

Table 1 – Response to Submissions Received During Exhibition

Note: The Responses to Submissions Received during Exhibition have addressed the modified Project Application as they apply to the amended site area.

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<p>Department of Planning and Infrastructure (DoPI)</p>	<p>1. Impact to Endangered Ecological Communities (EECs)</p> <p>The EA identifies Swamp Schlerophyll Forest on Coastal Floodplain as having moderate conservation value (p11, Appendix 15), however, it is proposed that 0.40 hectares or 3% of Swamp Schlerophyll forest and 0.36 hectares of 47.5% of Freshwater Wetland will be lost from the project site area. The EA does not sufficiently address the net loss of EECs having regard to the principle of 'Improving and maintaining' existing environmental values on site. In the absence of a robust planning and ecological justification for the net loss of EECs, the proposed subdivision layout will not be supported.</p>	<p>The proposed revisions to the riparian zone area and subdivision concept and the pulling back of stormwater infrastructure has resulted in a reduction of the area of EECs being removed by the proposed development. Specifically, the Ecological Assessment (Appendix 7) has assessed that under the proposed layout 0% of the Swamp Schlerophyll will now be impacted and only 0.24 hectares (or 32% of the total 0.75 hectares present) of the Freshwater Wetland will be lost from the project site area.</p> <p>In total, approximately 0.69 ha of revegetation works are proposed to offset the removal/modification of 0.24 hectares of degraded Freshwater wetland EEC. In addition, approximately 1.55 ha of riparian revegetation and 1.11 ha of assisted natural regeneration works are also proposed. Details of the revegetation/regeneration works are contained within the Vegetation Management Plan (VMP) (Appendix 8). As noted previously in the Project Application, this area is subject to continued disturbance by grazing cattle and hence has not been maintained or managed. It should be noted that 0.19 ha of the impact to this EEC is due to the proposed topsoil fill area which will be rehabilitated by revegetation.</p> <p>It is considered that the implementation of the VMP (Appendix 8) will result in the rehabilitation of the Core</p>	<p>No</p>

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		<p>Riparian Zone in the north of the site and will significantly improve and extend areas of Freshwater Wetland.</p> <p>Further, the management regime will ensure that the ecological values of the site are enhanced, by use of the correct endemic species, any existing or subsequent weed species are removed and a monitoring regime established. The proposed stormwater measures for the site will also ensure that there is an enhanced level of stormwater output in terms of quality from the site.</p>	
	<p>Further assessment is required regarding the impact of the subdivision to the respective EECs. Section 4.1.4 of the Ecological Assessment is too brief and does not detail the environmental impact at the interface between EEC and the development, including possible edge effects, and how the EECs will maintain their ecological and hydrological functioning. The impacts upon EECs from stormwater runoff are to be assessed in greater detail, including impacts during rain and flooding events.</p>	<p>The Freshwater Wetland EEC is contained to drainage lines on site. This EEC is currently degraded as discussed in the above comment. The proposed rehabilitation regime for this EEC will significantly expand beyond its present boundaries. The riparian zones have been defined. In addition to the Core Riparian Zones there will be a 10m wide Vegetated Buffer Zone, as required by the Riparian Guidelines under the Water Management Act 2000.</p> <p>The EECs to the east of the proposed subdivision that are owned by the Proponent's but not part of the Project Application, will have a perimeter road separating them from the residential lots. This road will act as a barrier to encroachments from residential properties that would otherwise form its interface, and prevent transmission on non-endemic and exotic plants. The verge area of the road reserve that forms a boundary to the EECs will also be managed as an Asset Protection Zone. It will contain some stormwater infrastructure (bio-retention swales) which will</p>	No

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		<p>be planted with riparian vegetation.</p> <p>Appropriate buffers will be provided between the site and its boundaries with the Bongil Bongil National Park. The buffers form part of the Asset Protection Zone (APZ) for the site. The proposed vegetation at these locations is described in the Landscape Concept Plan, which states “revegetation in coordination with VMP”. The cross section, Drawing 03 in Appendix 11 prepared by the Landscape Architects provides an illustration of the proposed treatments to the riparian zones. The Landscape Design Report goes on to state:</p> <p>For planting within the APZ and future maintenance, the following points are to be implemented:</p> <ol style="list-style-type: none"> 1. selection of plants suitable within fire prone areas 2. removal of limbs and manage understorey by regular slashing 3. supplement existing vegetation with indigenous trees and groundcovers and low grasses in accordance with bushfire assessment and VMP. Allow a minimum 2m gap between canopies of nearby trees to avoid the transfer of fire. <p>The Stormwater Management Strategy (Appendix 5) states that the quality of the stormwater output from the site will be an improvement on the existing situation (prior to development). This is a significant feature and benefit of the proposed development.</p>	

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		<p>The submission from the NSW Office of Water is concerned that as stormwater travels along the bio-retention swales it may accumulate nutrients. The Office of Water wants to ensure that the stormwater output into National Park / EEC land is adequate and will not impact on the ecological functioning of the EECs.</p> <p>It needs to be noted that if nutrients accumulate along the swales, they will be removed via the bio-retention basins at the end of the treatment train. They will also be fitted with Gross Pollutant Traps (GPT) which will trap sediment and other suspended solids and prevent them from entering the EEC areas.</p> <p>The Stormwater Management Strategy report has been updated since the lodgement of the Project Application to specifically address this issue.</p>	
	<p>2. Core Riparian Zone (CRZ)</p> <p>The EA proposes stormwater infrastructure and filling within the CRZ. The EA also proposed stormwater Infrastructure within the vegetated buffer of the CRZ. In accordance with DECCW's Guideline for controlled activities; Riparian corridors, there should be no drainage or stormwater infrastructure located in the CRZ, or within the vegetated buffer to the CRZ. Refer to the Water Management Act 2000 and DECCW guidelines for further details on controlled activities within riparian zones.</p>	<p>Minor adjustments are proposed to the extents of the riparian corridor so that stormwater infrastructure is no longer within the CRZ.</p>	No
	<p>A separate assessment is required which identifies the impacts of CRZ and its buffer zones upon the developable area of the site.</p>	<p>This aspect has been considered in the formulation of the amended subdivision layout based on the advice of the Project team.</p>	No

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	<p>3. Loss of Koala Habitat</p> <p>The EA identifies habitat clearing as the highest ranked form of disturbance on the Koala population however the proposed subdivision would result a net loss of 0.2 Hectares of Primary Koala Habitat. In accordance with the Coffs Harbour Koala Plan of Management there should be no net loss of Primary koala Habitat. While the EA states that no signs of Koala activity were recorded in the area proposed to be cleared, no justification is provided as to why Primary Koala Habitat is required for the provision of stormwater infrastructure.</p>	<p>The Project Application documented a minor loss to potential Koala habitat, due to encroachments of stormwater infrastructure. The Subdivision Plan has been updated since the lodgement of the Project Application to remove any encroachment on Koala habitat areas.</p>	<p>No</p>
	<p>4. 'Buffer' to EEC and National Park</p> <p>The proposal does not include a buffer or vegetated planting strategy that seeks to minimise the environmental impacts upon EECs and the National Park. The Department supports standard mitigation practices such as buffering which in some cases extends 50 m away from sensitive environmental areas such as EECs. A separate assessment is required regarding buffering strategies along the western, southern and eastern boundaries of the site.</p>	<p>Refer to response to Key Issue 1 above.</p>	<p>No</p>
	<p>5. Vegetation Management Plan (VMP)</p> <p>The VMP shall be amended to contain restoration strategies that address the objectives of the following environmental features including their buffers where applicable:</p> <ul style="list-style-type: none"> ▪ Freshwater Wetland EEC ▪ Primary Koala Habitat ▪ Core Riparian Zone. 	<p>The VMP has been amended to propose restoration strategies to addresses Freshwater Wetland EEC; Primary Koala Habitat; Core Riparian Zone. The VMP also address future maintenance and ongoing management.</p>	<p>No</p>
	<p>The VMP should confirm whether future maintenance and ongoing management is proposed to lie with Council, a community association, or</p>	<p>Future maintenance and ongoing management will be the proponent's responsibility for the first 5 year period from the</p>	<p>Yes – new (2.13)</p>

