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Robert Byrne - Tallawarra Lands, Yallah - MP09_0131

From: Robert Byrne
To: plan_comment@planning.nsw.gov.au
Date: 11/9/2011 3:45 PM
Subject: Tallawarra Lands, Yallah - MP09_0131

Attention: Mr Robert Byrne

Dear Sir,

We the undersigned have looked at the documentation held at the Shellharbour Council and online information regarding the proposal of the Tallawarra Lands. I raise only one concern / objection and it revolves around the Master Plans and which one of the plans is being put forward as the construction plan.

I see two different site plans one I do not have a problem with which is the one designed by **Warren Lee Urban Design** which shows the only link between Haywards Bay and the Tallawarra Lands is a bike path running between two ponds which are in existence at this time.

My major concern is the site plan designed by Cox Richardson which clearly shows a road and not the a bike path accessing Haywards Bay Drive. Haywards Bay has many young families living there and these children take the bus from Haywards Bay Drive bus stop adjacent to the existing Shell Service-station.

The traffic around that area has increased dramatically since the opening of the Service-station and having a look at the Traffic Report in Appendix 17 which shows even more increase in traffic on Haywards Bay Drive on the Cox Richardson site plan.

If there is to be a road accessing onto Haywards Bay Drive the traffic will increase tenfold or more and not just residential cars as well as trucks and other commercial traffic plus their customers and employees vehicles of the Industrial and Business Park precincts driving through a residential area which is very dangerous for the residents of Haywards Bay.

I built in Haywards Bay because it would be quiet and good place to spend my retirement years and the fact that it is a destination only subdivision with no through traffic.

I am very apposed to any design that has a road linking Haywards Bay and the Tallawarra Lands.

Warren & Wendy Harmer
16 Johnston Ave
Haywards Bay NSW 2530 (H) 02 4257 2428 (M)0418 244 860

(82)

From: Robert Byrne
To: plan_comment@planning.nsw.gov.au
Date: 11/9/2011 3:46 pm
Subject: Attention:Robert Byrne Tallawarra Lands, Yallah

Attention: Robert Byrne

Reg - Tallawarra Lands, Yallah - MP09_0131

I have looked at the online information regarding the proposal of the Tallawarra Lands. I have only one concern and it revolves around the Master plans and which one is being put forward as the construction plan.

I have seen two different site plans online and one I don't have a problem with the one designed by Warren Lee Urban Design which shows the only link between Haywards Bay and the Tallawarra Lands is a bike path running between the two ponds. My major concern is the site plan deigned by Cox Richardson which shows a road and not a bike path accessing Haywards Bay Drive.

Haywards Bay has many young families which I am one of and my children take the bus from Haywards Bay drive bus top next to the Shell Service-station. The traffic around that area has increased dramatically since the opening of the Service-station and having a look at the Traffic Report in Appendix 17 which shows even more increase in traffic on Haywards Bay Drive on the Cox Richardson site plan. If there is to be a road accessing onto Haywards Bay Drive the traffic will increase tenfold or more and not just cars there will trucks driving through a residential area which is very dangerous for the residents of Haywards Bay.

I built in Haywards Bay because it would be quiet and a good place to bring my children up and there wouldn't be much traffic, only the residents and their family, friends and the odd looker or two. I am VERY apposed to the any design that has a road linking Haywards Bay and the Tallawarra Lands.

Regards

Trent Green
18 Johnston Ave
Haywards Bay, NSW, 2530

Robert Byrne - Submission Details for Werner Steyer

From: Robert Byrne
To: robert.byrne@planning.nsw.gov.au
Date: 11/9/2011 3:40 PM
Subject: Submission Details for Werner Steyer
CC: assessments@planning.nsw.gov.au



Disclosable Political Donation: no

Name: Werner Steyer
Email: wernersteyer@yahoo.com.au

Address:
68 Lake Entrance Rd

Oak Flats, NSW
2529

Content:

I object to the application as without a strong commitment to providing the around the lake shared use path, as indicated in the City of Wollongong bicycle plan, the project will destroy any hope of providing the tourist attractions needed to grow tourism in our community and provide an environment that will benefit the health and wellbeing of the community thought the reduction of the use of cars for short trips

IP Address: 112-213-139-31.bb.ispone.net.au - 112.213.139.31
Submission: Online Submission from Werner Steyer (object)
https://majorprojects.affinitylive.com?action=view_diary&id=22305

Submission for Job: #3362 MP09_0131 Mixed Use Development Concept
https://majorprojects.affinitylive.com?action=view_job&id=3362

Site: #2051 Tallawarra Lands
https://majorprojects.affinitylive.com?action=view_site&id=2051

Werner Steyer

E : wernersteyer@yahoo.com.au

Powered by [AffinityLive](#): Work. Smarter.

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Robert Byrne - Submission Details for yvonne Rolfs

From: Robert Byrne
To: robert.byrne@planning.nsw.gov.au
Date: 11/9/2011 3:41 PM
Subject: Submission Details for yvonne Rolfs
CC: assessments@planning.nsw.gov.au



Disclosable Political Donation: no

Name: yvonne Rolfs
Email: bonski@exemail.com.au

Address:
70 Little Lake Cres

WARILLA, NSW
2528

Content:

I object to the application, in its present form, as it is ambiguous and misleading in its information in relation to the provision of cycling infrastructure and support for the iBUG submission which clearly shows the extent of the ambiguity. The predominance of obesity in our society could be addressed by user-friendly cycling. Safe, enjoyable cycle paths would encourage outdoor family activities leading to a healthier community both physically and mentally. To set a precedence of high standard cycle paths would help tourism in the Illawarra also.

IP Address: 8.30.233.220.static.exetel.com.au - 220.233.30.8
Submission: Online Submission from yvonne Rolfs (object)
https://majorprojects.affinitylive.com?action=view_diary&id=22294

Submission for Job: #3362 MP09_0131 Mixed Use Development Concept
https://majorprojects.affinitylive.com?action=view_job&id=3362

Site: #2051 Tallawarra Lands
https://majorprojects.affinitylive.com?action=view_site&id=2051

yvonne Rolfs

E : bonski@exemail.com.au

Powered by [AffinityLive](#): Work. Smarter.

