



Department of Industry

OUT19/6746

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Dear Ms Niles

Tallawarra Lands, Yallah (MP 09_0131 MOD 1) Response to Submissions

I refer to your email of 20 May 2019 to the Department of Industry (DoI) about the above matter.

The following advice for you to consider is from relevant branches of Lands & Water and Department of Primary Industries.

DoI – Water and Natural Resources Access Regulator

- If groundwater is intercepted during construction, work must cease until correct approvals/licences have been obtained.
- DoI Water recommends a Groundwater Consultant is engaged to determine heavy metals contamination in groundwater.

DPI Fisheries

- The proponent has provided MUSIC modelling of conceptual water quality outcomes from the proposal in Section 5 of Appendix O. However, the data provided compares the performance of the developed site with water quality protections against the performance of the developed site without water quality protections. This is not an adequate analysis as it simply indicates that the quality of water discharging from the site will be somewhat better with the protections in place compared to what it would be without any protections. A necessary analysis is to compare the existing site (ie grazing and forested land) against the development with water quality protections in place to show whether the development could achieve agreed water quality targets.
- The MUSIC modelling predicts that the proposal in its current form will discharge 6970 kg of Suspended Solids, 40.6 kg of Phosphorus, 483 kg of Nitrogen and 32.3 kg per year of Gross Pollutants to the waters of Lake Illawarra every year for the life of the Development. An assessment should be prepared to determine what impact this will have on the water quality, aquatic environment or Councils long term objectives for the health of Lake Illawarra.
- As was stated in our previous correspondence, given the sensitive nature of the receiving waters, the Department recommends that the stormwater quality targets be adjusted to ensure that the development achieves a Neutral or Beneficial Effect on Water Quality as is mandated for developments situated within the Sydney Drinking Water Catchment.

- DPI Fisheries supports the proponent's commitment to undertake a long term stormwater quality monitoring program to test and verify the performance of the proposed stormwater controls. We recommend that the monitoring program be developed at the detailed design phase, prior to the commencement of any on-ground works. Monitoring of water quality should include comparison sites upstream/outside of the area of impact along with event based and periodic sampling.
- We also support the inclusion of a condition of independent construction phase water quality auditing and recommend that a similar condition of independent auditing be included for long term stormwater quality monitoring programs.

Dol Crown Lands

Concerning the Crown land which adjoins the proposed Tallawarra Mixed Use Development site (MP 09_131 Mod 1), in response to the proponent's review of submissions, report 008:

- Section 5.1.2.2 - Response to comments for public open space, the proponent relies in part on public open space being available along the Lake Illawarra Foreshore. While the proponent acknowledges the foreshore land is not included in the development it still refers to this land as public open space. Section 5.1.6.2 states "It should be noted that no works are proposed along the Lake Illawarra foreshore as this land is in Crown ownership. It is envisaged that at some point in the future that this land may be appropriately developed to provide enhanced public recreational facilities that are available to all residents within the Illawarra. As previously advised the proponent should note that the adjacent Crown foreshore at Lot 110 DP 1050302 is not managed to provide any other recreational access to or opportunity on the foreshore.
- The landscape concept Plan at Figure 7-5 and the Landscape plan for northern precinct open space (appendix G) and cross section E-E of that plan still show the Crown land as supporting two jetties into lake Illawarra. The department is unable to authorise any structures fronting foreshore Crown land and all the references to the shown jetties need to be removed from the concept plan. The northern precinct open space plan also references a dense tree planting from the Lake Illawarra Authority masterplan. The Lake Illawarra Authority no longer exists and the foreshore master plan is no longer relevant; references to it should be removed.
- Section 5.3.3.6 - Response to comments for public and active transport, also references linking walking and cycling ways from the development to the existing pathways around the lake, such as on the Crown land. This will increase use of that infrastructure, public expectations of it and maintenance requirements for it. Dol Crown Lands are not resourced to maintain public open space under its direct management for recreation, including infrastructure on that land. Where the proponent references the use of public open space and infrastructure on public land it will need to identify the in-perpetuity management and maintenance of these areas including tenure and funding for maintenance of these areas.
- During the preparation of the modification request, the proponent should consult with the department via lands.ministerials@industry.nsw.gov.au. The department looks forward to reviewing these submissions and plans, especially in relation to the above matters.

Please send any further referrals to Department of Industry by email to landuse.enquiries@dpi.nsw.gov.au.

Yours sincerely



Liz Rogers
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20th June 2019