.1 Business and Industrial Zones The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	CONSISTENT There is a village centre proposed within the precinct. The proposed zoning is B2 Local Centre that allows a variety of business uses. The village centre is also proposed to contain community facilities.
1.2 Rural Zones The objective of this direction is to protect the agricultural production value of rural land.	CONSISTENT Only a small part of the site is zoned RU1 – Primary Production. The rural zoning is a result of the STP buffer that precluded it from being rezoned when the rest of the site was zoned for residential purposes. The proposed rezoning is supported by the Mid North Coast Regional Strategy identified as Proposed Future Urban Release Area and Existing Urban Footprint. The site is identified as Proposed Urban Area and Existing Urban Footprint in the Mid North Coast Farmland Mapping Project. The small area of rural land has no rural value as it is surrounded by zoned, residential land and is isolated from any other rural land.
1.3 Mining, Petroleum Production and Extractive Industries The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	NOT APPLICABLE There are no mining, petroleum production and extractive industries identified in the immediate area.
1.4 Oyster Aquaculture The objectives of this direction are: (a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a draft LEP, (b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.	NOT APPLICABLE The site will not affect a Priority Oyster Aquaculture Area (POAA). The catchment drains to Duchess Creek.
1.5 Rural Lands The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes.	CONSISTENT The proposed rezoning is supported by the Mid North Coast Regional Strategy identified as Existing Urban Footprint
2. Environment and Heritage	
2.1 Environmental Protection Zones The objective of this direction is to protect and conserve environmentally sensitive areas.	CONSISTENT The proposed zoning plan has been informed by a number of environmental and ecological studies on the site. Those lands identified as ecologically significant or constrained are proposed to be captured in E2 Environmental Conservation zone. The revised PPR and Statement of Commitments provides a 51-26m buffer to the EPBC Act Littoral Rainforest and connects the coastal foreshore with the Queens Lake State Forest via a 86.1ha open space, drainage and habitat corridor.

S117(2) Direction – title & objectives	Draft LEP consistency – Council comments
	The corridor and buffer areas will be secured in public ownership. An E3 Environmental Management zone will be applied to a 10m wide 'strip' along Ocean Drive. The buffer is identified in the Part 3A Concept Approval being assessed by the Department of Planning and Infrastructure.
2.2 Coastal Protection The objective of this direction is to implement the principles in the NSW Coastal Policy.	CONSISTENT The Port Macquarie-Hastings LEP 2011 includes clause 5.5 <i>Development within the coastal zone</i> which is compulsory and gives effect to: (a) the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and (b) the Coastal Design Guidelines 2003, and (c) the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990). This planning proposal provides detailed assessment against: • The NSW Coastal Policy • SEPP71 – Coastal Protection • Coastal Design Guidelines • Mid North Coast Regional Strategy
2.3 Heritage Conservation The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	CONSISTENT A cultural heritage assessment has been undertaken as part of the proposed Part 3A Concept Plan / Project Application and previous development applications. A detailed discussion has been provided at Section C - Environmental, social and economic impact. The assessment concludes that development can occur on the site subject to specific conditions that the assessment recommends.
2.4 Recreation Vehicle Areas The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	CONSISTENT Recreational vehicles are currently permitted on the stretch of beach from Middle Rock Point to Duchess Creek. There is only a single entry/exit point along this stretch at Middle Rock Point. No access is provided or proposed between the beach and the residential area. It is likely that as a result of this rezoning Council would review its existing policy in regard to recreational vehicle access along this stretch. However this would not be required until the area is populated.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	CONSISTENT The Urban Growth Management Strategy 2011, Hastings Urban Growth Strategy 2001 and Lake Cathie - Bonny Hills UDMP 2004 are part of suite of development strategies that have been developed to encourage coordinated urban development outcomes across the Port Macquarie-Hastings area. The UDMP included identification of three alternative future growth strategies. The preferred strategy is that of a new village which provides higher order needs for the new and existing two settlements of Lake Cathie and Bonny Hills. Deicke Richards provides the following reasons for preferring this model: • Lake Cathie and Bonny Hills are separated, there is enough land that is well integrated and connected to the overall urban structure of Area 14 to accommodate new discrete neighbourhoods or villages between them; • There are environmental corridors restricting the area of

S117(2) Direction – title & objectives	Draft LEP consistency – Council comments
	expansion around Lake Cathie and Bonny Hills; • Larger portions of the site are in single ownerships. This allows appropriate areas of land for large scale uses; supermarkets, community facilities, schools, regional sporting facilities to be incorporated and their inter-relationships will readily be achieved; • The land is undulating and elevated facilitating high quality urban design outcomes; • The existing settlements will have less pressure and need for major redevelopment allowing them to easily retain their existing character; • Street systems can be designed to accommodate a variety of lot sizes and housing types. The UDMP included a zoning layout that provided for a range of housing types – including an area of medium density within the precinct. The proposed R3 medium density footprint is smaller than that proposed as part of the UDMP however the over site dwelling density is similar. This has been achieved by a larger development footprint.
3.2 Caravan Parks and Manufactured Home Estates The objectives of this direction are: - to provide for a variety of housing types, and - to provide opportunities for caravan parks and manufactured home estates.	NOT APPLICABLE
3.3 Home Occupations The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	CONSISTENT Home based child care and home occupations are permitted without consent in the R1 General Residential Zone.
3.4 Integrating Land Use and Transport The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: - improving access to housing, jobs and services by walking, cycling and public transport, and - increasing the choice of available transport and reducing dependence on cars, and - reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and - supporting the efficient and viable operation of public transport services, and - providing for the efficient movement of freight.	INCONSISTENT The proposed development will not encourage the use of public transport being a low and medium density development isolated from the major town centres. Jobs and services are unlikely to be available in the immediate, 'walkable' area for some time. The 'village centre' is expected to be accommodate convenience and community facilities and therefore unlikely to be a significant generator of employment. There is a small industrial area proposed south of Houston Mitchell Drive and a mixed use zone in the 1B precinct however these are unlikely to generate significant employment opportunities. The proposed 'village centre' and '1B mixed use zone' when constructed may reduce the number of convenience trips but it is unlikely to reduce dependence on cars as the population's higher order needs will not be available in the area. There are linkages and good quality walking and cycling infrastructure proposed throughout the development area that integrates into the adjoining area. The ultimate configuration of Ocean Drive will also include a dedicated on-street cycle lane which will provide for both commuter and recreational on street cyclists. Bus services currently service the area and bus stops will be provided along Ocean Drive and into the estate as demand requires. The proposed rezoning has no implications for freight.
3.5 Development Near Licensed Aerodromes The objectives of this direction are: - to ensure the effective and safe operation of aerodromes, and - to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and - to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise	NOT APPLICABLE

S117(2) Direction – title & objectives	Draft LEP consistency – Council comments
Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	
4. Hazards and Risk	
4.1 Acid Sulfate Soils The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	CONSISTENT The LEP contains provisions to address the ASS risk on the site. Refer clause 7.1. A geotechnical report has been prepared and is attached to this planning proposal (Appendix Q).
4.2 Mine Subsidence and Unstable Land The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	NOT APPLICABLE
4.3 Flood Prone Land The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	CONSISTENT The site is not subject to inundation from any water way overflow its banks or tidal inundation but rather the land contains low lying areas which are occasionally affected by the large stormwater catchment which drains to Duchess Gully. The subject land is impacted by stormwater which enters the site via several multi-cell box culverts located in the north-western and south western quadrants of the subject land, and then flows easterly across an alluvial plain and constructed lake system and discharges directly to the south arm of Duchess Gully. Cardo assessed the impact of stormwater pre/post development including the placement of fill. The report concluded: • A number of flow control structures and channel improvements are include in the development proposal. It is demonstrate that these controls comply with safety requirements of the Floodplain Management manual. • The possible effects of climate change have been assessed and it is demonstrated that climate changes does not adversely affect the development. • Floodplain risk management factors have been assessed and it is show that hazard conditions are low. A copy of the report is attached to this planning proposal.
4.4 Planning for Bushfire Protection The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	CONSISTENT A Bushfire Hazard Assessment accompanies the planning proposal. The Assessment provides recommendations regarding the: • provision of Asset Protection Zones for future buildings; • emergency access / egress; • fire fighting access and water supplies; • construction standards of the buildings and the management of the Asset Protection Zones; • management of the existing bushfire prone vegetation adjoining the areas of urban development; and • management of the vegetation within the re-vegetated open space / drainage / habitat corridors.
5. Regional Planning	
5.1 Implementation of Regional Strategies The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	CONSISTENT The area is nominated as 'existing urban footprint' in the Mid North Coast Regional Strategy.
5.2 Sydney Drinking Water Catchments	NOT APPLICABLE

