

Responses to Submissions from General Public

Issue Raised	Submission	Response/Comment
Environment/Biodiversity	Concern over perceived lack of accurate biodiversity data provided with the environmental assessment: cites presence of long-nosed potoroo, powerful owl, barking owl, brush-tail possums, phascogales, feathertail gliders and extensive numbers of kangaroos. States that the provision of narrow corridors will be insufficient to cater to such fauna.	The report has been reviewed by OEH. Corridors have been widened under the proposed modification. All species mentioned were either observed on site or assumed to occur on site and have thus been taken into consideration in the preparation of the report.
Environment/Biodiversity	The whole site is valuable wetland which should not be used for residential development; let it regenerate and 'just be'.	Noted, the site is an important part of planned housing growth for Tea Gardens/Hawks Nest and is zoned and has an existing concept approval for residential development. The development footprint has been reduced as part of this concept approval modification.
Environment/Biodiversity	Cats must not be permitted to reside on site. This local area is renowned for its prolific diversity of important wildlife; There is no point in advocating for conservation regimes and allowing cats to be located in the same area – the principles are diametrically opposed.	Rather than banning cats outright which many future residents may choose to ignore a more practical approach is proposed involving proactive management actions in environmental management plans and biobanking agreements as well as active education of future residents as to the potential issues for native wildlife associated with cat ownership and how these can be mitigated.

Environment/Biodiversity	How will non-koala flora and fauna have their biodiversity offset credits satisfied. States that the impacts of clearing on biodiversity are intended to be offset off site – no commitments have been made. In order to maintain local biodiversity, such biodiversity offsets must be local;	Non-koala credits will be obtained as per the standard OEH protocols
Environment/Biodiversity	Biodiversity offsets should be secured prior to final approval of the concept plan;	Noted but not mandated under the biobanking framework and not required under current concept approval which has approved a staged approach to biodiversity offsets.
Environment/Biodiversity	Requests a rethink of the spatial location of wildlife movement and water management corridors within the proposed development site and their locational relationship and need to link to adjoining/adjacent areas of Council owned reserve;	Wildlife corridors are specifically targeted to the wider environment and includes all of the important and high quality vegetation on site. The modification reduces the development footprint and widens the wildlife corridors in the proposed biobank of an already approved concept plan.
Environment/Biodiversity	Raises the relationship between the proposed development site and the Myall River, with its associated local RAMSAR wetlands and CAMBA and JAMBA protected migratory bird species and suggest it requires further consideration	All important wetlands are well protected and all designed elements of stormwater discharge to these wetlands are quantified and are acceptable.
Environment/Biodiversity	Insufficient and incorrect to rely on compensatory habitat for just one species: other local species must be considered and 'appropriate' offsets provided in the local area;	Offsets will be provided under the established Biobanking framework.

Environment/Biodiversity	Belief that the proposed introduction of people via a boardwalk to areas of conservation value is inappropriate (function of existing walkways and beaches). Keep people away from environmentally sensitive areas – they will destroy them with associated litter and disturbances to wildlife;	Noted, there are many case studies which show that boardwalks such as the one proposed can enhance environmental outcome through education and increased appreciation for the environment.
Environment/Biodiversity	Concern that biodiversity conservation only focuses on endangered species. Broader biodiversity measures need to be incorporated into the development to cater for other wildlife living in the area	Biodiversity calculator utilises all species with particular focus on endangered species.
Environment/Biodiversity	Concern that conservation lands to be vested in Council will not be retained for conservation purposes and that, over time, will become areas focused around recreational and sporting activities. Conservation objectives need to be focused in perpetuity	Biodiversity offset lands under the biodiversity legislation and regulations will be protected into perpetuity regardless of the registered owner of the lands.
Environment/Biodiversity	Significant conservation measures need to be included in any approved development-conservation outcome at the site;	Noted the biodiversity offset package as submitted with the application provides conservation measures in accordance with the established regulatory framework.
Environment/Biodiversity	All offsets (not just koala credits) must be maintained locally;	Noted but not required under biobanking legislation/regulations. Offsets will comply with legislation and regulations.
Environment/Biodiversity	Incorporation of information described as: At the Riverside boundary to Toonang Road there is a yellow arrow stating 'Wildlife connection required here' (also	An enhanced corridor has been provided at this location

