

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSNTH-140
DA Number	DA2020-1001
LGA	Port Macquarie-Hastings
Proposed Development	Shared user path - 'Beach to Beach' project
Street Address	<ul style="list-style-type: none"> • The Boulevarde (carriageway), Dunbogan • Lot 1 Deposited Plan (DP) 233364, Dunbogan • Edge of Lot 7036 DP 1019545, Dunbogan • Edge of Lot 7036 DP 1019545, Dunbogan • Lot 7050 DP 1108435, Dunbogan • Boardwalk and viewing platform over estuary (Camden Head Inlet), Dunbogan • Edge of Lot 7018 DP 1024347, Dunbogan • Lot 7016 DP 1024342, Dunbogan • Camden Head Road (carriageway), Dunbogan • Lot 1 DP 1173780, Dunbogan • Camden Head Road (carriageway), Dunbogan and Camden Head • Lot 7037 DP 1024352, Dunbogan and Camden Head • Lot 8 DP 754405, Dunbogan and Camden Head • Lot 7314 DP 1199592 (past sewer pump station on Lot 1 DP 598224), Dunbogan and Camden Head • Lot 7314 DP 1199592, Camden Head • Edges of Lot 7314 DP 1199592 and Lot 200 DP 754405, Camden Head • Lot 7021 DP 1001334 including Pilot Beach Road and Breakwall Access Road, Camden Head
Applicant	KBR Consulting on behalf of Port Macquarie-Hastings Council
Date of DA lodgement	5 November 2021
Number of Submissions	19 submissions
Recommendation	Consent subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Clause 2.19 and Schedule 6 of the Planning Systems SEPP identifies <i>Regionally Significant Development</i> : Council related development over \$5 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Primary Production) 2021

	<ul style="list-style-type: none"> • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • Port Macquarie-Hastings Local Environmental Plan 2011 • Development Control Plan 2013
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Development plans (as amended in EIS) • Environmental Impact Statement (EIS) (as amended) • Biodiversity Development Assessment Report (BDAR) (as amended) • Table of additional information comments
Clause 4.6 requests	NIL
Summary of key submissions	Path alignment chosen, directional and park management signage, ecological impacts, ecological offsets, dinghy storage area, public carparking impacts, constructability and management of potential asbestos.
Report prepared by	Pat Galbraith-Robertson
Report date	8 June 2022

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **No**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes - working draft**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

RECOMMENDATION

That DA2021 - 1001.1 for Shared User Path - 'Beach to Beach' project at the below properties, be determined by granting consent subject to the recommended conditions:

- The Boulevarde (carriageway), Dunbogan
- Lot 1 Deposited Plan (DP) 233364, Dunbogan
- Edge of Lot 7036 DP 1019545, Dunbogan
- Edge of Lot 7036 DP 1019545, Dunbogan
- Lot 7050 DP 1108435, Dunbogan
- Boardwalk and viewing platform over estuary (Camden Head Inlet), Dunbogan
- Edge of Lot 7018 DP 1024347, Dunbogan
- Lot 7016 DP 1024342, Dunbogan
- Camden Head Road (carriageway), Dunbogan
- Lot 1 DP 1173780, Dunbogan
- Camden Head Road (carriageway), Dunbogan and Camden Head
- Lot 7037 DP 1024352, Dunbogan and Camden Head
- Lot 8 DP 754405, Dunbogan and Camden Head
- Lot 7314 DP 1199592 (past sewer pump station on Lot 1 DP 598224) , Dunbogan and Camden Head
- Lot 7314 DP 1199592, Camden Head
- Edges of Lot 7314 DP 1199592 and Lot 200 DP 754405, Camden Head
- Lot 7021 DP 1001334 including Pilot Beach Road and Breakwall Access Road, Camden Head

Executive Summary

This report considers a Development Application for construction of a shared user path known as being part of the 'Beach to Beach' project at the subject properties. The report provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

This matter is being reported to the Northern Regional Planning Panel as the proposal is a *Regionally Significant Development* as listed in Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021. The development has a capital investment value greater than \$5 million and is a Council related application. The Northern Region Planning Panel is the consent authority for this DA.

The proposal is also a nominated Designated Development pursuant to the provisions of previous State Environmental Planning Policy (Coastal Management) 2018 (now the Resilience and Hazards SEPP). An Environmental Impact Statement (EIS) has been submitted (as amended) due to coastal wetland mapping and littoral rainforest applying to parts of the site. The submitted EIS has had regard to addressing the now Department of Planning and Environment (DPE) Secretary's Environmental Assessment Requirements (SEARS).

The proposal is also Integrated Development for the purposes of the NSW Fisheries Management Act 1994.

Following exhibition of the application nineteen (19) submissions were received. Four (4) of these submissions have raised issues which been considered by the Applicant and considered in this final EIS, BDAR and this assessment report.

The proposal has been amended during the assessment including:

- Amending a Biodiversity Development Assessment Report (BDAR);
- Updating the Environmental Impact Statement; and
- Additional information comments register which includes response comments to the additional information requested during assessment.
- Amendments to the alignment of the pathway.

The following is a summary list of applicable environmental planning instruments (several State Policies have been updated during assessment with no transitional provisions) where the consent authority must be satisfied:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Clause 6, Chapters 3 and 4;
- State Environmental Planning Policy (Planning Systems) 2021 - Clause 2.4 and 2.19
- State Environmental Planning Policy (Primary Production) 2021 - Clause 2.28
- State Environmental Planning Policy (Resilience and Hazards) 2021 - Clause 2.3 and 4.4, and chapters 2 and 4
- State Environmental Planning Policy (Transport and Infrastructure) 2021 - Clauses 2.2, 2.7, 2.48, 2.111 and 2.137.
- Port Macquarie-Hastings Local Environmental Plan 2011 - clauses 2.1, 2.3, 2.7, 4.3, 5.7, 5.10, 5.21, 7.1, 7.5 and 7.13.

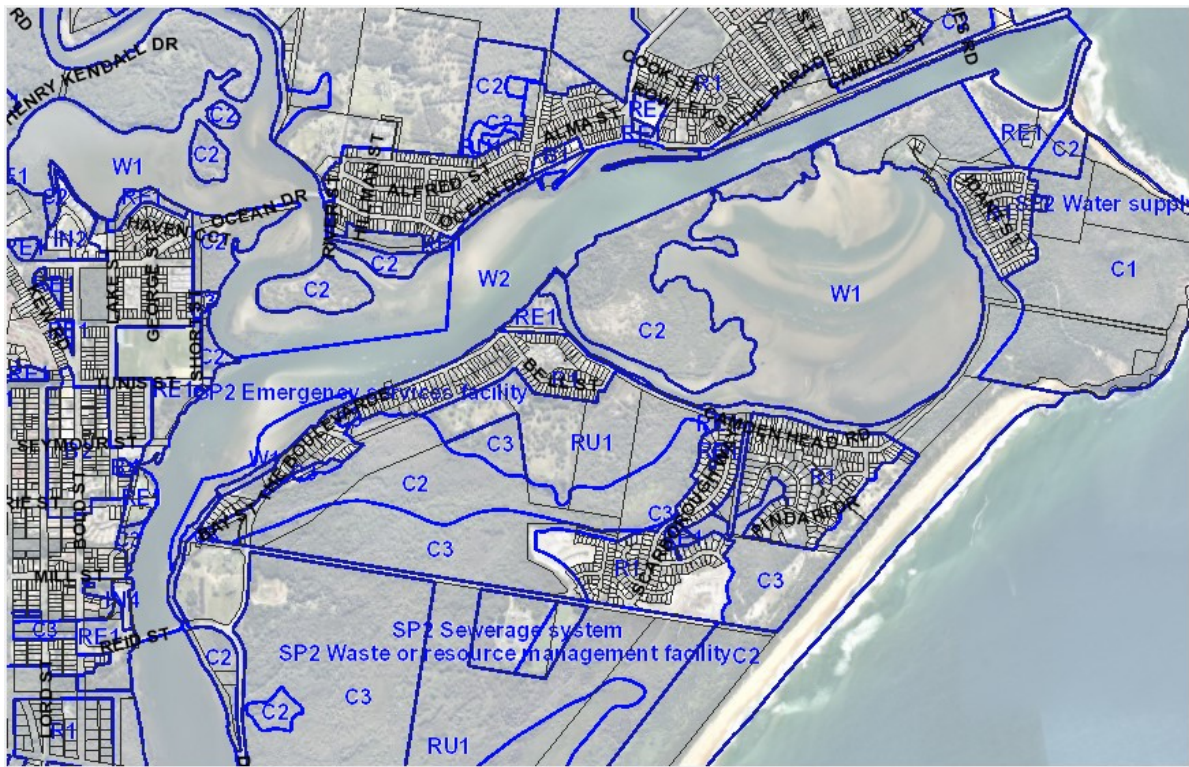
This assessment report has also been prepared having regard to the briefing meeting held between the assessing officer and the Northern Regional Planning Panel on 23 March 2022.

