

TOWN PLANNING & DEVELOPMENT ADVICE

09 November 2010
Ref: IM05010.36

Mr Martin Bouma
Land Use Planning Officer
Coffs Harbour City Council
Locked Bag 155
COFFS HARBOUR NSW 2450

Dear Sir

***MP 08-0003 Staged Construction of
32 Dwellings & Community Title Subdivision
1206D Pacific Highway, Moonee
Lot 211 DP 1044292 and Lot 1 DP 262300***

The Environmental Assessment for the above proposal was exhibited from 16 October to 16 November 2009. As a result of the exhibition several issues were raised including seven (7) public submissions. The issues were forwarded in letters dated 24 November and 9 December from Council.

In addition to the issues raised, the Roads & Traffic Authority (RTA) entered into negotiations to acquire some of the subject land to provide access to lots adjoining to the west that require changes to their current access arrangements as a result of upgrading the Pacific Highway. As a result of the RTA negotiations, the proposed collector road will be constructed for the full frontage of the section of the property to be developed and connected to Moonee Beach Road earlier than previously anticipated. In this regard there is no longer a need to complete the development in 2 stages. The staging was purely based on raising funds from stage 1 to undertake the construction of the collector road in stage 2. With the assistance of the RTA the collector road can be undertaken from the outset of construction commencing.

In the issues raised in Council's letters, concern was expressed for aspects including the following:-

- Public opposition to road connection to Woodhouse Road as a potential 'short cut' and the steep nature of Woodhouse Road for traffic safety.
- The extent of cut and fill likely to be required at the intersection of the collector road and Woodhouse Road connection.
- The provision of bio retention swales within the Woodhouse Road connection road.
- Access and protection of the 7A zoned land in the south.
- Garbage collection measures within the development.

As a result of these specific concerns and the assistance of the RTA it has been decided to amend the extent of development as follows:-

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1. Complete the development in one stage so that the collector road will provide the main access to the estate.
 2. Remove the east west connection road to Woodhouse Road and retain access only for bushfire vehicles.
 3. Construct the eastern most end of the east west connection to Woodhouse Road to allow garbage vehicles to pass through the estate and as a secondary access point for residents and visitors if needed.
 4. Construct the collector road for the full frontage of the development section with a cul-de-sac end pending extension of the collector road through the properties to the south.
 5. Dedication of all the area to the south of the proposed residential lot boundaries to Council as public reserve.

The foregoing changes will address many of the issues raised and will offer improved protection to the endangered plants as well as limiting access to the 7A areas. In particular the changes will overcome concerns for the residents in the Woodhouse Road area. Revised plans of the proposed development are enclosed in Attachment 8.

To clarify the extent to which the developer would be responsible for the construction of the collector road through the site, advice was sought from Pikes Lawyers in Sydney who specialise in Local Government matters. A copy of that advice is included in Attachment 11.

In respect all the issues raised in Councils letters I provide the following summary as a Preferred Project Report.

COUNCIL LETTER OF 24 NOVEMBER 2009.

Flora and Fauna

- Figure 8 – Ecological Status of Vegetation has been amended to distinguish between ‘Very High’ and ‘Low’ ecological value. A copy of the amended plan is enclosed as Attachment 1.
- A Site Rehabilitation Plan will be prepared as part of the Construction Certificate to details measures to protect the Moonee Quassia and Rusty Plum during construction. In the interim the proposed collector road and link road to Woodhouse Street have been amended to further reduce any impact.
- James Warren & Associates have reassessed the translocation of the Moonee Quassia in ‘Response Report’ dated July 2010. A copy of the report is included as Attachment 2.
- The amended plan for the collector road and deletion of the link road to Woodhouse Street will reduce the potential for access to the 7A zone. The area would be fenced off as a further deterrent as a condition of consent if necessary.
- The Statement of Commitment has been amended to add a Weed Control Plan. The development will now be completed in one stage so timing of excavation of actions is clearer.

A copy of the amended Commitments is enclosed as Attachment 3.

- The revegetation areas have been added to the Statement of Commitments and is included in Attachment 3.
- The Statement of Commitments refers to the preparation of a Vegetation Management Plan (VMP) and implementation of recommendation prior to dedication of the 7A land to Council. The VMP will be prepared as part of the Construction Certificate.

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- At this stage it is considered sufficient to identify the principles for amelioration. A VMP will provide greater detail once consent is granted and the extent of conditions to be imposed are known. The VMP will be prepared in conjunction with the Construction Certificate.

Stormwater

- Gilbert & Sutherland have provided a response to the matters raised in letter dated April 1. A copy is enclosed as Attachment 4.

Bushfire

- Bushfire safe (Aust) Pty Ltd have responded to the 3 issues raised in letter dated 16 February and a copy is enclosed as Attachment 5.

Community Management Statement

- Fishburn Watson O'Brien were engaged to provide a draft Community Management Statement. In respect to the concerns now raised the solicitors have advised that the Statement is in a generic form to detail the general administration of the Community plan. The Statement will cross reference relevant reports and plans prepared by consultants as required by the Community Land Development Act 1989 and Community Land Management Act 1989.

