Concept Approval

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

I, the Deputy Director-General, acting under delegation from the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* (the *EP&A Act*) determine:

a. Under section 75O of the Act, to approve the concept plan referred to in Schedule 1 subject to the modifications in Schedule 3 and the proponent's Statement of Commitments in Schedule 6;

b. Under section 75P(1)(a) of the Act, that further environmental assessment be subject to the requirements set out in Schedules 4 and 5; and

c. Under section 75P(1)(b) of the Act, that approval to carry out the project be subject to Part 4 or 5 of the Act, as relevant.

The modifications and further assessment requirements are required to:

- Encourage the orderly future development of the site; and
- Ensure adequate mitigation of environmental impacts of future development.

Richard Pearson
Deputy Director-General
Development Assessment and Systems Performance

Sydney 3rd May 2011

SCHEDULE 1

Application No.:	MP08_0039
Proponent:	Chase Taree Developments Pty Ltd, Hocana Property Pty Ltd, and Spychalla Pty Ltd
Approval Authority:	Minister for Planning
Land:	Lots 1 and 2 DP804829, Lot 1 DP243828, Lots A and 1 DP343913, Lots 1 and 2 DP555702, Lots 27 to 29 and 31 DP20200, Lots 35 to 36 and 38 to 39 DP24505, Lots 12 and 15 to 16 DP703272 , Lots 1 and 2 DP215485, Crown Reserve 037-3070 and Reserve 1011448, Pitt Street, Chatham, Taree.
Project:	Pitt Street, Chatham, Taree mixed use residential, commercial, tourist, open space, and marina development, including: • Building envelopes (indicating height in storeys); • Floor areas and floor space ratios; • Land uses (residential, commercial, tourist, open space, and marina); • Indicative street alignments and pedestrian networks; • Location of open space, landscaping and "restored" wetland and riparian areas; • Location of 3 marinas with a total 100 berth capacity and 1 jetty for 10 vessels; • Heritage items to be retained and adaptively reused; and • Location of recreational facilities and public domain elements.

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DEFINITIONS

Act	*Environmental Planning and Assessment Act 1979* (NSW).
Advisory Notes	Advisory information relating to the approved development but which does not form part of this approval.
BCA	Building Code of Australia.
Council	Greater Taree City Council.
DECCW	Department of Environment, Climate Change and Water.
Department means the	Department of Planning or its successors.
Director-General	Director-General of the Department or his/her nominee.
Environmental Assessment	Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd and dated 16 November 2009, including all its Appendices.
Minister	Minister for Planning.
Project	The project as described in Schedule 2, Condition 1 to this approval.
PCA	A Principal Certifying Authority and has the same meaning pursuant to Part 4A of the Act.
Proponent	Chase Taree Developments Pty Ltd, Hocana Property Pty Ltd, and Spychalla Pty Ltd or any party acting upon this approval.
Regulation	*Environmental Planning and Assessment Regulation 2000.*
Response to Submissions	Response to Submissions prepared by JBA Urban Planning Consultants Pty Ltd and dated 4 June 2010, including Attachments and Table.
Subject Site	Has the same meaning as the land identified in Schedule 1.

SCHEDULE 2
ADMINISTRATIVE CONDITIONS

TERMS OF APPROVAL

1. Project description

Concept plan approval is granted only to carrying out the project as generally described in detail below:

(a) A mixed use residential, commercial, tourist, open space, and marina development comprising the following:
- (i) Indicative 57 building envelopes up to 17.6m in height (including roof and loft space) across 5 precincts;
- (ii) 84,200m^2 of residential floor space, 23,970m^2 of mixed use floor space; 11,410m^2 of mixed use commercial floor space; and 6,825 m^2 of commercial adaptive re-use floor space;
- (iii) Land uses (residential, commercial, tourist, open space, and marina);
- (iv) Indicative street alignments and pedestrian networks;
- (v) Location of open space, landscaping and "restored" wetland and riparian areas;
- (vi) Location 1 jetty for 10 vessels and 3 commercial marinas with a total 100 berth capacity;
- (vii) Heritage items to be retained and adaptively reused; and
- (viii) Location of recreational facilities and public domain elements.

The breakwater does not form part of this approval.

2. Project in Accordance with Documents

The project must be undertaken in accordance with the following documents:

Environmental Assessment documentation

a) *Environmental Assessment Report, Concept Plan: Figtrees on the Manning, Taree*, Volumes 1 to 3, prepared by JBA Urban Planning Consultants Pty Ltd, dated 16 November 2009, including all Appendices.

Response to Submissions documentation

b) Response to Submissions prepared by JBA Urban Planning Consultants Pty Ltd dated 4 June 2010, including letter, Attachments A – D and Table

except:

1) for any modifications which may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;

2) as otherwise provided by the terms of this approval.

3. Inconsistencies

(1) In the event of any inconsistency between:

(a) The terms of this approval and the Statement of Commitments (at Schedule 6), the terms of this approval prevail;

(b) The terms of this approval and the drawings/documents referred to in condition 2 above, the terms of this approval prevail; and

(c) Any drawing/document listed in condition 2 above, the most recent document shall prevail to the extent of the inconsistency.

(2) If there is any inconsistency between the terms of the approval of the concept plan and any project approval or development consent, this concept approval shall prevail to the extent of the inconsistency.

