

ENVIRONMENTAL ASSESSMENT

**ACCOMPANYING
PREFERRED PROJECT REPORT**

FOR

**THE MOONEE HAMLETS
CATHERINE HILL BAY, NSW**

HAMLET 2

PROPOSED RESIDENTIAL HOUSES

Prepared By

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**REPORT AND ENVIRONMENTAL ASSESSMENT
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Date: MARCH 2009
Prepared by: ROSE PROPERTY
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1.0 PROJECT DATA

Project Name: The Moonee Hamlets – Hamlet 2

Address: Catherine Hill Bay

PA Documents This Report includes:

Architectural Drawings: Conybeare Morrison International

Landscape Drawings: Context Landscape Design

Civil Drawings: Parsons Brinckerhoff

Draft Subdivision: Denny Linker & Co

Architectural Drawing List		
Drawing Number	Revision	Drawing Title
H2-000	C	Development Plan - Cover Sheet
H2-001	C	Precinct Plan
H2-002	C	Precinct Section
H2-003	C	Precinct Image No. 1
H2-004	C	Precinct Image No. 2
H2-005	C	Shadow Diagrams Mid Winter 21 st June
H2-006	C	7m House - Type I - Plans Elevations and Sections
H2-007	C	7m House - Type J - Plans Elevations and Sections
H2-008	C	7m House - Type K - Plans Elevations and Sections
H2-009	C	9m House - Type L - Plans Elevations and Sections
H2-010	C	9m House - Type M - Plans Elevations and Sections
H2-011	C	9m House - Type N - Plans Elevations and Sections
H2-012	C	9m House - Type O - Plans Elevations and Sections
H2-013	C	12m House - Type P - Plans Elevations and Sections
H2-014	C	12m House - Type Q - Plans Elevations and Sections
H2-015	C	15m House - Type R - Floor Plans
H2-016	C	15m House - Type R - Elevations and Sections
H2-017	C	15m House - Type S - Floor Plans
H2-018	C	15m House - Type S - Elevations and Sections
H2-019	C	18m House - Type T - Floor Plans
H2-020	C	18m House - Type T - Elevations and Sections
H2-021	C	18m House - Type U - Floor Plans
H2-022	C	18m House - Type U - Elevations and Sections
H2-023	C	Architectural Building Element Options

Landscape Drawing List		
Drawing Number	Revision	Title
07520 H2 L-0	C	Cover Sheet
07520 H2 L-1	C	H2 Landscape Concept Plan

Landscape Drawing List		
Drawing Number	Revision	Title
07520 H2 L-2	C	H2 Hamlet Common
07520 H2 L-3	C	H2 7m House 1 Type I Landscape Concept Plan
07520 H2 L-4	C	H2 7m House 2 Type J Landscape Concept Plan
07520 H2 L-5	A	H2 7m House 3 Type K Landscape Concept Plan
07520 H2 L-6	C	H2 9m House 1 Type L Landscape Concept Plan
07520 H2 L-7	C	H2 9m House 2 Type M Landscape Concept Plan
07520 H2 L-8	A	H2 9m House 3 Type N Landscape Concept Plan
07520 H2 L-9	A	H2 9m House 4 Type O Landscape Concept Plan
07520 H2 L-10	C	H2 12m House 1 Type P Landscape Concept Plan
07520 H2 L-11	A	H2 12m House 2 Type Q Landscape Concept Plan
07520 H2 L-12	C	H2 15m House 1 Type R Landscape Concept Plan
07520 H2 L-13	A	H2 15m House 2 Type S Landscape Concept Plan
07520 H2 L-14	C	H2 18m House 1 Type T Landscape Concept Plan
07520 H2 L-15	A	H2 18m House 2 Type U Landscape Concept Plan
07520 H2 L-16	C	Typical Details 1
07520 H2 L-17	C	Street Cross Sections 1
07520 H2 L-18	C	Street Cross Sections 2

Civil Design Drawing List		
Drawing Number	Revision	Title
2122743A-CIV-2010	A	MOONEE HAMLET - HAMLET 2 PROJECT APPLICATION - STAGE COVER SHEET
2122743A-CIV-2011	A	MOONEE HAMLET - HAMLET 2 PROJECT APPLICATION - OVERALL PLAN
2122743A-CIV-2012	A	MOONEE HAMLET - HAMLET 2 PROJECT APPLICATION - DETAIL PLAN - SHEET 1 OF 2
2122743A-CIV-2013	A	MOONEE HAMLET - HAMLET 2 PROJECT APPLICATION - DETAIL PLAN - SHEET 2 OF 2
2122743A-CIV-2061	A	MOONEE HAMLET - HAMLET 2 PROJECT APPLICATION - ROAD LONG SECTIONS - CAR COURT 01 - CH 0.000 TO CH 93.342
2122743A-CIV-2063	A	MOONEE HAMLET - HAMLET 2 PROJECT APPLICATION - ROAD LONG SECTIONS - CAR COURT 02 - CH 0.000 TO CH 61.500
2122743A-CIV-2065	A	MOONEE HAMLET - HAMLET 2 PROJECT APPLICATION - ROAD LONG SECTIONS - CAR COURT 03 - CH 0.000 TO CH 95.901
2122743A-CIV-2067	A	MOONEE HAMLET - HAMLET 2 PROJECT APPLICATION - ROAD LONG SECTIONS - CAR COURT 04 - CH 0.000 TO CH 90.000
2122743A-CIV-2069	A	MOONEE HAMLET - HAMLET 2 PROJECT APPLICATION - ROAD LONG SECTIONS - CAR COURT 05 - CH 0.000 TO CH 83.860
2122743A-CIV-2071	A	MOONEE HAMLET - HAMLET 2 PROJECT APPLICATION - ROAD LONG SECTIONS - CAR COURT 06 - CH 0.000 TO CH 90.000
2122743A-CIV-2073	A	MOONEE HAMLET - HAMLET 2 PROJECT APPLICATION - ROAD LONG SECTIONS - CAR COURT 07 - CH 0.000 TO CH 85.897
2122743A-CIV-2075	A	MOONEE HAMLET - HAMLET 2 PROJECT APPLICATION - ROAD LONG SECTIONS - CAR COURT 08 - CH 0.000 TO CH 96.251
2122743A-CIV-2077	A	MOONEE HAMLET - HAMLET 2 PROJECT APPLICATION - ROAD LONG SECTIONS - CAR COURT 09 - CH 0.000 TO CH 96.500
2122743A-CIV-2079	A	MOONEE HAMLET - HAMLET 2 PROJECT APPLICATION - ROAD LONG SECTIONS - CAR COURT 10 - CH 0.000 TO CH 81.886

Civil Design Drawing List		
Drawing Number	Revision	Title
2122743A-CIV-2115	A	MOONEE HAMLET - HAMLET 2 PROJECT APPLICATION - TYPICAL ROAD CROSS SECTIONS

Draft Subdivision Plan		
070701	3	PRECINCT SUBDIVISION 2 – HAMLET 2

2.0 EXECUTIVE SUMMARY

On the 2nd September 2008, approval was received for the Catherine Hill Bay & Gwandalan Concept Plan. This approval confirmed under Schedule 1, Part B that the Hamlet 2 Application(MP07_0110) is subject to further assessment under Part 3A of the ACT.

This EA is being submitted for works within Hamlet 2 including subdivision works, Car Court construction, House Construction and landscaping. A detailed description of the works applied for is setout below. This application is intended to be read in conjunction with the 'Catherine Hill Bay and Gwandalan Concept Plan' and the subsequent approval conditions submitted and approved under separate cover. This EA meets all of the requirements outlined in the Concept Plan.

3.0 DETAILED DESCRIPTION

This application is to enable construction of dwellings within Hamlet 2 in accordance with the approved concept plan for the Catherine Hill Bay / Moonee Hamlets development. The development is subject to part 3A of the Environmental Planning and Assessment Act (1979) as a Major Project, the consent authority is the NSW Minister for Planning.

As shown on the concept plan, the development site located adjacent to the proposed Village Green and Community Facilities and slopes down from Montefiore Street towards Moonee Beach at an even gradient. The main road system and perimeter road system is designed as part of the civil application works package. The car courts and pedestrian access "roads" are incorporated into this application.

Hamlet 2 is planned to be a Precinct within the main community title system. All the roads and parks including the part of the APZ will be the responsibility of the Precinct Management.

Should the project application be approved, the proponent will prepare and lodge subsequent construction certificate applications. Accordingly, the level of detail required with the project application is sufficient to quantify the extent of works and the likely impacts, however, further design work is required to provide sufficient level of detail for construction.

Civil Works

Whilst the bulk civil works is included in the Civil Application, this application requests detail profiling of each residential lot as well as construction of car courts and pedestrian access ways as well as installing all necessary services to each lot.

Subdivision

The original site was subdivided in accordance with the Concept Plan requirements to allow dedication of the offset lands. The current title of the site is broken into the following lots all in DP 1129872:

Lot 100 – Hamlets 6&7

Lot 101 – Hamlets 1-5

Lot 102 – Land to be dedicated to Council

Lot 103 – Wallarah Precinct

Lot 104 – Dedicated Land

Lot 105 – Dedicated Land under Lease Back for Remedial Works

Lot 106 – Not included in Developable Land

The Civil Application requested the subdivision of Lot 101 into 7 lots. This application requests that the Hamlet 2 lot be subdivided into 109 lots being 108 residential lots and 1 Precinct Lot.

Dedications and Access Arrangements

There are no dedication items included in this application.

Community Facilities

The Central Common is generally for the use of the Precinct and will be a landscaped park with playground facilities.

Landscaping

This application seeks approval to construct all landscaping shown on the landscape drawings. This includes the following areas:

- Street Landscaping
- Central Common
- Managed APZ at the bottom of Hamlet 2
- Private Residence Landscaping

4.0 SITE DATA

RPA Description Lot/DP:	Current description Lot 101 in DP 1129872
Street Frontage/s:	Montefiore Street
PA Site Area:	105,700m ²
Encumbrances / Easements	To be advised as the project is developed.

