

Statement of Commitment & Conditions of Consent – Mod 5 – updated 30 August 2013

Applicant: **The developer Pty Limited**

Project Address: **Vincentia District Centre - Moona Creek & Naval College Road, Vincentia NSW 2540**

Previous D.A.
Number: **MP 06_0028**
 MP 06_0025 MOD 2
 MP 06_0025 MOD 3
 MP 06_0025 MOD 4

Date of Issue: **7 January 2009**
 15 March 2011
 8 August 2011
 30 March 2012

SoC / DA No.	<i>Condition</i>	Mod 5 Status / Timing
Commitment No. 1	<u>Statutory Commitments</u> The developer will obtain and maintain the following licences, permits and approvals for the district centre : <ul style="list-style-type: none"> • Construction Certificates for engineering works (including earthworks, soil and water management, clearing, roadworks, drainage, landscape, water supply, and sewerage); • Subdivision Certificates for the District Centre; • Occupation Certificates; • Roads and Traffic Authority Road Occupancy Licence; • Road Opening Permit; • Section 138 Consent for roadworks (Roads Act 1993); • Integral Energy Design Certification; • Integral Energy notification of Arrangement; • Telstra Compliance Certificate; • Shoalhaven Water Compliance Certificate; • Department of land and Property Information registration of the Subdivision 	Prior to the construction and registration of each stage within the development, and as required from time to time.
Commitment No. 2	<u>Conveyancing</u> The developer will prepare a final plan of subdivision and Section 88B instrument to create a separate allotment that will accommodate the overall District Centre development. The Section 88B	Subdivision plan & registration completed.

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	Instrument will provide easements for utility services that encroach onto private land or public reserves.	
Commitment No. 3	<u>Construction</u> The developer will prepare a Construction Management Plan that will include: <ul style="list-style-type: none"> • 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. 	Prior to the commencement of construction of stage 1, and updated prior to the commencement of construction for each subsequent stage of the development.
Commitment No. 4	<u>Construction</u> The developer will prepare work as executed plans for construction work in each stage and provide such plans to Shoalhaven City Council.	Prior to the release of the Final Occupation.
Commitment No. 5	<u>Construction</u> The developer will prepare works as executed plans in a format compatible with the geographic information system (GIS) of the Shoalhaven City Council to assist with the Council asset management database.	Prior to the release of the Final Occupation Certificate.
Commitment No. 6	<u>Fire Management</u> The developer will install fire hydrants in accordance with Australian Standard S2419.1-2005.	To be detailed in within the Construction Certificate application and installed prior to the release of the Final Occupation Certificate.

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Commitment No. 7	<u>Environmental Zone Management</u> The developer will prepare a plan to manage the Environmental Zone consistent with the requirements of Condition 3 and 4 of the EPBC Act approval dated 30 July 2007 issued by the then Commonwealth Department of Environment and Heritage.	Before clearing of the land and commencement of construction.
Commitment No. 8	<u>Environmental Zone Management</u> The developer will fence the interface boundary between the District Centre and the Environmental zone with a fence of post and wire construction to at least the height of an Australian Standard pool rated fence. The fence will be constructed stage by stage	The fencing to be completed prior to the issue of the Stage 1 Final Occupation Certificate.
Commitment No. 10	<u>Environmental Zone Management</u> The developer will retain ownership and maintenance responsibility for the Environmental zone land in accordance with the appropriate management plans until such time that the land can be transferred to an agreed entity to manage the environmental lands.	Upon commencement of work on the site, with the appropriate entity being identified prior to the completion.
Commitment No. 11	<u>Environmental Zone Management</u> The proponent is to prepare and implement restoration of the scalded area and the existing BBLC access road area within the Jervis Bay Orchid habitat north of the District Town Centre within 2 months of the closure by Council of the existing public access road serving the BBLC.	Prior to the release of the Final Occupation Certificate for stage 1
Commitment No. 12	<u>Water Supply and Quality Management</u> The developer will design and install water quality control measures in accordance with the principles of the Supplementary WSUD Study prepared by Forbes Rigby, January, 2008.	Design details to be provided prior to the release of the Construction Certificate.
Commitment No. 13	<u>Water Supply and Quality Management</u> The developer will undertake to carry out further analysis of the most appropriate design of the drainage channel in the location of Eastern Creek with the design of Stage 1 of the District Centre including detailed designs of the piped drainage system.	Prior to commencement of construction of Stage 1 of the District Centre.

