

| Nords Wharf – Revised Statement of Commitments | |
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| Subject | Description |
| Concept Plan | |
| Commitments Restricting the Terms of Approval | <p>Future development will be carried out generally in accordance with the following plans and documentation submitted with the Environmental Assessment:</p> <ul style="list-style-type: none"> ▪ Nords Wharf Land Transfer Plan prepared by Monteath and Powys dated; ▪ Conservation and Development Areas Plan (Figure A1.1.1) prepared by AJ+C; ▪ Illustrative Concept Plan (Figure A1.2.1) prepared by AJ+C and Aspect Studios; ▪ Land uses as proposed by the SSS listing and as indicatively shown on (Figure A2.2.1 prepared by AJ+C Aspect Studios; ▪ Height of Building Map HOB 003 prepared by AJ+C dated 12/02/2009 ▪ Conceptual road design and access arrangements as shown on drawing (Section A2.4) prepared by AJ+C Aspect Studios; ▪ Landscape, open space and heritage design concepts as shown in Figure A2.3.1 prepared by AJ+C Aspect Studios; ▪ Urban Design Guidelines prepared by AJ+C Aspect Studios; ▪ Indicative development staging as indicated in Figure A3.1.1 prepared by AJ+C |
| Commitments comprising payment of a monetary contribution, or dedication of land/carrying out of work for local Infrastructure | <p>The Owner will contribute in accordance with the Lake Macquarie Council Section 94 Contributions Schedule operational from 2004. The total monetary amount of contribution will be made by either dedication of land free of costs, payment of contribution, or works in kind, or any combination of them. The total monetary amount of contribution payable is as follows (valid until 14th Feb 2011):</p> <ul style="list-style-type: none"> ▪ Open Space \$ 7,702 per lot (may include works in kind) ▪ Recreation facilities. 5,772 per lot ▪ Community facilities \$ 2,927 per lot ▪ Management \$ 175 per lot <p>No parks or local open space are being dedicated at Nords Wharf. The Owner will enter into a Deed of Agreement with Lake Macquarie City Council.</p> |
| Social benefits of the proposed development | <p>The landowner has committed to the provision of the following social infrastructure benefits as part of the development program. Contributions and timing vary per item, details of which are included in the appropriate EA Appendices.</p> <p>Benefits include</p> <ol style="list-style-type: none"> 1. Privately owned land opened up the benefit of the community through the dedication of 92% of the land for |

| Nords Wharf – Revised Statement of Commitments | |
|---|--|
| Subject | Description |
| | <p>conservation in perpetuity</p> <ol style="list-style-type: none"> 2. Section 94 contributions to open space, recreation and community facilities as noted above 3. Contribution to the provision of emergency services for the region 4. Upgrading of the Pacific highway / Awabakal Dr intersection at the landowners cost which will provide the Nords Wharf/ Cams Wharf community a safer exit to Pacific highway 5. \$5M allocated by Coal & Allied for the provision of social infrastructure and community development for the southern estates. Costs allocations and timing are included in Appendix C. Allowances made for Nords Wharf include the following: <ul style="list-style-type: none"> • Provide additional trailer parking for the Branter Road boat launching ramp. • Contribute to the upgrade of the Branter Road boat launching ramp. • Contribute to the upgrade of existing boat ramp facilities near Cams Wharf. • Contribute to a local playgroup • Upgrading Gathercole Reserve • Sustainability contributions • Extend 1.2m foot path in Government Road from closest bus stop to the proposed new estate to the public school. The Owner will enter into a Voluntary Planning Agreement with Lake Macquarie City Council. • Aboriginal community scholarships • Provision of walkways (subject to DECCW approval) external to the Coal & Allied development land |
| Commitments comprising payment of a monetary contribution, or dedication of land/carrying out of work for Regional Infrastructure | <p>Payment of a monetary contribution or works in kind for the provision of regional infrastructure as determined by the NSW Government (NSWG) and generally in accordance with the Owners offer to contribute under the terms of the NSWG 'Infrastructure Contributions Plan Circular PS08-017, 23 December, 2008'. The Owner has offered to enter into a Voluntary Planning Agreement (VPA) with the Department of Planning to contribute to the following services:</p> <ul style="list-style-type: none"> ▪ The Developer is to upgrade at its cost the intersection at Awabakal Drive and Pacific Highway, Nords Wharf. The |

