

Concept Approval

Section 75O of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, pursuant to Part 3A of the *Environmental Planning & Assessment Act 1979*, determine:

- a. Under Section 75O of the *Environmental Planning & Assessment Act 1979*, to approve the concept plan referred to in Schedule 1 subject to the modifications in Schedule 2;
- b. Under Section 75P(1)(c) of the *Environmental Planning & Assessment Act 1979*, that the Stage 1 project requires no further environmental assessment;
- c. Under Section 75P(1)(b) of the *Environmental Planning & Assessment Act 1979*, that future development be subject to Part 4 of the Act; and
- d. Under Section 75P(1)(a) of the *Environmental Planning & Assessment Act 1979*, that future development be subject to the requirements set out in Schedule 2 and the proponent's Statement of Commitments in Schedule 3.

These conditions are required to:

- Adequately mitigate the environmental impact of the concept plan;
- Protect ecologically significant land;
- Maintain the amenity of the local area; and
- Encourage the orderly future development of the site



The Hon Kristina Keneally MP
Minister for Planning

Sydney, 12 Nov.

2008

SCHEDULE 1

PART A—TABLE

Application made by:	Petrac Pty Ltd
Application made to:	Minister for Planning
Concept Plan Application:	07_0026
On land comprising:	Montwood Drive, Lennox Head Lot 234 DP 1104071
Local Government Area	Ballina
For the carrying out of:	A residential subdivision comprising subdivision for single dwellings, duplexes and medium density, a neighbourhood centre comprising commercial and retail space, a community centre, tavern and retirement village.
Type of development:	Concept Plan
Determination made on:	
Date approval is liable to lapse:	5 years from the date of determination unless works subsequent to Stage 1 works have physically commenced in accordance with Section 75Y of the Act.

PART B—NOTES RELATING TO THE DETERMINATION OF CONCEPT PLAN 07_0026

Responsibility for other consents / agreements

The Proponent is solely responsible for ensuring that all additional approvals, consents and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

PART C—DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act, 1979*.

Council means Ballina Shire Council.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment means the *Petrac Pacific Pines Estate Part 3A Application Environmental Assessment Report* prepared by GeoLINK and dated March 2008.

Minister means the Minister for Planning.

Project means the works described in Schedule 2 condition A1.

Proponent means Petrac Pty Ltd or any party acting upon this approval.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

MODIFICATIONS AND REQUIREMENTS FOR FUTURE APPLICATIONS

PART A—ADMINISTRATIVE CONDITIONS

A1 *Project Description*

Concept plan approval is granted only to carrying out the project described in detail below:

A residential subdivision comprising subdivision for single dwellings, duplexes and medium density, a neighbourhood centre comprising commercial and retail space, a community centre, tavern and retirement village. The project includes:

- (1) Residential subdivision comprising:
 - (a) Large lots on steeper parts of the site ($> 1,200 \text{ m}^2$);
 - (b) 'Traditional' lots of around 800 m^2 ;
 - (c) 'Traditional' lots with areas between 600 m^2 and 800 m^2 ;
 - (d) Duplex lots (900 m^2);
 - (e) 'Small affordable' lots (450 m^2 to 600 m^2);
 - (f) Rear lane lots (450 m^2 to 600 m^2); and
 - (g) 'Park court lots' (450 m^2 to 600 m^2).
- (2) Neighbourhood centre with maximum retail space of 3000 m^2 gross leasable area and maximum commercial space of 800 m^2 gross leasable area;
- (3) Multi-purpose community hall with a floor space of 300 m^2 ;
- (4) Retirement community;
- (5) Medium density housing;
- (6) A green space network of 25.1 ha comprising:
 - (a) Open space 2.1 ha ;
 - (b) Water quality control pond and associated open space 3.6 ha ;
 - (c) Revegetation in buffer around SEPP 26 Littoral Rainforest 0.9 ha ;
 - (d) Hairy Joint Grass establishment (brook and south of lake) 3.4 ha ;
 - (e) Revegetation around littoral rainforest EEC 6.3 ha ; and
 - (f) Rehabilitation works adjacent to Ballina Nature Reserve 5.9 ha .
- (7) Road network; and
- (8) Other associated infrastructure.

