

## ITEM 6 POST EXHIBITION - DUCK CREEK AND MARSHALL VALE PRECINCTS NEIGHBOURHOOD PLAN, MARSHALL MOUNT

On 27 June 2022, Council resolved to exhibit a draft Neighbourhood Plan for the Duck Creek and Marshall Vale precincts, once required amendments were made.

Council has exhibited the draft Neighbourhood Plan from 27 July to 31 August 2022. This report considers the revised post exhibition Neighbourhood Plan for the precinct and recommends that the Duck Creek and Marshall Vale Neighbourhood Plan be adopted with amendments. The Neighbourhood Plan facilitates an estimated 1,070 dwellings, subject to development application assessment.

### RECOMMENDATION

The Duck Creek and Marshall Vale Neighbourhood Plan (Attachment 2) be adopted as an amendment to the Wollongong Development Control Plan – Chapter D16 West Dapto Release Area, and a notice appear in the Public Notices advising of the adoption.

### REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

### ATTACHMENTS

- 1 Draft Neighbourhood Plan as exhibited
- 2 Revised Neighbourhood Plan
- 3 Additional Development Controls for inclusion in the amended Chapter D16 West Dapto Urban Release Area

### ACRONYMS USED IN REPORT

Abbreviation	Meaning
ACHAR	Aboriginal Cultural Heritage Assessment Report
APZ	Asset Protection Zone
DA	Development Application
DCP	Wollongong Development Control Plan 2009
FY	Financial Year
LEP	Wollongong Local Environment Plan 2009
NBN	National Broadband Network
TfNSW	Transport for New South Wales
TIA	Traffic Impact Assessment
WDURA	West Dapto Urban Release Area
WSUD	Water Sensitive Urban Design

### BACKGROUND

The Duck Creek and Marshall Vale Neighbourhood Plan precincts are within Stage 5 of the West Dapto Urban Release Area (WDURA). Stage 5 was rezoned for urban purposes in June 2018.

The Clause 6.2 of the Wollongong LEP 2009 requires a DCP to be prepared addressing certain requirements. Council has adopted the Wollongong DCP 2009 – Chapter D16 West Dapto Release Area which provides the overall master plan for West Dapto and development guidelines. It requires the submission of a more detailed Neighbourhood Plan (master plan) for precincts nominated in the plan. The Neighbourhood precincts generally cover multiple properties so that issues like connecting roads,

drainage management, recreation facilities are addressed in an integrated manner. Generally, the preparation of a Neighbourhood Plan is led by a landowner with a property development background.

A draft Neighbourhood Plan is informed by the West Dapto Vision and Structure Plan 2018 adopted by Council. The vision is a Council policy that guides land use in the WDURA. The draft Neighbourhood Plan will form an amendment to the Wollongong DCP 2009 – Chapter D16 West Dapto Release Area.

The draft Neighbourhood Plan for the Duck Creek and Marshall Vale precincts was lodged in February 2020. The site covers 241.1 hectares and is bounded by North Marshall Mount Road to the southwest, Marshall Mount Road to the southeast and town centre lands to the northeast, land within the Calderwood Major Project precinct to the west and a Transgrid easement and rural/rural-residential precinct to the south. Much of the site is covered by gentle to steep slopes and several riparian areas traverse the precinct and the precinct is currently used for rural uses. The site consists of the following lots –

**Table 1: Lots within the draft Neighbourhood Plan – Duck Creek and Marshall Vale Precincts**

Property Description	Property Address
Lot 2 DP 1184741 (part)	169 North Marshall Mount Road, Marshall Mount
Lot 2022 DP 810874	42 North Marshall Mount Road, Marshall Mount
Lot 2021 DP 81874	36 North Marshall Mount Road, Marshall Mount
Lot 100 DP 712786	456 Marshall Mount Road, Marshall Mount
Lot 1 DP 396100	450 Marshall Mount Road, Marshall Mount
Lot 1 DP 396101	444 Marshall Mount Road, Marshall Mount
Lot 11 DP 790746	428 Marshall Mount Road, Marshall Mount
Lot 12 DP 790746	“Miala” 410 Marshall Mount Road, Marshall Mount
Lot 1 DP 1039888	402 Marshall Mount Road, Marshall Mount (owned by NSW Land & Housing Corporation)
Lot 1 DP 1286227	380 Marshall Mount Road, Marshall Mount
Lot 2 DP 1286227	386 Marshall Mount Road, Marshall Mount
Lot 101 DP 879381	346 Marshall Mount Road, Marshall Mount
Lot 1 DP 170817 (part)	330 Marshall Mount Road, Marshall Mount
Undeveloped Road Reserve	Bisecting No. 42 North Marshall Mount Road, Marshall Mount

On 27 June 2022 Council considered a report on the draft Neighbourhood Plan and resolved –

- The draft Neighbourhood Plan for the Marshall Vale and Duck Creek precincts be endorsed to progress to exhibition as an amendment to the Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area for a minimum of 28 days.*
- The landowners within the Marshall Vale and Duck Creek precincts be advised that an Aboriginal Cultural Heritage Assessment Report(s) will be required to be prepared for all properties (excluding 410 Marshall Mount Road) to enable the Neighbourhood Plan to be finalised on those properties.*
- The heritage significance of “Miala” House be referred to the Wollongong Local Planning Panel for advice on whether a draft Planning Proposal should be prepared and then reported to Council.*

The heritage significance of Miala House, located on 410 Marshall Mount Road, Marshall Mount, was progressed separately through a Planning Proposal. On 8 December 2023, Miala House and dairy complex, was listed as a local heritage item in the Wollongong LEP 2009.

