

Your Reference : MP 08_003 (2331808)
Our reference : D0009/49771 FIL07/2233-05
Contact : Peter A. Ekert, 66402514 peter.ekert@environment.nsw.gov.au

The General Manager
Coffs Harbour City Council
Locked Bag 155
Coffs Harbour NSW 2450

Attn: Marten Bourma

C.H.C.C.	
Index:	_____
INT REF No.	_____
11 NOV 2009	
OFFICER I.D.	_____
DTWKS No.	_____

9 NOV 2009

Dear Mr Bourma

RE: Environmental Assessment Exhibition – Major Project 08_0003 – Construction of 32 dwellings and community title subdivision in two stages at 1206D Pacific Highway Moonee Beach – Lot 211 DP 1044292 & Lot 1 DP 262300

I refer to the Project Application, Environmental Assessment, and accompanying information provided for the proposed residential subdivision at Sapphire Beach NSW received by the Department of Environment, Climate Change and Water (DECCW) on 15 October 2009.

DECCW has reviewed the information provided and has no issues in relation to Aboriginal cultural heritage and Coastal hazards and sea level rise.

In relation to biodiversity, DECCW has determined that it is able to support the proposal subject to the Determining Authority seeking the amendments to the draft Statement of Commitments, identified in Attachment 1. Attachment 2 contains DECCW's assessment of the proposal, including justification for the amendments.

It is expected that DECCW will be given an opportunity to review the draft Director-General's Environmental Assessment Report for this proposal. If the amendments to the draft Statement of Commitments are not included to the satisfaction of DECCW, we will be recommending that they are included as Conditions of Approval, if approval is recommended by Council. It should be noted that these amendments are important for DECCW's ongoing support of the proposal

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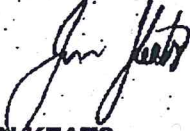
The Department of Environment and Climate Change is now known as the Department of Environment, Climate Change and Water

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Department of Environment, Climate Change and Water

If you have any inquiries please contact Peter Ekert on 66402514.

Yours sincerely



JON KEATS
Head, Industry and Waste Unit
Environment Protection and Regulation Group

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Attachment 1

Recommended Amendment to the Draft Statement of Commitments

Flora and Fauna

- A Vegetation Management Plan (VMP) will be prepared and submitted to the Consent Authority (Department of Planning) for endorsement prior to the issuing of a subdivision certificate. The VMP will detail specific measures to translocate the Moonee Quassia including:
 - Preliminary Planning and Consultation;
 - Detailed Planning, Consultation and Technical (expert) Input;
 - Assessment (site, weeds, native species, threats etc);
 - Implementation, Monitoring and Management.

Department of Planning

Attachment 2

DECCW's Assessment

- DECCW has recommended some minor modifications to this SoC. Most translocations of fauna or flora from or within development sites that have had short-term success, have been poorly managed, often using inappropriate techniques, with little or no monitoring or reporting on success. DECCW recommends that specific planning measures in relation to the translocation of Moonee Quassia be detailed in the Vegetation Management Plan. DECCW recommends that the translocation of Moonee Quassia be undertaken in accordance with: *Guidelines for the Translocation of Threatened Plants in Australia* (2nd edition; Vallee *et al.* 2004), which is a recognised text for plant translocations.

The translocation program should include (at the minimum):

- Details of the project management team, including suitable scientific and/or technical expertise, which may be drawn from DECCW, a university or other research institution, a conservation organisation, or other appropriate source;
- the potential conservation, scientific and/or educational benefits of the translocation outweigh the potential risks and costs. The following factors need to be considered, although not all will be relevant to every translocation. Where the purpose of the translocation is to promote species or ecosystem conservation through establishing a self-sustaining population, all will be relevant. However, as an example, translocations for the purposes of scientific research may not require long-term protection of the host location. Which factors are relevant should be determined with reference to the objectives and context of the translocation:
- whether an adequate understanding of species distribution is demonstrated. This may require targeted surveys to evaluate the need for translocation and/or determine appropriate recipient locations;
- whether an appropriate source population exists, of appropriate genetic provenance;
- the impact of take of organisms or other propagative material for translocation on source populations;
- whether threats to the translocated species at the host location are identified, and removed or effectively managed;
- whether the protection or management of the host site is secure over the long term (e.g. has formal protection; management agreements in place; clear landholder commitment);
- whether suitable habitat exists at the host location to meet the ecological needs of a translocated population;
- whether potential threats posed by the translocation activity or translocated organism to the host ecosystem are avoided or effectively managed;
- the translocation is well planned and managed;
- rigorous monitoring and management (including ongoing threat abatement) over a time-scale adequate to determine whether the objectives of translocation have been met is incorporated;
- key stakeholders that may be affected by the translocation have been consulted from an early stage, with respect to both source and recipient locations, and concerns addressed where possible. Relevant stakeholders depend on the context and may include Recovery Teams, landholders, conservation organisations, Traditional Owners, and local Councils.



