



BAYRIDGE ESTATE

STAGE 2B RE-LOTING & REVISED BUILDING ENVELOPES
MODIFICATION TO DEPARTMENT OF PLANNING DA 172-7-2005

PLANNING REPORT

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Documentation verification and citation

This Planning Report and has been prepared for CIC Australia Limited to support the Section 75W Modification to the prior Development application 172-7-2005 and to describe the proposal and identify those matters for consideration under Part 4 Environmental Planning & Assessment Act 1979 (EP&A Act). This Modification application is to make certain changes to a small compartment of the existing sub-division development located at the intersection of Kings and Princes Highway, Batemans Bay.

The report has been prepared by CIC Australia Limited for the purpose of assessment by NSW Department of Planning & Infrastructure.

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CONTENTS

1.0	INTRODUCTION.....	1
1.1	Modification objective.....	1
1.2	Pre-lodgement appraisal.....	1
2.0	MODIFICATION DESCRIPTION	3
2.1	Site planning objectives	3
2.2	Proposal overview	3
3.0	PLANNING CONTEXT & LEGISLATION	4
3.1	Statutory Provisions.....	4
3.2	Permissibility.....	4
3.3	Local development Codes & sub-division guidelines.....	4
3.4	Proposed amendment to existing approval conditions	5
3.5	Prior modifications to consent	6
4.0	PROPOSAL EVALUATION & ENVIRONMENTAL EFFECTS	7
5.0	CONCLUSION	9

APPENDIX A – Pressure Sewer System Analysis

APPENDIX B – Stormwater Detention Measures Analysis

APPENDIX C – Bushfire Protection – Letter Report APZ Compliance.

APPENDIX D – Letter from Eurobodalla Shire Council, no objection to modification

– Letter from Catchment Management Authority on Native Vegetation clearing approval

REFERRED PLANS

Conway Burrows Hancock	
10703B – 1 revision E	Amended Subdivision Layout
10703B – 2 revision B	Subdivision Layout Slope Analysis
GHD	
23-11848-C001 revision L	Site Plan, APZ, Contours, Trees with Hollows
23-11947-C002B revision J	Staging Plan
23-11848-C003 revision E	Typical Sections
23-11848-C200 revision J	Services Plan Proposed Services Sheet 1 of 4
23-11848-C201 revision H	Services Plan Proposed Services Sheet 2 of 4

1.0 INTRODUCTION

The proposal will consist of a Modification DA to the Department of Planning Approval (172-7-2005). The application is being made under Section 75W of the Environmental Planning & Assessment Act 1979 (EP&A Act) on the grounds that the modification is of a nature that will involve minimal environmental impact and that the modification is substantially the same development. The original approval had been granted consent under Part 3A of the EPA&A Act. This modification is now deemed Part 3A under S8J(8) EP&A Regs, but with the repeal of Part 3A of the Act (March 2012), will now be considered as a Section 75W Modification.

The application and its intent is justified against the objectives of the Eurobodalla Local Environmental Plan 2012 (LEP) and the relative sub-division clauses under Section 4 of the LEP. Substantiation particularly is provided against cls 4.1E of the gazetted plan. (refer later comment).

This modification applies to a small area within the existing approved development footprint in Stage 2B where development (tree clearing and earthworks) has already partly been undertaken. It is intended, through the modification, to re-subdivide the overall area of 21 existing allotments (lots 716 thru 723; 726 thru 733; and 736 thru 740) to create a further 10 additional smaller lots (total of 31 being lots 110 thru 135; and 137 thru 141) within Stage 2B of the already approved development footprint, as shown on the attached plans. It should be noted that one further existing allotment (current lot 715 proposed as lot 136) is within stage 2B. The building envelop is being remove with this modification from lot 136 to match the LEP 2012 however its shape and size is not being altered. It is also proposed that Stage 2B be sub-staged into Stages 2B1 and 2B2 to permit a staged construction and registration to reflect local low demand for new lots.

The modification will also adjust the building envelopes (within this Stage 2B only) and required building envelope setbacks for allotments within the described area. The modification will bring the development into line with the provisions of the Eurobodalla LEP 2012, principal development standards (minimum lot size overlay map).

The original approved development represented an average allotment area of approximately 3000m² and greater. However, the LEP 2012 development standard allows for a minimum lot size of 1500m² in the subject land's new zoning of R5 – Large Lot Residential. All proposed allotments within this amendment have areas of 1500m² or greater.

