

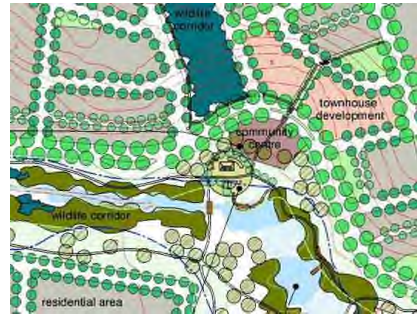
Project Approval 06_0143 MOD 4

NSW Planning and Environment

Rothwell Boys Pty Ltd

Lots 1 & 2 DP 725785

The Glades, Moonee Beach NSW



February 2018

Modification under Section 75W

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Executive Summary

This report supports an Application for the subdivision of land described as Lots 1 & 2 in DP 725785 Parish of Moonee, County of Fitzroy.

This application is made under the provisions of Part 3A Major Projects (Transition Provisions) Section 75W of the *Environmental Planning and Assessment Act 1979*.

The proposed development involves the subdivision of the land into a total of 555 residential allotments ranging in area, between 516m² and 1842m².

The proposal comprises earthworks modification, vegetation removal and the extension to Council's water, sewer and reuse mains as well as the provision of roads, walkways and open space.

Under the Part 3A Transitional Provisions further approvals are not required under the *Water Management Act 2000*, the *Fisheries Management Act 1994*, and the *NSW Rural Fires Act 1997* – however the requirements of that legislation are addressed in this report.

The application is made with due consideration to the *Biodiversity Conservation Act 2016*. An assessment using the Bio Banking Assessment Methodology has been carried out to analyse the impact of vegetation removal and to determine what offsets will be likely to be required.

In total approximately 1.37 hectares of native vegetation will be removed to enable the development of the 31 additional allotments. The proposed additional 31 allotments will not increase the impact of any other key threatening processes. Based on an Assessment of Significance, it is considered a Species Impact Statement is not required.

The subject site is located at Pacific Highway, Moonee Beach NSW and is currently vacant land used for cattle grazing.

The subject site is located within the Coastal Zone and therefore the provisions of State Environmental Planning Policy (SEPP) 71 apply.

The proposed development is supported by environmental assessments and information has also been obtained from the environmental assessments prepared for:

- the subject site under the approval for Major Project 06_0143;
- the Moonee Collector Road DA;
- a Major Project Application made in respect to Lot 5 in DP252223; and;
- the Sapphire to Woolgoolga - Pacific Highway upgrade.

Information in this regard includes an acid sulfate soils assessment, and consideration of flood impact, climate change and sea level rise.

The subject site is identified on Council's Bushfire Hazard Map. Accordingly, the proposed development while not deemed to be Integrated Development under Section 100B of the *NSW Rural Fires Act 1997*, needs to satisfy the requirements of the legislation.

The subject site is located within the existing urban footprint of the North Coast Regional Plan 2036, Coffs Harbour Council's Growth Management Strategy and is currently zoned Residential 2A Low Density Residential under the *Coffs Harbour Local Environmental Plan 2000* (LEP 2000).

The proposed development has been designed cognisant of the site's characteristics and identified development constraints including Acid Sulfate Soils, Aboriginal Cultural Heritage, flood Impact, flora and fauna, noise and vibration, bushfire risk, climate change and sea level rise.

The proposed development will require vegetation removal. Some of the vegetation originally proposed to remain and be used as passive open space is now to be removed.

Recent research on the land shows that it is suitable for use for residential purposes. The Deferred Matters component of Draft LEP 2013 (i.e. PP_2015_COFFS_004_00 which is currently with the Department of Planning and Environment and is anticipated to be gazette in the near future) maintains the residential zoning in accordance with the findings of the additional research undertaken by Coffs Harbour City Council.

This proposal represents an "infill" within the land the subject of the Project Approval issued by the Minister for Planning on 15 March 2009. This includes a change to the landform modification (earthworks) and noise abatement measures associated with the Project Approval based on revised detailed investigations. The proposal is considered to be an appropriate response having regard to the constraints that are applicable to this site.



Figure 1: The Subject Site

Source: CHCC

1. Introduction

Resource Design and Management Pty Ltd (RDM) on behalf of Rothwell Boys Pty Ltd (Rothwell), submit this Environmental Assessment Report and accompanying application for modification under Section 75W of the EPA Act 1979.

The S75W application is subdivision of land described as Lots 1 and 2 in DP725785, Parish of Moonee, and County of Fitzroy which includes:

- vegetation removal and on-site offsetting (replacement)
- 31 additional residential allotments and associated services infrastructure
- Alterations to site levels (bulk earthworks – cut and fill)
- Alterations to noise attenuation requirements
- Alterations to concept approval plans according with the above.

1.1 Background

This proposal follows the granting of a Project Approval 06_0143 for the Glades Estate (Lots 1 & 2 in DP725785) under Section 75J of the *Environmental Planning and Assessment Act 1979* (EP& A Act). Project Approval 06_0143 was granted by the NSW Minister for Planning on the 15 March 2009. This Project Approval has been commenced and has been subject to several modifications.

The land is subject to the Deferred Matters to *Coffs Harbour Local Environmental Plan 2013 (LEP 2013)* and thus, this report addresses the provisions of LEP 2013 and the provisions of *Coffs Harbour Local Environmental Plan 2000 (LEP 2000)*.

The *Moonee Development Control Plan (DCP) of LEP 2000* (which will become G6 of DCP 2015 under LEP 2013) provides a detailed planning strategy for the development of the Moonee Release Area including guidelines for development and measures to protect the natural environment. This report addresses the provisions of the DCP which are relevant to the proposed development.

1.2 Subject Land Details

Street Address:	Pacific Highway, Moonee Beach NSW
Suburb:	Moonee Beach NSW
Subject Land Real Property Description:	Lot 1 and Lot 2 in DP 725785
Land Zoning (under LEP 2000):	Residential 2A Low Density, Environmental Protection 7A Habitat and Catchment & Environmental Protection 7B Scenic Buffer. The land is subject to the deferred matters to <i>Coffs Harbour Local Environmental Plan 2013 (LEP 2013)</i> .
Name of Land Owner:	Rothwell Boys Pty Ltd
Local Government Area:	Coffs Harbour City Council, New South Wales.

1.3 Applicant Details

Contact:	Mr Clyde Treadwell
Company:	Resource Design and Management Pty Ltd
Postal Address:	PO Box 4430 Coffs Harbour Jetty, NSW 2450
Phone:	6651 2688

Authority for the lodgement of this application under Section 75W of the EPA Act is given by the land owners Rothwell Boys Pty Ltd, a copy of the authority document is included in **Appendix L**.

1.4 Report Structure

This report is divided into eight sections.

Section 2 examines the context of the subject site by describing its location, existing character and uses and the local context in which it is situated.

Section 3 describes the proposed modifications.

Section 4 provides a summary of the specialist assessments which have been prepared in relation to the proposed modifications.

Section 5 describes the consultation undertaken during the preparation of this proposal and that which occurred under MP 06_0143.

Section 6 reviews the proposed modifications having regard to the relevant statutory and non-statutory provisions arising from relevant environmental planning instruments and development controls.

Section 7 completes an assessment of the proposed development in accordance with Section 75W of the *Environmental Planning and Assessment Act, 1979*.

Section 8 concludes this environmental assessment.

1.5 Consent Authority

Under Section 75W of the *Environmental Planning and Assessment Act 1979*, inclusive of its supporting regulation 2000; the Minister for Planning is the consent authority for this application.

2. Site Context

2.1 Site Description

Subject Land

The land parcel occupies 95.91 hectares. The subject site's location is identified in **Figure 2**.

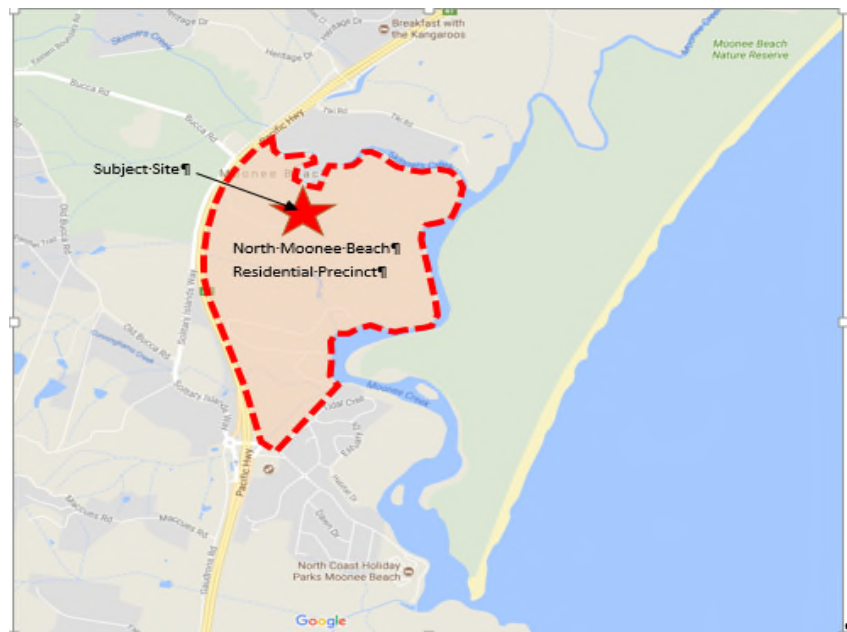


Figure 2 – Location Plan

Source: Google Maps

This modification relates to the site as shown on **Figure 3** following.

Location

The subject site is located approximately 1.4 kilometres north of the Moonee Beach Shopping Centre and is positioned on the eastern side of the highway between Moonee Beach Road and Skinners Creek.



Figure 3: The Subject Site

Source: CHCC

Site Access

Access to its southern limit is to be achieved via the construction of the Moonee Beach Collector Road, extending northwards of its current limit at Estuary Drive Moonee Beach. Refer **Figure 4** which shows the location of the collector road through the adjoining lands.

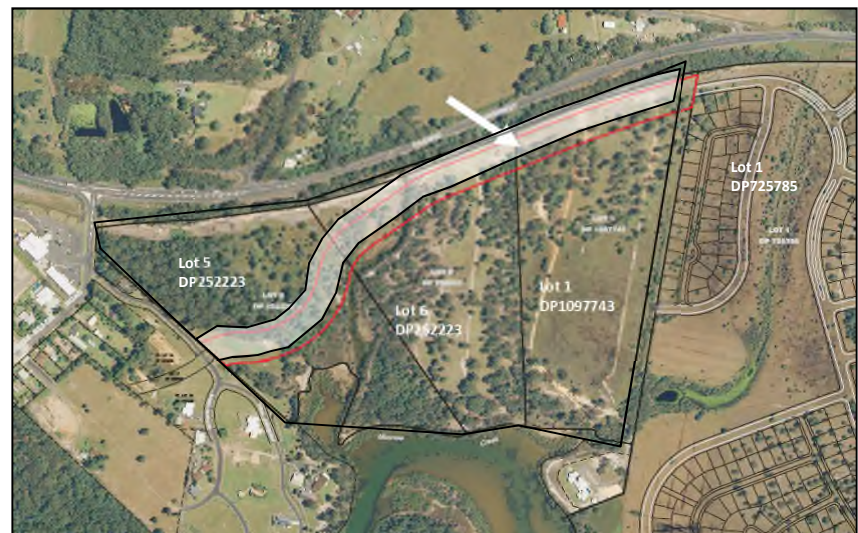


Figure 4. The Approved Collector Road

Source: CHCC

Construction access to Lot 1 in DP725785 from the Pacific Highway may also be achieved.

Land Use - Zoning

The proposed 31 additional allotments are within Zone No. 2(A) Residential under the *Coffs Harbour Local Environmental Plan 2000* (LEP). The overall development also is on land zoned 6(A) Public Recreation, 7(A) Environmental Protection – Habitat and Catchment and Environmental Protection – Scenic Buffer. An extract of the LEP is provided in **Figure 5**. The proposed development is also identified in the *Moonee Beach Development Control Plan 2004* and the *Moonee Beach Developer Contributions Plan 2017*.

