



NSW GOVERNMENT

Department of Planning

Contact: Ray Lawlor
Phone: 9228 6216
Fax: 9228 6540
Email: ray.lawlor@planning.nsw.gov.au
Our ref: MP07_0075
Our File: S07/00917

BBK Development Corporation Pty Ltd
c/- Andrew Darroch
Mersonn Pty Ltd
8/8A Wylde Street
POTTS POINT NSW 2011

Dear Mr Darroch

MP07_0075 Major Project Application for residential subdivision at 45 Hearnese Lake Road Woolgoolga

The Department has received your application for the proposed residential subdivision at 45 Hearnese Lake Road, Woolgoolga, comprising 41 residential lots plus 1 lot for stormwater infrastructure management and 1 lot to buffer and protect environmentally sensitive land.

The Director General's Environmental Assessment Requirements (DGRs) for the environmental assessment of the Project Application are attached to this correspondence at **Attachment 1**. These requirements have been prepared in consultation with the relevant government agencies including council.

Attachment 2 lists the relevant plans and documents which are likely to be required upon submission of your proposal, however, this should be confirmed with the Department prior to lodgement.

It should be noted that the DGRs have been prepared based on the information provided to date. Under section 75F(3) of the Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the project.

It would be appreciated if you would contact the Department at least two weeks before you propose to submit the Environmental Assessment for the project to determine:

- the fees applicable to the application;
- whether the proposal requires an approval under the Commonwealth *Environment Protection and Biodiversity Act* (EPBC Act) and any assessment obligations under that Act;
- consultation and public exhibition arrangements that will apply; and
- number and format (hard-copy or CD-ROM) of the Environmental Assessment that will be required.

A list of some relevant technical and policy guidelines which may assist in the preparation of this Environmental Assessment are attached at **Attachment 3**.

Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGRs. The Department may consult with other relevant government agencies in making this decision. If the Director-General considers that the Environmental Assessment does not adequately address the DGRs, the Director-General may require the proponent to revise the Environmental Assessment to address the matters notified to the proponent.

Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days. The DGRs will be placed on the Department's website along with other relevant information which becomes available during the assessment of the project. As a result, the Department would appreciate it if all documents that are subsequently submitted to the Department are in a suitable

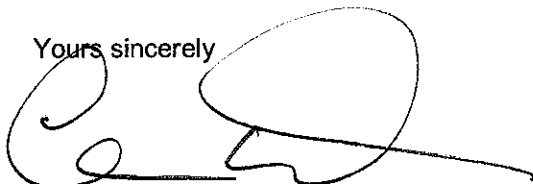
format for the web, and if you would arrange for an electronic version of the EA to be hosted on a suitable website with a link to the Departments website.

If your proposal includes any actions that could have a significant impact on matters of National Environmental Significance (NES), it will require an additional approval under the Commonwealth *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to any approvals required under NSW legislation. It is your responsibility to contact the Commonwealth Department of Environment and Water Resources in Canberra (6274 1111 or <http://www.environment.gov.au>) to determine if the proposal is likely to have a significant impact on matters of NES and would require an approval under the EPBC Act. The Commonwealth Government has accredited the NSW environmental assessment process for assessing any impacts on matters of NES. As a result, if it is determined that an approval is required under the EPBC Act, please contact the Department immediately as supplementary DGRs will need to be issued.

Copies of responses from government agencies to the Department's request for key issues and assessment requirements are enclosed at **Attachment 4**. Please note that these responses have been provided to you for information only and do not form part of the DGRs for the EA.

If you have any queries regarding these requirements, please contact Ray Lawlor on 9228 6216 or email ray.lawlor@planning.nsw.gov.au.

Yours sincerely



24.8.07

Chris Wilson
Executive Director
as delegate for the Director General

Attachment 1
Director-General's Environmental Assessment Requirements
Section 75F of the Environmental Planning and Assessment Act 1979

Application number	MP07_0075
Project	Subdivision into 43 lots, comprising 41 residential lots, 1 lot for stormwater management infrastructure and 1 lot to buffer and protect environmentally sensitive land
Location	45 Hearnese Lake Road, Woolgoolga (Lot 21 DP 714858)
Proponent	BBK Development Corporation Pty Ltd
Date issued	24 August 2007
Expiry date	2 years from date of issue
General requirements	The Environmental Assessment (EA) for the Project Application must include: 1. An executive summary; 2. An outline of the scope of the project including: • any development options; • justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest; • the staged implementation of the project, if applicable; 3. A thorough site analysis including constraints mapping and description of the existing environment; 4. Consideration of any relevant statutory and non-statutory provisions and identification of any non-compliances with such provisions, in particular relevant provisions arising from environmental planning instruments and Development Control Plans. 5. Consideration of impacts, if any, on matters of National Environmental Significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>; 6. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project; 7. The plans and documents outlined in Attachment 2; 8. A signed statement from the author of the EA certifying that the information contained in the report is neither false nor misleading; 9. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project; and 10. An assessment of the key issues specified below and a table outlining how these key issues have been addressed.
Key issues	1. Strategic Planning • Justify the proposal with reference to relevant local, regional and State planning strategies. Provide justification for any inconsistencies with these planning strategies. • Demonstrate consistency with the Sustainability Criteria set out in the relevant Regional Strategy (including draft Regional Strategies). 2. Subdivision Design/Layout and Desired Future Character • Demonstrate consistency of the proposal with the 'Environmental

Constraints & Development Potential Map, Lot 21 DP 714858, 45 Hearnese Lake Road, Woogoolga attached to Environmental Constraint Analysis, Lot 21 DP 714858, 45 Hearnese Lake Road, Woogoolga, (Sainty and Associates, September 2006). Should development be proposed outside the identified future development potential areas, then suitable justification and sound technical arguments are required.

- Demonstrate the consistency of the proposed subdivision design and layout with relevant policies and guidelines and with other expected residential development in the locality.
- Identify the type of subdivision proposed ie. community, Torrens, strata.
- Outline the long-term management and maintenance of any areas of open space or conservation including ownership and control, management and maintenance funding, public access, revegetation and rehabilitation works and bushfire management.

3. Visual Impact

- Address the visual impact of the proposal in the context of the surrounding environment/development and relevant mitigation measures.

4. Noise

- Address impacts from road traffic noise (specifically Pacific Hwy) and if relevant provide details of appropriate mitigation measures.

5. Infrastructure Provision

- Address existing capacity and requirements of the development for infrastructure provision in consultation with relevant agencies. Describe staging, if any, of infrastructure works.
- Address and provide the likely scope of any planning agreement and/or developer contributions with Council/ Government agencies.