On balance, having regard to the Applicant's submission including updated EIS and BDAR, and assessment undertaken, the proposal is recommended to be supported. This report recommends that the Development Application be approved subject to the recommended conditions.

1. BACKGROUND

1.1 The Site

- The project is located in the Port-Macquarie Hastings Council Local Government Area (LGA) as shown further below in the plan image extract. The path alignment will follow the banks of the local Camden Haven River system and in close proximity to existing roads creating a planned scenic route that begins in North Haven, traverses through Laurieton and Dunbogan, and terminates at Pilot Beach in Camden Head opposite to the starting point.
- At present, the shared path network at Dunbogan and Camden Head is made up of four (4) unconnected sections. The Laurieton path also connects to a further path in North Haven.
- There are several sections of the site which have existing established dwellings adjoining or adjacent to the proposed path alignment.
- The site has high levels of biodiversity and is subject to land constraints including bushfire risk and flooding.
- Sections of the site are located within a low-lying inter-tidal estuarine landscape and mapped coastal wetlands.
- The location of the site is as follows (blue line annotations identify the zonings):



2. DESCRIPTION OF DEVELOPMENT

2.1 Works proposed

The proposal seeks consent for construction of a shared user path.

Specifically, the proposal involves:

- Construction of 2.9 kilometres of shared pathway in sections referred to as Sections D3, D5, D8, D10 and D11.
- Sections of pathway constructed as elevated boardwalks or concrete pathways.
- The proposed shared path will have a width of 2.5m and be constructed using a combination of sealed concrete paths and raised boardwalks. Typical sections are shown below.
- New water main and sewer rising main installations under or along respective path sections.
- Sections of new road pavement and formalised street parking.
- Vegetation removal.

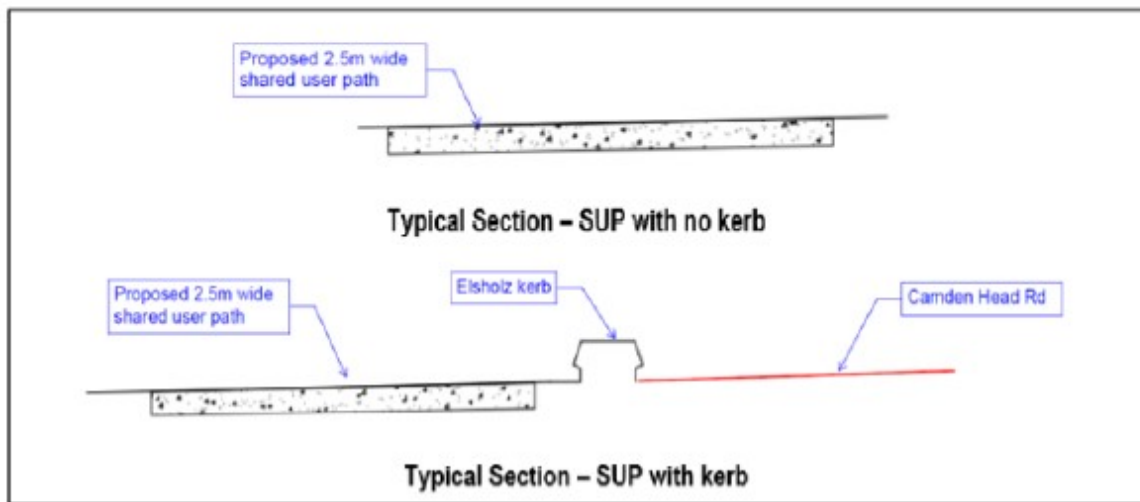


Figure 2.8 - Typical Section of the Concrete Path Construction

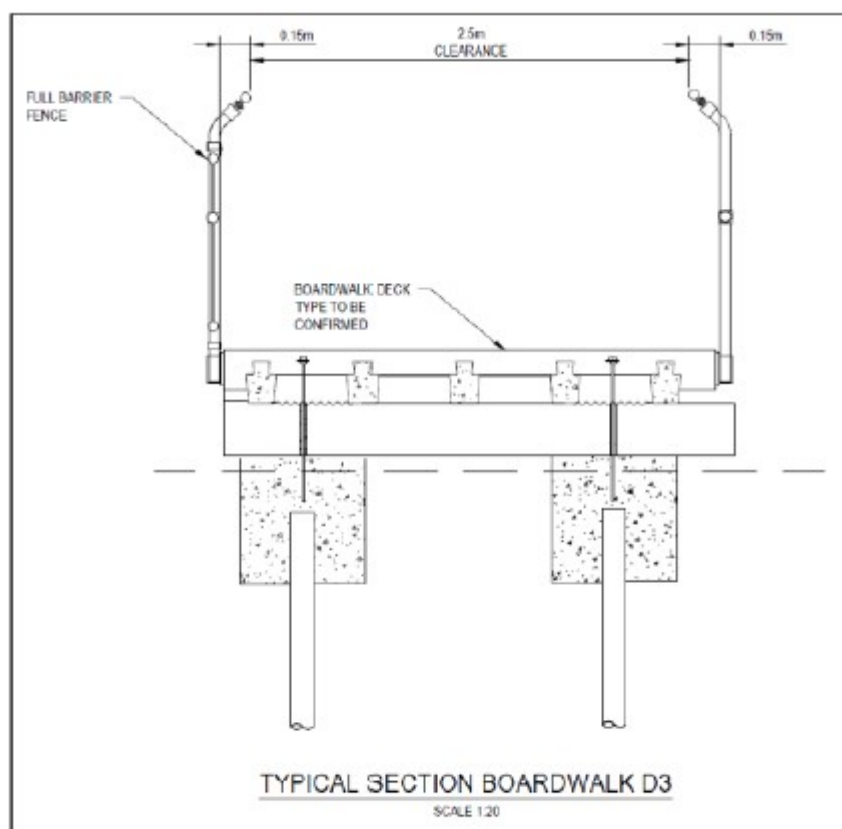
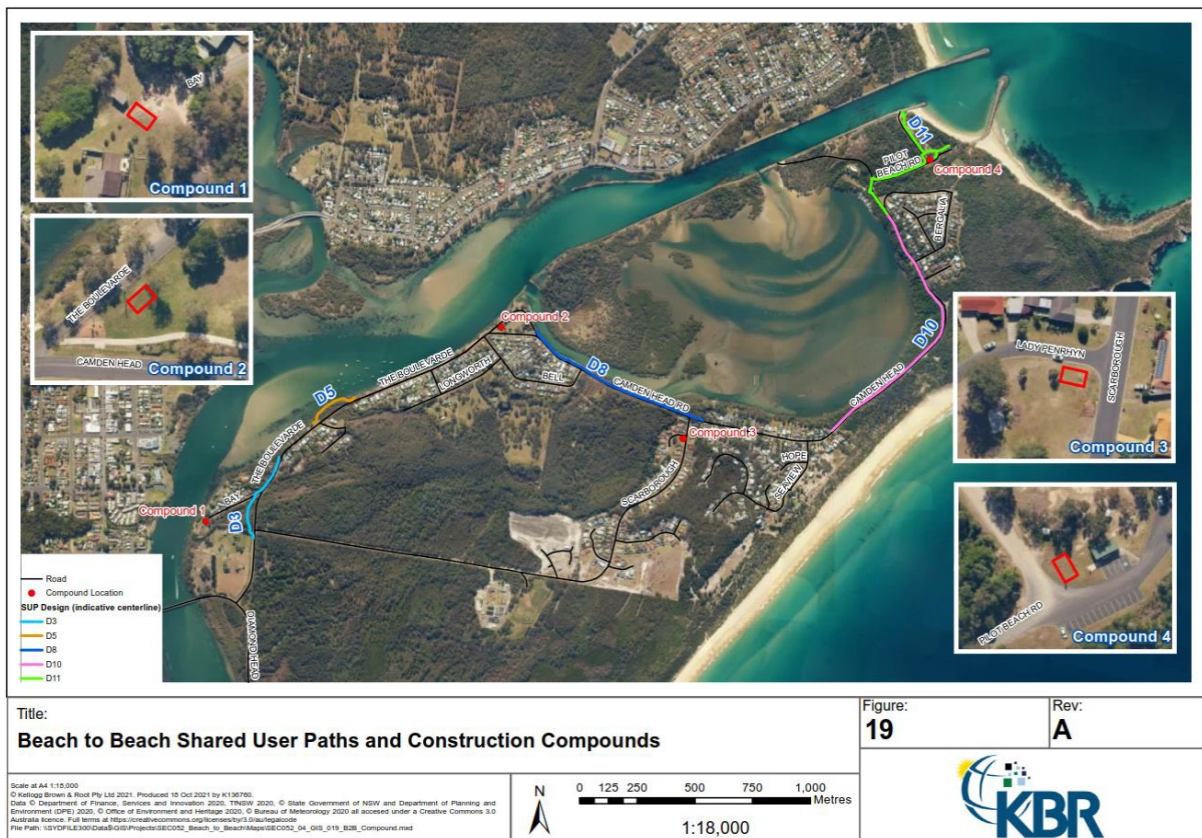


