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# Concept Approval

## Section 750 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 750 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) 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

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### SCHEDULE 1

<b>Application No:</b>	10_0088
<b>Proponent:</b>	<del>Coal &amp; Allied Industries Pty Ltd</del> Nords Wharf Development Company Pty Ltd
<b>Approval Authority:</b>	Minister for Planning & Infrastructure
<b>Land:</b>	Land at Nords Wharf comprising part Lot 1 DP 1180292 and Lot 2 DP 1180292 Lot 6 DP 746007, part Lot 5 DP 736170, and part Lot 12 DP 854197 in the Lake Macquarie Local Government Area
<b>Concept plan:</b>	Concept plan for <b>Nords Wharf</b> , comprising: a <del>90 lot</del> 101 lot subdivision with conceptual lot layout, density and urban design (developable area 10.18 hectares); <del>and dedication of 416.6 hectares of conseNation land.</del>

## SCHEDULE 2

### PART A-DEFINITIONS

<b>Act, the</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>APZ</b>	Asset Protection Zone
<b>Council</b>	Lake Macquarie City Council
<b>OEH</b>	NSW Office of Environment and Heritage
<b>Department, the</b>	NSW Department of Planning and Infrastructure
<b>Director-General, the</b>	Director-General of the Department of Planning and Infrastructure (or delegate)
<b>EA</b>	<i>Nords Wharf Environmental Assessment Report</i> (including accompanying appendices prepared by Urbis dated November 2010)
<b>Minister, the</b>	Minister for Planning and Infrastructure
<b>Proponent</b>	Coal and Allied Industries Pty Ltd, or its successors in title
<b>PPR</b>	<i>Nords Wharf Preferred Project Report</i> , prepared by Urbis dated 11 March 2011 and Addendum dated 16 June 2011.
<b>RFS</b>	NSW Rural Fire Service
<b>RMS</b>	NSW Roads and Maritime Services
<b>Site, the</b>	Land to which concept plan application 10 0088 aoolies

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## PART B - ADMINISTRATIVE CONDITIONS

- 1.1 The Proponent shall ensure that all development on site is carried out generally in accordance with the:
- Concept plan application 10\_0088;
  - Nords Wharf Concept Plan Environmental Assessment Report* (including accompanying appendices) prepared by Urbis dated November 2010;
  - Correspondence, with attachments, titled *Preferred Project Report Submission - Coal & Allied Southern Estates: Nords Wharf (MP 10\_0088)* prepared by Urbis and dated 11 March 2011;
  - Correspondence, with attachments, titled *Preferred Project Report Submission - Coal & Allied Southern Estates: Nords Wharf (MP 10\_0088)* prepared by Urbis and dated 16 June 2011;
  - Statement of Commitments (see Appendix 1); and
  - this approval.
- 1.2 In the event of an inconsistency between:
- the modifications of this approval and any document listed from condition 1.1a to 1.1e) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
  - any document listed from condition 1.1a to 1.1f) inclusive, the most recent document shall prevail to the extent of the inconsistency.

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### Limits of Approval

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

### Determination of Future Applications

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

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.

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## PART C - MODIFICATIONS TO THE CONCEPT

### Urban Design & Built Form

- 1.9 The indicative lot layout and indicative road layout are not approved as part of the concept plan.
- 1.10 Prior to the first application for subdivision, the proponent shall revise the urban design guidelines in consultation with council to address the matters outlined below. The final urban design guidelines are to be in a format which could be adopted as site specific controls within council's development control plan at some stage in the future.
- a. consistency with *State Environmental Planning Policy (Nords Wharf) 2012*, but having regard to the potential for mine subsidence and implications for the height of buildings;
  - b. 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;
  - c. private open space and landscaping requirements, including specific requirements for deep soil zones and a detailed plant species selection list;
  - d. requirements for retention of vegetation within individual lots, having regard for any requirements of *Planning for Bushfire Protection 2006*;
  - e. site fencing requirements;
  - f. 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*;
  - g. 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*;
  - h. 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
  - i. 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.

- 1.11 The landscaped buffer along Branter Road is to be offered for dedication to council. The relevant subdivision application 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 are to be incorporated into the neighbouring residential lots.

## PART D-FURTHER ENVIRONMENTAL ASSESSMENT REQUIREMENTS

### Urban Design and Built Form

- 1.12 Each subdivision application must include a Landscape Management Plan that includes:
- strategy for retention of trees on the site;
  - proposed public domain treatments;
  - proposed landscaping of swales, detention basins, roadside verge and other public domain areas, including species selection; and
  - proposed management arrangements for public domain areas, including maintenance of all public domain planting for a 5 year period.