	notes that access (presumably vehicular) is available from Toonang Drive);	
Environment/Biodiversity	To assist in resolving the wildlife movement issue, the following information is of relevance: wildlife regularly leaves Riverside, accesses local bushland to Kore Kore Creek, later to return to Riverside and Shearwater via Tea Gardens. North Shearwater at this time, is also a part of associated wildlife movement	The proposed wildlife corridors will enhance the opportunity of fauna to make these movements.
Environment/Biodiversity	Contradictions relating to tree removal on the site: the Sheargold spokesperson (at the Progress Association Meeting) that every tree on the site will be cleared. This is inconsistent with the proposed concept plan	The bulk earthworks within the development footprint which are approved under the existing concept approval will require the clearing of the majority of trees within this area. Outside of that area all biodiversity offset lands will be protected and enhanced. The biodiversity corridors will be set up with the lodgement of the first subdivision certificate for the project.
Environment/Biodiversity	Supports the construction of the 'Riverside Walk'. Should be required at Stage 1 of the development. Timing, funding and maintenance are unclear	Boardwalk concept is yet to be detailed. The CA is only seeking general acknowledgement to allow the proposal to proceed. The issues raised will be resolved between the applicant and Mid Coast Council in a further application.

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Infrastructure	General absence of required neighbouring infrastructure including schools and hospitals;	Comment re schools and hospitals is noted and not a matter for this application.
Infrastructure	General absence of neighbouring employment opportunities;	Areas of employment land are identified in the extended parts of the current Industrial area. The inclusion and reorganisation of the commercial area is also going to be a generator of jobs.
Infrastructure	Schools and hospitals are located too far away;	Not a matter for this development.
Infrastructure	Road infrastructure upgrades should not be funded by section 94 contributions – if it is, construction will not happen;	As this application is not the only significant development proposal increasing traffic generation in the local vicinity the most appropriate method to address any upgrade of Road Infrastructure is via section 94 contributions.
Infrastructure	Toonang/Myall Road intersection needs upgrading and should be required by the developer rather than attributing to section 94 contributions (timing is critical);	As this application is not the only significant development proposal increasing traffic generation in Toonang Drive the most appropriate method to address any upgrade of Toonang Drive is via section 94 contributions.

Infrastructure	Questions the contributions that will be made by the developer towards the maintenance of Myall Road	Matter for the relevant Section 94 Contribution Plan. Generally these contributions are required to be paid prior to the release of the subdivision certificate ensuring their payment.
Infrastructure	Developer must be responsible for any damage incurred to public roads;	Noted but usually part of a road haulage levy paid to council on the development application.

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Stormwater/ Groundwater	Concerns over the off-site impacts of stormwater generated by the proposed development, including implications for groundwater;	The impacts of stormwater have been quantified in the Martens Integrated Water Cycle Management Strategy.
Stormwater/ Groundwater	An expert hydrologist needs to be engaged to analyse information and ensure that: No seepage or interaction is able to impact the water table from which Tea Gardens extracts its water; and here is sufficient time for evaporation and removal of pollutants before water reaches the wetland and associated river system.This issue must be safeguarded to cater for not only daily events, but 1 in 100 year floods;	The groundwater under the development is not connected to the Tea Gardens Water Supply.Matter is already considered by the Martens WCMS report lodged with current approval which has been peer reviewed by WBM BMT.
Stormwater Groundwater	Overland flow and associated flooding is extensive in the area. States that it will be impossible for the drainage of the area to	Flood modelling has been undertaken by Tattersall Lander and all scenarios are satisfactorily addressed.

	cope under the proposed development scenario	
Stormwater/ Groundwater	<p>Concern over proposed Integrated Water Management Strategy: concern about the impacts of 'rare events of peak flow' on the existing lake and existing residents. Cites case of February 2009 - historic rare storm – during which time significant drainage issues were observed in the area. Requests that a condition of approval be required which stipulates that <i>“the Myall Quays Community Association DP 270100 and all associated associations should be indemnified in the event of any negative impact/s of water quality or quantity and any resulting costs necessitated as a result of water runoff from Riverside affecting the Lake and/or existing Community Association DP 270100 or associated associations land and that any remediation costs should be at the cost of the developer and, on completion of the development of Riverside at the cost of Riverside Community Association”</i>;</p>	Matter adequately addressed in the Flood Modelling by Tattersall Lander and WCMS report by Martens. Such a condition is not appropriate for the approval as the land is currently within a single community association. This is a matter for severance negotiations between the applicant and the existing community association.
Stormwater/ Groundwater	The proper implementation/maintenance of biofiltration swales is of concern – Council's Engineering Department currently has no standards	Matter that will be addressed with Development Application for project and Council. Council have recently adopted a policy dealing with bioswales.

