**Appendix A – Concept Approval Assessment - 06\_0309 MOD 2**

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| **Part A – Terms of the Concept Approval** | | |
| **Item** | **Requirement** | **Comment** |
| A1 | Development description | The proposal remains consistent with the approved development description. |
| A2 | Project in accordance with plans | Stage 2 of the marina proposes a minor amendment to the approved marina layout.  Prior to the lodgement of the development application, the applicant submitted the revised layout to the NSW Department of Planning, Industry and Environment (DPIE) for review in accordance with Term B1 of the Concept Approval. On 24 December 2021 the DPIE confirmed they are satisfied the amended layout is consistent with the criteria specified by Condition B1. A confirmation letter from the DPIE has been provided with the application under Appendix D.  Council are satisfied the proposed layout is generally consistent with the approved Concept Plan. Slight modifications to the layout made are in response to compliance with Condition B1. |
| A3 | Development in accordance with documents | The proposal remains consistent with the approved documentation. |
| A4 | Inconsistency between documents | Noted. |
| A5 | Lapsing of approval | N/A - the consent has been activated with stage 1 of the marina complete. |
| A6 | Determination of future applications | The proposal is generally consistent with the terms of approval as modified. The assessment is carried out against the terms below. |
| **Part B – Modifications to the concept Plan** | | |
| B1 | Construction of the marina | Stage 2 of the marina seeks to slightly alter the approved concept layout in response to meeting the criteria of this condition.  Royal HaskoningDHV have prepared a letter, dated 25 November 2021, which assesses the proposed revised marina layout and how it complies with the performance criteria listed under this condition. This letter was supplied to the DPIE for review. The DPIE confirmed they are satisfied the amended layout is consistent with the criteria specified under Term B1.  Council concurs with the minor layout change in response to the performance criteria listed under this condition. |
| B2 | Marina staging | The proposal relates to stage 2 of the marina including 94 berths.  The development application for stage 2 of the marina triggers designated development and as such has been submitted with an assessment against the Secretary's Environmental Assessment Requirements (SEARs). The assessment against the SEARs demonstrates negligible impact on water quality (refer to Appendix B for Council’s SEARs assessment). |
| B3 | Reduction in the size of the travel boat lift | No changes sought to the travel boat lift. |
| B4 | Statement of Commitments | The proposal does not include residential, tourist accommodation or boat lift facility, and this condition is not relevant to the application. |
| B5 | Changes to Urban Design Guidelines dated 5 June 2009, submitted as a Preferred Project Report | N/A - no changes proposed to residential/tourist land use and development component of Concept Approval, and this condition is not relevant to the application. |
| **Part C – Future applications** | | |
| C1 | Consistency of future development with Concept Plan, as modified | Stage 2 of the marina slightly differs to the approved concept plans. The proposed design is generally consistent with the approved concept layout. The revised design is in response to the performance criteria listed under Condition B1. The revised design and compliance with Condition B1 has been reviewed by NSW DPIE and approved. |
| C2 | Development parameters | No changes proposed to built form approved under the Concept Plan. |
| C3 | Urban design | No changes are proposed to the building setbacks, public access, built form, vegetation, water management, acoustics, staging, subdivision and or management.  The proposed stage 2 of the marina will remain consistent with Term C3. |
| C4 | Use of accommodation for tourist purposes | N/A - this condition is not relevant to the application. |
| C5 | Restriction on title – tourist use | N/A - this condition is not relevant to the application |
| C6 | Management statement | N/A - this condition is not relevant to the application |
| C7 | Traffic and parking | As part of the SEARs obtained for the application, consideration of transport routes and access to the site, road traffic predictions during construction and operation, and an assessment of impacts to the safety and function of the road network is required.  A Traffic Impact Assessment (TIA) has been submitted with the application. The TIA confirms the proposed development provides sufficient car parking spaces for the additional demand generated from the marina extension, and the additional trips expected to be generated by the proposal would not result in any noticeable impacts on the surrounding road work. The proposal will have a negligible impact on the surrounding road network safety and performance.  The assessment has noted a Construction Traffic Impact Assessment should be prepared to mitigate potential traffic impacts during construction. This outcome has been recommended as a condition of consent. |
| C8 | Sustainability | The proposed stage 2 of the marina meets relevant sustainability requirements. |
| C9 | Vegetation Management Plan | A Vegetation Management Plan was submitted with stage 1 of the marina in accordance with this condition. |
