

CONCEPT APPROVAL

Section 750 of the *Environmental Planning and Assessment Act 1979*

DETERMINATION OF CONCEPT PLAN NO. 06_0133

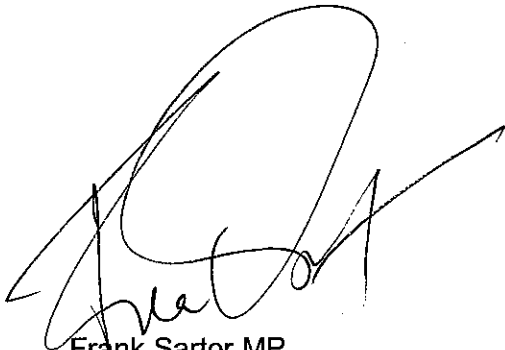
(FILE NO. 9042756)

BLUE DOLPHIN REDEVELOPMENT, YAMBA ROAD, YAMBA

I, the Minister for Planning, having considered the following, pursuant to Part 3A of the *Environmental Planning & Assessment Act, 1979*, determine:

- (i) Under Section 750 of the *Environmental Planning and Assessment Act 1979*, to approve the concept plan referred to in Schedule 1;
- (ii) Pursuant to Section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*, that construction of the construction of 55 residential apartments (GFA 8,920m²), basement car parking, ancillary infrastructure and landscaping requires no further environmental assessment;
- (iii) Pursuant to Section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*, that the Community Title subdivision creating one common lot and 3 development lots requires no further environmental assessment;
- (iv) Pursuant to Section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*, that the strata subdivision of the Stage 1 residential apartments requires no further environmental assessment;
- (v) Pursuant to Section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that all subsequent stages of the development be subject to Part 4 of the *Environmental Planning and Assessment Act 1979*,

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment identified in Appendix E, the Preferred Project Report prepared by Planning Workshop Australia on behalf of the Blue Dolphin Development Joint Venture (dated 16 February 2007) and the Proponent's Statement of Commitments in Schedule 3, subject to the modifications in the attached Schedule 2.



Frank Sartor MP
Minister for Planning

Sydney,

6 / 7 / 2007

SCHEDULE 1

PART A—TABLE

Application made by:	Blue Dolphin Development Joint Venture
Application made to:	Minister for Planning
Major Project Application:	MP 06_0133
On land comprising:	Yamba Road, Yamba Lots 1 & 2 DP 706628
Local Government Area	Clarence Valley
For the carrying out of:	Redevelopment of the Blue Dolphin Holiday Resort
Estimated Cost of Works	\$170,000,000
Type of development:	Concept Plan
S.119 Public inquiry held:	No
Determination made on:	6 th July 2007
Date approval is liable to lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06_0133

Responsibility for other consents / agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Legal notices

Any advice or notice to the approval authority shall be served on the Director-General.

PART C—DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

Council means Clarence Valley Council.

CPI means Consumer Price Index.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment means the Environmental Assessment prepared by Planning Workshop Australia and dated 14 November 2006.

Minister means the Minister for Planning.

MP No. 06_0133 means the Major Project described in the Proponent's Environmental Assessment.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Proponent means Blue Dolphin Development Joint Venture or any party acting upon this approval.

Public means the general public and is not limited to the residents of the community title subdivision

Regulation means the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

TERMS OF APPROVAL AND CONCEPT PLAN MODIFICATIONS

BLUE DOLPHIN REDEVELOPMENT - MAJOR PROJECT NO. 06_0133

PART A —TERMS OF APPROVAL

A1 Development Description

Concept approval is granted only to carrying out the development solely within the concept plan area as described in the Environmental Assessment titled "**Dolphin Blue Development Yamba Road, Yamba**" prepared by Planning Workshop Australia (dated 14 November 2006), including:

- (1) A staged mixed use tourist and residential development comprising a maximum total gross floor area (GFA) of 59,700m², being and overall FSR of 1.03:1 comprised of:
 - (a) A maximum of 48,160m² residential GFA;
 - (b) A maximum of 11,540m² tourist facility GFA.
- (2) The distribution of uses, including residential flat buildings, residential dwellings, tourist facilities including accommodation, shops, refreshment rooms and a hotel (licensed premises);
- (3) Residential flat buildings 3 – 8, 10 and 13 - 15 and residential villas (12 villas in total);
- (4) Tourist facility buildings 9, 11 and 12, including tourist accommodation, serviced apartments, hotel (pub), shop, recreation facilities, commercial premises (spa) and refreshment room uses;
- (5) Building footprints and maximum building heights for each building;
- (6) Road layout and basement car parking;
- (7) Landscaping; and,
- (8) Indicative services and infrastructure.