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	otherwise. Current maintenance proposal are included only in the Landscape Plan (Appendix 11).	date of initial commencement of the VMP works. After this time responsibility will lie with the Coffs Harbour City Council.	
	<p>6. Stormwater</p> <p>The scale and location of proposed stormwater infrastructure identified in the Site Analysis Plan (Figure 7, EA) differs to that in the Stormwater Management Plan (Figure 3, Appendix 14) and clarification is required in this respect. The Site Analysis Plan indicates that the proposed bioretention swales extend well into the CRZ beyond the 'top of bank' zone which clearly would not be supported by the Department.</p>	The Stormwater Management Plan (WorleyParsons) was developed to guide the development of the Stormwater Concept Plan (Geoff Slattery & Partners) for the Project Application. There have been changes to these plans since lodgement of the application. As specified above, the stormwater infrastructure has been removed from the riparian areas.	No
	Details of ongoing management of stormwater infrastructure referred to in Section 3.4 of Stormwater Management Strategy (Appendix 14) should be clarified. The Stormwater Management Plan should confirm whether future maintenance is proposed to lie with Council, a community association, or otherwise.	The maintenance of the proposed stormwater infrastructure will be transferred from the proponent to the Coffs Harbour Council after five years from the commencement date of initial VMP works.	Yes – new (4.4)
	<p>7. Asset Protection Zones (APZs)</p> <p>The EA does not provide details of APZs along the vegetated areas of the CRZ. Compliance with Planning for Bushfire Protection 2006 shall be demonstrated and illustrated in layout plan format.</p>	The Bushfire Assessment Report (Appendix 6) has been updated to address compliance with Planning for Bushfire Protection 2006 and Drawing No. 113 by Geoff Slattery & Partners (Appendix 4) shows the proposed APZs for the subdivision.	No
	APZs along the western boundary are located within the proposed public reserve areas which are proposed to be dedicated to Council. Approval from Council would be required for the ongoing maintenance of APZs, This requires further clarification.	It is confirmed that the buffer areas to the National Park along the western boundary are to be managed as APZs. Note the existing 6m wide fire trails will be managed by NPWS as APZs. The relevant sections of the APZ buffer areas will be dedicated to Council and the other areas will be managed by the proponent. Maintenance responsibility	Yes – new (3.7)

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		for public reserves will transfer from the proponent to the Council after five years from the date of initial VMP works.	
	<p>8. Open Space and Public Reserves</p> <p>Drawing 'Development Application Overall Development' no. 11 Rev A in Appendix 8 identifies those areas proposed as public reserves. Please ensure consistency with the Landscape Masterplan in Appendix 11. The Landscape Masterplan should be clearly annotated to confirm those areas which are proposed to be dedicated to Council.</p>	The Landscape Masterplan (Appendix 11) has been updated to reflect the Overall Development Plan in terms of nominating areas proposed as public reserves, including for acquisition by Council and and dedication to Council.	No
	<p>9. Creek Crossing</p> <p>The creek crossing is important for the ecological functioning of the watercourse and Freshwater Wetland EEC. Concept details of the culvert crossing are requested to ensure the hydrological regime is not impact upon.</p>	Concept details of the culvert creek crossing are shown in Drawing No. 118 at Appendix 4 . Further details are discussed in the Stormwater Management Strategy (Appendix 5).	No
	<p>10. Medium Density Lots</p> <p>Clarification is required as to whether approval for 3 or 4 'superlots' is being sought for the future medium density lots. The subdivision layout in Appendix 8 indicates 4 superlots, while the EA text indicates 3 superlots.</p>	The medium density lots that were proposed in the Project Application have since been removed.	No
	It is suggested that the subdivision be limited to the 3 or 4 superlots under Torrens Title to enable future subdivision of medium density lots under Community Title. Amendments are therefore required to the Project Application Description. Amendments are also required to the layout plans omitting indicative medium density lot layouts, car parking arrangements etc. The subdivision of the superlots into medium density lots would be subject to a future planning application accordingly.	Refer above response.	No
	<p>11. Aerial Photograph</p> <p>An aerial photograph of the site superimposed upon the proposed subdivision layout shall be included within the EA documentation.</p>	An aerial photograph of the site superimposed with the subdivision layout is at Appendix 1 .	No

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<p>Department of Environment and Climate Change</p> <p>Letter from Jon Keats, Head, Biodiversity Management Unit North Coast, Environment Protection and Regulation Group</p>	<p>DECCW has reviewed the information provided and supports the proposal subject to the Department of Planning adopting the recommended conditions of approval.</p> <p>Please find these recommendations listed in Attachment 1. Attachment 2 contains DECCW's assessment of the proposal, including justification for the recommendations.</p>	<p>Noted.</p>	<p>No</p>
	<p>ATTACHMENT 1: Recommended Approval Conditions</p> <p>The following Themes have been reviewed from the Draft Statements of Commitment (Appendix 25) provided. Recommended Conditions of Approval have been added based on DECCW assessment of the proposal (Attachment 2).</p> <p>1. Ecological</p> <p>Amelioration recommendations in the Ecological Assessment (Appendix 15) have been reviewed to assess the extent to which they address DECCW's four main areas of interest relating to possible impacts of the proposal being;</p> <p>1. Impact on values of the adjacent National Park</p> <p>2. Impact on the adjacent Endangered Ecological</p>	<p>Noted.</p>	<p>No</p>

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	<p>Communities</p> <p>3. Impact on Koala and associated habitat</p> <p>4. Impact on threatened species</p> <p>In order to appropriately address these matters, DECCW recommends the following approval conditions:</p>		
	<p>Values of the National Park</p> <p>A responsible party is to be identified to manage the Asset Protection Zones outside National Park for fire abatement and rubbish dumping and this information is to be submitted to the Department of Planning prior to commencement of any works on the site.</p>	Adopted.	Yes – new (3.7)
	<p>Appropriate National Park boundary fencing, access points, gating and pedestrian access into the NP are to be negotiated with the proponent and approved by the National Parks and Wildlife Service (NPWS) and then funded and installed by the proponent.</p>	Adopted.	Yes – new (2.4)
	<p>Design and creation of any formalised access points leading into the National Park are to be determined and approved by NPWS prior to commencement of works onsite in order to control unauthorised access (eg. unregistered trail bikes).</p>	Adopted.	Yes – new (2.9)
	<p>Prior to the commencement of any works, the applicant must demonstrate that the quality and quantity of stormwater to be dispersed into the National Park, or that 7a land proposed as an addition to the NP, from the development will improve or maintain the natural hydrological regime operating at present.</p>	Adopted.	Yes – new (4.5)
	Endangered Ecological Communities	Adopted.	Yes – new

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	A responsible party for the monitoring and reporting of the implementation of the Vegetation Management Plan and progress for 5 years, including ongoing weed control works, is to be identified and reported to the Department of Planning prior to commencement of any works on the site.		(2.13)
	Appropriate protection measures to be implemented to reduce urban run-off into the 7a Swamp Sclerophyll Forests EEC east of the site (proposed for addition to Bongil Bongil NP).	Adopted.	Yes – new (2.14)
	Threatened Species The keeping of cats and dogs (with the exception of assistance animals, as defined under the Commonwealth Disability Discrimination Act 1992) within the site is prohibited and all residential lots are to be encumbered to this effect with a Section 88B instrument under the Conveyancing Act 1919.	Adopted.	Yes – new (2.10)
	Koala and associated habitat The development design must conform with Coffs Harbour City Council's Koala Plan of Management guidelines and strategies to protect Koala, namely: <ul style="list-style-type: none"> ▪ Road design ▪ Fencing (boundary to estate and pools) ▪ Surface Wildlife Crossings ▪ Urban Services ▪ Landscaping ▪ Amelioration measures 	Adopted.	Yes – new (2.16)
	2. Aboriginal Cultural Heritage	Adopted.	Yes – new

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	The applicant must continue to consult with and involve all the registered local Aboriginal representatives for the project, in the ongoing management of the Aboriginal cultural heritage values. Evidence of this consultation must be collated and provided to the consent authority upon request.		(9.11)
	The proponent shall implement a Cultural Heritage Management Plan (CHMP) for the project area. The CHMP is to be implemented in consultation with the registered local Aboriginal stakeholders. The plan must include procedures for ongoing Aboriginal consultation and involvement, details of the responsibilities of all stakeholders, management of any recorded sites within the project area, monitoring and relocation procedures, procedures for the identification and management of previously unrecorded sites (excluding human remains), identification and management of any proposed cultural heritage conservation/relocation area(s), and details of an appropriate keeping place agreement with local Aboriginal community representatives for any Aboriginal objects salvaged through the development process, details of proposed mitigation and management strategies for sites identified to be impacted within the project area and compliance procedures in the unlikely event that non-compliance with the CHMP is identified.	Adopted.	Yes – new (9.12)
	The proponent is to provide fair and reasonable opportunities for the registered local Aboriginal stakeholders to monitor any initial ground disturbance works associated with all ridges identified within the approved project area, including the outer perimeter roads. In the event that additional Aboriginal objects are uncovered during the monitoring/relocation program, the objects are to be recorded and managed in accordance with the requirements of sections 85A and 89A of the National Parks and Wildlife Act 1974, as amended.	Adopted.	Yes – new (9.13)
	If human remains are located in the event that surface disturbance occurs, all	Adopted.	Yes – new

