



## REVISED STATEMENT OF COMMITMENTS

MAJOR PROJECT APPLICATION NO. 08\_0194

**KINGS FOREST STAGE 1  
SUBDIVISION AND BULK EARTHWORKS**

**PREPARED FOR:**

PROJECT 28 PTY LTD

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**KINGS FOREST STAGE 1 – SUBDIVISION AND GOLF COURSE**

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## **1.0 INTRODUCTION**

In accordance with the Director-General's Environmental Assessment Requirements, the proponent is required to provide a Draft Statement of Commitments (SOC) in respect of proposed environmental management and mitigation measures for the project. The draft SOC was provided at Section 8.0 of the Environmental Assessment (JBA, Nov 2011).

The following are the revised commitments made by Project 28 Pty Ltd to manage and minimise potential impacts arising from the project. The revised commitments reflect the amendments to the project application and address the key issues raised in the submissions.

## **2.0 LAND DEDICATION**

Proposed Lot 3 (being the land shown on the plan of proposed areas to be dedicated at **Appendix 9**), will be dedicated by Project 28 Pty Ltd to the NSW National Parks & Wildlife Service (NPWS) in accordance with Concept Plan Condition C3. The timing and terms of dedication will be subject to a Voluntary Planning Agreement between Project 28 Pty Ltd and NPWS.

## **3.0 DEVELOPER CONTRIBUTIONS**

In accordance with the relevant Tweed Shire Council Section 94 Contribution Plans and Section 64 of the Local Government Act 1993, prior to the issue of any Subdivision Certificate for the residential lots in Precinct 5, Project 28 Pty Ltd will pay developer contributions in relation to the development of Precinct 5.

## **4.0 CONSTRUCTION MANAGEMENT**

Project 28 Pty Ltd will prepare detailed precinct specific construction management plans prior to the commencement of works within every precinct. The plans will build upon the strategies outlined in the Construction Management Plan appended to the Preferred Project Report and incorporate the measures, where relevant, outlined within the following management plans:

- ♦ Summary of Management Plan
- ♦ Flora and Fauna Monitoring Report
- ♦ Construction Management Plan (includes Earthworks Management Plan and Haulage Management Plan)
- ♦ Koala Plan of Management
- ♦ Bushfire Risk Assessment and Management Plan
- ♦ Groundwater Management Plan
- ♦ Integrated Water Cycle Management Plan
- ♦ Overall Water Management Plan
- ♦ Stormwater Management Plan
- ♦ Erosion and Sedimentation Control Plan
- ♦ Drainage Maintenance Management Plan
- ♦ Buffer Management Plan, Precincts 1 and 5
- ♦ Buffer Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14
- ♦ Feral Animal Management Plan

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- Weed Management Plan, Precincts 1 and 5
  - Weed Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14
  - Threatened Species Management Plan, Precincts 1 and 5
  - Threatened Species Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14
  - Vegetation Management Plan, Precincts 1 and 5
  - Vegetation Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14
  - Acid Sulphate Soils Management Plan

## **5.0 HAULAGE MANAGEMENT**

Haulage of fill material to the site will be undertaken generally in accordance with the Haulage Management Plan at **Appendix 10**. Prior to commencement of importation of fill, Project 28 Pty Ltd will prepare, and provide to Tweed Shire Council, a revised Haulage Management Plan detailing the actual source of fill, haulage routes, traffic routes and volumes, any traffic impacts and any requisite environmental management and mitigation measures.

## **6.0 URBAN DESIGN**

Project 28 Pty Ltd will arrange for a Section 88B Instrument will be attached to the land title of each proposed residential allotment within Precinct 5 requiring any future dwelling to be designed in accordance with the design guidelines.

## **7.0 AFFORDABLE HOUSING**

Subject to a successful application for NRAS funding, Project 28 will:

- Provide between 1% and 3% of housing (45-135 dwellings) within the Kings Forest site as affordable housing for rent for a minimum of 10 years;
- Provide dwellings at a minimum 20% discounted market rent to eligible low and moderate income households for the entire 10 year period, in keeping with NRAS requirements;
- Prioritise smaller dwellings as affordable rental dwellings to meet the highest need group; and
- Locate affordable housing in Precinct 7 or other Precincts in close proximity to the proposed Town Centres or other Precincts as deemed suitable to provide access to services and transport for high need users.

