

# Revised Statement of Commitments – 18 August 2009

The following commitments have been compiled based on the environmental assessment undertaken in the preparation of this report and following review and consideration of issues raised in agency and community submissions. They provide a commitment by Hardie Holdings Pty Ltd indicating the responsibilities and timing to implement measures to prevent potential environmental impacts that have been identified through assessment to ensure that the project is environmentally, socially and economically sustainable, and to outline a program of works to take forward the staged development of the Hardie site under future project applications.

## 1.1 Concept Plan Statement of Commitments

Subject	Commitments	Approved by Whom	Timing
General	The development will be carried out in accordance with the Concept Plan Application Environmental Assessment Report (June 2008) and Preferred Project Report (November 2008) prepared by JBA Urban Planning Consultants and associated plans and supporting reports.	n/a	Ongoing
Regional Development Contributions	Hardie Holdings Pty Ltd offers to enter into a draft Voluntary Planning Agreement for the Sanctuary Villages Concept Plan lands to provide the following contributions subject to the approval of all or part of any Project Application under Section 75J of the Environmental Planning and Assessment Act, 1979: <ul style="list-style-type: none"> <li>Environmental Offset Lands as described in the draft VPA;</li> <li>A monetary contribution of \$5,038.00 if paid before 30 June 2011, or alternatively \$7,963.00 if paid on or after 1 July 2011 as described in Schedule 4 of the draft VPA; and</li> <li>Transfer of the 100ML water license.</li> </ul>	Minister for Planning	With the Concept Plan and any Project Application
Local Development Contributions	Section 94 Contributions will be paid in accordance with Cessnock City Council's Section 94 Contributions Plan (Sept 08) at a rate of \$3,139 per residential lot, indexed in accordance with the CPI.  Local open space areas, including an oval and park in Paxton, will be provided consistent with the staging plan set out in Section 5.5 of the EAR.	Minister for Planning	With the Concept Plan and any Project Application
Urban Design Guidelines	Development will be undertaken in accordance with the Design Statement and Design Code to ensure design excellence is achieved in the architecture of private buildings and the public domain (streets, parks and commercial centre).  The Code will address CPTED principles and Safer by Design best practice models.  All future project or development applications will be in accordance with the	Director General of Department of Planning	With the Concept Plan

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	<p>Code.</p> <p>The design guidelines will be amended to include the requirement that fencing along Millfield Road provide natural products such as timber and brush fencing.</p>		
Conservation Areas	<p>Prior to dedicating the subject conservation lands to DECC, Hardie Holdings will:</p> <ul style="list-style-type: none"> <li>▪ Fence boundaries between rural lots and the conservation areas;</li> <li>▪ Remove all internal fences in the proposed conservation lands; and</li> </ul> <p>Hardie Holdings Pty Ltd will maintain existing habitat areas outside the urban footprint, and particularly those areas that contain extant populations until such time as the conservation lands are dedicated to DECC.</p> <p>Until such time as the conservation lands are dedicated to DECC, Hardie Holdings Pty Ltd will use its best endeavours to restrict public access to the more sensitive portions of the conservation areas and encourage the public to those areas where tracks already exist.</p>	Department of Planning	Ongoing up until rezoning of the site and approval of the subdivision under Section 75P(1)(c)
Ecology	<p>To ensure that current and future land uses recognise the importance of protecting and maintaining the ecological values of the site and minimise the potential impacts of urban development the following will be actioned:</p> <ul style="list-style-type: none"> <li>▪ The proposed conservation areas will be maintained and protected until formally dedicated to the Department of Environment and Climate Change. No clearing or disturbance will be undertaken within the proposed conservation areas during this time;</li> <li>▪ Hardie Holdings Pty Ltd will liaise with DECC in managing the interface between the development lands and the conservation lands;</li> <li>▪ Hardie Holdings Pty Ltd will prepare and implement management strategies for each future application prior to construction to ensure potential sedimentation and nutrient increases to Ellalong Lagoon are prevented;</li> <li>▪ Hardie Holdings Pty Ltd will undertake regeneration works as recommended in RPS Harper Somers O'Sullivan along either side of Quorrobolong Creek in the north eastern corner of the site;</li> <li>▪ Future applications will address the Department of Water and Energy's Guidelines for Controlled Activities – Riparian Corridors (February 2008); and</li> <li>▪ Future applications will also demonstrate the appropriateness of any stormwater infrastructure proposed within riparian corridors / gullies.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Director General of Department of Planning</li> <li>▪ Cessnock City Council</li> </ul>	<ul style="list-style-type: none"> <li>▪ As part of the Concept Plan</li> <li>▪ Prior to issue of the relevant subdivision certificate</li> </ul>
Traffic and Transport	Hardie Holdings Pty Ltd commits to:	<ul style="list-style-type: none"> <li>▪ Director General of</li> </ul>	<ul style="list-style-type: none"> <li>▪ Prior to issue of the Stage 1 subdivision certificate (as</li> </ul>

