



**Planning &
Infrastructure**

**TRANSITIONAL PART 3A PROJECT
ASSESSMENT:**

***Residential Subdivision, off Lyons Road
and Bambarra Drive, North Bonville
Lot 112 DP 1073791 (MP08_0080)***



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

June 2013

ABBREVIATIONS

ASS	Acid Sulfate Soils
APZ	Asset Protection Zone
CIV	Capital Investment Value
Department	Department of Planning & Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning & Infrastructure
EA	Environmental Assessment
EEC	Endangered Ecological Community
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning & Infrastructure
NPWS	National Parks & Wildlife Service
OEHS	NSW Office of Environment & Heritage
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PPR	Preferred Project Report
Proponent	Utila Pty Limited
RFS	NSW Rural Fire Service
RMS	Roads & Maritime Services
RtS	Response to Submissions
SEPP	State Environmental Planning Policy
SoC	Statement of Commitment
WSUD	Water Sensitive Urban Design (for water/stormwater management)

Cover Photograph: Views across the site to existing residential areas to the north and to vegetation to the east of the site.

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EXECUTIVE SUMMARY

This is a report on a project application by Utila Pty Limited for a residential subdivision at North Bonville in the Coffs Harbour local government area

The project application seeks approval for the residential subdivision of the site, being:

- subdivision of the land, in 11 stages, to provide 165 torrens tile residential lots ranging in size from 544.8m² to 826.2m²;
- creation of a residual lot of approximately 12.7ha over areas of bushland within the eastern portion containing environmentally significant vegetation, where no development is to occur;
- associated earthworks and site works, carried out in 3 stages, including cut and fill and reshaping across the site to level out ridge lines and provide for minimum flood free levels;
- associated infrastructure works including construction of 5 stormwater bio-retention basins;
- rehabilitation and revegetation of a riparian zone running through the northern part of the site
- general landscaping including street tree planting; and
- initial site works for establishment of a proposed neighbourhood park.

The capital investment value (CIV) of the development is \$9,544,000.

The proposed subdivision is a Part 3A project under the transitional provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) being development of the kind described in Schedule 2 of the *State Environmental Planning Policy (Major Projects) 2005* namely clause 1(1)(i) – residential subdivision into more than 25 lots in the coastal zone (as in force at the time the proposal was declared a major project).

The Environmental Assessment was exhibited between 3 February 2011 and 7 March 2011 (33 days). During this time the department received 13 submissions, comprising 10 submissions from public authorities and three submissions from the general public. The public authorities did not object to the project but raised issues including impacts on areas of significant vegetation and a riparian zone, impacts upon Bongil Bongil National Park, stormwater management, bushfire management, protection of Aboriginal heritage, and the provision of a suitable area within the site for a neighbourhood park. Issues raised by the public authorities have been substantially resolved by the proponent's preferred project report, or will be suitably mitigated by the proponent's statement of commitments and the recommend conditions of project approval.

Of the three public submissions, two submitters objected to the project on the basis of traffic and the proposed medium density dwellings (since deleted) and one submitter did not object but raised the need for provision of children's playground facilities. A suitable area for a neighbourhood park is to be provided in the north west of the site, where council can provide for suitable play facilities.

Key issues considered in the department's assessment included:

- mitigation of ecological and biodiversity impacts;
- dedication of land for public purposes and development contributions;
- bushfire management;
- flooding;
- water management including treatment of stormwater;
- traffic and access;
- management of Aboriginal cultural heritage; and
- management of acid sulphate soils and any site contamination.

Key features of the proposal will provide for the public interest and for the development of the land in a sustainable manner, and will include the following:

- dedication to Council of approximately 8.6ha of land to council for public purposes including provision of a neighbourhood park of approximately 1.2ha for use of the future residents as well as existing residents of the North Bonville area;
- protection and enhancement of partially degraded areas of significant EEC vegetation. This will result from the removal of current grazing activities and the carrying out by the proponent of rehabilitation and revegetation works within a riparian zone which is to be dedicated to council as part of the public reserve areas;
- provision of vegetated buffer zones to the adjoining Bongil Bongil National Park which will along with stormwater management measures, such as bio retention basins and swales, mitigate impacts from the development;

- exclusion of development from the bushland areas in the eastern portion of the site zoned Environmental Protection 7A and containing vegetation representative of the Swamp Sclerophyll Forest endangered ecological community;
- provision of bushfire management measures, in particular asset protection zones agreed to in consultation with the Rural Fire Service and Office of Environment & Heritage (National Parks and Wildlife Service). These will protect the development and future residents from bushfire hazards related to existing bushland areas adjoining the site, as well as any hazards related to areas on the site to be rehabilitated and revegetated;
- management of Aboriginal cultural heritage values of the land in consultation and liaison with Aboriginal community representatives so as to minimise disturbance to any Aboriginal relics potentially remaining on site; and
- residential subdivision of the land with lot sizes and layouts consistent with the existing and expected character of the area.

The department has assessed the merits of the project and is satisfied that the potential impacts of the proposed development have been addressed via the proponent's amendments to the project in the PPR, the statement of commitments and the department's recommended conditions of approval. The potential impacts of the proposed development can therefore be suitably managed and mitigated to ensure a satisfactory level of environmental performance for the area.

The project will provide environmental, social and economic benefits to the local area. The department is satisfied that the site is suitable for the proposed development and is therefore in the public interest. All statutory requirements have been met and on these grounds the department recommends that the project be **approved**, subject to conditions.

1. BACKGROUND

1.1 The Site

The site is 38.49ha in area and is located off Lyons Road and Bambarra Drive at North Bonville, within the Coffs Harbour local government area. The site is approximately 8.5km south of Coffs Harbour city centre and approximately 3.2km west of the coastal town of Sawtell.

Access to the site is via Bambarra Drive, which connects with Lyons Road approximately 170m to the north of the site. Lyons Road is a regional road providing access to Sawtell to the east and to the Pacific Highway to the west.

The topography of the site is undulating with a main ridge line that runs north-west to south-east, up to a height of approximately 18m AHD. The site then generally grades or falls to the site perimeters.

There are low points of approximately 2m AHD at the site perimeters to the east, south east and south west, and a low point of approximately 4m within a main drainage line, to the north and north east of the main ridge line.

The main drainage line which runs through the northern part of the site forms a riparian zone which bisects the site in an east west direction and drains into adjacent wetlands and Bonville creek. It includes a wetland, partly within the site and within adjacent land. This wetland appears to have been a dam associated with historical farming and grazing of the site.

The lower lying parts of the site, within the riparian zone and along the edge of the eastern portion of the site containing dense bushland, are subject to 1 in 100 year flooding impacts.

Most of the site has been cleared of trees, with a scattering of trees remaining within the cleared areas, and within the riparian zone. The eastern portion of site and contains dense bushland is approximately 12.71ha. This bushland contains vegetation representative of the Swamp Sclerophyll Forest Endangered Ecological Community (EEC) and is zoned for environmental protection purposes. No development is proposed in this eastern portion of the site.

1.2 Surrounding land uses

The site is bounded to the east, south and west by Bongil Bongil National Park. The dense bushland within this eastern portion of the site is contiguous with vegetation within the National Park further to the east.

The National Park area to the west of the site has an open woodland structure due to its previous use as a hardwood plantation, with a cleared fire trail along the boundary with the site (refer to Figure 8).

There is a similar vegetation cover within in the national park to the south where there is also a fire trail along the boundary with the site.

To the north of the site there is existing low density residential development, including recent development within the North Bonville urban release area.

1.3 History of uses of the land

The site has been significantly modified being largely cleared of trees as part of the use of the land for grazing and agricultural purposes. This clearing has included some reshaping and relocation of top soil from ridge crests to south east facing slopes.

Ploughing and cultivation in the recent past has resulted in further site disturbance, with part of the site having been used for horticultural purposes, including banana cultivation.

Figure 1 shows the project location and Figure 2 shows the site layout. Photographs at Figures 3 to 8 provide views of the site.

Figure 1: Site locality and context (source: Environmental Assessment for Project Application, Worley Parsons, January 2011)

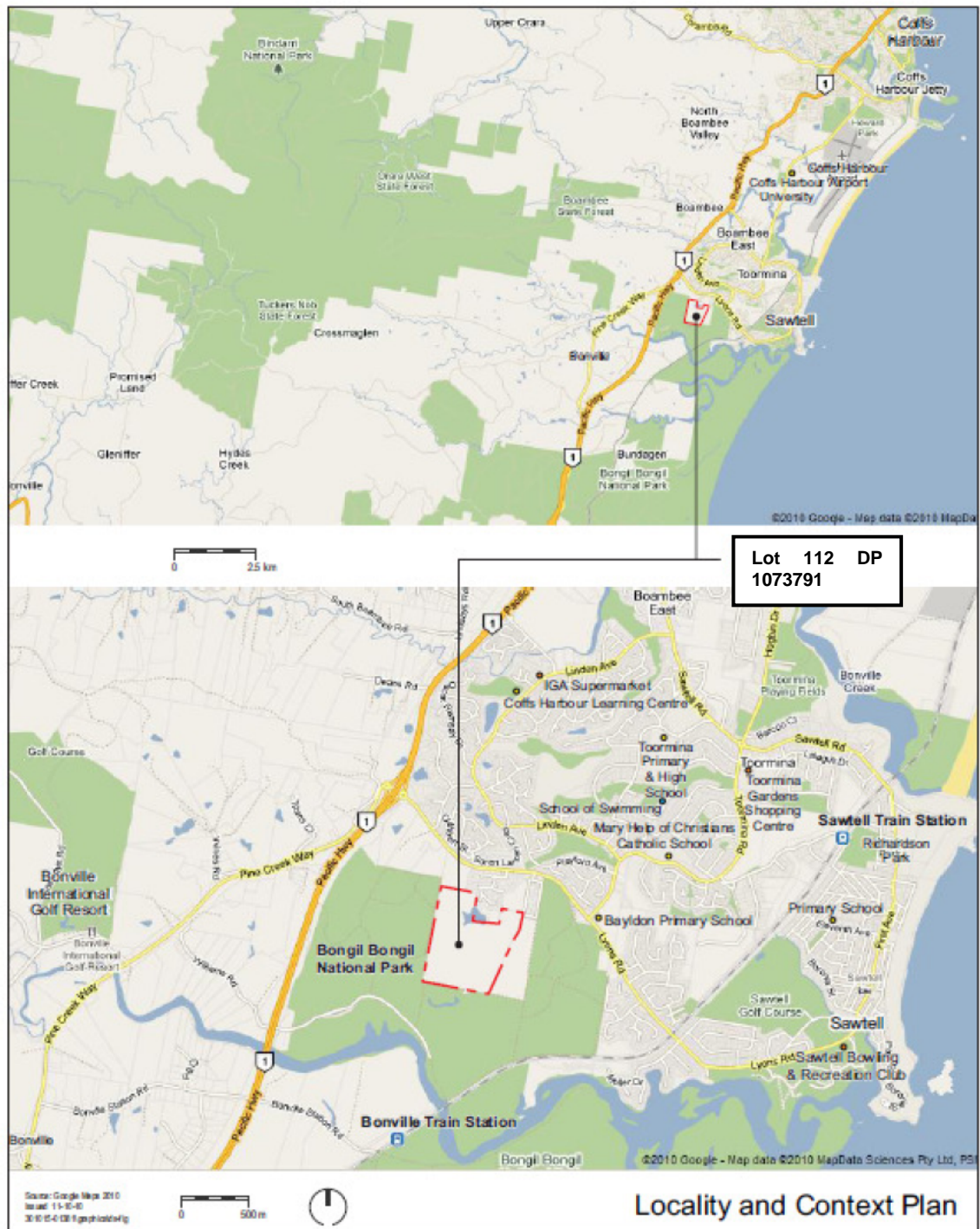


Figure 2: Site plan

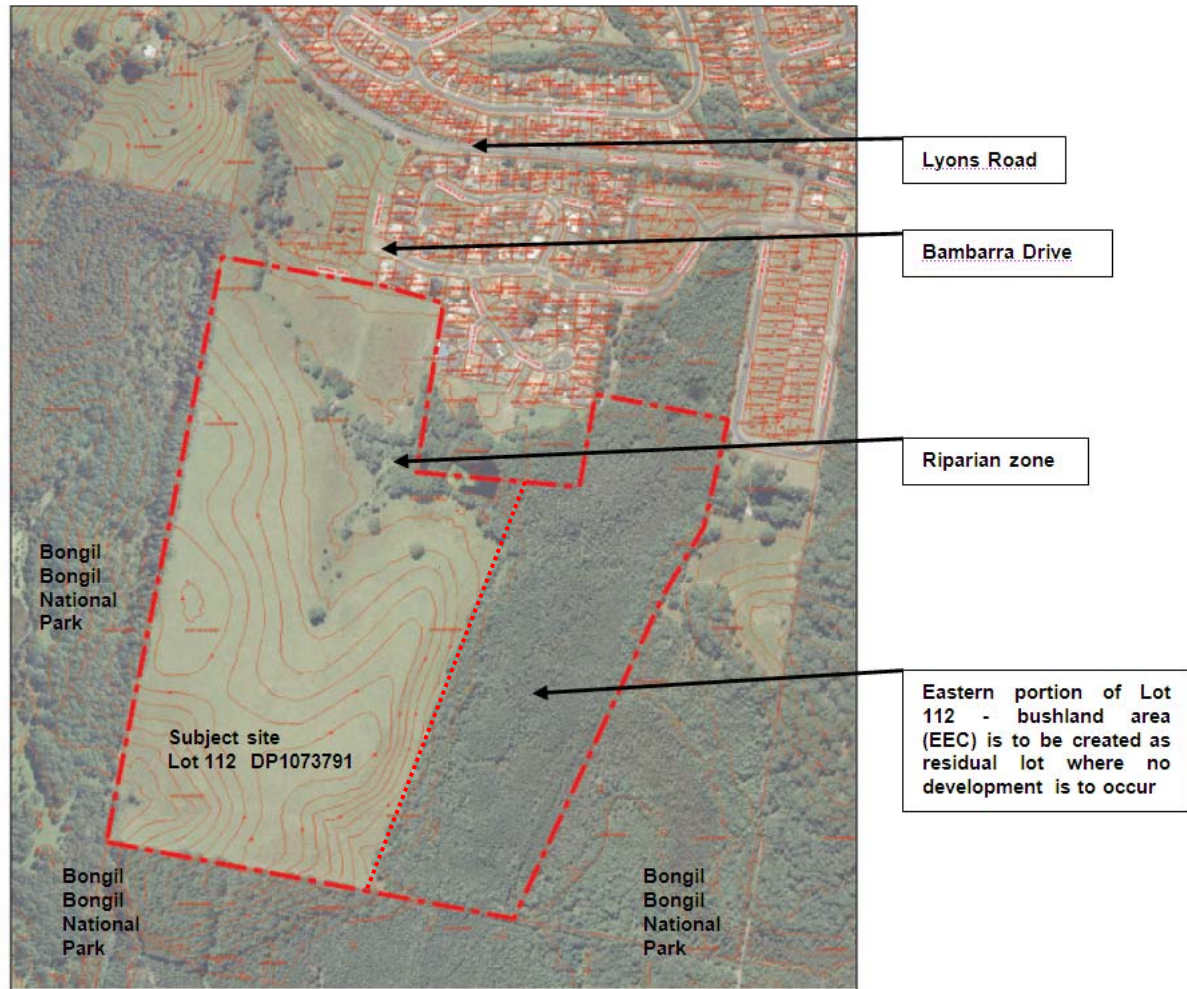


Figure 3: View south from Lyons Road, with cleared areas of the site and treed areas of Bongil Bongil National Park in the distance (source: Visual Impact Assessment, Terras landscape architects, August 2012)



Figure 4: View to the south within the site



Figure 5: View to the east/ south-east over the site from mid western boundary (source: Environmental Assessment report, Worley Parsons, January 2011)



Figure 6: View west to the north-west to north over the site from mid south boundary (source: Environmental Assessment report, Worley Parsons, January 2011)



Figure 7: View of wetland area partly within the site and within the riparian zone, and a view of vegetation in the eastern part of the site, proposed to be dedicated for inclusion in Bongil Bongil National Park



Figure 8: Looking south along an existing fire trail within the National Park adjacent to western boundary of the site (Source: Bushfire hazard assessment report, Appendix 6, PPR, Worley Parsons, May 2013)



2. PROPOSED PROJECT

2.1 Project Description (Preferred Project Report – May 2013)

The proponent seeks project approval to subdivide the site to create 165 residential lots under torrens title, establish public reserve areas including a rehabilitated riparian corridor and a neighbourhood park, and provide for associated site works, roads and infrastructure. The project and proposed subdivision layout is shown in Figure 9. The key components of the project are listed in **Table 2**.

Key project components

- residential subdivision of the land to provide for 165 torrens title lots ranging in size from 544.8m² to 826.2m²;
- associated earthworks and site works, including cut and fill and reshaping across the site to level out ridge lines and to provide for minimum flood free lot levels;
- associated infrastructure and water management works including construction of five bio-retention basins;
- rehabilitation and revegetation of a riparian zone running through the northern part of the site;
- provision of 8.6ha of public reserve areas, including regrading and reshaping of the proposed neighbourhood park of 1.2ha, providing more level areas suitable for active recreation (with grades of 2% to 2.2%);
- creation of a residual allotment of 12.71ha over the eastern portion of the site containing dense bushland where no development is to occur, and which is subject to the proponent's commitment to enter negotiations for its dedication for conservation purposes; and
- general landscaping including street tree planting.

Biodiversity features

- revegetation of approximately 4.8ha of the site using appropriate endemic plantings to enhance and rehabilitate currently degraded areas of the riparian zone, which includes areas of swamp sclerophyll forest and freshwater wetland endangered ecological communities (EEC);
- revegetation of riparian zone will also offset the removal of approximately 0.05ha of partially degraded EEC (freshwater wetland) in order to provide the main access road; and
- preservation and enhancement of vegetation for koala habitat, within the riparian zone.

Capital Investment Value and Jobs

- the capital investment value of the project is \$9,544,000; and
- there will be a minimum of 15 construction jobs created as a result of the proposed subdivision works, with additional jobs created in subsequent dwelling construction.

