

# Concept Approval

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

The Planning Assessment Commission of New South Wales (the Commission) under the *Environmental Planning and Assessment Act 1979* ("the Act") determines:

- (a) pursuant to section 75O of the Act, to grant Concept Plan approval for the proposal referred to in Schedule 1, subject to the modifications set out in Schedule 2;
- (b) pursuant to section 75P(1)(a) and 75P(2)(c) of the Act, the further environmental assessment requirements (as specified in Schedule 2, Part D) for subsequent development applications associated with the Concept Plan;
- (c) pursuant to section 75P(1)(c) of the Act, that the subdivision of land that gives effect to the transfer of lands to a public authority or a Minister of the Crown requires no further environmental assessment and approve the development under section 75J of the Act (subject to the conditions set out in Schedule 3 of this approval); and
- (d) pursuant to section 75P(1)(b) of the Act, that all development associated with the Concept Plan be subject to Part 4 (excluding exempt and complying development) or Part 5 of the Act, which ever is applicable.



Garry Payne AM  
Commission Member



Richard Thorp  
Commission Member



Jan Murrell  
Commission Member

Sydney, 12 July 2012

### SCHEDULE 1

<b>Application No:</b>	10_0084
<b>Proponent:</b>	Coal & Allied Operations Pty Ltd
<b>Approval Authority:</b>	Minister for Planning
<b>Land:</b>	Lot 2 DP 1043151 and Lot 57 DP 755266, Kanangra Drive, Gwandalan in Wyong Shire Local Government Area
<b>Local Government Area:</b>	Wyong
<b>Concept Plan:</b>	Concept plan for: <ul style="list-style-type: none"><li>• residential development of a 62.24ha development site into a maximum of 623 dwellings across two stages, referred to as Hamlet A and Hamlet B;</li><li>• local open space and bushland reserves;</li><li>• dedication of 205.75 hectares of Conservation Lands</li><li>• conceptual road, pedestrian and cycleway network;</li><li>• conceptual lot layout; and</li><li>• associated infrastructure.</li></ul>

## SCHEDULE 2

### PART A – DEFINITIONS

<b>Act, the</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>APZ</b>	Asset Protection Zone
<b>Construction</b>	Includes all physical work carried out on site, <b>other than</b> survey, acquisitions, fencing, investigative drilling or excavation, building/road dilapidation surveys, minor clearing (except where threatened species, populations or ecological communities would be affected).
<b>Council</b>	Wyong Shire Council
<b>Department, the</b>	Department of Planning & Infrastructure
<b>Director-General, the</b>	Director-General of the Department of Planning & Infrastructure (or delegate)
<b>EPBC Act Approval</b>	Approval granted by the granted by the former Minister for Environment Protection, Heritage, Water and the Arts for the subdivision and residential development of land owned by Coal & Allied at Nords Wharf, Gwandalan and Middle Camp and dated 23 March 2010.
<b>EEC</b>	Endangered Ecological Community
<b>Minister, the</b>	Minister for Planning & Infrastructure
<b>Proponent</b>	Coal & Allied, or its successors in title
<b>RMS</b>	NSW Roads and Maritime Services
<b>Site, the</b>	Land to which Concept Plan Application 10_0084 applies

## PART B – ADMINISTRATIVE CONDITIONS

- 1.1 The Proponent shall ensure that all development on site is carried out generally in accordance with the:
- a) Concept Plan Application 10\_0084;
  - b) *Gwandalan Concept Plan* (including accompanying appendices) prepared by Urbis dated November 2010;
  - c) *Gwandalan Preferred Project Report*, dated March 2011 prepared by Urbis;
  - d) Correspondence, with attachments, titled Preferred Project Report Submission - Coal & Allied Southern Estates: Gwandalan (MP10\_0084) prepared by Urbis and dated 16 June 2011;
  - e) Statement of Commitments (see Appendix 1); and
  - f) this approval.
- 1.2 In the event of an inconsistency between:
- a) the modifications of this approval and any document listed from clause 1.1 a) to 1.1 e) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
  - b) any document listed from condition 1.1a) to 1.1e) inclusive, the most recent document shall prevail to the extent of the inconsistency.

### Limits of Approval

- 1.3 This concept approval shall lapse 5 years after the date on which it is granted, unless an application is submitted to carry out a development for which concept approval has been given.
- 1.4 To avoid any doubt, this concept approval does not permit the subdivision or construction of any aspect of the proposal which will be subject to separate approvals.

### Determination of Future Applications

- 1.5 The determination of future applications for development on the Site under Part 4 of the Act, for which Council is the consent authority, is to be generally consistent with the terms of this approval.

<p>Note: in accordance with the transitional provisions for Part 3A, under Section 75M of the Act, this concept plan approval satisfies the obligation to prepare a development control plan as required for the site, subject to compliance with the modifications in Part C.</p>
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## PART C - MODIFICATIONS TO THE CONCEPT

### Commercial / retail development

- 1.6 The Concept Plan is to be modified to remove the proposed retail/commercial component. Any proposed commercial / retail development within the development area is to be subject to a planning proposal to Council.

