

7 September 2010

Your ref: 06_0085 & 07_0001

Alan Bright
A/Director
Regional Projects
Department of Planning
GPO Box 39
Sydney NSW 2001

Attention: Sebastian Tauni

Dear Alan

**RE: Port Macquarie-Hastings Council – Public Submission No.1
Rainbow Beach Concept Plan (06_0085) and Project Application (07_0001)**

Thank you for advising that the above Part 3A Concept and Project Applications will be on public exhibition from 02 September to 1 October 2010. Council has made arrangements for the display of the exhibition materials at Council's offices in the Port Macquarie-Hastings area.

This is the first public submission from Council in response to exhibition of the Part 3A applications, concerning the draft Heads of Agreement (HoA) in relation to the proposed dedication and management of the environmental and open space corridor.

Council has been in discussion with representatives of St Vincent Foundation Pty Ltd (SVF) since the beginning of 2009 with the aim of establishing agreed management arrangements for the open space/environmental/drainage corridor that is proposed in the Part 3A applications. The applicant has proposed to dedicate the corridor to Council.

Council has commenced discussions regarding the possible content of a voluntary planning agreement between Council and SVF on the assumption that the discussions will not pre-empt Council's assessment of the Part 3A proposals. The terms of any agreement may therefore need to be re-negotiated if there is any significant change to the nature of the Part 3A proposals.

The HoA that have been exhibited with the Part 3A application have been superseded by a later set of draft HoA prepared by the applicant, which are currently being considered by Council. These later draft HoA from the applicant, dated 25 August 2010, are attached for information.

Council would like to make the following points regarding the draft HoA dated 25 August 2010:

1. Council has not agreed to any HoA in relation to the proposed corridor for the purpose of exhibition of the Part 3A applications.
2. Council does not believe that the attached draft HoA are acceptable as the basis for a condition of consent arising from the Part 3A applications.

3. Council's position differs from the attached draft HoA in a number of respects, including:
- a. Council's advice is that the planning agreement should require the provision of the proposed \$200,000 Significant Event Fund on execution of the agreement. Any planning agreement should contain provisions enabling Council to call up the \$200,000 to rectify breaches during the construction period, and requiring that the developer top up the Fund once construction is complete to ensure that there is \$200,000 in the Fund when the Management Period (as defined in the HoA) commences, to deal with environmental events.
 - b. '*Significant environmental events*' should be defined so as to also cover:
 - i. events which occur during the Establishment Period (as defined in the HoA);
 - ii. events which are caused or contributed to by St Vincents; and
 - iii. events which have a deleterious effect on the central corridor and any areas adjoining or downstream from the corridor.
 - c. Council will only agree to reimburse St Vincents for rectification of significant environmental events, if:
 - i. SVF notifies Council of the event as soon as it becomes aware of the event;
 - ii. SVF provides an estimate of costs for the rectification work;
 - iii. Council authorises the carrying out of works; and
 - iv. SVF provides evidence satisfactory to Council of the actual costs incurred.
 - d. The VPA should provide that the agreement, executed by the parties, takes effect immediately, but development contributions are not required to be made unless approval is granted to the Project Application, subject to a condition requiring entry into the planning agreement. If it is envisaged that approval to the Project Application may be granted prior to the Council being in a position to execute the VPA, then the VPA should provide that once it is executed by St Vincents, it takes effect and operates as St Vincents' offer, and then any approval can be granted subject to a requirement that the VPA be entered into (in accordance with s93I(3) of the EPA Act). Council can then execute the VPA, and it takes full effect.
 - e. Council does not agree that the value of the land dedicated for District Sporting Fields and Community Parks, and the value of works carried out on that land, should be offset against all contributions which Council could require under Section 94 of the Environmental Planning & Assessment Act 1979 (as amended). If the offsets were granted against Section 94 contributions that Council could require for other purposes (such as roads, parking and community facilities), then this would lead to a shortfall in Council's funding for those other purposes. Accordingly Council considers that those amounts should only be offset against the Section 94 contributions, which Council could require for open space.
 - f. The VPA should therefore provide that the value of offset for district sporting fields and community parks is to be agreed between the parties within a specified period, and failing agreement, the value will be determined by a valuer. If there is any dispute in that regard, the dispute resolution mechanisms in the VPA are triggered, which include expert determination.

