

Minmi/Link Road Statement of Commitments	
Subject	Description
Commitments Restricting the Terms of Approval	<p>Future development will be carried out generally in accordance with the following plans and documentation submitted with the Environmental Assessment Report:</p> <ul style="list-style-type: none"> ▪ Conservation and Development Areas Plan. ▪ Concept Plan. ▪ Land uses as proposed by the SSS listing. ▪ Conceptual road design and access arrangements. ▪ Landscape, open space and heritage design concepts. ▪ Urban Design Guidelines. ▪ Indicative development staging.
Commitments comprising payment of a monetary contribution, or dedication of land/carrying out of work for local Infrastructure	<p>The Owner will pay contributions in accordance with the Lake Macquarie City Wide Section 94 Contributions Plan and Newcastle City Council Development Contributions Plan No. 1 2005 (Blue Gum Hill Contributions Catchment – Sub Catchment Maryland and Minmi) and Newcastle City Council Development Contributions Plan No. 4, 2006 (Transport Facilities in Blue Gum Hills). 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 for the following:</p> <ul style="list-style-type: none"> ▪ Recreation facilities including two multi-purpose sports fields, incorporating rugby, soccer pitches and cricket wickets, four netball courts, two double-court tennis courts, three parks (with dog exercising areas). ▪ Monetary contributions toward a BMX track and skate park or another regional facility. ▪ Contributions for community facilities towards community facilities, for a community hall/centre or similar building that may accommodate flexible uses, including visiting health services such as baby and child health, community nursing and allied health services. All facilities to be built and maintained for a maximum of five years before handover to the relevant Council in accordance with current standards set out in Council's Development Contribution Plans. ▪ S.94 Management. ▪ Open space offsets will be determined when open space ownership details are finalised with Newcastle City Council and Lake Macquarie City Council. ▪ Traffic contributions will be offset against contributions by the Owner to transport facilities outside the Newcastle City Council Development Contributions Plan No. 4, 2006 (Transport Facilities in Blue Gum Hills) ▪ Drainage contributions are not required as drainage, stormwater and water quality control will be developed and controlled within the development estate in accordance with the Concept Plan Environmental Assessment.
Commitments comprising payment of a monetary contribution, or dedication of land/carrying out of work for Regional Infrastructure	<p>Payment of a monetary contribution or works in kind for the provision of regional infrastructure as determined by state government will be in accordance with their '<i>Infrastructure Contributions Plan Circular PS 08-017, 23 December, 2008</i>' unless amended as a consequence of the current review of infrastructure contribution by the NSW Government. The Owner will enter into a Voluntary Planning Agreement with the Department of Planning for the following services as determined by State Government:</p>

	<ul style="list-style-type: none"> ▪ Road/traffic infrastructure. Negotiations are to be undertaken with the RTA which has not provided any details regarding infrastructure requirements. The Owner is to consider payment of contribution, or works in kind or any combination of them when advised by the RTA of proposed contributions. ▪ Emergency Services involving dedication of 3,000m² in the Village Centre Precinct for NSW Ambulance. NSW Rural Fire Service has no requirement for additional land in the development estate or immediate facility. ▪ Education involving the dedication of 1.3ha land only to expand the existing Minmi primary school and 4ha to establish a primary school precinct at the southern edge of the proposed Link Road South Precinct.