A2 Staging

The development is to be constructed in three stages, as follows:

- (1) Stage 1 will comprise Development Lot 2 of the Community Title Subdivision, being residential buildings 1 & 2, together with part of Community Property Lot 1 containing that part of the residential loop road which provides access to the basement car park and to the Stage 1 visitor parking bays. It is proposed that the Community Plan be completed and registered as part of the Stage 1 works. The early registration of the Community Plan will significantly assist in the orderly and timely registration of the Stage 1 Strata Plan.
- (2) Stage 2 will comprise Development Lot 3, being the resort buildings 9, 11 and 12, and residential buildings 13 – 15, together with part of Community Property Lot 1 containing the main resort entry road.
- (3) Stage 3 will comprise Development Lot 4, being the residential buildings 3 to 8 and 10 and 12 residential villas, together with part of Community Property Lot 1 containing the remainder of the residential loop road not constructed during Stage 1 works.

Stage 3 has site area of 25373 sq metres, an approved GFA of 26,915 and a maximum FSR of 1.06:1.

A3 Development in Accordance with Documentation

- (1) The following documentation (including any appendices therein) are approved as part of the Concept Plan:
 - a. **Dolphin Blue Development, Yamba Road, Yamba Environmental Assessment Report (Volumes 1 and 2)**, prepared by Planning Workshop Australia on behalf of Blue Dolphin Development Joint Venture and dated 14 November 2006;
- (2) The following Preferred Project Report including a revised Statement of Commitments is approved:
 - a. **Preferred Project Report and Statement of Commitments**, prepared by Planning Workshop Australia on behalf of Blue Dolphin Development Joint Venture and dated 16 February 2007;
- (3) The additional documents listed below:
 - a. **Assessment of Category of Vegetation in Clarence Estuary Nature Reserve adjoining the northern boundary of the Blue Dolphin Holiday Resort**, prepared by Anne Clements & Associates Pty Limited, dated 16 March 2007.
 - b. **Aboriginal Cultural Heritage Sites Assessment**, prepared by Ron Heron with the assistance of Gareth Charlton for Birrigan Gargle LALC (April 2007).
 - c. **Dolphin Blue Development Staging Matrix**, prepared by Planning Workshop Australia (undated).
 - a. **Revised Description of Preferred Project** prepared by Planning Workshop Australia dated 11 April 2007.
 - b. **Dolphin Blue Use and Gross Floor Area Summary Rev D April 07**, prepared by Planning Workshop Australia, dated April 2007
 - d. **Statement of Commitments**, prepared by Planning Workshop Australia, dated 19 April 2007
- (4) Additional correspondence listed below:
 - c. Letter regarding **Design of Dewatering and Off-Site Drawdown Mitigation Measures** from Coffey Geotechnics to Jones Lang Lasalle dated 9 March 2007.
 - d. Email regarding **Revised Schedule of Uses and Gross Floor Area Summary Revision D** from Planning Workshop Australia to Department of Planning dated 4 April 2007.
- (5) In the event of any inconsistencies:
 - a. The revised Statement of Commitments in (2) prevails to the extent of any inconsistency in the plans and documentation identified in (1), and
 - b. The modifications of the Concept Plan approval identified in Part B and C Schedule 2 prevail over the documentation listed in (1) and (2) above.

A4 Development in Accordance with Plans

- (1) The development will be undertaken in accordance with the following plans:

Architectural (or Design) Drawings prepared by <i>Woodhead Architects</i>			
Drawing No.	Name of Plan	Revision	Date
CPAD03C	Concept Plan_February 2007	A	1/3/07

