

## REVISED STATEMENT OF COMMITMENTS

DRAFT COMMITMENTS	
DEVELOPMENT IN ACCORDANCE WITH PLANS	
OBJECTIVE	ACTION
To ensure that the development is carried out in general accordance with the approval.	<ul style="list-style-type: none"> <li>The development shall be carried out in general accordance with the approved plans.</li> </ul>
TRAFFIC	
OBJECTIVE	ACTION
To ensure that safe and efficient vehicular and pedestrian access is provided to the site.	<ul style="list-style-type: none"> <li>Connect Stott Street and Walmsleys Road as part of Stage 1.</li> </ul>
FLORA AND FAUNA	
OBJECTIVE	ACTION
<p>Protect existing threatened species of flora and biodiversity.</p> <p>Rehabilitate 7(d) zoned land.</p>	<ul style="list-style-type: none"> <li>Final subdivision design shall demonstrate that the rare and/or threatened flora species (<i>A. whitei</i>, <i>E. globosa</i>, <i>L. pulchella</i> and <i>M. tetraphylla</i>) that occur in close proximity to the 2(c)/7(d) boundary are located and appropriately identified and/or signposted such that they remain unaffected by any activities (including provision of any asset protection zones for bushfire management purposes) associated with development of the site.</li> <li>A Vegetation Management Plan (VMP) (based on the "Proposed Vegetation Management Plan, Objectives and Guiding Principles, of Appendix III of the revised Ecological and Bushfire Planning Assessment, Final Report, June 2011 (at <b>Annexure M</b>) will be prepared for 7(d) zones within the study area and submitted to the Consent Authority for endorsement. The VMP will be developed in consultation with the NSW Office of Environment and Heritage and will be completed prior to the issue of a Subdivision Certificate. The VMP will detail not only measures that diminish the threat of invasive species, facilitate the removal of Camphor Laurel and other weed species, support restoration of the rainforest communities and protect threatened flora species and remnant vegetation on the site, but also the means by which this will be achieved.</li> <li>A Section 88B Restriction shall be created on Lots 38 to 40 and 54 to 61 requiring cats to be kept indoors at all times.</li> <li>The VMP shall incorporate scoped and appropriate performance requirements for the restoration of the notophyll rainforest across the 7(d)-zone (for example, in relation to the diversity and density of plantings, seedling survival and growth rates, cumulative crown coverages, and the abundance and diversity of weed species) referenced to appropriate benchmarks (such as comparable, undisturbed vegetation communities).</li> <li>Prior to the commencement of development works, all rare and/or threatened flora species that occur within 25m either side of the 2(c)D(d) zoning interface will be located and appropriately identified and/or signposted such that they remain unaffected by any activities (including provision of Asset Protection Zones (APZs) for bushfire purposes).</li> <li>Street landscaping of the proposed development precinct will make extensive use of suitable species of endemic rainforest vegetation, including the use of native groundcover/shrub layer.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Vegetation modification for the purposes of establishing APZs will be restricted to the removal of Camphor Laurel trees only.</li> <li>• All land zoned 7(d) will exclude any disturbance or landform changes.</li> <li>• The edge of the buffer zone to the EEC shall be identified by bollards or the like to reduce edge effects.</li> </ul>
Rehabilitate that part of Lot 61 zoned 7(d).	That part of proposed Lot 61 zoned 7(d) Environmental Protection (Scenic Escarpment) will be rehabilitated in accordance with a Vegetation Management Plan and a Title Restriction will be registered on the lot requiring the Vegetation Management Plan to be implemented.
CONSTRUCTION IMPACTS	
OBJECTIVE	ACTION
Protect existing utilities in and adjacent to the site.	<ul style="list-style-type: none"> <li>• Clearly mark the location of underground utilities with permanent markers.</li> <li>• Notify relevant utility authorities if any damage occurs.</li> <li>• Ensure that power, telephone, water and sewer reticulation is provided to each allotment in accordance with Tweed Shire Council's normal policies.</li> </ul>
Minimise nuisance to adjacent residents and adjoining properties.	<ul style="list-style-type: none"> <li>• Prepare a Construction Management Plan for approval by the Department of Planning prior to the issue of a construction certificate.</li> </ul>
Construction traffic and parking (employees)	<ul style="list-style-type: none"> <li>• Designate a suitable area for a construction compound (including worker's amenities and employee parking), on the construction certificate drawings.</li> </ul>
Working Hours	<ul style="list-style-type: none"> <li>• Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: - Monday to Saturday from 7.00am to 6.00pm. No work to be carried out on Sundays or Public Holidays. The proponent is responsible to instruct and control subcontractors regarding hours of work.</li> </ul>
Noise Mitigation	<ul style="list-style-type: none"> <li>• All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:  A. Short Term Period - 4 weeks.  LAeq noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.  B. Long term period -the duration.  LAeq noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.</li> </ul>
Access Control	<ul style="list-style-type: none"> <li>• It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with Workcover NSW requirements and Occupational Health and Safety Regulation 2001.</li> </ul>

