

Project Approval

Section 75J of the *Environmental Planning & Assessment Act 1979*

Under delegation of the Minister for Planning and Infrastructure executed on 14 September 2011, the Planning Assessment Commission determines to give approval to the project application referred to in Schedule 1, pursuant to section 75J of the *Environmental Planning and Assessment Act 1979*, subject to the conditions referred to in Schedule 2 and the proponent's Statement of Commitments in Schedule 3.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance; and
- provide for the ongoing environmental management of the project.

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Member of the Commission

A handwritten signature in blue ink, appearing to read 'J. Murrell' in a cursive script.

Member of the Commission

Sydney

12 September 2013

SCHEDULE 1

PART A – PROJECT

Application made by:	Fabcot Pty Ltd
Application made to:	Minister for Planning and Infrastructure
Major Project Number:	10_0195
On land comprising:	Lot 521 DP 594725
Local Government Area	Wyong Shire Council
For the carrying out of:	Retail Facility and associated works
Capital Investment Value	\$116,370,000
Type of development:	Project approval under Part 3A of the EP&A Act (transitional Part 3A)
Determination made on:	12 September 2013
Determination:	Project approval is granted subject to the conditions in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the approval (12 September 2013).
Date approval is liable to lapse	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act.

PART B - DEFINITIONS

In this approval the following definitions apply:

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

APZ means Asset Protection Zone

BCA means the Building Code of Australia.

Commission means the Planning Assessment Commission or its successors.

Council means Wyong Shire Council

DCP means Warnervale Town Centre Development Control Plan 2012

Department means the Department of Planning and Infrastructure or its successors.

EA means Environmental Assessment report

Environmental Assessment means the document titled Warnervale Town Centre Civic Precinct Environmental Assessment dated August 2011

Minister means the Minister for Planning and Infrastructure.

OEH means Office of Environment and Heritage or its successors

PPR means Preferred Project Report

Preferred Project Report means the document titled 'Preferred Project Report prepared by TPG dated October 2012'

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 carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

RailCorp means RailCorp or its successors

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Revised PPR means the document prepared by TPG dated 5 April 2013 amending the PPR, with the title 'Major Project Application No. 10_0195 - Warnervale Town Centre - Woolworths Retail Development at the Corner of Nikko Road and Hakone Road, Warnervale - Additional Response', and the document prepared by TPG dated 29 April 2013 further amending the PPR, with the title "Major Project Application No. 10_0195 - Warnervale Town Centre - Woolworths Retail Development at the corner of Nikko Road and Hakone Road, Warnervale - Additional Response"

RFS means Rural Fire Service or their successors

RMS means the Roads and Maritime Services or their successors

SEPP MD means the State Environmental Planning Policy (Major Development) 2005

Statement of Commitments means the Revised Statement of Commitments (as they apply to this project) made by the proponent in Appendix H of the PPR.

TSC Act means the *Threatened Species Conservation Act 1995*

UrbanGrowth NSW means UrbanGrowth NSW or their successors

SCHEDULE 2

CONDITIONS OF APPROVAL FOR WOOLWORTHS RETAIL FACILITY PROJECT APPLICATION NO MP10_0195

PART A- ADMINISTRATIVE CONDITIONS

A1. Development Description

Approval is granted only to carrying out the development described in detail below:

- Retail facility with a total Gross Floor Area of 33,112m² comprising:
 - 22,092m² of retail floor space (including 1,892m² of bulky goods retail);
 - 3,608m² of commercial floor space ;
 - 3,742m² of entertainment uses (cinema); and
 - 3,669m² for circulation space/mall and amenities, toilets etc.
- Car parking totalling 1,524 spaces including 1,283 basement car parking spaces, at grade commuter car park comprising 225 spaces, and on street parking for 16 cars.
- 'Civic Square' straddling the proposed Main Street with a total area of 2,852m² (including the roadway) and 2,481m² (excluding the roadway).
- Site preparation and bulk earthworks.
- Road construction within the site including Road W06 and Road W05, and road works outside the site including the roundabout on Road W05, and Road W08.
- Associated infrastructure works and servicing, including subdivision.
- Use and fit out within the buildings of the proposed Woolworths Supermarket and BIG W Discount Department Store.
- Site remediation and landscaping.

A2. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with the following documentation:

Warnervale Town Centre Civic Precinct Environmental Assessment dated August 2011, as amended by the Preferred Project Report prepared by TPG dated October 2012 (including the Statement of Commitments), as further amended by the additional response prepared by TPG dated 5 April 2013, and as further amended by the additional response prepared by TPG dated 29 April 2013, except as modified by the conditions of this approval. A table of approved plans and reports is provided in Schedule 4 of this approval.

A3. Inconsistencies between Document

In the event of any inconsistency between conditions of this approval and the drawings / documents referred to above, the conditions of this approval prevail.

A4. Lapsing of Approval

The project approval will lapse 5 years after the approval date in Part A of Schedule 1 of this project approval unless specified action has been taken in accordance with Section 75Y of the Act.

A5. Compliance with Relevant Legislation and Australian Standards

The proponent shall comply with all relevant Australian Standards, Codes (including Building Code of Australia) and Austroads Guides and obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project described in Condition A1, Part A, Schedule 2 of this approval.