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	works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are contacted immediately. No action is to be undertaken until police provide written notification to the proponent. If the skeletal remains are identified as Aboriginal, the proponent must contact DECCW's Enviroline on 131555 and representatives of the local Aboriginal community. No works are to continue until DECCW provide written notification to the proponent.		(9.14)
	All reasonable efforts must be made to avoid impacts to Aboriginal cultural heritage at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the local Aboriginal community and DECCW. All sites impacted must have a DECCW Aboriginal Site Impact Recording (ASIR) form completed and submitted to DECCW AHIMS unit within three (3) months of completion of these works.	Adopted.	Yes – new (9.15)
	An Aboriginal Cultural Education Program must be developed for the induction of all personnel and contractors involved in the construction activities on site. Records are to be kept of which staff/contractors were inducted and when for the duration of the project. The program should be developed and implemented in collaboration with the local Aboriginal community.	Adopted.	Yes – new (9.16)
	3. Water Management A detailed stormwater management plan (SWMP) for the construction and operational phases of the project must be prepared by a suitably qualified person as per specifications detailed by LANDCOM Soil and Construction guidelines for managing urban stormwater (2004).	Adopted.	Yes – new (4.6)
	The SWMP must consider offsite impacts, namely to the National Park, the identified Endangered Ecological Community and Primary Koala Habitat. The	Adopted.	Yes – new (4.7)

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	SWMP must provide detailed modelling and amelioration strategies to ensure the project will not increase the quantity or pollutant load of stormwater discharged from the site.		
	The SWMP must be submitted to the Department of Planning for approval.	Adopted.	Yes – new (4.8)
	Subject to the SWMP being approved, it must be implemented prior to the commencement of any other activities on the site.	Adopted.	Yes – new (4.9)
	A responsible party to maintain and monitor stormwater and sediment basins is to be identified and reported to the Department of Planning prior to the commencement of any works onsite.	Adopted.	Yes – new (4.4)
	<p>ATTACHMENT 2 – DECCW'S ASSESSMENT OF THE PROPOSAL AND JUSTIFICATION FOR RECOMMENDED CONDITIONS OF APPROVAL</p> <p><u>1. Ecological</u></p> <p>DECCW has reviewed the documentation provided and recommends additional conditions of approval listed in attachment 1 to ameliorate the perceived impacts on the values listed below.</p>	Noted.	No
	<p>Bongil National Park (NP)</p> <p>1. Residents within the subdivision may seek to create walking and bike tracks into the NP at any point along the common boundary. This may result in damage to fencing, direct loss of vegetation, change in vegetation structure, increases opportunities for weeds, loss of native fauna species by domestic animals, dispersal of native fauna species and an associated increase in disturbance adapted animal species such as Brush-tailed Possum. The design, number and siting of authorised entry points into the NP needs to be carefully assessed</p>	Noted. The location of entry points into the National Park has been refined in the amended subdivision concept layout.	No

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	and determined through the mutual agreement of both the NPWS and the proponent.		
	2. Predation by domestic animals within the National Park. Appropriately designed boundary fencing is the best means available to limit access to the NP and protect native fauna from wandering domestic pets.	The proposed fencing to boundaries to the National Park to the south and west are shown in the Landscape Masterplan (Appendix 11).	No
	3. Occupation of the site may increase the risk of fire release into the surrounding bushland.	Noted.	No
	4. Stormwater, nutrification and sediment pollution has the potential to impact on the water dependent Endangered Ecological Community and Primary Koala habitat areas around basin release sites and more widely within the NP.	Noted. Refer to Stormwater Management Strategy (Appendix 5).	No
	5. The VMP makes reference to supplementary planting on the western boundary of the development. The FRZ is to be free of inappropriate plants such as tall volatile species that exacerbate fire conditions in accordance with the bushfire assessment.	Noted. This buffer area is to be managed as Asset Protection Zone in accordance with the Bushfire Assessment Report (Appendix 6).	No
	Comments Appropriate locations for pedestrian and bike access points into the National Park need to be determined. NPWS believes there are too many points proposed in the concept plan, some of the proposed points provide little recreational potential as they provide access to waterlogged ground only, and it has concerns about some locations.	The number of entry points from the subdivision to the fire trail in National Park has been amended to be three points only as agreed by NPWS and RFS.	No
	Endangered Ecological Communities (EEC) The two identified EECs adjacent to and within the site, Swamp sclerophyll forest on the floodplain and Freshwater wetlands on coastal floodplain, are	The Stormwater Management Strategy (Appendix 5) proposes a best practice WSUD strategy, that has been formulated in concert with the ecological and landscape design experts to provide a revised integrated water	No

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	largely water dependent ecosystems. The proposed stormwater management strategies have the potential to affect these communities by mitigating surface runoff (storage in basins during dry seasons), concentrating flows during wet events and/or by polluting them through sedimentation and domestic pollutants. DECCW deems the appropriate design and ongoing management of stormwater systems imperative for the long term health of water dependant EEC, associated threatened species and Primary Koala Habitat.	management strategy which significantly improves the runoff management and adds value in terms of ecological outcome and visual amenity of the area. The development proposed would significantly reduce runoff pollutant loads below existing levels thereby ensuring no net increase in nutrient/pollutant loads entering watercourses, which will assist in the long-term health and regeneration of the EECs.	
	<p>Threatened Species</p> <p>DECCW records indicate a number of threatened species inhabit the surrounding National Park, specifically Koala, Osprey, Square-tailed Kite and Wallum Froglet, of which all could be indirectly affected by the proposal. These impacts largely pertain to wandering domestic pets, inadequately fenced pools and stormwater discharges to the adjoining EEC occupied by Wallum Froglet. The proposed covenant to be placed on the estate in regards to cats should be extended to dogs as they are known to wander during early hours of the morning when Koalas are more likely to be on the ground and vulnerable to dog attack.</p>	Noted. The covenant for cats will be extended to dogs.	Yes (2.10)
	<p>Koala</p> <p>The proposed development is perceived to impact on the local Koala population in following ways:</p> <ol style="list-style-type: none"> 1. Temporary loss of forage habitat for Koala 2. Loss of sheltering and breeding habitat for Koala 3. Reduction in opportunities for movement through the site 	Noted. There will be fencing installed at the southern and western boundaries to the National Park in accordance with the "Typical detail for Rural boundary fence" in the Landscape Concept Plan Drawing 06 (Appendix 11). This fence is of timber post construction with panels of chicken fencing wire which deter Koalas from entering the subdivision.	No

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	<ol style="list-style-type: none"> 4. Domestic dog predation on Koala 5. Koalas drown in inadequately fenced suburban pools 6. Increase in traffic on and to the site increases the likelihood of Koala being killed or injured by vehicles 		
	<p>Wallum Froglet</p> <p>The proposed development is perceived to impact on the local Wallum Froglet population within the National Park in following ways:</p> <ol style="list-style-type: none"> 1. Pollution of stormwater and increased sediment when discharged into the Swamp Sclerophyll EEC 2. Potential change in pH levels as a result of increased runoff 	Refer to Stormwater Management Strategy (Appendix 5).	No
	<p><u>2. Aboriginal Cultural Heritage</u></p> <p>Summary of key issues/inadequacies:</p> <ul style="list-style-type: none"> • Registration of identified Aboriginal sites • Completion of the Care Agreement process for objects recovered during the sub-surface archaeological investigation program. • Additional details are required regarding the proposed management of the cultural relocation area. • Additional details are required regarding the Cultural Heritage Management Plan. 	Noted.	No
	<p>Detailed points for consideration:</p> <p>Registration of Aboriginal sites:</p> <p>DECCW acknowledges the results of field assessment and the sub-surface</p>	When requested or required to do so, the proponent will complete a DECCW Aboriginal Site Impact Recording (ASIR) form and submit to OEH.	Yes – new (9.2)

