



## **Appendix I**

### **Revised Statement of Commitments**

## Purpose:

Annexure 2 of the Concept Plan approval (MP 08\_0234) included a Preferred Project Report prepared by Darryl Anderson Consulting dated February 2010. The report provided a response to submissions received from the Department of Planning, State Agencies and the community during the exhibition of the Major Project Application.

Accompanying the report was a revised Statement of Commitments for the project. For the purpose of the modification application (MOD 3), we have reviewed and amended the Statement of Commitments in response to the changes proposed. The additions are in **bold** and those aspects to be deleted have been struck through.

### REVISED – STATEMENT OF COMMITMENTS

Project Component	Environmental Outcome (Commitment)	Measure (Commitment)	Purpose of Measure	Timing for Completion	Monitoring and Reporting
1. Erosion and Sediment Control (Construction Phase)	1.1 Minimise the escape of wind-borne particles by complying with the <b>Conceptual</b> Erosion and Sedimentation Control Plan (ESCP).	1.1.1 Minimise disturbance area 1.1.2 Promptly rehabilitate disturbed areas 1.1.3 Regularly water disturbed areas of the site <b>As per Section 4.5 of the Conceptual Erosion and Sedimentation Control Plan (ESCP).</b>	<del>To ensure that air pollution does not exceed DECC standards</del> <b>Minimisation of movement of dust offsite in accordance with Landcom 2004 Soils and Construction 'Managing Urban Stormwater' (Landcom Guideline)</b>	Ongoing during the construction phase.	<del>Any complaints to be recorded in the Complaints Register and valid claims to be acted on within one hour. An after hours contact number will be made available to the public and council for notification of after hours incidents. Details to be provided in the quarterly Compliance Report.</del>  <b>As per the Section 4.5 (Construction phase dust management) outlined in the Conceptual ESCP.</b>
	1.2 Minimise mobilisation of sediments by complying with the <b>Conceptual</b> Erosion and Sedimentation Control Plan (ESCP).	1.2.1 Erect sedimentation fences, inlet filters, hay bale barriers and diversion drains in accordance with the Erosion and Sedimentation Control Plan. 1.2.2 The controls shall be maintained during the	To ensure that water quality in receiving waters is not decreased in quality by sediment and nutrient loads	All sediment and erosion control measures to be in place prior to commencing site work or demolition.	<del>Visual monitoring shall be carried out by the Project Manager on a weekly basis and after each storm event. Details to be contained in the quarterly Compliance Report.</del>  <b>As per the Section 4.7 (Construction phase</b>

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		construction phase and defects liability period. <b>As per Section 4.7 of the Conceptual Erosion and Sedimentation Control Plan (ESCP).</b>			<b>sediment control) outlined in the Conceptual ESCP.</b> <ul style="list-style-type: none"> <li>a self-auditing program shall be developed for the site. A site inspection and self-audit and monitoring program shall include: <ul style="list-style-type: none"> <li>weekly site inspections,</li> <li>inspections immediately following rainfall events that cause runoff, and</li> <li>inspections immediately before site closure.</li> </ul> </li> <li>Surface water quality to be monitored during rainfall events</li> </ul>
2. Site Safety	2.1 Minimise risk of injury to construction workers and members of the public by generally complying with the Safety Management Plan	2.1.1 The principal contractor shall prepare a Health and Safety Plan and submit the Plan to the Project Manager for approval. The contractor shall comply with the approved Plan.	To ensure that Occupational Health and Safety Act 2000, Occupation Health and Safety Regulation 2001 and relevant Codes of Practice are complied with.	Prior to commencing any work on the site.	Monitoring and reporting incidents to be recorded in the Incident Register and details to be included in the quarterly Compliance Report. Work Cover to be notified in appropriate circumstances.
		2.1.2 The principal contractor shall prepare a Traffic and Pedestrian Plan for approval by the Project Manager.	To ensure that traffic and pedestrian management during the construction phase complies with the RTA Traffic Control Worksite Manual and AS1742.3	Prior to commencing work on site.	As above.

