

Reply to Submissions

MP 08-0148 Sandy Beach Mill

A reply with respect to all submissions
to the exhibition of the Environmental
Assessment.

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Ref: SJC1184-417
Date: June 2010

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Section

1

Preamble

By letter dated 5 November 2009 the Department of Planning wrote providing copies of submissions received during the exhibition period. The submission from the Roads and Traffic Authority was provided on 6 November 2009 and from Industry and Investment on 26 November 2009. This report provides a response with respect to all issues raised having regard to the provisions of Section 75H(6) of the Environmental Planning and Assessment Act.

As a consequence of examination of the issues raised certain changes have been proposed in relation to the subdivision layout to minimise environmental impact and seek to satisfy some of the concerns raised by Government Departments and in particular Coffs Harbour City Council. **Plan 1.1** shows the layout submitted with the project application. **Plan 1.2** is the amended layout for which consent is sought.

For Administrative ease, comments by the individual departments as set out in black text. Comments in reply are denoted in [blue text](#).

Plan 1.1 Original Subdivision Plan



Plan 1.2 Amended Plan



Section

2

Department of Planning

1. Urban Design

- a. The proposal involves subdivision for residential purposes within the 7A Environmental Protection (Habitat & Catchment) zone (lots 29 and 31). The Coffs Harbour City Local Environmental Plan 2000 requires a 40ha minimum lots size for lots within the 7A zone. It is recommended that the subdivision layout be redesigned to avoid the subdivision of land within the 7A zone.

Comment

The layout of the Project has been amended so as to exclude Lots 29 and 31 from the Environmental Protection 7A Habitat and Catchment zone.

- b. The Residential Tourist Lands Development Control Plan (DCP) provides density requirements for 2E zoned land. The DCP outlines the intent of the zone is to maintain low density development with a target of 1 unit/dwelling per 2000m², and retain significant landscaping on each lot. The proposal for 8 dwellings of 410m² on the northern portion of the site is considerably higher density than set out in the DCP and not in line with the preferred lower densities of the 2E zone. A minimum lot size of would be more acceptable in maintaining the preferred lower density, whilst still creating a reasonable variation of lot sizes.

Comment

Land on the northern side of Double Crossing Creek does not form part of the Project.

2. Flora and Fauna

- a. Consideration and justification should be given to the cumulative impacts of residential development on Double Crossing Creek and further upstream to Hearnese Lake. Cumulative impacts include increased traffic generation; noise; vegetation removal; degradation of existing fauna habitats; increased human presence; etc.

Comment

These matters were addressed in the flora and fauna report which accompanied the Flora and Fauna Survey included as Appendix G of the Environmental Assessment (EA).

The riparian zone along Double Crossing Creek was degraded by the dumping of timber mill waste, vegetation clearing, weed invasion, and erosion. These actual impacts are mitigated by the provision of vegetated and non-vegetated buffers.

Revegetation and weed control along the Double Crossing Creek riparian zone was commenced some years ago and is now well advanced. This approach was seen as prudent and best practice in the circumstances as it has allowed the restoration areas to become well established before earthworks commence. The success of the rehabilitation, revegetation and weed control works can be measured today and is described fully in the flora and fauna report.

In relation to justifying the Project, it reflects the residential development of the site consistent with various strategic planning instruments applying to the site.

- b. Will the rehabilitation works along the banks of Double Crossing Creek involve the retention of all native vegetation species?

Comment

Revegetation and weed control along the Double Crossing Creek riparian zone will include the retention of all native vegetation. These works are well advanced and include extensive plantings of suitable native species to compensate for clearing undertaken during the operation of the timber mill.

- c. The site adjoins established vegetation which potentially supports mosquito habitat. Provide mitigation measures to ensure mosquito populations do not impact on future residents.

Comment

The residential component of the Project is well separated from areas of native vegetation. Bushfire Asset Protection Zones have been designed to serve a dual purpose; the separation of the development from the bushfire hazard and the separation of residential allotments from potential mosquito habitat. There are no waterbodies at the site which will serve as mosquito breeding areas.

3. Road Network

- a. The Traffic Impact Study prepared by Roadnet Pty Ltd recommends a bus shelter to be provided on the eastern side of Graham Drive to the north of the access to the southern parcel. Please indicate on a plan the specific location of any proposed bus shelters on Graham Drive.

Comment

No bus shelters are proposed as part of the Project.

A bus shelter is proposed as part of Stage 1 (Development Consent 508/07). This is reflected in condition 25 of Development Consent 508/07 which provides that the works are to be carried out prior to the issue of the subdivision certificate. Specifically the condition states:

"The following works:

...

- *Bus bays on the collector road.*

..."

It is anticipated that design details of the bus shelter will be provided to Coffs Harbour City Council for approval as part of the application for a Construction Certificate, nominating the location of the bus bay.

4. Flooding and Stormwater Management

- a. The Flood Assessment Report prepared by GHD Pty Ltd states that a levee could be constructed to a low, medium, or high climate change scenario either now or in the future to reduce the regularity of site inundation. Are there plans for a levee construction in the future?

Comment

The Flood Assessment Report identifies the preferred strategy for the site to address potential climate change as either Strategy 4 or Strategy 6 from the NSW DECC Floodplain Risk Management Guideline '*Practical Consideration of Climate Change*' (2007).

Strategy 4 requires that floor levels are located based on high climate change scenario plus freeboard (0.5m) and fill the site to the low climate change scenario. Since the low climate change scenario flooding is contained in the creek, existing site levels will not need to be adjusted. This scenario is expected to result in increased regularity of site inundation, and construction costs associated with raised building floor levels will need to be considered; and

Strategy 6 requires floor levels be based on high climate change scenario plus freeboard and a levee to reduce inundation frequency. The levee could be construction to a low, medium or high climate change scenario and can be built now or in the future. This scenario is expected to reduce the regularity of site inundation compared to Strategy 4, and construction costs associated with raised building floor levels will need to be considered. Stormwater issues associated with draining behind levee will need to be considered.

Strategy 4 of the Flood Assessment is to be implemented as part of the Project, and this is included as a Statement of Commitment (SoC) in the Modified SoCs included in **Annexure A**.

In accordance with the Coffs Harbour City Council (CHCC) Flood Policy, the following development controls are proposed for the subdivision:

- Floor levels to be equal to or greater than the 100-year ARI flood associated with the future climate plus 500 mm freeboard;

- b. Are floor levels of all new dwellings to be designed to withstand a 1 in 100 year flood event with high climate change scenario.

Comment

In accordance with the CHCC Flood Policy the following development controls are proposed for the subdivision:

- c. Stormwater run-off from established urban areas should not be directed towards Double Crossing Creek. The Environmental Assessment states that 'best practice' stormwater techniques will be adopted.

Comment

It is proposed that stormwater runoff from the site be directed through a number of different stormwater quality devices such as swales and a bioretention basin, prior to the eventual release to Double Crossing Creek.

The wider catchment drains to Double Crossing Creek; are there are no practical alternatives to disposing of stormwater other than to Double Crossing Creek.

5. Hazard

- a. The Statement of Commitments (SoCs) should be more specific in relation to management and mitigation measures. Level 1 construction levels are required for lots 25 to 31 inclusive. and 42 to 51 inclusive -this should be outlined in the SoCs.

Comment

An amended construction level plan has been produced for the Project. This however, is not referenced in the Modified SoCs, given that construction levels can be determined at the time development applications are lodged for dwelling houses. As is apparent from the recent changes to Planning for Bushfire Protection 2006, there is little utility in determining a construction level which may be subject to change. Notwithstanding, the amended construction level plan shows that all of the proposed allotments are capable of accommodating dwelling houses, having regard to the threat of bushfire.

It should be noted that the amended construction level plan is based around discussions with CHCC regarding the manner and extent of revegetation in the 50m riparian buffer, which in turn influences the construction levels for some of the proposed allotments. The extent and manner of revegetation is ultimately to be determined following approval of a Landscaping Plan; a SoC requiring an amended Plan has been added to the Modified SoCs in **Annexure A**. Notwithstanding, CHCC has indicated that generally, the first 20m from top of bank is to be heavily vegetated, representative of vegetation located east and west of the site, the next 10m is to be less heavily vegetated, while the final 20m is to comprise isolated trees and shrubs with a turfed understorey.

- b. The Hazard Assessment Report prepared by Holiday Coast Solutions lists four specific recommendations to ensure

appropriate protection. These should also be included in the SoCs.

Comment

SoC 13 in the EA references the first three specific recommendations within the Modified SoCs included in **Annexure A**.

Recommendation 4 is not adopted for the reason given in the previous comment.

Section

3

Council Issues

Biodiversity:

Some components of the proposal are inconsistent with the relevant controls and provisions Harbour City Local Environmental Plan Draft Amendment No. 29, the Hearnese Beach DCP and the Hearnese Lake Estuary Management Plan. Amendment of the proposal is recommended to provide adequate long-term protection, maintenance and enhancement of wildlife corridor functions, riparian buffers terrestrial and aquatic habitat resources.

- The proposal does not provide adequate long-term protection or enhancement of habitat values (particularly wildlife corridor functions) contained on lands currently zoned 7A within the site and zoned 7A under Draft LEP Amendment No. 29.

Comment

The site is located upstream from Hearnese Lake and was previously used as a timber mill. Poor management practices included the dumping of mill waste, clearing of native vegetation and introduction of weeds along Double Crossing Creek.

A substantial buffer of variable width has been provided between the residential allotments and Double Crossing Creek, which runs into Hearnese Lake. Site remediation, bushland management, revegetation and weed control commenced some years ago to remedy past impacts. These works are now well advanced and are described in the Flora and Fauna Survey in Appendix G of the EA. The vegetated buffer between Double Crossing Creek and the Project links with other vegetated areas beyond the site to Hearnese Lake. This corridor was mapped and described in the flora and fauna report.

- Although not identified as a regional or sub-regional wildlife corridor by DECCW the riparian zone along Double Crossing Creek (50m either side of the watercourse) has been mapped by Council as a local wildlife corridor, which currently provides a link, albeit a fragmented one, between forest habitats west of the subject similarly isolated forest habitats east of the subject "site". The site is also situated between areas of Secondary and Tertiary Koala Habitat, the riparian corridor likely to provide for Koala movements between remaining fragments of habitats in the locality.

Comment

The Flora and Fauna Survey was undertaken over a number of years and no koalas, koala scats or scratches were located. The riparian corridor along Double Crossing Creek has potential for koala movements and its reinstatement through plantings and weed control is now well advanced. It is proposed that the rehabilitation of this corridor will continue.