## **8.0 WATER SUPPLY**

Prior to the commencement of construction of the dwellings within Precinct 5, Project 28 Pty Ltd will undertake further analysis to confirm the timing and required size of a reservoir at the Duranbah Reservoir Complex to service the Kings Forest development.

## **9.0 TRAFFIC**

Project 28 Pty Ltd will ensure that appropriate pedestrian crossing facilities (such as pedestrian refuge islands) will be installed when the intersection of Kings Forest Parkway and Tweed Coast Road is constructed.

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## 10.0 NOISE

### Road Traffic Noise

Project 28 Pty Ltd will undertake, with Development Applications for the detailed design and construction of dwellings along the Kings Forest Parkway, an assessment to determine the extent of acoustic building shell treatments necessary to achieve the required internal noise criteria for habitable spaces.

### Construction Noise

In order to manage construction noise, Project 28 Pty Ltd will implement the following measures:

- ♦ Restrict construction and bulk earthworks works as follows:
  - Monday - Friday: 7am - 6pm;
  - Saturday: 8am - 1pm.
- ♦ Prepare and implement a Noise Management Plan which will include the following measures:
  - contacting occupants of the existing dwellings on the western side of Tweed Coast Road, at the earliest possible time before site work begins and explain the nature of the construction stages and the duration of noisier activities;
  - ensuring all equipment is in good working order and that mobile plant commence work as far from the dwellings as possible in the mornings;
  - locating fixed plant as far from neighbouring property boundaries as possible; and
  - Locating fixed plant behind buildings or materials stockpiles to take advantage of acoustical screening from physical barriers.

## 11.0 BUSHFIRE

Prior to release of a Subdivision Certificate for each stage of Precinct 5, or an Occupation Certificate for Precinct 1, Project 28 Pty Ltd will implement the strategies outlined in the Bushfire Management Plan, prepared by Bushfiresafe (Aust) Pty Ltd, dated August 2012 in order to meet the requirements of the Planning for Bushfire Protection and section 100B of the *Rural Fires Act 1997*.

## 12.0 GEOTECHNICAL CONDITIONS

Project 28 Pty Ltd will implement the following to manage the geotechnical conditions of the site:

- ♦ prior to and during the construction works, the recommendations set out in the Geotechnical Assessment, prepared by Cardno Bowler; and
- ♦ prior to, and during, the pre-bulk earthworks, bulk earthworks, landform stabilisation and civil construction phases, the strategies within the Kings Forest Stage 1 Management Plan, Section 4.

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### **13.0 GROUNDWATER**

During all construction phases and operational phases of the development, the proponent will implement the Groundwater Management Plan (August 2012), prepared by Gilbert + Sutherland, in conjunction with the Summary Management Plan (August 2012), also prepared by Gilbert + Sutherland.

### **14.0 FLOODING**

In conjunction with Tweed Shire Council, the State Emergency Service and the Police, Project 28 Pty Ltd will prepare, and seek to incorporate, an evacuation response plan for Kings Forest into the Local Disaster Plan. The Evacuation Response Plan will include alert level one, two, three and activation sequencing and will be finalised prior to the issue of a Subdivision Certificate for the final residential lot in Precinct 5.

### **15.0 WATER CYCLE MANAGEMENT**

To ensure that stormwater run-off is adequately treated, Project 28 Pty Ltd will implement the provisions within the Overall Water Management Plan (August 2012), prepared by Gilbert + Sutherland during all the phases of construction and once the development is operational, as follows:

- For Precinct 5, a system of shallow stormwater management areas (bioinfiltration and vegetated swales) in conjunction with the Stormwater Management Plan, prepared by Gilbert + Sutherland.
- For Precinct 1, treatment before release by means of a treatment train involving installation of:
  - a gross pollutant trap to capture sediment and hydrocarbons from the paved areas; and
  - a rainwater storage tank and use of the stored water for toilet flushing and external uses.

### **16.0 EROSION AND SEDIMENT CONTROL**

The proponent will implement the measures and actions in the Erosion and Sediment Control Plan (August 2012), prepared by Gilbert + Sutherland, during the bulk earthworks, civil construction and operational phases of development.

