

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA-2023/481

Development: Concept approval of site layout for subdivision and 8 stages of development, with stages 2 – 8 to be the subject of future DAs, and a detailed Proposal for the first stage of development described as Stage 1 on part of the land of land including tree removal, remediation of land, earthworks, dewatering of three dams, stormwater infrastructure, landscaping to road reserves, subdivision to create 116 residential lots, 1 'environmental' lot, 1 lot for a detention basin and 1 residual lot and associated works, construction of local park including embellishment and landscaping, and the establishment of a Biodiversity Stewardship Agreement under the *Biodiversity Conservation Act 2016*

Site: 200, 220, 240 and 330 Marshall Mount Road, Marshall Mount NSW 2530 (Lots 1 and 2 in DP1277366, Lot 5 in DP1280030 and Lot 1 in DP1280028)

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 12 May 2025

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.

- (c) Any reference to the “site”, means the land known as 200, 220, 240 and 330 Marshall Mount Road, Marshall Mount NSW 2530 (Lots 1 and 2 in DP1277366, Lot 5 in DP1280030 and Lot 1 in DP1280028).

The conditions of consent are as follows:

Terms and Reasons for Conditions

Under Section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under Section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

Conditions				
1. Approved Plans and Supporting Documentation				
Development must be carried out in accordance with the following approved plans and supporting documentation, except where the conditions of this consent expressly require otherwise.				
Plan No.	Revision No.	Description	Author	Date
Concept				
P00447-CI-CDA-1027	D	BSA PLAN	GROUP DEVELOPMENT SERVICES (GDS)	10.01.2025
P00447-CI-CDA-1041	D	STAGING PLAN	GDS	10.01.2025
P00447-CI-CDA-1501	D	TYPICAL ROAD CROSS SECTIONS - SHEET 1	GDS	10.01.2025
P00447-CI-CDA-1502	D	TYPICAL ROAD CROSS SECTIONS - SHEET 2	GDS	10.01.2025
Stage 1				
P00447-CI-DA-S1-1041	C	PLAN OF SUBDIVISION SHEET 1	GDS	08.04.2025
P00447-CI-DA-S1-1042	C	PLAN OF SUBDIVISION SHEET 2	GDS	08.04.2025
P00447-CI-DA-S1-1043	C	PLAN OF SUBDIVISION SHEET 3	GDS	08.04.2025
P00447-CI-DA-S1-1044	C	PLAN OF SUBDIVISION SHEET 4	GDS	08.04.2025

P00447-CI-DA-S1-1321	E	CIVIL WORKS AND STORMWATER DRAINAGE PLAN - SHEET 1	GDS	08.04.2025
P00447-CI-DA-S1-1322	E	CIVIL WORKS AND STORMWATER DRAINAGE PLAN - SHEET 2	GDS	08.04.2025
P00447-CI-DA-S1-1323	E	CIVIL WORKS AND STORMWATER DRAINAGE PLAN - SHEET 3	GDS	08.04.2025
P00447-CI-DA-S1-1324	E	CIVIL WORKS AND STORMWATER DRAINAGE PLAN - SHEET 4	GDS	08.04.2025
P00447-CI-DA-S1-1325	E	CIVIL WORKS AND STORMWATER DRAINAGE PLAN - SHEET 5	GDS	08.04.2025
P00447-CI-DA-S1-1326	E	CIVIL WORKS AND STORMWATER DRAINAGE PLAN - SHEET 6	GDS	08.04.2025
P00447-CI-DA-S1-1351	D	SIGNAGE AND LINEMARKING PLAN SHEET 1	GDS	08.04.2025
P00447-CI-DA-S1-1352	D	SIGNAGE AND LINEMARKING PLAN SHEET 2	GDS	08.04.2025
P00447-CI-DA-S1-1353	D	SIGNAGE AND LINEMARKING PLAN SHEET 3	GDS	08.04.2025
P00447-CI-DA-S1-1354	D	SIGNAGE AND LINEMARKING PLAN SHEET 4	GDS	08.04.2025
P00447-CI-DA-S1-1355	D	SIGNAGE AND LINEMARKING PLAN SHEET 5	GDS	08.04.2025

P00447-CI-DA-S1-1300	C	STORMWATER CATCHMENT PLAN - PRE DEVELOPMENT	GDS	07.03.2025
P00447-CI-DA-S1-1301	C	STORMWATER CATCHMENT PLAN - POST DEVELOPMENT	GDS	07.03.2025
P00447-CI-DA-S1-1522	C	ROAD LONGITUDINAL SECTIONS - SHEET 2	GDS	07.03.2025
P00447-CI-DA-S1-1001	B	COVER SHEET, LOCALITY PLAN AND DRAWING SCHEDULE	GDS	10.01.2025
P00447-CI-DA-S1-1021	B	GENERAL NOTES	GDS	10.01.2025
P00447-CI-DA-S1-1026	B	ZONING PLAN	GDS	10.01.2025
P00447-CI-DA-S1-1027	B	BSA PLAN	GDS	10.01.2025
P00447-CI-DA-S1-1028	A	LAND DEDICATION PLAN	GDS	10.01.2025
P00447-CI-DA-S1-1031	B	GENERAL ARRANGEMENT PLAN	GDS	10.01.2025
P00447-CI-DA-S1-1040	B	CDA CONTEXT PLAN	GDS	10.01.2025
P00447-CI-DA-S1-1045	B	PLAN OF SUBDIVISION - SHEET 5	GDS	10.01.2025
P00447-CI-DA-S1-1051	B	EXISTING SITE SURVEY PLAN	GDS	10.01.2025
P00447-CI-DA-S1-1061	B	DEMOLITION AND TREE REMOVAL/ RETENTION PLAN	GDS	10.01.2025
P00447-CI-DA-S1-1101	B	EROSION AND SEDIMENT CONTROL PLAN - SHEET 1	GDS	10.01.2025
P00447-CI-DA-S1-1102	B	EROSION AND SEDIMENT CONTROL PLAN - SHEET 2	GDS	10.01.2025

P00447-CI-DA-S1-1103	B	EROSION AND SEDIMENT CONTROL PLAN - SHEET3	GDS	10.01.2025
P00447-CI-DA-S1-1104	B	EROSION AND SEDIMENT CONTROL PLAN - SHEET4	GDS	10.01.2025
P00447-CI-DA-S1-1105	B	EROSION AND SEDIMENT CONTROL PLAN - SHEET5	GDS	10.01.2025
P00447-CI-DA-S1-1106	B	EROSION AND SEDIMENT CONTROL PLAN - SHEET6	GDS	10.01.2025
P00447-CI-DA-S1-1131	B	EROSION AND SEDIMENT CONTROL DETAILS	GDS	10.01.2025
P00447-CI-DA-S1-1201	B	CUT AND FILL EARTHWORKS PLAN - SHEET1	GDS	10.01.2025
P00447-CI-DA-S1-1202	B	CUT AND FILL EARTHWORKS PLAN - SHEET2	GDS	10.01.2025
P00447-CI-DA-S1-1203	B	CUT AND FILL EARTHWORKS PLAN - SHEET3	GDS	10.01.2025
P00447-CI-DA-S1-1204	B	CUT AND FILL EARTHWORKS PLAN - SHEET4	GDS	10.01.2025
P00447-CI-DA-S1-1205	B	CUT AND FILL EARTHWORKS PLAN - SHEET5	GDS	10.01.2025
P00447-CI-DA-S1-1231	B	SITE SECTIONS - SHEET 1	GDS	10.01.2025
P00447-CI-DA-S1-1232	B	SITE SECTIONS - SHEET 2	GDS	10.01.2025
P00447-CI-DA-S1-1233	B	SITE SECTIONS - SHEET 3	GDS	10.01.2025
P00447-CI-DA-S1-1381	B	TURNING PATH PLAN	GDS	10.01.2025

P00447-CI-DA-S1-1401	B	CIVIL WORKS TYPICAL DETAILS	GDS	10.01.2025
P00447-CI-DA-S1-1411	B	BIO-RETENTION BASIN PLAN AND LONGITUDINAL SECTIONS - SHEET 1	GDS	10.01.2025
P00447-CI-DA-S1-1412	B	BIO-RETENTION BASIN PLAN AND LONGITUDINAL SECTIONS - SHEET 2	GDS	10.01.2025
P00447-CI-DA-S1-1413	B	BIO-RETENTION BASIN PLAN AND LONGITUDINAL SECTIONS - SHEET 3	GDS	10.01.2025
P00447-CI-DA-S1-1414	B	BIO-RETENTION/DETENTION BASIN DETAILS	GDS	10.01.2025
P00447-CI-DA-S1-1421	B	STORMWATER TYPICAL DETAILS - SHEET 1	GDS	10.01.2025
P00447-CI-DA-S1-1422	B	STORMWATER TYPICAL DETAILS - SHEET 2	GDS	10.01.2025
P00447-CI-DA-S1-1441	A	STORMWATER LONGITUDINAL SECTIONS - SHEET 1	GDS	10.01.2025
P00447-CI-DA-S1-1442	A	STORMWATER LONGITUDINAL SECTIONS - SHEET 2	GDS	10.01.2025
P00447-CI-DA-S1-1443	A	STORMWATER LONGITUDINAL SECTIONS - SHEET 3	GDS	10.01.2025
P00447-CI-DA-S1-1444	A	STORMWATER LONGITUDINAL SECTIONS - SHEET 4	GDS	10.01.2025
P00447-CI-DA-S1-1445	A	STORMWATER LONGITUDINAL SECTIONS - SHEET 5	GDS	10.01.2025
P00447-CI-DA-S1-1446	A	STORMWATER LONGITUDINAL SECTIONS - SHEET 6	GDS	10.01.2025

P00447-CI-DA-S1-1447	A	STORMWATER LONGITUDINAL SECTIONS - SHEET7	GDS	10.01.2025
P00447-CI-DA-S1-1448	A	STORMWATER LONGITUDINAL SECTIONS - SHEET8	GDS	10.01.2025
P00447-CI-DA-S1-1449	A	STORMWATER LONGITUDINAL SECTIONS - SHEET9	GDS	10.01.2025
P00447-CI-DA-S1-1450	A	STORMWATER LONGITUDINAL SECTIONS - SHEET10	GDS	10.01.2025
P00447-CI-DA-S1-1451	A	STORMWATER LONGITUDINAL SECTIONS - SHEET11	GDS	10.01.2025
P00447-CI-DA-S1-1452	A	STORMWATER LONGITUDINAL SECTIONS - SHEET12	GDS	10.01.2025
P00447-CI-DA-S1-1453	A	STORMWATER LONGITUDINAL SECTIONS - SHEET13	GDS	10.01.2025
P00447-CI-DA-S1-1454	A	STORMWATER LONGITUDINAL SECTIONS - SHEET14	GDS	10.01.2025
P00447-CI-DA-S1-1455	A	STORMWATER LONGITUDINAL SECTIONS - SHEET15	GDS	10.01.2025
P00447-CI-DA-S1-1456	A	STORMWATER LONGITUDINAL SECTIONS - SHEET16	GDS	10.01.2025
P00447-CI-DA-S1-1501	B	TYPICAL ROAD CROSS SECTIONS	GDS	10.01.2025
P00447-CI-DA-S1-1521	B	ROAD LONGITUDINAL SECTIONS - SHEET1	GDS	10.01.2025
P00447-CI-DA-S1-1523	B	ROAD LONGITUDINAL SECTIONS - SHEET3	GDS	10.01.2025
P00447-CI-DA-S1-1524	B	ROAD LONGITUDINAL SECTIONS - SHEET4	GDS	10.01.2025

	P00447-CI-DA-S1-1525	B	ROAD LONGITUDINAL SECTIONS - SHEET 5	GDS	10.01.2025
	P00447-CI-DA-S1-1526	B	ROAD LONGITUDINAL SECTIONS - SHEET 6	GDS	10.01.2025
	P00447-CI-DA-S1-1527	B	ROAD LONGITUDINAL SECTIONS - SHEET 7	GDS	10.01.2025
	P00447-CI-DA-S1-1528	B	ROAD LONGITUDINAL SECTIONS - SHEET 8	GDS	10.01.2025
	P00447-CI-DA-S1-1529	B	ROAD LONGITUDINAL SECTIONS - SHEET 9	GDS	10.01.2025
	P00447-CI-DA-S1-1601	B	RETAINING WALL LOCALITY PLAN - SHEET 1	GDS	10.01.2025
	P00447-CI-DA-S1-1602	B	RETAINING WALL LOCALITY PLAN - SHEET 2	GDS	10.01.2025
	P00447-CI-DA-S1-1603	B	RETAINING WALL LOCALITY PLAN - SHEET 3	GDS	10.01.2025
	P00447-CI-DA-S1-1604	B	RETAINING WALL LOCALITY PLAN - SHEET 4	GDS	10.01.2025
	P00447-CI-DA-S1-1605	B	RETAINING WALL LOCALITY PLAN - SHEET 5	GDS	10.01.2025
	P00447-CI-DA-S1-1621	B	RETAINING WALL ELEVATIONS	GDS	10.01.2025
	P00447-CI-DA-S1-1631	B	TYPICAL LOT GRADING DETAILS	GDS	10.01.2025
	Swept Paths				
	1	001	STAGE 1 SWEEP PATH ASSESSMENT WRR / MMR INTERIM INTERSECTION CHECKING VEHICLE (12.5 MHRV)	BITZIOS CONSULTING	02.04.2025

	2	001	STAGE 1 SWEPTPATH ASSESSMENTWRR/ MMR INTERIM INTERSECTION CHECKING VEHICLE (12.5MHRV)	BITZIOS CONSULTING	02.04.2025
	3	001	STAGE 1 SWEPTPATH ASSESSMENTWRR/ MMR INTERIM INTERSECTION CHECKING VEHICLE (12.5MHRV)	BITZIOS CONSULTING	02.04.2025
	4	001	STAGE 1 SWEPTPATH ASSESSMENTWRR/ MMR INTERIM INTERSECTION CHECKING VEHICLE (12.5MHRV)	BITZIOS CONSULTING	02.04.2025
	1	001	STAGE 1 SWEPTPATH ASSESSMENTSTAGE 1 DEVELOPMENT AREA CIRCULATION DESIGN VEHICLE (8.8MMRV)	BITZIOS CONSULTING	03.04.2025
	2	001	STAGE 1 SWEPTPATH ASSESSMENTSTAGE 1 DEVELOPMENT AREA CIRCULATION DESIGN VEHICLE (8.8MMRV)	BITZIOS CONSULTING	03.04.2025
	3	001	STAGE 1 SWEPTPATH ASSESSMENTSTAGE 1 DEVELOPMENT AREA CIRCULATION DESIGN VEHICLE (8.8MMRV)	BITZIOS CONSULTING	03.04.2025
	1	001	STAGE 1 SWEPTPATH ASSESSMENTSTAGE 1 DEVELOPMENT AREA CIRCULATION DESIGN VEHICLE (8.8MMRV)	BITZIOS CONSULTING	01.04.2025
	2	001	STAGE 1 SWEPTPATH ASSESSMENTSTAGE 1 DEVELOPMENT AREA CIRCULATION DESIGN VEHICLE (8.8MMRV)	BITZIOS CONSULTING	01.04.2025

3	001	STAGE 1 SWEEP PATH ASSESSMENT STAGE 1 DEVELOPMENT AREA CIRCULATION DESIGN VEHICLE (8.8MMRV)	BITZIOS CONSULTING	01.04.2025
Concept Plan				
149831-57	R	200-330 MARSHALL MOUNT ROAD, MARSHALL MOUNT CONCEPT PLAN	RPS	04.04.2025
149831-57	R	200-330 MARSHALL MOUNT ROAD, MARSHALL MOUNT CONCEPT PLAN (MARKED UP BY GDS) BSA OR VMP IMPLEMENTATION STAGES	GDS	04.04.2025
Indicative Bridge Plans				
P00447-SK0301	A	INDICATIVE BRIDGE PLAN	GDS	14.01.2025
P00447-SK0302	A	INDICATIVE BRIDGE PLAN (ZOOMED-IN) AND SECTIONS	GDS	14.01.2025
Stage 1 Landscape Plans				
CS01	L	COVER SHEET	RPS	29.01.2025
CS02	L	MATERIALS & FINISHES SCHEDULE	RPS	29.01.2025
CS03	L	MATERIALS & FINISHES SCHEDULE	RPS	29.01.2025
CS04	L	PLANT SCHEDULE	RPS	29.01.2025
LP01	L	LANDSCAPE PLAN	RPS	29.01.2025
LP02	L	LANDSCAPE PLAN	RPS	29.01.2025
LP03	L	LANDSCAPE PLAN	RPS	29.01.2025
LP04	L	LANDSCAPE PLAN	RPS	29.01.2025

IP05	L	LANDSCAPE PLAN	RPS	29.01.2025
IP06	L	LANDSCAPE PLAN	RPS	29.01.2025
IP07	L	LANDSCAPE PLAN	RPS	29.01.2025
IP08	L	LANDSCAPE PLAN	RPS	29.01.2025
IP09	L	LANDSCAPE PLAN	RPS	29.01.2025
IP10	L	LANDSCAPE PLAN	RPS	29.01.2025
IP11	L	LANDSCAPE PLAN	RPS	29.01.2025
IP12	L	LANDSCAPE PLAN	RPS	29.01.2025
IP13	L	LANDSCAPE PLAN	RPS	29.01.2025
EW01	L	LOCAL PARK EXTERNAL WORKS PLAN	RPS	29.01.2025
EW02	L	LOCAL PARK EXTERNAL WORKS PLAN	RPS	29.01.2025
EW03	L	LOCAL PARK EXTERNAL WORKS PLAN	RPS	29.01.2025
EW04	L	LOCAL PARK EXTERNAL WORKS PLAN	RPS	29.01.2025
EW05	L	LOCAL PARK EXTERNAL WORKS PLAN	RPS	29.01.2025
EW06	L	LOCAL PARK EXTERNAL WORKS PLAN	RPS	29.01.2025
EW07	L	LOCAL PARK EXTERNAL WORKS PLAN	RPS	29.01.2025
EW08	L	LOCAL PARK EXTERNAL WORKS PLAN	RPS	29.01.2025
EW09	L	LOCAL PARK EXTERNAL WORKS PLAN	RPS	29.01.2025
EW10	L	LOCAL PARK EXTERNAL WORKS PLAN	RPS	29.01.2025
EW11	L	LOCAL PARK EXTERNAL WORKS PLAN	RPS	29.01.2025

EW12	L	LOCAL PARK EXTERNAL WORKS PLAN	RPS	29.01.2025
LD01	H	LANDSCAPE DETAILS	RPS	10.12.2024
LD02	H	LANDSCAPE DETAILS	RPS	10.12.2024
LD03	H	LANDSCAPE DETAILS	RPS	10.12.2024
LD04	H	LANDSCAPE DETAILS	RPS	10.12.2024

Document Title	Version No.	Prepared By	Dated
RESPONSE TO AMENDED STATEMENT OF FACTS AND CONTENTIONS	-	PETERSON BUSHFIRE	14.03.2025
BIODIVERSITY DEVELOPMENT ASSESSMENT REPORT - PROPOSED STAGES 2 - 8 DEVELOPMENT APPLICATION AS PART OF A CONCEPT DA	1.2 - FINAL	ECOPLANNING	20.03.2025
BIODIVERSITY DEVELOPMENT ASSESSMENT REPORT - PROPOSED STAGE 1 DEVELOPMENT APPLICATION AS PART OF A CONCEPT DA	2.4 - FINAL	ECOPLANNING	19.03.2025
DESIGN PLAN SERIES	Q	RPS	22.01.2025
LANDSCAPE DESIGN REPORT	M	RPS	30.01.2025
ACOUSTIC ASSESSMENT FOR CDA AND DA	11	RENZO TONIN & ASSOCIATES	30.01.2025
BUSHFIRE ASSESSMENT CONCEPT AND STAGE 1 DA	-	PETERSON BUSHFIRE	29.01.2025
ECOLOGICAL CONSTRAINTS ASSESSMENT	1.4 - FINAL	ECOPLANNING	15.01.2025
FAUNA MANAGEMENT AND DAM DEWATERING PLAN	-	ECOPLANNING	02.01.2025
RECOMMENDED RIPARIAN CORRIDORS AND ASSESSMENT OF EXISTING RIPARIAN VEGETATION AND CHANNEL CONDITION	11	RHELM	21.01.2025

ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT	8	AUSTRAL ARCHAEOLOGY	15.01.2025
HISTORICAL HERITAGE ASSESSMENT	7	AUSTRAL ARCHAEOLOGY	14.01.2025
REPORT OF PRELIMINARY GEOTECHNICAL ASSESSMENT - PROPOSED RESIDENTIAL SUBDIVISION - CONCEPT DEVELOPMENT APPLICATION	6	DOUGLAS PARTNERS	23.01.2025
REPORT ON PRELIMINARY SITE INVESTIGATION (CONTAMINATION)	5	DOUGLAS PARTNERS	22.01.2025
200-330 MARSHALL MOUNT ROAD CONCEPT DEVELOPMENT APPLICATION TRAFFIC IMPACT ASSESSMENT	9	BITZIOS CONSULTING	28.01.2025
ARBORICULTURAL DEVELOPMENT ASSESSMENT REPORT	-	MOORE TREES	28.01.2025
200-330 MARSHALL MOUNT ROAD STAGE 1 DEVELOPMENT APPLICATION TRAFFIC IMPACT ASSESSMENT	8	BITZIOS CONSULTING	28.01.2025
CONSTRUCTION TRAFFIC MANAGEMENT PLAN	6	BITZIOS CONSULTING	24.01.2025
REPORT ON DETAILED SITE INVESTIGATION (CONTAMINATION)	6	DOUGLAS PARTNERS	22.01.2025
REMEDIATION ACTION PLAN	6	DOUGLAS PARTNERS	23.01.2025
INTERIM SITE AUDIT ADVICE - ENDORSEMENT OF REMEDIATION ACTIONAL PLAN, STAGE 1, 200, 220, 240 AND 330 MARSHALL MOUNT ROAD, MARSHALL MOUNT	-	ENVIROVIEW	29.01.2025
PRELIMINARY LONG TERM ENVIRONMENTAL MANAGEMENT PLAN	0	DOUGLAS PARTNERS	17.01.2025
REPORT OF PRELIMINARY GEOTECHNICAL ASSESSMENT - PROPOSED RESIDENTIAL SUBDIVISION (STAGE 1)	6	DOUGLAS PARTNERS	23.01.2025

CONCEPT WATER SENSITIVE URBAN DESIGN STRATEGY- STAGE 1	C	GDS	28.01.2025
SITE WASTE MINIMISATION AND MANAGEMENT PLAN	-	GDS	29.05.2023

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

2. Integrated Development – Section 90 NPWS Act 1974 - Department of Climate Change, Energy, the Environment and Water - Heritage NSW

The development shall be undertaken in strict accordance with the General Terms of Approval issued by the Department of Climate Change, Energy, the Environment and Water - Heritage NSW under Section 90 of the National Parks and Wildlife Act 1974 dated 8 March 2025 as attached shall form part of this Notice of Determination (Attachment 1).

Reason:

To satisfy the requirements of the legislation.

3. Department of Climate Change, Energy, the Environment and Water - Heritage NSW

The development shall be undertaken in strict accordance with the correspondence issued by Department of Climate Change, Energy, the Environment and Water - Heritage NSW dated 11 March 2025 as attached shall form part of this Notice of Determination (Attachment 2).

Reason:

To satisfy the requirements of the legislation.

4. Transport for NSW (TfNSW) – Sydney Trains

The development shall be undertaken in strict accordance with the correspondence issued by TfNSW – Sydney Trains dated 21 December 2023 as attached shall form part of this Notice of Determination (Attachment 3).

Reason:

To satisfy the requirements of the legislation.

5. Sydney Water

The development shall be undertaken in strict accordance with the correspondence issued by Sydney Water dated 21 July 2023 as attached shall form part of this Notice of Determination (Attachment 4).

Reason:

To satisfy the requirements of the legislation.

6. Endeavour Energy

The development shall be undertaken in strict accordance with the correspondence issued by Endeavour Energy dated 29 June 2023 as attached shall form part of this Notice of Determination (Attachment 5).

Reason:

To satisfy the requirements of the legislation.

PART A CONCEPT PLAN CONDITIONS

7. Timing of Construction of Northern Portion of Road 01 (Western Ring Road) [NOT USED]

8. Character Statement

Future development applications for Stages 2 to 8 are to demonstrate consistency with the following character statements where relevant to the Stage(s) the subject of the development application:

- a. To provide for the Marshall Mount Town Centre at the corner of Yallah Road and Marshall Mount Road by adopting the Marshall Mount Town Centre Master Plan as reflected in Section 14.6.8, Marshall Mount Town Centre of Chapter D16 West Dapto Release Area, Wollongong Development Control Plan 2009.
- b. To provide conservation areas including retaining and enhancing conservation lands and riparian corridors to become key elements of the future character and creating distinct precincts.
- c. Co-locate recreation and open space areas with riparian or conservation land and the siting of recreation and open spaces areas within 600m walkable catchments to create communities that feel connected with the natural environment.
- d. Utilise the riparian or conservation land for the management of environmental constraints including ecological, flooding and conservation of known or potential Aboriginal heritage where present in those areas.
- e. Create walkable/cyclable urban areas that utilise roads, riparian and conservation land where feasible to connect each residential precinct with each other and the Marshall Mount Town Centre.
- f. achieving the highest dwelling densities around the Marshall Mount Town Centre, with dwelling density progressively reducing away from the town centre and aligning with the land zoning and other density conditions. This will create opportunities for diversity in housing choice.
- g. to create neighbourhoods that achieve visual connections to the Illawarra Escarpment.

Reason:

To comply with Wollongong DCP 2009.

9. Relationship of the Concept Proposal to the Wollongong Development Control Plan, 2009

Wollongong Development Control Plan (DCP) 2009 will apply to Development Applications. Where there is an inconsistency between Concept DA-2023/481 and any other provision of Wollongong DCP 2009, Concept DA-2023/481 this consent will prevail to the extent of the inconsistency.

Future Development Applications for the Marshall Mount Town Centre will be subject to the Marshall Mount Town Centre Structure Plan in Section 14.6.8, Marshall Mount Town Centre of Chapter D16 of Wollongong DCP 2009 and its related controls.


Reason:

To ensure effective delivery of the development and consistency with Wollongong DCP 2009 and other Council Policies.