6. Traffic and Access

- Address the traffic impacts of the proposal having regard to the following matters:
 - Any impacts of the RTA's proposed Pacific Highway upgrade, Sapphire to Woolgoonga.
 - Limitations nominated in Council's Hearnese Lake/Sandy Beach DCP on access to Pacific Highway pending completion of alternative access via Bosworth Road.
- Address access requirements via Hearnese Lake Road in consultation with Crown Lands NSW, including access for adjacent permissive occupancies.
- Address public access requirements to Coffs Coast Regional Park and the adjacent beach, including controlled access routes, and parking facilities.

7. Hazard Management and Mitigation

- Coastal Processes - Address coastal hazards and consider impacts associated with coastal erosion, climate change, sea level rise, potential changes to the coastal hazard zone and increased beach berm height.
- Contamination - Identify any contamination on site and appropriate mitigation measures.
- Acid Sulphate Soils - Identify the presence and extent of acid sulphate soils on the site and, where relevant, appropriate mitigation measures.
- Bushfire - Address the requirements of Planning for Bush Fire Protection 2006 (RFS).
- Geotechnical - Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations.
- Flooding - Provide an assessment of any flood risk on site
Demonstrate the proposal will have no adverse impact on flood behaviour in the catchment and that flood free access will be provided.
Consider the potential impacts of any filling on the flood regime of the site and adjacent lands.

8. Water Cycle Management

- Outline measures for Integrated Water Cycle Management (including stormwater) based on Water Sensitive Urban Design principles which

	address impacts on the surrounding environment, drainage and water quality controls for the catchment, and erosion and sedimentation controls at construction and operational stages. - Assess the impacts of the proposal on surface and groundwater hydrology and quality during both construction and occupation of the site. 9. Heritage - Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance (Aboriginal community consultation should be undertaken in accordance with relevant guidelines). - Identify any items of European heritage significance and, where relevant, provide measures for the conservation of such items 10. Flora and Fauna - Outline potential impacts on aquatic and terrestrial flora and fauna and their habitats (within the meaning of the <i>Threatened Species Conservation Act 1995</i> and the <i>Fisheries Management Act 1994</i>). Provide measures for their conservation, where relevant. - Outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land. - Address measures to protect and manage adjacent aquatic habitats including Hearn's Lake, including impacts due to increased recreational usage/visitation.
References	The EA must take into account relevant technical and policy guidelines. While not exhaustive, guidelines which may be relevant to the project are included in the attached list, Attachment 3.
Consultation	You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the EA: (a) <i>Agencies or other authorities:</i> - Coffs Harbour City Council; - Department of Environment and Climate Change; - Department of Water and Energy; - Department of Primary Industries; - Department of Lands; - NSW Rural Fire Service; - Roads and Traffic Authority; - Solitary Islands Marine Park Authority; - Local Aboriginal Land Council/s and other Aboriginal community groups; and - Relevant infrastructure providers. (b) <i>Public:</i> Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy. The consultation process and the issues raised should be described in the EA.
Deemed Refusal Period	60 days

Attachment 2

Plans and Documents to accompany the Application

Plans and Documents of the development	The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required for your application: 1. The existing site survey plan is to be drawn to 1:500 scale (or other appropriate scale) and show: • the location of the land, the measurements of the boundaries of the land, the size of the land and north point; • the existing levels of the land in relation to buildings and roads; • location and height of existing structures on the site; and • location and height of adjacent buildings and private open space. 2. An aerial photograph of the site with the boundary superimposed. 3. A Site Analysis Plan must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, property dimensions, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, natural features such as watercourses, rock outcrops, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways etc.). 4. A locality/context plan drawn to 1:500 scale (or other appropriate scale) indicating: • significant local features such as parks, community facilities and open space, water courses and heritage items; • the location and uses of existing buildings, shopping and employment areas; • traffic and road patterns, pedestrian routes and public transport nodes; and • The existing site plan and locality plan should be supported by a written explanation of the local and site constraints and opportunities revealed through the above documentation. 5. The Environmental Assessment in accordance with the DGRs as outlined in Attachment 1. 6. Subdivision plans are to show the following:- • The location, boundary dimensions, site area and north point of the land, and names of roads fronting the land; • Title showing the description of the land with lot and DP numbers etc; • Existing and proposed subdivision pattern including all measurements and sites areas of existing and proposed allotments; • Location and details of all proposed roads and footpaths; • Location of all structures proposed and retained on site; • Cross sections of roads, including gradients, widths, road names, footpaths etc. • Existing and proposed finished levels in relation to roads, footpaths and structures; • Location and details of access points to the subdivision; • Existing vegetation on the land and vegetation to be retained; • Location of services and infrastructure, and proposed methods of draining the land; • Any easements, covenants or other restrictions either existing or proposed on the site; • Type of subdivision proposed (Torrens, strata and/or community title). 7. Stormwater Concept Plan - illustrating the concept for stormwater management from the site and must include details of any major overland flow paths through the site and any discharge points to the street drainage system. Where an on-site detention system is required, the type and location must be shown and must be integrated with the proposed landscape design. Site discharge calculations
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	should be provided; 8. Erosion and Sediment Control Plan – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site; 9. Landscape Concept Plan – plan or drawing that shows the basic detail of planting design and plant species to be used, listing botanical and common names, mature height and spread, number of plants to be utilised and surface treatments (i.e. pavers, lawn etc); 10. Construction Management Plan – a plan which outlines traffic and pedestrian management during construction and management of impacts on amenity of adjoining properties and appropriate mitigation measures including noise, dust and sediment and erosion controls; 11. View analysis – artist's impression, photomontages, etc of the proposed development in the context of the surrounding development.
Specialist advice	Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practising consultants in relation to issues including, but not limited to, the following: • Flora and Fauna; • Bushfire; • Landscaping; • Geotechnical and/or hydro geological (groundwater); • Stormwater/drainage; • Urban Design/Architectural; • Contamination in accordance with the requirements of SEPP 55; and • Acid Sulphate Soil Management Plan.
Documents to be submitted	• 10 hard copies of the Environmental Assessment; • 10 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); • 1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below); and • If the Environmental Assessment is bulky and lengthy in volume, you will be required to package up each Environmental Assessment ready for distribution by the Department to key agencies.
Electronic Documents	Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:- • Adobe Acrobat PDF files and Microsoft Word documents must be no bigger than 1.5 Mb. Large files of more than 1.5 Mb will need to be broken down and supplied as different files. • File names will need to be logical so that the Department can publish them in the correct order. Avoid sending documents that are broken down in more than 10 files. • Image files should not be bigger than 2Mb. The file names will need to be clear and logical so the Department can publish them in the correct order. • Graphic images will need to be provided as [.gif] files. • Photographic images should be provided as [.jpg] files. • Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. • Images inserted into the document will need to be calibrated to produce files smaller than 1.5Mb. Large images will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. The file names will need to be clear and logical so the Department can publish them in the correct order. Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.