4. Lapsing of Approval

Approval of Major Project No. 08_0039 shall lapse 5 years after the date of determination unless works the subject of any related application have been physically commenced, on or before that lapse date. The Director-General may extend this lapse date if the proponent demonstrates to the satisfaction of the Director-General that the project remains current, appropriate and reflective of the best use of the site at the date the approval would otherwise lapse.

SCHEDULE 3
MODIFICATIONS TO CONCEPT PLAN

MODIFICATION GROUP

1. Land to which concept plan relates
Excised lots
(a) Lots 30 and 32 DP20200, Lots 33 and 37 DP24505, Lot 14 DP 703282, and Lots 1 to 4 SP22701 must be excised from the concept plan and excluded from relevant future applications.

2. Aboriginal Railway Cutting Site - Gateway Residential Precinct
Landscape design
(a) The viewing platform and the pathway adjacent to the Aboriginal Railway Cutting Site must be relocated so as not to impinge on the Aboriginal Heritage site.
(b) This condition must be read in conjunction with Condition 20 Aboriginal Cultural Heritage, Schedule 5 below.

3. Central road (Riverpark Village Precinct)
Relocate the central road further north at its eastern end or demonstrate that its proposed position is optimal in terms of maximising the conservation and protection of mangroves adjacent to the unnamed tributary through the northern part of the site.

SCHEDULE 4

REQUIREMENTS FOR FIRST FUTURE APPLICATION

Pursuant to sections 75P(1)(a) and 75P(2)(c) of the Act the following requirements apply with respect to the first stage of the project to be assessed under Part 4 or 5, as relevant, of the Act. The requirements must be submitted to the satisfaction of the relevant approval authority with the first application submitted for the site.

1. Contamination investigations:
Undertake further investigation, sampling and analysis, and prepare site audit statements for localised areas of contamination generally in accordance with 'Greater Taree City Council Rezoning of Pitt St Waterfront Chatham – Acid Sulphate Soil and Contamination Assessment and Review', Sinclair Knight Merz (7 Nov 2007) (Appendix G of EA).

Note: The localised areas of contamination include the fishermen's co-operative, dairy factory, fuel depot, vacant area down slope of the depot, and the area behind Sheather's machinery (dairy factory).

2. Acid Sulfate Soil Management
Provide the following details generally in accordance with 'Greater Taree City Council Rezoning of Pitt St Waterfront Chatham – Acid Sulphate Soil and Contamination Assessment and Review', Sinclair Knight Merz (7 Nov 2007) (Appendix G of EA):

(a) Undertake detailed investigation of acid sulfate soils present on the site to define the extent and concentration of acid sulfate soils prior to preparing an Acid Sulfate Soil Management Plan. The investigation must particularly address low lying areas adjacent to the Manning River, areas requiring deep bulk excavation and appropriate technical measures.

(b) Prepare an Acid Sulfate Soil Management Plan in accordance with the *ASSMAC Manual*. The Plan must address excavation, particularly for the marina and service trenches.

SCHEDULE 5

REQUIREMENTS FOR FUTURE APPLICATIONS

Pursuant to sections 75P(1)(a) and 75P(2)(c) of the Act the following requirements apply, as relevant, with respect to future stages and precincts of the project to be assessed under Part 4 or 5, as relevant, of the Act. The requirements must be submitted to the satisfaction of the relevant approval authority with relevant applications.

Requirements for Marina Commercial Precinct:

1. Noise

(a) Submit details of ameliorative measures for the attenuation of noise from the Marina Commercial Precinct, including the boat building facility, boat ramp and car park generally in accordance with the recommendations and noise criteria of the Acoustic Assessment (Acoustic Logic, dated 5 November, 2009 – Appendix T of the EA), and with the requirements of the DECC Industrial Noise Policy, Intrusiveness and Amenity Criteria.

(b) Submit a plan of management which addresses the hours of use for power tools (high pressure hoses, compressors and hand tools) in the marina/dry dock area.

(c) Provide detailed acoustic assessment of the proposed boat crane and plant items, including compressors. Acoustic treatments for the crane engine and management controls for the restriction of times of use must meet the acoustic criteria set out in the Acoustic Logic Acoustic Assessment.

(d) Demonstrate that commercial buildings adjacent to Chatham Avenue will achieve the required internal noise level criteria for office spaces. This may be by the use of upgraded glazing of 6.38mm laminated glass, or 6.38mm laminated/12mm airgap/6mm glass if an insulated glazed system is used, or alternative measures as submitted in an acoustic report submitted with the detailed application.

2. Marina Development - geotechnical

Provide geotechnical details generally in accordance with 'Greater Taree City Council – Pitt Street Waterfront Precinct, the Geotechnical Assessment - Final Report', Coffey Geotechnics (16 June 2008) (Appendix R of the EA) as follows:

(a) provide further detailed geotechnical investigation to assess the excavation potential for the marina location, including the extent of rock around the perimeter of the marina excavation;

(b) analysis of the effect of seismic activity on piled foundations, including consideration of additional load on the pile head due to ground surface acceleration; and the interaction effects on the pile shaft due to lateral movement of the ground profile;

(c) details of design in accordance with *Australian Standard Earthquake Code AS1170.4-1993;*

(d) details of construction techniques;

(e) construction management plan;

(f) provide details of the marina berth capacity, including dry berths (storage);

(g) demonstrate the marina will be outside of boundaries of the existing rowing course, and have minimal impacts on its safe operation;

(h) undertake detailed hydrodynamic modelling to determine the final basin design;

(i) determine the sub-surface stratigraphy for any proposed excavation for the marina and any proposed channel dredging. Investigate an excavated level of -3.0mAHD to allow for squat, siltation and under-keel clearance. Investigate the appropriate depth of the marina and account for low water levels; and

(j) undertake a fluvial flow analysis under the full range of river conditions to ensure eddies are not created and to protect water quality within the area of the proposed marina.

