

Schedule 2 – Terms of Approval and Modifications																																																								
PART A – Terms of Concept Approval																																																								
A1	Project Description				Suggested Amendments		Justification for Proposed Changes																																																	
	<p>Concept plan approval is granted for the Riverside at Tea Gardens project generally as described below:</p> <ul style="list-style-type: none">• A residential and tourist 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 <p>As modified by the modifications described in Part 8 of Schedule 2 of this approval.</p>				Tourist development to be deleted		<p>Additional lands allocated to onsite offsets.</p> <p>Number of lots is 725. Dwelling yield is estimated at 935.</p>																																																	
A2	Project in Accordance with Plans																																																							
	<p>Concept Plans prepared by Crighton Properties Pty Ltd SGD 1 Pty Ltd</p> <table><thead><tr><th>Drawing No.</th><th>Revision</th><th>Name of Plan</th><th>Date</th></tr></thead><tbody><tr><td>RC-01</td><td>0</td><td>Context Plan</td><td>November 2012</td></tr><tr><td>RC-02</td><td>0</td><td>Site Analysis Plan</td><td>November 2012</td></tr><tr><td>RC-03</td><td>0</td><td>Concept Plan</td><td>November 2012</td></tr><tr><td>RC-04</td><td>0</td><td>Transport and Access Plan: pedestrian/cycleway/public transport</td><td>November 2012</td></tr><tr><td>RC-05</td><td>0</td><td>Street Hierarchy Plan</td><td>November 2012</td></tr><tr><td>RC-06</td><td>0</td><td>Open Space Network - concept plan</td><td>November 2012</td></tr><tr><td>RC-07</td><td>0</td><td>Staging Plan</td><td>November 2012</td></tr><tr><td>RC-08</td><td>0</td><td>Community Title Structure</td><td>November 2012</td></tr><tr><td>RC-09</td><td>0</td><td>Tourist Lodgings Precinct Plan</td><td>November 2012</td></tr><tr><td>RC-10</td><td>0</td><td>Constraints Plan</td><td>November 2012</td></tr><tr><td>RC-11</td><td>0</td><td>Constraints Plan</td><td>November 2012</td></tr></tbody></table> <p>except for:</p> <p>(1) any modifications which may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;</p> <p>(2) otherwise provided by the terms of this approval.</p>				Drawing No.	Revision	Name of Plan	Date	RC-01	0	Context Plan	November 2012	RC-02	0	Site Analysis Plan	November 2012	RC-03	0	Concept Plan	November 2012	RC-04	0	Transport and Access Plan: pedestrian/cycleway/public transport	November 2012	RC-05	0	Street Hierarchy Plan	November 2012	RC-06	0	Open Space Network - concept plan	November 2012	RC-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			All plans are to be updated with amended layout and renumbered.	
Drawing No.	Revision	Name of Plan	Date																																																					
RC-01	0	Context Plan	November 2012																																																					
RC-02	0	Site Analysis Plan	November 2012																																																					
RC-03	0	Concept Plan	November 2012																																																					
RC-04	0	Transport and Access Plan: pedestrian/cycleway/public transport	November 2012																																																					
RC-05	0	Street Hierarchy Plan	November 2012																																																					
RC-06	0	Open Space Network - concept plan	November 2012																																																					
RC-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																																																					
A3	Project in Accordance with Documents																																																							
	<p>The project is to be undertaken generally in accordance with the following documents:</p> <p>Environmental Assessment:</p>																																																							