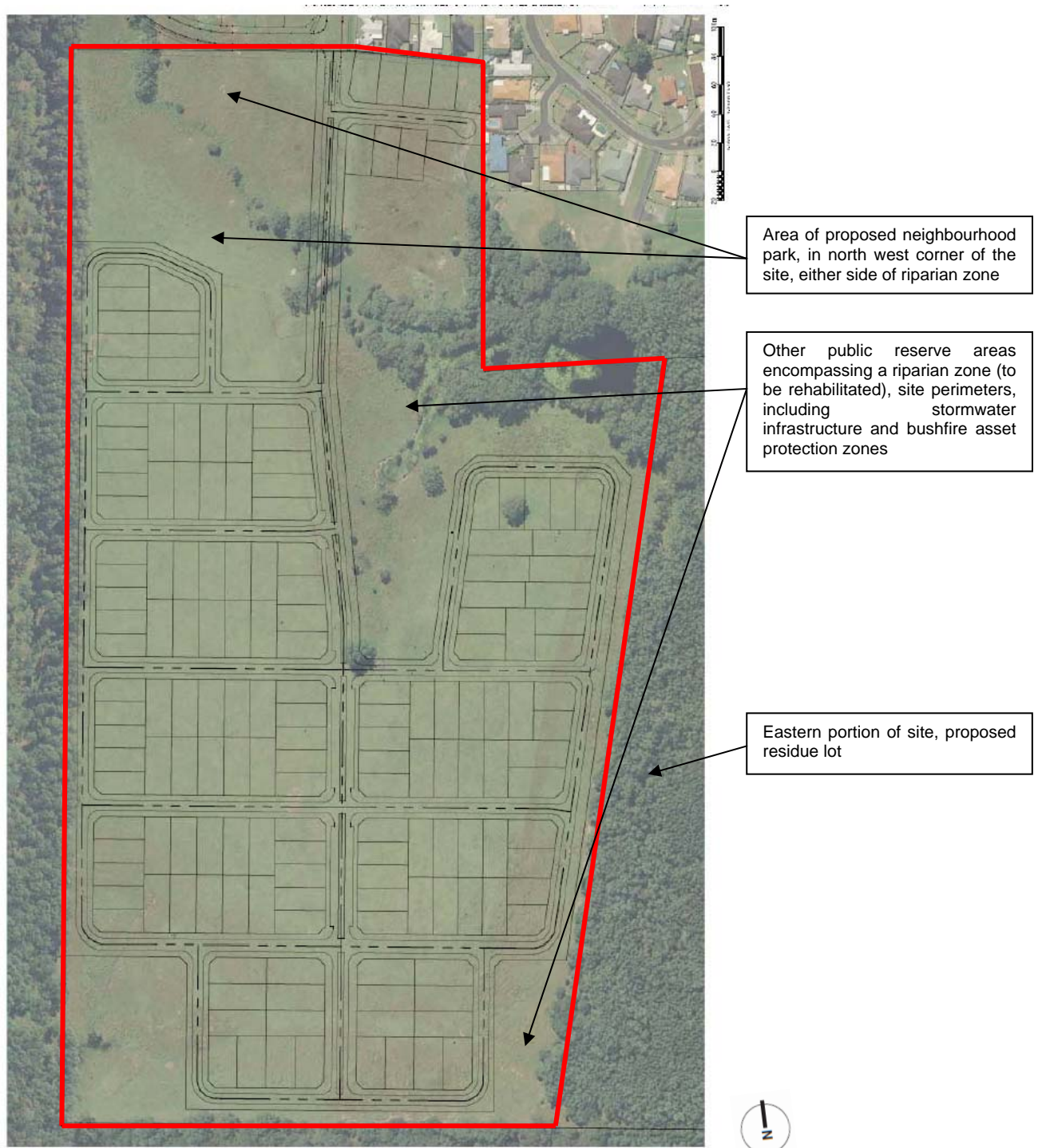
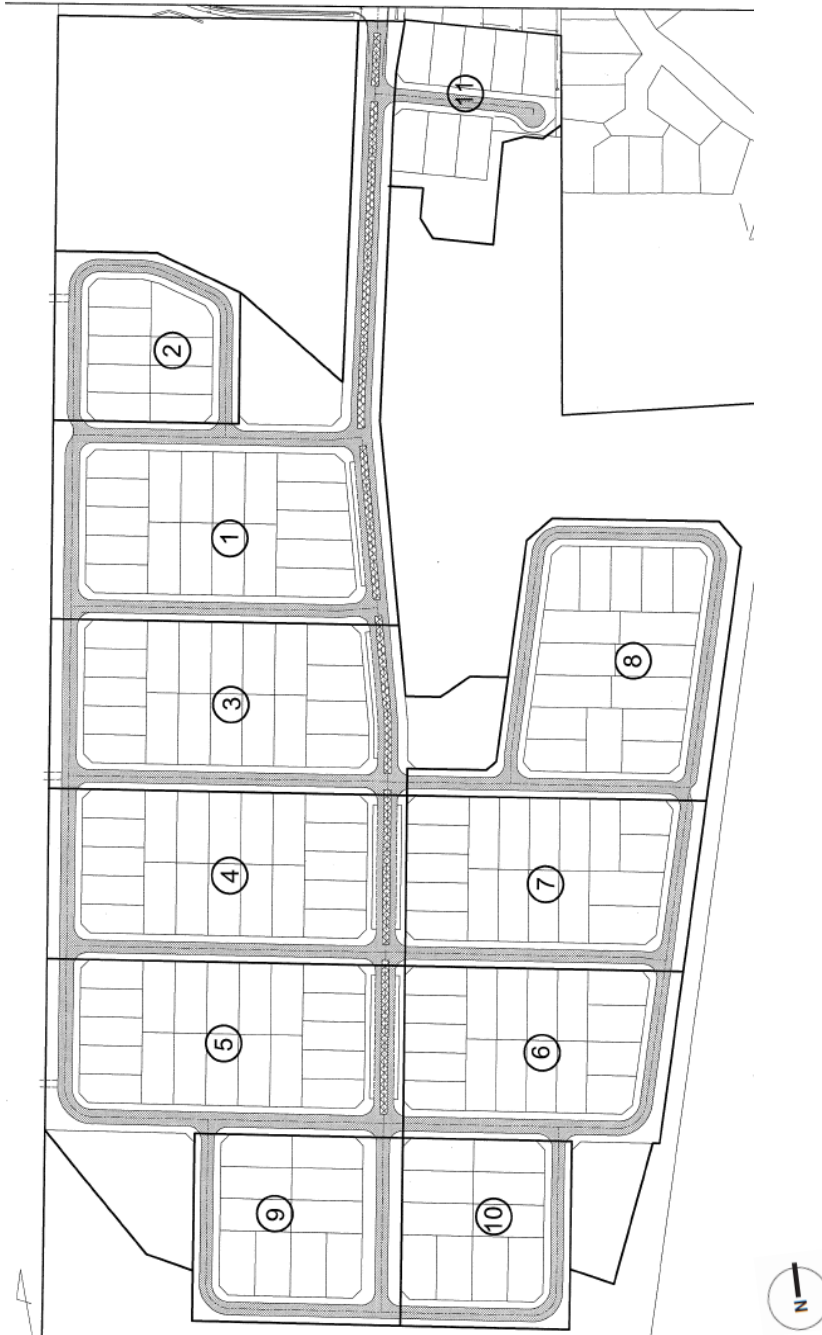
Figure 9: Preferred Project Layout (Source: Preferred Project Report, Worley Parsons, May 2013)

Figure 10: proposed lot release staging plan (Source: Preferred Project Report, Worley Parsons, May 2013)Proposed bulk earthworks staging

Stage 1 – topsoil stripping and placement in public reserve areas (refer to Figure 21);

Stage 2 – cut and fill to subdivision construction stages 1 to 4, part 5, part 7, 8, and 11; and

Stage 3 – cut and fill to subdivision construction stages part 5, 6, part 7, 9, and 10.

2.2 Project Amendments

Exhibited subdivision proposal

The project as detailed within the exhibited Environmental Assessment provided for residential subdivision of the land, into 151 low density residential lots under Torrens title and three (3) land parcels under community title which would have potentially accommodated forty-two (42) medium density dwellings (refer to Figure 11).

Preferred Project Report – September 2012

A preferred project report (PPR) was submitted in September 2012 which included the following key amendments to the exhibited project:

- redesign of proposed roads and residential lots, including provision of perimeter roads suitable for bushfire management purposes, as well as removing a proposed cul-de-sac;
- deletion of community title medium density lots which were proposed in the northern part of the site with areas of 1580sqm to 2250sqm (up to forty two medium density dwellings were proposed). Replacement of the medium density lots with 8 low density residential lots and additional areas of public reserve;
- increase in the overall numbers of low density Torrens title lots from 151 to 165, an increase of 14 lots, due to a more efficient subdivision layout with removal of some proposed internal roads, refer to Figure 11; and
- redesign and removal of stormwater infrastructure including relocation of bio-retention basins outside of the riparian zone, and withdrawal of stormwater infrastructure from the eastern edge of the subdivision to avoid impacts on areas of ecological significance.

Revised Preferred Project Report – May 2013

On 17 May 2013 the proponent submitted a revised preferred project report in response to further issues and comments raised by the department and other agencies resulting in the following further key amendments to the project:

- exclusion of any development on the eastern portion of the site, and creation of a residual lot over this area, with proponent committing to enter negotiations with OEH, or relevant authority, for its dedication for conservation purposes, including addition into Bongil Bongil National Park;
- provision of a neighbourhood park to be dedicated to council in the north-western part of the site and located on either side of the riparian zone, with regrading and reshaping of these areas to provide for minimum 1ha of useable play and 'kick around' area;
- integration of the proposed vegetation management plan with bushfire management requirements, including amendments to proposed rehabilitation and replanting in the riparian zone and provision of asset protection zones with managed vegetation of minimum 20m width either side of main access road;
- removal of pedestrian access points to Bongil Bongil National Park along the southern boundary and retention of maximum 3 points of pedestrian access along the western boundary;
- nomination of areas within the proposed public reserve areas (outside the neighbourhood park) where top soil (max. 6,600m³) will be deposited once removed from ridge lines, which is to be undertaken in relation to the management of any remaining Aboriginal relics/artefacts on the site (refer to further discussion of this matter in section 5.7).

Figure 11 shows the project and subdivision layout as proposed and exhibited with the EA compared to the project and subdivision layout as amended by the PPR.

2.3 Project Need and Justification

The development of the site will provide for new housing to meet local and regional housing demands and provide for new construction jobs. The residential subdivision of the site has been foreshadowed for some time, with the residential zoning of the major part of the site under Coffs Harbour City LEP 2000 and its identification for residential subdivision and development within Coffs Harbour City Council's North Bonville Development Control Plan (originally adopted by council in December 2001). The residential development of the site is consistent with council's Settlement Strategy to 2031 and with the department's Mid North Coast Regional Strategy. The current residential zoning is carried forward into the draft Coffs Harbour Local Environmental Plan 2013.

The proposed subdivision provides for measures to protect, conserve and enhance areas of environmental significance, including a riparian zone, areas of endangered environmental communities (EEC) and potential koala habitat.

Figure 11: Project Layout (Source: EA, Worley Parsons January 2011 & Preferred Project Report, Worley Parsons, May 2013)

Project layout as exhibited – Feb/March 2011

Preferred Project layout – May 2013



3. STATUTORY CONTEXT

3.1 Major Development SEPP

On 7 May 2008 the Director General as delegate of the Minister declared the proposed residential subdivision of the land to be development which was subject to the provisions of *State Environmental Planning Policy (Major Development) 2005*, as was in force at that time, and therefore a major project under Part 3A of the Act. This was because the proposal involved residential subdivision of land within the coastal zone into more than 100 lots, clause 1(1)(j)(i) of schedule 2 of the SEPP.

The project application for the subdivision of the land is a transitional Part 3A project by virtue of the transitional provisions of Schedule 6A of the Act. This is because the DGRs for the project were issued on 4 June 2008 and updated on 8 July 2010, which was prior to the repeal of Part 3A. The Minister for Planning and Infrastructure is therefore the approval authority.

3.2 Approval Authority

On 27 February 2013 the Minister for Planning & Infrastructure delegated responsibility for the determination of project applications under Part 3A of the *Environmental Planning and Assessment Act 1979* to the Executive Director, Development Assessment Systems and Approvals. The proposal complies with the terms of that delegation (refer to glossary at Appendix E), as in respect to the application:

- (a) council has not objected to the proposal, and
- (b) a political disclosure statement has not been made, and
- (c) there are less than 25 public submissions in the nature of objections.

3.3 Permissibility and Zoning under Coffs Harbour City Local Environmental Plan 2000

The site is currently zoned under Coffs Harbour City LEP 2000, refer to Figure 12. The following zones under LEP 2000 apply to the site:

- Residential 2A - Low Density
The proposed residential lots will be wholly contained within the part of the site zoned 2A, where residential subdivision, associated infrastructure works and construction of dwelling houses and attached dwellings are permissible with consent. A neighbourhood park within the northern part of the proposed subdivision is proposed within the area zoned 2A, which would be permissible with consent, under the definition of 'recreation areas' within the LEP.
- Open Space 6A - Public Recreation
The 6A zone is proposed to accommodate part of the road access, and potentially additional infrastructure works or utility installations such as sewer reticulation. These works are permissible with consent within this zone. The 6A zoned land will otherwise form part of the area to be dedicated to council as public reserve within the riparian corridor.
- Environmental Protection 7A- Habitat and Catchment
Two small areas of the site zoned 7A will fall within the public reserve areas to be dedicated to council, being adjacent to a proposed bio-retention basin and within the riparian corridor. Otherwise the 7A zoned land is within the eastern portion of the site where no development is proposed, and where the proponent is to enter negotiations for the environmental conservation of the land. Recreation areas, roads and utility installations are permissible with consent within the 7A zone.

3.4 Draft Coffs Harbour Local Environmental Plan 2013

Draft Coffs Harbour Local Environmental Plan 2013 is a new comprehensive LEP which will apply to the whole of the Coffs Harbour local government area, replacing existing EPIs. It was exhibited by council from 13 September 2012 to 26 October 2012 (in conjunction with a comprehensive development control plan). On 13 December 2012 Council resolved to adopt the draft LEP and refer the draft LEP to the department for its making by the Minister.

Draft LEP 2013 has been written in accordance with the department's standard instrument template for LEPs. In respect to the subject land it uses the following zones from the standard instrument to replace the existing equivalently zoned areas, with no change to the extent of those zones:

- R2 Low Density Residential zone will replace the current Residential 2A Low Density zone
- E2 Environmental Conservation zone will replace the current Environmental Protection 7A zone
- RE1 Public Recreation zone will replace the current Open Space 6A Public Recreation zone.

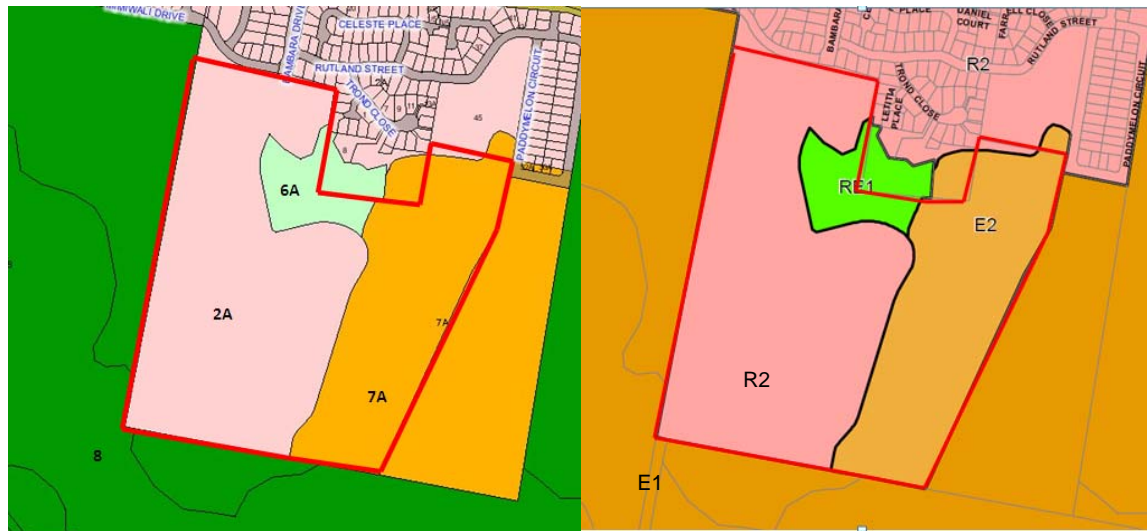
The subdivision of the land would remain permissible with consent under draft LEP 2013 (clause 2.6) and associated development would remain permissible within the subject zones. A minimum lot size of 400m² will apply, with which the proposal will comply (clause 2.6). The land zoned 6A (proposed RE1) is also to be identified as a local open space reservation with council as the authority to acquire the land (clause 5.1). The areas to be zoned E2 and RE1 land (currently 6A & 7A) are identified as 'natural resource– biodiversity' (clause 7.15). This requires consideration of any adverse impacts on the environmental/ecological significance of the land, which is considered in detail in section 4.

Figure 12: Zonings of the site

Coffs Harbour City LEP 2000

Draft Coffs Harbour LEP 2013

(Source: Coffs Harbour City Council mapping)



2A = Residential 2A Low Density Zone
 6A = Open Space 6A Public Recreation Zone
 7A = Environmental Protection 7A
 Habitat and Catchment Zone
 8 = National Parks and Nature Reserves 8 Zone

R2 = Low Density Residential
 RE1 = Public Recreation
 E2 = Environmental Conservation
 E1 = National Parks and Nature Reserves

3.5 Environmental Planning Instruments

Under Sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

The Department's consideration of relevant EPIs (including SEPPs) is provided in Appendix B. The proposal is generally consistent with the relevant requirements of the EPIs.

3.6 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act, refer to the glossary in Appendix E. The proposal complies with the objects as it will result in the orderly and economic residential development of land zoned for this purpose. It will provide for new residential lots to meet housing demands in the local government area and the region, consistent with the existing urban areas identified in the department's Mid North Coast regional strategy and council's settlement strategy to 2031. It will also include measures for the protection, conservation and enhancement of areas of significant vegetation, including areas of mapped koala habitat, and provide for the dedication of significant areas of the site for public purposes, including additional land for the adjoining Bongil Bongil national park.

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991* (refer to the glossary in Appendix E). Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes. The Department has considered the proposal in relation to the ESD principles and made the following conclusions:

Integration Principle

Long term and short term consideration have been integrated in the decision making process in the following ways:

- The staged release of new residential land in North Bonville will provide economic, social, and equity benefits to the local Coffs Harbour community and include establishment of new residential lots, infrastructure, roads, access and contributions to Council for local and community services.
- The retention and protection of the riparian zone will provide for short and longer term environmental benefits for the ongoing protection of habit areas and sensitive environments.

Precautionary & Inter-Generational Principles

The precautionary and intergenerational principles equity principles have been applied in the decision making process via a thorough assessment of environmental impacts of the proposal.

The proponent's EA and PPR have identified and assessed the environmental impacts of the proposal. The proponent has demonstrated that the subdivision design and appropriate mitigation measures including the rehabilitation of a riparian zone, establishment of buffers to sensitive land will be implemented to prevent potential environmental impacts. Further mitigation measures are outlined in the proponent's statement of commitments and/or the recommended conditions of approval.

The development will provide the following benefits to the local community now and into the future:

- provision of additional residential accommodation;
- provision of additional public open space and recreation areas;
- provision of appropriate management measure to reduce the bushfire hazard risks;
- protection and rehabilitation of a riparian zone and associated watercourse; and
- provision of buffers and water sensitive urban design measure for stormwater management to protect environmentally sensitive land adjoining the site.

Biodiversity Principle

A major part of the development site has been cleared of native vegetation, but the proposal involves the rehabilitation and revegetation of the riparian zone within the site as well as mitigation measure to reduce impacts on other environmentally sensitive vegetation areas adjoining the site, including Bongil Bongil National Park. This protects the biological diversity and ecological integrity of these areas and adjoining sensitive vegetation. The proponent has undertaken an assessment of the development's compliance with:

- *Environment Protection and Biodiversity Conservation Act, 1999 (Commonwealth)*
- *Threatened Species Conservation Act, 1995, (NSW)*
- State Environmental Planning Policy No 71 – Coastal Protection

Valuation Principle

The subdivision has been designed having regard to solar access for future development on the lots. The water management system is designed to promote an environmentally sustainable outcome through management of the stormwater runoff based on water sensitive urban design. This will assist future residents to comply with BASIX requirement for construction of sustainable dwellings.

Approval of an environmentally sensitive and ecologically sustainable residential subdivision will improve the valuation of the land and aid in the long term enhancement and maintenance of the locality and its environmental qualities, compared to an unsustainable development which would degrade the local environment and devalue the site and locality.

3.7 Strategic Context

The department considers that the proposal is consistent with and/or supports the state, regional and local strategies, including:

- key policies such as *NSW 2021: A plan to make NSW number one*, as the proposal includes measures which will enhance and protect the natural environment
- the Mid North Coast Regional Strategy wherein the subject site is within an existing urban growth area identified in the strategy, and the development is consistent with sustainable urban growth within the region
- Coffs Harbour Settlement Strategy to 2031 with development within an identified urban release area, and creation of new housing to meet local and regional housing demands

3.8 Statement of Compliance

As of 24 August 2012, transitional Part 3A projects do not have to comply with Section 75I of the Act. Notwithstanding this, the department is satisfied that the Director-General's environmental assessment requirements have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition of Environmental Assessment

Under Section 75H(3) of the EP&A Act, the Director-General is required to make the environmental assessment (EA) of an application publicly available for at least 30 days. The department publicly exhibited the EA in accordance with the details in the following Table 3.

Table 3: Environmental Assessment exhibition details

Exhibition/Notification	Appearing	Dates
Publicly exhibited including on web site(s)	at DPI information centre Bridge St Sydney and at Coffs Harbour City Council offices	From 3 February 2011 to 7 March 2011
Newspaper notice	Coffs Harbour Advocate	2 February 2011
Newspaper notice	Coffs Harbour Independent	3 February 2011
Written notices to	nearby landholders, relevant state and local government authorities	31 January 2011

The department received 13 submissions during the exhibition of the EA, comprising 10 submissions from public authorities or government agencies and three submissions from the general public, including two objections and one letter of comment. A summary of the issues raised in the submissions to the EA is provided below, in sections 4.2 and 4.3.

4.2 Public Authority Submissions

Ten submissions were received from public authorities in respect to the EA. Further submissions were received from five of these agencies in respect to amendments to the project with the PPR. The issues raised in the submissions are outlined below.

Coffs Harbour City Council (Council)

Council raised the following key matters in response to the EA:

- encroachments into existing bushland areas on eastern side of the site should be removed, and perimeter roads provided at the interfaces with these bushland and open space areas;
- further consideration is required of bushfire management and the impacts of these measures the impacts on EEC;
- clearer commitments are required regarding how domestic dogs and cats will be managed;

- details are required on all land proposed to be dedicated to council, and the proposal need to provide for a suitable location for a neighbourhood park;
- further details are required in the vegetation management plan, such as a costed schedule of works and management of dangerous trees;
- additional information is required on the proposed medium density development lots, such as community title and servicing arrangements;
- a sewer pumping station for lots in south west portion of the site is required, not a low pressure system; and
- minimum road and road verge widths and finished road levels are required for the site.

The following additional key matters were raised in response to the PPR:

- central road bio-retention swales are not supported, due to ongoing maintenance issues, and these should be removed and other bio retention infrastructure amplified accordingly;
- the VMP is to take account of bushfire report recommendations for APZs either side of main access road;
- vegetation maintenance by proponent/developer is to be undertaken for 5 years from the date of commencement of initial vegetation management works;
- council will not accept responsibility for the provision of perimeter fencing to the national park, and council does not support the suggested use of barbed wire in this fencing;
- council does not support a proposed restriction on the keeping of cats and dogs, where council would be responsible for monitoring compliance;
- landscape details for the neighbourhood park should include the provision of path connection across the creek (riparian zone);
- gross pollutant traps/bio-retention basins are to be appropriately managed, including a 2 year bonding, to ensure that these are only treating natural rainfall at their handover to council.

