

L - Summary of Responses to Government Authorities Concept Plan Responses

L - SUMMARY OF RESPONSES TO GOVERNMENT AUTHORITIES CONCEPT PLAN RESPONSES

E.2.1 RTA

- Temporary access remains necessary as Council and RTA propose to remove access without any alternative arrangements being available. The proponent will remove the request for this access as soon as adequate alternative access can be provided.
- Traffic assessments of impacts on intersections at Moonee Beach and Spit Solitary can be provided with DA. The proponent is surprised that the development potential of zoned land wasn't incorporated into RTA analysis.
- The noise impact will be very similar to North Sapphire and will require noise attenuation at source (noise wall) and/or dwelling (noise attenuating construction). This will be addressed at DA once the Concept Plan is approved.
- Pedestrian, bicycle and bus movement have been incorporated in the design and will be subject to final resolution in DA once concept approval is given along with detailed traffic calming and intersection design.

We need clarification as to when dedication is to occur, when Council might collect S94 contributions over neighbours, the how and what we collect from, if we forward fund, and how do Council guarantee access to complete the road?

We need agreement from adjacent landowners to allow us to 'forward fund' the collector road over their land. We still need temporary access until we can gain such access to adjacent lands.

Traffic Impact Assessment will be provided at DA stage if necessary.

The Collector Road is intended to continue to the northern boundary and will do so in our DA plans.

Crown Lands consent being pursued.

Connectivity – Southern Precinct

Connection can be provided from Crown Road to land to west of Southern Precinct along its full N-S length for vehicles and pedestrians. This is up to adjacent developers.

Pedestrian connection to beach will be negotiated in detail with interested parties once Concept Approval is achieved. Visitor parking to be negotiated with Council and State Government and to be consistent with walkway/boardwalk routes.

E.2.2 DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE

DECC raise a number of issues most of which relate to and are addressed in **Section 1 – Ecology**.

Note that issues to do with recreational access and management remain to be collaboratively addressed with Council and State Government Authorities once the Concept Plan is approved and prior to DA approval.

Conservation Area

The proponents are not averse to public ownership of the Conservation Area. Community Title was the best mechanism in the absence of previous government commitment. Dedication of the Conservation Area, however, requires a level of development that makes it worthwhile.

The Southern Precinct alone is not enough to compensate for dedication of 70+ha, particularly given the extent of land zoned residential.

A Vegetation Management Plan can be prepared in the context of dedication at DA stage.

E.2.3 DEPARTMENT OF NATURAL RESOURCES

As above see **Section 1 – Ecology**.

- APZ width see section 6.0 Bushfire.
- The basis of the DNR position can be largely delivered in the proposal.
- Their position that all of the land should be transferred into public ownership for conservation purposes is unachievable and their criticisms of the proposal reflect this position.

Environmental Buffers

We do not accept the concept of 'buffers', where strict management conditions exist. In this context, the effort that has gone into edge management for the 'Moonee Waters' proposal removes the need for additional buffers.

E.2.4 COFFS HARBOUR COUNCIL

Access

The proponent has need for temporary access to the Pacific Highway as a fall-back position not withstanding the reservations of the RTA. This situation is a result of Council's and the RTA's inadequate mechanisms for implementing the collector road, despite its presence in planning documents and the RTA EIS.

Council have passed responsibility for implementation of the collector road to private sector (i.e. they require individual landowners to gain right of access over adjacent lands, and to 'forward fund' the road over adjacent lands). This puts us at the mercy of adjacent owners/developers.

Developer Contributions

The existing S94 Plan does not apply to the 'Moonee Waters' site but we are prepared to accept that it can and should (on the basis of receiving consent), and that the general contribution levels applied at Moonee Beach and elsewhere are generally acceptable, where a nexus can be demonstrated.

Subdivision Design

We are not of the opinion that conservative engineering standards should apply to 'Moonee Waters' and therefore may still keep streets in Community Title, if agreement cannot be reached with Council. We note that a number of the issues flagged as not complying with Council standards are evident in recent constructed developments.

L - SUMMARY OF RESPONSES TO GOVERNMENT AUTHORITIES CONCEPT PLAN RESPONSES

We are happy to negotiate these issues at the DA stage.

There is sufficient space for 10m perimeter swales. Earthworks Plans will be submitted at the DA stage. We do not however believe that site needs to be filled to 5.0m AHD (see additional information 5 and 6) and believe that 3.6 AHD is adequate.

Culvert capacities, acid sulphate soils, waste management, earthworks plans are all to be addressed at the DA stage.

Acoustic Impacts

The proponent will ensure appropriate acoustic environments. This will be dependant on whether noise walls are appropriate for the Northern Precinct. This requires further information on where and at what level the Highway noise source is to be constructed. This is not currently available, as detailed engineering drawings for the new Highway have not been prepared.

We can provide a 'Commitment to Internal Noise Levels' which can be implemented through Design Guidelines and Building Covenants.

As the Southern Precinct is east of the whole of the approved North Sapphire estate, there is therefore unlikely to be an acoustic problem. Acoustic comfort guidelines will still be applied, however.

Small local parks are proposed at entry points to the Conservation Area. They may contain picnic areas, children's playground, parking areas etc, as found in National Parks etc, and will be appropriately managed for conservation values.

The size and location of these parks will be established in consultation with Council and other relevant authorities, along with the pedestrian paths through the Conservation Area, prior to DA but after Concept Plan approval.

Housing Typology

Design Guidelines will be provided for all dwelling types and will be submitted with DA.

