

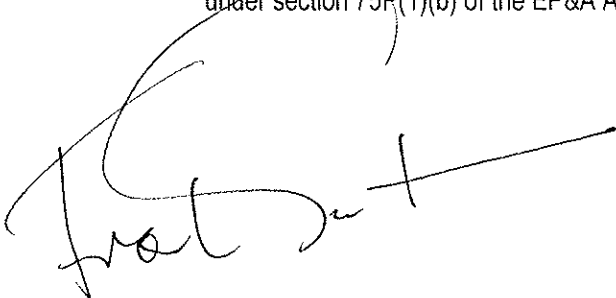
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DAN LAND CONCEPT PLAN AND PROJECT APPROVAL

**Major Project No. 06_0031
(File No. 9040816)**

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* ("the EP&A Act") determine:

- (a) To approve, under section 75O(1) of the EP&A Act, the concept plan for the project as described in Schedule 1, subject to the modifications set out in Schedule 2.
- (b) To approve, under section 75P(1)(c) of the EP&A Act, the carrying out of the stage of the project being subdivision and subdivision works described in Schedule 3, subject to the conditions set out in Schedule 4.
- (c) That approval to carry out the remainder of the project is to be subject to Part 4 of the EP&A Act, under section 75P(1)(b) of the EP&A Act.



Frank Sartor MP
Minister for Planning

Sydney,

29th SEPT 2006

SCHEDULE 1

PART A — TABLE

Application made by:	Planning Workshop Australia 11 Bond Street Newcastle NSW 2300
Application made to:	Minister for Planning
Major Project Number:	06_0031
On land comprising:	Nos 290 & 302 Minmi Road, Fletcher Lot 11 in DP 1044935 and Lot 2 in DP 534168
Local Government Area	Newcastle City Council
For the carrying out of:	A 400 lot residential subdivision and associated services and infrastructure as described in Modification A1, Part A, Schedule 2
Capital Investment Value	\$100 million
Type of development:	Concept approval under Part 3A of the Act
Determination made on:	26 September 2006
Determination:	Concept approval is granted subject to the modifications in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
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).

Council means Newcastle City Council.

Department means the Department of Planning or its successors.

Director General means the Director General of the Department of Planning.

Minister means the Minister for Planning.

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.

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

RTA means the Roads and Traffic Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule.

Dan Land site has the same meaning as the land identified in Part A of this schedule.

Dan Land Concept Plan means the project described in Schedule 2, Part A, Modification A1 and the accompanying plans and documentation described in Schedule 2, Part A, Modification A2.

SCHEDULE 2

MODIFICATIONS TO THE DAN LAND CONCEPT PLAN CONCEPT PLAN NO. 06_0031

PART A – ADMINISTRATIVE MODIFICATIONS

A1. Development Description

Concept approval is granted only to the carrying out of the development solely within the concept plan area as described in the document titled "Concept Plan" prepared by Planning Workshop Australia (dated 7 June 2006) including:

1. A 400 lot residential subdivision;
2. Associated services and infrastructure; and
3. Landscaped public open space.

A1. Development in Accordance with Plans and Documentation

The development shall also be generally consistent with the following plans and documentation:

- a) Dan Land **Part 3A Major Project Report (and Appendices)** dated March 2005; except as amended by **Preferred Project Report** dated August 2006, incorporating **Statement of Commitments** prepared by Planning Workshop Australia.
- b) Dan Land Preferred Project Report Appendix 2 - **Concept Plan** dated 7 June 2006 prepared by Planning Workshop Australia.
- c) Dan Land Preferred Project Report Appendix 2 - **Proposed Lot Layout** dated 7 June 2006 prepared by Planning Workshop Australia.
- d) Dan Land Preferred Project Report Appendix 3 - **Landscape Master Plan** dated 28 July 2006 prepared by Moir Landscape Architecture (project no. 0276, dwg no. LMP01/REV6).
- e) Dan Land Preferred Project Report Appendix 4 - **Vegetation Management Plan Report** dated 20 July 2006 prepared by Moir Landscape Architect (project No. 0276 – Rev 1), incorporating **Vegetation Management Plan** (dated 28 July 2006, project no. 0276, dwg no. VMP01).

Except for otherwise provided by the Department's modifications of approval as set out in Schedule 2, Part B and the proponent's statement of commitments.

A2. Inconsistency Between Documentation

In the event of any inconsistency between the modifications of this concept approval and the plans and documentation described in Modification A2, Part A, Schedule 2 referred to above, the modifications of this concept approval prevail.

A3. Lapsing of Approval

Approval of the Dan Land Concept Plan shall lapse 5 years after the determination date in Part A of Schedule 1 unless an application is submitted to carry out a project or development for which concept approval has been given.

A4. Determination of Future Applications

The determination of future applications for development is to be generally consistent with the terms of approval of Concept Plan No. 05_0031 as described in Part A of Schedule 1 and subject to the modifications of approval set out in Parts A and B of Schedule 2.

PART B – DEPARTMENT OF PLANNING'S MODIFICATIONS

B1. *Perimeter Road and Courtyard Housing Lots*

The 32 "*Courtyard Housing*" lots located on the Hexham Wetlands side of the northern perimeter road (identified as Lots 103 to 120 in Precinct Plan 1; Lots 25 to 29 in Precinct Plan 2; and Lots 141 to 149 in Precinct Plan 3 in Appendix 6 of the Preferred Project Report) **are not approved** and are to be deleted from the subdivision plan. The perimeter road may be moved further to the north, but no further than the rear boundary of the original courtyard housing lots, and additional lots added to the residential blocks inside the perimeter road in order to offset the loss of 32 lots outside the road. Amendments to the lot layouts shall not result in a net increase in lots.

