



- Management of specific habitat enhancement measures such as habitat trees, artificial hollows, nest boxes, etc).
- Fauna displacement and any appropriate translocation.
- Details of long term monitoring and implementation.

### 13. REVISED STATEMENT OF COMMITMENTS

The proposed amendments outlined in Section 12 are minor when compared to the original project application lodged with DOP. Notwithstanding, a revised Statement of Commitments has been prepared to reflect these amendments. The amendments to the original Statement of Commitments have been highlighted in bold for ease of reference. If approval is granted under Part 3A of the EP&A Act, 1979, the proponent will commit to the following controls for the construction and operation of the proposed development.

NO.	ITEM	COMMITMENTS
1.	Scope of Development	<p>The development will be carried out substantially in accordance with the Environmental Assessment prepared by de Witt Consulting, supporting plans and reports, as amended by the following:</p> <ul style="list-style-type: none"> <li>• <b>Proposed Plan of Subdivision prepared by de Witt Consulting (Drawing 013-SUBDIV-30.04.09)</b></li> <li>• <b>Letter from Northrop Engineers dated 4 May 2009 along with the following amended drawings [C01DA – Concept Sediment and Erosion Control Plan – Issue C; C02DA – Concept Stormwater Management Plan – Issue C; C03DA – Details Sheet – Issue C; C04DA – Road Long Sections Sheet 1 of 2 – Issue A; C05DA – Road Long Sections Sheet 2 of 2 – Issue A].</b></li> <li>• <b>Revised Statement of Commitments in the letter from de Witt Consulting dated 4 May 2009.</b></li> </ul>
2.	General	<p>The developer will obtain and maintain the following licences, permits and approvals for the residential subdivision:</p> <ul style="list-style-type: none"> <li>• Lake Macquarie City Council/Private Certifier – Subdivision and Construction Certificates for works associated with the subdivision. This will include engineering design plans containing, where relevant, detailed designs relating to earthworks, drainage, soil erosion, sediment control, site rehabilitation, tree clearing, site stability, roadworks, footpaths, water supply, sewerage works and landscaping.</li> <li>• Energy Australia – Design Certification</li> <li>• Hunter Water Corporation – Compliance Certificate</li> <li>• Telstra – Compliance Certificate</li> <li>• Department of Land and Property Information – Registration of Subdivision.</li> </ul>
3.	Conveyancing	<p>Prior to the release of the Subdivision Certificate, a Section 88B Instrument will be prepared to provide for, inter alia, easements for services, Asset Protection Zones and drainage.</p>
4.	Construction	<p>Prior to the release of the Construction Certificate, the developer will prepare a Construction Management Plan addressing matters relating to education of contractors, statutory obligations, management procedures,</p>



NO.	ITEM	COMMITMENTS
		sediment controls, traffic management, flora and fauna management, environmental management procedures and waste minimisation.
5.	Infrastructure	<p>Prior to the release of the Subdivision Certificate the developer will provide underground power to each residential lot in the subdivision in accordance with the requirements of Energy Australia.</p> <p>Prior to the release of the Subdivision Certificate, the developer will provide underground telecommunications infrastructure to each lot in the subdivision in accordance with the requirements of Telstra.</p> <p>Prior to the release of the Subdivision Certificate, the developer will provide reticulated water and sewerage services to each lot in the subdivision in accordance with the requirements of Hunter Water Corporation.</p>
6.	Stormwater and Water Quality	Prior to the release of the Subdivision Certificate, stormwater management and water quality infrastructure in accordance with the Concept Stormwater Management Plan prepared by Northrop Engineers will be provided. This will include a regional detention basin, pit and pipe stormwater system and gross pollutant traps.
7.	Bushfire Protection	<p>Prior to the registration of the Final Plan of Subdivision, the recommendations of the Bushfire Threat Assessment prepared by Harper Somers O'Sullivan will be implemented including:</p> <ul style="list-style-type: none"> <li>• A 20m APZ will be provided along the western boundary of the <b>building envelope on Lot 3</b>.</li> <li>• A 25m APZ will be provided between the proposed dwelling on Lot 3 and the vegetation to the north.</li> <li>• A 20m APZ will be provided between the retained vegetation on Lot 3 and the residential lots to the east.</li> <li>• The internal roads will be constructed in accordance with the requirements of Planning for Bushfire Protection (2006).</li> <li>• Future dwellings on the lots will be built in accordance with the relevant construction levels in AS3959-1999 for construction of buildings in bushfire prone areas (as shown in Figure 8.1 – Construction Levels of the Bushfire Threat Assessment prepared by Harper Somers O'Sullivan).</li> <li>• The development will be linked to the existing mains pressure water supply and suitable hydrants will be clearly marked and provided for the purposes of bushfire protection.</li> <li>• The responsibility of the maintenance of the proposed APZ's will be the individual lot owner.</li> <li>• Fuel management in the APZ's will be in accordance with Planning for Bushfire Protection (2006) or as specified by the NSW Rural Fire Service.</li> <li>• <b>No parking signs will be provided along one side of the internal roads to ensure compliance with Section 4.1.3(1) of Planning for Bushfire Protection (2006).</b></li> </ul>
8.	Soil Erosion	<ul style="list-style-type: none"> <li>• A Sediment and Erosion Control Plan will be developed in accordance with the relevant guidelines prior to the commencement of construction.</li> <li>• Surface drainage for construction will be installed prior to commencement of earthworks to intercept overland flow from</li> </ul>



