



Our Ref: DOC20/459634  
Your Ref: MP 06\_0143 MOD 4

Director Regional Assessments  
Planning and Assessment Group  
Locked Bag 5022  
Parramatta NSW 2150

Attention: Ms Ella Wilkinson, Planning Officer Regional Assessments

Dear Mr Roberts

**RE: Glades Estate Residential Subdivision (MP 06\_0143 MOD 4) – Response to Submissions**

Thank you for your e-mail dated 12 June 2020 about the Response to Submissions for the Glades Estate Residential Subdivision Major Project modification at Moonee Beach seeking comments from the Biodiversity and Conservation Division (BCD) of the Environment, Energy and Science Group in the NSW Department of Planning, Industry and Environment. I appreciate the opportunity to provide input.

The BCD was formerly part of the Office of Environment and Heritage, but now forms part of a Group that has responsibilities relating to biodiversity (including threatened species and ecological communities, or their habitats), Aboriginal cultural heritage, National Parks and Wildlife Service estate, climate change, sustainability, flooding, coastal and estuary matters.

We have reviewed the documents supplied and provide advice on biodiversity, Aboriginal cultural heritage and flood risk management issues as discussed in detail in **Attachment 1** to this letter.

For biodiversity, the potential for impacts on the retained wildlife corridor from the extent of cut and fill in the vicinity of the corridor area and the measures to avoid and minimise such impacts do not appear to have been addressed.

For Aboriginal cultural heritage, consultation on the proposed earthworks does not appear to have been fully undertaken with the Aboriginal community.

Finally, for flood risk management, the BCD has no issues to raise on the removal of Condition D6.2.

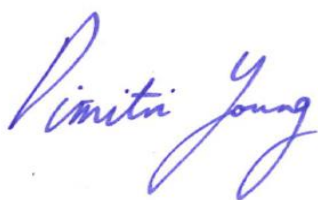
In summary, the BCD recommends that:

1. The potential impacts of the proposed earthworks on the central wildlife corridor should be assessed and the works designed to undertaken to ensure there will no adverse impact on the corridor.
2. Planning and Assessment Group should review the following original conditions of consent and ensure that the proposal will not impact on the ability for these conditions to be fully met:
  - B13 Detailed Landscape Plans

- B15 Vegetation Management Plan
  - D3 Protection of Trees and Vegetation – On Site
  - C9 Procedures prior to Vegetation and Tree Clearing
  - C10 Fencing of riparian buffer zones, habitat areas and corridors.
3. The Preferred Project Report should 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.
  4. All registered Aboriginal parties (including the Coffs Harbour & District Local Aboriginal Land Council and the Jagun Aged & Community Care group) should be fully consulted on the modification proposal including being provided with all relevant and detailed plans such as the proposed Earthworks Plan prior to any approval being given.
  5. The Jagun Aged & Community Care should be included in the listed contacts required under condition D13(1) of the project approval.

If you have any questions about this advice, please do not hesitate to contact Ms Rachel Lonie, Senior Conservation Planning Officer, at [rachel.lonie@environment.nsw.gov.au](mailto:rachel.lonie@environment.nsw.gov.au) or 6650 7130.

Yours sincerely



30 June 2020

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

Enclosure: Attachment 1. Detailed BCD Comments – Glades Estate Residential Subdivision (MP 06\_0143 MOD 4) – Response to Submissions

**Attachment 1: Detailed BCD Comments – Glades Estate Residential Subdivision (MP 06\_0143 MOD 4) – Response to Submissions**

The Biodiversity and Conservation Division (BCD) has been provided with a Response to Submissions (RTS) prepared by Resource Design and Management (RDM) dated 25 May 2020. The RTS advises that the proponent no longer seeks a modification to reconfigure the subdivision pattern to include an additional 31 lots on an area of land previously occupied by the wildlife corridor or changes to the noise attenuation measures. The application now only relates to the bulk earthworks and seeks to delete condition 6(2) which relates to stormwater treatment infrastructure (e.g. swales and basins).

The application states that there have been minor adjustments made to the proposed bulk earthworks plan which accompanied RDM’s submission on 9 April 2019, Plan Reference 10046-99 dated 16 January 2018. These minor adjustments have been necessary to retain the central vegetation corridor which was previously identified for development.