Attachment 3

State Government technical and policy guidelines

The following list provides relevant technical and Policy Guidelines which may assist in the preparation of the Environmental Assessment. It should be noted, however, that this list is not exhaustive as other documents and policies may need to be reviewed. It is also important to note that not of all of these guidelines may be relevant to your proposal.

The majority of these documents can be found on the relevant Departmental Websites, on the NSW Government's on-line bookshop at <http://www.bookshop.nsw.gov.au> or on the Commonwealth Government's publications website at <http://www.publications.gov.au>.

Aspect	Policy /Methodology
Biodiversity	
Flora and Fauna	Draft Guideline for assessment of impacts on Threatened Species under Part 3A (Department of Planning 2005)
	Threatened Species Management Manual (NPWS, 1998)
Fish and Aquatic Ecosystems	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
	Standard Minimum Requirements for Environmental Assessment, (Department of Primary Industries, Aquatic Habitat Protection Branch, 2007)
Coastal Planning	
	NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast, NSW Government, 1997
	Coastal Design Guidelines for NSW, Planning NSW, February 2003
	NSW Wetlands Management Policy (DLWC, March 1996)
	Coastal Lakes: independent inquiry into coastal lakes: final report, Healthy Rivers Commission, April 2002
	Statement of Intent for Coastal Lakes of NSW, February 2003
Bushfire	
	Planning for Bushfire Protection 2006 (NSW Rural Fire Service)
Contamination of Land	
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
Environmental Management Systems	
	NSW Government Interim Water Quality and River Flow Environmental Objectives (DEC)
	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)
Heritage	
Aboriginal	Draft Guideline for assessment of impacts on Aboriginal Heritage under Part 3A (Planning 2005)
	Interim Community Consultation Requirements for Applicants (DEC, 2004)
Non-Indigenous	Assessing Heritage Significance Update for Heritage Manual (Heritage Office, 2000)
	NSW Heritage Manual (NSW Heritage Office, 1996)
Noise	
	Environmental Criteria for Road Traffic Noise (EPA, 1999)
	Acoustics - Road traffic noise intrusion - Building siting and construction

Aspect	Policy /Methodology
	(Standards Australia, 1989, AS 3671-1989)
Safety and Hazards	
	Electrical Safety Guidelines (Integral Energy)
Soils	
	Acid Sulfate Soil Manual (ASSMAC)
	Contaminated Sites: Sampling Design Guidelines (EPA, 1999)
Traffic & Transport	
	Guide to Traffic Engineering and Guide to Geometric Design of Rural Roads (Austroads, 2003, AP-G1/03)
	Guide to Traffic Generating Developments (RTA, 2002)
Urban Design: Cycleway/Pathway Design	
	Guidelines for the Design and Construction of Paths and Cycleways along Watercourses and Riparian Areas (Version 2) (DIPNR/DNR)
Water	
	Water quality guidelines for the protection of aquatic ecosystems for upland rivers. (ANZECC, 2000)
Floodplain	NSW Government Floodplain Development Manual - the Management of Flood Liable Land (DIPNR, 2005)
Groundwater	NSW State Groundwater Quality Protection Policy (DLWC, 1998, 0 7313 0379 2)
Stormwater	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
Waterways	Waterways Crossing Design & Construction (Version 4 – DIPNR/DNR Draft Guidelines)

Attachment 4
Agency Responses to Request for Key Issues
- For Information Only



17 AUG 2007

Our Ref: BA1-0118

Ms Heather Warton
Director, Urban Assessments
GPO Box 39
SYDNEY NSW 2001

3 August 2007

Attention: Mr Ray Lawlor

*He has
17/8/07.
to Battersby
Ray Lawlor. S/P.*

Dear Mr Lawlor

**Re: Key Issues and Assessment Requirements MP07-0075
43 lot subdivision, 45 Hearn's Lake Rd, Woolgoolga (Lot 21 DP714858)**

Thank you for your letter of 20 July 2007 requesting the Department of Primary Industries (DPI) outline assessment requirements for the above mentioned proposal.

There are no mining, agriculture or forestry issues. The Aquatic Habitat Protection Unit within DPI has an interest in contributing to the assessment of the proposal.

Fisheries Issues

The Fisheries Management Division within NSW Department of Primary Industries has responsibility for managing fish (including aquatic invertebrates), and fish habitat throughout NSW. In addition, the department works to provide quality commercial and recreational fishing, and aquaculture opportunities.

Buffers

To minimise the impacts of development on aquatic habitats the Department's policy since 1997 requires:

"Terrestrial areas adjoining freshwater, estuarine and coastal habitats should be carefully managed in order to minimise land-use impacts on these aquatic habitats. As a precautionary approach, foreshore buffer zones at least 50 m wide should be established and maintained, with their natural features and vegetation preserved. Such buffer zones may need to be fenced or marked by signs. The width of these buffer zones may need to be increased to 100 m or more where they are adjacent to ecologically sensitive areas."

The policy is available on the Department's website at:

http://www.fisheries.nsw.gov.au/aquatic_habitats/aquatic_habitats/policy_and_guidelines

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AQUATIC HABITAT PROTECTION BRANCH

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Hearns Lake is an ICOLL zoned as habitat protection within the Solitary Islands Marine Park. Considering the sensitivity of ICOLLs and the level of protection afforded this one to protect its ecology, DPI strongly argue that a 100 m habitat protection buffer is appropriate. Considering this the proponent needs to demonstrate how the proposed layout, which appears to afford a minimal (>25 m) habitat buffer can achieve the habitat value afforded by a 100 m habitat buffer consistent with DPI policy and guidelines cognisant that the proposed habitat buffer appears to incorporate the bushfires asset protection zone (APZ). Bushfire APZs typically are underscrubbed and managed for a non-contiguous canopy. These activities, particularly underscrubbing conflict directly with the objectives and management actions of a habitat protection buffer consistent with DPI policy. Furthermore it is noted that the determination of the previous draft master plan for this site noted that: 'it is considered appropriate to apply the 100 m buffer from the SIMP including Hearns Lake.'

The proponent similarly needs to specifically include an assessment of natural breakout heights of Hearns Lake compared with proposed invert levels of proposed stormwater infrastructure to ensure that adequate freeboard, cognisant of climate change projections is provided to ensure that the natural opening and closing regime of Hearns Lake can continue. Where stormwater discharge is proposed to discharge to existing infrastructure such as the Hearns Lake table drain the assessment should include consideration of these invert levels.