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DRAFT COMMITMENTS	
Amenity Generally	<ul style="list-style-type: none"> <li>♦ All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -               <ul style="list-style-type: none"> <li>o Noise, water or air pollution</li> <li>o dust during filling operations and also from construction vehicles</li> <li>o material removed from the site by wind.</li> </ul> </li> </ul>
Vegetation Burning	<ul style="list-style-type: none"> <li>♦ The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate.</li> </ul>
Dust	<ul style="list-style-type: none"> <li>♦ Ensure that small areas only are disturbed at any one time and are promptly revegetated following completion of earthworks.</li> <li>♦ Ensure that appropriate dust abatement measures are implemented during the construction phase including appropriate use of water carts.</li> </ul>
Vibration	<ul style="list-style-type: none"> <li>♦ Ensure that vibratory compaction equipment is not used within 100m of existing dwelling houses.</li> </ul>
Water Quality Management	<ul style="list-style-type: none"> <li>♦ Prepare a Water Quality Management Plan prior to commencing work in accordance with Tweed Shire Council's Urban Stormwater Management Plan.</li> <li>♦ Ensure that the Water Quality Management Plan is complied with.</li> <li>♦ Stormwater management implementation with respect to staging of the subdivision, including verification of the site requirements for onsite detention/retention, shall be addressed in detail in the Construction Certificate Application.</li> <li>♦ Install appropriate erosion and sedimentation control devices (filter fences, hay bales, catch drains, etc.) prior to commencing construction and any other site works.</li> <li>♦ Discharged hardstand areas to lawns and gardens.</li> <li>♦ Runoff from road pavements will be collected and treated by proprietary gross pollutant traps such as Humeceptor.</li> </ul>
Damage to Existing Buildings During Construction	<ul style="list-style-type: none"> <li>♦ Prior to construction commencing ensure that an inspection of existing buildings adjacent to the construction site is completed and any existing faults are documented.</li> </ul>
Waste Materials	<ul style="list-style-type: none"> <li>♦ Ensure that waste materials suitable for recycling are stockpiled and suitably disposed of.</li> </ul>
Public Safety	<ul style="list-style-type: none"> <li>♦ Ensure that appropriate signage is installed at the entry points to the site.</li> <li>♦ Ensure that all employees are suitably inducted on OH &amp; S responsibilities.</li> <li>♦</li> </ul>
<b>GENERAL</b>	
OBJECTIVE	ACTION
Occupational Health and Safety	<ul style="list-style-type: none"> <li>♦ Ensure that all obligations under the Occupational Health and Safety Act are complied with.</li> </ul>

