

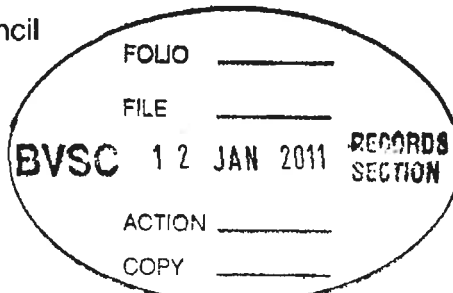


Planning & Infrastructure

Contact: Mark Schofield
Phone: (02) 9228 6362
Fax: (02) 9228 6455
Email: mark.schofield@planning.nsw.gov.au

Mr Peter Tegart
General Manager
Bega Valley Shire Council
PO Box 492
BEGA NSW 2550

Our ref.: MP 05_0032 MOD 2



Dear Mr Tegart,

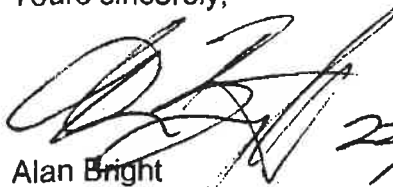
Subject: Determination of Modification to Mixed Tourist and Residential Development, Cattle Bay Road, Eden (MP 05_0032 MOD 2)

I am writing to inform you that the above application was approved subject to conditions on 22 December 2011 by the Director, Metropolitan & Regional Projects South, as delegate of the Minister for Planning and Infrastructure under Part 3A of the *Environmental Planning and Assessment Act 1979*.

A copy of the approval is enclosed for your records. The Director-General's assessment report is available on the Department's website (<http://majorprojects.planning.nsw.gov.au>).

Your contact officer for this proposal, Mark Schofield, can be contacted on (02) 9228 6362 or via email at mark.schofield@planning.nsw.gov.au. Please mark all correspondence regarding the proposal to the attention of the contact officer.

Yours sincerely,


22/12/11
Alan Bright
Director
Metropolitan and Regional Projects South

Modification of Minister's Approval

Section 75W of the Environmental Planning & Assessment Act 1979

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, I approve the modification of the application referred to in Schedule 1, subject to the conditions in Schedule 2.



Alan Bright
Director
Metropolitan & Regional Projects South
Department of Planning and Infrastructure

Sydney 22 DEC . 2011

MP05_0032 (MOD 2)

SCHEDULE 1

Concept Plan Approval: MP05_0032 granted by the Minister for Planning on 22 August 2008 and subsequently modified on 22 December 2008 (MOD 1)

For the following: Concept Plan Approval for a mixed tourist and residential development.

Proposed Modification: MP05_0032 (MOD 2): Modification includes:

- Amendment to Part A of Schedule 1 by:
 - Deleting "unless specified action has been taken in accordance with Section 75Y of the Act."
 - Inserting "unless a project application or development application has been lodged to carry out the project or a part of the project for which this concept plan approval has been given."
- Amendment to Condition A4 by:
 - Deleting "unless Stage 1 is approved and physically commenced."
 - Inserting "unless a project application or development application has been lodged to carry out the project or a part of the project for which this concept plan approval has been given."

SCHEDULE 2

1. Amend Schedule 1 as follows:

Date approval is liable to lapse

5 years from the date of determination ~~unless specified action has been taken in accordance with Section 75Y of the Act.~~
unless a project application or development application has been lodged to carry out the project or a part of the project for which this concept plan approval has been given.

2. Amend Condition A4 as follows:

Condition A4 Lapsing of Approval

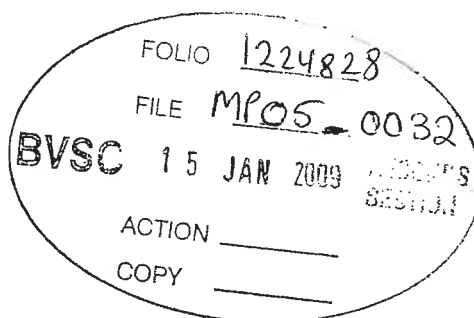
Approval shall lapse 5 years after the determination date in Part A of Schedule 1 of this approval ~~unless Stage 1 is approved and physically commenced~~ ***unless a project application or development application has been lodged to carry out the project or a part of the project for which this concept plan approval has been given.***

End of modification to MP05_0032 (MOD 2)



NSW GOVERNMENT
Department of Planning

8/01/2009



Contact: Jane Flanagan
Phone: (02) 9228 6431
Fax: (02) 9228 6540
Our Ref: MP 05_0032

General Manager
Bega Valley Shire Council
PO Box 492
BEGA NSW 2550

Attention: Mr Peter Tegart

Dear Mr Tegart,

**RE: Application to modify the Minster's Concept Plan Approval for tourist facility,
Cattle Bay, Eden (MP 05_0032 MOD 1)**

I refer to the above modification lodged with the Department on 2 December 2008.

I am writing to inform you that the application has been granted approval. The approval is on the basis of the attached Instrument of Modification of Major Project Approval. A copy of the consolidated approval is also attached for your information.

Should you have any enquiries regarding the above matter, please contact Jane Flanagan on 9228 6431 or via email to jane.flanagan@planning.nsw.gov.au.

Yours sincerely,

Heather Warton
Director
Coastal Assessments

8/1/09

Modification of Minister's Approval

Section 75W of the *Environmental Planning and Assessment Act 1979*

I, Chris Wilson, Executive Director, Major Project Assessments, in accordance with the instrument of Delegation issued by the Minister for Planning on 7 June 2007, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979*, determine to approve of the modification to the approval referred to in Schedule 1 in the manner set out in Schedule 2.



Chris Wilson
Executive Director
Major Project Assessments
As delegate of the Minister for Planning

Sydney, 22. *December* 2008

File No. 9040502
05_0032 MOD 1

SCHEDULE 1

Concept Approval: Granted by the Minister for Planning on 22 August 2005.

For the following: Mixed residential and tourist development (05_0032).

Modification: Modification of part (e) and Schedule 1, Definitions, and Conditions of Approval A1(7), C1(1), C1(2) and C2.

SCHEDULE 2

The Approval is modified by:

- 1) Omitting (e) of the Minister's determination and replacing it with the following:

(e) pursuant to Section 75P(1)(a) that future development for Precinct A be subject to Part 3A of the Act (other than building demolition and site remediation works that are not listed as a Part 3A project in the *SEPP Major Projects 2005*).
- 2) Omitting the description of the land in Schedule 1 and replacing it with the following:

Land: Cattle Bay, Eden, comprising Lots 3 to 5, 8, 9, 13, 16 and 17 Sec 15, DP758379, Lot 1 DP221120, Lots 1 and 2 DP249511, Lots 11 to 14 DP707599, Lot 1 Sec 12 DP758379, Lot 8 DP63315, Lots 2, 3 and 18 Sec 14 DP758379, Lot 1 and 15 DP227822, Lot 1 DP660623, and Lot 117 DP750205. ✓

- 3) Omitting the definition of 'Stages' in the Definitions and replacing it with the following:

Stage 1: Construct new conference building and associated parking. Upgrade waterfront areas for public use. Upgrade Chandos Street with new roundabout.

- 4) Omitting condition A1(7) and replacing it with the following:

Staging – provision of pedestrian access to the foreshore and the upgrade and landscaping of waterfront areas for public access as part of any Stage 1 or Stage 2 (whichever occurs first), generally in accordance with the *Construction Staging – Indicative* (Drawing B.1.11 dated 2 August 2007).

- 5) Omitting the table to condition C1(1) and replacing it with the following:

PRECINCT	MAXIMUM GFA	MAXIMUM HEIGHT (m) AHD	MAXIMUM HEIGHT STOREYS
Precinct A	5,000m ² (hotel); 1,400 m ² (conference building); 12,000 m ² (serviced apartments)	7.5m (conference building); 14m (hotel & serviced apartments)	2 (conference building); 4 (hotel & serviced apartments)
Precinct B	2,000 m ²	7.5m	2
Precinct C	1,500 m ²	7.5m	2
Precinct D	1,000 m ²	7.5m	2
Precinct E1	2,400 m ²	7.5m for 2 storeys 10m for 3 storeys	2-3
Precinct E2	1,000 m ²	7.5m for 2 storeys 10m for 3 storeys	2-3
Precinct F1	2,600 m ²	7.5m (Precinct F1)	2 (Precinct F1)
Precinct F2	2,900 m ²	10m (Precinct F2)	3 (Precinct F2)

- 6) Omitting condition C1(2) and replacing it with the following:

Notwithstanding the maximum GFAs in the table above, all future residential buildings, including single dwelling houses and multi-unit development in Precincts B and E1,

shall not exceed an FSR of 0.5:1, and in Precinct F (averaged across Precincts F1 and F2) shall not exceed an FSR of 0.57:1. Note, once the site is subdivided, depending upon the final subdivision layout, this will mean that the maximum GFAs indicated above may need to be reduced and the FSR above shall prevail.