Following further work on the draft Neighbourhood Plan, it was exhibited from 27 July 2022 to 31 August 2022 (Attachment 1).

## PROPOSAL

The progression and finalisation of the Neighbourhood Plan has been delayed due to landownership changes, and on-going discussions on the key issues of flooding and riparian corridor setbacks.

The revised Neighbourhood Plan (Attachment 2) is the result of several discussions since the exhibition period, in response to issues such as -

- Flooding, riparian and water management
- Traffic, cycle and pedestrian facilities
- Staging
- Urban design
- Heritage

The revised Neighbourhood Plan required some changes for implementation, including:

- Revision to reflect road design and intersection locations.
- Include controls relating to development impacting on the riparian areas of Duck Creek corridor.
- Amendment of some road locations due to conflicts with zoning, flooding, riparian, bushfire or heritage implications.
- Revision to improve active transport opportunities.
- Revised cut and fill.
- Inclusion of "Miala" heritage item curtilage.

The revised Neighbourhood Plan also included a revised development pattern along the Duck Creek riparian area given it did not comply with Council's DCP controls in some areas, whilst having greater riparian buffers in others. Further controls relating to riparian areas and flood works have been added to the amended DCP chapter as outlined in Attachment 3.

## CONSULTATION AND COMMUNICATION

The draft Neighbourhood Plan was exhibited from 27 July to 31 August 2022.

Copies of the Neighbourhood Plan and supporting documents were available for viewing at:

- Dapto, and Wollongong Libraries during library opening hours.
- Council's Customer Service Centre, Ground Floor Administration Building, 41 Burelli Street Wollongong, on weekdays between 9am and 5pm.
- Council's website.

Council's exhibition webpage was viewed 144 times, and 84 copies of the documents were downloaded.

During exhibition, Council received four agency and seven public submissions on the Neighbourhood Plan.

**Table 2: Summary of Submissions**

Submission	Comment	Response
Transport for NSW	<ul style="list-style-type: none"> <li>• Note that signalised intersections will require TfNSW approval.</li> <li>• The TIA does not refer to any bus routes/stops and pedestrian/cycle facilities.</li> <li>• Active Transport is encouraged.</li> </ul>	<ul style="list-style-type: none"> <li>• Further details will be part of road designs for Marshall Mount Road and the proposed bypass road.</li> <li>• The draft Neighbourhood Plan has been updated.</li> <li>• Additional notations and controls are part of the amended DCP chapter.</li> </ul>

Submission	Comment	Response
Sydney Water	<ul style="list-style-type: none"> <li>Note no existing water service. Water trunk infrastructure planned for FY2025</li> <li>Note no wastewater servicing. Trunk infrastructure planned for initial stage (approx. 1000 dwellings) FY2025 with full service by about FY2031</li> <li>Sydney Water would need indicative staging demand for development.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The developer will negotiate connections to infrastructure through their staging of the precinct.</li> <li>Noted. Sydney Water servicing has now commenced</li> </ul>
School Infrastructure NSW	<ul style="list-style-type: none"> <li>Request that plan be noted with "The development of school facilities within the precinct is subject to the review, advice and acquisition by the Department of Education"</li> </ul>	<ul style="list-style-type: none"> <li>Noted – advice included in development controls.</li> <li>Note: a school site has yet to be confirmed in the precinct</li> </ul>
NSW Rural Fire Service	<ul style="list-style-type: none"> <li>Development in the C3 zoned areas in the northern portion of the site will need to comply with Planning for Bushfire Protection 2019.</li> <li>All development needs to be provided with through road access.</li> <li>Asset Protection Zones (APZs) need to be provided within individual properties.</li> </ul>	<ul style="list-style-type: none"> <li>Roads in the C3 zoned area have been amended. Further detailed assessment will be undertaken at Development Application stage to comply with Planning for Bushfire Protection requirements.</li> </ul>
Public submission (land holder in the precinct)	<ul style="list-style-type: none"> <li>Landholder objects to rezoning and intends to keep property as a farm</li> </ul>	<ul style="list-style-type: none"> <li>The area is in an urban release precinct. This will inevitably change the character of the area and require upgrades to roads and other infrastructure.</li> </ul>
Public submission	<ul style="list-style-type: none"> <li>Want lot sizes adjoining Cedars Estate should be minimum 4,000m<sup>2</sup> to reduce visual and noise impact.</li> <li>Bushfire emergency access needs to be provided to Cedars Estate.</li> <li>Want security of the gated Cedars Estate protected.</li> <li>Need suitable fencing between properties and Cedars Estate to protect security and the native animal species that live within Cedars Estate from household pets.</li> </ul>	<ul style="list-style-type: none"> <li>The area is in an urban release precinct. This will inevitably change the character of the area and require upgrades to roads and other infrastructure.</li> <li>Emergency access can be considered as part of future Development Applications for subdivision, however it is noted that there is no road to connect to in the Cedars Estate – the Cedars Estate landowners would need to negotiate with their neighbours adjoining the release area to provide a connection corridor.</li> <li>Cedars Estate is responsible for their security. The developer is</li> </ul>

