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Department of Planning & Environment
Attention: Michelle Niles
GPO Box 39
SYDNEY NSW 2001

Your Ref:
Our Ref:
File:
Date:

MP 09_0131 MOD 1
Z19/129369
MP-2009/131/A
13 June 2019

Dear Sir/Madam

MODIFICATION TO CONCEPT PLAN (TALLAWARRA LANDS)

Thank you for providing Council the opportunity to comment on the applicant's response to submissions in relation to the modification of the Concept Plan approval for Tallawarra Lands.

Council remains concerned as identified in our letter of 31 July 2018 that the original support for the Tallawarra Lands rezoning and concept plan was based on the premise that (and reflected in the subsequent framework of the issued Concept Approval) all of the lands would be developed holistically with employment generating lands, not residential lands, being the primary driver of the development.

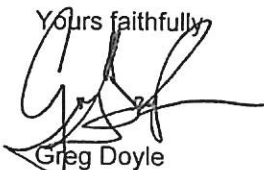
The further intrusion into environmentally zoned lands and increased development density, facilitated through additional floor area and the reduction of minimum lot size in selected areas, serve as an intensification of residential land use. This appears counter to mitigating likely conflicts from the future operation of Tallawarra B power station and any potential land use conflicts arising from the development of the employment generating lands.

Additionally, the modification request also seeks to alter existing conditions of consent to enable the applicant to selectively develop the residentially zoned land independently from the overall Tallawarra Lands. This, in effect, undermines the expected environmental and employment lands outcomes that were originally prioritised and provided for by the Department, Council and State Agencies.

Council's attached response provides additional commentary on key issues, however, the request for modification is not supported.

Should you have any enquiries or wish to discuss these matters further please contact Nicole Ashton, Senior Development Project Officer, on telephone 42277111.

Yours faithfully,



Greg Doyle
General Manager
Wollongong City Council
Telephone: (02) 4227 7111

ATTACHMENT 1 - Comments in relation to the Proponent's Response to Submissions

Strategic Planning

Council would like to reiterate its ongoing concerns regarding the extent of additional residential development proposed under the modification. Whilst the number of additional lots sought has dropped, there remains an almost a 30% increase in residential development outcomes in a land release area where the primary focus was on employment lands.

Commentary provided by the applicant indicates that they see the solution to addressing potential land use conflicts as being the restriction of industrial uses to benefit the proposed residential development. This approach is not considered to be satisfactory, as residential development should only be permitted where it does not threaten the viability of industrial or employment lands.

Additionally, the application documentation indicates that the proposed buffer area is located within the industrial lands, subsequently limiting their use. There is sufficient supply of residential land within the nearby West Dapto Urban Release Area - Council maintains that any buffers or restrictions required to facilitate the proposed development should be provided within the residential zoned lands.

It is clear that the proposed modification can only progress at the expense of employment lands, and as such, Council considers the modification to be contrary to the intent behind the original Concept Plan approval by failing to give due regard to the importance of scarce employment lands.

Environment

Council does not support the applicant's proposed changes to the wording of conditions 11 and 12. The following wording (in italics) is considered by Council to appropriately reflect the desired delivery of the condition requirements if the Department is of a mind to support the modification request:

11 Further Investigation of the Areas of Environmental Concern and engagement of a Site Auditor accredited under the Contaminated Land Management Act 1997

Future applications that include works on those lands nominated as Areas of Environmental Concern (AECs) in the Coffey Environments report (December 2010) must be accompanied by a further environmental assessment report. In addition to adopting the recommendations contained in Section 12 of the Coffey Environments Groundwater Modelling Assessment report, the further investigations must consider:

- the potential for contaminants present in the soil and groundwater in the vicinity of the ash ponds to be mobilised and transported to the adjacent shallow aquifer, Duck Creek and ultimately to the receiving waters of Lake Illawarra, and measures to address this including the feasibility of remediation of contaminated soils and/ or the containment of the sources of contamination;
- measures to ensure that the environmental attributes of conservation lands on the site are not adversely impacted on by contaminants present in the soil and groundwater;
- recommendations for the ongoing management of contaminated groundwater;
- the potential for the contamination present in soil and groundwater in the vicinity of the ash ponds to adversely affect groundwater dependent ecosystems on the site; and
- any risks to human health or the environment.

