

Statement of Commitments Tallawarra Lands Concept Plan MP09_0131

No	Subject	Commitment	Timing	Responsible Monitoring Body/Authority
1	Local Infrastructure	TRUenergy commits to consulting with Wollongong City Council to put in place satisfactory arrangements for the provision of local infrastructure.	<p>Arrangements to be submitted as part of a future development application which seeks consent to subdivide the Tallawarra Lands site into a series of superlots generally consistent with Figure 10 of the EA.</p> <p>The timeframe for delivery of the works will be detailed in the agreement when it is prepared.</p>	Relevant Consent Authority
1	Roads / Bridge in E2 Zone	TRUenergy commits to offering to enter into an agreement with Wollongong City Council whereby approval under Part 5 of the EP&A Act would be sought for the proposed roads and bridge in the E2 zone in accordance with Clause 94(1) of SEPP Infrastructure 2007. This process would put in place arrangements for the provision of the proposed roads and bridge in the E2 zone by or on behalf of Council. This includes the bridge across Duck Creek and the length of road either side of the bridge as well as the road that leads into the B6 Enterprise Corridor zoned land from the Princes Highway.	Arrangements to be submitted as part of a future development application(s) relating to carry out road works for those parts of the site.	Relevant Consent Authority
2	State/Regional Infrastructure	TRUenergy commits to consulting with the State Government to put in place satisfactory arrangements for the provision of State/Regional infrastructure.	<p>Arrangements to be submitted as part of a future development application which seeks consent to subdivide the Tallawarra Lands site into a series of superlots generally consistent with Figure 10 of the EA.</p> <p>The timeframe for delivery of the works will be detailed in the agreement when it is prepared.</p>	Department of Planning & Infrastructure

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3	Superlot subdivision	TRUenergy commits to lodging a development application with Wollongong City Council to carry out a superlot subdivision generally in the manner illustrated in the indicative superlot plan prepared by LandTeam and included at Figure 10 of the EA. TRUenergy also commits to preparing more detailed subdivision plans and notes that further environmental assessment will not be required, having been adequately addressed through the Concept Plan application.	The timing of lodgement of a super lot DA is not contingent upon the timing of the Concept Plan application.	Relevant Consent Authority
4	Landscape Design	<p>Future Development Applications will reference the Landscape Plan and adopt the Landscape Principles prepared by Corkery Consulting to guide the design and treatment of the following:</p> <ul style="list-style-type: none"> the residential precincts areas, employment lands, and neighbourhood centre components of the Concept Plan, including the principles of visual amenity, function, ESD principles and biodiversity. the open space zones (e.g. boundary zones, riparian zones, drainage lines and stormwater quality ponds, recreational areas) of each Precinct, including the recommended planting schedule. the street network. cycling infrastructure. 	Landscape plans to be further refined during the preparation of subsequent applications for the development of the super lots (or part of the super lots)	Relevant consent authority
5a	Geotechnical	TRUenergy commits to undertaking further geotechnical engineering assessment of those parts of the Concept Plan development footprint identified as being constrained in the Geotechnical, Contamination and Groundwater Investigation dated 30 July 2010, prepared by Coffey Environments.	To be undertaken on a stage by stage basis as part of future development applications on affected land for residential subdivision, road works or construction of buildings.	Relevant consent authority

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5b	Groundwater	TRUenergy commits to implementing the recommendations in Section 12 of the Groundwater Modelling Assessment Report dated 3 April 2012 prepared by Coffey Environments.	Recommendations to be implemented as per the timing set out in each recommendation and on a stage by stage basis.	Relevant consent authority and NSW Office of Water
6	Land contamination	TRUenergy commits to continuing investigations into the areas of environmental concern (AECs) identified in the Geotechnical, Contamination and Groundwater Investigation dated 30 July 2010, prepared by Coffey Environments. The AECs to be further investigated are those parts of the site that fall within proposed development areas.	Further investigation to be undertaken on a stage by stage basis as part of future development applications on affected land.	Relevant consent authority
6a		TRUenergy commits to managing land contamination in accordance with State Environmental Planning Policy No. 55 – Remediation of Land and the Managing Land Contamination: Planning Guidelines.	Further investigation to be undertaken on a stage by stage basis as part of future development applications on affected land.	Relevant consent authority
7		TRUenergy commits to undertaking any requirements for remediation and management as part of the findings from the further investigations of the AECs.	Recommended remediation works to be carried out on a stage by stage basis at the time of (or just prior to) any earthworks for subdivision works in the AECs.	Relevant consent authority
8		TRUenergy commits to implementing the recommendations detailed in the Preliminary Hydrogeological Assessment – Ash Ponds dated 23 November 2010, prepared by Coffey Environments.	To be undertaken on a stage by stage basis as part of future development applications on affected land.	Relevant consent authority
9		The recommendations detailed in the Register of Hazardous Materials Report in Residences in Northern Precinct dated 15 March 2010 prepared by Coffey Environments will be implemented.	To be undertaken in on a stage by stage basis accordance with the timing specified in the Register of Hazardous Materials Report in Residences in Northern Precinct	Relevant consent authority