- 7) Omitting condition C2(1) and replacing it with the following:

Future applications for all residential flat buildings in Precincts E1 and F2 must include an assessment against *State Environmental Planning Policy No.65 – Residential Flat Buildings*. All these residential flat buildings must demonstrate compliance with SEPP 65. For the purpose of this clause, 'residential flat building' is defined in SEPP 65.



NSW GOVERNMENT
Department of Planning

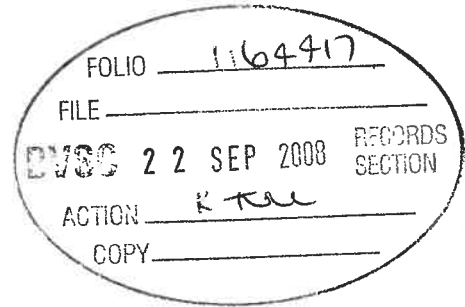
19/09/2008

Our ref: MP 05_0032

LARGE PLANS
NOT SCANNED

Contact: Jane Flanagan
Phone: (02) 9228 6431
Fax: (02) 9228 6540

Mr Keith Toll
Director Planning & Environment
Bega Valley Shire Council
PO Box 492
BEGA NSW 2550



Dear Mr Toll,

RE: Major Project Application MP 05_0032_Concept Plan Approval for tourist facility, Cattle Bay. Eden

The above mentioned Major Project Application submitted by Eden Resort Hotel Pty Ltd has been approved subject to conditions by the Minister for Planning on 22/08/2008. The approval is on the basis of the attached Notice of Determination of Major Project Application. A copy of the endorsed plans in accordance with the consent is also attached for your information.

Should you have any enquiries regarding the above matter, please contact Jane Flanagan on 9228 6431 or via email to jane.flanagan@planning.nsw.gov.au.

Yours sincerely,

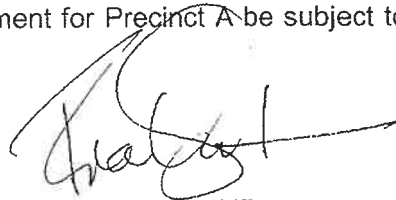
Heather Warton
Director, Coastal Assessment

Concept Approval

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

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979*, determine:

- a) pursuant to section 75O of the *Environmental Planning and Assessment Act 1979*, to grant concept plan approval for the proposal referred to in Schedule 1, subject to the modification in Schedule 2;
- b) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for subsequent project or development applications associated with the concept plan as set out in Schedule 2;
- c) pursuant to section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that all future development shall be subject to Part 4 (or Part 5) of the *Environmental Planning and Assessment Act 1979*;
- d) pursuant to Section 75P(1)(a) that subdivision of the site be subject to Part 3A of the Act; and
- e) pursuant to Section 75P(1)(a) that future development for Precinct A be subject to Part 3A of the Act.



Frank Sartor MP
Minister for Planning

Sydney

22nd Aug

2008

SCHEDULE 1

Application No:	05_0032
Proponent:	JBA Urban Planning Consultants on behalf of Eden Resort Hotel Pty Ltd
Approval Authority:	Minister for Planning
Land:	Cattle Bay, Eden, comprising Lots 3 to 5, 8, 9, 13, 16 and 17 Sec 15, DP758379, Lot 1 DP221120, Lots 1 and 2 DP249511, Lots 11 to 14 DP707599, Lot 1 Sec 12 DP758379, Lot 8 DP63315, Lots 2, 3 and 18 Sec 14 DP758379, Lot 23 Sec 20, DP758379, Lot 1 DP651960, Lot 1 and 15 DP227822, Lot 1 DP660623, and Lot 117 DP750205.
Local Government Authority:	Bega Valley Shire Council
Project:	Mixed residential and tourist development
Estimated Cost of Works:	\$55 million
Date approval is liable to lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.

DEFINITIONS

Act	<i>Environmental Planning and Assessment Act 1979</i>
Council	Bega Valley Shire Council
DA	Development Application
Department	Department of Planning
Director-General	Director-General of the Department (or delegate)
FSR	Floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area
GFA	Gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes: (a) the area of a mezzanine, and (b) habitable rooms in a basement or an attic, and (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes: (d) any area for common vertical circulation, such as lifts and stairs, and (e) any basement: (i) storage, and (ii) vehicular access, loading areas, garbage and services, and

	<p>(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and</p> <p>(g) car parking to meet any requirements of the consent authority (including access to that car parking), and</p> <p>(h) any space used for the loading or unloading of goods (including access to it), and</p> <p>(i) terraces and balconies with outer walls less than 1.4 metres high, and</p> <p>(j) voids above a floor at the level of a storey or storey above.</p>
Height	in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the natural ground level immediately below that point.
HWM	High water mark
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning
MP 05-0032	Major Project described in the Proponent's Environmental Assessment.
Proponent	Eden Resort Hotel Pty Ltd or any party acting upon this approval.
Site	Land to which application applies (see Schedule 1)
Stages	<p>Stage 1: Demolish existing waterfront building and construct new conference building and associated parking. Upgrade waterfront areas for public use. Upgrade Chandos Street with new roundabout.</p> <p>Stage 2: Construct hotel and serviced apartments. Create APZ to Precinct B and C. Prepare groundwork for overland stormwater channel.</p> <p>Stage 3: Construct residential flat buildings in Precinct E. Upgrade and extend Flinders Street. Dwelling houses may be constructed in Precincts D and E.</p> <p>Stage 4: Construct townhouses in Precinct B. Upgrade and extend Bay Street.</p> <p>Stage 5: Construct residential flat buildings in Precinct F2 and dwelling houses in Precinct F1. Upgrade and extend Chandos Street. Upgrade existing track for pedestrian link.</p>
Statement of Commitments	Statement of Commitments provided in Schedule 3.
Storey	<p>means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:</p> <p>(a) a space that contains only a lift shaft, stairway or meter room, or</p> <p>(b) a mezzanine, or</p> <p>(c) an attic.</p>

NOTES

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant. The Proponent has the right to appeal to the Land and Environment Court of NSW in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

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

SCHEDULE 2

TERMS OF APPROVAL AND CONCEPT PLAN MODIFICATIONS

CATTLE BAY, EDEN - MAJOR PROJECT NO. 05_0032

PART A —TERMS OF CONCEPT APPROVAL

A1 Development Description

Concept approval is granted only to carrying out the development solely within the concept plan area as described in the Environmental Assessment Report titled "**Cattle Bay, Eden, Mixed use tourist facility/residential development**" prepared by JBA Urban Planning Consultants (dated 30 November 2007), including:

