

APPENDIX H – REVISED DRAFT STATEMENT OF COMMITMENTS

Table 2. Bayside Brunswick Concept Plan Application 05_0091 – Revised Draft Statement of Commitments

Objective	Ref. No.	Commitment	Timing	Reference/s
Subdivision Design				
Subdivision in accordance with Concept Plan	S1	Development to be generally in accordance with the concept application plans and the recommendations of the appendices of the Environmental Assessment and Preferred Project Report, including but not limited to: a) development footprint not extending outside the 2(a) Residential zone pursuant to Byron LEP 1988; b) the number of lots; c) the mixture of lot sizes; d) conservation of ecologically sensitive areas; e) location and dimensions of Park 1 and Park 2; f) retention of trees on public land including road reserves and drainage reserves; g) location of stormwater treatment and disposal areas; and h) extent of earthworks	Details to be submitted in CC application.	
Environmental management systems				
Management of potential environmental impacts	E1	A Construction Environmental Management Plan (CEMP) will be prepared prior to construction. This plan will outline the operating conditions and temporary environmental measures to mitigate the impact(s) of subdivision construction activities on sensitive local environments.	To be lodged with and approved by BSC prior to release of CC.	Guideline for the Preparation of Environmental Management Plans (Department of Infrastructure, Planning and Natural Resources 2004)
	E2	The CEMP will be implemented in accordance with this Statement of Commitments, and will include the conditions of any licences issued by government authorities.	Condition of approval & during construction.	
Communication and consultation				
Consultation with the community and	C1	Adjoining owners will be advised that subdivision works will be commenced within a timeframe envisaged in the CEMP (e.g. 2	Condition of approval.	Guidelines for Major Project

Objective	Ref. No.	Commitment	Timing	Reference/s
stakeholders		weeks prior to work commencing). Any issues raised will be addressed, where reasonable and feasible. Note: adjoining property owners will be notified by the determining authority/ies in accordance with Council policy for notification and advertising of applications.		Community Consultation (Department of Planning 2007)
Noise and vibration				
Manage noise and vibration generated during construction, and minimise the effects of construction noise and vibration on surrounding sensitive receptors and the community.	N1	Noise, vibration and dust management measures will be implemented to reduce the impact of construction activities on sensitive receptors and the community.	Condition of approval.	
	N2	Construction hours will be restricted to: • 7 am to 6 pm Monday to Friday; • 8 am to 2 pm Saturday; and • no work on Sundays or public holidays..	Condition of approval. During construction.	AS 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites BS 5228 Noise and Vibration Control on Construction and Open Sites
	N3	Works outside standard construction hours will be limited to: • works that do not cause construction noise to be audible, or construction vibration to be felt, at any sensitive receptors; • the delivery of material required outside of construction hours by the Police or other authorities for safety reasons; • emergency work to avoid the loss of lives, property and/or to prevent environmental harm; and • any other work as agreed after appropriate consultation with affected residences, the Department of Planning & Infrastructure, the Office of Environment and Heritage and Byron Shire Council.	Condition of approval. During construction.	AS 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites BS 5228 Noise and Vibration Control on Construction and Open Sites
	N5	Public address systems (including amplified telephone ringers) used at any construction site will not be used outside normal	Condition of approval.	AS 2436-1981 Guide to Noise

Objective	Ref. No.	Commitment	Timing	Reference/s
		construction hours except in accordance with commitment N3 above.		Control on Construction, Maintenance and Demolition Sites
Identify if construction noise goals set prior to construction are being met	N6	A reasonable and feasible approach will be adopted to limit operational noise impacts in accordance with relevant guidelines and conditions of approval. The approach to management of operational noise impacts will be finalised during detailed design. Noise management will be undertaken in consultation with relevant property owners and will be flexible enough to take account of the findings of commitment N7 below.	Condition of approval.	Industrial Noise Policy (EPA 2000)
Manage noise and vibration generated during operation to minimise effects on surrounding sensitive receptors and the community	N7	Operational noise mitigation measures will be further reviewed and optimised during detailed design and installed at sensitive receptors identified and set out in Technical Paper No. 3 – Noise and Vibration Assessment.	Design Operation.	Industrial Noise Policy (EPA 2000)
Air quality				
Manage air quality impacts during construction to minimise the effects on surrounding sensitive receptors and the community	A1	Through the CEMP, air quality management measures as identified in the Environmental Assessment will be implemented to reduce the air quality impact of construction activities, including dust and particulate matter, on sensitive receptors and the local community.	Pre-construction. Construction.	
	A7	A reasonable and feasible approach will be adopted to limit air quality impacts in accordance with relevant guidelines and conditions of approval.	During construction.	
Greenhouse gas generation				
Minimise energy consumption and greenhouse gas	GG1	Through the CEMP, an efficient construction program will be implemented to minimise greenhouse gas emissions, which will involve:	Pre-construction. During construction.	