A2 *Staging*

The project will be undertaken in 13 stages in accordance with Illustration C5 Development Staging and Illustration P1 Stage 1 Project Application Plan as described in correspondence from GeoLINK dated 18 August 2008) and comprises the following:

- (1) Stage 1A - Subdivision of 54 residential lots and 2 open space lots and associated roads and landscaping in the south of the site;
- (2) Stage 1B - Subdivision of 6 super lots, the extension of Montwood Drive and the construction of Main Street;

- (3) Stage 1C - Construction of Hutley Drive and the western link for the playing fields adjacent to the site;
- (4) Stage 2 – residential subdivision and provision of open space in the north of the site;
- (5) Stage 3 – residential subdivision in the central and north eastern part of the site and connection to Stoneyhurst Drive;
- (6) Stage 4 – residential subdivision in the central and northern parts of the site;
- (7) Stage 5 – residential subdivision and provision of open space in the central part of the site;
- (8) Stage 6 – residential subdivision in the east of the site;
- (9) Stage 7 – residential subdivision and provision of green space around Littoral Rainforest endangered ecological community in the north east of the site;
- (10) Stage 8 - residential subdivision and provision of green space around Littoral Rainforest endangered ecological community in the south east of the site;
- (11) Stage 9 – residential subdivision in the east of the site;
- (12) Stage 10 – residential subdivision and revegetation of the 100m buffer to littoral rainforest in the north west of the site; and
- (13) Stage 11 – residential subdivision in the northern part of the site.

Stages 1A-1C shall be undertaken first. The order of subsequent stages can be varied with the written approval of the Director-General.

A3 Project in Accordance with Plans

The project will be undertaken in accordance with the following drawings:

Design, Landscape and Survey Drawings			
Drawing No.	Revision	Name of Plan	Date
06115-P3A 1J		Illustration C1 Concept Plan	12/08/08
06115-P3A 6J		Illustration C2 Green Network Plan	14/08/08
06115-P3A 29I		Illustration C3 Indicative Neighbourhood Centre Plan	14/08/08
06115-P3A 27I		Illustration C4 Indicative Retirement Community	14/08/08
06115-P3A 3J		Illustration C5 Development Staging	14/08/08
06115-P3A 14I		Illustration C6 Movement Network	14/08/08
		Illustration C7 Stormwater Concept Plan	15/08/08
06115-P3A 32G		Illustration C8 Lot Typologies	14/08/08
06115-P3A 5M		Illustration C9 Building Heights Plan	14/08/08
06115-P3A 31G		Illustration C10 Setback Plan	14/08/08
06115-P3A 46E		Illustration C11 Conservation Zone Plan	14/08/08

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in *Ballina Shire Development Control Plan – Exempt and Complying*

Development or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;

- (2) otherwise provided by the conditions of this approval.

A4 Project in Accordance with Documents

The project will be undertaken in accordance with the following documents:

Environmental Assessment Documentation

- a) *Petrac Pacific Pines Estate Part 3A Application Environmental Assessment Report* prepared by GeoLINK on behalf of Petrac Pty Ltd, dated March, 2008;

Preferred Project Report Documentation

- b) *Preferred Project Report* prepared by GeoLINK and dated June 2008;

Additional Information

- c) Correspondence prepared by GeoLINK dated 18 August 2008;
d) Correspondence prepared by GeoLINK dated 29 August 2008; and
e) Correspondence prepared by GeoLINK dated 3 September 2008.

A5 Inconsistencies

- (1) In the event of any inconsistency between:

- a) The conditions of this approval and the Statement of Commitments (at Schedule 3), the conditions of this approval prevail;
b) The conditions of this approval and the drawings/documents referred to in conditions A3 and A4, the conditions of this approval prevail; and
c) Any drawing/document listed in conditions A3 and A4 and any other drawing/document listed in conditions A3 and A4, the most recent document shall prevail to the extent of the inconsistency.

- (2) If there is any inconsistency between this concept plan approval and any project approval or development consent, this concept plan approval shall prevail to the extent of the inconsistency.

PART B—MODIFICATIONS TO THE CONCEPT PLAN

B1 Environmental Management Plan

The proponent's commitment to prepare an Environmental Management Plan for the site is modified to the following:

An Environmental Management Plan (EMP) will be prepared and implemented for the site in consultation with the Department of Environment and Climate Change and Council. The EMP will address all retained endangered ecological communities (EECs) and threatened species on the site and will specifically address, but not be limited to, the following:

- (1) A detailed plan specifying all areas of EECs and threatened species habitat to be retained and the areas to be revegetated;
- (2) Annual mapping of the location and extent of Hairy Joint Grass and Square-stemmed Spike Rush;
- (3) The manner in which retained populations of Hairy Joint Grass and Square-stemmed Spike Rush will be enhanced;
- (4) A rehabilitation plan that details the manner in which the functions and values of the Freshwater Wetlands EEC will be restored;
- (5) A water management plan that addresses the manner in which the hydrological regime of the Freshwater Wetlands EEC will be maintained and includes, but is not limited to:
 - a. Mapping of the extent of the seepage areas and measures to ensure their ongoing protection; and
 - b. Detailed design of the proposed weirs to ensure the maintenance of the existing hydrological regime.
- (6) Details of the revegetation work proposed within the 100m buffer to the SEPP26 Littoral Rainforest northwest of the site.
- (7) Details of the rehabilitation works within and revegetation works around the Littoral Rainforest EECs. The EMP shall include consideration of the ongoing recreational use of this land and how recreational activities will be managed to ensure that the ecological objectives of revegetation are achieved;
- (8) Details of the translocation of Hairy Joint Grass to the area south of the water quality control pond. The plan will address how the translocation will occur and how the ongoing management of the translocated plants will comply with the ongoing management of the water quality control pond;
- (9) An integrated weed management strategy;
- (10) A concise set of ongoing management requirements to achieve a self-sustaining system;
- (11) Methods to be utilised to protect all threatened flora and fauna habitat and EECs on the site during construction;
- (12) A comprehensive mosquito management plan that addresses, but is not limited to:
 - a. Details of an ongoing monitoring program;
 - b. Breeding patterns;
 - c. Sources of control;
 - d. Sources of mitigation; and