Utility Services/Infrastructure Upgrades	<p>The concept plan 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 development:</p> <ul style="list-style-type: none"> ▪ Electricity from existing network. ▪ New potable water reservoir and trunk water main to site. ▪ Sewer. ▪ Provision of a copper telephone service. ▪ Provision of gas (in conjunction with Alinta). ▪ The Owner to investigate provision of fibre optic telephone service. ▪ The Owner to investigate alternative options of sewer provision. ▪ New utility services are to be provided underground. ▪ The Owner to provide reticulated recycled water if available at the site. If not, water tanks are to be provided. <p>The Concept Plan will ensure that sufficient land is provided within new road reserve and alternatively; within easements in the offset lands and provide land for utilities.</p>
Conveyancing	<p>A plan of subdivision prepared by Monteath and Powys will enable subdivision of Lot 712 DP 1113237 and Lot 48 DP 115128 to allow the dedication and transfer of the conservation lands to the State Government in accordance with the terms of the MOU.</p> <p>Easements to be provided for utility services that encroach onto private land or common space. Land to be dedicated to relevant authorities where required.</p> <p>All road reserves to be constructed will be dedicated to the relevant road authority.</p> <p>Housing lots will be torrens title or strata title, as appropriate to building typology.</p> <p>The dedication of public open space or recreational areas, including riparian corridors and community infrastructure will be determined when open space ownership details are finalised with Newcastle City Council and Lake Macquarie City Council.</p>
Environmentally Sustainable	<p>Residential development will meet or exceed the following targets:</p>

Development	<ul style="list-style-type: none"> ▪ The BASIX water consumption benchmark. ▪ The BASIX energy consumption benchmark.
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, including Aboriginals 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"> ▪ Contribute to the Indigenous community for employment in land care, etc. ▪ Establish procurement policies for the Indigenous community during construction (e.g. fencing, landscaping) and ongoing maintenance (e.g. lawn mowing etc). <p>This should be done in partnership between the Indigenous community and the Owner.</p>
Consultation/ Educational Programs	<p>The Owner is to develop a community consultation program for the duration of the construction process (including North Lakes and Edgeworth). 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"> ▪ Regular newsletters/letterbox drops on timing and progress. ▪ Information on a publicly accessible website. ▪ Community workshops. ▪ Appropriate signage on site. ▪ Contact numbers for complaints/issues etc. <p>The Owner is to contribute on a per annum basis for a maximum of 3 years to provide a place manager as a point of contact during course of development to attend community meetings to explain development sequences and to take information/feedback back to council and developer. The place manager could work part-time from the community centre in Minmi.</p>
Urban Design	<p>The Concept Plan commits to a set of Development Design Guidelines for Stage 1, the Minmi East precinct. Future development in Stage 1 is to comply with the Urban Design Guidelines. Subsequent stages of the project, which would be subject to a Project Application or Development Application will be accompanied by design controls and guidelines that reflect the relevant stage.</p>
Housing Diversity	<p>The Concept Plan commits to providing a diversity of housing opportunities through:</p> <ul style="list-style-type: none"> ▪ The provision of a diversity of lots sizes. ▪ The provision of different housing typologies. ▪ Provision of housing that is adaptable to future demands (allows ageing in place).
European Heritage	<p>Prior to any works on site commencing, the Owner is prepare and implement the following heritage mitigation measures outlined in the Heritage Impact Statement prepared by ERM including:</p>

	<ul style="list-style-type: none"> ▪ The following historical archaeological investigations should be undertaken prior to works commencing on site. These should be undertaken by a qualified historical archaeologist: <ul style="list-style-type: none"> ▪ a geophysical survey of the AZ1 and AZ2 should be undertaken to investigate the possible location of the former school site, former house sites, any remains relating to the workshop and Eales shaft area and the Chinese Gardens (GPR or resistivity should yield suitable results); ▪ an archaeological research design should be written to investigate a representative portion of sites to be impacted. This design should aim to investigate the former school site, portions of the workshop and Eales shaft areas not conserved, a sample of former houses from AZ1 and AZ2 - a street front would provide a representative sample and a representative portion of the Chinese Gardens. Archaeological excavation should be informed by the likely archaeological potential and deposits at each site and aim to address questions established by this assessment; ▪ test excavation could be undertaken to determine the condition and integrity of any remains. This would then inform the requirements for further investigations; and ▪ all archaeological site sites deserve to be interpreted for public appreciation. ▪ Provide walking trails along the historical railway corridor from the Tank Paddock area to the new township through to Workshop Park in the west and Blue Gum Hill Regional Park in the east. ▪ Prepare an archival record of heritage photos. This should be made available across Council libraries or in the mutli use centre. ▪ Develop a heritage interpretation strategy to guide the provision of on-site interpretation, which could include Aboriginal walking routes interpretation linked to the Blue Gum Hills Regional Park. ▪ Undertake an archaeological study of coke ovens. ▪ Conserve and incorporate into the heritage interpretation strategy the coal wagon and guards carriage. There are no further railway/mining artefacts present within the study area as all residual aspects are archaeological and/or landscape. All such sites are to be conserved. ▪ Provide interpretation on the coal mining at Minmi and the Brown family.
