

Tallawarra Lands Concept Plan  
Approval Modification

APPENDIX

A

SEARS

Mr Daniel Thompson  
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16 Burelli Street  
WOLLONGONG NSW 2500

Your ref.: 8201714202:MS

By email: [daniel.thompson@cardno.com.au](mailto:daniel.thompson@cardno.com.au)

Dear Mr Thompson

**Secretary's Environmental Assessment Requirements  
Tallawarra Lands Modification**

Please find attached the re-issued Secretary's Environmental Assessment Requirements (SEARs) for the proposed modification to the Tallawarra Concept Plan (MP 09\_0131 MOD 1).

The Department has reviewed the proposal and notes the strategic planning and physical context of the site have not materially changed. Therefore, it is considered appropriate to re-issue the current SEARs.

Please note that given the scope of the proposed modification, the Department has not yet established a position on whether the application can be determined as a modification to the Concept Plan approval. The Environmental Assessment submitted in support of the application will need to demonstrate the proposed modification has limited environmental impacts beyond those already assessed for Concept Plan approval (MP 09\_0131).

Further, the Department continues to raise concerns about the proposed expansion of residential development into the RE1 Public Recreation zone. The Department recommends this aspect of the proposal should be further considered. The Department also raises concern about the proposed expansion of residential development towards the Tallawarra Power Station. In this regard, the Environmental Assessment will need to clearly demonstrate that the expanded footprint is suitable for residential development.

If the proposal is likely to have a significant impact on matters of National Environmental Significance, it may require an approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act). That approval would be in addition to any approvals required under NSW legislation; and it is your responsibility to contact the Australian Department of the Environment and Energy to determine if an approval under the EPBC Act is required for your proposal (<http://www.environment.gov.au> or 6274 1111).

If you have any enquiries about these SEARs, please contact Jane Flanagan on 02 9274 6416.

Yours sincerely,



Anthony Witherdin

**Director**

**Modification Assessments**

As the delegate of the Secretary

## Secretary's Environmental Assessment Requirements

### Section 75F of the *Environmental Planning and Assessment Act 1979*

<b>Application</b>	MP 09_0131 MOD 1
<b>Project</b>	Modification to the concept approval to increase the footprint of residential development in the Northern and Central precincts and increase the overall residential yield from 1,010 to 1,480 lots.
<b>Location</b>	Tallawarra, Princes Highway, Yallah
<b>Proponent</b>	Cardno Pty Ltd on behalf of BridgeHill Group
<b>Date re-issued</b>	January 2018
<b>General Requirements</b>	In addition to the key issues specified below, the modification request must include an environmental risk assessment to identify the potential environmental impacts associated with the development.
<b>Key issues</b>	<p>The modification request must address the following specific matters:</p> <p><b>1. Land Use Planning</b> The modification request shall:</p> <ul style="list-style-type: none"> <li>• address the statutory provisions applying to the site and all relevant strategic planning objectives outlined in the documents listed at <b>Attachment A</b>;</li> <li>• justify the proposed increase in residential land use and densities across the site in the context of relevant Environmental Planning Instruments and the broader strategic planning framework for the site; and</li> <li>• assess the potential environmental and residential amenity impacts associated with the proposal and demonstrate the expanded development footprint is suitable for residential development, considering the site's proximity to the Tallawarra Power Station, future employment lands and the Illawarra Regional Airport.</li> </ul> <p><b>2. Comparison with the Concept Approval (MP 09_0131)</b> The modification request shall:</p> <ul style="list-style-type: none"> <li>• demonstrate how the proposed modification can be assessed and determined within the scope of section 75W of the <i>Environmental Planning and Assessment Act 1979</i>, and in particular, address any environmental impacts beyond those already assessed for the concept approval; and</li> <li>• provide a comparative assessment (qualitative and quantitative) of the proposed modification against the approved concept, clearly describing, identifying and providing a rationale for the proposed amendments, including the status of the business park, neighbourhood centre and industrial precincts.</li> </ul> <p><b>3. Subdivision Design</b> The modification request shall include indicative details of the proposed subdivision layout and design which:</p> <ul style="list-style-type: none"> <li>• includes an indicative subdivision pattern responsive to the site conditions and constraints, including aspect, orientation, slope, drainage lines and vegetation;</li> <li>• demonstrates future lots would be orientated to maximise solar access to future dwellings;</li> <li>• includes perimeter roads around development boundaries and appropriate buffer areas to riparian corridors;</li> <li>• minimises culs-de-sac, battle axe blocks and rear property boundaries facing publicly accessible/visible areas;</li> </ul>

- includes water sensitive urban design measures to minimise the extent of impervious areas and encourage stormwater infiltration, treatment and reuse;
- includes measures to minimise land use conflicts, including appropriate landscaping and buffer areas;
- provides sufficient passive and active open space for the expected additional population;
- maximises permeability through the site and linkages/connections to the Lake Illawarra foreshore; and
- minimises potential for vehicle, bicycle and pedestrian conflicts.

