

4.0 STATEMENT OF COMMITMENTS

Item No:	Item	Commitment	Responsibility	Timing
1	General	<p>The development will be carried out in accordance with the Environmental Assessment Report (EAR), prepared by Mersonn Pty Ltd, January 2008, supporting reports and the Preferred Project Report prepared by Mersonn Pty Ltd dated August 2009 and the amended drawings:</p> <p>Map 1 Overall Concept De Groot and Benson Aug 2009 Rev H</p> <p>Map 2 Staging Plan De Groot and Benson August 2009 Rev H</p> <p>Map 3 Layout Plan/Site Topography De Groot and Benson August 2009 Rev H</p> <p>Map 4S Sewer Concept De Groot and Benson August 2009 Rev H</p> <p>Map 4W Water Concept De Groot and Benson August 2009 Rev H</p>	Proponent	Ongoing

		<p>Map 6 Bushfire Control De Groot and Benson August 2009 Rev H</p> <p>Map 7 Stormwater Management De Groot and Benson August 2009 Rev H</p> <p>Map 8 Locality Plan De Groot and Benson August 2009 Rev H</p> <p>Map 9 Site Analysis Plan De Groot and Benson August 2009 Rev H</p> <p>Map 10 Cross Sections – Sheet 1 De Groot and Benson August 2009 Rev H</p> <p>Map 11 Road Long Sections – Sheet 1 De Groot and Benson August 2009 Rev H</p> <p>Map 12 Road Long Sections – Sheet 2 De Groot and Benson August 2009 Rev H</p> <p>Map 13 Cross Sections – Sheet 1 De Groot and Benson August 2009 Rev H</p> <p>Map 14 Cross Sections – Sheet 2 De Groot and Benson August 2009 Rev H</p> <p>Map 15 Cross Sections – Sheet 3 De Groot and Benson August 2009 Rev H</p> <p>Map 16 Cross Sections – Sheet 4 De Groot and</p>		
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		<p>Benson August 2009 Rev H</p> <p>Map 17 Cross Sections – Sheet 5 De Groot and Benson August 2009 Rev H</p> <p>Map 18 Cross Sections – Sheet 6 De Groot and Benson August 2009 Rev H</p> <p>Map 20 PNSW Constraints Plan De Groot and Benson August 2009 Rev H</p> <p>Map 21 Existing Zoning CHCC LEP Plan De Groot and Benson August 2009 Rev H</p> <p>Map 22 Draft LEP Amendment Plan De Groot and Benson August 2009 Rev H</p> <p>Map 23 Existing Site Survey Plan De Groot and Benson August 2009 Rev H</p> <p>Map 24 SEPP 26 Littoral Rain Forest Plan De Groot and Benson August 2009 Rev H</p> <p>Map 25 Climate Change Hazards Line Plan De Groot and Benson August 2009 Rev H</p> <p>Map 26 Flora-Fauna Management Controls Plan De Groot and Benson August 2009 Rev H</p> <p>Map 27 Hearnese Lake Road Plan De Groot and Benson August 2009 Rev H</p>		
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		<p>Map 28 Hearnes Lake Road Plan De Groot and Benson August 2009 Rev H</p> <p>Map 29 Hearnes Lake Road Plan De Groot and Benson August 2009 Rev H</p> <p>Map 30 Flood Evacuation Plan De Groot and Benson August 2009 Rev H</p> <p>99-07-2 Open Space Network Anne Harrison August 2009</p>		
2	Statutory Requirements	<p>All necessary licences, permits and approvals will be obtained once project approval is granted and maintained for the development, including:</p> <ul style="list-style-type: none"> • Construction Certificates for engineering works (including earthworks, soil and water management, road works, drainage, landscaping) for each stage of the subdivision; • Subdivision Certificates for each stage of the subdivision; • Section 138 Consent for road works (Roads Act 1993); 	Proponent	For the duration of the construction of the subdivision