10. Dwelling Density

Section 4 Structure Plan of Chapter D16 West Dapto Release Area of Wollongong DCP 2009 sets the vision for Stage 5 Yallah-Marshall Mount Precinct, including the potential development of around 4,000 dwellings within the Stage 5 precinct. Section 14.5.14 Stage 5 – Yallah Marshall Mount describes a range of densities to be achieved. Future development applications are to demonstrate how the development achieves dwelling densities in accordance with the following controls:

Concept Stage Number	Minimum Density Required

Stages 1, 3, and 4	13 - 15 dwellings/ha, with the exception of the C4 zone Stage 3.
Stage 2	13 - 25 dwellings/ha
Stage 5	<p>A range of densities apply to Stage 5 to respond to topographical constraints and zoning. The densities are illustrated in Figure 1</p>  <p>Figure 1: Dwelling density extents for part of Stages 5 and 6</p>
Stage 6	25 – 30 dwellings/ha with the exception of the small area of R2 zoned land in the north-western corner of Stage 6 to which a density of 13 -15 dwellings/ha applies as illustrated in Figure 1.
Stage 7	The dwelling density / dwelling yield referred to in Section 14.6.8 of Chapter D16 of Wollongong DCP 2009 as it relates to the Marshall Mount Town Centre applies to the land within the Marshall Mount Town Centre. 50 – 75 dwellings/ha applies to land outside the Marshall Mount Town Centre.
Stage 8	As per the minimum lot size controls for the C4 zone in Part 4 Principal Development Standards of Wollongong Local Environmental Plan 2009.

Density for the purpose of this condition means the number of dwellings to the area occupied by the development, including internal public streets plus half the width of adjoining access roads that provide vehicular access to dwellings, but excludes areas of open space (parks, sports fields, drainage reserves, environmental protection reserves), education, commercial uses, community services and arterial roads. Council may consider development applications that seek to propose a minor variation to dwelling densities where the overall dwelling density outcome is still achieved.


Reason:

To achieve the necessary dwelling density outcomes identified in Chapter D16 of Wollongong DCP 2009.

11. Solar Access

Section 6.1 Lot Layout – Aspect and Solar Access of Chapter B2 Residential Subdivision of Wollongong DCP 2009 applies to the subdivision of each stage of Concept DA-2023/481 with the following additional / varied controls which takes into account the site specific circumstances. The controls apply to residential lots and do not apply to super lots that will be developed for medium density forms of housing such as multi-dwelling housing or attached dwellings which will be assessed separately under Chapter B2 of the Wollongong DCP:

Stage	Additional / Varied Control
1	Section 6.1 of Chapter B2 applies
2	The narrow width of the R2 zone, its east-west orientation and with perimeter edge roads to the adjoining C2 and C3 zones influences road layout and consequently solar access outcomes. For the above reasons, variations to the

		<p>orientation of some lots for solar access are recognised. To maximise solar access the following additional control applies to subdivision into residential lots:</p> <ol style="list-style-type: none"> Removal of the outer 1.5m grass verge of Road 36 (where it interfaces with the Biodiversity Stewardship Agreement site) can be explored to increase the street block depth between Roads 36 and 38. North-south aligned street blocks should be designed to provide north-south aligned residential lots at the southern end of the street block, as illustrated conceptually in "Figure 2"  <p>Figure 2 Conceptual lot layout on southern end of N-S street blocks</p> <p>Figure 2: Conceptual Lot Layout on southern end of North-South street blocks.</p>
3		Section 6.1 of the Chapter B2 applies.
4		Section 6.1 of the Chapter B2 applies.
5		<p>The Western Ring Road informs the orientation of side streets being north-east / south-west aligned in the R3 zone. The topography of Stage 5 influences road orientation to achieve acceptable road gradients. For those reasons variations to orientation of some lots for solar access are recognised. To maximise solar access the following additional controls, apply to subdivision for residential lots:</p> <ol style="list-style-type: none"> North-south aligned street blocks should be designed to provide north-south aligned residential lots at the southern end of the street block where they adjoin the Duck Creek riparian corridor, as illustrated on "Figure 2" . This will also provide lots with houses facing Duck Creek. East-west oriented lots in the R2 zone located on the southerly facing slope are to be designed to have a minimum lot width of 15m.
6		<p>The Western Ring Road alignment and perimeter edge road to the surrounding C3 zone are recognised as elements that influence the road pattern and contribute to streets with east-west orientations to provide an efficient and legible layout. For these reasons variations to orientation of some lots for solar access are recognised. To maximise solar access the following additional controls, apply for residential lots:</p> <ol style="list-style-type: none"> The use of rear lanes is to be explored in the subdivision layout to create separation between built forms increasing opportunity for solar access to the rear of lots. Super lots are to be considered in the layout to allow future dwellings to be designed to suit the lot orientation. Front setbacks to lots / houses with a northerly aspect may be used as part of the private open space to improve solar access to future dwellings. Private open space areas including balconies and decks must not extend forward of the front building line by greater than 900mm.
7		Marshall Mount Road, the perimeter edge road to the C3 zone and the MU1 zone boundary are fixed parameters that guide the road layout that is not a preferred east-west alignment. Therefore, some variation to lot orientation and

solar access are recognised. To maximise solar access the following additional controls, apply for residential lots (excluding residential flat building sites):

- a) The use of rear lanes is to be explored in the subdivision layout to create separation between built forms and increasing solar access opportunities to the rear of lots.
- b) Super lots are to be considered in the layout to allow future dwellings to be designed to suit the lot orientation and maximise good urban outcomes.
- c) Front setbacks to lots / houses with a northerly aspect may be considered as part of the private open space to improve solar access to future dwellings, where necessary.
- d) Use of the first floor for living and private open space, where this does not compromise other residential amenity design considerations such as privacy, may be considered.

Reason:

To comply with Wollongong DCP 2009 and provide amenity for future residents.

12. Western Ring Road and East-West Link Road Interface

Development Applications that propose lots adjacent to the Western Ring Road or East-West Link Road are subject to the following conditions:

- a. Roads parallel to and abutting the Western Ring Road or East-West Link Road will depart from the road cross sections in Chapter B2 of Wollongong DCP 2009 and are to be designed in accordance with the Typical Road Cross Sections, Drawing P00447-CI-CDA-1502 prepared by GDS, shown in the figures below:

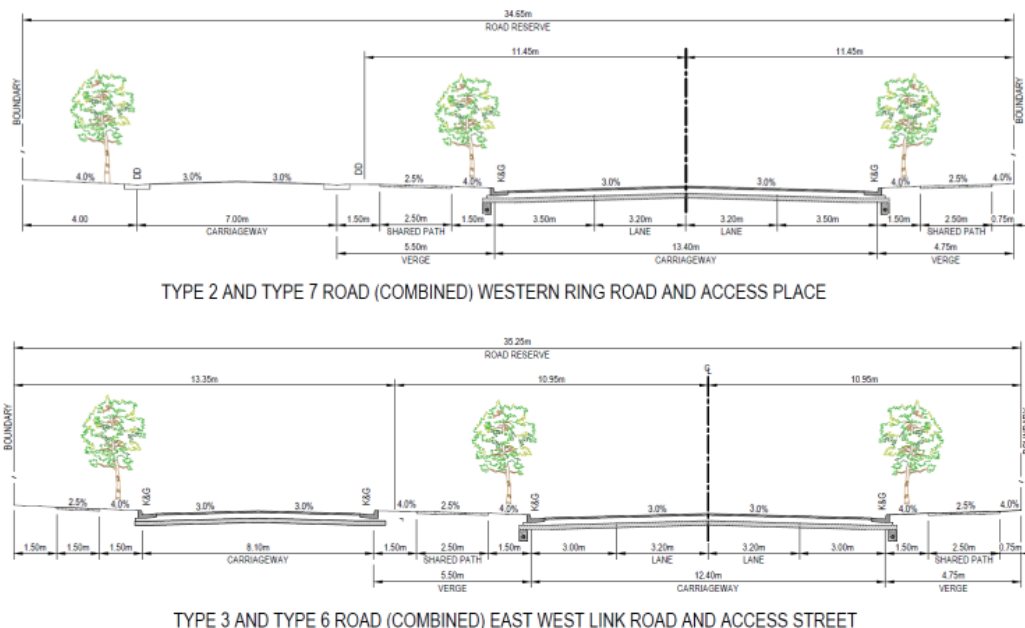


Figure 3: Typical Road Cross Sections for Western Ring Road and East West Link Road

- b. Lots that have any boundary to the Western Ring Road or East-West Link Road are subject to the following design requirements:
 - i. No driveways are permitted from the Western Ring Road or the East-West Link Road. Access must be from a parallel road or internal street. Dual frontage lots to the Western

	Ring Road or the East-West Link Road shall have vehicle and pedestrian access from the internal street.
ii.	Where fencing is proposed on lots with a primary frontage parallel to the Western Ring Road or the East-West Link Road, the fencing shall be no greater than 1.2m in height (measured from finished ground level after subdivision earthworks) and should be predominantly constructed in visually permeable / partially open fence materials to provide passive surveillance and visual connection between the dwelling and the street. , For the remainder of the secondary road frontage (i.e. behind the building alignment) the fencing shall be a maximum 1.8m in height.
iii.	Front fences must be open for at least 50% of the upper 2/3 of the area of the fence. Any brick or other solid portion of the fence above 600mm must not be more than 250mm wide.
iv.	Front, return and side boundary fences facing the Western Ring Road or East West Link Road are not to be of a timber paling, Colorbond, or chain wire mesh design.
v.	Any gates associated with the front fence should open inwards and not obstruct the road reserve.
c.	Buildings with an elevation to the Western Ring Road or the East-West Link Road are to have windows and articulation.
d.	NOT USED.
e.	Lots with boundaries to 'Access Denied' roads shall have fencing constructed prior to the issue of the Subdivision Certificate in each stage.
f.	Fencing and landscaping treatment of a road frontage that is not the primary road frontage must ensure that clear lines of sight are maintained for motorists and pedestrians and ensure the design achieves passive surveillance. Any fence will be required to be well designed and landscaped. Any gates should open so as not to obstruct the road reserve.
g.	The height and design of any proposed fence on top of a retaining wall must be included in the consideration of the overall height of the fence and retaining wall.
h.	Where rear or side boundary fences adjoin land to be dedicated as open space, fences are to be of a design and materials which allow for passive surveillance between the private lot and the open space.
i.	All fences are to be constructed to allow the natural flow of stormwater drainage or runoff. Fences must not significantly obstruct the free flow of floodwaters and must be constructed so as to remain safe during floods and not obstruct moving debris. Fences must not be constructed of second hand materials without the consent of Council.
j.	All the above fencing requirements are to be included as a Restriction-as-to-user on the title of affected lots.
Reason:	
To ensure the effective delivery of the transport network.	
13. East-West Link Road	
The section of the East-West Link Road west of the temporary turning head in Stage 3 to the western boundary of Concept DA-2023/481 boundary is to be dedicated as road corridor prior to the first Subdivision Certificate in Stage 3 that includes final residential lots.	
Reason:	
To ensure the effective delivery of the transport network.	
14. Cut and Fill/Retaining Walls	
a.	Detailed cut and fill plans and retaining wall plans are required for all Stages and are to be generally in accordance with P00447-CI-CDA-1201, Issue D prepared by GDS.
b.	Retaining walls in the public domain are not to be used as part of the earthworks strategy, except as noted below in c.

- c. Retaining walls associated with the proposal are to be designed to be generally consistent with the locations shown on Drawings P00447-CI-CDA-1601 to 1607, Issue D prepared by GDS.
- d. Inter-allotment retaining walls are to be explored within each street block to explore if there are further opportunities to reduce the extent of earthworks and the height or length of retaining walls at the interface with the C2 and C3 zoned land.
- e. Retaining walls are not to be located on land affected by the 1% AEP or within the C2 zone.
- f. All retaining walls proposed that are intended to be dedicated to Council, to become public infrastructure, must be mass block retaining walls (Magnum stone or similar). The walls must be located such that they will not impact service allocations, street lighting, street trees, vehicular crash barriers (where required), and pedestrian / cyclist fencing (where required). Galvanised I-Beam / sleeper type retaining walls will not be accepted as public assets.

Reason:

To ensure compliance with relevant Standards and Wollongong DCP 2009.

15. Geotechnical - Retaining Walls

Proposed retaining wall locations shown on Drawings P00447-CI-CDA-1601 to 1607, Issue D prepared by GDS are subject to the following conditions with details to be provided with the relevant Subdivision Works Certificate:

- a) A geotechnical engineer is to provide a soil analysis (bearing pressure capacity) with the relevant Subdivision Works Certificate prior to undertaking structural design to ensure that the wall is designed specifically for its intended purpose and as its location.
- b) Retaining wall material shall be robust and low maintenance and have a design life of a minimum of 100 years as per sections of 3.06 and 3.11 of Wollongong Council's Subdivision Policy (Galvanised I-Beam, sleeper retaining walls will not be accepted as public assets, only mass block walls such as Magnum Stone or similar).
- c) Retaining walls are to be designed by a chartered professional engineer in accordance with AS4678 (Earth Retaining Structures and other relevant Australian Standards).

The design of the retaining walls are to be certified by a structural engineer in relation to a). to c). above, prior to the issue of the relevant Subdivision Works Certificate.

Retaining walls in the public domain to be handed over to Council are to be certified by a structural engineer upon completion and certify that the work as executed plans comply with the approved design prior to the issue of a Subdivision Certificate.

Reason:

To comply with Wollongong DCP 2009.

16. Interface with Cedars Estate adjoining existing residential lots

The following control conditions apply to Stage 3 of Concept DA-2023/481 where the R2 zone abuts the C4 zone at the boundary with the "Cedars Estate" as shown in Figure 4

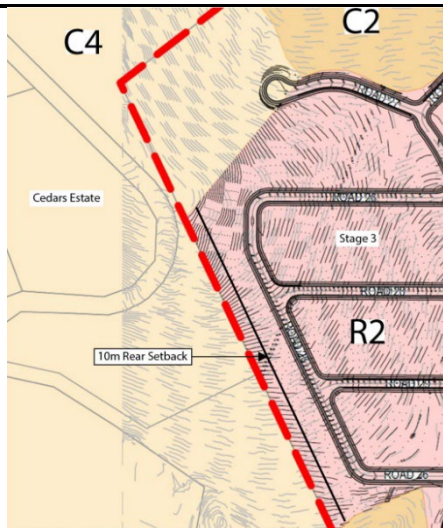


Figure 5 10m Rear Setback to Cedars Estate

Figure 4: 10m rear setback to Cedars Estate

- a. Earthworks for proposed lots in Stage 3 (R2 and C4 zone) are to tie-in with the existing ground level at the common boundary with the Cedars Estate to avoid filling of the land above existing ground level at the common boundary.
 - b. A 10m rear setback applies to proposed lots in the R2 zone of Stage 3 adjoining the Cedars Estate (C4 zone), as shown in Figure 4. The setback is measured from the external enclosing wall of a proposed dwelling.
 - c. Fencing to the rear boundary of lots in the R2 zone is to be timber lapped and capped fencing (subject to bush fire requirements) with supporting rails located on the side of the proposed lots. Fencing facing the Cedars Estate is to have a maximum height of 1.8m measured from the existing ground level at the site's boundary with the Cedars Estate and have an unpainted finish on the side visible to the Cedars Estate. All fencing is to be of muted bushland tones.
- These fencing requirements are to be included as a Restriction-as-to-user on the title of affected lots.
- d. The 1.5m wide footpath on the western side of Road 26 in Stage 3 can be removed however, the verge allocation is to be provided for services and street planting as shown in the road cross section in Chapter B2 of the WDCP 2009 as illustrated in the Civil Plans for the DA-2023/481, to provide deeper lots at the site's boundary to the Cedars Estate.

Reason:

To ensure amenity for future residents and adjoining properties.

17. Egress from Cedars Estate

As part of the Stage 3 DA, the Applicant must demonstrate it has considered whether it is feasible and reasonably practicable to provide a potential egress in the event of an emergency from Cedars Estate to a road within the proposed development. Nothing in this condition requires the Applicant to carry out any work on land within the Cedars Estate.

Reason:

To satisfy requirements of the Wollongong DCP 2009.

18. Front Setbacks

A minimum setback of four (4) metres from the primary road frontage applies, except for garages which must be setback at least 5.5 metres from the property boundary on the primary road.

A minimum setback of two (2) metres from a secondary road frontage on a corner lot applies.

Reason:

To satisfy requirements of the Wollongong DCP 2009 and to ensure amenity for future residents and adjoining properties.

19. Corner Lots

On corner lots, any private open space including balconies and decks:

- a. From a primary road frontage must be setback a minimum of 3.1m;
- b. From a secondary road frontage must be setback a minimum of 2m.

Reason:

To satisfy requirements of the Wollongong DCP 2009 and to ensure amenity for future residents.

20. NOT USED**21. Timing of Delivery of Western Ring Road (Road 01)**

The timing of the delivery of the WRR (Road 01) illustrated in Figure 5 below is to be carried out as follows:

- a. Segment 1 – being the segment between Marshall Mount Road and up to Road 02 (EWLR) and Road 36 is to be constructed as part of the Stage 1 works and dedicated to Council as a public road before the first Subdivision Certificate in Stage 1 that includes residential lots.
- b. Segment 2 – being the segment between Road 2 (EWLR) / Road 36) up to the Stage 1 / Stage 4 roundabout is to be constructed after Council has issued an authorisation under Part 5 of the Environmental Planning and Assessment Act, 1979 and prior to the earlier of the first Subdivision Certificate in:
 - (i) Stage 4 that includes residential lots, or
 - (ii) Any other Stage, other than Stage 1, of the development that includes residential lots if a flood reliable road access is constructed and operational from the northern cadastral boundary of the Concept Plan boundary.
- c. Segment 3 – being the segment north of the Stage 1 / Stage 4 roundabout and located in the C4 Environmental Living zone is to be dedicated as road corridor prior to the earlier of the first Subdivision Certificate in:
 - (i) Stage 4 that includes residential lots, or
 - (ii) Any other Stage, other than Stage 1, of the development that includes residential lots if a flood reliable road access (i.e. the continuation of the WRR) is constructed and operational from the northern cadastral boundary of the Concept Plan boundary.
- d. Construction of Segment 3 - where the construction of the flood reliable road adjoining on the northern property (Lot 21 DP 603538) is commenced prior to the issue of the first subdivision works certificate for Stage 4 of the development:
 - I. the developer shall construct Segment 3 of Road 1 as part of the Stage of their development that follows commencement on the northern property or as part of their final development stage, which ever comes first.
 - II. The developer shall coordinate with the adjoining landowner and the Council as necessary to ensure this condition is complied with, and that the design levels and timing of construction of Road 01 on the subject site are compatible with that of the flood reliable road adjoining on the northern property (Lot 21 DP 603538).

The developer is not required to construct Segment 3 of Road 1 if Council, TfNSW or another relevant government agency has obtained funding (other than from Council's s7.11 Contributions Plan) to construct the WRR at the time this obligation would otherwise be triggered.

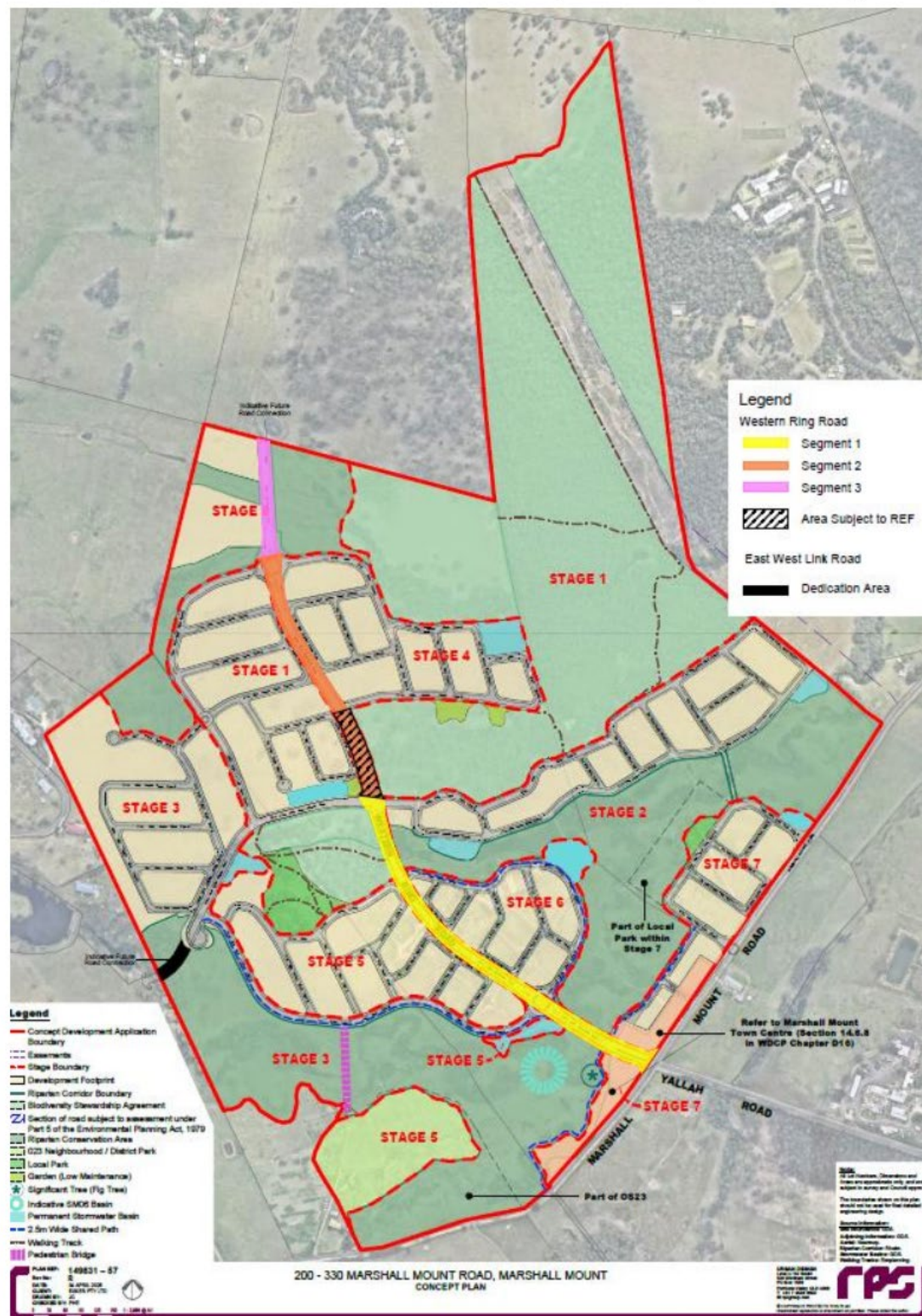


Figure 5: Construction / Dedication timing of WRR and East-West Link Road

Reason:

To satisfy requirements of Wollongong DCP 2009.

22. Timing of Lane Configurations and Intersection Upgrade Controls on the Western Ring Road

a. An updated Traffic Impact Assessment is required to be submitted with each Development Application for subsequent Stages to determine when:

- i. The Western Ring Road is to be converted to a four-lane configuration; and
- ii. The Marshall Mount Road/Yallah Road/Western Ring Road Intersection is to be upgraded to a signalised intersection including dedicated turn lanes; and

having regard to Transport for NSW intersection warrants.

The upgrades are to be documented in the relevant Subdivision Works Certificate for the stage that created the demand for the upgraded lane configuration and/or intersection upgrade.

b. The Intersections with the Western Ring Road are to be progressively upgraded as follows:

- i. Stage 1, the Western Ring Road is to be constructed and operate as a two-lane configuration.
- ii. In Stage 1, Intersection #1 (Marshall Mount Road and Western Ring Road) – labelled as IN55 in the West Dapto Contributions Plan 2025 - is to be constructed as a small roundabout (as documented in the CDA TIA prepared by Bitzios).
- iii. Stage 1 – The Western Ring Road and Road 02 (East-West Link Road) Intersection shall be provided as a local road with a 90-degree alignment (no intersection).
- iv. Stage 2 and 3 – The Western Ring Road and Road 02 (East-West Link Road) Intersection shall be modified to a sign-controlled T-intersection.
- v. Stage 4 – The Western Ring Road and Road 02 (East-West Link Road) Intersection will be modified to a four-way signalised intersection, if required under the updated Traffic Impact Assessment required in Part (a) of this condition.

Details of the intersection upgrades are to be documented with the relevant Subdivision Works Certificate.

Reason:

To ensure the effective delivery of the transport network.

23. Western Ring Road

The final design for each Segment of the vertical and horizontal alignment of the Western Ring Road (WRR) is to be agreed to by Council prior to the issue of the relevant Subdivision Works Certificate and shall be generally in accordance with the Concept Plan civil engineering drawings P00447-CI-CDA 1321 to 1327 Revision G, by GDS and , P00447-CI-CDA 1521 to 1522 Revision D by GDS.

Reason:

To ensure the effective delivery of the transport network.

24. Temporary Road – Road 21 and 22

The proposed temporary road between Road 21 and Road 22 is accepted as an interim access arrangement subject to further stages completing the WRR works. The applicant must ensure that prior to the issue of the Subdivision Certificate of Stage 4, the temporary road is removed, and full faced kerb is provided along remaining sections of Road 21 and the Western Ring Road also completing pedestrian pathway connections in accordance with the approved Concept Plan.

Reason:

To ensure the effective delivery of the transport network.

25. Stage 8 – Vehicle Access

Vehicle access to Stage 8 is not to be provided from the Western Ring Road.

Reason:

To ensure the effective delivery of the transport network.

26. Local Parks

Local Parks are to be designed having reference to the West Dapto Open Space Design Manual and the West Dapto Open Space Technical Manual.

Reason:

To comply with Wollongong Council's Policies and Wollongong DCP 2009.

27. Riparian Corridor Widths

The riparian corridor widths are to be based on Figure 5-12 on page 43 of the Recommended Riparian Corridors and Assessment of Existing Riparian Vegetation and Channel Condition Report dated 21 January 2025 and prepared by Rhelm and prevails over the riparian corridor widths specified in Chapter E23 Riparian Land Management of Wollongong DCP 2009.

Reason:

To comply with Council's Policies including Wollongong DCP 2009.

28. Vegetation Management

- a. The Applicant is to prepare one or more Vegetation Management Plans (VMP) and / or Biodiversity Stewardship Agreements (BSA) for the riparian corridors and conservation areas as illustrated on the Figure 6 below.
- b. VMPs or BSAs are to be prepared and implemented on a staged basis for the four (4) areas illustrated in Figure 6 and as detailed below:
 - i. A VMP or BSA for area 1 relating to the C2 zoned land is to be implemented as part of Stage 1.
 - ii. A VMP or BSA for area 2 being the for the riparian corridor (excluding the Stage 7 local park) along the length of the southern boundary of Stage 2 between the eastern boundary and the Western Ring Road is to be submitted with the first development application for Stage 2.
 - iii. A VMP or BSA for area 3 being the riparian corridor (excluding OS23) along Duck Creek from the western boundary to the Western Ring Road is to be submitted with the first development application for Stage 3.
 - iv. VMP or BSA for area 8 being or the riparian corridor within Stage 8 is to be submitted with the first development application for Stage 8.
- c. Areas 1, 2, 3 and 8 can be amalgamated into a single VMP or BSA.