Aboriginal Heritage	<p>On Development Lands, prior to any works on the development lands site commencing, the Owner is to prepare an 'Aboriginal Heritage Plan of Management' (PoM) in accordance with the heritage mitigation measures outlined in the Heritage Impact Statement prepared by ERM including:</p> <ul style="list-style-type: none"> ▪ Consultation with local Aboriginal community groups. ▪ Ensure appropriate stop work procedures are in place particularly for the excavation phase of works and all site contractors undergo a site induction that includes information about Aboriginal sites. ▪ In the unlikely event of discovery of skeletal material all works should cease, the police, relevant local Aboriginal community groups and a suitably experienced archaeologist or physical anthropologist should be contacted to assess the material before determining the

	<p>correct management action.</p> <ul style="list-style-type: none"> ▪ Ensure that on-site information about the heritage requirements is in place for the construction phase for the construction team;. ▪ During earth breaking activities within areas of archaeological potential ensure that appropriate stop work procedures are in place in the case of unforeseen archaeological discoveries. Any remaining archaeological deposits uncovered should be recorded and monitored by a suitably qualified archaeologist and an Aboriginal community representative. ▪ Should any artefacts be identified in the course of development (which are not being monitored as above) all works should cease and an assessment of the material should be conducted by an archaeologist. ▪ Defined archaeological investigation areas and defined appropriate works within these areas. All archaeological works could be subject to public interpretation. ▪ Develop a heritage interpretation strategy to guide the provision of on-site interpretation, which could include Aboriginal walking routes and interpretation, linked to the Blue Gum Hills Regional Park. The Strategy should also include signage about the history and heritage significance of the area. ▪ The land near axe-grinding area (Aboriginal) is to be dedicated to Council ownership (or possibly to Awabakal) following completion of the relevant stage. <p>A Conservation Management Plan will be prepared after Concept Plan Approval and prior to the first Project Application for an urban lot subdivision of the site.</p>
Traffic and Transport	<p>The concept plan commits to:</p> <ul style="list-style-type: none"> ▪ Upgrade Link Road and the intersection of Minmi Road, Cameron Park and Woodford Street and Link Road intersection as required. ▪ Upgrades to intersection with collector roads. ▪ The implementation of local traffic management measures within the development and existing local roads where required. Details to be prepared with the construction certificate for each stage. ▪ Provision of DDA complying bus stops, shelters and pedestrian refuges. Details to be prepared with the construction certificate for each stage. ▪ Provision of new bus stops including provision of bus shelters, kerb and gutter (where required), footpath and signage. ▪ The Owner to investigate impact on residential amenity from additional traffic. ▪ Areas to be dedicated as public roads will be constructed and embellished in accordance with the specifications of the Concept Plan and construction specifications of the appropriate Council.
Water quality and quantity management	<p>The concept plan commits to the following stormwater management measures:</p> <ul style="list-style-type: none"> ▪ Implement WSUD to manage stormwater in accordance with relevant council/DECC policies. ▪ Manage flood risk according to the NSW Floodplain Development Manual. ▪ 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. ▪ Prepare a stormwater management strategy, which will include a strategy to protect Wallum froglet and ecological systems.

