



Office of  
Environment  
& Heritage

Our Ref: DOC18/568423  
Your Ref: MP10\_0167 MOD 2

Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Attention: Ms Emma Butcher

Dear Ms Butcher

**Re: Comments on Recommended Conditions of Approval Belle O'Connor Mod 2**

Thank you for your email dated August 2018 about the Belle O'Connor Mod 2 proposal seeking comments from the Office of Environment and Heritage (OEH) on draft conditions of approval for matters the OEH had commented on previously in our letter of 5 June 2018. I appreciate the opportunity to provide further input.

We understand that the Department of Planning and Environment (DPE) has requested revised plans that demonstrates the required fire trail is within the development site boundary. If so this would clarify and satisfy recommendations 1-3 of our earlier comments.

Our recommendation 4 related to provision of a suitable mechanism for securing dedication and rehabilitation of the lands to be provided as an offset for the development's biodiversity impacts. These lands were proposed to be provided in a staged manner and linked to the release of staged Construction/Subdivision Certificate(s).

The provided DPE suggested wording is set out below.

***B14 Management of Conservation Zone***

*The Proponent is to prepare a comprehensive Vegetation Management Plan (VMP) for all land within the site zoned 7(a) (Wetlands Protection Zone) and 7(b) (Environmental Protection (Habitat) Zone), in consultation with Council and OEH. The Plan is to be prepared having regard to Appendix G of the Ecological Issues & Assessment Report prepared by Whelans InSites Pty Ltd (dated March 2009) **and should reference the staged dedication and rehabilitation of conservation land**. The VMP is to be submitted to and approved by Council prior to the issue of a Construction Certificate for any stage.*

***E8 Dedication of Conservation Zone***

*The Proponent must make necessary arrangements for the dedication of the conservation zone, as shown on the plan prepared by AECOM Australia Pty Ltd, titled Malbec/Saltwater*

*Development – South West Rocks – Subdivision Plan (dated 27 September 2010) to Council prior to release of the Subdivision Certificate. **The dedication must include 3.7ha to be rehabilitated and dedicated in conjunction with the release of the Subdivision Certificate for Stages 5 and 6, and the remainder (11.2ha) prior to the release of a Subdivision Certificate for remaining stages.***

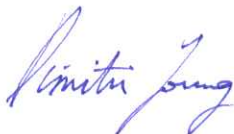
The OEH considers that the proposed wording meets most of the requirements of our recommendation 4 and is satisfied with this wording. We assume that the dedication to Ballina Shire Council is acceptable to the council and that they have already indicated they will accept these lands.

However, what remains unclear is identification of the responsible party for implementation of the VMP. A well written VMP will identify implementation costs and the duration over which the VMP will be required to be implemented. Generally, the OEH considers that such VMPs should be required for the duration of the impact but the council may require some performance level (rather than duration) for the rehabilitation of before these lands before they are handed over/dedicated. The OEH would prefer that the rehabilitation should reach an almost 'self-sustaining', before the lands are handed over/dedicated.

We understand that the proponent intends to enter into a Planning Agreement for dedication of these lands. The OEH supports this intent and recommends that the dedication occurs once the rehabilitation has reached an almost 'self-sustaining' stage that requires little input other than monitoring and minor weed treatment.

If you have any further questions about this issue, Mr Ross Wellington, Senior Conservation Planning Officer, Conservation and Regional Delivery, OEH, can be contacted on 6640 2514 or at [ross.wellington@environment.nsw.gov.au](mailto:ross.wellington@environment.nsw.gov.au).

Yours sincerely

 14 August 2018

**DIMITRI YOUNG**  
**Senior Team Leader Planning, North East Branch**  
**Conservation and Regional Delivery**

Contact officer: ROSS WELLINGTON  
6640 2514