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Commitment No. 14	<u>Water Supply and Quality Management</u> The developer will undertake to carry out further design work on the major/minor stormwater system with the Construction Certificate to ensure that: <ul style="list-style-type: none"> • 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 Construction Certificate.
Commitment No. 15	<u>Water Supply and Quality Management</u> The developer will undertake further detailed design of the top-up arrangements for the pond to ensure that the pond contains sufficient water during dry periods to maintain the aesthetics of the pond. These detailed designs will investigate the use of rain rainwater tanks for topping up of the pond.	Design details to be provided prior to the release of the Construction Certificate.
Commitment No. 16	<u>Water Supply and Quality Management</u> The developer will undertake further detailed design work into the rain water tank design including location, specific plumbing connection requirements and gutter/downpipe connectivity.	Design details to be provided prior to the release of the Construction Certificate.
Commitment No. 17	<u>Water Supply and Quality Management</u> The developer will undertake a water quality monitoring program in accordance with the Water Quality Monitoring Plan to measure performance of WSUD measures against ANZECC Guidelines throughout the development and for a period of three years following the completion of Stage 1 of the District Centre.	Ongoing monitoring currently being completed
Commitment No. 18	<u>Water Supply and Quality Management</u> The developer will remain responsible for the maintenance of water sensitive urban design structure (WSUD) and open space areas within the District Centre and will undertake to carry out maintenance of the WSUD elements and ponds.	For the life of the District Centre with regular maintenance scheduled at 6 monthly intervals or after heavy rainfall.
Commitment No. 19	<u>Water Supply and Quality Management</u> The developer will implement soil and water management plans to control runoff during construction in accordance with the principles included in the information prepared by Cardno contained in Appendix D of the Environmental Assessment prepared by TPG dated March 2011 and The Blue Book, Managing Urban Stormwater: Soils and Construction, Landcom, 4th Edition, 2004	Prior to the release of the Construction Certificate for stage 1

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Commitment No. 20	<p><u>Public Safety</u> The developer will ensure that the water quality and sedimentation pond will include a combination of the following measures to provide for public safety:</p> <ul style="list-style-type: none"> • Provision of a safety ledge to all edges where there is access to the water (irrespective of whether the boardwalk is adjacent to the edge). The safety ledge will have water between 300 and 600 mm deep (during periods of elevated water levels due to heavy rainfall) and be 3 metres wide with a surface that is stable enough for people to stand on; • Provision of safe egress points from the pond at reasonable centres where there is a vertical wall over 600mm high at the likely exit point with the wall measured from the water level or the bottom of the wall where it is underwater. Egress points will allow a child who can walk to be able to climb out of the water, via rocks or other structures within the ledge adjacent the edge wall. • Macrophytes will be planted to all edges where a continuous grade into the water is provided in lieu of a safety ledge; • If required, all balustrades to the pond edge to be vertical with gaps between verticals to be 100mm or to comply with pool fencing legislation • The design around any water inlet structures will ensure that they are safely grated to prevent access and to ensure that they are fenced where they could inadvertently provide a point of deep water access at the edge of the pond; and • Minimal use horizontal concrete surfaces which could become slippery when wet. 	Design details to be provided prior to the release of the Construction Certificate.
Commitment No. 20a	<p><u>Public Safety</u> The owner will engage centre management staff to ensure that the public spaces and amenities within The developer's ownership and control are maintained in a good and clean condition.</p>	Prior to the issue of the Stage 1 Occupation Certificate.
Commitment No. 21	<p><u>Cultural Heritage</u> The developer will inform the Jerrinja Local Aboriginal Land Council of progress of the development.</p>	Ongoing through the construction of the development.
Commitment No. 22	<p><u>Cultural Heritage</u> The developer will engage the local community and facilitate employment opportunities where possible between contractors and Jerrinja aboriginal community.</p>	Ongoing through the construction of the development.
Commitment No. 23	<p><u>Infrastructure</u> The developer will provide reticulated water supply, sewerage and underground electricity to the District Centre.</p>	Prior to the release of the Final Occupation Certificate.