### Urban Design & Built Form

- 1.7 The indicative lot layout is not approved.
- 1.8 The vegetation buffer along Kanangra Drive is to be offered for dedication to Council. The relevant development application for subdivision must demonstrate that the future ownership and management arrangements for the landscaped buffer have been negotiated with Council. Should Council not accept the dedication of the landscape buffer, these areas should be incorporated into the neighbouring residential lots.
- 1.9 Prior to the first development application for subdivision, the Proponent shall revise the Urban Design Guidelines to address the following additional issues:
- consistency with *Wyong Local Environmental Plan 1991*;
  - remove reference to the local centre retail;
  - details on how cut and fill is to be minimised and requirements for retaining structures including maximum heights and design approach, acceptable materials, and associated landscaping;
  - private open space and landscaping requirements, including specific requirements for deep soil zones and a detailed plant species selection list;
  - details regarding the timing of each stage and its relationship with the construction of supporting infrastructure, services and landscaping;
  - requirements for retention of vegetation within individual lots, having regard for any requirements of *Planning for Bushfire Protection 2006*;
  - site fencing requirements;
  - set backs for secondary frontages on corner lots to be consistent with or greater than the requirement of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*;
  - controls to ensure that garages are located behind the front building line, and to restrict garage widths to be consistent with those allowed under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*;
  - site cover controls to be equal to or less than the controls outlined in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*; and
  - demonstrate how necessary storm water infrastructure can be accommodated on individual lots, in particular small lots.

The revised Guidelines must be prepared in consultation with Council, and to the satisfaction of the Director-General. The final approved copy is to be submitted to council prior to lodgement of any development application for a dwelling on the site.

## **PART D - FURTHER ENVIRONMENTAL ASSESSMENT REQUIREMENTS**

Pursuant with Section 75P(2)(c) of the Act, the requirements listed below shall apply to all future development applications relating to this concept plan.

### **Urban Design**

1.10 Each development application for subdivision shall:

- a) demonstrate that the quantity of open space is consistent with the concept plan; and
- b) include details on the following:
  - strategy for retention of trees on the site;
  - proposed public domain treatments; and
  - proposed landscaping of all public domain areas including swales, detention basins, and roadside verges.

Any such details must be carried into landscaping plans and public domain plans to be completed in consultation with Council, prior to commencement of subdivision works on site.

### **Contributions and Open Space**

1.11 A staging plan prepared in consultation with Council and to the satisfaction of the Director-General is to be submitted prior to the first application for subdivision that details the schedule for delivery (and dedication where relevant) of the following:

- a) provision of roads, stormwater and other service infrastructure;
- b) items identified for Gwandalan in the \$5 million allocated to the Coal & Allied Southern Estates;
- c) section 94 contributions;
- d) State Infrastructure Contributions; and
- e) Location and management regime for open space.

Note: In relation to section 94 contributions any works in kind or dedication of land in lieu of monetary contributions required under Council's Section 94 Plan must be negotiated with Council.

### **Water Quality**

1.12 Detailed design of all stormwater management devices, is to be submitted with each development application for subdivision in accordance with Council requirements.

1.13 Each development application for subdivision must outline management arrangements for public stormwater facilities prior to dedication to Council, both during and after construction. These arrangements should be negotiated with Council.

1.14 A water quality and hydrological monitoring plan is to be provided as part of any development application for subdivision. The program shall include:

- a) Monitoring of data against relevant water quality standards and the baseline data collected prior to commencement of works;
- b) Monitoring of changes in hydrology caused by the development to ensure no detrimental impact on the water quality in Crangan Bay, seagrass communities in Crangan Bay, and Strangers Gully which adjoins the development area.
- c) Details on mechanisms and responsibilities for the management and reporting of the results;
- d) Identification of remedial actions to be implemented in the event of a discrepancy between the actual and predicted performance of the water quality controls and/or any adverse impacts on seagrass beds communities or Strangers Gully; and
- e) A program to report monitoring results to Council and NSW Office of Water.

## **Groundwater Impacts**

- 1.15 Each development application for subdivision should outline details and depth of excavations and any impact on groundwater. The proponent should also outline the proposed management of any impacts on groundwater and groundwater dependent ecosystem communities including potential infiltration from stormwater detention basins to groundwater.

Note: An authorisation under the *Water Act 1912* or the *Water Management Act 2000* is to be obtained from the NSW Office of Water with the appropriate purpose identified for any activity relating to the taking of or interception of groundwater prior to that activity commencing

## **Flooding**

- 1.16 Each development application for subdivision must demonstrate that;
- each lot would be able to accommodate a dwelling above the 100 year flood level plus 0.5m freeboard; and
  - lots below the Probable Maximum Flood level can be safely evacuated in a flood event.

## **Contamination**

- 1.17 Any development application for subdivision must include a remediation action plan, which includes:
- a) characterisation of the nature and extent of contaminated material;
  - b) details of the proposed remediation process, including treatment methodologies and processes;
  - c) justification of the proposed treatment and remediation criteria;
  - d) details of proposed remediation management measures;
  - e) a site validation plan; and
  - f) details of compliance with the Contaminated Land Management Act 1997.

## **Mine subsidence**

- 1.18 Any development application for subdivision must demonstrate compliance with requirements of the Mine Subsidence Board including:
- a) geotechnical investigations to demonstrate that there is no risk of mine subsidence affecting the site and the appropriateness of the strata to support the development;
  - b) the plans for subdivision works including services have taken into account the geotechnical conditions of the site; and
  - c) the measures required to remove the risk of subsidence.

## **Traffic and Access**

- 1.19 The detailed design for the upgrade of the Kanangra Drive / Pacific Highway must be prepared in accordance with RMS' requirements.
- 1.20 With each development application for subdivision the Proponent must include:
- a) a revised assessment of the predicted impacts of this traffic on the capacity, efficiency, and safety of the surrounding road network;
  - b) details of the local road network, including road widths, and local road upgrades required;
  - c) location of cycleways and parking lanes;
  - d) requirements for parking and street lighting; and
  - e) details of any shared traffic zones, particularly around areas designated as open space and parks.
- 1.21 With each development application for subdivision, the Proponent must demonstrate that opportunities have been investigated to deviate the existing bus route to service the proposed development, and must provide details of the proposed location of bus stops and pedestrian access to bus stops. Where the bus route is proposed to travel through the

development area the proponent is to demonstrate the associated roads are designed to accommodate bus movements. These requirements are to be carried out in consultation with Council, Department of Transport, and relevant bus companies.