Biodiversity:

- Wildlife corridor function in the general locality has been affected by past and ongoing land management practices and urban development. However without appropriate revegetation and protection of the 7A zone the proposal could have further negative cumulative impacts on remaining wildlife corridor function in the locality.

Comment

It is agreed that the Double Crossing Creek corridor has been substantially impacted in the past. This has already been partly rectified through extensive revegetation and weed control. This Project will provide a vegetated corridor through the site which has not existed for many years. Soil erosion controls were installed during the rehabilitation works and will remain as permanent fixtures. Revegetation is well advanced and will continue.

- The proposal does not comply with a number of the requirements of the Hearn Beach DCP.

Comment

This broad statement is addressed below where issues have been listed specifically.

- Bushfire asset protection zones should be excluded from areas dedicated for environmental protection. Page 15 of

the hazard assessment report states that the riparian corridor to the north of the site will be managed to prevent the possibility of high intensity bushfires. The proposed hazard management measures are inconsistent with the DCP.

Comment

Discussions with CHCC have clarified the extent of revegetation to occur within the 50m riparian buffer to Double Crossing Creek. In this regard, revegetation is generally to result in the first 20m from top of bank being heavily vegetated, the next 10m being slightly less heavily vegetated, while the final 20m is to comprise scattered trees and shrubs with a turfed understorey. The final 20m will function as an asset protection zone (APZ); in addition, the perimeter road in this location is 18m wide, and the Hearn Lake/Sandy Beach DCP provides that dwelling houses require a 6m front setback. In combination, this provides an effective APZ of some 44m.

Annexure B includes a plan showing construction levels across the Project, which accounts for the way in which landscaping of the 50m riparian buffer to Double Crossing Creek will occur.

- The DCP also states that land within 100 metres of any Osprey nest shall be added to environmental protection land and dedicated to Council as development occurs. Proposed Lot 43 appears to fall within 100 metres of a known Osprey nest, which is located approximately 70 metres east of the subject site.

Comment

The Osprey nest sits further then 100m from the site, see pages 38 and 39 of the Flora and Fauna Survey included within the EA.

- The Hearn Lake Estuary Management Plan contains a number of strategies relevant to the proposal.

Strategy DC1 -in order to maintain ecological integrity and accommodate future sea level rise, future urban development should be set back at least 50 metres from the RL 3.5m AHD contour. The buffer area between the lake and the development should be revegetated, where necessary, and not used to provide essential urban services, such as stormwater treatment, or used (cleared) to provide an asset zone for the future dwellings.

Comment

Urban development is now proposed to be located more than 50m from the 3.5m AHD contour, with the exception of the kick around facility. The location of this facility is as agreed with CHCC (see **Annexure C**).

- Strategy DC7 -future developments within the catchment should be compassionate to the environmental sensitivity of the area, with positive steps taken to foster a bond between future residents and the natural environment (eco-friendly developments only), including appropriate fire, weed and wildlife management. Similarly, developments that do not promote and accommodate the natural sensitivity of the environment should be discouraged.

Comment

The Project seeks to revegetate and dedicate land along Double Crossing Creek consistent with the Hearn's Lake/Sandy Beach DCP. As well, it is proposed to develop the remainder of the site for residential purposes consistent with the DCP, and the design of the subdivision provides a focus on Double Crossing Creek - "fostering a bond between future residents and the natural environment". The outcomes arising from the Project will benefit the catchment.

Strategy R6 -important areas within the Hearn's Lake catchment should be targeted for revegetation where existing vegetation is sparse or absent. Such areas would include the foreshores of the lake (extending up to at least 50 metres from the RL 3.5m AHD contour to accord with the future development buffer recommendations -see (DC-1 and Figure 61) as well as zones around Double Crossing Creek other smaller tributaries. It should target areas re-establish wildlife corridors between forested areas across the landscape.

Comment

Revegetation of the 50m riparian buffer to Double Crossing Creek has already commenced, and further works are intended, following approval of the a Landscaping Plan (and VMP) – see Modified SoC 5.

- Strategy R7 -an environmental audit of the old timber mill site (the subject site) should be carried out followed by appropriate rehabilitation. The extent of site rehabilitation would depend on the degree of contamination. As a

minimum, any remaining stockpiles should be removed and the site fully revegetated and conserved.

Comment

Rehabilitation is addressed beginning page 9 of the EA.

Revegetation of the 50m riparian buffer to Double Crossing Creek has already commenced, and further works are intended, following approval of a Landscaping Plan (and VMP).

The development proposal needs to be consistent with the abovementioned EMP strategies and in particular the treatment of the 7A Environmental Protection zone adjacent to Double Crossing Creek needs to address the above strategies.

Comment

Revegetation of the 50m riparian buffer to Double Crossing Creek has already commenced, and further works are intended, following approval of a Landscaping Plan (and VMP).

- In summary the following actions are recommended:
 - o Revegetation of the entire 50 metre wide riparian buffer along Double Crossing
 - o Creek and associated tributaries;
 - o Modify the proposed development layout to prevent encroachment of residential lots onto Draft 7A lands and within the 100 metre buffer around the Osprey nest site;
 - o Relocate the hazard reduction measures asset protection zones) outside of lands zoned Draft 7A; and Relocate the proposed active recreational components and essential urban services of the development into the revised APZ areas.

Comment

CHCC have agreed that revegetation of the 50m riparian buffer to Double Crossing Creek should generally be carried out such that the first 20m from top of bank is to be heavily vegetated, representative of vegetation located east and west of the site, the next 10m is to be less heavily vegetated, while the final 20m is to comprise isolated trees and shrubs with a turfed understorey.

Residential allotments are no longer located within the Environmental Protection 7A Habitat and Catchment zone.

No residential allotments are located within 100m of the Osprey nest to the east.

The final 20m of the 50m riparian buffer is to be managed as an APZ; coupled with the perimeter road and front setback requirements of the Hearn's Lake/Sandy Beach DCP, an effective APZ of 44m will be provided to future dwelling houses facing Double Crossing Creek.

The revised layout of the Project provides for the bioretention basin and the playground to be located outside the 50m riparian buffer to Double Crossing Creek. The kick around facility is partly located within the 50m riparian buffer, as agreed with CHCC.

Connectivity and Relationship to Adjoining Land:

The subdivision layout needs to have regard to:

1. The development of the adjoining land (refer MP 08-0120-AV Jennings Properties)
2. The draft 2A Low Density Residential zoned strip of land situated east of and adjoining this site.
3. The potential for the development of this draft 2A strip.
4. The servicing and connection to this strip.
5. The adjoining land owner's intentions with respect to this draft 2A strip.

Comment

The interface of Project with adjoining land to the east is considered satisfactory (the interaction of the southern part of the site with this land is set via the consent issued to Stage 1).

It is noted that the Hearn's Lake/Sandy Beach DCP does not provide for any road or pedestrian connection from the site of the Project to the adjoining eastern property; and, Council has previously suggested to the Proponent of the Project to the east and south (see DoP letter to the Proponent dated 24 October 2008) to consider providing access to the land along the eastern edge of its site, via a perimeter road. This does not involve the site the subject of this Project.

Acoustic:

Council supports the proposed acoustic controls for the project.

Comment

Noted.

For clarity, Modified SoCs 8 and 9 outline acoustic measures proposed as part of the Project. These measures aim to achieve acceptable acoustic environments for future dwellings.

Contamination:

Whilst there are no objections to this aspect of the project Council notes that Stage 1 (Development Consent No. 508/07) has not yet commenced. This consent is a deferred commencement consent and the deferred matter (a contamination matter) is set to expire on 19 February 2010. The EA does not disclose if the deferred matter will be satisfied prior to this expiry date.

Consequently the consent for Stage 1 may lapse and become inoperative, placing the proposal the subject of this application in jeopardy.

Clarification of this aspect is required. Upon resolution this consideration for the development can be conditioned accordingly (conditions to follow at a later time).

Comment

The Project forms Stage 2 of the wider subdivision of the site. It is intended to be constructed either in conjunction with, or following, the development of Stage 1.

Development Consent 508/07 has since been modified such that the deferred matter must be satisfied by 19 February 2011.

Acid Sulfate Soils:

Council supports the proposed controls for this risk.

Comment

Noted.

Dedication of Reserve:

The applicant should confirm that the dedication of the reserve is at no cost to Council and should indicate the timing of the dedication.

Comment

The reserve will be dedicated at no cost to CHCC prior to completion of the Project.

Bushfire:

The plans (Figure 4, 10 and 14) in the Hazard Assessment Report, Appendix J, do not reflect the subdivision design (see Lot 31).

The plans do not detail the location of the required Asset Protection Zones.

The Asset Protection Zones should not encroach upon environmental protection areas.

Comment

Figures 4, 10 and 14 are now irrelevant given the amended Project layout.

CHCC have indicated that the final 20m of the 50m riparian buffer to Double Crossing Creek is to be managed as an APZ. Management of the Double Crossing Creek 50m riparian buffer will be at CHCC's discretion; there is no utility in showing APZs on a plan – in any event, the plan included in **Annexure B** accounts for APZs.

Flooding:

A flood study for the above development, "Sandy Beach Mill Development Proposal, Flood Assessment, Final Report, June 2009" has been provided (Appendix H of the EA). The study has been done in accordance with the NSW DECC Floodplain Risk Management Guidelines "Practical Consideration of Climate Change". The study has assessed the possible impacts of different rainfall intensities and tailwater levels predicted to occur due to climate change. The tailwater levels used are consistent with CHCC's Hearn's Lake Estuary Management Plan and the 3.5m AHD lake level as a result of berm conditions and sea level rise for 2100. The study also assesses rainfall intensities with increases of 10%, 20% and 30%. Existing rainfall and 10% increase in intensity have minimal impact on the proposed development with the 1 in 100 year event being contained within the creek embankments. The 20% and 30% increases in intensities result in flood waters breaking the creek banks and flooding the proposed lots.

CHCC's current flood policy is based on the existing rainfall intensities and has not been modified or reviewed to apply controls or conditions for predicted impacts of climate change. CHCC will be developing controls to consider the impacts of climate change within the next 6 months.

Comment

Noted.

The recommended strategies in the report comply with CHCC's Flood Policy.

Services:

Stage 1 of this subdivision (Development Consent No. 508/07) is reliant upon services extensions from the south. As part of Council's determination of this application the proponent provided evidence of agreement from the southern property owner to extend necessary services to this lot (Lot 260, DP 1110719).

Consequently any approval to Stage 2 (MP 08-0148) is reliant upon services being extended to Lot 260, DP 11 1071 9 or evidence of adjoining owners consent to support the of services across their land to service this development and agreement to create the necessary easements for this purpose.

