

# **ILLAWARRA REGIONAL BUSINESS PARK**

Prepared for  
Delmo Albion Park Pty Ltd

## **PREFERRED PROJECT REPORT AND STATEMENT OF COMMITMENTS**

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# INTRODUCTION

## INTRODUCTION

In July 2007, a Study in Support of State Significant Site (SSSS) and Concept Plan Environmental Assessment Report (EAR) were submitted to the Department of Planning under Part 3A of the Environmental Planning and Assessment Act for the development of the Illawarra Regional Business Park at Albion Park.

The documents have been publicly exhibited and submissions have been received on the proposal. A summary of these has been provided to the proponent. Section 75 (6) of the Environmental Planning and Assessment Act provides as follows:

*(6) The Director-General may require the proponent to submit to the Director-General:*

- (a) a response to the issues raised in those submissions, and*
- (b) a preferred project report that outlines any proposed changes to the project to minimise its environmental impact, and*
- (c) any revised statement of commitments*

This report contains the response of Delmo Albion Park Pty Ltd to the issues raised and outlines the proposed changes to the project as a result of the examination of the submissions. In relation to certain matters, additional information is provided which it is considered resolves the issues identified. Where necessary, changes to the project are proposed.

This report is accompanied by a separate A3 Volume (The Plans) containing plans, diagrams and photomontages of the project, these are referred to in this report.

The Department of Planning examined the SSSS and EAR and the submissions which were made on it and produced a summary list of the submissions. When this was received, meetings were held with Shellharbour Council, the Roads and Traffic Authority, the owners of Ravensthorpe and the Department of Planning in an effort to resolve the major matters which had been raised. As a result of these meetings and the submissions the major issues were addressed and these are dealt with in this report.





# SUMMARY OF KEY ISSUES

## 2.1 Background

This section addresses the key issues which have been raised in relation to the proposal for the Illawarra Regional Business Park as set out in the State Significant Site Study and the Environmental Assessment Report dated July 2007.

All of the issues raised in the submissions on the proposal are addressed in the table in Section 3 of this report; however some of the matters required a more detailed response and this is provided here. In some instances, additional reports have been prepared and these are included in the Appendices to this report.

## 2.2 Planning

### Background

Several of the submissions, and in particular that from Shellharbour Council, dealt with matters of detail in relation to the proposed planning controls for the site.

### Zones

It was submitted that the proposed zones for the site were not the most appropriate and this matter has been addressed as follows:

- Zone SP2 Infrastructure: As this zone occurs on the edge of the site and as there are no proposals in the Concept Plan for this area which are not permissible in the existing Rural Zone it is agreed that this section of the site could be removed from the Schedule 3 Amendment to the Major Projects SEPP.
- Zone B7 Business Park: This zone was not considered appropriate for the proposed development as it suggests a greater emphasis on office development and development of stand-alone offices. Such uses were not considered appropriate on the site because they might have an adverse impact on adjacent town centres. The current regional policy is that stand-alone office development should be concentrated in existing town centres. As a result it is agreed that the zone be altered to Zone IN2 Light Industrial and that office development should be permitted in association with another permitted use.
- Zone E3 Environmental Management: It was considered that this zone did not adequately reflect the conservation significance and future proposals for the area and as a result Zone E2 Environmental Conservation would be a more appropriate zone for the environmental management area. Council was especially concerned that the mandatory inclusion of dwelling houses as a permissible use in the E3 Zone was an issue. It is agreed that the zone should be changed to Zone E2 Environmental Conservation. However, it should be noted that it is only possible to adopt this zone for this area if parts of the Riparian Buffer area remain the IN2 Zone so that fill and flood protection works can be carried out in this area. Such works would be prohibited in the E2 Zone and are necessary to establish the initial landforms for the development. These works will enable the ongoing conservation of the adjacent area which will be zoned E2.



### Zone Boundaries

It was submitted that the zone boundary between the IN2 Zone and the E2 Zone should be altered to include the entire area of the 25m Riparian Buffer in the E2 Zone. This issue has been examined in detail and it is concluded that the implementation of this proposal would have an unacceptable impact on the proposed development. The current proposal is that the zone boundary between the IN2 and the E2 Zone runs along the top of the batter of the fill for the Business Park. This means that there is an area of 15m within the 25m buffer area which will have fill placed on it on the eastern and southern side of the SEPP 14 Wetland. This is necessary to ensure that there is access to the batter area from the lots for remediation and maintenance purposes. Further, the inclusion of this area ensures that the lots are of an appropriate area to enable development options to be considered for them. If these areas were to be included in the E2 Zone they would need to be transferred to Council, as it is intended that the area zoned conservation will be transferred to the care and control of Council. This would mean that the Business Park owners would not have access to the batter area and would not have the responsibility for its maintenance and this could cause issues over the long term. An E2 zoning of this land would also mean that the fill and flood mitigation works proposed could not be carried out as they would be prohibited by the E2 zoning. These works are necessary for the establishment of the Business Park.

In relation to the width of the buffer area, it should be noted that it is the protection granted under SEPP 14 of the wetland itself of which prevents any works within the area designated as wetland. The proposal to include the entire 25m buffer area in the E2 Zone would mean that a similar level of protection would be implemented over the buffer preventing all works in that area, including remediation. The area is currently degraded and provides no protection to the wetland. The proposals in this application will lead to a significant improvement in this area over the situation of which exists at present.

It is considered that the current proposal of the controls provided by the Riparian Buffer, and the covenants of which will be placed on the titles of the affected lots, will ensure the rehabilitation and protection of the SEPP14 Wetland and the buffer area. As a result, it is concluded that the zone boundaries should remain as set out in the proposed Schedule 3 Amendment in Appendix 2 to this report.

### Uses

Although the zones have been altered as requested and the objectives as set out in the Standard Instrument adopted, additional uses have been added to each of the zones to enable the development to proceed.

An additional objective has been added to the IN2 Zone to provide for the establishment of retail, business and office uses which are associated with another use on the site. The uses of business premises and office premises, retail and bulky goods retail have been added to the permissible uses providing they are associated with a light industrial use, depot, warehouse or distribution centre and the gross floor area for office or business premises does not exceed 50% of the gross floor area of the overall gross floor space.

In relation to the E2 Environmental Conservation Zone environmental protection works, environmental facility, recreation area, roads and wetland are the only permissible uses proposed. It is not intended that agriculture will be a permissible use in this zone.

### Height

The provision of the overall height limit for the Business Park has been re-examined and changes have been made to address the matters raised in the submissions. The overall height limit for the park has been altered to RL 26 and further height restrictions have been introduced to protect



views from Ravensthorpe and the operation of the Illawarra Regional Airport.

The overall height limit of RL 26 is likely to result in an average maximum height for buildings in the Business Park of about 16m. Finished ground levels will range from RL 8 to RL 10 with the higher areas adjacent to the airport where the airport height restrictions apply. There will be a height limit of RL 18 to the north of Ravensthorpe where the finished ground level is likely to be RL 11.

Further height restrictions have been included in the Design Guidelines and Controls to protect view corridors from Ravensthorpe.

## 2.3 Environment Issues

### Introduction

The major issues of which have been raised in relation to environmental matters of relate to the wetlands on the site, the Riparian Buffer area, natural habitat impact, and vegetation clearance.

### Wetlands

There was concern in the submissions that there was not adequate protection of the SEPP 14 Wetland and that the “northern wetland” should be included as a listed wetland in SEPP 14. An additional report has been prepared on these matters and is included in Appendix 8 to this report.

The existing SEPP 14 Wetland has been ground truthed and the proposal is that these correct boundaries should be implemented in SEPP14 by way of an amendment. The proposals in the Concept Plan provide for substantial protection, enhancement and long term management of the wetlands on the site and will provide enhancement and protection of the wetlands downstream. The SEPP14 Wetland will be protected by a minimum 25m Riparian Buffer which will be strictly managed and controlled.

The “northern wetland” is not considered to be of sufficient significance to be added to SEPP 14 as it is in fact an artificial farm dam. This area has been highly modified and degraded. However, this area, although part of the Business Park, will be in a separate title and will not be available for development. It is one of the areas within the Business Park which will be retained and managed and where building and development will not be permitted.

The “northern wetland” is not of the same conservation value or condition as the southern wetland on the site. The designation of the northern wetland as a SEPP 14 Wetland would appear (on the face of it) to establish a precedent under which all artificial and/or highly modified and degraded depressions in the general coastal landscape could be designated as SEPP 14 Wetlands.

It is also to be noted that management of the “northern wetland” is more difficult than the southern wetland because it occurs across two individual landholdings. The potential for future management of that artificial wetland for environmental and/or biodiversity conservation purposes would be considerably more problematic, and there is a significant possibility of one half of the wetland being managed for biodiversity conservation purposes while the other half is being used for the grazing of cattle. There is consequently significantly less likelihood of an environmental benefit to be derived from designation of that area as a SEPP 14 Wetland.

Designation of the “northern wetland” as a SEPP 14 Wetland, therefore, does not appear warranted given:

- its relatively small size compared to the designated SEPP 14 Wetland on the site;
- its division over two landholdings and the adverse effects of the boundary fence which bisects the wetland;
- the substantially higher density of weeds in the “northern wetland” (as compared to the southern wetland on the site); and
- the impacts of earthworks within the wetland, which have involved the excavation of a pond in the centre of the wetland and the deposition of excavated soil into the centre of the wetland.

Given those circumstances, and noting the highly artificial nature of that wetland, it is not appropriate to designate the “northern wetland” on the subject site at Albion Park as a “coastal wetland” pursuant to SEPP 14.

### **The Riparian Buffer Area**

The proposal for the development is that there will be a minimum 25m Riparian Buffer along the edge of the SEPP 14 Wetland and Frazer Creek. This area falls partly within the E3 Environment Conservation Zone and partly within the IN2 Light Industrial Zone. It is proposed that there will be special provisions within the planning instrument for the site to control development in that portion of the buffer area which falls within the IN2 Zone. There will also be covenants on the title of the lots which include Riparian Buffer areas to provide for the ongoing management and maintenance of the buffer area and its permanent management for biodiversity conservation purposes and to protect the wetland.

Within the buffer area it is proposed that there will be an initial 10m which will be rehabilitated and then a 15m area on the eastern and southern sides of the SEPP 14 Wetland where fill will be placed. This will be strictly managed and controlled and the batter will be fully rehabilitated to complement and protect the wetland.

The proposal for the development provides for greater than 25m and 40m Riparian Buffers in several areas. The only encroachment into part of the Riparian Buffer is where fill material will be placed over existing agricultural land (some of which has already been filled). It is intended that these areas will be rehabilitated as riparian and/or sympathetic native vegetation and managed in perpetuity for that purpose.

It should also be noted that the fill batter at the edge of the development will be located over existing cleared, grazed and pasture improved agricultural land. It cannot therefore be regarded as compromising the Riparian Buffer. It is also intended that fill material to be used adjacent to the wetlands and Frazer Creek in the Riparian Buffer area will be topsoil obtained from the site. No coal wash will be used in these parts of the site.

### **Natural Habitat Impact**

There is little natural habitat on the site as a result of the intensity of previous agricultural use of the site. The small areas of natural habitat present on the site are substantially modified and degraded. The Swamp Paperbark Forest to be removed is to be recreated adjacent to Frazer Creek as part of the proposals for the development and conservation of the site. Further, the Concept Plan provides for considerable rehabilitation and enhancement of natural habitats on the site. Further, there will be a substantial environmental benefit from the Concept Plan with the large area proposed for habitat restoration, rehabilitation and long term management.

## Vegetation Clearance on Business Park Site

Those significant areas of vegetation which will be retained and improved on the actual Business Park (zoned IN2) site. These are the:

- Stand of three fig trees
- Paperbark Forest at the entry to the site
- The “northern wetland”

## 2.4 Flooding

A Supplementary Flooding Report has been prepared and this is included in Appendix 4 to this report. The report addresses issues raised by Shellharbour Council in relation to loss of flood storage area, the impact of filling and the order of accuracy of the model used to predict flooding impacts.

Appendix 10 contains a letter which addresses the issue of the impact of climate change on flood potential in the area.

## 2.5 Heritage

The major issues raised in relation to heritage related to the impact of the proposed development on the adjacent listed heritage item Ravensthorpe. As a result of these concerns an additional Heritage Report was commissioned from Godden Mackay Logan to assess the heritage issues relating to the proposed development. A copy of this report is included in Appendix 3 to this report.

The Heritage Report deals with the impact of the proposed development on the Wanalama Archaeological site and on Ravensthorpe.

### Wanalama

The Heritage Report noted that the Wanalama Archaeological Site is not identified in the Shellharbour Local Environmental Plan 2000. However, it has been identified by the Tongarra Historical Society as having potential education value to the local community. Further, the homestead and buildings are also not identified in the LEP. There are three dwellings on the Business Park site and a number of rural buildings. The most significant element in the group is Marks Villa located to the rear of Ravensthorpe. It is the oldest building on the site and possibly has a construction date of c.1880 or earlier. The house has been much changed from its original construction and has been relocated from the Wanalama Archaeological Site to its present site.

The Heritage Report considered that the proposed redevelopment of the Business Park site provided an opportunity to interpret the story of Wanalama at the original site of the homestead which is now an archaeological site with footings of the original structures evident. The timber framed buildings and outbuildings relocated to the southern part of the site during World War II and added to over the years are generally in very poor condition. Due to restrictions imposed by the functioning of the airport the buildings cannot be relocated to their original site. However, the Heritage Report suggested that there would be some interpretive value in relocating one of the early farm dwellings closer to its original location. It was, however, noted that there is a strong chance that due to the current poor condition of the dwelling it may not survive the relocation attempt.

The Heritage Report also recommended that an interpretation plan be formulated during the design development process. This has been added to the list of commitments.

### Ravensthorpe

Ravensthorpe (including the grounds and adjoining workers' cottages) is identified in Schedule 3 of the Shellharbour LEP 2000. The Heritage Report identified a number of views to and from the house and gardens as part of the historic setting of Ravensthorpe. These views included:

- The view of Ravensthorpe on approach from the west along Tongarra Road
- Views of the escarpment to the west and northwest from the house and gardens
- Narrow framed views of the escarpment to the north from the entrance driveway and the adjacent garden along the eastern side of Ravensthorpe

The Heritage Report concluded that these views should be protected in the proposed development. This could be done by the following changes to the proposal:

- Include the area to the west of the site between Ravensthorpe and Frazer Creek in the Riparian Buffer, plant it with grass and sedgeland and give it to the management of Shellharbour Council
- Establish a building line by the northwestern extension of a line joining the corner of the Ravensthorpe homestead with the northwestern boundary corner
- Provide appropriately scaled and selected planting in a strip immediately to the north of the northern boundary of Ravensthorpe and extended to the west
- Provide a view corridor of 21.7m in width limiting the height of buildings as follows:
  - RL 18 between 100m and 230m
  - RL 21 between 230m and 360m
  - RL 23 between 360m and 450m
- Manage the height of screen planting in the vicinity of this view corridor to maintain the views of the escarpment
- Establish a building line setback of 25m to the north of the existing boundary of Ravensthorpe and provide landscaping and parking in this zone
- Retain the landscape batter of 12m to the rear of Ravensthorpe

These changes have been incorporated into the preferred project.

### 2.6 Traffic

A Supplementary Traffic Report has been prepared and is included in Appendix 5 to this report. The report provides additional information in relation to the traffic impact assessment which was carried out for the project and responds to the submissions which were made on traffic issues. The report found as follows:

- The proposed development is unlikely to generate additional demands on the Princes Highway/Illawarra Highway intersection and hence does not contribute to the need for further intersection upgrades
- Seagull treatments at the intersections of Tongarra Road with Station Road and Croome Road would satisfactorily address the additional demands generated by the proposed development. This could be achieved by line marking within the existing road pavement
- The analysis in relation to site access from Tongarra Road in the July 2007 EAR is

considered appropriate

- The Tongarra Road cycleway can be upgraded with s94 Contributions and is identified in Shellharbour Council s94 Plan

No major changes are proposed to the application as a result of the additional traffic analysis, which has been carried out.

## 2.7 Design Guidelines and Controls

As a result of some of the matters raised in submissions and subsequent changes made to the Concept Plan for the site, the Design Guidelines and Controls have been revised and strengthened. A copy of the revised Guidelines and Controls is included in Appendix 2.

