



# RFS



Coffs Harbour City Council  
Locked Bag 155  
COFFS HARBOUR NSW 2450

Your reference: (REF-3087) PP-2022-3059  
Our reference: SPI20240902000165

**ATTENTION:** Marten Bouma

Date: Tuesday 1 October 2024

Dear Sir/Madam,

**Strategic Planning Instrument  
Rezoning – Planning Proposal  
Coffs Harbour Local Environmental Plan 2013 - Rezoning - Large Lot Residential and Zone C2 Environmental  
Conservation**

I refer to your correspondence dated 30/08/2024 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The Planning Proposal is to rezone rural land for rural residential purposes. The Planning Proposal also includes the conservation of an existing vegetative riparian corridor.

Future subdivision is to comply with Planning for Bushfire Protection guidelines.

For any queries regarding this correspondence, please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely,

Allyn Purkiss  
**Manager Planning & Environment Services  
Built & Natural Environment**

**Postal address**

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

**Street address**

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

**T** (02) 8741 5555  
**F** (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

Ms Natalia Cowley  
General Manager  
City of Coffs Harbour  
Locked Bag 155  
COFFS HARBOUR NSW 2450

[coffs.council@chcc.nsw.gov.au](mailto:coffs.council@chcc.nsw.gov.au)

Attention: Marten Bouma

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Planning Proposal PP-2022-3059 – Rezoning Lots 1 & 2 DP 1093448, 218 East Bank Road, Coramba

Dear Ms Cowley,

Thank you for your referral of the above planning proposal via the NSW Planning Portal and the opportunity to provide comment on the proposed amendment to the Coffs Harbour Local Environmental Plan 2013 (LEP) to rezone RU2 Rural Landscape zoned land at 218 East Bank Rd, Coramba to part R5 Large Lot Residential and part C2 Environmental Conservation.

The NSW Department of Primary Industries and Regional Development, Agriculture and Biosecurity (the Department) collaborates and partners with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.

We note the subject land has been strategically justified and identified in the East Bank Road Coramba Candidate Area for Rural Residential Investigation within Chapter 6 of the Coffs Harbour Local Growth Management Strategy (LGMS) and that the LGMS has been endorsed by the Department of Planning, Housing and Infrastructure (DPHI). The Department therefore does not object to the proposal.

We also note that a Land Use Conflict Risk Assessment (LUCRA) was not prepared for the proposal given the risk of the proposal to agriculture within the vicinity was considered low. A LUCRA can be used in any situation, not just where agricultural uses are involved, to identify potential, actual and perceived risks between land uses. The proposal is located adjacent to Orara East State Forest. The proposal will increase the number of sensitive receivers adjacent to the forestry activities and has the potential to increase land use conflict.

Strategy 10.1 of the North Coast Regional Plan 2041 seeks to *enable the development of the region's natural, mineral and forestry resources by avoiding interfaces with land uses that are sensitive to impacts from noise, dust and light interference.*

A Land Use Conflict Risk Assessment (LUCRA) should be undertaken to identify land use conflict risks between the proposed development and forestry activities, and to identify potential risk mitigation measures. Consultation with the Forestry Corporation of NSW will be required as part of the LUCRA process.

The LUCRA process provides a comprehensive assessment of the land use conflict risks associated with the proposal and will also provide a more informed assessment of any potential risks with the proposal and agricultural activities in the locality.

Should you require clarification on any of the information contained in this response, please do not hesitate to contact me on 0412 424397 or by email at [landuse.ag@dpird.nsw.gov.au](mailto:landuse.ag@dpird.nsw.gov.au).

Sincerely



Selina Stillman  
A/Manager, Agricultural Land Use Planning  
DPIRD Agriculture and Biosecurity

8 October 2024

20 September 2024

**Marten Bouma**  
**marten.bouma@cchc.nsw.gov.au**  
**Coffs Harbour City Council**  
**Via: C&R Planning Portal**

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**ADVICE RESPONSE: PP-2022-3059 COFFS HARBOUR – Rezoning of 218 East Bank Rd CORAMBA**

Dear Marten

I refer to your correspondence dated 2 September 2024 inviting the Department of Primary Industries and Regional Development - NSW Resources to provide comments on the PP-2022-3059 COFFS HARBOUR – Rezoning of 218 East Bank Rd CORAMBA (the Project) submitted by Kelly Hunter (the Proponent).

NSW Resources has reviewed the information supplied in relation to the matter and section 9.1(2) of the *Environmental Planning and Assessment Act 1979*, Direction 8.1 Mining, Petroleum Production and Extractive Industries. Based on the review, NSW Resources has no resource sterilisation issues to raise regarding the matter at this stage.

For further advice on this matter, please contact Pamela Gould, GIS & Coordination Officer, Industry Advisory and Mining Concierge unit - Industry Development branch on 02 4063 6860 or [mining.concierge@regional.nsw.gov.au](mailto:mining.concierge@regional.nsw.gov.au).

Sincerely



**Sofia Kallinis**

Acting Manager Industry Advisory and Mining Concierge  
Industry Development  
Department of Primary Industries and Regional Development – NSW Resources

for

**Tony Linnane**

Executive Director Strategy, Performance and Industry Development  
Department of Primary Industries and Regional Development - NSW Resources



# Coffs Harbour & District Local Aboriginal Land Council

Cnr Pacific Highway & Arthur Street, Coffs Harbour 2450

PO Box 6150, Coffs Harbour Plaza NSW 2450

Phone (02) 6652 8740

Email [admin@coffsharbourlalc.com.au](mailto:admin@coffsharbourlalc.com.au)

1<sup>st</sup> April 2025

Attention: Jim Cleary  
218 East Bank Road  
CORAMBA NSW 2450

Dear Jim

## **Assessment under the Coffs Harbour Aboriginal Cultural Heritage Management Plan**

Thank you for your submission of information to the Coffs Harbour and District Local Aboriginal Land Council regarding a Request to Amend Coffs Harbour Local Environmental Plan (LEP) 2013 at 218 East Bank Road – CORAMBA NSW 2450

It was noted that during assessment, the property in question is located with Known/Predictive mapping

In accordance with Section 3.3.3 of the Coffs Harbour Aboriginal Cultural Heritage Management Plan, and following a review of the submitted information, it has been determined that further assessment is necessary at DA stage in relation to Aboriginal Cultural Heritage.

The Land Council advised that the following conditions be imposed on any relevant notice of determination.

- Requiring that a site office with authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85, is present on site during the disturbance of below ground (sub surface) works.
- Processes relating to the discovery of relics or Aboriginal objects.