CP004-1	Concept Plan	F	14/6/07
CP004-2	Concept Plan – Showing Public Access and Setback 8-10 metres	F	14/6/07
CP004-4	Dolphin Blue Concept Plan Road Section	F	14/6/07
CP005	Community Subdivision Plan	B	15/2/07
CP006	Concept Car Park Plan	A	27/10/06
CP007	Concept Elevations & Sections	B	1/2/07
CP008	Sun Shadow Diagram 1	B	1/2/07
CP009	Sun Shadow Diagram 2	B	1/2/07
CP010	Perspective Views	B	8/2/07
CP011	Sun Shadow Diagram 1	B	1/2/07
CP012	Sun Shadow Diagram 2	B	1/2/07
CP013	Sun Shadow Diagram 3	B	1/2/07
CP014	Sun Shadow Diagram 4	B	1/2/07
CP015	Addendum 1 Sunshadow Diagram 5	B	1/2/07
CP016	Addendum 1 Sunshadow Diagram 6	B	1/2/07
CPAD02	Proposed Emergency Egress	A	1/3/07
LSK001	Site Internal Concept	E	Feb 07
LSK003	Site Concept	F	Feb 07
LSK004	Landscape Principles	D	Feb 07
CP102	Stage 1 Basement Plan	B	8/2/07
CP103	Stage 1 Ground Floor Plan	B	8/2/07
CP104	Stage 1 First & Second Floor Plan	B	8/2/07
CP105	Stage 1 Third Floor & Roof Plan	B	8/2/07
CP106	Stage 1 Elevations and Sections	B	8/2/07
CP107	Stage 1 Elevations & Materials 1	A	27/10/06
CP108	Stage 1 Elevations & Materials 2	A	27/10/06
CP109	Stage 1 Materials Board	A	27/10/06
CP110	Stage 1 Perspective Views	A	14/11/07
LDA001	Stage 1 DA	E	Feb 07

A5 *Lapsing of Approval*

Approval shall lapse 5 years after the determination date in Part A of Schedule 1 of this approval unless Stage 1 is physically commenced or unless an application is submitted to carry out a project or development for which concept approval has been given .

A6 *Determination of Future Applications*

The determination of future applications for development is to be generally consistent with the terms of approval of Concept Plan MP 06_0133 as described in Part A of Schedule 1 and subject to the recommended modifications and conditions of approval set out in Parts A, B and C of Schedule 2.

PART B—MODIFICATIONS TO THE CONCEPT PLAN

Approved Uses

B1 Tourist Facility Uses in Buildings 13, 14 and 15

Buildings 13, 14 and 15 are modified as follows:

- (1) Buildings 13, 14 and 15 are amended to be defined as residential flat buildings that include retail and commercial uses (shops, pub, café, etc)
- (2) The residential apartments in Buildings 13, 14 and 15 are not to be used as a hotel, motel or other tourist accommodation, including serviced apartments.

Car Parking

B2 At Grade Car Parking in Stage 1

The concept plan is amended to provide a minimum of 10 at grade car spaces for use by the public as part of Stage 1 on Community Property Lot 1 and part Community Development Lot 4 in accordance with Drawing No.CP004-1 Revision F dated 14 June 2007. These spaces are to provide parking for the general public to facilitate public access to the Yamba Bay Foreshore Reserve.

B3 At Grade Car Parking in Stage 2

The concept plan is amended to provide a minimum of 50 at grade car spaces for use by the public as part of Stage 2 on Community Development Lot 3. These spaces are to provide parking for day visitors to the development as well as for public access to the Yamba Bay Foreshore Reserve.

Community Title Subdivision Plan

B4 Car Parking

- (1) The community title subdivision plan is amended to extend the easement for public access across Community Development Lot 3 to incorporate all 50 at grade car parking spaces that are to be made available for the general public as part of Stage 2.
- (2) The community title subdivision plan is amended such that the at grade visitor parking between Buildings 1 and 2 for the Stage 1 residents is part of Community Development Lot 2.

B5 Public Access

An 8 metre wide documentary easement for public access must be created over Community Development Lot 4 and a 10 metre wide documentary easement created over Community Development Lot 3 along the north-eastern site boundary extending from the Stage 1 car park to the north-western site boundary.

Public Access to Yamba Bay Foreshore Reserve

B6 Foreshore Public Access Corridor

- (1) The concept plan is amended to provide a minimum setback of 10 metres from the north-eastern site boundary to Buildings 11 and 13 in accordance with Drawing No. CP004-1 Revision F dated 14 June 2007;

- (2) The concept plan is amended to provide a minimum setback of 8 metres from the north-eastern site boundary to the residential villas in accordance with Drawing No. CP004-1 Revision F dated 14 June 2007;

B7 South-Western Site Access

The south-western site access shall be constructed to allow for public vehicular access from Yamba Road to the Stage 1 public car park. This road must be publicly accessible for pedestrian, bicycle and vehicle access, 24 hours a day. The access road must be a minimum width of 10.5 metres and be constructed in accordance with Drawing No. CP004-4 Revision F dated 14 June 2007. All roads shall be designed in accordance with the relevant requirements of Clarence Valley Council.

