

September 2009

Volume 1 MODIFICATION TO CONCEPT PLAN

# Sapphire

**PREFERRED PROJECT REPORT AND  
STATEMENT OF COMMITMENTS**

# Report





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**MODIFICATION TO  
CONCEPT PLAN APPROVAL  
06-0148 MOD 1**

**PREFERRED PROJECT  
REPORT AND STATEMENT  
OF COMMITMENTS**

**September 2009**

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# 1 Introduction

On 9 May 2007, the Minister for Planning approved a concept plan for a site on the Pacific Highway Coffs Harbour. The concept plan provided for the development of the site for a mixed tourist/residential development comprising open space, dwellings and residential flat buildings. In June 2009 an amendment to the concept plan was lodged with the Department of Planning (DOP).

The proposed amendments to the approved concept plan were as follows:

- Removal of the tourist component of the use of the site
- Removal of the residential flat buildings and their replacement with detached dwellings
- Reduction in the number of dwellings from approximately 122 to 39
- Alteration of the beachfront houses from 16 to 14 and from attached to detached dwellings
- Removal of the communal facilities (including an office, reception area, commercial kitchen, pool and gymnasium)
- Increase in the number of lots subdivided on the site from 26 to 42 (39 residential lots and 3 community title lots for the roads, conservation area and open space)
- Inclusion of some common areas related to the residential flat buildings into the individual lots
- Reduction in the number of car parking spaces from 270 to 78
- Reduction in the gross floor area of the development by approximately 10,000m<sup>2</sup>
- Reduction in the approximate number of bedrooms by approximately 168 to 170
- Minor changes to the lot shapes and sizes
- Other minor changes related to the above
- Changes to the approvals regime for the site to provide for all future applications to be dealt with under Part 4 of the Environmental Planning and Assessment Act

All other works on the site were to remain generally as in the concept plan approval.

The proposed amendment to the approved concept plan was exhibited and submissions have been received on the proposal. These have been provided to the proponent. Section 75 (6) of the Environmental Planning and Assessment Act provides as follows:

(6) The Director-General may require the proponent to submit to the Director-General:

- (a) a response to the issues raised in those submissions, and
- (b) a preferred project report that outlines any proposed changes to the project to minimise its environmental impact, and
- (c) any revised statement of commitments

This report contains the response of Sapphire Beach Development Pty Ltd to the issues raised and outlines the proposed changes to the project as a result of the examination of the submissions. In relation to certain matters, additional information is provided which it is considered resolves the issues identified. Where changes to the project are proposed, these are assessed in relation to the provisions of the Environmental Planning and Assessment Act.

This report is accompanied by a separate A3 Volume (The Plans) containing plans, diagrams and of the project. These are referred to in this report and referenced to the accompanying report.





# 2 Summary of Key Issues

## 2.1 Introduction

The DOP examined the EAR and the submissions, which were made on it and produced a list of the major concerns and issues in relation to the proposed concept plan. These are summarised below.

## 2.2 Vegetation Management

The DOP considered that the 7A zoned vegetation on the site could more appropriately be described as “lowland or littoral rainforest community “ rather than “dry Sclerophyll forest”. The impact of this change required investigation.

## 2.3 Connectivity

The interaction between Beachfront Close and the proposed internal front road needs to be addressed. A connection should be made to link these two roads. This would promote connectivity between adjacent residential properties and is particularly relevant given the change of use of the land from tourist use to residential.

## 2.4 Bushfire

An APZ is to be provided behind the dune across the front of the site and plans need to be updated to include this.

## 2.5 Fore Dune Management

Dune stability is important in addressing climate change impacts and rehabilitation of the native dune eco system. Rehabilitation works should be initiated as part as part of Stage 1 rather than waiting until the subdivision application is lodged.

## 2.6 Urban Design

The proposal is unclear as to how the design guidelines are to be implemented. The NSW Housing Code is to provide the benchmark for future development of the site. Therefore the relationship between the design guidelines and the code needs to be examined.

## 2.7 Beach Access

The proposed beachfront path runs horizontally to the beach and is unlikely to be of use for pedestrians, as it does not provide connectivity to any other pedestrian accessible areas. Consideration should be given to its removal.

## 2.8 Fill Levels

The proposed filling to 7.0 AHD is approximately 1-1.2m above neighbouring properties on parts of the southern site boundary. Design detail should be provided for a staggered retaining wall or a sloped edge at the property boundary that will mitigate any adverse impact and have the effect of creating a softer transition to neighbouring properties.





# 3 Proposed Changes To Proposal

As a result of the consideration of the submissions made on the application and the comments of the DOP the following changes have been made to the proposed amendment to the concept plan:

- The Vegetation Management Plan has been amended to alter the description of the 7A vegetation. This alteration has no impacts outside the area.
- A detailed Dune Management Plan has been prepared to accompany the application (Appendix 3)
- The Bushfire Risk management Plan has been amended with the inclusion of a revised APZ plan showing a 10m APZ to the dune rehabilitation area (Appendix 6)
- 1 visitor car parking space has been removed at the bottom of the hill
- Community lots have been reduced to 1 (Lot 40)
- Right of Way between lots 34 and 37 has been reworked to improve access
- North south pedestrian path has been removed from front of beachfront lots
- Southern boundary is to be battered and landscaped to provide transition to existing properties
- Community Management Statement has been revised



# 4 Major Issues Raised And Response

This section looks at the issues, which were raised by the various authorities who commented on the proposal, and those issues, which were raised by the general public. The following table summarises the issue and provides comments on the resolution of the matter. The table also provides references where additional information has been provided or where there have been changes to the concept plan to deal with the matters raised in the submissions. Matters raised by the Department of Planning are dealt with at the end of the table.

SUBMISSION MATTERS	COMMENTS	REFERENCES
<b>A.COFFS HARBOUR CITY COUNCIL</b>		
A1. Coastal Hazard		
The 2100 year hazard line has been calculated using the 0.9m sea level rise and the proposal has the building floor levels above the wave run up height of 7.5m AHD. This arrangement satisfies Council's policies for Coastal Hazard	Noted	
To achieve the 7.5m AHD floor level the developer proposes to fill the lot. This activity creates other issues for consideration such as compatibility with adjoining lands and developments.	A batter will be built along the southern boundary of the site. This will be 4m wide and landscaped.	A3 plans include design and cross sections
The proponent could look at reducing the fill level and lower the finished floor level of proposed buildings by mitigating coastal inundation / wave run up through other means such as landscaping bunds / walls / fencing.	Improvement to the dunes is already proposed.	Appendix 3 Dune Management Plan
All buildings must be	Sea Rise Protection Zone Provides for this	Appendix 7
located west of the 2100 year coastal hazard line and be at either 7.5m AHD minimum floor level or be protected from coastal inundation by other approved means.		EAR and Appendix 4

SUBMISSION MATTERS	COMMENTS	REFERENCES
<b>A.COFFS HARBOUR CITY COUNCIL</b>		
A1. Coastal Hazard		
Council notes that the foundations of the first row of residential dwellings will be designed to withstand wave run up.	Agreed	Statement of Commitments 5(e)
A2. Sea Rise Protection Zone(SRPZ) & Adaptive Risk Management Approach (ARMA)		
Council notes the proponents measures to combat the effects of possible sea level rise via a SRPZ and ARMA	Noted	
Council views this arrangement with caution as this arrangement details no statutory or regulatory provisions to enforce compliance. It is suggested that the Department seek legal advice on this arrangement. Alternatively, the works could be undertaken as part of the physical development (see comments under "Coastal Hazard" above).	The Sea Rise Protection Zone will be managed through By-Law 41 of the Community Management Statement. The By-Law is a public authority by-law with provisions that insure it cannot be amended or revoked with the consent of CHCC. The Community Management Statement includes provisions requiring the Community Association to advise CHCC when they intend to implement their Sea Rise Action Plan.	Appendix 7 EAR and Appendix 4
A3 Highway Access		
The Highway Access arrangement (final and during construction) should satisfy the requirements of the RTA.	Requirements have been agreed with the RTA	

# 4 Major Issues Raised And Response

SUBMISSION MATTERS	COMMENTS	REFERENCES
<b>A.COFFS HARBOUR CITY COUNCIL</b>		
A4 Internal Access		
<p>The road reserve and pavement widths are noted by Council as (approximately):</p> <p>main east west access - 14m and 6m; north south access - 10m and 5m; secondary access - reserve variable width, 3.5m permanent.</p> <p>At these widths (including street tree planting both sides of roads) there is no provision for on street parking. Whilst the design guidelines call for 2 visitor spaces in the dwelling driveways the garage setbacks do not generally allow for these spaces (many garages have a 4m setback only).</p>	<p>In the plans 5.5m setbacks apply to all garages.</p> <p>There are also visitor 5 visitor parking spaces by the sewer pumping station and 1 by the central beachfront access.</p> <p>Therefore there will be provision for 83 visitor spaces (39 lots x 2+ 5 on road = 83)</p>	
The southern end of the Right-of-Way servicing Lots 34/37 is around 30%. This will make access to garages and visitor spaces on these lots difficult, if not unworkable.	ROW will be for vehicles only - garage and access to Lots 34 & 37 will be reviewed in the subdivision development application	A3 Plans
Service vehicle access (eg waste servicing) to the Right-of-Way to Lots 34 – 39 has no turn around area.	ROW will be for vehicles only residents will 'walk' garage bins to the end of the ROW, therefore no CHCC vehicles	A3 Plans
Dead end roads require compliant turn around areas. Note, liaison with Council's waste servicing contractor is recommended	ROW will be for vehicles only residents will 'walk' garage bins to the end of the RoW, therefore no CHCC vehicles will use ROW	A3 Plans
A 5 Servicing		
Water and sewer are to be	Community Management Statement has	Appendix 4
part of the Community Property and not Council services as proposed. The Community Management Statement should reflect this requirement.	been amended	

SUBMISSION MATTERS	COMMENTS	REFERENCES
<b>A.COFFS HARBOUR CITY COUNCIL</b>		
The developer should liaise with Coffs Water concerning access to the Council Sewer Pumping Station and proposed bunding around this facility.	The site filling is designed to regrade the site away from the sewer pumping station	A3 Plans
The upgrade of the outfall main (Vol. 4 App. 9) on the neighbouring property will require the consent of the owner of this land parcel.	There is an easement in favour of Sapphire Beach Developments over the pipe work that grants access as required	A3 Plans
A 6 Fill		
The proposed filling will need to ensure that the stormwater drainage from neighbouring properties is not impeded.	The site filling is designed to regrade the site away from the neighbouring properties. There are no easements or pipes draining neighbouring properties through our property.	A3 Plans
A 7 Landscape Master plan		
Final landscape plans should demonstrate the proposed plantings and planting areas are adequate to ameliorate the impact of proposed buildings on the prominent coastal view, provide adequate screening along the southern and northern boundaries, and screen the development from the Pacific Highway	The Landscape Master plan clearly shows the existing Pandanus will be retained and others transplanted, along with further dune stabilising varieties in the beachfront community park and dune. The Landscape Master plan Report devotes a whole section to the highway screening Buffer planting will be provided along the southern boundary batter.	EAR Appendix 13 A3 Plans
Landscape details are to	Provided	EAR Appendix
show the pedestrian paths / street trees and roadways and how they interact.		13
Landscape treatments, including plantings, pathways and signage are to detail the relationship between traffic and pedestrians using the northern ROW (the coastal walk).	Provided	EAR Appendix 13



# 4 Major Issues Raised And Response

SUBMISSION MATTERS	COMMENTS	REFERENCES
<b>A.COFFS HARBOUR CITY COUNCIL</b>		
A Concept Vegetation Management Plan covering the dunal and coastal vegetation parts of the site, conforming to Council's requirements, is to accompany any development application	Provided	EAR Appendix 12
A 8 Functional Private Open Space		
The slope of lots 34 and 37 appears to limit the provision of functional private open space to these lots.	Plans amended	A3 Plans
A 9 Community Lot		
Council recommends that only one community lot be created in the subdivision, whilst recognising the need for separate management plans for components of the community lot	Amended to 1 community lot	A3 Plans
A 10 Design Guidelines		

SUBMISSION MATTERS	COMMENTS	REFERENCES
<b>A.COFFS HARBOUR CITY COUNCIL</b>		
<p>Council notes the complexity of the Design Guidelines and the requirement for prior approval of the “design review panel” prior to Council approval.</p> <p>- Council notes the make up of the Design Review Panel “of at least 3 owners appointed by the Executive Committee” but does not reference any requirement for members of the panel to be qualified in architecture / urban design / planning to ensure proper and fair determination of proposals.</p> <p>- Council notes the guidelines do not support “granny flats” (see SEPP Affordable Rental Housing 2009).</p> <p>- Council recommends that the guidelines be enforceable under the Community Title Scheme.</p>	<p>Design Guidelines will be submitted to Council for approval with the subdivision application. Current proposal is an outline of likely contents. Council comments will be implemented in final guidelines to accompany subdivision application</p> <p>Guidelines are enforceable under the CMS. The Guidelines are a Part 1 By-law in the CMS. Any owner, CA or other party with an interest in the land (mortgagees) can, if a party doesn't comply with the guideline, enforce the By-Law in accordance with the Community Legislation – 1st mediation then adjudication by professional.</p>	
A 11 Community Management Scheme (CMS)		
<p>- The CMS references strata provisions that are irrelevant to the proposal.</p> <p>- The CMS references Coffs Harbour City Council as the responsible authority for the sewerage disposal system and water when it is not. The proponent needs to clarify this aspect with Coffs Water.</p>	<p>- The CMS references strata provisions that are irrelevant to the proposal.</p> <p>- The CMS references Coffs Harbour City Council as the responsible authority for the sewerage disposal system and water when it is not. The proponent needs to clarify this aspect with Coffs Water.</p>	Appendix 4

# 4 Major Issues Raised And Response

SUBMISSION MATTERS	COMMENTS	REFERENCES
<b>A.COFFS HARBOUR CITY COUNCIL</b>		
- The CMS needs to recognise the requirement for access to the site by vehicles accessing the sewer pump station and for waste collection servicing.	CMS definition of "Authorised Visitor" has been amended to include CHCC	Appendix 7 EAR
<b>B MARINE PARK AUTHORITY</b>		
Requests DOP look at how the 100 year hazard line of 50.5m is calculated.	Explained in GHD Report	A3 Plans
<b>C RURAL FIRE SERVICE</b>		
C 1 Water and Utilities		
Water, electricity and gas to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'	Agreed	Appendix 5 EAR
C 2 Access		
Public road & property access roads access shall comply with section 4.1.3(1) of 'Planning for Bush Fire Protection 2006'	Agreed	Appendix 5 EAR
C 3 Landscaping		
Landscaping to the site to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'	Designed in accordance with this	Appendix 13 EAR
C 4 General Advice		
Any further DA for either subdivision of land or construction of class 1,2 & 3 buildings as identified in BCA must be subject to separate application and address the requirements of 'Planning for Bush Fire Protection 2006'	Agreed	Appendix 5 EAR
<b>D RTA</b>		
D1. RTA concurs with GHD letter of 21 May and would have no further concerns for the proposed development if the matters outlined were addressed in the determination.	Noted	Statement of Commitments 7

SUBMISSION MATTERS	COMMENTS	REFERENCES
<b>E CMA</b>		
EA should demonstrate consistency with targets and intent of NRCMA.	Proposal has been assessed in EAR and found to be satisfactory	EAR Appendix 9 and 12
Site is adjacent Solitary Island Marine Park and it is suggested that re-construction & maintenance of the dunal system to ensure the stability of the beach landscape.	Dune Management Plan has been prepared	Appendix 3
Site is adjacent Solitary Island Marine Park and it is suggested that re-construction & maintenance of the dunal system to ensure the stability of the beach landscape.	This has been provided for in Dune Management Plan	Appendix 3
Subject area may be prone to ASS	Phase 2 Environmental Site Assessment confirms no ASS identified on the site	EAR Appendix 15
<b>F DECCW</b>		
F1 Climate Change/Coastal Hazards		
C 3 Landscaping		
<p>Climate Change / Coastal Hazards</p> <p>Concerned that the proposal does not recognise the projected impacts of sea level rise over the expected life of the development. As such, it follows that the increased coastal hazards have not been adequately assessed and addressed. These matters should be addressed before the project is considered further.</p> <p>DECCW believes these matters cannot be cannot be fully considered and addressed until the Coffs Harbour LGA Coastal Hazard Definition Study is</p>	<p>The proposed SRPZ and the management of it through By-Law 41 uses adaptive risk management principles to recognise and more importantly respond to the possible impacts of sea level rise. The current 100 year hazard line aligns with neighbours and fill is already a concern to neighbours therefore a response to increase the height of the fill is not appropriate</p>	EAR Appendix 7 and Appendix 4

# 4 Major Issues Raised And Response

SUBMISSION MATTERS	COMMENTS	REFERENCES
<b>F DECCW</b>		
<p>completed, as part of the Coffs Harbour LGA Coastal Zone Management Plan. It is anticipated that the Hazard Definition Study will include redefining hazard lines in accordance with contemporary climate change science and DECCW guidelines for sea level rise due to climate change. It seems that this information is basic to undertaking an informed planning process for the site.</p> <p>DECCW would, however, be prepared to review its position, subject to the completion of the Coffs Harbour LGA Coastal Hazard Definition Study and submission by the proponent of a suitable design</p>		
F2 Aboriginal Cultural Heritage/community Consultation		
Requires evidence of consultation since March 2007 to be provided support of PA. Conditions of approval to target this issue have been proposed	As noted in the Davies Heritage Report, consultation with the Aboriginal community was undertaken in March 2007, following the DECC Interim Community Consultation requirements as outlined in Section 4.0 of their report. As a result of the registrations of interest from recognised stakeholders (Coffs Harbour & District LALC and the Gumbalar Julipi Elders) from the statutory notifications, and following an agreed assessment methodology, a site survey was organised with representatives of the stakeholders. Nothing has changed since March 2007.	Appendix 10 EAR
Recommends the proponent develop	The Davies Heritage Report recommends in Section 17;	EAR Appendix 10

SUBMISSION MATTERS	COMMENTS	REFERENCES
<b>F DECCW</b>		
proposals that reduce the extent and severity of impacts using reasonable and feasible measures. It is also recommended the proponent consider the appropriateness of any proposed actions having potential ACH benefit. Conditions of approval to target this issue have been proposed.	<p>a. All construction personnel on site undergo an Indigenous Cultural Heritage Induction before commencing construction activities.</p> <p>b. Should future activities uncover anything which may be interpreted as Aboriginal in origin, work in the vicinity is to cease and DECC &amp; CHLALC be informed.</p> <p>Section 17 has been included in the Site Management Plan for the project application for the Stage 1 demolition and site preparation work.</p>	
<b>G DWE</b>		
G 1 Water Issues		
If proponent wishes to access any groundwater from their current licences (30BL35350, 30BL138976, 30BL154911) they will need to ensure they are licensed for the intended use and have sufficient water. Current bores licensed for stock and domestic and irrigation purposes.	Noted	
If excavation works intercept the watertable, the proponent should be made aware a dewatering licence under Part 5 of the Water Act 1912 is required	No excavation work will intercept water table	
The stormwater basin must be constructed above the watertable and lined with impermeable material.	Agreed	A3 Plans
G2 Harvestable Rights		
The proposal will need to be consistent with the NSW Farm Dams Policy to ensure any additional dams, storages, detention basins constructed as part of the development are in accordance with this policy.	Not relevant to this site as it is zoned for urban development	

# 4 Major Issues Raised And Response

SUBMISSION MATTERS	COMMENTS	REFERENCES
<b>G DWE</b>		
G 3 Acid Sulfate Soils		
While the EA states that ASS have been identified 500m south of the property and are not expected to impact on the site, if ASS is identified on the property at any stage the proponent will need to refer to the ASS Manual for appropriate management of these soils.	Phase 2 Environmental Assessment confirms there are no ASS on the site	EAR Appendix 15
<b>H PUBLIC SUBMISSIONS</b>		
H1 Implications of increased ground level on neighbouring properties	A batter will be constructed between the properties and this will be landscaped. It will be 4m wide. Cross sections have been prepared	EAR Appendix 8
H3 Impact on loss of tourism on surrounding business	39 permanent dwellings are more likely to provide for continuous business throughout the year than 122 apartments on seasonal rentals over Christmas and Easter and marginal the rest of the year. The previous development had recreational facilities with a commercial kitchen which was intended to be used for 'seasonal & conference catering' during holiday peaks and as required when required for a corporate booking, negatively affecting the local restaurant trade	EAR Appendix 4
H4 Support	Noted	
<b>I DOP</b>		
I 1.7A Vegetation and Management		
Incorrectly describes 7A Zone as 'Dry Sclerophyll Forest' – more correctly defined as littoral rainforest	There are a number of similar species between the 2 communities and it is debatable, however it is accepted as Lowland or Littoral Rainforest Community.	Appendix 2



SUBMISSION MATTERS	COMMENTS	REFERENCES
<b>I DOP</b>		
<p>community because of mesophyllous vegetation.</p> <ul style="list-style-type: none"> <li>• What impact will re-classification have on recommendations made in technical reports – bushfire &amp; APZ. Assess &amp; change reports as necessary.</li> <li>• Update the VMP to account for 7A generation as a lowland and/or littoral rainforest. Address weed ID, revegetation and planting requirements, buffer management &amp; hydrological regime. Must be completed by qualified ecologist and/or bush regeneration specialist.</li> </ul>	<p>With the re-classification there is no impact to the bushfire or APZ. The 7A is under 1 hectare and 100m away from the bushfire prone land to the south.</p> <p>The VMP has been updated to reflect the change in classification by modifying the plant list, however the rest of the VMP remains unchanged – weed ID, buffer management &amp; hydrological regime.</p>	
Provide suitable sized aerial photo of the site with the proposed lot boundaries. Also provide a zoning map of the site with the property boundaries overlain	Provided	A3 Plans
Property boundaries of proposed Lot 39 aligned to top of ridge to reflect probable extent of lowland / littoral rainforest. Lot 41 expanded to include entire current extent of lowland / littoral rainforest	Boundary has been realigned	A3 Plans
<b>I 2 Bushfire</b>		
Confirm APZ to be provided behind the dune. Update the Design Guidelines, VMP & other documents.	The APZ behind the dune is required because the new plantings will be with 100m of the bushfire prone land to the south. The APZ will be limited to 10m wide from the dune rehabilitation area.	Appendix 6 A3 Plans
Given 'a', update BFMP in CMS as necessary. In particular BFMP must protect the natural functioning of the dune ecosystem, dune form and the natural functioning of the 7A zone as lowland/littoral rainforest.	The BFMP has been updated in the CMS and the BFMP will consider the natural functioning of the ecosystems of the dunes and reclassified 7A zone.	Appendix 2

# 4 Major Issues Raised And Response

SUBMISSION MATTERS	COMMENTS	REFERENCES
<b>I DOP</b>		
Provide accurate plan showing APZs in relation to the proposed building envelopes	Plan in BFRMP. Overlay provided.	Appendix 6 A3 Plans
I 3Design Guidelines & NSW Housing Code		
Proposal unclear how it proposes to implement urban design standards for the site. SoC proposes final design guidelines are to be submitted to CHCC as part of Stage 2 subdivision, however included as part of CP EA. Clarify if design guidelines are intended to form a part of CP application , or are intended to be submitted to CHCC for approval as part of Stage 2 subdivision application.	The final Design Guidelines will be submitted to CHCC with the application for the subdivision of the site. The purpose of the guidelines is to provide an additional layer of control related to the special characteristics of the site. The guidelines will protect view corridors, will delineate special areas such as the APZ and will provide for a certain standard of design on the site. The Housing Code will apply to the development of the housing on the site in so far as the planning controls operate. However, owners on the site will also need to obtain approval from the Community Management to ensure that the controls relating to the special characteristics of the site are implemented in the final building siting and design. This need for an additional approval will be noted on the titles of the lots and purchasers will be made aware of the requirements. The proposed Community Management Structure covers this process	Appendix 4
Provide an assessment of the Design Guidelines against the NSW Housing Code for the entire site, Assessment must identify any inconsistencies with the NSW Housing Code, and (if relevant) justify any variations to this and the proposed approach to urban design on the site.	There is no need for such an assessment as there is no relationship between the Code and the guidelines in terms of planning approvals. The Code will apply to all proposals and providing they comply with the requirements of it there will be no need for development applications for the proposals. The Design Guidelines will be an additional requirement implemented by the Community Management Structure.	Appendix 4

SUBMISSION MATTERS	COMMENTS	REFERENCES
<b>I DOP</b>		
Assessment must identify any inconsistencies with the NSW Housing Code, and (if relevant) justify any variations to this and the proposed approach to urban design on the site.	all proposals and providing they comply with the requirements of it there will be no need for development applications for the proposals. The Design Guidelines will be an additional requirement implemented by the Community Management Structure.	
<b>I 4 Public Access to the Beach</b>		
Consider removal of the proposed horizontal Pedestrian path. Removal reduce the propensity for public (or adjoining landowners) to create their own desire paths and assist in rehabilitation of the dunes.	Path has been removed	A3 Plans
<b>I 5 Fill levels</b>	Batter will be provided and cross sections have been provided	A3 Plans
Provide design detail for a staggered retaining wall (or sloped edge) at the southern property boundary to create a 'softer' transition to neighbouring properties	The APZ behind the dune is required because the new plantings will be with 100m of the bushfire prone land to the south. The APZ will be limited to 10m wide from the dune rehabilitation area.	Appendix 6 A3 Plans
<b>I 6 Connectivity</b>		
Address / provide for interaction & connection to Beachfront Close (BFC), to promote connectivity and permeability between adjacent residential developments. Such a connection will also reinforce road hierarchy, connect public open spaces and reduce perception of private open space and a privatisation of the coastline which is consistent with the Coastal Design Guidelines for NSW. This is particularly relevant given the change in land use from predominantly fixed-term tourist use to permanent residential land use.	A representative of the executive committee of Community Scheme of BFC (Jason Zuvela) has provided a letter confirming if put to a vote the Community Association would not agree to a connection to Beachfront Close.	Appendix 5

# 4 Major Issues Raised And Response

SUBMISSION MATTERS	COMMENTS	REFERENCES
<b>I DOP</b>		
I 7 General Information required to be provided		
Provide an overall CP (Landscape Master plan) that also includes the indicative building envelopes and any other changes required as a result of the above.	Master plan has been amended to include building envelopes	A3 Plans
Update SOC to reflect any changes made	SOC has been updated	
Provide design detail for a staggered retaining wall (or sloped edge) at the southern property boundary to create a 'softer' transition to neighbouring properties	The APZ behind the dune is required because the new plantings will be with 100m of the bushfire prone land to the south. The APZ will be limited to 10m wide from the dune rehabilitation area.	Appendix 6 A3 Plans
<b>I 8 Foredune Management</b>		
Undertake dune rehabilitation work earlier to allow species greater time to grow and dunal area to become established. Provide a detailed Dune Management Plan now to form part of the Stage 1 PA	Dune rehabilitation works will be undertaken in conjunction with the demolition and site preparation work. Detailed Dune Management Plan will be provided.	Appendix 4



# 5.4 Major Issues Raised And Response

## 5.1 Introduction

The changes to the design of the concept plan have been described and they will be assessed in relation to the requirements of s79(c) of the Environmental Planning and Assessment Act. The changes are relatively minor and as a result do not substantially amend the assessment of the amendment to the concept plan which was included in the EAR. This section deals only with the assessment of the changes to the plans.

## 5.2 Compliance with Planning Controls

The amended proposal continues to comply with the provisions of the major planning controls which apply to the site.

## 5.3 Impacts

The changes which have been made will reduce the impacts of the proposed amendment on neighbouring properties and on the beachfront area through the provision of a landscaped batter between the properties and the removal of the beach front pathway

## 5.4 Suitability of the Site

None of the changes made to the proposal affect the suitability of the site for the development. The site is within an existing urban area and is zoned to permit the development proposal. The site can be developed for the purposes proposed without any adverse impacts on the area.

## 5.5 The Public Interest

It is considered that the proposal is in the public interest as it will provide a residential development of high design standards on this important beach front site in Coffs Harbour. The concept for the site has been designed to incorporate the environmentally sensitive areas of the site and to provide for the improvement of these areas.

The proposal will have positive environmental, economic and social impacts in the Coffs Harbour area.





# 6 STATEMENT OF COMMITMENTS

## 6.1 Introduction

A Statement of Commitments was attached to the concept plan consent (06 0148). As a result of the proposed amendment to the plan this Statement of Commitments has been revised to take into account the changes proposed to the concept plan.

This draft Statement of Commitments identifies those matters, which it is proposed will be dealt with at the next stage of the proposed project in order to minimise impacts on the environment.

If approval to the amendment is granted under Part 3A of the Environmental Planning and Assessment Act 1979, the Proponent will commit to the following controls for the construction and operation of the proposed project.

## 6.2 The Project

The proponent will undertake the subsequent stages of the development generally in accordance with:

(a) The Environmental Assessment Report dated August 2006, prepared by PTW Planning as amended by the Preferred Project Report dated December 2006

(b) All supporting technical reports included in the Appendices to the above report as amended in the Preferred Project Report Appendices

(c) The Environmental Assessment Report dated June 2009 prepared by Janet Thomson and all supporting technical reports

(c)The concept plans dated June 2009 prepared by Cox and Associates

(d) The Preferred Project Report dated September 2009 including the A4 Plans prepared by Cox and Associates

(e)This Statement of Commitments

If there is any inconsistency between the conditions of this Statement of Commitments and a document listed above the conditions of this Statement of Commitments shall prevail to the extent of the inconsistency.

The project will have the following parameters:

- There will be 40 lots of which 39 will be residential lots
- There will be 39 dwellings to a maximum height of 3 storeys (2 storey limit for the Beachfront lots)

### 6.2.1 Statutory Requirements

- (a) All approvals, licences and permits required by legislation will be obtained and kept current as required.
- (b) The proposal will generally comply with the planning controls which relate to the site except as set out in this EAR.

### 6.2.2 Consultation

(a) The Community Consultation Programme prepared by Brian Elton and Associates will be implemented prior to the commencement of construction of dwellings on the site

(b) Consultation will continue throughout the development process with Coffs Harbour Council and relevant Government departments as necessary

### 6.2.3 Site Security

To prevent the unauthorised entry of people into

the construction site(s) and prevent damage to the environment, security for the construction site(s) will include:

- Lockable security gates
- A security fence around the perimeter
- Security lighting on site and
- Controlled access to the site through the site control office, visitor reception area and site management personnel

#### 6.2.4 General Development Design Requirements

### 1. Design

(a) The design philosophy of the project shall be within the parameters as set out by Cox and Partners in the Design Guidelines included in Appendix 8 to the EAR.

(b) A detailed final set of Design Guidelines will be prepared to accompany the subdivision application for the site. These will be prepared for adoption by the Community Association prior to the construction of the first dwelling on the site.

(c) The Design Guidelines will be adopted and referred to in the Community Management Statement and a restrictive covenant will be included in an 88B Instrument on the individual titles of each of the lots noting the design Guidelines requirement.

(d) Architectural input will be continued in the development of the proposals for the site to ensure that high standards of design excellence are achieved. A Design Panel including an architect, will be appointed by the Community Association to oversee the design of the individual dwellings prior to their construction on the site

(e) It will be an objective of the design process, included in the final Design Guidelines, to provide a safe and secure environment within the development

### 2. Vegetation Management

(a) The Vegetation Management Plan prepared by Bushfiresafe Services will be adopted in relation to the future of the site prior to the commencement of construction

(b) Prior to the adoption of the Vegetation Management Plan Coffs Harbour City Council, relevant Government Authorities and the community will be consulted

(c) The Vegetation Management Plan provides for the rehabilitation of the dune area and the area zoned 7A Environment Protection

(d) The Vegetation Management Plan provides for public access through the site and to the beach area

### 3. Bushfire Protection

(a) The Bushfire Risk Plan of Management will be adopted for the proposal to address the ongoing maintenance of the open space and landscaped areas on the site prior to the subdivision of the site

(b) All future home owners will be encouraged by the Community Management to prepare A Bushfire Home Evacuation Plan

(c) The Design Guidelines will provide that all roofing to be used on the site will be gutterless or will have leafless guttering

# 6 Statement Of Commitments

## 4. Landscape

(a) Landscaping of the site will be carried out in accordance with the Landscape Management Plan prepared by Jackie Amos Landscape Architect set out in this EAR prior to the construction of the dwellings on the site

(b) A Landscape Architect will be retained to oversee the project and planting of the landscaped areas on the site. The Landscape Architect will ensure that all landscaping is carried out in accordance with the Landscape Management Plan

## 5. Coastal Issues

(a) The stormwater system for the site will be designed to ensure that there is no substantial increase in run-off to the Solitary Islands Marine Park once the project is completed and will be installed prior to the construction of dwellings on the site

(b) The dune area will be revegetated in accordance with the Dune Management Plan and Sapphire Vegetation Management Plan prior to the construction of dwellings on the site

(c) All buildings behind the dune will have a minimum floor level of 7.5m AHD. This will provide 0.5m freeboard above the 7.0m AHD inundation level recommended by Geomarine (1998) and Coffs Harbour City Council. This will be achieved by partially filling the low lying area to a height of 6.5m AHD to 7.0m AHD where the buildings are to be sited. Any fill will be constructed prior to the construction of dwellings on the site

(d) All buildings will be landward of the 100 year Hazard Line as noted on the Willings and Partners (1999) drawing of the Campbell's Beach Hazard Lines provided by Coffs Harbour City Council

(e) All buildings immediately behind the dune (The Beachfront Houses) will have specially constructed foundations built to withstand a storm surge or tidal inundation. These design requirements will be implemented by the Community Management and via the s88B instrument for the subdivision of the site.