A6. Signage

No signage is approved as part of this application. Any signage will require a separate development approval and will be subject to the relevant planning controls applying to the site.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Detailed Landscape Plan

A detailed landscape plan for Road W06 and Civic Square is to be prepared and be generally consistent with the Public Open Space objectives and controls of the Warnervale Town Centre Development Control Plan 2012. The plan is to be prepared in consultation with Council and approved by the Certifying Authority prior to issue of a Construction Certificate.

B2 Bicycle End of Trip Facilities

The approved plans are to be amended to include bicycle end of trip facilities (change and shower facilities) for cyclists within the retail facility building close to bicycle storage areas. The amended plans are to be approved by the Certifying Authority prior to issue of a Construction Certificate.

B3 Roads

The following details are to be approved by the Certifying Authority, in consultation with Council prior to issue of a Construction Certificate:

- a) The final design of the roundabout and southern leg (known as Road W08) is to be agreed to by UrbanGrowth. The design of these works should be undertaken in consultation with Council.
- b) Detailed design plans for the approved roads are to be prepared, and include pavement treatment, utility services, stormwater drainage and lighting, in accordance with Council's standards.
- c) The footpath reserve width on the southern side of Road W05 is not to be less than 3.6m.
- d) Road signage and marking details are to be submitted to Council's traffic committee for approval.

B4 Construction Management Plan

A Construction Management Plan (CMP) shall be prepared and is to be approved by the Certifying Authority prior to the issue of the first Construction Certificate. The CMP must:

- a) detail arrangements for vehicle access to the site for construction. Council shall be consulted on the proposed vehicle access routes. In the event that Road W01 is not completed prior to commencement of construction, alternative access arrangements to the development site are to be made in consultation with Council.
- b) identify trees, including species, condition and remedial works, that will be retained on-site and protected during construction work.
- c) detail the type and quantities of construction waste, including excavated soil, and include an estimate of the waste materials that will be re-used or recycled, disposal locations, truck routes etc.
- d) outline a plan of management for the transportation and disposal of soil and ensure the road, kerb, gutter and footpath area adjacent to and nearby the subject site are kept clear of soil and debris.
- e) outline a plan of management for site preparation works including dust controls during bulk earthworks and strategies/clearing protocols that will be implemented on-site to manage vegetation clearance and the impact on local flora and fauna.
- f) document the soil and water management plan (SWMP) to manage stormwater and surface water runoff during the course of construction in accordance with the NSW Office of Environment and Heritage publication "Managing Urban Stormwater Soils and Construction" (Blue Book).
- g) detail the type of plant and construction vehicles that will access the subject site (during earthworks, road works, utility services and building works), identify and number of construction vehicles trips generated by the

development and detail strategies to mitigate impacts on the local road network. The traffic management plan shall also have regard to the with the RMS (RTA) manual – ‘Traffic Control at Worksites’.

- h) assess construction noise impacts against the relevant criteria contained within the Environmental Noise Control Manual and identify strategies to mitigate noise impacts on surrounding sensitive receivers.
- i) identify appropriate management procedures in the event that Aboriginal objects or human remains are identified as a result of construction activities within the area.

B5 Utility Services

- a) The agreements of all relevant authorities to extend and connect utility services noting any necessary easements or other approved methods for provision of essential utilities shall be provided to the Certifying Authority prior to the issue of any Construction Certificate.
- b) All internal site utilities, including electricity and telecommunications, shall be undergrounded, where possible.
- c) In regard to the connection to, relocation and/or adjustment of the services affected by the construction and proposed works, any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent.

B6 Stormwater Drainage and Detention

- a) Prior to issue of a Construction Certificate, a detailed stormwater drainage design is to be prepared in consultation with council, UrbanGrowth and RMS, and approved by the Certifying Authority.
- b) Written evidence is to be provided to the Certifying Authority prior to issue of a Construction Certificate to demonstrate that there is agreement between the proponent and UrbanGrowth that the capacity of the stormwater detention pond to be constructed on the land owned by UrbanGrowth is adequate to cater for the stormwater run off from the development.
- c) Evidence is to be provided to the Certifying Authority to demonstrate that the stormwater detention pond will be constructed in time to cater for the runoff for the development. If the stormwater detention pond will not be completed in time or does not have sufficient capacity, alternative arrangements for stormwater run off disposal are to be prepared in consultation with UrbanGrowth and Council and approved by the Certifying Authority.

B7 Bulk Earthworks

Detailed engineering plans for the proposed earthworks are required as part of the Construction Certificate applications and will be required to be consistent with the areas approved under the project application. Details are to be provided prior to issue of a Construction Certificate and include truck routes, disposal locations etc and demonstrating that any offsite disposal locations have approval to receive the material.

B8 Ecology and Biodiversity

A hollow and nest box management plan is to be prepared by a suitably qualified ecologist prior to issue of a Construction Certificate which clearly identifies any active use of hollow bearing trees on the site, relocation sites for wildlife, and recipient sites for replacement nest boxes. The management plan is to provide for the following:

- a) All construction contractors and personnel are to be advised of the importance of conserving No Go Areas as part of their site and OH&S induction program.
- b) No clearing of trees or vegetation or storage of vehicles, fill or materials or access is to occur within retained areas.

