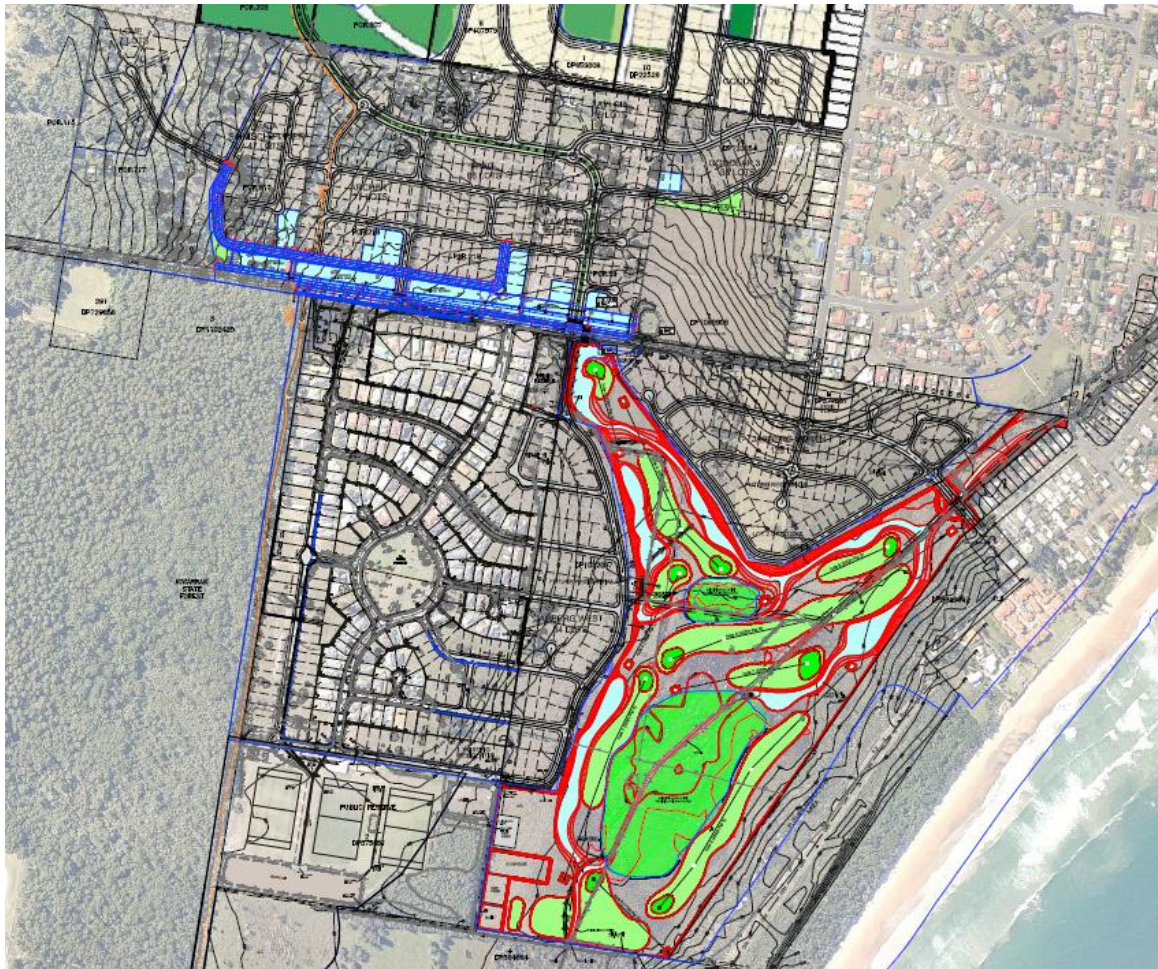


Statement of Environmental Effects in relation to
Staged Development Application – Precinct 3 at Old Bar
Prepared for Old Bar Precinct 3 Development Syndicate



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1. Introduction

1.1 Overview of Proposal

The proposal seeks a staged development consent for a subdivision of a new urban release area known as Precinct 3 at Old Bar. The proposed subdivision provides for the creation of low density residential lots, as well as larger rural residential allotments in one stage. The proposed concept subdivision provides for the creation of 526 lots to provide for housing growth at Old Bar.

1.2 Scope of Report

This report has been prepared to accompany the development application and provides information as required to assist in the assessment of a Staged Development Application. The report addresses matters that are required to be considered by the consent authority under the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979* as relevant to the concept proposal.

The Statement of Environmental Effects provides:

- A description of the site.
- A description of the proposed development.
- A review of the statutory and non-statutory planning instruments applying to the land.
- A review of the environmental impacts of the proposed development through the use of available site information and specialist reports.
- A discussion of the suitability of the site for the development.
- A discussion of how the proposal relates to the public interest.

1.3 Site History

The subject site comprises the area known as Precinct 3 at Old Bar. The area was identified for urban growth under several land-use planning strategies for the area, including:

- Old Bar/Wallabi Point Development Strategy 2001.
- Greater Taree Draft Conservation and Development Strategy 2005.
- Mid North Coast Regional Strategy.

The rezoning process for the area commenced in 1995 and was the subject of extensive investigations, planning reports and a Local Environmental Study.

The LEP amendment was converted to a Planning Proposal in December 2010 and was supported by a Precinct Planning Report which utilised the previous studies and investigations. The land was rezoned in accordance with the Planning Proposal on 17 June 2011 as Amendment No. 3 to *Greater Taree Local Environmental Plan 2010*.

1.4 Supporting Documentation

This Statement of Environmental Effects is supported by several specialist investigations and assessments. Copies of these documents have been submitted with the development application. The following list of documents has been submitted in support of the development application:

- Subdivision Layout Plans prepared by Lidbury Summers and Whiteman;
- Water and Sewer Strategy prepared by Lidbury Summers and Whiteman;
- Stormwater and Flood Management Strategy prepared by J Wyndham Prince Pty Ltd;
- Statutory Ecological Impact Assessment prepared by Darkheart Eco-Consultancy;
- Bushfire Assessment prepared by Australian Bushfire Assessment Consultants;
- Aboriginal Cultural Heritage Assessment prepared by Ainsworth Heritage.

In addition, the proposal utilises previous information and specialist reports prepared for the Planning Proposal which resulted in the recent rezoning of the land.

2. Site and Surrounding Locality

2.1 Site Details

The following data is provided in relation to the site:

Table 2.1: Site details

Title Description	Lot 2 DP 1022067 Lot B DP 377867 Part Lot 14 DP 733054 Lots 591 and 592 DP 1180317 Lot 117 DP 753149 Lot 217 DP 753149 Lot 218 DP 753149 Lot 219 DP 753149
Property Address	106 Forest Lane, Old Bar 142 Forest Lane, Old Bar 4 Sheaffe Avenue, Old Bar 95 Forest Lane, Old Bar 27 Forest Lane, Old Bar 37 Forest Lane, Old Bar 55 Forest Lane, Old Bar 75 Forest Lane, Old Bar
Site Area	Approximately 94 hectares
Zoning – Greater Taree LEP 2010	R1 – General Residential R5 – Large Lot Residential RE2 – Private Recreation E2 – Environmental Conservation E3 – Environmental Management

The proposed subdivision also involves a small area of work for a new road way and intersection over Lot 31 DP 1017744 which is owned by Council.

The staged development application and this Statement of Environmental Effects do not apply to the following lands which are part of the Precinct 3 area that was rezoned.

- Lot 7 DP 1068908 – Site of approved Manufactured Home Estate (DA 278/2008)
- Lot 1 DP 594864 - Site of approved Manufactured Home Estate (DA 278/2008) – not zoned for urban purposes.
- Lot 1 DP 1022067 – Site of MidCoast Water Pump Station – located in the RE2 Zone

- Lot 2 DP 879651 – Council Sports Fields – Zoned RE1 and E2.
- Lot 4 DP 594864 – Council Land for future sport fields – Zoned RE1 and E2.

The subject site is located in the southern parts of the Old Bar area. The site in its regional context is shown in Figure 1 below.

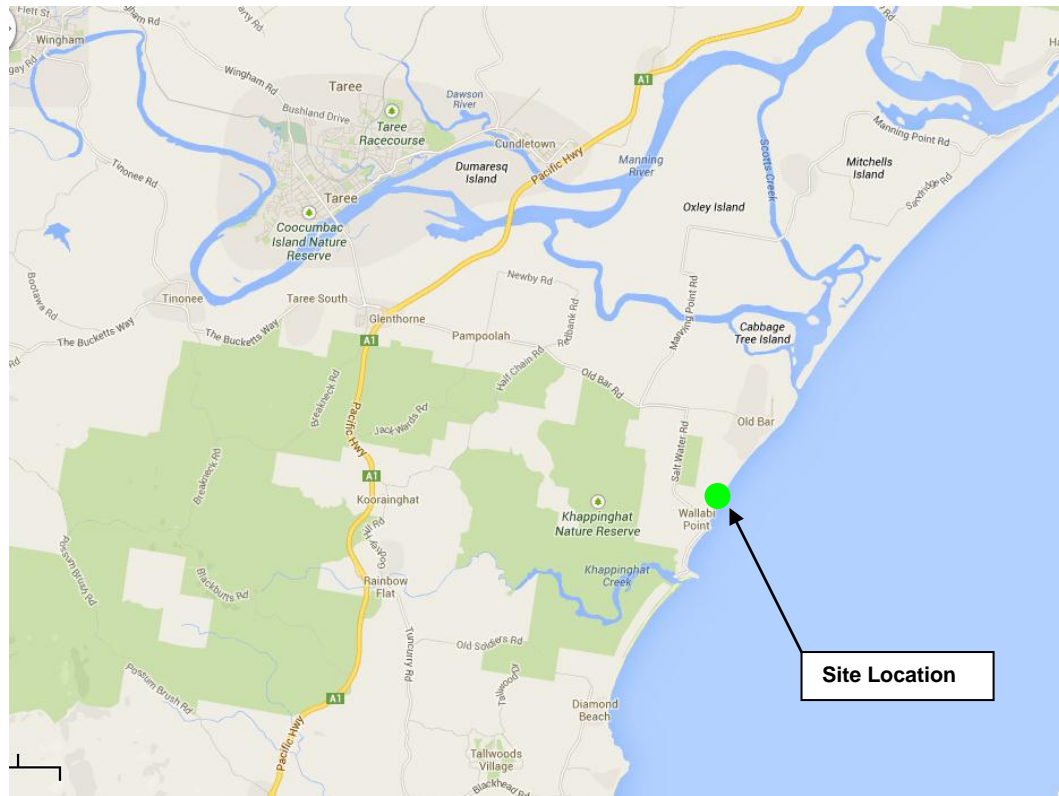


Figure 1 – Location of Site (Regional)

[Source: www.google.com.au/maps]

The site and surrounding area is depicted in Figures 2 and 3 on the following pages.

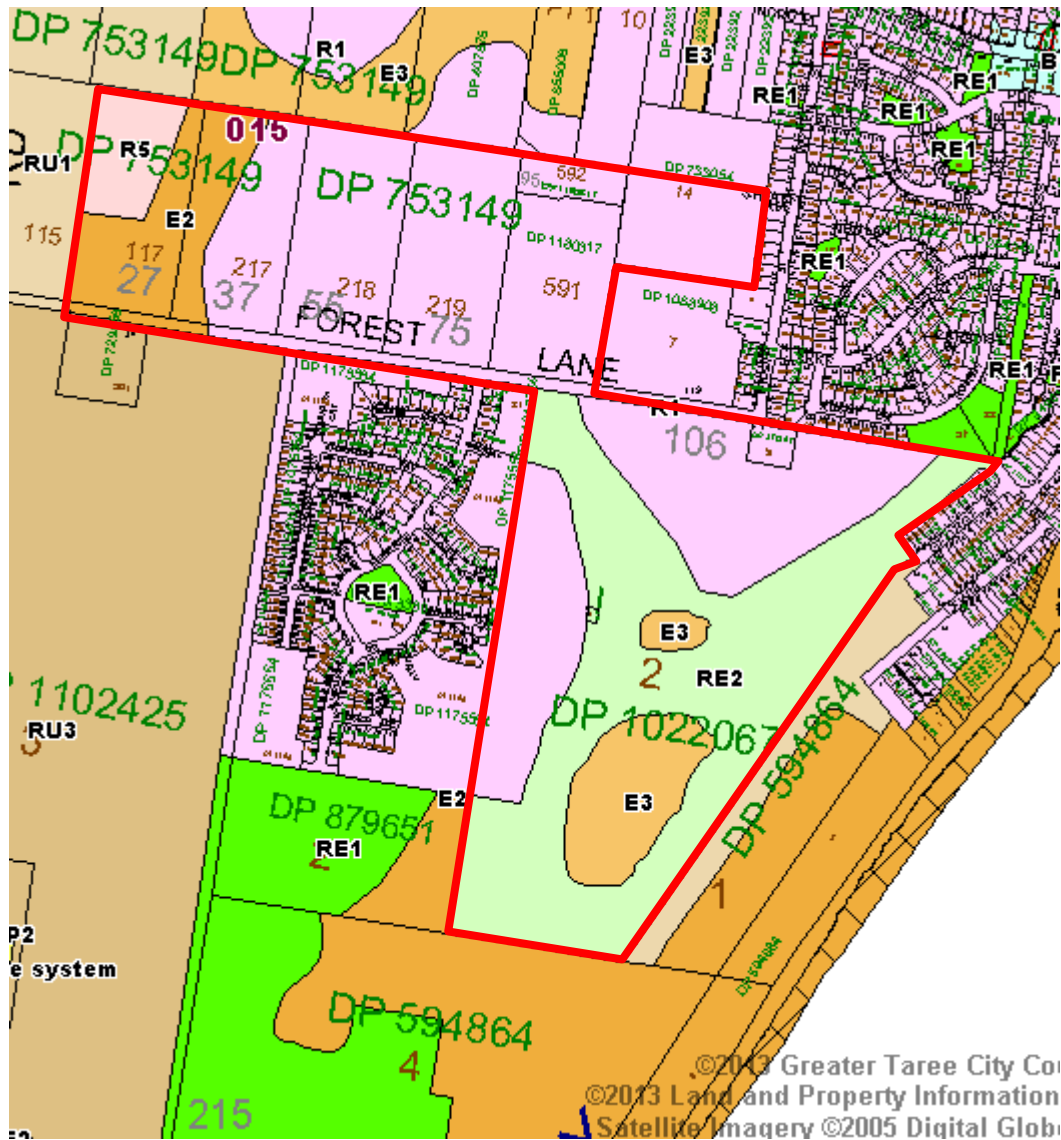


Figure 2 - Site Locality Plan (Zoning)

[Source: GTCC Exponare]



Figure 3 - Site Locality Plan (Satellite)

[Source: GTCC Exponare]

The following photographs of the site are provided.



View along Sheaffe Avenue to northern parts of site



View from corner of Forest Lane to southern parts of site



View from Forest Lane to northern parts of site



View from eastern edge of Ocean Links Estate to southern parts of site



North western parts of the site from Forest Lane



Western end of site looking from Forest Lane



View to south eastern parts of site from George Street

2.2 General Description

The subject site is comprised of nine (9) larger allotments, some of which contain dwellings. The lots all have frontage to Forest Lane except for Lot 14 DP 733054 which has frontage to Sheaffe Avenue. The majority of the lots are located on the Northern side of Forest Lane, with Lot B DP 377867 and Lot 2 DP 1022067 being located south of Forest Lane.

2.3 Site Context and Surrounding Area

The site is located at the southern end of the Old Bar urban area north of the Wallabi Point village area.

2.3.1 Land to the North

Land to the north east of the subject lands east of Wyden Street is comprised of typical low density residential development comprising lots of typically in the order of 500-700m² and containing single dwellings or multiple dwellings or larger lots (up to 1,200m²). These areas are primarily zoned R1 – General Residential. Land to the north west of the subject lands is comprised of similar lots to the subject land and comprises lands recently zoned for urban purposes as part of Precinct 2B at

Old Bar. It is expected that these lands will be developed in the future in a similar manner to that proposed for the subject land. The following photos show the existing lands to the north.



