



Ref: OUT10/13509

A/Director Regional Projects  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

16 September 2010

Attention: Mr Sebastian Tauni

Dear Mr Tauni

**Re: MP06- 0085 Concept Plan – Rainbow Beach development,  
PORT MACQUARIE HASTINGS LGA.**

Thank you for your letter of 1 September 2010 seeking comment from Industry & Investment NSW (I&I NSW) on the Concept Plan for the above mentioned major project.

I&I NSW is responsible for ensuring that fish stocks are conserved and that there is “no net loss” of key fish habitats upon which they depend. I&I NSW has reviewed the Concept Plan and notes that the proposed development generally avoids direct impacts on key fish habitats.

As more detailed designs are prepared, maintaining an effective separation between the key fish habitat of Duchess Gully ICOLL and water quality control infrastructure is an important design criteria. Such a separation facilitates operation of the facilities uncompromised by the present or future opening strategy of Duchess Gully ICOLL.

Further, ensuring the natural and constructed features are separated reduces the likelihood of fish populations moving into the water quality control ponds, which are generally unsuitable habitats for fish. Final levels for the subject development should be cognisant of projected sea level for the 20 and 50 year time horizons.

Should you require further information please contact Fisheries Conservation Manager, Patrick Dwyer, on (02) 6626 1397.

Yours sincerely

Marcus Riches  
**Senior Fisheries Conservation Manager**  
**Fisheries Ecosystems**



Mr Sebastian Tauni  
Environmental Planner  
Major Projects Assessment  
Department of Planning  
GPO Box 39  
**SYDNEY NSW 2001**

24 September 2010

Dear Mr Tauni

I refer to the Department of Planning's letter seeking Housing NSW's input on the proposed Rainbow Beach Concept Plan submitted by St Vincents Foundation Pty Ltd. Housing NSW welcomes the opportunity to review the documents and appreciates any opportunity for further involvement in the progress of the Rainbow Beach Concept Plan.

**Background**

Housing NSW's interest in the proposed Rainbow Beach Concept Plan are twofold – to ensure access to housing is provided for all income groups in that community and for all stages a household may go through, and, to promote housing affordability more generally throughout the LGA.

As the Department of Planning is aware, Housing NSW provides housing to low income households unable to obtain affordable and appropriate housing in the private sector. Housing assistance is targeted to people in greatest need. Many of Housing NSW's clients are single person households and single parents, and many have additional support needs. Housing NSW's land and housing assets are its major resource. For this reason, utilising assets to their optimum potential (while meeting environmental amenity concerns) is a primary concern. Housing NSW seeks to ensure that the development potential of social housing assets is maintained, and where appropriate improved.

**Proposed Rainbow Beach Concept Plan**

St Vincent's Foundation Pty Ltd's proposal does not directly affect any existing Housing NSW properties. As outlined above, our interests are twofold, and therefore, we would like to encourage the provision of affordable housing and housing for a range of household types within Rainbow Beach where appropriate.

Housing NSW would like to offer the assistance of its Centre for Affordable Housing. The Centre is a business unit within Housing NSW whose purpose is to facilitate increased affordable housing opportunities across NSW. The unit can provide expert advice and assistance in developing affordable housing responses and brokering partnerships between private developers, Government and the non-profit sector.

Michael Oelofse, the Centre's Senior Project and Policy Officer can be contacted on 8753 8431.

Within the Hastings LGA there is strong and growing demand for a range of housing types, particularly for one and two bedroom dwellings, both within the broader community and amongst social housing clients. The capacity to develop smaller dwellings suitable for a range of groups is, therefore, critical to an effective and efficient response to meeting existing and future demand for housing in this area. This is outlined in Attachment 1 – *Hastings Housing Market Analysis*. As the Concept Plan progresses Housing NSW would like to see a range of housing types encouraged in Rainbow Beach.

Housing NSW recognises that the development is in accordance with the *Mid North Coast Regional Strategy* and the *Draft Port Macquarie Hastings Urban Growth Management Strategy*. Housing NSW supports this residential development since it has the potential to reduce the pressure on existing housing and house prices.