-
- e. Complaint management.
 - (13) The manner in which public access will be managed during both construction and operation;
 - (14) Details of interpretive signage to be installed; and
 - (15) The objectives of the 3 year ecological research program (refer to B2) and the mechanism for the transfer of the required money.

The EMP shall consider any required asset protection zones (APZ) in proposing revegetation across the site and outline how the ongoing management of the APZs will be achieved.

The EMP shall be submitted to and approved by the Department prior to the issue of a construction certificate for Stage 1A.

B2 Compensatory Plan

The proponent must prepare a Compensation Plan for the loss of all endangered ecological communities and threatened flora species on site. The extent of endangered ecological communities and threatened flora species on site is to be identified by the plan required by B2(1) of this approval. The Compensation Plan is to detail the provision of land (at a minimum rate of 2:1, or as otherwise agreed by the Department) that offsets the loss of endangered ecological communities and threatened flora species on the site. The Plan is to include a program (timeline) to achieve the implementation of the measures identified.

The Compensation Plan is to be developed in consultation with the Department of Environment and Climate Change and submitted to and approved by the Department prior to the issue of a construction certificate for Stage 1B, or as otherwise agreed by the Department.

B3 Ecological Compensation

A monetary contribution of \$30,000 per year for a period of three years shall be paid to compensate for the loss of Hairy Joint Grass habitat and Freshwater Wetlands endangered ecological community.

The proponent shall prepare a brief for the research to be funded in consultation with the Department of Environment and Climate Change and Council and submit it to the Department for approval prior to the issue of the construction certificate or stage 1B.

The first \$30,000 shall be paid to the selected research body prior to the release of the subdivision certificate for stage 1B of the project approval. Subsequent payments are to be made on or before the anniversary of the first payment.

B4 Height

- (1) The height limit for future buildings within super lot 1 is modified to comply with the height limitations in Clause 17 of the *Ballina Local Environmental Plan 1987* (as in force at the time of this approval).
- (2) The area of three storey height allowed for the future retirement community is restricted to that part of super lot 5 located west of Montwood Drive. The concept plan is modified so that no landmark feature is permitted. The maximum height limit for the future three storey buildings is RL 13m AHD. The maximum gross floor area (as defined in Clause 45 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*) of future buildings is 1:1. The future application(s) for development of the retirement community are to comply with clause 45(6) of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in providing affordable places and on-site support services.

-
- (3) The height of future buildings across the remainder of the site is to comply with Clause 17 of the *Ballina Local Environmental Plan 1987* (as in force at the time of this approval).

B5 Road Hierarchy

The proposed road hierarchy is modified as follows:

- (1) The hillside residential street (road type H) is modified so that it is consistent with the requirements for a 'local street' in accordance with the *Northern Rivers Local Government Development Design and Construction Manuals*.
- (2) Notwithstanding B4(1), the cul-de-sac in the south east of the site, beyond its last intersection with another road may be constructed to the 'access street' requirements of the *Northern Rivers Local Government Development Design and Construction Manuals*.
- (3) The small park edge residential street (road type I) is modified so that it is consistent with the requirements for an 'access street' in accordance with the *Northern Rivers Local Government Development Design and Construction Manuals*.
- (4) The rear lane road cross section (road type 'J') is modified as follows:
 - a. Full seal is to be provided from boundary to boundary;
 - b. Concrete vee drains are to be provided at surface level in accordance with *AS2890.1 Parking Facilities – Off-Street Carparking* for driveway access;
 - c. No on street parking is to be permitted;
 - d. No refuse collection or postal service is allowed (these are to be provided on the primary street frontage).

B6 Stormwater Management Plan

The proponent is to prepare a stormwater management plan for the entire site, prepared by a suitably qualified person(s) that includes detailed modelling for both water quality and quantity. The plan shall demonstrate:

- (1) that the project does not concentrate or lead to an increase in the volume or rate of flow of stormwater discharged from the site over and above pre-development flow conditions; and
- (2) that the project does not increase the average annual load of key stormwater pollutants in stormwater discharged from the site over and above pre-development conditions.

