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Part 3A Project Application, Residential Subdivision, Lyons Rd North Bonville Preferred Project Report



301015-02663

17 May 2013

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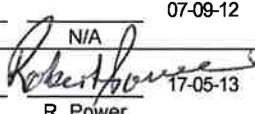
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Cover Image: Proposed Landscape Masterplan, prepared by Terras Landscape Architects

PROJECT 301015-02663 - PART 3A PROJECT APPLICATION, RESIDENTIAL SUBDIVISION, LYONS RD NORTH BONVILLE

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EXECUTIVE SUMMARY

Introduction

In January 2011, the Project Application (08_0080) for a proposed residential subdivision at Lyons Road, North Bonville in the Coffs Harbour local government area was formally lodged with the Department of Planning and Infrastructure (the Department) under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in January 2011.

It is noted that Part 3A of the EP&A Act 1979 was repealed on 16 June 2011. The Project Application is being dealt with under the transitional provisions of Clause 17 of *State Environmental Planning Policy (Major Development) 2005*.

The Project Application was placed on public exhibition by the Department from 3 February 2011 to 7 March 2011. A total of fourteen (14) public submissions were received on the Project Application.

Pursuant to section 75H(6) of the EP&A Act, a response to the issues raised in all submissions is required to be provided, including those raised by the Department. If changes are proposed to minimise the project's environmental impact, a Preferred Project Report (PPR) is required to be prepared.

A Draft PPR was submitted to the Department on 7 September 2012. The Draft PPR was issued to relevant Government Agencies for review and comment. A total of six submissions were received in response to the Draft PPR, including from the Department.

Accordingly, this updated PPR has been prepared for the Project Application given that changes have been made to the proposed subdivision design since the exhibition period to minimise environmental impact and because the Department considered further environmental assessment was necessary.

The PPR provides a response to **1)** the Issues Letter from the Department on the Project Application, dated 28 March 2011 and **2)** the Department's comments and the Government Agency submissions received from the Department on 5 February 2013. It also responds to the key issues raised in each submission.

The proponent for the Project Application is Utila Pty Ltd.

The total area of land the subject of this Project Application is **25.78 hectares**. The proposed residential subdivision is proposed to part of Lot 112 DP 1073791.

A description of the Proposed Development taken from the original Project Application (environmental assessment) is set out below.

The proposed development is for a residential subdivision comprising one-hundred-and-fifty-one (151) low density residential Torrens title lots and three (3) land parcels for medium density housing under Community Title. It is proposed that the Community Title land parcels will be subdivided in the future for medium density housing for potentially forty-two (42) medium



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density dwellings. The proposed subdivision will provide a range of allotment sizes with the low density lots ranging in size from 460 sqm to 1,040 sqm.

The Project Application also involves the development of six (6) bio-retention basins, bio-retention swales, rehabilitation of the riparian corridor, access to fire trail, footpaths, street tree planting, and general landscaping, as well as indicative locations for a community use building, a children's playground, and a village green. Furthermore, the Project Application proposes the dedication of that portion of the site currently zoned Environmental Protection 7A Habitat and Catchment to the NPWS/DECCW for their care, control and management.

The Proposed Amended Project Description is described below:

The proposed development is for a residential subdivision comprising one-hundred-and-sixty-five (165) low density residential Torrens title lots. The proposed subdivision will provide a range of low density lots ranging in size from 544.8 sqm to 826.2 sqm.

The Project Application also involves the development of five (5) bio-retention basins, bio retention swales, rehabilitation of the riparian corridor, earthworks, accesses to fire trail, road layouts, footpaths, street tree and general landscaping, and the provision of public reserves including a dedicated neighbourhood park.

Key Issues from Submissions received during the Exhibition Period

In summary, the key issues to be addressed in a PPR for the Project Application, as set out in Department's Issues Letter, comprised:

- Stormwater infrastructure encroaching into the Core Riparian Zones (CRZ) is not considered acceptable. A demonstration of adequate buffer areas to CRZ, National Park, and other ecological areas is required.
- Impact of stormwater discharge, including overflow from stormwater infrastructure in peak storm events, to National Park, is to be assessed.
- Demonstration is required of how the proposed development complies with Planning for Bushfire Protection, including to riparian areas.
- The potential partial loss of an Endangered Ecological Community (EEC) due to stormwater infrastructure encroaching into an EEC is considered unacceptable.
- The potential partial loss of koala habitat due to stormwater infrastructure encroaching into Koala habitat area as defined by Council is considered unacceptable.
- The land parcels for future medium density housing should be Torrens Title.
- Clarification is required of which Agency/body will maintain the Asset Protection Zones.
- An update to the Vegetation Management Plan is necessary to distinguish between the ecological communities on site, which are to each have their own specific planting and rehabilitation regime.



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- There is a lack of assessment of traffic generation impacts on the local road network.

Key Issues from Submissions received on the Draft PPR

In summary, the key issues to be addressed in an updated PPR for the Project Application, as set out in the Department's comments, comprised:

- The relationship between bushfire and vegetation management requirements including revegetation of the riparian zone needs which requires further consideration and resolution.
- Prepare an Asset Protection Zone Plan which provides a clear understanding of the extent of the APZs comprising Inner and Outer Protection Areas and how they relate to the Bongil Bongil National Park.
- Further liaison with Government Agencies is required to resolve the Office of Environment and Heritage (OEH) requirements for the fire trails and vegetated buffer zones and the Rural Fire Service (RFS) requirements for access points to the fire trail within the Bongil Bongil National Park.
- Appropriate vegetated buffer zones will be required to the site perimeters with the Bongil Bongil National Park.
- Details are required of the cultural heritage relocation area (for top soil to be removed from ridges) as recommended by the Cultural Heritage Report.
- Time frames and responsibilities for maintenance of APZs and new infrastructure need to be clearly identified.
- Confirm location of the neighbourhood park on the subdivision plans.

