

Appendix A

Draft Statement of Commitments

1. Subdivision matters

1. The road and lot layout should generally be in accordance with the concept plan for subdivision.
2. All lots will provide 20m conserved or reinstated setbacks crossed only by site access driveways.
3. All conserved or reinstated setbacks will be augmented by a 10m landscaped transition zone within which water management facilities can be provided.
4. The proprietors of all development lots will be required to be financial members of the HEZ Association.
5. No minimum side or rear boundary setbacks are required.
6. Buildings will be designed to be a maximum of 14m above finished ground level.
7. Roads shall be constructed to comply with RTA – Road Design Guide and Austroads- Guide to Traffic Engineering practice.
8. All lots to be developed will be connected to a reticulated water and sewerage system and meet the requirements of Hunter Water.
9. Low voltage electricity and all other utilities will be provided underground.
10. Electricity transformers provided within the subdivision will be incorporated into any landscaping while maintaining satisfactory access for maintenance.
11. Suitable legal access is to be provided to all land with access to all lots provided from the new roads.
12. A level crossing to connect with Station Street will be provided generally in accordance with the subdivision and road layout plans. All costs associated with the construction of roads, to the standard adequate to service the land within the site are to be borne by the developer.
13. Proposals for subdivision shall demonstrate consideration of requirements

from the relevant servicing authorities.

14. Retained vegetation shall be appropriately protected and maintained during construction periods.
15. Vegetation management procedures will be prepared for the Conservation setbacks;
16. Any Aboriginal sites shall be managed in accordance with the recommendations of the Aboriginal Heritage Impact Assessment (HLA ENSR 2007).
17. Lot developers can provide car parking in accordance with Cessnock DCP 2006 or determine the minimum number of vehicle parking requirements using appropriate guidelines for parking generation and servicing facilities based on development type comparison based on the RTA Guide to Traffic Generating Development or analysis drawn from surveyed data for similar development uses.
18. All development of lots created by the subdivision will incorporate appropriate storage and waste storage and recycling facilities.

2. Flora and Fauna matters

Applications

1. The Ecological Constraints Master Plan (ECMP) dataset should be utilised for ecological reporting and assessment purposes;
2. The ECMP data should be verified in the field prior to reporting as conditions in the field may have changed over time. This should include at the least a one day walk over as well as any additional requirement identified by ecologists (including additional threatened species searches, stag-watching, etc.).
3. Where there are additional listings of threatened species, endangered populations, and ecological communities further targeted site-specific surveys should be undertaken;
4. Field surveys, reporting, and impact assessment must be carried out by a

person or persons with qualifications and experience in undertaking ecological surveys in the locality. Curriculum vitae's of persons undertaking ecological assessments should be included as an appendix to flora and fauna assessment reports;

5. Reporting should demonstrate compliance with the Development Lands Conservation Management Plan (DLCMP) prepared as a requirement of EPBC Approval 2004/1417 or provide justification where any deviations from the requirements of the DLCMP are needed;
6. Future records and observations of threatened flora and fauna identified during additional surveys should be documented in threatened species reports and are to include details of location, an estimate of population size, and a description of habitat attributes;
7. Reference to any potential impacts on adjoining conservation areas from a development proposal should be clearly indicated;
8. Any proposed conservation / mitigation measures should be clearly defined within development application documentation;
9. Outline conservation measures to be implemented on individual sites to protect significant habitats or potential wildlife corridors;
10. Preparation and submission of a landscape concept plan with any development application using locally native species;
11. Details such as fencing should accompany any development application outlining any potential impacts on wildlife;
12. A vegetation clearing plan should be prepared which details the extent of clearing and measures to protect adjoining habitat areas (such as fencing / flagging edge of clearing and habitat trees). This should be prepared and submitted with the development application.

Conservation Lands

1. Where development is approved and adjoins any conservation zone / area, the edge of clearing and/or boundary should be identified by surveyors prior to commencement of any works on site including vegetation clearing and/or

construction works. A temporary fence or exclusionary tape is to be erected for identification purposes. A star picket and plain wire fence with coloured flagging would be considered appropriate and is essential as a means of preventing the possible entry of machinery into reserved land.

