

Project Approval

Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 1 October 2011, I approve the project application referred to in Schedule 1, subject to the conditions in Schedule 2 and the proponent's Statement of Commitments in Schedule 3.

These conditions 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

Application No.:	07_0001
Proponent:	St Vincent's Foundation Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	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
Project:	Stage 1 works including: <ul style="list-style-type: none">• Construction of a 75.2 ha central corridor creating eight recreational/environmental precincts which include environmental restoration works, landscaping, sporting fields, children's play areas, link bridges and walkways, cycleway, picnic areas and establishment of 14.1 ha constructed wetland system;• excavation of 415,800 cubic metres of soil from the eastern portion of site;• establishment works for the district sporting fields;• placement of fill won from wetland excavation for filling of low-lying areas to reclaim for future development; and• a formalised access way on Crown land to allow access to Rainbow Beach..

DEFINITIONS

EP&A Act	means the <i>Environmental Planning and Assessment Act 1979</i> .
Central Corridor	has the same meaning as under the concept plan.
Certifying Authority	Means a person who is authorised by or under section 85A of the EP&A Act to issue complying development certificates, or is authorised by or under section 109D of the EP&A Act to issue Part 4A certificates.
Concept Plan	means the Rainbow Beach concept plan 06_0086 proposed on Lot 1232 DP 1142133, Lots 1, 2, 3 and 4 DP 1150758 and Lot 5 DP 25886, Ocean Drive Bonny Hills.
Council	means Port Macquarie-Hastings Council
Crown Lands	means the Crown Lands Division as part of the Department of Primary Industries or its successors.
Department	means the Department of Planning & Infrastructure or its successors.
Director-General	means the Director-General of the Department or his/her nominee.
Environmental Assessment	means the Environmental Assessment entitled <i>Rainbow Beach Project Application Central Corridor and Associated Works 07_0001 Volumes 1-5</i> prepared by AECOM and dated 8 July 2010.
Environmental Land Use Management Plan	has the same meaning as under the concept plan.
EP&A Act	means the <i>Environmental Planning & Assessment Act 1979</i>
Lake Cathie 07_0010 Major Project	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.
Minister	means the Minister for Planning and Infrastructure.
NOW	means the NSW Office of Water or its successor.
OEH	means the Office of Environment & Heritage or its successor.
Preferred Project Report	means the Preferred Project Report (PPR) entitled <i>Preferred Project Report 07_0001 Rainbow Beach Project Application</i> prepared by AECOM and dated 9 May 2011 and addendum dated 15 August 2011.
Project Application	means the project as described in Schedule 2.
Proponent	means St Vincent's Foundation Pty Ltd or any party acting upon this approval.
Regulation	means the <i>Environmental Planning and Assessment Regulation 2000</i> .
Site	means the land identified in Schedule 1.
Swamp Oak EEC (Endangered Ecological Community)	means the area identified as Swamp Oak EEC in the Concept Plan approval.

SCHEDULE 2

CONDITIONS OF APPROVAL

Major Project No. 07_0001

PART A—ADMINISTRATIVE CONDITIONS

A1 Project Description

Project approval is granted only to carrying out the project described in detail below.

- 1) Works located within the Central Corridor
 - a) Construction of a 75.2 ha central corridor creating eight recreational/environmental precincts which include environmental restoration works, landscaping, sporting fields, children's play areas, link bridges and walkways, cycleway, picnic areas and establishment of 14.1 ha constructed wetland system;
 - b) excavation of 415,800 cubic metres of soil from the eastern portion of site;
 - c) establishment works for the district sporting fields;
- 2) Works located outside of the Central Corridor
 - a) placement of fill won from wetland excavation for filling of low-lying areas to reclaim for future development; and
 - b) a formalised access way on Crown land to allow access to Rainbow Beach.