S117(2) Direction – title & objectives	Draft LEP consistency – Council comments
5.3 Farmland of State and Regional Significance on the NSW Far North Coast The objectives of this direction are: (a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre, (b) to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and (c) to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.	The proposed rezoning is supported by the Mid North Coast Regional Strategy identified as 'existing urban footprint'. The site is identified as 'existing urban footprint' in the Mid North Coast Farmland Mapping Project.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast The objectives for managing commercial and retail development along the Pacific Highway are: (a) to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route; (b) to prevent inappropriate development fronting the highway (c) to protect public expenditure invested in the Pacific Highway, (d) to protect and improve highway safety and highway efficiency, (e) to provide for the food, vehicle service and rest needs of travellers on the highway, and (f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.	NOT APPLICABLE
5.8 Second Sydney Airport: Badgerys Creek	NOT APPLICABLE
6. Local Plan Making	
6.1 Approval and Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	CONSISTENT The planning proposal will amend the Port Macquarie-Hastings LEP 2011.
6.2 Reserving Land for Public Purposes The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	CONSISTENT The proposal does include the provision of land for public purposes. There are a number of areas within the proposed development that will be reserved for land with a public purpose. The park at the Village Centre, the pocket park adjoining the central corridor and the district playing fields will be dedicated to Council. The central corridor, although essentially a drainage and habitat reserve will have some public purpose and will default to public ownership subject to the resolution of any agreement between the proponent and the Council. The school sites are also identified for acquisition and were previously included in the Hastings Local Environment Plan 2001.
6.3 Site Specific Requirements The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	NOT CONSISTENT It is not considered that the planning proposal will result in unnecessarily restrictive site specific planning controls.

Section C - Environmental, social and economic impact.

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Flora

An ecological report was prepared by Darkheart Eco-Consultancy and the Ecology Lab Pty Ltd prepared an assessment of the aquatic ecology of the existing lagoon. The relevant studies to this section are:

1. Ecological Survey and Statutory Assessments prepared by Darkheart Ecological Consultants (Appendix F).
2. Aquatic Flora and Fauna Survey prepared by the Ecology Lab (Appendix M).
3. Draft Koala Plan of Management prepared by Biolink Ecological Consultants (Appendix I).

An addendum ecological report for the designated development area has been prepared by Darkheart Eco-Consultancy as part of the PPR (Appendices B and C).

In 2005, Biolink mapped the vegetation communities of the study area (via aerial photography and some limited ground-truthing) as well as adjoining land which fell within the draft Area 14 – Koala Plan of Management. This mapping was generally adopted by Darkheart Eco-Consultancy for their assessment. Formal ground truthing via random meander and plot sampling was undertaken to confirm Biolink's work.

A desktop study also reviewed published information sources including the Commonwealth Government Species Profile and Threats (SPRAT) database and the NSW Government Atlas of NSW Wildlife. In order to compile background information several databases were searched to provide information on significant flora and fauna species that have been found in the study area, including the EPBC Act Protected Matters Search Tool (DEWHA) online database for Matters of National Environmental Significance) and the National Parks and Wildlife Service (NPWS) Atlas of NSW Wildlife.

General faunal activity was observed during the course of the surveys and recorded. Specific attention was paid to the potential presence of protected, rare or notable species with specific surveys conducted with respect to threatened species.

Assessments of significance were conducted for threatened species listed under the TSC Act and followed the heads of consideration outlined in the Draft Guidelines for Threatened Species Assessment. For threatened species listed under the EPBC Act, assessments of significance were undertaken in accordance with the Significant Impact Guidelines and Matters of National Significance.

Darkheart Eco-Consultancy identified ten vegetation communities within 10 km of the study area, based on previous study undertaken by Biolink (2005), use of aerial photography and subsequent ground-truthing. The extent of these vegetation community types is outlined in Table 5.

Table 5: Vegetation Communities

Vegetation Community / Habitat	Total Area (ha)
Blackbutt-Tallowood-Needlebark Dry Sclerophyll Forest	1.98
Brushbox Wet Sclerophyll Forest	0.72
Blackbutt Dry Sclerophyll Forest	2.11
Grey Ironbark-Grey Gum Dry Sclerophyll Forest	2.39
Paperbark-Swamp Mahogany - Swamp Oak Swamp Forest/Woodland	10.45
Pasture/Pastoral Woodland	150.12
Dune Scrub	1.19
Swamp Oak Swamp Forest	4.29
Aquatic	5.75
TOTAL	179 (approx)

Despite searches for species known to occur in the locality, site surveys did not record the presence of threatened plant species. The area is highly disturbed as a result of previous agricultural activities which have significantly reduced the capacity to support threatened species.

Two EECs have been identified within the study area and listed as follows:

- Swamp Sclerophyll Forest on Coastal Floodplains (SSFCE) of the NSW North Coast Bioregion. This EEC is considered to constitute the Paperbark/Swamp Mahogany/Swamp Oak swamp forest in the mid south west, north west and south east of the study area. Darkheart Eco-Consultancy concludes that examples of this EEC on the property were considered to only qualify as low to medium quality examples due to the extent of disturbance and modification.
- Swamp Oak Floodplain Forest on Coastal Floodplains of the NSW North Coast Bioregion.

This EEC is considered to constitute the portion of Swamp Oak located in the north eastern section of the study area. Within the subject site approximately 62.85 ha of Pasture/Pastoral Woodland vegetation is proposed to be removed, as illustrated in Table 6. Areas of Grey Ironbark-Grey Gum Dry Sclerophyll Forest, Paperbark-Swamp Mahogany-Swamp Oak and Swamp Oak are also proposed to be removed, however as a result of the revegetation management plan, the estimated areas of loss for these communities is negligible.

Table 6: Vegetation proposed to be removed.

Vegetation Community / Habitat	Total Area (ha)	Area Removed (ha)	Area Retained (ha)
Blackbutt-Tallowood-Needlebark Dry Sclerophyll Forest	1.98	0	1.98
Brushbox Wet Sclerophyll Forest	0.72	0	0.72
Blackbutt Dry Sclerophyll Forest	2.11	0	2.11
Grey Ironbark-Grey Gum Dry Sclerophyll Forest	2.39	0.02	2.37
Paperbark-Swamp Mahogany - Swamp Oak Swamp Forest/Woodland	10.45	0.86	9.59
Pasture/Pastoral Woodland	150.12	62.85	87.27
Dune Scrub	1.19	0	1.19
Swamp Oak Swamp Forest	4.29	0.7	3.59
Aquatic	5.75	0	5.75
TOTAL	179 (approx)	64.43	114.57

A loss of approximately 0.49ha of low to medium quality Swamp Oak Floodplain Forest EEC is proposed, which comprises around 11.42 % of the entire EEC located within the site. Approximately 0.43 ha of Swamp Sclerophyll Forest EEC would be lost, comprising 4.11 % of the EEC's occurrence. The reports conclude that the loss of Swamp Sclerophyll Forest associated with the proposed development would result in a negligible impact on the EEC. Biodiversity of the EEC is currently severely limited as a result of current practices such as slashing and grazing. As a result the EEC to be removed is of general low quality.

In addition to the loss of some Swamp Sclerophyll Forest, the following direct impacts would arise as a result of development of the site:

- loss of hollow bearing trees within the Pastoral Woodland;
- loss of two small dams which currently provide limited foraging habitat for some migratory birds;
- loss of seasonally waterlogged grassy floodplain which currently offers potential foraging habitat for the Jabiru, some migratory birds and possibly michiropteran bats; and
- a minor reduction in terrestrial east-west connectivity due to placement of the open water wetland and clearing of scattered woodland trees.

The species specific implications of these impacts are described below.

The development of the site would result in some areas of habitat loss but this would be offset by the revegetation strategy proposed for the "central corridor". The revegetation strategy seeks to formally establish and improve the ecological functioning of the "central corridor" and provide connections west to Queens Lake State Forest and northwest to the Lake Innes Nature Reserve.

The proponent argues that the benefits of the central corridor works are:

- enrichment of the current native biodiversity of existing vegetation within the central corridor;
- enhancement of existing vegetation along Duchess Gully;
- creation of better movement opportunities in an east-west direction for native wildlife;
- reduction in existing weed infestations within the central corridor;
- protection and enhancement of aquatic habitat values within the existing lagoon and proposed wetland; and
- provision of an appropriate interface between native vegetation and wildlife habitats within the Central Corridor and adjacent areas proposed for urban development.

Darkheart Ecological Consultants concludes that the revegetation of the central corridor and associated Open Space Management Strategy would result in:

- the protection and improvement of the natural environment creating a setting that supports a relatively large Wallum Froglet population just below the proposed wetland;
- increased prevalence of known koala feed trees and other plants with multiple-species values throughout the central corridor;
- restoration of the floristic and structural elements of degraded EECs;
- provision of structural complexity and cover for ground-dwelling fauna such as the eastern chestnut mouse and common planigale;
- reinstatement of degraded fauna movement corridor values throughout the central corridor; and;
- removal and management of weed infestations.