Urban Design

B8 Building 11 and Building 13

No balconies, terraces or other structures shall be constructed above RL 11.4m AHD within the 13 metre setback of the upper levels of Buildings 11 and 13. The 13 metres setback is to be measured to the line of any building structure of levels 3rd and 4th levels of these buildings, whether it be the masonry, glass line, balconies or terraces of units.

B9 Building 3

The footprint of residential Building 3 in Stage 3 of the concept plan is modified in accordance with Drawing No. CP004-1 Revision F dated 14 June 2007 to allow for a 10.5 metre wide public access road from Yamba Road to the Yamba Bay Foreshore Reserve.

Aboriginal Heritage

B10 Aboriginal Cultural Heritage

An experienced Aboriginal cultural heritage expert must be on a watching brief throughout the construction process for all stages of the development. Work must cease immediately should any items / relics of Aboriginal significance or cultural heritage be discovered.

Bushfire

B11 Asset Protection Zone

An Asset Protection Zone (APZ) is to be established along the north-western boundary of the site. The APZ is to be defined in accordance with *Planning for Bushfire Protection (2006)* for residential development and must be contained wholly within the site boundaries.

Voluntary Planning Agreement

B12 Voluntary Planning Agreement

The Proponent shall enter into a Voluntary Planning Agreement (VPA) with Council, in accordance with Division 6 of Part 4 of the EP&A Act, and the terms of the offer made to the Council on 12 January 2007 by the Proponent, prior to the issue of a Construction Certificate for Stage 1 works. The VPA is to be in accordance with or as otherwise agreed by the parties named in the VPA marked at **Annexure A**.

PART C—FUTURE APPLICATIONS

Floor Space Ratio

C1 *Maximum Floor Space Ratio and Gross Floor Areas*

Future applications for Stages 2 and 3 must not exceed the following maximum gross floor areas and floor space ratios:

STAGE	MAXIMUM GROSS FLOOR AREA	MAXIMUM FLOOR SPACE RATIO
Stage 2	23,865	0.956 : 1
Stage 3	26,915	1.060 : 1

Gross floor area must be measured in accordance with the definition within the *Standard Instrument (Local Environmental Plans) Order 2006*.

SEPP 65 Analysis

C2 *State Environmental Planning Policy No.65 – Residential Flat Buildings*

- (1) Future project applications for all residential buildings must include an assessment against *State Environmental Planning Policy No.65 – Residential Flat Buildings*. All buildings must demonstrate compliance with SEPP 65.
- (2) The maximum GFAs for all residential buildings will only be considered provided separation distances between these buildings and building depths are compliant with *State Environmental Planning Policy No.65 – Residential Flat Buildings*.

Traffic & Access

C3 *Traffic and Access*

- (1) Prior to the issue of an Construction Certificate for Stage 2 works (Tourist & Residential) a construction access is to be constructed at the north western corner of the site to Yamba Road for use by construction traffic, to the satisfaction of Clarence Valley Council.
- (2) Prior to the issue of an Occupation Certificate for Stage 2 works (Tourist & Residential) appropriate roadworks (e.g. raised central median) are required on Yamba Road to ensure a left-in left-out only access to Yamba Road for both the eastern (residential) and western (resort) site accesses, to the satisfaction of Clarence Valley Council with concurrence from the NSW Roads and Traffic and Authority.
- (3) Prior to the issue of an Occupation Certificate for Stage 2 (Tourist & Residential) a roundabout is to be constructed at the intersection of Shores Drive and Yamba Road, to the satisfaction of Clarence Valley Council with concurrence from the NSW Roads and Traffic and Authority. The roundabout design must account for the proposed Yamba Bypass.
- (4) Prior to the issue of an Occupation Certificate for Stage 2 (Tourist & Residential) access to the service station on Yamba Road is to be left-in left-out only with relevant roadworks (e.g. raised central median) carried out to the satisfaction of Clarence Valley Council with concurrence from the NSW Roads and Traffic and Authority.

