

# TRUenergy COMMUNITY LIAISON GROUP

## MEETING MINUTES APRIL 2009

MEETING	<b>TALLAWARRA COMMUNITY LIAISON GROUP MEETING</b>	MEETING NUMBER	2/2009
HELD AT	TRUENERGY TALLAWARRA SITE, WOLLONGONG	DATE	<b>20 APRIL 2009</b>
PROJECT	<b>TALLAWARRA</b>		
ATTENDEES	<div> <div>John Osseweyer</div> <div>Doug Prosser</div> <div>Rita Webb</div> <div>Andrew Knowlson</div> <div>Cheryl Lappin</div> <div>Tony Gardiner</div> <div>Chris Brandis</div> <div>Michael Andrews</div> <div>Anthony Savenkov</div> <div>Sarah Stent</div> <div>Robin Barclay</div> <div>Lloyd Townsend</div> <div>Lucy Greig</div> <div>Brendan Blakeley</div> </div> <div> <div>NSW Scouts Association</div> <div>Lake Illawarra Authority</div> <div>Dapto Chamber of Commerce</div> <div>Duck Creek Catchment Group</div> <div>Shellharbour Council</div> <div>Concerned Residents of East Dapto</div> <div>Illawarra Bird Observers Club</div> <div>Conservation Volunteers Australia</div> <div>TRUenergy</div> <div>TRUenergy</div> <div>TRUenergy</div> <div>TRUenergy</div> <div>Elton Consulting (Note-taker)</div> <div>Elton Consulting (Facilitator)</div> </div>		
APOLOGIES	<div> <div>Graham Towers</div> <div>Rhonda Warner</div> <div>Werner Steyer</div> <div>John Osseweyer</div> <div>Jill Merrin</div> <div>Graham Dowers</div> <div>John McIntyre</div> </div> <div> <div>Department of Planning Resident</div> <div>Illawarra Bicycle User Group</div> <div>NSW Scouts Association</div> <div>Healthy Cities Illawarra</div> <div>TRUenergy</div> <div>TRUenergy</div> </div>		
DISTRIBUTION	To all invitees		

ITEM NO.	DESCRIPTION	ACTION	DATE
1.0	<b>Welcome &amp; Introductions – Brendan Blakeley, Elton Consulting</b>		
	<p><i>The meeting commenced at 4.30pm. Brendan welcomed those present. Apologies were received from Graham Towers, Graham Dowers, Rhonda Warner and Werner Steyer. Additional apologies were received after the meeting.</i></p> <p><i>Brendan welcomed Robin Barclay the Operations Manager of the Tallawarra Power Station.</i></p> <p><i>The minutes of the previous meeting were accepted without amendment. Adoption of the minutes was moved by Doug Prosser.</i></p>		
2.0	<b>Power Station Operation Update – Robin Barclay, TRUenergy</b>		
	<p>Robin Barclay made the following key points:-</p> <ul style="list-style-type: none"> <li>The power station is running well. It has been operating continuously over the last two weeks.</li> <li>Life cycle of gas turbine – Thorough internal and external maintenance is undertaken on a regular basis. Maintenance procedures were conducted two weeks ago and</li> </ul>		

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	results were positive. An extended service is to be conducted to complete necessary works before the winter season. A service takes usually takes 4-5 days, and involves a crew of about 100 people.		
<b>3.0</b>	<b>Site Maintenance Update - Lloyd Townsend, TRUenergy</b>		
	<p>Lloyd Townsend made the following key points:</p> <ul style="list-style-type: none"> <li>• Minor landscaping works have been carried out adjacent to the inlet canal footbridge and entry to the switchyard.</li> <li>• Noxious weed control is continuing in line with the annual program.</li> <li>• Stage 2 landscaping up on the hill is growing well despite recent warm weather. Plants are thriving with expectations of 95% success rate to full maturity.</li> <li>• Stage 1 landscaping on foreshore road is continuing. Planting is scheduled to start within one week, beginning with around 3,000 plants.</li> <li>• Mowing is continuing around the site and Yallah Bay Road.</li> <li>• Clean Up Australia Day – another successful day with about 50 volunteers – thanks to them all!</li> <li>• Conservation Volunteers have continued working alongside Duck Creek <ul style="list-style-type: none"> <li>➤ A potential future walking trail along Duck Creek has been marked out and mown.</li> <li>➤ Trail marking posts made from recycled plastic are ready to be installed.</li> </ul> </li> <li>• Progress has been made regarding the road lighting along the foreshore. The agreement between Integral Energy, Wollongong City Council and TRUenergy is close to finalisation.</li> </ul> <p><u>Questions and comments</u></p> <ul style="list-style-type: none"> <li>• Lloyd Townsend: The official opening of the power station took place on 15 March and was officiated over by the State Premier (the Hon. Nathan Rees MP), the Minister for the Illawarra, (the Hon. David Campbell), and the Member for Shellharbour (Lylea McMahon MP). Around 200 people attended.</li> <li>• Doug Prosser thanked TRUenergy for its assistance on Clean Up Australia Day on behalf of the Lake Illawarra Authority (LIA). He commented on the neat and tidy appearance of the site for the official opening of the power station.</li> </ul>		

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4.0	<b>Tallawarra Community Partnerships – Sarah Stent, TRUenergy</b>		
	<p>Sarah Stent made the following key points:-</p> <ul style="list-style-type: none"> <li>Now that the Power Station is operational, TRUenergy is looking to expand its community partnerships. In March TRUenergy launched, in conjunction with the Illawarra Yacht Club, the TRUenergy Junior Yachties programme. This aims to provide opportunities for local kids to enjoy Lake Illawarra and learn how to sail safely.</li> <li>Other partnerships have been made with: <ul style="list-style-type: none"> <li>Australian Seabird Rescue; &amp;</li> <li>Dapto Police Community Youth Club.</li> </ul> <p>The partnerships are initially for two years. They may be extended.</p> <p><u>Questions and Comments</u></p> <ul style="list-style-type: none"> <li>Rita Webb: Has TRUenergy considered partnering with the Koonawarra Bay Sailing Club?</li> <li>Sarah Stent: We were approached by the Illawarra Yacht Club. We welcome ideas from other organisations regarding one-off events and sponsorship opportunities.</li> <li>Andrew Knowlson: TRUenergy may wish to call for expressions of interest from the local community. Suggested means of community contact:- <ul style="list-style-type: none"> <li>Local newspapers; e.g. Lake Times and Advertiser.</li> <li>Community noticeboards.</li> <li>Project website (if people are accessing it).</li> </ul> </li> <li>Lloyd Townsend: We know that community members are accessing the website because I occasionally receive enquiries originating from it.</li> </ul> </li></ul>		
5.0	<b>Special Presentation – Conservation Volunteers Australia Activities at Tallawarra Lands – Michael Andrews, Conservation Volunteers Australia</b>		
	<p>Michael Andrews of Conservation Volunteers Australia (CVA) presented to the group on the activities conducted by CVA and its volunteers on the site to date:-</p> <ul style="list-style-type: none"> <li>CVA's core business is attracting volunteers and implementing projects on the ground.</li> <li>The Duck Creek rehabilitation project is being carried out to the west of the site from the entrance driveway.</li> <li>The project commenced last year following CVA's presentation to the Tallawarra Community Liaison Group.</li> <li>CVA has been in contact with most of the local community groups to date.</li> <li>CVA's proposal involved the following:- <ul style="list-style-type: none"> <li>➤ Site survey and mapping.</li> <li>➤ Environmental weed control - outside the mandatory responsibility of landowners.</li> <li>➤ Planting of 180 plants.</li> <li>➤ Establishing a walking track.</li> </ul> </li> <li>Limited native seed collection is being negotiated with Landcare Illawarra, and with approval from DECC, to collect seeds from particular species of rainforest plants. Species to be targeted will be those from endangered ecological communities.</li> </ul>		