Issues raised by council have been generally resolved with the revised PPR, or the conditions of the recommended project approval. Potential encroachments into eastern bushland areas of the site have been removed. A perimeter road has been provided and medium density dwellings has been deleted, refer to section 2.2. Bushfire management has been integrated with ecological considerations and the proposed vegetation management; refer to sections 5.1 and 5.3. A sewage pumping station is to be provided in the south west corner of the development. Central road swales are to be deleted and the stormwater strategy reviewed, as part of the recommended approval conditions.

The restriction on keeping of cats and dogs is discussed in section 5.1.2. The department supports this restriction having regard to potential impacts on native fauna and the lack of alternative mitigation measures.

Council concerns about use of barbed wire are shared by the department and recommended approval conditions require details of fencing to be finalised in consultation with OEH as part of the final landscape plans to be approved by council. These landscape plans will also deal with the provision of further details for a path connection across the creek (riparian zone), subject to consultation and agreement with the NSW Office of Water.

Other matters such as road design/widths are appropriately dealt with by statement of commitments and proposed approval conditions.

Office of Environment & Heritage (OEH)

OEH raised the following key matters in response to the EA:

- details are required on fencing to the National Park, with a limitation on pedestrian and vehicle access points;
- a responsible party is to be identified to manage APZs outside the national park; and monitor and report on implementation of the VMP including weed control;
- stormwater is to be managed to improve/maintain the natural hydrological regime for the National Park, and ensure there is no impact on EEC & koala habitat;
- prohibition on keeping of cats and dogs is required;
- appropriate subdivision design measures should ensure consistency with the Coffs Harbour Koala Plan of Management;
- the proposed aboriginal cultural heritage management plan needs to be revised and updated, including the identification and management of cultural heritage conservation/relocation area(s);

- other matters raised included the need to ensure that provision had been made for sea level rise in the flood risk assessment.

the following key matters were raised in response to the PPR

- 10m vegetative buffering is required along the southern and eastern boundaries to mitigate impacts upon the EEC and Bongil Bongil National Park;
- a revised stormwater management plan is to address hydrological function of the site before/after development and possible impacts on ground water dependent EEC to the east;
- commitments are required to ongoing maintenance of retention basins and gross pollutant trap, in perpetuity;
- the nominated entry points to the National Park along the southern boundary are to be deleted; and
- a planning agreement is to be established in respect to the proposed dedication of any land for inclusion in the National Park.

Issues raised by OEH have been substantially resolved with the revised PPR; refer in particular to sections 5.1.3, 5.3 and 5.4 and 5.5. At least 10m vegetative buffering is to be provided to the eastern and southern boundaries. The area proposed in the EA for dedication and inclusion in the National Park will not be created as a residual lot where there will be no development and the proponent commits to enter negotiations for its dedication for environmental conservation purposes.

The proponent's statement of commitments and the recommended project conditions will deal with any outstanding matters and ensure that a final stormwater management plan addresses hydrological function of the site and possible impacts on ground water dependent EEC.

NSW Office of Water

The Office of Water raised the following key matters in response to the EA;

- an appropriately planted vegetated buffer zone in is required in addition to a core riparian zone for the central watercourse;
- stormwater detention basins should be removed from the core riparian zone;
- conditions of approval are recommended in relation to control potential Acid Sulfate Soil issues, groundwater quality and interception, stormwater quality, and construction impacts; and
- licenses are required for dewatering and groundwater monitoring bores.

The following key matters were raised in response to the PPR:

- revegetation of any cleared areas within the riparian zone should occur as soon as possible to minimise erosion issues;
- impacts of top soil placement adjacent to watercourse on stream velocities, flooding and condition of the watercourse need to be considered; and
- works within the riparian zone should be consistent with guidelines for controlled activities, as updated in July 2012.

Issues raised by the Office of Water have been largely resolved with the revised PPR; refer to sections 5.1.4 and 5.4. Riparian buffers are to be provided and stormwater detention basins have been removed from the central watercourse. Conditions of project approval are recommended in relation to groundwater monitoring (noting any licensing requirements), and in relation to sediment an erosion controls, and controlled activity guidelines. Recommended project approval conditions also require further assessment of the additional filling, with this to be reviewed and certified by a suitably qualified flooding consultant.

NSW Rural Fire Service (RFS)

The RFS raised the following key matters in response to the EA

- proposed asset protection zones (APZs) need to take into consideration proposed revegetation plans;
- the proposed revegetation plans will lead to the potential closure of the single entry/exit (access road) during a bushfire event, and this needs to be addressed;
- the proposed use of fire trails in the adjoining National Park, (as part of bushfire management for the subdivision) needs to be referred to OEH for advice;
- construction of future buildings are to be in accordance with AS3959-2009;
- minimum road carriageway widths of 8m are required; and

- road design/layout changes are required including provision of a suitable turning area for emergency vehicles (at the eastern end of road 8) and clarification as to whether road 8 loop road is proposed as a one way road.

The following key matters in regard to the PPR:

- guarantees need to be provided about ongoing maintenance of fire trails within the national park, otherwise proposed APZs will need to be provided wholly within the site;
- revegetation should be limited to a total of 20 metres width in relation to APZs and lots adjoining the revegetated riparian zone; and
- the fire trails within the national park need to be connected to the proposed perimeter public road at frequent intervals of 200m or less.

Outstanding issues have been resolved with the PPR, refer to discussion in section 5.3. Appropriate subdivision design road layouts and APZs are to be provided. Agreement has been reached between the proponent, RFS and the OEH/NPWS, regarding use of and access to fire trails within the national park, as part of APZs for the development. The vegetation management plan for revegetation of riparian zone has been revised to take account of required bushfire measures.

Roads & Maritime Services (RMS)

The RMS raised matters related to the proponent's traffic assessment in response to the EA, including the need for additional information on the following matters:

- possible traffic impacts at Lyons Road and junction of Bambara Drive;
- impacts of the proposed development on operation of Lyons Rd/Pacific Highway intersection;
- traffic generation rates;
- level of service modelling for intersections; and
- safe operation of internal intersections.

The RMS provided the following information in response to the PPR:

- the intersection of Bambarra Drive and Lyons Road should operate with a satisfactory level of service for ten years into future, including post development traffic based on a further SIDRA analysis of the intersection;
- increased peak hour movements at Lyons Road and Pacific Hwy (about 105 peak hour movements) will have no significant impacts; and
- traffic/speed calming measures could be considered at the cross road junctions along the main access road.

Traffic and access issues are discussed in section 5.6. The proponent has provided a revised traffic impact assessment with the PPR to address issues raised by RMS. Based on the RMS additional assessment and SIDRA analysis for the PPR there are no significant outstanding traffic issues. The provision of traffic/speed calming to the internal roads is dealt with by conditions of the project approval

Northern Rivers Catchment Management Authority (NRMCA)

The NRMCA raised the need for controls on domestic and feral animals; and for the targets and intent of the Northern Rivers Catchment Action Plan (CAP) to be addressed.

Convents restricting the keeping of cats and dogs are proposed as part of the proponent's statement of commitments. It is expected that feral animals can be controlled by council. The CAP has been addressed by the proponent in their PPR.

Housing NSW

Housing NSW raised the need to consider potential financial burdens on residents due to community title elements of the proposed medium density lots.

The medium density, community title component of the subdivision has been deleted, as part of the preferred project. The amended project now provides only for torrens title lots.

Land and Property Management Authority (LPMA)

LPMA noted that the land adjoins Bongil Bongil National Park, but otherwise there is no Crown lands nearby and therefore no Crown issues related to the proposal.

Industry & Investment (division of Department of Primary Industries)

While a submission was received from Industry and Investment, no issues were raised.

4.3 Public Submissions

Three submissions were received from the public. Of the three public submissions, two objected to the project (issues A & B), and one did not object (issue C).

- A. Potential increases in traffic on local roads.
- B. Medium density component of the development is out of character with the area.
- C. Request for inclusion of a children's playground facilities.

The department is satisfied that additional traffic resulting from the development can be accommodated by the existing streets and at the intersection at Lyons Road and Bambarra Drive; refer to discussion in section 5.5. The medium density, community title component of the proposal has been deleted, with amendments to the subdivision layout as part of the preferred project report, refer to section 5.6. The amended proposal provides for the provision of over 1ha as a neighbourhood park with active play areas where council can also provide playground facilities, refer to section 5.6.

The department has fully considered the issues that were raised in submissions in its assessment of the project.

4.4 Proponent's Response to Submissions and Preferred Project Report

The proponent provided a response to the issues raised in submissions (see Appendix C). This response included a Preferred Project Report (PPR) which was initially lodged by the proponent with the department in September 2012. As changes to the nature of the project and residential subdivision were not considered to be significant (refer to section 2.2) the PPR was not re-exhibited but was placed on the department's website. The PPR was also referred to relevant public authorities and five further submissions were received. As a result of the need to address further issues raised by public authorities (refer to section 4.2) the proponent lodged a revised PPR in May 2013. This was also not re-exhibited but was placed on the department's website. The revised PPR was referred to the Office of Water who provided further comments in relation to additional site earthworks proposed adjacent to the riparian zone.

5. ASSESSMENT

The department considers the key issues in its assessment of the project are:

- mitigation of ecological and biodiversity impacts;
- dedication of land for public purposes and development contributions;
- bushfire management;
- flooding;
- water management including treatment of stormwater;
- traffic and access;
- management of Aboriginal cultural heritage; and
- management of acid sulphate soils and any site contamination.

5.1 Mitigation of ecological and biodiversity impacts

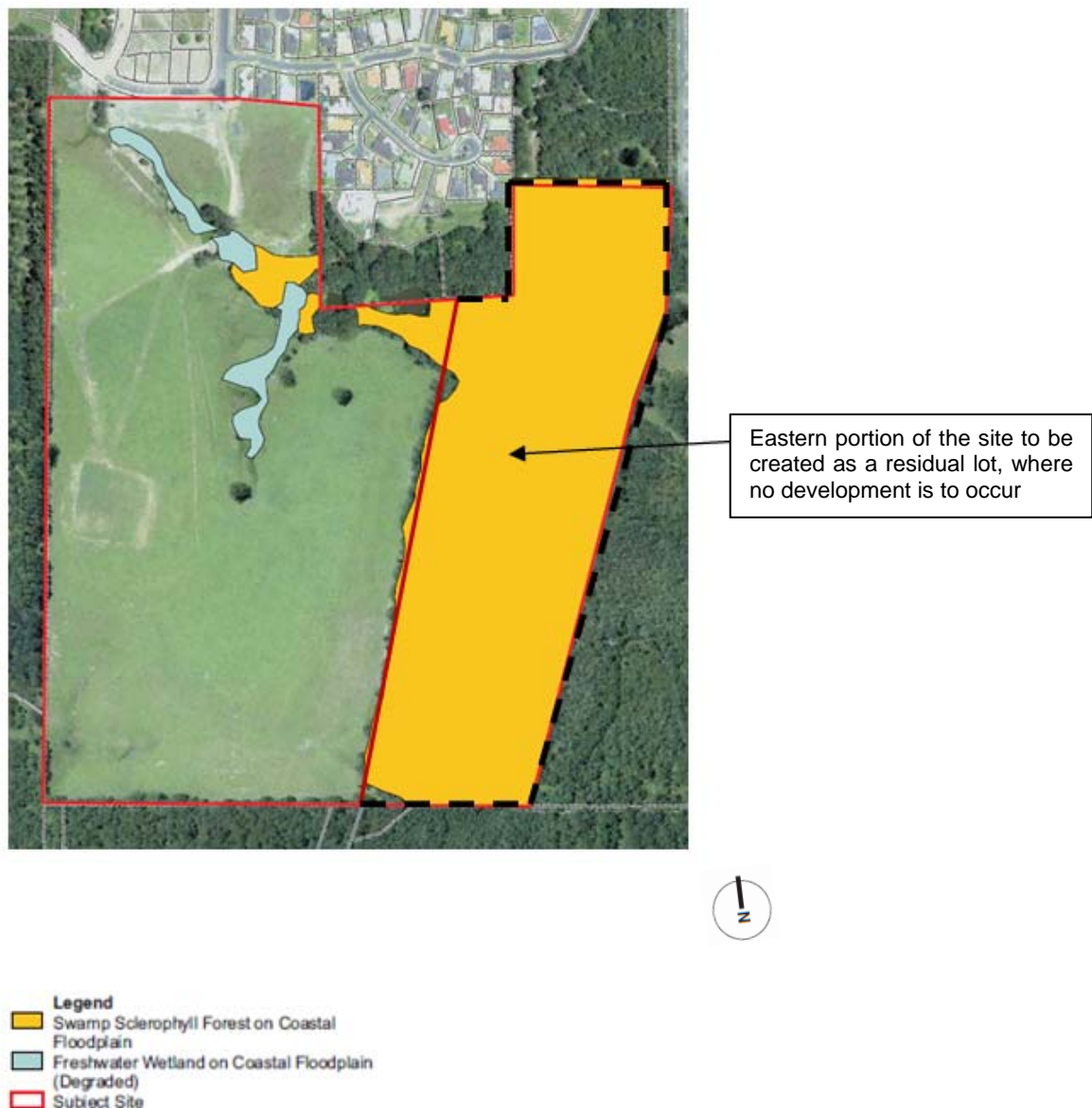
5.1.1 Impacts on existing vegetation and Endangered Ecological Communities

The project will involve the clearing of existing vegetation on the site. There will be a loss of 21.91ha of vegetation for construction of the lots and the associated future dwellings, as well as from site earthworks and filling and the construction of roads and infrastructure. This has been assessed in the proponent's ecological assessment prepared by JWA Pty Ltd (JWA report) which has been revised to take account of amendments to the proposal with the PPR. The areas where vegetation will be

cleared are primarily grassland with scattered trees. These areas of the site are of low conservation significance, having been subject to past clearing and agricultural activities and are currently subject to cattle grazing.

Two smaller areas of significant vegetation have been identified on the site, containing vegetation consistent with the endangered ecological communities (EECs), 'Swamp Sclerophyll Forest' (13.09ha) and 'Freshwater Wetland' (0.75ha) on Coastal Floodplains of the NSW North Coast, refer to Figure 13. These areas of EEC have been identified as having moderate to high conservation significance. The areas of Freshwater Wetland EEC have been degraded or disturbed by grazing activities and the presence of introduced grasses and weeds. Of the 13.09ha of Swamp Sclerophyll Forest identified in the JWA report, over 12ha is actually located within the eastern portion of the site largely zoned 7A Environmental Conservation and where no development is proposed.

Figure 13: Endangered Ecological Communities (Source: Revised Ecological Assessment, Appendix 7, PPR, Worley Parsons, May 2013)



The proposal as exhibited with the EA would have resulted in the loss of 0.40ha (3%) of the Swamp Sclerophyll Forest and 0.36ha (48%) of the Freshwater Wetland. This impact has been reduced with the project amendments in the PPR. Stormwater infrastructure and bio-retention basins have been removed out of the riparian zone, reducing impacts on the areas of EEC vegetation. No areas of

Swamp Sclerophyll Forest on the site will now be lost. However approximately 0.24ha (32%) of the Freshwater Wetland vegetation will still be lost or impacted due to the construction of the main access road and some of the proposed earthworks, such as site regrading and filling. There will also be some potential impacts resulting from the need to manage vegetation related to bushfire hazard mitigation (refer to section 5.3); although the proponent has advised that this would not result in removal of vegetation.

Revegetation and rehabilitation works within the riparian zone on the site will mitigate and ameliorate the impacts on EEC and the loss of freshwater wetland vegetation. In particular, approximately 0.69ha of revegetation works are proposed, which will offset removal of freshwater wetland vegetation. Also approximately 1.55ha of riparian revegetation and 1.11ha of assisted natural regeneration works are proposed (refer Figure 16). The proposed rehabilitation of the riparian zone is discussed further in sections 5.1.4.

The proposal as exhibited with the EA would have resulted in the loss of 0.40ha (3%) of the Swamp Sclerophyll Forest and 0.36ha (48%) of the Freshwater Wetland. This impact has been reduced with the project amendments in the PPR. Stormwater infrastructure and bio-retention basins have been removed out of the riparian zone, reducing impacts on the areas of EEC vegetation. No areas of Swamp Sclerophyll Forest on the site will now be lost. However approximately 0.24ha (32%) of the Freshwater Wetland vegetation will still be lost or impacted mainly due to the construction of the main access road. There will also be some potential impacts resulting from the need to manage vegetation related to bushfire hazard mitigation (refer to section 5.3); although the proponent has advised that this would not result in removal of vegetation. These impacts are largely unavoidable, in order to provide for suitable access to the development and ensure bushfire mitigation.

Revegetation and rehabilitation works within the riparian zone on the site will mitigate and ameliorate the impacts on EEC. In particular, approximately 0.69ha of revegetation works are proposed, including revegetation with Freshwater Wetland vegetation. Also approximately 1.55ha of riparian revegetation and 1.11ha of assisted natural regeneration works are proposed (refer Figure 16). The proposed rehabilitation of the riparian zone is discussed further in sections 5.1.4.

Impacts on the areas of Swamp Sclerophyll Forest within the eastern portion of the site will be controlled through the implementation of water sensitive urban design measures for management of stormwater runoff and through buffer zones to the development, these matters are discussed further in section 5.1.3 and section 5.5.

The department is satisfied that the proposed development will not significantly impact on areas of significant EEC vegetation. Impacts on some EEC vegetation within mostly degraded areas will be largely unavoidable due to the need to provide suitable road access into the site and associated bushfire hazard mitigation. Where the development will result in a loss of vegetation this will be satisfactorily mitigated by the proposed revegetation and regeneration of EEC vegetation in the riparian zone within the site.

5.1.2 Mitigation of fauna impacts

An assessment of the potential impacts of the development on threatened fauna species was undertaken as part of the ecological assessment in the JWA report. A fauna survey of the site recorded no threatened fauna species. However 19 threatened fauna species were identified as potentially occurring on the site. An assessment of significance was undertaken for each of these fauna species which concluded that the proposal would not result in any significant impacts. The fauna assessment also included an assessment of impacts on potential koala habitat. Council's koala plan of management identifies areas of primary koala habitat within the site, refer to Figure 14.

While the JWA report has suggested that based on 'ground truthing' of vegetation on the site, not all of the council mapped areas would provide suitable koala habitat, it concludes there will in any case be no removal or modification of suitable koala habitat. In this regard the majority of mapped primary koala habitat on the site is within the riparian zone, which is to be maintained, rehabilitated and revegetated. The eastern portion of the site where no development is proposed contains the largest areas of mapped primary koala habitat.

Measures that will be implemented to minimise impacts of the development on koala habitat will include retention and use of koala feed trees in revegetated areas, where suitable; low traffic speeds on the internal local roads; and provision of fire protection fuel reduced zones outside primary habitat areas.

Figure 14: Koala Habitat (Source: Coffs Harbour City Council mapping)

The OEH has highlighted that threatened native fauna species inhabit the surrounding national park and these species could be indirectly affected by wandering domestic pets, with dogs being known to wander during the early hours of the morning when koalas are more likely to be on the ground vulnerable to attack. The department shares OEH's concerns regarding the potential threat to koalas and other fauna.

The proponent's statement of commitments provides for a covenant or restriction on title of the residential lots prohibiting to keeping of cats and dogs (excluding assistance animals for persons with a disability). The requirement for this restriction on title has also been imposed as a condition of the recommended instrument of project approval.

Council does not support this requirement restricting the keeping of cats and dogs where it would be responsible for monitoring compliance. As the proposed subdivision is for torrens title lots there will be no formal community management (such as with community title schemes) to help enforce this requirement. The department however considers the proposed restriction should be maintained given the concerns raised by the OEH, the proximity of the site to the national park and in the absence of other measures. The restrictions on keeping of cats and dogs can be monitored by council through its powers under the *Companion Animals Act 1998* for the control and registration of dogs and micro chipping of cats.

The JWA report recommends the provision of koala proof fencing to the southern and western boundaries of the site (with Bongil Bongil National Park). Agreement has since been reached between

the proponent and OEH (NPWS) for provision of a standard agricultural stock fence to these boundaries. The department supports the use of this type of fencing, or similar, rather than koala proof fencing. Adjacent areas of the National Park (to the south and west of the site) contain areas that are mapped as secondary habitat, although these areas would generally have lower koala activity levels. Furthermore the rehabilitation and revegetation of the riparian zone will assist in provision of a potential wildlife corridor through the site, connecting habitat areas, which might otherwise be interrupted with koala proof fencing.

The OEH has recommended the use of intermediate rungs of barbed wire within this proposed fencing to the National Park boundaries, which the department understands is intended to deter wandering non native animals or domestic pets entering the National Park. Council does not support the use of barbed wire in an urban setting, and the department shares this concern. Conditions of the recommended instrument of project approval deal with this matter. The final details of the proposed fencing will form part of a final landscape plan to be approved by council. The fencing type and details for both boundaries to the National Park will be subject to agreement with OEH.

