

**APPENDIX E RECOMMENDED INSTRUMENT OF APPROVAL –
CONCEPT PLAN APPLICATION**

Concept Plan Approval

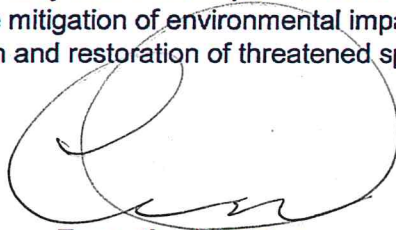
Section 75O and 75P of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 27 February 2013, pursuant to Part 3A of the *Environmental Planning and Assessment Act 1979 (The Act)* I determine:

- (a) to approve the concept plan referred to in Schedule 1, subject to the terms of approval and modifications in Schedule 2,
- (b) pursuant to section 75P(1)(c) of the Act, that no further environmental assessment is required for the subdivision of the conservation lands,
- (c) under section 75P(1)(b) of the Act, development the subject of the Concept Plan is subject to Part 4 or Part 5 or the Act whichever is applicable,
- (d) under section 75P(2)(c) of the EP&A Act, where development is subject to Part 4 of the Act (other than complying development), that development is subject to the further environmental assessment requirements specified in Schedule 3 of this approval.

The modification and further assessment requirements are required to:

- Encourage the orderly future development of the site;
- Ensure adequate mitigation of environmental impacts of future development; and
- Ensure protection and restoration of threatened species and their habitat.



**Executive Director
Development Assessment Systems & Approvals**

27 June

Sydney

2013

SCHEDULE 1

PART A - TABLE

Application made by:	Crighton Properties Pty Ltd
Application made to:	Minister for Planning and Infrastructure
Concept Plan Application Number:	10_0136
On land comprising:	The development known as 'Riverside' on Lots 10 (owned by Geoffrey Cox), Lots 19 and 40 (owned by Crighton Properties Pty Ltd - receivers and managers appointed - Pricewaterhouse Coopers) and Part Lot 1 (owned by Community Association D.P. No 270100) at Myall St, Tea Gardens
Local Government Area	Great Lakes
For the carrying out of:	<ul style="list-style-type: none"> • A residential and eco tourist facility use and subdivision under future community title (for approximately 880 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

PART B - NOTES

Responsibility for other consents / agreements

The proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

PART C - DEFINITIONS

In this approval:

Advisory Notes	Advisory information relating to the approval but do not form a part of this approval
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Great Lakes Council
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 or its successors
Conservation Lands	Means the on-site environmental offsets to be conserved and maintained in perpetuity as shown on the plan in Annexure A1 of the Project Approval.
Director-General's approval, agreement or satisfaction	A written approval from the Director- General (or nominee/delegate) Where the Director-General's approval, agreement or satisfaction is required under a condition of this approval, the Director-General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director-General 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 Riverside at Tea Gardens Concept Plan Application: Environmental Assessment prepared by ERM Australia, Volumes 1A, 1B, 2, 3, 4 and 5 dated January 2012.
Environmental Assessment (EA)	
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Minister	Minister for Planning and Infrastructure, or nominee
NOW	NSW Office of Water, or its successor
OEH	Office of the Environment and Heritage, or its successor
On-site Conservation Lands Offset Plan	Means the plan attached to the Project Approval at Annexure A1 .
PCA	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 as identified in the Staging Plan
Phase 2.	Means Stages 5 to 12 as identified in the Staging Plan.
Phase 3.	Means Stages 13 to 14 as identified in the Staging Plan
Precinct	A Precinct refers to each stage of the development as identified on the Staging Plan numbered RC07 and dated November 2012 submitted with the PPR.
Project	Means the proposal as described in Term A1 to this approval
Proponent	Crighton Properties Pty Ltd, or anyone else entitled to act on this approval
Preferred Project Report (or PPR)	Preferred Project Report titled Riverside at 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

Receivers and Managers Appointed RMS	considerations and what is practical to build Means Pricewaterhouse Coopers
Staging Plan	Roads and Maritime Services Division, department of Transport or its successor. Means the staging plan submitted by the proponent and numbered RC-07 and dated November 2012
Statement of Commitments	Means the modified statement of commitments made by the proponent and dated 12 June 2013
Subject Site	Means the development known as 'Riverside at Tea Gardens' on Lots 10, 19 and 40 DP270100 and Part Lot 1 DP270100 at Myall St, Tea Gardens

