

STATEMENT OF COMMITMENTS

In response to submissions received during the public exhibition period, the Statement of Commitments contained in the exhibited Environmental Assessment Report has been reviewed and amended.

The following commitments are made by Thornton Land Company Pty Limited (Hunter Land Pty Limited) to manage and minimise potential impacts arising from the Freeway North Business Park.

A.1 Commitments restricting the terms of approval

- A.1.1 The proposed development will be carried out strictly in accordance with the details set out on the approved subdivision plans prepared by RPS Harper Somers O'Sullivan, dated 16 July 2008, ref 21717-2K.dwg except as otherwise provided by this Statement of Commitments.
- A.1.2 The proposed development will implement the design principles and guidelines as outlined in Newcastle City Council's Development Control Plan 2005 (DCP 2005) except as otherwise provided by the Statement of Commitments.
- A.1.3 Prior to the issue of a Construction Certificate for a particular stage, all general commitments, and all specific commitments relating to the Construction Certificate for the particular stage will be complied with.
- A.1.4 Prior to the endorsement of a Subdivision Certificate for a particular stage, all general commitments, and all specific commitments relating to the Subdivision Certificate for the particular stage will be complied with.

A.2 Commitments comprising payment of a monetary contribution, dedication of land/carrying out of off site works

- A.2.1 Dedication to Council, and at no cost to Council, that land along Weakleys Drive identified by the Roads and Traffic Authority as required for Road Widening including lands required for construction of the proposed Round-a-bout.
- A.2.2 All internal proposed roads in the subdivision are to be dedicated as Public Road with the approved road names being indicated on the plan lodged with the Subdivision Certificate application.
- A.2.3 The proposed reserves are to be dedicated to the public as Drainage Reserves upon completion of the rehabilitation works as set out in the Vegetation Management Plan.
- A.2.4 A Positive Covenant is to be created in the first stage of the subdivision over that part of Road 2 located within the Drainage Reserve that is proposed to form a future link with Parish Drive to the west. The positive covenant will ensure that the land may not be used for any purpose other than future road and that Council may acquire the land at any time at no cost to Council.

- A.2.5 A Conservation Agreement under Part 4 Division 12 of the National Parks and Wildlife Act 1974, between the Minister administering the National Parks and Wildlife Act 1974 and Hunter Land Eco Trades Pty Ltd “the owner” will be entered into over the land known as Lots 2 to 4 DP 1061633. Execution of a Voluntary Conservation Agreement for Lots 2 to 4 DP 1061633 is required to offset vegetation removal on Freeway North and Freeway South Business Parks lands.

A.3 Commitments comprising details in documentation for a Construction Certificate and prior to commencement of works.

- A.3.1 Road infrastructure including pavement, kerb and gutter, drainage, services, landscaping and street trees, street lighting, signage and markings will be provided to each stage of the subdivision, in accordance with the Council's requirements, except as otherwise provided by the Statement of Commitments. Comprehensive engineering design plans being submitted for approval being composed of the following minimum details:

a) Details of Earthworks

Plans will indicate the full extent of any earthworks proposed (cut and fill). All topsoil and unsuitable material will be nominated to be removed prior to placement of fill. All topsoil removed will be stockpiled for reuse on the development site.

Maximum nominated thickness of fill layer - 150mm in road reserve areas
- 300 mm in other areas

Maximum nominated compaction of fill	-100% standard in road reserve areas
	- 95% standard in other areas

Compaction of earthworks associated with gully crossings will be carried out under Level 1 supervision as per AS3798-1996 'Guidelines on earthworks for commercial and residential developments' and a report submitted to the Principal Certifying Authority with documentation accompanying the respective Subdivision Certificate application.

b) Road Design Plans

Plans, longitudinal sections and cross sections for the proposed subdivision roads will comply with the following requirements and will be annotated accordingly:

Road design requirements:

Road Hierarchy	Reserve Width	Carriageway	Footpath	Kerb Type
Road 1	23.0m	14.0m	None	Upright (Barrier)
Road 2	21.0m	12.0m	None	Upright (Barrier)
Road 3	21.0m	12.0m	None	Upright (Barrier)
Road 4	21.0m	12.0m	None	Upright (Barrier)
Road 5	21.0m	12.0m	None	Upright (Barrier)
Road 6	21.0m	12.0m	None	Upright (Barrier)

Standard design vehicle for all roads will be a B-Double vehicle (Austroad) or equivalent including bus routes. Road 1 is an identified bus route.

