

## DEFINITIONS

In this statement the following definitions apply:

**Act** means the Environmental Planning and Assessment Act, 1979 (as amended).

**BCA** means the Building Code of Australia.

**Catherine Hill Bay/Gwandalan Concept Plan 2007** means the project described in Condition A1.

**Concept Plan Area** means the land shown in Figure 1.1.1 of the Catherine Hill Bay/Gwandalan Concept Plan 2007.

**Department** means the Department of Planning or its successors.

**Director General** means the Director General of the Department of Planning

**Minister** means the Minister for Planning.

**Project** means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

**Proponent** means the person proposing the carrying out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

**Regulations** means the Environmental Planning and Assessment Regulations, 2000 (as amended).

**RTA** means the Roads and Traffic Authority.

**Subject Site** has the same meaning as the land identified in Part A of this schedule.

## CATHERINE HILL BAY/GWANDALAN CONCEPT PLAN

### ADMINISTRATIVE CONDITIONS

#### **A1. Development Description**

The development will be carried out in accordance with the Concept Plan and Environmental Assessment report except where amended by this Statement of Commitments.

*Responsibility - Proponent*

#### **A2. Inconsistency Between Documentation**

The proponent will rectify all inconsistencies between the plans and documentation set out at Condition A1, within three months of the determination date of the Catherine Hill Bay/Gwandalan Concept Plan to the satisfaction of the Department.

In the event of any outstanding inconsistency between conditions of this concept approval and the plans and documentation referred to above, the conditions of this concept approval prevail.

*Responsibility - Proponent*

#### **A3. Determination of Subsequent Project Applications**

The determination of subsequent applications for project approval is to be generally consistent with the terms of approval of the Catherine Hill Bay/Gwandalan Concept Plan.

*Responsibility – Proponent and Department of Planning*

## **GENERAL**

### **B1. Development Control**

Any departure from the terms of approval of Catherine Hill Bay/Gwandalan Concept Plan will require lodgement of further detailed plans and documentation to the Department addressing, and where required revising, development envelopes, the internal circulation network (within the Concept Plan area), and any other aspect of the proposal that requires amending.

The timing, format and content of further detailed plans and documentation to be lodged in respect of Condition B1 will be agreed by the Department.

*Responsibility – Proponent and Department of Planning*

### **B2. Dedications**

A plan of subdivision providing for dedication of the environmental offset lands will be prepared to enable transfer of the land to the public estate after the Concept Plan has been approved.

Areas to be dedicated as public roads will be constructed and embellished in accordance with the landscape principles outlined in the Concept Plan.

*Responsibility – Proponent*

### **B3. Bushfire Management**

Bushfire hazard will be managed consistent with Planning for Bushfire Protection Guidelines by:

- Perimeter roads and fire trails.
- Installation of hydrants as appropriate APZ's implemented as required.

Asset Protection Zones managed as follows:

- On Torrens Title subdivision lots by incorporating the APZ into the individual lots with positive covenants applying management requirements;
- In community title subdivision by making the APZ's community or precinct land with management requirements specified in the community or precinct management statements.

*Responsibility – Proponent and Occupants*

### **B4. Land Contamination Investigation**

To ensure the site is suitable for residential purposes additional assessment will be carried out as necessary. Site audits will be carried out as necessary to certify the suitability of the site for the proposed uses and according to SEPP55 Guidelines.

*Responsibility – Proponent*

### **B5. Mining Activities**

The proponent will negotiate with the holders of Petroleum Exploration Licence No.s 5 and 446 to allow exploration prior to construction works.

*Responsibility – Proponent*

**B6. Ecological and Environmental**

The Proponent commits to the recommendations as set out in the Ecological Assessment Report prepared by RPS Harper Somers O'Sullivan Pty Ltd dated December 2007. However, in relation to the *Cryptostylis* found on Hamlet 6 at Moonee Hamlets alternative methods are sought. *Cryptostylis hunteriana* (listed as Vulnerable under *TSC Act* and *EPBC Act*) was recorded within Hamlet 6 of the CHB development lands. The Ecological Assessment Report undertaken by RPS HSO recommended that the individuals and surrounding habitat within the CHB development lands be conserved. Rose Group Pty Ltd commit to protect and conserve the species within the CHB development lands, as recommended, for at least three years. During this time no construction would commence within or in close proximity to the species and the habitat in which it was recorded.

During this four year period, we propose to investigate the extent and occurrence of the local population within the offset lands to allow the significance of this population to be reassessed. It is proposed that detailed targeted surveys for the species within the offset lands would be undertaken during the appropriate season and may involve multiple surveys. Subsequent to further detailed investigations into the occurrence of *C. hunteriana* within the offset lands and in the case that a large population is found within the offset lands, alternative strategies may be proposed in close consultation with DECC, such as translocation.