Typical residential development north/north east of site



2.3.2 Land to the West

Land directly west of the subject land is comprised of a single rural allotment fronting Saltwater Road with an area of approximately 7 hectares, and an existing

low density residential housing estate known as Ocean Links Estate with residential lots having areas typically in the order of 350m² – 800m². The rural property is zoned RU1 – Primary Production with the Ocean Links Estate zoned primarily R1 – General Residential. The following photos show the adjoining lands to the west.



State Forest west of precinct (from Saltwater Road)



Existing development within Ocean Links Estate

2.3.3 Land to the South

Land to the south is comprised of large properties used for forestry, public recreation or conservation purposes. A large parcel of land south of Forest Lane and fronting Saltwater Road with an area of approximately 85 hectares is managed by State Forests and is zoned RU3 - Forestry. Parcels of land further south of the site contain sports fields and vacant lands which are used for public recreation or a reserve for future public recreation uses (zoned RE1). Some vegetated areas to the south are zoned E2 – Environmental Conservation. The following photos show the land to the south.



Sports fields and remnant vegetation to the south of site

2.3.4 Land to the East

Land to the east is comprised of areas of typical low density residential development which is part of the Old Bar township, as well as vacant lands and beachfront reserve land. The low density residential development comprises lots of typically in the order of 500-700m² and containing single dwellings or multiple dwellings and is zoned primarily R1 – General Residential. Other vacant land to the east includes land zoned RU1 – Primary Production and E2 - Environmental Conservation and includes an allotment approved for a manufactured home estate (DA 278/2008). The land to the east is shown in the following photos.



Typical residential development east of site



Adjoining vacant lot to East from Lewis Street (Approved Manufactured Home Estate Site)

Source: Google Street View

2.4 Soils

Investigation in the 2004 Local Environment Study found that the soils on the site were comprised of the Diamond Head, Failford Road, Harrington and Crowdy Bay Soil Landscapes. These soil landscapes would not present major constraints to urban development.

Parts of the site are identified as Class 3 on the Acid Sulfate Soils maps held by Greater Taree City Council. In areas mapped as Class 3, it is possible that Potential or Actual Acid Sulfate Soils may be present at levels more than 1 metre below the natural surface level. Other parts of the site are mapped as Class 5 (where Acid Sulfate Soils are not a constraint) and a small sliver of land along the eastern edge is mapped as class 4 (where Acid Sulfate Soils may exist 2m below the natural surface). The extent of Acid Sulfate Soils is shown in Figure 4.

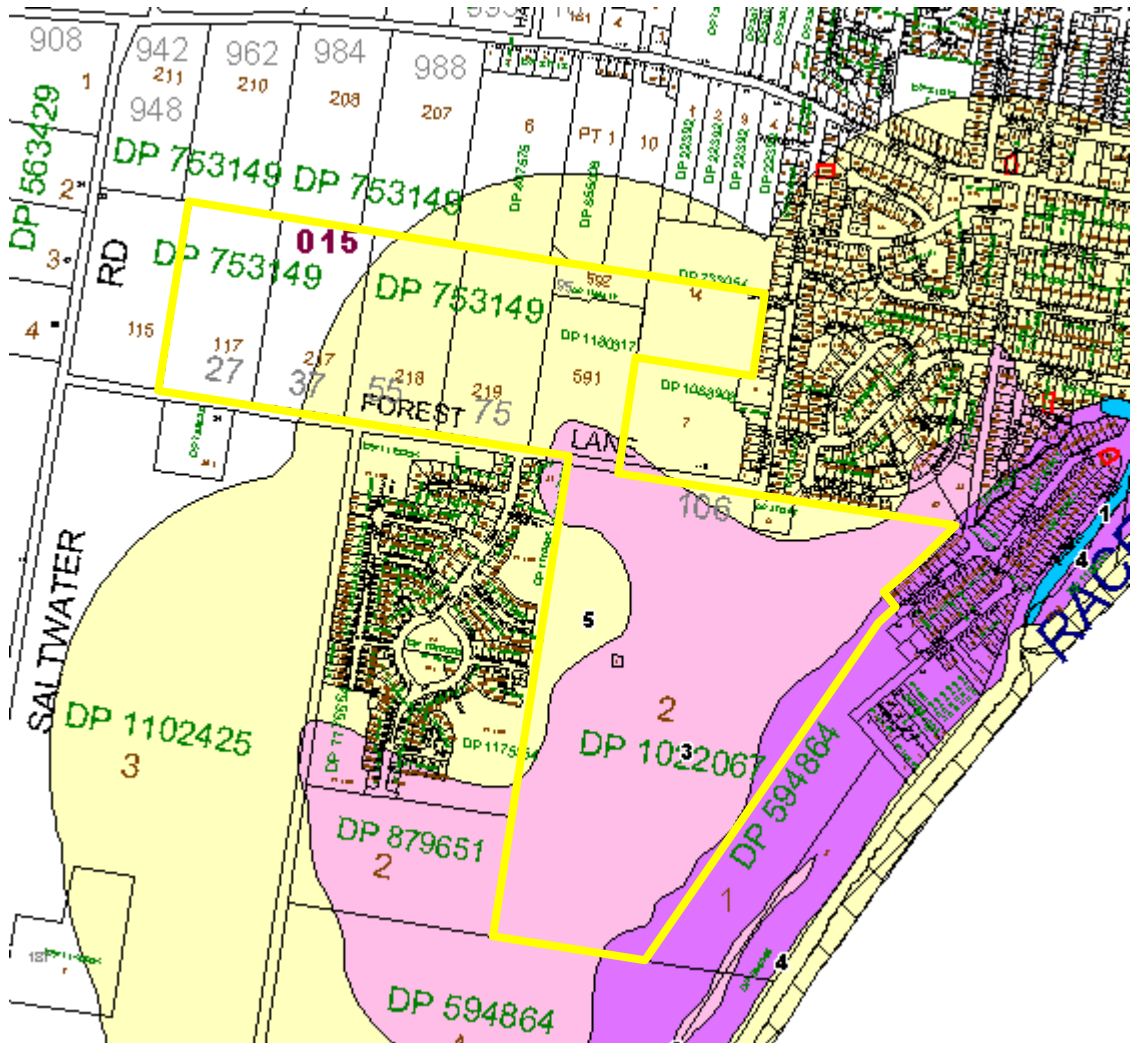


Figure 4: Acid Sulfate Soils map

Source: GTCC online mapping

2.5 Topography

The site is comprised of level areas generally rising gradually to the north, east and west. The gradients over the land vary between approximately 1° and 2° . The site drains to the south east and there are no identified watercourses within the proposed development area. Racecourse Creek passes through the eastern parts of Lot 2 DP 1022067, within the area of the approved golf course.

2.6 Site Drainage

As discussed, the site drains to the east to Racecourse Creek. The areas of the site north of Forest Lane currently drain by sheet flow to Forest Lane and are conveyed under the road by a wide box culvert crossing that conveys surface water flows to the southern side of Forest Lane. The land on the southern side of Forest Lane drains via overland sheet flow to wide, shallow drainage paths that carry surface water flows to Racecourse Creek. These drainage paths also carry the flows from the drainage under Forest Lane.

2.7 Ecological Values

Much of the vegetation on the land is highly disturbed from previous clearing and agricultural uses of the land. The Flora and Fauna Assessment for the land submitted with the application identifies Seven (7) broad vegetation communities over the land as follows:

1. Open Forest
2. Regrowth/Highly Modified Open Forest
3. Shrubland A – *Melaleuca ericifolia*
4. Shrubland B – *Melaleuca nodosa*
5. Swamp Sclerophyll Forest
6. Derived Grassland with Scattered Trees
7. Derived Grassland

The vegetation communities are shown in the following plan extracted from the ecological assessment.

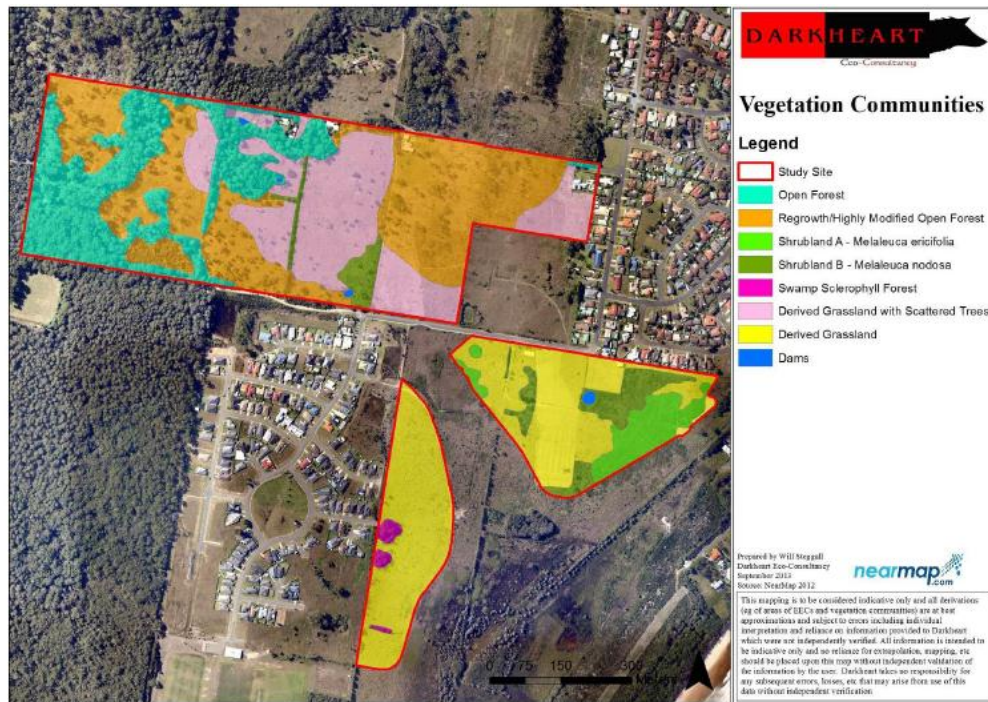


Figure 5: Vegetation Communities

(Source: Darkheart, 2013)

The ecological assessment did not identify any Endangered Ecological Communities on the land and noted that the Swamp Sclerophyll Forest would not qualify as an Endangered Ecological Community as they do not occur on a 'coastal flood plain' (instead being located on relic coastal barriers of marine provenance and undifferentiated sediments).

The ecological assessment did not identify any Threatened Plants on the site and found that Threatened plant species were unlikely to occur on the site.

The site was not mapped as key habitats or corridors, although a local corridor has been identified through the site.

23 hollow bearing trees were identified over the site, being comprised of 3 trees of high fauna habitat value, 7 trees of medium fauna habitat value, and 13 trees of low fauna habitat value.

Vegetation on the site was found in places to comprise potential koala habitat, but was not identified as Core Koala Habitat, with no evidence of koala activity.

A number of fauna species were recorded over the land, including Threatened species of bats and birds.

2.8 Existing Development

Five of the subject allotments contain existing dwellings which have been established in the past to provide rural living opportunities. In addition, rural infrastructure exists on the land, including rural sheds, fencing and cattle yards.

2.9 Traffic and Access

Access to the site is available from Forest Lane, Sheaffe Avenue and George Street, as well as future road connections from within Ocean Links Estate.

2.10 Hazards

2.10.1 Flooding

Part of the subject site is identified as flood prone land and is subject to local flooding within the Racecourse Creek catchment. The Precinct Planning Report identifies the hazard as follows:

The study area forms the majority of the Racecourse Creek catchment. An artificial drain directs water away from the central wetland towards the north-east corner of the study area and the natural Racecourse Creek channel then flows through the southern urban area of Old Bar, where it discharges onto Old Bar Beach. The entrance to Racecourse Creek is mostly closed, except during periods of prolonged rainfall and high waves, when the beach berm is breached and it drains to the ocean for short durations.

The low lying area within the study area acts as a natural stormwater retarding basin. During storm events in the catchment this area fills with water and is released slowly through a natural constriction in the Racecourse Creek channel. Other low lying areas of the study area are affected periodically by surface water retention due to the poor drainage characteristics of the soils. Modelling of the Racecourse Creek catchment gives a 1 in 100 year Average Recurrence Interval (ARI) flood level of 5.35m AHD for the existing undeveloped catchment. (GHD, 2010)

The area identified as subject to flooding in a 1% event as a result of the flood modelling by J Wyndham Prince Pty Ltd. is provided in Figure 6 below:



[Source: Stormwater(JWP 2014 and Flooding

The subject land is identified as bushfire prone land on maps held by Council. An extract from the map is provided below with the subject site highlighted.

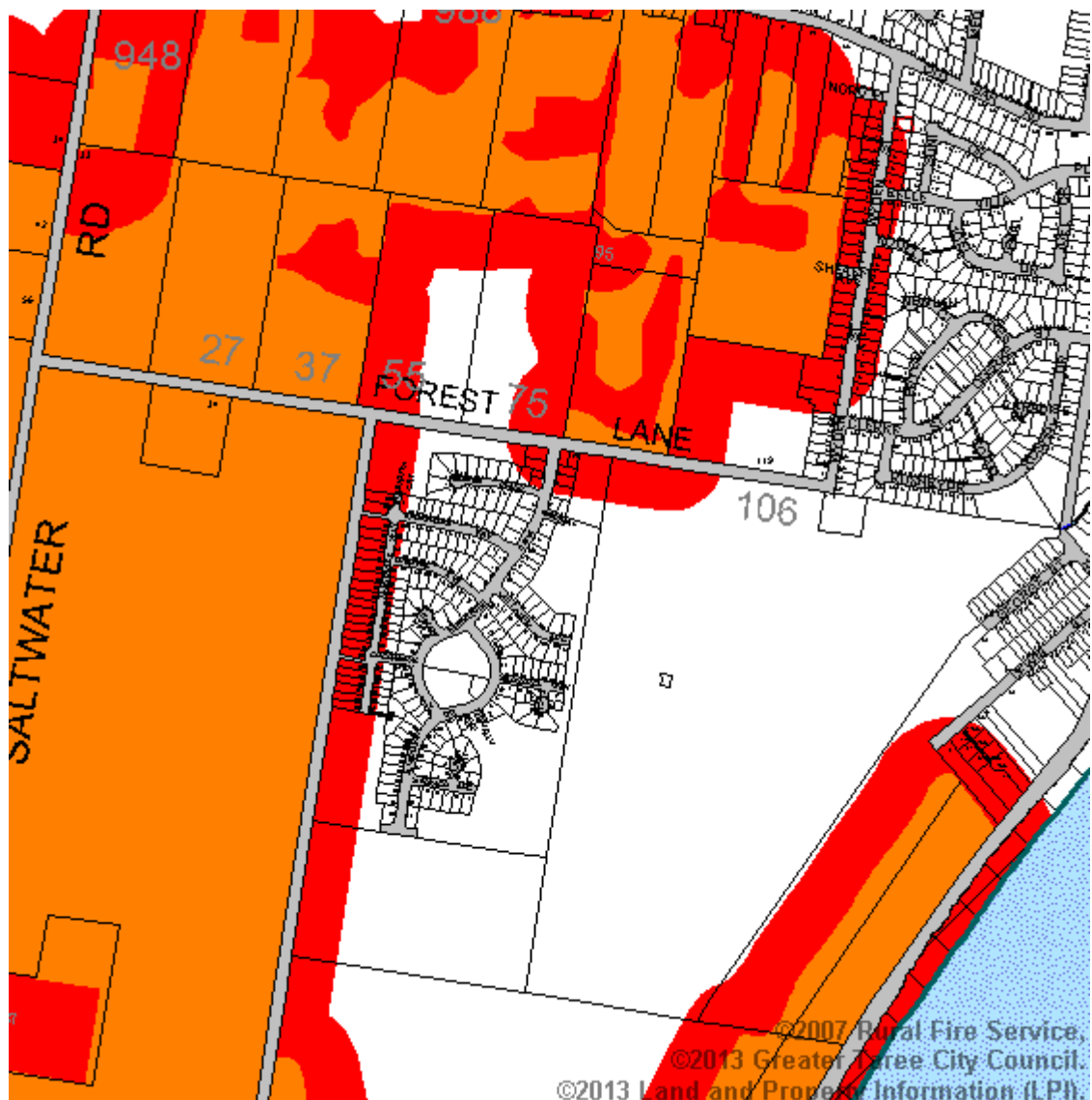


Figure 7: Bushfire prone land map

(Source: GTCC Exponare)

In relation to bushfire threats affecting the property, the key vegetation is the areas of forest within the site and on adjoining land to the north west and west. In addition, grassland and shrub land vegetation present a lower level of risk.