Plans will be accompanied by a pavement design report prepared and certified by a practising geotechnical engineer. Traffic Loadings are to be determined for a minimum design life of 20yrs and are to be a minimum of 5×10^6 ESA's for all roads.

Roads will be designed generally with a desirable maximum grade of 12% and an absolute maximum grade of 16%.

Side road intersections with a through road will have at least 10 metre vertical curves.

Staged longitudinal sections to extend suitable distances at endpoints to permit connection to future stage works and provide for temporary turning bays.

All roads will be Benkelman Beam tested prior to prime sealing with a maximum permissible deflection of 1mm on subdivision roads being allowed or otherwise at the discretion of the PCA.

All roads will be primer sealed prior to asphaltting.

The minimum wearing surface of all internal roads will be a 40mm compacted thickness layer of asphaltic concrete (AC 14).

Road name plates will be provided at all intersections

c) Stormwater Drainage Plan

The stormwater drainage design will incorporate a 1 in 10 year recurrence interval piped stormwater drainage system, with overland flow up to a 1 in 100 year recurrence interval event contained within road reserves and/or drainage reserves, and will comply with the following requirements, with the plans annotated accordingly:

Stormwater from the site will be treated and discharged in accordance with the Flood Modelling and Stormwater Management Strategy for the site prepared by Parson Brinckerhoff dated November 2004.

Drainage pipes will generally be located under kerb and gutter.

Sub-soil drainage will be located generally on the high side of all roads and on both sides of roads in cut and also at other locations at the discretion of the PCA. Where a subsoil drain is required, it will be installed under kerb and gutter and extend at least 500mm below the bottom of pavement.

All stormwater pipes will be rubber ring jointed reinforced concrete.

The determination, extent, depth and velocity of 100 year overland flow paths will be shown.

Pedestrian and vehicular stability and safety will be maintained for the critical storm events up to the 100 year ARI in accordance with the velocity depth product requirements set out in 'Stability of Cars and Children in Flooded Streets' Keller and Mitsch 1994.

All lots and/or building envelopes will be above adjacent 100 year ARI flood levels.

Interallotment drainage lines will be provided to service all lots not falling to public drainage systems. Interallotment drainage lines will be designed to cater for all water off the lot in the 1 in 10 year event, including water off pervious yard areas

The stormwater drainage facilities for each particular stage will be designed to ensure that all proposed drainage lines and outlets (both temporary and permanent) are covered by suitable easements.

The proposed development will not increase upstream or downstream flooding for floods over a range of storms from 1:1 to 1:100 year events.

- A.3.2 Prior to any works commencing, Thornton Land Company will prepare an Environmental Management Plan (EMP) and such to be designed and implemented to manage all environmental aspects associated with the construction. The EMP will be maintained on site during all site works and be made available to Authorised Officers upon request.

The EMP will include but not be limited to:

- a) A site management program, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
- b) A water management program detailing all erosion and sediment control, management of soil stockpiles, control and management of surface water and controls for the reworking of the existing water course.
- c) A vegetation management plan, including detailed measures for rehabilitating the 7(b) conservation areas before they are dedicated to Newcastle City Council.

- A.3.3 Prior to any site works commencing, Landscape Plans will be prepared for the relevant stage and submitted to the certifying authority for approval. Each landscape plan will indicate existing vegetation to be retained and removed, existing topography, adjacent development and open space, revegetation methods, access points and 'links' to open space, plant species, locations and landscape design principles. The Plan will also comply with the following:

- a) Areas of restricted access and fence detail to be erected during construction and areas proposed for storage/stockpile of plant and materials will be identified;
- b) Specify establishment methods for all new plantings and maintenance scheduling for all new plants;

- c) Specify a weed eradication program and reporting methods
- d) Street trees will be provided with a nominated minimum 100 litre pot size, or as otherwise approved by Council and protected with tree guards.

A.3.4 Prior to any site works commencing an Aboriginal Heritage Management Plan will be prepared in consultation with the Aboriginal stakeholders (Mindaribba Local Aboriginal Land Council and Lower Hunter Wonnarua). The plan will guide management of the Aboriginal heritage resource “in lieu” of a Section 90 consent.