The EA shows the pumping station to serve the development being to the east but there is no provision in the lot layout for access to it.

Comment

The agreement with the southern property owner included the provision of access to the pumping station through that property, and within existing easements.

This agreement was provided to CHCC as part of Development Application 508/07. Again, services are to be extended to the project from Stage 1.

Drainage:

The central swale (Road No. 3) is required to be deleted from the proposal. This is consistent with Council's determination of Stage 1. The central swale is not supported due to maintenance, property access, drainage difficulties and pavement failure considerations.

Stormwater modelling will need to be reworked to take account of the deletion of the central swale. Where the modelling involves rainwater tanks on the lots of greater capacity than 5000 then these tanks should form part of the subdivision works.

Comment

The central road swale (Road No. 3) has been removed. The central swale was not an important component in meeting stormwater quality objectives for the site.

Stormwater quality objectives will still be met with a minor increase to the overall size of the bioretention basin, and without the need for on-lot rainwater tanks greater than 5000 litre capacity.

Access:

The access arrangement to Lots 42 and 43 makes no provision for service vehicles (eg. waste service).

A 2 metre wide access handle along the south boundary of Lot 42 in favour of Lot 43 may resolve this issue.

Access to Lots 32 -41 from the north (Road 1) should be denied, to allow for on street visitor parking (by title restriction on these lots). Access to Lots 25 -29 and 31 from Graham Drive should be denied (by title restriction).

Access to the bike path is not detailed in the proposal.

Comment

The revised layout (Plan 1.2) addresses these issues.

Access to Lots 25 – 30 from Graham Drive will be denied by a restriction as to user. This is reflected in the Modified SoCs in **Annexure A**.

Access to the bike path will be provided through the public reserve (park). Details of access may be provided at the construction certificate stage.

Pedestrian Bridge

The pedestrian bridge being deleted from the proposal (note, a cycleway and pedestrian bridge is planned to the east of this subdivision).

Comment

The pedestrian bridge (Double Crossing Creek) has been deleted from the Project.

Pathways:

All internal pathways being 1.5m in width and the Graham Reserve pathway being 1.8m in width.

Comment

The width of pathways is best determined at the Construction Certificate stage. The proponent raises no objection to the width proposed.

Formal Park and Public Reserve / Playground

The proposed "rock lined" waterway in these parks is an unacceptable treatment to Council. An alternative treatment should be discussed with Council's Recreation Services Section. The playground is supported for the north eastern part of the Reserve, within the APZ but not within the required creek buffer (see previous comments on environmental protection area).

Comment

The location of the bioretention basin has been accepted by CHCC; see correspondence included in **Annexure C**.

Vegetation Management Plan:

The Vegetation Management Plan (VMP) needs to include a 5 year maintenance schedule. The concept VMP details an inadequate buffer to the waterway.

The VMP needs to cover the Graham Drive road reserve area

Comment

Given the amended layout of the Project now makes provision for revegetation of the 50m wide riparian buffer to Double Crossing Creek; and, this aspect deals with works ancillary to the Project, it is submitted that an amended VMP should be required following approval of the Project. In this regard a SoC to this effect has been added to the Modified SoCs included in Annexure A, which references the inclusion of a 5 year maintenance schedule.

Lot 31:

Comprises land zoned 7A Environmental Protection Habitat and Catchment. Inclusion of this zoned area within this lot limits the ability to establish an acceptable riparian buffer to the waterway. Reconfiguration of this lot is recommended to exclude the 7A zoned area.

Comment

The layout of the Project has been amended so as to exclude Lots 29 and 31 from the Environmental Protection 7A Habitat and Catchment zone.

Section

4

DECCW

DECCW has determined that further refinements to the project are needed before it is able to support the proposal. Attachment 1 contains assessment of the proposal, including justification for the recommended additions to the statement of commitments which are provided in Attachment 2. The summary of the key issues are provided below:

Biodiversity Conservation

- Inadequate detail contained in the flora and fauna report;
- Aquatic habitats have not been surveyed or assessed; and
- Consideration needs to be provided for the management of the public reserve to ensure both terrestrial and aquatic biodiversity values are maintained or improved.

Comment

The DECCW comments are difficult to interpret given their lack of substance. However, the DECCW comments need to be considered in relation to the site context. The site is an old timber mill containing degraded pasture land and relatively little native vegetation. The proposed development is well buffered from Double Crossing Creek and substantial rehabilitation measures are proposed. There are no aquatic habitats at the site except for ephemeral waterbodies which would not last more than several hours after a storm event. Double Crossing Creek lies on the site's northern boundary and its flora and fauna values were addressed in the Flora and Fauna Survey included as Appendix G in the EA.

Two flora and fauna surveys have been conducted over a number of years at the site thus providing considerable temporal cover. A vegetation map was provided and an assessment of threatened species potentially using the site included. A search of the DECCW data base was included in this discussion.

Substantial revegetation and rehabilitation works have been completed and tree plantings are well advanced. It is surprising that the DECCW has failed to acknowledge these works as a major contribution to local biodiversity and as a contribution to local corridor function.

Aboriginal Cultural Heritage

- Incomplete local Aboriginal community consultation process.

Comment

A Preliminary Cultural Heritage Assessment is included in Appendix I of the EA. This Assessment has been prepared in accordance with the Department's *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation*.

Notwithstanding, consultation was also undertaken as part of the Stage 1 development, which included concept approval being issued to Stage 2 (the Project).

Climate Change, flooding, stormwater and groundwater

It is recommended any development within flood prone land be in accordance with the NSW Government Flood Prone Land Policy. DECCW as part of its responsibility under this policy has provided specialist floodplain risk management advice.

Flooding and Sea Level rise associated with Climate Change have been addressed in Appendix B. DECCW recommends applying the precautionary principle in regard to these issues and recommends adoption of worst case scenario modelling. The Flood assessment appears to have implemented these principles.

Comment

The Flood Assessment (Appendix H of the EA) identifies the preferred strategy for the site to address potential climate change as either Strategy 4 or Strategy 6 from the NSW DECC Floodplain Risk Management Guideline 'Practical Consideration of Climate Change' (2007).

Strategy 4 of the Flood Assessment is to be implemented as part of the Project.

In accordance with the CHCC Flood Policy the following development controls are proposed for the Project:

- Floor Levels to be equal to or greater than the 100-year ARI flood associated with the future climate plus 500 mm freeboard;
- Floor levels of open car parking areas are be equal to or greater than the 20 year ARI plus 500 mm freeboard. Enclosed car parking must be protected to the 100 year ARI. All subdivision roads and allotments will be located outside the High Flood Risk Zone in areas which would generally be deemed as being at Low Flood Risk (areas at risk from a Probable Maximum Flood); and
- Recreational/non urban infrastructure is proposed within an area located to the south of the creek within the Medium Flood Risk zone (areas inundated by the 100-year ARI flood with Low Hazard), and will consist of a playground, shade shelters, picnic tables and chairs. Scattered park benches will be located along the creek corridor in areas designated as parkland.

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 the of Planning. It should be noted that these amendments are important for DECCW's ongoing support of the proposal.

Comment

Noted. The use of conditions of approval is supported.

ATTACHMENT 1

ASSESSMENT

Biodiversity Conservation

The flora and fauna reports do not contain sufficient information to adequately assess the potential impacts of the development on terrestrial flora and fauna. The fauna assessment was based only on habitat attributes yet it provides no detail of habitat attributes recorded from the site, for example the presence of fallen logs, tree hollows, sedge dominated depressions etc.

The fauna list is derived from recorded and predicted data. Species actually recorded on site were not distinguished, nor was the source of the predicted species.

Comment

These comments are incorrect. Two flora and fauna surveys were undertaken and the records reported in the Flora and Fauna Survey (Appendix G of the EA).

The Flora and Fauna Survey stated that "Flora and fauna surveys at the site were undertaken on 13 September 2005 and 4 September 2006. Each survey included approximately five hours at the site as well as lands beyond the site, both to the north and south of Double Crossing Creek. Fauna analysis included a database review, a habitat evaluation and observations of vertebrate species including conspicuous scratches or diggings."

The site is cleared and degraded land arising from past timber mill practices. There no fallen logs, tree hollows, sedge dominated depressions or habitats of significance. The Flora and Fauna Survey contains an appendix (Appendix 2) which accounts for species recorded and those predicted to occur based on habitat attributes. This presentation of data is customary in the circumstance where the site is too degraded to undertake meaningful trapping surveys where the results are likely to include mainly transient species.

Biodiversity Conservation

Wallum Froglet, declared as a vulnerable species under the Threatened Species Conservation Act was recorded from the stage 2 development area, however, this species was not considered in the assessment of significance.

Comment

The Wallum froglet was not recorded from the Project development area and no suitable habitat for this species occurs at the site. It is not listed in Appendix 2 of the Flora and Fauna Survey. However, it has been recorded to the east of the site in typical Wallum heath. It is identified in Table 3 of the flora and fauna report but excluded from the 7 part test as no suitable habitat is available.

Biodiversity Conservation

The flora survey indicates that they were undertaken but does not provide details of their locations. The flora species list does not provide information of the location of the species record.

Comment

The flora survey described the following: *"Vegetation associations were surveyed and mapped during the second site survey undertaken on 4 September 2006 by walking in meandering transects throughout the site. This survey included transects along the banks of Double Crossing Creek which passed through the northern part of the site."*

The location of species is clear from the vegetation map provided in the flora and fauna report and from the Plates attached. Species in the upper, mid, and ground strata were listed and described.

The following was described:

"Four vegetation associations in three communities were recorded."

Grassland was dominated by the sown species oats and rye, while other areas of grassland supported kikuyu and broad-leaved paspalum, Paspalum wettsteinii. The proposed development is wholly located in the grassland community (refer to Fig. 3).

Woodland occurred adjacent to Double Crossing Creek and along the creekline running from the southern boundary of the site northwards to Double Crossing Creek. Woodland remnants will be preserved and enhanced by restoration works which will be completed as part of stage 1 and stage 2 of the project. These works are documented in the landscape plans and the Master Plan.

Shrubland comprised mainly of lantana thickets along Double Crossing Creek. Restoration of the riparian corridor and the removal of lantana shrubland has been undertaken over the past 12 months by Sandy Beach Mill Pty Ltd. This has included substantial rubbish and weed removal, the planting of reforestation species and extensive mulching (refer to Fig. 3). Restoration activities are ongoing and are an important conservation initiative which will restore the Double Crossing Creek riparian corridor and enhance water quality into Hearn's Lake."