1.1 Modification objective

The purpose of the modification is to bring the subject allotments into accord with the residential – large lot provisions and development standards within the Eurobodalla LEP 2012. The new allotment sizing and allotment development areas are designed to accord with the market demand for land packages with their proximity to Batemans Bay as a regional centre.

1.2 Pre-lodgement appraisal

Approval to modify stage 2A1 was granted in 2012 through a Section 75W amendment, during the preparation and exploration of options for that modification there had been a number of discussions with both the Department and Council staff identifying the appropriate process and assessment authority considering the nature and major project status of the initial approval. This amendment for Stage 2B follows the same process as utilised for the previous approval from 2012.

Early discussion were held with Eurobodalla Shire Council (ESC) staff to inform and detail the nature of the objective to modify Stage 2B and the fundamentals driving a change to allotment parameters. Comment on the layout from ESC is included in Appendix D.

Comment was sought from the Catchment Management Authorities NSW on the Native Vegetation Conservation Act approval for the site that was received with the initial DA consent. Its advice is that the approval is adequate

provided no further clearing beyond that original approval is proposed. A copy of this advice is included in Appendix D. This amendment does not propose to extend the extents of clearing approved in the original consent.

2.0 MODIFICATION DESCRIPTION

2.1 Site planning objectives

The overall development site due to its location, expansive area and natural topography requires a more environmentally sensitive approach to site layout and planning parameters. Although the planning provisions applying through legislation will be acknowledged in the design there are areas within the development that suggest a recognition and availability to be responsive to the market demands. This modification is therefore responding to those site conditions and to better acknowledge the market requirements where the site conditions are favourable.

2.2 Proposal overview

The proposal is to amend the following within Stage 2B:

- *Allotment size and number of lots* - to more suitably reflect the allotment area and sub-division provisions described within the Eurobodalla LEP 2012. It is intended to sub-divide a small number of allotments to reflect the development standard (lot size) within the LEP. The modification will alter an existing twenty one (21) allotments, thus introducing a further ten (10) allotments rendering a total of thirty one (31) allotments ranging in area from 1500m² to 6855m². All lots have area equal or greater than the prescribed minimum of 1,500 m².
- *Road and infrastructure* – with the reduction in allotment size it is proposed to extend the length of one street (road 2) and to replace a long shared driveway. Utility services would also be amended to reflect this street layout. The layout has been discussed with ESC and the Rural Fire Service that have no objection to the layout.
- *Building envelopes* - the original approval defined a development/building envelope (generally 400m²) within each allotment. It is now proposed that the siting of future dwelling is to be determined through an assessment against Council's Development Control Plan rather than by the prescribed envelope. Developable areas of at least 350m² are achieved within each allotment satisfying ESC minimum requirements.
- *Amend staging* - It is also proposed that Stage 2B be sub-staged into Stages 2B1 and 2B2 to permit a staged construction and registration to reflect local low demand for new lots.

3.0 PLANNING CONTEXT & LEGISLATION

The original Development proposal was granted consent under Part 3A of the EP&A Act, December 2006, (approval No 172-7-2005). This approval followed consent to a Masterplan, adopted by the Department in May 2005, having been prepared under Clause 18 of SEPP 71. The SEPP being the principal legislative instrument governing the environmental issues and assessment requirements, for the proposal.

This application is being made under Section 75W of the EP&A Act on the grounds that the modification is of a nature that will involve minimal environmental impact and that the modification is substantially the same development. The original approval had been granted consent under Part 3A of the EPA&A Act. This modification is now deemed Part 3A under S8J(8) EPA&A Regs, but with the repeal of Part 3A of the Act (March 2012), will now be considered as a Section 75W modification

3.1 Statutory Provisions

The land falls under the Eurobodalla Local Environmental Plan 2012 with a zoning of R5 – Large Lot Residential. The land had previously come under the Eurobodalla Rural Local Environmental Plan 1987, 1(c) Small Rural Holdings (a rural zone). In effect this has resulted in a lift of capacity for the land, reflecting its close proximity to the main Regional Centre of Batemans Bay. As noted in the original application, this is consistent with the objectives of the Lower South Coast Regional Strategy.

The current approval was predicated on the controls as determined under the then DCP 165 – North Batemans Bay Rural Small Holdings. The DCP stipulates a minimum allotment area of 5000m². However, the Department's 2006 DA approval has permitted allotments averaging 3000m². DCP 156 has been repealed with the gazettal of the Eurobodalla LEP 2012 where minimum lot areas are now 1,500m².