- g. Council is happy for the planning agreement to contemplate the access road being located in any of the alternative locations, provided Council has the ultimate discretion to determine the location of the access road. Council proposes that SVF construct the intersection associated with the access road and is prepared to provide an offset against Section 94 roads contributions if the intersection works are constructed to conform to Council's expected long term road network. Council will require the access road to be upgraded to a full urban standard at a specified future time.
- h. The planning agreement should indicate that the Management Period, during which the Management Obligation must be carried out, will commence once the Establishment Obligation is completed to the satisfaction of Council. It should also specify a time frame for dedication, and Council is advised that that time frame should be within 3 months of completion of the Establishment Obligation. The Establishment or Management Obligations will not be able to be varied unless the Council agrees in writing to do so.
- i. Council requires the Establishment Obligation and Management Obligation to be carried out in accordance with:
 - i. The planning agreement;
 - ii. Any further agreements entered into by the parties;
 - iii. Any development consents, and
 - iv. Any additional directions notified by Council to St Vincents which are not inconsistent with the above.
- j. Whilst Council agrees to seek alternative funding for the management of the Environmental Management Land, the planning agreement should not provide that Council must seek that funding 'as soon as reasonably practical' after entry into the agreement. There should be no time frame on this obligation. It should be sufficient that Council uses its reasonable endeavours to obtain the funding.
- k. The charge is to be created on execution of the agreement, and SVF must, on execution of the agreement, give Council an instrument in registrable form to register the charge. If an alternative parcel of land is proposed by SVF as the charge land, the alternative will only be acceptable to Council if the alternative parcel is a whole lot or lots in a deposited plan, and if SVF agrees to bear the costs associated with the discharge of the charge, and the creation of the new charge over the alternative parcel.
- l. The HoA does not include anything regarding the following matters:
 - i. Application of contributions towards a public purpose;
 - ii. Procedures for dedication of land;
 - iii. Carrying out of work;
 - iv. Access to land;
 - v. Protection of people and property and damage and repairs to work;
 - vi. Procedures relating to variation and completion of works, and rectification;
 - vii. Indemnity and insurance;
 - viii. Recovery of costs of works and enforcement;
 - ix. Dispute resolution;
 - x. Restrictions on assignment; or
 - xi. Review of the agreement.

- m. Finally, Council notes that the attached HoA is drafted in a manner which suggests that it is an operative agreement, rather than a document which sets out the key commercial provisions of the planning agreement. Council would require more consideration to be given to the detailed drafting of any planning agreement, and would require many more operative provisions to properly give effect to the key terms set out in the HoA.

Council will continue to discuss the above issues with SVF in order to achieve satisfactory arrangements for the future management of the corridor land. Council maintains that a condition of consent is required as part of any approval to require that SVF enter into a planning agreement to achieve the outcomes listed in this letter unless an agreement has been reached with Council, prior to issue of consent for the Part 3A applications. It is requested that the Department consult Council prior to the inclusion of any such condition.

Should Council's position change in relation to any of the above matters prior to completion of the exhibition period, as a result of continued discussion with SVF, Council will provide further advice to the Department at that time.

Yours sincerely

Matt Rogers
Director Development & Environmental Services

**PORT MACQUARIE-
HASTINGS COUNCIL**

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ABN 11 236 901 601

30 September 2010



Your ref: MP 06_0085 & MP 07_0001
**PORT MACQUARIE
HASTINGS**

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

Attention: Sebastian Tauni

Dear Sebastian

**Port Macquarie-Hastings Council – Public Submission No. 2
Rainbow Beach Concept Plan (06_0085) and Project Application (07-0001)**

Thank you for the opportunity for Council to provide its comments on the above Part 3A - Concept Plan and Project Applications. This submission is the second of two (2) public submissions that Council has sent to the Department.

The first submission dated 07 September 2010 concerned the draft Heads of Agreement (HoA) that had been exhibited with the applications and that Council was not a party to. Council has been negotiating with representatives from St Vincent's Foundation regarding the draft Heads of Agreement and the resultant Voluntary Planning Agreement. Council is generally happy with the content of the draft VPA. However no VPA has been formally entered into at this stage. Therefore Council is unable to confirm that the following matters are resolved or withdraw its first public submission.

The following issues are those that Council maintain have not been addressed adequately in the proponents Part 3A Concept Plan and Project Applications.

Outline of Stage Implementation

No staging of the development has been provided. Identification of staging would assist to clarify future servicing arrangements particularly infrastructure such as road intersections. Council has sought clarification of the staging proposed on a number of occasions from the proponent.

