

# ATTACHMENT A

## RESPONSE TO SUBMISSIONS

CONCEPT PLAN & DRAFT PREFERRED PROJECT REPORT OBS.	RESPONSE
<b>1. Dept of Planning and Infrastructure</b>	
2. <i>Inadequate information - Lot 6</i>	Department advised appropriate to remove Lot 6 from PPR. PPR does not include Lot 6. Submissions concerning Lot 6 do not require further consideration.
3. <i>Consultant to review flooding &amp; drainage</i>	The review by WBM BMT considered by and addressed by Martens (refer to Section 3.2) and <b>Attachment D</b>
4. <i>Preferred Project Report required</i>	Preferred Project Report prepared.
5. <i>Statement of commitments to be revised</i>	SoC has been revised. Refer to Section 5.0
6. <i>Incomplete application</i>	Department advised that it will accept a Preferred Project Report that does not include Lot 6.
7. <i>Buffer to Moonee Creek questionable.</i>	Infrastructure bar the access driveway to Lot 2 DP 1097743 removed from buffer.
8. <i>Road profile required of access to Lot 2 required</i>	Refer Attachment B
9. <i>Buffer to be dedicated to council with a dedication plan provided</i>	Refer Figure 13
10. <i>Ecological Mitigation report based on 100m but 64-85 proposed.</i>	Refer Section 1.14
11. <i>Clear quantification and mapping required.</i>	Noted
12. <i>Compensation replanting ratios to be provided</i>	Refer to SoC 10
13. <i>Referral to Cth Minister for Environment?</i>	Refer 3.14.6
14. <i>How much 2ndary koala habitat is to be removed?</i>	5.4 ha
15. <i>Map koala food trees</i>	Refer Table 21 <b>Attachment F</b>
16. <i>Consistency of mgmt of koalas – dogs and swimming pools</i>	Refer SoC 6.
17. <i>Need for a Koala Plan of Mgmt</i>	No. Refer Section 3.14.4
18. <i>Map and quantify squirrel glider habitat</i>	Refer Fig 25 and Section 5.9 in Attachment F
19. <i>Inconsistency of landscape plan with ecology report on planting of species</i>	Refer Attachment C
20. <i>Bushfire – sthn edge of Lot 1 – will street setbacks enable dwellings to occur with 10m rear APZ?</i>	Refer Figure 5
21. <i>Clarification of suitability of sub soil for fill on site</i>	Refer Section 3.8
22. <i>Excavation in western part of site proposed to 4m but ASS assessment</i>	Refer 3.9

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<i>indicates excavation to 3m requires further assessment</i>	
23. <i>Treatment and visual character of southern edge of development requires further consideration</i>	Refer Attachment C and Section 3.13
24. <i>if Lot 6 does not proceed does this affect servicing and access</i>	No. Refer Section 3.10
25. <i>Design guidelines should form part of PPR</i>	Refer Section 3.12
26. <i>Mgmt plan for mosquitoes to be submitted</i>	Refer to Figure 5 and Section 3.5
27. <i>Statement of Commitments – staging, mgmt of buffer zone &amp; timing of each item</i>	Refer to Section 4.
<b>WBM BMT Review of Water Quality for DoPI</b>	
28. <b>Recommendation 1:</b> <i>The proponent undertake further assess-ment of the impacts of the development upon the hydro-logic regime of Cunningham and Moonee Creeks as required under Section 8 of the DGRs for EA.</i>	Refer to Attachment D
29. <b>Recommendation 2:</b> <i>Proponent considers use of other treatment measures than proposed SPEL Storm Ceptor units. The use of surface treatment systems such as vegetated swales would offer considerable benefit in reducing both sediment and nutrients into downstream bioretention basins and trap gross pollutants on their surface. While not ideal from a gross pollutant perspective, loads of gross pollutants post-development unlikely to be significant and therefore such treatment systems are anticipated to be acceptable.</i>	Refer to Attachment E
30. <b>Recommendation 3:</b> <i>The proponent review the MUSIC modelling with regards to the corrections noted above and modify the treatment train such that required pollutant load reduction targets are achieved.</i>	Refer Attachment E
<b>WBM BMT Review of Flooding for DoPI</b>	
31. <b>Recommendation 1:</b> <i>Flood reporting would benefit from additional information to further the confidence in assessment process and developed outcomes. This should include sample hydrographs at key locations in reporting design hydrology, further detail on adopted model topography (particularly Bucca Creek andvfloodplain), design inflow distribution to hydraulic model, distributions of flood depth, velocity and hazard included in mapping series for pre&amp; post-development conditions.</i>	Refer Attachment D
32. <b>Recommendation 2:</b> <i>Assessment of shorter duration flooding of Bucca Creek catchment and appropriateness of adopted flood planning levels</i>	Refer Attachment D