Council has confirmed that under the R5 zone developable areas will be dictated by prescriptive standards and setbacks rather than defined building envelopes. The recently adopted Eurobodalla Residential Zones DCP describes the effective setbacks for allotments less than 2500m². These setbacks therefore, effectively describe the developable area for the proposed allotments. Of course other considerations such as, private open space, parking, amenity and asset protection zones (APZ) will also contribute to structural placement.

It is not the intent of the proposed modification to alter the residential use of the land nor will the modification affect the arrangement or servicing of allotments. The intent of the changes simply reflects the direction of local planning and the development standards that will apply under the Eurobodalla LEP 2012.

3.2 Permissibility

Under the new LEP, dwellings, dual –occupancy and secondary dwellings are permissible land-use, these being the likely allotment developments to be commissioned upon the land. The overall objective of the zone is to provide for residential housing in a rural setting. The modification will not be inconsistent with this objective.

3.3 Local development Codes & sub-division guidelines

A specific rural/large lot sub-division Code has yet to be adopted by Council, however Council has advised that the Eurobodalla Residential Zones DCP will be the guide for development upon allotments with areas less than 2500m². Of relevance to this proposal are the setback guidelines for new development upon the lots. These setbacks – where they are not directly impacted by vegetation buffers or riparian corridors – will set the criteria for the developable envelope.

The following table sets out the DCP controls applicable to setbacks for allotments < 2500m².

Table 3.3 Eurobodalla Residential Zones DCP setback controls

Performance Criteria	SETBACK
Front (street) setback Buildings are setback to contribute to the existing or proposed streetscape character, assist in the blending of new development into the streetscape, make efficient use of the site and provide amenity for residents.	In new subdivisions where a setback has not been established a setback of 5.5m applies. Up to 50% of the front facade of the dwelling (excluding garages or carports) may be setback 4.5m from the front boundary.
Side boundary setback Buildings are setback to reduce overbearing and perceptions of building bulk on adjoining properties and minimise overshadowing impacts on adjoining properties.	For the first floor, or for a single storey building, 900mm (including a minimum of 600mm to the eaves or gutters, whichever is the closest); For any part of the building higher than 4.5m, 1.5m (including a minimum of 1.2m to the eaves or gutters, whichever is the closest); For any part of the building higher than 7.5m, 2m (including a minimum of 1.7m to the eaves or gutters, whichever is the closest); For single storey (up to a height of 3.8m) sheds, detached garages and other detached ancillary buildings (eg gazebos, aviaries, green houses, pool houses, etc), 450mm.
Corner allotments & secondary street frontages Buildings are setback to contribute to the existing or proposed streetscape character, assist in the blending of new development into the streetscape, make efficient use of the site and provide amenity for residents.	The minimum setback to the secondary street frontage side boundary is 3m. Garages and carport must be set back behind the dwelling frontage, not forward of the building line and a minimum of 5.5m from the secondary property boundary.
Rear boundary setback Buildings are setback so that they do not reduce the use and enjoyment of public, private or communal open space provided at the rear of adjoining residential development by being in close proximity, overshadowing or overlooking the open space.	A minimum rear setback of 3m applies to all buildings except: – sheds – detached garages; and – other detached non-habitable ancillary buildings. up to a height of 3.8m. A minimum rear setback of 450mm applies to all: – sheds – detached garages; and – other detached non-habitable ancillary buildings. up to a height of 3.8m.

3.4 Proposed amendment to existing approval conditions

Approval (172-7-2005) contained a number of site and development conditions pertaining to the sub-division layout and construction requirements. It is not intended by this modification to request amendment to specific existing

conditions. Although the existing conditions will directly relate to the plans and documents listed under within the approval. It is therefore suggested that the original approval be amended with an insert clause in section 1 referring to the plans as described by this modification.

The specific conditions as they apply to the existing approval will equally apply to this amendment.

3.5 Prior modifications to consent

A previous modification (16-3-2007) was approved for the development on 25 June 2008, which modified DA 172-7-2005 in the following manner:

- Adjustment to boundaries and building envelopes;
- Change to staging plan; and
- Relocation of alignment to Bay Ridge Dr (Road 6).

A further modification MOD 2 (modifying DA 172-7-2005) was approved for the development on 14 September 2012. This modification was via a Section 75W application and involved the following:

- Re-subdivide 6 existing lots within Stage 2A to create 11 lots (5 additional lots); and
- Modification of the building envelopes of the 11 new lots so that the siting of future dwellings is in acceptance with the site planning provisions contained in Section 2.1 of the Eurobodalla Residential Zones Development Control Plan.