B9 Commuter Car Park

- a) The commuter car park is to be designed generally in accordance with the Railcorp Rail Station Commuter Car Park guidelines, and detailed plans be submitted to RailCorp (or their successors) prior to issue of a Construction Certificate for the commuter car park.

- b) Disabled commuter car spaces are to be within the walkable distance requirements of the Disability Standards for Accessible Public Transport 2002 (Transport Standards).
- c) 225 car spaces are to be provided at grade or a location negotiated with NSW Trains on the site in perpetuity as commuter car parking spaces and be available free of charge for rail passengers.

B10 Works in Proximity to the Rail Corridor

- a) An acoustic assessment is to be submitted to the Principle Certifying Authority prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". All recommendations of the acoustic assessment are to be incorporated in the construction documentation.
- b) An Electrolysis/Stray Current Report is to be prepared. The Proponent must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- c) Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
- d) Prior to the issuing of a Construction Certificate the proponent is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
- e) Where the Proponent proposes to enter the rail corridor, the Principle Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp confirming that its approval has been granted. No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the RailCorp. The proponent is to note that rock anchors/bolts will not be permitted within RailCorp's adjoining corridor.

B11 Local Contributions

In accordance with Section 94 of the Act, the proponent shall provide the following local infrastructure contributions to Council, prior to the issue of any Construction Certificate:

Item	Value
Stormwater	\$370,016.15
Studies	\$8,160.95
Administration	\$20,595.74
WTC road/intersection works	\$2,123,870
Total payable to council	\$2,522,642.84

Local contributions identified in the Statement of Commitments, and PPR additional response letter prepared by TPG dated 5 April 2013, not included in the above table are still to be provided, along with works in kind for the roads on site (W05, W06 and W08) and the monetary contributions subject to the Entry Road Deed of Agreement.

Should the proponent and Council agree to alternative local developer contributions arrangements or items (e.g. through a Voluntary Planning Agreement), these may replace the contributions specified in the table above only with the agreement of the Director-General of the Department of Planning and Infrastructure, prior to the issue of a Construction Certificate.

The Section 94 contributions are to be recalculated from the date of determination in accordance with movements in the Chain Price Index for Non- Dwelling Building and Construction (CPI), published by the Australian Bureau of Statistics and may be varied with written agreement with Council.

PART C – PRIOR TO COMMENCEMENT OF WORK

C1 Biodiversity

- a) The following measures are to be implemented prior to commencement of works for the protection of any potential nesting species on the site:
- (i) Trees identified as suitable for nesting should be visually inspected by a tree climber to investigate any evidence of past or present nesting activity by such hollow dependent threatened species, including the Little Lorikeet. Where the chamber is too deep for inspection, a viewing hole in the side of the trunk may be cut by chainsaw. This process is to be undertaken under the guidance of a fauna ecologist. In the absence of signs of nesting activity by these species then these trees can be removed.
 - (ii) Vegetation management for APZ purposes is to be limited to minimise impacts on potential threatened fauna habitat. No more than 50% of the existing canopy should be removed for asset protection purposes. However the understorey is to be fully managed with a maximum retention of up to 20% shrub cover in the understorey. All *Casuarina* trees are to be selectively retained within the APZ i.e. mature fruiting trees, to minimise impacts of foraging Glossy Black-Cockatoo.
 - (iii) Removal of hollow-bearing trees is to be conducted under the supervision of a fauna ecologist to ensure appropriate animal welfare procedures are taken, particularly for Flora and Fauna Assessment (A13004F) 45 threatened species. Hollows of high quality or with fauna recorded residing within should be sectionally dismantled and all hollows should be inspected for occupation, activity and potential for reuse.
 - (iv) Any wildlife that is captured or removed by the fauna ecologist is to be relocated into adjoining protected Council reserves.
 - (v) Good quality hollows are to be relocated or replaced by robust nest boxes with a long life span within proposed open space areas and/or reserves within the surrounding lands.
 - (vi) Standard *Phytophthora cinnamomi* protocol applies to the cleaning of all plant, equipment, hand tools and work boots prior to delivery onsite to ensure that there is no loose soil or vegetation material caught under or on the equipment and within the tread of vehicle tyres. Any equipment onsite found to contain soil or vegetation material is to be cleaned in a quarantined work area or wash station and treated with anti-fungal herbicides.
- b) Inspections of tree hollows are to be carried out in relation to forest owl habitat during the owl breeding season, as a number of trees with nesting hollows very suitable for owl breeding have been found on the site or in close vicinity. An assessment of the potential use of tree hollows by Little Lorikeets for breeding is also to be carried out.
- c) All weeds are to be removed from the development site, and not be limited to noxious species.