- (5) Prior to the issue of an Occupation Certificate for Stage 2 (Tourist & Residential) traffic and pedestrian movements must be enforced by signage and site access design, to the satisfaction of Clarence Valley Council.
- (6) Prior to the issue of an Occupation Certificate for Stage 2 (Tourist & Residential) auxiliary acceleration and deceleration lanes must be constructed at the proposed western (resort) site entrance, all other existing kerb lines are maintained;
- (7) Prior to the issue of the Construction Certificate for Stage 3 (Residential) the access to the service station on Yamba Road is to be closed but access retained to separate construction traffic.
- (8) Prior to the issue of the Construction Certificate for Stage 3 (Residential) traffic and pedestrian movements must be enforced by signage and site access design, to the satisfaction of Clarence Valley Council.
- (9) Details of the type, location and operation of the above devices are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for above ground works.
- (10) Prior to the issue of the Occupation Certificate for Stage 3 (Residential) appropriate roadworks (e.g. raised central median) are required on Yamba Road to ensure a left-in left-out only access to Yamba Road for both the eastern (residential) and western (resort) site accesses, to the satisfaction of Clarence Valley Council with concurrence from the NSW Roads and Traffic Authority.
- (11) Should Stage 3 (Residential) be constructed prior to Stage 2 (Tourist & Residential), a roundabout is to be constructed at the intersection of Shores Drive and Yamba Road, to the satisfaction of Clarence Valley Council with concurrence from the NSW Roads and Traffic Authority prior to the issue of an Occupation Certificate for Stage 3 (Residential). The roundabout design must account for the proposed Yamba Bypass.

C4 *Acid Sulphate Soil Management*

Future project applications for Stage 2 and Stage 3 of the development must be supported by a detailed and complete Acid Sulphate Soil Management Plan (ASSMP) in respect of each stage. The ASSMPs shall be prepared by a suitably qualified person in accordance with the *Acid Sulphate Soil Assessment Guidelines* (Acid Sulphate Soil Management Advisory Committee, 1998).

C5 *Groundwater Management*

- (1) Future project applications for Stage 2 and Stage 3 of the development must be supported by a detailed site-specific Dewatering Management Plan and Groundwater Monitoring Plan in respect of each stage. The Plans should be prepared by a suitably qualified person and must be submitted and approved by the Department of Natural Resources.
- (2) An effective Groundwater Monitoring Program is to be prepared with an aim to ensure that any negative impacts on groundwater that might arise from works associated with the project are identified at a stage that allows effective prevention, remediation or restoration actions to be taken. The program is to collect data on water levels and aquifer chemistry, sampled over space and time, at a frequency and in a manner that enables changes in the groundwater system to be detected. The monitoring program is to address the following matters, as a minimum:
 - (a) Monitoring bores or wells - Monitoring sites are to be located with consideration of spatial variation both in the existing groundwater and in the likely impacts from the works. Monitoring sites should not be located in an area where future development will either obstruct or destroy the bore or well, unless suitable measures are taken to secure the site for on-going monitoring purposes. All

monitoring bores or wells should be constructed to a minimum depth of at least two metres into the existing regional water table. All monitoring bores or wells require a license under Part 5 of the *Water Act 1912*.

- (b) Sampling frequency and duration - A clear statement of the intended duration of monitoring, including both pre and post operational phases, is to be provided. Representative sampling is to be undertaken with consideration of seasonal variation.
 - (c) Monitoring criteria - Performance and cut-off criteria based on the *National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC, 1995)* are to be stated.
 - (d) Contingency actions - Contingency actions are to be prescribed in the event that monitoring shows performance standards have not been met. These actions are to occur in two phases:
 - remedial actions to be undertaken to modify failed or ineffective management and mitigation strategies;
 - if remediation actions fail, operations are to cease and actions commence to restore the site to a condition equivalent to that existing before the operation began.
 - (e) Reporting - The duration and frequency of reporting is to be stated and an outline provided of the data to be provided in the reports. Reports are to be prepared by a suitably qualified person and forwarded to the certifying Authority and the Department of Natural Resources for review.
- (3) Groundwater Monitoring Plans are to provide for the following:
- (a) Monitoring of on-site piezometers;
 - (b) Installation and monitoring of additional off-site piezometers to track dewatering impacts;
 - (c) Establishment and regular monitoring of settlement at the site boundary and at various points beyond the site boundary to provide a basis for assessment of impacts and allow timely intervention if needed;
 - (d) Control of groundwater dewatering operation; and,
 - (e) During the construction works and dewatering, a regular review of monitoring results of on-site and off-site piezometers carried out by an appropriately qualified groundwater expert.
- (4) Dewatering requires a licence under Part 5 of the *Water Act 1912*. In order to fully assess the impacts of any proposed dewatering activity, a Dewatering Management Plan is to be prepared to accompany any application to undertake that activity. That Plan is to be developed in conjunction with an Acid Sulfate Soil Management Plan. The Plan is to be based on site specific data and address the following matters:
- (a) A determination is to be made of the extent of the cone of depression resulting from any dewatering required for the depth of the excavation. All parameters used must be provided for review. If the cone of depression extends beyond the development site boundaries, or the dewatering impacts significantly on the environment, then restrictive "curtains" may be required to reduce groundwater drawdown in the local vicinity.
 - (b) If extracted water is not to be disposed of in Council's sewerage treatment system, a water quality management plan is to be developed outlining any water quality parameters to be measured, threshold values, frequency of sampling, proposed treatment of water outside the threshold values, and reporting procedures. Typical parameters requiring testing include, as a minimum: pH, turbidity and DO; with higher ASS areas requiring additional regular testing of iron and aluminium.