This letter acknowledges that notification pursuant to Clause 5.19(8) of Coffs Harbour Local Environmental Plan 2013 has been undertaken.

For further information please contact Chris Spencer on (02) 6652 8740.

Regards

*per Angela Lawan*

Christopher Spencer  
Chief Executive Officer



Acting General Manager  
City of Coffs Harbour  
Locked Bag 155  
COFFS HARBOUR NSW 2450

Attention: Ms Sian Young

Dear Mr Beswick

**RE: Planning Proposal, Lots 1 & 2 DP 1093448, 218 East Bank Road Coramba, City of Coffs Harbour (PP-2022-3059) – Amended Flood Risk Assessment**

Thank you for your email dated 25 March 2025 about the amended Flood Risk Assessment (FRA) for the Planning Proposal at 218 East Bank Road Coramba, seeking comments from the Conservation Programs, Heritage and Regulation Group (CPHR) of the NSW Department of Climate Change, Energy, the Environment and Water. I appreciate the opportunity to provide further input.

CPHR has reviewed the amended FRA dated 28 Feb 2025 prepared by Downs Roadside Engineering and we provide the following comments.

The amended FRA recommends mitigation of the impacts and dangers of isolation using Primary and Secondary Emergency Evacuation Routes (EER). The Primary route is via East Bank Rd - Coramba Rd to Coffs Harbour. The Secondary Route is via Burra Fire Rd - Rocky Trail - Mount Coramba Rd to the Pacific Highway.

The Primary EER experiences inundation during a flood event less than 24 hours for events up to and including the 1% AEP. This level of isolation is commonly experienced across rural catchments in NE NSW.

The Secondary EER is via gravel roads in steep terrain and State Forests. This route would be unsafe and unsuitable for 2WD vehicles in a flood event. It may also be unsafe for 4WD vehicles in a flood event.

The NSW Government guideline 'Support for Emergency management planning, Flood risk management guideline EM01, DPE 2023' recognises there is no evidence-based method for determining a safe or tolerable duration of isolation that may result from flooding.

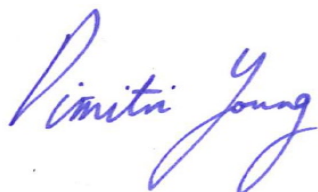
In summary, CPHR considers the amended FRA provides more detailed assessment on potential isolation during flood events and recommends it be referred to the State Emergency Services for review and comment on the suitability of the planning proposal.

Also, we note the new subdivision layout as provided within the amended FRA would not be supported by CPHR. As per our email dated 25 November 2024, new lot boundaries are to be

located outside C2-zoned land which, as per the planning proposal, is also proposed to have a 40 ha minimum lot size.

If you have any further questions about this issue, please contact Ms Elisha Taylor, Senior Conservation Planning Officer North East, CPHR, on 6659 8279 or at [elisha.taylor@environment.nsw.gov.au](mailto:elisha.taylor@environment.nsw.gov.au).

Yours sincerely



**DIMITRI YOUNG**  
**Senior Team Leader Planning North East**  
**Conservation Programs, Heritage and Regulation**

11 April 2025

Your ref: PP-2022-3059  
Our ref: DOC24/715337-14

General Manager  
Coffs Harbour City Council  
Locked Bag 155  
COFFS HARBOUR NSW 2450

Attention: Mr Marten Bouma

Dear Ms Cowley

**RE: Planning Proposal, Lots 1 & 2 DP 1093448, 218 East Bank Road Coramba, Coffs Harbour City Council (PP-2022-3059)**

Thank you for your email dated 30 August 2024 about the Planning Proposal at Lots 1 & 2 DP 1093448, 218 East Bank Road Coramba seeking comments from the Biodiversity, Conservation and Science Group (BCS) of the NSW Department of Climate Change, Energy, the Environment and Water. I appreciate the opportunity to provide input.

BCS has responsibilities relating to biodiversity (including threatened species and ecological communities, or their habitats), flooding, and coastal processes and associated hazards, and provides comment on issues affecting National Parks and Wildlife Service estate.

We have reviewed the documents supplied and advise that, although we have no issues to raise about applying the R5 zone across much of the planning area and the proposed C2 zone through the centre of the planning area, several issues are apparent with the extent of the HEV and C2 zone proposed across the site.

BCS expects the planning proposal can be revised to enable the protection of HEV land through C2 zoning and still achieve a suitable R5 lot configuration appropriate for the site. These issues are discussed in detail in **Attachment 1** to this letter.

In summary, BCS recommends that:

1. All remnants of vegetation types WSF01, WSF03, WSF03e, WSF09 and NRV01 in the planning area be subject to targeted threatened flora survey in accordance with the published guidelines *Surveying threatened plants and their habitats* (OEH 2020) to verify the extent of key threatened flora species habitat on site, and all remnants where threatened flora are recorded be zoned C2 – Environmental Conservation.
2. If additional targeted threatened flora survey of all remnants of vegetation types WSF01, WSF03, WSF09 and NRV01 in the planning area are not undertaken, then all these remnants be zoned C2 – Environmental Conservation.
3. The C2 – Environmental Conservation zone be expanded to more closely align with the canopy extent of remnant woody vegetation in the planning area.

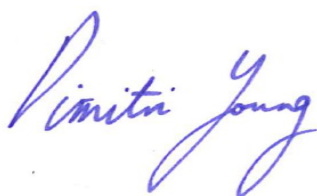


4. Further koala survey be undertaken in the planning area in accordance with NSW guidelines to validate Koala presence on the site and any areas where koala is detected be zoned C2 – Environmental Conservation.
5. If further koala surveys are not undertaken, then the extant vegetation in the planning area identified as Koala habitat by the Coffs Harbour Koala Plan of Management be zoned C2 – Environmental Conservation.
6. The Biodiversity Assessment and Addendum be updated to identify the planning area as being located within an over-cleared landscape (Mitchell landscapes) in accordance with identifying HEV areas for planning proposals (Attachment 2 below) and consideration be given to applying the C2 zone to all native vegetation occurring in the planning area.
7. The Biodiversity Assessment and Addendum be revised to remove references to the BOS clearing threshold for the future subdivision of the land.
8. Flood modelling assessment be undertaken following guidelines for potential blockage of culverts, noting that upgrade of culverts may be required.
9. The Planning Proposal be revised to assess access to the major regional centre of Coffs Harbour, which provides medical, food and other essential services, for the full range of flood events in its assessment of potential isolation.
10. The Planning Proposal be informed by advice from the local State Emergency Services to determine possible impacts on State Emergency Services functions.