C2 Bushfire Protection

Prior to commencement of works on site, the recommendations of the Bushfire Protection Assessment prepared by Travers Bushfire and Ecology dated February 2013 are to be implemented including:

- a) A temporary 30m APZ, measured from the exposed wall of the commercial buildings toward the hazardous vegetation, is to be provided, within Lot 1 DP 376264. Documentation is to be submitted to approved by Council (the owner of the land) prior to commencement of work to identify the hazardous areas to be managed, the scope of the works required, the frequency of the works, the objectives of the works as well as the monitoring of works. This will also include the provision of a temporary fire trail. If an agreement is not provided by Council, the proponent is to identify an alternative solution, in consultation with NSW Rural Fire Service, and approved by the Certifying Authority.
- b) A hydrant water supply to be installed in accordance with Australian Standard AS 2419.1

C3 Site Contamination Remediation

The site shall be made suitable for the approved development in accordance with the recommendations identified in (Stage 2 report by Coffey Geotechnics dated 28 November 2011), in particular:

- a) The Asbestos Containing Materials (ACM) observed around the former building area is to be removed by “emu-picking”. An AS1 or AS2 licensed removal contractor (licensed with NSW WorkCover) will be required to undertake this work. The work will need to be carried out in accordance with an asbestos removal plan (ARP);
- b) The water and upslope/spillway soils in Dam 2 are sampled and analysed to confirm the presence of Total Petroleum Hydrocarbons (TPH), as recommended in the Stage 2 ESA report. Should TPH contamination be confirmed, the water would require treatment for disposal prior to development.
- c) The section of the southern wall of Dam 2 which has eroded away should be restabilised to lessen the impact downgradient.

C4 Dilapidation Report

A dilapidation report shall be prepared by a suitably qualified professional, documenting local roads within the Warnervale Town Centre site that will be used for construction access and include a photographic record to be submitted to council before commencement of works.

The photographic report must include clear images of the kerb and gutter, road carriageway, and all other existing infrastructure along each road to be used for construction access. Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage. A summary report must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record.

C5 Works in Proximity to the Rail Corridor

For any works that involve ground penetration of greater than 2m in depth and within 25m of the rail corridor, the proponent shall provide a Geotechnical Engineering report and construction methodology to RailCorp for review by RailCorp's Geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by RailCorp. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on RailCorp Facilities by the development.

PART D – DURING CONSTRUCTION

D1 Construction Certificate

The relevant Construction Certificate is to be issued by the Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.

D2 Sediment and Erosion Control

During construction, all sediment and erosion control structures shall be installed, in accordance with the NSW Department of Housing / Landcom “Managing Urban Stormwater – Soils and Construction” (Blue Book) to the satisfaction of the Certifying Authority.

D3 Construction Hours

- a) All construction work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays, and between 8:00am and 5:00pm Saturdays. No construction work shall take place on Sundays or public holidays.
- b) Construction outside the hours stipulated above is permitted only where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental damage and the Certifying Authority has been notified.

D4 Approved Plans to be On Site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for review by the Certifying Authority.

D5 Erosion and Sediment Control

All erosion and sediment control measures are to be effectively maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as source of sediment.

D6 Dust Control Measures

The proponent shall ensure that dust suppression is undertaken in the form of constant water spraying or other natural based proprietary dust suppressant to ensure that dust caused by vehicles moving along the road and/or within the site does not cause a nuisance to surrounding properties to the satisfaction of the Certifying Authority.

D7 Waste Management

All waste generated by the development shall be disposed to a facility to receive such waste. Hazardous materials including asbestos and lead shall be disposed of in accordance with WorkCover requirements and relevant Australian Standards. Any asbestos waste generated by the development must be disposed of in accordance with the requirements of Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005.

D8 Aboriginal Cultural Heritage

- a) The proponent must continue to consult with and involve all the registered Aboriginal parties for the project in the ongoing management of the Aboriginal cultural heritage values. Evidence of this consultation must be collated and provided to the consent authority upon request.
- b) In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeological specialist and representatives of the local Aboriginal community must be contacted to determine the nature, extent and significance of the object(s). The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) (managed by OEH) and the management outcome for the site included in the information provided to the AHIMS. The proponent will consult with representatives of the local Aboriginal community, and the archaeological specialist to develop and implement management strategies for all objects/sites. If impacts are unavoidable, mitigation measures are to be undertaken in accordance with the Aboriginal heritage component of the Construction Management Plan. All sites impacted must have an Aboriginal Site Impact Recording form completed and be submitted to the AHIMS Registrar within three months of completion of these works.
- c) If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are contacted immediately. No action is to be undertaken until the NSW Police provide written notification to the proponent. If the skeletal remains are identified as Aboriginal, the proponent must contact the Environment Line on 131 555 and representatives of the local Aboriginal community. No works are to continue until OEH provides written notification to the proponent.
- d) An Aboriginal Cultural Education Induction Program must be developed for the induction of all personnel and contractors involved in the construction activities on site. Records are to be kept of which staff/contractors were inducted and when for the duration of the project.

D9 Works in Proximity to the Rail Corridor

- a) The proponent is to note that rock anchors/bolts will not be permitted within RailCorp's property or easements.
- b) No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.

- c) No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with RailCorp.

PART E - PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

E1 Works as Executed Plans

Prior to issue of any Occupation Certificate, one (1) full set of works as executed plans, and other supporting documentation including further studies and revised plans required by this approval, shall be submitted to Wyong Shire Council for information purposes only.