**B6. Construction Management**

Prior to commencement of works on the site the proponent will submit a Construction Management Plan, to the satisfaction of the Department. The Construction Management Plan shall address the following (at a minimum):

- Traffic management
- Noise and vibration management
- Dust control
- Construction waste management
- Erosion and sediment control
- Archival recording of heritage
- Hazardous materials removal

*Responsibility – Proponent*

**B7. Waste Management Plan**

Prior to commencement of works on the site the proponent will submit a waste management plan, to the satisfaction of the department.

*Responsibility – Proponent*

**B8. Landscape and Public Domain Management**

Future applications for project approval will be consistent with the Catherine Hill Bay/Gwandalan Landscape principles detailed in the Concept Plan. Detailed landscape plans are to be submitted with Project Applications.

*Responsibility – Proponent and Department of Planning*

**B9. Community Consultation**

A detailed programme for future community consultation will be formalised by the proponent and agreed by the Department, within three months after the determination date of the Catherine Hill Bay/Gwandalan Concept Plan to the satisfaction of the Department.

*Responsibility – Proponent*

**B10. Utilities**

Utilities will be provided as follows:

- Provision of water and sewer services by Hunter Water;
- Collection of stormwater for open space irrigation and third pipe system to individual dwellings.
- Carefully managed and treated stormwater discharges.

*Responsibility – Proponent and Hunter Water*

**B11. Traffic Management**

- Contribution to be made for upgrading intersection of Montefiore Street and Pacific Highway;
- Intersection of Hale Street and Flowers Drive to be re-designed to create an entry statement as well as creating a greater amenity to the existing corner property.
- The majority of Montefiore Street will be dedicated to the public.

*Responsibility – Proponent and RTA*

**B12. Community and Other Facilities**

The Proponent shall design and construct the following facilities:

- Clifftop reserve and walkway which will be available for public use;
- Existing Park to be landscaped and dedicated to the public. For clarity the existing park is that land between Hale Street and the existing village.
- Community facilities and retail/commercial space will be provided as part of the proposal.

*Responsibility – Proponent*

**B13. Heritage**

In the event that future project approval is granted to demolish buildings on the subject site, the impacts will be mitigated by the following procedures:

- The important historic, social and cultural significance of on site heritage items to be commemorated through a professionally written history of the subject site;
- Archival photographic recordings to be made of the significant buildings, the Catherine Hill Bay/Gwandalan site and the landscape elements on the Catherine Hill Bay/Gwandalan site, in accordance with NSW Heritage Council's guidelines.

*Responsibility – Proponent*

**B14. State Environmental Planning Policy Building Sustainability Index (BASIX)**

The proponent will comply with the NSW Government Building Sustainability Index targeting 40% reduction for potable water consumption, 40% reduction for greenhouse gas emissions and improvement in the thermal performance of all new residential buildings.

An Energy Savings Action Plan will be prepared in accordance with the requirements of the DWE and the Guidelines for Energy Savings Action Plans, DEUS 2005.

*Responsibility – Proponent*

**B15. Submission of Subsequent Applications**

The proponent will submit subsequent project applications for the development of the subject site in accordance with the conditions of approval to the Catherine Hill Bay/Gwandalan Concept Plan.

The proponent will submit further documentation for the subsequent Project Applications which will include (but not be limited to):

- Detailed landscape survey and design
- BASIX compliance
- Waste Management Plan
- Construction Management Plans
- Environmental Management Plans
- Compliance with the utility authorities' standards and reticulation requirements, and approval/permit processes.

*Responsibility – Proponent*

**B16. Developer Contributions**

The following Developer contributions are required towards the provision of public amenities and services as detailed in Appendix A:

	<b>Catherine Hill Bay</b>	<b>Gwandalan</b>
<b>Cash</b>	\$3,301,000*	\$1,936,145
<b>In Kind</b>	\$4,900,000	\$0
<b>Land</b>	245.4ha	80.4ha
<b>Cash Per Dwelling</b>	\$5501	\$10,353
<b>In Kind Per Dwelling</b>	\$8167	\$0
<b>Land Per Dwelling</b>	4090sqm	4302sqm

\*Includes provision of \$1million for new surf club which may contain in kind elements

**Timing of Payments**

In kind works will be provided with the release of the relevant precinct other than:

Coastal walk	with first phase of development
Village Park (5.2ha)	with first phase of development
Tennis courts and community centre	with development of Hamlet 2
Dedication of conservation areas	with approval of Concept Plan and rezoning

Cash payments to be provided on a per dwelling rate of \$5501 for Catherine Hill Bay and \$10,353 for Gwandalan excluding headworks charges. Catherine Hill Bay payments will be made prior to an Occupation Certificate for each dwelling (excluding the component due to the surf club). Gwandalan payments will be made prior to Subdivision Certificate being issued.

*Responsibility – Proponent*

## **APPENDIX A**

### **Catherine Hill Bay / Gwandalan Developer Contributions Plan**

#### **Explanatory Note**

The schedules that follow outline the developer contributions that are proposed to apply to the Catherine Hill Bay/Gwandalan Concept Plan. These schedules replace Section 94 contributions and provide for regional infrastructure.