(f) Detailed plans will be prepared in consultation with Coffs Harbour Council of the cut and fill to be undertaken on the site. The cut and fill will be designed to ensure that there are no adverse impacts on the dune area or on neighbouring properties. Along the southern boundary to the Beachfront Close Community Plan, the fill will be battered from the fill height of 7.0m AHD to the existing ground level of the neighbouring properties as shown in the site sections. These plans will form part of the application for the subdivision of the site.

(g) As part of the subdivision of the site, a Sea Rise Protection Zone will be proclaimed within the community property seaward of the beachfront lots but landward of the dunes in the vicinity of the 50 year hazard line to allow for the future construction of a range of amelioration measures to combat the effects of possible sea level rise. The Sea Rise Protection Zone will be managed through By-Law 41 of the Community Management Statement.

(h) Prior to commencement of civil works associated with subdivision, a registered surveyor must determine the location of the 100 year hazard planning line (as per Willing and Partners, Map 1 Campbells Beach Hazard Lines, September 1999) on the subject site.

## 6. Integrated Water Cycle Management

(a) A Water Management Plan which adopts the principles of Water Saving Urban Design will be prepared for the site prior to the commencement of any construction which will address the following issues:

- o Detailed design of the stormwater management system
- o Detailed design and landscaping of the bioretention system
- o Detailed Implementation of water saving measures for the site
- o Plans for the maintenance of water quality on the site

(b) A Sediment and Erosion Control Plan will be developed for the stormwater system for the site prior to the commencement of construction on the site

## 7. Traffic and Access

(a) All parking proposals and the design of parking areas on the site will comply with the Coffs Harbour City Council Planning Controls

(b) The proponent will continue to liaise with the RTA in relation to the upgrade of the Pacific Highway by the RTA

(c) The proponent will continue discussions with the RTA in relation to the operation of the intersection with the Pacific Highway and possible changes to the operation of the intersection and traffic management arrangements for the site

(d) Prior to the commencement of any construction, the proponent will develop a Traffic Management Plan for the site which provides for the ongoing operation of the project in accordance with the requirements of the RTA

(e) The proponent will liaise with the RTA and Coffs Harbour City Council in relation to the provision of a Bus Stop and Shelter on the Pacific Highway and pedestrian access to it

## 8. Heritage

(a) A watching brief will be maintained during excavation of the site for any Aboriginal relics or signs of items of cultural heritage

(b) The procedures proposed by Davies Heritage Consultants P/L, in their report Archaeological Assessment of Indigenous Values will be adopted should any Aboriginal relics or items of cultural significance be discovered, including an Indigenous Cultural Heritage Induction programme for all workers on the site.

## 9. Acoustics

(a) Prior to the commencement of construction of the individual dwellings an Acoustic Model will be prepared for the site to determine the measures to be implemented in the design of the dwellings to achieve satisfactory acoustic levels. These design requirements will be included in the Design Guidelines for the site.

(b) Acoustic levels will not exceed levels specified in Environmental Criteria for Road Traffic Noise (DEC June 1999) and Noise Guide for Local Government (DEC 2004)

# 6 Statement Of Commitments

## 10. Environmental Management

- (a) A Waste Management Plan will be submitted to Coffs Harbour City Council for approval prior to the commencement of building works.
- (b) Once the site has been subdivided, individual geotechnical studies will be carried out before the registration of the lots to assess the geotechnical risks to the lots.

## 11. Construction

- (a) Prior to the commencement of construction works (including the construction works for the subdivision of the site) The Site Management Plan will be adopted covering the following:
  - o Traffic access to the site during construction
  - o Demolition of the existing buildings on the site and a programme for the recycling of materials from them
  - o Plan for the disposal of waste from the site
  - o Acoustic and vibration management plan
  - o Plans for the protection of vegetation on the site during construction
  - o Visual aspects of construction activities
  - o Handling and disposal of hazardous materials
  - o Measures to avoid adverse impacts on aboriginal heritage
  - o Stormwater drainage control

## 12. Social and Community

- (a) Prior to the commencement of any construction, the proponent will submit for approval appropriate s94 contributions for the proposed project to Coffs Harbour City Council

## 13. Monitoring/Auditing and Reporting

- (a) An Annual Environmental Management Report will be prepared for the period from the date of commencement of construction to practical completion and registration of the subdivision by the LPI detailing the proponent's performance in relation to these commitments
- (b) The site manager will maintain a daily log book identifying the location, contractor and description of all demolition, earthworks, construction and environmental management activities undertaken. The logbook is to be made available to Coffs Harbour City Council upon request with a summary of the logbook included in the annual report to Council
- (c) Communication protocol between the Site Manager and contractors is to be established to ensure compliance with these commitments.





## Concept plan approval

- 1 Submissions received
- 2 Revised vegetation management plan
- 3 Revised dune management plan
- 4 Revised community management statement
- 5 Letter from residents of beachfront close
- 6 Revised apz plan





# Appendix 1

**Submissions Received**



NSW GOVERNMENT  
**Department of Planning**

Contact: Tom FitzGerald  
Phone: 02 9228 6521  
Fax: 02 9228 6540  
E-mail: [thomas.fitzgerald@planning.nsw.gov.au](mailto:thomas.fitzgerald@planning.nsw.gov.au)

Sapphire Beach Development Pty Ltd  
c/- Mr William Jenner  
Development Manager  
Attentus Projects and Properties Pty Ltd  
201/117 Old Pittwater Road  
**BROOKVALE NSW 2100**

Our ref: 06\_0148 Mod 1  
09\_0060  
File: S09/00409 and S09/0060

Dear Mr Jenner

**Residential subdivision at 740-742 Pacific Highway, Sapphire Beach, Coffs Harbour –  
06\_0148 Mod 1 and 09\_0060 – Issue of Submissions**

I refer to your lodgement on 3 June 2009 of an Environmental Assessment (EA) for the above Project. The EA was deemed adequate on 19 June 2009 and publicly exhibited between 24 July and 24 August 2009.

The Department has reviewed the EA and has raised issues in relation to vegetation management, connectivity, bushfire, foredune management, urban design, beach access, and fill levels. Details are provided at **Attachment 1**. In accordance with section 75H(5) of the *Environmental Planning and Assessment Act 1979* (the Act), a summary of the 9 public submissions received by the Director-General is provided at **Attachment 2**. Please also find enclosed copies of submissions received from the following agencies (refer to **Attachment 3**):

- NSW Roads and Traffic Authority;
- The NSW Rural Fire Service;
- Solitary Islands Marine Park Authority;
- Department of Environment, Climate Change;
- NSW Office of Water (formerly the Department of Water and Energy);
- Northern Rivers Catchment Management Authority; and
- Coffs Harbour City Council (part).

It is anticipated that a further detailed submission from Coffs Harbour City council will be received on or before Friday 4 September 2009. This submission will be forward to you for your consideration as soon as it is received by the Department.

The Director-General, pursuant to s75H(6) of the Act, requires a response to the issues raised in all submissions to be provided. A preferred project report is to be prepared if changes are proposed to minimise the environmental impact of the project. A revised statement of commitments should also be submitted. In the interests of progressing the application, please advise the Department of an approximate date for when you may submit a response to the issues raised in submissions.

Please note that the DGRs (dated 17 April 2009), state the 'Deemed Refusal' period to be 60 days, which will commence once the Department is satisfied with the response to submissions.

If you have any queries regarding this letter, please contact Tom FitzGerald using the above details.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'AB', with a long horizontal stroke extending to the right.

Alan Bright  
**A/Director**  
**Coastal Assessments**

27 AUGUST 2009

## **Attachment 1**

### **Key Issues 06\_0148 Mod 1**

#### **1. 7A vegetation and management**

- a. The Flora and Fauna report provided (Appendix 12 of the EA) incorrectly describes the 7A zoned vegetation as 'Dry Sclerophyll Forest' when it would be defined more accurately as a lowland or littoral rainforest community. Investigation of the site by the Department's technical staff revealed the area to be dominated by mesophyllous (large leaved) vegetation, that provides a more dense canopy typical of a lowland or littoral rainforest community.
  - What impact will the vegetation re-classification have on recommendations made in the technical reports provided as part of the EA e.g. the bushfire report and Asset Protection Zones (APZs)? Assess the implications of this change and update the technical reports (and other documentation) as necessary.
  - Update the Vegetation Management Plan (Appendix 12 of the EA) to account for the 7A zoned area's regeneration as a lowland and/or littoral rainforest community. This should include a suitable management regime particularly addressing: weed identification, revegetation and planting requirements, buffer management, and appropriate management of the hydrological regime for lowland and/or littoral rainforest. This must be completed by an appropriately qualified ecologist and/or bush regeneration specialist.
- b. Provide a suitable sized aerial photo of the site with the proposed lot boundaries overlain. Please also provide a zoning map of the site with the property boundaries overlain.
- c. The property boundaries of proposed Lot 39 should be aligned to the top of ridge to accurately reflect the probable extent of lowland and/or littoral rainforest vegetation. This would allow for easier management of the vegetation community on this slope, and no confusion between private property and Lots 41 and 42 which are to be managed for community purposes. Lot 41 should be expanded to include the entire current extent of the lowland and/or littoral rainforest vegetation.

#### **2. Bushfire**

- a. Please confirm if there is an APZ to be provided behind the dune across the front of the site. Update the Design Guidelines, Vegetation Management Plan and other documents as necessary.
- b. Given point 'a.' above - update the Bushfire Management Plan (BMP) (included as part of the Community Management Statement) as necessary. In particular, the BMP must protect the natural functioning of the dune ecosystem, dune form and the natural functioning of the 7A zoned vegetation as lowland and/or littoral rainforest.
- c. Provide an accurate plan showing the proposed location of APZs in relation to the proposed building envelopes.

#### **3. Design Guidelines and the NSW Housing Code**

- a. The proposal is unclear in how it proposes to implement urban design standards for the site. The Statement of Commitments proposes that Final Design Guidelines are to be submitted to Council as part of the Stage 2 subdivision application (section 7.2.4 of the EA), however they are included as part of the application to modify the concept plan. Please clarify if the Design Guidelines (Appendix 8 of the EA) are intended to form a part

of the Concept Plan application; or are intended to be submitted to Council for approval as part of the Stage 2 subdivision application?

- b. Notwithstanding the above, the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the NSW Housing Code) applies to all new dwellings on lots greater than 450m<sup>2</sup> in NSW<sup>1</sup>. The NSW Housing Code is considered 'best practice' for residential developments like that proposed, and as such will provide a benchmark for all future development on the site.

Provide an assessment of the proposed Design Guidelines against the NSW Housing Code for the entire site. This assessment must identify any inconsistencies with the NSW Housing Code, and (if relevant) justify any variations to this and the proposed approach to urban design on the site.

#### **4. Public access to the beach**

- a. The proposed pedestrian beachfront path that runs horizontal to the beach is unlikely to be of use for pedestrians as it does not provide connectivity to any other pedestrian accessible areas. The removal of this path would reduce the propensity for the public (or adjoining landowners) to create their own 'unofficial' desire trails through rehabilitating areas of dune, and additionally control and consolidate access to the beach through the formalised beach accessways through the centre and north of the site. It would also have the added benefit of strengthening the integrity of the foredune and provide increased mitigation to counter the effects coastal erosion as a result of projected sea level rise. Consideration should be given to its removal.

#### **5. Fill levels**

- a. The proposed filling to 7.0m AHD is approximately 1-1.2m above neighbouring properties on parts of the southern site boundary (especially near Beachfront Close). This will impact upon neighbour's privacy, overshadowing, and create a visual barricade along the southern boundary of the property. Provide design detail for a staggered retaining wall (or sloped edge) at the property boundary that will mitigate any adverse impacts on neighbours and have the effect of creating a softer transition to neighbouring properties.

#### **6. Connectivity**

- a. Address/provide for the interaction between Beachfront Close and the proposed internal front road (proposed Lot 42). A connection should be made to link these two roads and promote connectivity and permeability between adjacent residential developments. Such a connection will also reinforce the road hierarchy, connect public open spaces, and reduce the perception of private open space and a privatisation of the coastline. This type of connectivity is consistent with the *Coastal Design Guidelines for NSW*, and is desirable for all new residential development. This is particularly relevant given the change in land use from predominantly fixed-term tourist use to permanent residential land use.

#### **7. General information required to be provided**

- a. Provide an overall concept plan (Landscape Masterplan Drawing SK01) that also includes the indicative building envelopes and any other changes required as a result of the above.
- b. Update the Statement of Commitments to reflect any changes made.

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<sup>1</sup> Subject to certain exclusions e.g. land within 100m of the coastal waters of the State, three storey dwellings etc.

## **Key Issues 09\_0060**

### **1. Foredune Management**

- a. Foredune stability is important in addressing climate change impacts and rehabilitation of native dune ecosystem. It would be more appropriate to initiate rehabilitation works occurring as part of Stage 1, rather than wait until the subdivision application is lodged (proposed Stage 2). Undertaking dune rehabilitation work earlier will allow species greater time to grow and dunal area to become established. Therefore please provide a detailed Dune Management Plan now to form part of the Stage 1 project application.



## Attachment 2

### Summary of issues raised in public submissions for both applications (06\_0148 Mod 1 and 09\_0060)

Total number of public submissions received: **9 (6 in objection, 3 in support) plus 5 submissions from agencies.**

The following is a summary of all public submissions.

Comment	Number of times issue raised
<b>1 Implications of increased ground level on neighbouring properties</b>	4
<ul style="list-style-type: none"><li>• Visual, privacy, and overshadowing impacts of a possible 2.4m high wall separating Lots 1 and 25 from numbers 9, 9a, and 14 Beachfront Close.</li><li>• Combination of retaining wall and fence would be visually imposing. Suggests displacing fence back from top of retaining wall to lessen impact i.e. terraced type retaining wall.</li><li>• Aesthetics of the interface between Proposal and neighbouring properties to the south.</li></ul>	
<b>2 Loss of views</b>	1
Impacting Lot 7, Beachfront Close. Suggests reducing roof levels on Lots 1 and 2 by 500mm to allow for uninterrupted views.	
<b>3 Impact of loss of tourism on surrounding business</b>	1
S-Cape Café at Nautilus Resort expressed concern over the change of use from tourist to residential and potential loss of income.	
<b>4 Support</b>	3
Appropriate use of the land as tourism demand has fallen, and good quality residential homes are more desirous.	



## Thomas FitzGerald - Online Submission from peter Bates of s-cape cafe (object)

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**From:** peter Bates <goobba@hotmail.com>  
**To:** Tom FitzGerald <thomas.fitzgerald@planning.nsw.gov.au>  
**Date:** 01/08/2009 11:10  
**Subject:** Online Submission from peter Bates of s-cape cafe (object)  
**CC:** <assessments@planning.nsw.gov.au>

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In brief I have strong objections to the re-zoning of this site with major concerns to my and surrounding business and the future of tourism to the Coffs coast.

I have already felt the financial impact of the closure of the pelican resort and have positioned myself for only a resort style development.

Also I have been recently greatly effect by construction work with in nautilus resort, consideration and compensation must be given to another major project that will impact me and surrounding properties and businesses.

If any consideration is to be made by council, myself and my legal team would need to be informed before consent.

Name: peter Bates  
Organisation: s-cape cafe

Address:  
nautilus resort

IP Address: cpe-58-168-42-36.nsw.bigpond.net.au - 58.168.42.36

Submission for Job: #3096 06\_0148 Mod 1 - CP for Residential subdivision  
[https://majorprojects.onhlive.com/index.pl?action=view\\_job&id=3096](https://majorprojects.onhlive.com/index.pl?action=view_job&id=3096)

Site: #162 Pacific Hwy, Sapphire Beach  
[https://majorprojects.onhlive.com/index.pl?action=view\\_site&id=162](https://majorprojects.onhlive.com/index.pl?action=view_site&id=162)

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**Tom FitzGerald**  
Environmental Planner

P: 02 9228 6521  
F: 02 9228 6540  
E: [thomas.fitzgerald@planning.nsw.gov.au](mailto:thomas.fitzgerald@planning.nsw.gov.au)

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**Thomas FitzGerald - Online Submission from Karen Rutty (other)**

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**From:** Karen Rutty <gordon@hibbards.com.au>  
**To:** Tom FitzGerald <thomas.fitzgerald@planning.nsw.gov.au>  
**Date:** 12/08/2009 21:23  
**Subject:** Online Submission from Karen Rutty (other)  
**CC:** <assessments@planning.nsw.gov.au>

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Dear Sir/Madam,

As a property owner in Beachfront Close (no.9 Beachfront Close), my property is directly neighbouring this proposed development.

I understand the level of this adjoining land is to be raised approximately 1.5m.

This is of great concern to me as I believe the privacy, enjoyment & value of my property will be compromised. Currently, the adjoining site is approximately the same ground level.

By raising this land, I would lose privacy to the open space of my property which is a pool / terrace area with a northern aspect.

A future dwelling constructed on the land to these raised levels would sit 1.5m higher causing a loss of privacy & would greatly overshadow my property. In particular the northern sun to my pool / terrace area.

I also have concerns of the height & bulk of the wall that would be necessary to retain the filled ground. This wall would be constructed along my northern boundary & would be approximately 1.6m high. A 1.8 metre high property boundary fence constructed along proposed lot 25 would total a 3.4m high wall, creating a very negative visual impact.

I do believe these factors will have an extremely negative effect on the enjoyment, appeal & ultimately the value of my property & would appreciate your close consideration of my concerns.

Yours faithfully,

Karen Rutty

Name: Karen Rutty

Address:

9 Beachfront Close, Sapphire Beach, NSW

IP Address: cpe-124-183-103-129.nsw.bigpond.net.au - 124.183.103.129

Submission for Job: #3096 06\_0148 Mod 1 - CP for Residential subdivision  
[https://majorprojects.onhllve.com/index.pl?action=view\\_job&id=3096](https://majorprojects.onhllve.com/index.pl?action=view_job&id=3096)

Site: #162 Pacific Hwy, Sapphire Beach  
[https://majorprojects.onhllve.com/index.pl?action=view\\_site&id=162](https://majorprojects.onhllve.com/index.pl?action=view_site&id=162)

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**Tom FitzGerald**

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## Thomas FitzGerald - Online Submission from Martin Brandon (other)

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**From:** Martin Brandon <martyb@hibbards.com.au>  
**To:** Tom FitzGerald <thomas.fitzgerald@planning.nsw.gov.au>  
**Date:** 12/08/2009 20:32  
**Subject:** Online Submission from Martin Brandon (other)  
**CC:** <assessments@planning.nsw.gov.au>

---

As an owner of 2 properties (number 4 Beachfront Close & number 9a Beachfront Close) at the southern adjoining housing estate, I wish to raise the following concerns in regard to DA 06\_0148 Mod 1 at 740 ? 742 Pacific Highway, Sapphire Beach;

The proposed development site is currently around the same ground level of the adjoining Beachfront Close estate. The average ground level of these neighbouring lands is approximately 5.25 ? 5.5 AHD.

The nominated level for the immediate adjoining land of Beachfront Close shows an increase in height to 7.00 AHD. Some 1.5 ? 1.75 metres above existing.

The increase in land height I believe does create very negative impact to the adjoining Beachfront Close estate.

The increased ground level of the proposed development greatly reduces privacy to the neighbouring dwellings by the ground level & subsequent building levels being up to 1.75m higher.

The more concerning issue is the negative visual impact of the retaining walls & fences required along the property boundary (lots 1 & 25).

A 1.6 metre high retaining wall coupled with a 1.8 high domestic property fence (total 3.4m high) would be extremely imposing along the Beachfront Close boundary northern boundary particularly as this is along the 1.2m wide beach access path for Beachfront Close.

This would overshadow the much enjoyed access path from northern sun & create more of an ?alleyway? than footpath.

Perhaps the use of a terraced type of retaining wall would be less imposing. For example, if the wall was 1 metre high, then stepped back a further metre allowing for planting & then continued up 0.6 metre again.

Perhaps a 1 metre setback from the top of this terraced wall for the property fencing on lots 1 & 25 would further help reduce this impact.

Thankyou for your consideration of my concerns.

Yours faithfully,  
Martin Brandon

Name: Martin Brandon

Address:  
9a Beachfront Close, Sapphire Beach

IP Address: cpe-121-217-162-230.nsw.bigpond.net.au - 121.217.162.230

Submission for Job: #3096 06\_0148 Mod 1 - CP for Residential subdivision  
[https://majorprojects.onhive.com/index.pl?action=view\\_job&id=3096](https://majorprojects.onhive.com/index.pl?action=view_job&id=3096)



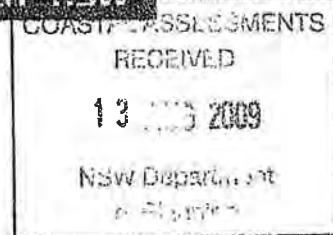
# bowens beach villas

@sapphire beach nsw

④  
Sally Munn  
13/08/09  
I. Fitzgerald  
13/8/09

28 July 2009

Director - Coastal Assessments  
Department of Planning  
GPO Box 39, Sydney NSW 2001



Dear Sir,

**Sapphire Beach Residential Subdivision - Application No. 06\_0148  
Mod 1 and 09\_0060**

We own strata units in Nautilus Beachfront Villas & Spa, which is located two (2) properties north of Pelican Beach Resort at 746 Pacific Highway. We received your notice of the applications however we also received an invitation from Attentus Projects to attend an open day on 22 July to view the proposal, which we attended.

We have lived in and managed the Nautilus Villas for over 30 years, so we believe we are well qualified to comment on the applications. We were somewhat sceptical that the previously approved application for over 120 apartments and townhouses would be successful and indeed would ever be built.

We fully support the new application for a 42 lot residential subdivision as the most appropriate use for the property.

The original Pelican Beach Resort struggled because it wasn't a destination resort with all the services that are required in a modern coastal resort outside the main centre of activity where restaurants, entertainment, shopping and recreational facilities are located. At Nautilus we suffer from some of the same issues and other than the Christmas holiday period all properties of these types find trading difficult.

More and more we see permanent residents wanting to move to the 'close in' northern beach suburbs and purchase homes and apartments - mostly homes, so we think a good quality residential subdivision is the best solution for the property and therefore support the proposal.

Yours sincerely,

Louise and Craig Bowen  
746 Pacific Highway  
Sapphire Beach

5

## Thomas FitzGerald - Online Submission from Jason Zuvela (support)

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**From:** Jason Zuvela <jasonzuvela@bigpond.com>  
**To:** Tom FitzGerald <thomas.fitzgerald@planning.nsw.gov.au>  
**Date:** 16/08/2009 21:09  
**Subject:** Online Submission from Jason Zuvela (support)  
**CC:** <assessments@planning.nsw.gov.au>

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Dear Sir/Madam,

I am a property owner in the neighbouring Beachfront Close estate. (house no.8, vacant lot no.7 & Lot 4 which is under construction).

Beachfront Close is adjoining the southern end of the development site at 740 ? 742 Pacific Highway, Sapphire Beach.

I have raised some concerns with the Director of Attentus Projects and Properties, Mr William Jenner. I have discussed the visual impact of the site's southern retaining wall & fencing design as well as the roof height issues on lots 1 & 2.

My vacant lot 7 has a current DA for a 3 storey duplex. The proposed amended roof levels to 14 AHD (originally 13.5 AHD) will create a loss of ocean horizon view from my development.

These issues have been raised with William & thus far he has proven to be very considerate toward my concerns. If roof levels on lots 1 & 2 were to reduce in height by 500mm (back to 13.5 AHD), the view from my proposed development will be far less compromised.

I would request that the aesthetics of the southern boundary wall be considered to keep the visual impact to a minimum from Beachfront Close.

With consideration of my concerns, I do support the proposed amendments to the current DA which is construction of a 42 lot residential subdivision.

Jason Zuvela

Name: Jason Zuvela

Address:  
8 Beachfront Close, Sapphire Beach, NSW

IP Address: cpe-124-183-103-129.nsw.bigpond.net.au - 124.183.103.129

Submission for Job: #3096 06\_0148 Mod 1 - CP for Residential subdivision  
[https://majorprojects.onhlive.com/index.pl?action=view\\_job&id=3096](https://majorprojects.onhlive.com/index.pl?action=view_job&id=3096)

Site: #162 Pacific Hwy, Sapphire Beach  
[https://majorprojects.onhlive.com/index.pl?action=view\\_site&id=162](https://majorprojects.onhlive.com/index.pl?action=view_site&id=162)

6

## Thomas FitzGerald - Online Submission from Lisa Fittler (other)

---

**From:** Lisa Fittler <lisafittler@optusnet.com.au>  
**To:** Tom FitzGerald <thomas.fitzgerald@planning.nsw.gov.au>  
**Date:** 16/08/2009 14:55  
**Subject:** Online Submission from Lisa Fittler (other)  
**CC:** <assessments@planning.nsw.gov.au>

---

I am the joint owner of 6 Beachfront Close which is the estate neighbouring this proposed development.  
I do have concerns regarding the southern boundary/retaining wall which adjoins the Beachfront close estate.  
I understand the site is to be filled in order to raise the ground level to RL 7 AHD.  
I would request that the aesthetic qualities of this wall are closely considered.

As this wall is at the end of the Beachfront Close cul de sac, and along our beach access pathway, this wall will have a very high visual impact to Beachfront Close.

Thankyou for your consideration.

Lisa Fittler

Name: Lisa Fittler

Address:  
6 Beachfront Close, Sapphire Beach

IP Address: cpe-124-183-103-129.nsw.bigpond.net.au - 124.183.103.129

Submission for Job: #3096 06\_0148 Mod 1 - CP for Residential subdivision  
[https://majorprojects.onhlive.com/index.pl?action=view\\_job&id=3096](https://majorprojects.onhlive.com/index.pl?action=view_job&id=3096)

Site: #162 Pacific Hwy, Sapphire Beach  
[https://majorprojects.onhlive.com/index.pl?action=view\\_site&id=162](https://majorprojects.onhlive.com/index.pl?action=view_site&id=162)

-----  
**Tom FitzGerald**  
Environmental Planner

P: 02 9228 6521  
F: 02 9228 6540  
E: [thomas.fitzgerald@planning.nsw.gov.au](mailto:thomas.fitzgerald@planning.nsw.gov.au)

---

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7

**Thomas FitzGerald - Online Submission from Bruce Hibbard (object)**

---

**From:** Bruce Hibbard <amandae@hibbards.com.au>  
**To:** Tom FitzGerald <thomas.fitzgerald@planning.nsw.gov.au>  
**Date:** 14/08/2009 08:41  
**Subject:** Online Submission from Bruce Hibbard (object)  
**CC:** <assessments@planning.nsw.gov.au>

---

Dear Sir/ Madam,

I am the owner of no. 14 Beachfront Close & wish to raise some concerns of the proposed 06\_0148 Mod 1 - CP for Residential subdivision.

As my house is neighbouring the southern end of the site, I am concerned about the implications of the increased ground level to 7.25AHD.

Currently, the existing ground level of my property is approx. 5.5 AHD.

By raising the proposed site, I do believe my property will suffer negative impact by loss of privacy to the future constructed dwelling to lot 1 of the proposed development.

The increase of the land & subsequent dwelling height will be some 1.75m higher, allowing this dwelling far easier visual access to my dwelling & rear pool / entertainment area.

I do also believe this increase in height will create overshadowing issues.

My other concern is the treatment of the bulk & aesthetic qualities to the retaining wall & fences constructed along the southern end of the proposed site to lots 1 & 25.

I would imagine a 1.75 high retaining wall along this boundary would be a major visual disappointment. Coupled with potentially a 1.8m high boundary fence, the visual impact of this structure would be immensely negative.

I believe a softer approach to the wall could be by terracing in smaller sections & including planting between terraced sections.

The top boundary fence would have less impact if it were located on the top terraced section perhaps 1.5 ? 2m back from the boundary.

My sincere thanks for your consideration of these concerns.

Bruce Hibbard  
14 Beachfront Close

Name: Bruce Hibbard

Address:  
14 Beachfront Close  
Sapphire NSW 2450

IP Address: dsl-202-173-135-37.nsw.westnet.com.au - 202.173.135.37

copy of 8

**Thomas FitzGerald - Residential Subdivision at 740-742pacific hwy**

---

**From:** "john o'hehir" <johnno1j@bigpond.com>  
**To:** <thomas.fitzgerald@planning.nsw.gov.au>  
**Date:** 26/08/2009 16:10  
**Subject:** Residential Subdivision at 740-742pacific hwy

---

We as residents of 7/744 Pacific hwy, have no objections to the subject development.  
John O'Hehir & Carole Eden

①

17<sup>TH</sup> August 2009

Director - Coastal Assessments  
Department of Planning  
GPO BOX 39  
SYDNEY NSW 2001

RE; APPLICATION Nos. 06\_0148 Mod 1 and 09\_0060  
Location: 740-742 Pacific Highway, Sapphire Beach, Coffs Harbour  
Proponent: Sapphire Beach Development Pty. Ltd.

Dear Sir,

We wish to submit today our support for the above development. We are pleased with the new submissions which are a much better outcome for us than the previous development.

Thanking you.

CHRIS AND GILLIAN ADDICOAT  
LOT 3 Beach front Close  
SAPPHIRE BEACH



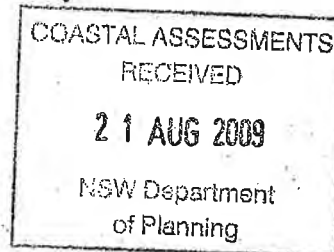


**Attachment 3**

**Copies of submissions received from agencies for 06\_0148 Mod 1 and 09\_0060**

Your Reference : 06\_0148 Mod 1 & 09\_0060  
Our reference : FIL07/2233-05 DOC09/33406  
Contact : Peter A. Ekert, 66402514

*Handwritten:* *SALES Munk* *21/08/09* *T. Fitzgerald* *24/8/09*



Alan Bright  
A/Director, Coastal Assessments  
NSW Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Attn: Tom Fitzgerald

Dear Mr Bright *Alan*

**RE: Environmental Assessment Exhibition – Major Projects 06\_0148 and 09\_0060 Residential Subdivision at Sapphire Beach**

I refer to the Project Application, Environmental Assessment, and accompanying information provided for the proposed residential subdivision at Sapphire Beach, NSW. The material was received by the Department of Environment, Climate Change and Water (DECCW) on 14 July 2009.

DECCW has reviewed the information provided in relation to biodiversity conservation, Aboriginal cultural heritage, coastal hazards and sea level rise.

The Department is concerned that the proposed development does not recognise the projected impacts of sea level rise over the expected life of the development. As such, it follows that the increased coastal hazards have not been adequately assessed or addressed. These matters should be addressed before the project is considered further.

However, DECCW is of the view that these matters cannot be fully considered and addressed until the Coffs Harbour Local Government Area (LGA) Coastal Hazard Definition Study is completed, as part of the Coffs Harbour LGA Coastal Zone Management Plan. It is anticipated that the Hazard Definition Study will include redefining hazard lines in accordance with contemporary climate change science and DECCW guidelines for sea level rise due to climate change. It seems that this information is basic to undertaking an informed planning process for the site.

DECCW would, however, be prepared to review its position, subject to the completion of the Coffs Harbour LGA Coastal Hazard Definition Study and submission by the proponent of a suitable design.

The Department of Environment and Climate Change is now known as the Department of Environment, Climate Change and Water

L Locked Bag 914, Coffs Harbour NSW 2450  
Federation House Level 7, 24 Moonee Street,  
Coffs Harbour NSW 2450  
Tel: (02) 66598230 Fax: (02) 66598257  
ABN 30 841 387 271  
[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

Department of **Environment and Climate Change** NSW

Detailed comments in relation to Aboriginal Cultural Heritage are provided in Attachment 1. The Department makes no comment on biodiversity issues and it believes that biodiversity values will not be affected by the proposed development.

If you have any inquiries please contact the following:

- Robert Kasmarik (66530100) in relation to Coastal Hazards and Climate Change
- Peter Ekert (66402514) in relation to Biodiversity Conservation
- Nick Pulver (66598225) in relation to Aboriginal Cultural Heritage

Yours sincerely

A handwritten signature in black ink, appearing to read "Gary Davey", with a long horizontal line extending from the end of the signature.