Please also refer to the DCCEEWS BCS North East Branch guidelines provided in **Attachment 2** for further detailed advice about undertaking biodiversity assessment for planning proposals with respect to identifying HEV land.

If you have any further questions about this issue, please contact Ms Elisha Taylor, Senior Conservation Planning Officer North East, BCS, on 6659 8279 or at [elisha.taylor@environment.nsw.gov.au](mailto:elisha.taylor@environment.nsw.gov.au).

Yours sincerely



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

30 September 2024

Enclosures:

Attachment 1: Detailed DCCEEWS BCS Comments – Planning Proposal, 218 East Bank Road Coramba  
Attachment 2: DCCEEWS BCS NE Branch Approach to Biodiversity Assessment for Planning Proposals

## Attachment 1: Detailed DCCEW BCS Comments – 218 East Bank Road Coramba

The Biodiversity, Conservation and Science Group (BCS) of the NSW Department of Climate Change, Energy, the Environment and Water has reviewed the Planning Proposal and associated documentation for Lots 1 & 2 DP 1093448, 218 East Bank Road Coramba, and we provide the following comments.

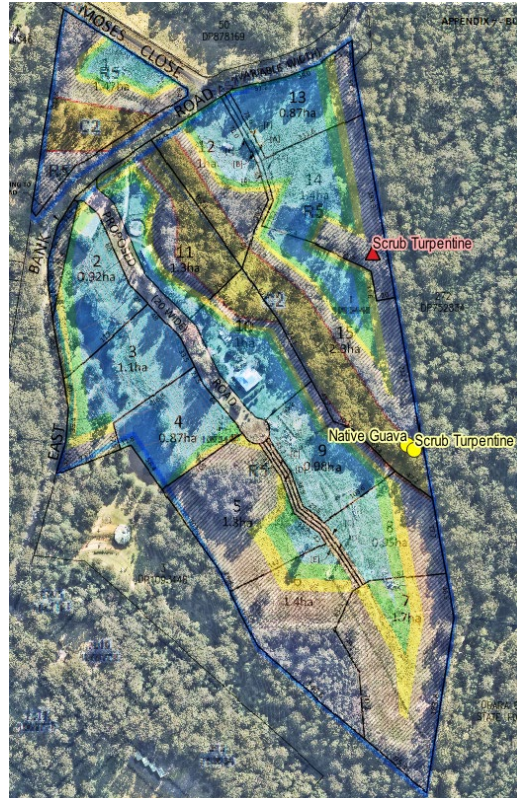
The C2 – Environmental Conservation zone has not been applied to all areas of key threatened species habitat

Strategy 3.1 of the North Coast Regional Plan 2041 (NCRP) requires planning proposals to focus land-use intensification away from high environmental value (HEV) assets and implement the ‘avoid, minimise and offset’ hierarchy. Strategy 3.1 also recommends applying appropriate mechanisms, such as conservation zones to HEV land.

BCS officers inspected the planning area on 17 September 2024. During the brief inspection we recorded the critically endangered scrub turpentine (*Rhodamnia rubescens*) (Plate 1) in an area currently proposed for rezoning to R5 – Large Lot Residential. This record would also be located within the bushfire asset protection zone (APZ) of the applicant’s indicative lot design as shown in Figure 4 of the Bushfire Strategic Study (Plate 2).



**Plate 1:** New record of Scrub Turpentine (*Rhodamnia rubescens*) found during BCS site visit



**Plate 2:** Points showing (Yellow) known and (Red) new records of threatened species overlaid on Bushfire and Land Zoning Maps that form part of the proposal documentation

The detection of an additional individual of this critically endangered plant beyond the proposed C2 zone during our brief site inspection suggests the limited duration of flora survey undertaken to inform the Planning Proposal (i.e. 2.5 hours) may not have been enough to conclusively rule out the occurrence of other threatened flora species in other remnants of native woody vegetation beyond the proposed C2 zone within the planning area.

All native plant community types recorded in the planning area are associated with threatened flora species previously recorded either within or close to the planning area, including scrub turpentine, native guava (*Rhodomyrtus psidioides*) and rusty plum (*Niemeyera whitei*).



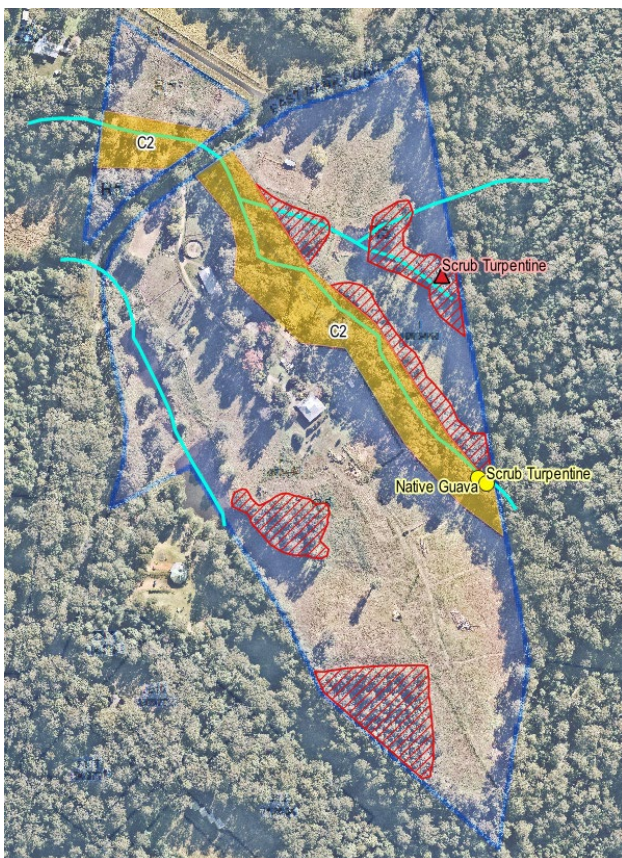
### BCS Recommendations:

1. All remnants of vegetation types WSF01, WSF03, WSF03e, WSF09 and NRV01 in the planning area be subject to targeted threatened flora survey in accordance with the published guidelines *Surveying threatened plants and their habitats* (OEH 2020) to verify the extent of key threatened flora species habitat on site, and all remnants where threatened flora are recorded be zoned C2 – Environmental Conservation.
2. If additional targeted threatened flora survey of all remnants of vegetation types WSF01, WSF03, WSF09 and NRV01 in the planning area are not undertaken, then all these remnants be zoned C2 – Environmental Conservation.

