



Riverside @ Tea Gardens

**Modification to the Concept
Plan for Concept Approval
Number 10-0136**

October 2016

Riverside @ Tea Gardens

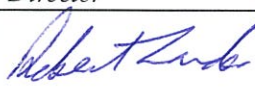
Modification to the Concept Plan

SGD 1 Pty Ltd



October 2016

Project No:- 213366

Approved By	Bob Lander
Position	Director
Signed	
Date	8-11-2016

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SGD 1 Pty Ltd & SGD 2 Pty Ltd

Riverside @ Tea Gardens

Modification to the Concept Plan

Reference 213366 – R001007 Modified Concept Plan

October 2016

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EXECUTIVE SUMMARY

This Modification to the Approved Concept Plan (MCP) is lodged under Section 75W of the transitional provisions of the repealed Part 3(A) of the EP&A Act and has been prepared for a residential development of approximately 935 dwelling units on 725 lots within an urban zoned site, located at Tea Gardens on the lower mid north coast of NSW. The MCP has been prepared subsequent to the public exhibition of the Concept Application in early 2012 and the Concept Plan Approval on 27th June 2013. This approved concept plan was prepared by Crighton Properties (Crighton) who have since gone into liquidation. SGD 1 Pty Ltd & SGD 2 Pty Ltd (Sheargold) acquired the site as a result of the liquidation process and are the current owners undertaking the development of the land. This Amended Concept Plan proposed by Sheargold is a substantially reduced and revised version of the approved Concept Plan for the same site. The matters dealt with in this MCP relate to the amendment of the Concept Plan as well as specific matters that are either a result of clarifications with Agencies or negotiated agreements with Council and involves the rewording of Schedule 4 for the Requirements for Future Applications.

Biodiversity outcomes on the site in addition to the long term effectiveness and appropriateness of the proposed stormwater management system for the site were raised as the major concerns by the PAC and the Department. The 2009 application received little support from other government agencies. The 2013 approved Concept Plan resolved many of the issues raised in the Majority PAC Report and subsequent to that Concept Approval, significant work has now been completed to allow the amended and substantially reduced development footprint outcome to be proposed. These works include: -

- 1. Biodiversity Offsets Package with the securing of all Koala credits onsite.*
- 2. Amended Stormwater and Groundwater Management Plan including an amended flooding report due to the finalisation of the 2014 Lower Myall River and Myall Lakes Flood Study and the lowering of flood impacts.*
- 3. Major reductions in the development footprint with significant increases in important ecological corridor widths.*
- 4. Reorganisation of the residential and commercial interface adjoining Myall Street and the Myall Quays Shopping Village. This will result in the addition of a small area of the Commercial Community Title (DP 270561) into the MCP as well as a reduction of land from DP 270100 that will revert to future commercial lands. The details are indicated in Figure 2.*
- 5. The provision for a Riverside Walk as a proactive protection mechanism to control public access through the wetland and biodiversity area.*

As part of this amendment process, OEH have been widely consulted with respect to both biodiversity offset methodology (prior to more additional mapping being undertaken) as well as to results and conclusions from the biodiversity mapping exercise. The new mapping is far more accurate, more detailed and has been widely reviewed and scrutinized by government agencies.

The new Biodiversity Offsets package mapping and assessment work led to the formulation of this revised Concept Plan being prepared and lodged with DoPE.

As well as OEH, significant consultation with Great Lakes Council (now MidCoast Council)(MCC) has been undertaken. This has led to a number of further proposed amendments to the Concept Plan, as well as the preparation of further supporting materials.

In particular, the following key issues have been the subject of significant revision.

MODIFICATION TO SITE BOUNDARY

This MCP is proposing to modify the site boundary. An area of 9.99Ha of land is proposed to be excluded from the site to the northeast that was previously included in the concept approval. 5.83 Ha of land is proposed to be added to the site around the commercial precinct along Myall Street. (see Figure 1)

The reasons for this are:

- Agreement with MCC with regard to reorganising the orientation of the commercial zoned area along Myall Street
- The removal of the proposed Eco-Tourist precinct resulting in the requirement to retain an existing dwelling on a private residual allotment.
- To include the initial main access road in the concept plan approval off the roundabout at the end of Myall Quays Boulevard.

DEVELOPEMENT FOOTPRINT

Both Departmental & Agencies comments have led to the modification of the development footprint as approved by the existing Concept Plan Approval.

The existing Approved Concept Plan provides for a development footprint of 108.30Ha. The amended MCP layout plan is proposing 103.07Ha of site area for development with 73.86Ha being used for residential dwellings. This is obviously a significant reduction in the area that is proposed to be utilised for development and table 1 below gives an exact breakdown on how the various revisions to the Concept Approval arrive at the final development footprint area.

Table 1: Comparison of Development Footprints

Detail	Final Development Footprint MCP	DoPE Approved Development Footprint 2013	Footprint in original (Crighton's) Application
1. Biobank/Conservation Area	114.93	107.3	72.8
2. Developable Area	78.75	87.8	99.3
3. Open Space/Water Management	24.32	27.2	45.3
4. Development Footprint (2+3)	103.07	115.0*	144.6
Total Site Area (1+4)	218.00	222.5	217.4

* DoPE approved area of 108.30Ha + additional Commercial Lands of 5.83ha and Existing Lake 6.94Ha minus 6.09Ha of land excluded from site boundary

Table 2:- Areas of Development Footprint Changes

<i>DoPE Approved Development Footprint</i>	<i>108.30Ha</i>
<i>Footprint reduction due to addition to conservation lands (added to Biobank)</i>	<i>11.90Ha</i>
<i>Footprint reduction due to approved lands being excluded from site boundary</i>	<i>6.09Ha</i>
<i>Footprint addition due to lands currently zoned for development being included within site boundary</i>	<i>5.83Ha</i>
<i>Inclusion of Existing Lake</i>	<i>6.94Ha</i>

Final Development Footprint MCP	103.07Ha
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ECOLOGY

Since the Department determined the application in 2013, the following further ecological work has been completed;

- GHD as the Ecology Consultants were again appointed to the project team to develop and provide an enhanced Biodiversity Offsets Package;
- additional detailed baseline ecological mapping has been undertaken for the site, in accordance with PAC (both reports) and OEH recommendations and requirements. This has led to a greater understanding of the biodiversity values of the site and adjacent lands and has informed the decisions to reduce the overall development footprint and the provision of enhanced ecological corridors;
- significant reductions in the proposed development footprint on the site have been made – with the development footprint being reduced by a further 12.16Ha (11.90 Ha being added to the Biobank) since the Department of Planning approved Concept Plan was issued in 2013. This further reduction provides corresponding increases in ‘on site’ conservation areas and enhance corridor outcomes. These reductions have been strategically located within areas of greatest quality habitat or corridor value – as identified within the revised Biodiversity Offsets Package mapping. These measures have been developed in consultation with OEH
- a comprehensive ‘on site’ and ‘off site’ offsetting package is proposed to offset residual impacts in accordance with the legislation. This package will result in approximately 114.93Ha of land being conserved on site (protected in perpetuity) in addition to 1,245 ecosystem credits and 267 Wallum Froglet credits that are yet to be secured.

It should be noted the further reduction of the footprint has seen the current Concept amendment contain all Koala credits within the existing project area. In addition to the amendments to the proposed development and on-site conservation layout, the amended Concept Plan is accompanied by commitments to the securing of substantial additional Biodiversity credits.

Details are provided within this MCP which outline a two phase approach to the provision of biodiversity offsets. Commitments are made to establishing the on-site BioBank in conjunction with the subdivision of land for residential lots for the first phase of development being stages 1-8. Further commitments are provided to the establishment of the off-site BioBank / retirement of credits in phase 2 prior to development continuing beyond the 7th stage. In the latter case, all applicable offsite credits are proposed to be provided ahead of impacts occurring. Conversely these credits may be secured via payments in lieu of secured sites if this is provided as an alternative resulting from current reviews being undertaken of the Biobanking system in NSW.

The areas of significant footprint reduction totalling 11.90Ha are in the following locations, refer Figure 2:-

1. Northwest lands adjoining Toonang Road which has been identified as having important Koala corridor attributes.
2. Below Shearwater so that the closest point of the development has been moved some 55m at the closest point to the rural residential lots.
3. The removal of the original Stage 13 Eco-tourist development as additional Biodiversity Offset mapping has indicated that it was an important Koala corridor resource.

Table 3 below indicates the resultant improvements compared to the Approved Departmental Layout.

Table 3:- Comparisons MCP with Approved Layout

Detail	Final Development Footprint MCP	DoPE Approved Development Footprint 2013
Developable Area (Ha)	103.07	115.0
Ecosystem Credits Required	2169	2882
Biobank Area (Ha)	114.93	103.03
Ecosystem Credits Generated	924	847
Ecosystem Credit Balance	-1245	-2035
Koala Population Species Credits	40	-269
Wallum Froglet Species Credits	-267	-405

REORGANISATION OF THE COMMERCIAL PRECINCT

Significant, in principle discussions, have been undertaken with Council over several matters that include works on Myall Street and the appropriate and logical economic development of the Myall Quays Shopping Village and extended main road Commercial Precinct. This MCP has utilised the proposed footprint to provide a practical and logical access and servicing strategy for the development of the Riverside lands and the incorporation of the Commercial Precinct in that strategy.

The total area of the previous Commercial area that has been included in the overall development footprint is 5.83Ha.

The overall change in landuse is negligible and Table 4 below and Figures 3 & 4 demonstrates how the zonings have been reorganised to create a more viable commercial precinct with improved orientation to high traffic roads which is a key criteria to generating passing foot traffic in support of these zones.

Table 4 – Impact of Changes to the Landuse around the Commercial Precinct

Existing Zoning	Existing Area	Proposed Area
B2 Local Centre	7.47ha	7.24ha
B4 Mixed Use	2.89ha	2.91ha

WATER MANAGEMENT

The stormwater management system now proposed for the site – is based upon “at source” treatment controls, rather than “end of line” controls. It demonstrates a nil or beneficial effect on water quality leaving the site, both as groundwater and surface water. The 2012 proposal had been developed in close consultation with NoW, DoPI, OEH and DoPI’s review consultant - BMT WBM. The same consultants have undertaken the amended report which has been necessitated by a reduction in heights of flood affectation and the overall proposed development footprint. The flood tailwater

condition changes between the original report and the amended report is indicated in Table 1 below:-

Table 5 – Impacts of the Amended Tailwater Conditions and Flood Impact Changes

<i>Tailwater Condition</i>	<i>Adopted Level (m AHD)</i>	<i>Level (Previous Riverside Report) (m AHD)</i>	<i>Change</i>
<i>Existing Mean High Water</i>	0.5	0.5	-
<i>2100 Mean High Water</i>	1.4	1.4	-
<i>2100 5yr River Level</i>	2.15	2.0	+0.15
<i>2100 100yr River Level</i>	2.3	2.8	-0.5
<i>2100 'Extreme' River Level</i>	2.5	3.3	-0.8

The revised water management system in combination with increased setbacks of development from conservation areas, demonstrates a maintenance or improvement of environmental conditions at downstream ecosystem receptors.

The system as proposed is more sustainable and has met the highest water quality performance targets. In addition, the proposed measures utilize proven technology, regular maintenance regimes and due to fragmentation, protect against large scale failure.

It should also be noted that the revised water management system has greatly reduced the potential for environmental impacts (such as groundwater drawdowns etc.) extending outside of the development footprint.

Integrated Water Cycle Management Strategy – *As part of the amended documentation, the attached IWCMS, refer Annex B, has been prepared as a final document that will address all aspects of flooding, stormwater and groundwater management.*

GENERAL

Traffic – *A revised approach to traffic management and intersection upgrades has been necessitated as a result of Crighton entering liquidation., The result of this liquidation was several different developers acquiring the projects that were all owned by Crighton that generate the traffic which triggers the required Myall Way intersection upgrades. As such it is no longer appropriate through the statement of commitments to require the proponent of this site to upgrade the intersections and the s94 plan for Tea Gardens is viewed as the most appropriate method to facilitate these works. An updated Traffic Impact Assessment (TIA) has been completed with the following intersection configurations being endorsed by Council:-*

- 1. Both the Myall Quays Boulevard and Riverside Boulevard intersections with Myall Street are now a Section 94 Contribution matter. Both intersections will be signalised when the demand for this servicing is required. All physical modifications to the Riverside Boulevard intersection will be undertaken with the works that involve the connecting of the project*

directly to Myall Street and currently that is planned at around the 6th stage for the Project. It should be noted that the TIA has also modelled the current Myall Quays Boulevard/Myall Street intersection, refer Tables 3 and 4, Annex C, to assess whether it could handle the whole of the development flows as well as some surrounding growth and it has been confirmed that the existing arrangements have a whole of development capacity and that the intersection will still maintain a A/A Level of Service. The actual timing of the proposed intersection works will be undertaken in consultation with Council.

