

Department of Planning and Environment
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5 December 2014

Submission on *Your future, Illawarra*, Draft Regional Growth and Infrastructure Plan, October 2014

Dear Sir/Madam,

The Nature Conservation Council of NSW (**NCC**) is the peak environment organisation for New South Wales, representing 130 member societies across the state. Together we are committed to protecting and conserving the wildlife, landscapes and natural resources of NSW.

The Total Environment Centre (**TEC**) has been campaigning for environment protection in the city and country, changing government policy, advising the community and challenging business for over 30 years. TEC has been working to protect this country's natural and urban environment, flagging the issues, driving debate, supporting community activism and pushing for better environmental policy and practice

We welcome the opportunity to comment on *Your future, Illawarra*, Draft Illawarra Regional Growth and Infrastructure Plan, October 2014 (**draft Illawarra RGIP**). The draft Illawarra RGIP follows the consideration of public comment on a Discussion Paper, *The Illawarra over the next 20 years*, released in 2013.

While we are in support of improved strategic planning processes in NSW, we recognise that the current roll out of Regional Growth and Infrastructure Plans is happening outside of a clear legislative framework requiring mandated environmental assessment and public participation. In our view, this does not provide a suitable basis for long term strategic planning, including the proper consideration of vital long term issues such as ecologically sustainable development, biodiversity and connectivity, access to green space and infrastructure, climate change and population planning.

Land use planning and development is intrinsically linked with environmental protection, nature conservation and natural resource management (NRM). This is because actions that may affect the environment and our natural resources are regulated, either directly or indirectly, through the planning system. The impact of planning and development on the environment is therefore a key consideration for decision makers in preparing planning instruments and determining development applications. Conversely, land use planning has the potential to

support the achievement of environmental outcomes including the protection and sustainable management of water resources, biodiversity, agricultural land and basic raw materials.¹

It follows that the roll out of Regional Growth and Infrastructure Plans across NSW will have significant impacts for the environment and communities. Effective strategic planning is particularly important for identifying objects and outcomes for regional planning that deliver environment, economic and social outcomes, identifying and ensuring protection for high conservation areas and environmentally sensitive areas, resource and waste management efficiency, resolving land use conflicts and identifying and managing threats to the environment into the future.

It is imperative that the Department of Planning and Environment ensures that ecologically sustainable development is at the heart of regional planning and that mechanisms are in place for ensuring that regional plans deliver necessary environmental and social outcomes, now and in the future.

The natural environment of the Illawarra is an integral part of the region's identity and is recognised as a key component of the region's future vision.² The Illawarra escarpment provides a much loved natural backdrop to the urban communities nestled beneath it. Regional bushland areas are rich in biodiversity and natural beauty. Wildlife corridors are important for connecting key habitats for local species, including spotted quolls and gliders, and a variety of threatened bird species. The Illawarra coastlines and waterways are important for the wellbeing of the community and hundreds of species of birds and fish.

With an expected 65,000 new residents in the area over the next 15-20 years³, it is important that the long-term planning for the area recognises the environmental constraints in accommodating this growth and effectively avoids and mitigates potential impacts on the sensitive environments of the region.

NCC member groups in the Shoalhaven LGA have expressed significant concerns (with which we agree) about the fact that the Shoalhaven appears to be an afterthought to the draft plan. The Illawarra discussion paper was not widely distributed to the residents of the Shoalhaven LGA, and the draft plan makes no reference to areas of the Shoalhaven LGA south of Jervis Bay and Sussex Inlet (a considerable proportion of the council land area and population). NCC member groups in the region are calling for a round of proper public consultation for all residents of the Shoalhaven LGA, postponing any development proposals specific to the Shoalhaven LGA until this has been done. Only then will the Minister's proud statement that the Draft plan was "*the product of extensive community engagement*"⁴ be applicable to the residents of Shoalhaven LGA.

Our submission will outline:

1. Overarching concerns with the draft Illawarra Regional Growth and Infrastructure Plan
2. Specific comments on key components of the draft Illawarra Regional Growth and Infrastructure Plan

We must have a regional planning process that recognises the environmental constraints of growth and development, and delivers the necessary environmental, social and economic outcomes for the Illawarra, now and for the future.

¹*Directions Paper on the Integration of NRM into Land Use Planning* Published by the Western Australia Planning Commission as part of the EnviroPlanning project initiated in late 2005 through a partnership between the Western Australian Planning Commission, the former Department for Planning and Infrastructure, and the Western Australia Local Government Association (WALGA) with the aim of improving the integration of NRM into land use, planning across the State. Available at: www.planning.wa.gov.au/dop_publications/NRM_report.pdf

² Department of Planning and Environment, *The Illawarra over the next 20 years: A discussion paper, Consultation Outcomes Report* (February 2014), p 20 - We note that the most common theme relating to a regional vision was that the region has a number of scenically beautiful environments and lifestyles.