Submission	Comment	Response
		likely to provide standard fencing as part of future development of the precinct. Any more specialised fencing would have to be negotiated between adjoining landholders.
Public submission (landholder in the precinct)	<ul style="list-style-type: none"> <li>• Road layout for 330 Marshall Mount Rd – developer/landholder seek revision.</li> <li>• Proposed school location should be on SP2 Infrastructure land further east [we note Council's advice is the school location is intended where indicated]</li> <li>• Top of bank survey for 330 Marshall Mount Rd should be included in riparian assessment.</li> <li>• Site proponent states they are carrying out an ACHAR for 330 and 386 Marshall Mount Rd.</li> <li>• Basin SM06 should be shown on the neighbourhood plan as it straddles both Duck Creek and Woodville neighbourhood plans.</li> <li>• Site proponent states they have undertaken a contamination assessment and will be submitted to Council.</li> <li>• Site proponent states they are undertaking work to indicate bulk earthworks for open space area OS23, which can be included in grading plans.</li> <li>• Note that there is inconsistency with intersections between the Duck Creek/Marshall Vale neighbourhood plan and the Iowna neighbourhood plan.</li> <li>• Site proponent states that they will be seeking temporary road access into 386 Marshall Mount Rd via the proposed service road, acknowledging that 4-way intersection and access via 410 and 346 Marshall Mount Rd will be the ultimate scenario.</li> </ul>	<ul style="list-style-type: none"> <li>• The draft Neighbourhood Plan has been revised since exhibition with the landholder/developer group.</li> </ul>

Submission	Comment	Response
	<ul style="list-style-type: none"> <li>Need a good buffer between the proposed development and Cedars Estate. Adjoining lots should be at least 4,000m<sup>2</sup>, with vegetation corridors.</li> </ul>	<ul style="list-style-type: none"> <li>The area is in an urban release precinct. This will inevitably change the character of the area.</li> <li>There are larger lots adjoining Cedars Estate (999m<sup>2</sup> and 0.99ha minimum lot sizes)</li> </ul>
Public submission	<ul style="list-style-type: none"> <li>Cedars Estate provides for a small environmental footprint. Do not want hundreds of houses jammed in the flood plain, creating risk and being an eyesore.</li> <li>Marshall Mount should only be released when the rest of West Dapto is completed.</li> <li>This area is the last green corridor between Calderwood and West Dapto.</li> <li>The land could be providing food instead of being covered in brick and concrete.</li> <li>The proposal is unsustainable given climate change.</li> </ul>	<ul style="list-style-type: none"> <li>The area is in an urban release precinct. This will inevitably change the character of the area. The change is intentional.</li> <li>The Marshall Mount precinct is zoned and intended to be developed as infrastructure and services become available. It is not limited by the staging of the rest of the release area.</li> <li>Climate change was considered in the rezoning of the precinct.</li> </ul>
Public submission	<ul style="list-style-type: none"> <li>Concerned about security for the Cedars gated estate</li> <li>Concerned about visual impact and noise to the Cedars estate</li> <li>Want to ensure fire security and maintenance of the environmental zones.</li> </ul>	<ul style="list-style-type: none"> <li>The Cedars Estate is responsible for their security.</li> <li>The area is in an urban release precinct. This will inevitably change the character of the area. Visual and noise impacts will be considered in finer detail in development applications.</li> <li>Bushfire safety has been considered at the rezoning stage, during the assessment of this Neighbourhood Plan and will also be further considered during assessment of applications for development.</li> </ul>
Public submission	<ul style="list-style-type: none"> <li>Concerns over visual impacts and impacts on property values to Cedars Estate gated community</li> <li>Concerns over noise impacts. Note that acoustic review does not mention the Cedars Estate. May need a concrete noise barrier.</li> <li>The Cedars Estate is a gated community. If the proposal were to proceed, much better and higher security fencing would be needed</li> </ul>	<ul style="list-style-type: none"> <li>The area is in an urban release precinct. This will inevitably change the character of the area.</li> <li>Impacts on adjoining properties will be considered in finer detail during the development assessment process.</li> <li>The Cedars Estate is responsible for their security. The developer is likely to provide standard fencing as part of future development of</li> </ul>