The proponent will submit amended plans (*Concept Plan, Proposed Lot Layout, Structure Plan – Roads and Landscape Master Plan*) and documentation reflecting the above prior to the issue of any Construction Certificate for works on the site, or as otherwise determined by the Director General, to the satisfaction of the Director General.

SCHEDULE 3

PART A — TABLE

Application made by:	Planning Workshop Australia 11 Bond Street Newcastle NSW 2300
Application made to:	Minister for Planning
Major Project Number:	06_0031
On land comprising:	Nos 290 & 302 Minmi Road, Fletcher Lot 11 in DP 1044935 and Lot 2 in DP 534168
Local Government Area	Newcastle City Council
For the carrying out of:	Subdivision and subdivision works as described in Condition A1, Part A, Schedule 4.
Capital Investment Value	\$51 million
Type of development:	Project approval under Part 3A of the EP&A Act
Determination made on:	29 September 2006
Determination:	Project approval is granted subject to the conditions in the attached Schedule 4.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
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).

Council means Newcastle City Council.

Department means the Department of Planning or its successors.

Director General means the Director General of the Department of Planning

Minister means the Minister for Planning.

Project means development that is declared under Section 75B of the EP & A 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.

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

Subject Site has the same meaning as the land identified in Part A of this schedule.

Dan Land site has the same meaning as the land identified in Part A of this schedule.

Major Project No. 06_0031 means the project described in Condition A1, Part A, Schedule 4 and the accompanying plans and documentation described in Condition A2, Part A, Schedule 4.

SCHEDULE 4

CONDITIONS OF APPROVAL - PROJECT APPROVAL - MAJOR PROJECT NO. 06_0031

PART A – ADMINISTRATIVE CONDITIONS

A1. Development Description

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

1. A 337 lot community title subdivision and construction of associated works including streets, stormwater management works, utility services, and bulk earthworks;
2. Public domain improvements, including new parks as part of a network of landscaped public open spaces, and street trees; and
3. The use of the land for housing and related purposes and environmental conservation.

A2. Development in Accordance with Plans and Documentation

The development shall be in accordance with the following plans and documentation:

- a) Dan Land **Preferred Project Report** dated August 2006 and **Statement of Commitments** prepared by Planning Workshop Australia.
- b) Dan Land Preferred Project Report Appendix 1 - **Plan of Proposed Lots** dated 27 July 2006 prepared by Monteath and Powys (ref no. 03/020).
- c) Dan Land Preferred Project Report Appendix 2 - **Proposed Staging of Lots** dated 27 July 2006 prepared by Monteath and Powys.
- d) Dan Land Preferred Project Report Appendix 3 - **Landscape Master Plan** dated 28 July 2006 prepared by Moir Landscape Architecture (project no. 0276, dwg no. LMP01/REV6).
- e) Dan Land Preferred Project Report Appendix 4 - **Vegetation Management Plan Report** dated 20 July 2006 prepared by Moir Landscape Architecture (Project No. 0276 – Rev 1), incorporating **Vegetation Management Plan** (dated 28 July 2006, project no. 0276, dwg no. VMP01).
- f) Dan Land Preferred Project Report Appendix 6 - **Community Management Statement**.

Except for otherwise provided by the Department's conditions of approval as set out in Schedule 4, Part B and the proponent's Statement of Commitments.

A3. Inconsistency Between Plans and Documentation

In the event of any inconsistency between conditions of this project approval and the plans and documentation described in Condition A2, Part A, Schedule 4 referred to above, the conditions of this project approval prevail.

A4. Lapsing of Approval

Approval of Major Project No. 06_0031 shall lapse 5 years after the determination date in Part A of Schedule 1 unless specified action has been taken in accordance with Section 75Y of the EP&A.

A5. Prescribed Conditions

The Applicant shall comply with the prescribed conditions of project approval under Clause 75J (4) of the Act.

A6. Determination of Future Applications

The determination of future applications for development is to be generally consistent with the terms of approval of Major Project No. 06_0031 as described in Part A of Schedule 1 and subject to the conditions of approval set out in Parts A and B of Schedule 2.

PART B – DEPARTMENT OF PLANNING'S CONDITIONS OF APPROVAL

B1. Perimeter Road and Courtyard Housing Lots

The 32 "Courtyard Housing" lots located on the Hexham Wetlands side of the northern perimeter road (identified as Lots 103 to 120 in Precinct Plan 1; Lots 25 to 29 in Precinct Plan 2; and Lots 141 to 149 in Precinct Plan 3 in Appendix 6 of the Preferred Project Report) **are not approved** and are to be deleted from the subdivision plan. The perimeter road may be moved further to the north, but no further than the rear boundary of the original courtyard housing lots, and additional lots added to the residential blocks inside the perimeter road in order to offset the loss of 32 lots outside the road. Amendments to the lot layouts shall not result in a net increase in lots.

A Subdivision Certificate for any stage is not to be issued unless the lots have been deleted from the Subdivision Plan and an amended *Plan of Proposed Lots, Landscape Master Plan* and *Vegetation Management Plan* reflecting the required amendments has been submitted to the satisfaction of the Director General.

B2. S94 Contributions – Public Amenities and Services

A monetary contribution is to be paid to Newcastle City Council, pursuant to Section 94 of the Environmental Planning and Assessment Act, towards the provision of the following public amenities and public services within the locality, such contribution to be paid prior to the issue of a Subdivision Certificate in respect of each stage of the proposed development:

Category	Contribution per lot
Community Facilities	\$2,363.34
Open Space and Recreation	\$8,416.45
Foreshore Promenade	\$116.71
s94 Management	\$333.29
BGH Place Management	\$233.42

Note:

- i) This contribution is to be made in accordance with the provisions of the Newcastle City Council Contributions Plan No. 1, 2005 operational from January 2005.
- ii) The monetary amount of contribution payable under this commitment is to be indexed at the time of actual payment in accordance with the 'Consumer Price Index' weighted average of eight capital cities published by the Australia Bureau of Statistics each quarter.

