

Modification of Concept Plan Approval

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

As delegate of the Minister for Planning, I modify the Concept Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Sydney

2020

SCHEDULE 1

Development Approval: **MP 09_0131** granted by the Planning Assessment Commission on 23 May 2013

For the following: Mixed-use development including residential, commercial, industrial and retail development, public open space areas, new recreational facilities, environmental management, conservation areas and riparian corridors.

Proponent: Bridgehill (Tallawarra) Pty Ltd

Approval Authority: Minister for Planning

The Land: Tallawarra Lands, Yallah

- Lot 1 in DP109795;
- 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

Modification: **MP 09_0131 MOD 1:** to increase the residential capacity within the Northern and Central Precincts on the site by reducing lot sizes and expanding the urban footprint and to make changes to enable the Northern and Central Precincts to be developed independently and in advance of the Southern Precinct.

SCHEDULE 2

The above approval (MP 09_0131) is modified as follows:

- (a) Schedule 2 Part A – Terms of Approval, Condition A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words / numbers as follows:

A1 Development description

Concept approval is granted to the development as described below;

- (a) Three residential precincts accommodating up to ~~4,040~~ **1,257** lots - the ~~Northshore~~ **Northern** 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.
- (b) Schedule 2 Part A – Terms of Approval, Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words / numbers as follows:

A2 Development in Accordance with Plans and Documentation

The development shall be undertaken generally in accordance with:

- (a) 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;
- (b) **the MOD 1 Environmental Assessment titled 'Tallawarra Lands Concept Plan Approval Modification' prepared by Cardno NSW / ACT Pty Ltd dated 31/05/2018, as amended by the Response to Submissions (MOD 1 RtS) titled 'Tallawarra Lands Response to Submissions' prepared by Cardno NSW / ACT Pty Ltd dated 13/05/2019, as amended by the Addendum Response to Submissions (MOD 1 Addendum RtS) titled 'Tallawarra Lands Mixed Use Development (MP 09 0131) Modification Final Response V2' prepared by Cardno NSW / ACT Pty Ltd dated 12/11/2019 as amended by the additional information submitted on 25/06/2020 by email titled 'Tallawarra Lands Final ACHAR' and AR Reports and including updated Aboriginal Archaeological Assessments and Cultural Heritage reports;**
- (c) the **modified** Statement of Commitments prepared by ~~DFP Planning Consultants;~~ **Cardno NSW / ACT Pty Ltd submitted with the MOD 1 Addendum RTS** and
- (d) 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* | |
| <u>Cardno L1000</u> | <u>Landscape: Concept Plan</u> | <u>10.09.19</u> |
| <u>Cardno Figure 5-7</u> | <u>Proposed Road Hierarchy – Central & Northern Precincts</u> | <u>09.09.2019</u> |
| <u>Cardno Figure 7-1</u> | <u>Proposed Transmission Line</u> | <u>09.09.2019</u> |
| <u>Cardno Figure 7-4</u> | <u>Proposed Development Controls Plan - North</u> | <u>12.09.2019</u> |
| <u>Cardno Figure 7-5</u> | <u>Proposed Development Controls Plan - Central</u> | <u>09.09.2019</u> |

** note: this plan applies only to the Southern Precinct*

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

- (c) Schedule 2 Part A – Terms of Approval, Condition A3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words / numbers as follows:

A3 Inconsistencies between Documentation

In the event of any inconsistency between modifications **and future environmental assessment requirements** of the Concept Plan approval identified in this approval and the drawings/documents including the Statement of Commitments referred to above, the modifications **and future environmental assessment requirements** of the Concept Plan shall prevail. **In the event of any inconsistency, ambiguity or conflict between any of the documents listed in Condition A2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.**

- (d) Schedule 2 Part A – Terms of Approval, Condition A5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words / numbers as follows:

A5 Development Guideline

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 **except as amended by Modification 1 including the documents and plans listed at Condition A2(b)**

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

The guidelines must be designed to provide guidance for future residential development in the Northern and Central Precinct and to ensure that future residential development in the Northern and Central Precinct would achieve the

objectives of WDCP 2009 with respect to residential development and ecologically sustainable development.