Figure 6 - Areas subject to VMPs or BSAs

- d. A VMP or BSA for any riparian land within the Stage 7 local park and OS23 are to be prepared and implemented as part of the riparian VMP/BSA.
- e. Any VMP or BSA prepared for conservation land (generally C2 or C3 zones) or riparian corridors (generally C3 zone) that proposes revegetation shall provide a planting density that does not result in an Asset Protection Zone (APZ) any greater than that identified in the Bushfire Assessment: Concept and Stage 1 DA, prepared by Peterson Bushfire dated 29 January 2025, with the following amendment:
 - i. The vegetation classification for Interface 'X' in Table 2 is to be treated as Woodland, not grassland, to be consistent with future revegetation of the riparian corridor.
 - ii. The VMP or BSA must:
 - Demonstrate how an overall improved environmental function outcome for the riparian land will be achieved
 - Reinstatement native riparian vegetation consistent with Illawarra Lowland Grassy Woodlands and River-flat Eucalypt Forest on Coastal Floodplains community.
 - Integrate with proposed stormwater management.
 - Be supported by compatible engineering solutions and designs consistent with WDCP Chapter E23 Section 10.8 Restoration Works for any engineering works including channel realignment.
 - Provide details for the future maintenance and ongoing management.
- f. A mechanism for the in-perpetuity protection and management of the C2 zoned lands (identified on the Concept Plan, prepared by RPS, dated 4 April 2025, as the "Biodiversity Stewardship Agreement" areas) is to be in place prior to the release of the Stage 2 Subdivision Certificate.
- g. Where either a BSA or VMP is proposed, the following provisions apply:
 - i. Where a BSA is implemented, then a mechanism for the in-perpetuity protection and management is to be placed on the title of the land to which the BSA applies.
 - ii. Where a VMP is implemented, then the VMP is to be submitted to Wollongong City Council for approval prior to the release of a Subdivision Works Certificate for the relevant stage in which the revegetation works are occurring.

Reason:

To comply with Council's Policies.

29. Ecosystem Credit Retirement Conditions**Ecosystem and species credit retirement conditions – Stage 2**

- a. Prior to the issue of Subdivision Works Certificate for Stage 2, as shown in Figures 1.2 and 1.3 of the Biodiversity Development Assessment Report the class and number of ecosystem credits in Table 2.1 below must be retired to offset the residual biodiversity impacts of the development. This information must be submitted with the Development Application for Stage 2.
- b. The requirement to retire credits in item (a) above in this condition may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, once attempts to source credits have been exhausted.
- c. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 2.1 below must be provided to the Consent Authority prior to the issue of Subdivision Works Certificate:

Retirement of credits: The proponent provides evidence to the consent authority in the form of a credit retirement report issued by the Department of Planning and Environment confirming credit transactions.

Payment to the Biodiversity Conservation Fund: The proponent provides evidence to the consent authority in the form of a Section 6.33 Statement Confirming Payment into the Biodiversity Conservation Fund for an Offset Obligation issued by the Biodiversity Conservation Trust. The statement will indicate the number and class of credits that the payment corresponds to and any related development application reference.

Table 2.1 - Stage 2 Ecosystem credits required to be retired – like for like

Impacted Plant Community Type	Number of ecosystem credits	IBRA subregion from which credits can be used to offset the impacts from the development.	Plant community type(s) that can be used to offset the impacts from development
838-Forest Red Gum - Thin-leaved Stringybark grassy woodland on coastal lowlands, southern Sydney Basin Bioregion	4	Illawarra, Ettrema, Jervis, Moss Vale, Sydney Cataract and Northern Basalts. or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Illawarra Lowlands Grassy Woodland in the Sydney Basin Bioregion This includes PCT's: 838, 1326, 3269, 3327, 3330, 4052

Ecosystem and species credit retirement conditions – Stage 3

- a. Prior to the issue of Subdivision Works Certificate for Stage 3, as shown in Figures 1.2 and 1.3 of the Biodiversity Development Assessment Report the class and number of ecosystem credits in Table 3.1 below must be retired to offset the residual biodiversity impacts of the development. This information must be submitted with the Development Application for Stage 3.
- b. The requirement to retire credits in item (a) above in this condition may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, once attempts to source credits have been exhausted.
Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 3.1 below must be provided to the consent authority prior to the issue of Subdivision Works Certificate:
Retirement of credits: The proponent provides evidence to the consent authority in the form of a credit retirement report issued by the Department of Planning and Environment confirming credit transactions.
- c. Payment to the Biodiversity Conservation Fund: The proponent provides evidence to the consent authority in the form of a Section 6.33 Statement Confirming Payment into the Biodiversity Conservation Fund for an Offset Obligation issued by the Biodiversity Conservation Trust. The statement will indicate the number and class of credits that the payment corresponds to and any related development application **reference**.

Table 3.1 - Stage 3 Ecosystem credits required to be retired – like for like

Impacted Plant Community Type	Number of ecosystem credits	IBRA subregion from which credits can be used to offset the impacts from the development.	Plant community type(s) that can be used to offset the impacts from development
838-Forest Red Gum - Thin-leaved Stringybark grassy woodland on coastal lowlands, southern Sydney Basin Bioregion	10	Illawarra, Ettrema, Jervis, Moss Vale, Sydney Cataract and Northern Basalts. or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Illawarra Lowlands Grassy Woodland in the Sydney Basin Bioregion This includes PCT's: 838, 1326, 3269, 3327, 3330, 4052

Ecosystem and species credit retirement conditions – Stage 4

- a. Prior the issue of Subdivision Works Certificate for Stage 4, as shown in Figures 1.2 and 1.3 of the Biodiversity Development Assessment report the class and number of ecosystem credits in

Table 4.1 below must be retired to offset the residual biodiversity impacts of the development. This information must be submitted with the Development Application for Stage 4.

- b. Prior to the issue of Subdivision Works Certificate for Stage 4, as shown in Figures 1.2 and 1.3 of the Biodiversity Development Assessment report the class and number of Species credits in Table 4.2 below must be retired to offset the residual biodiversity impacts of the development.
- c. The requirement to retire credits in items (a) and (b) above in this condition may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem or species credits, once attempts to source credits have been exhausted.
- d. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Tables 4.1 and 4.2 below must be provided to the consent authority prior to the issue of Subdivision Works Certificate:

Retirement of credits: The proponent provides evidence to the consent authority in the form of a credit retirement report issued by the Department of Planning and Environment confirming credit transactions.

Payment to the Biodiversity Conservation Fund: The proponent provides evidence to the consent authority in the form of a Section 6.33 Statement Confirming Payment into the Biodiversity Conservation Fund for an Offset Obligation issued by the Biodiversity Conservation Trust. The statement will indicate the number and class of credits that the payment corresponds to and any related development application reference.

Table 4.1 - Stage 4 Ecosystem credits required to be retired – like for like

Impacted Plant Community Type	Number of ecosystem credits	IBRA subregion from which credits can be used to offset the impacts from the development.	Plant community type(s) that can be used to offset the impacts from development
838-Forest Red Gum - Thin-leaved Stringybark grassy woodland on coastal lowlands, southern Sydney Basin Bioregion	4	Illawarra, Ettrema, Jervis, Moss Vale, Sydney Cataract and Northern Basalts. or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Illawarra Lowlands Grassy Woodland in the Sydney Basin Bioregion This includes PCT's: 838, 1326, 3269, 3327, 3330, 4052

Table 4.2 – Stage 4 Species credits required to be retired – like for like

Impacted Species	Number of Ecosystem Credits	IBRA subregion from which credits can be used to offset the impacts from the development.
Myotis macropus / Southern Myotis	1	Any in NSW

Ecosystem and species credit retirement conditions – Stage 5

- a. Prior to the issue of Subdivision Works Certificate for Stage 5, as shown in Figures 1.2 and 1.3 of the Biodiversity Development Assessment report the class and number of ecosystem credits in Table 5.1 below must be retired to offset the residual biodiversity impacts of the development. This information must be submitted with the Development Application for Stage 5.
- b. The requirement to retire credits in item (a) above may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, once attempts to source credits have been exhausted.
- c. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 5.1 below must be provided to the consent authority prior to the issue of Subdivision Works Certificate:

Retirement of credits: The proponent provides evidence to the consent authority in the form of a credit retirement report issued by the Department of Planning and Environment confirming credit transactions.

Payment to the Biodiversity Conservation Fund: The proponent provides evidence to the consent authority in the form of a Section 6.33 Statement Confirming Payment into the Biodiversity Conservation Fund for an Offset Obligation issued by the Biodiversity Conservation Trust. The statement will indicate the number and class of credits that the payment corresponds to and any related development application reference.

Table 5.1 - Stage 5 Ecosystem credits required to be retired – like for like

Impacted Plant Community Type	Number of ecosystem credits	IBRA subregion from which credits can be used to offset the impacts from the development.	Plant community type(s) that can be used to offset the impacts from development
838-Forest Red Gum - Thin-leaved Stringybark grassy woodland on coastal lowlands, southern Sydney Basin Bioregion	3	Illawarra, Ettrema, Jervis, Moss Vale, Sydney Cataract and Northern Basalts. or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Illawarra Lowlands Grassy Woodland in the Sydney Basin Bioregion This includes PCT's: 838, 1326, 3269, 3327, 3330, 4052

Ecosystem and species credit retirement conditions – Stage 6

- Prior to the issue of Subdivision Works Certificate for Stage 6, as shown in Figures 1.2 and 1.3 of the Biodiversity Development Assessment report the class and number of ecosystem credits in Table 6.1 below must be retired to offset the residual biodiversity impacts of the development. This information must be submitted with the Development Application for Stage 6.
- The requirement to retire credits in item (a) above may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, once attempts to source credits have been exhausted.
- Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 6.1 below must be provided to the consent authority prior to the issue of Subdivision Works Certificate:

Retirement of credits: The proponent provides evidence to the consent authority in the form of a credit retirement report issued by the Department of Planning and Environment confirming credit transactions.

Payment to the Biodiversity Conservation Fund: The proponent provides evidence to the consent authority in the form of a Section 6.33 Statement Confirming Payment into the Biodiversity Conservation Fund for an Offset Obligation issued by the Biodiversity Conservation Trust. The statement will indicate the number and class of credits that the payment corresponds to and any related development application reference.

Table 6.1 - Stage 6 Ecosystem credits required to be retired – like for like

Impacted Plant Community Type	Number of ecosystem credits	IBRA subregion from which credits can be used to offset the impacts from the development.	Plant community type(s) that can be used to offset the impacts from development
838-Forest Red Gum - Thin-leaved Stringybark grassy woodland on	1	Illawarra, Ettrema, Jervis, Moss Vale, Sydney Cataract and Northern Basalts. or Any IBRA subregion that is within 100 kilometres of the	Illawarra Lowlands Grassy Woodland in the Sydney Basin Bioregion This includes PCT's: 838, 1326, 3269, 3327, 3330, 4052

coastal lowlands, southern Sydney Basin Bioregion		outer edge of the impacted site.	
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Ecosystem and species credit retirement conditions – Stage 7

- Prior to the issue of Subdivision Works Certificate for Stage 7, as shown in Figures 1.2 and 1.3 of the Biodiversity Development Assessment report the class and number of ecosystem credits in Table 7.1 below must be retired to offset the residual biodiversity impacts of the development. This information must be submitted with the Development Application for Stage 7.
- The requirement to retire credits in item (a) above may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, once attempts to source credits have been exhausted.
- Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 7.1 below must be provided to the consent authority prior to the issue of Subdivision Works Certificate:

Retirement of credits: The proponent provides evidence to the consent authority in the form of a credit retirement report issued by the Department of Planning and Environment confirming credit transactions.

Payment to the Biodiversity Conservation Fund: The proponent provides evidence to the consent authority in the form of a Section 6.33 Statement Confirming Payment into the Biodiversity Conservation Fund for an Offset Obligation issued by the Biodiversity Conservation Trust. The statement will indicate the number and class of credits that the payment corresponds to and any related development application reference.

Table 7.1 - Stage 7 Ecosystem credits required to be retired – like for like

Impacted Plant Community Type	Number of ecosystem credits	IBRA subregion from which credits can be used to offset the impacts from the development.	Plant community type(s) that can be used to offset the impacts from development
838-Forest Red Gum - Thin-leaved Stringybark grassy woodland on coastal lowlands, southern Sydney Basin Bioregion	1	Illawarra, Ettrema, Jervis, Moss Vale, Sydney Cataract and Northern Basalts. or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Illawarra Lowlands Grassy Woodland in the Sydney Basin Bioregion This includes PCT's: 838, 1326, 3269, 3327, 3330, 4052

Reason:

To satisfy the requirements of legislation.

30. Bush Fire – Asset Protection Zones

Asset Protection Zones are to be accommodated by perimeter roads and within front or secondary building setbacks within lots.

Asset Protection Zones must not be located in land zoned C2 or C3 under WLEP 2009.

Residential lots with Asset Protection Zones must demonstrate that a minimum building envelope of 15m x 10m can be achieved within the lot and outside of the Asset Protection Zone.

The Asset Protection Zones labelled 'X' and 'U' in the Bushfire Assessment: Concept and Stage 1 DA, prepared by Peterson Bushfire dated 29 January 2025 are to be amended as follows:

- i. The APZ to interface 'X' is to be 20m wide consistent with a Woodland vegetation classification. The APZ is to be contained in the road reserve and where required, in the front setback of future lots. Details are to be documented in the Stage 7 Development Application.
- ii. The APZ to interface 'U' is to be located wholly within the future residential lots. The affected lots are to be subject to a restriction on title requiring the maintenance of the APZ. Details are to be documented in the Stage 5 Development Application showing the location of the APZ/restriction on the affected lots. The terms of such restrictions are to accompany the relevant Subdivision Certificate.
- iii. These affected lots in i. and ii. above are to show a minimum building envelope of 15m x 10m can be achieved within the lot outside the APZ and details are to be documented and accompany the relevant Development Application.

Reason:

To comply with legislation and Council's policies.

31. Bush Fire Emergency Access

A Development Application for any stage that creates residential lots (except Stage 7) that follows Stage 1 is required to provide a bush fire emergency access from the Western Ring Road of Stage 2 to connect to Stage 7, and provide a detailed design generally consistent with the route that includes the bridge shown in Drawing Number P0447-SK0301 and SK0302 Revision A prepared by GDS.

Subject to obtaining an Activity Approval under section 91 of the Water Management Act 2000, a bush fire emergency access provided between Stage 2 and 7 will include a bridge being an "essential watercourse crossing for public road infrastructure" as per clause 10.6.2 of Chapter E23 of WDCP 2009. The location of the bridge and its relationship to Stage 2 and 7 is to be generally consistent with P0447-SK0301 and SK0302 Revision A prepared by GDS.

Road 62 is to comply with Planning for Bushfire Protection 2019 Table 5.3b Acceptable Solutions for the standard of a non-perimeter road. The road is to feature the following design parameters to prevent vehicular use outside of an emergency:

- i. Signage identifying the link as a shared pathway use and preventing vehicular use outside of emergencies.
- ii. Pavement design to promote shared pathway use and to differentiate it from the connecting roads.
- iii. Construction of rolled kerb at the intersection with Road 38 (Stage 2) and Road 48 (Stage 7).

The bushfire emergency access will be constructed and operational prior to the first Subdivision Certificate for any stage that follows Stage 1 (except Stage 7) which creates the final residential lots.

The bush fire emergency access is to be constructed in accordance with Planning for Bush Fire Protection 2019 and to the standard of a public road including a carriageway width of 5.5m (with additional allowance for safety barriers) to meet the non-perimeter road requirement of Planning for Bush Fire Protection 2019. The developer shall demonstrate how the public road will cater for safe pedestrian travel.

The bridge shall be multi-span with piers or foundations outside the existing low flow channel of the watercourse.

The bridge shall have regard to the design parameters set out in items (a) to (g) of clause 10.6.2A of Chapter E23 of WDCP 2009.

Reason:

To comply with legislation and ensure safe egress in the event of an emergency.

32. Heritage – Transfer of AHIP for Certain Land Transferred to Council

The proponent must obtain a separate AHIP (if required) for the ongoing maintenance of any land to be dedicated to Wollongong City Council to be transferred into Council's name. Alternatively the

proponent is to prepare all required documentation for the required approval for sign off and final lodgement by Wollongong City Council to Heritage NSW.

The applicant is required to transfer all relevant Aboriginal Heritage Impact Permits and associated Heritage Management Plan at the time of the dedication of any riparian, environmental, natural, public recreation reserves or parkland areas that contain Aboriginal Sites within all stages of the Concept Plan Area to ensure the day-to-day management of these areas by WCC, including vegetation management, maintenance of any stormwater or flooding infrastructure, or other such works associated with park or reserve management can be undertaken.

Reason:

To satisfy the requirements of legislation and to allow ongoing management actions by Wollongong City Council following dedication of land.

33. Heritage – Long Term Heritage Management Plan for Certain Land Transferred to Council

A Heritage Management Plan that includes suitable control measures for the whole Concept Plan Area, with detailed recommendations to be implemented at each Stage. The Plan should address propose vegetation management and conservation works in Open Space and Riparian Corridor areas, to mitigate potential impacts to the Aboriginal Sites or Historic Archaeology identified for Conservation in these areas whilst allowing appropriate environmental works such as hand weeding, planting of tube stock, or 'no go' zones. These works should also consider ongoing management actions required to be undertaken by Council following dedication of this land.

The Plan is to be developed in consultation with both Wollongong City Council and Heritage NSW and be tied to the Aboriginal Heritage Impact Permit(s) for maintenance and referred to in Condition above to allow Council to continue managing the riparian and other natural areas following transfer of the AHIP(s) for maintenance.

The Plan should also make recommendation of whether additional approvals under the NSW Heritage Act 1977 Archaeological relics provisions would be required for certain works in specific areas.

The Plan is to provide clear mapping of:

- 'No go zones' and/or buffers around Aboriginal Sites where certain maintenance works can occur;
- Aboriginal Object reburial location;
- Historic Archaeological site boundaries based on the outcomes of the Test Excavation program and management actions approved under the Excavation permit.

The Plan is to be prepared prior to the commencement of works and is to be provided to Council's Heritage Staff for written approval prior to release of the Subdivision Works Certificate for any Stage that includes open space, recreation, conservation, riparian land to be dedicated to Council that will require an AHIP for on-going management.

Reason:

To satisfy the requirements of legislation and to allow ongoing management actions by Wollongong City Council following dedication of land.

34. Heritage –Stage 7 Conservation Outcome Site #52-5-1067

This consent does not approve archaeological salvage of AHIMS Site #52-5-1067 (also referred to as MMR-AS1) in the 25m buffer area surrounding the retained Fig Tree, as well as in any other areas of this Aboriginal Site.

The management methodology for this Aboriginal site (located within the area designated as Stage 7) should be further refined in consultation with Council, Heritage NSW and the Registered Aboriginal Parties during the process of obtaining an AHIP before the works commence on the relevant part of the land and be subject to a separate Development Consent process prior to any impact or salvage works.

Reason:

To ensure the requirements of legislation and Wollongong DCP 2009 are met.

35. Heritage – Update Aboriginal Heritage Cultural Assessment Report to include Vegetation Management Actions

The Aboriginal Cultural Heritage Assessment Report prepared by Austral Archaeology dated 15 January 2025 is to be updated to reflect the required Vegetation Management Works proposed in each future stage in the Concept Plan Area to support the relevant Aboriginal Heritage Impact Permit under the *NSW National Parks and Wildlife Act 1974* to update the recommendations in relation to where AHIPs are required or where surface salvage or surface excavation might be required.

Reason:

To ensure the requirements of legislation and Wollongong DCP 2009 are met.

36. Heritage Construction Management Plan

A Heritage Construction Management Plan is to form part of the Construction Environmental Management Plan required by Condition 110 that includes suitable control measures for each Stage is to be prepared. This should provide protection measures to be implemented at each Stage, to ensure the protection of the Aboriginal Sites and areas of Historic Archaeology that are not approved to be impacted under an AHIP or s.140 Permit including during the demolition and construction phases of the development.

The Plan is to be provided to Council's Heritage Staff for written approval prior to commencement of works at each Stage.

Reason:

To ensure the requirements of legislation are met.

37. Heritage – Vegetation Management Plan to Address Aboriginal Heritage

The Vegetation Management Plan for all Stages is to address the updated Aboriginal Cultural Heritage Assessment Report and Aboriginal Heritage Management Plan recommendations relating to vegetation management works. The VMP is to address the implementation of mitigation measures to protect Aboriginal Sites within the riparian and natural areas, whilst allowing for the recommended vegetation management works, such as hand planting, weeding, cutting and painting, spraying, and tube stock dimension restrictions, in buffer zones or the implementation 'no go zones' where appropriate. These recommendations are required to be approved under the Aboriginal Heritage Impact Permit for the relevant Stage, as required under the National Parks and Wildlife Act where 'impacts' to Aboriginal Sites may occur.

The Final VMP for each Stage is to accompany an application for the relevant Aboriginal Heritage Impact Permit and a copy provided to Council's Heritage Staff.

Reason:

To ensure the requirements of legislation and Wollongong DCP 2009 are met.

38. Heritage – Excavation Permit

The applicant must obtain an excavation permit from the Heritage NSW under Section 140 of the NSW Heritage Act 1977 before works commence in areas of moderate or high archaeological potential identified in Figure 5.1 of the Historical Heritage Assessment prepared by Austral Archaeology dated 14 January 2025. A copy of the Permit should be provided to Council's Heritage Staff for their information.

This consent does not authorise salvage excavation and the Excavation Permit should not be sought for salvage until testing has been undertaken and Wollongong City Council has been consulted on the Test Excavation Report and further detail is provided if/when impacts are proposed in Stages 3, 5 and 7 (or any other stage where impacts are proposed).

Reason:

To satisfy the requirements of legislation.

39. Heritage – Historic Archaeology Future Stages

The applicant is to consider the outcomes of the Test Excavation Report for Stages 3, 5 and 7

Where historical archaeology is found, a Historic Heritage Assessment, Letter of Advice, or Heritage Impact Statement that addresses the findings of the Test Excavation Report and makes specific recommendations for the conservation or other appropriate management of the archaeological resource is to be submitted with any future Development Application for Stage 3, 5 and 7 or other stage (such as bulk earthworks).

Reason:

To satisfy the requirements of legislation.

40. Heritage Construction Management Plan

Heritage Construction Management Plan or Addendum to the Construction Environmental Management Plan (CEMP) is to be prepared that includes suitable control measures for each Stage and provides protection measures to be implemented at each Stage, that will ensure the protection of the Aboriginal Sites and areas of Historic Archaeology that are not approved under an AHIP or s.140 Permit. Impacts include the demolition and construction phases of the development.

The Plan is to be provided to Council's Heritage Staff for written approval prior to commencement of works at each Stage.

Reason:

To satisfy the requirements of legislation.

41. Land Dedication Plans for Stages 2-7

A land dedication plan shall accompany each development application for Stages 2 to 7 showing the land to be dedicated to Council in the Stage to which the development application relates. The land dedicated plan shall include (but not limited to) roads, public open spaces and water quality basins, as relevant to the Stage.

Reason:

To ensure efficient management of land.

42. Swept Path Diagrams for Stages 2 -7

Swept path diagrams shall accompany each Development Application for Stages 2 to 7.

Where road cross sections for a local road, access street, access place or laneway as specified in Table 4 of Chapter D16 of Wollongong DCP 2009 result in a design vehicle crossing the centreline of the road, then the total carriageway width may be widened at those locations by utilising part of the verge to ensure compliance. Swept path diagrams shall be prepared as per the requirements of Austroads Guide to Road Design and Transport for NSW (TfNSW) Design of Roads and Streets Manual (DORAS, 2024, TS00066:1.0) showing manoeuvring around all corners and intersections.

The additional space needed for the widening of the road carriageway shall not compromise the overall required verge width' which is needed for utility allocations, landscaping, street tree planting and as a safety buffer to properties. Minor adjustments to Lot configurations can occur to ensure this outcome, as long as any adjusted lots meet the minimum Lot size.

The swept path diagrams for Stage 3 are to include the turning of a 12.5 metre rigid bus/truck at the end of the western cul-de-sac on Road 2 (East-West Link Road).

Reason:

To comply with the road requirements in Chapter B2 of the Development Control Plan.

43. Section 88B Instrument – Stage 3 Restrictive Building Zone

A 10m wide restrictive building zone is to be created from the rear boundary of the lots within Stage 3 adjacent to Cedars Estate such that no dwellings are permitted in that 10m setback area.

GENERAL CONDITIONS

PART B – STAGE 1 DA CONDITIONS

44. Special Infrastructure Contributions

A special infrastructure contribution must be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution - Illawarra Shoalhaven) Determination 2021 (as in force when this development consent takes effect).

A person may not apply for a Subdivision Works Certificate (as the case may require, having regard to the Determination) in relation to development the subject of this development consent unless the person provides, with the application, written evidence from the Department of Planning, Industry and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

More Information

A request for assessment by the Department of Planning, Industry and Environment of the amount of the contribution that is required under this condition can be made through the NSW Planning Portal (www.planningportal.nsw.gov.au/development-assessment/special-infrastructure-contribution/sic-online-service).

Please refer enquiries to SIContributions@planning.nsw.gov.au.

Reason:

To satisfy the requirements of the legislation.

45. Development Contributions

In accordance with Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the West Dapto Development Contributions Plan (2025), a monetary contribution of **\$10,356,769.79** (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Subdivision Certificate.

This amount has been calculated based on 113 additional residential lots/dwellings for Stage 1 of the Development; future Stages will be levied at the time of their respective applications. The Contribution is levied toward the following infrastructure categories as shown in the table below:

Infrastructure Category	Total Contribution
Open Space and Recreation	\$2,316,069.47
Community Facilities	\$33,318.05
Transport	\$6,954,360.13
Stormwater Management	\$919,487.78
Administration	\$133,534.36
Total Contribution	\$10,356,769.79

The contribution amount will be indexed quarterly until the date of payment using Consumer Price Index; All Groups, Sydney (CPI) based on the formula shown in the Contributions Plan.

To request an invoice to pay the contribution go to www.wollongong.nsw.gov.au/contributions and submit a Contributions Enquiry. The following information will be required:

Application number and property address.

Name and address of who the invoice and receipt should be issued to.

Email address where the invoice should be sent.

A copy of the Contributions Plan and accompanying information is available on Council's website www.wollongong.nsw.gov.au.

Reason:

To ensure contribution to local infrastructure.

46. Sydney Water

Requirements issued by Sydney Water dated 2 March 2023 as attached (Attachment 3) shall form part of this Notice of Determination.

Reason:

To satisfy requirements of the legislation.

47. Transgrid

Requirements issued by Transgrid dated 18 October 2023 as attached (Attachment 4) shall form part of this Notice of Determination.

Reason:

To satisfy requirements of the legislation.

48. Sydney Trains

Requirements issued by Sydney Trains dated 8 February 2023 as attached (Attachment 6) shall form part of this Notice of Determination.

Reason:

To satisfy requirements of the legislation.

49.

