



Our Ref: 16083-LE130720
Contact: Matt Cooper

13 August 2020

Ms Ella Wilkinson
Regional Assessments
NSW Department of Planning & Environment
GPO BOX 39,
SYDNEY, NSW 2001

Dear Ella,

**RE: SECTION 75W MODIFICATION – MP06_0143_MOD4
THE GLADES ESTATE, MOONEE BEACH**

With regard to your email dated the 17th of July 2020 seeking further comment in relation to several outstanding matters, please find attached our responses to same in Appendix A.

Please note that the accompanying response includes reference to the following documentation which is included in Appendix B.

- a) Coffs Harbour City Council letter dated the 20th of June 2016 (Ref:1515900PN)
- b) Biodiversity and Conservation Division (BCD) letter dated the 28th of January 2020 (Ref. DOC20/21200)

We trust that the accompanying submission will permit the Department to finalise their assessment. Should you wish to discuss this submission, please do not hesitate to contact Mr Bill Sarkis on 9929 5000.

Yours faithfully

RESOURCE DESIGN & MANAGEMENT PTY LTD

Matt Cooper
Associate

Appendix A – Response to DPE Matters

Correspondent	Issues Raised	RDM’s Response
<p>Department of Planning, Industry & Environment (DPIE) (Email 170720)</p>	<p><u>Proposed deletion of condition D6.2 and second sentence of condition E16:</u></p> <ul style="list-style-type: none"> ▪ <i>It is noted in the original assessment report that the reference to fill platforms in southern open space areas were included as part of conditions D6.2 and E16, to mitigate potential impacts on the groundwater table.</i> 	<ul style="list-style-type: none"> ▪ Condition D6(2) states: <i>“Fill platforms must be set at a minimum of 2 metres above the 1 in 100 year flood level or the water table (whichever is the higher) in the southern open space areas that contain stormwater infrastructure, in accordance with the Auspacific Engineers advice dated 4 April 2008.”</i> <p>Condition E16 states:</p> <p><i>“Prior to the release of a Subdivision Certificate for the first state of the project to be released a final contour plan shall be submitted to Council showing the location, depth and type of fill located on the site. This shall include fill platforms of minimum of 2 metres above the 1 in 100 year flood level or the water table (whichever is the higher) in the southern open space areas that contain stormwater infrastructure, in accordance with Auspacific Engineers advice dated 8 April 2008.”</i></p> <p>Section 6.9 of the Departments Assessment Report (dated February 2009) refers to Auspacific Engineers report concerning the existing water table and fill platforms.</p> <p>An extract from Auspacifics advice (dated 4 April 2008) concerning bulk earthworks and the placement of fill in parts of the site that are subject to “high water table” is repeated as follows:</p>

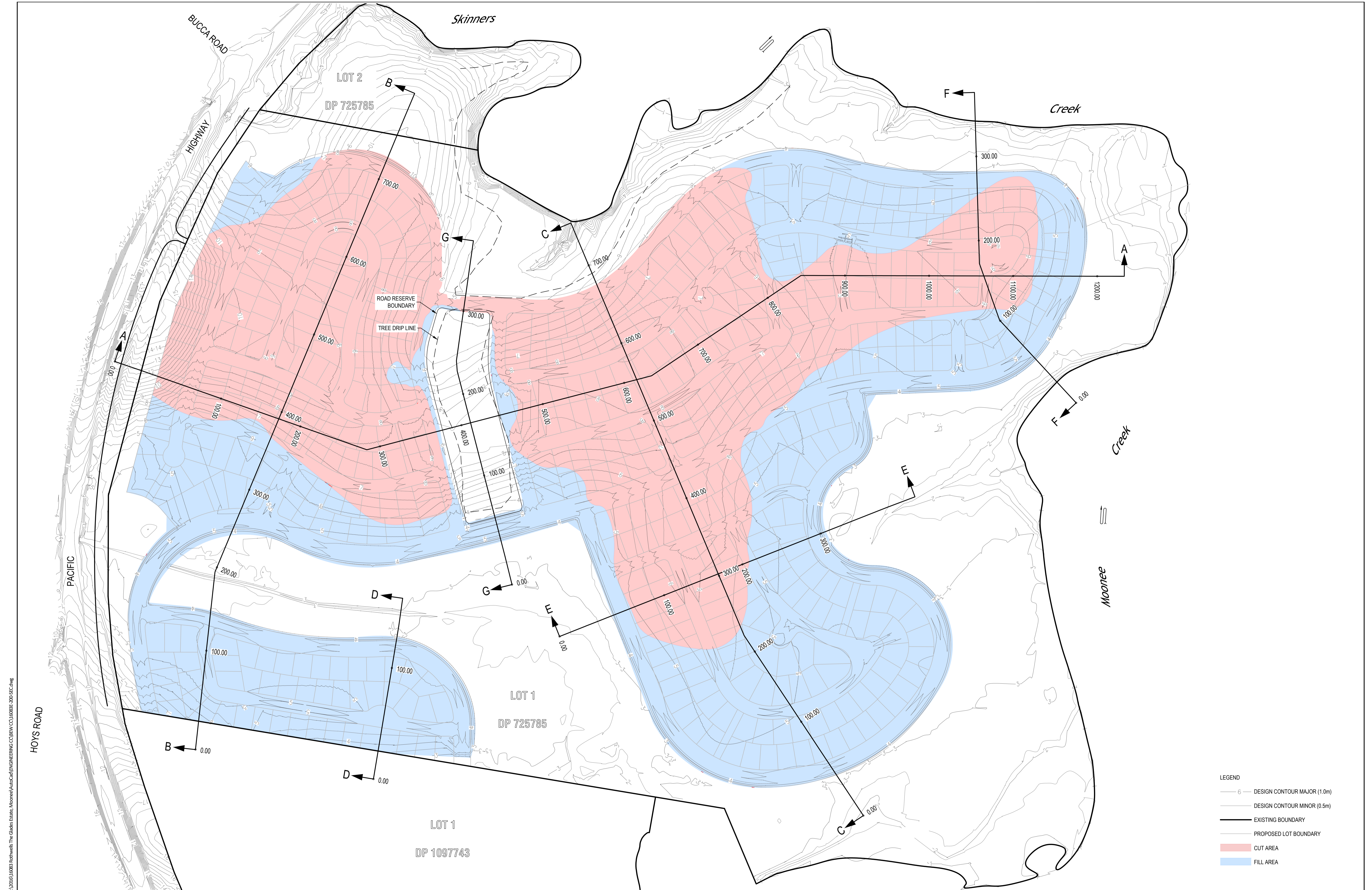
Correspondent	Issues Raised	RDM’s Response
	<ul style="list-style-type: none"> ▪ <i>It is requested that information is provided to justify the proposed deletion of condition D6.2 and reference to fill platforms in E16, given the proposal relates to an amendment to the bulk earthworks plan on the basis of an amended flood study, which doesn’t appear to relate to fill levels in the southern open space areas and protection of groundwater.</i> 	<p><i>“A supplementary geotechnical assessment of the site has been carried out by Coffey Geosciences Pty Ltd (refer ATTACHEMENT A – Response to Information Request from NSW Department of Planning dated 1 April 2008).</i></p> <p><i>Earthworks fill platforms are proposed over existing low lying and predominantly flood free (Q100) areas in precincts 2 and 3. The fill platforms will enable the discharge of underground stormwater drainage into bio retention swales for treatment and to ultimately discharge onto the existing surface as sheet flow without any disturbance to the existing water table or surrounding environs. To protect these sensitive areas it will be necessary for fill platforms to be set at levels 2 to 3 metres above the 1% (1 in 100 year) flood levels and the water table. (refer ATTACHMENT B – Cardno Lawson Treloar correspondence dated 11 March 2008 & Coffey Geotechnics correspondence dated 26 June 2006.”</i></p> <ul style="list-style-type: none"> ▪ Council’s response (letter dated the 20th of June 2016) supports the removal of Condition D6.2 and the removal of the second sentence of E16 as they refer to out of date information. Council’s response is informed by updated flood information being Martens Consulting Flood Assessment report. <p>It is noted that Martens Consulting Flood Assessment has been used by RDM to derive proposed earthworks levels for the subject site. RDM’s bulk earthworks levels for the southern open space areas that contain stormwater</p>