Note: If bus stops are proposed to be located along Kanangra Drive, any pedestrian access across the vegetation buffer along Kanangra Drive must consider only impacts on threatened species in this location.

### **Flora and Fauna/Biodiversity**

- 1.22 Whilst it is recognised that the biodiversity impacts associated with the proposal have been offset through dedication of 205.75 hectares of conservation lands to the NSW Government, any development application for subdivision shall provide:
- a) details on strategies to minimise clearing and retain mature and/or hollow bearing trees where possible, including through design of roads and stormwater devices, having regard to the recommendations of the Ecological Assessment Report (RPS 2010);
  - b) management measures for minimising impacts on fauna during subdivision works including the employment of an appropriate qualified ecologist to advise and supervise any clearing of vegetation;
  - c) management of *Tetratheca juncea*, *Angophora inopina* and *Phytophthora cinnamomi* during subdivision works;
  - d) details of the location of pedestrian pathways through the vegetation buffer along Kanangra Drive with consideration given to locating pathways to minimise impacts on threatened species; and
  - e) details regarding the management of the interface between the development area and conservation lands, including the foreshore area, and appropriate environmental controls to minimise any potential impacts on the conservation lands. Management procedures should be prepared in consultation with OEH. Information provided should include, but not be limited to, boundary establishment, sediment controls, location and management of construction materials.

Any procedures and strategies identified must be carried into a Vegetation Management Plan to be completed prior to commencement of any works on the Site.

### **Aboriginal heritage**

- 1.23 Any development application for subdivision must be accompanied by an Aboriginal Cultural Heritage Management Plan (ACHMP) that has been developed in consultation with Aboriginal stakeholders and to the requirements of the Office of Environment and Heritage (OEH).
- 1.24 The ACHMP is to be developed and implemented in full consultation with the registered local Aboriginal stakeholders. The plan is to include, but shall not be limited to:
- procedures for ongoing Aboriginal consultation and involvement including, but not limited to, opportunities for the registered local Aboriginal stakeholders to monitor any initial ground disturbance works associated with and adjacent to identified sites and areas identified as "high archaeological potential";
  - details of the responsibilities of all stakeholders;
  - a statement of the Aboriginal cultural significance of the Site;
  - details of proposed mitigation and management strategies for Aboriginal sites identified to be impacted within the Site;
  - identification and management of any proposed cultural heritage conservation area(s);
  - procedures for the identification and management of previously unrecorded sites (excluding human remains);
  - details of an Aboriginal cultural heritage education program for all contractors and personnel associated with construction activities;

- details of an appropriate keeping place agreement with local Aboriginal community representatives for any Aboriginal objects salvaged through the development process; and
- details of proposed Aboriginal cultural heritage interpretation strategies for the Site; and
- compliance procedures in the event that non-compliance with the ACHMP is identified.

### **Bushfire Management**

1.25 Any development application for subdivision must be accompanied by a Bushfire Management Plan, that demonstrates that the development complies with the *Planning for Bush Fire Protection 2006*, has been prepared to the satisfaction of RFS and provides detailed arrangements for:

- a) a road network and lot layout appropriate for evacuation purposes;
- b) property access roads which allow for the safe access, egress and defensible space for emergency services;
- c) the location and composition of all APZs, including the inner and outer protection zones, including in relation to proposed building footprints;
- d) the responsibility of ongoing maintenance requirements within the APZs to ensure compliance with the required standards (for APZs outside individual lots this must be negotiated with council and the RFS);
- e) a staged approach to management of bushfire hazard and APZs during the development process; and
- f) a management plan for the vegetation buffer along Kanangra Drive, which is consistent with the requirements of the EPBC Act approval. The management plan must include provisions for future ownership of the buffer zone.

### **Bulk Earthworks**

1.26 Each development application for subdivision shall include an assessment of the proposed civil works including final contour plans. The assessment shall include details of the suitability of any externally sourced fill and any associated impacts.

### **Construction Impacts**

1.27 Any development application for subdivision must include a Construction Management Plan, which shall include (but not limited to):

- a construction noise and vibration mitigation plan;
- an air quality and dust management plan;
- a soil and water management plan, prepared in accordance with Landcom's *Managing Urban Stormwater: Soils and Construction guidelines*;
- a vegetation management plan;
- a waste management plan;
- a construction traffic management plan;
- a complaints management plan detailing the procedures that would be implemented to receive, handle, respond to and record any complaints that are received; and,
- an archaeological management plan which provides for the monitoring of works and contingency plans should previously unidentified archaeological deposits be discovered;
- a dilapidation report of public infrastructure in the vicinity of the site; and
- any other plans that that may be required as a result of the environmental assessment of potential impacts; and
- any other plans that that may be required as a result of the environmental assessment of potential impacts.



## **SCHEDULE 3**

### **CONDITIONS OF PROJECT APPROVAL**

#### **PART A – ADMINISTRATIVE CONDITIONS**

##### **Development Description**

Project Approval is granted only to carrying out the subdivision of lands specified to enable the transfer of lands to a public authority or the Minister of the Crown.

##### **Development in Accordance with Plans and Documentation**

The development shall be in accordance with the following plans, documentation and recommendations made therein:

- The *Gwandalan Land Transfer Plan* prepared by Monteath and Powys dated 25 August 2008 (see Appendix 2); and
- Conditions of this Approval.

