



# Moonee Waters

## ENVIRONMENTAL ASSESSMENT OF COASTAL VILLAGE CONCEPT PLAN

LOT 66 DP 551005  
PACIFIC HIGHWAY  
MOONEE BEACH

Prepared By:  
Annand Alcock Urban Design

November 2007

Prepared for:  
Hillview Heights Estates Pty. Ltd.



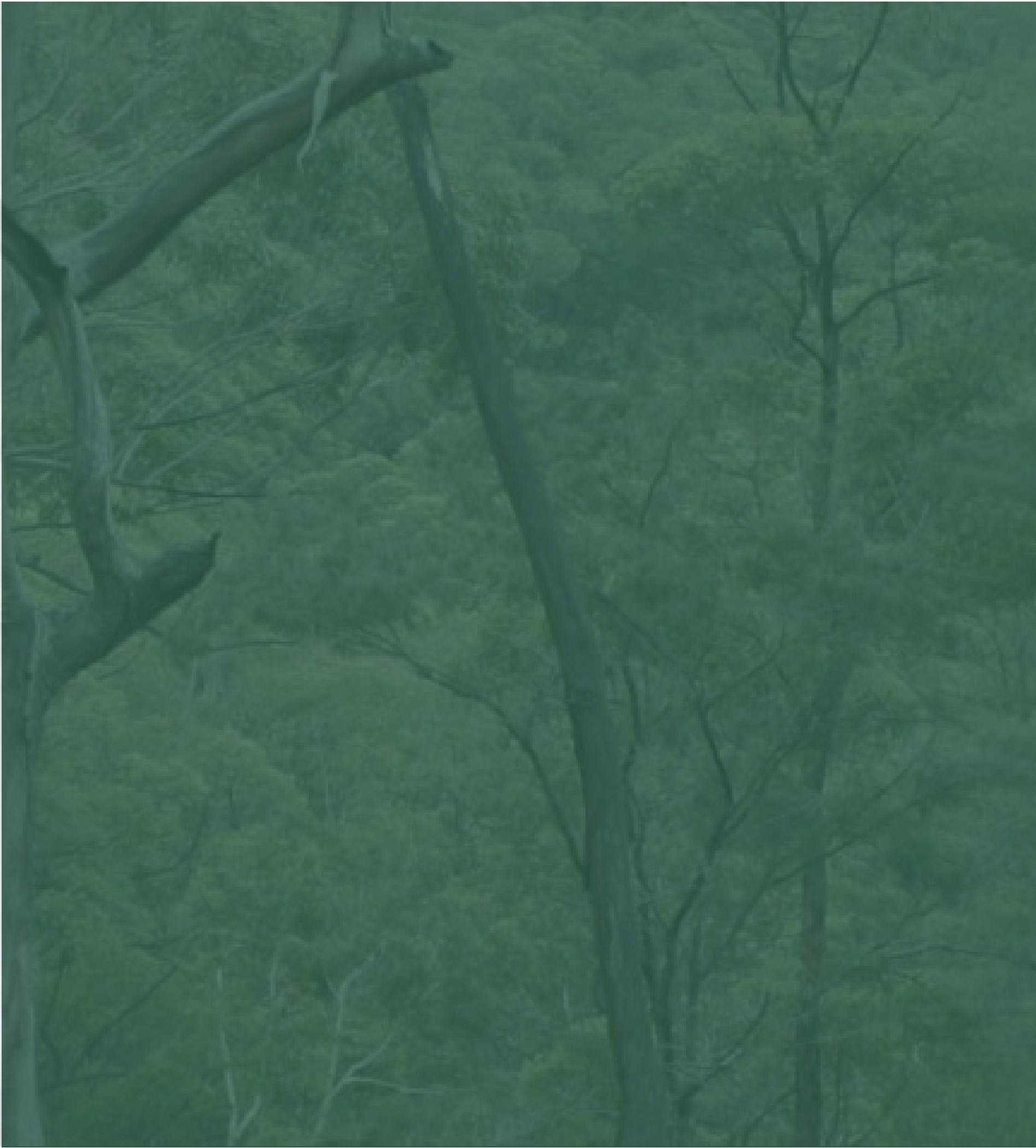
# VISION



*“To create a high quality, active, integrated and sustainable coastal community whereby its character is informed by the unique setting and undulating topography and where ecological values are fundamental.”*







This report has been prepared by Peter G. Annand, B Sc (Arch), B Arch, MTCP, Director of Annand Alcock Urban Design. The information presented in the report is factual to the best of my knowledge based on information provided to me by specialist sub consultant, expert in their field.

