

APPENDIX C STATEMENT OF COMMITMENTS

Black Hill Statement of Commitments	
Subject	Description
Commitments Restricting the Terms of Approval	Future development will be carried out generally in accordance with the following plans and documentation submitted with the Environmental Assessment Report: - Conservation and Development Areas Plan (prepared by RPS & Urbis); - Illustrative Concept Plan prepared by RPS and JMD; - Land uses as proposed by the SSS listing; - Conceptual road design and access arrangements prepared by RPS and JMD; - Landscape, open space and heritage design concepts prepared by RPS and JMD; - Urban Design Guidelines prepared by RPS and JMD; - Indicative development staging prepared by RPS.
Commitments comprising payment of a monetary contribution, or dedication of land/carrying out of work for local Infrastructure	The Owner will pay contributions in accordance with the Newcastle City Council Section 94A Development Contributions Plan 2006 applicable at the time of Development Approval for each stage of development. 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. In lieu of monetary contribution for open space, passive recreational space will be provided along the creek by the Owner and then dedicated to Newcastle City Council progressively after the completion of each stage of the development. The Owner will manage these recreational areas for a maximum 5 year period or until all lots in each respective stage are sold. Open space offset agreements to be agreed with Newcastle City Council prior to approval of the first DA
Commitments comprising payment of a monetary contribution, or dedication of land/carrying out of work for Regional Infrastructure	Payment of a monetary contribution or works in kind for the provision of regional infrastructure as determined by the NSW Government will be in accordance with the State Infrastructure Contributions SEPP. The Owner has offered to enter into a Voluntary Planning Agreement with the Department of Planning to contribute to services as determined by the State Government: NOTE: The NSW Department of Planning has developed a draft plan to streamline the contributions process for regional infrastructure in the Lower Hunter region. The plan is proposed for those non-urban lands that are rezoned to residential and industrial purposes and will fund a wide range of road, education, emergency services, health and regional open space infrastructure. At the time of writing, the documents were in Draft and on exhibition for public comment". Coal & Allied has offered to pay the State Infrastructure Contribution rate current at the time of future development applications, offset by land dedications and any appropriate "works-in-kind". This will be the subject of future negotiations with the NSW Dept of Planning pending the outcome of the regional infrastructure contribution determination.

Utility Services/Infrastructure Upgrades	The Owner will provide all estimated potable water and wastewater site capacity/demand details to HWC to allow the authority to include the potential site development in its respective strategies. The Owner will enter into appropriate arrangements with HWC regarding its share of external infrastructure funding. 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 development: ▪ Electricity from existing network and where required, construction of a separate zone substation or extension of high voltage mains to the service the site. ▪ Water. ▪ Sewer, following further investigations with Hunter Water Corporation as to the most appropriate options for sewer provision. ▪ Provision of a communication service complying with the NBN Policy ▪ New utility services are to be provided underground. The Concept Plan will ensure that sufficient land is provided within new road reserves to provide land for utilities.
Conveyancing	Easements to be provided for utility services that encroach onto private land or common space. Land to be dedicated to relevant authorities where required. All road reserves to be constructed will be dedicated to the relevant road authority. Employment lots will be torrens title and future subdivision of individual buildings may be strata titled or other, as appropriate to the building typology. Recreational areas and community infrastructure created through each subdivision will be developed and then dedicated to Newcastle City Council. The Owner will manage these recreational areas for a maximum 5 year period or until all lots in each respective stage are sold. Future industrial development is to meet or exceed best practice sustainable design in accordance with the legislation and rating tools current at the time of a development application.
Environmentally Sustainable Development	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, including Aboriginals for the duration of the project. Prior to any works on site commencing, the Owner is to: ▪ Contribute to the Indigenous community for employment in land care, etc. ▪ Establish procurement policies for the Indigenous community during construction (e.g. fencing, landscaping) and ongoing maintenance (e.g. lawn mowing etc). This will be done in partnership between the Indigenous community and the Owner.
Procurement Policies	

