

Concept Approval

Section 75O of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, we the Planning Assessment Commission of New South Wales (the Commission):

- (a) approve the Concept Plan referred to in Schedule 1, subject to the terms of approval in Schedule 2 and the Proponent's Revised Statement of Commitments in Schedule 4, pursuant to Section 75O of the *Environmental Planning and Assessment Act 1979*;
- (b) pursuant to Section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, determine the further environmental assessment requirements for approval to carry out the development as set out in Schedule 3;
- (c) pursuant to Section 75P(1)(b) determine that the approval of the carrying out of the Tallawarra Project be subject to Part 4 or Part 5 of the *Environmental Planning and Assessment Act 1979* (whatever is applicable); and
- (d) direct under 75P(2)(c1) that Clause 6.2 (Development Control Plan) of Wollongong Local Environmental Plan 2009 does not have effect in relation to the carrying out of the Tallawarra Project under Part 4 of the *Environmental Planning and Assessment Act 1979*.

Member of the Commission

Member of the Commission

Member of the Commission

Sydney,

2013

SCHEDULE 1

Application No.: MP09_0131

Proponent: Energy Australia Tallawarra Pty Ltd

Approval Authority: Minister for Planning and Infrastructure

Land:

- Lot 31 in DP 1175058;
- Lot 1 in DP 551658;
- Lots 30 in DP1175058;
- Lot 20 in DP 633211;
- Lot 102 in DP 716727;
- Lot 3 in DP 109795;
- Lot 15 in DP1050255;
- Lot 151 in DP 628980;
- Lot 1 in DP 543285;
- Lots 10 and 11 in DP 552933;
- Lots 1 and 2 in DP 792664;
- Lots 7 and 8 in DP1049520;
- Lot 1 in DP 1146409; and
- (Southern) Part 1092 in DP 1140369

- Tallawarra Lands, Yallah.

Project:

Mixed use development including residential, commercial, industrial and retail development, public open space areas, new recreational facilities, environmental management, conservation areas and riparian corridors on land identified above.

PART B: NOTES RELATING TO THE DETERMINATION OF MP 09_0131

Responsibility for other approvals/ agreements: The Proponent is solely responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Appeals: The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000 (as amended).

Legal notices: Any advice or notice to the approval authority shall be served on the Director General.

PART C: DEFINITIONS

the Act	<i>Environmental Planning and Assessment Act, 1979</i>
Council	Wollongong City Council
the Department	Department of Planning and Infrastructure
NOW	NSW Office of Water
the Director General	Director General of the Department of Planning and Infrastructure (or delegate).
Director General's Approval	A written approval from the Director General (or delegate).
Environmental Assessment	Environmental Assessment Report prepared by DFP Planning Consultants, and dated February 2011, including all its Appendices
the Minister	Minister for Planning and Infrastructure
OEH	The Office of Environment and Heritage
PPR/RtS	Preferred Project Report/Response to Submissions prepared by DFP Planning Consultants dated June 2012, including all Appendices.
Project	Development as described in Project application
Project Approval	Approval granted for a project in accordance with section 75J of <i>the Act</i> .
Proposal	Concept Plan application for the mixed-use redevelopment of the Tallawarra Lands
Proponent	Energy Australia Tallawarra Pty Ltd
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
NSW RMS	Roads and Maritime Services Division, Department of Transport or its successor
Site	has the same meaning as the land identified in this schedule

End of Schedule 1

SCHEDULE 2

PART A - TERMS OF APPROVAL

A1 Development description

Concept approval is granted to the development as described below;

- (a) Three residential precincts accommodating up to 1,010 lots - the Northshore Precinct, Central Precinct and the Lakeside (southern) Precinct;
- (b) Lands for a neighbourhood centre within the Central Precinct; (c) Lands for a future tourism facility on the eastern headland of the Central Precinct;
- (d) Lands within the central and southern precincts for industrial, light industrial and business purposes;
- (e) An internal road network, a network walkways, cycle paths, share paths; and
- (f) Open space, public recreation areas and conservation lands.

A2 Development in Accordance with Plans and Documentation

The development shall be undertaken generally in accordance with:

- the Environmental Assessment dated February 2011 prepared by DFP Planning Consultants, except where amended by the Preferred Project Report dated June 2012 prepared by DFP Planning Consultants including the supplementary Flood Risk Assessment Report prepared by Bewsher (ref J1898L_2), dated 10 January 2013;
- the Statement of Commitments prepared by DFP Planning Consultants; and
- the following drawings.