Housing NSW generally supports the preparation of the Rainbow Beach Concept Plan, however, would like to raise the following points:

- Housing NSW would like to see some provision for affordable housing as part of the development.
- Housing NSW stresses the importance of providing for a variety of dwelling types and sizes in Rainbow Beach to help meet changing demographics. Providing a suitable housing variety means that less people need to pay more for large dwellings that they do not require. Housing variety also presents greater opportunities for all demographics to enter the housing market. There is a lack of housing variety in Hastings Local Government Area which is explained further at Attachment 1 – *Hastings Housing Market Analysis*. Housing NSW recommends that, as a condition of consent, there be a requirement for a variety of housing types that reflect the targets in the *Mid North Coast Regional Strategy* and the *Draft Port Macquarie Hastings Urban Growth Management Strategy*. The *Draft Port Macquarie Hastings Urban Growth Management Strategy*'s target is to have "40% multi-unit housing by 2031" which requires a "greater mix of dwelling types in urban release areas" (Hastings Council, p 6).
- Housing NSW understands that as this is a Concept Plan, no specific road layout has been finalised. Housing NSW would encourage the provision of an integrated road network with good permeability, such as, the road layout proposed in the Urban Design Master Plan which was included in the Environmental Assessment documents. Permeable road networks encourage walking and cycling which are equitable modes of transport for those who can not drive or afford to own a car.
- Housing NSW commends the developer's plan to provide a range of walking and cycle paths. The walking paths should be of high quality to allow exercise opportunities for the elderly and disabled as well as the greater community.
- Housing NSW would also encourage the provision of an adequate public transport service that compliments Rainbow Beach. This is especially important as the new town will be roughly 15km from services like the hospital, higher education facilities and additional work and retail sources in central Port Macquarie. Discussions with relevant parties, such as public transport

providers, should occur early in the planning process. This consultation ensures that public transport is not inhibited by town design.

- Housing NSW supports the idea in the Concept Plan for a cycleway. Cycling is an equitable mode of transport for people who can not drive, such as, young people and people who can not afford to own a car.

Finally, Housing NSW looks forward to continuing to work with the Department of Planning and any other relevant stakeholders regarding the development of the Rainbow Beach Concept Plan and other planning related matters. Should you have any further queries please do not hesitate to contact Deb Kuhn, Manager Asset Planning, Northern NSW Division on 6659 2551 or Sue Brown, Principal Planner, Portfolio Strategy and Planning on 8753 8529.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Pauline McKenzie', with a stylized, flowing script.

**Pauline McKenzie**  
General Manager Housing Services  
Northern NSW Division



File No: 196.5351/N00894 & 196NTH10/00129  
Your reference: 06\_0085 & 07\_0001  
Mr Gregory Sciffer



Alan Bright  
A/Director Regional Projects  
DDepartment of Planning  
GPO Box 39  
SYDNEY NSW 2001

Department of Planning  
Received  
30 SEP 2010  
Scanning Room

Main Road No.600-Ocean Drive. Department of Planning. Project Applications 06\_0085 and 07\_0001.  
Rainbow Beach. Lake Cathie

Dear Sir

Reference is made to your letters received on 2 September 2010 by the Roads and Traffic Authority (RTA) for the proposed projects.

Attached is a copy of the RTA's response to a previous enquiry for the proposed projects, for your information.

The following additional comments with regards to the possible impacts on transport, road safety, traffic management and efficiency are provided for your consideration.

- i. From experience the RTA believes that it is critical to resolve issues relating to transport as early as possible so the best outcome is achieved for the community. This area is highly dependant on private vehicles for transport. Transport infrastructure ideally need to be costed to make sure that the proposed development is sustainable and that it is provided for in contribution arrangements and determinations.
- ii. There are a number of major new residential areas proposed for the Port Macquarie Hasting Council area. Cumulatively they will have a significant impact on the arterial road network's, safety and efficiency. Most of the traffic studies undertaken for them have mainly involved the application of specific analytical transport models. In order to assess their total impact on the road network it would be desirable to develop a micro-simulation model for the arterial road network as soon as possible.
- iii. Until now the RTA has had no opportunity to consider the implications of the Area 14 Traffic Study or its recommendations for this area.
- iv. The Area 14 Traffic Study discusses that if there are constraints on Ocean Drive both north and south of the area then traffic will be encouraged to use the Pacific Highway and Houston Mitchell Drive. This scenario raises a number of concerns which have not been investigated.
- v. The existing junction of the Pacific Highway with Houston Mitchell Drive is an at grade seagull intersection located in a 110km/h speed zone on a dual carriageway. There are no plans to improve this junction in relation to the upgrade of the Pacific Highway at this time. Consideration