³*Your future, Illawarra - Draft Regional Growth and Infrastructure Plan*, Department of Planning and Environment, October 2014

⁴Ibid, p 5

1. OVERARCHING CONCERNS WITH DRAFT ILLAWARRA REGIONAL GROWTH AND INFRASTRUCTURE PLAN

Concerns with the overarching framework for strategic regional planning

We are concerned with the overall context in which the draft Illawarra RGIP has been developed. Specifically, we are concerned with statements made on page 12 of the draft Illawarra RGIP about how this draft Plan will link to the new planning system. We recognise that while the Government has proposed changes to the planning system, including proposals related to strategic planning, there have been no changes made to the *Environmental Planning and Assessment Act 1979* that would give effect to proposed State Planning Policies, Regional Growth and Infrastructure Plans or Local Plans

While our organisations support improved strategic planning, we are concerned that the current roll out of Regional Growth and Infrastructure Plans is happening outside of a clear legislative framework requiring mandated environmental assessment and public participation, and that this will not lead to improved environmental outcomes. Our specific concerns and recommendations are set out in our various submissions to the NSW Planning System Review.⁵ In particular, our recommendations for a robust and inclusive strategic planning process are set out in our 2012 report *Our Environment, Our Communities - Integrating Environmental Outcomes and Community Engagement in the NSW Planning System*.⁶

Of particular concern to our members and supporters is the statement on page 12 that councils will be required to update their local plans in line with final Regional Growth and Infrastructure Plans. We note that local environment plans across the region have only recently been finalised and are the product of lengthy community input and negotiation with local councils.⁷

We also note that in some instances, the draft Illawarra RGIP contradicts strategic planning work that has already been undertaken in the region. For example, we understand that Kiama Council has raised concerns that population and housing projections for the Kiama LGA adopted by the draft Illawarra RGIP differ to those used by council in own Urban Strategy which underpins its current Local Environment Plan.

We also note that the draft Illawarra RGIP does not explain its relationship to existing strategic documents that currently apply to the region, including the *Illawarra Regional Strategy (2006)*, *South Couth Coast Regional Strategy (2006)*, *South Coast Regional Conservation Plan (2010)* and the *Illawarra Regional Growth and Infrastructure Plan No 2 – Jamberoo Village*.

These existing documents have been prepared in consultation with the community, and are relied on by the community to understand the planning controls and environment protections relevant to their region. We understand, for example, that the community of Jamberoo are unclear about whether the *Illawarra Regional Environmental Plan No 2—Jamberoo Valley* (now a SEPP), which defines existing village boundaries, will be overridden by this new plan.

⁵ See:

- Nature Conservation Council of New South Wales and Total Environment Centre, *Charting a new course: Delivering a planning system that protects the environment and empowers local communities* (2013). Download [here](#).
- Nature Conservation Council Of NSW and Total Environment Centre *Planning for a Sustainable Future Submission in the Green Paper - A New Planning System For NSW* (September 2012) Download [here](#).
- Nature Conservation Council Of NSW, Total Environment Centre and EDO NSW - *Planning For Ecologically Sustainable Development - Opportunities for Improved Environmental Outcomes and Enhanced Community Involvement in the Planning System* (March 2012) Download [here](#).

⁶ Nature Conservation Council of NSW, Total Environment Centre and EDO NSW, *Our Environment, Our Communities - Integrating Environmental Outcomes and Community Engagement in the NSW Planning System* May 2012. Download [here](#).

⁷ The following local environment plans apply to the LGAs in the region: [Shoalhaven Local Environmental Plan 2014](#), [Shellharbour Local Environmental Plan 2013](#), [Kiama Local Environmental Plan 2011](#), [Wollongong Local Environmental Plan 2009](#)

If the Department uses this regional planning process to override existing and locally accepted strategic planning documents that have been the subject of years of negotiation and have community buy in, community political opposition to the plan will be the likely outcome.

Failure to integrate environment and natural resource management considerations

We have significant concerns about the direction and focus of the draft Illawarra RGIP. The plan gives only token consideration to environmental issues, in spite of the Minister's assurances in the Foreword of the plan emphasising the '*importance of protecting the environmental values so highly valued by residents and visitors*' (p5, draft Illawarra RGIP).

The emphasis of the draft plan is on economic growth and provision of jobs in the region, rather than ecologically sustainable development. It fails to assess environment protection and natural resource constraints as the foundation for decisions regarding planning for development and infrastructure. It also fails to adequately identify and respond to the environmental challenges facing the region (see p 10 and pp 68-71), which include: loss of biodiversity, fragmentation of habitat corridors, threats to sensitive coastal environments, protection of water resources, retention of productive agricultural land and impacts of climate change.