Submission	Comment	Response
	<p>between the Cedars Estate and the proposed development area.</p> <ul style="list-style-type: none"> <li>• Lantana is a big problem - weed control may be a problem if the current livestock are removed. Who will maintain the environmental corridor?</li> <li>• Lots adjoining the Cedars Estate should be a minimum 4,000m<sup>2</sup>.</li> <li>• Development should ensure drainage does not impact on the Cedars Estate</li> <li>• Concerned about bushfire safety if increased population and access results in fires starting in the areas bordering the Cedars Estate.</li> <li>• Concerned about bushfire emergency access, as Cedars Estate only has one access. A second access point with full security gate for the estate should be provided.</li> <li>• Provision needs to be made to protect native animals within the environmental corridor and the Cedars Estate from the large number of new residents in the proposed development area and to protect against bushfire risk and inappropriate behaviour in the environmental corridor.</li> <li>• NBN connectivity should be provided to the Cedars Estate when new residents are connected to the NBN.</li> </ul>	<p>the precinct. Any more specialised fencing would have to be negotiated between adjoining landholders.</p> <ul style="list-style-type: none"> <li>• Property owners are required to maintain their properties.</li> <li>• The Neighbourhood Plan transitions lot sizes adjoining the Cedars Estate. The area is an urban release area – changing character is expected.</li> <li>• Bushfire safety has been considered at the rezoning stage, during the assessment of this Neighbourhood Plan and will also be further considered during assessment of development applications.</li> <li>• Emergency access can be considered as part of future Development Applications for subdivision, however it is noted that there is no road to connect to in the Cedars Estate – the Cedars Estate landowners would need to negotiate with their neighbours adjoining the release area to provide a connection corridor.</li> <li>• The Yallah-Marshall structure plan and zonings provides large corridors of vegetation for native animals.</li> <li>• The Neighbourhood Plan does not control NBN connectivity – this is done by NBN Co Limited.</li> </ul>

## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2032 Community Strategic Plan Objectives 1 “We value and protect our environment”. It specifically delivers on the following -

Community Strategic Plan 2032	Delivery Program 2022-2026
Strategy	Service
1.5 Maintain the unique character of the Wollongong Local Government Area, whilst balancing development, population growth and housing needs.	Land Use Planning

The proposal is broadly consistent with -

- Illawarra Shoalhaven Regional Plan (2021) – it supports urban development within the WDURA.

- Wollongong Local Strategic Planning Statement 2020, as it supports urban development within the WDURA.
- Council's West Dapto Vision 2018.
- Yallah-Marshall Mount Vision 2015.

The site is within Stage 5 Yallah-Marshall Mount of WDURA. It was rezoned in 2018 through Wollongong LEP 2009 (Amendment 36). Stage 5 is serviced independently from the remainder of the WDURA which follows a staged sequence of development.

The draft Neighbourhood Plan has been amended to address issues raised during exhibition regarding flooding, water sensitive urban design (WSUD), riparian and traffic issues.

### SUSTAINABILITY IMPLICATIONS

The revised Neighbourhood Plan provides greater clarity to assist with the understanding and application of development controls in the Wollongong DCP, many of which seek to improve the sustainability, liveability and resilience of our city.

### RISK MANAGEMENT

The revised Neighbourhood Plan will provide improved clarity to Council, developers and the community regarding the lodgement requirements and development assessment process within the WDURA.

### FINANCIAL IMPLICATIONS

The financial implications of the West Dapto Urban Release Area are significant and are subject to regular monitoring and modelling. As part of the West Dapto Review Project, Council considered and adopted an updated Section 7.11 Contributions Plan for the West Dapto Urban Release Area.

There are no significant financial implications resulting from this report.