Any such details would 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

- 1.13 A staging plan prepared in consultation with council and to the satisfaction of the Director-General is to be submitted prior to the first subdivision application that details the schedule for delivery of (and dedication where relevant) the following contributions:
- provision of roads, stormwater and other service infrastructure;
  - ~~items identified for Nords Wharf in the \$5 million allocated to the Coal & Allied Southern Estates;~~
  - section 94 contributions; and
  - State Infrastructure Contributions.

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.

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- 1.14 In preparing the staging plan identified in condition 1.13 ~~as it relates to the \$5 million allocation~~, the proponent is to consider revising the proposed footpath to the Nords Wharf school to provide access to Gathercole Park.

### Flora & Fauna

- 1.15 Whilst it is recognised that the biodiversity impacts associated with the proposal have been offset through dedication of 116.6 hectares of conservation lands to the NSW Government, any subdivision application shall provide:
- 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);
  - 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;
  - management of *Phytophthora cinnamomi* during subdivision works; and
  - 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, and location and management of construction materials.

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

### Groundwater impacts

- 1.16 Any subdivision application 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: If future development requires excavations that intercept groundwater, a licence under Part 5 of the *Water Act 1912* is required and this will need to be considered as part as any future application.

### Stormwater management

- 1.17 Detailed design of all stormwater management devices is to be submitted with any application for subdivision to the satisfaction of council and accordance with any relevant council policies.
- 1.18 Any subdivision application must outline management arrangements for public stormwater facilities during and after construction, and prior to being dedicated to council. These arrangements are to be negotiated with council.
- 1.19 A water quality and hydrological monitoring program is to be provided as part of any 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 Swamp Mahogany Paperbark Forest 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 Swamp Mahogany Paperbark Forest; and
  - e. a program to report monitoring results to council and NSW Office of Water.

### Flooding

- 1.20 Each subdivision application must demonstrate that each lot would be able to accommodate a dwelling above council's relevant flood planning level.

### Acid Sulphate Soils

- 1.21 Any subdivision application must include an assessment of the extent and disturbance of acid sulphate soils in accordance with the NSW Government's *Acid Sulphate Soils Manual* (ASSMAC 1998). In the event that the assessment identifies that actual or potential acid sulphate soils will be disturbed during subdivision works, an Acid Sulfate Soils Management Plan must be lodged with the application. The Plan must:
- a. be consistent with the NSW State Government's *Acid Sulphate Soils Manual* (ASSMAC 1998); and
  - b. include details of measures to be implemented in relation to the management and handling of any acid sulphate soils identified during construction works.

## Contamination

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

## Mine subsidence

- 1.23 Any subdivision application must demonstrate compliance with requirements of the Mine Subsidence Board including:
- 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;
  - the plans for subdivision works including services have taken into account the geotechnical conditions of the site; and
  - the measures required to remove the risk of subsidence.

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## Bushfire hazard

- 1.24 Any subdivision application must:
- demonstrate that the development complies with *Planning for Bushfire Protection 2006* and is to the satisfaction of the Rural Fire Service;
  - demonstrate that all APZs are located within the approved development area and outside the conservation lands;
  - demonstrate that the location, layout and management arrangements for APZs has been negotiated with council and the RFS;
  - provide a map showing the composition of APZs, including the inner and outer protection zones, and their relationship to the proposed building footprints; and
  - outline proposed arrangements for management of bushfire hazard and APZs during the development process.

## Traffic and transport

- 1.25 The detailed design for the upgrade of the Pacific Highway / Awabakal Drive intersection must be prepared in accordance with RMS's requirements (proposed left in left out only). ~~In designing the upgrade the Proponent should consider opportunities to provide a pedestrian phase in consultation with council and the RMS.~~

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- 1.26 The detailed design for the upgrade of the Pacific Highway / Nords Wharf Rd intersection must be prepared in accordance with RMS's requirements (Proposed signalisation).

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- 1.27 Any subdivision application must demonstrate that:
- all local roads have been designed in accordance with council requirements; and
  - intersections of Banter Road/Government Road and Awabakal Road/Government Road can safely and efficiently cater for the additional vehicular traffic that would be generated.

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- 1.28 Any subdivision application 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, Transport for NSW, and relevant bus companies.