At this time, the content of consultants reports is being refined as a result of the response from the public and Government authorities. The Management Statement cannot be finalised until consent is granted and the extent of detail to be referenced in the Statement is clarified at the consent stage. A condition of consent can require the final Management Statement to be presented.

Building Design

- Ross Colquhoun Architect Pty Ltd has considered the issues in respect to building design and his response is detailed in letter dated 19 March and enclosed as Attachment 6.

Urban Design

Ross Colquhoun Architect Pty Ltd has addressed the issues in the response included in Attachment 6.

De Groot & Benson Pty Ltd have reconsidered the household waste collection and identified new locations where bins will be positioned for collection that reflects the change in circumstances of the collector road construction together with garbage truck access through the development.

Traffic

Gutteridge Haskins & Davey (GHD) have responded to these issues in letter dated 8 February and enclosed as Attachment 7.

The plans for the development identified visitor parking areas within the estate with each house having either a single or double garage. It is considered that adequate parking is available and no onstreet parking is necessary or provided for.

The issue of the collector road construction by the RTA has been discussed earlier.

Flooding and Acid Sulfate Soils

GHD have responded to these issues in Attachment 7. De Groot & Benson Pty Ltd have been engaged to address the components not completed by GHD and the response is included in Attachment 8 that addresses all of the outstanding engineering components together with the subdivision amendments resulting from the early construction of the collector road and public concerns.

Noise

A response to the issues raised has been prepared by Black Earth Environmental Services in letter dated 16 March and is included as Attachment 9.

Geotechnical Assessment

The geotechnical considerations are addressed by de Groot & Benson and included in Attachment 8.

Other Comments

- ESD Principles

A summary of the ESD Principles compliance is included as Attachment 10.

- Sugar Mill Creek

There are no other tributaries of Sugar Mill Creek that are not shown in the development plans.

- Water tanks

This issue is addressed as Attachment 6 by Ross Colquhoun Architect Pty Ltd.

- Internal Access

The central access road through the development can accommodate trucks for waste collection etc.

- Contamination

An amended Statement of Commitments is included as Attachment 3.

- Management of 7A land

The 7A land will be dedicated to Council for its care, control and management including additional land up to the residential lot boundaries that contains endangered plants, fire vehicles access and Asset Protection Zones.

- Seniors Living

The proposal is for residential living and may suite senior members of the community. It is not specifically designed for seniors living only.

COUNCIL LETTER OF 9 DECEMBER 2009

Biodiversity Considerations

The five recommendations have been addressed as follows:-

1. The flora and Fauna (Response Report) dated July 2010 from James Warren & Associates specifically addresses the encroachment of bushfire Asset Protection Zones into the land zoned 7A. (Attachment 2).
2. The Assessment of Significance (Seven Part Tests) report dated July 2010 by James Warren & Associates reapplies the seven part tests as requested (see Attachment 1).
3. Any Endangered Ecological Community (EEC) species are wholly contained within that part of the site to be dedicated as public reserve and generally within Zone 7A. Detailed stormwater management is proposed to protect the public reserve area and a Vegetation Management Plan (VMP) will be prepared as part of the Construction Certificate. The VMP will address potential impacts in more specific detail.
4. The number of rehabilitation areas should be shown on Figure 13. The text in the document referred to 6 areas was a typographic error.
5. The Flora and Fauna Assessment by James Warren & Associates considered the need for Commonwealth referral and concluded that based on the assessment provided referral was not required.

Land Use Management Considerations

1. A BASIX certificate was included for each dwelling in the Annexures to the EA report.
2. This is addressed by Ron Colquhoun Architects in Attachment 6.
3. See Attachment 6.
4. See Attachment 6.
5. See Attachment 6.
6. See Attachment 6. The connecting road to Woodhouse Street is now removed from the amended layout and rear yards will no longer face a street.
7. Gilbert & Sutherland have prepared a concept for the overall management of stormwater. Internal drainage and interallotment collection will be determined as part of the Construction Certificate. It is impractical to determine internal easements at this stage without detail design of streets etc.
8. The location of garbage bins has been marginally amended to central collection points. De Groot & Benson have investigated the practicality of garbage vehicles entering the site and have made minor adjustment to ensure a vehicle can enter from either end of the subdivision and access nominated collection points.

Engineering and Design Considerations

1. De Groot & Benson have been engaged to reassess all design issues and the collector road has been redesigned at least conceptually. See Attachment 8.
2. See Attachment 8.
3. The east west road has been removed.
4. Noted. This will be addressed as part of the Construction Certificate.
5. Most of the proposed houses have a double garage. There are 6 spaces provided for visitors. In addition some additional parking is available in many of the driveways. It is considered that the parking is adequate.