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Bulk Earthworks	Questions where the balance of fill is to be sourced. If the source of fill is the Hunter Quarry at Karuah, the Myall Way will be damaged. This matter needs attention;	Fill material will be sourced from available sources. Road haulage levies are paid to Council for any damage to Council infrastructure.
Bulk Earthworks	Duration and methodology for excavation needs to be clearly communicated.	Generally a matter for the Development Application and Council
Bulk Earthworks	The management of bulk earthworks, clearing and machinery storage/parking should be undertaken in a manner to ensure the continued protection of environmentally sensitive areas;	Noted and agreed but a matter for a future Development Application and construction certificate application to be dealt with in the construction management plan.
Bulk Earthworks	Suggestion that sand should be piped from the river directly to the site and used as fill: dual purpose of freeing up the river and providing fill in sections 15 and 16: More economic than bringing in fill from Hunter Quarry and less heavy impact including damage impact to roads. River needs the sand removed – win/win	Dredge fill would need to be classified as VENM or ENM to be permitted to be used on site. The applicant would explore this option if it was acceptable to the relevant authorities and permitted by the various development approvals.
Bulk Earthworks	Construction traffic should not be permitted to utilise Myall Quays Boulevard or Shoreline Drive	Noted, majority of construction traffic will utilise existing haul road off Myall Way.
Bulk Earthworks	Impacts associated with fill (primarily dust) need to be clearly conditioned and enforced;	Noted and agreed but a matter for a future Development Application and construction certificate application to be dealt with in the construction management plan.

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Planning	Intended future use of the eco-tourism precinct (removed from the approved concept plan) must be specified;	Area withdrawn from the Concept Approval will be the subject of future planning considerations.
Planning	All 'outstanding matters' which have been proposed to be addressed later need to be addressed prior to any development consent being given to the proposed development;	Concept Approval is a complete document and has provided more detail than is usually expected at the concept approval stage. Other detailed matters will be adequately addressed at the Development Application stage.
Planning	Planning relationship with the adjoining Durness development needs to be specified;	The interface with Durness is consistent with discussion between the developments.
Planning	Concern over the deletion or the deferral of future assessments relating to groundwater, stormwater, heritage, flooding, bushfire, acid sulphate contamination, environmental management, sewer and water supply, traffic noise. Questions why such issues are proposed to be addressed 'later on'. Details need to be provided upfront so that associated informed comments can be made before the time is too late;	Many of these items are for consideration at the Development application stage. Adequate details for all matters listed are provided with this CA or will be provided with the Development Application documentation.

Planning	Concept plan too dissimilar to be assessed as a modification. Totally new application required;	Noted but modification as submitted is permitted under the relevant planning legislation and regulations.
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Bushfire	Reference to the fact that the NSW Rural Fire Service is non-supportive of the revised concept plan. Associated concerns that any bushfire which commences on the proposed development site will spread to Shearwater Estate.	BMP as submitted to be withdrawn and existing approval condition to remain. An updated BMP will be lodged with the Development Application that addresses the issues raised by RFS. Refer to response to RFS submission for further detail.

Bushfire	The ability to evacuate the site (reference to situations involving bushfire) is severely limited and compromised by the design and nature of proposed egress roads;	The issue of access for all emergency situations is has been considered in the projects design and is satisfactorily addressed by the proposed layout. As regards impacts from Bushfire, the RFS will consider the relevant implications at the time of the Development Application for the project.
Bushfire	Developer must comply with NSW RFS requirements	Noted and agreed

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Traffic/Safety	Access to the proposed development from Toonang Drive is unsafe and should be prohibited;	Toonang Road access point will be designed as per Austroads Standards.