2. Toonang Road has generally been reduced in its importance for the project and it is a Section 94 Contribution intersection. One of the two major linkages has been deleted to create important Koala linkages along the northern part of the project. The intersection will generally remain as per existing with only minor swept path sealing being undertaken.

Details of the intersection treatments are attached to this documentation as is a copy of the revised TIA.

Bushfire Management Plan – A whole of Project Bushfire Management Plan, refer Annex E, has been prepared to provide direction for the construction of interim and final Asset Protection Zones for all 16 Stages of the project. There is generally a maximum BAL -19 for the majority of dwellings with only 30 or 3.2% of the future dwellings requiring the highest BAL – 29 requirements.

Servicing Strategy – An amended Riverside Servicing Strategy has been updated with the latest amended plans and Service Authority agreed servicing corridors. Refer Annex M.

Riverside Walk – As part of consultation with Council, it has been proposed that a Riverside Walk through the onsite offset biodiversity lands, be included as part of the development. The Riverside Walk would extend Council's current foreshore pathway from the northern part of the older Tea Gardens Village around the Marine Drive/Coupland Avenue intersection to the North Shearwater developments north of the Riverside Project. The concept layout plans includes an indicative route for the foreshore walk and its construction and integration will be subject to discussions with Council about location, funding and maintenance.

This walk would have controlled locations for accessing the cycleway, boardwalk or gravel path built into the physical road and recreation network and it will be maintained and administered under Community Association or Council control.

The discussions on the boardwalk proposal with Council and OEH are ongoing. This amendment seeks to allow for the provision of the boardwalk as a permissible use in the Biodiversity area within the concept plans subject to the appropriate agreements being reached between Sheargold and Council and any other relevant authorities.

CONCLUSION

This revised Concept Plan has been continually modified over a 3 year period in response to revised biodiversity offset baseline mapping and continuing feedback from OEH and Council. The revised flood impacts have also seen significant reworking of the layout plans. The proposed layout plans have been discussed extensively with OEH, and has had the benefit of being informed by more accurate ecological mapping. It has been updated significantly in response to the most recent comments received and carefully negotiated agreements.

The Concept Plan represents an efficient and effective response to site constraints, and has been demonstrated to achieve a maintenance or improvement of environmental values, post development. The proposal consists not only of the proposed development, but extensive commitments to biodiversity offsets beyond the boundaries of the site.

The proposed Concept Plan seeks to develop only 33.9% of the Riverside site for urban development, 2.2% for commercial development and to a further 11.2% of the site which will be utilised for water management and open space recreation. The remaining part of the site or 52.7% (114.93 Ha) will be set aside in perpetuity for conservation and managed under a conservation agreement. More than half of this conservation area is land that is already zoned for urban uses, being returned to conservation. In addition to this onsite arrangement, there is a requirement to acquire and permanently conserve more strategically located habitat 'off-site' and managed within a further conservation agreement. The retirement of residual offsite biobank credit purchases will see a net loss goal achieved.

The water management system for the site is based on sound proven principles, and is able to be developed in proportion to development. It has been demonstrated to protect downstream environments.

The Riverside site has long been a key component of the growth strategy for Tea Gardens, and the MidCoast Council area. This proposed compact and efficient development footprint will help to realise this growth whilst protecting and enhancing key ecological assets both on and around the site, and within the region.

1. INTRODUCTION

1.1 Background

The Department of Planning (DoP) appointed an Independent Hearing and Assessment Panel (IHAP), which was subsequently modified to the Planning and Assessment Commission (PAC), to undertake an expert review of the proposed development. The terms of reference of the PAC were focused on the review on two main areas: the ecological constraints of the site and the hydrological issues associated with groundwater, the SEPP14 wetland and flooding.

Following reports issued by the PAC, the Minister for Planning then determined the Concept Application with a slightly different footprint and that is contained in Figure 2, again with the proposed layout for the Riverside Project as an additional layer.

The current owner of the land is Sheargold who purchased the land in 2013 from the Receivers for the original proponent Crighton.

1.2 Outline of Project

1.2.1 Site Description

The Riverside at Tea Gardens site ('the site') comprises Lot 10 DP 270100, Lot 19 DP 270100, Lot 40 DP 270100, Lot 1 DP 270100 and Lot 9 DP 270561 is approximately 218 hectares in area. The site is bounded by Myall River to the east and Myall Street to the west. The Shearwater Residential Estate lies to the north of the site and residential development of Tea Gardens is to the south. The site has approximately a one kilometre frontage to Myall Street and two kilometre frontage to the Myall River. State Environmental Planning Policy No. 14 – Coastal Wetlands (SEPP 14) applies to wetlands within a portion of the eastern boundary of the site adjacent to the Myall River. These wetlands were clearly identified along with a buffer to the wetlands and zoned for environment protection when the site was rezoned in 2000.

The site is flat with generally sandy soils. The majority of the site was previously used for a pine plantation and has been substantially partly cleared of native vegetation. Some scattered isolated occurrences of both pines and natives currently exist on the site

1.2.2 Project Description

Riverside at Tea Gardens will include a residential layout for the site. Approximately 36.1% of the site is proposed to be developed for urban uses, the remaining will be set aside for conservation, water management, open space or recreational uses.

The subdivision will occur under Community Title, as part of the existing approved Community Title residential development, or a new Community Scheme.

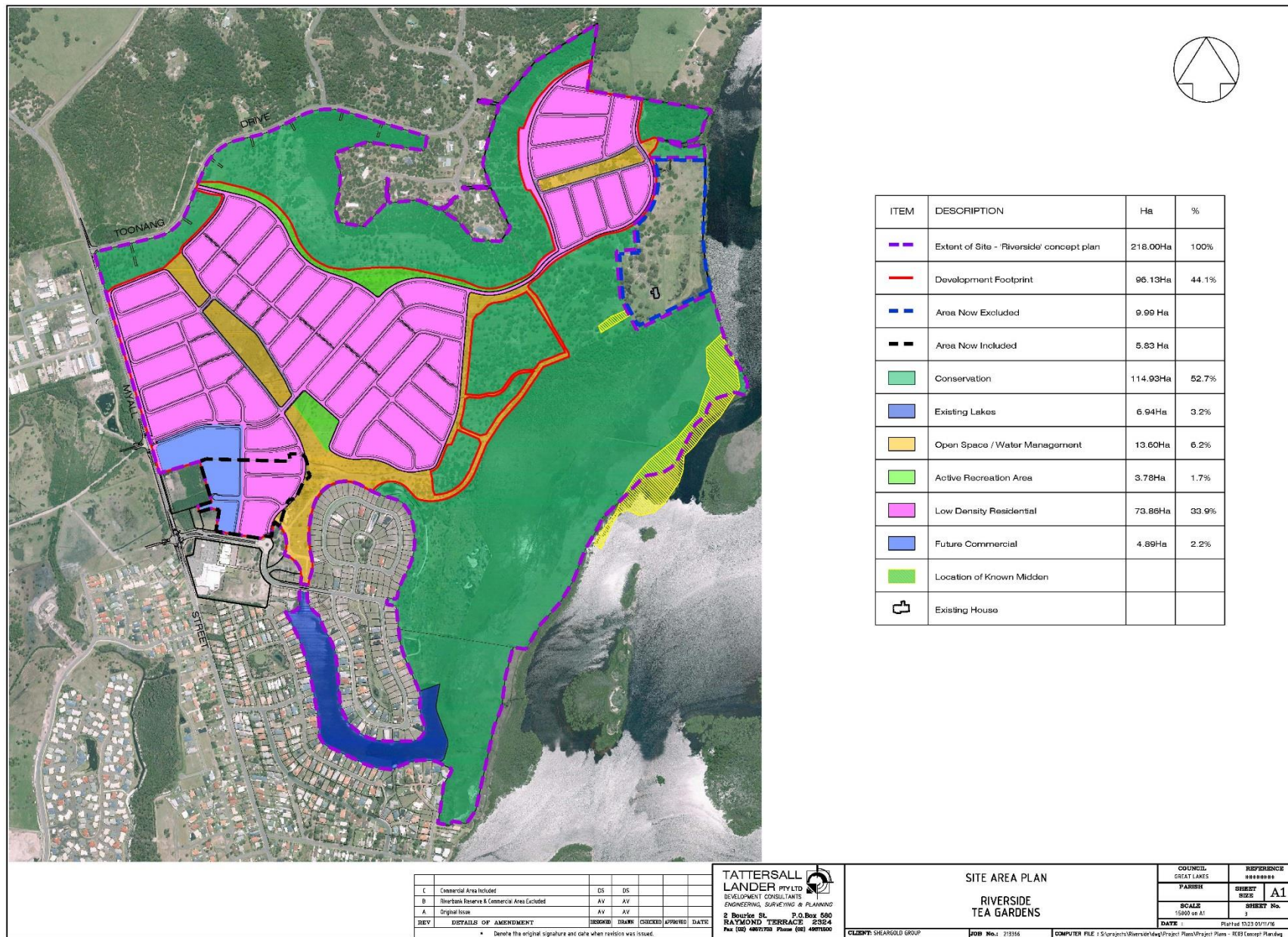
The key elements of the overall concept plan include residential development of the site which will include the potential to create approximately 935 dwellings.

Other elements of the proposed work include water sensitive urban design (WSUD) measures; open space / wildlife movement corridors; environmental protection areas; drainage reserves and large parks; upgrading of intersections and associated road works; access from Toonang

Drive and Myall Street; an internal road network; and associated landscaping and infrastructure works.

The Overall Landuse Plan and amended *MCP* Concept Plan with indicative staging for Riverside at Tea Gardens is provided in Figures 5 and 6.

Figure 1- Site Area including MCP Layout



R2
EXISTING R2 ZONE
= 84.15ha

B4
EXISTING B4 ZONE
= 2.89ha

B2
EXISTING B2 ZONE
= 7.47ha

RE

RIVERSIDE BLVD

MYALL QUAYS BLVD

MYALL STREET

NORTHERLY DR

SHORELINE DR

PLAN SHOWING PROPOSED RIVERSIDE COMMERCIAL AREA
EXISTING ZONINGS
OFF MYALL QUAYS BLVD
TEA GARDENS

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RIVERSIDE BLVD

NORTHERLY DR

MYALL QUAYS BLVD

SHORELINE DR

MYALL STREET

PROPOSED B4 ZONE = 2.91 ha

PROPOSED B2 ZONE = 7.24 ha

PROPOSED R2 ZONE = 84.36 ha

(PONY CLUB SITE = 1.62Ha)

RE

1:30000 (at 10m scale)

PLAN SHOWING PROPOSED RIVERSIDE COMMERCIAL AREA
PROPOSED ZONINGS
OFF MYALL QUAYS BLVD
TEA GARDENS

REV	DETAILS OF AMENDMENT	DATE	BY	CHECKED	APPROVED	DATE
B	Re-introduction B4 Zoning		AV	AV		
A	Original Issue		AV	AV		

• Complete the original signature and date when revision was issued.

TATTERSALL LANDER
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P/L
DEVELOPMENT CONSULTANTS
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Ph: (08) 44877755 Fax: (08) 44877606

CLIENT: SHEARGOLD GROUP
JOB No.: T0366
COMPUTER FILE: S:\projects\landuse\plan\Commercial Area Layout.dwg
DATE: 1
Printed: 09/03/18/10/16