		<ul style="list-style-type: none"> • Electricity Compliance certificate from Country Energy; • Telstra Compliance Certificate; and • Water Compliance Certificate from Coffs Harbour City Council. 		
3	Subdivision Design and Layout	The proponent will establish and construct all public domain facilities identified in the Landscape Concept Plan and Open Space Management Plan. Ultimately the Reserve lot 28, drainage reserve lot 10 and pocket park lot 3 will become public facilities once the development stages of the project are complete. All areas of open space and any recreation facilities will be maintained by the proponent for a period of two years after the dedication of the land to Council, after which time all maintenance will be Council's responsibility. The staged dedication of open space areas will take place upon registration of the subdivision plan for each stage of the estate.	Proponent	Maintenance responsibility will transfer to Council two years after dedication of open space areas to Council.
4	Construction	Prior to the commencement of works on the site, the proponent will submit to Council a Construction	Proponent	Prior to commencement

		<p>Environmental Management Plan (CEMP) for approval. The CEMP will address the following:</p> <ul style="list-style-type: none"> • a description of the work program outlining relevant timeframes for activities; • traffic management, including measures to be taken restricting access to the fire trail; • a description of the roles and responsibilities for all relevant employees involved in the construction phase; • the minimisation of rubbish and debris at the site from development activities during the construction phase; • erosion and sediment control during construction; • details of environmental management procedures, monitoring and reporting requirements during construction and operation phase; • details of statutory and other obligations that must be met during construction and operation, 		of works.
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		<p>including all approvals and agreements required from authorities and other stakeholders; and</p> <ul style="list-style-type: none"> • an education strategy of construction contractors. 		
5	Construction Hours	<p>Construction work will be confined to 7.00 am to 6.00 pm Monday to Fridays and 7.00 am to 4.00 pm on Saturdays, with no construction taking place on Sundays or public holidays, unless prior approval is obtained from the relevant authority.</p>	Proponent and contractors	For the duration of the construction of the subdivision
6	Flora and Fauna	<p>The following mitigation and management measures will be implemented to minimise impacts on flora, fauna and threatened species:</p> <ul style="list-style-type: none"> • clearing activities will be restricted to only those areas nominated on construction plans; • vehicle movements within uncleared areas will be restricted; • vegetation removed during construction is to be mulched for use on site; • weed control will be undertaken during construction as required to ensure there is no 	Proponent and contractors	For the duration of the construction of the subdivision