Figure 2.9 - Typical Section of Boardwalk Construction

The following extract from the EIS (as amended) provides a good overview of the planned alignment and location for the proposed shared user path:



The submitted proposed construction methodology is intended to provide site access whilst minimising impacts to the existing environment. Top-down construction is a method where a small, efficient machines with specific attachments drives on top of the newly constructed sections of the boardwalk surface to place the next section of foundation components followed by beams, joist and deck.

The following construction steps are proposed:

1. Site preparation for abutments (away from the swampy areas). Clear and remove existing grass for setting out. A 4m clearance has been allowed for to support construction of a proposed 2.5m wide path.
2. Introduce fill material in line with set-out markings and compact material in layers of 150mm to achieve the design California Bearing Ration (CBR).
3. Drive columns/ stumps into the ground to the correct depths and install bearers and joist to lay the first Fibre Reinforced Panels (FRP) anti-slip deck grating.
4. Approaching swampy areas move the mini crawler crane with specific attachments over the abutment and newly installed boardwalk to lay the next new segments.
5. Once one section is finished, move the machine forward on the newly placed walking surface to continue installing the next portion. The process will continue incrementally until the boardwalk is complete.
6. Construct scour protection around abutments and install boardwalk finishes as per the design drawings.

Construction of the project would generally include the following key activities:

- Early works and property adjustments
- Traffic management and access
- New road (re-surfacing of existing unsealed access road) and intersection works
- Installation of erosion and sediment controls

- Set up of construction compounds and progressive site establishment including temporary access tracks within the path alignment
- Grubbing and clearing of existing vegetation and roots for onsite mulching
- Demarcation of existing services
- Construction of pavements and boardwalks
- Relocation of noise mitigation measures
- Finishing work including rehabilitation of all exposed surfaces with appropriate ground cover, removal of temporary erosion and sediment controls once stabilised, and removal of all traffic and environmental controls.

Construction is expected to commence in 2022. Construction is expected to take 12 months for completion.

Refer to **Attachments** for detailed plans of the proposed development and the amended Environmental Impact Statement (EIS), amended Biodiversity Assessment Report (BDAR) and applicant's additional information comments register.

2.2 Site History

- Several sections of the Beach to Beach shared user path project have already been constructed.
- The current shared path network is made up of four(4) existing unconnected sections.

3. Application Chronology

The following details provide chronology of assessment timeframe milestones:

- 5 November 2021 - DA lodged with Council.
- 8 November 2021 - DA referred to NSW Department of Primary Industries - Fisheries and Essential Energy
- 19 November to 20 December 2021 - Neighbour notification and public exhibition of application.
- 23 December 2021 - Request for information
- 8 December 2021 - Site inspection by Council assessment staff.
- 23 December 2021 - Additional information requested from Applicant including raising assessment concerns to resolve and copy of redacted submissions.
- 19 January 2021 - Change of applicant details.
- 3 February 2022 - Referral to NSW Government Biodiversity Conservation Division (BCD) for peer review of the submitted Biodiversity Assessment Report (BDAR).
- 16 February 2022 - Applicant advice on approach to providing additional information.
- 17 February 2022 - Applicant advised that approach to resolving assessment matters acceptable.
- 3 March 2022 - Peer review advice received from BCD in regards to proposed BDAR.
- 3 March 2022 - BCD peer review advice forwarded to applicant to consider in modifying BDAR.
- 3 March 2022 - Additional information in regards to addressing flooding impacts received.
- 18 March 2022 - Clarification sought from Applicant in regards to additional information requested.
- 23 March 2022 - Clarification provided to Applicant in regards to additional information requested including construction methodology and ecological impacts.

- 23 March 2022 - Planning Panel briefing.
- 25 March 2022 - Assessing Officer's Panel briefing notes forwarded to Applicant for consideration.
- 29 March 2022 - Panel briefing notes forwarded to Applicant for consideration.
- 16 May 2022 - Clarification provided to Applicant in regards to additional information requested.
- 30 May 2022 - Additional information received from Applicant including updated BDAR, EIS and design plans.
- 30 May 2022 - Additional information forwarded to NSW Fisheries for consideration with integrated development referral.
- 6 June 2022 - Draft consent conditions consultation with Applicant.
- 7 June 2022 - Revised draft conditions sent to Applicant for consideration.
- 7 June 2022 - Concurrence advice received from NSW Fisheries.

4. Assessment in accordance with the Environmental Planning and Assessment Act 1979 (Act)

The following details provide an assessment against the key assessment criteria set out in the Section 4.15 of the Act.

(1) The provisions of (where applicable):

(a)(i) Any environmental planning instrument

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Clause 6 - This SEPP applies to the Port Macquarie-Hastings Local Government Area.

Chapter 3 Koala Habitat Protection 2020 applies to the proposal for the parts of land zoned RU1 Primary Production.

Chapter 4 Koala Habitat Protection 2021 applies to the proposal for all other parts of the land the subject of the proposal.

The following comments address the relevant clauses applicable under Chapters 3 and 4:

- A Biodiversity Assessment Report (BDAR) prepared by Accuplan (refer to Appendix D of the amended EIS) describes highly suitable koala habitat as 'areas where 15% or greater of the total number of trees within any PCT are the regionally relevant species of those listed in Schedule 2 of the Policy'.
- The EIS and BDAR have been reviewed by Council staff including a Council Ecologist and it is agreed that Schedule 2 listed koala use tree species are largely absent from the project area. However, a small number of *Melaleuca quinquenervia* (Broad-leaved Paperbark) associated with PCT 1724 occurs at the eastern end of Section D8 shared user pathway section.
- The project may result in the removal of approximately 196 m² of this habitat, occurring along the northern side of Camden Head Road and potential removal of a small number of *Melaleuca quinquenervia*. No other areas of highly suitable koala habitat occur within the project area.
- It is also agreed from the submitted EIS details that the proposed shared user pathway footprint is narrow and is unlikely to restrict koala movement throughout the local area or increase the risk of vehicle strike.

- It is considered that the potential impact of the project to local koalas is low in accordance with the requirements of this SEPP.

State Environmental Planning Policy (Planning Systems) 2021

Clause 2.4 - This SEPP applies to the site and proposal.

Clause 2.19 - This matter is being reported to the Northern Regional Planning Panel as the proposal is a *Regionally Significant Development* as listed in Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021. The development has a capital investment value greater than \$5 million and is a Council related application. The Northern Region Planning Panel is the consent authority for this DA.