COUNCIL:	GREAT LAKES	DEPT. BENCH:	00000000
PARTIAL:	COWANBAH	WORTH:	REX
SCALE:	1:10000 at A1	SHEET No.:	A1

Figure 4- Changes to currently approved Development Footprint

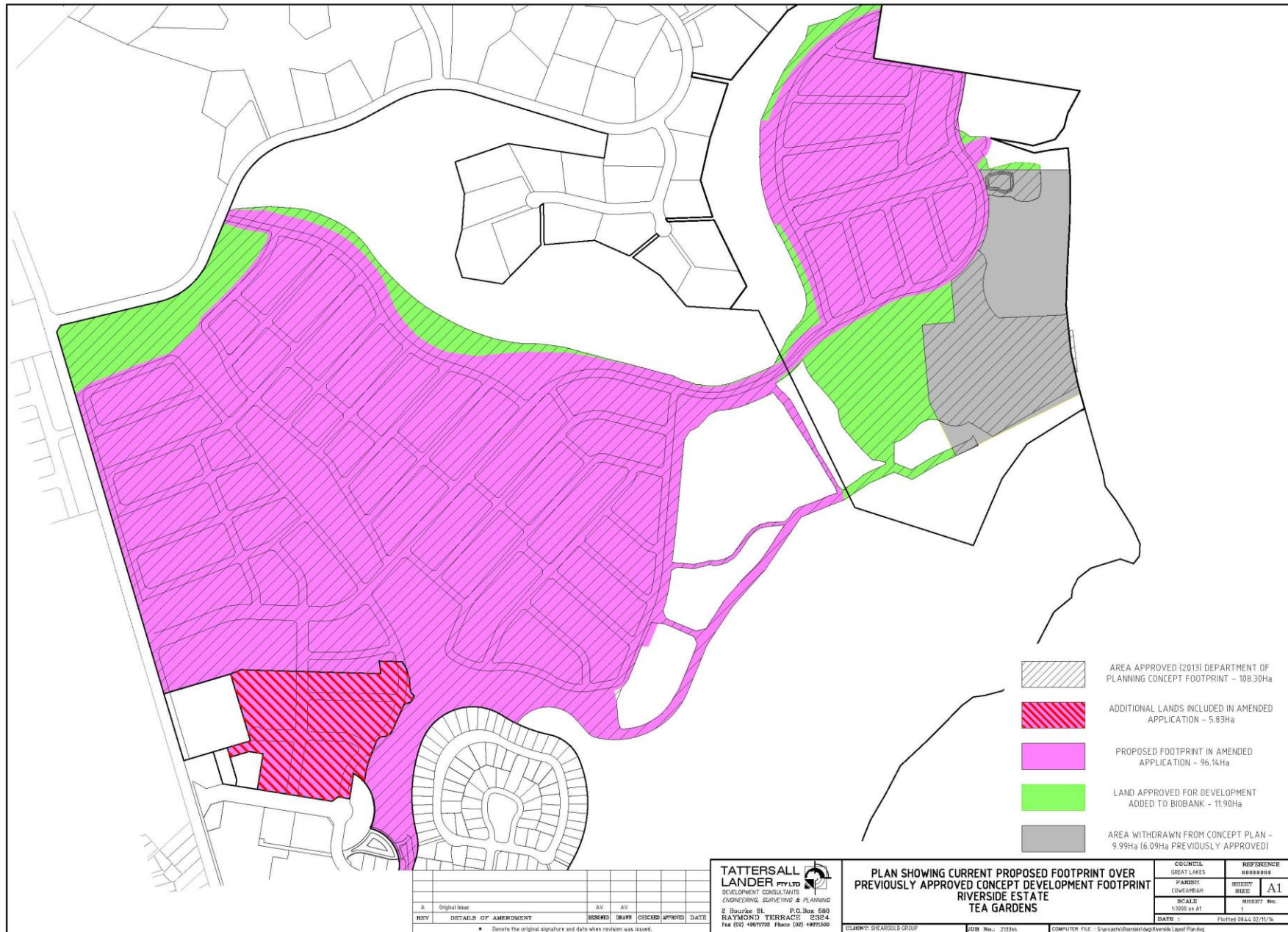


Figure 5 – Overall Landuse Plan

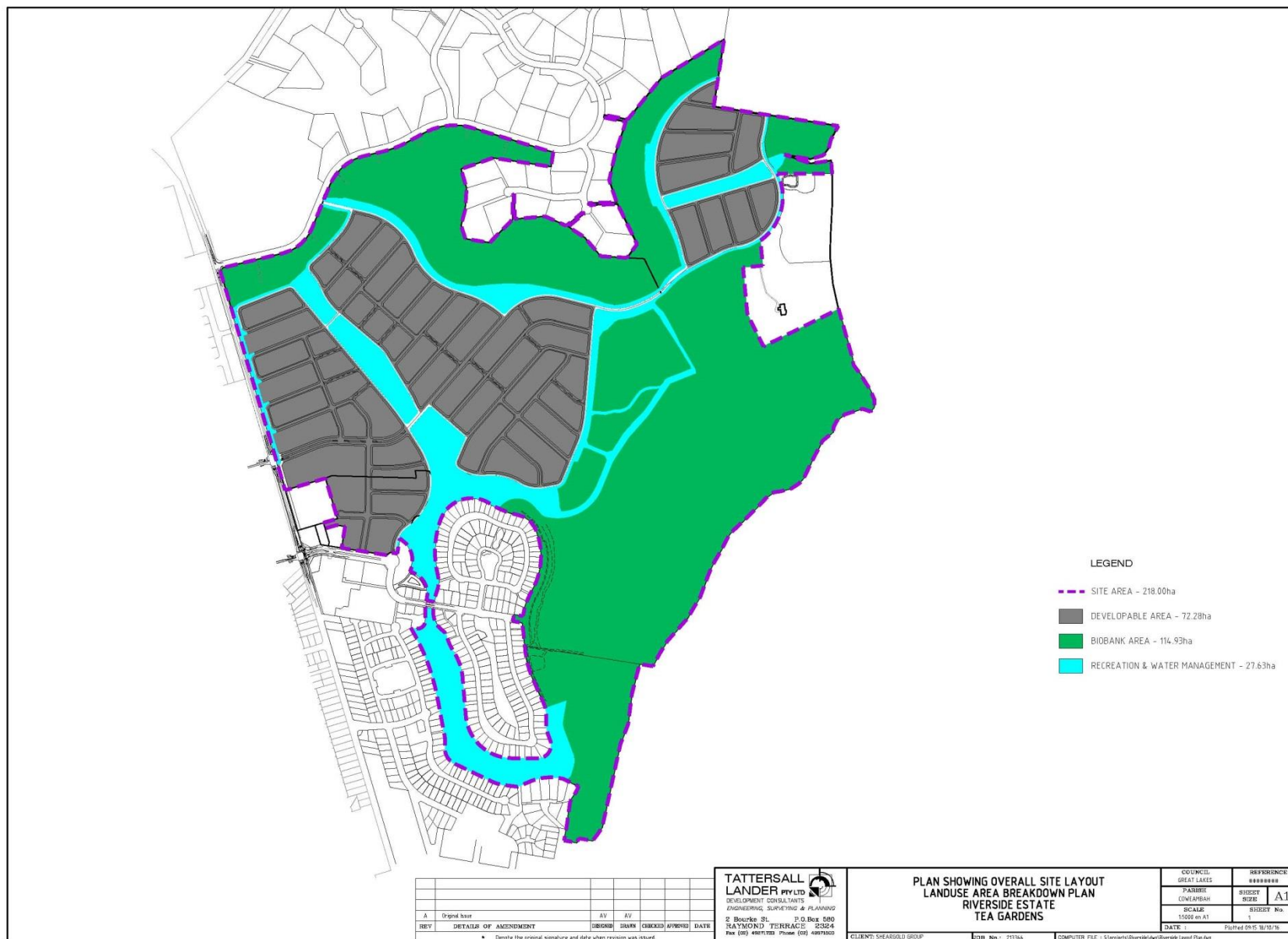
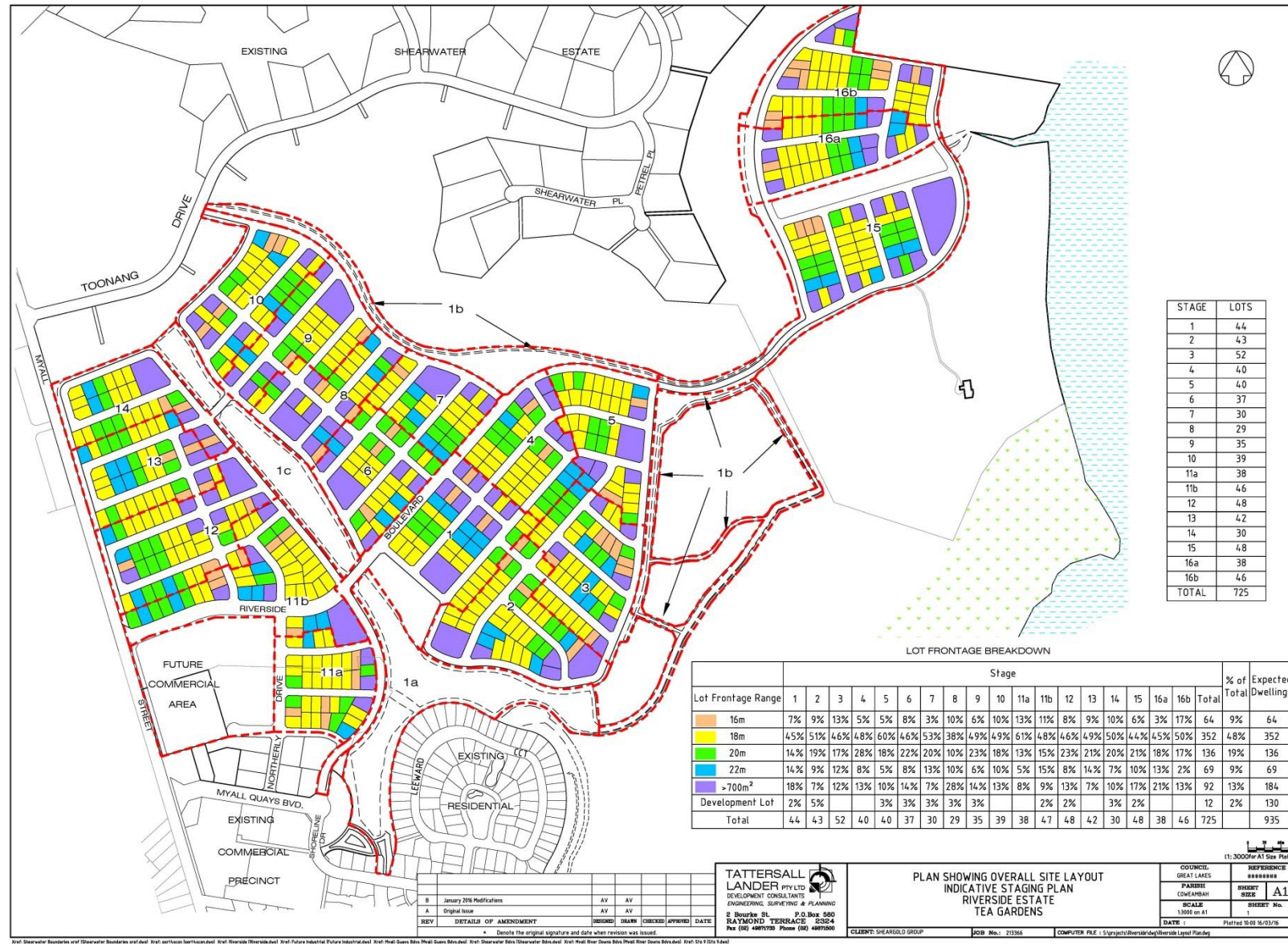


Figure 6 – Amended MCP Concept Plan layout including indicative Staging



2. AMENDED CONCEPT PLAN

2.1 Introduction

Following consideration of the issues previously raised by government agencies, Council and the local community, a number of amendments have been made to the project to further minimise any potential negative environmental impacts and enhance the creation of sustainable urban outcomes. These amendments are discussed in detail in the following pages.

2.2 Modification of Ministers Approval

Pursuant to section 75W of the EP&A Act, it is requested that the Minister allow for the modification of the approved Concept Plan as per the details included in this documentation. Relevant parts of Section 75W state:-

(1) In this section:

Minister's approval means an approval to carry out a project under this Part, and includes an approval of a concept plan.

modification of approval means changing the terms of a Minister's approval, including:

- (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and*
- (b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.*
- (2) The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.*
- (3) The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.*
- (4) The Minister may modify the approval (with or without conditions) or disapprove of the modification.*

Specifically, the Minister has the power to amend a Concept Plan, including any of the conditions of the approval. Since the approval of the original Concept Plan, the ownership of adjoining lands has separated and been transferred into non-related parties so previous arrangements relating to road infrastructure and potential future public lands (playing fields on adjoining lands) have been reconsidered into a workable arrangement. Specifically, the need to reorganise the road upgrade works has made the original Concept Plan partly unworkable, so a strategic assessment of all conditions has been undertaken and improvements are now being sought with this MCP.

Additionally, both MidCoast Council and MidCoast Water have clarified significant changes to some of the conditions and the proponent has undertaken some substantial redesign for ecological reasons. The Concept Plan requested amendments are both logical and practical and

when approved, will make the commencement of this development a simplified matter for Council and other Agencies, including the Department of Planning & Environment.

2.3 *Proposed Amendments to the Project*

The project has been amended as follows:-

- A series of amended Concept Plans are attached as Annex A and these include amended plans for:-

RC 01	Context
RC 02	Site Analysis
RC 03	Concept Layout
RC 04	Transport & Access
RC 05	Street Hierarchy
RC 06	Open Space Network
RC 07	Staging
RC 08	Community Title Structure

- The overall development footprint from the DoP approved Concept Plan (inclusive of both the development area and water management area) has been reduced by a total of 11.90Ha. This amendment has been made in order to enhance biodiversity outcomes on the site and to achieve all of the Koala credits onsite. The footprint has effectively been retracted on all edges that front ecological corridors, refer Figure 2.
- The eco-tourist precinct has been deleted.
- The surface water management concept for the site has been redesigned as per the previous, peer review consultant, BMT WBM requirements. The revised water management system focuses totally on 'at source' treatment and infiltration. A final and detailed whole of development Integrated Water Cycle Management Strategy has been completed and is attached as Annex B.
- The MCP layout now has 16 stages, refer Figure 7 and Annex A, and it is to be noted that the staging is not intended to be a sequential arrangement as market acceptance will be the driving force for the long-term development of the land. It is proposed that the development initially concentrate on Stages 1 to 5 and the main services (access, electrical/communications and water) for these stages be utilised through the extension of those services northwards along Shoreline Drive. Previous upsizing of these services have seen appropriate terminations occurring at the Shoreline Drive/Myall Quays Boulevard roundabout.
- In conjunction with the development of Stages 2-5, it is proposed to undertake bulk earthworks in stages 15 and 16 to win fill material for the development of these initial stages, refer Figure 8, for an indication of the intended movement of fill material around the site. Stage 1 and the proposed embankment and drainage corridor works are effectively a cut fill operation and the Bulk Earthworks Table associated with Figure 8 confirms this arrangement. Stages 2-5 require the importation of fill and logically this will be sourced from the adjoining Stages 15 and 16 where additional sand fill over and above the design surfaces exist.