Signed

Peter G. Annand  
Director  
Annand Alcock Urban Design

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This Concept Plan document was produced by Annand Alcock Urban Design on behalf of Hillview Heights Estates Pty. Ltd., in consultation with the Coffs Harbour City Council, the Department of Planning and relevant State agencies. The following consultants were involved in the development of the Concept Plan and relevant background studies, which are summarised in this document, listed below at 'Appendices' and are collated in the accompanying volume 'Moonee Waters-Background Studies'.

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#### ‘Moonee Waters’ Residential Development & Conservation Reserve Flora and Fauna Assessment

Whelans Insites - Gunninah Environmental Consultants

### Appendix B

#### Response to the Sainty Report and Justification of the 2007 Concept Plan

Whelans Insites - Gunninah Environmental Consultants

### Appendix C

#### ‘Moonee Waters’ Coastline Hazard Definition

Patterson Britton & Partners Pty Ltd

### Appendix D

#### ‘Moonee Beach’ Water Management Report Subdivision DA

Patterson Britton & Partners Pty Ltd

### Appendix E

#### Aboriginal and Archaeological Survey and Assesment of Lot 66 DP 551005 Moonee Beach NSW’

Umwelt Environmental Consultants

### Appendix F

#### Lot 66 DP 551005 Pacific Highway, Moonee Report on Engineering Infrastructure (Geotechnical and Services)

GHD

### Appendix G

#### Bushfire Protection Assessment For the Proposed Community Title Residential Subdivision

Australian Bushfire Protection Planners Pty Ltd

### Appendix H

#### Traffic Report

John Coady Consulting Pty Ltd

### Appendix I

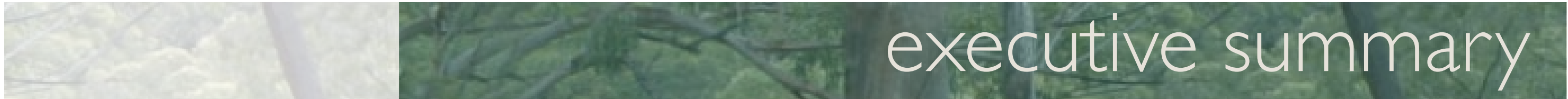
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GHD

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#### Survey Drawings

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# executive summary

INTRODUCTION

SITE & CONTEXT

PLANNING FRAMEWORK

DEVELOPMENT PRINCIPLES

HISTORY OF THE PROJECT

THE CONCEPT PLAN

ENVIRONMENTAL ASSESSMENT

CONCLUSIONS



# INTRODUCTION

This document sets out a vision for the development of a landholding South of Moonee Beach at Coffs Harbour (Lot 66 in DP551005). The total site area is approximately 102Ha, of which almost 75Ha is to be dedicated to habitat conservation including a series of wetlands, riparian corridors, parklands and asset protection zones. A number of restricted and controlled access trails are proposed through these areas (exact routes subject to more detailed research) to permit community access to the beach and controlled environmental interaction. The proposal will permit an ongoing management regime to an approved management plan using community title as a management vehicle.

The Estate is to be called “Moonee Waters”. The Moonee Waters Concept Plan provides a model for coastal village development (approximately 300 lots). It provides for the subdivision of the site in a manner which enables a low rise mix of residential dwellings within a village framework.

**This development derives amenity from, and provides a management regime for an extensive coastal conservation area (almost 75% of the site). The development demonstrates how sensitive development can facilitate conservation objectives at no cost to the public purse while providing varied development opportunities.**

The proposal has been based on detailed ecological surveys and assessment which has enabled a distinction to be made between those parts of the site zoned 2E that are capable of development without significant effects on flora, fauna or habitat, and those parts that are constrained and should be conserved.