- (c) An exact depth of the required dewatering level, as well as the depth of the base of the excavation, should be provided, relative to the surface level.
 - (d) The proposed dewatering pumping rate and total volume in megalitres of groundwater to be extracted is to be provided, with justifications for this rate and volume.
 - (e) An assessment is to be provided of the potential for saltwater intrusion as a consequence of dewatering.
 - (f) An assessment is to be provided of the potential impacts of dewatering on local vegetation, groundwater dependent ecosystems and other groundwater uses, including impacts from the oxidation of acid sulfate soil or intrusion of saltwater. Mitigation measures are to be provided to adequately address those impacts, according to their likelihood of occurrence and severity of impact.
- (5) Dewatering Management Plans are to provide for the following:
- (a) How groundwater will be managed during dewatering;
 - (b) Disposal and quality of discharge water;
 - (c) Impact of dewatering on the adjoining nature reserve and the built environment;
 - (d) An assessment of the drawdown from the dewatering event likely to cause the most water level impact on the western boundary;
 - (e) Mitigation measures based on this event;
 - (f) A water level and water quality monitoring program to ensure that mitigation measures are working suitably;
 - (g) Impacts of expected salinity changes on local vegetation, groundwater dependent ecosystems and other groundwater users. If negative impacts are likely, an adequate management plan needs to be prepared that establishes clear thresholds, contingency responses and monitoring actions to be undertaken to ensure that negative impacts from saltwater intrusion are minimised;
 - (h) Details of the chosen option for the disposal of extracted groundwater (i.e. disposal to sewer, re-injection to adjacent bores, etc);
 - (i) A monitoring program for discharged water, including details of water quality parameters to be measured, threshold values to be used, frequency of sampling, proposed storage and treatment of water outside those thresholds, and reporting procedure; and,
 - (j) Regular visual monitoring of vegetation in the adjoining Clarence Valley Nature Reserve and reporting of those observations to the Department of Environment and Conservation.

Remediation / Demolition / Earthworks

C6 Remediation of Land

- (1) Future project applications for Stage 2 and Stage 3 of the development must be supported by 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 Department of Environment and Conservation 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 Department of Environment and Conservation to issue

site audit statements. The site audit must verify that the land is suitable for the proposed uses.

Public Access

C7 Public Access - Stage 2

Prior to occupation of the Stage 2 residential and tourist apartments, a sealed roadway across Community Property Lot 1 and Community Development Lot 3 must be constructed to provide unrestricted public vehicle, pedestrian and cycle access 24 hours a day to the Yamba Bay Foreshore Reserve.

C8 Public Access - Stage 3

Prior to occupation of the Stage 3 residential apartments, a sealed roadway across/along Community Property Lot 1 must be constructed to provide unrestricted public vehicle, pedestrian and cycle access to the Yamba Bay Foreshore Reserve.

Easements

C9 Foreshore Access – Stage 2

Documentary easements for public access must be created over the north-western part of Community Property Lot 1 and Community Development Lot 3 to provide public access to the Clarence River and foreshore via an 88B Instrument under the *Conveyancing Act 1919*. The easement is to permit public pedestrian, vehicle and bicycle access 24 hours a day, and car parking for 50 spaces, prior to the occupation of the Stage 2 residential and tourist apartments.

C10 Signposting of Public Access to Clarence River Foreshore

Prior to the issue of any Occupation Certificate for the Stage 2 residential apartments and tourist apartments, signs must be erected visible from the public domain on Yamba Road indicating that public vehicle, bicycle and pedestrian access is invited through the development 24 hours a day to the Yamba Bay Foreshore Reserve..

Aboriginal Archaeology

C11 Aboriginal Archaeology – Stage 2

Future applications for Stage 2 of the Concept Plan should include evidence that preliminary testing in order to determine the extent of any midden activity has been undertaken.