

Statement of Commitments (Preferred Project Report)

1.1 INTRODUCTION

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

The following is a Statement of Commitments (Preferred Project Report) which the proponent is willing to offer. The draft Commitments are broad, whole of site and limited in their extent at this stage to reflect three aspects:

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

1.2 SUMMARY OF COMMITMENTS CONTAINED WITHIN CONCEPT PLAN DOCUMENT

- **Landuse** - Principle 1 outlines a commitment to provide for all 150 accommodation unit types to have tourist potential (with up to 50% also for residential use). This commitment extends to future applications in that they must nominate those accommodation unit types available for residential use and detail strategies to manage potential conflicts between the mix of tourism and residential uses.
- **Public Access and Open Space** – Principle 4 outlines a commitment to provide secured and long term public access rights over key public access features within the site (main boardwalk, pedestrian through site links and the Village Square) and any associated spaces and to manage public safety where features cross future public lands;
- **Vegetation** – Principle 8 outlines a commitment to reinstate 0.5ha of *Casuarina glauca* Open Forest and additional assisted rehabilitation within a nominated area of the 6(1) zoned lands adjoining the site, plus weed control and infill planting of vegetation in other edges of 6(1) zoned lands surrounding the tourist

zoned site. It includes the preparation of a Vegetation Management Plan, and completion of works outlined within that plan;

- **Roads, Vehicular Access and Parking** – Principle 10 outlines a commitment for agreement to be reached with relevant road authorities regarding external intersections improvements. Principle 10 also outlines relatively minor modifications to the approved road network, provision of on site parking, a Parking Management Strategy and provision for service vehicles;
- **Water Management** – Principle 11 outlines a commitment to adopt a water sensitive urban design approach to the site, providing rainwater harvesting, permeable paving and bio-filtration swales as part of water management, incorporation of a range of preventative, containment and treatment water management for workshop and hardstand area, oily waste recycling tanks, design of fuel storage tanks, a construction and operation water quality monitoring programs, erosion and sediment controls, acid sulphate soils management and groundwater management.
- **Flooding** – Principle 12 provides minimum flood planning levels which are committed to, to include potential climate change implications, along with flood mitigation measures. It also includes the need for evacuation plans and adaptive management in response to climate change.
- **Services and Waste Management** – Principle 13 provides for commitments to provision of utility infrastructure and waste management, including the preparation of waste management plans for construction and operation;
- **Marina** – Principle 14 outlines a commitment to staging of the reduced size marina and to the style and design of the marina structure to limit environmental impact (floating pontoons, design of crossing of fringing seagrass, breakwater design with partial depth and open in critical points to prevent seagrass wrack accumulation, piling technique to limit impact on seabed, provision of public access along breakwater, provision of public day berthing area, provision of fuel, sewage pump out and oily bilge pump out facilities to environmental standards, stormwater management of the hardstand and boat repair facility, a water quality monitoring program for construction and operation phases, a construction environmental management plan (acid sulphate, erosion and sediment control, noise and the like) and operational environmental and management plans).
- **Acoustics** – Principle 16 outlines a commitment to further detailed acoustic reports for all aspects of the proposal (excluding the previously proposed helipad which has been deleted as a result of community feedback), and cross reference to an ARUP technical report that incorporates a range of commitments such as preparation of Construction Noise Management Plans, Management of the site precluding delivery vehicles in peak traffic hours and the like.
- **Sustainable Development** – Principle 17 outlines a commitment to comply with sustainable development legislative requirements such as SEPP 65, BASIX, Section J and stormwater harvesting components of LMCC DCP 1, and also for the development to be designed and operated to minimise the emission of greenhouse gases.

- **Indigenous Heritage** - Principle 18 outlines a commitment to ongoing consultation and involvement with the Aboriginal community, the preparation of an Aboriginal Heritage Management Plan and Interpretation Policy, Salvage excavations, monitoring of top soil stripping earthworks and precautions to ensure recorded sites in the adjoining foreshore are not impacted on by JPG works.
- **European Heritage** – Principle 19 outlines a commitment to monitoring of certain earthworks to record any Bailey residence peripheral infrastructure, preparation of a European Interpretation Policy and retention of existing cultural plantings within the site.
- **Titling, Operation and Management of Site** - Principle 19 outlines the need for future applications to provide management of potential conflicts between site uses and operational aspects such as marina operation, noise management, public domain management and maintenance.