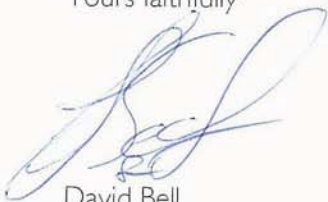
Roads and Traffic Authority

needs to be given to the impacts on the safety and efficiency of the junction. Any required improvements will need to be included in the local contribution arrangements.

- vi. Ocean Drive is a Classified Road that requires the RTA's concurrence to any new access or proposed road works. This should be resolved as early as possible.
- vii. The efficiency of Ocean Drive in the future is dependant on other road infrastructure being progressively upgraded.
- viii. The RTA is responsible for the approval and maintenance of traffic signals. Their need will have to be clearly demonstrated and installed at no cost to the RTA. Any contribution plan will also have to include overhead, and the 10 year maintenance contribution fees.
- ix. Four new connections are proposed and discussed in the documentation. In order to maximise the flows and the benefits of traffic signal co-ordination all of these junctions may need to be signalised.
- x. Schools should not be located adjacent a multi-lane arterial road due to the impacts that the traffic will have on safety and amenity. Any school zone installed on Ocean Drive will have an impact on its efficiency and create ongoing compliance problems. They are better located away from major roads where the road environment is safer.
- xi. It is noted that the southern school site proposes a fifth direct connection to Ocean Drive. This will have a significant impact on the safety and efficiency of Ocean Drive. Consideration needs to be given to its impacts, access design and funding of road works.
- xii. Any connection to a local road should be located at least 90m from Ocean Drive or any traffic signal.
- xiii. Safe links need to be established across Ocean Drive for pedestrians and cyclists to connect to schools, shops, beach and other residential areas. These would ideally be grade separated to avoid conflicts with traffic.
- xiv. Consideration will need to be given to the provision of street lighting in accordance with the local electricity authority's guidelines.
- xv. Standard guidance and delineation facilities such as signs, guideposts and line marking should be provided in accordance with the RTA's guidelines.
- xvi. A Traffic Management Plan should be developed and implemented for the proposed earthworks operations. This will need to take into consideration the safe management of through and turning traffic on Ocean Drive in accordance with the RTA's and AUSTROADS road design guidelines. Any new access and/or road works will require the RTA's concurrence.

For any further enquiries please contact Mr Greg Sciffer (Ph: 02 66401344) or by email at [land\\_use\\_northern@rta.nsw.gov.au](mailto:land_use_northern@rta.nsw.gov.au) for advice.

Yours faithfully



David Bell  
Regional Manager, Northern Region

23 SEP 2010





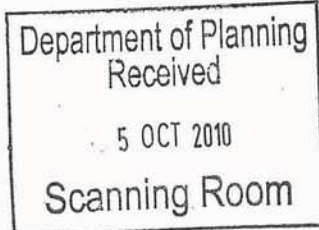
Environment,  
Climate Change  
& Water



Your reference: 06\_0085 and MP07\_0001  
Our reference: DOC10/40006; FIL06/920-06  
Contact: Emma Coombs, (02) 4908 6831

Major Project Assessments  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Attention: Sebastian Tauni



Dear Mr Tauni

**RAINBOW BEACH CONCEPT PLAN (MP 06\_0085) AND PROJECT APPLICATION (MP 07\_0001)  
EXHIBITION OF ENVIRONMENTAL ASSESSMENT – PROJECT APPROVAL APPLICATION**

I refer to your letter dated 2 September 2010 seeking a written submission from the Department of Environment, Climate Change and Water<sup>1</sup> (DECCW) on the above proposal submitted by St Vincents Foundation Pty Ltd. I also refer to the documents '*Environmental Assessment Rainbow Beach Concept Plan – including Appendices 1 - 20*' prepared by Luke and Company (the 'Concept EA') and '*Environmental Assessment Rainbow Beach Project Application – including Appendices A – V*' (the 'Project EA').

