

Geoff Slattery

Civil and Structural Engineer

Geoff Slattery & Partners Pty Ltd T/F Slattery Family Trust No. 2 ABN 65 097 037 221

192 Pacific Highway, Coffs Harbour
P.O. Box 8090, Coffs Harbour, N.S.W., 2450

Phone: (02) 66511944

0418 664 864

Fax: (02) 66515766

Email: g_slattery@bigpond.com

Geoff Slattery B.E. (Hons), M.I.E. (Aust)

13 March 2013

NP&WS

Mr Glenn Storrie

PO Box J200

COFFS HARBOUR JETTY NSW 2450

Dear Mr Storrie

**MAJOR PROJECT NO. MP 08-0080
SUBDIVISION LOT 112 DP 1073781
LYONS ROAD, NORTH BONVILLE
RESPONSES TO COMMENTS BY DEPARTMENT OF PLANNING AND
INFRASTRUCTURE AND SUBMISSIONS FROM AGENCIES**

We refer to our telephone discussions with you on 12 February 2013 regarding the above project, and the comments by the Department of Planning and Infrastructure and submissions by Agencies on the Preferred Project Report. A copy of the Submission by the OEH is attached for your information and assistance.

1. REFERENCE DETAILS

The Department of Planning and Infrastructure project reference is MP08-0080.

2. BONGIL BONGIL NATIONAL PARK CURRENT DETAIL.

2.1 Fire Trails

Located on the Bongil Bongil National Park along the West and South boundaries of the above land are 6m wide fire trails.

2.2 Bongil Bongil National Park Plan of Management (POM)

Under the POM, NP&WS is required to maintain these fire trails and utilise them for general management access and fire control programs.

It is noted that Section 4.1.4 of the POM indicates, among other items that the NP&WS has responsibility for fire control within the park boundaries and the protection of assets adjoining the park.

2.3 Bongil Bongil National Park Fire Management Strategy (FMS)

The FMS plan shows the subject property with trails in the Bongil Bongil NP along the West and South boundaries of the Park with the subject site. These trails appear to be labelled as "North West Trail" and "NC967".

3. COFFS HARBOUR CITY COUNCIL CURRENT DETAILS

It is noted that the Council's current DCP (and past editions of the DCP) shows on the Masterplan fire trails on the West and South boundaries and labelled as "6m Fire Trail to be maintained by NP&WS"

It has been assumed that as part of the consultation process in the preparation, finalisation, and adoption of the DCP the NP&WS has agreed to identification, and fixing of the width of the fire trail and its maintenance..

4. CLARIFICATION REQUIRED FROM NP&WS

In providing satisfactory responses to the comments of the Department of Planning and Infrastructure, as well as the Submissions from the OEH (NP&WS) and RFS, and general planning we request that the NP&WS confirms and advises on its position on the following items.

4.1 Fire Trails

Confirmation on behalf of the OEH (NP&WS) that

- (a) The fire trails and their existing widths along the Western and Southern boundaries of the subject property will remain; and
- (b) That the OEH (NP&WS) will be responsible for the ongoing care and maintenance of the 6 metre width to the standard required for fire trails and as an outer protection area.

4.2 Access to Fire Trails

The RFS has indicated that preferred access to the NP&WS fire trails be located no further apart than 200 metres. However the RFS is prepared to assess your Agency's requirements for access on the basis of overall fire protection for the total development. Can you indicate at what locations you require vehicle access gates?

4.3 Pedestrian Access to Park

You have previously indicated in the past that OEH (NP&WS) required pedestrian type gates at several locations for access to the park. Therefore can you indicate at what locations you require the pedestrian access gates?

4.4 Fencing

At previous meetings with you we advised that it was proposed to construct the boundary fence on the Western and Southern boundaries as a standard farm type construction. Attached is a landscape plan detail of the fence and gates as submitted to the Department of Planning and Infrastructure for the work. Can you confirm that this is an acceptable standard?

4.6 Land at East

You will recall that in relation to this area of the land at the East of the property we have previously discussed with you its use as biodiversity offset by potential purchasers.