B3. S94 Contributions – Transport Facilities

A monetary contribution of **\$1,794.81 per additional lot** is to be paid to Newcastle City Council, pursuant to Section 94 of the Environmental Planning and Assessment Act, towards the provision of transport facilities within the locality, such contribution to be paid prior to the issue of a Subdivision Certificate in respect of each stage of the proposed development.

Note:

- i) This contribution is to be made in accordance with the provisions of the Newcastle Section 94 Contributions Plan No. 4 operational from 14 August 2006.
- ii) The monetary amount of contribution payable under this commitment is to be indexed at the time of actual payment in accordance with the 'Consumer Price Index' weighted average of eight capital cities published by the Australia Bureau of Statistics each quarter.

B4. Road, Drainage and Pavement Works

Prior to the commencement of works the Council is to issue a Construction Certificate for the approval of engineering plans including, but not limited to road, drainage and pavement design required in this consent. A copy of the approved plans is to be provided to Council for its records.

B5. 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 a source of sediment.

B6. Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to any street stormwater system unless separate prior approval is given in writing by Council.

B7. Dedication of Roads

Prior to issue of the Subdivision Certificate the applicant is to approach Council with regards to the dedication of the roadways. If at that time Council will accept the roads, they shall be dedicated in accordance with any Council requirements.

B8. Access

Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access, and created pursuant to Section 88B of the *Conveyancing Act 1919*. This includes all land identified as being *Association Property* in the subdivision plans/Community Management Statement.

B9. Services

Documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.

Pursuant to Section 88BA of the *Conveyancing Act* the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis. Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

APPENDIX B. STATEMENT OF COMMITMENTS

STATEMENT OF COMMITMENTS

The Commitments set out below are made by the Proponent, Northwest Residential Pty Ltd, in respect of the proposed subdivision of the Dan Land site.

A. GENERAL COMMITMENTS (ALL STAGES)

A.1 Commitments restricting the terms of approval

- A.1.1 The proposed development will be carried out strictly in accordance with the details set out on the approved subdivision plans (including the community and precinct plans) prepared by Monteath and Powys, dated 2 March 2006, ref. 03/020, except as otherwise provided by this Statement of Commitments.
- A.1.2 The proposed development will be carried out strictly in accordance with the recommendations set out in the Flora and Fauna Report prepared by Environfacts, dated November 2003, except as otherwise provided by this Statement of Commitments.
- A.1.3 Prior to the issue of a Construction Certificate for a particular stage, all general commitments, and all specific commitments relating to the Construction Certificate for the particular stage will be complied with.
- A.1.4 Prior to the endorsement of a Subdivision Certificate for a particular stage, all general commitments, and all specific commitments relating to the Subdivision Certificate for the particular stage will be complied with.

A.2 Commitments comprising payment of a monetary contribution, dedication of land/carrying out of off site works

- A.2.1 A total monetary contribution of \$3,801,626.10 will be paid to the Council, pursuant to Section 94 of the Environmental Planning and Assessment Act, towards the provision of the following public amenities and public services within the locality, such contribution to be paid prior to the issue of a Construction Certificate in respect of each stage of the proposed development:

a) Community facilities	\$783,771.01 (\$2,325.73 per additional lot)
b) Open space and recreation	\$2,791,209.20 (\$8,282.52 per additional lot)
c) Foreshore promenade	\$38,704.45 (\$114.85 per additional lot)
d) Section 94 management	\$110,532.63 (\$327.99 per additional lot)
e) Blue Gum Hills place management	\$77,408.90 (\$229.70 per additional lot)

(Note: i) This commitment complies with the provisions of the Newcastle City Council Contributions Plan No. 1, 2005 operational from January 2005 (Indexed as at 1 May 2006).

ii) The monetary amount of contribution payable under this commitment is to be indexed at the time of actual payment in accordance with the 'Consumer Price Index' weighted average of eight capital cities published by the Australia Bureau of Statistics each quarter.)

- A.2.2 A total monetary contribution of \$513,008.36 (\$1,522.28 per additional lot) will be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act, towards the provision of transport facilities within the locality, such contribution to be paid prior to the issue of a Construction Certificate in respect of each stage of the proposed development.

(Note: i) This commitment is made in accordance with the provisions of the Newcastle Section 94 Contributions Plan No. 4 operational from 2 April 1997 (indexed at 29 June 2005).

- ii) The monetary amount of contribution payable under this commitment is to be indexed at the time of actual payment in accordance with the 'Consumer Price Index' weighted average of eight capital cities published by the Australia Bureau of Statistics each quarter.)

A.3 Commitments comprising details in documentation for a Construction Certificate Application / matters to be resolved prior to Certification of Survey Plans

- A.3.1 Road infrastructure including pavement, footpaths, kerb and gutter, drainage, services, street trees, street lighting, signage and markings will be provided to each stage of the subdivision, in accordance with the Council's requirements, except as otherwise provided by the Statement of Commitments. In this regard the following minimum road widths are to be provided:

Road Hierarchy	Footway	C'way	Median	C'way	Footway	TOTAL
Local Street	4.5m	7.5m ¹	-	-	3.5m	15.5m
Central Avenue	4.5m	5.5m	3.0m	5.5m	3.5m	22.0m
Central Boulevard	4.5m	5.5m	3.0m	5.5m	3.5m	22.0m
Loop Road (1 sided)	4.5m	7.5m	-	-	Variable ⁴	Variable
Loop Road (2 sided)	4.5m	7.5m ¹	-	-	3.5m	15.5m
Link Road	4.5m ²	6.0m	-	-	1.5m ³	12.0m ²

- 1 Carriageway width to increase to 9.5m if a bus route.
 2 Footway width to accommodate any cycleways and fences including vehicle safety barriers.
 3 Width to accommodate fences including vehicle safety barriers.
 4 Variable width to contain stormwater outlet structures etc.

