

Modification of Concept Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the Concept Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney 17 May, 2019

SCHEDULE 1

Concept Approval:	MP 10_0136
For the following:	Riverside at Tea Gardens Project, including: • a residential and tourist subdivision under future community title (for approximately 880 <u>725</u> residential allotments); • water sensitive urban design measures; • open space network; • road works and upgrades, including a pedestrian and bicycle network; • utility services infrastructure; • wildlife corridors, biodiversity offset areas and conservation precincts • filling and bulk earthworks.
Proponent:	Crighton Properties <u>SGD 1 Pty Ltd and SGD 2 Pty Ltd</u>
Approval Authority:	Minister for Planning
The Land:	Lots 10, 19 and 40 and Lot 1 in Deposited Plan 270100 and Lot 9 in Deposited Plan 270561
Modification:	MP 10_0136 MOD 1 the modification includes: • modifications to the boundary of the Concept Plan area, to include a 4.89 ha commercial precinct and delete the ecotourism precinct • changes to the land use boundaries and configuration of the conceptual subdivision layout • reduction in the number of residential lots from 880 to 725 lots • changes to the proposed bus routes within the site • changes to the staging of subdivision works • revisions to the Integrated Water Cycle Management Strategy • implementation of new management plans • changes to the road infrastructure upgrades • revisions to the biodiversity offsets package • revisions to the Statement of Commitments.

SCHEDULE 2

The above approval is modified as follows:

- (a) In Part C – Definitions, the schedule of definitions is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words/numbers as follows:

Advisory Notes	Advisory information relating to the approval but do not form a part of this approval
BCA	Building Code of Australia
Construction Council	Any works, including earth and building works Great Lakes Council <u>Mid Coast Council</u>
Certifying Authority	Means a person who is authorised by or under section 109D of the Act to issue a construction certificate under Part 4A of the EPA Act, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Department	Department of Planning and Infrastructure <u>Environment</u> or its successors
Conservation Lands	Means the on-site environmental offsets to be conserved and maintained in-perpetuity as shown in the plan in Annexure A1 of the Project Approval <u>Figure 3 of the Riverside Subdivision, Tea Gardens Biodiversity Offsets Package prepared by GHD and dated September 2017</u>
Director-General's Secretary's approval, agreement or satisfaction	A written approval from the Director-General <u>Secretary</u> (or nominee/delegate) Where the Director-General's <u>Secretary's</u> approval, agreement or satisfaction is required under a condition of this approval, the Director-General <u>Secretary</u> will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director-General <u>Secretary</u> may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
EEC	Endangered Ecological Community
Environmental Assessment (EA)	Assessment prepared by ERM Australia, Volumes A, 1B, 2,3, 4 and dated 5 January 2012.
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Minister MOD 1	Minister for Planning and Infrastructure , or nominee <u>Riverside @ Tea Gardens Modification to the Concept Plan for Concept Approval Number 10-0136 prepared by Sheargold and dated October 2016, as amended by:</u> <u>(a) Riverside @ Tea Gardens letter prepared by Tattersall Lander Pty Ltd dated 13 September 2017 and associated attachments; and</u> <u>(b) Modification of Concept Plan MP 10 0136 Riverside Project Tea Gardens Request for Information letter prepared by Tattersall and Lander Pty Ltd and dated 28 September 2018.</u>
Natural Resources Access Regulator OW	NSW Office of Water <u>Natural Resources Access Regulator</u> , or its successor
OEH	Office of Environment and Heritage, or its successor

On-site Conservation Lands Offset Plan PCA	Means the plan attached to the Project Approval at <u>Annexure A1 land identified at Figure 3 of the Riverside Subdivision, Tea Gardens Biodiversity Offsets Package prepared by GHD and dated September 2017</u> Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Phase 1	Means Stages 1 to 4 <u>1 to 7</u> as identified in the Staging Plan
Phase 2	Means Stages 5 to 12 <u>8 to 16</u> as identified in the Staging Plan
Phase 3	Means Stages 13 to 14 as identified in the Staging Plan
Project Proponent	Means the proposal as described in Term A1 to this approval Crighton Properties Pty Ltd <u>SGD 1 Pty Ltd and SGD 2 Pty Ltd</u> , or anyone else entitled to act on this approval
Preferred Project Report of (or PPR)	Preferred Project Report titled Riverside Tea Gardens prepared by ERM, dated January and February 2013
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
Recievers and Appointed Managers	Means Pricewaterhouse Coopers
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Staging Plan	Means the staging plan submitted by the proponent and numbered RC-07 and dated 42 June 2013 <u>18 October 2016</u>
Statement of Commitments	Means the modified <u>updated</u> statement of commitments made submitted by the proponent <u>via email</u> and dated 12 June 2013 <u>24 October 2018</u>
Subject Site	Lots 10, 19 and 40 DP 270100 and Part Lot 1 DP 270100 <u>and Part Lot 9 DP 270561</u> at Myall St, Tea Gardens

- (b) In Schedule 2, Terms of Approval and Modifications, Term A1 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words/numbers as follows:

A1 Project Description

Concept plan approval is granted for the Riverside at Tea Gardens project generally as described below:

- A residential ~~and tourist~~ subdivision under future community title (for approximately ~~880~~ **725** residential allotments)
- Water Sensitive Urban Design measures
- Open space network
- Road works and upgrades, including a pedestrian and bicycle network
- Utility services infrastructure
- Wildlife corridors, biodiversity offset areas and conservation precincts
- Filling and bulk earthworks

As modified by the modifications described in Part B of Schedule 2 of this approval.