In finalising the boundary of this land, discussions with you have been on the basis of all maintenance work on APZ, drainage, etc. is to be in the future road reserve and excluded from the Bongil Bongil National Park. Further, that OEH (NP&WS) would not be undertaking any maintenance along the boundary. Finally you also indicated that a boundary fence was not to be installed at this location.

On behalf of the OEH (NP&WS) can you confirm that this boundary detail is acceptable?

Yours sincerely

A handwritten signature in black ink, appearing to be 'G E Slattery', written in a cursive style.

G E Slattery



**Office of
Environment
& Heritage**

Your Reference: MP08_0080

Our reference: DOC12/42395; FIL07/2233-07

Contact: Adrian Deville: (02) 6640 2509

Stuart Withington
A/Team Leader
Metropolitan & Regional Projects North
Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

26 OCT 2012

Dear Mr Withington,

**Re: Preferred Project Report MP08_0080: Residential Subdivision
Lyons Rd, North Bonville**

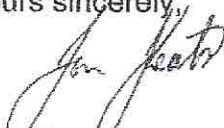
I refer to the Preferred Project Report (Response to Submissions) documents and accompanying information provided for the above proposal received by the Office of Environment and Heritage (OEH) on 9 October 2012.

OEH has reviewed the information provided and has determined that it is able to support the proposal subject to the Department of Planning and Infrastructure (DP&I) seeking the amendments to the draft Statement of Commitments, identified in Attachment 1. Attachment 2 contains OEH's assessment of the proposal, including justification for the amendments. Note that these amendments relate to the protection, maintenance and enhancement of biodiversity values of the site and protection of Aboriginal cultural heritage.

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

Should there be any other matters, or should your department be in possession of any further information of interest to OEH associated with the proposed development, please contact Adrian Deville on (02) 6640 2509.

Yours sincerely,



Jon Keats
Manager, Biodiversity Management Unit North East
Regional Operations Group
Office of Environment and Heritage
NSW Department of Premier and Cabinet

ATTACHMENT 1: OEH'S RECOMMENDED STATEMENTS OF COMMITMENT AND/OR CONDITIONS OF APPROVAL

OEH recommends that the Department of Planning seek the following additional Statement of Commitments from the proponents, or apply the following as conditions of approval as appropriate, before the proposal is approved.

1. BIODIVERSITY CONSERVATION ISSUES

1. Additional vegetative buffering along the southern and eastern boundaries to a minimum of 10 metres is required in tandem with the proposed revised design measures to ensure that interface/edge and hydrological impacts upon Endangered Ecological Communities (EECs), and their habitat and habitat values, will be appropriately mitigated in the longer term.
2. The Stormwater Management Plan (SWMP) should be revised to ensure that it specifically aims to address the impacts of the proposed development upon the hydrological function of the ground water dependent EECs to the east.
3. The SWMP should indicate (and the Statement of Commitments be revised to reflect) an adequate level of commitment by relevant appropriate parties to the ongoing maintenance of retention basins and gross pollutant traps, in order that they will function as designed, in perpetuity.
4. Nominated access points to the Bongil Bongil National Park along the adjoining southern boundary should be deleted and savings from this alteration be re-directed into upgrading the three proposed pedestrian access points long the western boundary of the site to provide high quality recreation options for National Park visitors.
5. The proponent should commit to the establishment of a voluntary planning agreement in respect of the proposed dedication of 12.7 Ha of 7a zoned land. The drafting of such an agreement should be undertaken with regard to material developed by OEH specifically designed to assist in delivering agreements that meet OEH requirements.
6. Agreement should be reached among relevant parties before approval on the issue of responsibility for long term maintenance of the proposed boundary fencing.
7. Agreement should be reached among relevant parties before approval on the issue of spacing of fire trail related access points that connect the fire trail system with the public road network.
8. The Landscape Master Plan (page 03) should be revised to ensure that it incorporates the planting of Kangaroo Grass (*Themeda australis*), not Kangaroo Paw.