2. Soil and vegetation debris should not be stockpiled within conservation areas. All personnel involved in the clearing and construction operations for the development should be inducted on the significance of the conservation areas of the site prior to commencement of any works including clearing.
3. Best practice erosion and sedimentation control measures are to be installed in all appropriate drainage areas where surface runoff is likely to enter conservation zones, in particular riparian corridors. Control devices should be regularly checked and maintained throughout the duration of the clearing and construction phases, and particularly after each period of substantial rainfall;
4. Conservation zones including 7(b) lands and DEC Deferred Areas should be actively managed for conservation purposes via the HEZA estate management structure and the Conservation Lands Conservation Management Plan (CLCMP) prepared as a requirement of EPBC Approval 2004/1417;
5. The interface between the 7(b) zoned lands (or other conservation areas) and a development site should be maintained in the long term so that weeds do not enter these areas or further degradation of bushland does not occur. Details to be provided on Landscape Plan submitted as part of the development application.

Development of Precinct 1 and associated infrastructure

1. Clearing of native vegetation for approved developments should be restricted to the development "footprint", including (but not limited to) building envelopes, car parking areas, services, asset protection zones and as detailed on any vegetation clearing plan;
2. Retained habitat areas within development allotments are along roadsides

should be actively managed by individual owners and/or through the HEZA estate management structure.

Habitat Removal and Animal Welfare

1. A qualified ecologist should be present during all on-site clearing operations on the site to address any fauna welfare issues and to ensure that clearing occurs in accordance with any approvals;
2. Machinery and on-site construction workers should be made aware of their responsibilities and procedures concerning native vegetation during the construction process via a site induction and regular briefings by the on-site ecologist;
3. Exceptions to the above can be made for minor clearing works (ie. less than 0.1 hectare)
4. The locations of the nearest veterinary surgeries to the site should be determined prior to tree felling activities in case an animal is badly hurt and has to be transported and treated or euthanized;
5. Wildlife crossing signs appropriate street lighting and adequate speed reduction measures should be installed throughout Precinct 1, in areas adjoining or crossing the Environmental Protection (Conservation) Zone and National Park.

Habitat Compensation

1. Suitable natural hollows can be salvaged during the tree clearing operation and stockpiled for later use in the fauna habitat re-creation program. Natural hollows can be re-erected in trees within the habitat protection zones and reserved habitat areas within allotments provided adequately sized hollows are salvaged. Some natural hollows would require a base to be added, using either ply or recycled wood and screws instead of nails;
2. Large rocks or hollow logs removed during the clearing operation should be sensitively re-located into reserved habitats within allotments or

conservation zones;

3. Artificial nest boxes of suitable size variation designed to cater for a diversity of fauna species, are to be erected in trees within 7(b) lands and retained habitats within the 4(h) lands. The numbers of nest boxes to be provided would be determined at the time of development approval and is to be based on the approximate number of habitat trees removed during the tree clearing operation. Given that significant areas of the 4(h) lands are likely to be cleared (4(h) lands containing over 7,000 hollows), it is considered that the principle of no net loss of hollows cannot be met in all practicality. Therefore the appropriate number of nest boxes to be erected as part of a development application should be determined by an ecologist and be dependent on the site characteristics and proximity to conservation zones and key wildlife corridors.
4. Maintenance and monitoring of nest boxes by HEZA should be undertaken on a three monthly basis. Failure to maintain nest boxes could potentially be detrimental to the faunal diversity as feral pest species have potential to take over nest boxes, in particular honeybees. Monitoring will also identify their level of acceptance and use by fauna and can greatly assist in and improve the success of future nest box programs. This process involves an inspection of each nest box and replacing any fallen or damaged nest boxes and removal of boxes containing feral bees or removal of nesting material from boxes occupied by pest bird species such as starlings, common mynahs and sparrows.