	<p>1) Riverside at Tea Gardens Concept Plan Application: Environmental Assessment prepared by Environmental Resources Management (ERM) Australia, Volumes 1A, 1 B, 2, 3, 4 and 5 dated January 2012.</p> <p>Preferred Project Report:</p> <p>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.</p> <p>3) Letter from Environmental Resources Management Australia (ERM) dated 26 February 2013 providing the legal property description for the site.</p> <p>4) Statement of Commitments dated 12 June 2013</p>	As amended	
A4	<i>Inconsistencies</i>		
	<p>(1) In the event of any inconsistency between:</p> <p>a) The terms of this approval. and the Statement of Commitments (at Schedule 4), the terms of this approval prevail;</p> <p>b) The terms of this approval and the drawings/documents referred to in A2 and A3, the terms of this approval prevail; and</p> <p>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.</p>		
A5	<i>Limits of approval</i>		
	<p>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.</p> <p>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).</p> <p>3) Notwithstanding anything else in this concept plan approval and in accordance with section 750(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:</p> <p>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;</p> <p>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</p> <p>c) for Phase 3, satisfactory arrangements have been made for the securing of:</p> <p>i. onsite offsets marked yellow on the Onsite Offset Plan in accordance with commitment number 10A in the Statement of Commitments; and</p> <p>ii. offsite offsets in accordance with commitment number 10B in the Statement of Commitments."</p> <p>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."</p> <p>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.</p>	<p>Matter addressed with the locking up of the Onsite Biodiversity Lands with the Stage 1 works</p> <p>To be deleted</p> <p>The phases of the development will be renegotiated.</p>	<p>Seek to have DoPE generally reword these limitations so that a Development Application for development can be sought with the commencement of any works for residential development being limited until the offset lands are adequately addressed.</p> <p>The securing of the onsite offsets lands will be a requirement of the 1st Stage of the development.</p> <p>Need to get these restrictions removed.</p>

PART B - Modifications to the Concept Plan			
B1	Development footprint		
	<p>(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:</p> <ul style="list-style-type: none"> 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. <p>(2) Term of Approval B1 is to be read in conjunction with Term of Approval A5 regarding the submission of a biodiversity offset package.</p> <p>¹ <i>eco-tourist facility</i> means a building or place that: <i>(a) provides temporary or short-term accommodation to visitors on a commercial basis, and</i> <i>(b) is located in or adjacent to an area with special ecological or cultural features, and</i> <i>(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</i></p>	B1 to be deleted – Tourist Precinct not proceeding	
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.	No change	
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.	To be deleted	Current surrounding residential development has cats but they are not an issue. Have the Environmental Management plan address feral animals
B4	Existing Water Basins		
	<p>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.</p> <p>Note: The "existing basins" are not relied upon for water or flood management for the Concept Plan.</p>	To be deleted	
B5	Intersection Upgrades		
	<ul style="list-style-type: none"> 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. 	<p>TCS to be undertaken as per amended Traffic Report.</p> <p>TCS to be undertaken as per amended Traffic Report.</p> <p>Intersection works are to be undertaken as per amended Traffic Report.</p>	The amended Traffic Report has highlighted that there are no requirements for the installation of a TCS intersection at any stage of the development. The two main intersections are now included in Council's Section 94 Contributions Plan and are therefore items that would be accommodated at an appropriate time. The Toonang Intersection has been redesigned for minor flows and will not require reconstruction. Delete condition.

B6	Earthworks		
	<p>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.</p> <p>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.</p>	<p>Rewording to acknowledge construction timing constraints</p>	<p>This condition is attacking the financial viability of the whole project. It needs to be reworded so that excess site spoil in Stages 15 & 16 section can be relocated to earlier stages.</p>
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		
	<p>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 0 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 minimum, include the following information:</p> <p>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;</p> <p>b) Details of community title arrangements, including a list of all maintenance responsibilities resting with the Community Association;</p> <p>c) Housing density and typology arrangements (see C2) below;</p> <p>d) Consideration of affordable housing (see C3) below;</p> <p>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;</p> <p>f) Fill and finished floor levels requirements on flood prone lots as identified in the Flood assessment (see C10 below);</p> <p>g) All other matters specified for in the Draft Great Lakes Council DCP 2012 except where varied by the terms of this approval.</p>	<p>Insert SGD 1 Pty Ltd</p> <p>Amend as per PPR</p> <p>Adopt current Great Lakes Development Control Plan</p>	
C2	Housing Density and Typology		
	<p>As part of the Precinct Plan requirements identified in Term C2 above, plans must be provided which:</p> <p>a) Demonstrate adoption of the neighbourhood planning principles in the Mid North Coast Regional Strategy 2006 (or any subsequent version thereof);</p> <p>b) Are not inconsistent with the provisions of the Tea Gardens/Hawks Nest Housing Strategy 2006 (or any subsequent version thereof);</p> <p>c) Identify locations within the precinct not covered by the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;</p> <p>d) Detail the likely mix of housing densities in each precinct, and the objectives for and location of various housing densities;</p> <p>e) Details the proposed number, size and type of dwellings expected in each precinct;</p>		