Biodiversity Conservation

DECCW notes that the development design appears to have taken cognisance of the ecological values of the site and appreciates that the least degraded areas along Double Crossing creek and the eastern boundary are to be retained as public land. Conservation of the public lands biodiversity values, in the long term will require effective management

measures. Narrow corridor conservation areas by their linear nature are particularly vulnerable to edge effects and degradation, impacts such as weed invasion, trampling, habitat degradation and fragmentation.

Comment

The revegetation and restoration works which are now well advanced provide considerable improvements to site biodiversity. This is acknowledged by the DECCW.

Biodiversity Conservation

DECCW recommends that the assessment of significance is prepared for Wallum Froglet and that the management of the long term biodiversity (terrestrial and aquatic) values of the public land be addressed particularly in regard to measures to ensure the values of the area are maintained or improved, especially in relation to threatened ecological communities.

Comment

This is not required as the Wallum froglet has not been recorded at the site and no suitable habitat occurs for this species. Please note that the Flora and Fauna Survey contains a typographical error in referring to the Wallum froglet instead of the common froglet at the site. The author apologises for any inconvenience.

Aboriginal Cultural Heritage

DECCW acknowledges the consultation process undertaken thus far by the proponent has occurred in accordance with the DoP and DECCW Aboriginal community consultation guidelines. However, we note the absence of current evidence of support or otherwise from the two registered community groups regarding the preliminary ACH report. The applicant should be reminded to continue to consult with the local Aboriginal representatives for the duration of the project and make all reasonable efforts to engage the community in the project process, particularly to gain comment on the ACH recommendations provided in the EA. It is recommended evidence of the consultation process is to be provided prior to determining the consent. This evidence can take the form of records, copies of formal correspondence, and minutes of meetings.

All evidence of consultation with the local Aboriginal representatives should be appended to the preliminary report and provided in support of the project application. We have proposed a condition of approval to target this issue.

Comment

See sections 5.1 and 5.5.5 of the Preliminary Cultural Heritage Assessment included in Appendix I of the EA.

Conclusion

DECCW has no additional concerns with the ACH values assessment for the project application and recommends that the conditions of approval are reflected in any approval conditions for the project reflected in Attachment 2.

Comment

Noted.

Climate Change. stormwater and groundwater**Climate change/flooding**

The development area is low lying and is recognised as having a potential flood hazard, it also adjoins an estuary. The flood assessment report (Appendix H) indicates that the development area may be subject to flooding. The Flood assessment report adopted a 0.91m sea level rise scenario, although this is an upper case modelled rise and the development constraints will cater for this. DECCW recommends that the precautionary principle is applied in terms of climate change and potential impacts such as increased sea level rise, intense storm events and flooding.

Comment

The Flood Assessment identifies the preferred strategy for the site to address potential climate change as either Strategy 4 or Strategy 6 from the NSW DECC Floodplain Risk Management Guideline 'Practical Consideration of Climate Change' (2007).

Strategy 4 of the Flood Assessment is to be implemented as part of the Project.

In accordance with the CHCC Flood Policy the following development controls are proposed for the subdivision:

- Floor Levels to be equal to or greater than the 100-year ARI flood associated with the future climate plus 500 mm freeboard;
- Floor levels of open car parking areas are be equal to or greater than the 20 year ARI plus 500 mm freeboard. Enclosed car parking must be protected to the 100 year ARI. All subdivision roads and allotments will be located outside the High Flood Risk Zone in areas which would generally be deemed as being at Low Flood Risk (areas at risk from a Probable Maximum Flood); and

- Recreational/non urban infrastructure is proposed within an area located to the south of the creek within the Medium Flood Risk zone (areas inundated by the 100-year ARI flood with Low Hazard), and will consist of a playground, shade shelters, picnic tables and chairs. Scattered park benches will be located along the creek corridor in areas designated as parkland.

Groundwater

The engineering report indicates that shallow groundwater is a constraint that requires management, both in terms of potential contamination and its shallowness.

Comment

This issue is specifically addressed in the Coffey Report 30 June 2009 (Appendix F of the EA). The Report concludes the Project is unlikely to have an adverse impact on groundwater, and that in regard to contamination, this is to be addressed as part of remediating the site, being carried out as a precursor to Stage 1 commencing.

Stormwater

Hearnes Lake is an essentially a closed drainage system and is extremely vulnerable to nutrient stress. To ensure that there is no further reduction in water quality within this sensitive and high conservation value coastal lake catchment it is important that the stormwater management and monitoring associated with this utilises the best possible practices.

DECCW recommends that the SOC includes utilising best possible practice technologies for the design construction and maintenance of storm water and groundwater control.

Comment

The Project proposes the use of best possible practices to reduce the likelihood of a reduction in water quality.

The Project proposes the implementation of stormwater quality devices such as buffers, swales, and a bioretention basin, to address water quality objectives, and the inclusion of on-lot rainwater tanks for the further management of stormwater and stormwater runoff.

Water quality infrastructure being constructed throughout the Project as detailed in the Water Quality Amendment (Appendix F of the EA).

**ATTACHMENT 2 DECCW's RECOMMENDED
AMENDMENTS TO STATEMENT OF COMMITMENTS****Biodiversity Conservation**

In relation to Biodiversity Conservation, DECCW recommends that the Statement of Commitments (SOC) include a conservation area management plan for the public reserve. This plan should address the maintenance or improvement of terrestrial and aquatic values.

Aboriginal Cultural Heritage

DECCW recommends the following are included in the statement of commitments. If they are not included in the SOC then they should be included as Conditions of Approval for the development approval:

1. If Aboriginal cultural objects are uncovered due to the development activities, all works must halt in the immediate area to prevent any further impacts to the find or finds. A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the find(s). The site is to be registered in the AHIMS (managed by DECCW) and the management outcome for the site included in the information provided to the AHIMS. It is recommended that the Aboriginal community representatives are consulted in developing and implementing management strategies for all sites, with all information required for informed consent being given to the representatives for this purpose.

Comment

Noted and agreed.

2. If human remains are located during the project, all works must halt in the immediate area to prevent any further impacts to the find or finds. The NSW Police, the Aboriginal community and DECCW are to be notified. If the remains are found to be of Aboriginal origin and the police consider the site not an investigation site for criminal activities, DECCW should be contacted and notified of the situation and works are not to resume in the designated area until approval in writing is provided by DECCW. In the event that a criminal investigation ensues works are not to resume in the designated area until approval in writing from NSW Police and DECCW.

Comment

Noted and agreed.

3. All reasonable efforts must be made to avoid impacts to Aboriginal cultural heritage values at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the Aboriginal community and DECCW.

Comment

Noted and agreed.

4. The applicant must continue to consult with and involve Aboriginal representatives for the project, in the ongoing management of the Aboriginal cultural heritage values.

Comment

Noted. There appears however no basis for such a condition, based on the Preliminary Cultural Heritage Assessment included in Appendix I of the EA.

Climate Change.

Climate Change, flooding, stormwater and Groundwater management

In relation to climate change, flooding storm water and ground water management DECCW recommends that the Statement of Commitments (SOC) include:

1. Strategies that adopt a precautionary approach (mitigating the worst modelled scenario) to possible impacts of climate change and flooding.
2. Utilisation of best possible practice technologies for the design construction and maintenance of storm water and groundwater control.

Comment

Strategy 4 of the Flood Assessment (Appendix H of the EA) is to be implemented as part of the Project.

Water quality infrastructure being constructed throughout the Project as detailed in the Water Quality Amendment (Appendix F of the EA).

Issues relating to groundwater have been addressed in the Coffey Report 30 June 2004 included in Appendix F of the EA.

Section

5

Office of Water

I refer to your letter dated the 18 September 2009 seeking the NSW Office of Water's (NOW) comments on the Environmental Assessment (EA) for the proposed residential subdivision at Sandy Beach. The development is for a 42 lot subdivision and public park on a site adjacent to Double Crossing Creek which flows into Hearn's Lake. The land was previously used for a sawmill and is undergoing remediation works. Stage 1 of the development was approved by Coffs Harbour City Council. NOW has reviewed the EA and our comments are outlined as follows:

Riparian Management: The EA outlines a number of remediation and rehabilitation works proposed for Double Crossing Creek which adjoins the property. The proponent has a current Controlled Activity Approval (CAA) under the Water Management Act 2000 which expires in October 2011. The CAA allows for similar works to be undertaken as outlined in the EA however it does not cover the construction of a new foot bridge. The proponent must ensure works approved under the CAA are undertaken following the conditions imposed.

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 such as the construction of a new footbridge within 40 metres of a watercourse should be consistent with State Policy and Guidelines.

The former Department of Water and Energy's 'Guidelines for Controlled Activities (2008)' outline the management requirements for works within 40 metres of a watercourse. It is expected all works within riparian areas are undertaken with minimal disturbance, erosion and sediment control measures, provide adequate drainage, maintain hydrological flow regimes and all disturbed areas are revegetated and rehabilitated appropriately.

The Heames Lake/Sandy Beach Development Control Plan (DCP) outlines the minimum buffer requirements between developments and natural features. The DCP outlines a minimum buffer of 50m between Double Crossing Creek and the development. NOW supports the buffers outlined in the DCP however it is recommended Asset Protection Zones (APZ), are located outside of these buffers.

Comment

A footbridge is no longer proposed to be constructed across Double Crossing Creek.

The bioretention basin and the playground are now to be located wholly outside the 50m riparian buffer to Double Crossing Creek, following discussion with CHCC. It is only the informal kick around area that is to be partly located within this area, as agreed with CHCC (see CHCCC correspondence dated 20 May 2010 included in **Annexure C**).

Groundwater

There are 6 monitoring wells on the site located down slope adjacent to the creek. The monitoring wells indicate the standing water levels are between 1.28m and 1.45m below ground surface. The EA outlines due to the sites topography it is considered unlikely groundwater would be intercepted as a result of the underground works.

A bore search within a 1 km radius of the site indicated there were 25 bores, however only information on 7 of these bores was available. All the bores are located up-gradient of the site so they are not expected to be impacted on by the development. The standing water levels in these bores are between 5m and 50m below ground surface.

The groundwater has been part of an ongoing monitoring program, however the EA mentions the most recent monitoring event was in July 2008 indicating no significant groundwater contamination was present on the site. The monitoring results indicated the levels of copper, lead and zinc were marginally above the acceptance criteria ANZECC 2000 Australian and New Guidelines for Fresh and Marine Water Quality. Monitoring should be undertaken on a more regular basis to determine whether site remediation is working.