- A.3.2 In respect of the full Minmi Road frontage of the subject land, the following road works will be undertaken:
- A parking lane will be provided in compliance with Section 4.4.2 of Austroads Part 14 (Guide to Traffic Engineering – Bicycles) the Roads and Traffic Authority's NSW Bicycle Guidelines. This parking lane will be established outside the existing east bound travel lane of Minmi Road.
 - Upright kerb and gutter will be provided along the full frontage.
 - A 4.5 metre wide footway will be provided along the full frontage and, within this footway, a reinforced concrete shared use pathway will be provided in compliance with the Guidelines referred to in a) above. The front edge of this pathway will be offset 1.8 metres behind the face of the kerb and gutter.
- A.3.2 Concrete footway paving including kerb ramps and holding rails where shown in the typical cross sections will be constructed in accordance with the Council's design standards.
- A.3.3 Comprehensive engineering design plans and specifications will be submitted for approval with the required Construction Certificate application in respect of each stage, such to be accompanied by the following documentation and additional details:

Land Management Plan

The Plan will nominate existing and proposed surface levels and provide full details of proposed erosion and sediment control measures to be implemented prior to, during and after construction. The Plan will be designed in accordance with the *Landcom's – Managing Urban Stormwater: Soils and Construction*. Any sediment retention basins will be designed for Type D soils, unless laboratory analysis of site soils establishes that the site comprises a different type of soil.

Details of Earthworks

Plans will indicate the full extent of any earthworks proposed (cut and fill). All topsoil and unsuitable material will be nominated to be removed prior to placement of fill. All topsoil removed will be stockpiled for reuse on the development site.

Maximum nominated thickness of fill layer	- 150mm in road reserve areas - 300 mm in other areas
Maximum nominated compaction of fill	- 98% standard in road reserve areas - 95% standard in other areas

Compaction of earthworks associated with gully crossings will be carried out under Level 1 supervision as per AS3798-1996 '*Guidelines on earthworks for commercial and residential developments*' and a report submitted to the Principal Certifying Authority with documentation accompanying the respective Subdivision Certificate application.

Road Design Plans

Plans, longitudinal sections and cross sections for the proposed subdivisional roads will comply with the following requirements and will be annotated accordingly:

- a) Standard design vehicle for all roads will be a large rigid truck (Austroad) or equivalent;
- b) Plans will be accompanied by a pavement design report prepared and certified by a practising geotechnical engineer.
- c) The minimum acceptable subgrade CBR will be 5%.
- d) Roads will be designed generally with a desirable maximum grade of 12% and an absolute maximum grade of 16%;
- e) Roads will be designed generally with a desirable minimum grade of 1.0%;
- f) Side road intersections with a through road will have at least 10 metre vertical curves;
- g) Staged longitudinal sections to extend suitable distances at endpoints to permit connection to future stage works and provide for temporary turning bays;
- h) Kerb returns will have a minimum radius of 8 metres and on bus routes a 3-centred curve with radii 7.0m-10.0m-7.0m to be used;
- i) Kerb and gutter shapes within the public road will be constructed in accordance with Council's Standard Drawing No. NCC A17 as amended on 23 January 1995;
- j) Drainage inlet structures within the public road will be constructed in accordance with Council's Standard Drawing Nos. A199, dated March 1995 and A313, as amended on 6 September 1994;
- k) Footways will be generally high level and at 2% grade toward the kerb;
- l) Constructed footpaths will be 1.2m wide, 80mm nominal depth integral concrete or 2.0m wide, 100mm nominal depth reinforced integral concrete, in accordance with Council's Standard Drawing No. NCC A304, unless required for vehicular access, with the edge closest to the kerb located 1.8 metres behind the kerb face;
- m) All roads will be Benkleman Beam tested prior to prime sealing with a maximum permissible deflection of 1.2mm being allowed for all internal roads, with the exception of the identified bus routes which are to have a maximum permissible deflection of 1.0mm;
- n) All roads will be primer sealed prior to asphaltting;
- o) The minimum wearing surface of all internal roads will be a 30mm compacted thickness layer of asphaltic concrete (AC 10), with the exception of the identified bus routes which will have a 40mm compacted thickness layer of asphaltic concrete (AC 14);
- p) Reflectorised guide posts will be provided to all lengths of road where a raised kerb is not provided;
- q) Road safety barriers will be provided, where necessary, in accordance with the RTA Design Guide.
- r) Road name plates will be provided at all intersections; and
- s) Where applicable, a separate linemarking and signposting plan (for approval by the Newcastle City Traffic Committee) will be included with the design plans.