3. Marina – Environmental Management

(a) Provide details of any sewer pump-out facilities.

(b) Provide details of water pollution protection measures for marina maintenance facilities.

4. Traffic, parking and access

(a) Provide details of vehicular access to and through the precinct and the treatment and resolution of pedestrian conflict points, particularly for:

i. precinct entry point(s);
ii. car parking area and vehicular access to the south west of the public wharf; and
iii. mixed use area commercial parking area adjacent to Gregory Close.

(b) Provide details of boat trailer parking.

(c) Provide plans and details of pedestrian access through the Marina Commercial Precinct, including surface treatments (materials and finishes), resolution of conflict points, and privacy for adjoining land uses, as follows:

i. pedestrian access point on the Old Pacific Highway from the entertainment precinct;
ii. access along the public wharf;
iii. access to John Street; and
iv. car parking area to the south-west of the public wharf, and interface with the wharf, and open space to the west.

5. Stormwater management:

Provide a detailed site-specific storm water management plan (separated from the existing storm water drainage). The plan must be prepared by a suitably qualified person and address the following:

(a) measures based on Water Sensitive Urban Design Principles which address impacts on the surrounding environment, drainage and water quality controls for the catchment, and erosion and sediment controls at construction and operational stages;

(b) a detailed design layout plan for the preferred storm water treatment train showing location, size and key functional elements of each part of the system must be submitted with each development/project application;

(c) detailed storm water analysis based on the accepted rainwater harvesting and grey water re-use strategy adopted by Council for the approved project;

(d) MUSIC modelling to demonstrate the achievement of appropriate water quality objectives;

(e) assessment of local drainage comprising assessment of the future creek channel upgrade and proposed storm water system design for the site;

(f) hydraulic modelling for the unnamed creek within the site including assessment of a local drainage scenario involving local catchment runoff only with no tailwater flooding from the river;

(g) maintain environmental flows and inundation patterns in the watercourse so that post-development flows match or are better than pre-development flows. Address the impacts of post-development run-off on the surrounding environment;

(h) hydraulic processes and impacts of excavations on groundwater particularly in the Commercial Marina Precinct; and the impacts on surface and groundwater hydrology during construction and operation;

(i) demonstration that all structural works for storm water capture and treatment are located outside any riparian buffers. Consideration may be given to minor works located outside buffers subject to adequate justification being provided by the proponent; and

(j) measures to prevent wet weather overflows of stormwater; to segregate contaminated and uncontaminated water; and for spillage controls and bunding.

(i) demonstration that all structural works for storm water capture and treatment are located outside any riparian buffers. Consideration may be given to minor works located outside buffers subject to adequate justification being provided by the proponent; and

(j) measures to prevent wet weather overflows of stormwater; to segregate contaminated and uncontaminated water; and for spillage controls and bunding.

7. Water Quality

(a) A sediment and erosion control plan detailing best-practice measures to be implemented during construction and operation of the proposal.

(b) A comprehensive water quality strategy addressing water quality and water reduction requirements, including bioswales, detention pond and remediation of the creek to filter stormwater prior to release to the Manning River.

8. Water Management

Provide details to the satisfaction of the approval authority of consideration of the objects and water management principles of the *Water Management Act 2000*; the rules of any water sharing plan for the locality; and the *NSW State Rivers and Estuaries Policy 1993*.

9. Groundwater

(a) Identify all proposed groundwater works, including bores and excavation for the purpose of investigation, extraction, dewatering, testing or monitoring.

(b) Address the requirements of:

i. NSW Groundwater Policy Framework Document, 1997;
ii. NSW Groundwater Quality Protection Policy, 1998;
iii. NSW State Groundwater Dependent Ecosystem Policy 2002;
iv. NSW State Rivers and Estuaries Policy 1993;
v. Guidelines for Controlled Activities 2008.

10. Flooding

(a) A detailed flood assessment and flood evacuation plan generally in accordance with the relevant recommendations and conclusions of the Flood Impact Assessment, 15 May 2009, Issue C, Worley Parsons (Appendix H of EA).

11. Minimum floor levels

(a) Demonstrate that all habitable floor levels and all electrical infrastructure will be located a minimum of 6.5mAHD, including a 1m freeboard.

(b) Demonstrate that all basement car parking areas minimum floor levels will be 3.5mAHD.

(b) The method of construction of basement car parking areas (open/undercroft or enclosed) must be shown in detailed plans in order to demonstrate the impacts of the design on local flood behaviour.

12. Riparian buffers

(a) A riparian corridor management plan specifying minimum core riparian zones of 10m for the unnamed tributary in the northern part of the site (1st order watercourse), and 20-40m for the Manning river (9th order watercourse), in accordance with the NSW Office of Water requirements.

(b) Detail any necessary changes to building envelopes identified by the riparian corridor management plan.