NOW preference is the bio-retention basin is constructed above the watertable and lined with impermeable material. NOW does not endorse direct discharge of stormwater into an excavation if it intersects the water table. All works that intersect the water table require a licence under the Water Act (1912). Also, if

groundwater is expected to be encountered during the installation of any works associated with the subdivision which requires significant dewatering, the proponent will be required to obtain a temporary dewatering licence from NOW under Part 5 of the Water Act 1912, prior to the works being undertaken.

Comment

The bioretention basin will be constructed above the watertable, and lined with an impermeable membrane to ensure there is no discharge from the basin directly to the watertable.

There are no works envisaged, as part of the Project, that will require significant dewatering. Should an activity on site require significant dewatering a temporary dewatering licence will be obtained from NOW under Part 5 of the Water Act 1912.

In relation to remediation, works have not yet concluded, and a Site Audit Statement has not yet issued. Further groundwater testing is therefore required.

Stormwater Management

The development site is located within the sensitive catchment of Hearnese Lake, therefore the containment of and appropriate treatment of, runoff is highly important in reducing lake nutrient and sediment levels. It is particularly important to ensure any runoff leaving this site is at an appropriate standard, due to the previous land use. The Hearnese Lake/Sandy Beach DCP outlines appropriate management and water quality targets and objectives for the area.

The EA outlines stormwater will be by a piped drainage system and discharged to a central grassed swale traversing the length of the site, extended from Stage 1 of the development. The grassed swale acts as a stormwater treatment device removing the pollutants from runoff from the site. The EA also outlines the construction of a bioretention basin in the park, into which the central grassed swale will discharge. The site is currently undergoing remediation with works proposed to remove the contaminated soil prior to construction of the subdivision. It is important the site is appropriately remediated to ensure any runoff leaving the site meets relevant policies and guidelines.

The EA does not appear to include a monitoring and maintenance program for the development. Many of the stormwater structures will require ongoing monitoring and maintenance to ensure effective operation (ie. grassed swales may require desilting).

NOW recommends the bioretention basin is appropriately constructed and lined in accordance with industry guidelines to ensure further groundwater contamination is not an issue. It is recommended baseline water quality is obtained for Double Crossing Creek and Hearn's Lake prior to construction. This will enable a comparison of water quality pre and development to determine whether the development is meeting the water quality objectives outlined in the Hearn's Lake/ Sandy Beach DCP.

Comment

The bioretention basin will be constructed above the watertable, and lined with an impermeable membrane to ensure there is no discharge from the basin directly to the watertable.

Maintenance of the stormwater quality infrastructure will be the responsibility of CHCC as part of its ongoing maintenance of parks and road reserves. This infrastructure is located on land to be dedicated to CHCC.

Water quality infrastructure is to be constructed throughout the Project as detailed in the Water Quality Amendment (Appendix F of the EA).

Acid Sulfate Soils (ASS)

The Department of Land and Water Conservation (DLWC) acid sulfate soil map of Beach shows that an area of approximately 5.2 ha of the site is mapped as having a low probability of ASS occurring at greater than 1m depth and an area of approximately 0.9 ha on the south eastern corner is mapped as having a high probability of ASS at or within 1m.

The EA states the development will have minimal disturbance on ASS as the proposal does not involve extensive cut and fill earthworks or excavations. Most of the works are above ground apart from trenches for sewer pipes, electrical and telephone cables etc.

The EA includes an ASS management plan to manage the area mapped as having high probability soils within 1m of ground surface area. The tests that have been carried out indicate organic sulphur not pyritic sulphur however as a precautionary measure the soils will be treated with lime and contained in a bunded area. NOW is concerned about potential effects of disturbed acid sulphate soils on groundwater quality.

Comment

The management of acid sulfate soils is addressed in Appendix E of the EA, and groundwater impacts in Appendix F of the EA.

Water Supply

The EA outlines reticulated water will be provided for the development by connecting to the existing water main to the north east of the site. NOW supports the provision of water to the development by town water supply.

Comment

Noted.

Water Sharing Plan

The recently gazetted water sharing plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2009 covers the Double Crossing Creek Catchment.

Whilst NOW is satisfied Stage 2 of the development can proceed, 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.

Comment

Noted.

Section

6

Crown Land

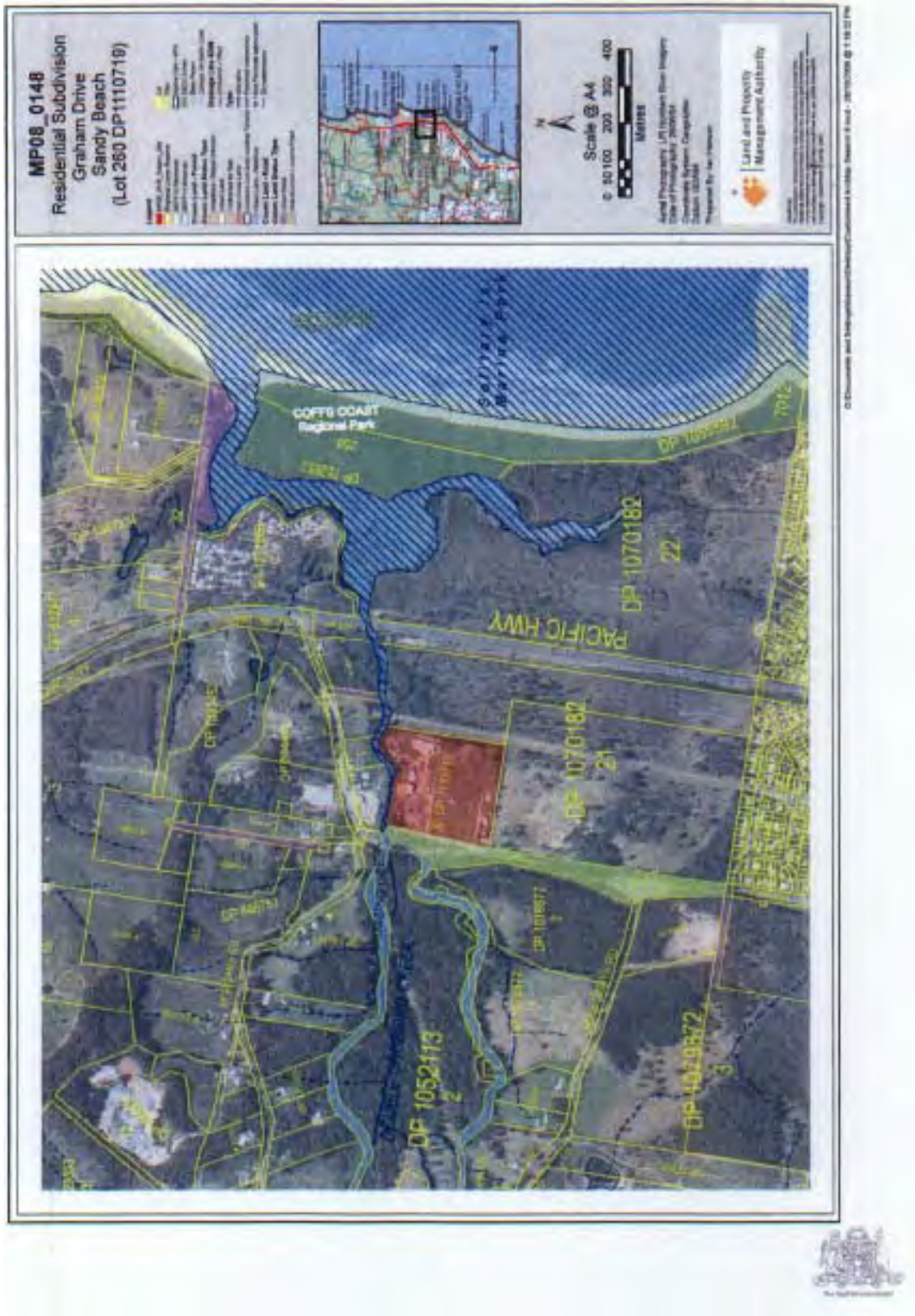
Potentially affected Crown

- The Subject Site (Lot 260 110719) adjoins the following Crown parcels:
 - The bed of Double Crossing Creek to mean high water mark (MHWM) along the northern boundary of the subject Site is Crown land (the water column is part of the Solitary Island Marine Park and is managed by Marine Parks Authority NSW);
 - Graham Drive along the western boundary of the Subject Site is a shared Council public road (with component of the road occupying a width of 30m)
 - Double Crossing Creek and Houp Gully where they are crossed by Graham Drive and westwards are both Crown waterways (that is, beyond the boundaries of the Solitary Islands Marine Park).
- These Crown parcels are illustrated in Figure 1

Double Crossing Creek

- As previously advised, the LPMA supports the establishment of a minimum buffer to Double Crossing Creek.
- It is noted a bioretention basin, playgrounds, half basketball court, picnic shelters, a local road and a 20m-wide asset protection zone' (APZ) are all located within the buffer to the RL 3.5 Australian Height Datum (AHD) contour. The placement of the bioretention basin within the buffer appears inconsistent with the provisions of the 'Hearnes Lake Estuary Management Plan' (EMP) and 'Hearnes Lake/Sandy Beach Development Control Plan' (DCP). Additionally, the DCP distinguishes between buffers and environmental protection areas (that is, buffers are not included in environmental protection areas, which, under the DCP, are synonymous with the buffer to the RL 3.5 AHD contour).

Plan 6.1 Figure 1 from Crown Land Submission



Comment

The bioretention basin and playground are now located clear of the 50m riparian buffer, and only the informal kick around area is located at its periphery. The location of the facilities is as agreed with CHCC (see correspondence dated 20 May 2010 included in **Annexure C**).

- The LPMA supports locating the bioretention basin and APZ outside the 50m buffer to the RL 3.5 AHD contour in line with the specifications of the EMP and DCP.

Comment

The layout of the Project has been amended so as to locate the bioretention basin and playground outside the 50m riparian buffer to Double Crossing Creek. See also comment above.

In relation to APZs, CHCC has advised that the final 20m of the 50m riparian buffer will be managed as an APZ, with this area to comprise scattered trees and shrubs with a turfed understorey.

- It is recommended a timeframe be established for the transfer of the public reserve (park) along Double Crossing Creek to Coffs Harbour City Council (CHCC). It is stated on Page 50 of the EA that: "*Dedication is intended to occur once the area has been appropriately remediated; with infrastructure constructed (i.e. playgrounds, footpaths etc) and; once it has been revegetated and rehabilitated largely in accordance with the Concept Vegetation Management Plan and Landscape Plans*". It is appreciated no timeframe for the remediation of the contaminated land has been prescribed. However, the statement of Page 50 may possibly be open to interpretation with respect to the timing of any transfer.