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	<p>archaeological investigation program undertaken by the proponent. We acknowledge the identification of five PADS, three flakes and one split cobble during the field assessment within the extent of Aboriginal site #22-1-0357 and the recovery of 1328 individual Aboriginal objects from this site during the sub-surface archaeological investigation program.</p> <p>A search of the Aboriginal Heritage Information Management System (AHIMS) revealed that this information regarding this Aboriginal site has not been registered with DECCW. The proponent is advised to promptly complete a DECCW Aboriginal Site Impact Recording (ASIR) form and submitted to DECCW for registration in AHIMS, as per the requirements of section 89A of the NPW Act. Any management outcomes for the site(s) must be included in the information provided to AHIMS.</p> <p>Please also note that penalties now apply to corporations for failing to fulfil these requirements.</p> <p>AHIMS contact details: Phone: (02) 9585 6470, address: Level 6, 43 Bridge Street, Hurstville, NSW, 2220, e-mail: ahims@environment.nsw.gov.au.</p>		
	<p>Unknown Aboriginal cultural heritage values:</p> <p>DECCW notes that the project area contains ridgelines, crests, slopes and drainage lines and Aboriginal cultural heritage has been identified in similar landscape features within the same context in close proximity. Accordingly, additional currently undetected cultural heritage may be present within the project area and we would expect the proponent to follow appropriate processes to address this.</p> <p>DECCW acknowledges that the proponent is proposing to remove the ridge line topsoil, including the outer perimeter roads, within the development area prior to construction activities commencing and relocate to a reserve area</p>	Noted.	Yes – new (9.10)

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	<p>within the development footprint. We note there is a strong likelihood of additional Aboriginal objects being located in this topsoil following an assessment of the results of the sub- surface investigation program. We also note that the proponent will provide an opportunity for the registered local Aboriginal stakeholders to monitor this activity and recover any identified Aboriginal objects for re-deposition in a secure location within the project area.</p> <p>We support these proposals and have included a recommended condition of approval to target this matter. We also recommend that a map indicating the specific location of the ridge topsoil deposits is provided to all registered Aboriginal community stakeholders, the Department of Planning and all contractors prior to any of this work commencing.</p> <p>DECCW also encourages the proponent to continue to engage with all the registered local Aboriginal stakeholders in developing appropriate cultural heritage outcomes for the life of the proposed development.</p>		
	<p>Long term care of recovered Aboriginal objects:</p> <p>DECCW notes that the proponent submitted in support of their previous Aboriginal Heritage Impact Permit (AHIP) application, an application for a Care Agreement in accordance with the provisions of Section 85A of the National Parks and Wildlife Act 1974 (NPW Act). DECCW also notes that the AHIP application was formally refused by DECCW on 13 October 2009 for the reason that the Department of Planning had declared the proposed development at Lot 112 DP 1073791 Lyons Road, Bonville, NSW as a Major Project in accordance with the provisions of Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act). Accordingly, we note AHIPs are not required from DECCW in order to undertake the proposed cultural heritage investigation process. We also note that the Care Agreement</p>	Noted.	No

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	<p>application process was subsequently halted by DECCW at this time pending further advice or submissions from the proponent. We note no submissions were received and subsequently no Care Agreement was issued to any local Aboriginal community organisation for this project.</p> <p>However, DECCW understands that the 1328 Aboriginal objects recovered from the subsurface investigations conducted by the proponent within the project area have been provided to the Coffs Harbour and District Local Aboriginal Land Council (CHDLALC) for their safekeeping and custody in accordance with Aboriginal tradition.</p> <p>DECCW acknowledges that this process was undertaken with the support from the registered local Aboriginal community stakeholders for the project and as a gesture of good will by the applicant. We will therefore endeavour to promptly complete the Care Agreement application process and issue an agreement to the CHDLALC promptly. We apologise for any inconvenience this may have caused.</p>		
	<p>Cultural material relocation area:</p> <p>DECCW acknowledges that the proponent has committed to relocating the topsoil removed from the ridges to a reserve area within the project area. We note the identification of this area is yet to be finalised. DECCW strongly recommends that prior to the determination of the major project application the proponent provides details pertaining to a final decision regarding this matter. It is also strongly recommend that the proponent provide additional details regarding the long term management of this area to ensure that the cultural heritage values associated with this area are protected in perpetuity. These measures should restrict any development within this area, eliminate any adverse impacts on Aboriginal cultural heritage and detail appropriate mitigation strategies if impacts are unavoidable. This process should also be</p>	Noted.	No

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	documented by the proponent, included in the proposed Cultural Heritage Management Plan (refer to additional comments below) and evidence provided to the consent authority and DECCW if requested.		
	<p>Cultural Heritage Management Plan and Work Methodology Statement:</p> <p>DECCW acknowledges and supports the development of a Cultural Heritage Management Plan (CHMP) for the project area. However, DECCW has a number of minor concerns with the drafted plan. DECCW recommends that:</p> <ul style="list-style-type: none"> • The CHMP clearly articulate the responsibilities of all stakeholders during the implementation of the plan, including the responsibilities of the registered Aboriginal stakeholders. • The CHMP includes procedures for ongoing Aboriginal consultation and involvement. • The CHMP provide details of any additional proposed investigation processes developed in those areas where significant Aboriginal cultural heritage material is identified in the course of the development. Any investigation methodology should be developed in accordance with DECCW's 'Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (2010)'. • The CHMP detail an Aboriginal cultural heritage education program for all contractors and personnel associated with construction activities. • The CHMP include maps or plans identifying those areas subject to community monitoring, surface collection and salvage activities. • The CHMP detail the requirements of any 'Conservation Plans' in the event that Aboriginal cultural material is to remain in situ within the 	Noted.	No

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	<p>project area and protected in perpetuity.</p> <ul style="list-style-type: none"> • The CHMP detail compliance procedures, in the unlikely event that non-compliance with the CHMP is identified. • The CHMP detail the identification and long-term management strategies of any proposed culturally appropriate conservation/relocation area(s). <p>DECCW also recommends that the CHMP is finalised promptly and provided as a supplement to the publicly exhibited EA in support of the development application.</p>		
	<p>NPW Act:</p> <p>The importance of protecting Aboriginal cultural heritage is reflected in the provisions of the NPW Act. It should be noted that the requirements of the NPW Act have recently been amended. It is strongly recommended that the proponent familiarises itself with the new requirements during the development and any subsequent assessment/development works processes.</p>	Noted.	No
	<p><u>3. Water Management</u></p> <p>NPWS has concerns with the proposed sites for the sedimentation basins, sewer lines and associated infrastructure along the western boundary of the 7a lands. NPWS believes they are inappropriate for lands proposed as additions to the National Park and it does not seek to be responsible for their ongoing management.</p>	The Drawing No. 109 (Appendix 4) clearly shows that there is no stormwater or other infrastructure shown on land that is owned by NPWS.	No
	<p><u>4. Coastal Hazards and Flooding Assessment</u></p> <p>Coastal</p>	Noted.	No

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	<p>It appears that the buffer formed by the roadways and the water cycle management strategies of the proposed subdivision will protect the water course from gross and fine sediment loads as long as there is a commitment to the ongoing management of the basins. Therefore, the upper reaches of the Bonville Creek estuary should not be adversely affected by the proposed development, although this assessment is entirely dependent on a satisfactory basin management strategy over the long term.</p> <p>There are no predicted coastal hazards due to climate change and sea level rise affecting the site.</p>		
	<p>Flood Risk</p> <p>There are no flood risk management concerns other than it appears that the flood mapping used in the application has been taken from the 1995 Bonville Creek Flood Study. If this is the case it would appear that no provision has been made for Sea Level Rise.</p> <p>The proponent's attention should be drawn to DECCW's "Flood Risk Management Guide – Incorporating sea level rise benchmarks in flood risk assessments".</p> <p>It is likely that the 1:100 flood extents which incorporate provision for sea level rise will reduce the area available for residential use (see the constraints referred to in Section 2.2 of the Scoping Report).</p>	<p>Refer to the Flood report prepared by Bewshers contained in the original Environmental Assessment. This report estimates the climate change impacts on flood levels based on the results of a similar assessment for the neighbouring Boambee Creek catchment. It is considered that this report satisfied the matters set out for flooding and sea level rise in the Director General Requirements.</p>	No
<p>NSW Office of Water</p> <p>Letter from Mark Miganeli, Manager Major</p>	<p>I refer to your letter dated the 28 January 2011 seeking the NSW Office of Water's (the Office) comments and recommended conditions on the Environmental Assessment for a proposed residential subdivision at Lyons Road, North Bonville.</p> <p>Initially, the Office would like to refer to a submission dated 15 February 2011</p>	Noted.	No