Failure to adopt the important principles of ecologically sustainable development

There is no mention of ecologically sustainable development in the draft Illawarra RGIP. Ecologically sustainable development (ESD) is one of the objects of the *Environmental Planning and Assessment Act 1979* and must be applied as the framework for strategic planning in the region.

We note that the *Consultation Outcomes Report* found that a number of submitters called for ecologically sustainable development principles to be included as principles that guide our planning. There is no explanation as to why these suggestions have been ignored.⁸

The draft Plan does not provide adequate solutions to potential land use conflicts. It must identify and adequately protect sensitive, high value conservation areas (e.g. by creating "no-go" zones)

The Illawarra and Shoalhaven contain a wide range of sensitive environments including endangered ecological communities, threatened species habitat, catchments of coastal lakes, estuaries and wetlands and drinking water catchments. The Plan must identify and protect these important areas (but postponing the Shoalhaven component).

While the draft plan refers to the important biodiversity, landscape and natural resource values of the area it does not provide adequate mechanisms for protecting those values, particularly when those values are in direct conflict with other land uses. The plan fails to adequately address conflicts between competing land uses including urban expansion and prime agricultural land, urban expansion and sensitive coastal areas, or extractive industry and high value conservation areas.

It also fails to respond to community feedback on the Discussion Paper that mining and resource extraction should be prohibited or restricted due to impacts on biodiversity and the environment and that coal seam gas exploration and extraction is significantly opposed, particularly in the drinking water catchments.⁹

Finally, it fails to specify criteria for identifying and assessing cumulative impacts as the basis for planning to maintain, protect and increase the resilience of these important values, whilst accommodating growth.

⁸ Department of Planning and Environment, *The Illawarra over the next 20 years: A discussion paper Consultation Outcomes Report* (February 2014), p 20

⁹ Ibid p 32

CASE STUDY 1: Endangered ecological communities at Seven Mile Beach

The area along Seven Mile Beach at Gerroa contains vulnerable, disconnected islands of vegetation and significant coastal wetlands. The area includes six endangered ecological communities (EECs)¹⁰, some of which are poorly represented in the adjoining national park. The greater glider is a keynote species in this area. Koalas have become locally extinct with no opportunity for recolonisation due to the lack of biodiversity corridors. This biological significant area is threatened by further land clearing from proposed sand mining, which continue to operate in the area.

Despite the environmental significance of this area and the concerns raised by the community, sand mining continues.¹¹ Given the vulnerability of the six endangered communities, biodiversity offsetting is not an appropriate solution in this instance.

We support the calls of the local community to have the remaining forested area adjoining the national park, including the whole of land known locally as Baileys Islands, protected by acquisition by the State Government to be added to the Seven Mile Beach National Park to improve its ecological viability and provide more effective protection to the EECs associated with local vegetation.¹² Landcare Groups should be encouraged and assisted to carry out further restoration work.

The draft Plan places too high an emphasis on biodiversity offsetting

Biodiversity offsetting is not appropriate in all circumstances. The draft Plan must identify 'red flag' areas (e.g. coastal catchments, areas of endangered ecological communities or threatened species habitat) that are not appropriate for biodiversity offsetting (See Case Study 1 - Endangered ecological communities at Seven Mile Beach, above).

If biodiversity offsetting is to occur, it must meet best practice principles that require 'like for like' offsets and no net loss of biodiversity. Our joint submission on the *Draft NSW Biodiversity Offsets Policy for Major Projects* outlines our key concerns and identifies best practice principles for biodiversity offsetting.¹³

The draft Plan must identify and adequately protect prime agricultural land

Due to high quality soils and high rainfall, the Illawarra region boasts significant parcels of prime agricultural land. The important value of this land must be recognised and prime agricultural land must be identified for agricultural use, rather than other conflicting uses, such as urban expansion. Protection of prime agricultural land is

¹⁰These Endangered Ecological Communities include:

- Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions
- Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions
- Freshwater Wetlands on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions
- Littoral Rainforest in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions
- Bangalay Sand Forest of the Sydney Basin and South East Corner bioregions
- Coastal Saltmarsh in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions

¹¹ We note that the *Consultation Outcomes Report* found that the community had identified this area on Seven Mile beach, which is home to a wetland complex and a transition of endangered flora and fauna habitats, as a significant environmental asset, under threat from sand mining. Above no. 8, p 30

¹²For further information see work done by the Gerroa Environmental Protection Association, <http://geps.happenings.id.au/>

¹³ Nature Conservation Council of NSW and Total Environment Centre, *Submission on the Draft NSW Biodiversity Offsets Policy for Major Projects* (May 2014). Download [here](#).