Finally, I have included as an attachment DPI Aquatic Habitat Protection's standard minimum information requirements for environmental assessment. Please ensure that the proponent address these requirements in the environmental studies. This will facilitate effective assessment of the proposal and reduce delays.

If you have any further enquiries please contact me on (02) 6626 1397.

Yours sincerely

Patrick Dwyer
Fisheries Conservation Manager (North)

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GENERAL REQUIREMENTS

Describe the purpose of the proposal;

Describe the location and area of the proposal;

Detail the location of all component parts of the proposal, including any auxiliary infrastructure;

Provide a timetable for construction of the proposal with details of each phases of construction;

Detail likely or possible future needs arising from the proposal;

Provide a legible topographic map with scale, contours, north represented and the date the map/plan/air photo was prepared;

Specify zoning, present land use and whether special conditions (eg SEPP 14 wetlands) apply to the land proposed for development or adjacent land;

Describe the surrounding geomorphology;

Identify all water bodies including wetlands and floodplains;

Specify the direction of river flow and provide hydrological and stream morphological including depth contours and stream bed substrate information, water quality and if appropriate tidal characteristics;

Describe / map aquatic habitats (generally within 100 metres of the boundary of the proposal and sometimes further if downstream) that could be impacted upon either directly or indirectly by the proposal during its construction, life and decommissioning including:

- gravel beds
- rocky reefs
- wetlands and floodplains
- aquatic vegetation (seagrass, algae, mangroves, saltmarsh & emergent vegetation such as reeds
- deep pools
- riparian vegetation and snags
- under cut banks

Identify recreational and commercial fishing areas and aquaculture ventures that could be effected by the proposal or works during its construction;

A statement about the presence or absence of threatened species. Threatened species and key threatening processes are listed in Schedule 4 of the *Fisheries Management Act* and regularly updated on the Fisheries Scientific Committee website: www.fsc.nsw.gov.au

Detail the potential impacts of the various phases of the proposal;

Outline ongoing management activities to ensure impacts on aquatic biodiversity are minimised;

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REQUIREMENTS FOR ACTIVITIES THAT BLOCK FISH PASSAGE

Purpose and type of works requiring fish passage to be blocked;

Timing, duration and manner of proposed restriction / blockage to fish passage;

Methods to be used to avoid stranding fish and any remediation works.

REQUIREMENTS FOR DREDGING AND RECLAMATION WORKS

Purpose of works;

Type(s) of marine vegetation in the vicinity of the proposed works;

Distance of adjacent marine vegetation from the outer boundary of the proposed works;

Method of dredging or reclamation to be used;

Duration of dredging or reclamation works;

Time of dredging or reclamation works;

Dimension of area to be dredged or reclaimed;

Depth of dredging height of reclamation activities;

Nature of sediment to be dredged, including Acid Sulphate Soil and Potential Acid Sulphate Soils;

Method of marking area subject to works;

Environmental safeguards to be used during and after works;

Measures for minimising harm to fish habitat under the proposal;

Spoil type and source location for reclamation activities;

Method of disposal of dredge material;

Location and duration of spoil stockpiling, if planned;

Volume of material to be extracted or placed as fill.

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REQUIREMENTS FOR ACTIVITIES THAT DAMAGE MARINE VEGETATION

Type of marine vegetation to be harmed;

Amount of marine vegetation to be harmed, map distribution noting percentage densities of species of marine vegetation;

Reasons for harming marine vegetation;

Methods of harming marine vegetation;

Construction details, including proposed drainage;

Duration and timing of works/activities;

Measures for minimising harm to marine vegetation under the proposal;

Environmental measures to be employed;

Method and location of transplanting activities or disposal of marine vegetation.

REQUIREMENTS FOR ACTIVITIES THAT COULD IMPACT ON THREATENED SPECIES OR CONTRIBUTE TO KEY THREATENING PROCESSES

All assessments require a statement about the presence or absence of threatened species. Up to date listings are available on the Fisheries Scientific Committee website: www.fsc.nsw.gov.au

In determining the presence of threatened species, consideration must be given to the habitat types present within the study area, recent records of threatened species in the locality and the known distributions of these species;

The condition of the habitat within the area must be discussed noting habitat requirements of threatened species likely to occur and the effect of relevant historical events (including land clearing, agricultural activities, water abstraction/diversion, dredging, de-snagging, reclamation, siltation, commercial and recreational activities);

Assess potential impacts on threatened species via the 'Eight-Part Test' and upon completion, consultation with NSW DPI Aquatic Habitat Protection Unit prior to the EIS being finalised;

The proponent should note that where significant impact on threatened species is likely, a detailed Species Impact Statement must be prepared to assist in forming a determination.

The proponent should also note that the *Fisheries Management Act 1994* contains provisions for strict penalties (up to \$220,000 and 2 years imprisonment) to be imposed for individuals or companies that harm an endangered species, population or community or their habitat without proper authority carries.

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ASSESSMENT OF LIKELY IMPACTS

Investigate and report on an area extending downstream and/or upstream as far as is necessary to take all potential impacts into account;

Discussion possible indirect effects of the proposal on species/habitats in the area surrounding the subject site: for example, through altered hydrological regimes including stormwater runoff and drainage, soil erosion or pollution;

Outline the habitat requirements of threatened species and species important to commercial or recreational fishing likely to occur in the study area;

Discuss fish habitats within the study area and the nature and extent of habitat removal or modification which may result from the proposed action;

Discuss the potential impact of the modification or removal of habitat on fish species in the area;

For all species likely to have their lifecycle patterns disrupted by the proposal to the extent that individuals will cease to occupy any location within the subject site, the EIS must describe and discuss other locally occurring populations of such species;

The relative significance of this location for these species in the general locality must be discussed in terms of the extent, security and viability of remaining habitat in the locality;

Describe the potential contribution of the proposal to cumulative impacts on fish and fish habitat in the vicinity of the proposal.

AMELIORATIVE MEASURES

Discuss measures for minimising impacts on fish and fish habitat and other environmental safeguards to be employed such as how erosion and run off will be reduced and water quality maintained;

Specify the nature of any rehabilitation or environmental compensatory works to be undertaken and ongoing maintenance of these works to ensure their benefits are maintained;

Describe ongoing management actions within the proposal, both during construction and after completion, which relate to impact minimisation eg Environmental Management Plans;

Detail monitoring programs, including methodologies that assess Before and After, Control and Impact sites to determine the success of techniques used to ameliorate impacts on aquatic biodiversity level of impact of the development;

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The EIS must consider how the proposal has been or may be modified and managed to conserve fisheries habitat on the subject site and in the study area.