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	<ul style="list-style-type: none"> <li>Advantages of CVA's proposal: <ul style="list-style-type: none"> <li>➤ The project fits with a range of existing policies for the area.</li> <li>➤ The Duck Creek rehabilitation project commenced with a monitoring exercise – using repeatable photography. These sites will be revisited on a 12 monthly basis, with photos to be taken in August 2009.</li> </ul> </li> </ul> <p><u>Duck Creek Rehabilitation project – progress to date (20 project days in total):</u></p> <ul style="list-style-type: none"> <li>11 project days delivered by 31 March.</li> <li>76 volunteer days.</li> <li>600 sqm weeded.</li> <li>67kg of rubbish removed.</li> <li>100 native plants installed with a 90% success rate, thanks in part to careful consideration of species.</li> <li>1,400m loop walking track surveyed/marked – starting at eastern end. This may have potential in future become a public track. Track marker posts soon to be installed.</li> <li>3 additional (non-volunteer) days, for activities such as spraying.</li> <li>Planting areas prepared for further 900 natives.</li> </ul> <p><u>Weed control:</u></p> <ul style="list-style-type: none"> <li>Several species are very difficult to deal with (including Turkey Rhubarb and Madeira Vine), often making the site challenging to work on.</li> <li>Leader has built good rapport with volunteers.</li> </ul> <p><u>Planting for April to June 2009:</u></p> <ul style="list-style-type: none"> <li>30 track marker posts to be installed.</li> <li>900 native plants to be ordered.</li> <li>Community planting event scheduled for Thursday 28 May – all CLG members welcomed to participate. <ul style="list-style-type: none"> <li>➤ Target planting of 200 plants on the day.</li> <li>➤ Opportunity to see the site on foot or 4WD.</li> <li>➤ 11am-2pm with formal presentation at start.</li> <li>➤ Bring overalls, with planting until 2pm.</li> </ul> </li> </ul> <p><b>Action: Sarah and Michael to invite group members via email/mail.</b></p> <ul style="list-style-type: none"> <li>Indicative species list for replanting has been developed in liaison with Richard Scarborough of Landcare Illawarra. The list includes: <ul style="list-style-type: none"> <li>➤ Ficus macrophylla – fig tree which Aboriginal people refer to as birthing trees which is local to this area.</li> <li>➤ A mixture of small and taller trees, bushy shrubs, grasses, home for fauna.</li> </ul> </li> </ul>		
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	<p><u>Questions and comments</u></p> <ul style="list-style-type: none"> <li>• Robin Barclay: What is an environmental weed?</li> <li>• Michael Andrews: Weeds of national significance, especially weeds rated according to their severity under the Noxious Weeds Act. Environmental weeds are not natives. In some cases, they are weeds that are still significantly problematic – partly because most landowners cannot deal with them, so they are not listed on the existing lists. Sometimes Catchment Management Authorities (CMA's) will provide funding for removal for these.</li> <li>• Andrew Knowlson: There is a legal requirement to manage noxious weeds. Environmental weeds are still problematic, but there is no point in labelling them 'noxious' as they are so difficult (if not impossible) to get rid of; e.g. lantana.</li> <li>• Michael Andrews: With the removal of stock from that particular part of the site, vegetation growth has increased. Once nutrient input is reduced, the exotics are less favoured by the soil conditions and natives grow up. Then with introduction of clusters of plantings, a much more diverse seed pool is created which allows opportunities for natives to become established.</li> <li>• Cheryl Lappin: Where are new plants being sourced from?</li> <li>• Michael Andrews: Jamberoo Native Nursery is good at sourcing species locally – mainly from within the local area.</li> <li>• How do volunteers get to the site?</li> <li>• Michael Andrews: Most of the volunteers working with CVA are collected from Dapto station as well as other local destinations.</li> <li>• Sarah Stent thanked Michael Andrews for presenting at the meeting. She noted that TRUenergy took some of the CVA volunteers on a tour of the power station.</li> <li>• CVA will be conducting a Project and Partners Tour on Tuesday 12 May starting in Kiama. It is organised by Southern Rivers Catchment Management Authority and Landcare Illawarra. It will visit Bombo, Gerringong and Tullimbar.</li> </ul> <p><b>Action: MA to send EC flyer for distribution.</b></p>		
6.0	<b>Tallawarra Lands Update</b>		
	<p>Anthony Savenkov (on behalf of Graham Dowers) made the following key points:</p> <ul style="list-style-type: none"> <li>• Stage B Major Project application is in adequacy review; the final matter being worked through is noise. Actual data from Tallawarra power station A can now be used in the reports to replace/support the modelled data.</li> </ul> <p>Noise data available to date has yielded positive results. Near-field results are particularly low. Far-field results (including the area which borders with neighbours) satisfactorily comply with noise level regulations. Mid-field results are not quite meeting our expectations. Noise experts are currently addressing this issue and more data will be provided.</p> <p><u>Planning process – status update</u></p> <ul style="list-style-type: none"> <li>• The exhibition period for the Draft Wollongong LEP 2009 has now concluded and the development process will commence shortly.</li> <li>• Anthony Savenkov showed the Tallawarra Lands Structure Plan and explained the recent key amendments to it, primarily:</li> </ul>		