5.0 EXISTING DEVELOPMENT

Existing Buildings on the site to be retained:	There are no existing buildings on the site.
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6.0 DEVELOPMENT STATISTICS

Gross Floor Area (GFA):	27,888 m ²
Total Dwellings:	108
- 4 Bed Dwellings:	0
- 3 Bed Dwellings:	108
- 2 Bed Dwellings:	0
- 1 Bedroom Dwellings	0
Total Bedrooms:	324
No. Storeys (Concept Plan)	1 - 2
Resident Carparking Spaces:	216
Visitor Carparking Spaces Total:	284
- on street (shown on plans)	68
- off street (in driveway)	216
BCA Classification	
- Single dwelling	Class 1a
Bushfire Construction Level	Level 1

7.0 MATTERS FOR CONSIDERATION

(Environmental Planning & Assessment Amendment Act 1997 Sec 79c(1))

7.1 COMPLIANCE WITH PROVISIONS OF STATUTORY PLANNING INSTRUMENT/S CATHERINE HILL BAY CONCEPT PLAN CONDITIONS OF CONSENT

Condition	Description	Yes	No	Comment
B4 Hamlets 2-5	<p>The concept plan shall be modified so that a perimeter road is provided around Hamlets 2 to 5 (generally in the location shown), with the following design requirements;</p> <p>(a) a road reserve that satisfies relevant Australian standards and provides a two-way carriageway (sufficient to accommodate servicing vehicles), three metre wide parallel parking on the southern edge, and a verge to allow pedestrian movement. The verge shall be located adjacent to the residential development and the parking lane adjacent to the conservation lands;</p> <p>(b) the parking lane is to have a permeable finish;</p> <p>(c) the parking spaces are to be interspersed among landscape bays. The landscape bays in the parking lane shall not exceed 20% of the road length and shall be spaced every four car parking bays;</p> <p>(d) the planting of the landscaped bays shall be native plants and comply with the requirements of the NSW Rural Fire Service <i>Planning for Bushfire Protection Guidelines 2006</i>; and</p> <p>(e) internal planning within Hamlets 2 to 5 allow for adequate deep soil planting to ensure that proposed trees will have adequate space to establish and grow to their full potential height.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>✓</p>		<p>The perimeter road is designed and detailed in the Civil Application.</p> <p>Hamlet 2 has a total area of 105,700sqm. Residential buildings have a coverage of 25,293sqm or equivalent to 24% of the site area. As such, it is shown that there is adequate area for deep soil planting.</p>

	The Community Infrastructure Fund (CIF) referred in condition C2(1) shall be managed by equal representation of the Proponent, Lake Macquarie Council and representative(s) from the local community. The CIF is to be financed by a contribution from the Proponent of \$1,600 per lot and is to be paid in totality upon the issue of the Occupation Certificate for the 300 th lot at the Catherine Hill Bay site, unless otherwise agreed by the Director-General. The CIF management group shall decide (on the majority vote) on the nature of the project(s) to be funded in the local area, the timing for the delivery of the project(s), and the means through which the project(s) are to be delivered.		x	Not applicable to this application.
	As part of the project application for Hamlet 1, the Proponent is to demonstrate that: (a) an agreement has been reached between the Proponent and the relevant public authority for the dedication of the Coastal Walkway, Middle Camp Beach (areas south of existing surf club) and the Headland Reserve; (b) an agreement has been reached with the Council for the dedication of items specified in Statement of Commitment B17, and that the items to be dedicated are to be constructed in accordance with Council specifications.		x	Not applicable to this application.
C3 Public Access	Future project or development applications are to demonstrate that adequate arrangements are in place for the provision of public (pedestrian and vehicular) access (including the proposed legal mechanism) for the following: (a) all roads within Hamlets 2 to 5; (b) Hale Street and all of Montefiore Parkway; (c) the parklands and common areas; and (d) the coastal walkway.	✓		All roads that are not dedicated will have an open access way arrangement. Hale Street and Montefiore Parkway will be dedicated to Council. Parklands, Common Areas and Coastal Walkway will be controlled by the Community with public access easements in place. Refer to Appendix 2.

<p>C4</p> <p><i>Pacific Highway/ Montefiore Parkway Intersection</i></p>	<p>Prior to the lodgement of a project application for Hamlet 1, the Proponent is to demonstrate to the Director-General that an agreement has been reached with the NSW Roads and Traffic Authority with respect to the upgrade of the Pacific Highway and Montefiore Parkway. This agreement may consist of works-in-kind or monetary contributions. Any dispute between the Proponent and the RTA is to be mediated by the written determination of the Director-General.</p> <p>Any such upgrade shall be completed prior to the issue of any occupation certificate for dwellings located with the Catherine Hill Bay site.</p>		x	<p>Not applicable to this application, however please see Civil Application Appendix 9 for details.</p>
<p>C5</p> <p><i>Heritage - European</i></p>	<p>The project application for Hamlet 1 shall be accompanied by a Conservation Management Plan for the Wallarah House Heritage Precinct. The Conservation Management Plan shall provide for:</p> <p>(a) no additional dwellings or development within the precinct (other than that described in C5(1)(b) and excluding any ancillary facilities within the curtilage of not more than 1.8 metres in height); and</p> <p>(b) that Wallarah House is retained and that any adaptive re-use of Wallarah House is designed with consideration to heritage values and its setting. The Conservation Management Plan shall be submitted to the NSW Heritage Council for comment before being submitted to the Department.</p> <p>(2) In conjunction with the Conservation Management Plan, an interpretation strategy is provided that includes the former Moonee Colliery site, Wallarah House, the Jetty Masters Cottage, the Bin Building, Colliery Railway, Coal loader jetty and any other relevant heritage items that are to be retained. The interpretation strategy is to be prepared in consultation with the NSW Heritage Office.</p> <p>(3) The project application for Hamlet 1 shall detail the outcomes of the Proponent's investigation, in consultation with the Department of Lands and Coal and Allied, into the use of the Colliery Railway line for the development of a rail trail, in consultation with the Department of Lands and Coal and Allied.</p>		x	<p>Not applicable to this application.</p>

<p>C6</p> <p>Heritage - Aboriginal</p>	<p>The project application plan for Hamlet 1 shall include an Aboriginal Heritage Management Plan that applies to the Catherine Hill Bay (urban land). The Plan shall be prepared generally in accordance with the <i>Conservation Management Documents Guidelines on Conservation Management Plans and Other Management Documents</i> published by the NSW Heritage Council. All future project and development applications shall incorporate the relevant provisions of this management plan.</p> <p>(2) The Aboriginal Heritage Management Plan is to apply to the areas on which the development is to be carried out and address the following (where relevant):</p> <p>(a) the ongoing protection of Aboriginal heritage items known to occur in the surrounding area, such as the midden/artefact and red ochre sites that have been identified along T2, during the construction and operational phases of the development;</p> <p>(b) specific measures to be applied to works undertaken in close proximity to identified Aboriginal heritage items to protect and avoid impacts on these items. This shall include a component within the site induction program for construction works and an auditing program to ensure that there is no impact on heritage items;</p> <p>(c) procedures that would be followed should any previously unidentified heritage item be discovered during construction works at the site;</p> <p>(d) ongoing consultation with relevant Aboriginal Stakeholders in all aspects of this proposal;</p> <p>(e) procedures for all information from any documentation, surveys and oral histories 'sites of physical/spiritual cultural importance and those that represent the dreaming through stories that have been passed on about these sites' to be deemed culturally significant sites of great importance and to be set aside and preserved for the relevant Aboriginal Stakeholders;</p> <p>(f) if agreed to by the relevant Aboriginal Stakeholders and DECC, the inclusion of an interpretive station or theme into the development that details the history of the traditional owners/inhabitants of the land so as to give recognition to the Aboriginal Traditional owners of the area. The design and location of any station/theme shall be undertaken in consultation with the relevant Aboriginal Stakeholders.</p>		x	<p>Not applicable to this application. However, we have commissioned this report and the report should be available within the next 3 weeks.</p>
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	Future development and project applications that provide pedestrian access to areas adjoining the urban development are to be accompanied by an Aboriginal Heritage Assessment. This assessment is to address the impacts of the development and the proximity of the paths and access tracks and/or ease of access to sites containing known aboriginal archaeology and mitigation measures to protect the archaeological sites.			The Aboriginal Heritage Assessment is almost complete and will be issued as an addendum.
C7 Pedestrian Access to Moonee Beach	The project application for Hamlet 1 shall detail what arrangements have been made with DECC for the location and upgrades of the walking trails between the development footprint and Moonee Beach to manage the impacts associated with increased visitor usage.		x	Not applicable to this application.
C8 Coastal Walkway	<p>The project application for Hamlet 1 shall include detailed design plans for the coastal walkway. The plans for the coastal walkway are to be prepared in consultation with the future land owner and accompanied by an assessment of the stability of the cliff edge to determine if there are any areas where a setback greater than 25 metres from the cliff edge is required in order to ensure a safe walkway.</p> <p>(2) The plans identified in C8(1) are to address the following requirements:</p> <p>(a) a location and design that will minimise erosion and damage to coastal vegetation, including the consideration of raised, elevated steps;</p> <p>(b) a design and location that is safe for public accessibility; and</p> <p>(c) the ongoing maintenance requirements and responsibilities, noting exposed environment.</p>		x	Not applicable to this application.
C9 Bin Building	<p>Future applications for the adaptive re-use of the Bin Building must:</p> <p>(a) include public use (e.g. viewing platform) on the roof, with ancillary structures for shading or to enhance enjoyment of the rooftop (eg a kiosk/cafe);</p> <p>(b) be accompanied by a building assessment and supported geotechnical studies to verify that the structure is stable, safe and suitable for its intended use;</p> <p>(c) be limited to a height and scale no greater than previously existed on the site when used as part of the Colliery other than provided for in (a) above; and</p> <p>(d) not include reflective glass, undue lighting or an expansion in the size of the building.</p>		x	Not applicable to this application.