Correspondent	Issues Raised	RDM's Response
		<p>infrastructure have not changed since Council's assessment referred to in their letter dated the 20th of June 2016.</p> <p><i>Note: Council's letter 20th of June 2016, should in fact be 20th of June 2019.</i></p>
	<p><u>Earthworks in vicinity of the vegetation corridor:</u></p> <ul style="list-style-type: none"> ▪ <i>Based on the information provided, it is our understanding that levels around the corridor appear to align with the existing topography on the site, except along the southern corridor boundary.</i> ▪ <i>On this basis, it is requested that further clarity is provided in relation to the corridor and how it will be integrated into the surrounding landscape.</i> 	<ul style="list-style-type: none"> ▪ The attached drawings show longitudinal sections through the site, demonstrating that the roads surrounding the central vegetated corridor generally match the existing ground levels within the vegetated corridor, that is, apart from the southern edge of the vegetated corridor. <p>The proposed road level along the southern edge of the vegetated corridor is however consistent with the fill level of 4.75m required by Condition D6(1) MP06_0143 dated the 5th of March 2009.</p> <p>Notably, longitudinal Section G, (Plan Reference 16083-E-CC204) shows the revised road levels at this location to be 5m (approx.) which is approximately 0.25m higher than what is required by current Condition D6(1). This minor height difference is necessary to satisfy Council's road and drainage design standards.</p> <ul style="list-style-type: none"> ▪ Please refer to RDM's Bulk Earthworks Plans 16083E-CC200 to 16083E-CC204. <p>Please note that CC201 & CC204 include Longitudinal Sections A & G which show the position of the internal road reserve surrounding</p>

Correspondent	Issues Raised	RDM’s Response
	<ul style="list-style-type: none"> ▪ <i>An indicative plan demonstrating cross sections would assist to outline how the land will undulate and integrate into the proposed surrounding levels and proposed mitigation or management of any identified impacts, such as stormwater runoff (if applicable).</i> ▪ <i>Similarly, an indication of the potential impacts on the structural root zones of existing vegetation identified for retention within the corridor would be appreciated and if there is any required mitigation (if applicable).</i> 	<p>the vegetated corridor along with the existing and proposed bulk earthworks levels at their interface.</p> <p>As demonstrated on each Longitudinal Section, the bulk earthworks levels at the road reserve/vegetated corridor interface for the western, northern and eastern alignments coincide with the natural ground level at that location. The bulk earthworks level for the southern alignment remains consistent with the bulk earthworks level approved under MP06-0143.</p> <ul style="list-style-type: none"> ▪ With regard to the stormwater runoff at the northern and southern ends of the vegetated corridor, this will be conveyed under the proposed road through suitably designed culverts. This arrangement is consistent with the approved stormwater strategy and in accordance with Council’s requirements ▪ RDM’s Bulk Earthworks Plans (attached as 16083E-CC200 to 16083E-CC204) shows the interface between the central vegetation corridor and the road reserve boundary. Please refer to Longitudinal Section A & G. <p>With regard to 16083 E-CC200, the drip line of the existing vegetation is also shown relative to the approved road reserve.</p> <p>With reference to the above:-</p> <ul style="list-style-type: none"> a) Any impact to existing vegetation (structural root zones) at the southern interface will be