SCHEDULE 2

TERMS OF APPROVAL AND MODIFICATIONS

PART A - Terms of Concept Approval

A1 Project Description

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

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

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

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 Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
RC-01	0	Context Plan	November 2012
RC-02	0	Site Analysis Plan	November 2012
R.C-03	0	Concept Plan	November 2012
R.C-04		Transport and Access Plan: pedestrian/cycleway/public transport	November 2012
R.C-05	0	Street Hierarchy Plan	November 2012
R.C-06	0	Open Space Network – concept plan	November 2012
R.C-07	0	Staging Plan	November 2012
RC- 08	0	Community Title Structure	November 2012
RC-09	0	Tourist Lodgings Precinct Plan	November 2012
RC-10	0	Constraints Plan	November 2012
RC-11	0	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 in the BCA;
- (2) otherwise provided by the terms of this approval.

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 12 June 2013

A4 Inconsistencies

- (1) In the event of any inconsistency between:
 - a) The terms of this approval and the Statement of Commitments (at Schedule 4), 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.

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), 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 onsite offsets marked orange on 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.

PART B - Modifications to the Concept Plan

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 20m from any building to the water feature located within the circular roadway; and
 - b) A minimum 20m radius to the existing hollow bearing trees is provided; and
 - c) A minimum 50m 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 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.

B2 Community Management

The proponent must amend, update and create as necessary any Community Scheme covering the site so as to ensure that the terms of this concept plan approval are accurately and robustly translated.

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.

¹ **eco-tourist facility** means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items

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.

B5 Intersection Upgrades

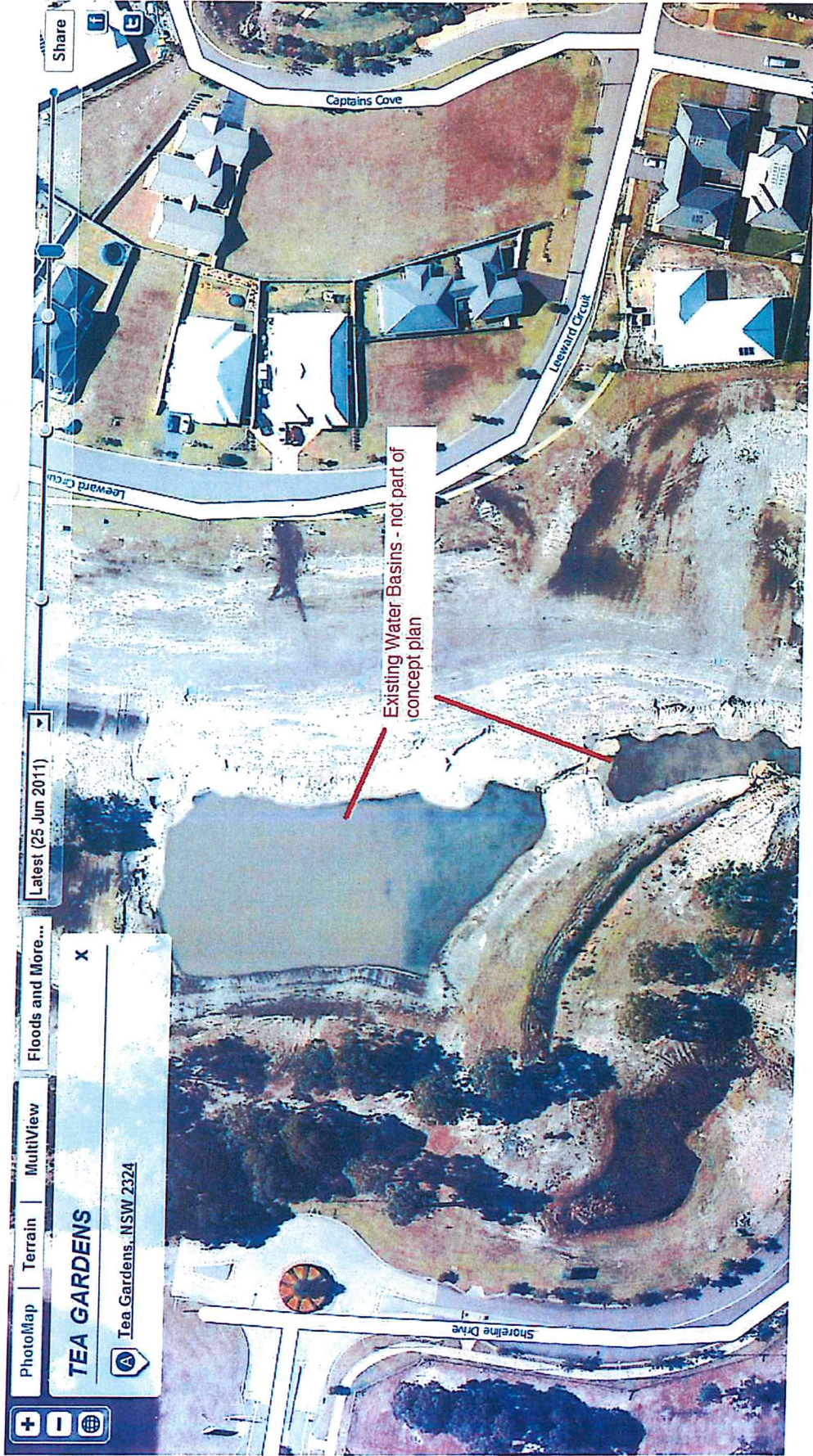
- (1) The existing Myall Street / Myall Quay Boulevard intersection shall be upgraded to a Traffic Signal Controlled (TCS) intersection. This work is to be completed prior to the issue of a subdivision certificate for the 500th lot (Stage 11).
- (2) The second Myall Street intersection shall be upgraded 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).
- (3) The Myall Street/Toonang Drive intersection 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.