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33. <b>Recommendation 3:</b> Re-modelling of design PMF condition with indicative post-development ground surface profiles. Necessary to assess flood hazard across site and further specific requirements for floodplain risk mgmt. at this magnitude event.	Refer Attachment D
34. <b>Recommendation 3:</b> Confirmation of potential impact on flood conditions of the other approved developments adjacent to site.	Refer Attachment D
35. <b>Recommendation 4:</b> If forming part of the approval, the impact of the proposed development on Lot 6 DP252223 and associated access roads would need to be assessed. Irrespective, consideration should be given to the potential cumulative impacts of the development.	Refer Attachment D
<b>Coffs Harbour Council</b>	
36. EA report appears incomplete as certain reports are confined to and/or focus on only one of the development lots	On the advice of the Department, Lot 6 is not part of the preferred project.
37. The proposal, as described includes bulk earthworks, water and sewer reticulation, stormwater, drainage works, asset protection zones, landscaping, walkway, pedestrian/cycleway and rehabilitation works for development Lot 1 but none of this infrastructure is detailed for development Lot 6.	On the advice of the Department, Lot 6 is not part of the preferred project.
38. Proposal fails to confirm that dedication of these lands is at "no cost to Council". There is no provision in relevant DCP for Council acquisition of such lands. Accordingly offer to Council of these lands at no cost should be accompanied by a plan that clearly delineates the land parcels and an accompanying "at no cost" offer in writing.	Agreed. Refer to SoC 9
39. Proposal fails to identify how the arrangements for construction of the development will be implemented. No evidence has been provided from adjacent land owners of agreements to create easements to allow access to these adjacent lands to construct collector road from southern boundary of Lot 6 to formed collector road, nor agreements to allow services to be extended to development site.	Section 3.10
40. The proposal is unclear on APZs for development of Lot 6.	Lot 6 not part of Preferred Project.
41. The proposal fails to detail location of coastal walk and cycleway	Refer Attachment C
42. The proposal locates urban development within 100 metres of Moonee	Refer Section 1.14

