



REVISED STATEMENT OF COMMITMENTS

3.1 General

This section provides a revised Statement of Commitments which details the measures proposed by Delmo Albion Park Pty Ltd (the Proponent) for environmental mitigation and management of the proposed project. The list is based on the original Statement of Commitments, which was included in the July 2007 EAR, the Statement included in the December 2007 Preferred Project Report and includes some additional commitments as a result of the further examination of the proposals.

The Statement of Commitments identifies those matters which will be dealt with in the next stages of the proposed project in order to minimise impacts on the environment. These matters arise from the detailed analysis of the project proposals and submissions made on them which has been carried out and documented in the original July 2007 reports, this Preferred Project Report, this supplement and the accompanying additional expert reports.

If approval is granted under Part 3A of the Environmental Planning and Assessment Act 1979 the Proponent will commit to the following controls for the submission of subsequent applications, construction and operation of the proposed project.

3.2 The Project

The proponent will undertake subsequent stages of the proposed project generally in accordance with:

- The Environmental Assessment Report dated July 2007 prepared by Julius Bokor Architect Pty Ltd (EAR)
- All supporting technical reports included in the Appendices to the above report
- The concept plans dated May 2007 prepared by Julius Bokor Architect Pty Ltd and Costin Roe Engineers, as amended by
- The Preferred Project Report and Plans dated November 2007 prepared by Julius Bokor Architect Pty Ltd and Costin Roe Engineers (PPR) and the Supplementary Preferred Project Report and plans dated March 2008 prepared by Julius Bokor Architect Pty Ltd and Costin Roe Engineers (SPPR)
- This Statement of Commitments

If there is any inconsistency between the conditions of this draft Statement of Commitments and a document listed above, the conditions of this draft Statement of Commitments shall prevail to the extent of any inconsistency.

3.3 Statutory Requirements

- All approvals, licences and permits required by legislation will be obtained from the relevant Government Authorities and kept current as required
- The proponent will generally comply with the planning controls as gazetted in Schedule 3 to SEPP Major Projects which relate to the site

3.4 Consultation

- The community consultation programme prepared by Sarah Taylor will be implemented prior to the commencement of construction of the proposed project
- Consultation will continue throughout the project process with Shellharbour Council and relevant Government Departments as necessary

3.5 General Project Design Requirements

- The design philosophy of the project shall be within the parameters as set out in the Design Guidelines and Controls in Appendix 2 of this SPPR. These will be updated once the final terms of the approval of the Concept Plan are known.
- Architectural input will be continued in the project for the building proposals for the site to ensure that high standards of design excellence are achieved
- It will be an objective of the design process to provide a safe and secure environment within the project

3.5.1 Subdivision

- A project application under Part 3A of the EPA Act will be submitted for the subdivision of the site and associated works including cut and fill, road construction and rehabilitation
- All public roads on the site will be designed in consultation with the Shellharbour Council engineering staff
- The site will be subdivided as set out in the subdivision plan
- Restrictions will be placed on the relevant land titles of the new lots within the Business Park to ensure the protection of the Riparian Buffer areas, the paper bark forest, the northern wetland and the three fig trees within the Business Park

3.5.2 Flood Prevention

- All measures in relation to flood prevention as set out in the Flood Modelling Reports contained in the EAR and the PPR will be implemented as part of the initial stage of the proposed project.

3.5.3 Geotechnical

- Prior to the submission of a project application for the subdivision of the site a detailed study will be carried out into suitable fill to be used on the site
- Prior to the commencement of any works on the site a geotechnical investigation will be carried out to confirm the ground conditions, determine suitable founding mediums and to allow design of appropriate foundations for the proposed development.

3.5.4 Contamination

- A Stage 2 Environmental Site Assessment, complying with EPA Guidelines, will be conducted on the site as recommended in the Stage 1 Environmental Site Assessment contained in Appendix 9 of the EAR before any work commences on the site
- Based on the results of the Stage 2 Assessment, and as required, remediation and validation of any contamination at the site will be undertaken
- A hazardous materials audit will be carried out of all buildings and hazardous materials on the site identified as likely to be disturbed in any future demolition works before any work commences on the site
- Demolition works will be conducted in accordance with the relevant Australian Standards and Worksafe Codes of Practice

3.5.5 Water Cycle Management

- All development in the Business Park is to comply with the requirements of the Water Cycle Management Plan prepared by Costin Roe Engineers and contained in Appendix 2 of the SPPR