In discussing alternatives to the proposal, and the measures proposed to mitigate any effects of the proposal, consideration must be given to developing long term management strategies to protect areas within the study area which are of particular importance for fish species. This may include proposals to restore or improve habitat.

Any proposed pre-construction monitoring plans or on-going monitoring of the effectiveness of the mitigation measures must be outlined in detail, including the objectives of the monitoring program, method of monitoring, reporting framework, duration and frequency.

Please Note: Persons undertaking aquatic surveys may be required to hold or obtain appropriate permits or licences under relevant legislation. It is recommended that, prior to any field survey activities taking place, those persons proposing to undertake those activities give consideration to their obligation to obtain appropriate permits or licences which may be required in the specific context of the proposed survey activities.

For example:

Fisheries Management Act 1994

Permit to take fish or marine vegetation for research or other authorised purposes (Section 37)

Licence to harm threatened (aquatic) species, and/or damage the habitat of a threatened species (Section 220ZW).

Animal Research Act 1985:

Animal Research Authority to undertake fauna surveys.



USEFUL DEFINITIONS

The definitions given below are relevant to these requirements:

Fish means any part of marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead). Fish include oysters and other aquatic molluscs, crustaceans, echinoderms and beachworms and other aquatic polychaetes.

Marine vegetation means any species of plant that at any time in its life must inhabit water (other than fresh water).

Waters refers to all waters including tidal waters to the Astronomical High Tide Level (AHTL) as well as flowing streams, irregularly flowing streams, gullies, rivers, lakes, coastal lagoons, wetlands and other forms of natural or man made water bodies on both private and public land.

Dredging work means:

- (a) any work that involves excavating water land, or
- (b) any work that involves the removal of material from water land that is prescribed by the regulations as being dredging work to which this Division applies.

Farm Dam means the backed up waters of any dam, or impoundment, located on land that is not public water land.

Reclamation Work means any work that involves:

- (a) using any material (such as sand, soil, silt, gravel, concrete, oyster shells, tyres, timber or rocks) to fill in or reclaim water land, or
- (b) depositing any such material on water land for the purpose of constructing anything over water land (such as a bridge), or
- (c) draining water from water land for the purpose of its reclamation.

Water Land means land submerged by water:

- a) whether permanently or intermittently, or
 - b) whether forming an artificial or natural body of water,
- and includes wetlands and any other land prescribed by the regulations as water land to which this Division applies.

Wetlands includes marshes, mangroves, swamps, or other areas that form a shallow body of water when inundated intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities.



Further Information

The DPI Policy and Guidelines series contains more detailed information on techniques and practices that satisfy DPI requirements to minimise impacts of developments on fish and fish habitat. The Guidelines are available at www.fisheries.nsw.gov.au. Considering the information in these documents prior to developing and submitting your proposal is strongly recommended.

Another document "*Guidelines for the Assessment of Aquatic Ecology in EIA*" (Draft 1998) produced by the Department for Urban Affairs and Planning (now Dept of Planning) may prove useful in outlining appropriate procedures and methodologies for conducting aquatic surveys required for the preparation of an EIS.

FISHERIES MANAGEMENT DIVISION
AQUATIC HABITAT PROTECTION BRANCH

1243 Bruxner Highway
WOLLONGBAR NSW 2477

ABN 51 734 124 190
www.dpi.nsw.gov.au
Tel: 02 6626 1269
Fax: 02 6626 1377



NSW Government
Department of Water & Energy

Contact: David Hart
Phone: (02) 6641 6530
Fax: (02) 6641 6601
Email: David.Hart@dnr.nsw.gov.au

Our ref: GRA6043892-2 Inq379
Your ref: MP07_0075

Ms Heather Warton
Director, Coastal Assessments
Department of Planning
GPO Box 39 SYDNEY NSW 2001

15 AUG 2007

Attention: Ray Lawlor

10 August 2007

Dear Ms Warton

Re: Major project 07_0075: Hearnese Lake subdivision

The following comments are in reply to your recent letter requesting the Department's input into the Director-General's Requirements for the Environmental Assessment for this project.

It is noted that the site forms part of the catchment of Hearnese Lake: a lake classified in the Healthy Rivers Coastal Lakes Inquiry with a future management orientation of "healthy modified conditions". The Environmental Assessment should appropriately consider these values of the area.

It is suggested that, in addition to the matters included in your draft DGRs, the project should be supported by an Environmental Assessment that:

- Demonstrates how the procedures set out in the NSW Government's *Floodplain Development Manual* (April 2005) are to be followed in order to ensure that the proposed development will have no adverse impact on flood behaviour in the catchment and that flood free access will be provided.
- Assesses the proposal against the recommendations of the framework for coastal sustainability assessment, the *Independent Public Inquiry into Coastal Lakes: Final Report* (Healthy Rivers Commission, April 2002) and the NSW Government's response: *The Statement of Intent for the Coastal Lakes of New South Wales* (February 2003) to ensure that development does not exceed the capacity and limitations of Hearnese Lake and its catchments, and to identify opportunities to offset impacts of development.

Yours sincerely

David Hart
Senior Natural Resource Officer

Your reference : MP 07_0043
Our reference : GR1889/04 DOC07/13407
Contact : Krister Waern, 66402503

Heather Warton
Director Coastal Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

3 AUG 2007

30 JUL 2007

Dear Ms Warton

**RE: REQUEST FOR KEY ISSUES AND ASSESSMENT REQUIREMENTS – MAJOR PROJECT
07_0075 – 45 Hearn's Lake Road, Woolgoolga**

I refer to your request for the Department of Environment and Climate Change (DECC) requirements for the environmental assessment (EA) in regard to the above proposal received by DEC on 23 July 2007.

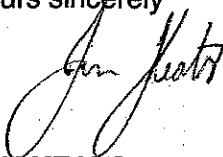
DEC has considered the details of the project as provided by the applicant and has identified the information it requires to assess the project in Attachment A with guidance material in Attachment B. The proponent should ensure that the EA is sufficiently comprehensive and detailed to determine the extent of the impact of the proposal.

In summary, DEC's recommended key information requirements for the project are:

1. the impacts on local surface water quality;
2. the impacts of the project on threatened species/communities and their habitat;
3. the impacts of the project on Aboriginal cultural heritage values;
4. an assessment of any land contamination; and,
5. the actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts identified in 1-4 above.

Should you require any further information please contact Krister Waern on (02) 66402503.

