

| Gwandalan – Revised Statement of Commitments | |
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| Subject | Description |
| Concept Plan | |
| Commitments Restricting the Terms of Approval | <p>Future development will be carried out generally in accordance with the following plans and documentation submitted with the Preferred Project Report:</p> <ul style="list-style-type: none"> ▪ Conservation and Development Areas Plan (Figure A1.1.1) prepared by AJ+C; ▪ Illustrative Concept Plan (Figure A1.2.1) prepared by AJ+C and Aspect Studios; ▪ Land uses as proposed by the SSS listing and as indicatively shown on Figure A2.2.1 prepared by AJ+C and Aspect Studios; ▪ Conceptual road design and access arrangements as shown on drawing Figure A2.4.2 prepared by AJ+C and Aspect Studios ; ▪ Landscape, open space and heritage design concepts as shown in Figure A2.3.1 prepared by AJ+C and Aspect Studios; ▪ Urban Design Guidelines prepared by AJ+C and Aspect Studios ; ▪ Indicative development staging as indicated in Figure A3.1.1 prepared by AJ+C. |
| Commitments comprising payment of a monetary contribution, or dedication of land/carrying out of work for local Infrastructure | <p>The Owner will pay contributions in accordance with the Wyong Council Section 94 Plan. The total monetary amount of contribution will be made by either dedication of land free of costs, payment of contribution, or works in kind, or any combination of them. The total monetary amount of contribution payable is as follows:</p> <ul style="list-style-type: none"> ▪ Open Space and Recreational Facilities works in kind (\$5,551 per lot) directly associated with substantial land dedication in lieu ▪ Roads \$3,787.15 per lot ▪ Community facilities \$3,375.40 per lot ▪ Shire wide contribution per lot \$702 per lot ▪ Administration \$170 per lot <p>In lieu of monetary contribution for open space, local parks will be developed by the Owner in accordance with Concept Plan prepared by AJ+C and Aspect Studios, Illustrative Landscape Plan prepared by Aspect Studios and Urban Design Guidelines prepared by AJ+C and Aspect Studios and then dedicated to Wyong Council after the completion of all stages of the development. The Owner will manage these parks for a 5 year period or until all lots in each relevant stage are sold.</p> <p>In lieu of monetary contribution for open space, the Owner will provide a cycle way and pedestrian path within the foreshore area, subject to Minister for the Environment and Climate Change approval. The Owner will also undertake foreshore</p> |

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| | <p>embellishment works, subject to Minister for the Environment and Climate Change approval.</p> <p>The Owner will enter into a Deed of Agreement with Wyong Council.</p> |
| Commitments comprising payment of a monetary contribution, or dedication of land/carrying out of work for Regional Infrastructure | <p>Payment of a monetary contribution or works in kind for the provision of regional infrastructure as determined by state government will be in accordance with their 'Infrastructure Contributions Plan Circular PS08-017, 23 December 2008'. The Owner will enter into a Voluntary Planning Agreement with the Department of Planning for the following services:</p> <p>The intersection of Pacific Highway/Kanangra Drive intersection is to be upgraded by providing:</p> <ul style="list-style-type: none"> ○ One left turn slip lane (100m) turning north from Pacific Highway to Kanangra Drive ○ One left turn slip lane (50m) turning north from Kanangra Drive to the Pacific Highway ○ Additional right turn storage lane (100m) for southbound traffic from Kanangra Drive to Pacific Highway. <ul style="list-style-type: none"> ▪ Details will be submitted with the Construction Certificate application for Stage 1. The Owner will undertake the intersection work prior to release of subdivision certificate for Stage 1 Project Application. The estimated value of the intersection works equates to \$1,335 per lot. ▪ Emergency Services involving a contribution towards purchasing 3,000m² of land in Swansea-CHB for the placement of multi-use facility for the various emergency services. The Owner is to pay \$131 per lot. ▪ Education involving the purchase of 10,000m² of additional land adjacent or close to the existing Gwandalan Public School. The Owner is to pay \$363 per lot. |
| Utility Services/Infrastructure Upgrades | <p>The Concept Plan commits to the funding and delivery of all on-site infrastructure and services including the following specific infrastructure prior to or in conjunction with the first stage of development:</p> <ul style="list-style-type: none"> ▪ Electricity from existing network ▪ Connect to existing potable water main in Kanangra Drive ▪ Sewer pump station and rising mains to connect to Summerland Point STP ▪ Provide copper telephone service <p>The Concept Plan will ensure that sufficient land is provided within new road reserves and alternatively within easements in the offset lands and private land for utilities.</p> |