The AHMP will include:

- a) Method for the collection and recording of known sites in the development area.
- b) Details of any proposed conservation area or final resting place of the artefacts and how those artefacts will be conserved after collection and relocation.
- c) Site management details identifying and addressing actions required in the event previously unrecorded artefacts are discovered during works.
- d) Prior to the civil earthworks commencing in proposed stages 1 and 3 clearing works will be undertaken within road reserves located in survey areas W15 and W20. These works will include clearing of existing trees and monitored grader scrapes of the topsoil along the centerline of the proposed road reserve under the supervision of nominated Land Council representatives and a qualified archaeologist.

A.3.5 All subdivision and associated works are to be designed in accordance with the Statement of Commitments and relevant publications. These publications include:

- AUSTROADS, *Guide to Traffic Engineering Practice*;
- Department of Housing, *Road Manual 1987*;
- Roads and Traffic Authority, *Road Design Guide*;
- Roads and Traffic Authority, *Interim Guide to Signs and Markings*;
- *Pavement Design - A Guide to the Structural Design of Road Pavements*,
- *A Guide to the Design of New Pavements for Light Traffic* - APRG Report No. 21;
- Newcastle City Council, *Development Control Plan 2005*.
- *Landcom's - Managing Urban Stormwater*
- Institution of Engineers, *Australian Rainfall and Runoff 1987*
- Environment Protection Authority, *Managing Urban Stormwater-Treatment Techniques*;

- A.3.6 Plans of any proposed traffic management devices, linemarking and signposting works on existing or proposed public roads will be submitted to Council and approved by the Newcastle City Traffic Committee prior to the issue of a Construction Certificate for such work.
- A.3.7 Prior to the commencement of any works, the developer will provide written notification to the adjoining landowners of the intention to start works, providing details of the scheduling of works and nominating a contact person. A legible prominent sign stating the name of the developer and contractor and a 24 hour contact telephone number will be displayed onsite during the construction period.
- A.3.8 Prior to the commencement of any works, tree protection fencing, erosion and sediment control measures nominated as being required during construction in the approved Environmental Management Plan, will be installed on site and inspected by the Principal Certifying Authority.

A.4 Commitments to be resolved prior to Endorsement of Subdivision Plan.

- A.4.1 A Subdivision Certificate application will be submitted in respect of each stage of the development, accompanied by the appropriate fee. Each application will be supported by a Survey Plan of Subdivision prepared by a Registered Surveyor accompanied by an Instruments prepared under s88B of the Conveyancing Acts as appropriate.
- A.4.2 The appropriate notation will be placed on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act will be submitted to Council setting out the terms of easements and/or rights of carriageway and/or restrictions as to user required for the subdivision, in respect of the following where applicable:
- a) Interallotment drainage lines in favour of upstream properties utilising the lines;
 - b) Easements for Asset Protection Zones(APZ's);
 - c) Restrictions on the Use of Land over temporary APZ's if required;
 - d) Rights of carriageway in favour of the property serviced;
 - e) Easements for services in favour of the property serviced and/or the appropriate utility provider; and
 - f) Stormwater lines in favour of Council.
- A.4.3 Written evidence of arrangements being made with the Hunter Water Corporation Limited, or other approved supplier, for the provision of individual water supply and sewerage services to all lots within each stage, will be submitted to the Principal Certifying Authority prior to certification of the Subdivision Plan in respect of that stage.
- A.4.4 Written evidence of arrangements being made with EnergyAustralia, or other approved supplier, for the provision of electricity supply to all lots and street lighting within each stage, will be submitted to the Principal Certifying Authority prior to certification of the Subdivision Plan in respect of that stage.

- A.4.5 Written evidence of arrangements being made with Telstra, or other approved supplier, for the provision of underground telephone services to all lots within each stage, will be submitted to the Principal Certifying Authority prior to certification of the Subdivision Plan in respect of that stage.
- A.4.6 Certified works-as-executed (WAE) plans and documentation will be lodged with the Principal Certifying Authority on completion of works for each stage. The required WAE plans will be provided on a full copy stamped Construction Certificate drawings and will include:
- Details of any alterations made to the approved plans;
 - The location and type of service conduits;
 - The location and extent of any temporary Asset Protection Zones
 - Details of all kerbs and gutters, pits and pipelines and drainage swales; and
 - Certification by a Registered Surveyor that all pipes, services and access driveways within proposed lots are totally within their respective easements.