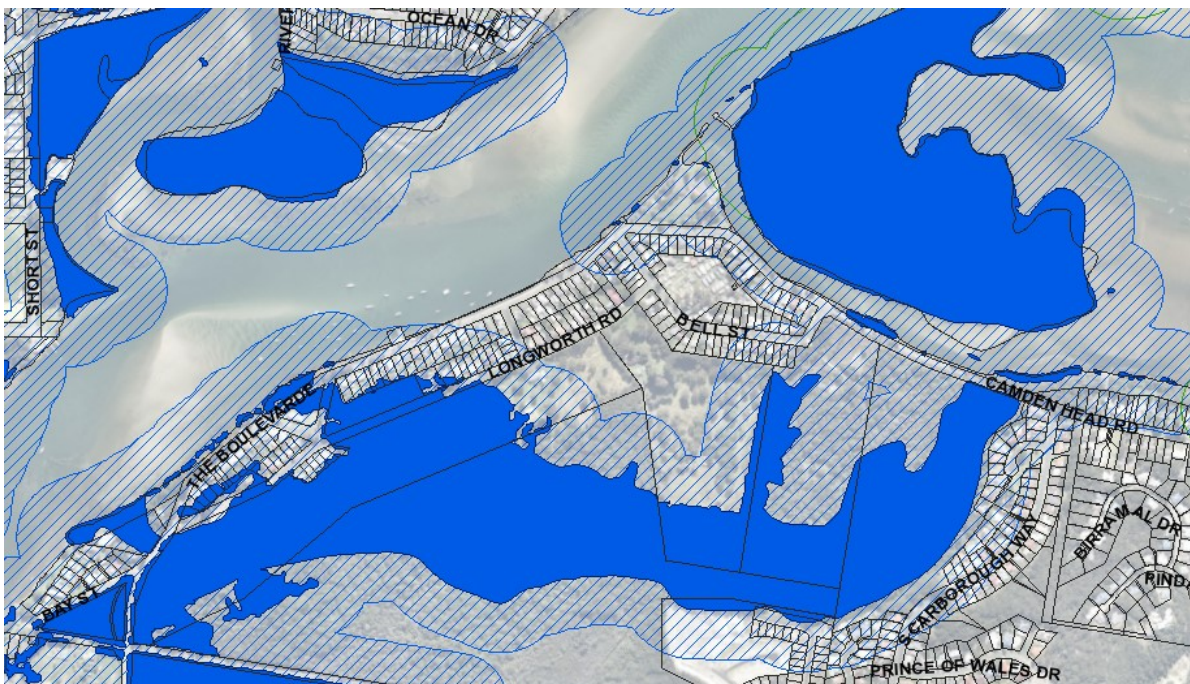
State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 2.3 and 4.4 - This SEPP applies to the site and proposal.

Chapter 2 Coastal Management and Chapter 4 Remediation of Land applies to the proposal. The following comments consider each applicable clause:

Clause 2.3 and 2.4 - As detailed in the submitted EIS and BDAR (as amended) a large extent of the project traverses land mapped as either Coastal Wetlands and Proximity Area for Coastal Wetlands and areas of Littoral Rainforest.

The following map extract identifies the coastal SEPP mapping for wetlands (blue shading) and littoral rainforest (green shading) applicable to the proposal:





Clause 2.5 - This SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Clause 2.7 - The project involves subclause (1)(d) 'any other development' and is declared to be 'Designated Development' as the project falls within a local development. An Environmental Impact Statement (EIS) (as amended) has been submitted. In accordance with Clause 2.7(4) the consent authority must not grant consent if sufficient measures have not been taken to protect and where possible enhance the biophysical, hydrological, and ecological integrity of the coastal wetland or littoral rainforest. The project area will encroach areas mapped as 'Coastal Wetland' and 'Littoral Rainforest'.

In particular, the proposed path Sections D3, D5 and D8 present impacts to mangroves and saltmarsh areas (coastal wetland areas). In addition, potential impacts to seagrasses are associated with the raised boardwalk in Section D5, likely to result from piling (where seagrass patches occur) or because of overshadowing. Sections D10 and D11 of the project will impact on areas of mapped 'Littoral Rainforest'.

Based upon the submitted information and site inspections, Council staff including a Council Ecologist consider that the measures to avoid and minimise impacts to coastal wetland and littoral rainforest areas are sufficient. The measures are noted to include consideration of the number and type of credits required to offset the project impacts including offsets under the separately regulated Fisheries Management Act 1994, which will result in a long-term, net gain within the project site and locality. Proposed revegetation of areas within the project site will provide some enhancement of the condition and structural complexity of the vegetation within the project footprint, as well as provide habitat connectivity for threatened fauna and flora across the site and broader locality. Mitigation measures to minimise impacts are recommended to be implemented through a Construction Environmental Management Plan (CEMP) and Vegetation Management Plan (VMP) to be developed for the project works. The CEMP and VMP will

be required to include Vegetation Clearing Limits and no-go zones to exclude access during construction, and other habitat protection measures.

Appropriate consent conditions are recommended to address these matters.

Clause 2.8 - The entire site (except for the mapped 'Coastal Wetland' and 'Littoral Rainforest' areas) is mapped as being a 'proximity area' to either coastal wetland or littoral rainforest. In the areas that are mapped proximity areas, the proposed development is not considered likely to result in any of the following:

- (a) identifiable significant adverse impacts on the biophysical, hydrological and ecological integrity of the nearby littoral rainforest/coastal wetland; and
- (b) identifiable impacts to water flows to the nearby littoral rainforest/coastal wetland.

Clause 2.10 and 2.11 - The site is located within a coastal use area and coastal environment area.

Having regard to clauses 2.10 and 2.11 of the SEPP the proposed development is not considered likely to result in any of the following:

- a) any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- b) any adverse impacts coastal environmental values and natural coastal processes;
- c) any unacceptable impact on marine vegetation (noting the principles of offset and avoidance where practically possible), native vegetation and fauna (noting the BDAR and offsets proposed) and their habitats, undeveloped headlands and rock platforms;
- d) any adverse impact on Aboriginal cultural heritage, practices and places;
- e) any adverse impacts on the cultural and built environment heritage;
- f) any adverse impacts the use of the surf zone;
- g) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- h) overshadowing, wind funnelling and the loss of views from public places to foreshores; and
- i) any adverse impacts on existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.

Clause 2.12 - The proposal is not likely to cause any identifiable increased risk of coastal hazards on the land or other land.

Chapter 4 Remediation of Land

Clause 4.4 applies to the site and proposal.

Clause 4.6 - Following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

Whilst the site is initially not identified as being contaminated, there could be the potential that asbestos containing material (ACM) such as old pipes/pits or services could be encountered during the works. Fibre cement sheeting has been identified in the specialist report submitted by Regional Geotechnical Solutions that may contain asbestos containing material (ACM) was observed in the river bank near Ch 180m. This would be classified as 'Special waste (Asbestos waste)'. The potential impacts of such waste would be managed to minimise the risk of harm to the environment and human health.

The CEMP will be required to have an Unexpected Find Protocol included for existing contamination including asbestos.

State Environmental Planning Policy (Transport and Infrastructure) 2007

Clause 2.2 - This SEPP applies to this site and proposal.

Clause 2.7 - This SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency. This SEPP does not prevail over the State Environmental Planning Policy (Coastal Management) 2018 in regards to clauses 10, 11 and 19 of that SEPP (now the State Environmental Planning Policy (Biodiversity and Conservation) 2021). The project is unable to be undertaken as *development without consent* or *exempt development* under this SEPP due to the State Environmental Planning Policy (Coastal Management) 2018.

Clause 2.48 - Development in proximity to electricity infrastructure - referral to Essential Energy has been completed having regard for any of the following:

- (a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
- (b) *development carried out:*
 - (i) *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
 - (ii) *immediately adjacent to an electricity substation, or*
 - (iii) *within 5m of an exposed overhead electricity power line,*
- (c) *installation of a swimming pool any part of which is:*
 - (i) *within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*
 - (ii) *within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool.*

The advice received from Essential Energy is general in nature and has been referred to the Applicant for consideration and is capable of being addressed.

Clause 2.111 - Roads and road infrastructure facilities are permitted with consent on any land.

Clause 2.137 - Stormwater management systems are permitted with consent on any land.

Based on the above, the proposed development addresses relevant clauses in the SEPP.

State Environmental Planning Policy (Primary Production) 2021

Clause 2.28 - Subject to environmental mitigation measures being in place in the CEMP, the proposed development will be unlikely create no adverse impact on any oyster aquaculture development or priority oyster aquaculture area.

Port Macquarie-Hastings Local Environmental Plan 2011

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2 - The subject site is within the following zones:

- RU1 Primary Production
- E3 Environmental Management
- E2 Environmental Conservation
- R1 General Residential
- W1 Natural Waterways
- RE1 Public Recreation

- Clause 2.3(1) and the above zone landuse tables - The proposed development is a permissible landuse with consent

Section of pathway	Zoning	Landuse permissibility
Section D3	RU1 Primary production	Part section ancillary to a 'Road' within The Boulevarde road reserve.
	C3 Environmental Management	Part section 'Environmental Facilities'.
	C2 Environmental Conservation	Part section 'Environmental Facilities'.
	R1 General Residential	Part section ancillary to a 'Road' within The Boulevarde road reserve.
Section D5	R1 General Residential	Part section 'Environmental Facilities'.
	W1 Natural Waterways	Part section 'Environmental Facilities'.
Section D8	RE1 Public Recreation	Part section 'Recreation area' and part section ancillary to a 'Road' within Camden Head Road reserve
	R1 General Residential	Part section ancillary to a 'Road' within Camden Head Road road reserve.
	RU1 Primary Production	Part section ancillary to a 'Road' within Camden Head Road road reserve.
	C2 Environmental Conservation	Part section 'Environmental Facilities'.
Section D10	C2 Environmental Conservation	Part section ancillary to a 'Road' within Camden Head Road road reserve and part section 'Recreation area'
	R1 General Residential	Part section 'Environmental facilities'
Section D11	R1 General Residential	Part section ancillary to a 'Road' within Camden Head Road road reserve.
	C2 Environmental Conservation	Part section 'Environmental Facilities'.
	RE1 Public Recreation	Part section 'Environmental Facilities'.

