

9 DRAFT STATEMENT OF COMMITMENTS

In accordance with the Director-General's EA requirements, the following draft statement of commitment identifies the proposed mitigation measures, environmental management of residual impacts and monitoring for the proposed development. The draft Statement of Commitments identifies those measures that will need to be implemented during the pre-construction and construction phases as well as once the development is complete in order to minimise impacts on the environment. The applicant undertakes to carry out the development in accordance with the commitments given below.

GENERAL

- A. The proponent will undertake the development in accordance with the Environmental Assessment report prepared by MG Planning Pty Ltd dated September 2006 including:
- Subdivision Plan PA02 (dated 14 December 2006), Landscape Plan PA03 (dated 14 December 2006), Landscape Sections PA04 dated 19 September 2006, prepared by Hassell, provided under separate cover;
 - The Civil Drawings prepared by Patterson Britton and Partners in the Coastal Grove Infrastructure Strategy (September 2006);
 - This Statement of Commitments.

STATUTORY REQUIREMENTS

- B. In relation to any obligations under other Acts, the proponent will ensure that all licences, permits and approvals are obtained and kept current, as required throughout the construction and post construction phases of the development.

OPEN SPACE

- C. The open space is to be dedicated to Council as a public reserve and embellished in accordance with the Landscape Plan PA03 dated 14 December 2006 and Landscape Sections PA04 prepared by Hassell and provided under separate cover. The embellishment and dedication of the open space is to be undertaken in negotiation with Council.
- D. The pedestrian and cycleway crossing of the drainage corridor within the open space area will be designed in accordance the Department of Natural Resources Guidelines for the Design and Construction of Paths and Cycleways Along Watercourses and Riparian Areas. This work will be done prior to the issue of the subdivision certificate.
- E. The proponent will work with Council on the detailed design of the children's playground, including the provision of a shade structure and the provision of appropriate play equipment.
- F. Where possible, landscaping in the open space and road reserves will be from locally sourced plant species.

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ROADS

- G. The proposed roads will be constructed and dedicated to Council for the full frontage of all proposed lots. Roads will be designed in accordance with the drawings prepared by Patterson Britton and Partners in the Coastal Grove Infrastructure Strategy (September 2006).
- H. In terms of Road 1 design, the proponent will at the construction certificate stage explore with Council the potential to lower the pavement levels to minimise the height of suspended driveway structures for lots 37, 39-44 and part of Lot 12.

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FLORA AND FAUNA

- I. The threatened grass species, hairy-joint grass (*Arthraxon hispidus*) is to be retained and protected with an ecological buffer within the riparian corridor, as detailed in the Flora and Fauna Assessment.
- J. The current mowing regime will be maintained for two years in the 5 m grass strip located between hairy-joint grass and the littoral rainforest plantings and all mulch will be removed from the vicinity of hairy joint grass. The two-year period will commence from the date of issue of the Construction Certificate.
- K. Monitoring and on going survey work of the hairy-joint grass population will be undertaken for a period of two years at three monthly intervals (six visits in total) and an annual report will be provided to Council regarding the monitoring program. Additional survey work will commence prior to the issue of the construction certificate and monitoring will commence from the date of issue of the Construction Certificate.
- K. Within the ecological polygon identified on the landscape drawing (PA03), there will be no change in hydrology, no reshaping of the creek banks, no landscape plantings or any other in activity undertaken which may impact on hairy-joint grass.
- L. In accordance with the Landscape Plan PA03 dated 14 December 2006, a vegetation buffer will be provided between the Coastal Fontainea known from Amber Reserve and the closest proposed house on Lot 1.
- M. A five-year program of bushland maintenance and weed control using trained personnel will be implemented to manage invasions of weed species. This program will involve weed control along the creek lines, the littoral rainforest remnants within Lot 45 and where reafforestation has been completed. The program of bushland maintenance/weed control will commence from the date of issue of the Construction Certificate.
- N. Additional littoral rainforest species will be planted adjacent to the existing rainforest species in the riparian corridor, and weed control will be undertaken for a period of five years by experienced bushland regenerators to further protect this rainforest remnants.
- O. All new planting will be undertaken prior to the issue of the subdivision certificate.

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VISUAL IMPACT AND HOUSING

- P. The proponent will work with Ballina Council in finalising the draft Development Control Plan for the subdivision to ensure that appropriate controls are put in place to guide the design and construction of future housing. Matters to address include:

- Vertical building lines for Lots 33 – 44 and 12-13.
- Enhanced sustainability measures including shading and screen devices, and landscaping to the western facades to reduce any potential for glare.
- Terminology for duplex lots.

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- Q. Duplex developments will be confined to lots 33, 32, 11 and 12.

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FIRE MANAGEMENT

- R. An Asset Protection Zone will be provided to the south of the site, south of the proposed roadway within the open space area. Landscaping in the Asset Protection Zone will be in accordance with the *Planning for Bushfire Protection* (Rural Fire Service, 2001) or as otherwise specified by the NSW Rural Fire Service.

- S. An asset protection zone will provided to Lot 11 in accordance with Planning for Bushfire Protection 2001. A bushfire management plan will be developed for the remaining vegetation and approved prior to the issue of a Construction Certificate for subdivision works.

