

COFFS HARBOUR CITY COUNCIL



Our Ref: 2322082 (PN 2223125 : DA 698/09)

8 October 2009

Mr B Devine
Coastal Assessments – North Coast
Department of Planning
GPO Box 39
SYDNEY NSW 2000

COASTAL ASSESSMENTS
RECEIVED

12 OCT 2009

NSW Department
of Planning

STUART WITHINGTON
12/10/09

Brent Devine
12/10/09
SW

Dear Mr Devine

**MP 05-0129, Lakes Estate – 198 Lot Residential Subdivision
Part Lot 95, DP1126227, Lot 10, DP1071628, Lot 1, DP1089778, Lot 2,
DP607602, North Boambee Road and Lakes Drive, North Boambee Valley**

Council refers to the above Major Project Application.

Appended to this letter is a list of issues relevant to this project.

For further information please contact Mark Hannon on (02) 6648.4631.

Yours faithfully

Mark Hannon
Project Manager Development

MSH:njj

LIST OF ISSUES

Coffs Harbour City Local Environmental Plan 2000:

Sheet 4 of 23 in the EA provides an overlay of the proposed subdivision upon the LEP zoning map.

The LEP zoning map (Appendix E – Sheet 4) is incorrect.

The proponent needs to provide a compliant LEP zoning map with the subdivision overlay for evaluation.

Land zoned 7A Environmental Protection Habitat and Catchment in this urban release area is an acquisition area under the North Boambee Valley Stage 1 Release Area Developer Contributions Plan – for Koala Habitat.

As the 7A zone is an acquisition area no residential lots (in part or in full) should encroach upon this zone. This will impact on proposed Lots 76–78, 103, 120, 145–153, 190 and will likely impact on Lots 90-94 (subject to further review when a compliant LEP zoning map is provided for evaluation). It is acknowledged that fire trails and public roads will encroach into the 7A zone.

The application's request for "in principle" approval of a portion of the subdivision to establish residential lots within the 7A zone (proposed Lots 78 and 145–153) should not form part of the Project Application process. Proposed Lots 145-153 require filling close to a watercourse. The proponent is seeking (separately) to construct a diversion channel through the area of these proposed lots to enable the construction of lots to the east (approved under DC No. 575/03).

Further clarification of zoning boundaries and lot layout by the proponent is required.

North Boambee Valley (East) DCP:

This Plan was adopted by Council on 9 July 2009. This Plan is now a relevant consideration.

It is acknowledged that this EA was prepared having regard to the North Boambee Valley Information Sheet. It is acknowledged that the proposal has been designed following detailed site investigations and analysis. It is critical that the (LEP) environmental protection zone not be developed with residential lots under this Project Application as this is an acquisition area under the Contribution Plan for this release area.

Neighbourhood Park – locations:

The North Boambee Valley Stage 1 Release Area Contributions Plan provides for 2 Neighbourhood Parks / Playgrounds. One of these parks is located on Lakes Drive (part of a previous subdivision constructed by this proponent) and the second park is allocated in the North Boambee Estate subdivision (adjoining this proposed development to the west).

Council raises no objections to the proponents proposal for a third neighbourhood park / playground conditional to:

- No capital costs for the facility, to include land acquisition, being borne by Council.
- The facility is to comply with Council's requirements in terms of land area, configuration and topography.
- The facility improvements (playground equipment, seating, pathways, landscaping, etc) is to comply with Council's requirements.

It is critical that the proponent liaise with Council's Recreation Services Section concerning this proposed neighbourhood park to discuss the above requirements and other open space arrangements for the release area.

Fire Trail Locations and Asset Protection Zones relative to Environmental Protection Zones:

The proponent should provide details of the location of fire trails and asset protection zones relative to Environmental Protection Zones.

Fire trails should not be situated within private properties and need to form part of the public infrastructure to be handed over to Council at no cost.

Ownership and Management of Lot 198:

The North Boambee Valley Stage 1 Release Area Contributions Plan provides for the acquisition of koala habitat areas (Lot 198) to maintain biodiversity and create sustainable urban settlement. The retention of koala habitat areas in public (Council) ownership will enable the maintenance of habitat corridors and monitoring of the koala population after urbanisation.