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50. Stage 1 Local Park

The Applicant is to consult with Council's Recreation Services Manager in relation to the following matters for the Stage 1 local park:

- a). The layout of play equipment to ensure there is no conflict between pedestrian movements between the swings and the orbit.
- b). An appropriate replacement of the metal slides with tube/ chute slides as metal slides might be too hot for children to use depending on their orientation.
- c). The layout of garden beds to ensure that pedestrian desire lines can be accommodated.
- d). Allowance for the future construction of a sewer line stub to the boundary of the local park to allow for possible future toilets if Council decides to install toilets at a future date.

Details are to be provided to Council's Recreation Services Manager prior to the issue of the first Subdivision Works Certificate for Stage 1 .

Reason:

To ensure the effective delivery of infrastructure.

51. Splay Corner Lots

Corner lots shall provide a minimum 4.25 metre splay at intersections (excluding roundabouts). These splay corners are to be dedicated free of cost to Council and shall form part of the road reserve. The excised land must be dedicated at no cost to Council as road reserve on the Final Plan of Subdivision.

Reason:

To comply with Wollongong Development Control Plan 2009.

52. CCTV at Handover

All stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council must be inspected by CCTV prior to the issue of the handover certificate from Council. A copy of the CCTV inspection must be submitted to and be to the satisfaction of the Principal Certifier prior to the asset being handed over to Council. Below standard work must either be replaced or repaired to the Principal Certifier's satisfaction prior to the issuing of a Subdivision Certificate.

Reason:

To ensure council receives a serviceable asset.

53. Water Cycle/Stormwater Quality Management

The Water Sensitive Urban Design (WSUD) water cycle management treatment nodes shall be constructed to achieve the stormwater quality performance targets for removal of pollutants and nutrients as set out in the Concept Water Sensitive Urban Design Strategy for Stage 1. Construction of the water quality components of the system must occur after 85% of the dwellings are completed.

Reason:

To ensure stormwater runoff does not impact on the environment and surrounding amenity.

54. Monitoring of Stormwater Quality

The developer shall undertake stormwater quality monitoring after 85% of the residential dwellings have been completed and shall include at least two events sampling representing dry and wet periods to prove statistically that the WSUD treatment train is functional and achieving the targeted improvement in the water quality in Condition 53. A copy of the report shall be submitted to Council. Water quality monitoring should occur for at least 3 years, with a minimum of two wet and two dry events, i.e. a total of 12 sampling events prior to handover of the assets to Council.

Reason:

To ensure stormwater runoff does not impact on the environment and surrounding amenity.

55. Defects Liability Period

The developer must maintain the road, drainage and street landscape works for a damage and defects liability period of twelve months from the date of registration of the final plan of subdivision for each stage of the development.

Reason:

To comply with Council Policy.

56. Trees to be retained and protected

The developer shall retain the existing trees as numbered and indicated on Landscape Plans by RPS East Pty Ltd Issue L dated 2025- 1-29.

All tree protection measures are to be installed in accordance with Australian standard AS 4970:2009 Protection of Trees on development sites.

All recommendations in the Arboricultural Impact Assessment by Moore Trees Reporting page 32- 57 are to be implemented including and not restricted to: remedial tree pruning, dead wood removal, fencing and signage, sediment buffer, stem protection, establishing tree protection zones.

No other trees shall be removed without prior written approval of Council.

Reason:

To protect the amenity of the environment and the neighbourhood.

BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE**Conditions****57. Ecosystem Credit Retirement Conditions**

- a. Prior to the issue of Subdivision Works Certificate, the class and number of ecosystem credits in Table 1 below must be retired to offset the residual biodiversity impacts of the development.
- b. The requirement to retire credits in point (a) above in this condition may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, once attempts to source credits have been exhausted.

c. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 1 below must be provided to the consent authority prior to the issue of Subdivision Works Certificate:

- i. Retirement of credits: The proponent provides evidence to the consent authority in the form of a credit retirement report issued by the Department of Planning and Environment confirming credit transactions.
- ii. Payment to the Biodiversity Conservation Fund: The proponent provides evidence to the consent authority in the form of a Section 6.33 Statement Confirming Payment into the Biodiversity Conservation Fund for an Offset Obligation issued by the Biodiversity Conservation Trust. The statement will indicate the number and class of credits that the payment corresponds to and any related development application reference.

Table 1 - Ecosystem credits required to be retired – like for like

Impacted Plant Community Type	Number of ecosystem credits	IBRA subregion from which credits can be used to offset the impacts from the development.	Plant community type(s) that can be used to offset the impacts from development
PCT 838 - Forest Red Gum – Thin-leaved Stringybark grassy woodland on coastal lowlands, southern Sydney Basin Bioregion	24	Illawarra, Ettrema, Jervis, Moss Vale, Sydney Cataract and Northern Basalts. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Illawarra Lowlands Grassy Woodland in the Sydney Basin Bioregion This includes PCT's: 838, 1326, 3269, 3327, 3330, 4052
1326-Woollybutt – White Stringybark – Forest Red Gum grassy woodland on coastal lowlands, southern Sydney Basin Bioregion and South East Corner Bioregion.	1	Illawarra, Ettrema, Jervis, Moss Vale, Sydney Cataract and Northern Basalts. or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Illawarra Lowlands Grassy Woodland in the Sydney Basin Bioregion This includes PCT's: 838, 1326, 3269, 3327, 3330, 4052

Reason:

To satisfy the requirements of legislation.

58. Requirements of Department of Planning and Environment (DPE) – Water – Part 3 Section 91 of the Water Management Act 2000

The submission of documentary evidence to the Principal Certifier, confirming that the required Part 3 Approval under the Water Management Act 2000 has been issued by the Department of Planning and Environment for the development, prior to the issue of the Subdivision Works Certificate.

Reason:

To satisfy the requirements of the legislation.

59. Rural Fire Service - Bushfire Safety Authority – Section 100B of the Rural Fires Act 1997

The submission of documentary evidence to the Principal Certifier, confirming that the required section 100B authorisation under the Rural Fires Act 1997 – General Terms of Approval has been issued by the Rural Fire Service for the development, prior to the issue of the Subdivision Works Certificate.

Reason:

To satisfy the requirements of the legislation.

60. Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Builders and Developers” section of the web site www.sydneywater.com.au then search to “Find a Water Servicing Coordinator”. Alternatively, telephone 13 20 92 for assistance.

Following application, a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice of Requirements must be submitted to the Principal Certifier prior to issue of the Subdivision Works Certificate.

Reason:

To satisfy the requirements of the legislation.

61. Utilities and Services

Before the issue of the relevant Subdivision Works Certificate, the applicant must submit the following written evidence of service provider requirements to the certifier:

- a. a letter of consent from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- b. a response from Sydney Water as to whether the plans proposed to accompany the application for a subdivision works certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met.
- c. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

Reason:

To ensure relevant utility and service providers' requirements are provided to the certifier.

62. Site Management, Pedestrian and Traffic Management Plan (Where Works are Proposed in a Public Road Reserve)

The submission of a Site Management, Pedestrian and Traffic Management Plan to the Principal Certifier and Council (in the event that Council is not the Principal Certifier) for approval of both the Principal Certifier and Council is required, prior to the issue of the Subdivision Works Certificate. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS 1742: Traffic Control Devices for Works on Roads and the TfNSW Traffic Control at Worksites Manual.

This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development. This plan shall include the following aspects:

- a. Proposed ingress and egress points for vehicles to/from the construction site;
- b. proposed protection of pedestrians, adjacent to the construction site;
- c. proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d. proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;

- e. proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- f. proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- g. proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed where works are in progress in any road reserve and shall be in accordance the latest versions of the TfNSW Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS 1742: "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);
- h. proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by a Registered Certifier in Civil Engineering; and
- i. proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

The traffic control plan endorsed by Council shall be implemented, prior to the commencement of any works upon the construction site.

Note: Any proposed works or placement of plant and equipment and/or materials within any road reserve will require the separate approval of Council, prior to the commencement of such works, pursuant to the provisions of the Roads Act 1993.

Reason:

To ensure compliance with Australian Standards.

63. Depth and Location of Services

The depth and location of all services (i.e. gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Subdivision Works Certificate plans and supporting documentation.

Reason:

To ensure development does not impact services.

64. Certification for Landscape and Drainage

The submission of certification from a suitably qualified and experienced landscape designer to the Principal Certifier prior to the issue of the Subdivision Works Certificate, confirming that the landscape plan, services plans (including telecommunications, water / sewer, energy and gas), and drainage plan are compatible.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

65. Provision of a Fire Hydrant

The provision of a fire hydrant in accordance with AS 2419.1:2021: Fire Hydrant Installations and any requirements of the NSW Rural Fire Service and/or NSW Fire Brigades. The final details of the location of the fire hydrant shall be reflected on the Subdivision Works Certificate plans prior to the issue of the Subdivision Works Certificate.

Reason:

To satisfy the requirements of the legislation and Australian Standards.

66. Engineering Plans and Specifications - Retaining Wall Structures Greater than One (1) Metre

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than one (1) metre to the Principal Certifier for approval prior to the issue of the Subdivision Works Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

- a. a plan of the wall showing location and proximity to property boundaries;

- b. an elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c. details of fencing or handrails to be erected on top of the wall;
- d. sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;
- e. the proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
- f. the assumed loading used by the engineer for the wall design; and
- g. flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground level.
- h. All retaining walls located within road reserves or other (existing or proposed) public areas are to have a minimum 100-year design life, must be designed by Chartered Professional Engineer, and comprise of mass block masonry type construction with a natural rock/stone type finish. The design and relevant details is to be submitted to the Wollongong City Council's Development Engineering Manager for approval prior to the issue of the Subdivision Works Certificate.

Note: Galvanised I-Beam, Sleeper Walls or similar will not be accepted as public assets.

a. Reason:

To comply with Wollongong Development Control Plan 2009.

67. Stormwater Drainage Design

A detailed drainage design for the development must be submitted to and approved by the Principal Certifier prior to the release of the Subdivision Works Certificate. The detailed drainage design must satisfy the following requirements:

- a. Be prepared by a suitably qualified Civil Engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the conceptual civil works and stormwater plan/s lodged for development approval, prepared by Group Development Services, as referenced in the table below.

Drawing Number	Title	Revision	Date
P00447-CI-DA-S1-1321	CIVIL WORKS AND STORMWATER DRAINAGE PLAN - SHEET 1	E	8/4/2025
P00447-CI-DA-S1-1322	CIVIL WORKS AND STORMWATER DRAINAGE PLAN - SHEET 2	E	8/4/2025
P00447-CI-DA-S1-1323	CIVIL WORKS AND STORMWATER DRAINAGE PLAN - SHEET 3	E	8/4/2025
P00447-CI-DA-S1-1324	CIVIL WORKS AND STORMWATER DRAINAGE PLAN - SHEET 4	E	8/4/2025
P00447-CI-DA-S1-1325	CIVIL WORKS AND STORMWATER DRAINAGE PLAN - SHEET 5	E	8/4/2025

- b. Include details of the method of stormwater disposal. Stormwater from the development shall be piped to a watercourse on within the site. The watercourse to which it is proposed to discharge

stormwater must be well defined, having defined bed and banks. Stormwater must not be discharged at, or upstream of, the top of the bank of the watercourse.

- c. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d. Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1% AEP events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

Reason:

To comply with Wollongong Development Control Plan 2009.

68. On-Site Stormwater Detention (OSD) Design

The development must provide on-site stormwater detention (OSD) storage for stormwater runoff from the northern catchment of the development (draining to the northern watercourse). The design and details of the OSD system must be provided in conjunction with the detailed drainage design and approved by the Principal Certifier prior to the release of the Subdivision Works Certificate. The OSD design and details must satisfy the following requirements:

- a. Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b. Must include details of the available storage volume and limiting discharge rates for the OSD facility. The detailed design of the OSD facility shall be generally in accordance with the conceptual civil works and stormwater plan/s lodged for development approval, prepared by Group Development Services, as referenced in the condition of this consent titled 'Stormwater Drainage Design'.
- c. The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d. The OSD facility shall incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e. Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP 2009.
- f. Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- g. Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the Subdivision Certificate:
 - i. The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
 - ii. Identification number [DA-2023/481].
 - iii. Any specialist maintenance requirements.
- h. Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP 2009.

Reason:

To comply with Wollongong Development Control Plan 2009.

69. Inter-allotment Drainage

A minimum 150mm diameter, PVC Class SN4 inter-allotment drainage pipeline shall be provided to drain proposed lots where roof water and surface water from future development cannot be discharged directly into the street kerb drainage system with a positive gradient.

Reason:

To comply with Wollongong Development Control Plan 2009.

70. Scour Protection

All stormwater outlets, watercourses, and surface flow paths (including swales, channels, and other dedicated overland flow paths) must be treated with appropriate scour/erosion protection measures designed in accordance with good engineering practice based on calculated 1% AEP flow velocities.

All scour protection measures and headwall structures within the watercourse shall be designed and constructed to match existing surface levels to ensure that there will be no change in flooding behaviour. All stormwater outlets shall be orientated in the direction of natural flow of the receiving watercourse.

The outlet scour protection is to be in accordance with Guidelines for Outlet Structures prepared by the Office of Water dated July 2012. The final details of the proposed scour protection measures shall be reflected on the Subdivision Works Certificate plans.

Reason:

To comply with Wollongong Development Control Plan 2009.

71. Dams Safety NSW

Written evidence from Dams Safety NSW is required identifying whether the detention basin is to be prescribed according to the Dams Safety NSW requirements. If the basin is to be prescribed, written evidence shall be provided indicating that the subject basin design has been endorsed by the Dams Safety NSW. This information shall be submitted to the Principal Certifier prior to the issue of a Subdivision Works Certificate.

Reason:

To satisfy the requirements of the legislation.

72. No Adverse Run-off Impacts to Adjoining Neighbours

The development shall not cause adverse effects to adjoining properties as a result of flood or stormwater runoff.

Reason:

To protect neighbourhood amenity.

73. Detailed Civil Engineering Design – Council Land

A detailed civil engineering design shall be provided for all proposed civil works within Council's existing road reserve. The details must be submitted to and approved by Council's Development Engineering Manager. The detailed civil engineering design shall be prepared by a suitably qualified practicing civil engineer in accordance with the relevant Council engineering standards (unless deviation from these standards is approved within this consent). the design plans shall include:

- a. Levels and details of all existing and proposed infrastructure/services such as kerb and gutter, public utility, pits, poles, fencing, stormwater drainage, adjacent road carriageway crown, street signs (clearly identifying the type of sign) and footpath levels - and shall extend a minimum of 5 metres beyond the limit of works.
- b. Footpath longitudinal sections, and cross-sections at 10 metre intervals as well as including building entrance points and transitions to existing at the property boundary demonstrating compliance with the latest versions of AS 1428.1, AS/NZS 2890.1, the Disability Discrimination Act and the AUSTROAD road design standards.
- c. Engineering details of the proposed stormwater drainage system, including a hydraulic grade line analysis and longitudinal section of the proposed system showing calculated flows, velocity,

pits, pipe size/class, grade, inverts and ground levels. Each proposed pit must be constructed generally in accordance with Wollongong City Council's Engineering Standard Drawings.

- d. Where any adjustments to public utilities are proposed the applicant shall submit documentary evidence that they have the consent of the owner of the public utility authority.
- e. All construction must be in accordance with the requirements of Council's Subdivision Code. Evidence that this requirement has been met must be detailed on the engineering drawings.
- f. Details are to be provided regarding the type of materials used for construction. They should conform to the adjacent road reserves. Pavement designs must be provided for road reconstruction works, the pavement must be designed by a suitably qualified engineer to the expected traffic loadings and type.

The detailed civil engineering design and supporting documentation shall be submitted to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of a Subdivision Works Certificate.

Reason:

To satisfy the requirements of relevant road design and subdivision legislation and Australian Standards.

74. Design of Interim Period Flood Access Risk Minimisation Measures

A detailed design of the flood access risk minimisation measures located within the road reserve shall be undertaken by the Developer to minimise risk associated access to the site during times of flood in the interim period (i.e. the period where development occurs on the land but where the West Dapto Urban Release Area flood reliable road network is not yet fully complete). The design plans shall include the following Flood Risk Minimisation Measures:

- a. Bollards (not a barrier) along the downstream side of Marshall Mount Road between the two bridges at the watercourse road crossing described as 'CF4' and shown in Figure 5-1 in the report by Rhelm titled *'Flood-related public safety, emergency management and evacuation risk Proposed Concept Development and Stage 1 Development 'Highgate Hills'* (Rhelm Reference J2100, Version 01 dated 21 March 2025), designed to prevent cars trapped in floodwater being washed into Duck Creek. The details of these bollards shall be generally as described in the aforementioned report by Rhelm.
- b. Automatic flood warning systems in the form of real time water depth gauges that trigger flashing beacons and message signs when the flooded sections of road are unsafe to traverse, at the locations listed below. Any reference below to 'the report by Rhelm' means the report by Rhelm titled *'Flood-related public safety, emergency management and evacuation risk Proposed Concept Development and Stage 1 Development 'Highgate Hills'* (Rhelm Reference J2100, Version 01 dated 21 March 2025). The flashing lights and message signs shall be appropriately located and clearly visible from both directions at each watercourse road crossing as listed below:
 - Watercourse road crossing CF4, as described in the report by Rhelm
- c. Flood depth indicators and warning signs to be installed at the locations listed below. Any reference below to 'the report by Rhelm' means the report by Rhelm titled *'Flood-related public safety, emergency management and evacuation risk Proposed Concept Development and Stage 1 Development 'Highgate Hills'* (Rhelm Reference J2100, Version 01 dated 21 March 2025). The depth markers shall be appropriately located and clearly visible from both directions at each watercourse road crossing as listed below:
 - Watercourse road crossing CF6, as described in the report by Rhelm
 - Watercourse road crossing YR1, as described in the report by Rhelm
 - Watercourse road crossing YR3, as described in the report by Rhelm
 - The watercourse road crossing on Marshall Mount Road approximately 730 metres south of the intersection with Yallah Road (not identified/labelled in the report by Rhelm)

The detailed design and supporting documentation of the flood access risk minimisation measures shall be submitted to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of a Subdivision Works Certificate.

Reason:

To comply with Wollongong Development Control Plan 2009.

75. Re-direction or Treatment of Stormwater Run-off

Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.

Reason:

To comply with Wollongong Development Control Plan 2009.

76. Existing/Proposed Levels

Existing and proposed levels to Australian Height Datum (AHD), including ground, grate, pipe inverts and pavement levels shall be shown on the detailed drainage design. All finished lots shall have a minimum 2% fall towards the proposed stormwater drainage system, in order to allow for suitable stormwater run-off from the site and to help minimise any potential water ponding. This requirement shall be reflected on the Subdivision Works Certificate plans and supporting documentation.

Reason:

To comply with Wollongong Development Control Plan 2009.

77. Stormwater Pipelines

A hydraulic grade line (HGL) analysis and longitudinal section shall be provided for all stormwater pipelines through which stormwater from the development (including each proposed on-site stormwater detention facility) will be conveyed extending downstream to the receiving natural watercourse or level spreader disposal system. Each hydraulic grade line analysis and longitudinal section shall show calculated flows, velocity, pipe size/class, grade, inverts and ground levels. The analysis shall demonstrate the suitable performance of the drainage system as specified in Chapter E14 of the Wollongong DCP 2009. These requirements shall be reflected on the Subdivision Works Certificate plans and supporting documentation.

Reason:

To comply with Wollongong Development Control Plan 2009.

78. Drainage Pits

All new drainage pits proposed within a road reserve or other land to be dedicated to Council shall be in accordance with the current version of Wollongong City Council's Engineering Standard Drawings. This requirement shall be reflected on the Subdivision Works Certificate plans.

Reason:

To comply with Wollongong Development Control Plan 2009.

79. Junction Pits

Junction pits shall be provided at the end of each inter-allotment drainage line inside the property boundary prior to connection into the road drainage system. This requirement shall be reflected on the Subdivision Works Certificate plans.

Reason:

To comply with Wollongong Development Control Plan 2009.

80. Lots to be above the Flood Planning Level (FPL)

The subdivision is not to create any additional residential allotments that are wholly or partly below the Flood Planning Level (FPL), being the 1% AEP flood level plus a freeboard of 500mm. The detailed design of the development shall ensure that all proposed residential allotments are located wholly above the FPL. Certification that these requirements have been met shall be prepared by a suitably qualified

civil engineer and submitted to the Principal Certifying Authority prior to the issue of the Subdivision Works Certificate.

Reason:

To comply with Wollongong Development Control Plan 2009.

81. Stormwater Outlets

Stormwater outlets shall be oriented in the direction of flow of the receiving channel/watercourse and treated with appropriate scour/erosion protection measures extending to the watercourse channel in accordance with good engineering practice. Where the stormwater outlet does not extend to the invert of the watercourse channel, appropriate transition work and scour/erosion protection measures shall be provided to convey the stormwater discharges to the invert of the watercourse channel. This work shall include a surface flow path with appropriate capacity and scour/erosion protection measures to convey the design discharges. The final details of each stormwater outlet shall be provided on the detailed drainage design. These requirements shall be reflected on the Subdivision Works Certificate plans and supporting documentation.

Reason:

To comply with Wollongong Development Control Plan 2009.

82. Safety in Design

The detailed design of the development shall satisfy the requirements of Section 8: Safety in Design of Chapter E14 of the Wollongong DCP 2009. The proposed bioretention/detention basins shall include appropriate measures to mitigate the safety risk associated with the outlets. Evidence that these requirements have been satisfied shall be submitted to the Principal Certifying Authority prior to the release of a Subdivision Works Certificate.

Reason:

To comply with Wollongong Development Control Plan 2009.

83. Grassed Batter Slopes

Side slopes of grassed channels/swales/bioretention basin areas shall not be greater than 1 vertical to 4 horizontal where proposed to be dedicated to Council. This requirement shall be reflected on the Subdivision Works Certificate plans prior to the release of the Subdivision Works Certificate.

Reason:

To comply with Wollongong Development Control Plan 2009.

84. Flood Warning Signs

Appropriate flood warning signs shall be provided within proposed floodway areas and bioretention basin within the development site. This requirement shall be reflected on the Subdivision Works Certificate plans and supporting documentation.

Reason:

To comply with Wollongong Development Control Plan 2009.

85. Bioretention Basin Access

All bioretention basins shall incorporate a concrete accessway, with dimensions to accommodate the turning manoeuvres of the proposed service vehicle. The concrete pavement must be designed by a suitably qualified engineer for the anticipated loadings of the service vehicle. Evidence that these requirements have been satisfied shall be submitted to the Principal Certifier prior to the release of a Subdivision Works Certificate.

Reason:

To comply with Wollongong Development Control Plan 2009.

86. Water Quality Device Access

All Gross Pollutant Traps (GPT's) and other water quality devices requiring maintenance to be undertaken by a pump/grab truck shall be provided with a suitable concrete access and maintenance area of adequate size, surface grades, and dimensions to facilitate access and maintenance by a 30 tonne pump/grab truck. Evidence that this has been satisfied shall be submitted to the Principal Certifier prior to the issue of a Subdivision Works Certificate.

Reason:

To comply with Wollongong Development Control Plan 2009.

87. Water Quality Device – Type

All water quality devices installed by this development shall be of a type approved by Council. Evidence that these requirements has been satisfied shall be submitted to the Principal Certifier prior to the issue of a Subdivision Works Certificate.

Reason:

To comply with Wollongong Development Control Plan 2009.

88. Design in Accordance with Flood Study

The detailed design of the development (incl. earthworks, finished surface levels, landscaping, surface treatment, riparian vegetation, watercourse culvert/bridge crossings, flood levels, and flood storage) shall be generally in accordance with the post-development flood model scenario presented in the flood report by Rhelm titled '*200-330 Marshall Mount Road, Marshall Mount Concept Development Application and Stage 1 Development Application Flood Impact Assessment*' (Rhelm Reference J1619, Version 4 dated 15/1/2025). Evidence that this requirement has been satisfied shall be submitted to the Principal Certifying Authority prior to the release of a Subdivision Works Certificate.

Reason:

To comply with Wollongong Development Control Plan 2009.

89. Road Design

The road design must be designed with Council's Subdivision Policy and comply with the following:

- a. The grading and layout of all roads and lots must not allow for trapped low points and in addition ensure that overland flow is passed safely over public land;
- b. The road pavement must be designed with one layer of asphalt having a minimum thickness of 40 mm AC10 (for residential streets), and 50mm AC14 (for all commercial / industrial areas and collector and arterial roads). The pavement design for the proposed roads must be carried out by a qualified Geotechnical/Civil engineer in accordance with AUSTRROADS Guide to Pavement Technology;
- c. All vertical and horizontal alignment of all streets and all street intersections within the development must have adequate sight distance provided in accordance AUSTRROADS requirements;
- d. The geometric design of all roads, traffic facilities, intersection treatments, mid-block devices and entry features must be carried out in accordance with the approved plans in Condition 1.; and
- e. The relevant drawings must be annotated and properly referenced, showing compliance with this condition and comply with Council's Subdivision Policy. The drawings must be submitted with application for a Subdivision Works Certificate for approval by the Certifying Authority.

Reason:

To comply with Wollongong Development Control Plan 2009.

90. Swept Path Analysis for Local Roads

Prior to the issue of a Subdivision Works Certificate for Stage 1, swept paths shall be shown for the nominated 'design vehicle' on all roads in accordance with the approved plans in Condition 1.

Reason:

To comply with Austroads Guide to Road Design.

91. Bridge Design

The design of the bridge structures and approach embankments must be undertaken by a suitably qualified and certified Chartered Professional Engineer with proven extensive experience in design of bridge structures of comparable magnitude.

The bridge structure is to be designed with a minimum of 500mm freeboard above the estimated 1% AEP flood level to the underside of the bridge deck for the blocked scenario and shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including this level. The design of the structure and approach embankments must be undertaken in accordance with, but not limited to, the requirements of the current AS 5100 for Bridge Design, Austroads Traffic standards, NSW Bicycle Guidelines for Cycleways, Austroads "Waterway Design – A Guide to the Hydraulic Design of Bridges" and generally in accordance with the conceptual civil works and stormwater plan/s lodged for development approval, prepared by GDS, as referenced in this consent. The 1% AEP and PMF level must be plotted on the elevation plans of the bridge design.

The Bridge design must provide 2.5-metre-wide shared paths on both sides of the road and be consistent with the approved plans and issued to Wollongong City Council's Development Engineering Manager prior to the release of the Subdivision Works Certificate.

Reason:

To comply with Wollongong Development Control Plan 2009.

92. Bridge Design (Flooding)

The proposed bridge on Road 01 shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the 1 in 2000 AEP flood event as per the requirements of the Australian Standard Bridge Design Code (AS5100). An engineering design certification that the bridge satisfies these requirements shall be provided to the Registered Certifier prior to the issue of a Subdivision Works Certificate.

Reason:

To comply with Wollongong Development Control Plan 2009.

93. Subdivision Works

All subdivision works must obtain a Subdivision Works Certificate prior to any commencement of works on site. Details of all subdivision engineering works are to be submitted to the Certifying Authority for approval.