13. Flora and fauna

(a) Undertake terrestrial and aquatic flora and fauna surveys and impact assessments in accordance with section 5 of *Threatened Biodiversity and Assessment: Guidelines for Developments and Activities* (DECC), including targeted surveys, mapping of species surveyed, and a quantitative study on seagrass and habitat to be removed. Note:

Reptile surveys are required to be conducted between November and March; and targeted surveys for the Green and Golden Bell Frog between August and March. The assessment must address the provisions of the *Fisheries Management Act 1994, namely NSW Fisheries Fish Habitat Protection Plan No. 1* and *Fish Habitat Protection Plan No. 2: Seagrasses*. The assessment must address the effects on and mitigation measures for hydrostatic processes and implications for flora and fauna.

(b) Demonstrate that the design of the bio-filtration system will be sympathetic with and improve the condition of the Endangered Ecological Communities (EECs) proposed to be used.

(c) Demonstrate that appropriate controls will be used to exclude the general public from accessing rehabilitation areas, and to encourage the public to use formed walkways.

(d) Demonstrate the provision of interpretative signage in rehabilitated/retained areas or along walkways adjacent to those areas.

(e) Undertake a bat survey, including spotlighting, and an ultrasonic bat call analysis to target the insectivorous microbat.

(f) Undertake a frog search targeting the Green and Golden Bell Frog.

(g) Undertake a full assessment for riparian habitat along the bank of the Manning River, including a survey for mangroves, seagrass, fish and invertebrates, benthic and other fauna, and details of the characteristics of the river bed particularly adjacent to the Marina Commercial Precinct. Prepare a Species Impact Statement for subsequent development applications (under Part 4 of the EP&A Act) if triggered by the results of that assessment.

(h) An Assessment of Significance for each threatened species, population or community occurring, or likely to occur in the area affected by the proposal. The Assessment is to include consideration of direct and indirect impacts, pollution of watercourses and wetlands, sediment, nutrient and pollutant run-off, noise and vibration, increase in feral plants and animals, road fatalities, etc in accordance with section 6 of the above DECC guidelines.

(i) A full description and justification of proposed mitigation measures to mitigate any adverse affects of the action on species and communities.

14. Urban design

Provide details regarding location, materials, height and setbacks for the following elements of interfaces for proposed building envelopes within each precinct, and in relation to adjoining properties outside of the site:

(a) setbacks;
(b) landscaping;
(c) buffers
(d) fencing;
(e) acoustic treatments;
(f) lighting;
(g) pedestrian and cycle paths;
(h) floor space ratio;
(i) maximum building heights;
(j) pedestrian and bicycle access through the site, including grades and intersection treatments; and
(k) compliance with *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*, and *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.*

15. Energy Efficiency

Provide a comprehensive energy and carbon strategy for the site addressing the use of renewable energy sources during construction and operation generally in accordance with the 'Air Quality and Greenhouse Gas Emissions Assessment', Heggies Pty Ltd (10 Sept 2009) (Appendix P of the EA).

16. Water re-use

Undertake detailed analysis of opportunities to reduce potable water consumption as follows:

(a) develop a daily urban water balance model over a minimum one year period to reflect seasonality of rainfall;
(b) model periods of high and low annual rainfall to assess the effectiveness of rainwater harvesting and identify ideal rain tank volumes;
(c) use the model to assess scenarios in more detail regarding key outcomes such as imported requirements and wastewater discharge; and
(d) feasibility of sewer mining.

17. Bank Stability

(a) Prepare a weed management plan for weedy sections of the bank to be retained, the vegetated drainage lines and riparian areas. Weed-infested areas must be replaced with native vegetation.

Demonstrate that the following will be achieved:

(b) stabilisation and revegetation of eroded areas along the bank of the Manning River with 100% native species for sections where development is not proposed. If alternative species other than natives are proposed, this must be to the satisfaction of the approval authority.
(c) stabilisation of the river bank using the rock fillet method, in areas where infrastructure (such as wharves) are not proposed.
(d) Implementation of appropriate erosion and sediment control measures.

18. Acoustic impacts

Restaurants, bars, taverns:

(a) Submit an acoustic assessment which demonstrates compliance with the Liquor Administration Board's emission goals set out in section 5.1.2 of the Acoustic Assessment, Appendix T of the EA.

Water stages, swimming pools, floating pontoons:

(a) Submit details of compliance of noise from use of the stage with the acoustic criteria in section 5.1.1 of the Acoustic Assessment.
(b) Demonstrate that sound power levels of any speakers positioned on stages and amplifying music will not exceed 95dB(A)L_{eq}. For speakers located elsewhere or if higher noise levels are required, demonstrate that satisfactory noise levels will be achieved.

Mechanical plant:

(a) Demonstrate that acoustic treatments (plant enclosures, screens, in-duct treatments) will comply with noise emission objectives.

19. European Heritage

Provide details which comply with the following:

Manning Valley Dairy Co-operative and the former Dairy Farmers' factory:

(a) The retention and incorporation of the buildings in the approved development through adaptive re-use.
(b) The alignment of the railway siding must be reflected in future development via appropriate interpretation and integration into the landscape design.
(c) Archival recording of the 1996 office must be carried out to the satisfaction of Council with details to be submitted with the relevant application.

