# CONCEPT PLAN 06\_0085

# **RAINBOW BEACH**

# **ENVIRONMENTAL ASSESSMENT REPORT**



**AUGUST 2010** 



Luke & Company

Concept Plan 06\_0085

**Environmental Assessment Report** 

**Rainbow Beach** 

Prepared for St Vincent's Foundation Pty Limited

Luke and Company (NSW) Pty Ltd

August 2010



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#### SUBMISSION OF ENVIRONMENTAL ASSESSMENT

prepared under Part 3A of the Environmental Planning and Assessment Act 1979

#### ENVIRONMENTAL ASSESSMENT REPORT PREPARED BY

Names: Qualifications: Address: Michelle Hollis BSc., Grad Dip URP, BT, MPIA, CPP c/- 98 William Street, Port Macquarie NSW 2444

#### **CONCEPT PLAN APPLICATION**

Applicant name:St Vincent's Foundation Pty LtdApplicant address:c/- Luke & Company Pty Ltd,98 William Street, Port Macquarie NSW 2444

Land to be developed Part Lot 1232 DP 1142133, Lots 1,2,3 & 4, DP 1150758 and Lot 5 DP 25886

Proposed development: Concept approval is sought for

- The delineation of the limits of the residential subdivision;
- The location of the three intersections with Ocean Drive;
- The location of an additional intersection with Ocean Drive currently under investigation by Council;
- The delineation of the future school sites;
- The general location of the Greater Lake Cathie/Bonny Hills Village Centre:
- The delineation of the site for future eco-tourist development; and
- The delineation of the extent of the Open Space, Drainage and Wildlife Habitat Corridor.

#### ENVIRONMENTAL ASSESSMENT

This Environmental Assessment Report has been prepared in accordance with the Director General's Requirements issued under Part 3A of the Environmental Planning and Assessment Act 1979 (MP06\_0085)

#### CERTIFICATE

I certify that I have prepared the contents of this Environmental Assessment Report and to the best of my knowledge it contains all available information that is relevant to the environmental assessment of the development to which the Environmental Assessment Report relates; and it is true in all material particulars and does not, by its presentation or omission of information, materially mislead.

Signed:

Middellis

Name: Date: Michelle Hollis August 2010

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### 1. APPENDICES

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1	Aboriginal Herita	age Assessment
1a	Proposed development at Rainbow Beach, Bonny Hills, NSW mid-north coast. Aboriginal cultural heritage re- assessment. July 2006	Jacqueline Collins Consultant Archaeologist
1b	Proposed development at Rainbow Beach, Bonny Hills NSW mid-north coast. Aboriginal cultural heritage assessment of proposed 'eco- tourist' site and previously unassessed southern portion of proposed development area	Jacqueline Collins Consultant Archaeologist

APPENDIX NUMBER	TITLE / DESCRIPTION	AUTHOR
1c	Advertising relating to Aboriginal Archaeological Investigation Consultations August 2008	Luke & Company Pty Ltd
1d	Correspondence and mapping relating to Aboriginal Archaeological Site 4 May 2008	Jacqueline Collins & Bulkara Enterprises
2	Aquatic Flora and Fauna	
2a	Aquatic Flora and Fauna Report April 2008	Ecology Lab Pty Ltd
3	Bushfire Hazard Assessment	
3а	Bushfire Hazard Assessment November 2008	Australian Bushfire Protection Planners Pty Ltd

APPENDIX NUMBER	TITLE / DESCRIPTION	AUTHOR
4	Contamination Assessment	
4a	Phase 1 Preliminary Assessment – Contamination Assessment November 2007	ERM Pty Ltd
5	Earth	works
5a	Earthworks Report June 2010	Luke & Company Pty Ltd
6	Ecological Assessments	
6a	Ecological Survey & Statutory Assessments of Proposed Constructed Wetland & Filling and Concept Plan June 2009	Darkheart Eco- Consultancy Pty Ltd