##### **Lapsing of Approval**

The project approval will lapse 5 years after the approval date of this project approval.

##### **Prescribed Conditions**

The Proponent shall comply with the prescribed conditions of project approval under Section 75J(4) of the Act.

#### **PART B – PRIOR TO SUBDIVISION CERTIFICATE**

##### **Planning Agreement**

The Proponent must enter into a planning agreement in accordance with the letter of offer dated 12 August 2011.

##### **Easements**

Easements for services, drainage, maintenance access or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over those lots pursuant to the *Conveyancing Act 1919*.

##### **Documentary evidence of restrictions on title**

Prior to the issuing of the Subdivision Certificate, the Proponent is to provide documentary evidence of the proposed easements to the accredited certifier or Council

##### **Costs to be borne by the Applicant**

All costs associated with the preparation and registration of any covenant or restriction on title, whether directly or indirectly, will be borne solely by the Proponent.

## **Appendix 1**

### **Statement of Commitments**

# **Gwandalan – Revised Statement of Commitments**

Subject	Description
Concept Plan	
Commitments Restricting the Terms of Approval	<p>Future development will be carried out generally in accordance with the following plans and documentation submitted with the Environmental Assessment:</p> <ul style="list-style-type: none"> <li>▪ Gwandalan Land Transfer Plan prepared by Monteath and Powys dated; 25/08/2008 Rev D</li> <li>▪ Conservation and Development Areas Plan (<i>Figure A1.1.1</i>) prepared by AJ+C;</li> <li>▪ Gwandalan Illustrative Concept Plan (<i>Figure A1.2.1</i>) prepared by AJ+C and Aspect Studios;</li> <li>▪ Land uses as proposed by the SSS listing and as indicatively shown on <i>Figure A2.2.1</i> prepared by AJ+C and Aspect Studios and Additional Permitted Uses Map APU 004 prepared by AJ+C dated 13/10/2010</li> <li>▪ Height of Building Map HOB 004 prepared by AJ+C dated 12/02/2009</li> <li>▪ Conceptual road design and access arrangements as shown on drawing <i>Figure A2.4.2</i> prepared by AJ+C and Aspect Studios;</li> <li>▪ Landscape and open space design concepts as shown in <i>Figure A2.4.1</i> prepared by AJ+C and Aspect Studios;</li> <li>▪ Urban Design Guidelines prepared by AJ+C and Aspect Studios;</li> <li>▪ Indicative development staging as indicated in <i>Figure A3.1.1</i> prepared by AJ+C.</li> </ul>
Commitments comprising payment of a monetary contribution, or dedication of land/carrying out of work for local Infrastructure	<p>The Owner will pay contributions in accordance with the Wyong Council Section 94 Plan. The total monetary amount of contribution will be made by either dedication of land free of costs, payment of contribution, or works in kind, or any combination of them. The total monetary amount of contribution payable is as follows:</p> <ul style="list-style-type: none"> <li>▪ Open Space and Recreational Facilities works in kind (\$4,194.52 per lot) directly associated with substantial land dedication in lieu</li> <li>▪ Roads (Catchment C) \$3,980.86 per lot</li> <li>▪ Community facilities \$3,548.04 per lot</li> <li>▪ Shire wide contribution (Performing Arts Centre &amp; Administration ) \$443.53 per lot</li> <li>▪ Administration (Northern Districts) \$494.19 per lot</li> <li>▪ DSP Water Charges (headworks &amp; Distribution) \$4,119.58 per lot</li> <li>▪ DSP Sewer (headworks only) \$843.89 per lot</li> </ul> <p>Note: the above contribution rates (other than DSP's) are Indexed to Nov2010. Water &amp; sewer charges indexed annually on 1<sup>st</sup> July)</p>

# **Gwandalan – Revised Statement of Commitments**

Subject	Description
	<p>In lieu of monetary contribution for open space, local parks and cycleway networks will be developed by the Owner in accordance with Concept Plan prepared by AJ+C and Aspect Studios, Illustrative Landscape Plan prepared by Aspect Studios and Urban Design Guidelines prepared by AJ+C and Aspect Studios and then dedicated to Wyong Council after the completion of all stages of the development. The Owner will manage these parks for a 5 year period or until all lots in each relevant stage are sold whichever the latter.</p> <p>In lieu of monetary contribution for open space, the Owner will provide a cycle way and pedestrian path within the foreshore area, subject to Minister for the Environment Climate Change and Water approval. The Owner will also undertake foreshore embellishment works, subject to Minister for the Environment Climate Change and Water approval.</p> <p>The Owner will enter into a Deed of Agreement with Wyong Council.</p>
Social benefits of the proposed development	<p>The landowner has committed to the provision of the following social infrastructure benefits as part of the development program. Contributions and timing vary per item, details of which are included in the appropriate EA Appendices.</p> <p>Benefits include</p> <ol style="list-style-type: none"> <li>1. Privately owned land opened up to the benefit of the community through the dedication of 77% of the land for conservation in perpetuity</li> <li>2. Section 94 contributions to open space, recreation, roads and community facilities as noted above</li> <li>3. Contribution to the provision of emergency services and education for the region</li> <li>4. Upgrading of the Pacific Highway / KanangraDr intersection at the landowners cost .</li> <li>5. \$5M allocated by Coal &amp; Allied for the provision of social infrastructure and community development for the southern estates. Costs allocations and timing are included in Appendix C of the EA. Allowances made at Gwandalan include the following:</li> </ol> <ul style="list-style-type: none"> <li>• Funding State &amp; Regional employment opportunities</li> <li>• Upgrade of Lions Park boat ramp</li> <li>• Contribution to the upgrade of Koowong Road wharf</li> <li>• Sustainability contributions</li> <li>• Aboriginal community scholarships</li> <li>• Provision of walkways (subject to DECCW approval) external to the Coal &amp; Allied development land</li> </ul>