An extract of Council's LEP is provided in **Figure 5**.

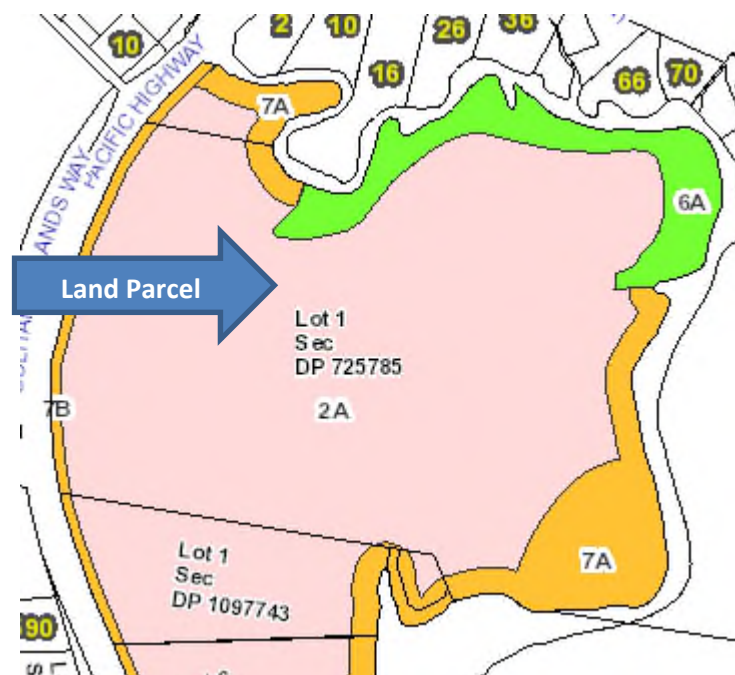


Figure 5: Zoning Plan under LEP 2000

Source: CHCC

2.2 Local Context

The land parcel is positioned approximately fourteen (14) kilometres north of Coffs Harbour's central business district and has direct frontage to the Pacific Highway.

The total land parcel is approximately ninety six (96) hectares, it is mostly cleared and is currently used for cattle grazing.

Significant areas of grassland and scattered trees dominate the land with denser vegetation aligning the northern, eastern and south eastern property boundaries.

The northern and eastern boundaries are formed by Skinners and Moonee Creek alignments, farmland adjoins the southern boundary and the Pacific Highway borders the western property boundary.

2.3 Site Analysis

The subject land has the following attributes:

Existing Development

The land parcel remains undeveloped. Open areas of grassland and scattered trees occur throughout the site.

The western portion is encumbered by an aboveground power line (Essential Energy) and underground service infrastructure owned by Coffs Harbour City Council and Telstra/NBN.

Surrounding Land Use

The eastern boundary adjoins Moonee Creek and the western boundary adjoins the Pacific Highway. Refer to **Figure 1**.

The southern boundary adjoins other vacant parcels of land that will become residential development and will incorporate part of the approved collector road.

Access: Access to the proposed subdivision will be gained via the approved collector road (*L&E Case Order Number 10571 of 2011*) and the internal road network which received approval under MP06_0143.

Topography: The general topography of the subject site varies in elevation between approximately 1m and 16m AHD. Refer **Figure 6, below**.

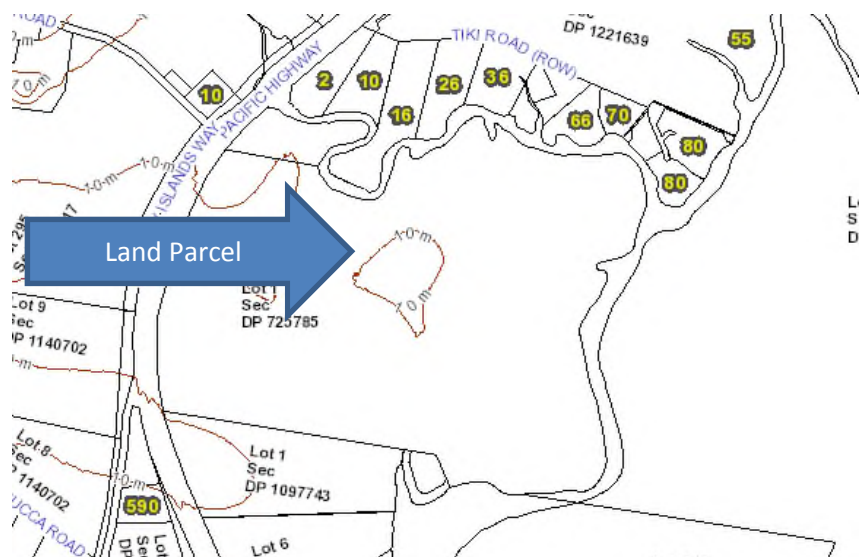


Figure 6: Site Elevation

Source: CHCC

Easements & Encumbrances:

The western portion is encumbered by an aboveground power line (Essential Energy) and underground service infrastructure owned by Coffs Harbour City Council and Telstra/NBN.

Other than the above, there are no other easements or encumbrances which would affect the development of the land as proposed.

Soil Conditions (Acid Sulfate & Contamination):

Acid Sulfate Soils

The land parcel is shown on Council's Acid Sulfate Soils Map to be affected by Classes 3, 4 & 5 Acid Sulfate Soils (ASS) – refer **Figure 7**.

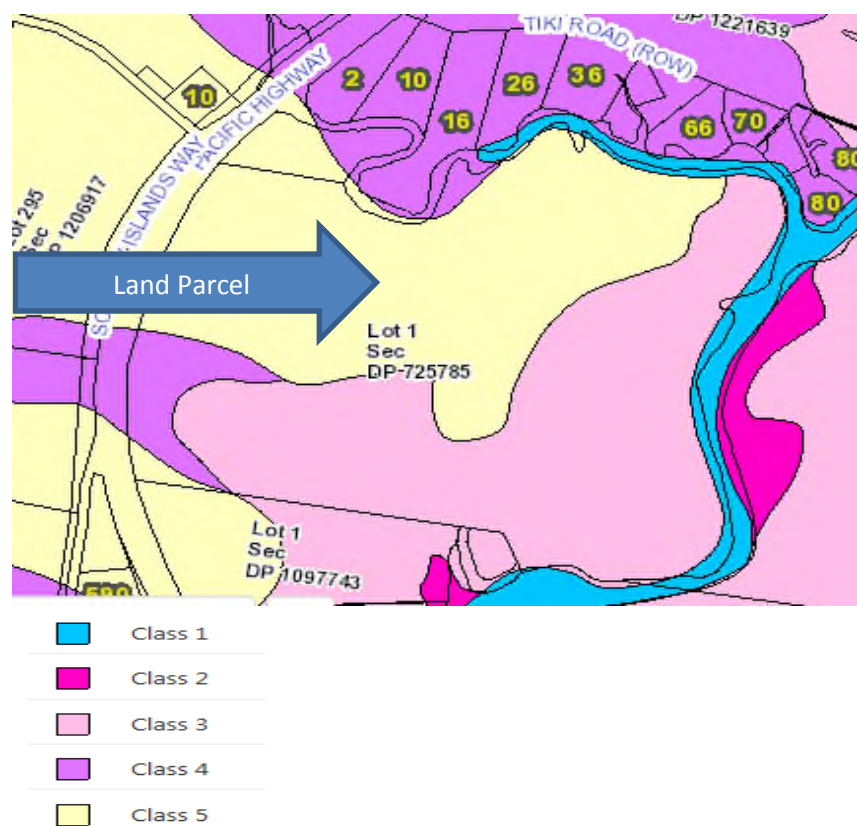


Figure 7: Acid Sulfate Soils

Source: CHCC

Potential Contamination

Coffs Harbour City Council's mapping system does not identify the land as being:

- former Banana Lands;
- potentially contaminated land; or
- an EPA notified site.

Drainage Systems:

The land parcel contains several natural overland flow paths that drain to Skinners Creek (which forms the northern boundary of the site) and Moonee Creek (which forms the eastern boundary of the site).

Services:

Electricity and telecommunication services are available and can be connected to the subject site. Similarly, connection to Council's reticulated water and sewerage supply networks will also be made as required.

Vegetation:

Open areas of grassland and scattered trees occur throughout the subject site. More dense areas of regenerating and mature vegetation occur in the eastern portion of Lot 1 in DP752785.

Council's koala habitat mapping shows part of the subject land to contain secondary koala habitat. Refer to **Figure 8**.

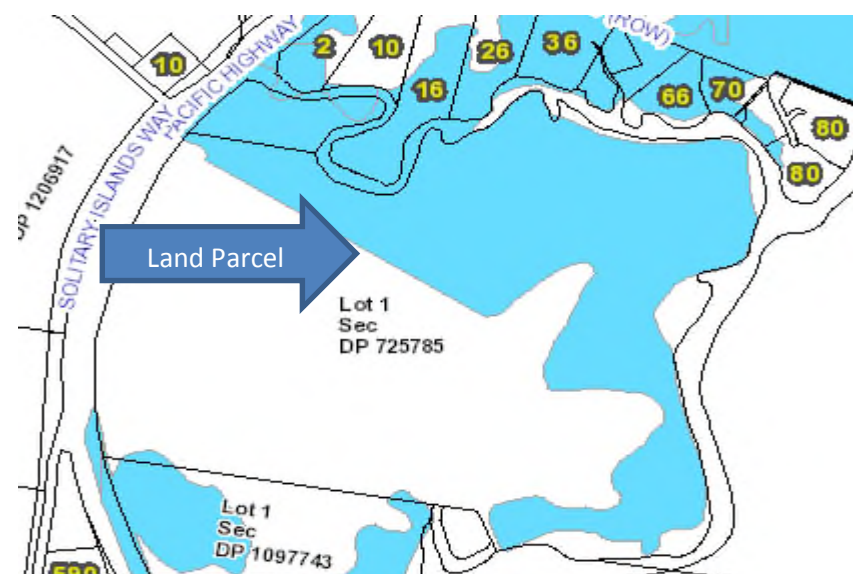


Figure 8: Secondary Koala Habitat

Source: CHCC

Flooding:

Council's flood risk maps identifies the Flood Hazard and 1% AEP flood extents concentrated around the Skinners Creek in the north and Moonee Creek in the east of the subject site. Refer to **Figure 9**.

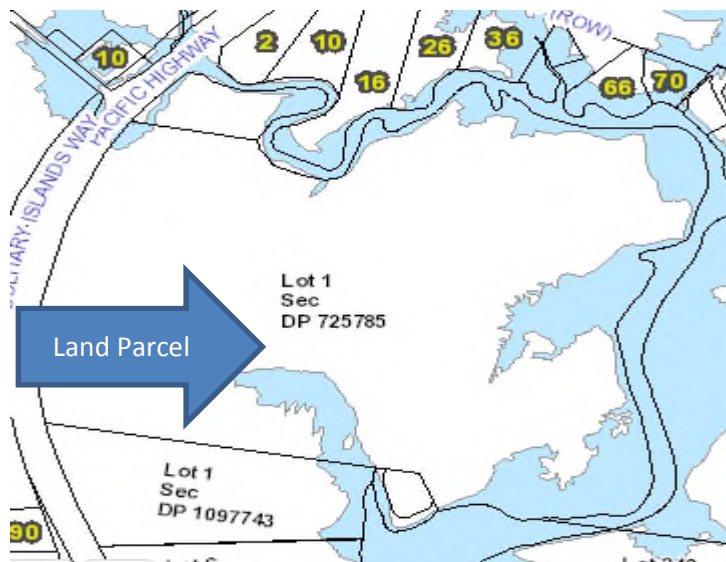


Figure 9: 100 Year ARI Flood Extent

Source: CHCC

Bushfire:

Figure 10 is an extract from Coffs Harbour City Council’s Bushfire Prone Land Map. The subject site is identified in part as bushfire prone land, vegetation groups around the sites peripheries considered as Category 1 bushfire prone land.