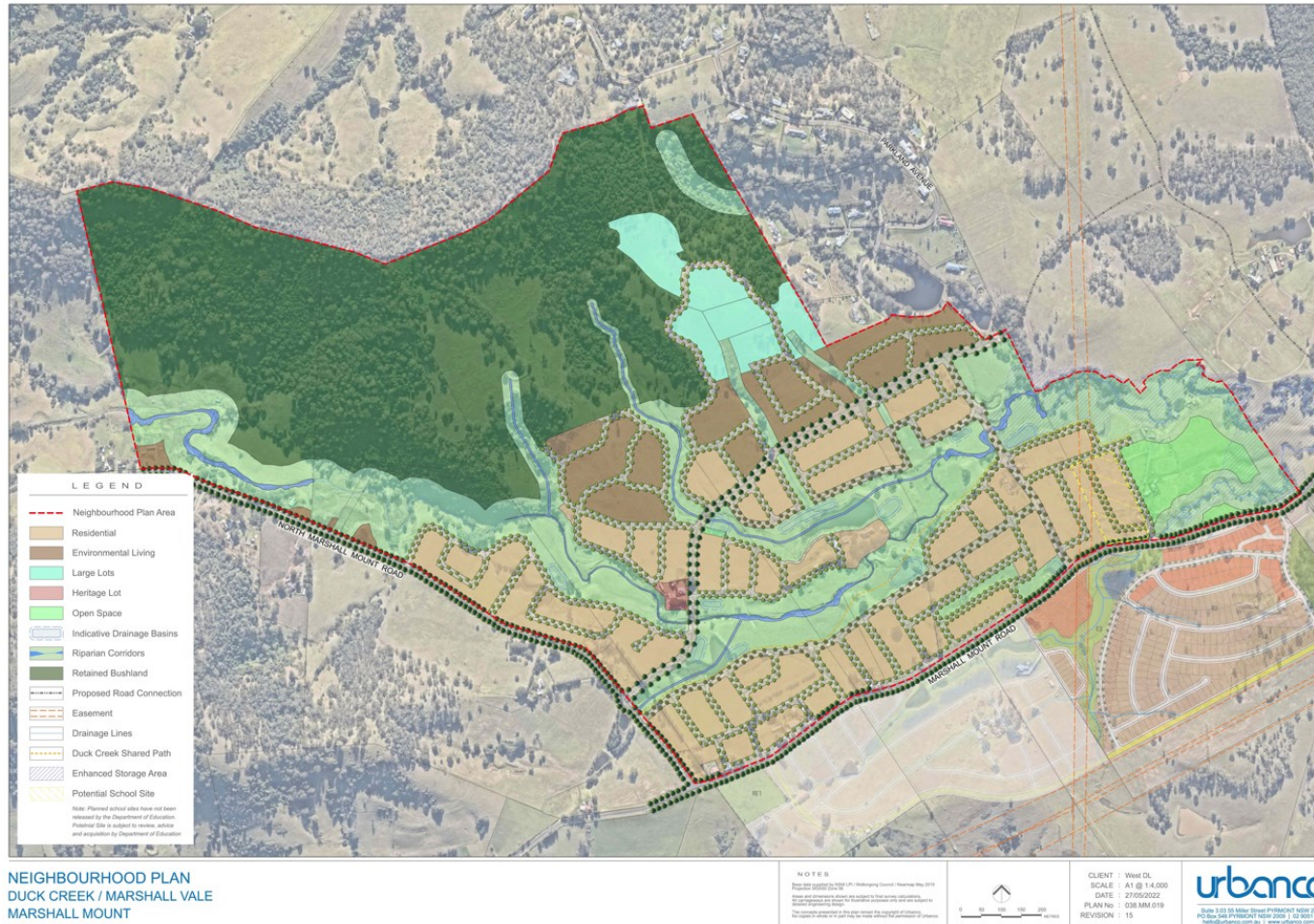
### CONCLUSION

Council has expended significant time and funds to develop a vision and planning for the West Dapto Urban Release Area and the Yallah-Marshall Mount Precinct. As part of the on-going review of the West Dapto Urban Release Area, the adoption of Neighbourhood Plans enables progression of housing and related development.

It is recommended that the Neighbourhood Plan (Attachment 2) be adopted with the amendments outlined in this report.