# **Gwandalan – Revised Statement of Commitments**

Subject	Description
Commitments comprising payment of a monetary contribution, or dedication of land/carrying out of work for Regional Infrastructure	<p>Payment of a monetary contribution or works in kind for the provision of regional infrastructure as determined by state government will be generally in accordance with the Owners offer to contribute under the terms of the NSW Governments 'Infrastructure Contributions Plan Circular PS08-017, 23 December 2008'. The Owner has offered to enter into a Voluntary Planning Agreement with the Department of Planning to contribute to the following services:</p> <p>The intersection of Pacific Highway/Kanangra Drive intersection is to be upgraded by the landowner and funded in part by the Rose Group State Infrastructure Contribution as set out in the Rose Group Statement of Commitments to provide:</p> <ul style="list-style-type: none"> <li>o One left turn slip lane (100m) turning north from Pacific Highway to Kanangra Drive</li> <li>o One left turn slip lane (50m) turning north from Kanangra Drive to the Pacific Highway</li> <li>o Additional right turn storage lane (100m) for southbound traffic from Kanangra Drive to Pacific Highway.</li> </ul> <ul style="list-style-type: none"> <li>▪ Details will be submitted with the Construction Certificate application for Stage 1. The Owner will undertake the intersection work prior to release of subdivision certificate for Stage 1 Project Application.</li> <li>▪ Emergency Services involving a contribution towards purchasing 3,000m2 of land in Swansea-CHB. The Landowner has offered NSW Ambulance a site at Catherine Hill Bay. Should the land not suit NSW Ambulance for its operations the landowner in lieu is to provide a monetary contribution towards the proposed acquisition of a 3,000 square metre site for location of emergency services amounting to a per lot contribution if paid after 30 June 2011 will be (subject to indexation) \$195.99 per urban lot. ). Payment is required on or prior to the issue of the first subdivision certificate that creates the first urban lot</li> <li>▪ Education involving the purchase of 10,000m2 of additional land adjacent or close to the existing Gwandalan Public School. The Developer is to provide a monetary contribution if paid after 30 June 2011 (subject to indexation) of \$721,066.43 amounting to a contribution of \$1,157.41 per urban lot at Gwandalan only. Contribution is payable on or prior to the issue of the relevant subdivision certificate that creates the 300th urban lot</li> </ul>
Utility Services/Infrastructure Upgrades	<p>The Concept Plan commits to the funding and delivery of all on-site infrastructure and services including the following specific infrastructure prior to or in conjunction with the first stage of development: The Owner is to pay DSP charges for water and sewer at the charge per lot applicable at the time of development</p> <ul style="list-style-type: none"> <li>▪ Electricity from existing network</li> <li>▪ Connect to existing potable water main in Kanangra Drive</li> <li>▪ Sewer pump station and rising mains to connect to Summerland Point STP</li> <li>▪ Provision of a communication service complying with the National Broadband Network Policy</li> </ul> <p>The Concept Plan will ensure that sufficient land is provided within new road reserves and alternatively within easements in</p>

<b>Gwandalan – Revised Statement of Commitments</b>	
<b>Subject</b>	<b>Description</b>
	the offset lands and private land for utilities.
Conveyancing	<p>The dedication and transfer of the conservation lands to the State Government will be undertaken in accordance with the Transfer Plan of the “Proposed Subdivision of Lot 2 DP 1043151 and Portion 57 DP 7552266 Kanangra Road, Gwandalan”, Sheet 1 Rev D dated 25/08/2008 by Monteath &amp; Powys Pty Ltd.</p> <p>Easements are to be provided for utility services that encroach onto private land or the offset lands. Land to be dedicated to relevant authorities where required.</p> <p>Housing lots will be Torrens title.</p> <p>Parks, reserves, roads and infrastructure created through each future Project Application subdivision will be developed and then dedicated to Wyong Council after the completion of all stages of the development and in accordance with the conditions of approval ..</p>
Environmentally Sustainable Development	<p>Residential development will meet or exceed the following targets:</p> <ul style="list-style-type: none"> <li>▪ The BASIX water consumption benchmark</li> <li>▪ The BASIX energy consumption benchmark.</li> </ul>
Procurement Policies	<p>Prior to any works on site commencing, the Owner will develop a procurement policy for the construction of the subdivision. The policy shall incorporate initiatives to encourage local employment opportunities for the duration of the project.</p> <p>Prior to any works on site commencing, the Owner is to:</p> <ul style="list-style-type: none"> <li>▪ Contribute to the Indigenous community for employment in land care, lake quality improvement etc.</li> <li>▪ Establish procurement policies for the Indigenous community to remediate/ regenerate degraded areas within the conservation zones, in conjunction with NSW Government.</li> <li>▪ Establish procurement policies for the Indigenous community during construction (e.g. fencing, landscaping) and ongoing maintenance (e.g. lawn mowing etc).</li> </ul> <p>This should be done in partnership between Indigenous community and the Owner</p>
Consultation/ Educational Programs	<p>The Owner is to develop a community consultation program prior to commencement of construction for the duration of the construction process. This program is to be approved by Department of Planning prior to any works on site commencing and will include:</p>