The guidelines must include guidance for future residential development on sites adjoining Carlyle Close, including building envelope, siting and height controls to ensure that future development on these sites would minimise impacts to views of the ridgeline and would minimise view loss impacts from Carlyle Close.

- (e) Schedule 2 Part A – Terms of Approval, Condition A6 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words / numbers as follows:

A6 First Future Application

The first future application must be an application to Council for superlot subdivision of the entire site and is to be generally in accordance with the land use boundaries provided in the Concept Plan the plan titled 'Proposed First Super lot Subdivision Plan Rev 02' prepared by Bridgehill and dated 07 October 2020, with the land identified to be dedicated to TfNSW as a separate lot. In addition to other requirements of the Terms of Approval, this application must identify the sequential staging of the Concept Plan.

The application must address the interrelationship between the proposed sites created by the subdivision, and specifically how infrastructure delivery, revegetation, environmental measures and offsets that may be required to be provided on the Environmental Land lot or Southern Precinct lot in order to support development on the Northern lot or Central lot would be assured.

In this regard, the timing for delivery of the east-west collector road and north-south collector road on the site must be determined in conjunction with the Superlot Subdivision, having regard to traffic impacts, connectivity requirements and flood safety. Where it is found that roads are required to be delivered in conjunction with the development of the Northern or Central Precincts, the approval is to include appropriate mechanisms (such as a binding agreements, easements, or creation of separate lots for any required roads) to enable and ensure delivery of the roadway(s).

Similarly, responsibilities and timing for any revegetation of land or transfer of environmental land as offset for the proposed Northern and Central precincts is to be addressed and as necessary, mechanisms incorporated to enable and ensure delivery of any required works or offsets.

- (f) Schedule 2 Part A – Terms of Approval, Condition A7 is added by the insertion of the **bold and underlined** words / numbers as follows:

A7 Limits of this Approval

This Concept Plan does not approve:

- (a) **any works or any future works on any adjacent foreshore lands owned or managed by Crown Lands**
- (b) **any works other than roadworks required under this approval on the land identified to be transferred to TfNSW for the Albion Park Rail Bypass**

- (g) Schedule 2 Part B – Modifications, Modification B4 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words / numbers as follows:

B4 Environmental Corridor

The proposed ~~W~~woodland revegetation **is to be provided** along the ridgeline on the southern edge of the ~~Northshore~~ **Northern** precinct (~~identified in the Landscape Plan, prepared by Corkery Consulting, May 2012~~) shall comprise **and is to be designed to provide** 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.

Plans demonstrating the provision of the Environmental Corridor are to be submitted with the first future application for superlot subdivision.

- (h) Schedule 2 Part B – Modifications, Modification B5 is deleted by the ~~struckout~~ words / numbers as follows:

~~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*~~

- (i) Schedule 2 Part C – Future Environmental Assessment Requirements, FEAR 3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words / numbers as follows:

3 Stormwater Management Masterplan

The first future application to Council for superlot subdivision must include stormwater management masterplan consistent with the requirements of Wollongong City Council's LEP, DCP and relevant Australian Standards for stormwater amendment. **The plan must also set out measures for long term stormwater quality monitoring and independent auditing.**

- (j) Schedule 2 Part C – Future Environmental Assessment Requirements, FEAR 4 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words / numbers as follows:

4 Floodplain Risk Assessment and Management

The first future application to Council for superlot subdivision must include a floodplain risk assessment and management plan consistent with the requirements of Wollongong City Council's LEP, DCP, Duck Creek Flood Study (2012) and the NSW Floodplain Development Manual (2005).

- (k) Schedule 2 Part C – Future Environmental Assessment Requirements, FEAR 5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words / numbers as follows:

5 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*.