| Nords Wharf – Revised Statement of Commitments | |
|--|---|
| Subject | Description |
| | <p>intersection is to be designed and constructed as a seagull intersection with raised kerbs and part signalisation for northbound vehicles. Completion of the intersection upgrade is required on or prior to the issue of the first subdivision certificate that creates the first Urban Lot within the area the subject of the Concept Plan Approval and to the RTA's satisfaction. Upgrade works are to be undertaken concurrently with the Flowers Dr and Montefiore intersections with Pacific Highway</p> <ul style="list-style-type: none"> Emergency Services involving a contribution towards purchasing 3,000m² of land in Swansea-CHB. The landowner is to provide a monetary contribution, totalling \$17,639.10 (subject to indexation) towards the proposed acquisition of a 3,000 square metre site for location of emergency services amounting to a per lot contribution of \$195.99 if the contribution is paid after 30 June 2011 (subject to indexation) . The contribution is payable on or prior to the issue of the first subdivision certificate that creates the first Urban Lot within the area the subject of the Concept Plan Approval. Agreement by the landowner is included in the draft VPA |
| Utility Services/Infrastructure Upgrades | <p>The Owner commits to the funding and delivery of all on-site infrastructure and services including the following specific infrastructure prior to or in conjunction with the first stage of development:</p> <ul style="list-style-type: none"> Low voltage and high voltage electricity services from the existing network Provision of a trunk water main to site. The Water Strategy to service the site has been approved by Hunter Water Corporation (HWC) Sewer connection to existing system. The HWC Sewer Strategy acknowledges there is sufficient capacity in the existing system Provision of a communication service complying with the National Broadband Network Policy <p>The Concept Plan will ensure that sufficient land is provided within new road reserves and alternatively within easements in the offset lands and private land for utilities.</p> |
| Conveyancing | <p>The dedication and transfer of the conservation lands to the State Government will be undertaken as illustrated in the "Plan of Proposed Subdivision of Lot 6 DP 746077, Lot 5 DP 736170, Lot 12 DP 854197 Nords Wharf", Sheet 1 Rev F dated 21/08/2008 by Monteath & Powys Pty Ltd.</p> <p>Easements are to be provided for utility services that encroach onto private land or the offset lands. Land to be dedicated to relevant authorities where required</p> |

| Nords Wharf – Revised Statement of Commitments | |
|--|---|
| Subject | Description |
| | <p>Housing lots will be Torrens title.</p> <p>Parks, reserves, roads and infrastructure created through each future Project Application subdivision will be developed and then dedicated to Lake Macquarie City Council after the completion of the development and in accordance with the conditions of approval .</p> |
| Environmentally Sustainable Development | <p>Residential development will meet or exceed the following targets:</p> <ul style="list-style-type: none"> ▪ The BASIX water consumption benchmark. ▪ The BASIX energy consumption benchmark. |
| Procurement Policies | <p>Prior to any works on site commencing, the Owner will develop a procurement policy for the construction of the subdivision. The policy shall incorporate initiatives to encourage local employment opportunities for the duration of the project.</p> <p>Prior to any works on site commencing, the Owner is to:</p> <ul style="list-style-type: none"> ▪ Contribute to the Indigenous community for employment in land care, lake quality improvement etc. ▪ Establish procurement policies for the Indigenous community to remediate/ regenerate degraded areas within the conservation zones, in conjunction with NSW Government. ▪ Establish procurement policies for the Indigenous community during construction (e.g. fencing, landscaping) and ongoing maintenance (e.g. lawn mowing etc). ▪ This will be done in partnership between Indigenous community and Coal & Allied |
| Consultation/ Educational Programs | <p>The Owner is to develop a community consultation program prior to commencement of construction for the duration of the construction process. This program is to be approved by Department of Planning prior to any works on site commencing and will include:</p> <ul style="list-style-type: none"> ▪ Regular newsletters/letterbox drops on timing and progress. ▪ Information on a publicly accessible website. ▪ Community workshops. ▪ Appropriate signage on site. ▪ Contact numbers for complaints/issues etc. |
| Urban Design | <p>The Concept Plan commits to a set of Development Design Guidelines. Future development is to comply with the Urban Design Guidelines.</p> |