The Certifying Authority must ensure that engineering plans are consistent with the stamped approved plans and that all subdivision works have been designed in accordance with conditions of this consent, Wollongong City Council's Subdivision Policy, AUSTROAD Guidelines and best engineering practice.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

94. Road Naming

All roads must be named in accordance with Wollongong City Council's Road Naming Policy. The developer must provide Council (via Road Naming Application) with an appropriate name prior to issue of the Subdivision Works Certificate. If the developer fails to lodge an appropriate name prior to issue of the Subdivision Works Certificate, Council will reserve the right to nominate a suitable name.

Reason:

To comply with Council Policy.

95. Property Addressing Policy Compliance

Prior to the issue of any Subdivision Works Certificate, the developer must ensure that any site addressing complies with Council's Property Addressing Policy (as amended). Where appropriate, the developer must also lodge a General Property Addressing Request through Online Services on Council's Website (<https://www.wollongong.nsw.gov.au/book-and-apply/online-services>), for the site addressing prior to the issue of the Subdivision Works Certificate. Please allow up to 5 business days for a reply. Enquiries regarding property addressing may be made by calling (02) 4227 8660.

Reason:

To comply with Council Policy.

96. Roundabout - Design and Construction

The submission of engineering designs for the construction of any new roundabout other than the interim roundabout at the intersection of Marshall Mount Road and Yallah Road shall be prepared by a suitably qualified consultant and designed in accordance with:

- a. Austroads Part 6 – Roundabouts;
- b. RMS Roundabouts – Geometric Design Methods; and
- c. Council's adopted Subdivision Policy.

The interim roundabout at the intersection of Marshall Mount Road and Yallah Road shall be prepared by a suitably qualified consultant and designed generally in accordance with the Bitzios Stage 1 Swept Path Assessment and should have regard to Austroads Guide to Road Design Part 7 and Council's adopted Subdivision Policy.

The final design of the roundabout shall be incorporated in the Subdivision Works Certificate plans for the approval of the Principal Certifier and Council (in the event that the roundabout is within an existing public road) prior to the release of the Subdivision Works Certificate. The approved roundabout shall be completed prior to the issue of the Subdivision Certificate.

Note: The dedication of land as public road may be required in order to provide sufficient road width for the required roundabout. If required, a plan of dedication shall be submitted and approved by Council prior to the issuing of the Subdivision Works Certificate.

Reason:

To comply with Wollongong Development Control Plan 2009 and Australian Standards.

97. Signs and Linemarking

A sign and linemarking diagram must be endorsed by the Local Traffic Committee and approved by Council prior to the issue of the Subdivision Works Certificate.

Reason:

To comply with Council Policy.

98. Street Lighting

Street lighting is to be provided for all new and existing streets within the proposed subdivision to Wollongong City Council's standards.

The developer must submit a Public Lighting Design Brief to Wollongong City Council's Infrastructure Division for approval for the provision of street lighting on all new public roads dedicated to Council. A street lighting design plan must be prepared by an accredited service provider for contestable works in NSW and submitted to the Energy provider for approval prior to construction. All street lighting must comply with the electricity service provider Street Lighting Policy and illumination requirements. All costs associated with the installation of street lighting must be borne by the developer.

Reason:

To satisfy the requirements of the legislation and Australian Standards.

99. Soil and Water Management Plan (SWMP) - Greater than 2500m² Disburbance

A SWMP must be prepared by a suitably qualified person in strict accordance with the requirements set out in "Managing Urban Stormwater: Soils and Construction" NSW Dept of Housing, 4th Edition. The plan must be submitted to the Principal Certifier for approval prior to the issue of the Subdivision Works Certificate.

Reason:

To comply with Council's Development Control Plan.

100.Telecommunications

The submission of documentary evidence from an approved telecommunications carrier to the Principal Certifier confirming that underground telecommunication services are available for this development is required prior to the issue of the Subdivision Works Certificate.

Reason:

To ensure relevant utility and service providers' requirements are provided to the Certifier.

101.Kerb and Gutter Design

Wollongong City Council requires kerb and gutter on all new roads. Roll top kerb is not accepted in any location. Access Place to be designed as per Chapter B2 of Wollongong DCP 2009. There are to be no cut out or indents provided for future driveways within greenfield subdivisions. The kerb and gutter is to be continuous across the full frontage of each lot. Details are to be shown on the Subdivision Works Certificate drawings and be to the satisfaction of the Registered Certifier.

Reason:

To comply with Council's Development Control Plan.

102.Temporary Road

The proposed temporary road between Road 21 and 22 road is approved as an interim access arrangement subject to the Western Ring Road being completed in future stages. The applicant must ensure that upon development of later stages, the temporary road is removed, and full faced kerb is provided along remaining section of Road 21 and the Western Rong Road also completing pedestrian pathway connections in accordance with the approved concept plan.

Reason:

To comply with Council's Development Control Plan.

103.Footpath - Road 25

A footpath shall be provided from the end of the cul-de-sac on Road 25, through to the footpath on Road 2 (East-West Link Road) to enable good pedestrian permeability and a more direct link towards the neighbourhood centre reducing the propensity to drive. These details must be reflected on the Subdivision Works Certificate plans.

Reason:

To comply with Council's Development Control Plan.

104.Traffic Signal Design Approval from TfNSW

Prior to the release of the Subdivision Works Certificate, the applicant must submit traffic signal designs to Council for both of the proposed future signalised intersections at:

- a. Marshall Mount Road/Yallah Road/Western Ring Road, and
- b. The Western Ring Road and Road 02 (East-West Link Road).

to demonstrate that sufficient road reserve is provided to achieve the required intersection footprints in order to accommodate all necessary signals operational infrastructure.

The design must allocate sufficient road reserve to achieve the required future intersection footprints in order to accommodate all necessary signals operational infrastructure.

The signal design plan must be accompanied by a road reserve dedication plan which reflects the above requirements.

Details of TfNSW endorsement regarding the signal design plans and road reserve allocation are to be documented with the relevant Subdivision Works Certificate.

Reason:

To ensure the effective delivery of infrastructure and comply with TfNSW requirements.

105. NOT USED

106. Signs and Linemarking

A sign and linemarking diagram must be endorsed by the Local Traffic Committee and approved by Council prior to the issue of the Subdivision Works Certificate.

Reason:

To comply with Council Policy.

107. Stage 1 Road Construction Requirements

Prior to the issue of a Subdivision Works Certificate, the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Wollongong City Council's Design Guidelines and Construction Specification for Civil Works and the following criteria, including traffic calming facilities at intervals of 100-150 metres in accordance with the approved plans.

Road No.	Road Reserve Width (metres)	Carriageway Width (Face of kerb to face of kerb in metres or dish drain invert)	Verge (metres)	Footpath/ Cycleway	Street Tree /Landscape Strip	ESA
1	22.90	13.4	4.75 both sides	2.5 metre shared paths both sides (As a minimum or otherwise agreed by Council)	1.5 both sides	2 x 10 ⁶
2	21.9	12.4	4.75 both sides	2.5 metre shared paths both sides	1.5 both sides	1 x 10 ⁶
21	18.8	9.8	4.5 both sides	1.5 metre footpaths both sides	1.5 both sides	3 x 10 ⁵
22, 23, 24	17.1	8.1	4.5 both sides	1.5 metre footpaths both sides	1.5 both sides	3 x 10 ⁵
25, 55	15	7	4 both sides	N/A	4 both sides	6 x 10 ⁵
22 and 55 adjacent to WRR	As per approved plans	7	4 one side	As per approved plans	As per approved plans	3 x 10 ⁵

Reason:

To comply with Council's Development Control Plan.

108. Detailed Civil Engineering Design for a Roundabouts - Marshall Mount Road/Yallah Road/Western Ring Road and The Western Ring Road/Road 13/Road 3 South of Stages 5 and 6.

A detailed civil engineering design shall be provided for the proposed Roundabout at Marshall Mount Road, Yallah Road and Western Ring Road. The detailed civil engineering design shall be prepared by a suitably qualified practicing civil engineer in accordance with Austroads Guide to Road Design and

designed generally in accordance with the Marshall Mount Road/Yallah Road Interim Roundabout Concept Plan by Bitzios Consulting, Project Number P5771, Issue 1, dated 09/09/2024 and the Western Rong Road/Road 3 Concept Plans by Bitzios Consulting, Project Number P5771, Issue 001, dated 09/09/2024 and Stage 1 Swept Path Assessment WRR/MRR Interim Intersection Checking Vehicle swept paths by Bitzios consulting and where not provided for in the approved plans shall include:

- a. Levels and details of all existing and proposed infrastructure/services such as kerb and gutter, public utility, pits, poles, fencing, stormwater drainage, adjacent road carriageway crown, street signs (clearly identifying the type of sign) and footpath levels, and shall extend a minimum of 5 metres beyond the limit of works.
- b. Road longitudinal sections, and cross-sections at 5 metre intervals as well as including building entrance points and transitions to existing at the property boundary demonstrating compliance with the latest versions of the approved plans .
- c. Engineering details of the proposed pit and pipe stormwater drainage system within Council's Road reserve, including a hydraulic grade line analysis and longitudinal section of the proposed system showing calculated flows, velocity, pits, pipe size/class, grade, inverts and ground levels. Each proposed pit must be constructed generally in accordance with Wollongong City Council's Engineering Standard Drawings.
- d. Where any adjustments to public utilities are proposed the applicant shall submit documentary evidence that they have the consent of the owner of the public utility authority.
- e. All construction must be in accordance with the requirements of Council's Subdivision Code. Evidence that this requirement has been met must be detailed on the engineering drawings.
- f. Swept paths showing the design vehicle manoeuvring as per AUSTROADS must be provided.
- g. Details are to be provided regarding the type of materials used for construction. They should conform to the adjacent road reserves.

The detailed civil engineering design and supporting documentation shall be submitted to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of a Subdivision Works Certificate.

Reason:

To comply with Council's Development Control Plan and Austroads.

109.Geotechnical Report – Subdivision Works Certificate

The submission of a final geotechnical report, prepared by a suitably qualified and experienced Geotechnical Engineer, to the Principal Certifier prior to the issue of the Subdivision Works Certificate.

The report must cover, but not be limited to the following:

- a. Extent and stability of proposed embankments including those acting as retarding basins.
- b. Recommended Geotechnical testing requirements.
- c. Required level of geotechnical supervision for each part of the works as defined under AS 3798: Guidelines on Earthworks for Commercial and Residential Developments. All earthworks including drainage and retaining wall construction is to be subject to Level 1 geotechnical supervision.
- d. Compaction specification for all fill within private subdivisions.
- e. The level of risk to existing adjacent dwellings as a result of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent dwellings, high risk areas shall be identified on a plan and the engineering plans shall be amended to indicate that no vibratory rollers shall be used within that zone.
- f. The impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation.
- g. The preferred treatment of any unstable areas within privately owned allotments.

- h. Requirement for subsurface drainage lines.
- i. Overall suitability of the engineering plans for the proposed development.
- j. No FRC pipes are located in areas subject to groundwater or potential for prolonged saturation.

Reason:

To ensure site specific geotechnical constraints are appropriately considered and satisfied.

110. Construction Environmental Management Plan (CEMP)

The submission of a detailed Construction Environmental Management Plan which addresses but is not limited to, the following issues:

- a. Introduction.
- b. Project Description.
This section should include:
 - i. Timing and duration of works.
 - ii. location of work sites offices, compounds, stockpiles and refuelling areas.
 - iii. a description of the site and surrounds and location of environmentally sensitive areas.
- c. Objectives of the CEMP.
This section should state what the CEMP is trying to achieve.
- d. Context of the CEMP.
This section should specify how the CEMP fits into the planning process of the project.
- e. Planning Project Environmental Actions.
- f. Environmental Impact Assessment (EIA) Obligations.
This section should identify all EIA documentation related to this project.
- g. Environmental Aspects.
This section should reference or describe the aspects and impacts associated with the construction activities. Each impact should be assigned a risk ranking of low, medium or high. Control measures should be selected for all impacts ranked as medium or high. Low risk impacts should be monitored to ensure that they do not increase.
- h. Legal and Other Requirements.
This section should detail the legislative requirements of the work, and all other specifications.
- i. Supplementary Environmental Plans. These may include:
 - i. Erosion and Sediment Control Plan (ESCP) or Soil and Water Management Plan (SWMP).
 - ii. Note: Requirements for ESCPs and SWMPs are provided in "Managing Urban Stormwater: Soils and Construction" Landcom, 2004.
 - iii. Noise and Vibration Management Plan.
 - iv. Landscaping and Revegetation Plan.
 - v. Flora and Fauna Management Plan.
 - vi. Traffic Management Plan/Traffic Control Plan (TCP).
 - vii. Air Quality Management Plan.
 - viii. Waste Management Plan.
 - ix. Acid Sulfate Soil Management Plan (ASSMP).
 - x. Indigenous and European Heritage Plan.

xi. Contaminated Soil Management Plan.

xii. Heritage Construction Management Plan (as per condition 36)

j. Implementation.

k. On-site Structure and Responsibility.

This section should state the duties and responsibilities of all contractors and sub- contractors working on site and the relationship between these parties.

l. Training, Awareness and Competence.

This section should detail the environmental training that all site personnel are required to undertake. Environmental training should include:

i. Knowledge and understanding of the CEMP.

ii. Site induction, and may include:

- Emergency response training.
- Familiarisation with site environmental controls.
- Erosion and sediment control training.

m. Communication.

This section should include how the contractor plans to keep affected residents informed as to the nature and scope of works, the type of consultation and frequency. This section should identify and list details for relevant external stakeholders such as:

i. EPA.

ii. NPWS.

iii. NSW Fisheries.

iv. DPE.

v. Aboriginal Groups.

vi. Council.

This section should also detail the procedures for the notification of complaints and identify the person responsible for its maintenance and follow up action.

n. Emergency Planning and Response.

This section should detail the procedure to be followed in the event of an environmental emergency. An environmental emergency is any event that causes or has the potential to cause environmental damage. The procedure needs to include:

i. The names of key emergency response personnel.

ii. Personnel responsibilities and contact details.

iii. Contact details for emergency services (ambulance, fire brigade, spill clean up services).

iv. The location of on-site information on hazardous materials, including SDSs and spill containment material.

v. The procedure to follow to minimise/control the emergency.

i. Procedures for notifying the Superintendent, the public and/or EPA. Emergency Response Contacts should be listed in table form.

o. Auditing and Monitoring.

p. Environmental Action Monitoring.

This section should detail how all environmental actions identified in Section 2 are going to be monitored and verified. This section should also detail or refer to a procedure to ensure that

all monitoring results that exceed set criteria are acted on quickly and that the appropriate regulatory authorities are notified.

q. Auditing.

This section should detail audit criteria, frequency and scope.

r. Non-Conformance and Corrective and Preventive Action.

This section should state how these items should be addressed.

s. Review of CEMP.

This section should detail the procedure and frequency of reviewing the CEMP and how those using it will be aware of changes.

t. Appendix 1 - Environmental Action Table.

The Environmental Action Table should provide sufficient information to ensure effective and efficient on-site environmental management. The Environmental Actions Table should include all environmental actions that were identified in Section 2.0 of the CEMP. The Environmental Actions Table must clearly convey what action is required, when it needs to be done and who is supposed to do it.

u. Appendix 2 - Environmental Action Monitoring Table.

This section should detail how all of the environmental actions listed in Appendix 1 are going to be monitored and verified. The monitoring must clearly convey what monitoring is required, when the monitoring is to take place and who is to do it.

Reason:

To protect the environment.

111.Species Credit Retirement Conditions

- a. Prior to the issue of the first Subdivision Works Certificate, the class and number of species credits in Table 1 must be retired as an offset for the biodiversity impacts of the development.
- b. The requirement to retire credits in condition a) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the BAM Credit Calculator (BAM-C) at the time of payment.
- c. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition a) must be provided to the consent authority prior to issue of the Subdivision Works Certificate:
 - i. Retirement of credits: The proponent provides evidence to the consent authority in the form of a credit retirement report issued by the Department of Planning, Industry and Environment confirming credit transactions.
 - ii. Payment to the Biodiversity Conservation Fund: The proponent provides evidence to the consent authority in the form of a Section 6.33 Statement Confirming Payment into the Biodiversity Conservation Fund for an Offset Obligation issued by the Biodiversity Conservation Trust. The statement will indicate the number and class of credits that the payment corresponds to and any related development application reference.

Table 1 - Species credits required to be retired – like for like

Impacted Species	Number of Ecosystem Credits	IBRA subregion from which credits can be used to offset the impacts from the development.
Myotis macropus / Southern Myotis	3	Any in NSW

Reason:

To satisfy the requirements of legislation.

112.Revision of Landscape plans

The Stage 1 Landscape Documentation prepared by RPS and dated 29 January 2025, is to be revised to ensure that the plant species list for PA2 in the Local Park, which is immediately adjacent to the proposed BSA site, includes locally indigenous species of the Illawarra Lowlands Grassy Woodland vegetation communities only and no cultivars.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

113. Street Trees

The developer must address the street frontage by installing street tree planting with a root barrier, staking, mulching and brick edging surround. The number and species for this subdivision are to be as shown on the Landscape Plans prepared by RPS Australia East Pty Ltd. The proposed *Tristaniaopsis laurina* to be substituted with either *Waterhousea floribunda* or *Elaeocarpus eumundii*. Street trees are to be 100 litre container size in accordance with AS 2303:2015:

Any proposed trees are to be installed in accordance with Chapter E6, Wollongong DCP, 2009, to ensure no conflict occurs with street light poles or underground services. Evidence that this requirement has been met must form part of the subdivision works certificate and must be detailed on a services plan which identifies all service location.

The verge must be prepared by preparing a trench of 1.2m x 3m for each street tree. Cultivate each trench and break by the trench base and walls. Trench to be backfilled with topsoil for both 300mm depth of topsoil equal to Soilco Gold Blend and 450mm depth with no compost. Tree trench preparation to be inspected by Arborist. Brick edging is to consist of 110mm wide paver on 100mm thick by 150mm wide reinforced 25Mpa concrete footing.

Root control barrier to kerb side of trench 600mm deep and extended along three metres along footpath. Installation of root barrier to be inspected by Arborist who must make a photographic record of the installation of all street trees.

The developer must supply certification in the form of a report, including photographic evidence, from an AQF Level 5 Arborist has verified that Tree pits must be adequately prepared, root barriers installed, staked correctly and mulched. These requirements shall be reflected on the Subdivision Works Certificate plans and any supporting documentation.

Reason:

To comply with Wollongong Development Control Plan 2009.

114. Fencing

Fencing details are to be provided on lots with boundaries to 'Access Denied' roads in accordance with Condition 12 prior to the issue of the Subdivision Works Certificate.

Reason:

To ensure protection of the environment and neighbourhood amenity.

115. Directional Lighting and Native Vegetation

Street and perimeter lighting shall be installed to minimise light penetration into adjacent conservation areas. The final design details of the proposed street and perimeter lighting shall be reflected on the Subdivision Works Certificate plans. The erection of the street lighting shall be in accordance with the approved final design.

Reason:

To protect the environment.

116. Dust Management Plan

Prior to the issue of the Subdivision Works Certificate a detailed Dust Management Plan shall be submitted to the Principal Certifier, prior to the issue of the Subdivision Works Certificate.

Reason:

To ensure protection of the environment and neighbourhood amenity.

117.Crime Prevention Through Environmental Design (CPTED) - Landscaping

In order to reduce the opportunities for “hiding places” the proposed landscaping in the Local Park must:

- a. Use shrubs/plants which are no higher than one (1) metre.
- b. The type of trees proposed must have a sufficiently high canopy, when fully grown, so that pedestrian vision is not impeded.
- c. Be set back one metre from the centre of the pathway.

This requirement shall be reflected on the Subdivision Works Certificate plans.

Reason:

To satisfy the requirements of Australian Standards.

118.Final Landscape Plan Requirements

A final landscape plan must be submitted to the Principal Certifier prior to the issue of the Subdivision Works Certificate. The following details must be provided:

- a. a schedule of proposed planting, including botanic name, common name, staking requirements as well as number of plants and pot sizes;

Specifically for the Local Park:

- b. Deletion of the following plant species since they are unsuitable for this type of development *Dietes grandiflora*, all *Grevillea* sp, *Archtopheonix cunninghamiana*, *Cupaniopsis anacardioides* from PA1, PA2 plant schedules. The following species trees are recommended for substitution *Syzygium smithii*, *Syzygium paniculatum* and or locally indigenous species of the Illawarra Lowlands Grassy Woodland vegetation communities. The following native grasses are recommended for substitution *Lomandra longifolia*, *Hibbertia scandens*, *Carex appressa*, *Themeda australis*. Tree planting to be spaces at 5 metre centres. Native grasses and groundcovers to be planted at a minimum density of 6/m².
- c. all mass planting beds which are greater than 1 in 3 slopes must be stabilised with a jute matting equal to ‘Jute mat 6mm 620-680 gsm’ and coir logs equal to 3000x 300mm Biodegradable coir logs secured with hardwood pegs to ensure that embankments are stabilised to ensure the planting can become established.
- d. Turf species for Local Park shall be Tif Tuf Hybrid Bermuda.
- e. F1 fencing plain 5 wire star fencing to meet NSW Biodiversity Conservation Trust Essential conservation fencing infrastructure – Guidelines, standards and cost benchmarks – April 2024 is to be installed along the property boundary adjoining Lot 21 DP 603538 and Yallah TAFE, and only where the BSA is along the legal property boundary. F1 fencing plain 5 wire star picket fencing where the BSA does not physically bound either of these lots is not supported. The following fence type should otherwise be utilised in park frontages and BSA areas - a single rail timber barrier fencing with a hot dipped as documented in the West Dapto Open Space Technical Manual on page 37 identified as F1 – Single Rain Timber Barrier, unless the Biodiversity Conservation Trust requires otherwise.
- f. Taps to be provided regular intervals to allow the establishment and maintenance of all landscape areas in the Local Park.
- g. Three (3) additional park bench seats to be provided in the Local Park.

The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of a Subdivision Certificate.

Reason:

To comply with Wollongong Development Control Plan 2009

119.Landscape Maintenance Plan

The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established

by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifier prior to issue of the Subdivision Works Certificate.

Reason:

To comply with Wollongong Development Control Plan 2009.

120.Maintenance Landscape Assets Schedule

Details must be provided in relation to maintenance requirements for play equipment, garden beds, turf area, fencing, signage, furniture and pedestrian bridges.

Details of maintenance requirement must be submitted along with itemised costing for maintenance individual assets.

Details of the schedule must be submitted with the Landscape Plan to Council for approval prior to issue of the Subdivision Works Certificate.

Reason:

To comply with Wollongong Development Control Plan 2009.

121.Tree Protection and Management

The existing trees that are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- a. Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifier prior to release of the Subdivision Works Certificate.
- b. indicated on the civil engineering plans to be submitted to the Principal Certifier prior to release of the Subdivision Works Certificate.

Reason:

To comply with Wollongong Development Control Plan 2009.

122.Heritage – Implementation of Protection Works

All protection works such as fencing, 'no go' signage etc. recommended in the Heritage Construction Management Plan for Stage 1 and any areas that may be impacted by construction works such as stockpiling or access, are to be implemented to the written satisfaction of Council's Heritage Staff prior to the release of the Subdivision Works Certificate for both Aboriginal Sites and areas of Historic Archaeological moderate to high potential.

Reason:

To satisfy the requirements of legislation.

123.Heritage – Interpretation Strategy

A Heritage Interpretation Strategy for the entire Concept Plan Area is to be prepared to guide the appropriate delivery of onsite heritage interpretation material and interpretive devices, to reference the history of the site, its past ownership interpretation that acknowledged the significance of the site in the history of development of the area.

This report should include culturally appropriate Aboriginal heritage interpretation and will require input from the Registered Aboriginal Parties as a minimum.

In the event that relics or archaeology are located during the Historic Archaeology Test Excavation phase, these relics and details of the archaeological find are to be considered for inclusion in the Interpretation Plan and any resulting interpretation material and the long term management of any archaeological 'relics' identified on site is to be considered.

The Strategy must be prepared by a suitably qualified and experienced heritage consultant and is to be provided to Council's Heritage Officers for written approval prior to release of the Subdivision Works Certificate for Stage 1.

Reason:

To comply with Wollongong DCP 2009.

124. Heritage – Interpretation Plan

The endorsed Heritage Interpretation Strategy for the Concept Area is to be further developed into deliverable detail at each stage of development. An Updated Plan is to be lodged with each forthcoming Stage of the Development that details the interpretation outcome proposed to be delivered for that particular stage.

A Final Heritage Interpretation Plan for Stage 1 is to be provided to Council's Heritage Staff for written approval prior to the release of the Subdivision Works Certificate, that details any deliverable outcomes for the Stage 1 development area.

Reason:

To comply with Wollongong DCP 2009.

BEFORE SUBDIVISION WORK COMMENCES**Conditions****125. Appointment of Principal Certifier**

Prior to commencement of work, the person having the benefit of the Development Consent and a Subdivision Works Certificate must:

- a. appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b. notify Council in writing of their intention to commence work (at least two [2] days' notice is required).

The Principal Certifier must determine when inspections and compliance certificates are required.

Reason:

To satisfy the requirements of the legislation.

126. Signs On Site

A sign must be erected in a prominent position on any site on which subdivision work or demolition work is being carried out:

- a. showing the name, address and telephone number of the Principal Certifier for the work, and
- b. showing the name of the principal contractor (if any) for any subdivision work and a telephone number on which that person may be contacted outside working hours, and
- c. stating that unauthorised entry to the worksite is prohibited.

Any such sign is to be maintained while the subdivision work or demolition work is being carried out but must be removed when the work has been completed.

Note: This does not apply in relation to subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Reason:

To satisfy the requirements of the legislation.

127. Temporary Toilet/Closet Facilities

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

- a. a standard flushing toilet, and
- b. connected to either:
 - i. the Sydney Water Corporation Ltd sewerage system or
 - ii. an accredited sewage management facility or
 - iii. an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

Reason:

To satisfy the requirements of the legislation.

128.Sediment Control Measures

The developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.

Reason:

To protect neighbourhood amenity.

129.Notification to Council of any Damage to Council's Infrastructure

Council must be notified in the event of any existing damage to any of Council's infrastructure including, but not limited to the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development prior to the commencement of work. Adequate protection must be provided to Council infrastructure prior to work commencing and during the construction period. Any damage to Council's assets shall be restored in a satisfactory manner prior to the issue of the Subdivision Certificate.

Reason:

To ensure services are not impacted.

130.Site Management, Pedestrian and Traffic Management (Where Works are Proposed in or from a Public Road Reserve)

The submission, as part of an application for a permit under Section 138 of the Roads Act 1993, of a Site Management, Pedestrian and Traffic Management Plan to Council's Manager Regulation and Enforcement for approval is required, prior to works commencing on the site. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS 1742: Traffic Control Devices for Works on Roads and the TfNSW Traffic Control at Worksites Manual.