Objective	Ref. No.	Commitment	Timing	Reference/s
generation		- adequately maintaining and efficiently operating all equipment (i.e. not unnecessarily revving or idling engines); - staging works to minimise double-handling; and - giving preference to locally-sourced machinery and materials during procurement.		
Aboriginal heritage				
Post Clearing Survey –	AH1	In the area identified in Figure A of Appendix F of the EA, where activities are to be undertaken that have the potential to disturb or damage Aboriginal cultural heritage, a member of the Arakwal Aboriginal Corporation be engaged to conduct a survey of that area after initial clearing works have been undertaken('Post Clearing Survey'). Should any items of cultural heritage significance be identified, the processes outlined in Recommendations 2, 3 and 4 should be followed. If human remains are located at any stage during construction works within the Subject Lands, all works must halt in the immediate area to prevent any further impacts to the remains. The Site should be cordoned off and the remains themselves should be left untouched. The nearest police station, the Tweed Byron LALC, and the DECCW Regional Office, Coffs Harbour are to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police do not wish to investigate the Site for criminal activities, the Aboriginal community and the DECCW should be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.	Condition of approval to be implemented prior to and during construction.	Appendix F of EA
Aboriginal Human Remains	AH2	If human remains are located at any stage during construction works within the Subject Lands, all works must halt in the immediate area to prevent any further impacts to the remains. The Site should be cordoned off and the remains themselves should be left untouched. The nearest police station, the Tweed Byron LALC, and the DECCW Regional Office, Coffs Harbour are to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police do not wish to investigate the Site for criminal activities, the Aboriginal community and the DECCW should be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.	Condition of approval. During construction.	Appendix F of EA
Aboriginal Cultural Material	AH3	If it is suspected that Aboriginal material has been uncovered as a result of development activities, including Post Clearing Surveys, within the Subject Lands: - work in the surrounding area is to stop immediately; - a temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;	Condition of approval. During construction	Appendix F of EA

Objective	Ref. No.	Commitment	Timing	Reference/s
		- an appropriately qualified archaeological consultant is to be engaged to identify the material; and - if the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the DECCW guidelines: "Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010)" (2005).		
Notifying the DECCW	AH4	If Aboriginal cultural material is uncovered as a result of development activities within the Subject Lands, they are to be registered as Sites in the Aboriginal Heritage Information Management System (AHIMS) managed by the DECCW. Any management outcomes for the site will be included in the information provided to the AHIMS.	Condition of approval. During construction.	Appendix F of EA
Conservation Principles	AH5	It is recommended that all effort must be taken to avoid any impacts on Aboriginal Cultural Heritage values at all stages during the development works. If impacts are unavoidable, mitigation measures should be negotiated between the Proponent and the Aboriginal Community.	Condition of approval. During construction.	Appendix F of EA
Visual impact				
Minimise visual impact	V1	A detailed landscape plan shall be submitted and approved prior to the CC being issued. The plan shall be consistent with Appendix I of the Environmental Assessment.	Prior to CC being issued. To be implemented during construction.	Appendix I
Biodiversity				
Minimise impact on biodiversity during construction	B1	The width of the road corridors will be minimised where roads traverse significant habitats and vegetation.	Details to be submitted with the CC.	
Vegetation Management Plan	B2	A Vegetation Management Plan will be prepared. The plan will outline both mitigation and compensatory strategies. The plan will set out a strategy for the rehabilitation and management of the Environmental Protection Zones (i.e. the areas covering approximately 11.5 ha between the development footprint and Simpson's creek) and outline a compensatory replacement planting strategy to offset the loss of the ecologically significant	Condition of approval. VMP to be submitted prior to CC being issued.	Appendix B of the PPR