Stages 15 and 16 will be future development stages that will be fully stabilised after the bulk earthworks to ensure a zero impact on adjoining biodiversity lands and the Myall River. It is expected that all bulk earthworks for the future development of Stages 15 and 16 will be undertaken at this initial stage so that the construction of roads and services will not disturb the overall residential lot surface that will be created. In indicating this arrangement, the intent of Condition B6 of the Approval will be maintained as the bulk earthworks stage will stabilise the landform as per the relevant requirements of The Blue Book. Figure 9 is a Cut and Fill Plan that indicates the specifics of the engineering designs.

- An area of 9.99 Ha has been withdrawn from the Concept Plan, refer Figures 1 & 4, at the northeast part of the project and fronting the Myall River. Part of this area may be the subject of a planning proposal and subsequent application once discussions between Sheargold and Council are finalised as to the appropriate uses for this area. The other part will be retained as a private allotment containing the existing residential dwelling on the site.
- A Riverside Walk has been proposed to traverse the eastern part of the site and to link up with the Marine Street cycleway to the south and North Shearwater in the north. RC 04 in Annex A shows the indicative location and it should be noted that a separate Development Application for this facility will be made in conjunction with the roll out of the residential component of the Riverside Project.
- There has been significant discussions with Council about the treatment of Myall Street, refer Annex L for Council's concurrence to the proposed arrangements, and in particular the arrangements with respect to the intersections at:-
 - Toonang Road
 - Riverside Boulevarde
 - Myall Quays Boulevarde

The two proposed intersections have been redesigned with Myall Street now remaining as a two lane road. The individual signalised intersections are now a Section 94 Contribution item and the new intersection at Riverside Boulevarde will be physically designed and constructed to allow a simple retrofit for a signalised intersection to be inserted at some time in the future. Details of the arrangements are contained in Figures 8-10.

Council has reverted to having these intersections and signalisation requirements within the Section 94 Contributions Plan as development lands surrounding this road are now in separated and non-related party ownerships. As a result the creation of the Section 94 Contributions levy is seen by the Council and the proponent as being logically fairer and financially appropriate to facilitate these intersection upgrades.

Figures 8-10 provides the relevant details for the agreed intersection treatments and in particular the lane configuration and proposed works to allow for these intersections to be signalised when the traffic volumes require that level of service. An amended Traffic Impact Assessment from Seca Solutions has been prepared to support the proposed changes and is attached as Annex C. It should be noted that Myall Street will generally remain as existing and that the previous 4 lane option for part of Myall Street will not proceed.

- A Revised Biodiversity Offsets Package, refer Annex D has been completed with significant OEH consultation. The assessment has provided significant advice for the reorganisation of the Concept Layout and has meant that all Koala credits will be provided onsite.
- An amended Bushfire Management Plan (BMP) has been prepared for the amended layout and it has incorporated all the required interim and final Asset Protection Zone (APZ) requirements for the future roll out of the entire project. This BMP has been attached as Annex E. This BMP confirms that no part of the required APZ's extend into the Conservation Zone.
- A final Cultural Heritage Management Plan (CHMP) for the management of all cultural heritage for the whole of the site has been completed. This CHMP is attached as Annex F

2.4 *Proposed Amendments to Schedule 2 Requirements*

2.4.1 *General Amendments*

- Amend Schedule to acknowledge the attached MCP Layout Plans and amended staging arrangements (A1 & A2)
- Amend Schedule to acknowledge the MCP (A3).

Specific amendments requested to the following sections:-

2.4.2 *Limits of Approval (A5)*

Clause 3 – 3 phases were previously provided for in the staging of Biobank commitments as lot 10 was owned by Geoff Cox in his personal capacity (the owner of Chrighton) and the balance of the site was owned by Chrighton and being sold under liquidation, As such there was a prospect that different areas of the site could be owned and developed by different developers. Because Sheargold has acquired all the land subject to this approval the need for 3 phases no longer exists and only 2 phases are required as outlined in the Biodiversity Offsets Package. Phase 1 being development of stages 1-7 enabled by the provision of the on site bio banking offsets and Phase 2 being the development the balance of the site enabled by the provision of the off site bio banking off sets. As such we request this clause is reworded in line with the above

Clause 4 – Again request this clause is reworded to acknowledge that only 2 phases are now required.

Note: We request the note is amended to allow a development application to be lodged over the whole site as this has significant benefits in efficiencies and economies of scale in preparation of approval documentation and assessment timeframes as well as development certainty. An alternative would be to limit the issue of a construction certificate or allow a Development Approval with deferred commencement to be issued both of which are options available to the Department under the relevant legislation as outlined in the legal opinion from Gaden's attached at Annexure N.

Part B – Modifications to the Concept Plan

2.4.3 *Development Footprint (B1)*

Eco-tourist precinct is not proceeding and as such this condition is no longer relevant and may be deleted.

2.4.4 *Domestic Animals (B3)*

Rewording of this condition to allow keeping of all domestic pets and include suitable measures for treatment of feral cats in the Environment Management Plan (EMP). The keeping of cats and the control of feral animals will be adequately addressed in the (EMP) for the management of the Biodiversity lands. The current edge of development that exists in the residential areas to the south and north of the project area already contains many domestic cats and nearly 400 residential lots. The issue of feral cats is acknowledged, however the EMP will describe a full suite of measures that will actively remove the potential threat from this domestic arrangement.

2.4.5 *Intersection Upgrades (B5)*

The issue of the intersections is addressed in Section 2.5.8 below. The TIA, refer Annex C, has confirmed that the whole of the project can utilise the existing Myall Quays Boulevard intersection but in any event the intersections have now been incorporated into Council's Section 94 Contribution Plan. The timing of works in relation to the development is a matter for Council. Removal of the condition is recommended.

The original Traffic Impact Assessment utilised Annual Average Traffic Flows of 3927 vehicles per day based on 2002 figures. The updated Traffic Impact Assessment has adopted figures from 2012 of 3,400 vehicles per day and has confirmed the relevance of these figures in their 2016 report. Clearly the original report has overestimated the existing traffic flows and this overestimation has resulted in the recommendations for intersection upgrades at the 500th and 700th lots.

Given that the development has reduced from an original figure of 974 lots (original TIA assumptions) to 725 lots and the base line traffic counts have actually reduced from the 2002 figures, the TIA has assessed that the development could utilise the existing Myall Quays Boulevard intersection without the need for any additional intersections. However, it is proposed that the second intersection with Myall Street, utilising an extension of Riverside Boulevard, refer Figure 9, would be constructed with the commencement of the 7th Stage of the development. A statement of Commitment has been reworded to acknowledge the timing of these works.

All matters relating to the signalisation of the intersections has been captured by Council's Section 94 Contributions Plan and the proposed design of the intersections has allowed for the retrofitting of signal control at minimal cost and disruption to future traffic flows.

2.4.6 *Earthworks (B6)*

It is requested that this condition be reworded. Whilst it is acknowledged that the Department is concerned with the potential wholesale clearing of the development site, on this site with its particular cut and fill requirements this condition has an irrational outcome of forcing the import of substantial quantities of fill for certain stages then forcing the offsite tipping of substantial excess material in subsequent

stages. There are extreme financial implications to the project in terms of construction costs as well as substantial strain placed on the surrounding road infrastructure as a result of unnecessary and avoidable truck movements to and from site.

Therefore, it is proposed out of sequence bulk earthworks be permitted to a restricted area of stages 15 and 16 to win fill material for part of the balance of the development, refer Figure 6, for an indication of the intended movement of fill material around the site. Stage 1 and the proposed embankment and drainage corridor works are effectively a cut/fill operation and the Bulk Earthworks Table associated with Figure 6 confirms this arrangement. Stages 2-5 require the importation of fill and logically this will be sourced from the adjoining Stages 15 and 16 where additional sand fill over and above the design surfaces exist.

Stages 15 and 16 will be future development stages that will be fully stabilised throughout the bulk earthworks to ensure a zero impact on adjoining biodiversity lands and the Myall River. It is expected that all bulk earthworks for the future development of Stages 15 and 16 will be undertaken at this initial stage so that the construction of roads and services will not disturb the overall residential lot surface that will be created. In indicating this arrangement, the intent of Condition B6 of the Approval will be maintained as the bulk earthworks stage will stabilise the landform as per the relevant requirements of The Blue Book. Figure 9 is a Cut and Fill Plan that indicates the specifics of the engineering designs.

It is suggested that the condition be reworded to indicate *“Bulk earthworks are to be generally undertaken only in stages in conjunction with development applications, however, any bulk earthworks for drainage, roadworks and the utilisation of excess fill (specifically staged 15 and 16) on the site (with consent) in advanced of a particular stage are to be stabilised and protected from soil erosion”*

2.5 Proposed Amendments to Schedule 3 Requirements

2.5.1 General Amendments

- Amend Schedule to acknowledge the attached MCP Layout Plans and amended staging arrangements.
- Update Schedule to include the relevant zones and controls within MidCoast Council LEP 2014 & DCP 2014.

Remove all reference to the future development application requiring:-

- Groundwater Management (C6)
- Stormwater Concept Plan (C8)
- Groundwater Management(C8)
- Cultural Heritage Management Plan (C14)
- Flooding and Climate Change (C9)
- Bushfire Assessment (C11)

as the relevant final documentation is attached to this report. By acknowledging that the above plans have provided relevant development application detail, it would be

appropriate that any future development application would need to be lodged in accordance with these reports.

2.5.2 *Acid Sulphate Management Plan and Geotechnical Assessment (C7 and C10)*

Reference is made to the Integrated Water Cycle Management Strategy, refer Annex B, that has prepared the relevant monitoring processes. It is requested that the condition be rewritten to acknowledge that the water monitoring program be undertaken as per this report.

2.5.3 *Acid Sulphate Management Plan and Geotechnical Assessment (C7 and C10)*

Reference is made to the attached Geotechnical Assessment by Martens & Associates and attached in Annex G. The assessment is specific and addresses the geotechnical issues and provides the relevant advice to manage development risks.

It is requested that C7 and C10 be rewritten to acknowledge that this report addresses the geotechnical risks and that all future work be within the framework of this report.

2.5.4 *Stormwater Management and Water Quality Monitoring (C8)*

Reference is made to the Integrated Water Cycle Management Strategy, refer Annex B, that has prepared the measures that has addressed the relevant Water Sensitive Design Principles and the site specific impacts. Given that the IWCMS has addressed the whole of the project, it is requested that the condition be rewritten to acknowledge that the stormwater and water quality monitoring program be undertaken as per this report.

2.5.5 *Flooding and Climate Change (C9)*

Reference is made to the Integrated Water Cycle Management Strategy, refer Annex B, that has undertaken the modelling that has addressed the relevant OEH issues. Given that the IWCMS has addressed the whole of the project, it is requested that the condition be rewritten to acknowledge that the flood limitations and development profile comply with this report.

2.5.6 *Bushfire Assessment (C11)*

Reference is made to the attached Bushfire Management Plan, refer Annex E. Given that this plan has addressed the whole of the site it is requested that the condition be rewritten to acknowledge that all bushfire management works are to comply with this Plan.

2.5.7 *Cultural Heritage (C12)*

Reference is made to the attached Cultural Heritage Management Plan, refer Annex F. Given that this plan has addressed the whole of the site it is requested that the condition be rewritten to acknowledge that all CHMP issues have been addressed and all site works are to comply with this Plan.

2.5.8 Contamination Assessment (C13)

A Phase 1 Contamination Assessment was undertaken by ERM in 2010. The findings of that report are both logical and consistent with past practices on the land. The report assessed the following conclusions:-

- the site was assessed as being free of potential contaminants or past and present contaminating activities likely to have a significant adverse impact on human health or the environment;
- the site, although disturbed in parts by former use as a commercial pine plantation, is currently free from development;
- no evidence of former development was noted; and
- as the site is largely uncontrolled it cannot be discounted that illegal dumping of potentially contaminating materials has occurred, however based on the information reviewed it is considered that the potential for such dumping is low.

Potential for existing site contamination therefore is considered to be low and if encountered, contamination is likely to be limited in extent to localised zones within the site. Therefore, the site is considered to have low potential to adversely affect human health or the environment either on surrounding properties or local receiving waters. The Phase 1 ESA undertaken for the Riverside at Tea Gardens site did not identify any significant potential for site contamination. The site is therefore considered suitable for the proposed development.