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Commitment No. 24	<u>Infrastructure</u> The developer will relocate existing high voltage electricity cables parallel to Naval College Road where they conflict with the development footprint for each stage of the District Centre.	Works completed.
Commitment No. 25	<u>Infrastructure</u> The developer will provide for infrastructure services generally in accordance with sewer reticulation, water reticulation, electrical & communications, WSUD & drainage, services footway GSM & CDMA Concept Plans attached to the Services and Infrastructure Report prepared by Cardno Forbes Rigby Pty Ltd, dated January 2008.	Prior to the release of the Final Occupation Certificate.
Commitment No. 26	<u>Infrastructure</u> The developer will bear the cost of the relocation of utility services required at each Stage of the development of the District Centre.	Prior to the issue of the Final Occupation Certificate.
Commitment No. 27	<u>Roads</u> The developer will bear the cost of the relocation of utility services as a result of the construction of the development and as necessary for each stage required.	Prior to the issue of the Final Occupation Certificate.
Commitment No. 27a	<u>Roads</u> — Access C Design and construct a roundabout with non-mountable central island intersection at Access C along Naval College Road (Moona Creek Road intersection) to AUSTROADS standards, including approach and departure.	Prior to the occupation of the first stage of the District Centre.
Commitment No. 27b	<u>Roads</u> — Naval College Road Design, realign and upgrade Naval College Road between Access C (Moona Creek Road) and Access B (Bayswood Road) to two lanes and 80km/hr AUSTROADS standards. Design, realign and upgrade Naval College Road between Access C (Moona Creek Road) and The Wool Road Intersection to two lanes and 80km/hr AUSTROADS standards.	Prior to the occupation of the first stage of the District Centre.
Commitment No.	<u>Roads</u> — The Wool Road Roundabout	Prior to the occupation of the first

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27C	Design, realign and upgrade the Wool Road Roundabout to two circulation lanes, generally in accordance with Cardno drawing No. 104016-53-1001-Rev 1 (TWR Roundabout Concept Plan 26.6.2013).	stage of the District Centre.
Commitment No. 27D	<u>Roads — Intersection D</u> The developer to construct a left in / left out access onto The Wool Road, including appropriate lead in lanes from The Wool Road Roundabout. Design and Works to Austroads standards.	Prior to the occupation of the final stage of the district centre, at the timing discretion of the Developer.
Commitment No. 28	<u>Roads — BBLC Access Road</u> The new bay and basin Leisure centre (BBLC) access road shall be constructed by the Developer, in conjunction with the approved road upgrade works to The Wool Road and shall commence within 2 months of receipt of the Construction Certificate for the new access road works. Approval is granted for the design of the access road as shown in the Cardno drawing Project No. 104016-52-1000-rev1 (BBLC Access Concept Plan 26/6/2013), or any modification to this design agreed to by both Shoalhaven Council and The developer. All preliminary environmental investigations, reports, approvals and all other approvals required by the authorities prior to allowing construction of the Bay and Basin Leisure Centre access over Council's land will be at nil cost to The developer.	Prior to the occupation of the first stage of the District Centre.
Commitment No. 29	<u>Roads</u> Refer to condition 2.15 of Modification 2 Instrument of Approval dated 15 March 2011.	Timing is as per conditions 2.15 in Modification 2 Instrument of Approval dated 15 March 2011.
Commitment No. 30	<u>Roads</u> - Rehabilitation of existing BBLC The developer will prepare and implement restoration of the scalded area and the existing BBLC access road area within the Jervis Bay Orchid habitat north of the District Town Centre within 2	Prior to the occupation of the first stage of the District Centre.