The Guidelines now include a summary of the Concept Plan as background information, and both the Landscape Management Plan and the Water Cycle Management Plan have been revised and updated. The background information has been added to ensure that a full picture of the proposed Business Park will be available for applicants wishing to lodge development applications in the future.

## 2.8 Illawarra Regional Airport

Additional information has been prepared in relation to the operation of the Illawarra Regional Airport. This report is included in Appendix 6 to this report.

### Upgrading of Airport

Airport consultants, the Ambidji Group, have concluded that it would be most unlikely that the Illawarra Regional Airport (IRA) could be upgraded to Code 3C status as the existing topographical, community and infrastructure constraints would require significant capital investment to overcome.

Particularly, the length and strength of the main runway would need to be increased to meet minimum standards, as well as an allowance made for a Runway End Safety Area at each end of the main runway. The flight strip would also need to be increased to 150 metres either side of the existing main runway centreline to support runway-aligned non-precision instrument approaches down to the lowest possible minima. The increases in runway length and flight strip width would require a detailed re-evaluation of the surrounding topography and publication of new Obstacle Limitation Surface Plan (OLS) and PANS-OPS charts before any assessment could be made as to whether jet aircraft could safely operate into/out of IRA. Jet aircraft operations would also require new runway-aligned instrument approach procedures that may not be possible given surrounding terrain constraints on both the approach and missed approach paths. On preliminary analysis, it would appear that the increased flight strip width of 150 metres may also require redevelopment of the existing taxiways, terminal and hangar areas in order to ensure the integrity of the OLS is maintained.

All of the above works would require significant capital investment and community consultation by Shellharbour City Council (SCC) and, considering the number of jet aircraft operations likely to be attracted to servicing IRA, particularly in the short to medium term timeframe, Ambidji considers the business case supporting this level of capital investment by SCC may be hard to justify. Furthermore, considering the level of community consultation required and the complexity of the airport environment, it could be expected that the proposed master planning process would take a minimum of three years, while the implementation and redevelopment of the airport precinct could well take several more years on top of that.

Any proposed upgrade to IRA beyond the current Code 2C may facilitate increased services by the higher-end turbo-prop aircraft, such as the Q400, Saab 340 and Jetstream 41. However, given the current and acute shortage of pilots, many airlines are re-evaluating their air services to regional destinations and cancelling services to the less profitable airports in order to make pilots available for the more trafficked routes. Until the pilot shortage crisis is resolved, Ambidji considers that it would be most unlikely that regional airlines would be attracted to open up new air services unless the operating economics were overly compelling.

### **Shellharbour Council Views**

Shellharbour Council has not carried out (or has not made available) any studies relating to a possible future upgrade of the airport and cannot give any indication whether it intends to do so in the foreseeable future. In addition, questions remain as set out above in relation to the airport's suitability for such an upgrade and whether demand will be sufficient to warrant such a significant upgrade in the short to medium term.

Council's position is that the proposed development should be completely redesigned and severely reduced to accommodate a potential future airport expansion which may not occur. Delmo Albion Park considers the request from the Council to redesign the Concept Plan to accommodate a possible upgrade of the airport to 3C to be, in effect, a resumption of land for the purposes of economic gain by the owners of the airport. The proponent reserves its rights to seek financial compensation from all parties involved in facilitating the constraints imposed by any airport expansion in response to such a material adverse impact on its ability to derive an appropriate economic return from the site.



# ISSUES RAISED AND RESPONSE

The following table sets out the response of the proponent to the submissions that were made on the application for the approval of the State Significant Site and Concept Plan for the Illawarra Regional Business Park development at Albion Park.

Abbreviations used in the table are as follows:

PPR Preferred Project Report dated November 2007

EAR Environmental Assessment Report and State Significant Site Study dated July 2007.

MATTERS RAISED	COMMENTS	REFERENCES
<b>A PUBLIC SUBMISSIONS</b>		
<b>A1 Flooding</b>		
(a) Land and home could be directly affected by the 1% flood event	The flood study results indicate that the development will not have significant impact on flood levels. Reference to the flood report and Appendix G illustrates the predicted flood levels. What is important is that additional land area and property is not impacted during the 1% AEP because of this development.	Appendix G to the Flood Modelling Report Post Development (Appendix 10 EAR) Report illustrates the predicted flood levels. A drawing can be prepared to highlight the non-impact in certain areas if the location of this property is known.
(b) Raw sewerage inundation from pumping station (no. 0505) could result if power was to fail during a flood event	The development does not increase the risk associated with power failure to the sewage pumping station.	Appendix 10 EAR
(c) Reeds in and on the banks of Frazer Creek and in the adjacent low lying areas may slow water flows and accentuate flood levels	The flood modelling has taken into account the existing and proposed planting and vegetation in the flood plain. The effects of vegetation on and planting have been included in the study. The final flooding levels allow for vegetation and planting in the flood plain.	Appendix 10 EAR S 4 to s 6
(d) Impact on flood levels of development together with the F6 extension	The effect of the proposed F6 extension should be modelled by the RTA. It is considered that any impact from the proposed F6 extension is not adversely exacerbated by this development. Note that it is likely that the proposed F6 extension may be constructed in part as a viaduct to mitigate impacts on flood levels.	
(e) The Illawarra Highway currently floods with heavy rain. Drainage and run off from the proposed development into Frazer Creek will increase this flooding	The flood study and report illustrates that the impacts from the proposed development are negligible. Note that flooding on the Illawarra Highway is an existing issue and is not exacerbated by this proposal.	Appendix 10 EAR



# 3

## ISSUES RAISED AND RESPONSE

(f) Drainage off site and impact on Tongarra Rd and the Illawarra Highway	The stormwater drainage from the site is collected in a managed system and directed into Frazer Creek. Stormwater runoff is not directed to Tongarra Road or the Illawarra Highway.	PPR Appendix 2 Design Guidelines and Controls; Appendix 2 Stormwater Drainage Plan
(g) When the Illawarra Highway floods traffic uses the Princes Highway, Tongarra Rd and Station Rd which causes heavier vehicle flows than usual	This is an existing situation that is not exacerbated by the development.	
(h) Disagree with assessment indicating the site will be able to operate relatively free of flood problems	A comprehensive flood study has been completed using latest available survey and historical flooding information. The model illustrates that the flood levels are lower than the proposed building floor levels and road levels.	Appendix 10 EAR
(i) Seek up grade of Tongarra Rd between Station Rd and Albion Park Rd to avoid flooding	Flooding in this area is an existing problem and the development does not exacerbate this situation.	
(j) Existing flooding issues in the area will be worsened, particularly problems with the Illawarra Highway	The flood study illustrates that the flooding on the Illawarra Highway will not be significantly impacted on by the proposed development.	Appendix 10 EAR
(k) Surface water currently travels through open drains and then flows into the rear of 34 Station Road before travelling towards Oak Flats. The proposed development will worsen this.	The proposed development does not impact surface water flows at the rear of 34 Station Road. The study illustrates that the flood levels are not significantly impacted and existing problems are not exacerbated.	Appendix 10 EAR
(l) Tongarra Road currently floods, run off from the proposed development will worsen this	The flood study illustrates that the flooding on Tongarra Road is not significantly impacted by the proposal.	Appendix 10 EAR
<b>A2 Traffic</b>		
(a) Concerned about increase in traffic	Traffic analysis has shown that future traffic flows, including the traffic generated by the development, can be accommodated on the surrounding road network and existing/future intersections continue to operate with a satisfactory level of service.	Appendix 17 EAR
(b) Tongarra, Station and Croom Rds are not suitable to accommodate increased traffic from this development in addition to increased housing in Albion Park and Tullimbar	See above.	
(c) One vehicle access point on Tongarra Road, near the crest of a hill, is not sufficient	The Traffic Study has shown that the proposed signalised access into the site would operate with a good level of service in the future.	Appendix 17 EAR PPR Appendix 5 Supplementary Traffic Report
(d) Vehicle flow on Tongarra Road would be increased to an inappropriate degree	Future vehicle flows on Tongarra Road which include background traffic growth and traffic generated by the development would remain below the mid block capacity of this road.	Appendix 5 PPR

(e) Seek the widening of Tongarra Rd to increase capacity and traffic conditions in the area	Tongarra Road is a State road under the shared control of the RTA and Shellharbour Council. The RTA have confirmed the widening of Tongarra Road is not on their current 10 year construction program. Further, the proposed highway bypass would change traffic conditions markedly in the area removing through traffic from surrounding roads.	Appendix 5 PPR
(f) Seek the implementation of plans for the expressway extension and township bypass	This is outside the scope of this development and this request should be directed to the RTA. The RTA was consulted during concept design stages to determine if vehicle access to a bypass could be achieved. However, the project has not yet been designed or funded and thus access to the site via the bypass cannot be provided at this stage.	
(g) Disagree with the increased traffic impacts of the development	The traffic impact analysis has been based on open and transparent calculations and recommended RTA traffic generation rates.	Appendix 17 EAR
(h) Object to increased traffic	The development represents a good opportunity to provide employment in the immediate area which would have a positive impact on traffic conditions, reducing long-distance work-related trips.	
(i) Additional heavy vehicles will worsen air quality in the locality. Roads should be widened to disperse fumes additional traffic will cause.	There is not expected to be a major increase in heavy vehicle traffic as a result of the development.	Appendix 17 EAR
(j) Local roads are incapable of accommodating the predicted traffic increase.	The site benefits from having direct access to a State road. Traffic can travel to and from the site using only State or Arterial roads which negates the need to use local roads.	
(k) Road needs to be upgraded.	Tongarra Road is a State road under the shared control of the RTA and Shellharbour Council. The RTA have confirmed the widening of Tongarra Road is not on their current 10 year construction program. Further, the proposed highway bypass would change traffic conditions markedly in the area removing through traffic from surrounding roads. The RTA has recently installed traffic signals at the Illawarra/Princes Highway intersection as a staged approach to addressing existing capacity constraints at the intersection.	
(l) One access point via Tongarra Road is not sufficient.	The proposed signalised access into the site would operate with a good level of service in the future.	Appendix 17 EAR
(m) The proposal should not proceed until access from the planned Illawarra Highway bypass can be created.	The development of the site is not dependent on the provision of the planned Illawarra Highway bypass.	
(n) One access point at Tongarra Road is insufficient.	The proposed signalised access into the site would operate with a good level of service in the future.	Appendix 17 EAR

# 3

## ISSUES RAISED AND RESPONSE

(o) Tongarra Road currently runs at capacity at times, it is not adequate to accommodate the development.	Tongarra Road is currently under capacity, having regard to RTA recommended mid block traffic flow capacities. The traffic generated by the development would not exceed the recommended capacity for Tongarra Road.	Appendix 5 PPR
<b>A3 Environment</b>		
(a) Concerned about pollution and natural habitat impact	<p>Issues relating to “natural habitat impact” have been dealt with at length in the Whelans InSites Reports. In particular:</p> <ul style="list-style-type: none"> <li>• there is little “natural habitat” on the subject site as a result of the intensity of previous agricultural activities;</li> <li>• the small areas of “natural habitat” present on the site are substantially modified and degraded;</li> <li>• the Swamp Paperbark Forest to be removed is to be recreated adjacent to Frazer Creek as part of the proposal;</li> <li>• the Concept Plan provides for considerable rehabilitation and enhancement of “natural habitats”; and</li> <li>• the Concept Plan will provide a substantial environmental benefit (including 27 ha of habitat restoration, rehabilitation and long term management).</li> </ul>	<p>Appendix 6 EAR</p> <p>S 1.2</p> <p>S 2</p> <p>S 3.3.2</p> <p>S 5.2;</p> <p>Tables 1 &amp; 2</p> <p>Appendix 12</p> <p>S 4</p>
(b) Environmental impacts such as biodiversity loss and air pollution, particularly with regards to pollution trapped in the Albion Park Valley from the Port Kembla Steel Works	<ul style="list-style-type: none"> <li>• See above.</li> <li>• Biodiversity on the site will be substantially enhanced and increased as a result of the project, through: <ul style="list-style-type: none"> <li>• the rehabilitation of approximately 27ha of currently degraded or modified vegetation and agricultural lands;</li> <li>• the inclusion of native plants from the vicinity that are not currently present on the site in the rehabilitation works; and</li> <li>• the provision of natural habitats and resources which will attract native fauna (especially birds and insects) which will per se increase biodiversity and which will also introduce other native plants to the site.</li> </ul> </li> </ul>	<p>Appendix 6 EAR</p> <p>S 4</p> <p>S 5</p>
(c) Wetlands on the site should be provided with greater protection	<ul style="list-style-type: none"> <li>• The wetlands have no protection under the current circumstances. The proposal provides for substantial protection, enhancement and long term management of the wetlands on the site, and will provide enhancement and protection for wetlands downstream.</li> <li>• Protection for the wetlands is primarily a function of proper management, not distance from development or “buffers”. Appropriate vegetation and ongoing management of the “buffers” and of stormwater discharges, is part of the Concept Plan.</li> </ul>	<p>Appendix 6 EAR</p> <p>S 4</p> <p>S 5</p> <p>Appendix 12</p> <p>S10</p>

	<ul style="list-style-type: none"> <li>Wetland protection is provided by: <ul style="list-style-type: none"> <li>a minimum 25m setback of development from the wetlands, other than the placement of fill to within approximately 15m on the eastern and southern sides of the main SEPP 14 Wetland. This will be strictly managed and controlled, and the batter is to be fully rehabilitated to complement and protect the wetland;</li> <li>the imposition of a covenant on those parts of the batters in private ownership to ensure their permanent management for biodiversity conservation purposes and to protect the wetland; and</li> <li>the implementation of a comprehensive and dedicated Vegetation Management Plan (VMP) for the wetlands and the setbacks.</li> </ul> </li> </ul>	
(d) Impact on the conservation of the Juncas Rushland Wetlands	See (c) above.	
<b>A4 Infrastructure</b>		
(a) There is a lack of infrastructure to accommodate the Business Park	The existing infrastructure has been examined and the report highlights areas that will need to be expanded or extended in conjunction with this development. Infrastructure will be developed to suit the site as required.	Appendix 16 EAR
(b) Concern regarding the amount of new and planned development in the area and funding additional infrastructure to accommodate these	Infrastructure upgrades will need to be funded depending on requirements of the utility companies. It is anticipated that this will be a mixture of private and public funding as is normal for these types of projects. S 94 Contributions will be made to Council under the requirements of their S94 Contributions Plan (as is required for all development) for funding additional infrastructure in the area.	S6.12 EAR and Appendix 16 EAR
<b>A5 Visual</b>		
(a) Disturbance of rural outlooks and amenity of properties	The proposal is for the development of a light industrial area and as such there will be some impact on the rural outlooks. However, the visual analysis showed that the remaining vegetation in the area will screen views of the development from the higher residential areas.	EAR S 7.6
(b) Detriment to the visual amenity and scenic quality of the area	The proposed Design Guidelines will be applied to ensure that the development of the site implements certain objectives in relation to the appearance of the new built form.	Revised Design Guidelines and Controls Appendix 2 PPR
(c) The proposal detriment the outlook and views of hundreds of homes.	See above.	
(d) The proposed development will detrimentally impact on the visual amenity of Ravensthorpe.	The Heritage Report has identified the significant views to and from Ravensthorpe and has provided advice that has led to the establishment of an area of environmental protection (grassland/sedgeland) to the west of Ravensthorpe, the establishment of a building setback line to the north and northwest of Ravensthorpe and the	S 2.1 Heritage Report Appendix 3 PPR