Objective	Ref. No.	Commitment	Timing	Reference/s
		trees. All Koala and Glossy black cockatoo food trees impacted by the development will be replaced at a ratio of 2:1.		
Wallum Froglet habitat	B3	An area of constructed Wallum froglet habitat is proposed within Park 1 and 2. Those areas will be incorporated into the Stormwater management plan and will result in the net gain of almost 3000m ² of Wallum froglet habitat. A Wallum Froglet Compensatory Management Plan will guide the construction and management of this habitat.	Details to be submitted and approved prior to release of CC. Condition of approval.	Appendix B of the PPR
Wallum Froglet Compensatory Habitat Plan	B4	A Wallum Froglet Compensatory Habitat Plan will be prepared to the satisfaction of the Office of Environment and Heritage prior to approval of the first stage construction certificate. The WFCHP is to be generally in accordance with information prepared by James Warren and Associates and submitted for approval prior to the release of the CC.	Prior to approval of CC.	Appendix B of the PPR
Clearing protocol	B4	Clearing protocols will be implemented for removal of habitat trees, including survey and marking of all significant trees to be retained within the subdivision. Marks on trees are to be maintained until the subdivision is constructed in accordance with approvals and are to be removed after the subdivision is constructed.	Condition of approval. Prior to construction. During construction. Prior to release of Subdivision Certificate .	
Environmental lifestyle lots	B5	Proposed dwellings on Lot 146 & 156 will be located on the front cleared portion of the lot. Environmental values of the lots will be maintained in perpetuity with a Section 88B instrument. The S88B instrument will nominate building envelopes and will prohibit clearing of protected trees on the lots	Condition of approval. Subdivision Certificate.	Appendix B of the PPR
Traffic and access				
Maintain traffic movements and minimise traffic delays on the road network	T1	Through the CEMP, traffic management measures will be implemented to reduce the impact of construction activities on the road network.	Condition of approval. Pre-construction. Construction.	

Objective	Ref. No.	Commitment	Timing	Reference/s
during construction of the project				
Traffic Management Plan	T3	A Traffic Management Plan will be developed prior to construction, detailing traffic control and mitigation measures in different traffic environments as circumstances arise	Condition of approval.	
Existing infrastructure	T5	Any existing road shoulders disturbed during construction will be restored to their pre-existing standard to cater for any cyclist and pedestrian movements.	Condition of approval. During construction.	
Intersection of Bayside Way and Old Pacific Highway	T5	The following improvements shall be undertaken to improve the safety of the intersection of Bayside Way and the Old Pacific Highway: • Formalisation of the left side on exit standup kerbing; • Construction of raised concrete median 1.2m wide (necessitating the requirement for street lighting – see below); • Installation of ‘Stop’ Control (converted from ‘Give Way’); and • Installation of street lighting at intersection.		Appendix M
Bus services	T6	The proponent shall inform local bus operators that the development is occurring and will request that bus services, with the exception of the Ballina – Tweed Heads service, be extended into the Bayside Estate	Condition of approval. Prior to construction.	
Manage access to private properties during construction of the project	T7	Access arrangements to private properties during construction of the subdivision will be determined in consultation with the land owners.	Condition of approval. Pre-construction.	
Temporary disruption of access	T8	Where access to private properties is temporarily affected by construction of the project, alternative access arrangements will be agreed in consultation with the land owner.	Condition of approval. Pre-construction.	
Soil and water quality				
Minimise impacts on water quality during construction of the project	SW1	Through the CEMP, soil and water quality management measures as identified in the Environmental Assessment will be implemented to reduce the impact of construction activities on soil and water quality. These measures will include:	Application for CC approval. Pre-construction. Construction.	Soils and Construction: Managing Urban Stormwater

