

Catherine Hill Bay – Revised Statement of Commitments	
Subject	Description
Concept Plan	
Commitments Restricting the Terms of Approval	Future development will be carried out generally in accordance with the following plans and documentation submitted with the Environmental Assessment ▪ Middle Camp (Catherine Hill Bay) Transfer Plan (Revision 5) prepared by Monteath and Powys dated 1st October 2010; ▪ Conservation and Development Areas Plan (<i>Figure A1.1.1</i>) prepared by AJ+C; ▪ Illustrative Concept Plan (<i>Figure A1.2.1</i>) prepared by AJ+C and Aspect Studios; ▪ Land uses as proposed by the SSS listing and as indicatively shown on <i>Figure A2.2.1</i> prepared by AJ+C and Aspect Studios; ▪ Height of Buildings Plan HOB 002 dated 14/10/2010 prepared by AJC; ▪ Conceptual road design and access arrangements as shown on drawing <i>Figure A2.4.1</i> prepared by AJ+C and Aspect Studios ; ▪ Landscape, open space and heritage design concepts as shown in <i>Figure A2.3.1</i> prepared by AJ+C and Aspect Studios ; ▪ Urban Design Guidelines prepared by AJ+C and Aspect Studios; ▪ Indicative development staging as indicated in <i>Figure A3.1.1</i> prepared by AJ+C.
Commitments comprising payment of a monetary contribution, or dedication of land/carrying out of work for local Infrastructure	The Owner will pay contributions in accordance with the Lake Macquarie City Council Section 94 Contributions Plan No.1 – Citywide 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 (Valid until 14th February 2011) is as follows: ▪ Open Space \$7,702 per lot works-in-kind directly associated with land dedication in lieu (Value of land to be determined by valuation) ▪ Recreation facilities \$5,772 per lot monetary contribution or works-in-kind directly associated with substantial land dedication in lieu or a combination of both. ▪ Community facilities \$2,927 per lot ▪ Management \$175 per lot In lieu of monetary contribution for open space acquisition, the Owner will contribute to the upgrade of Middle Camp Oval (WIK or monetary) and dedicate land to Lake Macquarie City Council at no cost to Council for the purpose of a public car park and public access to the beach. Timing of the dedication of the land around the oval will not be any earlier than the timing under the terms of the LMCC Section 94 Contributions Plan as if the land value being dedicated and agreed value of the proposed WIK was an “open space/recreation facility” cash contribution. The Owner will enter into a Deed of Agreement with Lake Macquarie City Council.
Social benefits of the proposed development	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. Benefits include