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	<ul style="list-style-type: none"> <li>➤ The conservative increase in green space around the power station;</li> <li>➤ Reconfiguration of the land uses in the south-western quadrant of the site;</li> <li>➤ Environmental Management area rather than Low Density Residential for the strip between the lake in the former ash pond and Haywards Bay.</li> </ul> <p><u>Questions and comments</u></p> <ul style="list-style-type: none"> <li>• Rita Webb expressed concern was expressed about the potential for excessive truck movements from the planned light industrial area into the existing residential area.</li> <li>• Anthony Savenkov: In preparing the Structure Plan, potential traffic flows have been considered. More detailed traffic investigations are envisaged for the Development Application stage.</li> <li>• Andrew Knowlson: Can you explain why the change to the Structure Plan has occurred?</li> <li>• Anthony Savenkov: The Tallawarra Lands masterplan will evolve/improve over time. We are outlining to the CLG these recent revisions, as we aim to keep the CLG informed of material changes. The recent revisions reflect a number of inputs, including feedback from the CLG, and TRUenergy's desire to ensure the Tallawarra Lands project fully allows for the development of Tallawarra power station Stage B.</li> <li>• Cheryl Lappin: This will influence the zones that will eventuate in the Wollongong LEP. This is an improved outcome for integration of the power station with the residential area.</li> <li>• Andrew Knowlson: Has the residential area south of Duck Creek increased in size?</li> <li>• Anthony Savenkov explained the reconfiguration of uses in this area.</li> <li>• Tony Gardiner referred to the matter of liquefaction and the time required to rectify it.</li> <li>• Anthony Savenkov: Liquefaction has been considered and is relevant only to some parts of the site. Soil compaction is likely to be required in certain areas to address liquefaction. There are various options for addressing such geotechnical issues, and these will be considered in more detail at the appropriate later stage of development planning.</li> </ul> <p>Rita Webb: Who will be responsible for the 'green' area outside the power station?</p> <ul style="list-style-type: none"> <li>• Anthony Savenkov: This is an important issue – for this and other planned green parts of the site, including areas of high environmental value in the south eastern quadrant. Various options will be considered in the DA stage, including mechanisms for maintenance of these areas.</li> <li>• Andrew Knowlson: Was there a zoning map associated with the revised Structure Plan or will Wollongong City Council add the zonings?</li> <li>• Anthony Savenkov: The legend includes descriptions intended to correspond with Council's zonings.</li> </ul> <p><b>Action: Anthony Savenkov to provide advice on the proposed minimum lot size under the draft Wollongong Local Environmental Plan 2009 of the R5 Large Lot residential area of Tallawarra Lands along Carlyle Close.</b></p> <p><b>[Response: the draft LEP prescribes a minimum lot size of 3,999 sqm for the land proposed to be zoned R5. For further details, see page 38 of the draft</b></p>		
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	<p><b>instrument, together with draft Wollongong LEP Lot Size Map Sheet 13].</b></p> <ul style="list-style-type: none"> <li>Andrew Knowlson: Although I understand the why the residential land has been partly relocated, I am disappointed about the reduction in employment lands, which is an important part of the site and region. Andrew noted that he had made a formal submission to Council regarding the Tallawarra Lands aspects of the LEP, highlighting issues relating to the interface between the residential area and wetlands and related climate change impacts. Andrew raised a concern about the hard development edge being too close to the wetlands, potentially not allowing the wetlands to adapt. He noted that he is otherwise supportive of the power station and employment lands.</li> <li>Anthony Savenkov thanked Andrew Knowlson for making a submission.</li> <li>Rita Webb: Is there a risk that emissions runoff from the future uses on the site will impact on the lake?</li> <li>Anthony Savenkov: This is an important consideration given the site's proximity to the lake. Our development planning confirms that the development will meet relevant environmental controls and guidelines including that water quality is maintained in the lake.</li> <li>Cheryl Lappin: Although the rezoning process has considered the issue of water quality and runoff before entering Lake Illawarra, I am not yet convinced that enough has been done to support this type of development so close to the lake.</li> <li>Anthony Savenkov: TRUenergy welcomes all feedback as an input to the planning process.</li> <li>Cheryl Lappin: The Structure Plan offers a good view corridor across the lake and up to Mount Brown.</li> <li>Anthony Savenkov: Yes, the Structure Plan seeks to minimise visual impacts for people living around the lake, and helps connect Mount Brown to the lake.</li> <li>Andrew Knowlson: Will the Structure Plan be available for review?</li> <li>Anthony Savenkov: The Structure Plan will be appended to the minutes and it is planned that the Structure Plan document will be uploaded to the project website.</li> </ul>		
<b>7.0</b>	<b>Project website feedback</b>		
	<p>Anthony Savenkov invited group members to provide feedback on the existing structure of the project website.</p> <p><a href="http://www.truenergy.com.au/Tallawarra">www.truenergy.com.au/Tallawarra</a></p> <p>Information currently provided on the project website includes contact details, how to access the site, information about how the power station works, the vision for the Tallawarra site, Tallawarra Lands Structure Plan, Community Updates (newsletters), and CLG minutes.</p>		
<b>8.0</b>	<b>Close – Next meeting</b>		
	<b>NEXT REGULAR MEETING: 4.30 pm Wednesday 17 June 2009, onsite.</b>		
<p>If you have any questions in relation to these minutes please contact Brendan Blakeley at Elton Consulting.          Tel: 02 9387 2600 Fax: 02 9387 2557 Email: <a href="mailto:brendan@elton.com.au">brendan@elton.com.au</a></p>			

**Attachments: Don Fox Planning submission, on behalf of TRUenergy, responding to exhibition of draft Wollongong LEP 2009 (including the current Tallawarra Lands Structure Plan)**



31 March 2009  
Our Ref: 6643G.1KS

The General Manager  
Wollongong City Council  
Locked Bag 8821  
WOLLONGONG NSW 2500

By email: wollongonglep@wollongong.nsw.gov.au

**Attention: Land Use Planning Team**

Dear Sir

**Draft Wollongong Local Environmental Plan 2009 (SU23594)**

**Introduction & Background**

Council has prepared Draft Wollongong Local Environmental Plan 2009 (DWLEP) to replace Wollongong Local Environmental Plan 1990 and Wollongong City Centre Local Environmental Plan 2007. If gazetted, DWLEP will apply to Wollongong Local Government Area, with the exception of the West Dapto Release Area and Dapto Town Centre which has been subject to the exhibition of a separate draft LEP.

The objectives of DWLEP are stated as being to guide land use and development in the LGA by zoning land and identifying the appropriate land uses in each zone, controlling the scale or density of development and identifying heritage items. Council most recently endorsed DWLEP at its meeting on 24 June 2008. DWLEP was subsequently certified for public exhibition by the NSW Department of Planning on 28 November 2008 and was initially placed on public exhibition until 13 March 2009. The public exhibition period has since been extended to 31 March 2009.

TRUenergy owns a 565 hectare site comprising the Tallawarra Power Station and the residual Tallawarra Lands, collectively referred to herein as "Tallawarra". The site is located on the western foreshore of Lake Illawarra, approximately 13 kilometres southwest of Wollongong Town Centre. If gazetted, the provisions of DWLEP will apply to the Tallawarra site.

**Commission**

Don Fox Planning Pty Ltd (DFP) has been commissioned by TRUenergy to review DWLEP having consideration for the relevant planning context including the adopted local environmental study and structure plan for Tallawarra and to prepare a submission to Council detailing the parts of DWLEP we consider require amendment. The "Tallawarra Structure Plan" illustrates how TRUenergy proposes to develop the Tallawarra site for mixed urban purposes including commercial, employment generating, industrial, residential, recreational and environmental conservation. Attached at **Appendix A** is the most recent version of the Structure Plan dated March 2009.





## Material Relied Upon

For the purposes of preparing this submission, we have examined the following documents: -

- Background information, studies and strategies summary.
- Tallawarra Local Environmental Study.
- Draft Wollongong Local Environmental Plan and accompanying maps.
- Explanatory notes.
- Summary of rezoning proposals.
- Relevant SEPP's, REP's and S.117 Directions.
- Tallawarra background studies and information.

