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ERM Australia Pty Ltd  
PO Box 71  
Thornton NSW 2322

Our ref.: MP 10-0136

Attn: Mr Steve O'Connor.

Dear Mr O'Connor,

**Subject: 'Riverside' at Tea Gardens – Residential and Tourist project**

I refer to your correspondence dated 12 August 2010 seeking confirmation that the above proposal is a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) applies and seeking authorisation to submit a concept plan.

As delegate for the Minister, I have formed the opinion under clause 6 of the *State Environmental Planning Policy (Major Development) 2005* (the Major Development SEPP) that your proposal is development of a kind described in Schedule 2 of the Major Development SEPP and have authorised you to submit a concept plan.

Please find attached an updated clause 6 declaration and concept plan authorisation as well as a notice revoking the previous declaration and authorisation made by the Minister on 4 September 2008.

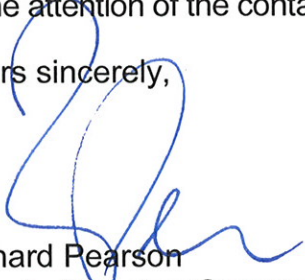
The Planning Assessment Commission (PAC) undertook a thorough assessment of your previous project. The PAC identified areas of the site they considered capable of being developed, albeit with some constraints and the Department notes with concern significant inconsistencies between those areas and the current proposed development footprint. The Department will be guided by the findings of the PAC in its assessment of any future development proposal for this site and any departures from the areas identified as being capable of development need to be justified.

Please note that the process for reviewing the adequacy of draft Environmental Assessments (EA's) has changed since your previous application. The Department now only undertakes formal adequacy assessments, with inadequate EA's returned to the proponent.

Section 75E of the Act requires you to lodge an application for your project with the Director-General. The application must include a completed application form (available at [http://www.planning.nsw.gov.au/assessingdev/pdf/part3a\\_applicationform.pdf](http://www.planning.nsw.gov.au/assessingdev/pdf/part3a_applicationform.pdf)) and a Preliminary Environmental Assessment. Please include both hard and electronic copies of each of these documents.

The Major Project Application Number for this project is MP.10-0136. Please use this number in all correspondence with the Department. Your contact officer for this proposal, John Philpott, can be contacted on (02) 9228 6441 or via email at john.phillpott@planning.nsw.gov.au. Please mark all correspondence regarding the proposal to the attention of the contact officer.

Yours sincerely,



Richard Pearson  
**Deputy Director-General**  
**Development Assessment & System Performance**

Date: 16/9/10



## Planning

### Record of the revocation of the Minister's declaration

I, the Deputy Director-General, Development Assessment and Systems Performance, under delegation dated 25 January 2010, and pursuant to s.75B(5) of the *Environmental Planning and Assessment Act 1979*; revoke the declaration made on the 4 September 2008, that the development described in the Schedule below, was development of a kind that was described in Schedule 2 of the *State Environmental Planning Policy (Major Projects) 2005* – namely Clause 1(1)(j)(i), (as in force at the time the declaration was made) – for a mixed use residential, commercial and tourist development, and was thus declared to be a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* applied for the purpose of section 75B of that Act.

#### Schedule

Mixed Use residential, commercial and tourist development at Lots 1, 10, 19, 30, and 38 in DP 270100 Myall Street, Tea Gardens

A proposal for 1045 residential dwellings, a 4ha commercial development component, a 8ha tourist/recreational component, a 2ha extension to the existing detention lake, the creation of three freshwater detention ponds and numerous detention basins, a 118ha open space network which includes a 7.6ha foreshore park, stormwater management and wildlife corridor, and clubhouse and community facilities.

**AND**

#### Revoke Concept Authorisation

#### Section 75M of the *Environmental Planning and Assessment Act 1979*

I, the Deputy Director-General, Development Assessment and Systems Performance as delegate for the Minister for Planning under Instrument of Delegation dated 25 January 2010, revoke the Concept Authorisation issued on 4 September 2008 for a residential subdivision comprising 1045 lots, a commercial development, a tourist/recreation component, the extension of the existing detention lake, creation of three new detention ponds, an open space network, stormwater management facilities, a wildlife corridor and clubhouse and community facilities on Lots 1, 10, 19, 30 and 38 in DP 270100 Myall Street, Tea Gardens.

  
Richard Pearson  
**Deputy Director General**  
**Development Assessment & Systems Performance**

Date:

16/9/10



## Planning

### **Authorisation of a Concept Plan under section 75M(1) of the Environmental Planning and Assessment Act 1979**

I, as delegate of the Minister for Planning under delegation executed 25 January 2010, authorise the submission of a Concept Plan for the development described in the Schedule below.

**AND**

### **Record of Minister's opinion for the purposes of Clause 6(1) of State Environmental Planning Policy (Major Development) 2005**

I, as delegate of the Minister for Planning under delegation executed on 25 January 2010, have formed the opinion that the development described in the Schedule below is development of a kind that is described in Schedule 2 of *State Environmental Planning Policy (Major Development) 2005* – namely Clause 1(1)(b) Coastal Areas – and is thus declared to be a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies for the purpose of section 75B of that Act.

### **Schedule**

A proposal for a residential and tourist subdivision at Tea Gardens, as generally described in a letter dated 12 August 2010 from Environmental Resources Management Australia on behalf of Crighton Properties Pty Ltd to the Department of Planning.

  
Richard Pearson  
**Deputy Director General**  
**Development Assessment & Systems Performance**

Date

16/9/10