17 AUG 2009

**GARY DAVEY**  
**Director - North East Branch**  
**Environment Protection and Regulation Group**

## **Attachment 1**

### **Summary of Key Issues: Aboriginal Cultural Heritage**

#### **Aboriginal Community Consultation**

DECCW note the archaeological report provides a summary of the Aboriginal community consultation process for this project application. However, there has been no additional evidence of community consultation since March 2007. DECCW encourages the proponent to continue to engage with the local Aboriginal stakeholders in developing appropriate cultural heritage outcomes for the proposed development. We recommend evidence of this consultation is provided in support of the project application. We have also proposed conditions of approval to target this issue.

#### **Unknown Aboriginal Sites**

DECCW understands that there is a possibility of Aboriginal objects being identified during the construction activities associated with the proposed development. Should any Aboriginal objects be located during the proposed development works, it is recommended the value of such finds should be ascertained by a suitably qualified archaeologist in consultation with the registered Aboriginal community stakeholders before any management decision is finalised. Where impacts to Aboriginal objects cannot be avoided, DECCW recommends the proponent develop proposals that reduce the extent and severity of impacts using reasonable and feasible measures. It is also recommended the proponent consider the appropriateness of any proposed actions having potential ACH benefit. We have also proposed conditions of approval to target these issues.

# COFFS HARBOUR CITY COUNCIL

Our ref: 2285183 (DA 935/09)

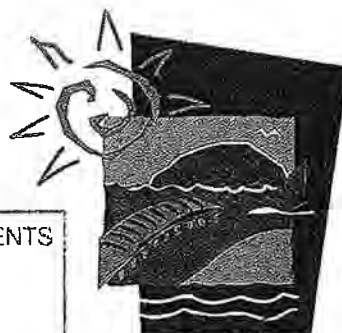
19 August 2009

Department of Planning  
Attention Mr Thomas Fitzgerald  
GPO Box 39  
SYDNEY NSW 2001

COASTAL ASSESSMENTS  
RECEIVED

24 AUG 2009

NSW Department  
of Planning



SALES MONK  
24/08/09  
AB

AM 24/8/09

Tom F.

Dear Mr Fitzgerald

## **Major Project 09\_0060 – Demolition Pelican Beach Resort**

Council refers to the above major project application for demolition.

Council provides the following comments on this proposal:

### **Construction Certificate:**

Council understands that a construction certificate is not required for demolition works. Any consent conditions should accord with this advice.

### **Liaison Officer – Demolition Works:**

Council recommends that a liaison officer be appointed by the proponent to consult with potentially affected property owners before, during and post demolition works. A 24 hour contact telephone number should be provided to all adjoining owners and occupants.

### **Notification – Demolition Works:**

Adjoining and affected residents should be provided with a minimum 72 hours notice of commencement of works. This notification should also be provided to Coffs Harbour City Council, RTA and the Marine Parks Authority.

### **Stockpile:**

The stockpile site should be located reasonably distant from neighbouring property boundaries and the height of the stockpile should be restricted so as not to cause an adverse visual impact on neighbours.

The stockpile should be treated so as not to cause a dust or stormwater (water quality) nuisance.

### **Demolition:**

All work shall be undertaken in accordance with the "Site Management Plan" (included as Appendix 3 to the application), and "Hazardous Material Survey and Register" (included as Appendix 4 to the application), and the "Phase 2 Detailed Environmental Site Assessment" (included as Appendix 5 to the application).

/2...

- Communications to: The General Manager, Locked Bag 155, Coffs Harbour 2450 • Administration Building, 2 Castle Street, Coffs Harbour • Tel: (02) 6648 4000
- Fax: (02) 6648 4199 • DX: 7559 • ABN 79 126 214 487
- Email: [coffs.council@chcc.nsw.gov.au](mailto:coffs.council@chcc.nsw.gov.au)
- Website: [www.coffsharbour.nsw.gov.au](http://www.coffsharbour.nsw.gov.au)

Prior to commencement of demolition works, a site specific "*Construction (& Demolition) Noise and Vibration Assessment and Management Plan*" shall be prepared and approved by the Certifying Authority, and a copy provided to Council. This Plan shall be incorporated into the overall Site Management Plan.

All work is to comply with appropriate Australian Standards including "AS 2601-2001 *Demolition of Structures*", and any WorkCover NSW requirements.

All demolition material, and other waste shall be assessed and classified in accordance with the NSW Department Environment Climate Change & Water's (DECCW) "*Waste Classification Guidelines, 2009*" prior to being removed from the premises. The proponent shall retain adequate and complete records of demolition and waste materials which leave the premises and are disposed/recycled through various means.

Nothing shall be burnt on/off the site.

Only concrete/masonry/bricks waste generated during the demolition shall be crushed/processed on the premises. The proponent shall, as relevant, satisfy the DECC's "*Recovered Aggregate Exemption 2008*", General Exemption Under Part 6, Clause 51 and 51A Protection of the Environment Operations (Waste) Regulation 2005.

**RTA:**

A copy of the Construction Management Plan should be referred to this agency for their information.

**Site Security:**

The site should be secured by suitable fencing during and post demolition works to prevent unauthorised access.

**Sewer Pumping Station:**

Access shall be made available at all times to this facility for staff and vehicles of Coffs Harbour Water.

**Draft Conditions – Department of Planning:**

In addition to the above matters Council supports the imposition of the Departments recommended conditions of approval as follows, noting that the conditions are to be tailored to the proposal.

- A1; A3; A4; A5.
- B1; B7; B8; B9.
- C1; C4; C5; C6.
- D1; D2; D4; D6; D7; D8; D9; D10; D11; D12; D14.
- E5.
- F7.
- G9; G10.
- AN2; AN9.

For further information please contact Mark Hannon on (02) 6648 4631.

Yours faithfully

  
Mark Hannon  
Project Manager Development

MSH:njj

Our ref: 2293079 (DA 337/07)

27 August 2009

Department of Planning  
Attention Mr Thomas Fitzgerald  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Fitzgerald

**Major Project Application MP06\_0148 Mod 1  
Pelican Beach Resort Residential Subdivision**

Council refers to the above modification application to MP 06\_0148.

Council provides the following comments on this proposed modification.

➤ **Coastal Hazard:**

The 2100 year hazard line has been calculated using the 0.9m sea level rise and the proposal has the building floor levels above the wave run up height of 7.5m AHD. This arrangement satisfies Council's policies for Coastal Hazard.

To achieve the 7.5m AHD floor level the developer proposes to fill the lot. This activity creates other issues for consideration such as compatibility with adjoining lands and developments.

The proponent could look at reducing the fill level and lower the finished floor level of proposed buildings by mitigating coastal inundation / wave run up through other means such as landscaping bunds / walls / fencing.

All buildings must be located west of the 2100 year coastal hazard line and be at either 7.5m AHD minimum floor level or be protected from coastal inundation by other approved means.

Council notes that the foundations of the first row of residential dwellings will be designed to withstand wave run up.

➤ **Sea Rise Protection Zone (SRPZ) and Adaptive Risk Management Approach (ARMA):**

Council notes the proponents measures to combat the effects of possible sea level rise via a SRPZ and ARMA.

Council views this arrangement with caution as this arrangement details no statutory or regulatory provisions to enforce compliance. It is suggested that the Department seek legal advice on this arrangement. Alternatively, the works could be undertaken as part of the physical development (see comments under "Coastal Hazard" above).

/2...

➤ **Highway Access:**

The Highway Access arrangement (final and during construction) should satisfy the requirements of the RTA.

➤ **Internal Access:**

The road reserve and pavement widths are noted by Council as (approximately):

- main east west access - 14m and 6m;
- north south access - 10m and 5m;
- secondary access - reserve variable width, 3.5m permanent.

At these widths (including street tree planting both sides of roads) there is no provision for on street parking. Whilst the design guidelines call for 2 visitor spaces in the dwelling driveways the garage setbacks do not generally allow for these spaces (many garages have a 4m setback only).

The southern end of the Right-of-Way servicing Lots 34/37 is around 30%. This will make access to garages and visitor spaces on these lots difficult, if not unworkable.

Service vehicle access (eg waste servicing) to the Right-of-Way to Lots 34 – 39 has no turn around area.

Dead end roads require compliant turn around areas. Note, liaison with Council's waste servicing contractor is recommended.

➤ **Servicing:**

Water and sewer are to be part of the Community Property and **not** Council services as proposed. The Community Management Statement should reflect this requirement.

The developer should liaise with Coffs Water concerning access to the Council Sewer Pumping Station and proposed bunding around this facility.

The upgrade of the outfall main (Vol. 4 App. 9) on the neighbouring property will require the consent of the owner of this land parcel.

➤ **Fill:**

The proposed filling will need to ensure that the stormwater drainage from neighbouring properties is not impeded.



➤ **Landscape Masterplan:**

Final landscape plans should demonstrate the proposed plantings and planting areas are adequate to ameliorate the impact of proposed buildings on the prominent coastal view, provide adequate screening along the southern and northern boundaries, and screen the development from the Pacific Highway.

Landscape details are to show the pedestrian paths / street trees and roadways and how they interact.

Landscape treatments, including plantings, pathways and signage are to detail the relationship between traffic and pedestrians using the northern ROW (the coastal walk).

A Concept Vegetation Management Plan covering the dunal and coastal vegetation parts of the site, conforming to Council's requirements, is to accompany any development application.

➤ **Functional Private Open Space:**

The slope of lots 34 and 37 appears to limit the provision of functional private open space to these lots.

➤ **Community Lot:**

Council recommends that only one community lot be created in the subdivision, whilst recognising the need for separate management plans for components of the community lot.

➤ **Design Guidelines:**

- Council notes the complexity of the Design Guidelines and the requirement for prior approval of the "design review panel" prior to Council approval.
- Council notes the make up of the Design Review Panel "of at least 3 owners appointed by the Executive Committee" but does not reference any requirement for members of the panel to be qualified in architecture / urban design / planning to ensure proper and fair determination of proposals.
- Council notes the guidelines do not support "granny flats" (see SEPP Affordable Rental Housing 2009).
- Council recommends that the guidelines be enforceable under the Community Title Scheme.

➤ **Community Management Statement (CMS):**

- The CMS references strata provisions that are irrelevant to the proposal.

- The CMS references Coffs Harbour City Council as the responsible authority for the sewerage disposal system and water when it is not. The proponent needs to clarify this aspect with Coffs Water.
- The CMS needs to recognise the requirement for access to the site by vehicles accessing the sewer pump station and for waste collection servicing.

Primary considerations with respect to the modified proposal include a review of options and then resolution of coastal processes impacts, the impacts of site filling on adjoining developments, adequate and functional visitor parking arrangements, resolution of constraints on Lots 34 – 39 (waste servicing, access, parking, construction, functional private open space (Lots 34 and 37)), design guidelines implementation and the detailed requirements of the Community Management Statement.

**For further information please contact Mark Hannon on (02) 6648 4631.**

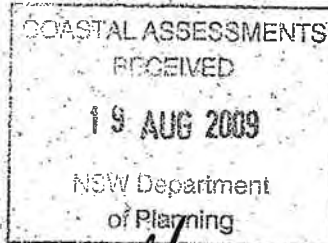
Yours faithfully

Mark Salter  
Director of Land Use, Health & Development

Per:

MSH:njj

Tom FitzGerald  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001



13 August 2009

*T. FitzGerald*  
*MM 20/8/09*

Solitary Islands Marine Park  
PO Box J297  
Coffs Harbour Jetty  
NSW 2450

Telephone: 02 6652 3977  
Facsimile: 02 6651 1440

Dear Mr FitzGerald

**MP06\_0148 Mod 1 & MP09\_0060 – RESIDENTIAL DEVELOPMENT**

Thank you for the opportunity to comment on the modifications to the approved concept plan for the above major projects.

The major issue that the Marine Parks Authority asked to be addressed is how the latest climate change predictions, including sea level rises of 40cm by 2050 and 90cm by 2100, will impact on the proposal and how the impacts will be managed.

The original proposal used 40cm as the predicted sea level rise by 2100. Using this criterion it was determined that the 100 year hazard line for Campbell's Beach is 51m.

In the revised material, a new assessment using the Department of the Environment, Climate Change and Water's draft guidelines for sea level rise of 90cm by 2100 was conducted. This resulted in a 100 year hazard line for Campbell's Beach of 50.5m.

It is difficult to understand how more than doubling the predicted sea level rise for the year 2100 can result in a smaller 100 year hazard line. The Marine Parks Authority requests that the Department of Planning look carefully at how this figure was determined prior to accepting the amended 100 year hazard line.

If you would like to discuss this matter further please contact David Greenhalgh on 6652 0915.

Yours sincerely

A handwritten signature in black ink, appearing to read "Nicola Johnstone".

**NICOLA JOHNSTONE**  
Marine Park Manager  
Solitary Islands Marine Park  
NSW Marine Parks Authority

All communications to be addressed to:

Headquarters  
NSW Rural Fire Service  
Locked Mail Bag 17  
GRANVILLE NSW 2142

Headquarters  
NSW Rural Fire Service  
15 Carter Street  
HOMEBUSH BAY NSW 2127

Telephone: (02) 8741 5555

Facsimile: (02) 8741 5550

e-mail: development.assessment@rfs.nsw.gov.au



Director General  
Department of Planning  
Major Project Assessment  
GPO Box 39  
SYDNEY NSW 2001

**RECEIVED**

11 AUG 2009

Director-General

Attention: Tom FitzGerald

MP 06\_0148 Mod 1

Your Ref: MP 09\_0060

Our Ref: S06/0035

HQ09/0091

4 August 2009

Dear Mr FitzGerald,

**Review of Environmental Assessment for 100 & 101/629555; 2/800836, 740-742  
PACIFIC HIGHWAY, SAPPHIRE BEACH NSW**

I refer to your letter received 10 July 2009 seeking a review of the Environmental Assessment and comments regarding bush fire protection for the above in accordance with section 75F (4) of the *Environment Planning and Assessment Act 1979*.

The NSW Rural Fire Service provides the following advice regarding bush fire protection measures for the proposed development in accordance with *Planning for Bush Fire Protection 2006*.

**Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

1. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

**Access**

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

2. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.

3. Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

#### **Landscaping**

4. Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.

#### **General Advice – Consent Authority to Note**

- This approval does not constitute a bush fire safety authority and is issued in relation to the provided concept plan only. Any further development applications for either subdivision of land or construction of class 1,2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under the relevant portions of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

For any enquiries regarding this correspondence please contact Daniel Copland on 8741 5555.

Yours faithfully,



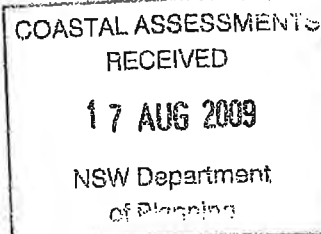
**Corey Shackleton**  
**A/Team Leader, Development Assessment & Planning**

The RFS has made getting additional information easier. For general information on Planning for Bush Fire Protection 2006, visit the RFS web page at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) and search under Planning for Bush Fire Protection 2006.



NSW Government

Department of Environment, Climate Change and Water  
Office of Water



Department of Planning  
A/Director Coastal Assessments  
GPO Box 39  
Sydney NSW 2001

Contact: Christie Jackson  
Phone: (02) 6701 9652  
Fax: (02) 6701 9682  
Email: christie.jackson@dnr.nsw.gov.au

13 August 2009

Attention: Tom FitzGerald

Dear Mr FitzGerald,

*Handwritten signatures and dates:*  
17/8/09 MUNK  
T. Fitzgerald  
17/8/09

**Subject: Major Projects 06\_0148 and 09\_0060 Residential Subdivision at Sapphire Beach, Coffs Harbour Local Government Area – Environmental Assessment**

Thank you for your letter dated the 10 July 2009, forwarded to the former Department of Water and Energy (DWE) seeking comment on the Environmental Assessment (EA) for the residential subdivision at Sapphire Beach, Coffs Harbour. Please note, DWE has recently been abolished and the Department's water related functions have been merged with DECC to form the new Department of Environment, Climate Change and Water (Office of Water).

The NSW Office of Water (NOW) understands this application involves the modification of the approved concept plan and Stage 1 demolition works. The Department has reviewed the EA and offers the following comments.

**Water Issues:** Departmental databases show there are three groundwater bores licenced for stock and domestic and irrigation purposes (30BL35350, 30BL138976, 30BL154911) on the development site. The EA states the current water supply of town water will be sufficient to service the new development. If the proponent wishes to access any groundwater for the development from their current licences they will need to ensure they are licenced for the intended use and have sufficient water.

The proponent will be required to determine if the construction works will intercept the watertable prior to undertaking any excavation. If the watertable will be intercepted as a result of these works, the proponent should be made aware that a dewatering licence under Part 5 of the *Water Act 1912* is required prior to any excavation on the site.

A stormwater basin will be constructed as part of the development within the 7A environmental protection zone. The stormwater basin must be constructed above the watertable and lined with impermeable material. The Department will not endorse direct discharge of stormwater into an excavation if it intersects the water table. All works that intersect the water table require a licence under the *Water Act (1912)*. The proponent may need to drill monitoring bores within the area to ascertain the depth of the watertable. All monitoring bores, if any, associated with the development must also be licenced with the Department.

**Harvestable Rights:** The proposal will need to be consistent with the NSW Farm Dams Policy and ensure any additional dams, storages, detention basins constructed as part of the development are in accordance with this policy. I have attached the Farm Dams Policy fact sheets.

Department of Environment, Climate Change and Water – Office of Water Noel Park House, Level 3, 155-157 Marius Street, PO Box 550 Tamworth NSW 2340

t (02) 6701 9600 | f (02) 6701 9682 | e [Information@dwe.nsw.gov.au](mailto:Information@dwe.nsw.gov.au)

[www.dwe.nsw.gov.au](http://www.dwe.nsw.gov.au) | ABN 58 132 718 272

**Acid Sulfate Soils:** The EA states that acid sulfate soils (ASS) have been identified 500 metres south of the property however they are not expected to impact on the site. If ASS is identified on the property at any stage the proponent will need to refer to the Acid Sulfate Soil Manual for appropriate management of these soils. The DWE is concerned about potential effects of disturbed acid sulfate soils on the water quality of the groundwater table.

Whilst the Department is satisfied Stage 1 of the development can proceed, the Departments requirements and Government policy have been outlined above to ensure, the proponent understands their responsibilities for the management of water on the site, for all stages of the proposal. I would also like to inform you that I am the contact person for the Central North area for Major Projects now, as Rod Browne will be undertaking a different role. If you require clarification on the above please don't hesitate to contact me on (02)6701 9652.

Yours sincerely,



Christie Jackson  
Planning and Assessment Coordinator

**From:** SCIFFER Greg <Greg\_SCIFFER@rta.nsw.gov.au>  
**To:** "Tom FitzGerald (thomas.fitzgerald@planning.nsw.gov.au)" <thomas.fitzger...>  
**CC:** Land Use Northern <Land\_Use\_Northern@rta.nsw.gov.au>  
**Date:** 29/07/2009 15:16  
**Subject:** FW: Pelican beach resort site - Provision of Key Issues from RTA  
**Attachments:** Appendix 3Traffic.Report.21.5.09.pdf

Tom

Attached is a copy of some further information received by the RTA. The RTA concurs with it and would have no further concerns for the proposed development if they are addressed in the determination.

Regards  
Greg Sciffer  
Development Assessment Officer  
Northern Region

---

**From:** William Jenner [mailto:bill@attentus.net.au]  
**Sent:** Monday, 27 July 2009 5:27 PM  
**To:** SCIFFER Greg  
**Cc:** Michael.Lyons@ghd.com.au  
**Subject:** FW: Pelican beach resort site - Provision of Key Issues from RTA  
**Importance:** High

Greg,

I met you in Grafton way back in 2006 with Matthew Shrimpton with the first application. Obviously I'm still involved with the project hoping we can get an approval as quickly as possible which is why I am writing to you directly. I understand from Tom FitzGerald that you would have received a CD from him last week which includes the most current GHD traffic report. I know you have been corresponding with Mick Lyons so I'm sure none of what is being presented is new to you. I have attached the Appendix 3 of the EAR for ease of reference which is on the CD you have received. You will note we have included the points you made to Tom in your email of 22 April with appropriate responses.

I would very much appreciate if you could take the time required this week to send Tom (and copy me if possible) your response to the report. I'm trusting it will be positive but if you have any concerns could you please come back to me or Mick before you respond to Tom.

If I haven't heard from you by the end of the week I'll call you if you don't mind. Your bank has put some serious constraints on us until we receive the amended approval so I'm trying to get all agency to respond quickly so Tom can have his assessment done - apologies for being pushy.

Kind regards,  
Bill Jenner  
0418 491 997

----- Forwarded Message

**From:** Thomas FitzGerald <Thomas.FitzGerald@planning.nsw.gov.au>  
**Date:** Thu, 23 Apr 2009 09:49:15 +1000  
**To:** <bill@attentus.net.au>, Janet Thomson <sonthom@ozemail.com.au>  
**Subject:** Fwd: Pelican resort site - Provision of Key Issues from RTA

Hi Bill,

Attached please find the comments from Greg Sciffer at the RTA regarding the applications for the old Pelican Resort site (06\_0148 Mod 1 and 09\_0060). Please consider these as an attachment to the DGRs (Attachment 4) that I have already sent you.



As Greg notes the RTA would be happy to discuss these issues/requirements with you directly in order to reduce delay.

Regards, Tom.

---

From: SCIFFER Greg  
Sent: Wednesday, 22 April 2009 10:15 AM  
To: Tom FitzGerald (thomas.fitzgerald@planning.nsw.gov.au)  
Cc: Land Use Northern  
Subject: MP06\_0148 Mod 1 Provision of Key Issues. Pelican Resort. Sapphire

Tom

The following comments in relation to road safety, efficiency and traffic management are provided to assist you in the processing of the application:-

- (i) Previous discussions and requirements in relation to the Pacific Highway have been held with the applicants consultants.
- (ii) The proposed development is adjacent to the Sapphire-Woolgoolga upgrade of the Pacific Highway which was approved by the Minister of Planning on 13 January 2009.
- (iii) The developer will now be responsible for any changes and requirements to mitigate any impacts such as road traffic noise from the existing and future upgrade of the highway.
- (iv) Access to the proposed development should be consistent with the attached concept design for the upgrade of the highway. The existing combined access servicing the proposed residential subdivision, adjacent units and the Nautilus Resort should continue to provide access to all of these developments and if necessary should be upgraded to cater for the traffic generated by the proposed development.
- (v) The previous traffic study undertaken needs to be reviewed and updated. It should provide a matrix to show how the development and any staging will integrate with the proposed highway road works and identify any improvements that might be required.
- (vi) A traffic management plan needs to be developed to manage construction works.
- (vii) The proposed development is located in the vicinity of and could be affected by road traffic noise and vibration from both the existing Pacific Highway and the approved Sapphire -Woolgoolga upgrade of the highway.
- (viii) The development will need to be designed such that road traffic noise and vibration from the existing and approved upgrade of the Pacific Highway are mitigated by durable materials in accordance with the EPA guidelines.
- (ix) Consideration should be given to establishing links with the existing local road network.
- (x) Provisions need to be made for connections to existing transport services such as school and town buses.
- (xi) Connections need to be provided to existing or planned pedestrian and bicycle networks.
- (xii) Internal road network needs to be designed to cater for service and emergency vehicle movements.

(xiii) It should be noted that even if the internal roads are not dedicated as public roads they are still covered by the Road Related Area legislation. Any traffic facility will need to be designed in accordance with current standards and approved by the appropriate local regulatory authority.

(xiv) The RTA would be happy to discuss any of these comments with the applicant in order to reduce delay.

Regards  
Greg Sciffer  
Development Assessment Officer  
Northern Region

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Tom FitzGerald  
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NSW Department of Planning  
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GPO Box 39 Sydney NSW 2001  
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CLIENTS PEOPLE PERFORMANCE

21 May 2009

Chris Wilson  
Executive Director  
NSW Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Our ref: 22/14532/893  
Your ref:

**Residential subdivision at 740-742 Pacific Highway Sapphire Beach - 06\_0148 Mod 1 and 09\_0060 – Supplementary Traffic Report**

**Background**

GHD was commissioned by Sapphire Developments Pty Limited to examine traffic and transport issues associated with the redevelopment of the Pelican Beach Resort at 740-742 Pacific Highway, Sapphire Beach. GHD submitted its *Preliminary Traffic Study (August 2006)* report based on a development that comprised 122 dwellings and that considered the development access road intersecting with the existing Pacific Highway.

Subsequently, GHD prepared a second report for the proposed 122-dwelling development, *Traffic Study - Additional Investigations (December 2006)* that investigated the intersection of the proposed access road and the upgrade Pacific Highway.

Sapphire Developments Pty Limited has since modified its proposal and proposes the development of a 39-lot residential subdivision.

The Director General's Requirements relating to Traffic and Access are:

*4.1 Assess the implication of the proposed modification on traffic and transport in the area. Have particular regard to changes to vehicle movements, parking, access/egress to and from the site, and the interface with the recently approved Pacific Highway upgrade – Sapphire to Woolgoolga.*

*4.2 Outline whether arrangements for public access to and along the beach and coastal foreshore will be changed as a result of the proposed modification.*

Response to 4.1: The amended application does not change the previously proposed arrangement for interface with the upgraded Pacific Highway and has a reduced traffic impacts as detailed in the analysis below.

Response to 4.2: There are no changes to the currently approved arrangements for public access to and along the beach and coastal foreshore.

Comments by RTA NSW on the proposal were attached to the Director General's Requirements for the amended application. The RTA comments and corresponding responses follow.

**RTA Comments**

RTA Comment (i): *Previous discussions and requirements in relation to the Pacific Highway have been held with the applicant's consultants.*

Response: Noted



RTA Comment (ii): *The proposed development is adjacent to the Sapphire-Woolgoolga upgrade of the Pacific Highway which was approved by the Minister of Planning on 13 January 2009.*

Response: Noted

RTA Comment (iii): *The developer will now be responsible for any changes and requirements to mitigate any impacts such as road traffic noise from the existing and future upgrade of the highway.*

Response: Noted

RTA Comment (iv): *Access to the proposed development should be consistent with the attached concept design for the upgrade of the highway. The existing combined access servicing the proposed residential subdivision, adjacent units and the Nautilus Resort should continue to provide access to all of these developments and if necessary should be upgraded to cater for the traffic generated by the proposed development.*

Response: Noted –There is no change to the combined access and the developer's previous commitment to formalize the two-lane exit to the access road remains.

RTA Comment (v): *The previous traffic study undertaken needs to be reviewed and updated. It should provide a matrix to show how the development and any staging will integrate with the proposed highway road works and identify any improvements that might be required.*

Response: An analysis of the revised traffic flows generated by the amended application has been undertaken and a comparison made with the traffic flows generated by the previous proposal. A timeline illustrating the timing of the construction of the proposed development relative to the estimated construction programme for the Pacific Highway Upgrade has also been prepared and is included at Attachment A to this letter. It is concluded that the amended application for a 39-lot development has a significantly reduced traffic impact compared to the 122-dwelling proposal.

RTA Comment (vi): *A traffic management plan needs to be developed to manage construction works.*

Response: Noted. A traffic management plan will be included with the Project Application for demolition

RTA Comment (vii): *The proposed development is located in the vicinity of and could be affected by road traffic noise and vibration from both the existing Pacific Highway and the approved Sapphire - Woolgoolga upgrade of the highway.*

Response: Noted. Mitigation measures are recommended in the Acoustic Report.

RTA Comment (viii): *The development will need to be designed such that road traffic noise and vibration from the existing and approved upgrade of the Pacific Highway are mitigated by durable materials in accordance with the EPA guidelines.*

Response: Noted

RTA Comment (ix): *Consideration should be given to establishing links with the existing local road network.*

Response: Noted. Connections to local roads and the highway service road (existing Pacific Highway) are provided in the design.

RTA Comment (x): *Provisions need to be made for connections to existing transport services such as school and town buses.*

Response: The amended application does not change the arrangements for connections to existing transport services. As committed in the current approval, the developer proposes to facilitate the erection of a bus stop and shelter adjacent the entrance to the development.



RTA Comment (xi): *Connections need to be provided to existing or planned pedestrian and bicycle networks.*

**Response:** The amended application does not change the proposed connection to the 'Coastal Walk' or the proposed pedestrian/cyclist connection to adjoining areas via Coachmans Close. The proposed development is consistent with the possible future location of a cycleway along the planned service road (existing Pacific Highway).

RTA Comment (xii): *Internal road network needs to be designed to cater for service and emergency vehicle movements.*

**Response:** Noted

RTA Comment (xiii): *It should be noted that even if the internal roads are not dedicated as public roads they are still covered by the Road Related Area legislation. Any traffic facility will need to be designed in accordance with current standards and approved by the appropriate local regulatory authority.*

**Response:** Noted

RTA Comment (xiv): *The RTA would be happy to discuss any of these comments with the applicant in order to reduce delay.*

**Response:** The issue relating to the timing of the proposed development relative to the timing of the proposed highway upgrade has been discussed with RTA in the preparation of the attached timeline. RTA indicated by email that the timeline appeared to be adequate for the purpose.

#### Traffic Analysis

A comparison of the traffic impacts of the previously proposed development for a 122-dwelling development and the amended development application for a 39-lot residential subdivision is given in the following table. The data for the 122-dwelling development is taken from the GHD reports. The estimate of traffic generation for the 39-lot subdivision is based on:

- ▶ 0.85 trips per dwelling
- ▶ the same traffic assignment patterns as used for residential dwellings for the 122-dwelling proposal
- ▶ the same in/out ratios (20/80 AM peak and 80/20 PM peak) as used for residential dwellings for the 122-dwelling proposal
- ▶ assuming 10 houses are occupied in Year one, 10 in year two, 10 in year three and 8 by year five

#### Comparison of Additional Generated Traffic

Year	AM peak traffic leaving the site		PM peak traffic entering the site	
	122-dwelling proposal	39-lot proposal	122-dwelling proposal	39-lot proposal
Year 1	39	7	22	7
Year 2	50	14	32	14
Year 3	59	20	41	20
Year 5	70	26	52	26

reductions



From the comparison of peak period traffic volumes, it is clear that the amended application for the 39-lot development will have a significantly reduced traffic impact compared to the 122-dwelling proposal.

Sapphire Developments Pty Limited has provided its preliminary programme for the proposed development. It is based on:

- ▶ Approval of amended concept plan by October 2009
- ▶ Approval of DA by Jan 2010
- ▶ Subdivision work complete by June 2010
- ▶ First 10 houses ready for occupancy by March 2011
- ▶ Progressive construction of the remaining 29 dwellings by the end of 2013

An estimate of the construction period for the upgrade of the Pacific Highway is based on an assumed construction start in January 2010 and a construction period of about 18 months.

A comparison of the construction timelines for the proposed residential development and the Pacific Highway upgrade is provided in Attachment A to this letter.

Yours sincerely,  
GHD Pty Ltd

A handwritten signature in black ink, appearing to read 'Michael Lyons'.

**Michael Lyons**  
Transport Planner  
6596 8716



### Comparison of construction timelines for Proposed Development and Highway Upgrade

[illegible]

Coastal Assessments Branch  
Department of Planning  
23-33 Bridge Street  
Sydney NSW 2000  
Att Tom Fitzgerald

Your Ref: 06\_0148 mod 1 7 09\_0060  
Our Ref: In 09/0840  
Out 09/176

14<sup>th</sup> August 2009

Dear Tom,

**Re: Environmental assessment Exhibition: Major projects 06\_0148 mod 1 and 09\_0060  
Residential Subdivision at Sapphire Beach.**

Thank you for the opportunity to comment on the above development proposal. Since the site is being redeveloped the potential impact on the natural resources is significantly less in comparison to when the resort was built in the mid 1980s. I offer the following general and specific comments.

The Northern Rivers Catchment Management Authority (NRCMA) has brokered a Catchment Action Plan (CAP) for the Northern Rivers region. The CAP was developed through considerable consultation with key stakeholders including Local Government and sets out a range of natural resource management targets which the northern rivers community aims to achieve during the term of the CAP, [www.northern.cma.nsw.gov.au](http://www.northern.cma.nsw.gov.au). The NRCMA is also responsible for the dissemination of information and the approval processes of the *Native Vegetation Act 2003 (NVA)*.

The NRCMA has assessed the subject proposal from the extensive data and a subsequent site inspection in relation to the achievement of the CAP targets and compliance with the NVA.

I offer the following suggestions:

1. The Environmental Assessment (EA) should demonstrate consistency with the targets and intent of the Northern Rivers Catchment Action Plan.
2. The subject area is adjacent to Solitary Islands Marine Park and it is suggested that re-construction and maintenance of a dunal system to ensure the stability of the beach landscape. This landscape may come under increasing pressure if sea level rises as some predictive models suggest will occur in the next few decades.
3. Sapphire Beach and its precincts contain some near shore and estuarine habitats within or adjacent to the Solitary Islands Marine Park. The



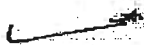
maintenance of a native vegetation buffer strip behind the beach as part of the dunal system is critical for the integrity of these ecosystems.

4. The subject area may be prone to the risk of acid sulfate soils. The subject site has been mapped for acid sulfate soil risk map at 1:25,000 sheet. The Moonee map can found at.