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Robert Byrne - Tallawarra Lands Concept Plan

From: Robert Byrne
To: robert.byrne@planning.nsw.gov.au
Date: 11/9/2011 3:42 PM
Subject: Tallawarra Lands Concept Plan

Hi Robert

Please find attached OEH comments on the Tallawarra Lands Concept Plan. The hard copy is in the mail.

Regards

Marnie

Marnie Stewart
Conservation Planning Officer
Planning and Aboriginal Heritage Section
Environment Protection and Regulation Group
Office of Environment and Heritage
Department of Premier and Cabinet
ph 02 9995 6861

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PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL



Office of
Environment
& Heritage

Our reference: DOC11/43433
Your reference: MP09_0131
Contact: Marnie Stewart 9995 6861

Mr Michael Woodland
Director
Metropolitan and Regional Projects South
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Mr Woodland

I refer to your letter received by the Office of Environment and Heritage (OEH) on 20 September 2011 inviting comments on the exhibited Environmental Assessment (EA) for the Tallawarra Lands Concept Plan MP09_0131 at Yallah.

It is understood the Concept Plan proposes the following:

- three residential precincts containing 1010 lots,
- a retirement village comprising 200 dwellings,
- a neighbourhood centre,
- a primary school,
- business uses,
- industrial and light industrial uses,
- a tourist facility, and
- conservation lands and open space.

As the Department of Planning and Infrastructure (DoP&I) is aware, OEH has provided detailed advice on the Concept Plan application in correspondence dated 22 September 2009 and 22 March 2011.

OEH has reviewed the EA and provides detailed comments in Attachment 1 in regard to the biodiversity, flood risk management, Aboriginal cultural heritage, contamination and noise aspects of the proposal. Significant concerns are raised regarding biodiversity, flood risk management and noise issues.

In relation to biodiversity, OEH recommends the identification and securing of an appropriate legal mechanism or instrument in the EA to ensure perpetual conservation of the retained vegetation. This is a key issue that requires resolution prior to determination.

In regard to flood risk management, OEH has previously provided detailed flood related advice to Wollongong City Council and DoP&I to assist in addressing complex flood related issues. Many of OEH's issues remain unaddressed and therefore this previous advice remains relevant to the current EA. OEH has significant concerns with the current proposal as it is unclear whether there is adequate information regarding flood behaviour to enable the DoP&I to be satisfied that the:

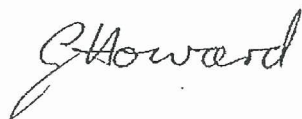
The Department of Environment, Climate Change and Water is now known as the Office of Environment and Heritage, Department of Premier and Cabinet

- proposal will ensure that future development will be protected from flood damage to a reasonable flood standard;
- risks to future occupants of the floodplain and development have been adequately considered and managed; and
- proposal is being considered in a manner consistent with the NSW Government's flood prone land policy as set out in the Floodplain Development Manual (2005).

In terms of noise, OEH has previously requested a more detailed assessment of the proposed industrial noise sources (industrially zoned land and power stations) on the proposed residential areas. The objective of this assessment would be to determine whether unacceptable land use conflicts are likely, or whether these can be mitigated through planning measures such as noise emissions controls on industrial uses or mitigation measures on residential uses, or other mechanisms, for example, boundary adjustments, increased buffer distances or revised land uses. Based on the information provided, OEH is not confident that noise limits can be met at the Tallawarra Lands residential precincts. It is essential that noise impacts are adequately assessed and impacts resolved given the potential health impacts to future residents and the costs of regulating noise impacts on an on-going basis.

If you have any queries, please contact Marnie Stewart, Conservation Planning Officer on 9995 6861 or marnie.stewart@environment.nsw.gov.au.

Yours sincerely



07 NOV 2011

GISELLE HOWARD
Director Metropolitan
Environment Protection and Regulation
Office of Environment and Heritage
Department of Premier and Cabinet

Attachment 1 - OEH comments on the Environmental Assessment for the Tallawarra Lands Concept Plan

Threatened Biodiversity Assessment

Illawarra Lowlands Grassy Woodland is endemic to the Illawarra, with an estimated 5-15 per cent of its original extent remaining. Consequently, this vegetation type is listed as an endangered ecological community (EEC) under the *Threatened Species Conservation Act 1995* (NSW) (TSC Act). With only 47ha currently represented within conservation reserves, Illawarra Lowlands Grassy Woodland EEC is the highest priority vegetation type in the Illawarra, as identified in regional studies such as the *Illawarra NRM Action Plan* (SRCMA 2010) and the *Illawarra Biodiversity Strategy* (Illawarra Councils 2011).

Illawarra Lowlands Grassy Woodland EEC on the subject site is known to provide habitat for a number of threatened species and populations listed under the TSC Act and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) including, but not necessarily limited to, *Chorizema parviflorum*, Illawarra greenhood orchid (*Pterostylis gibbosa*), scarlet robin (*Petroica boodang*), grey-headed flying fox (*Pteropus poliocephalus*) and six threatened microchiropteran bat species.

The *Ecological Assessment* (ELA 2011) indicates that the proposed development will result in the removal of 4.37 ha of endangered ecological communities. Of this direct impact, 75 per cent or 3.28 ha will be from Illawarra Lowlands Grassy Woodland EEC, for the development of access roads (1.50 ha), residential lots (1.01 ha) and employment land (0.75 ha).

Measures to avoid

In correspondence dated 22 March 2011, OEH sought clarification on measures to avoid or mitigate impacts associated with the proposal on Illawarra Lowlands Grassy Woodland EEC. OEH acknowledges that the proponent has attempted to respond to this request, however no evaluation of alternatives is provided in the correspondence dated 29 August 2011 to justify that impact on Illawarra Lowlands Grassy Woodland EEC and *Chorizema parviflorum* cannot be avoided or mitigated.

Illawarra Lowlands Grassy Woodland EEC within the Lakeside Precinct is known to provide habitat for *Chorizema parviflorum*, an endangered population listed under the TSC Act. The *Chorizema parviflorum* population is of significant conservation value. Only a small number of remnant sites remain in the Wollongong and Shellharbour local government areas, with few individuals known from each site. The *Chorizema parviflorum* population of the Lakeside Precinct represents the most easterly limit to its distribution in Wollongong.