Proposed Changes to the Project Application

The key changes to the Project Application since its exhibition are:

- Modification of the proposed area of the land that is the subject of the Project Application, which is only part of Lot 112 DP 1073791.
- Modification to the proposed subdivision layout comprising the following changes:
 - Proposed medium density housing area to the eastern side of the main collector road has been converted to low density housing lots. This is a better fit with the adjacent existing low-density housing.
 - Redesign the extent of proposed roads and residential lots to allow for relocation of bio-retention basins so that none of them are located in the CRZ to the north of the site. Note that Basin 3, located centrally in the site, will remain in its present position.
 - Withdraw proposed stormwater infrastructure from the eastern edge of the subdivision so that it does not encroach on ecological areas (EEC and koala habitat areas). This has necessitated a change in stormwater treatment locations and types of measures.



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- Replacement of the cul-de-sac with a perimeter road. This has increased the number of lots at this location.
 - Deletion of a proposed local road on the western side of the proposed subdivision to gain more lots.
- Updating to consultant reports and plans for specialist environmental assessment given modifications to the subdivision layout, or request for further information, including:
 - Bushfire Hazard Assessment Report, including demonstration of how the proposed development complies with performance criteria and standards in Planning for Bushfire Protection, and shows bushfire threshold areas to the riparian zones.
 - Stormwater Management Strategy, including stormwater remodelling. The updates to the Strategy also include a reassessment of the riparian zones with some changes to its layout.
 - Ecological Assessment Report.
 - Vegetation Management Plan.
 - Vegetation Clearing Plan.
 - Landscape Masterplan.
 - Preparation of typical cross-section details to buffer areas to National Park and EECs and update of the Landscape Masterplan.
 - Visual Impact Assessment.
 - Traffic Management Plan.
 - Subdivision design, layout and desired future character.
- Consultation with the Office of Water (by email and phone) to seek their acceptance on revisions to the riparian zone boundaries.
- Consultation with the Department of Planning and Infrastructure to ensure adequacy in the addressing of the matters raised by Agencies so as to result in a development that is responsive to ensuring the orderly economic use and development of the land in accordance with the provisions of Section 5(a)(ii) of the EP&A Act.
- Consultation with OEH and RFS to seek agreement in relation to the provision and ongoing maintenance of the proposed Asset Protection Zones, the access to fire trails and boundary fencing.
- Consultation with Coffs Harbour City Council in relation to a suitable location for the proposed neighbourhood park, the acquisition by Council and the dedication of public reserves to Council, stormwater infrastructure and sewer management requirements and the placement of topsoil that contains Aboriginal archaeological material.



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An assessment of the environmental impacts of the above proposed changes has been addressed in the PPR. It is submitted that this assessment is in addition to the environmental assessment undertaken in the Environmental Assessment report that formed part of the Project Application for public exhibition.

Proposed Mitigation Measures

In summary the following environmental impacts have been reduced by the following mitigation measures:

- Relocation of bio-retention basins out of the core riparian zones to the north of the site, which means riparian habitat and water quality functions will be increased and maximised;
- Relocation of bio-retention basins out of potential koala habitat (as defined by Coffs Harbour Council only) to the east of the site, which means potential koala habitat will be increased and maximised;
- Insertion of perimeter road in place of the cul-de-sac which will mean that there will be a more defined edge to the subdivision, allowing for ease of maintenance including emergency vehicle access, and legibility of the subdivision in terms of way-finding. It also means that views to surrounding bushland are not effectively privatised by dwelling lots fronting directly on to bushland. It will also make it easier to manage stormwater.
- Less hard surfaces due to the deletion of one road within the proposed subdivision, allowing for greater permeation of stormwater within the site, and less stormwater impacts off-site.
- Provision of suitable vegetation buffering to the Bongil Bongil National Park to reduce the impacts of the residential subdivision.
- Provision of suitable Asset Protection Zones to protect the residential subdivision and surrounding land uses.
- Relocation of topsoil to an appropriate location which will minimise the impact on Aboriginal archaeological material by limiting future disturbance.

Modified / Additional Statement of Commitments

The Statement of Commitments in the environmental assessment that formed part of the Project Application lodged with the Department has been revised to take into account Agency comments made during the exhibition period.

Specific conditions of approval were recommended by OEH and the NSW Office of Water for the Department to include in the Project Approval.

Minor modifications are proposed to ten (10) previously proposed commitments. Proposed new commitments for the following themes are:

- Ecological – seven (7) new commitments.
- Bushfire – one (1) new commitment.



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- Water Management – ten (10) new commitments.
- Cultural Heritage – eight (8) new commitments.
- Infrastructure – one (1) new commitment.
- Groundwater – two (2) new commitments.
- Acid Sulfate Soils – one (1) new commitment.
- Developer Contributions – one (1) new commitment.

Conclusion

The proposed residential subdivision will involve the restoration of currently degraded lands arising from earlier adverse land use practices. The outcome will result in a development that is responsive to an appropriately restored environment and ensuring the orderly economic use and development of the land in accordance with the provisions of Section 5(a)(ii) of the EP&A Act.

It is considered that the redesign and other changes allow for minimisation of environmental impacts and maximises the efficiency of the subdivision design and the construction, operation and management phases. Further, the proposed mitigation measures and monitoring procedures are considered to be adequate so as to ensure that the environmental impacts arising from the residential development and use of the site will be minimal and that sound environmental management practices are employed as set out in the revised documentation Statement of Commitments and any Conditions of Consent that may be applied.

Finally, it is considered that there are features of the proposed subdivision design and the overall project that will result in significant environmental values being retained and enhanced. These include the:

- Dedication approximately 6.4 hectares of land for public reserve purposes including the proposed neighbourhood park.
- Rehabilitation and expansion of riparian corridor land including the Freshwater Wetland EEC with endemic riparian plantings.
- Provision of suitable vegetation buffering to the Bongil Bongil National Park and stormwater infrastructure that will reduce the impacts of the residential subdivision.
- Provision of suitable Asset Protection Zones to protect the residential subdivision and surrounding land uses.
- Relocation of topsoil to an appropriate location which will minimise the impact on Aboriginal archaeological material by limiting future disturbance.