- (c) In Schedule 2, Terms of Approval and Modifications, Term A2 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words/numbers as follows:

A2 Project in Accordance with Plans

The project is to be undertaken generally in accordance with the following drawings:

Concept Plans prepared by Crighton Properties Tattersall Lander Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
R.C-01	Θ <u>C</u>	Context Plan	November 2012 <u>18 October 2016</u>
R.C-02	Θ <u>C</u>	Site Analysis Plan	November 2012 <u>18 October 2016</u>
R.C-03	Θ <u>C</u>	Concept Plan	November 2012 <u>18 October 2016</u>
R.C-04	Θ <u>B</u>	Transport and Access Plan: pedestrian/cycleway/public transport	November 2012 <u>27 June 2016</u>
R.C-05	Θ <u>A</u>	Street Hierarchy Plan	November 2012 <u>27 June 2016</u>
R.C-06	Θ <u>C</u>	Open Space Network – concept plan	November 2012 <u>18 October 2016</u>
R.C-07	Θ <u>C</u>	Staging Plan	November 2012 <u>18 October 2016</u>
R.C-08	Θ <u>D</u>	Community Title Structure	November 2012 <u>23 April 2019</u>
RC-09	Θ	Tourist Lodgings Precinct Plan	November 2012
RC-10	Θ	Constraints Plan	November 2012
RC-11	Θ	Constraints Plan	November 2012

Except for:

- (1) Any modifications which may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated into the BCA;
 - (2) **Any modifications to the road network required to demonstrate consistency with Planning for Bushfire Protection 2006, as required under Term C11 of this approval**
 - (3) otherwise provided by the terms of this approval.
- (d) In Schedule 2, Terms of Approval and Modifications, Term A3 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words/numbers as follows:

A3 Project in Accordance with Documents

The project is to be undertaken generally in accordance with the following documents:

Environmental Assessment:

- (1) Riverside at Tea Gardens Concept Plan Application: Environmental Assessment prepared by Environmental Resources Management (ERM) Australia, Volumes 1A, 1B, 2, 3, 4 and 5 dated January 2012.

Preferred Project Report:

- (2) Riverside at Tea Gardens Concept Plan Application: Preferred Project Report prepared by Environmental Resources Management (ERM) Australia, Volumes I and II dated January and February 2013.
- (3) Letter from Environmental Resources Management Australia (ERM) dated 26 February 2013 providing the legal property description for the site.
- (4) Statement of Commitments dated June 2013.

Modification 1:

- (5) **Riverside @ Tea Gardens Modification to the Concept Plan for Concept Approval Number 10-0136 prepared by Sheargold and dated October 2016, as amended by:**
 - **Riverside @ Tea Gardens letter prepared by Tattersall Lander Pty Ltd dated 13 September 2017 and associated attachments; and**
 - **Modification of Concept Plan MP 10 0136 Riverside Project Tea Gardens Request for Information letter prepared by Tattersall and Lander Pty Ltd and dated 28 September 2018.**
- (e) In Schedule 2, Terms of Approval and Modifications, Term A4 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words/numbers as follows:

A4 Inconsistencies

- (1) In the event of any inconsistency between:
 - a) The terms of this approval and the Statement of Commitments (~~at Schedule 4 as updated by MOD 1~~), the terms of this approval prevail;
 - b) The terms of this approval and the drawings/documents referred to in A2 and A3, the terms of this approval prevail; and
 - c) Any drawing/document listed in A2 and A3 and any other drawing/document listed in A2 and A3, the most recent document shall prevail to the extent of the inconsistency.
- (f) In Schedule 2, Terms of Approval and Modifications, Term A5 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words/numbers as follows:

A5 Limits of Approval

- (1) This concept plan approval shall lapse five (5) years after the date of this concept plan approval, unless works the subject of any related application are physically commenced, on or before that lapse date.
- (2) To avoid any doubt, this approval does not permit the construction of any component of the concept plan (including any clearing of vegetation), **or the implementation of the final lot layout or lot yields identified in drawing "Plan Showing Overall Site Layout Indicative Staging Plan Riverside Estate Tea Gardens" prepared by Tattersall Lander Pty Ltd and dated 13 March 2016,** which will be subject to separate approval(s).
- (3) ~~Notwithstanding anything else in this concept plan approval and in accordance with section 75O(5) of the Act, final concept plan approval is given only for each of Phase 1, Phase 2 and Phase 3 when the Director General is satisfied that:~~

- (a) for Phase 1, satisfactory arrangements have been made for the securing of the on-site offsets marked orange in the Onsite Offset Plan in accordance with commitment number 9A in the Statement of Commitments;
- (b) for Phase 2, satisfactory arrangements have been made for the securing of offsite offsets in accordance with commitment number 9B in the Statement of Commitments; and
- (c) for Phase 3, satisfactory arrangements have been made for the securing of:
 - (i) onsite offsets marked yellow on the Onsite Offset Plan in accordance with commitment number 10A in the Statement of Commitments; and
 - (ii) offsite offsets in accordance with commitment number 10B in the Statement of Commitments."
- (4) The proponent may apply to the Director General for approval to amend the Staging Plan and to amend the stages identified within each of Phases 1, 2 and 3"

Note: A development application for each phase of development cannot be lodged until final concept approval is given for the relevant phase in accordance with term of approval A5.

