

THE MOONEE HAMLETS
Civil Works Package

ENVIRONMENTAL ASSESSMENT

**ACCOMPANYING
PROJECT APPLICATION**

FOR

PREFERRED PROJECT REPORT

**PROPOSED CIVIL & SITE
PREPARATION WORKS
COMMUNITY & LANDSCAPE WORKS**

THE MOONEE HAMLETS

Prepared By



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**THE MOONEE HAMLETS
Civil Works Package**

**REPORT AND ENVIRONMENTAL ASSESSMENT
ACCOMPANYING PROJECT APPLICATION**

Date: 10th March 2009
Prepared by: Rose Property Group

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1 PROJECT DATA

Project Name: **Civil Works Package**

Address: **Montefiore Street and Flowers Drive, Catherine Hill Bay**

PA Documents : **The PA documents Comprise:**
Civil Engineering Drawings: Parsons Brinckerhoff Australia Pty Ltd, refer table 1.1.
Landscape Plans: Context Pty Ltd, refer table 1.2
Architectural Plans: Conybeare Morrison International, refer table 1.3
Subdivision: Draft subdivision Plan by Denny Linker & Co, refer table 1.4.

Table 1.1: Civil Engineering Drawings

Document Number	Rev	Title
2122743A-CIV-0010	B	CIVIL WORKS- PROJECT APPLICATION - STAGE COVER SHEET
2122743A-CIV-0011	B	CIVIL WORKS - PROJECT APPLICATION - OVERALL PLAN
2122743A-CIV-0012	B	CIVIL WORKS - PROJECT APPLICATION - DETAIL PLAN - SHEET 1 OF 11
2122743A-CIV-0013	B	CIVIL WORKS - PROJECT APPLICATION - DETAIL PLAN - SHEET 2 OF 11
2122743A-CIV-0014	B	CIVIL WORKS - PROJECT APPLICATION - DETAIL PLAN - SHEET 3 OF 11
2122743A-CIV-0015	B	CIVIL WORKS - PROJECT APPLICATION - DETAIL PLAN - SHEET 4 OF 11
2122743A-CIV-0016	B	CIVIL WORKS - PROJECT APPLICATION - DETAIL PLAN - SHEET 5 OF 11
2122743A-CIV-0017	B	CIVIL WORKS - PROJECT APPLICATION - DETAIL PLAN - SHEET 6 OF 11
2122743A-CIV-0018	B	CIVIL WORKS - PROJECT APPLICATION - DETAIL PLAN - SHEET 7 OF 11
2122743A-CIV-0019	B	CIVIL WORKS - PROJECT APPLICATION - DETAIL PLAN - SHEET 8 OF 11
2122743A-CIV-0020	B	CIVIL WORKS - PROJECT APPLICATION - DETAIL PLAN - SHEET 9 OF 11
2122743A-CIV-0021	B	CIVIL WORKS - PROJECT APPLICATION - DETAIL PLAN - SHEET 10 OF 11
2122743A-CIV-0022	B	CIVIL WORKS - PROJECT APPLICATION - DETAIL PLAN - SHEET 11 OF 11
2122743A-CIV-0031	B	CIVIL WORKS - PROJECT APPLICATION - BULK EARTHWORKS
2122743A-CIV-0041	B	CIVIL WORKS - PROJECT APPLICATION - EROSION AND SEDIMENT CONTROL PLAN
2122743A-CIV-0049	B	CIVIL WORKS - PROJECT APPLICATION - EROSION AND SEDIMENT CONTROL DETAILS
2122743A-CIV-0051	B	CIVIL WORKS - PROJECT APPLICATION – MAJOR SERVICES PLAN SHEET 1 OF 10
2122743A-CIV-0052	B	CIVIL WORKS - PROJECT APPLICATION – MAJOR SERVICES PLAN SHEET 2 OF 10
2122743A-CIV-0053	B	CIVIL WORKS - PROJECT APPLICATION – MAJOR SERVICES PLAN SHEET 3 OF 10
2122743A-CIV-0054	B	CIVIL WORKS - PROJECT APPLICATION – MAJOR SERVICES PLAN SHEET 4 OF 10
2122743A-CIV-0055	B	CIVIL WORKS - PROJECT APPLICATION – MAJOR SERVICES PLAN SHEET 5 OF 10
2122743A-CIV-0056	B	CIVIL WORKS - PROJECT APPLICATION – MAJOR SERVICES PLAN SHEET 6 OF 10
2122743A-CIV-0057	B	CIVIL WORKS - PROJECT APPLICATION – MAJOR SERVICES PLAN SHEET 7 OF 10
2122743A-CIV-0058	B	CIVIL WORKS - PROJECT APPLICATION – MAJOR SERVICES PLAN SHEET 8 OF 10

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2122743A-CIV-0059	B	CIVIL WORKS - PROJECT APPLICATION – MAJOR SERVICES PLAN SHEET 9 OF 10	
2122743A-CIV-0060	B	CIVIL WORKS - PROJECT APPLICATION – MAJOR SERVICES PLAN SHEET 10 OF 10	
2122743A-CIV-0076	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS - HALE ST - 0.000 TO CH 300.000	CH
2122743A-CIV-0077	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS - HALE ST - 290.000 TO CH 441.396	CH
2122743A-CIV-0081	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS - FLOWERS ST - 0.000 TO CH 170.543	CH
2122743A-CIV-0086	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS – ROAD 7 - 0.000 TO CH 300.000	CH
2122743A-CIV-0087	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS – ROAD 7 - 290.000 TO CH 363.990	CH
2122743A-CIV-0091	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS - ROAD 1 - 0.000 TO CH 300.000	CH
2122743A-CIV-0092	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS - ROAD 1 - 290.000 TO CH 590.000	CH
2122743A-CIV-0093	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS - ROAD 1 - 580.000 TO CH 880.000	CH
2122743A-CIV-0094	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS - ROAD 1 - 870.000 TO CH 1170.000	CH
2122743A-CIV-0095	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS - ROAD 1 - 1160.000 TO CH 1201.666	CH
2122743A-CIV-0096	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS - ROAD 2 - 0.000 TO CH 300.000	CH
2122743A-CIV-0097	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS - ROAD 2 - 290.000 TO CH 590.000	CH
2122743A-CIV-0101	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS - ROAD 3 - 0.000 TO CH 300.000	CH
2122743A-CIV-0102	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS - ROAD 3 - 290.000 TO CH 445.324	CH
2122743A-CIV-0106	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS - ROAD 5 - 0.000 TO CH 158.842	CH
2122743A-CIV-0108	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS - ROAD 6 - 0.000 TO CH 166.326	CH
2122743A-CIV-0110	A	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS - ROAD 8	
2122743A-CIV-0113	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS - ROAD 14 – 0.000 TO CH 300.000	CH
2122743A-CIV-0114	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS - ROAD 14 – 290.000 TO CH 590.000	CH
2122743A-CIV-0115	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS - ROAD 14 – 580.000 TO CH 880.000	CH
2122743A-CIV-0116	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS - ROAD 14 – 870.000 TO CH 1170.000	CH
2122743A-CIV-0117	B	CIVIL WORKS - PROJECT APPLICATION - ROAD LONG SECTIONS - ROAD 14 – 1160 TO CH 1281.116	CH
2122743A-CIV-0230	B	CIVIL WORKS - PROJECT APPLICATION - TYPICAL BRIDGE CONCEPT DETAILS	

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Table 1.2: Landscape Drawings

07520 CIV L-0	C	COVER SHEET
07520 CIV L-1	E	LANDSCAPE MASTER PLAN
07520 CIV L-2	D	VEGETATION TREATMENT PLAN
07520 CIV L-3	E	VILLAGE PARK
07520 CIV L-4	D	VILLAGE GREEN
07520 CIV L-5	D	BUSH CORRIDOR
07520 CIV L-6	D	MONTEFIORE PARKWAY
07520 CIV L-7	D	CLIFF TOP SECTIONS
07520 CIV L-8	C	TYPICAL DETAILS 1
07520 CIV L-9	C	TYPICAL DETAILS 2
07520 CIV L-10	D	STREET CROSS SECTIONS 1
07520 CIV L-11	D	STREET CROSS SECTIONS 2

Table 1.3: Architectural Drawings

07020 VG 000	C	DEVELOPMENT PLAN
07020 VG 001	C	COMMUNITY HALL PLANS ELEVATIONS SECTIONS
07020 CIV 002	C	TENNIS PAVILLION PLANS ELEVATIONS SECTIONS

Table 1.4: Subdivision Drawings

070701	1	Draft Plan of Subdivision of Lot 101 in DP 1129872
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2 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 Civil and Community Works Package(MP07_0108) is subject to further assessment under Part 3A of the ACT.

This EA is being submitted for the Site Preparation works to Moonee Hamlets including all the bulk earthworks, services infrastructure, main road network and Landscaping works outside of development lots including subdivision and dedication items. It 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 DESCRIPTION OF APPLICATION

This application is to enable construction of broad scale and community infrastructure in accordance with the approved concept masterplan 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 is broken up into seven distinct 'hamlets', which are separated by open space corridors. Each hamlet is largely serviced as a distinct entity, however, cross linking of utilities, including the principal road network is provided to ensure functional continuity. Separate project applications will be lodged to permit construction of the local precinct infrastructure and individual lot buildings for each hamlet in turn.

A Community Title scheme will cover the majority of the development site, with the park at the loop road (road 2) being Community Property and containing a number of community facilities, including tennis courts, a community centre, and passive recreation space which is to be dedicated to Council. The majority of the principal road network will be Community Property. The community scheme will have seven development lots aligning each with one of the hamlets. Each development lot will be further subdivided by a precinct scheme which will comprise individual allotments, the car courts, which will be precinct property, and additional precinct property, for example, the bushfire protection 'Asset Protection Zones', or APZs.

When subdivided, the roads, with the exception of Montefiore Street and Hale Street, will be retained as Community Property in a nested Community Title scheme. Montefiore and Hale Street will be dedicated to the public as road.

This project application is to permit the following:

- Civil Works for Hamlets 2 to 5.
- Subdivision of the Site into seven(7) hamlets and one(1) Community Lot.
- The principal road network
- Dedication of Montefiore Street, Hale Street, Village Park and the open space of the Village Green.
- Community facilities, to be located on community property
- Landscaping

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.

Note that fire trails and Asset Protection Zones will be required in accordance with the requirements of the Rural Fire Service, however, these will be detailed with the hamlet applications as the fire trails are only required as a result of dwelling constructions and they are contained wholly within the proposed precinct (development lot) boundaries.

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Civil Works

The works included are for Hamlets 2-5 only. The works include clearing the land, carrying out any necessary remediation works, cutting and filling to bulk levels, grading the land suitable for installing services and the necessary roads. It should be noted that an RAP for the site is being prepared. The remediation works, if any, will be carried out in accordance with the RAP and certification carried out by a qualified site auditor. Other works will include stormwater management activities and monitoring as required by the conditions of consent.

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

This application seeks to subdivide Lot 101 into 7 lots. This being five residential development lots (lots 2-6), one community lot (Lot 1) and one lot to be dedicated to Council (lot 7).

The Principle Road Network

The application applies to construct new and alter existing main roads into Catherine Hill Bay and within the development area. Specifically the works are as follows:

- Amend Montefiore Street to include a 2m shoulder/cycle way in each direction within a 21m road reserve.
- Construct Hale Street in the new alignment to comply with Council standards including a new intersection at Flowers Drive.
- Construct the Perimeter road through Hamlets 2-5.
- Construct the main spine roads through each hamlet and the link road.
- Construct the loop road around the Village green and community facilities.

The Montefiore and Pacific Highway intersection upgrade will be agreed with the RTA via a Work Authorisation Deed.

Dedications and Access Arrangements

A Community Title scheme will cover the majority of the development site, with the park at the loop road (road 2) being Community Property and containing a number of community facilities, including tennis courts, a community centre, and passive recreation space which is to be dedicated to Council. The majority of the principal road network will be Community Property. The community scheme will have five development lots aligning each with one of the hamlets (Hamlets 6&7 will be separate to this scheme). Each development lot will be further subdivided by a precinct scheme which will comprise individual allotments, the car courts, which will be precinct property, and additional precinct property, for example, the bushfire protection 'Asset Protection Zones', or APZs. Access over community property will be via an open access easement.

Montefiore Parkway, Hale Street and the Perimeter Road are to be dedicated to Council. The Village Park and the open area of the Village green (proposed Lot 7) are also to be dedicated to Council.

All other roads, carpark adjacent to the Village Park, Hamlet common areas, top of the Bin Building and the Coastal walkway will have public access easements attached to them on title. These will be detailed in the Community Management Statement.

Community Facilities

A Meeting Hall, pool and Tennis courts will be constructed as community facilities for the Community Association with local community access arrangements.

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Landscaping

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

- Village Park
- Village Green
- Managed Bush Corridors between Hamlets 2-5
- Montefiore Parkway Vegetated Buffer
- Road Reserve Landscaping
- Hamlet Commons for hamlets 2-5.

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4 SITE DATA

RPA Description Lot/DP:	• Lot 100 & 101 in DP 1129872
Street Frontage/s:	The site fronts Clark Street, Montefiore Street and Flowers Drive, Catherine Hill Bay. At this time, the connection to the Pacific Highway to the west of the site is a private haul road as used by the former mine. It is intended to dedicate this route to the public as road.
PA Site Area:	Approximately 60 Ha Note; all areas are subject to survey
Encumbrances / Easements	There is currently a Crown Road running north/south through Hamlet 2. There is an application in place to close the road and acquire the land through the Department of Lands.

5 EXISTING DEVELOPMENT

Existing Buildings on the site to be retained:	<p>The previous use was a preparation plant for the refining of coal, won from underground mine workings. The former head of the underground mine was also on the site.</p> <p>All buildings on the southern side of Montefiore Street will be demolished ahead of the bulk earthworks, as this area will be regraded to suit the proposed development pattern.</p>
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6 DEVELOPMENT STATISTICS

Bulk earthworks (cut to fill)	m ³	Approximately 750,000	
Local Road to be constructed	m	10,500	
Fire Trail	m	1,240	
Community facilities buildings	ea	1	
Tennis Courts	ea	2	
Swimming Pools	ea	1	
Landscaping	item	As shown on plan	

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7 MATTERS FOR CONSIDERATION

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

7.1 COMPLIANCE WITH CONDITIONS OF CONSENT

7.1.1 CATHERINE HILL BAY CONCEPT PLAN DECEMBER 2008

<i>Condition</i>	<i>Description</i>	<i>Yes</i>	<i>No</i>	<i>Comment</i>
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>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>N/A</p>		<p>The design intent of the perimeter Road is shown in Appendix 5. After discussions with DECC and NPWS we believe that whilst the perimeter road runs the full extent of the development boundary, the parking should be restricted to the bottom of Hamlets 2,3 and part of Hamlet 4. This is due to the walking trails only being accessible near these Hamlets and DECC and NPWS do not want uncontrolled pedestrian activity especially around the SEPP14 Wetlands.</p>

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<p>B7</p> <p>Road Layouts</p>	<p>(1) The design of the internal roads and intersections shall be modified after further negotiations between the HRDC, Lake Macquarie Council, the Proponent and the Department, and to the Director General's satisfaction to address:</p> <p>(a) delivery/removal vehicle or waste collection vehicle access in accordance with the relevant Australian Standards;</p> <p>(b) car courts to allow for one-way traffic flows to provide for delivery/removal vehicle or waste collection vehicle access without the need for any reversing manoeuvres;</p> <p>(c) re-design of the Surf Club car parking area and vehicle access from Flowers Drive to accommodate the road closure; and</p> <p>(d) traffic control measures in order to redirect the 'through-traffic' along Hale Street, but allow visitor/resident access to Lindsley/Clarke Street.</p>	<p>✓</p> <p>x</p> <p>✓</p> <p>✓</p>		<p>A full description of vehicle movements in relation to this condition is described in Appendix 6. However, all roads comply with Australian Standards.</p> <p>Car Courts are not applicable to this application.</p>
<p>C1</p> <p>Mine Closure</p>	<p>Future applications shall be accompanied by a report prepared by an experienced and suitably qualified professional that demonstrates that the necessary mine closure activities have been addressed and the site can be suitably rehabilitated to a level that is safe for its intended end use.</p>	<p>✓</p>		<p>Mine closure report attached in Appendix 7.</p>
<p>C2</p> <p>Contributions and Dedication of Open space, etc</p>	<p>As part of the project application for Hamlet 1, the Proponent is to submit a Staging Plan for the Director-General's approval that details the schedule for delivering (and dedicating, where relevant) the following contributions:</p> <p>(a) coastal walk and village park;</p> <p>(b) other community facilities and common areas at Catherine Hill Bay;</p> <p>(c) provision of road and other service infrastructure (internal and external works associated with the concept plan at Catherine Hill Bay);</p> <p>(d) the community facilities fund (established through a trust fund or any other appropriate mechanism), which is to provide funding towards community infrastructure projects within the Catherine Hill Bay and Middle Camp area;</p> <p>(e) contributions towards the Catherine Hill Bay Surf Life Saving Club;</p> <p>(f) section 94 management plan contribution; and</p> <p>(g) regional contributions.</p>	<p>✓</p>		<p>Not applicable to this application, however a draft staging plan is detailed in Appendix 8.</p>

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	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 3.

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<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 correspondence with the RTA in Appendix 9 confirming we are working to complete a WAD in the near future.</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>

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<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>		<p>x</p>	<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.			
C7 <i>Pedestrian Access to Moonee Beach</i>	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 <i>Coastal Walkway</i>	<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 <i>Bin Building</i>	<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.

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<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>

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<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>x</p>	<p>Not applicable to this application.</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..

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	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.			
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 EMP in Appendix 10.

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<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 be 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 HLA letter in Appendix 11.</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 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>		x	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. 	✓		

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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.		x	Not applicable to this application.
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 in Appendix 11.

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8 STATE ENVIRONMENTAL PLANNING POLICY No.71 – COASTAL PROTECTION Coastal Policy Guidelines

Appropriate responses to SEPP 71 are addressed in the concept plan. As the project application complies with the concept plan, no further assessment with regard to SEPP 71 is required.