E2 Road Construction

- a) Land within the site required for the construction of Road W01 shall be dedicated to council free of cost prior to issue of an Occupation Certificate.
- b) The proponent shall be responsible for the construction of the sections of Roads W05, W06 and W08 as shown on Drawing No. A00.11 PPR-5 dated 18/04/2013, as well as footpaths. These works are to be completed by the proponent prior to issue of an Occupation Certificate.
- c) Road W01 shall be completed by others and constructed prior to issue of an Occupation Certificate.
- d) Documentation is to be provided for the Certifying Authority that the access arrangements to the basement car park and loading docks from Road W05, including turning circles, comply with the Austroads standards.
- e) All roads constructed under this approval are to be constructed to Wyong Shire Council's engineering requirements

E3 Stratum Subdivision

Prior to the issue of an Occupation Certificate, a plan of Stratum Subdivision is to be prepared for road W06 (Main Street) and the basement car park beneath, to provide for the following:

- a) A stratum lot for the basement car park limited in height to the top of the car park structure.
- b) A stratum lot for Road W06 (including, kerbs and gutters for the full length of the road, and including through Civic Square), is to be dedicated to council. An easement over the adjoining footpaths and under the road to a minimum depth of 1 m, is also to be provided to allow council to access any drainage infrastructure and services under the road and footpaths.
- c) The stratum subdivision plan shall be consistent with the Works as Executed drawings. The Stratum Subdivision plan and all relevant easements shall be lodged with Land and Property Information for registration prior to issue of an Occupation Certificate.

E4 Civic Square

- a) Civic Square and the footpaths along Road W06 shall be publicly accessible 24 hours a day seven days a week.
- b) The maintenance of Civic Square, including the pavement, lighting, landscaping and furniture, shall be the responsibility of the proponent.
- c) An access agreement with the council is to be in place prior to the issue of any Occupation Certificate. The agreement is to allow the council to hold 12 community events each calendar year on the part of Civic Square north of Main Street (Road W06), for a peppercorn rent, with appropriate allowance for setup and dismantling of the event.

E5 Dedication of Roads

All roads constructed within Lot 521 DP 594725 subject to this approval, are to be dedicated to Wyong Shire Council, free of cost to council, prior to the issue of an Occupation Certificate.

E6 Landscaping Works

All landscaping works are to be completed and certified prior to the issue of an Occupation Certificate.

ADVISORY NOTES

AN1 Roads Act, 1993

A separate application for approval under Section 138 of the Roads Act, 1993 shall be made to undertake any of the following:

- (1) erect a structure or carry out a work in, on or over a public road, or
- (2) dig up or disturb the surface of a public road, or
- (3) remove or interfere with a structure, work or tree on a public road, or
- (4) pump water into a public road from any land adjoining the road, or
- (5) connect a road (whether public or private) to a classified road.

AN2 Stormwater Drainage Works or Effluent Systems

Any approvals for water supply or sewerage are to be obtained from council in accordance with the relevant legislation. Any contributions required for the works are to be paid to Council.

AN3 Water Licensing

An authorisation under the Water Act 1912 or the Water Management Act 2000 is to be obtained from the NSW Office of Water (NOW) with the appropriate purpose identified should any activity relating to the taking of or interception of groundwater be proposed.

AN4 Pedestrian Ramp

No approval is granted as part of this application for the pedestrian switch-back ramp between Main Street and the Hill Top Park. A separate Development Application is required for the construction of the ramp.

AN5 Vehicle Access

The loading docks and car parks must be configured to allow a vehicle to be driven onto and off the site in a forward direction. Access is to be provided to the lifts in the commercial premises in the south-western corner of the retail facility from the Level CP 3 car park. Security measures, such as electronic security cards, should be provided as necessary to limit access to these premises.

SCHEDULE 3

PROPONENT'S STATEMENT OF COMMITMENTS

WARNERVALE TOWN CENTRE CIVIC PRECINCT – REVISED STATEMENT OF COMMITMENTS – OCTOBER 2012

ITEM NUMBER	COMMITMENT	TIMING
Statutory Requirements		
1	Fabcot will obtain and maintain the following licences, permits and approvals for the development: • Construction Certificates for engineering works (including earthworks, roadworks, drainage, landscape, water supply, and sewerage); • Occupation Certificates; • Roads and Traffic Authority Road Occupancy Licence; • Road Opening Permit; • Section 138 Consent for roadworks (Roads Act 1993); • Energy Australia Design Certification; • Energy Australia notification of Arrangement; • Telstra Compliance Certificate; • Wyong Water Compliance Certificate; • Department of Land and Property Information registration of the 88B Instrument.	Prior to the construction within the development, and as required from time to time.
Conveyancing		
2	Fabcot will prepare a Section 88B instrument. The Section 88B Instrument will provide easements for utility services that encroach onto private land or public reserve and permanent public access 24 hours, 7 days a week along Main Street.	Registration prior to the issue of the final Occupation Certificate. Note part of this will be achieved as incorporated into the Access Deed between Landcom, Council and Fabcot.