Author, Drawing No./ Report	Name of Plan	Date
Warren Lee Urban Design	TRUenergy – Tallawarra Lands Concept Plan	7 May 2012
Corkery Consulting, Landscape Plan Report, Figure 30, PPR Appendix K	The Street Hierarchy	

except for as modified by the following pursuant to Section 75O(4) of the Act.

A3 Inconsistencies between Documentation

In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings/documents including the Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.

A4 Lapsing of Approval

Approval of the Concept Plan shall lapse 5 years after the determination date shown on this Instrument of Approval, unless a Development Application is submitted to Council for approval to carry out all or part of the project the subject of this Concept Plan Approval.

A5 *Development Guidelines*

The proponent shall develop a site specific set of development guidelines which incorporate the information contained in the Environmental Assessment except as amended by the Preferred Project Report.

The guidelines shall be formatted so as to be capable of being inserted as a site-specific chapter in Section D of Wollongong City Council's Residential Development Control Plan 2009 and shall be capable of being read in conjunction with other relevant components of that plan.

A6 *First Future Application*

The first future application must be an application to Council for superlot subdivision.

PART B - MODIFICATIONS

B1 Land use

The Primary school (possible use) and Retirement living (possible use) must be deleted from the Concept Plan.

B2 Access Road to the Lakeside (Southern Precinct) from the Princes Highway

The proposed southern access road from the Princes Highway to the Lakeside Precinct must be deleted from the Concept Plan. Clause 8N(2)(b) of the *Environmental Planning and Assessment Regulation 2000* prevents the Minister from being able to approve this roadway.

This modification is also required to address the concerns of Roads and Maritime Services (insufficient acceleration length on the southern approach to the F6 freeway) and the Office of Environment and Heritage (unacceptable impact on the Illawarra Lowlands Grassy Woodland endangered ecological community and *Chorizema parviflorum* an endangered species).

B3 Access Road and Bridge over Duck Creek to the Lakeside (Southern Precinct) from Yallah Bay Road

The access road and bridge over Duck Creek from Yallah Bay Road to the Lakeside Precinct must be deleted from the Concept Plan. Clause 8N(2)(b) of the *Environmental Planning and Assessment Regulation 2000* prevents the Minister from being able to approve this roadway.

(Note: The granting of approval for this road under Part 5 of the EP & A Act is not inconsistent with the terms of this approval).

B4 Environmental corridor

The proposed woodland revegetation along the ridgeline on the southern edge of the Northshore precinct (identified in the Landscape Plan, prepared by Corkery Consulting, May 2012) shall comprise a continuous vegetated corridor providing ecological connectivity such that the movement of native fauna species between Mount Brown Reserve and the foreshore of Lake Illawarra is facilitated.

B5 Bush Fire Protection –Perimeter roads

The Type 4 roads that form a perimeter road for bushfire planning purposes (as illustrated in figure 30 of the Landscape Plan, prepared by Corkery Consulting, dated May 2012) must be changed to a Type 3 road or increased in the width to meet the perimeter road requirements of Section 4.1.3 of *Planning for Bushfire Protection 2006*.

End of Schedule 2

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Relevant details of the following requirements are to be submitted to the satisfaction of the relevant consent authority with future applications.

1 Access road and bridge across Duck Creek can be constructed

The first application for development within the Lakeside (Southern Precinct) must be accompanied by documentation which demonstrates to the satisfaction of Wollongong City Council that an access road and bridge across Duck Creek, linking the northern boundary of the Precinct with Yallah Bay Road can and will be constructed prior to the development of that Precinct.

2 Stormwater management

Future applications shall be accompanied by a detailed stormwater management plans prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Council which addresses the following:

- a) details on how a reduction of rubbish or hydrocarbon pollutants will be achieved prior to discharge to Lake Illawarra; and
- b) any structural works, including works for stormwater capture and treatment are required to be located outside riparian areas.

3 Acoustic impacts - Residential

Future applications that propose to create residential allotments must be accompanied by an acoustic assessment which demonstrates that it will be possible for future dwellings on the proposed allotments to comply with the noise level standards specified in *State Environmental Planning Policy (Infrastructure) 2007* and with the requirements of the *Development near Rail Corridors and Busy Roads - Interim Guideline, 2008*.