- Clause 2.3(2) - The proposal is consistent with the objectives of each zone as detailed below:

Zone RU1 Primary Production

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Zone C3 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.

Zone C2 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.
- To protect coastal wetlands and littoral rainforests.
- To protect land affected by coastal processes and environmentally sensitive land.
- To prevent development that adversely affects, or would be adversely affected by, coastal processes.
- To enable development of public works and environmental facilities where such development would not have an overall detrimental impact on ecological, scientific, cultural or aesthetic values.

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 W1 Natural Waterways

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public 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.

Comments: Whilst the project is related to recreational facilities and the relevant zone objectives are primarily geared towards infrastructure, recreational activities and environmental protection, the project would not hinder the achievement of these objectives. The proposed development of the shared user path is a recreational link, which is consistent with the intent and objectives of the LEP more broadly and the

works would be undertaken in a manner to minimise risk or impact to the environment.

- Clause 2.7 - Any demolition of structures requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.
- Clause 4.3 - There are several sections of the project that have a standard height limit of 8.5m applying to the site. The maximum overall height of the building above ground level (existing) is well below 8.5m from existing ground levels which complies with the 8.5m standard.
- Clause 5.7 - The objective of this clause is to ensure appropriate environmental assessment is completed for development carried out on land covered by tidal waters. The land surface elevations adjacent to the proposed Sections D3 and D5 of the Shared User Path are sited on land that is less than 1m Australian Height Datum (AHD) and are subject to low-lying tidal conditions.

The proposed development of low-lying areas will involve works below the mean high water mark. The submitted Environmental Impact Statement (EIS) and Biodiversity Assessment Report (BDAR) provides for satisfactory environmental assessment of the works. The EIS and BDAR further provide for appropriate measures to ensure the works are undertaken in a manner that does not adversely impact the environment. Appropriate conditions are recommended.

- Clause 5.10 - The locations and extent of footprint for the proposed works does not contain any known heritage items or sites of significance.

Heritage Items identified as I114 and I115 are within proximity to the proposed works for Section D11 of the project. I114 is known as the 'Pilot station complex' and I115 as 'Graves'. The proposed works will not have any identifiable adverse impact on the context of these heritage items.

The submitted EIS (as amended) and Aboriginal Cultural Heritage Assessment states that the following survey and community consultation it has been identified that there has been considerable disturbance to, and adjoining, the project area since European colonisation. Further impacts to the area are considered unlikely to disturb Aboriginal heritage.

The Applicant has advised that consultation with the Aboriginal community including the Bunyah Local Aboriginal Land Council (LALC) to understand the cultural heritage values that exist in the project area was undertaken, as reported in the Aboriginal Cultural Heritage Assessment.

The Aboriginal Cultural Heritage Assessment findings suggest no impact to Aboriginal heritage is expected to occur in the assessed areas. Mitigation measures such as unexpected finds have been recommended. Appropriate conditions have been recommended. An Aboriginal Heritage Impact Permit (AHIP) is detailed to be unlikely to be required by the Consultants Advitech Environmental however specialist mitigation measures will be required for any unexpected aboriginal heritage items being uncovered.

- Clause 5.21 - The site is land which is considered to be within a "flood planning area" (refer to *NSW Government Floodplain Development Manual*

2005). In this regard, the following comments are provided which incorporate consideration of the objectives of Clause 5.21, Council's Flood Policy 2018, the NSW Government's *Considering Flooding in Land Use Planning Guideline 2021* and the NSW Government's *Floodplain Development Manual* (2005):

- The proposal is sufficiently compatible with the flood function and behaviour on the land;
 - The proposal will not result in any significant adverse effects on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties;
 - The proposal will not result in any adverse effects on the safe occupation and efficient evacuation of people along existing evacuation routes for the surrounding area;
 - The proposal incorporates sufficient measures to minimise and manage the flood risk to life and property associated with the use of land;
 - The proposal is not likely to 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;
 - The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding;
 - The proposal will not result in any identifiable adverse impacts to flood behaviour as a result of projected climate change;
 - The intended design and scale of the buildings of the proposal is sufficiently compatible with the flooding risk on the property;
 - Sections of the pathway would be inundated in the smaller 5% AEP events however there would appear to be no value to raising boardwalk if they effectively became stranded islands as the surrounding areas and roads would also be inundated.
 - With respect to the impact the boardwalk will have on the surrounding areas the impacts have been appropriately modelled to be negligible.
- Clause 7.1 - The site is mapped as potentially containing high classes of acid sulfate soils ranging from classes 1, 2 and 3. The areas which are have potentially high acid sulfate soils largely limited to low-lying areas within Sections D3, D5, D8 and D11. The proposed works have the potential to disturb ASS and appropriate measures would need to be put in place. A specialist Acid Sulfate Soil Management Plan has been submitted. Appropriate conditions are recommended including requirements for the CEMP.
 - Clause 7.5 - Koala Habitat - The site is not identified or shown as a mapped "Koala Habitat area".
 - Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

(a)(ii) Any proposed instrument that is or has been placed on exhibition

No draft instruments apply to the site.

(a)(iii) Any DCP in force

Port Macquarie-Hastings Development Control Plan 2013 (DCP):

This DCP applies to the site and proposal. The following tabled comments provide consideration of applicable sections of the DCP:

DCP 2013: Part B - General Provisions - B2: Environmental Management			
DCP Objective	Development Provisions	Proposed	Complies
Waste Management and Minimisation			
3	a) Development must comply with Council's Developments, Public Place & Events - Waste Minimisation and Management Policy.	Satisfactory arrangements can be put in place for storage and collection of waste. Standard condition recommended for construction waste management.	Yes
Cut and Fill Regrading			
4	a) Development shall not exceed a maximum cut of 1.0m and fill of 1.0m measured vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external walls of the building (This does not apply to buildings where such cut and fill is fully retained within or by the external walls of the building).	Development will not exceed a maximum cut of 1.0m and fill of 1.0m measured vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external edges of pathway where not elevated boardwalk (This does not apply to buildings where such cut and fill is fully retained within or by the external walls of the building).	Yes
Environmental Management Areas and Buffers			
7	Environmental buffers to coastal wetlands and endangered ecological communities	The project is generally consistent with the purpose and objectives of the environmental provisions set out in the DCP which are based on achieving a balance between assisting in appropriate development whilst conserving the most important biodiversity assets and maintaining the ecological processes that sustain them. Despite the proximity of the proposed shared paths to water land/estuarine resources and given it traverses land mapped under SEPP Resilience and Hazards as coastal wetland and littoral rainforest, the environmental measures provided will aid in avoiding, minimising, and mitigating potential impacts. The path	No - see comments beside.

		can be practically part of the buffers intended by this development provision. No significant impacts to the environment would result with the effective implementation and management of the proposed mitigation measures. Appropriate conditions recommended.	
8	<p>a) Any habitat/vegetation which will be lost as a consequence of development is to be offset through the dedication of suitable land utilising expert ecological knowledge to determine the impact and offset based on the principle of 'improve and maintain'.</p> <p>b) Improvement and maintenance of existing habitat and corridors and the consolidation of fragmented bushland are to be considered as the first preference for any development offset.</p> <p>c) A Vegetation Management Plan (VMP) is to be prepared for any environmental land that is to be retained or used to offset development impacts.</p> <p>d) VMPs are required to address Council's VMP "Heads of Consideration"</p>	A specialist Biodiversity Assessment Report (BDAR) (as amended) has been submitted. The BDAR has been assessed as being acceptable and provides for satisfactory offsets including retirement of biodiversity offset credits and payment of offsets in accordance with the Fisheries Management Act. Appropriate conditions recommended to require preparation of a VMP.	Yes
12	Tree management - Public Land		