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1. INTRODUCTION

The NSW Department of Planning (now the Department of Planning and Infrastructure) released an Issues Letter following the exhibition period for the Project Application. The letter identifies key issues for the project to be addressed by the proponent. The letter also enclosed submissions from other Agencies and public submissions.

Pursuant to section 75H(6) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), a response to the issues raised in all submissions is required to be provided, including those raised by the Department. If changes are proposed to minimise the project's environmental impact, a Preferred Project Report (PPR) is required to be prepared. In addition, a revised Statement of Commitments is to be provided incorporating any amendments following the response to submissions.

A PPR was submitted to the Department on 7 September 2012. The PPR was issued to relevant Government Agencies for review and comment. A total of six submissions were received, including from the Department.

Accordingly, this updated PPR has been prepared for the Project Application given that changes have been made to the proposed subdivision design since the exhibition period to minimise environmental impact and because the Department considered further environmental assessment was necessary.

The PPR provides a response to **1)** the Issues Letter from the Department on the Project Application, dated 28 March 2011 and **2)** the Department's comments and the Government Agency submissions received from the Department on 5 February 2013. It also responds to the key issues raised in each submission.

1.1 The Site

The site that is the subject of the amended Project Application is part Lot 112 DP 1073791 with a total site area of approximately 25.78 hectares. Refer to **Figure 1**.

The site is zoned part 2A Residential Low Density, part 6A Open Space Public Recreation and part 7A Environmental Protection Habitat and Catchment. Refer to **Figure 2**.



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Figure 1 – The site. Source: Geoff Slattery and Partners, Drawing No. 102.

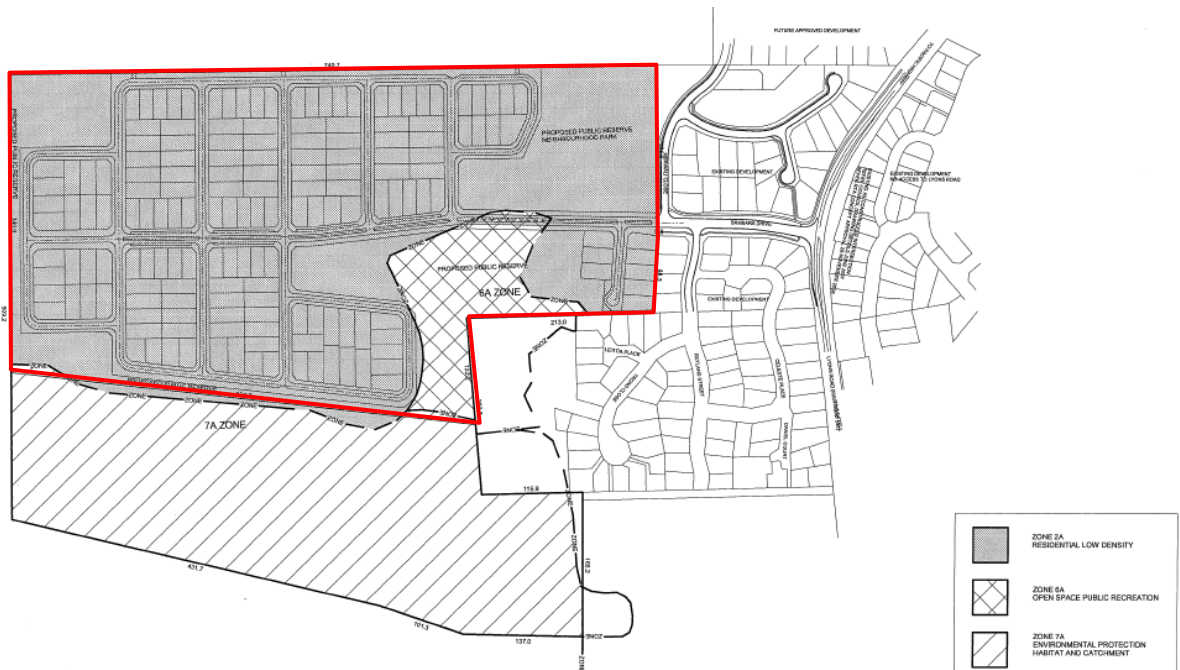


Figure 2 – The zoning of the site. Source: Geoff Slattery and Partners, Drawing No. 122.



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1.2 Community Consultation / Public Submissions

A total of fourteen (14) submissions were received on the Project Application during the exhibition period, and following the close of the exhibition period.

Of these submissions, a total of eleven (11) submissions were from Agencies. The Agencies were:

- Department of Planning and Infrastructure – Issues Letter;
- Coffs Harbour City Council;
- Office of Environment and Heritage;
- NSW Office of Water;
- NSW Rural Fire Service (two letters received);
- Trade and Investment, Regional Infrastructure and Services;
- Land and Property Management Authority;
- Northern Rivers Catchment Management Authority;
- Roads and Traffic Authority; and
- Housing NSW, Human Services (now known as Housing NSW, Family and Community Services);

The remaining three (3) submissions were received from members of the public.

A response to the Issues Letter from the Department and the other submissions is at **Section 2**.

A total of six (6) submissions were received in response to the issuing of the Draft PPR for Government Agencies for their review and comment. The Agencies were:

- Department of Planning and Infrastructure – Preliminary Comments;
- Coffs Harbour City Council (two letters received);
- Office of Environment and Heritage;
- NSW Office of Water; and
- NSW Rural Fire Service.

A response to the Preliminary Comments from the Department and the other five Agency submissions is at **Section 23**.



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1.3 The Project Application - Exhibition Version

The Proposed Development that was the subject of the Project Application on public exhibition is described below:

The proposed development is for a residential subdivision comprising one-hundred-and-fifty-one (151) low density residential Torrens title lots and three (3) land parcels for medium density housing under Community Title. It is proposed that the Community Title land parcels will be subdivided in the future for medium density housing for potentially forty-two (42) medium density dwellings. The proposed subdivision will provide a range of allotment sizes with the low density lots ranging in size from 460 sqm to 1,040 sqm.