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	limiting of building heights within an area of 100m from Ravensthorpe. A view corridor towards the escarpment to the north was identified and a view plane established. In this corridor, heights are limited so they do not intrude above the view plane. These measures, in conjunction with carefully selected landscaping just north of Ravensthorpe, will successfully mitigate impacts on significant views.	
<b>A6 Ravensthorpe</b>		
(a) Impact on heritage significance and setting of Ravensthorpe	<p>The significance of Ravensthorpe has been reviewed and issues related to its setting identified and managed. An area of environmental protection (grassland/sedgeland) has been established to the west of Ravensthorpe. Building setback lines to the north and northwest of Ravensthorpe have been established. Building heights within 100m of Ravensthorpe have been limited to RL18, 100mm below the height of a 2.1 metre acoustic barrier to be erected along Ravensthorpe's northern boundary by Ravensthorpe in accordance with their DA approval.</p> <p>A view corridor and associated view plane towards the escarpment to the north has been established. Heights in this corridor are limited so as not to extend above the established view plane. This, in conjunction with carefully selected landscaping north of Ravensthorpe, will mitigate impacts on the significant views.</p>	Heritage Report S 2.1 Appendix 3 PPR
(b) Impact on the conservation of the Ravensthorpe property	There will be no impact on the fabric of Ravensthorpe. The potential impacts on setting, views and significance have been addressed as described above (A5(d) and A6(a)).	Heritage Report S 2.1 Appendix 3 PPR
(c) The proposal will detrimentally affect the visual amenity of the Ravensthorpe property. Buildings up to 20m in height will destroy views and overshadow the grounds of the property	The potential impacts on setting and views have been addressed as described above (A5(d) and A6(a)). The maximum building height has been reduced to RL 26 (which would allow a maximum building height of 16m) and any buildings of RL 26 in height are distant from Ravensthorpe and will not be dominant in views to or from the heritage item. These can be further screened by some planted screening of a limited height.	Heritage Report S 2.1 Appendix 3 PPR
(d) Construction impacts such as noise, dust and traffic will deter customers from the Ravensthorpe Guesthouse and Restaurant, particularly wedding reception facilities	Construction impacts will be managed and all development will need to take place under the provisions of an approved construction management plan which will set out hours for work.	Revised Design Guidelines and Controls Appendix 2 PPR
(e) The completed development will compromise the long term economic viability of the Ravensthorpe business	The potential impacts on setting, views and significance have been addressed as described above (A5(d) and A6(a)). The implementation of these measures should ensure there are no adverse impacts on Ravensthorpe.	Heritage Report S 2.1 Appendix 3 PPR

(f) Without the Ravensthorpe business the heritage listed property is likely to suffer decline	The current use of Ravensthorpe is compatible with the heritage significance of the place but is not the only compatible use. However, the potential impacts on setting, views and significance have been addressed as described above (A5(d) and A6(a)) and this will provide for an appropriate setting where the current use can continue.	Heritage Report S 2.1 Appendix 3 PPR
(g) The proposed development will detrimentally impact on the visual amenity of Ravensthorpe	The potential impacts on setting and views have been addressed as described above (A5(d)).	Heritage Report S2.1 Appendix 3 PPR
(h) The construction impact of the development will harm the Ravensthorpe business.	Construction management plans will be required to assess and ameliorate any impacts on adjoining properties.	Revised Design Guidelines and Controls Appendix 2 PPR
(i) The proposed development will have a detrimental impact on the livelihood of the Ravensthorpe business	See above (e).	
(j) Noise from passing trucks will detrimentally affect the property's functions as a guesthouse.	The Acoustic Report has dealt with noise impacts and has concluded that the measures proposed will prevent adverse impacts. Ravensthorpe has yet to erect its acoustic barrier required under their DA approval.	EAR Appendix 18 Appendix 7 PPR
(k) Construction impacts, such as noise, dust and traffic will deter business from Ravensthorpe.	These matters will be dealt with in the Construction Management Plans prepared to accompany development applications.	Revised Design Guidelines and Controls Appendix 2 PPR
(l) The proposal will detrimentally impact upon the amenity and views of Ravensthorpe	The potential impacts on setting and views have been addressed as described above (A5(d)).	
<b>A7 Zoning</b>		
(a) Controls for applications to develop lots should be in the Concept Plan.	The Concept Plan includes the Design Guidelines and Controls which provide the development controls for individual lots.	Appendix 2 PPR
(b) The site should not be rezoned for industrial use or development in its present form should not be allowed to proceed.	The rezoning of the site for industrial use will provide much needed jobs in the region. The current use of the land is not viable and the EAR has shown that the development for industrial use can be achieved without significant adverse environmental impacts.	EAR
(c) Business development, commercial activity or tourism would be more appropriate for the site.	The proposed zoning would allow forms of this type of development to occur on the site.	Appendix 1 PPR
(d) There are more appropriate uses for the proposed development site including business, commercial or tourism	A wide range of uses will be permitted on the site including business uses associated with an industrial use and hotels.	Appendix 1 PPR
<b>A8 Height</b>		
(a) Building heights up to 20 metres are excessive and will overshadow Ravensthorpe.	The height limit for the Business Park has been reduced to RL26 with an area of RL 18 adjacent to Ravensthorpe. As the finished ground level is likely to be about 8 -10m (11m around Ravensthorpe) building heights are unlikely to	PPR S 2.2 Appendix 1

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	exceed 16m. Further, the lower parts of the site are adjacent to the airport where additional height restrictions apply.	
(b) Buildings 20 metres in height will destroy views and overshadow the grounds of Ravensthorpe	See above.	
<b>A9 Other</b>		
(a) Disagree with the development of the open space	The proposals for the open space area have been developed on the basis of providing for the enhancement and protection of the important wetland and environmental conservation areas on the site. Presently the site is privately owned with no public access. The proposal provides for a significant portion of the site to be revegetated and improved and handed back to Council as public land bringing a benefit to the community.	EAR Appendix 6
(b) Disagree with buildings at the end and to the north of the east-west runway due to aircraft safety and noise	No buildings are proposed at the end of the runway. All proposals comply with the Guidelines for development of the Illawarra Regional Airport.	EAR S 9.2.6
(c) Disagree with cut and fill land grading proposed	The cut and filling has been developed to provide an area of land that is suitable for construction, protection from flooding for the buildings and allows managed drainage. The overall impact is some levelling in the vicinity of the airport and some raising of levels near Frazer Creek. The levels maintain close relationship with Tongarra Road and the airport. Earthworks will be restricted to the required areas only, existing significant trees will be retained and the number of trees increased, with improvements to infrastructure and public amenity.	Revised Cut and Fill Plan PPR Vol 2 Plans
(d) Impact on house prices	The provision of jobs in the area as well as improved infrastructure and public amenity is likely to have a positive impact on house prices.	
(e) A total of 61 lots is excessive for the site	It is proposed that only 63% of the site will be developed as Business Park and the remainder will be protected as a conservation area. The lots are of a range of sizes and have not been shown to be excessive in terms of the impacts of the proposed development.	
(f) Productive agricultural land should be maintained especially in these times of drought and climate change	The agricultural potential of the land was assessed and it was concluded that, although the land is currently used for agricultural purposes, a large area consists of wetlands and is prone to flooding. The current use does not appear to be economically viable.	EAR S 5.1.8
(g) There is an existing business park in close proximity to the proposed development	Studies have shown that there is a shortage of jobs in the area and a shortage of land for business and employment generating uses in the Illawarra Region.	Economic Assessment Appendix 11 EAR



(h) There will be no control over the type of industrial premises built on the site further to lots being sold	The type of premises built will be controlled by the zoning of the site and the list of permissible uses. Further, the Design Guidelines and Controls will provide for the built form and appearance of the developments on the site.	Appendix 2 PPR
(i) The site should not be rezoned for industrial use but rather more appropriate uses for the site would be business, commercial or tourism uses	See A7(d) above.	
(j) The development should not be allowed to proceed in its present form	See A7 above.	
(k) The proposed development is incongruent with the rural character of the area	See A7 above.	
<b>B. ALBION PARK CHAMBER OF COMMERCE</b>		
(a) Proposed buildings are not sympathetic with the surrounding area. Do not agree with the inclusion of buildings 20m in height, particularly the types of employment uses such will be able to accommodate	The maximum height has been reduced. See A8 above.	
(b) Aesthetic and economic impact on Ravensthorpe Guesthouse and restaurant will be unacceptable	These issues have been addressed. See A5 and A6 above.	
(c) Seek exclusion of service station due to eight currently in the area	Service station is just a suggested use for the site. There are no concrete proposals at this stage for a service station although it will be a permissible use on the site.	
(d) No 24 hour truck usage as these would need to travel through urban areas to access the site	The acoustic impacts of truck movements have been addressed and measures to ameliorate impacts dealt with in the Acoustic Report. Allowing vehicles regular access to the site will be crucial to the success of the Business Park and will attract occupants.	EAR Appendix 18  PPR Appendix 8
(e) Seek a 100m buffer/curtilage to be created around the Ravensthorpe property precinct to protect its amenity and heritage significance	A 100m area containing no buildings is not considered to be necessary to protect the heritage values of Ravensthorpe. Through a combination of environmental zoning and building setback lines, there will be no buildings to the west and northwest of Ravensthorpe. Buildings will be setback 25m from Ravensthorpe's northern boundary (and limited in height within 100m of this boundary) so that they will not be visible in historically and aesthetically important parts of the Ravensthorpe garden. Some views of these buildings may be available from less important parts of the garden but will be screened by appropriately scaled and selected planting to the north of Ravensthorpe's boundary. It should be noted that a heritage study carried	Heritage Report S 2.1 Appendix 3 PPR

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	out for the owners of Ravensthorpe and lodged with their DA found that there was no need for a curtilage. The current proposal provides one contrary to Ravensthorpe's own previous recommendation.	
(f) Seek protection of the view corridor from Ravensthorpe to the west and north west to preserve the existing view of the escarpment	The potential impacts on setting and views have been addressed as described above (A5 and A6).	Heritage Report S 2.1 Appendix 3 PPR
(g) Seek landscaping to create a visual barrier around the site screening development from approaches to Albion Park from the Illawarra Highway and Tongarra Rd	The site will be extensively landscaped and much of the existing vegetation will remain on the site. This will provide a visual barrier at the entrance to the site on Tongarra Road and the conservation area will protect open views from the Illawarra Highway.	Revised Design Guidelines and Controls Appendix 2 PPR
(h) Seek a height limit of 7-10m on the southern end of the site and the siting of any 20m buildings to the north of the site	The height limits on the site have been reviewed. See A8 above.	
(i) Only office development and accommodation (hotels, serviced apartments or motels) be permissible for the 20m buildings	The heights have been revised on the site and the maximum height of buildings has been reduced. See A8 above.	
<b>C TONGARRA HERITAGE SOCIETY INC.</b>		
(a) Seek preservation of small area of land surrounding a remnant silo and three fig trees (between the airport runway and the wetlands) which is the former site of the original Wanalama/ Marks Villa homestead	The land containing the remains of the Wanalama homestead footings, garden, fig trees and silo has been set aside in the concept plan for interpretive purposes.	Heritage Report S 2.2 Appendix 3 PPR
(b) Suggest the creation of a community park to protect the heritage significance of the site and improve the amenity of the area	The land containing the remains of the Wanalama homestead footings, garden, fig trees and silo has been set aside in the concept plan for interpretive purposes. The intention is to move the original portion of the homestead (Marks Villa) to close to its original location of use as small café and interpretive centre. It should be noted that this is dependent on the structural stability of the house which shows evidence of termite damage and rot.	Heritage Report S 2.2 Appendix 3 PPR
<b>D SYDNEY WATER CORPORATION</b>		
(a) The proponent will need to obtain a section 73 Compliance Certificate from Sydney Water to confirm infrastructure requirements can be satisfied and payment of Sydney Water charges	This is a normal requirement of Sydney Water and will be completed during the development process.	
(b) Landscaping should avoid the inclusion of tree species likely to damage Sydney Water Pipes	It is proposed to plant, as a street tree, the Jacaranda (Jacaranda mimosifolia). The Jacaranda is listed by Sydney Water as an undesirable plant because the root system is invasive and has the potential to damage underground pipes. The Jacaranda was initially proposed as the street tree for this development,	

	<p>primarily, because it does not produce a flower or fruit which attracts birds or bats, a major consideration since the site is located beside the Albion Park airport.</p> <p>Other non attractant trees were considered:</p> <ul style="list-style-type: none"> <li>• Magnolia grandiflora – listed by Sydney Water</li> <li>• Acer negundo – seeds freely and will invade nearby woodland</li> <li>• Velkova serrata – possible substitute</li> <li>• Ulmus parvifolia – under certain circumstances this tree will produce fruit that will attract birds.</li> </ul> <p>It was concluded that:</p> <ul style="list-style-type: none"> <li>• the choice for the street tree for this project is severely restricted because of the constraints imposed by the site's proximity to an airport;</li> <li>• all successful street trees will have an extensive root system, including the trees mentioned above;</li> <li>• the method of planting, especially the use of root barriers, will reduce the potential of roots damaging underground services; and</li> <li>• in regard to this project, designated service corridors have been nominated which are relatively isolated from the street tree zone.</li> </ul> <p>Therefore, the root zone will be isolated from the service corridor by a root barrier, and the service corridor will be distanced from the tree. As a result of the above the Jacaranda should not cause any adverse impacts.</p>	
<b>E ROADS AND TRAFFIC AUTHORITY</b>		
<p>(a) The RTA require electronic copies of the TRACKS model for verification. This must be accompanied by a report detailing the impact of the proposal on the surrounding road network and in particular State variations in traffic volumes to the State road network (with and without development)</p>	<p>Electronic copies (PDF) of TRACKS modelling outputs generated by CEO and Council have been included as part of the Project Application or the supplementary traffic report. MWT do not own either the Wollongong (CEO) or Shellharbour Council TRACKS model and thus further electronic copies if required should be obtained from these sources.</p> <p>Both the Project Application and Supplementary traffic reports provide an analysis and assessment of the traffic implications of development on the State road network.</p>	<p>Supplementary Traffic Report Appendix 5 PPR</p>
<p>(b) The RTA require the SIDRA analysis to consider a.m. and p.m. peak periods, existing and 10 year projects and the impact with and without development from all scenarios. The junction of the Princes Highway and Tongarra Road should also be analysed</p>	<p>SIDRA analysis has been undertaken and the results of this analysis is provided in the supplementary report. Electronic copies of all models have been included in the supplementary report.</p>	<p>Supplementary Traffic Report Appendix 5 PPR</p>

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(c) The applicant should identify any road infrastructure requirements necessary to mitigate the impacts of the proposal. The traffic assessment should identify any treatments needed in addition to current upgrades to ensure the development does not adversely impact the junction	The following road infrastructure improvements have been identified in either the Project Application or Supplementary Traffic Report: <ul style="list-style-type: none"> <li>• Signalised intersection at Tongarra Rd / Site Access intersection</li> <li>• Seagull treatment at Tongarra Rd / Croome Rd intersection</li> <li>• Seagull treatment at Tongarra Rd / Station St intersection</li> <li>• Provision of bus stop facilities on Tongarra Rd</li> <li>• Contributions for local and regional transport infrastructure as defined by Council's Section 94 plan.</li> </ul>	EAR Appendix 17 PPR Appendix 5
(d) A concept plan of the proposed access treatment on Tongarra Road must be provided. The plan shall demonstrate that sight distance can be achieved in accordance with the RTA Road Design Guide and the plan must show the property boundaries	A long section of Tongarra Road including the location of the site access and site boundary is provided in Appendix F to the Supplementary Traffic Report. The long section indicates that available sight distances are likely to be at the limit of the RTA's minimum requirements for a 80km/h road way. The location of the access has been sited as far east as possible to maximise sight distances. Ameliorative measures to consider in detailed design include advance warning signage and a speed limit reduction.	Appendix 5 PPR
(e) For any bus services that do not enter the site loop road bus bays and associated infrastructure must be provided both sides of Tongarra Road. This should be shown on the concept plan	Agreed. To be considered as part of detailed design.	Appendix 5 PPR
(f) The traffic study should outline the bus infrastructure that would be provided internally on the loop road	Bus stops would be located along the loop road. The stops would utilise the parking lane such that traffic flows can be maintained.	Appendix 5 PPR
(g) The 1.1m wide cycle way on each shoulder of Tongarra Road should be upgraded along the full frontage of the proposed development in accordance with AUSTROADS	The proposed development would be levied Section 94 contributions for cycleways including along Tongarra Road as specified by Council's Section 94 plan.	Appendix 5 PPR

