

Addendum to Preferred Project Report

Rainbow Beach Concept Plan
MP 06_0085

St Vincent's Foundation Pty Ltd | 15 August 2011



Addendum to Preferred Project Report

Rainbow Beach Concept Plan

Prepared for

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1.0 Introduction

1.1 The Proposal

The St. Vincent's Foundation Pty Limited (the proponent) is seeking approval for a Concept Plan (MP 06_0085) and Project Application (MP 07_0001) on a 177.4 ha parcel of land located within the Port Macquarie – Hastings local government area (LGA) between the coastal villages of Bonny Hills and Lake Cathie.

This Addendum to the Preferred Project Report relates to the Concept Plan component of the proposal, described below.

1.1.1 Concept Plan

The Concept Plan application seeks approval for the delineation of future land uses within the 177.4 ha site as follows:

- the delineation of the limits of the residential subdivision;
- the location of three adopted intersections with Ocean Drive;
- the location of an additional intersection with Ocean Drive currently under investigation by Port Macquarie – Hastings Council (Council);
- the delineation of the extent of the future school sites;
- the general location of the Greater Lake Cathie Bonny Hills Village Centre
- the delineation of Lot 5 DP 25886 (previously referred to as the eco-tourist site); and
- the delineation of the extent of the open space, drainage and wildlife habitat corridor.

Details of the Concept Plan application and environmental assessment are outlined in the *Concept Plan 06_0085 Rainbow Beach Environmental Assessment Report*, dated August 2010, prepared by Luke & Company Pty Ltd, and in the Preferred Project Report for the Concept Plan prepared by AECOM dated 9 May 2011.

1.1.2 Preferred Project Report

In May 2011, AECOM prepared a Preferred Project Report for the Concept Plan amending the original proposal, and addressing issues raised during the public exhibition.

The only change proposed to the Concept Plan related to future development of Lot 5 DP 25886, the site previously referred to the eco-tourist site. The preferred project report indicated that the proponent wished to develop Lot 5 DP 25886 for low density residential, notwithstanding its zoning which allows higher density development.

The Preferred Project Report incorporated additional details to illustrate how the urban components of the Concept Plan would be implemented, including:

- A principles plan for Lot 5 DP 25886 which illustrated interface and setback areas, and delineates the extent of land for development, following a more detailed consideration of site constraints.
- A series of urban design principles plans that clarified the framework and strategic intent for site development, particularly with regard to future urban form.
- A staging plan that illustrated indicative staging of proposed residential precincts.

1.2 Submissions received on the Preferred Project Report

Preferred Project Reports (PPRs) for the Concept Plan and the Project Application were referred by the Department of Planning and Infrastructure (DP&I) to Government agencies for comment. Submissions on both PPRs were received from Port Macquarie-Hastings Council, the Office of Environment and Heritage (OEH), the NSW Office of Water (NOW), the Roads and Traffic Authority (RTA), and the Rural Fire Service (RFS).

DP&I provided copies of the Agency submissions to the proponent. In accordance with the requirements of the EP&A Act, the proponent has addressed the issues raised in the submissions, as outlined in this Addendum Report.

1.3 Purpose of this Addendum

This Addendum to the Concept Plan sets out in detail the proponent's response to the issues raised during the referral of the Preferred Project Report.

The proponent has agreed to the majority of the issues raised in the submissions, and a final Statement of Commitments has been prepared for the Concept Plan reflecting the issues and measures agreed to. Details are set out in Table 1.

In response to a concern raised by the OEH in respect of the protection afforded to areas of biodiversity significance, an additional figure has been prepared (referred to as Addendum Figure 1) which illustrates areas to be the subject of a Planning Proposal by Council to establish suitable zonings (E2 or E3) over the relevant areas.

Addendum Figure 1 Areas of open space/ biodiversity to be rezoned



To reflect the final arrangement of the Concept Plan site, the proponent has prepared a revised Environmental Land-use Management Plan (ELUMP) (Cardno, July 2011), which is located at [Appendix A](#). It sets out the principles for the entire Rainbow Beach project site.

2.0 Summary of submissions and responses

A summary of the submissions and specific responses are provided in Table 1.

The Table cross-references amendments to the Statement of Commitments, where relevant.

Table 1 Summary of agency comments on Concept Plan and Project Application Preferred Project Reports and proponent's responses

Agency/ Issue	Response	Reference
Port Macquarie-Hastings Council		
<p>Thank you for the opportunity for Council to provide its comments on the Preferred Project Report (PPR) for the above Concept Plan and Project Application. Council is generally satisfied with the contents of the PPR particularly regarding:</p> <ul style="list-style-type: none"> • The increased width of the corridor between the artificial waterbodies; • The exclusion of development and the revegetation of the STP buffer area; • The commitment to buffer the SEPP26/EBPC littoral rainforest interface; • The reduction and consolidation of the bioretention treatment facilities skirting the open water wetland; • The provision of an indicative staging plan; • The commitment to the Ocean Drive corridor plan and its objectives. 	Noted.	NA
<u>Designated Development Area (former Ecotourist Site)</u>	Noted. Future development on Lot 5 will be in accordance with the zoning and in response to market conditions.	NA
Council supports the reduction of the development footprint on Lot 5 (the 'Ecotourist' site) and acknowledges the proponents commitment to revegetate this area. Council is surprised that the proponent has opted for low density residential use in this location when the land adjoining lot 5 to the north is proposed to be rezoned R3 Medium Density Residential. Given the site's premium location Council would support a sympathetic, higher density, residential use of the designated development area (DDA).		
Any future application in the DDA for the site should ensure that a perimeter road is preferentially located on the seaward side.	Noted. The concept for the DDA shows a perimeter road around the proposed development area.	NA
The urban design guidelines accompanying the PPR would benefit from a native planting and landscaping guideline to assist with reducing the impact of the residential development on adjacent sensitive lands. Alternatively Council would be satisfied with a condition that these accompany any future application for development of the DDA.	Noted and agreed. Revised Statement of Commitments prepared in accordance with Council's request.	See Final Statement of Commitments for Concept Plan Item 15.