Figure 10: EEC Revegetation Plan.

Fauna

A total of 65 native species of mammals, birds, reptiles and amphibians have been identified within the study area through analysis of previous survey results, DECCW records and results of fauna surveys undertaken across the study area.

Survey found that bird diversity in the north eastern section of the study area is relatively low, despite the extent of forest in this location. This is most likely due to the low structural diversity of the Swamp Oak vegetation community that makes up the majority of this forested area. Small passerines (perching birds and songbirds) were more common in the Dry Sclerophyll vegetation community in the southeast of the study area and associated swamp forest and dune scrub.

Within the existing lagoon an abundance of waterfowl including ducks, moorhens, swans, cormorants and pelicans were observed. Foraging habitat for migratory species is provided by the dense fringe of sedges and grasses of the existing lagoon. Although no sightings were made during site investigations, the two stock dams located in the Pasture/Pastoral Woodland vegetation community are believed to offer potential foraging habitat for the Jabiru and Brolga.

The isolated patch of Dry Sclerophyll Forest in the mid-north of the central corridor contains a number of hollow bearing trees, which were dominated by Galahs, Eastern Rosellas and Lorikeets. Hollow bearing trees scattered throughout the Pasture/Pastoral Woodland also provide habitat for these species, as well as more common agricultural woodland bird species.

Site investigations found potential frog habitat within the site in the form of drains, waterlogged pasture and around dams. This habitat has however been physically disturbed by grazing, periodic slashing and the presence of the Plague Minnow.

Of the native species identified, eight are listed as threatened fauna species. These threatened species are categorised as “Vulnerable” pursuant to Schedule 2 of the TSC Act. Figure 11 illustrates the location of these threatened fauna species recordings. These species include:

- Wallum Froglet;
- Wompoo Fruit-Dove;
- Square-Tailed Kite;
- Koala;
- Grey-Headed Flying Fox;
- Eastern Chestnut Mouse;
- Common Planigale; and
- Little Bent-Wing Bat.

The eight threatened species recorded in the study area are described in Table 7 below.

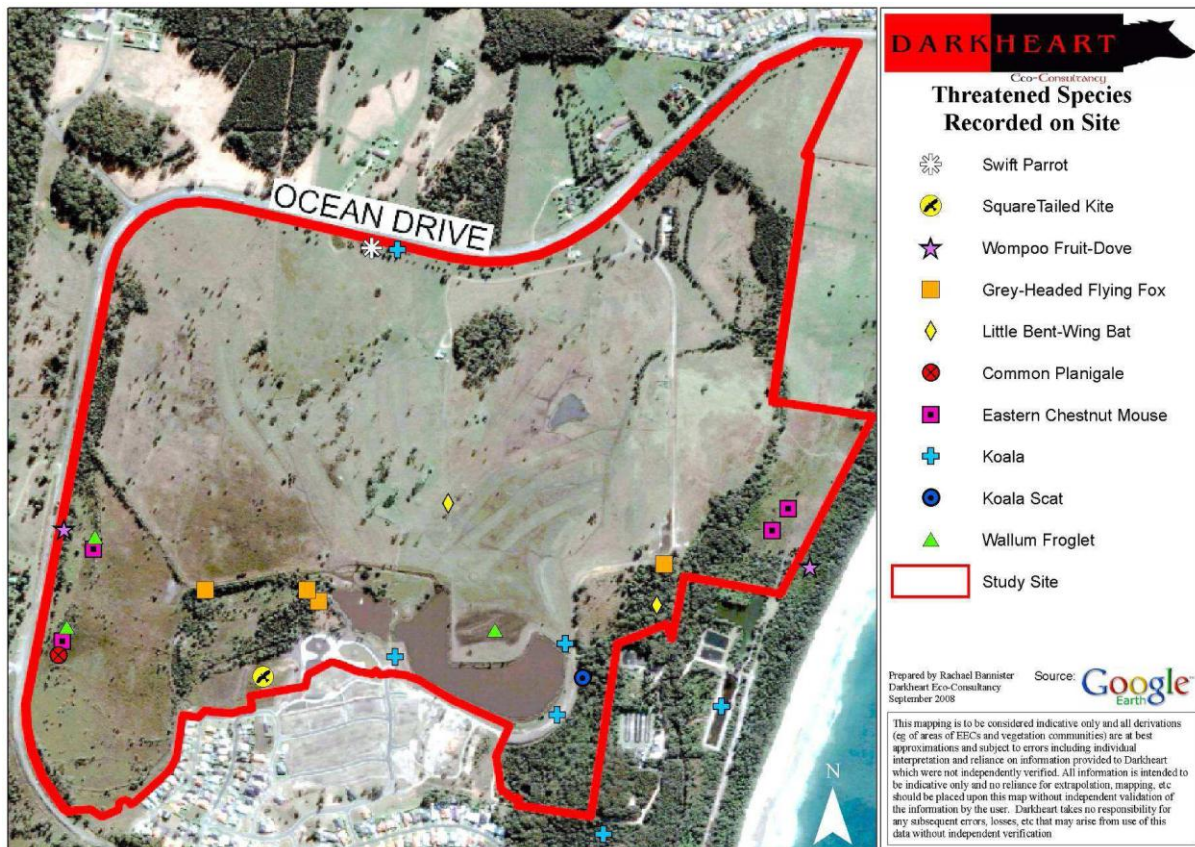


Figure 11: Threatened species recorded on the site.

Table 7: Threatened species identified on the site.

Species	Details
Wallum Froglet	A small population of the Wallum Froglet was located in a drainage line in the west southwest of the study area, while a second population was found in a healthy depression north of the eastern dam southwest of the proposed wetland. The survival of the population in the existing lagoon after apparently several slashing events was unexpected given the major loss of cover and high exposure to predation. If this habitat is allowed to regenerate, the population may recover, however as an isolated population there is a risk of long term genetic degradation, and potential risk of extinction due to catastrophic event. The small population in the drainage line in the southwest is even more at risk of extinction due to limited genetic diversity and/or a catastrophic event.
Wompoo Fruit-Dove	A single Wompoo Fruit-Dove was recorded roosting for a short period in the Blackbutt Dry Sclerophyll Forest adjacent to Ocean Drive in the west south west of study area.

	Apart from a handful of rainforest trees along Duchess Gully which are highly exposed, the study area does not offer significant habitat for this species and its occurrence within the study area is considered incidental. The adjacent littoral rainforest up to Middle Head is considered likely to be used seasonally as part of the species' wider non-breeding foraging range and as a "stepping stone" between larger remnants such as Sea Acres Nature Reserve.
Grey-headed Flying Fox	The property has capacity only to form a small part of the very large foraging range of this species which varies according to incidences of flowering and fruiting.
Square-Tailed Kite	This species was not detected on the subject area during surveys, however was anecdotally recorded flying over the southern portion of the subject area. No nests were observed during surveys and it is considered that the study area offers limited value as potential foraging resource for the species.
Koala	Recently recorded in the Dry Sclerophyll Forest on the western fringe of the sewerage treatment works Koala scats indicating an area of major activity were found in swamp forest in the southeast of the study area adjacent to the sewage treatment plant but were not found elsewhere within the study area, despite specific searches. The southeast corner of the study area is considered to form primary habitat under Draft KPOM.
Eastern Chestnut Mouse	Detected in grassland east of Duchess Gully, and in grassland and drainage line in the west south west of the study area. Due to a lack of suitable habitat within the study area it is considered the southwest population is currently at very high risk of extinction due to intense slashing or extensive fire burnt out the entire habitat area. The southwest population is also essentially isolated from other potential habitat to the west or southwest of the study area, due to the location of Ocean Drive, rural-residential development and pasture. Hence its long term genetic integrity is considered significantly limited without an effective avenue for dispersal.
Common Planigale	Identified within the drainage line in the west south west of the study area the species is isolated in this area and at very high risk of extinction via extensive fire or slashing, breeding failure and inbreeding. The establishment of an effective corridor in the southwest linking to the east would be a positive impact on the long term viability of this population.
Little Bent-Wing Bat	Site investigations resulted in the recording of a Little Bent-Wing Bat along a track under the Dry Sclerophyll Forest canopy in the east southeast of the study area. There are no caves within the Project Application Area, but a relatively large culvert under Ocean Drive in the west has the potential to offer some marginal potential as a roost for bats. Tree hollows potentially suitable for this species such as the Little Bent-Wing Bat are mostly located within the Pastoral Woodland and also in Dry Sclerophyll Forest which collectively offers better potential as non-breeding seasonal roosts.

The development of the site would result in the loss of some potential koala habitat which is currently subject to accelerated natural attrition and where recruitment is being prevented by current agricultural practices. Notwithstanding this, primary koala habitat and the majority of potential koala habitat, including linkages are proposed to remain as part of the development of the site. The proposed revegetation activity around the wetland includes the introduction of koala feed tree species, and combined with the establishment of the east-west corridor, would assist the genetic exchange and population size of the koala.