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## Heritage

- 1.29 The first subdivision application must be accompanied by a heritage interpretation plan for the Scout Camp Kanangra that has been prepared in accordance with Heritage Council Guidelines.
- 1.30 Any subdivision application must be accompanied by an Aboriginal Cultural Heritage

Management Plan (ACHMP) for the Site that has been developed in consultation with Aboriginal stakeholders and to the satisfaction of the OEH.

- 1.31 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:
- a. procedures for ongoing Aboriginal consultation and involvement;
  - b. details of the responsibilities of all stakeholders;
  - c. a statement of the Aboriginal cultural significance of the Site;
  - d. procedures for further archaeological investigation of the Aboriginal midden site referred to as site 45-7-0177;
  - e. stop work procedures for the identification and management of previously unrecorded sites (excluding human remains) discovered during development;
  - f. details of an Aboriginal cultural heritage education program for all contractors and personnel associated with construction activities;
  - g. identification and management of any proposed cultural heritage conservation area(s);
  - h. compliance procedures including for in the unlikely event that non-compliance with the ACHMP is identified;
  - i. details of an appropriate keeping place agreement with local Aboriginal community representatives for any Aboriginal objects salvaged through the development process; and
  - j. details of proposed Aboriginal cultural heritage interpretation strategies for the Site.
- 1.32 Any subdivision application must be accompanied by an Archaeological Research Design Strategy for the archaeological investigation of Archaeological zone 1 and 2, as outlined in the report prepared by ERM titled *Lower Hunter Lands Heritage Impact Assessment, Nords Wharf Estate for Coal and Allied* and dated 7 June 2011. The research design strategy should be in accordance with the regulated investigation works required under the NPW Act and the former DECCW's *Code of Practice for Archaeological Investigation of Aboriginal Objects (2010)* and should include:
- a. sampling using augur holes spaced approximately 10 metres apart across those parts of Archaeological Zone 1 and 2 to determine the extent, depth, composition and integrity of archaeological deposits;
  - b. hand excavation of an indicative sample of 1m<sup>2</sup> test pits based on the results of auguring, which are to be extended to 4m<sup>2</sup> should archaeological deposits be found to be concentrated and intact; and
  - c. analysis and interpretation of all excavated material in the form of a report that is to be provided to registered Aboriginal stakeholders.
- 1.33 Prior to the commencement of works, the proponent shall engage an appropriately qualified archaeologist to undertake archaeological investigations of the Aboriginal midden site in accordance with the Archaeological Research Design Strategy for the Site, and where necessary, obtain appropriate approvals under the *Heritage Act 1977*. Archaeological investigations must be undertaken in accordance with the regulated investigation works required under the NPW Act and the former DECCW's *Code of Practice for Archaeological Investigation of Aboriginal Objects (2010)* and should provide for the participation of registered Aboriginal stakeholders.

#### **Bulk Earthworks**

- 1.34 Each subdivision application 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. The assessment shall also give consideration to risk of mine subsidence due to past mining activities.



### Construction Management

- 1.35 Any subdivision application must include a Construction Management Plan, which shall include (but not limited to):
- a. a construction noise and vibration mitigation plan;
  - b. an air quality and dust management plan;
  - c. a soil and water management plan, prepared in accordance with Landcom's *Managing Urban Stormwater: Soils and Construction guidelines*;
  - d. a vegetation management plan;
  - e. a waste management plan;
  - f. a construction traffic management plan;
  - g. a dilapidation report of public infrastructure in the vicinity of the site;
  - h. a complaints management plan detailing the procedures that would be implemented to receive, handle, respond to and record any complaints that are received;
  - i. an archaeological management plan which provides for the monitoring of works and contingency plans should previously unidentified archaeological deposits be discovered; and
  - j. any other plans that that may be required as a result of the environmental assessment of potential impacts.

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### 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 in Schedule 1, to enable the transfer of lands to a public authority or a Minister of the Crown.

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

The Proponent shall carry out the project generally in accordance with the:

- a. The *Nords Wharf Land Transfer Plan Revision F* prepared by Monteath and Powys dated 21 August 2008, provided as an attachment to correspondence titled *Preferred Project Report Submission - Coal & Allied Southern Estates: Nords Wharf (MP 10\_0088)* prepared by Urbis and dated 16 June 2011, and included at Appendix 2 of this approval; and
- b. Conditions of this approval.

If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.