**1. Biodiversity**

The BCD supports the retention of the central corridor as a wildlife corridor. However, we have several issues with the extent of cut and fill in its vicinity. A comparison of the earthworks plans is provided below:

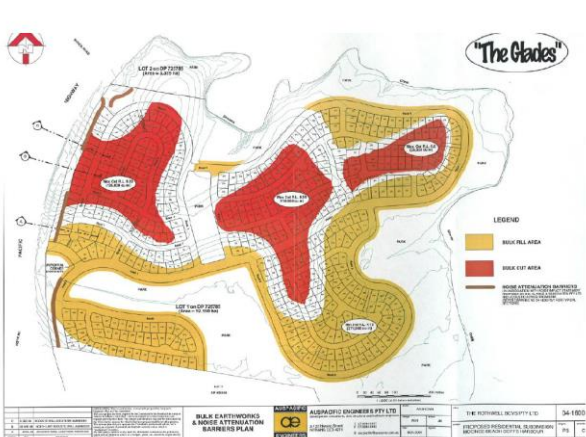


Figure 14: Approved Bulk Earthworks MP06-0143

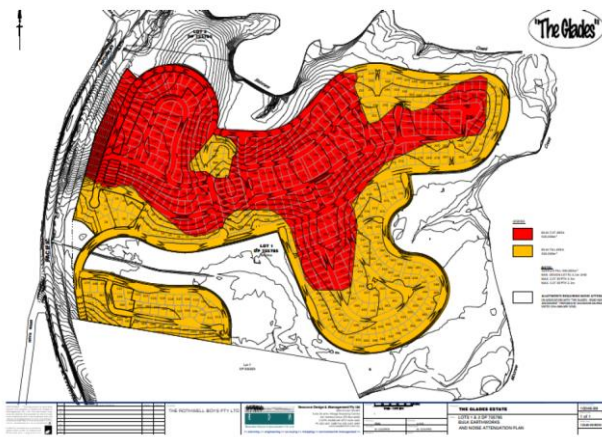
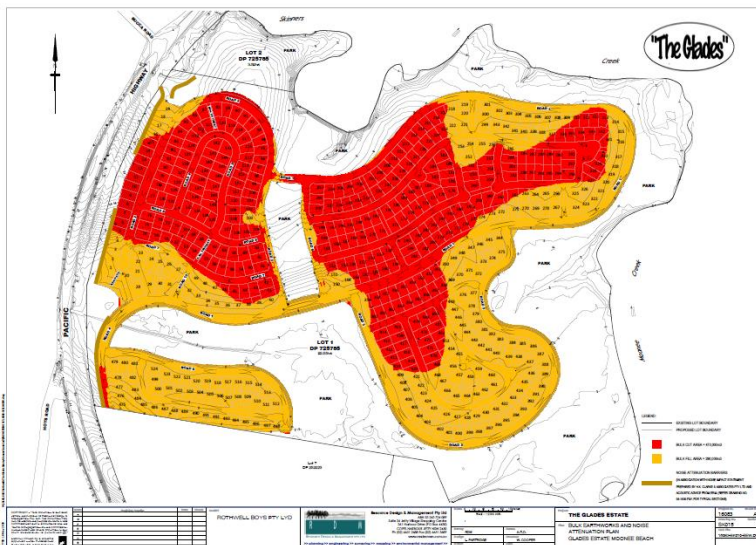


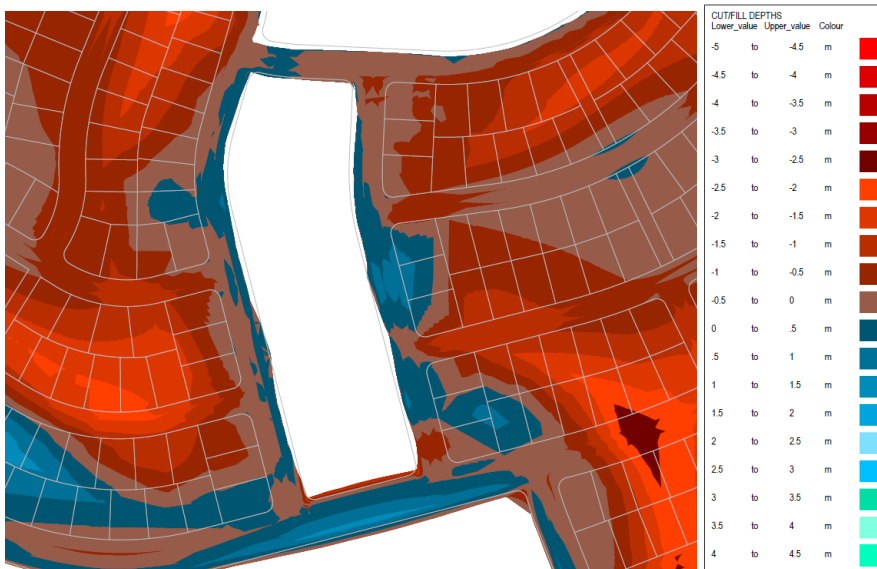
Figure 16: Proposed Bulk Earthworks MP06-0143 MOD 4