The Project Application also involves the development of five (5) bio-retention basins, bio-retention swales, rehabilitation of the riparian corridor, access to fire trail, footpaths, street tree planting, and general landscaping, as well as indicative locations for a community use building, a children's playground, and a village green. Furthermore, the Project Application proposes the dedication of that portion of the site currently zoned Environmental Protection 7A Habitat and Catchment to the NPWS/DECCW for their care, control and management.

1.4 Amended Project Description

The Proposed Amended Project Description is described below:

The proposed development is for a residential subdivision comprising one-hundred-and-sixty-five (165) low density residential Torrens title lots. The proposed subdivision will provide a range of low density lots ranging in size from 544.8 sqm to 826.2 sqm.

The Project Application also involves the development of five (5) bio-retention basins, bio retention swales, rehabilitation of the riparian corridor, earthworks, accesses to fire trail, road layouts, footpaths, street tree and general landscaping, and the provision of public reserves including a dedicated neighbourhood park.

1.5 Arrangement for current Part 3A Projects

In March 2011, the present Government was elected. One of its policy commitments was the repeal of Part 3A of the EP&A Act.

On 13 May 2011 the Government declared that 102 residential, retail, commercial and coastal projects which have substantially progressed within the existing assessment process were to continue under Part 3A pending its legislative repeal and their completion would continue under proposed transitional and savings provisions.

The NSW Government introduced a bill into the Parliament on 16 June 2011 to repeal Part 3A of the EP&A Act. The Bill is known as the *Environmental Planning and Assessment Amendment (Part 3A Repeal) Bill 2011*.



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The transitional arrangements were reflected in changes to State Environmental Planning Policy (Major Development) Amendment 2011:

17 Transitional provisions—residential, commercial or retail projects and coastal subdivision

(1) This Policy continues to apply in respect of the following development for which environmental assessment requirements were notified to the proponent on or before 8 April 2011, as if Group 5 of Schedule 1 and clause 1 of Schedule 2 had not been repealed by State Environmental Planning Policy (Major Development) Amendment 2011:

(a) residential, commercial or retail development,

(b) coastal subdivision development.

Note. Schedule 6A to the Act continues projects saved by this clause as transitional Part 3A projects and applies Part 3A of the Act (now repealed) as modified by that Schedule to those projects.

As the Project Application had already been lodged and substantially progressed, it will be determined by planning officers of the Department under delegation from the Minister, in accordance with Fact Sheet (May 2011) “Arrangement for projects remaining under Part 3A pending its repeal”, which states:

“Less significant or non-controversial applications will be determined by senior officers of the Department under delegation. This will occur where there are less than 25 submissions and provided that the relevant local council does not oppose the project.”

The table “Residential, retail, commercial development and coastal projects to remain under Part 3A” on the Department’s website shows “MP 08_0080: Project Application – residential subdivision, North Bonville” as one of these projects.



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2. RESPONSE TO SUBMISSIONS RECEIVED DURING EXHIBITION

Table 1 in **Appendix 14** provides 1) a response to the issues raised in the 11 Agency submissions and 3 public submissions received during exhibition of the Project Application and 2) indicates if a change to the Statement of Commitments is required or a new Commitment is proposed plus the number of this Commitment.

It is noted that:

1. The responses to the submissions have addressed the modified Project Application as they apply to the amended site area.
2. Some of the original responses have been updated to reflect submissions from the Agencies arising from the submitted Draft PPR (refer to **Section 3**).



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3. RESPONSE TO SUBMISSIONS ON THE DRAFT PPR

Table 2 in **Appendix 14** provides 1) a response to the issues raised in the 6 Agency submissions received during from the issuing of the Draft PPR for review and comment to Government Agencies and 2) indicates if a change to the Statement of Commitments is required or a new Commitment is proposed plus the number of this Statement of Commitment.

It is noted that the responses to the submissions have addressed the modified Project Application as they apply to the amended site area.



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4. ENVIRONMENTAL ASSESSMENT OF MODIFIED PROJECT APPLICATION

4.1 Bushfire

An updated Bushfire Hazard Assessment Report at **Appendix 6** has been prepared for the project by Holiday Coast Bushfire Solutions. Key features, findings and recommendations comprised:

All of the relevant Acceptable Solutions of PBP-2006 relating to urban subdivisions have been addressed and complied with.

Some specific recommendations are provided below in an attempt to ensure appropriate bushfire protection measures are maintained:

- *The Acceptable Solutions of PBP-2006 in relation to road widths, road grades, water supply locations and pressures, and parking provisions are to be incorporated into the subdivision layout and construction.*
- *Landscaping of the individual allotments will be required to comply with the principles of Appendix A of this Report, once an occupation certificate is issued for each dwelling constructed.*

Vegetation management over vacant allotments should be carried out by the property owner, in accordance with the principles for Outer Protection Areas of Appendix A of this Report.

This vegetation management plan should be monitored by the Consent Authority on a regular basis to ensure the standards required for APZ are maintained.

- *The vegetation within the watercourse, within a distance of not less than 19m from the road, is to be free of trees and closely spaced shrubs.*

4.2 Flora and Fauna, Native Vegetation Removal and Regeneration

4.2.1 Threatened Species and Habitat and Native Vegetation Removal

An updated Ecological Assessment has been prepared by James Warren and Associates. This report is at **Appendix 7**. The Report concludes that:

Six (6) vegetation communities were identified including two (2) Endangered Ecological Communities (i.e. Swamp sclerophyll forest and Freshwater wetlands). Eighty-five (85) flora species were recorded with none listed as threatened (TSC Act).

The fauna survey recorded seven (7) species of amphibian, seven (7) reptile species, sixty (60) bird species and sixteen (16) mammal species. No Threatened fauna species were recorded



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however, based on the results of the habitat assessment, nineteen (19) Threatened fauna species known from the locality were considered a possible occurrence over time.