Under Clause 6.3 of the EA it is proposed that the *"residual 7A area of the site will be managed by the proponent to ensure a high standard of maintenance and protection of the sensitive and high value areas of the subject land"*.

Clause 3.6 of the Bushfire Protection Assessment provides *"the 7A zoned land will be retained in a separate lot and maintained by the present owner under the provisions of a Vegetation Management Plan and Fire Management Plan"*.

The proponent's intention to retain ownership of the 7A land is contrary to the provisions of the contributions plan and does not provide any certainty that this integral part of the development will be maintained in perpetuity as a habitat corridor. Retention of this area in private ownership is inconsistent with other developments in this release area that have supported public (Council) ownership of the 7A land.

Tree Removal, Tree Retention, Building Envelopes Plan:

The Draft Statement of Commitments provides for *"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"* and will be restricted through use of a covenant within S88B Instruments.

The Draft Statement of Commitments also proposes building envelopes to control vegetation removal in Area 4 in Figure 10 of the Flora and Fauna Report.

This action and approval process, to identify tree removal, tree retention compensatory measures and building envelopes, should occur as part of the Vegetation Management Plan process and be undertaken prior to the commencement of any site works, vegetation clearing and prior to the issue of any Construction Certificate for subdivision works.

Staging of Dedication of Open Space Areas:

The EA does not detail the timing or staging of dedication of open space areas relative to VMP works and the subdivision stages (Section 2.4 of the EA is missing).

Biodiversity Considerations:

- The northern most part of the site, occupied by proposed Lots 189-191 form part of a future sub-regional corridor for flora and fauna. Amendment to the subdivision layout in this part of the site is required to address this requirement.
- Management options in accordance with the Coffs Harbour City KPOM need to be implemented for Lots 170 – 173 and Lots 174 – 179 that specifically identify a building footprint, retain existing native vegetation, limit fence construction and implement other measures which are sympathetic to and ameliorate the impacts on koalas. More detailed site analysis is required for this part of the proposal prior to Council endorsing these lots and the adjacent corridor.
- Building footprints for each lot should be designed in such a way that Asset Protection Zones do not impinge into 7A zones and/or remnant vegetation.
- The internal road network should include slow points and traffic calming devices to reduce traffic speeds at locations that interface with habitat corridors, particularly for feeder roads that occupy narrow corridors that also act as habitat linkages.

Aboriginal Heritage Reserve (AHR):

The AHR, that is proposed to adjoin Lot 122 and Road No. 8 is considered unacceptable on locational criteria. This pocket reserve is unsatisfactory in terms of its immediate interface with adjoining residential land, services and road.

Council strongly recommends that this part of the subdivision be redesigned to absorb the AHR into the 7A zoned land situated to the north and east of this location, that is, on the other side of Road No. 8, removed from the direct residential interface and to directly adjoin the bushland reserve. This would create opportunity for walks / interpretive trails to lead off from this location.

Landscape Works – Streetscape:

Landscaping detailed in the Project Application is maintenance intensive. Council seeks a commitment from the proponent to enter into a 10 year maintenance agreement prior to any support for such streetscape treatment.

Remediation of Contaminated Land:

The proponent has not adequately demonstrated a viable site remediation response as they have not adequately delineated the site contamination in accordance with NSW EPA Guidelines. Insufficient information has been provided to establish a suitable remedial option. Additional testing is required and a Remedial Action Plan is to be prepared prior to any consent being issued.

Residue Lot – Access (Lot 101):

The EA should detail a legal access arrangement to this lot.

Connection to West (North Boambee Estate):

The development fails to accord with the approved concept plan for the adjoining North Boambee Estate in terms of connectivity. The attached plan 7 of 10 prepared by Newnham Karl Weir & Partners Pty Ltd of 19 July 2006 clearly shows two road connections running east/west (Road No's. 1 and 6). These connections provide:

- Efficient vehicle, pedestrian and cycle access within the urban release area.
- Optimum interface with open space areas.
- Compliance with the North Boambee Valley (East) Development Control Plan.