### F. DEPARTMENT OF WATER AND ENERGY

#### F1 Environmental Management Area

(a) The Department recommended at an on site meeting with the applicant and their consultants that a Riparian zone be provided (both sides of Frazer Creek) 40m in the northern section of the site and 25m in the central and southern sections. The latter has not been implemented in the concept plan	Whilst the DWE recommended the 25m and 40m riparian zones (as noted), that recommendation is not a statutory requirement. Furthermore: <ul style="list-style-type: none"> <li>• the proposal provides for greater than 25m and 40m Riparian zones in several areas (Figure 6);</li> <li>• the only encroachment into part of the Riparian zone is where fill material will be placed over existing agricultural land, and subsequently rehabilitated as Riparian and/or sympathetic native vegetation and managed in perpetuity for that purpose; and</li> </ul>	EAR Appendix 12 S 10 Appendix 15 Fig 6 Appendix 12 S 10 Appendix 6 S 4 & 5
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	<ul style="list-style-type: none"> <li>Frazer Creek flows in a channel along the western side of the SEPP 14 wetland, some considerable distance (&gt;40m) from the industrial zone.</li> </ul>	
(b) The 25m EMA in the eastern section adjoining the Business Park should have been taken from the top of the right bank of Frazer Creek and extend eastwards to the toe of the fill embankment batter	<ul style="list-style-type: none"> <li>See above.</li> <li>The right bank of Frazer Creek is not the edge of the SEPP 14 wetland, but the edge of the channel on the western side of the wetland.</li> <li>Further, and most importantly, the fill batter at the edge of the development: <ul style="list-style-type: none"> <li>will be located over existing cleared, grazed and pasture-improved agricultural land. It cannot therefore be regarded as compromising the Riparian zone;</li> <li>will be rehabilitated and managed in perpetuity to provide appropriate habitat and vegetation, pursuant to the VMP; and</li> <li>will be protected by binding covenants over those parts to be in private ownership from any inappropriate use.</li> </ul> </li> </ul>	<p>EAR Appendix 15 Fig 4</p> <p>Appendix 6 S 4&amp;5</p> <p>Appendix 6</p>
<b>F2 Creek Alignment in the Southern Section</b>		
(a) The EAR refers to a realignment of the southern section of Frazer Creek, however there are no details concerning this proposal. All plans and drawings indicate the Creek and associated 25m EMA on its present alignment	<ul style="list-style-type: none"> <li>Engineering details for the re-alignment will be provided as part of future DAs. Works would be required to satisfy all relevant statutes and standards.</li> <li>Most of the plans in the Concept Plan do in fact show the re-aligned Creek, not the present alignment.</li> </ul>	<p>PPR Volume 2 Revised Plans</p>
<b>F3 Zoning</b>		
(a) DWE is of the view that the entire EMA, including wetlands, should be zoned to Environmental Conservation	<p>The zone has been altered to Environment Conservation however the boundaries have not been changed. This is considered acceptable as:</p> <ul style="list-style-type: none"> <li>Rehabilitation and management of the SEPP 14 wetland, the retained Swamp Paperbark vegetation and the Riparian zones is ensured as an integral part of the Concept Plan;</li> <li>that part of the northern wetland not included in the zone is highly modified and degraded;</li> <li>small areas of properly managed land use in those parts of the zone outside the designated conservation areas is not incompatible with the proposed conservation management regime; and</li> <li>the current proposal represents a substantial and unprecedented contribution to biodiversity conservation. A further "land claim" in this regard is unreasonable.</li> </ul>	<p>EAR Appendix 15 S 6.3 Appendix 12 S10 Appendix 6 S 4 &amp; 5 Appendix 15 S 4 Appendix12 S 4 PPR S 2.3</p>
(b) Strongly recommends that a separate and specific environmental protection zone be assigned to the entire EMA to align with the natural resource outcomes and actions established in the DOP Illawarra Regional Strategy	<ul style="list-style-type: none"> <li>See comments in (a) above.</li> <li>The natural resource outcomes and activities in the DOP Illawarra Regional Strategy will be implemented (and exceeded) by the proposed IRBP.</li> </ul>	<p>EAR Appendix 15 S 6.4</p> <p>PPR S 2.3</p>

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<b>F4 Revegetation</b>		
(a) Strongly recommends that the revegetation program whilst scheduled for Stage 1 should commence and be ongoing to its uninterrupted conclusion in respect to site preparation and planting establishment phase. DWE do not support it being staged on the same timetable as the civil works program due to the detrimental impact this is likely to have on plant growth and maturation of the Riparian corridor	<ul style="list-style-type: none"> <li>• The VMP indicates that revegetation will commence at the initiation of Stage 1 (site preparation and earthworks) and will be ongoing from that point.</li> <li>• This is appropriate on the basis that: <ul style="list-style-type: none"> <li>• implementation of the VMP is subject to the receipt of development consent for Stage 1 of the project; and</li> <li>• implementation is dependent on the undertaking of physical works, particularly the placement of fill material and the re-alignment of Frazer Creek.</li> </ul> </li> </ul>	EAR Appendix 6 S 4.1 Tables 1 & 2
(b) The proposed Vegetation Management Plan makes no reference to supplementary watering during the planting and initial establishment phase. This is a significant omission. Should groundwater be proposed a license application under the provisions of the Water Act 1912 will need to be made to the Department	<ul style="list-style-type: none"> <li>• Supplementary watering, as required, will be included in the final VMP.</li> <li>• The current VMP is an "In Principle VMP" not a final VMP. The final VMP is to be prepared following the receipt of approval for the Concept Plan, and as part of a DA for subdivision works.</li> <li>• No groundwater use has been contemplated or is proposed.</li> </ul>	PPR S 6
(c) The proposed VMP refers to the collection of local indigenous seed from the site. Given the site has little remnant vegetation, seed should be collected from the general vicinity of Albion Park as close as possible to the revegetation site without depleting local seed resources	<ul style="list-style-type: none"> <li>• This approach will be incorporated into the VMP. The collection of species additional to those on the site would be a further biodiversity benefit.</li> <li>• Seed and other propagules will be collected from the vicinity (subject to landowner approval).</li> </ul>	PPR S 6
<b>G. STATE EMERGENCY SERVICES</b>		
(a) Vehicle access and egress for the proposed nine lots on the northern side of the east-west runway are of primary concern to SES. Flood free access should be provided to this area in the 1% AEP event with safe vehicular access in the PMF event	Flood free access to the northern area is provided during a 1% AEP flood. During an extreme and very rare PMF event the road access would be cut. Occupants in this area would be able to evacuate via the land adjacent to the development and that is above the PMF. It should be noted that this is not residential land and is for commercial/industrial use. There is adequate time and access path for occupiers to evacuate from the northern area of the development during a PMF event.	Appendix 4PPR
(b) PMF refuges proposed should not be considered to be the primary strategy for combating a lack of safe vehicular access during an extreme event	See above (a).	
<b>H. SHELLHARBOUR CITY COUNCIL</b>		
<b>H1 Proposed Schedule 3 Amendment</b>		
(a) Clause 6 Consent Authority final words do not form a sentence. Also there is no Division 3 in the Schedule	These have been removed.	PPR Appendix 1
(b) Part 4 of the Act should be referred to at cl7 – Consent Authority	It is considered that this amendment is not necessary as the provisions are clear in relation to the consent authority.	



(c) The following proposed clauses should be amended or deleted in order to be consistent with the Standard Instrument (LEP) order 2006:	These clauses have been adjusted where it was considered necessary.	PPR Appendix 1
(c1) Clause 9-Zone B7-Business Park Objective 4(a), 4(e) and subclause (4)	The zone has now been changed to IN2 Light Industrial.	
(c2) Clause 10-Zone E3- Environmental Management subclause (3) Development only with consent	The zone has now been changed to E2 Environmental Conservation.	PPR Appendix 1
(c3) Clause 11- Zone SP2- Infrastructure subclause 3- development only with consent	This land has now been removed from the rezoning as there are no proposals for the land which are not permissible in that zone.	PPR Appendix 1
(c4) Clause 12- Land Acquisition – Infrastructure Zone	This clause has been removed.	PPR Appendix 1
(c5) Clause 15- Public Utility undertakings excepted	This clause (now cl 12) has not been amended as it is considered that it reflects the intention of the amendment.	
(c6) Clause 16- Floor area restrictions	This clause (now cl 13) has been amended to reflect the Standard Instrument wording.	PPR Appendix 1
(c7) Clause 17- Building Height	This clause (now cl 14) has been amended to reduce the overall height limit, introduce a height restriction around Ravensthorpe and to change the definition of height to Australian Height Datum	PPR Appendix 2
(c8) Clause 19- Consent requirements	This clause (now cl 16) has been amended to remove the sections relating to dwelling houses and strata subdivision relating to dwellings	PPR Appendix 1
(c9) Clause 26 – Temporary use of land	It is considered that this clause provides an opportunity for uses in the Business Park such as markets and warehouse sales, which might be of benefit to the local community. As a result it is considered that it should remain in the amendment. (Now cl 23)	
(d) Objective 4(b) seeks to restrict retail uses however provides no guidance regarding interpretation or application	Zone has been changed to IN2 Light Industrial; retail uses are to be associated with another use in the Business Park and these uses have been restricted to light industrial, warehouse or distribution centre in the permissible uses list.	PPR Appendix 1
(e) retailing should be strictly controlled through planning provisions contained in the Schedule. A specific objective relating to neighbourhood shops in addition to Objective 4(d) should be inserted in to the subclause	Retailing has been restricted in the permissible uses to those associated with light industrial, warehouse or distribution centre uses. It is considered that objective (d) covers neighbourhood shops.	PPR Appendix 1
(f) Whilst office uses are a mandatory use on Zone B7, the draft Shellharbour LGA Retail and Commercial Centres Study identifies a limited demand for offices and recommends these be located in or around existing centres.	It is considered that offices should be permitted in the Business Park as they will be associated with other uses. They have been included as a permissible use provided they are associated with another use in the Business Park and where the gross floor area of offices does not exceed 50%.	PPR Appendix 1
(g) There needs to be an objective relating to “office premises” that is mandated permissible use in the zone under the Standard (LEP) Order 2006.	The zone has been changed and Objective (e) has been included and relates to office uses associated with other uses permitted.	PPR Appendix 1



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## ISSUES RAISED AND RESPONSE

(h) The objectives should be listed as sub clause (1), not sub clause (4).	This has been amended.	PPR Appendix 1
(i) No group definitions should be used in the schedule, all uses should be specifically defined.	These have been removed as requested.	PPR Appendix 1
(j) It is unclear how “amusement centres” or a stand alone “pub” promotes the site as a business park.	Amusement centres and food and drink premises have been removed as permissible uses.	PPR Appendix 1
(k) If bulky goods are permissible they should be ancillary to another activity on the site. Council would prefer to see bulky goods prohibited in the zone.	Bulky goods premises are only permitted when associated with a light industrial, warehouse or distribution centre use.	PPR Appendix 1
(l) The need for reference to “remediation work” is questioned. If retained a new definition should be inserted.	The reference to remediation work has been removed.	PPR Appendix 1
(m) The following sub clauses should have no development listed as such works should require development consent. <ul style="list-style-type: none"> <li>• Clause 9- Zone B7- Business Park: Sub clause (2) – Development without consent.</li> <li>• Clause 10-Zone E3- Environmental Management: Sub clause (2) – Development without consent.</li> <li>• Clause 11-Zone SP2- Infrastructure: Sub clause (2) – Development without consent.</li> </ul>	Development has been removed from these clauses.	PPR Appendix 1
(n) The Clause 12-Land Acquisition-Infrastructure Zone schedule does not contain the “Land Reservation Acquisition Map” as required by the clause.	The Department of Planning has advised that they will prepare and insert this plan.	
(o) Council is opposed to the entire Riparian Buffer not being wholly contained in the E3 Environmental Management Zone. Such would provide Clause 24 Riparian Buffers would not be necessary.	The inclusion of part of the Buffer in the Light Industrial zone enables a better definition of the property boundaries. The provisions will provide for protection of this area and no buildings are allowed within the Buffer. It is therefore not necessary to include this land in the Environmental Conservation Zone. Further, the change to Environmental Conservation would mean that works (including remediation works) would not be permissible on this land.	
(p) Clause 27- Development of land known to be flood liable should only apply to the PMF applying to the land	Additional flood modelling has been completed to assess the sensitivity of the flood modelling to the effects of additional filling in the area north of the runway. The cumulative effect of the filling has been demonstrated to be negligible.	PPR Appendix 4 Supplementary Flooding Report
<b>H2 Zoning Maps</b>		
(a) Amendments for greater clarity should be made to Map 2, Map 5 and Map 6.	These maps have been amended.	PPR Appendix 1
<b>H3 Building Height</b>		

(a) There are inconsistencies between building heights provided by the Building Height Map, the Concept Plan and the Design Guidelines and Controls.	The building height limit has been reduced and adjusted to be the same in all documents. The height limit is RL 26 m with a lower limit (RL 18) applying around Ravensthorpe. There are additional height restrictions included in the Design Guidelines and Controls relating to view corridor from Ravensthorpe.	PPR Appendix 1
(b) A blanket height limit for the site is not considered appropriate.	The height has been adjusted to RL 26 and RL 18 around Ravensthorpe. This will mean buildings of about 16m in height as land levels are about 10m and 11m near Ravensthorpe. The lower ground is generally around the airport runway where airport height restrictions apply. A view corridor from Ravensthorpe has also been provided outlined in the Design Guidelines.	PPR Appendix 1 and 2
(c) Height limited for the site should only be established once finished site levels are agreed upon.	The height limit has been altered to AHD which will remove any issues in relation to finished levels.	PPR Appendix 1
(d) Buildings in the order of 12m are probably most appropriate. A lesser height limit needs to be established in the vicinity of Ravensthorpe.	The height has been adjusted to RL 26 and a lesser height has been included around Ravensthorpe.	PPR Appendix 1
<b>H4 Land transfer to Council</b>		
(a) Council has not agreed the to proposal for environmentally sensitive land to be transferred to its ownership for management and maintenance. Suitable arrangements need to be made for ongoing funding of this.	Arrangements have been developed and discussed with the Council and reflect the undertaking given that Council will not be responsible for maintenance costs.	PPR Appendix 9
(b) Council seek clarity whether they can be forced to accept land in the environmental management zone?	See above.	PPR Appendix 9
<b>H5 Concept Plan</b>		
(a) Council seek clarity regarding what constitutes the Concept Plan.	The Concept Plan, if approved by the Minister, will provide the planning framework for development on the site. All development will need to comply with it and it can be considered to serve a similar role to a development control plan for the site.	
(b) Some planning controls contained in Section 6 conflict with those proposed in the SEPP amendment and proposed Design Guidelines and Controls.	These conflicts have been resolved.	PPR Appendix 1 and 2
(c) Concept Plan shows preservation of Paperbark Forest yet cut and fill plan in section 6 indicates the destruction of this Forest	The cut and fill plan has been amended. The Forest will be preserved as shown in the Concept Plan.	PPR Volume 2 Plans
(d) Council oppose the sub division of part of the Riparian corridor into multiple private ownership.	Restrictions will be placed on the titles of this land to prevent any buildings in this area and to ensure its conservation as set out in the Vegetation Management Plan.	PPR

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## ISSUES RAISED AND RESPONSE