	<ul style="list-style-type: none"> ▪ Prepare a groundwater management strategy. ▪ Prepare a maintenance regime for the proposed groundwater management system, stormwater treatment systems. ▪ Housing lots need to provide appropriate on lot detention for stormwater ▪ Details on the proposed bio-retention basins, bio swales and swales are to be submitted with the Construction Certificate application. 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 commencing from subdivision approval for each stage or until all lots are sold in any particular stage of development, whichever is the later.
Bushfire Management	<p>A Bushfire Management Plan will be prepared for each stage and certified by a suitably qualified consultant as complying with the requirements of the Planning for Bushfire Protection Guidelines 2006 and any requirements of the NSW Rural Fire Service. The required plan will include, but not limited to, the following documentation:</p> <ul style="list-style-type: none"> ▪ Location of permanent Asset Protection Zones (APZ) and fire trails. ▪ Location of temporary APZ's and fire trails such that adequate protection is provided to the subdivision at all times during construction. ▪ APZ establishment methods. ▪ Location of habitat trees to be retained. ▪ Areas of vegetation to be removed, retained or replaced. ▪ Access to services. ▪ Existing and proposed plant species. ▪ Fuel Management Plan (FMP) be prepared for the development estate. This plan will detail the required strategies to create the required APZ's and management of these APZ's in such a manner to preserve the natural and cultural features of the development estate, while reducing the risk of bushfire. <p>The Bushfire Management Plan will be submitted with documentation accompanying the Construction Certificate application.</p> <p>Future development is to be in accordance with the following:</p> <ul style="list-style-type: none"> ▪ Any proposed development is to be linked to the existing mains pressure water supply and that suitable hydrants be clearly marked and provided for the purposes of bushfire protection. Fire hydrant spacing, sizing and pressure should comply with AS2419.1, 2005. ▪ Future roads to be constructed in accordance with section 4.1.3 (1), Planning for Bushfire Protection Guidelines 2006. ▪ Any future dwelling within the development estate should have due regard to the specific considerations given in the BCA, which makes specific reference to the Australian Standard (AS3959 – 1999) construction of buildings in bushfire prone areas.
Landscaping	<p>Landscape plans are to be prepared for the relevant stage of each subdivision by a qualified landscape architect prior to construction certificate. The detailed landscape plans shall demonstrate the retention of existing vegetation to the extent reasonably possible allowing for required earthworks and ecological considerations including protection of significant trees. Landscaping will be consistent with the Minmi Concept Plan prepared by Conics and Urban Design Guidelines prepared by Conics and JMD.</p>

	<p>Seed is to be collected on site so indigenous species are used in landscaping of parks.</p> <p>The Owner will provide recycled water in public parks if feasible.</p>
Contamination	<p>Prior to the issue of the subdivision certificate for each stage the Owner is to undertake:</p> <ul style="list-style-type: none"> ▪ Detailed contamination assessment for each stage in accordance with SEPP 55 and NSW DECC guidelines. ▪ Prepare a Remediation Action Plan based on the results of the detailed contamination assessment. The RAP is to be verified through the NSW DECC site auditor process undertaken. ▪ Appropriate remediation conducted to removed indentified contaminants exceeding the DECC land use criteria. ▪ Removal of deleterious materials and possible associated surface impact. ▪ Validation testing and verification. ▪ Validation of asbestos contamination and removal should be conducted by a qualified asbestos consultant. ▪ Waste classification to DECC guidelines of any materials destined for off-site disposal at a licensed landfill. <p>Remediation works will be limited to the development site.</p>
Geotechnical	<p>Prior to any works commencing on site the Owner is to undertake additional investigations in accordance with the Preliminary Contamination and Geotechnical Assessment prepared by Douglas Partners and dated November 2008. Additional investigation is to include:</p> <ul style="list-style-type: none"> ▪ Additional assessment of combustible material and improvement measures. ▪ Specific slope stability investigation of steep slopes and proposed areas of cut or filling exceeding guidelines presented in the Douglas Partners Reports. ▪ Specific foundation investigation for proposed buildings, in particular areas containing filling such as former open cut mines. ▪ Site classifications to AS 2870. ▪ Earthwork procedures and specifications. ▪ Pavement thickness design for roads. ▪ Acid sulphate soil management plan.