Objective	Ref. No.	Commitment	Timing	Reference/s
		- installing erosion and sediment controls; - diverting surface run-off away from disturbed areas; - planning construction works to minimise the length of time soils are disturbed; - planning construction activities at watercourses to coincide with dry periods where possible; - clearly identifying areas required to be disturbed to ensure such disturbance is minimised and as little vegetation is cleared as possible; - restricting construction traffic to defined roads; and - ensuring appropriate storage and bunding of chemicals and fuels.		(Landcom 2004) Appendix L
Minimise impacts on water quality during operation of the project	SW2	A stormwater management system will be developed, in accordance with best practice stormwater management, during detailed design of the subdivision. The stormwater management system will: - give particular attention to the provision of safe overland flow paths; - ensure that stormwater flows are not increased, modified or diverted as a result of the development; and - implement measures to prevent erosion/scour of any diversion channel or stormwater discharge point.	Condition of approval. Design Pre-construction.	Appendix L of EA
Minimise likelihood of alteration of water quality conditions post-construction	SW3	Consider importation of soil to reduce the likelihood of residents applying chemicals to increase soil pH.	Details of proposed soil source and type (if any) to be included in application for CC. Condition of approval.	
Information for future residents	SW4	Prepare resident information package regarding prevailing soil conditions the most ecologically sustainable methods for gardening in these conditions and any other sensitivities of the local ecosystem, including information on local endangered species such as the Wallum Froglet.	Condition of approval.	

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Water cycle management	SW5	As part of the CEMP, prepare and implement an Erosion and Sediment Control plan as outlined in Section 6 of Appendix L of EA during construction.	Condition of approval.	Appendix L of EA
Bio-retention basins	SW6	Construct bio retention basins in the centre of the development and in other locations as indicated in plans in Appendix L of EA	Details to be submitted with CC subdivision. Condition of approval.	Appendix L of EA
Acid Sulfate Soils	SW7	In the event that excavations are required outside of the proposed development footprint or below 2.0m below surface level within the building envelope additional testing should be considered by the consent authority	Information of excavation levels to be submitted with CC application.	
Hazard and risk				
Minimise hazards and risks associated with the project	HR1	Construction and operational hazards and risks associated with noise, air quality, biodiversity, and soil and water quality will be managed through implementation of the commitments identified above.	Condition of approval. During construction.	Technical Paper No. 6 – Preliminary Hazard Analysis Australian Standard AS 2885:2007 Pipelines: Gas and Liquid Petroleum, Design and Construction
	HR2	Any hazardous substances delivered to/removed from the construction site will be transported and handled according to appropriate regulations.	Condition of approval. During construction .	
Ensure bushfire risk is managed in accordance with appropriate standards	HR3	- Dwelling construction standards and location and asset protection zones shall be in accordance with the Bushfire Hazard Assessment (Appendix F of PPR); and - Where proposed lots are affected by an APZ and specific construction standards are required and/or dwelling location is restricted, this us to be advised on the S88B instrument.	Condition of approval. With subdivision certificate.	Appendix F of the PPR
Geotechnical				
	G1	All site preparation and earthworks should be carried out in accordance with AS3798-2007 'Guidelines on earthworks for	Condition of approval.	Appendix B Geotechnical

Objective	Ref. No.	Commitment	Timing	Reference/s
		residential and commercial developments' and also include the recommended measures detailed in section 6.1.3 of Appendix B Geotechnical Engineering Assessment: • Clearing, stripping and grubbing should be carried out in areas subject to any earthworks. All soils containing grass and root material should be stripped from the construction areas, removed from the site or stockpiled for later use as landscaping material. These materials are not considered suitable for structural fill. Stripping depths will be shallow on this site (0.1 – 0.2m) with possible isolated areas containing deeper organic material; • Any depressions formed by the removal of vegetation, underground elements etc should have all disturbed weakened soil cleaned out, backfilled and compacted with suitable fill in a controlled manner; • Where fill is to be placed, the exposed ground surface should be inspected from a representative from Border-Tech, to detect any soft or loose material. Loose soils, particularly loose clayey sands, should be compacted to the appropriate requirements or removed and replaced; • Fill material is to be placed in layers not exceeding 200mm loose thickness. Where backfill for service trenches is carried out the above layer thickness applies however if vibrating plates are used the layers are to be placed in 100mm loose thickness; • Material is to be compacted to achieve the following standard Maximum Dry Density (MDD) ratios are determined by AS 1289 Test 2.2.1: - o Residential Allotments 95% - o Base Material for roadways 98% - o Sub-base material for roadways 95% These compaction standards are to be confirmed with the local council requirements and earthworks standards at the time of earthworks; and.	During construction	Engineering Assessment