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2. Agricultural Buffer Zone Assessment (ABZA) and Land Use Conflict Risk Assessment (LUCRA) (Construction and ongoing phase)	2.1 Minimise risk of negative interactions from dissimilar land uses identified within the LUCRA by complying with the buffer requirements outlined in the ABZA.	2.1.1 The Proponent shall adhere to specified buffers in the ABZA and LUCRA.	To avoid land use conflict.	In conjunction with development of urban design. Buffers to be in place for occupational phase of development.	Nil
3. Acid Sulphate Soil	3.1 Minimise disturbance of acid sulphate soils by limiting excavations in accord with ASSMP.	3.1.1 Comply with the provisions of the Acid Sulphate Soils Manual (ASSMAC, 1998) and the Acid Sulphate Soil Management Plan	To ensure that significant volumes of acid sulphate soils are not disturbed.  To ensure disturbance of acid sulfate soil is appropriately managed.	During <b>bulk and civil earthworks phases</b> the excavation phase.	An environmental consultant will be appointed to monitor excavation <b>in relevant areas of the site</b> and address compliance in the quarterly Compliance Report.
4. Contamination	4.1 Minimise disturbance of potentially contaminated soils	4.1.1 Comply with recommendations in <b>Contamination Land Investigations. Annexure 24</b> of the Environmental Assessment.	To ensure that any contaminated sites are identified and suitably remediated.	Prior to issue of a Subdivision Certificate.	Compliance to be addressed in the quarterly Compliance Report.
		4.1.2 In the event that contamination is identified, a Remediation Action Plan shall be prepared by the proponent for approval by the Department of Environment and Conservation and the site shall be rehabilitated in accordance with that Plan.	To ensure that any contaminated soil is suitably remediated.	Prior to erection of any permanent structures over the contaminated material.	As above.
5. Construction of Subdivision	5.1 Minimise noise, dust and vibration and amenity impacts by generally complying with the Construction Management Plan and the Safety Management Plan to be	5.1.1 <del>Limit work hours to 7.00am to 6.00pm Monday to Saturday.</del> 5.1.2 <del>Limit noise levels to a level to be agreed with the construction consent authority</del>	To mitigate adverse construction impacts.	During construction.	Project Manager to address compliance in quarterly Compliance Report.

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	prepared prior to construction commencing.	above background at the nearest residential receivers. <b>Workdays, hours and noise levels will be limited to standards specified in future development applications for each precinct.</b>			
6. Comply with the Building Code of Australia Including Part J	6.1 Ensure that the design and operation of the buildings achieves energy efficiency and water efficiency requirements.	6.1.1 Comply with the Building Code of Australian Including Part J relating to Commercial Buildings	To achieve energy efficiency objectives.	Prior to issue of a Construction Certificate.	Project Manager to address compliance in quarterly Compliance Report.
7. Landscaping and Embellishment	7.1 Achieve improved aesthetics and useability of the site.	7.1.1 Carry out the embellishment and landscaping works in accordance with <b>the amended Landscape Concept Plan Masterplan.</b>	To soften the appearance of the building and hardstand areas and provide a more attractive pedestrian environment and car parking area.	Prior to the issue of a final Subdivision Certificate.	Project Manager to address compliance in quarterly Compliance Report.
	7.2 Soften the visual impact of the buildings and surrounding hardstand areas	7.2.1 Carry out site landscaping in accordance with the <b>amended Landscape Concept Plan Masterplan.</b>	As above.	Prior to the issue of a final Occupation Certificate for the building.	As above.
8. Development Consents 96/519 (Integrated Tourist Resort and any associated Consents) and DA05/1351 (76 Lot Residential Subdivision)	8.1 Surrender consents relevant to the lots within the MP08-0234 application area prior to the issue of a Construction Certificate for Subdivision work.	8.1.1 Eliminate potential conflicts between Development Consents and the Concept Plan approval.	To ensure that potential conflicts do not occur between the Concept Plan approval and the previous Development Consents.	Prior to the issue of Construction Certificate for Subdivision Work.	Not applicable.
9. Land Forming	9.1 Generally limit major landform changes to those shown <b>in the Preliminary Engineering Report Annexure 20</b> of the Environmental Assessment plus major earthworks required for TSC reservoirs subject to	9.1.1 Minimise major landform changes.	To minimise visual impacts on the landscape and changes in hydrology.	Ongoing during the construction phase.	Certification of Compliance with the future Development Consent conditions regarding Engineering issues per Precinct or Stage to be provided by the Consulting Engineer prior to the issue of