9 THE LIKELY IMPACTS OF THE DEVELOPMENT

CONTEXT & SETTING	Context issues are addressed in the concept plan.
ACCESS, TRANSPORT & TRAFFIC	<p>Refer to the traffic assessment report by Masson Wilson Twinney for detailed assessment.</p> <p>Montefiore Parkway is to be dedicated to the public as road. In preparation for dedication, a 2.0m cycleway is to be attached to the southern side of the existing road alignment. No other roadworks are proposed for Montefiore Parkway, whose speed zone, on dedication, is proposed to be 50 km/hr.</p> <p>The mine access road, which currently terminates at Clarke Street, will be extended to the proposed village centre, where a second link road "Hale Street" will be constructed to link with Flowers Drive. While there is already a former minor mines road on the alignment of Hale Street, this will be realigned and reconstructed to suit the proposed development layout.</p> <p>Preliminary design for the intersection with Flowers Drive has been undertaken and allows for all turning movements, in particular, the right turn movement from Flowers Drive to Hale Street to occur safely. Any required islands etc would be marked in paint, rather than provided in concrete to minimise the impacts of the intersection on the existing residential environment, and to allow for any existing driveway access and the like. Having regard for the realignment of this intersection, it is likely that the access arrangements for the former mine managers residence and the jetty masters cottage will need to be revised.</p> <p>The intersection of the existing mine road with the Pacific Highway is likely to require upgrading, having regard for the increased level of traffic generated by the development. Negotiations are currently underway with the Roads and Traffic Authority to determine the required intersection works. It is likely these will comprise left in left out movements only, with or without appropriate u turn bays or, traffic signals.</p> <p>A number of local roads will intersect directly with Montefiore Parkway. These will be delineated by at grade thresholds to indicate the change in road hierarchy on entering each of the separate hamlets.</p> <p>Montefiore Parkway is to be dedicated to the public as road. In preparation for dedication, a 2.0m cycleway is to be attached to the southern side of the existing road alignment. No other roadworks are proposed for Montefiore Parkway, whose speed zone, on dedication, is proposed to be 50 km/hr.</p> <p>The mine access road, which currently terminates at Clarke Street, will be extended to the proposed village centre, where a second link road "Hale Street" will be constructed to link with Flowers Drive. While there is already a former minor mines road on the alignment of Hale Street, this will be realigned and reconstructed to suit the proposed development layout.</p> <p>The design for the intersection with Flowers Drive allows for all turning movements, in particular, the right turn movement from Flowers Drive to Hale Street to occur safely. Any required islands etc would be marked in paint, rather than provided in concrete to minimise the impacts of the intersection on the existing residential environment, and to allow for any existing driveway</p>

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	<p>access and the like.</p> <p>The intersection of the existing mine road with the Pacific Highway is likely to require upgrading, having regard for the increased level of traffic generated by the development. Negotiations are currently underway with the Roads and Traffic Authority to determine the required intersection works. It is likely these will comprise left in left out movements only, with or without appropriate u turn bays or, traffic signals.</p> <p>A number of local roads will intersect directly with Montefiore Parkway. These will be delineated by at grade thresholds to indicate the change in road hierarchy on entering each of the separate hamlets.</p>
PUBLIC DOMAIN	<p>The development will largely be subdivided as a nested community scheme, with only Montefiore Parkway being dedicated to the public as Road. The rest of the roads within the development will be Community Property, however, the management statement will allow for public access to the road network.</p>
UTILITIES	<p>Water / Sewer</p> <p>The site lies across the boundary of the Lake Macquarie and Wyong Local Government Areas, accordingly statutory responsibility for water servicing is also split between Hunter Water Corporation and the Gosford / Wyong Water authority. However having regard for the servicing strategy that will bring water to the site from Swansea, and return waste water to Belmont, the Hunter Water Corporation has agreed to accept responsibility for all water supply, and sewer management issues.</p> <p>Potable water is to be brought to the site from the north (Swansea) via a system of mains and reservoirs sufficient to supply the existing villages as well as the proposed development. The application of a stormwater recycling system (refer section on Stormwater Recycling) will reduce potable water demand.</p> <p>Design of the trunk water supply and sewer systems is currently being undertaken in consultation with the Hunter Water Corporation, who are supportive of the proposal.</p> <p>A water reticulation system, including supply for fire fighting purposes will be designed and installed on the site in accordance with the schematic utilities services plan.</p> <p>A sewer pump station will be installed at the lowest point on the southern side of the proposed development to transfer waste water to another pump station near the intersection of Hale Street and Flowers Drive, which will pump to a third station at middle camp and then into the existing network at Walarah.</p> <p>Trunk sewer services will have sufficient capacity, and will be sufficiently low to accommodate connection of the existing village, as well as other future proposed development within the region.</p> <p>Electricity</p> <p>Electrical infrastructure is currently near capacity. Development of the site requires the installation of a new zone substation to be supplied from the HV lines at the Pacific Highway. Detailed planning for the substation is the prerogative of Energy Australia's network planning section, who is aware of and supportive of the proposal.</p>

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	<p>Telecommunications</p> <p>The site is serviced by optical fibre as part of Telstra's network. Telstra may need to upgrade their system to cater for the proposed development and are currently engaged in discussions with PB.</p>
HERITAGE	Heritage impacts are addressed in the Concept Plan
OTHER LAND RESOURCES	Resources issues are addressed in the Concept Plan
WATER	A separate stormwater management strategy has been submitted with the Concept Plan and is attached for information. A detailed stormwater recycling strategy has been employed, with key Water Sensitive Urban Design features being integrated into the proposed road cross sections.
SOILS	<p>Major site regrading is required to take advantage of the site's views. This has been carefully designed to ensure visual impacts of the development from existing view sheds are minimised, refer to the separate visual assessment submitted with the Concept Plan.</p> <p>The total bulk earthworks strategy involves some 750,000 cubic metres of cut to fill, with the overall volumes balanced to ensure that no site material is removed, and no additional material is required to be imported to the site.</p> <p>The regrading exercise is to be performed as one contract, in preparation for the construction of roads. It is anticipated that this could be of up to 9 months duration, depending on the level of resources deployed by the earthworks contractor.</p> <p>Preliminary geotechnical assessment has been conducted, which indicates that there will be little or no excavation in rock, however, detailed geotechnical assessment is required prior to construction to identify and quantify the full extent of earthworks, particularly with respect to deep consolidation of existing unconsolidated material, demolition of existing concrete structures, the management of ground water, slope stability, pavement design and the presence and strength of rock.</p> <p>It is proposed to consolidate all site material to enable construction of standard footing systems for residential development in accordance with AS 2798.</p> <p>A preliminary sediment and erosion control strategy has been developed in for the PROJECT APPLICATION. It is expected that this will be a guide only, with detailed strategies to be employed by the earthworks contractor.</p>
AIR & MICROCLIMATE	Air and microclimate issues are addressed in the Concept Plan
FLORA & FAUNA	Flora and Fauna issues are addressed in the Concept Plan
WASTE	Construction waste will be managed by the contractor. Only approved waste management facilities will be allowed to be used, no on site disposal or incineration of waste will be permitted.
ENERGY	Energy issues are addressed in the Concept Plan
NOISE & VIBRATION	Construction times will be limited to 7.00 Am – 7.00 PM Monday to Saturday. No work will be permitted on Sundays or Public Holidays, save for emergency work or work arranged by prior consultation with the community.

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	Vibrations will be limited by EPA guidelines.
NATURAL HAZARDS	Natural hazards are addressed in the Concept Plan. Detailed geotechnical investigation of the site is required to confirm appropriateness of final foundation conditions for dwellings and site stability.
TECHNOLOGICAL HAZARDS	Technological hazards (especially contamination) are addressed in the Concept Plan.
SAFETY, SECURITY & CRIME PREVENTION	The development has been designed in accordance with the principles of Crime Prevention Through Environmental Design (CPTED)
SOCIAL IMPACT ON LOCALITY	Social impacts are addressed in the Concept Plan
ECONOMIC IMPACT ON LOCALITY	Economic impacts are addressed in the Concept Plan
SITE DESIGN & INTERNAL DESIGN	<p>All roads grading have been designed to both LMCC and WSC standards. A maximum grade of 12% has been adopted with largely one-way cross-fall. 300mm deep swales have been provided on the low side of road to provide for attenuated flows and water quality treatment in accordance with the separate stormwater management plan.</p> <p>Road materials will be asphaltic concrete for the local roads, and a lightly bound (cement) decomposed granite surface for car courts. Pavements will be confined by 150mm wide concrete edge strips, to be flush with the top surface of the roads.</p> <p>However, the loop road (extension of the Montefiore Parkway) in the village centre will be kerbed with standard 150mm integral kerb and gutter due to room constraints, and the more formal nature of this precinct. A pit and pipe drainage system is to be provided for this area, draining to the swale system Hale Street.</p> <p>Road widths are in excess of the minimum standards espoused by AMCORD, refer to the typical cross sections on drawings 0191 and 0192 for details.</p> <p>Refer to the attached materials palette for further detail.</p> <p>Where the local roads cross the inter hamlet bushland corridors, each of which contains a drainage swale, a timber bridge is proposed to delineate the hamlets and to serve as a water course crossing.</p> <p>All roads, with the exception of Montefiore Parkway, west of Hale Street, are to be retained by the Community Associations for maintenance purposes, with access given to the public via the management plans.</p> <p>Hale Street also incorporates a cycleway to the intersection with Flowers Drive. Detailed landscaping of all roads is proposed in accordance with the landscape architect's (Context Pty Ltd) plans.</p> <p>Kerb returns for the local roads are sufficient to allow 12m trucks (garbage trucks) to negotiate intersections, however, car courts are not designed for regular garbage truck use. It is anticipated that furniture removal vans etc will need to reverse into car courts in order to service the lots, however, the itinerant nature of these vehicles is considered to be acceptable.</p> <p>A 2.5 m wide parking lane is provided on all roads to allow for additional itinerant on street visitor parking, and is to be shared with carefully located street tree planting. Sufficient on site parking will be provided within each dwelling site for two cars.</p>

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CONSTRUCTION	Further construction details are required as part of the Construction Certificate Application following approval of the Project Application.
CUMULATIVE IMPACTS	Cumulative impacts are addressed in the Concept Plan

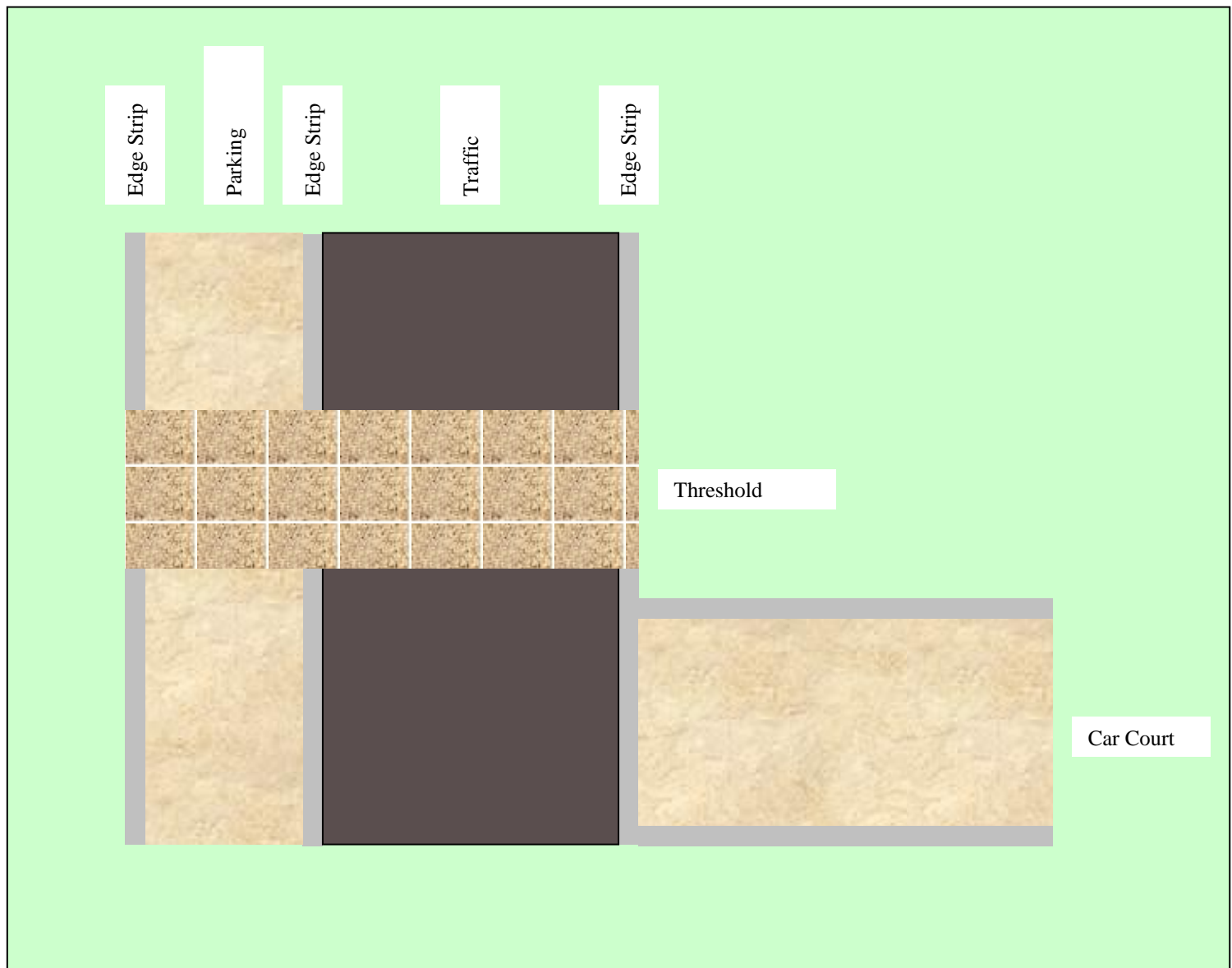
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10 EXTERNAL MATERIALS, FINISHES & COLOURS

The following compilation of road materials is likely to be used at the Moonee Hamlets development:

Local Roads

Threshold:	Cobblestone - Beige
Edge Strip:	Concrete – grey (plain)
Traffic lane:	AC
Parking lane:	Omnigrip Deco Sand
Car Court	Decomposed Granite



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The external materials, finishes and colours for the proposed community centre building 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				
			1	2	3	4	5
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	✓ ✓	✓ ✓	✓ ✓	✓ ✓	✓ ✓

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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	✓ ✓	✓ ✓	✓ ✓	✓ ✓	✓ ✓

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11 WASTE MANAGEMENT PLAN

Construction waste will be managed by the contractor. Only approved waste management facilities will be allowed to be used, no on site disposal or incineration of waste will be permitted.

Contractors will be required to prepare a Waste Management Plan for construction works in accordance with the 'Waste Planning Guide for Development Applications' published by the Inner Sydney Waste Board.

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APPENDIX 1 – CIVIL DESIGN REPORT

Moonee Hamlets

Civil Design and Infrastructure Servicing Report

August 2007

Coastal Hamlets Pty Ltd



Parsons Brinckerhoff Australia Pty Limited ACN 078 004 798 and
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NCSI Certified Quality System ISO 9001*

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1. Introduction

Coastal Hamlets Pty Ltd is the proponent for the redevelopment of the former Moonee Colliery site located at Catherine Hill Bay, NSW and has engaged Parsons Brinckerhoff (PB) to produce Civil engineering designs for the project.

The development has been declared to be a major project pursuant to part 3A of the Environmental Planning and Assessment Act, 1979. Accordingly, the NSW Minister for Planning is the consent authority. The project is supported by a Concept Plan, which, when approved will be the guiding master plan. Subsequent project applications will contain more detail and form the basis for development consent. Detailed designs for construction will be certified in accordance with the requirements for Construction Certificates.

The development will largely be subdivided as a nested community scheme, with only Montefiore Parkway being dedicated to the public as Road. As the rest of the roads within the development will be Community Property, compliance with the relevant council standards for public roads is not required.

The site lies across the boundary of the Lake Macquarie and Wyong Local Government Areas. Notwithstanding that compliance with local authority standards for public roads is not required, we have ensured that road design standards for longitudinal grades comply. Cross sections exceed the minimum standards for road widths as outlined in the Australian Model Code for Residential Development (AMCORD).

The maximum developable area does not exceed 60Ha and there are approximately 600 lots in the proposal. However, the 60Ha comprises bushland corridors, roads, drainage structures and bushfire asset protection zones. The average lot size is in the order of 400m². The development is divided into seven distinct 'hamlets' with each hamlet linked by a series of local roads. Each hamlet will form its own precinct plan in the nested community titles scheme.

Due to its former use as a coal mine and preparation area, the topography of the site is heavily disturbed and requires a significant bulk earthworks operation to rehabilitate for residential use. The bulk earthworks and the local roads will form part of an initial project application (termed 'major works' to prepare the site in general for future residential use. Separate project applications will then follow for the subdivision of each of seven 'hamlet' precincts. These 'hamlet applications' may also include detail for the erection of dwellings and other buildings on the site as appropriate.

This report is to accompany the Concept Plan, and details some of the more pertinent points of the design to ensure the concept plan is achievable and properly scoped ahead of the more detailed design phases associated with the Project Applications and Construction Certificate applications respectively.

Designs for the major works associated with the proposed development are at an advanced stage. It is intended to lodge project applications for the major works at the same time as the Concept Plan. Accordingly, much of the detail discussed in this assessment is available for inspection on the major works project application plans, which should be read in conjunction with this report.

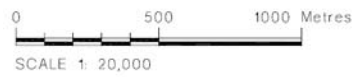


Figure 1.1: Locality Plan

2. Existing conditions

2.1 Topography

Levels on the site vary from about 5.0m AHD to about 45m AHD. The eastern perimeter of the site is bounded by the Pacific Ocean, with steep cliffs rising from the ocean to a level of approximately 35m AHD. This area was the site of the former bin building which was used for storing and distributing the processed coal product to the wharf, which lies at the bottom of the cliff.

