

Revised Statement of Commitments – July 2015

1.1 INTRODUCTION

In accordance with the Director General Environmental Assessment Requirements, the applicant is required to include a Draft Statement of Commitments in respect of environmental management and mitigation measures for the project.

The following is a revised Statement of Commitments which the proponent is willing to offer, to be consistent with the modifications to the Concept Approval, being MOD 2 and MOD 5. The draft Commitments are broad, whole of site and limited in their extent at this stage to reflect three aspects:

- Revised Urban Principles, Objectives and Urban Design Guidelines (June 2015), includes a whole range of principles and guidelines which effectively include commitments commensurate and appropriate with this level of site planning. It is not sought to repeat these specifically within the revised Statement of Commitments, however Section 1.2 provides a general summary of these.
- The current proposal is for Concept Plan approval only, and as such, it is too early in a detail sense to be committing to a full list of specific environmental measures. Many of the elements sought to form part of the Concept Plan approval are urban design and built form elements (land uses, building setbacks, building heights, density controls, built form, materials and colours, landscaping), which in combination seek to create environmental outcomes for the site and the ultimate development.
- Further and more detailed Commitments will be given at Development Application stage, as is relevant to the works to be included within each stage/application.

1.2 SUMMARY OF COMMITMENTS CONTAINED WITHIN CONCEPT PLAN DOCUMENT

- **Landuse** - Principle 1 outlines a commitment to provide for all accommodation to have tourist potential (with up to 50% also for residential use). In addition, at no stage of the development should the number of units approved for permanent residential use exceed the number of units approved for tourist use. The use of the tourism units is to be for short stay tourist accommodation purposes only and are not to be occupied by a person for more than 42 consecutive days or in aggregate no more than 150 days in any 12 month period.
- **Public Access and Open Space** – Principle 4 outlines a commitment to provide secured and long term public access rights over key public access features within the site (main boardwalk and, pedestrian through site links) and any associated spaces and to manage public safety where features cross future public lands;

- **Vegetation** – Principle 8 outlines a commitment to vegetation management in 6(1) zoned lands. It includes the preparation of a Vegetation Management Plan, and completion of works outlined within that plan;
- **Roads, Vehicular Access and Parking** – Principle 10 outlines a commitment for agreement to be reached with relevant road authorities regarding external intersections. Principle 10 also outlines modifications to the approved road network, provision of on site parking, a Parking Management Strategy and provision for service vehicles;
- **Water Management** – Principle 11 outlines a commitment to adopt water sensitive urban design approach to the site, providing rainwater harvesting and bio-filtration swales as part of water management, incorporation of a range of preventative, , design of fuel storage tanks, a construction and operation water quality monitoring programs, erosion and sediment controls, acid sulphate soils management and groundwater management.
- **Flooding** – Principle 12 provides minimum flood planning levels which are committed to, to include potential climate change implications, along with flood mitigation measures. It also includes the need for evacuation plans and adaptive management in response to climate change.
- **Services and Waste Management** – Principle 13 provides for commitment to provision of utility infrastructure and waste management, including the preparation of waste management plans for construction and operation;
- **Marina** – Principle 14 outlines a commitment to staging of the reduced size marina and to the style and design of the marina structure to limit environmental impact (floating pontoons, design of crossing of fringing seagrass, breakwater design, piling technique to limit impact on seabed, provision of public access along part of breakwater, provision of public day berthing area, provision of fuel and, sewage pump out facilities to environmental standards, stormwater management of the carpark, a water quality monitoring program for construction and operation phases, a construction environmental management plan (acid sulphate, erosion and sediment control, noise and the like) and operational environmental and management plans.
- **Acoustics** – Principle 16 outlines a commitment to further detailed acoustic reports for all aspects of the proposal, and cross reference to technical reports that incorporate a range of commitments such as preparation of Construction Noise Management Plans, Management of the site precluding delivery vehicles in peak traffic hours and the like.
- **Sustainable Development** – Principle 17 outlines a commitment to comply with sustainable development legislative requirements such as SEPP 65, BASIX, Section J and stormwater harvesting components of LMCC DCP 1
- **Indigenous Heritage** - Principle 18 outlines a commitment to ongoing consultation and involvement with the Aboriginal community, the preparation of an Aboriginal Heritage Management

Plan and Interpretation Policy, Salvage excavations, monitoring of top soil stripping earthworks and precautions to ensure recorded sites in the adjoining foreshore are not impacted on by JPG works.

- **European Heritage** – Principle 19 outlines a commitment to monitoring of certain earthworks to record any Bailey residence peripheral infrastructure, preparation of a European Interpretation Policy and retention of existing cultural plantings within the site.
- **Titling, Operation and Management of Site** - Principle 19 outlines the need for future applications to provide management of potential conflicts between site uses and operational aspects such as marina operation, noise management, public domain management and maintenance.