This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development. This plan shall include the following aspects:

- a. proposed ingress and egress points for vehicles to/from the construction site;
- b. proposed protection of pedestrians, adjacent to the construction site;
- c. proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d. proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- e. proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- f. proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- g. proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed where works are in

progress in any road reserve and shall be in accordance the latest versions of the TfNSW Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS 1742: "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);

- h. proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by a Registered Certifier in Civil Engineering; and
- i. proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

The approved plan shall be implemented, prior to the commencement of any works upon the construction site.

Note: Any proposed works or placement of plant and equipment and/or materials within any road reserve will require the separate approval of Council, prior to the commencement of such works, pursuant to the provisions of the Roads Act 1993.

Reason:

To satisfy the requirements of the legislation.

131.Adjustment to Public Utility Service

The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifier which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to any works commencing on site.

Reason:

To ensure services are not impacted.

132.Works in Road Reserve - Major Works

Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and/or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the Roads Act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. An application must be submitted must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing where it is proposed to carry out activities such as, but not limited to, the following:

- a. Digging or disruption to footpath/road reserve surface;
- b. Loading or unloading machinery/equipment/deliveries;
- c. Installation of a fence or hoarding;
- d. Stand mobile crane/plant/concrete pump/materials/waste storage containers;
- e. Pumping stormwater from the site to Council's stormwater drains;
- f. Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
- g. Construction of new vehicular crossings or footpaths;
- h. Removal of street trees;
- i. Carrying out demolition works.

Restoration must be in accordance with the following requirements:

- j. All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's Road Reserve".
- k. Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

Reason:

To satisfy the requirements of the legislation.

133.Subdivision Requirements

Prior to the commencement of work, the person having the benefit of the Development Consent and the Subdivision Works Certificate must:

- a. Notify Council in writing of their intention to commence works, this is to be submitted on Council's M10 form (at least two [2] days notice is required.).
- b. Appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed
- c. Be in accordance with the Subdivision Works Certificate. The documents including Development Consent, Subdivision Works Certificate approved drawings and other management plans outlined in this consent are to be kept on site at all times.
- d. Appoint a suitably qualified and experienced Civil Engineer, Registered Surveyor or experienced Civil Engineering Foreman before any work commences on site.

Reason:

To satisfy the requirements of the legislation.

134.Vibratory Rollers

No vibratory rollers are to be used during the construction of the subdivision without the prior written approval of the Principal Certifier. The Principal Certifier shall not issue this approval unless the geotechnical consultant has confirmed in writing that the use of vibratory rollers will not affect existing adjacent dwellings.

Reason:

To ensure geotechnical considerations are met.

135.Temporary Road Closure

If a road closure is required, an approval must be obtained from City of Wollongong Traffic Committee and Wollongong City Council.

Note: It may take up to eight (8) weeks for approval. An application for approval must include a Traffic Control Plan (TCP) prepared by a suitably qualified person, which is to include the date and times of closure and any other relevant information. The TCP shall satisfy the requirements of the latest versions of Australian Standard AS 1742-Traffic Control Devices for Works on Roads and the Transport for NSW Traffic Control at Worksites Manual.

Reason:

To satisfy the requirements of the legislation and Australian Standards.

136.Dilapidation Report

The developer shall submit a Dilapidation Report recording the condition of the existing streetscape, street trees and adjoining reserve prior to work commencing and include a detailed description of elements and photographic record.

Reason:

To ensure public assets are not impacted.

137.Enclosure of the Site

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifier. No subdivision work is to commence until the fence is erected.

Reason:

To satisfy the requirements of the legislation.

138. Implementation of Dust and Air Quality Management Plan

The Dust and Air Quality Management Plan required and approved as part of this consent must be implemented in full.

Reason:

To ensure protection of the environment and neighbourhood amenity.

139. Demolition Works

The demolition of the existing structures shall be carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of SafeWork NSW.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifier. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

Reason:

To satisfy the requirements of the legislation and Australian Standards.

140. Erosion and Sediment Controls in Place

Before the commencement of any site or subdivision work, the Principal Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).

Reason:

To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

141. All-Weather Access

To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways. An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.

Reason:

To protect the environment.

142. Sediment Control Measures

The developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.

Reason:

To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

143. Bush Fire Asset Protection Zones

Before the commencement of any vegetation removal, or site or building work, a registered surveyor must survey the boundaries of the asset protection zone (APZ) and mark these on the ground. The clearing of vegetation to establish the APZ must only occur within the marked APZ boundaries or allowed by conditions in this consent and in accordance with the supporting documentation approved under this consent.

Reason:

To ensure vegetation clearance or modification during construction is confined within the APZ.

144. Bush Fire Inner Protection Area Impact Assessment Report

As indicated in the Bush Fire Assessment – Concept and Stage 1 DA Ref: 19066 dated 29 January 2025 prepared by Peterson Bushfire, Figure 5: Asset Protection Zone marked as Stage 1 at the commencement of building works and in perpetuity the entire property shall be managed as an Inner Protection Area (IPA) as outlined within Appendix 4 of 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

Reason:

To satisfy the requirements of the legislation.

145. Temporary Asset Protection Zones

NOT USED

146. Heritage – Obtain Aboriginal Heritage Impact Permit (AHIP)

Prior to the commencement of works, the applicant is required to obtain an Aboriginal Heritage Impact Permit from Heritage NSW as per the requirements of Section 87-90 of the NSW National Parks and Wildlife Act 1974. The AHIP is to consider:

- Construction impacts;
- Vegetation management requirements; and
- The long-term management and conservation of Aboriginal Sites;
- Identify an appropriate reburial location for any Objects salvaged during construction.

All works must be undertaken in strict accordance with any conditions and requirements of the Aboriginal Heritage Impact Permit.

A Copy of the AHIP relevant to each stage is to be provided to Council's Heritage Staff prior to works commencing.

Reason:

To satisfy requirements of legislation.

DURING WORK**Conditions****147. Supervision of Engineering Works**

All engineering works associated with the development are to be carried out under the supervision of a practicing engineer and/or registered surveyor.

Reason:

To ensure compliance with relevant Standards.

148. Bridge Inspections During Construction

All inspections on the Bridge(s) must be undertaken by a Chartered Professional Engineer with proven extensive experience in design and inspection of bridge structures of comparable magnitude. A detailed inspection report must be prepared including all required construction / inspection hold points, relevant certifications, photos, and associated documentation as relevant. This report is to be provided to the Principal Certifier prior to any final inspections being undertaken required through the Subdivision Certificate process.

Reason:

To ensure compliance with relevant Standards.

149. Works in Accordance with Council Documents

All works, inspection hold points and testing requirements are to be in accordance with Council's Subdivision Policy and Standard Drawings except where there is an inconsistency with the approved

Subdivision Works Certificate Plans in which case the approved Subdivision Works Certificate plans shall prevail to the extent of that inconsistency.

Reason:

To ensure construction Standards are met.

150. Service Conduits

Services conduits must be placed across carriageways prior to the placing of any pavement material. Alternatively, the services crossings must be under-bored. Services conduits must be placed across carriageways prior to the placing of any pavement material. In all cases, a copy of the services plans must be submitted to the PC prior to the placement of pavement material.

Reason:

To ensure construction Standards are met.

151. Soil and Water Management

Works to be in accordance with Soil and Water Management Plan All works must be carried out in accordance with the approved Soil and Water Management Plan and the Managing Urban Stormwater – Soils and Construction ‘Blue Book’.

All erosion and sedimentation control measures are to be in place, prior to the commencement of any works. Daily maintenance of the erosion and sedimentation control measures is to be undertaken to ensure their effectiveness.

Reason:

To protect the environment.

152. Works to be in Accordance with Environmental Management Plan

All works on the site must be carried out in accordance with the approved environmental management plan and the Managing Urban Stormwater – Soils and Construction ‘Blue Book’ for the full duration of construction works.

Reason:

To protect the environment.

153. Dam Dewatering and Removal

The Dams on site are to be dewatered in accordance with the Dam Dewatering Plan approved by this consent: Letter *Fauna Management and Dam Dewatering Plan, 200 – 330 Marshall Mount Road, Marshall Mount NSW 2530* (Prepared by Ecoplanning and dated 26 May 2023) and in accordance with the contamination Remediation Action Plan approved by this consent.

Reason: To ensure protection of the environment and comply with legislation.

154. NOT USED

155. OSSM Decommissioning

The existing on-site wastewater system shall be decommissioned in accordance with the NSW Health Advisory Note No 3 (January 2017) for *Destruction, Removal or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF)*. This can be viewed online here: <https://www.health.nsw.gov.au/environment/domesticwastewater/Documents/adnote3.pdf>

Reason:

To satisfy the requirements of the legislation.

156. Implementation of the site management plans

While vegetation removal, demolition, earthworks and/or work is being carried out, the applicant must ensure the measures required by the approved construction site management plan/CEMP and the erosion and sediment control plan are implemented at all times.

The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

Reason:

To ensure site management measures are implemented during the carrying out of site work.

157. Construction Noise Limits

Construction noise shall not exceed the construction noise management levels contained in the Acoustic Assessment prepared by Renzo Tonin dated 30 January 2025.

Reason:

To ensure protection of the environment and neighbourhood amenity.

158. No off-site effects of dust

There shall be no noxious, dangerous, objectionable or offensive dust to the extent that it causes an adverse effect at or beyond the boundary of the site.

Reason:

To ensure protection of the environment and neighbourhood amenity.

159. Erosion and Sediment Control Measures

All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as the ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as source of sediment.

Reason:

To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

160. Tree protection

While site or subdivision work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of AS 4970-2009 Protection of trees on development sites and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Reason:

To protect and retain trees.

161. Cut and fill

While subdivision work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- a. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to the principal certifier.
- b. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to resource recovery exemption by the NSW EPA.

Reason:

To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.

162. New Information/Unexpected Finds

In the event that demolition and/or construction works cause the generation of odours or the uncovering of previously unidentified contaminants, hazardous materials or acid sulfate soils, works must immediately cease. The Principal Certifier and Council (in the event that Council is not the Principal Certifier) must be notified in writing within two (2) days of the incident. An assessment of the potential

contaminant and works required to make the site safe from potential human health and environmental harm must be undertaken by an appropriately qualified environmental consultant as soon as possible. This assessment will necessitate a report to be prepared outlining the required remediation measures for the sign off by Council and the Principal Certifier.

Reason:

To ensure protection of the environment and comply with legislation.

163.Hours of Work

The Developer / Contractor must ensure that subdivision work, demolition or vegetation removal is only carried out between:

- 7:00am to 5:00pm on Monday to Saturday.

The Developer / Contractor must ensure work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Any variation to the hours of work requires Council's approval.

Any request to vary the approved hours shall be submitted to the Council in writing detailing:

- a. The variation in hours required (length of duration);
- b. the reason for that variation (scope of works);
- c. the type of work and machinery to be used;
- d. method of neighbour notification;
- e. supervisor contact number; and
- f. any proposed measures required to mitigate the impacts of the works

Note: The developer is advised that other legislation, such as Noise Guidelines for Local Government January 2023, may control the activities for which Council has granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.

Reason:

To satisfy the requirements of the legislation.

164.Geotechnical Inspection Certification

Any inspections recommended in the geotechnical report must be inspected and certified by the author or verifier of the geotechnical report.

Reason:

To ensure that the development satisfies the requirements of Wollongong Development Control Plan 2009 and achieves good engineering practice.

165.Demolition Materials - Disposal

All demolition materials not being reused on-site shall be disposed of only at a recycling or waste management facility that may lawfully receive that waste.

Reason:

To comply with legislation.

166.Dust Suppression Measures

Activities occurring during the construction phase of the development must be carried out in a manner that will minimise the generation of dust.

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

167.Provision of Waste Receptacle

The developer must provide an adequate receptacle to store all waste generated by the development, pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.

Reason:

To comply with Wollongong Development Control Plan 2009.

168.Building Site to be Kept Free of Rubbish

The building site must be kept free of rubbish at all times. All refuse capable of being wind-blown must be kept in a suitable waste container.

Reason:

To comply with Council's Development Control Plan.

169.Discharge of Accumulated Water

Any water accumulating in excavations on-site or in the settlement ponds shall not be discharged to Council's stormwater system, unless a Section 68 approval issued under the Local Government Act 1993 has been obtained and all the following criteria are met:

- a. The concentration of suspended solids in the water to be discharged does not exceed 50 mg/L; and
- b. The pH of the water to be discharged is between 6.5 and 8.5; and
- c. The water to be discharged contains no visible oil or grease; and
- d. If alum has been used to reduce suspended solids, the concentration of aluminium in the water to be discharged does not exceed 0.055 mg/L; and
- e. The water to be discharged does not contain any substances known to be toxic to aquatic life; and
- f. The flow rate of discharged water does not exceed 55 litres per second in dry weather conditions, or is less than the capacity of the receiving stormwater drain; and
- g. A copy from a NATA accredited laboratory of sample test results for suspended solids and pH (and aluminium if applicable) confirming the water to be discharged meets criteria 1 and 2 (and criteria 4 if applicable) as stated above is submitted to Council (email Council@wollongong.nsw.gov.au, attention Building and Certification Manager).

Alternatively, such waters are to be removed by tanker for disposal at a NSW Environment Protection Authority licensed waste facility.

Reason:

To satisfy the requirements of the legislation.

170.PCB Containing Electrical Equipment

If any metal cased capacitors are found during demolition works that were previously identified or unidentified they shall be treated as containing Polychlorinated Biphenyls (PCBs). Details on storing, conveying and disposing of PCB material or PCB wastes can be found in *Polychlorinated Biphenyls Management Plan*, Environmental Protection & Heritage Council, Revised Edition April 2003.

Reason:

To comply with legislation.

171.SMF Materials

All Synthetic Mineral Fibre (SMF) containing materials must be removed in accordance with the National Standard for the Safe Use of Synthetic Mineral Fibres [National Occupational Health and Safety Commission:1004 (1990)] and the National Code of Practice for the Safe Use of Synthetic Mineral Fibres [National Occupational Health and Safety Commission:2006 (1990)].

Reason:

To comply with legislation.

172.Asbestos - Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist

The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (<https://www.safework.nsw.gov.au>).

Reason:

To satisfy the requirements of the legislation.

173.Asbestos Waste Collection, Transportation and Disposal

Asbestos waste must be prepared, contained, transported and disposed of in accordance with SafeWork NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this type of waste. A receipt must be retained and submitted to the Principal Certifier, and a copy submitted to Council (in the event that Council is not the Principal Certifier), prior to commencement of the construction works.

Reason:

To satisfy the requirements of the legislation.

174.Lead Based Paint

To prevent contamination of the soil and human health risks associated with lead dust, safeguards must be used when removing flaking paint or sanding paint surfaces that are suspected to contain lead.

Reason:

To satisfy the requirements of the legislation.

175.Piping of Stormwater to Existing Watercourses

Stormwater for the land must be piped to the natural watercourses within the site, in accordance with the detailed drainage design.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

176.No Adverse Run-off Impacts to Adjoining Neighbours

The design and construction of the development shall ensure there are no adverse effects to adjoining properties, as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.

Reason:

To protect neighbourhood amenity.

177.Pipe Connections

All pipe connections to existing stormwater drainage systems within the road reserve shall be constructed flush with the pit wall in accordance with good engineering practice. The developer shall ensure that the condition of the existing stormwater drainage system is not compromised and that the service life of the existing stormwater drainage system is not reduced as a result of the connection.

Reason:

To ensure construction Standards are met.

178.Fences

Any new fences constructed on the site and located in the floodplain shall be of a type that will not obstruct the free flow of floodwaters and not cause damage to surrounding land in the event of a flood

Reason:

To comply with Wollongong Development Control Plan 2009.

179.Installation of WSUD Treatment Train

The developer shall install the WSUD infrastructure (primary and tertiary water quality treatment devices) to achieve the water quality treatment goals specified in this consent.

Reason:

To comply with Wollongong Development Control Plan 2009.

180. Bush Fire – Landscaping

Landscaping to the required asset protection zones is to comply with the principles of Appendix 4 of 'Planning for Bush Fire Protection 2019'.

Reason:

To satisfy the requirements of the legislation.

181. Bush Fire – Water and Utilities

Water, electricity and gas are to comply with Section 5 of 'Planning for Bush Fire Protection 2019'.

Reason:

To satisfy the requirements of the legislation.

182. Copy of Consent in the Possession of Person carrying out Tree Removal

The Developer/Applicant must ensure that any person carrying out tree removal is in possession of this development consent and/or the approved landscape plan, in respect to the tree(s) which has/have been given approval to be removed in accordance with this consent.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

Conditions

183. Vegetation Management Plan or Biodiversity Stewardship Agreement etc

Prior to the release of the Subdivision Certificate, the applicant is to provide either:

- a. A finalised Biodiversity Stewardship Agreement for the area identified as Stage 1 in Condition 28; or
- b. A VMP submitted to Council's Environment Assessment Officer for review and approval and prepared in line with Council's guidelines <https://wollongong.nsw.gov.au/development/submit-a-developmentapplication/checklists-application-forms> . The VMP shall include a minimum maintenance period of 5 years, beyond the establishment and primary works phases, and be prepared by a suitably qualified and experienced bush regenerator possessing as a minimum qualifications in Conservation and Ecosystem Management – Certificate III, or equivalent study and/or experience, in addition to two (2) years experience in ecological restoration). If the VMP option is taken, it is to be accompanied by a mechanism for the in-perpetuity protection and management of those lands, for approval by Council. The VMP is to be implemented in full to Council's satisfaction.

Reason:

To satisfy the requirements of legislation.

184. Preservation of survey marks

Before the issue of the Subdivision Certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

- a. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
- b. the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 - Preservation of Survey Infrastructure.

Reason:

To protect the State's survey infrastructure.

185.Heritage – Interpretation Works

Prior to the release of the Subdivision Certificate, the applicant is to complete any works that are recommended and detailed in the endorsed Heritage Interpretation Plan for Stage 1 to the written satisfaction of Wollongong City Council's Heritage Staff.

Reason:

To comply with Wollongong DCP 2009.

186.Heritage – Archaeological Test Excavation

The applicant is to undertake testing of all areas within the Concept Plan Area identified as being of Moderate-High Archaeological potential as per Figure 5.1 the Historic Heritage Assessment prepared by Austal Archaeology dated 14 January prior to completion of the Stage 1 Works.

An Interim Test Excavation Report that details the outcome of the testing and proposed mitigation, management and/or salvage actions undertaken is to be provided to Council's Heritage Staff as soon as practicable after testing is completed.

The Final Test Excavation Report is to be provided to Council's Heritage Staff for written approval prior to release of subdivision certificate for Stage 1 or lodged with the Stage 2 Development Application (whichever comes first).

Reason:

To comply with legislation and Wollongong DCP 2009.

187.Travel Demand Management

Prior to the issue of the Subdivision Certificate the applicant shall prepare:

A Residential Travel Plan:

A Plan which includes incentives to encourage walking, cycling, car-pooling and the increased use of public transport; such as a sustainable travel website, car pool/bicycle clubs, and information on the benefits of active transport etc. This information must be available for all new residents moving into the area.

A Transport Access Guide:

A pocket brochure which identifies footpaths and cycleways; and provides public transport information and timetables.

The Travel Plan and Transport Access Guide are to be developed to the satisfaction of the Wollongong City Council's Traffic Section.

Reason:

To improve the sustainability of the development and to help achieve the non-car mode shift targets set out in the Development Control Plan.

188. Bridge Certification

The submission of a report from a suitably qualified and experienced Chartered Professional Engineer structural engineer to the Principal Certifier is required prior to the issue of the Subdivision Certificate. This report is required to verify that the bridge(s) can withstand the forces of floodwater, debris and buoyancy up to and including the 1 in 2000 AEP design flood event. Additionally, the certification must certify that the bridge has been constructed in accordance with the approved plans, and satisfies all the relevant requirements of AS5100, Austroads, expected hydraulic conditions, geotechnical conditions, and engineering best practice.

Reason:

To comply with Wollongong Development Control Plan 2009.

189. Flood Affection Certification

The submission of a report from a suitably qualified and experienced civil (hydrology) engineer to the Principal Certifier is required, prior to the issue of the Subdivision Certificate. This report is required to certify that the 'as-constructed' development will not have any detrimental effects to adjoining properties or upon the subject land with respect to the loss of flood storage, changes in flood levels and alteration of flood conveyance, as a result of flooding or stormwater runoff. This report (and any accompanying flood modelling or analysis) is to adopt the same inputs and assumptions that was set out in the Flood Impact Assessment prepared by Rhelm as set out in the flood report by Rhelm titled '*200-330 Marshall Mount Road, Marshall Mount Concept Development Application and Stage 1 Development Application Flood Impact Assessment*' (Rhelm Reference J1619, Version 4 dated 15/1/2025).

Reason:

To comply with Wollongong Development Control Plan 2009.

190. Certification – Stormwater Drainage

The submission of written certification from a suitably qualified civil engineer stating that all stormwater drainage and related works, including Water Sensitive Urban Design (WSUD) water cycle treatment nodes, have been constructed in accordance with the approved Subdivision Works Certificate plans. and the requirements of the Wollongong City Council Subdivision Policy.

Reason:

To comply with Wollongong Development Control Plan 2009.

191. On-site Detention – Structural Certification

The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the Principal Certifier is required prior to the issue of the Subdivision Certificate. This certification is required to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Subdivision Works Certificate plans.

Reason:

To comply with Wollongong Development Control Plan 2009.

192. Handover of Subdivision Works (Handover Package)

All Subdivision Works proposed to be handed over to Council must be done so in strict accordance with Wollongong City Council's Management of Assets Policy.

A draft handover must be prepared prior to the issue of Practical Completion (required for issue of a Subdivision Certificate).

The transfer of proposed public assets such as, but not limited to, civil infrastructure, public parks and reserves, and water sensitive urban design facilities must occur via a formal handover process between the developer and Council. The final handover inspections must be arranged by the developer and must be in accordance with the following requirements:

- a. A handover package must be provided to Wollongong City Council prior to the final inspection and must include:
 - i. A paper copy of the Works-as-Executed Drawings (in accordance with the conditions of this consent), for Civil and Landscaping works and any associated AutoCAD files;

- ii. A copy of the required infrastructure spreadsheet;
 - iii. A copy of any approved landscape plans, maintenance plans, vegetation management plans and relevant documentation to assist in the on-going management of Gross Pollutant Traps (GPT's), wetlands ponds and basins, as well as parks and reserves;
 - iv. Where require by the development consent, performance monitoring data of Water Sensitive Urban Design Facilities and GPT's and,
 - v. CCTV of the stormwater drainage system at the end of the damage liability period.
- b. As part of the handover process, any transfers of ownership can only occur at the conclusion of the required maintenance/defect liability periods as conditioned in the development consent, are completed;
 - c. Final handover and defect liability periods are not completed until agreed to in writing by Council.

Reason:

To comply with Council's requirements.

193.Maintenance of Road and Drainage Works

The developer must maintain the road and drainage works for a defects liability period of 12 months from the date of registration of the final plan of subdivision.

The developer must ensure that any defective works shall be rectified and/or replaced during the maintenance period in accordance with the approved Subdivision Works Certificate plans. All costs arising during the maintenance period must be borne by the developer. The developer must notify Council for a re-inspection at the end of the maintenance period.

Reason:

To comply with Council's requirements.

194.Works-As-Executed (WAE) Plans

The submission of two (2) sets (minimum) of WAE plans to the Principal Certifier, prior to the release of the Subdivision Certificate. The WAE plans shall be certified by a registered surveyor indicating that the survey is a true and accurate record of the works that have been constructed. The WAE dimensions and levels must also be shown in red on a copy of the approved Subdivision Works Certificate plans. The WAE plans must include:

- a. Final locations and levels for all works associated with the subdivision which also indicates the final volume of each on-site detention and subsoil drainage locations;
- b. a separate conduit plan showing the location of all conduits laid beneath the constructed road system;
- c. a separate fill plan showing extent and depth of filling;
- d. a separate plan which indicates the extent of flood inundation for 1% AEP, Flood Planning Level (1% AEP + freeboard) and PMF storm event superimposed on the WAE ground levels. Where the WAE ground levels differ to the ground levels approved under the Development Consent, the extent of flood inundation for the 1% AEP, Flood Planning Level (1% AEP + freeboard) and PMF event shall be based on a re-run of the original flood model. Certification shall also be provided by a suitably qualified consulting engineer confirming that the extents of flood affectation are based on the WAE ground levels;
- e. the location of the on-site detention identification plaque; and
- f. the plan(s) must include but not be limited to the requirements stated in Chapter E14 of the Wollongong DCP 2009.

An electronic copy in CAD format is required to be submitted at the time of lodgement.

Reason:

To comply with Wollongong Development Control Plan 2009.

195. Practical Completion

Upon completion of all works stipulated in the Development Consent and Subdivision Works Certificate, the developer must obtain either a Certificate of Practical Completion from Wollongong City Council or a Compliance Certificate from a Registered Certifier.

In order to attain a Certificate of Practical Completion the following items must be lodged with Wollongong City Council:

- a. Completed Application Form which references the Subdivision Works Certificate application number and stipulates that a Certificate of Practical Completion is required.
- b. Works-As-Executed drawings as conditioned in this consent.
- c. CCTV as conditioned in this consent.
- d. Final Certifications as conditioned in this consent.
- e. Final Reports as conditioned in this consent.
- f. All pipelines compaction data (all layers) and road density testing data (all courses) as per Wollongong City Council subdivision code requirements.
- g. Asset Management report as conditioned in this consent.

As part of the Practical Completion certificate, a draft Handover Package is to be provided to Wollongong City Council, with written confirmation that Council confirms practical completion has been reached and assets are to Council's satisfaction for future handover.

Reason:

To comply with Council's requirements.

196. Fire Hydrant

A fire hydrant must be provided to the subdivision in accordance with the Fire Hydrants for Minor Residential Development, Version 2 dated 1 September 2016 produced by NSW Fire & Rescue. Documentary evidence of compliance with these guidelines is required to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate. A plumber's certificate showing that the fire hydrant has been provided must be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate. The location of the fire hydrant must be shown on the Works-As-Executed drawings.

Reason:

To comply with NSW Fire & Rescue's guidelines.

197. Natural Watercourse

The natural watercourses must be chartered on the final subdivision plan.

Reason:

To comply with Wollongong Development Control Plan 2009.

198. Existing Easements

All existing easements must be acknowledged on the final subdivision plan.

Reason:

To comply with Wollongong Development Control Plan 2009.

199. Existing Restriction as to Use

All existing restrictions on the use of land must be acknowledged on the final subdivision plan.

Reason:

To comply with Wollongong Development Control Plan 2009.

200.Encroaching Pipes

A minimum one (1) metre wide easement to drain water shall be created over any encroaching drainage pipes.

For all drainage easements proposed over the subject lots, a Works-As-Executed/survey plan of all stormwater drainage within the site is to be submitted with the Subdivision Certificate Application to confirm this.