### The proposed C2 zone does not capture the extent of HEV land in the planning area

Whilst BCS supports C2 zoning of the HEV land identified through the middle of the planning area, the extent of this zone does not appear to reflect the extent of the mapped vegetation community presented within the Biodiversity Assessment and Addendum (BAA) prepared for the Planning Proposal, as observed by BCS during our site inspection. For example, BCS staff were able to confirm the presence of threatened species within the proposed C2 Zone, however, these individuals appear to be located close to the boundary of the proposed R5 zoned lands despite adjacent intact habitat occurring within the proposed R5 zone.

Clearing from rural residential development resulting in edge effects is a known threat to the Scrub Turpentine and Native Guava, both of which are listed as Critically Endangered under the *NSW Biodiversity Conservation Act 2016* and as Serious and Irreversible Impact entities for the purposes of the Biodiversity Assessment Method (BAM) 2020.



**Plate 3:** BCS annotated figure showing Red hatched vegetation extent in areas considered to be representative of HEV areas. Note – Light Blue line shows indicative area of the 'Drainage Alignment' illustrated as per Figure 1 of the Land Capability Assessment.

Increasing the extent of the proposed C2 zone to include the canopies of trees along the boundary with the proposed R5 zone, would appropriately capture the extent of HEV land associated with these threatened flora species.

*BCS Recommendation:*

3. The C2 – Environmental Conservation zone be expanded to more closely align with the canopy extent of remnant woody vegetation in the planning area.

Additional survey work is required to align with the Koala BAM Survey Guide for detecting Koala presence in the planning area

The Coffs Harbour Koala Plan of Management (KPOM) maps the vegetation in the planning area as secondary and tertiary koala habitat. Whilst this vegetation is not mapped as Core Koala habitat in the KPOM, Koala (*Phascolarctos cinereus*) is a listed threatened species under the *NSW Biodiversity Conservation Act 2016* and its known habitat qualifies as HEV land because it is key threatened species habitat.

The BAA states the Spot Assessment Technique was undertaken using the BAM and detected no koala scats. However, Section 3.5 of the Koala (*Phascolarctos cinereus*): BAM Survey Guide specifies, “*the minimum survey effort to detect koala presence on the subject land requires the total effort for two standard survey methods to be met. A scat detection method, which may indicate past occupancy, must be paired with a non-scat detection method*”. It does not appear that a second survey method was carried out. Also, the scat searches as documented in the BAA, do not appear to include a site within the discrete patch of vegetation described as ‘CH\_WSF09’ and in accordance with section 4.1.3 of the method. Given the vegetation in the planning area has dense ground cover which strongly reduces the probability of scat detection, BCS advises additional survey work for koala is required.

We also note the BAA does not acknowledge the Koala record located just outside the Eastern Boundary of proposed Lot 7. This recent record is less than two years old and includes a photo of a koala scat detected underneath a tallowwood. The use of the adjacent area by Koala, suggests the habitat in the planning area is also likely to be used by the species. Tallowwoods were common in the vegetation community described as ‘NRV01’ in the planning area and also occurred in other vegetation communities described as WSF03 and WSF09 in the BAA.

*BCS Recommendation:*

4. Further koala survey be undertaken in the planning area in accordance with NSW guidelines to validate Koala presence on the site and any areas where koala is detected be zoned C2.
5. If further koala surveys are not undertaken, then the extant vegetation in the planning area identified as Koala habitat by the Coffs Harbour KPOM be zoned C2.

The planning area is located within an over-cleared Mitchell landscape

Over-cleared Mitchell Landscapes have not been considered in the BAA, which is a component of identifying HEV areas. Upon review of the available spatial data, the planning area is located within the over-cleared ‘Clarence-Richmond Alluvial Plains’ landscape. As such, all native vegetation within the over-cleared landscape qualifies as HEV land.

BCS expects all intact vegetation in the planning area would be zoned C2 unless significant justification is provided in the Planning Proposal for applying different zone.

6. The BAA be updated to identify the planning area as being located within an over-cleared landscape (Mitchell landscapes) in accordance with identifying HEV areas for planning

proposals (Attachment 2 below) and consideration be given to applying the C2 zone to all native vegetation occurring in the planning area.

The potential for future proposed development to exceed the Biodiversity Offset Threshold is unknown

The BAA states on page 22 that no clearing of native vegetation is proposed for the subdivision or subsequent development and the proposal does not exceed the Biodiversity Offset Scheme (BOS) clearing threshold. When assessing the BOS threshold, the assessor must consider the extent of vegetation clearing required for all components of the fully realised subdivision, which would include (but not be limited to) dwelling locations (building envelopes), access roads, on-site effluent disposal areas, bushfire APZs, and fence clearing entitlements for new property boundaries. Vegetation clearing required for such components of a future subdivision cannot be accurately determined until a detailed subdivision design has been formulated.

*BCS Recommendation:*

7. The BAA be revised to remove references to the BOS clearing threshold for the future subdivision of the land.

The planning proposal requires further consideration of flood modelling, site access and State Emergency Services (SES) advice

The planning area contains two small gullies, which are impacted by local flooding. Modelling of local flooding has been undertaken and results are included in 'Appendix 10 - Floods Risk Assessment' accompanying the Planning Proposal. Suitable building areas could be established in the planning area free from impacts of local catchments and the Orara River flooding above Probable Maximum Flood (PMF) flood levels. Flood modelling for the planning area does show the 1% Annual Exceedance Probability (AEP) over topping East Bank Road with a hazard category of H1.

Flooding in the Orara River catchment is a major consideration and constraint for any development in the valley. East Bank Road north and south of the planning area is impacted in floods as small as the 5-year Average Recurrence Interval (ARI) event. Any development in the planning area could be isolated in relatively small events, such as the 5-year ARI event, and could be isolated for several days in large flood events.

The planning proposal states, 'development will not unduly burden SES'. SES has performed flood rescues on East Bank Road. The local roads in the vicinity of the planning area are subject to flooding and existing properties experience isolation in flood events. BCS expects the planning proposal would be informed by advice from the local SES to consider possible impacts on SES functions arising from rezoning of the land to R5 – Large Lot Residential.

*BCS Recommendations:*

8. Flood modelling assessment be undertaken following guidelines for potential blockage of culverts, noting that upgrade of culverts may be required.
9. The Planning Proposal be revised to assess access to the major regional centre of Coffs Harbour, which provides medical, food and other essential services, for the full range of flood events in its assessment of potential isolation.
10. The Planning Proposal be informed by advice from the local SES to determine possible impacts on SES functions.