(e) Council disputes many of the controls and document references in Section 6 and seek to liaise with the Department and Delmo prior to the Minister determining the application	See response to individual concerns	PPR
(f) The extent of developable land shown in the Concept Plan cannot be determined until issues are resolved.	This is not agreed. All necessary studies have been carried out to identify the extent of the land which can be developed on the site	
<b>H6 Illawarra Regional Business Park Design Guidelines</b>		
(a) Council seeks clarity regarding the statutory weight the controls would afford under the Act.	These guidelines will be part of the Concept Plan as approved and will need to be complied with similarly to a Development Control Plan	PPR Appendix 2
(b) Design Guidelines as exhibited by the Department were incomplete. Council obtained Sections 18, 19 and 20 omitted by the applicant.	This was due to a computer error which has been rectified.	
(c) Seek amendments to: <ul style="list-style-type: none"> <li>• Section 3 - Floor Space Ratio,</li> <li>• Section 4 - Height of Buildings,</li> <li>• Section 5 - Site Coverage,</li> <li>• Section 6 - Setbacks,</li> <li>• Section 7 - Riparian Buffer,</li> <li>• Section 8 - Landscaping,</li> <li>• Section 9 &amp; 10 - Building Design, Materials &amp; Colours,</li> <li>• Section 12 - Fencing,</li> <li>• Section 13 - Parking &amp; Access,</li> <li>• Section 14 - Manoeuvring Areas,</li> <li>• Section 17 - Signage,</li> <li>• Section 18 - Water Cycle Management,</li> <li>• Section 19 - Operation of the Illawarra Regional Airport,</li> <li>• Section 20 - General Requirements,</li> <li>• Section 20.1 - Flooding and Cut and Fill,</li> <li>• Section 20.6 - Noise</li> </ul>	The Design Guidelines and Controls have been completely revised to include a summary of the Concept Plan proposals and to strengthen the Guidelines and Controls.	PPR Appendix 2
<b>H7 Draft Statement of Commitments</b>		
(a) This should be reviewed taking into account Council's comments and concerns	This has been reviewed.	PPR S 5.0
<b>H8 Flooding and Floodplain</b>		
(a) Further analysis to address questions regarding: <ul style="list-style-type: none"> <li>• Total flood plain storage.</li> <li>• Volume of flood storage.</li> <li>• Percentage of loss of flood storage.</li> <li>• Probable impact of further filling of the flood plain.</li> <li>• Peak discharge at the downstream control.</li> <li>• The absence of compensatory cut.</li> <li>• Order of accuracy of the model.</li> </ul>	Total flood plain storage volume and lost storage volumes have been calculated and determined to be negligible. The sensitivity of the floodplain to potential future development is being modelled. Modelling has demonstrated that the flood flow velocity is not problematic.	PPR Appendix 4  Supplementary Flood Report

(b) No detailed flood modelling has been prepared that demonstrates the proposed development will satisfy Council's Floodplain Risk Management DCP	A detailed and comprehensive flood study has been completed and reported on. The report has been completed in accordance with Council's Floodplain Risk Management DCP.	Appendix 10 EAR
<b>H9 Stormwater and Stormwater Quality Management</b>		
(a) The proposed statement of treatment of stormwater does not adequately address the adverse impacts that stormwater for the site will potentially have on sensitive receiving waters.	The stormwater treatment measures have been selected to minimise adverse impacts on the receiving waters and wetland. Treatment measures proposed aim to remove hydrocarbon and particulate pollutants and have set certain water quality targets. The methods selected are well documented and accepted practices that have a demonstrated history of controlling water quality with respect to nutrient and hydrocarbon removal.	Appendix 4 EAR PPR Appendix 2 Design Guidelines and Control Appendix 2
(b) How impacts associated with stormwater will be mitigated has not been provided.	The methods proposed include on-site containment and control and the use of stormwater filters and natural swales. These methods deliver well documented successful treatment of pollutants. An additional MUSIC analysis and modelling demonstrates adequate hydrocarbon and nutrient removal.	PPR Appendix 2 Design Guidelines and Control Appendix 2
(c) There is no indication prescribed water quality targets will be achieved with the proposed level of stormwater treatment and drainage configuration	There will need to be a commitment made that sets required treatment methods and targets to be achieved. Water quality has been modelled using MUSIC to assess treatment method effectiveness and how targets will be achieved.	PPR Appendix 2 Design Guidelines and Control Appendix 2
<b>H10 Groundwater Flows/ SEPP14 Wetland</b>		
(a) There needs to be more detailed geomorphologic investigation on the impact cut and fill, combined with the introduction of impervious areas, would have on groundwater flows and SEPP 14 wetland.	There is no expected impact on groundwater due to the nature of the type of soils present on the site. •The SEPP 14 Wetland is primarily maintained by incipient rainfall and backup floodwaters, not by groundwater flows. •Water flows into the SEPP 14 Wetland are to be maintained.	
(b) There is a lack of detail on the type of fill to be used in the proposed subdivision	Fill may be sourced from a variety of sites and would need to be classified prior to being delivered to site. Fill would need to be classified as either VNEM or INERT prior to importing into the site.	
<b>H11 Riparian Corridor Management</b>		
(a) Riparian Buffers designated are not adequate and should be increased, consistent with Category 1- Environmental Corridor identified within the Riparian Corridor Management Study (DIPNR 2004).	See responses to A3(c) and F1(a) above.	
<b>H12 Vegetation Management</b>		
(a) A separate Vegetation Management Plan (VMP) for the "Paperbark Swamp Forest" should be developed	A separate VMP dealing with the Swamp Paperbark Forest will be prepared as part of the DA for Stage one.	PPR S5

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## ISSUES RAISED AND RESPONSE

<b>H13 Frazer Creek Realignment</b>		
(a) There has been no detailed investigation into the impacts of re-engineering the creek. Modelling and additional information needs to be provided to assess this.	The flood study has modelled the re-aligned creek and the report includes information on the resultant flow rates and velocities. It is proposed to include erosion control measures in the vicinity of the culvert/bridge on Tongarra Road to mitigate the existing erosion problem.	PPR S5
<b>H14 Site Contamination</b>		
(a) A Stage 2 Environmental Site Assessment should be conducted to determine the nature and extent of site contamination.	Further assessment will be carried out as provided for in the Stage 1 Environmental Assessment in Appendix 9 of the EAR before development commences.	PPR S5
<b>H15 Subdivision, Road Design, Stormwater Quality Management</b>		
(a) The proposed road is not in accordance with the requirements of Council's current subdivision code. This code does not provide for incorporating a central drainage swale, which poses serious maintenance issues for Council.	It is considered that a drainage swale is not necessary. However, the detailed design of the roads will be carried out in consultation with Council engineers.	PPR S5
<b>H16 Traffic</b>		
(a) Disagree with traffic assessment findings and recommendations with regards to the proposed intersection treatment at Tongarra Road and the main access road. Council's SIDRA traffic model assessment of the proposal using the report's traffic generation figures indicate the intersection will operate significantly above traffic volumes indicated in the Masson, Wilson and Twiney report.	It is considered that Council's SIDRA analysis, which is based on TRACKS model outputs, does not reflect existing (surveyed) conditions. As such the lack of calibration results in over-estimating the likely traffic flows along Tongarra Road.	PPR Appendix 5
(b) The intersection of Tongarra Rd/ Station Road and Tongarra Road/ Croom Road has not been sufficiently assessed.	Analysis of this intersection has been included in the supplementary traffic report.	PPR Appendix 5
<b>H17 Illawarra Regional Airport</b>		
(a) The proposed Concept Plan has been devised having regard to the airport's classification as a Code 2 facility (according to Civil Aviation Safety Authority specifications). However the Council seeks the runway to be capable of operating at Code 3 which requires greater height limits and setbacks relative to the airport than proposed.	The current Concept Plan has been devised in accordance with all relevant legislation on the current airport's classification as a Code 2 facility. The impact of allowing for a Code 3 runway, with increased setbacks and greater height limits, has a significant detrimental impact on the Concept Plan for the site in terms of a reduction of usable area. Most significantly the expansion to the width of the runway would mean the current proposed entrance to the site from Tongarra Road would not be able to be used. There is no suitable alternative to the current proposed entrance. Relocating the entrance further along to the west from the current location would result in further loss of habitat from the ecological area and would bring the road closer to the current residential dwellings, increasing the acoustic	Appendix 6 PPR

	<p>impact on these dwellings. Locating the entrance on the western side of Ravensthorpe would draw objections from the RTA on a suitability basis and from Ravensthorpe on a heritage basis.</p> <p>Council acknowledges that it has not carried out any studies relating to a possible future upgrade of the Airport and cannot give any indication as to whether it intends to do so in the foreseeable future. In addition, the Ambidgi Group's report has identified a significant number of issues regarding the Airport's suitability for the foreshadowed upgrade, and whether demand will be sufficient to warrant such an upgrade in the short to medium term.</p> <p>In effect, the Council's position is that the proposed development should be completely redesigned and severely reduced to accommodate a potential future airport expansion, which from our review appears unlikely to occur.</p> <p>The proponent considers the request from the Council to redesign the Concept Plan to accommodate a possible upgrade of the Airport to Code 3 to be in effect a resumption of the land for the purposes of economic gain by the owners of the Airport and the proponent reserves it's right to seek financial compensation from all parties involved in facilitating the constraints proposed by any Airport.</p>	
<p>(b) There are various safety concerns, particularly with regards to the impact that building heights and lighting might have on aircraft approaches and general visibility.</p>	<p>The Concept Plan has been designed to be completely compliant with all the relevant legislation on the Airport's current classification. The landscape management plan ensures that:</p> <ul style="list-style-type: none"> <li>• Appropriate trees are selected to ensure prevention of bird strike to aircraft and</li> <li>• Height of trees adjacent to and at the end of runways are within the height restrictions</li> </ul> <p>The building guidelines ensure that</p> <ul style="list-style-type: none"> <li>• All development is to comply with height restrictions imposed by the Obstacle Limitation Surface Plan and no structure will be permitted to encroach on clearances for the airport movement area</li> <li>• There are no adverse impacts on the operation of the airport from the lighting installed and used in the Business Park.</li> </ul>	PPR Appendix 1 and 2

<b>H18 Aboriginal Archaeology and Heritage Considerations</b>		
(a) A scientific archaeological test evaluation program across the development site should be conducted to identify the presence or absence of any Aboriginal archaeological objects.	An extensive survey of the site was undertaken on 27 March 2007. It was noted during the survey that the landscape has been severely disturbed, particularly around the farm buildings, by natural processes such as flooding or by European farming practices. The survey found strong likelihood that the single stone flake that was found on site was redeposited and consequently out of original context. No associated archaeological evidence was apparent and the artefact had a low scientific value. There is no evidence to suggest that further archaeological investigations within the site will identify any additional Aboriginal archaeological objects.	Appendix 19 EAR
<b>H19 European Heritage Consideration</b>		
(a) Council formally request that the application be referred to the NSW Heritage Office for assessment.	The proposal did go to the NSW Heritage Office and they provided comments which have been taken into consideration.	
<b>H20 Johnston Farm Land</b>		
(a) A Heritage Impact Statement for all structures on the Johnston farmland should be required.	A Heritage Study has been carried out and the recommendations in relation to Johnston's farmland will be implemented.	PPR Appendix 4
(b) The Concept Plan identified fig trees on the site for preservation however the cut and fill plan shows a metre of cut where the fig trees are located.	It is not intended to complete earthworks in the vicinity of the fig trees to be retained or in the Paperbark Forest to be retained.	PPR Volume 2 Amended Cut and Fill Plan
<b>H21 Ravensthorpe</b>		
(a) A Heritage Impact Statement should be undertaken for Ravensthorpe.	An HIS has been prepared on behalf of Ravensthorpe's owner. The Heritage Report considers this HIS deals with changes that have been incorporated into the Concept Plan and makes recommendations on mitigatory measures.	HIS by Rappaport PPR Appendix 3 Heritage Report Section 2.1
(b) In the absence of a Heritage Statement, the screen buffer at the rear of Ravensthorpe should be widened to 20m and remain as close to existing ground levels as possible. The 20m buffer should be located outside the development lots and link to the environmental management zone.	A building setback 25m from the rear boundary of Ravensthorpe is now incorporated into the Concept Plan. The potential impacts on setting and views have been addressed as described above (A5(d) and A6(a)).	PPR Appendix 3
(c) The triangular lot along the west boundary should be altered to have its southern boundary in line with the 20m wide buffer. This would form part of a visual curtilage for Ravensthorpe	This section of land has now been included in the Environmental Conservation Zone.	PPR Appendix 1
<b>H22 Developer Contributions</b>		
(a) Council requests the option of a planning agreement remain open.	The proponent does not agree to this request. We have previously agreed with Council that this would be dealt with via Section 94 contributions, as per the EAR submission.	EAR



<b>I DEPARTMENT OF PRIMARY INDUSTRIES</b>		
<b>I1 Aquatic Threatened Species</b>		
(a) There are no currently listed species of fish, marine vegetation or critical habitats in the vicinity of the site that are likely to be affected by the draft SEPP.	Noted.	
<b>I2 Riparian and Wetland Protection</b>		
(a) DPI concurs with the proposed retention, rehabilitation and ongoing protection of the wetlands and riparian areas of Frazer Creek located on the site.	Noted.	
(b) The Department's policy is that buffer zones for new developments adjacent to key aquatic habitats should be a minimum of 50m in width. The proposed 25m buffer zone around the SEPP 14 Wetland No.382 is inadequate.	<ul style="list-style-type: none"> <li>• Whilst a 50m buffer zone may well be DPI Policy, it is not mandated by any statute.</li> <li>• The SEPP 14 Wetland is not a key aquatic habitat. Indeed, most of it is not an aquatic habitat most of the time, and is grazed by cattle.</li> <li>• The need for buffers is a function of the sensitivity of the relevant habitat, the types of adjacent land uses, and the comprehensiveness of management measures. The imposition of an arbitrary 50m buffer width is not appropriate.</li> <li>• The proposed Riparian zone is entirely adequate given the management and rehabilitation controls to be implemented, and the management features of the adjoining industrial park (e.g. with respect to stormwater controls).</li> </ul>	EAR Appendix 6 PPR Appendix 2 (Appendix 2)
<b>I3 Water Quality</b>		
(a) The draft SEPP should explicitly deal with the issue of water quality protection in waterways within, adjacent to and downstream of the site of the proposed Illawarra Regional Business Park	<ul style="list-style-type: none"> <li>• The issue of water quality protection in waterways within, adjacent to and downstream of the site of the proposed Illawarra Regional Business Park is addressed by the measures detailed in the engineering reports of Costin &amp; Roe.</li> <li>• The rehabilitated Riparian zones will provide greater protection to waterways than currently exists on the site and/or downstream of it.</li> </ul>	PPR Appendix 2 (Appendix 2)
(b) DPI concurs with the proposed use of Water Sensitive Urban Design (WSUD) and Integrated Water Cycle Management for the site.	Noted.	
(c) DPI is concerned that the Water Cycle Management Plan is limited. Leaving the bulk of the detailed planning for stormwater management to future lot owners is not taking a holistic approach as claimed.	The Water Cycle Management Plan sets specific guidelines that include individual lot controls as well as requirements for the entire site. It will be necessary for future lot developers to comply with the requirements set out in the plan when preparing development applications.	PPR Appendix 2 (Appendix 2)
(d) It is not clear how compliance with the requirements for on site detention and retention by all future lot developers will be enforced and guaranteed.	See note above.	