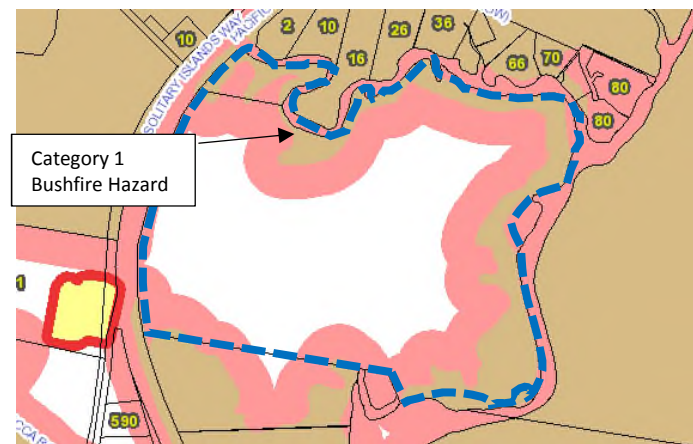


Figure 10: Bushfire Prone Land

Source: CHCC

Aboriginal Cultural Heritage:

A revised Aboriginal Due Diligence Report was prepared by ERM to support this Section 75W Modification and to supplement the previous Aboriginal Cultural Heritage Assessment undertaken. The Due Diligence site inspection traversed the proposed modification area and no evidence of Aboriginal Heritage Sites were recorded. **(Refer Appendix K)**

Coastal Processes:

The subject site is not located in the area that is captured by the Coffs Harbour City Council Coastal Zone Management Plan.

2.4 Planning Controls

The relevant planning controls that apply to the site include the provisions of:

- Environmental Planning and Assessment (EP&A) Act 1979;
- State Environmental Planning Policy No. 44 – Koala Habitat Protection;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 71- Coastal Protection;
- State Environmental Planning Policy (Infrastructure) 2007;
- North Coast Regional Plan 2036;
- Coffs Harbour Local Environmental Plan 2000 (LEP 2000);
- Moonee Development Control Plan 2004;
- Coffs Harbour Local Environmental Plan 2013 (LEP 2013);
- Coffs Harbour Development Control Plan 2015;
- Moonee Estuary Management Plan; and
- Moonee Beach Developer Contributions Plan 2008.

3. Development Proposal

3.1 Description of Proposal

3.1.1 Proposed Subdivision

Approval is sought for the subdivision of land described as Lot 1 and Lot 2 in DP 725785 as a modification to MP 06_0143. It is proposed to subdivide this part of the land into 31 residential lots (bringing the total subdivision of the subject land to 555 allotments in accordance with the plan of Proposed Subdivision included in **Appendix A**).

The proposed additional 31 residential allotments range in area, between 516m² and 742m². These lots are of a consistent size and area with the approved project allotments which range in size from 516 m² to 1186 m². This is shown on **Figure 11**.

This proposal follows the Part 3A Project Approval MP 06_143 issued by the Minister for Planning 5 March 2009. The MP 06_0143 approval has had several (three) modifications already endorsed. The Project Approval permits the subdivision of the land into 524 allotments, associated earthworks (cut and fill), the provisions of roads and associated infrastructure, open space, recreation facilities, playing fields and a pedestrian/cycleway network. The approved Plan is included in **Appendix M**.

Note: A separate development approval has been issued for the collector road which links the site to Moonee Beach Road. This approval was issued by the Land and Environment Court Case, N^o10571 – 2011.

This proposal includes a range of allotments sizes which are influenced by several environmental factors including topography, bushfire, access and noise.

3.1.2 Engineering Servicing

Conceptual engineering servicing plans are included in the Engineering Infrastructure Report (**Appendix C**). A summary of each servicing strategy is provided below:

Wastewater Servicing: The proposed development will be serviced by an internal gravity reticulation system which is directed to a series of sewer pump stations (refer to **Appendix C**).

Stormwater Drainage: The proposed development will be serviced in accordance with the Road and Drainage Plan (refer **Appendix C**).

The plan includes directing stormwater into two stormwater management facilities located to the north and south of the subject site.

Water Reticulation: Water will be supplied to the proposed allotments as part of the overall development. The conceptual servicing arrangement for the subject site is shown on the Water Reticulation Plan (refer **Appendix C**).

3.1.3 Landscaping

Landscape concept plans have been prepared for the overall development of the land parcel (see **Appendix D**). These plans provide an indicative landscape strategy for the subdivision development including landscape treatments adjacent to the potential noise sources (the Pacific Highway), sensitive receptors (riparian areas), integration of the coastal walk along Moonee Creek and general open space areas.

3.1.4 Acoustic Controls

While noise attenuation barrier treatments were initially required under the Project Approval, more recent acoustic assessment by Wilkinson Murray (carried out in accordance with the SEPP Infrastructure 2007) found that:

- Road traffic on the Pacific Highway will generate noise levels intruding into the proposed subdivision;
- Improved architectural treatments are required to meet internal noise criteria presented in the SEPP;
- Ventilation will be required in bedrooms and habitable rooms to allow windows to be shut to meet SEPP Infrastructure requirements.

Therefore, a noise barrier is not required to address noise emanating from the adjacent upgraded Pacific Highway and service road network.

A Restriction as to User is to be applied on any allotments identified in the revised acoustic assessment (refer to the amended condition B3 of the project approval) requiring the imposition of the specified internal noise criteria.

3.1.5 Vegetation Removal

The proposed development (i.e. additional 31 allotments) is located on land which contains vegetation. To accommodate the proposed

development approximately 1.37 hectares of vegetation will need to be removed.

James Warren and Associates (JWA) have completed a Flora and Fauna Assessment dated November 2017 and is attached as **Appendix B**.

JWA's report is an amended and updated version of the Flora and Fauna Assessment they prepared in 2007 and includes additional field surveys and an impact assessment for the proposed additional 31 allotment layout.

A summary of the JWA Report is provided in Section 4.1.

3.1.6 Earthworks Modification

The existing development consent for the subject site includes earthworks modification.

The extent of earthworks permitted in the Project Approval was based on a Flood Assessment that has now been revised on the advice outlined in a report prepared by Martens in January 2018. The extent of the proposed works are identified in the Engineering Infrastructure Report and accompanying plans (refer **Appendix C**).

The revised flood assessment establishes that the flood level on the site is lower than initially calculated. Accordingly, further earthworks modification associated with the overall development of the 555 proposed allotments has been prepared.

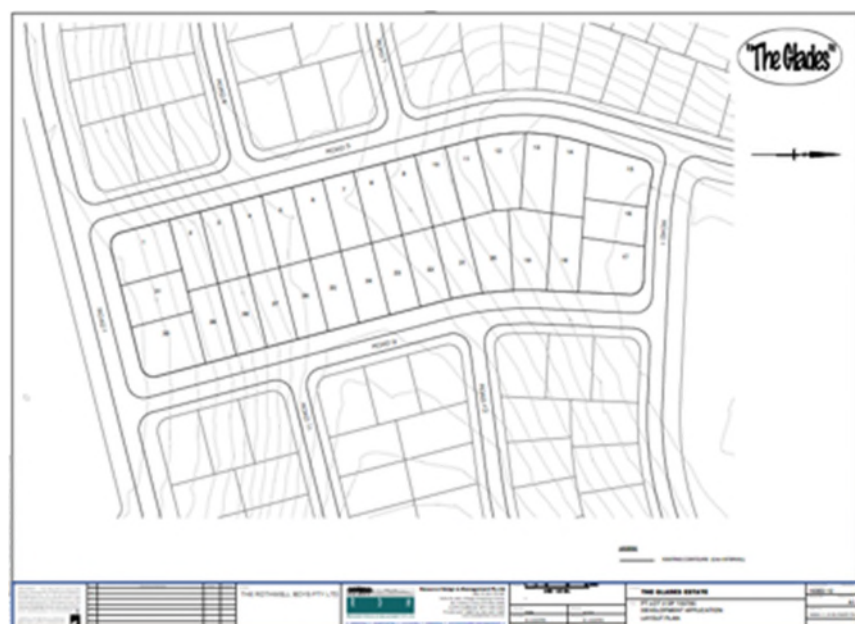


Figure 11: Proposed Additional 31 Allotments

Source: RDM

4. Specialist Assessments

4.1 Supporting Investigations

Several specialist reports accompany this submission.

Provided below is a brief synopsis of each report and its relevance to the proposal.

Flora and Fauna Assessment

The amended and updated version of the Flora and Fauna Assessment includes additional field surveys and an impact assessment for the proposed additional 31 allotments.

Numerous flora and fauna surveys have been completed on the Subject site between 2004 and 2018 as part of the broader The Glades development site. These surveys have recorded:

- One hundred and sixty-eight (168) flora species across The Glades development site. None of these are Threatened or ROTAP species.
- Three (3) broad vegetation types present within the Subject site;
- Eleven (11) Threatened species were recorded on or within the vicinity (i.e. within The Glades development site) of the Subject site, including:
 - o Wallum froglet;
 - o Glossy black cockatoo;
 - o Osprey;
 - o Black-necked stork;
 - o Squirrel glider (*Petaurus norfolcensis*);
 - o Little bent-wing bat (*Miniopterus australis*);
 - o Common bent-wing bat (*Miniopterus schreibersii*);
 - o Large-footed myotis (*Myotis macropus*);
 - o Koala (*Phascolarctos cinereus*);
 - o Grey-headed flying-fox (*Pteropus poliocephalus*); and
 - o Common planigale (*Planigale maculata*).

The proposed development (i.e. additional 31 lots) will result in the loss of vegetation for the construction of houses, access roads, driveways and associated infrastructure.

In total, 1.75 hectares of vegetation is proposed to be cleared, the majority (1.3ha) of which is advanced regrowth closed forest. The

proposed development will result in minor loss of foraging, sheltering and breeding habitat for native fauna occurring in the locality.

Impacts of the proposed development on most Threatened species recorded on the subject site is not considered to be significant.

While the part of the site is secondary koala habitat under the Coffs Harbour CKPOM, the clearing of vegetation will result in the loss of *Eucalyptus pilularis* trees, which is listed as a primary koala habitat tree species. Any of these trees required to be removed for development must be replaced in the vicinity according to the “Guidelines for Planting Koala Trees in Coffs Harbour LGA” contained in the Coffs Harbour CKPOM.

The proposed loss of intact vegetation are to be offset. In this regard, surveys of the impact site and proposed offset sites have been completed utilising the BioBanking Assessment Methodology (BBAM). The results have indicated that 74 ecosystem credits would be required to offset the loss of the vegetation for the additional 31 allotments. The BBAM was also used to calculate the number and type of credits that can be created (e.g. through revegetation or rehabilitation of existing vegetation). The results have indicated that rehabilitation of existing vegetation to be retained on the parcel of land would create 112 ecosystem credits the revegetation of 3.87 hectares of currently cleared land on the Glades development site would potentially create a further 38 credits.

A Section 5A assessment (Assessment of Significance) was undertaken for twenty-four (24) Threatened fauna species known or considered a possible occurrence at the subject site over time. The assessment concluded that the impacts of the proposed development would be unlikely to result in the local extinction of any of these species and therefore a Species Impact Statement is not required.

An assessment under the Commonwealth Environment Protection and Biodiversity Conservation Act (1999) concluded that the proposed development will not have a significant impact on any matters of National Environmental Significance.

Commonwealth assessment of the proposal is therefore not required.

Additional impacts on vegetation communities and plants include:

- Potential for degradation of retained areas of Paperbark in the drainage line in the south of the property.

- Potential for degradation of retained areas of vegetation along Moonee Creek.
- Clearance of areas of the subject site represents a loss of habitat available for dispersal for plants and will reduce visits by pollination and dispersal vectors.
- Disturbance to the subject site creates opportunities for weeds to colonise.
- Weeds may be introduced to the subject site in construction materials or by vehicles. Occupation of the subject site creates opportunities for weeds to become established. Landscape species may escape to retained areas of vegetation.
- The removal of vegetation from the subject site represents the loss of organic material from the subject site.
- Residents may create walking tracks through bushland areas to gain access to Moonee Creek. This may result in direct loss of vegetation, change in vegetation structure and increased opportunities for weeds and disturbance adapted animal species.
- Occupation of the subject site may increase the risk of fire release into the surrounding bushland.
- Disturbance to vegetation in the north-west of the subject site from construction of boardwalks and viewing platforms.