2.11 Heritage

2.11.1 European Heritage

There are no items of European heritage listed as being present on the land and the site is not located in a heritage conservation area. There are no items identified on adjoining lands.

2.11.2 Aboriginal Heritage

An Aboriginal Cultural Heritage Assessment was undertaken by Ainsworth Heritage in 2010 as part of the planning proposal to rezone the land. The assessment found that there were 7 Aboriginal sites identified within the subject site (previous studies and site walkover) which were comprised of three (3) isolated artefacts, one (1) unrelocated artefact (not found again), one (1) unrelocated midden (not found again) and two (2) modified trees.

3. *The Proposed Development*

3.1 Staged Development Proposal

The proposed development comprises a staged approval for a subdivision of the area known as Precinct 3 in Old Bar which has been rezoned for rural residential development. The subject site is comprised of eight different owners and the staged consent has been lodged providing an overall development control and layout for the site, with individual owners permitted to develop their lots individually with detailed development applications for each stage whilst still delivering a planned outcome for the overall development of the precinct.

The individual stages are based upon the different parts of the site based upon the different ownership of the land. The stages have been identified as follows:

- Stage 1 – Subdivision of land owned by Rawson (Lot 591 DP 1180317) – 66 Lots (plus drainage reserve).
- Stage 2 – Subdivision of Land owned by Stone (Lot B DP 377867) – 5 Lots
- Stage 3 – Subdivision of land owned by Jarberg (Lot 2 DP 1022067 - Northern Part) – 126 Lots (plus residue)
- Stage 4 – Subdivision of land owned by Taylor (Lot 592 DP 1180317) – 16 Lots. (plus residue)
- Stage 5 – Subdivision of land owned by Goodear (Lot 14 DP 733054) – 38 Lots (plus drainage reserve).
- Stage 6 – Subdivision of land owned by Trad (Lot 219 DP 753149) – 86 Lots. (plus drainage reserve).
- Stage 7 – Subdivision of land owned by Archer (Lot 218 DP 753149) – 71 Lots. (plus drainage reserve).

- Stage 8 – Subdivision of land owned by Sainisch/Plimer (Lot 217 DP 753149) – 47 Lots (plus drainage reserve and E2 lot).
- Stage 9 – Subdivision of land owned by Love (Lot 117 DP 753149) – 7 Lots (plus E2 lot).
- Stage 10 – Subdivision of land owned by Jarberg (Lot 2 DP 1022067 – Western Part) – 64 Lots (plus residue).

The application seeks concept approval for the entire development and formal development consent for works associated with Stage 1.

The timing of undertaking each stage may not follow the numerical order presented and will be based upon when each owner wishes to undertake a stage.

The stages are indicated on the plans of subdivision presented with the application. It should be noted that the plans include indication of a golf course on Lot 2 DP 1022067. This golf course has been previously approved under DA 488/99 and this application does not seek consent for the golf course.

3.2 Design Drawings

The proposed staged subdivision is detailed in the following plans prepared by Lidbury Summers and Whiteman:

Table 3.2: List of plans

Plan Title	Sheet Number	Issue/Date
Overall Layout Plan	Sheet 1 of 4	Issue F - 28/04/2014
Layout Plan 1	Sheet 2 of 4	Issue F - 28/04/2014
Layout Plan 2	Sheet 3 of 4	Issue F - 28/04/2014
Layout Plan 3	Sheet 4 of 4	Issue F - 28/04/2014
Typical Street Cross Sections	Sheet 1 of 1	Issue A - 28/04/2014
Water and Sewer Strategy	Sheet 1 of 4	Issue B - 28/04/2014
Water and Sewer Strategy	Sheet 2 of 4	Issue B - 28/04/2014
Water and Sewer Strategy	Sheet 3 of 4	Issue B - 28/04/2014
Water and Sewer Strategy	Sheet 4 of 4	Issue B - 28/04/2014
Subdivision Lot 591 (Stage 1)	Sheet 1 of 1	Issue D - 28/04/2014

A copy of the plans from Lidbury Summers and Whiteman are included in Appendix A.

3.3 Stage 1

Stage 1 involves the subdivision of Lot 591 DP 1180317, 95 Forest Lane, Old Bar. The plan of subdivision for this lot indicates that the proposal will involve the creation of 66 lots accessed via a main central road off Forest Lane with smaller local access roads and cul-de-sac access off the central main road. The main road and smaller access roads will connect with the adjoining site to the west (Stage 6), east (Stage 5) and north (Stage 4). Detailed consent is sought for Stage 1, and the proposal provides for the creation of lots between 450m² and 1242m².

The detailed plan for Stage 1 shows that the stage will be constructed and released in smaller stages (1A, 1B, 2A, 2B, 3A and 3B).

3.4 Stage 2

Stage 2 involves the subdivision of Lot B DP 377867, 142 Forest Lane, Old Bar. The plan of subdivision for this lot indicates that the proposal will involve the creation of 5 lots accessed via an extension of Wyden Street through the western part of the site. The extension of the road would then connect with the new roads to be created in the subdivision of Stage 3.

3.5 Stage 3

Stage 3 involves the subdivision of the northern part of Lot 2 DP 1022067, 106 Forest Lane, Old Bar. The plan of subdivision for this lot indicates that the proposal will involve the creation of 126 lots accessed via the Wyden Street extension through Stage 2 and a new access connection with George Street connecting with an internal road network to provide access to the proposed lots.

3.6 Stage 4

Stage 4 involves the subdivision of Lot 592 DP 1180317, 95 Forest Lane, Old Bar. The plan of subdivision for this lot indicates that the proposal will involve the creation of 16 lots. The southern lots will be accessed via a new access road constructed in Stage 1, while the northern lots will be accessed via a new road planned to be constructed along the northern boundary within Precinct 2B.

3.7 Stage 5

Stage 5 involves the subdivision of Lot 14 DP 733054, 4 Sheaffe Avenue, Old Bar. The plan of subdivision for this lot indicates that the proposal will involve the creation of 38 lots accessed via an extension of Sheaffe Avenue and new road connections created in Stage 1. The application only applies to the southern part of the lot which is within Precinct 3. The northern part of the lot is located within Precinct 2B. The proposed subdivision includes local road connection to the 2B development layout on the northern part of the lot.

3.8 Stage 6

Stage 6 involves the subdivision of Lot 219 DP 753149, 75 Forest Lane, Old Bar. The plan of subdivision for this lot indicates that the proposal will involve the creation of 85 lots accessed via a continuation of the main central road within Stage 1 and by smaller local access roads also connecting from Stage 1. The main road and smaller access roads will connect with the adjoining site to the west (Stage 7).

3.9 Stage 7

Stage 7 involves the subdivision of Lot 218 DP 753149, 55 Forest Lane, Old Bar. The plan of subdivision for this lot indicates that the proposal will involve the creation of 71 lots accessed via a continuation of the main central road from Stage 6 and by smaller local access roads also connecting from Stage 6. The smaller access roads will connect with the adjoining site to the west (Stage 8). The main access road will connect with the north western corner of the property and crosses the north eastern corner of Stage 8 to connect with the main access corridor through Precinct 2B to the north.

3.10 Stage 8

Stage 8 involves the subdivision of Lot 217 DP 753149, 37 Forest Lane, Old Bar. The plan of subdivision for this lot indicates that the proposal will involve the creation of 47 lots accessed via a continuation of the smaller local access roads also connecting from Stage 7. The main access road connecting with Precinct 2B passes through the north eastern corner of the site. The western parts of the site are zoned E2 and these areas are retained in a single allotment within this stage. Local access road and services linked to rural residential lots in Stage 9 will cross the E2 lot.

3.11 Stage 9

Stage 9 involves the subdivision of Lot 117 DP 753149, 27 Forest Lane, Old Bar. The plan of subdivision for this lot indicates that the proposal will involve the creation of 7 rural residential type lots accessed via the new road connecting from Stage 8. The eastern and southern parts of the site are zoned E2 and these areas are retained in a single allotment within this stage. Local access roads and services linked to rural residential lots will cross the E2 lot. The existing dwelling on the land will be retained within the E2 lot.

3.12 Stage 10

Stage 10 involves the subdivision of the western part of Lot 2 DP 1022067, 106 Forest Lane, Old Bar. The plan of subdivision for this lot indicates that the proposal will involve the creation of 64 lots accessed via a new road connection from Forest Lane (opposite the main access road constructed in Stage 1) , as well as connecting with the existing and proposed local road connections in Ocean Links Estate (such as Yellowfin Avenue and Mackerel Way). A wide perimeter road exists along the eastern edge of the stage connecting with the main roads through Ocean Links Estate and Forest Lane.

3.13 Traffic and Access

Access to the subdivision is provided via new roads off the existing Old Bar township road network.

A main central access road is to be provided from Forest Lane and links with Precinct 2B to the north consistent with the Master planning undertaken for the site. This main central road passes through the site and Precinct 2B providing a connection with Old Bar Road. The main central access provides the primary access to Stages 1, 4, 5, 6, 7, 8 and 9 in the northern part of the site. In addition to the main central road, there are also new access connections with Sheaffe Avenue connecting to Wyden Street and another local access street connecting with Forest Lane. The alignment of Wyden Street is proposed to be extended to provide Stages 2 and 3 and there is also a connection to George Street to the east of Stage 3. Stage 10 is accessed via a new access off Forest Lane (opposite the main northern access) and connections with the various internal roads within Ocean Links Estate.

The main traffic control facilities within the proposal are:

- Main roundabout at intersection of Forest Lane and the main northern access and access to Stage 10. It is considered that this roundabout should be funded from Section 94 contributions (see discussion below).
- Internal roundabouts and T intersection treatments on various intersections within the internal roads.
- New T intersection treatment at Forest Lane/Wyden Street (created by Wyden Street extension).
- New culvert and road connection to George Street.

The proposed subdivision layout facilitates bus movements through the Precinct, with a bus route created along the main central connection to the north, along Forest Lane and along the perimeter road to Stage 10, connecting with the existing bus route through Ocean Links Estate. The bus route is shown in the following figure.

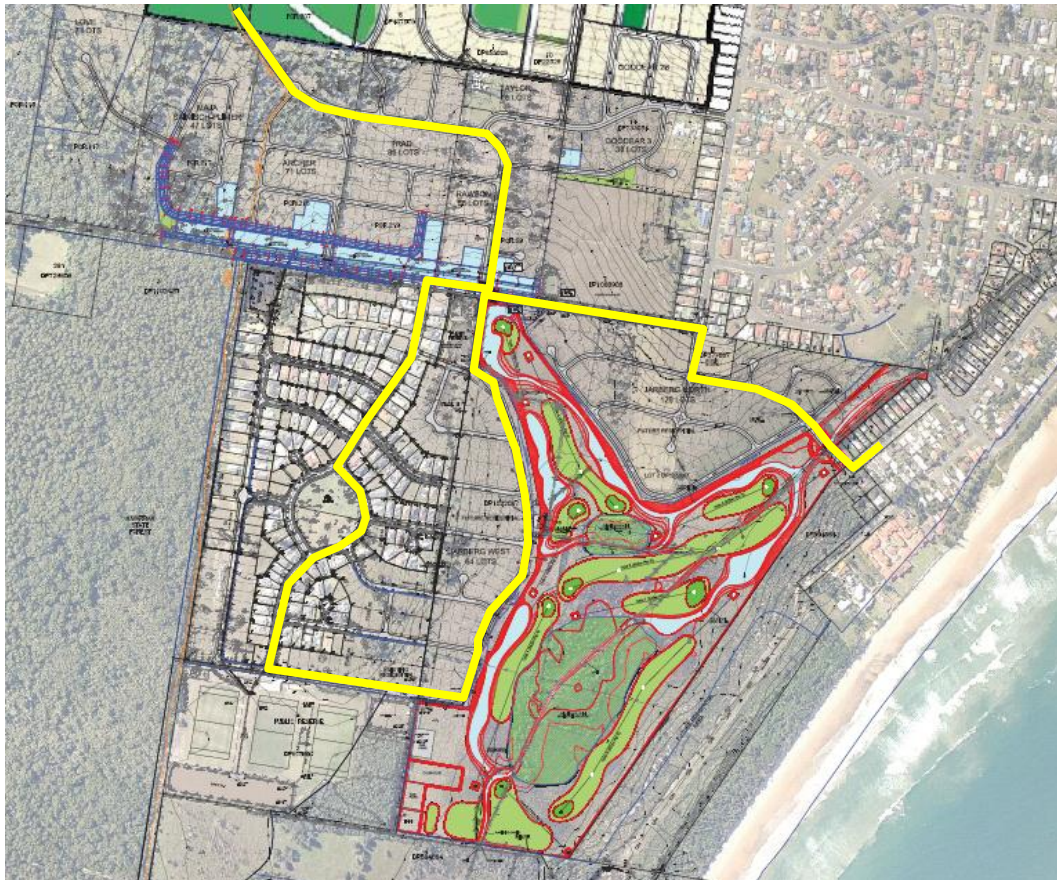


Figure 8: Proposed bus route (Base map Source: LSW 2014)

Stage 1 will involve the construction of the Boulevard collector access off Forest Lane to provide access to the local streets planned for that stage. The local streets will be constructed to connect with the adjacent stages. The intersection of the Boulevard collector and Forest Lane will not be constructed as a roundabout in this stage, but will instead be constructed as a T intersection, with the new kerb etc. located to allow for future construction of a roundabout. The construction of the roundabout would be required at Stage 10, when the four way intersection is created.

3.14 Bushfire Mitigation Measures

Parts of the subject land are identified as bushfire prone land on Council's mapping. To examine the risks from bushfire, a Bushfire Assessment has been prepared by Australian Bushfire Assessment Consultants and a copy of this assessment has been submitted with the application. The proposed subdivision incorporates the following features recommended by the bushfire assessment:

- The provision of required Asset Protection Zones to be incorporated in the roads and allotments within the subdivision as detailed in the Bushfire Report.
- Provision of easements where necessary on residual/private recreation lands to allow for maintenance of Asset Protection Zones.
- Provision of fire fighting water supply throughout the subdivision, including provision of hydrants to meet relevant Australian Standards.
- Provision of electricity supplies underground.
- Construction of roads to meet the standards within 4.1.3(1) of *Planning for Bush Fire Protection 2006*.
- Controls in relation to any bottled gas provision.

The recommendations of the Bushfire Assessment are incorporated in the proposed subdivision.

In relation to Stage 1, the plan includes a 10m APZ along the eastern boundary of the lots where they adjoin Lot 7 DP 1068908.

3.15 Stormwater and Flooding Controls

Parts of the subject site are identified as being subject to flooding in the design event (1% AEP). In addition, the urbanisation of the land will increase the impermeability of the sites and increase the stormwater flows from the land.

The flooding and stormwater aspects of the proposed subdivision have been examined in detail by J Wyndham Prince Pty Ltd in their stormwater and flood management strategy submitted with the application.

The flood prone areas of the site which are to be utilised for residential development shall be filled above the design flood level. The stormwater strategy also includes detention facilities that can be utilised for each stage to control flows from the developed areas and minimise the effects of run-off on downstream flooding.

In addition, the stormwater strategy includes the provision of water quality structures (Bio-retention raingardens) for each stage to treat stormwater quality so that it meets Greater Taree City Council's criteria for stormwater quality.