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DRAFT COMMITMENTS	
Design Guidelines	<ul style="list-style-type: none"> <li>The proponents will develop design guidelines in consultation with Tweed Shire Council and in accordance with the Future Residential Character and Built Form Report (BDA Architecture, 18/10/07).</li> <li>Built form cladding shall be lightweight and earthy tones and building designs shall be slope sensitive.</li> </ul>
Walmsleys Road	<ul style="list-style-type: none"> <li>The proponents will upgrade Walmsleys Road from the end of the existing bitumen to proposed Road No. 1 (Walmsleys Road/Stott Street connection) in accordance with Tweed Shire Council standards with an 11m pavement width.</li> <li>Details of the vertical alignment design shall accompany the Construction Certificate Application to ensure a smooth, safe transition and appropriate sight distance.</li> </ul>
Interallotment Drainage	<ul style="list-style-type: none"> <li>Interallotment drainage will be provided including easements in accordance with the requirements of Tweed Shire Council's Development Design Specification 5.</li> </ul>
Drainage through Lot 13 (proposed public reserve)	<ul style="list-style-type: none"> <li>A drainage reserve shall be created through Lot 13 to accommodate overland stormwater flows with details to accompany the Construction Certificate Application.</li> </ul>
Interallotment Batters	<ul style="list-style-type: none"> <li>Interallotment batters shall comply with Clause D6.06A(2) of the Development Design Specification D6 – Site Regrading.</li> </ul>
Batters for Battleaxe Lot Accesses	<ul style="list-style-type: none"> <li>Details of batters proposed for battleaxe lot accesses demonstrating that compliant driveways and adequate building envelopes are achievable shall accompany the Construction Certificate Application.</li> </ul>
Right of Carriageway – Off Street Parking	<ul style="list-style-type: none"> <li>For battleaxe lots a Section 88B Instrument shall create a restriction on use requiring at least 1 visitor car parking space to be provided on each lot.</li> </ul>
Road Gradients	<ul style="list-style-type: none"> <li>Road gradients are not to exceed 12% with details to be included in the Construction Certificate Application.</li> </ul>
Footpath Widths – Roads 2, 3 and 4	<ul style="list-style-type: none"> <li>Minimum footpath width of 4.25m is required with details to accompany the Construction Certificate Application.</li> </ul>
Pavement Widths – Road 5	<ul style="list-style-type: none"> <li>The pavement width is to be 5.5m or 6m with details to accompany the Construction Certificate Application.</li> <li>An adequate footpath width is required with details to accompany the Construction Certificate Application.</li> </ul>
Parks	<ul style="list-style-type: none"> <li>Proposed Lot 13 (park) will be embellished in accordance with Tweed Development Control Plan 2008, Section A5 – Subdivision Manual.</li> <li>Drainage and maintenance issues on the eastern boundary of the proposed park are to be addressed in the detailed design to accompany the Construction Certificate Application.</li> <li>Dam fill and earthworks stabilising requirements will be addressed in the detailed design to accompany the Construction Certificate Application.</li> <li>A Detailed Landscaping Plan for the proposed park shall accompany the Construction Certificate Application.</li> </ul>
Planting Details	<ul style="list-style-type: none"> <li>Planting details shall comply with Council's standard drawings, particularly SD701, Tree and Shrub Planting Detail.</li> </ul>

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CULTURAL HERITAGE	
OBJECTIVE	ACTION
Ensure That Cultural Heritage Material Is Appropriately Managed	<ul style="list-style-type: none"> <li>♦ If any cultural heritage material is discovered during construction the Office of Environment and Heritage must be notified and appropriate approvals/studies must be undertaken.</li> <li>♦ In the event that Aboriginal objects or cultural matters of significance are identified the proponent is to develop appropriate mitigation measures with the local Aboriginal community and the subdivision layout amended if necessary with the approval of the Department of Planning.</li> <li>♦ In the event that human remains are located during the project, a protocol to halt all works in the immediate area should be followed to prevent any further impacts to the find or finds. The local police and Office of Environment and Heritage are to be notified. If the remains are found to be of Aboriginal origin and the police consider the site is not an investigation site for criminal activities, Office of Environment and Heritage is to be contacted and notified of the situation. Works are not to resume in the designated area until approval in writing from the Police and Office of Environment and Heritage.</li> <li>♦ If Aboriginal cultural objects are uncovered due to the development activities, all works must halt in the immediate area to prevent any further impacts to the find or finds. A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the find(s). The site is to be registered in Office of Environment and Heritage's Aboriginal Heritage Information Management System (AHIMS) and the management outcome for the site included in the information provided to the AHIMS. AHIMS contact details: Phone: (02) 9585 6470, address: Level 6, 43 Bridge Street, Hurstville, NSW, 2220, email: ahims@environment.nsw.gov.au.</li> </ul>
GEOTECHNICAL STABILITY	
OBJECTIVE	ACTION
Ensure That Each Lot Is Suitable for the Erection of a Dwelling House	<p>To address geotechnical and earthworks issues, the following actions are proposed:</p> <ul style="list-style-type: none"> <li>♦ <u>Ground Improvement Techniques – eastern depressions</u></li> </ul> <p>The existing ground conditions at this area can be rectified as follows:</p> <ul style="list-style-type: none"> <li>- Excavate the colluvium and stockpile the material.</li> <li>- Remove cobbles, boulders and oversize rocks from the stockpile.</li> <li>- Backfill with sorted material (less the oversize rocks, cobbles and boulders).</li> </ul> <p>The backfill shall be placed in layers not exceeding 0.5m (uncompacted) and compacted to at least 100% standard dry density ratio.</p> <p>Each layer should be tested. Full-time supervision of the earthworks operation is strongly recommended. Along the top of the slope, the construction of the proposed road should involve removal of the colluvium. The new pavement should be established over the bedrock.</p>