Notwithstanding anything else in this concept plan approval and in accordance with section 75O(5) of the Act, final concept plan approval is given only when the Secretary is satisfied that suitable arrangements have been made to facilitate the staged retirement of 2,317 ecosystem credits, 482 koala species credits and 665 Wallum Froglet species credits as described in Table 6-1 of the *Riverside Subdivision, Tea Gardens Biodiversity Offsets Package* prepared by GHD and dated September 2017.

- (4) **Prior to the determination of each development application, the relevant consent authority must be satisfied suitable arrangements are in place to ensure the ecosystem and species credits required to offset the clearing of vegetation within stages 1 to 16 are retired prior to vegetation clearing occurring in each stage.**

Note¹: Where future development application(s) propose the establishment of borrow pit(s) in stages 15 or 16 to provide fill to establish the final landform in stages 1 to 14, the biodiversity credits required to offset clearing within stages 15 and 16 must be retired prior to any vegetation clearing or earthworks within the relevant stage(s).

- (g) In Schedule 2, Terms of Approval and Modifications, Term B1 deleted as follows:

B1 — Development Footprint

- (1) The use of Precinct 13 for an eco-tourist facility¹ is subject to the following modifications to the concept plan regarding the siting and use of buildings:
 - a) A minimum buffer of 20 m from any building to the water feature located within the circular roadway; and
 - b) A minimum 20 m radius to the existing hollow bearing trees is provided; and
 - c) A minimum 50 m vegetated buffer to the nearby wetlands is provided; and
 - d) Any hollow bearing trees to be removed are to be replaced with nest boxes at a ratio of 2:1, to be located within the on-site conservation lands elsewhere on the site.
 - e) In addition to use for tourism accommodation, a maximum of ten dwellings for permanent residential use are permitted, to be located to the north of the circular roadway, adjacent to the residential development in Stage 14.
 - f) The building footprints shown on Plan RC-03 dated November 2012 are not approved.
 - g) Nothing in the above precludes the use of a building in the tourist facility for small scale conferences.

~~(2) Term of Approval B1 is to be read in conjunction with Term of Approval A5 regarding the submission of a biodiversity offset package.~~

- (h) In Schedule 2, Terms of Approval and Modifications, Term B3 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words/numbers as follows:

B3 Domestic Animals

The keeping of cats on the site is not approved. A positive covenant under Section 88B of the Conveyancing Act 1919, to this effect, shall be placed on the title of all future lots. This covenant shall only be released with the approval of ~~Great Lakes Council~~ **Mid Coast Council**.

- (i) In Schedule 2, Terms of Approval and Modifications, Term B4 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words/numbers as follows:

B4 Existing Water Basins

~~This concept plan approval does not provide approval for the existing basins identified on the engineering (preliminary drainage design) drawings prepared by Tattersall Lander, numbered A1 and dated 23/11/12 and shown on the plan attached as Annexure A.~~

~~Note: The "existing basins" are not relied upon for water or flood management for the Concept Plan.~~

Prior to the determination of the first development application, the Proponent shall:

- (a) enter into suitable arrangements with Council to decommission the existing basins depicted in drawing A1 prepared by Tattersall and Lander dated 23/11/12;**
- (b) provide revised engineering drawings to Council's satisfaction identifying suitable replacement stormwater treatment devices that provide an equivalent level of treatment to Basin 8C; and**
- (c) enter into suitable arrangements with Council to identify the timing for the construction of the replacement stormwater treatment devices, and ensure these devices are constructed to Council's satisfaction.**

- (j) In Schedule 2, Terms of Approval and Modifications, Term B5 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words/numbers as follows:

B5 Intersection Upgrades

- ~~(1) The existing Myall Street/Myall Quay Boulevard intersection shall be upgraded to a Traffic Signal Controlled (TCS) intersection. This work is to be completed prior to the issue of a Subdivision Certificate for the 500th lot (Stage 11).~~ **The Myall Street/Myall Quay Boulevard intersection shall be upgraded in accordance with Council's Section 94 Plan. Where works-in-kind are proposed to facilitate the construction of this intersection upgrade, all works-in-kind must be identified in the first development application for subdivision works.**
- ~~(2) The second Myall Street intersection shall be upgraded to a Traffic Signal Controlled (TCS) intersection. This work is to be completed prior to the issue of a Subdivision Certificate for the 500th lot (Stage 11).~~ **The Myall Street / Second Myall Street**

intersection shall be upgraded to a CHR/AUL intersection, generally in accordance with the Tattersall Lander plan "Myall St / Riverside Blvd Intersection Sheet 2 Rev A dated 17/8/17". These works shall be at the full cost of the developer and must be completed prior to the issue of a Subdivision Certificate for the 500th lot.

- (3) The Myall Street/Toonang Drive intersection shall be upgraded in accordance with the requirements of Council's Section 94 plan ~~is to be upgraded to a seagull type intersection.~~ This work is to be completed prior to the connection of the internal road network to Toonang Drive, or prior to the issue of the subdivision certificate for the 700th lot ~~(stage 13)~~, whichever occurs first.

Note: As per Mid Coast Council's letters dated 19 June 2018 and 17 December 2018, the monies collected by Council under the section 94 plan will be used to signalise the Myall Street / Myall Quays Boulevard and the Toonang Drive / Myall Street intersections.