Overall the department is satisfied that the proposed subdivision will not result in any significant impacts on native fauna, and that suitable mitigation measures to protect koalas and their habitat are proposed, including retention and use of koala feed trees in areas to be revegetated and a covenant or restriction on title of the residential lots restricting the keeping of cats and dogs.

5.1.3 Mitigation of impacts on Bongil Bongil National Park

Due to its proximity and interface with the Bongil Bongil National Park the development has potential to impact on the environment and biodiversity of the park, including impacts from stormwater runoff and other 'edge' effects (such as weed invasion, vegetation removal, litter, and inappropriate access). This is also a consideration in respect to the eastern portion of the site, which contains swamp sclerophyll EEC vegetation contiguous with vegetation within the national park further to the east.

These issues were also raised as areas of concern by OEH who also specifically raised concerns regarding the lack of adequate vegetated buffer zones to the national park, the extent of proposed pedestrian access points into the national park and lack of details of suitable boundary fencing to manage and control access.

The proponent amended the proposal with both the initial and revised PPR to deal with concerns raised by OEH. A revised stormwater management strategy has relocated proposed stormwater retention basins so that they do not directly adjoin the site perimeter on the southern and eastern boundaries. Buffering has also been provided with the inclusion of a full perimeter road, verges, outer asset protection zones (APZs) for bushfire protection, and swale drains adjacent to the boundaries. Pedestrian access into the national park has been reduced, in consultation with the OEH, from 6 potential points of access down to a maximum of three points along the western boundary only. Agreement has been reached between the proponent and OEH (NPWS) for provision of a standard agricultural stock fence to the western and southern boundaries, to control access into the park.

The OEH recognised that changes to the project with the initial PPR of September 2012 would provide an improved level of impact mitigation, compared to the original proposal exhibited with the EA. However OEH further reviewed the issue of buffer zones that would be required to the boundaries with the national park and to the eastern portion of the site containing EEC vegetation. OEH clarified this matter following its consideration of the PPR of September 2012 (refer to section 2.2). OEH subsequently recommended that additional vegetative buffering of a minimum 10m be provided along the eastern and southern boundaries of the site, in tandem with the revised design measures to ensure that interface/edge and hydrological impact upon EECs will be appropriately mitigated.

The project as amended with the revised PPR of May 2013 provides for buffer zones to the boundaries with the National Park and to the edge of the eastern portion of the site which is to be provided as a residual lot. These buffers will be contained within the public reserve areas around the site perimeters, between the boundaries and the perimeter road, and will have the following widths:

- 7m buffer on the western boundary;
- minimum 15m buffer on the southern boundary; and
- 17m buffer to the edge of the proposed residual lot over the eastern portion of the site.

The buffers zones will be planted as outer protection areas as part of the perimeter APZs required for bushfire protection. These outer protection areas will still provide for a suitable measure of vegetative

buffering as trees can be retained despite the need for possible canopy cover reduction and removal of shrubs. This is also consistent with subsequent agreement reached between the proponent and OEH about the use and inclusion of adjoining fire trails outside the site within the National Park as part of the outer protection zone for the perimeter APZs, refer to section 5.3. The inclusion of the National Park fire trails means that bushfire managed areas extend into the National Park along the southern and western boundaries.

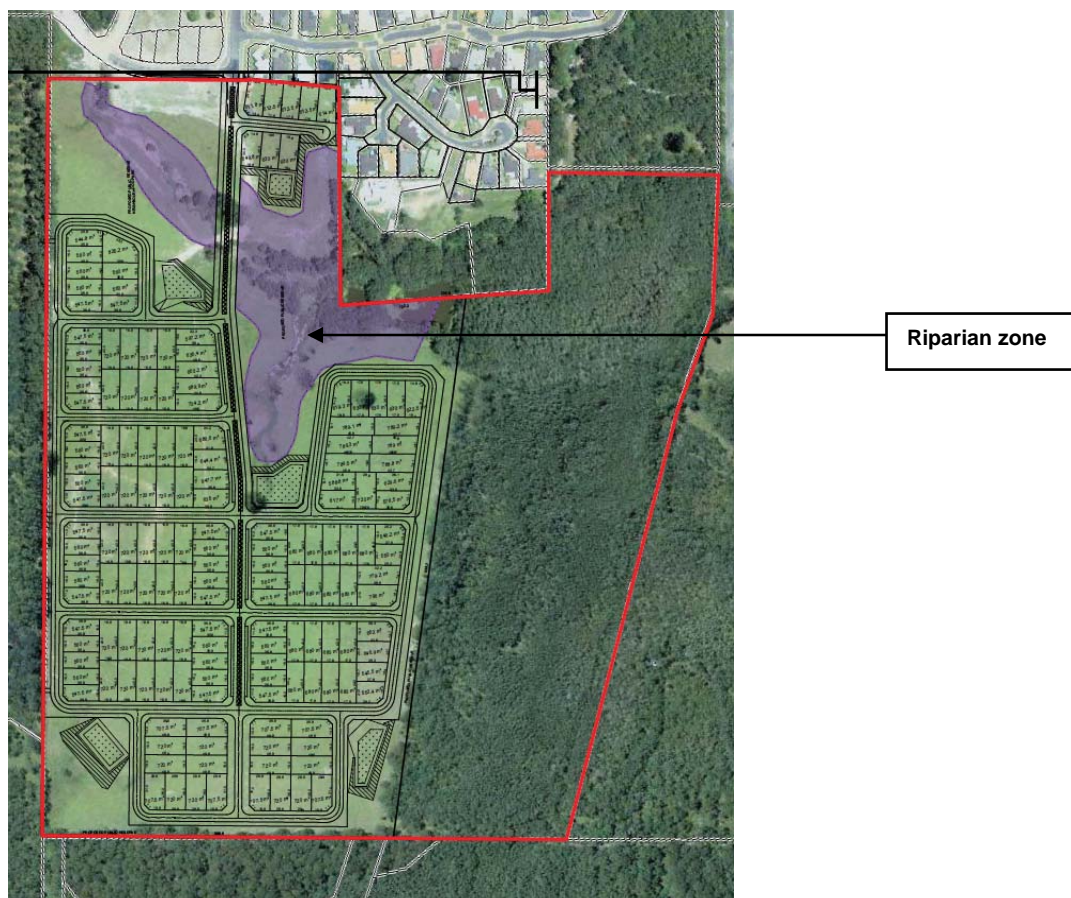
While the buffers will contain drainage swales, these can be excluded from the minimum 10m buffer required by OEH. As the outer road edges are flush kerbs (in accordance with council requirements) the swale drains will be necessary to collect and direct stormwater to the bio-retention basins. This will avoid stormwater runoff being discharged at the boundaries without being treated via through the bio-retention basins. These measures will be important in mitigating hydrological impacts upon areas of EEC vegetation. Treated stormwater outlet points, including three along the eastern boundary will assist in the maintenance of the water regimes for existing vegetation adjoining the site.

The department is satisfied that the buffers can provide for a suitable interface and setback to the national park and to areas of sensitive EEC vegetation, subject to the swale drains being provided outside the minimum 10m buffer width, which is required by the recommended conditions of approval.

5.1.4 Rehabilitation and revegetation of riparian zone

Watercourses running through the northern part of the site form a riparian zone, bisect the site in an east to west direction and include a wetland area that appears to have been a dam associated with historical farming and grazing of the site, refer to Figure 15 showing the riparian zone. This riparian zone drains into the adjoining Bongil Bongil National Park, and then into Bonville Creek. Protection and management of the riparian zone is an important consideration to reverse any previous degradation and provide for an ongoing stable and natural stream system.

Figure 15: Riparian zone (Source: Revised Vegetation Management Plan, Appendix 8, PPR, Worley Parsons, May 2013)

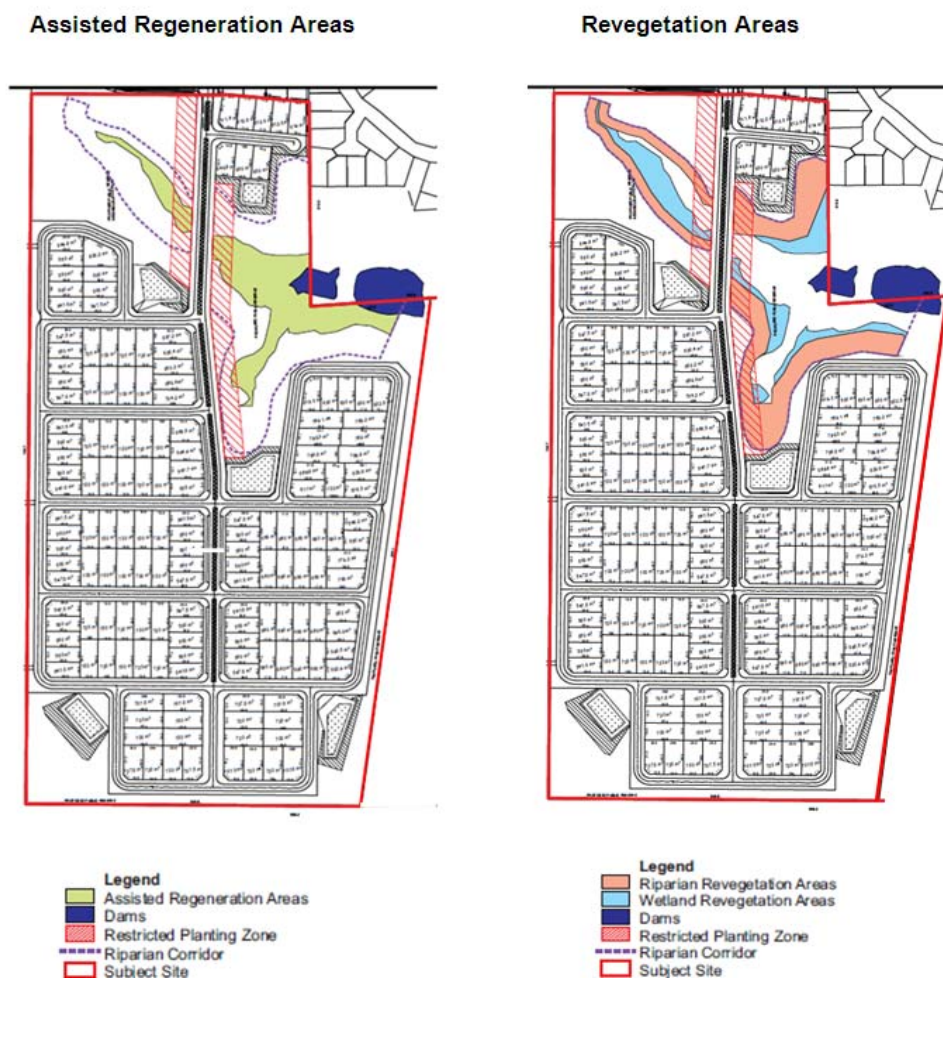


The NSW Office of Water raised concerns with the project as exhibited with the EA due to the lack of appropriate buffers to the riparian zone and due to the proposed location of stormwater infrastructure within the riparian zone. These concerns were addressed with amendments to the project as part of the initial PPR of September 2012, refer to section 2.2. Vegetated buffers will be provided adjacent to each side of a core riparian zone generally consistent with current Office of Water guidelines. Proposed stormwater infrastructure comprising bio-retention basins have also been relocated outside the core riparian zone. Encroachments within the core riparian zone are to be offset by equivalent areas, generally in accordance with the offsetting provisions within the Office of Water guidelines. The Office of Water subsequently advised that these amendments appropriately responded to the issues they had raised.

Rehabilitation and replanting of the riparian zone is proposed through the implementation of a vegetation management plan (VMP) which has been prepared for the proponent by JWA ecological consultants (who also undertook the ecological assessment of the proposal). The implementation of the VMP is confirmed within the proponent's statement of commitments, and will require the proponent to undertake initial works followed by a five year monitoring and maintenance period, after which management and maintenance responsibilities will lie with council.

The VMP sets out procedures for the assisted regeneration of vegetation within the core riparian zone where some significant cover of native vegetation still remains. There will also be revegetation of the riparian zone where native vegetation has been largely cleared, refer to Figure 16.

Figure 16: Rehabilitation and replanting of the riparian zone (Source: Vegetation Management Plan, Appendix 8, PPR, Worley Parsons, May 2013)



The assisted regeneration will involve primary weeding of the area and active protection and promotion of the natural succession of endemic vegetation. Supplementary planting will be undertaken

if necessary, as part of the requirements of the VMP. Revegetation will utilise appropriate endemic species, consistent with the EEC vegetation found within this area, and also include koala feed trees, where appropriate. In addition there will be a restricted planting area either side of the main access road for bushfire purposes where tree canopy cover will need to be reduced (plantings at approximately 25m centres) and shrubs sparsely spaced (bushfire management is discussed further in section 5.3).

The main access road into the subdivision will cross the riparian zone. This crossing is to be provided by means of a box culvert with the centre of the culvert aligned with the centre of the stream channel. The design of the culvert crossing will be generally in accordance with the relevant Office of Water guidelines (*Guidelines for watercourse crossings on waterfront land*, July 2012), and would also allow for the passage of fish. The department is satisfied that the proposed culvert crossing in the main access road will suitably reduce potential adverse impacts on the ecology of the riparian zone by allowing for fish passage.

Further changes have been made to the project with the revised PPR of May 2013 (refer to section 2.2) which includes regrading of the proposed public reserve areas adjacent to the riparian zone west of the main access road (up to within 10m of the replanting areas from the top of the bank of this area). The regrading is required by council in order to provide more level or useable areas for the proposed neighbourhood park to be provided in this location (with grades of 2% to 2.2% being required). This will lead to some reshaping of this area (with cutting and filling up to approximately 1m to 2m in places) and the provision of batters (no greater than 1 in 4) to the top of the bank of the core area of the riparian zone (the provision of the neighbourhood park is discussed further in section 5.2.2).

There will also be filling within the riparian zone, east of the main access road, with topsoil relocated from ridges within the site. This topsoil relocation is related to the management of Aboriginal cultural heritage (Aboriginal heritage issues are discussed further in section 5.7). The proponent has estimated that the filling related to the relocation of topsoil will involve a maximum of 6600 cubic metres of soil with filling to an average depth 450mm (potentially up to 800 to 1000mm depth). It is intended that this topsoil is located within as small an area as possible, refer to Figure 21 in section 5.7.

The Office of Water has reviewed the changes to the project made with the revised PPR of May 2013 (refer to section 2.2). The Office of Water raised some concerns about the placement of fill potentially affecting stream velocities or flooding, which could impact on the condition of the watercourse on site and downstream of the development. These issues raised by the Office of Water are discussed further in section 5.4 in relation to flooding impacts. It is expected that the effects of the filling would be negligible; however it is recommended that this matter be reviewed with final details at the construction certificate stage.

The Office of Water also recognised the need for the management of vegetation for bushfire purposes but recommended that any revegetation be undertaken as soon as possible after clearing to establish groundcover within the riparian zone to minimise any potential erosion issues within the watercourse. The Office of Water also noted that any works within riparian areas be conducted in accordance with the Guidelines for Controlled Activities. The conditions of the recommend instrument of project approval require the preparation of a final sediment and erosion control plan and its implementation of during all works on the site.

Council has also subsequently requested that a path connection be provided across the riparian zone to connect the areas of the proposed neighbourhood park divided by the riparian zone, refer to section 5.2.2. This matter is dealt with in the conditions of the recommended approval conditions. Final landscape plans to be approved by council will include provision of further details for a path connection across the creek (riparian zone), subject to consultation and agreement with the Office of Water. The Office of Water has agreed to this approach.

The department supports the proposed rehabilitation of the riparian zone. Implementation of the works set out in the proponent's vegetation management plan will provide a wider benefit to the community with the rehabilitation of degraded area, while at the same time providing for suitable bushfire hazard management.

5.2 Dedication of land for public purposes and development contributions

5.2.1 Eastern portion of the site

It was originally intended that the eastern 12.71ha portion of the site, which is mostly zoned 7A environmental protection and contains swamp sclerophyll forest EEC vegetation, would be dedicated to OEH (NPWS) at no cost, for its care, control, and management. This is consistent with the provisions of North Bonville DCP which requires that the addition to Bongil Bongil National Park of 7A zoned land be investigated.

The OEH recommended that the dedication of this land for inclusion in the National Park be undertaken by means of a planning agreement between the proponent and that agency. Subsequently, OEH (NPWS) advised the proponent that the suitability of the land would need to be assessed before its acquisition and reservation under the *National Parks and Wildlife Act, 1974* could proceed. Land could not be accepted for dedication as part of the National Park that is substantially modified, contains built infrastructure, requires ongoing maintenance encumbrances or contains significant areas of exotic pasture. These concerns are unlikely to arise as the land proposed to be dedicated comprises a bushland area containing vegetation of high conservation significance, contiguous with the same or similar vegetation within the National Park. Nevertheless, OEH is required to undertake this assessment which may take some time.

The OEH's agreement to accept the dedication needs to be dealt with through its reserve process and the Minister for the Environment is required to formally agree to accept the land. As such, OEH has advised the proponent that it would be premature to respond to the dedication offer at this stage.

While it is expected that this land will ultimately be dedicated and included within the National Park, the proponent is now pursuing the possibility of the land being used as a biodiversity offset by a third party, including the RMS using the land as part of an offset for loss of similar vegetation resulting from works on the Pacific Highway upgrade. In the interim the land will be created as a residual lot and retained and managed by the proponent. Development will be excluded from this portion of the site, and the proponent commits to enter negotiations for dedication of the land for its environmental conservation.

The department considers that the creation of a residual lot over areas of bushland within the eastern portion of the site, pending its dedication for conservation purposes, is appropriate as there will in the meantime be no development within this area, and as the provision of buffer zones along with water sensitive urban design measures for storm water management will mitigate impacts of development elsewhere on the site.

5.2.2 Neighbourhood park and other public reserve areas

The project, as amended with the revised PPR of May 2013, provides for acquisition by council and dedication to council of approximately 8.6ha of land within the site for the purpose of public reserves, including: a proposed neighbourhood park; land within the riparian zone which is to be rehabilitated and replanted by the proponent; land containing proposed stormwater infrastructure (bio-retention basins and swales); and perimeter buffer areas with APZs. Figure 17 identifies those areas proposed to be dedicated at no cost (6.4ha) and those areas to be acquired by council (2.2ha) which will be subject to the provisions of the North Bonville Contribution Plan 2013.

Council's North Bonville DCP 2008 requires that a neighbourhood park including children's playground, of approximately 1ha, be provided within the northern part of the site. The project as exhibited with the EA provided a nominal location for the neighbourhood park in the north eastern part of the site. This was unacceptable to council being too small, lacking visibility and natural surveillance, as well as lacking space suitable for active recreation. Furthermore, the area identified for the neighbourhood park in North Bonville DCP and zoned Open Space 6A - Public Recreation under Coffs Harbour LEP 2000, proved to be inappropriate and unsuitable taking into consideration site constraints, such impacts on sensitive vegetation and the riparian zone.