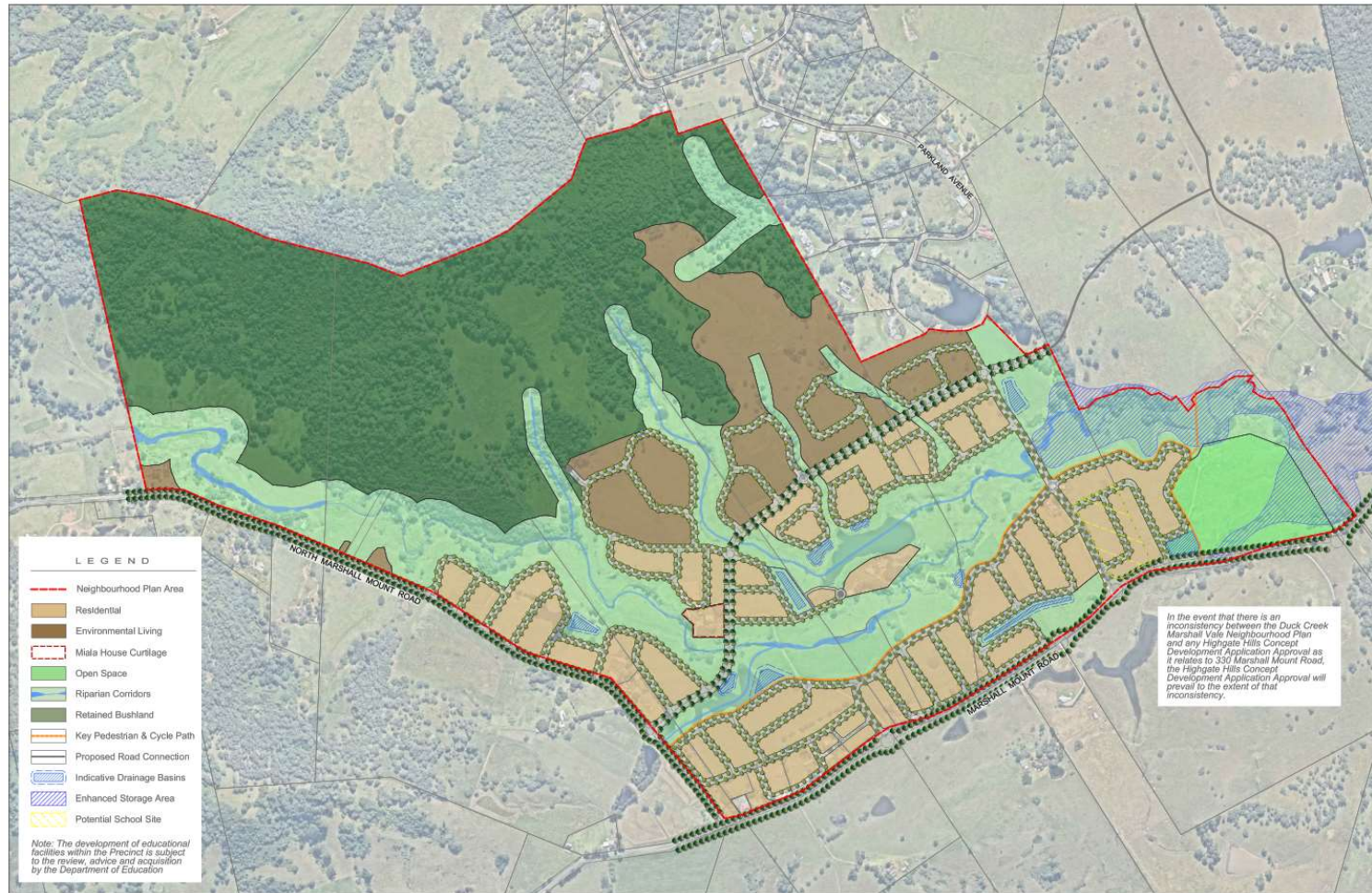


**Draft Neighbourhood Plan as exhibited**





## Revised Neighbourhood Plan for adoption



### NEIGHBOURHOOD PLAN DUCK CREEK / MARSHALL VALE MARSHALL MOUNT



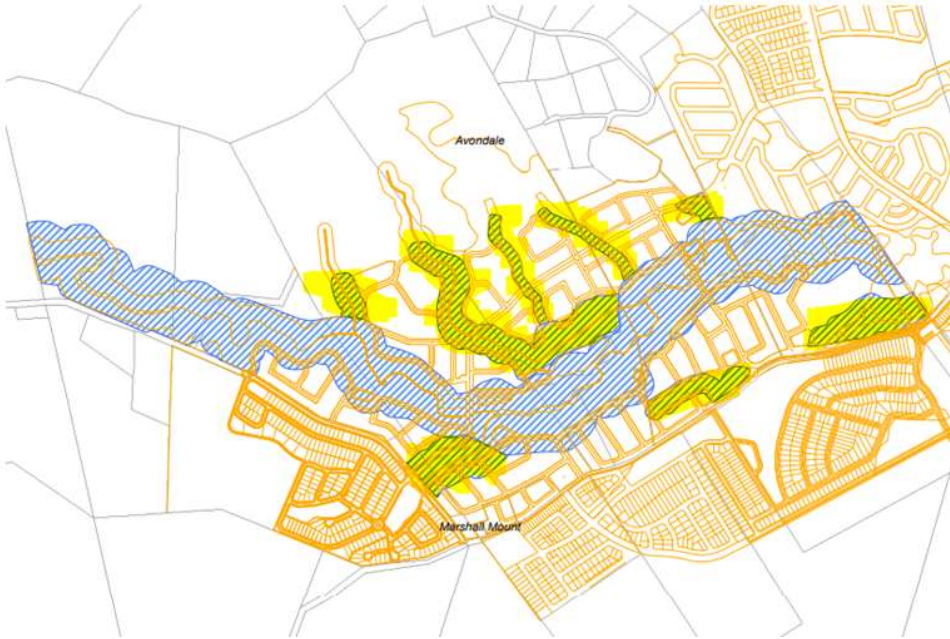
**NOTES**  
This plan is a draft and is subject to change without notice. It is not to be used for any purpose other than the one for which it was prepared. The Council is not responsible for any loss or damage arising from the use of this plan.



**CLIENT** : West DL Pty Ltd  
Roxborough Properties Pty Ltd  
Oakley Round Pty Ltd  
**SCALE** : A1 @ 1:4,000  
**DATE** : 14/05/2025  
**PLAN No** : 038AMB.019  
**REVISION** : 34