Stormwater Drainage Plan

The stormwater drainage design will incorporate a 1 in 10 year recurrence interval piped stormwater drainage system, with overland flow up to a 1 in 100 year recurrence interval event contained within road reserves and/or drainage reserves, and will comply with the following requirements, with the plans annotated accordingly:

- a) Stormwater from the site will be treated and discharged in accordance with the Stormwater Management Report for the site prepared by Urban Water Cycle Solutions, dated 21 Feb 2006.
- b) Drainage pipes will generally be located under kerb and gutter;
- c) Sub-soil drainage will be located generally on the high side of all roads and on both sides of roads in cut and also at other locations at the discretion of the PCA. Where a subsoil drain is required, it will be installed under kerb and gutter and extend at least 500mm below the bottom of pavement;
- d) Pits will be located upstream of kerb ramps and kerb returns;
- e) All stormwater pipes will be rubber ring jointed reinforced concrete;
- f) The determination, extent, depth and velocity of 100 year overland flow paths will be shown;
- g) Pedestrian and vehicular stability and safety will be maintained for the critical storm events up to the 100 year ARI in accordance with the velocity depth product requirements set out in 'Stability of Cars and Children in Flooded Streets' Keller and Mitsch 1994;
- h) All lots and roads will be above adjacent 100 year ARI flood levels;
- i) Interallotment drainage lines will be provided to service all lots not falling to public drainage systems;
- j) Lots serviced by interallotment drainage will have a grated surface inlet pit constructed at the lowest corner of the yard, with catch drains provided along the lower boundaries. The catch drains will be discharged into the pits in each property and interallotment drainage lines will be designed to cater for all water off the lot in the 1 in 10 year event, including water off pervious yard areas;
- k) The stormwater drainage facilities for each particular stage will be designed to ensure that all proposed drainage lines and outlets (both temporary and permanent) are covered by suitable easements;
- l) The proposed road gully crossings will be designed to meet the Council's requirements. The design will incorporate the use of placed rock batters, where steeper than 1 in 3, and vegetated batters for slopes more gentle than 1 in 3 (batters to be vegetated for low maintenance). Extended concrete aprons and wing walls will also be used in this design.
- m) The proposed development will not increase upstream or downstream flooding for floods over a range of storms from 1:1 to 1:100 year events.

Utilities Layout Plan

A Utilities Layout Plan will be prepared indicating the location of mains, associated installations and services conduits including all proposed road crossings.

- A.3.4 All subdivision and associated works will be designed in accordance with the following publications (as amended or updated) as applicable:
- Institution of Engineers, *Australian Rainfall and Runoff* 1987;
 - AUSTROADS, *Guide to Traffic Engineering Practice*;
 - Department of Housing, *Road Manual* 1987;
 - Roads and Traffic Authority, *Road Design Guide*;
 - Roads and Traffic Authority, *Interim Guide to Signs and Markings*;
 - Environment Protection Authority, *Managing Urban Stormwater – Treatment Techniques*;
 - Landcom, *Managing Urban Stormwater: Soils and Construction Vol 1, 4th Edition, March 2004*;
 - *Pavement Design – A Guide to the Structural Design of Road Pavements*, Austroads – 1992;
 - *A Guide to the Design of New Pavements for Light Traffic* – APRG Report No. 21;
 - The Institute of Municipal Engineering Australia, Queensland Division, *Design Guidelines for Subdivisional Streetworks* 1993 ('Queensland Streets');
 - Joint Venture for More Affordable Housing, *Australian Model Code for Residential Development* 1989 ('AMCORD');
 - NSW Department of Housing, *Construction Specification*, 1989 Edition, as varied by Newcastle City Council's Schedule A;

- A.3.5 Prior to any works commencing, the Developer will prepare an Environmental Management Plan (EMP) such to be designed and implemented to manage all environmental aspects associated with the construction, including off site impacts such as transport to and from the site. Two copies of the EMP will be provided to the Certifying Authority prior to issue of the Construction Certificate for Stage 1. The EMP will be maintained on site during all site works and be made available to Authorised Officers upon request.

The EMP will include but not be limited to:

- a) A site management program, identifying and addressing issues such as environmental health and safety, site security, and traffic management;
- b) A water management program detailing all erosion and sediment control, management of soil stockpiles, control and management of surface water and controls for the reworking of the existing water course;
- c) A dust management program, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions (This program is to be cross-referenced with the water management program);
- d) A noise vibration management program, detailing measures to minimise the impact of the construction phase on residential amenity, with noise and vibration monitoring during the construction phase incorporated into the program as necessary.

- A.3.6 A Bushfire Management Plan will be prepared for each stage and certified by a suitably qualified consultant or the NSW Rural Fire Service as complying with the requirements of the document *Planning for Bushfire Protection* and the requirements of the NSW Rural Fire Service in its letter to the Department of Planning dated 8 May 2006. The required Plan will include, but not be limited to, the following and will be submitted with documentation accompanying the Construction Certificate application in respect of each stage:

- a) Location of permanent Asset Protection Zones (APZ) and fire trails;
- b) Location of temporary APZs and fire trails such that adequate protection is provided to the subdivision at all times during development;
- c) APZ establishment methods;
- d) Location of habitat trees to be retained;
- e) Areas of vegetation to be retained, removed or reinstated;
- f) Existing topography, adjacent to development and open space;
- g) Access to services;
- h) Extent of cut and fill, access points and 'links' to public areas;
- i) Existing and proposed plant species; and
- j) Archaeological heritage.

- A.3.7 Prior to any site works commencing, Landscape Plans will be prepared for the relevant stage by a qualified Landscape Architect and submitted to the certifying authority for approval. These plans will be consistent with the landscape masterplan prepared by Moir Landscape Architects. Each landscape plan will indicate existing vegetation to be retained and removed, existing topography, adjacent development and open space, existing services, revegetation methods, public amenities, extent of cut and fill, access points and 'links' to open space, plant species, locations and landscape design principles, location of trees to be retained and removed and the criteria for habitat tree removal prior to works commencing. The Plan will also comply with the following:

- a) Existing trees on the site, which are to be retained, will have no cut or fill under their canopy areas and the location of these trees will be clearly identified on the Landscape Management Plan and Engineering Plans;
- b) A flora and fauna management/regeneration program, addressing areas of bush to be preserved/buffer areas, habitat trees, vegetation links, introduction of weed propagules, measures

to be implemented to manage the identification, management and protection of flora and in particular, fauna, which is located both during initial site clearing and ongoing construction works.