###### Lapsing of Approval

This approval shall lapse if the proponent does not physically commence the proposed development associated with this approval within 5 years of the date of this approval.

##### 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.

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## **PART C-ADVISORY NOTES**

### **Requirements of Public Authorities for Connection to Services**

The applicant shall comply with the requirements of any public authorities (e.g. Integral Energy, Hunter Water, Telstra Australia, AGL etc.) in regard to the connection, relocation and/or adjustment of the services affected by the development. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Subdivision Certificate.

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## **Appendix 1**

### **Statement of Commitments**

## Nords Wharf - Revised Statement of Commitments

### Subject

Concept Plan

### 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:

Nords Wharf Land Transfer Plan prepared by Monteath and Powys dated;  
 Conservation and Development Areas Plan (Figure A1.1.1) prepared by AJ+C;  
 Illustrative Concept Plan (Figure A1.2.1) prepared by AJ+C and Aspect Studios;  
 Land uses as proposed by the SSS listing and as indicatively shown on (Figure A2.2.1 prepared by AJ+C Aspect Studios;  
 Height of Building Map HOB 003 prepared by AJ+C dated 12/02/2009  
 Conceptual road design and access arrangements as shown on drawing (Section A2.4) prepared by AJ+C Aspect Studios;

- Landscape, open space and heritage design concepts as shown in Figure A2.3.1 prepared by AJ+C Aspect Studios;
- Urban Design Guidelines prepared by AJ+C Aspect Studios;

~~Indicative development staging as indicated in Figure A3.1-1 prepared by AJ+C~~

Commitments comprising payment of a monetary contribution, or dedication of land/carrying out of work for local Infrastructure

The Owner will contribute in accordance with the Lake Macquarie Council Section 94 Contributions Schedule operational from 2004. 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 (valid until 14 Feb 2011):

- Open Space \$ 7,702 per lot (may include works in kind)
- Recreation facilities. ~~\$5,772~~ per lot
- Community facilities \$ 2,927 per lot
- Management \$ 175 per lot

No parks or local open space are being dedicated at Nords Wharf. The Owner will enter into a Deed of Agreement with Lake Macquarie City Council.

Social benefits of the proposed development

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.

Benefits include

1. Privately owned land opened up the benefit of the community through the dedication of 92% of the land for

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## Nords Wharf - Revised Statement of Commitments

Subject

Description

- conservation in perpetuity
- Section 94 contributions to open space, recreation and community facilities as noted above
  - Contribution to the provision of emergency services for the region
  - ~~Modification of the Pacific highway / Awabakal intersection to left in left out~~ at the landowners cost which will provide the Nords Wharf/ Cams Wharf community a safer ~~entry~~ / exit to Pacific highway
  - ~~Signalisation of the Pacific highway / Nords Wharf Rd intersection at the landowners cost which will provide the Nords Wharf/ Cams Wharf community a safer exit to Pacific highway~~
  - ~~\$5M allocated by Coal & Allied for the provision of social infrastructure and community development for the southern estates. Costs allocations and timing are included in Appendix C. Allowances made for Nords Wharf include the following:~~
    - ~~Provide additional trailer parking for the Branter Road boat launching ramp.~~
    - ~~Contribute to the upgrade of the Branter Road boat launching ramp.~~
    - ~~Contribute to the upgrade of existing boat ramp facilities near Cams Wharf.~~
    - ~~Contribute to a local playgroup~~
    - ~~Upgrading Gathercole Reserve~~
    - ~~Sustainability contributions~~
    - Extend 1.2m foot path in Government Road from closest bus stop to the proposed new estate to the public school. The Owner will enter into a Voluntary Planning Agreement with Lake Macquarie City Council.
    - Aboriginal community scholarships
- Provision of walkways (subject to DECCW approval) external to the Coal & Allied development land

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 (NSWG) and generally in accordance with the Owners offer to contribute under the terms of the NSWG 'Infrastructure Contributions Plan Circular PSOS-017, 23 December, 2008'. The Owner has offered to enter into a Voluntary Planning Agreement (VPA) with the Department of Planning to contribute to the following services:

The Developer is to upgrade at its cost the intersection at ~~Nords Wharf Rd~~ and Pacific Highway, Nords Wharf. The

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## Nords Wharf - Revised Statement of Commitments