Where future assessments in relation to the Central Precinct demonstrate the need for acoustic mitigation due to road noise, this must be provided as an acoustic barrier along the western boundary of the Precinct. The barrier must be designed to minimise visual impacts and consideration must be given to an acoustic wall within a landscaped setting or a landscaped acoustic mound. The barrier may not encroach into land to be transferred to TfNSW along this boundary.

Future applications that propose to create residential allotments that may be affected by noise from the Tallawarra Power Station are to demonstrate that future dwellings on those sites would be located outside of the 52dB(A) LA_{max} contour.

- (l) Schedule 2 Part C – Future Environmental Assessment Requirements, FEAR 8 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words / numbers as follows:

8 Cultural Heritage Management Plan

The first future application to Council (refer to Condition A6) for shall be accompanied by a **A** Cultural Heritage Management Plan (CHMP) that details how impacts on Aboriginal and non-Aboriginal heritage across the entire site will be minimised and managed **is to be provided in two parts:**

- (i) **Part 1 of the plan shall apply to Yallah Bay Road and all land north of Yallah Bay Road and is to include specific consideration of the entire Northern and Central Precincts and the collector road which will connect the two sites and is to be submitted with the first application for super lot subdivision**
- (ii) **Part 2 is to apply to the Southern Precinct and shall be submitted with the first application within the Southern Precinct following the approval of the first future lot subdivision. Where a collector road is proposed to be delivered in advance of all other development in the Southern Precinct, Part 2 may be delivered in two sub-parts: one for the road reserve and one for all remaining lands**

The plan **CHMP is to be based on detailed archaeological investigations and the findings of an Aboriginal Cultural Heritage Assessment Report (ACHAR)** and 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
- f) **A Heritage Interpretation Strategy for the site**

All future applications **s** must demonstrate how they will implement the CHMP.

In addition to documentation provided as part of MOD 1, the following is required in support of Part 1 of the plan:

- archaeological investigations for the Central Precinct and within the proposed east-west road corridor connecting the precincts, in areas that have moderate or high archaeological potential for Aboriginal Heritage.
- additional assessment and investigations in relation to sites TH2 and TH3 with respect to European Heritage. Where archaeological potential is confirmed, impacts to these areas should be avoided or where impacts are unavoidable, detailed archaeological assessments are to be provided
- the ACHAR and CHMP is to apply to all relevant land, noting that reports provided with MOD 1 have excluded the eastern part of the Central Precinct.

- (m) Schedule 2 Part C – Future Environmental Assessment Requirements, FEAR 9 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words / numbers as follows:

9 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.

- (n) Schedule 2 Part C – Future Environmental Assessment Requirements, FEAR 10 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words / numbers as follows:

10 Amended Vegetation Management Plan

The first future application to Council (refer to Condition A6) shall be accompanied by ~~A~~an amended Vegetation Management Plan, **is to be provided in two parts:**

- Part 1 of the plan shall apply to all land north of Yallah Bay Road and is to be submitted with the first application for super lot subdivision**
- Part 2 is to apply to the Southern Precinct and shall be submitted with the first application within the Southern Precinct following the approval of the first future lot subdivision**

which includes the following requirements:

- Commitment to** 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
- Commitment to** 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

- (c) **Details of the woodland revegetation necessary to create the environmental corridor required by Modification B4**
- (d) **Outline the proposed timing for delivery of works under the plan and outline which parties will be responsible for delivering the works and what arrangement will be in place, having regard to landownership, to ensure the works are completed in accordance with the plan.**

- (o) Schedule 2 Part C – Future Environmental Assessment Requirements, FEAR 11 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words / numbers as follows:

11 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)~~ **The following development applications** must be accompanied by a further environmental assessment report.