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| Conveyancing | <p>The dedication and transfer of the conservation lands to the State Government will be undertaken in accordance with the terms of the MOU and as illustrated in the “Plan of Proposed Subdivision of Lot 2 DP 1043151 and Portion 57 DP 7552266 Kanangra Road, Gwandalan”, Sheet 1 Rev C by Monteath & Powys Pty Ltd and as per letter dated 12 September by Monteath & Powys Pty Ltd.</p> <p>Easements are to be provided for utility services that encroach onto private land or the offset lands. Land to be dedicated to relevant authorities where required</p> <p>Housing lots will be Torrens title.</p> <p>Parks, reserves, roads and infrastructure created through each future Project Application subdivision will be developed and then dedicated to Wyong Council after the completion of all stages of the development.</p> |
| Environmentally Sustainable Development | <p>Residential development will meet or exceed the following targets:</p> <ul style="list-style-type: none"> ▪ The BASIX water consumption benchmark ▪ The BASIX energy consumption benchmark. |
| Procurement Policies | <p>Prior to any works on site commencing, the Owner will develop a procurement policy for the construction of the subdivision. The policy shall incorporate initiatives to encourage local employment opportunities for the duration of the project.</p> <p>Prior to any works on site commencing, the Owner is to:</p> <ul style="list-style-type: none"> ▪ Contribute to the Indigenous community for employment in land care, lake quality improvement etc. ▪ Establish procurement policies for the Indigenous community to remediate/ regenerate degraded areas within the conservation zones, in conjunction with NSW Government. ▪ Establish procurement policies for the Indigenous community during construction (e.g. fencing, landscaping) and ongoing maintenance (e.g. lawn mowing etc). ▪ This should be done in partnership between Indigenous community and Coal & Allied |
| Consultation/ Educational Programs | <p>The Owner is to develop a community consultation program for the duration of the construction process. This program is to be approved by Department of Planning prior to any works on site commencing and will include:</p> <ul style="list-style-type: none"> ▪ Regular newsletters/letterbox drops on timing and progress. ▪ Information on a publicly accessible website. |

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| | <ul style="list-style-type: none"> ▪ Community workshops. ▪ Appropriate signage on site. ▪ Contact numbers for complaints/issues etc. |
| Urban Design | The Concept Plan commits to a set of Development Design Guidelines. Future development is to comply with the Urban Design Guidelines |
| Housing Diversity | <p>The Concept Plan commits to providing a diversity of housing opportunities through:</p> <ul style="list-style-type: none"> ▪ The provision of a diversity of lots sizes. ▪ The provision of different housing typologies. |
| Aboriginal Heritage | <p>On Development Lands:</p> <p>Prior to any works on the development lands site commencing, the Owner is to prepare a Aboriginal Cultural Heritage Management Plan in accordance with the heritage mitigation measures outlined in the Heritage Impact Statement prepared by ERM including:</p> <ul style="list-style-type: none"> ▪ Procedures during site excavation works. ▪ Consultation with local Aboriginal community groups. ▪ Appropriate Aboriginal heritage interpretation measures. ▪ Defined archaeological investigation areas. ▪ Defined appropriate works within areas of high Aboriginal significance. <p>The Owner must:</p> <ul style="list-style-type: none"> ▪ Ensure stop work procedures are in place if any Aboriginal relics or artefacts are to be discovered during the course of work onsite. ▪ Ensure that the location of all infrastructure services avoids and protects areas of high Aboriginal significance. ▪ Ensure that on site information about the heritage requirements is in place for the construction phase for the construction team. <p>On Conservation Lands:</p> <p>DECC has advised that it will prepare an Aboriginal Cultural Heritage Management Plan for the land being transferred into their ownership.</p> |