4 Acoustic impacts – Industrial uses

Future application for industrial developments shall be accompanied by an acoustic assessment which provides:

- a) Details of on-going noise management during operation of the site for the life of the development to ensure adequate amenity levels for all users of the site;
- b) Mitigation measures to minimise noise disturbance to residential a buildings on the site and to adjoining or adjacent properties; and
- c) Compliance with the NSW Industrial Noise Policy is achieved at the boundary of nearby residential lots.

5 Per lot industrial noise contribution calculations

The first future application for subdivision of the industrial zoned lands shall be accompanied by a noise management plan that includes industrial noise contribution calculations and allocates a sound power levels to each lot within the industrial zoned areas of the site, such that acceptable noise levels are not exceeded within residential areas, the Central Precinct Neighbourhood Centre, and other sensitive receivers. The industrial noise contribution calculations shall be prepared by an appropriately qualified acoustic expert.

6 Cultural Heritage Management Plan

The first future application for shall be accompanied by a Cultural Heritage Management Plan that details how impacts on Aboriginal and non-Aboriginal heritage across the entire site will be minimised and managed. The plan shall include, but not necessarily be limited to:

- a) Specific measures to be applied to works undertaken in close proximity to identified Aboriginal and non-Aboriginal heritage items to minimise and avoid impacts on these items;

- b) How heritage items (Aboriginal objects and relics or works) discovered during the construction of the project 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 project area;
- c) Stop-work and notification procedures to be implemented should any unexpected impact archaeological deposits and/or State significant relics not previously identified be discovered;
- d) A procedure for continued consultation with the relevant Aboriginal stakeholders; and
- e) Procedures to be followed should non-compliance against any of the provisions of the management plan occur.

All future application must demonstrate how they will implement the Cultural Heritage Management Plan.

7 Transfer of environmentally sensitive land and open space into public ownership and the Securing of Environmental Offsets

Future applications which include lands proposed to be transferred to public ownership on the "Conceptual Tallawarra Land Ownership Plan" (Figure 37 of the Environmental Assessment), must include details on the proposed ownership arrangements for the land nominated for transfer.

In the event that a public authority is unwilling to accept transfer of the lands zoned open space, the proponent shall retain and maintain these lands as publicly accessible privately owned open space.

In the event that a public authority is unwilling to accept transfer of the lands zoned for environmental purposes or lands required as an environmental offset, the proponent must implement an alternative method of securing the identified lands in perpetuity, such as establishing a bio bank agreement.

8 Amended Vegetation Management Plan

The first future application shall be accompanied by an amended Vegetation Management Plan, which includes the following requirements:

- (a) Inspection of revegetated and weed managed areas by an appropriately qualified environmental expert at the end of the initial five-year establishment period to ascertain whether the works are self-sustaining. If they are self-sustaining, develop an ongoing management regime for these areas in perpetuity; and/ or
- (b) The provision of a vegetation condition report prepared by an appropriately qualified environmental expert at the end of the initial five-year establishment period. The condition report shall outline additional management measures to be undertaken if after five years it is determined that the revegetated areas are not self-sustaining. The condition report shall also outline recommendations for the management in perpetuity of the areas covered by the VMP.

9 Further Investigation of the Areas of Environmental Concern and engagement of a Site Auditor accredited under the Contaminated Land Management Act 1997

Future applications that include those lands nominated as Areas of Environmental Concern (AECs) in the Coffey Environments Report (December 2010) must be accompanied by a further environmental assessment report. In addition to adopting the recommendations contained in Section 12 of the Coffey Environments Groundwater Modelling Assessment report, the further investigations must consider:

- the potential for contaminants present in the soil and groundwater in the vicinity of the ash ponds to be mobilised and transported to the adjacent shallow aquifer, Duck Creek and ultimately to the receiving waters of Lake Illawarra, and measures to address this including the feasibility of remediation of contaminated soils and/ or the containment of the sources of contamination;

- measures to ensure that the environmental attributes of conservation lands on the site are not adversely impacted on by contaminants present in the soil and groundwater;
- recommendations for the ongoing management of contaminated groundwater;
- the potential for the contamination present in soil and groundwater in the vicinity of the ash ponds to adversely affect groundwater dependent ecosystems on the site; and
- any risks to human health or the environment.