particularly important with a changing climate and landscapes, when there is likely to be greater reliance on the Illawarra area for food production. Almost one quarter of the submissions to the discussion paper raised this issue as a concern, while it was a ‘top issue’ raised by community and environmental groups and individuals.¹⁴

Case Study 2: Agricultural Land at Gerringong

Agricultural land in the Gerringong region has been identified as having high value of the volcanic krasnozems soils. These soils are considered some of the most versatile and productive soils in Australia. The soils at Gerringong not only have high fertility but one of the most reliable rainfalls in NSW. The highest and best use for this land is agriculture, not urban development. The protection of high value agricultural land south of Gerringong through appropriate zoning will not only assist future food sustainability but also meet the community’s desire to keep the urban areas of Gerringong and Gerroa separate.

Case Study 3: Jamberoo Valley

The Jamberoo Valley contains significant areas of high conservation value and areas of prime agricultural farmland. The landscape values of Jamberoo are widely recognised and should be protected.

Prime farmland around Jamberoo should be retained and zoned as farmland, and should not be earmarked for urban expansion and development. Jamberoo should be identified as a village (not a town) and the existing village boundary identified in the Illawarra Regional Environmental Plan No 2—Jamberoo Valley should be retained. IREP No 2 (now technically a SEPP) is highly valued by the local community in protecting the sense of place of the Jamberoo Valley.

The draft Plan must provide adequate protection for the region’s important water resources

The claim that water resources are adequate to support the anticipated growth is not consistent with evidence of significant water shortages during previous droughts. Australia is the world’s driest inhabited continent, and international climate predictions indicate that rainfall by the end of the century is likely to be even more unreliable than it is now.¹⁵

As identified on page 71 of the draft Illawarra RGIP, 21 per cent of the Illawarra region is located in the Sydney Drinking Water Catchment Area. The draft Illawarra Plan must ensure the future viability of this important resource. In particular, coal seam gas and long wall coal mining activities should be banned in those parts of the Illawarra region that form part of the Sydney Drinking Water Catchment and Special Areas.

The draft plan must recognise the unique coastal and rural landscapes of the Illawarra

As noted above, the natural environment of the Illawarra is an integral part of the region’s identity. The unique coastal and rural landscape values of the region must be retained, both to preserve the existing character of communities but also as the foundation of the region’s important tourism industry.

For example, consideration should be given to incorporating provisions similar to clause 102 of the Illawarra REP No 1 (now a SEPP) that the consent authority must (not ‘should’) consider the visual impact of the proposed development when viewed from a public place. Setting a planning line above which development is not allowed to protect vistas such as the Illawarra escarpment is not new. It has been done to great effect to protect the vistas of the hilltops in Canberra for decades.

¹⁴ Consultation Outcomes Report above no. 8, pp 16, 30

¹⁵ Intergovernmental Panel on Climate Change (IPCC); See also, www.enca.com/opinion/ipcc-working-group-confirms-climate-experience-ground-0

We note that the industry and business roundtable identified the importance of developing a strong identity and voice in order to achieve specific economic, housing, environmental and lifestyle goals.¹⁶

The draft Plan must provide adequate protection for the region's sensitive coastal areas

The Illawarra and Shoalhaven regions contain environmentally significant coastal areas, including coastal lakes, estuaries, wetlands and littoral rainforest. With over 80% of the NSW population living within 3 kilometres of the coast¹⁷ and the proportion rising, increased urban development and other uses are placing intolerable demands on sensitive coastal environments. The social and economic wellbeing of coastal communities including industries such as tourism, fishing and oyster farming are also potentially under pressure, being dependent on healthy coastal environments.

The impacts of increased population and development on the coast are known to include:

- Adverse changes to the natural variability of estuaries particularly coastal lakes, with clearing and development causing erosion, sedimentation and poor water quality.
- Resulting nutrient overload causing loss of aquatic ecosystem diversity, due to algal blooms smothering seagrasses, causing de-oxygenation and diminishing habitat and food sources for fish and birds.
- Loss of dune, wetland and foreshore vegetation from foreshore development, resulting in increased beach erosion with coastal habitat connectivity compromised.
- Increased listing of coastal vegetation communities and species as Threatened under both NSW and Commonwealth legislation; e.g. Coastal Salt Marsh and nesting Shorebird species including the Hooded Plover and Little Tern.
- Increased damaging interventions in natural coastal processes such as unauthorised opening of Lake entrances due to lack of understanding by many coastal residents of complex coastal physical and ecological systems.
- Impacts on fishing, oyster and tourism industries with closures and increased testing costs, due to polluted waters.

The region's sensitive coastal areas must be identified in the draft Plan, and afforded appropriate protection, including through buffer zones and minimisation of pollution urban runoff.