<http://www.environment.nsw.gov.au/acidsulfatesoil/riskmaps.htm>

If you require further information or clarification of our comments please contact Simon Proust , Catchment Coordinator based in our Coffs Harbour office on phone 02 6653 0111 or email [simon.proust@cma.nsw.gov.au](mailto:simon.proust@cma.nsw.gov.au)

Yours sincerely,



Michael Pitt  
General Manager



# Appendix 2

## Revised Vegetation Management Plan

**VEGETATION MANAGEMENT PLAN**

**FOR**

**PELICAN BEACH REDEVELOPMENT**

**LOTS 100 & 101 DP 629555**

**AND LOT 2 DP 800836**

**PACIFIC HWY, COFFS HARBOUR.**

**SEPTEMBER 2009**

**PREPARED BY**

**BUSH**FIRE**SAFE (AUST) P/L**

**ENVIRONMENTAL SERVICES**

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## EXECUTIVE SUMMARY

The Sapphire Vegetation Management Plan (VMP) is the first stage in the development of a plan that will guide the future use, development and management of the foreshore and (a) Environmental Protection Zone. This VMP has been developed in accordance with the environmental, cultural heritage, recreational and visual values that have so far been identified for the foreshore area. These values are the qualities of the foreshore that are significant, special or important, and that the developer desires to protect or enhance.

The VMP proposes that Sapphire foreshore be rehabilitated at the same time as the commencement of the subdivision civil works. Consideration will be given to the social impact on adjoining residents when removing garden plantings from the area.

The foreshore will be replanted with native coastal vegetation to enhance wildlife habitat, stabilise the dune system and to provide a visual buffer between the beach and neighbouring residences. View corridors from neighbouring residents will be retained. The management of noxious and environmental weeds is an issue of concern to both Coffs Harbour City Council and the developer. A program of progressively removing weeds from the foreshore and 7(a) Environmental Protection Zone is proposed. Neighbouring residents will be encouraged to plant species that will not spread from private gardens into the foreshore area.

Ensuring the stability of the Sapphire foreshore dune system is recognized as being a high priority. This VMP does recognise that all works, plantings, landscaping and fencing of the dunes must be undertaken in accordance with management and rehabilitation techniques recommended by the *Coastal Dune Management Manual* (NSW Department of Land and Water Conservation 2001).

The Plan provides for improved access to the beach. Construction of beach access way, fencing and adjacent vegetation rehabilitation is recommended to: protect the dunal vegetation, particularly the identified areas of Silverbush (an endangered threatened species); and improve the visual amenity of the coastline. Public access to the beach is provided along the northern boundary from the Pacific Highway.

The VMP encourages the use of the foreshore for informal recreation by providing for tree planting for shade and space delineation. No fire mitigation works are proposed as the majority of land is mapped as minor bushfire risk and insignificant risk to community assets. The VMP proposes a future management regime for the foreshore that aims to protect the value of the environment for current and future generations.

## **1.0 INTRODUCTION- WHY A PLAN OF MANAGEMENT**

This Vegetation Management Plan (VMP) applies to the Campbell's Beach foreshore and zone 7(a) Environmental Protection 'habitat and catchment' area within the Pelican Beach Resort site. The subject site is located on the northern shores of Coffs Harbour; having an area of approximately 4.15ha. This VMP is being developed to ensure that the future development of the reserve is consistent with relevant legislation, policies, guidelines and community expectations.

This VMP will guide the future use and development of the Campbell's Beach foreshore. It outlines how the developer, in consultation with Coffs Harbour City Council and government departments, intends to use, develop and manage the land, and determine the scale and intensity of the development. As a planning tool it provides goals to work towards in achieving agreed outcomes for the management of the land. Effective implementation of the VMP requires the involvement of community organisations such as Coffs Regional Landcare and Dunecare. Any relationship can be fostered through working groups, providing supporting documentation and assistance with funding applications.

The VMP provides guidelines for the restoration of the zone 7(a) Environmental Protection 'habitat and catchment' area. This small area of degraded vegetation is classified as Littoral Rainforest that is critically endangered in Eastern Australia. The management actions proposed are consistent with the Department of Environment Policy Statement 3.9, and Department of Environment, Climate Change & Water (DECCW) recovery strategies for this vegetation.

The VMP compliments the Landscape Master Plan developed for the proposed development (Jackie Amos, 2009) and should be utilised in conjunction with the prepared Dune Management Plan.

### **1.1 Site Location**

Pelican Beach is located on the northern shores of Coffs Harbour, approximately 4 hours drive from Sydney and a 5 minute drive from Coffs Harbour. Pelican Beach resort is situated between Coffs Harbour and Korora and Sapphire, on the eastern side of the Pacific Highway and fronts Campbell's Beach (Figure 1).

### **1.2 Previous studies**



This VMP has already been approved as part of the original 2007 Part 3A development application. It is updated and amended for inclusion for the modified development application 06-0148 Mod 1.



**Figure 1 Site Location**

### **1.3 Desired Outcomes**

The desired outcomes of this plan are:

- To conserve biodiversity and maintain ecosystem function of the reserve;
- To rehabilitate and maintain the land to its natural state and setting;
- To provide for appropriate linkages with vegetation & access corridors;
- To ensure that the use and management of the foreshore and environmental protection areas is in keeping with NSW Coastal Policy 1997, The Guiding Principles of Ecologically Sustainable Development and other relevant legislation and policies;
- To provide for use of and access to the land in such a manner that will facilitate the ecologically sustainable use of the foreshore and to minimise and mitigate any disturbance on the foreshore caused by community use;
- To maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area;
- To ensure the principal values of the foreshore are protected and enhanced:  
Environmental, Cultural, Heritage, Recreational Visual / Scenic Tourism

### **1.4 Entities Responsible for ongoing management**

Prepared by: Bushfiresafe (Aust) P/L; Environmental Services (02 66451088)  
Sapphire Management Plan for Lots 100 & 101 DP62955 and Lot 2 DP800836 Pacific Highway,  
Sapphire Beach.

The administration and management of the proposed actions within this VMP rests with the Developer until such time as the Campbell's Beach Community Association is established and henceforth this body will be responsible for the management and reporting requirements.

## **2.0 RELEVANT LEGISLATION AND POLICIES**

It is essential in preparing this plan that the relevant legislation and Government policies are taken into consideration, of which the *NSW Coastal Policy 1997* is the most significant. These documents stress the conservation of natural resources and their management in an ecologically sustainable manner, while at the same time providing appropriate opportunities for use of the land.

This VMP must also address the requirements of *the Environmental Planning and Assessment Act 1979* and *State Environment Planning Policy 71*. These establish the statutory planning framework that must be followed in the management of foreshore area in the planning area.

### **2.1 NSW Coastal Policy 1997**

The NSW Coastal Policy was adopted in November 1997 and provides a policy framework through which effective, balanced and co-ordinated management of the N.S.W. Coastal Zone can occur. The central focus of the policy is the Ecologically Sustainable Development (ESD) of the Coastline. The Coastal Council of NSW is a body set up by the NSW Government which is responsible for ensuring all parties involved in the implementation of the Coastal Policy (State agencies, local councils, other public authorities and non-governmental organisations) perform their tasks effectively.

Objectives and key actions from the Policy of particular relevance to this plan are:

- To identify coastal lands with conservation values and implement management strategies and controls to ensure that those values are protected
- To identify and protect areas of high natural or built aesthetic quality
- To ensure that risks to human safety from the use of coastal resources is minimized
- To encourage towns to reinforce or establish their particular identities in a form which enhances the natural beauty of the coastal zone
- Beaches, frontal dunes and undeveloped headlands will be protected and only minor developments will be permitted for essential public purposes e.g. surf life saving facilities.
- To design and locate development to complement the surrounding environment and to recognise good aesthetic qualities



- Development proposals will have to conform to specified design and planning standards to control height, setback and scale to ensure public access and to ensure that beaches and foreshore open spaces are not overshadowed.
- State Government agencies, when preparing policies, programs and procedures for coastal zone planning and management, will be required to ensure they are consistent with the Coastal Policy and have regard for national and international strategies, policies and agreements.

## **2.2 Sea Level Rise Policy**

The draft sea level rise policy proposes the benchmark for a 40cm rise in sea level by 2050 in response to predicted global climate change; increasing to 90cm by 2100. The implications for such a rise on the proposed development; stability of the foredune; the revegetation of the Campbell's Beach foreshore must be considered. The concept plan delineates a Sea Rise Protection Zone within which measures may be placed to protect the property.

## **2.3 Other Legislation**

The *Environmental Planning and Assessment Act 1979* (EP&A Act) forms the framework within which planning occurs within NSW. Works proposed on the reserve may require development consent under Part 4 of the EP&A Act. The EP&A Act sets up environmental planning instruments which provide a basis for development control at state-wide (State Environmental Planning Policy- SEPP), regional (Regional Environmental Plans-REP) and local levels (Local Environmental Plans-LEP and Development Control Plans-DCP). Consent granted by Council must be in accordance with the planning instruments gazetted for the area.

The *State Environmental Planning Policy No 71- Coastal Protection* (SEPP 71) commenced in November 2002. SEPP 71 has been made under the Environmental Planning and Assessment Act 1979 and aims to ensure that the coastal zone is protected in accordance with the principles of ecologically sustainable development. SEPP 71 provides for the Minister for Natural Resources to have over-riding consent authority for developments up to 100m above the mean high water mark of the sea, a bay or an estuary.

Threatened species impact assessment required by the *Threatened Species Conservation Amendment Act 2002* and *Threatened Species Conservation Act 1995* is an integral component of environmental impact assessment. The ultimate objective of the application of section 5A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the Assessment of Significance, is to improve the standard of consideration afforded to

threatened species, populations and ecological communities, and their habitats through the planning and assessment process, and to ensure this consideration is transparent.

### **3.0 LAND DESCRIPTION AND ANALYSIS**

The Pelican Beach Resort site comprises of 3 lots (Lots 100 & 101 DP629555 and lot 2 DP800836). The Land is zoned 2(e) Residential Tourist and zone 7(a) Environmental Protection 'Habitat and Catchment' in the Coffs Harbour City Council Local Environmental Plan (Coffs Harbour City Council, 2000). The site is currently occupied by a tourist resort (Figure 2). This resort was constructed in 1986 and is in need of upgrading and refurbishment. It comprises of 114 suites in a part 3 storey and part 5 storey building. There are facilities including dining room, bar, and conference rooms on the ground floor. Outside the main building there is a swimming pool and associated outbuildings, tennis courts and car parking areas. Approximately half the site area is currently vacant and is grassed and maintained by the resort. There is a former restaurant building fronting the Pacific Highway at the western end of the site.



**Figure 2: The Pelican Beach Resort Complex**

The existing resort represents a small part of the almost continuous development that currently exists between Coffs Harbour and Sapphire, this development includes pockets of residential development, tourist facilities, public open space and reserve.

### **3.1 Existing Facilities and Use**

Principal recreational uses of the resort facility and foreshore areas are:

- Swimming (although the beach is strictly not in the scope of lands covered by this Plan);
- Walking;
- Picnicking;
- Fishing

The beach is popular with families and young children as the beach is generally clean and protected from south-easterly winds and ocean swells. The foreshore enhances adjoining surf side residents' properties; many of which have developed gardens extending onto the foreshore. This provides a unique recreational area for the public, although its perception is limited to neighbouring residents. The site is typically open providing little shade or space definition either within the reserve or with adjacent land uses.

### **3.2 Access**

There are proposed to be 2 access points to the foreshore:

- One designated for residential use as shown on the Landscape Master Plan.
- Public access to Campbell's Beach is provided along the northern boundary of the subject land. There is an existing service road connecting Coffs Harbour City Council sewage plant with the Pacific Highway. Whilst this access road is not a legal access road, it is utilised by the public and includes a temporary car parking area and beach access near the sewage plant. It is proposed that but this access road shall be upgraded to allow public access to the beach and foreshore areas.

There are a number of informal tracks along the dunal area. It is recommended that installation of post and wire fences to define the intended access way across the dune system and prevent pedestrian access to the dune and preventing damage to its vegetation.

### **3.3 Visual Amenity**

The landscape of the Sapphire development consists of 4 main landscape types; the beach, the vegetated sand dune, vegetated slope (zone 7(a)), and the neighbouring houses. The dune vegetation provides an important visual buffer between the beach, the development and the neighbouring houses to the north. The dune largely determines the visual character of the beach by providing a vegetated natural backdrop to the beach. This allows the beach to integrate into the neighbouring natural landscape and provides a sense of privacy for users of the beach and the adjoining residents.

### 3.4 The Beachfront and Dune System

The foreshore generally consists of two distinct landform units – firstly the beach and secondly the vegetated sand dunes and sandplain separating the residential properties from Campbell's Beach. The beach is constantly adjusting to rates of sand accumulation and removal during storm events; each of which can affect the width and condition of the beachfront, foredune and sandplain. Sand supply is influenced by the general longshore drift of sand along the East Australian coastline and specifically by the rocky headland at the south of the beach (Figure 3). The extent of the sand dune is generally defined by the high water mark. The width of the sand dune varies between 16 and 32 metres along the length of the foreshore.



**Figure 3: Campbell Beach looking north (Left image) and south towards the rocky headland (Right image).**

The foredunes and sandplain comprise undulating vegetated ridges and level ground between high water mark and approximately 5m above mean sea level. The vegetation on the dunes is very important in stabilizing the sand dune and providing a visual buffer between the beach and the proposed adjacent residential area. The resort initiated the establishment of the dune vegetation when it was first developed. Since then there has been regeneration of native indigenous trees, shrubs and groundcover species and some spread of exotic plants typically those that are garden escapees.

The vegetation structure is generally open coastal scrub with a grassy and scattered understorey and is typical of natural hind dune vegetation (Figure 4). The dominant species includes: Coastal Banksia (*Banksias integrifolia*), Coastal She-Oak (*Casuarina equisetifolia* ssp. *incana*) and Coastal Wattle (*Acacia longifolia* subsp. *Sophorae*) with an understorey comprising Sword or Mat grass (*Lomandra longifolia*), Spinifex (*Spinifex sericeus*), Kangaroo Grass (*Themeda australis*) and Coastal Pigface (*Carpobrotus glaucescens*).

The vegetation on the dune in some cases has been modified by activity such as pruning or removing of trees to open views to the beach and bay. The understorey is also largely dominated by exotic 'weed' species and includes: Agapantha (*Agapanthus* sp.), Yakka (*Agave americana*), Bridle Creeper (*Asparagus asparagoides*), Climbing Asparagus Fern Weed (*Asparagus plumosus*), Pampas Grass (*Cortaderia selloana*), Penny wort (*Hydrocotyle conariensis*) and Kikuya.



**Figure 4: Left: Foredune vegetation showing effects of windshear; Right: weed and garden escapes dominate the vegetation in parts).**

At three locations along the foredune, either single plants or clumps of several individuals of Silverbush (*Sophora tomentosa* subsp. *australis*) were recorded (Figure 5). Silverbush is an endangered species listed in Schedule 2 of the Threatened Species Conservation Act as an endangered plant. The following Priority actions have been determined for the recovery of this species; this Vegetation Management Plan is consistent with these actions.





**Figure 5: Silverbush growing as clumps of several plants within weed species on the foredune to Campbell Beach.**

**Table 1: Recovery Actions for *Sophora tomentosa* subsp. *australis***

Recovery strategy	Description of priority action	Priority
Captive Husbandry or ex-situ collection/propagation	Maintain populations ex situ at suitable botanic gardens, regional gardens or nurseries.	Medium
Community and land-holder liaison/ awareness and/or education	Liaise with Landcare / Coastcare and Dunecare groups regarding strategies to protect and rehabilitate Silverbush populations.	Medium
Habitat management: Ongoing EIA - Advice to consent and planning authorities	Consider known populations of Silverbush on land controlled by local government during environmental and operational planning as well as during biodiversity certification of environmental planning instruments.	High
Habitat management: Site Protection (eg Fencing/Signage)	Control recreational impact on known populations by fencing/signage/community education etc.	High
Habitat management: Weed Control	Control Bitou Bush in known habitat, avoiding spraying individuals of Silverbush. Implement Bitou bush control as described in the approved TAP.	High
Monitoring	Monitor population size, habitat condition and threats at known sites.	Medium
Survey/Mapping and Habitat assessment	Determine current population size and demography.	Medium

Source: [http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/pas\\_profile.aspx?id=10765](http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/pas_profile.aspx?id=10765)

### 3.5 Zone 7(a) Environmental Protection 'Habitat and Catchment' area

This area represents the steepest part of the resort site with an approximate slope of 1:2. The area is east of the grassed spur and extends to just above the recreational facilities associated with the resort. The vegetation is described as Littoral Rainforest in the NSW North Coast, Sydney Basin and South East Corner bioregions endangered ecological community and listed in Schedule 2 of the Threatened Species Conservation Act, 1995 (NSW) and as a critically endangered community listed in the Environmental Protection and Biodiversity Conservation Act, 1999 (Cth). This pocket of vegetation is mostly regrowth vegetation with a number of mature trees (Figure 6) and is approximately 4000m<sup>2</sup> in size. There is evidence of past logging activities (removal of Red Bean) and substantial weed infestations, particularly at the edges of the community. The area represents one of only two areas of remnant vegetation on the site. The following native flora was identified: Brush Box (*Lophostemon confertus*), Black Wattle (*Acacia melanoxylon*), Beach Acronychia (*Acronychia imperforata*), Red Bean (*Dysoxylum muelleri*), Pittosporum (*Pittosporum undulatum*), Hairy-leaved Bolly Gum (*Neolitsea dealbata*) and Hard Quandong (*Elaeocarpus obovatus*), Blueberry Ash (*Elaeocarpus reticulatus*), Bangalow Palm (*Archontophoenix cunninghamiana*) with an understorey of: three veined cryptocaria (*Cryptocarya triplinervis*), native ginger (*Alpinia caerulea*), ferns and non-natives.



**Figure 6: Zone 7(A) area of regenerating forest showing considerable weed infestation; evidence of the steep slope and minor affect of wind-shear on the canopy is apparent in the right image.**

The following Priority actions have been determined for the recovery of this community; this Vegetation Management Plan is consistent with these actions.

**Table 2: Recovery Actions for Littoral Rainforest in the NSW North Coast, Sydney Basin and South East Corner bioregions endangered ecological community**

Recovery strategy	Description of priority action	Priority
Captive Husbandry or ex-situ collection/propagation	Collect seed for NSW Seedbank. Develop collection program in collaboration with BGT - all known provenances (conservation collection).	Medium
	Investigate seed viability, germination, dormancy and longevity (in natural environment and in storage).	Medium
Community and land-holder liaison/ awareness and/or education	Enhance the capacity of persons involved in the assessment of impacts on this EEC to ensure the best informed decisions are made.	Medium
	Liaise with Landcare/ Coastcare and Dunecare groups regarding strategies to protect and rehabilitate Silverbush populations.	Medium
Habitat management: Feral Control	Undertake control of feral pigs and horses at identified key sites.	Medium
Habitat management: Ongoing EIA - Advice to consent and planning authorities	Prepare identification and impact assessment guidelines and distribute to consent and determining authorities.	Medium
Habitat management: Site Protection (eg Fencing/Signage)	Identify and prioritise other specific threats and undertake appropriate on-ground site management strategies where required.	Medium
Habitat management: Weed Control	Undertake weed control for Bitou Bush and Boneseed at priority sites in accordance with the approved Threat Abatement Plan and associated PAS actions.	High
Habitat Protection (inc vca/ jma/ critical habitat nomination etc)	Use mechanisms such as Voluntary Conservation Agreements to promote the protection of this EEC on private land.	Medium
Habitat Rehabilitation/Restoration and/or Regeneration	Undertake bush regeneration to restore, expand and reconnect remnants where considered practical.	Medium
Research	Determine location, species composition and threats to remaining remnants to assist with prioritising restoration works.	Medium
Survey/Mapping and Habitat assessment	Collate existing information on vegetation mapping and associated data for this EEC and identify gaps in knowledge. Conduct targeted field surveys and ground verification to fill data gaps and clarify condition of remnants.	Medium

Source: [http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/pas\\_profile.aspx?id=10867](http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/pas_profile.aspx?id=10867)

### 3.6 Weeds

The vegetation present of the foredune contributes to stabilizing the dune system, it is only a narrow band along the dune crest; isolated by other similar vegetation by the existing Resort facilities; and dominated by weeds. Similarly, the 7(a) Environmental Protection Zone is also subject to significant non-native infestation, particularly along the margins. A large number of garden / nursery escape plants were noted during the flora survey, all non-natives are listed below (Appendix 1). A significant focus of this VMP is directed towards weed management.



### **3.7 Native Animals**

A Flora and Fauna study has been carried out on the area (Bushfiresafe,2006) that identified the following animals and birds as occurring on the subject property, none of which are listed as threatened species: Possums, Yellow Tailed Black Cockatoo, Sulphur Crested Cockatoo, Corella, Galah, Rainbow Lorikeet, Australian King Parrot, Crimson Rosella, Laughing Kookaburra, Superb Fairy Wren, Red Browed Finch (Firetail), Satin Bowerbird, Black Faced Cuckoo Shrike, Australian Magpie, Pied Currawong, Hardhead Duck, Regent Honeyeater, White Breasted Pigeon. In addition to the above the area is likely to attract waders and water birds. The proposed strategies outlined in this VMP will enhance the habitat opportunities for these species through weed management and revegetation of the foredune area.

### **3.8 Fire Management**

A bushfire risk management report prepare by Bushfiresafe (Aust) P/L recommended that the Hind Dune area along the eastern property boundary, the 7(a) Environmental Protection Zone located approximately centre of the property (which are to be rehabilitated/revegetated) and the landscaped portions of the facility be revegetated to the standard of an asset protection zone as outlined in Planning for Bushfire Protection (2006). This will ensure the current non-bushfire hazard classification of the site will be maintained.

### **3.9 Sea Rise Protection Zone**

To accommodate the potential sea level rise in response in global climate change over the next 90 years as outlined in the NSW Draft Sea Level Rise Policy Statement, a delineated Sea Rise Protection Zone is identified in the concept plan. This Zone is seaward of the proposed dwelling locations and Asset Protection Zone. It is proposed to construct appropriate measures necessary to address the potential impact of a rising sea level within this Sea Rise Protection Zone. The Vegetation Management Plan applies to the Sea Rise Protection Zone as well as all areas seaward, as illustrated on the attached site layout plan.

## **4.0 PROPOSED MANAGEMENT STRATEGIES AND ACTIONS**

The Vegetation Management Plan identifies the principal land management issues. A set of management strategies and actions accompany each issue providing an ongoing framework for the management of the foreshore and environmental protection area. These management issues relate to the values of the above and are reflected in the Landscape Master plan. Each action is given a priority for implementation as listed in Table 3, below.

**Table 3: Management actions**

Values	Features and characteristics that the developer finds important and special
Management Issue	The issue that requires a detailed approach to future management Strategy
Strategy	The broad management strategies required to address management issues of concern.
Action	Specific actions that address the strategies
Priority	The relative implementation priority of each proposed action. High (H) Medium (M) Low (L)

The following table (Table 4) outlines the management actions proposed for the rehabilitation of the Campbell's Beach foreshore area and the zone 7(a) Environmental protection 'habitat and catchment' area. Key elements of these actions are discussed further below.

#### **4.1 Outcomes**

Schematic diagrams showing proposed rehabilitation for selected areas are shown below (Figures 7-10).

**Table 4: Rehabilitation Actions for Campbell's Beach foreshore area**

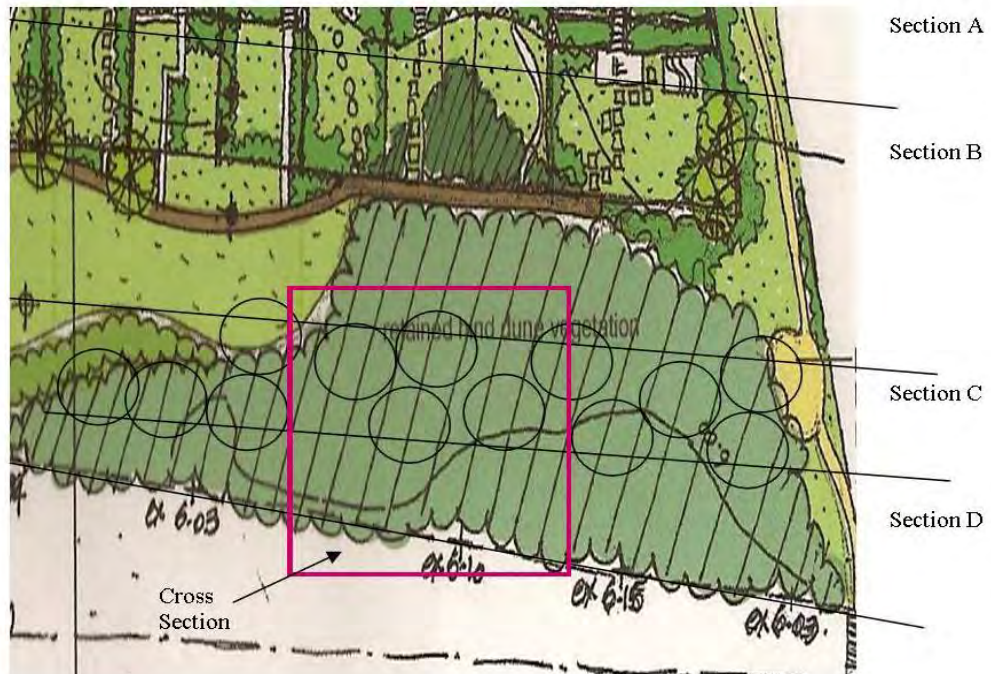
Management Issue	Strategy	Action	Priority
10.1) Access to Campbell's Beach	Improve public access to beach	1. Install access post and wire fences where necessary. 2. Rehabilitate vegetation adjacent to access ways as required. 3. Informal access tracks will not be permitted. 4. Beach access ways and beach steps from the development will be monitored for erosion and stability and rehabilitated if required. 5. Beach steps form development adjoining the foreshore must be stable and present no risk to users. They must comply with the standard as per Section 4.7.6 of the Coastal Dune Management Manual (NSW Department of Land and Water Conservation 2001) Non-compliant steps will be removed.	H H H M H
10.2) Access to Campbell's Beach Dunal Area	Inform users of private property boundary.	1. Remove all garden beds and structures built into the reserve and reduce the mown area to within 4-6 metres of residential boundaries. 2. In deciding the timing of the removal of garden plantings and garden edging during demolition of the present resort, consideration will be given to the social impact on adjoining residents. 3. Install markers to identify boundaries between public and private land. The developer will undertake a survey of property boundaries to ensure accurate location of each marker. References to the boundary markers will be included in signage at each beach access point.	H H M
10.3) Visual Amenity	a. Protect and enhance the visual qualities of Campbell's Beach Foreshore Area b. The dune revegetation program will give consideration to views from residential buildings. c. The 7(a) revegetation program will give consideration to views from residential buildings and protect landscape character of the site	1. Construct fences and timber walking surfaces. 2. Rehabilitate adjacent vegetation where necessary. 3. Undertake the vegetation management recommendation 4. Tree planting will be implemented so as to retain view corridors from within the development adjoining houses and provide a continuous natural landscape appearance.	H H M M

Management Issue	Strategy	Action	Priority
10.4) Vegetation Management	<p>a. Restore the native coastal vegetation of the foreshore to enhance wildlife habitat, provide a visual buffer between the beach and residences, enhance dune stability and maintain view corridors from residences</p> <p>b. Restore the native vegetation of the 7(A) to enhance wildlife habitat, provide a visual buffer between the development and neighbouring residences, and return vegetation to natural state.</p>	<p>1. Encourage the planting and regeneration of native indigenous species</p> <p>2. Remove all garden beds built into the areas and reduce the mown area to within 4-6 metres of the residential boundaries. In deciding the timing of the removal of garden plantings and garden edging from the resort, consideration will be given to the social impact on adjoining residents.</p> <p>3. Permit no further planting of exotic species within the 7(a), beach and dunal area.</p> <p>4. Where there is a substantial gap in tree cover or where trees are senescing, plant trees to enhance the landscape character of the area while maintaining view corridors from within the development and neighbouring houses</p>	<p>H</p> <p>M</p> <p>H</p> <p>M</p>
10.5) Weed Management	Restore the native vegetation of the 7(A) to enhance wildlife habitat, provide a visual buffer between the development and neighbouring residences, and return vegetation to natural state.	<p>1. Encourage the planting and regeneration of native indigenous species</p> <p>2. Remove exotic and weed species without disturbance (manual removal)</p> <p>3. Permit no further planting of exotic species within the 7(A) area.</p> <p>4. Where there is a substantial gap in tree cover or where trees are senescing, plant trees to enhance the landscape character of the area while maintaining view corridors from within the development and neighbouring houses</p>	<p>H</p> <p>H</p> <p>H</p> <p>H</p>
10.6) Fire Management	Manage the risk of fire within Campbell's Beach Foreshore in accordance with the Rural Fires Act 1997.	<p>1. Canopy species used within the revegetation areas shall be spaced to accommodate a 2m canopy separation to avoid a continuous fire path.</p> <p>2. Local endemic fire-resistant and/or rainforest species should be used wherever possible.</p>	<p>H</p> <p>H</p>
10.7) Fencing	<p>a. Protect rehabilitated areas</p> <p>b. Protect known occurrences of Silverbush.</p>	<p>Install post and wire fencing along the access ways to constrain public access to designated paths</p> <p>Install temporary barriers around areas of Silverbush for protection</p>	
10.8) Signage	<p>Improve on-site information about beach access.</p> <p>Inform public of dune rehabilitation</p>	<p>1. Install directional signage to the beach at entry to access ways at development beach entry point.</p> <p>2. At access points install signage to include map of area showing extent of foreshore and rehabilitation areas.</p>	<p>L</p> <p>M</p>

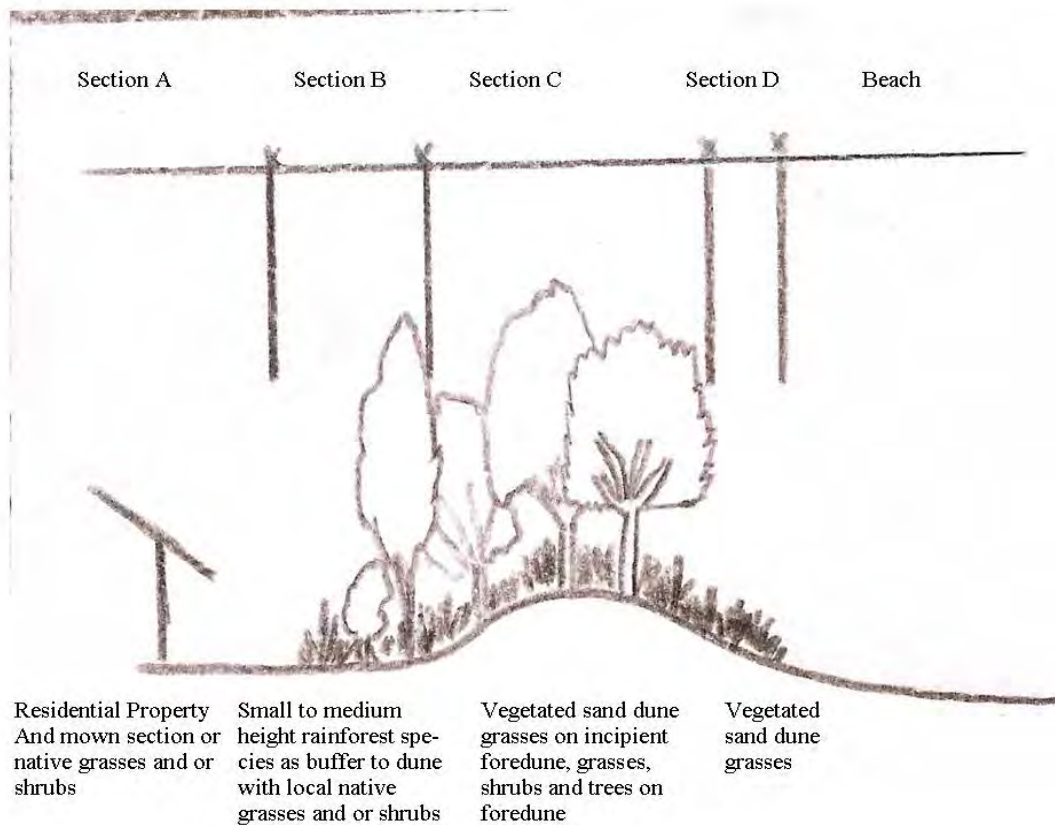




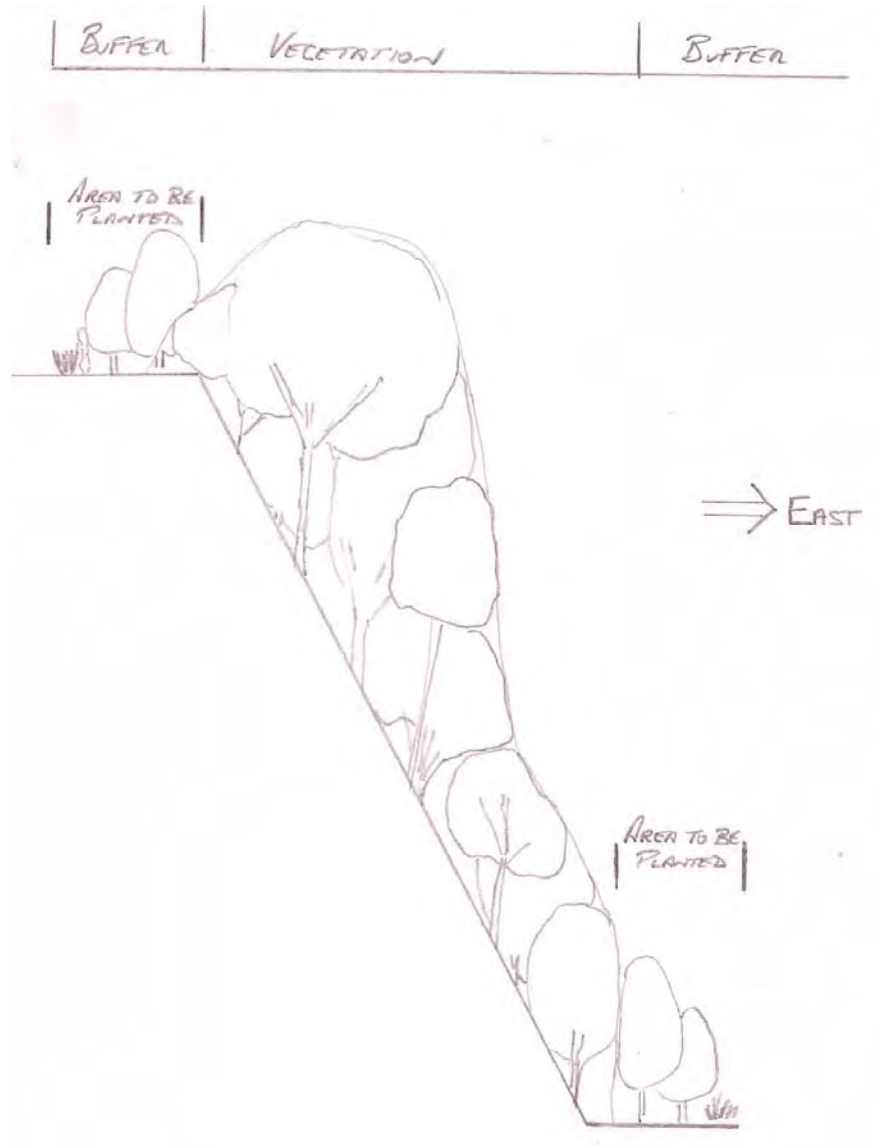
Typical Rehabilitated Section



Typical Rehabilitated Cross Section



**Figure 9 Typical rehabilitated area**



**Figure 10- Typical Cross-section of 7(a) Zone and proposed revegetation area**

#### **4.2 Removal of Pines**

Several of the mature Hoop Pine trees display evidence of dieback associated with Mundulla Yellows (MY) Syndrome. An investigation of these trees by the Plant Pathology Department of Southern Cross University on behalf of Active Tree Services confirmed the presence of Mundulla Yellows syndrome in the trees and in fungi, nematodes, bacteria, phytoplasma, viruses and virus-like organisms present in the topsoil up to 15m from the Pine trees; their report is included in Appendix 2. It is recommended that:

- i. the Hoop Pine trees be removed;
- ii. all vegetation within an 18m radius of the Pine trees be removed;

- iii. the soil be treated to prevent spread towards the zone 7(a) Environmental Protection Zone; and
- iv. any revegetation of the affected area must only include those plants known to be resistant to Mundulla Yellows Syndrome.