4.0 PROPOSAL EVALUATION & ENVIRONMENTAL EFFECTS

Full environmental assessment of the original development and the effect from the developable area impacts had been carried out and approved with the original proposal. As this modification is to be retained within the existing footprint, it is not considered necessary to substantially re-visit the environmental assessment.

The extent of pre-determination evaluation and recommendations will be guided by the Departments comments on the necessity for such review. However, it must be noted that the small area affected by the modification has been significantly altered by current earthworks works and vegetation clearing for development already complete.

As the proposed modification application is essentially a re-subdivision of existing approved allotments and not an extension of the development footprint, we would not anticipate the modification requiring further bio-diversity assessment. The modification context and evaluation will sit within the scope of the previous environmental requirements.

The original development and masterplan had been guided by extensive bushfire evaluation. The requirements for asset protection zone fire management principles have been retained with the modification area. There are changes however in the applicability provisions under the Planning for Bushfire Protection Guidelines. These will result in a slightly differing approach to bushfire protection as applicable to the individual dwellings. Bushfire compliance advice (APZ) has been undertaken and included in Appendix C. This indicates adequate building areas are available within each allotment with suitable APZ setbacks from bushfire constraints from retained vegetation buffers.

The additional allotments will continue to utilize the LPSS site specific sewer solution. This system arrangement is still considered to be more environmentally suited to this site, (greatly reducing vegetation clearing) and is a more appropriate servicing strategy for the proposed smaller rural residential block sizes. This LPSS system also provided the necessary time lag for Council to schedule in the necessary up-grade to the overall North Batemans Bay sewer infrastructure. The system has been assessed by Pressure Sewer Systems Pty Limited to ensure it has capacity to take the additional proposed allotments without the need for further capacity enhancing works. This assessment is included as Appendix A of this document and confirms that the existing sewer system has adequate capacity.

Water supply is available from the existing town potable reticulation system located within Bay Ridge Drive and the stub of Spotted Gum Place constructed with Sage 2A. Connection is available off these mains and the development is serviced with reticulated water. As a consideration of the original proposal Council had requested that lots smaller than two hectares (including the proposed) should be provided with reticulated water connection.

Each dwelling constructed in the subdivision is required to provide a rainwater tank which is in keeping with the recommendations of Council's Integrated Water Cycle Management Strategy.

The existing stormwater pipe network and detention measures have been assessed by GHD to determine if there is a need to undertake further works as a result of this modification proposal. This assessment is included as Appendix B and concludes that the existing stormwater system has adequate capacity.

The overall layout of the development will remain intact and much of the allotment arrangement will remain unchanged. Allotments that include non-development areas will not be altered and there is not the intention to alter the vegetation regime or to activate further clearing. The fundamental proposal objectives as provided through the original approval, such as; allotment infrastructure provision, sealed roads, bushfire mitigation measures and access, and allotment size mixing will be still prevail.

This modification does not propose any change to the development vegetation corridors and dwelling site buffers. A combination of topography, use of vegetation buffers and subdivision design ensures that there is a minimal impact on views to and from the site. The majority of views from allotments are internal development views and therefore local. These views are dominated by vegetation retained on site and especially within the vegetated

gullies. Views to the site from public places such as the Kings and Princes Highways are of predominantly retained extant vegetation.

5.0 CONCLUSION

The intent of this development modification is to re-configure a small number of allotments to more closely reflect the intended planning provisions of the local area and to better equate to market demand. There is an extension of Road 2 which is essentially over and within earthworks area of the previous long shared driveway, this gives better lot access and servicing. The overall layout of the development will essentially remain intact and much of the allotment arrangement will remain un-changed.

The proposal is consistent with the aims, objectives and controls of the Eurobodalla Local Environmental Plan 2012. The proposed allotments will also align with the Eurobodalla Residential Zones DCP where they apply to R5 - Residential Large Lots.

The proposal and its scale, along with the precautionary measures outlined in this submission will not adversely affect the existing environment, vegetation and water quality. The fundamental proposal objectives as provided through the original approval, such as; allotment infrastructure provision, sealed roads, bushfire mitigation measures, Highway noise buffer and access will still prevail.

This modification does not propose any change to the development vegetation corridors and dwelling site buffers. A combination of topography, use of vegetation buffers and subdivision design ensures that there is a minimal impact on views to and from the site. The majority of views from allotments are internal development views and therefore local.

