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Our reference: **09/08674**  
Your reference: **05\_0129**

01 October 2009

**Attention: Drent Devine**

Dear Mr Devine,

**Re: 'Lakes Estate' 198 Lot Residential Subdivision at Lakes Drive and North Boambee Road, North Boambee Valley, Coffs Harbour LGA (05 0129)**

I refer to your letter dated 21 August 2009 inviting a submission from the Department of Lands (now the Land and Property Management Authority or LPMA) in relation to the abovementioned major project application and accompanying environmental assessment (EA), as lodged by Noubia Pty Ltd (the Proponent). Thank you for providing an opportunity to make a submission.

Potentially affected Crown parcels

- The Subject Site (part of Lot 95 DP1126227, Lot 10 DP1071628, Lot 1 DP1089778 and Lot 2 DP607602) adjoins an unnamed Crown public road on its north-western boundary, as illustrated in Figure 1. Additionally, the Site ultimately drains into a Crown waterway identified as Newports Creek to the south.
- With respect to the Crown public road, please ensure the Proponent does not:
  - encroach upon the road;
  - remove any vegetation from the road; or
  - stockpile any materials or store any equipment, machinery or plant on the road.

Threatened entities

- It is noted the Subject Site supports three threatened species and the endangered ecological community (EEC) 'Lowland Rainforest on Floodplain in the New South Wales North Coast Bioregion'. This EEC forms a large component of the environmental reserve proposed for future Lot 198.
- It is claimed on Page 40 of the EA: "*The proposal will also not result in any harm or damage to a critical habitat or habitat of a threatened species, population or ecological community*". However:
  - The 'Site Analysis Plan' in Appendix F suggests the patch of EEC in the north of Lot 10 DP1071628 will be removed as part of the development (labelled "*Remove isolated EVC*"). This area is identified as primary koala habitat (Figure 41), threatened frog habitat (Figure 44), and very high conservation value vegetation (Figure 46). The LPMA does not support the modification or removal of this patch

- of EEC (including for noise attenuation along the proposed Pacific Highway Bypass route).
- Figure 43 suggests some of the vegetation to be removed in the North-eastern Precinct (Location 3 in Figure 37) constitutes the easternmost extent of the EEC, which is also identified as primary koala habitat, threatened frog habitat, and very high conservation value vegetation. The LPMA does not support the removal or modification of the EEC in this location.
  - It is acknowledged by the Proponent throughout the EA the proposal will remove primary and secondary koala habitat. Koalas (*Phascolarctos cinereus*) are listed as a vulnerable species under the *Threatened Species Conservation Act 1995*, and so the proposal will in fact result in damage to the habitat of a threatened species.
  - It is noted the extent of primary and secondary koala habitat indicated on Figure 38 differs from that shown on Figure 41 (Figure 41 being based upon assessments undertaken by EcoLogical Australia Pty Ltd in Appendix BB). As the estimated area of koala habitat expected to be removed is based upon Figure 38, the area of koala habitat actually removed may differ from that estimated.