## Issues Summary

This submission will detail TRUenergy's concerns with the following matters:

- The zoning of the land (currently proposed to be zoned part E2 and part R2) adjacent to the power station zoned land (annotated in **Figure 1** as Area 1);
- The zoning of the land (currently proposed to be zoned R2) between Hayward's Bay and the ash pond lake (annotated in **Figure 1** as Area 2);
- The zoning of the land (currently proposed to be zoned R2) to the north east of the power station (annotated in **Figure 1** as Area 3);
- The zoning of the land (currently proposed to be zoned R2 and R5) to the west of the power station zoned land (annotated in **Figure 1** as Area 4);
- The zoning of the land (currently proposed to be zoned B7) to the south west of the recreation area adjacent to Duck Creek (annotated in **Figure 1** as Area 5);
- The zoning of the land (currently proposed to be zoned B6 Enterprise Corridor) to the south of the neighbourhood centre (annotated in **Figure 1** as Area 6);
- The classification of the watercourse located in the western part of the Tallawarra site as Category 2 Riparian Lands (refer to **Figure 2**);
- Anomalies in the proposed zoning of the inlet waterway that passes through the power station zoned land;
- The objectives of the zones proposed to apply to the foreshore and waterway adjacent to the power station zoned land (refer to **Figure 3**);
- The uses permissible in the zones proposed to apply to the foreshore and waterway adjacent to the power station zoned land (refer to **Figure 3**);
- Flood Planning;
- Foreshore Building Line; and
- Acquisition of Land to be zoned for public open space (RE1).

The issues summarised above are discussed in detail in the table below.

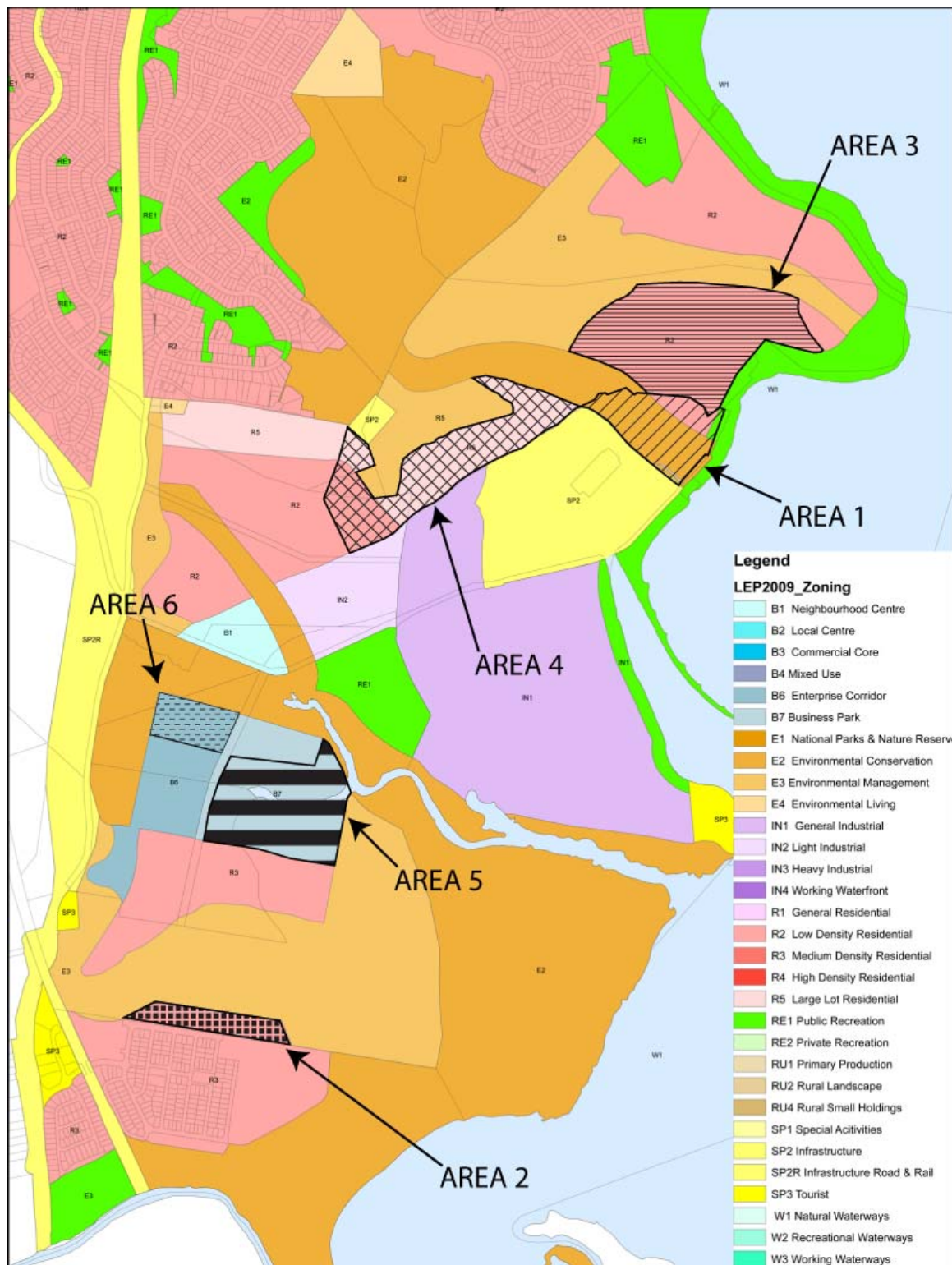


Figure 1 – Draft Wollongong Local Environmental Plan Zoning Map (Tallawarra Site)

