

**SUPPLEMENTARY DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT
REPORT ON 'MOONEE WATERS' RESIDENTIAL SUBDIVISION,
LOT 66 DP 551005, PACIFIC HIGHWAY, MOONEE BEACH**

1. BACKGROUND

This is a supplementary Director-General's Environmental Assessment Report for Part 3A concept plan project 05_0064, 'Moonee Waters' Residential Subdivision at Moonee Beach in the Coffs Harbour local government area.

On 1 June 2011, the Department presented its Director-General's Environment Assessment Report to the Planning Assessment Commission (the Commission). Following consideration of the report, the Commission requested:

- additional information in respect of sewer infrastructure provision to the site;
- additional information in respect of the long term management of stormwater infrastructure; and
- additional information on how the proposal addresses several planning policies.

The following supplementary report addresses these matters and where relevant, further terms of approval are recommended to address the Commission's request.

2.1 SEWER

As part of the concept plan, the proponent identified an indicative route for the sewer (and water supply) mains to service the site. These mains were proposed to follow the general alignment of the existing cleared electricity easement which runs parallel to the Pacific Highway (the land also identified for the collector road) and then east along the Crown Road to access the southern precinct. Several pumping stations are also proposed, with two identified within the conservation area (one servicing the northern precinct, the other serving the southern precinct).

The Department notes that whilst the collector road is not recommended for approval, the terms of the concept plan instrument do not limit the proponent's ability to seek to locate the sewer and other mains along the general alignment of the existing electricity easement, or along the Crown Road, provided relevant landowner's consent is obtained.

In light of the recommended modifications to the proposal, including the deletion of the northern precinct and deletion of the construction of the collector road, the Commission queried how sewer was to be disposed of from the site. The Commission also noted that currently, several sewer pumping stations are proposed to be located within the conservation area. To minimise disturbance of this land, the Commission directed that such infrastructure not be located within the conservation area.

To address the Commission's issues, the Department has drafted two further terms in the concept plan instrument:

- a modification to the concept plan to restrict pumping stations and other sewer infrastructure from being located within the conservation area (new Term B12); and
- in the Future Environmental Assessment Requirements (for the development application for subdivision for the approved portion), a new requirement C1(o) that future application/s assess infrastructure needs and identify the location of infrastructure.

The additional recommended Terms are presented below:

Term B12

No sewer infrastructure, including sewer pumping stations is permitted within the conservation area (including buffer area).

Term C1(o)

Pursuant to section 75P(2)(c) of the Act, the following environmental assessment requirements apply with respect to future applications for the carrying out of subdivision within the southern precinct...

(o) Details of infrastructure requirements for the proposal, including its location and the need for any staging of infrastructure works. Relevant consultation with service providers is to be undertaken;

2.2 STORMWATER MANAGEMENT

The Commission raised concern with the long term management and maintenance of stormwater infrastructure at the site. As proposed, the proponent has committed to undertaking stormwater management on the site incorporating water sensitive urban design principles. This was reflected in the recommended terms of approval.

As only concept plan approval is sought, it is not possible to impose detailed conditions in respect of stormwater management. Nevertheless, the terms of the concept plan approval can provide further guidance with respect to the content of future development applications for the site, including specifying what detail is to be provided in respect of stormwater management. In this regard, the Department has prepared an amended assessment requirement which is provided below:

Term C1(g)

Pursuant to section 75P(2)(c) of the Act, the following environmental assessment requirements apply with respect to future applications for the carrying out of subdivision within the southern precinct...

(g) details of stormwater management incorporating water sensitive urban design principles, including details of the on-going management and maintenance of the infrastructure and who is responsible for management and maintenance works;

2.3 PLANNING POLICIES

Further detail was requested by the Commission in respect of the Department's consideration of the proposal against the *North Coast Regional Environmental Plan*, the *Coffs Harbour Koala Plan of Management* and the *Moonee Creek Estuary Management Plan*. This further detail is provided over.

North Coast Regional Environment Plan

As discussed in the Director-General's environmental assessment report, the North Coast REP provides a framework for policy preparation for the North Coast region. As such, many of the provisions are not relevant to this proposal. For those provisions that are relevant, whilst the proposal complies with the majority, there are several which the proposal does not comply with. In general, when the northern precinct is removed, the proposal either complies, or the non-compliance is lessened. The particular provisions where compliance is an issue are detailed in a table provided at **Attachment A**.

