

The Director
Urban Assessments
NSW Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Robert Byrne

File:
Date:

MP-2009/131
24 August 2012

Dear Robert

Development

**PART 3A PROJECT APPLICATION No. MP 09-0131;
PREFERRED PROJECT REPORT FOR A MIXED USE DEVELOPMENT CONSISTING OF
RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT, PUYBLIC
OPEN SPACE AREAS, NEW RECREATIONAL FACILITIES, INTERNAL ROAD NETWORK,
ENVIRONMENTAL MANAGEMENT, CONSERVATION AREAS AND RIPARIAN CORRIDORS**

Location

Tallawarra Lands, YALLAH

I refer to the above project, Council's letter of response to the initial project application detail dated 14 October 2009 and Council's letter of response to the Environmental Assessment dated 4 November 2011 and thankyou for providing the further opportunity to comment.

Please find attached Council's detailed comments in response to the Preferred Project Report exhibition. Should you have any enquiries or wish to discuss these matters further, please telephone Nicole Ashton, Senior Development Project Officer, on telephone 4227 7608.

Yours faithfully

David Farmer
General Manager
Wollongong City Council
Direct Line (02) 4227 7010

1. Land Use Strategy

Comments for consideration by the Director-General prior to any project approval

The site is considered to be a regionally significant employment lands resource, and Council considers the main focus of the site should be for employment purposes. The proponents have responded in the Preferred Project Report that the employment lands mix is high. The Tallawarra Lands rezoning was made a priority by Council on the basis that the site was to be used for employment purposes, and therefore from a strategic perspective, the employment lands mix is meant to be high.

The proponent asserts that the proposed school and retirement village are employment generating uses, however it is considered that these uses are more appropriately located within the residential zoned land. This will allow an increase in the overall employment generating potential of the site and preserve the B7 land for business park uses. Further, neither a school or a retirement village are considered to be consistent with the intent of the B7 zone.

2. Wollongong Local Environmental Plan 2009

Comments for consideration by the Director-General prior to any project approval

Part 6 Urban Release Areas

As Tallawarra Lands are included as an Urban Release Area in Wollongong Local Environmental Plan 2009 (WLEP 2009), the Department should ensure that satisfactory arrangements have been made for the provision of State public infrastructure prior to development consent being granted.

In addition, it is considered that the Concept Plan and associated documentation is not sufficient to satisfy Clause 6.2 Development control plan, WLEP 2009. Council expects that a site specific Development Control Plan Chapter will be developed for the Tallawarra Area in a similar manner to the current Wollongong DCP 2009 Chapters D17: Bulli Brickworks and D16: West Dapto Release Area, prior the issue of development consent.

Any staging plan forming part of the DCP should give consideration to Council's desire for the provision of infrastructure to lead the overall development of the site.

3. Traffic

Comments for consideration by the Director-General prior to any project approval

Impacts on the Local Road Network

In the Preferred Project Report, the proponent states that the additional traffic on Cormack Avenue, Compton Street and Emerson Road is not attributable to Tallawarra, however this is at odds with the findings of the Traffic Assessment. In particular the Traffic Assessment indicates an increase of over 2000 vehicles per day (vpd) on Compton Street, 5000 vpd on Gilba Road and 7000 vpd on Haywards Bay Road that are attributable solely to the development.

A number of impacted roads are local roads, which accordingly provide local access as their primary function. However under the current proposals large volumes of development generated traffic would use these roads. Some of the local roads listed above are already identified as "rat-runs". As such, the development as proposed would result in further loss of amenity and safety concerns for many local residents. Therefore Council supports the closure of Cormack Avenue north of its junction of the Princes Highway as a means of addressing the Cormack/Compton local traffic impacts as modelled (see figures 51 and 52).

Freeway Ramps

The F6 Freeway or Princes Highway is the most appropriate route for through-traffic however the proposal does not provide convenient access at this stage. It is noted in Figures 30 and 31 that the inclusion of north facing freeway ramps would result in a significant decrease in through-traffic on Cormack Avenue, Compton Street and Emerson Road.

