

28th September 2018

OUR REF: 213366-L001014

YOUR REF: MP 10_0136

Department of Planning & Environment
Level 22, 320 Pitt Street
Sydney NSW 2001

Attention: Anthony Witherdin, Director, Regional Assessments

Dear Anthony,

**RE: MODIFICATION OF CONCEPT PLAN MP 10_0136 RIVERSIDE PROJECT
TEA GARDENS REQUEST FOR INFORMATION**

Further to your email of the 12th September 2018 and our meeting on the 21st September 2018, the following clarifications and advices are provided:-

1. Road Upgrades

- *Please identify the percentage of traffic the proposal will generate at the Myall Street/Myall Quays Boulevard and Myall Street/Riverside Boulevard intersections.*

The Council prepared *Tea Gardens District S94 Plan* identifies, under *Section 2 Development Forecasts, Section 2.1 Residential Development* the expected distribution of traffic generating development at these intersections and Riverside is allocated 950 dwellings out of a total of 3,925 (or 24.2%).

- *These estimates should then be used to identify a monetary contribution toward the future upgrade of these intersections (i.e. signalisation of the intersections).*
- *Contributions for the upgrade of these intersections will need to be secured via a Voluntary Planning Agreement. The Proponent should provide a letter of offer to Council identifying the value and timing of the contributions.*

MidCoast Council are being engaged to clarify the scope/intent of the s94 allowance and confirm VPA arrangements if required. DPE will be notified of the outcome asap.

2. Biobanking

- *Please provide a letter of offer to Council identifying the timing for the dedication of the biobanking site and boardwalk as well as the sum of funds to be made available to Council under the Biobanking Management Fund in accordance with Council's letter dated, 19 June 2018.*

As discussed, the correspondence from Council is self-explanatory and as to the outcome for the ownership of the Conservation Lands. We would also suggest that the approval could be conditioned to require the dedication of the Biobank at a time

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agreed between the proponent and council but at the latest upon the completion of the boardwalk should it be approved. As regards the funds that will be provided for the management of the Conservation Lands, these funds will be detailed and paid at the commencement of the Biobank Agreement with OEH. The Boardwalk is not part of the Modification Application and as discussed and agreed in our meeting the most appropriate avenue for approval of the boardwalk is a future development application lodged with MidCoast Council. Further as indicated, the Biobank area has been adjusted to exclude the location of the Boardwalk.

3. Roads and Maritime Services

- *Please provide a summary of the discussions held with RMS following its advice on the RTS to enable the Department to report on the outcomes of these discussions.*

It is noted that the RMS have provided their current letter to clarify their position. As regards the discussions held with RMS, we can advise:-

The applicant pointed out that all intersections and upgrades had been incorporated into the Council S94 contributions plan, with scope agreed to following concept design iterations prepared by the applicant for Council. Ultimately RMS conceded that Council are the roads authority for this section of Myall Street and have the issue under control. RMS will need to become directly involved only once traffic signals are required (dependant on development by third parties).

A summary of specific issues included;

1. Traffic Control Signals (TCS) - were only required if/when further development west of Myall Street proceeds. The Riverside project on its own does not require TCS and should not be conditioned to install it at the 500th lot, or any other stage. OUTCOME – RMS agreed.
2. Myall Quays Blvd intersection upgrade - While the RMS may have made a policy decision that AUR intersections may no longer be installed, the fact is the development does not propose to install one and the TIA clearly states that the intersection has sufficient capacity in its existing configuration and no modification is necessary. It is an existing intersection, an existing Council asset, which the development does not directly connect to. Furthermore, there is not enough physical space to fit the requested CHR design without land acquisition (from third parties) - concept designs were prepared to illustrate this and confirmed by RMS design staff as non-compliant. OUTCOME - RMS agreed no upgrade was required but have suggested Council consider some minor changes in the interim, which of course would be included as part of the S94 contribution funded works.
3. Riverside Blvd intersection – RMS require to be provided before release of the 500th lot. OUTCOME – Agreed, but noted that applicant intends to complete much sooner.