Following the completion of the further investigations, the proponent must engage a Site Auditor accredited under the Contaminated Land Management Act 1997 to verify the adequacy of the investigations (and any proposed remediation). Prior to the issue of any *construction certificate the proponent must undertake Stage – II (detail Site Investigation) and Stage III (Remediation Action Plan) for the entire area including Southern Precinct as stated in Tallawarra Lands Concept Plan. Prior to submission of Stage II and III reports, these reports must be reviewed by appointed site auditor.*

Prior to issue of any Subdivision Certificate (other than for super lot subdivision), the proponent must obtain a Site Auditor Statement which certifies that the site is suitable for its proposed use. No buildings may be erected on the land prior to the issue of a Site Auditor Statement certifying that the site is suitable for its proposed use.

12. Engagement of a site auditor to verify the adequacy of asbestos soil sampling and asbestos contamination investigations

The first future application to Council (refer to Condition A6) must include a verification from a Site Auditor accredited under the Contaminated Land Management Act 1997 to as to the adequacy of the investigations and asbestos soil sampling undertaken by Douglas Partners (July 2010) and any further investigations subsequently undertaken by the proponent and certification that the site can be made suitable for the proposed use.

Prior to issue of any Subdivision Certificate (other than for super lot subdivision), the proponent must obtain a Site Auditor Statement which certifies that the site is suitable for its proposed use. No buildings may be erected on the land prior to the issue of a Site Auditor Statement certifying that the site is suitable for its proposed use.

Traffic

The increased yield traffic scenarios have been modelled with the Haywards Bay Link in place, whereas the scenarios within the approved development yield were not. It is therefore considered that any approval for additional yield should include a condition for the Haywards Bay Link to be provided.

RMS will need to monitor development progress in order to ensure adequate capacity and acceptable main road network operation, especially in relation to the northbound M1 Dapto off-ramp and timing of Stage 3 (northern interchange) of the Albion Park Rail Bypass project.

Heritage

1. The Heritage Impact Assessment Report prepared by Biosis should be amended to reflect the substantial additional historical records available through historical newspaper articles relating to property transactions to ensure that the conclusions made about potential archaeological sites are properly considered. The HIS should be updated to reflect the addition historical investigations that BIOSIS has undertaken and include clear archaeological significance and context mapping.
2. The modification to the concept plan appears to provide for an expansion of the potential heritage impacts on both Aboriginal and non-Aboriginal heritage sites, and would result in further encroachment of the development into areas higher on the development site. These additional impacts do not appear to be consistent with the aims and intentions of the earlier considerations relating to the development of the Tallawarra Lands and are generally not supported on heritage grounds.
3. The Central Precinct subdivision layout should allow for the Fig Tree associated with AHMS site (52-5-0614) to be retained. All future development within the Central Precinct should be suitably tailored to limit impacts upon the tree and to ensure its ongoing viability.
4. The concept plan should be undertaken in accordance with the recommendations of the final reports titled - Archaeological Report: North Precinct and Archaeological Report: Central Precinct prepared by BIOSIS in August 2017.
5. Further archaeological testing should be undertaken in the areas identified as having moderate archaeological potential as recommended by BIOSIS in the 2017 ACHAR and in the PAD3 area **before** finalisation and approval of the concept plan modification. This is essential to properly understand, measure and consider impacts.
6. The comments of the Office of Environment and Heritage should be sought in relation to the revised proposal and the applicant should be required to obtain an AHIP under the NSW National Parks and Wildlife Act 1974 for the impacts on the Aboriginal sites for impacts to sites Boomberry Point and Elizabeth Point (25-5-0223 and 52-5-0225) in the Northern Precinct as well as (52-5-0613), (52-5-0614), (52-5-0615) and PAD 3 (52-5-0523).
7. A Heritage Management Plan should be developed for the site as recommended in detail by the NSW Heritage Council in their referral on the original proposal.
8. A Heritage Interpretation Plan should be required to be developed by the applicant and the recommendations and outcomes of this should be incorporated in any future development of the site. The plan should provide for the interpretation of both the Aboriginal and European history of the site

and any significant sites/features identified within it. It should also ensure that Aboriginal objects are managed appropriately through further consultation with the local Aboriginal Community. Consideration should be given to planning for an on-site Keeping Place for removed objects. The plan should also be informed by the additional historical records Council holds from newspaper references related to the property.