Case Study 4 – Lake Wollumboola

Lake Wollumboola catchment is unsuitable for development, because of likely catastrophic impacts on the internationally significant Lake Wollumboola and threatened species habitat of the catchment. Both the Lake and the neighbouring Crookhaven River catchment are Wetlands of National Importance, with their catchments identified in the draft Plan for urban growth.

The South Coast Regional Strategy adopted the expert advice and recommendations of three independent public inquiries, particularly the South Coast Sensitive Urban Lands Review, as the basis for planning and development decisions for the Lake Wollumboola catchment.¹⁸ The 2013 Office of Environment and Heritage report on the

¹⁶ Consultation Outcomes Report, above no. 8, p 20

¹⁷ NSW Coastal Policy 1997

¹⁸ South Coast Sensitive Urban Lands Review, available to www.planning.nsw.gov.au/planningsystem/pdf/irp_sc_report_oct06.pdf

*Environmental Sensitivity of Lake Wollumboola has upgraded this advice, warning of catastrophic consequences from development expansion.*¹⁹

The draft Illawarra RGIP misrepresents the expert advice and would undermine the existing requirements that the Lake Wollumboola catchment is unsuitable for development expansion and should be zoned E 1 National Park, with limited ecologically sustainable development for Culburra Beach considered e.g. on cleared and disturbed land in the Crookhaven catchment. These requirements must continue to apply to existing proposals.

The draft Plan fails to plan for climate change

Evidence of sea level rise and increased storminess and inundation due to climate change is robust and unequivocal. The level of threat from such hazards to coastal environments and communities will substantially increase the challenges already obvious from inappropriate urban expansion. Climate change impacts will exacerbate natural coastal erosion and inundation and threaten precious beaches, rocky shores, wetlands, estuaries and coastal lakes and their ecosystems as well as Aboriginal coastal heritage and the majority of coastal cities and towns.

Although the draft plan recognises that a changing climate is likely to present new longer challenges to our environment (p 72, draft Illawarra RGIP), it does not provide the necessary direction and measures for climate change adaption and mitigation

For example, the Plan fails to identify areas that may be subject to increased storm surges and sea level rise as a result of climate change. It is unclear whether the Urban Feasibility Modelling (p45, draft Illawarra RGIP) takes into account the impacts of climate change. The International Panel on Climate Change reports on a business as usual basis (the climate change trajectory the human race is currently on) that sea level rise may up to a metre by the end of this century²⁰. Storm surges with expected greater intensity must be added to the effects of sea level rise alone.

We note that the local councils in the region have recognised the potential risks associated to climate change, but according to the Consultation Outcomes Report argue that the State government is better placed to set climate change policy than local government, particularly around sea level rise²¹.

It is absolutely essential that climate change flood mapping based on a worst case scenario is done before any low-lying areas of the Illawarra are identified for urban development. The studies must be funded by the State (potentially with developer contributions) and conducted by technically expert and politically independent consultants.

In the context of the Government intending to develop new regional growth and infrastructure plans for the different regions of the NSW coast, we urge the Government to reintroduce State wide measures for planned retreat of existing and future development from areas identified as presently or potentially exposed to hazards associated with coastal processes, increased sea level rise and storminess, prior to the finalisation of Regional Growth and Infrastructure Plans.

¹⁹Scanes P, Ferguson A and Potts J *Environmental Sensitivity of Lake Wollumboola: Input to Considerations of Development Applications for Long Bow Point, Culburra* NSW Office of Environment and Heritage, Sydney; 2013; Refer also to the South Coast Regional Strategy, Department of Planning (2006)

²⁰ Intergovernmental Panel on Climate Change *Fifth Assessment Report* (2013)

²¹ *Consultation Outcomes Report*, above no. 8, page 30

Urban Sustainability Issues

A growing population leads to a growing environmental footprint. The regional planning process provides an opportunity to address and plan for improved long-term sustainability. The draft Plan must better address brown sustainability issues such as waste and water management and energy use for urban, commercial and industrial areas.

The draft Plan does not address future energy infrastructure needs, including opportunities for renewable energy sources. We live at a time when urgent action is required to reduce global carbon emissions. In the absence of a strong international response to climate change, countries around the world face devastating environmental, social and economic impacts. Rapid improvements in technology present fresh opportunities to replace polluting energy resources like coal with energy from the sun and wind.

The draft Plan fails to mention how the community will continue to be engaged in the finalisation and implementation of the Plan

We are concerned that the community has not been included in proposals for the implementation and delivery of the Plan. As noted above, community buy-in is essential for acceptance and success of the plan. In particular, there must be broad community representation on the proposed Illawarra Regional Growth and Infrastructure Plan Advisory Group, including community and environment representation.