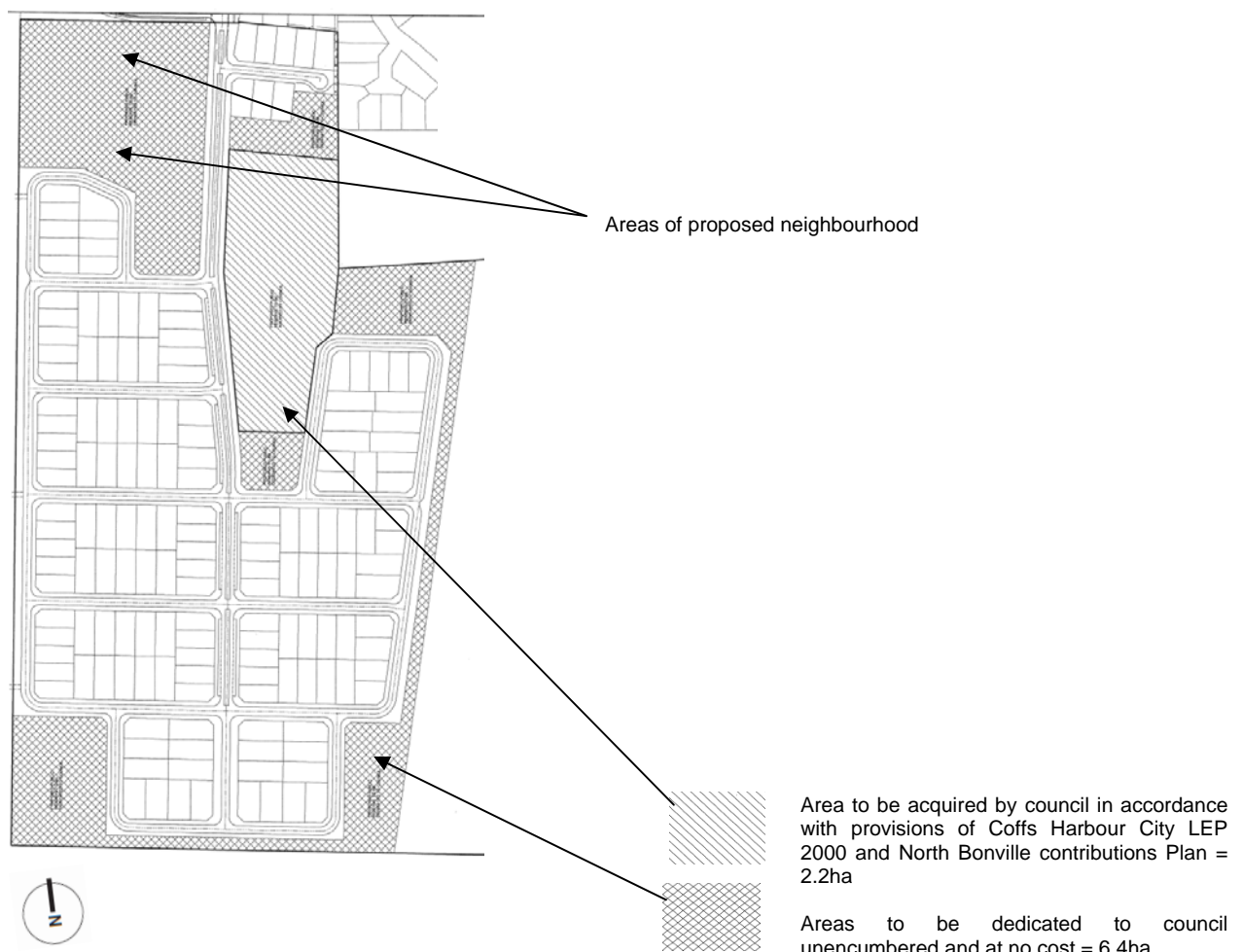
Following consultation and agreement with council about this matter the proponent has amended the location of the neighbourhood park, as part of the revised PPR of May 2013 (refer to section 2.2 and Figure 17). An area for the neighbourhood park has been provided in the north western part of the site located either side of the riparian zone (refer to Figures 15 and 16 showing the riparian zone). This is a suitable location which will ensure the provision of useable open space readily accessible to residents of the development site and the neighbourhood. It will have 1.19ha of useable recreation

areas (a 'kick around' area of 0.68ha and separate active play area of 0.51ha). As indicated in section 5.1.4, regrading is required by council in order to establish these useable spaces for active recreation. Site earthworks including this regrading will be undertaken by the proponent as part of stage 1 earthworks. The proponent will also undertake the establishment of grass to suit sediment and erosion requirements, and planting of the area as required under the Vegetation Management Plan.

The North Bonville Contribution Plan 2013 (which came into force on 8 May 2013 amending the previous 2008 contributions plan) makes provision for contributions for the purpose of land acquisition, landscaping and embellishment of the neighbourhood park. The contribution plan also makes provision for stormwater management works, related to a wetland area (which is generally commensurate with the dam/water body partly existing on the site) and establishment of coarse sediment and gross pollutant traps.

The proponent's revised Statement of Commitments includes dedication of the public reserve areas to council and the acquisition by council of land in accordance with the Contribution Plan (Commitments 3.7, 4.3, 10.4 and 14.2), prior to the release of the subdivision certificate. The acquisition area, as identified on the plan in Figure 17, has been mostly aligned with the area of the site zoned Open Space 6A - Public Recreation, where the acquisition provisions would apply under clause 20 of Coffs Harbour City LEP 2000. This 6A zoned land will now form part of the rehabilitated riparian zone where council will be responsible for its long term care, control and management, following rehabilitation and revegetation and initial management undertaken by the proponent. This use is permissible with consent within the 6A zone and is not inconsistent with the zone objectives to allow development for open space purposes.

Figure 17: Public reserve areas (Source: Preferred Project Report, Worley Parsons, May 2013)



The department supports the proposed location of the neighbourhood park within the north western part of the site. This location and the proposed site works to create active recreation areas will not only benefit the future residents of the site but also benefit the residents of the neighbouring area. The recommended conditions of project approval provide for the dedication of land in accordance with the plans submitted with the revised PPR of May 2013, as reflected in the detail in Figure 17.

5.2.3 Development Contributions

The North Bonville Contribution Plan 2013, Coffs Harbour Regional, District & Neighbourhood Facilities Contribution Plan 2013, Coffs Harbour Surf Rescue Facilities Contribution Plan 2013, and Coffs Harbour Road Network Contribution Plan 2013 all apply to the site. These plans provide for development contributions for the North Bonville area and for regional, district and neighbourhood facilities, surf rescue facilities, and the Coffs Harbour road network. There are also separate water supply and wastewater developer servicing plans, made under section 64 of the *Local Government Act, 1993* and section 306 of the *Water Management Act, 2000* which relate to charges for waste water and water supply works. The development contributions that will be required prior to release of subdivision certificates, for each stage of the development, are set out in Table 6. Contributions in respect to local open space facilities and stormwater management will be used for the acquisition of land by council as indicated in Figure 17. The open space contributions will also be used to cover costs of works to be undertaken by council within the neighbourhood park, such as landscaping and provision of any play equipment. These rates have been incorporated into the conditions of the recommend instrument of project approval.

Table 6: Development Contributions based on North Bonville Developer Contributions Plan and other relevant contribution plan

Service/facility	Contributions per lot
North Bonville Developer Contributions Plan	
Open space & recreation – local facilities	\$501.56
Transport & traffic	\$5,403.87
Stormwater management – water quality	\$1,324.33
Urban planning	\$60.47
Regional, District & Neighbourhood Facilities	
Southern district open space	\$2,526.83
Coordination and administration	\$377.31
Surf Rescue Facilities	
Rescue equipment/storage facilities	\$67.62
Coffs Harbour Road Network	
road network	\$2,068.22
Subtotal for section 94 charges per lot	\$12,330.21
Development Servicing (section 64 charges)	
Waste water	\$9,527.77
Water supply	\$9,111.25
Total per lot	\$18,639.02
Total (164 additional/ residential lots)	\$5,078,953.72

Note: rates are subject to CPI indexing/increases, as set out in the Contribution Plans.

5.3 Bushfire Management

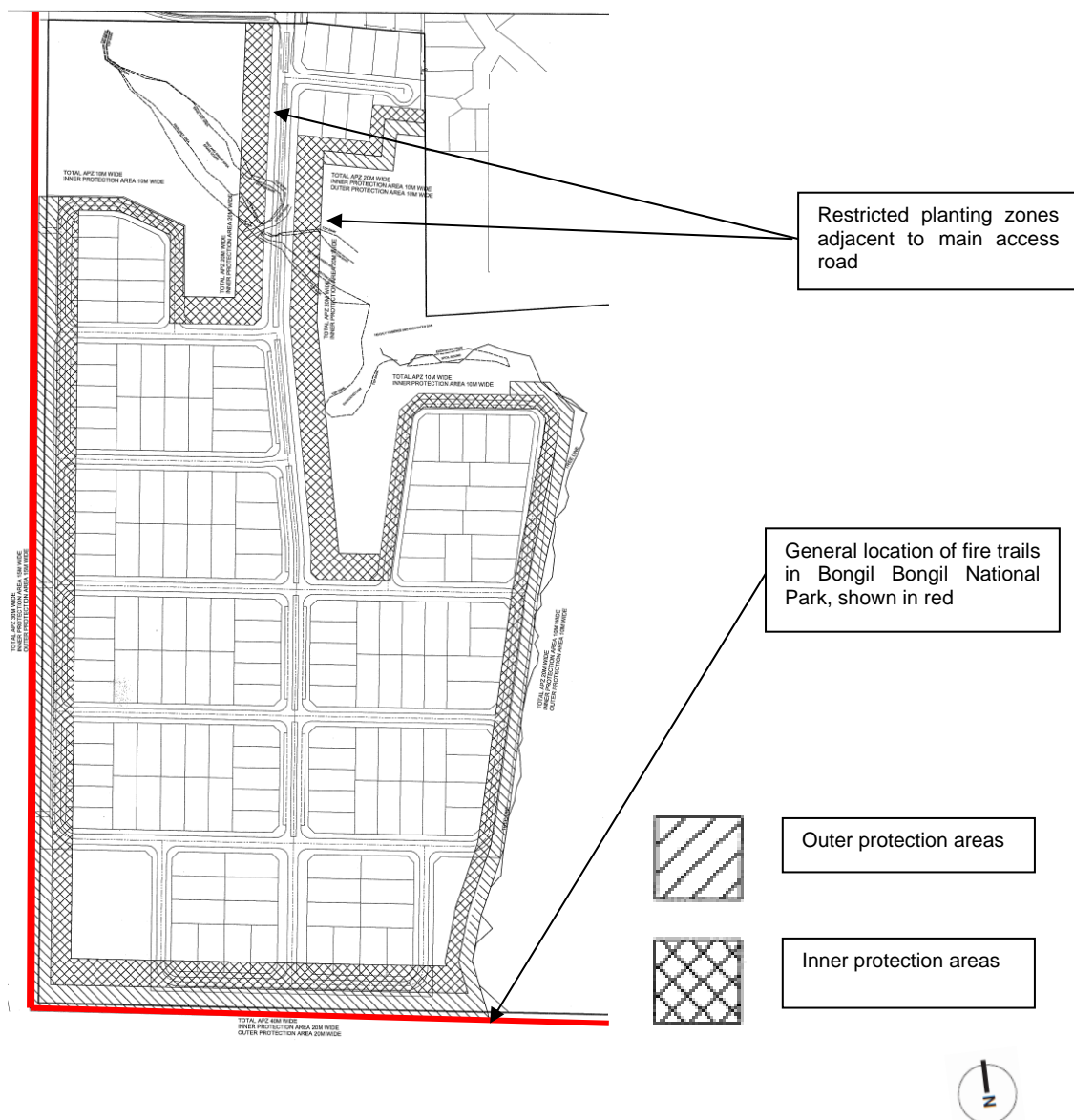
The site is bushfire prone due to bushland or forested vegetation located within the eastern portion of the site (refer to Figure 2) and within the adjoining Bongil Bongil National Park. Rehabilitation and revegetation of the riparian zone through the site also has the potential to increase the bushfire threat. Satisfactory bushfire management for the proposed subdivision is critical. This is proposed to be achieved through a combination of bushfire protection measures including the following key components:

- asset protection zones and appropriate separation from bushfire hazard vegetation, including utilisation of fire trails within the adjoining National Park adjacent to the western and southern boundaries, as agreed with OEH (NPWS) and RFS (refer to discussion below);
- appropriate road design, layout and widths incorporating provision of a perimeter road separating allotments from bushfire hazard vegetation as well as provision of suitable access and turning areas for emergency vehicles;
- provision of appropriate water supplies and utility services;

- additional protection measures such as vegetation management and maintenance, including restricted planting areas within parts of the riparian zone;
- restrictions on title of future lots regarding the use of appropriate construction standards for dwellings/buildings (in accordance with AS3959-2009 for construction of building in bushfire prone areas); and.
- covenants on the titles of lots located partly within the APZs to ensure vegetation and landscaped areas (which will be located within front yards/setbacks) are appropriately maintained.

As the subdivision of the land will be staged, by means of staged construction and subdivision certificates, bushfire management measures will also need to be staged. Roads at the completion of each stage will need to comply with relevant bushfire requirements. If connecting or through roads cannot be provided then temporary culs-de-sac may be required, with connecting fire truck/trail access if necessary. Undeveloped land adjoining each stage will need to be maintained as an APZ, until further staging and development occurs. The recommended conditions of approval require that details of the APZs (as it relates to each stage of the project) are to be provided to the satisfaction of the certifying authority prior to the release of the construction certificate for each stage of the project, and subject to the certification of a suitably qualified bushfire consultant.

Figure 18: Asset Protection Zones (Source: Preferred Project Report, Worley Parsons, May 2013)



A number of amendments to the proposal, as originally exhibited with the EA, have been made with the preferred project report to address outstanding bushfire management issues, including matters raised by the RFS (refer to section 4.2). This has resulted in amendments to road design and widths and the provision of the perimeter road at the interface with the bushfire hazard. Appropriate APZs have now been provided. The vegetation management plan for replanting of the riparian zone (refer to section 5.1.4) has also been amended to take account of bushfire management and provision of restricted planting areas adjacent to the main access road.

There were two key issues that needed to be resolved arising out of consideration of bushfire hazard management for the development. These two issues related to reliance on fire trails located outside the site within the adjoining National Park (as part of the perimeter APZs) and the protection of the main road access into the site from bushfire hazards. These key issues have since been resolved with the revised PPR, with agreement having been reached between the proponent and OEH (NPWS) regarding the use of the fire trails within the National Park and with the provision of appropriate bushfire hazard reduction measures adjacent to the main access road.

The department is satisfied that the bushfire management or mitigation measures for the proposed development can include the use of the fire trail system within Bongil Bongil National Park, as these fire trails will be managed and maintained by OEH (NPWS) subject to the relevant provisions of the *National Parks and Wildlife Act 1974* and *NSW Rural Fires Act 1997*. Following its consideration of the initial PPR of September 2012 and liaison with the proponent OEH (NPWS) advised the proponent that the subject fire trails within the National Park will be routinely maintained as conditions allow, including fuel reduction measures. The RFS therefore subsequently advised the proponent (email to the proponent on 26 March 2013) that the fire trails to the west and south of the subject land could be incorporated into the proposed perimeter APZs. Agreement has also been reached with OEH (NPWS) for the provision of three access points for emergency vehicles, suitable to RFS, along the western boundary, into the National Park fire trails.

Management of vegetation adjacent to the main access road will be a primary hazard mitigation requirement for the proposed subdivision. Vegetation adjacent to the road is to be managed in a bushfire hazard free state for an area of 20m either side of the road. These areas are to be free of trees and closely spaces shrubs, and are identified as a restricted planting zones within the Vegetation Management Plan for the riparian zone, refer to section 5.1.4 and Figure 16. The restricted planting zone will affect approximately 0.42ha of the site and is to be largely revegetated in accordance with the composition of the freshwater wetland EEC. The Office of Water advised that it understands the need for these measures. The department strongly supports these measures but recognises the need for this to be undertaken in manner that minimises issues such as soil erosion and impact on the riparian zone and EEC. This can be appropriately carried out through the proposed Vegetation Management Plan, refer to section 5.1.4.

5.4 Flooding

The site includes land that is subject to 1 in 100 year flooding; being within the flood plain associated with Bonville Creek to the south of the site, refer to Figure 1. The areas of the site affected by this flooding are largely within the riparian zone in the northern portion of the site. The lower lying bushland area in the eastern portion of site is also subject to flooding, but no development is proposed within this portion of the site.

The EA was accompanied by a flood report prepared for the proponent by Bewsher consulting which addresses flooding impacts on the proposed development (Bewsher report). This has identified an underlying 100 year flood level of RL 4.1m AHD, from Council's 1995 Bonville Creek flood study. Impacts of climate change and potential sea level rise has been addressed from an assessment of results of a 2009 assessment of the neighbouring Boambee Creek catchment. That assessment considered three sea level rise scenarios in the 2007 OEH guidelines including the upper scenario of a sea level rise of 0.91m.

Taking account of potential increases from climate change and sea level rise the Bewsher report establishes a flood level of RL 4.7m AHD. It is therefore proposed that all developable areas have ground levels of at least RL 5.50m AHD and habitable floor levels of not less than RL 5.80m AHD. This will provide suitable freeboards relative to the potential climate change 100 year flood level. The preliminary civil drawing submitted with the EA, as amended with the PPR, provide for site earthworks and filling to achieve the required site levels. This is consistent with advice from council that all developable lots to be filled to a minimum 5.5m AHD and the access road is to have a minimum finished level of 4.7m AHD. Areas on the site where bio-retention basins are to be located for

stormwater management are also to be above the 100 year flood level or filled to achieve this level. These flood planning levels are reflected in the recommended conditions of approval, in respect to the required ground levels for the residential allotments, roads and stormwater infrastructure.

The potential flooding impacts of proposed site earthworks and filling to achieve the required flood free levels have also been addressed in the Bewsher report. No significant impacts are identified. It indicates that the overall potential cumulative loss of floodplain storage in the Lyons Road flood storage area would only be 0.6% and that significant flood storage areas will still remain within the adjacent Bongil Bongil National Park.

Subsequent to the Bewsher report the project has been amended with the revised PPR of May 2013, refer to section 2.2, to provide for some additional earthworks, site reshaping and filling within public reserve areas adjacent to the riparian zone. As indicated in section 5.1.3 the Office of Water has raised some concerns about the placement of this fill potentially affecting stream velocities or flooding, which could impact on the condition of the watercourse on site and downstream of the development.

The proponent has reviewed this matter and indicated that the catchment area for the watercourse within the riparian zone, and up stream of the areas to be filled, is relatively limited being 14.9ha and approximately 0.6km in length. This means that there will be limited water flows through this area. The effects of filling upstream and within the site are considered to be negligible, with a similar flow regime retained as has already been determined in this area, being 1 in 100 year flood depths in the order of 0.3m and velocities less than 1 metre per second.

The areas downstream of the access road flow into the lower lying areas of Lot 112 and into Bongil Bongil National Park which act as flood storage for Bonville Creek. The Bewsher report took into consideration the impacts of filling on flood storage and the loss was assessed as being between 0.4% to 0.6%. Due to these limited impacts on flood storage and the extent of flood storage areas within the adjacent National Park the department is satisfied that the additional filling is unlikely to be result in any significant additional downstream impacts.

Notwithstanding the above, final management plans and site levels are potentially subject to some changes with the preparation of final details at the construction certificate stage. Therefore the recommended conditions of approval will require that the proponent review this matter, as part of the final water management plans for the development. The proponent will need to demonstrate that site earthworks and filling do not adversely impact stream velocities and flooding, which could impact on the condition of the watercourse on site and downstream of the development. This matter is to be reviewed and certified by a suitably qualified flooding consultant.

The department is satisfied that filling of lower lying areas of the site to achieve flood free levels will protect the proposal and the residential lots from potential flooding impacts, including impacts of climate change and potential sea level rise. Furthermore the department is satisfied that this site filling will not result in any significant impacts including downstream impacts, subject to the additional filling proposed as part of the revised PPR being reviewed and certified by a suitably qualified flooding consultant, in accordance with the requirements of the recommended conditions of approval.

5.5 Water management including treatment of stormwater

The appropriate management of water and stormwater flows from the proposed development is important, particularly because of potential impacts on significant swamp and wetland EEC vegetation within the site, and vegetation within the eastern portion of the site and within Bongil Bongil National Park. The stormwater management strategy for the development provides for water sensitive urban design measures (WSUD) which aim: to control and treat stormwater and mitigate impacts from stormwater flows on sensitive vegetation areas; and to maintain water quality for downstream creek systems. This stormwater strategy also incorporates findings and outcomes of separate groundwater assessment submitted with the EA, in regard to appropriate hydraulic soil conductivity values. Key features of the stormwater strategy include provision of:

- five bio-retention basins to provide stormwater quality treatment, storage and promote infiltration of runoff to balance and slow down the surface/subsurface flows, refer to Figure 19;
- bio retention swales along roads to treat and slow down runoff from lots and roads;
- gross pollutant traps to remove sediment, debris, organic matter and litter; and
- rainwater tanks to reuse runoff and reduce runoff volume and pollutant loads (with 5kL rainwater tanks potentially being allocated for each dwelling).

Figure 19: Location of stormwater management measures (Source: Preferred Project Report, Worley Parsons, May 2013)



The proposed bio retention basins and swales will comprise low relief areas of native grasses, shrubs and trees with an infiltration area, an engineered filter media, and a subsoil drainage network.

The Office of Water and OEH raised concerns about water management impacts, including impacts upon groundwater dependent EEC vegetation to the east of the site. The OEH also recommended that mitigating these impacts should be a central objective of the stormwater management strategy along with commitments to ongoing maintenance of stormwater infrastructure to ensure that it functions, in perpetuity. The Office of Water advised that stormwater detention basins should be moved out of the riparian zone.

The proponent's stormwater assessment included stormwater modelling which indicated that the proposed stormwater measures, including the bio-retention, would result in improvements in sediment and nutrient load discharges from the site and reductions in pollutants (runoff of suspended solids, phosphorous and nitrogen). These improvements would meet the objectives and standards of the council's policy for implementation of water sensitive urban design.

The PPR also includes a revised stormwater management strategy to address issues raised by the Office of Water and OEH. This revised stormwater management strategy has relocated proposed stormwater retention basins. These do not now adjoin the site perimeter on the southern and eastern boundaries and have been removed out of the riparian zone, so that they do not directly impact on the vegetation within the National Park, and areas of EEC. The proponent's Statement of commitments require that the quality and quantity of stormwater discharges improve or maintain the current natural hydrological regime and there is no increase in pollutant loads.

The proponent's stormwater management strategies as well as the Statement of Commitments address ongoing maintenance issues. Bio-retention basins and swales are to be designed to minimise maintenance requirements (including use of flushing points, use of vegetation and gravel to minimise scour in bio-retention basins, and regular removal of accumulated material from gross pollutant traps). The statement of commitments provide that the proponent will be responsible for maintenance of stormwater infrastructure for an initial 5 year period (from commencement of initial vegetation management plan works) after which this will become a responsibility of council. The statement of commitments also provide for a 2 year bond for maintenance of this infrastructure.