Stormwater

1. The proposed modification to the Industrial Employment Precinct in the Central superlot results in the proposed road and industrial lot being directly within the location of the existing watercourse. The proposed development would appear to be proposing industrial lots or the road way (other than bridging of a watercourse) within an area of high flood risk precinct and high hydraulic hazard area. This is contrary to the objectives of Chapter E13 of the Wollongong DCP 2009 and clause 7.3 of the Wollongong LEP 2009. The development should be redesigned such that all proposed roads and lots (other than recreation uses) are located wholly outside the areas of high flood risk (either high hydraulic hazard or 10m from top of bank). It is recommended that the industrial precinct be relocated back to the north east away from the watercourse.
2. Shared paths proposed in watercourse areas should be designed to ensure overtopping/inundation in lower order storm events does not occur, limiting the potential for debris build-up and ongoing maintenance.

Social Planning

Council has continuing concerns around the lack of documentation that provides justification for the proposed reduction in open space and environmental lands in the central precinct. Council does not support the reduction of these lands to enable the expansion of the residential and industrial lands footprint.

Whilst the applicant states that the SEARS did not require the preparation of a Social Impact Assessment, the modification proposes a significant increase in residential lot yield, even at the revised numbers. Council considers that open space should not be decreased unless there is justification for the same by way of a community/social infrastructure needs assessment or similar appropriate planning study detailing the amount of community use land required to accommodate the future Tallawarra Lands population.

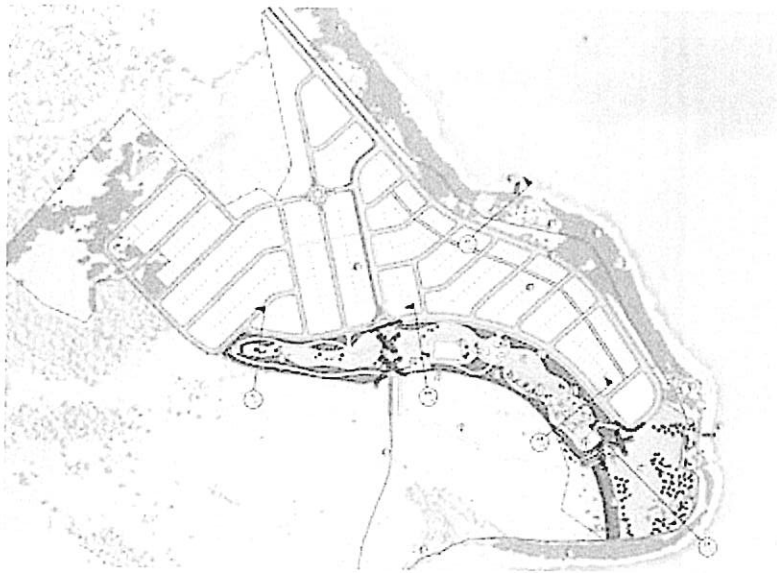
Open Spaces

Northern Precinct

Road widths should accommodate two directional flow and on-street parking along the entire frontage of the foreshore and be wide enough to accommodate buses servicing the foreshore area.

Ridgeline Park- Northern Precinct

- Road widths should accommodate two directional flow and on-street parking along the entire frontage of the park.
- The road separating the foreshore and park/café is likely to attract anti-social activity. The road should terminate at intersection of foreshore road and park frontage road as shown below.
- The southern road off the roundabout should terminate at the roundabout as shown below
- The café will likely require parking and this should be shown on point park
- Community gardens are generally not supported by Council in this instance as their ongoing management is problematic



Southern precinct

- **Sports field**

The loss of a sports field is not supported. A 120m x 67m field with appropriate runoffs and distance from the roads should be provided. Ideally the land containing the sports field, hardcourts and proposed community centre should be one contiguous parcel. This would assist to reduce costs to Council by minimising the duplication of infrastructure through shared parking, amenities and so on for both the community facility and sporting infrastructure.

Area 6 as shown on Drawing number L1003 should be reconsidered in context with the surrounding land use.

Visual Impacts

The updated photomontage illustrates that the roofs of dwellings remain visible from the narrow strip of foreshore facing north-northeast and Oak Flats Boat Ramp. Council considers that no roofs should be visible from either vantage point by ensuring that maximum roof heights do not exceed the crest of the ridgeline.