Consultation/ Educational Programs	The Owner is to develop a community consultation program 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: ▪ Regular newsletters/letterbox drops on timing and progress. ▪ Information on a publicly accessible website. ▪ Community workshops. ▪ Appropriate signage on site. ▪ Contact numbers for complaints/issues etc.
Urban Design	The Concept Plan commits to a set of Development Design Guidelines. Future development is to comply with the Urban Design Guidelines which generally reflect the NCC DCP 2005. In the event that a Freight Hub were to be built on the site, the preparation of new urban design guidelines would be required.
Aboriginal Heritage	On Development Lands, prior to any works on the development lands site commencing, the Owner is to prepare an Aboriginal Heritage Plan of Management, written to 2010 guidelines, in accordance with the heritage mitigation measures outlined in the Heritage Impact Statement prepared by ERM. The Aboriginal Heritage Plan of Management is to be in place prior to commencement of Stage 1 construction works and is to include the following: ▪ Procedures during site excavation works. ▪ Consultation with local Aboriginal community groups. ▪ Nature and extent of archaeological testing prior to works commencing. All testing will be compliant with the DECCW 2010 guidelines and standards within the Code of Practice ▪ Management recommendations for the storage and conservation of all Aboriginal materials excavated from the site. ▪ Develop an Aboriginal heritage interpretation strategy in collaboration with Aboriginal stakeholders to guide the provision of on-site interpretation, which could include potential heritage walks, signage or written material about the history and heritage significance of the area. The Owner must: ▪ Ensure stop work procedures are in place if any Aboriginal object or artefacts are discovered during the course of work onsite (Chance Find Protocol procedures to be adopted). ▪ Ensure that the location of all infrastructure services avoids and protects areas of high Aboriginal significance. ▪ Ensure that on site information about the heritage requirements is in place for the construction phase for the construction team. Prior to commencement of earthworks in Aboriginal site BH1 and BH2 as identified in the ERM report, the Aboriginal community is to be provided the opportunity to collect artefactual material from these sites. The Aboriginal community is permitted to monitor earth works (stripping of the A horizon soils only) within a 50m radius of these sites for the recovery of potential Aboriginal objects. Objects that are recovered are to be curated as per the Aboriginal Plan of Management.

	Land that is identified as "Low Archaeological" potential by the ERM report does not require any further archaeological work however in the event that an Aboriginal object is discovered, site work is to cease and Aboriginal stakeholders to be invited to collect the material in accordance with the Aboriginal Heritage Plan of Management. Land that is identified as "Moderate Archaeological" potential by the ERM report, the following mitigation measures will be implemented to conserve any remnant in-situ archaeological deposits: ▪ The surface (A horizon soils) of areas to be impacted is to be graded and inspected by an archaeologist and Aboriginal representatives. ▪ In the event that an Aboriginal object is located then a spot assessment is to be undertaken to determine extent, condition and integrity of the object/site. If the site has low or no integrity, Aboriginal representatives are to be invited to undertake a surface collection of visible artefacts and no further archaeological intervention. If the site is assessed to be of moderate or high integrity, an archaeological test excavation is to be undertaken in accordance to the procedures detailed in the ERM report. Public interpretation of the excavation results are to be undertaken and could include the preparation of plain English report or heritage interpretation in collaboration with Aboriginal Stakeholders.
Traffic and Transport	The concept plan commits to: ▪ Further detailed modelling following Concept Plan approval to determine the most appropriate upgrade option to meet RTA requirements for the immediate vicinity of the estate. The Owner will update the traffic assessment prior to submitting a Development Application for the commencement of each stage of development (or other appropriate and mutually agreed benchmark) as per the Staging Plan included in the Concept Plan (Appendix A). ▪ Provision of left in / left out from F3 and via a three way signalised intersection from John Renshaw Drive. ▪ Provision of bus stops including provision of bus shelters, kerb and gutter (where required), footpath and signage in the event that the MoT provides bus routes to and from Black Hill. Alternatively implementation of a shuttle bus service from Black Hill to the nearest rail station at Beresfield be provided during peak hour services. ▪ Areas to be dedicated as public roads will be constructed and embellished in accordance with the specifications of the Concept Plan And the NCC technical specifications for each road category ▪ Connection of cycleways and pathways to a future Regional Network (yet to be determined and approved). Adequate internal network and connection points will be provided to ensure integration with the future regional network. ▪ Public Transport upgrades. Further discussion will be held with MoT and bus route operator to consider: ○ the possibility of new bus route which connect Black Hill site with Beresfield railway station ○ implementation of a shuttle bus service from Black Hill to the nearest rail station at Beresfield during peak hour services)".
Water quality and quantity management	The concept plan commits to the following stormwater management measures: ▪ Implement WSUD to manage stormwater in accordance with relevant council/DECCW policies. ▪ Employment lots to be provided with on lot treatment of stormwater quantity and quality before discharging to the road system. ▪ Implementation of precinct scale co-located offline detention/bioretenention basins primarily upstream of John Renshaw Drive.