The proponent's stormwater management strategy has included the use of a 4.6m wide bio-retention swale within the centre of the main access road. Council has sought their removal due to difficulties experienced in the Coffs Harbour council area with ongoing management and maintenance issues with these swales. Council has advised the proponent that the other bio retention measure on the site could be resized to take account of the loss of these swales.

While this could represent an increase of over 50% in the filter requirements for the five proposed bio-retention basins, these basins are located in areas on the site where there would be an opportunity to increase their size and capacity, if this increase is spread across the five basins, refer to Figure 19. There may also be an opportunity to provide some swales at alternative locations at the perimeters of the proposed roads. The recommended conditions approval requires the submission of final design plans of the water cycle management and stormwater drainage system, including deletion of the proposed central road swales and suitable treatment elsewhere, such as within the end of line bio retention basins.

In respect to ground water impacts, the EA was accompanied by a ground water assessment carried out by Worley Parsons. This indicates that development of the site is likely to lower the recharge of groundwater, but that it is unlikely that the development will have a demonstrable effect on groundwater dependent EEC vegetation. The amendments to the proposal within the PPR would not be expected to alter these groundwater findings. Groundwater monitoring is to be undertaken and the results of this monitoring are to be reviewed by a groundwater practitioner. The recommended conditions of approval require that groundwater monitoring be undertaken during construction and for 12 months post development, and require submission of a report on the monitoring to the Office of Water for their review.

The department is satisfied that the stormwater strategy, incorporating the proposed bio-retention and WSUD will satisfactorily treat stormwater runoff from the development so as to avoid significant impacts on sensitive vegetation communities including impacts on vegetation within Bongil Bongil National Park.

5.6 Traffic and access impacts

Access to the site will be from Lyons Road and Bambarra Drive. Bambarra Drive extends approximately 170m from its intersection with Lyons Road to the northern boundary of the site. Bambarra Drive has been constructed as a collector road and will be extended into the site to provide the main access road, or central spine road within the subdivision. Lyons Road is a main or regional road and connects the site to the Pacific Highway to the west (approximately 750m away) and to Sawtell township to the east (approximately 3.2km away). A 'seagull' intersection has been constructed with a right turn lane and a left turn slip lane, at the Lyons Road intersection with Bambarra Drive.

The traffic impacts of the proposed subdivision have been considered in the EA with a traffic management plan prepared for the proponent by Geoff Slattery and Partners. This traffic management plan has been updated for the PPR to take account of amendments to the proposal (with deletion of the medium density allotments) and include additional information to respond to traffic concerns raised in public submission and respond to issues raised by the RMS such as traffic impacts

at intersection at Lyons Road and at Pacific Highway, traffic generation rates; and level of service modelling for intersections.

There are currently approximately 150 allotments within the urban release area adjoining the site, which generate 1500 vehicle movements per day. The proposed development of 165 allotments is anticipated to generate a total of 1650 new vehicle movements per day. The existing intersection of Bambarra Drive and Lyons Road was constructed in 2008/2009 to accommodate the additional development as identified in the North Bonville DCP. The proponent was of the view that as this intersection has been designed for the future traffic generation no further works are required at the intersection. Furthermore the capacity of the intersection for through and turning traffic will be maintained at a level of service A.

While no modelling of the existing intersection was undertaken by the proponent's traffic consultant, the RMS, following submission of the initial PPR of September 2012, further reviewed this matter. A SIDRA analysis was undertaken by the RMS for the intersection of Bambara Drive and Lyons Road for ten years into the future, including consideration of post development traffic. The RMS subsequently advised that the intersection with Lyons Road should operate with a satisfactory level of service for all movements in the future. Traffic generation for 165 low density lots would increase traffic volumes by approximately 105 peak hour movements at the Lyons Road interchange with the Pacific Highway, which should not have a significant impact on the operation of the interchange, now or into the future.

The concerns raised in resident submissions regarding traffic impacts resulting from potential increases in traffic on local roads will be mitigated with the deletion of the medium density component of the proposed development, and the resulting reduction in the number of dwellings. Additional resident concerns were related to the implementation of left in and left out traffic access for the intersection to the east at Rutland Street. This intersection treatment does not form part of the proposed development but has been identified in the North Bonville DCP. Also as noted above, the intersection of Lyons Road and Bambarra Drive should operate satisfactorily in future. It has been designed to accommodate future traffic associated with development in North Bonville, and the majority of vehicles accessing the site would use this intersection.

The RMS also raised some concerns about the safe operation of internal intersections. Following the submission of the initial PPR of September 2012, they have subsequently reviewed this matter and suggested that this could be addressed with traffic calming measures, such as small roundabouts, at the cross road junctions. A median island to be provided along the main spine road will have some traffic calming effects, unless this is removed in conjunction with removal of centre stormwater drainage swales, refer to section 5.4. The department is satisfied that the provision of appropriate traffic calming measures to the internal road can be dealt with by appropriate conditions of approval. This will require that the final internal road designs include traffic calming measures are to the satisfaction of council (who will ultimately be responsible for the management and maintenance of the internal roads). The recommended condition notes that RMS has suggested the use of small roundabouts at the cross road junctions for traffic calming purposes, particularly along the main access road.

The department considers that traffic issues raised in the submissions to the EA have been addressed, and is satisfied that access to the site will be satisfactory and the additional traffic resulting from the development at North Bonville can be accommodated by the existing streets and the intersection at Lyons Road and Bambarra Drive.

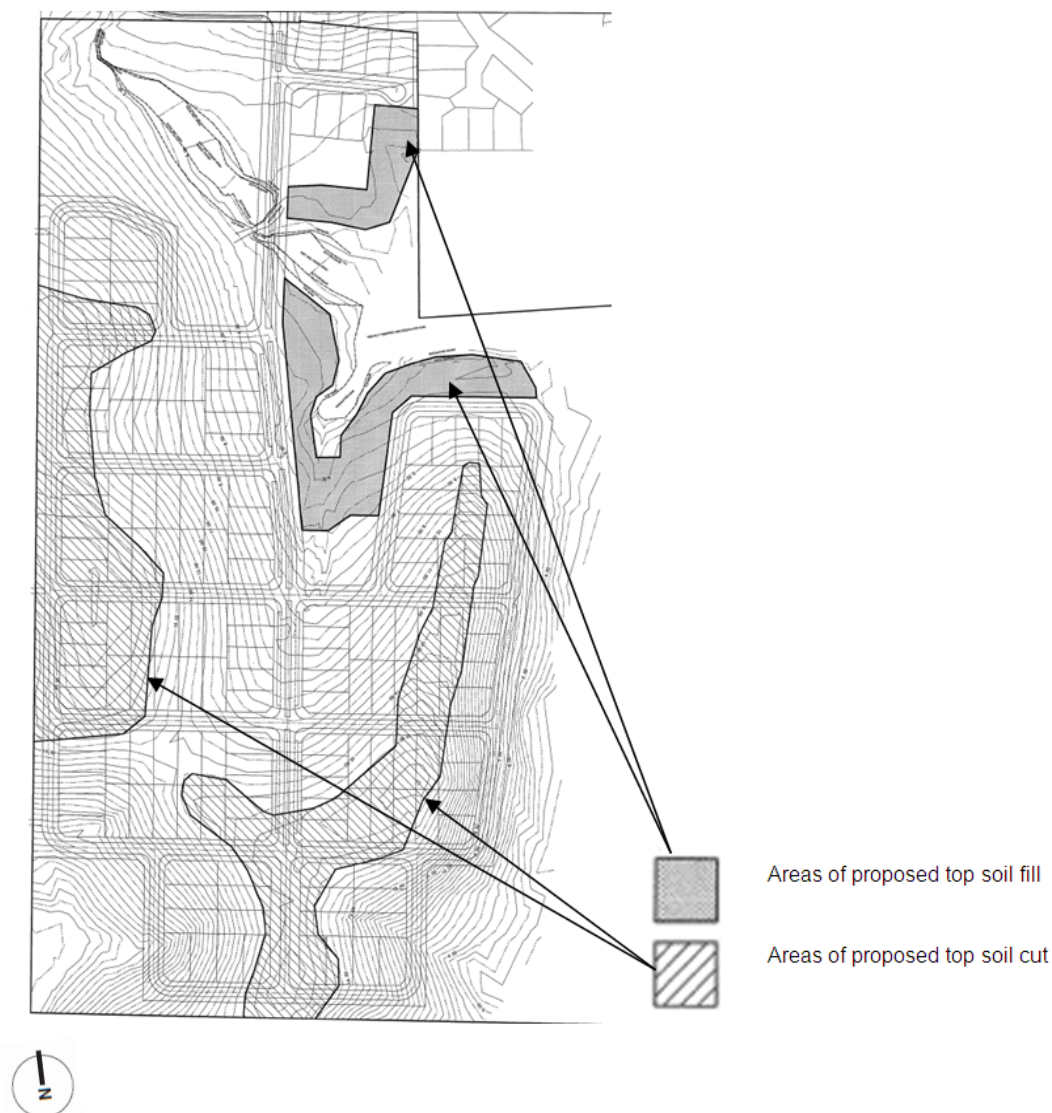
5.7 Management of Aboriginal cultural heritage

An Aboriginal cultural and archaeological assessment was undertaken on behalf of the proponents by Bonhomme Craib and Associates. This was undertaken in accordance with the relevant OEH guidelines, and included notification and consultation with the local aboriginal community such as Coffs Harbour Local Aboriginal Land Council (CHLALC). Five areas of potential archaeological deposits along site ridges and slopes were identified during field surveys in January 2009. Further site investigations and test excavations were undertaken in November 2009. Over 1300 stone artefacts and tools were recorded. Accordingly the site has moderate to high Aboriginal cultural heritage significance. Recommendations in the archaeological assessment in respect to the Aboriginal heritage values of the site are reflected in the proponent's Statement of commitments (as revised with the PPR) and include the following matters:

- removal of ridge topsoil, prior to any other construction activity, with the topsoil to be deposited within public reserve areas to the east of the main access road, adjacent to the riparian zone. This will protect any remaining relics or artefacts to the extent that they be relocated to a more secure part of the site and would not remain within boundaries of the proposed residential allotments or within internal road or infrastructure areas;
- recording of the location of the relocated topsoil with OEH Aboriginal Heritage Information Management System; and
- a walkover of the removal area to be undertaken by representatives of the CHLALC and collection of any visible artefacts to be redeposited in a secure location on site, negotiated between the proponent and the CHLALC.

The Aboriginal cultural and archaeological assessment indicates that the CHLALC have agreed to the removal of the top soil and the relocation of stone artefacts to a secure location, to be determined on site. The OEH supports the recommendations of the Aboriginal heritage assessment but recommended that details of the relocation area be finalised prior to determination of the project, along with details of long term management. The revised PPR has confirmed the location of the relocated top soil will be within the public reserve areas to the east of the main access road, away from the neighbourhood park area, but within areas that will be dedicated to and managed by council, refer to Figure 21. The estimated volume of cut and fill is 6600 cubic metres. The depth of fill is anticipated to be 450mm but could be up to 800mm to 1000mm, located within the areas as nominated in Figure 21.

Figure 21: Areas for removal and relocation of top soil (Source: Preferred Project Report, Worley Parsons, May 2013)



Revision and updating of the proponent's proposed cultural heritage management plan and work method statement was recommended by OEH so as to include matters such as: responsibilities of stakeholders; ongoing Aboriginal consultation; investigation processes; education programs for contractors and construction personnel; inclusion of plans of areas subject to monitoring; collection and salvage activities, compliance procedures and long term management strategies. This is dealt with in the proponent's Statement of Commitments and is included in the recommended conditions of the project approval.

The department is satisfied that the measures to be adopted in the proponent's statement of commitments and by the recommended conditions of approval, in addition to continued consultation and liaison with the local Aboriginal community, will protect the Aboriginal cultural heritage values of the site.

5.8 Other matters

5.8.1 Acid Sulfate Soils (ASS)

The site contains potential acid sulfate soils (PASS), being class 3 and 5 ASS, where class 5 is of the lowest risk. Council's ASS risk mapping also indicates areas of low probability of ASS between 1m and 3m below ground surface level. These areas are within the east and north east sections of the site. A geotechnical and ASS assessment report was submitted with the EA, prepared by Coffey Geotechnics Pty Limited, on behalf of the proponent (Coffey report). Testing was undertaken and the soils were found to be predominantly acidic but not ASS or PASS.

The Coffey report indicates that the acidic soils are typical of the area, with exposure not likely to produce further acidity and not having a significant negative effect to the environment or health. Only one soil sample collected from the low lying area in the south west corner of the site was found to be potential ASS. It is recommended that if this area is required to be disturbed and soil removed then the upper 500mm be stripped, stockpiled and treated with lime to increase the pH and remove the potential ASS. These requirements, as well as required liming ratios to counter acidity, have been included within the proponent's statement of commitments. The department is satisfied that the ASS or potential ASS on the site can be suitably managed, subject to the implementation of the findings and recommendations of the Coffey report. This is required by the conditions of the recommended instrument of project approval, as well as the proponent's statement of commitments. Disturbance of any ASS within the south west corner of the site will require that an Acid Sulfate Soil Management Plan be prepared by a suitably qualified practitioner.

5.8.2 Contamination

Current and recent uses of the site have included grazing and agricultural/ horticultural activities (including banana cultivation) which are potentially contaminating land uses. The EA has included a contamination assessment prepared by Coffey Geotechnics Pty Limited, undertaken in accordance with the contaminated land planning guidelines. This identifies previous site activities related to tomato and potato cropping and a banana plantation from 1970s to 1990s with cattle grazing since that time. Several small piles of fill were also identified in the northern portion of the site consisting of building waste material. Soil sampling and testing was undertaken, in accordance with the relevant guidelines, to detect potential contamination, include presence of asbestos. Testing identified that there was low levels of pesticide, but no areas of environmental or contamination concern have been identified. No asbestos was identified. It was therefore concluded that the site has a low potential for contamination and further assessment is not required.

6. RECOMMENDATION

The department has assessed the EA and subsequently submitted information, including amendments to the project with the PPR. The department has also considered the submissions received in response to the proposal.

The key issues raised by the proposal related to ecological and biodiversity impacts, bushfire management, and identification of suitable areas for a neighbourhood park and for relocation of topsoil related to management of Aboriginal cultural heritage. This has included consideration of the need to protect and enhance areas of significant vegetation and potential koala habitat within the site and in

the adjoining National Park, in conjunction with implementation of satisfactory bushfire hazard management and appropriate stormwater treatment measures.

Amendments to the project to address key issues have included:

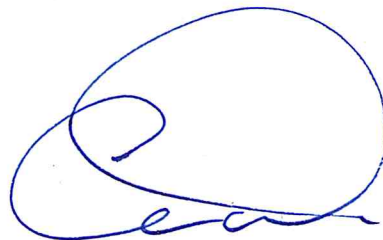
- amendments to proposed stormwater management and relocation of bio-retention basins to avoid impacts on a riparian zone and areas of ecological significance;
- provision for rehabilitation and revegetation of the riparian zone generally in accordance with NSW Office of Water guidelines, with endemic vegetation consistent with EEC vegetation and koala habitat trees;
- integration of ecological mitigation and proposed revegetation with bushfire management requirements, including provision of asset protection zones with managed vegetation of minimum 20m width either side of the main access road;
- amendments to the subdivision layout including provision of perimeter roads at interfaces with surrounding bushland to reduce edge impacts and provide for bushfire hazard management;
- provision of perimeter buffers to the interface with Bongil Bongil National Park;
- provision of suitable fencing to Bongil Bongil National Park and removal of excessive pedestrian access points;
- provision of a neighbourhood park for existing and future residents of the area with over 1ha of active recreation space, within a suitable location adjacent to the riparian zone following consultation and agreement with council; and
- identification of suitable area for relocation of top soil related to the management of Aboriginal cultural heritage and any remaining relics or artefacts.

Recommended conditions in conjunction with the proponent's statement of commitments will ensure that key issues are satisfactorily addressed and the project will have minimal impacts.

The proposal has largely demonstrated compliance with the existing environmental planning instruments and is generally consistent with council's strategies and controls for the residential release of the land. The department considers the site to be suitable for the project and in the public interest. Consequently, the department recommends that the project be **approved**, subject to the conditions of approval and the proponent's Statement of Commitments.



Director
Metropolitan and Regional Projects North



12.7.13

Executive Director
Development Assessment Systems and Approvals

APPENDIX A ENVIRONMENTAL ASSESSMENT

See the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2483

APPENDIX B SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2483

APPENDIX C PROPONENT'S RESPONSE TO SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2483

APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS AND OTHER RELEVANT PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICIES

The proposal has been considered against the following State Environmental Planning Policies and is considered to be generally in compliance with the provisions contained within the following:

State Environmental Planning Policy (Major Development) 2005

The MD SEPP applies to the project as discussed in Section 3 of the report.

SEPP (Major Development) 2005 - as in force at the time application was initially made	Criteria	Complies	Department Comment
Clause 6 Identification of Part 3A projects	Clause 6(1)(a) Development that in the opinion of the Minister, is development of a kind that is described in schedule 1 or 2 of the SEPP.	Yes	<ul style="list-style-type: none"> On 7 May 2008, the Director-General, as delegate of the Minister formed the opinion that the proposed residential subdivision was of a kind referred to in schedule 2.
Schedule 2 Specified sites	Clause 1- Coastal areas Clause 1(1)(i)(i) Subdivision for residential purposes of land that is not in a metropolitan coastal zone into more than 25 lots	Yes	<ul style="list-style-type: none"> the site is within the coastal zone, outside the metropolitan area the proposed development was therefore specified under schedule 2, as applied at the time the Director-General formed his opinion.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

SEPP 44 does not apply in Coffs Harbour local government area, as koala habitat protection is provided for with clause 12 of Coffs Harbour City LEP 2000 and by Coffs Harbour Koala Plan of Management, discussed below.

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 aims to provide controls and guidelines for the remediation of contaminated land. It requires the consent authority to consider the potential for the site to be contaminated.

SEPP 55 – Remediation of Land	Criteria	Complies	Department Comment
Clause 7- Contamination to be considered in determining applications	Clause 7(2) requires that before determining an application to carry out development that involves a change of use (including from uses identified in Table 1 of the contaminated land planning guidelines) a report is required specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the	Yes	<ul style="list-style-type: none"> recent uses of the site have included "agricultural/horticultural activities", as listed in Table 1 of the contaminated land planning guidelines. the EA has included a contamination assessment, undertaken in accordance with the contaminated land planning guidelines, refer to section 5.8. this has included soil sampling and testing to detect potential contamination (Phase 1 Environmental Site Assessment, Coffey Geotechnics Pty Ltd, 24 February 2009). no areas of environmental or contamination concern have been identified and it is concluded that the site has a low potential for contamination and a further phase 2 assessment is not required. based on these findings and conclusions no further actions are

	contaminated land planning guidelines.		required under this SEPP.
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State Environmental Planning Policy No. 71 – Coastal Protection

SEPP 71 applies generally to land within the coastal zone. All relevant matters for consideration as set out in SEPP 71 have been considered in the assessment of this project and the department is satisfied that the amended subdivision layout as set out in the preferred project report will ensure that the aims and requirements of SEPP 71 are achieved for this proposal.

SEPP 71 – Coastal Protection	Criteria	Complies	Department Comment
Clause 2 Aims of the policy	The aims of the policy include: protection and management of the natural, cultural, recreation and economic attributes of the coast. This is related to relevant matters such as aboriginal cultural heritage, visual amenity, preservation of native coastal vegetation, ecologically sustainable development, and ensuring that the type, bulk scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area.	Yes	The proposal will provide for appropriate measures to protect Aboriginal cultural heritage, preserve and enhance significant vegetation. The design and layout of the proposed subdivision will not adversely impact the visual amenity of the area and provision of open space areas will enhance and complement the low density residential allotments.
Clause 4 land & development to which the policy applies	The policy applies to land the whole or any part of which is within the coastal zone	Yes	The subject site is wholly within the coastal zone
Clause 8 Matters for consideration	Matters for consideration include: - suitability of the development, measures to conserve animal and plants and their habitats - protect and improve scenic quality of the coast - wildlife corridors - the likely impact of coastal processes and hazards - measures to protect cultural places, values, customs, beliefs and traditional knowledge of Aboriginals - likely impacts on water quality of coastal water bodies.	Yes	The proposal will provide for measures to retain protect and enhance areas of significant vegetation, in particular the riparian zone through the site. This will protect and improve the scenic quality of the site and assist in provision of wildlife corridors, including enhanced kola habitat. Potential flooding impacts, including sea level rise have been appropriately considered Appropriate measures are proposed to protect Aboriginal cultural heritage Stormwater/water management will include water sensitive urban design features such as swales and bio- retention to appropriately deal with impacts on water bodies, within and outside the site.
Clause 13 flexible zone provisions	A provision of an environmental planning instrument that allows development within a zone to be consented to as if it were in a neighbouring zone, or a similar provision, has no effect.	N/A	The proposal does not rely upon any such provisions.
Clause 16 stormwater	Consent must not be granted if the development will or is likely to discharge untreated stormwater	Yes	The proposal will provide for suitable treatment of stormwater and include water sensitive design measures such as bio-retention basins
Part 5 Masterplans	Clause 18 and 19 Consideration of a masterplan before determining a development application and giving consent	N/A	The requirements of clauses 18 & 19 do not apply to transitional Part 3A projects. It is noted also that council has adopted a development control plan for North Bonville which would be the equivalent of a master plan, for the purposes of the provisions of clause 95, schedule 6

			of the Act. A draft DCP has also been prepared, which will come into effect upon the making of draft LEP 2013 (a comprehensive LEP for Coffs Harbour). The draft DCP includes similar provisions as the current DCP for North Bonville.
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North Coast Regional Environmental Plan 1988 (Deemed SEPP)

The North Coast Regional Environmental Plan 1988 (Deemed SEPP) provides a framework for policy preparation for the North Coast region and specifies objectives for the future planning and development of land throughout the North Coast. The proposal is generally consistent with the provisions of the North Coast REP, in particular the objectives of Part 3 – Coastal Development.