		<p>spread of weeds on or off site;</p> <ul style="list-style-type: none"> • mature remnant red gums will be retained where possible within the development area, particularly within the lot 3 pocket park and landscaping areas. These trees are to be clearly identified and flagged prior to commencement of works; • mature habitat trees are to be retained where possible; • any injured wildlife will be reported to WIRES or similar organisation immediately for rescue; • areas of known environmental weed species occurrence should be avoided during construction activities where possible; • Secure environmental protection zoning on part of the site to protect known occurrences of, and potential habitat for, threatened flora and fauna and EECs. • Consolidation and enhancement of native vegetation within the above environmental 		
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		<p>protection zone to ensure the persistence of a local, coastal vegetated corridor which links areas to the north and south of the site.</p> <ul style="list-style-type: none"> • Active, sympathetic management within environmental protection areas and suitable parts of the development footprint to assist in the regeneration of EECs and other native vegetation, and to maintain quality habitat for threatened flora. • Possible use of local threatened plant seed for use in a population enhancement program within suitably managed parts of environmental protection zone. • The maintenance of the Kangaroo Grass grassland habitat on designated parts of the site and in particular to the south-east of Lot 29. • Provide protection for the local sub-population of Austral Toadflax through' the implementation of the six actions proposed in Section 5.5 of the Environmental Assessment. . 		
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		<ul style="list-style-type: none"> • Provision of environmental buffers to protect areas of conservation value from edge effects. • Stormwater management designed to maintain groundwater conditions and local patterns of freshwater flow, and to ensure the quality of runoff water into high conservation value areas within and adjacent to the site. • Exploring opportunities for neighbouring properties to adopt similar sympathetic management of areas to enhance EEC regeneration and also to provide extended habitat for threatened flora. • A covenant to be registered on title of proposed lot 27 restricting building within the 50m buffer zone. • The education and induction of construction workers in relation to cultural heritage. • The transfer of Lot 28 into the Coffs Coast Regional Park administered by the Coffs Harbour Council. 		
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7	Proposed Reserve Areas	<p>The Landscape Concept Plan and Open Space Management Plan sets out a plan for all open space areas within the development, including proposed reserve Lot 28.</p> <ul style="list-style-type: none"> • A detailed Vegetation Management Plan for the whole of the site which should prescribe a specific maintenance, monitoring and costing for a five year period will be prepared in consultation with CHCC and interested parties and submitted with the civil works design for approval to CHCC. • Landscape works will be undertaken in stages to coincide with the staged release of residential lots, as shown on the staging plan. Stage 1 will involve the development and management of drainage reserve Lot 10 and the pocket park lot 3; Stage 4 will involve the development and management of lot 28 reserve natural areas. • These areas will undergo bush regeneration and weed suppression activities. 	Proponent and Contractors	<p>Prior to approval of civil works design.</p> <p>Prior to release of the Subdivision Certificates for the respective</p>
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		<ul style="list-style-type: none"> • Management actions will include the following: <ul style="list-style-type: none"> ○ installation of permanent fencing as shown on the Open Space Network Plan on northern, western and southern side; ○ installation of gates and bollards where restricted access is desired; ○ installation of temporary fencing to minimise disturbance to these areas during construction; ○ plant rehabilitation and weed suppression to begin as soon as fencing is in place; ○ removal of any unnecessary existing fencing that may hinder plant rehabilitation or future pedestrian movement through the site; 		stages of the subdivision.
8	Water cycle management impact on Hearn's Lake and the	<p>The following stormwater treatment measures will be implemented in accordance with the SWMP to ensure that pollutants leaving the site are minimised:</p> <ul style="list-style-type: none"> • runoff from all catchments will be directed 	Proponent	Prior to the release of the Subdivision Certificates for the respective

	<p>ephemeral water body.</p>	<p>through bioretention swales that have been designed to treat flows up to and including those with a three month Average Recurrence Interval (ARI). These swales will be designed to overflow along their full length; and</p> <ul style="list-style-type: none"> • flows up to and greater than three months ARI will overtop the bioretention swales and pass through vegetated filter zones prior to being released into natural drainage lines. • rainwater tanks shall be provided for all residential lots and have minimum capacity of 15kL with Lots 27, 32, 33, 40-43, being provided with rainwater tanks with a minimum capacity of 40kL as part of 88B instrument. • Rainwater tanks shall only capture roof water and a minimum of 50% of the roof area shall drain to the tank; • The proposed width of vegetated swales within the development shall be 3m; • A 1m wide vegetated filter strip shall be 	<p>Housing Developer</p>	<p>stages of the subdivision</p> <p>On construction of housing.</p>
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		<p>provided where vegetated swales are unable to be provided.</p> <ul style="list-style-type: none"> • The minimum surface area of the bioretention swales/basin shall be 340m²; • The minimum pond volume of 700m³ shall be provided in rainwater tanks 		
9	Erosion and Sediment Control	<p>The proponent implement the detailed erosion and sediment control plan (ESCP) prepared by de Groot and Benson dated August 2009. The ESCP addresses:</p> <ul style="list-style-type: none"> • site layout, including access, soil stockpile locations and building material stockpiles; • proposed disturbed and undisturbed areas throughout construction; • erosion and sediment control measures proposed, which may include clean water diversion, sediment fences, straw bales, sand bags, sediment traps, erosion mats and blankets, check dams, surface mulching, vegetation plantings, turf filter strips and 	Proponent	Prior to release of the Construction Certificates for the respective stages of the subdivision.