Correspondent	Issues Raised	RDM's Response
	<ul style="list-style-type: none"> ▪ <i>Dependent upon the above, could any changes that might be required in relation to existing conditions B13, B15, D3, C8, C9 and C10 and Statement of Commitments No. 21, also be outlined.</i> 	<p>unlikely due to the distance which separates the vegetation drip line and the extent of fill to be placed relative to same. Please refer to 16083 E-CC204.</p> <p>b) Any impact to the existing vegetation (structural root zones) along the western, northern and eastern interfaces will be unlikely as earthworks levels within the vegetation corridor match the natural ground level.</p> <p>Whilst it is considered unlikely that the structural root zone (of vegetation within the central vegetation corridor) would be impacted, it is noted that Condition D3 provides a range of safeguard against damage to same.</p> <ul style="list-style-type: none"> ▪ Having regard to the above response, changes to existing Conditions B13, B15, D3, C8, C9, and C10 and Statement of Commitments No. 21 are not warranted.
	<p><u>Aboriginal Cultural Heritage:</u></p> <ul style="list-style-type: none"> ▪ <i>It is noted in EES's submission dated 31 May 2019, that further consultation was requested to be undertaken with Registered Aboriginal Parties (RAP) to determine the Aboriginal Cultural Heritage (ACH) values of the site.</i> 	<ul style="list-style-type: none"> ▪ Following a review of ERM's amended assessment report a subsequent response was prepared by the Biodiversity and Conservation Division (BCD) of the Environment, Energy and Science Group. Please find attached BCD's letter dated the 28th of January 2020.

Correspondent	Issues Raised	RDM’s Response
	<ul style="list-style-type: none"> ▪ <i>It is noted that the Response to Submissions outlined that as “The proposed modification (Mod 4) has withdrawn the reconfiguration of the central corridor. Because of same, there will be no impact to the central corridor”.</i> ▪ <i>In the original ACH Assessment Report (ACHAR) provided to support the application, it was noted that RAPs raised questions regarding the proposed bulk earthworks on the site. As such, the Department requires that full consultation with RAPs, including the proposed bulk earthworks plan, be undertaken.</i> <p><i>The cross-section drawings mentioned above, may also assist the RAPs during this consultation.</i></p> <p><i>In regard to this request, could you please provide updates as to the status of this consultation, throughout the process. Additionally, Council may have a Liaison Officer that may be able to assist in this process.</i></p>	<p>With regard to BCD’s response, it is noted that in relation to Aboriginal Cultural Heritage, BCD confirm that no additional consultation is required and recommends that Jagen Aged & Community Care are included in the listed contacts required under D13(1) of the project approval.</p> <ul style="list-style-type: none"> ▪ The withdrawal of the proposed 31 residential lots from the Central corridor will return the development footprint to the area which is approved under MP06-0143. Accordingly, there will be no impact to the vegetated corridor. ▪ This matter is no longer relevant due to: - <ul style="list-style-type: none"> a) the withdrawal of the central corridor from the proposed modification. b) BCD’s letter dated the 28th of January 2020, which supports the inclusion of Jagen Aged & Community Care into Condition D13(1)



LEGEND

- 6 — DESIGN CONTOUR MAJOR (1.0m)
- 0.5m — DESIGN CONTOUR MINOR (0.5m)
- EXISTING BOUNDARY
- PROPOSED LOT BOUNDARY
- CUT AREA
- FILL AREA

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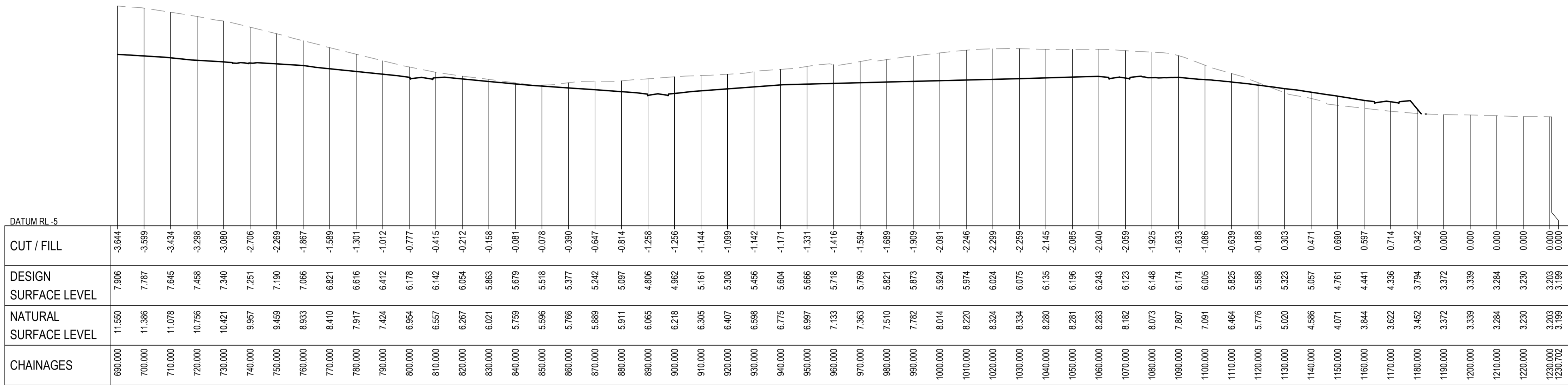