The proposed additional 31 allotment development will result in minor loss of foraging, sheltering and breeding habitat for native fauna occurring in the locality. This loss may have a range of impacts including:

- Loss of forage habitat for nectivorous and insectivorous fauna species, including the loss of autumn/winter flowering plants.
- Minor decrease in the size of local fauna populations and increased susceptibility to threatening processes acting in the locality.
- Minor decrease in the size of the prey base for carnivorous species.
- Increased fragmentation of habitat in the locality.
- Some decrease in the genetic base for local fauna populations.
- Loss of sheltering and breeding habitat for native fauna.

- Reduction in opportunities for movement through the site.
- Loss of 3 trees containing hollows represents a loss of shelter habitat for hollow dependent fauna. Loss of sub-mature eucalypts represents a decrease in the future recruitment of hollows.
- Loss of eucalypts, paperbarks, banksias and flowering shrubs decrease the food supply for nectarivores.
- Animals may be killed or injured during the clearance of vegetation.
- Domestic dogs and cats prey on native fauna and may have significant impacts on the populations of native species.
- Development of the subject site may favour native and introduced disturbance adapted competitors. For example, Cane toads may out-compete.
- Amphibians and Reptiles, aggressive open country bird species (e.g. Noisy miner, Crow, Pied currawong) may out-compete other birds, and non-native mammals (Black rat and House mouse) may out-compete other native small mammals).
- Increased light, noise and activity may cause reclusive species to move away from habitat edges.
- The Proposed development will result in an increase in traffic on and to the subject site. This increases the likelihood of animals being killed or injured by vehicles.
- Alterations to site hydrology and land use may alter the water quality or hydrological regime in Paperbark Communities or neighbouring areas of Moonee Creek.

Impacts of the proposed development on most Threatened species recorded on the subject site is not considered to be significant.

Amelioration measures for the Koala have been based on the need to address the requirements for Secondary Koala Habitat within Coffs Harbour. It is recommended that:

- Traffic speeds be reduced to 40kph within the development. Koala signs may need to be located along roads within the development site.

- Compensatory Koala habitat trees be planted outside the development envelope for any Koala habitat trees removed.
- Dogs should be strictly controlled within the proposed development, i.e. must be contained within an appropriately fenced yard, and on a leash at all times when outside of a fenced enclosure.
- Building envelopes be located to reduce the extent of Bushfire Asset Protection Zones. If possible, houses backing onto bushland should be designed to a higher fire resistant rating to reduce the extent of APZs.
- Swimming pools should be fenced to restrict access by Koalas.

It is unlikely that Koala feed trees will be retained within the development footprint (i.e. 31 additional lots) and it is not considered desirable that Koalas be able to access or move through the development areas of the subject site. Suitable movement habitat occurs along the northern and eastern boundaries of the estate.

While most suitable habitat for Squirrel gliders on the estate will be retained, some loss and fragmentation of forage habitat will occur due to the loss of scattered trees within grasslands on the subject site. It is recommended that:

- Cats should be banned under the Companion Animals Act (1998) to reduce likely impacts on Squirrel gliders.
- Mature scattered eucalypts within grassland communities should be retained wherever possible.
- A qualified fauna handler should be on site when clearing occurs.

General Amelioration measures and amelioration measures to reduce impacts on Moonee and Skinners Creeks and Moonee Beach Nature Reserve include:

- Stormwater management aim to achieve no significant net change in runoff into wetland areas on the site, and Moonee and Skinners Creeks.
- Restrictions should be placed on the use of fires during extended dry weather periods

- Suitable measures (e.g. Siltation fencing) be taken to prevent erosion of topsoil into Moonee and Skinners Creeks during construction of Fishing platforms, Canoe jetties and bridges.
- Signage encouraging responsible fishing practices (i.e. Disposal of rubbish in appropriate facilities.)

A Section 5A assessment (Assessment of Significance) was undertaken for twenty four (24) species, that is all listed species /EECs recorded on the subject site, including threatened fauna predicted to occur over time (see **Appendix B**).

Based on those assessments, it is considered that a Species Impact Statement (SIS) is not required for threatened fauna species occurring on or possibly occurring on) the subject site.

Noise Assessment

The initial assessment of the proposals exposure to highway noise was completed by H.K. Clarke & Associates. This assessment was carried out prior to the commencement and completion of the Sapphire to Woolgoolga Pacific Highway upgrade. The assessment concluded that night and daytime noise criteria would not exceed acceptable levels at the site from the highway due to noise mitigation measures (barriers).

While noise attenuation barrier treatments were initially required under the Project Approval, a more recent acoustic assessment by Wilkinson Murray has confirmed a lesser requirement for attenuation.

Wilkinson Murray (WM) having completed their assessment, found that:

- Road traffic on the Pacific Highway will generate noise levels intruding into the proposed subdivision;
- Improved architectural treatments are required to meet internal noise criteria presented in the SEPP;
- Ventilation will be required in bedrooms and habitable rooms to allow windows to be shut to meet SEPP Infrastructure requirements.

Having regard to WM's assessment it is apparent that a noise barrier is not required as a means to address noise emanating from the adjacent upgraded Pacific Highway and service road network.

A Restriction as to User may instead be applied to those allotments identified in the revised acoustic assessment (refer to the amended condition B3 of the project approval).

A copy of the updated noise assessment by Wilkinson Murray is included in **Appendix E**.

Contaminated Lands

A preliminary investigation was undertaken by Resource Design & Management as part of the Major Project application. This assessment sought to identify any past or present potentially contaminating activities and provide a preliminary assessment of any site contamination for the whole of the subject site.

The findings from this investigation are detailed below.

Background

The subject site has a history of forestry (pre 1980's) and grazing (present). The land parcel was substantially cleared of forest vegetation in the mid 1990s following the issue of Development Consent 257/93 which authorised the clearing and grazing of the land.

Statutory Considerations

- Managing Land Contamination Planning Guidelines, SEPP 55 – Remediation of Land
- Coffs Harbour City Council – Contaminated Land Information Sheet

The purpose of the Managing Land Contamination Planning Guidelines is to establish 'best practice' for managing land contamination through the planning and development control process. The principles of the Guidelines are:

- to ensure that changes of land use will not increase the risk to health or the environment;
- to avoid inappropriate restrictions on land use;
- to provide information to support decision making and to inform the community.

Coffs Harbour City Council introduced the Contaminated Land Information Sheet in 2000. This information sheet embraces the provisions of SEPP 55 by providing basic information as to the process of considering land contamination issues.

Initial Evaluation

The following considerations form the initial evaluation as to the likelihood of contamination being present:

Previous Investigations

No previous specific contamination investigations have been carried out over the estate. Acid sulfate soil testing has been undertaken in the lower parts of the estate.

Existing Records

Notwithstanding the Project Approval, other than forestry operations, land clearing and cattle grazing no other activities have been approved on the subject site.

Zoning History

The subject site was rezoned from Non-Urban to Residential 2(a) in 1988 (*Coffs Harbour Local Environmental Plan 1988*). This zone was carried through to LEP 2000.

Current Land Use

The current use of the land is for cattle grazing.

Regulation of Activities through Licensing

No information suggests that the subject site was ever subject to regulation through licensing or other mechanisms in relation to any uses listed in Table 1 of the *Managing Land Contamination Planning Guidelines*.

Land Use Restrictions

There are no land use restrictions applying to the land relating to possible contamination.

Site Inspection

Site inspections have not revealed the likely presence or history of contaminating uses.

Adjoining Land

There is no information that would suggest any adjoining lands would be subject to any contamination or uses that may cause contamination. Having regard to the land use history associated with the subject site and site inspection, none of the information available would suggest that the land might be contaminated or that further enquiry is warranted. It is considered that there is no need for any further investigation in this instance.

Acid Sulfate Soils

A preliminary Acid Sulfate Soils Site Assessment has been completed for the proposed development by Coffey Geosciences Pty Ltd. The assessment confirms that it will be necessary to carry out further sampling and testing of the soils in the Zone 2 area to assess the extent of the affected soils and the liming ratios.

The areas affected by acid sulfate soils are likely to be relatively small and the scale and amount of treatment required is anticipated to be relatively minor. It is anticipated that treatment may comprise mixing disturbed soils with a reasonably small amount of lime if required. After testing of the soils an acid sulfate soil management plan including liming ratios, will need to be developed prior to construction.

The area requiring testing covers approximately 5.5ha. The Acid Sulfate Soil Management Advisory Committee (ASSMAC) guidelines suggest for sites above 4ha, that two boreholes be drilled per hectare.

Therefore, the subject site would only require 1 borehole to comply with the ASSMAC guidelines. The borehole should extend to 1m below the depth of excavation, and samples should be taken every 0.5m. The samples should be kept chilled during fieldwork and transport to a laboratory NATA registered for POCAS or CRS testing.

The report does not identify any significant issues that would materially affect the proposed development.

A copy of the Coffey report is included in **Appendix F**.

Traffic

An assessment of the proposed development in relation to highway access issues was prepared by Environmental Resources Management Australia (ERM) for the development of 524 allotments. This was undertaken prior to the Pacific Highway upgrade as part of the Sapphire to Woolgoolga project.

At that time ERM's assessment concluded that access, transport and traffic impacts generated by the proposal will be minimal and that intersection upgrades would be likely to be required. These intersection upgrades occurred as required by the RMS during the construction of the Pacific Highway upgrade.

The Pacific Highway Sapphire to Woolgoolga Upgrade project has provided a Motorway standard grade separated interchange connecting Moonee Beach Road to the Pacific Highway and to Solitary Islands Way.

Solitary Islands Way provides a local access road parallel to the Pacific Highway connecting Moonee Beach and other Northern Beaches Coastal villages. As traffic generation resulting from 'The Glades' residential development has been taken into account in the design of the Pacific Highway Interchange the minor increase in traffic generation for the additional 31 Lots will have insignificant impact on the interchange levels of service.

Moonee Beach Road and the Northern Collector Road servicing 'The Glades' residential development have been designed in accordance with Coffs Harbour City Council Development specifications and Coffs Harbour City Council Moonee Release Area Development Contributions Plan 2017. Traffic Generation from the approved 'The Glades' residential development has been taken into account in the planning and design of the road network infrastructure. The nominal increase in traffic generation as a result of the additional 31 Lots will have no impact on road safety, amenity or levels of service on the road network.

The location of the proposed additional 31 Lots provides adequate travel distance to the bus service bus route and will have no impact on bus service or infrastructure requirements and represents minimal variation to the approved plan.

Coffs Harbour City Council Moonee Release Area Development Contributions Plan 2017 provides footpath and cycleway connections throughout the road reserve and public reserve areas. The location of the proposed additional 31 Lots provides good access to footpaths and cycleways and will have no impact on infrastructure requirements.

No additional intersection works on the existing or proposed local network are required to facilitate the additional proposed 31 allotment subdivision as the road network to be created will be of sufficient capacity to safely and functionally cater for this development.

Bushfire Risk Assessment

A Bushfire Risk Assessment report has been prepared by RDM for the subdivision in accordance with the requirements of *Planning for Bushfire Protection 2006 (PFBP)* and is included in **Appendix H**.

In consideration of the bushfire safety recommendations detailed in that assessment, it is Resource Design and Management's opinion that the recommendations will provide a reasonable and satisfactory level of bushfire protection to the further development of the subject site.

The report recommends that the following measures be considered as a means of providing adequate bushfire protection to the further development of the land for residential purposes.

Asset Protection Zone and Grounds

The proposed development (i.e. 31 proposed additional allotments) is directly exposed to bushfire prone land on its northern and southern boundaries. With respect to the northern boundary it is recommended that an APZ of at least 33 metres applies to achieve a BAL rating of 29 in accordance with AS3959. The actual APZ is 36 metres comprising the 6m building line, 20m wide road reserve and 10m wide stormwater management facility.