The stormwater strategy provides two development scenarios which can eventuate in development of the land. These two scenarios are:

- Interim Development Scenario – in this scenario the detention facilities are provided in the stages north of Forest Lane, along with stormwater treatment structures to treat stormwater quality. The main drainage culvert under Forest Lane is not sufficiently sized to allow the developed flow through the site and upstream detention is required to control flows at this point. In addition, downstream detention would not be provided in the golf course, until such time as the relevant ponds are developed. The upstream owners would also need to obtain rights to transfer their detention to this owner's land. As such, the detention area is provided in the drainage reserve in this scenario, while the stormwater quality treatment areas would be established over areas designated as allotments on the development plan.
- Final Development Scenario – This is the scenario when detention is provided in the land belonging to Jarberg, and the culvert under Forest Lane is found to be suitable for projected flows. In this case, the detention requirement for all (or some) of the lots may be removed from the drainage reserve areas, and those areas then used to provide the water quality treatment structures. This would allow release and residential use of the lots identified for the water quality structures under the interim development scenario.

Stage 1 involves the construction of the interim detention basin in a new drainage reserve to be created along the frontage to Forest Lane to provide stormwater detention for the interim scenario. Stormwater quality structures will be provided on the area identified as Lots 3, 4, 5 and 6. Consent is still sought for these lots which will be able to be created when the detention structures are provided within the approved golf course and the Forest Lane culvert is upgraded, allowing the stormwater quality structures to be moved to the drainage reserve.

3.16 Services

The information submitted with the development application includes a water and sewer strategy which provides reticulated water and sewer services to all of the proposed lots.

The water connection provides connection to existing and proposed water mains and reticulates water within the street system to provide connection for each lot, as well as to provide urban fire fighting services. Stage 1 involves the connection of a new main to the existing mains in Forest Lane with mains branches provided to serve all the lots in the subdivision.

The sewer strategy provides connection of all lots to a gravity main system which will connect with the existing sewage pumping station located at the eastern edge of Stage 10. Stage 1 involves the construction of a new gravity main system throughout the subdivision which will cross under Forest Lane, and connect with an existing sewer main that drains parts of Ocean Links Estate to the MidCoast Water Sewer Pumping Station.

Electricity and telecommunications are provided in this area and can be extended/augmented to serve the new lots.

3.17 Ecological Corridors

The proposed subdivision incorporates an ecological corridor over the land zoned E2 within Stages 8 and 9. The corridor is comprised of two allotments, being the parts of the lands zoned E2 within Lots 117 and 217 DP 753149. The proposal does not involve any new boundaries fragmenting the E2 zone, other than the road required to connect the rural residential lots in stage 9..

Stage 1 does not include any areas identified for ecological corridors. Vegetation over the land is comprised of open grassland with some scattered trees that are highly modified remnants of forest vegetation. No vegetation retention or corridors are recommended over the land by the Ecological Assessments.

4. Planning Controls and Legislation

4.1 Environmental Planning and Assessment Act 1979

4.1.1 Staged Development Provisions

The proposal has been lodged as a staged development application under the provisions of Division 2A of Part 4 of the *Environmental Planning and Assessment Regulation 1979*. These provisions allow an application to deal with concept issues only and do not require consideration of detailed matters which can be considered in subsequent applications. Section 83B provides:

- (1) For the purposes of this Act, a **staged development application** is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications. The application may set out detailed proposals for the first stage of development.*
- (2) A development application is not to be treated as a staged development application unless the applicant requests it to be treated as a staged development application.*
- (3) If consent is granted on the determination of a staged development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:
(a) consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or
(b) the staged development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.*
- (4) The terms of a consent granted on the determination of a staged development application are to reflect the operation of subsection (3).*

As the application has been lodged as a staged application, the information submitted can be limited to the information necessary to enable assessment of the concept and the works proposed in Stage 1. The provisions of section 83C provide that a staged consent can have the same status as a DCP over land if one is required by an Environmental Planning Instrument.

In relation to information required to be submitted with a staged development application, a *planning principle* has been published by the Land and Environment Court in the case of *Anglican Church Property Trust v Sydney City Council* (SC Rose & C Brown). The principle published in this case provides:

The principle we have adopted is that in multi-stage applications the information provided in Stage 1 should respond to all those matters that are critical to the assessment of the proposal. Where traffic generation is the critical issue, Stage 1 should include information on the precise number of cars accommodated on a site. Where the floor space is critical, Stage 1 should include the precise FSR. Where the major issue is the protection of vegetation, the footprints of the proposed buildings may be sufficient.

In this case, it was determined that the visual effects of the proposal to adjoining heritage listed buildings was a major issue and therefore required detailed architectural details, however the commissioners conclude that *while building envelopes may be suitable for Stage 1 applications in many circumstances, they are not suitable for the development of this important heritage site.*

In the context of the site and the major issues affecting the site, it is not considered that detailed plans of subdivision are necessary for this staged development application. In the context of the site, key issues identified for the development of the site are:

- The required development form to deal with flooding issues over the land.
- The required measures to deal with bushfire hazards identified for the land.
- The measures necessary to manage stormwater discharge from the land.
- The design of development footprint to deal with ecological issues existing on the land.
- Co-ordination of connections and relationship between the different stages.

Other issues are discussed in this submission, however detailed assessment of such matters may be deferred to the applications for subsequent stages. Further assessment/discussion of issues for Stage 1 has been included.

4.1.2 Integrated Development

Section 91 of the Act identifies development which is 'integrated development', being development which requires development consent and another type of approval specified in the Clause. In relation to the proposal, it has been lodged as integrated development with the following approvals also required:

- Controlled Activity Approval for works on water front land – The road connection with Charles Street crosses Racecourse Creek and would require a controlled activity approval under the provisions of Section 91 of the *Water Management Act 2000*.
- Bushfire Safety Authority to subdivide land which can be used for residential or rural residential purposes – Approval is required from the NSW Rural Fire Service under the provisions of Section 100B of the *Rural Fires Act 1997*.
- Aboriginal Heritage Impact Permit to disturb identified Aboriginal Sites – A permit is required under Section 90 of the *National Parks and Wildlife Act 1974*.

Stage 1 involves bushfire prone land and includes an identified item of Aboriginal Heritage. As such, Bushfire Safety Authority and AHIP are required for this stage. Stage 1 does not involve any works within 40 metres of a watercourse, and a controlled activity permit is not necessary for this stage.

4.1.3 Regional Development

Schedule 4A of the Act specifies development that is to be treated as 'regional development'. Regional development is to be determined by the Joint Regional Planning Panel. The proposed development is captured by Clause 9 of the schedule which states:

9 Coastal subdivision

Development within the coastal zone for the purposes of subdivision of the following kind:

- (a) subdivision of land for any purpose into more than 100 lots, if more than 100 of the lots will not be connected to an approved sewage treatment work or system,*
- (b) subdivision of land for residential purposes into more than 100 lots, if the land:*

- (i) *is not in the metropolitan coastal zone, or*
 - (ii) *is wholly or partly in a sensitive coastal location,*
- (c) *subdivision of land for rural-residential purposes into more than 25 lots, if the land:*
 - (i) *is not in the metropolitan coastal zone, or*
 - (ii) *is wholly or partly in a sensitive coastal location.*

The southern parts of the site (Stages 2, 3 and 10) are located in the coastal zone. These areas are outside the metropolitan coastal zone and will be subdivided into more than 100 lots. As such, the proposal is identified as regional development by Clause 9(b)(i) of Schedule 4A and will need to be determined by the Joint Regional Planning Panel.

Clause 95 in schedule 6 (Savings Transitional and Other Provisions) provides that any reference in an environmental planning instrument requiring preparation of a 'master plan', is taken to require the preparation of a development control plan under Section 74D of the Act.

Clause 83C of the Act provides that a staged development application may be made for development requiring consent as an alternative to a development control plan required by an environmental planning instrument.

4.2 State Environmental Planning Policy 44 – Koala Habitat Protection

The subject land has an area in excess of 1 hectare and the provisions of *State Environmental Planning Policy Number 44 – Koala Habitat Protection* (SEPP 44) apply.

Investigations of the subject land by Umwelt (during rezoning of the land), and Darkheart in relation to this proposal, identified that some areas of vegetation on the land comprised potential koala habitat. Detailed searches and investigations did not identify any koala activity on the land, and it was determined that the site did not contain core koala habitat. As such, there are no requirements for the preparation of a koala plan of management etc. under the requirements of SEPP 44.

4.3 State Environmental Planning Policy 71 -

The provisions of State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71) apply to the proposed development as the land is located within the 'Coastal Zone'. The parts of precinct 3 located south of Forest Lane are located in

the coastal zone, while those parts north of Forest Lane are outside the coastal zone. No parts of the precinct are located within a sensitive coastal location.

The matters for consideration are provided in Clause 8 of SEPP 71 and are addressed in the following table in respect of the subject development.

Table 4.3 – Matters for Consideration

Table 1 - SEPP 71, Part 2, Clause 8 – Matters for Consideration

Clause	Comment
8(a)	The proposed development is considered to be consistent with the aims of SEPP 71, as referred to in Clause 2.
8(b)	The proposed development will not impact on public access arrangements to the existing coastal foreshore.
8(c)	The proposed development will not interfere with existing opportunities to provide public access to the coastal foreshore.
8(d)	The proposed subdivision provides for a low density residential outcome consistent with the prior planning for the site. The scale of the subdivision, density, etc. is consistent with the other residential areas in the Old Bar township and the proposed subdivision is suitable in its relationship with the surrounding area.
8(e)	The proposed development will not create any shading impacts onto, or affect any views to the public foreshore.
8(f)	The proposed residential development is consistent with the planned outcomes for the area. The proposal provides low scale residential development within the planned footprint of the Old Bar township and will not impact on the scenic qualities of the NSW coast.
8(g)	The impacts of the proposal to plants and animals has been examined by Darkheart who have determined that the proposed subdivision will not have a significant impact on Threatened species, populations or ecological communities or their habitats within the locality.
8(h)	The proposed development will not impact on fish or aquatic habitats.
8(i)	The proposed development maintains the identified wildlife corridors through the precinct in accordance with the prior planning for the

Table 1 - SEPP 71, Part 2, Clause 8 – Matters for Consideration

Clause	Comment
	precinct.
8(j)	Coastal hazards in the Old Bar area have been examined in the Council's <i>Coastline Hazard Definition Study – Black Head to Crowdy Head</i> prepared by Worley Parsons. The proposed development is not located in areas that are identified as subject to coastal hazards.
8(k)	There are no land/water based conflict issues associated with the proposed development.
8(l)	An extensive Archaeological assessment has been undertaken for the site. The impact to aboriginal archaeological materials and places is examined in further detail in this Statement of Environmental Effects. The proposal has had regard to these matters and management of these issues is recommended in accordance with the Archaeological Assessment.
8(m)	The proposed development includes stormwater management devices that treat stormwater quality. The stormwater strategy by J Wyndham Prince shows that the stormwater facilities will treat stormwater so that there is no increase in stormwater pollutants from the site. As such, the proposal will not impact on the water quality of coastal waterbodies.
8(n)	The subject site does not contain items of heritage significance and is not located in a heritage conservation area. Impacts to items of Aboriginal heritage have been addressed in accordance with the recommendations of the Archaeological report prepared for the rezoning.
8(o)	Not applicable to this development application.
8(p)(i)	The proposal is consistent with the planning for the area and the development outcomes envisaged by strategic planning for the area. The development does not result in detrimental cumulative impacts.
8(p)(ii)	Water and energy usage will be addressed in the design of the future residential development on the land, having regard to the State Government's BASIX requirements.

In relation to the development control provisions in Part 4 of SEPP 71:

- The proposed subdivision does not rely on any flexible zone provisions.
- The proposed development will not have any impact upon present public access to the coastal foreshore. Similarly, there are no aspects of the proposal that are likely to encroach upon or overshadow any portion of the coastal foreshore.
- The proposed development will be connected to MidCoast Water's reticulated sewerage system.
- The stormwater strategy for the subdivision provides for stormwater control structures to control stormwater flows and stormwater quality. Stormwater will be suitably treated before discharge to Racecourse Creek and then to the ocean.

Clause 18 of SEPP 71 provides that certain consents may only be issued where a 'master plan' has been issued. As discussed previously, this requirement is taken to mean a DCP and the requirement for a DCP will not be required where a staged development application is made (i.e. this application). This is confirmed in the Planning Circular 05-012 *Planning implications of the extension of the NSW Coastal Zone*. The footnote on Page 1 of this circular states:

Amendments to Parts 3 and 4 of the EP&A Act, which commenced 30 September 2005, mean references in environmental planning instruments (EPIs) to master plans should now read development control plans (DCPs). DCPs are to be made according to section 74C of the EP&A Act, and be consistent with EPIs. The Act amendments also allow an owner to submit a staged development application instead of a DCP (section 83C) where an EPI such as SEPP 71 presently requires a master plan.

As such, a 'Master Plan' or DCP is not required under the provision of SEPP 71 as the staged development application can replace this requirement.

The proposed development is consistent with the aims and objectives of the SEPP and meets all relevant considerations under SEPP 71.

4.4 Greater Taree Local Environmental Plan 2010

As previously identified, the precinct contains several zones over different areas, as follows:

- R1 – General Residential
- R5 – Large Lot Residential
- RE2 – Private Recreation
- E2 – Environmental Conservation
- E3 – Environmental Management

The low density residential allotments are contained within the R1 zoned areas of the site, while the rural residential allotments in Stage 9 are located in the area zoned R5. The RE2 and E3 areas of the site are created over the site of the approved golf course. The E2 areas exist within the two lots which comprise Stages 8 and 9, the E2 areas are not further subdivided. The lands to be developed in Stage 1 are all zoned R1.

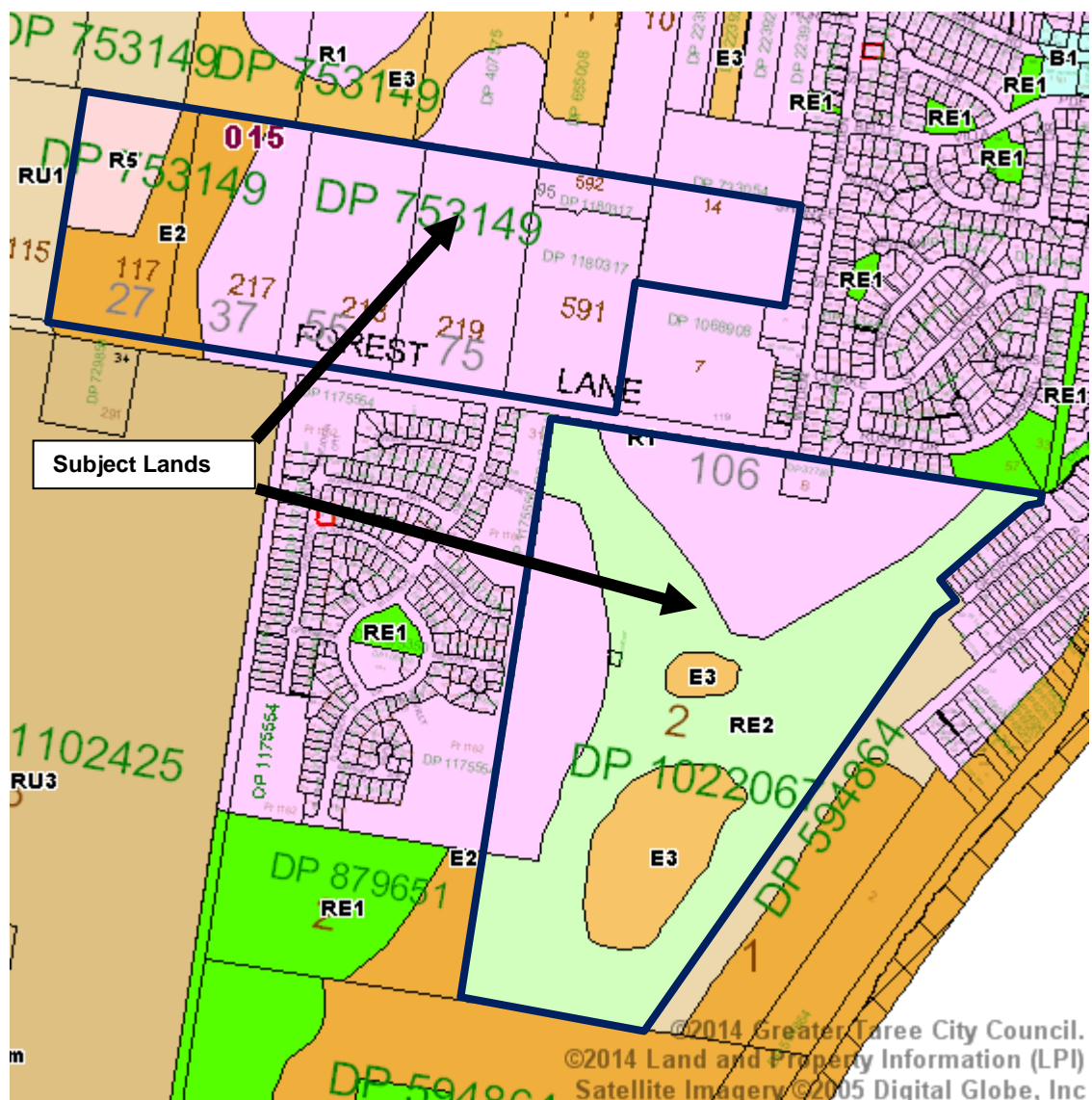


Figure 9 – Zoning Map

[Source: GTCC Exponare]

Clause 2.6 of the LEP allows the subdivision of the land with consent.