Constructed Wetlands

The primary function of the water body (wetland) is to obtain fill to maximise the development footprint at the site and the wetland must be considered in this context. Table 6 of the Water Engineering & Environmental Report (Cardno, 2008) indicates an end of line bioretention system that meets Council's current requirements and the Area 14 IWMP would provide 45ha of residential development, while the wetland/borrow pit option provides 66ha of residential development. It does not appear a mid range option has been considered.

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In response to Council's previous queries regarding the maintainability of the treatment system, AECOM's Stormwater Treatment and Wetland Functionality Report dated 9 July 2010 notes that *'Designs for wetlands must therefore demonstrate that these maintenance concerns are accommodated for or mitigated through the design'*.

Council is satisfied that given the experience of the applicant's consultants (AECOM and Cardno), that the detailed design will be able to meet its maintenance access and process requirements whilst achieving the specified water quality targets. However the issue of the total number of facilities is still of concern from a sustainability perspective.

Council has previously raised as an issue, the large number of treatment wetlands proposed and requested that the wetland treatment systems be rationalised and consolidated to minimise the total number of systems.

In this regard, the proposal includes no less than nine (9) treatment wetlands, with sizes ranging from 800-9000m² (plus three existing wetlands), plus an additional seven (7) bioretention systems with sizes ranging from 150-850m² in the upper catchments (Note the bioretention systems have not been shown on the Project or Concept Plan as they are to be delineated and designed at residential subdivision stage as they are subject to road and allotment layouts).

The proposed development will result in 16 different stormwater treatment systems for Council to monitor and maintain for the life of the development. The request to reduce the number of systems is provided on the basis that a reduced number of treatment systems will be more cost effective and simpler to monitor and maintain by Council. It is for these reasons that Council once again recommends the rationalisation of the number of treatment systems.

The Stormwater Treatment and Wetland Functionality Report (AECOM, 9 July 2010) makes reference to this concern and notes that *'consolidation of some of the wetlands may be possible during the detailed design phase. This will require the cut and fill design to be revised in order to consolidate some of the catchments that feed the wetlands W1a, W1b, W1c or W1d.'*

It is requested that the Project Application and Concept Plan be amended to address this concern prior to approval. However if this is not possible, Council requests the following additions to the statement of commitments:

Stormwater Management:

Commitment to consolidate the total number of treatment wetlands to reduce Council's future maintenance liability.

Specific reference is made to combining W4A & B, W1A & W1B, W1D & W1E, Existing treatment wetlands with W2.

Preliminary consolidation plans showing the amended layout shall be submitted to Council for review prior to the preparation of Construction Certificate Plans.

Land use Management

Proposed ownership and long term management of the open space components are presently being negotiated with representatives of St Vincent's Foundation in a draft

Voluntary Planning Agreement that will be exhibited separately. In the absence of a signed VPA, no final determination has been made of Council's acceptance of longer term ownership and management of the open space corridor.

Infrastructure Provision

As previously stated, there is no recognition on the Concept Plan of the buffer to the sewerage treatment plant.

If the existing eco-tourist site land use delineation is to be retained in the Concept Plan application, a detailed risk assessment for development adjacent to the STP should be required. This assessment should cover the effects of noise, vibration, aerosols, odour, lighting and visual impact of the augmented sewage treatment works in relation to future development and any requirements to mitigate these effects.

Ocean Drive Corridor

The noise report prepared by Noise And Sound Services examined the potential to construct 100 lots of single-storey homes along Ocean Drive in 2006. The report measured and then predicted future road traffic noise levels and advised on mitigation measures to address noise impacts from external road traffic on residential land uses.

The report recommended 2.2m high acoustic barriers to be constructed along the route, set back 10 metres from the roadway.

The wholesale use of acoustic barriers, particularly fences, is not acceptable particularly in a 'greenfield' development such as Area 14. Council wishes to achieve a range of outcomes for its corridors including;

- Noise attenuation;
- Road safety;
- Sustainable transport modes (bus stops, walking and cycling); and
- Amenity (Ocean Drive is a tourist route).

The wholesale use of physical barriers undermines these objectives and imposes an unacceptable maintenance burden on Council that is facing the prospect of having to maintain 6 kilometres of structures and/or landscaping through Area 14, in addition to the road corridors through Area 13 and at West Haven.