North Coast Regional Environmental Plan	Criteria	Complies	Department Comment
Part 3, Division 2, Coastal development Clause 30 - Objectives	This includes objectives related to enhancement of the visual quality of the coastal environment, water quality of the coastal environment, minimising risks to people and property resulting from coastal processes, minimising changes to coastal processes resulting from development, and encouraging retention of natural areas and regeneration of those natural areas which are already degraded.	Yes	While the site is not directly visible from coastal foreshore areas, (and screened by existing vegetation within the national park surrounding the site on three sides) the visual quality of the area will be enhanced by an environmentally sensitive development of existing zoned urban land which will retain and enhance native vegetation within a partly degraded riparian zone within the site. Water quality can be maintained by use of appropriate water sensitive design measures to be implemented in stormwater management of the development and with sediment and erosion controls during the construction phase. Flooding impacts have been considered including impacts of potential sea level rise. No changes are expected to coastal processes resulting from the development.
Clause 32B Development controls coastal land	In determining an application for consent, NSW Coastal Policy 1997, the Coastal Management Manual, and the North Coast Design Guidelines must be taken into account		Refer to separate comments in regard to these documents. This clause also includes provisions related to access to foreshore areas, and overshadowing of beaches and waterfront open space, which are not relevant to this proposal
Part 4, Division 2 Urban Housing Clause 41 objectives	These objectives relates to the provision of a range of adequate, affordable and suitable housing to meet the needs of the region's population.	Yes	The proposal provides for low density lots consistent with Coffs settlement strategy, in an existing identified and zoned urban growth area, relatively close to existing facilities in Sawtell and Toormina/Centro shopping centre.
Clause 43 Development control – residential development	This clause requires a consent authority to be satisfied that: the density of the dwellings have been maximised without adversely affecting the environmental features of the land; the proposed road widths are not excessive for the function of the road; the road network has been designed to encourage the use of public transport and minimise the use of private motor vehicles; site erosion is minimised in accordance with sedimentation and erosion management plans	Yes	The lot/dwelling yield has been maximised having regard to environmental constraints and hazard reduction in particular bushfire management. Roads widths will be satisfactory and consistent with council requirements. Existing bus services between Coffs Harbour and Bellingen, and to Sawtell, via Toormina, operate along Lyons Road just to the north of the site. It is expected that access for bus services can be provided, if this is required/ feasible. Appropriate sediment and erosion controls can be implemented particularly during the construction phase.

LOCAL ENVIRONMENTAL PLANS**Coffs Harbour City Local Environmental Plan 2000**

This LEP sets the planning framework for development in Coffs Harbour and establishes permissible forms of development and land use pursuant to clause 9.

Coffs Harbour City LEP 2000	Criteria	Complies	Department Comment
Clause 2, aims & objectives of the plan	Aims of the LEP include development in an ecologically sustainable manner	Yes	The proposed subdivision is consistent with the aims and objectives of the plan and will provide for ecologically sustainable development which enhances and protects a riparian zone on the site and avoid significant adverse impacts on EEC and neighbouring national park.
Clause 8, zones that apply	Identifies the following zones that apply to the land Residential 2(A) low density zone Open Space 6(A) Environmental protection 7(A)	Yes	Zones that apply to the land are outlined and discussed in the assessment report, including consideration of the permissibility of the proposal in relation to those zones, refer to section 3.3.
Clause 9, development control table	Identifies uses that are permissible without/with consent and prohibited within the zones	Yes	Zones that apply to the land are outlined and discussed in the assessment report, including consideration of the permissibility of the proposal in relation to those zones, refer to section 3.3. The proposed development is permissible with consent within the relevant zones.
Clause 11 Tree preservation order	cutting down, topping, lopping, removing or wilful destruction of any tree or trees to which a tree preservation order applies without development consent.	Noted	Removal of any trees/vegetation will be compensated for with rehabilitation of the riparian zone and street tree planting throughout the subdivision. Some of this tree/vegetation removal will be required to reduce fire hazards, particularly in relation to the main access road where it crosses the riparian zone.
Clause 12, Koala habitat	To provide for the protection of koalas and their habitat. Consent shall not be granted to development on land to which this Plan applies unless the development is in accordance with a koala plan of management.	Yes	The proponent's flora/fauna or ecological assessment has had consideration to the KPM, and it has been concluded that there will be no removal of suitable habitat. Potential habitat within the riparian zone is to be rehabilitated (subject to bushfire hazards reduction requirements). Other measure will include a covenant restricting the keeping of dogs.
Clause 13, landform modification	To control soil erosion, sedimentation, tree loss and drainage impacts associated with landform modification. A person shall not, without development consent, carry out a work or any other development on land to which this Plan applies for any purpose where the work or other development has the effect, in the opinion of the consent authority, of significantly adversely affecting the natural	Yes	The proposed development will include cut and fill across the site to level ridges and provide fill to lower areas, to ensure that lot levels are at a minimum of 5.50m AHD, providing for freeboards of 1.4m relative to current 100 year flood levels and 0.8m relative to potential flood levels taking into account climate change. It is also noted that top soil is to be removed across ridge lines, before commencement of other site works, and deposited within the proposed neighbourhood park, as a measure to deal with any remaining Aboriginal cultural heritage/relics. This proposed landform modification is not expected to a significant adverse affect on the natural environment, of environmentally sensitive land within the site and surrounding the site.

	environment, through either filling or excavation.		
Clause 14, services	<p>To ensure that all development has adequate water and sewage services.</p> <p>Consent shall not be granted to the carrying out of any development on land to which this Plan applies unless:</p> <p>a water supply and facilities for the removal or disposal of sewage and drainage are available to that land, or</p> <p>arrangements satisfactory to the consent authority have been made for the provision of that supply and those facilities, or</p> <p>the consent authority has formed the opinion the development proposed does not require that supply or those facilities.</p>	Yes	The proposed development will be provided with water and sewage services.
Clause 18 Subdivision and erection of dwellings in rural and environmental protection zones	<p>Generally requires a minimum allotment size of 40ha for subdivision of land within 7A zone.</p> <p>However consent may be granted in certain circumstances for subdivision down to 10ha in respect to a boundary adjustment or rearrangement of allotment boundaries, where there is no additional lot or dwelling entitlement created and if the long term management of the 7A land will be assisted</p>	Noted	The project excludes development from the land zoned 7A , approximately 12.7ha, within the eastern part of lot 112, as the proponent intends to retain this portion of the site at this stage and investigate means of preserving it for conservation purposes including its addition to the adjoining national park. This may include the use of the land as a biodiversity offset by a third party. This will require creation of a residue lot and may require a future boundary adjustment or rearrangement which to facilitate the long term management of the 7A land.
Clause 20 Acquisition of land for community or public purposes	Relates to acquisition provisions for land zoned 5A and 6A, and identifies council as the responsible authority in respect to the acquisition of land zoned 6A	Yes	The proposal provides for the acquisition by council of land zoned 6A. The proponent proposes that this land be dedicated subject to the provisions within the North Bonville DCP and related contribution plan.
Clause 23 Environmental hazards	Provides for matters to be considered for development which may potentially impact acid sulfate soils	Yes	This has been dealt with in Appendix 19 of the EA - ASS assessment. The east and north east sections of the site is located in an area of low probability of acid sulfate soils between 1m and 3m below ground surface
Clause 23A Development on flood prone land	This clause relates to objectives and matters that must be satisfied in relation to the development of flood prone land, including adverse flooding impacts on other development or properties, safe occupation of flood prone land.		<p>The site includes land that has been mapped by council as flood prone land (subject to flooding in a 1 in 100 year event).</p> <p>The EA section 4.8.1 and Appendix 13 Flood Assessment has adequately considered this matter. This is also discussed in the assessment report, section 5.4.</p> <p>Lot levels are to be provided at a minimum of 5.50m AHD, providing for freeboards of 1.4m relative to current 100 year flood levels and 0.8m relative to potential flood levels taking into account climate change.</p>

- Draft Coffs Harbour Local Environmental Plan 2013**

Draft Coffs Harbour Local Environmental Plan 2013 (formerly draft LEP 2012) is a new comprehensive LEP which will apply to the whole of the Coffs Harbour local government area, which is intended to replace the existing Coffs Harbour City Local Environmental Plan 2000 and the Coffs Harbour City Centre Local Environmental Plan 2011. It was exhibited by council from 13 September 2012 to 26 October 2012 in conjunction with a comprehensive development control plan for the Coffs Harbour local government area. On 13 December 2013 Council resolved to adopt the draft LEP and refer the draft LEP to the department for its making by the Minister.

Draft Coffs Harbour LEP 2013	Criteria	Complies	Department Comment
Clause 1.2, aims of plan	Aims include to: Provide for sustainable growth and development Encourage a mix of housing types Encourage responsible and sustainable management and conservation of natural environment, built environment and cultural heritage Promote development consistent with ESD; minimise exposure of development to natural hazards and natural risks Give effect to Council's desired outcomes, strategic principles, policies.	Yes	The proposal will be consistent with the relevant aims of the draft plan
Clause 2.3, Zone objectives and land use table	Identifies the following zones that apply to the land: R2 Low Density Residential; RE 1 Public Recreation; and E2 Environmental Conservation.	Yes	The proposal will be consistent with the draft zones as discussed in section 3.3 of the assessment report.
Clause 4.1 Minimum subdivision lot size	The size of any lot is not to be less than the minimum shown on the Lot Size Map: 400m ² for R2 zoned land; and 40ha for E2 zoned land (<i>refer to clause 4.1C</i>)	Yes, subject to clause 4.1C	Proposed residential lot sizes in the proposed R2 zone will exceed 400m ² . The residue lot over land within the E2 zone in the eastern portion of lot 112 would result in a subdivision or boundary adjustment where the resultant lot within E2 is below 40ha.
Clause 4.1C Boundary adjustments of land in certain rural and environmental protection zones	Applies to certain zones including E2 Environmental Conservation, to facilitate boundary adjustments between lots where one or more resultant lots do not meet minimum lot sizes and objectives Development consent may be granted for subdivision by boundary adjustment if will not create additional lots or opportunity for additional dwellings, potential for land use	Yes	Refer to discussion in above table of clause 18 of current Coffs Harbour City LEP 2000.

	conflict not increased, continued protection and long term maintenance of land zoned E2.		
Clause 5.1 Relevant acquisition authority	Identifies Council as the relevant authority to acquire land in zone RE1 (local open space on the Land Reservation Acquisition Map), under owner-initiated acquisition provisions. Land may be used for any purpose, subject to consent, before it is used for the purpose for which it is reserved.	Yes	The proposed subdivision will provide for the dedication of land to council, within the area proposed to be zoned RE1 - local open space.
Clause 5.5 Development within the coastal zone	Implement the principles in NSW Coastal Policy. Consent not to be granted unless certain matters considered, including access and impacts on coastal foreshore, suitability of proposed development its relationship with the surrounding area, impact on natural scenic quality; biodiversity and ecosystems, cumulative impacts on coastal catchment. Consent must not be granted unless satisfied of certain matters including: the proposed development will not be significantly affected by or have significant affect on coastal hazards or increase risk of coastal hazards.	Yes	The site is within the coastal zone. The site does not directly adding foreshore areas. The impacts and suitability of the development has been addressed in the assessment report. Amendments to the proposed development with the PPR will provide for a development of the site that suitability relates to the surrounding area, and avoid significant impacts on biodiversity/ecosystems and cumulative impacts on coastal catchments. This will be achieved with measures such as the implementation of water sensitive urban design for water/stormwater management, protection and enhancement of a riparian zone on the site, provision of buffers and stormwater management to protect sensitive vegetation on the site and within adjoining land, including Bongil Bongil National Park. Coastal hazards such as flooding impacts have been appropriately considered, refer to section 5.4. The development will not be significantly affected, subject to filling of lower lying residential lots. The development is not expected to have a significant effect on coastal hazards, having regard to the extent of catchment areas within the adjoining national park.
Clause 5.9 Preservation of trees or vegetation	Applies to trees or vegetation prescribed by a DCP, to prevent removal or lopping (or the like) without consent or granting of a permit, except for dying or dead trees/vegetation not required as native fauna habitat, or to trees/vegetation a risk to life or property.	Noted	There will be limited clearance of existing trees/vegetation, other existing grassland areas. Vegetation to be removed within the riparian zone will be compensated for by replanting of endemic and EEC species within this area of the site. A Vegetation Management Plan has been include with the revised PPR, and will be adopted as part of the statement of commitments and the project conditions.
Clause 5.10(8) Heritage conservation – Aboriginal places of heritage significance	Before granting consent to development in an Aboriginal place of heritage significance consider the effect on significance of the place and any Aboriginal object known or reasonably likely to be located at the place, by means of adequate investigation and assessment. Notify local Aboriginal communities	Yes	The EA was accompanied by a report on the assessment of impacts on Aboriginal cultural/archaeological heritage and the recommendations of the report are adopted by the proponent's statement of commitment and the proposed conditions of project approval. Refer to section 5.7 of the assessment report.

	and take into consideration any response		
Clause 5.11 Bushfire hazard reduction	Bush fire hazard reduction works authorised by the <i>Rural Fires Act 1997</i> may be carried out without consent	N/A	An APZ plan has been provided and bushfire hazard reduction works for the proposed development will be approved as part of the recommended conditions of project approval. Refer to section 5.3 of the assessment report.
Clause 7.1 Acid sulphate soils	Provides for provision to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage.	Yes	Refer to discussion in relation to clause 23 of Coffs Harbour City LEP 2000.
Clause 7.7 Earthworks	Ensure that earthworks requiring consent will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items of features of the surrounding lands, including consideration of impacts on existing drainage patterns and soil stability; quality/source of fill; and likelihood of disturbing relics	Yes	Refer to discussion in relation to clause 13 of Coffs Harbour City LEP 2000. This proposed landform modification is not expected to significantly adversely affect the natural environment.
Clause 7.10 Essential services	Consent not to be granted unless water, electricity, sewage disposal, stormwater drainage and road access are available or adequate arrangements made	Yes	Refer to discussion in relation to clause 14 of Coffs Harbour City LEP 2000. The proposed development will be provided with water and sewage services.
Clause 7.11 Flood planning	Applies to land at or below flood plan level (1:100 ARI flood event plus 0.5m freeboard). Consent not to be granted unless compatible with flood hazard of the land; does not affect flood behaviour and risk for other properties; does not affect environment or cause avoidable erosion siltation or destruction of riparian vegetation or reduction in stability of banks of watercourses; does not result in unsustainable social and economic costs.	Yes	Refer to discussion in relation to clause 23A of Coffs Harbour City LEP 2000 Lot levels are to be provided at a minimum of 5.50m AHD, providing for freeboards of 1.4m relative to current 100 year flood levels and 0.8m relative to potential flood levels taking into account climate change.
Clause 7.12 Koala habitat	Development is to be in accordance with Coffs Harbour City Koala Plan of Management	Yes	Refer to discussion in relation to clause 12 of Coffs Harbour City LEP 2000. The proponent's flora/fauna or ecological assessment has had consideration to the KPM, and it has been concluded that there will be no removal of suitable habitat. Potential habitat within the riparian zone is to be rehabilitated (subject to bushfire hazards reduction requirements). Other measure will include a covenant restricting the keeping of dogs.
Clause 7.14 Natural resource - biodiversity	Matters to consider to avoid adverse impacts on terrestrial biodiversity, including condition and	Yes	These matters have been appropriately addressed in the proponent's ecological assessment of the proposal, including the revised ecological assessment report prepped by JWA submitted with the PPR, refer to discussion in section 5.1 of the

	significance of vegetation, potential to fragment disturb or diminish biodiversity values, impacts on habitat corridors . Consent not to be granted unless the development is designed, sited and will be managed to avoid adverse environmental impact.		assessment report.
Clause 7.16 Natural resource- riparian land and waterways	Maintain the hydrological functions of riparian land, waterways and aquifers. Applies to any watercourse and land within 40m of top of bank. Consent not to be granted unless the development is designed, sited and will be managed to avoid adverse environmental impact.	Yes	The proposal will involve the rehabilitation of an existing riparian zone within the site, which is required to be carried out in accordance with the relevant Office of Water guidelines for works within riparian zones/corridors. The Office of Water raised issues with additional filling proposed as part of the revised PPR in areas adjacent to the riparian zone/corridor. The proponent will be required as part of the recommended conditions of project approval to undertake further review of the impacts of additional filling upon the hydrological functions of the riparian zone, and adjust these site earthworks accordingly, if required, refer to section 5.1..4 of the assessment report .

OTHER RELEVANT PLANNING POLICIES

The proposal has been considered against the following non-statutory documents and is considered to be generally in compliance with the provisions contained within these documents:

Mid North Coast Regional Strategy

The Mid North Coast Regional Strategy will guide local planning in eight (8) local government areas including Coffs Harbour, and inform decisions on service and infrastructure delivery. The 25 year strategy is based on a projected regional population increase of 94,400 by 2031.

The strategy identifies the site as part of urban growth areas within the Coffs Harbour LGA, encompassing existing and proposed urban lands. The project will be consistent with the strategy as:

- the proposal will contribute to the dwelling targets of the Strategy by providing new urban development consistent with the identified growth boundaries while maintaining vegetation consistent with greenbelts between settlements;
 - allow for further urban development whilst at the same time protecting and enhancing local biodiversity and areas of high value vegetation, including a riparian zone, as well as having regard to the cultural and Aboriginal heritage values of the area;
 - protect and enhance high value Conserving lands in and around development sites to help protect biodiversity and provide open space for recreation; and
 - take into account issues associated with coastal flooding, and bushfire management.
- **NSW Coastal Planning Guideline: Adapting to Sea Level Rise (2010)**

The Coastal Planning Guideline identifies coastal flooding risk areas and defines certain areas where it is either unsuitable for development, suitable for development, or requires a merit-based risk assessment of the proposal. Key principles in planning for sea level rise include minimising the exposure of the development to coastal risks, and the implementation of appropriate management and adaptation strategies during development assessment. The site is potentially subject to coastal flood risks, related to Bonville Creek. The proponent's flood assessment has included consideration of sea level rise. A risk assessment of the proposal against the relevant planning criteria is provided in below.

Planning Criteria for Proposed Development in Coastal Risk Areas	Complies	Department Comment
Development avoids or minimises exposure to immediate coastal risks (within the immediate	Yes	Ground levels of at least 5.50m AHD (habitable floor levels of not less than 5.80m AHD) are to be provided for the residential lots. This will provide freeboards of 1.4m relative to the current 100 year floor level and 0.8m relative to the potential climate change impacts. The main access road is to be provided at minimum 4.7m AHD, tor

hazard area or floodway).		safe access.
Development provides for the safety of residents, workers or other occupants on-site from risks associated with coastal processes.	Yes	Refer to comments above.
Development does not adversely affect the safety of the public off-site from a change in coastal risks as a result of the development.	Yes	The proposal will not lead to a change on coastal risks that would adversely affect the safety of the public off site. The flooding assessment submitted with the EA concluded that the extent flood storage areas within the adjacent national park there is unlikely to be any significant additional downstream impacts.
Infrastructure, services and utilities on site maintain their function and achieve their intended design performance.	Yes	Utilities such as water and sewer reticulation are not expected to be affected by the risks such as flooding impacts. The stormwater bio retention basins are to be located within areas of the site above the assessed 1 in 100 year flood level (including climate change impacts) or in areas which will be subject to filling to the appropriate levels.
Development accommodates natural coastal processes including those associated with projected sea level rise.	Yes	The flooding assessment for the project has included consideration of sea level rise impacts and the potential flood level and minimum ground levels for the proposed allotment have been increase accordingly, refer to section 5.3.2 of the assessment report.
Coastal ecosystems are protected from development impacts.	Yes	Coastal ecosystems will be protected from the impacts of the development through measures such as the water sensitive urban design measure to treat stormwater flows to avoid sediment and pollutant loads impacting on downstream systems, along with buffers to adjoining sensitive land and rehabilitation of the riparian zone and watercourse within the site.
Existing public beach, foreshore or waterfront access and amenity is maintained.	N/A	The proposal does not directly adjoin or relate to foreshore or waterfront land.