- (i) **The first future superlot subdivision application to Council (refer to Condition A6) must include a further environmental assessment report in relation to the northern and central super lots and the east-west collector road corridor; and**
- (ii) **Any application for the further subdivision of the superlot containing the Southern Precinct (as identified in Condition A6) must include a further environmental assessment report in relation to the whole of the Southern Precinct**
- (iii) **Despite (ii) above, an application that seeks to create the north-south collector road in the Southern Precinct ahead of all remaining development in that precinct must only include a further environmental assessment report in relation to the proposed road corridor**

In addition to adopting the recommendations contained in Section 12 of the Coffey Environments Groundwater Modelling Assessment report, the further investigations must consider, **where relevant**:

- 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). **Prior to the issue of any Subdivision Certificate (other than for the first superlot subdivision) the Proponent must obtain a site Audit Statement to** and certify that the site is suitable for its proposed use. **No building may be erected on land prior to the issue of a Site Audit Statement certifying that the land is suitable for the proposed building and associated use.**

Note: For the purposes of this condition “Building” means a building that is development to which clause 7 of State Environmental Planning Policy No. 55 applies

- (p) Schedule 2 Part C – Future Environmental Assessment Requirements, FEAR 12 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words / numbers as follows:

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

The first future **superlot subdivision** application to Council (refer to Condition A6) must include, **in relation to the Northern and Central superlots,** a verification from a Site Auditor accredited under the *Contaminated Land Management Act 1997* as to the adequacy of the investigations and asbestos soil sampling undertaken by Douglas Partners (July 2010) **and any further investigations subsequently undertaken by the Proponent** and certification of the suitability of the site for the proposed use **that the northern and central super lots can be made suitable for their proposed use.**

Any application to further subdivide or carry out any works on the Southern Precinct (as defined on the Super Lot Subdivision Plan and Condition A6) 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 any further investigations subsequently undertaken by the proponent and certification that the whole of the Southern Precinct can be made suitable for its proposed use.

Note: For the purposes of this condition “Works” means works that are development to which clause 7 of State Environmental Planning Policy No. 55 applies.

- (q) Schedule 2 Part C – Future Environmental Assessment Requirements, FEAR 14 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words / numbers as follows:

14 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~~

- (r) Schedule 2 Part C – Future Environmental Assessment Requirements, FEAR 15 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words / numbers as follows:

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

~~The first future application which includes works (refer to Condition A6) 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 **consistent with the approved design for the roundabout in this location under the approved Albion Park Rail Bypass project**. The submitted design must be to the satisfaction of and have been approved by ~~Roads and Maritime Services~~ **TfNSW** and Wollongong City Council.

- (s) Schedule 2 Part C – Future Environmental Assessment Requirements, FEAR 16 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words / numbers as follows:

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

The first future application to Council (~~refer to Condition A6~~) for ~~superlot subdivision~~ **for works or subdivision within the Central Precinct following super lot subdivision** 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~~ **TfNSW** and Wollongong City Council.

The road closure is to be implemented in conjunction with the development of the Central Precinct.

- (t) Schedule 2 Part C – Future Environmental Assessment Requirements, FEAR 23 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words / numbers as follows:

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

Future applications which include Bushfire Prone land must be accompanied by a bushfire assessment report which demonstrates that the development meets the requirements of *Planning for Bushfire Protection-2006* **2019, including the provision of Asset Protection Zones**

Future applications for subdivision are to demonstrate the provision of perimeter roads around residential areas in accordance with the requirements of Planning for Bushfire Protection 2019 and in accordance with the requirements of the Rural Fire Service

- (u) Schedule 2 Part C – Future Environmental Assessment Requirements, FEAR 24 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words / numbers as follows:

24 Bushfire protection for the access to the tourist facility

Future applications for the tourist facility **are to** include a bushfire assessment report that demonstrates that development complies with Section 4.2.7 of *Planning for Bushfire Protection 2006* **2019**, including asset protection zones and roads

- (v) Schedule 2 Part C – Future Environmental Assessment Requirements, FEAR 25 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words / numbers as follows:

25 Satisfactory Arrangements for the provision of designated State public infrastructure

~~The first development application to Council (refer to Condition A6) 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.~~