- (1) A staged mixed use tourist and residential development comprising a maximum total GFA of 31,800m², being and overall FSR of 0.39:1 comprised of:
 - (a) A maximum of 13,400m² residential GFA;
 - (b) A maximum of 18,400m² tourist facility GFA.
- (2) The distribution of uses, including residential flat buildings, residential dwellings, tourist facilities including a hotel, conference building and serviced apartments;
- (3) Building footprints, and maximum building heights for 6 building Precincts comprising:
 - i. conference building/function room/restaurant, maximum 2 storeys and 7.5m height, maximum 1,400 m² GFA, total 31 car spaces (Precinct A1);
 - ii. tourist facility comprising a hotel of 60 rooms, maximum 5,000m² GFA, maximum 4 storeys and 14m height, and 74 serviced apartments, maximum 12,000m² GFA, maximum 4 storeys and 14m height, total 134 car spaces (Precinct A2);
 - iii. 8 x 2 storey townhouses, maximum 2,000m² GFA, maximum 7.5m height, total 18 car spaces (Precinct B);
 - iv. 3 x 2 storey dwelling houses, maximum 1,500m² GFA, maximum 7.5m height, total 6 car spaces (Precinct C1 and C2);
 - v. 1 x 2 storey dwelling house, maximum 1,000m² GFA, maximum 7.5m height, total 2 car spaces (Precinct D1);
 - vi. 20 x 2-3 storey residential flat buildings, maximum 2,400m² GFA, maximum 10m height, total 45 car spaces (Precinct E1);
 - vii. 2 x 2 storey dwelling house, maximum 1,000m² GFA, maximum 7.5m height, total 4 car spaces (Precinct E2);
 - viii. 5 x 2 storey dwelling house, maximum 2,600m² GFA, maximum 7.5m height, total 10 car spaces (Precinct F1); and
 - ix. 21 x 2-3 storey residential flat buildings, maximum 2,900m² GFA, maximum 10m height, total 47 car spaces (Precinct F2)
- (4) Vehicular and pedestrian access;
- (5) Publicly accessible open space in private ownership (Precincts A3 and D2); private open space adjacent (Precincts A – F); and public open space to be dedicated to Council (Precinct A4);
- (6) Access – ownership and maintenance of vehicular access and pedestrian links;
- (7) Staging – provision of pedestrian access to the foreshore and the upgrade and landscaping of waterfront areas for public access as part of any Stage 1, generally in

accordance with the *Construction Staging – Indicative* (Drawing B.1.11 dated 2 August 2007); and

- (8) Revegetation and rehabilitation works.

A2 Development in Accordance with Documentation

- (1) The following documentation (including any appendices therein) is approved as part of the Concept Plan:
- a. **Environmental Assessment Report Concept Plan, Cattle Bay, Eden, Mixed use tourist facility/residential development (Volumes 1 and 2)**, prepared by JBA Urban Planning Consultants on behalf of Eden Resort Hotel Pty Ltd and dated 30 November 2007;
- (2) The following Response to Submissions including a revised Statement of Commitments is approved:
- a. **Response to Submissions and Statement of Commitments**, prepared by JBA Urban Planning Consultants on behalf of Eden Resort Hotel Pty Ltd and dated 2 April 2008;
- (3) The additional documents listed below:
- a. **Traffic Report** prepared by Transport and Traffic Planning Associates, dated 23 October 2007.
 - b. **Stormwater Management Report**, prepared by Patterson Britton & Partners Pty Limited, dated September 2007.
 - c. **Bushfire Management Plan**, prepared by Australian Bushfire Protection Planners dated 16 December 2006.
 - d. **Aboriginal Heritage Impact Assessment**, prepared by South East Archaeology dated 18 September 2007.
 - e. **Flora and Fauna Part 3A Assessment**, prepared by Cumberland Ecology, dated September 2007.
 - f. **Assessment of Impacts on Aquatic Marine Species for a Major Project Application** prepared by Cumberland Ecology, dated September 2007.
 - g. **Environmental Site Assessment** prepared by Aargus, dated June 2007.
 - h. **Coastal Engineering Assessment** prepared by Patterson Britton & Partners Pty Limited, dated 17 October 2007.
 - i. **Environmental Noise Assessment**, prepared by Acoustic Logic, dated 2 April 2007.
- (4) In the event of any inconsistencies:
- a. The revised Statement of Commitments in (2) prevails to the extent of any inconsistency in the plans and documentation identified in (1), and
 - b. The modifications of the Concept Plan approval identified in Part B and C Schedule 2 prevail over the documentation listed in (1) and (2) above.

A3 Development in Accordance with Plans

(1) The development will be undertaken in accordance with the following plans:

Architectural (or Design) Drawings prepared by Brewster Murray Architect and Context			
Drawing No.	Name of Plan	Revision	Date
B.2.01/A	Cattle Bay Concept Plan_Option 4_Land Use Plan_2 August 2007	A	13/5/08
B.2.02B	Cattle Bay Concept Plan_Option 4_Access_Vehicular/Pedestrian_2 August 2007	B	May 2008
B.2.08	Cattle Bay Concept Plan_Option 4_Public Precinct A1/A4_2 August 2007		13/05/08
B.2.09	Cattle Bay Concept Plan_Option 4_2 August 2007_Constraints Plan		02/08/07
B.2.10	Cattle Bay Concept Plan_Option 4_2 August 2007_Access_Ownership & Maintenance		02/08/07
B.3.01/A	Cattle Bay Concept Plan_Option 4_2 August 2007_Section AA, BB & CC	A	19/05/08
B.3.02/A	Cattle Bay Concept Plan_Option 4_2 August 2007_Section DD, EE & FF	A	19/05/08
B.3.03/A	Cattle Bay Concept Plan_Option 4_2 August 2007_Section GG & HH	A	19/05/08

A4 Lapsing of Approval

Approval shall lapse 5 years after the determination date in Part A of Schedule 1 of this approval unless Stage 1 is approved and physically commenced.

A5 Determination of Future Applications

The determination of future DAs by Council is to be generally consistent with the terms of approval of Concept Plan MP 05_0032 as described in Part A of Schedule 1 and subject to the recommended modifications and conditions of approval set out in Parts A, B and C of Schedule 2.

PART B—MODIFICATIONS TO THE CONCEPT PLAN

Public Access to Cattle Bay Foreshore

B1 Foreshore Setback

- (1) The concept plan is amended to provide a minimum setback of 30m from the southern site boundary (and not the HWM) for the entire length of that boundary (and all of which is to be dedicated to Council as public open space as Precinct A4), in accordance with Drawing B.2.01/A dated 2/08/07 revised 13/5/08, as amended in red. This will necessitate a corresponding reconfiguration of the Precinct A1 building envelope to occur outside of that setback.

B2 *Riparian Corridors*

- (1) The concept plan is amended to provide a minimum 20m riparian corridor (10m either side of the top of the bank of the drainage lines) for the drainage lines through Precincts A3, D2 and F1/F2.
- (2) APZs shall not impinge on any of the minimum 20m riparian corridors for drainage lines running through Precincts A3, D2 and F1/F2. The building envelopes shall be adjusted accordingly, if they impinge on APZs.
- (3) The drainage line running to the west of Precinct A2 can be provided as a landscaped drainage feature on the proviso that any landscaping/vegetation provided thereon is consistent with the recommendations of the Bushfire Management Plan for an APZ to the west of the hotel Precinct.

PART C—FUTURE APPLICATIONS

Floor Space Ratio

C1 Maximum Floor Space Ratio, Gross Floor Areas, Height and Storeys

(1) Future applications for Precincts must not exceed the following maximum gross floor areas, floor space ratios, height and storeys:

PRECINCT	MAXIMUM GFA	MAXIMUM HEIGHT (m) AHD	MAXIMUM HEIGHT STOREYS
Precinct A	5,000m ² (hotel); 1,400 m ² (conference building); 12,000 m ² (serviced apartments)	7.5m (conference building); 14m (hotel & serviced apartments)	2 (conference building); 4 (hotel & serviced apartments)
Precinct B	2,000 m ²	7.5m	2
Precinct C	1,500 m ²	7.5m	2
Precinct D	1,000 m ²	7.5m	2
Precinct E1	2,400 m ²	7.5m	2-3
Precinct E2	1,000 m ²	7.5m	2-3
Precinct F1	2,600 m ²	7.5m (Precinct F1)	2 (Precinct F1)
Precinct F2	2,900 m ²	10m (Precinct F2)	3 (Precinct F2)

(2) Notwithstanding the maximum GFAs in the table above, all future residential buildings, including single dwelling houses and multi-unit development in Precincts B, E1, F1 and F2, shall not exceed an FSR of 0.5:1 for the subject site once subdivided into lots for those relevant Precinct buildings. Note, depending upon the final subdivision layout, this will mean that the maximum GFAs indicated above may need to be reduced and the FSR in the table above shall prevail.

SEPP 65 Analysis

C2 State Environmental Planning Policy No.65 – Residential Flat Buildings

- (1) Future applications for all residential buildings must include an assessment against *State Environmental Planning Policy No.65 – Residential Flat Buildings*. All buildings must demonstrate compliance with SEPP 65.
- (2) The maximum GFAs for all residential buildings are subject to compliance with *State Environmental Planning Policy No.65 – Residential Flat Buildings*, in respect of building separation distances and building depths.