**Figure 1. Approved Bulk Earthworks Plan MP06\_0143 (on left). Figure 2. As proposed in original MOD 4 submission dated 9th April 2019 (on right).**



**3. New proposed Bulk Earthworks Plan (Dwg No. SK 015)**

The approved amount of cut was 274,000 m<sup>3</sup> (29,000 + 110,000 + 135,000) and 274,000 m<sup>3</sup> of fill. The proposed new Bulk Earthworks and Noise Attenuation Plan (Dwg No. SK 015) shows a bulk cut area of 470,000m<sup>3</sup> and a bulk fill area of 290,000m<sup>3</sup>. This proposal therefore has an additional 16,000 m<sup>3</sup> of fill. Most importantly, in terms of the retention and protection of the central corridor the extent of earthworks is much greater and extends to the retained corridor land. The plan showing the level differences between the approved plan and proposed plan (Dwg No. SK013) describes 0.5 to 1m of fill around the perimeter of the corridor (see Figure 4 below).



**Figure 4. Extracts from Level Differences Between the Approved Plan and Proposed Plan Dwg No. SK013**

No assessment has been made about whether the proposed earthworks will impact on the retained central corridor or how impacts can be avoided and minimised.

There were several consent conditions for MP06\_0143 that involved the protection and restoration of habitat areas across the site. These were:

- B13 Detailed Landscape Plans
- B15 Vegetation Management Plan
- D3 Protection of Trees and Vegetation – On Site
- C9 Procedures prior to Vegetation and Tree Clearing
- C10 Fencing of riparian buffer zones, habitat areas and corridors

#### *BCD Recommendations*

1. The potential impacts of the proposed earthworks on the central wildlife corridor should be assessed and the works designed to undertaken to ensure there will no adverse impact on the corridor.
2. Planning and Assessment Group should review the following original conditions of consent to ensure that the proposed modification will not impact on the ability for these conditions to be fully met:

- B13 Detailed Landscape Plans
- B15 Vegetation Management Plan
- D3 Protection of Trees and Vegetation – On Site
- C9 Procedures prior to Vegetation and Tree Clearing
- C10 Fencing of riparian buffer zones, habitat areas and corridors

## 2. Aboriginal cultural heritage

The assumption in the further RTS dated 25 May 2020 that the Aboriginal cultural heritage issues previously identified by the BCD do not need to be addressed due to the reconfiguration of the central corridor is incorrect. The proposal still involves a modified bulk earthworks plan with changes to the extent of cut and fill across the site. Consultation with the Coffs Harbour & District Local Aboriginal Land Council and the Jagun Aged & Community Care group should still be undertaken.

The Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared by ERM dated 30 October 2019 provided in the RTS report dated 28 January 2020 referred to a request from the Jagun Aged & Community Care group to view the detailed drawings showing the extent of cut and fill. The ACHAR stated that the detailed drawings had not been completed at that time and were not available (p8). The ACHAR recommended providing cut and fill drawings to Jagun post approval once the detailed design had been completed. The BCD does not consider that this consultation should be delayed until post approval.

### *BCD Recommendations*

3. The Preferred Project Report should 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.
4. All registered Aboriginal parties (including the Coffs Harbour & District Local Aboriginal Land Council and the Jagun Aged & Community Care group) should be fully consulted on the modification proposal including being provided with all relevant and detailed plans such as the proposed Earthworks Plan prior to any approval being given.
5. The Jagun Aged & Community Care should be included in the listed contacts required under condition D13(1) of the project approval.

## 3. Flood risk management

The BCD has reviewed the proposed changes to the conditions of consent and provides the following advice:

- Condition D6.1 – The applicant agrees with proposed amended condition. The BCD raises no issue.
- Condition D6.2 – The applicant requests the removal of this condition and has supporting advice from the Coffs Harbour City Council. The condition relates to Water Sensitive Urban Design and is more a water quality issue than a flood risk issue. The BCD has no issues with the removal of this condition.
- Condition E16 Fill Contour Plan – This condition relates to submission of plans for a Subdivision certificate. This is not a flood issue and the BCD has no comment.