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	<ul style="list-style-type: none"> <li>Construction of a roundabout at the intersection of Millfield Road / Middle Road / Sanctuary Road / Congewai Road prior to release of the Subdivision Certificate for the 100<sup>th</sup> lot within Stage 1 (whether the lot be at Paxton or Millfield);</li> <li>The upgrading in a staged manner of those sections of Millfield Road adjacent to the proposed development as 'works in kind' during future stages of the project. Works will be determined by future detailed traffic studies submitted with subsequent applications for Stages 2 – 4, and carried out in accordance with Council's engineering requirements;</li> <li>Provision of street lighting in accordance with Australian Standards for the Paxton and Millfield expansion areas; and</li> <li>Approaching the Ministry of Transport to discuss the demand and feasibility for extending bus services into the site and the appropriate means (if any) of funding bus-related infrastructure.</li> </ul>	<p>Department of Planning</p> <ul style="list-style-type: none"> <li>Cessnock City Council</li> </ul>	<p>relevant)</p> <ul style="list-style-type: none"> <li>Prior to issue of the relevant subdivision certificate for future applications</li> </ul>
Heritage	<p>All former mine workings at Paxton will be protected and managed in accordance with the recommendations set out in the Heritage Management Plan prepared by ERA Heritage, Urban Design and Planning (October 2008).</p> <p>Prior to future applications being determined for Stages 2 – 4, Hardie Holdings Pty Ltd shall prepare an Aboriginal Heritage Management Plan in consultation with the Mindarribba Local Aboriginal Land Council(s) to address the development's potential impacts to known Aboriginal relics.</p>	<ul style="list-style-type: none"> <li>Director General of Department of Planning</li> <li>Cessnock City Council</li> </ul>	<ul style="list-style-type: none"> <li>Prior to issue of the Stage 1 subdivision certificate (as relevant)</li> <li>Prior to issue of the relevant subdivision certificate for future applications</li> </ul>
Bushfire	<p>Asset protection zones will be provided at the width and specification identified in the Bushfire Threat Assessment.</p> <p>A Fuel Management Plan for individual stages will be developed to ensure progressive fire management is undertaken.</p> <p>Water pressure mains supply and fire hydrants will be provided in accordance with Australian Standard A.S. 2419.1, 2005 – Fire Hydrant Installations, System Design, Installation and Commissioning.</p> <p>Where necessary, future dwellings will comply with Australian Standards A.S. 3959 – 1999 – Construction of Buildings in Bushfire Prone Areas.</p>	<ul style="list-style-type: none"> <li>Director General of Department of Planning</li> <li>Cessnock City Council</li> </ul>	<ul style="list-style-type: none"> <li>Prior to issue of the Stage 1 subdivision certificate (as relevant)</li> <li>Prior to issue of the relevant subdivision certificate for future applications</li> </ul>
Flooding	<p>Land developed for residential, rural and commercial centre purposes will be filled to the minimum flood level.</p> <p>Flood affected lots will have covenants placed on them alerting future purchasers to potential flood risks.</p> <p>Dwellings will have a minimum freeboard of 500mm above the 1:100 ARI flood event.</p>	<ul style="list-style-type: none"> <li>Director General of Department of Planning</li> <li>Cessnock City Council</li> </ul>	<ul style="list-style-type: none"> <li>Prior to issue of the Stage 1 subdivision certificate (as relevant)</li> <li>Prior to issue of the relevant subdivision certificate for future applications</li> </ul>