Reason:

To comply with Wollongong Development Control Plan 2009.

201.Encroaching Services

A minimum one (1) metre wide easement for services must be created over any encroaching utility service.

Reason:

To comply with Wollongong Development Control Plan 2009.

202.Section 88B Instrument

The submission of a Final Section 88B Instrument to Council/Principal Certifier, which incorporates (but is not necessarily limited to) the following restrictions, easements and covenants, where applicable:

- a. easement for services;
- b. easement for drainage;
- c. drainage easement over overflow paths;
- d. restriction as to user defining minimum floor levels for any lots which have any part of the lot below the 1% AEP flood level + 0.5 metres freeboard. Habitable floor levels are to be set at the 1% AEP flood level + 0.5 metres freeboard. The PMF flood level for each lot is to be documented. The subdivision certificate application must include the flood level extents plan and tabulated levels (DFE and PMF) for each lot as conditioned in this development consent;
- e. Asset protection zones to be created in accordance with Section 3 of Bushfire Assessment Concept and Stage 1 DA Reference 19066 dated 29 January 2025 prepared by Peterson Bushfire and Response to Amended Statement of Facts and Contentions letter dated 14 March 2025 by David Peterson;

Positive covenant on created Asset Protection Zones, residential lots, roads to be maintained and landscaped to comply with the standard of an Inner Protection Area (IPA) as described within Appendix A4.1.1 of Planning for Bushfire Protection 2019. Reason:
To satisfy the requirements of the legislation.

203.88B Instrument Easements/Restrictions

Any easements or restrictions required by this consent must nominate Wollongong City Council as the authority to vary, modify or release/extinguish the easements or restrictions. The form of the easement(s) or restriction(s) created as a result of this consent must be in accordance with the standard format for easements and restrictions as accepted by NSW Land Registry Services.

Reason:

To satisfy the requirements of the legislation.

204.Provision of Flood Education Material to Lot Purchasers

The developer shall provide to all future purchasers of lots created by the subdivision educational material relating to flood access risk and preferred flood response during times of flood. The educational material shall include but not be limited to an explanation of the flood risks associated with using the surrounding road network during times of flood and advice to residents to shelter in place during times of flood and never attempt to drive through floodwaters. The education material shall be consistent with current general flood advice from the NSW State Emergency Service and prepared by a suitably qualified civil engineer with experience in floodplain management. Written confirmation must be provided with the Subdivision Certificate Application detailing the nature of the information provided

including confirmation of how each purchaser will be provided the information on settlement of the sale of the lots.

This information is required to be provided to each owner on settlement of the sale of the lots and remain available to any future owner at all times.

Reason:

To comply with Wollongong Development Control Plan 2009.

205. NOT USED

206. Certification Retaining Wall

The submission of a Certificate of Structural Sufficiency from a Chartered Professional Structural Engineer for all retaining walls constructed must be provided prior to the issue of the Subdivision Certificate. The engineer must certify that all retaining walls have been constructed in accordance with the approved Subdivision Works Certificate plans, and in accordance with relevant Australian Standards. Separate structural certifications must be provided for each retaining wall type, and the certification must reference the approved Subdivision Works Certificate plan set, including relevant long sections, and retaining wall details.

Reason:

To comply with Wollongong Development Control Plan 2009.

207. Access – Public Roads

Prior to the Issue of the Subdivision Certificate, the design of the single road to Marshall Mount Road has the ability to provide safe access and egress for firefighting vehicles while residents are evacuation as detailed in the Bushfire Evacuation Traffic Access by Bitzios Consulting.

To the extent that the Western Ring Road is not already detailed in the approved plans, all access is to be provided to comply with section 5.3.2 of Planning for Bush Fire Protection 2019.

Reason:

To comply with legislation.

208. Temporary Asset Protection Zones

Restriction as to User (Section 88B of the Conveyancing Act 1919)

A temporary APZ of 50m is to be maintained from Stage 1 lots into R2 zoned land within future Stage 3 to the west and Stage 4 to the east as shown "Temp – Stage 3" and "Temp – Stage 4" in Figure 5 in Bush Fire Assessment – Concept and Stage 1 DA Ref: 19066 dated 29 January 2025 prepared by Peterson Bushfire.

Name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council.

The s88B instrument is to be worded such that the temporary APZs are to be extinguished at the completion of the relevant parts of Stages 3 and 4 affected by the temporary APZs.

Reason:

To comply with legislation.

209. NOT USED

210. Bush Fire Compliance Certificate

A Compliance Certificate shall accompany any Subdivision Certificate for Bushfire Protection Measures as have been completed, verifying that the development has been constructed/completed in accordance with the relevant Planning for Bushfire Protection requirements of the Development Consent and Subdivision Works Certificate.

Reason:

To satisfy the requirements of the legislation

211. Fencing

Fencing along boundaries to 'Access Denied' lots shall be constructed and completed in accordance with condition 12 prior to the issue of a Subdivision Certificate.

Reason:

To ensure protection of the environment and neighbourhood amenity.

212. Section 88B Instrument – Fencing

Fencing requirements in condition 12 of this consent are to be reflected as a restriction on user to all affected lots created within the subdivision to which condition 12 applies.

Reason:

To ensure protection of the environment and neighbourhood amenity.

213. Section 88B Instrument – Stage 3 Restricted Building Zone

A 10m wide restricted building zone is to be created from the rear boundary of the lots within Stage 3 adjacent to Cedars Estate (as identified in Condition 16) such that no dwellings are permitted in that 10m setback area.

Reason:

To ensure the amenity for adjoining properties.

214. Final Documentation Required Prior to Issue of Subdivision Certificate

The submission of the following information/documentation to the Principal Certifier, prior to the issue of a Subdivision Certificate:

- a. Completed Subdivision Certificate application form and fees in accordance with Council's fees and charges.
- b. Certificate of Practical completion from Wollongong City Council or a Principal Certifier (if applicable).
- c. Administration sheet prepared by a registered surveyor.
- d. Section 88B Instrument covering all necessary easements and restrictions on the use of any lot within the subdivision.
- e. Final plan of subdivision prepared by a registered surveyor.
- f. Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water confirming that water and sewer services are available.
- g. Original Notification of Arrangement from an Endeavour Energy regarding the supply of underground electricity to the proposed allotments. This documentation requirement is replaced by a Compliance Certificate from Endeavour Energy where a Strata Subdivision is proposed.
- h. Original letter of approval (also known as a Council letter) from NBN or similar from another Telecommunications Service Provider which confirms that the developer has consulted with the Provider with regard to the provision of telecommunication services, confirming that telecommunications are available for the development.
- i. Payment of Development Contribution fees (Pro rata) (if applicable).

Reason:

To satisfy the requirements of the legislation.

215. CCTV of Works in Council Land/Road

All stormwater pipes within Council land and/or road reserves intended to be dedicated to Council must be inspected by CCTV. A copy of the CCTV inspection must be submitted to Council's Development Engineering Manager for assessment prior to the issue of the Subdivision Certificate. Below standard work must either be replaced or repaired to Council's satisfaction prior to the issuing of the Subdivision Certificate.

Reason:

To satisfy the requirements of the legislation.

216.Benkelman Beam

Prior to issue of the Subdivision Certificate, Benkelman beam testing must be undertaken on all roads proposed for dedication as road reserve. Testing must be carried out in accordance with the current version of the Wollongong City Council Subdivision Code at the time of issue of this consent. The acceptance criteria is based on the tolerable deflections as specified by the Australian Road Research Board and AUSTROADS at the time of issue of this consent.

Reason:

To comply with Council's requirements and relevant Standards.

217.Street Signs

All proposed street signs must be approved by Wollongong City Council and installed prior to the issue of the Subdivision Certificate.

Reason:

To comply with Council's requirements and relevant Standards.

218.Registered Surveyors Certificate

A Registered Surveyor must certify in writing that all stormwater pits and pipelines, services and vehicular accessways are located wholly in an appropriate easement on the final plan of subdivision. This certification must be submitted with the Subdivision Certificate application.

Reason:

To satisfy the requirements of the legislation.

219.Asset Management - Roads, Drainage and Landscaping

Prior to issue of the Subdivision Certificate the following documentation must be submitted to the Principal Certifier for approval:

- a. The length, square meterage and cost of constructed roadworks and other civil assets to be dedicated as public infrastructure. Road structure (Thickness survey data), including the material used in each layer of road, during construction is to be provided.
- b. An itemised and costed list of the dimensions material and structural grade of pipes, type and dimension of associated pits and water quality features in the proposed drainage system to be handed over to Council (not including common drainage lines or inter-allotment drainage). Details and dimensions shall include:
 - i. Pipes - length between pits, diameter, invert levels;
 - ii. Pits - depths, width, length and lintel length;
 - iii. Open channels (lined or natural) - length, width and depth;
 - iv. Wetland - area;
 - v. Gross pollutant traps - depths, width, length, type (proprietary supplier, type);
 - vi. Detention basins - area;
 - vii. Headwalls - depth, width, pipe diameter;
 - viii. Riparian - length, width, depth and materials.
- c. An operations and maintenance manual for proposed riparian and water quality features including gross pollutant traps and wetlands. This manual shall include but not be limited to proposed type and frequency of establishment and maintenance intervention requirements.
- d. Itemised list of street signs and street furniture including their current cost.
- e. Itemised list of plantings in public areas. Cost of plantings must be provided (to be based on current Landscape Contractors' Association figures).
- f. Maintenance schedule of landscape works and civil works and costs to Council associated with the ongoing maintenance of the work.

- g. Risk assessment of carrying out maintenance of landscape works and drainage/water quality systems. Appropriate traffic control plans (prepared in accordance with Transport for NSW guidelines) will need to be submitted for approval where maintenance work takes place in a proposed road reserve. Current costs will need to be provided in implementing the Traffic Control Plan.
- h. All relevant reports/documentation (e.g. surveillance reports, emergency management plans etc.) associated with any detention storage basin/s, as required by the Dams Safety NSW including documentary evidence confirming approval of this reporting/documentation by Dams Safety NSW.

Reason:

To comply with Council's requirements.

220.Certification - Earthworks

The approved landfilling or land re-shaping works must be supervised at all times by a suitably qualified geotechnical engineer. Upon completion of the landfilling/land re-shaping works, written certification from the geotechnical engineer stating that all landfilling/land re-shaping works have been completed in accordance with the approved Subdivision Works Certificate plans and specifications. The certification must also include appropriate test results, a test location diagram and the date of testing.

Reason:

To ensure that the development satisfies the requirements of Wollongong Development Control Plan 2009 and achieves good engineering practice.

221.Final Geotechnical Report – Subdivision Certificate

The submission of a final geotechnical report by a suitably qualified and experienced geotechnical consultant to the Principal Certifier, prior to the issue of the Subdivision Certificate. The report shall include, but is not necessarily limited to:

- a. All earthwork operations;
- b. The suitability of each allotment for residential development. In this regard each lot shall be given a classification in accordance with AS 2870.1 - Residential Slabs and Footings;
- c. A fill plan showing extent and depth of fill;
- d. Certification that all earthworks within the site have complied with the Subdivision Works Certificate plans. This shall include appropriate test results, and test location diagram and date of testing;
- e. Certification that all recommendations contained in geotechnical reports lodged in support of this development have been satisfied;
- f. The exact extent of any restricted building zones or any other restrictions affecting any of the allotments. Particular attention shall be paid to the location of subsurface drainage lines, which shall be burdened with a restriction-as-to-user within the Section 88B Instrument;
- g. Identification of all land affected by landslip or instability constraints (if applicable);
- h. No FRC pipes are located in areas subject to groundwater or potential for prolonged saturation.

Reason:

To ensure that the development satisfies the requirements of Wollongong Development Control Plan 2009 and achieves good engineering practice.

222. Stage 1 – Local Park

The Stage 1 - Local Park is to be completed in accordance with the Subdivision Works Certificate plans to the satisfaction of Wollongong City Council's Recreation Services Manager prior the release of the Subdivision Certificate.

Reason:

To ensure the provision of sufficient open space for the occupants of the development.

223.Final Plan of Subdivision Electronic Submission

The final Plan of Subdivision is to be submitted as an electronic copy to Council prior to the issue of the Subdivision Certificate. The electronic copy of the plan must be an ESRI shapefile of the cadastral boundaries, delineating any easements or restrictions on title.

Reason:

To satisfy requirements of legislation.

224. Water Cycle/Stormwater Quality Management

It is the developer's responsibility to maintain the Water Sensitive Urban Design (WSUD) water cycle management infrastructure and undertake regular servicing of CDS units and gross pollutant traps for a minimum of three (3) years from the date of issue of the Subdivision Certificate. Water quality targets outlined in this consent must be achieved. To facilitate handover of the water quality asset two (2) sets of water quality testing results are required: one for a dry period of weather and one after a wet weather event. Each set is to have testing undertaken upstream and downstream of the WSUD system. Handover of the WSUD stormwater quality improvement assets to Council cannot occur until Council is satisfied that the maintenance period and water quality targets have been met.

Reason:

To comply with Wollongong Development Control Plan 2009.

225. On-Site Detention – Certificate of Hydraulic Compliance

The developer shall obtain a certificate of Hydraulic Compliance from a Chartered Professional Engineer, confirming that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. The certificate must satisfy the requirements of hydraulic compliance as stated in the Chapter E14 of the Wollongong DCP2009. This information must be submitted with the full works-as-executed plans to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason:

To comply with Wollongong Development Control Plan 2009.

226. Works-As-Executed Plans – Works within Council Land or Road Reserve

The submission of a Works-As-Executed (WAE) plan for approved works in Council land and or road reserve must be submitted to and approved by Council's Development Engineering Manager, prior to the release of the Subdivision Certificate. The Works-As-Executed plans shall be certified by a registered surveyor indicating that the survey is a true and accurate record of the works that have been constructed. The Works-As-Executed dimensions and levels must also be shown in red on a copy of the approved Subdivision Works Certificate plans. The Works-As-Executed (WAE) plans must include:

- a Final locations and levels for all works associated with the development within Council land.
- b The plan(s) must include, but not be limited to, the requirements stated in Chapter E14 of the Wollongong DCP 2009.

Reason:

To comply with Wollongong Development Control Plan 2009.

227. Completion of Engineering Works

The completion of all engineering works within Council's road reserve or other Council owned or controlled land in accordance with the conditions of this consent and any necessary work to make the construction effective must be to the satisfaction of Council's Manager Development Engineering. The total cost of all engineering works shall be fully borne by the applicant/developer and any damage to Council's assets shall be restored in a satisfactory manner, prior to the issue of the Subdivision Certificate.

Reason:

To comply with Council's Wollongong Development Control Plan 2009.

228. Interim Period Flood Access Risk Minimisation Measures

The flood access risk minimisation measures listed below shall be constructed/implemented and funded (in full) by the developer to minimise risk associated with access to the site during times of flood in the interim period (i.e. the period where development occurs on the land but where the West Dapto Urban

Release Area flood reliable road network is not yet fully complete). Evidence that these measures have been completed to the satisfaction of Council shall be provided to the Principal Certifier prior to the release of any Subdivision Certificate.

Flood Risk Minimisation Measures:

- a. The construction of bollards (not a barrier) along the downstream side of Marshall Mount Road between the two bridges at the watercourse road crossing described as 'CF4' and shown in Figure 5-1 in the report by Rhelm titled '*Flood-related public safety, emergency management and evacuation risk Proposed Concept Development and Stage 1 Development 'Highgate Hills'*' (Rhelm Reference J2100, Version 01 dated 21 March 2025), designed to prevent cars trapped in floodwater being washed into Duck Creek. The details of these bollards shall be generally as described in the aforementioned report by Rhelm. The construction details of these works shall be provided to and approved by Council's Development Engineering Manager prior to construction of the works.
- b. The installation of automatic flood warning systems in the form of a real time water depth gauges that trigger flashing beacons and message signs when the flooded sections of road are unsafe to traverse, at the locations listed below. Any reference below to 'the report by Rhelm' means the report by Rhelm titled '*Flood-related public safety, emergency management and evacuation risk Proposed Concept Development and Stage 1 Development 'Highgate Hills'*' (Rhelm Reference J2100, Version 01 dated 21 March 2025). The flashing lights and message signs shall be appropriately located and clearly visible from both directions at each watercourse road crossing. The construction details of these works shall be provided to and approved by Council's Development Engineering Manager prior to construction of the works.

Locations:

- i. Watercourse road crossing CF4, as described in the report by Rhelm
- c. The installation of flood depth indicators and warning signs at the locations listed below. Any reference below to 'the report by Rhelm' means the report by Rhelm titled '*Flood-related public safety, emergency management and evacuation risk Proposed Concept Development and Stage 1 Development 'Highgate Hills'*' (Rhelm Reference J2100, Version 01 dated 21 March 2025). The markers shall be appropriately located and clearly visible from both directions at each watercourse road crossing. The construction details of these works shall be provided to and approved by Council's Development Engineering Manager prior to construction of the works.

Locations:

- i. Watercourse road crossing CF6, as described in the report by Rhelm
- ii. Watercourse road crossing YR1, as described in the report by Rhelm
- iii. Watercourse road crossing YR3, as described in the report by Rhelm
- iv. The watercourse road crossing on Marshall Mount Road approximately 730 metres south of the intersection with Yallah Road (not identified/labelled in the report by Rhelm)

Reason:

To comply with Wollongong Development Control Plan 2009..

229.88B Instrument - Restriction as to User– Flood Refuge Floor Area

The applicant must create a restriction on use over any created residential lot on the site that is partly or wholly below the Probable Maximum Flood (PMF) level. The following terms must be included on the final 88B instrument for approval of Council:

"The registered proprietor of the lot burdened must not erect or permit the erection of or permit to remain any dwelling house and/or other habitable building/structure on the lot burdened unless the dwelling house and/or other habitable building/structure includes a minimum of 20 m² of internally accessible habitable floor area above the Probable Maximum Flood (PMF) level. Name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council."

The 88B instrument, showing the restriction must be submitted to the Principal Certifying Authority for endorsement prior to the issue of the Subdivision Certificate.

Reason:

To comply with Wollongong Development Control Plan 2009.

230.Restriction as to User (s88B) – Containment Cell(s)

The applicant must establish a Restriction on use over the containments cell(s) outlined in the approved Remediation Action Plan (RAP) for Stage 1 prepared by Douglas Partners dated 23 January 2025 and Long-Term Environmental Management Plan (LTEMP) creating a restriction as to user or easement for the provision of:

- a. a restriction to ensure that no development or subdivision works be undertaken on the encumbered land within associated easement/s for maintenance, monitoring and renewal of any parts of containment cell/s.
- b. positive covenant maintaining appropriate access standards for the containment cell/s and associated systems

Reason:

To comply with Council's requirements.

231.Positive Covenant – Long Term Environmental Management Plan

A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake monitoring and maintenance in accordance with the Long-Term Environmental Management Plan. The instrument, showing the positive covenant must be submitted to Wollongong City Council for endorsement prior to the issue of a Subdivision Certificate.

Reason:

To comply with Council's requirements.

232.Site Contamination Remediation Works

Prior to issue of a subdivision certificate the completion of any site contamination remediation works are to be in accordance with the remediation measures recommended in the Remediation Action Plan for Stage 1 prepared by Dougals Partners dated 23 January 2025, site contamination audit report and/or any additional measures as required by the site contamination auditor.

- All works/methods/control measures/recommendations resulting and in accordance with the Wollongong City Council approved updated/amended Remediation Action Plan for Stage 1 shall be completed and carried out in accordance with all relevant legislation, regulation, technical notes, policies, guidelines, site auditor recommendations and Wollongong City Council approvals/recommendations.
- Notification of Completion of site contamination remediation works must meet requirements of Chapter 4 Remediation of Land of the State Environmental Planning Policy (Resilience and Hazards) 2021.
- Any and all modifications/alterations to the approved updated/amended Remediation Action Plan must be notified to the Wollongong City Council immediately for review and approval prior continuing works and/or actioning the proposed modifications/alterations.
- Written notice is required to be submitted to Wollongong City Council thirty (30) days prior to the commencement of remediation works.
- The submission of a legally enforceable Long Term Environmental Management Plan (LTEMP) to an NSW EPA accredited site auditor for review and comment, prior to the submission of a Site Audit Statement and Site Validation Report. The LTEMP with site auditor commentary shall be submitted to Wollongong City Council for review and approval.

The LTEMP needs to include but is not limited to:

- i. LTEMP objectives
- ii. detailed mitigation measures, maintenance programs, and ongoing monitoring requirements with an associated table

- iii. specified active or passive management systems
- iv. restrictions on use that apply to the site
- v. specific and detailed measures/requirements to ensure the LTEMP can be legally enforced with table of legal obligations resulting from LTEMP
- vi. who is responsible for implementing it and their tasks
- vii. the time frames for completing the actions specified, and who will undertake those actions
- viii. a mechanism for monitoring its implementation
- ix. a mechanism, detail, and procedure for periodically review and amendment
- x. a mechanism for submitting for review and approval the finalised LTEMP following the completion of all remedial action works
- xi. where it will be recorded and how the public will be made aware of it
- xii. A detailed Unexpected Finds Protocol
- xiii. A legally enforceable disclaimer that any and all proposed changes to LTEMP need to be reviewed and approved by Wollongong City Council
- xiv. affected stakeholders
- xv. A3 architectural drawings highlighting all relevant information of the LTEMP
- xvi. Site identification, including
 - a. street number
 - b. street name and suburb
 - c. lot and deposited plan (DP) numbers
 - d. coordinates
 - e. locality map
 - f. site survey plan
- xvii. Site owner
- xviii. Local government area
- xix. Consent authority
- xx. Site zoning
- xxi. a detailed Groundwater Management Plan (GMP) which must be produced by a suitable qualified hydrogeologist – if needed.
- xxii. Tabulated financial risk analysis

- Any and all modifications/alterations to the approved Long Term Environmental Management Plan must be notified to the Wollongong City Council immediately for review and approval prior continuing works and/or actioning the proposed modifications/alterations.
- A logbook recording the removal of both liquid and solid waste from the site (with corresponding receipts) shall be always kept and maintained up to date. Such records are to be made available to Council's Officers, upon request.

Reason:

To comply with Council's requirements.

233.Section 88B Instrument - Acoustic Report

Prior to the issue of the Subdivision Certificate, the final plan of subdivision is to include an 88B Instrument creating a restriction as to use on Lots 1040, 1043, 1044, 1045, 1048, 1060, 1061, 1081, 1082, 1101, 1102, and 1116 requiring the following:

Any future Development Application for a dwelling is to be accompanied by an Acoustic report in accordance with NSW Department of Planning (2008) *Development Near Rail Corridors and Busy Roads – Interim Guideline* and Australian Standard AS3671 (1989) 'Acoustic – Road Traffic Noise Intrusion – Building Siting and Construction'. The assessment must consider the expected future traffic volumes for the Western Ring Road.

The design and construction of the dwelling shall ensure that the following LAeq levels are not exceeded:

- a. in any bedroom in the residential accommodation – 35dB(A) at any time between 10.00 pm and 7.00 am,
- b. anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.

The restriction must nominate Wollongong City Council as the authority to vary, modify or release/extinguish the easements or restrictions. The form of the easement(s) or restriction(s) created as a result of this consent must be in accordance with the standard format for easements and restrictions as accepted by NSW Land Registry Services.

Upon Council approval of the draft instrument, the instrument must be established and registered.

Reason: To ensure protection of the environment and neighbourhood amenity.

234.Site Contamination Validation Report

The submission of a site contamination validation report to the Principal Certifier is required, prior to the issue of a Subdivision Certificate. This validation report shall verify that:

- a. all site contamination remediation works have been satisfactorily completed;
- b. the site is not affected by any soil strata and/or groundwater table contamination, above NSW EPA threshold limit criteria; and
- c. the site is rendered suitable for the proposed development.

The submission of a site audit statement/final clearance certificate is also required from an accredited auditor pursuant to the provisions of Part 4 of the Contaminated Land Management Act 1997 confirming that the site has been satisfactorily remediated and is suitable for the proposed development.

Reason: To satisfy the requirements of the legislation.

OCCUPATION AND ONGOING USE

Conditions
235. NOT USED
236.Bush Fire – Maintenance of Inner Protection Area
The Inner Protection Area must be maintained, at all times as follows:

- There shall be minimal fine fuel at ground level which could be set alight by a bush fire. Leaves and vegetation debris should be removed.
- Use of non combustible ground surfaces such as gravel roads, paved areas, in-ground pools, etc is acceptable.
- Lawn areas shall be maintained low cut and clear.
- Areas under fences, fence posts, gates and trees shall be raked and kept clear of fine fuel.
- Gutters, roofs and roof gullies shall be kept free of leaves and other debris.
- Verandahs, decks, carports, etc shall not be used to store combustible materials and shall be kept free of leaves and other debris.
- Areas within courtyards shall be maintained free of leaves and other debris.
- Climbing species are avoided to walls and pergolas.
- Reticulated or bottle gas services shall be installed and maintained in accordance with AS 1596.
- Gas cylinder relief valves shall be directed away from the building and away from any hazardous materials such as firewood, etc.
- Trees may be retained within the IPA where:
 - tree canopy cover should be less than 15% at maturity;
 - trees at maturity should not touch or overhang the building;
 - lower limbs should be removed up to a height of two (2) metres above the ground;
 - the canopy is discontinuous such that tree canopies should be separated by two (2) to five (5) metres;
 - they are smooth barked species or, if rough barked, shall be maintained free of decorticated bark and other ladder fuels (rough barked species are not encouraged);
 - create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards a building should be provided;
 - shrubs should not be located under trees;
 - shrubs should not form more than 10% ground cover;
 - clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
 - no part of a tree shall be closer to a power line than the distances set out in the current edition of "Planning for Bush Fire Protection 2019" and
 - the use of local native plants with features that minimise the extent to which they contribute to the spread of bush fires is encouraged within the above constraints.

Reason:

To comply with legislation and Australian Standards.

Attachment 1: DECCEEQ – Heritage NSW

Department of Climate Change, Energy, the Environment and Water



HMS Application ID: 9428

Ms Vivian Lee
Wollongong City Council
LOCKED BAG 8821
WOLLONGONG DC NSW 2500
Email: vlee@wollongong.nsw.gov.au
Letter uploaded to the NSW Planning Portal

Address: 200, 220, 240 and 330 Marshall Mount Road, Marshall Mount

Proposal: A concept development application and stage 1 works. The concept development application is for the site layout for the future subdivision of the land to be undertaken in 8 stages. A proposal for stage 1 comprises a 152 lot subdivision including 149 residential lots, one lot for drainage, one lot for a local park and Biodiversity Stewardship Area, a residue lot and associated civil works.

Development Application no: DA-2023/481, CNR-57032, A-67878. Received: 4 March 2025.

