

RESPONSE TO ATTACHMENT 4 ITEM 11

STATEMENT OF COMMITMENTS AND GENERALLY IN ACCORDANCE WITH THAT OF NOVEMBER 6, 2006

A - GENERAL

1. STATEMENT OF COMMITMENTS

- 1.1 Except as provided elsewhere in this Statement of Commitments, these commitments in this Section A are made in respect of the carrying out of the project on the site.

2. PLANNING AGREEMENT

- 2.1 Prior to the issue of a Construction Certificate, the proponent is to enter into a Voluntary Planning Agreement (VPA) pursuant to the provisions of s 93 of the *Environmental Planning and Assessment Act*. The VPA is to be in accordance with or as otherwise agreed by the parties named in the Draft Voluntary Planning Agreement marked Annexure A.

3. AGREEMENT WITH DEPARTMENT OF LANDS

Prior to the issue of any Occupation Certificate for the Stage 1 residential apartments, the Proponent shall enter into an agreement, with the Department of Lands and the Clarence Coast Reserve Trust that commits the Proponent to undertake the following:

- (1) Works and funding of \$20,000 toward the preparation of a new Plan of Management for the Yamba Bay Foreshore Reserve, which will include:
- (a) A capital works and management program; and,
 - (b) A schedule of priorities setting out the timing of completion of the different capital works.
- (2) Fund capital works and management program for the adjoining Yamba Bay Foreshore Reserve and Crown land where it fronts the subject site.

The agreement is to be agreed to by the following parties:

- a) Site owners
- b) Proponent
- c) Department of Lands
- d) Clarence Coast Reserve Trust

4. DEWATERING MANAGEMENT

4.1 Prior to the issue of a Construction Certificate for any particular stage of the project, a Groundwater Monitoring Plan (GMP) is to be developed for that particular stage. The GMP is to provide for:

4.1.1 monitoring of onsite piezometers;

4.1.2 installation and monitoring of additional off-site piezometers to track dewatering impacts;

4.1.3 monitoring of dewatering volumes and water quality;

4.1.4 establishment and regular monitoring of settlement at the site boundary and at various points beyond the site boundary to provide a basis of assessment impacts and allow timely intervention if needed;

4.1.5 control of groundwater dewatering operation; and

4.1.6 during the construction works and dewatering a regular review of monitoring results of on-site and off-site piezometers will be carried out by an appropriately qualified groundwater expert.

4.2 Prior to the issue of a Construction Certificate for each stage, water samples are to be taken from the site for laboratory testing and analysis as provided by the GMP.

4.3 The design of dewatering systems is to be integrated with basement / foundation excavation and construction is to be undertaken in accordance with the detailed design. The design of the groundwater dewatering system is to include design of mitigation measures to achieve the desired reduced off site effects.

4.4 Monitoring of groundwater levels is to be undertaken in the on-site piezometers up to the commencement of construction works. Collected data logs are to be analysed to assess the response of the groundwater table over time, particularly with respect to rainfall.

5. WOODHEAD DOLPHIN BLUE DEVELOPMENT DESIGN STATEMENT

5.1 Access to all dwellings throughout the site is to be equitable and comply with accessibility standards.

5.2 Prior to the issue of a Construction Certificate in respect of any stage of the project, a Construction Waste Management Plan (CWMP) is to be prepared in respect of that stage, in accordance with Section 3 of the Waste Management Plan prepared by ACOR

Consultants, dated 13 February 2007. The CWMP is to be regularly monitored and reviewed.

- 5.3 Prior to the issue of an Occupation Certificate for any stage of the project an Operational Waste Management Plan (OWMP) is to be prepared in respect of that stage, in accordance with the relevant provisions of the Waste Management Plan prepared by ACOR Consultants Pty Ltd, dated 13 February 2007. The OWMP is to be regularly monitored and reviewed.
- 5.4 Security and related operational issues in respect of Common Lot 1 are to be addressed in the Community Management Plan.

6. TRANSPORT AND TRAFFIC

General

- 6.1 The proposed road layout and access arrangements will generally be in accordance with Drawing Reference SK(T)017, Revision A, prepared by ARUP

Pedestrians and Cyclists

- 6.2 Prior to the issue of an Occupation Certificate for any part of the project within Development Lot 4, the existing petrol station is to be removed.
- 6.3 Relevant provisions of the Green Travel Plan (Appendix B of the Transport and Traffic Impact Study (Appendix 14 of the EA) are to be implemented.
- 6.4 A shared bike and pedestrian path along the Yamba Road frontage together with pram/ wheelchair crossing points at the two Dolphin Blue points of access is to be provided.
- 6.5 All-weather paving and bike parking is to be provided at the eastbound and westbound bus stops on the Yamba Road frontage.