## **Attachment 2: DCCEEW BCS NE Branch Approach to Biodiversity Assessment for Planning Proposals**

### Introduction

This document has been prepared by the Biodiversity, Conservation and Science Group (BCS) NE Branch of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) and is designed to assist applicants, including private landholders, local government and Crown authorities, to identify, consider and protect High Environmental Value (HEV) land when preparing biodiversity assessment reports to accompany Planning Proposals.

[Regional Plans](#) are in place for each region in NSW and must be considered by a planning authority when making strategic land use planning decisions. The approach set out below does not supersede or replace the [Local Environmental Plan Making Guideline](#) (LEP Guideline) and is designed to be read alongside the LEP Guideline where HEV land is applicable, in accordance with the relevant Regional Plan.

In accordance with the [Local Environmental Plan Making Guideline – Attachment C](#), a biodiversity assessment report should accompany standard and complex Planning Proposals particularly for greenfield or urban / rural edge planning proposals, where biodiversity and other environmental values are likely to be present. The proposed scope and methodology for the biodiversity assessment should be confirmed by the applicant at the pre-gateway-lodgement stage, in consultation with council and BCS NE Branch.

Section 3.25 of the *Environmental Planning and Assessment Act 1979* requires local government to consult with the environment agency head if, in the opinion of the council, critical habitat or threatened species, populations or ecological communities, or their habitats, will or may be adversely affected by a Planning Proposal following gateway determination. Such consultation is best informed by a biodiversity assessment report for a Planning Proposal that identifies, considers, and responds to HEV land.

Identifying High Environmental Value (HEV) land at the property scale enables Planning Proposals to achieve the biodiversity goals, directions, and actions in the relevant Regional Plan, and to avoid and minimise adverse effects on threatened species, populations or ecological communities, or their habitats, by:

- applying an appropriate zone to HEV land which has strong conservation objectives and limited land uses, such as a Conservation (C) zone,
- applying an appropriate minimum lot size to HEV land so it cannot be subdivided.
- securing ongoing future management of HEV land through an appropriate mechanism, such as a Biodiversity and Vegetation Management Plan (BVMP).

### Biodiversity Assessment for Planning Proposals

When preparing a Planning Proposal, proponents must have regard to the HEV criteria in Appendix 1 and the five steps set out below, in accordance with Ministerial Directions 1.1 and 3.1, and Questions 7, 8 and 9 of the matters for consideration in the LEP Guideline.

#### *Step 1: Include the entire lot in the planning area.*

The planning area (being the area of land subject to the planning proposal) is to cover the entire cadastral lot or lots, unless only a part of a lot or lots is identified in an adopted planning strategy, in which case the planning area could be limited to just that part of the lot or lots. Proponents and planning authorities are to also anticipate and consider any future works and associated impacts in the planning area that may impact HEV land beyond the planning area.

#### *Step 2: Identify HEV land.*

Proponents are to identify and map HEV land in the planning area via desktop analysis informed by site investigations, as set out in Appendix 1. Where land subject to the Planning Proposal is deemed not to contain HEV land and is not subject to other biodiversity considerations as outlined at Section C of the LEP Guidelines, an applicant can proceed without consulting BCS NE Branch on biodiversity. Where the planning area contains HEV land, applicants are to proceed to Step 3.



*Step 3: Consider biodiversity certification.*

Where suitable and in discussion with BCS NE Branch proponents are to consider undertaking [biodiversity certification](#) of the entire lot in the planning area in conjunction with a [Biodiversity Stewardship Agreement](#) (BSA). Conferring biodiversity certification at the time of the Planning Proposal will negate the requirement for further biodiversity assessment and approvals under the *Biodiversity Conservation Act 2016* when preparing development applications. This streamlined approach will achieve greater biodiversity outcomes, minimise costs and save time. Entering a BSA has the potential to generate revenue for landholders to conserve their land.

*Step 4: Where biodiversity certification is not feasible, apply appropriate planning mechanisms to protect HEV land.*

Planning authorities are to protect HEV land by applying zones with strong conservation objectives and limited land use permissibility and intensity to HEV land, such as conservation (“C”) zones, and impose appropriate minimum lot sizes on HEV land to avoid future subdivision and the creation of inappropriate dwelling entitlements.

*Step 5: Secure the future conservation management of HEV land.*

Proponents are to use one or more of the following mechanisms as part of the Planning Proposal to ensure HEV land is managed and maintained in perpetuity:

- where suitable, and in discussion with BCS NE Branch, seek to transfer HEV land to a public authority, such as the council or National Parks and Wildlife Service (NPWS), subject to negotiation with, and in-principle support from, the public authority.
- enter into a planning agreement under s7.4 of the *Environmental Planning and Assessment Act 1979* requiring the preparation and approval of a Biodiversity and Vegetation Management Plan (BVMP) developed in consultation with BCS NE Branch prior to any subdivision of the planning area.
- enter into a planning agreement requiring the proponent to enter into the [Conservation Management Program](#) in consultation with the NSW Biodiversity Conservation Trust or the DCCEE Nature Markets and Offsets Division.
- impose a site-specific development standard under the Local Environmental Plan, or other planning mechanism as appropriate, requiring a BVMP to be registered on the title prior to any subdivision of the planning area.