### **17.0 PROHIBITION OF CATS (CONCEPT PLAN CONDITION C9)**

Project 28 Pty Ltd will arrange for a Section 88B or Section 88E Instrument under the *NSW Conveyancing Act 1919* will be attached to the land title of each residential allotment within Precinct 5 prohibiting the keeping of cats.

### **18.0 BIODIVERSITY MANAGEMENT PLANS**

To protect and manage the biodiversity of the site, Project 28 Pty Ltd will implement (in accordance with the timeframes identified in the plans or any subsequent Planning Agreement) the following Management Plans, which are incorporated into the Kings Forest Stage 1 Management Plan:

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- ♦ Section 4 - Summary of Management Plan – Gilbert and Sutherland,
  - ♦ Section 5 - Flora and Fauna Monitoring Report – James Warren & Associates,
  - ♦ Section 7 - Koala Plan of Management – James Warren & Associates,
  - ♦ Section 15 - Buffer Management Plan, Precincts 1 and 5 – James Warren & Associates,
  - ♦ Section 16 - Buffer Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14 – James Warren & Associates,
  - ♦ Section 17 - Feral Animal Management Plan – James Warren & Associates,
  - ♦ Section 18 - Weed Management Plan, Precincts 1 and 5 – James Warren & Associates,
  - ♦ Section 19 & 20 - Weed Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14 – James Warren & Associates,
  - ♦ Section 21 - Threatened Species Management Plan, Precincts 1 and 5 – James Warren & Associates,
  - ♦ Section 22 & 23 - Threatened Species Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14 – James Warren & Associates,
  - ♦ Section 24 - Vegetation Management Plan, Precincts 1 and 5 – James Warren & Associates,
  - ♦ Section 25 & 26 - Vegetation Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14 – James Warren & Associates.

### **19.0 SAFE FISH PASSAGE**

Project 28 Pty Ltd will arrange for road crossings within SEPP 14 wetlands will be designed to maximise fish passage, in accordance with DPI Guidelines (Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings). Further detail will be provided with the CC application.

### **20.0 WASTE MANAGEMENT**

Project 28 Pty Ltd will arrange for a Waste Management Plan (WMP) to be prepared and submitted for approval prior to the issue of a Construction Certificate.

### **21.0 STORMWATER KINGS FOREST PARKWAY**

Access shall be provided to the proposed shallow stormwater management areas (bioinfiltration and vegetated swales) along the median on Kings Forest Parkway for maintenance by Council during the initial earthworks stages. Details will accompany the Construction Certificate application.

### **22.0 SURFACE WATER**

The proponent will implement the provisions of the Overall Water Management Plan (which includes a Surface Water Management Plan), at **Appendix 10**.

### **23.0 GROUNDWATER PENETRATION**

The applicant will obtain the relevant licences under the Water Act 1912 and the Water Management Act 2000 (whichever is relevant at the time application is made) for all activities that intercept or extract groundwater and surface water prior to commencement of these activities.

### **24.0 IMPLEMENTATION OF MANAGEMENT PLAN**

Project 28 Pty Ltd undertakes to comply with the provisions of the Management Plan at **Appendix 10** of the PPR.

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## **25.0 ABORIGINAL CULTURAL HERITAGE**

Project 28 Pty Ltd will comply with the Cultural Heritage Management Plan approved as part of the Concept Plan (Condition C19)

## **26.0 ESSENTIAL ENERGY – EASEMENTS**

Project 28 Pty Ltd will create appropriate easements over existing power lines subject to negotiation with Essential Energy and NPWS. The easements shall be created on the Plan of Subdivision creating the allotment on which the power lines are located.

## **27.0 MAINTENANCE OF LANDSCAPING**

Project 28 Pty Ltd will maintain lawns and landscaping within widened road reserves within Kings Forest Parkway and Precinct 5 for a period of five years, or until Precinct 5 is 80% built out, whichever occurs first.

## **28.0 ACOUSTIC FENCE**

Project 28 Pty Ltd commits to construct the acoustic fence on Old Bogangar Road, being public land and maintaining it until such time as that road is widened to four lanes, or traffic studies indicate that the volume of traffic on that road requires such widening, or for a period of four years after completion of construction of the fence, whichever is the earlier.