	1. Privately owned land opened up to the benefit of the community through the dedication of 93% of the land for conservation in perpetuity 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 / Flowers Dr intersection at the landowners cost. 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 at Middle Camp include the following: • Contributions to the funding of the Catherine Hill Bay Surf Club • Heritage railway walk and interpretation strategy • Pedestrian / cycleway – Bowling Club to Heritage walk • Provision of walking paths external to C&A land (subject to DECCW approval) • Assistance to the Dune Care Group & Lake Macquarie Council in the implementation of a plan of management for the coastal area. • Contribute towards the funding of a Department of State and Regional Development project to identify employment opportunities in the Swansea area. • Aboriginal community scholarships
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Commitments comprising payment of a monetary contribution, or dedication of land/carrying out of work for Regional Infrastructure	Payment of a monetary contribution or works-in-kind for the provision of regional infrastructure as determined by the state government will be generally in accordance with the Owners offer to contribute under the terms of the NSW Governments '<i>Infrastructure Contributions Plan Circular PS08-017, 23 December, 2008</i>'. The Owner has offered to enter into a Voluntary Planning Agreement with the Department of Planning to contribute to the following services. ▪ Upgrade Pacific Highway intersections with Flowers Drive by providing a full seagull at the intersection that allows a left in and left out on Flowers Drive. Details to be prepared with the construction certificate for Stage 1. The Owner will undertake the intersection work prior to release of subdivision certificate for Stage 1 Project Application. Upgrading the intersection is to be undertaken concurrently with the upgrading of the Montefiore and Awabakal Dr intersections with Pacific Highway. No upgrading works will be committed until a Concept Plan and rezoning approvals are in place. ▪ Emergency Services involving a contribution towards purchasing 3,000m2 of land in Swansea-CHB.. The Owner has offered to pay \$195.99 per lot. post 30th June 2011 (subject to indexation). Agreement by the landowner is included in the draft VPA
Utility Services/Infrastructure Upgrades	The landowner has agreed to pay a proportional split with RoseGroup and Stockland, subject to rezoning and Concept Plan approval to the funding and delivery of on-site infrastructure and services including the following specific infrastructure prior to or in conjunction with the first stage of development: ▪ Electricity from existing capacity or a new zone sub-station ▪ New potable water reservoir and trunk water main to site. The Water strategy has been approved by Hunter Water Corporation (HWC) ▪ Sewer Pump Station and rising main to connect to Swansea Pumping Station. The Wastewater Strategy has been approved by HWC ▪ Provision of a communication service complying with the National Broadband Network Policy 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.
Conveyancing	The dedication and transfer of the conservation lands to the State Government will be undertaken in accordance with Transfer Plan "Proposed Subdivision of Lot 202 DP 702669, Lot 2030 DP 841175, Pt LP 6 DP 746077, Pt Lot 5 DP 736170, PT Lot 12 854197, Pt Lot 9 Sec D DP 163, Pt Lot 10 Sec D DP 163, Lot 223 DP 1102989 & Lot 16 DP 755266, Catherine Hill Bay", Sheet 1 and 2 Rev 05 and dated 01/10/2010 by Monteath & Powys Pty Ltd. Land is to be dedicated to Lake Macquarie City Council, which includes the land that currently accommodates the car park in the vicinity of Middle Camp Oval and as illustrated in the plan of proposed subdivision, Sheet 1 and 2 Rev 01 described above by Monteath & Powys Pty Ltd. 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 and in accordance with the conditions of approval.

	Housing lots will be Torrens title. 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.
Environmentally Sustainable Development	Residential development will meet or exceed the following targets: ▪ The BASIX water consumption benchmark. ▪ The BASIX energy consumption benchmark.
Procurement Policies	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, including Aboriginals for the duration of the project. Prior to any works on site commencing, the Owner is to: ▪ 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 the Indigenous community and Coal & Allied.
Consultation/ Educational Programs	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 the Department of Planning prior to any works on site commencing and will include: ▪ 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	The Concept Plan commits to a set of Urban Design Guidelines. Future development is to comply with the Urban Design Guidelines. SEPP (Exempt & Complying Development Codes) 2008 does not apply to single and two storey houses.
Housing Diversity	The Concept Plan commits to providing a diversity of housing opportunities through: ▪ The provision of a diversity of lots sizes. ▪ The provision of different housing typologies including single and two storey houses..
European Heritage	Prior to any works on site commencing, the Owner at its cost is to prepare and implement the following heritage mitigation measures