Office of Water

Coffs Harbour City Council
Mark Salter
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C.H.C.C.	
Index:	1114/108
INT REF No.	2331608
18 NOV 2009	
OFF FILED	MFB
DIV	2359325

Contact: Christie Jackson
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Email: christie.jackson@dnr.nsw.gov.au

12 November 2009

Our ref: ER20834
Your ref: MP08_0003

Dear Mr Salter,

Subject: Major Project 08_0003 Environmental Assessment for 32 lot subdivision, Pacific Highway, Moonee Beach

I refer to your letter dated the 12 October, 2009 seeking the NSW Office of Water's (NOW) comments on the Environmental Assessment (EA) for the proposed subdivision at 1206D Pacific Highway, Moonee Beach. Please note, the former Department of Water and Energy has recently been abolished and the Department's water related functions have been merged with DECC to form the new Department of Environment, Climate Change and Water (Office of Water), at this stage NOW are submitting separate responses.

NOW understands the development consists of the following:

- Construction of a collector road and connection road access from Woodhouse Road to collector road;
- Creation of 32 residential lots under a community title;
- Dedication of a residue lot as a public reserve;
- Creation of a residue lot fronting the Pacific Highway and separated into two areas as future development sites;
- All reticulated services will be provided; and
- Construction of 3 x 2 bedroom and 29 x 3 bedroom dwellings. It is proposed to construct the proposal in two stages.

NOW understands under delegation of the Director-General of the Department of Planning, Council will carry out all functions of the Director-General under Part 3A of the *Environmental Planning and Assessment Act 1979*.

NOW has reviewed the EA and our comments are outlined as follows:

Groundwater Issues: The EA outlines the construction of two bio-retention basins and trenches as part of the stormwater management system for the development. It is preferred the bio-retention basins and trenches are constructed above the watertable and lined with impermeable

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Environment, Climate Change and Water NSW



material. If as a result of the construction of the bio-retention basins and trenches groundwater is likely to be intercepted then further discussion is required with NOW licencing officers and Hydrogeologists. NOW does not endorse the direct discharge of stormwater into an excavation if it intersects the water table.

There may also be a requirement as part of the development to dewater groundwater. The proponent will be required to determine if the works will intercept the watertable prior to undertaking any excavation. If the watertable will be intercepted as a result of any works, the proponent should be made aware that a dewatering licence is required from NOW prior to any excavation on the site. Also if dewatering is required as part of the proposal, a dewatering plan is required by NOW. If a dewatering licence is required please contact the Grafton office on (02) 6641 6500 for licence applications.

Riparian Issues: There is a small unnamed creek located on the lower part of the site which flows west to east through the property, eventually flowing to Sugar Mill Creek located 300 metres from the site. It is understood the Coffs Harbour Local Environmental Plan and Moonee Development Control Plan outline a 40 metre buffer width to protect the integrity of the watercourse. NOW supports the buffer width of 40 metres either side of the watercourse, however it is important that any Asset Protection Zones (APZ) are located outside of the 40 metres to protect the integrity of the watercourse.

Whilst approvals under Part 3A of the *Environmental Planning and Assessment Act 1979* do not require a separate Controlled Activity Approval under the *Water Management Act 2000*, works should be consistent with State Policy and Guidelines. The NOW 'Guidelines for Controlled Activities (2008)' outline the management requirements for works within 40 metres of a watercourse.

It is expected that all works within riparian areas are undertaken with minimal disturbance, erosion and sediment control measures, provision of adequate drainage, maintenance of hydrological flow regimes and appropriate revegetation and rehabilitation of all disturbed areas.

Stormwater Management: The development site is located within the Moonee Creek Catchment, with the unnamed watercourse flowing to Sugar Mill Creek, then into Moonee Creek to the ocean. Therefore the containment and appropriate treatment of stormwater runoff is important in reducing nutrient and sedimentation impacts to water sources. It is particularly important to ensure any runoff leaving this site is at an appropriate standard and is consistent with the Moonee Development Control Plan, which outlines appropriate water quality targets and objectives for the area.

The EA outlines a number of measures for stormwater management across the site including rainwater tanks, vegetated buffers, bio-retention trenches and bio-retention basins. NOW recommends that the bio-retention basin is appropriately constructed and lined in accordance with industry guidelines to avoid groundwater contamination.

The EA outlines a Stormwater Management Plan which includes a monitoring and maintenance program for various stages of the development. It is important all works are implemented on site in accordance with the Stormwater Management Plan.

Acid Sulfate Soils (ASS): The Department of Land and Water Conservation 1:25,000 Acid Sulfate Soil risk map for Moonee Beach outlines the southern portion of the site has a low probability of occurrence of ASS between 1 and 3 metres below ground level. The 1:8000 ASS planning maps for the Coffs Harbour Local Government Area identified the land as having Class 3 and Class 5 ASS. NOW is concerned about potential contamination of groundwater if acid sulphate soils are disturbed as a result of the development. It is recommended, further testing should be undertaken in the high risk areas if disturbance is likely to occur as part of the development with appropriate management measures implemented.