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Projects and Assessment	<p>requesting additional information and a subsequent email dated 14 March 2011 from the Department of Planning which provided a response from the proponent.</p> <p>The Office has reviewed the Environmental Assessment and additional information and identified a number of environmental matters that require consideration by the Department of Planning in its assessment of the project application. These issues are outlined in Attachment A.</p> <p>The Office has also provided for consideration recommended conditions of approval in Attachment B, should the Minister for Planning determine the application by granting project approval.</p>		
	<p>ATTACHMENT A</p> <p><u>MP08 0080 NORTH BONVILLE SUBDIVISION</u></p> <p><u>NSW OFFICE OF WATER COMMENTS ON ENVIRONMENTAL ASSESSMENT</u></p> <p><u>Groundwater</u></p> <p>The NSW Office of Water (NOW) supports the proposed use of an impermeable liner for the bioretention basins as detailed in the additional information provided in an email by Worley & Parsons dated 11 March 2011. This design is critical to mitigate a negative impact to the water quality of the local groundwater and surface water systems.</p> <p>The Environmental Assessment (EA) has identified the potential requirement to install spoon drains to remove groundwater temporarily to assist in construction activities where cuts encounter groundwater. This activity requires consideration for licensing under water legislation and needs appropriate mitigating and management strategies to address impacts to</p>	Noted. Form A's have been lodged with NOW by the driller.	No

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	<p>water quality and the presence of Acid Sulfate Soils.</p> <p>NOW supports the proposed groundwater monitoring at 4 piezometers during construction and for 12 months post development, and the preparation of a report to review the monitoring data. It would be appreciated if this report could be provided to NOW for review upon completion. The proponent must ensure that piezometers are appropriately licensed under the Water Act 1912. NOW advises that licence 30BL185382 authorises 3 monitoring bores for the proposed site, however there has been no confirmation that these bores have been constructed and no Form A's have been lodged regarding the bore log and construction details.</p>		
	<p><u>Riparian Management:</u></p> <p>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, however works within riparian areas should be consistent with State Policy and Guidelines. NSW Office of Water's 'Guidelines for Controlled Activity Approvals' outline our requirements for works within 40 metres of a watercourse. These can be accessed at the following link: http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx</p> <p>The EA includes a Vegetation Management Plan (VMP) which outlines the proposed management for the watercourses located on the site. Figure 7 of the EA and Figure 5 in Appendix 2 of the Stormwater Strategy identifies a core riparian zone (CRZ) to be established for the site however the use of the CRZ is not consistent with NOW's 'Guidelines for Controlled Activities' (August 2010). The following inconsistencies have been identified:</p> <ul style="list-style-type: none"> Figure 5 in the EA shows the provision of a Core Riparian Zone 	<p>Noted.</p> <p>Vegetated Buffer Zones have now been shown adjacent to both sides of the Core Riparian Zone.</p> <p>Bio-retention basins have all been removed from the Core Riparian Zones.</p>	No

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	<p>(CRZ) along the 1st order watercourse and 2nd order watercourse on the site however it does not include a Vegetated Buffer (VB). In accordance with the NOW Guideline, 1st order, 2nd order, 3rd order and greater watercourses comprise two distinct zones namely; a Core Riparian zone (CRZ) and a Vegetated Buffer (VB).</p> <ul style="list-style-type: none"> Figure 5 shows it is proposed to locate bioretention basins within riparian land. The locating of basins within riparian land is not supported in principle. Stormwater is an urban impact and needs to be dealt with within the urban zone and should not be transferred to the riparian environmental footprint. In accordance with the NOW Guideline, stormwater structures need to be located outside the riparian areas (i.e. outside the CRZ and the VB). 		
	<p>The VMP outlines proposed rehabilitation and revegetation along the existing watercourses which is supported in concept by NOW however needs to be considered in terms of the application of the CRZ and VB. The EA also mentions the requirement of a creek crossing on site. It is proposed to use a box culvert in accordance with the 'Guidelines for Controlled Activities', which NOW supports.</p>	Noted.	No
	<p>Drawing 1 of Appendix 21 shows significant filling is proposed of riparian land to enable construction of the bioretention basins and other supporting infrastructure. In addition to the inconsistency these activities have with NOW's guideline mentioned previously, it is recommended that any proposed filling of riparian lands are assessed in terms of impacts to hydrology and hydraulics both onsite and offsite to ensure the maintenance of natural geomorphic processes and hydrological regimes.</p>	Refer to Stormwater Strategy (Appendix 5) and Stormwater Concept Plan (Appendix 4).	No
	<p>It is expected all works within riparian areas are undertaken with minimal disturbance, erosion and sediment control measures, provide adequate</p>	The Vegetated Buffer Areas and road reserve will form a buffer to riparian areas.	No

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	drainage, maintain hydrological flow regimes and all disturbed areas are revegetated and rehabilitated appropriately. It is important all riparian areas especially in sensitive catchments have appropriate buffers between urban developments, to maintain the natural integrity of the riparian zone.		
	<p><u>Stormwater</u></p> <p>The EA outlines a number of stormwater measures following the principles of Water Sensitive Urban Design (WSUD) for the management of stormwater on the site including capturing rainwater in tanks, water saving devices, bio-retention swales, gross pollutant traps and bio-retention swales, which NOW supports. It is the location of stormwater management structures within riparian land that has been identified as being inconsistent with NOWs guidelines.</p>	Noted. The bio-retention basins have been relocated to address NOW's concerns.	No
	As a watercourse traverses the site it is critical runoff from the site is appropriately treated using the WSUD measures proposed in the EA prior to any runoff potentially increasing nutrients and sediment levels in the watercourse and watercourses downstream of the site. Therefore NOW considers it particularly important to ensure any runoff leaving the site is treated to an appropriate standard.	Noted.	No
	<p><u>Acid Sulfate Soils (ASS)</u></p> <p>The EA outlines the Acid Sulfate Soils Risk Map of Coffs Harbour identifies the east and north-east of the site is located on an area of low probability of ASS between 1m and 3m below ground surface. Soil testing of these soils showed they are acid in nature, not sulphuric in nature. An area in the low lying area in the south-west corner of the site has been identified as being potential acid sulfate soils (PASS). The EA outlines if soils in this area will be disturbed they will be appropriately treated.</p>	Noted. The recommended Condition of Approval will be adopted.	Yes – new (12.2)

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	NOW is concerned about potential contamination of groundwater if ASS are disturbed and/or drained as a result of the development. It is recommended, further testing should be undertaken in the high risk areas if disturbance or drainage is likely to occur as part of the development.		
	ATTACHMENT B <u>MP08 0080 NORTH BONVILLE SUBDIVISION</u> <u>NSW OFFICE OF WATER RECOMMENDED CONDITIONS OF APPROVAL</u>		
	1. In regard to taking or interfering with groundwater, a number of conditions apply: a. All groundwater licences must be obtained and associated works appropriately authorised prior to works commencing.	Adopted	Yes – new (11.3)
	b. All works that intersect the aquifer should be licensed by NSW Office of Water prior to any work being carried out. This includes groundwater excavations within the groundwater aquifer, which includes, but is not necessary limited to excavations for on-site detention basins, recharge pits, spoon drains, all monitoring and production bores (if any), wells and spear points.	Adopted	Yes – new (11.3)
	c. For all areas on the site that require dewatering, a water licence under Part 5 of the Water Act 1912 should be obtained prior to commencement of work. This water licence application must be accompanied by a groundwater and excavation monitoring program and acid sulphate soils contingency plan, developed to the satisfaction of NSW Office of Water.	Adopted	Yes – new (11.3)
	2. All further information as part of the detailed design phase relating to	Adopted	Yes – new