105 trees were recorded during the flora survey of the subject land, of these 45 trees will be removed with a further 9 being relocated (see below). The removal of trees is necessary to accommodate the dwellings and provide access; or to limit the spread of Mundulla Yellows syndrome; additional planting of trees is proposed in the Landscape Plan, including the planting of 11 Hoop Pine trees within an 8m wide area adjacent to the Pacific Highway in compensation for the loss of Mundulla Yellows affected trees. A list of existing trees is included as Appendix 3 and illustrated on the attached site layout (Attachment 1).

#### **4.3 Relocation of Pandanus trees**

A number of Pandanus trees are identified for removal to accommodate the proposed building envelopes, access roads and landscaping. All removed trees will be relocated and incorporated into the landscape planting on the site as outlined in the Landscape Master Plan. Active Tree Services have advised that relocation of this plant is relatively straight forward process given the tight root-ball that is developed. Furthermore, Pandanus trees can be successfully farmed in a temporary location, prior to relocation to their final position.

#### **5.0 WEED MANAGEMENT**

Weed management for both the Campbell's Beach foreshore and littoral rainforest areas requires extensive removal of existing herbaceous and mid-stratum non-native plants. Whilst this can be achieved through a concerted effort in removing all non-native plants in the short term allowing regeneration to occur over time, such actions can lead to erosion problems with the potential for weed species reinfesting the site and/or final vegetation not approaching the desired outcomes. For more beneficial long-term weed control an integrated weed management strategy is required. In particular this will require progressive weed removal using both herbicide application (aerial and/or ground spraying) and mechanical techniques; with repeated monitoring over a minimum 5 year period to ensure success; supplemented by replanting of native species known to occur either in the existing vegetation on the subject site or within the local area.

The control of herbaceous regrowth during the first 5 years is essential to achieve a low mortality planting success. Any application of herbicide should consider the residual effects upon the aquatic fauna identified on site. If herbicide treatment is undertaken within the weed



management program, both pre- and post-planting applications are recommended, with subsequent annual applications prior to the summer high rainfall period.

A number of weed species recorded during the flora survey are classified under the Noxious Weeds Act 1993 (NSW) as Locally Controlled Weeds<sup>1</sup> within the Coffs Harbour City Council Local Government Area. Use of information booklets and Fact sheets produced by North Coast Weeds advisory Committee, Big Scrub Rainforest Landcare Group and Coffs Harbour City Council will assist in identifying all noxious and environmental weeds present within the littoral rainforest and foredune areas. The following control methods are recommended for these noxious weeds identified within the vegetation communities.

### **5.1 Control of *Lantana camara***

*Lantana camara* is a *Weed of National Significance*. It is regarded as one of the worst weeds in Australia because of its invasiveness, potential for spread, and economic and environmental impacts. Lantana forms dense, impenetrable thickets that take over native bush land and pastures on the east coast of Australia. It competes for resources with, and reduces the productivity of, pastures and forestry plantations. It adds fuel to fires, and is toxic to stock. Lantana can spread in extent by adopting either of two characteristics:

- a) The layering of stems where roots are sent into the soil allowing vegetative reproduction and hence the Lantana can quickly form very dense stands; and
- b) Birds and animals consume the fruit and pass the seed, potentially spreading the viable seeds large distances. The germination rate for fresh seed is low but improves after being digested (Weeds CRC, 2003).

For the control of Lantana, a number of methods should be adopted in tandem with long-term follow up strategies. Both herbicide application (cut stem) and mechanical removal methods are suitable to deal with the present Lantana infestation with follow up management to prevent re-infestation. Best results are achieved by working from light infestation towards heavier infestations.

*Herbicide application* – many herbicides are registered for Lantana control. Techniques can include cut stem, foliar spray and basal bark injection. For each method all of the stems / plant must be treated as quickly as possible after the incision into the plant has been made to

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#### **<sup>1</sup> Class 4: Locally Controlled Weeds**

Class 4 noxious weeds are plants that pose a threat to primary production, the environment or human health, are widely distributed in an area to which the order applies and are likely to spread in the area or to another area. The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority.

be effective. This method is time consuming and expensive. Caution must be applied regarding the selection of herbicide type; GRAZLON® and TORDON® based herbicides are residual chemicals and can prevent germination of native species within the area, or can enter the watercourses effecting non-targeted plants downstream.

*Mechanical* – involves the physical removal of all of the Lantana plant. This method is suitable for limited infestations and requires extensive follow up management to be effective. Caution needs to be applied regarding the potential for soil erosion.

*Fire* – fire can be an effective and inexpensive where large dense stands occur and risks to people and property can be managed. Follow up management is required. Potential soil erosion issues will dictate suitable areas for control of Lantana using this method. Extensive Lantana infestation is not apparent for this property and hence the application of fire in controlling this noxious is not advised.

*Revegetation* – revegetation using native plants should be adopted once the initial Lantana infestation is managed. This will prevent weed establishment and limit soil erosion. Heavy mulching around the native plants will enhance establishment and limit competition.

Follow up management – may include all of the above methods of control and should be undertaken annually over a 5 year timeframe. To be effective, follow up management should be performed as part of the holistic approach to property management that seeks to prevent weed establishment occurring during the development of the residential precincts.

## **5.2 *Ageratina riparia*, *Senecio madagascadensis*, *Solanum mauritianum***

Minor occurrences of these noxious weeds and other similar herbaceous plants are present within both the littoral rainforest and foreshore areas. The following method of control of these weeds is recommended.

*Herbicide application* – many herbicides are registered for control of Mistflower, Fireweed and Tobacco Bush. Foliar spraying is the preferred application method using herbicides registered for control such as Techniques can into cut stem and basal bark injection; foliar spray is not recommended in NSW. For each method all of the stems must be treated as quickly as possible after the GRAZON® EXTRA. Caution must be applied regarding the selection of herbicide type; GRAZON® and TORDON® based herbicides are residual chemicals and can prevent germination of native species within the area, or can enter the watercourses effecting non-targeted plants downstream.

*Mechanical* – involves the physical removal of all of the Mistflower, Fireweed and Tobacco Bush. This method is suitable for the limited infestations and requires regular follow up management to be effective. Caution needs to be applied regarding the potential for soil erosion.

*Revegetation* – revegetation of the effected areas will limit re-establishment of the weeds from occurring. The list of native species occurring along the watercourses of the property is provided as Appendix 1. This list provides a selection of suitable plants for planting. The use of heavy mulching surrounding the native plants will assist in suppressing any weed competition.

### **5.3 *Chrysanthemoides monilifera* ssp. *rotunda***

Bitou Bush occurs extensively along the Campbell's foreshore zone. This plant actively grows and flowers in mid-winter; a time when most native species are semi-dormant. This allows annual control programs to be undertaken using a variety of methods including aerial herbicide spraying without significantly impacting on native species and when combined as part of an integrated control program, have proven successful in areas of the North Coast of NSW.

Other successful techniques being utilised include fire. One of the main obstacles to Bitou Bush control is the large number of seeds produced and the fact that they can remain viable for up to 10 years. Hot fires kill many actively growing plants and seeds in the upper soil profile. Seeds in the lower soil profile are often germinated by fire and hence, if follow up control occurs, successful long-term control can be obtained. The North Coast Bitou Bush Taskforce now collates information about recent fires so that control programs can capitalise on this situation. The Bitou Bush Management Manual (Winkler *et al.*, 2008) outlines the preferred techniques for controlling this weed of national significance. Detailed description for the control of bitou bush for the foredune areas is provided in the accompanying Dune Management Plan.

### **5.4 Mid-stratum trees within 7(a) zone**

A number of semi-mature non-native trees present within the 7(a) Environmental Protection area should be progressively removed over a 5 year period (including Slash Pine, Coral tree, Brazilian Cherry and Cherry Guava). Given the existing site constraints (moderately steep slope and the stormwater detention basin to be constructed at the base of the slope) it is recommended that herbicide control be adopted for these plants. Physical removal will

increase the potential for erosion and may damage existing native species during the process.

### **5.5 Follow-up Actions**

To ensure success in weed control using herbicide application, on-going monitoring with possible re-applications is necessary. The success of any rehabilitation works can be best achieved by the involvement of, and financial commitment to, a local community-based Land-Care Group.

## **6.0 PLANTING STRATEGY**

Replanting is a necessary component of any integrated weed management strategy. By choosing appropriate species, the ability for weed species to reinfest to site by germinating from an existing seed store within the soil can be reduced. This can be further suppressed through use of mulching surrounding any planted species. This planting strategy should be undertaken by, or in consultation with, a qualified ecological consultant or bush regenerator (minimum requirements being membership to the Australian Association of Bush Regenerators). Details of the proposed replanting within the selected areas are outlined below.

### **6.1 Species relevant for revegetation of Zone 7(a) area**

The following species are recommended for planting within the 7(a) area (Table 5). Planting should be undertaken by a qualified bush regenerator (at least having membership to the Australian Association of Bush Regenerators or equivalent), using local species either obtained from specialist nurseries or from seed collected on-site and propagated until planting between spring and summer where rainfall is likely to limit water stress. There is the potential to revegetate this area to the floristic equivalent of a littoral rainforest and achieve a closed canopy vegetation community. This can be achieved through ongoing weed management and staged planting of appropriate species.

Given the environmental constraints present within this community, minimal site disturbance should occur prior to any planting with best results obtained by direct planting of potted (20cm pot) species. Mulching with pea or straw mulch is recommended to reduce competition from non-native species with watering from available on-site water storages necessary to ensure establishment during the first 12 months. Initial focus of planting should target the perimeter of the existing vegetation to establish a screen of fast-growing natives for further protection against possible weed invasion. Once this is established, replanting as occur within the upper and toe slope areas, revegetation should not be considered within the

steep section of this site to prevent damage to existing vegetation, allowing natural regeneration to occur.

**Table 5: species recommended for the littoral rainforest area**

<b>Overstorey plants</b>	<b>Shrubs and groundcovers</b>
Brushbox	Celery wood
Bleeding Heart	Scentless rosewood
Blackwood Wattle	Bolwarra
Silver-leaved Desmodium	Three veined cryptocarya
Beach Acronychia	Cudgerie
Sweet Pittosporum	Native ginger
Dogwood	Bracken fern
Hairy Psychotria	Maidenhair
Hairy Pittosporum	Gristle fern
Hard Quandong	False bracken
Rose Walnut	Bungalow palm
Strangling Fig	Cheese Tree

## 6.2 Species relevant for revegetation of the foreshore area

Any revegetation of the foreshore zone must seek to: maintain the stability of the dune system; not interrupt the coastal views and hence remove the aesthetic appeal for the potential residents and neighbours through inappropriate planting or large, unmanageable trees; not increase any bushfire risk to residents by creating a bushfire hazard; and provide opportunities for the protection and expansion of the areas of Silverbush recorded during the flora survey. The revegetation of the dune system is outlined in the accompanying Dune Management Plan.

## 7.0 BUFFER MANAGEMENT

The Bushfire Risk Management Plan recommends a 5m wide Asset Protection Zone (APZ) to surround the existing littoral rainforest community. This APZ should be planted to Lomandra and other native groundcovers to act as a buffer to weed invasion into the littoral rainforest community. The required APZ between the proposed dwellings and the Dune rehabilitation area should be regularly maintained as a grassed open space with retained Pandanus trees and seating as outlined in the Landscape Management Plan. This on-going management should be undertaken by the developer until the responsibility can be delegated to the community association.

## 8.0 MONITORING AND REPORTING

Weed management should commence as soon as practical after development approval has been granted for the initial stage of the development. Initial planting should commence during the following spring - summer period with a report on activities submitted to Coffs Harbour City Council for review. It is recommended that on-going monitoring, replanting and

maintenance activities be reported to Coffs Harbour City Council at the change over of responsibility from the Developer to the Community Association.

## **8.1 Budget**

The final budgetary details of the proposed management actions will be provided prior to the commencement of any works once development approval has been granted.

## **9.0 CONCLUSIONS**

Through the implementation of the management actions outlined in this VMP, the Campbell's Beach foreshore and littoral rainforest areas can be rehabilitated. Success in achieving the goals of the VMP depends on the ongoing commitment by the Developer and subsequently the Community Association to the rehabilitation works and follow-up actions.

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**APPENDIX 1: WEED SPECIES IDENTIFIED DURING THE FLORA SURVEY.**

<b>Family</b>	<b>Scientific name</b>	<b>Common name</b>
<b><u>Trees/.</u></b>		
Araliaceae	<i>Schefflera actinophylla</i>	Umbrella Tree
Arecaceae	<i>Syagrus romanzoffiana</i>	Cocos Palm
Faboideae	<i>Erythrina x skyei</i>	Coral Tree
Myrtaceae	<i>Eugenia uniflora</i>	Brazilian Cherry
	<i>Psidium cattleianum</i>	Cherry Guava
Pinaceae	<i>Pinus elliotii</i>	Slash Pine
Family not known	<i>Citharexylum spinosum</i>	Fiddlewood
<b><u>Shrubs/.</u></b>		
Asteraceae	<i>Chrysanthemoides monilifera ssp. rotunda</i>	Bitou Bush
	<i>Tithonia diversifolia</i>	Mexican Sunflower
Fabaceae	<i>Senna pendula var. glabrata</i>	Senna
Myrtaceae	<i>Leptospermum laevigatum</i>	Coastal Tea Tree
Ochnaceae	<i>Ochna serrulata</i>	Mickey Mouse Plant
Solanaceae	<i>Solanum mauritianum</i>	Tobacco Bush
Verbenaceae	<i>Lantana camara</i>	Lantana
Family not known	<i>Monsteiria deliciosa</i>	Fruit Salad Plant
<b><u>Herbs/.</u></b>		
Asparagaceae	<i>Protasparagus plumosus</i>	Asparagus Fern
Asteraceae	<i>Ageratina riparia</i>	Mistflower
	<i>Bidens pilosa</i>	Farmer's Friend
	<i>Conyza albida</i>	Tall Fleabane
	<i>Gazania rigens</i>	Gazania
	<i>Hypochaeris glabra</i>	Flatweed
	<i>Senecio madagascadensis</i>	Fireweed
	<i>Silybum marianum</i>	Prickly Lettuce
	<i>Tridax procumbens</i>	Tridax
Faboideae	<i>Desmodium uncinatum</i>	Silver-leaved Desmodium
	<i>Macroptilium atropurpureum</i>	Siratiro
	<i>Trifolium repens</i>	Clover
Malvaceae	<i>Sida rhombifolia</i>	Paddys' Lucerne
Oxalidaceae	<i>Oxalis corniculata</i>	Oxalis
Plantaginaceae	<i>Plantago lanceolata</i>	Plantago
Poaceae	<i>Avena barbata</i>	Bearded Oats
	<i>Chloris gayana</i>	Rhodes Grass
	<i>Cynodon dactylon</i>	Bermuda Grass
	<i>Melinis repens</i>	Red Natal Grass
	<i>Panicum antidotale</i>	Giant Panic Grass
	<i>Paspalum wetsteinii</i>	Broad-leaved Paspalum
	<i>Sporobolus fertilis</i>	Parramatta Grass
	<i>Stenotaphrum secundatum</i>	Buffalo Grass
Solanaceae	<i>Lycopersicon esculentum</i>	Tomato
	<i>Physalis minima</i>	Wild Gooseberry
	<i>Solanum aviculare</i>	Blackberry Nightshade
Zingiberaceae	<i>Hedychium gardnerianum</i>	Ginger Lily
<b><u>Vines/.</u></b>		
Family	Binomial	Name
Basellaceae	<i>Anredera cordifolia</i>	Madeira Vine
Convolvulaceae	<i>Ipomoea cairica</i>	Morning Glory Vine
	<i>Ipomoea purpurea</i>	Common Morning Glory
Passifloraceae	<i>Passiflora subpeltata</i>	White Passionflower
Solanaceae	<i>Solanum seaforthianum</i>	Brazilian Nightshade



## APPENDIX 2: REPORT FROM ACTIVE TREE SERVICES ON MUNDULLA YELLOWS SYNDROME



### FAR NORTH COAST OFFICE

9TH August 2006

Our Ref: ch06-12945/3

To: Craig Harman  
Bushfiresafe Pty.Ltd.  
20 McLaughlan St  
Maclean NSW 2463

Dear Craig,

#### Results of Testing for Mundulla Yellows (MY) Syndrome in Pines at Pelican Beach Resort

Testing for the dieback syndrome, Mundulla Yellows (MY), was undertaken by Southern Cross University Plant Pathology Department analysing soil and tissue samples from the two pine trees located adjacent to the old restaurant building in the north-eastern corner of the Pelican Beach Site.

All samples were tested for the presence of fungi, nematodes, bacteria, phytoplasmas, viruses and virus-like organisms. Insects were collected from tree foliage and understorey vegetation to investigate the presence of pests and disease vectors at the site. Topsoil and subsoil was collected from each of the trees, and soil properties and chemistry were assessed. Foliage chemistry from both trees was also investigated.

The results of biotic and abiotic testing were compared to analysis from known MY infected plants held by the Department of the Environment and Sustainability, enabling determination of the presence of Mundulla Yellows in the pines at Pelican Beach.

The results revealed that Mundulla Yellows Syndrome is present in the pines onsite. In addition, fungi, nematodes, bacteria, phytoplasmas, viruses and virus-like organisms effected by MY were detected in samples as far away as fifteen (15) Meters from the pines.

As a result of such findings, it is recommended that the pines be removed and surrounding area be cleared to an area of eighteen Meters in radius from the effected trees. Unfortunately the pines seem to be adversely effected beyond salvation and limiting the spread of MY is paramount. Furthermore, future plantings of the area need to be implemented using plants known not to be effected by any type of dieback syndrome.

If you would like to contact us to discuss any of the above, please contact Wayne Elliot at our Coffs Harbour Office on 1300 130 287, he will be happy to help.

Regards,

A handwritten signature in black ink, appearing to read "Mark Thomas".

Mark Thomas

PO Box 1332, Mona Vale NSW 2102

Phone: (02) 6582 3220

Mobile: 0438 623 132

Fax: (02) 6582 2673

### Appendix 3 Schedule of Existing trees

Number	Species	Common Name	Retain/Remove
T1	Syzygium species	Lilly Pilly	remove
T2	Mangifera indica	Mango	remove
T3	Mangifera indica	Mango	remove
T4	dead tree		remove
T5	Araucaria heterophylla	Norfolk Island Pine	remove
T6		Cocos Palm	remove
T7	Araucaria cunninghamii	Hoop Pine	remove
T8	Araucaria cunninghamii	Hoop Pine	remove
T9		Cotoneaster	remove
T10	Araucaria cunninghamii	Hoop Pine	remove
T11	Eucalyptus species		remove
T12	Araucaria cunninghamii	Hoop Pine	remove
T13	Araucaria cunninghamii	Hoop Pine	remove
T14	Araucaria cunninghamii	Hoop Pine	remove
T15	Araucaria cunninghamii	Hoop Pine	remove
T16	Araucaria heterophylla	Norfolk Island Pine	remove
T17	Casuarina species	She-oak	remove
T18	Araucaria heterophylla	Norfolk Island Pine	remove
T19	Araucaria heterophylla	Norfolk Island Pine	remove
T20	Araucaria heterophylla	Norfolk Island Pine	remove
T21	Casuarina species	She-oak	remove
T22	Araucaria heterophylla	Norfolk Island Pine	remove
T23	Casuarina species	She-oak	remove
T24	Casuarina species	She-oak	remove
T25	Casuarina species	She-oak	remove
T26	Araucaria heterophylla	Norfolk Island Pine	retain
T27	Pandanus pedunculatus	Screw Pine	relocate
T28	Pandanus pedunculatus	Screw Pine	relocate
T29	Pandanus pedunculatus	Screw Pine	relocate
T30	Pandanus pedunculatus	Screw Pine	relocate
T31	Araucaria heterophylla	Norfolk Island Pine	remove
T32	Pandanus pedunculatus	Screw Pine	relocate
T33	Banksia integrifolia	Coastal Banksia	remove
T34	unidentified		remove
T35	Banksia integrifolia	Coastal Banksia	retain
T36	Pandanus pedunculatus	Screw Pine	retain
T37	Banksia integrifolia	Coastal Banksia	remove
T38	Pandanus pedunculatus	Screw Pine	retain
T39	Banksia integrifolia	Coastal Banksia	retain
T40	Araucaria heterophylla	Norfolk Island Pine	retain
T41	Banksia integrifolia	Coastal Banksia	retain
T42	Casuarina species	She-oak	retain
T43	Casuarina species	She-oak	retain
T44	Casuarina species	She-oak	retain
T45	Casuarina species	She-oak	retain
T46	Araucaria heterophylla	Norfolk Island Pine	retain
T47	Pandanus pedunculatus	Screw Pine	relocate
T48	Cupaniopsis anacardioides	Tuckeroo	remove

T49	Cupaniopsis anacardioides	Tuckeroo	remove
T50	Banksia integrifolia	Coastal Banksia	remove
T51	Pandanus pedunculatus	Screw Pine	retain
T52	Pandanus pedunculatus	Screw Pine	retain
T53	Pandanus pedunculatus	Screw Pine	retain
T54	Pandanus pedunculatus	Screw Pine	retain
T55	Pandanus pedunculatus	Screw Pine	retain
T56	Pandanus pedunculatus	Screw Pine	retain
T57	Pandanus pedunculatus	Screw Pine	retain
T58	Pandanus pedunculatus	Screw Pine	retain
T59	Pandanus pedunculatus	Screw Pine	retain
T60	Pandanus pedunculatus	Screw Pine	retain
T61	Pandanus pedunculatus	Screw Pine	retain
T62	Pandanus pedunculatus	Screw Pine	retain
T63	Pandanus pedunculatus	Screw Pine	retain
T64	Pandanus pedunculatus	Screw Pine	retain
T65	Pandanus pedunculatus	Screw Pine	retain
T66	Pandanus pedunculatus	Screw Pine	retain
T67	Pandanus pedunculatus	Screw Pine	retain
T68	unidentified		remove
T69	Pandanus pedunculatus	Screw Pine	retain
T70	Pandanus pedunculatus	Screw Pine	retain
T71	Pandanus pedunculatus	Screw Pine	retain
T72	Pandanus pedunculatus	Screw Pine	retain
T73	Pandanus pedunculatus	Screw Pine	retain
T74	Pandanus pedunculatus	Screw Pine	retain
T75	Pandanus pedunculatus	Screw Pine	retain
T76	Pandanus pedunculatus	Screw Pine	retain
T77	Pandanus pedunculatus	Screw Pine	retain
T78	Pandanus pedunculatus	Screw Pine	retain
T79	Pandanus pedunculatus	Screw Pine	relocate
T80	Pandanus pedunculatus	Screw Pine	relocate
T81	Pandanus pedunculatus	Screw Pine	retain
T82	Pandanus pedunculatus	Screw Pine	retain
T83	Pandanus pedunculatus	Screw Pine	retain
T84	Pandanus pedunculatus	Screw Pine	retain
T85	Pandanus pedunculatus	Screw Pine	retain
T86	Pandanus pedunculatus	Screw Pine	retain
T87	Pandanus pedunculatus	Screw Pine	retain
T88	Pandanus pedunculatus	Screw Pine	retain
T89	Pandanus pedunculatus	Screw Pine	retain
T90	Pandanus pedunculatus	Screw Pine	retain
T91	Pandanus pedunculatus	Screw Pine	retain
T92	Pandanus pedunculatus	Screw Pine	retain
T93	Pandanus pedunculatus	Screw Pine	relocate
T94	unidentified		remove
T95	unidentified		remove
T96	unidentified		remove
T97	unidentified		remove
T98	unidentified		remove

T99	unidentified		remove
T100	unidentified		remove
T101	Ficus benjamina		remove
T102		Cocos Palm	remove
T103	unidentified		remove
T104	unidentified		remove
T105	unidentified		remove





# Appendix 3

## Revised Dune Management Plan

# DUNE MANAGEMENT PLAN

## PELICAN BEACH REDEVELOPMENT

LOTS 100 & 101 DP 629555

AND LOT 2 DP 800836

PACIFIC HWY, COFFS HARBOUR.

SEPTEMBER 2009

PREPARED BY

BUSH**FIRE**SAFE (AUST) P/L

ENVIRONMENTAL SERVICES

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## **1.0 INTRODUCTION**

This Dune Management Plan (DMP) outlines the strategies for initial rehabilitation works and ongoing maintenance for the dune and foreshore of Campbell's Beach. It is required as part of the development application for the proposed residential development at Pelican Beach Resort (06-0148 Mod 1). This DMP contributes to, and should be read in conjunction with the Vegetation Management Plan completed for this development (Bushfiresafe, 2009).

It is important to acknowledge that any dune system is a dynamic system displaying natural variability. In particular, the dune and foreshore are likely to have been eroded during past storm events; and are likely to be eroded in the future. The DMP needs to be robust to accommodate such changes as well as providing the framework to adjust to future changes relating to possible climate change (higher sea levels and possibly increased frequency of severe storms).

### **1.1 Coastal Hazards**

The DMP must consider the mitigation of potential impacts of a number of identified coastal hazards that are likely to impact upon Campbell's Beach and the proposed residential development.

#### *Beach Erosion*

Beach erosion can significantly impact upon the amenity value of the Campbell's Beach foreshore. Beach erosion is influenced by wave conditions; the presence of 'rip' cells; the existing beach conditions (i.e. amount of rebuilding since the last storm event); the condition of the dune vegetation; and the presence of adjacent headlands or other rock outcrops (Soil Conservation Service, 1990).

#### *Sand Drift*

Windborne sediment transport can result in the permanent loss of sand from a beach or can result in sand abrasion of motor vehicles, buildings and associated gardens and infrastructure. Dune vegetation can reduce the potential impacts of sand drift through: creating a natural aerodynamic barrier that deflects salt laden wind over the dunes reducing its erosive ability; or any vegetation can trap any wind blown sand increasing the dune stability (Soil Conservation Service, 1990).

The importance of maintaining suitable dune vegetation is paramount to any mitigating of possible coastal hazards and is the key objective of this DMP.



## **1.2 Coastal Management Goals**

The NSW Coastal Dune Management manual (DLWC, 2001) outlines the following actions to be addressed in any coastal dune management plan.

### *Dune Planning*

Detailed geomorphological assessment of changes in beach and dune morphology, coupled with temporal analysis from historical photogrammetry is essential to define the background conditions and coastal processes affecting each section of coastline. Coffs Harbour City Council have commissioned this background investigation as a requirement for the preparation of the Campbell's Beach Coastline Management Plan (WP Geomarine, 1999a,b). Replication of this research is not warranted for the preparation of this DMP. However, ongoing management of this DMP has the potential to contribute to reviews and refinements of regional-scale coastal management plans.

### *Community Involvement*

Community involvement is critical to developing a successful, long-term improvement in the coastal environment. The local community should be given the opportunity to comment on, and participate in any proposed actions. This will assist with the determination of aspects of the Campbell's Beach foreshore that the community values. In addition, the wider community, through the Coffs Regional Landcare (Dunecare groups) should be involved from the earliest possible time. Public awareness of the importance of the coastal zone is essential; this is currently a major focus of the Government agencies and Coffs Harbour City Council, but could also be addressed through this DMP.

### *Dune Reconstruction*

The reconstruction of the foreshore system is not applicable for this development since the existing dune system is recognisable and has undergone previous rehabilitation works as part of the initial construction of the Pelican Beach Resort. Dune reconstruction tends to be applicable following sand mining or extraction activities where micro-relief has been obscured.

### *Dune Vegetation*

The maintenance of a stable, self perpetuating vegetation community is essential for the stabilisation of the dune system. The selection of appropriate species that will protect against wind erosion whilst also being adapted for conditions of: shifting sands, strong winds; salt spray and infertile soils is essential. Rehabilitation of the dune system with appropriate species is the key focus of the DMP and is addressed in the following sections.

### *Dune Protection*

The protection of the dune system from inappropriate activities is critical for long-term environmental benefits. This involves the exclusion of development activities upon the foredunes; formalisation of public access and signposting; and the provision of an active community awareness programme; all of which are part of this DMP.

### *Maintenance*

Ongoing maintenance represents the greatest challenge to a long-term improvement to the coastal environment, particularly since the limited timeframes for required actions imposed by any development consent conditions do not equate with the timeframes for suggested climate-induced changes as outlined in the NSW draft sea-level policy (see McInnes *et al.*, 2007). Actions that may be required in the future tend to involve repairs to fences and signage, replanting following storm events, fire management and community awareness campaigns. Consequently any management actions recommended as part of this DMP should seek to reduce the requirements for ongoing maintenance.

## **1.3 Management Objectives**

The key management objectives of this DMP include to:

- provide for a range of coastal-orientated activities without degrading the existing resource base;
- retain existing biodiversity, protecting the structural integrity of any plant communities;
- provide plant populations that are self perpetuating, reducing the need for replanting;
- maintain the existing plant populations, particularly the listed threatened species, Silverbush.

## **1.4 Legislative framework**

### *NSW Coastal Policy 1997*

The NSW Coastal Policy was adopted in November 1997 and provides a policy framework through which effective, balanced and co-ordinated management of the N.S.W. Coastal Zone can occur. The central focus of the policy is the Ecologically Sustainable Development (ESD) of the Coastline. The Coastal Council of NSW is a body set up by the NSW Government which is responsible for ensuring all parties involved in the implementation of the Coastal Policy (State agencies, local councils, other public authorities and non-governmental organisations) perform their tasks effectively.