DCP 2013: Part B - General Provision - B3: Hazards Management

Bushfire Hazard Management

18	a) APZs are to be located outside of environmental protection zones and wholly provided within private land. Note perimeter roads provided as part of a residential subdivision are classified as being part of the subdivision and not a separate permissible land use within environment protection zones.	No new APZs are proposed.	N/A
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Flooding

19	a) Development must comply with Council's Floodplain Management Plan and Flood Policies.	Refer to comments provided earlier in this report addressing flooding under the LEP.	Yes
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DCP 2013: Part B- General Provisions- B4: Transport, Traffic Management, Access and Car Parking			
DCP Objective	Development Provisions	Proposed	Complies
Parking Provision			
27	On street parking	New parallel sealed parking bays are proposed adjoining Camden Head Road as part of the Section D8 works. The parking is suitably located and formalizes existing unformed street parking.	Yes
35	All parking and manoeuvring areas shall be constructed with a coarse base of sufficient depth to suit the amount of traffic generated by the development, as determined by Council. It shall be sealed with either bitumen, asphaltic concrete, concrete or interlocking pavers.		Yes

DCP 2013: Part B - General Provisions - B5: Social Impact Assessment and Crime Prevention			
DCP Objective	Development Provisions	Proposed	Complies
Social Impact Assessment			
42	Social impact assessment	<p>Satisfactory details have been submitted to demonstrate that no significant adverse impacts are expected, and appropriate measures would be employed to manage any potential impacts.</p> <p>The project would be in the public interest and results in positive socio-economic outcomes for the community.</p> <p>The Applicant has advised that extensive consultation program has been carried out in 2020, including community updates, media releases, and community feedback sessions to support project development discussions encompassed the preferred route, concept design and environmental assessment.</p> <p>Community consultation</p>	Yes

		has been extensive and has driven many of the design revisions. Issues raised during consultation periods have been investigated and considered as part of the development of the concept design, including incorporating design elements introduced to reduce potential environmental impacts. Council will continue to provide opportunities for the community to participate in the design process. Further comments received in response to the EIS exhibition have been considered and the project refined as appropriate.	
Crime Prevention			
43	<p>a) The development addresses the generic principles of crime prevention:</p> <ul style="list-style-type: none"> - Casual surveillance and sightlines; - Land use mix and activity generators; - Definition of use and ownership; - Basic exterior building design; - Lighting; - Way-finding; and - Predictable routes and entrapment locations; - as described in the Crime Prevention Through Environmental Design (CPTED) principles. 	<p>The project is not expected to influence crime. The shared path is adequately designed for the context.</p> <p>No concealment or entrapment areas proposed. Adequate casual surveillance available.</p>	Yes

(a)(iii)(a) Any planning agreement or draft planning agreement

No planning agreement has been offered or entered into relating to the site.

(a)(iv) The regulations

Demolition of buildings AS 2601 - Clause 92

Demolition of any existing structures on the site are capable of compliance with this Australian Standard.

Section D5 at Ch 0m commences opposite No. 33 The Boulevard, then extends out onto the inter-tidal estuarine flats for approximately 200m, before veering back onto the river bank and terminating in the nature strip adjacent to The Boulevard.

Fibre cement sheeting has been identified in the specialist report submitted by Regional Geotechnical Solutions that may contain asbestos containing material (ACM) was observed in the river bank near Ch 180m.



Fibre cement sheeting that may contain asbestos
near D5, Ch 180m

Should asbestos be present, its removal shall be carried out in accordance with the National OH&S Committee – *Code of Practice for Safe Removal of Asbestos* and *Code of Practice for the Management and Control of Asbestos in Workplaces*.

Appropriate conditions are recommended to address the management of potential otherwise for asbestos.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality

Context and Setting

The proposal will not have any significant adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.

The proposal is considered to be sufficiently compatible with other development in the locality and adequately addresses planning controls for the area.

The proposal does not have a significant adverse impact on existing view sharing noting the low scale nature of the works proposed.

There are no significant adverse privacy impacts noting the pathway follows public and/or crown land.

There are no significant adverse overshadowing impacts.

No details have been provided in the amended EIS to address lighting of the footpath however if the detailed design includes lighting this can be appropriately managed subject to compliance with an appropriate standard condition for management of obtrusive lighting. Some street lighting has been noted to exist where adjacent to existing roads. No adverse impacts are anticipated.

Visual impacts and character

The proposed path will integrate satisfactorily with the existing rivershore areas and have minimal visual impacts given its design.

Overall, based upon the specialist visual impact assessment details provided it is considered that the new share user path connections would reasonably integrate into the existing visual environment without any significant or out of character impact. Although there would be some visual modifications to the various shared path sites, these would not be significant and there is a relatively low level of visual sensitivity to such changes given the context of the project sites and surrounding area. The level of visual impact including the elevated boardwalk section extending out into the edge of the Camden Haven River is considered to be minor and there would be no unreasonable detriment to the visual amenity of the immediate area or surrounding locality.

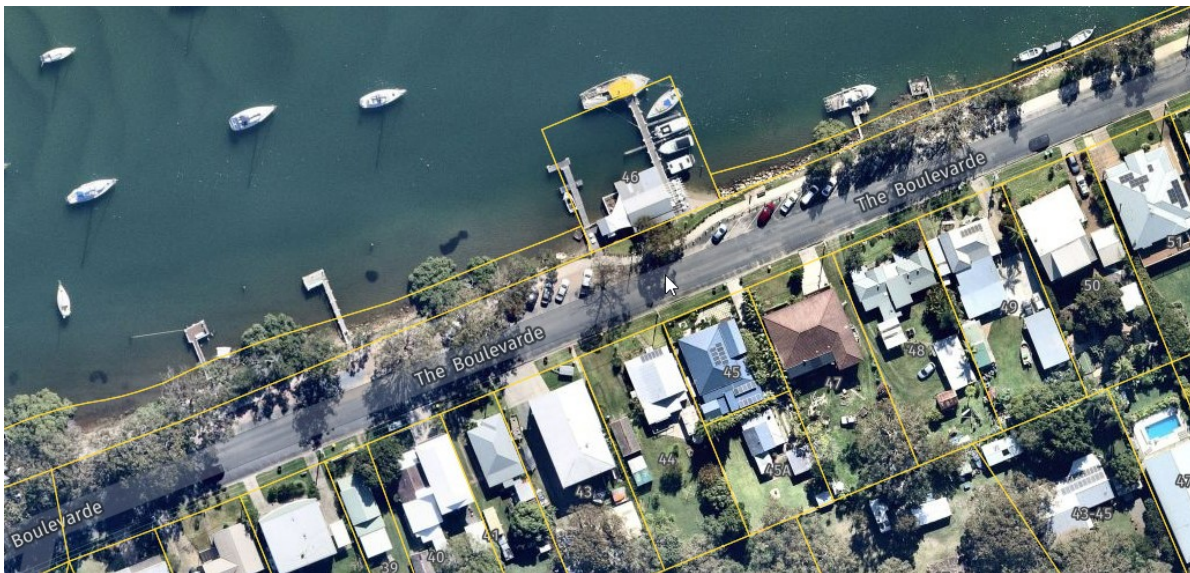
Access, Traffic and Transport

The proposal will not have any significant adverse impacts in terms of access, transport and traffic. The existing modified road network including changes to road pavement will satisfactorily cater for any increase in traffic generation as a result of the development.

No significant traffic or road related impacts are anticipated, and traffic and access are capable of being managed throughout the works. During operation, traffic volumes would be consistent with existing levels and there would be no significant operational impacts.

Parking and Manoeuvring

The proposed pathway sections to be installed to connect to existing pathway sections is not considered to directly generate the need for additional off-street or on-street parking. Council's Development Control Plan 2013 does not specify any prescribed parking provision rates for the proposal. The following locations (screen shots) identify existing public parking proximal in various locations to the proposed shareway sections to be constructed:





The above existing public parking is considered appropriate and it would be difficult to justify a direct nexus that the proposal will require additional supportive parking. Council as the proponent can continue to monitor the takeup of public parking and respond accordingly if high demand is warranted. Note that the intent of the pathway is to encourage walking and cycling modes of travel in difference to relying on motorized transport.

New parallel sealed parking bays are proposed adjoining Camden Head Road are also proposed as part of the Section D8 works. The parking is suitably located and formalizes existing unformed street parking.

Details have been provided that bicycle parking will be reviewed and considered for inclusion in the detailed construction design. Bicycle racks have been identified for Pilot Beach.