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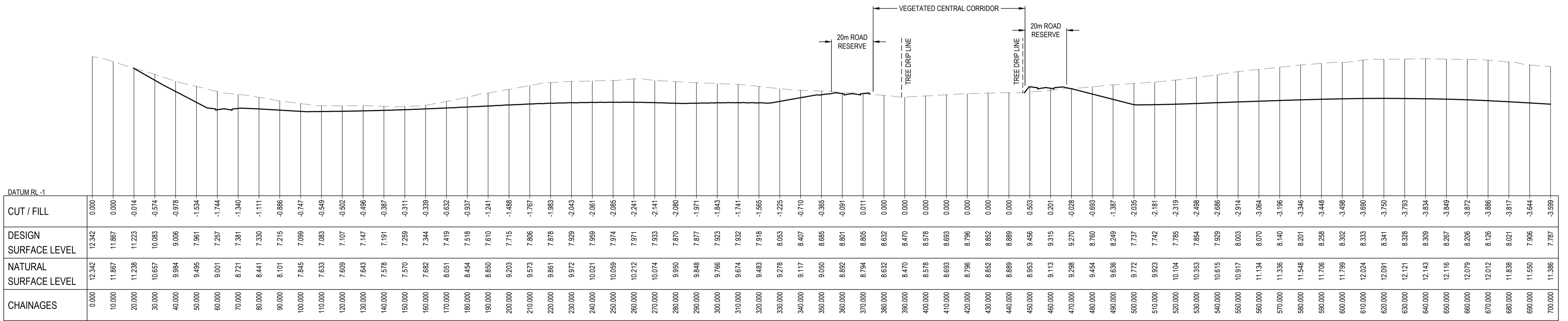
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Design W.COOPER	Checked
Drawn B.HAY	Date 24.07.2020

Project **THE GLADES ESTATE - BULK EARTHWORKS**
 Title **SECTIONS PLAN**
LOT 1 DP 725785
PACIFIC HIGHWAY - MOONEE BEACH

Project ID. 16083	Sheet Size A1
Drawing No. E-CC200	Revision 0
CAD File 16083E-200-SEC.DWG	



LONGITUDINAL SECTION - SECTION A



LONGITUDINAL SECTION - SECTION A

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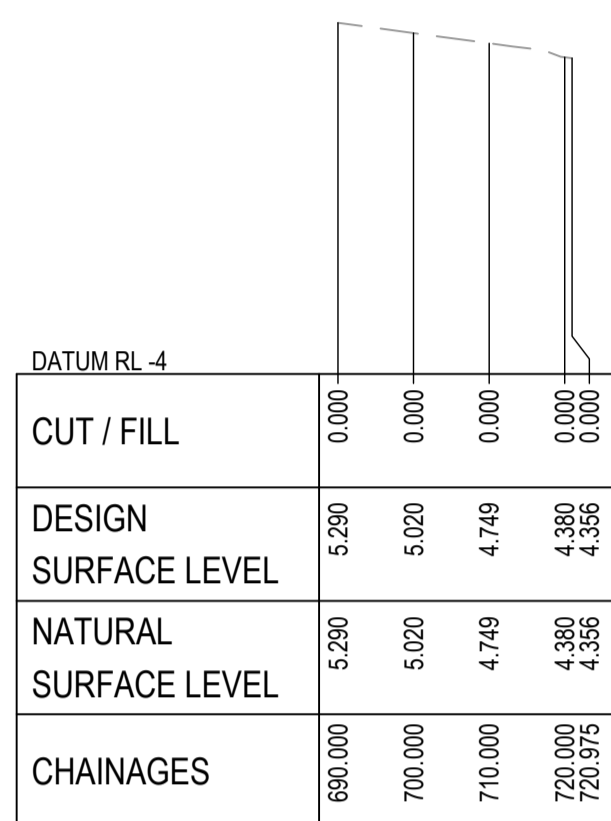
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Design W.COOPER	Checked
Drawn B.HAY	Date 24.07.2020

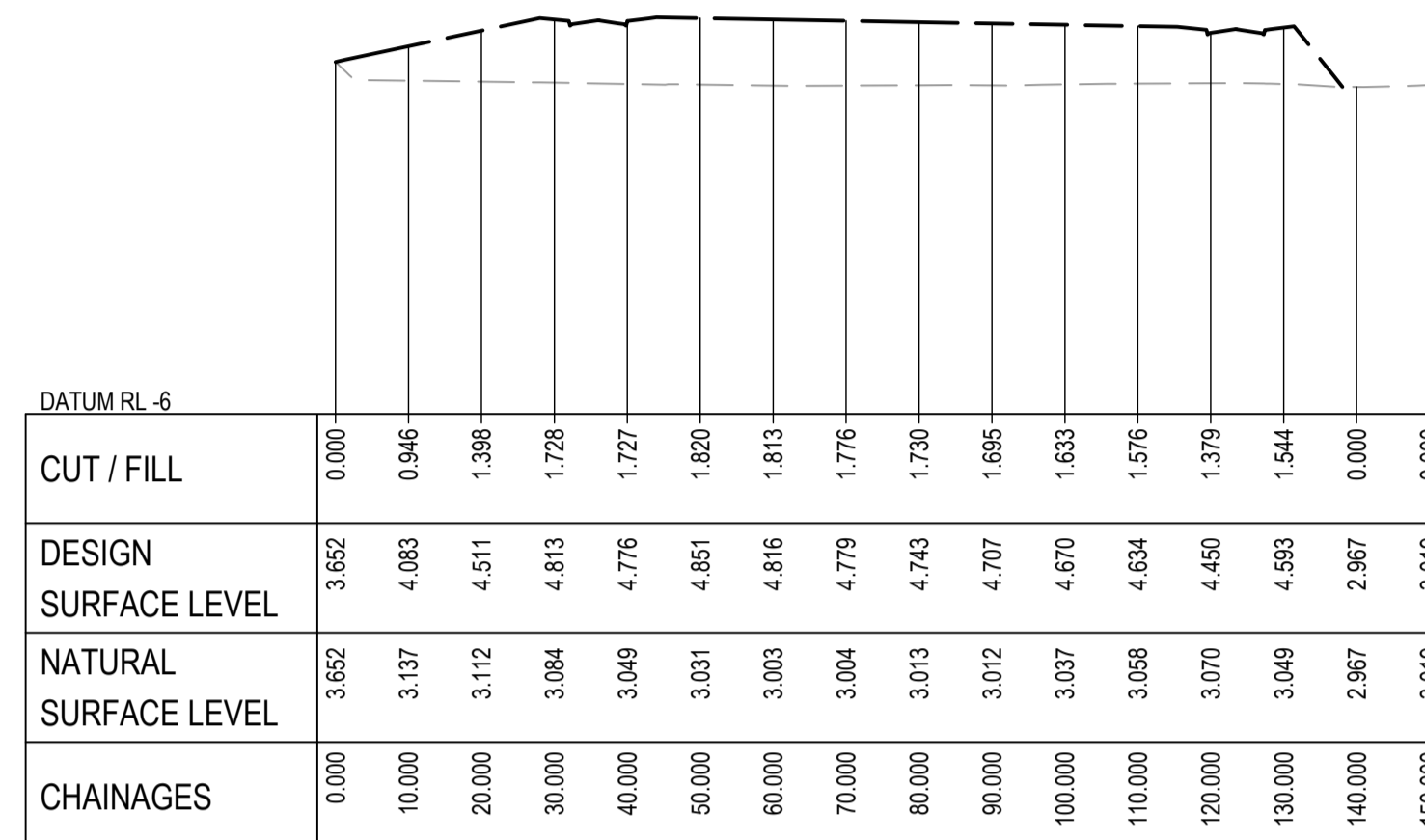
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LOT 1 DP 725785
PACIFIC HIGHWAY - MOONEE BEACH