B6 Earthworks

- (1) Bulk earthworks are to be generally undertaken only in stages in conjunction with the development applications for each stage of the proposed 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.

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.

ANNEXURE A – EXISTING WATER BASINS (Refer to Term of Approval B4)



SCHEDULE 3

REQUIREMENTS FOR FUTURE APPLICATIONS

Pursuant to section 75P(2)(c) of the Act the following requirements apply, as relevant, with respect to future stages of the project to be assessed under Part 4 or 5, as relevant, of the Act:

C1 Subdivision Staging – Precinct Plans

Note: A 'Precinct' refers to the 14 development stages identified in the 'Staging Plan' prepared by Crighton Properties Pty Ltd, Drawing No. R.C -07, Revision O and dated November 2012.

A Precinct Plan must be submitted with each future development application for each stage of subdivision on the site. The 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 subdivision (see C9) 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 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 Draft *Great Lakes Council DCP 2012* except where varied by the terms of this approval.

C2 Housing Density and Typology

As part of the Precinct Plan requirements identified in Term C2 above, plans must be provided which:

- a) Demonstrate adoption of the neighbourhood planning principles in the Mid North Coast Regional Strategy 2006 (or any subsequent version thereof);
- b) Are not inconsistent with the provisions of the Tea Gardens/Hawks Nest Housing Strategy 2006 (or any subsequent version thereof);
- c) Identify locations within the precinct not covered by the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;
- d) Detail the likely mix of housing densities in each precinct, and the objectives for and location of various housing densities;
- e) Details the proposed number, size and type of dwellings expected in each precinct;

- f) Type of development permissible on each lot, eg: zero lot housing, duplex housing, etc.
- g) Detail any appropriate sites for seniors housing and support facilities, home based business precincts, and/or possible retail, commercial or recreational uses that are consistent with the relevant zone objectives.

C3 Affordable Housing

As part of the Precinct Plan requirements identified in Term C2 above, a plan must be provided which:

- a) Details how the recommendations of the Duo Consulting report titled 'An assessment of Housing Issues relating to Riverside at Tea Gardens' (submitted as part of Volume 5 of the EA) will be specifically addressed;
- b) Identifies possible location/s for affordable housing;
- c) Investigates how a range of mechanisms will be employed to ensure the provision of affordable housing, including any role for community housing providers or the potential use of Voluntary Planning Agreements.

The proponent is to consult with Council and Housing NSW - Centre for Affordable Housing in the preparation of this plan.

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 (see 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 Sulphate 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 also to 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.

C5 Construction Environmental Management Plans (CEMPs)

All future development applications are to include an outline of a stage-specific **Construction Environmental Management Plans (CEMPs)** that detail measures to address the impacts of construction including, but not limited to: erosion and sediment control (in accordance with *Managing Urban Stormwater–Soils & Construction Version 4, Landcom 2004, or the latest version*); protection of fauna; groundwater and acid sulfate soils; and protection of trees and vegetation to be retained.

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.
- (2) All future applications where the use of groundwater or the interception of the groundwater table is proposed, the proponent, after consulting with the NSW Office of Water, is to submit 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 1st stage development application.