	<p>f) Type of development permissible on each lot, eg: zero lot housing, duplex housing, etc.</p> <p>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.</p>																						
C3	Affordable Housing																						
	<p>As part of the Precinct Plan requirements identified in Term C2 above, a plan must be provided which:</p> <p>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;</p> <p>b) Identifies possible location/s for affordable housing;</p> <p>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.</p>																						
C4	Management Plans																						
	<p>All future development applications for each development stage are to include, where relevant, the following stage-specific management plans:</p> <p>a) Koala Management Strategy (Note the Final Koala Management Strategy will be prepared and submitted with the first development application for subdivision).</p> <p>b) Landscape Concept Plan (see C17)</p> <p>c) Stormwater Concept Plan/Integrated Water Management Plan (see C8)</p> <p>d) Groundwater Management Plan (see C7)</p> <p>e) Cultural Heritage Management Plan (see C14)</p> <p>f) Acid Sulphate Soil Management Plan (see C8)</p> <p>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.)</p> <p>h) Feral Animal Management Plan <i>(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></p> <p>i) Threatened Species Management Plan <i>(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.)</i></p> <p>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.</p>	<table><tr><td></td><td></td></tr><tr><td>a)</td><td>Refer EMP Annex G</td></tr><tr><td>b)</td><td></td></tr><tr><td>c)</td><td>Refer Annex B</td></tr><tr><td>d)</td><td>Refer Annex B</td></tr><tr><td>e)</td><td>Refer AnnexF</td></tr><tr><td>f)</td><td>Refer Annex H</td></tr><tr><td>g)</td><td>Refer EMP Annex G</td></tr><tr><td>h)</td><td>Refer EMP Annex G</td></tr><tr><td>i)</td><td>Refer EMP Annex G</td></tr></table>			a)	Refer EMP Annex G	b)		c)	Refer Annex B	d)	Refer Annex B	e)	Refer AnnexF	f)	Refer Annex H	g)	Refer EMP Annex G	h)	Refer EMP Annex G	i)	Refer EMP Annex G	Refer PPR for the relevant final Plans
a)	Refer EMP Annex G																						
b)																							
c)	Refer Annex B																						
d)	Refer Annex B																						
e)	Refer AnnexF																						
f)	Refer Annex H																						
g)	Refer EMP Annex G																						
h)	Refer EMP Annex G																						
i)	Refer EMP Annex G																						

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		
	<p>(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 (GOEs), a detailed groundwater monitoring and review plan must be prepared by a suitably qualified person to be submitted with the stage 1 development application.</p> <p>(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.</p>		
C7	Acid Sulfate Soils Management Plan		
	<p>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 (1988) and certified by a suitably qualified person.</p> <p>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.</p>	Refer Annex H	
C8	Stormwater Management and Water Quality Monitoring		
	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	Refer Annex B	

	<p>Engineers. The delivered assets must be certified as consistent by a recognised professional engineer.</p> <p>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.</p>		
C9	Flooding and Climate Change		
	<p>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.</p> <p>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.</p> <p>3) All future applications for each stage of development are to incorporate any re-calibrations of the relevant Council flood model.</p> <p>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.</p> <p>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 0.1 m contours and a detailed flood impact assessment for all flood liable land.</p>	Refer Annex B	
C10	Geotechnical Assessments		
	<p>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:</p> <p>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</p> <p>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.</p>	Refer Annex H	
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 888 instrument under the NSW Conveyancing Act 1919.	Refer Annex E	
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	Reword conditions to acknowledge that the CHMP has been completed for the	Adopt the Cultural Heritage Management Plan undertaken by ERM