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	groundwater must be provided to the NSW Office of Water for review and recommended conditions of approval, prior to approval by the consent authority.		(11.4)
	3. To aid in the protection of receiving water source quality, all stormwater runoff must be adequately treated at its source and/ or diverted through the stormwater treatment process designed for the site, prior to the stormwater being discharged to surface water and groundwater sources.	Adopted	Yes – new (4.10)
	4. The proponent is required to develop a riparian management plan for the site in accordance with the NSW Office of Water's Guidelines for Controlled Activities. This is to be developed in consultation with and to the satisfaction of the NSW Office of Water.	Adopted	Yes – new (2.15)
	5. All dams associated with the project must be in accordance with any Harvestable Right Order published under section 54 of the Water Management Act 2000.	Adopted	Yes – new (4.11)
NSW Rural Fire Service Letter dated 22 March 2011 from Nika Fomin, Team Leader, Development Assessment and Planning.	<p>I refer to your letter dated 28 January 2011 seeking key issue and assessment requirements regarding bush fire protection for the above Part 3A Development in accordance with Section 75F (4) of the 'Environmental Planning and Assessment Act 1979'.</p> <p>The service is not in a position to properly assess the application as submitted by Coffs Harbour City Council on the basis of the information provided. The following will need to be provided for further assessment:</p> <ol style="list-style-type: none"> 1. The applicant is requested to submit further details demonstrating how proposed building footprints and appropriate asset protection zones required by 'Planning for Bush Fire Protection 2006' can be achieved within the proposed subdivision. 	The Bushfire Assessment report (Appendix 6) has been updated to specify how the subdivision complies with the performance criteria and standards set out in <i>Planning for Bushfire Protection</i> .	No
	2. The applicant is required to demonstrate how the proposal complies	The Bushfire Assessment report (Appendix 6) has been	No

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	with section 4.1.3 (1) of Planning for Bushfire Protection 2006.	updated to specify how the subdivision complies with the performance criteria and standards set out in <i>Planning for Bushfire Protection</i> .	
NSW Rural Fire Service Letter dated 6 July 2011 from Nika Fomin, Team Leader, Development Assessment and Planning.	<p>I refer to your letter dated the 28 January 2011 inviting a submission on the proposed development including any recommended conditions.</p> <p>Further to our response letter dated 22 March 2011, the Environmental Assessment has been reviewed and the following issues have been identified and are provided to clarify our previous advice:</p> <ul style="list-style-type: none"> Construction of future buildings shall be in accordance with AS3959-2009; 	Noted.	No
	<ul style="list-style-type: none"> Future development in the northern part of the site does not appear to have the required asset protection zones when considering the proposed revegetation plans; 	An APZ Plan (Drawing No 113 in Appendix 4) has been prepared which satisfies bushfire and revegetation management requirements.	No
	<ul style="list-style-type: none"> The single entry / exit for vehicles is not compliant with the acceptable solutions of Planning for Bush Fire Protection. In some circumstances this may be acceptable provided the single entry / exit is not likely to be closed during a bush fire event. In this regard the proposed revegetation plan creates a pinch point; 	<p>Clarification was sought on this matter from the RFS, as there are no Acceptable Solutions within PBP-2006 that specifically address traffic pinch-points. The RFS have advised (by email on 25/7/2012) that the Acceptable Solution of concern relates to “all roads are through roads”.</p> <p>The Bushfire Assessment considers that the issue of through roads / dead-end roads and pinch-points are separate issues. Even the corresponding Performance Criteria does not refer to pinch points when stating the performance outcome for through-roads.</p>	No

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		<p>The Bushfire Assessment concludes that if the issue is the pinch-point, an APZ could be provided for the road where it crosses the watercourse.</p> <p>If the issue is the lack of a through road, it must logically follow that what is proposed are dead-end roads. It is considered that none of the roads on the southern side of the watercourse are dead-end roads, and <i>ipso facto</i> are through roads. There is however one dead-end road which is the small cul-de-sac to the northern part of the site, near the subdivision entry adjoining the existing development.</p> <p>The existing public through road is Lyons Road, it is the only road that the proposed development can direct traffic to. If an additional road is provided (to create a through road as sought by the RFS) both of the roads would still take traffic across the watercourse. The pinch-point issue will not have been addressed.</p>	
	<ul style="list-style-type: none"> Road profile number 7 indicates that the perimeter road has a proposed carriageway width of 7 metres. The requirement is 8 metres similar to proposed Roads 5 & 6; 	Road Profile number 7 has been increased to be 8 metres in width.	No
	<ul style="list-style-type: none"> Suitable turning provisions shall be provided at the eastern end of Road 8; 	The redesign of the subdivision layout has incorporated the requirement for cul-de-sacs to have a 12m radius turning circle (24m diameter).	No
	<ul style="list-style-type: none"> Is the Road 8 loop road proposed as a one way road; 	The road layout has been amended to create a cul-de-sac (dead-end road) to the northern part of the site.	No
	<ul style="list-style-type: none"> The use of fire trails in the adjoining land to the east and south of the site 	The National Parks and Wildlife Service were consulted on	No

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	should be referred to the adjoining land owner for advice.	13/1/2010 to seek an assurance that the fire trails on the adjacent National Park were to be maintained in a bushfire hazard reduced state. Further consultation with OEH and the RFS has confirmed acceptance of the existing fire trails for the APZ provision (refer Appendix 15).	
	Some of the above issues can be conditioned however the issues caused by the revegetation plan will require further consideration and advice.	Noted.	No
Land and Property Management Authority Email from Stephen Channells, Senior Natural Resource Management Officer, Land and Property Management Authority, Crown Lands Division	I refer to your letter of 28 January 2011 regarding a proposed residential subdivision at Lot 112 DP 1073791 near Lyons Rod, Bonville. I note that the land adjoins Bongil Bongil National Park to the east, south and west. Investigations have found no Crown Lands nearby and hence no Crown issues relating to the proposal.	Noted.	No
Roads and Traffic Authority	I refer to your letter received on 3 February 2011 by the Roads and Traffic Authority (RTA) for the proposed subdivision.	Noted.	No

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Letter from David Bell, Regional Manager, Northern Region, Roads and Traffic Authority.	Reference is made to the RTA's previous letter dated 26 March 2008 and the following comments are provided for your consideration:-		
	i. Lyons Road is a classified main road. The RTA believes that the possible impacts on Lyon's Road and the junction of Bambara Drive have not been adequately considered.	Section 5 of the updated Traffic Management Plan (Appendix 12) has considered the impacts to the Lyons Road and Bambara Drive intersection.	No
	ii. No consideration has been given to the possible impacts on the safe and efficient operation of the nearby interchange of the Pacific Highway and Lyons Road.	Section 10 of the updated Traffic Management Plan (Appendix 12) has considered the impacts to the interchange of the Pacific Highway and Lyons Road. It has concluded that the intersection was designed and constructed to meet future traffic generations as set out in Council's DCP and its discussions with the RTA.	No
	iii. Very little detail has been provided of the proposed arrangement for the junction of Lyons Road and Bambara Drive.	Section 5 of the updated Traffic Management Plan (Appendix 12) provides details of the constructed Lyons Road and Bambara Drive intersection by Council in 2008/2009. This intersection was approved by the RTA at concept stage. It is concluded that no further modelling of the intersection is required based on the existing modelling and design requirements in the Council DCP and RTA approval as mentioned above.	No
	iv. The traffic generation for the existing and proposed subdivision appears to	Section 4 of the updated Traffic Management Plan	No

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	have been under estimated. The industry standard is generally 10 trips/lot. This could have a significant impact on the performance of intersections and the life of Lyons Road. It could generate another 1930vpd rather than the estimated 881vpd and all of the subdivision could have a total generation of 3440vpd.	(Appendix 12) has re-assessed traffic generation for the proposed subdivision. It has concluded that the estimated total number of entering/existing vehicles onto Lyons Road will be 3150 vpd	
	v. No modelling was provided to demonstrate if the intersections will operate with an acceptable level of service (LOS) now and in the future.	Refer to comment above under (i) and (iii) above. It is considered that the intersections have been designed and constructed considering the future development of this area.	No
	vi. RTA and AUSTROADS guidelines should be used to identify any improvements that might be required for the junction of Lyons Road and Bambara Drive.	Refer to comment above under (i) and (iii) above. No further upgrades of the junction are considered necessary.	No
	vii. The subdivision has been designed with a number of cross-junctions. Consideration will need to be given to how traffic movements at these will be safely managed.	The subdivision design has been developed in accordance with the requirements of the Coffs Harbour City Council North Bonville Development Control Plan.	No
Northern Rivers Catchment Management Authority Letter from Deb Tkachenko, General Manager, Northern Rivers	The NRCMA has developed a Catchment Action Plan (CAP) with community stakeholders for the Northern Rivers region. The CAP was developed through considerable consultation with key stakeholders including Local Government and sets out a range of natural resource management targets which the Northern Rivers community aims to achieve. A copy of the CAP is available from our Grafton office or on line at www.northern.cma.nsw.gov.au . The NRCMA is also responsible for the dissemination of information and the approval processes of the Native Vegetation Act 2003 (NVA). The NRCMA has assessed the proposal from the report and offer the following suggestions.	Noted.	No