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10	Urban design strategies	<p>The urban design strategies recommended in the Richard Lamb and Associates Visual, Landscape and Scenic Resource Management Considerations will be reviewed and adopted for future development in the following areas of the Concept Plan site as identified in the Report:</p> <ul style="list-style-type: none"> • the large lot and central residential precinct in Visual Exposure Zone A and north shore residential precinct in Visual Exposure Zone B • the lakeside residential precinct in Visual Exposure Zone D • the employment in Visual Exposure Zones A and D 	To be considered on a stage by stage basis during the preparation of future development applications for the identified zones only.	Relevant consent authority
11	Traffic Management	<p>TRUenergy commits to consulting with Wollongong City Council to put in place satisfactory arrangements to deliver the following road improvements:</p> <ul style="list-style-type: none"> • the conversion of the intersection of Cormack Ave and the Princes Highway into a two lane circulating roundabout; • two lane circulating roundabouts at each of the two access points to the site from the Princes Highway; • the provision of a roundabout at the site access point off Cormack Avenue; • Upgrade Yallah Bay Road to a collector road; • Construction of the north-south collector road; and • Consequential works to facilitate the site access points. 	Road improvements will be undertaken on a stage by stage basis. The timeframe for delivery of the road improvements will be detailed in discussion regarding the satisfactory arrangements.	Relevant Consent Authority

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12	Ecologically Sustainable Development	Precinct scale and other major development applications consistent with the Concept Plan will demonstrate how they address the relevant desired sustainability outcomes contained in the Sustainability Report prepared by Urbis and dated 18 October 2010.	Details of the response to be submitted on a stage by stage basis with the relevant development application(s).	Relevant consent authority
13	BASIX	Future residential development will achieve potable water and greenhouse gas reductions equivalent to BASIX +10% (2010 = 50% reduction).	Compliance to be demonstrated on a stage by stage basis in the development application submissions.	Relevant Consent Authority
14	Sustainability for commercial and retail	Future commercial and retail development will aspire to a target of a 40% reduction in: <ul style="list-style-type: none"> operational greenhouse gas emissions associated with energy use; and operational potable water use in comparison to similar types of development in NSW.	Compliance to be demonstrated on a stage by stage basis in future development application submissions.	Relevant Consent Authority
15	Utilities infrastructure	TRUenergy commits to implementing the utilities servicing strategies identified in the Report on Siteworks and Utilities Infrastructure, prepared by Northrop.	Further investigations to be undertaken on a stage by stage basis with development applications.	Relevant Consent Authority
16	Aboriginal heritage	TRUenergy commits to implementing the recommendations of the Aboriginal Archaeological Assessment.	To be implemented on a stage by stage basis with the relevant development application.	Relevant Consent Authority