#### **4. Visual Impacts**

The modification request shall provide a detailed visual impact assessment of the proposal from key viewpoints including views towards the site from the Shellharbour LGA. The assessment shall provide a comparative analysis of the visual impacts of the proposal compared with the concept approval.

#### **5. Noise Assessment**

The modification request shall include an acoustic assessment prepared by an appropriately qualified acoustic expert, which:

- includes an assessment of acoustic impacts from all surrounding noise sources, including the Tallawarra Power Station and any required buffer zones;
- includes an assessment of the cumulative impacts of noise sources (road, rail, aviation, power station, industrial and commercial areas) on the proposed modification;
- demonstrates that future dwellings on the proposed lots would comply with the noise level standards specified in *State Environmental Planning Policy (Infrastructure) 2007*, and the requirements of the *Development of New Rail Corridors and Busy Roads – Interim Guideline, 2008*;
- demonstrates compliance with the NSW Industrial Noise Policy at the boundary of nearby residential lots;
- includes a plan clearly illustrating noise contour lines in relation to the proposed expansion of residential uses on the site;
- includes an assessment of, and advice on the status of, the matters specified in Schedule 3 Future Environmental Assessment Requirements 5, 6 and 7 of the Concept Approval, and if any of those requirements have been triggered, information on their progression; and
- includes details of ongoing noise management and mitigation measures, including design responses to minimise noise impacts.

#### **6. Transport and Accessibility**

The modification request shall include a Traffic Impact Study prepared in accordance with the RTA's *Guide to Traffic Generating Developments* which also addresses:

- the impact of the additional lots on the road network, including connections to the Princes Highway and Princes Motorway;
- staging and funding of infrastructure, including the provision of connections to Cormack Avenue and Haywards Bay;
- mitigation of road traffic noise;
- traffic and road safety impacts;
- any impacts of the proposed bypass of Albion Park Rail; and
- the retention of foreshore access links.

## **7. Flora and Fauna**

The modification request shall:

- include an assessment of biodiversity impacts in accordance with the “avoid, minimise and offset hierarchy”, the *NSW Biodiversity Offsets Policy for Major Projects*, using an appropriate biodiversity assessment methodology such as the *Framework for Biodiversity Assessment 2014*, and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth);
- provide a field survey of the site in accordance with the *Threatened Species Assessment Guideline*, including:
  - a. an assessment and evaluation of the likely impacts on threatened species and their habitat; and
  - b. a description of proposed actions to avoid or mitigate impacts or compensate for unavoidable impacts on threatened species and their habitat;
- outline the measures for conservation/management of high environmental value and biodiversity corridor lands identified in the *Illawarra Shoalhaven Regional Plan 2015*, any vegetation with connective importance, and to protect and manage the riparian corridor and adjacent aquatic habitat;
- provide an updated Environmental Management Strategy (EMS) which addresses potential impacts (during all phases of development) on aquatic and terrestrial flora and fauna and their habitats (within the meaning of the *Threatened Species Conservation Act 1995* and the *Fisheries Management Act 1994*), in accordance with the *OEH Threatened Species Survey and Assessment Guidelines*, and *DPI Fisheries' Policy and Guidelines for Fish Habitat Conservation and Management 2013*. Provide details of monitoring programs designed to assess impacts on water quality, water flow and aquatic and riparian environments downstream of the proposal area;
- address the potential impacts of the proposed modification on wetlands, including hydrologic regime/groundwater recharge, water quality and loss/degradation of habitat, and measures to minimise impacts;
- provide an updated survey of wetlands, including an inventory of wetland vegetation and mapped boundaries of wetland by vegetation type, using GIS;
- provide updated details of the presence and distribution of Groundwater Dependent Ecosystems (GDEs) and identify any potential impacts on GDEs; and
- provide updated investigations and mapping of Endangered Ecological Communities and justify/detail any impacts on the approved widths of riparian buffers, including to Lake Illawarra in the Northern precinct, any other proposed conservation methods on the site, and mitigation measures.