<p>C10</p> <p>Hamlet 1</p>	<p>The future project application for Hamlet 1 shall:</p> <p>(a) provide an appropriate footprint for each dwelling that</p> <p>(i) minimises the visibility of the dwelling when viewed from Catherine Hill Bay Village and Middle Camp Beach; and</p> <p>(ii) retains and preserves existing significant trees on site;</p> <p>(b) provide a minimum two resident car spaces (off-street) are located within the lot for each dwelling;</p> <p>(c) provide an adequate vegetated buffer between Hamlet 1 and Wallarah House to screen the development from the Catherine Hill Bay Village; and</p> <p>(d) provide an adequate vegetation to screen the car park (located on the corner of Montefiore Parkway and Clarke Street) from the Catherine Hill Bay Village and from the approach to Catherine Hill Bay along Montefiore Parkway.</p>		<p>x</p>	<p>Not applicable to this application.</p>

<p>C11</p> <p>Hamlets 2 to 5</p>	<p>The Project Application for Hamlet 2 and future applications for dwellings / development within Hamlets 3 to 5 shall:</p> <p>(a) demonstrate that adequate car parking is provided for public visitors accessing Moonee Beach;</p> <p>(b) be designed to ensure visual impacts from Moonee Beach and Munmorah State Conservation Area is minimised;</p> <p>(c) be designed so that development within Hamlets 2 to 5 are of low scale, have a maximum building height of two storeys and be nestled within a bushland setting;</p> <p>(d) provide a minimum two resident car spaces (off-street) are located within the lot for each dwelling (but not including visitor spaces);</p> <p>(e) provide a minimum 15 metre vegetated buffer between Montefiore Parkway and residential development to visually screen the development and protect the scenic approach along Montefiore Parkway in to Catherine Hill Bay;</p> <p>(f) identify that adequate deep soil areas are provided to ensure trees will have adequate space to establish and grow to their full potential height to ensure that development is nestled within a bushland setting;</p> <p>(g) provide details for the staging of development within Hamlets 2 to 5 first and demonstrate that the perimeter road (see Part B of this approval) will be provided with two access points to Montefiore Parkway and adequate car parking to service public use of Moonee Beach with the first stage of the development and for all subsequent stages of development;</p> <p>(h) be accompanied by a stormwater management plan that demonstrates that adequate measures are in place to minimise water quality and quantity impacts on the SEPP 14 wetland, the Intermittent Closing and Opening Lake and Lagoon (ICOLL) and creek to the south of Hamlets 2 to 5; and</p> <p>(i) provide details for the water capture and reuse scheme that demonstrates the following:</p> <p>i) measures to reduce demand on potable water supply;</p> <p>ii) management and maintenance arrangements; and</p> <p>iii) measures to ensure that downstream hydrological functions and biodiversity values including groundwater and groundwater dependent ecosystems are protected.</p>	<p>✓</p>	<p>(a) Visitor parking included with Perimeter Road. See Civil Application.</p> <p>(b,c&d) See architectural and landscape drawings for compliance.</p> <p>(e)included in Civil Application.</p> <p>(f)see response to Condition B4 page 7.</p> <p>(g) see Civil Application Appendix 8 for staging plan.</p> <p>(h)See response to Condition C15 on page 18.</p>
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<p>C12 Hamlets 6&7</p>	<p>Future applications for development within Hamlets 6 and 7 shall:</p> <p>(a) provide a minimum 15 metre vegetated buffer between Montefiore Parkway and residential development to visually screen the development and protect the scenic approach along Montefiore Parkway in to Catherine Hill Bay; and</p> <p>(b) be designed to ensure visual impact from Montefiore Parkway and Catherine Hill Bay Village is minimised;</p> <p>(c) be designed to address the following urban design and built form principles:</p> <p>i) development is to be sensitively set within the landscape and have minimal visual impact on the aesthetic values of the area; and</p> <p>ii) development is to be of a type and intensity which is sympathetic to the heritage values and character of the Catherine Hill Bay Precinct.</p> <p>iii) provision of a minimum two resident car spaces (off-street) are located within the lot for each dwelling, not including visitor spaces.</p>		x	Not applicable to this application.
	<p>Future applications for development within Hamlet 6 and 7 are to be accompanied by a detailed Bushfire Management Plan that demonstrates that the subject development (at all stages) complies with the <i>Planning for Bushfire Guidelines 2006</i> and details arrangements for the following:</p> <p>(a) the road network, lot layout and road density are appropriate for evacuation purposes;</p> <p>(b) ensure that property access roads (other than Montefiore Parkway) allow for the safe access, egress and defensible space for emergency services;</p> <p>(c) establish the composition of the APZs, including the inner and outer protection zones, especially in relation to the proposed building footprints;</p> <p>(d) detail the responsibility of ongoing maintenance requirements within the APZ to ensure compliance with required standards (for example the canopy spacing requirements); and</p> <p>(e) ensure that all APZs are located within the development footprint and outside the land zoned E1 - National Parks and Nature Reserves.</p>		x	Not applicable to this application..

	A management plan is to be provided with future applications for development within Hamlets 6 and 7 that demonstrates nutrient and sediment control measures are to be put in place to avoid any runoff from Hamlets having an adverse impact on the <i>Cryptostylis hunteriana</i> species.			Not applicable to this application.
C13 Environment Management Plan	<p>As part of the project application for Hamlet 1, the Proponent shall include an <i>Environmental Management Plan</i> that provides details for the implementation of the recommendations of the Harper Somers O'Sullivan Report (2007) for the entire Catherine Hill Bay site.</p> <p>(2) The Environmental Management Plan is to address the following;</p> <p>(a) Mapping of the Littoral Rainforest to determine the exact extent of the community;</p> <p>(b) Protection and minimisation of disturbance to the white bellied sea eagle nest occurring in the offset lands in consultation with DECC;</p> <p>(c) Minimising the amount of clearing in areas defined as native vegetation communities, especially areas containing vegetation consistent with EECs;</p> <p>(d) The preparation of a <i>Tetratheca juncea</i> management plan to ensure the long term conservation and survival;</p> <p>(e) Retention of mature or hollow bearing trees wherever possible;</p> <p>(f) Species selection for future landscape works and seed stock for revegetation to be limited to locally occurring native species;</p> <p>(e) Protection of drainage lines during construction and nutrient and sediment control management.</p>	✓		Not applicable to this application, however, please see Civil Application Appendix 10 for details.

<p>C14</p> <p>Contamination</p>	<p>Future development or project applications shall be accompanied by an asbestos management plan that addresses the possibility of uncovering hidden or undetected asbestos during future site earthworks, and details how any asbestos would be handled and disposed of.</p> <p>(2) Future development or project applications shall be supported by a Remedial Action Plan prepared by a recognised and suitably qualified professional that identifies and details the methodology and work to be undertaken to ensure that the land can be made suitable for the intended purpose. The Remedial Action Plan must be accompanied by a statement from a site auditor accredited by the Department of Environment and Climate Change to issue site audit statements.</p> <p>(3) Future development or project applications in which remediation work is required to make the site suitable for the intended use, must require:</p> <p>(a) the Proponent (or Applicant if subject to Part 4 of the Act) to submit a Site Audit Statement and Validation report to the certifying authority upon completion of the remediation works. The Site Audit Statement shall be prepared in accordance with the <i>Contaminated Land Management Act 1997</i> and completed by a site auditor accredited by the Department of Environment and Climate Change;</p> <p>(b) an independent site auditor to routinely investigate the site during construction to ensure that the requirements of the Remedial Action Plan and/or the conditions of the Site Audit Statement are complied with; and</p> <p>(c) that access or use of any landscaped area is not permitted until such time as a Site Audit Statement is submitted demonstrating that the land is suitable for the intended use.</p> <p>(4) The certifying authority shall not issue an occupation certificate for any structure or building until such time as a site audit statement is provided demonstrating that the land is suitable for the intended purpose.</p>	<p>✓</p>	<p>Further Geotechnical studies have commenced on site and are due to completed shortly. A site auditor has been appointed and an RAP is to be prepared for the site in the next 3 weeks. Based on previous studies, it has been confirmed that the site could be made suitable for residential purposes and may be classified as Category 2 Works. Please see Civil Application Appendix 11 for details.</p> <p>Any remediation works would be carried out at the same time as the civil works and the necessary audit procedures adhered to.</p> <p>This application does not deal with the concrete in the washery area as this will be part of the Hamlet 1 Application.</p>
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<p>C15</p> <p>Water Quality</p>	<p>As part of the project application for Hamlet 1, the Proponent is to demonstrate to the Director-General that the pre-development condition and water quality levels of the SEPP 14 wetland, the Intermittent Closing and Opening Lake and Lagoon (ICOLL) and creek to the south of Hamlets 2 to 5 (to the south of the Catherine Hill Bay/ Moonee Hamlets site) have been established, and that a monitoring program has been established to monitor all construction phases of development at the site. This work shall be undertaken by a suitably qualified and experienced professional.</p> <p>Water quality monitoring shall be undertaken on a minimum three monthly basis and the results shall be detailed in a report that includes:</p> <p>(c) an assessment of the data against relevant water quality standards and the baseline data collected prior to the commencement of any works at the site,</p> <p>(d) identification of any instance where the water quality results exceed the relevant standards; and</p> <p>(e) identification of all appropriate mitigation measures made to comply with the relevant standards in the event of the criteria being exceeded.</p> <p>The report shall be provided to the Department of Environment and Climate Change, Council and any other relevant agency.</p> <p>(2) As part of the project application for Hamlet 1, the Proponent is to demonstrate to the Director-General that a long-term groundwater monitoring program shall be established to monitor the impact of the development on the SEPP 14 wetland. The program is to be prepared in consultation with the Department of Water and Energy and consist of a number of appropriately located sentinel bores with piezometers at suitable depths. Monitoring parameters are to include contaminants associated with the urban development including those emanating from road surfaces.</p>		x	<p>Not applicable to this application. However, the report has been commissioned and should be available within the next 3 weeks.</p>
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C16 Interface Issues	<p>As part of the project application for Hamlet 1, a management and monitoring plan is to be prepared for the entire site at Catherine Hill Bay in consultation with the relevant adjoining land owner that addresses the following interface management issues between the development lands and Munmorah State Conservation Area and the dedication lands:</p> <ul style="list-style-type: none"> (a) Pedestrian access arrangements; (b) Edge effects; (c) Sediment and erosion control measures; (d) Water quality and quantity; (e) Potential impact of domestic animals; and (f) Management of exotic plant distribution. <p>The management plan identified in (1) above is to identify monitoring and mitigation measures to ameliorate impacts on the adjoining Munmorah State Conservation Area and the dedication lands.</p>		x	Not applicable to this application. However, the report has been commissioned and should be available within the next 3 weeks.
C18 Design Guidelines	<p>Future project and development applications for the construction of dwellings (excluding exempt and complying dwellings) are to be accompanied by design guidelines that reflect the use of materials and finishes that harmonise with the surrounding bushland environment and result in a high quality development.</p>	✓		Not applicable to this application.
C19 Geotechnical	<p>Future project or development applications for construction of any dwellings, buildings or structure at the Sites must:</p> <ul style="list-style-type: none"> (a) be accompanied by a report prepared by a recognised and suitably qualified professional engineer that demonstrates adequate measures have been taken to limit the impact from mine subsidence and outlines how the construction will meet the relevant Australian standards; (b) demonstrate that the proposed structures are capable of meeting the requirements of the Mine Subsidence Board; and (c) demonstrate that stability, subsidence potential, and load bearing capacity of the site have been addressed through the proposed building design. 		x	It is not possible to comply with this condition at this stage of the development . We request that this condition be included as a pre-requisite for a Construction Certificate on each dwelling.

C20 BASIX	Future applications for the construction of buildings on the subject site will be in accordance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.	✓		Please see generic BASIX certificate in Appendix 4.
C21 Possible Sea Level Rises	Future applications are to address impacts of possible sea level rise and coastal inundation on the proposed development and proposed safeguards to mitigate impacts.	✓		Please see Sea Level Rises report included with Civil Application Appendix 12.