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<i>Creek, in breach of the controls of this Plan.</i>	
43. <i>Subdivision footprint encroaches upon protected vegetation, in breach of the controls of this Plan.</i>	Area of protected vegetation within which subdivision extends into consists of mown grass land with few trees. It is difficult to equate this predominantly grassland community as “protected vegetation”. The buffer will be revegetated – refer to Fig 12.
44. <i>The target density of this development is exceeded by 15%, in breach of the controls of this Plan.</i>	Development footprint is generally consistent with DCP. It is unclear what would be achieved in maintaining this control relative to permissibility of land use in the zone.
45. <i>Water quality protection measures do not accord with the creek buffer controls of this Plan.</i>	Refer to Item 42.
46. <i>Proposal is not accompanied by a report that satisfactorily considers aboriginal cultural heritage (noting that only development Lot 1 has been vigorously investigated as access to Lot 6 was not available).</i>	OEH have advised that the aboriginal heritage report is satisfactory. Lot 6 has been removed from the Preferred Project Report.
47. <i>The proposal not accompanied by a report that satisfactorily considers noise (noting that only Lot 1 is considered).</i>	Lot 6 has been removed from the Preferred Project Report.
48. <i>The development footprint exceeds that shown in the Moonee Development Control Plan. The application should be accompanied by a map overlay to quantify this exceedance. Impact by the proposed development footprint on water quality, riparian areas, biodiversity (including a reduced compensatory area) should form part of the EA.</i>	Refer Section 1.14.
49. <i>The proposal is inconsistent with the Management Objectives of this Plan eg. Clause 5.1.3 Strategies Addressing Ecology / Biodiversity Objectives:</i>	
<i>“Ecol9 Revegetate foreshores and other degraded areas around the estuary that have been partly or totally cleared of natural vegetation. Revegetated foreshore buffers <u>should ideally be 100m or more wide</u>”.</i>	Purpose of buffer to the Solitary Island Marine park is to protect water quality. This is consistent with stated objective of DCP concerning buffers. The stormwater management plan (refer Section 3.3) indicates that detention basin will significantly improve post development water quality to that of pre development levels.
<i>Clause 5.1.4 Strategies Addressing Future Catchment Development Objectives:</i>	
<i>“CD2 Restrict development from the Moonee Creek foreshores in order to maintain vegetated buffers around the estuary, and ensure that buffers are not relied upon to treat urban runoff, or are cleared for bushfire risk mitigation.”</i>	A buffer to Moonee Creek is maintained and is not relied upon for treatment of stormwater runoff. Refer Figure 5 for APZ.
50. <i>There is insufficient information with regard to the proposed subdivision</i>	Lot 6 removed from Preferred Project.

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<i>of development Lot 6 and its potential impacts on PASS. There is a general lack of detail, including a preliminary PASS assessment and preliminary ASS Management Plan. There is no detail on proposed cut/fill, services, WSUD infrastructure for development Lot 6.</i>	
<i>51. Existing access to Lot 2, DP 1097743 is via an existing RoW to a bridge / culvert. Development needs to maintain an access to this lot to a suitable standard in terms of flood immunity without having adverse impacts on flood levels or behaviour on adjoining properties. Justification of compliance with this standard is required.</i>	Necessary height of bridge over Burra Creek to this lot identified by Martens to be at 2.7m AHD consistent with Engineers Australia (February 2013) <i>Australian Rainfall and Runoff Revision Projects – Project 11: Blockage of Hydraulic Structures Stage 2 Report.</i>
<i>52. Impacts of the Cunningham's Crk crossing and associated earthworks to be modelled, satisfy Council's Flood Policy and be done in accordance with the NSW Floodplain Risk Guideline "Practical Considerations of Climate Change".</i>	Lot 6 removed from Preferred Project Report and therefore, Cunninghams Creek is not impacted.
<i>53. Crossing over unnamed waterway, Lot 6, DP 1140702 to be modelled. Modelling to satisfy Council's Flood Policy and in accordance with NSW Floodplain Risk Guideline "Practical Considerations of Climate Change".</i>	This lot is outside of the scope of the PPR. The crossing of this creek was considered as part of the Land and Environment Court's approval of the collector road.
<i>54. Earthworks and other civil works including services are not detailed for development Lot 6, accordingly Council is not satisfied that subdivision as proposed can work (also noting that the development footprint for both development Lots 1 and 6 is in breach of Moonee DCP).</i>	Lot 6 removed.
<i>55. The proposed Sewer Pumping Station's design and capacity needs to address the catchment.</i>	The design and capacity of the SPS is a matter for Construction Certificate.
<i>56. The number of stormwater basins should be minimised to reduce recurrent maintenance costs.</i>	2 stormwater basins have been reduced to 1.
<i>57. Noise report indicates northern segment of Lot 1 assessed. In addition report has only recommended acoustic treatment for houses that run parallel to highway. The row of properties along northern boundary have "direct line of sight". This may also extend to line of southern properties. Further assessment required.</i>	Refer to Section 3.6
<i>58. ....only the façade is to be treated however depending on the final house design this may need to extend to the flanks of the building. Further assessment is required.</i>	Refer Section 3.6