Clause 2.3 of the LEP provides that the consent authority must have regard to the objectives of the zone when determining a development application in respect of land within the zone.

The zone objectives of the zones applying to the different zones in the precinct are:

Zone R1 General Residential

1 Objectives of zone

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Zone R5 Large Lot Residential

1 Objectives of zone

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Zone RE2 Private Recreation

1 Objectives of zone

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

Zone E2 Environmental Conservation

1 Objectives of zone

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

Zone E3 Environmental Management

1 Objectives of zone

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

In relation to the R1 zone objectives:

- The proposal provides lots for varying housing forms to meet the housing needs of the local community.
- The subdivision provides for essential infrastructure to support residential occupation of the land. Higher order services for future residents will be provided via the existing facilities in the Old Bar township.

In relation to the R5 Zone Objectives:

- The proposed subdivision provides large lots for rural residential occupation which do not hinder future growth or development of land over the areas of the land zoned R5.
- The proposal includes suitable urban services for the future lots.
- There are no land use conflicts evident between the proposed lots over the R5 areas and adjoining lands.

In relation to the RE2 Zone Objectives:

- The proposed staged development maintains the existing golf course approval of the parts of the land zoned RE2 which will provide recreational uses over the land and enhance the natural setting for recreational use.

In relation to the E2 Zone Objectives:

- The proposed subdivision maintains the existing areas of E2 zoned land in large lots, with no new boundaries through the E2 zoned areas.
- The proposal does not involve any significant impacts to ecological, scientific, cultural or aesthetic values over the E2 zoned land.

In relation to the E3 Zone Objectives:

- No new development is facilitated in the parts of the site zoned E3, which are located within the approved golf course area which maintains areas of the site for environmental management.

4.4.1 Development Standards

The LEP provides several development standards in relation to development of land. The following development standards are relevant to the proposed subdivision.

Table 4.4.1: Development standards

Development Standard	LEP Requirement	Comment in Relation to Proposed Subdivision
4.1 Minimum Lot Size	R1 – 450m ² R5 – 4,000m ² RE2 – N/A E2 – 15,000m ² E3 – 20 ha	All lots in the R1 zone are greater than 450m ² . All lots in the R5 zone are greater than 4,000 m ² . No new boundaries are proposed within the RE2, E2 or E3 zones. The two lots retained in the E2 zone (already in two lots) will have areas greater than 15,000m ² . The lots in Stage 1 have areas between 450 – 1242m ² and comply with this development standard.
4.1A Subdivision of Certain Residential Lots	Land zoned R1 and R5 may only be subdivided if lots created will be connected to reticulated water and sewerage.	All lots created for residential occupation will be connected to reticulated water and sewerage as detailed in the Servicing Strategies.
4.2A Dwelling Houses on E2 and E3 zoned land	Requires that dwellings may only be developed on land zoned E2 or E3 if the lots created will meet the minimum lot size.	The E2 lots created will exceed the minimum lot size mapped for those areas and may contain a dwelling. The E3 zoned areas are retained within the lot containing the approved golf course. It is not proposed to subdivide this area to provide for separate lots zoned E3 which could support a dwelling house.

Development Standard	LEP Requirement	Comment in Relation to Proposed Subdivision
4.3 Height of Buildings	Buildings in the R1 and R5 zone must not exceed a height of 8.5 metres.	Future dwellings on the R1 and R5 lots created may be developed with appropriate height buildings.
4.4 Floor Space Ratio	R1 areas north of Forest Lane – 0.6:1 R1 areas south of Forest Lane – 0.75:1	<p>Future development of the lots can be developed to meet these FSR requirements. Existing dwellings are located on lots with sufficient size so that the Minimum FSR is not exceeded.</p> <p>Stage 1 does not contain any existing buildings, and compliance with the FSR development standard will apply to applications for future development involving buildings on the lots.</p>

4.4.2 Miscellaneous Provisions

Clause 5.5 of the LEP provides considerations for development in the Coastal Zone. The considerations are similar to the matters specified within SEPP 71 which have been previously discussed. In relation to key matters:

- The proposal provides for the protection of coastal ecological values of the land (consistent with prior planning for the area).
- The proposal provides for the effective protection and management of cultural, scenic and economic values of the coast.
- The proposal is not subject to coastal hazards or processes.
- The proposed development does not impact on rock platforms or beach amenity.
- The development form is appropriate for the location and consistent with the local and regional planning for the area.
- The proposal does not impact on public foreshore access.
- The proposal and future development of lots would not impact on amenity or views of coastal foreshores.

- The development is connected to reticulated sewer and provides stormwater management facilities to protect coastal water quality.

4.4.3 Urban Release Areas

The subject lands are identified as an Urban Release Area on the LEP Maps and the provisions of Part 6 of the LEP are applicable to the proposal.

Clause 6.1 of the LEP provides that *consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.*

In this regard, it is noted that on 11 October 2012, the Department of Planning and Infrastructure provides a written satisfactory arrangements certificate from the delegate of the Director General for all development applications made in the Old Bar area (among others) identified in the Mid North Coast Regional Strategy. A copy of this advice is provided in Appendix B. As such, the requirements of clause 6.1 of the LEP have been met.

Clause 6.2 of the LEP provides that *Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.*

The information submitted with the development application includes a water/sewer strategy. All proposed lots will be provided with water, sewer, electricity and telecommunications utilities, as well as road and drainage infrastructure.

Clause 6.3 of the LEP provides that *Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.*

As previously discussed, Clause 83C of the Act provides that a staged development application may be made as an alternative to a development control plan required by an environmental planning instrument. This application seeks

staged development consent for all the urban development areas within Precinct 3 and can replace the requirement for a DCP under those clauses of the LEP.

Subclause (3) of Clause 6.3 provides the matters to be addressed in a DCP under the clause as follows:

- (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,*
- (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*
- (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,*
- (d) a network of passive and active recreational areas,*
- (e) stormwater and water quality management controls,*
- (f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,*
- (g) detailed urban design controls for significant development sites,*
- (h) measures to encourage higher density living around transport, open space and service nodes,*
- (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,*
- (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.*

The staged development application submitted provides a coordinated plan for development of the precinct and meets the requirements of the clause. In particular:

- The Staged development application provides a coordinated staging plan for the release of urban development areas.
- The Staged development application provides the overall transport hierarchy and routes for the precinct.
- The proposal includes protection of existing vegetated corridors through the site, as well as landscaping of the public domain.
- The plans provide linkages to the existing parks and council sports fields, as well as to the private golf course to be established within the precinct.
- The stormwater strategy for the application shows that the site can be developed in a coordinated manner to provide effective stormwater management controls. Each stage can be provided with an effective stormwater management area to meet relevant criteria.

- The staged subdivision plan and application addresses hazards applicable to the land, including bushfire and flooding and the subdivision design and features ameliorate these matters in compliance with the relevant guidelines of Council and the RFS.
- The proposal involves development of residential and rural residential development in accordance with the planning for Old Bar. The site does not include any significant development sites.
- The precinct does not contain significant transport or service nodes that would be highly suitable for higher density areas. The entire area is zoned R1 and provides for low density development outcomes.
- The planning for the Old Bar township does not provide for centres within the precinct. Future development in the precinct will utilise shopping and commercial facilities provided at the Old Bar town centre.
- Planning for the precinct does not identify public facilities or services in the precinct, besides the large open space/sports fields in the southern parts of the precinct. The sports fields and associated parking etc. is being developed by Council and is connected to the precinct. The staged subdivision proposal provides for suitable traffic facilities etc.

It is considered that the staged subdivision application meets the criteria for the DCP and acts as an effective replacement for this requirement.

4.4.4 Additional Local Provisions

Clause 7.1 of the LEP contains provisions relating to Acid Sulfate Soils and provides certain controls for areas mapped as Class 1-5 on the Acid Sulfate Soils Planning Maps. As discussed, parts of the site are mapped as Class 3 and Class 5, with a small area mapped as Class 4, outside of areas to be developed. Investigations for Acid Sulfate Soils by Coffey Geosciences for the Planning Proposal that rezoned the land, identified that in the areas zoned Class 3, there were actual Acid Sulfate Soils at low levels, for which management would require a low liming rate which could be easily accommodated.

The stages of the development which involve works on areas that are identified as Class 3 will be subject to an Acid Sulfate Soils Management Plan for Construction.

Clause 7.2 of the LEP deals with Flood Planning. As discussed, parts of the precinct are identified as within the flood planning area mapped within the LEP.

Subclause 3 of this clause provides:

- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
 - (a) is compatible with the flood hazard of the land, and*
 - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) incorporates appropriate measures to manage risk to life from flood, and*
 - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
 - (e) will not be likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

The proposed development involves filling of parts of the site and provisions of stormwater controls so that the lots are located on parts of the site that are above the flood levels identified by the precinct planning report. The Flooding assessment by JWP shows that all of the proposed lots will be created over land that is not subject to flooding. The roads will also provide safe vehicular and pedestrian access in a 1% AEP event.

The assessment by JWP also shows that the proposed subdivision will not have significant impacts on flood affectation in surrounding areas, with flood levels generally decreased downstream as a result of development, and only slight increases upstream in areas that are already subject to flooding and not identified for future development.

The Stage 1 proposal involves the construction of the necessary detention facilities in accordance with the JWP strategy. The flooding assessment shows that the proposed lots in Stage 1 will not be subject to flooding.

4.5 Greater Taree Development Control Plan 2010

The Greater Taree Development Control Plan 2010 (DCP) was prepared at the same time as LEP 2010 and provides development controls for the undertaking of development in the Greater Taree Local Government Area.

The Development Control Plan provides a series of chapters relevant to certain activities, as well as site specific provisions for certain sites. The relevant chapters in the DCP are:

- Part C – Subdivision Requirements
- Part D3 – Erosion and Sediment Control Requirements
- Part E – Flooding Requirements
- Part J – Rural and Environmental Zone Requirements
- Part L6 – Precinct 3, Old Bar
- Part N – Landscaping Requirements

The relevant DCP matters are addressed below:

Table 4.5 – Relevant DCP matters

PART C – SUBDIVISION REQUIREMENTS

DCP Performance Criteria	Compliance
C3.1 – Site Hazards	
1. Where roads and other engineering works are to be carried out, engineering plans must be lodged with the application. For detailed engineering and construction requirements for subdivision, reference should be made to Council's Auspec Development Specification. Applicants are advised to consult with Council's engineers prior to lodging an application.	The Lidbury Summers and Whiteman Plans indicate roads that meet the Auspec Development Specifications. Detailed designs will be submitted with application for subdivision construction.
2. Should the subdivision be likely to have an impact on any threatened species, populations or ecological communities, a Species Impact Statement will be required. A 7-part test will be required to be submitted with the subdivision application to indicate likely ecological impacts.	<p>The Ecological Assessment prepared by Darkheart Pty. Ltd. that has been submitted with the application details ecological impacts of the proposal and includes a 7-part test which has found that the proposal will not have a significant impact in Threatened species, populations or endangered ecological communities.</p> <p>Stage 1 will involve some clearing of existing trees in the modified landscape, and the relevant recommendations of Darkheart will be followed.</p>
3. Where native vegetation is to be impacted, an ecological assessment, carried out by a qualified ecologist, is to be submitted with the application and the relevant approvals are to be sought.	The required ecological assessment has been submitted with the development application.
4. Where a subdivision proposal is located on bushfire prone land, the applicant shall comply with Planning for Bushfire Protection Guidelines produced by the NSW Rural Fire Service.	<p>A Bushfire Assessment has been prepared by Australian Bushfire Assessment Consultants and has been submitted with the development application. The assessment details the compliance requirements with the Rural Fire Service Guidelines.</p> <p>The Stage 1 Asset Protection Zones are located along part of the eastern boundary.</p>
6. The establishment of asset protection	Asset Protection Zones have been

DCP Performance Criteria	Compliance
zones within environmental zones shall be avoided.	retained within the residential zoned areas, other than for the dwellings that may be established on the lots zoned E2. Stage 1 does not include any environmental zones.
8. In areas suspected to contain contaminated land, Council may require the completion of a preliminary site investigation prior to considering an application to subdivide. Should contamination be found, Council will require a detailed site investigation carried out in accordance with the Department of Environment and Climate Change guidelines for 'Consultants Reporting on Contaminated Land', followed by any remedial action plan, validation and monitoring as required. A site audit statement prepared by an accredited site auditor will be required on completion of remediation.	A preliminary assessment of the land was undertaken in the original LES in 2004 which did not identify any contaminating activities on the lands.
9. In areas subject to flooding and inundation, subdivision of land will not be permitted where any lot to be created will be fully inundated by a 1% flood and the creation of such a lot will create potential for increased intensity of development on flood prone land. In assessing whether or not land will be wholly inundated by 1% flood, Council will disregard any proposals for filling that land.	The flood assessment prepared by JWP shows that all the proposed lots are located on land with levels above the 1% AEP flood. The proposal involves some filling, however this is consistent with the precinct planning investigations which resulted in the zoning of the subject land. The lots in stage 1 are subject to flooding and minor filling is required to raise levels above the 1% AEP flood level.
10. In areas subject to coastal hazard, subdivision design shall take into account the likelihood of short and long-term coastal recession, and dune transmigration.	The subject lands are not identified as likely to be subject to coastal hazards by Council coastal hazard investigations.
C3.2 Road design and construction	
1. Where subdivision involves the construction of new roads, the road network to be established shall be designed in such a manner that will enable each lot to be developed and accessed in a practical and feasible manner.	Each lot is provided with practical and feasible access from a road.
2. Road and access way construction should take account of existing topography, vegetation, open space systems and natural constraints vegetation. Cut and fill should be minimised and vegetation retained wherever practicable.	The road and subdivision layout has been established for many years through the rezoning process. The roads follow relevant features, such as the R1/RE2 boundary and at planned locations for intersections and linkages with adjoining lands. The Stage 1 roads conform to the master plan and provide the section of the main boulevard collector that connects with Forest Lane from Precinct 2B to the north.
3. In cases where the road is to serve a	The concept road designs of Lidbury