The proposed access road into the enterprise / business zone of the Lakeside Precinct is sited north of the identified *Chorizema parviflorum* population, with enterprise / business zones proposed to the south and east of the population. As such, the proposed access road will isolate the *Chorizema parviflorum* population from other areas of contiguous *Chorizema parviflorum* habitat, as well as remove Illawarra Lowlands Grassy Woodland EEC and *Chorizema parviflorum* habitat. OEH raises significant concern regarding the *Chorizema parviflorum*'s ability to sustain a viable population should the proposed access road be constructed along the proposed alignment.

Illawarra Lowlands Grassy Woodland EEC on Lot 1 DP 543285, Lot 10 DP 552933 and Lot 151 DP 628980 is zoned E2 Environment Conservation under the Wollongong Local Environment Plan 2009 and covered by Council's *Environmentally Sensitive Areas – Biodiversity Map*. The proposed access road is not a permitted use, nor consistent with the objectives of the E2 zoning or *Environmentally Sensitive Areas – Biodiversity Map* under Wollongong LEP 2009.

In light of the above, the EA should canvass and evaluate all reasonable alternatives to the proposed access road into the enterprise / business zone of the Lakeside Precinct to demonstrate that impacts on Illawarra Lowlands Grassy Woodland EEC and *Chorizema parviflorum* have been avoided.

Furthermore, the EA should canvass and evaluate all reasonable alternatives to the proposed precinct boundaries in the south-western edge of the Northside Precinct to demonstrate that impacts on Illawarra Lowlands Grassy Woodland EEC have been avoided.

Measures to offset

The guiding principles for a threatened biodiversity assessment are that where impacts cannot be avoided or mitigated, residual impacts must be compensated by a suitable biodiversity offset package.

In correspondence dated 22 March 2011, OEH sought clarification of the measures to be put in place as part of the proposal to compensate for the permanent loss of 4.37 ha of endangered ecological communities. In accordance with OEH's offset principles, OEH advised the proponent that offsets should be managed under effective and secure long term management arrangements.

The EA outlines a proposal to compensate for the permanent loss of biodiversity through the retention and management of native vegetation elsewhere in the study area. Mechanisms to ensure the security and long term management of the proposed offsets are not identified in the EA. Retained vegetation is proposed to be managed through a *Vegetation Management Plan* (ELA 2011), at a cost of \$3,881,538 for a five year period. While active management of endangered ecological communities will contribute to the long-term viability of biodiversity on the Illawarra Coastal Plain, active management in the absence of effective and secure long term management arrangements does not constitute an effective offset under the *Principles for the use of Biodiversity Offsets in NSW*, nor the *NSW OEH Interim Policy on Assessing and Offsetting Biodiversity Impacts of Part 3A, State Significant Development (SSD) and State Significant Infrastructure (SSI) Projects* (OEH 2011).

It is noted the proponent commits to implement measures outlined in the *Vegetation Management Plan* for a five year period, however the land subject to these measures is not protected in perpetuity and could therefore be rezoned or redeveloped in the future. Furthermore, the benefits of measures outlined in the *Vegetation Management Plan* could be lost if works cease before the vegetation is self-sustaining. Typically, this entails maintaining a site for more than a five year period. The proponent has also indicated a willingness to transfer areas of open space to a public authority, such as Wollongong City Council or Lake Illawarra Authority. OEH notes, however, that these public authorities are yet to express an interest in accepting these areas.

Offsetting should only proceed if an appropriate legal mechanism or instrument is used to secure the required actions. In the absence of any mechanism or instrument in the EA to ensure conservation of the offset area in perpetuity, the question arises as to whether the proposal satisfies the Director General's Requirement to offset the potential impacts of the proposal.

In light of the above, OEH is unable to support the proposal as currently proposed.

OEH would, however, be prepared to review its position should the proponent commit to secure a suitable offset to compensate for the impact of the proposal on threatened species, populations, endangered ecological communities and their habitats. In this regard, it is recommended that the *Statement of Commitments (SoC)* be amended to include:

1. The proponent shall provide a suitable offset to compensate for the impact of the development on threatened species, populations, endangered ecological communities and their habitats to the satisfaction of the Director-General of Planning and Infrastructure, in consultation with OEH, prior to the commencement of construction.

2. This offset package shall:
 - 2.1. Detail conservation mechanisms to ensure the long term protection and management of the offset sites, through:
 - the establishment of biobanking sites with biobanking agreements under the TSC Act, or
 - the retirement of biobanking credits (where appropriate credits are available), or
 - the establishment of Conservation Agreements under the NPW Act, or
 - Trust Agreements under the *Nature Conservation Trust Act 2001*, or
 - Planning Agreements under s 93F of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (being agreements that directly impose measures to conserve or enhance the natural environment), or
 - some other mechanisms agreed to by the proponent, DoP&I, OEH and other relevant parties.
 - 2.2. Meet the *Principles for the use of Biodiversity Offsets in NSW*, which are available at: www.environment.nsw.gov.au/biocertification/offsets.htm.
 - 2.3. Include an appropriate Management Plan (such as vegetation or habitat) that has been developed as a key amelioration measure to ensure any proposed compensatory offsets, retained habitat enhancement features within the development footprint and/or impact mitigation measures (including proposed rehabilitation and/or monitoring programs) are appropriately managed and funded.

Licensing

The proponent should note that measures undertaken as part of the *Vegetation Management Plan* may require a licence under section 91 of the TSC Act i.e. where seed collection from an endangered ecological community offsite is proposed.

Flood Risk Management

OEH has provided detailed flood related advice to Wollongong City Council and DoP&I to assist in addressing complex flood related issues to the Tallawarra lands since 2006. Many of OEH's comments remain unaddressed and therefore the previous advice remains relevant to the current EA for the Tallawarra Lands Concept Plan. OEH has encouraged the preparation of a catchment based Floodplain Risk Management Study and Plan (FRMS&P) as the appropriate basis to manage future development on floodplains in this catchment. This approach would enable planning authorities to consider and address the complexity of flood related issues and work toward consistency with the Floodplain Development Manual (2005), the relevant section 117 direction and the Illawarra Regional Strategy.