Subject: Submission of amended plans for an Integrated Development Application, *National Parks and Wildlife Act 1974*

Dear Ms Lee

Thank you for referring amended plans for the above proposal to our office under clause 37 of the *Environmental Planning and Assessment Regulation 2021* - amendment of development application. We have reviewed the amended plans and documents and provide the following comments in relation to Aboriginal cultural heritage matters pursuant to s.90 of the *National Parks and Wildlife Act 1974*. We note that:

- Public submissions were uploaded to the portal on 18 September 2023. None of the public submissions referred to Aboriginal cultural heritage matters.
- Heritage NSW issued general terms of approval for the integrated development application on 10 October 2023 (refer to DOC23/592490).
- Aboriginal Heritage Impact Permit 5305 was issued to Sydney Water for the Yallah Marshall Mount Water and Waste Water Servicing – West Dapto on 5 November 2024 over parts of the southern end of the current development application.

- Heritage NSW received an amendment of development application referral on 4 March 2025.

Heritage NSW consider that the amended plans will have a consistent impact to Aboriginal cultural heritage as was considered under the previous terms of approval issued.

The Aboriginal cultural heritage assessment report (Austral Archaeology, 2025) identifies that Aboriginal objects will be impacted by the Stage 1 works. Mitigation is proposed in the form of archaeological salvage excavation, surface salvage and reburial of objects from test and salvage excavation on country.

Considering the above, and in accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the following updated general terms of approval are granted:

Approved Development

Development must be in accordance with:

- a. 200, 220, 240 and 330 Marshall Mount Road, Avondale, New South Wales Aboriginal Cultural Heritage Assessment (Austral Archaeology, 15 January 2025).
- b. Amended Statement of Environmental Effects Development Application including a concept proposal for the overall site and a detailed proposal for Stage 1 of the development Highgate Hills - 200, 220, 240 and 330 Marshall Mount Road in the Suburbs of Avondale and Marshall Mount (DFP Planning Consultants)
- c. 200-330 Marshall Mount Road, Marshall Mount - Stage 1 Lot 1 & 2/DP 1277366, Lot 5/DP 1280030, Lot 1/DP 1280028 for DA Approval. Stage 1 Civil Plans (Group Development Services, 10 January 2025).
- d. 200-330 Marshall Mount Road, Marshall Mount Concept Development Application (Group Development Services, 10 January 2025).

Except as amended by the following general terms of approval:

2. A s.90 Aboriginal Heritage Impact Permit for the proposed works must be sought and granted prior to the commencement of works.
3. The Aboriginal Heritage Impact Permit application must be accompanied by appropriate documentation and mapping as outlined in Applying for an Aboriginal Heritage Impact Permit: Guide for applicants (2011).
4. Consultation with the Aboriginal community undertaken as part of the Aboriginal Heritage Impact Permit application must be in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010.
5. The Aboriginal Heritage Impact Permit application must be completed with reference to the requirements of the Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (2011).
6. The Aboriginal Heritage Impact Permit application must include complete records satisfying the requirements of the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2010).

7. Long term management of Aboriginal objects must be considered as part of the Aboriginal Heritage Impact Permit application.
8. A methodology for the proposed salvage of impacted Aboriginal objects must be presented with the Aboriginal Heritage Impact Permit application.
9. A management strategy or Aboriginal cultural heritage management plan must be prepared to manage Aboriginal sites that will be avoided by works and protected in conservation areas.
10. A review of locational information including AHIMS site recording forms and results from field assessments must be made for sites in the application area, including but not limited to sites 52-5-0001, 52-2-1158, 52-5-0056, 52-5-0487, 52-5-0488, 52-5-0505 and 52-5-1066. Inconsistencies must be resolved by either updating the report or providing updated site location records to AHIMS prior to submission of an Aboriginal Heritage Impact Permit application.
11. Active Aboriginal Heritage Impact Permits must be mapped in the Aboriginal Cultural Heritage Assessment Report using data from the NSW Sharing and Enabling Environmental Data (<https://datasets.seed.nsw.gov.au/dataset/aboriginal-heritage-impact-permit-boundaries>). Works in areas of active Aboriginal Heritage Impact Permits, must be conducted in accordance with the conditions of the permit issued.

Aboriginal community consultation must be maintained

Consultation with the registered Aboriginal parties must be maintained. We recommend updates on the project are provided to the registered Aboriginal parties every 6 months to ensure the consultation is continuous.

Please note that any modification of the above development that will result in impacts to Aboriginal cultural heritage must be referred to Heritage NSW to determine whether changes to these general terms of approval are required.

If you have any questions in relation to these general terms of approval, please contact Lyndon Patterson, Senior Assessments Officer at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely

Nicole Davis

Nicole Davis
Manager Assessments
Heritage NSW
Department of Climate Change, Energy, the Environment and Water
As Delegate under *National Parks and Wildlife Act 1974*
8 March 2025

Department of Climate Change, Energy, the Environment and Water



HMS Application ID: 9428

Ms Vivian Lee
Wollongong City Council
LOCKED BAG 8821
WOLLONGONG DC NSW 2500
Email: vlee@wollongong.nsw.gov.au

Letter uploaded to the NSW Planning Portal

Address: 200, 220, 240 and 330 Marshall Mount Road, Marshall Mount

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Development Application no: DA-2023/481, CNR-57032, A-67878. Received: 4 March 2025.

Subject: Development Application Referral - Heritage NSW comment

Dear Ms Lee,

I refer to the above development application (DA) referred under LEP cl. 5.10 for comment on the historical archaeological assessment.

The following key documents provided in the application were subject to review:

- *Amended Statement of Environmental Effects: Highgate Hills* – prepared by DFP Planning Consultants, dated January 2025
- *Historical Archaeological Assessment: 200-330 Marshall Mount Road Avondale New South Wales* – prepared by Austral Archaeology, dated 14 January 2025
- *Aboriginal Cultural Heritage Assessment Report: 200-300 Marshall Mount Road Avondale New South Wales* – prepared by Austral Archaeology, dated 15 January 2025

Environmental heritage

heritagemailbox@environment.nsw.gov.au
Locked Bag 5020, Parramatta 2124
NSW Planning Portal reference: CNR-76983

www.environment.nsw.gov.au/topics/heritage

Page: 1 of 3

The following comments are provided under delegation from the Heritage Council of NSW in relation to the proposal:

- The subject site is not listed, nor is in the vicinity of any items on the State Heritage Register (SHR) under the *Heritage Act* 1977. Accordingly, no comment is provided on any built heritage impacts of the proposed development.
- The property is not a listed archaeological site on the Wollongong Local Environmental Plan 2009.
- The Historical Archaeological Assessment (HAA) concluded that:
 - The earliest occupation of the site is associated with a series of land grants given to key colonial figures to encourage the settlement of the Illawarra region. The properties of 200, 220 and 240 Marshall Mount Road formed part of William Browne's Athanlin estate, while 330 Marshall Mount Road formed part of the George Johnston's Macquarie's Gift, both granted in the early 19th century, demonstrating the significance of the study area to the establishment and settlement of the Illawarra.
 - The subject area contains varying degrees of historical heritage values associated with 19th and 20th century tenant farming, primarily Gorman and Denniss farms.
 - Four areas of moderate to high archaeological potential were identified within the subject area, with the remainder of the subject area assessed as low archaeological potential.
 - Potential archaeological resources include a cockatoo fence, farm buildings and outbuildings, wells, refuse pits, privies, evidence of dairying and evidence of land formation practices and modification of the landscape.
 - Potential archaeological resources have been assessed as meeting the threshold of significance at a local level.
 - Stage 1 works will have no impact to potential archaeological resources.
 - Test excavation is recommended in areas of archaeological potential proposed to be impacted in Stages 2 and 7 of the project.
- Heritage NSW notes that Figure 7.2 of the HAA indicates that part of Stage 1 works, comprising a new access road from Marshall Mount Road north-west in the subject area, overlaps/or is directly adjacent with an area of identified archaeological potential. Further, Section 11.3 of the Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared for the subject area proposes salvage excavation of site MMR-AS1 (AHIMS #52-5-1067) in a location that directly overlays the area of historical archaeological potential.

As such, Heritage NSW notes that the above constitutes potential impact to historical archaeological resources as part of Stage 1 works and the Statement of Heritage Impact (Section 7.4) of the HAA is therefore not supported. We consider that a program of historical archaeological test excavation should be undertaken within the identified area of archaeological potential to inform the proposed development.

Recommendations

It is recommended that the following conditions are included on the Development Application:

Section 140 Permit Application

1. A s140 permit is required for archaeological test excavation prior to commencement of any ground disturbance works within identified areas of historical archaeological potential. The application must include an archaeological assessment report, archaeological research design, excavation methodology and nominate an appropriately qualified excavation director. The proposed methodology should integrate the proposed Aboriginal archaeological salvage works with the archaeological testing. Dependent on the results of the testing, the proposed development may need to be modified to avoid impacting significant archaeological relics and/or additional approvals may be required.

Reason: An excavation permit is required to ensure archaeological relics are managed under appropriate supervision and to avoid offences.

Unexpected Finds

2. The Applicant must ensure that if any unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified as required by s146 of the *Heritage Act 1977*. Additional assessment and approval may be required prior to works continuing in the affected areas(s) based on the nature of the discovery.

Reason: Archaeological relics are protected under s139 of the Heritage Act 1977. Notification of the unexpected discovery of known or suspected relics is a statutory requirement under s146 of the Heritage Act 1977.

If you have any questions about this correspondence, please contact Sarah McGuinness, Senior Assessments Officer at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely

Nicole Davis

Nicole Davis

Manager Assessments

Heritage NSW

Conservation Programs, Heritage, and Regulation Group

Department of Climate Change, Energy, the Environment and Water

As Delegate of the Heritage Council of NSW

11 March 2025

Attachment 3: TfNSW – Sydney Trains

Transport for NSW



Kristy Robinson
Wollongong City Council
krobinson@wollongong.nsw.gov.au

21 December 2023

**STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021
DEVELOPMENT APPLICATION – DA-2023/481 (CNR-57032)
200, 220, 240 & 330 Marshall Mount Road, Marshall Mount NSW 2530**

Dear Sir/Madam,

I refer to Council's referral requesting concurrence for the above development application in accordance with Section 2.97 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)*.

Council is advised that TfNSW (Sydney Trains), via Instruments of Delegation, has been delegated to act as the rail authority for the heavy rail corridor, including infrastructure, and to process the concurrence for this development application.

As such, TfNSW (Sydney Trains) advises that the proposed development has been assessed in accordance with the requirements of Section 2.97(4) of the Transport and Infrastructure SEPP being:

- (a) *any rail safety or operational issues associated with the aspects of the development, and*
- (b) *the implications of the development for traffic safety including the cost of ensuring an appropriate level of safety, having regard to existing traffic and any likely change in traffic at level crossings as a result of the development.*

TfNSW (Sydney Trains) has taken the above requirements into consideration and has decided to grant its concurrence to the development proposed in development application **DA-2023/481**.

In the event that this proposed development is the subject of a Land and Environment Court appeal, Council's attention is drawn to Section 8.12 of the Environmental Planning and Assessment Act 1979 which requires Council to give notice of that appeal to a concurrence authority. TfNSW (Sydney Trains) therefore requests that Council comply with this requirement should such an event occur.

Council is also advised that this concurrence is not to be amended, replaced, or superseded by any concurrence issued by any other rail authority, without further agreement from TfNSW (Sydney Trains).

Please contact TfNSW (Sydney Trains) Town Planning Management via email to DA_sydneytrains@transport.nsw.gov.au should you wish to discuss this matter. Finally, it is requested that when the proposed development's Determination is issued by the Council, a copy of the Notice of Determination and conditions of consent are provided.

Transport for NSW



Sincerely,

 Digitally signed
by Steven Heapy
Date: 2023.12.21
11:13:31 +11'00'

Steven Heapy
Director Land and Maritime Planning
Transport for NSW

Attachment 4: Sydney Water

21 July 2023

Our Ref: 192387

Nicole Ashton

Council Assessing Officer

Wollongong City Council

nashton@wollongong.nsw.gov.au**RE: Development Application DA-2023/481 at 240 Marshall Mount Road, Marshall Mount**

Thank you for notifying Sydney Water of DA-2023/481 at 240 Marshall Mount Road, Marshall Mount, which proposes future subdivision of the land to be undertaken in eight (8) stages. A detailed proposal for stage 1 comprising of a 152-lot subdivision including 149 residential lots, one lot for drainage, one lot for a local park and Biodiversity Stewardship Area, and a residue lot is also included. Sydney Water has reviewed the application based on the information supplied and provides the following comments to assist in planning the servicing needs of the proposed development.

Water Servicing

- Water Servicing is currently unavailable.
- Sydney Water have completed the detailed planning to provide the water service for customers along Yallah Road and Marshall Mount Road.
- The trunk main along Yallah Road and Marshall Mount Road will be delivered by Sydney Water and the expected commissioning timeframe is end of 2026.
- The proposal will be able to connect to the proposed trunk main once it is delivered.

Wastewater Servicing

- Wastewater servicing is currently unavailable.
- Sydney Water have completed the detailed planning to provide the wastewater service for customers along Yallah Road and Marshall Mount Road.
- The pumping station, rising main and the gravity trunk sewer along Marshall Mount Road will be delivered by Sydney Water and the expected commissioning timeframe is end of 2026.
- The proposal will be able to connect to the proposed gravity trunk sewer once these works are delivered.
- The proposed SP1201 wastewater pumping station has the capacity to service less than 2,000 dwellings initially. SP1201 will be upgraded later once West Dapto Carrier is constructed.
- Sydney Water may not be able to service all stages of the proposal until the SP1201 stage 2 upgrade is complete.

This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the [Land Development Manual](#).



Further advice and requirements for this proposal are in Attachments. Should Wollongong Council require any further information, please contact the Growth Planning Team via urbangrowth@sydneywater.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "L Salli".

Lyndall Salli
Acting Commercial Growth Manager
City Growth and Development, Business Development Group
Sydney Water, 1 Smith Street, Parramatta NSW 2150



Attachment 1

Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](#) online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.



Out of Scope Building Plan Approval

Sydney Water will need to undertake a detailed review of building plans:

1. That affect or are likely to affect any of the following:
 - Wastewater pipes larger than 300mm in size
 - Pressure wastewater pipes
 - Drinking water or recycled water pipes
 - Our property boundary
 - An easement in our favour
 - Stormwater infrastructure within 10m of the property boundary.
2. Where the building plan includes:
 - Construction of a retaining wall over, or within the zone of influence of our assets
 - Excavation of a basement or building over, or adjacent to, one of our assets
 - Dewatering – removing water from solid material or soil.

The detailed review is to ensure that:

- our assets will not be damaged during, or because of the construction of the development
- we can access our assets for operation and maintenance
- your building will be protected if we need to work on our assets in the future.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

Tree Planting

Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and *Diagram 5 – Planting Trees* within our [Technical guidelines – Building over and adjacent to pipe assets](#). Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.

If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the developer or Council for their removal.

Attachment 5: Endeavour Energy

**Development Application and Planning Proposal Review
NSW Planning Portal Concurrence and Referral**


Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
Wollongong City Council	DA-2023/481	CNR-57032	Nicole Ashton	29/06/2023	20/07/2023	29/06/2023

Address	Land Title
200, 220, 240 and 30 Marshall Mount Road MARSHALL MOUNT NSW 2530	Lot 5 DP 1280030, Lots 1 & 2 DP 1277366, Lot 1 DP 1280028

Scope of Development Application or Planning Proposal
Concept DA - site layout for subdivision of land - Staged Development - eight (8) stages Stage 1 - civil works including tree removals, remediation works, dam dewatering and Subdivision - 152 lots including 149 residential lots, one (1) drainage lot, one (1) lot for community park and Biodiversity Stewardship Area and one (1) residue lot.

As shown in the below site plan from Endeavour Energy's G/Net master facility model:
<p>The main features of the electricity distribution network in the area covered by the Concept Proposal are:</p> <ul style="list-style-type: none"> Easements benefiting Endeavour Energy (indicated by red hatching) for 11,000 volt / 11 kilovolt (kV) (constructed at 33,000 volt / 33 kV) high voltage and 33 kV high voltage overhead power lines. Low voltage (to part) and 11 kV high voltage overhead power lines to the Marshall Mount Road road verge / roadway.



Endeavour Energy
 ARN 11 247 365 823
 T 133 718
 51 Huntingwood Drive
 Huntingwood NSW 2148
 PO Box 811, Seven Hills NSW 1730
endeavourenergy.com.au

Relevant / applicable clause numbers from Endeavour Energy's standard conditions for Development Application and Planning Proposal Review indicated by ☒ .

Cond- ition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input type="checkbox"/>	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
<input type="checkbox"/>	<input type="checkbox"/>	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5	Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Before You Dig service.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6	Bush Fire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
<input type="checkbox"/>	<input type="checkbox"/>	7	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
<input type="checkbox"/>	<input type="checkbox"/>	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation.
<input type="checkbox"/>	<input type="checkbox"/>	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	15	Easement Subdivision	The incorporation of easements into to multiple / privately owned lots is generally not supported.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	16	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
<input type="checkbox"/>	<input type="checkbox"/>	17	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.
<input type="checkbox"/>	<input type="checkbox"/>	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.
<input type="checkbox"/>	<input type="checkbox"/>	20	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	21	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	22	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	23	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.

Condition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input checked="" type="checkbox"/>	24	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the <i>Electricity Supply Act 1995</i> (NSW).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	25	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	26	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	27	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	28	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
<input type="checkbox"/>	<input type="checkbox"/>	29	Security / Climb Points	Minimum buffers appropriate to the electricity infrastructure being protected need to be provided to avoid the creation of climb points.
<input type="checkbox"/>	<input type="checkbox"/>	30	Service Conductors	Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'.
<input type="checkbox"/>	<input type="checkbox"/>	31	Solar / Generation	The performance of the generation system and its effects on the network and other connected customers needs to be assessed.
<input type="checkbox"/>	<input type="checkbox"/>	32	Streetlighting	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	33	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
<input type="checkbox"/>	<input type="checkbox"/>	34	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
<input type="checkbox"/>	<input type="checkbox"/>	35	Telecommunications	Address the risks associated with poor communications services to support the vital electricity supply network Infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	36	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.
Completed by:			Decision	
Cornelis Duba			Approve (with conditions)	

Cornelis Duba | Development Application Specialist

M 0455250981

E comelis.duba@endeavourenergy.com.au

51 Huntingwood Drive, Huntingwood NSW 2148. Dharug Country

endeavourenergy.com.au



Endeavour Energy respectfully acknowledges the Traditional Custodians on whose lands we live, work, and operate and their Elders past, present and emerging.

Reason(s) for Conditions / Decision (If applicable)

- All encroachments and /or activities (works) within or affecting an easement or protected works (other than those approved / certified by Endeavour Energy's Customer Network Solutions Branch as part of an enquiry / application for load or asset relocation project and even if not part of the Development Application) need to be referred to Endeavour Energy's Easements Officers for assessment and possible approval if they meet the minimum safety requirements and controls.

For further information please refer to the attached copies of Endeavour Energy's:

- General Restrictions for Overhead Power Lines.
- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights' which deals with activities / encroachments within easements.

Please note however that this does not imply or indicate the granting of permission to any or all of the proposed activities affecting the protected works on the site. In this instance, if the proposed subdivision proceeds, the existing electricity infrastructure on and near the site are likely to become redundant network assets.

The Utility Investigation Memorandum prepared by Group Development Services Pty Ltd (GDS) dated 29 May 2023 includes the following.

As part of the development, a supply offer has been provided by Endeavour Energy (Reference ARP5079 – Attachment 1) that agrees to the proposal of undergrounding the two overhead power lines crossing Lot 5 / DP1280030 and Lot 1 / DP1280028 and relocating these feeders to run along the proposed Western Ring Road.

The proposed alignment eliminates the requirement for an Endeavour Energy easement as all assets are proposed to be relocated within the future public road reserve.

- The Remediation Action Plan identifies a hotspot adjacent to existing (six) power poles as an area of environmental concern (AEC 45) due to hydrocarbons (PAH) and creosote.

10.2 Sequence of Remediation

- Task 6: Remediation Strategy 6 – B(a)P impacted soils adjacent to timber power poles:
 - Delineation to establish the lateral extent of impacted surface soils surrounding each power pole and provide further preliminary waste classification;
 - Removal of power poles (once decommissioned and de-energised);
 - Excavation of impacted soils and disposal under appropriate waste classification; and
 - Validation of the resultant excavations at the former power pole locations for B(a)P.
- The Utility Investigation Memorandum prepared by GDS includes the following addressing whether the available electricity services are adequate for the proposed development.

A Proposed Method of Supply is currently being developed by a Level 3 Accredited Services Provider (ASP) that would detail the connection for individual lots proposed by the subdivision. This Method of Supply will be provided to Endeavour Energy in due course for assessment and determination.
- To ensure an adequate connection, the applicant will need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development.
- An extension and / or augmentation of the existing local network will be required. Whilst there are a few pole mounted substations in the area which are likely to have some spare capacity, it is not unlimited and will not be sufficient to supply a significant urban residential subdivision.

Other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. need to be assessed. However the extent of any works required will not be determined until the final load assessment is completed.
- The required padmount substation/s will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling not located within a public road / reserve) with an appropriate form of property tenure as detailed in the attached copy of Endeavour Energy's 'Land Interest Guidelines For Network Connection'.

Generally it is the Level 3 ASP's responsibility (engaged by the developer) to make sure substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc.

For further information please refer to the attached copies of Endeavour Energy's:

- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.
- Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations.
- Endeavour Energy's network asset design policy is generally to progressively underground all new urban developments. All new cabling / reticulation infrastructure must be of an underground construction type. Where existing overhead construction is present on or in proximity of the site, it may require undergrounding as the development proceeds.
- The minimum required safety clearances and controls for building and structures (whether temporary or permanent) and working near overhead power lines must be maintained at all times. If there is any doubt whatsoever regarding the safety clearances to the overhead power lines, the applicant will need to have the safety clearances assessed by a suitably qualified electrical engineer / Accredited Service Provider (ASP).

Even if there is no issue with the safety clearances to the building and structures, consideration must be given to WorkCover (now SafeWork NSW) 'Work Near Overhead Power Lines Code of Practice 2006' eg. ordinary persons must maintain a minimum safe approach distance of 3.0 metres to all voltages up to and including 132,000 volts / 132 kilovolt (kV) and includes the following requirements for work near low voltage overhead power / service lines.

TABLE 4

Approach distances for work near low voltage overhead service lines

Ordinary Persons (m)				
Hand held tools	Operation of crane or mobile plant	Handling of metal materials (Scaffolding, roofing, guttering, pipes, etc)	Handling of non-conductive materials (Timber, plywood, PVC pipes and guttering, etc)	Driving or operating vehicle
0.5	3.0	4.0	1.5	0.6

- The planting of large / deep rooted trees near electricity infrastructure is opposed by Endeavour Energy. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements.

No planting of trees is allowed in the easement for a padmount substation. Screening vegetation around a padmount substation should be planted a minimum distance of 800mm plus half of the mature canopy width from the substation easement and have shallow / non-invasive roots. This is to avoid trees growing over the easement as falling branches may damage the cubicle and tree roots the underground cables. All vegetation is to be maintained in such a manner that it will allow unrestricted access by electrical workers to the substation easement all times.

- Not all the conditions / advice marked may be directly or immediately relevant or significant to the Development Application. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur.
- Please also refer to Endeavour Energy's submission made on 3 May 2023 via the NSW Planning Portal regarding NSW Government concurrence and referral request CNR-54378 for Wollongong City Council Development Application DA-2023/269 at 27, 143 & 169 North Marshall Mount Road and 484 Marshall Mount Road MARSHALL MOUNT 2530 (Lot 201 DP 803486, Lot 1 DP 439059, Lots 1 & 2 DP 1184741) for 'Concept Development Application Pursuant to Section 4.22 Concept development applications of the EP & A Act 1979 for Marshall Mount Precinct residential development including Stage 1 detailed subdivision'.

Condition or Advice

With Endeavour Energy's Development Application and Planning Proposal Review process / system the intent of the 'Standard Conditions' being indicated as either a 'Condition' or 'Advice' essentially depends on the risk associated with the matter. If the matter is one that is likely or very likely to be an issue / needed to be addressed by the applicant and may require corrective action, then it is marked as a 'Condition'. If the matter is less likely and the consequences of the applicant not addressing it are lower or can be readily rectified, then it is marked as 'Advice'. If the matter is considered to be not applicable / relevant then it is not marked as either.

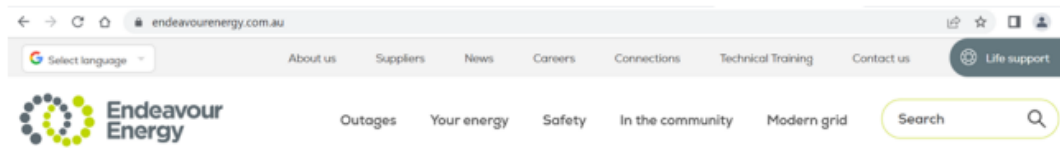
For example, the obtaining advice from the Before You Dig service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations is a standard / regulatory requirement. It will be generally indicated as 'Advice'. If the Site Plan from Endeavour Energy's G/Net Master Facility Model indicates there is some uncertainty over the extent or location of the underground cables on or near the site, it would then be indicated as 'Condition' and require action to be undertaken by the applicant eg. the use of an underground asset locating device or a certified locator to verify the asset location.

Decision

In the NSW Planning Portal for the 'Agency response', as Endeavour Energy is not a concurring authority under the provision of the *Environmental Planning and Assessment Act 1979* (NSW), it does not 'Approve' or 'Refuse' a Development Application in the Portal. It will 'Approve (with conditions)' (which may 'Object' in the submission and detail the matters requiring resolution), or if all the matters in the submission are marked as for 'Advice', the outcome of the assessment will also be 'Advice'.

Further Advice

The 'Standard Conditions' include additional advice and contact details and further information is also available on Endeavour Energy's website at <https://www.endeavourenergy.com.au/>.



The following contacts can be reached by calling Endeavour Energy via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666.

Branch / Section	Matters	Email
Customer Network Solutions	Electricity supply or asset relocation who are responsible for managing the conditions of supply with the applicant and their Accredited Service Provider (ASP).	cicadmin@endeavourenergy.com.au
Easement Officers	Easement management or protected works / assets.	Easements@endeavourenergy.com.au
Property	Property tenure eg. the creation or release of easements.	network_property@endeavourenergy.com.au
Field Operations (to the relevant Field Service Centre).	Safety advice for building or working near electrical assets in public areas (including zone and transmission substations).	Construction.Works@endeavourenergy.com.au

Please note Endeavour Energy's above contacts do not have access to the NSW Planning Portal. To resolve any matters direct contact should be made with the responsible contact. This will avoid double handling and possible delays in responding to the applicant / Council.

Details of the Accredited Service Provider (ASP) Scheme which accredits organisations to perform contestable work on the NSW electricity distribution network are available via the following link to the Energy NSW website at <https://www.energysaver.nsw.gov.au/get-energy-smart/dealing-energy-providers/installing-or-altering-your-electricity-service>.