APPENDIX NUMBER	TITLE / DESCRIPTION	AUTHOR
6b	Management and Enhancement Measures for Crown Land and SEPP 26 Littoral Rainforest #116 June 2009	Darkheart Eco- Consultancy Pty Ltd
6c	EPBCA 1999 MNES Assessments September 2009	Darkheart Eco- Consultancy Pty Ltd
7	Geotechnical Assessment	
7a	Geotechnical Report June 2010	Luke & Company Pty Ltd
8	Infrastructure Assessment	
8a	Infrastructure Report June 2010	Luke & Company Pty Ltd

APPENDIX NUMBER	TITLE / DESCRIPTION	AUTHOR
9	Traffic Assessment	
9a	Traffic Report June 2010	Luke & Company Pty Ltd
9b	Updated assessment of Traffic Noise October 2009	Noise and Sound Services
10	Water Engineering Assessment	
10a	Water Engineering & Environment Report April 2010	Cardno Pty Ltd
11	Coastal Hazards	
11a	Coastal Hazard Study – Lot 5 DP 25886, Bonny Hills March 2010	SMEC Pty Ltd

APPENDIX NUMBER	TITLE / DESCRIPTION	AUTHOR
12	Groundwater Investigations	
12a	Groundwater Characterisation and Numerical Modelling for Rainbow Beach Estate March 2010	UNSW Water Research Laboratory
13	Village Centre	e Assessment
13a	Greater Lake Cathie – Bonny Hills Village Centre Planning Study Stage I – Assessment of Potential December 2008	Design Collaborative Pty Ltd
13b	Greater Lake Cathie – Bonny Hills Village Centre Planning Study Stage II – The Physical Framework December 2008	Design Collaborative Pty Ltd

APPENDIX NUMBER	TITLE / DESCRIPTION	AUTHOR
14	Eco-Tourist Site	
14a	Eco-Tourist Site Concept Design Report April 2010	Luke & Company Pty Ltd
14b	Eco Tourist Site Principles Plan (P1D) January 2010	Luke & Company Pty Ltd
14c	Eco-Village Plan View October 2008	Arcoessence Pty Ltd
14d	Eco- Village Aerial View October 2008	Arcoessence Pty Ltd
15	Correspondence	
15a	Consultation Correspondence	Various

APPENDIX NUMBER	TITLE / DESCRIPTION	AUTHOR
16	Owner's Consent	
16a	Owner's consent April 2008	Port Macquarie – Hastings Council
16b	Owner's consent April 2008	Department of Lands
17	Section 149 Certificates	
17a	Section 149 Certificate Lot 1232 DP 1142133 June 2010	Port Macquarie – Hastings Council
17b	Section 149 Certificate Lot 5 DP 25886 June 2010	Port Macquarie – Hastings Council
17c	Section 149 Certificate Lots 1,2,3 & 4 DP 1150758 June 2010	Port Macquarie – Hastings Council

APPENDIX NUMBER	TITLE / DESCRIPTION	AUTHOR
18	Area 14 Structure Plan	
18a	Area 14 Structure Plan May 2003 as amended by Council 19 July 2004	Deicke Richards <i>et. al.</i> on behalf of Port Macquarie – Hastings Council
19	Visual Analysis	
19a	Visual Analysis August 2010	Luke & Company Pty Ltd
20	DGRs	
20a	Director General's Environmental Assessment Requirements Issued 31 <sup>st</sup> May 2010	

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# **EXECUTIVE SUMMARY**



# **1 Executive Summary**

Concept Plan approval is sought for a number of environmental and urban elements of the subject land, consistent with Port Macquarie – Hastings Council's adopted Lake Cathie and Bonny Hills Master Plan 2004 for the Area 14 Urban Release Area (herein referred to as the Area 14 Structure Plan).

The whole of the subject land is currently zoned part Residential 2(a1) and Part Rural 1(a1) under the provisions of Hastings LEP 2001, and no rezoning is required for any part of the development proposed within this Concept Plan.