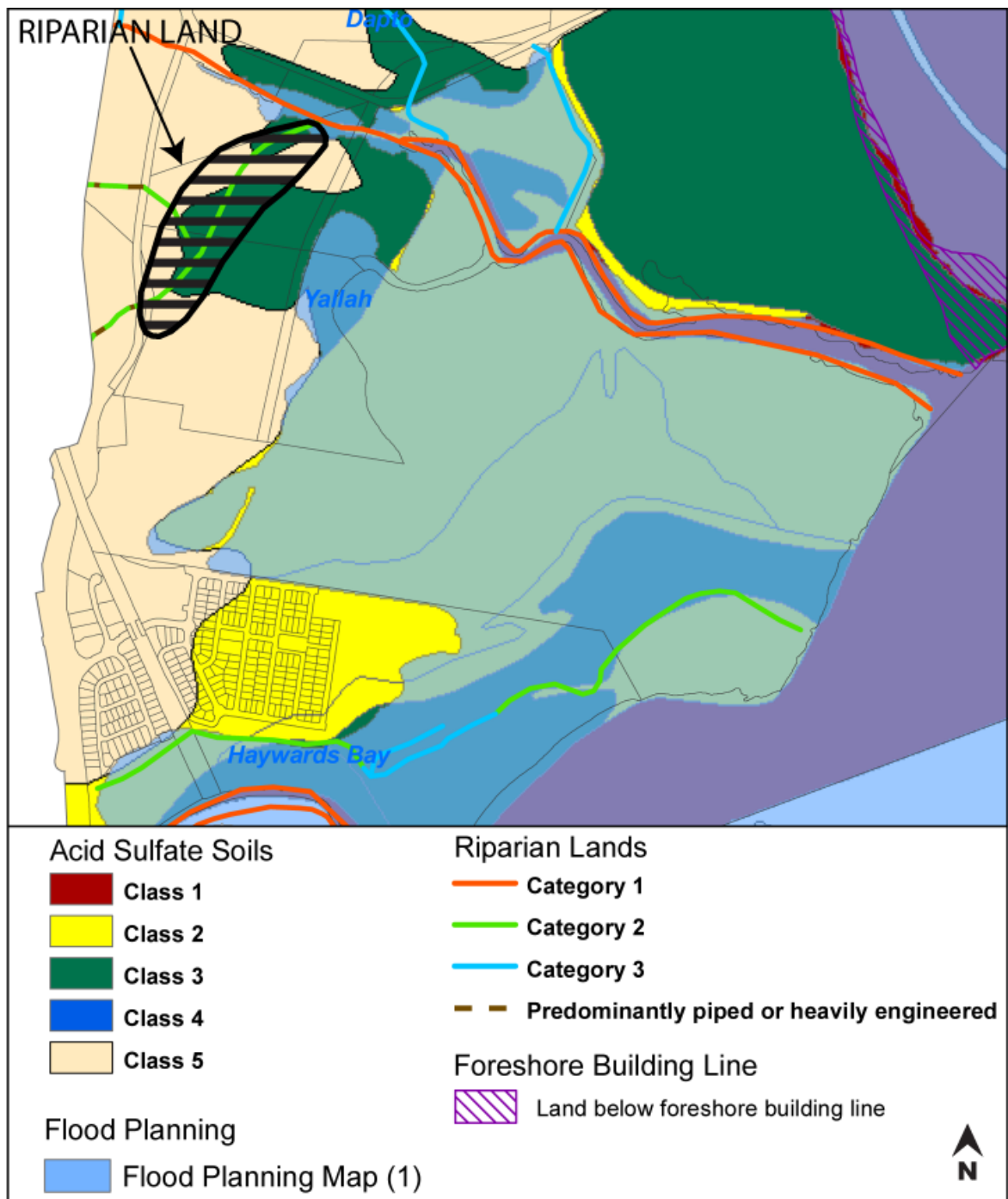


Figure 2 – Draft Wollongong Local Environmental Plan Riparian Lands Map (Tallawarra Site)

### Proposed Amendments to Draft Wollongong Local Environmental Plan

Issue	DWLEP Map Reference	Submission	Action
Area 1	LZN 013	<p>The land to the north east of the Tallawarra Power Station located within Area 1 (as depicted in <b>Figure 1</b>) is proposed to be zoned part E2 Environmental Conservation and part R2 Low Density Residential under the provisions of DWLEP.</p> <p>TRUenergy acknowledge the environmental significance of Area 1 and this is evidenced by the fact that TRUenergy has implemented an extensive vegetation enhancement program in the area. However, the land that comprises Area 1 is located within the Tallawarra Power Station operational area and boundary and therefore must retain its current Special Uses Power Station zoning.</p>	Zone Area 1 (as depicted in <b>Figure 1</b> ) SP2 Power Station
Area 2	LZN 014	<p>Land adjacent to the Haywards Bay residential area located within Area 2 (as depicted in <b>Figure 1</b>) is proposed to be zoned R2 Low Density Residential under the provisions of DWLEP.</p> <p>It is acknowledge that in zoning Area 2 R2 Low Density Residential, Council is endeavouring to establish an interface between Tallawarra and Haywards Bay. However because the adjacent former ash ponds area is a sanctuary for bird life, it is considered that Area 2 would be more appropriately zoned E3 Environmental Management (together with the surrounding area) in accordance with the recommendations of the Local Environmental Study.</p>	Zone Area 2 (as depicted in <b>Figure 1</b> ) E3 Environmental Management
Area 3	LZN 013	<p>Land to the north east of the Tallawarra Power Station within Area 3 (as depicted in <b>Figure 1</b>) is proposed to be zoned R2 Low Density Residential under the provisions of DWLEP.</p> <p>In order to provide an appropriate buffer area between the Tallawarra Power Station and surrounding residential development, Area 3 would be more appropriately zoned E3 Environmental Management (rather than low density residential).</p>	Zone Area 3 (as depicted in <b>Figure 1</b> ) E3 Environmental Management

Issue	DWLEP Map Reference	Submission	Action
Area 4	LZN 013	<p>Land to the west of the Tallawarra Power Station within Area 4 (as depicted in <b>Figure 1</b>) is proposed to be zoned part R2 Low Density Residential and part R5 Large Lot Residential under the provisions of DWLEP.</p> <p>In order to provide an appropriate buffer area between the Tallawarra Power Station and surrounding residential development, it is requested that Area 4 be zoned E3 Environmental Management (rather than part large lot residential and part low density residential).</p>	Zone Area 4 (as depicted in <b>Figure 1</b> ) E3 Environmental Management
Area 5	LZN 014	<p>Land to the south west of the recreation area adjacent to Duck Creek within Area 5 (as depicted in <b>Figure 1</b>) is proposed to be zoned B7 Business Park under the provisions of DWLEP.</p> <p>To better reflect the recommendations of the Local Environmental Study, Council is asked to zone Area 5 R2 Low Density Residential (rather than business park).</p>	Zone Area 5 (as depicted in <b>Figure 1</b> ) R2 Low Density Residential
Area 6	LZN 014	<p>Land to the south of the neighbourhood centre (as depicted in <b>Figure 1</b>) is proposed to be zoned B6 Enterprise Corridor under the provisions of DWLEP.</p> <p>In order to facilitate a contiguous strip of land along the main road zoned B7 Business Park, Council is asked to zone Area 6 B7 Business Park (rather than B6 Enterprise Corridor).</p>	Zone Area 6 (as depicted in <b>Figure 1</b> ) B7 Business Park
Watercourse Classification	Riparian Lands Map Sheet CL1-014	<p>The watercourse located in the western part of the Tallawarra site (refer to <b>Figure 2</b>) is classified as Category 2 Riparian Lands on the Riparian Lands Map that forms part of DWLEP. This classification presumably arose because the watercourse was classified as a Category 2 Terrestrial and Aquatic Habitat (based on the DNR Riparian Classification System) in the earlier Ecological Assessment Report prepared by Eco Logical Australia to inform the Local Environmental Study.</p> <p>Given the watercourse is essentially a linear channel that was constructed to divert the natural overland flow path around the ash dam, it's Category 2 classification is considered to be the result of insufficient ground truthing and is inaccurate.</p> <p>Because of the nature of the watercourse, a more appropriate classification is Category 3 Riparian Corridor.</p>	Classify watercourse (depicted in <b>Figure 2</b> ) as a Category 3 Riparian Corridor.