Council understands that RMS has issues with the access on the Princes Highway southbound on-ramp which would result in potential impacts on the State Road Network. The possible deletion of this access to address the RMS concerns would result in the redirection of up to 5000 vpd onto alternate routes and access locations. With the deletion or significant scaling down of the Haywards Bay access, this volume of

redirected traffic approaches 12,000 vpd. Such redistribution of traffic will result in even greater impacts on the surrounding local road network (such as Gilba Road and Compton Street) which adds further weight to Councils issues listed above and the need for freeway ramps. The Preferred Project Report has not provided traffic modelling for this scenario or provided any plan to address these potential impacts.

In view of above, Council strongly supports the provision of the F6 north facing ramps as a means of addressing the local road impacts together with the closure of the southern section of Cormack Avenue.

Haywards Bay Road Link

It is noted that the current proposal provides an access to the development via Haywards Bay. The modelling (figures 39 and 40) indicate some 7000-8000 vpd would use this route. This volume indicates the Haywards Bay access is functioning as a major access to/from the development and the negative impacts on the residents of Haywards Bay are likely to be considerable. The Haywards Bay Road Link is not supported in its current form.

Cycling Network

On-road cycle lanes should be revised to create a space for parked cars doors to open to avoid the potential conflict between cyclists, vehicle traffic and parked cars. It is unclear from the documentation provided with the Preferred Project Report if this has been incorporated into the final design.

4. Environment

Comments for consideration by the Director-General prior to any project approval

Groundwater Modelling Assessment Report- Ash Ponds Tallawarra Lands, Yallah NSW

Human health and environmental impacts, including the health of Duck Creek and Lake Illawarra, are of major concern within the proposed development. Based on the initial report (Further Assessment of Groundwater Quality- Ash Ponds Tallawarra Lands, Yallah dated September 2010), excessive levels of contaminants such as arsenic and ammonia were found in the groundwater. The modelling assessment report has focused on ash pond No 3, whilst ash ponds No 1 and 2 have not been modelled. The proposed land use for a portion of the site in the vicinity of these ash ponds is for a school, retirement village and residential use, however this may not be appropriate given the possibility for contaminants in the groundwater. It is considered that further groundwater modelling assessment should be undertaken for ash ponds No 1 and No 2, and the results of this assessment used to determine the appropriate land use in the vicinity of the ponds.

The modelling results indicate the presence of high levels of arsenic and nitrogen species (ammonia) in the soils and groundwater at the site. Lateral movement of contaminants through the groundwater flow were also observed in the modelling results. The level of arsenic is about 100 times higher than the ANZECC water quality guidelines, and modelling results indicate that the contaminants could stay in the ecological system up to 100 years.

Lake Illawarra is a nitrogen limited system and high concentrations of ammonia have been recorded in the groundwater in and around the ash dam due to the coal wash that was used in the ash pond's retaining walls. There is the possibility of transportation/mobilisation of ammonia from the ash pond into the adjacent salt marsh which is a groundwater dependant ecosystem. Ultimately, the nutrients can flow into Duck Creek and Lake Illawarra where they would be detrimental to the water quality balance of the Lake and possibly contribute to the Lake's eutrophication. This is of great concern to Wollongong City Council.

Groundwater Dependent Ecosystems at Tallawarra Risk Assessment - Update

The groundwater aquifer in this lowland area is shallow, unconfined and encased within alluvial deposits not more than two metres thick. The watertable strongly fluctuates with rainfall precipitation and evaporation. The watertable is easily reached by vegetation root systems and ecosystems dependency on this aquifer is undeniable.