The Proposed development will result in the loss of 21.91 hectares of vegetation for the construction of buildings, access roads, driveways and associated infrastructure. The majority of this (over 98%) will be from Low closed grassland with scattered trees. Around 60% of the site will be retained as open space and/or environmental protection. Furthermore, degraded areas of the Subject site will be rehabilitated in accordance with the Vegetation Management Plan (JWA 2013). In total, approximately 2.24 ha of revegetation works (including 1.55ha of riparian revegetation) are proposed to offset the removal/modification of 0.24 hectares of degraded Freshwater wetland EEC. Details of the revegetation/regeneration works are contained within the Vegetation Management Plan (JWA 2013).

An Assessment of Significance (DECC 2007) was completed for the EECs and each of the Threatened fauna species, considered a possible occurrence in the site. This assessment concluded that the impacts of the Proposed development would be unlikely to result in the local extinction of any of these species, and that there would be no significant impact upon any of the EECs occurring on the site. A Species Impact Statement is not required.

The site contains areas of Primary Koala habitat, as mapped by the CHCC KPOM (2009). Some of the areas classified by Coffs Harbour City Council as Primary Koala Habitat were found to contain conditions not ideal for Koala habitation during ground truthing by JWA.

An assessment under the Commonwealth Environment Protection and Biodiversity Conservation Act (1999) concluded that the proposed development will not have a significant impact on any matters of National Environmental Significance. Commonwealth assessment of the proposal is therefore not required.

4.2.2 Regeneration Strategy

An updated Vegetation Management Plan (VMP) has been prepared by James Warren and Associates and is **Appendix 8**. Specifically the VMP applies to the Rehabilitation Area (RA) which will cover the Riparian Corridor, which consists of the channel (comprising the bed and banks of the watercourse to the highest bank) and the Vegetated Riparian Zone (VRZ) adjoining the channel. The area roughly covers the Freshwater Wetlands, the northwest and south-west drainage lines, and a portion of the Swamp Sclerophyll Forest in the east of the site.

A riparian corridor for the existing watercourse on the site has been established which will involve significant rehabilitation and planting of appropriate riparian and other native and indigenous plant species which will enhance the habitat and water quality value of this portion of the site. This will significantly rehabilitate the EECs that have been identified in this area as degraded. An approximate total costing for a five year rehabilitation program has set been out in the VMP.



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4.3 Subdivision Design, Layout and Desired Future Character

4.3.1 Visual Impact Analysis

An updated Visual Impact Assessment Report, prepared by Terras Landscape Architects is provided at **Appendix 10**. The Report was updated to reflect the change in subdivision layout and further development of the adjacent Stage 1 residential subdivision since the original report in 2010. The Assessment conclusion remains the same as the original report, in that:

The proposed subdivision will have a low to moderate impact within its visual catchment; however, it will have a very low impact on the broader coastal town of Sawtell.

4.3.2 Built Form Controls

Proposed Changes to Subdivision Layout

The proposed subdivision layout has been revised to comprise the following changes:

- Proposed medium density housing area to the eastern side of the main collector road has been converted to low density housing lots. This is a better fit with the adjacent existing low-density housing.
- Redesign the extent of proposed roads and residential lots to allow for relocation of bio-retention basins so that none of them are located in the CRZ to the north of the site. Note that Basin 3, located centrally in the site, will remain in its present position.
- Withdraw proposed stormwater infrastructure from the eastern edge of the subdivision so that it does not encroach on ecological areas (EEC and koala habitat areas). This has necessitated a change in stormwater treatment locations and types of measures.
- Replacement of the cul-de-sac with a perimeter road. This has increased the number of lots at this location.
- Deletion of a proposed local road on the western side of the proposed subdivision to gain more lots.

The revised subdivision layout has been formulated and guided by a series of Design Principles that considers the following matters:

- Street and Block Pattern.
- Lot and Dwelling Organisation.
- Building Zones and Dwelling Location.
- Car Parking.

Reference is made to **Appendix 3** for a further detailed description of the Design Principles and the proposed subdivision layout.



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Consistency of Proposal with Existing Development

The consistency of the proposed residential subdivision with the character of existing (surrounding) development is depicted in the Overall Development Plan in **Appendix 4** which shows the proposed subdivision layout within the context of the surrounding residential areas. This shows that the low density housing form will be consistent with the existing immediately adjacent low density housing in terms of lot size and massing of built form. Refer to discussion below on '*Justification of Lot Layout*'.

Built form controls have been determined for the proposed development in relation to proposed low density housing. These are shown on **Appendix 3**.

As the proposed subdivision layout adopts the requirements of Council in relation to road dimensions, setbacks of dwellings, and other controls, this will ensure the proposed subdivision is consistent with existing surrounding development. The proposed development remains consistent with the requirements of the North Bonville Development Control Plan (DCP), Subdivision DCP, Low Density Residential DCP, and Medium Density DCP.

Refer to '*Design Controls*' further below.

Justification of Lot Layout

The revised lot layout has been developed on the basis of the prevailing existing topography and to accommodate natural features. Roads and residential lots have been developed to predominantly follow contours. Lots have been orientated to address open space, which would provide an attractive view and provide passive surveillance of open space areas.

A potential maximum building footprint has been shown for each low density lot in the Preliminary Subdivision Concept Layout at **Appendix 2**. The location of these building footprints is in every instance outside the Building Exclusion Zone - Bushfire Construction Level Thresholds.

Type of Subdivision Proposed

It is now proposed that there be 165 low density Torrens title housing lots proposed which are accommodated in the south and west of the site. No medium density housing is proposed. These are shown on the Preliminary Subdivision Concept Layout at **Appendix 2** and will be subject to the built form controls at **Appendix 3**.

Design Controls

A potential maximum building footprint has been shown for each low density lot on the Subdivision Concept Layout at **Appendix 2**. Proposed built form controls for low density housing are set out at **Appendix 3**.