2. Specific comments on key components of the draft Illawarra Regional Growth and Infrastructure Plan

Our comments on key aspects of the plan are provided below:

Foreword:

The Minister's claim of extensive community engagement (p5, draft Illawarra RGIP) is justified with respect to the LGAs of Wollongong, Shellharbour and Kiama. The level of community engagement on the Illawarra discussion paper and the issues raised is well documented in the *Consultation Outcomes Report* dated February 2014²². We note however our concerns, outlined above, that while the *Consultation Outcomes Report* provides a useful summary of feedback provided on the Discussion Paper, it does not provide an adequate explanation of how the draft Illawarra RGIP responds to that feedback, and how it addresses, or in some case does not address, community and stakeholder concerns.

We are also concerned, as outlined above, that the Shoalhaven community was not involved in the discussion paper, and the ad hoc addition of the Shoalhaven LGA has already generated community concern, which will undoubtedly grow as the draft Illawarra RGIP becomes more widely understood. Significant areas of the Shoalhaven LGA south of Jervis Bay have been omitted altogether from the plan. We recommend that the Department undertakes further and broader engagement with the Shoalhaven community discussion plan specific to the whole of before proceeding with any proposal to include the Shoalhaven in the draft Illawarra RGIP.

²²*Consultation Outcomes Report*, above no. 8

Summary and Introduction (pages 6-13):

The 'appeal of the natural environment' of the Illawarra (p6, draft Illawarra RGIP) is readily apparent to visitors, and is greatly prized by many residents. It is important that the plan does not erode the reasons behind that appeal which require strong and disciplined planning protection: magnificent natural escarpment, essentially untarnished by development; rainforest and other important native vegetation remnants; scenic and highly productive prime agricultural land. These areas need to be protected from the 'death by a thousand cuts' (seen in many areas of the western Sydney basin) by constraints on urban development, entrenched in strong planning instruments.

We make the following specific comments in relation to plan's summary and introduction:

- It simply may not be possible to '*maintain or improve biodiversity values*' (p 8) at the same time that new development areas are being established in areas like west Dapto. As outlined above, areas of high conservation value must be afforded appropriate protection through the regional planning process, and the plan must recognise that biodiversity offsetting is not always a suitable option and instead avoidance is a likely course.
- The draft Plan provides that an Illawarra Regional Growth and Infrastructure Plan Advisory Group will be established (page 8, draft Illawarra RGIP), opened to Councils and key state agency representatives in the Region. As outlined above, we strongly urge that community and environment representatives be included in that proposed Advisory Group.
- Page 9 of the draft Plan discusses growing and diversifying the regional economy to provide local jobs, and building more and more housing. There is no concept of limits to development due to environmental constraints. One of the key industries identified in the draft plan is tourism. It is important to recognise that the unique landscapes and lifestyle opportunities of the Illawarra are key features that draw tourists to the area, and must be protected as both important environmental and economic assets.
- The draft Plan refers to protecting the natural and cultural values that 'support the Illawarra's residential lifestyle and identity', but does not identify specific methods for doing this.
- Our organisations support the concept on page 11 that important natural resources must be factored '*into decisions about where growth should or should not occur*'. What is unclear is the mechanisms through which this will occur. As outlined above, we do not think the draft Plan has adequately identified and resolved land use conflicts or identified adequate "no-go zones".
- Page 12 of the draft Plan lists tools used to develop the evidence which forms the basis of the plan. It does not identify any environmental studies or mapping underpinning the plan. This is a significant flaw, and indicative of the broader failure of the plan to adequately integrate environment and natural resource management considerations. We note that later in the draft Plan, reference is made to mapping done by the Office of Environment and Heritage (p 72, draft Illawarra RGIP) to identify key environmental and heritage values across the region, and to Agricultural Land mapping undertaken by the NSW Department of Primary Industries (p 68, draft Illawarra RGIP). This additional evidence must be identified upfront and listed on the Department's resources page, as information relied on in the development of the draft Illawarra RGIP.
- NCC and TEC support a review of plans at least every 5 years (p 8, draft Illawarra RGIP).

Chapter 1 (pages 14-21):

Chapter 1 of the draft Illawarra RGIP outlines six big initiatives to transform the Illawarra. Our overarching concerns, outlined above, apply to each of these initiatives.

More specifically:

- NCC and TEC generally support strategic urban consolidation near public transport and services. Please see our further comments below regarding transport infrastructure proposal in the draft Plan.
- As outlined above, we are concerned that the draft Plan places too much emphasis on biodiversity offsetting, including as part of biodiversity certification. With respect to the biodiversity certification strategies referred to on page 21 of the draft Illawarra RGIP, the local community and environment groups must be involved in the certification process. We also submit that the principles of the Great Eastern Ranges Corridor²³ must be considered as part of the biodiversity conservation strategies impacting on the Illawarra Escarpment, including the West Dapto development area.