A2 Project in Accordance with Plans

The project is to be undertaken generally in accordance with the following drawings:

Drawings prepared by Luke and Company			
Drawing No.	Revision	Name of Plan	Date
		Open Space, Drainage & Habitat Areas – Extent of Central Corridor	Most recent version provided with PRR
4509		Wetland Excavation Plan and Treatment Wetland Areas	04/03/2011
	E	Drainage Concept Plan Plan D1	22/03/2011
		Proposed Excavation and Fill Areas	No date
Engineering Drawings prepared by Cardno			
Drawing No.	Revision	Name of Plan	Date
		Open Space Corridor Plan – Proposed Development Water Features – East	30/03/2011
		Open Space Corridor Plan – Proposed Development Water	

		Features – West	30/03/2011
		Connection Control Structure S2 Plan and Details	18/02/2011
		Drainage Hydraulic Gradients	09/12/2010
		Constructed Wetlands Outlet Control Structure S5 Plan	19/03/2010
		Constructed Wetlands Outlet Control Structure S5 Plan	19/03/2010
		Constructed Wetlands Base Flow Outlet Structure S4 Channel	19/03/2010
		Existing Lagoon Overflow Outlet Control Structure S3 Plan	19/03/2010
		Connection Control Structure S2 Plan and Details	18/02/2011
(713509-ELUMP-01	5	Environmental Land Use Management Plan	11/07/2011
Landscape Drawings prepared by AECOM			
Drawing No.	Revision	Name of Plan	Date
		Landscape Master Plan	17/03/2011
		Beach Access Detail	23/03/2011
		Beach Access Sections	23/03/2011

A3 Project in Accordance with Documents

The proponent shall carry out the project application generally in accordance with the:

- 1) Environmental Assessment;
- 2) Preferred Project Report and addendum; and
- 3) The statement of commitments,

unless otherwise specified in these conditions of approval.

A4 Inconsistency between documents

In the event of any inconsistency between:

- 1) The conditions of this approval and the Statement of Commitments (at Schedule 3), the conditions of this approval prevail;
- 2) The conditions of this approval and the drawings/documents referred to in conditions A3 and A4, the conditions of this approval prevail; and
- 3) Any drawing/document listed in conditions A3 and A4 and any other drawing/document listed in conditions A3 and A4, the most recent document shall prevail to the extent of the inconsistency.

A5 Limits of approval

- 1) This approval only relates to the site, as described in the Response to Submissions Report.

- 2) This approval shall lapse if work has not physically commenced the project associated with this approval within 5 years from the date of this approval.

A6 Obligation Minimise Harm to the Environment

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

A7 Requirement to enter into a planning agreement

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.

A8 Open Space Management Strategy

The rehabilitation of the central corridor is to be undertaken in accordance with the Open Space Management Strategy dated April 2010 and Environmental Land Use Management Plan dated July 2011 prepared by Cardno, and amended by the concept plan and this approval.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Pedestrian Access Path

Prior to the issue of a Construction Certificate, detailed plans of the pedestrian access path shall be submitted to and approved by Council. The design of the boardwalk must be designed in a manner to protect the Littoral Rainforest and dunal vegetation whilst facilitating pedestrian access through to the public foreshore. Details are to include, but not be limited to:

- 1) design and materials details of the boardwalk and the self closing gate at the entrance of the walkway
- 2) construction details outlining proposed depths of footings and measures to protect roots of existing vegetation.
- 3) The Crown land vegetation management plan required in Condition C1 of the concept plan approval.

B2 Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a Construction Certificate a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

B3 Geotechnical

All site filling shall be in compliance with the requirements of Level 1 geotechnical testing for:

- 1) AS 2870 – 1996 Residential Slabs and Footings Code

- 2) AS 3798 – 1996 Guidelines on Earthworks for Commercial and Residential Developments.

Details are to be shown in the Construction Certificate plans for each stage of the project.

B4 Remediation of Land

- 1) Prior to the issue of a Construction Certificate the Proponent shall submit to the Certifying Authority a Remedial Action Plan and a Hazardous Materials Survey. The Remedial Action Plan must be accompanied by a statement from a site auditor accredited by the Environmental Protection Agency to issue site audit statements.
- 2) Upon completion of the remediation works on the site, the Proponent shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Certifying Authority. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Environmental Protection Agency to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.

B5 Acid Sulfate Soil Management Plan

Acid sulfate soils are to be managed in accordance with the NSW Acid Sulfate Soils Manual 1998, as referenced within the Acid Sulfate Soil Management Plan prepared by Cardno dated April 2010 and the Groundwater Monitoring Plan prepared by WRL dated March 2010.

