

# Addendum to Preferred Project Report

Rainbow Beach Project Application  
MP 07\_0001

St Vincent's Foundation Pty Ltd | 15 August 2011





## Addendum to Preferred Project Report

Rainbow Beach Project Application

Prepared for

St Vincent's Foundation Pty Ltd

Prepared by

**AECOM Australia Pty Ltd**

Level 21, 420 George Street, Sydney NSW 2000, PO Box Q410, QVB Post Office NSW 1230, Australia

T +61 2 8934 0000 F +61 2 8934 0001 [www.aecom.com](http://www.aecom.com)

ABN 20 093 846 925

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## Quality Information

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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 Report to the Preferred Project Report relates to the Project Application component of the proposal, described below.

#### 1.1.1 Project Application

The Project Application seeks approval for the Central Corridor (located within the open space, drainage and wildlife habitat corridor of the Concept Plan), and associated works as follows:

- Works located within the Central Corridor:
  - open space, environmental and recreational elements;
  - excavation works required to construct wetlands;
  - stormwater treatment and management elements; and
  - establishment works for the district sporting fields.
- Works located outside of the Central Corridor:
  - placement of fill won from wetland excavation; and
  - a formalised access way on Crown land to allow pedestrian access to Rainbow Beach.

Details of the Project Application and environmental assessment are outlined in the *Environmental Assessment: Report Rainbow Beach Project Application Central Corridor and Associated Works*, dated 8 July 2010, prepared by AECOM and in the Project Application Preferred Project Report prepared by AECOM dated 9 May 2011.

#### 1.1.2 Preferred Project Report

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

The amendments to the Project Application included:

- Increase in width of the habitat corridor between the existing lagoon and the proposed open water wetland from 50 m to 100 m, resulting in:
  - reduction in surface area of the open water wetland by 6%;
  - revision of original Environmental Land Use Management Plan (ELUMP) to reflect minor modifications to the breakdown of open space areas within the Central Corridor; and
  - amended cut and fill balance.
- Refinement of wetland treatment areas W1A – W1E within the proposed open water wetland.
- Detailed design of proposed beach access over Crown land.

### 1.2 Submissions received on 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 Project Application Preferred Project Report sets out 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 Project Application reflecting the issues and measures agreed to. Details are set out in Table 1.

## **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 Project Application Preferred Project Report and proponent's responses

Agency/ Issue	Response	Reference
<b>Port Macquarie-Hastings Council</b>		
<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"> <li>• The increased width of the corridor between the artificial waterbodies;</li> <li>• The exclusion of development and the revegetation of the STP buffer area;</li> <li>• The commitment to buffer the SEPP26/EBPC littoral rainforest interface;</li> <li>• The reduction and consolidation of the bioretention treatment facilities skirting the open water wetland;</li> <li>• The provision of an indicative staging plan;</li> <li>• The commitment to the Ocean Drive corridor plan and its objectives.</li> </ul>	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>Refer Final Statement of Commitments for Project Application Item 12.</p> <p>See Final Statement of Commitments for Concept Plan Item 13.</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><b><u>Contributions</u></b></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 Plan 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><b>NSW Office of Water</b></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>
<b>NSW Office of Water</b>	<b>Response</b>	
<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 <math>1 \times 10^{-9}</math> 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
<b>NSW Office of Environment and Heritage</b>	<b>Response</b>	
<p><b>1.1 Proposed Mitigation Measures</b></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><b>1.2 Vegetation Removal and Impact upon Threatened Species</b></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><b>1.2.1 Wallum Froglet (<i>Crinia tinnula</i>)</b></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 Plan 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><b>1.2.3 Swamp Oak Floodplain Forest</b></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>See response to this comment at Agency comment 1.2.3 above in respect of the Swamp Oak Floodplain Forest.</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>Revised Statement of Commitments addresses APZ's and development areas.</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>	<p>See Final Statement of Commitments for Concept Plan Items 1, 11, 16 and 17.</p>