(d) Demonstrate that a conservation management strategy has been prepared for the Manning Valley Dairy Co-operative in accordance with the NSW Heritage Branch CMS Form Parts 1 and 2 to the satisfaction of Council prior to any works commencing in the Precinct.
(e) Future development of the Dairy Heritage Precinct must be sympathetic to the buildings' existing fabric.
(f) The Wooden Store shall be retained and in this respect must be subject to further review and testing of its structural adequacy.
(g) The structurally adequacy of the wharf structure. Otherwise, demonstrate that an archival recording will be undertaken prior to demolition.

Lime Kiln Wharf and Tramway site:
(a) Demonstrate that care will be taken to ensure archaeological deposits associated with the Lime Kiln Wharf and Tramway will not be disturbed. Should it become apparent to the proponent that any deposits have been or are likely to be disturbed, the proponent must cease work and consult with the NSW Heritage Branch before any further work is undertaken.
(b) Interpretation of the history of the site must be provided at the western entry to the Gateway Residential Precinct.

Produce Store:
(a) If the Produce Store is to be changed or demolished the proponent must prepare an archival recording to the satisfaction of Council with a future application for development of the Figtree Commercial Precinct.

Archaeological potential along the Manning River Bank (above and below water):
(a) The proponent must submit a detailed archaeological survey for the area along the river bank (Item No. 12 in the ENSR AECOM *Aboriginal and Historic Assessment* 10 March 2008) using remote sensing and limited vegetation clearing with the aim of locating underwater relics such as ships, and littoral structures such as abandoned and collapsed wharfs.

Pitt Street:
(a) Demonstrate that the existing alignment and fig trees of Pitt Street will be maintained, and the planting of fig trees extended to the street's proposed easterly extension (Riverpark Village Precinct).

20. Aboriginal Cultural Heritage

This condition must be read in conjunction with Schedule 3, Condition 2 above.

(a) Demonstrate that the Railway Cutting Aboriginal site on the riverbank levee in the far west of the site (Heritage Item No. 4 in the ENSR AECOM *Aboriginal and Historic Assessment* 10 March 2008) must be conserved by incorporation into the landscape design of the Gateway Residential Precinct. The proposed viewing platform and any pathways must not impinge upon the Aboriginal site and must be designed to minimise impacts upon the topsoil within the Aboriginal site.
(b) Demonstrate that should there be any impacts from the proposal on the Railway Cutting Aboriginal site, including topsoil, the proponent will obtain the written consent of the Director-General of DECCW and prepare a research design outlining the methodology and processes required for the salvage of the site, in consultation with the registered Aboriginal stakeholders prior to endorsement by DECCW.
(c) Demonstrate that the proponent will consult with the Purfleet-Taree and Forster Local Aboriginal Land Councils throughout development of the Pitt Street, Taree concept approval MP08_0039 in accordance with the DECCW-ratified, Council consultation protocols.

(d) Demonstrate that the alignment of the railway siding will be reflected in relevant future application plans.

21. Asbestos management

Submit an Asbestos Management Plan for development of precincts affected by asbestos to the satisfaction of the approval authority. The plan must provide details regarding sealing and replacing of roofs.

22. Water and Sewerage

Submit a water supply and sewerage servicing strategy to the satisfaction of MidCoast Water for approval with the first DA for the site. The strategy must address required augmentations to service the approved project.

23. Crown lands management

Demonstrate that the relevant requirements of the NSW Land and Property Management Authority (LPMA) will be met.

24. Waste management

Provide a comprehensive waste management strategy for the site which addresses the use of recycled materials for construction and operation of development of the site, and a reduction in emissions associated with natural materials extraction.

25. Vegetation management

Submit a Vegetation Management Plan with relevant applications to the satisfaction of the approval authority.

SCHEDULE 6
STATEMENT OF COMMITMENTS

7.0 Statement of Commitments

In accordance with the Director General's Environmental Assessment Requirements, the proponent is required to include a Draft Statement of Commitments in respect of environmental management and mitigation measures on the site. The table included in this section sets out commitments made by the proponent to manage and mitigate potential impacts arising from the project and subsequent stages.

Subject	Commitments	Approved by Whom	Timing
Approved Project	Development on the site will be implemented in accordance with the Concept Plan entitled 'Figtrees on the Manning Local Area Plan / Masterplan' prepared by Suters Architects and dated November 2008.	Department of Planning.	No timing. General Statement of Commitment
Voluntary Planning Agreement	A Voluntary Planning Agreement will be executed between the proponent and Greater Taree City Council to provide for the timely delivery of local infrastructure and community services.	Council	Prior to gazettal of the LEP for the site.
Development Staging Plan	A Development Staging Plan will be submitted prior to first stage DA and revised prior to each subsequent Stage. The Staging Plan will address: ▪ Total lots approved and outstanding balance. ▪ Lots proposed for each subsequent stage and any minor revisions from the concept plan approval or previous staging plan. ▪ Average lots sizes and areas.	Minister for Planning or delegate	Prior to 1st stage DA
Water Supply and Sewer Servicing Strategy	A Water Supply and Sewerage Servicing Strategy addressing augmentations required to service the development will be prepared following Concept Plan Approval. The Strategy will be submitted to the DoP prior to the lodgement of any PA or DAs for the site. No applications for the development of the site will be lodged until the DoP and Mid Coast Water have provided their written confirmation of their acceptance of the Strategy.	DoP / Council / Relevant service provider	Prior to 1st stage DA
Road access and traffic	Vehicular access to the marina to the east of the site will allow for vehicles with boat trailers and heavy or oversized vehicles.	-	No timing. General Statement of Commitment

