

# Concept Approval

## Section 75O of the *Environmental Planning & Assessment Act 1979*

I, as delegate of the Minister for Planning and Infrastructure under delegation executed on 1 October 2011, pursuant to Part 3A of the *Environmental Planning & Assessment Act 1979* (Act), determine:

- (a) under section 75O of the Act, to approve the concept plan referred to in Schedule 1 subject to the modifications in Schedule 2;
- (b) under section 75P(1)(a) of the Act, that further environmental assessment be subject to the requirements set out in Schedule 2 (other than for the Project Approval issued for Stage 1 works under MP07\_0001); and
- (c) under section 75P(1)(b) of the Act, that approval to carry out the project (other than for Stage 1 works under MP07\_0001); be subject to Part 4 or 5 of the Act, as relevant.

The modification and further assessment requirements are required to:

- Encourage the orderly future development of the site;
- Ensure adequate mitigation of environmental impacts of future development; and
- Ensure protection and restoration of threatened species and their habitat.

Deputy Director-General  
Development Assessment & Systems Performance  
**Department of Planning & Infrastructure**

Sydney

1 March

2012

### SCHEDULE 1

<b>Application No.:</b>	06_0085
<b>Proponent:</b>	St Vincent's Foundation Pty Ltd
<b>Approval Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	Lot 1232 DP 1142133, Lots 1, 2, 3 and 4 DP 1150758 and Lot 5 DP 25886, Ocean Drive Bonny Hills, Port Macquarie-Hastings LGA.
<b>Project:</b>	<p>The concept plan approval for the delineation of future land uses within the 177.4 ha site as follows:</p> <ul style="list-style-type: none"><li>• the limits of the residential subdivision;</li><li>• the location of the three adopted intersections with Ocean Drive and the location of an additional intersection with Ocean Drive currently under investigation by Port Macquarie –Hastings Council;</li><li>• the extent of the future school sites;</li><li>• the general location of the Greater Lake Cathie Bonny Hills Village Centre;</li><li>• the delineation of the development area of Lot 5 DP 25886;</li><li>• the delineation of the central corridor.</li></ul>

Note: Not all aspects of the concept plan have been approved

## DEFINITIONS

<b>EP&amp;A Act</b>	means the <i>Environmental Planning and Assessment Act 1979</i> .
<b>Central Corridor</b>	means the extent of the site's open space, drainage and wildlife habitat corridors as depicted in Plans 1 and II as <i>Central Corridor Boundary</i> sourced from Figure 12 of the Preferred Project Report as modified in this approval.
<b>Concept Plan</b>	means the project as described in Schedule 1 and as modified by Schedule 2.
<b>Council</b>	means Port Macquarie-Hastings Council.
<b>Crown Lands</b>	means the Crown Lands Division as part of the Department of Primary Industries or its successors.
<b>Department</b>	means the Department of Planning & Infrastructure or its successors.
<b>Director-General</b>	means the Director-General of the Department or his/her nominee.
<b>Environmental Assessment</b>	means the Environmental Assessment entitled <i>Rainbow Beach Concept Plan 06_0085 St Vincent's Foundation Pty Ltd Volumes 1-6</i> prepared by Luke and Company and dated August 2010.
<b>Environmental Land Use Management Plan</b>	Means the plan titled <i>Environmental Land Use Management Plan</i> (713509-ELUMP-01) prepared by Cardno and provided in the Preferred Project Report.
<b>EP&amp;A Act</b>	means <i>Environmental Planning &amp; Assessment Act 1979</i>
<b>Lake Cathie 07_0010 Major Project</b>	means the Lake Cathie 07_0010 Major Project proposed on Lot 4 DP 615261 and Lot 1 DP 374315 and approved on 28 November 2011.
<b>Minister</b>	means the Minister for Planning and Infrastructure.
<b>NOW</b>	means the NSW Office of Water or its successor.
<b>OEH</b>	Means the Office of Environment & Heritage or its successor.
<b>Preferred Project Report</b>	means the Preferred Project Report (PPR) entitled <i>Preferred Project Report 06_0085 Rainbow Beach</i> prepared by AECOM and dated 9 May 2011 and addendum dated 15 August 2011.
<b>Project Application</b>	means the Rainbow Beach project application 07_0001 proposed on Lot 1232 DP 1142133, Lots 1, 2, 3 and 4 DP 1150758 and Lot 5 DP 25886, Ocean Drive Bonny Hills and exhibited from 2 September 2010 until 1 October 2010.
<b>Proponent</b>	means St Vincent's Foundation Pty Ltd or any party acting upon this approval.
<b>Regulation</b>	means the <i>Environmental Planning and Assessment Regulation 2000</i> .
<b>Site</b>	Means the land identified in Schedule 1.
<b>Swamp Oak EEC (Endangered Ecological Community)</b>	means the area identified as <i>Swamp Oak Floodplain Sclerophyll Forest on the map titled 'Figure 8: Biolink's vegetation map over aerial photo' in the Ecological Assessment provided with the Environmental Assessment prepared by Darkheart dated September 2008 (and as amended by this approval)</i> .