The implementation of the Draft Koala Management Plan would positively contribute to the koala population in this area.

With regard to bats, the report considers that the loss of the marginal foraging habitat for these species is considered inconsequential to the extent of more optimum habitat on the remainder of the property and within the species' range. The loss of potential roosts as a result of the development of the site is considered more significant as it is a resource that is not particularly abundant within

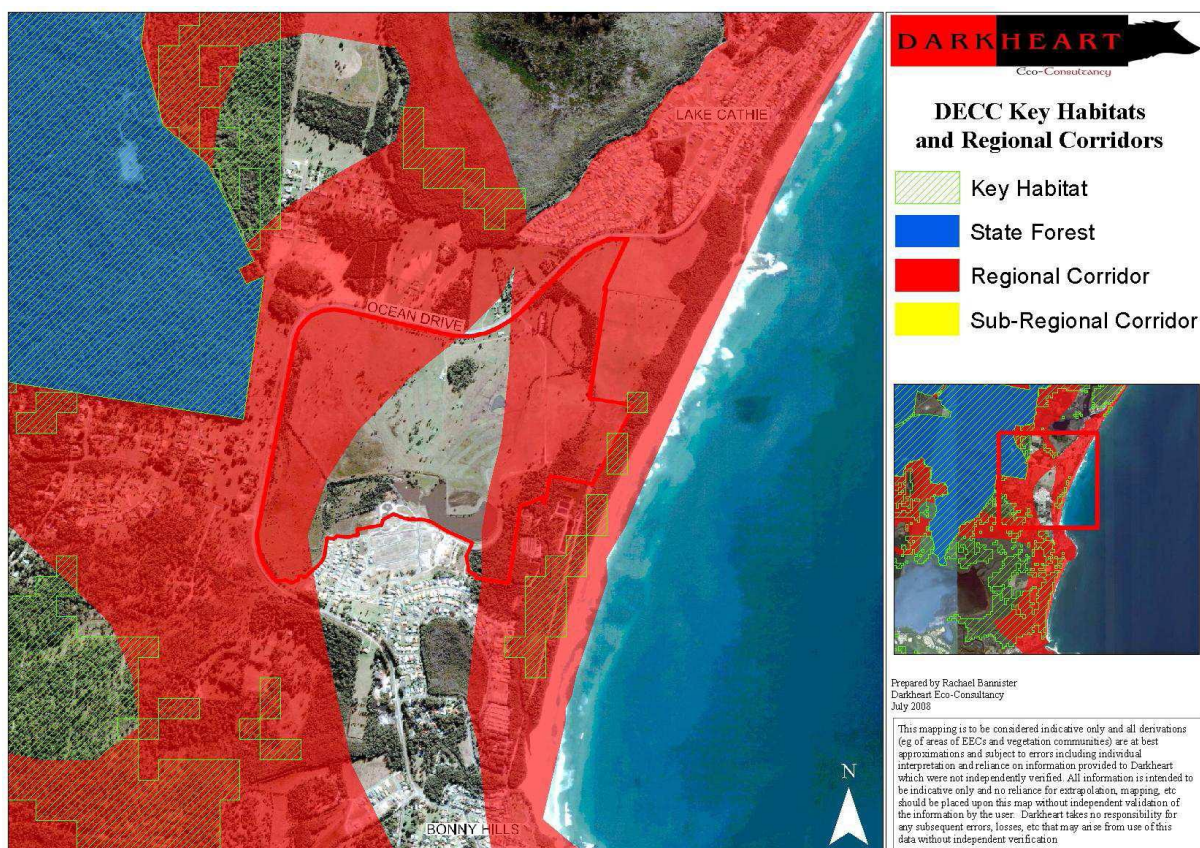
the study area and takes a prolonged period to regenerate. The report states that potential roosts remain within the study area and others are known to occur within range of the site. It concludes “..the viability of these species should not be compromised as a result of the rezoning and subsequent development.”

Habitat Corridors

The modification of the majority of the study area to pasture has resulted in incomplete linkages between the pockets of remnant habitat. The link along Duchess Creek is considered to be tenuous for arboreal mammals and small terrestrial fauna due to lack of refuge (such as tree hollows, fallen logs, ground cover), fragmentation and high exposure to predators.

The littoral rainforest along the coast, the blackbutt dominated dry sclerophyll, paperbark swamp forest and dune scrub in the vicinity of Duchess Gully and around the sewage treatment plant provides a range of habitats for fauna including the koala and squirrel glider.

Connectivity to the north and west and southwest is hindered largely by Ocean Road, which presents a barrier to fauna movement. Despite this, the remnant swamp forest and Dry Sclerophyll forest located along the western boundary of the study area provides a link via woodland trees to the west of Ocean Drive by means of a drainage line which flows through a major culvert under the road. This drainage line flows into the Queens Lake Conservation Area and offers the best linkage to the west for frogs, rodents and reptiles.



Aquatic Ecological Assessment

A number of aquatic habitats are currently supported within the study area, including the following:

- an existing lagoon system;

- two small existing treatment wetlands to the west of the water body constructed for the purposes of receiving and treating stormwater from the residential development to the south; and
- Duchess Gully which traverses the site.

Appropriate water quality objectives for key indicators including (but not limited to) pH, turbidity, salinity, dissolved oxygen, nitrogen and phosphorus were adopted for the Site from Council's Aus-Spec Design Specifications and the ANZECC water quality guidelines for fresh and marine waters.

Based on these objectives, water quality within the study area is generally good, with the existing water body generally satisfying the desirable water quality objectives to provide sustainability of an appropriate freshwater coastal ecosystem capable of providing a suitable recreation environment and potential habitat resources.

The existing lagoon and the existing treatment wetlands support a variety of native macrophyte species populations, including:

- Jointed twig rush (*Baumea articulata*);
- Bare twig rush (*Baumea juncea*);
- Sag (*Eleocharis equisetina*);
- Sea rush (*Juncus kraussii*);
- Water primrose (*Ludwigia peploides* ssp *montevidensis*); and
- Water ribbons (*Triglochin* sp.).

Large expanses of the littoral or marginal zone of the existing lagoon support infestations of the introduced Torpedo grass (*Panicum repens*). Wild Things Native Gardens, a local bush regeneration contractor, are currently undertaking extensive regeneration works within the site, including actively trialling means of controlling this pest species. At present, Wild Things Native Gardens have successfully removed the majority of its biomass from the lagoon littoral/marginal zone, creating an opportunity for the revegetation and rehabilitation of the existing water body to enhance its biodiversity values and inhibit regrowth of Torpedo grass.

No threatened aquatic flora species were recorded within or adjacent to the existing lagoon.

An initial survey of the existing lagoon indicated that it is in a healthy condition with only some minor concerns surrounding the low abundance and diversity of benthic fauna. A variety of aquatic organisms were found to inhabit the water body, including the following:

- Sea mullet (*Mugil cephalus*);
- Freshwater mullet (*Myxus petardi*);
- Snakenecked tortoise (*Chelodina longicollis*);
- Empire gudgeon (*Hypseleotris compressus*);
- Striped gudgeon (*Gobiomorphus australis*);
- Flathead gudgeon (*Philypnodon grandiceps*); and
- Shortfin eel (*Anguilla australis*).

A number of cosmopolitan waterbird species such as Chestnut teal (*Anas castanea*), Cormorants (*Phalacrocorax* spp), Pacific Black duck (*Anas superciliosa*) and Purple swamphen (*Porphyrio porphyrio*) utilise the existing lagoon for habitat resources on a regular basis. The presence of juvenile Snake-necked tortoise (*Chelodina longicollis*) and Short-finned eels also demonstrates that the existing lagoon system provides breeding and/or nursery resources to aquatic organisms. The only introduced species detected in the existing lagoon was the Mosquito fish (*Gambusia holbrooki*).

No threatened aquatic fauna species were recorded within or adjacent to the existing lagoon.

Based on aquatic assessment undertaken by the Ecology Lab for the Part 3A Project Application, the potential impacts on aquatic habitats have been assessed. The degree of direct physical disturbance to existing aquatic habitats as a result of the works associated with the Project Application would consist of the realignment of a small section of a constructed drainage line in the western portion of the site for the purposes of establishing the district sporting fields. The remaining aquatic habitats within the site are to be retained and protected within the proposed central corridor.

Fish species such as Sea mullet and Shortfin eels, which were found to inhabit the existing lagoon, have a marine life-cycle and hence their presence in the existing lagoon indicates connectivity to the ocean via Duchess Gully. During major storms, when high water levels occur, flow would also continue to discharge from the existing lagoon via the existing “overflow” channel direct to Duchess Gully.