Comment

The Project is based on Stage 1 under Development Consent 508/07 commencing. This Consent includes a deferred condition requiring remediation of the site prior to the Consent becoming operable. This condition must be satisfied prior to 19 February 2011, otherwise the Consent will lapse.

- It is unclear how the retained corridor of existing groundcover weeds on the lower bank or area immediately adjacent to the invert of the Creek will ultimately be managed. Such a corridor may provide a

source of weed seed for the continual infestation of previously treated areas ('Plan 5 Concept Vegetation Management Plan').

Comment

The northern bank of Double Crossing Creek is under separate ownership.

A SoC is included in **Annexure A** requiring submission of a VMP, which will detail management practices along the 50m riparian buffer to Double Crossing Creek, including maintenance works (and a 5 year maintenance schedule). In addition, this area is to be dedicated to CHCC, ongoing maintenance will as a consequence become an issue for CHCC.

- It is noted according to Appendix M 'Hearnies (sic) Lake/Sandy Beach DCP Planning Controls': "A Vegetation Management Plan has been adopted as part of the Part 3A Permit issued for the site. This plan provided details of existing site vegetation, vegetation retention and rehabilitation strategies and measures for the installation and management of the APZ areas adjacent to Double Crossing Creek". It is unclear whether the VMP referred to above is the 'Plan 5 Concept Vegetation Management Plan' or a separate document altogether.

Comment

The SoCs in **Annexure A** have been amended so as to require an amended VMP to be provided.

Graham Drive

- With respect to the shared Crown/Council public road:
 - Works with ramifications for the Stage 2 development have already been approved, subject to conditions, along a section of the road by CHCC under the deferred consent for Stage 1 (that is under Development Application No. 508107). Such works include the construction of a property access (Type BA intersection), 1.2m-wide pathway, an acoustic mound and stormwater swale. Landscaping of the road has also been approved, subject to conditions 2.
 - Extensions to the abovementioned works, excluding the property access, are proposed under the Stage 2 development.
 - Such works are of a magnitude considered inappropriate for a Crown public road and involve a level of activity

beyond that to which the LPMA would normally consent. Landowner's consent does not appear to have been sought from the LPMA for any of the works on the road.

- As such, the LPMA considers it appropriate to transfer its remaining interests in that section of the road lying between Double Crossing Creek and Blackbutt Avenue (Sandy Beach) to CHCC. CHCC will be invited to provide reason as to why the section should not be transferred into its complete control, as per standard LPMA procedures. No works associated with the Stage 2 development are permitted on the road until the road has been transferred to CHCC.
- Notwithstanding the above, the LPMA does not support the construction of a stormwater swale within the road reserve. It is considered such works must be fully contained within the Subject Site.

Comment

The transfer of Graham Drive to CHCC is noted. The Project now proposes no works to the Graham Drive road reserve.

- The statement on Page 14 of the 'Bushfire Hazard Assessment Report' in Appendix J that: "The wedge-shaped on-formed section of the Graham Drive road reserve to the immediate west of the site ... is to be managed as a non-hazard in accordance with the Landscape Masterplan" - contradicts the claim on Page 18 the development complies with PBP-2006 Acceptable Solution 1.1.2 that the APZ will be contained within the boundaries of the development site.

Comment

Plan 1 included in **Annexure B** clearly shows the construction levels relating to the proposed allotments within the Project, and the location of vegetation posing a hazard. It is apparent along the western edge of the site that it is the vegetation west of Graham Drive that poses a hazard to allotments within Project. Graham Drive acts as an APZ to the western part of the site.

- is considered that as the Stage 2 development proposal includes works along Graham Drive (especially landscaping and the maintenance of an APZ), the scope

of the EA should have been expanded to included the road.

Comment

The Project now no longer proposes works in the Graham Drive road reserve.

Proposed Pedestrian Footbridge

- It is acknowledged the previously proposed pedestrian footbridge spanning Double Crossing Creek may no longer be required (or considered necessary). If it is required at some stage in the future, it will be constructed by CHCC once the proposed public reserve (park) is dedicated to Council.
- A licence from the LPMA will be required if any part of the bridge is situated on Crown land (that is, placed upon the bed of Double Crossing Creek below MHWL).
- An easement of a width sufficient to accommodate the footbridge may have to be created over Double Crossing Creek even if the footbridge does not actually occupy Crown land.

Comment

Noted. The pedestrian footbridge is no longer proposed as part of the Project.

Threatened Entities

- It is acknowledged the Proponent claims construction of the proposed pedestrian footbridge: “...will not remove vegetation of value to the riparian environment -the riparian corridor to be revegetated and rehabilitated as part of the project” (Page 71 of the EA). However, given it might be some time before the bridge is constructed, some vegetation may in fact have to be removed to accommodate the bridge in the future. It is noted the vegetation along Double Crossing Creek in the vicinity of the bridge constitutes, according to the 'Flora and Fauna' report in Appendix G, the endangered ecological community 'Swamp oak floodplain forest of the NSW North Coast, Sydney Basin and South East Corner bioregions'. A licence to pick or damage a threatened ecological community may be required from the Department of Environment, Climate Change and Water to construct the bridge in the locations nominated by the Proponent (in 'Plan 4 Subdivision Plan' or 'Plan 5 Concept Vegetation Management Plan').

Comment

See above.

- The Proponent is seeking consent to remove the isolated trees within and adjacent to the future lots 43 - 51 (Page 27 of the EA). These trees are subject to Tree Preservation Order and comprise a corridor of existing pink bloodwood (*Corymbia intermedia*), blackbutt (*Eucalyptus Pilularis*). +/-Sydney bluegum (*Eucalyptus saligna*) mid-high to tall open woodland. The LPMA recommends retaining these trees as part of the future subdivision and incorporating their management into 'Plan 5 Concept Vegetation Management Plan'.

Comment

These trees have been identified as not having any particular significance. As well, it is impractical to retain these trees given the extent of works required to the site, including filling as well as remediation.

- It is claimed on Page 27 of the 'Flora and Fauna' report the wallum froglet (*Crinia tinnula* -vulnerable) was recorded calling from small ponds within the Stage 2 development area. However, this appears to contradict the claim on Page 34 that: no threatened species or threatened species habitat is likely to be impacted by this proposal as it is wholly located on decontaminated mill land which is either lacking in vegetation exotic grasses". The implications of detecting the wallum on the Subject Site have not been discussed. It is recommended a targeted survey for the species by an appropriately experienced and qualified ecologist be undertaken immediately prior to the commencement of any further earthworks on the Subject Site.

Comment

The Flora and Fauna Survey contains a typographical error in referring to the Wallum froglet instead of the common froglet at the site. The author apologises for any inconvenience.

- Given potential habitat for the black bittern (*Ixobrychus flavicollis*-vulnerable) and possibly other threatened species, including small native mammals 3 occurs along Double Crossing Creek, and that predation by feral cats on eggs and juveniles is an identified threat to the species, it is strongly recommended the Proponent explore measures designed to limit the feralisation of domestic cats And/or their encroachment into sensitive habitats on and adjacent to the Subject Site (such as

the registration on title of covenants pertaining to pet ownership, or the erection of appropriate internal (inter-allotment) and external fences).

Comment

The Proponent has no objection to such a covenant. However in practice, such covenants are difficult to enforce and of little practical effect.

Asset Protection Zones

- According to Figure 2 'Layout and Asset Protection Zones' of the 'Flora and Fauna' report there is a 20m-wide APZ south of Double Crossing Creek and no APZ along the western boundary of the Subject Site. This contrasts with the 'Bushfire Hazard Assessment Report' in Appendix J that determines 10 and 20m-wide APZs are required south of the riparian corridor and along the western boundary of the Subject Site respectively (unless, in the latter case the Subject Site is thought, erroneously but in light of aforementioned works, to include Graham Drive and the road formation is taken to provide a sufficient westerly APZ).

Comment

Coffs Harbour City Council have indicated that the final 20m of the 50m riparian buffer is to be managed as an APZ. This will be coupled with the perimeter road to Double Crossing Creek.

The addendum in **Annexure B** from Holiday Coast Bushfire Solutions to their Bushfire hazard Assessment report (Appendix J of the EA) makes clear the hazard posed by vegetation west of and within the Graham Drive road reserve.

The plan included in **Annexure B** details construction level requirements for future dwellings, and accounts for APZs.

Services

- It is noted the plans in Appendix K 'Civil Engineering' encompass the once-proposed development of lots north of Double Crossing Creek. It is appreciated the development of these lots is no longer being considered. However, the construction of a water main across Double Crossing Creek will still be required (Page 54 of the EA). The installation of infrastructure across the bed of the Creek will require the concurrence of the LPMA for CHCC to acquire easements over the affected sections of the Creek. CHCC will be required to forward to the LPMA a letter of explanation outlining the rationale for and purpose of the acquisition, a diagram

at an appropriate scale showing the location of the infrastructure, and a \$487.70 cheque or money order to cover investigative fees.

Comment

The Project does not require the construction of a water main across Double Crossing Creek to service proposed allotments. CHCC's trunk water mains are located within easements immediately to the east of the site.

Section

7

DoP Grafton

Background

The subject land, Lot 260 110719, is shown within the 'growth area' on Map 3 -Coffs Harbour (p 52) of the Mid North Coast Regional Strategy. It is currently zoned part Residential Tourist and part 7A Environmental Protection Habitat and Catchment under the provisions of the Coffs Harbour City LEP 2000. On 19 February 2008, Council issued development consent for Stage 1 of development for the creation of a 24 lot residential estate.

In December 2005, Council resolved to prepare a draft amendment to the LEP for the Hearnese Lake/Sand Beach locality that included the subject land, based on the recommendations of the adopted Hearnese Lake/Sandy Beach DCP. The draft plan proposed to rezone the majority of the 2E land to 2A Residential, with a small, strip to be added to the existing 7A land.

To date the draft LEP has not been gazetted, Planning Circular issued November 2008 indicates that where a draft instrument has not been made in three years from exhibition, it should not be considered for the purposes of Section 79C when determining development applications. This may have implications for the dwelling density proposed by the DA.

Comment

Noted.

Other issues

It is noted that proposed Lots 29 and 31 contain an area of 7A land that requires a 40ha minimum lot size, SEPP 1 would normally be required to allow the variation in the development standard for these lots.

Comment

Plan 1.2 has been amended to remove allotments from the Environmental Protection 7A Habitat and Catchment zone.

Of some concern, in relation to overdevelopment of the northern sector of the site, is that the smallest lots (Lots 32-41) adjoin the proposed public reserve and riparian area, need to ascertain that this will not produce environmental pollution problems, weed infestation etc.

Comment

Lots 32-41 (now 32, 33, 42 – 45, 54 and 55) are separated by perimeter road from the proposed public reserve (park).