	- 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. - Provision of rainwater tanks where appropriate. - Manage flood risk according to the NSW Floodplain Development Manual. - Preparation and implementation of a Soil and Water Management Plan prior to commencement of earthworks detailing stormwater management strategies in accordance with "Soils and Construction, Managing Urban Stormwater" (Landcom 2004) to manage the construction phase impacts. - Prepare a maintenance regime for the proposed, stormwater treatment systems. Details on the proposed detention/bio-retention basins are to be submitted with the Construction Certificate application. Prior to any works commencing on site, the Owner will prepare a maintenance program for detention/bio-retention basins, and public stormwater system infrastructure. The Owner will manage these facilities for a 5 year period or until all lots are sold relevant to each development stage
Bushfire Management	A Bushfire Management Plan will be prepared for each stage and certified by a suitably qualified consultant with consideration to the Planning for Bushfire Protection Guidelines 2006. The required plan will include, but not limited to, the following documentation: - Location of permanent Asset Protection Zones (APZ) and fire trails where required. - Location of temporary APZ's and fire trails where required such that adequate protection is provided to the subdivision at all times during construction. - APZ establishment methods. - Location of habitat trees to be retained. - Areas of vegetation to be removed, retained or replaced. - Ongoing management of APZs should be as per Planning for Bushfire Protection Guidelines 2006. - Access to services. - Existing and proposed plant species. - Preparation of a Fuel Management Plan to detail the required strategies to create the required APZs and management of APZs in such a manner to preserve the natural and any cultural features of the estate, while reducing the risk of bushfire. The Bushfire Management Plan will be submitted with documentation accompanying the Construction Certificate application. Future development is to be in accordance with the following: - Access to water mains supply for fire crews and suitable hydrants be readily accessible and easily located. Fire hydrant spacing, sizing and pressure should comply with AS2419.1, 2005. - Future roads to be designed to a width suitable for fire fighting vehicles, standard minimum width is 8m kerb to kerb with shoulders on each side. All roads are to have a surface treatment for all weather access. - Adequate turning circles for a fire tanker is to be provided and all connections/pumps etc be clearly marked and visible and in working order.

Landscaping	Landscape plans are to be prepared for the relevant stage of development by a qualified landscape architect prior to construction certificate. The detailed landscape plans shall demonstrate the location of buffer zones, retention of existing vegetation to the extent reasonably possible allowing for required earthworks and ecological considerations including protection of significant trees. Landscaping will be consistent with the Black Hill Concept Plan prepared by RPS and Urban Design Guidelines prepared by RPS and JMD. Seed is to be collected on site so indigenous species are used in landscape areas. The vegetated buffer zones and riparian corridors will be retained and managed according to best practice. During the sites construction phase this will be the developer's responsibility and the end user thereafter. The Owner will provide recycled water in recreational areas if feasible.
Contamination	Prior to the issue of the subdivision certificate for each stage the Owner is to undertake: ▪ Additional contamination assessment is required for the former ironbark Colliery site, including the abandoned portal in accordance with SEPP 55 and NSW DECCW guidelines and further assessment of surface fibro. ▪ Additional investigations to assess the condition of the Boral site. ▪ Prepare a Remediation Action Plan based on the results of the detailed contamination assessment. The RAP is to be verified through the NSW DECCW site auditor process undertaken. ▪ Appropriate remediation to be conducted to remove identified contaminants. ▪ Removal of deleterious materials and possible associated surface impact. ▪ Validation testing and verification. ▪ Validation of asbestos contamination and removal should be conducted by a qualified asbestos consultant. ▪ Waste classification to DECCW guidelines of any materials destined for off-site disposal at a licensed landfill.
Geotechnical	Prior to any works commencing on site the Owner is to undertake the following additional investigations in accordance with the Preliminary Contamination and Geotechnical Assessment prepared by Douglas Partners: ▪ Detailed subsurface investigation to confirm the location of the portal, and delineate the extent of deep filling in the former Ironbark Colliery area. Additional assessment of combustible material and improvement measures. ▪ Specific foundation investigation for proposed buildings. ▪ Earthwork procedures and specifications. ▪ Pavement thickness design for roads.
Mine Subsidence	Future development on the land will not be undertaken prior to June 2013 to enable future mining of the site by Abel Mine. The Owner will undertake negotiations with Abel Mine to ensure that the future mining plan will lead to acceptable post mining development outcomes of the site.