Following construction of the proposed wetland, it is expected that the shallow shoreline zone would develop significant areas of freshwater littoral and emergent macrophyte vegetation. It is likely that freshwater aquatic species would also grow readily in the proposed wetland. This vegetation is a normal part of the development of a mature freshwater ecosystem and should be maintained. Vegetation is an integral part of the wetlands stormwater treatment process. The wetlands treatment zones would be planted with appropriate emergent and aquatic species as part of the construction phase.

An analysis of water quality identified that nutrient levels within the existing lagoon and proposed wetland are expected to be low. As such, it is not anticipated that these water bodies would experience nuisance blooms of algae. While some temporary increases in algal concentrations may occur during wet weather as a result of increased nutrient runoff, water quality simulations show that these incidents would be rare and temporary in nature.

Weed infestations would be largely prevented through the function of the site-wide storm water “treatment train” that would include bio-retention basins, wetlands and vegetated swales to serve as a preventative weed management system, the majority of escaped or dumped weed material would be “collected” within these structures prior to entering the water bodies. By ensuring regular monitoring and maintenance of the “treatment train” during growing seasons and after rainfall events, it would function as an effective weed prevention system.

Littoral Rainforest

The subject site is situated adjacent to Crown land to the north east, which is mapped as littoral rainforest pursuant to SEPP 26. This area of littoral rainforest is referred to as Rainbow Beach littoral rainforest No. 116. Littoral rainforest is listed as an EEC under the TSC Act, and the EPBC Act. This high conservation value vegetation forms part of a remnant strip of dune succession vegetation, narrowed by historical clearing for pasture to the west.

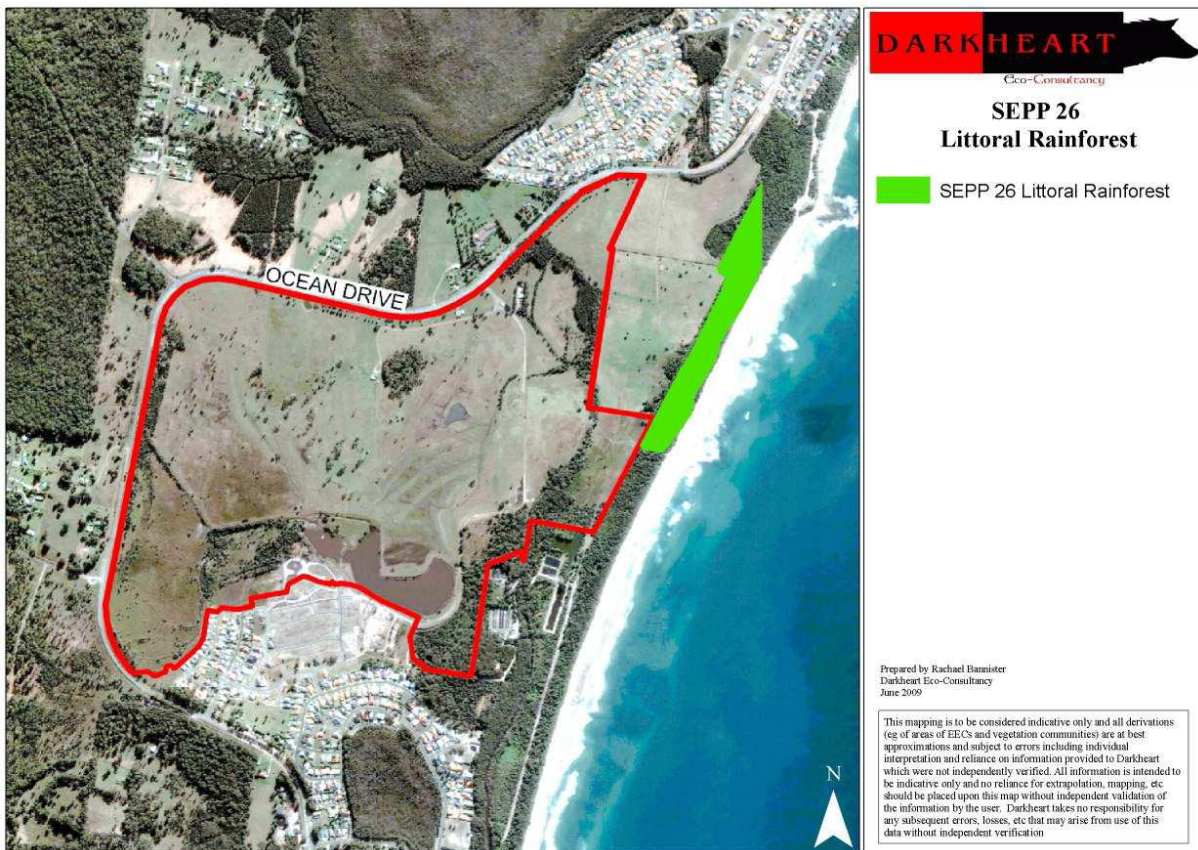


Figure 12: SEPP26 Littoral rainforest.

A flora survey of the Crown land vegetation conducted on behalf of Port Macquarie – Hastings Council in 2004 as part of a management plan for the Middle Rock Reserve identified the natives species found within the reserve.

The majority of these species were found to be rainforest species best suited to local edaphic conditions and reflective of local genetic diversity. The threatened plant, *Cynanchum elegans* was identified in the northern end of the littoral rainforest adjacent to Middle Head Road.

Weeds were observed during the site investigations but are not considered to be a major threat to the littoral rainforest core. The primary weeds noted within the area are listed in Table 8.

Table 8: Weed species present.

Weed Species	Location
Lantana	Localised patch towards the southwest corner of the beach access, spread across the boundary from Crown reserve adjacent.
Bitou Bush	Scattered plants in the pasture and under the boundary fence.
Winter Senna	Few scattered shrubs along the fence line.
Morning Glory and Turkey Rhubarb	Scattered plants on the north western edge of the forest.
Pasture grasses and weeds	Along with Bladey Grass and Spiney Headed Matrush dominate most of the site.

An assessment report in respect of the potential impacts of the proposed development on the littoral rainforest has been prepared by Darkheart Eco-Consultancy. This report identifies the main environmental threats to the Rainbow Beach littoral rainforest No.116 to be:

- westerly winds;

- prolonged exposure to the setting sun; and
- excess salt deposition on the western fringe due to turbulence.

Table 9: Potential threats to Littoral rainforest no: 116.

Threat	Details
Weeds	Bitou Bush, Lantana and Winter Senna occur across the site. Other problem weeds such as Coastal Morning Glory, Morning Glory and Turkey Rhubarb also occur. Pasture grasses and weeds dominate the beach access. Specific weed control would be undertaken so that weeds do not re-establish. Current weed infestations in the Crown land vegetation from the beach front to the Project Application Area would be removed to encourage the continuation of ecological process and redevelopment of rainforest vegetation. The proposed development would have a positive impact in respect of weed removal.
Fences	The Project Application Areas eastern boundary is fenced with standard boundary fencing. To the south of the beach access the fence is largely overgrown with native species, to the north the fence stands out from the forest and poses a minor threat to birds and bats at dusk and dawn and at night during times of limited visibility. The fence adjacent to the beach access is to be retained to encourage use of the beach access and to deter people from straying from the recognised track and into surrounding vegetation. To reinforce the beach access native vegetation would be planted around it to incorporate the fence as a structure within the forest. The proposed development would have a positive impact in respect of fencing. The impact is expected to be positive.
Noise	Increased noise is anticipated as a result of the proposed development due to greater accessibility to the beach through the Project Application Area. General redevelopment of the Project Application Area as proposed may result in a slight increase in human presence which may deter use of habitat in close proximity to the beach access by diurnal birds resulting in a minor negative indirect impact.
Hydrology and maritime stress	Local topography is generally flat and as such erosion by water flow is considered to be a minor risk. The existing beach access is highly eroded at the eastern end and requires rehabilitation to prevent penetration by high seas. The Project involves the reconstruction of the beach access to be erosion resistant, mitigate penetration of maritime stresses, prevent wave access and to provide a passable access when wet. Formalisation of the access would include new fencing and the planting of appropriate flora species. This would have a positive impact, acting as a deterrent to the creation of informal tracks and encroachment into land occupied by Rainbow Beach littoral rainforest No.116.
Feral animals	A number of introduced species are believed to be present within the Project Application Area including deer, foxes and wild dogs. To protect vegetation from species such as deer, plantings are to be protected by tree guards and other suitable measures.
Artificial light	There is currently no artificial light source in the vicinity of Rainbow Beach littoral rainforest No.116. No lighting is proposed as part of the Project.

The proponent proposes to provide a vegetated buffer of between 51-26m along the length of the beach front and littoral rainforest. Refer Figure 8: Lot 5 Principles Plan. Preferred Project Report accompanying Part 3A Concept Plan Application.