Concept Plan approval pursuant to Part 3A of the Environmental Planning and Assessment Act 1979, is sought for the form of development as shown on the Concept Plan in Figure (i), with the details of each landuse element approval sought, as follows:

- In respect of the residential component, delineation of the limits of the residential subdivision and future urban uses on the subject land. It is proposed that the detailed subdivision design will be the subject of a future project application(s) or development application(s);
- Location of the three intersections with Ocean Drive, and the location of an additional intersection with Ocean Drive currently under investigation by Council;
- General location of the Greater Lake Cathie Bonny Hills Village Centre. The detailed design, including

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the size and extent of the centre, will be the subject of future project application(s) or development application(s);

- Delineation of the extent of the two separate school sites on the subject land. The detailed design of the individual schools will be the subject of future project application(s) or development application(s);
- Delineation of the site for eco-tourist development.
   The details of the development to be the subject of a future project or development application;
- Delineation of the extent of the Open Space / Drainage / Habitat Corridor. A future project application will be submitted in mid 2010 for all elements within the corridor, including the following major elements:
  - Open Space and Wildlife Corridors,
  - Stormwater treatment and management,
  - Constructed Wetland, &
  - District Sporting Fields and facilities.

A detailed description of each landuse element of the proposed Concept Plan development is provided in Section 10 of this Concept Plan report.

It should be noted that the Project Application for the Open Space / Drainage / Habitat Corridor, was determined by the Minister to be a matter under Part 3A and a project application under Part 3A has been lodged (Reference No. MP07\_0001). The Director General's Requirements for the project application were initially issued on 10<sup>th</sup> January 2007, with updated requirements issued on 31<sup>st</sup> May 2010.

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The flowchart in Figure (ii) sets out the requested process of delegation to Port Macquarie – Hastings Council for the assessment and approval of subsequent development applications under Part 4 of the Environmental Planning and Assessment Act (for residential subdivisions, school sites, district sporting fields, village centre and the ecotourist site) and the submission and approval of the Open Space / Drainage / Habitat Corridor Project Application.



Figure (ii): Flowchart for Development Proposal



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Concept Plan

The Director General's Requirements for this Concept Plan application were initially issued on 10<sup>th</sup> January, 2007, with updated requirements issued on 31<sup>st</sup> May 2010. These current requirements are set out in the following tables to enable an easy identification of the sections of this Environmental Assessment Report where the requirements have been addressed.

The following table shows the General Requirements and cross references to the relevant sections of this Concept Plan report.

Director General's General	Section in which
Requirements	DGR is addressed
(DGRs)	
1. An executive summary	Refer to Section 1 of this Report.
2. An outline of the scope of the	
project including:	
<ul> <li>any development options;</li> </ul>	Development Options
	refer to Section 9;
<ul> <li>justification for the project</li> </ul>	Justification of the Project
taking into consideration	refer to Section 11;
any environmental	
impacts of the project, the	
suitability of the site and	
whether the project is in	
the public interest;	
<ul> <li>an outline of the staged</li> </ul>	No Staging Identified
implementation of the	
project if applicable.	

Table 1: General Requirements from DGRs

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3.	A thorough site analysis and description of the existing environment.	Section 6 includes an assessment of the existing environment
4.	Consideration of any relevant statutory and non-statutory provisions and identification of any non-compliances with such provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans as well as impacts, if any, on matters of national environmental significance under the Commonwealth <i>Environment</i> <i>Protection and Biodiversity</i> <i>Conservation Act</i> 1999.	Section 5 is an assessment of relevant statutory and non- statutory provisions
5.	An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project.	Section 6 considers the impacts of the proposal and refers to the monitoring programs detailed in the Appendices. Section 12 details the draft Statement of Commitments.

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<ol> <li>The plans and documents outlined in Attachment 2.</li> </ol>	Various figures are included throughout this report to address the requirements of Attachment 2.
7. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading.	Signed statement included.
<ol> <li>An assessment of the DGRs specified below and a table outlining how these key issues have been addressed.</li> </ol>	Table 2 sets out the Project Specific DGRs and the section in which each DGR has been addressed.