The maximum building height is two storeys, equating to a maximum building height is 8.5 metres above existing ground level for each housing type. The street front setbacks and other setbacks are to conform to the Design Principles and indicative building footprints shown in **Appendix 2**.



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Residential development within the low density subdivision is to generally comply with the Coffs Harbour City Council Low Density Housing Development Control Plan. Garages and carports are to be generally behind the front building line.

Staging Details

An updated Staging Plan has been developed for the proposed subdivision layout. This plan is at **Appendix 4**. This plan shows that land parcels will be released according to their ability to efficiently stage servicing infrastructure. The low density residential lots will be developed first, and in an order which permits the logical development of associated roads and infrastructure servicing.

4.4 Traffic and Access

An updated Traffic Management Plan (TMP) was prepared by Geoff Slattery & Partners. The TMP is at **Appendix 12**.

4.4.1 Existing Traffic Volumes

Coffs Harbour City Council has available traffic counts for Lyons Road in the vicinity of Bambara Drive:

- *Actual count in 2008 4,705 vehicles per day*
- *Annual increase applied by Council 3%*
- *Estimated count in 2012 5295 vehicles per day*

Existing traffic use on the Bambara Drive includes existing constructed land and existing approved development waiting construction. There are currently 150 existing allotments able to exit via the intersection. Based on RTA guide to traffic generating developments this would equate to 1500 vpd.

Turning movements are assessed to be equally split between west turning (Pacific Highway to Coffs City CBD) and east turning (Lyons Road to Sawtell CBD, Toormina Shopping Centre, and Coffs City CBD).

4.4.2 Proposed Traffic Generation

Based on the rates for standard residential allotments in the RTA's Guide for Traffic Generating Developments, the Traffic Consultant advises that the proposed development is anticipated to generate a total of 1650 new vehicle movements per day. This will therefore result in the Bambara Drive-Lyons Road intersection accommodating a total of 3150 vpd of entering/exiting vehicles. Refer to **Section 5** of the TMP (**Appendix 12**) for a discussion of impacts to the Bambara Drive-Lyons Road intersection.



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4.5 Stormwater and Water Sensitive Urban Design

An updated Stormwater Management Strategy has been prepared by WorleyParsons and is at **Appendix 5**. Key features, findings and recommendations comprised:

A best practice WSUD strategy has been formulated in concert with the ecological and landscape design experts to provide a revised integrated water management strategy which significantly improves the runoff management and adds value in terms of ecological outcome and visual amenity of the area. The stormwater management strategy proposed for the development which is based on water sensitive urban design principles including:

- *rainwater tanks to reuse runoff which reduces the runoff volume and pollutant loads and slows down the flow;*
- *bio-retention swales along the roads to treat and slow down runoff from lots and roads, and to promote subsurface flows;*
- *gross pollutant traps to remove sediment, debris, organic matter and litter;*
- *rehabilitate riparian corridors with native vegetation to stabilise banks and provide significantly improved habitat value;*
- *provide stormwater quality treatment, storage and promote infiltration in bioretention systems of runoff to balance the surface/subsurface flows and slow down flows; and*
- *a stormwater monitoring program that will ensure the long term objectives of sustainable development are being achieved.*

The strategy would significantly improve the stability, natural function and water quality of the downstream creek systems. This would contribute to the long term improvement in these receiving waters. In addition, a baseline groundwater investigation performed by WorleyParsons under a separate engagement found that it is unlikely that the development would have a demonstrable effect on groundwater dependent vegetation associated with the adjacent riparian zone or the national park, including the EEC's to the east of the site.

The proposed development would significantly reduce runoff pollutant loads below existing levels thereby ensuring no net increase in nutrient/pollutant loads entering watercourses. Best management practice soil and water management practices in accord with the Managing Urban Stormwater guidelines would ensure no net increase in runoff pollutant loads during construction.

Water quality modelling results show that the following two water quality objectives are met:

- *No increase in the pollutant export loads from the existing to the post developed state; and*
- *Treatment requirements, i.e. an 80% reduction in TSS, 65% reduction in TP and 45% reduction in TN when comparing the proposed development (no treatment) and proposed development (with treatment).*



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This combination of measures will achieve better than industry best management practice and will contribute significantly to the long term improvement in receiving water quality.

4.6 Utilities and Infrastructure

Engineering drawings, comprising the following drawings, have also been prepared by Geoff Slattery and Partners, and are contained at **Appendix 4**.

- Overall Development
- Concept Layout
- Allotment Dimension Details
- Concept Earthworks
- Concept Road Layout
- Road Profiles
- Concept Stormwater
- Concept WSUD Basin Layouts
- Concept Sewer Reticulation
- Concept Water Reticulation
- Fire APZ
- Concept Sediment and Erosion
- Concept Construction Staging
- Concept Earthworks Staging
- Traffic Management
- Concept Culvert
- Proposed Public Reserve
- Proposed Neighbourhood Park
- Archaeological Topsoil Placement
- Zoning Plan.

4.7 Landscaping

An updated Landscape Design Report and Landscape Masterplan have been prepared by Terras Landscape Architects. The landscape package is at **Appendix 11**. The proposed landscape design has considered the following matters:



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- Street tree selection
- Bio-retention swales and stormwater detention basins
- Pedestrian access
- Revegetation (riparian zone)
- Bushfire management
- Ownership and maintenance funding

The Landscape Concept Masterplan has been developed in accordance with the Coffs Harbour Open Space Strategy; North Bonville DCP; the Coffs Harbour Landscape Guidelines; and Coffs Harbour Council Policies.

Generous opportunities have been provided for soft landscaping on site, with the central swale to the entry road, landscaped road verges to distinguish the various road hierarchy levels, communal open space areas for recreation, and rehabilitation of EEC corridors along the creeks.