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59. <i>It is unreasonable to limit housing in the “yellow mitigation zone” (fronting the collector road) to single storey when the planning controls allow for more than single storey housing.</i>	Agreed. Noise attenuation to both levels. Refer to Section 3.6
60. <i>It is unreasonable to require mechanical ventilation systems to the affected housing to allow windows to be shut to meet the SEPP Infrastructure requirements as this is contrary to sustainable housing design principles.</i>	Mechanical ventilation does not have to be energy intensive.
61. <i>Housing on collector rd will not necessarily precede other housing in subdivision, thereby allowing other housing to be impacted acoustically</i>	Refer to Section 3.6
62. <i>EA provides insufficient justification to support reduction of buffer required by Moonee DCP. Figure 26 is not current version. Any justification for variation of buffer should reference a survey plan that clearly identifies top of creek bank and the actual buffer distance.</i>	Refer Section 1.14
63. <i>The proposed compensatory area needs to consider the impact of WSUD basins, access ways, coastal walks, sewer pumping stations, etc on reducing this planned buffer and of the capability of that reduced area to effectively compensate for loss of habitat and to manage the impact of the urban footprint.</i>	Refer Section 1.14
<i>The assessment inadequately considers the impact on the squirrel glider and the koala species including:</i>	
64. <b>squirrel glider</b> – identification of on site population, dynamics of habitat use, impact of loss of hollows, loss of seasonal resource	Refer Section 3.14
65. <b>koala</b> – size of population, house ranges or seasonal values of vegetation proposed for removal,	
66. <i>and without further assessment the preparation of Species Impact Statements is considered appropriate.</i>	
67. <i>The assessment should be accompanied by a draft Vegetation Management Plan that has particular regard to quantifying the proposed compensatory works.</i>	Refer SoC 9 and 10
68. <i>Council notes Assessment (Sec 6 Conclusions &amp; Recommendations) says “nonetheless, given the sensitivity of the local area, this assessment found that this matter should be referred to the DG of OEH</i>	Refer Section 3.14.6
<b>Office Environment and Heritage</b>	

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69. <i>Supports proposal subject to providing further information and amendments to Statement of Commitments</i>	Noted
70. <i>If amendments to draft SoCs are not included to OEHL satisfaction then they are included as a condition of approval</i>	Noted
71. <i>Targeted survey for the Spider Orchid Dendrobium melaleucaphilum should be conducted before approval</i>	Refer Section 3.14.2
72. <i>Commitments to be detailed in Vegetation Management Plan</i>	Refer SoC 9 and 10
73. <i>Impact of clearing on koala relative to SEPP 44</i>	Refer section 3.14.4
74. <i>More information on offsets to impacts on koalas</i>	Refer Section 4.2
75. <i>Cats and dogs should not be permissible in project area</i>	Refer SoC 6
76. <i>More info on impacts of road through conservation area</i>	Road is an existing driveway.
77. <i>Redesign layout to reduce impact on Squirrel Glider</i>	Refer <b>Attachment F</b>
78. <i>Strategy to mitigate or offset loss of Squirrel Glider habitat</i>	Refer SoC 9 and 10
79. <i>Nest boxes and other compensatory measures addressed in Fauna Management Plan</i>	Refer SoC 10
80. <i>Glossy Black Cockatoo feed trees incorporated into landscape plan</i>	Refer SoC 10
81. <i>DPI satisfied that Wallum froglet techniques don't constitute Key Threatening Process</i>	Noted
82. <i>Conservation reserve in SE part of area should be expanded north to achieve 50m wide</i>	Lot 6 that has been removed from the Preferred Project Report.
83. <i>Map locations and type of fencing for conservation reserve</i>	Refer Attachment C.
84. <i>PoM to be included in SoC for the conservation reserve</i>	Refer to SoC 9 and 10
85. <i>Aboriginal Cultural Heritage Management Plan required</i>	Suggest this as a condition of approval.
86. <i>Infrastructure should be excluded from buffer to Moonee Creek</i>	Infrastructure has been removed from the buffer to Moonee Creek.
87. <i>Management of the corridor</i>	Refer to SoC 9 and 10
88. <i>Should be a 100m buffer to Moonee Creek and 50m to Cunninghams Ck</i>	Refer to Section 1.14
89. <i>Maximum impact avoidance must be demonstrated for OEHL to support proposal and that mitigation strategy is adequate</i>	Noted
90. <i>Do not agree that veg is less than 10yr old regrowth</i>	Noted.