In order to provide a balanced approach to noise attenuation as well as the other aspirations along the corridor Council proposes to commission a Corridor Plan as part of a Development Control Plan for Area 14. Therefore, the Concept Plan approval should not create any expectation that noise walls/mounds will be acceptable as proposed.

Eco-tourist Site

The proposed eco-tourist site is highly constrained. The concept development plans for the site do not address all of the constraints and therefore infer a development outcome significantly larger than may actually be possible on the site.

It is noted that any development of the eco-tourist site will be subject to a future Project Application and Council will provide a more detailed response at that time.

The dunal vegetation south of the SEPP-26 Littoral Rainforest meets the criteria for listing

as littoral rainforest/vine thickets under the EPBC Act. The impact of the proposed eco-tourism site on this littoral rainforest vegetation has not been assessed under the requirements of EPBC Act.

The key constraints on the proposed eco-tourist site are as follows;

- The STP buffer;
- The requirement for vegetated buffer of the SEPP-26 and EPBC listed Littoral Rainforest communities (EEC),
- The need to provide a vegetated setback to compensate for coastal recession; and
- The need to consolidate and secure a continuous habitat corridor from Rainbow beach to Ocean Drive.

Preliminary constraint mapping, taking into account all of the above constraints indicates a suitable footprint area of just 1ha on this site.

Beach Access and Coastal Walk

The development will facilitate greater usage of Rainbow Beach in front of the eco-tourist site. This will impact on the integrity of the dune system and rainforest. The application does not consider this at all. Clarification is sought as to when this will be addressed. Council expects to achieve a similar treatment to that proposed in Area 14-1B immediately north of the subject site.

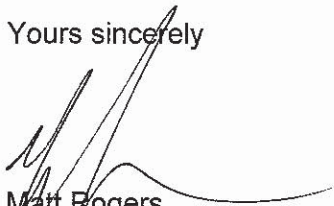
The beach access is subject to Department of Lands approval. If Council is to maintain this access, details are required to facilitate consideration as part of Voluntary Planning Agreement.

The proposed coastal walking track south of Area 14 is jointly located on the alignment of the exfiltration trench and partly on Crown Land. A coastal walk along this alignment would have to be fully fenced off with appropriate signage to isolate the track from the STP operational lands due to OH&S issues associated with access to the settlement ponds.

Council does not support this alignment and owners consent for this concept has not been granted by Council or the LPMA. Council prefers that this section of the proposed coastal walk be relocated onto Rainbow Beach.

Please do not hesitate to contact Robert Corken on 6581 8632 or by email at robert.corken@pmhc.nsw.gov.au should you require any further information regarding the above matters.

Yours sincerely



Matt Rogers
Director Development and Environment

Copy to: Mr Brian Tierney, Tierney Property Services

All communications to be addressed to:

Headquarters
NSW Rural Fire Service
Locked Mail Bag 17
GRANVILLE NSW 2142

Headquarters
NSW Rural Fire Service
15 Carter Street
LIDCOMBE NSW 2127

Telephone: (02) 8741 5555

Facsimile: (02) 8741 5550

e-mail: development.assessment@rfs.nsw.gov.au



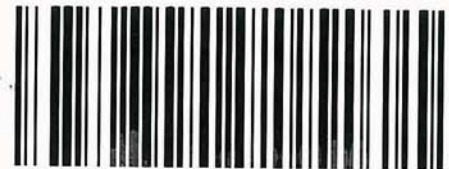
Department of Planning
Regional Projects
GPO Box 39
SYDNEY NSW 2001

Attention: Sebastian Tauni

Department of Planning
Received

6 OCT 2010

Scanning Room



PCU015242

22 September 2010

Dear Mr Tauni,

**PART 3A MAJOR PROJECT: Rainbow Beach Concept Plan & Project Application
at Part Lot 1232 DP 1142133, Lots 1, 2, 3 & 4 DP 1150758 and Lot 5 DP 25886,
Ocean Drive, Rainbow Beach Bonny Hills NSW**

I refer to your letters dated 30 August 2010 seeking a review by the NSW Rural Fire Service (RFS) and comments on the Environmental Assessment for the above project and the accompanying plans.