This modification proposal is seeking authority support on the grounds that the proposal:

- Is consistent with local and State Planning Provisions;
- Is consistent and supports the provisions and development standards of the Eurobodalla Local Environmental Plan 2012;
- Has been designed with due regard to environmental constraints;
- Will not adversely impact on the environment, scenic quality, nor adjacent development;
- Will not adversely impact on the amenity of future development or views;
- Has taken into consideration potential risks such as Bushfire, storm and overland storm watershed;
- Will provide a greater diversity of developable land options that will reinforce local Settlement Strategies and support the local economy.

APPENDIX A

Pressure Sewer System Analysis

**Pressure Systems Solutions Pty Ltd**

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16/07/2013

CIC Australia Limited

PO Box 1000,
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ACT 2608
Phone: 02 6230 0800
Mobile: 0438 456 131
Adrian.Moy@cicaustralia.com.au

ATT: Mitchell Alexander

Dear Mitchell

RE: Pressure Sewerage System Revised Master Plan / Increased Density for Bay Ridge Development

As requested we have reviewed the increased lot density proposed for the Bay Ridge project (Areas 2B1 and 2B2), and updated the pressure sewerage system hydraulic model to reflect the proposed additional lots nominated on briefing drawing.

Results of the hydraulic review confirm satisfactory system performance with the inclusion of the additional 10 lots, an additional 7 lots in stage 2B1 and an additional 3 lots in Stage 2B2.

The hydraulic model parameters used are consistent with the approved design. Please find attached hydraulic model extracts for the additional lots.

Please don't hesitate to contact the undersigned should you have any questions or require further information.

Yours faithfully,

Chris Rust – Design Manager
PS Solutions P/L

Issue: B

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Bay Ridge				Model Probability		5%							
Project				Catchment-White "w" Feet		0.15							
To Pumping Station BB12: ADDITIONAL LOTS STAGE 2B				Lines/Day/Dwelling:		980							
Issue: B				Pump Curve or point flow L/s		Ecc60Mcrno							
Ultimate 159				Exist 0									
Zone Number	Zone Notes	Connects to Zone	Number of PSU's Connected This Zone	Length Of Main This Zone m	Upstream Elevation of Main m	Downstream Elevation of Main m	Minimum Height of Pump m	Peak Instantaneous Flow L/S	Maximum Velocity m/s	O.D. Pipe Size mm	Friction Pressure Loss m/100m	Pressure Loss this zone PEAK m	Total Dynamic Head Pump (M)
A	B	C	E	F	G	H		Ultimate Lots	Ultimate Lots	Method	Ultimate Lots	Ultimate Lots	Ultimate Lots
7.1		7.2	3	75	40	45	30	0.89	0.70	50	2.0	1.5	47.82
7.2		7.4	5	75	45	55	40	1.84	0.90	63	2.3	1.7	36.13
7.3		7.4	2	40	70	55	60	0.96	0.77	50	2.3	3.9	30.33
7.4		5.1	1	155	55	32.5	40	1.88	0.84	75	1.0	1.3	34.40
5.1		5.4	6	310	32.5	58	30	2.75	0.66	90	0.6	2.5	43.11
5.2		5.3	6	95	40	52.5	30	2.62	0.90	75	1.6	1.7	43.74
5.3		5.4	2	75	52.5	58	40	2.85	0.91	75	1.9	1.4	31.99
5.4		4.1	1	160	53	41	50	4.51	1.03	90	2.1	3.1	20.59
6.1		6.2	3	35	35	32.5	34	0.89	0.71	50	2.0	3.7	46.53
6.2		6.4	6	155	32.5	37.5	20	1.72	0.84	63	2.0	2.6	57.31
6.3.1		6.3	3	25	35	35	25	0.87	0.89	50	1.9	3.5	51.79
6.3		6.4	2	85	35	37.5	25	1.74	0.85	63	2.1	1.8	51.32
6.4		5.2	2	45	37.5	40	25	2.60	0.89	75	1.6	3.6	49.55
4.1		4.4	4	350	41	45	30	4.52	1.03	90	2.1	3.9	37.48
4.2		4.3	3	50	32	32	20	0.90	0.72	50	2.1	1.0	43.87
4.3		4.4	3	160	32	45	20	1.81	0.89	63	2.3	2.3	42.94
4.4		4.5	2	82	45	38	35	5.44	0.83	110	1.1	3.9	25.59
4.5		3.4.5	2	165	39	20	20	5.45	0.83	110	1.1	1.7	30.70