Agency/ Issue	Response	Reference
<p><b>2.3 Biodiversity Offsetting Measures</b></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>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>See Final Statement of Commitments for Concept Plan Item 1.</p>
<p><b>2. AIR AND NOISE IMPACTS</b></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"> <li>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.</li> <li>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"> <li>i) restricted to between the hours of 7:00am and 6:00pm Monday to Friday;</li> <li>ii) restricted to between the hours of 8:00am and 1:00pm Saturday; and</li> <li>iii) not to be undertaken on Sundays or Public Holidays.</li> </ul> </li> <li>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"> <li>i) between the hours of 8:00am and 6:00pm Monday to Friday;</li> <li>ii) between the hours of 8:00am and 1:00pm Saturday; and</li> <li>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.</li> </ul> </li> </ul> <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 and agreed. Revised Statement of Commitments prepared in accordance with OEH request.</p>	<p>See Final Statement of Commitments for Project Application Item 13.</p>

Agency/ Issue	Response	Reference
Rural Fire Service (RFS)	Response	
<b>Residential Subdivision</b> <ol style="list-style-type: none"> <li>1. All areas proposed for residential development shall be managed as an inner protection area (IPA) as outlined within Appendix 2 &amp; 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'</li> <li>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.</li> <li>3. Perimeter roads are through roads with public roads to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.</li> <li>4. Road widths shall comply with Table 4.1 in 'Planning for Bush Fire Protection 2006'.</li> <li>5. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.</li> <li>6. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.</li> </ol>	Noted and agreed. Revised Statement of Commitments prepared in accordance with RFS request.	See Final Statement of Commitments for Concept Plan Items 2 and 11.



Agency/ Issue	Response	Reference
<p><b>The Northern and Southern School Sites</b></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"> <li>7. Asset protection zones are required in accordance with Table A2.6 of 'Planning for Bush Fire Protection 2006'.</li> <li>8. Access roads to comply with sections 4.1.3 &amp; 4.2.7 of 'Planning for Bush Fire Protection 2006'.</li> <li>9. Water, electricity and gas are to comply with sections 4.1.3 &amp; 4.2.7 of 'Planning for Bush Fire Protection 2006'.</li> <li>10. Emergency evacuation measures in accordance with section 4.2.7 of Planning for Bush Fire Protection 2006'.</li> <li>11. Landscaping and property maintenance within the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.</li> </ol>	<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><b>Roads and Traffic Authority (RTA)</b></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><b>Response</b></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 Project Application identified a range of environmental outcomes and management measures that would be required to avoid or reduce the environmental impacts.

After consideration of the issues raised in submissions to the Project Application Preferred Project Report, a final Statement of Commitments for the Project Application has been prepared. Should the proposal be approved, the revised commitments would guide the subsequent phases of the development.

The final Statement of Commitments is provided in Table 2.