- (k) In Schedule 2, Terms of Approval and Modifications, Term B6 is amended by the insertion of the **bold and underlined words** and deletion of the ~~struckout~~ words/numbers as follows:

B6 Earthworks

~~Bulk earthworks are to be generally undertaken only in stages in conjunction with the development applications for each stage of the propose subdivision/development, however any earthworks required for drainage or roadworks carried out (with consent) in advance of a particular stage, if they are landscaped so that no major areas of earth and soil are left exposed.~~

A Bulk Earthworks Staging Plan shall be provided to Council's satisfaction with the first development application. The Bulk Earthworks Staging Plan shall demonstrate how exposed areas will be minimised during each stage of the project and identify suitable measures to manage dust and sediment, consistent with the requirements of the Construction Environmental Management Plan.

Note: the intent of this condition is to limit the wholesale clearing/earthworks across the site. Earthworks should be staged so that they occur in association with the development of each Precinct/development stage.

- (l) In Schedule 3, Requirements for Future Applications, Term C1 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words/numbers as follows:

C1 Subdivision Staging Precinct Plans

Note: A 'Precinct' refers to the 44 ~~16~~ development stages identified in the 'Staging Plan' prepared by ~~Crighton Properties Pty Ltd~~ **Tattersall and Lander Pty Ltd**, Drawing No. R.C – 07, Revision ~~Θ~~ **C** and dated November 2012 **18 October 2016**.

A Precinct Plan must be submitted with each future development application for each stage of subdivision on the site. Th Precinct Plan must, at a minimum, include the following information:

- a) A detailed plan and accompanying assessment of all **Water Sensitive Urban Design (WSUD/IWM)** measures for the precinct and how they relate to other stages of the subdivision (see C89) below;
- b) Details of **community title arrangements**, including a list of all maintenance responsibilities resting with the Community association;

- c) **Housing density and typology arrangements** (see C2) below;
 - d) Consideration of **affordable housing** (see C3) below;
 - e) **Bushfire management: Location and design of perimeter access roads, location** and width of Asset Protection Zones; level of construction required for dwellings/buildings adjacent to Asset Protection Zones in accordance with Planning for Bushfire Protection 2006 and Australian Standard 3959 – 1999 – Construction of Building in Bushfire Prone Areas (see C11) below;
 - f) Fill and finished floor levels requirements on flood prone lots as identified in the Flood assessment (see C10 below);
 - g) All other matters specified for in the **Great Lakes Development Control Plan 2014** ~~Draft Great Lakes Council DCP 2012~~ except where varied by the terms of this approval.
- (m) In Schedule 3, Requirements for Future Applications, Term C4 is amended by the insertion of the **bold and underlined** words and deletion of the struckout words/numbers as follows:

C4 Management Plans

All future development applications for each development stage are to include, where relevant, the following stage-specific management plans:

- a) Koala Management Strategy (note the final Koala Management Strategy will be prepared and submitted with the first development application for subdivision).
- b) Landscape Concept Plan (C17)
- c) ~~Stormwater Concept Plan/Integrated Water Management Plan (see C8)~~
- d) ~~Groundwater Management Plan (see C7)~~
- e) ~~Cultural Heritage Management Plan (see C14)~~
- f) Acid Sulfate Soil Management Plan (see C8)
- g) Vegetation Management Plan
(Note: It is recommended that the Vegetation Management Plan be updated at each stage of development to provide stage specific details on rehabilitation of any creeks and drainage lines, degraded areas and remnant vegetation and monitoring of vegetation health and water quality within buffers and conservation lands and the design and revegetation of the wildlife corridor/s.)
- h) Feral Animal Management Plan
(Note: It is recommended that each update to the Feral Animal Management Plan is to be undertaken in collaboration with neighbouring land-holders and incorporate further research into the use of shooting and baiting as control options.)
- i) Threatened Species Management Plan
(Note: It is recommended that the Threatened Species Management Plan updates provide further details on specific habitat management measures to safeguard existing populations of threatened species that occur within the site. These measures are to be determined with reference to contemporary scientific literature and current best practice.)

Note: Each plan is to provide, where relevant, details on timelines for implementation of recommended works including maintenance periods, funding arrangements and measurable performance and completion criteria. Each plan is to also consider all other existing plans for the site to ensure management strategies do not conflict and each plan can be implemented without negatively impacting on the objectives of another.

- (n) In Schedule 3, Requirements for Future Applications, Term C6 is amended by the insertion of the **bold and underlined** words and deletion of the struckout words/numbers as follows:

C6 Groundwater Management

- (1) ~~In order to ensure the protection of groundwater quality, the water quality of the Myall River and maintain the health and integrity of Groundwater Dependent Ecosystems (GDEs), a detailed groundwater monitoring and review plan must be prepared by a suitably qualified person to be submitted with the stage 1 development application.~~
Prior to the determination of the first development application, the Proponent shall revise the Groundwater Monitoring Plan (P1404136JR05V02) prepared by Martens and dated July 2018 to Council's satisfaction to:
- (i) **identify two additional monitoring boreholes to evaluate the likely impacts on groundwater. The two additional boreholes shall be selected from boreholes 10R/13R, 4R, 9R, 23R or 22R as identified in Figure 3 of Groundwater Monitoring Plan (P1404136JR05V02)**
- (ii) **provide further details of the borehole sampling methods, including bore evacuation volumes.**
- (2) **The revised Groundwater Monitoring Plan, as amended by Council or the Natural Resources Regulator from time to time, shall be implemented over the life of the project over the life of the project.**
- (3) ~~Any~~ future applications where the use of groundwater or interception of the groundwater table is proposed, the proponent, after consulting with the **Natural Resource Access Regulator** NSW Office of Water, ~~is to submit~~ **shall include** detailed Site Water and Groundwater Management and Monitoring Plans, supported by baseline groundwater monitoring conducted for an appropriate period, for the approval of the Certifying Authority prior to the issue of the construction certificate for the 4th stage **corresponding** development application.
- (o) In Schedule 3, Requirements for Future Applications, Term C7 is amended by the insertion of the **bold and underlined words** and deletion of the struckout words/numbers as follows:

C7 Acid Sulfate Soils Management Plan

- (1) ~~A detailed Acid Sulfate Soils Management Plan (ASSMP) must be submitted with each stage specific development application and prior to issue of any construction certificate for earthworks. The ASSMP must be produced generally in accordance with the ASSMAC Guidelines (1998) and certified by a suitably qualified person.~~
- (2) The ASSMP **The Acid Sulfate Soils Management Plan: Riverside Estate, Tea Gardens NSW prepared by Martens Consulting Engineers and dated October 2015 shall be updated to include the following** must include actions for determining ASS conditions ahead of excavation:
- (a) **handling of groundwater levels and quality,**
- (b) **detailed management procedures for surface water flows and flood routing,**
- (c) **interaction (short and long term) of the groundwater with surface water in order to prevent the formation of monosulfides,**
- (d) **materials evaluation and handling,**
- (e) **materials balance,**
- (f) **stockpile treatment,**
- (g) **validation testing,**
- (h) **monitoring systems with trigger levels,**
- (i) **contingency actions,**

- (j) protection for structural elements, and
- (k) evaluation of off-site impacts etc.

The updates to the Acid Sulfate Soils Management Plan: Riverside Estate, Tea Gardens NSW prepared by Martens Consulting Engineers and dated October 2015, shall be:

- (a) prepared in accordance with the ASSMAC Guidelines (1998);
- (b) certified by a suitably qualified person; and
- (c) submitted to Council's satisfaction with the first development application for subdivision works.

- (p) In Schedule 3, Requirements for Future Applications, Term C8 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words/numbers as follows:

C8 Stormwater Management and Water Quality Monitoring

- (1) ~~All future development applications for each development stage are to submit a detailed stormwater management plan prepared by a suitably qualified person. The Stormwater Management Plan must address and outline measures based on Water Sensitive Urban Design Principles which address impacts on the surrounding environment, drainage and water quality controls for the catchment, and erosion and sediment controls at construction and operational stages.~~ **All future Development Application(s) lodged with Council shall demonstrate compliance with the recommendations of the Stormwater Management Report, prepared by Tattersall Lander dated October 2015 (or as modified in agreement with MidCoast Council).**
- (2) **The Proponent shall update the Concept Integrated Water Cycle Management Strategy (P1404136JR04V01) prepared by Martens Consulting Engineers and dated October 2015 to:**
 - (i) **incorporate an additional drawing(s) demonstrating the required stormwater treatment measures are capable of being situated within the available area at all locations through the development. The final drawing(s) must outline treatment locations and surface areas to scale, indicating how these are situated within the overall development layout**
 - (ii) **conceptual designs shall be provided to demonstrate surface, groundwater and likely invert levels to provide certainty that the biofilter underdrains are free draining**
 - (iii) **identify the type of filter media required to support the biofilters. Filter media specifications shall be provided in accordance with Council's relevant standards.**

The updated Concept Integrated Water Cycle Management Strategy shall be submitted to Council's satisfaction prior to the determination of the first Development Application.

- (3) ~~Each plan is to include a detailed design layout plan for the preferred stormwater treatment train showing location, size and key functional elements of each part of the system must be submitted with each development application for subdivision. MUSIC modelling must be undertaken to demonstrate appropriate water quality objectives are being achieved.~~
- (4) ~~A detailed Water Sensitive Urban Design (WSUD) plan must be submitted with each Precinct Plan generally in accordance with the [the final updated Marten's report which is included as Annexure C of the PPR dated January 2013]. The Plan must be prepared in consultation with Council and NSW Office of Water and must address~~

and outline measures, based on WSUD principles which address impacts on the surrounding environment, drainage and water quality controls for the catchment at construction, maintenance and operational stages.

- (5) The applicant must ensure that any detailed design and urban stormwater quality modelling provides consistency with proposed mitigation measures as outlined in the Preferred Project Report Volume 1 Annexure C Concept Integrated Water Cycle Management Strategy, January 2013 prepared by Martens Consulting Engineers. This work must be certified as consistent by a recognised professional engineer.
 - (6) The applicant must ensure that works as constructed are consistent with the design works and the proposed mitigation measures outlined in the Preferred Project Report Volume 1 Annexure C Concept Integrated Water Cycle Management Strategy, January 2013 prepared by Martens Consulting Engineers the **updated Concept Integrated Water Cycle Management Strategy approved under Term C8(2) of this approval**. The delivered assets must be certified as consistent by a recognised professional engineer.
 - (7) All future applications for each stage of the development are to demonstrate, through the provision of monitoring and adaptive management plans and commitments, that any proposed surface water/stormwater pollution reduction devices will be monitored to determine their pollutant removal efficiencies and the need for further treatment of drainage to ensure the preservation of water quality in the Myall River and associated wetlands.
- (q) In Schedule 3, Requirements for Future Applications, Term C9 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words/numbers as follows:

C9 Flooding and Climate Change

- (4) In order to ensure the protection of life and property during a flood event, **future development applications must implement the recommendations of the Stormwater Management Report prepared by Tattersall Lander and dated October 2015 (or as modified in agreement with MidCoast Council)**, an updated flood assessment of the site must be submitted with the first stage development application.
- (2) The flood assessment in (1) must be consistent with the findings and recommendations within the Tattersall Landers Flood assessment included in Annexure C of the PPR dated January 2013. The flood assessment must be prepared in consultation with OEH and include further information in relation to 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 the northern boundary at Toonang Drive, the East West Deflector Embankment Levee, Blockage Modelling and Access and Evacuation Routes.
- (3) **Where required by Council, future development applications shall:**
 - (a) All future applications for each stage of development are to incorporate any re-calibrations of the relevant Council flood model.
 - (b) A preliminary development **identify the final** landform for the entire site is to be provided with the first development application for residential subdivision to allow comprehensive flood modelling to be carried out, but not in such a way as to preclude necessary modifications to land forms in subsequent stages of the development.
 - (c) All future application for residential subdivision shall provide an updated Design Flood Level Map showing peak flood levels for local and regional flood events at 0.1 m contours and a detailed flood impact assessment for flood liable land.

- (r) In Schedule 3, Requirements for Future Applications, Term C10 is amended by the insertion of the **bold and underlined words** and deletion of the ~~struckout words/numbers~~ as follows:

C10 Geotechnical Assessments

- (1) ~~In order to ensure the stability of development lots, a detailed geotechnical assessment prepared by a suitably qualified person must be submitted with each future development application for subdivision. The assessments must~~ **All future development applications shall include a final Geotechnical Assessment consistent with the recommendations contained in the Geotechnical Assessment (P1404136JR03V01) prepared by Martens and dated October 2015 (or as modified in agreement with MidCoast Council), the final Geotechnical Assessment must** at a minimum, include the following:
- (a) A geotechnical map of the site clearly showing ground surface contours, geotechnical engineering soil types and geotechnical hazards. The delineation of hazards should include hazard locations and possible hazard impact areas. That map should be occupied by an explanatory text describing the nature and delineation of soil types and hazard types. The map and text should be prepared by a suitably qualified geotechnical practitioner; and
 - (b) A synthesis site plan clearly showing ground surface contours and the locations of all test pits, boreholes and monitoring wells drilled on the site to date.
- (s) In Schedule 3, Requirements for Future Applications, Term C11 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout words/numbers~~ as follows:

C11 Bushfire Assessment

In order to ensure the protection of property and assets, a detailed bushfire assessment and management plan covering the land subject to the development application, is to be prepared by a suitably qualified person, and submitted with the development application for each subdivision stage. The assessment must, at a minimum, demonstrate consistency with requirements of Planning for Bushfire Protection 2006 **(PBP 2006) and verify the removal of the second northern egress point is consistent with the access and egress requirements of PBP 2006.**

Should the bushfire assessment identify an additional northern egress point is required to comply with the requirements of PBP 2006, a second northern egress point shall be identified to Council's satisfaction prior to the determination of the first development application for subdivision works.

All asset management zones must be clearly specified on the Precinct Plan and all affected lots are to be encumbered to this effect with a Section 88B instrument under the NSW Conveyancing Act 1919.

- (t) In Schedule 3, Requirements for Future Applications, Term C12 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout words/numbers~~ as follows:

C12 Cultural Heritage

C12 Aboriginal Archaeology and Cultural Heritage

- (1) ~~A cultural Heritage Management Plan (CHMP) shall be prepared for the two identified Aboriginal heritage sites located on the site — the 'Dredge Island Midden' and the 'Riverside_01 midden' as referred to in the Riverside at Tea Gardens Aboriginal Heritage Assessment, completed by ERM and dated February 2011. The CHMP shall be submitted prior to the first development application being lodged with~~

Council and shall be prepared in consultation with the Karuah Local Aboriginal Land Council and OEH.

- (2) All future applications for each stage of development are to demonstrate the implementation of the recommendations of the CHMP, including requirement for site specific management strategies for each of the identified sites of cultural heritage significance as they relate to the area of the application.

- (1) **Future development applications shall implement the recommendations of the Aboriginal Cultural Heritage Assessment prepared by ERM and dated February 2019 and the Updated Cultural Heritage Management Plan prepared by ERM and dated February 2019.**

- (u) In Schedule 3, Requirements for Future Applications, Term C14 is amended by the insertion of the **bold and underlined** words and deletion of the struckout words/numbers as follows:

C14 Land Zoned E2 Environmental Conservation Lands

~~Development planning and management of the conservation land under the Concept Plan is to be directed via the preparation and adoption of a Management Plan that is prepared in accordance with DCP 22. The Management Plan shall be approved in writing by Great Lakes Council prior to approval of any development application within the Tourist Precinct (Stage 13).~~

Prior to the determination of the first development application, the Proponent shall demonstrate suitable measures are in place to secure the in-perpetuity conservation of the lands identified at Figure 3 of the Riverside Subdivision, Tea Gardens Biodiversity Offsets Package prepared by GHD and dated September 2017. Should the above lands not be transferred into public ownership, the final ownership and management arrangements shall be determined in consultation with Council, the OEH and the NSW Biodiversity Conservation Trust.