# **Gwandalan – Revised Statement of Commitments**

Subject	Description
	<ul style="list-style-type: none"> <li>▪ Regular newsletters/letterbox drops on timing and progress.</li> <li>▪ Information on a publicly accessible website.</li> <li>▪ Community workshops.</li> <li>▪ Appropriate signage on site.</li> <li>▪ Contact numbers for complaints/issues etc.</li> </ul>
Urban Design	The Concept Plan commits to a set of Development Design Guidelines. Future development is to comply with the Urban Design Guidelines
Housing Diversity	<p>The Concept Plan commits to providing a diversity of housing opportunities through:</p> <ul style="list-style-type: none"> <li>▪ The provision of a diversity of lots sizes.</li> <li>▪ The provision of different housing typologies including single and two storey houses..</li> <li>▪ The provision of seniors living (subject to future approvals)</li> </ul>
Aboriginal Heritage	<p>On Development Lands:</p> <p>Aboriginal community consultation will be ongoing for the project, the Cultural Heritage Management Plan and will include Stakeholder consultation within all Aboriginal cultural heritage elements of management.</p> <p>The ACHMP will provide the information as requested by DECCW, and will include consultation that follows the principals of the 2010 guidelines for consultation process.</p> <p>Prior to any works on the development lands site commencing, the Owner is to prepare a Aboriginal Cultural Heritage Management Plan in accordance with the heritage mitigation measures outlined in the Heritage Impact Statement prepared by ERM including:</p> <ul style="list-style-type: none"> <li>▪ Procedures during site excavation works.</li> <li>▪ Consultation with local Aboriginal community groups during preparation of the ACHMP and throughout construction.</li> <li>▪ Appropriate Aboriginal heritage interpretation measures.</li> <li>▪ Defined archaeological investigation areas.</li> <li>▪ Defined appropriate works within areas of high Aboriginal significance.</li> </ul> <p>The Owner must:</p>

# **Gwandalan – Revised Statement of Commitments**

Subject	Description
	<ul style="list-style-type: none"> <li>▪ Ensure stop work procedures are in place if any Aboriginal relics or artefacts are to be discovered during the course of work onsite.</li> <li>▪ Ensure that the location of all infrastructure services avoids and protects areas of high Aboriginal significance.</li> </ul> <p>Ensure that on site information about the heritage requirements is in place for the construction phase for the construction team.</p>
Traffic and Transport	<p>The Owner is to:</p> <ul style="list-style-type: none"> <li>▪ Provide localised widening of Kanangra Drive at the new southern type C intersection arrangement on Kanangra Drive allowing right turn movements in and out of the southern access. Details will be submitted to Wyong Shire Council (WSC) with the Construction Certificate application for Stage 1.</li> <li>▪ Provide DDA complying new bus stops within the development area (based on agreement with the local operator and WSC) including provision of bus shelters, kerb and gutter (where required), footpath and signage. Details will be submitted to WSC with the Construction Certificate application for Stage 1.</li> <li>▪ Upgrade the Kanangra Dr/Summerland Road intersection by providing a fourth leg to the round-a-bout for access into the development land (subject to resolution of threatened species). Details will be submitted to WSC with the Construction Certificate application for Stage 1.</li> <li>▪ Implement local traffic management measures within the development and existing local roads where required.</li> <li>▪ Dedicate public roads to Wyong Shire Council at no cost to Council</li> </ul> <p>Areas to be dedicated as public roads will be constructed and embellished generally in accordance with the specifications of the Concept Plan and as approved by WSC.</p>
Summerland Road upgrade	<p>The Owner will provide a 13m pavement on Summerland Road from Kanangra Drive to the industrial subdivision road, which must be extended to the intersection of road 1 to cater for a bus route, on road cycleway and on street parking. Details will be submitted to WSC with the Construction Certificate application for Stage 1.</p> <p>The Owner will ensure that the Summerland Road pavement extends further to the east from Road 1 with a T- intersection formed with Road 3, with raised concrete medians.</p> <p>A cost sharing arrangement for this upgrade work is to be negotiated with the owner of the adjacent industrial estate.</p>
Landscape Buffer to Kanangra Drive	<p>The Owner will prepare a management plan for the <i>Angophora inopinata</i> located within the northern section of the landscape buffer to Kanangra Drive. The management plan will provide informal access across the landscape buffer to Kanangra Drive with the relevant stage of subdivision. Consideration needs to be given to the safe and logical entry to the subdivisions circulation system on Summerland Road to reduce desired paths through the buffer. Details will be submitted for approval by</p>



Gwandalan – Revised Statement of Commitments	
Subject	Description
	DEWHA and DECCW with the development application for the first stage of development.
Water Quality & Quantity Management	<p>Prior to any works commencing on site, the Owner will at its cost prepare and implement the following stormwater management measures:</p> <ul style="list-style-type: none"> <li>▪ Implement WSUD to manage stormwater in accordance with WSC/DECCW/NOW policies.</li> <li>▪ Manage flood risk according to the NSW Floodplain Development Manual.</li> <li>▪ Construct stormwater management controls to ensure that the percentage level of pollutant export loads (achieved through WSUD) is within the limits specified in relevant Council policies.</li> <li>▪ Prepare a stormwater management strategy.</li> <li>▪ Prepare a groundwater management strategy.</li> <li>▪ Prepare a maintenance regime for the proposed groundwater management system, stormwater treatment systems.</li> <li>▪ Housing lots need to provide appropriate on lot detention for stormwater</li> </ul> <p>These strategies should adopt the mitigation measures recommended in the Marine Baseline Assessment prepared by GHD and dated October 2007 to reduce potential impacts on Crangan Bay.</p> <p>Details on the proposed bio-retention basins, bio swales and swales are to be submitted with the Stage 1 subdivision Construction Certificate application to WSC / DECCW /NOW for their approval. Prior to any works commencing on site, the Owner will prepare a maintenance program for bio-swales, public stormwater system/basins. The Owner will manage these facilities for a 5 year period or until all lots are sold (whichever is the later).</p>
Marine baseline assessment of Lake Macquarie	<p>Prior to any works commencing on site, the Owner will at its cost in conjunction with the stormwater management measures prepare and implement the management measures detailed in the :Marine Baseline, Assessment of Lake, Macquarie which nominates a number of mitigation and management measures to prevent direct and indirect impacts on flora and fauna and their habitat.</p> <p>The <i>Gwandalan: Marine Baseline Assessment of Lake Macquarie</i> offers mitigation measures that may be required to address any localised and short-term adverse environmental impacts that may be generated during the development and operation of the urban development. Mangroves, seagrasses and seaweeds are listed as protected marine vegetation under the NSW Fisheries Management Act 1994 (FM Act). No seagrasses will be impacted upon directly by the development however increased turbidity due to runoff will be managed.</p>