The existing beach access will be formalised as part of the Part 3A – Project Application.

A number of amelioration and environmental management measures have been recommended by the ecology specialists involved in the Part 3A applications. These measures would be implemented as part of the Project Application to protect and enhance flora and fauna habitats. Specifically, it is recommended that ongoing monitoring of water quality within the existing lagoon and proposed wetland be undertaken to assist the adequate management of aquatic weeds and so that water quality remains at levels that support aquatic flora and fauna.

Table 10: Ongoing management and mitigation of the flora and fauna impacts.

Issue	Mitigation Measure
Aquatic weed management	Vegetation management within the existing lagoon and proposed open water wetland is to be undertaken in accordance with the ELUMP outlined within Open Space Management Strategy prepared by Cardno Pty Ltd (April 2010).
Water Quality Monitoring	Ongoing surface water quality monitoring is to be undertaken in accordance with the Surface Water Monitoring Plan prepared by Cardno Pty Ltd (April 2010).
Wetland habitat enhancement	Fallen trees as a result of construction of future urban areas shall be laid in the proposed wetland to provide roosts for Water Dragons, tortoises and waterfowl. Location can be selected according to maintenance requirements to avoid problems. Provision of large rocks along some sections (e.g. around the Duchess Gully linkage to the east) would also enhance habitat opportunities.
	The perimeter of the proposed wetland and adjacent habitat areas where pedestrian paths may pass through are to be designated leashed dogs only to prevent dogs harassing wildlife and swimming.
	Hollow-bearing trees are to be removed via a method which minimises risk of mortality/ injury of occupants. An approved animal handler is to be present during removal of these habitat components to aid injured fauna.

The proposed zoning layout reflects the environmental constraints and opportunities on the site. The central corridor is proposed to be zoned E2 Environmental conservation.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Traffic and Road Noise

Council commissioned Roadnet to prepare a Traffic Impact Study for the whole of the Area 14 Urban Investigation Area. The purpose of the study was to provide traffic information and advice sufficient to enable Council to plan for a road network that;

- Is safe and functional;
- Operates to an acceptable level of service (LOS) well into the future;
- Can be staged in an orderly and cost effective way to service planned land development; and
- Establishes a road hierarchy suitable for projected traffic patterns.

The modelling showed that Ocean Drive and associated roads within the study area are currently operating well within capacity. However, the roads do not have the capacity to cater for future growth, and the following upgrades and intersection treatments are recommended by 2019 (partial development):

- Ocean Drive requires two lanes northbound between Bonny View Drive and Abel Tasman Drive;
- Houston Mitchell Drive / Ocean Drive requires upgrading to a signalised intersection, which provides two through lanes along Ocean Drive. Pedestrian crossings are recommended across the Houston Mitchell Drive, Primary School Access and the southern approach of Ocean Drive;

- Houston Mitchell Drive requires two lanes eastbound between Forest Parkway and Ocean Drive with a 'Keep Clear' to be line marked at the give way intersection at the Industrial Precinct access;
- a signalised intersection is required on Ocean Drive at the proposed Commercial Precinct;
- Bonny View Drive / Ocean Drive requires upgrading to a roundabout with two lane approaches and circulating lanes;
- Abel Tasman Drive / Ocean Drive intersection requires upgrading to a signalised intersection with two lane approaches.
- a new roundabout intersection is required along Ocean Drive between Abel Tasman Drive and the Commercial Precinct. This roundabout requires two lane approaches and circulating lanes; and
- four lanes (two lanes in each direction) are required along Ocean Drive between the Houston Mitchell Drive and the Commercial Precinct.

By 2029 (full development), the following road network improvements are required:

- Ocean Drive requires four lanes (two lanes in each direction) between Bonny View Drive and Abel Tasman Drive;
- Houston Mitchell Drive / Ocean Drive intersection requires two right turn lanes from Ocean Drive north to Houston Mitchell Drive;
- Houston Mitchell Drive requires four lanes (two lanes in each direction) between Forest Parkway and Ocean Drive;
- The signalised intersection fronting the commercial precinct requires two lane approaches from both the commercial precinct in the south and residential area in the north. The right turn lane from Ocean Drive to the Commercial Precinct requires extension to 165 metres.

The proposed intersections are now being designed and will be costed for inclusion in s94 plans, Voluntary Planning Agreements or other funding mechanisms.

The proponent commissioned Noise and Sound Services Pty Ltd to prepare a Road Traffic Noise Impact Assessment for the site in 2006 with an update in 2009.

Noise and Sound Services assessed the construction of 100 lots of single-storey homes along Ocean Drive, Rainbow Beach North in 2006 to advise on noise mitigation measures from external road traffic on residential use.

The report concluded that earth mounds (bunds) be constructed along the proposed site, 10 metres set back from the roadway, to act as acoustic barriers. Alternatively, concrete walls or timber lapped and capped fences could achieve the required sound attenuation.

The report continues *"Access to the site should, where practicable, not provide direct line-of-sight between the road at Ocean Drive and any of the proposed residences at Rainbow Beach North. If this is unavoidable, the sound insulation of the proposed building façades (mainly the glazing) will need to be increased to meet the internal design goals based on the Australian Standard AS 2107 – 2000 'Acoustic – Recommended Design Sound Levels and Reverberation Times for Building Interiors'"*

Table 11: Summary of noise barrier height and noise reduction.

Situation	Required Barrier Height (metres)	Predicted Noise Reduction (dB)
Existing Traffic Flows and Existing Road Surface	1.8	6
Existing Traffic Flows with Open Grade Asphalt Road Surface	1.2	3
Traffic flows for Year 2020 and Existing Road Surface	2.2	9
Traffic flows for Year 2020 with Open Grade Asphalt Road Surface	1.8	6

Council does not support the wholesale use of noise barriers along the Ocean Drive corridor for the reasons of amenity, maintenance and road function and safety. The proposal to use noise walls or mounds does not provide attenuation for 2-storey dwellings or for residences on elevated topography.

Council has engaged an Urban Designer to provide some design input into a corridor plan that it is preparing for inclusion in the area based development control plan.

Bushfire

An assessment of the Concept Plan land uses, the known existing vegetation on site, as well as the proposed Environmental Land use Management Plan, was considered by Australian Bushfire Protection Planners. This assessment was based on the PfBP 2006 provisions. A complete copy of the report is attached to this planning proposal (Appendix N).

The Bushfire Hazard Assessment report noted the vegetation around the sewage treatment plant, and the coastal dunal vegetation, as being Category 2 Bushfire Prone Vegetation. The buffer to this vegetation is partially over the subject land. The ongoing bush regeneration works within the open space / drainage / habitat corridor, will also potentially result in areas of bushfire prone vegetation.

The bushfire hazard assessment report provides recommendations regarding the:

- provision of Asset Protection Zones for future buildings;
- emergency access / egress;
- fire fighting access and water supplies;
- construction standards of the buildings and the
- management of the Asset Protection Zones;
- management of the existing bushfire prone vegetation adjoining the areas of urban development; and
- management of the vegetation within the re-vegetated open space / drainage / habitat corridors.

The bushfire report considered the significant environmental features of the site, including areas of known threatened species habitat, endangered ecological communities, and the location of Aboriginal artefacts.

Based on these issues, the assessment resulted in the asset protection zones shown in Figure 13. The asset protection zones include the perimeter roads shown in the conceptual subdivision plan. Where perimeter roads are not included in the layout, than fire trail access will be provided. The ecotourist site has been deleted from the Concept Plan and replaced with residential. A revised statement affecting this area has been presented in the Preferred Project Report that states:

The Lot 5 principles plan shows the residential area defined by a 14 m wide perimeter road to the eastern, southern and western edges, with the perimeter road to the north being a shared road with the adjoining property.

APZs are proposed to be located predominantly within this 14 m wide perimeter road to the east, south and west, and will extend into the front setbacks of individual allotments where required. Due to the adjoining proposed urban development to the north, APZs will not be required along this boundary. APZs will not be located within any part of Zones 3 or 4 and will be included within Zone 2 only over the area identified as perimeter road. Final APZs will be determined as part of future development applications for the site. Implementation and management of APZs will be outlined within a vegetation management plan for the whole of Lot 5 (including Zones 1 to 4 and the DDA where appropriate).

Under provisions of the PfBP 2006, the two school sites are special protection land uses. These sites directly adjoin bushfire prone vegetation. The future development of these sites will need to provide asset protection zones in accordance with that guideline. Refer Figure 13: Bushfire Report Asset Protection Zones.

The bushfire report also requires the following matters to be incorporated into the environmental landuse management plan for the open space / drainage / habitat corridor:

- Provision of a minimum 30 metre wide Asset Protection Zone as managed parkland adjoining the Seawind Chase existing lots on the adjoining site to the south of the open space / drainage / habitat corridor;
- Ensure a managed parkland regime is maintained on the existing public lands adjoining the existing Rainbow Beach subdivision;
- Ensure parkland along the south-eastern, southern and southwestern aspects of the residential precinct and the open space corridors that extend into the residential precinct are fuel managed in order that there is no connection to bushfire prone land within the open space / drainage / habitat corridor.