With respect to the southern boundary it is recommended that an APZ of at least 37m applies to achieve a BAL rating of 19 in accordance with AS3959. The actual APZ is 41 metres comprising of the 6m building line, 25m wide road reserve and 10m wide stormwater management facility.

Construction Requirements

The proposed development does not seek approval for building construction. Accordingly, building construction standards which are to be applied to any future dwelling house within the development should be considered at the Development Application stage.

Notwithstanding, due to the distances which separates each proposed lot from the bushfire prone land, it is RDM's opinion that each proposed lot and /or building envelope should support a building constructed to a BAL of no greater than 29.

Road Construction

Each proposed allotment has direct access to the public road network.

Water:

Each proposed allotment will be connected to a reticulated water supply system. Accordingly, a supplementary water supply for firefighting purposes is not required.

Electricity

Each proposed allotment will be connected to an underground electricity supply.

Gas

The proposed development does not seek approval for building construction. Accordingly, the gas supply and protection measures should be considered at the development application stage for same.

Safer by Design

To ensure that *Crime Prevention Through Environmental Design Principles* are considered in the design of residential development. This is achieved through implementing the following:

Territorial Re-enforcement

Community ownership of public space sends positive signals to the community. Places that feel owned and cared for are likely to be used, enjoyed and revisited. People who have guardianship or ownership of areas are more likely to provide effective supervision and to intervene in crime than passing strangers and criminals rarely commit crime in areas where the risk of detection and challenge are high. Effective guardians are often ordinary people who are spatially 'connected' to a place and feel an association with, or responsibility for it.

Territorial Re-enforcement uses actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should/not be and what activities are appropriate.

Surveillance

People feel safe in public areas when they can see and interact with others, particularly people connected with that space, such as adjoining residents. Criminals are often deterred from committing crime in places that are well supervised.

The proposed subdivision will utilise Natural surveillance. This is achieved when normal space users can see and be seen by others. This highlights the importance of building layout, orientation and location; the strategic use of design; landscaping and lighting – it is a by-product of well-planned, well-designed and well-used space.

Space/Activity Management

Space/Activity Management strategies are an important way to develop and maintain natural community control. Space management involves the formal supervision, control and care of the development. All space, even well planned and well-designed areas need to be effectively used and maintained to maximise community safety. Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behavior.

Access Management

Access control treatments restrict, channel and encourage people and vehicles into, out of and around the development. Way-finding, desire-lines and formal/informal routes are important crime prevention considerations. Effective access control can be achieved by using physical and symbolic barriers that channel and group pedestrians into areas, therefore increasing the time and effort required for criminals to commit crime.

Natural access control includes the tactical use of landforms and waterways features, design measures including building configuration; formal and informal pathways, landscaping, fencing and gardens.

Accessibility

Access to the proposed subdivision will be gained via the approved collector road network and the internal road network as part of the Project Approval. The proposed development becomes another stage of the overall development.

Flooding

Council's flood risk maps identifies the Flood Hazard and 1% AEP flood extents concentrated around the Skinners Creek in the north and Moonee Creek in the east of the subject site. Refer to **Figure 9**.

The subject site of the application for 31 allotments is not affected by the identified flood risk.

A revised flood assessment has been undertaken by Martens Consulting Engineers, post the Project Approval determination, in January 2018. This revised assessment, post completion of the Pacific Highway upgrade, clearly demonstrates that the subject land's flood potential is less impacted than initially calculated. Refer **Appendix N**.

Based on this revised flood assessment the cut and fill or landform modification initially endorsed has been refined across the site.

In support of the proposed landform modification a detailed hydrologic and hydraulic model has been prepared for the site consistent with Council's accepted MA 2015 TUFLOW model provided in MA P1002663JR08V01.

The models were used to determine the existing and proposed flood conditions in the 1% AEP envelope analysis (with and without climate change), and PMF events. Modelling concluded that:

- The proposed development does not have any material offsite water level impacts.
- The proposed development area is flood free in the critical 1% AEP flood event with climate change.
- Compliance with Council flood planning level requirements for future buildings and roads are achievable.

Having completed their assessment Martens recommend:

1. All proposed dwellings are to have a finished floor levels at 4.03 – 4.68 m AHD (0.5m higher than determined flood levels), in accordance with drawing PS01-K210 produced in the Martens report.
2. Should the proposed development footprint change, or significant changes to the proposed design levels and/or culvert design occur (as shown on Martens Drawing PS01-A050), an updated flood model with detailed earthworks should be prepared at Construction Certificate stage.

Heritage

There are currently no heritage listed items on the Coffs Harbour Council's LEP 2000 and CHCC LEP 2013. Similarly the Moonee locality does not have any listed Heritage Conservation Areas.

An assessment of the site's Aboriginal Cultural Heritage was undertaken as part of the original Part 3A application and is included in **Appendix K** of this report. A Due Diligence report was carried out to assess the additional 31 allotment subdivision as part of the S75W Modification.

Coastal Processes

The subject site is not located in the area that is captured by the Coffs Harbour City Council Coastal Zone Management Plan that identifies lands that are subject to coastal erosion processes.

5. Consultation

5.1 State Government Departments and Agencies

During the Project Approval process the Department of Planning consulted the following organisations:

- Coffs Harbour City Council;
- Department of Natural Resources;
- Department of Environment and Conservation;
- Department of Lands;
- Department of Primary Industries/Fisheries;
- Roads and Traffic Authority;
- NSW Rural Fire Service;
- Solitary islands Marine Park Authority;
- Country Energy;
- Telstra; and
- Local Aboriginal Lands Council/s.

The issues raised by various agencies were taken into account by the Department of Planning in formulating the Director General's Requirements (DGRs) for the Environmental Assessment for the Major Project.

Consultation with Council was also ongoing for the major project. Meetings with Council officers covered such matters as:

- provision of the collector road and possible forward funding;
- intersection construction;
- land acquisition for the collector road by Coffs Harbour City Council;
- flooding;
- site ecology;
- section 94 contributions;
- infrastructure provision;
- buffer zones;
- development layout and design; and
- appropriate zoning of open space and buffer areas.

Extensive consultation with the (then) Roads and Traffic Authority (RTA) concerning the interim access to the Pacific Highway was also undertaken. This arrangement is still required for construction access only, and as the Sapphire to Woolgoolga Pacific Highway upgrade has

been completed and a separate collector road has commenced construction that will provide access to development east of the Pacific Highway.

The Department will need to consult with the relevant Government Agencies as they progress the assessment of this Section 75W modification application.

Community

Extensive community consultation was previously undertaken by:

Coffs Harbour Council during:

- the preparation of the Moonee DCP 2004. Amongst the stakeholders consulted were key community groups, adjoining land holders and government agencies. Public consultation meetings were also held.
- the determination of the Moonee Collector Road Development Application.
- the preparation of the LEP 2013 Deferred Areas Planning Proposal (PP_2015_COFFS_004_00). A broad range of stakeholders were consulted during this process.

Department of Planning during :

- the determination of the Part 3A Major Project 06_0143 (refer Section 5.1).

5.2 Local Government

The subject site is within the Coffs Harbour City Local Government Area.

5.3 Community / Stakeholders / Neighbours

Very preliminary discussions have taken place with representatives of the Coffs Harbour and District Local Aboriginal Lands Council in regard to the S75W. These discussions indicated that Aboriginal Cultural Heritage would need to be considered in the process as the area is known for having sites/values and relics. A Due Diligence Report was prepared by ERM, in compliance with the prevailing legislation, for the Modification.

6. Statutory Assessment

6.1 Development Assessment

The NSW Minister for Planning is the consent authority with respect to the proposed development.

Pursuant to the EP&A Act 1979, in assessing this modification application, the Department will take into consideration any matters relevant to the proposed development.

6.2 State Environmental Planning Instruments

State Environmental Planning Policy No. 44 - Koala Habitat Protection

The effect of this policy prevents a consent authority from approving a development application without prior investigation of potential and core koala habitat occurring on the land. The provisions of this policy apply to the subject site as Coffs Harbour City Council is included in Schedule 1 of the policy and the subject site has an area of more than 1 Hectare.

Coffs Harbour City Council also has a Local Government area wide Koala Plan of Management that needs to be addressed in the assessment of the Section 75W modification process.

Comment

Assessment of the subject site has been completed to determine 'potential koala habitat' of the land (see **Appendix B**).

The ecological report in **Appendix B** found *"given the lack of recent koala activity detected, the disturbed dry open forest habitat on site is unlikely to represent an area of 'Core Koala Habitat', as defined in SEPP 44."*

Council's mapping shows that the subject site for the additional 31 allotments does not contain Secondary Koala Habitat (although it does apply to other parts of the Lot 1 DP 725785).

Having regard to the above, it is submitted that the Department's approval of the proposed development may be provided without further consideration of this policy.

All the trees on the subject site will be cleared to allow the formation of the subdivision, road network and asset protection zone. Plans included in **Appendix B** detail the location of the trees effected. The proposed clearing will have little impact on fauna movement within the locality. A Flora and Fauna Assessment of the site was undertaken which identified no threatened or endangered species of flora or fauna will be impacted.

A 7-Part Test assessment under the Koala Plan of Management was completed as part of the Flora and Fauna Assessment. These assessments did not identify the need for a Species Impact Statement (SIS) (refer **Appendix B**).

State Environmental Planning Policy No. 71 – Coastal Protection

State Environmental Planning Policy No 71 - Coastal Protection (SEPP 71) has been introduced for the purpose of protecting and managing the coastal zone and its attributes and to further the implementation of the NSW Coastal Policy.

The subject site is located within the coastal zone and is located in a sensitive coastal location. Consequently, this proposal is required to address the relevant provisions of SEPP 71 as set out below.

Clause 8 outlines matters which are to be taken into consideration by a consent authority when it determines a development application to carry out development on land to which the SEPP applies.

Comment

Clause 8 Matters are addressed in Table 1 which is included in **Appendix I**.

Clause 14 states that a consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.

Comment

Development associated with this 31 allotment subdivision is distant to the creek foreshore. The development of this land will not impede or diminish to any extent the existing and physical land based right of access for the public.

Clause 16 states that the consent authority must not grant consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the

development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.

Comment

The proposed development will incorporate a range of stormwater quality treatment measures to achieve Council's water quality objectives for stormwater runoff quality and quantity. These are detailed in **Appendix C**.

Clause 18(2) provides that the Minister may waive the requirement for a master plan because of the nature of the development concerned, the adequacy of other development controls that apply to the development or other such reasons that the Minister considers sufficient.

Comment

No Masterplan is required for the proposed development.

State Environmental Planning Policy – North Coast Regional Environmental Plan

The effect of this policy is to require a consent authority, Minister or public authority to take into consideration the aims and objectives of the plan where these are relevant to the making of their determination for development consent. The plan also provides numerous development control clauses that are to be considered by the Consent Authority when determining a development application.

Clause 15B requires the consent authority to take into consideration a number of factors including impacts on water quality, loss of habitat, pollution impacts on the estuary, and retention of foreshore reserves.

Comment

A Stormwater Quality Assessment is incorporated into the engineering infrastructure report which is included in **Appendix C**. The assessment demonstrates that the proposed stormwater strategy would be able to meet Council's stormwater quality targets.

Clause 32B(2) requires the Consent Authority to take into account:

- (a) the NSW Coastal Policy 1997.

Comment

As the site is located within the Coastal Zone, the provisions of the NSW Coastal Policy apply. The Coastal Policy outlines a number of key strategic actions that relate to development control.

The following Key Actions apply to development proposals:

- Development proposals will have to conform with specified design and planning standards to control height, setback and scale to ensure public access and to ensure that beaches and foreshore open spaces are not overshadowed
- The use of good design principles to ensure more compact human scale towns are developed with their own character within the constraints of existing infrastructure
- Identify and consider significant views and vistas within and from towns, including street patterns and layout and items of heritage significance
- To promote compact and contained planned urban development in order to avoid ribbon development, unrelated cluster development and continuous urban areas on the coast
- To provide for choice in housing and lifestyles
- To increase public access to foreshores when feasible and environmentally sustainable options are available.