3.5.6 Environmental Management

- Prior to the submission of the project application for the subdivision of the site the Vegetation Management Plan prepared by Whelans Insites and contained in Appendix 6 of the EAR will be reviewed and updated as set out in the PPR
- Land within the Environmental Conservation Zone on the site will be rehabilitated and improved in accordance with the updated Vegetation Management Plan prior to the commencement of construction in the adjacent Business Park
- Prior to the submission of a project application for the subdivision of the site a detailed study will be carried out in relation to the realignment of Frazer's Creek
- An ongoing programme for the monitoring of the water quality in the SEPP14 wetland on the site will be developed in consultation with Shellharbour Council prior to the commencement of building on the site
- The future ownership and management of the land within the Environmental Management Zone on the site will be as set out in the Proposed Agreement In Relation to the Environmental Management Area prepared by Landerers Solicitors and included in Appendix 7 to the EAR and Appendix 9 of the PPR

3.5.7 Acoustics

- The issue of truck noise in relation to residential properties will be further investigated as the development planning proceeds and measures will be taken to ameliorate any adverse impacts if necessary, as set out in the Acoustic Report contained in Appendix 18 of the EAR.

3.5.8 Landscaping

- Landscaping within the Illawarra Regional Business Park will be carried out in accordance with the Landscape Management Plan prepared by James Pfeiffer Landscape Architects Pty Ltd and included in A3 Plans accompanying this SPPR.

3.5.9 Traffic and Access

- The proponent will provide a signalised intersection at the access point to the site from Tongarra Road as set out in the Traffic Study in Appendix 18 of the EAR or as modified as a result of discussions with the Roads and Traffic Authority. The proponent will continue liaison with the RTA in relation to any proposed upgrade of intersections at Tongarra Rd /Station Rd and Tongarra Rd / Croome Rd intersections. The detail design of a particular intersection treatment will be dealt with at DA stage and prepared in consultation with Council and community. The proponent will contribute towards intersection improvements an amount based on the detail design and community consultation to be undertaken at the project application stage.
- All parking proposals and the design of parking areas on the site will comply with the Design Guidelines and Controls in Appendix 2 to this SPPR or Shellharbour Council Planning Controls
- The proponent will continue liaison with the RTA in relation to any proposed upgrade of the intersection of the Illawarra Highway and the Princes Highway
- The proponent will continue liaison with the RTA in relation to the construction of a road within the land zoned 9 Road Reserve on the site
- The proponent will continue liaison with the operators of bus services in the area in relation to the provision of bus services to the site and to Albion park Rail station

- A transport access guide will be prepared during the detailed design of the development for the site

3.5.10 Construction and Site Security

- Prior to the commencement of any works on the site an overall Construction Management Plan will be prepared covering the following:
 - Traffic access to the site during construction
 - Demolition of existing buildings on the site and a programme for the recycling of materials from them
 - Plan for the disposal of waste from the site
 - Plan for the carrying out of filling on the site including the source of the fill
 - Plans for the protection of the vegetation on the site and the wetland areas on the site during the above works
 - An acoustic and vibration management plan
- To prevent the unauthorised entry of people into the construction site and prevent damage to the environment, security for the construction site(s) will include:
 - Lockable security gates
 - A security fence around the perimeter
 - security lighting within the site
 - controlled access to the site

3.5.11 Operation of the Illawarra Regional Airport

- The proponent will continue to liaise with the Illawarra Regional Airport and measures will be taken as necessary to avoid conflicts between the operation of the Business Park and the adjacent Illawarra Regional Airport in accordance with the airport's classification

3.5.12 Heritage

- A watching brief will be maintained during excavation and filling of the site for any Aboriginal relics or signs of items of cultural heritage
- The procedures to be adopted should any Aboriginal relics or items of cultural significance be discovered shall be approved by local Aboriginal Land Councils or relevant authorities prior to the commencement of excavation or filling on the site
- The site of the former homestead adjacent to the three fig trees on the Business Park will be investigated in relation to its heritage significance and appropriate steps taken to protect or record any significant items found on the site. An interpretation plan will be prepared for this site
- An attempt will be made to move the house known as Marks Villa to the site containing the fig trees although it cannot be guaranteed that this will be successful

3.6 s 94 Matters

- The developers of the individual lots within the Business Park will be required to pay s94 contribution rates for this precinct for commercial or industrial development as set out in Shellharbour Council s94 Plan of \$231.80 per office or industrial unit