	<p>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.</p> <p>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.</p>	whole site	
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.	Delete condition and accept the original contamination assessment	Original contamination report is complete and in accordance with the rules. Its acceptance is expected.
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).	Delete condition	All offset lands, including the E2 are to be managed as per the C4 Management Plans
C15	Tourist Precinct		
	<p>(1) Any future development application for the tourist precinct in Stage 13 shall be designed in accordance with the following parameters:</p> <p>a) A minimum buffer of 20m from any building to the water feature located within the circular roadway; and</p> <p>b) A minimum 20m radius to the existing hollow bearing trees is provided; and</p> <p>c) A minimum 50m vegetated buffer to the nearby wetlands is provided; and</p> <p>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.</p> <p>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.</p> <p>f) The building footprints shown on Plan RC-03 dated November: 2012 are not approved.</p>	Delete condition	Tourist precinct is not proceeding
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.	Refer Annex N	
C18	Public Transport/Bus Network		

	<p>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.</p> <p>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.</p>		
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.	Delete condition	Accept original report that that traffic noise on Myall Street is acceptable
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		
	<p>(1) MYALL STREET / MYALL QUAY BOULEVARD INTERSECTION</p> <p>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:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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 cycle facilities, foot/cycle paths and ramps, connecting to the TCS intersection shall be provided to the satisfaction of the 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 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 the RMS. <p><i>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</i></p>	Delete condition	Intersections are a Section 94 Contribution item.

	<p><i>authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Act, as applicable for works under the WAD.</i></p> <p>(2) MYALL STREET / SECOND ACCESS INTERSECTION</p> <p>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:</p> <p>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.</p> <p>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.</p> <p>Note: The Myall Street / second access road intersection is to be completed prior to the release of the subdivision certificate for the 500th lot.</p> <p>(3) MYALL STREET / TOONANG DRIVE INTERSECTION</p> <p>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.</p> <p>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.</p> <p>(4) GENERAL</p> <p>The following general requirements shall be taken into account in future development applications for Stage 11 and 12, in designing the above intersections:</p> <p>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.</p> <p>b) Street lighting shall be provided at the intersections to the relevant Australian Standards, or as determined by RMS.</p> <p>c) All works associated with the proposed development shall be at full cost to the developer and at no cost to RMS or Council.</p>				
C22	<p>Proposed developments/activities in or adjacent to the Marine Park</p> <p>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.</p> <p><i>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.</i></p> <p><i>Note 2: Any application for works below MHWL (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.</i></p>	<p>To be reworded as the tourist precinct has been deleted.</p>	<p>Suggest deletion of crossed out wording</p>		
SCHEDULE 4 - STATEMENT OF COMMITMENTS -Dated 12th June 2013				Suggested Amendments	Justification for Proposed Changes

Item Number	Item	Commitment	Reason for Commitment	Responsibility	Timing		
1	Scope of Development	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. <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	Refer to the adopted amended layout and need to acknowledge Sheargold's amended PPR	
2	Tourist Precinct	Any Development application approved within the Tourist Precinct (as identified on the Concept Plan) must be consistent with the following requirements; <ol style="list-style-type: none"> All hollow bearing trees to be retained within the development (these are actually identified on the plan) Development to be no greater than 6.5 DW/Ha (half the density of the standard residential development) Development footprint, including access roads, driveways and buildings to be no more than 30% site coverage All structures (buildings and roads) to be encompassed with a line of bollards 1.0m out from the edge of the structure. All land outside of the bollard area to be maintained under common title, by contractor in accordance with a management plan (to be prepared) 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) No fences allowed (except for service compounds etc linked with the amenity building or garbage collection points) All pavements to be permeable No domestic pets allowed. 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). All houses to be selected from standard designs or built in accordance with strict architectural guidelines (which consider materials, textures, lighting etc. All outdoor lighting to be bollard lighting. 	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.	Delete Condition	Tourist Precinct is not proceeding
3	Statutory Requirements	The following licences, permits and approvals will be obtained and maintained for the subdivision and construction of infrastructure: <ul style="list-style-type: none"> Development consent under Part 4 of the Environmental Planning & Assessment Act; 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. 	To ensure all relevant approvals, permits and licences are obtained at the relevant time.	Land owner	For the duration of subdivision	No change	
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 maintenance and ownership of	Land owner	Ongoing	Delete condition	OEH has now acknowledged that the Community Association can manage the Conservation Lands. GLC has offered ownership.