OEH understands that assessment of the flood related issues to date have been based on a locality specific flood study (Cardno September 2006 & November 2006) without the benefit of an overall catchment wide FRMS&P. Bewsher Consulting has provided supplementary advice based on Cardno's 2006 flood study titled 'Flood Risk Assessment' dated December 2010 and further advice dated 9 August 2011 in support of the application. Previous advice from OEH dated 22 September 2009 identified a number of issues with the studies which do not appear to have been addressed to date. OEH therefore has concerns with the current proposal and associated land use planning decisions particularly with regard to:

- Estimation of appropriate design flood levels and reporting of flood planning levels – these are not clearly articulated and do not appear to be based on likely future conditions including potential implications of land form modifications, future development in the catchment, impacts of proposed riparian rehabilitation works and potential impacts of climate change given the lack of post developed flood modelling;
- Consideration of Council's (draft) Lake Illawarra FRMS&P (latest version being Cardno 2011) including downstream boundary conditions that account for the potential impact of sea level rise and associated impact from further foreshore filling of the floodplain;

- Consideration of impacts of existing infrastructure upstream of the site including potential attenuation and flow diversion impacts on flood flows and the potential to augment these existing waterway openings into the future. It is not considered appropriate to attenuate peak flood flows for design modelling as these structures have not been designed for flood detention. This issue also relates to structure differences identified on site by Bewsher (Dec 2010) as opposed to those utilised in the Cardno modelling; and
- Emergency management considerations for floods greater than the design flood in the absence of post-developed flood analysis.

It is therefore unclear to OEH whether there is adequate information regarding flood behaviour to enable the DoP&I to be satisfied that:

- the proposal will ensure that future development will be protected from flood damages to a reasonable flood standard;
- that risks to future occupants of the floodplain and development have been adequately considered and managed; and
- that the proposal is being considered in a manner consistent with the NSW Government's flood prone land policy as set out in the Floodplain Development Manual (2005).

OEH understands that Council has engaged BMT WBM to conduct an analysis on flooding within the Duck Creek catchment as part of the planning for Yallah Marshall Mount. Whilst OEH has not been involved with the development of this particular study, it is understood that Wollongong City Council has employed a catchment wide approach to assist in the consideration of flood risk and potential management options in the Duck Creek catchment. DoP&I may wish to liaise with Council regarding this proposal as it relates to the Duck Creek study as it may provide relevant flood information for this site.

Aboriginal Cultural Heritage

OEH notes that the proponent commits to implementing the recommendations of the Aboriginal Archaeological Assessment, however, OEH considers that these recommendations are very broad in nature and not expressed in terms that are clear, unambiguous or enforceable.

OEH further notes that six areas within the Tallawarra Lands have been identified as 'Defined Area of Aboriginal Cultural Sensitivity'. Those areas are Mount Brown, Duck Creek, Fig Tree, Lake Illawarra Foreshore, Wollingurri Point and Ridgeline Access – Mt Brown to the Lake. OEH recommends that DoP&I require the proponent to clarify what activities will be undertaken in the vicinity of these areas and how it plans to conserve the cultural values of these areas. OEH considers that continued consultation with the local Aboriginal community is essential throughout the proposed development, particularly in relation to the protection and management of the cultural values of those areas identified as 'Defined Area of Aboriginal Cultural Sensitivity'.

OEH also recommends that DoP&I require the proponent to draft a clear and unambiguous SoC with regard to Aboriginal Cultural Heritage. Any statement of commitments that ascribes a role for OEH must be endorsed by OEH in writing prior to final approval.

Contamination

Asbestos Soil Sampling

The asbestos surface sampling over the site has been undertaken on a 100m grid spacing which is consistent with our previous recommendations. OEH has previously sought a detailed description of the soil sampling methodology. This description is not provided in the EA. It is unclear to OEH how much, if any, topsoil was removed during the asbestos sampling.

OEH therefore still recommends a detailed description of the soil sampling methodology be provided.

Accredited Auditor

Previously OEH has recommended the involvement of an auditor accredited under the *Contaminated Land Management Act 1997* (CLM Act) be engaged to verify the adequacy of the investigation, the effectiveness of remediation, and to certify the suitability of the land for its proposed use.

On 30 September 2011 TRUenergy submitted a separate report to OEH titled *Revised Asbestos Investigation Review – Tallawarra Lands* completed by Environ Pty Ltd. On review, the report is a peer review not performed in the capacity of an auditor accredited under the CLM Act. This is not consistent with the above recommendation.

OEH recommends a SoC from the proponent to engage an auditor accredited under the CLM Act. Alternatively, DoP&I could condition the involvement of an accredited auditor to verify the adequacy of the investigation, the effectiveness of remediation, and to certify the suitability of the land for its proposed use.

Apart from the above request on sampling methodologies and the involvement of an accredited auditor, OEH expects ongoing site contamination matters to be managed in accordance with *State Environmental Planning Policy No. 55 – Remediation of Land and the Managing Land Contamination: Planning Guidelines*.

Noise

In OEH's correspondence dated 22 September 2009 and 22 March 2011, OEH raised 6 issues (Points 1-6) to be addressed in the Environmental Assessment - Noise Impact Assessment (NIA). These issues were not adequately addressed in the draft EA.

In the exhibited EA, it is noted the NIA (Appendix 25) is unchanged but the proponent, in response to the OEH issues, has included an:

- i. addendum covering documentation, and
- ii. a separate NIA for the proposed Northern Residential Area.

Determine Noise Level at Proposed Residential Land Uses (Point 1)

The information provided in the EA and the noise limits in the Tallawarra Power Station Stage B Project Approval (Application Number 07-0124) addresses this matter.

Industrial Noise Contributions (Points 2, 3 and 4)

OEH previously requested that the proponent provide an assessment of:

- i. the allowable contribution noise level from the proposed industrial areas to not exceed acceptable noise levels at the residential areas (point 2), and
- ii. that the EA formulate a sound power allocation per lot in the industrial area and a judgement/analysis of whether the sound power level per lot can be achieved in practice (Points 3 and 4).

The addendum response states that "*it is recommended that this (part of the assessment) be undertaken as an additional study at the development application stage when consent for specific land uses is being sought*". OEH does not agree with this position and believes allowable noise contributions and sound power allocations must be calculated as part of this EA and would be instrumental to ensuring compliance with noise limits.

The extent of any noise mitigation measures required to address the cumulative impact of noise sources has not been provided. The NIA includes a separate assessment of each component (road, rail, power station, industrial/commercial areas) rather than a cumulative assessment including the industrial/commercial area. The addendum response also states "measures to mitigate power station, road and rail noise where required are outlined in the noise assessment", however this does not address the cumulative impact of the industrial/commercial space.