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	detailed engineering design to accompany the Construction Certificate.				the Subdivision Certificate for each stage.
10. Threatened Species Protection	10.1 Protect all threatened species of flora to be retained, as identified in the James Warren and Associates <b>Revised Ecological Assessment</b> Report prepared by JWA Annexure 16 of the Environmental Assessment, during the construction phase.	10.1.1 To identify species on the site. 10.1.2 To provide protective fencing to each species if required. 10.1.3 To undertake a staff induction process to alert all employees and contractors of the need to protect threatened species.	To ensure compliance of the Threatened Species Conservation Act, 1995.	Ongoing during the construction phase.	Monitoring and reporting incidents to be recorded in the Incident Register and details to be included in the quarterly Compliance Report.
11. Bush Regeneration and Vegetation Management	11.1 To rehabilitate disturbed areas.	11.1.1 Comply with the <b>Revised</b> Site Rehabilitation and Pest Management Plan prepared by James Warren & Associates JWA Annexure 16 of the Environmental Assessment. 11.1.2 All environmental rehabilitation areas to be designated as common property under the community scheme managed by the proponent until such time as the relevant land is dedicated to Council.	To ensure that the conservation areas of the site are returned, as far as possible, to their natural state and achieve the objectives of the <b>Revised Site Rehabilitation and Pest Management Plan prepared by JWA Threatened Species Conservation Act and the James Warren &amp; Assoc Bush Revegetation Plan.</b>	Prior to release of the final Linen Plan of Subdivision in respect of any residential lot.	Monitoring and reporting incidents to be recorded in the Incident Register and details to be included in the quarterly Compliance Report.
12. Aboriginal Cultural Heritage	12.1 Avoid disturbing any areas of Aboriginal Cultural Heritage.	12.1.1 In the event that any Aboriginal Cultural Items are identified during construction, the DECC and Tweed Byron Land Council will be notified.	To ensure compliance with the National Parks and Wildlife Act 1974.	Ongoing during the construction phase.	Monitoring and reporting incidents to be recorded in the Incident Register and details to be included in the quarterly Compliance Report.
13. Maintaining Asset Protection Zones	13.1 The Body Corporate to be responsible for maintaining	13.1.1 Compliance with the Bushfire Management Plan at	To ensure compliance with the Rural Fires Act and	Ongoing during the operational phase.	Not applicable.