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	following the closure by Council of the existing public access road serving the BBLC.	
Commitment No. 31	<p><u>Roads</u> Refer to condition 2.14 and 2.15 of Modification 2 Instrument of approval dated 15 March 2011.</p> <p>Timing is as per conditions 2.14 and 2.15 in Modification 2 Instrument of Approval dated 15 March 2011.</p>	<p>2.14 — Mod 5: BBLC Access road design currently subject to negotiation with Council</p> <p>2.15 — Design of Access D varied pursuant to Mod 5</p>
Commitment No. 32	<p><u>Roads</u> Design and construct flexible road pavements in accordance with the Australian Road Research Board design criteria and Shoalhaven City Council DCP 100.</p>	Prior to the release of the Final Occupation Certificate for each stage.
Commitment No. 33	<p><u>Roads</u> Design and construct rigid road pavements in accordance with the Cement and Concrete Association design guidelines</p>	Prior to the release of the Final Occupation Certificate for each stage.
Commitment No. 34	Ensure that the AUSTROADS Design Service Vehicle (8.8 metre rigid) 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.
Commitment No. 35	<p><u>Roads</u> The Developer will design and construct foot and cycle paths as documented in the EAR including:</p> <ul style="list-style-type: none"> • A main east — west footpath to the District Centre from residential stages on the opposite side of Moona Creek road; • Footpaths along Moona Creek Road; and • A temporary shared foot and cycle path to The Wool Road at a width of 2.4m until Stage 2 of the District Centre is constructed 	Prior to the release of the Final Occupation Certificate by the Shoalhaven City Council or an accredited certifier for each stage.
Commitment No. 36	<p><u>Roads — Moona creek Road</u> Construct Moona Creek Road generally in accordance with the Moona Creek Road Layout Plan and Typical Sections 60 Degree Parking Plan Drawing No. 8016 P0 prepared by Cardno dated 3 October 2008 and Mod 5 architectural plan by Scott Carver, including street tree planting, car parking, bus</p>	Prior to the issue of an Occupation Certificate for Stage 1 of the District Centre.

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	stops, paving treatments.	
Commitment No. 37	<u>Roads</u> The developer will provide street signs for each new public road in accordance with the requirements of the Shoalhaven City Council.	Prior to the release of the Occupation Certificate by the Shoalhaven City Council or accredited certifier for each stage.
Commitment No. 38	<u>Weeds</u> The developer will undertake a weed monitoring program in accordance with the Weed Management Plan during the maintenance period.	For a period of two years following the issue of an Occupation Certificate for each stage.
Commitment No. 39	<u>Roads</u> The developer will pay Section 64 water and sewer developer contributions in accordance with the development servicing plan applicable at the time of payment.	Prior to the issue of a Construction Certificate for each stage.
Commitment No. 40	<u>Road Widening</u> Land for Road Widening to be ceded to and at nil cost to the Council. The developer to bear all costs to facilitate transfer of land.	Dedication completed
Commitment No. 41	<u>Car Parking Design</u> The developer will construct the internal car parking areas in accordance with the specifications of the Shoalhaven DCP No. 18.	Details to be provided with the Construction Certificate
Commitment No. 42	<u>Car Parking Design</u> The developer will provide a taxi call system for customers of the district Centre.	To be provided upon commencement of Stage 1A of the District Centre.
Commitment No. 43	<u>Developer Contributions</u> The developer will commit to the Developer Contributions commitments detailed in Item 74 of the approved Statements of Commitment within the Concept Plan and Project Plan approval MP 06_0058 and MP 06_0060 for the overall Vincentia Coastal Village and District Centre estate as relevant to the District Centre, and amended as provided in Appendix 17 to the Don Fox Planning Environmental Assessment Report dated January 2008.	Prior to the release of the Construction Certificate.
Commitment No. 44	<u>Developer Contributions</u> The developer will liaise with the School on the southern side of Naval College Road on the location and design of the underpass and lodge an application with Shoalhaven City Council for its construction	Resolved with the deletion of conditions 2.17 and 2.18 in the Minister's Instrument of Approval via