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## ISSUES RAISED AND RESPONSE

(e) DPI concurs with the proposed development of a comprehensive Construction Management Plan for the site and with the proposed further investigations of possible contamination of the site and development of remediation measures.	Noted.	
<b>J COASTAL BRANCH DEPARTMENT OF PLANNING</b>		
(a) Previously made recommendations regarding the SEPP 14 wetland, the EEC wetland and the provisions of riparian buffers, most of which have been taken into consideration.	Noted.	
(b) Concerned about boundaries for the blocks that border on the Riparian Buffer around the wetland and go to the SEPP 14 boundary. Presumably this would allow owners to erect fencing to the edge of the wetland; however it would be preferable if these property boundaries were pulled back to the edge of the buffer as the restriction of movement for fauna along the buffer by the fences would constitute a significant reduction in the ecological amenity that buffers are supposed to provide.	<ul style="list-style-type: none"> <li>• See comments above.</li> <li>• Fences and <u>any</u> use of these areas for purposes other than Riparian zone and native vegetation management will be precluded by covenants over the batters.</li> <li>• Fauna movements along the setbacks around the SEPP 14 Wetland would be of only limited relevance (at best), irrespective of the zoning or land ownership. Nevertheless, any such movements which may occur will be facilitated by the covenants and management of the buffers.</li> </ul>	EAR PPR Appendix 1 and 2
(c) The inability of owners of the blocks to use this small piece of sloping land might lead to it being used for disposal or storage of materials, that are incompatible with the wetland sustainability and functioning.	These activities will be precluded by the planning controls and covenants over those parts of the land.	PPR Appendix 1
(d) It would be ideal to take the opportunity that the Part 3A process affords to see the wetland to the north (which has now been dealt with as an EEC) protected by SEPP 14 as it is at least as worthy of protection as its similar southern neighbour.	<ul style="list-style-type: none"> <li>• The northern wetland is not of the same quality or value as the identified SEPP 14 Wetland.</li> <li>• Further, it is located over two portions of land, making long-term management highly problematic.</li> </ul>	PPR Appendix 8
<b>K MINISTRY FOR TRANSPORT</b>		
(a) A freight movement strategy is recommended to better ascertain the impact of freight for the surrounding road network and what percentage of freight can be handled via rail or air transport.	This request is beyond the scope of the development. The development represents a commercial office and light industrial employment opportunity and therefore its impact on freight movements would be minimal. This request requires a separate freight study.	
(b) How heavy vehicle movement growth is addressed in traffic modelling at key intersections also needs further clarification.	Surveyed and estimated future heavy vehicle flows have been included in the detailed (SIDRA) intersection analysis presented in the Project Application and Supplementary Traffic Reports.	PPR Appendix 5

(c) Shellharbour City Council has recently completed the Albion Park Transport Study. The analysis and recommendations of this report should be addressed by the proposal.	The estimated future traffic growth associated with future development of the Albion Park area and planned road network improvements have been incorporated in the TRACKS modelling outputs and thus considered as part of the traffic assessment.	PPR Appendix 5
(d) Concerned that existing traffic congestion at the intersection of the Princes Highway and the Illawarra Highway will be exacerbated by the proposed development without a clear solution or means to mitigate these impacts.	Stage 1 of the upgrade of this intersection has now been completed by the RTA. Stage 2 will commence in the near future to provide even more capacity. The traffic generated by the proposed development would not result in this intersection operating at a poor level of service in the future.	PPR Appendix 5
(e) Congestion will also increase for the key intersection of Tongarra Road and Terry Street, which is used by most existing bus services. Priority for buses at local intersections should be specifically considered, particularly at Tongarra Road and Terry Street.	This intersection will continue to operate at a good level of service in the future and therefore impacts on bus travel time through this intersection would be minimal. The development welcomes any bus improvements on the surrounding road network.	
(f) The EA Report identifies S117 Direction 3.4 -Integrating Land Use and Transport (ILUT), yet only a cursory review of the ILUT policy package is provided. Detailed consideration of the ILUT is recommended together with the directions for transport within the State Plan.	The development would provide a significant increase in employment opportunities within close proximity to an ever expanding residential release area. Additional comments on Integrating Land Use and Transport have been included in the Supplementary traffic report.	PPR Appendix 5
(g) The capacity of public transport to adequately meet the needs of future workers at the subject site is not addressed. The preparation of a transport access guide is recommended.	Discussions were undertaken with the local bus operator who expressed support for the development as a means of increasing demand on existing service, which had spare capacity. The development includes an internal road network and bus stops which can accommodate a bus if the decision is made to re-route buses into the site. The preparation of a transport access guide could be undertaken during detailed design.	PPR S5
(h) The proposed development should meet the minimum standards for pedestrian and cycle access.	Pedestrian access across Tongarra Road linking existing bus routes in either direction would be markedly improved with the introduction of traffic signals at the site entry road. The proposed development includes widening of the existing bicycle pathway across the frontage of the site.	
(i) A minimalist approach to car parking provision on site should be adopted with a parking rate determined based on the accessibility of the site to public transport.	On site parking is proposed in accordance with Council's DCP for parking.	PPR Appendix 2
(j) Prominent facilities for the secure storage of bikes and amenities for cyclists should be included within future development.	Provision is made in the Design Controls and Guidelines for this.	PPR Appendix 2

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## ISSUES RAISED AND RESPONSE

(k) The preparation of a site specific development control plan to better integrate transport and land use is recommended.	The Concept Plan has been designed to incorporate elements of non-private motor vehicle use including an internal loop road to facilitate efficient bus access.	
(l) The Ministry seek close consultation on the preparation of any planning agreement which has potential to secure funding for local and regional public transport including priority bus measures and roadside infrastructure.	Noted.	
<b>L DELFIN LEND LEASE</b>		
(a) Delphin Lend Lease has control of 650ha of land in the Calderwood Valley approximately 2km west of the proposed business park. Shellharbour Council are preparing a LES for Calderwood as part of its comprehensive LEP. It is intended the site accommodate housing.	The proposed Illawarra Regional Business Park will provide employment which is accessible to the new residents of this area	
(b) Delfin Lend Lease support the proposal for the following reasons: <ul style="list-style-type: none"> <li>• The Business Park will provide a major new business and employment resource, including economic opportunity, in the Illawarra region.</li> <li>• The site is adjacent to the Albion Park Airport, which has been identified as an employment hub for the area.</li> <li>• The site is of regional importance due to its strategic location in relation to the population centres in the Illawarra and the road, air and rail transport networks.</li> <li>• The proposal will deliver the restoration of wetlands and conservation areas on the site and the provision of public access to these areas.</li> <li>• The proposal implements objectives of the Illawarra Regional Strategy.</li> <li>• The proposal provides common control of a substantial landholding. This ensures economies of scale, integrated planning, development, environmental outcomes and decreased risk.</li> <li>• The proposal provides synergies with likely development of Lend Lease land holdings at Calderwood Valley.</li> </ul>	Noted and agreed.	
<b>M DEPARTMENT OF PREMIER CABINET</b>		
(a) A business park concept for the site is consistent with the strategic land-use context envisaged for the Illawarra Regional Airport precinct under the Illawarra Regional Strategy and on this basis it is supported.	Noted and agreed.	

(b) Appreciate that there are a range of individual issues associated with the site's development and trust that these matters can be satisfactorily addressed as part of the assessment.	It is considered that all issues have been satisfactorily addressed in the EAR and this Preferred Project Report.	
<b>N NSW RURAL FIRE SERVICE</b>		
(a) The development does not raise any bushfire issues.	Noted.	
<b>O OWNER OF RAVENSTHORPE</b>		
(a) Commissioned a Statement of Heritage Impact report. Report concludes that the current proposal is likely to generate a number of negative impacts insofar as Ravensthorpe is concerned, including: <ul style="list-style-type: none"> <li>• Partial view loss;</li> <li>• Intrusion on historically significant vistas; and</li> <li>• Activities incompatible with the rural setting of the homestead.</li> </ul>	The potential impacts on setting, views and significance of Ravensthorpe and the mitigatory measures included in the proposal have been addressed as described above (A5(d) and A6(a)).	PPR Heritage Report Appendix 3
(b) A minimum 100m buffer zone at the rear boundary of Ravensthorpe should be applied to protect the property's views and vistas.	See B(e) above.	PPR Appendix 3
(c) There should be no plantings in the buffer zone itself in order to retain the existing local landscape character of the site.	The northern boundary of Ravensthorpe is currently planted with shrubs and some mature trees and partially fenced with an approximately 1800mm Colorbond fence. Further, an acoustic fence is to be installed. There are also a number of recent constructions (manager's cottage, commercial kitchen, pool with block wall approximately 2100mm high and temporary function tent) which provide a sense of enclosure to the rear (north) of Ravensthorpe. On the adjacent land (the subject site), within 25 to 50 metres of Ravensthorpe, are a number of farm buildings and mature trees which contribute to the existing local landscape character. This existing character is not considered to contribute to the significance of Ravensthorpe. The open setting to the west, however, does contribute to the significant setting of Ravensthorpe. In order to retain this setting, the area is to be managed as Riparian Buffer (grassland/sedgeland). See also A5(d), above. The Landscape Management Plan includes provisions for this area.	PPR Appendix 3 Appendix 2 (Appendix1)

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## ISSUES RAISED AND RESPONSE

(d) There could be potentially negative overshadowing on Ravensthorpe with the current proposed 3m buffer, building heights and ground levels.	Because of the 25 metre building setback to the north of Ravensthorpe, and the limiting of building heights in the adjacent lots to RL18, there will be no overshadowing from buildings. Planting in the landscaped zone to the north of Ravensthorpe may create some overshadowing of Ravensthorpe but this can be managed by careful selection of species and placement of trees.	PPR Appendix 2 and 3
(e) The following impacts have been highlighted in the submission composed by planning consultants on behalf of Ravensthorpe property owners.	See O(f), below.	
(f) Heritage <ul style="list-style-type: none"> <li>•The Heritage Assessment provided by the applicant does not review the heritage significance of Ravensthorpe. Any recommendations this report makes regarding mitigating impacts on Ravensthorpe are thus invalid.</li> <li>•The proposed mitigation measures seek to “cocoon” Ravensthorpe with a screen of landscaping and buildings which will destroy the current rural setting, views and vistas and low scale density enjoyed by Ravensthorpe, which are part of its heritage significance.</li> <li>•There is no assessment of the two workers cottages which adjoin the eastern boundary of Ravensthorpe. Further work should be carried out to ensure any potential heritage significance is identified and assessed as part of this application.</li> <li>•Further analysis needs to be undertaken by the applicant and the State Government to ensure the potential impacts on heritage significance of Ravensthorpe are effectively mitigated.</li> </ul>	<p>The Heritage Report reviews the heritage significance of Ravensthorpe. Further mitigating measures have now been proposed and included in the Concept Plan for the Preferred Project.</p> <p>The potential impacts on setting, views and significance of Ravensthorpe and the mitigative measures included in the proposal have been addressed as described above (A5(d), A6(a) and O(c)).</p> <p>The Heritage Report reviews the heritage significance of the cottages associated with Ravensthorpe. These are part of Shellharbour City’s listing for Ravensthorpe.</p> <p>The potential impacts on setting, views and significance of Ravensthorpe and the mitigatory measures included in the proposal have been addressed as described above (A5(d), A6(a) and O(c)).</p>	PPR Appendix 3
(g) Height <ul style="list-style-type: none"> <li>•The height appears to have been merely extrapolated from the Obstacle Limitation Surface Plan for the adjoining airport.</li> <li>•The height limit does not take into account the site itself, its topographical features and constraints or respect adjoining land such as Ravensthorpe.</li> <li>•The height limit of 20m with a floor space ratio of 1:1 is questioned as it is</li> </ul>	See the discussion of the view corridor and view plane under A5(d), above.	PPR Appendix 3

<p>unlikely this limit would be reached with such a low FSR.</p> <ul style="list-style-type: none"> <li>•Further studies need to be undertaken to determine maximum height limits across the site.</li> </ul>		
<p>(h) Landscaping</p> <p>As it has the potential to adversely impact on Ravensthorpe, further study and analysis should be undertaken to properly determine the height and type of landscaping to preclude it detracting from existing views and vistas.</p>	Provisions have been made in the Landscape Management Plan for planting in this area.	PPR Appendix 2
<p>(i) Overshadowing</p> <p>Further study and analysis should be undertaken to ensure heights of buildings and their bulk is resolved to building envelope status to mitigate potential impacts from overshadowing.</p>	The maximum permissible height of buildings on the site and the location of buildings adjacent to Ravensthorpe have been adjusted to ensure that there are no adverse overshadowing issues from the development on adjacent properties.	
<p>(k) Vehicular access</p> <ul style="list-style-type: none"> <li>•Potential access from the Illawarra highway extension should be investigated.</li> <li>•The intersection of the Princes Highway/Illawarra Highway needs to be upgraded for extra capacity.</li> </ul>	<p>This matter has been considered as part of the planning process. At this stage the RTA does not have a formal design or timing for the Illawarra Highway upgrade, thus access to such a road can not be provided at this stage. However, the potential for access to the upgrade should it proceed would be investigated again at such a time.</p> <p>Stage 1 of the upgrade of this intersection has now been completed by the RTA. Stage 2 will commence in the near future to provide even more capacity. The traffic generated by the proposed development would not result in this intersection operating at a poor level of service in the future.</p>	
<p>(l) Acoustic privacy</p> <ul style="list-style-type: none"> <li>•The 2.4m high block work or hebel wall required to be built along the eastern boundary of Ravensthorpe to mitigate against potential noise impacts would have a detrimental impact on the heritage significance of Ravensthorpe.</li> <li>•Further study and analysis should be undertaken with regards to this issue.</li> </ul>	This matter has been considered and will not have an adverse impact. An acoustic wall is to be installed at Ravensthorpe.	PPR Appendix 3



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## ISSUES RAISED AND RESPONSE

<p>(m) Proposed planning controls The following revisions to the proposed SEPP amendment are recommended to ensure adequate safeguards to Ravensthorpe:</p> <ul style="list-style-type: none"> <li>• A provision should be made to the planning instrument to incorporate the standard heritage impact requirements to adequately deal with the heritage significance of Ravensthorpe.</li> <li>• Uses which would impact on Ravensthorpe should be specifically prohibited for its boundaries to eliminate the need for proposed mitigation works such as the 2.4m high acoustic fence.</li> <li>• The 20m height limit should be reviewed and appropriate heights adopted which relate to the constraints and opportunities of the site itself and as they relate to Ravensthorpe.</li> </ul>	<p>The standard heritage requirements do not include one relating to impacts on heritage items in the vicinity of a site.</p> <p>A 25m building setback has been proposed adjacent to the boundary.</p> <p>The height limit has been reviewed and a lower limit adopted.</p>	
<p>(n) Design Guidelines The following amendments should be made to the Design Guidelines and Controls:</p> <ul style="list-style-type: none"> <li>• There should be provisions included with respect to ensuring the protection of the heritage significance of Ravensthorpe.</li> <li>• Height controls should be amended as referred to above, to ensure heights are appropriate to the site and locality and minimise impact to views and vistas and from overshadowing.</li> <li>• Landscaping guidelines are inappropriate and indeterminate with respect to Ravensthorpe and should be revised and altered to reflect the heritage significance of the site.</li> <li>• Hours of operation around the curtilage of Ravensthorpe should be limited to between the hours of 7am to 6pm Monday to Friday and 8am to 12noon Saturdays.</li> <li>• Noise standards should be included with specific reference to the Protection of the Environment and Operations Act.</li> <li>• There is a conflict with the rear setback controls which state they comply with the BCA which would allow a nil setback, and the requirement for a minimum 2m wide landscape area to the rear boundary. This should be resolved to provide certainty.</li> </ul>	<p>The Design Guidelines have been reviewed and there are now detailed provisions to protect the heritage significance of Ravensthorpe and the views from the property. These have been included in the Design Guidelines.</p> <p>Height controls have been amended.</p> <p>Landscape Management Plan includes provisions for planting along the Ravensthorpe boundary.</p> <p>Development has now been set back from the boundary of Ravensthorpe and therefore there are unlikely to be any adverse noise impacts on the property.</p> <p>Additional Acoustic information indicates that there will not be adverse acoustic impacts from the development proposal.</p> <p>The rear setback controls have been adjusted so that no buildings are permitted within 25m of the boundary.</p>	<p>PPR Appendix 2</p> <p>PPR Appendix 7</p>

## P CO OWNER OF RAVENSTHORPE

(a) Agree in principle to the rezoning of the site.	Noted.	
(b) Proposal will have negative impact on Ravensthorpe property amenity, heritage significance and consequently the economic viability of the Guesthouse, Restaurant and function facilities business activities	The potential impacts on setting, views and significance of Ravensthorpe and the mitigatory measures included in the proposal have been addressed as described above (A5(d), A6(a) and O(c)).	PPR Heritage Report Appendix 3
(c) The application needs to be altered in order to protect the Heritage property and jobs of current and future employees.	Controls have been altered to provide protection for Ravensthorpe as recommended in the Heritage Report.	PPR Appendix 3
(d) Advocates recommendations of Heritage Impact Statement, further detail of which is included below.	The potential impacts on setting, views and significance of Ravensthorpe and the mitigatory measures included in the proposal have been addressed as described above (A5(d) and A6(a)).	PPR Appendix 3
(e) Before the rezoning is determined the developers should provide further detailed reports and responses to concerns to ensure the full impact.	Further detailed reports as required by the submissions have been provided.	PPR
(f) Visual Impact <ul style="list-style-type: none"> <li>• Visual impact to Ravensthorpe's current rural vistas and context are a major concern. The views and rural position are a major reason for the attractiveness of the business as a place to dine or to hold receptions.</li> <li>• Views west and northwest are fundamental concerns as weddings on the site are usually held in the front grounds of Ravensthorpe, which enjoys views across the plains to the escarpment.</li> <li>• The Heritage Impact Statement recommends an arch of vista within which no development should take place.</li> <li>• Whilst the applicant has given assurance no development will occur at the western boundary of Ravensthorpe, it is requested that this area be formally excluded as potential development lands by being zoned as Environmental Management area.</li> <li>• Height limits stated in the Environmental Assessment are inconsistently stated (20, 25 and 26m). Consultation with Delmo has confirmed the height limit proposed to be 25m. A 6m height limit at the southwest corner of the proposed Business Park would be more appropriate and greatly</li> </ul>	The potential impacts on setting and views of Ravensthorpe and the mitigatory measures included in the proposal have been addressed as described above (A5(d)).	PPR Appendix 3