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## **SCHEDULE 2**

### **MODIFICATIONS TO CONCEPT PLAN**

#### **TERMS OF APPROVAL**

##### **PART A – ADMINISTRATIVE**

##### **Concept Plan Description**

- A1 Concept plan approval only is granted to the project described generally below:
- 1) the delineation of the limits of the residential subdivision;
  - 2) the location of the three adopted intersections with Ocean Drive;
  - 3) the location of an additional intersection with Ocean Drive currently under investigation by Council;
  - 4) the delineation of the extent of the future school sites;
  - 5) the location of the Greater Lake Cathie Bonny Hills Village Centre;
  - 6) the delineation of the development area of Lot 5 DP 25886; and
  - 7) the delineation of the extent of the central corridor.

As modified by Part B of Schedule 2.

Note: The proponent sought concept plan approval for the delineation of the central corridor. Due to environmental constraints, approval has not been granted to the scheme as proposed. Modifications to the concept plan are detailed in Part B of this schedule.

##### **Consistency of Future Development**

- A2 The proponent shall carry out the concept plan and all related future applications generally in accordance with the:
- 1) Environmental Assessment;
  - 2) Preferred Project Report and addendum; and
  - 3) The statement of commitments in Schedule 3,
- except as otherwise provided by the modifications and further assessment requirements of this approval.
- A3 In the event of any inconsistency between:
- 1) The modifications and further assessment requirements of this approval and the drawings/documents referred to in condition A2, the modifications and further assessment requirements of this approval shall prevail to the extent of the inconsistency; and
  - 2) Any drawing/document listed in condition A2, the most recent document shall prevail to the extent of the inconsistency; and
  - 3) The modifications and further assessment requirements of this approval and the statement of commitments, the modifications and further assessment requirements of this approval prevail to the extent of the inconsistency.
- A4 If there is any inconsistency between this concept plan approval and any future application, this concept plan approval shall prevail to the extent of the inconsistency.

##### **Limits of Approval**

- A5 This concept plan approval shall lapse five (5) years after the date of the approval, unless works the subject of any related application are physically commenced, on or

before that lapse date. The Director-General may extend this lapse date if the proponent demonstrates to the satisfaction of the Director-General that the project remains current, appropriate and reflective of the best use of the site at the date the approval would otherwise lapse.

- A6 To avoid any doubt, this approval does not permit the construction of any component of the concept plan (including any clearing of vegetation).

**Requirement to enter into a planning agreement**

- A7 The proponent must enter into a planning agreement with Council in accordance with the terms of the offer under section 93I of the EP&A Act, dated 7 November 2011. The planning agreement must be entered into within 28 days from the date of this approval.

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## **PART B – MODIFICATIONS TO CONCEPT PLAN PURSUANT TO SECTION 750(4) OF THE ACT**

*Note: In making the modifications as described in this schedule, the Minister has not granted concept plan approval to the physical locations of any stormwater detention basins or roads within the site.*

- B1 Within 60 days of the date of this approval, the proponent must submit amended plans to the Director-General demonstrating that all design modifications required in this concept plan approval have been satisfied.

In particular, the proponent must demonstrate compliance with Conditions B2-B3, and B5-B7 of this concept plan approval.

Plans I and II attached to this Schedule are to be read in conjunction with these conditions.

### **Residential components**

- B2 All residential areas (as identified in the concept plan) adjacent to the identified Swamp Oak Endangered Ecological Community in the north-eastern portion of the subject site are required to have a minimum biodiversity enrichment/fully vegetated buffer of 25 metres as shown in Schedule 3. Note: road reserves and APZs must not be included as part of these buffer areas. The biodiversity enrichment/fully vegetated buffer is to be revegetated in accordance with ELUC 8-10 of the Environmental Land Use Management Plan.