Water Sharing Plan: The statutory Water Sharing Plan for the *Coffs Harbour Area Unregulated and Alluvial Water Sources 2009* has commenced and is applicable to the development site.

Water Supply: The EA outlines reticulated water will be provided for the development by connecting to the existing water main network. NOW supports the provision of water to the development by town water supply.

Whilst NOW is satisfied the development can proceed, NOW's requirements and Government policy have been outlined above to ensure, the proponent understands their responsibilities for the management of water and riparian areas on the site.

If you require clarification on any of the above please don't hesitate to contact me on (02) 6701 9652.

Yours sincerely,



Christie Jackson

Planning and Assessment Coordinator



General Manager
Coffs Harbour City Council
Locked Bag 155
Coffs Harbour NSW 2450

Your Ref : MP08_0003
(DA1114/08)
Our Ref: OUT09/235

Attention: Mark Salter – Director of Land Use, Health and Development

Dear Mark,

Re: MP08_0003 - Construction of 32 Dwellings and community title subdivision at 1206D Pacific Highway Moonee Beach – Lot 211 DP 1044292 & Lot 1 DP 262300

Thank you for your letter dated 12 October 2009 with the opportunity to comment on this application. I appreciate the one week extension to allow us to submit our comments.

The Northern Rivers Catchment Management Authority (NRCMA) has reviewed the documents provided and conducted a site inspection.

The NRCMA would like to stress the importance of maintaining the soil health and diversity of fauna and flora species on the subject site.

The recent flood events this year have highlighted the need for maximum vegetative ground cover to ensure minimal soil loss from high intense rainfall events. The NRCMA strongly suggests that disturbance of ground cover during the construction stage be kept to a minimum and all disturbed sites are topsoiled and re-seeded with suitable species to ensure vegetation is re-established as quickly as possible.

With reference to the native fauna and flora we offer the following comments;

- Specifically, protection of threatened species and habitat located at the site including *Quassia* spp., Rusty Plum (*amorphospermum* spp), and koala habitat, consistent with draft CHCC priority habitats and corridors strategy and the draft revised Koala Plan of Management.
- The riparian zone along the creek which flows into Moonee Creek is an ecologically important estuarine ecosystem. A functioning riparian zone will benefit the estate as there will be less likelihood of soil loss and sedimentation from flood events and offer a pristine recreational area for future residents. We recommend that where the riparian zone is less than 10 m. wide that it be increased to a minimum 10m. on each side to ensure this minimum length is retained along its entirety.

- Rehabilitation of the creek should be carried out by qualified bush regenerators to ensure weeds are controlled according to current Best Management Practice. This will allow regeneration of endemic species and ensure minimal ground disturbance and reduce the number of plantings to be undertaken, and will optimise the rehabilitation of the creek in the shortest possible timeframe.

If you wish to discuss these issues further, please contact Simon Proust, Catchment Coordinator on 02-6653 0111.

Yours sincerely



Michael Pitt
General Manager
Northern Rivers CMA



Planning

Mark Salter
Director of Land Use, Health and Development
Coffs Harbour City Council
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COFFS HARBOUR 2450

Contact: Lily Wang
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Our ref: 08_0003
Your ref: DA 1114/08
File: S08/00018

Dear Mr Salter

Subject: Environmental Assessment Exhibition – 08_0003 - Construction of 32 dwellings and community title subdivision in two stages at 1206D Pacific Highway, Moonee Beach – Lot 211 DP 1044292 & Lot 1 DP 262300

I refer to your letter dated 12 October 2009 seeking comments from the Department of Planning (the Department) in regards to the Environmental Assessment Report (EA) for the above Major Project.

The Department has reviewed the information provided and based on this review the following comments are made.

Flora and fauna

- The Ecological Status of the Vegetation map in the Flora and Fauna Assessment is not clear in showing the vegetation value. The legend showing very high ecological value is the same colour as the legend showing very low. This should be rectified.
- More stringent protective measures should be put in place to conserve the Rusty Plum and the Moonee Quassia species. This is especially in light of the NPWS database containing only 19 records of the species within 10 kilometres of the site. In addition, 15 shoots of the species being located on the site gives a good indication that the site is a good location for the species.
- The translocation of the Moonee Quassia or other threatened species is not supported, with in situ conservation being the preferred approach. A reconfiguration of lots and roadways may be required to achieve this.
- The measures used to restrict or at the very least minimise visitations to the adjacent 7A zone are not clearly stated. More information needs to be given as to the type of measures proposed and who will be responsible for their implementation. This is important as this area includes the forest area, and rehabilitation/revegetation areas for the two threatened flora species.
- A Weed Control Plan should be prepared as part of the statement of commitment. The current commitments relating to weed control are not extensive enough to ensure that there will be adequate weed control. The commitments need to be more comprehensive, covering description of actions to be taken at every stage, the timing of execution, and who is responsible.
- Both the Statement of Commitment and the EA do not refer to the six revegetation/rehabilitation zones which are mentioned in the Flora and Fauna assessment and is an important aspect of ensuring the survival of the threatened Moonee Quassia and Rusty Plum species. As such, it is unclear whether there will be any rehabilitation zones. It is strongly recommended that the six revegetation zones be implemented and included as part of the Statement of Commitment.