In the absence of a S94 contributions plan specifically for the site, the contributions for Catherine Hill Bay are based on the Lake Macquarie City Council 2004 S94 plan for North Wallarah. Although this plan provides for facilities that will be fully funded by the North Wallarah Development, the same cost per dwelling total is applied to the Catherine Hill Bay site. The North Wallarah Plan was chosen because it is the most expensive applicable plan when compared to the Lake Macquarie 2004 City Wide S94 plan and the Wyong Council 2007 Munmorah S94 Plan.

The contributions for Gwandalan are based on the Gwandalan Section 94 Plan and the 2007 Shire Wide Infrastructure Services and Facilities Plan. Again, the per dwelling rate is carried forward rather than reducing rates to account for the greater number of dwellings available to finance facilities in the area. The only exception relates to open space embellishment for which the entire cost is provided for.

The contributions plans provide for \$1.9 million of cash for the 187 dwellings at Gwandalan and \$8.2 million of cash and in kind works for Catherine Hill Bay. All amounts exclude utility headworks charges which will be paid separately.

\$3 million of this total is provided as a regional infrastructure contribution which includes provision for the Pacific Highway road intersection upgrade. This money is to be paid to the State Government to finance the intersection works required at Catherine Hill Bay and to provide public transport enhancements for both sites through the Department of Transport.

**Catherine Hill Bay Developer Contributions Plan**

Public Purpose Items	Rate in Lake S94 North Macquarie Plan for Wallarah	Cost @ 600 Dwellings and 1500 people (occupancy 2.5)	On site provision	Total proposed agreement
Open Space				
a. Local Recreation Facilities	\$1,809pp	\$2,713,500	2.9ha (village greens and recreational areas) Value: \$2,500,000	2.9ha (worth \$2,500,000)
b. City Wide Recreation Facilities	\$47pp	\$70,500	Included in community facilities and open space	
c. Open Space Acquisition	22.7sqm pp	3.4 ha	5.2ha (Village Park) PLUS 7.3ha (Green Corridors within development envelope) Value: \$10,000,000	12.5ha (worth \$10,000,000)
Community Facilities				
a. Contribution	\$730pp	\$1,095,000	Coastal walkway 6 Playgrounds 2 Tennis Courts 1 Community Hall 1 Playing field (embellishment value only, land included above within 2.9ha of open space)	\$3,900,000 In kind
b. Land	1.13sqm (or \$45) pp	1,695sqm		
c. Surf Club	Up to \$1,000,000 towards construction of a new surf club subject to Rose involvement in design	\$1,000,000		\$1,000,000
Roads and Traffic and Management cycleways	\$242pp	\$363,000	Dedication Montefiore St, Cycleways provided Intersection provision in Regional Contribution	\$1,000,000 in kind
Wildlife Habitat	46.46spm pp(6.97ha)	7ha	310ha to be provided in total 230ha for Catherine Hill Bay	230ha
S94 Management	\$150 per lot	\$90,000		\$90,000 (cash)
Regional Infrastructure contribution (to include intersection works)	0	0	\$3,685 per dwelling	\$2,211,000 (cash)
<b>TOTAL</b>		<b>\$4,332,000 plus 10.5ha</b>		<b>\$8,198,600 cash and in kind plus 245.4ha</b>

\*Used as a guide because the rates are higher per dwelling than those for the Wyong Lake Munmorah Contributions Plan (November 2006) which requires \$5,509 per dwelling unit (2001 prices) for community facilities and open space and than those in the Lake Macquarie City Wide Plan.

\*\*If required by Council

NB All open space to be managed by community



**Gwandalan Developer Contributions Plan**

Public Items	Purpose	Rate in Wyong S94 Plan for Gwandalan (Nov 2006)	Cost @ 187 Dwellings	On site provision	Total proposed agreement
Open Space	There is an excess of open space in the area however, \$66,800 of embellishment works are identified  Internal park to be provided 4400sqm		\$66,800	0	\$66,800 *  4400sqm
Community Facilities		\$2,512 per dwelling	\$469,744	0	\$469,744
Roads and Traffic Management and cycleways		\$2,688 per dwelling	\$502,656	0	\$502,656
Wildlife Habitat		0	0	310ha to be provided accruing 80ha to Gwandalan	80ha
S94 Management		0	0	0	0
Infrastructure and Services		1,111.98 per dwelling*	\$207,940	0	\$207,940
Regional Infrastructure Contribution		0	0	\$3,685 per dwelling	\$689,095
TOTAL			\$1,247,140		\$1,936,145 cash Plus 80 ha and 4400sqm internal park

NB: Works identified in Plan do not recognise the 187 dwellings to be added. It is therefore likely that the costs apportioned by the study will be lower per DU as there are more DU available. The calculations here ignore that to allow for any additional works required.

\*\*Taken from Wyong Shire Council July 2007 City Wide Infrastructure and Services and facilities S94 Plan