Chapter 2:

The natural environment and unique landscapes of the Illawarra and Shoalhaven are significant assets and should be valued as an important part of the region's future economic growth. As noted above, the unique landscapes and lifestyle opportunities of the Illawarra are key features that draw tourists to the area, and must be protected as both important environmental and economic assets.

In particular, we note that:

- Agri-tourism (p33, draft Illawarra RGIP) is only possible if you protect high value agricultural land (such as Jamberoo Valley, south Gerringong, Berry and the Shoalhaven River floodplain) through appropriate zoning and strong planning instruments to avoid land use conflicts with prime agricultural land.
- We do not support coal mining as a focus area for growth in the Illawarra region (p31, draft Illawarra RGIP). We recognise that historically the coal industry has been an important part of the Illawarra economy, however we submit that this should no longer be the case. Contrast coal with tourism, a sustainable industry with significant employment spin offs. Coal mining contributed \$649 million per annum to the regional economy in 2011 (p31, draft Illawarra RGIP). Destination NSW estimates that tourism is worth almost \$1.3 billion per year to the Illawarra (p 33, draft Illawarra RGIP). The fact that tourism is a sustainable industry bringing in about twice the annual income to the Illawarra compared to unsustainable coal should be a major focus of the Illawarra plan. The link between tourism and the *'lifestyle opportunities and the appeal of the natural environment'* of the Illawarra should be emphasised. With proper forward planning, tourism will continue to bring in substantial economic benefits to the Illawarra long after the coal industry is finished.

²³<http://www.environment.nsw.gov.au/resources/nature/ccandger.pdf>

Chapter 3:

We agree that the physical landscape of the region (especially the Illawarra Escarpment and the important water catchment areas to the west) *'limits the option for expansion of growth'* (p41, draft Illawarra RGIP). This crucial constraint is not mentioned in some other parts of the plan which contemplate unconstrained urban growth. The Illawarra Escarpment and water catchment areas need to be protected by hard-edged planning instruments that cannot be overturned by local government. NCC would like to see more emphasis in the final plan on the crucial importance of protecting these critical areas from the effects of urban development in the Illawarra.

Further release areas are contemplated, in spite of the constraints mentioned above and in spite of the fact that additional release areas are *'not supported by community feedback to the Discussion Paper'* (p42, draft Illawarra RGIP). Continued urban growth in the Illawarra is unsustainable if it is going to damage or destroy the very important escarpment/catchment areas listed above. NCC supports alternative solutions such as infill development and urban consolidation in the Illawarra, but not the continued emphasis on greenfield development where environmental constraints dictate that development should not occur.

We also note our concerns, outlined above relating to the protection of sensitive coastal areas. Given the amount of scientific, internationally supported information on climate change that is already available, the Department of Planning would be arguably negligent to proceed with the planning of development on the Illawarra coast without giving serious consideration to the constraints to coastal development caused by present and expected future climate change.

Finally, as outlined above we are concerned with the presumption in the draft Illawarra RGIP that development and resource extraction can go ahead in spite of the recognition for environmental constraints. For example, the draft Plan states that *'we need to resolve assessment issues such as biodiversity and heritage to ensure that projects are not delayed through the approval process'* (p 50, draft Illawarra RGIP).

Biodiversity and heritage are legitimate constraints to the approval process, and may mean that approval is not appropriate at all. Housing is not always the highest and best land use, although the planners seem to think that it is and act accordingly.

We note the views of the Chief Justice of the NSW Land and Environment Court (Preston CJ) on the appropriate allocation of land use by government planners:

*"There is no priority afforded to mineral resource exploitation over other uses of land, including nature conservation. There must be an assessment of all the different, and often competing, environmental, social and economic factors in order to determine what is the preferable decision as to the use of land"*²⁴.

²⁴Bulga Milbrodale Progress Association v Minister for Planning and Warkworth Mining Ltd [2013] NSWLEC 48, at 168. We note Chief Justice Preston's decision was later upheld by the NSW Court of Appeal.

Chapter 4:

NCC member groups in the Illawarra and Shoalhaven have expressed concerns with transport planning for the region.

In particular:

- There is insufficient detail regarding the integration of existing public transport services into the services for new release areas. (p61, draft Illawarra RGIP).
- There appear to be no plans for the electrification of the rail line from Kiama to Bomaderry, and no proposal to extend the rail network over the Shoalhaven River. Highway improvements between Berry and Kiama are well advanced, but the Berry to Nowra section of highway will remain a bottleneck for a number of years. In this case, given the public transport difficulties, proposed Nowra urban development should not proceed until the highway upgrade to Nowra is completed.
- While the area along the rail line between Wollongong and Thirroul has been identified as a 'Northern Growth Corridor' the Plan does not outline any proposals for station or line upgrades for the existing rail network.
- Other than a brief reference to funded planning for a new bridge over the Shoalhaven River and a potential future upgrade of the Princes Highway to the south coast there is no further consideration of road improvements for the southern end of the Illawarra Region.