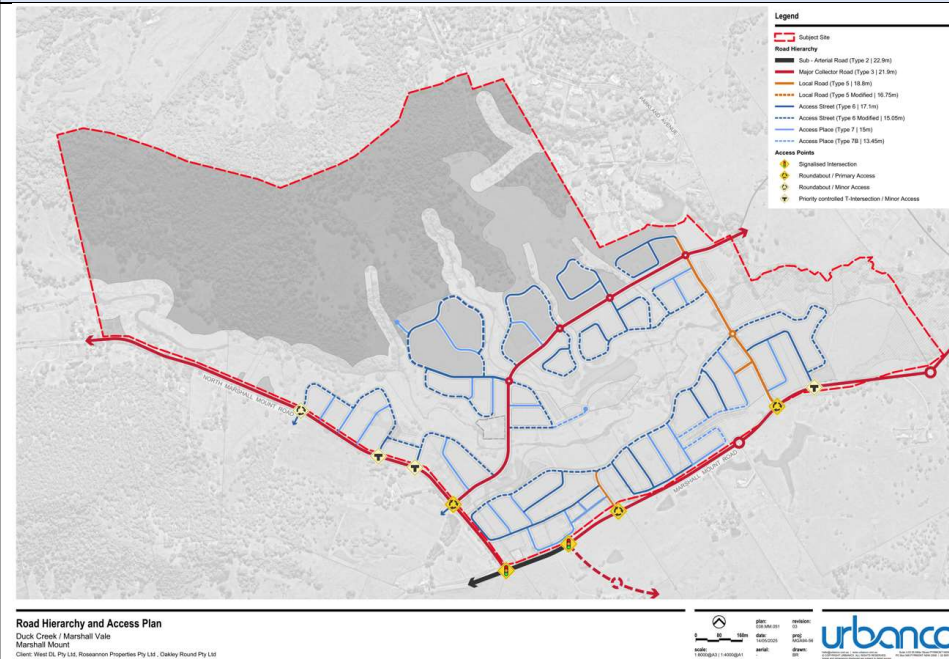
**urbanco**  
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PO Box 548 PYRMONT NSW 2009 T 02 9551 9333  
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Proposed Controls – Duck Creek and Marshall Vale Neighbourhood Plan	
1	The future subdivision of the land shall be generally in accordance with the adopted Neighbourhood Plan.
2	Roads and associated batters will not be located within C2 zones. Indicative road and development locations will need to be adjusted to comply with riparian controls
3	The development of public school facilities within the precinct is subject to the review, advice and acquisition by the Department of Education.
4	<p><b>Proposed Development Control: Duck Creek Riparian Corridor Urban Encroachment Management</b></p> <p>This control should be considered in conjunction with the objectives of Chapter E23 Riparian Management of Wollongong DCP, 2009.</p> <p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>1 Ensure new development (with the exception of waterway crossings and associated structures and works) does not encroach within the Neighbourhood Plan identified riparian corridors.</li> <li>2 To address and avoid any impacts of development on the Duck Creek macro channel.</li> </ol> <p><b>Development Controls</b></p> <ol style="list-style-type: none"> <li>1 For any development application in the Duck Creek/Marshall Vale neighbourhood proposing works on land within or adjoining the Duck Creek corridor, shown in <b>Figure [below]</b> the development application must - <ol style="list-style-type: none"> <li>a Be accompanied by ground truthed mapping of the Duck Creek Macro Channel, 1% AEP event, Defined Flood Event and Probable Maximum Flood (PMF) extents on the land being the subject of the development application; and</li> <li>b Notwithstanding anything contained in this Neighbourhood Plan, demonstrate adequate riparian corridor widths for each watercourse, having regard to - <ol style="list-style-type: none"> <li>(i) The mapping set out in section 1(a) of this control.</li> <li>(ii) The neighbourhood plan identified riparian corridors.</li> <li>(iii) An appropriate setback to the macro-channel to address risks of channel erosion, migration, bank failure and slumping under present and climate change conditions to 2100 (which is to be not less than 10m).</li> <li>(iv) Item (iii) above shall be undertaken by a qualified person in the field of geology, environmental science or hydrology, with demonstrated experience in fluvial geomorphology assessment and projects.</li> </ol> </li> </ol> </li> <li>2 Hard engineering solutions will not be supported by Council to resolve potential scour and erosion of the Duck Creek Micro and Macro Channel.</li> <li>3 The management of edge effects, bank stability and scour and / or erosion protection shall only be achieved through soft engineering solutions. Soft engineering is defined in Chapter E23 Riparian Management of Wollongong DCP, 2009.</li> </ol>

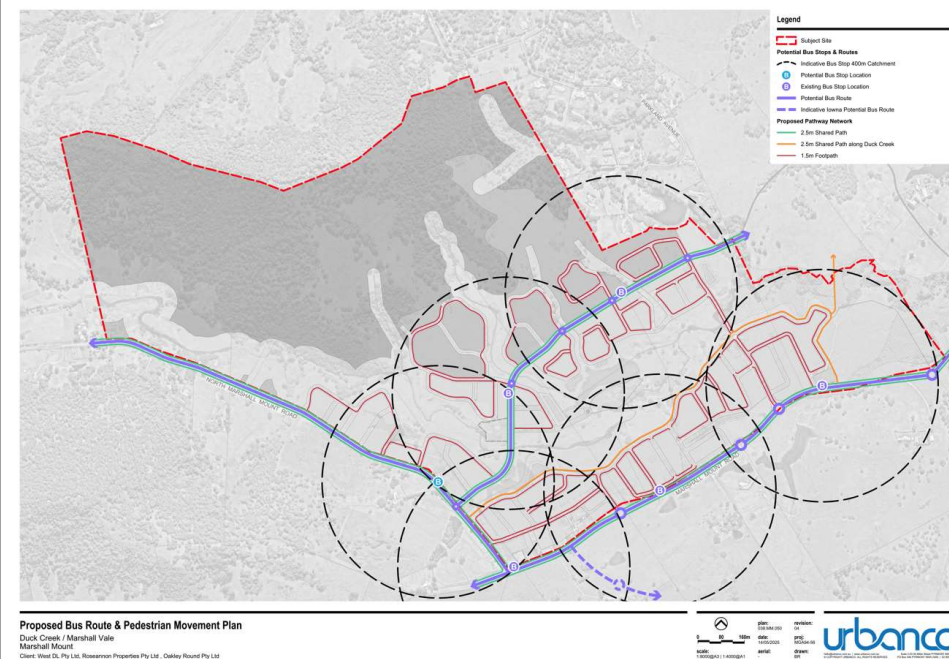
Proposed Controls – Duck Creek and Marshall Vale Neighbourhood Plan	
	
5	<p>Final intersection location and arrangement on Yallah Marshall Mount Road will be subject to design.</p> <p>All Type 7A and 7B roads to have one footpath consistent with Chapter B2 of Wollongong DCP, 2009. DCP should include a control requiring that where a Type 7 access place requiring subdivision DA's involving a Type 7 Access Place and where no footpath is proposed is to clearly address pedestrian movement to ensure safe access.</p> <p>All roundabouts to be designed in accordance with Wollongong Council Engineering specifications and details of pedestrian crossing facilities to be submitted as part of the Development Application.</p>



### Proposed Controls – Duck Creek and Marshall Vale Neighbourhood Plan



### Proposed Road Layout and Hierarchy



### Proposed Pathway Network

- 6 Cut and fill is to be minimised at the interface of Neighbourhood Plan with adjoining parcels to allow smooth transition between land holdings. Fill to be located outside of floodways and any fill within the flood storage and flood fringe areas to be compensated for as per points 4, 5, 6 in Section 7 'Other General Requirements of Ch D16.