WARNERVALE TOWN CENTRE CIVIC PRECINCT – REVISED STATEMENT OF COMMITMENTS – OCTOBER 2012

ITEM NUMBER	COMMITMENT	TIMING
Construction		
3	Fabcot will prepare a Construction Management Plan that will include: • An education strategy for construction contractors; • Description of the work program outlining relevant timeframes for activities. • Details of statutory and other obligations that must be met during construction and operation, including all approvals and agreements required from authorities and other stakeholders. • Description of the roles and responsibilities for all relevant employees involved in the construction phase. • Details of the environmental management procedures, monitoring and reporting requirements during the construction or operation phase. • Details as to what incident management procedures will be undertaken during construction or operation. • The minimisation of rubbish and debris at the site from development activities during the construction phase.	During construction in accordance with a detailed waste management plan prepared by the appointed builder. Prior to the issue of the relevant Construction Certificate for the development.
4	Fabcot will prepare work as executed plans for construction work and provide such plans to Wyong Shire Council.	Prior to the release of the Final Occupation Certificate.
5	Fabcot will prepare works as executed plans in a format compatible with the geographic information system (GIS) of Wyong Shire Council to assist with the Council asset management database.	Prior to the release of the Final Occupation Certificate.

WARNERVALE TOWN CENTRE CIVIC PRECINCT – REVISED STATEMENT OF COMMITMENTS – OCTOBER 2012

ITEM NUMBER	COMMITMENT	TIMING
Fire Management		
6	Fabcot will install fire hydrants in accordance with Australian Standard S2419.1-2005.	To be detailed in within the relevant Construction Certificate application and installed prior to the release of the Final Occupation Certificate.
Water Supply and Quality Management		
7	Fabcot will design and install water quality control measures in accordance with the Drawings prepared by Mott MacDonald contained in the PPR prepared by TPG dated October 2012.	Design details to be provided prior to the release of the relevant Construction Certificate.
8	Fabcot will undertake to carry out further analysis of the most appropriate design of the drainage including detailed designs of the piped drainage system.	Prior to commencement of construction of the proposed development.
9	Fabcot will undertake to carry out further design work on the major/minor stormwater system with the Construction Certificate to ensure that: • A minor drainage system is designed to cater for all events up to and including the 1 in 10 year ARI design storm for the retail and commercial areas; and • A major drainage system is designed to safely convey flows in a 1 in 100 year ARI design floor	Design details to be provided prior to the release of the relevant Construction Certificate.

WARNERVALE TOWN CENTRE CIVIC PRECINCT – REVISED STATEMENT OF COMMITMENTS – OCTOBER 2012

ITEM NUMBER	COMMITMENT	TIMING
10	Fabcot will implement soil and water management plans to control runoff during construction in accordance with the principles included in the information prepared by Mott MacDonald contained in the PPR prepared by TPG dated October 2012 and The Blue Book, Managing Urban Stormwater: Soils and Construction, Landcom, 4th Edition, 2004.	Prior to the release of the relevant Construction Certificate.
Public Safety		
11	Fabcot will ensure that the water quality design will include measures to protect public.	Design details to be provided prior to the release of the relevant Construction Certificate.
12	Fabcot will engage centre management staff to ensure that the public spaces and amenities within Fabcot's ownership and control are maintained in a good and clean condition.	Prior to the commencement of the use.
Cultural Heritage		
13	Fabcot will inform the Local Aboriginal Land Council of progress of the development.	Ongoing through the construction of the development.
14	Fabcot will engage the local community and facilitate employment opportunities where possible between contractors and the Aboriginal community.	Ongoing through the construction of the development and post completion.
Infrastructure		
15	Fabcot will provide reticulated water supply, sewerage and underground electricity to the development.	Prior to the release of the Final Occupation Certificate.

WARNERVALE TOWN CENTRE CIVIC PRECINCT – REVISED STATEMENT OF COMMITMENTS – OCTOBER 2012

ITEM NUMBER	COMMITMENT	TIMING
16	Fabcot will provide for infrastructure services generally in accordance with sewer reticulation, water reticulation, electrical & communications, drainage, services footway GSM & CDMA Concept Plans prepared by Mott MacDonald.	Prior to the release of the Final Occupation Certificate.
Roads		
17	Fabcot will design and construct flexible road pavements generally in accordance with the Australian Road Research Board design criteria and Wyong Shire Council DCP requirements.	Prior to the release of the Final Occupation Certificate for each stage.
18	Fabcot will design and construct rigid road pavements in accordance with the Cement and Concrete Association design guidelines.	Prior to the release of the Final Occupation Certificate for each stage.
19	Fabcot will ensure that the AUSTROADS Design Service Vehicle (19 metre) can negotiate all public roads and intersections and that the AUSTROADS Long Rigid Bus (14.5metre) can negotiate all bus routes.	Prior to the release of the Final Occupation Certificate for each stage.
20	Fabcot will design and construct foot and cycle paths as documented in the PPR.	Prior to the release of the Final Occupation Certificate by the Wyong Shire Council or an accredited certifier for each stage.
21	Fabcot will construct Main Street generally in accordance with the Main Street Road Layout Plan and Typical Sections prepared by Mott MacDonald, including street tree planting, car parking, bus stops, paving treatments.	Prior to the issue of the Final Occupation Certificate for the development.
22	Fabcot will provide street signs for each new public road in accordance with the requirements of the Wyong Shire Council.	Prior to the release of the Final Occupation Certificate by Wyong Shire Council or accredited certifier for each stage.
23	Fabcot will pay Section 64 water and sewer developer contributions in accordance with the development servicing plan applicable at the time of	Prior to the issue of a Construction Certificate.