# **Gwandalan – Revised Statement of Commitments**

<b>Subject</b>	<b>Description</b>
Bushfire Management	<p>A Bushfire Management Plan will be prepared at the landowners cost and certified by a suitably qualified consultant. The Bushfire Threat Assessment is to be prepared using the current guidelines and industry best practice, specifically, Planning for Bushfire Protection (2006) and the updated AS3959-2009 Appendix 3 and the requirements of the NSW Rural Fire Service.</p> <p>The required plan will include, but not limited to, the following documentation:</p> <ul style="list-style-type: none"> <li>▪ Location of permanent Asset Protection Zones (APZ) and fire trails.</li> <li>▪ Location of temporary APZ's and fire trails such that adequate protection is provided to the subdivision at all times during construction.</li> <li>▪ APZ establishment methods.</li> <li>▪ Location of habitat trees to be retained.</li> <li>▪ Areas of vegetation to be removed, retained or replaced.</li> <li>▪ Fuel Management measures to be in accordance with the Gwandalan Fuel Management Plan prepared by RPS</li> <li>▪ Access to services.</li> <li>▪ Existing and proposed plant species.</li> </ul> <p>Ongoing management of APZs should comply with the requirements of the Planning for Bushfire Protection Guidelines 2006 and any requirements of the NSW Rural Fire Service .</p> <p>The Bushfire Management Plan will be submitted with documentation accompanying the Construction Certificate application in respect of each stage for Stage 1 subdivision works..</p>
Landscaping	<p>Landscaping will be consistent with the Gwandalan Illustrative Concept Plan prepared by AJ+C and Urban Design Guideline prepared by AJ+C and Aspect and to the approval of WSC.</p>
Contamination, Geotechnical and Mine Subsidence	<p>The Owner will undertake further assessment in regards to contamination and geotechnical investigations as recommended in the preliminary contamination, geotechnical and mine subsidence assessment reports prepared by Douglas Partners dated 12 October 2010.</p> <ul style="list-style-type: none"> <li>▪ The land is required to be remediated before the land is used for residential purposes. Prior to the issue of the construction certificate for Stage 1 Works the following must be undertaken at the landowner cost.</li> <li>▪ Development of a Remediation Action Plan.</li> </ul>

# **Gwandalan – Revised Statement of Commitments**

Subject	Description
	<ul style="list-style-type: none"> <li>▪ Appropriate remediation conducted to remove identified contaminants exceeding the DECC land use criteria.</li> <li>▪ Deleterious material and possible associated surface impact removed.</li> <li>▪ Validation testing and verification.</li> <li>▪ Validation of asbestos contamination should be conducted by a qualified asbestos consultant.</li> <li>▪ Waste classification to DECC guidelines of any materials destined for off-site disposal at a licensed landfill.</li> </ul>
Tree Management	<p>The Owner will prepare a Tree Management Plan prior to any works being undertaken on site. The Tree Management Plan will provide for the protection of the <i>Angophora inopina</i> and trees of significance (habitat and old growth) during lot planning by marking and retention of significant trees wherever appropriate prior to progressive clearing of sites. The Tree Management Plan will also be, to the extent possible, consistent with the plan approved by the Federal Minister with respect to clause (c) of condition A5 of the EPBC controlled action approval.</p>
Roads, Engineering, Infrastructure and Services	<p>The Owner will provide for new roads and connections as per the plans included in the Concept Plan prepared by AJ+C and as approved by WSC.</p> <p>Road Infrastructure including road pavement, footpaths, cycleways, kerb and gutter (where required), drainage services, street trees, street lighting, signage and line markings will be provided for each stage of the subdivision, in accordance with Council's requirements, except as otherwise provided by the Concept Plan and Urban Design Guidelines.</p> <p>The Owner will provide reticulated potable water and sewage services to each residential lot in the subdivision.</p> <p>The Owner will provide underground power to each residential lot in accordance with Energy Australia requirements.</p> <p>The Owner will provide underground telecommunications infrastructure to each lot in the subdivision in accordance with the NBN Policy.</p> <p>Areas to be dedicated as public roads will be constructed and embellished in accordance with the Urban Design Guidelines of the Concept Plan and built to a specification approved by WSC.</p> <p>All road reserves to be constructed will be dedicated to Wyong Council at no cost to Council.</p>