The plan is to be prepared in accordance with the Water Sensitive Urban Design requirements of *Ballina Shire Combined Development Control Plan Chapter 13 – Stormwater Management*.

The stormwater plan is to be submitted to and approved by Council prior to the issue of a Construction Certificate for Stage 1A.

B7 Traffic Management Plan

The proponent is to prepare a traffic management plan for the site, prepared by a suitably qualified person(s) in accordance with the Roads and Traffic Authority's *Guide to Traffic Generating Developments* that includes a matrix of all potential future scenarios for managing the interim and long term impacts of the project on the road network. The plan shall identify any road upgrades required under each of the scenarios. Any road network upgrades are to be designed in accordance with AUSTROADS guidelines.

All traffic modelling is to be undertaken in accordance with Council's latest traffic report. At the time of approval the relevant report is *Lennox Head Paramics Model* (Cardno Eppell Olsen, April 2008).

The traffic plan is to be prepared in consultation with the RTA and submitted to and approved by Council prior to the issue of a Construction Certificate for Stage 1B.

B8 Fire Management Plan

A fire management plan is to be prepared for the site that addresses the following requirements:

- a. Contact person/department and details;
- b. Schedule and description of works for the continued maintenance of open space areas, public reserves, super lots and residual lots. A suitable management regime is required in perpetuity or until development occurs within the relevant allotment.

The plan shall be prepared by a suitably qualified person(s), in consultation with the Rural Fire Service and approved by Council prior to the issue of a Construction Certificate for Stage 1B.

B9 Retail Floor Space

The concept plan is modified to limit the amount of retail space in the neighbourhood centre to 1200m² gross leasable area until such time as Hutley Drive is extended to the north and south of the site upon which a maximum of 3000m² gross leasable area is permitted.

B10 Buffer to Conservation Area

The distance between the retained ecological corridor and the boundary of the residential or retirement lots is modified to be a minimum of 20m.

Note: the retained ecological corridor generally encompasses the Freshwater Wetlands endangered ecological community.

B11 Pedestrian Linkages

Illustration C6 Movement Network (as described in correspondence from GeoLINK dated 18 August 2008) is modified such that only two pedestrian linkages are provided within the retained ecological corridor for Freshwater Wetlands EEC as follows:

- a. One linkage is to be provided across the top of the proposed weir; and
- b. One linkage is to be provided from the Stage 1 project application subdivision in the south of the site to the retirement community super lot in the north.

The detailed design of these linkages shall be included within the Environmental Management Plan (refer to condition B1) and ensure that any impacts on the Freshwater Wetlands EEC and the threatened species in this area are minimised.

B12 Neighbourhood Centre Setbacks

The concept plan is modified so that the development setbacks to the water quality control pond for the tavern and the community centre (super lots 2 and 4) are a minimum of 2m.

B13 Park Court Lots

The Design Guidelines (as described in correspondence from GeoLINK dated 18 August 2008) are modified such that the garages associated with the 'park court' lots that front the shared driveway are not directly opposite one another.

B14 Retirement Community Super Lot

The retirement community super lot (super lot 5) is modified as follows:

- (1) The distance between the lot boundary and the eastern extent of the water quality control pond (under average operating conditions) is a minimum of 15m; and
- (2) The southern boundary of the lot is moved north so that it does not encroach on the basin to the south of the water quality control pond.

B15 Ecological Corridor

The retained ecological corridor (including both the north-south and east-west linkages) is modified to be a minimum of 40m wide.

B16 Littoral Rainforest Endangered Ecological Community

The areas of Littoral Rainforest endangered ecological community retained within the north-south ecological corridor shall have a minimum distance of 20m between the outer drip line of the vegetation and the boundary of residential lots.

B17 Open Space

All open space within the site shall be public open space to be dedicated to Council. A modified plan of all open space areas shall be submitted to and approved by Council prior to the issue of a Construction Certificate for Stage 1A.

B18 Water Reservoir

Details of the site for the future provision of an above ground water reservoir and the mechanism for transferring the site to Council shall be submitted to and approved by Council prior to the issue of a Construction Certificate for Stage 1B.

An accompanying report is to detail hydraulic analysis and reservoir performance for the site based on estimated equivalent tenements.

B19 Water Quality Control Pond

No development is to be undertaken until the water quality control pond is operating in accordance with DA 2002/333. The water quality control pond is to operate in accordance with consent DA 2002/333 for the life of the project.

PART C— REQUIREMENTS FOR FUTURE APPLICATIONS

Pursuant to section 75P(2)(c) of the Act the following requirements apply with respect to future stages of the project to be assessed under Part 4 of the Act:

C1 Affordable Housing and On-site Support Services

In accordance with clause 45(6) of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, the future application(s) for the retirement community shall include:

- a. 10% affordable housing; and
- b. The provision of on-site support services for the residents.