OEH recommends the above information be provided as previously requested. In the absence of this information, OEH does not have confidence that noise limits can be met at the Tallawarra Lands residential precincts.

Land Use Planning Controls (Point 5)

The NIA relies heavily on the use of building design to achieve the noise limits in internal spaces within residences. OEH notes this will not enable the proponent to achieve the external noise limits listed in the Station B approval (Table 2). Further, the Tallawarra Station B approval states that where operation of the power station will exceed the external noise limits in Tables 1 and 2, then all feasible and reasonable mitigation should be applied to the source to achieve the limits. If, after implementation of all feasible and reasonable source noise controls, the noise exceeds the limits in Tables 3 and 4 of the Approval, then the proponent should investigate at-receiver noise mitigation to ensure that the external noise limits specified in Tables 1 and 2 are achieved. Based on the information provided, OEH is of the opinion that building design will not enable compliance with external noise limits.

The Appendix 25B Supplementary Acoustic Assessment states after the assessment of acoustic treatment to residential buildings that noise criteria (that is, the Tallawarra Stage B Project Approval Noise Limits) for some residences in the Northern precinct cannot be met at all times. The zones noted as A and B in this precinct are predicted to experience noise levels that exceed the acquisition criteria (in the Tallawarra Stage B Project Approval). This contrasts with the Appendix 25 NIA which states that with building design the criteria can be met. This is conflicting advice, on which there is no discussion provided by the proponent. OEH recommends DoP&I seek clarification of this advice. OEH is not confident that noise limits can be met at all residential areas.

DoP&I will need to consider these matters in determining this application, however as the Stage B approval currently stands, it appears that external noise limits in the Tallawarra Lands northern residential precinct cannot be achieved at all times.

Identification of Land Use Planning Restrictions (Point 6)

This matter has been adequately addressed.

Robert Byrne - Tallawarra Lands - MP09_0131 Mixed Use Development Concept

From: Robert Byrne
To: robert.byrne@planning.nsw.gov.au
Date: 11/9/2011 3:41 PM
Subject: Tallawarra Lands - MP09_0131 Mixed Use Development Concept

Hi Robert,

Bicycle NSW support the concerns and objection submitted by the Illawarra Bicycle Users Group that without the proponent using standard cycling infrastructure terminology there is a grave risk that the facilities provided will not meet relevant guidelines and adult cyclists will not be legally able to use it

Please refer to the Illawarra Bicycle Users Group's submission attached for details

Kind regards

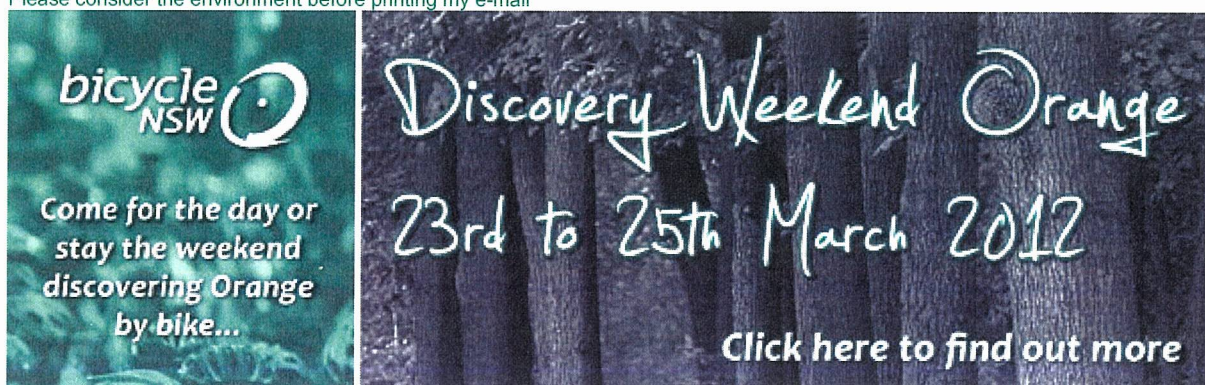
Liz

Elizabeth Hole
Chief Operating Officer
Bicycle NSW
1st Floor, Heritage Building A,
1 Herb Elliott Avenue
Sydney Olympic Park,
Homebush Bay, NSW, 2127
T: 02 9704 0814
M: 0438 225 655
F: 02 9746 2600

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Internet: www.bicyclensw.org.au

Please consider the environment before printing my e-mail





28th October 2011

Mr Sam Haddad
Director General
NSW Department of Planning
NSW Department of Planning
GPO Box 39
Sydney NSW 2001

Dear Mr. Haddad,

Tallawarra Lands MP09_0131 Mixed Use Development Concept

The Illawarra Bicycle Users Group incorporated object to the Tallawarra Lands MP09_0131 Mixed Use Development Concept plans, in their present state, as the plans are in breach of and or fail to include a number of NSW State and Wollongong City Council planning guidelines and requirements in relation to catering for use of bicycles, including the Director General's amended requirements.

Our principal concerns are with the lack of clear information, misleading information and the use of terminology not found in government documents to describe cycling infrastructure, as an example under NSW road rules there is no such thing as a "Shareway" and the term should be replaced with Shared Use Path. Noting that unless cycling infrastructure is identified, built and signposted in accordance with relevant specifications and guidelines cyclists cannot legally use the infrastructure under the NSW Road Rules.

The Environmental Assessment Report also challenges the need to provide the strategic north-south Shared Use Path identified in City of Wollongong Bicycle Plan 2005-2011. This north-south Shared Use Path is one of the cornerstones of the around Lake Illawarra bicycle route and this section is recognised as an important link in increasing bicycle participation for recreation, transport and tourism to benefit the whole community. Without the inclusion of this path the proposal would struggle to meet the Director General's amended requirements in relation to item 9.c) reducing car dependency.

Where cycling related infrastructure is mentioned within documents it continually uses terminology that is not inline with the terminology used within relevant government documents such as the NSW Bicycle Guidelines, AustRoads and Australian Standards. It is unclear if this is intended to mislead readers or is an example of a lack of diligence in the preparation of the documentation, it must however be remembered unless the infrastructure is provided in accordance with relevant government guidelines adult cyclists will not be **legally** able to use it under NSW road rules.