- B3 The cleared pasture area on Lot 5 DP 25886 situated between the residential area of the concept plan and the Crown land reserve to the east identified as R754444 is required to have a minimum biodiversity enrichment/fully vegetated buffer of 50 metres as shown on the amended Principles Plan at Plan II. The biodiversity enrichment/fully vegetated buffer is to be revegetated in accordance with ELUC 17-18 of the Environmental Land Use Management Plan.

### **Access**

- B4 Future road access to the most eastern residential area of the concept plan which adjoins the Lake Cathie 07\_0010 Major Project is to be facilitated through connection to that major project.

### **Environment**

- B5 The identified Common Planigale and Eastern Chestnut Mouse habitat area (the entire drain and a fully vegetated buffer zone of at least 30m to the east as recorded in Appendix 6 of the Environmental Assessment) west of the southern school site is excluded from any filling, clearing etc. This area is to be collectively fenced off, revegetated with southwest dry sclerophyll/swamp forest (as per the Environmental Land Use Management Plan), and the total area regenerated and managed appropriately for these species to maximise the potential viability of these small populations. These excluded areas must be fenced off and incorporated into the central corridor as shown in Plan I.

- B6 The concept plan and principles plan provided with the PPR is to be amended to make provision for the identified Eastern Chestnut Mouse habitat on Lot 5 DP 25886 as recorded in Appendix 6 of the Environmental Assessment. This area is to be collectively fenced off, revegetated by way of Coastal Sands Forest Regeneration (as

per the Environmental Land Use Management Plan) and the total area regenerated and managed appropriately for these species in perpetuity to maximise the potential viability of this small population. This excluded area must be fenced off and incorporated into the central corridor as shown in the amended Principles Plan in Plan II.

- B7 No approval is given to carry out any works including filling or clearing any of the vegetation on or along the Eastern Creek/Duchess Gully including the northern road reserve area shown to be dissecting this area in Plan I.
- B8 For the purpose of achieving long-term conservation security in perpetuity for the Swamp Oak EEC, the proponent must not commence any works until a process is completed to rezone the central corridor (as marked on Schedule 3) to an appropriate zone (environmental zonings E2 or E3) following approval of the concept plan. The central corridor is to be managed in accordance with the planning agreement referred to in Condition A7.

### **School site**

- B9 The southern school site or any direct road access connection to Ocean Drive from the southern school site area is not approved as part of this concept plan approval. The suitability of the southern school site for a school is to be assessed as part of a future development application.

Note: The design of any school proposed for the southern site shall ensure that all pedestrian/cycle ways, parking, manoeuvring, set-down / pick-up areas, and public transport facilities, are wholly located within the school site and sufficiently set back from the Ocean Drive frontage so as to clearly delineate the school from the arterial road.

### **Asset protection zones**

- B10 All asset protection zones are to be excluded from the central corridor and contained within urban development areas.

## PART C - FURTHER ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Pursuant to section 75P(1)(b) of the Act, the following environmental assessment requirements apply with respect to future stages of the project:

### Subdivision

C1 Each future application for subdivision is to include:

- 1) subdivision plans to Council's specifications, that show as a minimum, the following:
  - a) dimensions of proposed allotments;
  - b) location of all structures proposed and retained on site;
  - c) location and width of asset protection zones (APZ);
  - d) access points; and
  - e) any easements, covenants or other restrictions either existing or required on the site,
- 2) design guidelines for future housing developed in consultation with Council;
- 3) outline of landscaping using locally native species that conform with Council's Indigenous Planting List (sourced from Council's website) and taking into consideration bushfire safety and the knowledge of the traditional Aboriginal custodians;
- 4) details of construction methods, including sensitive fauna clearance and re-location methods prior to vegetation removal, methods to protect vegetation to be retained, methods to protect Wallum froglets, the Eastern Chestnut Mouse and Common Planigale habitat to be retained and erosion and sediment control;
- 5) a stormwater management plan, based on conditions C8-C12 of this approval;
- 6) a water quality management plan which addresses and outlines measures based on Water Sensitive Urban Design Principles which addresses impacts on the surrounding environment, drainage and water quality controls for the catchment, and erosion and sediment controls at construction and operational stages. Each plan is to include a detailed design layout plan for the preferred stormwater treatment train showing location, size and key functional elements of each part of the system must be submitted with each development application for subdivision;
- 7) an Acid Sulfate Soils Management Plan describing methods for determining the presence of such soils and the proposed methods for dealing with such soils should they be encountered;
- 8) a contamination assessment prepared by a suitably qualified person(s) demonstrating that the site has been/can be remediated to a standard that is suitable for the proposed development, and is not harmful to human health or the environment;
- 9) a geotechnical assessment prepared by a suitably qualified person(s) confirming the suitability of the site for urban development including areas of the site subject to land modification works and addressing the potential for slope instability as required in Condition C19;
- 10) in order to ensure the protection of property and assets, a detailed bushfire assessment and management plan prepared by a suitably qualified person must be submitted with each future development application for residential subdivision. The assessment must, at a minimum, demonstrate consistency with the requirements of