Traffic & Access

C3 Traffic and Access

- (1) The Bay Street extension is to be constructed by the proponent and dedicated to Council as a public road prior to the occupation of buildings in Precinct B, or prior to the issue of a subdivision certificate for the subdivision of the development parcel for Precinct B, whichever is the later.
- (2) The maintenance of all access ways, internal site access ways, rights of carriageway and driveways shall be the responsibility of the owners and not Council. The proponent is required to clearly advise all prospective purchasers accordingly.
- (3) Detailed engineering, safe intersection sight distance and vehicle manoeuvring radii shall be provided in any future application to Council to prove that safe access and egress can be achieved to the future dwelling house in Precinct F1.
- (4) The existing pedestrian track on the western side of Cattle Bay Road shall be extended to link to the proposed cul de sac bulb at the southern end of Stanley Street. This shall be part of any future application lodged with Council for development in Stage 2, Precinct C1.
- (5) All pedestrian links on a Pedestrian Access Plan must be a minimum 1.2m width to Council's requirements, and must be documented in any future application lodged with Council or the Minister.
- (6) The pedestrian links through Precinct A3 and D2 must be rerouted so as not to impinge on riparian corridors, with details to be provided in any future application lodged with Council or the Minister.

Public Access

C4 Public Access – Precinct A

Future applications for Precinct A (A1, A2 and A4) must provide for construction by the proponent of landscaping in all open space areas and of public pedestrian and cycle access to the Cattle Bay foreshore. Future applications for Precinct A (A1, A2 and A4) must also provide details of the treatment of the public domain such that it encourages and is perceived as publicly accessible.

C5 Signposting of Public Access to Cattle Bay foreshore & Pedestrian Links through the site

- 1) Prior to the issue of any Occupation Certificate for Precinct A, signs visible from the public domain on Cattle Bay Road must be erected indicating that public pedestrian and bicycle access is invited through the development to the Cattle Bay foreshore, and that Cattle Bay foreshore is publicly accessible 24 hours a day.
- 2) Upon completion of future pedestrian links or upgrades to any existing pedestrian links through the site, signs visible from the nearest public road must be erected indicating that public pedestrian and bicycle access is invited through the development.

Open Space

C6 Ownership and management of open space

- 1) Provide details with future applications for the site (other than site preparation works such as earthworks, site remediation, demolition, bushland management or landscaping), of the mechanics for the implementation of ownership and management of all open space on the site.

- 2) Provide details with future applications for the site (other than site preparation works such as earthworks, site remediation, demolition, bushland management or landscaping), nominating open space Precincts to building Precincts, and specifying Precinct A3 as a separate lot servicing Precinct A2.

C7 *Dedicated foreshore public open space*

- 1) The area of foreshore public open space shown as Precinct A4 on the concept plan is to be dedicated to Council as part of the approval of the subdivision application or the application for works in Precinct A, (whichever occurs first).

Bushland Management

C8 Vegetation management plan

- 1) A Vegetation Management Plan shall be provided and approved with the application for development or subdivision for Precincts A, B, E1 and F2, whichever occurs first.
- 2) A Vegetation Management Plan shall be provided and approved as part of the development application for Precinct A2. The implementation of the Vegetation Management Plan shall be under the control and responsibility of the proposed owners of Precinct A2.
- 3) The Vegetation Management Plan shall be registered on title through a positive covenant, and shall detail responsibility for each action, and include ongoing measures.
- 4) The Vegetation Management Plan shall include the preparation of a pre-clearance survey plan and fauna rescue protocol; marking of trees to be retained; tie in with the management of APZs; identify all hollow bearing trees and protect them via a Section 88B instrument, or where they are removed, compensatory next boxes must be introduced, as per DECC's general requirements.

Infrastructure

C9 Seawall and associated structures

As part of the future development application for Stage 1 application for Precinct A4, the proponent shall provide engineering certification of the structural soundness of the seawall and associated structures. Should the engineering assessment find that works are required, the proponent is required to fund and undertake the necessary repairs. Future applications shall incorporate suitable mitigation works for the seawall to ensure adequate protection of public foreshore infrastructure from the 1-in-100 year coastal inundation event. This may include potential raising of the seawall.

C10 Storm water

- 1) In future applications for all Precincts, detailed design of the proposed storm water corridors shall be provided.
- 2) The maintenance of storm water systems shall be ensured via a proponent service agreement with Council.

Aboriginal Heritage

C11 Aboriginal Heritage Management Plan

Provide an Aboriginal Heritage Management Plan with any future application to Council or the Minister for development on the site.

Contamination

C12 Remediation

Comply with the conclusions of the **Environmental Site Assessment** prepared by Aargus, dated June 2007, and any further validation reports in future applications for the site.

Water management and marine species conservation

C13 Whale watching

- 1) The proponent is to ensure the implementation by all tourist and residential management bodies on the site of the *Australian National Guidelines for Whale and Dolphin Watching, 2005* (Commonwealth Department of the Environment and Heritage); and provide details with future applications for Precincts A1, A2, A4, E1 and F2 of how the guidelines will be implemented.
- 2) No approval is given in this concept plan to use of the existing jetty for commercial purposes associated with the concept plan, thus no water based access is implied.

C14 Environmental management

An Environmental Management Plan prepared for the development is to address the risk of disturbance to some individual Humpback Whales and Southern Right Whales during construction and operation. This is to be submitted with the Stage 1 application for Precinct A.

Road design

C15 Bus servicing

As part of the first application, the proponent is required to negotiate bus transport routes with local bus companies to ensure the development is adequately serviced for all Stages.

SCHEDULE 3

MP 05_0032

TOURIST AND RESIDENTIAL DEVELOPMENT

CATTLE BAY, EDEN

STATEMENT OF COMMITMENTS

(SOURCE: RESPONSE TO SUBMISSIONS, 2 APRIL 2008)

Final Statement of Commitments

No.	Subject	Commitments
1.	Future Development Applications for stages of development	Development Applications will be lodged with Bega Valley Council for the detailed design and construction of development on the site including for the subdivision of land.
		Development Applications for the site will be generally consistent with the provisions of the Concept Plans and this Environmental Assessment Report, and are to be assessed against the provisions of the relevant environmental planning instruments and development control plans in accordance with Section 79C of the EP&A Act. In the event of an inconsistency between this Concept Plan and a planning instrument or development control plan, then the provisions of this Concept Plan shall prevail.
2.	Ownership and management of open space and roads	Any future Development Application for subdivision or development on the site (other than for site preparation works such as earthworks, site remediation, demolition, bushland management or landscaping) will specify the body responsible for the ownership and management of any open space on the land to which the Development Application applies.
		The area of foreshore land identified on the Concept Plan – Land use plan as Precinct A4 will be dedicated to Council as public open space prior to the occupation of any building in Precinct A.
		All roads will be constructed by the applicant, and dedicated to Council as public roads after any maintenance period specified by Council.
3.	Bushland Management	A Vegetation Management Plan (VMP) will accompany any Development Application applying to bushland identified in this Concept Plan documentation as habitat corridor or Asset Protection Zone. This clause does not apply to any Development Application for site preparation works such as earthworks, site remediation or demolition which does not affect a habitat corridor or Asset Protection Zone.
		The recommendations on pages 3 and 4 of the Cumberland Ecology Report are to be implemented in the VMP.
4.	Bushfire Protection	Any Development Application for a building or subdivision on the site will include the implementation of bushfire protection measures in accordance with the Bushfire Management Plan in this Concept Plan.
5.	Landscaping of open space	Any Development Application for a building on the site will include a landscape plan for open space on the land to which the Application applies. The landscape plan is to be consistent with the Landscape Concept Plan and include litter bins on the foreshore.
6.	Water management and aquatic fauna conservation	Any Development Application applying to the site will include measures for the implementation of the Integrated Water Management Strategy (IWMS) in this Concept Plan.
		The detailed design of stormwater management measures in future DAs are to be referred to the Department of Primary Industries – Fisheries.
		A water quality monitoring program to monitor the quality of stormwater discharging from the site into Cattle Bay is to be implemented in accordance with the IWMS in this Concept Plan as part of the first stage of development, and is to be designed in consultation with the Department of Primary Industries – Fisheries.
		National Whale Watching Guidelines will be promoted by hotel operators through education programs provided by the hotel to visitors.

