



Your ref: MP 05_0129 MOD 3
Our ref: (0698/09DA & 0098/20DM)

5 March 2020

NSW Department of Planning, Industry and Environment
Attention: Ms Emma Butcher
Regional Assessments
Emma.Butcher@planning.nsw.gov.au

Dear Sir/Madam,

Notification of Modification – Lakes Estate Residential Subdivision (MP 05_0129 MOD 3)

Reference is made to the notification described above.

Council has reviewed the information provided to support the proposed modification and the following comments are provided for the Department's consideration as part of the assessment:

Biodiversity:

Council has reviewed the correspondence prepared by Biodiversity and Conservation dated 17 February 2020 and concur with the comments provided. In addition to this, the following comments are provided in relation to the retention of the large Tallowood tree:

- Part of the argument, provided in the ecological assessment, of minimal impact relies on retaining the large hollow bearing Tallowood tree with a DBH of 136cm, containing five hollows of which at least two are greater than 100cm. If this tree is required to be removed then an additional 20 replacement trees are required (in addition to replacement hollows).

It is noted that no assessment by an arborist has been provided, as to the viability of the tree, and the following statement contained in section 6.1 of the ecological assessment:

"The location of this tree on site however should allow for its retention subject to NSW Planning in consultation with Coffs Harbour City Council allowing a reduced kerb to boundary distance from 4.25 metres to 2.5 metres in proximity to the tree and appropriate protection/mitigation measures"

is not considered to provide certainty in relation to the retention of the tree.

There also does not appear to be any details as to the Tree Protection Zone and Structural Root Zone in relation to earthworks, and the recommendation in section 10 regarding an exclusion zone will not work, where the plans show the road within this area.

It is recommended that any development consent issued be conditioned to require that an arborist report and tree protection plan be submitted and approved prior to the issue of a Subdivision Works Certificate. A condition should also require that the construction plans be amended based on any advice received from the arborist to ensure the ongoing survival of this Tallowood tree.

Engineering:

- It is noted that the proposed road width does not comply with Planning for Bushfire Protection 2006, which requires a minimum width of 8 metres, as specified in Section 4.1.3. It is recommended that this matter be raised with the NSW Rural Fire Service and that the applicant be asked to amend their plans to demonstrate compliance with this requirement.
- The submitted plans show Road no.1 being extended to the north. Council does not support this, given that this extension does not service an approved residential area to the north and that this extension creates an intersection, which may not comply with required sight distances and grades. It is requested that the applicant be asked to remove this northern extension of Road no.1.
- Lot 7 does not appear to have 100% coverage, as required by the sewer code. It is recommended that any development consent issued be conditioned to recognise this (i.e. a condition should set minimum floor height for fixtures).
- Sheet 4 of the submitted plans shows retaining walls at the boundary. It is unclear, however, whether these walls are proposed to be located on private property or the road reserve. In this regard, Council will not agree to retaining structures being located within the road reserve. It is requested that the applicant be asked to clarify (on plan) where the proposed structures sit.

For further information, please contact Renah Givney on 6648 4647.

Yours faithfully



Renah Givney
Development Assessment Officer – Senior