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	<p>bushfire asset protection zones.</p> <p><b>13.1 Bushfire asset protection zones (APZ) are to be managed by the proponent until such time as the properties are subdivided and sold, then the owners of each property (when located within properties), and by the Council where the road constitutes the APZ, following dedication of the road reserve to Council.</b></p>	<p>Annexure 19 of the Environmental Assessment to accompany the Concept Plan.</p> <p>13.1.2 The asset protection zone shall be located on the RISE Elysian site or if on adjoining land <b>or residual lots</b>, easements shall be created <b>with an 88B instrument to ensure ongoing management of temporary APZ's. Temporary APZ's will likely be required to ensure a future dwellings will be capable of complying with Table A1.12.3 of PBP 2019 in favour of the Body Corporate.</b></p>	<p>Regulations and Planning for Bushfire Protection, <b>2019</b> 2006.</p>		
14. Adjacent Land Uses	<p>14.1 To minimise conflicts between the proposed urban development and adjacent non-urban uses.</p>	<p>14.1.1 Limit construction times to 7.00am to 6.00pm Monday to Saturday unless otherwise agreed with the construction Consent authority.</p> <p>14.1.2 Implement sedimentation and erosion control during the construction phase in accordance with the Erosion and Sedimentation Control Plan.</p>	<p>To minimise conflicts and adverse impacts between potentially incompatible land uses.</p>	<p>Ongoing during construction.</p>	<p>Monitoring and reporting incidents to be recorded in the Incident Register and details to be included in the quarterly Compliance Report.</p>
15. Concept Plan – Community Freehold/ Torrens Title Scheme.	<p>15.1 The project <b>will</b> to be carried out generally in accordance with the Concept Plan as approved based on a Community Title <b>Freehold/Torrens Title</b> Subdivision.</p>	<p>15.1.1 Plans of Subdivision to be lodged for approval shall be prepared under the provisions of the <b>Community Land Title Development Act, 1994</b> 1990.</p>	<p>To ensure that all <del>common</del> property is appropriately managed and maintained. <del>at no cost to ratepayers.</del></p> <p>To further ensure that Council has the required legal access <del>to services located within the</del></p>	<p>In conjunction with registration of the Plan of Subdivisions in the Land Titles Office.</p>	<p>Not applicable.</p>

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		(Except for areas to be created in freehold for Council and other servicing Authorities)	Common Property or within private land within the CTS.		
16. Work Opportunities	16.1 Work with local Employment Agencies to ensure as is reasonably possible employees are sourced from local Tweed and northern New South Wales Employment Agencies.	16.1.1 Liaise with local Employment Agencies in appointing staff and advise contractors of this intention.	Attempt to ensure that social and economic benefits of the development are enjoyed by residents of northern New South Wales.	During the development phase of the project.	Monitoring and reporting incidents to be recorded in the Incident Register and details to be included in the quarterly Compliance Report.
17. Accessibility	17.1 To ensure that the estate and all relevant facilities are publicly accessible.	<p>17.1.1 All commercial and retail areas as listed in the revised Product Summary 45 will be available for public use.</p> <p>17.1.2 The spine road and the two access roads through <b>Elysian RISE</b> to Tietzel's land (being Lot 2 DP 555026) will be public roads.</p> <p>17.1.3 <b>The spine road can facilitate public access roads through Elysian to Tietzel's land (being Lot 2 DP 555026).</b> <del>The two remaining potential access roads from Tietzel's land through Elysian Rise will be private CTS roads.</del></p> <p>17.1.3 Provide and embellish public and private open space.</p> <p>17.1.4 Provide potential private school and child care centre.</p> <p>17.1.5 All walking trails to environmental areas will be available for public use.</p>	To ensure that public use of the <del>publically</del> <b>publicly</b> accessible facilities in <b>Elysian Rise</b> is facilitated.	Ongoing.	Not applicable.



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		(However, they may not link to public roads in all instances)			
18. Community Titles Scheme	18.1 RISE to be developed by way of a Community Title Scheme under the Community Land Development Act, 1990.	18.1.1 Establish multi landowners corporation (Body Corporate – BC) to manage all common property. 18.1.2 BC to fund the ongoing management of the restored bushland area. 18.1.3 Community Management Statement to include bylaws for Architectural Design Guidelines and Landscaping Standards.	To ensure that sustainability principles are achieved to control and maintain the standard of the project and to minimise costs to ratepayers generally.	Ongoing.	Not applicable.
19. Traffic and Transport	19.1 Comply with and enhance where possible in conjunction with Council the physical and environmental capacity that exists in the local road network.	19.1.1 Upgrade Marana Street. 19.1.2 Upgrade Cobaki Road at the appropriate time in conjunction with 19.1.4 below. 19.1.3 Provide traffic lights (or a roundabout) at Simpsons Drive and Scenic Drive. 19.1.4 Construct the Spine Road when the capacity of vehicles per day as agreed with Tweed Council on Kennedy Drive is exhausted.	To ensure that appropriate accessibility and connectivity is provided within <b>Elysian RISE</b> and between <b>Elysian RISE</b> and Cobaki and surrounding suburbs.	Prior to release of the final Plan of Subdivision.	Monitoring and reporting incidents to be recorded in the Incident Register and details to be included in the quarterly Compliance Report.
20. Water Supply	20.1 Work with Council to assist Council to ensure that an adequate potable water supply is provided to the development.	20.1.1 Provide reservoir sites as shown on the Concept Plan. Dedicate the High Level reservoir land (Precinct K E) to Council at no cost. Dedicate the Low Level reservoir land (Precinct C) to Council at an	To ensure that an adequate potable water supply is provided and legal access is provided to Council for maintenance works.	Prior to release of the final Linen Plan of Subdivision.	As required.