The bushfire hazard assessment report concludes:

The overall design of the Concept Plan Application and the Project Application adequately address and comply with the deemed to satisfy provisions of Planning for Bushfire Protection 2006.

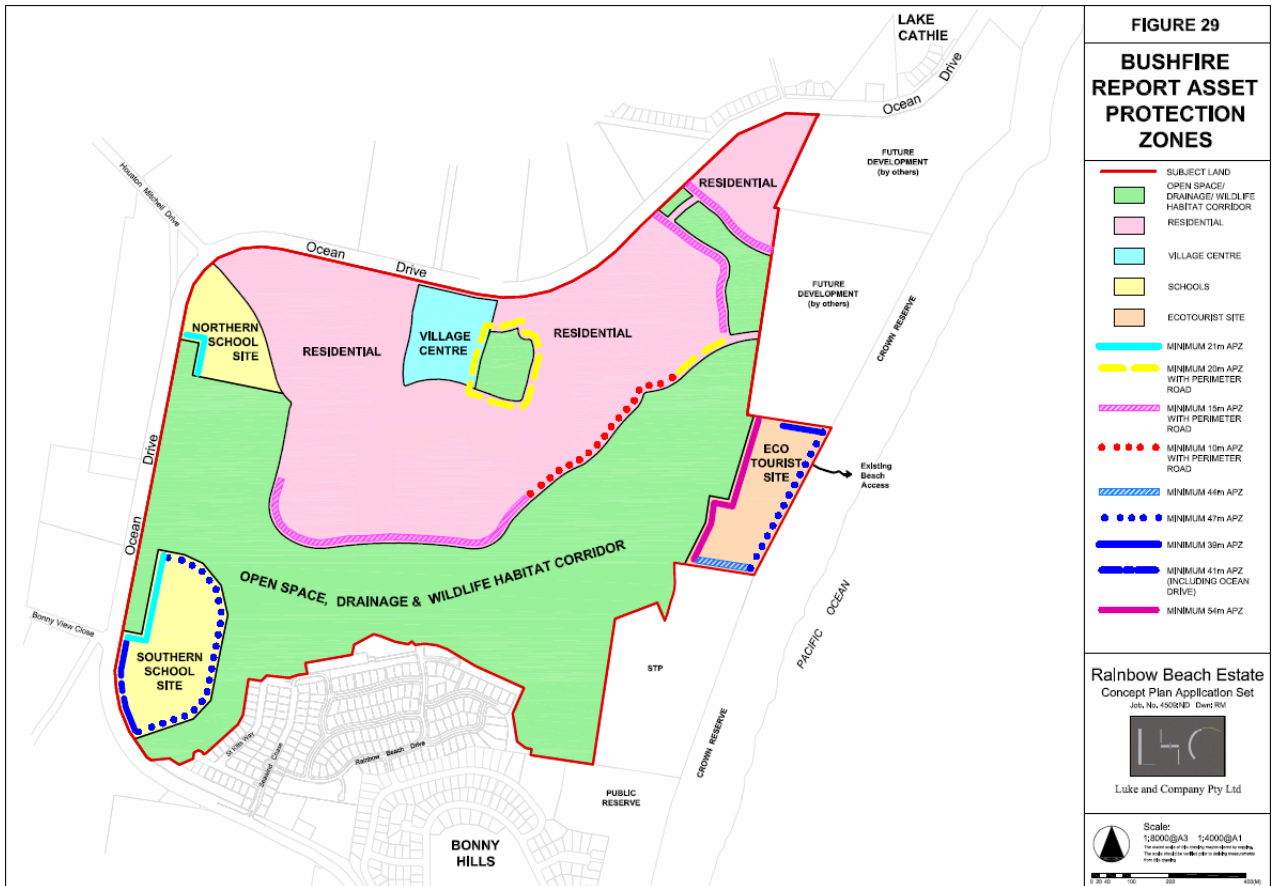
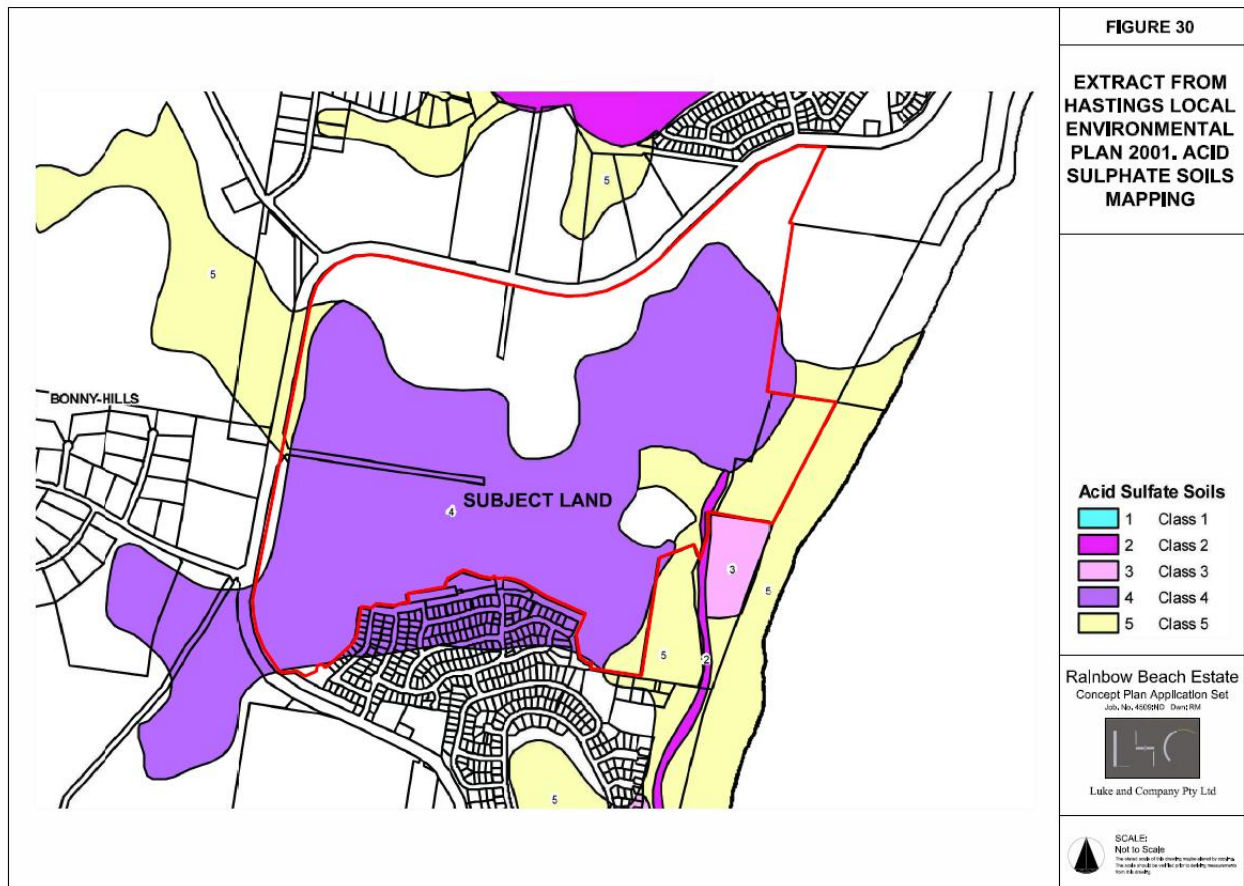


Figure 13: Bushfire Report Asset Protection Zones.



Flooding

The subject land is impacted by stormwater which enters the site via several multi-cell box culverts located in the north-western and south western quadrants of the subject land, and then flows easterly across an alluvial plain and constructed lake system and discharges directly to the south arm of Duchess Gully.

Duchess Gully comprises two distinct arms. The northern arm of the creek traverses the eastern side of the subject land before turning westwards into the site in its upper reaches. The northern arm appears to have been the alignment of the creek proper, prior to past agricultural development of the site. The second, or south arm of the creek would appear to have resulted from the establishment of past formal irrigation channels constructed with a common outlet. This type of improvement works of drainage was typical of the ypte occurring during the 1920's -1940's. The south arm of the creek is currently used as the outlet for the existing lake and drainage system.

The junction of the two arms of the Creek is located at a distance approximately 200m downstream of an existing weir and culvert. From this point, the Duchess Gully alignment follows the Rainbow Beach frontal dune for a distance of some 1.3km before reaching the beach to discharge into the Pacific Ocean.