In relation to the above and the ESA report itself and its conclusions, the following is considered relevant:-

- The project area has seen the construction of the immediately adjoining Myall Quays Lake which is acknowledged by both the local Fisheries and the Marine National Parks as being a superior breeding ground for estuarine fishes. This situation is fairly unique within NSW and is a testament to the pristine conditions of the surrounding landuses and stormwater management controls within the existing development. The lake itself has had a history of monitoring to show that it is a healthy aquatic environment.
- The whole of the land has been generally locked away with perimeter fencing and locked gates from any illegal dumping since the early 1990's when the remnants of the pine plantation were cleared.
- The site is and has been generally and routinely slashed and inspected on a regular basis for over 25 years so that any possibility of previous activities would have been uncovered and actively addressed.

It is requested that the previously submitted Phase 1 ESA has adequately dealt with the possibility of any site specific contamination and in accordance with the relevant OEH Guidelines, a Phase 2 Assessment is not warranted or justified.

It is requested that this condition be deleted.

2.5.9 Land Zoned E2 (C14)

The management of the previously identified E2 lands has been incorporated into the Biodiversity Conservation Lands and a future Environmental Management Plan

(EMP), will address all relevant matters with the management of these lands. It is the intention of Sheargold's to have this EMP adopted with the initial Development Application for the development and the Biodiversity Lands are being discussed with Council with a view that Council will administer these lands. It is recommended that this condition be amended to acknowledge the proposed timing.

2.5.10 Tourist Precinct (C15)

No longer proceeding and as such the condition should be deleted.

2.5.11 Sewer and Water Supply (C17)

Condition acknowledging that it is generally a requirement of Council that all lands will be appropriately serviced. The Development Application process with Council will trigger relevant clauses to ensure that appropriate servicing is undertaken. It should be noted that MidCoast Water are required to sign any Development Application and to issue relevant conditions to Council for inclusion in Notices of Determination.

Recycled water is no longer a requirement of MidCoast Water and a copy of the confirmation letter is included as Annex J. It is recommended that this condition be deleted or amended to remove all reference to recycled water and as it is a standard condition of the development process, it is suggested that it could be deleted.

2.5.12 Road Traffic Noise Impact Assessment(C19)

It is requested that this requirement be deleted. The entire road arrangements will be systematically changed by Council so that the full frontage of Myall Street will reduce the current speed environment from 80km/hr to 50km/hr. Residential lots will not front or gain access off Myall Street. The distance from any of the 15 lots to the travel lane on Myall Street is between 15.7m and 32.8m and it should be noted that there is proposed to be a fully rehabilitated landscape area along the full frontage of Myall Street, that will include some mounding and vegetation plantings to ensure that the high quality natural vista is maintained. Only 6 lots are at the shorter distance of ~16m and 9 lots are at a distance of >32.8m.

Given that the distance from the travel lane for the whole of the Myall Street residential lands inside the Village of Tea Gardens is < 10m and in some cases only 7.5m, it is contended that such a noise assessment is meaningless.

The Department at no time has included an assessment of Road Traffic Noise in Part 5 of the Assessment Report and as no Agencies have raised the potential for this issue to be of concern, so there is no logical reason to retain this condition.

2.5.13 Roadworks (C21)

2.5.13.1 Myall Street/Myall Quays Boulevard Intersection

Council has agreed that this intersection geometry will be as per Figure 10 below. Annex L contains that confirmation. The construction and signalisation of the intersection is now a Section 94 Contribution and the reasons for this process have been discussed previously. The installation timings for the signalisation of the intersection will be a matter that is determined by Council. Further discussions with

Council are to be undertaken to determine whether this intersection is a matter for the development or it will be an undertaking by Council but ultimately it will be a Section 94 Contribution offset either way. Matters relating to the timing of the intersection and signalisation works have been addressed above.

2.5.13.2 Myall Street/Second Access (Riverside Boulevard) Intersection

The intersection geometry of Riverside Boulevard has been confirmed by Council and is shown in Figure 11 below. Matters relating to the timing of the intersection in relation to the development staging and signalisation works have been addressed above. Irrespective of the amended TIA attached to this report, it is the intention of the proponent to undertake the construction of a second Myall Street intersection around the opening of the 7th Stage of the development and the Statement of Commitments has been noted accordingly.

2.5.13.3 Myall Street/Toonang Drive Intersection

The intersection geometry of Toonang Drive has been confirmed by Council and is shown in Figure 12 below. Matters relating to the timing of the intersection in relation to the development staging works have been addressed above.

2.5.13.4 General

All Myall Street intersections are now included in the Council's Section 94 Contribution Plans and matters relating to the timing of works and any signalisation works will be in accordance with Council timetables.

2.6 Proposed Amendments to Schedule 4 Statement of Commitments

Reference is made to the attachment in Annex H and the following specific clarifications are made:-

2.6.1 General Amendments

- Amend Schedule to acknowledge the attached MCP Layout Plans and amended staging arrangements.
- Update Schedule to include the relevant zones and controls within MidCoast Council LEP 2014 & DCP 2014.
- Remove all reference to:-
 - Tourist Development (Item 2)
 - Telstra (replace with Communications Provider)
 - Ownership of Conservation Lands (discussed below)

2.6.2 Ownership of Conservation Lands (Item 4)

OEH have confirmed that the ownership of the Conservation Lands can include the Community Association, refer Annex I. Since that confirmation, Council has also been engaged and have confirmed that subject to the usual authorisations, the staff of Council positively supports the transfer of the Riverside Biobank Lands, refer Figure 5, to the ownership of Council. A copy of Council's confirmation/position is included in Annex K.

2.6.3 Acid Sulphate Soils (Item 7)

The attached Geotechnical Assessment contained with Annex G addresses this matter. Item 7 needs to be written to confirm agreeance with this report.

2.6.4 Ecology (Item8)

A final Biodiversity Offsets package has been undertaken and is included in Annex D. The package now provides for all of the Koala credits on site and provides the credit requirements for the remaining species. It is proposed that the whole of the Biodiversity Lands will be isolated from the Community Development lot with or prior to the first subdivision certificate for the development of the first residential precinct and either transferred to Council or incorporated into the Community Association Community lands (Lot 1).

2.6.5 Conservation Lands (Item 9A)

It is proposed that the Offsite conservation lands will be provided prior to the commencement of the 8th Stage of the development. It is requested that this commitment be rewritten to allow the developer to seek a Development Application for the development of the land that contains the latter stages of the project and that any works on that Application be constrained until the offsite biobank lands are secured to the satisfaction of the Secretary. It is suggested that this Commitment be worded so that this constraint be targeted at Council for the issuance of a Construction Certificate for any works on >8th stage.

2.6.6 Conservation Lands (Item 9B)

It is proposed that the Offsite conservation lands will be provided prior to the commencement of the 8th Stage of the development or an equivalent of 315 lots. It is requested that this commitment be rewritten to allow the developer to seek a Development Application for the development of the land that contains the latter stages of the project and that any works on that Application be constrained until the offsite biobank lands are secured to the satisfaction of the Secretary. It is suggested that this Commitment be worded so that this constraint be targeted at Council for the issuance of a Construction Certificate for any works on >8th stage.

It is noted that if this condition remains as written, the developer would need to have the Off-site Offset lands secured, obtain the approval of the Secretary then lodge a Development Application, then seek a Construction Certificate for the development of the project lands. Given the time frame that would be expected, it is not unreasonable to have this initial process to take up to 18 months and this sort of timeframe is considered both excessive and unreasonable.

2.6.7 Onsite Conservation Lands (Item 10A)

Condition to be rewritten as per the proposed timing ie as per the creation of Stage 1.

2.6.8 Offsite Conservation Lands (Item 10B)

It is requested that this condition be reworded so that the developer can seek a Development Application for latter stages but not commence their development, ie limitations on the issuance of a Construction Certificate, until the offsite credits are secured to the satisfaction of the Secretary.

2.6.9 Bushfire Management (Item 11)

Reword condition to accept that the attached BMP, refer Annex E has been completed.

2.6.10 *Aboriginal Management (Items 12 & 13)*

Reword conditions to acknowledge that the Cultural Heritage Management Plan incorporated in Annex F, addresses this issue.

2.6.11 *Water Cycle Management (Item 14)*

Reword condition to acknowledge the Integrated Water Cycle Management Strategy, incorporated in Annex B, addresses this issue.

2.6.12 *Water Quality (Item 15)*

Reword condition to acknowledge the Integrated Water Cycle Management Strategy, incorporated in Annex B, addresses this issue.

2.6.13 *Flooding (Items 16-18)*

Reword condition to acknowledge the Integrated Water Cycle Management Strategy, incorporated in Annex B, addresses this issue. Delete 17 & 18 as they are now contained in the Report.

2.6.14 *Reticulated Services (Item 21 & 22)*

Conditions to be amended and /or deleted as per MidCoast Water confirming that it will not be a requirement for recycled water reticulation, refer Annex J.

2.6.15 *Traffic (Item 25)*

Request that this condition be deleted to acknowledge that the TIA, incorporated in Annex C, addresses this issue.

2.6.16 *Traffic (Item 26)*

Condition to be deleted as this item is now a Section 94 Contribution item and under the control of Council.

2.6.17 *Traffic (Item 27)*

Condition to be deleted as this item is now a Section 94 Contribution item and under the control of Council. Figure 10 provides the Council agreed position.

2.6.18 *Traffic (Item 29)*

Condition to be deleted as this item is now a Section 94 Contribution item and under the control of Council.