		<p>surface roughening; and</p> <ul style="list-style-type: none"> proposed maintenance and monitoring program to be implemented to ensure erosion and sediment controls are appropriately implemented for the duration required. 		
10	Bushfire Risk Management	<p>Asset Protection Zones as indicated in the EA report and on the relevant drawings will be instated. Aside from the instatement of asset protection zones, the following mitigation measures will be implemented:</p> <ul style="list-style-type: none"> That the minimum construction to the future dwellings shall be Level 1 in accordance with the specifications of Australian Standard A.S 3959 -1999 "Construction of Buildings in Bushfire Prone Areas. The subdivision will have a reticulated water supply connected to the Coffs Harbour Council mains. <ul style="list-style-type: none"> The dwellings will be connected to this reticulated water supply. The reticulated water supply in the 	Proponent and Housing Developer	Prior to release of the Subdivision Certificates for the respective stages of the subdivision

		<p>subdivision shall include the provision of a ring main with Hydrants installed in accordance with the specifications of Australian Standard A.S 2419.2 and have a minimum flow rate of 10 litres /second.</p> <ul style="list-style-type: none">○ Fire hydrants shall be accessible and located such that a tanker can park within a maximum distance of 20 metres from the hydrant and the habitable building must be located such that a fire at the furthest extremity can be attacked by fire-fighters using two 30 metre hose lines and a 10 metre water jet.○ A clear unobstructed path between the hydrant and the most distant point of the building cannot exceed 90 metres.○ Hydrant locations shall be delineated by blue markers placed on the hydrant side of the centreline of the road pavement.● The new lots which will have vehicular access directly off perimeter and internal roads which		
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		<p>will be constructed to the deemed-to-satisfy specifications for Public Roads as defined by Chapter 4 of Planning for Bushfire Protection 2006. The new roads shall have a minimum 8.0 metre seal width to Road 1 & 2 and 6.5 metre seal width to the eastern end of Road 2.</p> <ul style="list-style-type: none"> • The construction of a perimeter fire trail to the eastern aspect of Lots 29, 31, 38 – 42, extending north from the eastern end Road 2, turning to run along the northern boundary to link with the Road 1 between Lots 37 and 38. This trail forms the eastern edge of the Asset Protection Zone to these lots and provides access to the bushfire hazard interface. • A further fire trail is to be constructed extending to the south off the Eastern End of Road 2 and linking to the existing access track that extends along the southern boundary of the site, within the eastern unmade section of Hearnese Lake Road. This trail provides access to the bushfire hazard interface along the southern aspect of 		
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		<p>the subdivision.</p> <ul style="list-style-type: none">• The specifications for the proposed fire trails within a development are:<ul style="list-style-type: none">○ A minimum carriageway width of 4.0 metres with an additional 1.0 metre clearance provided to each side which is kept clear of grasses and shrubs;○ The carrying capacity of the fire trail surface shall be 15 tonnes for reticulated areas;○ Curves shall have an inner radius of 6 metres and an outer radius of 12 metres;○ Maximum grades shall be 15 degrees (10 degrees preferred);○ A minimum vertical distance of 4.0 metres shall be provided clear of overhanging branches, trees and shrubs.• Careful attention shall be given to species selection of landscaping within the lots, their location relative to their flammability, avoidance of continuity of vegetation [separation		
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		<p>horizontally and vertically] and ongoing maintenance to remove flammable fuels. Methods of bushfire hazard management include mowing of lawns and manual removal of combustible material, particularly within the landscaped areas.</p> <ul style="list-style-type: none"> • A Section 88B Instrument, under the provisions of the Conveyancing Act of 1919, shall be created on the title of the lots within the development to ensure ongoing management of the nominated Asset Protection Zone and the combustible fuels within the landscaped gardens. • At the issue of the subdivision certificate all residential lots shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones' 		
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		<ul style="list-style-type: none"> • Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'. • Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'. • Fire trails shall comply with section 4.1.3 (3) of 'Planning for Bush Fire Protection 2006'. 		
11	Traffic Management and Access	<p>The proponent will provide vehicle access to the site by way of a new intersection with Hearnese Lake Road. The intersection will be constructed to the satisfaction of CHCC.</p> <ul style="list-style-type: none"> • All internal roads will be designed and constructed in accordance with the 'Road Design and Access Control' measures outlined in the Coffs Harbour City Council Subdivision 	Proponent	Prior to release of the Subdivision Certificate for Stage 1 of the development.