Mine Subsidence	<p>Prior to any works commencing on site the Owner is to undertake additional investigations in accordance with the Report on Mine Subsidence Risk Assessment prepared by Douglas Partners and dated November 2008. These include:</p> <ul style="list-style-type: none"> ▪ Some areas which have been mapped as low risk pothole, especially around the edge of open cut pits near the seam outcrop and it is expected that the potential development restrictions could be lifted subject to additional investigation to provide the absence of workings.

	<ul style="list-style-type: none"> ▪ The depth of cover to the workings in the far eastern part of Minmi East will require confirmation. <p>There may be some limited areas of the Borehole Seam workings which are currently mapped as high risk pothole zones, which have no workings marked. The most likely areas for this are the gully on the southern end of Zone PR1 and some limited areas at the southern end of Zone PR2.</p> <p>Future development is to be in accordance with the constraints mapping as follows:</p> <ul style="list-style-type: none"> ▪ Area of high pothole risk – grouting of workings is required prior to development and the site should be managed to limit risk to public. ▪ Low pothole risk – Construction is to be limited to single storey with suspended floor. ▪ Limited Subsidence - Construction is to be limited to two storey brick veneer construction. ▪ Moderate Subsidence - Construction is to be limited to single storey brick veneer construction. ▪ High Subsidence – Light weight (clad) construction with stiffened raft slabs and limited footprints would be suitable to these areas. However, it may be necessary to limit density of development. Infrastructure would need to take into account potential subsidence. ▪ Shafts – Management of land containing shafts will be restricted to landscaping. An open space plan including the location of shafts has been prepared by Coal & Allied which will form the basis of negotiations regarding ownership with Councils. ▪ Roads and Services – are to be designed to accommodate the potential subsidence including the spanning of potholes in areas of high risk potholing as well change in drainage grades design and flexure form the predicated subsidence of up to 1m on parts of the site. ▪ Open cut mines – development over these areas will generally need to include appropriate re-compaction of the spoil and sealing of connections to underground workings. However, piled footings may be appropriate in some instances. ▪ Appropriate additional investigations and consultations with the MSB will be undertaken on a staged basis to confirm the MSBs specific requirements for each stage and/or lot.
Shallow Mining	The Owner is to prepare a Plan of Management for shallow mined areas prior to commencement of works on site.
Acoustics	Future applications for residential development along the F3 Freeway, Newcastle Link Road, Woodford Street, Lenaghans Drive and Minmi Road (south) shall be accompanied by an Acoustic Statement that details measures to reduce the impact of road traffic noise. The final selected noise mitigation measures will depend on the location and design of dwellings on the site.
Tree Management	The Owner is required to protect trees of significance (habitat and old growth) during lot planning, particularly in areas that contain identified native vegetation communities, wherever feasible prior to progressive clearing of sites. Trees within riparian corridors will also be retained to ensure biodiversity. A clearing protocol should be prepared for the removal of trees containing suitable habitat hollows.
Flora & Fauna Conservation Management	Prior to any works on site commencing, the Owner is to prepare a Vegetation and Habitat Management Plan. The vegetation management plan will be implemented for each stage of the subdivision. The vegetation management shall require that direction and supervision be provided by suitably qualified persons associated with vegetation removal including habitat trees (hollow-bearing).
Flora & Fauna Conservation Management/Environmental Management	<p>The Owner is to:</p> <ul style="list-style-type: none"> ▪ Recover any native fauna that are potentially displaced. ▪ Select species for future landscaping works and seed stock for revegetation should be limited to locally occurring native species.