- c) Areas of restricted access and fence detail to be erected during construction and areas proposed for storage/stockpile of plant and materials will be identified;
 - d) Will specify
 - Establishment methods for all new plantings;
 - Maintenance scheduling for all new plants;
 - Weed eradication program;
 - Reporting methods.
 - e) Street trees will be provided with a nominated minimum 100 litre pot size, or as otherwise approved by Council, to be installed prior to the certification of the subdivision plan;
 - f) All street trees will be selected and certified by the supplier to comply with the current NATSPEC guide with respect to root development, height, trunk diameter and branch structure and balance (Refer to Specifying Trees, Construction Information Systems Australia PL, Clark, R 2003); and
 - g) Street trees will be protected with suitable tree guards.
- A.3.8 Prior to the commencement of any works, tree protection fencing, erosion and sediment control measures nominated as being required during construction in the approved Environmental Management Plan, will be installed on site and inspected by the Principal Certifying Authority.
- A.3.9 Prior to the commencement of any works, the developer will provide written notification to the adjoining landowners of the intention to start works, providing details of the scheduling of works and nominating a contact person. A legible prominent sign stating the name of the developer and contractor and a 24 hour contact telephone number will be displayed onsite during the construction period.
- A.3.10 The Developer will make good any damage caused to a public road or associated structures, including drains and kerb and gutter, as well as to private property, and revegetating any disturbed areas of proposed open space resulting from the subdivision works prior to certification of the Subdivision Plan.
- A.3.11 A Subdivision Certificate application will be submitted in respect of each stage of the development, accompanied by the appropriate fee. Each application will be supported by the following documentation, together with any other documentation required under the Statement of Commitments:
- a) A survey plan of subdivision prepared by a Registered Surveyor;
 - b) Instruments prepared under s88B of the Conveyancing Acts as appropriate;
 - c) A copy of the Community and/or Precinct Management Statement (where required) or amendment;
 - d) A Section 50 Certificate from the Hunter Water Corporation Limited;
 - e) A digital copy of the proposed subdivision boundaries to ISG or MGA and in .dxf, .dgn, .dwg format;
 - f) Copies of NATSPEC certification in respect of street tree planting;
 - g) A geotechnical assessment (2 copies) prepared by a suitably qualified geotechnical engineer which:
 - Nominates the site classification and soil type of each allotment in accordance with Australian Standard AS 2870 *Residential Slabs and Footings*;
 - Indicates any areas of potential slip or subsidence which may influence future road and building design requirements;
 - Indicates the location, extent and suitability of any fill placed on the site;
 - Provides testing results for each phase of construction in relation to earthworks and road works and demonstrates that the works comply with the requirements of the NSW Department of Housing *Construction Specification*, 1989 Edition, as varied by Newcastle City Council's Schedule A;
 - Indicates and provides testing results for any areas of remedial works undertaken in respect of the existing mine workings on the site; and
 - h) A statement from a registered surveyor verifying that:
 - No survey control marks were interfered with during site work; or

- That the requirements of the Department of Lands had been obtained in respect of any marks which were destroyed and that such requirements have been complied with.

A.3.12 The appropriate notation will be placed on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act will be submitted to Council setting out the terms of easements and/or rights of carriageway and/or restrictions as to user required for the subdivision, in respect of the following where applicable:

- a) Interallotment drainage lines in favour of upstream properties utilising the lines;
- b) Easements for Asset Protection Zones;
- c) Easements for Fire Trails;
- d) Easements for pathways and cycleways;
- e) Restrictions on the Use of Land over temporary Asset Protection Zones;
- f) Restrictions on the Use of Land over temporary fire trails;
- g) Rights of carriageway in favour of the property serviced;
- h) Easements for services in favour of the property serviced and/or the appropriate utility provider; and
- i) Stormwater mains in favour of Council.

A.3.13 Written certification from a suitably qualified consultant or the NSW Rural Fire Service that Asset Protection Zones, including temporary APZs, have been established in accordance with the Bushfire Management Plan – (Development Phase) for each stage, will be submitted to the Principal Certifying Authority prior to certification of the Subdivision Plan in respect of that stage.

A.3.14 Written evidence of arrangements being made with the Hunter Water Corporation Limited, or other approved supplier, for the provision of individual water supply and sewerage services to all lots within each stage, will be submitted to the Principal Certifying Authority prior to certification of the Subdivision Plan in respect of that stage.

A.3.15 Written evidence of arrangements being made with EnergyAustralia, or other approved supplier, for the provision of underground electricity supply to all lots and street lighting within each stage, will be submitted to the Principal Certifying Authority prior to certification of the Subdivision Plan in respect of that stage.

A.3.16 Written evidence of arrangements being made with Telstra, or other approved supplier, for the provision of underground telephone services to all lots within each stage, will be submitted to the Principal Certifying Authority prior to certification of the Subdivision Plan in respect of that stage.

A.3.17 Submission of a Community or Precinct Management Statement detailing all By-laws applicable to the community title subdivision accompanying the application for a Subdivision Certificate in respect of Stage 1. The Statement is to address the ongoing protection of the ecology of the locality by way of inclusion, as a minimum, By-laws in regard to the Vegetation Management Plan.