### Subject

### Description

intersection is to be designed and constructed as a seagull intersection with raised kerbs and part signalisation for northbound vehicles. Completion of the intersection upgrade is required on or prior to the issue of the first subdivision certificate that creates the first Urban Lot within the area the subject of the Concept Plan Approval and to the RMS's satisfaction. ~~Upgrade works are to be undertaken concurrently with the Flowers Dr and Montefiore intersections with Pacific Highway~~

~~The developer is to upgrade at its cost the intersection of Awabakal Drive and the Pacific Highway Nords Wharf. The intersection is to be designed and constructed as a left in left out with right turn in or out restricted by wire rope. Completion of the intersection upgrade is required on or prior to the issue of the first subdivision certificate that creates the first Urban Lot within the area subject of the Concept Plan Approval and to the RMS's satisfaction.~~

Emergency Services involving a contribution towards purchasing 3,000m<sup>2</sup> of land in Swansea-CHB. The landowner is to provide a monetary contribution, totalling \$17,639.10 (subject to indexation) towards the proposed acquisition of a 3,000 square metre site for location of emergency services amounting to a per lot contribution of \$195.99 if the contribution is paid after 30 June 2011 (subject to indexation) . The contribution is payable on or prior to the issue of the first subdivision certificate that creates the first Urban Lot within the area the subject of the Concept Plan Approval. Agreement by the landowner is included in the draft VPA

### Utility Services/Infrastructure Upgrades

The Owner 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:

- Low voltage and high voltage electricity services from the existing network
- Provision of a trunk water main to site. The Water Strategy to service the site has been approved by Hunter Water Corporation (HWC)
- Sewer connection to existing system. The HWC Sewer Strategy acknowledges there is sufficient capacity in the existing system
- Provision of a communication service complying with the National Broadband Network Policy

The Concept Plan will ensure that sufficient land is provided within new road reserves and alternatively within easements in the offset lands and private land for utilities.

### Conveyancing

~~The dedication and transfer of the conservation lands to the State Government will be undertaken as illustrated in the "Plan of Proposed Subdivision of Lot 6 DP 746077, Lot 5 DP 736170, Lot 12 DP 854197 Nords Wharf, - Sheet 1 Rev F dated 24/08/2008 by Monteath & Powys Pty Ltd.~~

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

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## Nords Wharf - Revised Statement of Commitments

Subject	Description
	<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 Lake Macquarie City Council after the completion 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> <li>This will be done in partnership between Indigenous community and <del>Goal &amp; Allied Nords Wharf Development Company</del>.</li> </ul>
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> <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	<p>The Concept <b>Plan</b> commits to a set of Development Design Guidelines. Future development is to comply with the Urban Design Guidelines.</p>

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#### Nords Wharf - Revised Statement of Commitments

Subject	Description
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 lot sizes.</li><li>• The provision of different housing typologies including single and two storey houses.</li></ul>
Aboriginal Heritage	<p>On Development Lands:</p> <p>Prior to any works on the development lands site commencing, the Owner is to prepare a <del>Aboriginal</del> 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 prior and during construction works.</li><li>• Appropriate Aboriginal heritage interpretation measures.</li><li>• Define archaeological investigation areas.</li><li>• Define appropriate works within areas of high Aboriginal significance.</li></ul> <p>The Owner must:</p> <ul style="list-style-type: none"><li>• Ensure stop work procedures are in place if any Aboriginal relics or artefacts are 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><li>• Ensure that on site information about the heritage requirements is in place for the construction phase for the construction team.</li></ul> <p>On Conservation Lands:</p> <p>DECCW has advised that it will prepare an Aboriginal Cultural Heritage Management Plan for the land being transferred into its ownership.</p>
European heritage	<p>Prior to commencement of works on site, the Owner is to recognise the Scout's occupation of the site through heritage interpretation. The Scout Camp interpretation plan is to be added to the Heritage Impact Assessment (HIA).</p>

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## Nords Wharf - Revised Statement of Commitments

Subject	Description
Traffic and Transport	<p>The Owner is to compile an oral history and documentary history of Scouts in the region and produce a publication of the Regional Scout History.</p> <p>The Owner is to:</p> <ul style="list-style-type: none"> <li>• Implement local traffic management measures within the development and existing local roads where required. Details will be submitted with the Construction Certificate application.</li> <li>• Dedicate public roads to Lake Macquarie City Council (LMCC) at no cost to Council</li> </ul> <p>Areas to be dedicated as public roads will be constructed and embellished in accordance with the specifications of the Concept Plan and as approved by LMCC</p>
Pedestrian access and bus stop along Government Road  Upgrade of Branter Rd	<p>A 1.2m wide pedestrian pathway is to be constructed by the landowner at its cost along Government Road to the nearest bus stop. Details will be submitted with the Construction Certificate application for Stage 1 works.</p> <p>The landowner at its cost is to kerb and gutter Branter Rd from Government Road to the existing Branter Rd cul-de-sac, as well as construct a 1.2m wide footpath on the southern side of the road from Government Road to the Branter Rd cul-de-sac. Details will be submitted with the Construction Certificate application for Stage 1 works to LMCC for its approval.</p>
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 LMCC/DECCW 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>