### Corridors and buffers

- It is noted an area of high conservation value vegetation (identified as Tall Open Forest Type 2 – Blackbutt – Tallowwood – Broad-leaved White Mahogany in Figure 40) currently exists in the southern portion of Lot 10 DP1071628. Subdivision plans for Stage 1 suggest this vegetation will be removed to accommodate future lots 32 - 35. However, the vegetation isn't identified as being slated for removal in Figure 38. It is also noted the vegetation provides a partial corridor between the primary and secondary koala habitat in the centre of Lot 2 DP607602 and the primary koala habitat in the centre of Lot 10 DP1071628. It is recommended, therefore, the vegetation be retained and its ecological function enhanced through incorporation into a dedicated corridor between the koala habitat in Lot 2 and that in Lot 10. This will entail removing from the subdivision plan a number of the proposed allotments between the vegetation and the koala habitat. It is noted in Appendix DD street tree plantings and turf along part of Road No. 5 are expected to perform the function of a corridor between the koala habitat in Lot 2 and that in Lot 10. It is argued narrow street-tree plantings and turf do not provide as effective a wildlife corridor/ habitat linkage as retained native vegetation.
- It is difficult to reconcile the third draft commitment under 'Flora and Fauna' ("*All vegetation which is identified as Primary or Secondary koala habitat, remnant vegetation or within identified corridors and occurs within created allotments will not be removed for future residential development*") with what is presented in Figure 38 and the fact that future lots 33 – 35 are almost completely covered in remnant vegetation.
- It is noted the 20m-wide east-west habitat linkage in the North-eastern Precinct (Stage 3) will be effectively managed as an asset protection zone (APZ) (understorey vegetation and ground fuels will be reduced, as stated on Page 170). It will also be segmented by two roads and one property access (Figure 34). The linkage consists of secondary koala habitat. Fire management activities within the linkage may be inconsistent with the requirements of the Koala Plan of Management. Additionally, such activities may serve to decrease the ecological value and functionality of the linkage. It is recommended the linkage be widened to accommodate required APZs as well as a core of unmodified habitat. This will entail removing from the subdivision plan a number of the future allotments to the north and south of the linkage.
- It is suggested other habitat linkages within the development footprint may be too narrow or too landscaped to function as effective wildlife corridors. It is recommended the linkage along the north western section of Road No. 5 be replaced by a linkage incorporating the existing remnant vegetation in the southern portion of Lot 10 DP1071628, as discussed previously, and that the linkage along the southern side of Lakes Drive between Road No. 8 and Channel 2 (consisting of street-tree plantings,

turf and recreational infrastructure) be widened by removing some future allotments to the north and south of the linkage.

- It is considered the proposed buffer to the EEC in the North-eastern Precinct is insufficient (from a width and composition point-of-view), and should be increased to include existing native vegetation and/ or a revegetated zone between the EEC and the road and adjacent APZs. Roads do not constitute very effective buffers as they do not protect against such edge effects as weed invasion, alterations to microclimatic conditions, and human interference.

#### Vegetation management plan


- It is noted the proposed Lot 198 will be retained and managed as an environmental reserve by the Proponent. It is unclear who will be responsible for managing the other open space areas across the Subject Site. It is also noted the Proponent does not consider the proposed reserve will require a substantial amount of maintenance (Page 106). However, it is argued a considerable amount of maintenance will be required, in light of the following:
  - The reserve will be accessible to pedestrians, including as it does a perimeter fire trail/ pedestrian linkage. The fire trail/ pedestrian linkage will require regular maintenance. Public health and safety issues will have to be considered. Littering and rubbish dumping may have to be managed.
  - Weeds such as Camphor Laurel (*Cinnamomum camphora*) and Lantana (*Lantana camara*) are known to occur within two of the reserve's vegetation communities (Tall Open Forest Type 1 – Flooded Gum – Tallowwood and Subtropical Lowland Rainforest – Flooded Gum – Blue Lilly Pilly – Bangalow Palm). These weeds will have to be controlled.
  - The reserve supports weed-affected disturbed or regenerating areas, including former access trails, which may benefit from complementary revegetation.
  - Feral or domestic cats may currently transit or reside in the reserve. These cats should be removed as part of integrated pest management programs.
- Given the above, and the fact the reserve will be used to partly offset the environmental impacts of the proposed development, it is strongly recommended the Proponent prepare and implement a management plan for the reserve. The plan should detail objectives and specific management actions for protecting and enhancing the ecological functions of the reserve. It should also incorporate scoped and appropriate performance requirements referenced to appropriate benchmarks, and it should indicate appropriate trigger values for intervention or corrective actions, referenced to the aforementioned performance requirements.

#### Contaminated land

- It is stated on Page 48: “*At this stage, only preliminary (contaminated land) testing has been undertaken on site with this project application seeking deferral of additional testing until approval*”. It is recommended, should a requirement for additional testing form part of any consent for this development, the Proponent provide the results of detailed site investigations to Coffs Harbour City Council prior to the issuance of a construction certificate for the development and the formulation and implementation of any remedial action plan.

Please feel free to contact me on 6640 3436 or [lan.Hanson@lpma.nsw.gov.au](mailto:lan.Hanson@lpma.nsw.gov.au) if you have any questions or concerns in relation to these comments.

Yours sincerely,

A handwritten signature in black ink on a light grey background. The signature reads "Ian Hanson." in a cursive script.

Ian Hanson  
Senior Environmental Officer  
Crown Lands Division

Figure 1