7.2 STATE ENVIRONMENTAL PLANNING POLICY(MAJOR PROJECTS) 2005(AMENDMENT No.26)

Guiding Principle	Comment
Division 1 - Preliminary	Hamlet 2 is part of the land in South Wallarah Peninsula Site.
Division 2 – Provisions Applicable to all Development	Hamlet 2 is part of the R2 Zone for Low Density Residential Development. Clauses 9, 10, 11, 12, 13, 14, 19, and 20 are not applicable to this application. The application complies with all other conditions. A Voluntary Planning Agreement that covers designated public infrastructure has been applied for under separate cover to satisfy Clauses 22 and 23.
Division 3 - Miscellaneous	Not Applicable

8.0 COASTAL POLICY DESIGN GUIDELINES

Guiding Principle	Comment
PRINCIPLE 1: Built Form Guidelines for all Sites	
Develop risk assessment and responses to address the effects of coastal processes.	Not Applicable.
Reinforce the clarity of the settlement structure with new buildings that are appropriate.	Buildings are proposed in conjunction with the overall development structure configuration.
Reinforce the desired future character of the settlement.	Buildings are in keeping with the desired character of the overall settlement.
Consider the appropriateness of new buildings within whole streetscape.	Buildings are proposed in conjunction with the overall streetscape image.
Maintain consistent setbacks and street-edge configurations.	Setbacks are consistent and are in keeping with the Concept Plan.
Ensure buildings address the street by providing direct on-grade entries.	Provided.
Rationalise car related uses on site.	Car use rationalised on a hamlet and lot basis.
Protect views from public places and streets by maintaining consistent setbacks.	Setbacks are consistent and are in keeping with the Concept Plan.

Protect local views and vistas throughout and surrounding the settlement from public places by relating new buildings to the topography, reducing heights and maintain consistent height, bulk and scale.	Views are protected.
Ensure that controls are coordinated to produce desired building form and site configuration for developments.	Buildings are in keeping with the desired character of the overall settlement in terms of builtform and configuration. Building forms are broken into smaller volumes.
<p>Ensure developments and neighbouring properties have:</p> <ul style="list-style-type: none"> • Access to daylight • Access to natural ventilation • Visual privacy • Acoustic privacy • Private open space • Pleasant microclimate 	Buildings will comply with provisions of BASIX.

PRINCIPLE 2: Prominent Coastal Sites

Recognise and document prominent coastal sites.	Buildings are pulled back from the most sensitive areas.
Ensure development is no bigger in scale, depth, FSR, height and footprint than existing buildings.	There are no existing buildings on the site of Hamlet 2.
<p>Create a public interface to the site and ensure development does not degrade the public nature of the site by:</p> <ul style="list-style-type: none"> • Reinforcing public and active uses • Setting development back to ensure public open spaces • Ensure building edges adjoining public spaces reinforce public uses. 	Provided in specific building plans by ground level entries, street articulation and active building interface areas.
Mitigate overshadowing of public open spaces and the foreshore by applying standard rules.	Buildings will comply with provisions of BASIX.
Define the boundaries of the site with a public edge.	Edges defined by public elements and public ways.
Ensure buildings have well articulated and scaled elevations.	Buildings are in keeping with the desired character of the overall settlement in terms of builtform and configuration. Building forms are broken into smaller volumes with individually articulated facades.

PRINCIPLE 3: On Dunes and Foreshore reserve

Only allow development for essential public purposes such as surf life saving	Not Applicable. No development is proposed for dune areas.
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club buildings.	
Minimise building footprints and heights and manage servicing so as not to adversely impact foreshore ecologies.	Not Applicable. No development is proposed for dune areas.
Clearly define pedestrian and vehicular access to the facility through the dunes and to the foreshore via minimum width widths, direct and controlled pathways.	Not Applicable. No development is proposed for dune areas.

PRINCIPLE 4: Along Settlement Edges

Prevent the privatisation of public open spaces by ensuring development adjacent to the edge maintains public access.	Edges defined by public elements and public ways.
Provide adequate building setbacks to allow for asset protection zones.	Provided.
Design buildings to address open spaces and edge roads.	Provided in specific building plans by ground level entries, street articulation and active building interface areas with public ways.

PRINCIPLE 5 : In Settlement Centres Adjacent to the Coastal Edge or Foreshore Reserve

Compliment and coordinate the centre's hierarchy of built form with lower buildings adjacent to the foreshore and higher buildings away from the foreshore.	Buildings are in keeping with the desired character of the overall settlement in terms of builtform and configuration. Building heights are not located on any foreshore.
Mitigate overshadowing of public open spaces and the foreshore by applying standard rules.	BASIX applied to structures and structures are limited to two storeys.
Reinforce the visual amenity of public places and streets throughout the settlement by ensuring development does not build into important vistas.	Important vistas are framed.
Create a public interface to the street by: <ul style="list-style-type: none"> Reinforcing public and active uses especially on the ground floor of buildings. Ensuring the ground floor of the building is level with the street. 	Provided in specific building plans by ground level entries, street articulation and active building interface areas with public ways.
Where there is no existing street between the site and the coastal edge, define this boundary with a publicly assessable edge.	Edges defined by public elements and public ways and other accessible passages.
Ensure buildings have well articulated and scaled elevations.	Buildings are in keeping with the desired character of the overall settlement in terms of builtform and configuration. Building forms are broken into smaller volumes with individually articulated facades.
Support building types that locate	Primary residential car parking is located within house footprints and

carparking at the rear of the sites accessible from laneways or secondary streets or locate carparking under and in-line with the buildings footprint.	accessed from rear car courts. Car courts also provide visitor parking.
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PRINCIPLE 6 : Settlement Centres away from the Coastal Edge and the Foreshore reserve

Compliment and coordinate the centre's hierarchy of built form.	Buildings are proposed in conjunction with the overall streetscape image.
Encourage mixed use retail, commercial and residential buildings.	Not Applicable. Hamlet 2 is limited to residential development.
Encourage block edge, street aligned buildings with consistent setbacks.	Consistent setbacks and form applied.
Activate the building edge with well articulated elevations.	Buildings are in keeping with the desired character of the overall settlement in terms of builtform and configuration. Building forms are broken into smaller volumes with individually articulated facades.
Provide active street level uses.	Provided in specific building plans by ground level entries, street articulation and active building interface areas with public ways.
Encourage buildings that have a high level of residential amenity.	Provided through good design and design controls.
Maintain view corridors from all streets.	Principal streets maintain view corridors to the sea.
Support building types that organise carparking at the rear of sites accessible from laneways.	Primary residential car parking is located within house footprints and accessed from rear car courts.
Prohibit buildings over or into streets and laneways etc.	Done.

PRINCIPLE 7 : Along Main Streets

Maintain the main street's visual connections to landmarks, vistas, views etc.	Non Applicable. Hamlet 2 is not a 'Main Street' precinct.
Activate the main street with GF uses such as retail, café etc.	Non Applicable. Hamlet 2 is not a 'Main Street' precinct.
Minimise on-grade car related uses on the street front.	Non Applicable. Hamlet 2 is not a 'Main Street' precinct.
Plan buildings within the streetscape built form design.	Non Applicable. Hamlet 2 is not a 'Main Street' precinct.
Reinforce the streetscape with well articulated building elevations consistent in scale, proportion and detail.	Non Applicable. Hamlet 2 is not a 'Main Street' precinct.
Ensure new buildings contribute to the	Non Applicable. Hamlet 2 is not a 'Main Street' precinct.

amenity of public open spaces.	
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PRINCIPLE 8 : Heritage/Significant Elements

Development adjacent to heritage items should respond to heritage protection controls.	Non Applicable. Hamlet 2 does not contain any heritage items.
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PRINCIPLE 9: Along the Coastal Edge or the Foreshore Reserve in a new Settlement Location

In new developments, define the edge between public private land along the coastal edge and the foreshore.	Edges defined by public elements and public ways and other accessible passages.
In new locations provide generous setbacks to mitigate coastal hazards.	Provided.
Recognise streetscape character through consistent building setbacks and fencing.	Buildings are proposed in conjunction with the overall streetscape image and consistent setbacks have been incorporated into the design.
Ensure 30% of the site is maintained as deep soil zone.	Provided.

9.0 THE LIKELY IMPACTS OF THE DEVELOPMENT

CONTEXT & SETTING	<p>The site is bounded by Montefiore Street to the north, bush areas to the west, south and east.</p> <p>The site is identified as Hamlet 2.</p> <p>The development of Hamlet 2 has been designed in association with the design of Hamlet 1 to ensure an integrated design solution. Adjacent sites have been master planned and are indicated in the Concept Plan.</p>
ACCESS, TRANSPORT & TRAFFIC	Vehicular access to the site is from Montefiore Street. Parking is provided on individual lots for all residents. Some visitor parking is also provided on Individual lots and in car courts.
PUBLIC DOMAIN	The design of the buildings are consistent with Public Domain indicated in the Concept Plan.
UTILITIES	Power, water and telecommunications are available to each building in the development. Storm water and sewage will be provided to each building lot and building. The stepped form of dwellings will allow opportunities for capturing water views over the public domain spaces.
HERITAGE	N/A There are no heritage items within Hamlet 2.
OTHER LAND RESOURCES	N/A
WATER	The proposal indicates stormwater retention and storage to ease pressure on the Board's supply.

SOILS	The development site will be remediated and certified suitable for residential use.
AIR & MICROCLIMATE	Discharges to the atmosphere will include bathroom exhausts, in accordance with the relevant standards.
FLORA & FAUNA	The majority of the subject sites have been remediated and support regrowth in the form of grasses and bush. Extensive landscaping of the site is proposed and will be undertaken on an individual lot basis to be consistent with the Public Domain of the Concept Plan.
WASTE	A waste Management Plan accompanies the application prepared in accordance with the Moonee Hamlets Waste Management Plan applicable to the whole area.
ENERGY	<p>The buildings will meet BASIX requirements.</p> <p>Major glazed areas are shaded by overhanging roofs and/or verandas. Indoor and outdoor living areas will have solar access for more than 3 hours per day. Dual flush toilet cisterns and water efficient shower heads will be used.</p>
NOISE & VIBRATION	Air conditioning plant will be treated to ensure that neither occupants nor neighbours are affected by noise nuisance.
NATURAL HAZARDS	NA
TECHNOLOGICAL HAZARDS	NA
SAFETY, SECURITY & CRIME PREVENTION	Access to each dwelling will be from the public domain and visible from other dwellings. The dwellings are designed to ensure that a lively dialogue with the public ways takes place and that 'eyes on the street' are provided.
SOCIAL IMPACT ON LOCALITY	This proposal forms part of an ongoing development at Moonee and will contribute to the accessibility of this part of the coast for residents and visitors.
ECONOMIC IMPACT ON LOCALITY	The proposal will provide a greater economic base for visitors and residents of this area.
SITE DESIGN & INTERNAL DESIGN	The building design responds to the site and its surroundings. Internal design, living spaces and amenities are to be of a high quality.
CONSTRUCTION	<p>Construction will require heavy vehicles to deliver building materials to the site. Heavy vehicles will be restricted to entering and leaving the site through Montefiore Street avoiding passage through Catherine Hill Bay.</p> <p>Vehicles belonging to workers engaged on the site will be required to be parked within designated areas within the Moonee Hamlets site.</p>

CUMULATIVE IMPACTS	Any negative impacts are generally of a minor or temporary nature (such as construction impacts) and are offset by positive economic impacts and landscape improvements.
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10.0 EXTERNAL MATERIALS, FINISHES & COLOURS

The external materials, finishes and colours will be consistent with the palette precedents for other Hamlets within the Concept Plan. Final paint colours will fit with this theme, but may vary within the general theme.