Objective	Ref. No.	Commitment	Timing	Reference/s
		Compaction is to be tested as per AS3798 – 2007, Section 8.0 and carried out by a NATA accredited soils laboratory.		
	G2	The placement of all structural fill material is to be inspected, tested and certified as per Level 1 requirements during the earthworks operations to ensure that all fill is placed in a controlled manner in accordance with AS 3798 – 2007.	Condition of approval. During construction.	
	G3	All permanent batter slopes are to be protected from erosion and scour by use of appropriate drainage and vegetation	Condition of approval. During construction.	Section 6.1.4 of Appendix B of EA
Waste and resource management				
Minimise waste generated, and maximise reuse and recycling during the project	W1	Through the CEMP, construction waste management measures will be implemented to ensure waste generation is minimised, reuse and recycling is maximised, and management of waste (including classification and disposal) is undertaken in accordance with the relevant provisions of legislative guidelines.	Condition of approval. Prior to construction. During construction.	<i>Protection of the Environment Operations Act 1997</i> <i>Waste Avoidance and Resource Recovery Act 2001</i> <i>Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (DEC 1999c)</i>
Public safety				
Ensure public safety	PS1	All construction compounds and work areas will be fenced to limit public access during construction.	Condition of approval. During construction.	
	PS2	Appropriate signage will be installed at construction compounds and work areas to maximise public safety.	Condition of approval. During construction.	

Objective	Ref. No.	Commitment	Timing	Reference/s
Socio-economic				
Maximise economic benefits to the local community	S1	Where practicable, local contractors and suppliers will be used for the provision of labour and services during construction of the project.	During construction.	
Services and utilities				
Minimise disruption to utilities and services	SU1	Utilities and services potentially affected by construction of the project will be identified and requirements for their diversion, protection and/or support identified. Alterations to services will be determined in negotiation with the service providers. Disruptions to services resulting from the project will be minimised.	Prior to construction.	
Ancillary facilities				
Minimise environmental and social impacts from construction of temporary ancillary facilities	AF1	Sites chosen for temporary ancillary facilities will satisfy the environmental criteria provided in the Environmental Assessment, unless otherwise approved through the CEMP.	Prior to construction.	
Public land				
Provide public amenities	P1	Public recreation facilities and/or amenities shall be provided in the expanded road reserve area southeast of the subdivision, in the vicinity of the proposed car parking area and Simpsons Creek foreshore. Consideration shall be given to the locating the facilities to benefit from natural shade from existing trees, and the necessity for construction of shade structures. The type, number and cost of facilities shall be negotiated with Council and included in a draft Voluntary Planning Agreement. Subject to environmental assessment, access (including disabled access) shall be constructed in accordance with relevant standards. Dedicate Public Reserve P1 as part of final stage of subdivision	Draft VPA prior to project application being determined. Condition of approval.	
Dedication of land for conservation	P3	The proponent shall dedicate the eastern reserve (P1) to Byron Shire Council in accordance with the Voluntary Planning Agreement. Dedication of the reserve will be as part of the	The draft VPA is to be submitted to the Department prior to	

Objective	Ref. No.	Commitment	Timing	Reference/s
		final stage of subdivision.	issuance of approval.	
Footpaths	P3	Footpaths shall be provided as shown on Figure 2 of the Environmental Assessment, as amended by Appendix E of the PPR.	Details in CC. During construction.	Figure 2 of EA and Appendix E of the PPR
S94 Contributions	P4	Contribute funds in accordance with Council Section 94 plan. Note: arrangements may need to be made with Council to ensure the existing centrally located park west of the 3(a) zone is embellished with appropriate facilities	Condition of approval.	
Section 94 contributions – credits	P5	Section 94 contributions will be credited for developer construction of public facilities e.g. facilities constructed near the access to Simpsons Creek.	Details of works and costs to be resolved with VPA.	
Existing access track to be rehabilitated	P6	The VMP is to include restoration plan of existing track.	Approval of VMP.	
Continuation of road reserve link through the site	P7	Subdivision design is to ensure that unfettered access is provided from a road/s within the development to the existing road reserve that extends south from the site, near Simpsons Creek. Note: liaison with the Land and Property Management Authority is required to ensure satisfactory arrangements.	Details resolved prior to release of CC for Stage 1 and any changes to the location or status of the road reserve to be implemented prior to subdivision certificate being released for the final stage.	