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91. <i>Mitigation and compensation measures are referred conceptually be achievement of this outcome remains to be demonstrated</i>	Refer SoC 10
92. <i>Loss of native vegetation in project area should be appropriately account impacts upon threatened species habitats. Proposal should demonstrate how losses are offset by measures proposed. Accounting for losses and offsets across project area can be determined by the use of Biobanking assessment tools, undertaken by accredited Biobanking assessor</i>	Refer Attachment F
93. <i>Ambiguity in 7part test on p109 Attachment H</i>	Refer Attachment F
94. <i>Recommended offset ratios for loss of Koala habitat in CHKPOM is minimum of 5:1. It should be determined whether proposed conservation reserve (total area 6.7 Ha), which already contains Koala (and other threatened species) habitat, could accommodate replanting of 3-6 Ha of destroyed Koala secondary habitat, particularly at the above ratio.</i>	Refer Section 3.14.4
95. <i>Tecommands that it be determined whether an offsite offset should be additionally conditioned, or a Biobanking Agreement with OEH to secure an appropriate offset for impacts on the site as a whole.</i>	Refer Section 3.15
96. <i>PoM required for riparian vegetation.</i>	Refer SoC 9 and 10
97. <i>Bank erosion identified in EMP. The proposal acknowledges bank erosion issues and intends to rectify these as per the landscape plan, however, no detail has been provided.</i>	No works are proposed in the Moonee Creek.
98. <i>Difficult to determine if studies relate to both lots or Lot 1 only.</i>	Lot 6 has been removed from the Preferred Project Report.
<b>Rural Fire Service</b>	
99. <i>Concern with provision of APZs required for grassland on proposed lots B85 and B101, if development of Glades Estate' north of site does not proceed when proposed development is approved.</i>	Refer Figure 5
100. <i>Public access roads shall comply with section 4.1.3 (1) of PBP 2006</i>	All roads comply with guidelines.
101. <i>Water, electricity and gas shall comply with section 4.1.3 of Planning for Bush Fire Protection 2006.</i>	Reticulated water system is located along the perimeter road, power is underground, no gas mains will be provided.
<b>Agriculture NSW</b>	
102. <i>No comments</i>	
<b>Fisheries NSW</b>	