Agency/ Issue	Response	Reference
<p><u>Beach Access and Fencing of the Littoral Rainforest</u></p> <p>Council acknowledges that the beach access and treatment of the littoral rainforest buffer is not part of this project application. However, Council would like to highlight that any future approval for beach access and fencing will need to be generally consistent with the project application approval on Lots A DP374315 and Lot 4 DP615261.</p> <p>The western boundary of the revegetated buffer will also need to be fenced and it's design generally consistent with that negotiated on the adjoining northern lots.</p> <p><u>Corridor Plan</u></p> <p>Council acknowledges the proponents commitment to address traffic noise <i>"..associated with Ocean Drive in accordance with Council's objectives outlined within the Area 14 Ocean Drive corridor plan"</i> and <i>"Consultation with Council regarding development of the Area 14 Ocean Drive corridor plan."</i></p> <p>Therefore Council suggests that the Department omit the commitment to consult with Council regarding development of the Area 14 Ocean Drive corridor Plan and reword the 'Noise Mitigation' commitment to:</p> <p>"Development will be protected from excessive traffic noise associated with Ocean Drive in accordance with Council's Development Control Plan."</p> <p><u>Planning Proposal</u></p> <p>Council advises that if the Concept Plan is approved that Council will progress a Planning Proposal under Part 3 of the Act to reflect the Concept Plan approval.</p>	<p>The beach access from Lot 5 through the adjacent Crown land is part of the Project Application, and approval for its construction is sought as part of that Application. The proponent is committed to liaising with the LPMA in the final detailed design of the beach access in accordance with relevant guidelines published by the LPMA.</p> <p>Noted and agreed. Revised Statement of Commitments prepared in accordance with Council's request.</p>	<p>Addressed in Addendum to Project Application PPR. Refer Final Statement of Commitments for Project Application Item 12.</p> <p>See Final Statement of Commitments for Concept Plan Item 13.</p>
<p><u>Planning Proposal</u></p> <p>Council advises that if the Concept Plan is approved that Council will progress a Planning Proposal under Part 3 of the Act to reflect the Concept Plan approval.</p>	<p>Noted and agreed. Revised Statement of Commitments prepared in accordance with Council's request.</p>	<p>See Final Statement of Commitments for Concept Plan Item 1.</p>

Agency/ Issue	Response	Reference
<p><u>Contributions</u></p> <p>Section 94/94A contributions and s64 water and sewer charges for land uses proposed as part of the Concept Plan proposal would be levied as conditions of development consent in accordance with the plans in place at that time.</p> <p>Council seeks a suitable condition or advising note to inform the proponent that development contributions will apply at development application stage.</p> <p>The proponent has offered to enter into a Voluntary Planning Agreement in relation to the Project Application addressing the establishment, management and dedication of the open space land. Council seeks the Department's confirmation that final determination of the Concept Plan and Project Application will not be made until the planning agreement is finalised.</p> <p>Council also seeks inclusion of a suitable condition of approval requiring the proponent to enter into and perform the Planning Agreement.</p>	<p>Noted and agreed. Revised Statement of Commitments prepared in accordance with Council's request.</p> <p>The proponent agrees to enter into the VPA for the Central Corridor prior to the issue of consent for the Concept Application and the Project Application.</p>	<p>See Final Statement of Commitments for Concept Plan Items 4, 5 and 6.</p>

Agency/ Issue	Response	Reference
<p><u>Conditions of response</u></p> <p>Council is confident that the following draft condition for stormwater is adequate to represent its interests.</p> <p><i>Submission of detailed design plans/schedules prior to the issuance of a Construction Certificate is required.</i></p> <p><i>Detailed designs must be prepared and certified by a suitably qualified Engineer with NPER registration through the Institution of Engineers Australia for the stormwater drainage system (pits, pipes, flowpaths, wetlands and other constructed waterbodies) prior to the issue of a Construction Certificate.</i></p> <p><i>The plans shall be accompanied by all related calculations/modelling and shall be prepared generally in accordance with Council's AUSPEC Specifications, the Project Application and Preferred Project Reports prepared by AECOM, the Water Engineering and Environmental Report, prepared by Cardno, The Stormwater Treatment and Wetland Functionality Report prepared by AECOM and Council's IWCW Policy for Area 14.</i></p> <p><i>The construction plans shall be accompanied by maintenance schedules (short and long term) for all stormwater drainage infrastructure and detailed landscaping plans.</i></p> <p><i>The submission shall be accompanied by a works staging plan.</i></p> <p>NSW Office of Water</p> <p><u>Groundwater Excavation</u></p> <p>NOW accepts that the upstream treatments provide an adequate level of stormwater treatment to manage the water quality in the proposed "Open water wetland". However, by choosing not to adequately line this structure, the proponent will need to gain all appropriate licences. Information regarding the licencing requirements are given below.</p>	<p>Noted and agreed. Revised Statement of Commitments prepared in accordance with Council's request.</p>	<p>See Final Statement of Commitments for Concept Plan Item 9.</p>
NSW Office of Water	Response	
<p><u>Groundwater Excavation</u></p> <p>NOW accepts that the upstream treatments provide an adequate level of stormwater treatment to manage the water quality in the proposed "Open water wetland". However, by choosing not to adequately line this structure, the proponent will need to gain all appropriate licences. Information regarding the licencing requirements are given below.</p>	<p>Noted. Revised Statement of Commitments prepared in accordance with NOW request.</p>	<p>See Final Statement of Commitments for Project Application Item 6.</p>