Animal Control

1. Pest eradication programs should be ongoing and followed up by monitoring. They should take into account peak breeding times of the target species and avoid impacts on non-target native species;
2. Pest eradication programs should be prepared and carried out by suitably qualified personnel and approved by Council and co-ordinated with any National Parks (DEC) program, prior to application. It may be possible to

develop a joint program with the DEC to maximise effectiveness;

3. Any future industrial allotments in close proximity to conservation zones and/or containing retained habitat areas should be prohibited from housing cats and dogs, including security dogs.
4. Where security dogs are allowed, such lots shall provide adequate fencing to restrict dogs from entering the adjoining bushland.
5. Dogs should be prohibited from all conservation areas;
6. In areas where dogs are permitted, such as appropriate portions of the subdivision, entry would only be allowed on the strict provision that dogs be restrained at all times.
7. Where appropriate signs shall be erected along walking trails within conservation zones to enforce the prohibition of domestic pets in these areas.

Weed Eradication and Control

1. A weed eradication and control program should be established with the aim of preventing weeds colonising conservation zones and retained habitats in 4(h) lands. The program will need to be the responsibility of individual landowners. The HEZ Association should encourage all landowners to participate in this program and be responsible for monitoring and reporting. Cessnock City Council will need to implement its regulatory role to enforce this condition of the HMS;
2. Monitoring of weeds should be undertaken as part of the overall monitoring program and follow up weed removal operations undertaken if required;
3. Disturbed areas within the HEZ have potential to be rapidly colonised by exotic weed species. Disturbed areas should be stabilised and regenerated as soon as possible.

Bushland Revegetation / Regeneration

1. A comprehensive bushland revegetation program(s) should be adopted

as a means of enhancing the quality of the retained habitats within the HEZ Development zones and disturbed portions of the 7(b) zone. The program will need to be responsibility of individual landowners and /or the HEZ Association who will be responsible for monitoring and reporting on the program.

Landscaping

1. A Landscape Plan should be prepared detailing the types of locally native plant species planned for use on the site and methods of planting;
2. All future landscaping works within allotments and roadside verges should be encouraged to only use locally indigenous plant species. This would involve collecting seed from local plant species at appropriate times and local propagation of species for re-use in landscaping sites;
3. A list of appropriate local endemic plants to be used in landscaping and bush regeneration works within the HEZ is available as collated by Bell and contained in the ECMP;
4. Where such species are not viable or commercially available, other suitable non-invasive native species may be utilised provided that they can clearly be demonstrated to be non-invasive and benign to the surrounding natural environment. In this regard any landscaping plan that proposes species not specifically listed by Bell must be accompanied by a written justification.
5. Landscaping works should include the minimal use of fertilisers in order that local soil and water conditions are not substantially changed and to maintain suitable habitat for native fauna;

Monitoring

Monitoring requirements are restricted to lands owned by HEZ Nominees and managed through the HEZ Association. On the basis of these factors, the initial monitoring program should be based on the following prescriptions:

1. The HEZ Association (when established) should produce an annual monitoring and compliance report;
2. The monitoring / compliance program and annual report should include:
 - i. Threatened flora and fauna, biodiversity, and demographic monitoring of selected / sensitive sites within both 4(h) and 7(b) lands. A specific program is to be established by the HEZ Association and undertaken by a suitably qualified ecologist / consultant;
 - ii. Monitoring of nest boxes on a three monthly basis;
 - iii. Progress / works undertaken to date for revegetation, and pest and weed control programs.
3. The monitoring / compliance annual report should highlight compliance achievements / failures, and where necessary include recommendations for further works to remedy such failures.
4. Any monitoring program must be independently verifiable by determining authorities.

3. Water Management

1. All development within Precinct 1 shall incorporate soil and stormwater management measures consistent with the HEZ Water Cycle Management Strategy prepared by EDAW – Ecological Engineering practice area.

4. Bushfire

1. An APZ of 20m will be established along the northern boundary of the site. This APZ will be maintained by the road and road reserve and therefore no internal setbacks will be required from this direction.
2. An APZ of 20m will be established along the eastern boundary of the site

where the site adjoins the 7(b) Environmental Protection (Scenic) Zone.