This Concept Plan is prepared pursuant to Part 3A of the EP & A Act 1979. The provisions of Part 3A relate to major projects where the Minister is the approval authority. Part 3A provides for a Project Assessment and approval and/or a Concept Plan assessment and approval. The project was declared as a “major project” by the Minister in November 2005.

A preliminary assessment and a project application was submitted to the Department of Planning on 23 December 2005 to assist the understanding of the site and the project.

As a result a “Director General’s Environmental Assessment Requirements” (DGRs) was issued in October 2006 setting out issues which needed to be addressed in this “Concept Plan and Environmental Assessment.

This report addresses the DGRs (including the accompanying “Environmental Constraints Analysis” by Sainty). This Environmental Assessment suggests that all DGRs can be met and those variations to the recommendations made by Sainty are able to be fully justified and the environmental objectives put forward by Sainty can be achieved.

These documents will be exhibited for public comment for 28 days, submitted to relevant State Government Agencies and Coffs Harbour City Council for comment prior to determination by the Minister:

Departmental guidelines provide that Concept Plans do not need to contain the level of site specific or building specific detail required in a Development Application. The Department requires that Concept Plans should present a broad overview of the site and the locality and set out a framework for future Development Applications.

The detailed studies on which the proposal is based are contained within the accompanying volume of Appendices, and are summarised in this document.

This report constitutes a “Concept Plan and Environmental Assessment” as required by the Director General.

It clearly sets out the particulars of the site, its context, constraints and opportunities, planning and design principles, the proposed nature and extent of development, its environmental implications and its manner of implementation.

Section 1  
describes the context of the site.

Section 2  
briefly summarises the many background studies carried out to inform the design of the proposal. These are submitted in full form in Volume 2 - Background Reports.

Sections 3  
discusses opportunities and constraints, potential development areas, concept options, DGRs, the Sainty Environmental Constraints Analysis, how those environmental constraints can be incorporated into a revised Concept Plan and a project impact assessment.

Section 4  
discusses the major elements of the revised Concept Plan, the essential principles and how they are applied. These relate to environmental conservation, urban structuring, placemaking and community building with particular reference to “Coastal Design Guidelines” by NSW Government.

Section 5  
briefly sets out some of the special places to be created.

Section 6  
discusses the placemaking ability of the streets ie. how to build streets that are people places rather than car orientated.

Section 7  
examines opportunities for residential development - density, housing diversity and housing typologies appropriate for a coastal location.

Section 8  
describes the mechanisms for delivering the vision including a proposal for Community Title management of the Conservation Areas and a brief summation of the aspects of development which are proposed to be regulated by “Design Guidelines” to ensure the delivery of appropriate Coastal Housing. This section also contains a “Statements of Commitments” as required on the DGRs.



SITE & CONTEXT

PLANNING FRAMEWORK

DEVELOPMENT PRINCIPLES

The site is located 10 km north of Coffs Harbour between the township of Moonee Beach and the recently approved Sapphire Beach development site.

The site is currently undeveloped and comprises dry forest and woodland regrowth communities on the higher lands nearest the highway and sedgelands, wetlands, swamp forest, moist forest and riparian communities on lower slopes and drainage lines.

The site is essentially an infill site between Moonee Beach and Sapphire Beach and as such can combine urban infill with environmental conservation.

The subject site has been zoned residential since 1988. The zoning was altered to Residential 2E and part Conservation in 1998.

The concept was submitted as a masterplan/Development Application under SEPP No. 71 (Coastal Development) in February 2005. The Department then advised that due to legislative changes the project should be dealt with under Part 3A of the Act.

The Minister has declared that the project is a “major project”.

A “Preliminary Assessment” was lodged on December 2005.

In October 2006 the DGRs were issued which set out requirements for a “Concept Plan and Environmental Assessment”. This was accompanied by an “Environmental Constraints Analysis” which suggested that only the southern part of the site could be developed unless fully justified against conservation aims and objectives.

This report responds to issues raised in the DGRs and the Environmental Constraints Analysis, justifies variations and explains how environmental objectives and criteria are met.