	<ul style="list-style-type: none"> ▪ Where possible, earthworks (and all works in the vicinity of drainage lines) should be undertaken during appropriate weather conditions to minimise potential erosion impacts. ▪ Implement nutrient and sediment control devices.
Environmental management	<p>The Owner is to prepare a Statement of Interim Management Intent (SIMI) prior to commencement of works. The SIMI will relate:</p> <ul style="list-style-type: none"> ▪ Revegetation of corridors within the development areas. ▪ Rehabilitation and revegetation programs for degraded and disturbed riparian corridors ▪ Management of development and conservation land interface. The interface is the immediately adjacent conservation land up to 100m of the development land boundary. ▪ Threatened species management protocols for the Conservation Estates only. <p>The SIMI will be prepared in consultation with all stakeholders, including The Owner, Traditional Owners, neighbours, community, the relevant councils and DECC.</p> <p>The Owner's involvement with the SIMI will be limited to:</p> <ul style="list-style-type: none"> ▪ Cost of preparing the SIMI; ▪ The actions arising from the SIMI for a specified period of 5 years commencing from the date the SIMI takes effect or until subdivision development in the adjacent development areas is complete, whichever is the later. ▪ The SIMI will include undertaking ongoing management of Asset Protection Zones (APZs) for a period of 5 years from commencement of works or until subdivision development in the development area precinct is complete, whichever is the later. Management will be undertaken in accordance with Council / NPWS best practice. ▪ The Owner is to prepare the APZ Management Regime prior to commencement of works. <p>The Owner is to undertake rehabilitation and revegetation programs for degraded and disturbed riparian corridors.</p>
Roads, Infrastructure & Services	<p>The Owner will provide for new roads and connections as per the plans included in the Concept Plan prepared by Conics.</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 Council's requirements, except as otherwise provided by the 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.</p>

	<p>Areas to be dedicated as public roads will be constructed and embellished in accordance with the Urban Design Guidelines of the Concept Plan.</p> <p>All road reserves to be constructed will be dedicated to Lake Macquarie Council or Newcastle City Council at no cost to Council</p>
Plan of management for community and recreational facilities to be dedicated to Council	<p>The Owner is to prepare a Plan of Management (PoM) for all community land and facilities. The management will be carried out as per Council/NPWS best practice.</p> <p>The Owner's involvement with the Plan of Management will be limited to:</p> <ul style="list-style-type: none"> ▪ Cost of preparing the PoM; ▪ The actions arising from the PoM for a specified period of the lesser of 5 years from the date the PoM takes effect or until all the lots are sold in each stage. <p>The PoM is to be prepared prior to commencement of works.</p>
Pet Ownership	<p>The Owner is to develop strategies to address potential impacts associated with pet ownership prior to works commencing on site. This may include implementation of appropriate signage and educative programs (for example letter box drops and brochures to be included within the bill of sale for each property). Local Council strategies, policies and programs should be acknowledged in relation to this by current and future residents.</p>
Audit of Proposed Conservation Land	<p>The Owner is to undertake an audit of existing conditions at edges of the proposed conservation lands and an overview assessment of the ecology together with an audit of current on site activities.</p>
Subdivision Certificate.	<p>A Subdivision Certificate application will be submitted in respect of the subdivision. It will be accompanied by the following documentation:</p> <ul style="list-style-type: none"> ▪ A survey plan prepared by a Registered Surveyor ▪ Instruments prepared under s88B of the Conveyancing Act as appropriate. ▪ A Section 50 Certificate from Hunter Water. <p>The appropriate notation will be placed on the plan of subdivision and an instrument under Section 88B 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</p>
Transfer of Land	<p>On issue of the Subdivision Certificate and the Concept Plan approval the conservation land is to be transferred NSWG and other land to the relevant Council.</p>