Item	Material	Finish/Colour	Scheme				
			A	B	C	D	E
Driveways	Insitu concrete, bitumen paving	Dark Grey	✓	✓	✓	✓	✓
Paths	Stone, brick, timber	Muted Earth Tones	✓	✓	✓	✓	✓
Garden Walls	Stone, brick	Sandstone	✓	✓	✓	✓	✓
Fencing	Painted Timber pickets	Dulux 'Antique White USA' 73412, Dulux 'Vivid White' PW1.H9	✓	✓	✓	✓	✓
Privacy Screens	Painted Timber or Powdercoated Aluminium	Dulux 'Antique White USA' 73412, Dulux 'Vivid White' PW1.H9	✓ ✓	✓ ✓	✓ ✓	✓ ✓	✓ ✓
Roof	Colourbond Ribbed profile metal sheeting or American Shingle "Independence"	Colourbond 'Dune', Colourbond 'Jasper' Colourbond 'Shale Grey' Colourbond 'Ironstone' Colourbond 'Windspray' Colourbond 'Bushland' Colourbond 'Woodland Grey'	✓ ✓	✓ ✓	✓ ✓	✓ ✓	✓ ✓
Fascia/Trim	Painted Timber, Zinalume	Dulux 'Antique White USA' 73412, Dulux 'Vivid White' PW1.H9	✓ ✓	✓ ✓	✓ ✓	✓ ✓	✓ ✓
Gutters/RWPs	Half round zinalume/ Colourbond	Dulux 'Antique White USA' 73412, Dulux 'Vivid White' PW1.H9	✓ ✓	✓ ✓	✓ ✓	✓ ✓	✓ ✓
Eaves	Painted FC Sheet	Dulux 'Antique White USA' 73412, Dulux 'Vivid White' PW1.H9	✓ ✓	✓ ✓	✓ ✓	✓ ✓	✓ ✓
Walls	a) Masonry/render, feature coursing joints b) Flush jointed brick c) Painted FC weatherboard	Dulux 'White Duck' P16.B1 Dulux 'Powdered Rock' P15.A2 Dulux 'Stepney' PG2.C4 Dulux 'Bilby' PG2.B6 Dulux 'Endless Dusk' PG1.F3 Dulux 'Hat Stand' PG1.B6 Dulux 'Light Glaze' P10.B2 Dulux 'Natural Stone' P10B3 Dulux 'Viridis' PG2.D4 Dulux 'Klute' PG1.F5	✓ ✓	✓ ✓	✓ ✓	✓ ✓	✓ ✓
Windows	Painted Timber, Powdercoated Aluminium	Dulux 'Antique White USA' 73412, Dulux 'Vivid White' PW1.H9	✓ ✓	✓ ✓	✓ ✓	✓ ✓	✓ ✓

Louvres/shutters	Painted Timber or Powdercoated Aluminium	Dulux 'Antique White USA' 73412, Dulux 'Vivid White' PW1.H9	✓ ✓	✓ ✓	✓ ✓	✓ ✓	✓ ✓
Soffits/parapets	Painted FC Sheet	Dulux 'Paving Stone' P15A3 Dulux 'Burnt Red' P04D7 Dulux 'Simone Weil' PG1A4 Dulux 'Mocha Magic' P10B5 Dulux 'Tristan' PG2C5	✓	✓	✓	✓	✓
Balustrading & Handrails	Painted Timber, Powdercoated Aluminium	Dulux 'Antique White USA' 73412, Dulux 'Vivid White' PW1.H9	✓ ✓	✓ ✓	✓ ✓	✓ ✓	✓ ✓

11.0 WASTE MANAGEMENT PLAN

Within Individual dwelling

A waste storage area is provided under the sink in the kitchen cupboard sufficient to hold one days waste. Adequate space is provided for occupants to have separate containers / bins for garbage and recyclables.

Garbage and recycling bins

Garbage and recyclable material is placed in bins in garage and wheeled out to the kerbside for collection. Assuming weekly collection, the following storage provisions have been made:

Garbage: Per Council Requirements
 Recyclables: Per Council Requirements
 Vegetable Waste: Per Council Requirements

Assuming weekly collection, the following storage provisions have been made:

Garbage: 120 litres / dwelling
 Recyclables: 120 litres / dwelling
 Total: 2 bins

Recyclables (to be co-mingled) include:

- Steel and aluminium cans
- Glass bottles and jars
- Milk and juice cartons
- Newspapers, cardboard and magazines
- Plastic Bottles (PET, HDPE)

Recycling bins will be distinguished by provision of a different coloured lid.

Garbage Bin Collection Areas

The occupiers will move the bins from the garage to the kerbside once a week, for collection by Council's contractor, and will return the empty bins to the garage.

Garden Waste

Communal landscaped areas will be maintained by contractors employed by the Community Association who will be required to remove any garden waste they generate.

RECYCLING DURING CONSTRUCTION

Building contractors will be required to prepare a Waste Management Plan for construction works in accordance with relevant regulations.

APPENDIX 1 DRAFT STATEMENT OF COMMITMENTS

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 A2.

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.

PART A — ADMINISTRATIVE CONDITIONS

A1. Development Description

The Project Application is to permit the following:

- Subdivide the Site into 109 individual land lots
- Approve a Precinct Management Statement under the umbrella of the Proposed Community Management Scheme.
- Carry out civil works to enable construction of roads and services to service the Hamlet.
- Construct one hundred and eight(108) freestanding houses.
- Construct a precinct park and bush corridor.
- Carry out landscape works within each lot.

A2. Development in Accordance with Plans

The development shall be generally in accordance with the Catherine Hill Bay/Gwandalan Concept Plan 2007.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Details and Changes

B1. Development Control

Any departure from the terms of the Catherine Hill Bay/Gwandalan Concept Plan 2007 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. Outdoor Lighting

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*.

Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

Responsibility – Proponent

B3. Treatment of Vehicular Entry

In order to improve the appearance of buildings when viewed from the street, any part of the walls and ceilings of vehicular entry points that are visible from the street shall be adequately finished and no service ducts or pipes are to be visible.

Responsibility – Proponent

B4. Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with AS1428 parts 1-4 where applicable. Prior to the issue of a Construction Certificate for subsequent project applications, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

Responsibility – Proponent

B5. Erosion and Sedimentation Control

A Soil erosion and sediment control plan shall be submitted to the Certifying Authority. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Responsibility – Proponent

B6. Geotechnical

Provide a geotechnical report confirming classification of soil and that the house footing design complies with AS2870. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Responsibility – Proponent

Traffic & Parking

B7. Number of Car Spaces

The maximum number of car spaces to be provided for the development shall comply with the Environmental Assessment. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate for subsequent project applications.

Responsibility – Proponent

B8. Number of Bicycle Spaces

Bicycle spaces are to be provided in accordance with the Environmental Assessment. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate for subsequent project applications.

Responsibility – Proponent

B9. 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

Waste Management

B10. Storage and Handling of Waste

The design and management of facilities for the storage and handling of waste will comply with the requirements of the Waste Management Plan. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate for the subsequent project applications.

Responsibility – Proponent

PART C — PRIOR TO COMMENCEMENT OF WORKS

Excavation Works

C1. Notice to be Given Prior to Excavation

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

Responsibility – Contractor

C2. Traffic & Pedestrian Management Plan

Prior to the commencement of any works on the site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) ingress and egress of vehicles to the site,
- (2) loading and unloading, including construction zones,
- (3) predicted traffic volumes, types and routes,
- (4) pedestrian and traffic management methods, and

The Applicant shall submit a copy of the approved plan to the Department.

Responsibility – Contractor

C3. Noise and Vibration Management Plan

Prior to the commencement of any works on the site, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Director. The Plan shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources,
- (2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,
- (3) The construction noise objective specified in the conditions of this consent,
- (4) The construction vibration criteria specified in the conditions of this consent,
- (5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- (6) Noise and vibration monitoring, reporting and response procedures,
- (7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
- (8) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- (9) Justification of any proposed activities outside the construction hours specified in the conditions of this consent.
- (10) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
- (11) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration,
- (12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints,

The Applicant shall submit a copy of the approved plan to The Department..

Responsibility – Contractor and Proponent

C4. Construction Noise Objective

Approved silencing measures shall be provided and maintained on all power-operated plant used in demolition, excavation, earthworks, and construction of the building, or work.

Responsibility – Contractor

PART D — PRIOR TO SUBDIVISION OR STRATA SUBDIVISION

D1. Subdivision of Land

This consent allows for a 109 lot land subdivision. A subdivision certificate for complying development may be issued by an accredited private certifier under Division 3 of Part 23 of the Conveyancing Act 1919.

Responsibility – Proponent

D2. Strata Subdivision

This consent allows for the creation of a maximum of NIL strata lots. The Strata subdivision is Exempt Development and may be issued by an accredited private certifier.

Responsibility – Proponent

PART E — PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Engineering

E1. Fire Safety Certificate

A Fire Safety Certificate will be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of subsequent project approvals prior to issue of the relevant Occupation Certificate(s). A copy of the Fire Safety certificate must be submitted to the consent authority and Department by the PCA.

Responsibility – Private Certifying Authority

E2. Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the applicant will provide evidence to the satisfaction of the PCA, prior to the issue of the relevant Occupation Certificates, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The relevant project approval(s) and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

Responsibility – Contractor

E3. Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of the relevant Occupation Certificate(s) and/or use of the premises for subsequent project applications.

Responsibility – Contractor

Easements

E4. Registration of Easements

Prior to the issue of the relevant Occupation Certificate for subsequent project applications, the applicant shall provide to the PCA evidence that all easements required by this approval and subsequent project approvals, and other relevant consents have been or will be registered on the certificates of title.