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	A Flood Evacuation Plan will be prepared in consultation with the State Emergency Service and Cessnock City Council's flooding engineers and submitted to the relevant consent authority prior to issue of Construction Certificate.		
Stormwater Drainage	A Water Sensitive Urban Design (WSUD) Strategy will be prepared. The WSUD Strategy will conform to statutory and applicable Cessnock City Council and Department of Environment and Climate Change guidelines. It will provide detailed strategies for the management of stormwater, water detention and retention within urban area.  Appropriate detention measures will be implemented during the Development Design Stage and through the future projects.	<ul style="list-style-type: none"> <li>Director General of Department of Planning</li> <li>Cessnock City Council</li> </ul>	<ul style="list-style-type: none"> <li>Prior to issue of the Stage 1 subdivision certificate (as relevant)</li> <li>Prior to issue of the relevant subdivision certificate for future applications</li> </ul>
Mining and Contamination	A targeted Phase 2 Environmental Site Assessment will be undertaken prior to commencement of construction of future project applications.  Future applications will seek approval for any necessary rehabilitation / remediation works recommended by the Phase 2 Environmental Assessments. Future applications will verify whether the land to which they apply fall within a mine subsidence district.	<ul style="list-style-type: none"> <li>Director General of Department of Planning</li> <li>Cessnock City Council</li> </ul>	<ul style="list-style-type: none"> <li>Prior to issue of the Stage 1 subdivision certificate (as relevant)</li> <li>Prior to issue of the relevant subdivision certificate for future applications</li> </ul>
Utilities	A Utilities and Servicing Plan will be prepared to outline the provision and timing of: <ul style="list-style-type: none"> <li>water supply;</li> <li>sewerage;</li> <li>telecommunications; and</li> <li>energy.</li> </ul>	<ul style="list-style-type: none"> <li>Director General of Department of Planning</li> <li>Cessnock City Council</li> </ul>	<ul style="list-style-type: none"> <li>Prior to issue of the Stage 1 subdivision certificate (as relevant)</li> <li>Prior to issue of the relevant subdivision certificate for future applications</li> </ul>

## 1.2 Stage 1 Project Application Statement of Commitments

Subject	Commitments	Approved by Whom	Timing
General	The development will be carried out in accordance with this Project Application and Environmental Assessment Report prepared by JBA Urban Planning Consultants (dated June 2008), Preferred Project Report prepared by JBA Urban Planning Consultants (dated November 2008), Preferred Project Report Addendum prepared by JBA Urban Planning Consultants (dated 25 March 2009) and associated plans and supporting reports.	Director General of Department of Planning	Duration of the Stage 1 subdivision and infrastructure works
Legislative Controls and Approvals	The following licences, permits and approvals will be obtained and maintained for the residential subdivision from Cessnock City Council: <ul style="list-style-type: none"> <li>Construction Certificates for engineering works the subdivision. The</li> </ul>	Various	Prior to issue of construction certificate or subdivision certificate as relevant