| Nords Wharf – Revised Statement of Commitments | |
|--|--|
| Subject | Description |
| Housing Diversity | <p>The Concept Plan commits to providing a diversity of housing opportunities through:</p> <ul style="list-style-type: none"> ▪ The provision of a diversity of lot sizes. ▪ The provision of different housing typologies including single and two storey houses. |
| Aboriginal Heritage | <p>On Development Lands:</p> <p>Prior to any works on the development lands site commencing, the Owner is to prepare a Aboriginal Cultural Heritage Management Plan in accordance with the heritage mitigation measures outlined in the Heritage Impact Statement prepared by ERM including:</p> <ul style="list-style-type: none"> ▪ Procedures during site excavation works. ▪ Consultation with local Aboriginal community groups prior and during construction works. ▪ Appropriate Aboriginal heritage interpretation measures. ▪ Define archaeological investigation areas. ▪ Define appropriate works within areas of high Aboriginal significance. <p>The Owner must:</p> <ul style="list-style-type: none"> ▪ Ensure stop work procedures are in place if any Aboriginal relics or artefacts are discovered during the course of work onsite. ▪ Ensure that the location of all infrastructure services avoids and protects areas of high Aboriginal significance. ▪ Ensure that on site information about the heritage requirements is in place for the construction phase for the construction team. <p>On Conservation Lands:</p> <p>DECCW has advised that it will prepare an Aboriginal Cultural Heritage Management Plan for the land being transferred into its ownership.</p> |
| European heritage | <p>Prior to commencement of works on site, the Owner is to recognise the Scout's occupation of the site through heritage interpretation. The Scout Camp interpretation plan is to be added to the Heritage Impact Assessment (HIA).</p> |

| Nords Wharf – Revised Statement of Commitments | |
|--|--|
| Subject | Description |
| | The Owner is to compile an oral history and documentary history of Scouts in the region and produce a publication of the Regional Scout History. |
| Traffic and Transport | <p>The Owner is to:</p> <ul style="list-style-type: none"> ▪ Implement local traffic management measures within the development and existing local roads where required. Details will be submitted with the Construction Certificate application. ▪ Dedicate public roads to Lake Macquarie City Council (LMCC) at no cost to Council <p>Areas to be dedicated as public roads will be constructed and embellished in accordance with the specifications of the Concept Plan and as approved by LMCC</p> |
| Pedestrian access and bus stop along Government Road | A 1.2m wide pedestrian pathway is to be constructed by the landowner at its cost along Government Road to the nearest bus stop. Details will be submitted with the Construction Certificate application for Stage 1 works. |
| Upgrade of Branter Rd | The landowner at its cost is to kerb and gutter Branter Rd from Government Road to the existing Branter Rd cul-de-sac, as well as construct a 1.2m wide footpath on the southern side of the road from Government Road to the Branter Rd cul-de-sac. Details will be submitted with the Construction Certificate application for Stage 1 works to LMCC for its approval. |
| Water Quality & Quantity Management | <p>Prior to any works commencing on site, the Owner will at its cost prepare and implement the following stormwater management measures:</p> <ul style="list-style-type: none"> ▪ Implement WSUD to manage stormwater in accordance with LMCC/DECCW policies. ▪ Manage flood risk according to the NSW Floodplain Development Manual. ▪ Construct stormwater management controls to ensure that the percentage level of pollutant export loads (achieved through WSUD) is within the limits specified in relevant Council policies. ▪ Prepare a stormwater management strategy. ▪ Prepare a groundwater management strategy. ▪ Prepare a maintenance regime for the proposed groundwater management system, stormwater treatment systems. ▪ Housing lots need to provide appropriate on lot detention for stormwater <p>These strategies should adopt the mitigation measures recommended in the Marine Baseline Assessment prepared by GHD</p> |