Following the completion of the further investigations, the proponent must engage a Site Auditor accredited under the *Contaminated Land Management Act 1997* to verify the adequacy of the investigations (and any proposed remediation) and certify that the site is suitable for its proposed use.

10 Engagement of a site auditor to verify the adequacy of asbestos soil sampling and asbestos contamination investigations

The first future application must include a verification from a Site Auditor accredited under the *Contaminated Land Management Act 1997* to as to the adequacy of the investigations and asbestos soil sampling undertaken by Douglas Partners (July 2010) and certification of the suitability of the site for the proposed use.

11 Soil and water management

All soil and water management on site should be undertaken in accordance with the requirements of the "Blue Book", Landcoms "Soils and Construction" manual. Soil and Water Management Plans, ongoing maintenance and monitoring and reporting requirements shall be provided at construction certificate stage, including those stages relating to bulk earthworks.

Roads and Maritime Services Requirements

12 Only one direct access from the development to the Princes Highway is permitted

Future applications for road works must demonstrate that only one direct access from the development to the Princes Highway is proposed. The access shall be at the existing junction of the Princes Highway and Yallah Bay Road.

13 Upgrade of the junction of the Princes Highway and Yallah Bay Road to a roundabout

The first future application which includes works must be accompanied by an approved design for the upgrade of the junction of the Princes Highway and Yallah Bay Road.

The intersection must be upgraded to a roundabout. The submitted design must be to the satisfaction of and have been approved by Roads and Maritime Services and Wollongong City Council.

14 Requirement for a Concept Design for the Closure of Cormack Avenue

The first future application which follows the completion of the internal Tarrawarra lands local roads, which link Cormack Avenue, through to the Princes Highway, must include a concept design for the physical closure of the existing junction of Cormack Avenue with the Princes Highway.

The submitted design must be to the satisfaction of and have been approved by Roads and Maritime Services and Wollongong City Council.

15 Requirement for a Concept Design for Traffic calming of Gilba Road

The first future application for subdivision of the northern residential precinct must include a concept design for the traffic calming of Gilba Road, where it provides access

to the northern residential precinct. The proponent shall obtain design criteria from Wollongong City Council.

16 Requirement for a Concept Design for Road works and Lighting on the Princes Highway

The first future application which involves works on the Princes Highway must be accompanied by a concept design for all required road works on the Princes Highway. The concept design shall comply with Ausroads Guide to Road Design. Any required lighting on the Princes Highway shall be upgraded/provided in accordance with AS/NZS1158. The plan must be to the satisfaction of and approved by Roads and Maritime Services.

17 Road Network - Design of roads, footpath crossings, footpaths and cycleways

All future application that include roads, footpath crossings, footpaths and cycleways, must demonstrate that these elements have been designed to satisfy or exceed the requirements of Wollongong City Council.

18 Road link with Haywards Bay required to be traffic calmed and to accommodate two-way movement of buses

The future application which includes the Haywards Bay road link, shall demonstrate that the link can accommodate the two-way movements of buses and that it is traffic calmed to the satisfaction of Wollongong City Council.

Railcorp requirements

19 Future development applications to be referred to Railcorp

Future development applications in close proximity to the rail corridor shall demonstrate that liaison has occurred with Railcorp, to determine their requirements for development, including drainage requirements.

Sydney Water Requirements

20 Options Report and the endorsement of a Preferred Servicing Strategy

The first development application submitted to Wollongong City Council must be accompanied by a Preferred Servicing Strategy endorsed by Sydney Water.

Rural Fire Service Requirements

21 Location of buildings and facilities on Bushfire Prone Land to consider the requirement for Asset Protection Zones

Future applications which include Bushfire Prone land must be accompanied by bushfire assessment report which demonstrates that the development meets the requirements of *Planning for Bushfire Protection 2006*.

22 Bushfire protection for the access to the tourist facility

Future applications for the tourist facility include a bushfire assessment report that demonstrates that development complies with Section 4.2.7 of *Planning for Bushfire Protection 2006*, including asset protection zones and roads.

State Regional Infrastructure Requirements

23 Satisfactory Arrangements for the provision of designated State public infrastructure

The first development application must demonstrate that satisfactory arrangements have been made for the provision of designated State public infrastructure, in accordance with Clause 6.1 of Wollongong Local Environmental Plan 2009.