DECCW notes that the Concept Plan seeks approval for residential subdivision of approximately 900 lots, a village centre, two school sites, eco-tourist site, associated infrastructure, playing fields, central corridor, constructed wetland system and three intersections off Ocean Drive.

The Project Application seeks approval for Stage 1 works as follows:

- Construction of a 75.2 ha central corridor consisting of eight recreational / environmental precincts which include environmental restoration works, landscaping, sporting fields, childrens play areas, link bridges and walkways, cycleway, picnic areas and establishment of a 14.1 ha constructed wetland system;
- Excavation of 417, 200 cubic metres of soil from the eastern portion of the site;
- Site filling of low-lying areas to reclaim for future development; and
- Formalisation of access to Rainbow Beach.

The Department of Planning (DoP) has advised that a proposed Voluntary Planning Agreement regarding the future management of open space areas of this site will be publicly exhibited at a later date.

DECCW has reviewed the information provided and determined that it does not object to the proposal as described in the EA, subject to the proponent addressing issues raised in **Attachment A**

<sup>1</sup> Note: this submission does not include comments on matters that fall under the responsibility of the NSW Office of Water. These matters will be addressed in a separate submission by the Office of Water.


and inclusion of recommended conditions of approval contained in **Attachment B** in the project approval.

To provide maximum certainty in the project approval, DECCW strongly recommends that the proponent be required to address outstanding issues in its response to submissions rather than deferring these matters to the post-approval conditions.

DECCW would appreciate receiving a copy of the submissions received by the Department of Planning (or a report summarising these submissions) in response to the exhibition of the EA. This will enable DECCW to review the appropriateness of, and determine the need for any amendments to, recommended conditions of approval.

If you have any questions, or wish to discuss this matter further, please contact Ms Emma Coombs on 4908 6831.

Yours sincerely



30 SEP 2010

**MARK HARTWELL**  
**A/Head Regional Operations Unit – Coastal Region**  
**Environment Protection and Regulation**

Encl: Attachments A and B



**ATTACHMENT A****RAINBOW BEACH CONCEPT PLAN (MP 06 0085) AND PROJECT APPLICATION (MP 07 0001)****DECCW COMMENTS ON ENVIRONMENTAL ASSESSMENT****1. GENERAL**

To provide maximum certainty in the project approval, the Department of Environment, Climate Change and Water (DECCW) strongly recommends that the proponent be required to address outstanding issues in its response to submissions rather than deferring these matters to the post-approval conditions.

DECCW has previously identified (correspondence to DoP dated 31 January 2007) that the management of air quality and noise impacts are key issues to be addressed in the Environmental Assessment. These issues have not been addressed. DECCW advises that these issues must be adequately addressed prior to project approval. Recommended conditions of consent have therefore not been provided for these matters.

The Proponent is advised that it must ascertain whether or not any of the proposed activities are deemed a Scheduled Activity under Schedule 1 of the *Protection of the Environment Operations Act*, 1997. If any of the activities are deemed scheduled activities, the proponent will require an Environment Protection Licence (EPL) issued under the provisions of that Act. Should approval be granted the proponent will be required to submit an application to the Environment Protection Authority (EPA) for an EPL. The EPA will provide specific, site related conditions that may apply to the EPL at that point in time. The proponent must obtain an EPL if required prior to commencement of any works on site that would require an EPL.

**Note:** Although the Environment Protection Authority (EPA) is now a part of DECCW, certain statutory functions and powers continue to be exercised in the name of the EPA. This includes licensing functions under the *Protection of the Environment Operations Act* 1997. In these instances, reference is made to the EPA instead of DECCW.

DECCW recommends that the proponent ensure that there is sufficient capacity within the municipal sewage treatment system to accept all sewage waste from the proposal or detail alternative on site disposal methods proposed.