*Planning for Bushfire Protection 2006* (or its successive document). All asset protection zones must be clearly specified on the Plan of Development and all affected lots are to be encumbered with a Section 88B instrument under the *NSW Conveyancing Act 1919*;

- 11) a traffic assessment demonstrating that traffic generated does not exceed the predicted traffic volumes outlined in *Roadnet's Traffic impact study Area 14* urban investigation area 2010. Each traffic assessment must take into account traffic movements from the project and in the wider Area 14 area. Any traffic assessments that reveal impacts on the road network shall include mitigation strategies including road and/or junction upgrades for consideration by the RTA for approval;
- 12) roads, walkways and cycleways constructed to Council's specifications;
- 13) a plan demonstrating construction of a walkway/cycleway that links the existing subdivision south of the site to the town centre;
- 14) outline of appropriate developer contributions;
- 15) demonstration of compliance with this approval;
- 16) a Construction Management Plan addressing the environmental impacts of the proposal during the construction stage of development. The strategy shall include but not be limited to traffic and pedestrian management, noise and vibration management, construction waste management, erosion and sediment control management, dust management and flora and fauna management;
- 17) a landform modification plan;
- 18) an Infrastructure Servicing Plan prepared by a suitably qualified person(s) that identifies servicing requirements necessary for the development and upgrades proposed to the existing system;
- 19) details of land title e.g. torrens title, community title including any proposals for the dedication of land to Council for ownership and/or management;
- 20) demonstration of compliance with Condition C18 of this project approval to the satisfaction of Housing NSW;
- 21) Part 6 of the Port Macquarie-Hastings LEP with respect to state public infrastructure contributions.
- 22) A proportion of the project is affected by the 100 year coastal hazard line and any future application to develop the Lot 5 DP 25886 site is to include a detailed coastal hazard assessment.
- 23) Prior to lodgement of any development application for residential subdivision, the proponent must prepare and implement a vegetation management plan for the Crown land reserve to the east identified as R754444 to the satisfaction of Council. The plan must demonstrate:
  - a) the establishment of a 'vegetated regeneration area';
  - b) removal of all weed species and retention of all native vegetation within the vegetated regeneration area';
  - c) replanting of endemic rainforest species within vegetated regeneration area';
  - d) erection of temporary fencing;
  - e) erection of fencing enclosing regeneration area.

## Noise

- C2 In order to determine appropriate noise attenuation measures, each future application for residential subdivision must demonstrate that a road traffic noise modelling and assessment has been undertaken in accordance with all relevant guidelines for traffic noise attenuation for residential dwellings including consistency with Council's development control plan (as in force at that time).

## Groundwater Management

### C3 Water licences

- 1) All groundwater licences must be obtained and associated works appropriately authorised prior to works commencing.
- 2) All works that intersect the aquifer should be licenced by NOW prior to any work being carried out. This includes groundwater excavations within the groundwater aquifer, which includes, but is not necessarily limited to excavations for the constructed wetlands, all monitoring and production bores (if any), wells and spear points. Therefore, all Form A's associated with the construction of bores must be submitted to NOW at the time drilling is undertaken.

- C4 For all areas on the site that require dewatering, a water licence under Part 5 of the *Water Act 1912* should be obtained prior to commencement of work. This water licence application must be accompanied by a groundwater and excavation monitoring program and acid sulphate soils contingency plan, developed to the satisfaction of NOW.

- C5 In regard to taking surface water, all works need to be appropriately licensed. If and where the storage capacity of the constructed wetlands exceeds the maximum harvestable right for the property or such works are proposed to be constructed on a river, as defined under the *Water Management Act 2000*, then a water volume reflecting the water taken from the relevant water source will also be required to be licensed.

- C6 To aid in the protection of receiving water source quality, all stormwater runoff must be adequately treated at its source and/ or diverted through the stormwater treatment process designed for the site, prior to the stormwater being discharged to surface water and groundwater sources.

- C7 All groundwater monitoring is to be carried out generally in accordance with the Groundwater Monitoring Plan prepared by the UNSW Water Research Lab (URL) dated March 2010.