A.3.18 Certified works-as-executed (WAE) plans and documentation will be lodged with the Principal Certifying Authority on completion of works for each stage. The required WAE plans will be provided on a full copy stamped Construction Certificate drawings and will include:

- a) Details of any alterations made to the approved plans;
- b) The location and type of service conduits;
- c) The location and extent of any temporary Asset Protection Zones and Fire Trails;
- d) Details of all kerbs and gutters, pits and pipelines and drainage swales; and
- e) Certification by a Registered Surveyor that all pipes, services and access driveways within proposed lots are totally within their respective easements.

Where the WAE plans indicate variations between the works as installed and the approved plans, the Principal Certifying Authority is to determine whether the works are acceptable or require reconstruction.

- A.3.19 A six month defect liability period will apply in respect of each Construction Certificate issued, prior to Council accepting maintenance responsibility for subdivision infrastructure, with the exception of the proposed landscaping. Each defect liability period will commence at the date of registration of the respective plan of subdivision.

In this regard, a cash bond or bank guarantee in an amount equivalent to 2.5% of the construction value of the subdivision works, or an alternative lesser amount as may be agreed to by Council, together with an endorsed Defects Liability Agreement form, will be submitted to Council prior to certification of the Subdivision Plan in respect of each stage of the development.

- A.3.20 A twelve month maintenance period will apply in respect of each applicable stage of the development prior to Council accepting maintenance responsibility for the proposed site landscaping. Each maintenance period will commence at the date of registration of the respective plan of subdivision.

In this regard a cash bond or bank guarantee in an amount equivalent to 25% of the contract value of landscaping and associated maintenance, or an alternative lesser amount as may be agreed to by Council, together with the required Landscape Establishment report, will be submitted to Council prior to certification of the Subdivision Plan in respect of each stage of the development.

A.4 Commitments comprising the submission of future applications to Council or the approval of other authorities

- A.4.1 Should any Aboriginal relics or artefacts be discovered during the course of any works onsite, work will cease immediately and the Principal Certifying Authority informed, unless written consent has been obtained from the Department of Environment and Conservation. Copies of any such consents are to be provided to the Principal Certifying Authority prior to the resumption of work.
- A.4.2 Proposed street names will be submitted to Council (the Road Authority) for approval prior to the lodgement of any Construction Certificate applications involving new roads. Evidence of approval will be submitted with the corresponding Construction Certificate application.
- A.4.3 The developer will be responsible for all adjustments to and/or relocation of public utilities. Any necessary alterations will be at the Developer's expense and to the requirements of the appropriate Authorities.
- A.4.4 No work will be undertaken in any public road until a Road Opening Permit has been obtained from Council (the Road Authority).
- A.4.5 Plans of any proposed traffic management devices, linemarking and signposting works on existing or proposed public roads will be submitted to Council and approved by the Newcastle City Traffic Committee prior to the issue of a Construction Certificate for such work.
- A.4.6 The routes for import of any fill material or export of any spoil will be submitted to and agreed by Council prior to the commencement of haulage. Any deterioration or failures within public roads that can reasonably be attributable to such operations will be restored to the requirements of, and at no cost to, Council.

A.5 General Commitments

- A.5.1 A copy of the Minister's approval of the subdivision under Section 75J(1) of the EP & A Act 1979, a copy of the Statement of Commitments, and relevant Construction Certificates, including associated approved plans, will be kept onsite at all times during construction works.
- A.5.2 The project manager will nominate a community contact person and advise adjoining owners and Council of the name of the nominated contact person, along with a contact telephone number. The

contact person will be available during nominated working hours for the duration of the subdivision construction work.

A.5.3 Residents and local authorities will be notified of the intended construction timetable and kept up to date as work progresses.

A.5.4 A sign will be erected in a prominent position on the work site detailing:

- a) That unauthorised entry to the work site is prohibited; and
- b) Indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign will be removed when the proposed subdivision works have been completed.

A.5.5 A Landscape Establishment Report will be submitted to Council following completion of a twelve month maintenance period commencing from the date of registration of the relevant Subdivision Certificate in respect of each stage, verifying that satisfactory maintenance of the landscape works including street trees, revegetation and weeding, has been undertaken in accordance with the Landscape Management Plan and any necessary rectification measures have been carried out to a high professional standard.

A.5.6 All wetland and natural vegetated areas outside the boundaries of the proposed subdivision will be kept free from disturbance of machinery, parked vehicles and waste material.

A.5.7 The subdivision works will be inspected during construction by the Principal Certifying Authority, or other suitably qualified person(s) at the discretion of the Principal Certifying Authority, and documentary evidence of compliance with the terms of this consent and relevant Construction Certificate(s) will be obtained prior to proceeding to the subsequent stages of construction, such inspections and documentation will be arranged at not less than the following key stages:

- a) Sediment control
 - Upon initial erection of sediment control devices and prior to all other works;
 - Upon erection of subsequent stage sediment controls nominated in the Land Management Plan;
 - Upon completion of stormwater drainage; and
 - Final inspection.
- b) Earthworks
 - Subgrade prior to laying of fill; and
 - Final inspection.
- c) Road Construction
 - Subgrade prior to laying of sub-base;
 - Sub-base prior to laying kerb and/or gutter;
 - Kerb and/or gutter prior to laying base course;
 - Base course prior to Benkleman Beam testing;
 - Base course immediately prior to prime sealing;
 - Prime seal prior to laying AC wearing surface;
 - Footpaths prior to turfing; and
 - Final inspection.
- d) Footpaths/cycleways
 - Subgrade prior to laying of base course;
 - Base course prior to laying of formwork;
 - Formwork/reinforcement before placing concrete;
 - After installation of curing methods; and
 - Final inspection.
- e) Stormwater Drainage
 - Trench and bedding prior to laying of pipes;
 - Pipes prior to backfill;
 - Pits prior to backfill;
 - Backfill prior to capping; and
 - Final inspection.
- f) Access handles
 - Subgrade prior to laying base course;

- Base course prior to laying of formwork;
- Formwork/reinforcement before placing concrete;
- After installation of curing methods; and
- Final inspection.
- g) Landscaping
 - Prior to initial site works for each stage;
 - Prior to any works within Public Reserves;
 - Prior to removal of any trees outside the construction zone;
 - Prior to commencement of landscape works;
 - Final inspection;
 - 6 months post final inspection; and
 - At the completion of the maintenance period.
- h) Asset Protection Zones
 - Prior to the removal of any vegetation; and
 - Final inspection.