- The Statement of Commitment and the EA do not discuss any bush regeneration measures or maintenance of the 7A Environmental Protection Zone. As such, it is uncertain whether this will be done by the proponent or Council upon dedication.
- More details needs to be provided to the proposed amelioration measures found under DGR 9.1.

Stormwater

- The EA does not include a Stormwater Management Plan.
- There needs to be a discussion on the types of erosion and sediment control measures proposed, and how they will be implemented.
- The Stormwater Report indicated that soil permeability test was only conducted on bores 1 and 3. Justification should be given to the selective choice of only these two bores rather than conducting the assessment on all four bores.

Bushfire

- The bushfire assessment needs to be made in accordance with Appendix 3 of the PBP guideline, as the development includes approval of dwellings. There seems to be no mention of this in the Bushfire Risk Management Report.
- A part of the proposed APZ falls in the 7(a) Environmental Protection zone. The EA should justify whether having an APZ in this zone complies with the objects of this zone and whether it is a permissible use.
- There is no assessment of whether the proposed water tanks have enough capacity in the case of bushfire.

The Community Management Statement

- Overall, there needs to be consistency between the Community Management Statement and the EA.
- The Community Management Statement (CMS) identifies additional APZ buffers along the western, eastern boundary of the proposed site, for lot 2 and along the eastern boundary of lot 13. These buffers are not found in the Bushfire Risk Assessment report or the EA. More clarification is needed pertaining to the exact proposal of the development is needed to resolve this conflicting issue.
- The CMS identifies a community neighbourhood lot adjacent to the southern elevation of the proposed residential lot 13. This lot is not mentioned elsewhere in the EA. Clarification is required regarding the location and purpose of this lot.
- The CMS discusses a fire trail being proposed as part of the development. This is not discussed in the Bushfire Assessment or the EA. As such, further detail is needed in regards to whether a fire trail is proposed.
- The CMS refers to a secondary access road and road reserve (Rutile Road). This is not marked or referred to anywhere else in the report. As such, no assessment can be made in terms of its role in the overall development and more specifically, its role as a fire trail.
- The Bushfire Evacuation Plan that is part of the CMS identifies only twelve (12) two storey residential buildings. This is required to be updated to reflect the actual number of buildings proposed.
- The Bushfire Management Plan (Appendix 3 of the CMS) conflicts with the EA as well as other parts of the CMS. The Bushfire Management Plan states that an APZ is proposed for lot 1. However, the EA shows that a residential building is proposed for this lot.

Building design

- The development consists of buildings which comply with different bushfire risk levels (level 3 extreme in the southern dwellings, level 2 high in the centre and level 1 low in the north). However, the same building materials have been proposed for all of the

dwellings regardless of their rating. The EA needs to demonstrate whether the proposed building materials comply with the bushfire risk levels.

- More details on the colour scheme are necessary, in particular what colours are proposed, and how the colour schemes complement the streetscape and the existing adjacent development.
- The EA also needs to demonstrate how the proposed building materials and design complies with the recommendations provided in the Noise Impact Assessment.

Urban design

- There needs to be more discussions on streetscape, design quality controls and the means for implementing them (DGR 2.4). In particular, the provision of fencing needs to be discussed. The rear of lots 1 to 9 fronts the connecting road from Woodhouse Road. Their design needs to ensure that privacy is provided for the owners, whilst the quality of streetscape is maintained. CPTED principles need to be considered for the collecting road to ensure that it is an inviting environment and gives a sense of safety.
- The EA proposed that the household waste collection bins be left in the road reserve of the collector road or the connecting road from Woodhouse Road. As the collector road is proposed to be constructed as part of stage 2 (which itself is subject to the economic viability of stage 1), it is unclear how waste collection will operate until then. In terms of the connecting road from Woodhouse Road, clarification is required regarding how lots 1 to 9 will be serviced. Lastly, more details need to be given regarding how the internal lots (lots 10-20 and 26-32) will be serviced.
- The streetscape elevation (sheet 32 in attachment 2) is unclear about the lateral extent (distance) of the section, and where it begins and ends.

Traffic

- It is unclear whether pedestrian walkways and cycleways will be a part of the internal road network and the connecting road from Woodhouse Road.
- In light of the fact that constructing the collector road depends on the economic viability of stage 1, and the road only goes as far as the property boundary, the full use of the collector road may not eventuate for many years. As such, the Traffic Impact Statement should take into account the long term traffic growth and its impacts on the collecting road, Woodhouse Road and Moonee Beach Road.
- There is no discussion of whether on-street parking is permissible on the internal roads, the connecting road from Woodhouse Road or the collector road.