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 certificates for earthworks. The ASSMP must be produced generally in accordance with the *ASSMAC Guidelines (1988)* and certified by a suitably qualified person.
- (2) The ASSMP must include actions for determining ASS conditions ahead of excavation, handling of groundwater levels and quality, detailed management procedures for surface waters and flood routing, interaction (short and long term) of the groundwater with surface water in order to prevent the formation of monosulfides, materials evaluation and handling, materials balance, stockpile treatment, validation testing, monitoring systems with trigger levels, contingency actions, protection for structural elements, and evaluation of off-site impacts etc.

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 addresses impacts on the surrounding environment, drainage and water quality controls for the catchment, and erosion and sediment controls at construction and operational stages.
- (2) 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.

- (3) 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.
- (4) 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.
- (5) The applicant must ensure that works as constructed are consistent with the design works and the 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. The delivered assets must be certified as consistent by a recognised professional engineer.
- (6) 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.

C9 Flooding and Climate Change

- (1) In order to ensure the protection of life and property during a flood event, 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 and to the satisfaction of the Director-General 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 northern boundary and Toonang Drive, the East West Deflector Embankment Levee, Blockage Modelling and Access and Evacuation routes.
- (3) All future applications for each stage of development are to incorporate any recalibrations of the relevant Council flood model.
- (4) A preliminary development 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 development.
- (5) All future applications for residential subdivision shall provide an updated Design Flood Level Map showing peak flood levels for local and regional flood events at 0.1m contours and a detailed flood impact assessment for all flood liable land.

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, 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 experienced 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.

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 the requirements of Planning for Bushfire Protection 2006. All asset protection 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.

C12 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 the 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.

C13 Contamination Assessment

A Stage 2 Contamination Assessment is to be prepared for each development stage and submitted with each future application. Each Stage 2 Contamination Assessment is to identify any contamination on site and provide for appropriate mitigation measures in accordance with the provisions of State Environmental Planning Policy No. 55 – Remediation of Land.

C14 Land Zoned E2

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).

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 20m from any building to the water feature located within the circular roadway; and
 - b) A minimum 20m radius to the existing hollow bearing trees is provided; and
 - c) A minimum 50m 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. .

C16 Landscape Plans

All future development applications for each development stage are to include a Landscaping Concept Plan (as required in Term C4), detailing street-tree planting plans. The plan must be prepared by 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 wildling 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.

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.

C18 Public Transport/Bus Network

- (1) All future applications for each stage of development are to ensure the adequate provision of public transport 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.

C19 Road Traffic Noise Impact Assessment

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.

C20 Traffic and Wildlife Protection Measures

All future development applications for each development stage are to demonstrate that provision has been made to maintain the safe passage of wildlife between habitat areas through specific road design, lighting and signage requirements and, where considered appropriate, fencing to road verges, fauna underpasses and like measures.

C21 Roadworks

(1) MYALL STREET / MYALL QUAY BOULEVARD INTERSECTION

Any future application for Stage 11 must include details of the upgrading of the existing Myall Street / Myall Quay 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 works 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 the functions of the roads authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Act, as applicable for works under the WAD.

(2) MYALL STREET / SECOND ACCESS INTERSECTION

Any future application for Stage 11 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 RTA supplements) to the satisfaction of RMS and Council.
- 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.

(3) MYALL STREET / TOONANG DRIVE INTERSECTION

Any future application for Stage 12 must include details of the upgrading of the Myall Street Toonang Drive intersection 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.

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 applicant 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 MHWM (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.