ISSUE: B

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Zone Number	Zone Notes	Connects to Zone	Number of PSU's Connected This Zone	Length Of Main This Zone m	Upstream Elevation of Main m	Downstream Elevation of Main m	Minimum Height of Pump m	Peak Instantaneous Flow L/s	Maximum Velocity m/s	O.D. Pipe Size mm	Friction Pressure Loss		Pressure Loss this zone P-PAK m	Total Dynamic Head Pump (M)
											Method	Ultimate		
3A.0		3A.1	8	120	18	30	15	3.36	0.80	90	90	1.2	1.4	49.66
3A.1		3A.4	11	205	30	30	36	4.40	1.05	90	90	2.0	4.1	27.24
3A.2		3A.3	3	35	25	26	15	0.89	0.71	50	50	2.0	3.7	46.01
3A.3		3A.4	2	50	28	30	20	1.81	0.88	63	63	2.2	1.1	40.37
3A.4		3A.6	2	115	50	32	20	4.43	1.05	90	90	2.0	2.0	51.18
3A.5		3A.6	2	105	20	32	18	5.45	0.88	110	110	1.1	1.1	40.02
3B.1		3E.2	3	35	18	18	15	0.83	0.85	50	50	1.7	3.6	61.01
3B.2		3E.3	6	90	19	10	8	1.01	0.79	63	63	1.6	1.0	67.40
3B.3		3A.0	10	170	10	18	8	2.47	0.59	90	90	0.7	1.1	57.77
3A.6		3A.7	4	90	32	38	30	8.11	1.01	125	125	1.2	1.1	26.88
3A.7		3A.8	3	150	39	50	30	8.14	1.02	125	125	1.2	1.0	19.77
3A.8		2E.1	2	145	50	40	40	8.16	1.02	125	125	1.2	1.8	14.17
2B.1	ADDITIONAL 3 LOTS STAGE 2B	2E.2	6	50	40	32	30	9.14	1.14	125	125	1.6	3.8	22.38
2B.2		2A.1	4	110	32	24	15	9.14	1.14	125	125	1.5	1.7	36.97
2A.1		2A.4	3	110	24	9	12	9.15	1.14	125	125	1.5	1.7	37.97
2A.2		2A.3	3	55	15	16	10	0.89	0.71	50	50	2.0	1.3	47.07
2A.3		2A.4	1	95	13	9	5	0.89	0.43	63	63	0.6	3.0	50.77
2A.4		2A.5	2	70	9	5	5	10.05	1.25	125	125	1.9	1.3	43.22
2B.3.1	ADDITIONAL 7 LOTS STAGE 2B	2E.3	10	45	25	26	22	1.71	1.35	50	50	7.1	3.2	53.89
2B.3		2E.5	1	53	20	22	24	1.72	0.84	63	63	2.0	1.1	48.70
2B.4		2E.5	3	40	24	22	22	0.88	0.70	50	50	2.0	3.8	48.35
2B.5		2A.5	5	205	22	6	10	2.57	0.83	76	76	1.6	3.6	57.66
2A.5		2A.6	6	140	5	24	4	10.88	1.30	125	125	2.2	3.0	42.92

Issue: B

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Zone Number	Zone Notes	Connects to Zone	Number of FSU's Connected to This Zone	Length of Main This Zone m	Upstream Elevation of Man m	Downstream Elevation of Man m	Minimum Height of Pump m	Peak Instantaneous Flow L/s	Maximum Velocity m/s	O.D. Pipe Size mm	Friction Pressure Loss		Pressure Loss this zone PEAK m	Total Dynamic Head Pump (M)
											PEAK n/100m	Ultimate		
2A.6		RM1.1	2	150	24	9	10	10.89	1.35	125	2.2	2.2	2.8	33.30
RM1.1		RM1.2	C	53	9	4.5	8	10.89	1.35	125	2.2	2.2	1.1	18.09
RM1.2		RM1.3	C	156	4.5	10.5	4	10.89	1.35	125	2.2	2.2	2.9	16.44
RM1.3		END	C	228	10.5	3.5	10	10.89	1.35	125	2.2	2.2	4.0	7.50

11/1/2013

Page 3 of 3

File: BAY RIDGE PC08 SW Review Issue 23-4-08_KG update 25-8-11 (2) Sheet: Hydraulic Analysis

APPENDIX B

Stormwater Detention Measures Analysis



CLIENTS | PEOPLE | PERFORMANCE

15 November 2013

Mitchell Alexander
CIC Australia Limited
PO Box 1000
Civic Square ACT 2608

Our ref: 23/14123
Your ref: 72524

Dear Sir

**Bay Ridge Estate, Batemans Bay
Revised Stage 2B Development**

I refer to the proposed subdivision development for proposed lots 110 to 141 in Bayridge Drive and Spotted Gum Place in the Bay Ridge Estate as shown on drawings 23-14123-C100, C103 to C106, C140 and C141, which propose an increase in the number of lots created over the previously approved layout for this development. I also refer to the letter from Pressure Systems Solutions Pty Ltd dated 16 July 2103.