The discharge of elevated concentrations of ammonia and arsenic from the ash dams and their surroundings into this shallow aquifer could potentially adversely impact the existing ecosystems. Accordingly, a precautionary approach requires that the issue be further investigated and reconsidered more carefully. It is considered that the document "Groundwater Dependent Ecosystems at Tallawarra Risk Assessment – Update" should be revised to include a more thorough investigation and consideration

of the potential adverse impacts on the existing ecosystems from the discharge of elevated concentrations of ammonia and arsenic from the ash dams and their surroundings into the shallow aquifer.

Vegetation Management Plan (VMP)

As detailed previously in Council's submission dated 4 November 2011, some of the proposals outlined in the VMP are uncertain. An agreed set of performance criteria (describing percentage cover (FPC) of native species and exotic species at canopy, mid-storey and groundcover) for all vegetated patches within each zone should be included in the VPA.

It is considered that a Wollongong City Council presence at site inspections should be incorporated into Section 9 of the VMP and further, that all reports generated under this section be provided to Wollongong City Council, as well as the client.

In addition to this, the VMP should also be revised to provide sufficient detail demonstrating that the loss of 3.28 hectares of Illawarra Lowlands Grassy Woodland will be adequately supplemented.

Ecological Assessment

The Ecological Assessment should be revised to consider the impacts of the proposed new road link to Haywards Bay.

5. Landscape

Comments for consideration by the Director-General within any project approval granted

Proposed Street Trees

The following street trees listed on pages 96 – 98 of Tallawarra Lands- Landscape Plan are considered inappropriate for the site and for the long term management by Council and therefore should be deleted from the plant schedule:

Eucalyptus bosistoana, *E. eugeniodes*, *E. longifolia*, *E. robusta*, *E. tereticornis* and *E. punctata*.

6. Infrastructure

Comments for consideration by the Director-General within any project approval granted

- The construction of any new infrastructure works and utility services should integrate with existing infrastructure and other services both within the road reserve and within other Council owned or controlled land.
- Construction of any utility related structures should take place outside of Council's road reserve. More suitable locations such as public reserves or private property with easements are recommended.
- The proposed staging of the new infrastructure construction works should address how continued development construction work will continue and be compatible with either existing or newly completed and occupied infrastructure works to avoid vehicular / vehicular and pedestrian / vehicular conflicts.
- Any construction works located in, on, over or to and from a public road reserve will require Council consent under section 138 of the Roads Act 1993.

7. Recreational Facilities

Comments for consideration by the Director-General prior to any project approval

The design of the centrally located Public Recreation park should make provision for 50% of the area as active recreation, with a minimum of 2 sportsfields, and a further 50% of the area dedicated to passive recreation (including car parking). The recommended dimensions of each sportsfield and the buffers between adjacent sportsfields, and sportsfields and the site perimeter should meet specified Council criteria.

8. Social Planning

Comments for consideration by the Director-General within any project approval granted

Lot Sizes

It is considered appropriate that the proposal incorporates the creation of a range of superlots, which in turn would then allow a variety of housing types including townhouses and multi-residential developments and thus provide a range of housing densities.

In considering Australian Bureau of Statistics (ABS) based forecast data showing current and future demographic profiles in growth areas, and also giving consideration to the Illawarra Regional Strategy, subdivision layout ratios for the proposal should be around 50% for detached housing and the remaining balance an assortment of allotments.

It is noted that Development Applications for the future subdivision of land in the Northshore, Central and Lakeside Precincts will be required following any approval of the Tallawarra Lands proposal. Based on ABS data and Council's ID.forecast data showing current and future demographic household profiles for the area, it is expected that any future Development Application for residential subdivision will propose layouts showing a variety of allotment sizes appropriate for the provision of a variety of household types and housing densities.

9. Subdivision

Comments for consideration by the Director-General within any project approval granted

The following items are considered essential in ensuring that the development can be undertaken generally in accordance with the requirements of Wollongong Council's Subdivision Code. This will ensure that future assets handed over to the Council will comply with Council's accepted standards.