Water Supply and Sewer

The proposed works will result in sections of required relocation and upgrades of water supply and sewer services. The water main would be relocated and positioned outside the proposed carriageway. This relocation of the water main/s would result in hydrants also being positioned outside the proposed carriageway, therefore being safe and accessible for use by emergency responders.

Appropriate conditions are recommended in this regard.

Stormwater

The proposed works will result in sections of required relocation and upgrades of stormwater services.

A detailed site stormwater management plan will be required to be submitted for assessment with prior to construction works commencing.

In accordance with Councils AUSPEC requirements, stormwater drainage plans will need to be prepared and detailed in the Construction Plans.

Appropriate conditions are recommended in this regard.

Other Utilities

Telecommunication and electricity services are available to the site and any impacts can be satisfactorily managed during construction. Satisfactory arrangements with the relevant utility authorities for undertaking the project will need to be completed.

Other land resources

The proposal will not sterilise any known mineral or agricultural resource.

Water cycle

The proposed development will not have any significant adverse impacts on water resources and the water cycle.

Soils

The proposed development will not have any significant adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

Air and microclimate

Earth works and road works will generate dust. A water cart and other dust suppression measures, such as not working on windy days, have been identified in the EIS. The water cart(s) should use recycled water instead of the potable town water supply.

It is recommended that the contractor awarded the construction contract develop a full and comprehensive Construction Environmental Management Plan that covers all environmental facets of the works and a condition is recommended in this regard.

The construction and/or operations of the proposed development will not result in any significant adverse impacts on the existing air quality or result in any pollution.

Flora and fauna

The proposed development includes clearing of approximately 0.47 hectares of native vegetation. The Biodiversity Offset Scheme applies for the following reasons:

- The land is identified on the Biodiversity Values Map.

The Applicant has submitted a Biodiversity Development Assessment Report (as amended) prepared by an authorised person. The amended report has been reviewed and it is considered that adequate measures have been taken to avoid or minimise impacts, and the development would not result in serious and irreversible impacts on biodiversity. The amended report satisfactorily addresses peer review concerns raised by the BCD and Council Ecologist additional information requests raised.

The calculated impact of the SUP includes a 0.5m buffer of the proposed impact area (i.e., the 2.5m width of the path and any proposed batters). Construction of SUP should use methods to limit vegetation impacts to this footprint. Trimming of trees as opposed to removal may be possible where stems occur outside of 2.5m path (subject to arborist advice). If provided, detailed construction methodology showing how impacts to adjoining vegetation would be avoided can be added to the BDAR.

The development will require the retirement of the following ecosystem credits and/or species credits to offset the impacts of the development:

Impacted plant community type	Number of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development
1747-Grey Mangrove low closed forest	2	Macleay Hastings, Carrai Plateau, Coffs Coast and Escarpment, Comboyne Plateau, Karuah Manning, Macleay Gorges, Mummel Escarpment and Upper Manning. or Any IBRA subregion that is within 100	Mangrove Swamps This includes PCT's: 915, 916, 917, 918, 919, 920, 1747

		kilometers of the outer edge of the impacted site.	
1727-Swamp Oak - Sea Rush - Baumea juncea swamp forest on coastal lowlands of the Central Coast and Lower North Coast	3	Macleay Hastings, Carrai Plateau, Coffs Coast and Escarpment, Comboyne Plateau, Karuah Manning, Macleay Gorges, Mummel Escarpment and Upper Manning. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCT's: 915, 916, 917, 918, 919, 1125, 1230, 1232, 1234, 1235, 1236, 1726, 1727, 1728, 1729, 1731, 1800, 1808
1536-Tuckeroo - Lilly Pilly - Coast Banksia littoral rainforest	9	Macleay Hastings, Carrai Plateau, Coffs Coast and Escarpment, Comboyne Plateau, Karuah Manning, Macleay Gorges, Mummel Escarpment and Upper Manning. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Littoral Rainforest in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCT's: 670, 751, 910, 1275, 1534, 1536, 1537, 1832, 1833
771-Coastal sand Tea-tree - Banksia scrub	3	Macleay Hastings, Carrai Plateau, Coffs Coast and Escarpment, Comboyne Plateau, Karuah Manning, Macleay Gorges, Mummel Escarpment and Upper Manning. or	Coastal Headland Heaths This includes PCT's: 721, 771, 1701, 1703, 1810

		Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	
1724-Broad-leaved Paperbark - Swamp Oak - Saw Sedge swamp forest on coastal lowlands of the Central Coast and Lower North Coast	1	Macleay Hastings, Carrai Plateau, Coffs Coast and Escarpment, Comboyne Plateau, Karuah Manning, Macleay Gorges, Mummel Escarpment and Upper Manning. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCT's: 837, 839, 926, 971, 1064, 1092, 1227, 1230, 1231, 1232, 1235, 1649, 1715, 1716, 1717, 1718, 1719, 1721, 1722, 1723, 1724, 1725, 1730, 1795, 1798

Impacted species	Number of species credits	IBRA sub-region
Cercartetus nanus / Eastern Pygmy-possum	15	Any in NSW
Lathamus discolor / Swift Parrot	16	Any in NSW
Litoria brevipalmata / Green-thighed Frog	2	Any in NSW
Myotis macropus / Southern Myotis	18	Any in NSW
Planigale maculata / Common Planigale	16	Any in NSW
Pteropus poliocephalus / Grey-headed Flying-fox	2	Any in NSW
Numenius madagascariensis / Eastern Curlew	1	Any in NSW
Rhodomyrtus psidioides / Native Guava	1	Any in NSW

¹Note that prices of credits in the Biodiversity Offsets Payment Calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.

Conditions have been recommended requiring evidence of retirement of the relevant credits prior to the commencement of any clearing on the land.

Fisheries Management Act 1994

The project will impact Marine Vegetation in Sections D3, D5 and D8 of the shared user path.

The proposal has been referred to the NSW Department of Primary Industries - Fisheries (Fisheries). Fisheries have requested additional information during the assessment. The Applicant has provided additional information within an updated EIS and BDAR.

The updated EIS and additional information has been referred to Fisheries. Fisheries have raised queries regarding the residual impacts to marine vegetation and details of necessary offset proposals under the Fisheries Management Act 1994. At the time of writing of this report Fisheries have provided general concurrence/General Terms of the Approval subject to a separate permit being obtained under the Fisheries Management Act 1994. The permit will be required to be obtained under Section 205 of the Fisheries Management Act 1994 by the proponent prior to commencement of harm to marine vegetation works.

Fisheries have advised that they will specifically require specific details of the impacts to marine vegetation and an appropriate offset proposal, and that a permit cannot be issued without such information.

Conditions of consent are recommended to address the above requirements.

Waste

Whilst waste would be generated, the project is not expected to generate significant amounts of wastes and any waste outputs can be effectively managed, reused, recycled and appropriately disposed of.

Surplus spoil generated from the development works, if clear of weeds and confirmed to be Acid Sulfate Soils (ASS) free, will be intended to be reused on-site for landscaping and restoration works and may be subject to testing by the Contractor. In addition, excess spoil will be disposed at a facility licenced to accept the material and would need to be classified in accordance with the NSW EPA Waste Classification Guidelines (2014). Similarly, liquid waste requiring disposal off-site would be removed by a tanker and disposed to a licensed facility. No liquid waste would be generated from the taking of water/dewatering. It is unlikely that contaminated or hazardous material would be encountered during construction works.

Concrete washout or chemical (hydrocarbon, oil, grease etc.) waste will be managed through collection at a designated impervious area for disposal by a licensed waste transporter to a licensed facility.

Whilst stockpiles would be established and utilised during the works, no bulk stockpiling is proposed. Waste can be stored in stockpiles or bins; however, it would not be stockpiled on-site for extended durations and is to be disposed of progressively and on a

regular basis. Such stockpiles would be appropriately labelled, managed and monitored. Erosion and sedimentation controls would apply to any stockpiles. No stockpiling of potential contaminated or harmful waste would occur, and this is to be handled and managed appropriately and immediately.

Whilst not considered likely, there could be the potential that asbestos containing material (ACM) such as old pipes/pits or services could be encountered during the works. This would be classified as 'Special waste (Asbestos waste)'. The potential impacts of such waste would be managed to minimise the risk of harm to the environment and human health.

Soil spoils could include ASS. The appropriate waste classification and disposal methods for soil spoils would be determined. An ASS Waste Management Plan would guide such processes.

When the SUP works are complete, waste is not anticipated to be generated in large volumes. Some minor volumes of litter along the paths and road from path and road-users may be expected, in addition to the generation of some general waste from future maintenance activities.