Montefiore Parkway runs along an east – west running ridge in the topography at about 35m AHD. The majority of the development lies on the southern side of the ridge.

The existing topography at the cliff top and Montefiore Parkway is to be retained. However, other areas are largely disturbed as a result of the former use of the site as a coal mine and preparation area. These areas are to be regraded to make the site more suitable for residential development, to take advantage of views and to ensure the site drains properly in accordance with the separate stormwater management plan.

2.2 Existing road network

The site is serviced by an existing sealed mine road which links to the Pacific Highway to the West. This road is currently on private land and is not a dedicated public road. However, it is proposed to dedicate this road to the Public as Road as part of the major works project application. The newly dedicated road will be known as Montefiore Parkway.

Catherine Hill Bay Village, which lies to the north of the proposed development site, is accessed via the mine road (to be dedicated Montefiore Parkway) and Flowers Drive to the north. It is proposed to link the development via direct connection to Montefiore Parkway and an additional connection to Flowers Drive, refer to the separate traffic report for details.

2.3 Existing developments

The area behind the cliff top was formerly the coal preparation area and administration centre for the coal mine. Various concrete footings and pavements remained in place at the time of the Concept Plan and further detailed assessment is required at construction stage to identify demolition plans.

The former mine managers residence and the jetty masters cottage are both retained in a heritage precinct and ground levels in this area are remaining largely the same as existing.

Additional buildings are located on the south side of Montefiore Parkway, including the former bath houses and other mines infrastructure. These areas are to be regraded and accordingly, these buildings will be demolished in the major works project application.

Also, large scale earthworks had been performed during the mine operations, in particular, a number of large flat areas had been levelled for the stockpiling and storage of raw coal. Some of the previously excavated material has been moved to the southern region of the site, however, it has not been appropriately consolidated to a standard suitable for residential development. Accordingly, detailed geotechnical assessment will be required

prior to construction to resolve foundation material to be suitable for residential buildings in accordance with AS 2870.

2.4 Existing services

The site is not currently serviced by Sewer or Water.

There is some limited capacity in the existing electrical network for the village of Catherine Hill Bay however, augmentation of the system will be required. There is a zone substation identified in the Lower Hunter Regional Strategy.

The site is not serviced by Gas

There is a telecommunications optic fibre servicing the site. This may need to be relocated as a result of the development, and its capacity may need to be upgraded, depending on future Telstra network planning.

All utilities services will need to be either upgraded, or extended to the site to accommodate the proposed development. Existing services on the site include a 6.1m sewer easement along the southern side of the property adjacent to Links Road. This sewer line is to be retained. There are no further services found on the remainder of the site.

3. Proposed development

3.1 Access

Montefiore Parkway is to be dedicated to the public as road. In preparation for dedication, a 2.0m cycleway is to be attached to the southern side of the existing road alignment. No other roadworks are proposed for Montefiore Parkway, whose speed zone, on dedication, is proposed to be 50 km/hr.

The mine access road, which currently terminates at Clarke Street, will be extended to the proposed village centre, where a second link road "Hale Street" will be constructed to link with Flowers Drive. While there is already a former minor mines road on the alignment of Hale Street, this will be realigned and reconstructed to suit the proposed development layout.

Preliminary design for the intersection with Flowers Drive has been undertaken and allows for all turning movements, in particular, the right turn movement from Flowers Drive to Hale Street to occur safely. Any required islands etc would be marked in paint, rather than provided in concrete to minimise the impacts of the intersection on the existing residential environment, and to allow for any existing driveway access and the like. Having regard for the realignment of this intersection, it is likely that the access arrangements for the former mine managers residence and the jetty masters cottage will need to be revised.

The intersection of the existing mine road with the Pacific Highway is likely to require upgrading, having regard for the increased level of traffic generated by the development. Negotiations are currently underway with the Roads and Traffic Authority to determine the required intersection works. It is likely these will comprise left in left out movements only, with or without appropriate u turn bays or, traffic signals. Refer to the traffic assessment report by Masson Wilson Twinney for further details.

A number of local roads will intersect directly with Montefiore Parkway. These will be delineated by at grade thresholds to indicate the change in road hierarchy on entering each of the separate hamlets.

3.2 Roads

All roads grading have been designed to both LMCC and WSC standards. A maximum grade of 12% has been adopted with largely one-way cross-fall. 300mm deep swales have been provided on the low side of road to provide for attenuated flows and water quality treatment in accordance with the separate stormwater management plan.

Road materials will be asphaltic concrete for the local roads, and a lightly bound (cement) decomposed granite surface for car courts. Pavements will be confined by 150mm wide concrete edge strips, to be flush with the top surface of the roads.

However, the loop road (extension of the Montefiore Parkway) in the village centre will be kerbed with standard 150mm integral kerb and gutter due to room constraints, and the more formal nature of this precinct. A pit and pipe drainage system is to be provided for this area, draining to the swale system Hale Street.

Road widths are in excess of the minimum standards espoused by AMCORD, refer to the typical cross sections on drawings 0191 and 0192 for details.

Refer to the materials palette submitted with the project application's environmental assessments for further detail.

Where the local roads cross the inter hamlet bushland corridors, each of which contains a drainage swale, a timber bridge is proposed to delineate the hamlets and to serve as a water course crossing.

All roads, with the exception of Montefiore Parkway, west of Hale Street, are to be retained by the Community Associations for maintenance purposes, with access given to the public via the management plans.

Hale Street also incorporates a cycleway to the intersection with Flowers Drive. Detailed landscaping of all roads is proposed in accordance with the landscape architect's (Context Pty Ltd) plans.

Kerb returns for the local roads are sufficient to allow 12m trucks (garbage trucks) to negotiate intersections, however, car courts are not designed for regular garbage truck use. It is anticipated that furniture removal vans etc will need to reverse into car courts in order to service the lots, however, the itinerant nature of these vehicles is considered to be acceptable.

A 2.5 m wide parking lane is provided on all roads to allow for additional itinerant on street visitor parking, and is to be shared with carefully located street tree planting. Sufficient on site parking will be provided within each dwelling site for two cars.

3.3 Drainage

Refer to the separate stormwater management strategy for detail concerning drainage.

3.4 Site regrading

Major site regrading is required to take advantage of the site's views. This has been carefully designed to ensure visual impacts of the development from existing view sheds are minimised, refer to the separate visual assessment submitted with the Concept Plan.

The total bulk earthworks strategy involves some 750,000 cubic metres of cut to fill, with the overall volumes balanced to ensure that no site material is removed, and no additional material is required to be imported to the site.

The regrading exercise is to be performed as one contract, in preparation for the construction of roads. It is anticipated that this could be of up to 9 months duration, depending on the level of resources deployed by the earthworks contractor.

Preliminary geotechnical assessment has been conducted, which indicates that there will be little or no excavation in rock, however, detailed geotechnical assessment is required prior to construction to identify and quantify the full extent of earthworks, particularly with respect to deep consolidation of existing unconsolidated material, demolition of existing concrete structures, the management of ground water, slope stability, pavement design and the presence and strength of rock.

It is proposed to consolidate all site material to enable construction of standard footing systems for residential development in accordance with AS 2870.

A preliminary sediment and erosion control strategy has been developed in for the major works project application. It is expected that this will be a guide only, with detailed strategies to be employed by the earthworks contractor.

3.5 Bush fire management

Asset protection zones have been provided in accordance with advice from Barry Eadie (refer separate report).

Fire trails to enable access by bushfire fighting vehicles has been provided as indicated on the detailed plans for the major works project application. Maximum grades for the fire trails are xx%. The fire trails are unsealed, but drained by table drains (swales) in accordance with the typical cross sections (Drawings 0191 and 0192).

The fire trails have a width of 4m and regular access to the main roads and car courts within the development; access to roads is more frequent than 500m.

Fire hydrants are provided at the ends of car courts adjacent to fire trails to allow for filling of tankers and the hosing of dwellings and the fighting of fires. Minimum pressures for fire fighting (25m static head) will be maintained.

4. Utilities and Infrastructure

Water / waste water

The site lies across the boundary of the Lake Macquarie and Wyong Local Government Areas, accordingly statutory responsibility for water servicing is also split between Hunter Water Corporation and the Gosford / Wyong Water authority. However having regard for the servicing strategy that will bring water to the site from Swansea, and return waste water to Belmont, the Hunter Water Corporation has agreed to accept responsibility for all water supply, and sewer management issues.

Potable water is to be brought to the site from the north (Swansea) via a system of mains and reservoirs sufficient to supply the existing villages, other future development and the proposed development. The application of a stormwater recycling system (refer section on Stormwater Recycling) will reduce potable water demand.

Design of the trunk water supply and sewer systems is currently being undertaken in consultation with the Hunter Water Corporation, who are supportive of the proposal.

A water reticulation system, including adequate supply for bushfire fighting purposes will be designed and installed on the site in accordance with the schematic utilities services plan.

A sewer pump station will be installed at the lowest point on the southern side of the proposed development to transfer waste water to another pump station near the intersection of Hale Street and Flowers Drive, which will pump to a third station at middle camp and then into the existing network at Walarah. The trunk sewer network will have sufficient capacity for the existing villages, other future development and the proposed development.

Trunk sewer services will have sufficient capacity, and will be sufficiently low to accommodate connection of the existing village, as well as other future proposed development within the region.

Electricity

Electrical infrastructure is currently near capacity. Development of the site requires the installation of a new zone substation to be supplied from the HV lines at the Pacific Highway. Detailed planning for the substation is the prerogative of Energy Australia's network planning section, who is aware of and supportive of the proposal.

Telecommunications

The site is serviced by optical fibre as part of Telstra's network. Telstra may need to upgrade their system to cater for the proposed development and are currently engaged in discussions with PB.

Gas

The site is not serviced by reticulated mains natural gas and is not likely to be serviced in the foreseeable future.

Refer to Figure 4.1 for a concept layout of all services within the proposed development



Figure 4.1: Servicing Strategy

THE MOONEE HAMLETS
Civil Works Package

APPENDIX 2 – STORMWATER MANAGEMENT STRATEGY

Stormwater Management Strategy

*COASTAL HAMLETS 2-5 RESIDENTIAL SUBDIVISION AT
MONTEFIORE STREET, CATHERINE HILL BAY*

For Coastal Hamlets Pty Limited

March 2009

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APPENDICES

Appendix 1 - Figures

1.0 Introduction/Background

ADW Johnson Pty Limited has been engaged by Coastal Hamlets Pty Limited to provide a revised Stormwater Management Strategy for Coastal Hamlets 2-5 (refer to **Figure 1**). The revised strategy is part of the Civil Application and in accordance with Part B Modification to Concept Plan, B1 Development Footprint – Catherine Hill Bay from NSW Department of Planning (DoP), dated 3rd September 2008:

“(1) – The concept plan shall be modified so that all infrastructure and other provisions to support the urban development is retained within the urban footprint, including stormwater management infrastructure, utilities, bushfire asset protection zones and fencing. This condition does not apply to utilities from outside the site that must be located to minimise any impact on environmental(ly) sensitive lands while meeting safety requirements.”

The revision will be to the “Stormwater Management Strategy Residential Subdivision, Catherine Hill Bay” December 2007 by Parsons Brinckerhoff (PB Report). The strategy in the PB Report included an existing pond that was proposed to be used for peak flow attenuation for runoff from Coastal Hamlets 2-5. The existing pond was previously part of the washery activities. It is located outside of the urban footprint in land to be ultimately transferred to National Parks & Wildlife Service (NPWS), however the land is currently transferred to DECC. The Consent Condition requires all proposed stormwater controls for the development to be located within the urban footprint (refer to **Figure 2**).

Liaison with both NPWS and DECC as part of the interface issues process, has confirmed that the revised strategy will not include the existing pond as part of the treatment train or for peak flow attenuation requirements for stormwater runoff from the Coastal Hamlets development.

This report is a revision to the Stormwater Management Strategy for runoff from Coastal Hamlets 2-5. The revision is required to demonstrate compliance with the Terms of Approval of the NSW DoP Consent. There is also an Australian Government consent prescribing stormwater conditions applicable to the revised strategy. This consent was issued after referral was made under the Environmental Protection and Biodiversity Conservation Act. The purpose of this report will be to demonstrate that the stormwater management requirements for runoff from the development can be met within the urban footprint. Final details of the stormwater strategy, including erosion and sediment control, will not be completed until the project applications are lodged for the respective stages of the development.

2.0 Objectives/Requirements

As described in **Section 1.0**, there are three (3) different documents with requirements applicable to defining the objectives. From Section 75, Part 2 of the Environmental Planning & Assessment Act (1979), the stormwater management requirements are to be generally in accordance with the Terms of Approval of the Concept Plan. The Terms of Approval are described by the DoP Consent in **Section 2.1**. Whilst some of these conditions relate to Project Application requirements as part of further design, the requirements have been addressed conceptually in this report for consistency toward the end outcome. The Australian Government Consent requirements related to stormwater permanent controls are described in **Section 2.2**. The objectives from the PB Report are described in **Section 2.3**.

2.1 DoP Terms of Approval

As described in **Section 1.0**, the Terms of Approval from DoP require revision of the Stormwater Management Strategy so as not to include the existing pond on NPWS/DECC lands. In addition, the future project applications for Coastal Hamlets 2-5 require:

C11.

(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 (ICOLL) and creek to the south of Hamlets 2-5; and

- (i) provide details for the water capture and reuse scheme that demonstrates the following:*
 - i) measures to reduce demand on potable water supply;*
 - ii) management and maintenance arrangements;*
 - iii) measures to ensure that downstream hydrological functions and biodiversity values including groundwater and groundwater dependent ecosystems are protected.*

Although the above list is not required until the Project Application is lodged, consistency with these requirements is essential in this Stormwater Management Strategy.

2.2 EPBC Consent

Condition 6 of the Australian Government Department of the Environment, Water, Heritage and the Arts Approval under Section 133 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC 2007/3411) for Gwandalan and Catherine Hill Bay is:

6. In order to minimise the potential impacts on the Environment Protection and Biodiversity Conservation Act 1999 listed threatened species and suitable habitat that is known to, or likely to occur in the conservation lands and/or the marine environment, prior to any works commencing, the person proposing to take the action must prepare Stormwater Management Plans which ensure that stormwater discharged from the development sites meets the objective reductions set out in the October 2007 draft Managing Urban Stormwater: environmental targets, Department of Environment and Climate Change NSW, the 2008 Wyong Water Sensitive Urban Design Development Control Plan (DCP No. 97) and the July 1999 Wyong Shire Council Urban Stormwater Quality Management Plan for the Tuggerah Lakes and Coastal Catchments.

Presumably the DECC targets from this condition are applicable to the Coastal Hamlets site at Catherine Hill Bay. Catherine Hill Bay is in the Lake Macquarie City Council local government area. Gwandalan, however, is in the Wyong Shire Council local government area, consequently subject to the Wyong Council documents and targets described by the condition. The DECC targets referred to in this condition are shown below in **Table 1**.

Table 1 – DECC Key Pollutant Target Objectives

Pollutant/Issue	Pollutant Target Reduction
Gross Pollutants	90% Retention of annual gross pollutant greater than 5mm
Total Suspended Solids	85%
Total Phosphorus	65%
Total Nitrogen	45%

2.3 PB Report

The objectives from the PB Report were described as follows:

- Determine existing flow rates from the local drainage catchments,
- Estimate developed flow rates from the local developed drainage catchments following the construction of dwellings and roads on the development site,
- Estimate mitigated flow rates from the local drainage catchments following the inclusion of stormwater detention structures, and
- Recommend appropriate structures or devices for the treatment of runoff from the development.

Furthermore, water management issues considered in the PB Report included:

- Capture and reuse of excess stormwater;
- Licensing if any, for groundwater interception or extraction under Section 91 of the Water Management Act 2000;
- Compliance with the NSW Groundwater Policy Framework;
- Protection of Riparian Vegetation; and
- Protection of the SEPP 14 Wetland downstream.

No pollutant reduction targets are defined in the PB Report as objectives for compliance. The modelling complied with Australian Runoff Quality (ARQ) best practice pollutant reduction for 'post development with water quality control' simulations of: Suspended Solids – 80%, Total Phosphorus – 40%, Total Nitrogen – 40% and these were easily exceeded.

The PB Report was used as a basis for stormwater management, however, the objectives of this report are superseded and do not match the Terms of Approval of the Consents.

3.0 Stormwater Management Strategy

The proposed strategy is a water sensitive urban design solution. The strategy treatment train for water quality improvement includes at-source controls, conveyance controls and end of line controls. PB had previously detailed the existing site conditions, the hydrologic characteristics and groundwater interactions. These details were relied upon as a base for the revised stormwater strategy.

The Stormwater Management Strategy has a shift of focus to water reuse, reduction in potable demand, water quality and discharge volumes. This is consistent with the Terms of Approval from the DoP Consent and Federal Government Consents, shifting from conventional peak flow attenuation, that serves no purpose downstream of this site. Peak flow attenuation modelling has been undertaken to understand hydrological characteristics, however this is not an objective of the Stormwater Management Strategy.

3.1 Treatment Elements

The treatment elements for runoff from the development are:

- Individual rainwater tanks to each dwelling for the harvesting of roof runoff. The tank supply will be connected indoor to uses such as toilets and laundry and outdoor water uses.
- Bio Retention Swale drainage to road edges.
- Bio Retention Swale drainage within managed bush corridors.
- Gross Pollutant Traps.
- Option to include Constructed Wetlands at the base of the managed bush corridors used for water quality and some peak flow attenuation.
- Underground water tanks at the end of managed bush corridors within the Asset Protection Zone adjacent to the perimeter road. These tanks will be connected to underground storage tanks at the top of catchment for supplementary reuse over the Village Green, managed bush corridors and other landscaped open space areas. The underground tanks at the base of the site are being used for water quality and peak flow attenuation.

There are three (3) outlets for stormwater discharge from the urban footprint. Each of these outlets are to existing watercourses downstream of the urban footprint boundary.

3.2 Modelling/Base Parameters

Modelling was used to verify that the post development target objectives for water quality have been met, refer to **Section 3.2.1**. Modelling was also used for determining conventional post development peak flow attenuation characteristics, refer to **Section 3.2.2**. Water reuse strategy for discharge volume reduction from the residential development is described in **Section 3.2.3**.