Where the WAE plans indicate variations between the works as installed and the approved plans, the Principal Certifying Authority is to determine whether the works are acceptable or require reconstruction.

- A.4.7 Proposed street names will be submitted to Council (the Road Authority) for approval prior to the lodgement of any Subdivision Certificate applications involving new roads. Evidence of approval will be submitted with the corresponding Subdivision Certificate application.
- A.4.8 A geotechnical assessment prepared by a suitably qualified geotechnical engineer will be submitted with the corresponding Subdivision Certificate application which:
- a) gives the location, extent and suitability of any fill placed on site;
 - b) provides testing results of construction in relation to earthworks and road works.
- A.4.9 A fauna presence/relocation report prepared by a suitably qualified person on the results of inspections made on trees prior to removal will be submitted with the corresponding Subdivision Certificate application.
- A.4.10 The Developer will make good any damage caused to a public road or associated structures, including drains and kerb and gutter, as well as to private property, resulting from the subdivision works prior to certification of the Subdivision Certificate.
- A.4.11 An Asset Protection Zone (APZ) 10 wide will be created along the Western Boundary of Lots 36 & 37, 48 to 52 and 66 to 70 in accordance with the report by Ecohub 18th December 2006 and the principles of Planning for Bushfire Protection 2006.

A.4.12 A Temporary Asset Protection Zone (APZ) 10 wide is to be provided along the rear boundary of Lots 27,29 and 30 and Lots 72 to 85 in accordance with the report by Ecohub 18th December 2006 and the principles of Planning for Bushfire Protection 2006. The Temporary Asset Protection Zone (APZ) may be removed wholly or in part after preparation of a report from a suitably qualified consultant stating the hazard no longer exists and the report endorsed by NSW Rural Fire Service or the approval Authority.

A.4.13 A Restriction as to User will be placed on the plan of subdivision and associated instrument under Section 88B of the Conveyancing Act to ensure

- a) No landscaping or vegetation is permitted in the Asset Protection Zone (APZ) unless that landscaping or vegetation meets the requirement of the New South Wales Rural Fire Services guidelines with respect to Asset Protection Zones.
- b) No building or structure is permitted within the Asset Protection Zone (APZ) unless that building or structure is constructed of non-combustible materials and meets the requirement of the New South Wales Rural Fire Services guidelines with respect to building standards within an Asset Protection Zone.

A.5 Commitments Detailing Works to be Undertaken in Weakleys Drive

A.5.1 A roundabout and associated works shall be designed and constructed in accordance with the RTA's Road Design Guide and relevant Austroads guidelines at the proposed new access to Freeway North Business Park. The following shall be included, as a minimum, as part of the works:

- a) The roundabout shall be constructed as a 2-lane dual circulating roundabout
- b) Two lane approach and departure shall be provided on all legs of the roundabout
- c) The Northern leg of the Weakleys Drive shall be extended through to the two-lane section of the Weakleys Drive grade separated interchange project, currently being undertaken by the RTA. Two-lanes northbound and southbound shall be provided between the proposed roundabout and the New England Highway interchange along Weakleys Drive. A raised central concrete median shall be involved in the upgrade of the road.
- d) The southern approach leg of the roundabout on Weakleys Drive shall be extended from the roundabout to the south of the proposed left in/left out access to the Freeway North Business Park.
- e) The southern departure leg (southbound) of the roundabout shall be constructed as two lanes to a length of 200m from the roundabout, excluding tapers.

- A.5.2 The proposed left in / left out intersection to the subject site on Weakleys Drive shall be designed and constructed in accordance with the RTA's Road Design Guide and relevant Austroads guidelines with an exclusive left turn deceleration lane outside of the proposed two lane section of Weakleys Drive.
- A.5.3 There shall be no direct vehicular access to any of the proposed lots off Weakleys Drive. All vehicular access to the proposed lots shall be via the two proposed intersections on Weakleys Drive (as outlined above) and the internal local road network. A Restriction as to User will be placed on the plan of subdivision and associated instrument under Section 88B of the Conveyancing Act stating direct access to Weakleys Drive is denied.
- A.5.4 The proposed subdivision layout includes an internal road to the northwest of the Freeway North Business Park site (to Avalon Drive). An appropriate road reserve shall be provided as part of the subdivision to allow for an ultimate public road connection to Avalon Drive and the New England Highway. As recommended in the submitted traffic report, this proposed road link should only cater for light vehicles, buses and garbage trucks, as it will connect to a residential precinct.
- A.5.5 The applicant will be required to enter into a Works Authorisation Deed with the RTA. In this regard the applicant is required to submit detailed design plans and all relevant additional information, as may be required in the RTA's Works Authorisation Deed documentation, for each specific change to state road network for the RTA's assessment and final decision concerning the work.