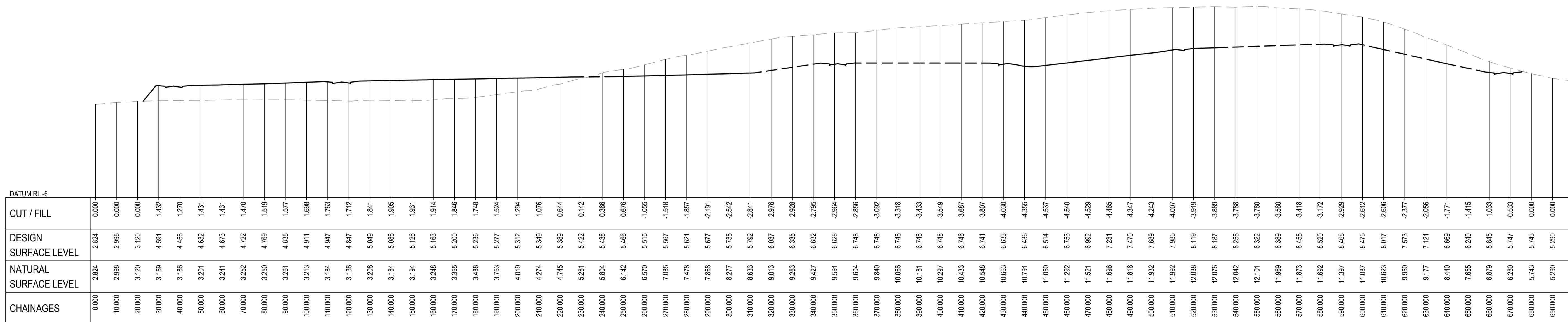
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LONGITUDINAL SECTION - SECTION C



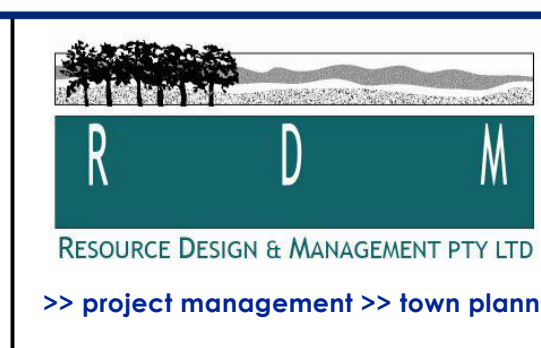
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LONGITUDINAL SECTION - SECTION C