Responsibility – Proponent

APPENDIX 2 DRAFT PRECINCT MANAGEMENT STATEMENT

**Moonee Hamlet 2
Subdivision of Lot [insert] in DP 270[insert]
Precinct Management Statement**

H:\Catherine Hill Bay\Authorities\Applications to Department of Planning\Hamlet 2 Application\Draft Subdivision

Plan\Hamlet 2 Draft
Precinct Management
Statement.docPage of
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COMMUNITY LAND DEVELOPMENT ACT 1989

COMMUNITY LAND MANAGEMENT ACT 1989

Precinct Management Statement

WARNING

The terms of this Management Statement are binding on the Precinct Association and each Subsidiary Body within the Precinct Scheme and each person who is a proprietor, lessee, occupier and mortgagee in possession of a Precinct Development Lot or Precinct Lot within the Precinct Scheme.

This statement should be read in conjunction with the Community Management Statement of Community Association DP270[insert] which is binding upon the Precinct Scheme as a Subsidiary Body of the Community Scheme.

Definitions

A Statutory Definitions

A word has the meaning given to it by a definition in the Community Titles Legislation if:

- (a) it is defined in the Community Titles Legislation; and
- (b) used but not defined in this Management Statement.

B Further Definitions

In this Management Statement these terms (in any form) mean:

Annual General Meeting an annual general meeting of the Precinct Association other than the first annual general meeting;

Architectural and Landscape Guidelines the architectural and landscape guidelines for the Community Scheme or the Precinct Scheme as applicable;

Bushfire Evacuation Plan the “Bushfire Evacuation Plan” attached to the Community Management Statement as amended from time to time;

Community Association the community association constituted on registration of the Community Plan;

Community Development Lot has the same meaning as in the Community Management Statement;

Community Management Statement the community management statement registered with the Community Plan;

Community Parcel the land the subject of the Community Scheme;

Community Plan deposited plan 270[insert];

Community Scheme the community scheme constituted on registration of the Community Plan;

Community Titles Legislation the Development Act and the Management Act;

Concept Plan the Concept Plan attached to this Management Statement;

Development Act the Community Land Development Act 1989;

Development Activities has the same meaning as in the Community Management Statement;

Executive Committee the executive committee of the Precinct Association as constituted or elected under this Management Statement and the Management Act;

Government Agency a governmental or semi-government, administrative, fiscal or judicial department or entity, a statutory authority or a local council;

Landscaped Areas the external landscaped areas of Precinct Property which are marked "Landscaped Areas" on the Concept Plan ;

Law includes:

- (a) the provisions of a statute, rule, regulation, proclamation, ordinance or by-law, present or future, whether state, federal or otherwise; and
- (b) a requirement, notice, order or direction received from or given by a statutory, public or other competent authority;

Management Act the Community Land Management Act 1989;

Management Statement this precinct management statement;

Managing Agent an agent appointed under section 50 of the Management Act;

Occupier any person in lawful occupation of a Precinct Lot;

Owner a person for the time being recorded in the register as entitled to an interest in fee simple in a Precinct Lot;

Permitted Person a person on the Precinct Parcel with the express or implied consent of an Owner or Occupier or the Precinct Association;

Precinct Association the precinct association created on registration of the Precinct Plan;

Precinct Lot a lot in the Precinct Plan but does not include the Precinct Property;

Precinct Parcel the land the subject of the Precinct Scheme;

Precinct Plan the precinct plan registered with this Management Statement;

Precinct Property lot 1 in the Precinct Plan;

Precinct Scheme the Precinct scheme constituted on registration of the Precinct Plan;

Rules the rules made under this Management Statement;

Service:

- (c) the supply of water, gas, electricity, artificially heated or cooled air or heating oil;
- (d) the provision of sewerage and drainage;
- (e) transmission by telephone, radio, television, satellite or other means;
- (f) security systems; and
- (g) any other facility, supply or transmission;

Service Line a pipe, wire, cable, duct, conduit or pole by means of which a Service is, or is to be provided the location of which is illustrated in the Services Plan;

Service Provider is a statutory or Government Agency that provides a Service;

Services Plan the diagram showing the private services and statutory services registered with the Community Plan;

Subsidiary Body has the same meaning as in the Community Management Statement;

Tribunal the Consumer, Trader and Tenancy Tribunal established by the Consumer, Trader and Tenancy Tribunal Act 2001;

Vehicle has the same meaning as in the Community Management Statement; and

Works has the same meaning as in the Community Management Statement.

C Construction

In this Management Statement a reference to:

- (a) the singular includes the plural and vice versa;
- (b) any gender includes all other genders;
- (c) other parts of speech and grammatical forms of a defined word or phrase have a corresponding meaning;
- (d) a month or monthly means calendar month or calendar monthly;
- (e) a quarter means calendar quarter;
- (f) a person includes:
 - (g) a corporation, partnership, joint venture and government body;
 - (h) the legal representatives, successors and assigns of that person; and
 - (i) where the context permits, the employees, agents, contractors and invitees of that person;
- (j) a document includes a reference to that document as amended or replaced;
- (k) a thing includes a part of that thing and includes a right;
- (l) a by-law, attachment or annexure, means a by-law, schedule of, or an attachment or annexure to this Management Statement;
- (m) a Law includes all Law amending, consolidating or replacing them;
- (n) a body or authority means, if that body or authority has ceased to exist, the body or authority which then serves substantially the same objects as that body or authority; and

- (o) including and similar expressions are not words of limitation.

D Parties bound jointly and individually

A covenant, representation, warranty or an agreement between more than 1 person binds them jointly and severally.

E Headings

- (a) Headings and bolding are for guidance only and do not affect the construction of this Management Statement.
- (b) The rights, powers and remedies provided in this Management Statement are cumulative with and not exclusive of the rights, powers or remedies provided by Law independently of this Management Statement.

F Severability

- (a) If the whole or any part of a provision of a by-law is void, unenforceable or illegal it is severed and the remainder of these by-laws have full force and effect.
- (b) This clause has no effect if the severance alters the basic nature of this Management Statement or is contrary to public policy.

G Precinct Association Exercise of Rights

- (a) The Precinct Association may exercise a right, power or remedy:
 - (i) at its discretion; and
 - (ii) separately or concurrently with another right, power or remedy.
- (b) A single or partial exercise of a right, power or remedy by the Precinct Association does not prevent a further exercise of that or of any other right, power or remedy.
- (c) Failure by the Precinct Association to exercise or delay by the Precinct Association in exercising a right, power or remedy does not prevent its exercise later.

PART 1

BY-LAWS FIXING DETAILS OF DEVELOPMENT

Amendments to by-laws

These by-laws relate to the control and preservation of the essence or theme of the Precinct Scheme and may only be amended or revoked by a unanimous resolution of the Precinct Association (see section 17(2) of the Management Act).

1 By-Law 1. Development of Precinct Lots

- 1.1 Owners, Occupiers and the Precinct Association must comply with by-law 3 in the Community Management Statement in relation to any proposal to carry out Works on a Precinct Lot.

Owners, Occupiers & the Precinct

- 1.2 The Precinct Association may prescribe Architectural and Landscape Guidelines as required by the Community Management Statement.
- 1.3 The Owners, Occupiers and the Precinct Association must comply with the Architectural and Landscape Guidelines.

Window Coverings

- 1.4 Owners and Occupiers must ensure that window coverings including louvres, curtains or blinds when viewed from the exterior of the Lot are as approved by the Precinct Association.

PART 2

RESTRICTED PRECINCT PROPERTY

Amendment to by-laws

These by-laws may not be amended during the initial period and may only be amended after the expiry of the initial period by special resolution and with the written consent of each person entitled by the by-laws to use the restricted Precinct Property (see section 54 of the Management Act).

2 Landscaped Areas

Restricted Property

- 2.1 The Precinct Association restricts use of the Landscaped Areas to the Community Association in accordance with the terms of this by-law. The Precinct Association retains the right to access and use the Landscaped Areas.
- 2.2 The Community Association is responsible for the control, management and maintenance of the Landscaped Areas including the irrigation of the Landscaped Areas.
- 2.3 The Community Association may only make agreements with licensed or suitably qualified third parties about performing its obligations under this by-law.
- 2.4 The Precinct Association remains responsible for insuring the Landscaped Areas.

Access and Use

- 2.5 The Community Association and persons authorised by the Community Association have unrestricted access to the Landscaped Areas at all reasonable times for the purpose of discharging its obligations under this by-law.
- 2.6 The Community Association and the Precinct Association acknowledge that stormwater pits and trenches may be installed within the Landscaped Areas and that the Precinct Association remains responsible for the repair and maintenance (including costs) of those pipes, pits and trenches.

Levying of Contributions

- 2.7 The Precinct Association must reimburse the Community Association for costs incurred by Community Association in relation to the Landscaped Areas (including those which relate to the CATV Components) within 14 days of receiving an account from the Community Association.

PART 3

MANDATORY MATTERS

Amendment to by-laws

These by-laws may only be amended or revoked by a special resolution of the Community Association (See section 14(3) of the Management Act)

3 By-Law 3. Permitted Uses of And Special Facilities on the Precinct Property

(to be inserted rules in relation to use of parks and barbeque areas)

4 By-Law 4. Fencing and Internal Fencing

Owners, Occupiers and the Precinct Association must comply with by-law 18 of the Community Management Statement.

5 By-Law 5. Garbage

General Obligations

5.1 An Owner or Occupier must ensure that:

- (a) garbage is drained and wrapped before being placed in a garbage container;
- (b) recyclable materials are placed in a garbage container designated for that purpose; and
- (c) bottles are drained and cleaned and not broken before placing them in a garbage container designated for that purpose.

5.2 An Owner or Occupier must comply with any rules or by-laws about garbage collection and the recycling of garbage made by:

- (a) a Government Agency;
- (b) this Management Statement.

Cleaning up spills

5.3 An Owner or Occupier must clean up any spillage of garbage or recyclable material on Precinct Property which is caused by that Owner or Occupier.

6 By-Law 6. Insurance

6.1 The Precinct Association must take out insurance required under the Management Act including the following policies:

- (a) to cover any building or structure on the Precinct Property against damage or destruction by fire, lightning, explosion or other prescribed risk;
 - (b) under the Workers Compensation Act 1987;
 - (c) to cover damage to the Precinct Property and for death and bodily injury for which the Precinct Association could become liable in damages;
 - (d) to cover damages for which the Precinct Association could become liable because of work done by a voluntary worker;
 - (e) to cover accidental injury to, or accidental death of, a voluntary worker; and
 - (f) to cover the possibility of the members of the Precinct Association becoming jointly liable under a claim arising out of any other event against which the Precinct Association decides by special resolution to insure.
- 6.2 The Precinct Association must review, on an annual basis:
- (a) all of its insurance; and
 - (b) the need for new or additional insurances.
- 6.3 Notice of an Annual General Meeting must include a form of motion to decide whether the insurances of the Precinct Association should be confirmed, varied or extended.
- 6.4 If there is an increase in risk or a new risk to the Precinct Property then the Precinct Association must immediately:
- (a) effect new insurances;
 - (b) or vary or extend existing insurances.
- 6.5 An Owner or Occupier must obtain the written approval of the Precinct Association before it does anything that might:
- (a) void or prejudice the Precinct Association's insurance; or
 - (b) increase any insurance premium which the Precinct Association pays.