Planning principles are based on sound environmental and sustainable planning practice and include principles drawn from the DGRs requirements, the Sainty Report (Environmental Constraints Analysis), the Departments “Design for Coastal Settlement” and Coastal Design Guidelines for NSW and extensive background studies in biodiversity, geotechnics, coastal processes, archaeology, bushfire risk, water management, services and traffic/transport.

Jointly, this information informed the design of the Concept Plan.

Major Planning Principles include:

- Conserve areas of high environmental significance
- Manage conservation areas to balance public access and conservation requirements
- Provide low key access to the beach
- Manage traffic access in the context of highway upgrade and RTA requirements
- Manage storm water runoff to protect natural ecosystems
- Incorporate native vegetation into development
- Respond to site topography
- Connect to surrounding urban areas
- Create a clear urban structure
- Promote walking and cycling
- Manage bush fire risk
- Create special places
- Create streets of character
- Create a diversity of appropriate coastal housing typologies to suit changing demographics
- Regulate house design so that the development builds place and community in a sustainable manner.

## HISTORY OF THE PROJECT

The site has a chequered planning history going back many years.. However, it has been zoned for residential use since 1988. The following outlines the history since that time.

- 1988: land zoned 2A residential
- 1998: draft Local Environmental Plan (LEP) and Development Control Plan (DCP) exhibited proposing rezoning to predominantly 2E residential tourism and partly to 6A and 7A conservation
- 1998 December: submission by owner to review draft LEP and DCP
- 1999 February: Draft DCP exhibited
- 2000: LEP and DCP adopted by Council. Area zoned 2E is increased.
- 2002: Council advise review of Moonee Beach DCP.
- 2002 August: meeting with Council officers. Officers advise of possible flora and fauna significance. Owners engage consultants to review flora and fauna issues.
- 2002/ 2003: closing dates for review of draft DCP keep being deferred.
- 2003 February: owners commissioned flora and fauna study by Gunninah which suggests that 45% of the site could be developed.
- 2003: Council ignores Gunninah Study and prepares a draft vegetation strategy which effectively sterilises the site.
- 2003 September to November: Council Vegetation Strategy exhibited nominating the site as “very high vegetation value” without any fieldwork.
- 2004 March: owners object to draft DCP. Suggestions that Council is interested in purchasing the site.
- 2004 May: owners meet with Mayor and advise that they will continue preparing Master Plan. Council suggests long term purchase. Council resolves that officers meet with owners to discuss some development in return for dedication.
- 2004 October: Council confirms resolution to adopt Moonee DCP and exhibit LEP amendment 24.
- 2004 November to 2005 March: communications back and forth fails to generate a meeting with Council officers
- 2005 February: owners submit a Masterplan Development Application to DIPNR under SEPP No. 71 and advise Council
- 2005 March: DIPNR advises that SEPP No. 71 no longer applies and suggests that document be re-formatted to suit Part 3A requirements.
- 2005 March: Council advises exhibition of Coffs Harbour LEP Amendment 24 which effectively backzones land to Environmental Protection notwithstanding resolution of previous September 2004 to negotiate with owners. Correspondence with Council advising them of this fact (previous resolution) and requesting deferral of LEP.
- 2005 May: meeting with Council officers. They advise that land should be backzoned for conservation, in spite of the Gunninah Report to the contrary. Meeting resolved that Council officers would provide background to their conclusions and Gunninah would review. Owners provide summary Master Plan Report to Council.

- 2005 May to December: Owners commission consultants to prepare documentation as required for Part 3A application.
- 2005 November: Development declared as “Major Project” by Minister
- 2005 December: Preliminary Assessment submitted to Department
- 2006 February to June: Back and forth correspondence with Council.
- 2006 October: Department issues DGRs for a Concept Plan and Environmental Assessment. Department releases “Environmental Constraints Analysis” by Sainty which recommends partial development of the site (approximately 110 of 350 dwellings proposed.)
- 2006 to 2007 (October to June): Owners commission further studies to update previous background reports and re-format documents to suit DGRs
- 2007 November: Owners submit Concept Plan and Environmental Assessment to Department.