Traffic/Safety	Traffic generation will cause significant traffic congestion in the locality, including queueing at the intersection of Myall Street and Myall Quays Boulevard. It will also cause substantial deterioration to the lower section of Toonang Drive which already subject to flooding associated with Shearwater Estate;	Traffic impacts have been quantified by SECA Solutions and all impacts on existing intersections are considered appropriate and consistent with RMS Guidelines. Any current flooding impacts with respect to Toonang Drive are not a matter of this development.
Traffic/Safety	Reduce speed in the locality on Myall Road from 80 to 50;	Speed zones are a matter for the RMS.
Traffic/Safety	Very few cyclists, provision of a cycleway is unfounded;	The proposed Shared path is also a zone for pedestrians and is a fundamental part of the development amenity.
Traffic/Safety	To state that people who are aged 60+ (almost 50% of the local population) will generate less traffic than others is incorrect: traffic calculations and associated impacts need revision	The traffic report by SECA Solutions has been undertaken under RMS Guidelines and as such the assumptions are based on RMS accredited statistical facts.
Traffic/Safety	Traffic speed needs to be lowered from 80 to 50 from the point of Lions Park – should also cater for construction traffic so is required prior to any development occurring	Traffic speeds are a matter for the RMS. The timing of any upgrades is a matter for Council as Myall Road is a Section 94 matter
Traffic/Safety	Slip lanes need to be provided east and west of the Toonang Drive intersection	Comment noted but need is not supported by the SECA Solutions TIA report.

Traffic/Safety	Inaccuracy of traffic counts and predicted traffic generation – spurious to suggest that traffic volumes have diminished over time and that existing retirees don't make as many vehicular trips as others in the community – probably make more	Traffic counts are provided by Council and the RMS have stipulated traffic movement activities by retirees.
Traffic/Safety	Traffic modelling fails to account for holiday peak periods (population can expand by around 400%) and cannot be relied on to determine required road construction requirements	TIA has been prepared in accordance with RMS Guidelines.
Traffic/Safety	The Toonang Road/Myall Road intersection needs to be upgraded prior to any development occurring; even for construction traffic. Associated slip lanes are critical. The current intersection is very unsafe	The Toonang Drive Myall Road intersection should be the subject of a section 94 contributions plan and is a matter for Council. The assertion slip lanes are required is not supported by traffic modelling or Austroad standards.
Traffic/Safety	Traffic speed needs to be lowered from 80 to 50 from the point of Lions Park – should also cater for construction traffic so is required prior to any development occurring	Noted but a matter for the RMS.
Traffic/Safety	Should be no vehicular access via Toonang Drive	Comment noted but always proposed (and approved under existing concept approval) and the TIA endorses access arrangements.
Traffic/Safety	Belief that the increase in dwellings has not been factored into the traffic planning implications for the proposed development of the site;	TIA has been updated and resubmitted to address this concern. There was no change to the findings of the report as a result of these updates.

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Dwelling Density	Objection to the proposed increase of dwellings from 800 to 925.	Density levels are consistent with mandated levels of 13 lots/ha and the Council endorsed Settlement Strategy.
Community Consultation	Many unanswered questions and inaccuracies in the proposed development (unspecified);	Noted but not agreed.
Community Consultation	Strong objection and limited time;	Noted, the submission response timeframes are not determined by the applicant.
Community Consultation	Community consultation/presentation far too technical;	Noted, every effort has been made to present the significant amount of information required as simply as possible.
Visual Impact	Absence of peripheral landscaping: unacceptable urban design outcome. Visual impact displaying back fences is unacceptable and inappropriate;	Landscaping plans will be submitted to Council with the Development Application for the project. The subdivision layout significantly minimises the number of back fences facing public reserves or streets.
Visual Impact	The development should incorporate an area of land fronting Myall Way to be utilised for screening the development from the road	The proposed layout has a landscaping strip along Myall Road. Further details will be included in the landscape masterplan to be lodged with the development application.
Misc	Questions type of housing proposed	Standard residential housing.

Misc	Questions type of fencing proposed citing that mesh and wire have been condemned in the area due to the associated impacts on gliders;	It is envisaged typical fencing found within a residential setting will be used such as timber lap and cap or colorbond.
Misc	Implores government authorities to have the proponent answer the many unanswered questions about the development	Noted and already significant details are provided in the modified CA. All additional issues raised in auhtority's submissions will be addressed.
Misc	Are there revisions to the Statement of Commitments? Where is the statement located?	Noted and within the documents, see annexure H.