A.6 General Commitments

- A.6.1 A six month defect liability period will apply in respect of each Construction Certificate issued, prior to Council accepting maintenance responsibility for subdivision infrastructure, with the exception of the proposed landscaping. Each defect liability period will commence at the date of registration of the respective plan of subdivision.

In this regard, a cash bond or bank guarantee in an amount equivalent to 2.5% of the construction value of the subdivision works, or an alternative lesser amount as maybe agreed to by Council, together with an endorsed Defects Liability Agreement form, will be submitted to Council prior to certification of the Subdivision Plan in respect of each stage of the development.

- A.6.2 A twelve month maintenance period will apply in respect of each applicable stage of the development prior to Council accepting maintenance responsibility for the proposed site landscaping. Each maintenance period will commence at the date of registration of the respective plan of subdivision.

In this regard a cash bond or bank guarantee in an amount equivalent to 2.5% of the contract value of landscaping and associated maintenance, or an alternative lesser amount as may be agreed to by Council, together with the required Landscape Establishment report, will be submitted to Council prior to certification of the Subdivision Plan in respect of each stage of the development.

- A.6.3 The developer will be responsible for all adjustments to and/or relocation of public utilities. Any necessary alterations will be at the Developer's expense and to the requirements of the appropriate Authorities.
- A.6.4 No work will be undertaken in any public road until a Road Opening Permit has been obtained from Council (the Road Authority).
- A.6.5 The routes for import of any fill material or export of any spoil will be submitted to and agreed by Council prior to the commencement of haulage. Any deterioration or failures within public roads that can reasonably be attributable to such operations will be restored to the requirements of, and at no cost to, Council.
- A.6.6 A Landscape Establishment Report will be submitted to Council following completion of a twelve month maintenance period commencing from the date of registration of the relevant Subdivision Certificate in respect of each stage, verifying that satisfactory maintenance of the landscape works including street trees, revegetation and weeding, has been undertaken in accordance with the Landscape Management Plan and any necessary rectification measures have been carried out to a high professional standard.
- A.6.7 All wetland and natural vegetated areas outside the boundaries of the proposed subdivision will be kept free from disturbance of machinery, parked vehicles and waste material.
- A.6.8 Toilet facilities will be provided at or in the vicinity of the site on which work is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided will be:

- a) A standard flushing toilet; and
- b) Connected
 - To a public sewer; or
 - If connection to a public sewer is not practicable, to some other sewage management facility approved by the Council.

The required toilet facilities will be in place and operational prior to any other work being undertaken on the site.

- A.6.9 Newcastle City Council will be indemnified in respect of any claims for damage to persons or property at all times while the work is in progress up until the work is completed and the Subdivision Plan registered.
- A.6.10 Construction/demolition work noise that is audible at other premises will be restricted to the following times:
- Monday to Friday 7 am to 6 pm
 - Saturday 8 am to 1 pm
 - No construction/demolition work noise is permitted on Sundays or Public Holidays

- A.6.11 The operating noise level of machinery, plant and equipment during the course of any construction works will comply with Chapter 171 of the NSW EPA's Noise Control Manual. Construction operations will be confined to between the hours of 7 am to 6pm Monday to Friday and 8 am to 1 pm Saturday. No construction work will take place on Sundays or Public Holidays. Mechanical rock breaking or blasting will be confined to between 9 am to 3.30 pm Monday to Friday excluding any Public Holiday.
- A.6.12 The Applicant will be responsible for meeting all expenses incurred in undertaking the development including expenses incurred in complying with conditions imposed under the terms of consent.
- A.6.13 Any imported fill on to the site will be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Imported fill will be certified to verify that the material is not contaminated based upon analysis or the known history of the site from which the material was obtained.
- A.6.14 Soil erosion and sedimentation control measures will be maintained at maximum operational capacity until the land is effectively rehabilitated and stabilised after construction.