The additional 10 lots in Stages 2B1 and 2B2 of the Bay Ridge Estate do not exceed the capacity of the water supply, sewerage, stormwater or road systems servicing the Bay Ridge Estate development, and can be accommodated without upgrading of the existing infrastructure servicing these stages.

Please contact me directly on telephone 02 6113 3396 or email john.wearne@ghd.com if you have any questions in relation to this infrastructure.

Sincerely
GHD Pty Ltd

John Wearne
Principal Civil Engineer - Urban Development
61 2 6113 3396

APPENDIX C

Bushfire Protection Letter Report – APZ Compliance Amended Stage 2B

28th January 2014

CIC AUSTRALIA LIMITED
Att: Mitchell Alexander
PO Box 1000
CIVIC SQUARE ACT 2608

Our Reference: PL_CIC041103

Your Reference:

Subject: Bushfire Compliance Advice (APZ) for the Proposed
(Revised) Residential Subdivision Development of
Bay Ridge Estate (Stage 2B) North Batemans Bay.

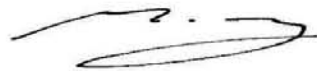
Dear Mitchell,

Please find attached an analysis of Asset Protection Zone (APZ)
compliance for the Proposed (Revised) Residential Subdivision
Development of Bay Ridge Estate (Stage 2B) North Batemans Bay.

Unless otherwise stated, bushfire safety / APZ compliance are based
upon the current NSW Rural Fire Service Planning for Bushfire
Protection Guidelines, 2006.

Please note, this report and recommendations contained herein do not
constitute automatic approval or otherwise automatically satisfies the consent authority that the proposed
development fully conforms to the specifications and requirements of Planning for Bushfire Protection
2006 that are considered relevant to the development under Section 100B of the NSW Rural Fires Act
1997.

Sincerely



Matt Jones
BAppSc Environmental Health
Grad. Dip Design for Bushfire Prone Areas
BPAD-A Certified Practitioner BPD-PA-09336
Member No. 9336 Fire Protection Association Australia

Bushfire Protection Planning & Assessment Services Pty. Ltd,
BPAD-A Certified Business BPD-BA-09336
Corporate Member No. 14598 Fire Protection Association Australia



Post Office Box 334
Narooma NSW 2546
Mob: 0428 296 526
Ph: 02 4476 3681

*Bushfire Protection Planning
& Assessment Services Pty Ltd*

ABN: 29 155 412 981 ACN: 155 412 981

*Member of the Australian Bushfire
Assessment Consultants Group*



LETTER REPORT – APZ COMPLIANCE AMENDED STAGE 2B BAY RIDGE ESTATE



28th January 2014

The following letter report relates to a proposed amendment / revised allotment plan for Stage 2B of Bay Ridge Estate, North Batemans Bay (herein '*the subject development*').

This report has been prepared at the request of Mitchell Alexander, CIC Australia Limited PO Box 1000 Civic Square ACT 2608.

This report refers to;

- approved subdivision plans of the subject development (Appendix 1 & 2) – herein '*the approved plan*',
- a proposed / revised subdivision plan of the subject development (Appendix 3 & 4) – herein '*the revised plan*',
- APZ analysis / estimate of compliance for the proposed / revised plan (Appendix 5), &
- The NSW Rural Fire Service document *Planning for Bushfire Protection 2006* - herein '*PBP*'.

The purpose of this letter report is to demonstrate Asset Protection Zone (APZ) compliance for the revised plan, specifically including Stage 2B.

APZ compliance is based on the acceptable solutions of PBP (Section 4.1.3 Standards for Bush Fire Protection Measures for Residential and Rural Residential Subdivisions), which include;

- *an APZ is provided in accordance with the relevant tables/ figures in Appendix 2 of this document*
- *the APZ is wholly within the boundaries of the development site. Exceptional circumstances may apply (see section 3.3) in accordance with the requirements of Standards for Asset Protection Zones (RFS, 2005)*
- *the APZ is located on lands with a slope less than 18 degrees.*

The approved plan currently includes 22 residential allotments (within the respective stage, 2B, as referred to above).

The revised plan proposes to increase the number of residential allotments to 32, being proposed sites 110-141 (again within the respective stage, 2B, as referred to above), to take advantage of recent zoning changes applicable to the subject development site.