Objectives and key actions from the Policy of particular relevance to this plan are:

- To identify coastal lands with conservation values and implement management strategies and controls to ensure that those values are protected

- To identify and protect areas of high natural or built aesthetic quality
- To ensure that risks to human safety from the use of coastal resources is minimized
- To encourage towns to reinforce or establish their particular identities in a form which enhances the natural beauty of the coastal zone
- Beaches, frontal dunes and undeveloped headlands will be protected and only minor developments will be permitted for essential public purposes e.g. surf life saving facilities.
- To design and locate development to complement the surrounding environment and to recognise good aesthetic qualities
- Development proposals will have to conform to specified design and planning standards to control height, setback and scale to ensure public access and to ensure that beaches and foreshore open spaces are not overshadowed.
- State Government agencies, when preparing policies, programs and procedures for coastal zone planning and management, will be required to ensure they are consistent with the Coastal Policy and have regard for national and international strategies, policies and agreements.

#### *Sea Level Rise Policy*

The draft sea level rise policy proposes the benchmark for a 40cm rise in sea level by 2050 in response to predicted global climate change; increasing to 90cm by 2100. The implications for such a rise on the proposed development; stability of the foredune; the revegetation of the Campbell's Beach foreshore must be considered. The concept plan delineates a Sea Rise Protection Zone within which measures may be placed to protect the property.

#### *Environmental Planning and Assessment Act 1979*

The *Environmental Planning and Assessment Act 1979* (EP&A Act) forms the framework within which planning occurs within NSW. Works proposed on the reserve may require development consent under Part 4 of the EP&A Act. The EP&A Act sets up environmental planning instruments which provide a basis for development control at state-wide (State Environmental Planning Policy- SEPP), regional (Regional Environmental Plans-REP) and local levels (Local Environmental Plans-LEP and Development Control Plans-DCP). Consent granted by Council must be in accordance with the planning instruments gazetted for the area.

#### *State Environmental Planning Policy No 71- Coastal Protection (SEPP 71)*

The *State Environmental Planning Policy No 71- Coastal Protection (SEPP 71)* commenced in November 2002. SEPP 71 has been made under the Environmental Planning and Assessment Act 1979 and aims to ensure that the coastal zone is protected in accordance

with the principles of ecologically sustainable development. SEPP 71 provides for the Minister for Natural Resources to have over-riding consent authority for developments up to 100m above the mean high water mark of the sea, a bay or an estuary.

## **2.0 THE CAMPBELL'S BEACH DUNE SYSTEM**

The Campbell's Beach foreshore and dunes consists of the following four distinct landform units; definitions being obtained from the Coastal Plant Regeneration (NSW) webpage.

### *Beach*

The beach is constantly adjusting to rates of sand accumulation and removal during storm events; each of which can affect the width and condition of the beachfront, foredune and sandplain. Sand supply is influenced by the general longshore drift of sand along the East Australian coastline and specifically by the rocky headland at the south of the beach (Figure 1). The extent of the beach face is generally defined by the high water mark. The width of the beach varies between 16 and 32 metres along the length of the foreshore.



**Figure 1: Campbell Beach looking north (Left image) and south towards the rocky headland (Right image).**

### *Incipient Dune*

The incipient dune represents the area immediately seaward of the frontal dune crest and is often separated from the beach by a small erosional scar or breakaway. This small bench or platform of accumulated windblown sand at the back of the beach is the most transient of all the dune types and can grow rapidly upwards and towards the sea under favourable conditions. Similarly it can be completely removed during storm events under the influence of high seas. Vegetation cover tends to be dominated by quickly colonising species able to trap sand and allow quick recovery after erosional events.

The incipient dune along Campbell's Beach at the time of inspection was relatively narrow and inclined, but is vegetated by mostly native species (Figure 2)



**Figure 2: The incipient dune along Campbell's Beach is narrow and steeply inclined but vegetated.**

### *Foredune*

The foredune lies between the incipient foredune and the hind dune and is usually quite large in undisturbed landscapes where sand constantly accumulates along the crest. It can be attacked by waves during particularly severe or prolonged storm events and can be affected by sand blows on the leeward side when vegetation is lost. Woody shrubs and trees, such as Coast Banksia and Coastal Wattle dominate these dunes, providing anchorage and stability. Shallow-rooted species (e.g. *Casuarina* sp.) can be undercut during storm events and topple over, resulting in dune instability and rapid erosion of the foredune. Ultimately, the size, shape and stability of the foredune depends upon the extent of the vegetation cover. The foredune in front of the Pelican Beach Resort is vegetated by a mixture of native and non-native species, including landscape plantings and escapes (Figure 3).





**Figure 3: Left: Foredune vegetation showing effects of windshear; Right: weed and garden escapes dominate the vegetation in parts).**

### Hind Dune

The Dunal area behind the foredune usually consists of a swale (depression running parallel to the shoreline) immediately behind foredune followed by elevated or horizontal sand deposits (sandplain). Whilst this area can be vegetated by littoral rainforest, wet and dry sclerophyll forests, coastal heath communities, Banksia, Melaleuca and Casuarina forests in natural areas, the hind dune and sand plain have been modified by the Resort as open grassland and recreation areas (Figure 4).



**Figure 4: View from the Pelican Beach Resort towards Campbell's Beach showing the managed hind dune and sandplain areas presently utilised from recreational activities**

The foredunes and sandplain comprise undulating vegetated ridges and level ground between high water mark and approximately 6m above mean sea level. The vegetation on the dunes is very important in stabilizing the sand dune and providing a visual buffer between the beach and the proposed adjacent residential area. The Resort initiated the establishment of the dune vegetation when it was first developed. Since then there has been regeneration of native indigenous trees, shrubs and groundcover species and some spread of exotic plants, typically those plants that are garden escapees.

## 2.1 Existing vegetation

The vegetation structure observed is generally open coastal scrub with a grassy and scattered understorey and is typical of natural foredune vegetation (Figure 5). This vegetation can be referred to as the permanent tertiary structure responsible for the anchoring of the sand dune. The dominant species include: Coastal Banksia (*Banksia integrifolia*), Coastal She-Oak (*Casuarina equisetifolia* ssp. *incana*) and Coastal Wattle (*Acacia longifolia* subsp. *Sophorae*) with an understorey comprising Sword or Mat grass (*Lomandra longifolia*), Spinifex (*Spinifex sericeus*), Kangaroo Grass (*Themeda australis*) and Coastal Pigface (*Carpobrotus glaucescens*).



**Figure 5: View of foredune from Pelican Beach Resort showing two levels of native and non-native vegetation**

The vegetation on the dune in some cases has been modified by activities such as pruning or removing of trees to open views to the beach and bay. The understorey is also largely dominated by exotic 'weed' species and includes: Agapantha (*Agapanthus* sp.), Yakka (*Agave americana*), Bridle Creeper (*Asparagus asparagoides*), Climbing Asparagus Fern Weed (*Asparagus plumosus*), Pampas Grass (*Cortaderia selloana*), Penny wort (*Hydrocotyle conariensis*) and Kikuya.



At three locations along the foredune, either single plants or clumps of several individuals of Silverbush (*Sophora tomentosa* subsp. *australis*) were recorded (Figure 5). Silverbush is an endangered species listed in Schedule 2 of the Threatened Species Conservation Act as an endangered plant. This Dune Management Plan is consistent with the priority actions developed for the long-term recovery of this species.



**Figure 5: Silverbush growing as clumps of several plants within weed species on the foredune to Campbell Beach.**

### **3.0 DUNE REHABILITATION**

The *Coastal Dune Management: A Manual of Coastal Dune Management and Rehabilitation Techniques* (Department of Land and Water Conservation, 2001) is the primary reference material for the creation of suitable pedestrian access ways and ecological restoration of degraded dunal systems. This report is recognised by relevant State Government agencies as providing “best practice” guidance in management and rehabilitation of dunal complexes. The following ecological restoration works will be undertaken for the rehabilitation of the Campbell’s Beach foreshore, in accordance with the Coastal Dune Management manual:



1. Strategic and targeted control of environmental weeds 20 metres either side of the dunal area.
2. Revegetation of the foredune with an appropriate selection of local provenance, fire retardant species. The establishment of mixed plantings of small to medium height, local provenance species will retard any potential bushfires and enhance habitat values of the area in and around landscaped areas close to the rehabilitation area.
3. Protect and rehabilitate the identified Silverbush populations occurring on the foredune through fencing; signage; and encouraging natural regeneration.

### **3.1 Weed Removal**

A detailed flora and fauna survey of the Pelican Beach Resort area as part of the development application identified a number of declared and environmental weeds present within the existing vegetation on the dune system (Bushfiresafe, 2006). These weed species are listed in Appendix 1 of the accompanying Vegetation Management Plan.

#### **3.1.1 Bitou Bush control**

Bitou Bush is a weed of national significance; Winkler *et al.* (2008) have produced a Bitou Bush Management manual that provides the most up-to-date techniques and strategies for controlling Bitou Bush and is directly applicable to Mid-North Coast region. Winkler *et al.* (2008) outline four aspects of any long-term Bitou Bush control programme: Planning and pre-control considerations; Control; Linking with restoration activities; and follow up and ongoing management.

##### *Planning and Pre-control considerations*

It is necessary to plan a management strategy to achieve both short- and long-term goals. In part this will be dictated by available funding and commitment, but can also be directed by the existing site conditions, access, extent of weed problem and the presence of native vegetation both within and adjoining the Bitou Bush infested areas. Success can be enhanced through liaison with, for example, the Coffs Regional Landcare Group regarding successful results and/or failures achieved elsewhere in the region to devise the most appropriate control techniques.

##### *Control*

Control of Bitou Bush can best be achieved through manual and/or chemical techniques, by compartmentalising the problem area and working progressively. Winkler *et al.* (2008) list the following techniques, the first two being manual methods and the remainder involve chemical applications: hand removal; crowning of plants; cut and painting of the stem; stem injection; scrape and paint; and foliar spraying.

The manual removal of small plants by hand is generally the preferred method as it removes only the Bitou Bush with minimal soil disturbance and can be performed without training by volunteers at any time of the year.. It involves the physical removal of the entire plant that can be subsequently used as a mulch or erosion control. As the Bitou Bush stem bends at almost 90° once emerging from the soil, care should be applied to ensure that the plant does not break at this point during removal, leaving the root mat in place. Manual removal is labour intensive and only suited to young plants.

Crowning involves the cutting of the stem below the ground surface and can be successful for plants too large to be effectively pulled out. The fibrous root mat will not reshoot. This technique is also labour intensive, targets only the Bitou Bush with minimal soil disturbance but may not be appropriate in large areas of infestation or in areas adjacent to headlands (safety issues).

Given the extent of Bitou Bush infestation along the foredune in front of the Pelican Beach Resort, and the presence of native species including the threatened Silver Bush, manual removal using a combination of both above techniques is recommended.

The application of chemicals licensed for use on Bitou Bush in NSW is less labour intensive and hence better suited to treating larger areas. The drawbacks include the need to receive appropriate training, limitations on the timing of any application to coincide with plant growing periods; potential to affect non-targeted native plants, impacts on biodiversity due to chemical accumulation; and the logistics of transporting necessary equipment (spraying, water, chemicals) to the area. In a discussion of the choice of chemical, Winkler *et al.* (2008) discuss glyphosate and metasulfuron methyl as the most appropriate and readily available chemicals for use on Bitou Bush. It is important that up-to-date chemical dosage rates be obtained from a relevant Weeds Authority prior to undertaking any application. Both these chemicals target broad-leaved weeds that are likely to be present in the foredune area. Whilst there is the potential for metasulfuron methyl to remain within the soil and limit natural regeneration; the impacts are unlikely to be of great significance given the freely-draining sand dune and high rainfall of the Coffs region.

The cut and paint method involves the cutting of the Bitou Bush above ground and covering the cut stem with the selected chemical. The chemical needs to be applied as soon as possible to ensure maximum uptake by the plant. The Stem injection method involves drilling a small hole into the sapwood at a 45° downwards and filling the reservoir with chemicals. Drilling deeper into the plant will not result in chemical uptake and be unsuccessful. Scrape and paint involves the removal of c. 15cm of bark on the trunk and applying the chemical on

the exposed material. All three methods are highly successful but leave the dead Bitou Bush in situ creating a potential fire issue in thick infestations. The other technique (Foliar Spraying) is not recommended for the control of the existing Bitou Bush weed issue at Pelican Beach Resort given the potential to affect non-targeted plants including Silver Bush.

#### *Linking with Restoration*

By integrating the weed removal with revegetation activities, the potential for Bitou Bush to reinfest an area is greatly reduced. This is particularly so where the species plants can rapidly cover the exposed area to naturally prevent any subsequent Bitou Bush establishment. The replanting of the foredune is discussed in the next section.

#### *Follow up*

Success in any weed control programme requires subsequent monitoring of the success or failure of any control method. Complete eradication with one application cannot be assumed and hence follow up applications may be required. Where manual removal is possible, inspection at 3 to 6 monthly intervals to remove any recently germinated plants is required. Where chemical methods have been applied, the results should become apparent almost immediately. If a high success was not achieved during the initial application, the technique should be modified in consultation with other weed management organisations to better target the weed problem.

Ongoing monitoring should be undertaken for a minimum of 3 years, preferably at 6-monthly intervals throughout this time.

### **3.1.2 Other environmental weeds**

The techniques described above for Bitou Bush control are directly applicable for the control of other environmental weeds within the foredune area at Pelican Beach Resort.

### **3.2 Recommended Weed Control Strategy**

- Undertake a weed control programme involving manual removal and/or chemical application (metasulfuron methyl) using the cut and paint method with on-site mulching of the Bitou Bush and other identified environmental weeds.
- Follow up inspections carrier out at 6-monthly intervals for 3 years
- Involve a community landcare / dunecare organisation to continue the weed control indefinitely

### 3.3 Sea Rise Protection Zone

To accommodate the potential sea level rise in response in global climate change over the next 90 years, as outlined in the NSW Draft Sea Level Rise Policy Statement, a delineated Sea Rise Protection Zone is identified in the concept plan. This Zone is seaward of the proposed dwelling locations and Asset Protection Zone and comprises open space / managed grassland with retained Pandanus trees and the dune system. It is proposed that this area will be monitored and managed as part of the dune rehabilitation works. The proposed revegetation of the foredune will assist this dune to accrete naturally in response to sea level rise by trapping and retaining wind blown sand, and, when combined with the management of the hind dune areas, will create a natural barrier from the affects of increased wave heights for the proposed dwellings. The grassed open space behind the dune rehabilitation works will act to reduce any affects of storm surges on these dwellings.

### 4.0 PLANTING STRATEGY

The dunal area is subdivided into three zones: Incipient dune; foredune and hind dune as illustrated in Attachment 1. It is envisaged that planting arrangement for these areas will use native species recommended by Coastal Plant Regeneration (NSW) for the Coffs Region. It is important to consider the requirements for bushfire protection when revegetating an area in residential areas, however, the accompanying Bushfire Risk Management Plan (Bushfiresafe 2006) identifies a 10m Asset Protection Zone to be implemented between the hind dune rehabilitation zone and proposed future dwellings in anticipation of the revegetation of the dunal system. The following species are recommended for planting in the respective zones (Table 1).

Primary species that rapidly stabilise exposed sand following storm events should be considered for the Incipient Dune area. Secondary species that possess adaptive growth habits whilst being prolific seed producers are more appropriate for the foredune crest. These species cannot establish quickly and rely on the primary species for stabilising the dune, but once established, develop a substantial seed bank to allow subsequent regeneration. The final component of the planting scheme involves the Tertiary species. These species are generally the long-lived tree and shrubs that occur in the foredune and hind dune areas providing the anchoring of the dune system.

**Table 1: Recommended species for replanting in the identified morphological zones**

Botanical Name	Common Name
<u>Incipient Dune</u>	
<i>Canavalia rosea</i>	Coastal Jack Bean
<i>Carex pumila</i>	Dune Sedge
<i>Carpobrotus glaucescens</i>	Coast Pigface

<i>Ipomoea pes-caprae</i> subsp. <i>brasiliensis</i>	Coastal Morning Glory
<i>Spinifex sericeus</i>	Hairy Spinifex
<i>Vigna marina</i>	Dune Bean
<u>Foredune</u>	
<i>Acacia longifolia</i> subsp. <i>sophorae</i>	Coastal Wattle
<i>Actinotus helianthi</i>	Flannel Flower
<i>Banksia integrifolia</i> subsp. <i>integrifolia</i>	Coast Banksia
<i>Breynia oblongifolia</i>	Coffee Bush
<i>Canavalia rosea</i>	Coastal Jack Bean
<i>Casuarina equisetifolia</i> subsp. <i>incana</i>	Horsetail Sheoak
<i>Leucopogon parviflorus</i>	Coastal Bearded-heath
<i>Melanthera biflora</i>	Sea Daisy
<i>Scaevola calendulacea</i>	Scented Fan Flower
<i>Spinifex sericeus</i>	Hairy Spinifex
<i>Tetragonia tetragonoides</i>	New Zealand Spinach
<i>Vigna marina</i>	Dune Bean
<u>Hind Dune</u>	
<i>Acacia longifolia</i> subsp. <i>sophorae</i>	Coastal Wattle
<i>Acmena smithii</i>	Lilly Pilly
<i>Acronychia imperforata</i>	Beach Acronychia, Logan Apple
<i>Alectryon coriaceous</i>	Beach Alectryon, Beach Birds-eye
<i>Banksia aemula</i>	Wallum Banksia
<i>Breynia oblongifolia</i>	Coffee Bush
<i>Cupaniopsis anacardioides</i>	Tuckeroo
<i>Polyscias elegans</i>	Celery Wood, Silver Basswood
<i>Sophora tomentosa</i>	Coastal Sophora
<i>Syzygium luehmannii</i>	Riberry

Source: Adapted from list provided by Coastal Plant Regeneration (NSW)

#### 4.1 Preparation

Appropriate site preparation is necessary to ensure success of any revegetation programme. This should involve the removal of all weeds from the intended planting site and applying mulch to limit competition with planted species. Bitou Bush cannot be transported as it is a declared noxious weed and hence must be used or destroyed on site. Bitou Bush can be mulched to provide a weed mat for subsequent plantings. However, the decomposition and subsequent release of nutrients may provide an advantage to environmental weeds over native species that have been adapted to nutrient-poor soils; the mulching of Bitou Bush should be considered where large amounts of this weed have been removed.

#### 4.2 Planting

Tubestock of the recommended species listed above will be suitable for the revegetation of the foredune at Pelican Beach Resort. An experience bush regenerator or Landcare Support Officer should be consulted regarding the most appropriate spacings; this in part will be dictated by the native vegetation cover. Planting should occur between Late Spring and Early Summer when rainfall is likely to be more frequent. This will negate the need to water plants

during the early establishment period, and should coincide with the weed removal activities. The inclusion of tree guards will provide additional protection from wind, salt spray and herbivores.

#### **4.3 Follow up Actions**

It is unrealistic to assume complete success at the first planting and hence follow up actions will be required over a 3 year period. This should involve weed management and replanting where initial success was not achieved. It is important to encourage natural plant regeneration. Early colonising species such as *Acacia* may be over-represented in the early stages of regeneration with other species only becoming apparent after considerable time. Furthermore, the ability of plants to move into the area from adjoining areas of native vegetation is dependent upon the dispersal mechanisms and may take considerable time before becoming established.

There is the opportunity to obtain seed from existing native species on the foredune and propagating to reduce expenses. However, a permit from Department of Environment, Climate Change and Water (DECCW) is required to obtain seeds from Silver Bush as this plant is listed as a threatened species; no other threatened species were recorded during the flora survey (Bushfiresafe (Aust) 2006).

#### **4.4 Relocation of Pandanus trees**

A number of Pandanus trees are identified for removal to accommodate the proposed building envelopes, access roads and landscaping. These trees were planted within the Pelican Beach Resort as part of initial landscaping and will need to be removed for the proposed change of land use. 51 Pandanus trees located along the foredune will be retained. All removed trees will be relocated and incorporated into the landscape planting on the site as outlined in the Landscape Master Plan. Active Tree Services have advised that relocation of this plant is relatively straight forward process given the tight root-ball that is developed. Furthermore, Pandanus trees can be successfully planted in a temporary location, prior to relocation to their final position.

It is recommended that the removal of Pandanus trees be performed during the first stage of the dune rehabilitation. The removal will require the use of lifting equipment that may damage existing vegetation during the operation; the affected area should be revegetated as soon as practical afterwards.

## **5.0 FENCING AND SIGNAGE**

It is important to limit the public access to Campbell's Beach to formalised access paths to prevent continued degradation of the foredune system. The Landscape Management Plan (Jackie Amos, 2009) outlines a central green spine through the development area. This spine includes the vehicle access and pedestrian pathway and continues as a managed open space beyond the limit of residential development, providing public access to Campbell Beach and the Solitary Islands Coastal Walk. A second access path is to be located along the northern boundary. These beach access points will be located where weed infestation of the dune system is high and damage to native vegetation will be minimised. It is proposed to discourage random traversing of the dune system, potentially leading to vegetation destruction and dune instability; this will best be achieved through the fencing of the foredune area using appropriate materials. The choice of materials and design of the fencing should consider the need for longevity of the structures, aesthetic impact on the coastal vista, safety of the public as well as not interrupting the free movement of fauna utilising the foredune area and any potential contamination of the dune by leachates from treated timber.

To improve on-site information about beach access and compliment the proposed fencing, it is recommended that directional signage be installed along the access paths advising of the beach entry points. Signage should also be installed advising of the restoration works being undertaken. The public should be requested not to enter the target areas. By developing a community awareness campaign in consultation with DECCW, Coffs Harbour City Council, Coffs Regional Landcare and Dunecare organisations, inadvertent destruction of the dune system can be minimised.

## **6.0 BUDGET**

The rehabilitation works outlined in this DMP require a preliminary budget of approximately \$58,000 for the implementation. This will involve the weed control programme, revegetation of the dunal areas, fencing and signage as recommended in the above sections. This amount is recommended as a guide, the final amount should be calculated once final specifics of any work to be completed have been determined. Furthermore, this amount does not include any in-kind support provided by the developer for activities required as part of the Pelican Beach Resort and also from community groups willing to participate in any rehabilitation programme.

Action	Details	Cost (\$)
Weed Management	Remove Bitou Bush and other environmental weeds from the dunal areas	20,000
	Ongoing follow up management at 6-monthly intervals over 3 year period	10,000
Replanting	Planting of 500 tubestock over 3 day period	6,000
	Replanting as required during 3 year period	3,000
Fencing	Erect fences along length of foredune and for designated beach access	16,000
Signage	Installation of directional signs for beach access	2,000
	Installation of information signs for rehabilitation works	1,000
<b>Total</b>		<b>\$58,000</b>

## 7.0 IMPLEMENTATION AND REVIEW

This DMP should be implemented at the earliest possible time to provide the greatest opportunity for the revegetation of the foredune to become established. It is recommended that the implementation of this DMP should be a requirement of Stage 1 on the proposed development once development approval has been granted. The DMP covers a 3-year time interval during which implementation will be the responsibility of the developer. After this period ongoing management of the Campbell Beach foreshore should rest with the Community Association.

A report outlining the activities and achievements should be submitted annually to the Coffs Harbour City Council. This will allow a review of the DMP to be undertaken, ensuring that the goals are achieved. A final report should be prepared and submitted to the Coffs Harbour City Council after the completion of the third year's activities. It is important to incorporate both the local community as well as the wider Coffs Harbour region in the ongoing management of the Campbell Beach foreshore. It is only through the participation of community organisations such as the Coffs Regional Landcare Group that a long-term improvement of the coastal environment can be achieved.

### 7.1 Community Involvement

The involvement of community Landcare organisations such as Coffs Regional Landcare Group and Coffs Dunecare should be sort to provide: assistance and recommendation on species selection; advice on weed removal techniques that are most appropriate for the subject site and weed conditions; and to support ongoing management of the dune area by the Community Association.

## 8.0 DUNE MANAGEMENT PLAN

Table 2 outlines the recommended management actions for the DMP.



**Table 2: Summary Actions for the Dune Management Plan**

Action	Techniques / Strategies	Follow up actions	Community involvement
Bituo Bush control	Manual (Hand pulling) removal	6 monthly	Yes
	Manual (Crowning) removal	6 monthly	Yes
	Chemical (Cut and Paint) application using metasulfuron methyl during summer growing period	3 monthly Oct to Mar	Yes if trained in chemical use
Other Environmental Weeds	Manual (Hand pulling) removal	6 monthly	Yes
Planting	Tubestock of recommended species	Annually during Summer if required	Yes
Fencing	Construct fence along foredune and beach access	As required	No
	Install temporary fencing to revegetation areas as required	As required	No
Signage	Install directional signs for beach access	As required	No
	Install information signs for rehabilitation works	As required	No
Community Awareness	Contribute to DECCW, CHCC, Landcare information packages and community participation	As required	Yes

## REFERENCES

Bushfiresafe (Aust) P/L/ (2006) Flora and Fauna Assessment for Pelican Beach Redevelopment Lots 100 & 101 DP 629555 and Lot 2 DP 800836 Pacific Hwy, Coffs Harbour.

Bushfiresafe (Aust.) P/L (2009). Vegetation Management Plan for Pelican Beach Redevelopment Lots 100 & 101 DP 629555 and Lot 2 DP 800836 Pacific Hwy, Coffs Harbour.

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WP Geomarine (1998), *Campbell's Beach Coastline Management Study, Stage One, Coastal Processes and Hazard Definition Study*, Final Report, December, for Coffs Harbour City Council

WP Geomarine (1999b), *Campbell's Beach Draft Coastline Management Plan, Stage Three*, Draft, October, for Coffs Harbour City Council

# General Notes

This drawing was prepared by Bushfiresafe (Aust) P/L to demonstrate the vegetation rehabilitation areas as part of the proposed development and should not be used for any other purpose.

## ATTACHMENT 1

### SCHEMATIC CROSS-SECTION OF DUNE SYSTEM

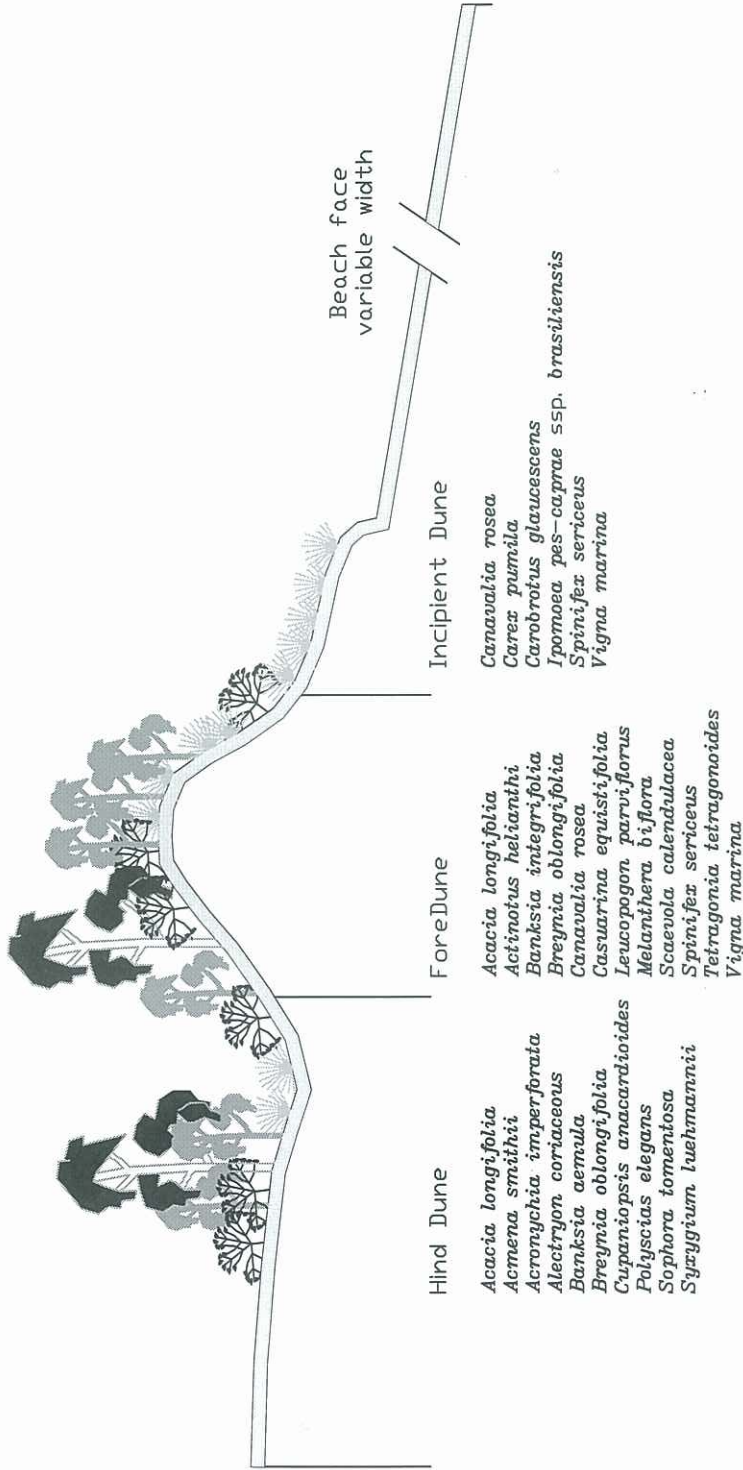
Bushfiresafe (Aust)  
P/L  
20 McLachlan Street  
Macleon NSW 2463  
Ph: 02 66451088  
Fax: 02 66451099



CLIENT:  
Sapphire Beach  
Developments  
Pty Ltd

Project  
Dune Management Plan  
Lots 100 & 101  
DP629555 & Lot 2  
DP600836 Pacific Hwy  
Sapphire Beach

Date: Sept 2009  
Scale:  
Ref# 9041







# Appendix 4

## Revised Community Management Statement

# COMMUNITY MANAGEMENT STATEMENT

## Sapphire

### Warning

The terms of this Management Statement are binding on the Community Association, each subsidiary body within the Community Scheme and each person as a proprietor, lessee, occupier or mortgagee in possession of a Community Development Lot, Precinct Development Lot, Neighbourhood Lot or Strata Lot within the Community Scheme.

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# COMMUNITY LAND DEVELOPMENT ACT 1989 COMMUNITY LAND MANAGEMENT ACT 1989

## COMMUNITY MANAGEMENT STATEMENT

### WARNING

The terms of this Management Statement are binding on the Community Association, each Subsidiary Body within the Community Scheme and each person who is a proprietor, lessee, occupier, mortgagee in possession of a Community Development Lot, Precinct Development Lot, Neighbourhood or Strata Lot within the Community Scheme.

### PART 1

## BY-LAWS FIXING DETAILS OF DEVELOPMENT

These By-Laws relate to the control and preservation of the essence or theme of the Community Scheme and as such may only be amended or revoked by a unanimous resolution of the Community Association (see section 17(2) *Community Land Management Act 1989*).

### 1. Essence or theme of Community Scheme

---

- 1.1 The Community Scheme is a project designed as a residential development providing a coastal, sub-tropical environment in a number of different types of accommodation at Sapphire, Campbells Beach, Coffs Harbour in the State of New South Wales.

### 2. Development of Sapphire

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- 2.1 The Original Proprietor proposes to develop Sapphire in accordance with the Concept Plan.
- 2.2 Notwithstanding By-Law 2.1, the Original Proprietor reserves the right, but has no obligation, to complete Sapphire in accordance with the Concept Plan and may vary the Concept Plan and/or Sapphire with the consent of Council, if required.

### 3. Design Guideline

---

#### Architectural, Building and Landscape Standard

- 3.1 Architectural, building and landscape standards (**Design Guideline**) are designed to protect the integrity of Sapphire and to ensure that the same high standards are maintained throughout the development.
- 3.2 The Original Proprietor may on registration of a Subsidiary Plan or within one month of registration of a Subsidiary Plan, prescribe a Design Guideline for the relevant Subsidiary Scheme. On prescription of the Design Guideline referred to in this By-Law 3.2 it shall become the Design Guideline for the relevant Subsidiary Scheme.
- 3.3 You, the Community Association and any Subsidiary Body must comply with the Design Guideline.
- 3.4 The Design Guideline does not apply to structures or landscaping on the Community Property, which will be approved initially by the Original Proprietor and, after the Original Proprietor ceases to be a registered proprietor of any Community Development Lots or a Lot in any Subsidiary Scheme, by the



Executive Committee on the basis of what is reasonably necessary for the effective operation of Sapphire.

- 3.5 The Executive Committee must appoint a Design Review Panel at each annual general meeting.
- 3.6 The Design Review Panel has the delegated authority to determine compliance by an Owner of a Lot with the Design Guideline.