The standard terms used in relation to cycling can be found in the AustRoads Guide to Traffic Engineering Practice Part 14 under Glossary of terms, there is also a truncated version in the NSW Bicycle Guidelines.

We have contacted the RTA for some clarification in relation to the lack of compliance with standard vocabulary, see Appendix "A" noting that people's names have been removed for privacy reasons.

68 Lake Entrance Road, Oak Flats NSW 2529.
Incorporation No. INC9893229
Email: wernersteyer@yahoo.com.au



Additional information to clarify our objection;

Terms commonly used in the Tallawarra Lands proposal relating to cycling include:

The issues associated with the lack of consistent terminology could be rectified through the use of an overarching table of definitions and terms to avoid amending all the documents.

Terms as used by Tallawarra Lands proposal	Suggested term from NSW Bicycle Guidelines	Comments
Pedestrian and or cycle path (off road)	Shared Use Path	The use of non standard term can lead to confusion to what is being offered and risks the construction of paths that will not be community friendly. The paths provided will not be usable by adult cyclists if they do not comply with RTA guidelines and NSW Road Rules
Pedestrian/cycle path		
Sharedway, sharedways and Shareways also referred to as share way		
Bicycle pathways	Bicycle Path	The term Bicycle Path refers to an exclusive bicycle path intended for the exclusive use of bicycles, if the path is intended to be shared by pedestrians and cyclists it should be nominated as a Shared Use Path
Cycle Lanes	Bicycle Lane	On road lanes intended to be used by cyclists need to be correctly identified to comply with NSW Road Rules

**Tallawarra Lands Landscape Plan
Corkey Consulting Land Scape Consultants
2010**

Page 80: top photo is of a Bicycle Lane reproduced from the NSW Bicycle Guidelines, with a differing caption referring to it as a CYCLE LANE. The Bicycle Lane in the photos is also no longer supported by current bicycle guidelines.

Page 80: bottom photo is of a bicycle shoulder lane treatment reproduced from the NSW Bicycle Guidelines and incorrectly labelled as a CYCLE LANE. The existing access road is sign posted at 80km/h and the speed limit needs to be considered when designing the Bicycle Lane.

Page 83: The existing site access road, shown in blue as a road type 1 road, has the speed limit sign posted at 80km/h and is seen as unsafe as a bicycle lane unless it is provided in accordance with RTA guide lines.



Pages 88 and 89: The information relating to cycling does not comply with relevant guidelines for bicycle lanes. The attached extract from page 22 of the NSW Bicycle Guidelines provides information on the preferred lane markings, which could be applied to the existing street design without affecting the existing kerb to kerb road width, see attachment "B"

Page 94: Type 4 streets are indicated as the prominent street type within the development. The 7.5m wide roads will provide limited space, with no room to pass parked cars with on coming traffic. The sketch clearly shows the lack of space on roads and the impact trees will have on cycling safety.

Environmental Assessment Report

dfp Planning Consultants

Tallawarra Lands Part 3A Concept plan application August 2011

While other sections of the submission indicate proposed cycling infrastructure the Environmental Assessment Report does not acknowledge the need for such infrastructure on pages 163 and 164.

Extracts from Environmental Assessment Report

Sports Park

A facility is not required in its own right based on the future residential population although one Sports Park could meet the requirements for a local park and allow collocation of other recreation facilities.

Cycleways / Walkways

Cycleways and /or sharedways within the road reservation of local streets and collector roads would be warranted as a consequence of future development at Tallawarra. However, there would be very little demand for dedicated regional facilities such as the strategic north-south sharedway identified in Wollongong Council's Bicycle Plan. If such a facility were to be provided as works-in-kind, a substantial offset of the associated costs would be warranted against other potential monetary liabilities.

Cycle track

A facility is not required in its own right based on the future residential population however, there is likely to be some demand and either a facility could be provided as a material public benefit or an apportioned monetary contribution to facilities external to the site could be provided. Any monetary requirement could be offset by other works of MPB to be provided within the site or any on-site facility could be used to offset other monetary liabilities.

While the Environmental Assessment Report dismisses the need for cycling infrastructure as not warranted as part of the development it must be understood that without the north-south cycling route as indicated in the Wollongong Council's Bicycle Plan there will be little benefit to the cycling community within the project boundaries without a connection into the surrounding cycling network to the north and south.

It must also be remembered that the shared use path network is for the whole of the community and provides an ideal environment for people with disabilities using mobility aides due to the increased path width.

It should also be noted that by providing the Lake Side Cycle route through the development, Cycle Track and associated amenities Tallawarra Lands can become the cycling hub for the



region, generating opportunities for tourism, accommodation and other cycling related businesses within the development as well as providing for the health and wellbeing of the community.

Providing all the cycling related information on one drawing would also make it easier for the community to understand the proposal and remove some of the concerns created by needing to piece together various sections of the proposal, appendix "C" shows a possible drawing format.

I look forward to your response and working with you and your team for a mutually beneficial community outcome.

Yours sincerely

Werner Steyer
Chairman
Illawarra Bicycle Users Group Incorporated

CC. Bicycle NSW incorporated



Appendix "A"

Request sent to RTA, by iBUG chairman Werner Steyer email to RTA 2nd October 2011

I'm working on a response to the Tallawarra Lands concept proposal out on public submission and I have found what I would consider misuse of RTA information intended to mislead the public and I hope you can put me in touch with the person representing the RTA in relation to the Tallawarra Lands project.

It is somewhat urgent to get some feedback as submissions close 7 November

The information is on the planning department website under on exhibition MP09_0131 Mixed Use Development Concept

The item I'm concerned with is in the Landscape plan-part 2 page 80 in the document or page 41 in the PDF file, I have attached a copy. The two photos are taken from the NSW bicycle guidelines but the text has been changed to mislead people ie the lower photo has a caption Example of Cycle Lane, while the caption in the bicycle guidelines page 6 indicates it's a bicycle shoulder, the upper photo reproduced from page 21 is of a bicycle lane that is not compliant with the current guidelines

Response received from RTA, by email 14th October 2011

To clarify:

- 1) Under the NSW Road Rules, AUSTRROADS and the NSW Bicycle Guidelines there is no such thing as a "cycle lane";
- 2) The picture depicted on page 80, given the extent (lack thereof) of details shown in the photos, represent and would be enforced as "Road Shoulders", albeit that we know Campbell Parade, Bondi is a "Bicycle Lane";
- 3) Under law, a lane that is signposted with an R7-1-4 sign would be known as and should be referred to as a "Bicycle Lane";
- 4) I note that on page 82 "Shared Paths" are referred to as "Shareways";
- 5) Again, under law, there is no such thing as a "Shareway".
- 6) The Law recognises "Road" - no such thing as a "Collector", "Industrial/Commercial", "Local" and/or "Minor Local".

