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Robert Byrne
NSW Government
Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

**Exhibition of proposed Concept Plan (preferred project report and updated statement of commitments) for mixed-use development consisting of residential (approximately 1010 lots, together with 200 retirement dwellings). Commercial, industrial (approximately 40ha) and retail development (approximately 16ha, public open space areas, new recreational facilities, environmental management, conservation areas and riparian corridors
- Tallawarra Lands, Yallah (MP09_131)**

Dear Mr Byrne,

The following submission has been prepared by council officers and has not been adopted by Council.

The proposed concept plan raised a number of concerns which were outlined in Councils previous submission dated 20 August 2012. Following inspection of the preferred project report and updated statement of commitments documentation currently placed on exhibition the department is requested to consider the following comments.

1. Reduction in area and priority of employment lands, emphasis on bulky goods/retail, minimal detail of industrial component of the project.

It is considered that the preferred planning proposal and revised statement of commitments fails to adequately address the concerns raised regarding the lack of emphasis on employment lands and the compromise of the B7 by nominating a school site and request for a 200 dwelling seniors living development on the business land. The proponent has also failed to demonstrate how a seniors living development is considered to be permissible on B7 land under the Seniors Living SEPP or Wollongong LEP 2009.

In this regard I would like to confirm and re-iterate our previous comments:

The Environmental Assessment Report (p 161) states, '40ha out of a total of 66.75ha of employment lands has geo-tech limitations which could limit its suitability for industrial development and will need to be the subject of further investigation'.

Therefore, out of the total area of the Tallawarra Lands site of approx 525ha only 26.75 ha has been proven to be suitable for employment lands and only 14ha of this has been nominated for industrial uses.

Shellharbour Council strongly supports the creation of employment lands on the site. This site is also identified in the Illawarra Regional Strategy as potential future employment lands. The Tallawarra Lands project has been on-going for a number of years and was primarily initiated and supported in the interests of creating additional employment lands and limited residential on areas of the site that clearly would not conflict with the impacts of any proposed industrial/commercial uses eg northern portion.

The proposed concept plan is heavily focused on the residential development proposed for the site and it would appear that the intention is to progress this aspect of the development ahead of the employment lands. This may lead to future conflict in expectations of residents and industrial/employment uses.

In addition, the concept plan nominates retirement living on B7 zoned land and claims that this would be permissible under the Infrastructure SEPP and Seniors Living SEPP. Neither of the SEPP's referred to appear to allow any form of seniors or retirement living on the B7 zone.

From a strategic approach the use of B7 land for a primary school and retirement living is not considered as the optimum use of employment lands. Neither of these proposed uses will satisfy the objectives of the zone. In this regard the proposed school and retirement living would be better suited on the residential zoned land and the concept masterplan altered to reflect this.

2. Undetermined strategies to ensure minimal visual impact

The response provided by the proponent with regard to the concerns of visual impact refers to the current zones and the permissible uses of those zones. It is also stated that the design controls to reduce visual impact will be contained in a future DCP. This contradicts clause 4.3 of the preferred project report which states;

The proponent confirms that it intends that the Concept Plan is to serve as a DCP for the purpose of clause 6.2 of the Wollongong Local Environmental Plan 2009.

The updated statement of commitments continues to state that urban design strategies recommended in the consultants report will be reviewed and adopted for future development regarding visual impact. This is proposed to be undertaken at development application stage for each stage. Given that the Concept approval is proposed to serve as the DCP the controls regarding visual impact should be developed and finalised prior to approval of the current application.

With this in mind Council would like to re-iterate our comments stated in our previous submission:

Visual Impact of the proposed development on the Tallawarra land's site has been raised by Shellharbour City Council consistently during the varying processes of evaluation of suitable development on the site. The distant views towards the escarpment across Lake Illawarra are significant and currently offer some relief from urban development and provide green linkages to the escarpment.

It is acknowledged that there are substantial areas of wetland and open space proposed on some of the more visible areas of the site and this will contribute to the ongoing relief from urban development.

However, the large lot residential and to a certain degree the residential on the elevated and sloping land in the proposed central precinct are likely to be highly visible and detract from the scenic quality of the site. The urban design considerations nominated by the consultant (rla) are very specific and would generally be form part of a specific Development Control Plan. As no specific DCP is proposed it is questionable that Council or any other determining authority will impose such requirements especially given the likelihood of much of the approvals for residential development will be issued under the Codes SEPP.