## Stormwater Management

- C8 Development of the residential areas of the site shall incorporate:

- 1) A Water sensitive urban design (WSUD treatment train);
- 2) Use of reclaimed water to dwellings for outdoor use, toilet flushing and laundry cold water.
- 3) Irrigation of district sports fields with reclaimed water sourced from Council.

- C9 The proponent shall examine ways to consolidate and optimise the total number and performance of the stormwater treatment measures to reduce maintenance costs where reasonably feasible. This shall be undertaken in liaison with Council's Maintenance staff and shall include discussions about the preferred treatment measures to be adopted. A summary of discussions with Council staff clearly indicating agreed outcomes shall be provided with detailed design documentation.
- C10 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, WSUDs, wetlands and other constructed water bodies). 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 Integrated Water Cycle Management Plan Policy for Area 14. WSUD elements shall be planned and designed in accordance with the suite of guidelines as shown on the Water by Design website <http://waterbydesign.com.au/guidelines-factsheets-main>. Modelling using MUSIC Version 4 or later shall be provided to prove that the WSUD treatment train achieves the water quality performance requirements of Council's IWCM Policy for Area 14. The MUSIC model/s shall be provided for review with detailed design documentation. The large constructed wetland waterbody used to source fill for the residential site shall not have any water quality function attributed to it.
- C11 Detailed designs will be accompanied by maintenance schedules (short and long term) for all stormwater drainage infrastructure. A works staging plan will also be prepared. The works staging plans and maintenance schedules shall be prepared in accordance with the suite of guidelines as shown on the Water by Design website (as updated):  
<http://waterbydesign.com.au/guidelines-factsheets-main>
- C12 The works staging plan and maintenance schedules shall be prepared in liaison with Council's Maintenance staff. A summary of discussions with Council staff clearly indicating agreed outcomes shall be provided with detailed design documentation.

## **Traffic & Access**

- C13 In order to ensure that the capacity of the surrounding external road network is not exceeded, each future application for residential subdivision or school must be accompanied by a detailed traffic assessment in accordance with the RTA's *Guide to Traffic Generating Developments* and using recent RTA household surveys. The traffic assessment must take into account both the additional traffic from the subject development as well as the cumulative impacts of any new developments in the Bonny Hills/Lake Cathie locality.

Consideration is to be given to providing safe connections for pedestrians and cyclists to the existing network, this should include appropriate traffic management treatments at conflict points and off-road facilities.

- C14 Notwithstanding the issue of this project approval, separate approval from the appropriate roads authority under section 138 of the *Roads Act 1993*, must be obtained prior to any works taking place on a public road including the construction of any new road and traffic facilities (roundabouts, median islands etc.) and paved footpaths.

## **Heritage**

- C15 Aboriginal Objects

- 1) 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 OE&H) 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, DP&I and OE&H to develop and implement management strategies for all objects.
- 2) 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 OE&H's Enviroline on 131555 and representatives of the local Aboriginal community. No works are to continue until OE&H provide written notification to the proponent.
- 3) 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 OE&H.
- 4) 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.
- 5) 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.
- 6) 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.

#### C16 Archaeological heritage

If any archaeological relics are uncovered during the course of the work in any stage of the project, then all works shall cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

### **Flooding & Climate Change**

- C17 Prior to issuing an approval for any future development applications for residential subdivision, the proponent shall demonstrate to the satisfaction of Council that the development has been designed such that the flood protection measures for the site (as it relates to the relevant stage of the project) are capable of excluding up to and including the 1 in 100 year ARI flood event, as determined by Council's flood policy as in force at the time of issue of the construction certificate for that stage. Each stage of the project shall be designed to ensure that the flood management (including evacuation measures) arrangements for the site (as it relates to the relevant stage of the project) is consistent with Council's Interim Port Macquarie-Hastings LGA Flood

Policy 2007 or its successive document and NSW Coastal Planning Guideline: Adapting to Sea Level Rise 2010. All residential lots are to be encumbered to this effect with a Section 88B instrument under the *NSW Conveyancing Act 1919*.

### **Affordable Housing**

C18 The proponent shall provide, with the first development application of residential subdivision, a study to determine the need for affordable housing provision for the St Vincent's site. The study should address the following:

- 1) The likely future demographics of the population of St the Vincent's site and immediate locality by household type, income, employment and tenure;
- 2) The need for affordable housing both for rental and purchase in the St Vincent's site and immediate locality;
- 3) A plan showing the possible location of affordable housing on the St Vincent's site in the various precincts; and
- 4) Investigation of mechanisms for the provision of affordable housing, including any role for community housing providers or the potential use of Voluntary Planning Agreements.