Table 2 Final Statement of Commitments for Project Application

Issue	Commitment	Timing
1 Detailed design	Final detailed design and specifications for the Central Corridor will be completed at the construction certificate stage. Details will include: - provision of habitat within the open water wetland; - separation of key fish habitat of Duchess Gully and water quality infrastructure.	Pre-construction
2 Open space management	The proponent will enter into a VPA with Port Macquarie – Hastings Council under Section 75F(6) of the EP&A Act in regards to the management and dedication of the Central Corridor.	Prior to approval of this Project Application
3 Habitat protection and rehabilitation	The Central Corridor is to be managed in accordance with the Open Space Management Strategy (OSMS) prepared by Cardno (April 2010) and in accordance with Council requirements as per the VPA.	Operation
	The rehabilitation of the Central Corridor is to be undertaken in accordance with the OSMS prepared by Cardno (April 2010).	Construction
4 Surface water quality monitoring	The OSMS will be amended to include measures for underpass and overpass connectivity to link the area of Swamp Oak Floodplain Forest EEC to the Central Corridor at the northern boundary of the Central Corridor.	Pre-construction
	Ongoing surface water quality monitoring will be undertaken in accordance with the Surface Water Monitoring Plan prepared by AECOM (July 2010) for the duration of the management and maintenance period of the VPA (20 years).	Construction and operation
5 Groundwater quality monitoring	Ongoing groundwater monitoring will be undertaken in accordance with the Groundwater Monitoring Plan prepared by WRL (March 2010) for a period of 2 years.	Construction and operation
6 Water licensing	The Groundwater Monitoring Plan will be amended to include monitoring of analytes in the water treatment wetlands.	Pre-construction
	The proponent will consult the Office of Water regarding the need for water licenses for proposed works.	Pre-construction
7 Stormwater management	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). 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, detailed landscaping plans, and a works staging plan.  The proponent will engage a suitably qualified engineer to verify that the material used to construct each of the treatment train ponds (W1A, W1B, W1C, W1D, W1E, W2, W3, W4A, and W4B) meets the requirement of 300mm thickness and co-efficient of permeability of $1 \times 10^{-9}$ m/s. If this criterion cannot be met then the proponent will line the treatment ponds with a suitable material to the satisfaction of Council.	Prior to issue of Construction Certificate  Prior to issue of Construction Certificate

Issue	Commitment	Timing
	Stormwater will be managed in accordance with the Water Engineering and Environment Report prepared by Cardno (April 2010) and the Stormwater Treatment and Wetland Functionality Report prepared by AECOM (2010). For stormwater management matters not detailed in the above reports, management is to be in accordance with the Port Macquarie - Hastings Council Integrated Water Cycle Management (IWCN) Policy for Area 14. The proponent will examine ways to consolidate the total number of treatment wetlands to reduce maintenance costs where reasonably feasible.	Pre-construction
8 Bushfire management	A Fire Management Plan will be prepared in accordance with the requirements of the <i>Rural Fires Act 1997</i> .	Pre-construction
9 Contamination	Compliance with SEPP No. 55 – Remediation of Land for areas of localised soil impact identified, or additional areas identified during future site works.	Construction
10 Acid sulphate soils management	Acid sulfate soils will be managed in accordance with the <i>NSW Acid Sulfate Soils Manual 1998</i> , as referenced within the Acid Sulfate Soil Management Plan prepared by Cardno (April 2010) and the Groundwater Monitoring Plan prepared by WRL (March 2010).	Construction
	The proponent will consult with NoV regarding the payment of a security bond to enable remediation of any ASS impacts should they occur.	Pre-construction
11 Aboriginal heritage	Works will comply with relevant DECCW Aboriginal cultural heritage guidelines and requirements of the <i>National Parks and Wildlife Act 1974</i> .	Construction
12 Beach access	The beach access will be maintained by the proponent until a separate project or development application for Lot 5 DP 25866 is prepared, at which time responsibility for permanent maintenance will be agreed as part of a separate VPA. Crown land will not be used for bushfire protection measures.	Operation
	Stormwater run-off from future adjacent residential areas, including run-off from future hard surfaced roads and car parks will not be directed onto Crown Land.	Construction and Operation
	The detailed design of the beach access will be in accordance with the "NSW Dune Management Manual 2001", and subject to the agreement of the LPMC.	Prior to the issue of the Construction Certificate
13 Construction management	Construction works will be managed in accordance with the Construction Environment Management Plan prepared by Cardno (April 2010). An application for the issue of an Environmental Protection License will be made to DECCW.	Construction Pre-construction

	Issue	Commitment	Timing
		<p>All works will be carried out in accordance with the "Interim Construction Noise Guideline" (DECC 2009) to minimise the emission of noise and vibration from the premises.</p> <p>Construction will be restricted to between the hours of 7.00am and 6.00pm Monday to Friday, between the hours of 8.00am and 1.00pm Saturday; and will not be undertaken on Sundays or Public Holidays.</p> <p>Any work generating high noise impact, unless approved in writing by the Director General of the Department of Planning, will be undertaken between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 1.00pm Saturday; and 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>	Construction