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Catchment Management Authority, (no date).			
	1. The Environmental Assessment (EA) should demonstrate consistency with the targets and intent of the Northern Rivers CAP.	It is considered that the proposed subdivision design has adequately addressed the management intent and relevant themes of the Northern Rivers CAP particularly in relation to the improvement of ecosystems through revegetation strategies and best practice WSUD measures and the rehabilitation of watercourses, riparian corridors, EECs and other vegetation communities. Refer to further detailed discussion in Section 4.9 of the PPR.	No
	2. The site is excluded from the Native Vegetation Act (2003) due to being zoned as Residential 2(A). We strongly support the area zoned as Environmental Protection 7A be acquired and managed by NPWS. Additionally we endorse and encourage native vegetation plantings along the gully lines and low lying areas on the northern portion of the property as they will provide a corridor for fauna to traverse the property. We also support controls on domestic and feral animals to ensure the maintenance of native fauna and a buffer to limit the spread of weeds.	Note that there is no longer the proposal to dedicate a portion of the property to the NPWS as this portion of the site has been removed from the Project Application. The Ecological Assessment and VMP set out the proposed revegetation strategies for the site and the measures to control the impacts of domestic and feral animals.	No
	3. In relation to potential landuse conflict occurring between urban development and high conservation value habitat areas. The NRCMA suggests that you refer to North Coast guide for avoiding and reducing land use conflict and interface issues which can be found at; (http://www.dpi.nsw.gov.au/research/alliances/centre_for_coastal_agricultural_landscapes/living-and-working-in-rural-areas).	The proposed subdivision has carefully considered the interfaces between future urban development and existing site and adjoining areas of high conservation value.	No

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Industry and Investment Letter from Bill Talbot, Director, Fisheries Conservation and Aquaculture, dated 28 February 2011.	I&I NSW has reviewed the EA and has no issues with the proposal or proposed Statement of Commitment.	Noted.	None
Housing NSW Letter from Christine Hicks, Manager, Portfolio Strategy and Urban Planning (no date).	In general Housing NSW supports the proposed subdivision as it will provide a mix of housing lots in an area that requires more smaller sized (two or less bedrooms) dwellings. Future development should be carefully examined so that a broad mix of dwellings is built.	Noted.	No
	The proposed community titling of the medium density lots should be further examined to ensure this does not result in a financial burden on owners/residents that low or medium income earners cannot afford. Housing NSW would be pleased to provide the assistance of the Centre for Affordable Housing to further explore and identify potential opportunities for developing affordable housing in the proposed subdivision. The Centre for Affordable Housing is a business unit within Housing NSW. A primary purpose is to facilitate increased affordable housing opportunities across NSW. It is a strategic unit with expertise in affordable housing that provides advice and	This is no longer an issue as the medium density housing precinct has been deleted from the proposed subdivision.	No

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	brokers partnerships with private developers, Local Government and the not-for-profit sector to develop new models of affordable housing. Michael Oelofse, the Centre's Senior Project and Policy Officer can be contacted on 8753 8431.		
Coffs Harbour City Council Letter from Mark Hannon, Project Manager Development, Coffs Harbour City Council, dated 09 th March 2011.	Council is not in a position to issue draft conditions on the application until a number of matters are resolved including: <ul style="list-style-type: none"> • Subdivision footprint. • Road system. • Neighbourhood park location. • Acquisition area by Council under the Contributions plan. • Sewerage servicing arrangement. • Asset protection zone and infrastructure impacts. • Vegetation Management Plan works schedule. • Controls for the medium density area and the implementation of such controls. • The management of domestic animals. • Flood impact. • Road design. • Acid sulfate soils management and potential soil contamination. 	A response to each of the items is contained in the following sections.	No
	Subdivision Footprint: The development footprint, inclusive of fill areas, services (including stormwater management systems, fire trails and asset protection zones)	Noted. The subdivision plan has been amended accordingly so the subdivision footprint does not overlap EEC areas.	No

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	<p>should not encroach onto existing bushland areas. In this regard there is an obvious tree line along the eastern side of the subject site that encompasses all land zoned 7A Environment Protection Habitat and Catchment, Swamp Schlerophyll forest (Endangered Ecological Community) and Primary Koala Habitat (mapped under Council's City-Wide Koala Plan of Management). There is no justifiable planning reason why the development should encroach into this environmentally significant and sensitive area. The subdivision footprint requires amendment.</p>		
	<p>Road Layout</p> <p>The subdivision should comprise perimeter roads to interface with bushland and open space areas. On this aspect the north eastern section of the subdivision (Stage 5 in the concept staging plan) should be amended to delete the cul-de-sac and replace the proposed perimeter fire trail with a perimeter public road. This arrangement will likely increase the residential footprint, provide better surveillance of natural bushland areas and support an improved urban design outcome for the development.</p>	<p>Noted. The cul-de-sac has been removed and replaced with a perimeter road.</p>	<p>No</p>
	<p>Neighbourhood Park:</p> <p>The location of the proposed neighbourhood park is unacceptable to Council. The proposed park (shown on the landscape plan) is too small, lacks visibility and natural surveillance and has no kick-around space.</p>	<p>Noted. See below.</p>	<p>No</p>
	<p>Council supports an alternative possible location for the neighbourhood park as detailed in Appendix A to this letter. The suggested location is positioned adjacent to the main collector road and in proximity to the riparian area. The majority of the suggested location is to be situated at or above the 1:100 AEP event. Some encroachment into the medium density community title lots is required for this location.</p>	<p>An alternative location for a neighbourhood park has been made available at the north-western corner of the subdivision. The proposed neighbourhood park will provide a total useable area of approximately 1.19 hectares. The proposed location of the neighbourhood park has been agreed with Council (refer to Appendix 15). Refer to Drawing No. 120 in Appendix 4 for further details of the</p>	<p>No</p>

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		neighbourhood park.	
	That area currently detailed as neighbourhood park in the Project Application may be investigated for additional residential subdivision (as medium density community title) as an offset to that allocated to the revised park's location and configuration.	The area that was shown as potential area for neighbourhood park in the original Project Application was nominated because it was below the 1 in 100 year flood level and with a bushfire no build zone. The land is not suitable for housing.	No
	The proponent should review the neighbourhood park's position and configuration in consultation with Council's Recreation Services Section (contact Sue Stewart on telephone 6648 4875). Council staff are prepared to consider any viable alternative park locations in consultation with the proponent.	See comments above.	No
	<p>Acquisition Area:</p> <p>The Project Application should clearly identify by plans and areas (m2);</p> <ul style="list-style-type: none"> That part of the site proposed for acquisition by Council for neighbourhood park and for stormwater management as provided for in the North Bonville Developer Contributions Plan. Note, please refer to this Plan and to the area mapped 6A Open Space Public Recreation Zone under the Coffs Harbour City Local Environmental Plan 2000. The Contributions Plan includes provision for the purchase of the 6A zoned land only. All other areas need to be dedicated at no cost to Council. 	Refer to Drawing No 119 in Appendix 4 that shows the areas proposed to be either acquired by Council or dedicated to Council as public reserves.	No
	<ul style="list-style-type: none"> That part of the site proposed for dedication to Council at no cost. <p>The Project Application should identify the timing and the arrangements for the above described acquisitions by Council and dedications at no cost to Council as well as the dedication of part of the site to NPWS/DECCW as an addition to the Bongil Bongil National Park.</p>	Noted. The proposed dedication of those identified lands will be at no cost to the Council. The dedications will be effected at the time of the finalisation and lodging of the Plan/s of Subdivision.	No

Agency / contact date	Issue Raised	Response	Change to SoC?
	<p>Sewerage:</p> <p>The Project Application seeks approval for the installation of "a low pressure system which utilises a small household pump at (17) lots and a common rising main to a discharge manhole". These systems are not permissible under Coffs Water's Sewerage Strategy. An additional sewer pumping station is required for servicing the 17 lots.</p>	A low pressure system is proposed to be installed to the south-west corner of the site to service 23 proposed lots.	No
	<p>Asset Protection Zones & Infrastructure:</p> <p>Bushfire setback requirements and infrastructure need to ensure that there is no simplification or modification of the tall open swamp sclerophyll forest (Community 1) – refer to "subdivision footprint" comments.</p>	Noted. Refer to the Bushfire Assessment report (Appendix 6) in relation to proposed APZs.	No
	<p>Vegetation Management Plan (VMP):</p> <p>Council requires a 5 year costed schedule of works as part of the VMP, which will be the proponent's responsibility to fund (not 52 weeks as proposed).</p>	The VMP sets out an approximate five year costed schedule (Appendix 8).	No
	The VMP should also address the status of and intentions with respect to dangerous trees along the site's boundaries and within the site.	The VMP has addressed the issue of dangerous trees within the site (Appendix 8).	No
	<p>Medium Density Development Lots:</p> <p>The Project Application proposes 3 lots for medium density housing under Community Title, with future development for up to 42 medium density dwellings on these 3 lots.</p>	No medium density housing lots are now proposed.	No
	<p>Additional information is required to evaluate this aspect of the application, in particular:</p> <ul style="list-style-type: none"> Identify the community lot. 	Not applicable – see above.	No