Mature tree retention can be achieved by avoiding as many HBTs as possible and by enlarging the lots to assist with on-lot retention of canopy trees.

Council will probably seek a 2(a) - Residential zone (as in the Standard Template). There is no Tourist - Residential zone in the standard Template.

This however, has no impact on housing form or on any other Concept Plan matters.

Biodiversity

All of Council's concerns are addressed in wider studies and documentation carried out in response to DoP's response (see

Section 1 Ecology).

E.2.5 DEPARTMENT OF LANDS

The proponent has met the Department of Lands (DoL) regarding the opening of the Crown Road Reserve between The Pacific Highway and the southeastern corner of development to provide access to the Southern Precinct. A Management Plan will be prepared prior to DA.

This meeting was in response to correspondence forwarded by DoL to the DoP. It was generally agreed that:

- The Department of Lands would consider permitting transfer of the Crown Road Reserve to Council to allow the construction of the access road to the Southern Precinct. The final resolution of the extent of the road opening is to be determined prior to DA in consultation with Council, Department of Lands and DOP;
- The area of road reserve crossing the SEPP14 wetland be further discussed as potential pedestrian access to the beach. This discussion to address potential works, costs, funding and management, responsibilities, parking areas etc, and be agreed to prior to DA approval;
- Walking tracks, local parks, picnic areas, orientation/interpretation areas, parking areas etc are to be further discussed upon Concept Plan approval towards finalising access and movement systems and management prior to DA approval;
- In principle, dedication of the "Conservation Area" (to be finally delineated) to public ownership, subject to approval of appropriate and fair development opportunities is acceptable;
- The southeastern corner of development to be relocated away from the SEPP14 wetland boundary;
- Rutile Road to be transferred to Council. This can be finalised prior to DA approval and we will support that;
- Location and standard of walking tracks will be negotiated with Council, DoL and DECC along with locations, type and management of local parks, picnic areas, parking etc, after Concept Approval and prior to DA approval. It should be recognised that there are different positions held by (and within) the different government authorities;
- The developers to transfer areas of the Moonee Beach Reserve – Green Point walking track to government at no cost as part of the larger transfer/dedication proposed along with the development approval (on the basis that the Northern and Southern Precincts are approved);
- Further consultation is required between authorities relating to perceived burdens of new development versus provision of substantial additional assets/resources and management of the same (as mentioned above). This should include provision of local parks, picnic areas, lookouts, parking etc, and access tracks, paths and boardwalks through the reserve, and management of the reserve, APZs etc in appropriate detail prior to DA; and
- We have proposed management under Community Title, we are happy to dedicate land (in exchange for development rights) to Council and/or the State Government for inclusion in the Coastal Reserve System as an alternative.

L - SUMMARY OF RESPONSES TO GOVERNMENT AUTHORITIES CONCEPT PLAN RESPONSES

We reject the notion that the Northern Precinct is part of a significant “wildlife corridor”, and suggest that the corridor as proposed in the amended Concept Plan is the optimal corridor and cannot be substantially improved by denial of further development.

This is primarily due to the ‘catastrophic’ impact (according to Sainty report) of the Pacific Highway upgrade, and the need for fencing of the Highway.

The ‘Moonee Waters’ proposal provides substantial corridors leading to fauna underpasses north and south of the Northern Precinct.

The east-west corridors as proposed in the ‘Moonee Waters’ Preferred Project Plan are optimal given that the Highway upgrade and western cleared lands mean that the corridor is only effective along creeklines. (see further discussion on **Section 1 Ecology**)

Other minor matters raised by DoL can be addressed in DA documentation.

E.2.6 NORTHERN RIVERS CATCHMENT MANAGEMENT

This organisation does not support the plan based on policy and recommends that the whole area is purchased by the government to be a national park or state reserve. This is currently unable to be achieved.

E.2.7 THE RURAL BUSHFIRE SERVICE

The RFS generally supports the concept plan provided that:

- There is a restriction requiring all lots to be hazard reduced prior to sale and can be managed as an “Outer Protection Area” (OPA).
- Services comply with Planning for Bushfire Protection 2006.

They note that a number of items within the Bushfire Protection Assessment are not relevant at concept approval state and will be further addressed at DA.

They also note conflicts between conservation values and bushfire protection in some APZ’s and fuel reduction areas. These are discussed in Section 1 and will need to be resolved with DOP.

E.2.8 DEPARTMENT OF ENVIRONMENT AND CONSERVATION

This authority is able to support the project providing it is redesigned to Sainty specification (not acceptable) and is able to accommodate a Statement of Commitment, that any detrimental impact on threatened species be compensated for in a compensatory plan and a detailed rehabilitation plan for open space areas be prepared and approved prior to release of construction certificate.

Additional commitments are proposed relating to Aboriginal Cultural Heritage. The proponent accepts these.

E.2.9 MARINE PARKS AUTHORITY

This authority raises issues of Climate Change addressed in **Section 5, Environmental Buffers, Section 1, Stormwater Management and Sediment Erosion Control** which are addressed in **Part C, Additional Information, Section 5 Water Cycle Management**.

E.2.9 THE DEPARTMENT OF PRIMARY INDUSTRY

This authority has no concerns in terms of agricultural, forestry or mineral matters. The Aquatic Habitat Protection Unit is generally satisfied contingent on fish friendly design of watercourse crossings. This department supports Sainty’s position on APZ buffers which have been extensively addressed in **Section 1**.