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		<p>appropriate acquisition cost to Council via a yet to be agreed formal land valuation process.</p> <p>20.1.2 Provide water main easements within road corridors. across Common Property and across private CTS land.</p> <p>20.1.3 Developer to build internal trunk water and local reticulation.</p>			
21. Sewerage	21.1 To provide a reticulated sewer system to the estate.	<p>21.1.1 Provide a sewer main (including pump station) from the site to the regional pump station at the Council nominated Gollan Drive point of discharge when the internal demand of</p> <p>21.1.2 Developer to build the trunk sewer and pump station and Tweed Shire Council to maintain. It is proposed that potentially prior to the construction of the major rising main and pump station that temporary sewer service options may be proposed to service the earlier Precincts or stages of the project. The various temporary sewer service options will be reviewed in detail with each Development Application for each Precinct or Stage of the project.</p>	To ensure that a public standard reticulation system is provided and minimise potential adverse impacts arising from pollution events on local water bodies.	Prior to the release of the final Linen Plan of Subdivision.	As required.

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22. Comply with BASIX Requirements in Terms of Energy Efficiency and Water Consumption	22.1 Ensure that water consumption and energy consumption is minimised by compliance with BASIX.	22.1.1 <del>Green-Globe Certification requirements (except for the deleted IWCM system) may also be adopted for each Precinct or stage of the project depending on its suitability.</del> <b>Otherwise Compliance with BASIX will be adopted.</b>	To achieve the objectives of the BASIX statutory requirements.	Prior to the release of the final Linen Plan of Subdivision.	As required.
23. Contributions	23.1 Ensure that appropriate contributions and land dedications occur based on the demands generated by the <b>Elysian</b> RISE Estate as detailed in this Statement of Commitment.	23.2.1 Completion of a Planning Agreement in relation to infrastructure credits if required. However as it is now proposed that normal headwork's contributions will be paid to Council at the appropriate Precinct or staging time as a condition of each Development Approval then a Planning Agreement should not be required. This can be dealt with at the point of each Development Approval for each Precinct or Stage of the project.	To achieve the objectives of the Environmental Planning and Assessment Act in relation to the levying of contributions and the dedication of land.	As required by each Development Approval for each Precinct or Stage of the project.	As required, if required.
24. Community Liaison	24.1 Ensure that members of the community, state agencies and other key stakeholders are advised of progress during the construction phase.	24.1.1 The Developer will establish a Community Liaison Group. 24.1.2 The Developer will be responsible for managing the role and function of the Liaison Group.	Set up a system that allows feedback from the community and so that information is disseminated to the community in a timely manner.	Ongoing during the life of the project.	Monitoring and reporting incidents to be recorded in the Incident Register and details to be included in the quarterly Compliance Report.
25. Architectural Design Guidelines	25.1 Achieve a high standard of built form and design continuity for the development.	25.1.1 The developer will establish a <del>Architectural</del> Design Guidelines <b>Code that</b>	To establish appropriate design controls and achieve	Prior to the issue of development approvals for relevant precincts.	As required.