The affordable housing and on-site support services are to be indicated on plans submitted as part of the application for the development of super lot 5.

C2 Acid Sulfate Soil Management Plan

An Acid Sulfate Soil Management Plan shall be prepared by a suitably qualified person(s) in accordance with the *Acid Sulfate Soil Assessment Guidelines* (Acid Sulfate Soil Management Advisory Committee, 1998) for all future applications that include land below the 10m AHD contour.

C3 Bushfire

Future applications for Stages 8, 9 and 10 shall include a bushfire assessment prepared by a suitably qualified person(s) in accordance with *Planning for Bushfire Protection 2006* (or its latest revision) that addresses the necessary measures to mitigate potential bushfire risk (including asset protection zones).

C4 Bushfire Emergency/Evacuation Plan

A bushfire emergency/evacuation plan shall be prepared in accordance with the Rural Fire Service's *Guidelines for the Preparation of Emergency/Evacuation Plans* by a suitably qualified person(s) prior to the issue of a Construction Certificate for the development of super lot 5.

C5 Building Platforms

No building is to be constructed on a slope greater than 12 degrees (21%).

C6 Geotechnical Assessment

Each subsequent application for the site is to include a geotechnical assessment prepared by a suitably qualified person(s) addressing the potential for slope instability on the proposed lots. The geotechnical report shall detail the necessary footings required for future buildings in accordance with *AS 2870 - 1996 Residential Slabs and Footings – Construction*.

C7 Noise Assessment for Commercial Uses

Future applications for development of the super lots within the neighbourhood centre are to include a noise impact assessment, prepared by a suitably qualified person(s). The assessment is to incorporate measures that mitigate the noise impacts of the development on the surrounding dwellings to levels considered acceptable by the *NSW Industrial Noise Policy* (EPA, 2000).

C8 *Noise Assessment for Road Traffic Noise*

Future applications for the development of Stages 2, 3 and 4 of the concept plan require the submission of an updated noise impact assessment, prepared by a suitably qualified person(s) in accordance with the *Environmental Criteria for Road Traffic Noise*. The assessment is to include, but not be limited to the noise mitigation measures necessary for the proposed lots fronting Montwood Drive, Hutley Drive and Stoneyhurst Drive.

These noise assessments shall be consistent with the Traffic Management Plan required by condition B6 of this approval.

These measures shall be applied as restrictive covenants for the relevant lots in any future approval.

C9 *Operation of Neighbourhood Centre*

Future applications for the development of the neighbourhood centre require the submission of an operational management plan which includes, but is not limited to:

- a. Hours of operation;
- b. Security arrangements;
- c. Waste management; and
- d. Servicing arrangements.

C10 *Traffic Assessment*

Future applications for the development of each of the super lots and each additional stage of the project shall include a detailed traffic assessment prepared in accordance with the RTA's *Guide to Traffic Generating Developments*. These assessments shall be consistent with the Traffic Management Plan required by condition B6 of this approval. The traffic assessment shall identify the potential impacts created as a result of the proposed use and provides details of any road upgrades necessary. Road upgrades are to be designed in accordance with relevant AUSTROADS guidelines.

These assessments are to nominate the location of bus stops, where relevant.

The traffic assessment prepared for the future application(s) for Stage 3 shall include consideration of the potential for the Stoneyhurst Drive link to become a rat-run for all future stages of the development.

C11 *Infrastructure*

All future applications for development on the site are to include an Infrastructure Servicing Plan, prepared by a suitably qualified person that identifies servicing requirements necessary for the development and upgrades proposed to the existing system.

C12 *Stormwater Management*

All future applications for development on the site are to include a detailed stormwater management plan for the proposal. These management plans shall be consistent with the Stormwater Management Plan required by condition B5 of this approval.

The future application for the development of the tavern (super lot 2) is to include consideration of the relocation of the sediment basin and how the proposed system will integrate with the existing water quality control pond.

C13 Restrictive Covenants

Future applications for Stages 3, 4 and 11 are to include the details of a restrictive covenant (pursuant to section 88B of the *Conveyancing Act 1919*) to be placed on the title of the proposed lots containing the Littoral Rainforest endangered ecological community ensuring that it is not removed and is preserved in perpetuity.

Development consent for these stages is to include a condition requiring the imposition of the restrictive covenant prior to the issue of a subdivision certificate.