A.5.8 Toilet facilities will be provided at or in the vicinity of the site on which work is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided will be:

- a) A standard flushing toilet; and
- b) Connected:
 - To a public sewer; or
 - If connection to a public sewer is not practicable, to some other sewage management facility approved by the Council.

The required toilet facilities will be in place and operational prior to any other work being undertaken on the site.

A.5.9 All work will be carried out in accordance with the plans and details identified in the Construction Certificate, the New South Wales Department of Housing 'Construction Specification', 1989 Edition, as varied by Newcastle City Council's Schedule A and any other requirements/directions given by the Principal Certifying Authority/Certifying Authority during the course of works.

A.5.10 The Contractor will make provision for safe, continuous movement of traffic and pedestrians in public roads and erecting traffic warning signs conforming to the Roads and Traffic Authority's General Specifications (RTA Spec. Part G10 'Control of Traffic' and RTA Spec. 3355). Traffic control will only be carried out by flagmen with certification that they have been trained in accordance with Australian Standard 1742.3 – 1996.

A.5.11 Newcastle City Council will be indemnified in respect of any claims for damage to persons or property at all times while the work is in progress up until the work is completed and the Subdivision Plan registered. The developer is required to submit evidence of a suitable Comprehensive Insurance Policy in this regard.

A.5.12 Construction/demolition work noise that is audible at other premises will be restricted to the following times:

- Monday to Friday 7 am to 6 pm
- Saturday 8 am to 1 pm
- No construction/demolition work noise is permitted on Sundays or Public Holidays

A.5.13 The operating noise level of machinery, plant and equipment during the course of any construction works will comply with Chapter 171 of the NSW EPA's *Noise Control Manual*. Construction operations will be confined to between the hours of 7 am to 6pm Monday to Friday and 8 am to 1 pm Saturday. No construction work will take place on Sundays or Public Holidays. Mechanical rock breaking or blasting will be confined to between 9 am to 3.30 pm Monday to Friday excluding any Public Holiday.

- A.5.14 The Applicant will be responsible for meeting all expenses incurred in undertaking the development including expenses incurred in complying with conditions imposed under the terms of consent.
- A.5.15 Any imported fill on to the site will be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Imported fill will be certified to verify that the material is not contaminated based upon analysis or the known history of the site from which the material was obtained.
- A.5.16 Soil erosion and sedimentation will be controlled and contained to the standards of the Department of Natural Resources.

Control measures will be maintained at maximum operational capacity until the land is effectively rehabilitated and stabilised after construction.
- A.5.17 The developer upon completion of Stage 1 of the subdivision works will erect at each entrance/exit road to the subdivision approved signage of adequate size outlining the owner/builder's obligation to implement soil erosion and sedimentation control measures to protect the environment and to comply with the requirements of the *Protection of the Environmental Operations Act 1997*.
- A.5.18 There will be no interference with the amenity of the neighbourhood by reason of the emission of any 'offensive noise', vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
- A.5.19 All soil stockpiles, excavation areas and internal roads will be adequately managed at all times to ensure mitigation of potential dust problems.
- A.5.20 Noise reduction techniques, including but not limited to the use of barriers, enclosures and silencers, will be employed during the construction stage to ensure compliance with the relevant construction noise criteria at all receivers.

B. STAGE 1 COMMITMENTS

B.1 Commitments comprising dedication of land

- B.1.1 The proposed roads constructed under this stage will be dedicated to Council as public roads. Such dedication will be shown in the documentation accompanying the application for a Subdivision Certificate.

B.2 Commitments comprising details in documentation for a Construction Certificate Application/matters to be resolved prior to certification of subdivision plans

- B.2.1 Concrete footway paving, including kerb ramps and holding rails where necessary, will be constructed in accordance with the Council's requirements. Full details will be included in documentation for a Construction Certificate application.
- B.2.2 Flush concrete thresholds will be provided at the intersections of those local roads having a reserve width of 15.5 metres or less and the loop road will be designed to withstand the maximum ESAs adopted for the respective road pavement. The required thresholds will be constructed of full depth oxidised concrete, the colour of which will be determined in consultation with Council. Full details will be included in documentation for a Construction Certificate application.

C. STAGES 2 TO 11 COMMITMENTS

C.1 Commitments comprising dedication of land

- C.1.1 The proposed roads constructed under these stages will be dedicated to Council as public roads. Such dedication will be shown in the documentation accompanying the application for a Subdivision Certificate in respect of each stage.
- C.2 Commitments comprising details in documentation for a Construction Certificate application / matters to be resolved prior to certification of subdivision plans**
- C.2.1 Flush concrete thresholds will be provided at the intersections of those local roads having a reserve width of 15.5 metres or less and the loop road will be designed to withstand the maximum ESAs adopted for the respective road pavement. The required thresholds will be constructed of full depth oxidised concrete, the colour of which will be determined in consultation with Council. Full details will be included in documentation for a Construction Certificate application.
- C.2.2 Where roads within the proposed subdivision form intersections with Minmi Road, these intersections will be provided in accordance with the Traffic Report prepared by GHD, dated February 2006.