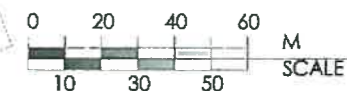
7.	Building design	Any Development Application for a building on the site is to be generally consistent with this Concept Plan and the provisions of this Environmental Assessment Report.						
	- Residential flat buildings	The design of residential flat buildings and serviced apartment buildings on the site are to be generally consistent with the provisions of the SEPP 65 – Residential Flat Design Code to the extent that those provisions are consistent with this Concept Plan.						
	- Other residential buildings	The design of residential buildings less than 3 storeys is to be generally consistent with Bega Valley Council's Development Control Plans to the extent that those provisions are consistent with this Concept Plan.						
	- Environmental performance	The design of residential buildings and serviced apartment buildings on the site are to be consistent with the provisions for energy efficiency and water conservation in the SEPP – BASIX.						
8.	Utilities Infrastructure	Any Development Application for a new building or subdivision on the site is to address the provision and timing of utility infrastructure on the site including water supply, sewerage, energy and telecommunications.						
9.	Geotechnical	Any Development Application for a new building or earthworks to a depth or more than 2 metres below existing ground level on the site is to include a geotechnical study.						
10.	Contamination	The site is to be remediated and audited prior to occupation in accordance with the Environmental Site Assessment in this report and relevant legislation, standards and guidelines.						
		Any Development Application for the demolition of a building structure on the site is to include an assessment of hazardous materials, and where necessary a method for the removal of hazardous materials in accordance with relevant legislation, standards and guidelines.						
11.	Noise	A Development Application for the design and construction of the hotel is to include an Environmental Noise Assessment that addresses the impact of building plant used by the hotel and restaurant/conference facility on residential dwellings in accordance with the EPA's Industrial Noise Policy. The noise criteria to be used for residential receivers are:						
	<table> <tr> <th>Day time criteria dB(A) LAeg</th><th>Evening time criteria dB(A) LAeg</th><th>Night time criteria dB(A) LAeg</th></tr> <tr> <td>45</td><td>40</td><td>35</td></tr> </table>		Day time criteria dB(A) LAeg	Evening time criteria dB(A) LAeg	Night time criteria dB(A) LAeg	45	40	35
Day time criteria dB(A) LAeg	Evening time criteria dB(A) LAeg	Night time criteria dB(A) LAeg						
45	40	35						
12.	Safety and security	Any Development Application for the design and construction of the hotel and/or serviced apartments is to include a Security Management Plan.						
13.	Aboriginal Heritage	Any Development Application applying to land identified in this Concept Plan as Precinct B is to include an Aboriginal Heritage Management Plan prepared in consultation with the Eden Local Aboriginal Land Council.						
14.	Waste Management	Any Development Application for the design and construction of the hotel, serviced apartments or residential flat building will include a Security Management Plan.						
15.	Construction Management Plan	A Construction Management Plan will be prepared before any works commence on the site. It will address the management of impacts associated with demolition, excavation and/or construction activities including site safety and security, construction traffic, noise and vibration, erosion and sediment						

		controls, dust suppression, waste management, community notification, and an audit of erosion and sediment control plans.
		Any Construction Management Plan is to be referred to Department of Primary Industries – Fisheries for comment.
16.	Road design standards	Roads are to be constructed to the requirements of DCP No.2 and the RTA Road Design Guideline subject to the specific precinct descriptions below.
		Precinct A: The existing 8 metre width of Cattle Bay Road will be retained (ie between Bass Street and the roundabout). The roundabout will have a 16 metre outside radius. Bus bays can be provided. The driveway circulating through the A2 precinct (hotel and serviced apartments) will be one-way in a clockwise direction and 3.5 metre wide with supplementary set-down bays etc. There will be no parking (except in bays) and the alignment will provide for larger vehicles (eg refuse). 6.0 metre width is required on the two-way section connecting with Cattle Bay Road. A 5.5 metre wide driveway will connect the A1 basement carpark (north-east corner) to Cattle Bay Road. Service vehicles will have a 3.5 metre wide driveway along the eastern side of A1 and there will be a paved turning area at the south-east corner of the building.
		Precinct B: A 5.5 metre wide driveway will be provided (in accordance with AS 2890.1) and a waste bin area will be provided adjacent to the retained cul-de-sac bulb.
		Precinct C: The Stanley Street roadway will be extended with an 8.0 metre wide pavement to a 13 metre radius cul-de-sac bulb at Bass Street and a waste bin collection area will be provided adjacent to the bulb. A 3.5 metre wide driveway plus 1.5 metre footway (with appropriate passing areas) will connect between the bulb and the 3 proposed residences.
		Precincts D, E2 and F2: Chandos Street will be extended with an 8 metre wide pavement to the extent shown terminating with a 13 metre radius cul-de-sac bulb (at F2 access). The driveways for E2 and D1 will be 3.5 metres wide while the driveway for F2 will be 5.5 metres wide.
		Precinct F1: Twofold Circuit and the adjoining section of Flinders Street are existing paved roadways satisfactorily providing access for a number of existing properties. The F1 houses will have single driveways connecting to the existing roadways. No additional roadwork is to be undertaken.
		Precinct E1: Flinders Street northern section will be constructed between the Bass Street cul-de-sac to the vehicle access for E1 where it will terminate with a 13 metre radius cul-de-sac bulb. A waste bin collection area for E1 will be located adjacent to the cul-de-sac bulb.



LEGEND

- BUILDING ZONES
- POSSIBLE FUTURE RESIDENCE (shown dotted)
- EXISTING RESIDENCES
- NEW VEHICULAR ACCESS
- PEDESTRIAN LINK (NEW & EXISTING UPGRADED)



NSW GOVERNMENT
Department of Planning

Issued under the Environmental Planning and Assessment Act 1979

Approved MP Application No. 05-0032

Granted on the 22/8/08 subject to any conditions contained in the notice of determination.

Signed L-80 Date 19/09/08

Sheet No 2 of 7

context

Architect
52-54 Wilson Street East Sydney NSW 2011
PO Box A888 Sydney South NSW 1235
T 8244 8000 F 8244 8388 E context@context.net.au

Architects, Interiors and Urban Designers
90 York Street, Sydney NSW 2000 Australia
T +612 9296 0288 F +612 9296 0708