Subject	Commitments	Approved by Whom	Timing
	Circular road routes and once way roads with separate ingress and egress will be not be implemented.	-	No timing. General Statement of Commitment
Location of Central Road	The location of the proposed central road within the Concept Plan may alter as detailed designs evolve. Due consideration will be given to relocating the road to the north in the preparation of PAs or DAs for these areas of the site. This may be subject to a condition of Concept Plan Approval that PAs and/or DAs consider the relocation of the road in order to reduce potential impacts to mangroves.	The relevant consent authority for each stage.	No timing. General Statement of Commitment
Flora and fauna	In accordance with Ecotone's recommendations (November 2007), future development on the site will implement the following recommendations: ▪ The retention of the existing creek / drainage line to the north of the site and regeneration as appropriate. Much of the existing reedland / riparian areas will be incorporated into a restored wetland park. Modification to the tidal part of the creek will be avoided; ▪ The widths of riparian areas to be revegetated will be identified in relevant PAs and/or DAs for the site; ▪ Eroded areas of the river bank identified in the LAP (including those eroded by livestock) will be retained, stabilised and revegetated; ▪ To avoid further erosion, natural vegetation on the riverbank will be stabilised and rehabilitated with native species where development is not proposed.	The relevant consent authority for each stage.	No timing. General Statement of Commitment

Subject	Commitments	Approved by Whom	Timing
Flora and Fauna	In accordance with Orogen's recommendations (September 2009), future development on the site will implement the following recommendations ▪ Terrestrial and aquatic (including marine) surveys and impact assessment will be undertaken with relevant DAs. The assessment will address the Fish Habitat Protection Plan No. 1 and Fish Habitat Protection Plan No. 2: Seagrasses developed by NSW Fisheries. Subsequent investigations may include effects on and mitigation measures for hydrostatic processes and implications for flora and fauna. ▪ The design of the bio-filtration system is to be sympathetic to the EEC's proposed to be utilised. The design must aim to improve the condition of the community; ▪ Appropriate erosion and sedimentation controls to protect the Manning River during and post construction will be provided; ▪ Appropriate controls to exclude general public from entering rehabilitation areas, and/or encourage persons to keep to formed tracks within walkways will be provided; and ▪ Construction of interpretive signage in retained areas or along walkways.	The relevant consent authority for each stage.	With the relevant DA/PA.
Flooding and Sea Level Rise	In accordance with the Worley Parsons Flooding Report (15 May 2009), the following will be implemented: ▪ Habitable floor area will be above the anticipated future 100 year recurrent flood event, with a 1m freeboard. An evacuation route will be available along Pitt Street / Lyndhurst Street and will be capable to remain open during a 200 year recurrent flood event. ▪ Appropriate emergency egress, access to the foreshore and out of the site during flooding will be provided, subject to subsequent project/development applications.	-	No timing. General Statement of Commitment

Subject	Commitments	Approved by Whom	Timing
	▪ Floor levels will be above 3.5m AHD (including the basement car park level) and will therefore be at least 2m above the tidal water level anticipated under the high level impact scenario for sea level rise.		
Heritage	The Cooperative Dairy Group of Buildings (other than components approved for demolition in the Concept Plan) will be retained and incorporated into the development through adaptive reuse.	-	No timing. General Statement of Commitment
	In accordance with the ENSR Aboriginal and Historic Heritage Assessment (dated 10 March 2008), the following recommendations will be implemented: ▪ The Aboriginal site on riverbank levee to the far west of the site will be conserved through its incorporation into open space zoning. No part of the viewing platform and pathway will coincide with the identified Aboriginal site; ▪ Waterfront access will be designed to minimise impact to the topsoil within the Railway Cutting Site. The alignment of the railway siding will be reflected in future development with interpretation and integration into the landscape (as appropriate); ▪ Care will be taken to ensure archaeological deposits associated with the Lime Kiln Wharf and Tramway are not disturbed. Should any deposits be disturbed, this will be done with the consultation with the Heritage Branch of the DoP; ▪ The alignment of fig trees along Pitt Street will be maintained; ▪ Where relevant, Project / Development Applications will include archaeological surveys along the river bank to locate potential underwater relics including wharves and other waterfront structures and the remains of a barge on the riverbed;	-	No timing. General Statement of Commitment

Subject	Commitments	Approved by Whom	Timing
	▪ The Wooden Store is retained has part of the Concept Plan approval, subject to further review and tests of its structural adequacy at DA stage, which may deem that demolition is warranted; ▪ The wharf structure identified in the AECOM/ENSR report (August 2009), will be repaired or replaced at DA stage. ▪ Archival recording of the 1996 Office associated with the Dairy Co-operative Complex will occur prior to demolition.		
Mangrove and Bank Stability	Bank Stability and Erosion - following removal of horses and stock from the site, eroded areas along sections of the bank that will be retained, stabilised and revegetated. Best practice sediment and erosion control measures will need to be put in place during construction and where the bank is to be excavated along the Manning River. The construction area will need to be isolated from the river water to avoid water pollution.	The relevant consent authority at the relevant stage.	With the relevant DA/PA.
	Weed Management - a weed management plan should be prepared for weedy sections of the bank, the vegetated drainage lines and riparian areas. Weed infested areas will be replaced with native vegetation.	The relevant consent authority at the relevant stage.	With the relevant DA/PA.
	Fluvial flow analysis - should be carried out under the full range of river conditions to ensure that eddies are not created within the area of the proposed marina.	The relevant consent authority at the relevant stage.	With the marina Project Application.
	Water Quality - any discharge points to the Manning River or the tributary should be below the water mark or via dissipaters in order to prevent bank erosion. Water pollution protection measures will be required for any proposed maintenance facilities associated with the proposed marina.	The relevant consent authority at the relevant stage.	With the marina Project Application.