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<p>reduce the development's impact on Ravensthorpe.</p> <ul style="list-style-type: none"> <li>•Three metres is not sufficient to support the plantings required for screening at this boundary. A minimum 100m buffer zone at the rear boundary of Ravensthorpe should be applied to protect the property's views and vistas.</li> <li>•The Heritage Impact Statement recommends 100m would be more appropriate and recommends that plantings should be staggered in height and begin substantially distanced from Ravensthorpe's existing boundary to avoid trees overshadowing the building year round.</li> </ul>		
<p>(g) Noise</p> <ul style="list-style-type: none"> <li>•Any noise impact on Ravensthorpe will be detrimental to the business. Particular concerns regarding the possibility of intrusive noise from heavy vehicles.</li> <li>•Background noise levels from vehicles will equate to the EPA maximum allowed levels. Any noise emissions from lots within the park should not exceed background noise levels.</li> <li>•The proposed rezoning of the land must be altered to ensure compliance with EPA noise objectives.</li> <li>•Noise will be detrimental to the use of grounds for ceremonies, receptions and general leisure uses.</li> <li>•To mitigate noise impacts: <ol style="list-style-type: none"> <li>1. A 100m buffer to the north of Ravensthorpe should be zoned Environmental Management.</li> <li>2. The zoning of the Business Park should be split so business or industries likely to generate the most noise are limited to the north of the business park.</li> <li>3. The zoning of the business park should limit the amount of warehouse/distribution type developments that will generate the most heavy vehicle traffic to the north of the business park.</li> </ol> </li> </ul>	<p>The Acoustic Report in the EAR dealt with the issue of noise impacts. Additional information has been produced and this also concluded that, provided the recommendations in the report are implemented, the development will comply with the guidelines presented in the EPA New South Wales Industrial Noise Policy and the EPA Environmental Criteria for Road Noise. In addition to this a setback for buildings of 25m from Ravensthorpe has been proposed. Ravensthorpe's own acoustic wall to be constructed, will provide further acoustic buffer.</p>	<p>EAR Appendix 17 PPR Appendix 7</p>

<p>(h) Construction stage</p> <ul style="list-style-type: none"> <li>•All screen plantings and sound barriers should be in place before any construction takes place.</li> <li>•The Acoustic and Vibration Management Plan and the overall Construction Management Plan need to take the Ravensthorpe business into account. No heavy construction work should take place on any weekend at any time within a substantial distance of the Ravensthorpe boundary.</li> </ul>	Provision now included for development applications to be accompanied by a Construction Management Plan to deal with these issues.	PPR Appendix 2
<p>(i) Traffic flow</p> <ul style="list-style-type: none"> <li>•The Illawarra Highway/Princes Highway intersection currently experiences poor performance during peak periods.</li> <li>•The operation restraints of this major intersection must be addressed before allowing the additional traffic the proposed business park has the potential to generate.</li> </ul>	Stage 1 of the upgrade of this intersection has now been completed by the RTA. Stage 2 will commence in the near future to provide even more capacity. The traffic generated by the proposed development would not result in this intersection operating at a poor level of service in the future.	
<p>(j) Employment</p> <p>The proposed zoning of the business park needs to be altered to minimise the amount of warehouse/distribution type development and place an emphasis on other business uses that will create more employment opportunities per hectare.</p>	The zoning is for an industrial/business development and it has been developed to ensure that there will be jobs created and to ensure that it will not adversely impact on adjacent town centres.	
<p>(k) Lot developments</p> <p>All lot development further to the rezoning should come under Shellharbour City Council's jurisdiction to ensure the needs of the community are appropriately looked after.</p>	The development of the individual lots will be dealt with by Shellharbour Council if the proposal has a development value of less than \$20million.	PPR Appendix 1
<b>Q PETITION</b>		
<p>(a) Ravensthorpe owners included a petition as part of their submission concerning the proposed development. The petition has been signed by 497 individuals.</p>	Noted.	
<p>(b) The proposed development will detrimentally impact on the visual amenity and business viability of Ravensthorpe.</p>	Measures have now been taken as a result of a Heritage Study of Ravensthorpe and its relationship to the development to ensure that there will not be any adverse impacts on Ravensthorpe.	PPR Appendix 2 and 3
<p>(c) Industrial buildings up to 20m high will destroy the view corridors, cause overshadowing on the grounds of Ravensthorpe and seriously jeopardise the viability of the business of Ravensthorpe.</p>	The height limits on the site have now been amended.	PPR Appendix 1 and 2

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(d) The proposed development will detrimentally impact the local rural environment, particularly SEPP 14 Wetlands on the site.	Detailed studies have been carried out of the possible impacts on the wetlands and it has been concluded that the development will improve the quality of the wetland area.	EAR Appendix 12 PPR Appendix 8
(e) Regular flooding currently experienced in the area will be worsened as a result of the development containing so much hard surface.	The flood study has been completed and illustrates that the development will not significantly impact flooding. Increased runoff effects are mitigated by the incorporation of on-site detention systems into the water cycle management so that runoff is restricted to be similar to that existing.	Appendix 10 EAR PPR Appendix 4
(f) The site should not be rezoned and the development should not be approved.	The development of this site will provide employment opportunities for existing and new residents in the Illawarra and as such should be supported.	EAR Appendix 11
(g) More appropriate uses for the site include business development, commercial activity and tourism.	Such uses will be permitted on the site.	PPR Appendix 1
<b>R DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE</b>		
(a) Generally supports the proposal subject to DOP seeking additional statements of commitments relating to biodiversity conservation, water quality and quantity, use of coal wash, Aboriginal cultural heritage and DOP and DECC meeting to discuss further and resolve issues identified with regards to flooding issues, which may involve the development of additional statement of commitments.	Noted. Such commitments have been included.	PPR S5
(b) Biodiversity Conservation DECC is concerned with the proposed clearance of remnant vegetation and its associated threatened species on site.	<ul style="list-style-type: none"> <li>• The proposal involves the retention, protection, enhancement and long-term management of all of the Freshwater Wetlands on Coastal Floodplains vegetation.</li> <li>• With respect to the Swamp Sclerophyll Forest on Coastal Floodplains community, the proposal: <ul style="list-style-type: none"> <li>• involves the loss of only half of that present;</li> <li>• proposes the collection of all useful plant material and propagules from that area to be removed and the creation of new areas of the community within the EC Zone;</li> <li>• the patch is, in any case, small, isolated and disturbed by previous and ongoing activities; and</li> <li>• the significance of the proposed removal has been addressed in previous Reports.</li> </ul> </li> </ul>	EAR Appendix 15  EAR Appendix 4

(c) Any development proposal should, where possible, take steps to avoid impacts on threatened species. There is no justification provided in the EA for the removal of the SSFC EEC on the site.	<ul style="list-style-type: none"> <li>• Removal of part of the SSFCF vegetation has been addressed (see above).</li> <li>• The requirement is to “<u>where possible</u>, take steps to avoid impacts on threatened species”. This issue has been considered in the relevant Reports.</li> </ul>	EAR Appendix 15
(d) DECC recommends the following statements of commitment: <ul style="list-style-type: none"> <li>• The development will avoid clearing threatened species on the site unless justified to the satisfaction of the DECC.</li> <li>• The development must be undertaken in a manner which will manage and protect threatened species.</li> </ul>	Justification of the removal of vegetation (particularly part of an EEC) “to the satisfaction of the DECC” is neither a statutory or mandatory requirement, nor likely to be readily achieved. Indeed, it might be argued that the DECC <u>cannot</u> , by statute, be ‘satisfied’ in that regard. The proposal includes substantial measures to enhance, protect and manage threatened biota in particular and the natural environment in general.	EAR Appendix 6
(e) There are concerns with regards to some elements of the proposed buffer. The proposed statement of commitment is recommended to address this: “The buffer surrounding the wetland and riparian area will not include any part of the batter slope from the development and will be consistent with the former DNR advice provided.”	This requirement is neither reasonable nor necessary. The batter is to be located over existing pasture. See detailed comments above.	
(f) The DECC do not support a portion of the buffer being zoned B7 and the remainder B3. Zone E2 is more consistent with the objectives of the EMA. Agriculture should not be included as permitted under the proposed zoning.	It is considered that the Riparian Buffer provisions will provide adequate protection for this area. Agriculture has been removed and Zone E2 has been adopted for the area outside the Business Park.	PPR Appendix 1
(g) The concept plan includes the planting of many non-native species, which the DECC considers inappropriate.	<ul style="list-style-type: none"> <li>• There is no reasonable, justifiable or appropriate reason to preclude “the planting of ... non-native species” in the industrial estate.</li> </ul>	
(h) To address these concerns the following commitments are recommended: <ul style="list-style-type: none"> <li>• The entire SEPP 14 Wetland, habitat corridor and EMA be zoned E2 to ensure the retention and long term security of the high conservation values within these areas.</li> <li>• Agriculture is not permitted within the EMA.</li> </ul>	<ul style="list-style-type: none"> <li>• This requirement is not necessary, given the VMP and commitments.</li> <li>• There is no justifiable reason to exclude agriculture from the whole of the EC Zone. However the change in zoning to E2 means that agriculture is not a permissible use.</li> </ul>	

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## ISSUES RAISED AND RESPONSE

<p>(i) Water quality and quantity Water discharged from the site must meet the NSW Government's Water Quality and River Flow Interim Objectives from Illawarra Catchments. DECC recommends the following commitment:</p> <ul style="list-style-type: none"> <li>• The proponent must ensure that the changes in hydrology caused by the development do not have detrimental impacts on the SEPP 14 Wetland and the Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions EEC. This must include a monitoring program of the health of the SEPP 14 Wetland and the EEC pre and post development.</li> </ul>	<p>A monitoring program for the SEPP 14 Wetland and the plant communities will be included in the VMP, and has been included as a Commitment for the project.</p>	<p>PPR S5</p>
<p>(j) Use of coal wash As the concept plan proposes use of 230 500m<sup>3</sup> of coal wash fill, an environmental protection license (EPL) needs to be obtained before any works commence.</p>	<p>Coal wash is suggested as one possible source of fill. Any imported fill will need to be classified and placed in accordance with statutory requirements.</p>	<p>PPR S5</p>
<p>(k) It is recommended that the proponent undertake an assessment of the viability of the use of coal wash for this development. Such an assessment would include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• Information on the type of coal wash proposed to be used.</li> <li>• Physical and chemical characteristics to demonstrate that it is fit for purpose for engineering fill at the Albion Park site.</li> <li>• Consideration of alternative fill materials and justification for the use of coal wash.</li> <li>• Any potential impacts the use of coal wash may have on water quality discharged from the site.</li> <li>• Any potential impacts the use of coal wash may have on the SEPP 14 Wetland and the Freshwater Wetlands on Coastal Floodplains (EEC).</li> </ul>	<p>The use of coal wash is an option as a source of fill. The supplier of the coal wash has provided testing certification that the material is classified as INERT and has engineering properties suitable for use as fill. Further investigation along the lines suggested by DECC would be necessary if coal wash is ultimately selected as fill. In any event, coal wash use would be restricted in use to avoid placing near the surface of near to the wetland areas. This will provide a cap and containment use of the coal wash.</p>	<p>PPR S5</p>



<p>(l) Aboriginal cultural heritage DECC does not support the proposal's recommendation for archaeological excavation in the southern section of the site. In DECC's view, conducting archaeological investigations within the Business Park and along the creek line will not provide any new additional information on the nature of the archaeological resource.</p>	<p>The recommendations in the report are suggestions from the consultant involved and do not need to be implemented if deemed unnecessary.</p>	
<p>(m) Instead of archaeological excavation, a Plan of Management should be developed for the Riparian corridors and wetland buffers within the Business Park. This plan should include the following:</p> <ul style="list-style-type: none"> <li>• Measures to manage the Riparian corridor and wetland buffers in a way that enhances and protects the Aboriginal cultural heritage values within these areas.</li> <li>• Consideration of the Aboriginal cultural heritage values associated with the identified 'Special Areas' within the Business Park, such as the stand of fig trees, Paperbark forest and the two wetlands, and strategies to avoid impacting upon them during development.</li> </ul>	<p>The Aboriginal Heritage assessment conducted an extensive inspection of the site and discovered only one stone flake, which was out of it's original context. There is no evidence to suggest that any further archaeological resources are located within the Riparian corridors or wetland buffers. The Illawarra Local Aboriginal Land Council provided a report recommending that all excavation work to be carried out on site will require monitoring by Aboriginal site officers. The Aboriginal Heritage assessment made the following recommendation:</p> <p>'Should Aboriginal skeletal remains be found, work must cease and consultation with the DECC, NSW Police, NSW Coroners Office and Aboriginal communities be initiated to come to agreement on the most appropriate course of action. Actions might include either 1) the preservation of the remains in situ, or 2) the detailed recording and recovery of the remains by qualified personnel in conjunction with Aboriginal community representatives'.</p> <p>The report further recommends:</p> <p>'Should Aboriginal objects and/or historical relics be found during development, the relevant authorities should be contacted and the appropriate steps undertaken. These steps may include the detailed documentation, recording and collection of objects/relics prior to continuing development in the immediate location in question'.</p> <p>Given that there is no evidence of any Aboriginal resources located on the site it is felt that these measures are more than adequate. Strategies to avoid impacting upon the Paperbark forest and the two wetlands have been detailed throughout various reports including Design Guidelines, Water Cycle Management Plan, Landscape Management Plan and Cultural Heritage Report.</p> <p>Further recommendations regarding the stand</p>	<p>EAR Appendix 19 PPR Appendix 3</p>

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## ISSUES RAISED AND RESPONSE

	of fig trees have been made in the Godden Mackay Logan heritage report and have been implemented in the Concept Plan November 2007.	
(n) The Plan could also consider, within the same document, measures to protect and enhance the biodiversity and water quality within the Business Park. <ul style="list-style-type: none"> <li>• Interpretation of Aboriginal cultural heritage values (that is, interpretive panels, artwork installations) as part of the Business Park development. This should be done through consultation with and engagement of the local Aboriginal community.</li> <li>• Exploration of opportunities to actively engage Aboriginal communities in the revegetation and rehabilitation works proposed for the Business Park.</li> </ul>	An Interpretation Plan for the Wanalama site and fig tree area, including Aboriginal heritage, will be developed in conjunction with the local Aboriginal community.	PPR S5
(o) Flood Plain Management DOP, as the sole approval authority, should ensure that it has satisfied itself that the advice provided in comments previously provided by DECC have been considered and addressed, which included: <ul style="list-style-type: none"> <li>• 25m revegetation buffers would deliver reasonable habitat solutions but not necessarily ideal corridor functionality.</li> <li>• Non-urban land could be revegetated generally on the western side of Frazers Creek to increase the overall riparian and terrestrial vegetation coverage on the site and deliver outcomes more aligned to Category 1 and a functioning habitat corridor.</li> <li>• Shortening of Frazer Creek would increase in-channel velocities and the associated hydrologic impacts would need to be assessed further.</li> <li>• DNR willing to accept the realignment of the channel in lieu of a new 25m wide terrestrial revegetation link adjacent to the RTA Road reserve.</li> <li>• Formalised should largely be kept out of the Riparian zone, but limited incursions and crossings could occur.</li> <li>• Delineating the SEPP 14 wetland should include an additional 1m buffer/setback to counter an under-estimation of wetland edge.</li> <li>• Discrepancies remain between design</li> </ul>	The flood modelling completed for this proposal is based on currently available flood history, rainfall data and survey information. The report is considered more appropriate to this site. Previous studies have been commissioned for different reasons and do not comprehensively cover the area occupied by this proposal. 25m buffer with no filling. <ul style="list-style-type: none"> <li>• Noted.</li> <li>• However, the proposal provides a substantial and significant improvement over current circumstances, at no cost.</li> <li>• A 40m Riparian zone is provided in this location. There is no reason to increase this area other than as proposed.</li> <li>• A Further increase in the substantial environmental benefits of the project is not required to achieve the objectives.</li> <li>• No crossings of Frazer Creek are proposed.</li> <li>• The only proposal is for a narrow bicycle path/ pedestrian path through part of the rehabilitated Riparian zone.</li> <li>• The SEPP 14 Wetland has been comprehensively and appropriately addressed.</li> </ul>	EAR Appendix 10 PPR Appendix 4

flood levels on the site undertaken to support development in the area and those in the Albion Park Flood Study Report (1986).		
(p) The approval authority may wish to consider utilising the more conservative design flood estimates available in the area for setting any flood related development controls.	This is not necessary or appropriate. The current study is based on detailed survey information and historical information and is considered to adequately address the flood issues.	PPR Appendix 4
(q) The proposal has identified that it will have an adverse impact on flooding, including existing urban areas in Albion Park; however there does not appear to be any strategy to offset these impacts and it is therefore unclear as to how the associated flood liability will be considered or contained by the approval authority.	There are not adverse flood impacts. Flood level increases are minor and considered not significant. The development does not cause increased flood impacts.	EAR Appendix 10
(r) It is unclear as to whether the impact of the proposed stream shortening and revegetation of the Riparian zone has been considered as to how it will impact on flooding and/or erosion of the creek bed and banks.	The flood study has modelled the shortened creek alignment and provides information on velocities and flows.	Appendix 10 EAR