A traffic noise assessment could not be located for Stage 2, only for Stage 1, it is not clear that the issues will be exactly the same for both areas, particularly as Stage 2 has a larger development area. Council's Residential Tourist Lands DCP (page 8) indicates a 50m Environmental & Noise Buffer partly on the eastern boundary of the subject land.

Comment

The characteristics of the site are no different to those of Stage 1, with noise sources including Graham Drive and the Pacific Highway. Accordingly, the acoustic requirements used for Stage 1 have been adopted for the Project. This is with the exception of the construction of the acoustic mound in the Graham Drive road reserve. In lieu of this, and consistent with the Traffic Noise Assessment prepared by Atkins Acoustics included in Appendix L of the EA, acoustic fences are proposed along the eastern and western boundaries of the site, combined with a covenant applying to allotments along these boundaries (see Modified SoCs 8 and 9).

It is further noted that no assessment has been carried out as to whether the future residents of the proposed development area will have their quality of life affected by mosquitoes or by contracting a mosquito-borne disease as a result of development being established near vegetation or landscapes which potentially support significant mosquito habitat.

Comment

The Project is separated from potential mosquito habitat, and there are no water bodies at the site which will serve as mosquito breeding areas.

The following quote is taken from a Western Australian Department of Health document, and deals with mosquito management practices:

“Approaches to mosquito management can be direct or indirect. Direct interventions include the removal of breeding habitat by physical modification, the introduction of biological controls (e.g. predatory fish) or the application of pesticides. Indirect approaches reduce human-mosquito conflict, for example utilising planning mechanisms to create adequate buffers around wetlands and educating the public to avoid mosquitoes. Another important indirect approach is for mosquito managers to actively liaise and collaborate with other departments/authorities to ensure that storm water and wastewater management, the planting and harvesting of aquatic vegetation, the design of roads, prevention of animal and vehicle access, and the impact of land use (e.g. mining, irrigation, farming) are undertaken in such a way as to minimise the potential for mosquito breeding.”

Vegetation which might potentially support mosquito habitat is located off-site; it is neither feasible nor reasonable for the Project to entertain management practices which involve land over which it has no control.

Section

8

Northern Rivers CMA

The Northern Rivers CMA has reviewed the comprehensive documents and detailed maps provided and conducted a site inspection. I therefore offer the following advice.

The report highlights the importance of rehabilitating the creek as it is zoned 7A and consequently has diversity of fauna and flora species and importantly flows into Hearne's Lake which is an ecologically important estuarine ecosystem. A functioning riparian zone on Double Crossing Creek will benefit the estate as there will be less likelihood of flood events and offer a pristine recreational area for future residents.

Comment

Noted.

Therefore we suggest a more passive approach to rehabilitation of the creek to ensure the retention of native species and the removal of weeds. This should be carried out by qualified bush regenerators to ensure weeds are controlled according to current Best Management Practice. This will allow optimum 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. We also 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 for the entire length of Double Crossing Creek.

Comment

It is intended to produce an amended VMP (see Modified SoCs in **Annexure A**) which deals with rehabilitation and revegetation of the 50m riparian buffer to Double Crossing Creek, with this to be implemented by suitably qualified and experienced bush regenerators.

As part of rehabilitating Double Crossing Creek, it is not intended to remove native vegetation. In addition, and as

previously stated, CHCC has indicated that generally, the first 20m from top of bank is to be heavily vegetated, the next 10m is to be less heavily vegetated, while the final 20m is to comprise scattered trees and shrubs with a turfed understorey.

Section

9

Rural Fire Service

I refer to your letter dated 18 September 2009 seeking the NSW Rural Fire Service comments regarding the environmental assessment for the above property in accordance with Part 3A of the Environmental Planning and Assessment Act 1979.

The RFS notes that the site has been identified as bush fire prone land, the RFS advises that the proposed development should meet the requirements of Planning for Bush Fire Protection 2006 (PBP). In this regard, particular attention should be shown to the extent that the development complies with standards regarding setbacks, provision of water supply, access, supply of services, fuel management on the site, relocation/evacuation planning for the occupants and other matters considered by the Commissioner to be necessary to protect persons, property or the environment from danger that may arise from a bush fire.

The RFS has reviewed the submitted information and raises the following specific recommendations:

1. Asset protection zones for proposed Lots 42 and 43 shall be investigated to ensure that they provide appropriate asset protection zones from the remnant vegetation adjoining to the north.

Comment

Proposed Lots 42 and 43 have been deleted from the revised layout (Plan 1.2).

2. Landscaping and revegetation surrounding the site shall be prepared and maintained in such a manner as to either provide an asset protection zone or not constitute a bushfire threat as indicated in the bushfire report prepared by Holiday Coast Bushfire Solutions dated 11-06-09.

Comment

Along the northern part of the site (Double Crossing Creek), CHCC have indicated that generally, the first 20m from top of bank is to be heavily vegetated, the next 10m is to be less heavily vegetated, while the final 20m is to comprise scattered trees and shrubs with a turfed understorey. Plan 1 in **Annexure B** takes into account this extent of landscaping.

No landscaping is proposed within the Graham Drive road reserve.

Section

10

RTA

The RTA notes that the development proposes to gain primary vehicular access via Graham Drive North and the South Woolgoolga Interchange, which is to be constructed as part of the Pacific Highway upgrade. Due to the upgrade of the Graham Drive North and Pacific Highway intersection, the proposal is not considered to have a significant traffic impact on the classified road network. Consequently, the RTA has no objection to the proposed Development.

Comment

Noted.

Notwithstanding the above, the Department of Planning should ensure that the applicants are aware of the potential for road traffic noise to impact on future development of the site. In this regard, the applicant, not the RTA, is responsible for providing noise attenuation measures in accordance with the Environmental Protection Authority's Environmental Criteria for Road Traffic Noise, should the applicant seek assistance at a later date.

Comment

Noted. Road noise is addressed in EA.

Section

11

Industry and Investment

I & I NSW is responsible for ensuring that fish stocks are conserved and that there is "no net loss" of key fish habitats upon which they depend. To achieve this the Department ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act respectively) and the associated *Policy and Guidelines for Aquatic Habitat Management and Fish Conservation (1999)*. In addition the Department is responsible for ensuring the sustainable management of commercial and recreational fishing and aquaculture within NSW.

I & I NSW has reviewed the Environmental Assessment (EA) and generally endorses both the proposed buffer between the development and Double Crossing Creek and the concept vegetation management plan for rehabilitation of the buffer area and requests that these are reflected in the final conditions of consent for the project.

Comment

Noted. Buffers to creeks will be instituted.

Section

12

Public Submissions

12.1 Mark Wales

I support the proposed development on the grounds it will provide further renewal and gentrification in an area requiring uplift.

Comment

Noted.

12.2 J & S Barnett

We are opposed to the proposed development.

Stage 1 of this development has already been approved by the Coffs Harbour City Council, approving 24 residences. Stage 2 proposes a further 42 residences, effectively in the one group, and sharing any proposed amenities. The addition of these residences and their occupants would further compound the many existing problems at sandy Beach, and reduce the quality of life for current residents of Sandy Beach.

We are aware of another proposal (Major project 05 0083) for a further development of between 280 and 300 new houses.

In total it appears some 360 new residential lots are seeking approval in these separate developments, with no infrastructure being proposed to cater for it.

Comment

The EA addresses the impact of flooding both on and off-site.

The EA addresses the issues of bushfire hazard and acid sulphate soils; this report contains further responses addressing the issue of bushfire hazard (see **Annexure B**).

Access to the proposed development.

Access to the site is via Graham Drive, which joins the Pacific Highway at each end. Graham Drive also provides the only road-access for all existing residents of Sandy beach, many of whom are then funnelled along Diamond Head Drive, crossing over the Pacific Highway. Both these routes have no or partial footpaths, curbing and guttering despite being the only way to the beach. They are frequently used by children, accompanied and unaccompanied; by cyclists; by mothers with prams as well.

The road junction of Graham Drive to the Pacific Highway is dangerous at each end, despite recent improvement at the southern end. Traffic from Graham Drive has to join fast moving highway traffic, allowed 100 kph at the southern and 80 kph at the northern end.

The Pacific Highway carries much through and heavy vehicle traffic, which has to negotiate many kilometres of stop start and speed restrictions through the Coffs Harbour region, largely due to the constant and continuing urban development within the region, that is adjacent to, and dependant on, the highway. This proposal would incrementally add to this problem. Proposals such as this adjacent to and dependent on the highway invite concerns about safety and road noise, leading to campaigns for more speed and other restrictions on a highway carrying dual burdens of local and through traffic.

Comment

Appendix N of the EA includes a Traffic Noise Assessment, which addresses safety issues relating to the intersection of Graham Drive and the Pacific Highway.

In addition, the Pacific Highway Upgrade has commenced, which will result in changed (improved) access arrangements for the Graham Drive intersections (north and south) with the Pacific Highway.

Koalas.

In the site analysis plan, primary and secondary koala habitats are identified on the opposite side of Graham Drive to the proposed development. Koalas are listed as a species under the NSW threatened species act. These would be severely compromised by increased traffic on an

already busy Graham Drive, and by dogs in the proposed development.

Comment

The Double Crossing Creek riparian zone and buffer planting will provide a potential koala passage way. The rehabilitation plantings have included species suitable as koala food trees

Water and proposed environmental assessment advocates that "water and sewerage will be extended from stage 1 of wider Sandy Beach residential subdivision". This would appear to be a repetition of Worby Parsons statement in the concept plan application and environmental assessment (Major Project 05 0083) for Sandy Beach North, that "water and wastewater can either service or be upgraded to secure the development". This flagrantly ignores the health of relevant rivers and the Pacific Ocean. The Orara and Nymboida Rivers are far from The Coffs Harbour region's present disposal method of deep sea disposal with limited re-use is not environmentally sustainable in the long term, particularly in view of its continued and rapid population growth.

Comment

The Project involves the extension of reticulated water and sewerage from Stage 1. Appendix K of the EA details the extension of these services.

Locality Plan.

This plan shopping facilities (blue Star) at Woolgoolga; recreation facilities (orange star) at Woolgoolga; "community facilities" at Woolgoolga .There are no sporting or recreational facilities at Sandy Beach except for the beach. There is no public meeting place for clubs, etc.; there is no health care facility-the nearest hospital is at Coffs Harbour with access via the pacific highway. Police are stationed at Woolgoolga on a part time basis, with after hours service coming from Coffs Harbour, along the same highway. Schooling for kindergarten and primary school children is provided in Sandy Beach on the southern end of Graham Drive, a dangerous walk for anyone from the proposed development as it carries traffic at speed, is poorly and Lacks footpaths, kerbing or guttering for most of its length. High School students would travel to either Woolgoolga or to Coffs Harbour for their education.