Coffs Harbour City Koala Plan of Management

Much of the site, including the areas of the development precincts, is identified as secondary koala habitat under the Coffs Harbour City Koala Plan of Management. The following table provides a summary of the matters where the proposal is not compliant with the Plan. As discussed in the Director-General's report, by deleting the northern precinct, the degree of non-compliance is lessened. The table at **Attachment A** provides further detail.

Moonee Creek Estuary Management Plan

The Moonee Creek Estuary Management Plan seeks to protect the Moonee Creek estuary and identifies strategies to achieve this. Whilst the majority of the strategies are not relevant to the subject proposal, there are a couple of matters where the proposal does not meet the objectives of the Plan. These are detailed in a table provided at **Attachment A**.

CONCLUSION

The Department has prepared an amended instrument of determination addressing the above matters, should the PAC chose to approve this application. This is **Attachhment B**.



10/6/11

Richard Pearson
**Deputy Director-General
Development Assessment and
Systems Performance**

Contact: Joanna Bakopanos
Metropolitan and Regional Projects North
(02) 9228 6327

North Coast Regional Environment Plan

MATTERS	COMPLIANCE AS PROPOSED	COMMENTS
PART 1 PRELIMINARY		
2 AIMS		
(c) to provide a basis for the co-ordination of activities related to growth in the region and encourage optimum economic and social benefit to the local community and visitors to the region,	No	The northern precinct does not represent orderly development as it is not contiguous with other residential land
PART 3: CONSERVATION AND THE ENVIRONMENT		
DIVISION 1 THE NATURAL ENVIRONMENT		
CLAUSE 28: OBJECTIVES		
<p>The objectives of this plan in relation to the natural environment are:</p> <p>(a) to protect areas of natural vegetation and wildlife from destruction and to provide corridors between significant areas,</p> <p>(b) to protect the scenic quality of the region, including natural areas, attractive rural areas and areas adjacent to water bodies, headlands, skylines and escarpments, and</p> <p>(c) to protect water quality, particularly within water catchment areas.</p>	No	<p>The proposal would result in the removal of more than 21 ha of native vegetation and impact on an identified sub-regional corridor.</p> <p>Deleting the northern precinct would remove the impact to the sub-regional corridor on the site and reduce the amount of vegetative loss (reduction of approximately 14 hectares)</p>
DIVISION 2 COASTAL DEVELOPMENT		
CLAUSE 30: OBJECTIVES		
(a) to enhance the visual quality of the coastal environment,	No	As proposed, the extent of vegetation loss will have a detrimental impact on the visual amenity of the coast or coastal zone in this location. This impact is considerably reduced as the southern precinct abuts existing residential land.
(f) to encourage retention of natural areas and regeneration of those natural areas which are already degraded.	No	The project would result in the removal of more than 21 ha of native vegetation. This is reduced with the deletion of the northern precinct. It is acknowledged that the proponent proposes rehabilitation works within the conservation area.
CLAUSE 43: DEVELOPMENT CONTROL – RESIDENTIAL DEVELOPMENT		
<p>(1) The Council shall not grant consent to development for residential purposes unless:</p> <p>(d) it is satisfied that the road network has been designed so as to encourage the use of public transport and minimise the use of private motor vehicles,</p>	No	Future residents of the subdivision would be largely dependent on private motor vehicles for transport.

Coffs Harbour City Koala Plan of Management

RELEVANT REQUIREMENTS	COMPLIANCE AS PROPOSED	COMMENTS
AIMS & OBJECTIVES		
Encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline	No	As proposed, the proposal would result in the removal of more than 21 ha of native vegetation that is koala habitat. It is acknowledged that koala habitat will be maintained in the conservation area. Deleting the northern precinct would reduce the loss of habitat.
Map identified koala habitats in Coffs Harbour LGA	Yes	Much of the subject site has been identified as secondary koala habitat.
Identify the locations of koala populations in Coffs Harbour LGA	Yes	While no koalas have been identified on the site, koala scats have been located beneath a number of trees across the site (including in the development precincts).
Protect important koala habitat such that viable koala populations will be maintained across their current range within the Coffs Harbour LGA	No	Despite the site being identified as koala habitat the proposed development would result in the removal of more than 20ha of koala habitat. The proposal to protect and maintain the conservation area and the Department's recommended modification to delete the northern precinct would lessen this impact to an acceptable level.
Stabilise or reverse the threats to koalas, particularly habitat clearing and fragmentation, and high mortality levels from collision with vehicles, dog attack, fire and disease, particularly <i>Chlamydia</i> .	No	The proposal would result in clearing of koala habitat on the site and fragmentation of habitat, however the proposal to protect and maintain the conservation area (including appropriate fire management) and the Department's recommended modification to delete the northern precinct as well as the imposition of the condition to restrict dogs from the site would lessen this impact to an acceptable level.
Manage and restore koala habitat	No	The proposal would result in the loss of large areas of koala habitat on the site, however the proposal to protect and maintain the conservation area and the Department's recommended modification to delete the northern precinct and include it within the conservation area will ensure that koala habitat is appropriately restored and managed. .
Identify the responsibility for specific areas of management	N/A	
Involve the community in the process of local koala conservation	N/A	
Provide information and support for local koala care and welfare groups	N/A	
Provide a focus for a co-ordinated approach to koala management across the region	No	The proposal does not comply with the Koala Plan of Management and, as such, does not