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CULTURAL HERITAGE

- T. If any artefacts or sites relating to Aboriginal heritage are uncovered during site works, all work will cease and the NSW Department of Environment and Conservation will be contacted to advise on what action must occur prior to recommencing works.

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- U. All site contractors will be briefed prior to the commencement of future works about the statutory responsibilities and obligations concerning Aboriginal cultural heritage according to the National Parks and Wildlife Act 1974.

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SERVICES

- V. Water reticulation will be provided to each lot in accordance with the recommendations of the *Infrastructure Strategy* prepared by Patterson Britton and Partners (September 2006) and prior to the issue of the construction certificate..

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- W. Recycled water reticulation will be installed within the development in preparation for future provision of a recycled water trunk main to the area.

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- X. Satisfactory arrangements will be made with Telstra Australia prior to the release of the construction certificate, for the provision of standard communications services into and throughout the development. This

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service will be reticulated throughout the development in shared trenching accommodating pits and 100 mm conduits.

Y. Satisfactory arrangements will be made with Country Energy prior to the release of the construction certificate, for the supply of electricity to each lot.

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Z. Upgrade to the sewer and reticulation to each of the lots will be undertaken in accordance with the Coastal Grove Infrastructure Strategy prepared by Patterson Britton and Partners (September 2006).

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AA. Prior to construction of dwellings on Lots 11 – 13 and 36 – 44, a hydraulic design of internal service lines and plumbing will be undertaken by a suitably qualified person.

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BB. Prior to construction of dwellings on Lots 11 – 13 and 36 – 44, 25mm water service and 20mm water meter will be provided in lieu of the standard 20mm water meter usually provided for residential lots.

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CC. In terms of the sewer reticulation layout, further details of the diversion flows from SP3106 to SP3108 and the upgrading of SP3107 and the possible upgrading of the rising main from the pump station will be submitted prior to issue of the construction certificate.

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DD. Detailed sewer and water reticulation plans will need to be submitted with an application for Construction Certificate and development contributions paid in accordance with Councils Development Servicing Plan.

WATER CYCLE MANAGEMENT

EE. Water quality control measures will be designed and installed in accordance with the recommendations of the Coastal Grove Water Cycle Management Report prepared by Patterson Britton and Partners (September 2006). The water cycle management strategy will be undertaken prior to the release of the subdivision certificate. Specific measures to be undertaken include, but are not limited to, the following:

- construction of raingardens/bioretention basins
- installation of three gross pollutant traps, as shown in Figure 1 of the Water Cycle Management Report
- provision of bioretention/vegetated swales alongside roadways in accordance with Figure 1 of the Water Cycle Management Report
- installation of infiltration trenches along the rear of lots located on the eastern side of the site as shown in Figure 1 of the Water Cycle Management Report
- review of potential scour of the swale to Road 2 to be addressed at detailed design phase with appropriate inclusion of rock scour protection where velocities are excessive, prior to the issue of the Construction Certificate.

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FF. All construction works will be undertaken in accordance with the Erosion and Sediment Control Plan prepared by Patterson Britton and Partners dated September 2006 and provided within the Construction, Environmental and Waste Management Plan at Appendix 9 and the following matters:

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- No burning of cleared vegetation or other waste will occur on site during the construction phase. All waste will be removed to a licensed waste management facility.
- A secure, covered and bunded area will be provided on site for the storage of chemicals including flocculant.
- To manage noise during construction, mufflers on all equipment will be used and details of the builder / civil contractor will be erected on site during construction works.
- Further details regarding sedimentation retention ponds, sediment and erosion controls for the steeper areas and the weir / spillway will be submitted to Council prior to the issue of the construction certificate.

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GG. Monitoring of runoff water quality will be undertaken during construction and for two years after construction of the subdivision to verify that the veracity of the proposed controls. A quarterly report will be provided to Council detailing the results of the monitoring during construction. If monitoring results exceed the relevant criteria on two consecutive occasions, the monitoring period will be extended to five years.

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GEOTECHNICAL

HH. All civil works required for the subdivision will be carried out in accordance with the recommendations of the Slope Stability Assessment prepared by Coffey (August 2006).

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CONTAMINATION

II. The proponent will remediate the site in accordance with the recommendations contained within the Environmental Site Assessment (Coffey, September 2006). Excavated contaminated material will be removed off site to landfill or placed under a road or other such element of the development to ensure the inaccessibility of the contaminated soil.

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SECTION 94

JJ. The proponent will pay Section 94 developer contributions in accordance with Council's Section 94 plans, subject to negotiation with Council regarding material public benefit associated with the provision and embellishment of additional open space.

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KK. The development will be serviced by sewer through upgrade of the SP3107 pumping station and rising main to the Lennox STW. These upgrades are in accordance with Council's DSP to upgrade infrastructure for the surrounding area and as such the proponent will seek credits for the provision of the upgrade.

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CONSTRUCTION

- LL. The subdivision will be constructed in accordance with the Construction Environmental and Waste Management Plan prepared by Patterson Britton and Partners (September 2006).

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