However, apparently in the world of "Plain English", using such high tech descriptive (legally recognised) terms such as Bicycle Lanes, Mixed Traffic Lanes, Road Shoulders, Bicycle Paths, Shared Paths and/or Separated Paths is frowned upon. Those who put such documents together attempt to simplify, accordingly we end up with references to "Cycleways". In the instances of on-road situations, they may break down to "Cycle Lanes", for off-road "Shareways".

I do not see the wording or the usage of our photos as being an issue.

The cross sections in the report show widths of 2.5 metres for parking, 1.5 metres for cycle lane and 2.5 metres for pedestrian/cycle shareway. No reference is made as to how each will be delineated, accordingly the detail design will determine what they should actually be called and can/will be enforced as.

Appendix “B”

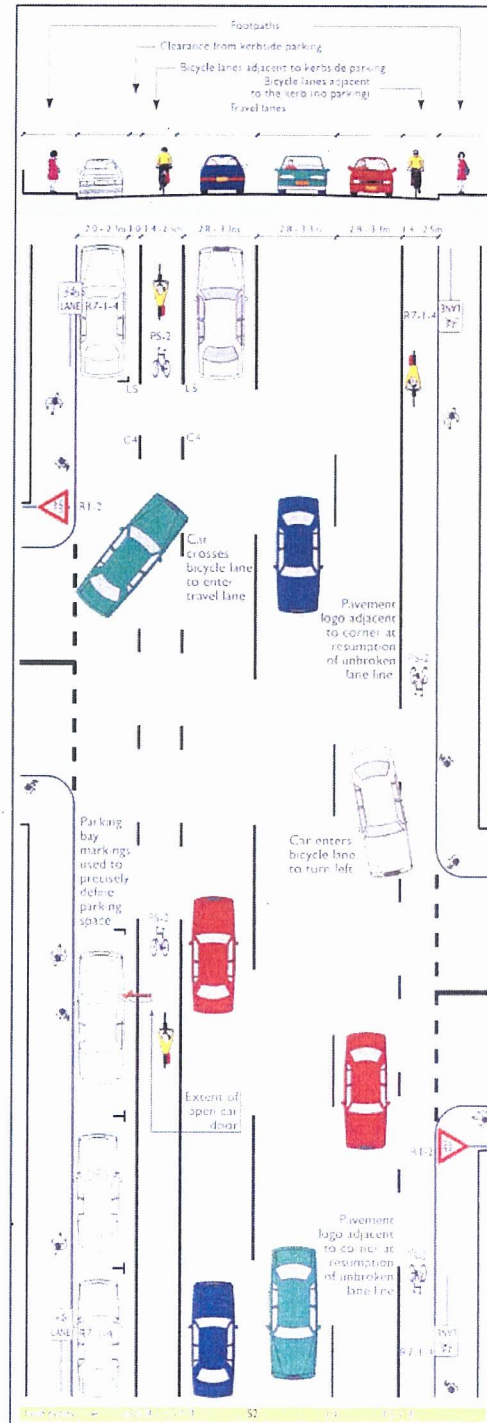
The extract from the NSW bicycle guidelines show in detail the recommendations for bicycle lanes, including dimensions, signage and symbols that should be used to provide a lane that is safe to cycle in.

It is important to ensure that the bicycle lanes continue through intersections

Please note the information on the left is for roads without provision for parking and there is a general feeling that additional separation and or wider cycling lanes should be provided in areas where traffic speeds exceed 60km/hr.

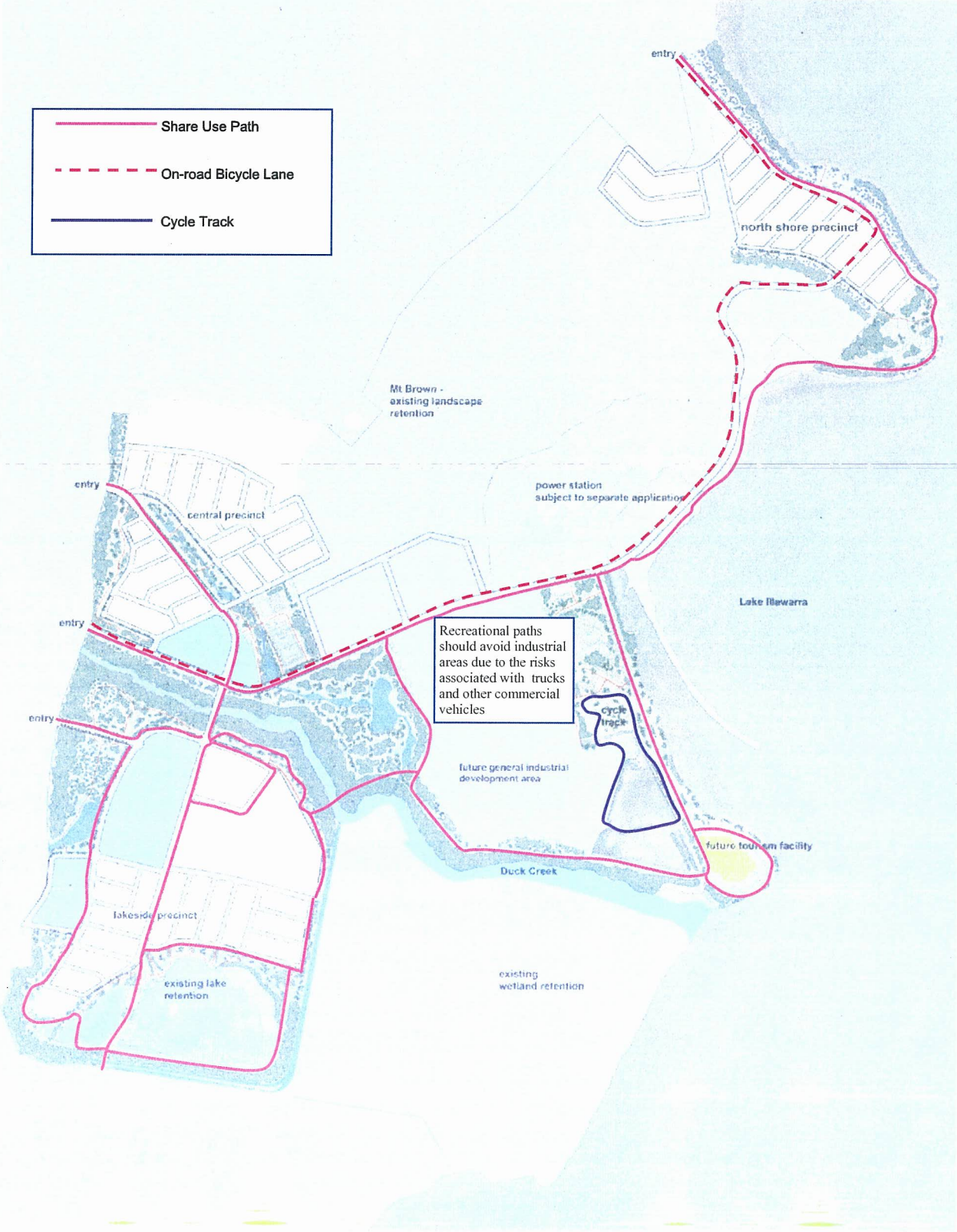
Please note that the recommendations of the NSW bicycle guidelines could be applied to the existing street design without affecting the existing kerb to kerb road width.