Agency/ Issue	Response	Reference
<p><u>Pond Lining</u></p> <p>The proponent has undertaken to construct pond linings if the existing soils are shown to not be impervious to a high standard. Because of the close connectivity with the underlying groundwater, <u>NOW remains concerned regarding the potential for contamination</u>. Irrespective of the method used, NOW requires that no water from the stormwater treatment train should be allowed to infiltrate to groundwater until it reaches the "Open Water Wetland" structure (W1). The <u>Office of Water will require certification from a qualified engineer that each pond within the treatment train (W1A, W1B, W1C, W1D, W1E, W2, W3, W4A, and W4B) meets the requirement referred to in the submissions report (ie 300mm thickness and co-efficient of permeability of 1×10^{-9} m/s). NOW requests that, should the project be approved, a consent condition reflecting this be included.</u></p>	<p>Noted. Revised Statement of Commitments prepared in accordance with NOW request.</p>	<p>See Final Statement of Commitments for Project Application Item 7.</p>
<p><u>Acid Sulphate Soils and Water Quality Monitoring</u></p> <p>NOW accepts the proponents response to these issues, including the requirement for a security bond and 2 years monitoring.</p>	<p>Noted.</p>	<p>See Final Statement of Commitments for Project Application Item 10.</p>
<p><u>Water Licensing</u></p> <p>The proponent has undertaken to consult with NOW regarding the requirement for water licences. The proponent will require licences for construction of works which impact on the groundwater resource, as well as temporary dewatering licences during the construction phase. The construction of a large unlined "window" into the groundwater resource will result in significant volumes of water being lost to evaporation which will require a licence. This will be an ongoing management issue which will become the responsibility of the final owner of the waterbody, which appears to be Port Macquarie - Hastings Council. <u>The long term holder of this licence should be made aware of their ongoing responsibilities, including annual water charges, for this licence.</u></p>	<p>Noted. Revised Statement of Commitments prepared in accordance with NOW request.</p>	<p>See Final Statement of Commitments for Project Application Item 6.</p>

Agency/ Issue	Response	Reference
NSW Office of Environment and Heritage	Response	
<p>1.1 Proposed Mitigation Measures</p> <p>OEH supports the mitigation measures and implementation of the Central Corridor proposed in the EAs, which have been designed to reduce the ecological impact of the Project. OEH recommends that they be appropriately reflected within the conditions of approval should approval be granted for this Project, and as discussed below boundaries be amended to include additional intact vegetation (e.g. Swamp Oak Floodplain forest endangered ecological community [EEC]) that OEH is of the opinion should be included within the Central Corridor conservation measures. The conservation measures need to be conserved in perpetuity via an appropriate conservation mechanism.</p>	<p>Noted.</p> <p>The proponent agrees to support the Council in rezoning action for the open space/ biodiversity areas (including the central Corridor and the Eastern Creekline) to apply a suitable environmental protection zone to this land. A commitment in this respect has been included in the Final Statement of Commitments.</p> <p>Further specific response to the Swamp Oak Floodplain vegetation is provided at Agency Item 1.2.3 below.</p>	<p>See Final Statement of Commitments for Concept Plan Item 1.</p>
<p>1.2 Vegetation Removal and Impact upon Threatened Species</p> <p>OEH notes that the Central Corridor, along with the inclusion of additional lands described below, would adequately compensate the adverse impacts associated with clearing of intact native vegetation and the removal of highly modified vegetation described as Pastoral Woodland.</p> <p>1.2.1 Wallum Froglet (<i>Crinia tinnula</i>)</p> <p>OEH notes that the Submissions Report states that the proposed southern school site provides limited habitat for the Wallum Froglet and that recent surveying by Darkheart Eco-Consultancy only recorded 2 males in the area. As such OEH agrees with the outcomes that the site offers limited habitat and that the habitat enhancement measures and lands conserved within the larger Central Corridor will likely provide greater conservation opportunities for this species and/or preserve higher quality habitat on site.</p> <p>With regards to any APZ associated with the southern school site OEH is of the opinion that all such measures must be placed solely within the development footprint and not erode lands set aside for conservation / offset purposes.</p>	<p>OEH comment on Wallum Froglet noted.</p> <p>With regard to the Southern School site and APZs, the proponent has agreed to the OEH, and a revised commitment has been included in the Final Statement of Commitments.</p>	<p>See Final Statement of Commitments for Concept Plan Item 17.</p>

Agency/ Issue	Response	Reference
<p>1.2.2 Eastern Chestnut Mouse (<i>Pseudomys gracilicaudatus</i>) and Common Planigale (<i>Planigale maculata</i>)</p> <p>OEH re-iterates that the Eco-tourist resort involves the direct removal of known habitat for the Eastern Chestnut Mouse (<i>Pseudomys gracilicaudatus</i>). 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 (<i>Planigale maculata</i>). Despite the recommendations of the ecological consultants (Darkheart Eco-Consultancy) that this habitat be excluded from development and fenced off, APZs of up to 47m have been applied to this area. These APZs will have a negative impact upon the habitat requirements for both of these species. OEH acknowledges that the submissions report states that these APZs will be reassessed, but it does not provide any firm commitment that these lands will remain untouched. As such OEH seeks a commitment from the proponent to ensure that these lands are either adequately offsetted (noting at present the Central Corridor lands do not necessarily account for this species) or incorporated into the Central Corridor without being encumbered by APZs</p>	<p>The matter of the response to these species was addressed in detail in the Submissions Report for the Concept Application and Project Application by Darkheart consultants (7 April, 2011).</p> <p>“The previously recorded location of these isolated fauna populations (being in a small area bound by Ocean Drive and maintained grazing land) also means that they may currently be low in number and hence of low long term viability.</p> <p>The regeneration works proposed and underway within the Central Corridor provide for a variety of habitats including those favoured by the Wallum Froglet, Eastern Chestnut Mouse and Common Planigale. One of the primary objectives of the Central Corridor and its associated regeneration works is to improve habitat values and allow these populations to expand away from the restricted area of habitat adjacent to Ocean Drive, and increase long term viability.”</p> <p>Issues related to the Southern School site, APZs and existing habitat areas have been addressed by a revised commitment in the Final Statement of Commitments.</p>	<p>See Final Statement of Commitments for Concept Plan Item 17.</p>