End of Schedule 3

SCHEDULE 4

REVISED STATEMENT OF COMMITMENTS

Source: PPR, Project No:6643J, Date: June 2012

Prepared by: Don Fox Planning

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.	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. The timeframe for delivery of the works will be detailed in the agreement when it is prepared.	Relevant Consent Authority
1a	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	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

No	Subject	Commitment	Timing	Responsible Monitoring Body/Authority
2	State/Regional Infrastructure	<p>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.</p> <p>TRUenergy commits to consulting with the State Government to put in place satisfactory arrangements for the provision of State/Regional infrastructure.</p>	<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

No	Subject	Commitment	Timing	Responsible Monitoring Body/Authority
3	Superlot subdivision	<p>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.</p>	<p>The timing of lodgement of a super lot DA is not contingent upon the timing of the Concept Plan application.</p>	<p>Relevant Consent Authority</p>
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. 	<p>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)</p>	<p>Relevant consent authority</p>

No	Subject	Commitment	Timing	Responsible Monitoring Body/Authority
5a	Geotechnical	<ul style="list-style-type: none"> cycling infrastructure. <p>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.</p>	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
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

No	Subject	Commitment	Timing	Responsible Monitoring Body/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

No	Subject	Commitment	Timing	Responsible Monitoring Body/Authority
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 	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

No	Subject	Commitment	Timing	Responsible Monitoring Body/Authority
		<p>access point off Cormack Avenue;</p> <ul style="list-style-type: none"> • Upgrade Yallah Bay Road to a collector road; • Construction of the north-south collector road; and • Consequential works to facilitate the site access points. 		
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

No	Subject	Commitment	Timing	Responsible Monitoring Body/Authority
14	Sustainability for commercial and retail	<p>Future commercial and retail development will aspire to a target of a 40% reduction in:</p> <ul style="list-style-type: none"> operational greenhouse gas emissions associated with energy use; and operational potable water use <p>in comparison to similar types of development in NSW.</p>	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

No	Subject	Commitment	Timing	Responsible Monitoring Body/Authority
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"</p>	Details to be provided on a stage by stage basis and submitted with the relevant construction involving site excavation works	Relevant Consent Authority

No	Subject	Commitment	Timing	Responsible Monitoring Body/Authority
18	Ecology	<p>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 archaeological deposits and/or State significant relics not previously identified be discovered; and</p> <p>(iv) The procedure for continued consultation with the relevant Aboriginal stakeholders.</p>	<p>Mitigation measures to be implemented on a stage by stage basis in accordance with the timing requirements contained in Table 12.</p> <p>The mitigation measures detailed in Table 12 should be included in any conditions of consent issued in relation to future development applications.</p>	Relevant Consent Authority

No	Subject	Commitment	Timing	Responsible Monitoring Body/Authority
18a	In perpetuity of security biodiversity outcomes	<p>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;</p> <p>dedicating the conservation lands to Wollongong City Council as reserves to be administered under the <i>Local Government Act</i>; and/or;</p> <p>establishing an in-perpetuity Property Vegetation Plan under the <i>Native Vegetation Act 2003</i>; and/or</p> <p>applying for Conservation Agreement under the <i>National Parks and Wildlife Act 1974</i>; and/or</p> <p>establishing a conservation covenant under <i>Nature Conservation Trust Act</i>; and/or</p> <p>securing in perpetuity the biodiversity outcomes of the retained vegetation of the E2 lands through other appropriate legal mechanism(s).</p>	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	<p>Relevant authority or recognised conservation land manager</p> <p>Wollongong City Council</p> <p>Catchment Management Authority</p> <p>NPWS/DECCW</p> <p>Nature Conservation Trust of NSW.</p> <p>Relevant consent authority</p>

No	Subject	Commitment	Timing	Responsible Monitoring Body/Authority
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

No	Subject	Commitment	Timing	Responsible Monitoring Body/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
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

No	Subject	Commitment	Timing	Responsible Monitoring Body/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

No	Subject	Commitment	Timing	Responsible Monitoring Body/Authority
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</p>	Design to be incorporated into relevant future development applications and on a stage by stage basis.	Relevant development application consent authority

No	Subject	Commitment	Timing	Responsible Monitoring Body/Authority
		<p>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> <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.</p>		

No	Subject	Commitment	Timing	Responsible Monitoring Body/Authority
		<p>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. 		

