



Our Ref: DOC20/569556

Your Ref: SSD 7198

Planning and Assessment Group
Department of Planning Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Attention: Ms Emma Butcher

Dear Ms Butcher

RE: Response to Further information – SSD 7198 Moonee Beach Residential Subdivision.

Thank you for your e-mail dated 7 July 2020 regarding the Moonee Beach Residential Subdivision seeking comments from the Biodiversity and Conservation Division (BCD) of the Environment, Energy and Science Group in the Department of Planning, Industry and Environment. I appreciate the opportunity to provide input.

We have provided comments on this proposed development on several occasions, most recently on 21 September 2017, 16 May 2019 and 30 September 2019. JW Planning Pty Ltd have provided another response to our latest comments in a letter dated 6 July 2020. We have reviewed that response and provide the following comments for your consideration.

For biodiversity matters, the BCD is still of the view that an appropriate vegetated buffer is required for Moonee Creek to protect the integrity of the waterway and provide on-site biodiversity values for the locality.

We note that the latest JW Planning response has not adequately addressed the buffer to Moonee Creek. The Modification Report states that detailed investigations of the site determined that a buffer with an average width of 72m (excluding APZs and any infrastructure) should apply to Moonee Creek. The development plans should be amended to ensure this buffer can be appropriately applied, whilst recognising that the buffer will not be able to be fully achieved in the south-eastern corner where the required connector road must be constructed.

The JW Planning response also included an updated Biodiversity Offset Strategy (BOS). It is not clear what changes have occurred during this update, but we note that there has been a slight increase in the development footprint from 11.31 to 11.37ha. We also note that there has been a slight decrease in the required biodiversity credits by 2 credits. It should be noted that the biodiversity credits specified in the BOS are Biobanking credits not Biodiversity Assessment Method credits.

There is no explanation for the above changes or any summary of other changes that may have occurred as a result of the updated BOS.

I understand that the applicant is seeking to stage the proposed development. Staging the development can be undertaken in accordance with Section 7.13(5) of the *Biodiversity Conservation Act 2016* which allows for the staged retirement of biodiversity credits. Under a staged approach,

applicants only need to satisfy biodiversity offsetting obligations prior to each stage and to account for the areas that are to be cleared progressively. The applicant will need to provide a staging plan with corresponding biodiversity credits to be retired prior to each stage to the satisfaction of the Department.

For coastal and flooding matters, the JW Planning response fails to detail how Clause 8 (j) will be satisfied, which requires consideration of “*the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards*”, other than to note “the proposed development will be consistent with the CHCMS2013 if carried out in accordance with the recommendations of their Flood Assessment (2015)”.

In our previous response, the BCD has made reference to coastal inundation risk mapping in the Coffs Harbour Coastal Management Study, which shows a low to high future coastal inundation risk as mapped across the subject site at 2050 and 2100 (see Figures E-7 and F-7 in the Coastal Management Study). A suitable explanation is therefore required of how, if the proposed development is carried out in accordance with the Martens Flood Assessment as provided with the original submission (2015), this satisfies the requirements of Clause 8 (SEPP 71), or otherwise how any impacts of or on coastal processes and coastal hazards (i.e. coastal inundation) will be managed and/or mitigated.

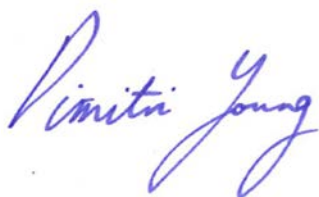
The BCD recommends that:

1. The development plans should be amended to ensure that a buffer with an average width of 72m (excluding APZs and any infrastructure) can be incorporated, whilst recognising that the buffer will not be able to be fully achieved in the south-eastern corner where the required connector road must be constructed.
2. Further clarification and a summary of changes is required regarding the updated Biodiversity Offset Strategy.
3. If the applicant is seeking to stage the development, a staging plan with corresponding biodiversity credits to be retired prior to each stage must be provided for review.
4. Further information is required on how the proposed development satisfies the requirements of Clause 8 of SEPP 71, or otherwise how any impacts of or on coastal processes and coastal hazards will be managed and/or mitigated.

I understand that the Planning and Assessment Group is looking to finalise this application soon and that any outstanding matters may be developed into conditions of consent. We would be happy to review any draft conditions to ensure that the wording captures the intent of these outstanding matters.

If you have any further questions about this issue, Mr Krister Waern, Senior Operations Officer, Biodiversity and Conservation, can be contacted on 6640 2503 or at krister.waern@environment.nsw.gov.au

Yours sincerely



3 August 2020

DIMITRI YOUNG
Senior Team Leader Planning, North East Branch
Biodiversity and Conservation