

5.0 STATEMENT OF COMMITMENTS

The following table outlines the Statement of Commitments for the Concept Plan and Project Approval for the Warner Industrial Park. These Statement of Commitments have incorporated the relevant conditions of consent that have been determined in liaison with Wyong Shire Council.

Table 4 – Project Application - Statement of Commitments

Subject	Commitments	Approved by Whom	Timing
1.0 General	The development shall be carried out in accordance with the Preferred Project Report (Revision A – May 2009) and Environmental Assessment Report (June 2008) prepared by Peter Andrews + Associates Pty Ltd.	Department of Planning	Concept Plan and Project Approval
2.0 Staging	Staging of the development will be in accordance with the staging of works set out in the Preferred Project Report.	Department of Planning	Project Approval
3.0 Development Contributions and Works In Kind	Contribution towards the Special Infrastructure Contribution for the Wyong Employment Zone – Special Contribution Area.	Department of Planning and Land Owners	Subject to legislation
	The entering into a Voluntary Planning Agreement with Wyong Shire Council in relation to: <ul style="list-style-type: none"> Roadworks and traffic management. Water recycling and reuse pipeline. Conservation works and transfer of land in accordance with the Wyong Employment Zone Draft Biodiversity Strategy. 	Council and Land Owners	Prior to commencement of works
4.0 Statutory Requirements	A Construction Certificate is to be issued prior to the commencement of any works. The application is for the certificate is to satisfy the Environmental Planning and Assessment Regulation 2000.	Certifying Authority	Prior to commencement of works
	The plan of subdivision and Section 88B instrument (Conveyancing Act 1919), in favour of Wyong Shire Council, restricting direct vehicular access from Sparks Road and Hue Hue Road to the proposed allotments in the subdivision.	Not Applicable	Prior to issue of the Subdivision Certificate for each stage
	The creation of "Easement for Support" over excavated batter slopes adjoining the existing or proposed road reserves to benefit the Council.	N/A	
	All necessary "Easements to Drain Water and for Services" are to be registered with the plan of subdivision. Note: "Easements to Drain Water" shall be created over the constructed swale drainage system.	N/A	
	The certification by a Registered Surveyor, that all services and domestic drainage lines are wholly contained within the respective lots and easements.	N/A	
	A Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development must be obtained.	N/A	
	The dedication of internal roads to Wyong Shire Council.	N/A	
5.0 Construction	Works are to be designed and constructed in accordance with Wyong Shire Council's DCP 2005 – Chapter 67 Engineering Requirements for Development unless otherwise specified in the Preferred Project Report.		Prior to the issue of Construction Certificate
	The provision of level 2 testing to be carried out on imported fill. Such works to be carried out by a qualified Geotech engineer, with reports submitted certifying the adequacy of the fill. The report shall include details of the removal of all organic or unsuitable materials, depth of select fill, grades of the finished surface level and proposed filling materials, lot sizes, layer thicknesses, test locations and results. Inspection reports and certification shall be submitted to Council upon completion of each stage of works.	Wyong Shire Council	Prior to the issue of Subdivision Certificate for each stage
	The stockpiling of fill is to be located in the areas detailed on the plan titled Soil and Stormwater Management Plan EA08 Rev E. Works shall be undertaken in accordance with the Construction Management Plan, including placement of appropriate erosion and sediment controls.	Department of Planning	As part of the construction works
6.0 Roadworks and Traffic Management	Design and construction of intersection works at the entry to Precinct 14 on Sparks Road to be a single lane roundabout in accordance with the Subdivision Layout in Appendix 1. To be designed in accordance with Wyong Shire Council and RTA.	Wyong Shire Council /RTA	Prior to first Construction Certificate

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Precinct 14 Wyong Employment Zone

Subject	Commitments	Approved by Whom	Timing
	Design and construction of intersection works at the entry to Precinct 14 on Hue Hue Road to be a seagull intersection in accordance with the Subdivision Layout in Appendix 1. To be designed in accordance with Wyong Shire Council.	Wyong Shire Council	Prior to first Construction Certificate
	<p>All roads within the subdivision are to be a minimum heavily bound pavement with a 100mm thick polymer modified wearing surface. The following is to be adequately considered and included in a pavement design commentary.</p> <ul style="list-style-type: none"> • 10 day soak CBR on the subgrade and any select fill. • Plasticity index and shrink swell index testing for the anticipated subgrade. • Methods for mitigating any shrink swell impacts resulting from reactive subgrade. • Sub-pavement drainage treatments. • The submission of output files from the "Circly" design. 	Department of Planning	As part of the constructions Works
	Safety barriers shall be provided along Hue Hue Road/Road No 5 and Kiar Ridge Road adjacent all excavated buffer slopes and where hazards generate warrants for safety barriers during the construction works.	N/A	As part of the construction works.
	<p>The submission and approval of details of the source of fill, heavy construction materials and proposed delivery routes.</p> <p>The making good, to the satisfaction of Council, or payment of any costs incurred by Council in making good, any pavement damage or structural deterioration caused to Council's roads by the use of such roads as haulage routes for materials used in construction or the operation of the approved development.</p> <p>This information shall be in the form of a report by a qualified Geotechnical Engineer.</p>	Wyong Shire Council	Prior to the issue of the Subdivision Certificate for each stage
	Provision in the design for a possible future bus service through the subdivision including satisfactory arrangements for bus shelters.	Department of Planning	Project Approval
	Provision of onroad cycleway on Sparks Road.	Department of Planning	Project Approval
	Incorporation of off road cycleways and footpaths in accordance with the Subdivision Layout in Appendix 1 of the Preferred Project Report.	Department of Planning	Project Approval
7.0 Biodiversity and Environmental Management	<p>The submission of an Environmental Management Plan for the Buttonderry Creek and the Environmental Corridor adjoining the F3 to address:</p> <ul style="list-style-type: none"> • planting and maintenance of water quality and detention structures, • rehabilitation of the environmental corridors, • creekline stabilisation and rehabilitation, • access requirements for maintenance, • bushfire management in accordance with the Preferred Project Report, the Environmental Assessment and the requirements of the Rural Fire Service, • potential for preservation and enhancement of biodiversity values within the corridors, • DWE guidelines with respect to riparian zones. <p>The report to be prepared by appropriately qualified environmental consultant and incorporate Category 3 landscape report in accordance with Council's Policy.</p>	Wyong Shire Council	Prior to Subdivision Certificate
	Rehabilitation of the Buttonderry Creek and Environmental Corridor on the eastern boundary of the site and upon completion the dedication of the land to Wyong Shire Council in accordance with the Voluntary Planning Agreement and the above Buttonderry Creek Plan of Management.	Wyong Shire Council	Prior to the issue of the Subdivision Certificate for each stage and upon completion of the works
	Maintenance of the Buttonderry Creek and environmental corridor along the boundary of the F3 Freeway in accordance with the		Upon completion of