Yours sincerely



JON KEATS
Head Industry and Waste Unit North Coast
Environment Protection and Regulation

Att: Attachment A DEC EA Requirements
Attachment B Guidance Material

Attachment A – Department of Environment and Conservation's Environmental Assessment Requirements

Environmental impacts of the project

1. The following environmental impacts of the project need to be assessed, quantified and reported on:
 - Water quality
 - Contaminated Land
 - Noise
 - Threatened Species and Ecological Communities
 - Aboriginal cultural heritage
2. These should be assessed in accordance with the relevant guidelines listed in Attachment B.
3. Describe mitigation and management options that will be used to prevent, control, abate or mitigate identified environmental impacts associated with the project and to reduce risks to human health and prevent the degradation of the environment. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.

Water quality

The environmental outcomes for the project in relation to water should be:

- There is no pollution of waters during the construction and operational phases of the development;
- There is no inconsistency with any relevant Statement of Joint Intent established by the Healthy Rivers Commission; and
- It is acceptable in terms of the achievement or protection of the River Flow Objectives and Water Quality Objectives.

The Environmental Assessment (EA) should document the measures that will achieve the above outcomes.

Contaminated Land

The EA must document the assessment and management of any land contamination to ensure that the land is not allowed to be put to a use that is inappropriate because of the presence of contamination. Under the *Contaminated Land Management Act 1997* there is a responsibility to notify the DEC of sites that pose a significant risk of harm to human health or the environment.

Noise

The environmental outcomes should include the following:

- The proposal must be designed, constructed, operated and maintained so that there are no adverse impacts from noise (including traffic noise).

Impacts of the project on threatened species and their habitat

It is noted that the majority of the site is void of native vegetation, however, a number of threatened species and communities could potentially use the site. DECC is aware that the Austral Toadflax (*Thesium australe*) is located within the property.

The vegetation on site has the potential to support a wide range of threatened flora and fauna species and ecological communities. Any identified threatened species and/or community should be discussed in detail.

The EA will need to include a comprehensive assessment of the above issues and also address the following:

1. A field survey of the site should be conducted and documented in accordance with the draft "Guideline for threatened species assessment".
2. Likely impacts on threatened species and/or community and their habitat need to be assessed, evaluated and reported on. The assessment should specifically report on the considerations listed in Step 3 of the draft guideline.
3. Describe the actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts of the project on threatened species and their habitat. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
4. The EA needs to clearly state whether it meets each of the key thresholds set out in Step 5 of the draft guideline.

Impacts of the project on Aboriginal cultural heritage values

1. The EA should address and document the information requirements set out in the draft "Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation" involving surveys and consultation with the Aboriginal community.
2. Identify the nature and extent of impacts on Aboriginal cultural heritage values across the project area.
3. The extent and significance of this site will need to be assessed and preferably any development in this area would avoid disturbance of the site.
4. Describe the actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts of the project on Aboriginal cultural heritage values. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
5. The EA needs to clearly demonstrate that effective community consultation with Aboriginal communities has been undertaken in determining and assessing impacts, developing options and making final recommendations.

Note: If the EA is relying on past surveys that they should check that the work is consistent with the requirements within the above 3A guidelines.

Attachment B - Guidance Material

1. Assessing Environmental Impacts

Water quality

- National Water Quality Management Strategy: Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000)
- NWQMS Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC 2000)
- Healthy Rivers Commission Report into Coastal Lakes and Statement of Joint Intent
- The relevant targets within the State Water Management Outcomes Plan

Wastewater

- National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC 1997)
- National Water Quality Management Strategy: Guidelines for Sewerage Systems -- Use of Reclaimed Water (ARMCANZ/ANZECC 2000)
- Environmental Guidelines for the Utilisation of Treated Effluent by Irrigation (NSW DEC 2004)
- Environment and Health Protection Guidelines: 'Onsite Sewage Management for Single Households', February 1998 (Silver Book).

Stormwater

(Note: some of these documents will be revised in 2006)

- Managing Urban Stormwater: Soils and Construction (NSW Landcom, 2004)
- Managing Urban Stormwater: Source Control (EPA 1998)
- Managing Urban Stormwater: Treatment Techniques (EPA 1998).

Contaminated Land

- Managing Land Contamination: Planning Guidelines - SEPP55 - Remediation of Land, Department of Urban Affairs and Planning and NSW EPA, 1998:
- Contaminated Sites - Guidelines for Consultants Reporting on Contaminated Sites (Environment Protection Authority (EPA) 1997);
- Contaminated Sites - Guidelines on Significant Risk of Harm and Duty to Report (EPA, 1999).

Noise and vibration

- NSW Industrial Noise Policy (EPA, 1999)
- NSW Environmental Criteria for Road Traffic Noise (EPA, 1999)
- Chapter 171 Noise Control Guideline, *Construction Site Noise, Environmental Noise Control Manual*, 1994.

2. Assessing Threatened Species Impacts

Draft Guidelines for Threatened Species Assessment - Available from Department of Planning.

3. Assessing Aboriginal Cultural Heritage Impacts

Draft Guidelines For Aboriginal Cultural Heritage Impact Assessment and Community Consultation - Available from Dept of Planning

Interim Community Consultation Requirements for Applicants

[http://www3.environment.nsw.gov.au/npws.nsf/Content/Protecting+Aboriginal+objects+and+place
s](http://www3.environment.nsw.gov.au/npws.nsf/Content/Protecting+Aboriginal+objects+and+places)

Aboriginal Cultural Heritage Standards and Guidelines Kit - Available shortly on-line through DEC's webpage.

NSW Department of Planning
Office of Sustainable Development Assessments and Approvals
GPO Box 39
SYDNEY NSW 2001

31 July 2007

Attention: Ray Lawlor

Dear Ray

MAJOR PROJECT 07_0075 – 45 HEARNES LAKE ROAD, WOOLGOOLGA

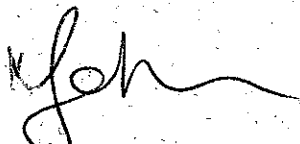
Thank you for your request for key issues identification and assessment requirements for the above major project application.

As the proposed development is outside the boundaries of the marine park, our role in any assessment is to provide comments as part of the due process. In this case the Marine Parks Authority (MPA) does not have a consent role.

The MPA has provided comments regarding development of this site previously. As the current proposal is very similar in type and scale to past proposals, the comments made previously are still relevant. A summary of the key issues for this proposal is provided over page.

If you would like to discuss this matter further please contact David Greenhalgh on 6652 0915.