Agency/ Issue	Response	Reference
<p>1.2.3 Swamp Oak Floodplain Forest</p> <p>OEH reiterates that 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 in previous correspondence (dated 30 September 2010), this community is commensurate with an EEC listed under Part 3, Schedule 1 of the <i>Threatened Species Conservation Act, 1995</i>.</p> <p>OEH again strongly recommends that the Swamp Oak Floodplain Forest EEC vegetation be included within the Central Corridor offset and protected in perpetuity. OEH notes that the Submissions Report states that it will not be cleared and that it will be dedicated as a public reserve to Council in the future. However, <u>OEH</u> is of the opinion that this does not guarantee long-term conservation security. OEH sees no logical reason for not securing this land within the Central Corridor offset, particularly given that the overall offset package habitat at present does not account for this ecological community. Its exclusion from current conservation measures means that it has not been adequately compensated for.</p>	<p>The areas of Swamp Oak Floodplain Forest have been assessed in detail by Darkheart consultants, including a 7 Part test.</p> <p>Key quotes from the Darkheart (7 April 2011) response to the previous (DECCW) submission are relevant here:</p> <p>“The area of Swamp Oak EEC to be removed is mostly outside the Central Corridor, and is simply regrowth of Swamp Oak trees along fencelines and drains (often only single tree wide...). This vegetation is limited in width, is of minimal ecological value, provides minimal diversity and limited fauna support.</p> <p>Apart from the aforementioned Swamp Oak regrowth, the overwhelming majority and highest quality examples of this EEC are being retained in the protected Eastern Creek reserve area.</p> <p>It is concluded that the proposal will not have a significant impact on Swamp Oak EEC as per the 7 Part Test.</p> <p>Notwithstanding the Darkheart assessment and conclusions in respect of this area, the eastern Creeklane will be rezoned by Council to an appropriate environmental zone under a Planning Proposal to be commenced following approval of the Concept Plan. The amount of land to be included in the Eastern Creeklane area, its rehabilitation and future environmental zoning is considered to fully address the concerns of the OEH.</p>	<p>See Final Statement of Commitments for Concept Plan Item 1.</p>

Agency/ Issue	Response	Reference
<p>1.2.4 Vegetation Connectivity</p> <p>OEH reiterates that the majority of the vegetation on the site, including the Swamp Oak Floodplain Forest EEC discussed above, forms part of a mapped Regional Corridor identified by OEH 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. OEH recommends that the Swamp Oak Floodplain Forest vegetation is included within the Central Corridor offset and that any vegetation within this corridor be protected from any form of development, including bushfire protection measures.</p> <p>1.2.5 Bushfire Protection Measures</p> <p>OEH notes that the Submissions Report indicates that the proposal has been amended to be 'a more sympathetic development of the site'. OEH is unsure whether this means the APZ's have been removed from the Central Corridor area or not. OEH recommends that all APZ's be placed within the development footprint and not encroach on the Central Corridor.</p> <p>Furthermore, OEH would expect any buffer areas placed on environmentally sensitive lands such as EECs, which are not captured within the Central Corridor be at least 50 m wide.</p>	<p>See response to this comment at Agency comment 1.2.3 above in respect of the Swamp Oak Floodplain Forest.</p> <p>Revised Statement of Commitments addresses APZ's and development areas.</p>	<p>See Final Statement of Commitments for Concept Plan Items 1, 11, 16 and 17.</p>
	<p>All areas set aside for open space/ biodiversity will be protected by zoning provisions to be commenced by Council under a Planning Proposal following consent for the Concept Plan and the Project Application. The proponent has committed to support the Council in this action.</p> <p>These areas will be provided with a surrounding buffer to be created by adjacent streets and their verges in accordance with the Concept Plan.</p> <p>The stormwater management measures, the approach to landscape treatment within the development areas, and the vegetation management within each of the open space/ biodiversity areas enable appropriate levels of protection for the areas containing EECs.</p>	

Agency/ Issue	Response	Reference
<p>2.3 Biodiversity Offsetting Measures</p> <p>OEH 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. OEH strongly recommends that the details of the proposed offset, including details of the mechanism(s) proposed to secure the long term protection of the area and management of these areas must be provided prior to Project Approval. The current submission fails to address this and as such OEH re-iterates its stance on the matter.</p> <p>2. AIR AND NOISE IMPACTS</p> <p>OEH has reviewed the submission with regard to air quality and noise impacts and notes that the information addresses the issues we raised. OEH suggests one additional condition (in addition to the conditions previously provided to DoP) which is shown below:</p> <p>Construction Works</p> <ul style="list-style-type: none"> a) All works must be carried out in accordance with the "Interim Construction Noise Guideline" (DECC 2009) to minimise the emission of noise and vibration from the premises. b) In particular unless approved in writing by the Director General of the Department of Planning, all construction activities are: <ul style="list-style-type: none"> i) restricted to between the hours of 7:00am and 6:00pm Monday to Friday; ii) restricted to between the hours of 8:00am and 1:00pm Saturday; and iii) not to be undertaken on Sundays or Public Holidays. c) Any work generating high noise impact, unless approved in writing by the Director General of the Department of Planning, must only be undertaken: <ul style="list-style-type: none"> i) between the hours of 8:00am and 6:00pm Monday to Friday; ii) between the hours of 8:00am and 1:00pm Saturday; and iii) in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. <p>For the purposes of this Condition 'continuous' includes any period during which there is less than a 1 hour respite between ceasing and recommencing any of the work the subject of this Condition.</p>	<p>Noted. The proponent agrees to support Council in the preparation of a Planning Proposal to rezone the environmental/ open space areas to a suitable environmental zone. A revised commitment has been included in the Statement of Commitments.</p> <p>Noted and agreed. Revised Statement of Commitments prepared in accordance with OEH request.</p>	<p>See Final Statement of Commitments for Concept Plan Item 1.</p> <p>See Final Statement of Commitments for Project Application Item 13.</p>