	Future development of the land will be subject to approval by the Mine Subsidence Board.
Acoustics	Future applications for employment development shall be accompanied by an Acoustic Statement that details measures to reduce the impact of noise from the estate on surrounding land uses and measures to reduce the impact of noise from external noise sources upon future land uses within the site, where required. Preparation of a Construction Noise and Vibration Management Plan to detail measures to minimise the impact of construction noise and vibration monitoring upon nearby sensitive receivers and methodology for monitoring noise and vibration during construction. A clearing protocol to be prepared for the removal of trees containing suitable habitat hollows. Prior to any works on site commencing, the Owner is to prepare a Vegetation Management Plan. The vegetation management plan will be implemented for each stage of the subdivision. The vegetation management shall adopt a clearing protocol for the removal of trees containing suitable habitat and require that direction and supervision be provided by suitably qualified persons associated with vegetation removal including habitat trees (hollow-bearing). The Owner is to: - Recover any native fauna that are potentially displaced. - Select species for future landscaping works and seed stock for revegetation should be limited to locally occurring native species. - Where possible, earthworks (and all works in the vicinity of drainage lines) should be undertaken during appropriate weather conditions to minimise potential erosion impacts. - Implement nutrient and sediment control devices. The Owner intends to manage the retained open spaces and riparian corridors within the development areas for predetermined periods. The Owner will enter into an Agreement with Newcastle City Council to manage all local open space and other areas proposed to be dedicated to Council for 5 years or until the adjacent development is completed whichever the later. While the end owners (Newcastle City Council) future management will be in line with its internal practices an Agreement will provide a "stepping stone" for the environmental management during construction periods. On completion of the Agreement periods, management of the lands will be transferred to Newcastle City Council in the case of the open space associated with the development area. Generally the proposed Agreement will cover issues such as biodiversity maintenance, stormwater management both permanent and temporary, ecological and bushfire management, cultural and natural heritage which will be consistent with other related Plans of Management that the SoC sets out and strategies for the region. This should not necessarily be construed as a comprehensive list. The Owner will negotiate with all respective Authorities for the supply of all required services to the external property boundary
Tree Management	
Flora & Fauna Conservation Management	
Environmental management for community land riparian corridors and other community land	
Roads, Infrastructure & Services	

	The Owner will provide for new roads and connections generally as per the plans included in the Concept Plan prepared by RPS. Road Infrastructure including road pavement, footpaths, kerb and gutter (where required), drainage services, street trees, street lighting, signage and line markings will be provided for the subdivision, in accordance with Council's requirements, except as otherwise provided by the Urban Design Guidelines. The Owner will provide reticulated potable water and sewage services to each employment lot in the subdivision in accordance with Hunter Water requirements. The Owner will provide underground power to each employment lot in accordance with Ausgrid requirements. The Owner will provide underground NBN telecommunications infrastructure to each employment lot in the subdivision. The Owner will negotiate an agreement with TransGrid relating to all proposed works within the TransGrid easement Areas to be dedicated as public roads will be constructed and embellished in accordance with the Urban Design Guidelines of the Concept Plan and generally in accordance with Council standard design requirements for roads servicing industrial / employment type development. All road reserves to be constructed will be dedicated to Newcastle City Council at no cost to Council.
Plan of management for community and recreational facilities to be dedicated to Council	The Owner is to prepare a Plan of Management (PoM) for all community land and facilities. The management will be carried out as per Council/NPWS best practice. A mosquito risk assessment will be included in the PoM The Owner's involvement with the Plan of Management will be limited to: - Cost of preparing the PoM; - The actions arising from the PoM for a specified period of the lesser of 5 years from the date the PoM takes effect or until all the lots immediately adjacent the respective stage of development are sold. The PoM is to be prepared prior to commencement of Stage 1 subdivision works.
Transfer of Land	Dedication of the conservation land will be in accordance with the agreed terms of transfer with the NSW government which will be included in the VPA.