### **How to change the Design Guideline**

- 3.7 The Community Association may change or add to a Design Guideline only by special resolution. However, whilst the Original Proprietor owns a Community Development Lot or a Lot in any Subsidiary Scheme, the Original Proprietor may exercise the rights of the Community Association under By-Laws 3.7 to 3.13. Any changes approved under this By-Law 3.7 must be notified to the Community Association by the Original Proprietor. The decision of the Original Proprietor will prevail over that of the Community Association in the event of any differences.
- 3.8 A Subsidiary Body may apply to the Community Association to change or add to the Design Guideline. The application must:
  - (a) be in writing; and
  - (b) specify with precision how the Executive Committee should change the Design Guideline.
- 3.9 The Community Association may ask for more information about an application.
- 3.10 The Community Association has refused an application if it does not make a written decision within 2 months after receiving the application.
- 3.11 The Community Association must give a copy of changed Design Guideline to any Subsidiary Body.
- 3.12 You or a Subsidiary Body may ask the Community Association for a copy of the Design Guideline (at your cost). The Community Association must give you a copy within fourteen (14) days of a written application for a copy of the Design Guideline.

### **Future consents for architectural, building and landscaping changes and new works**

- 3.13 The Executive Committee, Design Review Panel or Original Proprietor (as the case may be) may review applications for changes to Design Guideline and for the construction of new structures and may give or refuse consent in its absolute discretion. The Executive Committee, Design Review Panel or Original Proprietor (as the case may be) is not bound by its past decisions.

## **4. Building works and alterations**

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### **Approvals**

- 4.1 You must not carry out any Works on any Lot, Community Property or Subsidiary Body Property unless that person first obtains the written consent of the Executive Committee.
- 4.2 In addition to the approval of the Executive Committee under By-Law 4.1, a person must also obtain the consent of:
  - (a) the relevant Subsidiary Body; and
  - (b) if required, an accredited certifier, the Council or other Government Agency.

### **Plans and Specifications**

- 4.3 Any party seeking approval for the carrying out of any Works must submit plans and specifications for the approval of the Executive Committee.
- 4.4 The Executive Committee may:
- (a) refer the matter to the Design Review Panel for determination; or
  - (b) (at the cost of the party seeking approval) retain the services of an independent consultant with special skills and expertise in:
    - (i) architecture;
    - (ii) landscaping; or
    - (iii) any other relevant discipline
- to advise and assist the Executive Committee in performing its powers under this By-Law.

#### **Decision of Executive Committee**

- 4.5 In making a decision on whether to consent to an application, to carry out Works, the Executive Committee is only concerned to, and must ensure that, the proposed Works comply with the Design Guideline.
- 4.6 To assist the Executive Committee with its decision on any plans and specifications, the Executive Committee may request a person to submit:
- (a) additional plans and specifications;
  - (b) additional information, reports or documents;
  - (c) details of changes to be made to the plans and specifications if a Government Agency requires those changes; and
  - (d) any other relevant information, facts or material.
- 4.7 The Executive Committee has refused an application if it does not make a written decision within 3 months after receiving the application.
- 4.8 If the Executive Committee approves Works, then that approval does not prevent the Executive Committee from disapproving or approving with conditions future Works of the same or similar nature.

#### **Expert Determination**

- 4.9 You must endeavour in good faith to resolve a dispute under this Management Statement before any action is taken under By-Law 4.10.
- 4.10 In the event You dispute that the Executive Committee has properly applied the Design Guideline in making a determination under this By-Law 4.10, then the matter can be referred to the independent consultant retained under clause 4.4 or if no independent consultant has been retained under clause 4.4, by an expert determinator as appointed by the Australian Institute of Architects.
- 4.11 A decision of the expert determinator appointed under By-Law 4.10, is a decision of the Executive Committee and binds You.

#### **Conditions of Approval and Bond**

- 4.12 The Executive Committee may:
- (a) impose conditions on approval of plans and specifications; and
  - (b) require You to deposit a bond to be held on account of any damage that may be caused to Community Property or Subsidiary Body Property as a result of any Works.
- 4.13 Any bond lodged under By-Law 4.12 must be returned to You within 90 days after notification by You of completion of the Works and request for return of the bond

after deduction (if any) for damage to Community Property or Subsidiary Body Property.

### **Works**

- 4.14 During the carrying out of any Works, You must:
- (a) ensure there is no damage to Service Lines, pipes or Services within the Community Scheme;
  - (b) ensure that the Works are carried out in a proper and workmanlike manner;
  - (c) ensure the Works are carried out to the satisfaction of the appropriate Subsidiary Body, the Community Association. and, if appropriate, any Government Agency, and
  - (d) repair any damage caused to Community Property or Subsidiary Body Property or both as a result of the Works.
- 4.15 No Works will be permitted to be constructed or remain unless approval has been obtained under this By-Law and the provisions of this By-Law 4 have been complied with.

### **Contractor's Rights**

- 4.16 Nothing in this By-Law:
- (a) affects the rights of the Original Proprietor or the Contractor as agent for the Original Proprietor under By-Laws 5 to carry out Project Activities; or
  - (b) imposes an obligation on the Original Proprietor or the Contractor as agent for the Original Proprietor to obtain consent under this By-Law 4 for the purposes of carrying out Project Activities.

## **5. External Fixtures**

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### **Appearance**

- 5.1 You or a Subsidiary Body may only construct, install or maintain on or in a Lot, Community Property or Subsidiary Body Property anything which can be seen from outside that Lot, Community Property or Subsidiary Body Property if You first obtains the approval of the Executive Committee.
- 5.2 By-Law 5.1 only applies if, in the reasonable opinion of the Executive Committee, the thing which can be seen from outside that Lot, Community Property or Subsidiary Body Property:
- (a) is not in keeping with the building on or the landscaped areas of the Lot, Community Property or Subsidiary Body Property; or
  - (b) does not comply with the Design Guideline.

### **Transmitting and Receiving Devices**

- 5.3 You, the Community Association or a Subsidiary Body must not construct, install or maintain on or in a Lot, Community Property or Subsidiary Body Property any television, radio or other aerial antenna, dish or tower or any other transmitting or receiving device:
- (a) which is constructed or. installed above the front elevation of a roof in a Lot, Community Property or Subsidiary Body Property; or
  - (b) which can be seen from outside the Lot, Community Property or Subsidiary Body Property.

### **Air conditioning**

- 5.4 You, the Community Association or a Subsidiary Body must not install or maintain on or in a Lot, Community Property or Subsidiary Body Property any air-conditioning unit:
- (a) which emits noise which is 5 DBA above the ambient background noise;
  - (b) unless the approval of the Executive Committee has been obtained under By- Law 4; and
  - (c) in the case of a Strata Lot unless:
    - (i) the installation parameters forming part of the Design Guideline has been complied with; and
    - (ii) a certification has been provided to the Executive Committee by an electrical consultant certifying that the switchboard for the Lot has capacity to cater for the additional load resulting from that air conditioning unit.
- 5.5 If an air-conditioning unit satisfies By-Law 5.4, then that air-conditioning unit must not be installed on or in a Lot, Community Property or Subsidiary Body Property if that air-conditioning unit can be seen from outside the Lot, Community Property or Subsidiary Body Property.

#### **Alarm System**

- 5.6 You, the Community Association or a Subsidiary Body must not install or maintain on or in a Lot, Community Property or Subsidiary Body Property any alarm or security monitoring device which can be seen or heard<sup>1</sup> from anywhere outside of that Lot, Community Property or Subsidiary Body Property.

#### **Approval of Executive Committee**

- 5.7 Without limiting this By-Law 5.7, You, the Community Association or a Subsidiary Body must obtain the written consent of the Executive Committee before You, the Community Association or a Subsidiary Body place on a Lot, Community Property or Subsidiary Body Property:
- (a) subject to By-Laws 5.9, 5.10, 5.12 and 5.13 any signs, placards, banners, notices or advertisements;
  - (b) any external improvement other than flyscreens;
  - (c) television, radio or other aerial, antenna, dish or tower or any other transmitting or receiving device;
  - (d) subject to By-Law 5.9, any solar energy collector panels and equipment associated with them;
  - (e) any energy conservation equipment or;
  - (f) a solar hot water system and equipment associated with it.
- 5.8 By-Law 5.7 does not apply to any solar energy collector panels and equipment, energy conservation equipment or solar hot water system equipment which was installed in a Lot by the Original Proprietor or the Contractor.
- 5.9 The Original Proprietor and the Contractor as agent for the Original Proprietor is permitted to place signs, placards, banners, notices and advertisements within the Community Scheme while the Original Proprietor or the Contractor as agent for the Original Proprietor are carrying out Project Activities.

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<sup>1</sup> Issue of sound/noise to be confirmed

- 5.10 In addition to the consent of the Executive Committee, while the Original Proprietor or the Contractor as agent for the Original Proprietor is carrying out Project Activities, a person must obtain the written consent of the Original Proprietor or the Contractor as agent for the Original Proprietor before that person places any signs, placards, banners, notices or advertisements.

#### **Letterboxes**

- 5.11 You must not remove or replace any letterbox on a Lot unless the letterbox is destroyed in which case:
- (a) the structure of the replacement letterbox must be of the same size, quality and standard as the original letterbox; and
  - (b) the replacement letter box must be located in the same position.

#### **Signs**

- 5.12 You must not erect any advertising signs (including "for sale" or "for lease" signs) unless:
- (a) the approval of the Executive Committee has been obtained under By-Law 5.7;
  - (b) any sign does not exceed 700mm in height and 1,000mm in width; and
  - (c) the top of any sign or notice must not be more than 2,000mm above ground level.
- 5.13 Despite any other provisions in this By-Law, an owner or occupier of a Strata Lot must not erect any sign on a Strata Lot or on Subsidiary Body Property.

### **6. Exterior Maintenance**

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- 6.1 You must keep your Lot clean and tidy and in good repair and condition.
- 6.2 Without limiting By-Law 6.1, You (and in the case of a Strata Lot, the Owners Corporation) must carry out all maintenance and repairs to the exterior of the building on the Lot:
- (a) in a proper and workmanlike manner;
  - (b) to the reasonable satisfaction of the Community Association; and
  - (c) in compliance with the Design Guideline.

#### **Lawnmowing**

- (d) You (and in the case of a Strata Lot, the Owners Corporation) must have the lawn in that Lot or Common Property mown at least once every two weeks in spring and summer and at least once every four weeks in autumn and winter.

#### **Community Association to Give Notice**

- (e) The Community Association may give You or an Owners Corporation requiring You or that Owners Corporation to comply with the terms of this By-Law 6.
- (f) If You or an Owners Corporation does not comply with this By-Law 6, then the Community Association may exercise its rights under By-Law 31.3.

#### **Subsidiary Body Property**

- 6.3 Each Subsidiary Body must maintain its respective Subsidiary Body Property:
- (a) in a proper and workmanlike manner;
  - (b) to the reasonable satisfaction of the Community Association; and

(c) in compliance with the Design Guideline.

## **7. Development name**

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To the extent Sapphire Beach Development Pty Limited (ACN 118 685 260). Has any rights to the name "Sapphire" at common law or otherwise, Sapphire Beach Development Pty Limited grants a non-exclusive licence to the Community Association to continue to use that name in relation to this Community Parcel after Sapphire Beach Development Pty Limited ceases to use it in that manner.

## **PART 2**

### **RESTRICTED COMMUNITY PROPERTY**

These By-Laws may not be amended during the initial period and may only be amended after the expiry of the initial period by special resolution and with the written consent of each party entitled by the By-Law to use the restricted Community Property (see section 54 of the Act).

#### **8. Development in stages - the Original Proprietor's right while it builds Sapphire**

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- 8.1 While Sapphire is being built, the use of the Community Property marked on the Concept Plan as the area for Development Activities and the Service Line owned by the Community Association is restricted to the use of the Original Proprietor.
- 8.2 The restricted use of the Community Property referred to in By-Law 8.1 will cease when the Original Proprietor serves upon the Community Association a notice informing the Community Association that Development Activities have ceased. The Original Proprietor may also give such a notice at any time in relation to part of the Community Property if Development Activities on that part of the Community Property have ceased at which time restricted use of that part of the Community Property will cease.
- 8.3 The Original Proprietor must:
- (a) repair any damage to Sapphire caused by exercising the rights vested in it under this By-Law or carrying out any Development Activities;
  - (b) take all reasonable steps to minimise disturbance to Owners and Occupiers while carrying out Development Activities;
  - (c) leave Sapphire (or parts of it) tidy after Development Activities are finished; and
  - (d) maintain the Community Property that it has the right to use.
- 8.4 This is a restricted property By-Law. The Community Association may change or cancel it by special resolution and with the written consent of the Original Proprietor. Initial Period restrictions apply.

#### **9. Owners right of access whilst the Original Proprietor builds Sapphire**

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- 9.1 Subject to By-Law 8.1 You will, whilst Sapphire is being built, have access to those areas identified as Access Ways.
- 9.2 The Original Proprietor has the right to vary the Access Ways on the Access Way Plan attached to this Management Statement by preparing a new Access Way Plan which delineates the new Access Ways.

#### **10. Maintenance**

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- 10.1 Except in those areas which are the subject of exclusive use rights and separate maintenance obligations, the Community Association must maintain and repair all Association Property.
- 10.2 If You, a Subsidiary Body, person or entity whose obligation it is to maintain and repair any Association Property or carry out any other obligation on the Association Property, fails to do so, then the Community Association must carry

out that maintenance, repair or obligation and is entitled to claim the cost of carrying out any such work from the person or entity who should have carried it out.

- 10.3 If You fail to perform your obligations under this Management Statement or, a Subsidiary Body, person or entity fails to perform the obligations of that particular Subsidiary Body, person or entity under this Management Statement then, after first providing prior written notice to You, the Subsidiary Body, person or entity of its intention to do so, the Community Association may enter onto the relevant lot where the obligation has not been fulfilled, and carry out the necessary obligation or maintenance and claim the cost from You, the Subsidiary Body, person or entity. You, the Subsidiary Body, person or entity must pay that cost forthwith upon receipt of the claim.

## **11. Maintenance of Subsidiary Association Property**

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- 11.1 A Subsidiary Body must maintain and repair all Subsidiary Association Property to a reasonable standard or to a standard otherwise required by the Community Association or the Original Proprietor. Whilst the Original Proprietor owns a Community Development Lot or a lot in any Subsidiary Scheme, the Original Proprietor may exercise the rights of the Community Association under this By-Law 11.
- 11.2 Notwithstanding By-Law 11.1, the Community Association or the Original Proprietor (as the case may be) may notify the Subsidiary Body that the Community Association will maintain and repair the Subsidiary Association Property, or parts of it, and may charge the Subsidiary Body the amount incurred by the Community Association in maintaining and repairing the Subsidiary Association property.



## **PART 3**

### **MANDATORY MATTERS**

#### **12. Access Way**

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- 12.1 The location of the Access Way is shown on the Access Way Plan.
- 12.2 The Community Association must control, manage and maintain the Access Way in accordance with the Act.
- 12.3 Subject to Rules determined by the Community Association in its absolute discretion, or by the Original Proprietor whilst the Original Proprietor owns a Community Development Lot or a Lot in any Subsidiary Scheme, the Access Way is available for use by:
  - (a) the Owners and Occupiers of Lots;
  - (b) Authorised Visitors; and
  - (c) the public.
- 12.4 Prohibited Activities are not permitted on the Access Way or on a Pedestrian Access Way.
- 12.5 The Manager (or other person authorised from time to time by the Community Association) may drive suitable motor vehicles on the Private Access Way for the purposes of servicing Lots or performing other functions under this Management Statement.
- 12.6 A Owner or Occupier of a Lot must not drive any motor vehicle on the Access Way:
  - (a) at an unsafe speed or at a speed in excess of 15 kilometres per hour; and
  - (b) unless the vehicle is registered for use on public roads in accordance with the laws of New South Wales.

#### **13. Community Property and special facilities**

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- 13.1 The Community Association is entitled to make Rules relating to the use of the Community Property but such Rules are subject to the By-Laws and must not impede any express rights in relation to the use of Community Property granted under a By-Law.
- 13.2 The Community Association is entitled to contract with persons to provide management, operational, maintenance and other services in connection with Community Property including during the Initial Period.

#### **14. Internal fencing**

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- 14.1 Subject to the Design Guideline, the provision of and payment for internal fencing on the Community Parcel is governed by the *Dividing Fences Act 1951*.
- 14.2 Neither the Community Association nor any Subsidiary Body has any obligation in relation to the provision of or payment for internal fencing on the Community Parcel unless they resolve otherwise.
- 14.3 If the Design Guideline prohibits the construction of any fence on any part of the Community Parcel, then this By-Law shall not apply to such part of the Community Parcel.

- 14.4 Notwithstanding By-Law 14.1, You shall not have the right to erect a fence on a boundary where the adjoining land is owned by the Community Association or a Subsidiary Body without the prior written consent of the Community Association or the Subsidiary Body which consent may be given on such terms as the Community Association or the Subsidiary Body in its absolute discretion thinks fit.

## **15. Garbage**

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- 15.1 Garbage must be sorted, stored and made available for collection in accordance with the requirements of the Community Association and Council.
- 15.2 Garbage is not to be deposited on Community Property unless a receptacle is provided by the Community Association.
- 15.3 The Community Association may make Rules regarding the storage and collection of garbage.

## **16. Statutory and other Services**

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- 16.1 The Management Statement includes a Services Plan<sup>2</sup> in respect of the following Services:
- (a) electricity;
  - (b) water;
  - (c) sewer;
  - (d) telecommunications;
  - (e) irrigation; and
  - (f) recycling of water and sewer.
- 16.2 On installation of a Service Line, a statutory easement will be created over parts of the Community Parcel for the provision of Services through Service Lines if so required by the Service Provider.
- 16.3 The Service Provider and other owners of Service Lines will maintain and repair their respective Service Lines.
- 16.4 The Community Association is responsible for and must maintain and repair, Private Services and associated Service Lines within the Community Parcel. The Community Association may appoint third parties to carry out the obligations of the Community Association to maintain and repair the Private Services and associated Service Lines and allow those third parties to exercise the same rights that the Community Association has for that purpose.
- 16.5 By-Law 38 sets out the authorities responsible for the Services.

## **17. Insurance**

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- 17.1 Each year the Community Association must review:
- (a) the insurance policies it has effected; and
  - (b) whether it needs new insurance policies.
- 17.2 Each second year a Subsidiary Body must review:
- (a) the insurance policies it has effected; and
  - (b) whether it needs new insurance policies.

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<sup>2</sup> This may not be necessary

- 17.3 Each year the Community Association Secretary must include a motion in the annual general meeting notice for the Community Association to decide if it should confirm or change its insurance policies.
- 17.4 Every second year a Subsidiary Body's Secretary must include a motion in the annual general meeting notice for the Subsidiary Body to decide if it should confirm or change its insurance policies.
- 17.5 Every second year the Community Association must have a qualified valuer value the buildings and improvements on the Community Property for insurance purposes.
- 17.6 Every second year a Subsidiary Body must have a qualified valuer value the buildings and improvements on the Subsidiary Association Property for insurance purposes.
- 17.7 The Community Association must immediately effect new insurance or adjust existing insurance if there is an increase in risk or a new risk to the Community Association or the buildings and improvements on the Community Property.
- 17.8 A Subsidiary Body must immediately effect new insurance or adjust existing insurance if there is an increase in risk to the Subsidiary Body or the buildings and improvements on Subsidiary Association Property.
- 17.9 You must not, except with the approval of the Community Association, do anything that might void or prejudice insurance effected by the Community Association or increase any insurance premium payable by the Community Association.
- 17.10 You must not, except with the approval of a Subsidiary Body, do anything that might void or prejudice insurance effected by the Subsidiary Body or increase any insurance premium payable by the Subsidiary Body.

## **18. Executive Committee**

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### **18.1 Constitution**

- (a) The Executive Committee of the Community Association must be established in accordance with Part 2 of the Act.
- (b) The Executive Committee may meet together for the conduct of business, adjourn and otherwise regulate its meetings as it thinks fit.

### **18.2 Chairperson, Secretary and Treasurer**

The offices of the Executive Committee are the Secretary, Treasurer and Chairperson.

### **18.3 Function of Secretary**

The functions of the Secretary are to:

- (a) convene meetings of the Community Association and meetings of the Executive Committee;
- (b) distribute minutes of meetings of the Community Association and meetings of the Executive Committee;
- (c) give notices under the Act for the Community Association and the Executive Committee;
- (d) supply certificates about contributions, insurance and other matters under clause 2 of Schedule 4 of the Act;
- (e) answer communications sent to the Community Association;

- (f) perform administrative and secretarial functions for the Community Association and the Executive Committee; and
- (g) keep records for the Community Association and the Executive Committee according to the Act.

#### **18.4 Functions of the Treasurer**

The functions of the Treasurer are to:

- (a) send notices of contribution to Community Association members and collect contributions;
- (b) receive, acknowledge, bank and account for money paid to the Community Association;
- (c) prepare certificates about contributions, insurance and other matters under clause 2 of Schedule 4 of the Act;
- (d) keep accounting records for the Community Association according to the Act; and
- (e) prepare financial statements according to the Act.

#### **18.5 Function of the Chairperson**

The function of the Chairperson is to preside at the Community Association meetings and Executive Committee meetings at which he is present.

#### **18.6 Appointing Subcommittee**

- (a) The Executive Committee may appoint subcommittees to investigate and report on issues relating to the management and operation of Sapphire.
- (b) The subcommittee may conduct investigations and perform functions for the Executive Committee.

#### **18.7 No remuneration**

A member of the Executive Committee is:

- (a) not entitled to any remuneration for the performance of that person's functions;
- (b) entitled to reimbursement for reasonable out of pocket expenses incurred by that person in the performance of that person's functions.

#### **18.8 Protection of Executive Committee members from liability**

- (a) A member of the Executive Committee is not liable for any loss or damage occurring by reason of an act done in that member's capacity as a member of the Executive Committee.
- (b) By Law 18.8(a) does not apply if a member is fraudulent or negligent.

### **19. Meetings**

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#### **19.1 How to convene an Executive Committee meeting**

- (a) Executive Committee meetings must be convened:
  - (i) by the Secretary of the Community Association if he is asked to do so by one third of the Executive Committee members; or
  - (ii) by another Executive Committee member if, in the Secretary's absence, one-third of the Executive Committee members ask him to do so.

- (b) The Secretary or the other Executive Committee member must convene the meeting:
  - (i) within the time specified in the notice asking for the meeting; or
  - (ii) if the notice does not specify a time, within 14 days of being asked to convene a meeting.
- (c) You or your nominee may attend Executive Committee meetings. You may address the meeting only if the Executive Committee agrees.
- (d) You or your nominee may attend meetings of your Subsidiary Body. You may address the meeting only if the Council of your Subsidiary Body agrees.
- (e) The Executive Committee must fix a notice board in a prominent place on Community Land.

#### **19.2 Notice of meeting**

- (a) The Executive Committee must, not less than 72 hours (or such other period as the Executive Committee may decide) immediately before the Executive Committee holds a meeting, put on a notice board:
  - (i) a notice advising that the meeting will be held; and
  - (ii) the agenda for the meeting.

#### **19.3 Place of meeting**

- (a) Meetings of the Executive Committee must be held on site at a place determined by the Executive Committee or within ten (10) kilometres of the Manager's office as determined by the Executive Committee.
- (b) The agenda for a meeting must include details of all business to be dealt with at the meeting.
- (c) No business will be dealt with at a meeting unless details of that business are set out in the agenda for that meeting.

#### **19.4 Executive Committee decisions**

- (a) The Executive Committee may vote on a motion in writing if:
  - (i) the notice of the meeting and agenda has been provided according to this management statement;
  - (ii) each Executive Committee member has been given the motion to be decided at the meeting;
  - (iii) a majority of the Executive Committee members approve the motion in writing.

#### **19.5 Minutes of meetings**

- (a) The Secretary or the Executive Committee member who convenes a meeting of the Executive Committee must:
  - (i) put minutes of the meeting on the notice board within 7 days after the meeting; and
  - (ii) ensure that the minutes stay on the notice board for at least 14 days.

#### **19.6 Records of Executive Committee meetings**

- (a) The Executive Committee must keep copies of agendas and minutes of its meetings:
  - (i) with the Community Association's records; and

- (ii) for 7 years from the date of the meeting (or for the period the law requires Community Association to keep its meeting records).

## **20. Amounts Payable**

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### **20.1 Contributions**

You must pay:

- (a) contributions levied under this Management Statement, the Act, the Development Act and related legislation when they fall due; and
- (b) on demand, any costs, charges and expenses of the Community Association incurred in connection with the contemplated or actual enforcement or preservation of any rights under the By-Law in relation to You.

### **20.2 Interest**

- (a) If a contribution of amount payable under this Management Statement, the Act, the Development Act and related legislation is not paid when due, then interest is payable under the Act.
- (b) Nothing in this By Law 20 prevents the Community Association from recovering any amount exceeding interest calculated under By Law 20.2(a) as a consequence of any amount not being paid when due.
- (c) A certificate signed by the Community Association, its Managing Agent (if any) or the secretary of the Executive Committee about a matter or a sum payable to the Community Association is prima facie evidence of:
  - (i) the amount: or
  - (ii) any other fact stated in that certificate.

## **PART 4**

### **OPTIONAL MATTERS**

#### **21. Storage of flammable liquids**

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You must not, except with the approval of the Community Association, use or store on a Lot or any part of the Community Parcel any flammable chemical, gas or other material other than chemicals, liquids, gases or other material used or intended to be used for domestic purposes.

#### **22. Restrictions on parking**

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You must not park a motor vehicle, boat, caravan or trailer on the Community Parcel except in a garage or driveway on your own Lot or an area on the Community Parcel designated by the Community Association from time to time as being an area where You may park a vehicle.

#### **23. Community Association's right to enter into contracts**

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23.1 The Community Association or the Original Proprietor may, on its own behalf or on behalf of each Subsidiary Body or Community Development Lot, contract with persons:

- (c) to provide management, operational, maintenance and other services in connection with Community Property, Common Property, Precinct Property or Neighbourhood Property;
- (d) to provide services or amenities to You;
- (e) to provide a letting service to You; and
- (f) to provide other services or amenities to Community Property, Common Property, Precinct Property or Neighbourhood Property or You.

23.2 During the Initial Period, the Community Association may appoint Sapphire Development Pty Limited (ACN 118 685 260) or its nominee as managing agent pursuant to section 50 of the Act and may delegate to the managing agent any function of the Community Association or the Executive Committee or its secretary or other officers. The Community Association will ratify the appointment of Sapphire Beach Development Pty Limited (ACN 118 685 260) or its nominee as managing agent at the First Annual General Meeting of the Community Association.

#### **24. Control of Lessees/Licensees**

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24.1 An Owner whose Lot is the subject of a lease or licence agreement must provide the lessee or licensee with a copy of this Management Statement and take all reasonable steps including, without limitation, any action available to him under the lease or licence agreement to ensure that the lessee or licensee of the Lot and any person on the Community Parcel with the consent (express or implied) of the lessee or licensee complies with the By-Laws.

#### **25. Rules**

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25.1 The Community Association may make Rules relating to the control, management, operation, use and enjoyment of the Community Parcel. However,

whilst the Original Proprietor owns a Community Development Lot or a Lot in any Subsidiary Scheme, the Original Proprietor may exercise the rights of the Community Association under this By-Law 25. Any Rules approved under this By-Law by the Original Proprietor must be notified to the Community Association by the Original Proprietor. The decision of the Original Proprietor will prevail over that of the Community Association in the event of any differences.

- 25.2 The Community Association may at any time add to or alter the Rules.
- 25.3 The Community Association may not make a Rule or add to or alter a Rule so that it is or becomes inconsistent or in conflict with:
- (a) the Act;
  - (b) the Development Act;
  - (c) the By-Laws.
- 25.4 Rules bind You, a mortgagee in possession and the lessee of a Lot and each Subsidiary Body.
- 25.5 Without restricting the rights of the Community Association to make or amend Rules, until any Rules to the contrary are made or these amended or removed, the By-Laws 26 - 30 apply to the control, management, operation, use and enjoyment of the Community Parcel.

## **26. Behaviour**

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### **26.1 Noise**

- (a) You must not create any noise on a Lot, Community Property or Subsidiary Body Property which might interfere with the peaceful enjoyment of another owner or occupier of another Lot or Authorised Visitor.
- (b) You must not:
  - (i) obstruct lawful use of Community Property or Subsidiary Body Property;
  - (ii) use language or behave in a manner likely to cause-offence or embarrassment to an owner or occupier of another Lot or Authorised Visitor.

### **26.2 Children**

You must ensure that a child under your care and control:

- (a) plays only on Community Property or Subsidiary Body Property which is an open space area that is not dangerous or hazardous to children;
- (b) does not play on Subsidiary Body Property inside a strata scheme; and
- (c) only remains in or on Community Property or Subsidiary Property Body comprising any area of possible danger or hazard to children if the child is accompanied by an adult exercising effective control.

### **26.3 Authorised Visitors**

You must ensure that a Authorised Visitor does not behave in a manner likely to interfere with the peaceful enjoyment of another owner or occupier of another Lot or any other Authorised Visitor.

## **27. Washing**

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- (a) You must not hang any washing, bedding or other articles of a similar nature:



- (i) on any balcony of a Lot;
- (ii) in any area visible from any Community Property, Subsidiary Body Property, road, footpath, parks and the like within the Community Scheme;

subject to By-Law 27(b), on any part of Subsidiary Body Property.

- (b) You may hang washing on a part of the Subsidiary Body Property which the Subsidiary Body designates.

## **28. Keeping of animals**

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### **28.1 Generally**

- (a) An owner or occupier of a Community Development Lot or a Neighbourhood Lot may keep without the approval of the Community Association:
  - (i) one dog; or
  - (ii) one cat.
- (b) An owner or occupier of a Community Development Lot or a Neighbourhood Lot must obtain the written approval of the Community Association before that owner or occupier keeps:
  - (i) any other type of animal; or
  - (ii) more than one dog or one cat at the same time.

### **28.2 Strata Scheme**

An owner or occupier of a Strata Lot must obtain the written approval of the Community Association before that owner or occupier keeps any animal or brings any animal onto any Strata Lot or Community Property or Subsidiary Community Property.

### **28.3 Small Animals**

- (a) Despite By Law 28.1 and 28.2, You are permitted to keep, without the approval of the Community Association:
  - (i) a small caged bird;
  - (ii) tankfish.
- (b) If You are permitted under these By-Laws to keep an animal, then You:
  - (i) must ensure that the animal is at all times kept under control and within the confines of Your Lot;
  - (ii) must ensure that, when on any other part of the Community Parcel, the animal is accompanied by You;
  - (iii) must, when on any other part of the Community Parcel, keep the animal appropriately tethered and under control;
  - (iv) are liable to the owners and occupiers of other Lots and each other person lawfully on the Community Parcel for:
    - (A) any noise which is disturbing to an extent which is unreasonable;
    - (B) damage to or loss of property or injury to any person caused by the animal; and
    - (C) cleaning up after the animal has used any part of the Community Parcel.

- (c) This By-Law 28.3:
  - (i) applies to any Authorised Visitor or visitor to the Community Parcel; and
  - (ii) does not prevent the keeping of a dog used as a guide or hearing dog.

## **29. Repairs**

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- 29.1 Subject to By-Law 29.2, You must not park a Vehicle on the Community Parcel.
- 29.2 You may park a Vehicle:
  - (a) in a garage or driveway on Your Lot; or
  - (b) in an area on the Community Parcel designated by the Community Association as being an area where a Vehicle may be parked.
- 29.3 You must not otherwise, park a Vehicle on the verge of a Lot, being the area between the building line of a Lot and the back of a kerb.

## **30. Private Services**

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- 30.1 The Community Association may on its own behalf or on behalf of a Subsidiary Body:
  - (a) provide Private Services to a Subsidiary Body or You;
  - (b) arrange for the installation and maintenance of proposed Service Lines for the provision of private services; and
  - (c) contract with any person to monitor or provide, in part or in whole, private Services.
- 30.2 You must not do anything which interferes, obstructs access to, overloads or damages private services.
- 30.3 You must immediately notify the Community Association of any damage to or the defective operation of any Private Service.
- 30.4 Subject to s60 of the Act, the Community Association and a person authorised by the Community Association may enter a Lot at all reasonable times to maintain, repair, alter, add to or increase the capacity of or renew Private Services.

## **31. Community Association rights and obligations**

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### **31.1 General**

- (a) The Community Association may exercise a right, power or remedy:
  - (i) at its discretion; and
  - (ii) separately or concurrently with another right, power or remedy.
- (b) A single or partial exercise of a right, power or remedy by the Community Association does not prevent a further exercise of that or of any other right, power or remedy.
- (c) Failure by the Community Association to exercise or delay in exercising a right, power or remedy does not prevent its exercise later.

### **31.2 Contracts**

- (a) The Community Association may, on its own behalf or on behalf of a Subsidiary Body, contract with persons to provide:

- (i) management, operational, maintenance and other services for Community Property or Subsidiary Body Property;
- (ii) services or amenities to owners or occupiers of Lots; and
- (iii) Security Services.