4. Toonang Drive intersection – RMS require before 700th lot or direct connection to Toonang Drive. OUTCOME – Agreed
 5. Stormwater – This issue continues to come up (and again in next point below in the Department email). The applicant continues to explain there will be no impacts, the IWCMP provided a specific section specifically addressing this concern but despite being directed to this, it appeared RMS either did not have a copy or just had not read it. OUTCOME S3.3.1 of the Flood Study confirms that the project will drain the majority of the existing catchment of this culvert to the east into the internal drainage corridors.
 6. WAD process – Applicant pointed out that a literal reading of the RMS letter required the WAD process to be undertaken and completed prior to the commencement of the Riverside project. During discussions with RMS, it became clear that the RMS did not want this to occur as it would be a significant delay to the commencement of the development. OUTCOME – Myall Quays Blvd requirements withdrawn and Riverside Blvd intersection not being an RMS matter until TCS required.
- *Please confirm whether the proposed changes to the Integrated Water Management Strategy will result in any stormwater discharge into the Myall Street stormwater drainage system and if so, provide an assessment of any potential impacts of stormwater discharging into this location.*

There has been no change to the proposal in relation to Myall Street – the entire development will be filled to drain away from Myall Street and towards the proposed internal drainage reserve. This issue is addressed in S3.3.1 of the Flood Study (Attachment 7 - Concept Drainage Layout Design and Flood Assessment in the IWCMP).

4. Transport for NSW

- *Please confirm that the proposed bus route is capable of complying with the requirements of Term C18 of the Concept Plan (note: the removal of the second connection to Toonang Road prevents the implementation of Busways preferred route).*

Term C18 requires confirmation with Busways at DA stage, and that will be undertaken prior to the DA stage. It is noted that the Applicant has already commenced these discussions and if timing allows, the results of these discussions will be advised to the DPE. It is noted that the proposed modified layout provides the same Busways preferred route as per their original submission. In order to avoid further delay the current terms should be replicated in the modified consent.

5. Noise Impacts

- *Please provide an updated noise statement to verify the proposed residential development adjacent to Myall Street would not be subject to unacceptable road noise impacts.*

As per the original approval, 11m road widening is being provided from the development lot to provide a vegetated buffer to Myall Street, with both visual screening and noise buffer benefits. The closest future dwelling will be over 18m from the travel lane, well in excess of the offsets afforded by the standard 4.5m setback applicable to all other properties on Myall Street. The Department of Planning "Development Near Rail Corridors and Busy Roads – Interim Guideline states the threshold for assessment is 40,000VPD and has a screening threshold table at 60/70km/hr. SEPP Infrastructure 2007 CI102 calls for assessment above 20,000VPD. The TIA identifies Myall Street as having 5,000 vehicles per day and whilst the existing current speed is 80km/hr, previous discussions with Council have indicated that as the development proceeds and intersections and adjoining residential development is constructed a 50km/hr speed environment will be extended to the frontage of the development which is well below these legislative/guideline thresholds and no further assessment should be required.

6. Rural Fire Service

- *Please submit an updated Bushfire Assessment to demonstrate the proposed modifications would not increase the risk of bushfire on the site, and the conceptual management measures are suitable.*

The attached Bushfire Threat Assessment Report, advises that there has been no increase in bushfire threat on the site and all bushfire impacts are consistent with PfBP2006.

7. Other

- Identify the proposed changes to the IWCMS and Flood Study, and justify why these changes are required (i.e. is it to comply with the conditions of approval or another reason).