There has been no communication from Council regarding their intentions since the part 3A application has been made.

Since early 2005 the owners and their consultants have worked co-operatively with the Department in order to seek a situation which would conserve and manage the most sensitive environmental areas of the site in perpetuity whilst allowing only about 25% of the site to be redeveloped.

## THE CONCEPT PLAN

The Concept Plan proposes two small villages of diverse residential development on higher lands where the biodiversity values are lowest.

The design is based on “Coastal Design Guidelines for NSW” with particular attention to:

- Coastal context and site analysis (Sections 1, 2 and 3)
- Cities, town, villages and hamlets (Section 4.2)
- Footprint definition and boundaries (Sections 2, 3 and 4)
- Connection of open space areas (Sections 2, 3 4 and 5)
- Protecting the natural edges (Sections 2, 3 and 4)
- Reinforcing the street pattern (Sections 4 and 6)
- Appropriate buildings for a coastal context (Section 7)

The Concept Plan proposes in the order of 300 dwellings in two small villages, occupying approximately 25% of the site (and about 32% of the Residential 2(E) zoned area).

The remaining of the site is proposed as primarily “Conservation Area” to be managed under “Community Title” at no cost to the public purse (see table below for area calculation).

A Community Management Statement (CMS) will set out rights and obligations of residents with respect to management of conservation areas and on-going funding arrangements.

Buildings will be regulated by “Design Guidelines” which will seek an appropriate “coastal” architectural theme and diverse building typologies.

### The Proposal

- In this context the proponent seek Concept Plan approval for:
- Subdivision layout (referred as “Concept Plan”) as shown in Figure i-1 which will yield 300 dwellings;
  - Layout of roads, development areas and local open space;
  - Conceptual Water Sensitive Design;
  - Creation of Conservation Area to be managed under Community Title. This will include the “Conservation Area” identified in Figure 3-14, local parks and pathways through the Conservation Area to the beach (to be specifically determined in Development Application in consultation with relevant authorities);
  - Creation of APZs to protect development from bushfire;
  - Temporary highway access (subject to Development Application consent);
  - The site is proposed to be developed as a Community Scheme utilising Community Title Legislation. It is proposed that Lot 1 will be Community Association Property, and Lots 2 and 3 will be community development properties.
  - Lot 1 consists of land identified for conservation purposes (referred to as the “Conservation Area” throughout the rest of the documents) and a small amount of land zoned 2E in the southeast of the site. The land zoned 2E is not designated for conservation purposes and may be the subject for future application for development.

### DEVELOPMENT AREA CALCULATION

		AREA (Ha)	%	DWELLINGS
Northern Precinct (also known as Lot 3 or Precinct A)		14.15	13.9	166
Southern Precinct (also known as Lot 2 or Precinct B)		8.73	8.6	134
Total Developed in this Proposal (Lot 2+3)		(22.88)	(22.5)	300
Lot 1 - Community Association Property	Conservation Purposes (“Conservation Area”)	74.9	73.4 (or approx. 73)	-
	Non-Conservation Purposes Land Zoned 2E* (*potentially subject to future application)	4.22	4.1	-
TOTAL SITE		102	100	300

\* Dimensions and areas are approximate only and subject to final survey.  
Areas and percentages are rounded to the closest two decimal point.



## THE CONCEPT PLAN



Fig i - I Concept Plan



## ENVIRONMENTAL ASSESSMENT

### ENVIRONMENTAL ASSESSMENT/JUSTIFICATION FOR VARIATION

The Sainty Report “Environmental Constraints Analysis” proposes development of the southern village only (about 110 dwellings) whilst excluding the northern village (about 170 dwellings). The main reasons given in the Sainty Report are as follows:

- Endangered communities (which are predominantly conserved in the proposed Conservation Area).
- 50m environmental buffers which are proposed by Sainty as necessary to prevent human encroachments.

**Our Response:** *The Concept Plan achieves this within a conservation management regime and controlled access.*

Buffers are proposed by Sainty:

- To protect from storm damage. The Concept Plan maintains a variable buffer adequate to this purpose.
- To protect natural habitat from edge effects. The Concept Plans management regime will effectively achieve this.
- To enhance environmental services. The Concept Plan and management regime effectively achieve this.