High Environmental Value (HEV) Criteria and Components		Property Scale HEV Identification Method
Criterion 1. Sensitive biodiversity mapped on the Biodiversity Values Map		
1.1 Biodiversity Values Map		<ul style="list-style-type: none"> <li>a. Identify the parts of the land on the <a href="#">Biodiversity Values Map</a>.</li> <li>b. Inspect those mapped areas on the land to verify accuracy and map as HEV where the map is accurate.</li> </ul>
Criterion 2. Native vegetation of high conservation value		
2.1 Over-cleared vegetation types		<ul style="list-style-type: none"> <li>a. Identify Plant Community Types (PCTs) on the land through field work.</li> <li>b. Register and visit the <a href="#">Bionet Vegetation Information System (BVIS)</a>.</li> <li>c. Use the BVIS to determine whether the % cleared status of the PCTs identified through field work on the land is above 70%.</li> <li>d. Map all PCTs on the land with the % cleared above 70% as HEV.</li> </ul>
2.2 Vegetation in over-cleared landscapes (Mitchell landscapes)		<ul style="list-style-type: none"> <li>a. Identify over-cleared Mitchell landscapes by viewing map data from the <a href="#">SEED Portal</a> – selecting NSW (Mitchell Landscapes) – latest version, selecting Show on Seed Map and viewing the View Over Cleared Land Status.</li> <li>b. Map all native vegetation on the land as HEV if it is in an over-cleared Mitchell landscape.</li> </ul>
2.3 Threatened Ecological Communities - any vulnerable, endangered, or critically endangered ecological community listed under the <i>Biodiversity Conservation Act 2016</i> (BC Act), the <i>Fisheries Management Act 1994</i> or the <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i> and not mapped on the Biodiversity Values Map		<ul style="list-style-type: none"> <li>a. Identify Plant Community Types (PCTs) on the land through field work.</li> <li>b. Register and visit the <a href="#">BVIS</a>.</li> <li>c. Use the BVIS to determine whether the PCTs on the land have Threatened Ecological Community (TEC) Status.</li> <li>d. If not <i>identified</i> as a TEC from steps a – c above, then refer to the <a href="#">NSW Threatened Species Scientific Committee Determinations</a>, schedules 4, 4A and 5 of the FM Act, and the <a href="#">EPBC Protected Matters Search Tool</a> to consider whether the any of the PCTs accord with the determinations.</li> <li>e. Map all PCTs on the land that are TECs as HEV.</li> </ul>
2.4 100m buffer on Coastal Wetlands and Littoral Rainforest areas as per the State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021		<ul style="list-style-type: none"> <li>a. Locate the land on <a href="#">Resilience and Hazards SEPP Maps</a>.</li> <li>b. Map any parts of the land shown as proximity areas for Coastal Wetlands and Littoral Rainforest as HEV.</li> </ul>
Criterion 3. Threatened species		
3.1 Key habitat for threatened species (vulnerable, endangered, or critically endangered species listed under BC Act)	Key breeding habitats with known breeding occurrence	<ul style="list-style-type: none"> <li>a. Search BioNet for threatened species records on and within 5km of the land</li> <li>b. Undertake field work to identify potential breeding habitats on the land for threatened species.</li> <li>c. Either assume breeding occurrence and map identified breeding habitats on the land as HEV or undertake targeted surveys during the breeding season and map these habitats as HEV if breeding occurs there.</li> </ul>
	Core Koala Habitat	<ul style="list-style-type: none"> <li>a. Check council records for approved comprehensive or individual property Koala Plans of Management (KPoM).</li> <li>b. Identify areas of core koala habitat on the land mapped in any approved KPoM and map these areas as HEV.</li> <li>c. If there are no approved KPoMs, then undertake field work in accordance with the relevant State Environmental Planning Policy (SEPP) for koalas, e.g. SEPP (Koala Habitat Protection) 2020, to determine whether Core Koala Habitat is present on the land.</li> <li>d. Map any core koala habitat identified on the land through field work as HEV.</li> </ul>



High Environmental Value (HEV) Criteria and Components		Property Scale HEV Identification Method
	Habitat for known populations of species-credit-species and SAI entities (species-credit species and SAI entities are identified in the Threatened Biodiversity Data Collection)	<div><div><div>a. Search BioNet for threatened species records on and within 5km of the land.</div><div>b. Undertake field work to identify populations of threatened species credit species on the land and their habitats.</div><div>c. Map all habitats of known populations of species credit species on the land as HEV.</div></div><div>The Biodiversity Assessment Method and the Department’s survey assessment guidelines should be referred to for suitable habitat assessment methodologies.</div><div>If a recent Biodiversity Development Assessment Report has been prepared for the land, then this could be referred to in support of demonstrating how this criterion has been considered.</div></div>
	Key habitats for migratory species	<div><div><div>a. Search BioNet for threatened migratory species records on and within 5km of the land.</div><div>b. Undertake field work to identify habitats of threatened migratory species on the land.</div><div>c. Map all habitats of threatened migratory species on the land as HEV.</div></div></div>
Criterion 4. Wetlands, rivers, estuaries & coastal features of high environmental value		
4.1 Nationally important wetlands	Note: Rivers and their riparian areas comprising HEV are included in the Biodiversity Values Map under HEV Criterion 1 as protected riparian land	<div><div><div>a. Search the <a href="#">Directory of Important Wetlands in Australia for those occurring in NSW</a>.</div><div>b. Identify any nationally important wetlands listed in the directory that occur on the land and map these areas as HEV.</div></div></div>
4.2 Vulnerable Estuaries and Intermittently Opening and Closing Lakes and Lagoons (ICOLLs)		<div><div><div>a. Identify whether any vulnerable estuaries or ICOLLs occur on, or in the vicinity of, the land by reviewing the <a href="#">Maps</a>.</div><div>b. Map any vulnerable estuaries or ICOLLs that occur on, or in the vicinity of, the land as HEV.</div></div></div>
Criterion 5. Areas of geological significance		
5.1 Karst landscapes		<div><div><div>a. Identify whether limestone outcrops or caves occur on the land.</div><div>b. Consider any additional Karst landscapes that occur in the vicinity of the land, with reference to the NSW Government’s <a href="#">Guide to New South Wales Karst and Caves</a> and any other available karst mapping, such as karts maps associated with local environmental plans.</div><div>c. Map any limestone outcrops or caves on the land and any other karst landscapes that occur in the vicinity of the land as HEV.</div></div></div>
5.2 Sites of geological significance included in the State Heritage Register or Heritage Inventory		<div><div><div>a. Identify whether the land contains, or is in the vicinity of, the sites of geological significance listed in Annexure A.</div><div>b. Map any sites of geological significance that occur on, or in the vicinity of, the land as HEV.</div></div></div>

**Annexure A: Sites of geological significance included in the State Heritage Register or Heritage Inventory**

Local Government Area	Name	Location
Canterbury Bankstown	Enfield Brickpits	7 Juno Parade, Greenacre
Cessnock	Bow Wow Creek Gorge	Sandy Creek Road, Mulbring
Eurobodalla	Myrtle Beach - Wasp Head Coastal Area	Durras
	Melville Point	Red Hill Road, Tomakin
Goulburn-Mulwaree	Badgerys Lookout View	Tallong
Kiama	Bombo Headland Quarry Geological Site	Princes Highway, Bombo
Port Stephens	Seaham Quarry	Torrence Street, Seaham
Shellharbour	Bass Point Area	Bass Point Tourist Road, Shellharbour
Warrumbungle	Narangarie Quarry Geological Site	Narangarie Road, Coolah
Uralla	The Captain Thunderbolt Sites – Thunderbolt's Rock	New England Highway, Uralla

Our Ref: ID 2646  
Your Ref: PP-2022-3059 Ref-3092

26 September 2024

Marten Bouma  
Coffs Harbour City Council  
Locked Bag 155  
Coffs Harbour NSW 2450

Via Planning Portal

Email: [marten.bouma@chcc.nsw.gov.au](mailto:marten.bouma@chcc.nsw.gov.au)  
CC: [michael.stubbs@one.ses.nsw.gov.au](mailto:michael.stubbs@one.ses.nsw.gov.au)