Agency / contact date	Issue Raised	Response	Change to SoC?
	<ul style="list-style-type: none"> Detail if roads servicing this community title subdivision are private or public. 	Not applicable – see above.	No
	<ul style="list-style-type: none"> Detail if services servicing this community title subdivision are private or Council (water, sewer). 	Not applicable – see above.	No
	<ul style="list-style-type: none"> Provide a draft Community Management Statement. 	Not applicable – see above.	No
	<ul style="list-style-type: none"> The built form controls detail 9 buildings and a common carpark. Typical medium density housing projects integrate parking with the multi unit housing complexes and minimise vehicle entry points to these complexes. This is not the case with the current proposal. This issue requires review by the proponent. 	Not applicable – see above.	No
	<ul style="list-style-type: none"> Typical medium density housing projects are strata subdivided, not community title subdivided, however Council notes that there is the potential for the development to comprise 3 x community title development lots, the community lot and subsequent strata subdivision of the individual multi unit housing projects. The proponent needs to clarify the staging and titling arrangements of this part of the overall project, ie. how will it work? 	Not applicable – see above.	No
	<ul style="list-style-type: none"> As the Project Application is proposing a "community title multi unit housing" component more certainty via planning controls for such development should be detailed in the application. This may be via adopted multi unit housing design controls for this precinct (covering design, density, setbacks, parking, finish materials, height, fencing, landscaping, etc) to be regulated via the Community Association prior to obtaining the requisite statutory approvals. The Community Management Statement could cover this arrangement. 	Not applicable – see above.	No
	<ul style="list-style-type: none"> Please refer to previous comments on the neighbourhood park location 	Not applicable – see above.	No

Agency / contact date	Issue Raised	Response	Change to SoC?
	and the likely requirement to modify the layout of the medium density housing community title lots.		
	Domestic Animals: Clearer commitments in the Project Application as to how domestic dogs and cats will be managed for the development need to be made.	All lots will be encumbered with a covenant under Section 88B which will ban ownership of cats and dogs.	Yes – new 2.10
	Flood Impact No objection to the project is raised in relation to flooding subject to: <ul style="list-style-type: none"> All development lots to be filled to a minimum of 5.5m AHD. The access road to have a minimum finished level of 4.7m AHD 	Noted.	No
	Road Design: <ul style="list-style-type: none"> Some concerns are raised in relation to the additional maintenance works and safety risks involved in maintaining the proposed central road swale. The proponent is requested to address these concerns (note Council recognises and supports in principle the urban design merits of a central (landscaped) swale road in the subdivision). 	Noted. The Landscape Masterplan (Appendix 11) shows that the proposed swale will be rock lined with small plantings such as <i>Lomandra longifolia</i> , <i>Ficinia nodosa</i> and <i>Carex apressa</i> which will have low maintenance requirements.	No
	<ul style="list-style-type: none"> Some of the roads have 3m wide road verges. This is considered insufficient to provide all of the required services as well as a footpath. The minimum acceptable width is 3.5m. This consideration may be conditioned. 	The road verges have been designed with a minimum 3.5m width.	No
	Acid Sulfate Soil Management and Potential Site Contamination: Council endorses the relevant Coffey reports on these considerations.	Noted.	No
Submission 1 from Member	We object to the proposed subdivision because 1. There is no detailed plan regarding traffic control.	Traffic control has been addressed in the Traffic Management Plan (Appendix 12).	No

Agency / contact date of the Public	Issue Raised	Response	Change to SoC?
Letter from GW & NJ Nitschke dated 31 January 2011			
	<p>The North Bonville DCP as issued by the Coffs Harbour City Council states that the traffic strategy is to "Establish a road hierarchy that restricts direct access to approved intersections only onto Lyons Road".</p> <p>From the plans provided there would be only two access routes to the new subdivision –either from Bambara Road or Rutland Street.</p> <p>We believe that having only these two access roads for a development of 196 allotments and 55 medium density senior independent units would create a huge increase in traffic flow in these 2 streets. We request that additional access points need to be provided to service a proposed development of this size.</p>	<p>The subdivision layout has been amended to comprise 165 low density allotments. Traffic generation has been re-assessed for the proposed subdivision in the TMP (Appendix 12). The TMP has also concluded the existing Bambara Road and Lyons Roads has been designed and constructed to meet future urban development as set out in Council's DCP.</p>	No
	<p>2. This area is zoned residential 2(a) – low density. We were told this by the planning division of Coffs Harbour Council as we were concerned enough to ask when purchasing our home. A medium density aged care facility contravenes this zoning.</p>	<p>Medium density residential is no longer proposed in the subdivision.</p>	No
	<p>How many lots are planned? Your letter states that "the project is for a residential subdivision comprising 151 low density Torrens title lots ranging from 460m2 to 1040m2 in size and three land parcels for future medium density housing under Community title". However, the application plan on your website lists 196 allotments ranging in size from 600m2 to 800m2 and around 55 medium density residential lots (size range 100 – 200 m2) for self care seniors housing, occupying around 1.75 hectares (see page 15 of</p>	<p>The subdivision layout has been amended to comprise 165 low density allotments.</p>	No

Agency / contact date	Issue Raised	Response	Change to SoC?
	Scoping Report for Project Application).		
	We would like to see a full report on zoning and environmental issues provided (including traffic flow).	The Environmental Assessment report for the Project Application addressed the zoning of the proposed subdivision. The PPR includes the updated consultant reports and plans for specialist environmental assessment given modifications to the subdivision layout, or request for further information from agencies.	No
Submission 2 from Member of the Public Letter from Pauline Kelly dated 27 February 2011	I am lodging an object to the above mentioned subdivision on the following grounds: 1. The subdivision I bought into has high standards in relation to housing size, method of construction, parking of trucks, caravans and boats. There is also no dual occupancy. Of concern with the proposed development is whether these same high standards will apply. 2. Medium density living is out of character with the area. A reason or living here is the area represents a compromise between rural and suburban living. Parts of the surrounding land are environmentally sensitive and wetlands. The development being proposed would have a significant impact on the quality of life I now enjoy, the environment and the wildlife that attracted me to the area. Property values and future expectations of lifestyle are now under threat. 3. Impact on traffic flow. The speed limit on Lyons Road has already been reduced from 80 km to 60 km per hour because of community concern about increased road usage. The size of the proposed subdivision will have a significant increase in traffic using Lyons Road. By changing the existing intersection of Rutland Street and Lyons Road to left turning	Noted. No medium density residential is proposed in the subdivision. Traffic generation has been considered in the Traffic Management Plan (Appendix 12).	No

Agency / contact date	Issue Raised	Response	Change to SoC?
	<p>only and not allowing a right turn to Toormina or Sawtell will force more traffic along Rutland Street to turn into Bambara Drive to turn right onto Lyons Road. Rutland Street is a narrow local road that does not allow cars travelling in opposite directions to pass each other, at the same time, if a car is parked in the street.</p> <p>In conclusion I would like to strongly protest against this development for all of the above reasons and I look forward to a positive and equitable response from your department.</p>		
<p>Submission 3 from Member of the Public</p> <p>Email from Joanne Bellette dated 06th March 2011</p>	<p>My husband, Matthew, and I would like to request the inclusion of a children's playground in the design of this subdivision. Given that the land is targeted at family housing, and the current lack of children's playground facilities in the nearby area, I believe this would be an important inclusion for the residents in this area.</p> <p>Whilst I note that the design includes the 'indicative location for a future children's playground' my husband and I are concerned that this is clearly not a priority in the development of this land and that it may be left incomplete after all of the land has been sold. We believe that it is crucial that a children's playground be included not as an 'indicative location' but rather as an essential element in the building and development program which should take some priority because of its important contribution to the community.</p>	<p>Noted. It is proposed to provide a neighbourhood park in the north-western corner of the site with a total useable area of approximately 1.19 hectares. The proposed location of the neighbourhood park has been agreed with Council (refer to Appendix 15). Refer to Drawing No. 120 in Appendix 4 for further details of the neighbourhood park.</p>	<p>No</p>