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	<p>application for Construction Certificate(s) will contain Design Drawings indicating, where relevant, detailed designs relating to earthworks, drainage, soil erosion and sediment control and site rehabilitation, tree clearing and site stability, road works, footpaths / cycle ways, water supply (both potable and use of reclaimed water) and sewerage works, electrical reticulation and landscaping;</p> <ul style="list-style-type: none"> <li>▪ Road Opening Permit;</li> <li>▪ Section 138 approval for road works under the Roads Act, 1993;</li> <li>▪ Subdivision Certificates for each stage;</li> </ul> <p>The following licences, permits and approvals will be obtained and maintained for the residential subdivision from Energy Australia, Telstra and Hunter Water Corporation as relevant:</p> <ul style="list-style-type: none"> <li>▪ Design Certification and Notification of Arrangement; and</li> <li>▪ Compliance Certificate(s).</li> </ul>		
Development Contributions	Section 94 Contributions will be paid in accordance with Cessnock City Council's Section 94 Contributions Plan (Sept 08) at a rate of \$3,139.00 per residential lot.	Minister for Planning	Payment will be made prior to the release of the subdivision certificate.
Road Work, Access and Parking	<p>All roads shall be designed in consultation with Cessnock City Council and with the relevant requirements of Council and / or Roads and Traffic Authority as appropriate. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to Council prior to the issue of a Construction Certificate.</p> <p>Parking will be restricted to 6 metres from any intersection so that parked cars do not obstruct sight distances or turning traffic.</p> <p>Raised kerbed bays or wheel stops will be provided at regular intervals to formalise parking lanes and to break up the number of cars parked in a row.</p>	Cessnock City Council	Prior to issue of the construction certificate
Ecology	Hardie Holdings Pty Ltd will prepare and implement management strategies for each project application prior to construction to ensure potential sedimentation and nutrient increases to Ellalong Lagoon are prevented.	Minister for Planning	Prior to issue of the construction certificate
Stormwater and Drainage Works Design	Final design plans of the stormwater drainage systems will be prepared for the subdivision. The final plans will be prepared by a qualified practicing Civil Engineer and will be consistent with the stormwater management objectives and controls in Section 9.6 of the Environmental Assessment and Cessnock City Council's requirements.	Cessnock City Council	Prior to issue of construction certificate

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Construction Management Plan	<p>A Construction Management Plan shall be submitted to Cessnock City Council that addresses:</p> <ul style="list-style-type: none"> <li>▪ vegetation management;</li> <li>▪ soil erosion and sediment control measures;</li> <li>▪ traffic and pedestrian management;</li> <li>▪ noise and vibration; and</li> <li>▪ waste management.</li> </ul>	Cessnock City Council	Prior to the issue of Construction Certificate
Contamination, Subsidence and Geotechnical Matters	<p>A targeted Phase 2 Environmental Site Assessment will be undertaken prior to commencement of construction associated with the Stage 1 Project Application. Future project applications will seek approval for any necessary rehabilitation / remediation works recommended by the Phase 2 Environmental Assessments. All filling and earthworks will be undertaken in accordance with Australian Standards AS 3798 Guidelines on Earthworks for Commercial and Residential Developments.</p>	Cessnock City Council	<p>Prior to issue of construction certificate</p> <p>During construction</p>
Utilities / Servicing	Details of the location and specification of all proposed utilities and servicing arrangements will be provided with the application for a Construction Certificate.	Relevant utility providers	With the construction certificate
Bushfire	<p>Fire hydrant spacing, sizing and pressure will comply with Australian Standard A.S. 2419.1 – 2005.</p> <p>Fire trails will be constructed in accordance with the Bushfire Threat Assessment.</p>	Rural Fire Service and Cessnock City Council	During construction
Consultation	Aboriginal Registrations of interest can occur post determination of the Concept Plan.	n/a	Ongoing
Heritage	In the event that any indigenous items are discovered, construction works will be ceased immediately and the Department of Environment and Climate Change contacted.	n/a	During construction
Final Plan of Subdivision	A final plan of subdivision and Section 88B instrument will be obtained for the development in accordance with the recommendations of the Environmental Assessment and requirements of the Council and / or utility providers.	Cessnock City Council	Prior to the issue of Subdivision Certificate
Flooding	Localised filling within the Paxton Tributary will be undertaken to elevate any flood affected lots to above the 100 year flood levels with an additional allowance for a 500mm nominal freeboard.	Cessnock City Council	Prior to issue of subdivision certificate