 
 Table 2: Key Issues from Director General's Requirements and
 cross - references to the relevant sections of this Concept Plan report.

	Director General's Requirements (DGRs)	Section in which DGR is addressed
	LANDUSE PA	TTERN
1.1	Provide a structure plan for the site that identifies the location of proposed landuses, densities, road and open space networks, town / neighbourhood centres, urban design principles, schools, playing fields, constructed wetland and tourist site.	Section 1 summarises the proposal. Figure 1 shows the Concept Plan proposed. Section 4 details the proposed development.
1.2	Justify the proposed landuses across the site with reference to relevant local, regional and State planning strategies. The proposal should be generally consistent with the Port Macquarie – Hastings Council Area 14 Structure Plan or justification provided for any inconsistencies.	Section 5 details the relevant statutory matters to be considered. Section 11 provides the Justification for the proposal.
1.3	Consider the integration and compatibility of the proposed land uses (schools, retail / business centre, residential properties, tourist site) across the site with regard to access arrangements, traffic, environmental buffers, density controls and suitability of the landuse with surrounding development.	Section 4 details the proposed development. Section 5 details the relevant statutory matters to be considered Section 8 details traffic integration.

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Rainbow Beach Concept Plan

1.4	Demonstrate the consistency of the proposed residential subdivision with the NSW Coastal Design Guidelines.	Section 5
1.5	Identify any potential impacts of the development on adjoining rural lands and if necessary, appropriate mitigation measures.	Section 5
	CONSTRUCTED W	/ETLANDS
2.1	Justify the constructed wetland in the context of the IWCM plan proposed for the site (refer to 3.2 below).	Section 6.5
2.2	Consider the functioning of the wetland including the responsibility for ongoing management, any potential risk to public safety and potential environmental impacts such as groundwater, water quality and hydrology.	Section 6.5
2.3	Consider alternative sources of fill for the residential subdivision.	Section 6.5
,	WATER CYCLE MANAGEMEN	T & WATERCOURSES
3.1	Address potential impacts on water quality of both surface and groundwater.	Section 6.5

3.2	Address and outline measures for Integrated Water Cycle Management (including stormwater) based on Water Sensitive Urban Design principles, including impacts on the surrounding environment.	Section 6.5
	HAZARD MANAGEMENT	AND MITIGATION
4.1	Address the requirements of Planning for Bushfire Protection 2006 (or relevant policy).	Section 6.2.1
4.2	Identify any contamination on site and if necessary, appropriate mitigation measures in accordance with the provisions of SEPP 55 – Remediation of Land.	Section 6.2.2
4.3	Identify the presence and extent of acid sulphate soils on the site and if necessary, appropriate mitigation measures.	Section 6.2.3
4.4	Provide an assessment of any flood risk on site in consideration of any relevant provisions of the NSW Floodplain Management Manual. Consider the potential impacts of any filling on the flood regime of the site and adjacent land.	Section 6.2.4

4.5	Assess the potential impacts of sea level rise and an increase in rainfall intensity on the flood regime of the site and adjacent lands with consideration of Practical Consideration of Climate Change – Floodplain Risk Management Guideline (DECC, October 2007) and the draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise.	Section 6.2.4
	TRAFFIC MANAGEMEN	T AND ACCESS
5.1	<ul> <li>Prepare a concept 'Traffic Impact Study' in accordance with the RTA's Guide to Traffic Generating Developments, which addresses but is not limited to the following matters:</li> <li>The capacity of the road network to safely and efficiently cater for the additional traffic generated and, if necessary, mitigation measures required to ensure efficient functioning of the road network;</li> <li>Access to and within the site; and</li> <li>Servicing and parking arrangements.</li> </ul>	Section 8
5.2	Consider existing public transport to and from the site and additional demands for such transport.	Section 8