C14 Basement Carparking

Future applications that propose basement carparking are to include the following assessments (prepared by a suitably qualified person(s)):

- a. Groundwater;
- b. Acid sulfate soils;
- c. Flooding and stormwater

C15 Mosquito Impact Assessment

Future applications for the development of the super lots shall include a mosquito impact assessment that addresses management measures to ensure that any mosquito nuisance is reduced. Particular consideration is to be given to any alfresco dining area or beer garden proposed as part of the tavern. These assessments shall be consistent with the Mosquito Management Plan required by condition B1(11) of this approval.

C16 Reflectivity

The roofs of all buildings on the site are to be constructed from non-reflective materials. Details of the construction materials to be used must be submitted with all future applications for the site.

SCHEDULE 3

STATEMENT OF COMMITMENTS

UPDATED STATEMENTS OF COMMITMENTS – FOLLOWING DEPARTMENT REVIEW OF PREFERRED PROJECT REPORT – AUGUST 2008

Statement of Commitments – Concept Plan

<i>Issue</i>	<i>Commitment</i>	<i>Actions and Timing</i>	<i>Responsibility</i>
General	<p>The developer will carry out the development in accordance with this Environmental Assessment Report, prepared by GeoLINK and dated December 2007, as amended by the Preferred Project Report dated May 2008; in accordance with the Concept Plan illustrations C1 – C11; and in accordance with the specialist supporting reports.</p>	<p>Detailed plans will be submitted to Ballina Shire Council for approval prior to issue of a construction certificate for Stage 1, demonstrating compliance as required.</p> <p>Development applications will be submitted to Ballina Shire Council for approval for all subsequent stages. The applications shall demonstrate compliance with the approved Concept Plan and this Statement of Commitments.</p>	Petrac and consultant team
Ecology	<p>An Environmental Management Plan (EMP) will be prepared for the site, in consultation with Council and DECC for the management of the central open space associated with the brook.</p> <p>This open space area will be dedicated to Council as a public reserve for conservation purposes.</p> <p>The EMP will address the establishment and maintenance of the reserve and the ecological monitoring to be undertaken.</p> <p>The EMP will address the following:</p> <ul style="list-style-type: none"> ▪ Annual mapping of the location and extent of retained Hairy joint grass and Square-stemmed spike rush individuals/populations. ▪ The manner in which retained populations of Hairy joint grass and Square-stemmed spike rush will be enhanced. ▪ A Rehabilitation Plan that details the manner in which the functions and values of the freshwater wetland will be restored. ▪ Selective brushcutting and removal of mulch around retained 	<p>The EMP will be submitted to Council for approval prior to the issue of a Construction Certificate for Stage 1.</p>	Petrac / Cardno

Issue	Commitment	Actions and Timing	Responsibility
	<p>Hairy joint grass and Square-stemmed spike rush populations during winter months.</p> <ul style="list-style-type: none"> ▪ Development of an integrated weed management strategy that specifically addresses the removal of weeds around retained populations of Hairy joint grass and Square-stemmed spike rush. ▪ Development of a concise set of on-going management requirements to achieve a self-sustaining system. ▪ The manner in which access into the open space area will be controlled and managed during the construction and operational phases of the development. ▪ The provision of interpretive signage regarding Hairy joint grass, Square-stemmed spike rush and freshwater wetlands. <p>A monetary contribution shall be paid to compensate the minor loss of freshwater wetland and hairy joint grass areas.</p> <p>The contribution shall be \$30,000 per year for a period of three years and shall go toward research project(s) that will lead to recovery plans for the EEC and for Hairy Joint Grass</p>	<p>The first \$30,000 shall be paid prior to the release of a Subdivision certificate for Stage 1B. Prior to this payment, the proponent's ecologists shall liaise with DECC and Council to prepare a brief for the research. The additional contributions shall be paid annually, on the anniversary of the initial payment, for a further two years.</p>	<p>Petrac / Cardno</p>

<i>Issue</i>	<i>Commitment</i>	<i>Actions and Timing</i>	<i>Responsibility</i>
	<p><i>Weed Management</i></p> <p>The VMP will address weed management. Weeds should be controlled in landscaped areas and areas of retained vegetation. Known environmental weeds such as Camphor Laurel within areas of Littoral Rainforest should be gradually removed by stem injection</p>	<p>The VMP will be submitted to Council for approval prior to the issue of a Construction Certificate for Stage 1.</p>	Cardno
	<p><i>Site Plantings</i></p> <p>Vegetation will be established on site as street trees and landscape plantings.</p>	<p>Plantings will occur during construction of all stages. Details to be outlined in the VMP and detailed landscape plans will be submitted to Council with each subsequent DA for subdivision / development.</p>	Cardno
	<p>Vegetation removed during clearing will be retained and mulched for later use on the site to prevent the introduction of weed seed being imported in mulch from offsite.</p>	<p>Vegetation removal will occur during initial construction stages, with mulch used in landscaping for all stages. Details to be outlined in the VMP.</p>	Cardno
	<p><i>Physical Damage during Construction</i></p> <p>Areas of vegetation to be retained will be clearly delineated with temporary fencing during works.</p>	<p>Protective fencing will be erected prior to commencement of construction works, in accordance with the approved VMP</p>	Cardno
	<p>Trees to be removed will be monitored by personnel (with wildlife caring qualifications) immediately prior to, and during removal to ensure that no animals are directly impacted by the works. Any trees containing fauna will be retained until the species leaves the site or the nests have been vacated. If any animals are injured during the proposed works, they will be immediately transported to a wildlife carer for rehabilitation and release.</p>	<p>Monitoring will occur during all construction works, in accordance with specifications established in the approved VMP.</p>	Cardno