2. ABORIGINAL CULTURAL HERITAGE ISSUES

1. The proponent 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.
2. The proponent must prepare a Cultural Heritage Management Plan (CHMP) to detail procedures for managing the Aboriginal cultural heritage values associated with the project area. The CHMP is to be implemented in consultation with the registered Aboriginal parties. The plan must also detail the involvement and responsibilities of the Aboriginal stakeholders in the implementation of all cultural heritage management actions; details of the responsibilities of all other stakeholders; details of all mitigation and management strategies (including monitoring program, further investigations, etc); procedures for the identification and management of previously unrecorded sites (including human remains); details of an appropriate keeping place agreement with local Aboriginal community representatives for any Aboriginal objects salvaged through the development process; details of the Aboriginal Cultural Heritage Education Induction Program for all contractors and personnel associated with construction activities; and compliance procedures in the unlikely event that non-compliance with the CHMP is identified. This process must be undertaken prior to commencing any ground disturbance or development works subject to the development.
3. The proponent is to provide fair and reasonable opportunities for the registered Aboriginal parties to monitor any initial ground disturbance activities associated with the ridge located within the project area. In the event that additional Aboriginal objects are uncovered during the monitoring 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*.
4. All Aboriginal sites impacted by the project must have an Aboriginal Site Impact Recording (ASIR) form completed and be submitted to OEH's AHIMS Registrar within 3 months of being impacted.
5. If human remains are located in the event that surface disturbance occurs, all 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 the NSW Police provide written notification to the proponent. If the skeletal remains are identified as Aboriginal, the proponent must contact the OEH's Enviroline on 131 555 and representatives of the local Aboriginal community. No works are to continue until the OEH provides written notification to the proponent.
6. An Aboriginal Cultural Education Induction 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 registered Aboriginal parties.

ATTACHMENT 2: OEH'S ASSESSMENT OF THE PROPOSAL

1. BIODIVERSITY CONSERVATION ISSUES

Direct Impacts on Endangered Ecological Communities (EECs) within the Subdivision

OEH notes that changes have been made to the layout that will reduce direct impact within the subdivision upon swamp sclerophyll and freshwater wetland EECs and Koala habitat. The proposal to now remove 0.05 Ha of freshwater wetland and to offset that loss within the core riparian zone through a range of regeneration works is generally supported, subject to the successful implementation and monitoring of the revised Vegetation Management Plan for that area.

Indirect Impacts on EECs and National Park

It is acknowledged that the request by DP&I and OEH for further consideration by the proponent of potential impacts upon EECs (and associated primary Koala habitat) from the development footprint and residential activities in the short and long term has resulted a number of changes in the PPR including:

- a revised Stormwater Management Plan (SWMP) has been prepared which relocates stormwater retention basins away from the perimeter of the development.
- a full perimeter road has been included and that the road, the verge and some partially vegetated bio-retention swales with a rural mesh fence, as well as permanently clear fire trails have been proposed as a means of mitigating environmental impacts at the interface between the development and high value conservation areas, while also serving as bushfire asset protection zones (APZs).

Some improved level of impact mitigation may be achieved by the above measures relative to the previous design, but the partially vegetated buffers proposed at all boundary interfaces are significantly less than that which OEH has previously recommended. OEH previously called for a buffer/vegetated planting strategy for each boundary to minimise impacts upon existing and potential future National Park Estate (Bongil Bongil National Park), EECs and Koala Habitat. Such a strategy was to provide appropriate native vegetation buffers to protect these high value ecological assets from edge related effects arising from proximity to residential developments, including the introduction of weeds, entry of domestic animals and people, construction of informal tracks and trails, vegetation removal, litter, increased fire risk and potential impacts associated with stormwater run-off from hard surfaces.

Minimal vegetative buffering is proposed for the eastern boundary in particular, other than that associated with the APZ and bio-retention swale. Without detailed justification, the revised proposal appears to rely upon a multiple use APZ drainage swale system, fencing and a fire access track to achieve the desired mitigation of all edge effects. Again, while this is an improvement upon what was previously proposed, OEH recommends that additional vegetative buffering (a minimum of 10 metres) be required along the southern and eastern boundaries in tandem with the revised design measures to ensure that

interface/edge and hydrological impacts upon EECs (and their habitat and habitat values) will be appropriately mitigated in the longer term. OEH submits that such buffering would also be consistent with the existing commitment to 10 metre vegetative buffering of the core riparian zone outlined in the vegetation management plan.