Yours sincerely



NICOLA JOHNSTONE
Marine Park Manager
Solitary Islands Marine Park
NSW Marine Parks Authority



**Marine Parks
Authority**

Solitary Islands Marine Park
PO Box J297
Coffs Harbour Jetty
NSW 2450

Telephone: 02 6652 3977
Facsimile: 02 6651 1440

rec hwy
318/07
3 AUG 2007
To Sattin Lang 7/8
Ray Lawlor

KEY ISSUES

1. What impacts will rising sea levels have on the proposed development?

Current sea level predictions for the 100 year timeframe should be taken into account. As Hearn's Lake and the surrounding area is environmentally significant, it would be prudent to use the precautionary principle and use the higher end of the prediction range.

Issues resulting from rising sea levels that need to be explored include;

- a. Changes to the coastal hazard zone;
- b. Increased beach berm height and the issues this may raise with regards to lake heights, flooding and rising water tables.

2. Stormwater Pollution

The information supplied makes a statement that there will be no increase in pollution entering Hearn's Lake from stormwater generated by the proposal yet provides no justification for the statement.

The issues that need to be clarified with regards to stormwater pollution are:

- a. What treatment methods are being proposed and will they be suitable considering the topography, soil types and proximity to Hearn's Lake. For example Marine Parks Authority staff have observed that the area set aside on the plans for stormwater treatment is an area where springs begin flowing during wet weather;
- b. Who will be responsible for monitoring and maintenance of the stormwater treatment system both during and post construction. The information supplied indicates that the area for stormwater treatment will be ceded to Coffs Harbour City Council. Is council prepared to take the responsibility?
- c. Will there be an increase in freshwater entering Hearn's Lake as a result of the proposed development and if so how will this impact on the closed and predominately saline environment of the lake?

3. Increased Usage

Hearn's Lake and the surrounding area have a number of special natural features that are currently provided protection from the impacts of people through relatively low visitation rates.

These features include the fish in the lake, the riparian vegetation surrounding the lake, known turtle nesting sites on the beach and Flat Top Nature Reserve which is noted for its rock pools which contain hard corals and for its extremely high level of marine biodiversity. Protection of marine biodiversity and habitat is a main objective of the Solitary Islands Marine Park which includes Hearn's Lake and the Flat Top area.

Increased population adjacent to the Hearn's Lake area will result in higher visitation rates. How will the proposal impact on the features noted above and how is it proposed to mitigate the impacts?

All communications to be addressed to:

Headquarters
NSW Rural Fire Service
Locked Mail Bag 17
GRANVILLE NSW 2142

Telephone: (02) 8741 5555
e-mail: developmentcontrol@rfs.nsw.gov.au

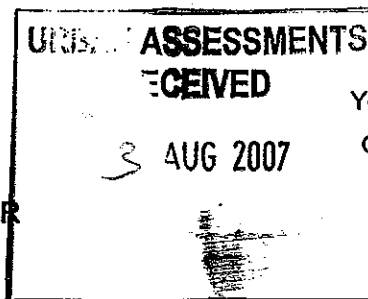
Headquarters
NSW Rural Fire Service
15 Carter Street
HOMEBUSH BAY NSW 2127

Facsimile: (02) 8741 5550



Urban Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

ATTENTION: RAY LAWLER



Your Ref: MP07_0075

Our Ref: S07/0039
G07/2244

DA07072442574 DC

30 July 2007

Dear Sir/Madam,

**Re: Request for Provision of Key Issues and Assessment Requirements for
21/714858, 45 HEARNES LAKE ROAD, WOOLGOOLGA NSW 2456**

I refer to your letter dated 20 July 2007 seeking the NSW Rural Fire Service key issues and assessment requirements regarding bushfire protection for the above property in accordance with section 75F (4) of the *Environmental Planning and Assessment Act 1979*.

The following key issues and assessment requirements shall be included in the Director-Generals environmental assessment requirements:

1. The NSW Rural Fire Service (RFS) notes that the subject site has significant bush fire issues and is identified as bush fire prone. Future residential or Special Fire Protection Purpose developments are likely to be subject to the requirements of section 100B of the *Rural Fires Act 1997* and Section 79BA of the *Environmental Planning and Assessment Act 1979*; and
2. Minimising the impact of radiant heat and direct flame contact by separating the development from the bushfire hazard by identifying the extent to which future development can provide for Asset Protection Zones in accordance with *Planning for Bush Fire Protection 2006*. Setbacks will depend on proximity to vegetation, vegetation type and slope.

For any enquiries regarding this correspondence please contact Daniel Copland on 8741 5555.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Nika Fomin', with a long horizontal flourish extending to the right.

Nika Fomin
Development Control Co-ordinator

The RFS has made getting additional information easier. For general information on *Planning for Bush Fire Protection 2006*, visit the RFS web page at www.rfs.nsw.gov.au and search under *Planning for Bush Fire Protection 2006*.

Your ref: MP07_0075
Our ref: 1707934 (DA 91/08)

22 August 2007

Mr R Lawlor
Coastal Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Mr Lawlor

**Key Issues & Assessment Requirements for MP07-0075
Lot 21, DP 714858, No. 45 Hearnese Lake Road, Woolgoolga**

Reference is made to your correspondence of 20 July 2007 seeking details of key issues and assessment requirements for this application.

Council has reviewed the Preliminary Environmental Assessment of May 2007 prepared by Merson Pty Ltd and concurs to the draft copy of Director General's Environmental Assessment Requirements subject to:

- **Hearnese Lake / Sandy Beach Development Control Plan (DCP) 2005**

The Environmental Assessment should address the controls of this plan.

- **Coffs Harbour City LEP 2000 (Amendment No. 29)**

The Environmental Assessment should address the controls of this plan.

- **Draft Vegetation Conservation DCP**

The proposal should address the controls of this draft DCP.

- **Acid Sulfate Soils**

The site is mapped as Class 2 and 5 Acid Sulfate Soils (ASS). Detailed site investigations need to be conducted to delineate areas of actual and potential ASS and a development response to this hazard in accordance with Clause 23 of Coffs Harbour City LEP 2000 and with the ASSMAC Acid Sulfate Soils Manual (1998) and other relevant guidelines.

- **Acoustic Impact**

The development should address the impact of highway traffic noise, to include noise monitoring, attenuation methods, noise controls, building design controls, title restrictions, etc.

- **Pacific Highway Planning Strategy**

The developer should liaise with the Roads and Traffic Authority concerning the Pacific Highway Planning Strategy and the suitability or otherwise of the Highway / Hearn's Lake Road intersection. The proponent should take into consideration MP05-0095 for the residential subdivision of No. 1 Hearn's Lake Road (Lot 4, DP 612977) into 86 lots.

- **Bushfire Risk**

The site is mapped as bushfire prone – the development proposal should address this risk.