**2. BIODIVERSITY**

DECCW has undertaken a review of both the Concept EA and Project EA. Following this review, DECCW has the following comments in relation to impacts upon biodiversity.

**2.1 Proposed Mitigation Measures**

DECCW supports the mitigation measures and implementation of the Central Corridor proposed in the EA which have been designed to reduce the ecological impact of the Project. DECCW recommends that they be appropriately reflected within the conditions of approval should approval be granted for this Project.

**2.2 Vegetation Removal and Impact upon Threatened Species**

The proposal will result in the direct loss of approximately 1.58 ha of native vegetation and up to 64.43ha (including the Pastoral Woodland containing a number of habitat trees) of known or potential habitat for a number of threatened species including Wallum Froglet (*Crinia tinnula*), Koala (*Phascolarctos cinereus*), Grey-headed Flying-fox (*Pteropus poliocephalus*) and Eastern Chestnut Mouse (*Pseudomys gracilicaudatus*). The proposed native vegetation removal includes 0.49 ha of Swamp Oak Flood Plain Forest and 0.43 ha of Swamp Sclerophyll Forest, which are both Endangered Ecological Communities (EEC) listed under Part 3, Schedule 1 of the *Threatened Species Conservation Act*, 1995.

DECCW acknowledges the positive contribution that the Central Corridor will make toward the retention and enhancement of threatened species habitat with the site, as well as the proponents



current and proposed restoration efforts within this area. However, the following specific impacts upon a number of the threatened species recorded during surveys as well as impacts upon EEC vegetation have been identified.

#### 2.2.1 Wallum Froglet (*Crinia tinnula*)

Section 5.3.3.1 of the Ecological Survey and Statutory Assessment prepared by Darkheart Eco-Consultancy (Project EA, Volume 3, Appendix G) states that the western population of this species is not affected in any manner by the project application. However a review of the bushfire protection measures plan provided in the Project EA (Volume 1, Figure 25) depicts asset protection zones (APZ's) of up to 47m in this area that has been earmarked for future development of a school site. The habitat requirements of this species are not commensurate with the APZ management required for this style of development.

It is therefore expected that this population will be unable to persist within the site. Should the Department of Planning (DoP) grant approval to the Concept Plan, DECCW advises that impacts upon this population will require adequate offsetting in accordance with DECC, 2008a.

#### 2.2.2 Eastern Chestnut Mouse (*Pseudomys gracilicaudatus*) and Common Planigale (*Planigale maculata*)

In NSW the Eastern Chestnut Mouse is mostly found, in low numbers, in heathland and is most common in dense, wet heath and swamps. Optimal habitat appears to be in vigorously regenerating heathland. The Common Planigale inhabits rainforest, eucalypt forest, heathland, marshland, grassland and rocky areas where there is surface cover, and usually close to water. They are active at night and during the day shelter in saucer-shaped nests built in crevices, hollow logs, beneath bark or under rocks (DECC, 2005).

The Eco-tourist resort involves the direct removal of known habitat for the Eastern Chestnut Mouse (*Pseudomys gracilicaudatus*). In addition, the southern school site includes the densely vegetated drain adjacent to the southwest patch of dry sclerophyll vegetation. This area is known to support a small population of Eastern Chestnut Mouse and Common Planigale (*Planigale maculata*). Despite the recommendations of the ecological consultants (Darkheart Eco-Consultancy) that this habitat be excluded from development and fenced off, APZ's of up to 47m have been applied to this area. These APZ's will have a negative impact upon the habitat requirements for both of these species.

The proposed revegetation and enhancement of the Central Corridor will not provide suitable habitat in accordance with the requirements of these species. It is therefore expected that they will be unable to persist within the site. Should the Department of Planning (DoP) grant approval to the Concept Plan, DECCW advises that impacts upon these species will require adequate offsetting in accordance with DECC, 2008a.

#### 2.2.3 Swamp Oak Floodplain Forest

The majority of this community has not been included within the Central Corridor; however this vegetation is significant for both regional connectivity and conservation purposes. As stated above, this community is commensurate with an EEC listed under Part 3, Schedule 1 of the *Threatened Species Conservation Act, 1995*.