		<p>Development Control Plan.</p> <ul style="list-style-type: none"> • Provide footpath on the eastern side of the Road One. • Access to the permissive tenancies will be maintained via the existing unmade section of Hearn's Lake Road and upgraded in accordance with the proposed fire trail requirements. • Access to the beach parking area will be maintained and sealed between the site entry and the parking area. 		
12	Infrastructure Provision	<p>The following infrastructure will be provided:</p> <ul style="list-style-type: none"> • underground electricity reticulation to each residential lot to the satisfaction of Country Energy; • reticulated potable water supply to each residential lot to Council's satisfaction; <ul style="list-style-type: none"> ○ provide forward funding for a 150mm water main link from the existing 225mm main located on the western side of the 	Proponent	Prior to release of the Subdivision Certificates for the respective stages of the subdivision.

		<p>Pacific Highway. It will be necessary to under bore the highway to prevent disruption to traffic on the highway. Costs to be offset against Section 94 and Section 27 Contributions as per DCP. Forward funding agreement for infrastructure works external to Site to be entered into with CHCC.</p> <ul style="list-style-type: none">○ The 150mm main is to be extended along the road reserve of Hearnese Lake Road to the subject site.○ All internal pipe work to be generally 100mm upvc.• a reticulated sewer system to each residential lot to Council's satisfaction;<ul style="list-style-type: none">○ The applicant proposes to forward fund that portion of the works connecting the site via Hearnese Lake Road and the Pacific Highway to the gravity sewer in Bosworth Road. Costs to be offset against Section 92 and Section 27 Contributions		
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		<p>as per DCP. Forward funding agreement for infrastructure works external to Site to be entered into with CHCC;</p> <ul style="list-style-type: none"> ○ provide a permanent pumping station on private land (13 Hearnese Lake road) as shown on Map 29. Costs to be offset against Section 94 and Section 27 Contributions as per DCP. Forward funding agreement for infrastructure works external to site to be entered into with CHCC. ○ Construct a 150mm gravity sewerage main from the site to the pumping station. The gravity main would be located in Hearnese Lake Road Reserve. Costs to connect sewer from the site to the pumping station to be provided by proponent. ○ Internal sewage would be in accord with CHCC Subdivision guidelines. <ul style="list-style-type: none"> • Satisfactory arrangements will be made with Telstra Australia for the provision of fibre optic 		
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		<p>cable to each residential lot.</p> <ul style="list-style-type: none"> ○ Amplification of the existing power and telecommunications services to provide for the proposed subdivision. • Upgrade existing table drain consistent with CHCC standards. 		
13	Aboriginal Cultural Heritage	<p>The following management strategies will be implemented to address conservation of Aboriginal heritage values identified on the site:</p> <ul style="list-style-type: none"> • Lot 28 shall be spared any development-related disturbance, east of proposed fire trail and protected and rehabilitated as proposed. • Lot 28 shall be fenced and signposted to minimise access and associated degradation by adjoining residents. • To preserve the Aboriginal cultural/social values of Hearn Lake, best-practice methods of containing sediment and other pollutant run-off shall be implemented during the construction stage and maintained over the long term. 	Proponent and Housing Developer	For the duration of the construction of the subdivision