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		<p>will be applicable for all development, unless specified as exempt or complying development pursuant to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, within the boundaries the Major Project (Concept Plan) Approval No. 08_0234 for Elysian.</p> <p><del>for the development and incorporate into the Community Management Statement, and establish an Architectural Review Committee to assess all building designs before lodgement for Development Approval.</del></p>	contemporary urban design outcomes.		
26. Sports Park	26.1 Provide appropriate facilities for future residents.	<p>26.1.1 <i>"Subject to the density finally approved under the MP08_0234 Application, or a pro rata area calculation being adopted for adjusted densities in the final MP08_0234 approval, the applicant shall dedicate and embellish 4.42 10.15 hectares of structured open space in accordance with the development standards contained in Table A5-8.3 of Tweed Development Control Plan 2007, Part A5 or alternatively pay a contribution in lieu for the area that is not</i></p>	To satisfy the open space requirements of future residents.	Prior to release of the final Plan of Subdivision.	As required.

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		<p><i>dedicated and embellished on the applicant's land.</i></p> <p><i>The amount of the contribution rates shall be determined at the time of documentation of and incorporated into, a Voluntary Planning Agreement (VPA) between the applicant and Tweed Shire Council.</i></p> <p><i>The VPA shall be finalised prior to the granting of development consent or major project approval for any part or precinct of the development approved by way of Concept Plan No.08_0234 which creates residential lots or dwellings. Should it be agreed that some sports facilities can be located at the currently proposed site, the VPA will require the applicant to dedicate and embellish on it's land a component of the required <b>10.15</b> hectares no earlier than when the Spine Road construction is completed, or contributions in lieu to be paid on a pro rata basis per precinct at the time of release of Final Linen Plan of subdivision by Council for that precinct."</i></p>			
27. Landscape	27.1 Achieve high standard of landscaped open space and streetscapes.	27.1.1 The developer will landscape open space areas and streets in general accordance with <b>Annexure 11</b>	To achieve a high standard of residential amenity and soften visual impacts.	A VPA (if required) or agreed Development Approval Conditions shall be finalised prior to the granting of	As required.

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		<b>the Amended Landscape Masterplan.</b> of the Environmental Assessment.		development consent (or major project approval) for any Stage or Precinct of the development subsequently approved by way of Concept Plan No. 08_0234.	
28. Flora and Fauna	28.1 Mitigate impacts on threatened species of flora and fauna.	28.1.1 Comply with the impact mitigation measures and offsets contained in <b>the Revised Ecological Assessment Report prepared by JWA</b> Table 9 of the Ecological Assessment (Volume 1) at <b>Annexure 16</b> of the Environmental Assessment.	To ensure that potential impacts are mitigated and appropriate compensatory arrangements are made for vegetation and habitat loss.	Prior to release of the relevant Plan of Subdivision for each Precinct or Stage.	As required.
29. <del>Ground Water and Surface Water</del>	29.1 Mitigate impacts on ground water and surface water flows and quality	29.1.1 The developer will obtain any necessary licences or approvals from the NSW Office of Water. The proponent will prepare a <del>ground water and surface water</del> monitoring program for each Precinct or Stage of the project.	To comply with the requirements of the Water Act 1912 and Water Management Act 2000.	Prior to or in conjunction with obtaining development consents for each Precinct or Stage of the project.	As required.
30. Gold Coast Airport	30.1 To avoid compromising air safety.	30.1.1 Obtain Commonwealth airspace approvals for buildings as they specifically apply to each Precinct or Stage of the project.	To comply with the Commonwealth Airport Act and Airports (Protection of Airspace) Regulation.	Prior to erecting any buildings that are affected by the Commonwealth Airports Act and Airports (Protection of Airspace) Regulation.	As required.
31. Waste Management Plan	31.1 Control waste generation and management practices (during demolition, construction and operation).	31.1.1 The developer will prepare a Waste Management Plan for each Development Application for each Precinct or Stage of the project.	To comply with legislative requirements.	Prior to approval of any development consents for construction works.	As required.

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32. Private Sewerage System—Precinct I	32.1 To ensure that an efficient and effective system is provided.	32.1.1 The developer will obtain any necessary approvals for the required sewer system for Precinct I (School site).	To comply with the Local Government Act 1993.	Prior to the issue of a Construction Certificate for building work in Precinct I.	As required.