Chapter 5:

Part 5 of the draft Illawarra RGIP recognises that the region has 'agricultural and natural resources that are economically and environmentally important to the region but their proximity has the potential to generate land use conflict' (p68, draft Illawarra RGIP).

We have already identified a number of concerns relating to the draft Plan's failure to adequately protect prime agricultural land and the drinking water catchment:

- Regionally important agricultural lands are now under threat in Jamberoo, Gerringong, Berry and Nowra. The Department of Planning should demonstrate how their protection through appropriate zoning (p68) is going to work, and specify the sections of the Illawarra LGA local environment plans that will deliver these outcomes. The retention of Illawarra REP No 2 protecting Jamberoo has been already mentioned above.
- Although the draft Plan recognises that 21% of the Illawarra region is located in the Sydney Drinking Water Catchment, it fails to resolve the significant conflict with coal and coal seam gas activities in the catchment. As outlined above, we submit that coal seam gas and long wall coal mining activities should be banned in those parts of the Illawarra region that form part of the Sydney Drinking Water Catchment and Special Areas, and this should be reflected in the final Illawarra RGIP.

Chapter 6:

We call for the urgent protection of Lake Wollumboola catchment through immediate zoning of the Lake catchment as E1 National Park (see Case Study 4 above). While the draft Illawarra RGIP recognises that land within the catchment is considered unsuitable for urban development, it anticipates that future planning proposals may occur within the Lake catchment (p 78, draft Illawarra RGIP).

The various studies on this area are unequivocal on the environmental significance of the Lake catchment and the critical need to protect the Lake catchment from the high risk of catastrophic degradation from development expansion in its catchment.²⁵ The recent process to develop the Shoalhaven local environmental plan failed to resolve the land use conflict in this area, with the important decision to protect the Lake catchment deferred from the final plan.

Our organisations, together with NCC member group Lake Wollumboola Protection Association, continue to call for the protection of the catchment's high-conservation values which are highly sensitive to development pressures²⁶

The Regional Growth and Infrastructure Plan must make clear directions for the future protection of the Lake Wollumboola catchment and provide state clearly that:

- The Lake catchment should be zoned E1 National Park, with no development expansion allowed.
- Only limited ecologically sustainable development in the Crookhaven catchment should be considered e.g. on cleared and disturbed land
- The north-west catchment, particularly Long Bow Point, must be dedicated to the Jervis Bay National Park, as a biodiversity offset for any development in the Crookhaven catchment.

Chapter 7:

We agree that implementation of the Illawarra plan *'requires a clear understanding and agreement on the strategies within the plan by all stakeholders'* (p80, draft Illawarra RGIP). Further, the success of the Plan relies on acceptance and buy-in from the local community. As outlined throughout our submission, we recognise that NCC member groups in the region continue to have significant concerns with the broad direction and specific provisions of the draft plan. As outlined above, we are concerned that the *Community Outcomes Report* and draft Plan do not adequately respond to the community feedback on the Discussion Paper, including concerns raised by our members.

With regards to the specific implementation of the plan, as outlined above, we strongly recommend that community and environmental groups are represented on the proposed Advisory Group charged with implantation of the plan.

²⁵ Scanes P, Ferguson A and Potts J *Environmental Sensitivity of Lake Wollumboola: Input to Considerations of Development Applications for Long Bow Point, Culburra* NSW Office of Environment and Heritage, Sydney; 2013; Refer also to the South Coast Regional Strategy, Department of Planning (2006)

²⁶ See Media Release *Deferral of environment zonings puts Lake Wollumboola at risk*, 17 April 2014, www.nature.org.au/news/2014/04/deferral-of-environment-zonings-puts-lake-wollumboola-at-risk/

Conclusion

As noted above, we are in support of improved strategic planning processes in NSW. However we are concerned that the current roll out of Regional Growth and Infrastructure Plans is happening outside of a clear legislative framework requiring mandated environmental assessment or public participation. This does not provide a suitable basis for long term strategic planning, including the proper consideration of vital long term issues such as ESD, biodiversity and connectivity, access to green space and infrastructure, climate change and population planning.

It is imperative that the Department of Planning and Environment ensures that ecologically sustainable development is at the heart of regional planning and there are mechanisms in place for ensuring that regional plans will deliver necessary environmental and social outcomes, now and in the future.

Should you require any additional information, please do not hesitate to contact Cerin Loane, Policy and Research Coordinator, on (02) 9516 1488 or cloane@nature.org.au.

Yours sincerely,



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