The Cardno Pty Ltd Water Engineering and Environment Report (Appendix G) discusses the results of the MIKE11 hydraulic modelling which was The Cardno report included the following conclusions arising from the modelling:

"A number of flow control structures and channel improvements are included in the development proposals. It is demonstrated that these controls comply with the safety requirements of the Floodplain Management Manual."

“The possible effects of climate change have been assessed and it is demonstrated that climate changes does not adversely affect the development.”

“Floodplain risk management factors have been assessed and it is show that hazard constraints are low.”

Filling impacts have also been considered, both for the subject land and adjoining land. A full copy of the flood impact assessment is attached to this planning proposal.

Contamination

Refer commentary under SEPP 55 – Remediation of Land.

Acid Sulphate Soils

The future landuses identified in the Concept Plan will require disturbance of the site soils. This triggers an assessment of the soils to determine the presence and extent of potential acid sulphate soils.

An Earthworks Report prepared by Luke & Company Pty Ltd is attached to this planning proposal (Appendix P) and includes these historical records of soil analysis. The Cardno Pty Ltd Water Engineering and Environment Report also includes an Acid Sulphate Soils Management Plan prepared in accordance with relevant guidelines. The Water Research Laboratory undertook a review of the Acid Sulphate Soils information and provided modelling of same.

In summary, much of the upper sedimentary layers of the subject land were deposited from weathering and erosion of the escarpment to the west rather than from estuarine processes. Therefore, potential acid sulphate soils tend to occur at lower depths and be overlaid by more recent deposition processes.

The Water Research Laboratory report concluded that the existing higher risk deposits will remain below the water table following development and as such, these deposits do not present a potential risk. Only an area north west of the proposed wetland, in a location which will be filled, was identified as presenting a small risk. This will be managed via monitoring and the preparation of a response plan should it be required.

ASS soils are mapped for the site in the Port Macquarie-Hastings Council Local Environment Plan 2010. An application on the site must address clause 7.1 – Acid Sulphate Soils of that plan.

How has the planning proposal adequately addressed any social and economic effects?

Refer Section A - Is there a net community benefit?

Section D - State and Commonwealth interests.

Is there adequate public infrastructure for the planning proposal?

Port Macquarie-Hastings Council is the authority response for the provision of potable water supply services to the proposed development site. In January 2010 the Council received funding for \$7,959,000 to be spend on potable water supply infrastructure for Area 14. The State Government injection into the area is in the form of an interest free loan and is part of the Government's Local Infrastructure Fund which aims to assist high growth Council areas.

The existing system has approximately 400ET capacity in the vicinity of the site and any development undertaken prior to the completion of the long term supply works can take up this capacity.

The figure below shows the long term supply works that will be completed by the end of June 2011. These works along with future additional development funded and Council funded water supply infrastructure will cater for all of the future development within Area 14 in terms of potable water supply.

In 2003 Council adopted the "*Lake Cathie / Bonny Hills Moratorium on New Residential Development*" Policy that prevented new development from accessing the limited sewerage treatment credits until a decision was made to upgrade the Bonny Hill Sewerage Treatment Plant.

At its meeting on 26 May 2010 Council resolved to remove the moratorium because the augmentation of the STP was completed.

The STP can now service the ultimate population expected to live in Lake Cathie / Bonny Hills in the future.

An indicative sewer strategy has been provided in the proponents submission.

Council is in the final stages of connecting the Bonny Hills STP to the reclaimed effluent mains system. This will allow Council to move towards the long term reclaimed system for the Hastings and

provide Area 14 with the mains infrastructure for reclaimed waste which forms a key competent of the IWCM policy for the area.

The remaining key utility items such as electricity and telecommunications are available to the site. The details will be considered during any development application (project application for the site).

Gas is not, and will not be made available to the site.

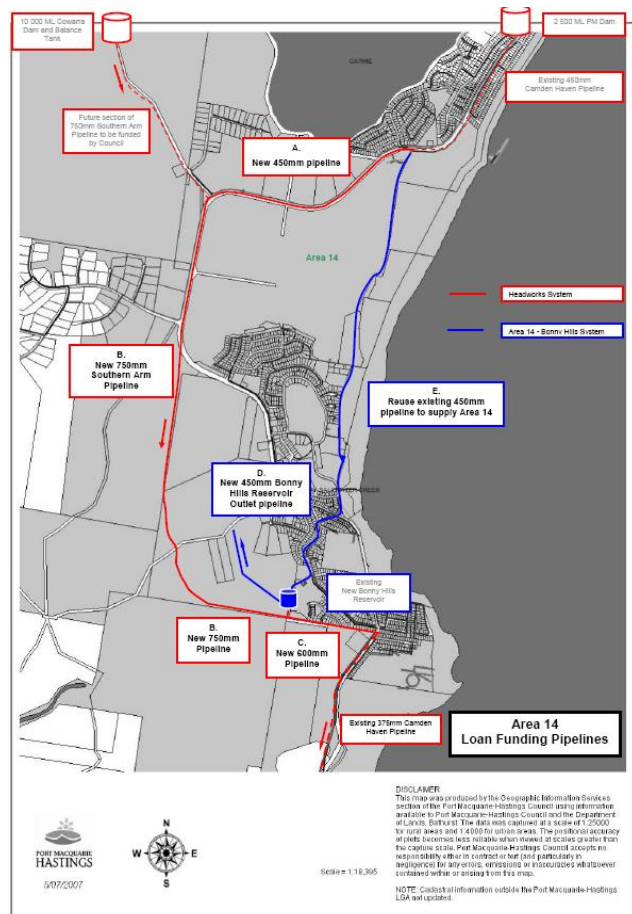


Figure 14: Area 14 - Water Supply Strategy.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The Area 14 Structure Plan involved various levels of consultation, including workshops involving residents and community groups, as well as meetings with State Government representatives. The issues raised during those meetings were summarised in the Area 14 Structure Plan, and the Rainbow Beach Environmental Assessment Report has had regard to those issues raised.

The various site investigations, engineering designs and modelling undertaken for the Environmental Assessment Report supporting documentation, are also relevant to the Project Application for the Constructed Wetland. Therefore, the consultations with various State Government Authorities have included reference to the Project Application proposal.

In October 2008 the proponent sought a response from the following State Government Departments regarding the Concept Plan:

Department of Primary Industries and Fisheries
Wollongbar Office

Department of Primary Industries and Agriculture
Wollongbar Office

NSW Rural Fire Service
Granville Office

Department of Education and Training
Sydney Office

Department of Environment, Conservation & Climate Change
Newcastle Office

Roads and Traffic Authority
Grafton Office

A site meeting was also held with DPI Fisheries on 5th November 2008. At the time of writing, responses have been received from DPI Fisheries, DPI Agriculture and NSW RFS.

In August 2008, information was sent to the Department of Water and Energy (DWE), as the NSW Office of Water (OoW). The information provided included the previous draft of the Water Engineering and Environment Report prepared by Cardno Pty Ltd to enable DWE (OoW) to consider the details of the project including the proposed constructed wetlands. A site inspection was also held with DWE (OoW) on 5th November 2008 and DWE (OoW) followed that site inspection with written comment received late May 2009. As a result of the comments received the Proponent engaged the University of New South Wales Water Research Laboratory (WRL) and a Groundwater Characterisation and Numerical Modelling for Rainbow Beach Estate was completed by WRL in April of this year. The work by WRL, as an extension of the previous work by Cardno, addresses all of the comments raised by DWE (OoW) in their May 2009 correspondence and the Office of Water has recently been provided with a copy of the WRL work.

Since 2004 the Council and the Area 14 landholders and their representatives met regularly to discuss issues associated with the development of Area 14. All parties including those representing St Vincent's Foundation have had a close working relationship with Council.

This consultation is not expected to replace the consultation provisions issued with the Gateway Determination. It is expected that these agencies will be re-consulted as part of the planning proposal process.

Part 4 – Community Consultation

The proposal is not considered to be LOW IMPACT and therefore an exhibition period of 28 days is considered appropriate.

Consultation in accordance with the Council's Public Consultation Policy is proposed for the site. The proposed consultation strategy for this proposal will be:

- Exhibition in a locally circulating newspaper.
- Notification of those landowners adjoining the site.

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Appendices:

Appendix A Urban Design Master Plan
Appendix B Preferred Project Report - Project
Appendix C Preferred Project Report - Concept
Appendix D Traffic Impact Study
Appendix E Infrastructure Report
Appendix F Ecological Assessment
Appendix G Water Engineering Report
Appendix H Contamination Assessment
Appendix I Draft Koala Plan of Management
Appendix J Aboriginal Cultural Assessment
Appendix K Visual Impact Analysis
Appendix L Coastal Hazard Study
Appendix M Aquatic Flora and Fauna Report
Appendix N Bushfire Hazard Assessment
Appendix O Council Report
Appendix P Earthworks Report
Appendix Q Geotechnical Report
Appendix R Village Centre Report