Flooding and acid sulphate soil

- The GHD report found that the 100-year flood level is likely to inundate the southern extent of the site. More details need to be provided regarding the extent of the inundation.
- The location for the ASS samples should be more spread out throughout the site rather than only along the proposed connecting road from Woodhouse Road.
- In accordance with the ASSMAC guidelines for assessments, a preliminary hydrology study is required to be undertaken for any works in Class 5.
- There is no assessment made of whether the proposed construction works is likely to impact on the watertable.
- The potential need for an ASS Management Plan if more than 1000 tonnes of soil are disturbed during construction need to be included in the Statement of Commitment. As well, the volume of soil disturbance expected should be included in the EA.

Noise

- In the discussion of at source noise mitigation measures, there is a thorough discussion of effects of reducing speed limit on minimising traffic noise. However, there is no discussion of how the collector road will affect noise levels.

- The windows of the buildings in the Stage 2 developments should be upgraded from the proposed generic glass type to ensure external noise are mitigated. The Acoustic Assessment's recommendation that the windows in the sleeping area be upgraded to a 6mm laminated or double glazed type should be adopted.
- The properties identified in Exhibit 6.1 of the Acoustic Assessment to be in the 55 dBA to 60 dBA range (lots 25 to 29, and lots 33 to 36) should be provided with extra noise insulation in terms of building design and treatment. However, there is nothing to demonstrate that extra insulation has been provided.

Geotechnical Assessment

- In general, more details are required on how to overcome the geotechnical limitations of the site.
- The assessment suggested that the road be generally filled rather than cut. Details needs to be provided regarding the volume of fill required, where the fill will be located and the impacts on soil, landform, hydrology etc.

Other comments

- The EA does not address how the proposed development meets the principles of ESD.
- The EA identifies an unnamed and unmarked water course which is a tributary to Sugar Mill Creek on the site. This water course should be marked in the development plans and be provided with adequate protection measures such as environmental buffers.
- There are no reasons given to the differences in rain water tank capacity, in particular for lot 3, lot 4 and lot 10. This is despite the fact that the lots 1 to 4 have the same building plans.
- There are no details regarding whether the internal access road is accessible by trucks for waste collection or if there is enough width for fire protection.
- The recommended Detailed Site Investigations for further investigation of contamination should be included in the Statement of Commitment.
- The EA needs to address how access to the 7A Environmental Protection area will be managed.
- The Stormwater Report refers to the proposed development being used for seniors living. If this is the case, the proposal needs to consider the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. An economic assessment should also be made regarding whether providing three bedroom dwellings is appropriate in light of the generally smaller household sizes the in senior age group.

If you require information on the above, please contact Lily Wang on 9228 6579 or email lily.wang@planning.nsw.gov.au.

Yours sincerely


 Alan Bright
 A/Director
 Regional Projects

18/11/09



Land and Property
Management Authority

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Our reference: 09/08674
Your reference: MP 08_0003 (2331608)

12 November 2009

Attention: Marten Bouma

Dear Mr Bouma,

Re: Environmental Assessment Exhibition – Major Project 08_0003 – Construction of 32 dwellings and community title subdivision in two stages at 1206D Pacific Highway Moonee Beach – Lot 211 DP1044292 and Lot 1 DP262300

I refer to your letter dated 12 October 2009 inviting comments from the Department of Lands (now the Land and Property Management Authority or LPMA) on the abovementioned major project application and accompanying environmental assessment (EA), as lodged by Telpat Pty Ltd (the Proponent). Thank you for the opportunity to provide comments.

Potentially Affected Crown Parcels

- A Crown waterway identified as Sugar Mill Creek adjoins the Subject Site (Lot 211 DP1044292 and Lot 1 DP262300) on its eastern boundary. The unnamed watercourse flowing through the southern section of the Subject Site becomes Sugar Mill Creek at the eastern boundary of the Site (it is noted the 'Concept Plan' Stormwater Reticulation' and others refer the unnamed watercourse as Sugar Mill Creek).
- The Crown waterway is indicated in Figure 1 and is encompassed by Crown Reserve R1012190 for Access and Public Requirements, Rural Services, Tourism Purposes and Environmental and Heritage Conservation notified 25 August 2006. R1012190 is commonly referred to as Coffs Coast Regional Crown Reserve.
- With respect to the Crown waterway, please ensure the Proponent does not:
 - encroach upon the waterway; or
 - remove any vegetation from within the waterway.

Proposed Public Reserve/ Environmental Protection Zone

- The LPMA supports the dedication of the proposed residue lot (that is, that area along the unnamed watercourse south of the proposed connection road from Woodhouse Road) to Coffs Harbour City Council as an environmental protection zone (EP zone).
- The LPMA recommends the establishment of a minimum 20m rehabilitated/ revegetated buffer to the unnamed watercourse, as per the provisions of the 'Moonee Beach Development Control Plan' (DCP) and the recommendations of James Warren and Associates Pty Ltd. A 20m rehabilitated/ revegetated buffer does not appear to have been provided along the full length of the watercourse (please refer to the



'Concept Plan Stormwater Reticulation' and the 'Stage 1 Site Landscaping Plan', which show existing open grassed areas within 20m of the watercourse being retained as open grassed areas). James Warren and Associates Pty Ltd suggests six areas of grassland outside the development envelope be converted into revegetation zones, rehabilitated as wet sclerophyll forest (Page 28 of the 'Flora and Fauna Assessment') and used for the translocation of Moonee Quassia (*Quassia sp. 'Moonee Creek'*).