Note: Where a Biodiversity Stewardship Agreement is not proposed to secure the in-perpetuity conservation of the above lands, consultation with the Biodiversity Conservation Trust is not required.

- (v) In Schedule 3 Requirements for Future Applications, Term C15 is deleted as follows:

C15 — Tourist Precinct

- (1) Any future development application for the tourist precinct in Stage 13 shall be designed in accordance with the following parameters:

- (a) A minimum buffer of 20 m from any building to the water feature located within the circular roadway; and
- (b) A minimum 20 m radius to the existing hollow bearing trees is provided; and
- (c) A minimum 50 m vegetated buffer to the nearby wetlands is provided; and
- (d) Any hollow bearing trees to be removed are to be replaced with nest boxes at a ratio of 2:1, to be located within the on-site conservation lands elsewhere on the site.
- (e) In addition to use for tourist accommodation, a maximum of ten dwellings for permanent residential use are permitted, to be located to the north of circular roadway, adjacent to the residential development in Stage 14.
- (f) The building footprints shown on Plan RC-03 dated November 2012 are not approved.

- (w) In Schedule 3, Requirements for Future Applications, Term C16 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout words/numbers~~ as follows:

C16 Landscape Plans

All future development applications for each development stage are to include a Landscaping Concept Plan (as required in Term C4), detailing:

- (a) **the location of all street-tree plantings plans**
- (b) **plantings north of the second Myall Street access point to screen views of future residential developments from Myall Street.**

The plan must be prepared by a suitably qualified landscape architect and the species nominated must be predominantly local native flora and include trees, shrubs and groundcovers.

The development application must demonstrate how all mature and wilding Pine trees on the land of each development stage will be removed and continuously suppressed. Details of how this is to occur are to be submitted to Council with each landscape plan for each stage of development.

- (x) In Schedule 3, Requirements for Future Applications, Term C17 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout words/numbers~~ as follows:

C17 Sewer and Water Supply

All future development applications for each development stage are to demonstrate that each residential lot will be provided with reticulated water supply, sewerage and underground electricity, prior to the release of the Subdivision Certificate for each stage. ~~In addition, these future development applications are to demonstrate that a recycled water supply will be provided in accordance with the Concept Integrated Water Management System.~~

- (y) In Schedule 3, Requirements for Future Applications, Term C18 is amended by the insertion of the **bold and underlined words** and deletion of the ~~struckout words/numbers~~ as follows:

C18 Public Transport/Bus Network

- (1) All future applications for each stage of ~~the~~ development are to ensure the adequate provision of public transport, **generally consistent with the approved Transport and Access Plan** ~~through the provision of a bus network implementation plan.~~
- (2) ~~The proposed bus route identified in the concept plan is to be amended in consultation with the requirements of the local bus operator (Busways). This amended plan is to be submitted to Council with the first development application for subdivision and is to be designed to the satisfaction of Busways.~~

Note: Subject to future traffic conditions (i.e. kerbside parking demands from residential developments, mid-block volumes) there may be a requirement for localised measures, such as parking restrictions, to manage clearances for bus travel paths. All measures should be discussed with the local bus operators when services are in place.

- (z) In Schedule 3, Requirements for Future Applications, Term C19 is amended by the insertion of the **bold and underlined** words and deletion of the struckout words/numbers as follows:

C19 Road Traffic Noise Impact Assessment Attenuation Measures

~~In order to determine appropriate noise attenuation requirements adjacent to Myall Street, a road traffic noise impact assessment must be undertaken in accordance with RTA guidelines as part of each adjacent Precinct Plan. Details of noise attenuation measures (buffers, mounds, acoustic walls, construction standards) are to be provided as part of each Precinct Plan.~~

Future development applications for residential accommodation along the Myall Street frontage of the site shall incorporate 'Category 2' Noise Control Treatments as outlined in Appendix C of the Development Near Rail Corridors and Busy Roads Interim Guideline.

Note: This Term only applies where speed limits along Myall Street are set at or above 60 km/hr.

- (aa) In Schedule 3, Requirements for Future Applications, Term C21 is amended by the insertion of the **bold and underlined** words and deletion of the struckout words/numbers as follows:

C21 Roadworks

(1) MYALL STREET/MYALL QUAYS BOULEVARD INTERSECTION

The Myall Street/Myall Quay Boulevard intersection shall be upgraded in accordance with Council's Section 94 Plan. Where works-in-kind are proposed to facilitate the construction of this intersection upgrade, all works-in-kind must be identified in the first development application for subdivision works.