Proposed Controls – Duck Creek and Marshall Vale Neighbourhood Plan	
	There will be no net increase in fill within the floodplain and compensatory excavation.
7	<p>Aboriginal and European Heritage</p> <p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>To manage Aboriginal heritage values to ensure enduring conservation outcomes.</li> <li>To ensure areas identified for non-Aboriginal cultural heritage sites or archaeological sites are managed appropriately.</li> </ol> <p><b>Controls</b></p> <ol style="list-style-type: none"> <li>Prior to DA approvals in the precinct, additional ACHAR are to be completed for - <ul style="list-style-type: none"> <li>Lot 2 DP 1184741.</li> <li>Lots 2021 &amp; 2022 DP 810874.</li> <li>Lot 100 DP 712786.</li> <li>Lot 1 DP 396100.</li> <li>Lot 1 DP 396101.</li> <li>Lot 11 DP 790746.</li> <li>Lot 1 DP 1039888.</li> <li>Lot 101 DP 170817.</li> <li>Undeveloped Road Reserve bisecting 42 North Marshall Mount Road, Marshall Mount.</li> </ul> </li> <li>Development Applications must identify any areas of Aboriginal heritage value that are within or adjoining the area of the proposed development, including any areas within the development site that are to be retained and protected (and identify the management protocols for these).</li> <li>Developments or other activities that will impact on Aboriginal heritage may require consent from the Office of Environment and Heritage (OEH) under the National Parks and Wildlife Act 1974 and consultation with the relevant Aboriginal communities.</li> <li>An AHIP issued under Part 6 of the National Parks and Wildlife Act 1974 (NPW Act 1974) is required for any works which impact Known Aboriginal archaeological sites.</li> <li>Areas of high archaeological sensitivity warrant a full Aboriginal cultural heritage assessment prior to any development works. If impacts to any Aboriginal objects identified through these assessments cannot be avoided, an AHIP issued under Part 6 of the National Parks and Wildlife Act 1974 (NPW Act 1974) will be required.</li> <li>Areas of moderate archaeological sensitivity warrant an Aboriginal archaeological due diligence assessment prior to any development works. This assessment is to be conducted in accordance with DPIE's Due Diligence Code of Practice for the protection of Aboriginal Objects in New South Wales. Depending on the results of the due diligence assessment undertaken, a full Aboriginal cultural heritage assessment may be required.</li> <li>Areas of low archaeological sensitivity do not contain any known Aboriginal heritage constraints.</li> <li>Where the necessary consents under the National Parks and Wildlife Act, 1974 have been obtained, the development application must demonstrate that the development will be undertaken in accordance with any requirements of that consent.</li> </ol> <p>Within or adjoining the area of the proposed development, including any areas within the development site that are to be retained and protected (and identify the management protocols for these).</p>

Proposed Controls – Duck Creek and Marshall Vale Neighbourhood Plan	
	<p>9 Developments or other activities that will impact on Aboriginal heritage may require consent from the Office of Environment and Heritage (OEH) under the National Parks and Wildlife Act 1974 and consultation with the relevant Aboriginal communities.</p> <p>Should additional heritage items be identified within the study area Statements of heritage Impact (SoHI) should be prepared for these items in accordance with the NSW Heritage Branch's guidelines: Statements of Heritage Impact (NSW Heritage Office, 2002) prior to any impacts. A copy of the SoHI and details of the proposed works will be provided to Council for review and response prior to impacts.</p>
8	An assessment of existing dams will be undertaken at DA stage for potential failure and impact upon future downstream residential areas.
9	<p>There will be no increase in pre-development flows for all storm events across the neighbourhood plan.</p> <p>Designated overland flow paths are to be created in event of structure blockages such that they do not impact upon future residential development areas.</p>
10	<p>The Lake Illawarra Risk Based Framework stormwater performance targets shall be used as a minimum for all water quality modelling and are to be determined using the software MUSIC in the detailed design phase.</p> <p>Total Nitrogen (TN) – 67%</p> <p>Total Phosphorus (TP) – 78%</p> <p>Total Suspended Solids (TSS) – 82%</p> <p>Gross Pollutants (GP) – 90%</p> <p><b>(Note: This control is consistent with Wollongong DCP Chapter E15: Water Sensitive Urban Design which states that Developments in the Lake Illawarra may have targets adjusted by Council.)</b></p>
11	<p>Any development on land within the C3 zoned lands in the northern portion of the site will need to demonstrate compliance with Planning for Bushfire Protection requirements.</p> <p>Consistent with WDCP Chapter E16 Bush Fire Management, Section 7 Asset Protection Zones on Council Managed Lands, Council will not accept dedication of land that needs to be managed as an Asset Protection Zone including in riparian corridors. Where revegetation is to occur and where remnant vegetation is to be restored, planning for Asset Protection Zones must take into account the vegetation formation of a fully structured mature established plant community type.</p>