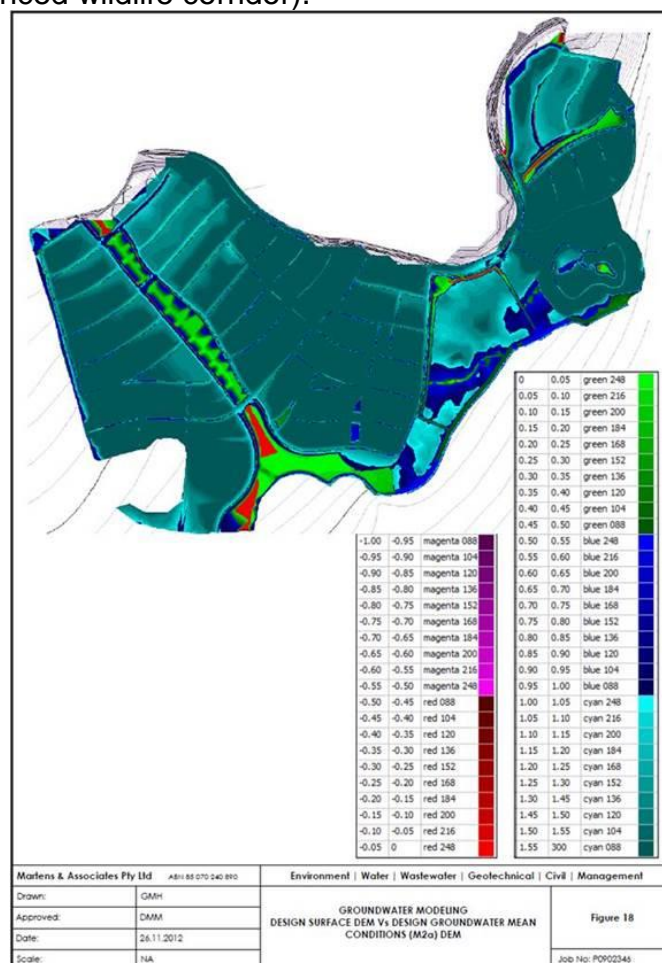
Specifically, in relation to the Flood Study (Tattersall Lander) section of the report (Attachment 7), **Section 1.1 provides a summary of the proposed changes and the reasons why.** Further detail is provided below;

MINOR DESIGN CHANGES

Mostly the modification entails a reduced overall footprint for ecological reasons, which had minimal impacts on the floodways. Design changes include;

- Monkey Jacket Branch - levels are exactly the same, although the horizontal geometry has changed to suit revised street pattern – the downstream outlet is in the same position, but the upstream end has been shifted approx. 80m north.

- South Branch – Levels and location remain unchanged, other than the removal of the existing basin at the bottom of this corridor – was included in the 2013 modelling as existing but was not part of the approval.
- West Branch – location unchanged, although upstream end truncated by 90m which had included excavation of the reserve between the development and Toonang Drive (to collect and direct discharge onto the site from Toonang Drive culverts). Invert levels unchanged at bottom of site, progressively deepened up to 250mm lower at top end of site to provide additional depth/capacity to receive flows from upstream culverts that were previously collected via the open excavations. I believe the only place any of these levels appear in the application documentation is where culvert invert levels are noted on the “Preliminary Drainage Design Details” plan as Attachment 1A to the Martens Concept IWCMS report but they were part of the DTM models used for the flood modelling and cut/fill plans. The lowering was done with the groundwater levels in mind, and only lowered so much as to not interfere with groundwater - This is illustrated in Figure 18 from the original IWCMP (reproduced below) as areas of greens i.e. there was still scope to lower without impacting groundwater.
- East-West Branch – no changes to levels, generally wider (as it corresponds to the enhanced wildlife corridor).



MODEL/REPORT CHANGES

Additional information was added to the report and flood modelling in accordance with the requirements of C9 of the report. This included specific discussion of each of the listed items, namely *“ground elevation data, model calibration and sensitivity analysis, refinement of the grid spacing, catchment boundary (Myall Rd), impact of the development on Myall River Flooding, impact of the development at northern boundary and Toonang Drive, the East West Deflector Embankment Levee, Blockage Modelling and Access and Evacuation routes.”*

Furthermore, the modelling was also updated to reflect the results of an updated regional flood study completed for Council by BMT WBM, that resulted in new boundary conditions at the Myall River and the regional flood model necessary to show accurate hydraulic category mapping. Critical flood levels at the site were either unchanged, or lowered as a combined result of the new boundary conditions and minor design changes.