DECCW strongly recommends that the Swamp Oak Floodplain Forest EEC vegetation be included within the Central Corridor and adequately protected from further development such as the filling activities and detention basins proposed in this area (refer to the Concept EA, Fig 20 'Open Space Areas').

#### 2.2.4 Vegetation Connectivity

To provide a framework for conservation planning on a landscape scale, the NPWS developed a project that assessed key habitats and corridors (KHC) in the north-east of New South Wales. For this project, key habitats are areas of predicted high conservation value for forest fauna, and include many large areas of vegetated lands and important vegetation remnants on- and off-park. These corridors have been designed to facilitate important ecological processes such as migration, colonisation and interbreeding of plants and animals between two or more larger areas of habitat.



Vegetation cover in corridors depicted in KHC is not always continuous. Mapped corridors may include smaller remnants, wetlands, roadside vegetation, groups of trees or even individual trees. Corridors may be broken or fragmented by degraded or cleared areas while still contributing to landscape connectivity. Discontinuous corridors often constitute important stepping-stones and many provide an obvious starting point for habitat restoration programs (NPWS, 2005).

The majority of the vegetation on the site, including the Swamp Oak Floodplain Forest EEC, forms part of a mapped Regional Corridor identified by DECCW as having regional connectivity significance. It has also been identified as a Koala Habitat Link within the Port Macquarie – Hastings Council Area 14 Koala Plan of Management.

As stated above, DECCW strongly recommends that the Swamp Oak Floodplain Forest vegetation is included within the Central Corridor and that any vegetation within this corridor be protected from any form of development, including bushfire protection measures.

#### 2.2.5 Bushfire Protection Measures

An Asset Protection Zone (APZ) of 54m to the Eco-tourist development has been placed within vegetation proposed to be retained within the Central Corridor between the resort and the proposed wetland. This APZ has also been placed over an existing watercourse (refer to the Concept EA, Fig 16 'Eco Tourist Principles Plan').

As stated previously, this vegetation forms part of a regional corridor and threatened species habitat. DECCW acknowledges the requirements of section 63 of the *Rural Fires Act, 1997* which prescribes that it is the duty of the owner or occupier of land to take any practicable steps to prevent the occurrence of bushfires on its land or spreading to adjacent lands. However, the management of vegetation in accordance with this requirement does not adequately maintain the ecological or biological function of the retained vegetation and watercourse.

DECCW recommends that this area be redesigned to enable the removal of the need for bushfire protection measures within the retained vegetation and watercourse.

#### 2.3 Biodiversity Offsetting Measures

DECCW notes that a Voluntary Planning Agreement regarding the future management of the open space areas of the site will be publicly exhibited at a later date. DECCW strongly recommends that the details of any proposed offset, including details of the mechanism(s) proposed for the long term protection and management of offset area(s) must be provided prior to Project Approval.

It is proposed that the revegetation of the Central Corridor is the primary means of offsetting the impacts of the proposal. Whilst DECCW acknowledges the positive contribution that the Central Corridor will make toward the retention and enhancement of threatened species habitat with the site, it is apparent that the specific impacts upon a number of the threatened species recorded during surveys as well as impacts upon EEC vegetation are not being adequately addressed.

DECCW advises that in order for the proponent to adequately address its requirements for offsetting impacts upon state listed species and communities, any offsets must consider and be consistent with DECCW's 'Principles for the use of Biodiversity Offsets in NSW' (DECC, 2008a).

To adequately determine an offsetting ratio and habitat composition that would be acceptable to DECCW, the proponent may consider conducting a biodiversity assessment using BioBanking Assessment Methodology, as outlined in the *'BioBanking Assessment Methodology and Credit Calculator Operational Manual'* (DECC 2008b). Under this scenario all vegetation types in the study area should be identified and matched to a DECCW BioMetric vegetation type.