Issue	Commitment	Actions and Timing	Responsibility
	<p><i>Impacts on Wetland Vegetation</i></p> <p>The boundary of the wetland area will be clearly delineated to prevent vehicles or persons entering the wetland area. Fencing will be provided to discourage the dumping or storage of materials within the wetland area. A sediment control plan has been prepared and will be implemented to prevent the input of sediment into the wetland area;</p>	<p>Protective fencing will be erected prior to any construction activities.</p> <p>A detailed sedimentation / erosion plan will be submitted to Council for approval prior to the issue of a Construction certificate for Stage 1.</p>	Cardno, Ardill Payne & Partners
	<p><i>Impacts on Plant Reproduction</i></p> <p>Retained areas of vegetation will be rehabilitated and buffered.</p>	Vegetation rehabilitation will be carried out in accordance with the approved VMP	Cardno
	<p>Landscape plantings will include a majority of species that will provide forage habitat for nectarivorous and frugivorous birds and bats.</p>	<p>Details of plantings will be submitted to Council for approval prior to the issue of a Construction certificate for Stage 1. All plantings will be established on site during construction works and will be maintained for a period of 12 months following construction</p>	Deicke Richards / Cardno
Integrated Water Cycle Management	<p>Petrac will commit to constructing the creek corridors to convey major flood waters and to design of the subdivision such that the flood planning levels are set at those recommended within Council's relevant Floodplain Management Plan;</p>	<p>Stormwater management details and details of all earthworks will be submitted to Council for approval prior to the issue of a Construction certificate for Stage 1. Approved stormwater controls / management measures will be constructed prior to the issue of a Subdivision Certificate.</p>	Ardill Payne & Partners
	<p>Petrac will construct WSUD measures, including small dry detention systems up-stream of the Water Quality Control Pond, above the 1% ARI flood extent;</p>	<p>Details will be outlined in the stormwater management plan submitted to Council for approval prior to the issue of a Construction certificate for Stage 1. Approved stormwater controls / management measures will be constructed prior to the issue of a Subdivision Certificate.</p>	Ardill Payne & Partners

Issue	Commitment	Actions and Timing	Responsibility
	Petrac also commit to ongoing monitoring of stormwater quality and continued maintenance of the stormwater treatment train	<p>Details of monitor regimes will be provided to Council for approval prior to issue of a Construction certificate for Stage 1.</p> <p>Management of the Water Quality Control Pond will be taken over by Council in 2010 whilst management of the stormwater conveyance systems will be split between Council and land owners depending on specific land uses and future titling.</p> <p>Monitoring shall be carried out of the stormwater measures in each stage, for a period of two years following construction of that stage. Summary reports shall be provided to Council after twelve months and at the end of the monitoring period outlining the monitoring undertaken and the results obtained.</p>	Ardill Payne & Partners
Acid Sulfate Soils	Sampling (at a rate of 1/1000 m ³ of excavated material) and laboratory analysis will be undertaken within areas of the site below RL 10 m, where excavation is proposed below natural ground level. The results will be used to determine appropriate liming rates and management requirements if necessary	An Acid Sulfate Management Plan will be submitted to Council for approval prior to the issue of a Construction certificate for Stage 1.	Ardill Payne & Partners
Infrastructure Provision	Petrac will provide reticulated potable and non-potable water supply, sewerage, telecommunications facilities and underground electricity to all lots.	Details will be provided to Council for approval prior to the issue of a Construction certificate for Stage 1. For all other stages, details will be provided with subsequent Development Applications.	Ardill Payne & Partners
Community Facilities	Petrac will provide a multi-purpose community hall, with a floor space of approximately 300 m ² , located within the neighbourhood centre.	A 'super lot' will be created in Stage 1 (see Project Approval), with an area of approximately 1,990m ² . Subsequent to approval of	Petrac