5.3	Consider pedestrian and cycle access both to and within the site.	Section 8
	INFRASTRUCTURE	PROVISION
6.1	Address existing capacity and requirements of the development for sewerage, water, electricity, telecommunications, waste disposal and gas in consultation with relevant agencies. In particular, demonstrate the ability of the sewerage treatment plant at Bonny Hills to accommodate the proposed development.	Section 7

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	FLORA AND F	AUNA
7.1	Describe the potential impacts of the proposal on existing native vegetation (including areas of SEPP 26 littoral rainforest) both within and adjacent to the site and identify measures to minimise impacts on this vegetation (eg. appropriate buffers).	Section 6.4
7.2	Describe the potential impacts of the proposal on existing aquatic flora and fauna and habitats both within and adjacent to the site and identify measures to minimise impacts on these habitats with consideration of Policy and Guidelines for Aquatic Habitat Management and Fish Conservation 1999.	Section 6.4
7.3	Outline measures for the conservation of flora and fauna and their habitats within the meaning of the Threatened Species Conservation Act 1995.	Section 6.4
7.4	Outline measures for the conservation or enhancement of existing wildlife corridors and / or the connective importance of any vegetation on the subject land.	Section 6.4

	HERITAGE	
8.1	Identify any Aboriginal archaeological or cultural heritage on the site and, if necessary, identify appropriate measures to preserve Aboriginal heritage (with reference to draft Guidelines for Aboriginal Cultural Heritage Impact Assessment, and Interim Community Consultation Requirements for Applicants).	Section 6.3.1
8.2	Identify any items of European heritage significance and, if necessary, provide measures for the conservation of these items.	Section 6.3.2

# INTRODUCTION



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# 2 Introduction

This Environmental Assessment Report has been prepared by Luke & Company Pty Ltd on behalf of St Vincent's Foundation Pty Ltd (the Landowner & Applicant) pursuant to Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act). This report has been prepared for Concept Plan Approval for the delineation of a number of landuses on land located at Rainbow Beach, Bonny Hills on the Mid North Coast of NSW.

The subject land may be identified as Part Lot 1232 DP 1142133, Lots 1, 2, 3 & 4 DP 1150758, and Lot 5 DP 25886. Concept Plan approval is sought for a number of environmental and urban elements of the subject land, generally consistent with Port Macquarie - Hastings Council's adopted Structure Plan for the Area 14 Urban Release Area. The subject land is currently zoned part Residential 2(a1) and Part Rural 1(a1) and no rezoning is required for any part of the ultimate development as outlined within this Concept Plan.

Concurrently, a Project Application will be lodged for the Open Space Corridor and Constructed Wetland on the subject land.

The applications were lodged with the Department of Planning pursuant to Part 3A of the Environmental Planning and Assessment Act 1979 and are referenced as follows:

MP 06_0085	Rainbow Beach Concept Plan
MP 07_0001	Open Space Corridor and Constructed Wetland, Rainbow Beach

## 2.1 Scope of Part 3A Applications

The Concept Plan application seeks consent for:

- The delineation of the limits of the residential subdivision;
- The location of the three adopted intersections with Ocean Drive:
- The location of an additional intersection with Ocean Drive currently under investigation by Council;
- The delineation of the future school sites;
- The delineation of the Greater Lake Cathie/Bonny Hills Village Centre;
- The delineation of the eco-tourist development site; and
- The delineation of the Open Space, Drainage and Wildlife Habitat Corridor.

The Project Application will seek consent for the following elements:

- Open space, drainage and wildlife habitat corridors; •
- · Earthworks required for constructed wetlands and to create filled reclaimed areas:
- Stormwater treatment and management; and
- District Sporting Fields.

Consent for the Project Application and the completion of the associated physical works therein, will advance the project to the point where:

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- urban and residential development areas are reclaimed to inundation free levels and are appropriately protected and vegetated;
- the open space, habitat and drainage corridor areas of the site are rehabilitated with typical indigenous coastal habitats appropriate to the location and incorporating passive recreational facilities (eg pathways, cycleways, park seating, children's playgrounds and picnic areas);
- the District Sporting Fields are filled, vegetated and readied for transfer to Port Macquarie-Hastings Council.