Agency/ Issue	Response	Reference
Rural Fire Service (RFS)	Response	
Residential Subdivision <ol style="list-style-type: none"> 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'. 	<p>Noted and agreed. Revised Statement of Commitments prepared in accordance with RFS request.</p>	<p>See Final Statement of Commitments for Concept Plan Items 2 and 11.</p>

Agency/ Issue	Response	Reference
<p>The Northern and Southern School Sites</p> <p>The RFS has concerns that the asset protections 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).</p> <p>Any school proposed on these sites will require:</p> <ol style="list-style-type: none"> 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'. 	<p>Noted and agreed. Revised Statement of Commitments prepared in accordance with RFS request.</p>	<p>See Final Statement of Commitments for Concept Plan Items 16 and 17.</p>

Agency/ Issue	Response	Reference
<p>Roads and Traffic Authority (RTA)</p> <p>The RTA would have no objection "in principle" to the proposed application. It is noted from the report that the comments regarding access to Ocean Drive and the provision of traffic signals have been considered. However, concern is still held for the proposed southern school site.</p> <p>The proposed school has no internal connection to the existing or future development. Its only means of access for school buses, vehicles, pedestrians and cyclists appears to be directly from Ocean Drive. No consideration has been given to how this will be undertaken.</p> <p>At this time the RTA still has reservations regarding direct access for the southern school site due to possible impacts it will have on the safe and efficient operations of Ocean Drive for all road users. It would appear more feasible from a traffic perspective that this proposal be located adjacent the other proposed school in a safer road environment where infrastructure can be shared.</p>	<p>Response</p> <p>Noted. The Southern School site has been identified in accordance with the Bonny Hills Masterplan prepared by the Council (date), based on a requirement by the Department of Education and Training (DET).</p> <p>Access to the school has been assessed by the Council in its traffic study of Ocean Drive, including modelling of a four-way intersection that allows dedicated access into the school site.</p> <p>The school site is not expected to be built for many years, and will be the subject of a further development application. It would be appropriate for access to be assessed in detail when the need for the school is more clearly identified, and take into account the modelling undertaken by the Council.</p>	<p>NA</p>

3.0 Final Statement of Commitments

The environmental assessment for the Concept Plan identified a range of environmental outcomes and management measures that would be required to avoid or reduce environmental impacts arising from the project.

After consideration of the issues raised in submissions to the Concept Plan Preferred Project Report, a final Statement of Commitments for the Concept Plan has been prepared, and is provided in Table 2.

Table 2 Final Statement of Commitments

Issue	Commitment	Timing
1 Land Use – Planning Proposal	<p>The proponent will support Port Macquarie Council in the preparation of a Planning Proposal to rezone the concept plan area to land use zones reflected in the Concept Plan.</p> <p>[NOTE: This is in response to Port Macquarie Hastings Council confirmation that it will progress a Planning Proposal under Part 3 of the Act to reflect the Concept Plan approval, following approval of the Concept Plan.]</p> <p>The proponent will support Port Macquarie Council in the preparation of a planning proposal to rezone the proposed habitat/ open space areas (i.e. the Central Corridor, Pocket Woodland, Eastern Creek & Swale and Lot 5 Habitat/Open Space) to an appropriate zone (environmental zonings E2 or E3). The proponent will provide detailed mapping for Council to complete the process as soon as practicable upon approval of the Concept Plan.</p> <p>[NOTE: The Office of Environment and Heritage has raised concerns about the long-term zoning protection of proposed habitat and open space areas proposed under the Concept Plan.]</p>	<p>Upon approval of the Concept Plan.</p> <p>Upon approval of the Concept Plan.</p>
2 Detailed design	<p>Detailed design of the various components of the Concept Plan will comply with the design and consultation provisions of relevant legislation, EPIs, Council codes, Planning for Bushfire Protection (RFS, 2006), BCA, Australian Standards (where relevant), and other requirements.</p> <p>Detailed design of future buildings (for residential, educational, commercial, community and tourist uses) will comply with the provisions of relevant development controls, SEPP 65 (where relevant), Planning for Bushfire Protection (RFS, 2006), BCA, Australian Standards (where relevant), and BASIX.</p>	<p>Subsequent development application stage, as appropriate.</p> <p>Subsequent development application stage, as appropriate.</p>
3 Habitat protection and enhancement	<p>A vegetation management plan is to be prepared for the site that outlines measures to protect and enhance habitat areas, including fencing where warranted.</p>	<p>Subsequent development application stage, as appropriate.</p>
4 Open space, recreation and habitat management	<p>The proponent will enter into a VPA with Council under Section 75F(6) of the EP&A Act for the establishment, management and dedication of the Central Corridor.</p> <p>The proponent will enter into separate Voluntary Planning Agreements with Council under Section 75F(6) of the EP&A Act for the establishment, management and dedication of open space, recreation and habitat areas (comprising the Pocket Woodland, Eastern Creek & Swale and Lot 5 Habitat/ Open Space).</p>	<p>Prior to the approval of the Concept Plan</p> <p>Subsequent development application stage, as appropriate.</p>

