



Our Ref: DOC20/21200
Your Ref: MP 06_0143 MOD 4

Director Regional Assessments
Department of Planning, Industry and Environment
Planning and Assessment Group
GPO Box 39
Sydney NSW 2001

Attention: Ms Emma Butcher, Planning Officer

Dear Mr Witherdin

Subject: Glades Estate Residential Subdivision (MP06_0143 MOD 4)

Thank you for your e-mail dated 13 January 2020 about the Response to Submissions (RtS) for the Glades Estate Residential Subdivision (MP06_0143 MOD 4), seeking comments from the Biodiversity and Conservation Division (BCD) of the Environment, Energy and Science Group in the Department of Planning, Industry and Environment. I appreciate the opportunity to provide advice.

We have reviewed the RtS dated 5 November 2019 prepared by Resource Design and Management (RDM) and advise that it has not satisfactorily addressed the issues raised in our previous advice on biodiversity. We also have additional comments on Aboriginal cultural heritage impacts and the revised report. These issues are discussed in detail in **Attachment 1** to this letter.

With respect to biodiversity, the RtS does not propose an acceptable additional offset for the loss of the central biodiversity habitat corridor to create the proposed additional 31 residential lots. The RtS does not address the key issue of maintaining adequate north-south habitat connectivity, which was a key consideration in reaching agreement on the design of the approved residential subdivision. In terms of habitat connectivity, the ecological principles that were considered and applied as part of the initial project's assessment remain relevant. The proponent has not responded to the loss of the central corridor by widening the eastern corridor as we previously recommended.

If this cannot be achieved, then we recommend that the modification be refused.

In relation to Aboriginal cultural heritage matters, the BCD notes that the consultation was undertaken for three (3) separate development application matters, which may have caused confusion. The BCD supports the recommendation in the Aboriginal Cultural Heritage Assessment Report to include the Jagun Aged & Community Care in the listed contacts required under condition D13(1) of the project approval.

In summary, the BCD recommends that:

1. The applicant should adjust the subdivision design to increase the width of the eastern habitat corridor so that the impacts of the proposal on habitat connectivity are adequately offset. If this is not achieved, then the modification should be refused. In addressing this recommendation, we recognise that there may be alternative offset configurations that could achieve a wider habitat corridor to the north and east of the development and we would be happy to consider such options.
2. If the alternative corridor arrangement can be satisfactorily addressed, and the modification proposal is supported by the Planning and Assessment Group, then:
 - a. the Preferred Project Report must demonstrate how the approval would be consistent with the current Statement of Commitments (21 and 22) and C8 (1) and (2) relating to areas of remnant vegetation or describe how these would need to be modified as a result of this modification proposal
 - b. Jagun Aged & Community Care be included in the listed contacts required under condition D13(1) of the project approval.
3. The Construction Management Plan be referred to the BCD for review prior to its approval.

If you have any further questions about this issue, Ms Rachel Lonie, Senior Conservation Planning Officer, Biodiversity and Conservation, can be contacted on 6650 7130 or at rachel.lonie@environment.nsw.gov.au.

Yours sincerely

 28 January 2020

DIMITRI YOUNG
Senior Team Leader Planning, North East Branch
Biodiversity and Conservation

Enclosure: Attachment 1. Detailed Biodiversity and Conservation Comments – Response to Submissions for the Glades Residential Subdivision Moonee Beach

Attachment 1: Detailed Biodiversity and Conservation Comments – Response to Submissions for the Glades Residential Subdivision, Moonee Beach

1. Biodiversity

The Biodiversity and Conservation Division (BCD) has reviewed the biodiversity comments in the Response to Submissions (RtS).

The RtS states that: *“substantial work has been undertaken to assess the impact of the proposed native vegetation removal within the central corridor and to provide an alternate regime of habitat enhancement works elsewhere within the Glades Estate to offset this loss. Given the opposition to the proposed habitat enhancement works, we seek the Departments further advice regarding alternative measures (which would not result in the loss of existing approved allotments) to offset the loss of the central vegetation corridor. It is noted that the Rothwell Boys Pty Ltd seek to resolve this outstanding matter as soon as possible. Accordingly, we seek the Departments extension of time and opportunity to explore all other possible options with the Department before a final decision is made concerning this matter.”*

To offset the loss of the central corridor, the proponent continues to rely on habitat embellishment works within the existing approved offset area in the east. As discussed in our previous advice dated 31 May 2019, such ecological restoration and environmental works are already required under the existing approval. Hence, the proposed offset is not acceptable as it does not provide any additional offsets.

The RtS does not address the key issue of maintaining adequate north-south habitat connectivity which was a key consideration in reaching agreement on the design of the approved residential subdivision. In terms of habitat connectivity, the ecological principles that were considered and applied as part of the initial project’s assessment remain relevant. The proponent has not responded to the loss of the central corridor by widening the eastern corridor as we recommended.

We recognise that this would require the loss of some of the lots in the east, but this would be the natural consequence of substituting the existing central corridor for additional lots and the resulting need to provide an offset for this loss that adequately compensates for the loss of the central corridor and the connectivity values it provides.

Alternative offsetting arrangements, such as calculating biodiversity credits for the loss and retiring the credits, are not appropriate given that sustaining adequate north-south habitat connectivity through the subject land is the key ecological issue that needs to be addressed.

Our previous advice recommended that if the proposed modification was supported, that:

- a. An area that is equal to or greater in size to the central corridor area (defined as the ‘subject land’ in the Section 75W report dated April 2019) be protected and managed for conservation purposes in the eastern part of The Glades Estate site.
- b. The additional conservation area should maximise the width of the riparian corridor, and, in particular, achieve at least a 100 m width to Moonee Creek and at least 50 m width for Skinners Creek, in accordance with the riparian zone requirements in Section E1 of the Coffs Harbour City Council Development Control Plan (DCP).

The BCD recommends that the applicant should adjust the subdivision design to increase the width of the eastern habitat corridor so that the impacts of the proposal on habitat connectivity are adequately offset. If this is not achieved, then the modification should be refused.

In addressing this recommendation, we recognise that there may be alternative offset configurations that could achieve a wider habitat corridor to the north and east of the development and we would be happy to consider such options.

2. Aboriginal Cultural Heritage

The BCD has reviewed the Aboriginal cultural heritage comments in the RtS for the proposed modification. We note a revised Aboriginal Cultural Heritage Assessment Report (ACHAR) has been submitted that includes more detail on the consultation process undertaken to inform the original January 2019 version of the ACHAR.

No evidence was provided to indicate that any additional consultation was undertaken to inform the Aboriginal cultural heritage values of the area. We note the proposed survey methodology for this modification was forwarded to the Registered Aboriginal Parties (RAPs) to the project. However, the survey methodology provided to the RAPs related to three (3) separate development application matters, which may have caused confusion.

The BCD supports the recommendation in the ACHAR to include the Jagun Aged & Community Care in the listed contacts required under D13(1) of the project approval.

The revised documentation provided was silent on any potential implications of the proposed modification on the current Statement of Commitments (SOCs) (21 and 22) and C8 (1) and (2) relating to areas of remnant vegetation. The documentation needs to demonstrate how it would be consistent with the current SOC's or describe how the current SOC's would need to be modified as a result of this proposal.

The BCD would welcome the opportunity to review the Aboriginal cultural heritage section of the proposed Construction Management Plan prior to its approval.