The RFS has reviewed the documents and plans submitted and raises concerns with the information provided. No detailed site plan for the proposed residential component of the development was received as part of this application and can not fully assess this application but provides the following advice:

Residential Subdivision

1. All areas proposed for residential development shall be managed as an inner protection area (IPA) as outlined within Appendix 2 & 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document '*Standards for asset protection zones*'
2. The vegetation classification of 'forested wetlands' has now been grouped with 'forest' classification under the revised Australian Standard AS3959-2009 Construction of buildings in bushfire-prone areas. Accordingly, a higher Bushfire Attack Level than anticipated maybe required as per AS3959-2009 for future development unless greater APZs are designed for at the subdivision stage.
3. Perimeter roads are through roads with public roads to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.
4. Road widths shall comply with Table 4.1 in *Planning for Bush Fire Protection 2006*.

5. Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection* 2006.
6. Landscaping to the site is to comply with the principles of Appendix 5 of *Planning for Bush Fire Protection* 2006.

The Northern and Southern School Sites

The RFS has concerns that the asset protection zones provided for the school sites which are identified as Special Fire Protection Purpose (SFPP) developments will be greater than those indicated within the Bushfire Protection Assessment report by Australian Bushfire Protection Planners Pty Limited Report Number B07616-2 and as sited on the Consent Development: Bushfire Asset Protection Zones (APZ) drawings (included with the Concept Plan Landscape Plan dated August 2010).

Any school proposed on these sites will require:

7. Asset protection zones are required in accordance with Table A2.6 of *Planning for Bush Fire Protection* 2006.
8. Access roads to comply with sections 4.1.3 & 4.2.7 of *Planning for Bush Fire Protection* 2006.
9. Water, electricity and gas are to comply with sections 4.1.3 & 4.2.7 of *Planning for Bush Fire Protection* 2006.
10. Emergency evacuation measures in accordance with section 4.2.7 of *Planning for Bush Fire Protection* 2006.
11. Landscaping and property maintenance within the site is to comply with the principles of Appendix 5 of *Planning for Bush Fire Protection* 2006.

The Eco Tourist Resort

The RFS has several concerns with the Eco Tourist Resort proposed on the eastern portion of the site. The development is identified as a Special Fire Protection Purpose (SFPP) development. The Concept Plan provided by Luke & Company June 2010 and Proposed Concept Plan drawn by Acroessence dated 10/10/08 does not address the required asset protection zones and access as required by *Planning for Bush Fire Protection* 2006.

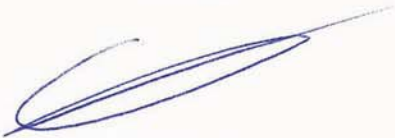
Any Tourist resort proposed on these sites will require:

12. Asset protection zones are required in accordance with Table A2.6 of *Planning for Bush Fire Protection* 2006.
13. Access roads to comply with sections 4.1.3 & 4.2.7 of *Planning for Bush Fire Protection* 2006.

14. Water, electricity and gas are to comply with sections 4.1.3 & 4.2.7 of *Planning for Bush Fire Protection* 2006.
15. Emergency evacuation measures in accordance with section 4.2.7 of *Planning for Bush Fire Protection* 2006.
16. Landscaping and property maintenance within the site is to comply with the principles of Appendix 5 of *Planning for Bush Fire Protection* 2006.

For any enquiries regarding this correspondence please contact Jason Hulston on 8741 5175.

Yours sincerely



Corey Shackleton
A/Team Leader, Development Assessment & Planning

The RFS has made getting additional information easier. For general information on *Planning for Bush Fire Protection* 2006, visit the RFS web page at www.rfs.nsw.gov.au and search under *Planning for Bush Fire Protection* 2006.

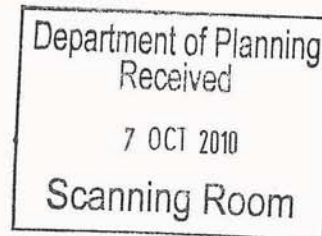


PCU015284

Our Ref: OUT10/180

Your Ref: 06-0085

Alan Bright
A/Director
Regional Projects
NSW Department of Planning
GPO Box 39
Sydney NSW 2001



Attention: Sebastian Tauni

Dear Alan

RE: EXHIBITION OF RAINBOW BEACH CONCEPT PLAN (06_0085)

Thank you for your letter of 30 August 2010.

The Northern Rivers Catchment Management Authority (NRCMA) has reviewed the Environmental Assessment (EA) for the proposed Rainbow Beach Area 14 Development, as well as other supporting documentation and has identified several issues relevant to the proposal and our responsibilities.