Numerous sections of the report were also expanded on to provide further fine detail of what was already included in the original modelling and design, but maybe not described in full detail in the original reporting.

- *Outline why terms C7 and C10 should reference the requirements of the IWCMS, and identify why the provisions of the IWCMS overcome the need to provide site-specific geotechnical reports with each DA.*

C7 and C10 should not refer to IWCMS, but rather to the complete Acid Sulphate Soils Management Report and Geotechnical Assessment that covered the entire project and addressed previous identified shortcomings.

- *Include the supplementary stormwater information submitted to Council, along with a copy of Council's response in the supplementary information package to DPE.*

MidCoast Council (MCC) raised issues about the drainage channels, their depths and whether they were intersecting groundwater. The Applicant indicated that the most significant changes were in horizontal alignment and some minor deepening of the West Branch by 250mm, which has again been made without intercepting groundwater. The advice provided the following summary:-

- Monkey Jacket Branch - levels are exactly the same, although the horizontal geometry has changed – the downstream outlet is in the same position, but the upstream end has been shifted approx. 80m north.
- South Branch – Levels and location remain unchanged, other than the removal of the existing basin at the bottom of this corridor – was included in the 2013 modelling as existing but not part of approval.

- West Branch – location unchanged (although upstream end truncated by 90m). Levels unchanged at bottom of site, progressively deepened up to 250mm lower at top end of site. I believe the only place any of these levels appear in the application documentation is where culvert invert levels are noted on the “Preliminary Drainage Design Details” plan as Attachment 1A to the Martens Concept IWCMS report – The document accompanying the modification shows the West Branch upper culvert as U/S Inv 2.0, D/S Inv 1.95m where the document accompanying the approval shows U/S 2.25m, D/S 2.2m. This is the area shown in Figure 18 (reproduced in Daniels email below) as greens so the lowering would just bring it back down to groundwater level. Also note the red area in Figure 18 at the top of this branch is the area now truncated by the modification.
- East-West Branch – N/A as it does not involve any cut (formed via fill embankment).

The basin 8C approved in DA 433/2011 and DA 341/2003 (modified) on the South Branch, specifically noted on the Concept Approval as not being approved as part of the DPE process, is proposed to be removed and replaced by a constructed vegetated swale that would provide at least the equivalent water quality treatment.

It was offered that the changes to this basin would be undertaken in the Stage 1 Construction Certificate works of the project.