B. AMENDED AS PER COMMENTS MAY 08
A. AMENDED AS PER COUNCIL'S COMMENTS 18 FEB 08

Eden Resort Hotel Pty Ltd
Cattle Bay Concept Plan - Option 4

ACCESS - VEHICULAR/PEDESTRIAN B. 2.02B

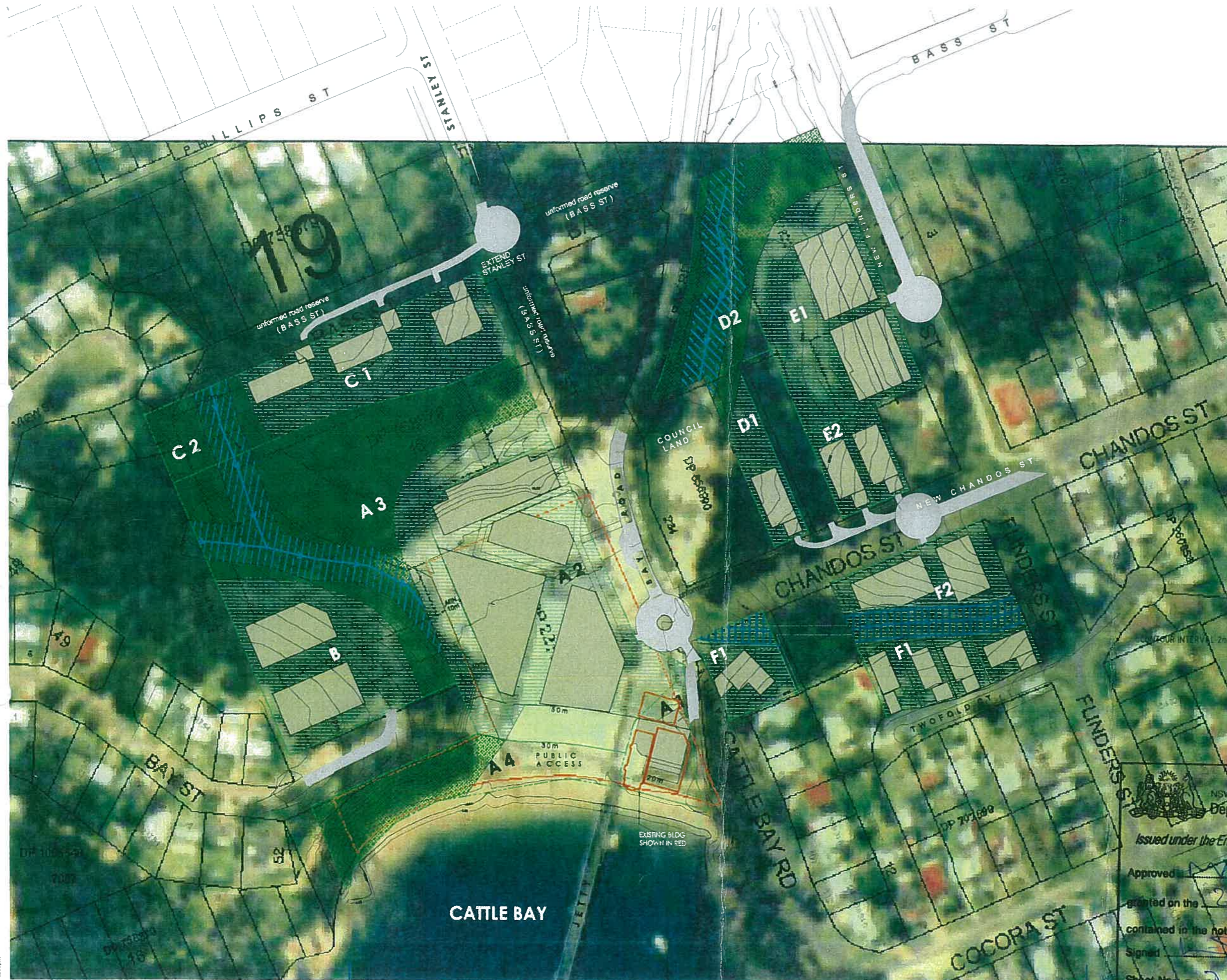
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Date: 02 August 2007

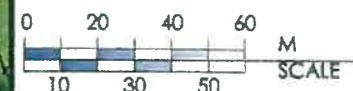
Revision
A CONCEPT PLAN
B RELOCATE CATTLE BAY PEDESTRIAN PATH

Project
Cattle Bay Concept Plan - Option 4



LEGEND

- Min. 20m RIPARIAN BUFFER
- HABITAT CORRIDOR
- MANAGED LANDSCAPE & ASSET PROTECTION ZONE
- ROADS - PROPOSED NEW or UPGRADED
- BUILDING ZONES (inc BALCONIES)
- DIRECTION OF FLOW



NSW GOVERNMENT
Department of Planning

Issued under the Environmental Planning and Assessment Act 1979

Approved Application No. 05-0032

granted on the 22/08/08 subject to any conditions contained in the notice of determination.

Signed Date 19/09/08

Sheet No. 7 of 7

Context

CONCEPT PLAN

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T 61 61 9250 9999 F 61 61 9250 9999

May 22, 2008 3:40pm

Metres
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Scale A3@1:2000

Date: 02 August 2007
Date 30-03-07
Revision A CONCEPT PLAN
Revision B CONCEPT PLAN

Eden Resort Hotel Pty Ltd
Project Cattle Bay Concept Plan - Option 4

Drawing Title
CONSTRAINTS PLAN

Drawing No.
B. 2.09

100 York Street, Sydney NSW 2000 Australia
T 61 61 9250 9999 F 61 61 9250 9999

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NSW GOVERNMENT
Department of Planning

Issued under the Environmental Planning and Assessment Act 1979

Approved MR Application No. 05-0072

granted on the 22/08/08 subject to any conditions contained in the notice of determination.

Signed LSE Date 19/09/08

Sheet No 4 of 7

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Eden Resort Hotel Pty Ltd

Cattle Bay Concept Plan - Option 4

Drawing Title

ACCESS - OWNERSHIP & MAINTENANCE B. 2.10

Drawing No.

context

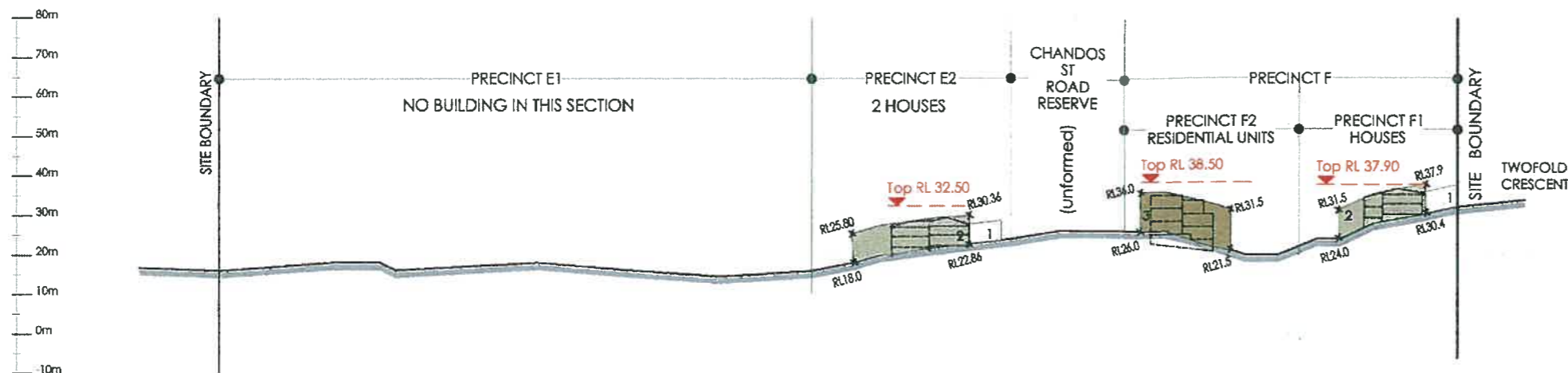
52-54 Willem Street, East Sydney NSW 2011
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Architect

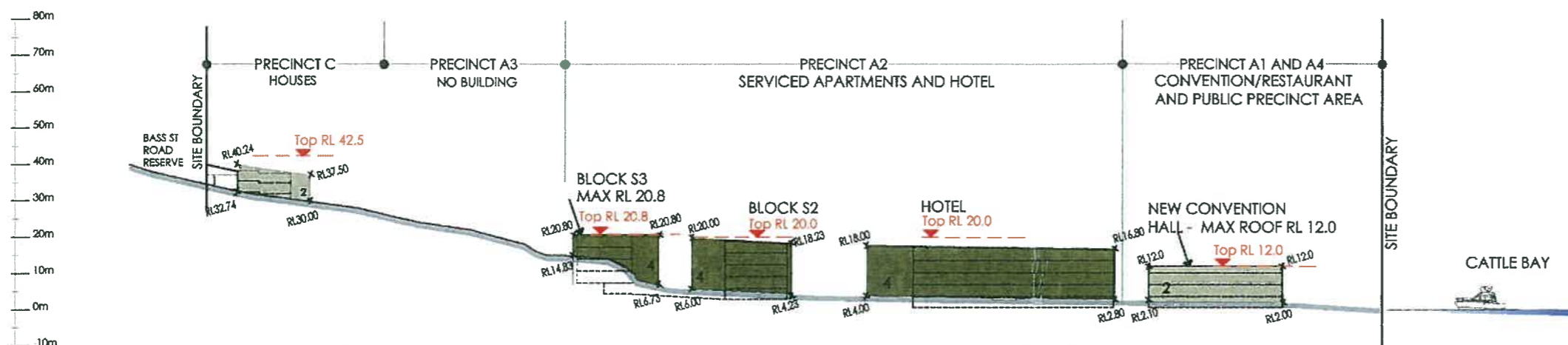
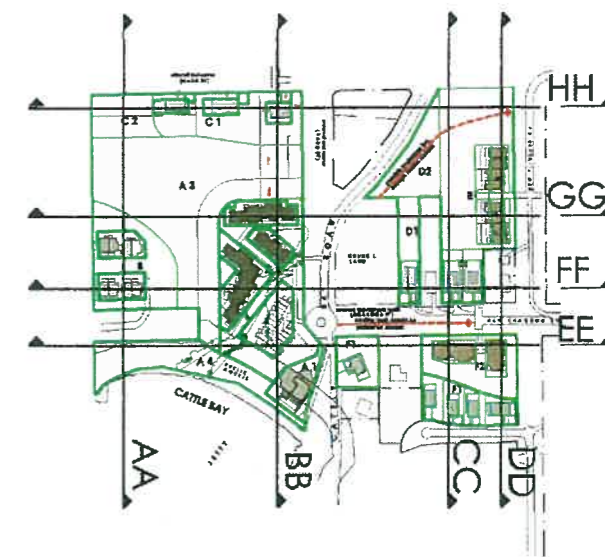
Architects, Interiors and Urban Designers
90 York Street, Sydney NSW 2000 Australia
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CONCEPT PLAN