1.3 ADDITIONAL COMMITMENTS

Impact / Issue	Nature of Potential Impact	Mitigation Measures
Compliance with applicable planning requirements	Project non compliance with relevant standards	The detail design of the project is to comply with relevant legislation and planning controls. Any departures are to be appropriately justified in terms of an improved outcome with future project applications.
Compliance with Concept Plan	Project non compliance with Concept Plan	All future development applications are to demonstrate compliance with the Concept Plan. Any departures are to be justified in terms of an improved outcome.
Marina Staging	Environmental impact from size of marina	<p>The proposed marina is to be constructed in multiple stages with monitoring for potential environmental impacts from certain stages before the commencement of other stages of the marina.</p> <p>No major mechanical, engineering or shipwright services will be undertaken on the site.</p>

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Built Form	Need to ensure design is consistent with Concept Plan outcomes and community expectations.	The proposed built form will generally adhere to that shown on the submitted concept plans in terms of Building Heights, Floor space ratios, general arrangement of buildings and setbacks..
Flooding	Need to ensure that development is flood free.	Proposed development will comply with the minimum floor levels outlined in Principle 12 which include allowance for wave action and climate change.
Water Quality	<p>Possibility of increased levels of nutrients and contaminants in stormwater run off and of groundwater contamination.</p> <p>Possibility of contamination from Marina and associated operations.</p> <p>Possibility of disturbance of Acid Sulphate Soils</p> <p>Possibility of silt & sewerage from boats entering water.</p>	<p>The proposed development will incorporate water quality measures as generally outlined in the stormwater report.</p> <p>Acid Sulphate Soils to be addressed generally in accordance with the reports produced by Douglas Partners.</p> <p>A sewer pump out facility to be maintained for use by all boats.</p> <p>Full details to be included in with Development Application including an Environmental Management Plan.</p>
Acoustic	Potential impact from excessive noise.	The proposed development is to comply with the established criteria contained in the submitted acoustic report. Detailed acoustic measures demonstrating compliance to be submitted with future development applications.
Ecologically Sustainable design and water management	Environmental impact.	The detailed design of the development is to demonstrate consistency with the ESD and water sensitive urban design measures consistent with Council's requirements and Basix.
Erosion &	Possibility of soil erosion	An erosion and sedimentation plan to be

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Sedimentation	through construction process and resultant sedimentation of lake.	prepared as part of Development Application Construction Management Plan. Landscaping of site to prevent on-going soil erosion and sedimentation.
Public Access	Potential for public access to be denied over time.	The proposed development is to maintain public access through the site and along the lake edge. Public access through the site will be secured by appropriate easement.
Heritage	Need to ensure that the heritage values of the site are protected during construction and in the longer term.	The proposed development will restore, enhance and maintain the identified heritage of the site. An interpretation strategy incorporating Aboriginal and European heritage is so to be prepared and submitted with future development applications.
Public Art	Lack of public amenity	A Public Art Strategy being prepared for the site to incorporate appropriate artworks within the development site. The strategy is to be submitted with future development applications.
Landscaping	Need to ensure the proposed development is enhanced with appropriate landscaping.	A comprehensive landscape plan will be provided with future development applications.
Crime Prevention	Need to provide site and personal security through design process.	A comprehensive whole of site Security Management Plan consistent with CPTED design principles will be prepared.
Lighting	Impact from light spill	A lighting management plan being prepared and included with future development applications.
Air Quality	Need to minimize air quality impacts.	Options to minimise use of public transport and encourage cycling and walking to be explored. All equipment associated with operation of the Marina to be maintained in good working order.

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		Construction Management Plan is to address dust control.
Section 94 Contributions	Potential impact on community facilities	Future development is to comply with Council's Section 94 Contributions Plan.
Site infrastructure and services	Environmental and amenity impacts	Future development applications to demonstrate adequate servicing.
Waste Management	Environmental impact	A waste management plan prepared in accordance with relevant DCP requirements is to be included with future development Applications.
Aquatic Ecology	Provide additional habitat outcome associated with seagrass beds and educate boating community about aquatic ecology	<p>Proposed development to provide additional seahorse habitat in the manner suggested in the Aquatic Ecology Assessment prepared by The Ecology Lab (November 2008).</p> <p>Marina operations to implement Boating Awareness Strategy relating to aquatic ecology and marine turtles.</p>
Indigenous Heritage	To provide positive involvement of the aboriginal community	The proposed development will be subject to a Cultural Heritage Management Plan and Heritage Interpretation Plan that includes consultation and involvement of the Aboriginal Community.
Public Open Space zoned lands	Impact on features within those lands by future management and use decisions of Council	<p>Relative to the open space lands, JPG commit to share information with Lake Macquarie City Council relating to various values and features sited within those lands, including:</p> <ul style="list-style-type: none"> • recorded indigenous heritage sites; • retained European historical items sited within; and • endangered ecological communities sited within. <p>JPG commit to discussing management plans</p>

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		<p>for those lands with Lake Macquarie City Council, and to identifying those values within any on site interpretation policy and implemented interpretation outcomes.</p> <p>A Vegetation Management Plan of these lands is specifically to be prepared by JPG for approval and adoption by Council.</p>
Hazard Management	Need to correctly identify and manage hazards	Development Applications to include hazard analysis associated with on site fuel storage and the like as required by the provisions of SEPP 33.
Crime Prevention	Crime opportunity from lack of design consideration	Prepare site security management plan as per CPTED principles.