Dear Marten,

**Planning Proposal for 218 East Bank Road, Coramba**

Thank you for the opportunity to provide comment on the Planning Proposal for 218 East Bank Road, Coramba. It is understood that the planning proposal seeks to amend Coffs Harbour LEP 2013 to allow large lot residential development at 218 East Bank Road, Coramba. The planning proposal seeks to:

- Rezone land from Zone RU2 Rural Landscape to part Zone R5 Large Lot Residential and part Zone C2 Environmental Conservation.
- Amend the relevant lot size map to reduce the minimum lot size of the proposed R5 Large Lot Residential zoned parts of the site from 40 hectares to 8000 m2.
- Amend the Coffs Harbour Terrestrial Biodiversity Map to include the area proposed to be zoned C2 Environmental Conservation as terrestrial biodiversity on the map.
- Enable the development of the land for large lot residential purposes, having regard to the environmental attributes affecting the land.
- Subdivide two large lots into fifteen lots.

The NSW State Emergency Service (NSW SES) is the agency responsible for dealing with floods, storms and tsunamis in NSW. This role includes, planning for, responding to and coordinating the initial recovery from floods. As such, the NSW SES has an interest in the public safety aspects of the development of flood prone land, particularly the potential for changes to land use to either exacerbate existing flood risk or create new flood risk for communities in NSW.

The consent authority will need to ensure that the planning proposal is considered against the relevant Section 9.1 Ministerial Directions, including 4.1 – Flooding and is consistent with the NSW Flood Prone Land Policy as set out in the Flood Risk Management Manual 2023 (the Manual) and supporting guidelines, including the Support for Emergency Management

Planning. Key considerations relating to emergency management are outlined in Attachment A.

In summary, we:

- **Support** the proposal to zone areas along the watercourses of the subject sites to C2 Environmental Conservation.<sup>1</sup>
- **Recommend** considering site design and stormwater management that reduces the impact of flooding and minimises any risk to the community. Any future site design should avoid entry or exit through high hazard floodwaters, such as East Bank Road which has a H5 hazard level in a PMF event.<sup>2</sup> If possible, alternative access to East Bank Road should be incorporated into the design of the site layout. Any improvements that can be made to reduce flood risk will benefit the community.

You may also find the following Guidelines, originally developed for the Hawkesbury Nepean Valley and available on the NSW SES website useful:

- [Designing Safer Subdivisions](#)
- [Managing Flood Risk Through Planning Opportunities](#)

Please feel free to contact Ana Chitu via email at [rra@ses.nsw.gov.au](mailto:rra@ses.nsw.gov.au) should you wish to discuss any of the matters raised in this correspondence. The NSW SES would also be interested in receiving future correspondence regarding the outcome of this referral via this email address.

Yours sincerely,



Elspeth O'Shannessy  
Manager Emergency Risk Assessment  
**NSW State Emergency Service**

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<sup>1</sup> City of Coffs Harbour. 2024. Planning Proposal PP-2022-3059. Version 2 Exhibition, page 25

<sup>2</sup> Downs Roadside Engineering. 2024. Flood Risk Assessment, Appendix E.23

## **ATTACHMENT A: Principles Outlined in the Support for Emergency Management Planning Guideline<sup>3</sup>**

### **Principle 1 Any proposed Emergency Management strategy should be compatible with any existing community Emergency Management strategy.**

Any proposed Emergency Management strategy for an area should be compatible with the strategies identified in the relevant local or state flood plan or by the NSW SES.

According to the NSW State Flood Plan<sup>4</sup> and the City of Coffs Harbour Flood Emergency Sub Plan<sup>5</sup>, evacuation is the primary emergency management strategy for people impacted by flooding.

### **Principle 2 Decisions should be informed by understanding the full range of risks to the community.**

Decisions relating to future development should be risk-based and ensure Emergency Management risks to the community of the full range of floods are effectively understood and managed. Climate change considerations should also be included, in line with NSW Government Guidelines.

#### ***Flood risk at the site***

It is noted that parts of the site are within the Council Flood Planning Area.<sup>6</sup> There are two flow paths that cross East Bank Road and intersect the site<sup>7</sup>, with a third flow path branching out across lots 12, 14 and 15.<sup>8</sup> There are also several stock dams located<sup>9</sup> along the flow paths alignments.

The site appears to be impacted by local flooding as frequently as 0.2 Exceedances Yearly (EY) events. While most of the flood flows appear to be contained within the riparian corridor and farm dams, the northwestern part of proposed Lot 2 (adjacent to East Bank Road) appears to become flooded with flood depths exceeding 1 metre and H5 hazard level<sup>10</sup>. The farm dams appear to become overtopped, flooding the surrounding areas on Lots 2, 3, 4 and 5, with flooding in the western corner of Lot 5 reaching up to 1 metre. At the eastern lots there is flooding of up to 1 metre depth and H3 flood hazard level<sup>11</sup> across lots 12, 14 and 15 from the

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<sup>3</sup> NSW Government. 2023. Principles Outlined in the Support for Emergency Management Planning Guideline

<sup>4</sup> NSW Government. 2021. NSW State Flood Plan. Section 1.6 – Key Principles. 1.6.2, page 5

<sup>5</sup> NSW SES. 2023. City of Coffs Harbour Flood Emergency Sub Plan. Volume 1, Section 1.6 – Key Principles. 1.6.2, page 7

<sup>6</sup> City of Coffs Harbour. 2024. Planning Proposal PP-2022-3059. Version 2 Exhibition. Figure 8, page 30

<sup>7</sup> Downs Roadside Engineering. 2024. Flood Risk Assessment, page 5

<sup>8</sup> Downs Roadside Engineering. 2024. Flood Risk Assessment, Appendix E.01

<sup>9</sup> Downs Roadside Engineering. 2024. Flood Risk Assessment, Appendix D.03

<sup>10</sup> Downs Roadside Engineering. 2024. Flood Risk Assessment, Appendix E.03 & E.04

<sup>11</sup> Downs Roadside Engineering. 2024. Flood Risk Assessment, Appendix E.03 & E.04

flow path flowing towards Hopes Road. In a 1% AEP event, flooding in parts of the site (not contained within the riparian corridor, such as Lots 2, 3, 12 and 14) and the area along the riparian corridor (which is a significant part at the centre of Lot 1) reaches an H5 flood hazard level<sup>12</sup> - which is *unsafe for vehicles and people. All building types vulnerable to structural damage. Some less robust building types vulnerable to failure.*<sup>13</sup>

In a PMF event, the flow paths crossing the site have a H5 hazard level, with high hazard flow (not contained by the riparian corridor) crossing lots 2, 3, 12, 14, 15.<sup>14</sup> The areas around the farm dams appear to be inundated, with H3 - H5 flood hazard level (such as lots 3, 4 and an isolated part of lot 5). While all lots appear to have land available above the PMF, flooding across the site creates a number of high flood islands, with the site itself and areas within some lots isolated by high hazard floodwater. We recommend that any future site design should avoid entry or exit through high hazard floodwaters.