Issue	DWLEP Map Reference	Submission	Action
Zoning Anomalies	LZN 013	<p>The inlet that passes through the Power Station zoned land is coloured blue (waterway zone) on some versions of map reference LZN 013 and on other versions of the same map it is coloured yellow (SP2).</p> <p>The use of the inlet as part of the Tallawarra Power Station operational area could be contrary to the objectives of the waterways zones. In addition, the inlet is not suitable or safe to be used for the various purposes identified as being permissible with consent in the waterways zones.</p> <p>Therefore due to the hydraulic processes associated with the operation of the Tallawarra Power Station that take place in this inlet, and given the significant volume of water being processed, it is imperative that this inlet (which is within the Tallawarra Power Station operational area and boundary) be zoned SP2 and not waterway. The SP2 zoning would more appropriately reflect the function of this area intended to have primacy.</p>	All versions of LZN 013 to be reviewed to ensure the inlet that passes through the Power Station zoned land is zoned SP2.
Restrictions & Covenants	NA	<p>Clause 1.9 is intended to override private covenants or restrictions where there application would hinder the attainment of the planning intent of the LEP.</p> <p>When the Tallawarra Power Station was sold to TRUenergy in 2003, the Government acknowledged that there was a need to provide a guarantee to the private sector purchaser that the power station operations would be able to continue in an unrestricted manner. This was achieved by formalising the Tallawarra Power Station's rights over adjacent foreshore land and waterway (real property description Lot 110 DP 1050302). The Tallawarra Power Station's rights over Lot 110 DP 1050302 are detailed in the covenant registered under Section 88B of the Conveyancing Act. This instrument details easements for the purposes of noise, electricity generation activities, access, pipes, drainage, electricity transmission and water supply that burden Lot 110 DP 1050302 and benefit the adjoining land occupied by the Tallawarra Power Station.</p> <p>Subclause 1.9(2) lists those circumstances where a covenant or restriction is not to be overridden. The Tallawarra Power Station involves a significant financial investment and is essential infrastructure for NSW. It is therefore unequivocally appropriate that the exclusions listed in subclause 1.9(2) should include the Tallawarra Power Station and associated areas. However it is unclear under the currently drafted subclause 1.9(2) whether this is the case.</p> <p>Accordingly, subclause 1.9(2) should be amended to include</p> <p><i>"...or (h) any covenant or other restriction applying to Lot 110 in Deposited Plan 1050302 relating to the operation of the Tallawarra Power Station."</i></p>	Subclause 1.9(2) be amended to include <i>"...or (h) any covenant or other restriction applying to Lot 110 in Deposited Plan 1050302 relating to the operation of the Tallawarra Power Station."</i>

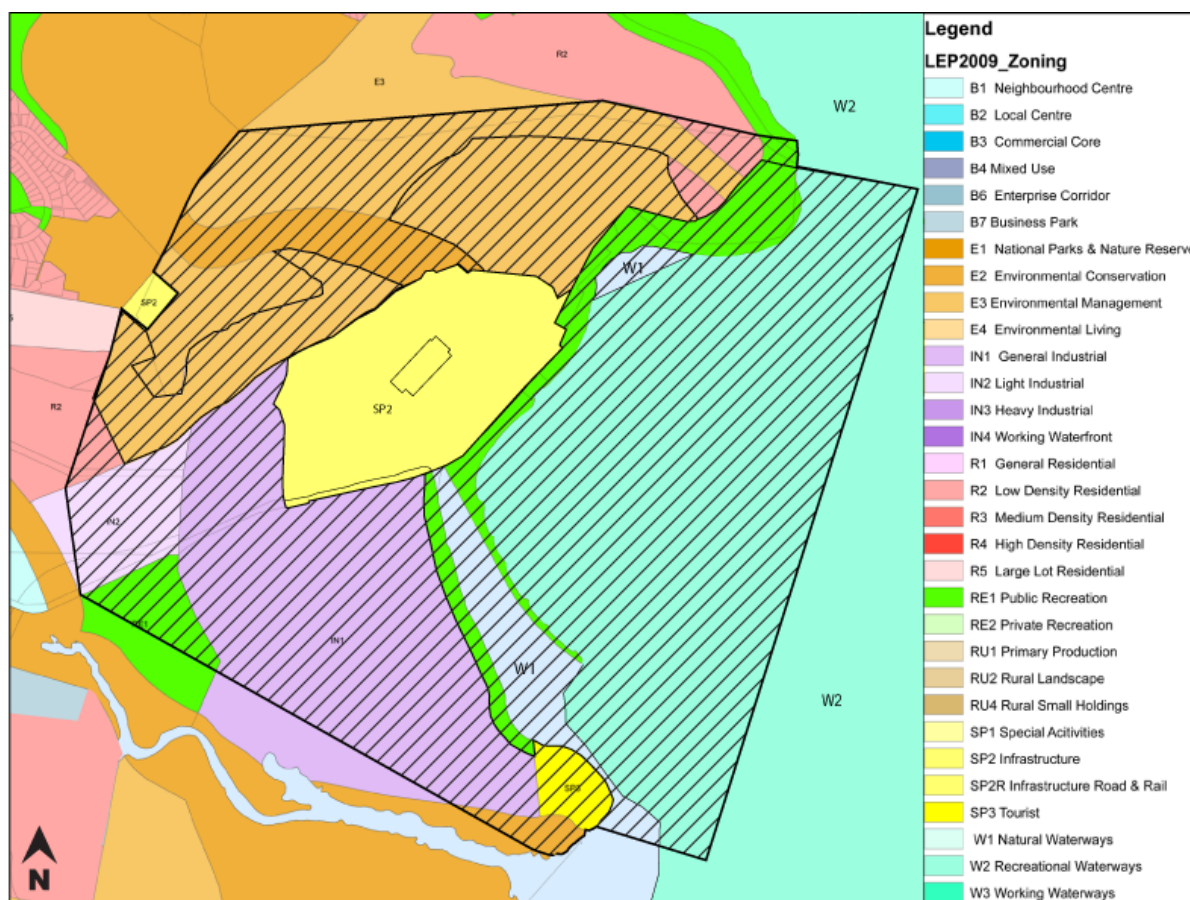
Issue	DWLEP Map Reference	Submission	Action
Additional Zone Objectives	N/A	<p>Lot 110 DP 1050302 is proposed to be zoned part RE1 Public Recreation, part W1 Natural Waterways and part W2 Recreational Waterways under the provisions of DWLEP.</p> <p>The objectives of the RE1, W1 and W2 zones contain no reference to protecting the rights of the Tallawarra Power Station to continue to use the foreshore land and waterway within Lot 110 DP 1050302 in the manner permitted under the Section 88B instrument discussed above. In addition, they fail to discourage development and uses that are incompatible with the operation of the Tallawarra Power Station.</p> <p>Accordingly, it is requested that the following objectives be inserted into the RE1, W1 and W2 zones in the Land Use Table in Part 2 of DWLEP:</p> <ul style="list-style-type: none"> <li>To allow development associated with the operation of the Tallawarra Power Station; and</li> <li>To ensure that consent is not granted to development that is incompatible with the operation of the Tallawarra Power Station.</li> </ul>	RE1, W1 and W2 zone objectives to be augmented.
Additional Permissible Uses	N/A	<p>In addition to inserting the abovementioned objectives into the Land Use Table in Part 2 of DWLEP, it is essential that expectations in regard to permissible uses be qualified to ensure that the operations of the Power Station be given primacy. An approach to achieve this end would be for the following uses to be inserted into the permissible and prohibited development categories in the RE1, W1 and W2 zones:</p> <p><b>Permitted with consent:</b></p> <p>Ancillary Power Station infrastructure and activities.</p> <p><b>Prohibited:</b></p> <p>Development that is incompatible with the operation of the Tallawarra Power Station.</p>	RE1, W1 and W2 land use table to be updated.
Additional Definition	N/A	<p>To support the amendments to the RE1, W1 and W2 zones detailed above, the following definition should also be inserted into the Dictionary in DWLEP:</p> <p><b>Ancillary Power Station infrastructure and activities</b> means any development and/or use of Lot 110 DP 1050302 by the operator of the Tallawarra Power Station for the purposes of electricity generation activities, access, pipes, drainage, electricity transmission and water supply.</p>	Definition of <b>Ancillary Power Station infrastructure and activities</b> to be inserted into the Dictionary