3.2.1 Water Quality

The MUSIC model was used for the analysis of water quality. The rainfall data used was six minute rainfall data from Maryville (1987), with rainfall of 1167mm for one year. This is the closest available Bureau of Meteorology station with six minute rainfall data to match the MUSIC model time step of six minutes. This is a slight over estimation of the rainfall, since the average rainfall year for Lake Macquarie is approximately 1132mm.

Assumptions of percentage imperviousness were consistent with the assumptions made in the PB Report. That is, average lot areas were assumed by PB to be:

- Roof Area – 200m²
- Paved Area – 50m² (patio, driveway)
- Pervious Area – approximately 150m² (or remaining lot area)
- Total Area – 400m²

The percentage imperviousness for roads was measured from the typical cross sections shown in the Concept Plan – December 2008. Adjustment has been made to the post development catchments to suit the anticipated grading and finished surface levels within the urban footprint. Refer to **Table 2** below.

Table 2 –MUSIC Catchment Areas (Coastal Hamlets 2-5) within Urban Footprint

Urban Footprint Sub Catchment	Roof	Roads		Landscaped Area - Open Space, Bush Corridor, APZ	Total (ha)
	Impervious Area (ha)	Impervious Area (ha)	Pervious Area (ha)	Pervious Area (ha)	
A	2.000	1.567	1.642	3.154	8.363
B	3.220	3.239	3.878	4.136	14.473
C	3.020	2.591	3.241	5.933	14.785
Total (ha)	8.240	7.397	8.761	13.223	37.261

These catchments and the relevant external catchments to the urban footprint are shown on **Figure 3**. These areas have been adjusted from the PB Report to be consistent with the subdivision plan which has delineated the urban footprint from the land transferred to NPWS/DECC.

The MUSIC model layout of treatment elements is shown in **Figure 4**. Treatment train elements and system details of the water quality controls for the development are shown in **Section 3.3**. The MUSIC modelling results are shown in **Section 4.0**.

3.2.2 Water Quantity

The RAFTS model was used to simulate the pre and post development peak flow rates for conventional stormwater analysis purposes. This model uses the Laurenson Method for runoff/routing which is the same as the XP SWMM model used in the PB Report. Model base parameters for infiltration and roughness were adopted from the PB Report. The model was used to size the attenuation controls required for mitigation of post development peak flow rates to pre development peak flow levels for the 1:1 year, 1:10 year and 1:100 year ARI storm event for a range of durations, although this was not an objective of the revised strategy.

The catchments used for the RAFTS model were the same as those used for MUSIC from **Table 2**. Additionally, the RAFTS model allows user input of rainwater tank elements to catchments. It is proposed in the stormwater strategy to install rainwater tanks on each dwelling. These tanks will be connected to indoor uses of laundry and toilets as well as external uses of garden watering. Consequently, these tanks were assumed to be 50% full at the start of design storm simulations. Due to the inclusion of rainwater tanks, the change to urban footprint and change to the outlet locations for discharge, there cannot be direct comparison to the PB peak flow results. Refer to **Section 4.0** for the modelling results of peak flows for the strategy. Analysis of further design storms will be completed for the project applications to configure outlet controls.

3.2.3 Water Reuse

Water reuse is a key consideration for Stormwater Management Strategy when designing to ecologically sustainable development design principles. Reduction of potable supply, by water reuse, has been recognised as a requirement in the consent conditions. Accordingly, the Stormwater Management Strategy has increased water reuse over the urban footprint wherever possible.

The first element of water reuse will be the individual rainwater tanks attached to each dwelling. BASIX requirements for residential dwellings are to achieve a 40% reduction in potable water supply. It is accepted practice for BASIX compliance that a rainwater tank connected to indoor uses such as toilets and laundry together with outdoor watering, easily achieves the potable water reduction requirement for new dwellings. At this site the rainwater tanks on each dwelling have been assumed to be a minimum 5KL.

The second major element of water reuse is an outcome of the opportunity to reuse stormwater for irrigation purposes over the extensive landscaped open space areas. The landscaped areas include buffer lands adjacent to Montefiore Street, Village Green and the managed bush corridors. The landscaped areas proposed to be irrigated within the urban footprint are shown below in **Table 3**.

Table 3 –Landscaped Areas to be Irrigated

Sub Catchment	Approximate Landscaped Area (ha)	Irrigation Area Allowance (ha)
A	1.10	1.0
B	2.15	2.0
C	1.70	1.5
Total	4.95	4.5

The areas shown in **Table 3** to be irrigated are a minimum allowance in the stormwater strategy. By comparison to the total landscaped/pervious area available (external to lots), which is 13.223ha from **Table 2**, there are further open space areas such as the APZ buffer area along the southern boundary which could also be irrigated.

An irrigation rate of 1mm/m²/day has been assumed. This is consistent with Lake Macquarie City Council stormwater reuse parameters and is within the acceptable range limits of other standards associated with irrigation loadings. This application rate is not reliant on deeper soil infiltration rates, most likely penetrating the topsoil layer only.

It is proposed to collect stormwater at the base of the site in underground tanks. The stormwater would then be pumped up to the head of the site, within or adjacent to the Village Green and Montefiore Street buffer and stored in underground tanks. The underground tanks have been sized for one (1) month irrigation supply, which is an equivalent total storage of 450KL. This storage will be distributed over several tanks at the top of the urban footprint to suit pumping requirements.

The water reuse component for irrigation has not been included in the water quality modelling undertaken with the MUSIC model as this is considered supplementary to the requirements. It is logical that the irrigation of the landscaped areas would have a positive impact on reducing the quantity of stormwater discharge from the site and hence the anticipated nutrient loading leaving the site. However, this was not modelled.

These tanks combined with the rainwater tanks on each dwelling will have greatest mitigating impact on minimising runoff from the urban footprint during smaller, regular rainfall events.

3.3 System Details

3.3.1 Rainwater Tanks

A 5KL rainwater tank is proposed on each dwelling for collection of roof water. The tank will be connected to indoor and outdoor uses, meeting BASIX water reuse objectives and to provide an at source control which minimises stormwater discharge from minor storm events.

3.3.2 Bio Retention Swale Drainage

The bio retention swale drainage has a dual stormwater function. The first function is that swale drainage will be used for conveyance of stormwater, but swales also provide an effective treatment method for the improvement of water quality. The swale drainage will collect and convey stormwater discharge from road surfaces and overflows from the rainwater tanks on each dwelling. The swales are located adjacent to road edges and within the managed bush corridor. Refer to **Figure 3**.

The bio retention swale drainage cross sections adopted are as follows:

Main Channel/bush corridor swale – Landscaped, vegetated surface 5m wide (top width), 1m wide (base), Sand filter 1m wide, 0.3m deep over gravel and subsoil drain, encased in geotextile fabric. This swale is sized to have capacity for the 1:100 year ARI storm event. Refer to cross section in **Figure 5**.

Road swales – Landscaped, vegetated surface 2.5m wide (top width), 0.5m wide (base), Sand filter 0.5m wide, 0.3m deep over gravel and subsoil drain, encased in geotextile fabric. This swale is sized to have capacity for the 1:10 year ARI storm event. Storms greater than 1:10 year will be managed within the road reserve. Refer to cross section in **Figure 5**.

The total swale drainage lengths for the subcatchments, producing the results shown in **Section 4.0**, are:

- A – 1,320 metres
- B – 1,940 metres
- C – 1,910 metres
- Total – 5,170 metres

If the bio retention swale drainage is deleted from any of the road cross sections during future project applications, the equivalent storage volume could be compensated for by widening the main swale drainage cross section in the bush corridors to achieve the same modelling results.

3.3.3 Gross Pollutant Traps

Gross Pollutant Traps (GPTs) are an essential element to the treatment train. The traps are to collect heavy sediment and litter and provide a regulated location for maintenance, improving the on going function of the stormwater controls. GPTs will be proprietary products with an end of line system or potentially litter baskets for some minor piped drainage inlet pits. This will be determined with the project application for each Hamlet.

The GPTs will be located prior to entry into any underground tank or constructed wetland. Refer to **Figure 3**.

3.3.4 Constructed Wetlands

There is an option to include constructed wetlands toward the base of the site within the managed bush corridors. Constructed wetlands would compliment the treatment train for the improvement of stormwater quality, however they also provide variation to the landscape and biodiversity. The constructed wetlands will have a dual function, having storage available for water quality and peak flow attenuation. Inclusion of a constructed wetland element could replace a portion of swale drainage if required. Constructed wetlands have a function of improving water quality, however none are included in the MUSIC model to date. The final configuration of the constructed wetlands will be determined with the project application for each stage. Refer to **Figures 3 and 5**.

3.3.5 Underground Tanks

Large underground storage tanks are proposed for stormwater control at the base of the site, adjacent to the perimeter road. Stormwater collected in the tanks will be connected via a pump and rising main scheme to storage tanks at the top of the site. Water stored in these tanks at the top of the catchment will be used for irrigation of the Village Green, managed bush corridors and landscaped, open space areas. The underground tanks at the base of the site act as the final point of collection for stormwater and its attenuation, before overflow to the watercourse. The underground tanks are shown in **Figures 3 and 5**.

3.4 Water Management Issues

The water management issues raised in the PB Report have remained unchanged. It is confirmed that the stormwater strategy has no licensing requirements for groundwater interception and no additional loading on groundwater.

Harvestable rights licensing is not triggered by the strategy. Water reuse is a consent requirement; it is best management practice and is also being used for residential domestic purposes. Therefore the development is exempt from the harvestable rights calculations.

Water quality monitoring and testing is now required for the SEPP 14 Wetland under the DoP consent.

3.5 Comparison to PB Report Summary

The key differences between the stormwater strategy and the strategy described in the PB Report are as follows:

The existing pond in the NPWS/DECC lands has been deleted from the stormwater strategy. All stormwater controls required for the residential development are located within the urban footprint.

The sand media filling of the underground tanks at the base of the site has been deleted. PB included the sand as an additional treatment to the stormwater before it was reticulated back into the dwellings for indoor use. Since the stormwater collected in the underground tanks is now being used for outdoor purposes only, the sand is unnecessary. This significantly reduces the on going maintenance costs of sand replacement, backwashing and other issues associated with sand.

Individual rainwater tanks on the dwellings have been added to the stormwater strategy. This is to replace the street based reticulation system that recycled water from the centralised underground tanks to internal dwelling uses that was proposed by PB. The proposal by PB was also a duplication of systems, separating pipe roof water from street drainage. Our strategy of an individual rainwater tank on each dwelling allows direct connection of the stored water into each dwelling, eliminating the street based reticulation system. Each dwelling owner is responsible for their own tank use and maintenance, which is considered more practical and less susceptible to disputes than operation of a central tank shared between residents.

Irrigation of the landscaped areas has been added to the stormwater strategy which was not included in the PB strategy. This has considerable benefits of maintaining corridors 'green', increased water reuse, decreased potable water demand, decreased overflow stormwater discharge from the urban footprint, improved water quality discharge from the urban footprint and minimised impacts to downstream receiving watercourses.

The Stormwater Management Strategy has a shift of focus to water reuse, water quality and discharge volumes. This is consistent with the Terms of Approval from the DoP Consent and Federal Government Consents, shifting from conventional peak flow attenuation, that serves no purpose downstream of this site.

4.0 Results

The outcome from MUSIC modelling of the runoff from the residential development is shown below in **Table 4**.

Table 4 –MUSIC Model Results for Water Quality

Outlet	% Removal		
	Total Suspended Solids (TSS)	Total Phosphorus (TP)	Total Nitrogen (TN)
A	99	86	70
B	99	88	71
C	97	81	62
Total	98	85	67
DECC Target (from Table 1)	85	65	45
Compliance	Yes	Yes	Yes

Gross pollutants were also modelled with MUSIC and shown to comply with the DECC requirement. From **Table 4**, it is shown that the DECC key pollutant target objectives have been met and exceeded. These results do not include the positive impact of the water reuse tanks proposed for irrigation of the landscaped areas. There is flexibility in the results that stormwater controls could be reduced and still maintain compliance, however exceeding the requirements has been used as discretionary factor of safety for the sensitivity of the downstream conditions.

The outcomes from RAFTS modelling of the runoff from the residential development are shown below in **Table 5**. These peak flows are the total peak flows measured at the Intermittent Closing and Opening Lake and Lagoon (ICOLL), including runoff from the urban footprint and the immediate catchment only.

Table 5 – RAFTS Model Results for Peak Flow

RAFTS Simulation	ARI (years)	Peak Flow (m ³ /s)
Pre Development	1	2.41
	10	7.65
	100	14.53
Post Development	1	3.08
	10	9.84
	100	16.56
Post Development (with detention)	1	2.35
	10	7.56
	100	13.2

The modelling results from **Table 5** indicate that post development peak flows have been attenuated to pre development peak flow levels for the 1:1 year, 1:10 year and 1:100 year design storms. The storage requirements to achieve these results, distributed over subcatchments A, B & C are 2000m³, 4000m³ and 3750m³ respectively, however it is envisaged that the stormwater management emphasis in the project applications will be on water reuse, potable water reduction, water quality and discharge volumes rather than conventional peak flow attenuation, making better use of the controls indicated by this strategy.

5.0 Key Compliance

The key compliance requirements of the stormwater management strategy are:

- All stormwater controls for the residential development are contained within the urban footprint;
- Water quality modelling indicates compliance with DECC target objectives;
- Peak flows have been attenuated within the urban footprint;
- Individual rainwater tanks will be installed with each dwelling, capturing roof water and be reused indoors, reducing demand on potable supply;
- Stormwater will be captured and reused as irrigation to the landscaped open space areas;
- Management and Maintenance arrangements have been improved; and
- Measures in place to ensure downstream hydrological functions, biodiversity and groundwater regimes are protected.

Final details of the stormwater configurations will be completed with the project applications for each stage.

6.0 Conclusion

The Stormwater Management Strategy for Coastal Hamlets 2-5 has been revised. It has been demonstrated to be in compliance with the Terms of Approval from DoP. All stormwater controls for runoff from the residential development are contained within the urban footprint. Target objectives for pollutant removal have been achieved with the strategy shown. This revised strategy provides a compliant base with options and flexibility to suit development objectives. Final details of the strategy will be completed with each stage.

Appendix 1

Figures

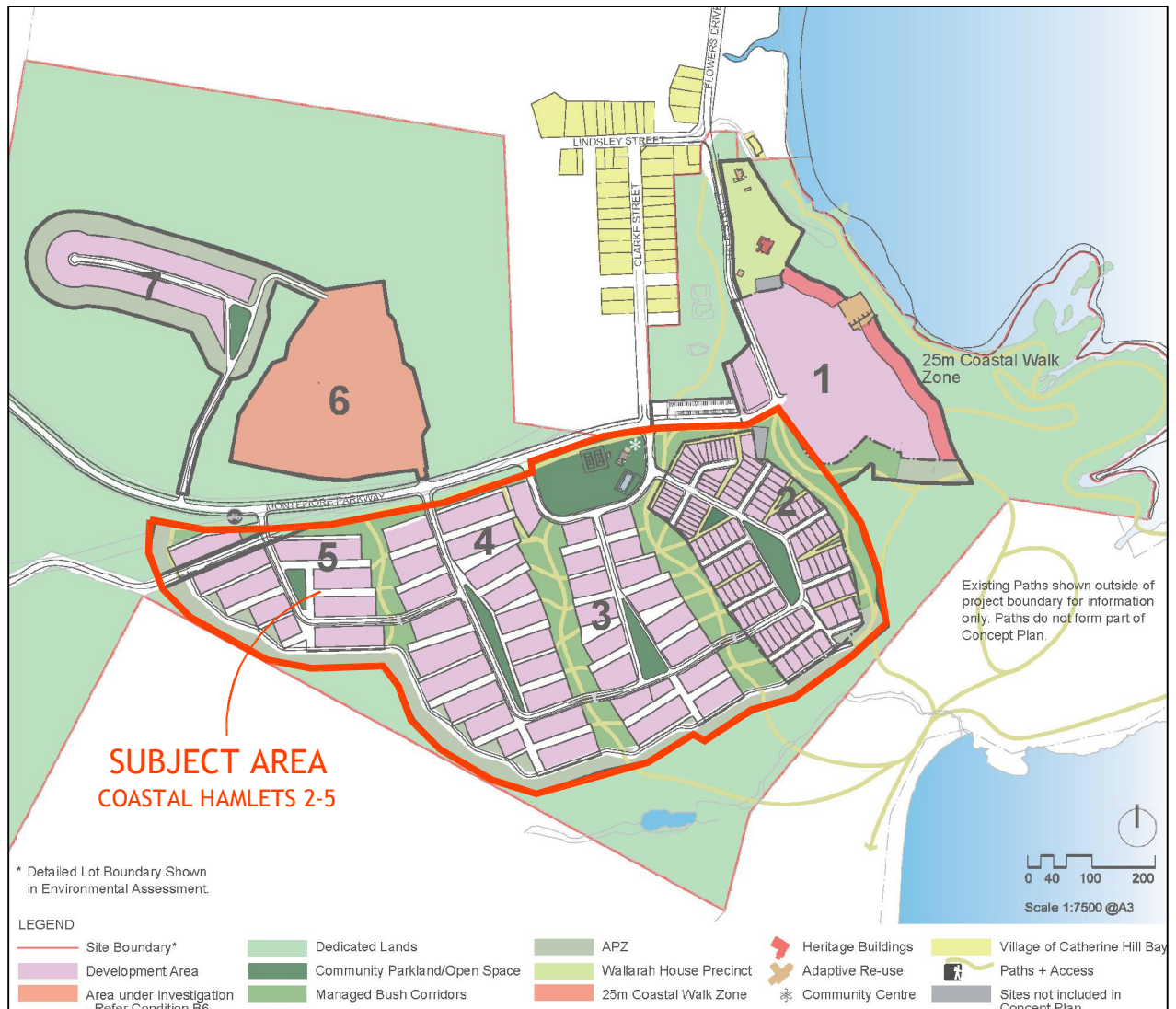
- Figure 1 – Locality Plan
- Figure 2 – Existing Site
- Figure 3 – Stormwater Management Plan
- Figure 4 – MUSIC Layout
- Figure 5 – Stormwater Control Details