Issue	Commitment	Actions and Timing	Responsibility
		the Project Application, Petrac will lodge a development application for the Community Hall. Petrac will build the hall and associated car parking following approval and dedicate the land and completed hall to Council at a date to be agreed.	
Mosquito Impact	A comprehensive mosquito management plan shall be prepared that addresses the commitments below and includes the details of the required monitoring program. The Plan shall address the management of exposure to <i>Verrallina funerea</i> , <i>Culex annulirostris</i> and <i>Aedes procax</i> associated with the conservation areas within the site.	The management plan shall be provided with the application for Construction Certificate for Stage 1 and then updated as relevant to accompany development applications for subsequent stages.	Petrac; Mosquito Consulting Services
	Street lighting will be provided with shields or yellow filters to minimise artificial light attracting mosquitoes from the Ballina Nature Reserve into residential areas;	Details will be provided to Council for approval prior to the issue of a Construction certificate for Stage 1, and with all subsequent Development Applications for future stages of the development	Ardill Payne & Partners; Mosquito Consulting Services
	Exposure to <i>Aedes vigilax</i> and mosquitoes in general will be effectively managed in residential allotments by standard type mosquito screening fitted to residential dwelling windows and external doors to restrict entry of mosquitoes during occasional periods of high mosquito numbers.	This information will be provided with all future sales information	Petrac
	Mosquito awareness materials should be made available to residents of Pacific Pines.	This information will be provided with all future sales information	Petrac

Issue	Commitment	Actions and Timing	Responsibility
	Rainwater tanks included (potentially) within the development should be protected by having mosquito proof screens fitted to openings including inspection openings and overflows. Such screens should be made of durable material such as stainless steel. The mesh size should not provide an aperture of more than 1mm.	This detail will be assessed in future development applications. Information will be provided with all future sales information.	Petrac
	Monitoring of all mosquito management measures shall be carried out by the developer.	Monitoring shall be carried out for the works in each stage, for a period of two years following completion of construction of that stage. Reports shall be provided to Council at the end of twelve months and at the end of the monitoring period summarising the effectiveness of the controls	Petrac
Traffic and Access	Petrac will construct the extension of Hutley Drive, from the northern boundary of the site to a point approximately 50m south of the intersection with Main Street (i.e. southern boundary of Lot 234).	Details will be provided to Council for approval prior to the issue of a Construction certificate for Stage 1. Hutley Drive will be constructed in accordance with approved plans prior to the release of a Subdivision Certificate and will be maintained by the developer for a period of 12 months following completion of construction.	Ardill Payne & Partners
	All internal roads will be constructed in accordance with the road types identified in Appendix F of the EA documentation (as amended) and in accordance with relevant local and Australian Standards.	Details will be provided to Council for approval prior to the issue of a Construction certificate for Stage 1. Internal roads will be constructed in accordance with approved plans prior to the release of a Subdivision Certificate and will be maintained by the developer for a period of 12 months following completion of construction.	Ardill Payne & Partners

Issue	Commitment	Actions and Timing	Responsibility
Cultural Heritage	Nominated representatives from Jali LALC will be engaged to monitor initial excavations.	Monitoring will be carried out by strip sampling by grader scrape of the lower slopes. The Proponent/Project Managers must give prior warning of at least two weeks of the programme of works to the Jali LALC. The costs of monitoring are to be negotiated between the Proponent and the Jali LALC.	Petrac; Everick Heritage Consultants
	If, in the process of works within the site, that at any time it is believed materials of an Aboriginal origin are found, works at the location must stop immediately. The NSW DECC Regional Office – Coffs Harbour and Jali LALC must be advised and advice sought as to the most appropriate course of action to follow. Jali LALC may also wish to inform Traditional Owner respondents and seek their views as to how cultural heritage values might be impacted and to how best to mitigate potential impacts. Works must not proceed in the specific location without written consent of the DECC and Jali LALC.	A protocol relating to this requirement will be developed and all site construction staff will be trained in the protocol	Petrac
	Prior to any vegetation clearing and initial earthworks contractors be advised of the statutory requirements of the <i>National Parks and Wildlife Act 1974</i> (NSW) that in regard to Aboriginal sites or relics: it is an offence to knowingly disturb, deface, damage or destroy, or to permit the disturbance, defacement, damage or destruction of a relic without first obtaining written consent to do so from the Director General of the DECC.	A protocol relating to this requirement will be developed and all site construction staff will be trained in the protocol An Aboriginal Cultural Heritage Education Program will be developed for induction of personnel and contractors.	Petrac

Issue	Commitment	Actions and Timing	Responsibility
	<p>The areas identified as potentially of local significance will not be subject to any modification without the consent of the Traditional Owners. These areas will be:</p> <ul style="list-style-type: none"> ▪ fenced off by a temporary fence during any construction on nearby land to prevent inadvertent damage by work vehicles; and ▪ when fenced, signed with notification that the area inside the fence is culturally sensitive and that it is an offence under Section 86 of the National Parks and Wildlife Act 1974 (NSW) to harm Aboriginal Cultural Heritage. 		Petrac