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Subject	Commitments	Approved by Whom	Timing
	Voluntary Planning Agreement.		the works
	Clearing of works outside the designated Environmental Corridors will be undertaken in accordance with the Vegetation Management Plan included as Appendix 4 of the Environmental Assessment.	Department of Planning	During construction
	Construction work will be undertaken in accordance with the provisions of the Environmental Protection Authority's Environmental Noise Control Manual – Guidelines for Construction Noise as identified below: Australian Eastern Standard Time (AEST): Monday to Sunday 7.00am to 6.00pm Australian Eastern Daylight Time (AEDT): Monday to Sunday 6.00am to 8.00pm	N/A	During construction
8.0 Integrated Water Cycle Management and Stormwater	The proposed lots shall be filled and regraded to ensure that they are flood free for all storms up to and including the design 100 year ARI event. The finished surface level of the lots shall be graded to facilitate drainage and include the following freeboard: <ul style="list-style-type: none"> A minimum freeboard of 300mm (which includes the Mine Subsidence Board's 200mm freeboard) is to be provided to each developable lot above the design 100 year ARI flood level. Comply with the freeboard requirements of the Roads and Traffic Authority (RTA) with regards to the design 100 year ARI flood level (or as nominated by the RTA) the developable lots and the Freeway. <p>Designs are to include local overland flow paths.</p>	Wyong Shire Council	Prior to the Construction Certificate
	The submission of a revised flood model and detailed designs for the stormwater drainage as part of the detailed engineering design. The submission shall include; <ul style="list-style-type: none"> Details and sizing of constructed wetlands and detention areas and channels including the Buttonderry Creek flood plain, channel B1 and channel F2. Revised flood modelling based on the final fill levels; Risk assessment for major drainage structures including the F3 (in consultation with the RTA) and Buttonderry Creek Bridge crossing. The need (if any) for additional debris control around inlets to F3, Condition of Hue Hue Rd and any overtopping during 1:100 ARI, or works that may need to be undertaken to ensure the integrity of the batter. Capture of stormwater entering the site from Kiar Ridge Road. The requirements of Water Sensitive Urban Design Solutions for Catchments above Wetlands, May 2007, Hunter & Central Coast Regional Environmental Management Strategy and EEs IWCM Strategy WEZ (Nov 06), including the submission of further modelling to demonstrate the compliance of water quality objectives of Council's policies. 		
9.0 Mine Subsidence	In accordance with the Mines Subsidence Board requirements, finished surface levels to include a 200mm freeboard above Wyong Council's requirements to cater for the 100 year ARI flood level. This is addressed in the item above in relation to Stormwater Management. The number and size and boundaries of lots substantially as shown on the approved plan. Notification being made to the Board of any changes to lot numbering and of the registered DP number. The Mine Subsidence Board's advice that the land is in a Mine Subsidence Area to be included on the Section 149 Certificate. All engineering works to be carried out in accordance with Wyong DCP 2005 Chapter 67 Engineering works with particular regard to areas prone to mine subsidence, and having regard to the Mine Subsidence advice on possible subsidence parameters of: <ul style="list-style-type: none"> Maximum Vertical subsidence of 200mm; 		

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Subject	Commitments	Approved by Whom	Timing
	<ul style="list-style-type: none"> Maximum Ground Strains of $\pm 2\text{mm/m}$; Maximum Tilt of 2mm/m. 		
10.0 Utility Services	Provision of internal water, sewer, electrical, gas and telecommunication services for the proposed development.	Relevant Utility Authority	Prior to Subdivision Certificate for each stage
	Approval of the RTA to any services within the F3 Freeway Corridor.	RTA	Prior to Construction Certificate
11.0 Bushfire Protection	<p>In accordance with the requirements of the NSW Rural Fire Service:</p> <ul style="list-style-type: none"> the creation of a section 88B instrument to provide unobstructive pedestrian access to the rear of proposed lots 101 to 110; the creation of a section 88B instrument over proposed lots 104 to 110 preventing their use for special fire protection purpose developments; Landscape treatment of the site to comply with the principals of the Appendix 5 of Planning for Bushfire Protection 2006. 	Wyong Shire Council	Prior to the issue of the Subdivision Certificate.