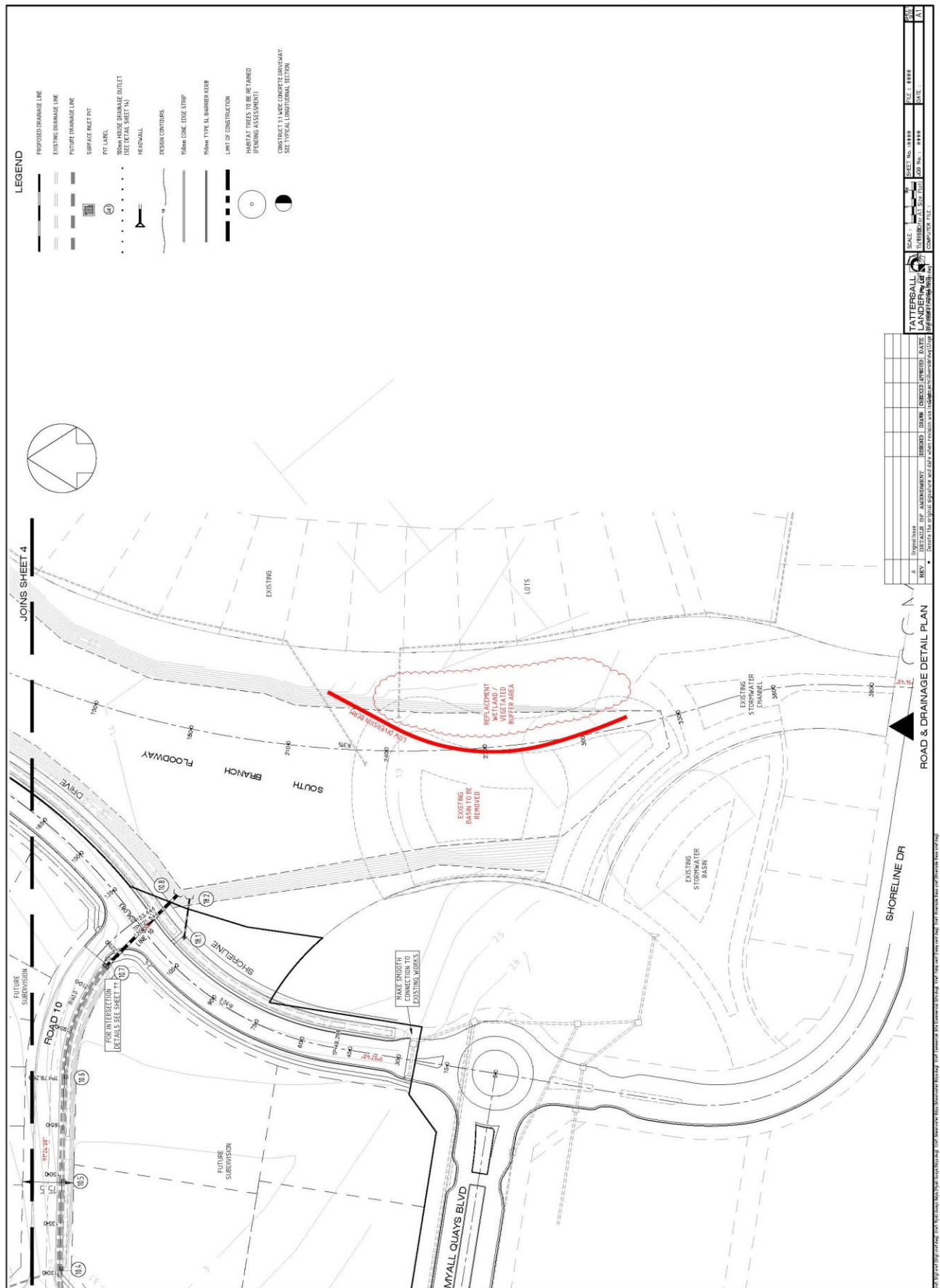
A plan of the intention is indicated below:-

MCC’s final comments were:-

Thanks for the time today to discuss and resolve the outstanding issue associated with the existing Myall Quays water quality basin 8C and the southern floodway within the modified Riverside Concept layout. I commend you on the professional approach taken by providing analysis based on checking and running the flood models to determine velocities, water levels and storm events which would drive flows within the south branch floodway.

The evidence-based approach provides confidence to Council that the existing water quality treatment provided by basin 8C for several lots in Leeward Circuit can be suitably modified to ensure that there is no net change in treatment of the existing stormwater discharge as part of the final design of the south branch floodway. The commitment to undertake replacement action of the basin function within Stage 1 and the design work in the first overall DA for the development is satisfactory.

As such all remaining issues have been addressed and a suitable pathway for incorporation of an agreed design into future development applications and stages is provided. There are no further water management matters that need to be addressed in the modification.



- *Provide a consolidated consent identifying the proposed changes to the terms of approval and associated Statement of Commitments, including the proposed condition regarding erosion and sediment control (outlined in the email to DPE dated 26 June 2018).*

Summary document being finalised and will provided to the department next week.

- *Provide a copy of the revised Acid Sulphate Soils Management Plan referenced in the Geotechnical Report (Martens Plan P1404136JR02V017).*

Reference in this email is wrong (no '7' on the end). Report attached (also note Martens had incorrect reference on cover page on previously distributed copy).

We trust this level of documentation should be sufficient to enable the processing of this Application, however, should you require any additional information or have any questions, please do not hesitate to contact this office.

Kind regards

TATTERSALL LANDER PTY LTD



Bob Lander
Director

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