Proposed Residential Development Catherine Hill Bay

Date: March 2009
Version: A (March 2009)
Drawn: MJH



N
ADW Johnson



(FROM CATHERINE HILL BAY AND GWANDALAN CONCEPT PLAN
BY CONYBEARE MORRISON INTERNATIONAL, DECEMBER 2008)

**FIGURE 1
LOCALITY PLAN**

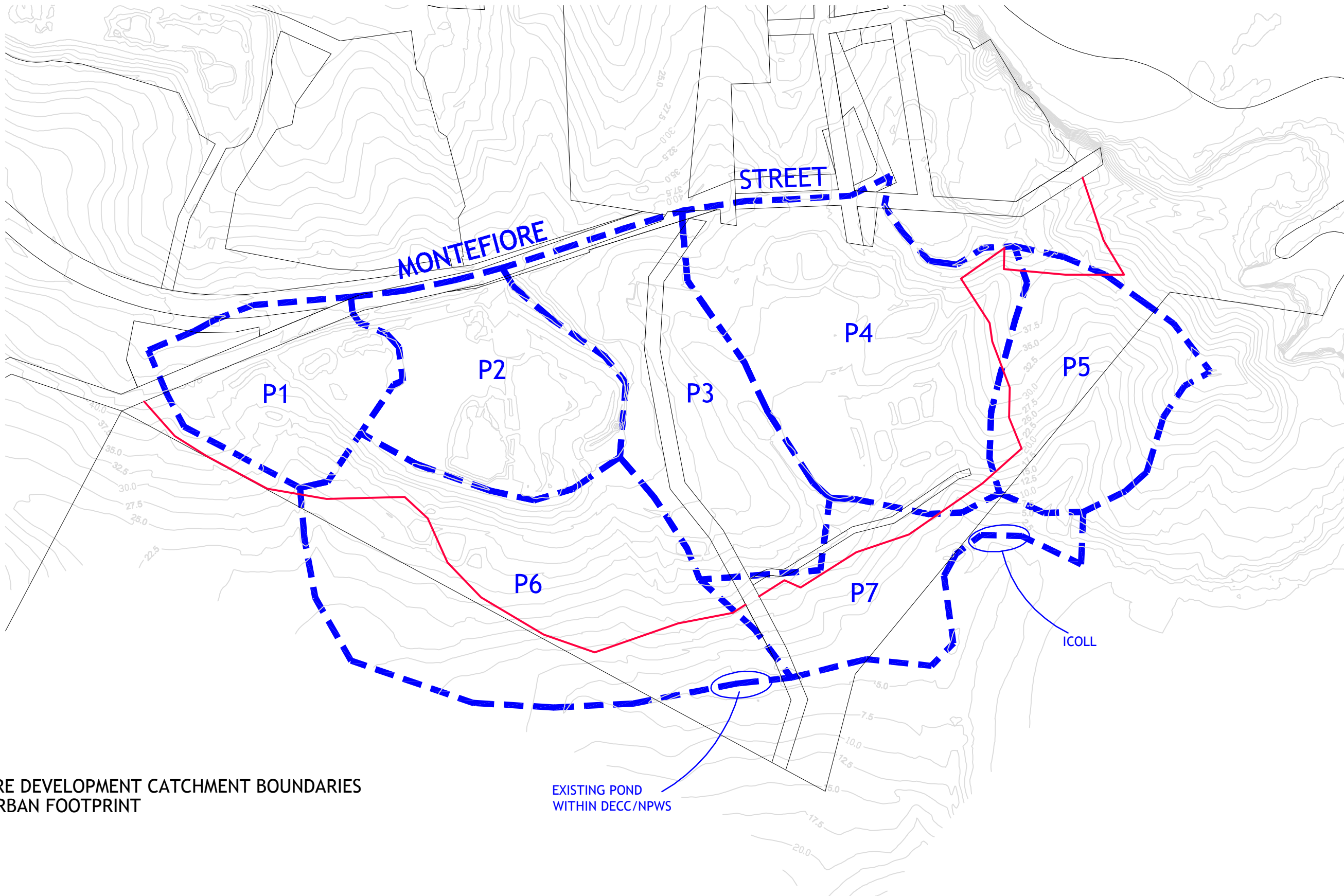
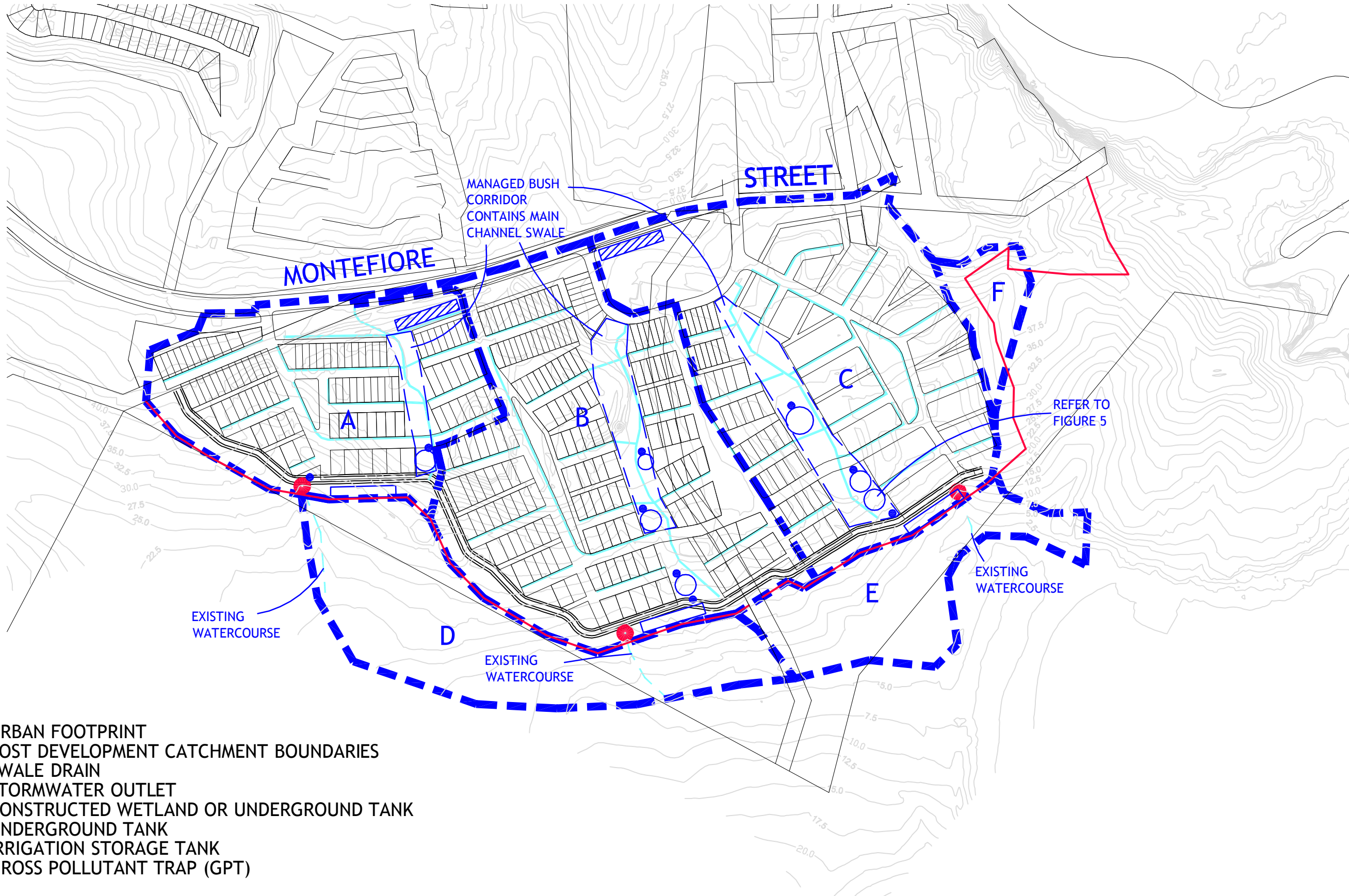
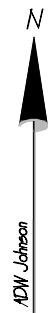


FIGURE 2
EXISTING SITE

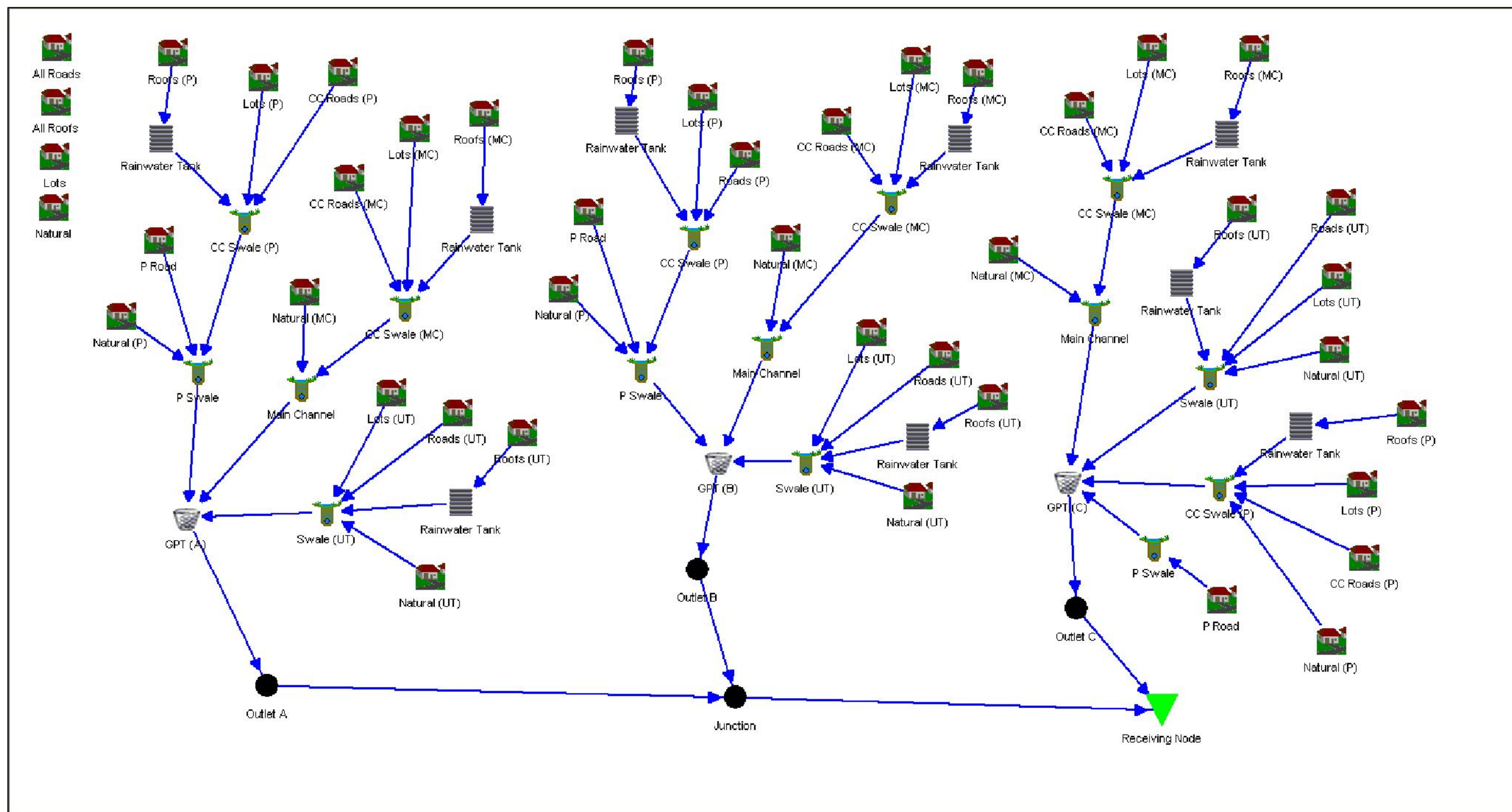


- URBAN FOOTPRINT
- POST DEVELOPMENT CATCHMENT BOUNDARIES
- SWALE DRAIN
- STORMWATER OUTLET
- CONSTRUCTED WETLAND OR UNDERGROUND TANK
- UNDERGROUND TANK
- IRRIGATION STORAGE TANK
- GROSS POLLUTANT TRAP (GPT)



- NOTES:-
1. NATURAL CONTOUR INTERVAL 2.5m
 2. PRELIMINARY LOCATION OF STORMWATER CONTROLS SHOWN. DESIGN TO BE DETERMINED WITH PROJECT APPLICATIONS.
 3. ALL STORMWATER CONTROLS WITHIN URBAN FOOTPRINT

FIGURE 3
STORMWATER
MANAGEMENT PLAN



LEGEND

(MC) MAIN CHANNEL
(UT) UNDERGROUND TANK
(P) PERIMETER

FIGURE 4
MUSIC LAYOUT

Proposed Residential Development Catherine Hill Bay

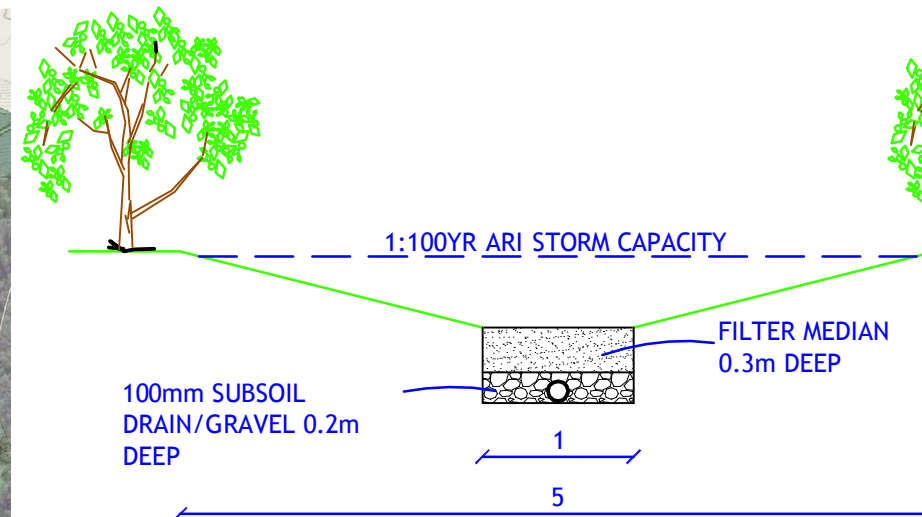
Date: March 2009
Version: A (March 2009)
Drawn: MJH

AutoCAD Ref: Eng\SWater Strategy V1\11688fig-5a
Job No: 11688

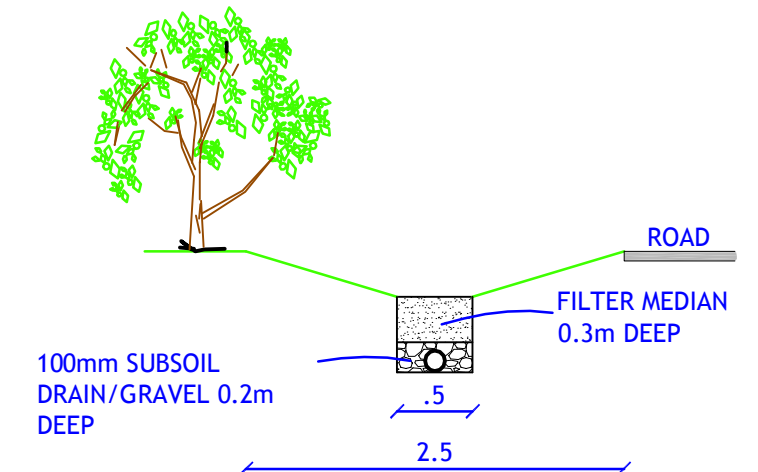


POTENTIAL CONSTRUCTED
WETLAND LOCATIONS

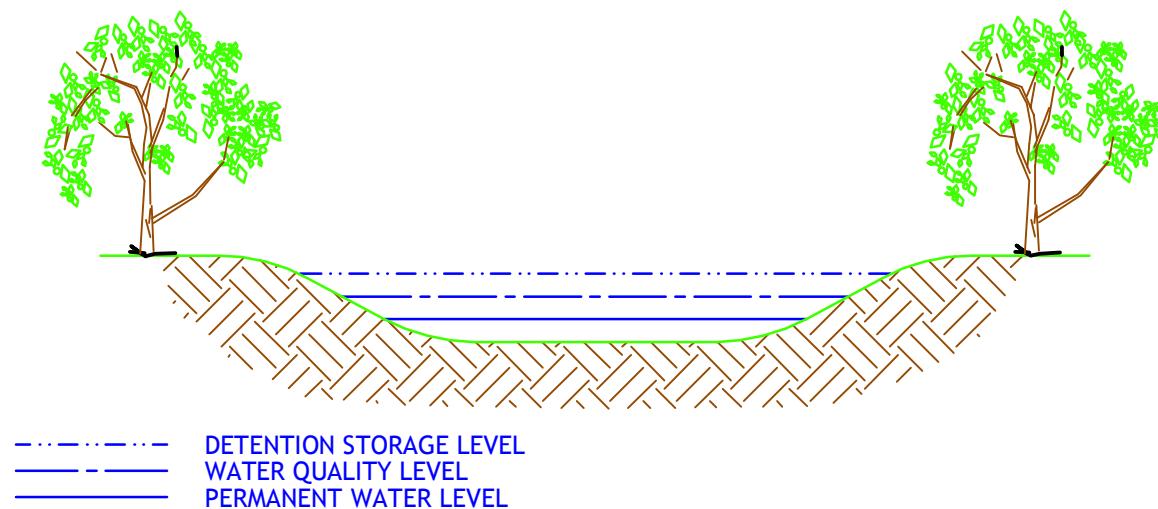
CONCEPT PLAN VIEW
(IMAGE FROM CONCEPT PLAN, DECEMBER 2008)



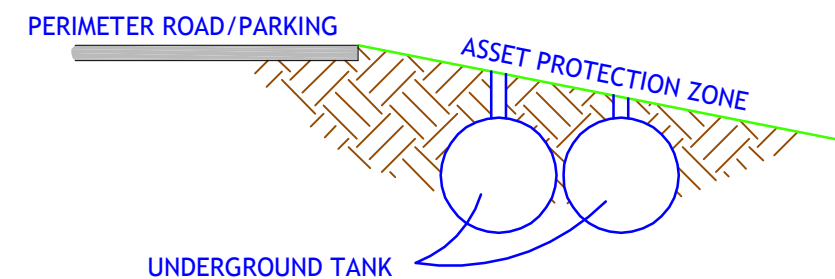
BIORETENTION SWALE TYPICAL SECTION
(MAIN CHANNEL/BUSH CORRIDOR)
NOT TO SCALE



BIORETENTION SWALE TYPICAL SECTION
(ROADS)
NOT TO SCALE



CONSTRUCTED WETLAND TYPICAL SECTION
NOT TO SCALE



UNDERGROUND TANKS
NOT TO SCALE

FIGURE 5
STORMWATER
CONTROL DETAILS

**THE MOONEE HAMLETS
Civil Works Package**

APPENDIX 3 – DRAFT COMMUNITY MANAGEMENT STATEMENT

Moonee Hamlets

Community Management Statement

DRAFT

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Management Act
Development Act
Community Management Statement
Warning

- A The terms of this Management Statement are binding on:
- (a) the Community Association;
 - (b) each Subsidiary Body; and
 - (c) each person who is an Owner, lessee, Occupier or mortgagee in possession of a Lot.
- B An Owner or Occupier of a Subsidiary Scheme is bound by:
- (a) the terms of this Management Statement;
 - (b) the terms of the Neighbourhood Management Statement if the Subsidiary Scheme is a Neighbourhood Scheme; and
 - (c) the terms of the by-law instrument of the Strata Scheme if the Subsidiary Scheme is a Strata Scheme.