7 By-Law 7. Executive Committee

Constitution

- 7.1 The Precinct Association must establish the Executive Committee in accordance with the Management Act.
- 7.2 The officers of the Executive Committee are the secretary, treasurer and chairperson.

Functions of the Secretary

7.3 The functions of the secretary of the Executive Committee include:

- (a) convening meetings of the Precinct Association and the Executive Committee;
- (b) preparing and distributing minutes of meetings of the Precinct Association and the Executive Committee;
- (c) giving a notice on behalf of the Precinct Association and the Executive Committee required to be given under the Management Act;
- (d) maintaining the Precinct Association roll;
- (e) supplying certificates setting out details of insurances, contributions and other matters under clause 2 of schedule 4 to the Management Act;
- (f) answering communications addressed to the Precinct Association or the Executive Committee;
- (g) performing administrative or secretarial functions on behalf of the Precinct Association and the Executive Committee; and
- (h) keeping records under part 3 of schedule 1 to the Management Act.

Functions of the Treasurer

7.4 The functions of the treasurer of the Executive Committee include:

- (a) notifying members of the Precinct Association of contributions levied under the Management Act and collecting those contributions;
- (b) receiving, acknowledging, banking and accounting for any money paid to the Precinct Association under this Management Statement or the Community Titles Legislation;
- (c) preparing certificates providing details of contributions, insurances and other matters under clause 2 of Schedule 4 to the Management Act;
- (d) keeping prescribed accounting records as required under clause 10 of Schedule 1 to the Management Act; and
- (e) preparing financial statements as required under clause 11 of Schedule 1 to the Management Act.

Function of the Chairperson

7.5 The function of the chairperson is to preside at Precinct Association meetings and Executive Committee meetings at which the chairperson is present.

Sub-Committees

7.6 The Executive Committee may appoint one or more sub-committees comprising one or more of its members to:

- (a) conduct investigations;
- (b) perform duties and functions on behalf of the Executive Committee; and

- (c) report the findings of the sub-committee to the Executive Committee.

No Remuneration

- 7.7 A member of the Executive Committee is:
- (a) not entitled to any remuneration for the performance of that person's functions; and
 - (b) entitled to reimbursement by the Precinct Association for reasonable out of pocket expenses incurred by that person in the performance of that person's functions.

Protection of Executive Committee members from liability

- 7.8 A member of the Executive Committee is not liable for any loss or damage occurring by reason of an act done in that member's capacity as a member of the Executive Committee.
- 7.9 By-law 7.7 does not apply if a member is fraudulent or negligent.

8 By-Law 8. Meetings

- 8.1 Subject to the provisions of the Management Act, the Executive Committee may:
- (a) meet together for the conduct of business, adjourn and otherwise regulate its meetings as the Executive Committee thinks fit;
 - (b) make decisions on the day to day administration of the Precinct Association;
 - (c) make decisions in relation to applications for consent under the Management Statement; and
 - (d) subject to this Management Statement, regularly call a meeting of the Executive Committee.

Right of Owner to Attend Meetings

- 8.2 An Owner or, if the Owner is a corporation, the Owner's nominee, may attend a meeting of the Executive Committee.
- 8.3 That Owner may address the meeting only if the Executive Committee passes a resolution authorising the person to do so.

Meeting at Request of Members

- 8.4 At the request of not less than 1/3 of the members of the Executive Committee, the secretary must convene a meeting.
- 8.5 The secretary must convene the meeting within the period of time specified in the request.

- 8.6 The members of the Executive Committee referred to in by-law 8.4 must give the secretary more than 7 days to convene the meeting.
- 8.7 If no time is specified in the request, then the secretary must convene the meeting within 14 days of receiving the request.
- 8.8 If the secretary is absent, a member of the Executive Committee must convene the meeting in accordance with by-laws 8.4 to 8.7 (inclusive).

Out of Meeting Determinations

- 8.9 Subject to section 38 of the Management Act, a resolution is valid as if it had been passed at a duly convened meeting of the Executive Committee even though the meeting was not held if:
- (a) the person convening the meeting has observed the requirements of this Management Statement and the Management Act;
 - (b) each member of the Executive Committee has been served with a copy of a motion for a proposed resolution to be submitted at the meeting; and
 - (c) the resolution has been approved in writing by a majority of members of the Executive Committee.

Notices and Minutes of Meetings

- 8.10 Before each Executive Committee meeting, the Executive Committee must prepare an agenda for the meeting. This agenda must list the business that the Executive Committee will deal with at the Executive Committee meeting.
- 8.11 At least 72 hours before a meeting of the Executive Committee, the Executive Committee must:
- (a) notify members of the Precinct Association of the meeting including details of the meeting; and
 - (b) provide each member of the Precinct Association with a copy of the agenda for the meeting.
- 8.12 If the Precinct Association has placed a notice board on Precinct Property, then the Executive Committee will have complied with by-law 13.11 if it ensures that the agenda and notice of the meeting are placed on the notice board at least 72 hours before the meeting.
- 8.13 The agenda must list the business that the Executive Committee will deal with at the meeting.
- 8.14 The secretary must ensure that:
- (a) minutes of the Executive Committee are sent to each member of the Precinct Association within 7 days of the meeting; and
 - (b) that the following are properly kept:
 - (i) agendas and minutes of meetings of the Executive Committee;

- (ii) records of decisions of the Executive Committee; and
 - (iii) records of notices.
- 8.15 If the secretary is absent, then the chairperson must ensure that the Executive Committee complies with by-law 13.14.

9 By-Law 9. Amounts Payable

- 9.1 An Owner must pay:
 - (a) contributions levied under this Management Statement and the Community Titles Legislation when they fall due; and
 - (b) on demand any costs, charges and expenses of the Precinct Association incurred in connection with the contemplated or actual enforcement or preservation of any rights under this Management Statement in relation to that Owner or the Occupier of that Owner's lot.
- 9.2 If a contribution or amount payable under this Management Statement or the Community Titles Legislation is not paid when due, then interest is payable under section 20A of the Management Act.
- 9.3 Nothing in this by-law prevents the Precinct Association from recovering any amount exceeding interest calculated under this by-law as a consequence of any amount not being paid when due.
- 9.4 A certificate signed by the Precinct Association, its Managing Agent or the secretary of the Executive Committee about a matter or a sum payable to the Precinct Association is prima facie evidence of:
 - (a) the amount; or
 - (b) any other fact stated in that certificate.

PART 4

OPTIONAL MATTERS

Amendments to by-laws

These by-laws may only be amended or revoked by a special resolution of the Precinct Association (see section 14(3) of the Management Act).

10 By-Law 10. Services

Provision of Services

10.1 The following Services may be shown on the Services Plan:

- (a) private water;
- (b) gas mains;
- (c) private gas;
- (d) Telstra telecommunication lines;
- (e) private telecommunication networks;
- (f) private stormwater;
- (g) private security lines and structures; and
- (h) Energy Australia electricity lines.

10.2 The following Services are shown on the Services Plan at the date of registration of this Management Statement:

[to be inserted]

Maintenance of Services

- 10.3 The Service Providers must maintain and repair the Service Lines under any statutory rights of the Service Provider.
- 10.4 The Precinct Association must maintain and repair the Service Lines set out in by-law 10.1 and 10.2 other than those which Service Providers are responsible for under by-law 10.3.
- 10.5 The Precinct Association and the Service Providers must ensure that maintenance, renewal and repair works are carried out by licensed or suitably qualified persons.

Statutory Easements

- 10.6 On installation of a Service Line a statutory easement may be created over parts of the Precinct Parcel designated on the Services Plan for the provision of Services through Service Lines.

Position of Service Lines

- 10.7 If Service Lines are not installed in the position indicated on the Services Plan, then:
- (a) the Precinct Association must arrange for the preparation and registration of a further Services Plan showing the Service Lines as installed;
 - (b) all members of the Precinct Association and any Subsidiary Body must consent to any later Services Plan; and
 - (c) the Precinct Association must make available all necessary documents, including the certificate of title for the Precinct Property, to enable registration of a further Services Plan.

11 By-Law 11. Contracts

The Precinct Association may contract with persons to provide:

- (a) management, operational, maintenance and other services for Precinct Property;
- (b) services or amenities to the Owners or Occupiers; and
- (c) services or amenities to Precinct Property.

12 By Law 12 - Open Access Ways

The Community Association is responsible for the control, management and operation, maintenance and repair of the Open Access Ways.

An Owner, Occupier or Permitted Person must:

- (a) comply with all directions of the Community Association in relation to the Open Access Ways; and
- (b) not do or omit to do any act that result or may result in damage or destruction to any part of the Open Access Ways.

13 By Law 13 - Private Access Ways

The Community Association is responsible for the control, management and operation, maintenance and repair of the Private Access Ways.

An owner, occupier or Permitted Person may use the Private Access Ways for the purpose of accessing those community development lots immediately adjacent to the Private Access Way.

An Owner, Occupier or Permitted Person must:

- (a) comply with all directions of the Community Association in relation to the Private Access Ways; and
- (b) not do or omit to do and act that result or may result in damage or destruction to any part of the Private Access Ways

An Owner, Occupier or Permitted Person must not park a vehicle on the Private Access Way without the prior written consent of the Community Association.

14 By-Law 14. Remedy

14.1 The Precinct Association may do anything on a Precinct Lot:

- (a) which should have been done by an Owner or Occupier under this Management Statement but which has not been done or has not been done properly; or
- (b) to comply with this Management Statement, including remedying, removing or restoring anything on that Precinct Lot which breaches this Management Statement.

14.2 If by-law 14.1 applies, the Precinct Association is entitled to:

- (a) enter and remain on the Precinct Lot for as long as it is necessary; and
- (b) recover any costs associated with carrying out works under this Management Statement from the Owner of the Precinct Lot.

15 By-Law 15. Bushfire Evacuation Plan

15.1 Owners, Occupiers and the Precinct Association must comply with the Bushfire Evacuation Plan.

15.2 The Precinct Association must appoint a warden to represent the Precinct Scheme.

16 By Law 16— Stormwater

16.1 The Precinct Association must regularly maintain any stormwater treatment devices within Precinct Property for which it is responsible.