Subject	Commitments	Approved by Whom	Timing
Stormwater Management	Stormwater Management Strategies will be submitted with future PAs or DAs and will include measures to prevent wet weather overflows and segregate potentially contaminated water from non-contaminated water. Construction management plans (CMPs) submitted with will be submitted with PAs, DAs or Construction Certificate applications. CMPs will include provisions to prevent adverse impacts to surface and groundwater resulting from construction works. These are to include measures for the prevention of spillages that may otherwise result in contamination of surface and ground water. WSUD principles and solutions will be implemented on the site including the provision of roadside swales for the capture and filtration of stormwater. A Water Sensitive Urban Design (WSUD) Strategy will be prepared. The WSUD Strategy will conform to statutory, Council and DECCW guidelines. Some of the water volume in roadside swales will flow to the restored wetland for detention and further filtration in ponds. Water runoff from roads will be treated prior to its release into creeks and/or the river to ensure no adverse impacts result from runoff.	The relevant consent authority at the relevant stage.	With the relevant DA/PA.
	Runoff from rooves is to be stored for reuse in irrigation to retain pre-development flows as far as practicable.	The relevant consent authority at the relevant stage.	With the relevant DA/PA.
	Any discharge points to the river for treated stormwater will be below the low water mark, or shall utilize dissipaters to prevent bank erosion.	The relevant consent authority at the relevant stage.	With the relevant DA/PA.
Acid Sulphate Soils (ASS)	An Acid Sulphate Soil Management Plan (ASS) will be developed to address excavation adjacent to the river and shall involve either, including: ▪ The neutralisation of ASS with lime prior to disposal, or reuse as fill or; ▪ Delineation of the lateral and vertical extent of ASS, its removal and	The relevant consent authority at the relevant stage.	With the relevant DA/PA.

Subject	Commitments	Approved by Whom	Timing
	subsequent excavation of non-ASS soil from beneath. The ASS will then be buried below the water table; or ▪ Any other technical measures identified as part of further investigations on the site that will satisfactorily manage ASS impacts.		
Contamination	Site Audit Statements shall be provided in relation to the development of any localised areas of contaminated land identified in the Acid Sulphate Soils and Contamination Assessment by Coffey Geotechnics (dated 7 November 2007) at **Appendix G**, in particular: ▪ The fuel depot to the west of the site. The extent of contamination down slope of the fuel depot should be further investigated to assess the extent and degree of groundwater contamination; ▪ The rail siding to the west of the site (which has the potential to be contaminated, given its past usage and its location adjacent to the fuel depot); ▪ Buildings of the Dairy Cooperative that contain asbestos cement and are potentially contaminated with other substances; ▪ A filled gully adjacent to Fishermans Co-operative that presents a moderate risk of contamination; ▪ The concrete batching plant, disused rural store and Big Oyster, which are of low, or no risk of contamination; and ▪ The area behind Sheathers Machinery land in the central area of Pitt Street. Site Audit Statements will be prepared by an accredited Contaminated Lands Auditor for these localized areas of contamination. More detailed investigation and sampling is required in these localised areas of the site.	The relevant consent authority at the relevant stage.	With the relevant DA/PA.

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	Future works should be undertaken in consultation with the auditor so that a Site Audit Statement can be issued on completion of the works.		
Marina development	The development of the marina basin and berthing will be subject to detailed hydrodynamic modelling to determine the final basin design at the Project Application stage. Subsurface stratigraphy will be determined for any proposed marina excavation and for any proposed channel dredging. An excavated level of -3.0m AHD will be investigated to allow for squat, siltation and under-keel clearance. The depth of the marina should account for low water levels and should be further investigated as part of the detailed PA.	The relevant consent authority for the marina.	With the marina Project Application.
Marina Geotechnical issues	Construction techniques set out in the Geotechnical Report by Coffey Geotechnics dated 16 June 2008 will be implemented.	The relevant consent authority at the relevant stage.	With the marina Project Application.
	The detailed recommendations for excavation, piling and the construction of basement areas, footings and other supporting structures contained in the Coffey Geotechnical Assessment dated 16 June 2008 will be observed in subsequent designs of the proposed development.	The relevant consent authority at the relevant stage.	With the relevant DA/PA.
Marina Operation and Management	A Marina Plan of Management including an environmental management plan (EMP) will be implemented for the operation of the marina to the east of the site. The EMP will address all relevant issues associated with the use, inspection, maintenance and repair of the marina. It shall ensure that the operation of the marina complies with all relevant statutory and regulatory requirements, including those of the POEO Act and DECCW noise guidelines.	The relevant consent authority for the marina.	With the marina Project Application.