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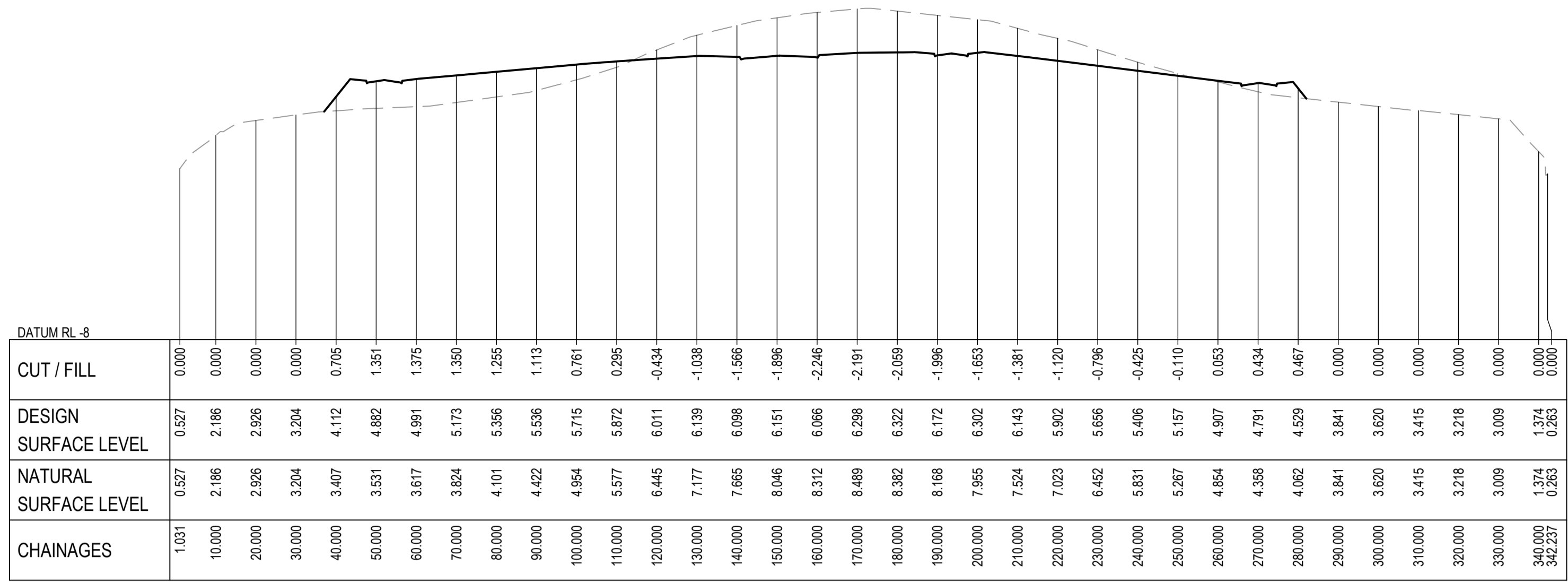
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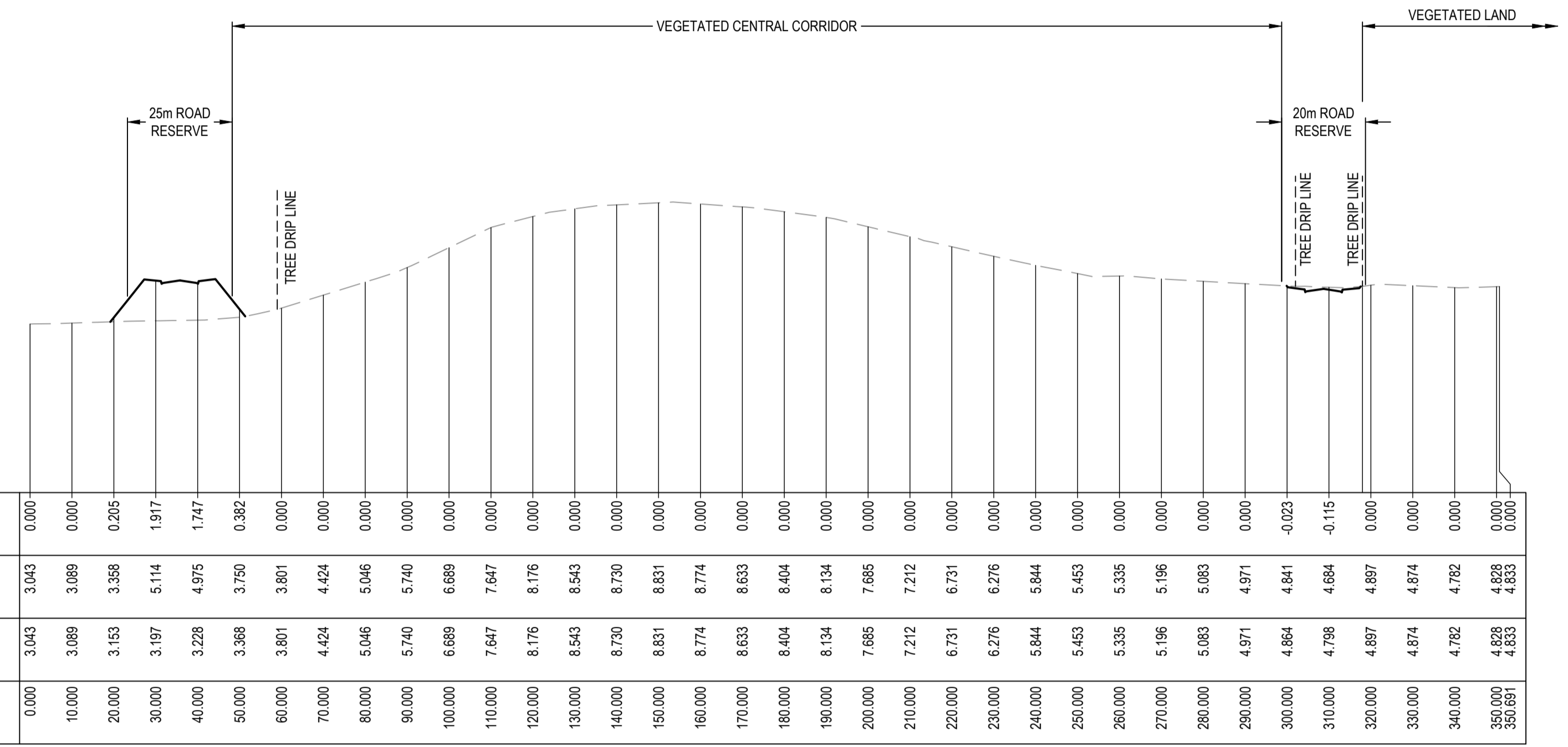
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LOT 1 DP 725785
PACIFIC HIGHWAY - MOONEE BEACH