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6. See Attachment 8.
 7. The east west road reserve has been removed.
 8. The extension to the public reserve is acceptable and can include all land to the south of the development lots. This area will include some land within a residential zone.

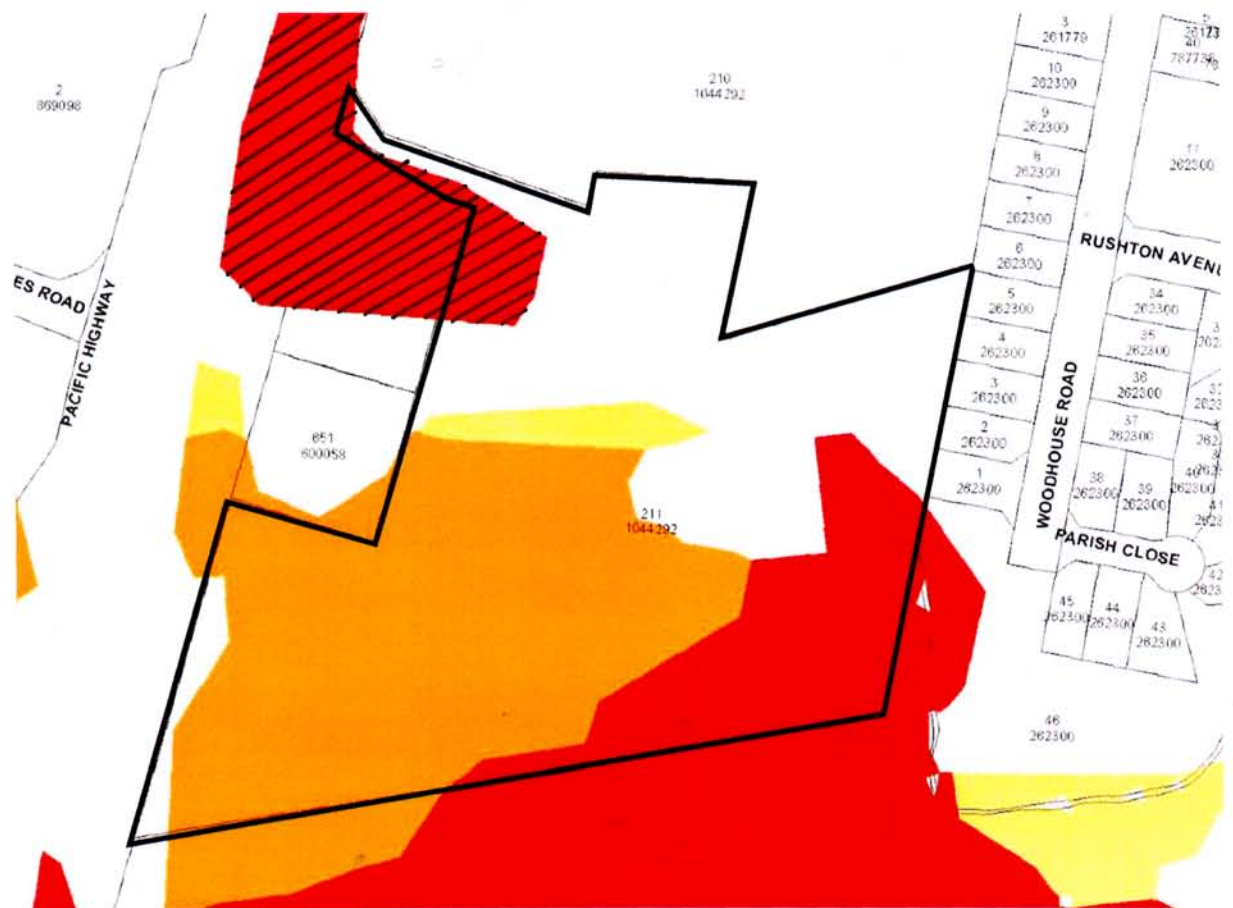
Trusting the foregoing addresses Councils concerns.

Yours faithfully
GEOFF SMYTH CONSULTING



GEOFF SMYTH
gs.jm

Attachment 1



Legend
 Ecological Status - Vegetation Value
 Very High
 High
 Medium
 Low
 Subject Site

0 750m



SOURCE: Coffs Harbour City Council
 (Recd 22.07.04) Ref:VS211_1044292.jpg
 SCALE: 1 : 3 000 @ A4

JAMES WARREN & ASSOCIATES PTY LIMITED
 Environmental Consultants

CLIENT
 Ian Maher Town Planning
 PROJECT
 Lot 211 DP104492
 Pacific Highway, Moonee Beach, NSW
 Coffs Harbour City Council LGA

FIGURE 8

PREPARED: VJA/BW
 DATE: 01 August 2007
 FILE: 04004_Eco Status.cdr

TITLE
**ECOLOGICAL
 STATUS OF
 VEGETATION**

Attachment 2

Attachment 3

Attachment 4

Attachment 5

Attachment 6

Attachment 7

Attachment 8

Attachment 9

Attachment 10

Attachment 11