		<ul style="list-style-type: none"> In the event that any Aboriginal cultural materials are discovered or exposed during any stage of the proposed development works, all works shall immediately cease in the vicinity of the find. The DECC Northern Aboriginal Heritage Unit (Coffs Harbour) and the Aboriginal Stakeholder groups shall then be contacted for management advice and clearance given by these organisations before work resumes in the subject locality. In the unlikely event that possible or identified Aboriginal skeletal remains are discovered or exposed, the NSW Police Department shall also be contacted in addition to the above organisations. 		
14	Geotechnical	If necessary, further detailed geotechnical investigations, including ASS assessment, will be carried out to confirm site stability and suitability prior to the commencement of construction of future stages of the development.	Proponent	Prior to release of the Construction Certificates for Stages of the

		<ul style="list-style-type: none"> provide a site specific geotechnical assessment for any proposed dwellings on lots 38 -41. 		development.
15	Section 94 Contributions	<p>Section 94 developer contributions will be paid to Council, at the rate current at the time of payment, towards the provision of the following public services or facilities less any amounts offset through forward funding of infrastructure beyond the site:</p> <p>Note 1 – The contributions are to be paid prior to release of any Subdivision Certificate unless other arrangements acceptable to Council are made.</p> <p>Note 2 – The rates will be adjusted in accordance with the procedures set out in Council’s Section 94 Contributions Plans. The applicant is advised to confirm the contribution rate applicable at the time of payment as rates are revised quarterly.</p> <p>Note 3 – If the development is to be staged, contributions are to be paid on a pro rata basis in respect of each stage.</p> <p>The Section 94 contribution is currently \$20,000 per lot for the 39 lots proposed in the subdivision this would be</p>	Proponent	Prior to the release of the Subdivision Certificate for the respective stages of the subdivision.

		\$780,000.		
16	Section 64 Contributions (Sewer and Water)	<p>Section 64 developer contributions will be paid to Council, at the rate current at the time of payment, towards the provision of the following public services or facilities less any amounts offset through forward funding of infrastructure beyond the site:</p> <p>Note 1 – The contributions are to be paid prior to release of any Subdivision Certificate unless other arrangements acceptable to Council are made.</p> <p>Note 2 – The rates will be adjusted in accordance with the procedures set out in Council’s Section 64 Contributions Plans. The applicant is advised to confirm the contribution rate applicable at the time of payment as rates are revised quarterly.</p> <p>Note 3 – If the development is to be staged, contributions are to be paid on a pro rata basis in respect of each stage.</p> <p>The Section 64 contribution is currently \$11,507 per lot</p>	Proponent	Prior to the release of the Subdivision Certificate for the respective stages of the subdivision.

		for the 39 lots proposed in the subdivision this would be \$448,773.		
17	Surf Rescue Equipment Developer Contributions Plan 2006	The contribution is currently \$86.83 per lot for the 39 lots proposed in the subdivision this would be \$3,386.37.	Proponent	Prior to the release of the Subdivision Certificate for the respective stages of the subdivision.
18	Earthworks	<p>The following measures will be employed to minimise potential environmental impacts associated with the proposed earthworks:</p> <ul style="list-style-type: none"> • proposed earthworks will be carried out strictly in accordance with the Bulk Earth Works Plan, the CEMP and the Stormwater Management Plan; • all management measures outlined in the ESCP will be implemented and maintained prior to and during construction activities; • earthworks will be carried out under the control 	Proponent	For the duration of the construction of the subdivision

		<p>of a suitably qualified geotechnical engineer and certified to Level 1 construction monitoring and testing as defined in “AS 3798-1996 Guidelines for Earthworks for Commercial and Residential Developments”;</p> <ul style="list-style-type: none">• all bulk earthworks will be undertaken during the first stage of the development, minimising the need for stockpiling on-site and the potential impact on future residents of the estate; and• all disturbed areas will be stabilised upon completion of earthworks.		
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