	outlined in the Heritage Impact Statement prepared by ERM including: ▪ Adequate setbacks, buffer, vegetation and screening between the proposed development and Flowers Drive as proposed in the Concept Plan prepared by AJ+C. Any buffer on a private lot is to be listed as a covenant on relevant land titles. ▪ Adaptive re-use of potential heritage items where possible. ▪ All existing statutory heritage items are to be incorporated into the final development lot layout. ▪ Make use of sympathetic materials and roof forms for the new development. These should be similar to whilst not mimicking, the existing materials and roof forms. ▪ Develop a heritage interpretation strategy to guide the provision of on-site interpretation, which could include potential heritage walks, signage about the history and heritage significance of the area. ▪ Prepare an archival record of the area prior to commencement of development. This should be made available across Council libraries in the region. ▪ Undertake photographic recording of Middle Camp that includes panoramic photographs of the existing views along Flowers Drive from the north and south. The Owner has made an allocation of funds to : ▪ Interpret and enhance the former railway line as a pedestrian network. The Heritage Walk will extend from Hamlet B, through the occupiers E4 area (C&A to provide an easement or similar) to the land being transferred to Lake Macquarie City Council by Coal and Allied for beach access and car park as shown on the Land Ownership Plan. The walk is to extend from south of the oval carpark to the carpark south of "4 Pines" subject to DECCW/LPMA. Provide historical interpretation linked directly with the railway corridor from Colliery Road to the land being transferred to Lake Macquarie City Council by Coal and Allied for beach access and car park, through: ▪ Public art program. ▪ Heritage walk signage is to be supported by pamphlets and website developed in consultation with DECCW, NSW Heritage Office and Local Government. ▪ Provide public art (if available) incorporating coal mining heritage of CHB such as coal mining machinery.
Historical Archaeological Heritage	Prior to any works commencing on site, the Owner is to prepare and implement the mitigation measures outlined in the Heritage Impact Statement prepared by ERM as follows: ▪ Retain the railway embankment and alignment along its extent as it runs from Hamlet A through to the land to be transferred to Lake Macquarie City Council as a car park. The development should not impact the alignment or form of the railway. ▪ Prepare an archival record of E Pit area to a standard of local significance in accordance with the NSW Heritage Office Department of Planning guidelines. This should include landscape elements of former building locations and a detailed survey plan (not a mud map). ▪ Create a conservation zone (Buffer) around the "Workshop" building. As the last remaining industrial building in the E Pit area, it symbolises the activities that occurred in the zone. Provide a terraced, flat landscaped area to the north of the building in accordance with the Illustrative Landscape Plan prepared by Aspect Studios. This is to be used as a public open space. The frame and roof of the workshop building could be adaptively reused as a Recreation Shelter or interpreted as public art. ▪ Create a conservation zone around the former house site in the south west corner of E Pit. This will serve to protect the landscape values and the archaeological deposits associated with the house site. The area is to be used as a public space in accordance with the Illustrative Landscape Plan prepared by Aspect

Aboriginal Heritage	▪ Undertake interpretation of the E Pit area and the former railway. This should include a history of the area and the Pit. It can be based upon archival recording and historical research. ▪ During earth breaking activities within E Pit ensure that appropriate stop work procedures are in place in case of unforeseen archaeological discoveries. Any remaining archaeological deposits uncovered should be recorded and monitored by a suitably qualified archaeologist. Should any artefacts be identified in the course of development all works should cease and an assessment of the material should be conducted by an archaeologist. On Development Lands: Prior to any works on the development lands site commencing, the Owner is to prepare an Aboriginal Cultural Heritage Management Plan in accordance with the heritage mitigation measures outlined in the Heritage Impact Statement prepared by ERM including: ▪ Procedures during site excavation works. ▪ Consultation with local Aboriginal community groups including single and two storey houses. ▪ Appropriate Aboriginal heritage interpretation measures. ▪ Define archaeological investigation areas. ▪ Define appropriate works within areas of high Aboriginal significance The Owner must: ▪ Ensure stop work procedures are in place if any Aboriginal relics or artefacts are discovered during the course of work onsite. NSW Heritage Branch will be notified when such objects are discovered. ▪ 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.
Traffic and Transport	The landowner commits to: ▪ The implementation of local traffic management measures within the development and existing local roads where required. Details to be prepared with the construction certificate for each stage for approval by LMCC. ▪ Provision of a LATM for Flowers Dr between the northern and southern ends of the Middle Camp village ▪ Provision of DDA complying bus stops, shelters and pedestrian refuges. Details to be prepared with the construction certificate for each stage. ▪ Provision of new bus stops on Flowers Drive, between Hamlets A and B, including provision of bus shelters, kerb and gutter (where required), footpath and signage. 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.
Water Quality & Quantity	Prior to any works commencing on site, the Owner will at its cost prepare and implement the following stormwater management measures:

Management	▪ Implement WSUD to manage stormwater in accordance with LMCC/DECCW/NOW 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/DECCW 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. 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 /NOW for their approval. Prior to any works commencing on site, the Owner will prepare a maintenance program for bio-swales, public stormwater system/basins. C&A will manage these facilities for a 5 year period or until all lots are sold in the relevant development precinct.
Bushfire Management	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. The required plan will include, but not be limited to, the following documentation ▪ 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 Catherine Hill Bay Fuel Management Plan prepared by RPS Access to services. ▪ Existing and proposed plant species. 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. . The Bushfire Management Plan will be submitted with documentation accompanying the Stage 1 subdivision works, Construction Certificate application and in respect of each subsequent stage. The required APZ buffer on private lots will be listed as a covenant on relevant land titles.