SCHEDULE 4

STATEMENT OF COMMITMENTS

Dated 12th June 2013

Table - Statement of Commitments

Item Number	Item	Commitment	Reason for Commitment	Responsibility	Timing
1	Scope of Development	<p>Any Development Application for subdivision will be consistent with the documentation and subdivision plans listed below, except where amended by other items of this Statement of Commitments.</p> <ul style="list-style-type: none"> • Preferred Project Report prepared by ERM dated August 2012. • Concept Plan drawings prepared by Crighton Properties (<i>Annex A</i>). • Concept Plan Engineering Documentation prepared by Tattersall Surveyors (<i>Annex B</i>). 	To ensure subsequent development upon the site is consistent with the Concept Plan Approval.	Land owner	Ongoing
2	Tourist Precinct	<p>Any Development application approved within the Tourist Precinct (as identified on the Concept Plan) must be consistent with the following requirements;</p> <ol style="list-style-type: none"> 1. All hollow bearing trees to be retained within the development (these are actually identified on the plan) 2. Development to be no greater than 6.5 DW/Ha (half the density of the standard residential development) 3. Development footprint, including access roads, driveways and buildings to be no more than 30% site coverage 4. All structures (buildings and roads) to be encompassed with a line of bollards 1.0m out from the edge of the structure. 5. All land outside of the bollard area to be maintained under common title, by contractor in accordance with a management plan (to be prepared) 6. All landscaping upon the site to be carried out and maintained under contract, in accordance with a planting plan (planting plan may encourage Koala or other feed trees) 7. No fences allowed (except for service compounds etc linked with the amenity building or garbage collection points) 8. All pavements to be permeable 9. No domestic pets allowed. 10. All roads to be private roads restricted to 15 km/h and traffic controlled via speed humps etc. Primary ring road to be one way (reduced width etc). 11. All houses to be selected from standard designs or built in accordance with strict architectural guidelines (which consider materials, textures, lighting etc. 12. All outdoor lighting to be bollard lighting. <p>The following licences, permits and approvals will be obtained and maintained for the subdivision and construction of infrastructure:</p> <ul style="list-style-type: none"> • Development consent under Part 4 of the Environmental 	To ensure that the Biodiversity of this area is protected in accordance with Impact Assessments.	Land owner	Approval of any Development Application within the Tourist Precinct.
3	Statutory Requirements		To ensure all relevant approvals, permits and licences are obtained at the relevant time.	Land owner	For the duration of subdivision

Item Number	Item	Commitment	Reason for Commitment	Responsibility	Timing
		<p>Planning & Assessment Act;</p> <ul style="list-style-type: none"> • Construction Certificates for engineering works (including earthworks, soil and water management, clearing, road works, drainage, landscape, water supply, and sewerage) for each stage of the subdivision; • Compliance and Subdivision Certificates for each stage; • Road Opening Permit; • Section 138 Consent for road works (Roads Act 1993); • Essential Energy Design Certification; • Essential Energy Notification of Arrangement; • Telstra Compliance Certificate; • Department of Land and Property Information registration of the subdivision; • Section 73 Compliance Certificate from MidCoast Water. 			
4	Ownership of Conservation Lands	The Conservation lands will not be owned or managed by a Community Association associated with Community Title.	To satisfy the Department of Planning and Infrastructure and OEH in relation to the ongoing management and ownership of the conservation lands.	Landowner	Ongoing
5	Conveyancing	A Precinct Management Statement and Plan will be prepared and registered with each relevant Precinct within the Community Association.	To ensure Precinct assets are managed in accordance with the relevant Management Plans committed to for the site.	Land owner	Prior to the release of the Subdivisions Certificate for that precinct.

Item Number	Item	Commitment	Reason for Commitment	Responsibility	Timing
6		The Community Management Statement and Plans will be updated to reflect commitments made to management plans upon the site (Conservation Land management, bushfire management, water quality control management etc), consistent with this approval.	To ensure Community assets are managed in accordance with the relevant Management Plans committed to for the site.	Land owner	Prior to the release of the Subdivisions Certificate for the first stage of development.
7	Acid Sulphate Soils	Any Earth Works proposed for the site within any Development Application will be accompanied by an Acid Sulphate Soil Management Plan which is consistent with the CEMP for the site	To ensure any earthworks upon the site are carried out in a manner which is in accordance with the approved management Plan.	Land owner and contractors	For the duration of the construction of the subdivision.
8	Ecology	A Final Biodiversity Biobanking Assessment and Offsetting Package identifying the proposed on-site and offsite offsets is to be prepared and submitted for the approval of the Director-General and OEH, The final Biodiversity Biobanking Assessment and Offsetting Package is to include details of a targeted sampling strategy for <i>Cryptostylis hunteriana</i> and the final package must also consider the need for credits for this species. Offsite offsets must be located in a manner that strategically contributes to the protection and recovery of the Endangered Koala Population of Hawks Nest and Tea Gardens and be within the Great Lakes LGA.	To ensure that biodiversity offsets are delivered on site, are properly quantified and are provided ahead of biodiversity impacts.	Land owner	Refer to Commitment 9 and 10 for timing
9A		On site Conservation lands will be secured and management processes established to offset impacts to the satisfaction of the Director General in respect of Phase 1 (nominally Stages 1 – 4) in accordance with the Onsite Offset Plan and to the satisfaction of the Director General of the Department of Planning and Infrastructure.	To ensure biodiversity offsets are provided ahead of any impact.	Land owner of Lot 40	On site offsets to be secured prior to Final Concept Approval being given for Phase 1 (nominally Stages 1-4)
9B		Offsite offsets will be secured for the development of Phase 2 (nominally Stages 5 – 12) in accordance with a Bio Banking Offset Package and to the satisfaction of the Director General of	To ensure biodiversity offsets are provided ahead of any impact.	Land owner of Lot 40	Off site offsets will be secured prior to Final Approval being given for remainder of