Issue	DWLEP Map Reference	Submission	Action
Additional Clause		<p>In order to ensure the effective and on-going operation of the Tallawarra Power Station, in addition to the abovementioned amendments to the Land Use Table in Part 2 of DWLEP, we request that the following Clause 6.15 be inserted into Part 6 of DWLEP:</p> <p><b>Development and use of land and waterway in Tallawarra power station buffer area [local]</b></p> <p>(1) The objectives of this clause are:</p> <ul style="list-style-type: none"> <li>(a) to provide for the effective and on-going operation of the Tallawarra Power Station, and</li> <li>(b) to ensure that proposed development in the vicinity of the Tallawarra Power Station has regard to the use of the site as a Power Station, and</li> <li>(c) to ensure that the effective and ongoing operation of the Tallawarra Power Station is not compromised by proposed development within the Tallawarra Power Station buffer area.</li> </ul> <p>(2) This clause applies to land shown as hatched on the Tallawarra Power Station Buffer Area Map.</p> <p>(3) Notwithstanding any other provision of this plan, consent must not be granted to development within the Tallawarra Power Station buffer area unless the consent authority is satisfied that the development will be compatible with the on-going operation of the Tallawarra Power Station.</p> <p>(4) Before granting development consent to development and/or land use(s) within the Tallawarra Power Station buffer area, the consent authority must:</p> <ul style="list-style-type: none"> <li>(a) give written notice of the proposal to the operator of the Tallawarra Power Station,</li> <li>(b) consider any comments made by the operator of the Tallawarra Power Station within 28 days of it having been given notice of the proposal,</li> <li>(c) consider whether the proposed development will be adversely affected by the on-going operation of the Tallawarra Power Station due to factors inclusive of (but not limited to) noise, vibration, air quality or visual amenity; and</li> </ul>	<p>Clause 6.15 to be inserted into Part 6</p> <p>Insert Tallawarra Power Station Buffer Area Map (Figure 3 in this submission)</p>



Issue	DWLEP Map Reference	Submission	Action
		(d) ensure the proposed development will not adversely affect the potential of the Tallawarra Power station site from realising its full economic potential having regard to current and possible future operations.	
Flood Planning	Flood Planning Maps (13, 14 and 15)	<p>The flood extents on the Tallawarra site detailed in the maps prepared to accompany DWLEP are inconsistent with those shown in the Tallawarra flood study prepared by Cardno Forbes Rigby (previously submitted and exhibited as part of the Tallawarra rezoning application) and with the flood extents published in Council's Lake Illawarra Floodplain Risk Management Study and Plan (2005).</p> <p>Accordingly, the flood planning maps that apply to the Tallawarra site (13, 14 and 15) should be modified to more accurately reflect the extent of flooding across the site detailed in the Tallawarra Flood Study prepared by Cardno Forbes Rigby and in Council's Lake Illawarra Floodplain Risk Management Study and Plan (2005).</p> <p>DWLEP states as follows at Section 6.3:</p> <p>(1) <i>The objectives of this clause are as follows:</i></p> <ul style="list-style-type: none"> <li>(a) <i>to maintain the existing flood regime and flow conveyance capacity,</i></li> <li>(b) <i>to enable safe occupation and evacuation of land subject to flooding,</i></li> <li>(c) <i>to avoid significant adverse impacts on flood behaviour,</i></li> <li>(d) <i>to avoid significant effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses,</i></li> <li>(e) <i>to limit uses to those compatible with flow conveyance function and flood hazard.</i></li> </ul> <p>(2) <i>This clause applies to land shown as "flood planning" land on the Flood Planning Map and to land subject to the discharge of a 1:100 ARI (average recurrent interval) flood event.</i></p> <p>(3) <i>Development consent is required for development on land to which this clause applies.</i></p> <p>(4) <i>Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development will not:</i></p> <ul style="list-style-type: none"> <li>(a) <i>adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, or</i></li> <li>(b) <i>significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain, or</i></li> <li>(c) <i>affect the safe occupation of the land to which this clause applies, or</i></li> </ul>	The flood planning maps that apply to the Tallawarra site (13, 14 and 15) should be modified to more accurately reflect the extent of flooding across the site detailed in the Tallawarra Flood Study prepared by Cardno Forbes Rigby and in Council's Lake Illawarra Floodplain Risk Management Study and Plan (2005).

Issue	DWLEP Map Reference	Submission	Action
		<p>(d) <i>significantly detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, or</i></p> <p>(e) <i>be likely to result in unsustainable social and economic costs to the community as a consequence of flooding, or</i></p> <p>(f) <i>be incompatible with the flow conveyance function of the floodway, or</i></p> <p>(g) <i>cause or increase a flood hazard in the floodway.</i></p> <p>The flood study undertaken by Cardno Forbes Rigby and previously submitted as part of the rezoning process confirms that development on the Tallawarra site that will be facilitated by the proposed rezoning is capable of complying with the objectives and merit based considerations detailed at Clause 6.3 of DWLEP.</p>	
Acquisition of land to be zoned for public open space (RE1)	Reservations for Acquisition Maps	The draft LEP zones parts of Tallawarra for RE1 Public Recreation. However, this is not reflected in the LEP Land Reservation Acquisition Maps. This anomaly may affect the future implementation of the Structure Plan. As specified by section 27(1) of the EPA Act, an environmental planning instrument that reserves land for a public purpose must provide for its acquisition by a relevant authority. Accordingly, we request that Council insert the relevant areas to be zoned RE1 into those maps.	The Reservations for Acquisition Maps be updated to include proposed RE1 lands and identify Council as the acquisition authority.



**Figure 3 – Tallawarra Power Station Buffer Area Map**

The suggested amendments to DWLEP detailed in the table above are, in the opinion of DFP, the most appropriate way to provide the land use certainty required by the operator of the Tallawarra Power Station within the structure and framework established by the Standard Instrument (Local Environmental Plans) Order 2006. The Tallawarra Power Station involves a significant infrastructure investment of critical and strategic state and national importance and should be afforded primacy in the management of land and development in the surrounding area under DWLEP. Having said this, DFP is willing to enter into dialogue with Council and/or the Department of Planning to discuss alternate ways of amending DWLEP if they are deemed more appropriate whilst still being capable of providing the operator of the Tallawarra Power Station with the desired land use certainty as reflected in past agreements with the NSW Government.