Subject	Commitments	Approved by Whom	Timing
	The scope of the EMP shall embrace the marina management guidelines; induction and training of staff and tenants in the safe operation of the marina; fire prevention and fire fighting; medical emergency; hazard management; navigational safety; fuel management and the use of sewage pump out equipment; solid and liquid waste management and prevention of waterway pollution.		
Construction, waste and traffic impacts	Construction Management Plans, Construction Traffic Management Plans and Waste Management Plans will be prepared for each stage of the development and submitted with future project/development applications.	The relevant consent authority at the relevant stage, including the marina stage.	With the relevant DA/PA.
Acoustic impacts	The following recommendations of the Acoustic Logic report dated (5 November 2009) will be implemented: External Noise Impacts (Traffic) ▪ Some upgraded single glazing necessary to the commercial buildings located adjacent to Chatham Avenue will be provided as per the indicative treatments presented in the acoustic assessment. Mechanical Plant ▪ Detailed review of all plant items will be undertaken at Construction Certificate stage and acoustic treatments (plant enclosures, screens, in-duct treatments) determined in order to ensure noise emission objectives are met. ▪ Noise from plant (including air-conditioners) will be attenuated through appropriate plant location and the installation of acoustic screens or enclosures (subject to assessment of subsequent project or development applications for the site).	The relevant consent authority at the relevant stage	With the relevant DA/PA.

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	Car Park on the eastern property boundary and Boat Ramp A 1.8m high fence will be installed along the eastern boundary of the site adjacent to the marina car park and along the eastern edge of the hardstand area of the boat ramp. The fence (if required) will be imperforate (no holes) and constructed using lapped and capped timer, Colorbond or masonry. The provision of this fence is not required if alternative ameliorative measure are provided at the DA stage or the specific design of the marina meets the noise guidelines stated in the Concept Plan Acoustic Report. Appropriate landscaping will be provided alongside the fence to ensure its appearance is consistent with surrounding development and does not result in adverse visual impacts. Marina Noise from the marina shall comply with the acoustic criteria set out in Section 5.1 of the Acoustic Assessment. ▪ Noise levels from the marina crane are dependent on the make and model of the crane installed there. Detailed acoustic assessment of the crane and other plant items such as compressors will be conducted at Construction Certificate stage after selection of plant. Acoustic treatment to the crane engine and management controls (restriction of times of use) will be determined to meet this criteria; ▪ Use of equipment such as the marina crane, high pressure hoses, compressors and power tools will be determined in a marina plan of management, so as to avoid impacts to surrounding noise receivers;		

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	Restaurants/Bars ▪ Noise levels resulting from restaurants on the site are to achieve compliance with the noise goals in the acoustic report through appropriate control of patron numbers, music noise levels and operating times. If necessary, additional acoustic treatments such as noise absorptive linings and screens may be incorporated; ▪ Future DAs required for restaurants or bars with amplified music or outdoor dining or smoking areas should include an acoustic assessment demonstrating compliance with Liquor Administration Board noise emission goals and the criteria specified in the Concept Plan acoustic report. Stage/Swimming Pool ▪ Noise from the use of the stage will comply with the criteria set out in the acoustic report. Technical measures (including those relating to the positioning of speakers) may be required for performances of amplified music on the proposed stage. Performance without amplified music will comply with the set criteria without the need for acoustic treatments.		
Utilities	Future development on the site will include upgrades to energy, water, sewer and telecommunications infrastructure in accordance with service provider requirements. The developer for each stage will upgrade energy, water and telecommunications infrastructure to relevant service provider requirements.	Relevant service provider	With the relevant PA/DA
Energy and Water Efficiency	In accordance with ARUP Sustainability Assessment (June 2008) , the following measures will be targeted to reduced energy consumption and greenhouse gas emissions: ▪ The incorporation of solar hot water systems and photovoltaic systems on roofs where feasible;	The relevant consent authority at the relevant stage	Detailed in the relevant PA/DA

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	▪ A grey water recycling and rainwater collection system to provide all irrigation water as required; ▪ Installation of 3.5 star rated Water Efficiency and Labelling Standards (WELS) rated water fittings in dwellings; and ▪ The achievement by future multi unit residential developments of a minimum of 4 stars from the Green Star Multi Unit Residential Tool.		
Air Quality	The air quality recommendations set out in the Air Quality and Greenhouse Gas Assessment by Heggies Australia (dated 10 September 2009) will be implemented during the construction and use of future development on the site. These recommendations include: ▪ A construction dust management plan to reduce impacts from dust and particulate matter that may result from construction activities; ▪ The restriction of sanding and abrasive blasting activities in the marina workshops with suitable dust extraction systems or areas that are surrounded with appropriate shrouding fences; ▪ Restriction of outside painting and re-spraying of vessels in the marina to minor repair and detailing work and the utilization of technologies that reduce solvent evaporation; ▪ Restriction of fibre glassing activities to enclosed areas fitted with appropriate ventilation controls; ▪ The use of vapour check valves and locking caps at the unloading point in the delivery of fuel to the marina; ▪ The use of technologies such as single-action diaphragm pumps in marina sewage pump-out systems to minimise potential for odor emission; and	-	During Construction

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	▪ The use of methods typically implemented in food preparation to activities for capturing cooking fumes.		
Waste	Allowance will be made for the future collection of waste by waste contractors in accordance with all relevant regulatory requirements.	Council	During construction
Erosion and sediment control	Best practice sediment and erosion control measures will be implemented to contain and treat runoff from land based construction. Where the bank of the Manning River is to be excavated, the construction area will be completely isolated from the river water to avoid water pollution.	-	During construction