## **8. Conservation Areas and Foreshores**

The modification request shall:

- provide updated details of the project's interface with the public domain areas, conservation areas and the Lake Illawarra foreshore;
- outline the in-perpetuity management and maintenance of the above areas, including ownership, tenure, funding, public access, and vegetation and rehabilitation works; and
- include updated vegetation and landscape management plans.

## **9. Riparian Impacts**

The modification request shall:

- identify and address any proposed amendments to the approved widths of riparian areas and buffers to wetlands, watercourses, the Lake Illawarra

foreshore, other important aquatic habitats and other significant and ecologically sensitive areas; and

- include a water management plan and monitoring strategy which demonstrate how the NSW Water Quality objectives within the receiving waters of Lake Illawarra would be achieved during the future construction and operational phases of the development.

#### **10. Groundwater/Contamination/Acid Sulphate Soils**

The modification request shall:

- undertake a review of the current hydrogeological setting, with an update of the remediation of contamination within the approved Concept area;
- identify whether the proposed additional footprint comprises contaminated land or groundwater contamination and include a detailed description of the soil sampling methodology, any required remediation measures and ongoing site contamination management in accordance with *Contaminated Land Management Act 1997* (CLM Act) and the *Managing Land Contamination: Planning Guidelines*;
- include an updated investigation of Areas of Environmental Concern, including:
  - the potential for contaminants present in soil and groundwater in the vicinity of the ash ponds to be mobilised and transported to the adjacent shallow aquifer, Duck Creek and the receiving waters of Lake Illawarra, and measures to address this, including the feasibility of remediation of contaminated soils and/or the containment of contamination sources;
  - potential for contamination in the vicinity of the ash ponds to adversely affect GDEs on the site; and
  - measures to ensure the environmental attributes of conservation lands on the site are not adversely impacted upon by soil and groundwater contaminants;
  - any risks to human health or the environment; and
  - recommendations for ongoing management of contaminated groundwater;
- provide verification by an auditor accredited under the CLM Act of the adequacy of the above investigation, effectiveness of any proposed remediation, and suitability of the site for the proposed modification in accordance with SEPP 55 – Remediation of Land;
- assess and advise on the status of the contamination matters specified in Schedule 3 Future Environmental Assessment Requirements 11 and 12 of the Concept Approval and, if any of those requirements have been triggered, information on their progression; and
- address the need for an Acid Sulphate Management Plan.

#### **11. Flooding**

The modification request shall:

- provide an assessment of any additional flood risks associated with the proposal in accordance with the *NSW Floodplain Development Manual (2005)*, including the impact of flooding on the development, the impact of the development on flood behaviour and the potential impacts of climate change, coastal processes, sea level rise and an increase in rainfall intensity; and
- address changes in hydrology from the proposed modification (runoff, tidal movement, flood flows and groundwater regime) and impacts on environmental lands within and surrounding the site.

#### **12. European Heritage and Aboriginal Cultural Heritage**

The modification request shall include a revised:

- Heritage Impact Assessment prepared in accordance with the NSW Heritage Manual which addresses the significance of, and provides an assessment of, the