- The LPMA strongly supports the preparation and implementation, by the proponent, of a detailed vegetation management plan (VMP) for the EP zone, as suggested by James Warren and Associates Pty Ltd and as required by the DCP. The VMP should incorporate scoped and appropriate performance requirements for the restoration and enhancement of the zone, including the area occupied by Community 3. Performance requirements can pertain to the diversity and density of native species within particular vegetation communities, seedling survival and growth rates, cumulative crown coverages, and the abundance and heterogeneity of weeds, referenced to appropriate benchmarks (such as comparable, undisturbed vegetation communities)¹.
- It is similarly recommended the VMP specify appropriate trigger values for intervention or corrective actions, referenced to the aforementioned performance requirements.
- The rehabilitation of Community 3 is considered important for enhancing connectivity between the Subject Site and the sub-regional wildlife corridor to the south.
- It is claimed on Page 23 that the southern section of the Subject Site: "... is zoned 7A and is to be retained in its vegetated site. The protection of this area will offset any loss elsewhere on the site". It is considered the protection of existing native vegetation already substantially protected under local planning instruments is not an appropriate offset for the clearing of vegetation elsewhere on a particular site. More appropriate offsets in such cases may include the revegetation of previously cleared areas of comparable size (such as those areas proposed by James Warren and Associates Pty Ltd) or the enhancement (through weed control, the encouragement of regeneration, and supplementary planting) of retained areas (such as Community 3).

Threatened Entities

- It is claimed on Page 25 of the 'Flora and Fauna Assessment': "*The majority of the Rusty plums occur within the Bushfire Asset Protection Zone (APZ) and will be retained*". It is similarly claimed on Page 33: "*Five (5) of the Moonee quassia will be retained within the bushfire asset protection zone*". APZs, by their very nature and as a result of imposed management regimes (slashing, the maintenance of minimum crown separation distances etc) do not readily allow for the regeneration of threatened species, the juveniles of which may be difficult to spot and therefore protect during on-ground activities such as slashing. Additionally, as optimal habitat for the Rusty Plum (*Amorhospermum whitei*) consists of rainforest and the adjacent understorey of moist eucalypt forest, converting its habitat into an APZ is likely to increase the exposure of individuals to solar radiation and drying winds.
- It is unclear how many Rusty Plums will be removed as part of the development. On Page 25 of the 'Flora and Fauna Assessment' it is claimed five mature stems, one intermediate stem, and approximately 15 saplings occur within the development footprint, and that all of the saplings occur around one of the mature stems. It is further claimed the proposed development will result in the loss of three mature specimens (this corresponds to what is claimed on Page 29 and detailed in Figure 9 'Impacts of the Proposed Development'). However, it is unclear whether the three mature specimens to be removed include the one sheltering the 15 saplings (although it is suggested on Page 29 the majority of the Rusty Plums occur within the APZ and will be retained). Additionally, on Page 63, it is claimed the proposed development will only result in the loss of two mature Rusty Plums.

¹ It is noted on Page 21 that: "... invasive plant species are to be removed from ecological areas ..."



- The LPMA supports the preparation of a Habitat Compensation Plan (HCP) incorporating a Threatened Species Translocation and Regeneration Plan for the Moonee Quassia and Rusty Plum. The HCP should include all the recommendations made by James Warren and Associates Pty Ltd in relation to the species, and should clearly outline specific responsibilities (such as who will be charged with collecting and propagating seed).
- Please note, the recovery plan for the Moonee Quassia calls for the retention of each known population of the species at their current sites, not at their current sizes, as is suggested on Page 3 of the EA.
- There is no approved recovery plan for the Square-tailed Kite, as suggested by James Warren and Associates Pty Ltd. The recovery plan they refer to in the 'Flora and Fauna Assessment' pertains to the Red Goshawk.
- It is claimed on page 53 of the 'Flora and Fauna Assessment' no ground dwelling threatened species were recorded on the Subject Site. However, small mammalian species are best detected using spotlighting or trapping – surveying tools that do not appear to have been utilised during the preparation of the EA.

Statement of Commitments

- It is recommended appropriate references to the VMP and HCP be included in the Statement of Commitments.
- The Statement of Commitments makes reference to an endangered ecological community (EEC). No EEC has been identified on the Subject Site and it is unclear what this commitment refers to.

Please feel free to contact me on 6640 3436 or Ian.Hanson@lpma.nsw.gov.au if you have any questions or concerns in relation to these comments.