| Nords Wharf – Revised Statement of Commitments | |
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| Subject | Description |
| | <p>and dated October 2007 to reduce potential impacts on Crangan Bay.</p> <p>Details on the proposed bio-retention basins, bio swales and swales are to be submitted with the Stage 1 subdivision Construction Certificate application to LMCC / DECCW for their approval. Prior to any works commencing on site, the Owner will prepare a maintenance program for bio-swales, public stormwater system/basins. The Owner will manage these facilities for a 5 year period or until all lots are sold (whichever occurs first).</p> |
| Bushfire Management | <p>A Bushfire Management Plan will be prepared at the landowners cost and certified by a suitably qualified consultant. The Bushfire Threat Assessment is to be prepared using the current guidelines and industry best practice, specifically, Planning for Bushfire Protection (2006) and the updated AS3959-2009 Appendix 3 and the requirements of the NSW Rural Fire Service.</p> <p>The required plan will include, but not be limited to, the following documentation:</p> <ul style="list-style-type: none"> ▪ Location of permanent Asset Protection Zones (APZ) and fire trails. ▪ Location of temporary APZ's and fire trails such that adequate protection is provided to the subdivision at all times during construction. ▪ APZ establishment methods. ▪ Location of habitat trees to be retained. ▪ Areas of vegetation to be removed, retained or replaced. ▪ Fuel Management measures to be in accordance with the Nords Wharf Fuel Management Plan prepared by RPS ▪ Access to services. ▪ Existing and proposed plant species. <p>Ongoing management of APZs should comply with the requirements of the Planning for Bushfire Protection Guidelines 2006 and any requirements of the NSW Rural Fire Service.</p> <p>The Bushfire Management Plan will be submitted with documentation accompanying the Construction Certificate application for Stage 1 subdivision works.</p> |
| Landscaping | <p>Landscaping will be undertaken in accordance with the Nords Wharf Illustrative Concept Plan and Urban Design Guidelines prepared by AJ+C and Aspect Studios and to the approval of LMCC.</p> |

| Nords Wharf – Revised Statement of Commitments | |
|---|--|
| Subject | Description |
| Contamination, Geotechnical and Mine Subsidence | <p>The Owner will undertake further assessment in regards to contamination and geotechnical investigations as recommended in the preliminary contamination, geotechnical and mine subsidence assessment reports prepared by Douglas Partners .</p> <p>The land is required to be remediated before the land is used for residential purposes. Prior to the issue of the construction certificate for Stage 1 Works the following must be undertaken at the landowners cost.</p> <ul style="list-style-type: none"> ▪ Further delineate the extent of contamination. ▪ Development of a Remediation Action Plan. ▪ Appropriate remediation conducted to remove identified contaminants exceeding the DECC land use criteria. ▪ Deleterious material and possible associated surface impact removed. ▪ Validation testing and verification. ▪ Validation of asbestos contamination should be conducted by a qualified asbestos consultant. ▪ Waste classification to DECCW guidelines of any materials destined for off-site disposal at a licensed landfill. |
| Tree Management | <p>The Owner will prepare a Tree Management Plan prior to any works being undertaken on site. The Tree management Plan will provide for the protection of trees of significance (habitat and old growth) during lot planning by marking and retention of significant trees wherever appropriate prior to progressive clearing of sites.</p> <p>The Tree Management Plan will also be, to the extent possible, consistent with the plan approved by the Federal Minister with respect to clause (c) of condition C3 of the EPBC controlled action approval.</p> |
| Roads, Engineering, Infrastructure and Services | <p>The Owner will provide for new roads and connections as per the plans included in the Concept Plan prepared by AJ+C and Aspect Studios.</p> <p>Road Infrastructure including road pavement, footpaths, kerb and gutter (where required), drainage services, street trees, street lighting, signage and line markings will be provided for the subdivision, in accordance with LMCC requirements, except as otherwise provided by the Concept Plan and Urban Design Guidelines.</p> <p>The Owner will provide reticulated potable water and sewage services to each residential lot in the subdivision in accordance with Hunter Water requirements.</p> <p>The Owner will provide underground power to each residential lot in accordance with Energy Australia requirements.</p> <p>The Owner will provide underground telecommunications infrastructure to each lot in the subdivision in accordance with the</p> |