Figure 7 – MCP Staging Plan

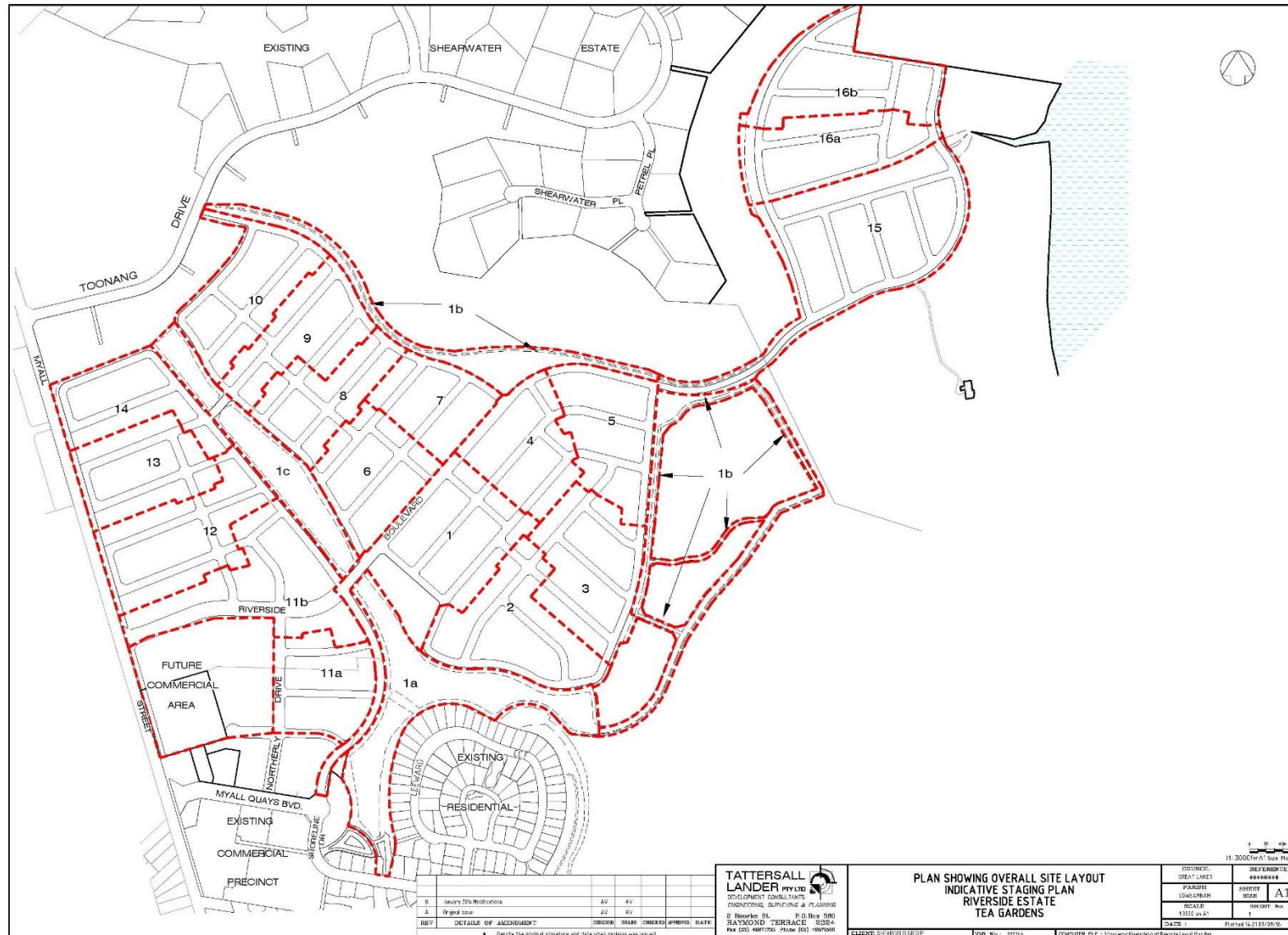


Figure 8 – MCP Bulk Earthworks Plan

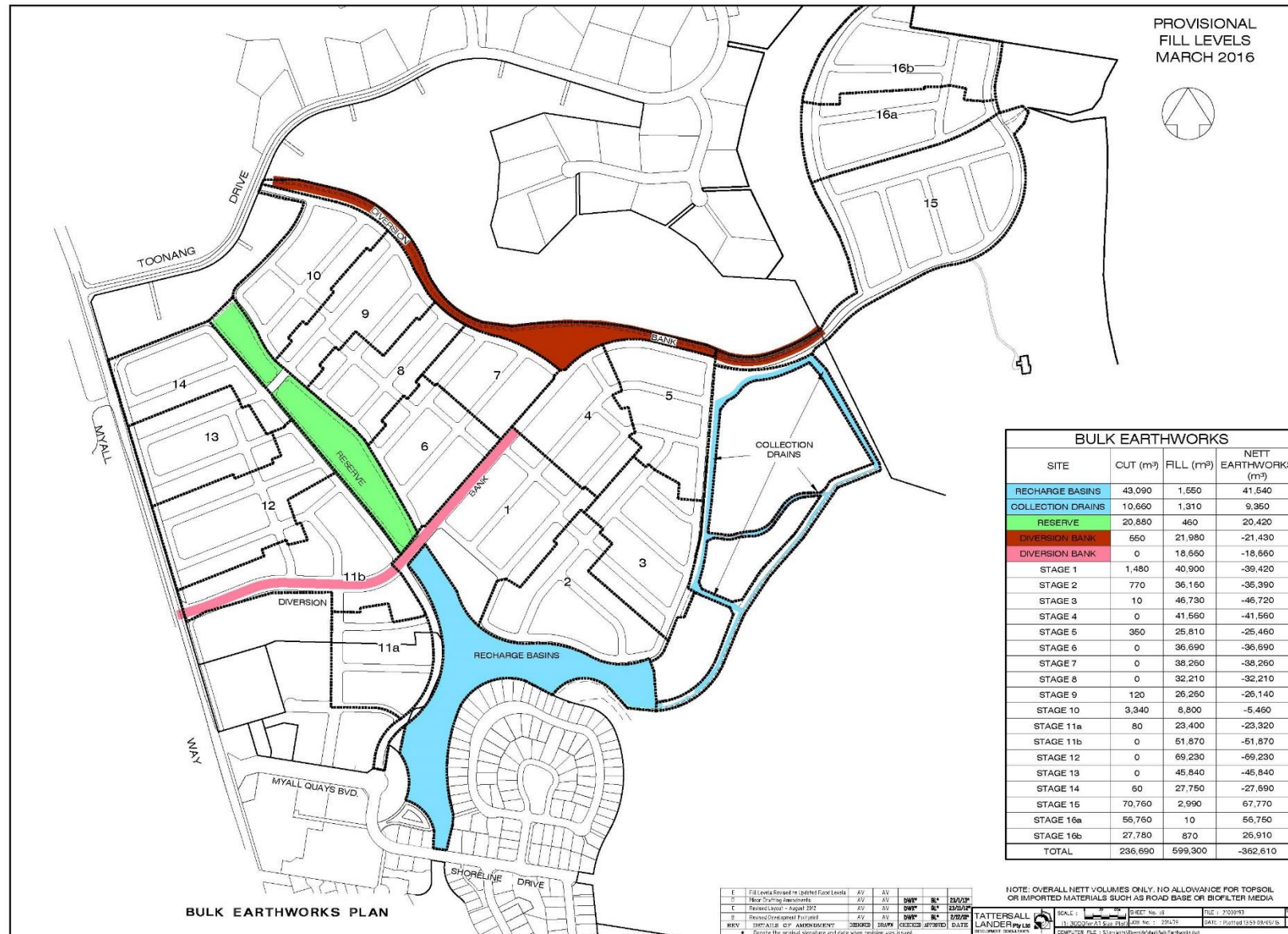


Figure 9 – MCP Cut and Fill Plan

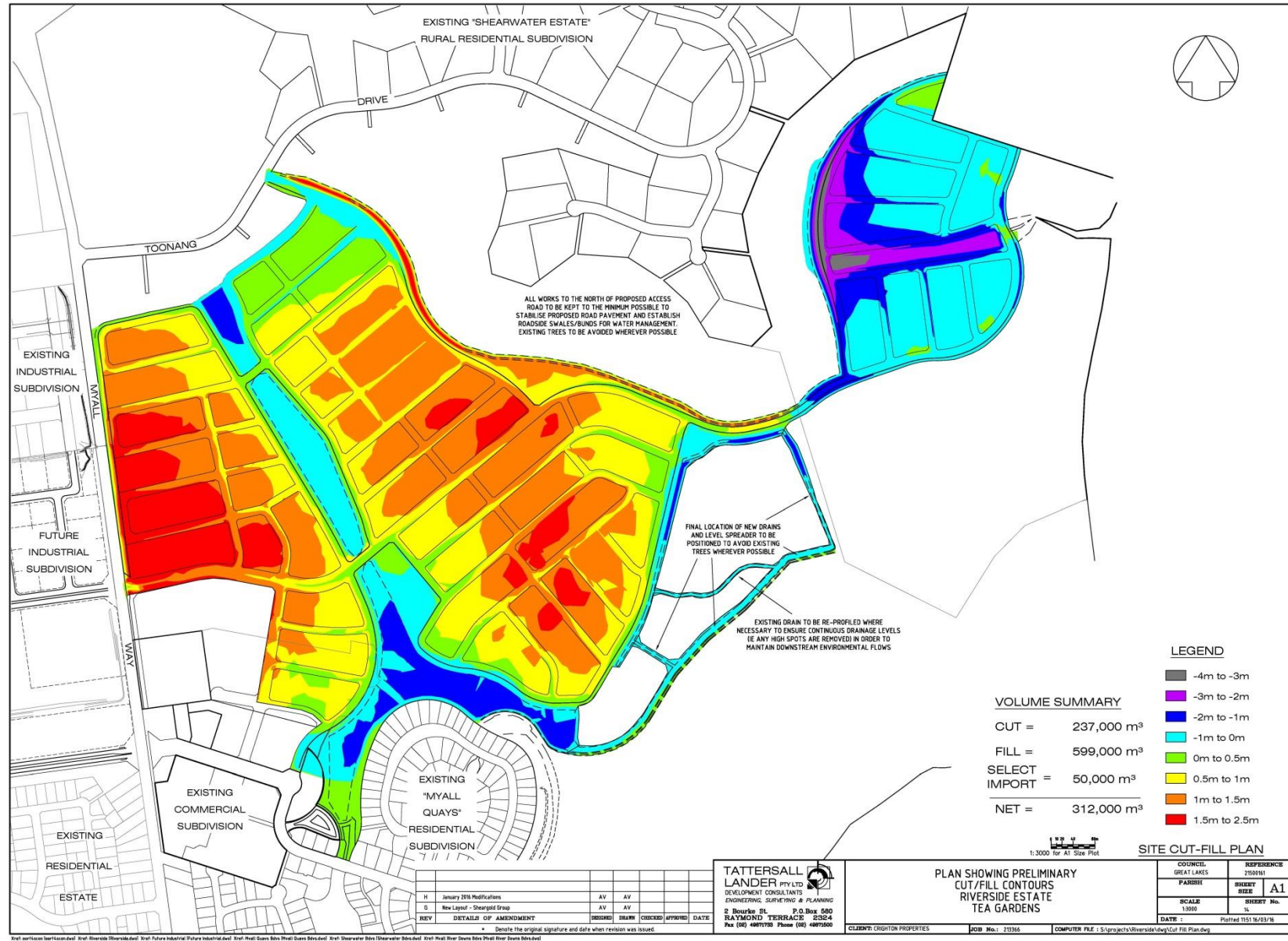


Figure 10 – Proposed Intersection Treatment at Myall Quays Boulevard

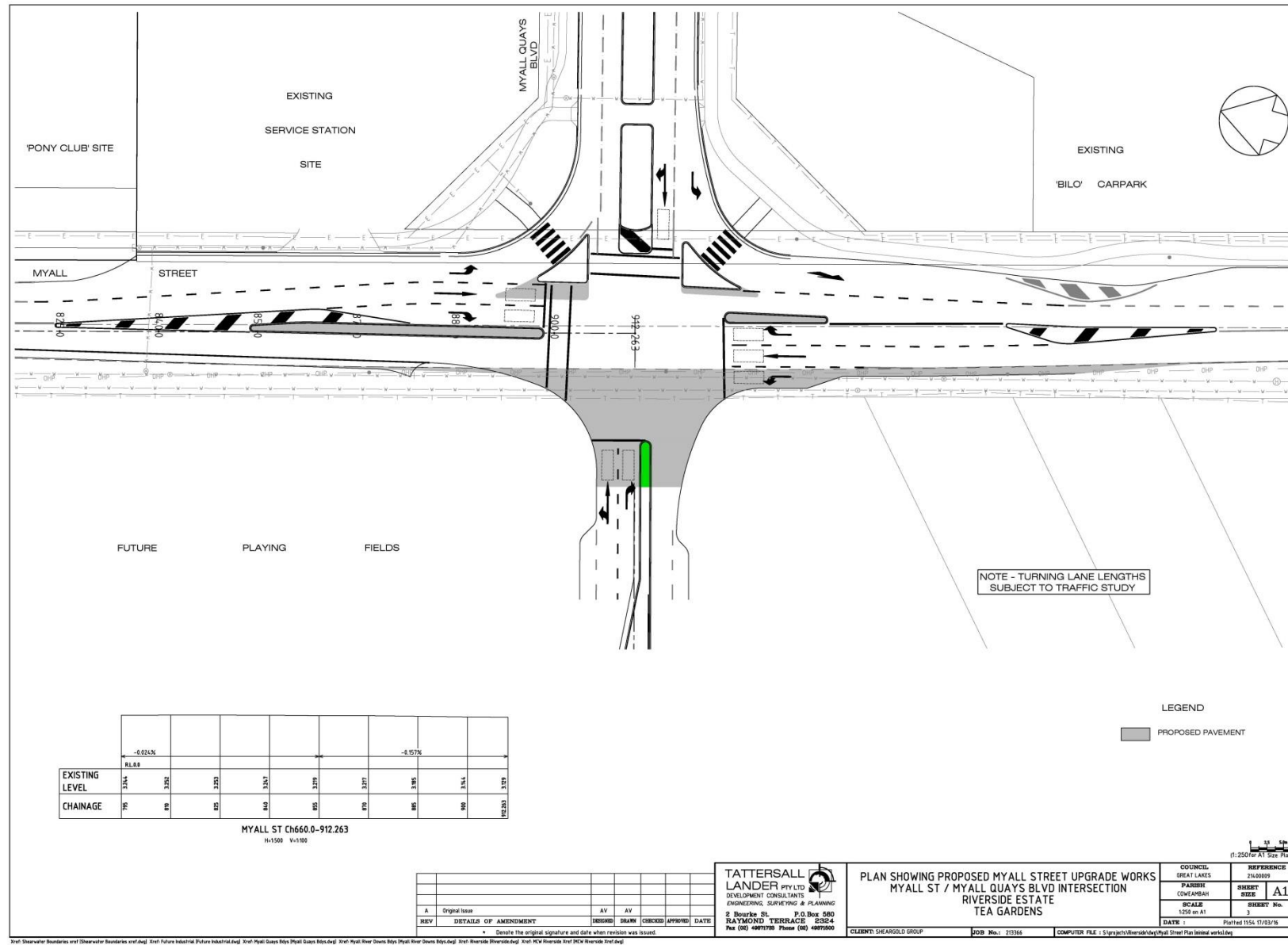


Figure 11 – Proposed Intersection Treatment at Riverside Boulevard

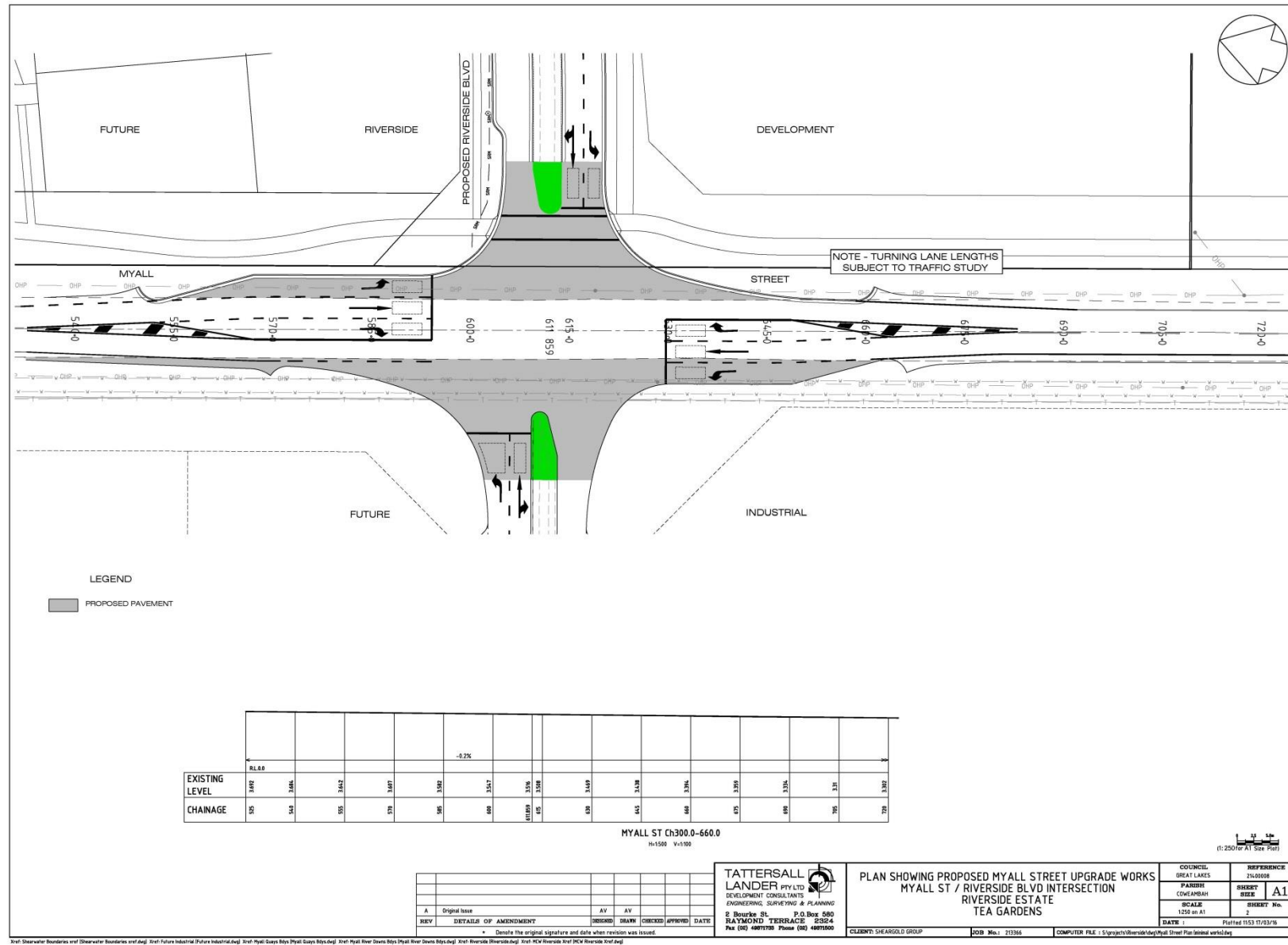
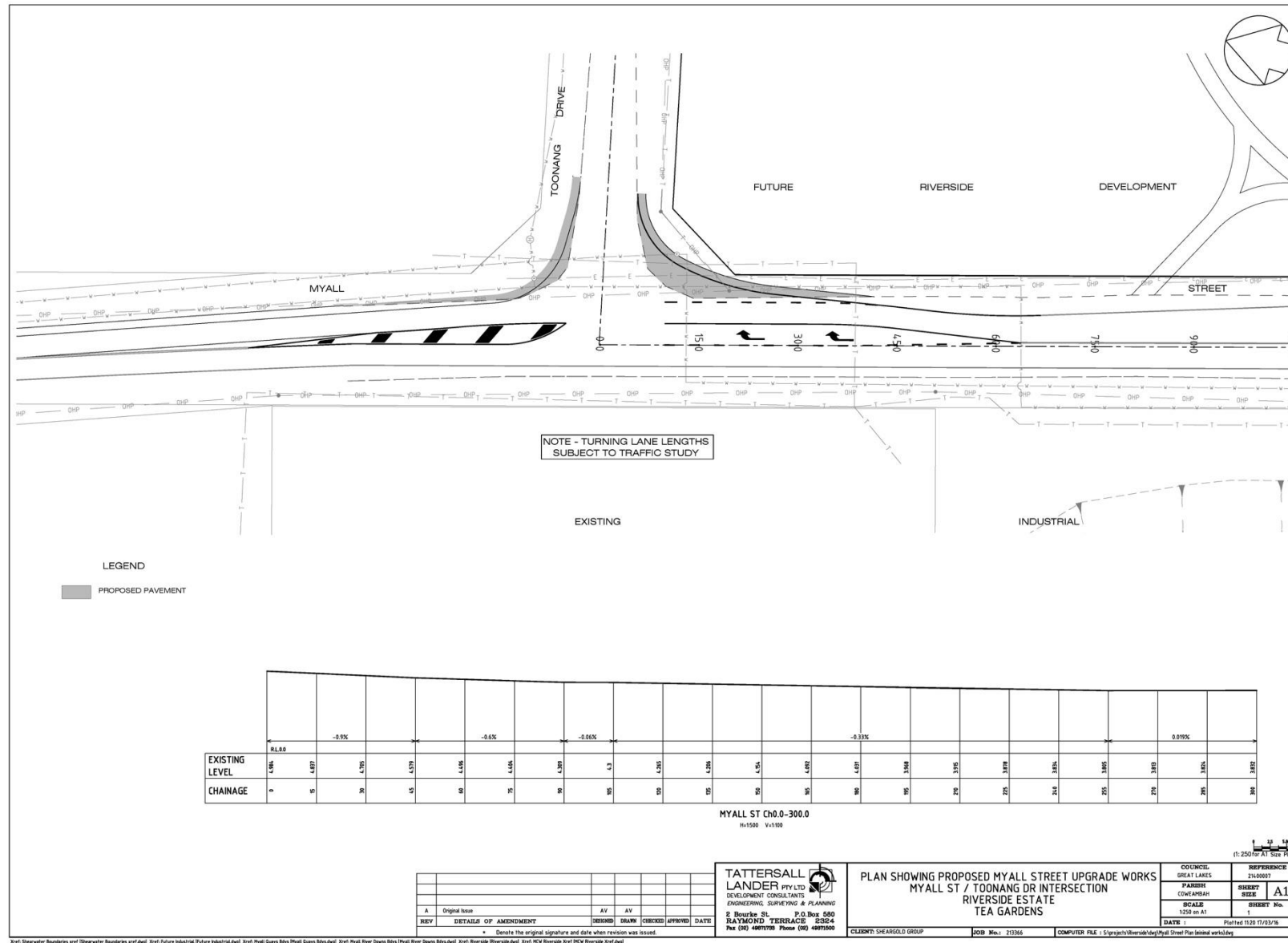


Figure 12 – Proposed Intersection Treatment at Toonang Road



2.7 AMENDED CONCEPT PLAN

The following section provides a more detailed summary of the changes made to the MCP in respect of the key concerns which were previously raised.

2.7.1 Ecology

GHD were appointed as the Project Ecologists and to provide advice on obtaining a better ecological outcome. The project has been again substantially amended significantly to reduce the biodiversity impacts on the site and these changes are indicated in Figure 2 above.

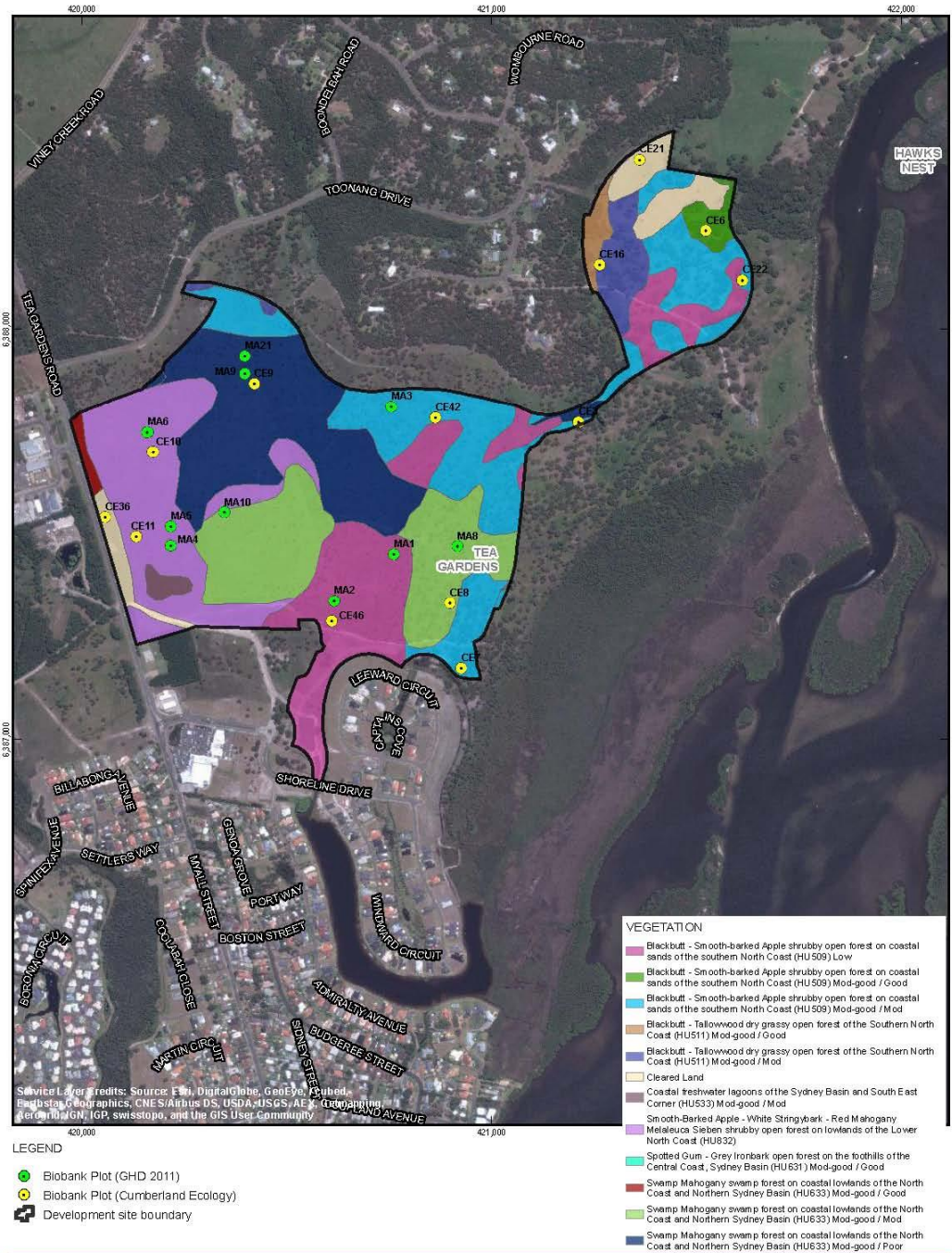
GHD were engaged to undertake an amended BioBanking assessment to facilitate the biodiversity assessment of the project. BioBanking was chosen (on the recommendation by OEH) as it is an independent, robust and scientific methodology for assessing a projects biodiversity values, impacts and determining suitable offsets. The BioBanking methodology uses specific ecological data and assigns vegetation types according to specific floristics and habitat features. BioBanking was supported by Sheargold and then reused to assess the amended MCP layout. This assessment was supported by consultation with OEH to provide an agreed vegetation distribution and condition map for the site (see Figure 3), quantify impacts and confirm applicable offsetting measures. The final vegetation distribution map has since been supported by OEH and has formed the basis of consultation with government agencies to determine the final development footprint.

This task was completed in order to help determine a balanced outcome between the level of development and biodiversity conservation at Riverside. The final development footprint has been modified through a staged approach comparing the BioBanking assessment results of multiple site layout options, including consideration of a development footprint determined by the DoPE (Figure 2). The assessments and results which support the final, preferred development footprint for the project are presented in the GHD (March 2016) Riverside at Tea Gardens Biodiversity Offsets Package, refer Annex C.

The approach to the BioBanking assessment was developed in consultation with the OEH BioBanking unit and OEH Hunter Region Biodiversity Officer, Steve Lewer and also after the Commonwealth Department of the Environment (DotE) had requested that all of the Koala impacts be resolved on site and this report has received in principal support from the OEH. The results of BioBanking calculations for a final, preferred development footprint were presented to OEH during a meeting held at the OEH, Newcastle.

The final BioBanking assessment included revisions to vegetation community and threatened species habitat mapping, refer Figure 11, for the site which were developed in detailed consultation with the OEH.