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| Traffic and Transport | <p>The Owner is to:</p> <ul style="list-style-type: none"> ▪ Provide localised widening of Kanangra Drive at the new southern type C intersection arrangement on Kanangra Drive allowing right turn movements in and out of the southern access. Details will be submitted with the Construction Certificate application for Stage 2. ▪ Provide new bus stops on Kanangra Drive including provision of bus shelters, kerb and gutter (where required), footpath and signage. Details will be submitted with the Construction Certificate application for Stage 2. ▪ Upgrade the Kanangra Dr/Summerland Road intersection by providing a fourth leg to the round-a-bout for access into the development land (subject to resolution of threatened species). Details will be submitted with the Construction Certificate application for Stage 1. ▪ Implement local traffic management measures within the development and existing local roads where required. ▪ Provide DDA complying bus stops, including provision of bus shelters, kerb and gutter (where required), footpath and signage. Details will be submitted with the Construction Certificate application for each stage. ▪ Dedicate public roads to Wyong Council at no costs to Council <p>Areas to be dedicated as public roads will be constructed and embellished in accordance with the specifications of the Concept Plan.</p> |
| Summerland Road upgrade | <p>The Owner will provide a 13m pavement on Summerland Road from Kanangra Drive to the industrial subdivision road, which must be extended to the intersection of road 1 to cater for a bus route, on road cycleway and on street parking. Details will be submitted with the Construction Certificate application for Stage 1.</p> <p>The Owner will ensure that the Summerland Road pavement extends further to the east from Road 1 with a T- intersection formed with Road 3, with raised concrete medians.</p> <p>A cost sharing arrangement for this upgrade work is to be negotiated with the owner of the adjacent industrial estate</p> |
| Landscape Buffer to Kanangra Drive | <p>The Owner will provide informal access across the landscape buffer to Kanangra Drive with the relevant stage of subdivision. Consideration needs to be given to the safe and logical entry to the subdivisions circulation system on Summerland Road to reduce desired paths through the buffer. Details will be submitted with the Construction Certificate application for each stage.</p> |
| Water Quality & Quantity Management | <p>Prior to any works commencing on site, the Owner will prepare and implement the following stormwater management measures:</p> |

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| | <ul style="list-style-type: none"> ▪ Implement WSUD to manage stormwater in accordance with relevant council/DECC policies. ▪ Manage flood risk according to the NSW Floodplain Development Manual. ▪ Construct stormwater management controls to ensure that the percentage level of pollutant export loads (achieved through WSUD) is within the limits specified in relevant Council policies. ▪ Prepare a stormwater management strategy. ▪ Prepare a groundwater management strategy. ▪ Prepare a maintenance regime for the proposed groundwater management system, stormwater treatment systems. ▪ Housing lots need to provide appropriate on lot detention for stormwater <p>These strategies should adopt the mitigation measures recommended in the Marine Baseline Assessment prepared by GHD and dated October 2007 to reduce potential impacts on Crangan Bay.</p> <p>Details on the proposed bio-retention basins, bio swales and swales are to be submitted with the Construction Certificate application. Prior to any works commencing on site, the Owner will prepare a maintenance program for bio-swales, public stormwater system/basins. The Owner will manage these facilities for a 5 year period or until all lots are sold ..</p> |
| Bushfire Management | <p>A Bushfire Management Plan will be prepared for each stage and certified by a suitably qualified consultant as complying with the requirements of the Planning for Bushfire Protection Guidelines 2006 and any requirements of the NSW Rural Fire Service. The required plan will include, but not limited to, the following documentation:</p> <ul style="list-style-type: none"> ▪ Location of permanent Asset Protection Zones (APZ) and fire trails. ▪ Location of temporary APZ's and fire trails such that adequate protection is provided to the subdivision at all times during construction. ▪ APZ establishment methods. ▪ Location of habitat trees to be retained. ▪ Areas of vegetation to be removed, retained or replaced. ▪ Fuel Management measures to be in accordance with the Gwandalan Fuel Management Plan prepared by RPS Harpers Somers O'Sullivan Pty Ltd ▪ Access to services. ▪ Existing and proposed plant species. <p>Ongoing management of APZs should be per Council/ NPWS best practice dependant on land ownership.</p> |