We note and support the proposal's intent to zone areas along the watercourses of the subject sites to C2 Environmental Conservation.<sup>15</sup> Flow regimes which improve the health of in-stream and riparian vegetation **may provide resilience to natural hazards including flooding**<sup>16</sup>. Environmental flows lead to greater bank stability, improve water quality, and reduced erosion and turbidity. In addition, maintaining and restoring catchment, riparian and in-stream vegetation can stabilise soil, reduce runoff during storms and slow flood waters, reducing the risk of erosion to catchments and streambanks. Floodplains provide natural flood storage, spreading the flood flow and reducing impacts on downstream areas.

**Principle 3 Development of the floodplain does not impact on the ability of the existing community to safely and effectively respond to a flood.**

The ability of the existing community to effectively respond (including self-evacuating) within the available timeframe on available infrastructure is to be maintained. It is not to be impacted on by the cumulative impact of new development.

Risk assessment should have regard to flood warning and evacuation demand on existing and future access/egress routes. Consideration should also be given to the impacts of localised flooding on evacuation routes. **Evacuation must not require people to drive or walk through flood water.**

**Access & egress**

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<sup>12</sup> Downs Roadside Engineering. 2024. Flood Risk Assessment, Appendix E.13

<sup>13</sup> Department of Planning and Environment. 2023. Flood risk management guideline FB03. Flood hazard- Figure 1 General flood hazard vulnerability curve, page 3

<sup>14</sup> Downs Roadside Engineering. 2024. Flood Risk Assessment, Appendix E.23

<sup>15</sup> City of Coffs Harbour. 2024. Planning Proposal PP-2022-3059. Version 2 Exhibition, page 25

<sup>16</sup> Commonwealth of Australia. 2016. Wetlands and resilience to natural hazards, publications and resources

According to the flood study (2012), in a 1% AEP event<sup>17</sup>, East Bank Road (around the proposed site entry) gets cut by high hazard floodwater.<sup>18</sup> In a PMF event, East Bank Road (both east and west of the site) gets cut by local flooding, with floodwater at H5 flood hazard level<sup>19</sup>, resulting in the isolation of the site for up to 3 - 5 hours.<sup>20</sup> However, we note that events between the 1% AEP and PMF were not modelled as part of the Flood Impact Assessment (FIA). While the FIA noted that the site itself *“is not directly affected by the backwater of the Orara River Regional flood”*<sup>21</sup>, the broader area is impacted and could become isolated for a number of days.<sup>22</sup> East Bank Road and the broader road network in the area gets cut at multiple locations, including in events as frequent as 20% AEP, noting that East Bank Road can become a flood rescue hot spot from vehicles entering floodwater.<sup>23</sup>

Development strategies relying on deliberate isolation or sheltering in buildings surrounded by flood water are not equivalent, in risk management terms, to evacuation. The Planning Proposal indicates that *“each proposed parcel has developable land outside the probable maximum flood (PMF) flood extents which can be used as a Shelter In Place for residents.”*<sup>24</sup>

If possible, we would encourage site to design to enable ace/egress during a flood event, particularly as there is little warning time available. The 'Shelter in place' strategy is not an endorsed flood management strategy by the NSW SES for *future development*. Such an approach is only considered suitable to allow existing dwellings that are currently at risk to reduce their risk, without increasing the number of people subject to such risk. Allowing such development will increase the number of people exposed to the effects of flooding. Other secondary emergencies such as fires and medical emergencies may occur in areas isolated by floodwater. During flooding it is likely that there will be a reduced capacity for the relevant emergency service agency to respond in these times. Even relatively brief periods of isolation, in the order of a few hours, can lead to personal medical emergencies that have to be responded to.

**Principle 4 Decisions on development within the floodplain does not increase risk to life from flooding.**

Managing flood risks associated with High Flood Islands requires careful consideration of development type, likely users, and their ability respond to minimise their risks. This includes consideration of:

- Isolation – There is no known safe period of isolation in a flood, the longer the period of isolation the greater the risk to occupants who are isolated.

<sup>17</sup> GHD. 2012. Orara River Flood Study – Final Report. Figure F.4e

<sup>18</sup> GHD. 2012. Orara River Flood Study – Final Report. Figure F.4c

<sup>19</sup> Downs Roadside Engineering. 2024. Flood Risk Assessment, Appendix E.23

<sup>20</sup> Downs Roadside Engineering. 2024. Flood Risk Assessment, Appendix E.25

<sup>21</sup> Downs Roadside Engineering. 2024. Flood Risk Assessment, page 26

<sup>22</sup> NSW SES. 2023. City of Coffs Harbour Flood Emergency Sub Plan. Volume 3, Chapter 2, page 39

<sup>23</sup> NSW SES. 2023. City of Coffs Harbour Flood Emergency Sub Plan. Volume 3, Chapter 2, page 41

<sup>24</sup> City of Coffs Harbour. 2024. Planning Proposal PP-2022-3059. Version 2 Exhibition, page 30

- Secondary risks – This includes fire and medical emergencies that can impact on the safety of people isolated by floodwater. The potential risk to occupants needs to be considered and managed in decision-making.
- Consideration of human behaviour – The behaviour of individuals such as choosing not to remain isolated from their family or social network in a building on a floor above the PMF for an extended flood duration or attempting to return to a building during a flood, needs to be considered.

**Principle 5 Risks faced by the itinerant population need to be managed.**

**Principle 6 Recognise the need for effective flood warning and associated limitations.**

As there is little warning time available prior to the onset of flooding at this site, there is limited opportunity for the community to respond to a flood threat in an appropriate and timely manner. This complicates the reliance on emergency management to manage the residual flood risk.

**Principle 7 Ongoing community awareness of flooding is critical to assist effective emergency response.**

The flood risk at the site and actions taken to reduce risk to life should be communicated to all site users (includes increasing risk awareness, community connections, preparedness actions, appropriate signage and emergency drills) during and after the construction phase. However, it is important to note that the NSW SES is opposed to the imposition of development consent conditions requiring private flood evacuation plans rather than the application of sound land use planning and flood risk management.