Issue	Commitment	Timing
5 Infrastructure provision	Provision of infrastructure and utilities will be in accordance with the requirements of Council, or other relevant service authorities.	Subsequent development application stage, as appropriate.
6 Contributions (Section 64, 94 and 94A)	Contributions towards the upgrading of the road network and sewer/ water supply in accordance with Council's Contributions Plans applying at the relevant DA stage.	Prior to release of subdivision certificate or construction certificate for subsequent development applications, as appropriate.
	Contribution towards the provision of community facilities in accordance with Council's Community, Cultural & Emergency Service Facilities Contributions Plan applying at the relevant DA stage.	Prior to release of subdivision certificate or construction certificate for subsequent development applications, as appropriate.
	7 Transport and access	Subsequent development application stage, as appropriate.
8 Environmental mitigation and management measures and monitoring	Detailed design of the various components of the Concept Plan will make provision for a bus route to service urban areas and pedestrian/ cycle connections throughout the site.	Subsequent development application stage, as appropriate.
	Pedestrian access to Rainbow Beach will be restricted to a formalised access way.	Prior to issue of subdivision certificates or construction certificates for subsequent development applications, as appropriate.
	Detailed management and monitoring plans will be prepared to address relevant environmental issues including stormwater, groundwater, surface water quality, soil erosion and sediment control, acid sulfate soils, construction impacts, waste generation and collection, construction traffic and pedestrian management and noise and vibration.	Prior to issue of subdivision certificates or construction certificates for subsequent development applications, as appropriate.
9 Integrated water cycle management	Development of the residential areas of the site will incorporate: <ul style="list-style-type: none"> • Water sensitive urban design (WSUD). • Use of reclaimed water to dwellings for outdoor use, toilet flushing and laundry cold water. • Irrigation of district sports fields with reclaimed water sourced from Council. 	Subsequent development application stage, as appropriate.

Issue	Commitment	Timing
	<p>Detailed designs will be prepared and certified by a suitably qualified Engineer with NPER registration through the Institution of Engineers Australia for the stormwater drainage system (pits, pipes, flow paths, wetlands and other constructed water bodies).</p> <p>Plans will be accompanied by calculations/ modelling and will be prepared generally in accordance with Council's AUSPEC Specifications, the Project Application and Preferred Project Reports, and Council's IWCM Policy for Area 14. Construction plans will be accompanied by maintenance schedules (short and long term) for all stormwater drainage infrastructure and detailed landscaping plans. A works staging plan will also be prepared.</p>	Prior to issue of Construction Certificates for any stage.
10 Aboriginal heritage	<p>The detailed design of the various components of the urban areas within the Concept Plan will comply with Council's IWCM Policy for Area 14. Specifically, a WSUD treatment train will be implemented that comprises Stormwater Treatment Measures in the urban areas plus constructed wetlands in the Central Corridor. Together, these will comply with the requirements of Council's IWCM Policy.</p> <p>Works are to comply with relevant DECCW Aboriginal cultural heritage guidelines and requirements of the National Parks and Wildlife Act 1974.</p>	Subsequent development application stage, as appropriate.
11 Bushfire Protection - General	All development will be planned and developed in accordance with the requirements of the NSW Rural Fire Service "Planning for Bush Fire Protection 2006" and "Standards for asset protection zones" where warranted.	Subsequent development application stage, as appropriate.
12 Contamination	Compliance with SEPP No. 55 – Remediation of Land for areas of localised soil impact identified, or additional areas identified during future site works.	Subsequent development application stage, as appropriate.
13 Noise mitigation	Development will be protected from excessive traffic noise associated with Ocean Drive in accordance with Council's Development Control Plan.	Subsequent development application stage, as appropriate.
14 Consultation	The proponent will consult with relevant stakeholders as part of any future project or development applications for the proposal, in accordance with applicable legislation.	Subsequent development application stage, as appropriate.
15 Lot 5 DP 25886	The proponent will prepare a vegetation management plan (including fencing where appropriate) incorporating a "Native Planting & Landscape Guideline" to the satisfaction of Council for the whole of Lot 5 to address revegetation and interface planting within Zones 1, 2, 3 and 4.	Subsequent development application stage, as appropriate.

Issue		Commitment	Timing
		APZs will be implemented and managed as per the vegetation management plan for Lot 5.	Subsequent development application stage, as appropriate.
		The proponent will enter into a VPA with Council under Section 75F(6) of the EP&A Act for the management and dedication of future public land within Lot 5.	Subsequent development application stage, as appropriate.
16	Northern School Site	Any APZ requirement for the Northern School Site will be provided wholly within the site. The APZ will not diminish land within the Central Corridor set aside for conservation.	Development application stage for the Northern School site.
17	Southern School Site	Any APZ requirement for the Southern School Site will be wholly within the site. The APZ will not diminish land within the Central Corridor set aside for conservation. An ecological survey will be carried out at the development application stage for the Southern School Site. The survey will assess the Eastern Chestnut Mouse and Common Planigale, in particular. The proponent will comply with all relevant environmental legislation applying at the time. Should the site be found to contain habitat for these species, appropriate management measures will be implemented in accordance with the legislation.	Development application stage for the Southern School site. Development application stage for the Southern School site.