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| | The Bushfire Management Plan will be submitted with documentation accompanying the Construction Certificate application in respect of each stage. |
| Landscaping | Landscaping will be consistent with the Gwandalan Illustrative Concept Plan prepared by AJ+C and Urban Design Guideline prepared by AJ+C and Aspect. |
| Contamination, Geotechnical and Mine Subsidence | <p>The Owner will undertake further assessment in regards to contamination and geotechnical investigations as recommended in the preliminary contamination, geotechnical and mine subsidence assessment reports prepared by Douglas Partners dated 26 September 2007.</p> <ul style="list-style-type: none"> ▪ The land is required to be remediated before the land is used for residential purposes. Prior to the issue of the construction certificate for Stage 1 Works the following must be undertaken. ▪ Development of a Remediation Action Plan. ▪ Appropriate remediation conducted to remove identified contaminants exceeding the DECC land use criteria. ▪ Deleterious material and possible associated surface impact removed. ▪ Validation testing and verification. ▪ Validation of asbestos contamination should be conducted by a qualified asbestos consultant. ▪ Waste classification to DECC guidelines of any materials destined for off-site disposal at a licensed landfill. |
| Tree Management | The Owner is required to protect trees of significance (habitat and old growth) during lot planning by marking and retention of significant trees wherever appropriate prior to progressive clearing of sites. |
| Roads, Engineering, Infrastructure and Services | <p>The Owner will provide for new roads and connections as per the plans included in the Concept Plan prepared by AJ+C.</p> <p>Road Infrastructure including road pavement, footpaths, cycleways, kerb and gutter (where required), drainage services, street trees, street lighting, signage and line markings will be provided for each stage of the subdivision, in accordance with Council's requirements, except as otherwise provided by the Concept Plan and Urban Design Guidelines.</p> <p>The Owner will provide reticulated potable water and sewage services to each residential lot in the subdivision.</p> <p>The Owner will provide underground power to each residential lot in accordance with Energy Australia requirements.</p> <p>The Owner will provide underground telecommunications infrastructure to each lot in the subdivision.</p> |

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| | <p>Areas to be dedicated as public roads will be constructed and embellished in accordance with the Urban Design Guidelines of the Concept Plan.</p> <p>All road reserves to be constructed will be dedicated to Wyong Council at no cost to Council.</p> |
| Subdivision Certificate. | <p>A Subdivision Certificate application will be submitted in respect of the subdivision It will be accompanied by the following documentation:</p> <ul style="list-style-type: none"> ▪ A survey plan prepared by a Registered Surveyor ▪ Instruments prepared under s88B of the Conveyancing Act as appropriate. ▪ A Section 507 Certificate from Wyong Council Water Authority. ▪ The appropriate notation will be placed on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act will set out the terms of the easements and/or rights of carriageway and/or restrictions as to user required for the subdivision |
| Environmental management | <p>The Owner is required to prepare a Statement of Interim Management Intent (SIMI) prior to commencement of works for the protection of transferred conservation lands. The SIMI will relate to the interface (maximum width of 100m) between the development areas and the conservation lands as well as the Foreshore area identified in the plan prepared by RPS Harpers Somers O’Sullivan Pty Ltd. The Owner’s involvement with the SIMI will be limited to:</p> <ul style="list-style-type: none"> ▪ Cost of preparing the SIMI; ▪ The actions arising from the SIMI for a specified period of 5 years commencing from the date that the SIMI takes effect. <p>The SIMI will include an orchid management plan for the land contained with the development area precincts only.</p> <p>The SIMI will include undertaking ongoing management of Asset Protection Zones (APZs) for a period the lesser of 5 years from commencement of works or until all lots are sold relative to each development area precinct. Management will be undertaken in accordance with Council / NPWS best practice respective to the land ownership plan prepared by Harper Somers attached herewith. The Owner is to prepare the APZ Management respective to the land ownership plan prepared by Harper Somers attached herewith. The Owner is to prepare the APZ Management Regime prior to commencement of works.</p> <p>The SIMI for the foreshore area is to be prepared in consultation with the NSWG/DECC and Traditional Owners.</p> |

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| Pet Management | The Owner is to develop strategies to address potential impacts associated with pet ownership prior to works commencing on site. This may include implementation of appropriate signage and educative programs (for example letter box drops and brochures to be included within the bill of sale for each property). Local Council strategies, policies and programs should be acknowledged in relation to this by current and future residents |
| Transfer of Land | On issue of the Subdivision Certificate and the Concept Plan approval the conservation land is to be transferred to NSWG. |