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated. Standard precautionary site management condition recommended.

Energy

No adverse impacts anticipated. There is opportunity for future installation of solar powered lighting to be installed on the existing and proposed new sections of the shareway path and boardwalks.

Noise and vibration

The construction and/or operations of the proposed development will not result in any significant adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended together with project specific condition.

Bushfire

The proposal is sited on land which is identified as being prone to bushfire risk.

The project is not for residential occupation, and as such the assessment considered the aims and objectives of the PBP19. For the protection of human life and to minimise impacts on property from the threat of bush fire, the specialist assessment details have satisfactorily considered the following aspects: type of development, the impact of radiant heat and direct flame contact, separation from other development, radiation and embers, access and egress for firefighters, the provision of adequate water supplies and property maintenance requirements.

Economic impact in the locality

The proposal is not considered to have any significant adverse economic impacts on the locality. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

Site design and internal design

The proposed development design satisfactorily responds to the site attributes and will fit into the locality.

Construction

Construction impacts are considered capable of being managed, standard construction and site specific/project management conditions have been recommended. The construction methodology has been addressed sufficiently for assessment purposes within the amended EIS.

Cumulative impacts

The proposed development is not considered to have any significant adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality. The subject sections of pathway and shareway are the remaining connections to provide pedestrian connectivity for the Beach to Beach project.

(c) The suitability of the site for the development

The proposal will satisfactorily fit into the locality and the site attributes are conducive to the proposed development.

The application has satisfactorily demonstrated that a number of alternatives and options have been considered in developing the proposal and selecting the preferred options.

Site constraints of ecology, topography and relationship to the existing road formations and existing sections of pathway already completed in particular has been adequately addressed. Appropriate conditions of consent recommended to satisfactorily mitigate likely environmental impacts and manage the project delivery.

(d) Any submissions made in accordance with this Act or the regulations

The proposal was notified in accordance with the Council's Community Participation Plan from 19 November 2021 until 20 December 2021. A total of 19 unique submissions, comprising 4 objections and 15 submissions in favour of the proposal.

Copies of the written submissions have been provided separately to members of the Panel and to the Applicant in redacted form for consideration.

Key issues raised in the submissions received and comments are provided as follows:

Submission Issue/Summary	Planning Comment/Response
For 2 sections of the pathway the pathway should not hug the road but meander within the forest and under the canopy to assist with education of the Kattang Nature Reserve and make the most of the project. This is being reconsidered by the Applicant whether there is scope to change the alignment.	The alignment is initially considered to be a good design response to make the most genuine approach to avoidance of vegetation impacts which has been reviewed to have a higher level of importance for the alignment chosen.
Directional signage and park management signs should be developed to encourage appropriate visitor behaviour and public awareness of the	This is initially considered to be a separate matter to the determination of the DA however has been raised with the applicant.

Submission Issue/Summary	Planning Comment/Response
Kattang Nature Reserve.	<p>The EIS makes reference to proposing provision of educational benefits using signage identifying flora and fauna species or through vegetation viewing areas, and to recognise and acknowledge the key events in Aboriginal and Torres Strait Islander history that have taken place within the area and the history of the Aboriginal community's displacement, and their part in the creation of a diverse and inclusive community.</p> <p>Safety signage would be incorporated in to the detailed design.</p>
Should be inclusion of planting programs for koala and nesting poles for larger raptors.	<p>This is matter has been raised with the applicant during assessment.</p> <p>The site for the development is not considered to be core koala habitat using the State based legislation.</p> <p>No hollow bearing trees are proposed to be removed and it is considered that nesting poles are not necessary.</p>
Section of pathway will restrict access to a dinghy storage area and reduce the launching beach area.	<p>This matter has been raised with the applicant during assessment.</p> <p>The EIS states that the Shared User Path is tightly cranked in design to avoid the dinghy storage and launching area of the Camden Haven Yacht Club, comprising a group of 10 dinghies.</p>
Potential issues with cleanup of asbestos and rubbish from previous oyster shed which occupied a section of land for the path.	<p>This is matter has been raised with the applicant during assessment.</p> <p>Management of potential asbestos has been addressed earlier in this report and will be required to be specifically addressed in the CEMP.</p>
Safety concerns with delineation of the road from pathway using only log bollards.	<p>This is initially considered to be detailed design matter for the proponent to resolve however appears an appropriate design response if similar bollards to that existing are installed.</p>
Recommend section of pathway traverse the southern side of Camden Head Road to prevent carparking from being lost along the Googleys Inlet foreshore.	<p>This is matter has been raised with the applicant during assessment.</p> <p>Additional carparking has been proposed to be formalised as detailed earlier in this report and in the attached updated design plan set.</p>
Lack of information of how boardwalk sections will be constructed for some sections on steep banks and not result in major erosion on the slopes.	<p>This is matter has been raised with the applicant during assessment.</p> <p>Construction methodology details as detailed earlier in this report are considered appropriate for planning assessment of the subject DA.</p>

Submission Issue/Summary	Planning Comment/Response
Loss of Angophora Floribunda (rough-barked apple) trees on steep banks for some sections of boardwalk.	These ecological impacts have been raised with the applicant during assessment. The updated Biodiversity Assessment Report (BDAR) and mitigation measures satisfactorily address this matter. Appropriate conditions are also recommended for payment of ecological credits for unavoidable impacts and a requirement for a Vegetation Management Plan (VMP).
Concerns with impacts on this key biodiversity area which provides vital habitat for threatened plant and animal species.	
Concerns with alignment of pathway route impacting littoral rainforest and coastal vine thickets.	
Impacts on threatened birds and omissions of the square tailed kite and squirrel glider being present.	
Concerns with using the Biodiversity Offset Scheme to offset loss of habitat or only paying into the Biodiversity Conservation Fund.	This is initially considered to be only approach to resolving the offsetting of unavoidable impacts that will occur using the legislative tools/system available under the Biodiversity Conservation Act.
Offset planting should involve planting of native species on-site locally and funds to rehabilitate the littoral rainforest.	The unavoidable loss of habitat is primarily proposed to be offset through the Biodiversity Offset Scheme as the primary offsetting mechanism proposed and available. A VMP is also recommended to be required to ensure that on the ground offset opportunities for rehabilitating ground conditions with flora is completed to the satisfaction of Council's Ecologist.

(e) The public interest

The proposed development satisfies relevant planning controls and will not have any significant adverse impacts on the wider public interest.

If the project does not proceed, there would be no safe, usable, and continuous path connecting North Haven and Camden Head. This would mean that residents and visitors would necessitate the use of the incomplete sections of existing path. The existing sections of shared user path will be compromised and create inconvenience for residents and visitors and a likely long-term outcome would be to discourage useability.

The completion of the remaining shared path sections will expand on the existing recreational walking and cycling trails thus allowing the community to experience the surrounding local towns and wonderful natural areas. The continuous shared path will improve user safety and foster healthy living through physical activity and social interaction.

The project will promote the social and economic welfare of the community, as it has significant employment-generating potential, social and health benefits.

Ecologically Sustainable Development and Precautionary Principle

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes.

The four principles of ecologically sustainable development are:

- the precautionary principle,
- intergenerational equity,
- conservation of biological diversity and ecological integrity,
- improved valuation, pricing and incentive mechanisms.

The principles of ESD require that a balance needs to be struck between the man-made development and the need to retain the natural vegetation. Based on the assessment provided in this report, design approach to avoid ecological impacts, retirement of Biodiversity Offset Credits for unavoidable impacts and compliance with recommended conditions of consent, it is considered an appropriate balance has been struck.

Climate change

Climate change risks associated with flooding have been accounted for in Council's latest flood modelling.

DEVELOPMENT CONTRIBUTIONS

Section 7.11 Contributions

The proposed development does not involve the creation of any additional residential component. As a result, s7.11 contributions do not apply.

Section 7.12 Contributions

In assessing s7.12 contributions, Council staff have reviewed the development in accordance with the Port Macquarie-Hastings Council Development Contributions Assessment Policy (DCAP) and the Port Macquarie-Hastings Council Section 94A Levy Contributions Plan 2007. The proposed development will comprise works which are deemed to create additional demand for public amenities/services.

Appropriate condition recommended to require payment of contributions and a draft Notice of Payment is attached to this report.

Section 64 Water and Sewer Contributions

The proposed development does not propose any new useable floor area or site area. As a result, s64 water supply and/or sewerage developer charges do not apply.

CONCLUSION

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Issues raised have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.