DRAFT

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 Community Association other than the first annual general meeting;

Architectural and Landscape Guidelines the architectural and landscape guidelines prescribed under this Management Statement by:

- (a) the Community Association; or
- (b) each Subsidiary Body for its Subsidiary Scheme as amended under this Management Statement;

Asset Protection Zones the areas of the Community Parcel marked on the Concept Plan which have been identified by Council as inner protection areas;

Association Property the Community Property and the Subsidiary Body Property of the Community Scheme;

Authorised Users an Owner or Occupier;

Bush Fire Evacuation Plan the bushfire evacuation plan within the possession of the secretary of the Community Association;

Business Day any day except a bank or public holiday throughout New South Wales or a Saturday or Sunday;

Car Space any part of a Lot which contains a car space or caged areas for storage and is situated within the car parking areas of a building;

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

Community Development Lot a lot that is not:

- (a) Community Property, a public reserve, a public road or a drainage reserve;
- (b) land that has become subject to a Subsidiary Scheme;
- (c) severed from the Community Scheme;

Community Facilities the [to be inserted];

Community Parcel the land the subject of the Community Scheme;

Community Plan deposited plan number [to be inserted].

Community Property:

- (a) Lot 1 in the Community Plan (including the Community Facilities); and

- (b) land to which the Community Association is a lessee under a lease;
and
- (c) land to which the Community Association is a licensee under a
licence;

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 plan of Community Property registered with this Management Statement which also shows the Asset Protection Zones and Vegetation Buffer Zone within the Community Parcel;

Contractor

- (a) those contractors engaged by the Developer's from time to time to carry out Development Activities on the Community Parcel; or
- (b) any other contractor appointed by the Developer to carry out Development Activities on the community Parcel;

Consent Authority a government, semi government, statutory, ministerial, civil, administrative, fiscal or judicial body having jurisdiction over the Community Scheme and includes the Council;

Corporations Act the Corporations Act 2001;

Council Wyong Shire Council and Lake Macquarie Council as the context requires;

Developer Coastal Hamlets Pty Limited;

Development Act the Community Land Development Act 1989;

Development Activities any work which the Developer and all persons authorised by the Developer must do to complete any development on or adjacent to the Community Parcel including:

- (a) any form of demolition work on the Community Parcel;
- (b) the installation of Services;
- (c) any form of landscaping work or work ancillary to or associated with landscaping work on the Community Parcel;
- (d) carrying out development in stages;
- (e) construction of the Community Facilities;
- (f) any form of work which the Developer, in its absolute discretion considers is necessary or desirable;
- (g) the subdivision of land forming part of the Community Parcel by any means, including strata subdivision;
- (h) marketing and sales activities including signage and banners on the Community Parcel; and

- (i) the exercise of any right or discretion given to the Developer under this Management Statement;

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

General Meeting an annual general meeting or a special general meeting of the Community Association;

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

Initial Period as defined in the Community Titles Legislation;

Landscaped Areas any external landscaped area which is on Precinct Property and includes associated lighting and irrigation but excludes any retaining walls;

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;

Lot a Community Development Lot, a Neighbourhood Lot, a Precinct Lot or a Strata Lot;

Management Act the Community Land Management Act 1989;

Management Statement this community management statement;

Manager's Office the area set aside for use by a caretaker or similar which is or is to be constructed on Lot 1 in the Community Plan and as shown on the Concept Plan;

Managing Agent an agent appointed under s50 of the Management Act;

Neighbourhood Association a neighbourhood association created on registration of a Neighbourhood Plan;

Neighbourhood Lot:

- (a) a lot in a Neighbourhood Plan; but
- (b) does not include Neighbourhood Property, a public reserve or a drainage reserve.

Neighbourhood Management Statement a management statement registered with a Neighbourhood Plan;

Neighbourhood Plan a neighbourhood plan that subdivides a Community Development Lot;

Neighbourhood Property:

- (a) Lot 1 in a Neighbourhood Plan; and

(b) land to which a Neighbourhood Association is a lessee under a lease;

Neighbourhood Scheme a neighbourhood scheme constituted on registration of a Neighbourhood Plan;

Occupier any person in lawful occupation of a Lot;

On Site Manager a real estate agent engaged by the Developer to carry out selling and leasing activities on the Community Parcel;

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

Owners Corporation an owners corporation created on registration of a Strata Plan;

Permitted Person a person on the Community Parcel with the express or implied consent of an Owner or Occupier, the Community Association or a Subsidiary Body;

Precinct Lot a lot in a Precinct Plan.

Precinct Plan a precinct plan that subdivides a Community Development Lot;

Precinct Property:

(c) Lot 1 in a Precinct Plan; and

(d) land to which a Precinct Association is a lessee under a Lease;

Precinct Scheme a precinct scheme constituted on registration of a Precinct Plan;

Related Corporation has the meaning given to the term Related Body Corporate in the Corporations Act;

Roads the roads shown on the Concept Plan;

Rules the rules made under this Management Statement;

Satellite Dish is a satellite dish and antennae or dishes or any other facilities for the receiving and dispersing of signals in relation to telecommunications, television and other modes of communication;

Security Key a key, magnetic card or other device used to:

- (a) open and close doors, gates, buildings or locks; or
- (b) operate alarms, security systems or communications systems;

Service:

- (a) the supply of water, gas, electricity, artificially heated or cooled air or heating oil;
- (b) the provision of sewerage and drainage;
- (c) transmission by telephone, radio, television, satellite or other means;
- (d) security systems; and
- (e) 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 over which easements will be created pursuant to section 36 of the Development Act;

Strata Lot a lot in a Strata Plan;

Strata Plan a strata plan that subdivides a Community Development Lot;

Strata Scheme a strata scheme constituted on registration of a Strata Plan;

Strata Titles Legislation the:

- (a) Strata Schemes Management Act 1989; and
- (b) Strata Schemes Freehold Development Act 1989, as the context requires;

Subsidiary Body a Neighbourhood Association, a Precinct Association or an Owners Corporation;

Subsidiary Body Property the Neighbourhood Property, Precinct Property or the common property of a Strata Scheme;

Subsidiary Plan a Neighbourhood Plan, Precinct Plan or a Strata Plan;

Subsidiary Scheme a Neighbourhood Scheme, Precinct Scheme or a Strata Scheme;

Tribunal the tribunal defined in the Community Titles Legislation;

Vegetation Buffer Zone the areas of the Community Parcel shown on the Concept Plan which have been identified as a vegetation buffer area or a vegetation buffer;

Vehicle includes a motor cycle, and a car but excludes an Exceptional Vehicle;

Visitor Car Spaces those areas of Subsidiary Body Property designated from time to time by a Subsidiary Body as car spaces for parking of Vehicles by visitors to a Subsidiary Scheme;

Works:

- (a) a change to any building;
- (b) a change to any landscaping;
- (c) the construction of a new building;
- (d) the construction of or a change to a fence;
- (e) the erection of or a change to signs, placards, banners, notices or advertisements;

- (f) the installation of external shutters, blinds, security devices, canopies, awnings or other external improvements other than fly screens on a door on the street façade,

within the Community Parcel but excludes:

- (g) Development Activities;
- (h) internal refurbishment to a building within a Lot; and
- (k) the construction of an in-ground swimming pool within a Lot.

Interpretation

A 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) if a word or phrase is defined, then other parts of speech and grammatical forms of that word or phrase have a corresponding meaning;
- (d) month or monthly means calendar month or calendar monthly;
- (e) quarter means calendar quarter;
- (f) a person includes:
 - (i) a corporation, partnership, joint venture and government body;
 - (ii) the legal representatives, successors and assigns of that person; and
 - (iii) where the context permits, the employees, agents, contractors and invitees of that person;
- (g) a document includes a reference to that document as amended or replaced;
- (h) a thing includes a part of that thing and includes a right;
- (i) by-law, attachment or annexure, means a by-law, schedule of, or an attachment or annexure to this Management Statement;
- (j) Law includes all Law amending, consolidating or replacing them;
- (k) a document is a reference to a document of any kind including an agreement in writing, a certificate, a notice or an instrument;
- (l) a provision of this Management Statement is not to be construed against a party solely on the ground that the party is responsible for the preparation of this Management Statement or a particular provision;
- (m) an asset includes all property of any nature including a business, a right, a revenue and a benefit;

- (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;
- (o) the president of a body or authority means, in the absence of a president, the senior officer of the body or authority or any other person fulfilling the duties of the president;
- (p) \$, A\$, Australian dollars or dollars is a reference to the lawful tender of the Commonwealth of Australia; and
- (q) including and similar expressions are not words of limitation.

B Parties bound jointly and individually

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

C 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.

D Severability

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

E Community Association Approval

- (a) A person must make an application for approval of the Community Association or the Executive Committee under this Management Statement in writing.
- (b) Subject to an express provision in this Management Statement, the Community Association and the Executive Committee may in their absolute discretion:
 - (i) give approval conditionally or unconditionally; or
 - (ii) withhold its approval.
- (c) Subject to an express provision in this Management Statement or any provision of the Community Titles Legislation, consents by the Community Association under this Management Statement may be given by:

- (i) the Community Association at a General Meeting; or
- (ii) the Executive Committee at a meeting of the Executive Committee.

F Community Association Exercise of Rights

- (a) The Community 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 Community Association does not prevent a further exercise of that or of any other right, power or remedy.
- (c) Failure by the Community Association to exercise or delay in exercising a right, power or remedy does not prevent its exercise later.

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PART 1
BY-LAWS FIXING DETAILS OF DEVELOPMENT

Amendments to by-laws

These by-laws concern the control and preservation of the essence or theme of the Community Scheme and may only be amended or revoked by a unanimous resolution of the Community Association. (See section 17 of the Management Act).

1 By Law 1 - Theme of Development

- 1.1 This by-law relates to the control and preservation of the essence of the theme of the Community Scheme, being a scheme which consists of residential dwellings and a commercial village precinct.
- 1.2 The Community Association, Subsidiary Bodies, Owners and Occupiers:
 - (a) will use their best endeavours to ensure that all activities carried on at the Community Parcel are consistent with the theme; and
 - (b) will preserve the theme.
- 1.3 Subject to by-law 2.15 this by-law may only be amended or revoked by a unanimous resolution of the Community Association.

2 By Law 2 - Architectural and Landscape Guidelines

Guidelines

- 2.1 The Community Association must adopt the Architectural and Landscape Guidelines for the Community Parcel at the inaugural general meeting.
- 2.2 A Subsidiary Body may, subject to obtaining the consent and approval of the Community Association, prescribe Architectural and Landscape Guidelines for the Subsidiary Scheme.
- 2.3 If a Subsidiary Body prescribes architectural and landscape guidelines under this by-law:
 - (a) the Subsidiary Body must promptly serve on the Community Association a copy of any architectural and landscape guidelines prescribed; and
 - (b) thereafter the Community Association is responsible for those architectural and landscape guidelines.
- 2.4 The parties bound by this Management Statement are bound by the Architectural and Landscape Guidelines.

Conflict

- 2.5 If there is a conflict between the architectural and landscape guidelines as prescribed by a Subsidiary Body and the Architectural and Landscape Guidelines as prescribed by the Community Association, the Architectural and Landscape Guidelines of the Community Association prevail.

Application to amend

- 2.6 An Owner may request the Community Association to amend for that Lot the Architectural and Landscape Guidelines.
- 2.7 A Subsidiary Body may request the Community Association to amend the Architectural and Landscape Guidelines.
- 2.8 An application must contain sufficient detail of the proposed amendments to enable the Community Association or the Subsidiary Body or both of them to understand with reasonable certainty the nature and extent of the proposed amendments.

Decision of Community Association

- 2.9 The Community Association must refer an application to amend the Architectural and Landscape Guidelines to a General Meeting for the decision by that General Meeting.
- 2.10 The Community Association may in order to determine an application, request additional information, reports or documents.
- 2.11 By special resolution, the Community Association may amend the Architectural and Landscape Guidelines.

Copy of Standards to be provided

- 2.12 If the Community Association amends the Architectural and Landscape Guidelines, then the Community Association must, within a reasonable time, deliver a copy of the amendments to:
 - (a) each Subsidiary Body; and
 - (b) each Owner of a Community Development Lot.
- 2.13 If requested by an Owner or a Subsidiary Body, the Community Association must provide, at the reasonable cost of that Owner or that Subsidiary Body, a current copy of the Architectural and Landscape Guidelines.
- 2.14 If requested by an Owner, a Subsidiary Body must provide, at the reasonable cost of that Owner, a current copy of the Architectural and Landscape Guidelines for that Subsidiary Scheme.

Consent of the Developer

- 2.15 Notwithstanding any other provision of these by-laws, whilst the Developer is the Owner of a Community Development Lot, the Architectural and Landscape Guidelines cannot be amended without the written consent of the Developer.

3 By Law 3 –Building Works and Alterations

Approvals

- 3.1 A person must not:

(a) lodge any development application with a Consent Authority in respect of: or

(b) carry out Works on

any Lot, Community Property or Subsidiary Property unless that person first obtains the written consent of the Executive Committee.

3.2 In addition to the approval of the Executive Committee under by-law 3.1, a person must obtain the consent of:

(a) the relevant Subsidiary Body; and

(b) if required, an accredited certifier, the Council or other Government Agency.

Plans and Specifications

3.3 Any party seeking approval for the carrying out of any Works must submit plans and specifications for the approval of the Executive Committee.

3.4 The Executive Committee may retain the services of an independent consultant with special skills and expertise in:

(a) architecture;

(b) landscaping; or

(c) any other relevant discipline,

to advise and assist the Executive Committee in performing its powers under this by-law.

Decision of Executive Committee

3.5 In making its decision on whether to consent to an application to carry out Works, the Executive Committee must ensure that the proposed Works:

(a) are consistent with the essence or theme of the Community Scheme; and

(b) comply with any Architectural and Landscape Guidelines and this Management Statement.

3.6 To assist the Executive Committee with its decision on any plans and specifications, the Executive Committee may request a person to submit:

(a) additional plans and specifications;

(b) additional information, reports or documents;

(c) details of changes to be made to the plans and specifications if a Government Agency or the Council or both require those changes; and

(d) any other relevant information, facts or material.

3.7 If the Executive Committee does not make a decision within 3 months after receiving all information required to make a decision, then it is deemed to have approved the Works.

- 3.8 If the Executive Committee approves Works, then that approval does not prevent the Executive Committee from disapproving or approving with conditions, future Works, of the same or similar nature.
- 3.9 For the purpose of this by-law:
- (a) a decision by the Executive Committee is binding on the party seeking approval; and
 - (b) the party seeking approval expressly waives its rights to any claim or damages in respect of a decision by the Executive Committee.

Conditions of Approval and Bond

- 3.10 The Executive Committee may impose conditions on its approval of plans and specifications which may include a reasonable fee to cover the costs of the Executive Committee including architects and other consultants.
- 3.11 The Executive Committee may require an applicant to deposit a bond of a kind and upon conditions acceptable to the Executive Committee to be held on account of any damage that may be caused to Community Property as a result of any Works.
- 3.12 The Executive Committee can deduct from any bond lodged under this by-law a reasonable amount (if any) for any damage that may be caused to Community Property as a result of any Works.

Works

- 3.13 Prior to the carrying out of any Works, a party must obtain the necessary approvals in accordance with this by-law.
- 3.14 During the carrying out of any Works, a party must:
- (a) ensure no damage to Service Lines or Services within the Community Scheme;
 - (b) ensure that the Works are carried out in a proper and workmanlike manner;
 - (c) ensure that Works to Service Lines or Services are carried out by a suitably qualified and experienced tradesmen;
 - (d) ensure the Works are carried out to the satisfaction of the appropriate Subsidiary Body, the Community Association and, if appropriate, the Council or other Government Agency;
 - (e) not leave building materials on surrounding properties or cause unreasonable disturbance to surrounding properties;
 - (f) repair any damage caused to Community Property or Subsidiary Property or both as a result of the Works; and
 - (g) carry out the Works promptly.
- 3.15 No Works will be permitted to be constructed or remain unless approval has been obtained under this and the provisions of this by-law have been satisfied.

No Warranty

- 3.16 The Executive Committee makes no warranty as to the fitness of Works for their intended purpose by approving plans and specifications submitted to it by a party seeking approval.
- 3.17 If an Owner or Occupier does not comply with this by-law, then the Community Association may exercise its rights under by law 35.5.