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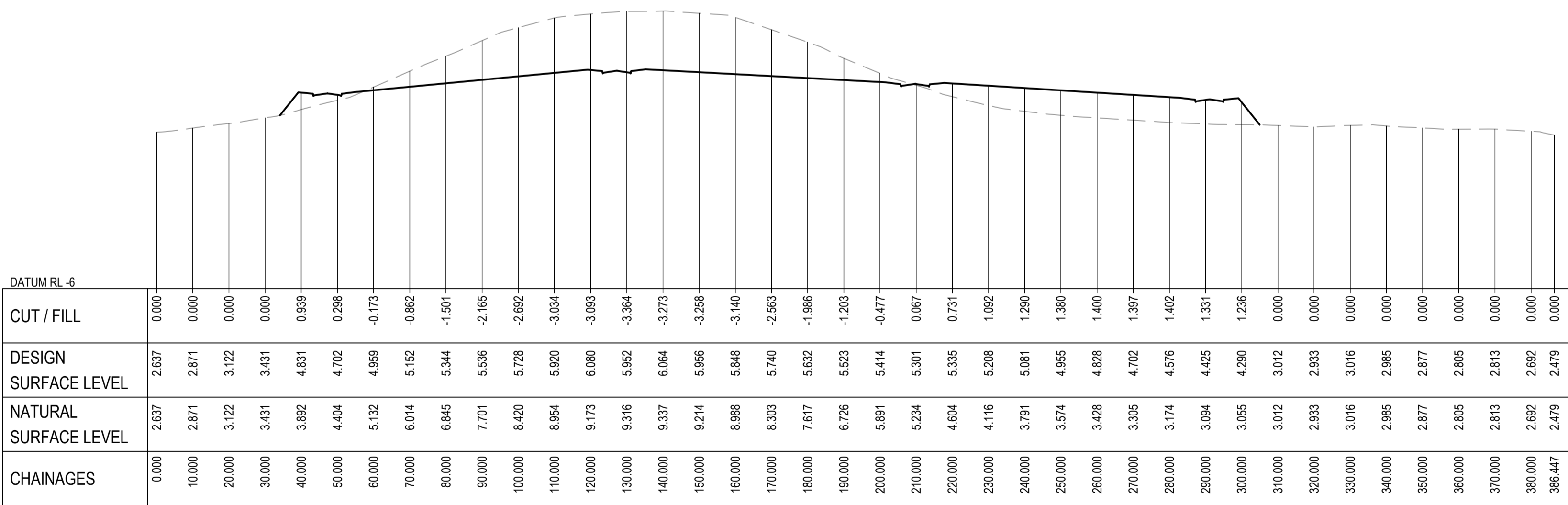
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LONGITUDINAL SECTION - SECTION F



LONGITUDINAL SECTION - SECTION G



LONGITUDINAL SECTION - SECTION E

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Scale 1:200 VERT.	Scale 1:200 VERT.
Survey RDM	Datum AHD
Design W.COOPER	Checked
Drawn B.HAY	Date 24.07.2020

Project **THE GLADES ESTATE - BULK EARTHWORKS**

Title **LONGITUDINAL SECTION - E, F & G**
LOT 1 DP 725785
PACIFIC HIGHWAY - MOONEE BEACH

Project ID. 16083	Sheet Size A1
Drawing No. E-CC204	Revision 0
CAD File 16083E-200-SEC.DWG	

Appendix B – Correspondence (Submissions)



Your ref: MP 06_0143 MOD 4)
Our ref: (1515900PN)

20 June 2016

NSW Department of Planning and Environment
Attention: Ms E Butcher
Emma.Butcher@planning.nsw.gov.au

Dear Sir/Madam,

**Response to Notification of Exhibition MP 06_0143 MOD 4 – Glades Estate
Lots 1 and 2 DP 725785, Pacific Highway, Moonee Beach**

Reference is made to the above modification to the Glades Estate.

Council has reviewed the information submitted to the Department and the following advice is provided for your consideration:

Flora and Fauna:

It is understood from the submitted documentation that the proposed modification seeks to reconfigure the approved subdivision pattern to create an additional 31 lots, which are proposed in an area approved as part of the Major Project to be retained and protected as open space to provide a wildlife corridor.

The area of vegetation proposed to be removed is understood to be 1.75 hectares. It is noted that the retention of the 'Central Wildlife Corridor' was required as part of a network of open space intended to connect northern and southern buffer zones and habitat areas and which forms part of a regional corridor that was mapped by the NSW Office of Environment and Heritage (NPWS Key Habitats and Corridors database). Together with conditions of consent to consider fauna crossings and the creation of a Vegetation Management Plan (VMP) the Major Project approval clearly intended that the central corridor was part of a comprehensive strategy to retain, protect and rehabilitate wildlife corridors and habitat.

The current application bases much of the justification for the removal of the central wildlife corridor on proposed additional revegetation and rehabilitation works. Condition 815 of the Major Project approval required a detailed VMP be prepared to the satisfaction of the certifying authority. This Plan has yet to be submitted, however, 'Plan 4 Vegetation Management' as submitted in the original DA (see Figure 1 below) gives an indication of the areas proposed to be rehabilitated or replanted.

When compared to the proposed offset areas plan as shown in MP 06_0143 MOD 4 – from Appendix C Flora and Fauna Assessment (see figure 2 below), there is no perceptible difference in

the areas available for rehabilitation or replanting. As such, the suggestion that additional revegetation and rehabilitation works will occur to account for the additional loss of the central wildlife corridor is not accepted. It is Council view that the proposed rehabilitation outcomes (as put forward in new condition 815A) will not provide any significant habitat or connectivity enhancement in addition to what is already required by the Major Project approval conditions.

Council considers that the only adequate offset for the loss of the central corridor would be to significantly increase the width of the eastern corridor adjoining Skinners and Moonee Creek. This would then also assist to meet the riparian zone requirements in Section E1.3 of the Coffs Harbour City Council Development Control Plan 2015, which specifies a riparian buffer of 50 metres for Skinners Creek and 100 metres for Moonee Creek. It is noted that this would require the loss of residential lots in the eastern part of the subdivision, however, it would assist to maintain water quality, aquatic and terrestrial habitat and provide an adequate and viable wildlife corridor.

In addition to biodiversity impacts, the Central Wildlife Corridor provides a valuable amenity and open space for the surrounding subdivision.

In summary, Council does not support the proposed removal of the central wildlife corridor. If, however, the Department is of the view that this proposal can be supported Council recommends the following:

- An area that is equal to or greater in size to the central wildlife corridor area (shown as 1.75ha) be protected and managed for conservation purposes in the eastern part of the Glades Estate site.
- The additional conservation area should maximise the width of the riparian corridor, and achieve at least a 100 metre width to Moonee Creek and at least a 50 metre width for Skinners Creek, in accordance with the riparian zone requirements in Section E1.3 of the Coffs Harbour City Council Development Control Plan 2015.
- Measures to manage the additional conservation area should be included in the Vegetation Management Plan as required under Condition 815.
- Condition 815 (2) should be updated to refer to the Coffs Harbour City Council Development Control Plan Appendix 2 Guideline for Preparing Vegetation Management Plans rather than the former Department of Natural Resources document.