17 By Law 17— Reclaimed Water

17.1 The Precinct Association must regularly maintain any reclaimed water devices within Precinct Property for which it is responsible.

PART 5

BY-LAWS REQUIRED BY PUBLIC AUTHORITY

Amendments to by-laws

This part may specify by-laws made at the request of a Government Agency. These by-laws may provide that amendments may not be made without the consent of the Government Agency (see schedule 3, clause 4 of the Management Act).

DRAFT

SIGNATURES, CONSENTS AND APPROVALS

Executed by Coastal Hamlets Pty Ltd)
ACN [insert] in accordance with section)
127(1) of the Corporations Act 2001)
(Cth))

.....
Company Secretary/Director

.....
Director

.....
Name of Company Secretary/Director
(print)

.....
Name of Director (print)

Certificate of Approval

It is certified that:

- (a) Wyong Shire Council has approved of the development described in development application No. [insert]; and
- (b) the terms and conditions of this Management Statement are not inconsistent with that development as approved.

Date:

.....
Signature on behalf of Wyong Shire Council

INSERT CONCEPT PLAN

DRAFT

INSERT SERVICES PLAN

DRAFT

APPENDIX 3 CAR COURT TRAFFIC EXPLANATION

As detailed in the study prepared by Masson Wilson Twiney, vehicle entrance to Hamlet 2 is from the loop road around the Community land heading south and this creates a larger loop road through Hamlets 2 to 5, separate to the Perimeter Road. The main road system is designed for all necessary service and emergency vehicles. Vehicles are able to turn at the bottom of each spine road and drive north to access the dwellings on the west side of the spine road. This return road is one way.

Due to the slope of the site, access to the dwellings is via a car court that either accesses a garage under the house or at the high end of the house. A pedestrian access path is designed to the front of the dwellings.



The car courts have not been designed without a turning circle to reduce the impact on the adjacent bush corridor and it is also intended that service vehicles do not enter the car courts. As part of the Draft Community Precinct Statement, rubbish bins will be collected and taken to a drop off point adjacent to the main spine road for the rubbish trucks to stop and collect. The rubbish bins will then be taken back to each respective residence by the nominated caretaker.

The car courts are designed to be low key, compacted granite surface and are not intended to have heavy service vehicles apart from removalist vehicles which would not be frequently used. The traffic engineer has confirmed that this design complies with Australian Standards and as such, there is no change to the original design of the car courts.

APPENDIX 4 STANDARD BASIX CERTIFICATE

BASIX Report

Building Sustainability Index

www.basix.nsw.gov.au

Score

Water: 40 (Target 40)

Thermal comfort: pass (Target pass)

Energy: 40 (Target 40)

Description of project

Project address	
Project name	CHB-Hamlet 2-Type N-9m
Street address	00 Generic Street Catherine Hill Bay 2281
Local Government Area	Lake Macquarie City Council
Plan type and plan number	Deposited Plan 1129872
Lot no.	101
Section no.	0.0
Project type	
Project type	attached dwelling house
No. of bedrooms	3
Site details	
Site area (m ²)	288
Roof area (m ²)	157
Conditioned floor area (m2)	194
Unconditioned floor area (m2)	0
Total area of garden and lawn (m2)	60
Assessor details and thermal loads	
Assessor number	n/a
Certificate number	n/a
Cooling load (MJ/m ² .year)	n/a
Heating load (MJ/m ² .year)	n/a
Other	
none	n/a

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Fixtures			
The applicant must install showerheads with a minimum rating of 3 star in all showers in the development.		✓	✓
The applicant must install a toilet flushing system with a minimum rating of 1 star in each toilet in the development.		✓	✓
The applicant must install taps with a minimum rating of 3 star in the kitchen in the development.		✓	
The applicant must install basin taps with a minimum rating of 3 star in each bathroom in the development.		✓	
The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the development.		✓	✓
Alternative water			
Rainwater tank			
The applicant must install a rainwater tank of at least 2000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✓	✓	✓
The applicant must configure the rainwater tank to collect rain runoff from at least 150 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		✓	✓
The applicant must connect the rainwater tank to: <ul style="list-style-type: none"> the cold water tap that supplies each clothes washer in the development at least one outdoor tap in the development (Note: NSWHealth does not recommend that rainwater be used for human consumption in areas with potable water supply.) 		✓ ✓	✓ ✓

Thermal Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Floor, walls and ceiling/roof			
The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.	✓	✓	✓

Construction	Additional insulation required (R-Value)	Other specifications
floor - concrete slab on ground, 144 square metres	nil	
floor - suspended floor above enclosed subfloor, 50 square metres, framed	0.60 (or 1.3 including construction) (down)	
external wall - framed (weatherboard, fibro, metal clad)	1.30 (or 1.70 including construction)	
ceiling and roof - flat ceiling / pitched roof	ceiling: 2.5 (up), roof: foil/sarking	gable end vents; medium (solar absorptance 0.475-0.70)

Thermal Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Windows, glazed doors and skylights			
The applicant must install the windows, glazed doors and shading devices described in the table below, in accordance with the specifications listed in the table. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓
The dwelling may have 1 skylight (<0.7 square metres) and up to 2 windows/glazed doors (<0.7 square metres) which are not listed in the table.	✓	✓	✓
The following requirements must also be satisfied in relation to each window and glazed door:	✓	✓	✓
<ul style="list-style-type: none"> Except where the glass is 'single clear' or 'single toned', each window and glazed door must have a U-value no greater than that listed and a Solar Heat Gain Coefficient (SHGC) +/-10% of that listed. Total system U-values and SHGC must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. 			✓
<ul style="list-style-type: none"> The leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 millimetres above the head of the window or glazed door, except that a projection greater than 500 mm and up to 1500 mm above the head must be twice the value in the table. 	✓	✓	✓
<ul style="list-style-type: none"> Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35. 		✓	✓
<ul style="list-style-type: none"> Unless they have adjustable shading, pergolas must have fixed battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm. 		✓	✓
<ul style="list-style-type: none"> Pergolas with adjustable shading may have adjustable blades or removable shade cloth (not less than 80% shading ratio). Adjustable blades must overlap in plan view. 		✓	✓

Window/glazed door no.	Orientation	Maximum area (square metres)	Type	Shading	Overshadowing
W1	SE	5.75	standard aluminium, single clear (or U-value:7.63, SHGC:0.75)	eave/verandah/pergola/balcony 1,500-2,000 mm	not overshadowed
W2	NW	7.55	improved aluminium, single clear (U-value:6.44, SHGC:0.75)	awning (fixed) 600-1,200 mm	not overshadowed
W3	SW	8.65	improved aluminium, single clear (U-value:6.44, SHGC:0.75)	awning (fixed) 600-1,200 mm	not overshadowed
W4	SW	8.65	improved aluminium, single clear (U-value:6.44, SHGC:0.75)	awning (fixed) 600-1,200 mm	not overshadowed
W5	SE	3.35	standard aluminium, single clear (or U-value:7.63, SHGC:0.75)	none	not overshadowed

Window/glazed door no.	Orientation	Maximum area (square metres)	Type	Shading	Overshadowing
W6	SE	3.35	standard aluminium, single clear (or U-value:7.63, SHGC:0.75)	pergola (adjustable shade) >2,000 mm	not overshadowed
W7	SE	0.7	standard aluminium, single clear (or U-value:7.63, SHGC:0.75)	eave/verandah/pergola/balcony 601-750 mm	not overshadowed
W8	SE	0.7	standard aluminium, single clear (or U-value:7.63, SHGC:0.75)	eave/verandah/pergola/balcony 601-750 mm	not overshadowed
W9	SE	2.8	standard aluminium, single clear (or U-value:7.63, SHGC:0.75)	eave/verandah/pergola/balcony 601-750 mm	not overshadowed
W10	NW	0.7	standard aluminium, single clear (or U-value:7.63, SHGC:0.75)	eave/verandah/pergola/balcony 601-750 mm	not overshadowed
W11	SE	0.7	standard aluminium, single clear (or U-value:7.63, SHGC:0.75)	eave/verandah/pergola/balcony 601-750 mm	not overshadowed
W12	NW	2.8	standard aluminium, single clear (or U-value:7.63, SHGC:0.75)	eave/verandah/pergola/balcony 601-750 mm	not overshadowed

Thermal Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Cross ventilation			
<p>The commitment below applies to the following rooms or areas of a dwelling which comprise a breeze path for the dwelling:</p> <ul style="list-style-type: none"> Breeze path 1: within main living area Breeze path 2: within Bedroom 1 (not ensuite) 	✓	✓	✓
<p>The applicant must construct the dwelling so that at least 1 ventilation opening is provided in each such room or area. (If only 1 room or area of a dwelling is mentioned for a breeze path, then that room or area must have at least 2 ventilation openings).</p>	✓	✓	✓
<p>The 2 ventilation openings must be located as follows:</p> <ul style="list-style-type: none"> Breeze path 1: opposite external walls Breeze path 2: opposite external walls 	✓ ✓	✓ ✓	✓ ✓
<p>The 2 ventilation openings must meet the following specifications:</p> <p>(a) not be more than 15 metres apart;</p> <p>(b) be at least 1 square metre in size; and</p> <p>(c) have only 1 doorway, or opening less than 2 square metres in size, located in the direct path between them.</p>	✓ ✓ ✓	✓ ✓ ✓	✓ ✓ ✓

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: solar (gas boosted) with a performance of 41 to 45 RECs or better.	✓	✓	✓
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning; Energy rating: 3.5 Star		✓	✓
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning; Energy rating: 3.5 Star		✓	✓
Heating system			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning; Energy rating: 3.5 Star		✓	✓
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning; Energy rating: 3.5 Star		✓	✓
Ventilation			
The applicant must install the following exhaust systems in the development:			
At least 1 Bathroom: individual fan, ducted to façade or roof; Operation control: interlocked to light		✓	✓
Kitchen: no mechanical ventilation (ie. natural); Operation control: n/a		✓	✓
Laundry: individual fan, ducted to façade or roof; Operation control: interlocked to light		✓	✓
Artificial lighting			
The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:			
• the kitchen; dedicated		✓	✓
• all bathrooms/toilets; dedicated		✓	✓
• the laundry; dedicated		✓	✓
• all hallways; dedicated		✓	✓

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Other			
The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.		✓	
The applicant must install a fixed outdoor clothes drying line as part of the development.		✓	
The applicant must install a fixed indoor or sheltered clothes drying line as part of the development.		✓	

Legend

In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a ✓ in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a ✓ in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a ✓ in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate(either interim or final) for the development may be issued.