Developer and Contractor Rights

- 3.18 Nothing in this by-law:
 - (a) affects the rights of the Developer or the Contractor as agent for the Developer to carry out Development Activities; or
 - (b) imposes an obligation on the Developer or the Contractor as agent for the Developer to obtain consent under this by-law for the purposes of carrying out Development Activities.

4 By Law 4 - External Fixtures

Appearance

- 4.1 Subject to by-law 4.4, a proposal by an Owner or Occupier or a Subsidiary Body to construct, install or maintain on or in a Lot, Community Property or Subsidiary Body Property anything which can be seen from outside the Lot, Community Property or Subsidiary Body Property is taken to be Works.

Transmitting and Receiving Devices

- 4.2 An Owner or Occupier or a Subsidiary Body must not install any television, radio or other radio antenna, dish, tower or any other transmitting and receiving device on a Lot, Community Property or Subsidiary Body Property unless that Owner or Occupier or Subsidiary Body first obtains the consent of the Executive Committee.
- 4.3 The Executive Committee must comply with the Architectural and Landscape Guidelines in respect of any proposal by an Owner or Occupier or Subsidiary Body to install any television, radio or other radio antenna, dish or tower or any other transmitting or receiving device.
- 4.4 Nothing in by-laws 4.1, 4.2 and 4.3:
 - (a) affect the rights of the Developer or the Contractor as agent for the Developer to carry out Development Activities; or
 - (b) impose an obligation on the Developer or the Contractor as agent for the Developer to obtain consent under by-laws 3 or 4 for the purposes of carrying out Development Activities.

Signs

- 4.5 The Developer and the Contractor as agent for the Developer are permitted to place signs, placards, banners, notices or advertisements

within the Community Scheme while the Developer or the Contractor as agent for the Developer is carrying out Development Activities.

- 4.6 In addition to the consent of the Executive Committee, while the Developer is the registered Developer of a Lot, a person must obtain the written consent of the Developer and the Contractor as agent for the Developer before that person places any signs, placards, banners, notices or advertisements on any Lot within the Community Parcel.
- 4.7 The On-Site Manager is permitted to place “for sale” or “for lease” signs with an area of not more than 1 square metre within a Lot.
- 4.8 Nothing in by-laws 4.6, 4.7 and 4.8:
- (a) affect the rights of the Developer or the Contractor as agent for the Developer to carry out Development Activities; or
 - (b) impose an obligation on the Developer or the Contractor as agent for the Developer to obtain consent under by-laws 3 or 4 for the purposes of carrying out Development Activities.
- 4.9 If an Owner or Occupier does not comply with this by-law, then the Community Association may exercise its rights under by law 35.5.

5 By Law 5 - Maintenance

- 5.1 An Owner or Occupier must keep that Owner’s or Occupier’s Lot clean and tidy and in good repair and condition.

Exterior and Garden Maintenance

- 5.2 Subject to by-law 5.3 an Owner or Occupier of a Lot must carry out all maintenance and repairs to the exterior of any building on the Lot and to all gardens and grassed areas on the Lot (unless such maintenance or repair is the responsibility of a Subsidiary Body):
- (a) in a proper and workmanlike manner;
 - (b) promptly;
 - (c) to the reasonable satisfaction of the Community Association; and
 - (d) in compliance with the Architectural and Landscape Guidelines (if any).

Community Association to give notice

- 5.3 The Community Association may give a notice to an Owner or Occupier or any Subsidiary Body requiring an Owner or Occupier or a Subsidiary Body to comply with the terms of this by-law.
- 5.4 If an Owner or Occupier or a Subsidiary Body does not comply with this by-law, then the Community Association may exercise its rights under by-law 27.5.

Maintenance of Subsidiary Body Property

- 5.5 Each Subsidiary Body must maintain its Subsidiary Body Property:

- (a) in a proper and workmanlike manner;
- (b) regularly;
- (c) to the reasonable satisfaction of the Community Association; and
- (d) in compliance with the Architectural and Landscape Guidelines (if any).

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PART 2
RESTRICTED COMMUNITY PROPERTY

Amendment to by-laws

These by-laws may only be amended:

- (a) during the Initial Period, by order of the Tribunal; or
- (b) after the expiry of that Initial Period, by:
 - (i) special resolution; and
 - (ii) with the written consent of each person entitled by the by-law to use the restricted Community Property.

(See Section 23 and 54 of the Management Act.)

6 By Law 6 - Developer's Rights Over Community Property

Restricted Property

- 6.1 To enable the Developer to carry out Development Activities, use of the Service Lines and undeveloped Community Property is restricted to the Developer whilst it is an Owner on the terms of this by-law.

End of Restricted Property

- 6.2 Restricted use of the whole or a particular part of the Community Property and the Service Lines ceases when the Developer serves a notice on the Community Association informing the Community Association that construction and Development Activities for the Community Property or a particular part of the Community Property have been completed.
- 6.3 Despite any other by-law, restricted use of the whole or a particular part of the Community Property ceases when the Developer is no longer the registered proprietor of any Community Development Lot.

7 By Law 7 - Developer's Rights and Obligations

Developer's Rights — Development Activities

- 7.1 The Developer has all rights necessary to enable the Developer to carry out the Development Activities on the Community Parcel including the right to:
- (a) unrestricted access by any means over Community Property;
 - (b) the use of any part of the Community Parcel to exercise rights under this by law;
 - (c) place on or attach to Community Property temporary offices, sheds, depots, building materials, cranes (including the slewing of cranes in the airspace) and other equipment;

- (d) install, connect or alter Services on or within Community Property;
- (e) lock or secure part of the Community Property, provided the Developer gives the secretary of the Community Association a key for the locked or secured area;
- (f) attach and place marketing and advertising signs, placards, banners, notices or advertisements on the Community Parcel;
- (g) conduct sales and marketing activities (including auctions) on the Community Parcel,
- (h) park motor vehicles and equipment on Community Property;
- (i) build and use a display centre on the Community Property;
- (j) hold events or functions on the Community Parcel in connection with the selling and leasing of Lots in the Community Parcel; and
- (k) exercise the rights under this by-law at any time.

Developer's Obligations

7.2 The Developer must:

- (a) repair any damage occurring to the Community Parcel as a result of exercising its use rights under this by-law and by-law 6 as soon as practicable after that damage occurs;
- (b) keep interference with the use by Owners and Occupiers to a minimum so far as is consistent with the Development Activities;
- (c) maintain any Community Property that the Developer has been given the restricted right to use; and
- (d) on completion of each part of the Development Activities, leave the relevant Community Parcel areas in a clean and tidy condition.

Noise and dust

7.3 An Owner or Occupier acknowledges that as a result of the Developer's rights to carry out the Development Activities set out in this by-law, an Owner or Occupier may be subjected to noise and dust resulting from the Development Activities.

Levies

7.4 There are no matters relating to the determination, imposition and collection of levies arising with respect to the rights under by-law 6 or this by-law.

8 By Law 8 - Subsidiary Body Property

8.1 If a Community Development Lot is to be subdivided by a Subsidiary Plan, the Owner of that Community Development Lot may arrange for the Subsidiary Body created on registration of that Subsidiary Plan to restrict

use of Subsidiary Body Property to the Community Association, Owners and Occupiers of Lots and Subsidiary Bodies or both.

Restricted Use of Subsidiary Body Property

- 8.2 The restricted use granted to the Community Association may include a special privilege for the Community Association to control, manage, insure, operate, maintain and replace the Subsidiary Body Property.
- 8.3 The Community Association consents to the grant of any restricted use under section 54 of the Management Act by a Subsidiary Body of any Subsidiary Body Property.
- 8.4 A Subsidiary Body may restrict use of any Subsidiary Body Property by by-law or agreement. The by-law or agreement must state that:
- (a) the Community Association is responsible for the control, management, operation, maintenance and replacement of the Subsidiary Body Property; and
 - (b) the Owners of the Lots and Subsidiary Bodies to whom the restricted use is granted must reimburse the Community Association for the cost incurred by the Community Association under the above paragraph in proportion to their respective unit entitlement as stated on the Community Plan; and
 - (c) contributions should be levied in accordance with the Community Titles Legislation on those entitled to use the Subsidiary Body Property.

9 By Law 9 - Landscaped Areas

- 9.1 If a Community Development Lot is subdivided by a Precinct Plan, the Owner of that Community Development Lot may grant the Community Association restricted use of Landscaped Areas.
- 9.2 The grant of a restricted use referred to in this by-law is a special privilege for the Community Association to control, manage, operate, maintain and replace the Landscaped Areas under section 54 Community Land Management Act 1989.
- 9.3 The Community Association accepts any grant of restricted use of a Landscaped Area contemplated by this by-law.
- 9.4 Precinct Associations may grant restricted use of those parts of their property which are Landscaped Areas by by-law or agreement. The by-law or agreement must state that the:
- (a) Community Association is responsible for the control, management, operation, maintenance and replacement of the Landscaped Areas; and
 - (b) Community Association must levy contributions for the cost of carrying out the Community Association's obligations on the Neighbourhood Association granting the restricted use in accordance with the Community Titles legislation.

- 9.5 The Community Association may only enter into agreements with licensed or suitably qualified third parties about the control, management, maintenance and replacement of the Landscaped Areas.

PART 3

MANDATORY MATTERS

10 By Law 10 - Community Property Generally and Permitted Uses of and Special Facilities on the Community Property

Maintenance of Community Property

- 10.1 The Community Association is responsible for the control, management, insurance, operation, maintenance and repair of the Community Property.

Use of Community Property

- 10.2 An Owner or Occupier must obtain the written approval of the Community Association before that Owner or Occupier does any of the following to Community Property:
- (a) leaves anything on Community Property;
 - (b) obstructs the use of Community Property;
 - (c) uses any part of Community Property for the Owner's or Occupier's own purposes;
 - (d) erects on Community Property any structure;
 - (e) attaches to Community Property any item;
 - (f) does or permits anything which might damage Community Property; or
 - (g) alters Community Property.
- 10.3 An Owner or Occupier must:
- (a) give notice to the Community Association of any damage to or defect in the Community Property immediately after an Owner or Occupier becomes aware of any such damage or defect;
 - (b) use anything on the Community Parcel only for purpose for which it was constructed or provided; and
 - (c) only use or enjoy the Community Property in a manner or for a purpose which does not interfere unreasonably with the use and enjoyment of the Community Property by another Owner or Occupier or a Permitted Person.
- 10.4 This by-law is subject to the rights of the Developer under by laws 6 and 7.

Special Facilities on Community Property

- 10.5 The Community Property includes the Manager's Office. If the Community Association has appointed a caretaker or manager to oversee the

Community Parcel, then that person has the right to use the Manager's Office. The hours of use are unrestricted.

[to be inserted – rules in relation to the Community Facilities]

11 By Law 11 - Open Access Ways

- 11.1 The Community Association is responsible for the control, management and operation, maintenance and repair of the Open Access Ways.
- 11.2 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.

12 By Law 12 - Private Access Ways

- 12.1 The Community Association is responsible for the control, management and operation, maintenance and repair of the Private Access Ways.
- 12.2 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.
- 12.3 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.
- 12.4 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.

13 By Law 13 - Fencing

Restrictions on Construction

- 13.1 An Owner or Occupier (in the case of a Strata Lot, the Owners Corporation) is not permitted to:
 - (a) erect a fence on the front street boundary and the building line as fixed by a Government Agency;
 - (b) replace any fence on a Lot or Subsidiary Body Properly unless:
 - (i) the materials are of the same standard and quality as the fence constructed at the time of registration of the relevant plan; and

- (ii) the replacement fence is constructed in the same location and at the same height as the original fence constructed at the time of registration of the relevant plan; or
- (c) construct any new fence on a Lot or Subsidiary Body Property without the approval of the Executive Committee.

External & Internal

- 13.2 The Dividing Fences Act 1991 applies to any external and internal boundary fences erected within the Community Scheme.
- 13.3 A fence erected within the Community Scheme must comply with any Architectural and Landscape Guidelines.

Community Property and Subsidiary Body Property fencing

- 13.4 The Community Association is responsible for the maintenance and replacement of fencing of Community Property.
- 13.5 A Subsidiary Body is responsible for the maintenance and replacement of common fences between Community Property and Subsidiary Body Property.
- 13.6 By-law does not apply if a person using Community Property damages the fencing. The person who caused the damage to the Community Property is responsible to repair the damage caused.

14 By Law 14 - Garbage

General Obligations

- 14.1 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.
- 14.2 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) the Community Association or the Executive Committee;
 - (c) a Subsidiary Body; or
 - (d) this Management Statement.

Cleaning up spills

- 14.3 An Owner or Occupier must clean up any spillage of garbage or recyclable material on Community Property or Subsidiary Body Property which is caused by that Owner or Occupier.

Obligations of Subsidiary Bodies

- 14.4 A Subsidiary Body:
- (a) is responsible for placing garbage and recyclable materials in a Garbage Room for collection by Council or a private contractor; and
 - (b) must arrange for the removal of articles from a Garbage Room which Council or the private contractor will not remove as part of its normal garbage service at the cost of the relevant Owner or Occupier.

Obligation of a Community Development Lot Owner

- 14.5 An Owner of a Community Development Lot is responsible for the removal of all garbage and recyclable material from that Lot.

Obligation of Community Association

- 14.6 The Community Association is responsible for the removal of garbage and green waste from Restricted Property and the Community Facilities.

15 By Law 15 - Services

Provision of Services

- 15.1 The following Services may be shown on the Services Plan:
- (a) Community Association gas mains provided by AGL;
 - (b) Community Association telecommunications cables, conduits and pits provided by Telstra ;
 - (c) Community Association (private) communications cables, conduits and pits (MATV / CATV) provided by the Community Association;
 - (d) Community Association (private) stormwater inclusive of pipes, pits, gross pollutant traps and structures;
- 15.2 The following Services are shown on the Services Plan at the date of registration of this Management Statement:

[to be inserted]

Maintenance of Services

- 15.3 The Service Providers must maintain and repair the Service Lines under any statutory rights of the Service Provider.
- 15.4 The Community Association must maintain and repair the private Service Lines set out in by-law 15.1 and 15.2.
- 15.5 The Community Association and the Service Providers must ensure that maintenance, renewal and repair works are carried out by licensed or suitably qualified persons.

Statutory Easements

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

Position of Service Lines

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

16 By Law 16 - Insurance

- 16.1 The Community Association must take out insurance required under the Management Act including the following policies:
- (a) to cover any building or structure on Community Property or which the Community Association is responsible for under an easement, lease or otherwise 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 Community Property and Restricted Property and for death and bodily injury for which the Community Association could become liable in damages;
 - (d) against damages for which the Community 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;
 - (f) against the possibility of the members of the Community Association becoming jointly liable under a claim arising out of any other event against which the Community Association decides by special resolution to insure;
 - (g) to cover public liability over the Community Parcel as required under section 40(2) of the Management Act; and
 - (h) any other insurances required.
- 16.2 The Community Association must review, on an annual basis:
- (a) all of its insurance; and
 - (b) the need for new or additional insurances.
- 16.3 Notice of an Annual General Meeting must include a form of motion to decide whether the insurances of the Community Association should be confirmed, varied or extended.
- 16.4 If there is an increase in risk or a new risk to the Community Property then the Community Association must immediately:
- (a) effect new insurances; or

- (b) vary or extend existing insurances.
- 16.5 An Owner or Occupier must obtain the written approval of the Community Association before it does anything that might:
 - (a) void or prejudice the Community Association's insurance; or
 - (b) increase any insurance premium which the Community Association pays.

17 By Law 17 - Executive Committee

Constitution

- 17.1 The Executive Committee must be established under the Management Act
- 17.2 The officers of the Executive Committee are the secretary, treasurer and chairperson.

Functions of the Secretary

- 17.3 The functions of the secretary of the Executive Committee include:
 - (a) convening meetings of the Community Association and the Executive Committee;
 - (b) preparing and distributing minutes of meetings of the Community Association and the Executive Committee;
 - (c) on behalf of the Community Association and the Executive Committee giving a notice required to be given under the Management Act;
 - (d) maintaining the Community 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 Community Association or the Executive Committee;
 - (g) performing administrative or secretarial functions on behalf of the Community Association and the Executive Committee; and
 - (h) keeping records under part 3 of schedule 1 to the Management Act.

Functions of the Treasurer

- 17.4 The functions of the treasurer of the Executive Committee include:
 - (a) notifying members of the Community Association of contributions levied under the Management Act and collecting those contributions;
 - (b) receiving, acknowledging, banking and accounting for any money paid to the Community 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 1 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

- 17.5 The function of the chairperson of the Executive Committee is to preside at Community Association meetings and Executive Committee meetings at which the chairperson is present.

Sub-Committees

- 17.6 The Executive Committee may appoint 1 or more sub committees comprising 1 or more of its members to:
- (a) conduct investigations; and
 - (b) report the findings of the sub-committee to the Executive Committee.
- 17.7 Nothing in this Management Statement gives a sub-committee the right to enter into agreements or spend money on behalf of the Executive Committee.

No Remuneration

- 17.8 A member of the Executive Committee is:
- (a) not entitled to any remuneration for the performance of that person's functions; and
 - (b) is entitled to reimbursement 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

- 17.9 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.
- 17.10 By-law 17.9 does not apply if a member is fraudulent or negligent.

18 By Law 18 - Meetings

- 18.1 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 Community Association; and
 - (c) subject to this Management Statement, regularly call a meeting of the Executive Committee.

Right of Owner to Attend Meetings

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

Meeting at Request of Members

- 18.4 At the request of not less than 1/3 of the members of the Executive Committee, the secretary must convene a meeting.
- 18.5 Subject to by-law 18.4 the secretary of the Executive Committee must convene the meeting within the period of time specified in the request.
- 18.6 The members must give the secretary of the Executive Committee more than 7 days to convene the meeting.
- 18.7 If no time is specified in the request, then the secretary of the Executive Committee must convene the meeting within 14 days of receiving the request.
- 18.8 If the secretary of the Executive Committee is absent, a member of the Executive Committee must convene the meeting.