Following the first development application to Council (refer to Condition A6):

- (a) **the first development application to Council for development in the Northern and Central Precincts must demonstrate that satisfactory arrangements have been made for the provision of designated State public infrastructure as it relates to the Northern and Central Precincts and in accordance with Clause 6.1 of Wollongong Local Environmental Plan 2009.**
- (b) **the first development application to Council for development in the Southern Precinct must demonstrate that satisfactory arrangements have been made for the provision of designated State public infrastructure as it relates to the Southern Precinct and in accordance with Clause 6.1 of Wollongong Local Environmental Plan 2009.**
- (w) Schedule 2 Part C – Future Environmental Assessment Requirements, FEAR 26 is added by the insertion of the **bold and underlined** words / numbers as follows:

26 Road Reserve Widths

The width of road reserves shown on the plans accompanying MOD 1 are not approved. Roads associated with the development of the Northern and Central Precincts are to be designed in accordance with the requirements, including road reserve widths, of equivalent roads in the Wollongong Development Control Plan 2009.

- (x) Schedule 2 Part C – Future Environmental Assessment Requirements, FEAR 27 is added by the insertion of the **bold and underlined** words / numbers as follows:

27 Road and Subdivision Layout

The road and subdivision layouts of the precincts as shown on the approved plans are indicative only. Final road and subdivision design is to be determined as part of future subdivision applications and is to address the following matters:

- (a) **The western part of the Northern Precinct within the E3 Environmental Management zone should be redesigned to ensure that the road and subdivision design would not encroach into riparian zones established by this approval, would avoid impacts to threatened or endangered ecological communities within the E3 zone, and would not result in any unacceptable impacts to the adjoining wetland or proximity area in accordance with provisions that would apply to the assessment of future DAs.**
- (b) **The provision of roads and road reserves in accordance with Condition 26**
- (c) **Any necessary amendments in order to provide the environmental corridor required by condition B4**
- (d) **Any necessary amendments in order to provide perimeter roads as required by Condition 23**

- (e) Any necessary amendments to provide an acoustic barrier in accordance with condition 5
 - (f) Any necessary amendments to preserve heritage values identified in the CHMP required by condition 8
 - (g) The incorporation of a pedestrian link to Hector Harvey Park
- (y) Schedule 2 Part C – Future Environmental Assessment Requirements, FEAR 28 is added by the insertion of the **bold and underlined** words / numbers as follows:

28 Slope Instability

Future applications that relate to areas of slope instability identified in the Coffey Environments Report 2010 are to be prepared having regard to the findings of that report and the requirements of WDCP 2009 Chapter E12: Geotechnical Assessment of Slope Instability

- (z) Schedule 2 Part C – Future Environmental Assessment Requirements, FEAR 29 is added by the insertion of the **bold and underlined** words / numbers as follows:

29 Lots Fronting Carlyle Close

Future Applications which would create lots fronting Carlyle Close are to give consideration to the traffic impacts of the proposal to Carlyle Close and if found to be necessary or appropriate, should include road widening to accommodate the additional impact of the proposal on that road.

Future Applications which would create lots fronting Carlyle Close are to give consideration to imposing restrictions on the title to ensure the height, siting and envelope requirements established by the design guidelines under Term of Approval A5, would be applied to future buildings on those sites.

- (aa) Schedule 2 Part C – Future Environmental Assessment Requirements, FEAR 30 is added by the insertion of the **bold and underlined** words / numbers as follows:

30 Traffic Impacts and Road Works

Traffic Impact Assessments are required to be submitted as part of future applications to assess the impact of the proposal on the surrounding road network. In addition to roadworks required under this approval, should any future application result in on overall worsening of performance of intersections adjacent to the site, which would result in intersections operating at a level of service D or worse, an intersection upgrade (designed in consultation with TfNSW and Council) must be incorporated as part of the application.

**End of Modification
(MP 09_0131 MOD 1)**