The Key Actions as outlined above have been considered in the proposed subdivision design, taking into account the natural constraints of the site including topography, flooding, vegetation and bushfire hazard.

The subdivision design aims to promote a variety of housing types within a compact environmental footprint.

(b) the Coastline Management Manual, and

Comment

The Coastline Management Manual is not relevant to the site given that it deals with the management of coastal hazards and the subject site is not located in proximity to the coastal hazard management zone.

(c) the North Coast: Design Guidelines.

Comment

The proposed subdivision is consistent with the design principles for subdivisions, providing:

- a variety of allotment sizes
- roads of appropriate width

- allotments which will not be exposed to unreasonable risk concerning erosion, flooding and bushfire.

Clause 32B(3) prohibits the Consent Authority from giving consent to the carrying out of development which would impede public access to the foreshore.

Comment

The proposed development does not impede public access to the foreshore.

Clause 42 prohibits the Consent Authority from giving consent to development for residential purposes unless:

- a) it is satisfied that the density of the dwellings have been maximised without adversely affecting the environmental features of the land
- b) it is satisfied that the proposed road widths are not excessive for the function of the road
- c) it is satisfied that the road network has been designed to encourage the use of public transport and minimise the use of private motor vehicles
- d) it is satisfied that site erosion will be minimised in accordance with sedimentation and erosion management plans.

Comment

The subdivision design is considerate of the numerous environmental constraints which affect the land including, flooding, vegetation, topography, noise, bushfire risk, access and drainage.

The proposed development is serviced by public transport operating along the Pacific Highway. Direct pedestrian connection to the highway via the proposed shared pathways will be available for all residential allotments.

A bus route can be facilitated within *The Glades* development on the proposed road network.

Appropriate erosion and sediment control measures will be implemented for each stage of construction. A plan will be submitted for the Consent Authority's approval at the construction certificate stage.

Clause 66 requires the Consent Authority to consider the adequacy of community and welfare services available to the land and take into account the results of that consideration before granting consent to a

development application for the subdivision of land intended for residential or rural residential purposes.

Comment

The Moonee Beach town centre provides numerous essential community and welfare services all of which are accessible from the proposed development.

Clause 81 prohibits the Consent Authority from giving consent to a development application for development on land within 100 metres of the ocean or any substantial waterway unless it is satisfied that:

- a) there is a sufficient foreshore open space which is accessible and open to the public within the vicinity of the proposed development;
- b) buildings to be erected as part of the development will not detract from the amenity of the waterway;
- c) the development is consistent with the principles of any foreshore management plan applying to the area.

Comment

The proposed development is distant from the river foreshore. Accordingly, it will not impede public access or detract from its amenity.

There is no foreshore management plan applying to this area.

State Environmental Planning Policy No. 14 – Coastal Wetlands

Comment

The subject site does not contain any identified SEPP 14 Coastal Wetlands, with the closest being located some 2 kilometres away.

State Environmental Planning Policy No. 26– Littoral Rainforest

Comment

The subject site does not contain any identified SEPP 26 Littoral Rainforest, with the closest being located south of the site near White Bluff.

State Environmental Planning Policy No. 52 – Farm Dams and other Works in Land and Water Management Plan Areas

Comment

This SEPP does not apply to the subject site.

State Environmental Planning Policy No. 55 – Remediation of Land

Comment

Given the generally natural state of the land and the absence of existing development and any indication of past or present contaminating activities, it is considered unlikely that soils within the vicinity of the proposed development are or have been contaminated. Coffs Harbour City Council's mapping system does not identify the land as being:

- former Banana Lands;
- potentially contaminated land; and
- EPA notified site.

State Environmental Planning Policy – (Infrastructure) 2007

Comment

The proposed development complies with the relevant provisions of this SEPP. The following is a summary of the relevant provisions of the SEPP:

- Division 1 – Consultation with Council on the provision of infrastructure is ongoing with this project.
- Division 5 –Subdivision 2 Cl 45 – proposed allotments will be located in a manner takes into account any existing and future distribution lines impacting the subject site.
- Division 6 – Bushfire Hazard Reduction – a site specific Bushfire Risk Assessment has been carried out for the site.
- Division 17 – Roads and Traffic Cl 102 – as the land parcel adjoins the Upgraded Pacific Highway and Service Road Network, noise and vibration has been addressed in the MP 06_0143 determination and appropriate mitigation measures have been applied as conditions of that consent. These do not affect the subject land.
- Division 18 – Sewerage Systems - the proposed development includes connection to Coffs Harbour City Council's reticulated system.
- Division 19 – Soil Conservation – the proposed subdivision integrates a sediment erosion control system.
- Division 20 – Stormwater – the proposal provides appropriate Stormwater Control facilities.
- Division 24 – Water the proposed development includes connection to Coffs Harbour City Council's reticulated system.

State Environmental Planning Policy – (Rural Lands) 2008

Comment

This SEPP does not apply to the subject land.

6.3 Regional Planning Policies

North Coast Regional Plan 2036

The North Coast Regional Plan (NCRP) is the NSW Government's blueprint for the future growth and development of the North Coast for the next 20 years.

The NCRP is not a land use zoning plan in the strict sense but rather it is concerned with stating specific Government key planning principles guiding growth of the North Coast. These Principles include directing growth to identified urban growth areas, managing the sensitive coastal area and providing great places to live and work in a unique environment.

The NCRP identifies Coffs Harbour as a Regional City. The region's cities are popular places to live and work with future population growth projected to occur in the Coffs Harbour local government area.

An action plan will be prepared for Coffs to coordinate the investment and infrastructure that will underpin the delivery of new homes and a significant number of new jobs.

The Department of Planning and Environment, council officers and representatives from relevant State agencies will oversee the delivery of these plans.

The action plans will identify opportunities, while protecting the unique character of these places. Providing greater housing choice in regional cities through more townhouses, villas and apartments will maximise the use of existing and new infrastructure and provide greater access to jobs, services and lifestyle opportunities.

Regional cities also have employment, health, education, residential and airport precincts that are capable of promoting employment growth for the entire North Coast.

The proposal is consistent with the contents of the NCRP.

6.4 Local Planning Instruments & Policies

Coffs Harbour Local Environmental Plan 2000 (LEP 2000)

The LEP 2000 establishes a policy framework for land use planning decisions and guides the community in terms of how land can and cannot be used within the city.

The subject site is currently zoned 2A Low Density Residential under the provisions of LEP 2000. The objectives of this zone are:

- to enable housing development and other development that is compatible with a low density residential environment.
- to provide for development that is within the environmental capacity of a low density residential environment and can be adequately serviced.

Comment

The proposal is consistent with these objectives as it is essentially “infill” development of the subject allotment that enjoys an existing consent for the development of 524 allotments.

Coffs Harbour Local Environmental Plan 2013 (LEP 2013)

The LEP 2013 is to apply to the whole of the Coffs Harbour LGA and is in accordance with the Standard Instrument Local Environmental Plan provisions of the State Government.

The subject site is in the *Deferred Matter* as published on the 27.09.2013 to be included within *Coffs Harbour Local Environmental Plan 2013 (LEP 2013)*. Thus, the site is currently subject to the provisions of the *Coffs Harbour Local Environmental Plan 2000 (LEP 2000)*.

The provisions of LEP 2013 have thee subject site zoned R2 Low Density Residential. The objectives of this zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Comment

The proposal is consistent with these objectives for the development of 31 allotments. This land parcel enjoys an existing consent for the development of 524 allotments.

Part 4 Principle Development Standards

The provisions of the LEP 2013 which are relevant to the proposed development are:

4.1 Minimum subdivision lot size

Comment

The proposal is consistent with the minimum lot size requirements that will apply under LEP 2013 – being 400m², as the smallest proposed lot is 516m².

4.1A Minimum subdivision lot size for community title schemes

Comment

No lots are proposed to be community title.

4.1A Minimum subdivision lot sizes for certain split zones

Comment

The proposal does not involve split zones and therefore the proposal is consistent with this requirement under LEP 2013.

4.1B Minimum lot size for dual occupancies in Zone R2

Comment

The proposal does not seek any dual occupancy development. Any future dual occupancy development would need to be consistent with the requirements that will apply under LEP 2013.

4.2B Erection of dwelling houses on land in certain rural and environment protection zones

Comment

The proposal does not involve erection of dwellings on land in rural zones or environmental protection zones and therefore the proposal is consistent with this requirement under LEP 2013.

4.2C Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones

Comment

The proposal does not include any strata subdivision and thus is consistent with this requirement under LEP 2013.

4.2D Boundary adjustments of land in certain rural, residential and environment protection zones

Comment

The proposal does not involve boundary adjustments and therefore this requirement is not triggered.

4.3 Height of buildings

Comment

The proposal involves subdivision and therefore this requirement under LEP 2013 is not triggered. Any future development of buildings would need to be consistent with this requirement.

4.4 Floor space ratio

Comment

The proposal does not involve FSRs – generally in under LEP 2013 FSRs do not apply to residential development.

4.5 Calculation of floor space ratio and site area

Comment

The proposal does not involve FSRs – generally in under LEP 2013 FSRs do not apply to residential development.

4.6 Exceptions to development standards

Comment

The proposal does not seek to utilise this provision of LEP 2013 for the residential subdivision development sought.

Part 5 Miscellaneous Provisions

The provisions of the LEP 2013 which are also relevant to the proposed development are:

5.5 Development within the coastal zone

(2) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:

(a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:

- (i) maintaining existing public access and, where possible, improving that access, and
- (ii) identifying opportunities for new public access, and

Comment:

The proposed development will not impact on the existing public access to and along Moonee Creek or Skinners Creek. Future residents of the proposed subdivision will readily be able to access these areas.

- (b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:
- (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and
 - (ii) the location, and
 - (iii) the bulk, scale, size and overall built form design of any building or work involved, and

Comment:

The proposed development will not impact the natural or scenic quality of the locality or the adjacent Moonee Creek or Skinners Creek. The proposal is effectively “infill” of an existing approved residential estate. The proposal is compatible with that approved development.

The proposal reflects the surrounding approved subdivision by involving the subdivision of the land into 31 residential allotments ranging in area, between 516m² and 742m².

- (c) the impact of the proposed development on the amenity of the coastal foreshore including:
- (i) any significant overshadowing of the coastal foreshore, and
 - (ii) any loss of views from a public place to the coastal foreshore;
- and;

Comment:

The proposed development will not impact on the amenity of the coastal foreshore nor on the foreshore of Moonee Creek or Skinners Creek.

The proposed subdivision is not in close proximity to the shoreline and therefore any buildings that may eventuate are not likely to overshadow the foreshore.

No loss of views are likely to result from public places as a result of the proposed subdivision.

- (d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and

Comment:

The proposed development will not impact on the visual amenity or scenic qualities of the coast as it is not in close proximity to the coast. Similarly, it will not impact on the visual

amenity or scenic qualities of the foreshore of Moonee Creek or Skinners Creek.

(e) how biodiversity and ecosystems, including:

- (i) native coastal vegetation and existing wildlife corridors, and
- (ii) rock platforms, and
- (iii) water quality of coastal waterbodies, and
- (iv) native fauna and native flora, and their habitats, can be conserved, and;

Comment:

The proposed development will not adversely impact on the overall biodiversity of the locality or on the Moonee Creek Skinners Creek systems. The attached Flora and Fauna assessment and stormwater management plans provide details on how this is achieved.

(f) the cumulative impacts of the proposed development and other development on the coastal catchment.

Comment:

The proposed development will not adversely impact on the overall biodiversity of the locality or on the Moonee Creek Skinners Creek systems. The attached specialist assessments provide details on how this is to be achieved.

(3) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:

(a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and

Comment:

The proposed development will not adversely impact or impede practicable, the physical, land-based right of access of the public to or along the coastal foreshore.