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**DRAFT COMMITMENTS**

- **The Southern Slopes**

Buildings should be limited to lightweight pole homes. Foundations should be either steel posts or reinforced concrete piers. They should extend at least 1.0 metre past the toe of the slope, or be socketed into bedrock. The rock socket length shall not be less than 50% of the total post or pier length.

- **The Deep Gully Area**

The existing colluvium at the deep gully should be removed. The area may be backfilled with suitable material to the design formation level. The fill shall be placed at slopes of not steeper than 1 in 2.5, and compacted to standard dry ratio of at least 100%.

- **Other Areas**

The ridge crest and adjacent slopes are adequately stable for normal residential development. Independent soils tests and site classifications are recommended for the individual allotments.

- **General**

The factors of safety against failure of the existing slopes are generally in excess of 2.0 and hence, adequate for the proposed development to proceed. The following specific issues, however, need to be addressed to ensure adequate stability of the entire site.

- **Organic fill – Site A**

The organic fill identified at the areas of test pits 6, 6A & 7 should be removed and replaced with compacted clay fill. The imported fill shall be of low to medium plasticity clays/gravelly clays/sandy clay, and should be compacted to dry density ratio of not less than 100% (standard).

- **Stockpile – Site B**

The existing stockpile between the subject site and the aged care facility is not likely to be stable in the long-term. It is, however, understood that the entire stockpile shall be removed upon completion of the age care facilities. It is recommended that this office be contacted for the inspection of the excavation works to ensure that adequate stable batter slopes are maintained.

- **Ground Improvement Techniques: Eastern Depressions**

It is recommended that existing colluvium over the area identified as the "eastern depression" should be removed. The material may be excavated and discarded or stockpiled for re-use, following removal of the boulders, cobbles, and oversize materials. The backfill shall be placed in layers not exceeding 0.5m (uncompacted), and compacted to at least 100% standard dry density ratio. Bulk earthworks, including road works, are to be conducted under engineering supervision by this office.

Preparation of the proposed access road subgrade should include an excavation of, at least, 1.0m of the existing formation. The subgrade replacement shall comply with Tweed Shire Council specification. The material shall be placed and compacted to, at least, 100% standard dry density ratio.

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	<ul style="list-style-type: none"> <li>• <b>Ground Improvement Techniques: The Southern Slopes</b> Buildings over the designated Southern Slopes should be limited to lightweight pole homes. Foundations should be either steel posts or reinforced concrete piers. They should extend at least 1.0 metre past the toe of the slope and be socketed into bedrock. The rock socket length shall not be less than 1.0m.</li> <li>• <b>Ground Improvement Techniques: The Filled Gully</b> The existing sections of the site situated within the gully are considered unsuitable for residential building construction due to presence of fill. The proposed subdivision allotments 68 to 73 are mostly affected. The area can, however, be engineered to improve on the stability and, consequently, its suitability for residential development. As part of the re-engineering exercise, existing fill should be removed, and the area presented for re-assessment. It is unlikely that existing fill shall be suitably for re-use as structural fill. The excavated material may, however, be stockpiled for further assessment. Certification of the suitability of the re-engineered site for residential development by an experienced geotechnical engineer should be required, prior to the issue of a subdivision certificate.</li> <li>• <b>Ground Improvement Techniques: Ridge-tops &amp; Adjacent Slopes</b> The ridges and adjacent slopes are adequately stable for normal residential development. Footings for these buildings should be adequately socketed into bedrock. Each subdivision allotment should be independently engineered for the intended structure. Full geotechnical investigation should be insisted. Routine "soil test" for the classification of the site, as defined in AS2870-1996, may be inadequate.</li> <li>• An update of the Geotechnical report (or an alternative approach prior to Stage 3 subdivision certificate application) listed under Annex 12 of the Environmental Assessment, Part 1 is required as some of the recommendations in that report are obsolete. This is particularly important for progressing Stage 3 of the development (the community title area/proposed Lot 80) eg. Section 6.3 of that report requires further inspection of the site in this area upon completion of the aged-care facility.</li> </ul>
BUSHFIRE	
OBJECTIVE	ACTION
To comply with Planning for Bushfire Protection, 2006.	<ul style="list-style-type: none"> <li>• A minimum 25m combined asset protection zone and Ecological Management Area must be located wholly within the boundaries of the lots within the 2(c) zoned area.</li> <li>• A Section 88B Covenant shall be created requiring the asset protection zone area to be maintained as a mowed lawn with any plantings restricted to endemic lowland rainforest species such that no more than 20% of the asset protection zone area is covered by tree canopy or tree crowns to be separated by a minimum distance of 2m to 5m.</li> <li>• Where canopy thinning is required, tree removal is restricted to camphor laurels only.</li> <li>• Rear fencing of residential allotments abutting the 7(d) zoned areas must include a gate to facilitate access for fire fighting purposes.</li> </ul>