- Coastal Policy 1997**

Table 2 of the Coastal Policy identifies a number of strategic actions relevant to development control, including stormwater quality, coastal hazards, acid sulfate soils and design and locational principles. It is considered that the proposal adequately addresses each of these actions satisfactorily.

- Coastal Design Guidelines for NSW**

The Coastal Design Guidelines for NSW, published in 2003, aim to ensure that future developments and redevelopments are sensitive to the unique natural and urban settings of coastal places in NSW. The Guidelines provide an urban design focus for the coastal context.

Design Principles for Coastal Settlement	Complies	Department Comment
Defining the footprint and boundary	Yes	The footprint and boundary for the proposal is considered to be satisfactory as it is consistent with current and anticipated development in the area without compromising the natural environment and substantially changing the character of the area.
Connecting open spaces	Yes	Significant public recreation areas are to be provided, including a neighbourhood park and rehabilitated riparian zone. These will provide for connections and potential wildlife corridor between existing and proposed areas of the national park surrounding the site.
Protecting the natural edges	Yes	The edges of the development adjacent to the adjoining national park will be protected with appropriate buffers and provision of water sensitive dealing measure of treatment of stormwater runoff, provision of sediment controls and access controls.

Reinforcing the street pattern	Yes	The proposed street pattern will create an appropriate urban settlement consistent with the site's natural setting and as an extension of neighbouring residential areas.
Appropriate buildings for a coastal context	Yes	The public amenity facilities proposed as part of the development's project plan is appropriate for the site's context.

• **North Bonville Development Control Plan**

North Bonville Development Control Plan	Criteria	Complies	Department Comment
DCP Objectives	Planning strategy for development opportunities and conservation values inherent in North Bonville. Maintain water quality, scenic amenity, habitat and recreational potential of the natural environment. Provide measures to protect the natural and built environment.	Yes	The provision of water sensitive urban design measures, including bio-retention basins for stormwater management will maintain water quality. A visual analysis submitted with the EA and PPR has established that there will be no significant scenic amenity impacts. Natural and recreational values of the natural environment will be protected with fencing and access controls to the adjoining Bongil Bongil National Park and to the areas of EEC in the eastern portion of the site, as well as with the rehabilitation of the riparian zone on the site.
Planning Strategy			
Masterplan	Lot yield of approx 395 lots coordinate development in accordance with the masterplan	Noted	This yield applies across the whole North Bonville release area. The 165 residential lots proposed for the subject represent the maximum that will be suitable following detailed consideration and assessment of the proposal and the various constraints that apply to that development including protection of areas of ecological significance, bushfire hazards and flooding.
Housing Strategy	Seek to maximise the dwelling yield allow for the provision of a general store adjacent to the neighbourhood park	Noted	The yield for the subject site has been maximised, see comments above. No provision has been made for a general store. East Boambee shops are located approximately 2km to the north of the site, while Toormina shopping centre is located approximately 3km to the north east.
Servicing Strategy	Required smaller pump stations and gravity sewers to be constructed by the developer Stormwater drainage systems designed to reduce problems associated with urban runoff	Noted	Council has required the provision of a low pressure system with the south west corner of the site. Water sensitive urban design measures including bio-retention basins are to be provided for water/stormwater management to reduce problems associated with urban runoff.
Traffic & transport strategy	Establish road hierarchy that restricts direct access to approved intersections only onto Lyons Road Establish a bus route and provide pedestrian/cycle links	Noted	Access will be via the existing intersection of Bamabarra Drive with Lyons Road. A potential bus route through the subdivision has been identified. Footpaths will link the subdivision with the existing North Bonville area. It is expected that bicycles can share internal/local roads.
Natural Environment Strategy	Have a neutral impact upon water quality of the national park and minimise impacts upon flora and fauna habitat and natural setting of the area; Maintain vegetation of regional significance and minimise risks associated with bushfires;	Noted	The provision of water sensitive urban design measures, including bio-retention basins for stormwater management will maintain water quality. Areas of EEC vegetation will be largely retained and rehabilitated, subject to restricted planting zones for APZs and bushfire management. Soil erosion and sediment controls will be established during and post construction. Access controls will minimise impacts on the national park, along with buffer areas and water management. The rehabilitation and revegetation of the riparian zone will

	Management practices to minimise soil erosion and water pollution; Minimise impacts on the national park and Bonville creek; Develop wildlife corridors by revegetating to promote biodiversity; Devise a management plan to help control cats and dogs; Require specialised fencing and sign posting adjoining areas of significant bushland and national park.		promote wildlife connectivity. Cats and dogs are to be controlled through section 88B instruments/s Agreement to fencing of the national park has been reached between the proponent and the OEHL/NPWS.
Landscape, Open Space and Recreation Strategy	Protect existing significant vegetation; Provide and control pedestrian/cycle access to open space areas; Provide neighbourhood park and children's playground; Observe tree preservation order; Investigate addition of 7A zoned lands and residual lands to national park.	Noted	Areas of EEC will be protected within the riparian zone and within the eastern portion of the site (the residue lot which the proponent is committed to dedicate for conservation purposes, not precluding bio banking). A neighbourhood park is to be provided within a suitable location of the site, established in agreement with council, where playground facilities can be provided as well pedestrian and cycle access due to frontages of the park to local road system. Removal of existing tree will be offset by revegetation within the riparian zone. The proponent has excluded most of the 7A zoned land from any development.
Planning Controls			
Density	Number of potential dwellings shall be in accordance with targets shown in DCP (minimum 154 lots in precinct 3, covering the subject site and land to the north)	Yes	165 lots are proposed which ensure the target density will be exceeded
Dual Occupancy	Dual occupancy sites to be nominated	No	No dual occupancy sites have been nominated however the range of lot sizes proposed means that dual occupancy development may potentially be possible.
General Store	Provision to be made for a site adjacent to the neighbourhood park, for a general store	No	No provision has been made for a general store. East Boambee shops are located approximately 2km to the north of the site, while Toormina shopping centre is located approximately 3km to the north east
Potential Contaminated Land	Potential contaminated sites to be tested and remediated where necessary	Yes	Appropriate assessment and testing has been undertaken, refer to SEPP 55 discussion above.
Acid Sulfate Soils	Management measures to be established for areas with medium to high potential for ASS, maintain water quality of Bonville creek	Yes	Appropriate assessment of ASS has been undertaken for the EA and no issues have been identified, refer to section 5.8 of the assessment report. Only one soil sample collected from the low lying area in the south west corner of the site was found to be potentially ASS. It is recommended that if this area is required to be disturbed and soil removed then the upper 500mm be stripped, stockpiled and treated with lime to increase the pH and remove the potential ASS. These requirements have been included within the amended statement of commitments (SOCs) with the PPR which also specifies the required liming ratios.
Fire Hazard	Fire protection zones to be provided in the design of the subdivision	Yes	Appropriate fire protection zones (APZs) are to be provided for, which will include the use of fire trails within the adjoining Bongil National Park, refer to further discussion of this matter within the assessment report, section 5.3.
Archaeology	Applications for subdivision/landform	Yes	The EA has been accompanied by an appropriate archaeological assessment, which has been reviewed by OEHL.

	modification to be accompanied by an archaeological report		
Water Quality	Protect water quality by filter strips; coarse sediment and gross pollutant traps; and a wetland	Yes	The stormwater management strategy for the proposal includes water sensitive design measures including bio-retention basins and gross pollutant traps.

• **Coffs Harbour Subdivision Development Control Plan**

Subdivision DCP	Criteria	Complies	Department Comment
DCP Objectives	<p>Provide measures to protect and enhance the natural and built environment by ensuring that subdivision patterns relate to site conditions</p> <p>Ensure that subdivisions do not detract from the desired future neighbourhood character of the locality</p> <p>Promote the orderly development of land by ensuring the appropriateness of the subdivision proposed (i.e. torrens, community, strata title) while ensuring it is adequately serviced.</p>	Yes	<p>The subdivision and proposed residential allotments avoids environmentally sensitive areas of the site, with the rehabilitation of a riparian zone being part of the proposal and development excluded from areas of EEC in the eastern part of the site.</p> <p>This site has been identified for subdivision and residential in the DCP. The proposed subdivision will not detract from the desired future neighbourhood character of the locality.</p> <p>All lots to are to be Torrens title, and can be adequately serviced. Staged subdivision will provide for the orderly development of the land.</p>
Site Analysis	A site analysis plan is required to identify opportunities and constraints relating to the subdivision pattern and the eventual end use of the land	Yes	Site analysis plan/s lodged with EA adequately identifies the site's opportunities and constraints pertinent to the proposed subdivision and eventual residential use of the site.
DESIGN: Subdivision and Road Design	Subdivisions should be designed consistent with the relevant DCPs and Information Sheets.	Yes	The design of the subdivision is considered to be satisfactory and is expected to be consistent with relevant other DCP controls and information sheets.
Energy Efficiency	<p>Subdivisions should be designed to maximise solar access.</p> <p>Where possible roads are to be orientated so that the majority of their length are within the range N20°W to N30°E or E20°N to E30°S.</p>	Yes	The majority of lots are appropriately oriented to maximise solar access.
Density (minimum lot size)	<p><i>Residential 2A</i></p> <p>Subdivisions are not to produce vacant lots which are significantly smaller than other lots in the neighbourhood. This is to avoid the creation of lots which might lead to housing out of character with that in the neighbourhood. Where small lots are proposed applications will need to be</p>	Yes	<p>Proposed residential lot sizes range from 544.8m² to 826.2m² No small lots form part of this development proposal.</p> <p>Lots will have appropriate minimum frontages. One lot is located at the end of the one proposed cul-de-sac in the north eastern part of the site. This will have satisfactory frontage</p>

	<p>for subdivision and housing, with housing to commence before the subdivision certificate is issued.</p> <p>The minimum area for lots is 400m², and 500m² for lots fronting the head of a cul-de-sac.</p> <p>All lots are to have a minimum 4m frontage to a public road except:</p> <p>Lots which have frontage to a cul-de-sac head. These lots are to have a minimum frontage of 10m.</p>		
Services - General - Urban Areas			
Stormwater Drainage	<p>Stormwater drainage shall be designed and provided in accordance with Council's Development Design and Construction Specification.</p> <p>The design details will need to be approved by Council before the drainage is provided, and will need to be completed to Council's satisfaction prior to the issue of the Subdivision Certificate.</p> <p>Stormwater is to be gravity drained to Council's drainage system. In some circumstances inter-allotment drainage easements over downstream properties may be required. This will necessitate a letter of consent from the owner(s) of the downstream properties to be submitted with the development application.</p> <p>Drainage from sites should reflect the pre-existing or natural situation in terms of location, quantity, quality and velocity.</p>	Yes	A satisfactory concept stormwater drainage strategy and plans have been submitted with the EA and PPR. Final detailed plans will be required, in accordance with relevant council specifications, prior to the issue of construction certificates for each stage of the subdivision.
Services	<p>Utility services must be extended to all lots within a subdivision in accordance with the following table (except for common property in community title and strata subdivisions):</p> <ul style="list-style-type: none"> - Council's water main - Council's sewer main - Telephone - Electricity 	Yes	These utility services will be provided

	(Telephone and electricity underground)		
Erosion and Sediment Control	Subdivisions should be designed to minimize the disturbance of lands with topographical constraints. Conditions on the development consent will indicate whether erosion and sediment controls will be necessary, and if so, these controls will need to be in place before site works commence. The controls will need to be provided in accordance with Council's "Erosion and Sediment Control or Building and Development Sites Policy and Code of Practice".	Yes	Preliminary sedimentation control details have been submitted and appropriate conditions are proposed for the project approval, related to the imposition sediment and erosion controls/ management.
Street Tree Masterplan	A Street Tree Masterplan will be required for subdivisions on greenfield sites*. The Masterplan aims to guide street tree planting, providing for a more colourful City which complements its natural setting. * = Where public road is proposed, and may be required for community title subdivisions.	Yes	Street tree planting for the development is to be implemented subject to recommended conditions of project approval.
Developer Contributions	Subdivision of residential land will be required to pay contributions and are outlined in Council's developer contributions plans and Development Servicing Plan	Yes	A project approval for the proposed development will be subject to relevant developer contributions, in accordance contribution plans and development servicing plans.

- **Draft Coffs Harbour Development Control Plan 2013 (will become effective upon the making of Coffs Harbour LEP 2013)**

There are 2 components of the draft DCP (component E8 – North Bonville, and component B1 – Subdivision Requirements) that are particularly relevant to the proposal. These components will however be generally consistent with many of the existing controls within the current DCPs discussed above.

- **North Bonville Developer Contributions Plan 2013**

Project conditions provide for appropriate contributions in accordance with Council's developer contributions plans. Refer to the discussion regarding development contributions in the assessment report

The conditions of approval also provide for contributions in accordance with additional contributions plans, being:

- Coffs Harbour Regional District and Neighbourhood Facilities and Services Contributions Plan 2013;
- Coffs Harbour Road Network Contributions Plan 2013; and
- Surf Rescue Facilities Contributions Plan 2013.

- **Coffs Harbour Water Supply and Wastewater Developer Services Plans 2013**

Project conditions also provide for appropriate contributions in accordance with these plans.

- Coffs Harbour City Koala Plan of Management

Relevant requirements	Criteria	Complies	Department Comment
Aims & Objectives	Encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline	Yes	The proposal provides for the retention and rehabilitation of primary koala habitat on the site, including revegetation using koala feed trees
	Map identified koala habitats in Coffs Harbour LGA	Yes	Part of the site has been identified as primary koala habitat.
	Identify the locations of koala populations in Coffs Harbour LGA	Yes	No koala population has been identified on site.
	Protect important koala habitat such that viable koala populations will be maintained across their current range within the Coffs Harbour LGA	Yes	The rehabilitation and revegetation of the riparian zone on the site will provide for protection and enhancement of potential koala habitat
	Stabilise or reverse the threats to koalas, particularly habitat clearing and fragmentation, and high mortality levels from collision with vehicles, dog attack, fire and disease, particularly <i>Chlamydia</i> .	Yes	There will be no removal or modification of suitable koala habitat on the site, and revegetation of the riparian zone adjoining mapped habitat will include use of koala feed trees. There will be low traffic speeds on the local roads, and koalas will be able to move through the adjoining Bongil Bongil National Park. A restriction on the keeping of cats and dogs is to be imposed on the residential allotments.
	Manage and restore koala habitat	Yes	Existing areas of potential habitat are within the riparian zone which will be rehabilitated and revegetated, including use of koala feed trees.
	Identify the responsibility for specific areas of management	Yes	The proponent will be responsible for management of koala habitat areas within the riparian zone on the site for an initial 5 year period, following this responsibility will be with council.
	Involve the community in the process of local koala conservation	N/A	
	Provide information and support for local koala care and welfare groups	N/A	
	Provide a focus for a co-ordinated approach to Koala management across the region	Yes	The koala plan of management has been considered in the design of subdivision as part of a co-ordinated approach to Koala management across the region.
Primary Koala Habitat-Objective	To prevent further clearing, disturbance, fragmentation or isolation of existing primary koala habitat, and where appropriate, restore habitat and encourage sympathetic management to ensure the maintenance of koalas	Yes	The proposal provides for the retention and rehabilitation of primary koala habitat on the site, including revegetation using koala feed trees
Primary Habitat Management Actions	The following tree species should not be removed <i>Tallowood Eucalyptus</i>		There will be no removal or modification of suitable koala habitat on the site

	<p><i>microcorys</i>, Swamp Mahogany <i>E. robusta</i>, Broad-leaved Paperbark <i>Melaleuca quinquenervia</i> Flooded Gum <i>E. grandis</i> Blackbutt <i>E. pillularis</i>, or Forest Red Gum <i>E. tereticornis</i> Small-fruited Grey Gum <i>E. propinqua</i> Forest Oak <i>Allocasuarina torulosa</i></p> <p>Unless the development will not destroy, damage or compromise the values of the land as koala habitat</p>		
	<p>In assessing an application, the following to be taken into consideration: that there should be zero net loss of Primary Koala Habitat the threats to koalas which may result from the development the likely impacts to adjacent or nearby Primary habitat and existing or potential koala movement corridors all other options for preventing or ameliorating impacts from the development on koalas whether the land is accredited under the <i>Timber Plantation (Harvest Guarantee) Act 1995</i> (repealed/replaced by the <i>Plantation & Reafforestation Act 1999</i>).</p>	Yes	There will be no removal or modification of suitable koala habitat on the site. Adjacent habitat is within Bongil Bongil National Park (to the east, south and west), where koalas would still be able to move around the site.
	Advice to be sought from NPWS in relation to development proposals within areas defined as Primary Koala Habitat	Yes	OEH (NOWS) have reviewed the proposal in this regard
Lands adjoining Primary Habitat Objective	To minimise impacts on Primary Koala Habitat from development proposed on adjoining lands, particularly where such areas may contain scattered preferred koala trees, and to maintain opportunities for free movement of koalas between areas of habitat		Primary habitat on adjoining lands will be unaffected and eastern portion of the site excluded from the development where significant areas of primary habitat are located – and will not be subject to any development, but is intend to be dedicated I future as part of the national park (as a biodiversity offset). Opportunities for free movement will be maintained.
Lands adjoining Primary Habitat Management Actions	The consent authority shall not grant consent unless satisfied that: the proposal will not result in barriers to koala movement;		The main access road has potential to interrupt koala movement across the site, this is largely unavoidable due, and in any case grater koala movement is likely to occur through the national park areas surrounding the site. Proposed fencing, agricultural type fencing is to be provided to the site boundaries (east, south and west) as agreed with OEH.

	<p>boundary fencing does not prevent the free movement of koalas; lighting and koala exclusion fencing is provided where appropriate on roadways adjacent to koala habitat; tree species listed above are retained, where possible; new local roads are designed to reduce traffic speed to 40kph in potential koala 'blackspots'; Preferred koala trees are used in landscaping where suitable; threats to koalas by dogs have been minimised (ie banning of dogs or confining dogs to koala proof yards); fire protection zones, including fuel reduced zones and radiation zones are provided outside the area of primary koala habitat.</p>		<p>There are no identified 'blackspots' on the site. Preferred koala trees are to be used in the revegetation of the riparian zone. . A restriction as to use is to apply to the residential lots in regard to keeping of cats and dogs. Fire protection fuel reduced zones will be substantially outside areas of mapped habitat..</p>
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Coffs Harbour - Our Living City Settlement Strategy 2031

This outlines a vision for the future, and a strategy to achieve it; sets out a "big picture" approach to guide Council's land use decisions to 2031; provides mechanisms to ensure the growing city offers a range of quality styles of living, working and recreating; offers a balanced approach to land supply and demand issues; and provides a series of policies to tackle transport and urban growth issues. The subdivision of the site within the North Bonville release area/existing urban area is consistent with the strategy.

APPENDIX E GLOSSARY

Accredited Assessment under the EPBC Act.

If the project involves a “controlled action” under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the project can be assessed as an accredited assessment under the EPBC Act. This means that separate assessment processes are not required under both the EPBC Act and the EP&A Act, and the NSW assessment process has been accredited by the Commonwealth. However, the Commonwealth Minister for the Environment maintains an independent approval role, and the Commonwealth provides input to certain stages of the assessment process.

Where a controlled action is involved the Department has consulted with the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) throughout the assessment process. The Department's assessment of the specified Commonwealth matters is detailed in Sections 2 and 4 of this report.

Delegated Authority (terms of delegation)

The Minister for Planning & Infrastructure on 27 February 2013, pursuant to section 23 of the *Environmental Planning and Assessment Act, 1979*, (the Act), delegated his functions to approve or disapprove the carrying out of a project, under section 75J of the Act, to department staff (Deputy Director-General Planning Operations and Regional Delivery, Deputy Director-General Planning Strategies, Housing and Infrastructure; and Executive-Director, Development Assessment Systems and Approvals). This delegation applies only to applications where:

- (a) the relevant local council has not made an objection, and
- (b) a political disclosure statement has not been made, and
- (c) there are less than 25 public submissions in the nature of objections.

Ecologically Sustainable Development can be achieved through the implementation of:

- (a) *the precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

Objects of the Act

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*

- (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) *the protection, provision and co-ordination of communication and utility services,*
- (iv) *the provision of land for public purposes,*
- (v) *the provision and co-ordination of community services and facilities, and*
- (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) *ecologically sustainable development, and*
- (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Relevant Environmental Planning Instruments.

Under Sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

Transitional provisions

These are the detailed provisions that comprehensively set out the requirements for enabling Part 3A to continue to apply to a major project application or a Concept Plan. The provisions are at **Schedule 6A Transitional arrangements - repeal of Part 3A**, in the Environmental Planning and Assessment Act, 1979. Despite its repeal on 1 October 2011, Part 3A continues to apply to this project, described as a transitional Part 3A project, pursuant to Schedule 6A of the Act since DGRs had been issued and an Environmental Assessment received before the 8 April 2011 cut off date for continuation as a transitional Part 3A project.

APPENDIX F

RECOMMENDED CONDITIONS OF APPROVAL