| C10 | Landscape plan | The proposal does not include any landscape works under this Stage. As such, a landscape plan has not been submitted with this application. Given the nature of the proposal it is considered a landscape plan is not necessary. |
| C11 | Verification of baseline data for the marina | This condition required stage 1 of the Marina to provide baseline water and aquatic data to established the pre-marina existing of the lease area and surrounding bays. This information has been provided in stage 1, and is not relevant to stage 2. |
| C12 | Final marina design | Council’s Lake & Foreshore/Coastal Officer has reviewed the stage 2 marina proposal and is satisfied all criteria listed under C12 has been satisfied. |
| C13 | Stage 1 – Marina environmental performance monitoring | C13 has been satisfactorily addressed within the Impact Assessment for Soil Water Flooding and Coastal Erosion prepared by Royal HaskoningDHV dated January 2022. |
| C14 | Stage 2 - Marina | 1 – The applicant has provided sufficient documentation to support that at least 75% of the existing berths have been taken up.  2 – A requirement for stage 2 of the marina to commence, is previous compliance with stage 1 construction and operational management and environmental licence conditions. The applicant has addressed compliance with this condition within the letter submitted referenced *Construction and Operational Management and Environmental Licence Conditions* prepared by Johnson Property Group.  3 - This item has been addressed satisfactorily in the Assessment of Stage 1 Environmental Performance for Foreshore Erosion, Flushing Characteristics, Pollutant Levels, Seagrass Wrack, and Water Quality prepared by Royal HaskoningDHV dated January 2022. The findings of the report satisfactorily demonstrate the construction and operation of the marina has had negligible impacts on foreshore erosion, flushing characteristics, pollutant levels, movement of seagrass wrack and water quality.  4 - This item has been addressed satisfactorily in the Impact Assessment for Soil Water Flooding and Coastal Erosion prepared by Royal HaskoningDHV dated January 2022. |
| C15 | Boating practice manual | This condition has been addressed as part of stage 1 of the marina. |
| C16 | Boat lift facility | N/A - the boat lift facility was deleted from the Concept Approval. |
| C17 | Bushfire protection | No landscaping is proposed under stage 2 of the marina. |
| C18 | Implementation of the Vegetation Management Plan | N/A – a VMP was approved and implemented with Stage 1. |
| C19 | Stormwater management | This condition has been addressed as part of stage 1 of the marina. Noting the stage 2 marina involves an extension of the existing stage 1 marina only, no substantial stormwater management requirements are required to be implemented for stage 2. |
| C20 | Groundwater | The proposal does not include any excavation works within the land-based portions of the site. |
| C21 | Flooding | An Impact Assessment for Soil, Water, Flooding and Coastal Erosion has been submitted with the application. The assessment concluded the flood mitigation measures in relation to the proposed stage 2 marina are identical to those for stage 1, and peak lake flood levels inform the design of marina pile cap levels.  The stage 1 EIS recommended the pile cap level be designed for a 25-year design life, adopting the 1% AEP lake flood level for the year 2050 climate change condition, plus a 500mm freeboard allowance. This equated to a design pile cap level of RL 2.36m AHD (i.e. 1% AEP flood level for 2050 = 1.86, AHD + 0.5m (freeboard) = 2.36m**,** AHD).  Council’s Flood Control Lot and Sea Level Rise Officer has reviewed the submitted information and advised the condition has been suitably addressed and there are no concerns raised with stage 2 of the marina impacts to sea level rise.  A condition of consent requiring marina pile design to achieve 2.36m AHD has been recommended. |
| C22 | Aboriginal heritage | A final Cultural Heritage Management Plan and final Heritage Interpretation Policy was lodged with the stage 1 of the marina application in accordance with this condition. |
| C23 | Erosion and sedimentation control | Due to the type of works proposed, erosion and sediment controls measures have been deemed as not necessary by Council’s Erosion and Sediment Control Officer. |
| C24 | Construction Management Plan | A Construction Environmental Management Plan that was utilised for stage 1 has been submitted with the application.  The content of the plan is considered suitable however a revised copy is to be provided to Council prior to Construction Certificate. A condition of consent requesting specific items to be included within the revised plan has been recommended. |
| C25 | Acoustic | A noise impact assessment has been submitted in accordance with this condition.  Council’s Environmental Management Officer has reviewed the assessment and is satisfied with the recommendations subject to conditions of consent requiring a construction noise management plan. |
| C26 | Public access | The proposal maintains appropriate building setbacks and public access along the marina breakwater. |
| C27 | Mine subsidence | The mine subsidence parameters are included as recommended conditions of consent. |
| C28 | Staging | The staging of the marina as proposed under this development application is consistent with this condition. |
| C29 | Recreational boating impacts | This condition has been addressed as part of stage 1 of the marina. |