Figure 13 – Riverside Vegetation Zones



The BioBanking assessment has sought to address Departmental/OEH concerns in order to better inform the assessment of ecological impacts upon the site and the required mitigation measures as follows:

- revised mapping of vegetation type and condition, threatened fauna habitats and conservation significance;
- detailed assessment of habitat connectivity and requirements for maintaining vegetated corridors;
- assessment of the quantum of biodiversity offsets required for impacts of the project and an offset strategy for delivering these conservation outcomes;

- a staged approach to delivering an appropriate balance between development and conservation outcomes based on a robust methodology; and
- ongoing consultation with OEH to develop a project and an offset strategy that meets all agency requirements.

2.7.1.1 BioBanking Assessment Results

BioBanking has been used to estimate the impact of development on biodiversity and the quantum of offsets that would be required to compensate for such impacts arising from the project (refer Table 3 above).

The final development footprint is 10.4% smaller than the approved DoP footprint but includes all of the stormwater structures through the conservation lands that will feed water to the groundwater dependent EEC's in the east of the project. The actual residential area of the site is 73.86Ha.

The final development site layout was identified based on consideration of the biodiversity credit requirements for development impacts and the biodiversity credits generated by conservation of on-site BioBanks. The preferred development layout presents a considerable reduction in biodiversity impacts from the 2013 site layout and Table 3 clearly indicates that the biodiversity credits from the MCP Layout are superior to the approved layout. Any further reduction would only impact on lower quality habitat, consume greater areas of land and the resultant reduction in lot yield would impact the viability of the project such that it would potentially be compromised.

Figure 4 presents a comparison between the MCP and the DoP approved site layouts.

The key areas of variation between the final MCP and DoP approved development footprints highlighted on Figure 14 are:

- Area 1 – An area of development that has now been varied within the MCP to rearrange the commercial and residential footprints. This layout was reconsidered after discussions with Council to improve the commercial focus of lands adjoining the Myall Quays Shopping Village and major access roads to the development, Refer Figures 13 and 14 for details of the existing and proposed zonings. The northern part of this commercial precinct was residential lots approved by the DoP
- Area 2 – An area of residential development that has been added to the development site following discussions with Council over the commercial operations of the Village Centre. The proposed changes to the commercial and residential layout in this location has generally retained the same total areas for both commercial and residential activities and the use of lands adjoining an extension of Shoreline Drive would see development naturally extend into the project area along an infrastructure corridor.
- Area 3 – Additional conservation area as an on-site BioBank within the area proposed for development by the DoP footprint. The final development

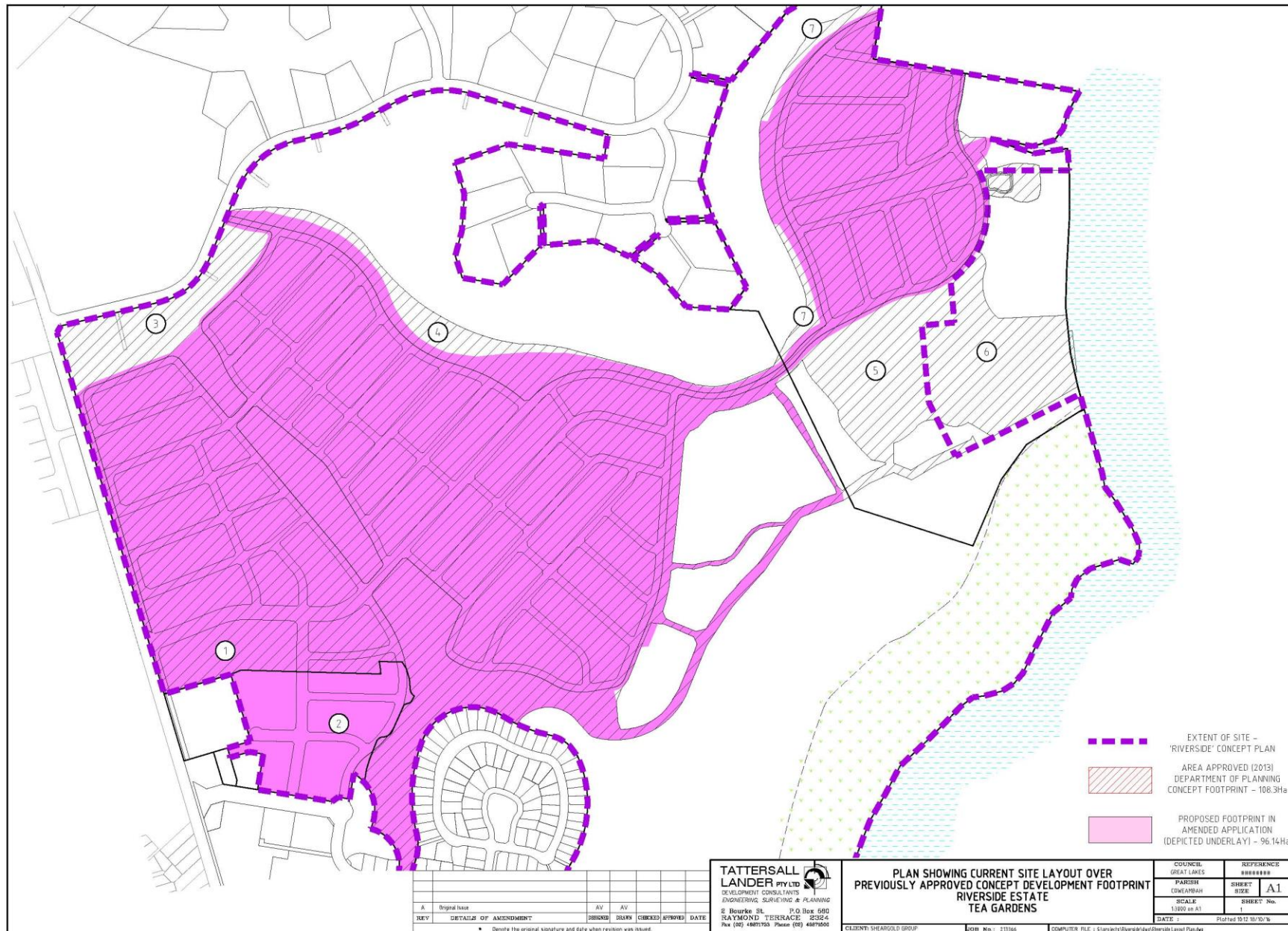
footprint includes this area for conservation as a biodiversity offset as it has higher biodiversity values than land in other locations. The vegetation in this area is Swamp Mahogany swamp forest on coastal lowlands and its preservation has allowed the development to address all Koala credits on site. The increase in the corridor width in this location also has positive ecological benefits.

- Area 4 – Additional conservation area as an on-site BioBank within the area proposed for development by the DoP footprint. The final development footprint includes this area for conservation as a biodiversity offset as it has higher biodiversity values than other lands, particularly in relation to native species richness in the lower storey. Conservation of this area would also maintain a wider east-west vegetated corridor than that proposed by the DoP to assist fauna movement and it is also instrumental in redirecting the corridor toward the areas of greatest biodiversity value as explained in Area 3 above. Increasing the width of this corridor was considered important by OEH.
- Area 5 – An area that was included as part of a reduced development capacity within the DoP footprint and was part of the previous eco-tourist area. This eco-tourist concept has been withdrawn and this area of good condition variable vegetation types that includes Swamp Mahogany has been returned to the Bio-Bank area.
- Area 6 – An area that was included as part of a reduced development capacity within the DoP footprint and was part of the previous eco-tourist area. The area is now withdrawn from the MCP Layout.
- Area 7 – Small increases to the area of the BioBank and the widening of the corridor due to the reduction in road widths and refined infrastructure designs.

This BioBanking assessment has been able to realise a more efficient development footprint while achieving economies in the number of biodiversity credits required by concentrating development in poorer condition vegetation; the preferred development footprint is 10.4% smaller than the DoP approved development footprint and results in a 38.8% decrease in the number of ecosystem credits required.

For the development footprint options considered, there is an overall biodiversity credit deficit i.e. an additional off-site BioBank site(s) would be required to compensate for biodiversity impacts of the project. Koala credits are positive.

Figure 14 – Areas of Difference between approved DoP and the MCP Layouts



2.7.2 *Justification of Final Development Layout*

The final site layout is considered the most appropriate balance between development and conservation outcomes for the study area based on the following:

- a reduction in the credit impact of 1425 ecosystem credits when compared to the original development footprint and 790 ecosystem credits compared to the DoP approved layout due to additional avoidance measures adopted by the project, including:
 - removing development proposed in areas of higher value vegetation in the east, central and northern parts of the site and adding these lands to the proposed onsite BioBank; and
 - reducing the development scale in the north of the site and providing additional lands for conservation, which would maintain the east-west vegetated corridor with an increased width throughout, and directing the corridor to secure the preferred biodiversity outcomes.
 - achieving economies in the number of biodiversity credits required by concentrating development in poorer condition vegetation as shown by:
 - an overall ratio of 23.6 credits per hectare for the proposed development footprint, versus; and an overall ratio of 26.6 credits per hectare for the DoP development footprint.
- The development footprint considers the distribution of over-cleared vegetation types on the site. Some areas proposed for development within the DoP boundary impacted on over-cleared landscapes while conserving areas of vegetation of a lesser conservation status (this is understandable given the shortcomings of the original vegetation mapping carried out for the site). The final development footprint would:
 - concentrate development in locations where existing vegetation is in poorer condition while including those areas of biodiversity values within the proposed environmental corridor network and an on-site BioBank; and
 - reduce the development area along the east-west corridor (referred to as Areas 3 & 4 on Figure 14) to maintain a wider corridor than that proposed by the DoP.
- the proposed BioBank includes all vegetation types being impacted within the development footprint. This ensures that all ecological resources removed by the development would be conserved on site in some capacity;
- the proposed BioBank would generate a credit for all nine of the vegetation types in the study area, including a credit surplus for three of the four over cleared vegetation types present in the study area;
- the largest offset deficit is with respect to *Melaleuca sieberi* - Tall Sawsedge closed shrubland. The majority of the affected vegetation is in moderate or low condition and has been degraded by tree removal and grazing;
- the proposed final development/conservation footprint provides:
- an enhanced 'east-west corridor' ensuring suitable connection of the conservation lands in the east of the development to areas of high conservation value to the north and west. This is one of the key differences

between the DoP and final development footprint and the provision of this corridor has been supported by OEH, DotE and GLC;

- a minimum 410 m wide corridor along the Myall River in the east of the site through until the cleared area of the north-eastern corner; and
- previous ecological concerns referenced wildlife corridors as a key consideration in establishing a development footprint. This has been recognised and the proposed footprint adjusted accordingly by the proponent.
- The development will provide resources to invest in the rehabilitation and management of the on-site BioBank, improving its condition and biodiversity values. These lands will also be conserved in perpetuity by a BioBanking agreement as agreed with OEH.

3 CONCLUSIONS

The Riverside project is now owned by Sheargold which has led to a significant review of the proposed development and the preparation of a more balanced proposal that improves both planning and environmental outcomes whilst also providing for the feasible development and logical staging of the site

The BioBanking assessment has provided an additional re-mapping of biodiversity values on the site since initial consideration of the initial Concept Approval issued by the Department. A number of avoidance and mitigation strategies have been implemented (as outline above) prior to the reconsideration of appropriate offsets. The BioBanking assessment has addressed the deficiencies for the assessment of ecological impacts upon the site through revised mapping of vegetation, threatened fauna habitats and conservation significance and a more detailed assessment of habitat connectivity.

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The liquidation of Chrichton and subsequent change in ownership of various sites throughout Tea Gardens resulted in the situation that these previously linked Tea Gardens properties are all now owned by non-related parties. With this arrangement, Council has recognised and organised a more equitable scenario for the provision of road infrastructure via a Section 94 Contributions Plan and a reassessment of the final intersection treatments and the traffic management associated with this project. In addition, MidCoast Council has also supported the logic for the reorganisation of the Commercial Precinct to align with the main roads and the commencement of the project at the intersection of Myall Quays Boulevard and Shoreline Drive.

MidCoast Water has also undertaken internal reviews on the viability of a reticulated treated water system and has indicated that this option will no longer be pursued as a servicing requirement.

Water Quality and Stormwater has been clarified since Council has finalised the WBM BMT Lower Myall River & Myall Lakes Flood Study and additional stormwater

clarifications have been undertaken with the amended reports. Final whole of project flood levels has been determined and the treatment of stormwater over the site has been designed as a logical and consistent approach with demonstrable outcomes.

OEH has reconsidered its position regarding the ownership of the Conservation Lands and Council has also indicated that it is possible for Council to administer these lands.

Overall, Sheargold has undertaken a systematic and pragmatic new approach to the development of the Riverside Project and this approach has resulted in a lower development footprint, wider wildlife corridors, significantly enhanced biodiversity outcomes, the potential option for a Riverside Walk through the Conservation Lands and a more inclusive collaborative engagement with the Agencies and Council. The project has been reassessed and the proposed changes being sought under this Modified Concept Plan are considered logical and worthy of support.