Urban and residential development consistent with the Concept Plan will then be completed in a series of stages, each of which will be the subject of future applications.

The Concept Plan for which approval is sought is shown in Figure 1.

The flowchart in Figure 2 sets out the requested process for the delegation to Port Macquarie – Hastings Council for the assessment and approval of subsequent development applications and the submission and approval of the Open Space / Drainage / Habitat Corridor Project Application.

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The landuses identified in the Concept Plan are in accordance with Port Macquarie - Hastings Council's adopted landuse Strategy for the locality, known as the Structure Plan for the Area 14 Urban Release Area (Area 14 Structure Plan). A full copy of the Area 14 Structure Plan is included in Appendix 1. The landuses include residential development, a village centre, school sites, eco-tourist site and an open space / drainage / habitat corridor.

The identification of 80.9 hectares of land as open space / drainage / wildlife corridor, over land which is zoned residential is effectively a contraction of the permissible landuses over the subject land. However the landowner's approach has been to achieve a balanced approach to the development and environmental management of the land.

The development of the Council adopted Area 14 Structure Plan, involved extensive consultation with the general public, key community groups, as well as government departments and service agencies. Additional government department consultation has been undertaken in the preparation of this Environmental Assessment report.

Whilst the Area 14 Structure Plan is quite a robust planning document, which was rigorously assessed and commented on by both the public and various government departments during its development - it lacks planning certainty due to the lack of legislative enforcement for such a document. Hence the need to advance the provisions of the adopted and accepted Area 14 Structure Plan, into this Concept Plan.

The subject land is the largest parcel of undeveloped, residentially zoned land within the Port Macquarie - Hastings

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Local Government Area. The entire property, the subject of this Concept Plan application is approximately 177.4 hectares. The subject land forms the major single landholding within Council's Area 14 Urban Release Area and is critical to Port Macquarie – Hastings Council's release program and the production of new housing within the area.

This Concept Plan, and the Area 14 Structure Plan, adopt the goal of the Hastings Urban Growth Strategy (HUGS), which is to:

> "..create sustainable living for the current and future residents of the Hastings which respects the environment and the economic / social well being of the community."

The definition of sustainable living is derived from the Sustainable Urban Settlement: Guidelines for Regional NSW. Sustainable living is defined as that development which:

"protects and enhances the environment, creates and supports jobs and ensures a good quality of life for us and future generations."

## 2.2 Location

The Concept Plan relates to part Lot 1232 DP 1142133, Lots 1,2,3 & 4 DP 1150758 and Lot 5 DP 25886, located at Rainbow Beach, Bonny Hills (collectively referred to in this report as the subject land). The total land area is approximately 177.4 hectares. Figure 3 shows Lot 1232 DP 1142133 which encompasses Lot 1 to 4 DP 1150758 (closed roads). Figure 4 is

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an extract from DP 25886 showing Lot 5, and Figure 5 shows Lots 1,2,3 and 4 in DP 1150758. It should be noted that this application only relates to part of Lot 1232 as an area in the south western portion of Lot 1232 does not form part of this Concept Plan application.

The subject land is located at Rainbow Beach, between the coastal villages of Bonny Hills to the south and Lake Cathie to the north, as shown in Figure 6.

The subject land is bound to the north and west by road, being Ocean Drive. Part of the irregular eastern boundary of the land adjoins land identified for future development in the Area 14 Structure Plan. The mid-eastern boundary of the subject land has frontage of approximately 350 metres to a Crown beach reserve, and the south-eastern boundary adjoins the sewage treatment plant which services both Bonny Hills and Lake Cathie. Adjoining the southern boundary of the subject land is the existing Rainbow Beach residential estate, now in its final development stage having been developed under а development consent originally issued in the late 1980s.

The total area of the subject land is approximately 177.4 hectares.



Figure 2: Flow Chart of Proposed Development



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