Nords Wharf - Revised Statement of Commitments Subject	Description
Bushfire Management	<p>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 LMCC / DECCW 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 occurs first).</p> <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 be 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 Nords Wharf 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 for Stage 1 subdivision works.</p>
Landscaping	<p>Landscaping will be undertaken in accordance with the Nords Wharf Illustrative Concept Plan and Urban Design Guidelines prepared by AJ+C and Aspect Studios and to the approval of LMCC.</p>

## Nords Wharf - Revised Statement of Commitments

Subject	Description
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.</p> <p>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 landowners cost.</p> <p>Further delineate the extent of contamination. Development of a Remediation Action Plan. Appropriate remediation conducted to remove identified contaminants exceeding the DECC land use criteria.</p> <ul style="list-style-type: none"> <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 DECCW 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 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.</p> <p>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 C3 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 Aspect Studios.</p> <p>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 LMCC 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 in accordance with Hunter Water requirements.</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</p>

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## Nords Wharf - Revised Statement of Commitments

Subject	Description
	NBN Plan.
	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 LMCC.
	All road reserves to be constructed will be dedicated to Lake Macquarie City Council at no cost to Council.
Environmental Management	<p>The owner has agreed with DECCW/NPWS to undertake certain works including removal of rubbish, weeds and derelict buildings in accordance with Schedule 4 included in the draft Voluntary Planning Agreement (VPA). Landowner costs and timing for the works are nominated in the Schedule</p> <p>The Owner is required to prepare a Statement of Interim Management Intent (SIMI) prior to commencement of stage 1 subdivision works for the protection of transferred conservation lands. The SIMI will relate to the interface (maximum width of 100m) between the development areas and the conservation lands as well as the Foreshore area identified in the plan prepared by RPS. The Owner's involvement with the SIMI will be limited to:</p> <ul style="list-style-type: none"> <li>Cost of preparing the SIMI;</li> <li>The actions arising from the SIMI for a specified period of 5 years commencing from the date that the SIMI takes effect or until all lots are sold (whichever is the earlier) relative to each development area precinct to which the SIMI relates.</li> </ul> <p>The SIMI will include undertaking ongoing management of Asset Protection Zones (APZs) located outside but adjacent to the conservation area to which the SIMI relates for a period the lesser of 5 years from commencement of works or until all lots are sold relative to each development area precinct. Management will be undertaken in accordance with Council / NPWS best practice. The Owner is to prepare the APZ Management Regime prior to commencement of stage 1 subdivision works.</p> <p>The SIMI for the foreshore area is to be prepared in consultation with the NSWG/DECCW and Traditional Owners.</p>
Pet Management	<p>The Owner is to prepare a Strategy to combat the potential impacts of pet ownership to native bushland including:</p> <ul style="list-style-type: none"> <li>Appropriate signage and educative programs (for example letter box drops and brochures to be included within the bill of</li> </ul>

**Non:ls Wharf -Revised Statement of Commitments**

Subject	Description
	sale for each property) . <del>LMCC strategies, policies and programs should be acknowledged</del> in relation to this.
Subdivision Certificate.	A Subdivision Certificate application will be submitted in respect of the subdivision. It will be accompanied by the following documentation: <ul style="list-style-type: none"><li>• A survey plan prepared by a Registered Surveyor</li><li>• Instruments prepared under sBBB of the Conveyancing Act as appropriate.</li></ul> A Section 50 Certificate from Hunter Water. <ul style="list-style-type: none"><li>• The appropriate notation will be placed on the plan of subdivision and an instrument under Section BBB 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>
Transfer of Land	<del>On issue of the Subdivision Certificate and the Concept Plan approval the conservation land is to be transferred to NSWG in accordance with the conditions of the Draft VPA.</del>

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**Appendix 2**  
**Nords Wharf Land Transfer Plan**