# **Gwandalan – Revised Statement of Commitments**

Subject	Description
Subdivision Certificate.	<p>A Subdivision Certificate application will be submitted in respect of the subdivision It will be accompanied by the following documentation:</p> <ul style="list-style-type: none"> <li>▪ A survey plan prepared by a Registered Surveyor</li> <li>▪ Instruments prepared under s88B of the Conveyancing Act as appropriate.</li> <li>▪ A Section 507 Certificate from Wyong Council Water Authority.</li> <li>▪ The appropriate notation will be placed on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act will set out the terms of the easements and/or rights of carriageway and/or restrictions as to user required for the subdivision</li> </ul>
Environmental management	<p>The owner has agreed with DECCW/NPWS to undertake certain works including removal of rubbish, , construct features to block vehicle access to existing motor bike tracks and undertake erosion control works all in accordance with Schedule 6 included in the draft Voluntary Planning Agreement (VPA). Landowner costs and timing for the works are nominated in the Schedule</p>
Pet Management	<p>The Owner is to develop strategies to address potential impacts associated with pet ownership prior to works commencing on site. This may include implementation of appropriate signage and educative programs (for example letter box drops and brochures to be included within the bill of sale for each property). WSC strategies, policies and programs should be acknowledged in relation to this by current and future residents</p>
Transfer of Land	<p>On issue of the Subdivision Certificate and the Concept Plan approval the conservation land is to be transferred to NSWG.</p> <p>Also on issue of the Subdivision Certificate and the Concept Plan approval the following will be transferred to Wyong Council in lieu of s94 contributions for Open Space</p> <ul style="list-style-type: none"> <li>▪ Buffer land along Kanangra Drive will be transferred to Wyong Council with management of the <i>Angophora inopina</i> at the northern end subject to a letter between Coal &amp; Allied and DECCW.</li> <li>▪ The riparian corridor on the south boundary of the Seniors Living area will be transferred to Wyong Council as open space two years from the commencement of Stage 2 or following the sale of all lots fronting the riparian corridor, whichever the earlier.</li> <li>▪ Bushland park and Public Recreation Park will be dedicated to Wyong Council when all lots in the stage in which the said park is located are sold or two years from the commencement of the related stage of subdivision whichever the earlier.</li> </ul>

## **Appendix 2 Land Transfer Plan**



LAND	ha.	PURPOSE
BLUE	62.24	DEVELOPMENT
GREEN	205.75	CONSERVATION

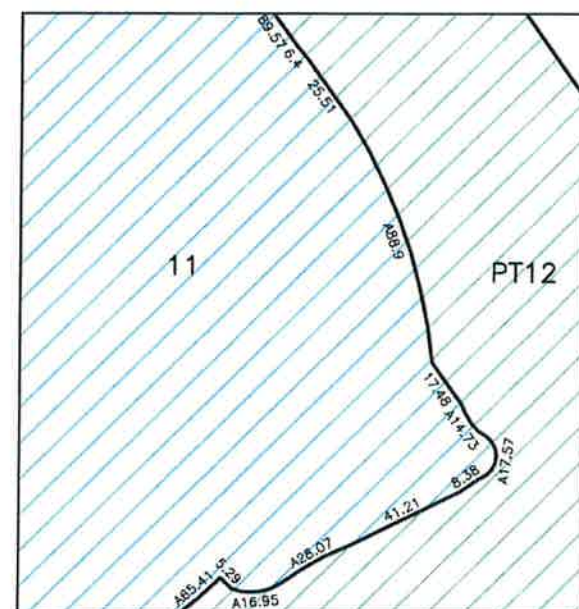


DIAGRAM 'A'  
SCALE 1:1250

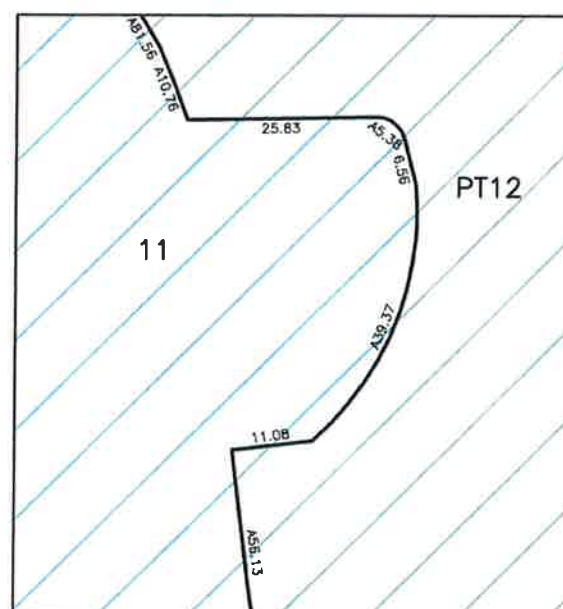


DIAGRAM 'B'  
SCALE 1:500

## GWANDALAN LAND TRANSFER PLAN

REVISIONS				COPYRIGHT NOTICE				Monteath & Powys				Client				Sheet No
				THIS DOCUMENT REMAINS THE PROPERTY OF MONTEATH & POWYS PTY LTD.				125 Bull Street Newcastle NSW 2300 PO Box 728 Newcastle NSW 2300 T 81 2 4928 1388 F 81 2 4928 3476 E survey@monteathpowys.com.au W www.monteathpowys.com.au				COAL & ALLIED				1
D				TABLE AMENDED TO SHOW PURPOSE				SURVEYING				Title				Revision
C				CYPEROID HEATH REVISION TO BDY - AREAS REVISED				PLANNING				PLAN OF PROPOSED SUBDIVISION OF LOT 2 DP 1043151 AND LOT 57 DP 755266 KANANGRA ROAD, GWANDALAN				D
B				REVISED AREAS				ENGINEERING DESIGN				CAD File: 07183U.dwg				
A				HAS BEEN OBTAINED FROM MONTEATH & POWYS PTY LTD.				PROJECT MANAGEMENT				Ref No: 07/183				
No				Revision				Date				Date: 25/08/2008				