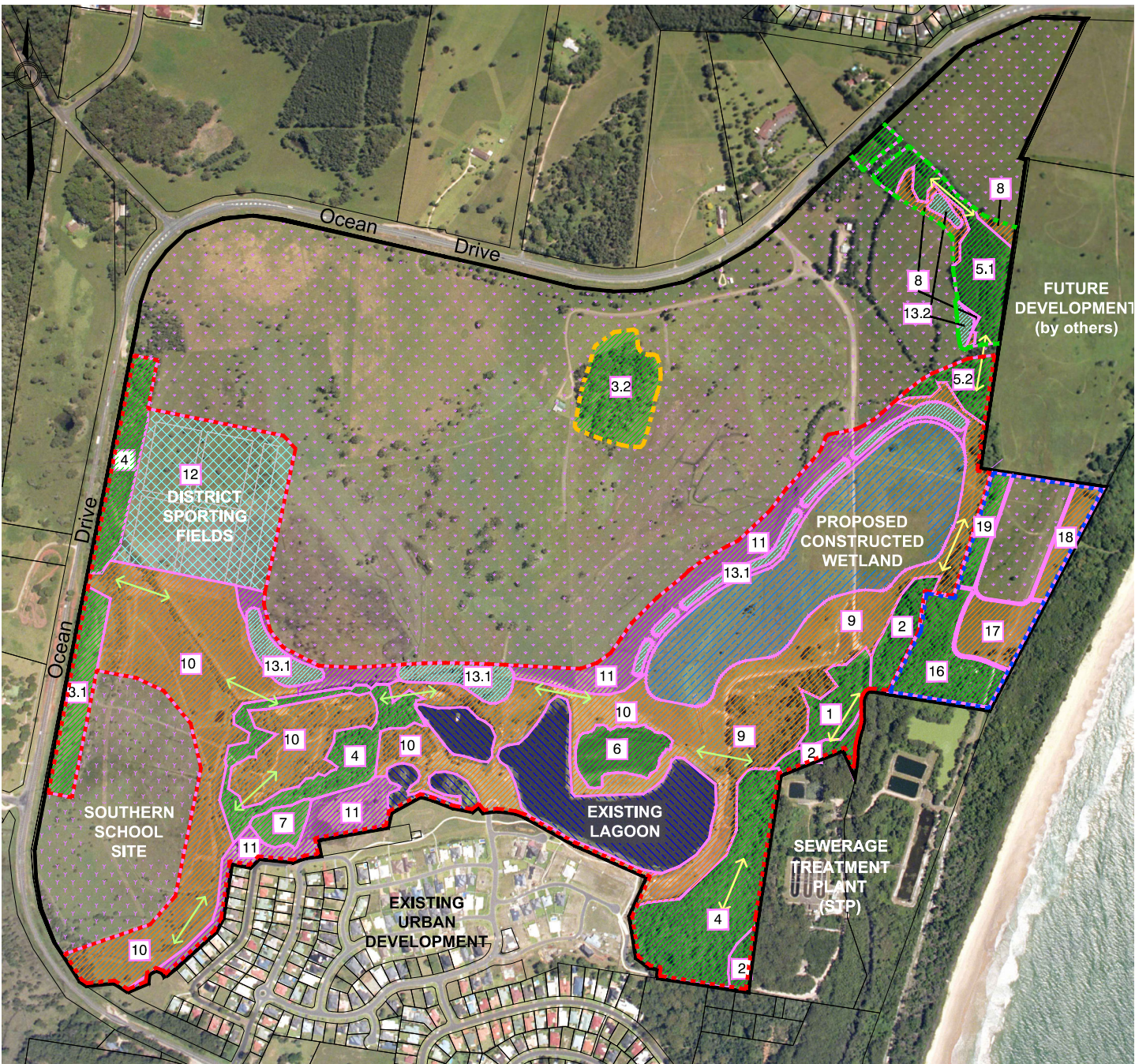
Appendix A

Revised Environmental Land Use Management Plan (ELUMP) July 2011

Environmental Land Use Management Plan

The Land Owner is proposing an integrated urban development on approximately 178 ha of land situated at Rainbow Beach, Bonny Hills NSW ("the site"). As part of the proposal approximately 81 ha of land (or 46 % of the site) will form the Open Space Corridor located in the southern portion of the site. The Land Owner is cognisant of the natural assets that exist in the Rainbow Beach area, and as such proposes to rehabilitate the majority of the Open Space Corridor in a manner that enhances the ecological values and features of the site. This Environmental Land Use Management Plan (ELUMP) forms part of the broader Open Space Management Strategy prepared by Cardno (QLD) Pty Ltd and provides specific details concerning:

- the conceptual layout of the proposed development and the location of the Open Space Corridor;
- the location, extent and objectives of the Environmental Land Use Categories (ELUCs) defined within the Open Space Corridor; and
- the manner in which each ELUC is to be rehabilitated in order to achieve the specific management intents outlined herein and within the Open Space Management Strategy.