7. BUSHFIRE HAZARD

- 7.1 An Asset Protection Zone (APZ) is to be defined in accordance with the Bushfire Protection Guidelines for residential development (15 metres - Table A2.5 of *Planning for Bushfire Protection, 2006*) along the north west boundary of the site;
- 7.2 The Inner Protection Area (IPA) and the Outer Protection Area (OPA) must be maintained as set out in Planning for Bushfire Protection (Planning NSW 2001);
- 7.3 All buildings adjacent to the bushfire hazard are to be constructed to AS3959 Levels 2 or 3 construction standards, whichever may be required;

- 7.4 Emergency egress from buildings adjacent to the APZ is to be available to the south/east of the buildings away from the bushfire hazard;
- 7.5 An Assets Protection Zone Maintenance Plan is to be prepared;
- 7.6 The property access roads to the buildings and the site are to comply with design criteria contained in Planning for Bushfire Protection (Planning NSW 2001);
- 7.7 The roads into the resort are to be sealed and constructed as sealed roads consistent with the requirements set out in Planning for Bushfire Protection (Planning NSW 2001);
- 7.8 An Emergency Response Plan is to be prepared for the safe evacuation and assembly of residents, visitors and staff in a bushfire emergency;
- 7.9 The management and maintenance of the drainage line is to contribute to the APZ.

8. FLORA

- 8.1 Local native trees, in particular, the larger *Melaleuca Quinquenervia*, are to be retained outside the defined building footprints.
- 8.2 Subject to the availability of and approval by the Department of Environment and Conservation, local native species grown from seeds selected from nearby Littoral rainforest dams and of *Banksia Integrifolia* are to be utilised and be part of future landscaping of any stage of the site.
- 8.3 Buffer planting outside the APZ will use native species especially ground layer species with widely spaced tree species.

9. FAUNA

- 9.1 Two of the three hollow bearing trees are located within the site boundary with one located outside the site boundary in the foreshore.
- 9.2 If these hollow-bearing trees are to be significantly pruned, nest boxes, suitable for use by microchiropteran bats, are to be placed in those mature trees.
- 9.3 Silt fences and sediment ponds are to be appropriately placed around construction areas on the subject site to prevent runoff of sediment and nutrient-enriched waters into the Clarence Estuary Nature Reserve and the Clarence Estuary. The effectiveness of these traps should be closely monitored during construction, ensuring that treated site run-off satisfies guidelines of the Department of Environment and Conservation (formerly Environment Protection Authority).

- 9.4 Prior to the clearance and removal of any trees or bushes from the site, they are to be checked for the presence of active nests of birds (that is, those nests containing fertile eggs or nestlings) and arboreal mammals (such as possums). The plants are not to be removed or pruned until any fauna that is nesting in them, if any, have completed their breeding cycles.
- 9.5 Prior to the clearing or pruning of any trees or bushes, they are to be checked for fauna before and after felling or pruning. Injured fauna is to be taken to a local veterinary clinic or the local wildlife rescue service is to be notified.
- 9.6 Construction waste is to be managed so as to prevent accidental discharge of chemicals, truck washings or other pollutants into waterways and vegetation on the site or into the Clarence Estuary Nature Reserve.
- 9.7 An interpretative sign is to be displayed on the site, preferably near the waterfront. The sign is to depict the importance of the Clarence Estuary as habitat for shorebirds and other marine species.

10. GEOTECHNICAL

- 10.1 Prior to the issue of a construction certificate in respect of any stage of the project, a detailed geotechnical investigation of the subsurface conditions across that part of the site on which the storage is to be located, shall be undertaken. The investigation is to include the following:
 - 10.1.1 shallow and deep boreholes to further assess the geotechnical model;
 - 10.1.2 an assessment of design parameters for road pavements within the stage;
 - 10.1.3 Level 1 monitoring and testing during construction in respect of that stage; and
 - 10.1.4 detailed acid sulphate soil investigation and assessment in respect to that stage.

11. NOISE IMPACT

- 11.1 Construction noise activity in respect of any stage is to comply with the requirements set out in Chapter 171 of the EPA Environmental Noise Control Guideline. Best practice management noise control procedures outlined in AS 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites" are to be applied in controlling construction noise to the recommended noise levels.
- 11.2 All mechanical plant and other related equipment is to be designed to satisfy the requirements of the NSW Industrial Noise Policy;
- 11.3 Site management practices for any stage of the project are to limit the operation of outdoor recreational activities to the daytime and evening periods only.

- 11.4 Road traffic noise levels for vehicular traffic and at the car exit/entry points are to comply with the NSW EPA Environmental Criteria for Road Traffic Noise.