Please note there is no formal requirement to use BioBanking under Part 3A of the *EP&A Act 1979*, but the process can, if the proponent wishes, provide guidance in determining the level and adequacy of an offset required to compensate the loss of vegetation / habitat. For details on the use of Biometric, see <http://www.environment.nsw.gov.au/biobanking/>



When undertaking its assessment of the adequacy of proposed offsets, DECCW will take into consideration the regeneration works undertaken to date.

References:

DECC (2008a) Principles for the use of Biodiversity Offsets in NSW (online)  
<http://www.environment.nsw.gov.au/biocertification/offsets.htm>

DECC (2008b) Biobanking Assessment Methodology and Credit Calculator Operational Manual (online)  
<http://www.environment.nsw.gov.au/resources/biobanking/09181bioopsman.pdf>

DECC (2005) NSW Threatened Species – Species, Populations and Ecological Communities of NSW (online)  
<http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/index.aspx>

NSW National Parks and Wildlife Service (2005) Key Habitats and Corridors (online)  
<http://www.maps.nationalparks.nsw.gov.au/keyhabs/default.htm>

### **3. ABORIGINAL CULTURAL HERITAGE**

DECCW notes the Aboriginal Cultural Heritage (ACH) assessment has been undertaken in accordance with DECCW ACH assessment and consultation requirements. We propose that the ACH recommended Conditions of Approval are reflected in any approval conditions for the project.

**End**  
**30 September 2010**

**ATTACHMENT B****RECOMMENDED CONDITIONS OF APPROVAL****RAINBOW BEACH CONCEPT PLAN (MP 06 0085) AND PROJECT APPLICATION (MP 07 0001)**

The recommended conditions of approval provided below relate to the development as proposed in the documents and information currently provided to DECCW. In providing this advice, DECCW notes that the Department of Planning will address generic construction and operation management requirements. Consequently, recommended conditions focus on key environmental matters specific to this proposal.

DECCW would appreciate receiving a copy of the submissions received by the Department of Planning (or a report summarising these submissions) in response to the exhibition of the EA. This will enable DECCW to review the appropriateness of, and determine the need for any amendments to, recommended conditions of approval.

In this attachment the term 'Director-General' refers to the Director-General of the Department of Planning (or delegate).

**Note:** Although the Environment Protection Authority is now a part of DECCW, certain statutory functions and powers continue to be exercised in the name of the EPA. This includes licensing functions under the *Protection of the Environment Operations Act 1997*. In these instances, reference is made to the EPA instead DECCW.

**PRIOR TO PROJECT APPROVAL****Compensatory Habitat Package**

DECCW recommends that this condition be satisfied prior to project approval.

1. The Proponent shall develop and submit for approval of the Director-General a Biodiversity Offset Package to detail how the ecological values lost as a result of the Project will be offset. The Biodiversity Offset Package shall be developed in consultation with DECCW and shall include, but not necessarily be limited to:

- (a) the identification of the extent and types of habitat that would be lost or degraded as a result of the final design of the Project
- (b) the objectives and biodiversity outcomes to be achieved;
- (c) details of land offsets and biodiversity offset measures that have been selected to provide compensatory habitat within the region to offset the habitat loss;
- (d) the monitoring requirements for compensatory habitat works and other biodiversity measures proposed including:
  - i. the monitoring of the condition of species and ecological communities at offset locations;
  - ii. the methodology for the monitoring program(s), including the number and location of offset monitoring sites, and the sampling frequency at these sites;
  - iii. provisions for the annual reporting of the monitoring results ;
- (e) timing and responsibilities for the implementation of the provisions of the package.

Any offsets proposed must comply with DECC's *'Principles for the use of Biodiversity Offsets in NSW' (2008)*. Justification for any area(s) proposed as compensatory habitat is to include assessment of the threatened species values impacted on by the proposed works and whether the proposed area(s) provides equivalent values.

Any offset must be enduring and secured by transfer to DECCW estate or an alternative conservation mechanism which protects and manages the land in perpetuity. Where land offsets cannot solely achieve compensation for the loss of habitat, additional measures must be provided to collectively deliver and improve or maintain biodiversity outcome for the region.

Where monitoring shows inadequate compensatory habitat results, remedial actions must be undertaken to ensure that the objectives of the Biodiversity Offset package are achieved.