Environmental Land Use Category (ELUC)			Existing Vegetation Type (Darkheart 2008; Biolink 2006)		Rehabilitation objective	Vegetation Management Elements			
Type	No.	Area (ha)	Description	Ecological Values		Selective Vegetation Clearance	Structures	Supplementary Planting	Weed Control
Terrestrial Features									
Biodiversity Protection	1	1.2	Blackbutt – Tallowood – Needlebark	• Regrowth with some mature trees • Some areas of dense weed infestation • Supports Koala food trees • Some corridor values	Preservation and enhancement of existing values	No	None	As required	Yes
	2	1.9	Dry Blackbutt	• Regrowth with some mature trees • Some areas of dense weed infestation • Supports Koala food trees • Some corridor values	Preservation and enhancement of existing values	No	None	As required	Yes
	3.1	1.7	Grey Ironbark – Grey Gum (near Southern School Site)	• Relatively intact canopy • Stepping-stone habitat only • Minor weed incursion • Supports Koala food trees	Preservation and enhancement of existing values	No	No	As required	Yes
	3.2	2.1	Grey Ironbark – Grey Gum (Pocket Woodland)	• Relatively intact canopy • Stepping-stone habitat only • Minor weed incursion • Supports Koala food trees	Preservation and enhancement of existing values	No	No	As required	Yes
	4	8.8	Paperbark – Swamp Mahogany – Swamp She Oak	• Mostly regrowth, but contains elements of Swamp sclerophyll on coastal plains EEC* • Minor weed incursion • Supports Koala food trees • Some corridor values	Preservation of existing values and enhancement of EEC elements	No	None	As required	Yes
	5.1	2.6	Swamp Oak (Eastern Creek)	• Mostly regrowth, but contains elements of Swamp Oak Floodplain Forest on Coastal Floodplains EEC • Minor weed infestations • Some corridor values	Preservation and enhancement of existing Swamp oak swamp forest values	No	None	As required	Yes
	5.2	0.8	Swamp Oak (Central Corridor)	• Mostly regrowth, but contains elements of Swamp Oak Floodplain Forest on Coastal Floodplains EEC • Minor weed infestations • Some corridor values	Preservation and enhancement of existing Swamp oak swamp forest values	No	None	As required	Yes
	6	1.3	Wallum Froglet Habitat	• Subject to repeated slashing in the past • Minor weed incursion • Supports Wallum froglet breeding habitat	Preservation and enhancement of existing habitat values	No	None	As required	Yes
	7	0.6	Disturbed Heathland	• Subject to repeated slashing in the past • Demonstrated resilience • Stepping-stone habitat • Minor weed incursion	Preservation and enhancement of existing values	No	None	As required	Yes
Sub-Total Area		21							
Biodiversity Enrichment	8	0.6	Cleared Pasture / Pastoral Woodland adjoining Swamp Oak	• Highly disturbed and modified • Low corridor values • Moderate weed incursion	Enrichment of existing values by reinstating Swamp Oak Floodplain Forest on Coastal Floodplains EEC elements	No	None	As required	Yes
	9	8.0	Cleared Pasture/ Pastoral Woodland adjoining Dry Blackbutt Open Forest	• Highly disturbed and modified • Low corridor values • Moderate weed incursion	Enrichment of existing values by reinstating Dry Blackbutt Open Forest elements	No	Pathway	As required	Yes
	10	18	Disturbed/Regrowth Paperbark – Swamp Mahogany – Swamp She Oak	• Highly disturbed and modified • Some areas of degraded elements of Swamp sclerophyll on coastal plains EEC • Some demonstrated resilience • Minor-moderate weed incursion • Low corridor values	Enrichment of existing values by reinstating elements of EEC and connectivity values	Limited – establishment pathways	Pathways	As required	Yes
Sub-Total Area		26.6							
Urban Edge	11	6.5	Cleared Pasture/ Pastoral Woodland	• Highly disturbed and modified • Low corridor values • Moderate weed incursion	• Provision of recreation areas for future residents • Provision of buffer zones between residential development and BP and BE ELUCs	Limited – establishment of: • constructed wetland; • storm water detention basins and swales; and • pathways	• Storm water detention basins • Pathways • Drainage swales • Passive recreational facilities (e.g. benches, bbqs)	Limited	Yes
Sub-Total Area		6.5							
District Sporting Fields	12	7.7	Cleared Pasture/ Pastoral Woodland	• Highly disturbed and modified • Low corridor values • Moderate weed incursion	Establishment of district sporting fields	Limited	No	No	Yes
Sub-Total Area		7.7							
Aquatic Features									
Macrophyte Treatment Zones	13.1	2.5	Cleared Pasture / Pastoral Woodland adjoining Swamp Oak (Central Corridor)	• Highly disturbed and modified • Low corridor values • Moderate weed incursion	Establishment of macrophyte vegetation for treatment of storm water runoff	Limited	Storm water detention basins	Yes	Yes
	13.2	0.4	Cleared Pasture / Pastoral Woodland adjoining Swamp Oak (Eastern Creek)	• Highly disturbed and modified • Low corridor values • Moderate weed incursion	Establishment of macrophyte vegetation for treatment of storm water runoff	Limited	Storm water detention basins	Yes	Yes
Constructed Wetland	14	9.9	Cleared Pasture/ Pastoral Woodland	• Highly disturbed and modified • Low corridor values • Moderate weed incursion	Establishment of waterbodies for treatment and retention of stormwater	Limited	Safety fencing where required	As required	Yes
Existing Wetland	15	6.3	Waterbodies with aquatic vegetation	• Stepping stone habitat • Moderate levels of weed invasion on some banks • Good water quality	Retention and enhancement of existing values and functions	No	Safety fencing where required	As required	Yes
Sub-Total Area		19.1							
Lot 5 - DP 25886									
Lot 5 Zone 1	16	2.2	Existing Immature Regrowth Coastal Sands Forest	• Previously Disturbed Regrowth • Some Corridor values • Limited Weed Invasion	Preservation and enhancement of existing values	No	None	Limited	Yes
Lot 5 Zone 2	17	1.3	Cleared Pasture	• Cleared Pasture Grass • Potential Corridor Use • No Weed Invasion	Enrichment by way of Coastal Sands Forest Regeneration	No	Potential for: • Stormwater Detention • Pathways • Drainage Swales and • Passive Recreation Facilities	As Required	Yes
Lot 5 Zone 3	18	0.8	Cleared Pasture	• Cleared Pasture Grass • Potential Corridor Use • No Weed Invasion	Enrichment by way of Coastal Sands Forest Regeneration	No	Potential for: • Stormwater Detention • Pathways • Drainage Swales and • Passive Recreation Facilities	As Required	Yes
Lot 5 Zone 4	19	0.8	Existing Duchess Gully Riparian Zone and Cleared Pasture	• Previously Disturbed Regrowth • Some Corridor Values • Limited Weed Invasion	Preservation and enhancement of existing values	No	Potential for: • Stormwater Detention • Pathways • Drainage Swales and • Passive Recreation Facilities	As Required	Yes
Sub-Total Area		5.2							
TOTAL AREA		86.1							

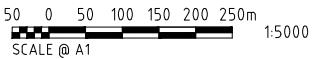
* EEC - Endangered Ecological Community pursuant to the NSW Threatened Species Act 1995.

LEGEND	
	Site Boundary
	Central Corridor Boundary
	Lot 5 on DP25886
	Eastern Creek and Swale
	Pocket Woodland
	Proposed Urban Development

VEGETATION MANAGEMENT UNITS	
	Vegetation Type Boundary
	ELUC Number (refer Table)
	Biodiversity Protection (ELUC 1-7,16,19)
	Biodiversity Enrichment (ELUC 8-10,17,18)
	Urban Edge (ELUC 11)
	District Sporting Field (ELUC 12)

FAUNA MOVEMENT CORRIDORS	
	East - West
	North - South

AQUATIC FEATURES	
	Macrophyte Treatment Zone (ELUC 13)
	Constructed Wetlands (ELUC 14)
	Existing Wetlands (ELUC 15)



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ST VINCENT'S FOUNDATION

RAINBOW BEACH
BONNY HILLS
ENVIRONMENTAL LAND USE MANAGEMENT PLAN

DATE: 11/07/11
PLAN No: 713501-ELUMP-01

Rv. 5