With this in mind Council is concerned that the visual impact of the proposed development will detract from the long distance scenic value of the site that currently link with the escarpment when viewed from the Shellharbour LGA.

3. Lack of VPA details and infrastructure provisions.

The constant reference within the updated Statement of commitments of provision of infrastructure on a stage by stage basis with no staging plan raises concern particularly with regards to the superlot subdivision. With the likelihood of fragmented ownership and no detailed infrastructure plan linked to a staging plan it is difficult to understand how the logical placement of infrastructure will occur. Therefore, the preferred planning report fails to address Council's concerns which are:

Whilst it appears that infrastructure provision has been extensively examined in the documents that form part of the Concept Application, the lack of a draft VPA or staging plan for provision of infrastructure does not instil confidence that the development will occur in an orderly well planned fashion. Clause 6.19 of the Environmental Assessment report indicates that potential sewer services are currently limited to the central precinct or a portion of the central precinct. This does not accommodate the employment lands with the exception of the neighbourhood centre which is integral to the residential development. Provision of sewer to the remainder of the project is yet to be confirmed with Sydney Water and the business case is yet to be determined according to the Draft Sydney Water's Growth Servicing Plan July 2011 to June 2016.

4. Unresolved geo-tech and contamination issues, primarily on proposed industrial zone.

The preferred project report and updated statement of commitments does not offer any comfort regarding the location of the School and retirement living proposals as the investigations indicate levels of arsenic above ANZECC trigger value and the Statement

of commitment No. 4 specifies further investigations will be undertaken on a stage by stage basis. Council would like to re-iterate its previous comments:

Geotech and contamination in some areas (primarily the proposed employment/Industrial areas but also including the B7 land nominated as a potential school and Retirement living site) remain inconclusive and development is still questionable in some areas. The Statement of Commitments nominates that this will be further addressed at DA stage. This is not an appropriate approach and the concept should not be approved until the development potential of the land has been identified.

5. Unresolved groundwater impacts in areas of environmental concern.

The further investigations that have been undertaken indicate that the development itself will not impact on the current water quality coming from the site. Whilst this is acknowledged as normally an acceptable outcome, the levels of arsenic in the groundwater currently exceed the ANZECC trigger value. Whilst the concentration levels of arsenic are diluted once entering Lake Illawarra the proponent should be responsible for engineering a treatment of the contaminated ground water prior to it entering the Lake as an optimum outcome.

The potential impact, on ground water and ultimately the water quality of Lake Illawarra, as a result of development on the site, are of great concern to Council. Shellharbour shares the lake with Wollongong Council and the health and integrity of the lake are of utmost importance for activities such as professional and recreational fishing, tourism and general lifestyle. The Environmental Assessment Report fails to guarantee zero impact or improvement of water quality within the lake as a result of the proposed development on the site.

6. Concept Plan not referred to CASA re: obstacle limitation issues.

Council believes that the preferred project report and updated statement of commitments fails to adequately address the concerns raised regarding this issue. The use of the concept approval as a DCP as stated in clause 4.3 does not give any surety that these issues will be addressed in further detail as part of DCP. Therefore Council's concerns remain as previously stated:

The Environmental Assessment report fails to adequately address the Director General's requirement 8(c) which requires it to demonstrate the development has had regard for the operation of the Illawarra Regional Airport. In this regard the Airport is referred to in two components of the report. The first states (page 55) states that the proposal was not referred to CASA as the concept does not involve construction and that future referral would occur with DA's for structures. The potential use of the site is dependent on the compatibility of any future development with the obstacle limitations heights determined by CASA. The proponent should ensure that development types proposed will be able to satisfy these requirements prior to seeking concept approval. Recognising issues at the later DA stage is problematic and may not be addressed as a result of assessment of structure under the Codes SEPP.

The noise assessment in Sect 6.6 of the Environmental Assessment Report recommends noise mitigation through building design and layout. These controls may be difficult to impose as a result of the Codes SEPP and lack of specific DCP.

Council would like to stress the importance of the Illawarra Regional Airport to the region and reiterate the need to ensure that any future development on the Tallawarra lands site should not impede or interfere with the current or future operations of the Airport.

7. Concerns regarding superlot subdivision and fragmented ownership.

The preferred planning proposal and updated statement of commitments have failed to address this concern and with no staging plan proposed as part of the application the concerns raised by Council remain. These are;

Superlot subdivision may result in fragmentation of site. This may lead to interpretive variations and a lack of integration e.g. infrastructure provision. Staging would also be difficult to coordinate if ownership was fragmented.

Yours sincerely

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