Significant effort has been undertaken in the landscape design to achieve an attractive outcome with the design and planting of stormwater basins and their setting. These basins and swales will significantly enhance the visual amenity of the subdivision, create the opportunity for controlled pedestrian access adjacent to these facilities, create potential new habitat areas, and significantly improve the water quality of the existing watercourses.

4.8 Management

4.8.1 Informal Access

As the subject site is located adjacent to Bongil Bongil National Park, an effort has been made to discourage informal public access by providing a fence to the southern and western boundaries of the National Park, and providing controlled vehicular and pedestrian access at certain points. Vehicular access is only for emergency vehicle access for bushfire purposes. The location of pedestrian access points has been revised to be restricted to three points along the western boundary only. The entry points are facilitated through bollards, locked gates and links to an existing fire trail.

The public reserve areas within the subject site will have a combination of pedestrian trails and boardwalks and a dedicated neighbourhood park to provide controlled public access that discourages informal access that may impact on ecological and visual amenity values but sufficient recreation opportunities for future residents.

4.8.2 Weed Invasion and Rubbish Dumping

The potential for weed invasion to areas of the Riparian Corridor has been addressed in the updated Vegetation Management Plan (VMP) (refer to **Appendix 8**) and the Ecological Assessment report (refer to **Appendix 7**).



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4.8.3 Domestic Animals

The updated Ecological Assessment was prepared by James Warren and Associates for the proposed development. This report is at **Appendix 7**. The report addresses the impacts of domestic animals to the adjoin National Park and native fauna. It is proposed to extend the covenant under a Section 88B instrument of the *Conveyancing Act 1919* for the keeping of cats will be extended as well for dogs.

4.9 Requirements of the Northern Rivers Catchment Action Plan

The Northern Rivers Catchment Action Plan 2013-2023 (NR CAP 2013-2023) was approved by the NSW Minister for Primary Industries in April 2013. It replaces the first CAP that was released in 2005. It is noted that the Project Application was submitted whilst the first CAP was in place; however regard has been made to the current CAP. Table 1 below provides an assessment of the consistency of the Project Application against the vision and the five key strategies of the NR CAP 2013-2023.

Table 1 – Assessment of Consistency

NR CAP 2013-2023 Provision	Comment
Vision Healthy landscapes and seascapes managed to be sustainable, resilient and productive by viable industries and vibrant, prosperous local communities.	The Project Application is considered to promote the orderly and economic use of the land, that has been previously been cleared for grazing through the development of a low density residential subdivision which is consistent with Coffs Harbour City Council's Development Control Plan for North Bonville. The subdivision has been designed to protect adjacent landscapes that are of high conservation value and enhance degraded vegetation communities including the Freshwater Wetland EEC. The development will contribute to the making of a vibrant and sustainable community resulting from its appropriate built form controls, generous open space provision including neighbourhood park and the range of environmental protection and management measures to be employed during the construction and operation stages.
Strategy 1 Engage and support the community to build capacity and partnerships	In preparing and updating the Project Application, extensive environmental assessment has been undertaken to address the concerns and needs of various Government Agencies, Coffs Harbour City Council and members of the local community to create a proposed residential subdivision that is suitable and responsive to its context and setting.
Strategy 2 Manage landscapes and seascapes	As discussed under the heading 'Vision', it is considered that the Project Application will make a significant contribution to the management of the existing landscape and the future residential neighbourhood. Specifically, the development will



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NR CAP 2013-2023 Provision	Comment
	promote improvements in landscape health and function including soil quality, biodiversity values, river, wetland, and marine resource health and quality.
Strategy 3 Sustain livelihoods	Whilst the intent of this Strategy is about industries, it is however considered that the Project Application incorporates and promotes best practice natural resource sustainability and innovation such as the use of Water Sensitive Urban Design features and extensive program of vegetation rehabilitation that will have significant benefits to the health and quality of the natural environment, the existing community and liveability for future residents.
Strategy 4 Enrich culture and lifestyle	It is considered that the Project Application presents as a well-designed residential subdivision that appropriately reflects its context and setting, that will assist to enrich community identity, enhance the environmental components associated with people's sense of place, and meet community needs and aspirations. In particular, the provision of open space and controlled access to the adjoining Bongil Bongil National Park will promote a quality lifestyle and improve the community's understanding of its natural and cultural heritage.
Strategy 5 Manage for change to enable the community and government to effectively carry out NRM.	This Strategy is focused on creating and implementing adaptive governance and management processes. It is considered that the Project Application will be consistent with proposed actions that establish effective management changes, at both the local and regional scales. In doing so, throughout the construction and operation stages, regular consultation will occur with relevant stakeholders in order to meet agreed objectives for catchment and natural resource management.

It is therefore considered that the Project Application has demonstrated that it is consistent with key intent and target strategies of the NR CAP 2013-2023.



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5. REVISED STATEMENT OF COMMITMENTS

The Statement of Commitments in the environmental assessment that formed part of the Project Application lodged with the Department has been revised to take into account of Agency comments made during the public exhibition period and in response to their review and comment on the Draft PPR.

It is noted that the revised Statement of Commitments apply to the modified Project Application as they relate to the amended site area.

Specific conditions of approval were recommended by OEH and the NSW Office of Water for the Department to include in the Project Approval.

The revised Statement of Commitments is included in **Appendix 13**.



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6. CONCLUSION

The environmental assessment that formed part of the Project Application has been updated by this Preferred Project Report, which reflects further environmental assessment having been undertaken having regard to the submissions. It recommends mitigation measures (including updated statement of commitments) to take account of changes to the subdivision design and to meet information requirements set by Agencies.