## **PROJECT APPROVAL CONDITIONS**

### **ADMINISTRATIVE CONDITIONS**

#### **Works to be undertaken in accordance with information supplied**

1. Except as provided by these general terms of approval, the works and activities shall be undertaken in accordance with the proposal contained in:
  - (a) the major project application no. 06\_0085 submitted to the Department of Planning; and
  - (b) the documents '*Environmental Assessment Rainbow Beach Concept Plan – including Appendices 1 - 20*' prepared by Luke and Company (the 'Concept EA') and '*Environmental Assessment Rainbow Beach Project Application – including Appendices A – V*' (the 'Project EA').
 unless otherwise specified in these conditions of approval.

#### **Obligation to Minimise Harm to the Environment**

2. The proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, maintenance, decommissioning or rehabilitation of the project.

#### **Maintenance of plant and equipment**

3. All plant and equipment installed at the premises or used in connection with the proposal:
  1. shall be maintained in a proper and efficient condition; and
  2. shall be operated in a proper and efficient manner.

#### **AIR**

4. All dust generating activities on the premises must be managed in a proper and efficient manner to minimise dust emissions from the premises.

#### **WATER**

5. Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997* in relation of the development, section 120 of the *Protection of the Environment Operations Act 1997* prohibiting the pollution of waters must be complied with in connection with the carrying out of the development.
6. Soil and water management controls shall be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands during construction activities in accordance with the requirements outlined in *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004).

### **ECOLOGICAL IMPACTS**

28. The Proponent shall minimise the clearing and filling of native vegetation with the objective of reducing impacts to threatened species and Endangered Ecological Communities to the greatest extent practicable.
29. An appropriately qualified and experienced ecologist in accordance with DEC (2004) guidelines, *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities*, must be engaged to provide advice and assist with any pre-clearing surveys, implementation of habitat enhancement features (e.g. nest boxes) and be present during the felling of any habitat trees.
30. All tree hollows removed from the Project Area are to be replaced with nest boxes at a ratio of 1:1. Felled hollows are to be retained in-tact and placed within retained vegetation areas.
31. An appropriately qualified and experienced ecologist in accordance with DEC (2004) guidelines, *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities*, must be engaged to provide advice and assist in the implementation of the mitigation measures referred to in the Environmental Assessment.



32. The Proponent is to undertake an Environmental Audit of all mitigation measures at six (6) monthly intervals following commencement of vegetation clearing and construction works. The Environmental Audit is to continue for the life of the project with all records being made available to DECCW upon request.

### **ABORIGINAL CULTURAL HERITAGE**

33. In the event that surface disturbance identifies a new Aboriginal site, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the object(s). The site is to be registered in the AHIMS (managed by DECCW) and the management outcome for the site included in the information provided to the AHIMS. The proponent will consult with the Aboriginal community representatives the archaeologist, DoP and DECCW to develop and implement management strategies for all objects/sites.
34. If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are contacted immediately. No action is to be undertaken until police provide written notification to the proponent. If the skeletal remains are identified as Aboriginal, the proponent must contact DECCW's Enviroline on 131555 and representatives of the local Aboriginal community. No works are to continue until DECCW provide written notification to the proponent.
35. All reasonable efforts must be made to avoid impacts to Aboriginal Cultural Heritage values at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the Aboriginal community, DoP and DECCW.
36. The applicant must continue to consult meaningfully with and involve Aboriginal representatives for the duration of the project, in relation to the ongoing management of all Aboriginal Cultural Heritage matters.
37. The applicant shall provide fair and reasonable opportunities for the local Aboriginal community to monitor the initial earth moving/construction activities associated with vegetation clearance and topsoil disturbance within the project area.
38. An Aboriginal Cultural Education Program must be developed for the induction of personnel and contractors involved in the construction activities on site. The program should be developed in collaboration with the Aboriginal community.

### **WASTE**

39. All waste and fill materials, whether imported or generated on site, shall be assessed, classified, managed and disposed of in accordance with the *Waste Classification Guidelines* (DECC 2008).
40. All waste and fill material removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.

**End**  
**30 September 2010**