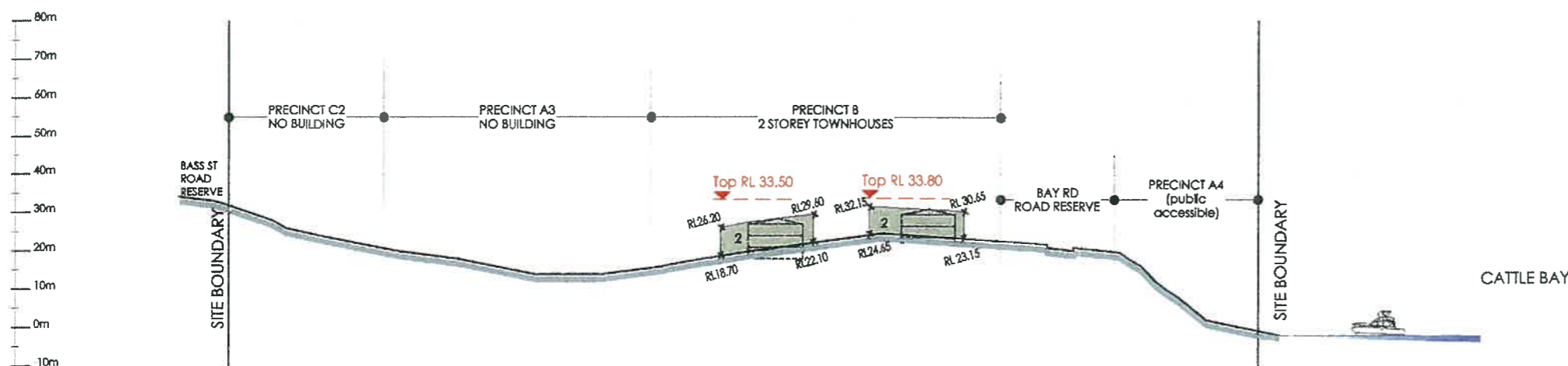
SECTION CC



SECTION BB

LEGEND

- 1 1 storey building zone (max 5 m above NGL)
- 2 2 storeys building zone (max 7.5 m above NGL)
- 3 3 storeys building zone (max 10 m above NGL)
- 4 4 storeys building zone (max 14 m above NGL)



SECTION AA

NSW GOVERNMENT
Department of Planning

Issued under the Environmental Planning and Assessment Act 1979

Approved MP Application No. 05-0032

granted on the 22/08/08 subject to any conditions contained in the notice of determination.

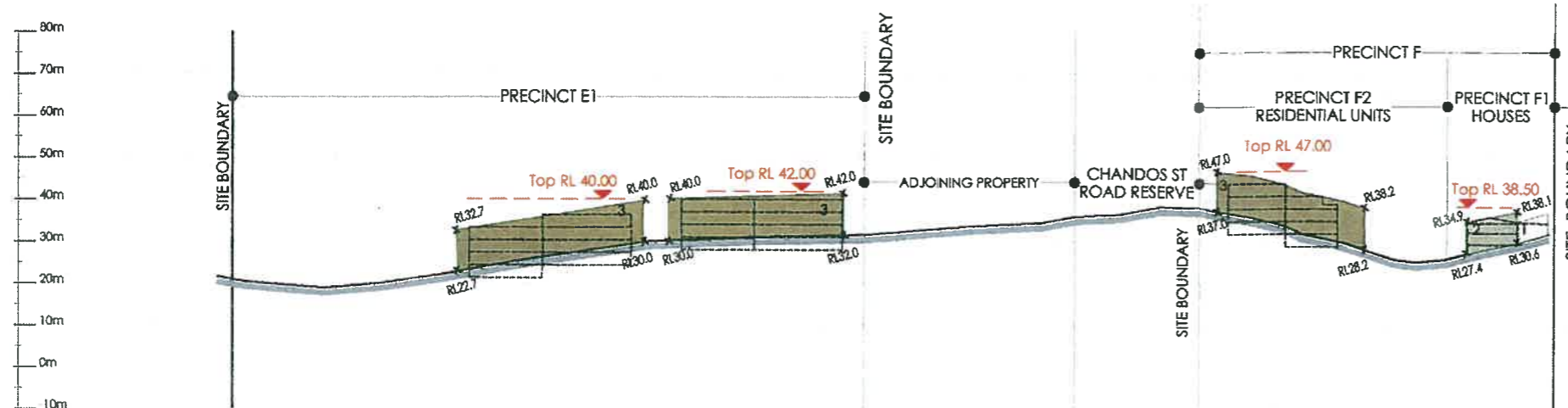
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Sheet No 5 of 7

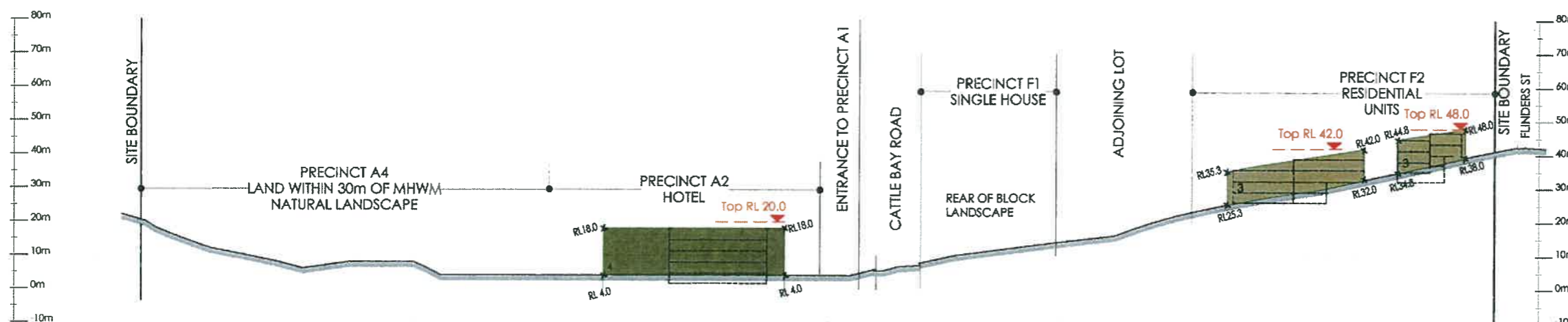
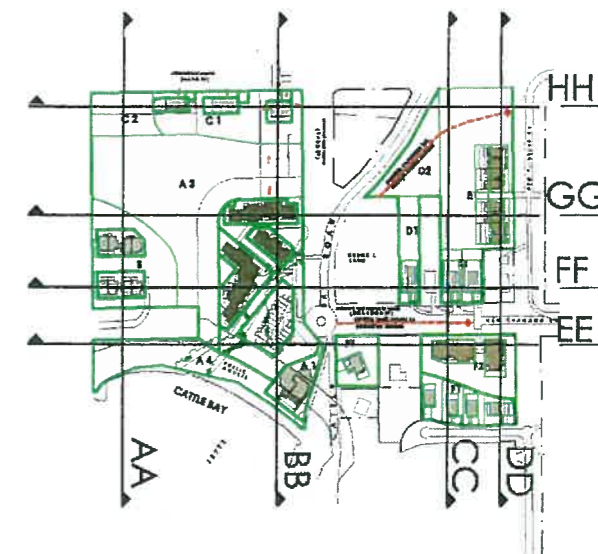
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CONCEPT PLAN