Lots 145-153:

The area occupied by these proposed lots is zoned 7A Environmental Protection.

To develop these lots filling is required close to the watercourse.

Astoria (the developer) proposes to construct a diversion channel through this area (Lots 145-153) to effect the construction of lots east of this area (under Development Consent No. 575/03).

This part of the application needs clarification. Deletion of these lots from the proposal is recommended due to these anomalies.

Lot 78:

The bend on the Lakes Drive Collector Road adjacent to this lot is sharp and restricts sight distance at the driveways of nearby lots.

A redesign of this section of the collector road is required.

Lots 91, 93, 102 and possibly other nearby lots:

These lots run across a drainage depression.

Some of these lots appear to occupy a 7A Environmental Protection zone.

These lots need to be reviewed in terms of their suitability due to drainage, zoning and other environmental constraints.

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Sewerage to Lots 87-109:

The engineering report suggests that the lots at the north-western end of the site (Lots 87-109 in Stage 2) be served by a new pumping station. An additional SPS is unacceptable to Council. If the area is to be served it must be by gravity to the existing SPS in Highlands Estate. The gravity main would need to run through a vegetated area and the impact of that needs to be assessed.

Geotechnical Considerations:

- The Coffey Geotechnical report (Appendix CC) deals with proposed roads within the axes of the steeply sided valleys. The report says "the provision and long term maintenance of adequate drainage beneath roads to accommodate flash floods might be impractical and it is envisaged that the layout might need to be amended, possibly to create a ring road that passes either side of the watercourses". This point is not referred to in the environmental assessment and the proposed subdivision includes roads on the valley floor. There are also lots proposed in Stage 3 (No's 190-196) that have one of these valleys referenced in the Coffey report traversing them. A design review is required to address this consideration.
- The Coffey Report points out that because of the topography retaining walls may need to be constructed on some of the roads. It is essential that there be sufficient detail provided by the applicant to determine where retaining walls are needed and how the steep lots in Stage 3 are to be accessed.
- The environmental assessment refers to the slope of the land in a number of places viz: "up to 20% in the north" (page 20) and "around 16% at its steepest point in the north east corner of the site" (page 25). Based on the 2m interval contours provided in Appendix H there is rise of 26m along the 78.14m northern boundary of Proposed Lot 187 which gives a slope of 33%. This isn't the steepest slope on the lot and from inspection parts of Lot 189 are steeper still.
- In summary the DG's requirements with respect to Geotechnical Matters, Steep Land and Subdivision & Road Layout (as well as Council's suggestions that the Stage 2 area be an integrated housing Community Title subdivision) have not been adequately addressed. This is evidenced by the understating of the ground slopes, suggestions of the geotechnical consultants that have not been addressed and the siting of lots across identified significant drainage paths.

Building Envelopes:

Proposed building envelopes plans (Appendix II) for steep sites (Lots $\geq 20\%$) do not respond to site constraints (access, slope, drainage lines, etc).

Buildings envelopes for lots $\geq 20\%$ should be designed by a geotechnical engineer taking into account the following recommendations:

- Provide a building envelope with an area of not less than 250m² of functional dimensions as part of the subdivision works.
- The building envelope shall not exceed a maximum grade of 20%.
- A concrete access driveway to each lot being installed as part of the subdivision, driveway grade not to exceed 20%.|

Flooding:

Proposed Lots 87 to 106 are affected by flooding. From the Flood Study the 1 in 100 year flood level is estimated at 9.9m AHD for the majority of the area and rises to approximately 12.2m AHD around Lot 104 (from a preliminary assessment as Council does not have the levels superimposed over the lot layout).

The small catchment that flows from the north is estimated to have a 1 in 100 year flow of 5.5m³/s.

The 9.9m AHD flood level would be a backwater level from the watercourse downstream.

This part of the subdivision needs to be reviewed in relation to flooding.

Overhead Electricity Lines:

The developers intentions with respect to existing overhead electricity lines and their impact on the subdivision is a relevant consideration.