The proponent is to consult with Port Macquarie-Hastings Council and Housing NSW - Centre for Affordable Housing in the preparation of the study.

### **Geotechnical Assessments**

C19 In order to ensure the stability of development lots, a detailed geotechnical assessment prepared by a suitably qualified person must be submitted with each future development application for subdivision. The assessments must, at a minimum, include the following:

- 1) A geotechnical map of the site clearly showing ground surface contours, geotechnical engineering soil types and geotechnical hazards. The delineation of hazards should include hazard locations and possible hazard impact areas. That map should be occupied by an explanatory text describing the nature and delineation of soil types and hazard types. The map and text should be prepared by a suitably experienced geotechnical practitioner.
- 2) A synthesis site plan clearly showing ground surface contours and the locations of all test pits, boreholes and monitoring wells drilled on the site to date.

### **Biodiversity**

C20 Prior to commencement of works, or as otherwise determined by the Director-General, an appropriate Management Plan which clearly documents how identified habitats for the Wallum froglet, Common Planigale, Eastern Chestnut Mouse and Swamp Oak EEC will be managed and monitored in perpetuity must be prepared by a suitably qualified person/s and approved by the Director-General.

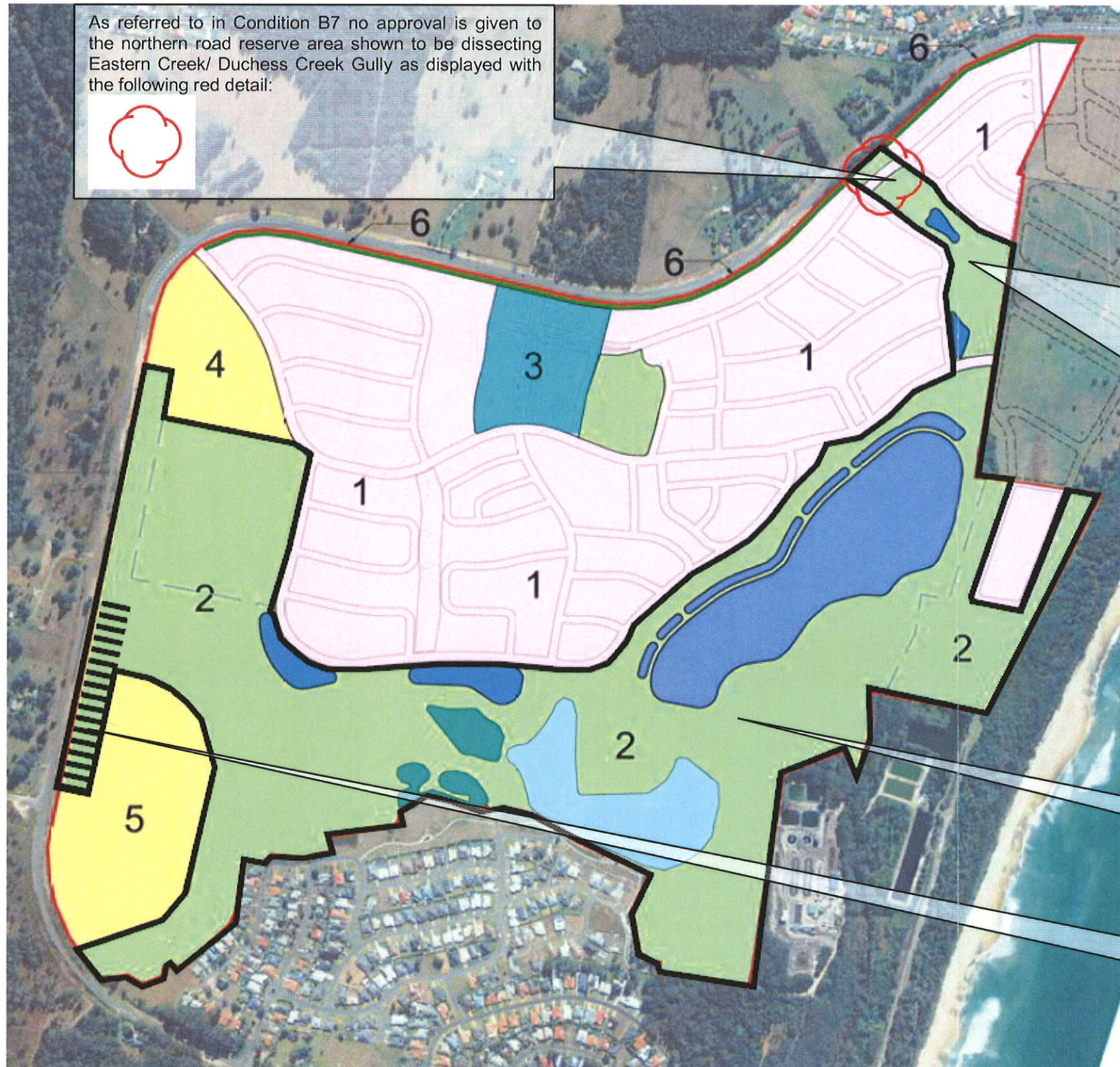
C21 An Annual Flora and Fauna Monitoring Report must be prepared on an annual basis from the date of commencement of construction of the central corridor until completion of the project or as otherwise determined by the relevant consent authority. This Annual Flora and Fauna Monitoring Report shall include but not be limited to:

- 1) The aims, objectives and methodology for the report;
  - 2) Baseline monitoring data focusing on existing populations of threatened species, including identified habitats for the Wallum froglet, Common Planigale, Eastern Chestnut Mouse and Swamp Oak EEC;
  - 3) Monitoring requirements for compensatory habitat works including:
    - a) the monitoring of the condition of species and ecological communities at offset locations;
    - b) the methodology for the monitoring program(s), including the number and location of offset;
    - c) monitoring sites, and the sampling frequency at these sites; and
    - d) provisions for the annual reporting of the monitoring results to the consent authority responsible.
- C22 The future road reserve, connecting future residential areas with the Lake Cathie 07\_0010 Major Project, is to make provision for wildlife passage by way of constructing a wildlife overpass/underpass to the satisfaction of Council. Details of wildlife passage are to be submitted prior to commencement of works.



PLAN I

As referred to in Condition B7 no approval is given to the northern road reserve area shown to be dissecting Eastern Creek/ Duchess Creek Gully as displayed with the following red detail:



Modifications to concept plan referred to in Conditions B2, B5, B7 and B8 as shown in Plan I as follows:

Residential areas adjoining Swamp Oak EEC is to have a minimum biodiversity enrichment fully vegetated buffer of 25 metres as referred to in condition B2 and shown below in red



Central corridor referred to in Condition B8 delineated with the following black line:



Southern school site vegetated buffer zone referred to in Condition B5 displayed with the following black detail:

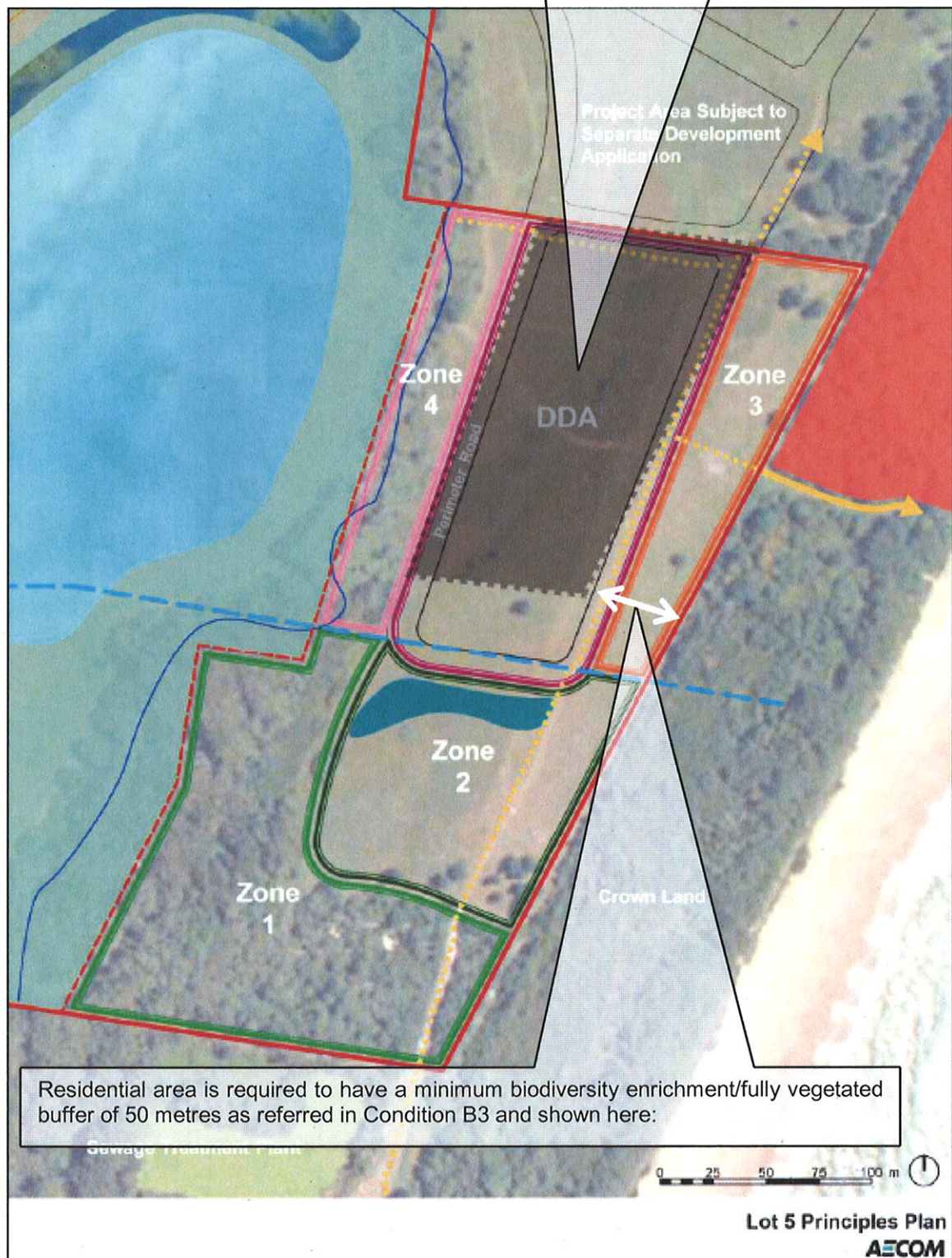




## PLAN II

### Modifications to Principles Plan as referred to in Conditions B3 and B6.

Delineated Development Area (DDA) of Lot 5 DP 25886 is to be amended as referred in Condition B6 as shown:





**SCHEDULE 3**

**06\_0085**

**Rainbow Beach Concept Plan**

**Ocean Drive Bonny Hills in the Port Macquarie-Hastings  
local government areas**

**Statement of commitments**

**(source: preferred project report)**

Issue	Commitment	Timing
1	<p>Land Use – Planning Proposal</p> <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 &amp; 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	<p>Detailed design</p> <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	<p>Habitat protection and enhancement</p> <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	<p>Open space, recreation and habitat management</p> <p>The proponent will enter into a VPA with Council under Section 75F(6) of the EP&amp;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&amp;A Act for the establishment, management and dedication of open space, recreation and habitat areas (comprising the Pocket Woodland, Eastern Creek &amp; 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	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.	Subsequent development application stage, as appropriate.
8. Environmental mitigation and management measures and monitoring	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"> <li>• Water sensitive urban design (WSUD).</li> <li>• Use of reclaimed water to dwellings for outdoor use, toilet flushing and laundry cold water.</li> <li>• Irrigation of district sports fields with reclaimed water sourced from Council.</li> </ul>	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 IWCMP 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	<p>Aboriginal heritage</p> <p>The detailed design of the various components of the urban areas within the Concept Plan will comply with Council's IWCMP 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 IWCMP 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>	Prior to issue of Construction Certificates for any stage.
11	<p>Bushfire Protection - General</p> <p>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.</p>	Subsequent development application stage, as appropriate.
12	<p>Contamination</p> <p>Compliance with SEPP No. 55 – Remediation of Land for areas of localised soil impact identified, or additional areas identified during future site works.</p>	Subsequent development application stage, as appropriate.
13	<p>Noise mitigation</p> <p>Development will be protected from excessive traffic noise associated with Ocean Drive in accordance with Council's Development Control Plan.</p>	Subsequent development application stage, as appropriate.
14	<p>Consultation</p> <p>The proponent will consult with relevant stakeholders as part of any future project or development applications for the proposal, in accordance with applicable legislation.</p>	Subsequent development application stage, as appropriate.
15	<p>Lot 5 DP 25886</p> <p>The proponent will prepare a vegetation management plan (including fencing where appropriate) incorporating a "Native Planting &amp; 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.</p>	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.
16	<p>Northern School Site</p> <p>The proponent will enter into a VPA with Council under Section 75F(6) of the EP&amp;A Act for the management and dedication of future public land within Lot 5.</p>	Subsequent development application stage, as appropriate.
17	<p>Northern School Site</p> <p>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.</p> <p>Southern School Site</p> <p>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.</p> <p>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.</p>	Development application stage for the Northern School site.
		Development application stage for the Southern School site.
		Development application stage for the Southern School site.