| Nords Wharf – Revised Statement of Commitments | |
|--|---|
| Subject | Description |
| | <p>NBN Plan.</p> <p>Areas to be dedicated as public roads will be constructed and embellished in accordance with the Urban Design Guidelines of the Concept Plan and built to a specification approved by LMCC.</p> <p>All road reserves to be constructed will be dedicated to Lake Macquarie City Council at no cost to Council.</p> |
| Environmental Management | <p>The owner has agreed with DECCW/NPWS to undertake certain works including removal of rubbish, weeds and derelict buildings in accordance with Schedule 4 included in the draft Voluntary Planning Agreement (VPA). Landowner costs and timing for the works are nominated in the Schedule</p> <p>The Owner is required to prepare a Statement of Interim Management Intent (SIMI) prior to commencement of stage 1 subdivision works for the protection of transferred conservation lands. The SIMI will relate to the interface (maximum width of 100m) between the development areas and the conservation lands as well as the Foreshore area identified in the plan prepared by RPS. The Owner's involvement with the SIMI will be limited to:</p> <ul style="list-style-type: none"> Cost of preparing the SIMI; The actions arising from the SIMI for a specified period of 5 years commencing from the date that the SIMI takes effect or until all lots are sold (whichever is the earlier) relative to each development area precinct to which the SIMI relates. <p>The SIMI will include undertaking ongoing management of Asset Protection Zones (APZs) located outside but adjacent to the conservation area to which the SIMI relates for a period the lesser of 5 years from commencement of works or until all lots are sold relative to each development area precinct. Management will be undertaken in accordance with Council / NPWS best practice. The Owner is to prepare the APZ Management Regime prior to commencement of stage 1 subdivision works.</p> <p>The SIMI for the foreshore area is to be prepared in consultation with the NSWG/DECCW and Traditional Owners.</p> |
| Pet Management | <p>The Owner is to prepare a Strategy to combat the potential impacts of pet ownership to native bushland including:</p> <ul style="list-style-type: none"> Appropriate signage and educative programs (for example letter box drops and brochures to be included within the bill of |

| Nords Wharf – Revised Statement of Commitments | |
|--|--|
| Subject | Description |
| | <p>sale for each property).</p> <ul style="list-style-type: none"> LMCC strategies, policies and programs should be acknowledged in relation to this. |
| Subdivision Certificate. | <p>A Subdivision Certificate application will be submitted in respect of the subdivision. It will be accompanied by the following documentation:</p> <ul style="list-style-type: none"> A survey plan prepared by a Registered Surveyor Instruments prepared under s88B of the Conveyancing Act as appropriate. A Section 50 Certificate from Hunter Water. The appropriate notation will be placed on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act will set out the terms of the easements and/or rights of carriageway and/or restrictions as to user required for the subdivision. |
| Transfer of Land | <p>On issue of the Subdivision Certificate and the Concept Plan approval the conservation land is to be transferred to NSWG in accordance with the conditions of the Draft VPA.</p> |