Item Number	Item	Commitment	Reason for Commitment	Responsibility	Timing
		the Department of Planning and Infrastructure			development of Lot 40, Phase 2 (nominally being Stages 5-12 inclusive).
10A		On site Conservation lands will be secured and management processes established to offset impacts of approximately 5ha of development footprint of Phase 3 (either in Stages 13 tourism development or 14 residential) in accordance with the Onsite Offset Plan and to the satisfaction of the Director General of the Department of Planning and Infrastructure.	To ensure biodiversity offsets are provided ahead of any impact.	Land owner of Lot 10	On site offsets to be secured prior to Final Concept Approval being given for the first tranche of development of approximately 5ha (in either Stages 13-or 14)
10B		Offsite offsets will be secured for the remainder of Phase 3 in accordance with a Bio Banking Offset Package and to the satisfaction of the Director General of the Department of Planning and Infrastructure	To ensure biodiversity offsets are provided ahead of any impact.	Land owner Lot 10	Off site offsets will be secured prior to Final Approval being given for Stages 13 and 14.
11	Bushfire Management	A Bushfire Management Plan is to be prepared and lodged with any development application which is consistent with the Bushfire Threat Assessment approved with the Concept Plan (Annex E).	To ensure bushfire protection measures are implemented consistent with the approved BTA.	Land owner	To accompany any future development application for subdivision upon the site.
12	Aboriginal Heritage	The midden site 'NPWS 38-5-148' identified as significant located within the SEPP 14 wetland and the midden site 'Riverside_01' located within the tourist precinct will be protected from all development activities.	To ensure the ongoing protection of the identified midden site from development impacts.	Land owner	Prior to commencement of development upon the site.
13		During ground surface disturbance works in the event that cultural heritage material is exposed within the development area, all development works will immediately cease and a representative of the OEH and Karuah LALC will be contacted regarding further assessment of any cultural materials. Management measures as outlined in the Management Plan would be implemented for the proposed works.	To ensure the ongoing protection of the identified midden site from development impacts.	Land owner	For the duration of the construction of the subdivision.

Item Number	Item	Commitment	Reason for Commitment	Responsibility	Timing
14	Water Cycle Management	Any development application lodged with Great Lakes Council for approval will be accompanied by Water Cycle Management documentation which is consistent with the <i>Concept Integrated Water Cycle Management Strategy</i> approved with the Concept Plan (Annex C). This includes the preparation of monitoring and management plans.	To ensure water quality and quantity discharge targets are met within the development. To ensure that the site is not subject to flooding.	Land owner	Prior to the release of the subdivision certificate for each stage.
15	Water Quality	Undertake ongoing water quality monitoring and reporting in accordance with the proposed methods included in the approved <i>Concept Integrated Water Management Strategy</i> dated (Annex C).	To ensure the ongoing performance of water quality management systems upon the site.	Land owner in consultation with relevant authorities.	Ongoing, in accordance with management and monitoring requirements.
16	Flooding	Any development application lodged with Great Lakes Council for approval will be accompanied by a flood impact assessment which includes an assessment of any revised tail water conditions which may have been adopted by the Council from time to time, and be consistent with the provisions of the <i>Concept Integrated Water Cycle Management Strategy</i> approved with the Concept Plan (Annex C).	To ensure flood modelling is updated to reflect any new River modelling scenarios and tail water conditions which may be in effect at the time of making a Development Application.	Land owner	At the time of lodgement of any Development Application (if new tail water conditions have been adopted by the Council).
17		Flood Hazard mapping (for emergency services planning) is to be updated upon completion of Myall River Flood Study. Results are to be provided to emergency services.	To ensure emergency services are kept up to date to assist in disaster planning.	Land owner	Upon completion of Myall River Flood study by Council.
18		All house floor levels upon the site are to comply with the FPL's contained within the <i>Concept Integrated Water Cycle Management Strategy</i> and Great Lakes Council Freeboard requirements.	To ensure dwelling upon the site remain flood free.	Great Lakes Council / Land owner	Ongoing throughout the development
19	Social	The Principals of both Tea Gardens Public School and Bulahdelah Central School will be informed of the growth of the school age population in Riverside.	To assist in the forward planning of educational services within the region.	Land owner	Ongoing throughout the development of the project.
20	Health	The approved Concept Plan will be forwarded to the Population Health Unit of the Hunter New England Health Service, to assist them in the planning for preventative health.	To assist in the forward planning of health services within the region.	Land owner	Following Concept Plan approval
21	Reticulated Services	Each residential lot will be provided with reticulated water supply, sewerage and underground electricity In addition to a recycled water supply in accordance with the IWCMS.	To ensure that each lot is properly serviced and that demands upon sewer infrastructure upgrades are minimised.	Land owner	Prior to the release of the Subdivision Certificate for each stage.
22		The reticulated recycled effluent system will be registered for BASIX compliance.	To ensure demand for recycled effluent is not reduced by the mandatory provision of water tanks house sites (Water tanks will not be required to achieve BASIX compliance).	Mid Coast Water	Following Concept Plan approval.