B6 Groundwater Management Plan

Ongoing groundwater monitoring will be undertaken in accordance with the Groundwater Monitoring Plan prepared by WRL dated March 2010 for the 20 year duration of the management and maintenance period of the planning agreement.

B7 Surface Water

Ongoing surface water quality monitoring is to be undertaken in accordance with the Surface Water Monitoring Plan prepared by AECOM dated July 2010 for the 20 year duration of the management and maintenance period of the planning agreement.

B8 Pre-Construction Dilapidation Reports

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. A copy of the report is to be forwarded to Council.

B9 Construction Management Plan

- 1) Prior to the issue of a Construction Certificate for each stage of the project, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. A copy of the approved plan shall be submitted to Council. The Plan shall address, but not be limited to, the following matters where relevant:
 - a) hours of work;
 - b) contact details of site manager;

- c) traffic and pedestrian management;
- d) noise and vibration management;
- e) construction waste management;
- f) erosion and sediment control; and,
- g) flora and fauna management.

B10 Traffic & Pedestrian Management Plan

Prior to the issue of a Construction Certificate for each stage of the project, a Traffic and Pedestrian Management Plan in accordance with AS1742 and RTA publication 'Traffic Control at Works Sites' Version 2 shall be prepared by an RTA accredited person, and shall be submitted to and approved by the Certifying Authority. Safe public access shall be provided at all times. The Plan shall address, but not be limited to, the following matters:

- 1) ingress and egress of vehicles to the site,
- 2) loading and unloading, including construction zones,
- 3) predicted traffic volumes, types and routes, and
- 4) pedestrian and traffic management methods.

The proponent shall submit a copy of the approved plan to Council.

PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 Notice to be Given Prior to Commencement / Excavation

- 1) The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site for each stage of the project.
- 2) The Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the *Environmental Planning and Assessment Act 1979*.

C2 Retaining Walls

Prior to commencement of works for any stage of the project a certificate of adequacy of design, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height, must be provided to the Principal Certifying Authority. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and must be supported by a geotechnical assessment of the founding material.

C3 Erosion and Sediment Control

Prior to commencement of work on the site for each stage of the project, all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

C4 Existing Services

The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works for each stage of the subdivision and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

C5 Contact Telephone Number

Prior to the commencement of the works for each stage of the project, the Proponent shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

PART D—DURING CONSTRUCTION

D1 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

D2 Boardwalk

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the following:

- a) All affected trees within the littoral rainforest are to suitably protected by way of tree guards, barriers or other measures as necessary to protect roots, trunks and branches during construction of the project.
- b) An appropriately qualified bush regenerator must be present on site when plants marked for removal are removed.

D3 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to:

- 1) Details of the Builder, Principal Certifying Authority and Structural Engineer for all stages of the project;
- 2) The approved hours of work;
- 3) the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- 4) To state that unauthorised entry to the site is not permitted.

D4 Maintenance of plant and equipment

The All plant and equipment installed at the premises or used in connection with the proposal:

- 1) shall be maintained in a proper and efficient condition; and

- 2) shall be operated in a proper and efficient manner.

D5 Erosion and Sediment Control

All erosion and sediment control measures, as designed in accordance with the approved plans are to be effectively implemented and maintained at or above design capacity for the duration of the construction works for each stage of the project, and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

D6 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

D7 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- 1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- 2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- 3) All materials shall be stored or stockpiled at the best locations,
- 4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- 5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- 6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- 7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- 8) Cleaning of footpaths and roadways shall be carried out regularly.

D8 Hours of Work

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 premises.

- 1) In particular unless approved in writing by the Director General of the Department of Planning & Infrastructure, all construction activities are:
 - a) Restricted to between the hours of 7:00am and 6:00pm Monday to Friday;
 - b) Restricted to between the hours of 8:00am and 1:00pm Saturday; and
 - c) Not to be undertaken on Sundays or Public Holidays.
- 2) Any work generating high noise impact, unless approved in writing by the Director General of the Department of Planning & Infrastructure, must only be undertaken:
 - a) between the hours of 8:00am and 6:00pm Monday to Friday;

- b) Restricted to between the hours of 8:00am and 1:00pm Saturday; and
 - c) 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.
- 3) For the purpose 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.