	<p>impact on the heritage significance of heritage items, landscape features and vegetation on the site and items in the vicinity; and</p> <ul style="list-style-type: none"> <li>• Aboriginal Cultural Heritage Assessment in accordance with the <i>Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW</i> (DECCW, 2011), and <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010</i> (DECCW).</li> </ul> <p><b>13. Ecologically Sustainable Development (ESD)</b> The modification request shall identify how best practice ESD principles would be incorporated into the future development.</p> <p><b>14. Bushfire</b> The modification request shall demonstrate compliance with the relevant provisions of <i>Planning for Bushfire Protection 2006</i>.</p> <p><b>15. Aviation</b> The modification request shall address potential impacts of the proposal on the Illawarra Regional Airport in consultation with relevant authorities.</p> <p><b>16. Contributions</b> The modification request shall:</p> <ul style="list-style-type: none"> <li>• identify and address the additional demand created by the proposal on public facilities and infrastructure and detail the likely scope of any planning agreement and/or developer contributions with Council and State agencies; and</li> <li>• provide an Infrastructure Plan in consultation with Councils and relevant State agencies which outlines the expected timing/staging for the provision of Infrastructure required to service the development.</li> </ul> <p><b>17. Utilities</b> The modification request shall:</p> <ul style="list-style-type: none"> <li>• address, in consultation with relevant agencies, the existing capacity and requirements of the proposal for the provision of utilities, including staging of infrastructure works and protection of utilities' assets; and</li> <li>• outline any proposed sustainability initiatives to reduce the demand for drinking water, including alternative water supply, end uses of drinking and non-drinking water, water sensitive urban design and proposed water conservation measures.</li> </ul> <p><b>18. Statement of Commitments</b> The modification request shall include any new or modified Statements of Commitments detailing measures for environmental management, mitigation measures and monitoring for the development.</p>
<b>Consultation</b>	<p>During the preparation of the modification request, you are required to consult with the relevant local, State and Commonwealth Government authorities, and utilities service providers, including:</p> <ul style="list-style-type: none"> <li>• Wollongong City Council;</li> <li>• Shellharbour City Council;</li> <li>• Office of Environment and Heritage;</li> <li>• Environment Protection Authority;</li> <li>• Department of Industry – Lands;</li> <li>• NSW Office of Water;</li> <li>• Transport for NSW;</li> <li>• Roads and Maritime Services;</li> <li>• Rural Fire Service;</li> <li>• Lake Illawarra Estuary Management Committee;</li> <li>• NSW Department of Education and Communities;</li> <li>• Civil Aviation Safety Authority;</li> <li>• Air Services Australia;</li> <li>• Illawarra Regional Airport; and</li> <li>• Australian Department of the Environment and Energy.</li> </ul>

	<p>The modification request must describe the consultation process and issues raised and identify where the design of the development has been amended in response to those issues. Where amendments have not been made to address an issue, a clear justification should be provided.</p>
<b>Plans and Documents</b>	<p>The modification request must include all relevant plans, architectural drawings, diagrams and relevant documentation, including:</p> <ul style="list-style-type: none"> <li>• a table in the Environmental Assessment (EA) identifying the section of the EA where each component of the SEARs is addressed;</li> <li>• locality/context plan and site analysis plan;</li> <li>• site survey plan, showing existing levels, locations and heights of existing and adjacent structures/buildings to AHD;</li> <li>• plans and photomontages clearly illustrating the proposed amendments compared with the Concept Approval;</li> <li>• an indicative subdivision plan which includes lot sizes, staging, road layouts, open space, riparian corridors and buffer areas.</li> <li>• a plan clearly illustrating noise contour lines in relation to the approved and proposed development;</li> <li>• a plan clearly indicating Flood Planning Levels;</li> <li>• public domain plans;</li> <li>• a table outlining any proposed changes to the Terms of the Concept Approval; and</li> <li>• geotechnical and structural report.</li> </ul>



## ATTACHMENT A

### **Relevant EPIs, policies and guidelines to be addressed**

The modification request shall address the statutory provisions applying to the site contained in all relevant environmental planning instruments (EPIs), including:

- *Wollongong Local Environmental Plan 2009;*
- *Wollongong City Council Development Control Plan 2009.*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *State Environmental Planning Policy No. 14 – Coastal Wetlands;*
- *State Environmental Planning Policy No. 71 – Coastal; and*
- *Draft State Environmental Planning Policy (Coastal Management) 2016;*

The modification request shall also address relevant planning provisions, goals and strategic planning objectives in the following:

- NSW 2021;
- Illawarra Shoalhaven Regional Plan;
- National Airports Safeguarding Framework;
- Lake Illawarra Floodplain Risk Management Strategy 2012;
- Riparian Corridor Management Study 2004;
- NSW Wetland Management Policy 2010;
- NSW State Rivers and Estuaries Policy 1993;
- NSW Office of Water, Guidelines for Riparian Corridors on Waterfront Land;
- Coastal Design Guidelines for NSW (2003);
- Wollongong LGA Bioregional Assessment Study;
- NSW Long Term Transport Master Plan;
- RMS Guide to Traffic Generating Developments;
- Tallawarra Lands Local Environmental Study;
- Public Transport Service Planning Guidelines: Rural and Regional NSW (2015);
- Austroads Guidelines;
- NSW Bicycling Guidelines;
- NSW Planning Guidelines for Walking and Cycling;
- Crime Prevention Through Environmental Design (CPTED) Principles; and
- Healthy Urban Development Checklist, NSW Health.