Figure 5.1: Bicycle lanes across minor side streets.



Appendix "C"

Suggested drawing showing cycling infrastructure on one drawing



I am writing in regards to the redevelopment proposal for the Tallawarra lands. I am a Sydney resident that frequently travels to the Illawarra on my weekends off to enjoy the many recreation options available down here and the beautiful weather.

I have become a regular visitor to the Tallawarra lands, in particular the riding school. I was introduced by friends who participate in horse agistment at the school, earlier this year. I have met many other people, from all walks of life who also participate in horse agistment at the school. I enjoy the family atmosphere that exists. Very friendly positive people, who lead healthy active lives. And the beautiful horses make the world a better place.

I am considering relocating to the area and participating in horse agistment myself now. And would love to get a horse of my own and keep it at Tallawarra. Please consider allowing some of the undeveloped land in the Tallawarra to continue supporting the horse agistment activities.

Thankyou and regards

Gillian Cockroft

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I am writing to you in regards to the development of Tallawarra.

My name is Megan Green and I work in Real Estate as a sales agent so my job is quite stressful. I have had my horses at Tallawarra for 5 years and find this is my way of relaxing with my horses. My daughter has been going up to the horses since she was seven and it is something that we enjoy together mother and daughter, my aunty also agists her horse up there and my cousin learnt to ride up there when she was 4 she is now 25 also we both learnt to ride horses on the land and have been helped in many other ways through the female equine community we have up there. My daughter is now 12 years old and has become a responsible young lady growing up at Tallawarra raising horses and the responsibility it takes to care for them. Not only does the landlord of Tallawarra look after the upkeep but so do we mowing lawns fixing fences trimming trees.

Not only are we a community of people with horses we also are there for each other in lots of ways. I ask of you when developing Tallawarra that you consider the horses and our equine community by allowing us to utilize some of the undeveloped land as an equine agistment. With all the developing of West Dapto currently there is nowhere to agist our horses or even ride. Allowing a link between equestrian land and the rest of the undeveloped land and under the high voltage power lines is something I feel you should strongly consider. You may feel that this is significant to you when it comes to developing the land but you have to understand you would be tearing a very close female equine community apart if you did not consider allowing land for us.

89

Robert Byrne - Submission Details for Stephen Flowers

From: Robert Byrne
To: robert.byrne@planning.nsw.gov.au
Date: 11/9/2011 3:35 PM
Subject: Submission Details for Stephen Flowers
CC: assessments@planning.nsw.gov.au



Disclosable Political Donation: no

Name: Stephen Flowers
Email: sflowers@spin.net.au

Address:
20 little Lake cr

Warilla, NSW
2528

Content:

I object to the application as it doesn't support the City of Wollongong Bike Plan. The need for a share use path through the development as seen on map 13 of the City of Wollongong Bike Plan is rejecting it in the Environmental Assessment report and I furthermore support the Illawarra Bicycle Users Groups proposal attached

IP Address: 115-69-5-37.dyn.comcen.net.au - 115.69.5.37
Submission: Online Submission from Stephen Flowers (object)
https://majorprojects.affinitylive.com?action=view_diary&id=22215

Submission for Job: #3362 MP09_0131 Mixed Use Development Concept
https://majorprojects.affinitylive.com?action=view_job&id=3362

Site: #2051 Tallawarra Lands
https://majorprojects.affinitylive.com?action=view_site&id=2051

Stephen Flowers

E : sflowers@spin.net.au

Powered by [AffinityLive](#): Work. Smarter.



Robert Byrne - Submission Details for Stuart Porter

From: Robert Byrne
To: robert.byrne@planning.nsw.gov.au
Date: 11/9/2011 3:36 PM
Subject: Submission Details for Stuart Porter
CC: assessments@planning.nsw.gov.au



Disclosable Political Donation: no

Name: Stuart Porter
Email: stuart.porter@sesiahs.health.nsw.gov.au

Address:
50 willcath St

Bulli, NSW
2516

Content:

I object to the application as without a strong commitment to providing the around the lake shared use path, as indicated in the City of Wollongong bicycle plan, the project will destroy any hope of providing the tourist attractions needed to grow tourism in our community and provide an environment that will benefit the health and wellbeing of the community

The failure to include the lake side shared use path as a fully funded part of the development application will severally impact on the communities ability to utilise cycling and walking to improve its health and wellbeing and reduce our impact on the environment.

IP Address: - 203.1.16.10

Submission: Online Submission from Stuart Porter (object)
https://majorprojects.affinitylive.com?action=view_diary&id=22357

Submission for Job: #3362 MP09_0131 Mixed Use Development Concept
https://majorprojects.affinitylive.com?action=view_job&id=3362

Site: #2051 Tallawarra Lands
https://majorprojects.affinitylive.com?action=view_site&id=2051

Stuart Porter

E : stuart.porter@sesiahs.health.nsw.gov.au

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