~~Any future application for Stage 11 must include details of the upgrading of the existing Myall Street/ Myall Quays Boulevard intersection to a Traffic Signal Controlled intersection. The application should include the following intersection design details:~~

- ~~a) The intersection layout and lane lengths shall be confirmed by review of traffic analysis provided prior to the developer commencing design for the upgrade.~~
- ~~b) The intersection shall be designed and constructed in accordance with the Austroads Guide to Road Design 2009 (with RTA supplements) and RTA's Traffic Signal Design 2008 to the satisfaction of RMS and Council including, but not limited to the following works:
 - ~~(i) Two through only lanes shall be provided in each direction on Myall Street. The lanes shall be a minimum 200 metres in length on both the approach and departure sides, excluding tapers and run out areas.~~
 - ~~(ii) A single right turn storage lane shall be provided on the southern approach leg of the intersection with a minimum length of 150 metres excluding taper.~~
 - ~~(iii) A left turn storage lane shall be provided on the northern approach leg of the intersection with a minimum length of 100 metres excluding taper.~~~~
- ~~c) The Myall Street / Myall Quays Boulevard intersection upgrade shall be designed and constructed to accommodate a future connection (4th leg to the west), to provide access to the proposed Myall Downs residential development and light industrial estate.~~
- ~~d) Signalised pedestrian crossings shall be provided on all legs of the intersection.~~

- e) ~~Appropriate pedestrian and cyclist facilities, foot/cycle paths and ramps, connecting to the TCS intersection shall be provided to the satisfaction of RMS and Council.~~
- f) ~~Prior to the registration of the 500th lot of the project, the developer shall complete all traffic control signals and associated road work under the WAD to practical completion, as determined by RMS.~~
- g) ~~All works shall be undertaken at full cost to the developer to the satisfaction of RMS.~~

~~Note 1 As provision of Traffic Control signals and associated road works are required for the development, RMS will require the developer to enter into a Works Authorisation Deed (WAD) with RMS. RMS will exercise its powers under Section 87 of the Roads Act 1993 (the Act) and function of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Act, as applicable for works under the WAD.~~

Note: As per Mid Coast Council's letter dated 17 December 2018, the monies collected by Council under the section 94 plan will be to be used to signalise the Myall Street / Myall Quays Boulevard intersection.

(2) MYALL STREET / SECOND ACCESS INTERSECTION

Any future application for Stage 14 must include details of the upgrading of second Myall Street intersection to a Traffic Signal Controlled intersection. The application should include the following intersection design details:

- a) ~~A Type CHR / AUL intersection shall be provided at the intersection of Myall Street and the proposed second access road. The intersection shall be designed and constructed in accordance with the Austroads Guide to Road Design 2009 (with RTS supplements) to the satisfaction of RMS and Council.~~
- a) **The upgrading of the Myall Street / Second Access Intersection to a CHR/AUL intersection, generally in accordance with the Tattersall Lander plan "Myall St / Riverside Blvd Intersection Sheet 2 Rev A dated 17/8/17". These works shall be at the full cost of the developer and must be completed prior to the issue of a Subdivision Certificate for the 500th lot. The final designs for this intersection must demonstrate a future fourth leg can be accommodated to provide access to the proposed Myall River Downs residential development and light industrial estate (i.e. will not prejudice the future provision of the fourth access leg).**
- b) ~~The Myall Street / Second access intersection shall be designed and constructed to accommodate a future upgrade to a four leg TCS intersection to provide access to the proposed Myall River Downs residential development and light industrial estate.~~

~~Note: The Myall Street/second access road intersection is to be completed prior to the release of the subdivision certificate for the 500th lot.~~

Note: As per Mid Coast Council's letter dated 18 December 2018, Council has advised a signalised intersection at this location would only be considered if and when a fourth leg is added to the intersection with development of land to the south.

Accordingly, the requirement to construct the signalised intersection at the Myall Street / Second Access junction has been deleted and replaced with the requirement to upgrade the above intersection to a CHR/AUL intersection, generally in accordance with the Tattersall Lander plan "Myall St / Riverside Blvd Intersection Sheet 2 Rev A dated 17/8/17"

(3) MYALL STREET / TOONANG DRIVE INTERSECTION

Any future application for Stage 42 **10** must include details of the upgrading of the Myall Street Toonang Drive intersection as required under Council's Section 94 Plan to a seagull type intersection. The intersection shall be designed and constructed in accordance with the Austroads Guide to Road Design 2009 (with RTA supplements) to the satisfaction of RMS and Council.

Note: The intersection of Myall Street/Toonang Drive is to be completed prior to the connection of the developments internal road network to Toonang Drive or the release of the subdivision certificate for the 700th lot, whichever occurs first.

(4) General

The following general requirements shall be taken into account in future development applications for Stage 11 and 12, in designing the above intersections:

- a) ~~All intersections shall be designed and constructed to accommodate on-road cyclists unless specified otherwise by RMS. If cyclists cannot be accommodated on-road due to site constraints, and subject to agreement by RMS, adequate provision shall be made off road.~~
- b) ~~Street lighting shall be provided at the intersections to the relevant Australian Standards, or as determined by RMS.~~
- c) ~~All works associated with the proposed development shall be at full cost to the developer and at no cost to RMS or Council.~~

(bb) In Schedule 3, Requirements for Future Applications, Term C21 is deleted as follows:

~~C22 — Proposed developments/activities in or adjacent to the Marine Park~~

- (1) ~~Any future development application for works, related to the proposed tourist precinct in Stage 14, which is in or adjacent to the Marine Park is to be lodged, and referred to the MPA in accordance with the Marine Parks Act 1997.~~

~~*Note 1: The application is to apply for a marine park commercial operator's permit for the proposed boat hire services under clause 1.32 of the Marine Parks (zoning plans) Regulation 1999.*~~

~~*Note 2: Any application for works below MHW (such as the proposed jetty and boardwalk and any associated dredging works) must obtain landowners consent from Crown Lands prior to lodging the development application. Licences for construction and occupation of these facilities must also be obtained from Crown Lands.*~~

End of Modification