Landscaping	Landscaping will be consistent with the landscape concept plan prepared by Aspect and Urban Design Guideline prepared by AJ+C and Aspect and to the approval of LMCC.
Contamination, Geotechnical and Mine Subsidence	Prior to the issue of the subdivision certificate for Hamlet A and B the Owner is to undertake at the landowners cost: ▪ Detailed contamination assessment for Hamlet A and B in accordance with SEPP 55 and NSW DECCW guidelines. ▪ Prepare a Remediation Action Plan based on the results of the detailed contamination assessment. The RAP is to be verified through the NSW DECCW site auditor process undertaken. ▪ Appropriate remediation conducted to remove identified contaminants exceeding the DECCW land use criteria. ▪ Removal of deleterious materials and possible associated surface impact. ▪ Validation testing and verification. ▪ Validation of asbestos contamination and removal 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	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. 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 B3 of the EPBC controlled action approval.
Flora & Fauna Conservation Management	Prior to any works on site commencing, the Owner is to prepare a Vegetation Management Plan. The vegetation management plan will be implemented for each stage of the subdivision. The vegetation management plan shall require that direction and supervision be provided by suitably qualified persons associated with vegetation removal including habitat trees (hollow-bearing).
Vegetation Buffers	The Owner shall maintain the vegetation buffer to Hamlet A along Flowers Drive by C&A for the first 5 years or until all lots of Hamlet A are sold (whichever is lesser). This vegetation buffer will be 15 m as shown on the revised Concept Plan drawings. After this period, Lake Macquarie City Council will be required to manage this vegetation buffer.
Roads, Infrastructure & Services	The Owner will provide for new roads and connections as per the plans included in the Concept Plan prepared by AJ+C. 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 Council's requirements, except as otherwise provided by the Urban Design Guidelines and as approved by LMCC. The landowner has committed to fund and implement a LATM plan for Flowers Dr between the northern and southern ends of the Middle Camp village

	The Owner will provide reticulated potable water and sewage services to each residential lot in the subdivision in accordance with Hunter Water requirements. The Owner will provide underground power to each residential lot in accordance with Energy Australia requirements. The Owner will provide underground telecommunications infrastructure to each lot in the subdivision in accordance with the NBN Policy. 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 All road reserves to be constructed will be dedicated to Lake Macquarie City Council at no cost to Council
Environmental management	The owner has agreed with DECCW/NPWS to undertake certain works including removal of rubbish and treatment of major weed infestations, security fencing at Radar Hill and erosion control works 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. Prepare a Statement of Interim Management Intent (SIMI) prior to commencement of works of stage 1 subdivision 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 identified in the plan prepared by Harper Somers. The Owner's involvement with the SIMI will be limited to: ▪ Cost of preparing the SIMI. ▪ The actions arising from the SIMI for a specified period of the lesser of 5 years commencing from the date the SIMI takes effect or until all the lots are sold. The SIMI will include an orchid management plan for the land contained within the development area precincts only. 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.
Pet Ownership	The Owner is to develop strategies to address potential impacts associated with pet ownership prior to works commencing on site. This may include implementation of appropriate signage and educative programs (for example letter box drops and brochures to be included within the bill of sale for each property). LMCC strategies, policies and programs should be acknowledged in relation to this by current and future residents.

Subdivision Certificate	A Subdivision Certificate application will be submitted in respect of the subdivision. It will be accompanied by the following documentation: ▪ 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	On issue of the Subdivision Certificate and the Concept Plan approval the conservation land is to be transferred to NSWG all in accordance with the Transfer Plan prepared by Monteath Powys. Timing of the dedication of the land around the oval will not be any earlier than the timing under the terms of the LMCC Section 94 Contributions Plan as if the land value being dedicated and agreed value of the proposed WIK was an “open space/recreation facility” cash contribution. The Owner will enter into a Deed of Agreement with Lake Macquarie City Council.