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103. NSW Policy & Guidelines for Fish Habitat Conservation & Mgmt 2013 recommends a 50 -100m buffer between development and fish habitats	Refer Section 3.4
104. Buffer distances should be measured from Highest Astronomical Tide level or height of natural breakout of Moonee Creek	Refer Section 3.4
105. Stormwater and sewage infrastructure compromise buffer	Stormwater and sewage infrastructure relocated outside of the buffer
106. NSW Fisheries cannot support 20m buffer to Cunninghams Crk	Lot 6 has been removed and Lot 1 does not lie near Cunninghams Creek.
107. Narrow buffers limit potential to allow ICOLL to be managed with minimal intervention as flooding likely to warrant such intervention	Stormwater basin 2 has been removed from the buffer area to Moonee Creek.
108. Crossing Bucca Ck requires condition that new structure satisfies fish passage requirements.	Refer SoC 18
<b>Marine Parks Management</b>	
109. Minimum 100m buffer required	Refer Section 1.14
110. 100m buffer measured from the expected MHW for 2100 and that intervening land should not be filled.	Refer Section 1.14
111. Infrastructure should be outside of buffer area	Infrastructure removed from the buffer area.
<b>NSW Office of Water</b>	
112. List conditions of approval required.	Noted and agreed.
113. Proposed buffer of 60 to 80m is satisfactory	Noted.
<b>Roads and Maritime Services</b>	
114. RMS objects to the proposed development at this time	Land and Environment Court approved the collector road 18 <sup>th</sup> June 2012.
115. Little information provided concerning traffic impacts of proposed development on existing and future road networks. Traffic Impact Statement and consultation with RMS should have been undertaken	Traffic Impact Assessment has been undertaken by Seca Solutions – refer Section 3.7.
116. Information in “3.11” doesn’t account impacts of total development on Collector & Moonee Beach Rd. Include modelling of roundabouts on Moonee Beach Rd to assess if they adequate capacity, and will operate safely in the future.	Refer Section 3.7
117. Additional impact of noise from collector road upon adjacent dwellings – more detail required.	Refer Section 3.6
118. Comment on pedestrians and refuges and suitable fencing	Proposed streets do not require refuges and fencing as they are designed 40/50

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	km/hr speed environments. The higher speed collector approved by the Court.
119. Off road cycleway from nthn to sthn boundary on collector road	Collector road approved by Court. Project Approval does not include collector road.
120. Very little consideration has been given to town and school bus services facilities. These will require lay-bys and shelters to be provided at strategic locations clear of intersections.	Bus route is along the court approved collector road.
121. Design of streets should be designed to encourage a safe speed environment. Long straights & cross roads be avoided. Traffic mgmt. treatments should be used and protect road users at crossing points.	The streets are designed for local traffic only and are direct and connected to create regular street blocks and regular house lots and, with footpaths, facilitate walking and cycling as well as to create view paths down to Moonee Creek.
<b>Roger Barker</b>	
122. Project continues without Mr Barker's cooperation or consent	DoPI advise Lot 6 can be excluded from PPR. Mr Barker's co-operation or consent for Preferred Project that does not apply to his land not required.
123. Assumed control by misrepresentation of Lot 6 as part of site	Refer to response to Item 122.
124. Proposed collector rd & issues of alignment and consent from Mr Barker	Court consent does not override Mr Barker's control of access to his property.
125. Implied ecological constraint on Lot 6	Lot 6 has been excluded from the Preferred Project Report.
126. No arrangement for owner consent over Lot 6 to construct collector road	Consent for physical access to construct collector road a civil matter between relevant landowners for negotiation and agreement.
127. Concept plan burdens Lot 6 with ecological offset benefit other parties	Lot 6 has been excluded from the Preferred Project Report.
128. Derelict mine on Lot 1 with substantial tunnelling	Technical investigations across the site have not found evidence of a derelict mine.
129. Objection 1 and 2 against the bulk earthworks plan	Plans indicate fill tapered down to southern boundary of site with a swale inside lot so that no impacts on Lot 6.
130. Objection 3 – additional stormwater onto Lot 6 from Lot 1 fill & removing trees in riparian zone for basins.	Stormwater is directed to the rear of proposed lots backing onto Lot 6 boundary and then directed eastwards via a swale, outside of Lot 6, to Moonee Creek.
131. Ecological report limitations and bias against Lot 6	Lot 6 has been excluded from the Preferred Project Report.
<b>Petition</b>	
132. Objection to development	Removal of Lot 6 from the PPR resolves the concerns of petitioners.