Stormwater Management Plan

The SWMP suggests (pp3-4) that OEH's (DECCW's) previous stormwater related advice was limited to ensuring "no pollution of waters" during construction and operational phases. However, DECCW made a number of other comments that this plan should directly address, concerning the hydrological function of the site before and after development and the possible impacts of the development upon the groundwater dependent EEC to the east. This concern was also echoed in comments by DP&I which specifically requested that the proponents should address the impact of the development upon the hydrological function of the ground water dependent EECs to the east. As such, it is recommended that the SWMP be revised to ensure that these concerns are listed as central objectives of the SWMP.

The SWMP should indicate (and the SoCs be revised to reflect) an adequate level of commitment by relevant appropriate parties to the ongoing maintenance of retention basins and gross pollutant traps, in order that they will function as designed, in perpetuity.

Values and Management of the National Park

OEH/NPWS acknowledges that a number of its previous concerns with the proximity of this development to current (and future) national park have now been addressed through alternative layout design, management plans, domestic animal controls and related statements of commitment. However, several minor comments and recommendations are made in respect of these.

Access to National Park

The nominated entry points into the NP along the southern boundary of this sub-division contains mostly low lying swamp areas, both east and west of the proposed NP pedestrian entry points. As such, they will generally provide low utility to walkers and are considered likely to provide an unattractive recreational experience and will generate low levels of people traffic. The provision of a major detention basin close to this area will exacerbate these ground conditions through seepage. OEH recommends that these three nominated entry points be deleted and any savings from this option re-directed into upgrading the three proposed pedestrian access points long the western boundary of the site, which will provide high quality recreation options for NP visitors, especially joggers, walker sand mountain bikers on a high, dry, all weather trail network.

Fencing

Over time, maintenance of the proposed boundary fencing between the existing and future National Park may represent a significant cost. It is not clear as to which party or parties are proposed to be responsible for ongoing maintenance

and it is therefore recommended that agreement on this issue be reached among relevant parties before approval of this proposal.

Additionally, it is understood the RFS proposes that the fire trail is to be connected to the public road at frequent intervals of 200m, presumably to facilitate a connection for fire truck/vehicles. OEH/NPWS consider that such a spacing would be excessive, taking into account the nature of the vegetation in the National Park. It is recommended that agreement on this issue be reached among relevant parties before approval of this proposal.

Dedication of Land to National Park

The documentation provided does not make clear the means by which it is intended to dedicate 12.7 Ha of 7A zoned lands to the east of the subject land to NPWS as part of Bongil Bongil National Park. OEH recommends that the proponent commit to the establishment of a voluntary planning agreement in respect of this proposed dedication and further recommends that the drafting of such a planning agreement be undertaken with regard to material developed by OEH specifically designed to assist in delivering agreements that meet OEH requirements. OEH can provide an example planning agreement which offers a template as a useful starting point.

Landscape Master Plan

Within the Landscape Master Plan drawings (page 03) is a listing of Kangaroo Paw as a preferred retention basin planting. This species is not native to NSW and may become established in the adjoining NP if allowed to flourish (noting that some of the detention basins adjoin existing or proposed NP lands). It is noted, however, that the listed common name for this species is *Themeda australis*, which is Kangaroo Grass. Assuming therefore that Kangaroo Paw is a typographical error, it is recommended that the landscaping master plan be updated accordingly.

2. ABORIGINAL CULTURAL HERITAGE ISSUES

A review of the Preferred Project Report and all other available Aboriginal cultural heritage information was undertaken to assess the potential impacts of the projects on Aboriginal cultural heritage in accordance with the OEH's Aboriginal cultural heritage assessment guidelines and the requirements of Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act). The comments and recommendations below are based upon this review.

Aboriginal cultural heritage assessment

OEH acknowledges that the Aboriginal cultural heritage assessment has been undertaken in accordance with the OEH's assessment guidelines. The results of the Aboriginal cultural heritage assessment undertaken for the project area are also acknowledged.

OEH supports the revised statement of commitments relating to Aboriginal Cultural Heritage and the management recommendations provided in the

Cultural Heritage Assessment developed to manage potential impacts on Aboriginal cultural heritage values associated with the project area.