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17	European Heritage	<p>TRUenergy commits to implementing the management recommendations in Section 7.2 of the <i>Statement of Heritage Impact: Tallawarra Lands Part 3A</i>, prepared by Biosis Research, dated September 2010.</p> <p>TRUenergy commits to obtaining assessments of significance / assessments of archaeological potential in relation to sites TH2, TH3, TH4, TH5, TH9 and TH10.</p> <p>TRUenergy commits to ensuring that if substantial intact archaeological deposits and/or State significant relics not previously identified are discovered, work will cease in the affected area(s), the Heritage Council will be notified and the required assessment / approval will be sought prior to works continuing in the affected area(s).</p>	To be implemented on a stage by stage basis with the relevant development application.	Relevant Consent Authority
17a	Heritage	<p>TRUenergy commits to preparing a Heritage Management Plan detailing how construction impacts on Aboriginal and non-Aboriginal heritage will be minimised and managed. The Plan shall include, but not necessarily be limited to:</p> <p>(i) Specific measures to be applied to works undertaken in close proximity to identified Aboriginal and non-Aboriginal heritage items and “Defined Areas of Aboriginal Sensitivity” to minimise and avoid impacts on these items;</p> <p>(ii) How heritage items (Aboriginal objects and relics or works) discovered during the construction will be considered and managed. This shall include a component within the site induction program for construction workers on Aboriginal and non-Aboriginal heritage within the site area;</p> <p>(iii) Stop-work and notification procedures to be implemented compliant with Heritage Office and OEH guidelines should any unexpected intact</p>	Details to be provided on a stage by stage basis and submitted with the relevant construction involving site excavation works	Relevant Consent Authority

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		archaeological deposits and/or State significant relics not previously identified be discovered; and (iv) The procedure for continued consultation with the relevant Aboriginal stakeholders.		
18	Ecology	TRUenergy commits to implementing the mitigation measures detailed in Table 12 of the Ecological Assessment report dated 4 March 2011 (Appendix 9 of the EA).	Mitigation measures to be implement on a stage by stage basis in accordance with the timing requirements contained in Table 12. The mitigation measures detailed in Table 12 should be included in any conditions of consent issued in relation to future development applications.	Relevant Consent Authority
18a	In perpetuity security of biodiversity outcomes	TRUenergy commits to entering into discussions with relevant authorities, or recognised private conservation land managers such as Bush Heritage Australia, to arrange for transfer of ownership of the areas of retained vegetation; and/or; dedicating the conservation lands to Wollongong City Council as reserves to be administered under the <i>Local Government Act</i> ; and/or; establishing an in-perpetuity Property Vegetation Plan under the <i>Native Vegetation Act 2003</i> ; and/or applying for Conservation Agreement under the <i>National Parks and Wildlife Act 1974</i> ; and/or establishing a conservation covenant under <i>Nature Conservation Trust Act</i> ; and/or securing in perpetuity the biodiversity outcomes of the retained vegetation of the E2 lands through other appropriate legal mechanism(s).	To be undertaken on a stage by stage basis prior to completion of relevant works under the Vegetation Management Plan referred to in Commitment No. 19	Relevant authority or recognised conservation land manager Wollongong City Council Catchment Management Authority NPWS/DECCW Nature Conservation Trust of NSW. Relevant consent authority

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18b		TRUenergy commits to holding discussions with the relevant authorities (such as Lake Illawarra Authority and Wollongong City Council) about entering into possible Voluntary Planning Agreements (VPAs) involving future land ownership transfers, infrastructure provision, site remediation and implementation of the Vegetation Management Plan. Any VPAs entered into will specify the works to be undertaken, the party responsible for carrying out the works and the timeframe within which the works will be undertaken.	Prior to determination of the superlot subdivision DA.	Relevant consent authority
19	Ecology	TRUenergy commits to implementing the Vegetation Management Plan prepared by Eco Logical dated 4 February 2011, unless other arrangements are made arising out of VPA discussions referred to in Commitment 18b.	Implementation of the Vegetation Management Plan to occur on a stage by stage basis and should be required as a condition of consent on future DAs.	Relevant Consent Authority
20		TRUenergy commits to implementing the Environmental Management Strategy prepared by Eco Logical dated 4 February 2011.	Implementation of the Environmental Management Strategy to occur on a stage by stage basis and should be required as a condition of consent on future DAs.	Relevant Consent Authority
21		TRUenergy commits to the recommendations detailed at Section 5.1 of the GDE Risk Assessment prepared by Eco Logical Australia dated 19 April 2012.	Compliance with the recommendations of the GDE Risk Assessment to occur on a stage by stage basis and may be regulated via the conditions of consent on future DAs.	Relevant Consent Authority
22	Bushfire	TRUenergy commits to implementing the recommendations and management measures contained in the Bushfire Planning Assessment prepared by Eco Logical Australia dated 4 February 2011,	The recommendations are to be implemented on a stage by stage basis as required as part of the assessment of future DAs.	Relevant Consent Authority
23	Climate Change	TRUenergy commits to implementing the 'adaptation considerations' contained in the Climate Change Assessment report prepared by BMT WBM.	To be implemented on a stage by stage basis at the appropriate time of the design development as per the Climate Change Assessment report.	Relevant Consent Authority