Out of Meeting Determinations

- 18.9 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 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

- 18.10 Before each Executive Committee meeting, the secretary of 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.
- 18.11 At least 72 hours before a meeting of the Executive Committee, the Executive Committee must:
 - (a) notify members of the Community Association of the meeting including details of the meeting; and
 - (b) provide each member of the Community Association with a copy of the agenda for the meeting.
- 18.12 If the Community Association has placed a notice board on Community Property, a notice of the meeting and the agenda for the meeting at least

72 hours before the meeting, then the Executive Committee will have complied with by-law 18.11.

- 18.13 The agenda must list the business that the Executive Committee will deal with at the meeting.
- 18.14 The secretary of the Executive Committee must ensure that:
- (a) minutes of the Executive Committee meetings are sent to each member of the Community 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.
- 18.15 If the secretary is absent, then the chair must ensure that the Executive Committee complies with by-law 18.14.

Expenditure

- 18.16 If a specific amount has been determined as referred to in schedule 1, clause 13 of the Management Act for expenditure on any item or matter, the Executive Committee must not, in the period until the annual general meeting next occurring after the determination was made, spend on the item or matter an amount greater than that determined amount for expenditure on the item or matter plus 5 per cent unless a special resolution is passed at a special general meeting of the Community Association approving the striking of a special levy to provide the funds for the expenditure greater than the determined amount.
- 18.17 Clause 18.16 does not apply to expenditure undertaken for emergency purposes, including, for example, expenditure to remedy any of the following:
- (i) burst or blocked water or sewerage pipes,
 - (ii) serious damage caused by fire or by storm or any other natural disaster,
 - (iii) unexpected electrical or security system failure,
 - (iv) glass breakages that affect the security of any building in the Community Association or could result in damage to the inside of any such building.
- 18.18 The Community Association or the Executive Committee must not seek legal advice or the provision of any other legal services, or initiate legal action, for which any payment may be required unless a resolution is passed at a general meeting of the Community Association.

19 By Law 19 - Amounts Payable

- 19.1 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 Community Association incurred in connection with the contemplated or actual enforcement or preservation of any rights under this Management Statement in relation to the Owner or Occupier (including legal costs, debt collection expenses or the like).
- 19.2 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 20A of the Management Act.
- 19.3 Nothing in this by-law prevents the Community Association from recovering any amount exceeding interest calculated under this by-law as a consequence of any amount not being paid when due.
- 19.4 A certificate signed by the Community Association, its Managing Agent or the secretary of the Executive Committee about a matter or a sum payable to the Community Association is prima facie evidence of:
 - (a) the amount; or
 - (b) any other fact stated in it.

PART 4
OPTIONAL MATTERS

Amendments 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).

20 By Law 20 - Behaviour of Owners, Occupiers and Permitted Persons

Noise

- 20.1 An Owner or Occupier must:
- (a) not create any noise on Community Property or Subsidiary Body Property which might interfere with the peaceful enjoyment of another Owner or Occupier or Permitted Person; and
 - (b) ensure that all air conditioning plant condensers, air movement ventilation systems, home entertainment systems, other motors, plant, equipment and the like are maintained to prevent and so as not to create a nuisance to occupants of nearby properties.
- 20.2 An Owner or Occupier must not:
- (a) obstruct lawful use of Community Property or Subsidiary Body Property; or
 - (b) use language or behave in a manner likely to cause offence or embarrassment to a proprietor or occupier of another Lot or Permitted Person.

Children

- 20.3 An Owner or Occupier must ensure that a child under the care and control of that Owner or Occupier:
- (a) plays only on Community Property or Subsidiary Body Property which are open space areas that are not dangerous or hazardous to children; and
 - (b) only remains in or on Community Property or Subsidiary Body Property comprising any area of possible danger or hazard to children if the child is accompanied by an adult exercising effective control.
- 20.4 No children under the age of 12 are to be on the Community Property unless supervised by an adult.

Permitted Persons

- 20.5 An Owner or Occupier must ensure that a Permitted Person does not behave in a manner likely to interfere with the peaceful enjoyment of another Owner or Occupier or any other Permitted Person or cause any

damage to either the Community Property or the property of another Owner or Occupier.

- 20.6 An Owner or Occupier is responsible for safety and the action of a Permitted Person invited or allowed on the Community Property by them.

21 By Law 21 - Subsidiary Body Property

- 21.1 An Owner or Occupier may only do the following to Subsidiary Body Property if that Owner or Occupier first obtains the written approval of the Community Association or Subsidiary Body:

- (a) leave anything on Subsidiary Body Property;
- (b) obstruct the use of Subsidiary Body Property;
- (c) use any part of Subsidiary Body Property for the Owner's or Occupier's own purposes;
- (d) erect any structure on Subsidiary Body Property;
- (e) attach any item to Subsidiary Body Property;
- (f) do or permit anything to be done to Subsidiary Body Property which might cause damage; or
- (g) alter Subsidiary Body Property.

- 21.2 An Owner or Occupier must:

- (a) give notice to the relevant Subsidiary Body of any damage to or defect in the Subsidiary Body Property immediately after an Owner or Occupier becomes aware of any damage or defect;
- (b) use a thing on the Subsidiary Body Property only for the purpose for which it was constructed or provided; and
- (c) only use or enjoy the Subsidiary Body Property in a manner or for a purpose which does not interfere unreasonably with the use and enjoyment of the Subsidiary Body Property by another proprietor or occupier or a Permitted Person.

22 By Law 22 - Washing

- 22.1 An Owner or Occupier must not hang any washing, bedding or other articles of a similar nature:

- (a) on the outside of a building on a Lot or the outside of a building containing a Lot unless on a washing line which is in the position nominated by the Developer;
- (b) in any area (including balconies) visible from any Community Property or Subsidiary Body Property, road, footpath, parks and the like about the Community Scheme.

- 22.2 So long as by-law 22.1 is complied with an Owner or Occupier may hang washing on:
- (a) a part of the Community Parcel the Community Association designates; and
 - (b) a part of the Subsidiary Body Property which the Subsidiary Body designates.

23 By Law 23 - Storage of Flammable Liquids

- 23.1 Subject to by-law 23.2 an Owner or Occupier may only store on the Lot or any other part of the Community Parcel any flammable chemical, gas or other material if that Owner or Occupier first obtains the written approval of the Community Association.
- 23.2 By-law 23.1 does not apply to chemicals, liquids, gases or other material used or intended to be used:
- (a) for domestic purposes;
 - (b) for the maintenance of Community Property or Subsidiary Body Property; or
 - (c) in the fuel tank of a motor vehicle or internal combustion engine.
- 23.3 Materials referred to in by-law 23.1 which are stored and used for the maintenance must be stored and used on the following conditions:
- (a) chemicals must be stored and mixed in a bonded covered area, to ensure that all stormwater is directed away from the area;
 - (b) chemicals must be mixed according to the manufacturers specifications;
 - (c) bulk storage containers must be inspected regularly and replaced if rusted or damaged;
 - (d) products which are classified under the Dangerous Goods Act 1997 (NSW) must be stored in a manner which complies with that Act;
 - (e) empty drums and containers must be stored undercover and removed as soon as possible;
 - (f) a spill plan must be in place and persons must be trained to deal with spills; and
 - (g) a spill kit must be provided which contains dry absorbent spill material and must be clearly identified and easily accessible.

24 By Law 24 - Parking

Restrictions

- 24.1 Subject to by-law 24.2 and 24.3, an Owner or Occupier must not park a Vehicle on the Community Parcel.

- 24.2 An Owner or Occupier may park a Vehicle:
- (a) in a garage, car space or car park on that Owner or Occupier's Lot; or
 - (b) except for an Exceptional Vehicle, in an area on Subsidiary Body Properly designated by the Subsidiary Body as being an area where a Vehicle may be parked;
 - (c) in the driveway of that Owner or Occupier's Lot if the garage is housing other Vehicles; or
 - (d) wholly within the garage with the garage door shut.
- 24.3 By-laws 24.1 and 24.2 do not apply to the Golf Maintenance Compound and the Parking Lot.

Visitor Car Spaces

- 24.4 An Owner or Occupier must not park a Vehicle in a Visitor Car Space.
- 24.5 A Permitted Person may park a Vehicle in a Visitor Car Space for a consecutive period of up to 8 hours.
- 24.6 A Permitted Person visiting the Occupier of a Lot which has a driveway must park their Vehicle in the driveway of that Lot (if available).

Repairs

- 24.7 No repairs to any Vehicles must be undertaken on the Community Property or Subsidiary Body Property.
- 24.8 No trucks with a gross weight in excess of 3 tonnes can stand on any part of the Community Parcel, except for areas designated for this purpose by the Community Association or a Subsidiary Body.

25 By Law 25 - Security Keys

- 25.1 Subject to by-law 25.2 the Community Association may restrict access to the Community Property by means of Security Keys.
- 25.2 The Community Association may make Security Keys available to:
- (a) Owners and Occupiers;
 - (b) persons authorised by the Community Association.
- 25.3 A Security Key is available at the cost of the Owner or Occupier or person authorised by the Community Association who obtains that Security Key.
- 25.4 A person to whom a Security Key is made available must:
- (a) pay a deposit to the Community Association;
 - (b) not duplicate or copy the Security Key;
 - (c) immediately notify the Community Association if the Security Key is lost, stolen or misplaced;
 - (d) when requested by the Community Association, immediately return the Security Key to the Community Association; and

- (e) take all reasonable steps to safeguard the Security Key against loss, damage or theft.
- 25.5 A person forfeits a deposit if the person misplaces or loses, including by theft, a Security Key.

26 By Law 26 - Private Services

- 26.1 The Community Association may, on its own behalf or on behalf of a Subsidiary Body:
- (a) provide private services to a Subsidiary Body or an Owner or Occupier;
 - (b) arrange for the installation and maintenance of proposed Service Lines for the provision of private Services; and
 - (c) contract with any person to monitor or provide, in part or in whole, private Services.
- 26.2 An Owner or Occupier must not do anything which interferes, obstructs access to, overloads or damages private Services.
- 26.3 An Owner or Occupier must immediately notify the Community Association of any damage to or the defective operation of any private Service.
- 26.4 Subject to section 60 of the Management Act, the Community Association and a person authorised by the Community Association may enter a Lot at all reasonable times to maintain, repair, alter, add to or increase the capacity of or renew private Services.

27 By Law 27 - Community Association's Rights and Obligations

General

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

Contracts

- 27.4 The Community Association may, on its own behalf or on behalf of each Subsidiary Body, contract with persons to provide:
- (a) management, operational, maintenance and other services for Community Property or Subsidiary Body Property;

- (b) services or amenities to the Owners or Occupiers;
- (c) services or amenities to Community Property, Subsidiary Body Property; and
- (d) Security Services.

Remedy

- 27.5 The Community Association may do anything on a 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 upon that Lot which is prohibited under this Management Statement.

27.6 If by-law 27.5 applies then, the Community Association is entitled to:

- (a) enter and remain on the 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 Lot.

Trading Activities

- 27.7 The Community Association may, for the purpose of exercising and performing its functions, carry on a business or trading activity.
- 27.8 If the Community Association carries on a business or trading activity, then the Community Association:
- (a) may pay into the sinking fund of the Community Association income derived by the Community Association from its business or trading activities;
 - (b) must estimate how much money the Community Association will need to credit to the sinking fund of the Community Association;
 - (c) must levy each member for a contribution to meet expenses associated with carrying on a business or trading activities; and
 - (d) may distribute any net profit derived by the Community Association from carrying on a business or trading activities in accordance with clause 17 of schedule 1 to the Management Act.
- 27.9 If the Community Association suffers a net loss from carrying on its business or trading activities, then the Community Association must impose a levy on each member for a contribution to the sinking fund in order to meet the amount of the net loss.

Not Liable for Damage

- 27.10 The Community Association is not liable for damage to or loss of property or injury to any person in or near the Community Parcel due to any cause.

- 27.11 By-law 35.10 does not apply if, the damage loss or injury follows the negligence or fraud of the Community Association or any employee or agent of the Community Association.

Communications with Community Association

- 27.12 A person must forward complaints, notices or applications to or requests for consideration of matters by the Community Association in writing:
- (a) to the Managing Agent of the Community Association; or
 - (b) if there is no managing agent, to the secretary of the Executive Committee.

28 By Law 28 - Obligations of Owners and Occupiers Compliance with Requirements, Orders and Notices

- 28.1 An Owner or Occupier must comply on time with:
- (a) each requirement and order of each statutory authority and Government Agency;
 - (b) each Law for the Lot and the use or occupation of the Lot; and
 - (c) the terms of any notice displayed on Community Property by the Community Association, Service Provider or other relevant Government Agency.

Contractors

- 28.2 An Owner or Occupier may only directly or indirectly instruct agents, employees or contractors of the Community Association if the Community Association authorises the Owner or Occupier to do so.

Use

- 28.3 An Owner or Occupier must not do any of the following on either that Owner's or Occupier's Lot or on the Community Parcel:
- (a) engage in indecent conduct or any entertainment of a demoralising character;
 - (b) engage in any illegal conduct or activity; or
 - (c) do anything that might damage the good reputation of the Community Scheme.
- 28.4 An Owner or Occupier must not, except with the approval of the Community Association:
- (a) roller blade;
 - (b) skateboard; or
 - (c) play basketball or any organised sport games
- on Community Property or Subsidiary Body Property.

- 28.5 No party, including an Owner or Occupier, can place signs on any part of the Community Parcel advertising a Lot for lease or sale except the Developer under by-law 7.1 and others under by laws 4.5 and 4.7.

Permitted Persons

- 28.6 An Owner or Occupier must take all reasonable steps to ensure that a Permitted Person complies with this Management Statement.
- 28.7 If an Owner or Occupier cannot comply with by-law 28.6 then that person must:
- (a) withdraw the consent of the person to be on the Community Parcel; and
 - (b) request that person to leave the Community Parcel.
- 28.8 If this Management Statement prohibits an Owner or Occupier from doing a thing, the Owner or Occupier must not allow or cause another person to do that thing.
- 28.9 An Owner or Occupier must compensate the Community Association for any loss or damage to the Community Parcel that is caused or contributed to by a Permitted Person on the Community Parcel with the consent of the Owner or Occupier.

Lessees

- 28.10 An Owner whose Lot is the subject of a lease must:
- (a) provide the lessee with a copy of this Management Statement; and
 - (b) take all reasonable steps, including any action available under the lease or licence agreement, to ensure that the lessee of the Lot and any person on the Community Parcel with the consent express or implied of the lessee complies with this Management Statement and any Rules.

Things done at Owner's or Occupier's cost

- 28.11 Anything which an Owner or Occupier is required to do under this Management Statement must be done at the cost of the Owner or Occupier.

29 By Law 29 - Rules

- 29.1 The Community Association may make, and at any time add to, Rules for the control, management, operation, use and enjoyment of the Community Parcel and the Community Property.
- 29.2 The Rules must be consistent with:
- (a) the Management Act;
 - (b) the Development Act;
 - (c) this Management Statement; or
 - (d) the terms of the Development Consent.

- 29.3 The Rules bind an Owner, Occupier, mortgagee in possession of a Lot, lessee of a Lot, Permitted Person and each Subsidiary Body.

30 By Law 30 - Managing Agent

- 30.1 The Subsidiary Bodies must use the licensed Managing Agent of the Community Association as their managing agent.

31 By Law 31 - Asset Protection Zone & Vegetation Buffer Zone

- 31.1 There are areas within the Community Parcel which have been classified as an Asset Protection Zone and accordingly there are limits on the amount of landscaping which can exist within these areas. These matters are detailed in the Architectural and Landscaping Guidelines.
- 31.2 There are areas within the Community Parcel which have been classified as a Vegetation Buffer Zone and accordingly the Community Association and each Owner of a Lot which includes a part of the Vegetation Buffer Zone must ensure that the vegetation within the Vegetation Buffer Zone is retained.

32 By Law 32 - Bushfire Evacuation Plan

- 32.1 In the event of a bushfire, the Community Association must have regard to the procedures set out in the Bushfire Evacuation Plan.

33 By Law 33 - Reclaimed Water/Tertiary Treated Water

- 33.1 Reclaimed water or tertiary treated water is not suitable for drinking or personal consumption.
- 33.2 An Occupier must take reasonable steps to ensure that reclaimed water or tertiary treated water is not consumed.
- 33.3 The Community Association must maintain appropriate signage disclosing the matters set out in by-law 33.1.

34 By Law 35— Stormwater

- 34.1 The Community Association must regularly maintain any stormwater treatment devices within Community Property for which it is responsible.
- 34.2 A Subsidiary Body must regularly maintain any stormwater treatment devices within Subsidiary Body Property.

PART 5
BY-LAWS REQUIRED BY PUBLIC AUTHORITIES

Amendments to by-laws

These by-laws have been made at the request of a public authority. These by laws may only be amended or revoked:

- (a) by special resolution of the Community Association; and
- (b) with the consent of the Public Authority (see clause 4 Schedule 3 of the Community Land Development Act 1989).

DRAFT

SERVICES PLAN

DRAFT

CONCEPT PLAN

DRAFT

The common seal of **COASTAL
HAMLETS PTY LIMITED** is affixed in
the presence of:

Director _____

Name of Director (print)

The common seal of LAKESIDE LIVING PTY LIMITED is affixed in the presence of:

Director _____

Name of Director (print)

CERTIFICATE OF APPROVAL

It is certified:

- that the consent authority has approved of the development described in Development Application Number [to be inserted]; and
- that the terms and conditions of these by-laws are not inconsistent with that development as approved.

Dated:

Signature on behalf of
consent of authority

.....

DRAFT

**THE MOONEE HAMLETS
Civil Works Package**

APPENDIX 4 – 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:

- Bulk Earthworks
- Construct the principal road network
- Upgrade Montefiore Street with a bicycle lane
- Construct community facilities including Community Hall, two tennis courts and a 25m pool.
- Carry out landscape works outside of hamlets including works to future dedicated areas
- Subdivide the site into eight(8) lots, being seven(7) development lots and the eighth lot being the dedicated land.

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 an 8 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