NO.	ITEM	COMMITMENTS
		<p>the upslope catchment area.</p> <ul style="list-style-type: none"> <li>• Topsoils will be stockpiled for landscaping purposes.</li> <li>• Any filling on the site will be placed and compacted in accordance with AS3798-1996, Guidelines on Earthworks for Commercial and Residential Development.</li> <li>• Any retaining walls over 1m constructed on site as part of the subdivision development will be engineer designed.</li> </ul>
9.	Noise	Construction operations will take place in approved Council hours.
10.	Dust	<ul style="list-style-type: none"> <li>• All loads leaving the site will be adequately covered.</li> <li>• Stockpiles will be maintained in a moist condition to minimise wind blown and traffic generated dust.</li> <li>• All roads and trafficked areas will be watered as required to minimise dust generation.</li> </ul>
11.	Landscaping	<p>Prior to the release of the Subdivision Certificate:</p> <ul style="list-style-type: none"> <li>• Plantings will be in accordance with a detailed Landscape Plan to be prepared in accordance with the Landscape Concept Plan already prepared by Terras Landscape Architects. The Landscape Plan will be prepared by a suitably qualified Landscape Architect.</li> <li>• Trees to be retained within proposed road reserves and/or within lot boundaries will be identified on a tree retention plan with the Construction Certificate application.</li> </ul>
12.	Vegetation and Tree Management	<p>Prior to the registration of the Final Plan of Subdivision:</p> <ul style="list-style-type: none"> <li>• Mature trees, particularly those containing hollows, will be retained wherever they can be safely retained with regard to public safety.</li> <li>• Where hollow bearing trees are required to be removed with the site, a qualified ecologist will identify and mark the trees prior to any vegetation clearing. Hollow bearing trees will be left standing for one night after all other vegetation is removed to allow fauna to vacate hollow. An ecologist will guide hollow bearing tree removal to ensure any fauna are recovered, with the provision of nest boxes in trees to be retained if required.</li> <li>• Future landscaping will utilise locally occurring flowering/fruited native shrubs that would provide potential foraging resources for native species.</li> </ul>
13.	Aboriginal Heritage	The developer will ensure that if there is any evidence of Aboriginal archaeological content exposed during the construction stage, the developer and any associated contractors will stop work and notify the Aboriginal stakeholders group and Department of Environment and Climate Change.
14.	Final Plan of Subdivision	The developer will prepare the Final Plan of Subdivision and required Section 88B Instruments in accordance with the requirements of Lake Macquarie City Council and the Department of Lands (Land and Property Information).
15.	Developer Contributions	The developer will pay Section 94 Contributions to Lake Macquarie City Council in accordance with Council's Section 94 Contributions Plan and as per conditions of any development consent granted, prior to the release of the subdivision certificate.



NO.	ITEM	COMMITMENTS
16.	Roadworks	<p>Prior to the registration of the Final Plan of Subdivision the developer will undertake the following roadworks:</p> <ul style="list-style-type: none"> <li>• The construction of an AUR geometric intersection for Morisset Park Road and Chifley Road.</li> <li>• The construction of an AUR geometric intersection for Morisset Park Road and the New Access Road to the subdivision, including the provision of bus amenity.</li> <li>• The carriageway along Morisset Park Road will be widened along the frontage of the site to 6.5 metres from the centreline of the existing road and provide kerb and guttering and associated drainage and footpaving.</li> <li>• The carriageway along Chifley Road will be widened along the frontage of the site to facilitate a carriageway width of 8m, along with kerb and guttering and associated drainage and footpaving.</li> </ul>
17.	Vegetation Plan of Management	<p>Prior to the release of the Construction Certificate, a Plan of Management will be established for proposed Lot 3. This Plan of Management will be registered on title in a Section 88E Covenant under the Conveyancing Act 1919. This Plan of Management will cover the following matters.</p> <ul style="list-style-type: none"> <li>• Weed management.</li> <li>• Native vegetation management.</li> <li>• Feral animal control.</li> <li>• Fire management (including asset protection zones).</li> <li>• Minimisation of edge effects.</li> <li>• Public access control.</li> <li>• Stormwater control.</li> <li>• Management of specific habitat enhancement measures such as habitat trees, artificial hollows, nest boxes, etc).</li> <li>• Fauna displacement and any appropriate translocation.</li> <li>• Details of long term monitoring and implementation.</li> </ul>
18.	Fauna Translocation	<p>The developer will ensure that should any fauna need to be translocated then this will be undertaken pursuant to NPWS (2001) <i>Policy for the Translocation of Threatened Fauna in NSW</i>. Policy and Procedure Statement No. 9. The developer will obtain a licence under S91 of the Threatened Species Conservation Act 1994 prior to the translocation of any fauna outside the approved development approval footprint.</p>

#### 14. CONCLUSION

We trust that the above information satisfies all outstanding matters. Please do not hesitate to contact me on (02) 4942 5441 should you have any further queries.

Yours sincerely  
de WITT CONSULTING

David Humphris  
DIRECTOR