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		Mod 1 to Project Application No. 06_0205.
Commitment No. 45	<u>Acoustics</u> Refer to condition 2.33 of Modification 2 Instrument of Approval dated 15 March 2011.	Details to be provided prior to the release of the Construction Certificate.
Commitment No. 46	<u>Acoustics</u> The developer will undertake that deliveries to Stage 1 of the District Centre loading dock will not occur between 10.00pm and 7.00am the following day to control noise impacts to the future residential areas on the western side of Moona Creek Road.	For the life of the District Centre
Commitment No. 46a	<u>Acoustics</u> Stockland will impose a Section 88B instrument under the Conveyancing Act, 1919 on the title of any future residential allotments fronting Moona Creek Road in the area as predicted by the receiver points labelled 1-12 on the plan attached to the Noise Impact Assessment, prepared by Heggies Pty Ltd, Report No. 10-3015-R2, Revision 2, dated 1 October 2008. The Section 88B instrument will require acoustic treatments to be incorporated into future dwellings and/or associated landscaped site works to meet the acoustic design criteria as set out in the Noise Impact Assessment, prepared by Heggies Pty Ltd, Report No. 10-3015-R2, Revision 2, dated 1 October 2008.	Prior to the issue of a subdivision certificate for the affected residential land
Commitment No. 47	<u>Accessibility</u> The developer will review and implement Accessability measures consistent with DDA code of compliance. the design of Stage 1 of the District Centre to incorporate the recommendations contained in the Accessibility Review prepared by Morris-Goding Accessibility Consultant, dated 21 June 2010 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 Construction Certificate.
Commitment No. 48	<u>Sustainability</u> The developer will implement design strategies for the District Centre that meets as a minimum the following performance outcomes.	Sustainability measures will be investigated further during the detailed design development of

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	<ul style="list-style-type: none"> • The retail, library and community services buildings will be designed to meet the minimum performance requirements of Section J of the Building Code of Australia and consider design initiatives that are consistent with rating the areas under the NABERS scheme for energy and water should appropriate systems be implemented in the future. • The retail buildings will be designed to meet the minimum requirements of Section J of the Building Code of Australia and to achieve a 4 Star NABERS rating for Energy and Water. Design initiatives will be implemented that are consistent with obtaining a formal rating. • The commercial buildings will be designed to meet the minimum requirements of Section J of the Building Code of Australia and to achieve a 4 Star NABERS rating for Energy and Water. Design initiatives will be implemented that are consistent with obtaining a formal rating. 	the District Centre with selected measures being incorporated into the Construction Certificate plans before the issue of a Construction Certificate.
Commitment No. 49	<u>Sustainability</u> The developer will install a centralised Building Management System (BMS) to monitor energy and water consumption and to control maintenance of all central plant.	The BMS is to be installed in the building prior the commencement of use.
Commitment No. 50	The Guide is to be prepared within 6 months of obtaining a Construction Certificate for each Stage of the District Centre to ensure prospective tenants can utilise the Guide in designing their fit-out.	This guide is to be submitted to McKenzie Group throughout the construction, 6 months after the issue of the Construction Certificate for each stage.
Commitment No. 50	<u>Sustainability</u> The developer will provide all tenants will with a generic green fitout guide and development specific tenant fitout guide which also addresses compulsory and suggested ESD initiatives for fitouts. The Guide will be prepared and made available to prospective tenants before they prepare development application or construction certificate documentation for their fit-out	The Guide is to be prepared within 12 months of obtaining a Construction Certificate for each Stage of the District Centre to ensure prospective tenants can utilise the Guide in designing their fit-out.