- **Beach Access**

The proposal should describe beach access routes, linkages, construction and environmental impacts.

- **Hearn's Lake – A Significant Coastal Lake**

The proposal should address the impacts of the development on the ICOL.

- **Permissive Occupancies**

The proposal should address access arrangements to the permissive occupancies in consultation with the Department of Lands.

- **Proposed Lot 10 (Drainage) and Lot 28 (Environmental Protection)**

The developer should indicate the intentions with respect to these land parcels. Is it intended to dedicate these lots to Council at no cost as part of the proposal, and in what manner or timing will this occur?

- **Coastal Processes, Flooding and Stormwater Treatment**

It is noted that the above considerations are called up under Sections 6 and 7 of the Director-General's Environmental Assessment Requirements.

- **Hearn's Lake Road**

The developer should investigate the status and ownership of this road (Crown Road) including all necessary and required approvals to undertake works on this road, to include water and sewerage infrastructure.

- **Services and Roads**

The development shall incorporate road and services links to adjoining properties, including temporary turning areas for each stage of the development.

- **Extension of Services to the Site**

Methods and or arrangements to obtain legal rights to extend and construct reticulated water and sewer to the site should form part of the application. Details of funding arrangements for the provision of services shall also be provided as part of the Environmental Assessment. No support to "temporary" infrastructure as detailed on Map 4S is given by Council, the applicant should reference Council correspondence to de Groot and Benson Pty Ltd of 21 May 2007 concerning the provision of sewerage services to this site.

- **Departure from Provisions of Hearnese Lake / Sandy Beach DCP 2005 and Coffs Harbour City LEP 2000 (Amendment No. 29)**

The applicant should justify any departure from the above DCP and draft LEP Amendment.

- **Status Development Application 1401/06**

The applicant should advise as to their intentions with respect to this Development Application lodged with Council on 16 June 2006 for the staged residential subdivision of this property into 25 lots. This application is a "staged development application" in accordance with Section 83B of the Environmental Planning and Assessment Act 1979. Note this application is undetermined. Note, this application requires additional information for Council's evaluation and determination.

It is Council's view that as an application has been lodged pursuant to Part 3A of the Act (the subject application) Development Application 1401/06 should be withdrawn.

For further information please contact Mark Hannon on (02) 6648 4631.

Yours faithfully

Mark Hannon
Project Manager Development

MSH:cts

Director
Coastal Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Crown Lands NSW
36 Marina Parade
PO Box 291J
COFFS HARBOUR NSW 2460
Telephone (02) 66919610
Facsimile (02) 6651 9975
stephen.channells@lands.nsw.gov.au

Our Ref: GF04H137
Your Ref: MP07_0075

21 August 2007

Attention: Ray Lawlor

Dear Sir

Re: Key Issues and Assessment Requirements for MP07_0075 at Hearn's Lake

I refer to your letter received 25 July 2007 seeking comments on the major project application MP07_0075 relating to Lot 21 DP 714858 at Hearn's Lake near Woolgoolga. The affected land adjoins Crown Public Road known as Hearn's Lake Road to the south and Reserve 74543 for Public Recreation to the east. The reserve is managed by Coffs Harbour City Council as appointed Corporate Manager of the Coffs Coast Reserve Trust. Additionally a number of Permissive Occupancies are held over small areas nearby.

Access to the site is currently afforded by way of the Crown public road, however, further construction and necessary upgrading of that formation is well beyond a level that the Department would consent to. Consequently, it is recommended that the applicant seek to have the control of the required part of that road transferred to Council.

The applicant will need to address the impacts on holders of permissive occupancies located at the Hearn's Lake foreshore and the continued enjoyment of their holdings.

The adopted Hearn's Lake/Sandy Beach Development Control Plan (DCP) identifies development densities for each area within the Hearn's Lake precinct. While the applicant has not exceeded the maximum dwelling yield for that area it is clear that the proposed subdivision aims to develop areas proposed for zoning "7A Environmental Protection" and "Bush Fire Buffer". As stated in the DCP the applicant is to comply with the overall planning strategy, and in this particular case environmentally sustainability planning controls, unless it can be demonstrated that alternatives will meet all objectives.

Hearn's Lake is an intermittently opened small coastal lake with high conservation values that provides for a range of active and passive recreational uses. The adjoining beach is a known breeding ground for Green Turtles (*Chelonia mydas*). The applicant will be required to prepare an access management plan addressing potential impacts (positive and negative) relating to the use of Hearn's Lake, its foreshore and the adjoining Crown lands (beach and dunal system).

All sewage and stormwater should be adequately treated on site. The impacts of stormwater will need to be investigated and a stormwater management plan should be prepared and developer funded to address erosion and weed problems on the Crown Public Road and the fringes of Hearn's Lake. Ongoing stormwater quality monitoring should be implemented at cost to the developer and stormwater mitigation measures adapted accordingly.

Given the potential further future development in the area investigations should be made as to the feasibility of the installation of a dual reticulation system for the use of treated grey water in accordance with best practice management.

It is likely that with an increased population within the Hearn's Lake area the number of household pets including dogs will increase and public safety and environmental concern regarding the use of Hearn's Lake beach area as an off leash area will intensify. The beach at Hearn's Lake is a nesting site for Green Turtles and dogs have been recorded digging up turtle nests. A dog off leash area should be provided within the development area to cater for the future needs of residents of the proposed development. Hearn's Lake beach is part of the Solitary Islands Marine Park managed for the people of NSW, the provision of dog off leash areas is a local service and should be provided for in local planning.

All landscaping and rehabilitation should use locally sourced native species to prevent impacts on the adjoining bushland areas including on the nearby Crown land surrounding Hearn's Lake. Species used for roadside nature strips should include species with limited potential to drop limbs to reduce the risk to residents and minimise any potential need to remove dangerous trees in the future. Species which may be suitable and aesthetically pleasing for street trees may include Cheese Tree (*Glochidion ferdinandi*), Creek Sandpaper Fig (*Ficus coronata*), Large Mock-olive (*Notelaea longifolia*), Water Gum (*Tristanopsis laurina*) and Tree Heath (*Trochocarpa laurina*).

Additionally the applicant will need to address potential impacts on the riparian fringing vegetation and important littoral rainforest species and its immediate curtilage as value for use as fauna movement corridor.

A Cultural Heritage management plan should be prepared to ascertain and address impacts of the development on cultural heritage, particularly relating to the spur crest and area identified as HL2 in the DCP.

Should you wish to discuss this matter further please contact me on (02) 66919613.

Yours sincerely

Stephen Channells
Environmental Officer
Crown Lands Division