OEH also encourages the proponent to continue to engage with the registered Aboriginal parties in developing and maintaining appropriate cultural heritage outcomes for the proposed development.



Your reference
Our reference: DOC 13/ 9314
FIL 12/12412-02
Contact: Ranger Martin Smith ph. 66.520.900



Mr. Geoff Slattery
PO Box 8090
COFFS HARBOUR NSW 2450

14 March 2013

Dear Sir,

RE: Borsato's Sub-Division – Lyons Road, East Boambee

I refer to your recent correspondence dated 13 March 2013 referring to the above major sub-division proposal adjoining Bongil Bongil National Park.

In this correspondence you have requested specific information. Each request is identified by use of a reference number. Your numbering system is replicated in the responses below;

4.1 Fire Trails

Fire trails adjoining the southern and western perimeter of the subject development block and within Bongil Bongil National Park will be routinely maintained as fire trails as conditions allow. As you would be aware the southern & south western corners of the development block, and the adjoining national park land is periodically inundated and may become waterlogged, swampy and impassable to all vehicles for extended periods of time.

The Reserve Fire Management Strategy for Bongil Bongil National Park identifies both these subject trails as 'Secondary' suitable for passage by Category 9 fire fighting vehicles (ie. Toyota tray back 4WD utes or similar). As such the trails will remain natural earth, be substantially fuel reduced over a 3-4 metre wide travelling path with an additional 2-3 metres of the shoulders and gutters subject to additional periodic fuel reduction measures such as would occur through slashing and hand removal of encroaching shrubs and overhanging branches.

4.2 Access to Fire Trails

The preferred strategy for providing emergency vehicular access to the western fire trail from the Borsato holdings would be by way of a standard padlocked farm gate. Two to three gates only would be sufficient for this purpose entering onto the national park on the drier, more elevated country either side of the existing cattle yards on your client's land.

Local NPWS staff would be happy to meet on site with you, your clients and / or RFS officers to discuss this issue if required.

Given the frequently swampy and impassable nature of national park land adjoining the southern boundary of the development site it is our opinion that any vehicle access gates placed in this vicinity may have little fire fighting utility and could in fact endanger fire fighters by inviting access into areas where they may become bogged and trapped.

4.3 Pedestrian Access to Park

Similar to comments made above we recommend that pedestrian access points be provided at 2-3 locations only along the western boundary, adjacent to the vehicle entry points and perhaps at one location in the extreme south western corner of the development block to accommodate those more adventurous bushwalkers who may wish to walk southward to Bonville Creek and the Bongil Picnic Area.

These locations could also be identified on the ground during a joint site inspection.

4.4 Fencing

As previously advised a standard agricultural stock fence consisting of 5 rungs of wire, with plain wire at the bottom, top and centre and 'lowa' barbed wire on the 2nd and 4th rung is recommended as a suitable boundary fence between the properties. To promote long life and reduce vandalism it is recommended that metal or concrete posts be considered in preference to timber posts.

There was no 'landscape detail plan' attached to your correspondence.

4.5 Land at East

Should the current owners determine that land to the east of the development site could be transferred to NPWS management, NPWS will need to assess the land for its suitability for reservation under the *National Parks and Wildlife Act 1974*. To this end, local NPWS officers would prefer to engage in direct consultation with the owners at the time such an offer might be made in order to ensure that only those lands in a natural condition and with high conservation value are considered.

Agency agreement to accept the lands into Bongil Bongil National Park can only be provisional until such a time that the lands have been agreed to by other government departments through the OEH reserve referral process and the Minister for the Environment has provided formal agreement to accept the lands.

It is generally the case that the NPWS does not accept land that is substantially modified, contains built infrastructure or which carries with it ongoing maintenance encumbrances (eg. mowing) or significant areas of exotic pasture or grassland as additions to this state's conservation network.

As any offer is, at this stage, hypothetical and the offer amorphous in terms of size and precise location it would be premature to respond to this part of your enquiry at this stage.

Should you require additional information on these issues please feel free to contact me on 66.520.900.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'M. Smith', written in a cursive style.

MARTIN SMITH
A/ Area Manager – Coffs Coast Area
National Parks and Wildlife Service
Office of Environment and Heritage
Department of Premier and Cabinet