#### **S HERITAGE OFFICE**

(a) The main heritage impact of the proposed development will be on the adjacent Ravensthorpe. The proposed development will surround Ravensthorpe and be likely to affect the significant views to and from the property and the viability and integrity of its setting as a historic house and property.	GML has identified the significant views to and from Ravensthorpe and has provided advice that has led to the establishment of an area of environmental protection (grassland/sedgeland) to the west of Ravensthorpe, the establishment of a building setback line to the north and northwest of Ravensthorpe and the limiting of building heights within 100m of Ravensthorpe. A view corridor towards the escarpment to the north was identified and a view plane established. In this corridor, heights are limited so they do not intrude above the view plane. These measures, in conjunction with carefully selected landscaping just north of Ravensthorpe, will successfully mitigate impacts on the significant views.	PPR Appendix 3
(b) The heritage assessment identified that any new buildings protruding into the visual setting of Ravensthorpe will have an adverse impact on its heritage significance.	A view corridor and associated view plane towards the escarpment to the north has been established. Heights in this corridor are limited so as not to extend above the established view plane. This, in conjunction with carefully selected landscaping just north of Ravensthorpe, will successfully mitigate impacts on the significant views.	PPR Appendix 2 and 3
(c) There are inconsistencies in the Environmental Assessment regarding the setback proposed from the Ravensthorpe boundary and the height of buildings.	These have been addressed.	PPR Appendix 1 and 2

# 3

## ISSUES RAISED AND RESPONSE

(d) A building height of 4-5m at the bottom of a 12m batter down to a RL lower than the top of the batter will have significantly less impact on views than is suggested elsewhere in the proposal for the same part of the site.	Adjacent to Ravensthorpe's northern boundary, a building height limit of RL18 has been established. This represents an effective building height of approximately 7m above the finished ground level and would mean that the tops of the buildings are lower than the height of a previously approved (but not yet built by Ravensthorpe) acoustic wall of 2.1m. These buildings will be set back 25m from the northern boundary of Ravensthorpe and associated workers cottages and would not be visible in the identified significant views from Ravensthorpe.	PPR Appendix 1 and 2
(e) No development should be visible in the background of views towards the property (garden or house) from Tongarra Road.	Two views from Tongarra Road have been identified as significant. One is the view of Ravensthorpe, approaching from the west. The other is from the base of Ravensthorpe's entrance driveway.	PPR Appendix 3
(f) If development does rise above existing ground level and require screen planting, additional concerns arise. If the buildings rise 15-20m above the level of Ravensthorpe as described in the application it would be likely to significantly overshadow both the screen planting zone and Ravensthorpe Garden. It is unlikely that trees and screen planting will be able to grow in a 3m wide space on the southern side of a 15-20m wide boundary.	Buildings will not rise 15-20m above Ravensthorpe. The natural ground level at the rear of Ravensthorpe is approximately RL16. Building heights will be limited to RL18 in the lots adjoining Ravensthorpe. Additional height limitations apply along an identified view corridor to the north of Ravensthorpe. An overall building height limit for the development of RL26 will mean that there may be views of buildings from less important parts of Ravensthorpe's grounds but that the buildings will be removed by approximately 100m from Ravensthorpe. These views can be screened by planted zones to the rear of Ravensthorpe and within the development. This will be able to be achieved with trees or shrubs of 4m in height along the Ravensthorpe boundary and trees of 10-12m in height along roads within the development. The planted zone to the rear of Ravensthorpe is a batter 12m in width and with a slope of approximately one in four.	PPR Appendix 1,2 and 3
(g) Significant 19th century plantings and trees adjacent to the common boundary are of major concern regardless of the height of new buildings. The ongoing survival of these trees should be a requirement of any development.	Construction Management Plans will be prepared for development in the Business Park and these will address existing vegetation. Further, buildings and development will be well set back from the boundary of Ravensthorpe.	PPR Appendix 2 and 3
(h) There is no indication of commitment to maintenance of the screen planting by the occupiers of the development, which could become an issue given their location at the rear of industrial units and potential difficulty of access above the finished ground level.	The Design Guidelines and Controls provide for regular review of the landscaping on the site.	PPR Appendix 2

(i) The onus should not be on the owners of Ravensthorpe to establish and maintain screen planting.	Screen Planting will be provided on the Business Park site.	PPR Appendix 2 (Appendix 1)
(j) Approval granted for development on this site should not result in the intrusion of industrial-scaled building bulk into the views and visual setting of Ravensthorpe.	See S(f), above.	
(k) The proposed development should not be visible behind Ravensthorpe and its grounds from anywhere along Tongarra Road.	There will be no development to the west of Ravensthorpe. Because of Ravensthorpe's location on a low hill and Tongarra Road's relatively low level, together with the limitations of height of development within the vicinity of Ravensthorpe, no development will be seen behind and above Ravensthorpe from the road.	PPR Appendix 3
(l) Building heights should be strictly limited on the lots surrounding Ravensthorpe and if screen planting is proposed the buffer should be designed to ensure successful planting and not overshadow Ravensthorpe's existing plantings.	See S(f), above.	





# REVISIONS TO CONCEPT PLAN PROPOSALS

The following major changes have been made to the proposals for the site and the Concept Plan as a result of the consideration of the submissions:

## Zones

- Zone SP2 Infrastructure has been removed and zoning of this area will not change from its current zoning
- Zone B7 has been changed to Zone IN2
- Zone E3 has been changed to E2

## Uses

- Additional objective included in the IN2 Zone to provide for retail, business and office uses associated with another use on a site
- Business and office premises retail and bulky goods retail included in the IN2 Zone as permissible uses providing they are associated with a light industrial use, depot, warehouse or distribution centre and the gross floor area for that use does not exceed 50% of the overall gross floor area of the development proposal
- Environmental protection works, environmental facility, recreation area, roads and wetland are the only permitted uses in the E2 Zone

## Height

- Overall height limit on site reduced to RL 26
- Area to north of Ravensthorpe has a height limit of RL18 for 100m from site boundary
- View corridor established for Ravensthorpe

## Heritage

- Site of possible café location moved to Wanalama site and the Wanalama site is the new location for the attempt to relocate the existing heritage building. This piece of land has been subdivided, and is now smaller than in the original submission
- Area to the west of Ravensthorpe included in the E2 Zone
- Building line established to the west of Ravensthorpe
- Landscaping redesigned around Ravensthorpe
- View corridor established to the north of Ravensthorpe
- Building setback of 25m established to the north of Ravensthorpe

## Design Guidelines and Controls

- Controls revised and strengthened
- Construction Management Plans to be required for development applications
- Heritage controls included

## Cut to Fill Plan

- This has been amended to indicate no works will be carried out in areas where the existing vegetation is to be retained







# REVISED STATEMENT OF COMMITMENTS

## 5.1 Introduction

This section provides a revised Statement of Commitments which details the measures proposed by Delmo Albion Park Pty Ltd (the Proponent) for environmental mitigation and management of the proposed project. The list is based on the original Statement of Commitments, which was included in the July 2007 EAR, and includes additional commitments as a result of the examination of the submissions made on the proposals.

The Statement of Commitments identifies those matters that will be dealt with in the next stage of the proposed project in order to minimise impacts on the environment. These matters arise from the detailed analysis of the project proposals and submissions made on them which has been carried out and documented in the original July 2007 reports, this Preferred Project report and the accompanying additional expert reports.

If approval is granted under Part 3A of the Environmental Planning and Assessment Act 1979 the Proponent will commit to the following controls for the submission of subsequent applications, construction and operation of the proposed project.

## 5.2 The Project

The proponent will undertake subsequent stages of the proposed project generally in accordance with:

- The Environmental Assessment Report dated July 2007 prepared by Julius Bokor Architect Pty Ltd (EAR)
- All supporting technical reports included in the Appendices to the above report
- The concept plans dated May 2007 prepared by Julius Bokor Architect Pty Ltd and Costin Roe Engineers as amended by:
  - The Preferred Project Report and Plans dated November 2007 prepared by Julius Bokor Architect Pty Ltd and Costin Roe Engineers (PPR)
  - This Statement of Commitments

If there is any inconsistency between the conditions of this Statement of Commitments and a document listed above, the conditions of this Statement of Commitments shall prevail to the extent of any inconsistency.

## 5.3 Statutory Requirements

- All approvals, licences and permits required by legislation will be obtained from the relevant Government Authorities and kept current as required
- The proponent will generally comply with the planning controls as gazetted in Schedule 3 to SEPP Major Projects which relate to the site

## 5.4 Consultation

- The community consultation programme prepared by Sarah Taylor will be implemented prior to the commencement of construction of the proposed project
- Consultation will continue throughout the project process with Shellharbour Council and relevant Government Departments as necessary

## 5.5 General Project Design Requirements

- The design philosophy of the project shall be within the parameters as set out in the Design Guidelines and Controls in Appendix 2 of this PPR
- Architectural input will be continued in the project for the building proposals for the site to ensure that high standards of design excellence are achieved
- It will be an objective of the design process to provide a safe and secure environment within the project

### 5.5.1 Subdivision

- A project application under Part 3A of the EPA Act will be submitted for the subdivision of the site and associated works including cut and fill, road construction and rehabilitation
- All public roads on the site will be designed in consultation with the Shellharbour Council engineering staff
- The site will be subdivided as set out in the subdivision plan
- Restrictions will be placed on the relevant land titles of the new lots within the Business Park to ensure the protection of the Riparian Buffer areas, the Paperbark Forest, the northern wetland and the three fig trees within the Business Park

### 5.5.2 Flood Prevention

- All measures in relation to flood prevention as set out in the Post Development Flood Modelling Report in Appendix 10 to the EAR and in the report in Appendix 4 of the PPR will be implemented as part of the initial stage of the proposed project.

### 5.5.3 Geotechnical

- Prior to the submission of a project application for the subdivision of the site a detailed study will be carried out into suitable fill to be used on the site
- Prior to the commencement of any works on the site a geotechnical investigation will be carried out to confirm the ground conditions, determine suitable founding mediums and to allow design of appropriate foundations for the proposed development

### 5.5.4 Contamination

- A Stage 2 Environmental Site Assessment, complying with EPA Guidelines, will be conducted on the site as recommended in the Stage 1 Environmental Site Assessment contained in Appendix 9 of this EAR before any work commences on the site
- Based on the results of the Stage 2 Assessment, and as required, remediation and validation of any contamination at the site will be undertaken
- A hazardous materials audit will be carried out on all buildings and hazardous materials on the site identified as likely to be disturbed in any future demolition works before any work commences on the site

- Demolition works will be conducted in accordance with the relevant Australian Standards and Worksafe Codes of Practice

#### **5.5.5 Water Cycle Management**

- All development in the Business Park is to comply with the requirements of the Water Cycle Management Plan prepared by Costin Roe Engineers and contained in Appendix 2 of this PPR

#### **5.5.6. Environmental Management**

- Prior to the submission of the project application for the subdivision of the site the Vegetation Management Plan prepared by Whelans Insites and contained in Appendix 6 of the EAR will be reviewed and updated as set out in the PPR
- Land within the Environmental Conservation Zone on the site will be rehabilitated and improved in accordance with the updated Vegetation Management Plan prior to the commencement of construction in the adjacent Business Park
- Prior to the submission of a project application for the subdivision of the site a detailed study will be carried out in relation to the realignment of Frazer Creek
- An ongoing programme for the monitoring of the water quality in the SEPP 14 Wetland on the site will be developed in consultation with Shellharbour Council prior to the commencement of building on the site
- The future ownership and management of the land within the Environmental Management Zone on the site will be as set out in the Proposed Agreement In Relation to the Environmental Management Area prepared by Landerers Solicitors and included in Appendix 7 to the EAR and Appendix 9 of the PPR

#### **5.5.7 Acoustics**

- The issue of truck noise in relation to residential properties will be further investigated as the development planning proceeds and measures will be taken to ameliorate any adverse impacts if necessary as set out in the Acoustic Report contained in Appendix 18 of the PPR.

#### **5.5.8 Landscaping**

- Landscaping within the Illawarra Regional Business Park will be carried out in accordance with the Landscape Management Plan prepared by James Pfeiffer Landscape Architects Pty Ltd and included in Appendix 2 (Appendix 1) to this PPR

#### **5.5.9 Traffic and Access**

- The proponent will provide a signalised intersection at the access point to the site from Tongarra Road as set out in the Traffic Study in Appendix 18 of the EAR
- All parking proposals and the design of parking areas on the site will comply with the Design Guidelines and Controls in Appendix 2 to this PPR or Shellharbour Council Planning Controls
- The proponent will continue liaison with the RTA in relation to any proposed upgrade of the intersection of the Illawarra Highway and the Princes Highway
- The proponent will continue liaison with the RTA in relation to the construction of a road within the land zoned 9 Road Reserve on the site
- The proponent will continue liaison with the operators of bus services in the area in relation to the provision of bus services to the site and to Albion Park Rail station
- A transport access guide will be prepared during the detailed design of the development for the site

#### 5.5.10 Construction and Site Security

- Prior to the commencement of any works on the site an overall Construction Management Plan will be prepared covering the following:
  - \* Traffic access to the site during construction
  - \* Demolition of existing buildings on the site and a programme for the recycling of materials from them
  - \* Plan for the disposal of waste from the site
  - \* Plan for the carrying out of filling on the site including the source of the fill
  - \* Plans for the protection of the vegetation on the site and the wetland areas on the site during the above works
  - \* An acoustic and vibration management plan
- To prevent the unauthorised entry of people into the construction site and prevent damage to the environment, security for the construction site(s) will include:
  - \* Lockable security gates
  - \* A security fence around the perimeter
  - \* Security lighting within the site
  - \* Controlled access to the site

#### 5.5.11 Operation of the Illawarra Regional Airport

- All measures will be taken as necessary to ensure there are no conflicts between the operation of the Business Park and the adjacent Illawarra Regional Airport in accordance with the airport's current classification

#### 5.5.12 Heritage

- A watching brief will be maintained during excavation and filling of the site for any Aboriginal relics or signs of items of cultural heritage
- The procedures to be adopted should any Aboriginal relics or items of cultural significance be discovered shall be approved by the local Aboriginal Land Council prior to the commencement of excavation or filling on the site
- The site of the former homestead adjacent to the three fig trees on the Business Park will be investigated in relation to its heritage significance and appropriate steps taken to protect or record any significant items found on the site. An interpretation plan will be prepared for this site
- An attempt will be made to move the house known as Marks Villa to the site containing the fig trees although it cannot be guaranteed that this will be successful

#### 5.6 s94 Matters

- The developers of the individual lots within the Business Park will be required to pay s94 contribution rates for this precinct for commercial, or industrial development as set out in Shellharbour Council s94 Plan of \$231.80 per office or industrial unit