(b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and

Comment:

The proposed development will be serviced with reticulated sewer and water.

- (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and

Comment:

The proposed development incorporates appropriate stormwater treatment to ensure the development will not discharge untreated stormwater into the sea, any beach or into the Moonee Creek Skinners Creek systems.

- (d) the proposed development will not:

- (i) be significantly affected by coastal hazards, or
- (ii) have a significant impact on coastal hazards, or
- (iii) increase the risk of coastal hazards in relation to any other land.

Comment

The proposed development will not be affected by coastal hazards, or have a significant impact on coastal hazards, or increase the risk of coastal hazards in relation to any other land – given its location away from the coastal management zone.

5.10 Heritage Conservation

- 1) Objectives The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Coffs Harbour,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Comment

A due diligence assessment was carried out by ERM to supplement the previous Aboriginal Cultural Heritage Assessment done for the Project Approval. The due diligence assessment included a site inspection. The site inspection traversed the proposed modification area and no evidence of Aboriginal heritage sites were recorded.

The assessment also concluded that the mitigation measures contained in the existing project approval and statement of commitments are also appropriate to the proposed modification area as summarised in Section 7 (of the Due

Diligence Report). This includes ongoing consultation with the projects Aboriginal stakeholders. The involvement of the identified Aboriginal stakeholders should commence during the preparation of the Construction Environmental Management Plan (CEMP) and continue throughout the duration of construction.

Part 7 Additional Local Provisions

The provisions of the LEP 2013 which are also relevant to the proposed development are:

7.1 Acid Sulfate Soils

Comment

Refer sections 2.3; 4.1 and **Appendix F** for details.

7.2 Earthworks

Comment

Refer Section 3.1.6 and **Appendix C** for details.

7.3 Flood Planning

Comment

Refer Section 2.3 for details and **Appendix N** for details.

7.4 Terrestrial Biodiversity

Comment

This is addressed in the Sections 4.1, 6.2 and 7.1 that provide details for flora and fauna. Refer also to **Appendix B**.

7.6 Riparian Land and Watercourses

Comment

This is addressed in the Sections 4.1, 6.2 and 7.1 that provide details for flora and fauna. Refer also to **Appendix B**.

7.8 Koala Habitat

Comment

This is addressed in the Sections 2.3, 2.4, 6.2 and 7.1 that provide details for flora and fauna. Refer also to **Appendix B**.

7.11 Essential Services

Comment

This is addressed in the Sections 2.3, 3.1.2, 5.1, 6.2, 6.4 and 7.1.

6.5 Development Control Plans

The Coffs Harbour City Development Control Plan 2000 applies to all land within the Deferred Matter of LEP 2013. Sections of the DCP are relevant to the development of the Moonee locality and thus the proposed development, these are addressed below.

Subdivision DCP

Provision:

A) DESIGN

Subdivision and Road Design

Subdivisions should be designed consistent with the relevant Development Control Plans (DCP) and Information Sheets:

- Moonee DCP;

Comment

The proposal generally accords with the broader subdivision and road design guidelines.

Provision:

Subdivisions should be designed having regard to the environmental constraints

Comment

This report addresses the content of the following Council Information Sheets:

- Koala Habitat;
- Acid Sulfate Soils;
- Contaminated Land;
- Flood Prone Land;
- Landform Modification; and
- Fire Hazard.

Provision:

The road hierarchy of subdivisions should also reflect road function, and should be designed in accordance with Schedule 1 of the DCP.

Comment

This subdivision's layout of roads has been designed to:

- provide road links to adjoining properties – using the local road network and the collector road;
- facilitate the use of public transport – with a road layout that will enable a bus route;
- achieve efficient access to all lots;
- encourage safe levels of vehicle speed - by road geometry;
- provide adequate sight distances (particularly at intersections);
- provide efficient access for service vehicles (bushfire and garbage trucks);
- provide for safe and functional vehicle and pedestrian movement – including the integration of a pedestrian and cycle shareway; and
- provide for landscaping, utility services, driveways, mailboxes, street lighting, etc.

Provision:

The layout of main roads should also, where possible, provide road networks based on a grid pattern so as to:

- provide for more memorable places, making it easier to find one's way around (legible);
- provide persons with a high degree of directional choice (permeable).

Comment

The proposal has an appropriate road network layout to ensure ease of “way finding” and provides directional choice.

No Cul-de-sacs are planned in the 31 allotment layout.

Lots are to be designed to allow the construction of a dwelling which does not involve extensive cut or fill.

The 31 lot subdivision has been designed to retain significant landscape features.

Provision:

Energy Efficiency

Comment

The proposed subdivision's design will maximise solar access by appropriate orientation of roads so the majority are within the range NW to NE or EN to ES to improve opportunities for solar access.

Provision:

Density (Minimum Lot Size)

Comment

The proposed subdivision will not produce lots which have areas considerably less area than other lots in the neighbourhood. The lots all have a minimum area exceeding 400m².

All lots exceed the minimum (4m) frontage to public road.

Provision:

Services

Comment

The proposed subdivision will provide the following infrastructure to all lots:

- road;
- footpath;
- kerb and gutter;
- drainage;
- reticulated sewer and water;
- telecommunications;
- appropriate levels of street lighting; and
- electricity.

Provision:

Stormwater Drainage

Comment

The proposed subdivision provides Stormwater drainage designed and provided in accordance with Council's Specifications.

Provision:

Erosion and Sediment Control

Comment

The proposed subdivision is designed to minimize the disturbance of lands with slope constraints and will utilise appropriate sediment erosion control measures.

Provision:

Street Tree Masterplan

Comment

The proposed subdivision includes a landscape concept plan to guide street tree planting which complement the site's natural setting.

DCP 2015

The Coffs Harbour City Development Control Plan 2015 will apply to all land within the shire, once the deferred matters planning proposal is made. Section G6 of the DCP are relevant to the development of the East Moonee locality (east of the Pacific Highway). This will effectively be the special locality provisions that prevail under the DCP applying to LEP 2000.

Part C1 – Subdivision Controls

Provision:

Lots are to be of regular shape and comprise a suitable frontage to depth ratio to enable future development that is responsive to the lands characteristics.

Comment

This provision has been integrated into the design of the proposed subdivision.

Provision:

Subdivisions are not to comprise an access handle where more than two access handles will directly adjoin.

Comment

There are no proposed access handle blocks included in the design of the proposed subdivision.

Provision:

Road networks, subject to topographic constraints, are to be based on a grid pattern to encourage pedestrian connectivity.

Comment

The design of the proposed subdivision is based on a grid pattern.

Provision:

Road hierarchy, layout and construction shall be designed in accordance with Council's Development Specifications.

Comment

The design of the road hierarchy and layout accords with Council's Development Specifications.

Provision:

Access points off major roads are to be rationalised where practical.

Comment

The design of access points off the collector road and connection to the subdivision is both practical and functional.

Provision:

Pathways are to be provided as an accessible integrated network of walking and cycling routes for safe and convenient travel.

Comment

The proposed 31 allotment is linked to the approved accessible, safe and functional vehicle and pedestrian network - including the integrated pedestrian and cycle shareway.

Provision:

Subdivisions comprising steep land shown on the Steep and Highly Erodible Land Map are to be designed so that smaller lots are located on north facing slopes and larger lots are located on south facing slopes.

Comment

The 31 allotment subdivision is not identified on Council's Steep and Highly Erodible Land Map and therefore this provision does not apply.

Provision:

Subdivisions are to be designed to integrate with existing or proposed development on adjacent sites.

Comment

The proposed subdivision's design readily integrates with the approved development under Project Approval 06_0143. The proposed subdivision forms another stage of that development.

Provision:

Threshold and pavement treatments are to be designed to create an attractive streetscape.

Comment

The proposed subdivision is designed to create an attractive streetscape with appropriate themed street tree planting, threshold and pavement treatments.

Provision:

The use of cul-de-sacs in the design of subdivisions should be minimised.

Comment

The proposed subdivision for 31 allotments does not include any cul-de-sacs.

7. Environmental Effects

7.1 Section 79c(1) – Matters for Consideration

Under the provisions of Section 79c(1) of the EP&A Act, in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application.

- (a) the provisions of:
- i. *any environmental planning instrument*
 - ii. *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - iii. *any development control plan*
 - iv. *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - v. *the regulations (to the extent that they prescribe matters for purposes of this paragraph), that apply to the land to which the development relates, and*

Comment

a)(i)

Matter	Consideration
State Environmental Planning Policy No. 44 Koala Habitat Protection.	This planning policy is addressed in Section 6.2.
State Environmental Planning Policy No. 55 - Remediation of Land.	This planning policy is addressed in Section 6.2.
State Environmental Planning Policy No. 71 – Coastal Protection	This planning policy is addressed in Section 6.2.

State Environmental Planning Policy – North Coast Regional Environmental Plan	This planning policy is addressed in Section 6.2.
Coffs Harbour Local Environmental Plan 2013	This planning instrument is addressed in Section 6.4.
State Environmental Planning Policy No. 14 – Coastal Wetlands	This planning policy is addressed in Section 6.2.
State Environmental Planning Policy – Littoral Rainforests	This planning policy is addressed in Section 6.2.
State Environmental Planning Policy – (Infrastructure) 2007	This planning policy is addressed in Section 6.2.

a)(ii)

The land is subject to the deferred matters to Coffs Harbour Local Environmental Plan 2013 (LEP 2013). The Deferred Matters component of Draft LEP 2013; that is PP_2015_COFFS_004_00; is currently with the Department of Planning and Environment awaiting gazettal. This PP reflects a residential zone on the land the subject site in accordance with the findings of the additional research undertaken by Coffs Harbour City Council.

a)(iii)

Primary Matter	Consideration
Coffs Harbour DCP	This DCP is addressed in Section 6.5.

a)(iv)

There are no planning agreements under Section 93F that apply to the proposed development.

a)(v)

Primary Matter	Consideration
NSW Coastal Policy Note: The subject land is located within the Coastal Zone. Pursuant to Clause 92(1) of the regulations this	Consideration of the policy and its application to the proposed development is detailed in Section 6.2.

policy is to be taken into consideration by the consent authority in determining a development application.	
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b) The likely impacts of that development.

Comment

Primary Matter	Consideration
Context and Setting	<p>The proposed development is appropriate and compatible within its current land use zoning and has been designed to respect the environmental constraints which are relevant to the subject site.</p> <p>The scale and form of the subdivision is consistent with the existing Project Approved and other residential lands in this locale.</p>
Access, transport and traffic	<p>The subject site is provided with collector road access, previously approved by the Land and Environment Court, which does not intersect with the Pacific Highway.</p> <p>A temporary construction access was approved under Major Project 06_0143, however during the construction of the Pacific Highway upgrade an access was constructed and this will facilitate construction.</p>
Utilities	<p>Existing utilities are available to the locality. New allotments will be augmented as required.</p>
Heritage	<p>The Coffs Harbour and District Local Aboriginal Land Council and Elders group acknowledge that the subject site as being highly disturbed from previous and existing land uses. They have identified two main areas on the lands adjoining the proposed 31 lot subdivision which may contain deposits of aboriginal origin and required inspector onsite. Monitoring of all areas during earth works will be undertaken.</p> <p>A due diligence report and site inspection was carried out on the area to be subject to the</p>

	<p>additional 31 allotments, that report found no evidence of and recorded no aboriginal heritage sites on that part of the land.</p>
Flora and Fauna	<p>The proposed development is for the subject site to be subdivided into thirty-one (31) residential allotments. The proposed development will result in the loss of vegetation for the construction of houses, access roads, driveways and associated infrastructure.</p> <p>There are potential associated impacts on flora, fauna (including Threatened species),</p> <p>The subject site is not mapped as primary or secondary koala habitat under the Coffs Harbour CKPOM. However, the clearing of this area will result in the loss of <i>Eucalyptus pilularis</i> trees, which is listed as a primary koala habitat tree species. Any of these trees required to be removed for development must be replaced in the vicinity according to the “Guidelines for Planting Koala Trees In Coffs Harbour LGA” contained in the Coffs Harbour CKPOM.</p> <p>It is possible that the proposed loss of vegetation within the subject site (comprising an area of 1.37 ha) will be required to be offset. In this regard, surveys of the impact site and proposed offset sites have been completed utilising the BioBanking Assessment Methodology (BBAM). The results have indicated that 74 ecosystem credits would be required to offset the loss of this vegetation. The BBAM was also used to calculate the number and type of credits that can be created (e.g. through revegetation or rehabilitation of existing vegetation). The results have indicated that rehabilitation of existing vegetation to be retained on site would create 112 ecosystem credits the revegetation of 3.87 hectares of currently cleared land on the Glades development site would potentially create a further 38 credits.</p>