		provide for a coordinated approach to koala management in the Coffs LGA. The recommended modifications to the development layout, management of domestic animals and the conservation area will ensure best practice koala habitat management for the site.
Secondary Koala Habitat		
Objective		
To minimise further loss, fragmentation or isolation of existing secondary koala habitat and the creation of barriers to koala movement and, where appropriate, to encourage restoration of koala habitat.	No	The proposal would result in the loss of more than 21 ha of secondary koala habitat and create barriers between retained secondary koala habitat. The recommended modifications to the development layout and addition of the northern precinct to the conservation area will ensure compliance with this objective.

Controls		
<p>The following tree species should not be removed.</p> <p>Tallowwood <i>Eucalyptus microcorys</i>, Swamp Mahogany <i>E. robusta</i>, Flooded Gum <i>E. grandis</i> (except when part of a forest plantation), Forest Red Gum <i>E. tereticornis</i>, or Small fruited Grey Gum <i>E. propinqua</i>, unless the development will not significantly destroy, damage or compromise the values of the land as koala habitat.</p> <p>In assessing an application the consent authority shall take into consideration:</p> <ul style="list-style-type: none"> • that there will be minimal net loss of Secondary Koala Habitat; • the level of significance to koalas of the trees proposed to be removed; • the number of trees proposed to be removed in relationship to the extent and quality of adjacent or nearby Primary and/or Secondary Koala Habitat; • the threats to koalas which may result from the development; • all other options for protecting koala trees as listed above; and • the impacts to existing or potential koala movement corridors; • Whether the land is accredited under the <i>Timber Plantation (Harvest Guarantee) Act 1995</i> 	No	<p>As proposed, the proposal would result in the removal of more than 21 ha of vegetation that includes all of the species listed (except the Small Fruited Grey Gum).</p> <p>Deleting the northern precinct would proportionally increase the retained:lost ratio of these species on the site.</p>
The consent authority shall not grant consent to the carrying out of development in areas identified as Secondary Koala Habitat unless	No	As proposed, the proposal would result in barriers to koala movement, loss of trees species identified as important to koalas and

<p>it is satisfied that:</p> <ul style="list-style-type: none"> • The proposal will not result in significant barriers to koala movement; • Boundary fencing does not prevent the free movement of koalas; • Lighting and koala exclusion fencing is provided where appropriate on roadways adjacent to koala habitat; • Trees species listed above under Secondary Koala Habitat are retained, where possible; • New local roads are designed to reduce traffic speed to 40 kph in potential koala blackspots; • Preferred koala trees are used in landscaping where suitable; <ul style="list-style-type: none"> • Threats to koalas by dogs have been minimised ie. Banning dogs or confining of dogs to koala proof yards; • Fire protection zones, including fuel reduced zones and radiation zones, are provided generally outside of Secondary Koala Habitat. 		<p>the provision of strategic fire advantage zones within koala habitat.</p> <p>The modified proposal, as recommended, removes the need for strategic fire advantage zones by deleting the western road and prohibits dogs. The deletion of the northern precinct also reduces the barriers to koala movement across and within the site.</p>
---	--	---

Moonee Creek Estuary Management Plan

STRATEGY	COMPLIANCE AS PROPOSED	COMMENTS
G- Identification and protection of cultural heritage sites	No	As proposed, the southern precinct would impact on two potential scarred trees. With the recommended modification, the western road where the potential items have been identified has not been approved and as such, there is opportunity to keep these potential scarred trees outside the development footprint. Future applications will need to address this issue.
K – Ensure future urban developments are compassionate to the environment	No	As proposed the proposal is not considered to be compassionate to the environment. Limiting the development footprint to an area contiguous to other residential development lessens the environmental impact.
N – Ensure wildlife corridors are catered for within plans and future proposals	No	As proposed, the proposal would adversely impact on the east-west sub-regional wildlife corridor. This impact is removed by the deletion of the northern precinct.