			the conservation lands				
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.	No change	
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.	No change	
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.	Refer Annex H	Adopt final report
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 the 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 & 10 for timing	Suggest that the Biodiversity Offset package report is acknowledged and delete this paragraph.	
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 will be secured prior to Final Concept Approval being given for Phase 1 (nominally Stages 1-4)	Delete condition or rewording as per PPR	OEH agreement is being sought for the final onsite offset package
9B		Offsite offsets will be secured for the development of Phase 2 (nominally stages 5 – 12) in accordance with a BioBanking 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	Offsite offsets will be secured prior to Final Approval being given for the remainder of the development of Lot 40, Phase 2 (nominally being Stages 5-12 inclusive)	Need to reword condition	To allow for a development Application to be lodged for these precincts and prior to the issuance of a Construction Certificate
10A		Onsite Conservation lands will be secured and management processes established to offset impacts of approximately 5ha of development footprint of Phase 3 (either Stages 13 tourist development or 14 residential) in accordance with the Onsite Offsets 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)	Delete condition	Tourist Precinct has been deleted
10B		Offsite offsets will be secured to offset the remainder of Phase 3 in accordance with the 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 of Lot 10	Off site offsets will be secured prior to Final Approval being given for Stages 13 and 14.	Amend condition to acknowledge the agreed OEH package	To allow for a development Application to be lodged for these precincts and prior to the issuance of a Construction Certificate
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.	Refer Annex E	
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.	Refer Annex F	Refer CHMP
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.	Refer Annex F	Refer CHMP
14	Water Cycle Management	Any development application lodged with Great Lakes Council for approval will be accompanied by Water Cycle Management documentation which is	To ensure water quality and quantity discharge targets are met	Land owner	Prior to the release of the subdivision certificate for each	Refer Annex B	

		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.	within the development. To ensure that the site is not subject to flooding.		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.	Refer Annex B	
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).	Refer Annex B	
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.	Delete condition	Refer Stormwater Management Report – mapping completed
18		All house floor levels upon the site are to comply with the FPL's contained within the Concept Integrated Water Cycle Management Strategy and Great Lakes Council Freeboard requirements.	To ensure dwelling upon the site remain flood free.	Great Lakes Council / Land owner	Ongoing throughout the development	Delete condition	Refer Stormwater Management Report
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.	No change	
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	No change	
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.	Amend condition	MCW has advised that the recycled water scheme will not proceed.
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).	MidCoast Water	Following Concept Plan approval.	Delete Condition	Refer attached confirmation letter from MCW confirming that recycled water is no longer a requirement.
23		Infrastructure services will be provided generally in accordance with the drawings prepared by Tattersall Lander (Annex B), namely Drawing Numbers: <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.	Amend condition to new drawing numbers.	
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.	No change	
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.	Delete condition	
		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.	Delete condition	Intersections are to be provided in accordance with the Traffic Report
27		The Intersection of Toonang Drive will be upgraded to a seagull type intersection in consultation with Council / RMS prior to the development of the 700 th Lot or when a connection is made to Toonang Drive (whichever is the earlier).	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).	Delete condition	Intersections are to be provided in accordance with the Traffic Report
28		Pedestrian crossing facilities and refuges shall be provided on Myall Street as part of intersection design.	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.	No change	
29		Bus stop and shelter facilities are to be provided along both sides of Myall	To ensure adequate facilities are	Land owner	During detail design and to	Delete condition	Bus stop facilities are to be

		Street adjacent to safe pedestrian crossing facilities.	available for pedestrians to cross Myall Street.		accompany a Development Application for intersection works.		provided in accordance with Council requirements and are a Section 94 Contribution
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 Contribution 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	No change	
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.	Delete condition	Need to acknowledge GLC's LEP 2014 requirements. Density levels have been achieved.