DCP Performance Criteria	Compliance
dual function, i.e. where the road may be required to act as a drainage floodway, flows should be contained within the road reserve. Depths and velocities will be restricted in accordance with the design criteria included within "Australian Rainfall and Runoff" I.E (Aust) 1987.	Summers and Whiteman have been designed to meet AUSPEC requirements.
4. Unless specified elsewhere in this Part, the configuration of roads shall accord with Council's Auspec Design Specification and other approved standards referenced therein. Pavement widths, depths and similar requirements are contained in this document.	The concept road designs of Lidbury Summers and Whiteman have been designed to meet AUSPEC requirements.
5. Streets should not operate as through traffic routes for externally generated traffic.	The only through road within the precinct is the main boulevard which connects with Forest Lane and Precinct 2B to the north. This is a planned connection in the strategic planning for the area.
6. Access from individual lots to major roads should be minimised. The use of minor roads for such access is desirable wherever practicable.	While lot access from the main boulevard and Forest Lane is not avoidable, the subdivision design maximises access from the more minor local roads where possible.
7. The applicant shall be responsible for connecting new to existing road construction. Where a subdivision adjoins an existing road of a standard less than Council's current standard, full width or half-width plus 3m road pavement construction, kerbing, footpath, and ancillary drainage shall be provided along the full length of the frontage to approved standards.	The new roads will be constructed to Council's standards.
8. All roads to be dedicated to Council are to be constructed to Auspec Design Specification Standards.	The new roads will be constructed to Council's standards.
9. Roads and lots should be located so that residential dwellings are not subjected to unacceptable traffic noise.	There are no arterial or regional roads that pass through the Precinct 3 area which would be subject to significant road noise.
10. Street name signs shall be erected at the junction of all roads in the subdivision in accordance with Council's guidelines. Proposed street names shall be submitted to Council for approval prior to use.	Street signs will be provided during construction of the subdivision stages.
11. The road network should facilitate walking and cycling within the neighbourhood and pedestrian and cycleway connections to local activity centres.	The linking road ways within the precinct provide pedestrian and cycling facilities. All roads have a 4m verge to provide for off road pedestrian movement. 2.5m wide cycleways are provided along the main boulevard and collector roads, connecting with other areas. A major cycleway connection has been provided north south through the precinct connecting with Precinct 2B and Wallabi Point. The main boulevard and collector roads in

DCP Performance Criteria	Compliance
	Stage 1 include provision for footpaths in the verges.
12. The alignment of footpaths should allow safe and convenient use by pedestrians and cyclists and should be variable enough to accommodate trees and other significant features.	Detailed design of the roads and footpaths will provide for footpath provision in accordance with Council requirements.
13. Pedestrian and cyclist paths should be constructed to provide a stable and attractive surface for projected users which is easily maintained and meets the criteria of Crime Protection Through Environmental Design (CPTD).	The surfacing of the footpaths/cycleways shall be to Council standards.
14. Bus routes and stops to be provided in accordance with the required standards.	<p>A bus route has been provided through the precinct as detailed in Figure 7. The bus route varies from the route shown in the Precinct Plan, as it connects to the District Sports Fields at the Southern end of Ocean Links Estate, rather than diverting in the middle of that estate. This bus route is considered a better route and provides for bus services to that activity centre.</p> <p>The Stage 1 Main Boulevard provides the planned bus route through the site.</p>
C3.3 Filling and levelling	
1. Siteworks are to be planned to allow topsoil to be stripped, stockpiled and reused on the site. No soil is to be removed from the site without consent.	Site works will be planned as required, with information provided for construction of the different stages.
2. Filling and levelling shall not adversely affect adjoining land and shall be carried out to Council's satisfaction, as indicated on approved engineering plans.	Filling will not impact on adjoining lands.
3. The quality laying and compaction of fill will be required to meet Council's engineering standards. Geotechnical certification may be required to indicate compliance with Council's engineering standards and relevant Australian Standards.	<p>Further information on filling will be provided with each of the relevant stages.</p> <p>Some minor filling and regrading will be required in Stage 1 to develop the sites. Fill will be laid and compacted to meet Council's requirements.</p>
4. Levels shall generally be adjusted so that lots drain to the street and/or the stormwater drainage system. Where required, a system of inter-allotment drainage shall be installed to prevent ponding of water, or intensification of runoff on to adjacent land.	<p>All lots shall drain to the street or other suitable drainage system.</p> <p>Regrading in Stage 1 will adjust lot levels so they drain to the street.</p>
5. Cutting and filling should be planned to minimise damage or disturbance to existing vegetation.	Filling is located in areas that are generally absent of significant vegetation. Regrading of the lots in the future, however, will require the removal of isolated trees north of Forest Lane. The removal of this vegetation is not avoidable.
6. Erosion control and sediment control principles shall be implemented in accordance with Part G of this DCP.	Erosion and Sediment Control Plans will be provided for construction of each stage.
C3.4 Services	

DCP Performance Criteria	Compliance
2. Reticulated water and sewerage services shall be provided to all lots within urban (with the exception of lots in zone R5 shown on the lot size maps as having a minimum lot size of 10,000m sq or 15,000m sq) and Industrial and Commercial areas.	All lots created for future residential development will be provided with reticulated water and sewer services.
3. In Rural, Environmental and R5 Large Lot Residential areas shown on the lot size maps as having a minimum lot size of 15000m sq, each lot shall be capable of supporting a suitable onsite sewage management system in accordance with the requirements of Council's <i>Onsite Sewage Development Assessment Framework</i> (DAF 2012) in Appendix E.	No lots created will rely upon on-site disposal of sewage.
4. Reticulated electricity supply shall be made available to all lots. Underground power shall be provided to all lots in urban, commercial and industrial areas.	Underground electricity will be supplied to all lots.
8. The provision of utility services should not detrimentally impact on the landscape character of an area, or detrimentally impact vegetation corridors.	Services will be provided underground within the planned service corridors and will not have a significant impact on landscape character or vegetation corridors.
C3.5 Drainage	
1. Drainage systems shall be designed and constructed in accordance with Council's Auspec 1 Design Specification. Natural drainage systems should be incorporated into designs where possible.	The drainage strategy has been determined to meet Council requirements. Detailed drainage designs will be provided for each of the stages to obtain a subdivision construction certificate.
2. The major system must be able to accommodate the ARI=1:100 year and meet the safety criteria of the current Australian Rainfall & Runoff (AR&A). If capacity is limited in some way the underground (minor) system must be capable of safely conveying the balance. The minor system shall have a minimum capacity of 1:5 year ARI.	The drainage strategy provides for the appropriate treatment of road drainage.
3. Drainage from subdivision sites should be consistent in both water quality and quantity terms with the predevelopment stormwater patterns.	Each stage includes detention and water quality structures to maintain flows and water quality. The system provides for an interim drainage scenario, as well as a final drainage scenario, when ponds are provided in the approved golf course to provide for the necessary detention.
4. Water quality in watercourses near subdivisions is to be protected by way of appropriate structures and/or filter mechanisms	Bio-retention raingardens and other structures are provided to protect water quality. These shall be provided on various lots in the interim scenario, and moved to the drainage reserves in the final scenario.
5. Drainage systems should be designed so as to ensure safety and minimise the likelihood of stormwater inundation of	The stormwater strategy provides for appropriate control of stormwater within the precinct.

DCP Performance Criteria	Compliance
existing and future dwellings.	
6. Adequate provision should be made for measures during construction to ensure that the landform is stabilised and erosion controlled.	ESCP will be provided for construction works.
7. Where subdivisions drain either directly or indirectly into natural waterways, careful consideration of the impact of the development on erosion, pollution and sediment loading will be required.	The drainage strategy provided treats water quality so there is no net increase in pollutants as a result of the subdivision. Stage 1 includes areas for water quality structures to meet the relevant criteria.
8. Easements to drain water shall be created over drainage channels, pipelines and associated works located within the proposed allotments. Proposals may require the creation of easements over downstream properties for drainage purposes.	Appropriate easements/reserves will be provided for stormwater conveyance and treatment structures.
11. Consideration will be given to the likely effects of flooding in determining any application. Land will generally be required to be filled to the General Flood Planning Level. Any development shall conform to Part E of this DCP and particular flood management plans where relevant.	The flooding and stormwater assessment by JWP provides assessment of the effect of the development on flooding.
14. Integrated water cycle management and water sensitive urban design principles shall be incorporated into the drainage design.	The drainage system incorporates effective water sensitive design features.
15. Drainage from existing dwellings to the subdivision shall be allowed for in the design by way of interlot drainage and easements.	The existing dwellings in the subdivision shall be located on lots providing for effective drainage. Stage 1 does not include any existing dwellings.
C3.6 Existing Development and Heritage	
1. Subdivision design is to take into account and integrate with the location of adjoining development and surrounding subdivision patterns, especially adjoining residential development, in the design of roads, open space and in the location of lots. Where there is an established street setback pattern or streetscape, this is to be followed.	The subdivision layout provides for connection with existing residential development in Ocean Links Estate and with Charles Street in Old Bar, as well as to the future connection with Precinct 2B, and this is further discussed in the discussions on Part L of the plan.
2. Subdivision is to be designed to be able to integrate and connect with future adjoining land subdivisions.	As discussed, the subdivision layout provides for suitable connection to future subdivision in Precinct 2B.
5. Subdivisions should be sympathetically designed to ensure that the existing heritage value of the streetscape and character of the area is maintained.	The proposed subdivision is consistent with the low density residential character of this part of the Old Bar township.
7. A subdivision proposal on land within a conservation area and/or on land which contains, or is adjacent to, an item of environmental, Aboriginal or European heritage should illustrate the means proposed to preserve and protect such	The impact to Aboriginal archaeology is discussed further and in the context of the Archaeological assessment by Ainsworth Heritage.

DCP Performance Criteria	Compliance
items. In this respect a heritage impact statement should accompany the application.	
C3.7 Environmental protection	
1. Vegetation cover should be retained wherever practicable.	<p>Key vegetation and corridors are retained in the subdivision proposal.</p> <p>Stage 1 involves the removal of the highly modified vegetation communities. Retention is not practicable. The assessments and previous assessments have not required retention of the vegetation on the land in Stage 1.</p>
2. Vegetation should be enhanced where it forms a link to other bushland areas, buffer zones, wildlife corridors and the like.	<p>The subdivision layout provides for the protection of the wildlife corridor through the western parts of the precinct.</p> <p>Stage 1 does not impact on the identified corridor.</p>
3. Allowance for the movement of fauna species on sites should be maximised to maintain biological diversity.	<p>The subdivision layout provides for the protection of the wildlife corridor through the western parts of the precinct.</p> <p>Stage 1 does not impact on the identified corridor.</p>
4. Vegetation which is scenically and environmentally significant should be retained.	<p>There are no areas of vegetation which have high scenic values. An assessment has been provided of ecological values of the various vegetation on the land. The subdivision layout provides for the protection of the wildlife corridor through the western parts of the precinct.</p>
6. All subdivision proposals should be designed so as to minimise fragmentation of bushland.	<p>The proposed subdivision does not fragment areas of bushland and maintains a suitable corridor for connection of existing forest areas.</p>
10. Environmentally sensitive areas are to be preserved and enhanced with appropriate native vegetation and buffers where necessary.	<p>The corridor through the site will be protected and managed as part of the future occupation of the relevant lots. The eastern edge of the site will be provided with a roadway edge to buffer and define the corridor.</p>
C3.8 Landscaping	
4. In approving a subdivision application Council may require the lodgement of a Landscape Plan to the satisfaction of Council and the undertaking of works as documented therein. These plantings shall be continuously maintained for a minimum of twelve (12) months.	<p>The details of landscaping future streets is provided in the typical street cross sections, showing tree planting concepts. Detailed landscaping details will be provided with the construction certificates for each stage.</p>
Every new residential lot shall include street tree details in the landscaping plan.	<p>The plans provided indicate the provision of street trees. The construction plans shall detail a street tree provided in front of every lot with road frontage in the residential subdivision.</p>
C4.1 Residential subdivision	
1. Site frontage shall be sufficient to permit	<p>The site frontages provide for effective</p>

DCP Performance Criteria	Compliance
vehicular and pedestrian access to the site.	vehicular and pedestrian access.
2. Lots shall be of suitable dimension and orientation to ensure good solar access to future development. On roads running north-south, lots may need to be widened to provide for solar access and prevent overshadowing of dwellings and private open space.	<p>The majority of lots have a north south orientation. All lots have been designed to provide suitable solar access for dwellings.</p> <p>Only 5 lots (7.5%) in Stage 1 are oriented east west. Other lots at cul-de-sac ends have wide areas to ensure north aspect is obtainable.</p>
3. Residential development will only be considered where reticulated water and sewerage is available to the proposed subdivision.	Reticulated water and sewer is to be provided for the subdivision.
4. Each lot should have a depth to frontage ratio sufficient to avoid the possibility of 'gunbarrel' type development and permit development to respond to particular site circumstances such as orientation, topography etc.	All lots have appropriate frontage to depth ratios. Some longer lots are provided where APZs are required to be incorporated into the front of the lots, however these restrictions will generally prevent gun barrel type development.
5. Lots should be designed to allow the construction of a dwelling with a maximum cut or fill of 1 metre from the natural ground level.	The lots are generally level with no significant gradients, allowing development of dwellings with a minimum of cut/fill.
8. Battle-axe lots will only be permitted where the size of the lot (excluding the access handle) has a minimum area of 650m ² . Where a reduced lot size is proposed for a battleaxe block (less than 650m ²) the applicant will need to demonstrate that all other performance criteria relevant to amenity and access can be met.	<p>Some battle-axe allotments are required due to existing lot shapes and restrictions, or to contain existing dwellings. The battle axe lots all exceed 650m² in area and generally have lots backing to areas of open space. The exception is some of the lots to contain existing dwellings, where the lot size is increased to provide enhanced amenity to the existing dwellings.</p> <p>Stage 1 includes two battle-axe allotments in the southern end. These lots have areas of 959 and 1242m² and have a rear frontage to the future drainage reserves to be created as part of the stage, providing an open outlook to the rear.</p>
9. Only one battle-axe lot is to be created behind any full frontage.	The two-battle axe allotments created in Stage 1 are created behind two allotments with road frontages. While the outcome does not strictly comply with the requirements, it maintains lots which can be suitably developed to provide a high level of residential amenity.
10. The access strip to any battle-axe lot is to be located on only one side of the lot with direct frontage to the street.	The access to the battle-axe lots is located along one side of the lots fronting the street.
12. Access to a single battle-axe lot shall have a minimum width of 4 metres.	The access to the battle-axe lots is each 4 metres wide.
C4.2 Rural and environmental areas	
1. Building envelopes, accessways and roads shall avoid ridge tops and steep slopes.	There are no ridge tops or steep areas within the precinct which need to be avoided.

DCP Performance Criteria	Compliance
2. Subdivision of escarpments, ridges, and other visually interesting places should be managed in such a way that the visual impact rising from development on newly created allotments is minimal.	There are no escarpments, ridges or visually sensitive areas in the precinct.
D3.1 Erosion and sediment control requirements	
1. Prepare and implement an Erosion and Sediment Control Plan (ESCP) and/or Soil and Water Management Plan (SWMP) where required by following the disturbance and activities table below. The ESCP and/or SWMP shall be supplied to Council for assessment prior to commencement of works. This does not relieve the proponent of the full responsibility to provide whatever erosion and sediment control measures are required for effective erosion and sediment control at all times.	An erosion and sediment control plan will be provided with construction documentation for each stage of the subdivision.
Part E – Flooding Requirements	
E3. Submitting development applications	
3. Development applications affected by this part shall be accompanied by a survey plan showing: <ul style="list-style-type: none"> • The position of the existing building(s) or proposed building(s); • The existing ground levels to AHD around the perimeter of the building and contours of the site; and • The existing or proposed floor levels to Australian Height Datum. 	<p>The plans of subdivision show general details for the precinct, including existing and proposed levels as well as locations of existing dwellings.</p> <p>Stage 1 does not include any existing dwelling and spot levels and contours are provided on the plan.</p>
4. Applications for earthworks, filling of land and subdivision shall be accompanied by a survey plan with topographic levels to be an accuracy of 0.1m, structures and the like shall be to an accuracy of 0.01m, showing relative levels to Australian Height Datum.	The plans include required survey information to AHD.
5. For large scale developments, or developments in critical situations, particularly where an existing catchment based flood study is not available, a flood study using a fully dynamic one or two dimensional computer model and Floodplain Risk Management Plan may be required.	<p>The Flooding and Stormwater Assessment prepared by JWP details flood modelling and the effects of the proposed development on the relevant flood events.</p> <p>A Floodplain Risk Management Plan was prepared for the precinct by SKM for Council.</p>
E4. General development controls	
3. The proposed development should not result in any increased risk to human life.	The proposed subdivision provides appropriate levels to protect life and property.
4. The proposal should only be permitted where effective warning time and reliable access is available for evacuation from an area potentially affected by floods to an area free of risk from flooding. Evacuation should be consistent with any relevant	The proposed lots are located on land above the design flood and roads provide effective egress.