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24	Access	TRUenergy commits to working with the Lake Illawarra Foreshore Authority to facilitate public access to the foreshore.	Timing will be determined as part of the VPA discussions referred to in Commitment 18b, if such discussions reach an agreement.	Lake Illawarra Authority and Wollongong City Council.
25	Demolition	TRUenergy commits to undertaking demolition activities in accordance with AS 2601-2001: <i>The Demolition of Structures</i> .	At the time of demolition and on a stage by stage basis.	Relevant Consent Authority
26		TRUenergy commits to employing licensed contractors to remove all contaminated material and to requiring them to comply with the provisions of the <i>Occupational Health & Safety Regulation 2001</i> .	Prior to commencement of works associated with removal of contaminated material and on a stage by stage basis.	Relevant Consent Authority
27		TRUenergy commits to ensuring that demolition activities will only be carried out between 7am and 5pm Monday to Saturday and that no demolition activities will be carried out at any time on a Sunday or a public holiday.	On going during construction	Relevant Consent Authority
28	Flood Risk Management	<p>Future DAs will adopt the following flood risk management principles. It is noted that these principles exceed, or are equal to, those currently applied by Wollongong City Council in respect of the West Dapto Release Area:</p> <ul style="list-style-type: none"> • All access roads to development precincts to be at or above 100 year flood level after allowing for year 2100 climate change impacts. • Filling for development areas to be at a minimum level of the 100 year flood level allowing for year 2100 climate change impacts. • Development floors levels for each land use to be at the flood planning levels set by Wollongong City Council's DCP (Chapter E13). 	Design to be incorporated into future development applications and on a stage by stage basis.	Relevant development application consent authority

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29	Flood Management Risk	<p>Future DAs will adopt the following flood risk management principles:</p> <p>(a) All future development decisions will be based on the most up-to-date flood model available at the time of the future DA and include all components of the project which may influence flood behaviour (e.g. changes to riparian vegetation, filling adjacent to the floodplain, new bridges, etc.). It is recognised that flood models need revision over time as new data becomes available or Government policies alter. This includes the imminent revisions to the rainfall intensity-frequency-duration data published by the Bureau of Meteorology, and changes in Government policy and/or accepted practice concerning the impacts of climate change on sea levels and rainfall intensities. Further, flood levels within development areas remote from the main waterways will be modelled having regard to the capacity of the drainage system of the development area and its overland flow routes.</p> <p>(b) Land to be filled will be at sufficient height and grade to allow free-drainage of the filled area into the surrounding waterway.</p> <p>(c) When stormwater concept designs are developed for proposed fill areas, potential flood hazard areas will be analysed and managed in accordance with best practice and the requirements of the Floodplain Development Manual and Council's DCP (Chapters E13 and E14).</p> <p>(d) No filling of floodplain land will occur which produces off-site impacts in accordance with the "flood affectation" requirements of Chapter E13 of Council's DCP.</p>	Design to be incorporated into relevant future development applications and on a stage by stage basis.	Relevant development application consent authority

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		<p>(e) All future housing will be serviced by at least one road route providing egress off-site and at a height for the entire route which is no lower than the 100 year ARI flood level after allowing for year 2100 climate change impacts. Where future housing areas are isolated in a PMF, facilities (e.g. high ground or elevated building floors) will be provided for safe refuge above the PMF level, within the isolated area.</p> <p>(f) The existing old railway bridge across Duck Creek provides significant constriction to flood flows, raising flood levels upstream in major flood events. The Proponent commits to the following measures to mitigate flooding impacts:</p> <ul style="list-style-type: none"> • designing the new bridge to provide less constriction to achieve lower upstream flood levels for the 100 year ARI and larger events; and • setting the levels of new roads, landfill and habitable floors levels of proposed buildings based on flood modelling consistent with Council's Blockage Policy. 		