Noise	An assessment of the proposals exposure to highway noise has been completed and the recommended noise abatement measures will be implemented as part of the development in accordance with Project Approval 06_0143.
Safety, security and crime prevention	The orientation of allotments will ensure that dwelling houses overlook the street frontage and for increased passive surveillance. Street lighting will also be provided in accordance with Council's standards.
Social & Economic Impacts	<p>The proposed development represents a positive social impact for this locale by providing a variety of residential allotments that is cognisant of the needs and requirements of the residential property market in this locale.</p> <p>The proposed development will generate a significant number of short term employment opportunities during civil and housing construction whilst also generating demand for construction materials, transport and property services.</p> <p>Annual household expenditure will also provide ongoing and significant monetary contribution to the local economy.</p>
Cumulative Impacts	<p>The proposed development has considered the potential impacts of the proposed development on the surrounding environment including traffic and water quality. Appropriate design measures have been proposed in each regard.</p> <p>The subject site is also exposed to several environmental constraints including bushfire, topography and vegetation. The proposed subdivision design is considerate of such, incorporating several design measures in this regard.</p> <p>Housing within the subdivision will be designed and constructed to maximise water and energy efficiency through the application of the Building Sustainability Index: BASIX</p>

c) The suitability of the site for the development.

Comment

The proposed development is considered appropriate for the site for the following reasons:

- The subject site is appropriately zoned and is compatible with surrounding development
- The scale of the proposal is within the capacity of the land and is able to be appropriately serviced
- The environmental constraints which affect the subject site can be appropriately managed
- The environmental impacts of the development may be ameliorated by through design and management measures.

d) Any Submissions made in accordance with this Act or the Regulations.

Comment

No submissions have been made at this time in relation to this proposal.

The Regulation contains Part 1A – Transitional Part 3A projects, provisions under Cl 8B(d) require consideration to submissions received by the Secretary. At this time no submissions have been made in relation to the 31 allotment subdivision.

e) The public interest

Comment

The proposed development is considered to be in the public's interest for the following reasons:

- It will provide additional permanent housing for the Coffs Harbour local government area
- It will provide greater housing choice for existing and future residents of Moonee Beach

- It will create new employment opportunities during the construction phases and increase the demand for local goods and services
- It is designed cognisant of environmental constraints and does not pose any environmental risk to the surrounding environment.

8. Conclusion

This Environmental Assessment Report has evaluated the impacts of the proposed development. This report describes the suitability of the subject site for the proposed development and, in particular, provides an assessment of the environmental impacts of the proposal.

The proposed development contributes to achieving population growth within Coffs Harbour City and in particular for Moonee Beach. It will provide additional housing choice for existing residents in the area and those intending to relocate to this locale.

Considerable consultation and environmental investigations have been completed prior to this submission under previous processes, especially during the early stages of the Major Project Approval for the estate and more recently with the progress of the Deferred Matters Planning Proposal. The proposed subdivision design has been prepared cognisant of this previous consultation and the environmental investigations.

This proposed development is considered to be an appropriate utilisation of the subject site taking into consideration the current surrounding land uses and existing approvals. Consideration has been given to the environmental qualities of the subject site which are likely to be affected by this proposal. The proposal encompasses a range of design measures which are intended to address and mitigate the anticipated impacts of the development.

The proposed development is permissible within the existing land use zone prescribed under the Coffs Harbour Local Environmental Plan 2000 and the soon to be applied provisions of Coffs Harbour Local Environmental Plan 2013. Consideration of the proposed development in the context of current Statutory and Non-Statutory development controls finds there are no material impediments to it being granted approval.

Having regard to the above and the considerations detailed in this report, Resource Design and Management considers that the proposed development is appropriate for the subject site and therefore should be granted approval.

Appendix A – Plan of Proposed Subdivision

Appendix B – Fauna and Flora Report

Appendix C – Engineering Infrastructure

Appendix D – Landscape Concept Plans

Appendix E – Noise Assessment

Appendix F – Acid Sulfate Soils Assessment

Appendix G – Traffic Assessment

Appendix H – Bushfire Risk Assessment

State Environmental Planning Policy No 71 – Coastal Protection	
Clause 8 – Matters for Consideration	Comment
<p>(a) The aims of this Policy set out in clause 2:</p> <p>Aim (a) - To protect and manage the natural, cultural, recreational and economic attributes of the NSW coast, and</p> <p>Aim (b) - To protect and improve existing public access to and along coastal foreshores to the extent that is compatible with the natural attributes of the coastal foreshore, and</p> <p>Aim (c) - To ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and</p> <p>Aim (d) - To protect and preserve Aboriginal cultural heritage, and aboriginal places, values, customs, beliefs and traditional knowledge, and</p>	<p>The further development of the land in accordance with the concept plan provided represents the most appropriate outcome for the land having considered the social, economic and environmental factors affecting the land.</p> <p>A significant area of land for public use and conservation along the Moonee Creek foreshore is provided as Part of the overall development (subdivision) of Lot 1 and Lot 2 DP 725785 which incorporates pedestrian access to the foreshore area and the surrounding road network.</p> <p>The planned open space area which is to be dedicated as public open space as part of the MP approval 1 will incorporate a landscaped pathway connecting the public road reserve.</p> <p>The dedication of this land in conjunction with the inclusion of the pathway networks proposed in the MP approval will ensure that public access to the coastal foreshore is assured.</p> <p>The Coffs Harbour and District Local Aboriginal Land Council and Elders acknowledge that the subject land as being disturbed from previous and existing land uses.</p> <p>The abovementioned parties have identified two areas which may contain deposits of aboriginal cultural heritage origin. Appropriate arrangements will be adopted during the construction phases to ensure the preservation of aboriginal cultural heritage values.</p> <p>A due diligence report and site inspection was carried out on the area to be subject to the additional 31 allotments,</p>

Aim (e) - To ensure that the visual amenity of the coast is protected, and

that report found no evidence of and recorded no aboriginal heritage sites on that part of the land.

The subject land is not located in a prominent location such that it would affect the visual amenity of the coast. The proposed development will provide a low density residential subdivision which will integrate its surrounding environment.

Aim (f) - To protect and preserve beach environments and beach amenity, and

The proposed development is remote from beaches.

Aim (g) - To protect and preserve native coastal vegetation, and

Whilst native vegetation will be removed measures to address and offset this have been identified in the Fauna and Flora Report prepared by JWA.

Aim (h) - To protect and preserve the marine environment of NSW, and

The buffer provided by the open space network and inclusion of stormwater treatment devices for the development has will minimise any potential impacts to the marine environment.

Aim (i) - To protect and preserve rock platforms, and

The proposed development is remote from the coastline and accordingly, it does not provide any adverse impacts upon any rock platforms.

Aim (j) - To manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act,1991, and

The proposed development is cognisant of ecologically sustainable development principles and seeks to minimise any environmental impacts.

Aim (k) To ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and

The proposed development is appropriate for its location and it recognises the environmental values, physical characterises and constraints which apply to the land.

Aim (l) - To encourage a strategic approach to coastal management.

The subject site is zoned for residential purposes under the Coffs Harbour Council's Local Environmental Plan 2000 and Local Environmental Plan 2013. The Plan has been influenced in its making by a range of statutory and strategic documents including the NSW Coastal Policy and the North Coast REP.

b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved;

Existing development does not provide opportunities for public access to and along the coastal foreshore.

The dedication of public open space as part of the Project Approval and provision of connecting pedestrian pathways as part of the proposed development achieves this aim.

c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability;

As above

d) The suitability of development given its type, location and design and its relationship with the surrounding area;

The subject land is zoned for low density residential development. This proposal represents an appropriate outcome for the land having taken into consideration the social, economic and environmental factors relevant to this site.

<p>e) Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore;</p>	<p>The proposed development does not affect the creek foreshores.</p> <p>Residential development will not overshadow the coastal foreshores nor will it affect views from a public place to the coastal foreshore or the creek foreshore.</p>
<p>f) The scenic qualities of the New South Wales coast, and means to protect and improve these qualities;</p>	<p>The proposed development is not visible from the coast.</p>
<p>g) Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats;</p>	<p>Whilst it will be necessary to remove native vegetation to accommodate this development, compensatory planting will be undertaken to mitigate the loss of same.</p>
<p>h) Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats;</p>	<p>No impact on fish habitat or marine vegetation is anticipated.</p>
<p>i) Existing wildlife corridors and the impact of development on these corridors;</p>	<p>The environmental assessment conducted by JWA identified offset planting to enhance potential wildlife corridors within the site.</p>
<p>j) The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards;</p>	<p>The additional 31 lot subdivision is more than 100m from the embankment of the Moonee Creek. This distance is considered to be a significant buffer from future erosion likely to result from water based activities and natural occurrences. The increased cut and fill to the area subject to the Project Approval for 524 allotments is to be adequately remediated with appropriate water quality controls and sediment erosion devices. The land is not within the identified coastal processes or coastal hazards mapping.</p>

k) Measures to reduce the potential for conflict between land-based and water-based coastal activities;	The proposed development promotes appropriate access to the creek foreshore for water based coastal activities – through proposed controlled access points, boardwalks and walking paths as part of the coastal walk network.
l) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals;	<p>The land occupied by the proposed development exists in a modified state. Consultation with the Local and District Aboriginal Land Council and Aboriginal Cultural Heritage Assessment during the preparation of the major project application did not identify any surface material that was considered significant in the location of the proposed 31 lots.</p> <p>Notwithstanding this, two areas of Aboriginal Cultural Heritage interest were identified on the land parcel. Appropriate measures will be implemented during any land disturbing works to ensure protection of Aboriginal Cultural Heritage values.</p> <p>A due diligence report and site inspection was carried out on the area to be subject to the additional 31 allotments, that report found no evidence of and recorded no aboriginal heritage sites on that part of the land.</p>
m) Likely impacts of development on the water quality of coastal waterbodies;	A stormwater quality assessment has been undertaken and a range of treatment measures to be incorporated into the subdivision design are proposed as a result of this assessment.
n) The conservation and preservation of items of heritage, archaeological or historic significance.	<p>No items of heritage or historic significance are located on the site.</p> <p>Notwithstanding this, two areas of Aboriginal Cultural Heritage interest were previously identified on the land parcel during the Major Project assessment. Appropriate measures will be implemented during land disturbance works to ensure protection of Aboriginal Cultural Heritage values. No evidence of Aboriginal heritage sites were located during site inspections for recent due diligence assessment in 2018.</p>
o) Only in cases in which a council prepares a draft local environmental plan that applies to land to which	This matter is not applicable to this proposal.

this Policy applies, the means to encourage compact towns and cities.

p) Only in cases in which a development application in relation to proposed development is determined:

(i) the cumulative impacts of the proposed development on the environment, and

(ii) measures to ensure that water and energy usage by the proposed development is efficient.

The proposed development has been designed having regard to the environmental constraints, sensitivities and opportunities which exist on the subject land. Cumulative impacts upon the environment are therefore unlikely to arise as a result of this development.

The orientation of proposed allotments and the provision of BASIX requirements for new residential dwellings will ensure an appropriate level of energy efficiency (including water and energy usage) is provided.

Appendix J – Geotechnical Report

Appendix K – Aboriginal Cultural Heritage

Appendix L – Owners Consent

Appendix M – Project Approval Plan

Appendix N – Flood Assessment