The basis for our review is the Northern Rivers Catchment Action Plan (CAP). The CAP was developed through considerable consultation with key stakeholders including Local Government and sets out a range of natural resource management targets that the Northern Rivers community aims to achieve during the term of the CAP (which may be viewed on the NRCMA website: www.northern.cma.nsw.gov.au).

1. The volume and quality of stormwater runoff to the proposed open water wetlands is a concern to us if not adequately addressed. The environmental assessment has confirmed that these water bodies alone will be insufficient in absorbing runoff from the proposed urban areas without the use of bioretention systems higher in the catchment, requiring a comprehensive monitoring and management system to avoid negative impacts. Additionally, the NRCMA disagrees with the contention that the current lack of significant aquatic weeds in the site's water bodies somehow lowers the risk of future infestation as the site is transformed from a pastoral to a residential landscape.

Excessive and poorly managed stormwater discharge to these water bodies may conflict with the intent and achievement of the Resource Condition Targets of the following three of the seven CAP themes:-

- Water – By 2016, river and aquifer condition is improved
- Coastal Management – By 2016, there is an improvement in the condition of Coastal Zone natural resources

- Biodiversity – By 2016, improve the condition of native terrestrial and aquatic ecosystems.

In your assessment of the proposal, please endeavour to ensure that the quality and quantity of any runoff into the water bodies, both during and after construction of the development, is adequately managed, and that appropriate measures are prescribed for the inevitable increase in aquatic weed propagules. In the current proposal, it does not appear that the proponent has adequately addressed DGR PA4.3.

2. Following are some comments in relation to specific CAP Targets:

CAP Target LUP3: Land use conflict and key natural resources

The proponent has not included appropriate buffer zones between incompatible land uses and key natural resource assets within the project site. The NRCMA has produced "*Living and Working in Rural Areas – a handbook for managing land use conflict issues on the NSW North Coast.*" (Centre for Coastal Agricultural Landscapes & NRCMA, DPI 2007 - http://www.dpi.nsw.gov.au/research/alliances/centre_for_coastal_agricultural_landscapes/living-and-working-in-rural-areas). This publication reflects the considered opinions and expertise of our key stakeholders in the region. Developments should comply with the recommendations and principles of Chapter 6 – "Development Control". In the context of this proposal:

- a buffer of at least 400 meters is recommended between the existing sewage treatment plant and the proposed eco-resort
- a buffer of 100 meters is required between the development and the SEPP26 littoral rainforest

CAP Target B2: Habitat connectivity

This target aims to restore and protect habitat connectivity, and relates most closely to DGR CP7.4. The development should support the connectivity of vegetation remnants with larger vegetated areas by not blocking or encroaching on potential corridors, not infringing on any local, regional or State significant corridors and providing an adequate buffer to such corridors. The proposed Open Space Corridor (OSC) fails on this issue, as the constructed lakes within the OSC occupy the bulk of the corridor, leaving effective terrestrial corridors less than 50m in width in some locations - with no buffering - for the movement of terrestrial fauna. These terrestrial corridors are then fragmented further by the requirement for wetland access points, walking tracks, drainage works and other infrastructure. As such the NRCMA does not believe that the movement of terrestrial fauna through the development site is facilitated by the proposed landscape design.

3. The NRCMA is responsible for the information access and approval processes of the **Native Vegetation Act 2003**. The Act regulates the clearing of native vegetation on all lands in NSW except for land listed in Schedule 1 of the Act as "Excluded Land". The rezoning of land in this proposal would result in the land being Excluded Land under the Act. As such the NRCMA would not have a legislative role in relation to any vegetation clearing associated with the future use of the land. However, it is recommended that similar principles be applied to

Excluded Land as that which underpins the NRCMA CAP targets and Act, and that the proponent endeavours to apply the "maintain and improve" philosophy to the development area.

Please contact Land use planning Coordinator Peter Boyd on (02) 6676 7393 should you require clarification of our comments or further assistance with aspects of this proposal.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'D Tkachenko', with a stylized flourish at the end.

Deb Tkachenko
General Manager
30 September 2010



Early Childhood and Primary Education
Secondary Education
Technical and Further Education
Vocational Education and Training
Higher Education
Adult and Community Education

Mr Alan Bright
A/Director, Regional Projects
Department of Planning
GPO Box 39
SYDNEY NSW 2001

DET Ref: DOC 10/139046
DoP Ref: 06_0085

Attention: Sebastian Tauni

Dear Mr Tauni

RE: Exhibition of Rainbow Beach Concept Plan (06_0085)

I refer to your letter of 30 August 2010 informing the Department of Education and Training of the public exhibition regarding the Rainbow Beach Concept Plan - Environmental Assessment, and the Project Application for Stage 1 of this development.