#### **Response to submissions made regarding Draft Wollongong Local Environmental Plan**

*That the Local Environmental Study process was flawed, that the reports produced as part of the Local Environmental Study process were inadequate and that the proposed rezoning of the Tallawarra site should not proceed until further studies are undertaken.*

Notwithstanding similar submissions being made previously, it is noted that Council at its meeting on 2 April 2007 resolved to adopt the Tallawarra Local Environmental Study (LES) which considered the potential land use outcomes for the site. Council also resolved at this meeting to prepare a Draft Local Environmental Plan for the Tallawarra site based on the Local Environmental Study. The Draft Local Environmental Plan (draft plan) was prepared and Council subsequently resolved at its meeting on 7 May 2007 to support the draft plan, to refer the draft plan to the Department of Planning for review pursuant to Sections 54 and 62 of the



Environmental Planning & Assessment Act and to publicly exhibit the draft plan once authorised to do so by the Department of Planning.

In accordance with Council's prior endorsement of the LES and the draft plan, Council is requested to place minimal weight on the submissions seeking an alternate rezoning process and to proceed with rezoning the Tallawarra site.

*Opposition to Tallawarra Point* [assumingly a reference to only Tallawarra as "Tallawarra Point" is understood to be land owned by the Lake Illawarra Authority and is not located within Tallawarra] *being developed for residential purposes and concerns regarding the proximity of the Tallawarra Power Station to the proposed residential development*

As stated above, the proposal to zone the northern section of the Tallawarra site R2 Low Density Residential is consistent with the recommendations of the LES as they relate to Precinct 1.

Having said this, this submission has requested that land to the north east and to the west of the Tallawarra Power Station (within Area 3 and Area 4) be zoned E3 Environmental Management as opposed to part R2 Low Density Residential and part R5 Large Lot Residential. Zoning Area 3 and Area 4 E3 Environmental Management will act to provide an increased buffer area around the Tallawarra Power Station and will increase the separation between the Tallawarra Power Station and residential development on the surrounding land. In addition, it will significantly reduce the area of residential zoned land in the northern section of the Tallawarra site.

#### *Comments relating to the Tallawarra Structure Plan*

TRUenergy is currently revising and finalising the Tallawarra Structure Plan with a view to submitting a Concept Plan application to the Department of Planning shortly for assessment and determination pursuant to Part 3A of the Environmental Planning and Assessment Act. Comments relating to the specific details of the Tallawarra Structure Plan (such as infrastructure and service provision, vehicular connections with surrounding land etc) would be more appropriately dealt with at the Concept Plan assessment stage.

#### **Conclusion**

This submission has been prepared on behalf of TRUenergy to draw Council's attention to a number of issues with Draft Wollongong Local Environmental Plan 2009 as it relates to the Tallawarra site. In order to address TRUenergy's concerns, Council is requested to amend DWLEP in the manner detailed in the table above.

Should you wish to discuss the contents of this submission further, please do not hesitate to contact Katherine Sheppard of our office on 9980 6933.

Yours faithfully

**DON FOX PLANNING PTY LTD**

**KATHERINE SHEPPARD  
SENIOR TOWN PLANNER**

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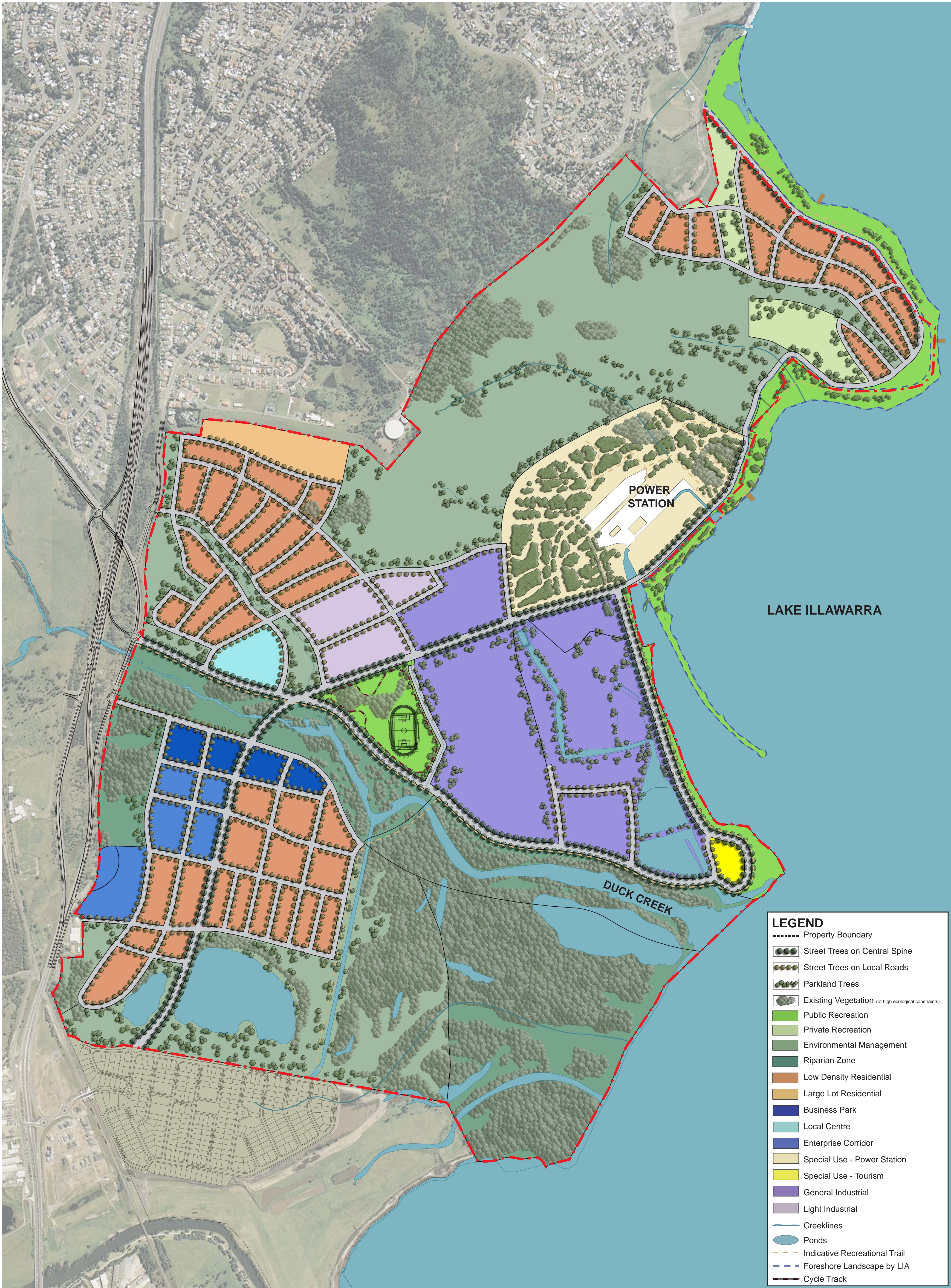
Reviewed: 



planning consultants

# APPENDIX A





Note: This drawing is for indicative purposes only and is subject to change