12. WATER SUSTAINABILITY

- 12.1 All proposed work in any stage is to conform with the relevant requirements of Clarence Valley Council's 'Sustainable Water Development Control Plan' (2004).
- 12.2 The development of any stage is to adopt best practice design in the handling of all aspects of the water cycle system within the development so as to achieve sustainable water goals set out in the 'stormwater management and reuse plan' in Appendix A in the Report on Sustainable Water Management, prepared by ACOR Consultants Pty Limited, dated 1 November, 2006.
- 12.3 The project is to make efficient use of potable water by installing water efficient hydraulic fixtures and fittings.
- 12.4 Rainwater is to be harvested from all roof areas and reused for toilet flushing within the facilities and irrigation of common landscaped areas.
- 12.5 Rainwater reuse storage tanks are to be sized in accordance with NSW BASIX requirements.
- 12.6 The proposal is to be controlled by an Erosion and Sediment Control Plan, so as to minimise pollutants leaving the site, both during and after construction.
- 12.7 Stormwater runoff from all landscaped areas and road ways is to be drained to the piped stormwater drainage system, which is to include treatment in gross pollutant traps to capture sediment, oils and litter prior to all outlets.
- 12.8 Stormwater quality is to be modelled during detail design, using the computer program MUSIC so as to ensure that all post development water quality targets are achieved.
- 12.9 Minimum floor levels of 2.7m are to be set to reduce the risk of damage from flooding.

13. ABORIGINAL CULTURAL HERITAGE

- 13.1 To raise awareness of Aboriginal cultural heritage in the area of the site, a storyboard of the Reedy Creek Campsite is to be prepared and erected along the walkway in consultation with Birrigan Gargle Local Aboriginal Land Council.

14. CONTAMINATION

- 14.1 During any demolition or construction activities on any stage, site observations are to be made and recorded in relation to any potential contamination. If any contamination is observed, the contamination is to be remediated in accordance with an appropriate

remediation action plan prior to the issue of any Occupation Certificate in respect of that part of the site on which the contamination is located.

- 14.2 A Remediation Action Plan (RAP) is to be prepared and implemented prior to issue of Construction Certificate.

15. WASTE MANAGEMENT

- 15.1 Residential wastes and recyclables are to be collected on a weekly basis and tourist facilities wastes on a daily basis, in accordance with waste generation rates set out in City of Sydney Council's 'Policy for Waste Minimisation in New Developments' (recognized as best practice in waste management) which are adopted for the purposes of Waste Management of the site.

16. MOSQUITOES

- 16.1 On site mosquito control is to be addressed in the Community Management Plan in respect of any stage of the proposal.

17. INFRASTRUCTURE

Hydraulics

- 17.1 Existing drainage infrastructure servicing any proposed stage of the project is to be rectified and re-routed in accordance with the requirements of North Coast Water **prior to** the issue of any occupation certificate for that stage. An additional connection is required to satisfy the requirements of the resort area adjoining the Clarence Estuary Nature Reserve to the west of the site, **prior to** the issue of any Construction Certificate and Strata Title Subdivision Certificate for development within Development Lot 3.
- 17.2 A sanitary system designed to AS3500.2 is to be provided to any stage of the project **prior to** the occupation of that stage.
- 17.3 Water captured from the roof areas is to be redirected to localized rainwater harvesting tanks located within basement areas for re-use. Water obtained via rainwater harvesting is to be re-used within the apartments located within the relevant building(s) for flushing and other appropriate purposes.
- 17.4 A potable water, hot water and non potable water system designed in accordance to AS3500 (all parts) is to be provided to any stage of the project prior to the occupation of that stage.
- 17.5 Connection to the main potable water supply is to be rectified and altered in accordance with the requirements of North Coast Water prior to the issue of any occupation certificate for that stage.

Electrical

- 17.6 Two new substations are to be installed within the proposed facility. They are to be connected to Country Energy's high voltage network on Yamba road. All upgrade work is to be carried out in accordance with the requirements of Country Energy.
- 17.7 Two separate main switchboards are to be installed to reticulate power through the facility by underground low voltage cables.
- 17.8 The resort is to be provided with one electricity meter. Each residential apartment is to be provided with a separate electricity meter.
- 17.9 All new internal roads are to be provided with external lighting complying with AS 1158 requirement. Energy efficient lighting is to be used for internal and external lighting.
- 17.10 Stand alone external solar lighting is to be installed and evaluated for feasibility.
- 17.11 The facility is to be provided with voice grade cabling, SMATV/MATV installation.
- 17.12 An electronic access control system is to be provided for all residential units and the basement car park.

18. LANDSCAPING

- 18.1 A monitoring process for the existing vegetation is to be implemented during construction and in the event of tree decline or death; provision is to be made to replace the tree with the same species sourced from endemic seed stock.

B - COMMUNITY TITLE SUBDIVISION

19.

- 19.1 The community title subdivision is to be undertaken generally in accordance with the details contained in the letter from Denny Linker & Co dated 15 February, 2007 .

C – DEVELOPMENT OF STAGE 1

20.

- 20.1 The commitments in this Section C are made in respect of the development of stage 1 except as varied as follows:
 - (a) Commitments 7 (including 7.1-7.9) and 6.1 are not made in respect of Stage 1