The Department notes that the Rainbow Beach Concept Plan proposes the development of a 900-lot subdivision, a village centre, two schools and associated infrastructure, including sports fields and parklands.

The proposed Rainbow Beach development is located within the North Haven Public School and Camden Haven High School catchment areas. Both schools are operating above their permanent teaching space capacities, requiring the supplementation of demountable accommodation. It is anticipated that this proposed development may generate sufficient additional demand within the greater Lake Cathie/Bonny Hills area to justify the future establishment of a new centrally located primary school. It is anticipated that there is sufficient space at surrounding government high schools to accommodate secondary school students likely to generate from this development.

The Department has previously indicated 'in principle' endorsement to the Port Macquarie-Hastings Council for a 3.0-hectare site, for a new government primary school to be identified in the St Vincents Foundation's Rainbow Beach development. This continues to be the case. The proposed general location is acceptable provided there is a buffer between the main road and the school site. Other guidelines considered by the Department for determining the suitability of a site for a school are attached overleaf for information.

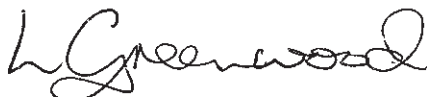
In regard to your request for advice on recommended conditions of approval, the Department has an infrastructure requirement for land for education. In accordance with the Department of Planning's Planning Circular PS 08-017, the Department of Education and Training requests consideration for a state infrastructure levy, or equivalent, to apply.

It is noted in the Environmental Assessment Report that 'the detailed design of the individual schools will be subject of future project applications or development applications' (Luke and Company Rainbow Beach Concept Plan, p2). The Department will work with the developers and council to provide more detailed information, as and when required.

Departmental officers are continually monitoring demographic trends and residential development in the Port Macquarie-Hastings Local Government Area. To discuss this matter further the Department's contact officer is Mr. Shane Cridland, Demographic Planner in the Asset Management Directorate. He can be contact on 9561 8564 or via email at, shane.cridland@det.nsw.edu.au.

Please note that all Council correspondence regarding planning matters should be addressed in the first instance to, The General Manager, Asset Management Directorate, Department of Education and Training, GPO Box 33, Sydney 2001.

Yours sincerely



Lesley Greenwood
Manager, Service Planning

14 October 2010

New South Wales Department Of Education And Training

REQUIREMENTS FOR NEW SCHOOL SITES

Requirements for new school sites as determined by the New South Wales Department of Education and Training are outlined below. These are only broad guidelines which may vary slightly with individual new developments.

1. *School Provision Thresholds - One primary school site per 2000-2500 new homes and one high school site per 6000-7500 new homes*

Consideration must be made with respect to:

- (a) possible diversion of some students in new areas to existing schools;
- (b) impact of existing or proposed non-government schools;
- (c) the type and speed of residential development;
- (d) the possible need for additional sites in large developments to cater for temporary enrolment peaks; and
- (e) the nature of the population.

2. *General Site Location Principles*

- (a) Primary school local catchment area should remain flexible over time.
- (b) The school should be located on a distributor or collector road (to alleviate noise and traffic problems).
- (c) As far as possible, a primary school should be within 1.6 kms road distance of the bulk of its likely drawing area to minimise the demand for bus transport.
- (d) It is an advantage to locate a school adjacent to a community playing field.
- (e) Encourage opportunities for joint use of land, eg. for child care and open space
- (f) High schools should be located away from commercial centres, especially where liquor outlets may be located.

3. *Specific Site Selection*

In general the following attributes are desired:

- (a) Primary school sites should be around 3 hectares in size, while 6.0 hectares is desirable for a high school.
- (b) Slope not greater than 1 in 10.
- (c) Site above the 1 in 100 year flood level and well drained.
- (d) Shape of the site should be substantially regular.
- (e) Site should be fully serviced with respect to water, sewer, power, telephone, kerb and gutter, footpath and sealed road.
- (f) Site should be free of possible restrictions to development, such as service and access easements (especially high tension electricity, mobile phone towers and drainage) through the site; free from environmental restraints and contamination.

The specific site should always be discussed with the Department of Education and Training's Asset Management Directorate personnel.