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	<ul style="list-style-type: none"> <li>At the commencement of subdivision works and in perpetuity the entire site shall be managed as an APZ as outlined within Appendices 2 &amp; 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones.</li> <li>The proposed 25 metre APZ and Ecological Management Area to the west of proposed Lot 54 <b>lie outside the boundary of the property</b> and is required to be protected and maintained in perpetuity. The APZ shall be managed as outlined within Appendices 2 &amp; 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones.</li> <li>An easement shall be created over the APZ west of Lot 54.</li> <li>The proposed reticulated water supply shall comply with the requirements for services as outlined within section 4.1.3 of Planning for <i>Bush Fire 2006</i>.</li> <li>The proposed public and private roads shall comply with the requirements of section 4.1.3 (1) of Planning for <i>Bush Fire Protection 2006</i>. A perimeter road <b>is not required</b> in this instance.</li> <li>Landscaping, restoration and regeneration works within the site is to comply with the principles of Appendix 5 of Planning for <i>Bush Fire Protection 2006</i>.</li> </ul>
TELECOMMUNICATIONS	
OBJECTIVE	ACTION
Provide appropriate telecommunications services.	<ul style="list-style-type: none"> <li>The applicant shall provide "fibre to the home" (FTTH) telecommunications infrastructure throughout the subdivision, in accordance with the requirements of Council and the relevant service providers."</li> </ul>
SERVICES	
OBJECTIVE	ACTION
To provide services in accordance with Tweed Shire Council requirements.	<ul style="list-style-type: none"> <li>Council requires that the PRV be located in Walmsleys Road near the boundary of Lot 1 DP167380 and Lot 1 DP1034976.</li> <li>Rainwater tanks will be provided for all future dwelling houses on each lot.</li> <li>The proponents shall provide a water supply system capable of serving all lots in the development by connection to the Tweed Shire Water Supply System including all works necessary in accordance with the provisions of Tweed Shire Council Development Design Specification D11.</li> <li>The subdivision will provide that the following minimum Sewer and Water requirements are mandatory for development on each lot created: Single Dwellings: Minimum 5000L rainwater tank roof area connected to it. Multi Dwellings &amp; other buildings: Rainwater tanks to be provided on a similar basis connecting 80% - 90% of the roof area</li> <li>These tanks shall be plumbed to provide water for external uses, toilet flushing and laundry cold water for washing machines.</li> </ul>

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**DRAFT COMMITMENTS**

- The subdivision shall be sewered by conventional gravity sewerage including the construction of a sewerage pump station to service the lots west of Stott Street. The gravity sewer shall provide a connection point for further development to the south. A review of the risk of overflow at SPS2050 Bolwarra PI shall be carried out and any works required to ensure a low risk will be provided.
- Sewerage shall be designed in accordance with the provisions of Tweed Shire Council Development Design Specification D12.
- Development contributions under S64 of the Local Government Act shall be made in accordance with Council requirements and at the prevailing rates.
- No physical works occur in any current or future (Draft as advertised) Environmental Protection zones. This includes clearing, roads, fences, provision of services, erosion and sediment control devices and access.
- The high voltage power lines shall be diverted underground as identified in the bushfire assessment prepared by Biolink.

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