Yours sincerely,



Ian Hanson
Senior Environmental Officer
Crown Lands Division



Office of Water

Coffs Harbour City Council
Mark Salter
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Coffs Harbour NSW 2450

12 November 2009

Dear Mr Salter,

C.H.C.C.	
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16 NOV 2009	
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Phone: 02 6701 9652
Fax: 02 6701 9682
Email: christie.jackson@dnr.nsw.gov.au

Our ref: ER20834

Your ref: MP08_0003

Subject: Major Project 08_0003 Environmental Assessment for 32 lot subdivision, Pacific Highway, Moonee Beach

I refer to your letter dated the 12 October, 2009 seeking the NSW Office of Water's (NOW) comments on the Environmental Assessment (EA) for the proposed subdivision at 1206D Pacific Highway, Moonee Beach. Please note, the former Department of Water and Energy has recently been abolished and the Department's water related functions have been merged with DECC to form the new Department of Environment, Climate Change and Water (Office of Water), at this stage NOW are submitting separate responses.

NOW understands the development consists of the following:

- Construction of a collector road and connection road access from Woodhouse Road to collector road;
- Creation of 32 residential lots under a community title;
- Dedication of a residue lot as a public reserve;
- Creation of a residue lot fronting the Pacific Highway and separated into two areas as future development sites;
- All reticulated services will be provided; and
- Construction of 3 x 2 bedroom and 29 x 3 bedroom dwellings. It is proposed to construct the proposal in two stages.

NOW understands under delegation of the Director-General of the Department of Planning, Council will carry out all functions of the Director-General under Part 3A of the *Environmental Planning and Assessment Act 1979*.

NOW has reviewed the EA and our comments are outlined as follows:

Groundwater Issues: The EA outlines the construction of two bio-retention basins and trenches as part of the stormwater management system for the development. It is preferred the bio-retention basins and trenches are constructed above the watertable and lined with impermeable

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Department of
Environment, Climate Change and Water NSW

material. If as a result of the construction of the bio-retention basins and trenches groundwater is likely to be intercepted then further discussion is required with NOW licencing officers and Hydrogeologists. NOW does not endorse the direct discharge of stormwater into an excavation if it intersects the water table.

There may also be a requirement as part of the development to dewater groundwater. The proponent will be required to determine if the works will intercept the watertable prior to undertaking any excavation. If the watertable will be intercepted as a result of any works, the proponent should be made aware that a dewatering licence is required from NOW prior to any excavation on the site. Also if dewatering is required as part of the proposal, a dewatering plan is required by NOW. If a dewatering licence is required please contact the Grafton office on (02) 6641 6500 for licence applications.

Riparian Issues: There is a small unnamed creek located on the lower part of the site which flows west to east through the property, eventually flowing to Sugar Mill Creek located 300 metres from the site. It is understood the Coffs Harbour Local Environmental Plan and Moonee Development Control Plan outline a 40 metre buffer width to protect the integrity of the watercourse. NOW supports the buffer width of 40 metres either side of the watercourse, however it is important that any Asset Protection Zones (APZ) are located outside of the 40 metres to protect the integrity of the watercourse.

Whilst approvals under Part 3A of the *Environmental Planning and Assessment Act 1979* do not require a separate Controlled Activity Approval under the *Water Management Act 2000*, works should be consistent with State Policy and Guidelines. The NOW 'Guidelines for Controlled Activities (2008)' outline the management requirements for works within 40 metres of a watercourse.

It is expected that all works within riparian areas are undertaken with minimal disturbance, erosion and sediment control measures, provision of adequate drainage, maintenance of hydrological flow regimes and appropriate revegetation and rehabilitation of all disturbed areas.

Stormwater Management: The development site is located within the Moonee Creek Catchment, with the unnamed watercourse flowing to Sugar Mill Creek, then into Moonee Creek to the ocean. Therefore the containment and appropriate treatment of stormwater runoff is important in reducing nutrient and sedimentation impacts to water sources. It is particularly important to ensure any runoff leaving this site is at an appropriate standard and is consistent with the Moonee Development Control Plan, which outlines appropriate water quality targets and objectives for the area.

The EA outlines a number of measures for stormwater management across the site including rainwater tanks, vegetated buffers, bio-retention trenches and bio-retention basins. NOW recommends that the bio-retention basin is appropriately constructed and lined in accordance with industry guidelines to avoid groundwater contamination.

The EA outlines a Stormwater Management Plan which includes a monitoring and maintenance program for various stages of the development. It is important all works are implemented on site in accordance with the Stormwater Management Plan.

Acid Sulfate Soils (ASS): The Department of Land and Water Conservation 1:25,000 Acid Sulfate Soil risk map for Moonee Beach outlines the southern portion of the site has a low probability of occurrence of ASS between 1 and 3 metres below ground level. The 1:8000 ASS planning maps for the Coffs Harbour Local Government Area identified the land as having Class 3 and Class 5 ASS. NOW is concerned about potential contamination of groundwater if acid sulphate soils are disturbed as a result of the development. It is recommended, further testing should be undertaken in the high risk areas if disturbance is likely to occur as part of the development with appropriate management measures implemented.