WARNERVALE TOWN CENTRE CIVIC PRECINCT – REVISED STATEMENT OF COMMITMENTS – OCTOBER 2012

ITEM NUMBER	COMMITMENT	TIMING
	payment.	
Roads		
24	Land for Roads, in accordance with the information contained in the PPR being a stratum subdivision arrangement will be ceded to, and at nil cost to the Council.	As soon as practicable after practical completion of the road construction works or the issue of the final Occupation Certificate.
Car Parking Design		
25	Fabcot will construct the internal car parking areas in accordance with the specifications of Wyong Shire Council's DCP.	Details to be provided with the Construction Certificate.
26	Fabcot will provide a taxi call system for customers of the development.	To be provided prior to the issue of the final occupation certificate.
Developer Contributions		

WARNERVALE TOWN CENTRE CIVIC PRECINCT – REVISED STATEMENT OF COMMITMENTS – OCTOBER 2012

ITEM NUMBER	COMMITMENT	TIMING										
27	Fabcot will provide the following infrastructure works. Fabcot will manage the design and construction of the following items in line with completion of the first stage of the development: No VPA is proposed or required with Council. <table><tr><th>INFRASTRUCTURE ITEMS</th><th>VALUE</th></tr><tr><td>Design and construction of Roads & cycleways W05; W06; W08, to facilitate completion of public road network. Includes preliminaries; clearing and demolition; erosion and sediment control; earthworks; storm water drainage (internal to site); road pavement; kerbs and miscellaneous concrete works; verges treatment; incidental works (signage, line marking, laying of Telstra and gas conduit in common electrical trench); sewerage reticulation; water reticulation; fees</td><td>\$3.63 million</td></tr><tr><td>Land Dedication of land as shown in PPR Appendix A Drawing A00.11 PPR-1 for part of Roads, W01, W06 (stratum subdivision) and W05</td><td>Fabcot Legal and Subdivision Costs TBC</td></tr><tr><td>As per tri-partite agreement (Fabcot, Wyong Council and Landcom) – management and funding contribution toward the design, approval and construction of the access road from Sparks road to roundabout to the station</td><td>\$1.6 million</td></tr><tr><td>Bus Stop, Kiss & Ride and Cycle in Main Street</td><td>Part of Main Street Costs above Road W06</td></tr></table>	INFRASTRUCTURE ITEMS	VALUE	Design and construction of Roads & cycleways W05; W06; W08, to facilitate completion of public road network. Includes preliminaries; clearing and demolition; erosion and sediment control; earthworks; storm water drainage (internal to site); road pavement; kerbs and miscellaneous concrete works; verges treatment; incidental works (signage, line marking, laying of Telstra and gas conduit in common electrical trench); sewerage reticulation; water reticulation; fees	\$3.63 million	Land Dedication of land as shown in PPR Appendix A Drawing A00.11 PPR-1 for part of Roads, W01, W06 (stratum subdivision) and W05	Fabcot Legal and Subdivision Costs TBC	As per tri-partite agreement (Fabcot, Wyong Council and Landcom) – management and funding contribution toward the design, approval and construction of the access road from Sparks road to roundabout to the station	\$1.6 million	Bus Stop, Kiss & Ride and Cycle in Main Street	Part of Main Street Costs above Road W06	Prior to the issue of the Final Occupation Certificate.
INFRASTRUCTURE ITEMS	VALUE											
Design and construction of Roads & cycleways W05; W06; W08, to facilitate completion of public road network. Includes preliminaries; clearing and demolition; erosion and sediment control; earthworks; storm water drainage (internal to site); road pavement; kerbs and miscellaneous concrete works; verges treatment; incidental works (signage, line marking, laying of Telstra and gas conduit in common electrical trench); sewerage reticulation; water reticulation; fees	\$3.63 million											
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Bus Stop, Kiss & Ride and Cycle in Main Street	Part of Main Street Costs above Road W06											

WARNERVALE TOWN CENTRE CIVIC PRECINCT – REVISED STATEMENT OF COMMITMENTS – OCTOBER 2012

ITEM NUMBER	COMMITMENT	TIMING
	Provision of commuter car parking (177 spaces at-grade)	\$1.03 million
	Civic square – design, construction and landscape embellishment of civic square	\$675,000
	Contribution towards Stormwater Connections	\$300,000
	Public Art	\$150,000
	Contribution towards Traffic signal i11	\$250,000
	Contribution towards Traffic signal i31	\$250,000
	Consultant and Project Management Fees for above	\$475,000
Acoustics		
28	Fabcot will provide a detailed report on acoustics and vibration in relation to the proximity of the proposed development to the railway line.	Details to be provided prior to the release of the relevant Construction Certificate.
Accessibility		
29	Fabcot will review the design of the development to incorporate any recommendations provided by their accessibility consultant to ensure that matters of ingress & egress, paths of travel, transport linkages, lighting and signage are compliant with AS148.1, AS1428.2, AS1428.4 and to ensure that the overall design complies with the Disability Discrimination Act. Detailed plans showing compliance with the recommendations of the Accessibility Report will be provided within the Construction Certificate.	Details to be provided prior to the release of the relevant Construction Certificate.