The proposed development is on the inland side of the highway, the beach (the only recreational outlet) is on the coast side of the highway, and requires travel via Graham Drive and Diamond Head Drive to be reached. Neither are -pedestrian or cycle friendly or safe.

The only shop in Sandy Beach is on the beach front, is small and very limited in stock, and distant from the proposed housing. This would result in increased motor transport in the village. Public transport is minimal, local facilities are minimal, sport and entertainment are non-existent, resulting in high motor car use by adult residents, and common hitch hiking, skateboarding, and unlicensed motor bike use by adolescents. Sandy Beach residents are by necessity frequent users of the Pacific Highway, and every increase in resident numbers adds to that usage.

Comment

Noted.

The Project is in keeping with strategic planning objectives for the locality, namely to develop the site for residential purposes.

12.3 Wayne Evans

We oppose this subdivision on the following grounds:

- The Heames Lake ecosystem is of State Significance and will be adversely affected by run off from this residential both during construction and after.
- This sit is floodprone and situated on a coastal floodplain.
- The Director-General's requirements do not cover the need to consider the ESD Principle of Equity. The D-G requirements for the Sandy Shores DA also in the Sandy/Hearnes Lake DCP required a planning horizon of 2100 so there appears to be no consistency exercised by NSW Planning.
- The site is approximately 1 kilometre from the High Tide Mark in an area with soft shorelines and no consideration has been given to the of coastal flooding as a result of change. We refer you to the judgement of Justice Peter Biscoe of the NSW Land Environment Court in the case Walker Vs NSW Planning Minister.

Comment

The EA details water quality measures to ensure stormwater discharged from the Project meets various water quality objectives. This is detailed in Appendix F of the EA (Water Quality Amendment and Coffey Report 30 June 2009).

Further responses regarding the discharge and treatment of stormwater are detailed throughout this report.

The EA includes a flood study, which provides measures to address this issue.

12.4 Confidential
Submissions

I am not sure from looking at the Environmental Assessment at the Coffs Harbour City Council whether this proposed residential subdivision will be public housing or not

If the residential subdivision is public housing or low rental accommodation, I object to it as I believe that such accommodation encourages anti-social and criminal behaviour.

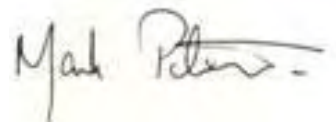
I do not want my contact details to be made available to the Proponent or other interested public authorities.

Comment

The Project is not intended to be used for public housing purposes.



Stephen Connelly FPIA CPP



Mark Petersen

Annexure

A

Modified Statement of Commitments

Modified Statement of Commitments

The following commitments have been produced based on the environmental assessments undertaken in preparing this EA. These commitments include detail regarding responsibility and timing, and aim to minimise any potential social, environmental or economic impacts.

1. Remediate the site to the satisfaction of Coffs Harbour City Council via the provision of a site audit statement prepared by a site auditor accredited under the Contaminated Land Management Act 1997, prior to any subdivision work being carried out on the site.
2. Carry out the Project in accordance with the EA, including all supporting documentation and reports.
3. Extend all necessary infrastructure to the site to serve the Project, including reticulated water, sewer, (underground) electricity, street lighting and telecommunications, generally as detailed in the EA and in accordance with the requirements of the relevant provider.
4. Prepare section 88B instruments where necessary for services extended to the site.
5. The public reserve (park) being rehabilitated, revegetated and embellished in accordance with a **Vegetation Management Plan** and **Landscape Plan**, each of which is to be approved by Coffs Harbour City Council. The **Vegetation Management Plan** is to include a 5 year maintenance schedule.
6. The public reserve (park) being dedicated to Coffs Harbour City Council.
7. The acoustic fencing being constructed prior to the issue of a subdivision certificate for affected allotments (along eastern and western perimeter of the site), extending from Stage 1, along the rear boundaries of Lots 25 and 26 and 47-50.
8. A covenant is to be prepared for proposed Lots 25-31 and 56-64 requiring the preparation of an acoustic report prior to the issue of development consent for any future dwelling on these allotments. The acoustic report is to have regard to the design, internal layout, materials and ventilation of any proposed dwelling relative to traffic noise impacts, in accordance with the

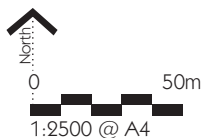
Traffic Noise Assessment prepared by Atkins Acoustics (**Appendix L**) of the EA.

9. A Sediment and Erosion Control Plan is to be submitted to and approved by Coffs Harbour City Council, with the measures detailed in the Plan to be implemented prior to any subdivision works occurring on the site.
10. The measures outlined in the Acid Sulfate Soils Management Plan (**Appendix E**) of the EA being implemented prior to and during subdivision works on the site.
11. Water quality infrastructure being constructed throughout the Project as detailed in the Water Quality Assessment (**Appendix F**) of the EA.
12. Street tree planting and landscaping (outside of the 50m riparian buffer) being provided generally in accordance with the **Concept Vegetation Management Plan (Plan 5)** and **Landscape Plans (Plans 6, 7 and 8)** of the EA.
13. The second recommendation of the Preliminary Cultural Heritage Assessment (**Appendix I**) of the EA being implemented.
14. The specific recommendations (SR1-4) of the Bushfire Hazard Assessment Report (**Appendix J**) of the EA and the addendum dated 17 June 2010 (**Annexure B**) of the Reply to Submissions report being implemented.
15. Contributions are to be paid in accordance with applicable Coffs Harbour City Council contribution plans, prior to the issue of the relevant subdivision certificate.
16. All roads are to be constructed generally in accordance with the Civil Engineering plans included in **Appendix K** of the EA, and in accordance with Coffs Harbour City Council requirements.
17. Strategy 4 of the Flood Assessment (**Appendix H**) of the EA is to be implemented as part of the Project.
18. A restriction as to user is to be created burdening Lots 25-30, and restricting direct vehicular access to Graham Drive.

Annexure

B

Creek Buffer and Asset Protection Zones



DRAFT 07.06.2010

Plan 15 ???

Source: Holiday Coast Bushfire Solutions
Date: May 2010
1184-255 Plan 14 Revised

50 METRE SETBACK FROM VEGETATED LINE

....

Note. the
bushfire report is
locked and will
not go into this
document

sjc id # 158492 needs to be hand inserted here.

Annexure

C

Letter from Coffs
Harbour City
Council



Petersen Consulting

GROUP

ABN 25 440 856 439

17 May 2010

The General Manager
Attention: Marcey Mills
Coffs Harbour City Council
Locked Bag 155
COFFS HARBOUR NSW 2450

Dear Marcey

Major Project 08/0148 – Graham Drive, Sandy Beach

Reference is made to our meeting of 14 May 2010 regarding the above Major Project, and to Council's letter dated 14 April 2010 regarding same.

The Project Plan for the Major Project has been revised following discussions with Council officers and our meeting of 29 January 2010, regarding the layout; location of neighbourhood park and detention basin; and, revegetation of Double Crossing Creek. To this end, please find attached the revised Plan, which is intended to be provided to the Department of Planning (DoP) as part of a Preferred Project Report.

It is prudent to note that further details regarding landscaping, vegetation management, location of paths and composition of playground equipment are intended to be subject to further approval by Council, post approval of the Project.

It would be appreciated if Council might provide us with correspondence detailing its support for the amended Project Plan, as agreed at our meeting of 29 January 2010.

We note the Plan (Preferred Project Report) will be referred back to Council for further comment by the DoP.

If you have any queries regarding this letter, please do not hesitate to contact me on 66 526 821 to discuss.

Yours sincerely

Mark Petersen
Director

1 x Project Plan

address 1/41 HOWARD STREET
COFFS HARBOUR NSW 2450
email petersenconsulting@bigpond.com
web www.petersenconsulting.com.au
telephone 02 6652 6821
facsimile 02 6652 6990
mobile 0407 095 233

Town Planning & Development



LEGEND



- Dense riparian buffer planting
- Lots
- Play and kick around space
- Detention basin
- Cycleway
- Screen planting buffer

Disclaimer

The contents of this plan are conceptual only, for discussion purposes. All areas and dimensions are approximate only subject to relevant studies, Survey, Engineering and Council approval.



Sandy Beach Mill, Coffs Harbour
Project Plan

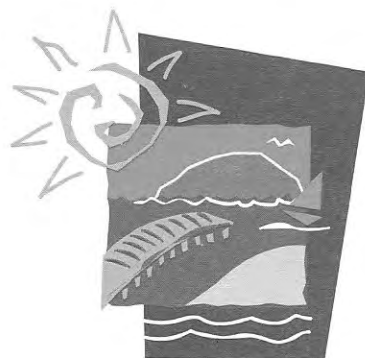
RPS

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PRELIMINARY FOR DISCUSSION PURPOSES ONLY

Scale 1:1000@A2 | Date May 2010 | Project No 7461_22B

COFFS HARBOUR CITY COUNCIL



Our ref: 2508360 (DA 342/10)

20 May 2010

Petersen Consulting Group
Attention Mr Mark Petersen
1/41 Howard Street
COFFS HARBOUR NSW 2450

Dear Mr Petersen

Major Project 08-0148 Neighbourhood Park, Detention Basin, and Buffer to Double Crossing Creek

Council refers to your correspondence of 17 May 2010 and to your meeting of 14 May 2010 with Council in relation to the above Major Project.

The amended concept proposal (Sandy Beach Mill Project Plan, prepared by RPS Australia East Pty Ltd, dated May 2010) relating to the reserve area along Double Crossing Creek is supported by Council subject to further approval of detailed plans with respect to landscaping, vegetation management, pathways, and playground components.

The additional matters raised by Council in previous correspondence to the Department of Planning (Letter dated 2 November 2009) may be addressed when formal comment is sought from Council by the Department in relation to the amended Major Project application.

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

Yours faithfully

Marcy Mills
Development Assessment Planner

CC: Department of Planning
Coastal Assessments
Attention: Mr Brent Devine
GPO Box 39
SYDNEY NSW 2001

Copy of Sandy Beach Mill Project Plan, prepared by RPS Australia East Pty Ltd, dated May 2010 attached.



LEGEND

-  Dense riparian buffer planting
-  52 Lots
-  Play and kick around space
-  Detention basin
-  Cycleway
-  Screen planting buffer

Disclaimer

The contents of this plan are for discussion purposes only. It does not constitute an offer of any financial product or service. Please contact your financial adviser for more information.