- Road Network
 1. The road network and width should be designed in accordance with Council's Development Control Plan 2009 Chapter B2 Sections 20, 21, and 22.
 2. All road design and construction works should comply with the requirements of Council's Subdivision Code and the requirements of Austroads and the RTA Road Design Guide.
- Bulk Earthworks

It is noted that 320,000 cubic metres of fill is proposed to be imported into the site. Results from the groundwater monitoring for the nearby Haywards Bay coalwash emplacement have indicated a gradual rise in the nitrogen / ammonium levels in the groundwater. The use of coalwash is not supported in areas affected by groundwater or in deep emplacements where anaerobic decay is likely.
- Soil and Water Management

Although dependant on individual staging requirements and the extent of the proposed works, all soil and water management on site should be undertaken in accordance with the requirement of the 'Blue Book', Landcom's 'Soils and Construction' Manual. Soil and Water Management Plans, ongoing maintenance and monitoring and reporting requirements should be provided at Construction Certificate stage, including those stages relating to bulk earthworks. All environmental assessment reports should be considered in the preparation of these documents.

10. Heritage

Comments for consideration by the Director-General prior to any project approval

Given the history of the site and the potential significance of the archaeological resources on the site, the management of these sites following the approval of the concept proposal is considered inappropriate. This is because there is an assumption that the removal of any archaeological finds is a matter of course following approval of the concept plan. This does not allow for the potential retention of relics where these are found to have a very high level of significance. Further comment and consideration of these aspects should be made in consultation with the Office of Environment and Heritage prior to any approval of development on the site. It is Council's view that all archaeological assessments recommended for the development site should be undertaken prior to the finalisation of development plans.

It is also noted that the Heritage Impact Statement recommends that all heritage features be avoided where possible. The proposed development does little to demonstrate why further retention is not possible and appears not to have accounted for the results of the archaeological assessments (both Indigenous and non-Indigenous) in finalising the proposed development plans. This further reinforces the need to better understand what is being impacted prior to an approval being granted.

The preparation of a Heritage Management Plan is supported and should cover all aspects of the heritage significance of the site. This should allow for the retention and conservation of significance.

It is also strongly recommended that the applicant should be required to develop a Heritage Interpretation Plan for the site and to implement the recommendations of this Plan during the course of the development. The plan should detail significant aspects of the sites history and provide for interpretation of the significant aspects found and where necessary, disturbed by the proposed development.

In summary, the assessment of archaeological sites (both Indigenous and non-Indigenous) noted in the current reporting should be undertaken prior to approval of the concept plan phase so as to ensure these issues can be managed according to significance. The findings of these assessments should then be used to refine the proposed plans to avoid potential impacts on significant relics and/or significant Aboriginal sites. The potential significance of archaeology on the site should not be underestimated. If approval is granted, contingencies should be made to allow for modification of the plans to avoid significant archaeological sites, if these are identified through the archaeological assessments undertaken on the site.

A Heritage Management Plan should be developed for the site as recommended in detail by the NSW Heritage Council. In addition, a Heritage Interpretation Plan should be required to be developed by the applicant and the recommendations and outcomes of this should be incorporated in any future development of the site. The plan should provide for the interpretation of the history of the site and any significant sites/features identified within it.

11. Proposed Roads through E2 zoned land

Comments for consideration by the Director-General prior to any project approval

Council is willing to enter into a contractual arrangement to facilitate the required road infrastructure within land zoned E2 - Environmental Conservation. The arrangement will be conditional on all relevant environmental issues being addressed in a manner satisfactory to Council and that the required approvals are obtained prior to commencement of works including detailed design approval from Council.

The form of the arrangement is proposed to be initially an exchange of letters which would then be replaced if a Voluntary Planning Agreement (VPA) is entered into between Council and the applicant in the future. A formal Road Construction Deed as proposed is not considered necessary.

It is considered that the arrangement could not be entered into until all traffic modelling and road network issues are resolved in a manner satisfactory to NSW Roads & Maritime Service (RMS) and Council.