WARNERVALE TOWN CENTRE CIVIC PRECINCT – REVISED STATEMENT OF COMMITMENTS – OCTOBER 2012

ITEM NUMBER	COMMITMENT	TIMING
Sustainability		
30	Fabcot will further develop the sustainable strategies for the development to achieve ESD outcomes: • The buildings will designed against Section J of the Building Code of Australia to assess energy performance of the façade, and minimum efficiency performance requirements for mechanical, electrical and hydraulics plant.	Sustainability measures will be investigated further during the detailed design development of the proposal with selected measures being incorporated into the relevant Construction Certificate plans before the issue of the relevant Construction Certificate.

SCHEDULE 4

TABLE OF APPROVED PLANS AND REPORTS

Warnervale Town Centre Stage 1 Project Application Information Submitted to Department of Planning & Infrastructure			
Architectural Drawings	Prepared by BN Group Pty Ltd		
Drawing no	Issue	Name of Plan	Date
A00.01	PPR- 3	Title Sheet - Location	27/3/13
A00.10	PPR- 4	Lot & Boundary Plans proposed & indicative future Roads	27/3/13
A00.12	PPR- 1	Ref. Impacted Areas	27/3/13
A04.13	PPR- 4	Proposed Floor Plan – GL Retail Level	27/3/13
A200.10	PPR- 4	Lot & Boundary Plans Indicative Future Works	27/3/13
A04.10	PPR- 3	Proposed Floor Plan CP3 & Loading	19/02/2013
AO4.11	PPR- 3	Proposed Floor Plan CP2	19/02/13
A04.12	PPR- 3	Proposed Floor Plan CP1	19/3/13
A04.15	PPR- 2	Proposed Floor – Cinema Level	11/2/13
A04.20	PPR- 2	Proposed Roof Plan	11/2/13
A04.25	PPR- 1	Proposed Awning Plan	11/2/13
A10.01	PPR- 3	Proposed Elevations North & South	19/2/13
A10.02	PPR- 3	Proposed Elevations East & West	19/2/13
A00.20	PPR- P2	Excavation Estimate	19/2/13
A00.21	PPR- 2	Road Grading Elevations	11/2/13
A10.81	PPR- 2	Perspective Impressions	21/2/13
A10.82	PPR- 2	Perspective Impressions	21/2/13
A100.20	PPR- 3	GFA & Car Parking Analysis	19/2/13
A11.01	PPR- 3	Proposed Sections	19/2/13
Appendix B	Prepared by: Travers Bushfire & Ecology	Flora & Fauna Assessment Update	April 2013
Appendix C	Prepared by: Mott MacDonald	Updated Initial Infrastructure Assessment	March 2013
10S183C- MPEA105	Prepared by: Mott MacDonald	Road Services Cross Sections and Detail	26/3/13
10S183C-MPEA 106	Prepared by: Mott MacDonald	Constraints & Opportunities Master Plan	26/3/13
10S183C MPEA 108	Prepared by: Mott MacDonald	Road grading Longitudinal Sections Sheet 1 of 2	26/3/13

10S183C MPEA 109	Prepared by: Mott MacDonald	Road grading Longitudinal Sections Sheet 2 of 2	26/3/13
10S183C MPEA110	Prepared by: Mott MacDonald	Stormwater Management Philosophy	26/3/13
10S183C MPEA 111	Prepared by: Mott MacDonald	Stormwater Layout Master Plan Sheet 1 of 2	26/3/13
10S183C MPEA 112	Prepared by: Mott MacDonald	Stormwater Layout Master Plan Sheet 2 of 2	26/3/13
10S183C MPEA 113	Prepared by: Mott MacDonald	Road Turning Circles	26/3/13
10S183C MPEA114	Prepared by: Mott MacDonald	Road W01 Turning Circles	26/3/13
Ref 10s183	Mott MacDonald - Phil McBride	Letter re Stormwater Quality Management	26/3/13
Appendix D Ref TR/7874/jj	Prepared by: Colston Budd Hunt & Kafes Pty Ltd	Report re Roundabout Traffic Review	27/3/13
Appendix E	Prepared by: Travers Bushfire & Ecology	Bushfire Protection Assessment	February 2013
	Prepared by: Travers Bushfire & Ecology	Schedule 1 – Plan Bushfire Protection Measures	12/2/13
Appendix F	Prepared by: Rider Levett Bucknall	Public Domain Works Costing	March 2013
	Prepared by: Rider Levett Bucknall	Quantity Surveyors Certificate	27 March 2013
Appendix G	Prepared by: Fabcot	Council Submission letter	1 February 2013