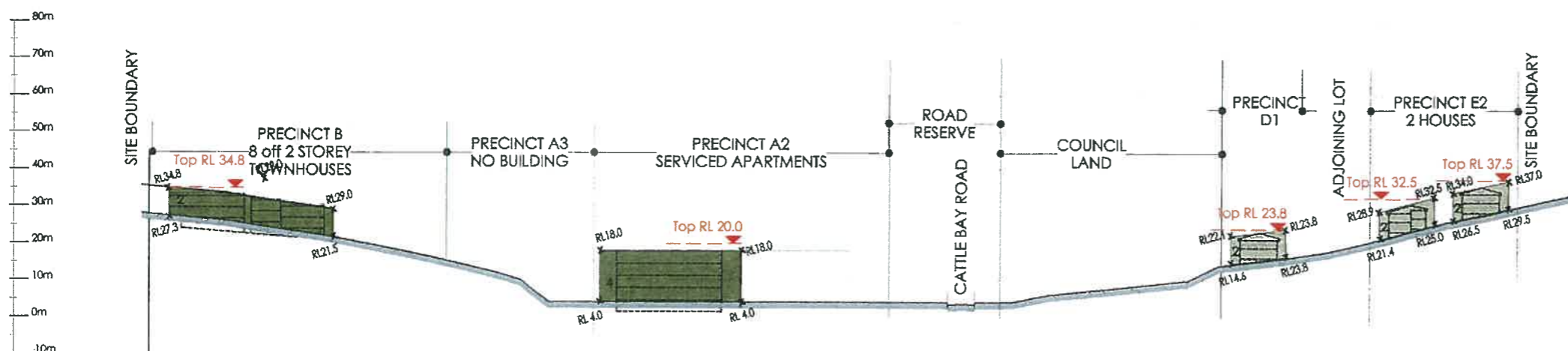
SECTION DD



SECTION EE

LEGEND

- 1 1 storey building zone (max 5 m above NGL)
- 2 2 storeys building zone (max 7.5 m above NGL)
- 3 3 storeys building zone (max 10 m above NGL)
- 4 4 storeys building zone (max 14 m above NGL)



SECTION FF

NSW GOVERNMENT
Department of Planning

Issued under the Environmental Planning and Assessment Act 1979

Approved *ML* Application No. *05/0012*

granted on the *22/07/08* subject to any conditions

contained in the notice of determination.

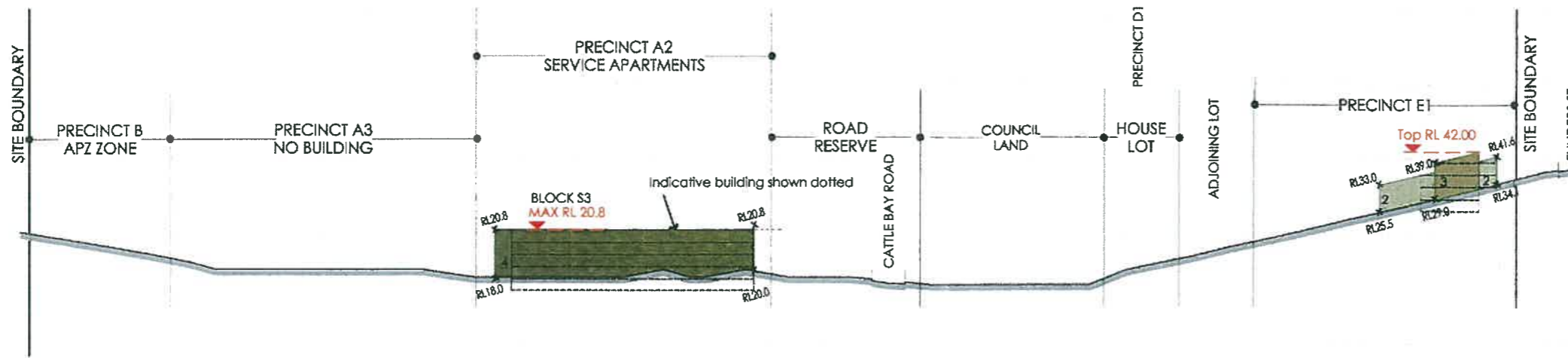
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Sheet No *6* of *7*

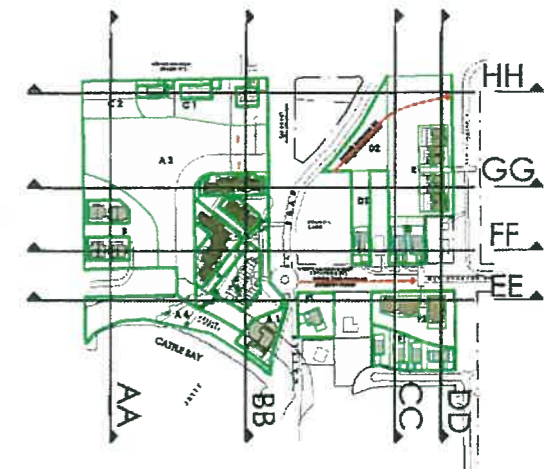
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CONCEPT PLAN

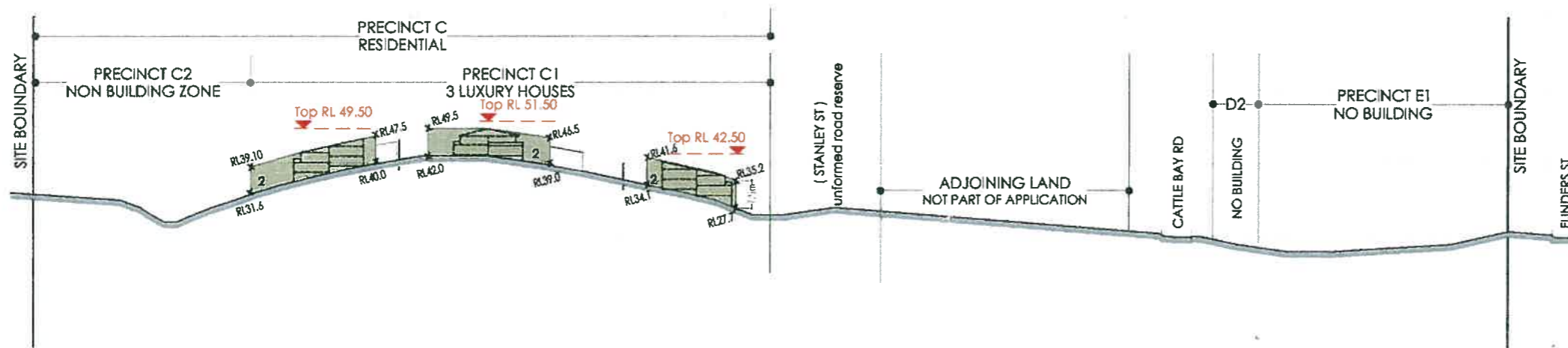
80m
70m
60m
50m
40m
30m
20m
10m
0m
-10m



SECTION GG



80m
70m
60m
50m
40m
30m
20m
10m
0m
-10m



SECTION HH

LEGEND

- 1 1 storey building zone (max 5 m above NGL)
- 2 2 storeys building zone (max 7.5 m above NGL)
- 3 3 storeys building zone (max 10 m above NGL)
- 4 4 storeys building zone (max 14 m above NGL)
- Indicative building profile

NSW GOVERNMENT
Department of Planning

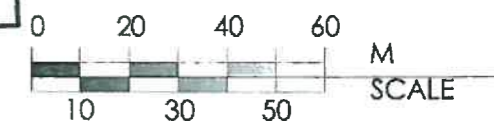
Issued under the Environmental Planning and Assessment Act 1979

Approved MP Application No. 05 0032

granted on the 22/08/08 subject to any conditions contained in the notice of determination.

Signed L-80 Date 9/09/08

Sheet No 7 of 7



CONCEPT PLAN