D9 Construction Noise Objective

- 1) The construction noise objective for all stages of the project is to manage noise from construction activities (as measured by a L_{A10} (15minute) descriptor) so it does not exceed the background L_{A90} noise level by more than 5dB(A).
- 2) Background noise levels are those identified in the Environmental Assessment or otherwise identified in the approved Construction Management Plan. The Proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
- 3) Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Management Plan.
- 4) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

D10 Construction Noise Management

For all stages of the project, the Proponent shall:

- 1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Management Plan:
 - a. 9.00 am to 12.00 pm, Monday to Friday;
 - b. 2.00 pm to 5.00 pm Monday to Friday; and
 - c. 9.00 am to 12.00 pm, Saturday
- 2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Management Plan.

D11 Water pollution

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

D12 Vibration Criteria

For all stages of the project, vibration resulting from construction of all stages of the project must not exceed the evaluation criteria presented in the *Environmental Noise Management – Assessing Vibration: A Technical Guide (DEC, 2006)*.

D13 Ecological impacts

- 1) The proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, maintenance, decommissioning or rehabilitation of the project.
- 2) The Proponent shall minimise the clearing and filling of native vegetation with the objective of reducing impacts to threatened species and Endangered Ecological Communities to the greatest extent practicable.
- 3) An appropriately qualified and experienced ecologist in accordance with DEC (2004) guidelines, Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities, must be engaged to provide advice and assist with any pre-clearing surveys, implementation of habitat enhancement features (e.g. nest boxes) and be present during the felling of any habitat trees.
- 4) All tree hollows removed are to be replaced with equivalent sized nest boxes located in the central corridor and maintained and monitored for 10 years. Felled hollows are to be retained in-tact and placed within retained vegetation.
- 5) All trees to be retained must be protected by way of exclusion fencing out to the drip line of each tree, during construction of any stage of the project.
- 6) An appropriately qualified and experienced ecologist in accordance with DEC (2004) guidelines, Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities, must be engaged to provide advice and assist in the implementation of the mitigation measures referred to in the Environmental Assessment
- 7) The Proponent is to undertake an Environmental Audit of all mitigation measures at six (6) monthly intervals following commencement of vegetation clearing and construction works. The Environmental Audit is to continue for the life of the project with all records being made available to DECCW upon request.

D14 Non-Aboriginal Objects

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.

D15 Aboriginal Objects

- 1) In the event that surface disturbance identifies a new Aboriginal site, all works must halt in the 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, DP&I 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.

PART F—PRIOR TO OPERATION

F1 Waste

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

F2 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Proponent/developer prior to the issue of any Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

F3 Loading and Unloading

All loading and unloading of service vehicles in connection with the use of the project shall be carried out wholly within the site at all times.

F4 Storage of Hazardous or Toxic Material

Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

F5 Public Way to be Unobstructed

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

ADVISORY NOTES

AN1 Use of Mobile Cranes

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- 1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - a. at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - b. at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- 2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN2 Stormwater drainage works or effluent systems

A Construction Certificate for works that involve any of the following:

- 1) water supply, sewerage and stormwater drainage work (including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works); and,
- 2) management of waste;

as defined by Section 68 of the *Local Government Act 1993* will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN3 Temporary Structures

State Environmental Planning Policy (Temporary Structures) 2007 may require development consent to be obtained from the Council or relevant public authority for the erection of temporary structures. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* identifies certain builders' temporary structures as being exempt

development. All applications must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

AN4 Disability Discrimination Act

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

AN5 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponents responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

SCHEDULE 3

07_0001

Rainbow Beach Project Application

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

Statement of commitments

(source: Preferred Project Report)

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: <ul style="list-style-type: none"> - 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. The rehabilitation of the Central Corridor is to be undertaken in accordance with the OSMS prepared by Cardno (April 2010).	Operation 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. 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).	Pre-construction 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. The Groundwater Monitoring Plan will be amended to include monitoring of analytes in the water treatment wetlands.	Construction and operation Pre-construction
6	Water licensing	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 1×10^{-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 (IWCM) Policy for Area 14. The proponent will examine ways to consolidate the total number of treatment wetlands to reduce maintenance costs where reasonably feasible.	Construction and Operation
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 NoW 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 LPMA.	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