Item Number	Item	Commitment	Reason for Commitment	Responsibility	Timing
23		<p>Infrastructure services will be provided generally in accordance with the drawings prepared by Tattersall Lander (Annex B), namely Drawing Numbers:</p> <ul style="list-style-type: none"> • 20600198, Water Servicing Strategy; • 20600220; 20600222, Vacuum Sewer Servicing Strategy (sheets 1 and 2); • 20700087, Electrical Servicing Strategy; • 20700088, Communications Servicing Strategy. 	To ensure the orderly and planned rollout of infrastructure and required upgrades.	Land owner	Prior to the release of the Subdivision Certificate for the affected stage.
24	Traffic	Temporary turning heads will be provided during construction as required to facilitate a bus U-turn. A permanent turning head would be provided at a location to be nominated in consultation with Busways – if required.	To ensure at all stages throughout the development that public bus transport and turn around can be provided within the site.	Land owner	At all stages of development.
25		An updated traffic impact assessment would be undertaken to accompany each development application. Updates to traffic numbers on an ongoing basis will be provided.	To ensure the proper timing of intersections and road upgrades are adhered to.	Land owner	To accompany each Development Application for subdivision.
27		Signalised controls are to be provided at the intersections of Myall Street and both Myall Quays Boulevard and the new (unnamed) access road to Myall Street.	To ensure the continuing safe operation of the road network	Land owner	Before 500 residential Lots are registered on Lot 40.
28		<p>The intersection of Toonang Drive will be upgraded to a seagull type intersection in consultation with Council / RMS prior to the development of the 700th Lot or when a connection is made to Toonang Drive (whichever is the earlier).</p> <p>Pedestrian crossing facilities and refuges shall be provided on Myall Street as part of intersection design.</p>	To ensure road safety and proper and timing provision of road infrastructure.	Land owner	Prior to release of the 700 th Lot or when a connection is made to Toonang Drive (whichever is the earlier).
29		Bus stop and shelter facilities are to be provided along both sides of Myall Street adjacent to safe pedestrian crossing facilities.	To ensure adequate facilities are available for pedestrians to cross Myall Street.	Land owner	During detail design and to accompany a Development Application for intersection works.
			To ensure adequate facilities are available for pedestrians to cross Myall Street.	Land owner	During detail design and to accompany a Development Application for intersection works.

Item Number	Item	Commitment	Reason for Commitment	Responsibility	Timing
30	Developer Contributions	The proponent will pay Section 94 contributions to Great Lakes Council with each relevant development application, in accordance with Council's Section 94 Plan (unless otherwise agreed with Council to take into account matters such as works in kind).	To ensure the provision of public benefit items as agreed to with Great Lakes Council.	Land owner with the Great Lakes Council	As required under Section 94 Plan.
31	Subdivision Layout	Each development application lodged with Council must demonstrate compliance with the following requirements; 1. Achieve a minimum net density of 13 Dw/Ha 2. 10% of lots (home equivalents) must be < 450 sqm in area (these can be represented as duplexes on lots < 900 sqm).	To ensure compliance with the Hawks Nest / Tea Gardens Housing Strategy.	Land owner	With each Development Application.