### **31.3 Remedy**

- (a) The Community Association may do anything on a Lot which should have been done by an owner or occupier of a Lot under this Management Statement but which has not been done, or has not been done properly.
- (b) If By-Law 31.3(a) applies then the Community Association is entitled to:
  - (i) enter and remain on the Lot for as long as it is necessary;
  - (ii) carry out works; and
  - (iii) recover any costs associated with carrying out works under this Management Statement from the owner of the Lot.

### **31.4 Trading Activities**

- (a) The Community Association may, for the purpose of exercising and performing its functions, carry on a business or trading activity.
- (b) If the Community Association carries on a business or trading activity, then the Community Association:
  - (i) must pay into the sinking fund of the Community Association income derived by the Community Association from its business or trading activities;
  - (ii) must estimate how much money the Community Association will need to credit to the sinking fund of the Community Association;
  - (iii) must levy each member for a contribution to meet expenses associated with the Community Association carrying on a business or trading activities; and
  - (iv) may distribute any net profit derived by the Community Association from carrying on a business or trading activities in accordance with clause 17 of schedule 1 to the Act.
- (c) If the Community Association suffers a net loss from carrying on a business or trading activities. Then the Community Association must impose a levy on each member for a contribution to the sinking fund in order to meet the amount of the net loss.

### **31.5 Not Liable for Damage**

- (a) The Community Association is not liable for damage to or loss of property or injury to any person in or near the Community Parcel due to any cause.
- (b) By-Law 31.5(a) does not apply if, the damage loss or injury follows the negligence or fraud of the Community Association or any employee or agent of the Community Association.

### **31.6 Communications with Community Association**

- (a) A person must forward complaints, notices or applications to or requests for consideration of matters by the Community Association in writing:
  - (i) to the Managing Agent of the Community Association; or
  - (ii) there is no Managing Agent, to the secretary of the Executive Committee.

### **31.7 Address of Notices**

The address of the Community Association is either that of the Secretary, or the Manager, as is appointed from time to time.

## **32. Obligations of You**

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### **32.1 Compliance with Requirements, Orders and Notices**

- (a) You must comply on time with:
  - (i) each requirement and order of each statutory authority and Government Agency,
  - (ii) each law for Your Lot and the use or occupation of Your Lot; and
  - (iii) the terms of any notice displayed on Community Property by the Community Association, Service Provider or other relevant statutory authority or Government Agency.

### **32.2 Contractors**

You may only directly or indirectly instruct agents, employees or contractors of the Community Association if the Community Association authorises the owner or occupier to do so.

### **32.3 Use**

- (a) You must not do any of the following on either Your Lot or on the Community Parcel:
  - (i) engage in any illegal conduct or activity; or
  - (ii) do anything that might damage the good reputation of the Community Scheme.

### **32.4 Permitted Persons**

- (a) You must take all reasonable steps to ensure that a Permitted Person complies with the By-Laws.
- (b) If You cannot comply with By-Law 32.4, then that person must:
  - (i) withdraw the consent of the person to be on the Community Parcel; and
  - (ii) request that person to leave the Community Parcel.
- (c) If the By-Laws prohibit You from doing a thing, You must not allow or cause another person to do that thing.

### **32.5 Lessees/Licensees**

- (a) If Your Lot is the subject of a lease or licence agreement must:
  - (i) provide the lessee or licensee with a copy of this Management Statement; and
  - (ii) take all reasonable steps, including any action available under the lease or licence agreement, to ensure that the lessee or licensee of the Lot and any person on the Community Parcel with the consent express or implied of the lessee or licensee complies with this Management Statement and any Rules.

### **32.6 Things done at owner's or occupier's cost**

Anything which You are required to do under this Management Statement must be done at Your cost.

## PART 5

### BY-LAWS REQUIRED BY PUBLIC AUTHORITIES

#### 33. Open Access Way

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- (a) Subject to By-Law 33(c), the Community Association must maintain at its cost and permit the use of the Open Access Ways for and by pedestrian and cyclist members of the public and such other persons as may be permitted by the By-Laws.
- (b) This By-Law 33 may not be amended or revoked without the consent of the Council.
- (c) The right for use of the Open Access Ways by members of the public is subject to the terms of the Restriction on Use of Land and Positive Covenant registered with the Community Plan.<sup>3</sup>

#### 34. Electricity Substation

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##### 34.1 Dictionary

- (a) In this By-Law 33:
  - "**Substation Site**" means any areas shown on Concept Plan as "[       ]" and any sites which are subsequently set aside as electricity substation sites; and
  - "**Substation Plant and Equipment**" means an electrical substation and all electrical wires, cables and other necessary equipment for the proper functioning of an electrical substation.
  - "**Electricity Provider**" is the entity stated in By-Law 38 for electricity.

##### 34.2 Rights

The Electricity Provider is entitled to the following rights in respect of Substation Sites:

- (a) access to and from the Substation Sites (with or without vehicles) for all purposes permitted under this By-Law at all reasonable times;
- (b) to remain on Substation Sites (and those areas immediately adjacent to the Substation Sites) for any reasonable time for the purpose of:
  - (i) installing Substation Plant and Equipment on a Substation Site; and
  - (ii) inspecting, cleaning, maintaining, repairing, renewing and replacing the Substation Plant and Equipment on the Substation Site; and
- (c) to keep the Substation Plant and Equipment on the Substation Site for so long as that Electricity Provider is the supplier of electricity to the Community Parcel.
- (d) The Community Association agrees that it will, if required by the Electricity Provider, provide other sites on the Community Property for the installation of additional Substation Plant and Equipment;

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<sup>3</sup> This clause is subject to further consultation with the Authorities.

- (e) The Electricity Provider may reject a proposed site if, acting reasonably, it considers the site to be unsuitable for the installation of Substation Plant and Equipment; and
- (f) If the Electricity Provider rejects a proposed site it may, in consultation with the Community Association and acting reasonably, choose an alternative site on the Community Property for the installation of Substation Plant and Equipment.
- (g) This By-Law 33 may not be varied or deleted without the consent of the Electricity Provider for the time being.

### **35. Drainage**

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- (a) You, the Community Association or a Subsidiary Body must comply with the requirements of the Council and the Community Association with respect to the Stormwater Network.
- (b) Each Lot must accept without reservation unconcentrated stormwater runoff from any other Lots within the Community Parcel.
- (c) All Lots must accept without reservation concentrated and unconcentrated stormwater runoff from the Community Property including from any access way and from any public roads created by registration of the Community Plan or the plan for any Subsidiary Land.
- (d) You must comply with the Integrated Water Cycle Management Plan approved by Council.

### **36. Sewerage Disposal System**

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- (a) You must comply with the requirements of Council for disposal of sewage.
- (b) You must maintain any parts of your home and buildings, including any sewer line, to the junction point of the Sewerage Disposal System so that it performs at the highest level of effectiveness. You must not do anything which may cause any interference with the Sewerage Disposal System's capacity to perform its functions.
- (c) Without limiting the effect of this By-Law 36, You must use exclusively the Sewerage Disposal System installed in the Community Parcel and shown in the Services Diagram.

### **37. Waste**

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If You produce any toxic waste or material on your Lot, you must comply with all laws relating to the disposal of such waste and material.

### **38. Services**

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The following authorities, entities or persons are responsible for maintenance and replacement of the Services shown adjacent below:

<b>Service</b>	<b>Authority, entity or person responsible</b>
Sewerage Disposal System	Community Association
Water System	Community Association
Electricity Provider	

Service	Authority, entity or person responsible
Gas	
Telephone	Telstra

### 39. Vegetation Management Plan

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- (a) The Community Association or a Subsidiary Body must at all times comply with the environmental obligations as more fully set out in the Vegetation Management Plan and in accordance with the management and rehabilitation techniques recommended by the *Coastal Dune Management Manual* (NSW Department of Land and Water Conservation 2001).
- (b) Without limiting the effect of the Vegetation Management Plan, it is noted that it deals with the following environmental matters:
  - (i) Rehabilitation Area - 7(a) Zone;
  - (ii) Hind Dune Rehabilitation Area; and
  - (iii) Asset Protection Zones.

### 40. Bushfire Management Plan

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You, the Community Association or a Subsidiary Body must at all times comply with the obligations in relation to the ongoing maintenance of the Asset Protection Zones as more fully set out in the Bushfire Management Plan.

### 41. Climate Change - Sea Rise Protection Zone

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- (a) The Community Association discloses the Sea Rise Protection Zone.
- (b) You, the Community Association or a Subsidiary Body must not cause or permit to be caused the erection of any improvements, structures or any development within the Sea Rise Protection Zone.
- (c) The Community Association must:
  - (i) as soon as practicable after the date of registration of the Management Statement, record in its records the Benchmark Sea Rise Level Measurement Point;
  - (ii) as soon as practicable after the date of registration of the Management Statement, record in its records the Benchmark Sea Rise Level;
  - (iii) manage the Sea Rise Protection Zone as and when required, through the implementation of an adaptive risk management approach;
  - (iv) at least once every 10 years after the registration of the Management Statement, cause a report to be commissioned to re-determine the Mean High Water Mark of Campbells Beach at the Benchmark Sea Rise Level Measurement Point (**Sea Rise Level Redetermination**);
  - (v) as soon as practicable after the Sea Rise Level Redetermination, record the details of the determination in its records
- (d) If and when the Sea Rise Level Redetermination reveals that the Mean High Water Mark measured at the Benchmark Sea Rise Level Measurement

Point has risen 60 cm over and above the Benchmark Sea Rise Level (**Sea Rise Action Plan Trigger**), the Community Association must:

- (i) notify the Council;
  - (ii) notify properties adjoining or in close proximity to Sapphire and fronting Campbells Beach; and
  - (iii) action the Sea Rise Action Plan.
- (e) Notwithstanding the provisions of By-Law 41(d), the Community Association may, in its absolute discretion, resolve to action the Sea Rise Action Plan prior to the Sea Rise Action Plan Trigger. In this case, the Community Association shall notify the Council of its intention to action the Sea Rise Action Plan not less than 12 months prior to the date upon which the Community Association intends to commence the implementation of the Sea Rise Action Plan.
- (f) If the Council recommends to the Community Association that it action the Sea Rise Action Plan in a co-ordinated approach with the owners of properties adjoining or in close proximity to Sapphire and fronting Campbells Beach, the Community Association will, as far as practicable, accept and implement the recommendation. You or a Subsidiary Body shall not be entitled to object to, vote against, or take any action to prevent the proper management by the Community Association of the Sea Rise Protection Zone.
- (g) This By-Law 41 may not be amended or revoked without the consent of the Council.



## PART 6

### DICTIONARY

#### Definitions and interpretations

"**Access Way**" means Private Access Ways and Open Access Ways shown on the Access Way Plan in Part 7 of this Management Statement marked "C";

"**Access Way Plan**" means the plan labelled as an Access Way Plan in Part 7 of this Management Statement;

"**Act**" means *Community Land Management Act 1989* (as amended);

"**Asset Protection Zone**" means the area identified by that name in the Bushfire Management Plan;

"**Association Property**" means the Community Property and any buildings, other fixtures or improvements and any personal property of the Community Association and includes all Service Lines located in the Community Property providing private services or in any easement of which the Community Association has the benefit;

"**Authorised Visitor**" means a person on the Community Parcel with consent express or implied of an Owner or Occupier of a Lot, the Community Association or a Subsidiary Body, and any service provider including but not limited to the Council;

"**Benchmark Sea Rise Level**" means the Mean High Water Mark measured at the Benchmark Sea Rise Level Measurement Point as determined by a Surveyor in the same weather season as the date of registration of the Management Statement;

"**Benchmark Sea Rise Level Measurement Point**" means the position nominated by the Original Proprietor on Campbells Beach;

"**Bushfire Management Plan**" means the Bushfire Management Plan in Part 7 of this Management Statement marked "D";

"**By-Law**" means a By-Law in this Management Statement;

"**Chairman**" means the Chairman of the Executive Committee;

"**Common Property**" means the Common Property in a Strata Scheme as defined in the Strata Act;

"**Community Parcel**" means the land the subject of the Community Scheme;

"**Community Association**" means the corporation that:

- (a) is constituted by section 25 of the Development Act on the registration of the Community Plan; and
- (b) is established as a community association by section 5 of the Act;

"**Community Development Lot**" means a lot in the Community Plan which is not Community Property, a public reserve or a drainage reserve and is not land that has become subject to a subsidiary scheme or a lot that has been severed from the Community Scheme;

"**Community Plan**" means Deposited Plan No. [27 ]<sup>4</sup>;

"**Community Property**" means lot [ ] in the Community Plan;

"**Community Scheme**" means:

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<sup>4</sup> To be inserted once pre-examination takes place

- (a) the manner of subdivision of land by the Community Plan;
- (b) the subdivision of land in the Community Plan by a Subsidiary Plan;
- (c) the proposals in any related development contract; and
- (d) the rights conferred, and the obligations imposed, by or under the Act, Development Act and the Strata Titles Act 1973 in relation to the Community Association, Community Property, any Subsidiary Body and persons having interests in, or occupying Lots;

**"Concept Plan"** means the Concept Plan in Part 7 of this Management Statement marked "A";

**"Council"** means Coffs Harbour City Council;

**"Design Guideline"** means the architectural, building and landscape standards stated in By Law 3.1 and elsewhere in this Management Statement or as created by the Original Proprietor in accordance with By-Law 3.2;

**"Design Review Panel"** means the panel comprising at least 3 Owners appointed by the Executive Committee, one of whom must be a qualified and licensed architect and if none of the 3 Owners appointed is a qualified and licensed architect, then a qualified and licensed architect must be appointed to the panel in addition to the 3 Owners;

**"Development Activities"** means the following activities which the Original Proprietor is permitted to carry out:

- (a) build and develop Sapphire in stages;
- (b) carry out the building and development work and any form of demolition work, or work ancillary to or associated with the building and development work and demolition work, without limitation together with any form or work considered necessary or desirable by the Original Proprietor in its discretion;
- (c) demolition work, building and associated work on Sapphire;
- (d) landscaping and associated work on Sapphire;
- (e) use any part of Sapphire to exercise its rights under this By-Law;
- (f) subdivide land;
- (g) have unrestricted access to Community Property;
- (h) park motor vehicles and equipment on Community Property;
- (i) place on or attach to Community Property temporary structures, building materials, and other equipment;
- (j) install and connect services on Community Property;
- (k) put marketing advertising signs on Community Property;
- (l) conduct real estate activities on Community Property including, but not limited to sales, auctions and leasing;
- (m) lock or secure part of Community Property; the Original Proprietor must give the Secretary of the Community Association a key for the locked or secured area; and
- (n) exercise its right at any time;

**"Development Act"** means the *Community Land Development Act 1989* and regulations made under it;

**"Development Consent"** means any Development Approval determined by Council relating to the land comprised in the Concept Plan;

**"Environmental Protection Zone"** includes the Rehabilitation Area - 7(a) Zone, the Asset Protection Zone and the Hind Dune Rehabilitation Area forming part of the Community Property;

**"Executive Committee"** is the executive committee of the Community Association;

**"Government Agency"** is a governmental or semi-governmental administrative, fiscal or judicial department or entity;

**"Hind Dune Rehabilitation Area"** means the area identified by that name in the Bushfire Management Plan;

**"Initial Period"** means that period defined in the Act;

**"Integrated Water Cycle Management Plan"** means the plan of that name approved by the Council as part of the first stage of the subdivision of Sapphire;

**"Lot"** means a Community Development Lot, Neighbourhood Lot, Strata Lot or Precinct Lot in the Community Scheme or in a Subsidiary Scheme;

**"Management Statement"** means this document;

**"Manager"** means any person or corporation appointed by the Community Association or any Subsidiary Body to carry out the functions, duties and obligations of the Community Association or a Subsidiary Body pursuant to this Management Statement.

**"Mean High Water Mark"** means the mean high water mark as defined by Regulation 5 of the *Surveying Regulation 2006* (NSW) or if this regulation is repealed, such other method of measurement ordinarily adopted by the surveying industry to measure sea level;

**"Neighbourhood Association"** means the corporation that:

- (a) is constituted by section 25 of the Development Act on the registration of a Neighbourhood Plan; and
- (b) is established as a Neighbourhood Association by section 7 of the Act;

**"Neighbourhood Management Statement"** means a statement that is registered with a Neighbourhood Plan as a statement of the By-Laws and the other particulars governing participation in the Neighbourhood Scheme;

**"Neighbourhood Parcel"** means the land, the subject of the Neighbourhood Scheme;

**"Neighbourhood Plan"** means a plan (other than a Community Plan, a Precinct Plan or a Strata Plan) for the subdivision of land into two or more lots;

**"Neighbourhood Property"** means the lot shown in the Neighbourhood Plan as Neighbourhood Property;

**"Neighbourhood Scheme"** means:

- (a) the manner of subdivision of land by a Neighbourhood Plan; and
- (b) the proposals in any related Development Contract; and
- (c) the rights conferred, and the obligations imposed, by or under the Development Act or Act in relation to the Neighbourhood Association, the Neighbourhood Property and the Owners and other persons having interests in, or occupying, the Neighbourhood lots;

**"Occupier"** means a person who occupies lawfully a Lot in Sapphire;

**"Open Access Way"** Open Access Way" means an open access way under section 41 of the Development Act and being the Pedestrian Access Way along the northern boundary of the Community Parcel connecting the Pacific Highway to Campbells Beach through the Community Parcel;

**"Original Proprietor"** is Sapphire Beach Development Pty Limited (ACN 118 685 260) or its successor in title;

**"Owner"** means an owner of a Lot;

**"Owner's Corporation"** means a body corporate constituted by section 54 of the Strata Act or a Strata Scheme;

**"Pedestrian Access Way"** means any parts of the Common Property designated or intended for use as a pedestrian thoroughfare;

**"Permitted Person"** means a person on the Community Parcel with the express or implied consent of an owner or occupier of a Lot, the Community Association or a Subsidiary Body;

**"Precinct Association"** means the Corporation:

- (a) constituted by section 25 of the Development Act on the registration of the Precinct Plan; and
- (b) established as a Precinct Association by section 6 of the Act;

**"Precinct Management Statement"** means a statement that is registered with the Precinct Plan as a statement of the By-Laws and other particulars governing participation in the Precinct Scheme;

**"Precinct Parcel"** means the land the subject of the Precinct Scheme;

**"Precinct Plan"** means a plan for the subdivision of the land in a Community Development Lot into two or more lots;

**"Precinct Property"** means the lot shown in a Precinct Plan as Precinct Property;

**"Precinct Scheme"** means:

- (a) the manner of subdivision of land by a Precinct Plan; and
- (b) the manner of subdivision of land in the Precinct Plan by the Neighbourhood Plan or a Strata Plan; and
- (c) the proposals in any related development contract; and
- (d) the rights conferred and obligations imposed by or under the Act, the Development Act, the Strata Act in relation to the Precinct Association, its Precinct Property, the Subsidiary Schemes and persons having interest in, or occupying lots in Subsidiary Schemes;

**"Private Access Way"** means a private access way under section 44 of the Development Act;

**"Private Services"** is any service which is not a Statutory Service;

**"Prescribed Diagram"** means the plan labelled prescribed diagram which specifies where Private Services and Statutory Services are provided at Sapphire;

**"Prohibited Activities"** means any activities which the Community Association determines are not to be engaged in by any Owner, Occupier or Authorised Visitor whilst using Community Property or any Access Way.

**Project Activities** any work which the Original Proprietor or the Contractor as agent for the Original Proprietor and all persons authorised by the Original Proprietor or the Contractor must do to complete any development on the Community Parcel including:

- (a) any form of demolition work, building work and work ancillary to or associated with building work on the Community Parcel;
- (b) the installation of Services;

- (c) any form of landscaping work or work ancillary to or associated with landscaping work on the Community Parcel;
- (d) carrying out development in stages;
- (e) construction of the Walkways;
- (f) any form of work which the Original Proprietor or the Contractor, in its absolute discretion considers is necessary or desirable;
- (g) the subdivision of land forming part of the Community Parcel by any means, including strata subdivision; and
- (h) the exercise of any right or discretion given to the Original Proprietor or the Contractor under this Management Statement;

**"Rehabilitation Area"** means the area identified by that name in the Vegetation Management Plan;

**"Restricted Use Areas"** means the following parts of the Community Parcel:

- (a) Sewerage Disposal System; .

**"Rules"** means the rules made under By-Law 25;

**"Sea Rise Action Plan"** means the Sea Rise Action Plan in Part 7 of this Management Statement marked "F";

**"Sea Rise Protection Zone"** means that part of the Community Property parallel to Campbells Beach and being 15 metres wide identified by that name in the Design Guideline and designated to allow for the future construction of a range of amelioration measures to combat the effects of possible sea level rise;

**"Secretary"** means the Secretary of the Executive Committee;

**"Security Services"** means services for the prevention of any threat to the security or safety of:

- (a) an owner of occupier of a Lot; or
- (b) any property situated on the Community Parcel.

**"Services"** means Private Services, Statutory Services and/or Security Services (as the case may be);

**"Service Line"** is pipe, wire, cable, duct or pole by which a Statutory or Government Agency or the Community Association provides a Service;

**"Service Provider"** is a statutory or Government Agency or other entity that provides Services;

**"Services Plan"** means the Services Plan in Part 7 of this Management Statement marked "B";

**"Sewerage Disposal System"** means the system for the collection and treatment of sewerage servicing each Lot and continuing with all pumping station and equipment;

**"Special Resolution"** is that type of resolution of the Community Association as is defined in the Act;

**"Statutory Service"** is a service provided by a Statutory or Government Agency that provides a Service;

**"Sapphire"** means the land comprised in the Concept Plan; **"Stormwater Network"** means the stormwater pipes, stormwater basins, gross pollutant trap and overflow surcharge pit which facilitate the drainage of stormwater through the Community Parcel;

**"Strata Lot"** means a lot within the meaning of the Strata Act that is part of the Community Scheme;

**"Strata Parcel"** means the land subject to a Strata Scheme;

**"Strata Plan"** means the Strata Plan under the Strata Act;

**"Strata Scheme"** means:

- (a) a Strata Scheme under the Strata Act that is part of the Community Scheme
- (b) the proposals in any relevant development contract;
- (c) the rights conferred, and the obligations imposed, by or under the Strata Act and the Community Titles legislation in relation to the Scheme;

**"Statutory Service"** means a service to Sapphire provided by the Council or a statutory authority;

**"Subsidiary Association Property"** means Common Property, Precinct Property or Neighbourhood Property or all of them (as the case may be);

**"Subsidiary Body"** is a Precinct Association or a Neighbourhood Association or an Owner's Corporation that is part of the Community Scheme;

**"Subsidiary Land"** is a Land in Neighbourhood Plan or Strata Plan or Precinct Plan that sub-divides a Community Development Lot;

**"Subsidiary Parcel"** means the land the subject of the Subsidiary Scheme;

**"Subsidiary Plan"** means a Strata Plan, a Precinct Association, a Neighbourhood Plan, or a Community Plan;

**"Subsidiary Scheme"** means a Precinct Scheme, Strata Scheme or Neighbourhood Scheme forming part of the Community Scheme;

**"Subsidiary Strata Body"** is a Strata Scheme created on registration of a Strata Plan;

**"Surveyor"** means a surveyor registered in New South Wales with not less than 5 years experience;

**"Treasurer"** means the Treasurer of the Executive Committee;

**"Vegetation Management Plan"** means the plan to guide the future use, development and management of the foreshore and Environmental Protection Zones in Part 7 of this Management Statement marked "E";

**"You"** or **"Your"** is an owner, lessee, occupier or mortgagee in possession of a Lot at Sapphire;

**"Works":**

- (a) a change to any building;
- (b) a change to any landscaping; or
- (c) the construction of a new building(s)

within the Community Parcel but excludes:

- (d) Project Activities; and
- (e) internal refurbishment to a Lot.

## **PART 7**

### **ATTACHMENTS**

- 1 Concept Plan – Annexure "A"
- 2 Services Plan – Annexure "B"
- 3 Access Way Plan – Annexure "C"
- 4 Bushfire Management Plan - Annexure "D"
- 5 Vegetation Management Plan - Annexure "E"
- 6 Sea Rise Action Plan - Annexure "F"

## **Annexure A - Concept Plan**

**[TO BE INSERTED]**



## **Annexure B - Service Plan**

**[TO BE INSERTED]**

## **Annexure C - Access Way Plan**

**[TO BE INSERTED]**

## **Annexure D - Bushfire Management Plan**

**[TO BE INSERTED]**

## **Annexure E - Vegetation Management Plan**

**[TO BE INSERTED]**

## **Annexure F - Sea Rise Action Plan**

[IN CONCEPT ONLY]

- a. Executive Committee / Manager advise all owners that notice has been given to CHCC that the sea has risen 60cm and sets a date for an EGM within 3 months.
- b. Executive Committee / Manager employ experts to advise and determine what action is required. *(Note: The science and engineering will have moved on in 25 years, therefore what might seem appropriate today may not be in the future so in taking an adaptive risk management approach the best solution can be found)*
- c. Experts to liaise with CHCC and other authorities in determining appropriate action and coordinate any design relating to neighbours also taking action.
- d. At EGM owners to vote on proposal with 50% majority by UE required to proceed with the recommended action. *(Note: 25 of 39 lots are built at lower level 7.5mAHD – beachfronts have highest UE, therefore motion to act is very likely to pass. Follows that those with the highest UE contribute a higher proportion of the cost – therefore equitable)*
- e. Recommendation is to include proposed timing to take the action but must be in any case be within 5 years (unless agreed with CHCC to be longer) and aligned with any proposal on adjoining property.
- f. Levy to be struck based on UE.
- g. DA / CC lodged with CHCC.

## PART 8

### SIGNATURES, CONSENTS AND APPROVALS

**DATED**.....day of .....

\*Signature/\*seal of developer/\*developers authorised agent

.....

Signature of witness

.....

Name, address and occupation of witness

.....

.....

.....

#### CERTIFICATE OF APPROVAL

It is certified:

that the consent authority has approved of the development described in Development Application No.....; and the terms and conditions of this management statement are not inconsistent with the development as approved.

Date: .....

Signature on behalf of consent authority

.....

*# Information marked with this symbol is included to assist in completion of the form and need not be reproduced on the finalised management statement.*

*\* Strike out whichever is inapplicable.*

#### Explanatory Note

This is the form of a community management statement referred to in regulation 40(1). A community management statement is required to be lodged along with a community plan (see s.5). Further particulars relating to a community management statement are contained in Schedule 3 of the Act.

Attention is drawn to the binding effect of a management statement, details of which are contained in s.13 of the Community Land Management Act 1989. For provisions dealing with amendment of a management statement see ss.14 and 17 of the Community Land Management Act 1989.



# Appendix 5

Letter From Residents Of Beachfront Close

The Owners Corporation  
Community Plan of Subdivision DP 270198  
Beachfront Close, Sapphire Beach, 2450, NSW

14 September 2009

Director – Coastal Assessments  
Department of Planning  
GPO Box 39, Sydney NSW 2001

Dear Sir,

**Sapphire Beach Residential Subdivision – Application No. 06\_0148 Mod 1 and 09\_0060**

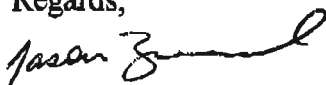
The owners of Pelican Beach Resort have asked that we provide you with reasons why we do not want their new subdivision road to connect to Beachfront Close. Without an EGM I cannot provide you with an official letter in the time requested but I can confirm that I have spoken to other owners and I can confirm they are of the same view that I am and as I indicated to Mr. Jenner a couple of weeks ago which is that we do not want their road connected to Beachfront Close. If it were put to an EGM I am very confident the vote would confirm my view for the following reasons;

- Beachfront Close is a private road and the liability issues that might arise from a connection to Pelican Beach would not be acceptable.
- The road was never designed for the possible volumes of traffic that could occur if the connection is made. The road is winding with part of it very narrow and suspended. The road is single lane with only 1 single passing bay.
- Beachfront Close is a small & unique enclave. The privacy & security of the estate is much enjoyed as a private cul-de-sac with no thru road. This limits traffic to residents & guests.

This appeal is one of the foremost reasons landowners have decided to purchase in this exclusive & valuable estate.

Mr Jenner has also provided us with revised sections through the boundary with our property indicating the fill will be battered to existing ground on our side and planted with low shrubs and bushes with a fence at the bottom of the batter. Their new road will have a retaining wall adjacent our cul-de-sac. Again if put to the Community Association at an EGM I am confident these arrangements are now acceptable.

Regards,



Jason Zuvela  
Representative of the Executive Committee

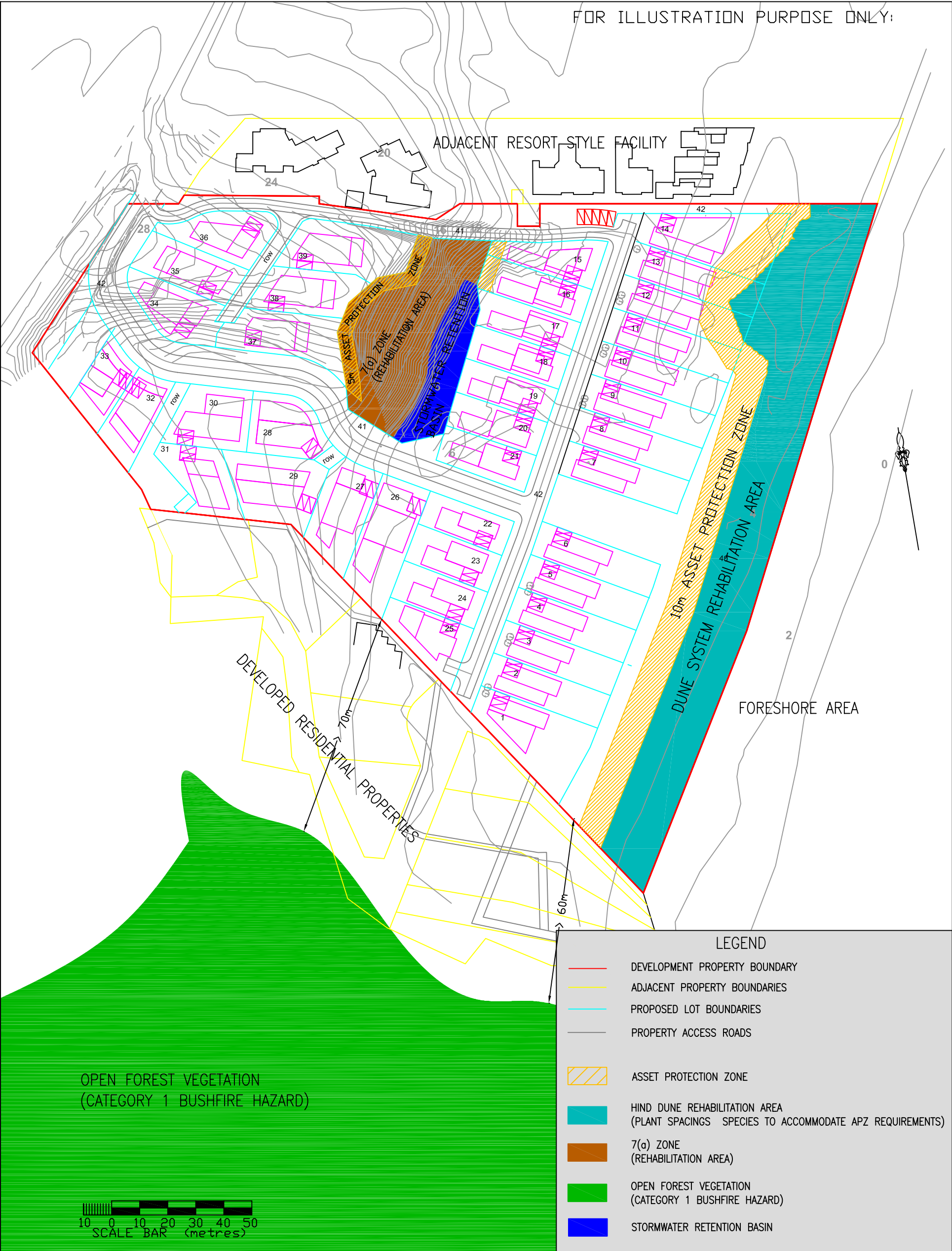


# Appendix 6

Revised APZ Plan







ATTACHMENT 1  
VEGETATION  
COMMUNITIES/  
DWELLING LOCATION

BushfireSafe  
Services  
20 McLachlan Street  
Maclean NSW 2463  
PH: 02) 66451088  
Fax: 02) 66451099  
[www.bushfiresafe.com.au](http://www.bushfiresafe.com.au)

PROJECT:  
Bushfire Hazard  
assessment for proposed  
community title residential  
subdivision for Pelican  
Beach Resort Coffs  
Harbour

SIZE DATE: May  
2009

SCALE: @ A3

CLIENT:  
Sapphire Beach  
Developments Pty Ltd  
Northsydney

REF# 9039

SHEET

NOTES:  
This drawing was prepared by  
Bushfiresafe (Aust) P/L to  
demonstrate the identified  
vegetation communities and site  
layout of the proposed  
development and should not be  
used for any other purpose.