DCP Performance Criteria	Compliance
flood evacuation strategy where in existence.	
5. Development should not detrimentally increase the potential flood effects on other development or properties either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain.	The effects of the proposed subdivision on flooding have been examined in the JWP report. This has found that there is a decrease in flood levels downstream, and a slight increase in flood levels in areas not currently developed or identified for future development.
6. Motor vehicles must be able to be relocated, undamaged, to an area with substantially less risk from flooding, within effective warning time.	The roads in the subdivision are generally located above the design flood level or are only slightly below. Motor vehicles can be located on the lots which are at levels above the 1% AEP design flood level. The assessment of the Forest Lane egress route has shown that flooding over this road in a 1% event would meet the relevant criteria for vehicle crossings, as well as for wading.
Prescriptive Controls	
1. All floor levels to be no lower than the 5% AEP flood unless justified by site-specific assessment subject to Council approval.	All lots have levels above the 1% AEP flood level.
2. Habitable floor levels to be no lower than the 1% AEP flood level plus 500mm freeboard.	All lots have levels above the 1% AEP flood level. Floor levels can be suitably elevated as required.
3. Non-habitable floor levels to be at the 1% AEP flood level where practicable and to be no lower than the 5% AEP flood level unless justified by site-specific assessment subject to Council approval.	All lots have levels above the 1% AEP flood level.
10. Engineer's report required to certify that the development will not increase flood effects elsewhere, having regard to: (ii) loss of flood storage. (iii) Changes in flood levels, flows and velocities caused by alterations to the flood conveyance. (iv) The cumulative impact of multiple potential developments in the floodplain.	The flooding assessment by JWP analyses the effects of the subdivision on flooding elsewhere.
Evacuation 1. Reliable access for pedestrians or vehicles required during 1% AEP flood.	The roads and footpath areas provide safe evacuation routes and dwellings will not be isolated in the design flood events. As discussed, the Assessment of Forest Lane by JWP has shown that in a 1% event, the road will still meet criteria for safe passage of vehicles and for wading.
Part J – Rural and Environmental Zone Requirements. J1.1 General	
2. On land zoned environmental the following should be addressed in the use, design and siting of any proposed development: • The likely impacts of the development on the visual and scenic amenity	The two lots created for the E2 zone do not result in any new boundaries within the E2 zoned areas. While a dwelling may be established on these lots in the future, the dwelling site: • Would not impact on visual or scenic

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<ul style="list-style-type: none"> • Any natural hazards • The likely impacts of the development to impact on ground water and surface water, including acidity and water quality • The potential impact of development on the flora and fauna on the land, in particular endangered ecological communities, rare, locally and/or regionally significant vegetation • The habitat values of the land for native and migratory fauna • The effect of any proposed land clearing, draining, levelling or filling on any wetlands • Whether adequate safeguards and rehabilitation measures are proposed to protect the environment • Whether there are any feasible alternatives to the proposed development 	<p>amenity.</p> <ul style="list-style-type: none"> • Could be suitably developed to address bushfire and flooding hazards. • Would maintain the wildlife corridor through the precinct. • Would not be located in a wetland or other significant environmental area.
J1.2 Building setbacks	
1. The minimum front street/road setback is 20m.	A dwelling could be constructed to meet the minimum setback, however, reduced setbacks may be appropriate to reduce the development footprint within the two lots zoned E2.
2. Side and rear setbacks are to be a minimum of 10m.	A dwelling could be constructed to meet the minimum setback, however, reduced setbacks may be appropriate to reduce the development footprint within the two lots zoned E2.
Part L5 – Precinct 2B Old Bar	This part does not apply to the subject land, but applies to the adjoining Precinct 2B to the north. This part of the DCP is raised as it includes a precinct map which includes linkages to Precinct 3. The linkage of the main boulevard collector on this plan does not align to the boulevard collector in the Precinct 3 Plan, or this staged subdivision proposal. As the Precinct 3 is the most recent plan, it is suggested that the Precinct 2B plan requires updating to effectively link the two precincts.
Part L6 – Precinct 3, Old Bar Figure 1 – Precinct Plan	The proposed subdivision layout is generally consistent with the Precinct Plan provided in the DCP. It is noted that the Precinct Plan includes a roundabout at the intersection of Wyden Street and Forest Lane, whereas this is a three way intersection and can be effectively controlled without a roundabout. A roundabout has been provided at the end of the Wyden Street extension into Stage 3, at the four way intersection of Wyden Street and the collector road to the east.
L6.2.1 Road ways	
1. Boulevard Collector Roads will be 27m wide incorporating: <ul style="list-style-type: none"> • 4m verges each side of the road with 	The main boulevard roadway connecting from Forest Lane to Precinct 2B has a width of 23.5 metres. This is sufficient to

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<p>1.2m footpaths</p> <ul style="list-style-type: none"> • Parking lanes each side of the road 2.25m wide. • Bike paths each side of the road 1.5m wide. • Divided carriageway with 3m lanes and a planted median 5.5m wide. 	<p>contain all required traffic facilities. The proposed width is consistent with Council's AUSPEC requirements, and discussion between the designers and Council's Engineers led to agreement that the proposed road width was appropriate.</p>
<p>3. Collector Roads will be 20m wide incorporating:</p> <ul style="list-style-type: none"> • 4.5m verges on each side of the road with 1.2m footpaths. • 11m undivided carriageway. 	<p>The collector roads have 4m verges and 11m road carriageway which as required by AUSPEC. The collector road in Stage 10, however, is one sided and has a reduced width as the parking land is not considered necessary on the undeveloped side. The required traffic lanes and footpath infrastructure can still be provided, however.</p>
<p>4. Local Streets will be 16m wide incorporating:</p> <ul style="list-style-type: none"> • 4m verges on each side of the street. • 8m carriageway. 	<p>The local streets have the required 4m wide verges, and 8 metre wide carriageway. The Access Places have a 6 metre wide carriageway. This is consistent with the Council's Auspec requirements.</p>
L6.2.2 Parks and open space	
<p>1. Local Parks shall be located within 400m of future residential development.</p>	<p>The precinct plan does not identify any parks in the precinct. Stages 2, 3 and 10 are all located within 400 metres of existing parks.</p>
<p>2. Parks shall be a minimum size of 1 - 2 hectares and where possible linked to open space/ bushland/ reserves.</p>	<p>It is noted that much of the area north of Forest Lane is located over 400 metres from a park. It is further noted that the Section 94 plan for Old Bar identifies a local park along Forest Lane within Stage 6. In discussions with Council, it was advised that Council preferred not to have this park and would prefer the contributions to embellish other open space facilities.</p>
<p>3. Parks within the precinct shall provide facilities including: kick about; shelter; seating; picnic area and high quality pedestrian paths.</p>	<p>The lots are all in relatively close proximity to the sportsfields which provide significant open space facility, along with passive and active open space incorporated into the perimeter roads and future golf course. The lots within the precinct will also have good pedestrian, cycleways and connectivity with the local beaches, State forest and beachside open space in Old Bar and Wallabi Point. The future residents will have suitable access to passive and active recreational opportunities that will satisfy needs.</p>
<p>4. Local parks should be of a practical shape and size for recreational use.</p>	
<p>5. The proposed sports fields in the south-western corner of the Precinct are to retain existing vegetation (which includes the locally significant species Eucalyptus</p>	<p>The proposal does not impact on the vegetation around the sports fields.</p>

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see ana) in a managed state that will not pose a bushfire risk to adjoining homes.	
6. Any parks dedicated to Council are required to have a Plan of Management.	The proposal does not involve the dedication of any parks to Council.
L6.2.3 Environmental	
Archaeology 1. Applications for subdivision or other development must be accompanied by an archaeological report prepared by an appropriately qualified person.	The archaeological report for the rezoning deals with the necessary requirements, and has been referenced for this application.
2. All earthworks must comply with the Aboriginal Cultural Heritage Report recommendations and the appropriate approvals sought as required under the National Parks and Wildlife Act, 1974.	Approvals are sought for disturbance of the relevant sites in accordance with the recommendations of the cultural heritage assessment.
Vegetation 1. All vegetation within Environmental Protection zones are to be retained and protected.	The vegetation within the environmental protection zones is protected. Some removal may be required for the road connection to Stage 9, and for future dwelling on the vacant lot zoned E2. Such removal should be minimal with appropriate location of the road and future dwelling.
Floodplain Management 1. All residential lots shall be contained on land above the 1% flood level, as determined by Council.	All lots will have levels above the 1% AEP flood level.
2. Where proposed development is to be located below the 1% flood level, it must comply with the following provisions and be consistent with any Floodplain Management Plan adopted by Council for the Precinct:	No development in this application is located below the 1% AEP flood level.
3. A flooding analysis is to be submitted with the development application and approved by Council's Engineers prior to issue of consent.	The flooding assessment by JWP has been submitted with this application.
4. Minor filling may be permitted within the 1% flood extent subject to an engineers report certifying the development will not result in any increased flood affectation elsewhere and results in a better planning solution.	The impacts of filling on flood levels has been examined in the flood assessment by JWP.
5. No adverse change to the flood behaviour will be permitted, either on properties adjoining the site or elsewhere upstream and downstream of the site. This includes consideration of level and velocity for the full range of flood events.	The changes to flood behaviour are not considered to be significant or adverse.
6. Carriageway surfaces of the Boulevard Collector Road and Feature Boulevard must have a surface level in accordance with AUSPEC Design Guidelines D5.12.	The levels of these roads meet the AUSPEC requirements.
7. Road layout and subdivision design must ensure safe flood evacuation for pedestrians and vehicles in accordance with the flood evacuation plan for the site.	The flood plain risk management plan prepared with the rezoning identified that there were suitable evacuation routes for the proposal, but that some review of the Forest Lane evacuation route would be

DCP Performance Criteria	Compliance
	necessary. The assessment by J. Wyndham Prince Pty Ltd. has examined the velocity and depth flows over Forest Lane and found that the velocity to depth product allows for safe movement of vehicles and wading in a 1% AEP event in accordance with the relevant criteria.
8. Roads across waterways are to be constructed to required Council standards.	The roads over Racecourse Creek will be constructed to Council standards.
9. The finished floor level of dwellings shall be no less than 500mm above any 1% ARI level.	Future dwellings shall be able to meet this requirement.
Energy Efficient Design 1. Lots are to be orientated to facilitate the siting of dwellings that will have adequate solar access. A minimum of 75% of single dwelling allotments shall be orientated so that the long axis of the lot is within 20 – 30 degrees of N and NE.	<p>The majority of lots are oriented north south with less than 25% oriented outside the desired range.</p> <p>Only 5 lots (7.5%) of the lots in the Grid pattern parts of Stage 1 are not north south oriented. Lots at the heads of cul-de-sacs that have an east west boundary (further 4 lots or 6%) have angled boundaries allowing suitable orientation of dwellings.</p>
Stormwater Management 1. Development is to incorporate Water Sensitive Urban Design in accordance with any Council/ Mid Coast Water IWCM Policy in operation at the time and/or current best practice.	Water sensitive design is utilised with appropriate water quality treatment provided. Re-use will be incorporated for future dwellings.
Part N – Landscaping Requirements N1.1 Site coverage and lot requirements	
5. Existing trees should be retained wherever possible and shall be protected during construction with temporary fencing (i.e. capped star pickets at 2m centres with hazard mesh) around their drip lines – outer edge of canopy. Existing areas of natural vegetation shall also be fenced and protected from soil disturbances, and should not be used for the storage of materials.	Tree protection measures are recommended in the ecological assessment report and will be adopted. Required site regrading will limit the number of trees that can be retained in residential developed areas.
6. Sites should be considered within the context of their importance and contribution to landscape connectivity and wildlife movement. Proposals should minimise the impact on native flora and fauna and their habitats, particularly threatened species and plant communities and ecological processes. Inclusion of measures to help offset any impacts (such as nesting boxes, bat boxes, bird feeders, etc) should also be considered in the design.	The proposed subdivision retains the wildlife corridor, and provides for street planting to maximise habitat values within the subdivision.
N1.2 Landscape plans	
1. A Landscape Plan shall be submitted to Council in conjunction with the Development Application, or where	The plans include the street planting details. Landscape plans for provision of street planting can be provided with the

DCP Performance Criteria	Compliance
otherwise required by Council.	construction plans for each stage's subdivision construction certificate.

4.6 Old Bar Development Contributions Plan 2010

This contributions plan was prepared in association with the large land releases in the Old Bar area. The plan provides for the provision of public services and facilities for the Old Bar area.

The proposed subdivisions will pay contributions to Council in accordance with the requirements of this plan.

There are a few key issues arising in relation to the works identified in the Section 94 Plan as follows:

- The Precinct 3 Link Road (T4 – Acquisition and T12 – Construction) – The location of this road on the plan is not consistent with the precinct plan or the proposed plan of subdivision. The Section 94 plan should be updated for the correct alignment.
- The Precinct 3 Local Park (OS8 – Acquisition and R9 – Embellishment) are not proposed to be created within the proposed subdivision. Discussion with Council has revealed a preference for this park not to be created, with the funds collected spent on providing improved open space facilities in the Old Bar area.
- The District Park Link (OS7 – Acquisition and R8 – Construction) is on a different alignment to the precinct plan and staged subdivision plan. The route and distances covered are not so different and amendment of the plan may not be required.
- There is no provision in the plan to collect funds for the new roundabout at the intersection of the new boulevard road, and Forest Lane. This roundabout is a necessary piece of infrastructure for the precinct and the wider Old Bar area and should be funded by developer contributions. It is noted that consent for Stage 1 is sought, however this includes dedication of relevant land for the roundabout and construction of a larger intersection to allow the roundabout and may be considered in the absence of the reviewed Section 94 plan. It is noted that the roundabout is not required until construction of the last stage (stage10), providing opportunity for incorporation in the Section 94 plan, and collection of funds.

4.7 Mid North Coast Regional Strategy

The subject land is identified in the Mid North Coast Regional Strategy as an Urban Release Area. The rezoning that created the urban zonings for the land is consistent with the Regional Strategy.

4.8 Greater Taree Old Bar/Wallabi Point Development Strategy

The Old Bar/Wallabi Point Development Strategy was developed by Council to guide development in the Old Bar and Wallabi Point Areas. The rezoning of the land has been undertaken in a manner generally consistent with this strategy, and the proposed subdivision layout is also generally consistent with the development strategy.

5. *Likely Environmental Impacts*

5.1 Context and Setting

The proposed subdivision would provide low density residential development and rural residential development in a precinct which was the subject of a recent planning proposal to deliver this outcome.

The relationship of the precinct with the rest of the Old Bar Township is shown in the following map.