Water Sharing Plan: The statutory Water Sharing Plan for the *Coffs Harbour Area Unregulated and Alluvial Water Sources 2009* has commenced and is applicable to the development site.

Water Supply: The EA outlines reticulated water will be provided for the development by connecting to the existing water main network. NOW supports the provision of water to the development by town water supply.

Whilst NOW is satisfied the development can proceed, NOW's requirements and Government policy have been outlined above to ensure, the proponent understands their responsibilities for the management of water and riparian areas on the site.

If you require clarification on any of the above please don't hesitate to contact me on (02) 6701 9652.

Yours sincerely,



Christie Jackson

Planning and Assessment Coordinator

File No 110NTH09/01683 09/2288
Your Ref MP08_0003/DA 1114/08
Vanessa Barnett



The General Manager
Coffs Harbour City Council
Locked Bag 155
COFFS HARBOUR NSW 2450

C.H.C.C.
Index: <u>1114/08</u>
INT REF No. <u>2331608</u>
16 NOV 2009
OFFICER I.D. <u>MEB</u>
DTWKS No. <u>2359341</u>

Environmental Assessment Exhibition, Proposed Construction of 32 Dwellings and Community Title Subdivision in 2 Stages, Lot 211 DP 1044292 & Lot 1 DP 262300, 1206 Pacific Highway, Moonee Beach

Dear Sir

I refer to your letter dated 14 October 2009 concerning the proposed development application. The Roads and Traffic Authority (RTA) has no objection to the proposed dwelling providing the noise requirements stated below are incorporated into the approval.

The RTA has reviewed the Environmental Assessment and is satisfied that it's Director General's Requirements, outlined in it's letter dated 26 March 2008, have been adequately addressed. As such, the RTA has no objection to the proposed development.

Notwithstanding the above, the RTA advises that the proposed development is located in close proximity to the existing Pacific Highway, including the Sapphire to Woolgoolga Highway Upgrade Project. Consequently, the resultant dwellings could be affected by traffic noise from the Pacific Highway.

The proposed development should be designed and constructed so that the road traffic noise from the approved upgrade of the Pacific Highway is mitigated. This should be achieved by the use of durable materials in accordance with EPA criteria for new residential developments (The Environmental Criteria for Road Traffic Noise, May 1999), and shall be at no cost to the RTA. The RTA's *Environmental Noise Management Manual* provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not feasibly or reasonably be met, the RTA recommends that the Department of Planning apply the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia:

- All habitable rooms other than sleeping rooms: 45 dB(A) $L_{eq(15hr)}$ and 40 dB(A) $L_{eq(9hr)}$, and
- Sleeping rooms: 35 dB(A) $L_{eq(9hr)}$.

Should you have any further enquiries please contact Vanessa Barnett on 6640 1300 or email land_use_northern@rta.nsw.gov.au.

Yours faithfully

David Bell
Regional Manager Northern Region

12 NOV 2009

Roads and Traffic Authority

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All communications to be addressed to:

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

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

wTelephone: (02) 8741 5555

Facsimile: (02) 8741 5550

e-mail: development.assessment@rfs.nsw.gov.au



The General Manager
Coffs Harbour City Council
Locked Bag 155
COFFS HARBOUR NSW 2450

Attention: Marten Bouma

C.H.C.C.
INDEX <u>1114/08</u>
INT REF No. _____
19 NOV 2009
OFFICER I.D. <u>MFB.</u>
DIWKS No. <u>2362396.</u>
BOX No. _____

Your Ref: MP08_0003

Our Ref: S08/0007
DA08030649049 MH

10 November 2009

Dear Mr Bouma,

**Re: Request for Comments for Environmental Assessment Exhibition for -
MP08_0003, Pacific Highway, Moonee Beach NSW**

I refer to your letter dated 12 October 2009 seeking the NSW Rural Fire Service key comments regarding the Environmental Assessment for the above property in accordance with Part 3A of the *Environmental Planning and Assessment Act 1979*.

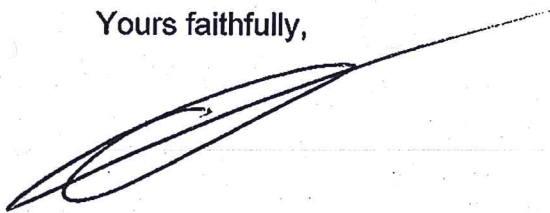
Based on the submitted information the following comments are provided.

1. At the commencement of building works and in perpetuity, a 30 metre asset protection zone (APZ) is to be provided to the south of the proposed development via an easement in accordance with section 88B of the *Conveyancing Act 1919*.
2. Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.
3. Access to a development comprising more than three dwellings shall comply with the specifications of section 4.1.3(1) of *Planning for Bush Fire Protection 2006*.
4. New construction shall comply with Table A2.5 of *Planning for Bush Fire Protection 2006*.

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For any enquiries regarding this correspondence please contact Mark Hawkins on 8741 5555.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Corey Shackleton', written over a horizontal line.

Corey Shackleton
A/Team Leader – Development Assessment & Planning

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*.