**Our Response:** *The Concept Plan proposes a variable buffer (as permitted by Sainty) and as elaborated in Section 3.7.*

- Regional context and significance of vegetation. Sainty proposes the conservation of the northern area of Turpentine Forest/Blackbutt Woodland in toto.

**Our Response:** *Our consultants dispute the need for this in terms of local and regional significance. The Concept Plan still manages to conserve in the order of 16ha of this species in buffer areas and sets out mechanisms for maintenance and enhancement of an indigenous landscape theme throughout the development areas. The Proposed Management Plan will:*

- *Retain and enhance broad areas of Turpentine and Blackbutt vegetation around the edges of development and in streets and lots and retain and manage 75% of the site (predominantly wetland and associated species).*
- *Manage runoff to avoid increase in nutrient discharge into conservation areas.*
- *Manage edges (buffers) to primary Environmental Conservation areas.*

- The role of the Site as a Nature Corridor. Sainty proposes incorporation of the entire northern sector of the site into a nature corridor connecting west towards the Orana State Forest.

**Our Response:** *The Concept Plan provides for two east-west corridors in the order of 100m to 250m wide connecting along riparian corridors. The entire northern development area as proposed by Sainty is discounted as an appropriate corridor because:*

- *The Pacific Highway provides a formidable barrier through this area; and*
- *The lands to the west across the highway are not densely wooded nor are there any mechanisms to ensure their future inclusion as corridors.*

*The Concept Plan:*

- *Has no impact on the north south corridor*
- *Has no impact on the key habitat (Moonee Beach Nature Reserve)*
- *Maintains broad east west corridors to the Pacific Highway along riparian corridors with potential to pass under the highway and connect to the west lowlands Orana State Forest*
- *Provides certainty with respect to maintenance and retention in perpetuity of broad bands of native vegetation on the site and connecting with surrounding vegetation.*

Thus, whilst concurring with Sainty that the property has many ecological attributes, we diverge in approach to conservation and management. Whilst Sainty takes a minimal development approach, the proponents seek to conserve and manage in perpetuity the most significant areas while permitting development to about 25% of the site.

The only real alternative to the proposed approach would be purchase of the site by Government at residential value and installation of a public management regime.

## CONCLUSIONS

We contend that the substantial environmental benefits which are derived from the proponents approach recommended in the Concept Plan far outweigh the losses associated with limited development over less than 25% of the site.

We thus recommend the revised Concept Plan, as a realistic, reasonable and achievable balance between environmental conservation objectives and reasonable development expectations, on land zoned for this purpose. The Concept Plan is justifiable in terms of environmental impact and offers the only practical means to ensure the ongoing conservation and management of the majority of the site, which includes a major area of endangered ecological communities and other vegetation of lesser significance.

In this context the Concept Plan can be approved under Part 3A by the Minister as it generally meets the DGRs and fully justifies variations in conservation approach from that included in the “Environmental Constraints Analysis”.

The Environmental and Community Benefits flowing from the proposal include:

- Retention of examples of all major habitat types and eco-systems within the site
- The conservation of the overwhelming majority of the “endangered ecological communities” on the site.
- The retention, enhancement and permanent protection of a major Conservation Area comprising 73% of the site and including all areas of significant ecological value. This area to provide controlled public access and be managed at no cost to the public
- The removal of weeds, rubbish and debris
- Permanent control of access and visual monitoring by residents
- Provision of facilities for controlled public access and public education
- Implementation of management regimes which would otherwise be lacking
- Provision of wildlife corridors well in excess of any in the region
- Provision of relatively dense, diverse and appropriate coastal housing in this fast growing area.

Sainty’s restricted development proposal (approximately 110 lots) is unrealistic and unreasonable, and is not justified on ecological or biodiversity conservation grounds. This southern development area proposed by Sainty would not generate sufficient development to fund a management regime and would thus leave the vast majority of the site conserved but unmanaged.

This approach would lead to continuing degradation of the site. The current condition of the site suggests that this is not the best solution.