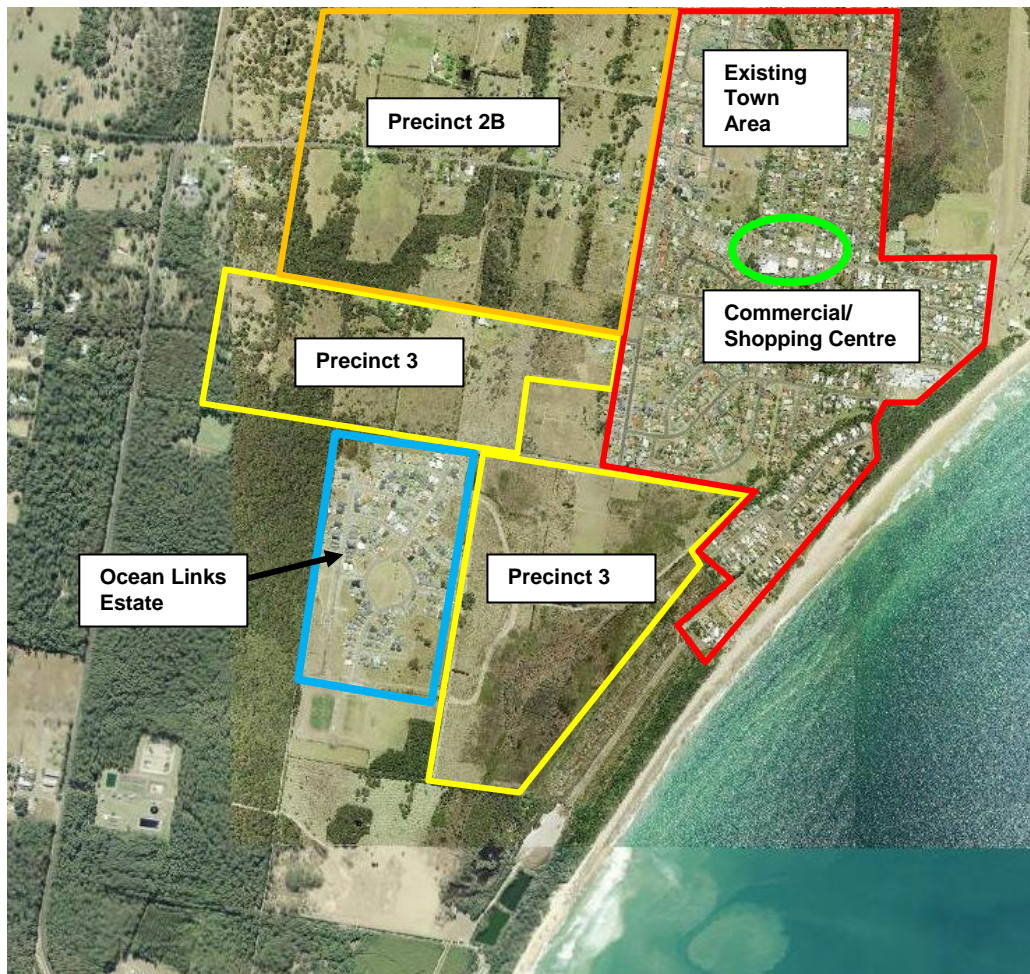


Figure 10: Old Bar Township Areas

(Basemap Source: LPMA SIX Maps)

The site is located to the south of the main Old Bar township in between the existing residential area and the more recently developed 'Ocean Links Estate'. The proposed development will alter the existing rural residential setting of the land to an urban form. This change is consistent with the planning for the area and will provide a high quality residential/rural residential estate that is consistent with the establishing low density residential character of the Old Bar township. The proposed development is consistent with the planned context for the Old Bar locality.

The proposed subdivision has excellent vehicular, pedestrian and cycleway connection with the Old Bar township, beach and other urban facilities. The proposed subdivision is considered to be consistent with the town hierarchy and provides well serviced housing in the town setting.

5.2 Visual Impacts

The subject site is not located in a scenically prominent area and does not form part of any important public domain views. There are no significant private views or vistas across the subject land which need protection.

The appearance of the area will change from the existing rural residential appearance to a more formal urban appearance. While this will be a significant change, it is consistent with the planning for the area and does not result in any significant detrimental impacts in the surrounding area.

5.3 Ecological Impacts

The proposed development involves the clearing of existing vegetation within the areas zoned for residential development. The vegetation over the site varies from open forest structure to derived grasslands and shrub lands. The vegetation has been disturbed from past activities on the land.

To examine the ecological impacts of the development, an Ecological Impact Assessment was undertaken by Darkheart Eco-Consultancy in late 2013. This assessment examines the impacts of the proposed subdivision on ecological values in the area.

The assessment found:

- No Endangered Ecological Communities exist on the land.
- Threatened Flora Species were not found on the site and were considered unlikely to be present.
- The site was not identified as part of any key habitats or corridors on NPWS Mapping.
- Surveys detected the following fauna species that are listed under state or federal legislation on or near the site:
 - Lathams Snipe
 - White Bellied Sea Eagle
 - Eastern Osprey
 - Rainbow Bee-Eater
 - Powerful Owl
 - Brown Treecreeper
 - Grey Headed Flying Fox
 - Little Bent-Wing Bat

- Eastern Bent-Wing Bat
 - East-Coast Free-tail Bat
- A number of locally Threatened Fauna from the locality were also considered.

The seven part test for the proposal did not identify any significant impacts on Threatened Species, Populations or Endangered Ecological Communities.

The assessment also found that the proposed subdivision did not involve a significant impact to matters of National Environmental Significance, and that a referral under the *Environmental Protection and Biodiversity Conservation Act 1999* was not required.

The assessment also suggests the following mitigation measures to minimise the impacts of the development.

- Maintenance and protection of the identified wildlife corridor.
- Protect areas of retained vegetation during construction.
- Implement controls when clearing vegetation, with a special emphasis on the clearing of hollow bearing trees.
- Provision of Erosion and Sediment Control During construction.
- Implementation of speed controls on the roads that pass through and alongside the retained corridor.
- Controls on street lighting direction in areas adjacent to the retained corridor.
- Maintenance of stormwater quality.

These measures can be incorporated into the proposed development and the consent for Stage 1.

5.4 Aboriginal Heritage

The Planning Proposal which rezoned the land from rural to the current zonings, was accompanied by an Aboriginal Cultural Heritage Assessment prepared by Ainsworth Heritage which examined cultural heritage issues for the land. Copies of this assessment have been submitted with the development application. In addition, further Aboriginal Sites investigation was undertaken by Doowakee on 2012.

The assessment undertook survey of the land with Local Aboriginal groups, including the Local Aboriginal Lands Council. The assessment identified six (6) items (found or previously recorded) within the area of this development application. The identified items are summarised in the following table:

Table 5.4: Aboriginal Heritage items

Item	Zoning	Development Stage	Disturbance likely from development works
OBP3AH07 Scarred Tree	E2	7	No
OBP3AH07 Scarred Tree	E2	7	No
UR2003-01 Un-relocated Isolated Artefact	R5	7	May be retained subject to being located again and road location.
UR2003-02 Un-relocated Midden	R1	5	Site was not re-identified in 2010 or 2012 assessment. May be located on adjoining site outside of development application
OBP3AH09	R1	1	Site is located near eastern boundary of Stage 1 area. Disturbance is likely as a result of subdivision works or future building works.
OBP3AH11 Isolated Artefact	R1	10	Yes
OBP3AH12 Isolated Artefact	R1	10	Possibly – May be on adjoining land within Ocean Links Estate.

Of these items, it is noted that 4 items may be disturbed subject to them being relocated and their location accurately plotted.

As the subdivision works may affect other items, an Aboriginal Heritage Impact Permit (AHIP) under the National Parks and Wildlife will be required for disturbance of these items. The disturbance of these items was considered in the Aboriginal Cultural Heritage Assessment by Ainsworth Heritage. The report is presented as sufficient to accompany an AHIP Permit.

The Ainsworth report makes several recommendations for the development of the area, involving the following:

- Obtaining AHIP for disturbance of any sites.
- Undertaking further survey once ground cover has been cleared.
- Have Local Aboriginal Land Council officers supervise site disturbance works.
- Management/Disturbance of sites to be undertaken in consultation with Local Aboriginal Land Council.
- The two scarred trees outside the development area shall be roped/taped off for protection during construction works.

The stage 1 works will involve further survey of the Stage 1 area, once vegetation has been removed, the survey would be conducted with the Local Aboriginal Land Council. Disturbance of the known site and other area would only be undertaken according to the protocols set out by the Ainsworth report and the AHIP and in consultation with the Local Aboriginal Land Council.

5.5 Hydrological Impacts

The proposed subdivision will change the site from a mostly pervious rural residential landuse, to an urban landuse with a greater area of impervious surfaces. As such, the proposal will alter the hydrology of the area with greater amount of water running off from the site in storm events.

The site is partially subject to flooding from the local Racecourse Creek catchment and the development has been designed to appropriately address flooding impacts. The flooding and stormwater assessment undertaken by J. Wyndham Prince Pty. Ltd. has assessed the flooding impacts to the development, as well as the impact of the development of flooding in the area. The assessment finds that the proposed development will address flooding in an appropriate manner, and that the development will not cause significant increases in flood levels on adjoining land which would affect existing or future development.

The stormwater management strategy provides two scenarios for development of the land. The interim scenario does not rely upon detention being provided by future ponds in the approved golf course or the upgrading of the culvert under Forest Lane. In the interim strategy, detention is provided upstream of the culvert in new drainage reserves.

Water quality will be controlled via the use of Stormwater Quality Improvement Devices (SQIDs) such as bio-retention raingardens. The proposed stormwater strategy provides for the use of these devices to treat water so that there is no net increase in stormwater pollutants (including nutrients phosphorous and nitrogen) as a result of the subdivision.

5.6 Traffic and Access

The proposed development will generate traffic within the site and onto connecting road systems. The impacts on traffic were examined in the Precinct Planning report that was prepared to accompany the Planning Proposal. The precinct planning

report included a traffic assessment by SKM which examined traffic impacts of use of the land.

The Traffic Assessment assumed a yield of 1,000 dwellings in Precinct 3, which may be an overestimation of yield. The traffic report found that development on the land would not have significant traffic impacts and made certain recommendations for the Precinct, and these are generally adopted, with the following noted:

- The proposed bus route as shown in Figure 8 is slightly different to the route detailed in Figure 7.1 of the SKM assessment. The revised route is considered superior and provides a similar level of access to public transport, but provides direct bus connection with the large public sports fields at the southern end of the precinct.
- The pedestrian cycle plan available within the proposed subdivision is generally consistent in providing pedestrian/cycle facilities along similar routes, however there is some minor change to better provide the southern link to Wallabi Point as more direct, rather than being circuitous around the collector boulevard.
- The proposed intersection at Wyden Street has been left as a T-intersection, rather than being changed to a roundabout. Construction of a roundabout at this location would require acquisition of property within existing residential properties located at this intersection. Given the intersection is three way only, it is considered a three way intersection may operate efficiently at this location.

The construction of Stage 1 will not involve construction of the roundabout at the intersection of Forest Lane and the new Collector Boulevard. As discussed, it is considered that this roundabout should be funded by developer contributions. The proposed connecting intersection in Stage 1 will be constructed in a manner that provides land and road alignments that will allow for construction of the future roundabout.

5.7 Social and Economic Impacts

The proposal provides significant growth in the Old Bar area and on the Mid North Coast, consistent with the local and state planning strategies for this area. Growth in this area will have significant social and economic benefits for the area.

The precinct planning report for the rezoning identified that facilities in Old Bar would serve urban development in Precinct 3 and identified that there was some community facilities that would need to be provided under a Section 94 Plan. Lots created by the subdivision will require the payment of Section 94 contributions funding these facilities.

6. *Suitability of the Site*

Subdivision of the subject land delivers outcomes that are the result of years of planning by Council for the release of land at Old Bar. The planning proposal rezoning the land was the subject of numerous environmental studies and investigations which identified developable areas of the site which were suitable for residential and rural residential development. The proposal delivers these outcomes in a manner consistent with the controls and constraints identified over the land.

The proposal provides urban growth in an area between the existing Old Bar township and existing residential estate. The site is suitable for urban development.

The areas to be developed are not subject to significant environmental hazards. Parts of the precinct are identified as subject to flooding and bushfire hazards, however the subdivision layout and concepts provide for these hazards to be addressed in accordance with the guidelines of Council (flooding) and the NSW Rural Fire Service (Bushfire).

7. *The Public Interest*

The proposed development delivers outcomes provided for in the planning instruments and planning controls created for this form of development of the land. The proposal is also consistent with the long term strategies for the local area and the NSW Mid North Coast. As such, the proposed development is consistent with the public interest by providing growth of the community in planned areas.

7.1 Crime Prevention Through Environmental Design (CPTED)

The suitable design of facilities to minimise the opportunities for crime are consideration for the public interest. The prevention of opportunistic crime provides significant benefits for the public through reduction on the volume of crime,

minimising the demand for police resources responding to crime that could be avoided through suitable design measures.

A brief review of the CPTED principles finds that:

- The area is not located in an area of high crime risk.
- The proposed subdivision generally provides good surveillance of public areas, with roads etc. being provided with casual surveillance from future dwellings to be developed on the lots.
- In some areas where lots back onto public areas (drainage reserves) access control in the form of quality fencing would be recommended.
- Public areas should be maintained to a high standard.

The proposed development is not located in an area with a high crime risk and the subdivision design generally provides opportunity for good surveillance, access control and territorial reinforcement.

8. Conclusion

The subject site is comprised of nine (9) lots making up the urban zoned areas of the Precinct 3 area at Old Bar which has been recently rezoned under a Planning Proposal. The site has an area of approximately 94 hectares.

The application seeks a staged development consent for subdivision of the precinct, involving the creation of approximately 526 lots. The proposal includes 10 stages over the differently owned parcels of land and involves the creation of low density residential lots, as well as large lot urban, rural-residential type lots. The subdivision is identified as an application that must be determined by a Joint Regional Planning Panel.

The application also seeks detailed consent for Stage 1 which involves the creation of sixty-six (66) low density residential allotments.

The application has been lodged as a staged development application under the provisions of Division 2A of Part 4 of the Environmental Planning and Assessment Act 1979. Under the provisions of the Act and Regulations, a staged development can replace the requirements for a Development Control Plan or Master Plan under the provisions of an Environmental Planning Instrument, such as SEPP 71 or under clause 6.3 of Greater Taree LEP 2010.

The proposal involves integrated development identified under the provisions of Section 91 of the Environmental Planning and Assessment Act 1979, as the following approvals are required:

- AHIP under the *National Parks and Wildlife Act 1974*;
- Controlled Activity Approval under the *Water Management Act 2000*; and
- Bushfire Safety Authority under the *Rural Fires Act 1997*.

The subdivision concept and Stage 1 are consistent with the relevant provisions of all Environmental Planning Instruments applying to the land. The subdivision consent is generally compliant with the development controls within the Council's development control plan and is consistent with the objectives of the controls.

The impacts of the concept subdivision on the surrounding environment are not considered to be significant. The concept subdivision is consistent with the outcomes for the land that have been the subject of significant planning

investigation and assessment. Development is provided on land with few environmental constraints and the sensitive areas of the site have been protected and enhanced.

The subject lands are suitable for urban growth and are not subject to significant constraints which would make the land unsuitable for urban uses. Parts of the land are subject to natural hazards in the form of bushfire and flooding, however these risks can be managed in accordance with the guidelines of Council and the NSW Rural Fire Service.

The proposed development provides urban growth to the Old Bar area as identified by the local and regional strategies for the local area and Mid North Coast. The proposal to provide for urban growth and development at this location is in the public interest.

Appendix A
Plans (Lidbury Summers & Whiteman)

Appendix B
Certificate of Satisfactory Arrangement of Infrastructure
(Department of Planning and Infrastructure)



Planning & Infrastructure

Mr Gerard Jose
General Manager
Greater Taree City Council
PO Box 482
TAREE NSW 2430

12/01258

Dear Mr Jose

I refer to Development Application DA 236/2012 for a 22 lot subdivision at Berber Road Old Bar. The land is subject to Part 6 Urban Release Area – Clause 6.1 of Greater Taree LEP 2010 which requires that the Director-General of the Department certify in writing to the Council that satisfactory arrangements are in place to contribute towards the provision of designated State public infrastructure before the Council can grant consent to certain applications.

Please be advised that I have determined (as delegate of the Director-General) to issue a satisfactory arrangements certificate in respect of all future Development Applications for urban development in the urban release areas of:

- Old Bar, Wallabi Point, Diamond Beach, Hallidays Point and Blackhead Road as identified in the Mid North Coast Regional Strategy; and
- Manning Rover Business Park identified in Greater Taree LEP 2010, Urban Release Map, Sheet URA_015A.

Attached is a certificate and associated reference maps for your records.

Should you require any further information about this matter, I have arranged for James Shelton of the Newcastle Planning Team to assist you. James can be contacted on (02) 4904 2700.

Yours sincerely

11.10.12

Ian Reynolds
Deputy Director General, Strategies and Land Release
(as delegate for the Director-General)