Stormwater:

While the proposed stormwater management arrangements approved as part of the Major Project Approval (bio swales and vegetation buffers along the boundaries of the residential areas) have been largely carried through to this modified proposal, the current proposal differs to the approval, (which involved these running parallel to the roads), involving an arrangement that includes some exiting through the road system and into nearby creeks.

It is Council's view that this arrangement is likely to create an ongoing maintenance issue for Council. Council would prefer, for maintenance reasons, that the stormwater arrangements remain closer to that originally approved.

Sewerage:

The original application utilised vacuum sewer. It is noted that the current modification proposes conventional sewer with pump stations. This is Council's preferred arrangement and there is capacity in the system for the additional lots that are proposed as part of this modification.

Water Supply:

The proposed arrangement is consistent with Council's requirements and there is capacity in the system for the additional lots that are proposed as part of this modification.

Earthworks:

The cross sections have not changed that approve a maximum 1V:4H batter. No contours have been shown as part of the modification for the site to ascertain if the fill/cut footprint is proposed to be larger than that approved. The submitted drawings would indicate, however, that there is proposed to be more land adjacent to the reserves that have cut or fill.

The submitted information indicates that the proposed modifications will reduce the amount of fill that needs to be imported into the site. The submitted plans show 500,000m³ bulk cut and 300,000m³ bulk fill, resulting in a surplus of 200,000m³ of fill. When considering the contours on the fill plan it would appear that the proposed works would not impact the surrounding areas (though it should be noted the WSUD infrastructure is proposed to be located within the reserves surrounding the development).

Flooding:

It is understood that the modified development seeks to alter Conditions D6 Filling of the Site (D6.1 and D6.2) and E16 Fill Contour Plan, as outlined in Appendix B – Revised Draft Conditions in the Section 75W report.

It is noted that a flood assessment has been prepared by Martens Consulting in support of this. The flood assessment models the 1%, 5% AEP and PMF flood events in various combinations of rainfall durations and tail-water levels. Impacts of climate change utilising a 10% increase in rainfall for the 1% AEP event have also been modelled meeting, which is consistent with Control E4.8 (requirement 2) of Council's Development Control Plan 2015. A tail-water level increase has also been included in the climate change scenario (scenario 5 in the flood assessment).

The results of the flood modelling from Martens 2018 appears to be consistent with previous studies. Scenario 2 with the 1% AEP catchment (9 hour duration) and 5% AEP tail-water has low hazard partial inundation over 3 lots. Scenario 5, which adds climate change to the scenario 2 event, has approximately 7 lots with partial inundation (See Fig 1). The critical 1% AEP event with climate change flood level yields maximum water levels of 3.53 - 4.18 metres AHD.

To ensure that the modified development is consistent with the requirements of the Coffs Harbour Local Environmental Plan 2013 Clause 7.3 1.B *"...to allow development on land that is compatible with the lands flood hazard, taking into account projected changes as a result of climate change"* it is recommended that all residential lots and roads are located above the scenario 5 1% AEP Catchment + 5% AEP Ocean + climate change flood levels + 500mm freeboard (as stipulated in the Coffs Harbour LEP 2013).

Modelling suggests that there is minimal impact to upstream or downstream flood behaviour to the detriment of any other properties, which is consistent with requirement 1 of Control E4.8 of the Coffs Harbour DCP 2015. There is considered to be some impact to 1314A Pacific Highway, Moonee Creek in scenario 5 with climate change, however, there is not enough information in the Martens report to suggest that this is due to the proposed development. The lot may likely be inundated with a climate change scenario in pre-development conditions, however, it is recommended that further modelling results should be interpreted to confirm this.

To meet requirement 4 of Control E4.8 of Councils DCP 2015, it is recommended that conditions be imposed on any modified approval issued that requires the creation of restriction on title for any of the lots affected by the 1% AEP. This restriction should restrict the use of this portion of the lot for any habitable building or structure.

Council does not support the proposed condition D6.2. Any significant changes to the development footprint or design levels could result in impacts that affect adjoining properties and as such should be further assessed.

Council has no objection to the removal of the second sentence in Condition E16 and the current Condition D6.2, as they reference out of date information.

In summary, Council recommends the following in relation to flooding:

- The current proposed amended wording for Condition D6.1 is not supported. The applicant's condition refers to a minimum finished floor level for dwellings. A condition like this is not an appropriate condition for a subdivision of land. Such a condition may be appropriate as an additional 'advisory note' condition. Council would support Condition D6.1 being amended to the following:

all residential lots and roads must be finished to be above the scenario 5 extents (1% AEP Catchment + 5% AEP Ocean + climate change flood levels) plus 500mm freeboard (between 4.03 and 4.68m AHD).

- a condition should be imposed on the title of any of the lots affected by the 1% AEP, restricting the use of this portion of the lot for any habitable building or structure;
- Council does not support the proposed Condition D6.2 for reasons outlined above;
- Council has no objection to the current Condition D6.2 being removed; and
- Council has no objection to the removal of the second sentence in Condition E16.

Removal of Acoustic Wall:

Council does not support the removal of the acoustic wall unless it can be demonstrated that appropriate LAeq levels within future dwellings (as stipulated in S102(3) of State Environmental Planning Policy (Infrastructure) 2007) will not be exceeded within a typical residential dwelling.

In Council's view it would be inappropriate to defer the impost of noise mitigation onto future residential allotment owners if, to achieve acceptable LAeq levels within the dwelling, would require significant or substantial noise mitigation measures within the dwelling itself. The applicant may be able to provide further information to support that acceptable LAeq levels, as referred to above, can be achieved.

Council is happy to discuss the above matters with the Department further at your convenience.

For further information please contact Gilbert Blackburn on 6648 4652.

Yours faithfully

Gilbert Blackburn
Development Assessment Coordinator



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.