In summary, the key issues for the Project Application, as set out in Department's Issues Letter, comprised:

- Stormwater infrastructure encroaching into the Core Riparian Zones (CRZ) is not considered acceptable. A demonstration of adequate buffer areas to CRZ, National Park, and other ecological areas is required.
- Impact of stormwater discharge, including overflow from stormwater infrastructure in peak storm events, to National Park, is to be assessed.
- Demonstration is required of how the proposed development complies with Planning for Bushfire Protection, including to riparian areas.
- The potential partial loss of an Endangered Ecological Community (EEC) due to stormwater infrastructure encroaching into an EEC is considered unacceptable.
- The potential partial loss of koala habitat due to stormwater infrastructure encroaching into Koala habitat area as defined by Council is considered unacceptable.
- The land parcels for future medium density housing should be Torrens Title.
- Clarification is required of which agency/body will maintain the Asset Protection Zones.
- An update to the Vegetation Management Plan is necessary to distinguish between the ecological communities on site, which are to each have their own specific planting and rehabilitation regime.
- There is a lack of assessment of traffic generation impacts on the local road network.

The subdivision design changes have been driven by specific comments made by Agencies and the public, and to allow for greater design efficiencies which also have environmental benefits.

The key changes to the Project Application since its exhibition are:

- Modification of the proposed area of the land that is the subject of the Project Application, which is only part of Lot 112 DP 1073791.
- Modification to the proposed subdivision layout comprising the following changes:



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- Proposed medium density housing area to the eastern side of the main collector road has been converted to low density housing lots. This is a better fit with the adjacent existing low-density housing.
- Redesign the extent of proposed roads and residential lots to allow for relocation of bio-retention basins so that none of them are located in the CRZ to the north of the site. Note that Basin 3, located centrally in the site, will remain in its present position.
- Withdraw proposed stormwater infrastructure from the eastern edge of the subdivision so that it does not encroach on ecological areas (EEC and koala habitat areas). This has necessitated a change in stormwater treatment locations and types of measures.
- Replacement of the cul-de-sac with a perimeter road. This has increased the number of lots at this location.
- Deletion of a proposed local road on the western side of the proposed subdivision to gain more lots.
- Updating to consultant reports and plans for specialist environmental assessment given modifications to the subdivision layout, or request for further information,
- Consultation with the Office of Water (by email and phone) to seek their acceptance on revisions to the riparian zone boundaries.
- Consultation with the Department of Planning and Infrastructure to ensure adequacy in the addressing of the matters raised by Agencies so as to result in a development that is responsive to ensuring the orderly economic use and development of the land in accordance with the provisions of Section 5(a)(ii) of the EP&A Act.
- Consultation with OEH and RFS to seek agreement in relation to the provision and ongoing maintenance of the proposed Asset Protection Zones, the access to fire trails and boundary fencing.
- Consultation with Coffs Harbour City Council in relation to a suitable location for the proposed neighbourhood park, the acquisition by Council and the dedication of public reserves to Council, stormwater infrastructure and sewer management requirements and the placement of topsoil that contains Aboriginal archaeological material.

In summary the following environmental impacts have been reduced by the following mitigation measures:

- Relocation of bio-retention basins out of the core riparian zones to the north of the site, which means riparian habitat and water quality functions will be increased and maximised;
- Relocation of bio-retention basins out of potential koala habitat (as defined by Coffs Harbour Council only) to the east of the site, which means potential koala habitat will be increased and maximised;



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- Insertion of perimeter road in place of the cul-de-sac which will mean that there will be a more defined edge to the subdivision, allowing for ease of maintenance including emergency vehicle access, and legibility of the subdivision in terms of way-finding. It also means that views to surrounding bushland are not effectively privatised by dwelling lots fronting directly on to bushland. It will also make it easier to manage stormwater.
- Less hard surfaces due to the deletion of one road within the proposed subdivision, allowing for greater permeation of stormwater within the site, and less stormwater impacts off-site.
- Provision of suitable vegetation buffering to the Bongil Bongil National Park to reduce the impacts of the residential subdivision.
- Provision of suitable Asset Protection Zones to protect the residential subdivision and surrounding land uses.
- Relocation of topsoil to an appropriate location which will minimise the impact on Aboriginal archaeological material by limiting future disturbance.

In conclusion, the proposed residential subdivision will involve the restoration of currently degraded lands arising from earlier adverse land use practices. The outcome will result in a development that is responsive to an appropriately restored environment and ensuring the orderly economic use and development of the land in accordance with the provisions of Section 5(a)(ii) of the EP&A Act.

It is considered that the redesign and other changes allow for minimisation of environmental impacts and maximises the efficiency of the subdivision design and the construction, operation and management phases. Further, the proposed mitigation measures and monitoring procedures are considered to be adequate so as to ensure that the environmental impacts arising from the residential development and use of the site will be minimal and that sound environmental management practices are employed as set out in the revised documentation Statement of Commitments and any Conditions of Consent that may be applied.

Finally, it is considered that there are features of the proposed subdivision design and the overall project that will result in significant environmental values being retained and enhanced. These include the:

- Dedication approximately 6.4 hectares of land for public reserve purposes including the proposed neighbourhood park.
- Rehabilitation and expansion of riparian corridor land including the Freshwater Wetland EEC with endemic riparian plantings.
- Provision of suitable vegetation buffering to the Bongil Bongil National Park and stormwater infrastructure that will reduce the impacts of the residential subdivision.
- Provision of suitable Asset Protection Zones to protect the residential subdivision and surrounding land uses.
- Relocation of topsoil to an appropriate location which will minimise the impact on Aboriginal archaeological material by limiting future disturbance.



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Appendix 1 - Aerial Photograph



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Appendix 2 - Subdivision Concept Layout



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Appendix 3 - Design Principles and Low Density Built Form Controls



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Appendix 4 - Engineering Drawings



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Appendix 5 - Stormwater Management Strategy



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Appendix 6 - Bushfire Assessment Report



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Appendix 7 - Ecological Assessment



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Appendix 8 - Vegetation Management Plan



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Appendix 9 - Vegetation Clearing Plan



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Appendix 10 - Visual Assessment



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Appendix 11 - Landscape Concept Plan



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Appendix 12 - Traffic Management Plan



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Appendix 13 - Revised Statement of Commitments



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Appendix 14 - Response to Submissions during Exhibition and on the Draft PPR



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Appendix 15 - Consultation with Council and Government Agencies