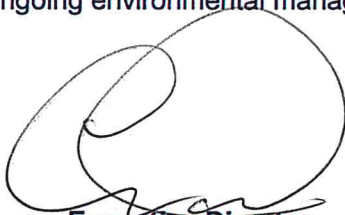
Project Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation executed on 27 February 2013, pursuant to Part 3A of the *Environmental Planning and Assessment Act 1979 (The Act)* I determine to approve the project referred to in Schedule 1, subject to the conditions of approval in the attached Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



**Executive Director
Development Assessment Systems & Approvals**

Sydney

27 June 2013

SCHEDULE 1

PART A - TABLE

Proponent:	Crighton Properties Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Concept Plan and Project Number:	The project is a component of the approved concept plan for the Riverside at Tea Gardens project (10_0136)
On land comprising:	The development known as 'Riverside' on Lots 10 (owned by Geoffrey Cox), Lots 19 and 40 (owned by Crighton Properties Pty Ltd - receivers and managers appointed - Pricewaterhouse Coopers) and Part Lot 1 (owned by Community Association D.P. No 270100) at Myall St, Tea Gardens
Local Government Area	Great Lakes
For the carrying out of:	Subdivision of the site to excise one or more allotments identified as 'Conservation' lands

PART B - NOTES

Responsibility for other consents / agreements

The proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

PART C - DEFINITIONS

In this approval:

Advisory Notes	Advisory information relating to the approval but do not form a part of this approval
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Great Lakes Council
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 or its successors
Conservation Lands	Means the on-site environmental offsets to be conserved and maintained in perpetuity as shown on the plan in Annexure A1 of the Project Approval.
Director-General's approval, agreement or satisfaction	A written approval from the Director- General (or nominee/delegate) Where the Director-General's approval, agreement or satisfaction is required under a condition of this approval, the Director-General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director-General 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)	Riverside at Tea Gardens Concept Plan Application: Environmental Assessment prepared by ERM Australia, Volumes 1A, 1B, 2, 3, 4 and 5 dated January 2012.
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Minister	Minister for Planning and Infrastructure, or nominee
NOW	NSW Office of Water, or its successor
OEH	Office of the Environment and Heritage, or its successor
On-site Conservation Lands Offset Plan	Means the plan attached to the Project Approval MP10_0136 at Annexure A1 .
PCA	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 as identified in the Staging Plan
Phase 2.	Means Stages 5 to 12 as identified in the Staging Plan.
Phase 3.	Means Stages 13 to 14 as identified in the Staging Plan
Precinct	A Precinct refers to each stage of the development as identified on the Staging Plan numbered RC07 and dated November 2012 submitted with the PPR.
Project	Means the proposal as described in Term A1 to this approval
Proponent	Crighton Properties Pty Ltd, or anyone else entitled to act on this approval
Preferred Project Report (or PPR)	Preferred Project Report titled Riverside at 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
Receivers and Managers Appointed	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 November 2012
Statement of Commitments	Means the modified statement of commitments made by the proponent and dated 12 June 2013
Subject Site	Means the development known as 'Riverside at Tea Gardens' on Lots 10, 19 and 40 DP270100 and Part Lot 1 DP270100 at Myall St, Tea Gardens

SCHEDULE 2

ADMINISTRATIVE CONDITIONS

A1 Project Description

Project approval is granted only to carrying out the project described in detail below:

- (i) Subdivision to excise the on-site conservation lands (as shown on the plan in **Annexure A1**) as one or more lots. This newly created lot is to have an approximate area of 116.1 ha.

Note: The balance of the land may be subdivided as the proponent desires.

A2 Certification

Subdivision certificate: The relevant certifying authority must be satisfied, prior to a subdivision certificate being issued, that satisfactory arrangements have been made to secure the onsite offsets in accordance with term A5 of the Concept Plan Approval MP 10_0136.

Note: Prior to registration of the plan of subdivision for the project, the proponent is required under Division 3 of Part 23 of the Conveyancing Act 1919, to obtain a Subdivision Certificate pursuant to Section 109C(1)(d) of the Act in accordance with Section 109D(d) of the EP&A Act

A3 Director-General as Moderator

Where this approval requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director-General, the matter is to be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution.

A4 Limits of Approval

This approval is for subdivision only and does not give approval for any works on the site.

A5 Legal Notices

Any advice or notice to the approval authority shall be served on the Director-General.

ANNEXURE A1- PLAN OF ON-SITE CONSERVATION LANDS