3. No APZs are required along the southern boundary of the site due to existing / proposed infrastructure including roads and electricity easements.
4. A 20m APZ will be established along the western boundary of the site where the site abuts Open Forest.
5. Although AS3959 does not apply to Class 5 – 8 buildings, the general fire safety construction provisions will apply to the proposed buildings within the site.
6. Hunter Water Corporation is currently developing a water servicing strategy and it is expected that in the event of a bushfire, water will be sourced from the reticulated mains water supply extended through the site. It is therefore important that mains supply outlets and hydrants are clearly marked and tested regularly.
7. No part of any tree should be closer to a power line than the distance set out in accordance with the specifications in 'Vegetation Safety Clearances' issued by Energy Australia (NS179, April 2002).
8. If reticulated or bottled gas is installed it will be maintained in accordance with AS 1596 and the requirements of relevant authorities
9. The proposed road network as detailed in the Concept Plan satisfies the requirements of access roads. No additional firetrails are required due to the adequate combination of built roads and APZs.

5. Noise and vibration

1. In proposing to undertake industrial development within the HEZ, noise and vibration risks shall be adequately considered. Site selection, impact assessment and management of impacts shall be undertaken in accordance with the Noise & Vibration, Electrical Interference and Lighting (NoVEL) Management Strategy.

6. Air Quality

1. In proposing to undertake industrial development within the HEZ, air quality and greenhouse risks shall be adequately considered. Site selection, impact assessment and management of impacts shall be undertaken in accordance with the Air Quality Management Strategy (AQMS).

7. Aboriginal Heritage

1. *Spine Road 1*, located within the northwest section of Precinct 1, should be collected by a heritage professional in consultation with the registered Aboriginal communities prior to any development activities. Identification of the “keeping place” of this site, should be identified in conjunction with the Aboriginal communities prior to the site’s collection;
2. With the exception of *Spine Road 1* there are no apparent constraints to development in Precinct 1, Pelaw Main Bypass and Station Road extension in relation to Aboriginal heritage; and
3. In the event that previously undiscovered Aboriginal objects (or potential Aboriginal objects) are discovered during construction, all works in the vicinity of the find would cease and the relevant Environmental Representative would be informed to determine the subsequent course of action. The Environmental Representative would, if required, notify a heritage professional to obtain advice on how to proceed. Works would not recommence until any heritage requirements identified through this process have been met; and
4. Should suspected skeletal material be uncovered during the course of any site works or through subsidence landscape modification, all works must cease and the DECC the NSW Police and the NSW Coroners office contacted immediately, regardless of any existing environmental approvals.

5. Contractors who work within the confines of the Study Area should be made aware of these recommendations, and advised of the importance and protection of Aboriginal Objects/Sites by State legislation. All contractors should be advised of the need to stop work and contact the relevant Environmental Representative should Aboriginal Objects/Sites be identified during construction.

8. European Heritage

1. The water tank and stand pipe should be accurately recorded in their present state for archival purposes before any works are undertaken in their vicinity. The recording should involve measured drawings and photographs in accordance with the guidelines established by the NSW Heritage Office.
2. Repositioning of the water tank will be preceded by a thorough engineering assessment of the structure, identification of a suitably experienced and qualified contractor and approval of a detailed method statement that will show how the structure can be repositioned with the minimum extent of dismantling.
3. Retention of the stand pipe in its present location would be in conflict with the road construction and would be a safety issue. Its proximity to the water tank can be retained by relocating it close by. The present distance between the two items was not a functional requirement as demonstrated by the greater separation of the stand pipe at the end of the station platform.
4. Its new position would be east of the new position of the water tank to enable the water tank's eastern movement to be the minimum distance to clear the road works zone."

5. Impact on rail bed be minimised by restricting construction activity in the vicinity of the rail bed to the immediate area required for the Bypass road.
6. Appropriate measures be taken to ensure that during construction of the Bypass road the culvert and abutment lying to the east of the construction area be cordoned off and protected. Construction workers should also be advised of the sensitivity of the cordoned area.
7. Consideration is given to the reuse of old fence posts removed during construction to rehabilitate other sections of the Richmond Vale Railway.
8. Consideration is given to the possibility of the conversion of the disused rail bed of the Richmond Vale Railway to a cycleway by community or council in the future. To facilitate this, if the Bypass road proposal is progressed, discussions with Cessnock City Council regarding the interaction between the road and cycleway could be undertaken.