1.3 ADDITIONAL COMMITMENTS

Impact / Issue	Nature of Potential Impact	Mitigation Measures
Compliance with applicable planning requirements	Project non compliance with relevant standards	The detail design of the project is to comply with relevant legislation and planning controls. Any departures are to be appropriately justified in terms of an improved outcome with future project / development applications.
Compliance with Concept Plan	Project non compliance with Concept Plan	All future project / development applications are to demonstrate compliance with the Concept Plan. Any departures are to be justified in terms of an improved outcome.
Marina Staging	Environmental impact from size of marina	<p>The proposed marina is to be constructed in two stages with stage 1 being monitored for potential environmental impacts before the commencement of the second stage of the marina.</p> <p>When the proponent makes application to construct stage 2 of the marina, they must demonstrate a 100% take-up rate of Stage 1.</p>

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Built Form	Need to ensure design is consistent with Concept Plan outcomes and community expectations.	The proposed built form will generally adhere to that shown on the submitted concept plans in terms of Building Heights, Floor space ratios, general arrangement of buildings and setbacks. A Built Form Code (or alternative) is to be prepared to address detailed design issues as outlined in the Concept Plan (Principle 19).
Flooding	Need to ensure that development is flood free.	Proposed development will comply with the minimum floor levels established in Principle 12.
Water Quality	<p>Possibility of increased levels of nutrients and contaminants in stormwater run off and of groundwater contamination.</p> <p>Possibility of contamination from Marina and associated operations.</p> <p>Possibility of disturbance of Acid Sulphate Soils</p> <p>Possibility of sillage & sewerage from boats entering water.</p>	<p>The proposed development will incorporate water quality measures as generally outlined in the stormwater report.</p> <p>Acid Sulphate Soils to be addressed generally in accordance with the reports produced by Douglas Partners.</p> <p>A sillage and sewer pump out facility to be maintained for use as public infrastructure by all boats.</p> <p>Full details to be included in with Project Application including an Environmental Management Plan.</p>
Acoustic	Potential impact from excessive noise.	The proposed development is to comply with the established criteria contained in the submitted acoustic report (excluding the helipad component which has been deleted from the proposal). Detailed acoustic measures demonstrating compliance to be submitted with future project / development applications.

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Ecologically Sustainable design and water management	Environmental impact.	The detailed design of the development is to demonstrate consistency with the ESD and water sensitive urban design measures consistent with Council's requirements and BASIX.
Erosion & Sedimentation	Possibility of soil erosion through construction process and resultant sedimentation of lake.	An erosion and sedimentation plan to be prepared as part of Project Application Construction Management Plan. Landscaping of site to prevent on-going soil erosion and sedimentation.
Public Access	Potential for public access to be denied over time.	The proposed development is to maintain public access through the site and along the lake edge. Public access through the site will be secured by appropriate legal arrangements.
Heritage	Need to ensure that the heritage values of the site are protected during construction and in the longer term.	The proposed development will restore, enhance and maintain the identified heritage of the site. An interpretation strategy incorporating Aboriginal and European heritage is so to be prepared and submitted with future project applications.
Public Art	Lack of public amenity	A Public Art Strategy being prepared for the site to incorporate appropriate artworks within the development site. The strategy is to be submitted with future project applications.
Landscaping	Need to ensure the proposed development is enhanced with appropriate landscaping.	A comprehensive landscape plan will be provided with future project applications.
Crime Prevention	Need to provide site and personal security through	A comprehensive whole of site Security Management Plan consistent with CPTED

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	design process.	design principles will be prepared.
Lighting	Impact from light spill	A lighting management plan being prepared and included with future project applications.
Air Quality	Need to minimize air quality impacts.	<p>Options to minimise use of public transport and encourage cycling and walking to be explored.</p> <p>All equipment associated with operation of the Marina to be maintained in good working order.</p> <p>All work associated with the repair of boats to be carried out to comply with DECC requirements and to minimise emissions to air.</p> <p>Construction Management Plan is to address dust control.</p>
Section 94 Contributions	Potential impact on community facilities	Future residential development is to comply with Council's Section 94 Contributions Plan.
Site infrastructure and services	Environmental and amenity impacts	Future project applications to demonstrate adequate servicing.
Waste Management	Environmental impact	A waste management plan prepared in accordance with DCP 1 is to be included with future Project Applications.
Aquatic Ecology	Provide additional habitat outcome associated with seagrass beds and educate boating community about aquatic ecology	<p>Proposed development to provide additional seahorse habitat in the manner suggested in the Aquatic Ecology Assessment prepared by The Ecology Lab (November 2008).</p> <p>Marina operator to implement Boating</p>

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		Awareness Strategy relating to aquatic ecology and marine turtles.
Indigenous Heritage	To provide positive involvement of the aboriginal community	<p>In addition to the indigenous heritage principles and guidelines within the Concept Plan, JPG commit to the idea of sourcing local plant species for landscaping and revegetation works where that is suitable from the K2 local indigenous plant nursery operated by Koombahtoo LALC.</p> <p>JPG also commit to exploring the opportunity of aboriginal employment and training as part of their Apprenticeship First Scheme where it applies to the project.</p>
Public Open Space zoned lands	Impact on features within those lands by future management and use decisions of Council	<p>Relative to the open space acquisition lands, JPG commit to share information with Lake Macquarie City Council relating to various values and features sited within those lands, including:</p> <ul style="list-style-type: none"> • recorded indigenous heritage sites; • retained European historical items sited within; and • endangered ecological communities sited within. <p>JPG commit to discussing management plans for those lands with Lake Macquarie City Council, and to identifying those values within any on site interpretation policy and implemented interpretation outcomes.</p>
Hazard Management	Need to correctly identify and manage hazards	Project Applications to include hazard analysis associated with on site fuel storage and the like as required by the provisions of SEPP 33.