For the purposes of determining APZ compliance, the following site conditions are considered;

- a strip of forest vegetation (25m wide) retained between proposed allotments 115-121 and the Kings Hwy as a vegetated buffer – being a remnant or rainforest equivalent bushfire hazard, and otherwise identified as a '*Restriction on the use of land*',
- the effective slope* under the vegetated buffer (remnant / rainforest) is <10° down slope,
- retained vegetation within proposed allotments 137-141 is a forest equivalent bushfire hazard – retained as part of an '*Easement for drainage of water*',
- the effective slope* under the retained forest is <10° down slope - when considered directly parallel to proposed allotments 137-141. Where the slope is considered across the down slope of the neighbouring allotment, the effective slope is approximately 10-15° down slope,
- there are no permanent constraints or site conditions restricting the management or reduction of forest vegetation (for APZ areas) beyond those areas identified above as retained. This includes no steeper areas of slope >18° within the subject development area,
- It is assumed that the majority of vegetation within the 'developable area' of each allotment will be managed to the extent whereby it would be classified as Excluded or Low threat / Non-Vegetated areas for the purposes of a Bushfire Attack Level (BAL) assessment under Australian Standard 3959 *Construction of buildings in bushfire-prone areas*,
- The management of the developable areas would occur as a result of existing or future residential building, or otherwise a reciprocal APZ easement in favour of adjacent / surrounding allotments within the subject development, &
- Eurobodalla / Far South Coast Fire Area is a designated FDI 100 area by PBP – Table A2.3.

* *Note: effective slope is conservatively estimated for the purposes of this advice. A more detailed assessment of effective slope for each individual allotment may conclude a lesser grade of the effective slope specific to the proposed / future building siting.*

Predicated upon the above vegetation and slope parameters, the Minimum Specified APZ for the revised allotments (PBP Appendix 2 - Table A2.4) would be;

- 10-15m from remnant / rainforest equivalent, &
- 20-35m (50m*) from forest vegetation.

* *It should be noted that the 50m APZ distance is only applicable across the neighbouring allotment on steepest down slope gradient – Lots 137-141 (see Appendix 5).*

PBP - Table A2.4

Table A2.4 Minimum Specifications for Asset Protection Zones (m) for Residential and Rural Residential Subdivision Purposes (for Class 1 and 2 buildings) in FDI 100 Fire Areas ($\leq 29\text{kW/m}^2$)					
Vegetation Formation	Effective Slopes				
	Upslope/Flat	>0°-5°	>5°-10°	>10°-15°	>15°-18°
Rainforests	10	10	15	20	25
Forests	20	25	35	50	60
Woodland (Grassy)	10	15	20	25	30
Plantations (Pine)	20	25	30	45	50
Tall Heath (Scrub)	15	15	20	20	20
Short Heath (Open Scrub)	10	10	10	15	15
Freshwater Wetlands	10	10	10	15	15
Forested Wetlands	15	20	25	35	45

A spatial analysis of the required APZ area / setback distance is as shown Appendix 5.

Taking into account the estimated minimum specified APZ / setback distances, the estimated area of developable land (i.e. the area of land that can contain a Class 1a residential building and still achieve the APZ / setback) is as listed Table 1.0 following. The developable land represents the area of the allotment not within the identified / estimated APZ area, approximately 7m setback from an adjoining road reserve, at least 1m setback from side or rear boundaries as applicable. It is also noted that proposed allotments 122-124 are further constrained by a 'Restriction on the use of land', being a setback restriction to the Bay Ridge Drive road reserve boundary.

Table 1.0 – Estimated Area of Developable Land

LOT	AREA (SQM)		LOT	AREA (SQM)		LOT	AREA (SQM)
110	989		121	613		132	970
111	1,012		122	1,427		133	977
112	1,036		123	868		134	1,054
113	1,116		124	1,224		135	1,354
114	2,458		125	942		136	1,754
115	1,422		126	1,014		137	658
116	638		127	1,206		138	464
117	534		128	1,119		139	356
118	520		129	1,105		140	352
119	447		130	1,011		141	408
120	394		131	980			

Considering the above, it is reasonable to suggest that the revised plan would still achieve the acceptable solutions for APZ compliance as would be required for an assessment under Section 100B of the NSW Rural Fires Act 1997 and for the purposes of a Bushfire Safety Authority for the same.

The estimated individual areas of developable land are mostly over 400sqm (all at least >350sqm), which should provide more than adequate space for a normal residential building structure and associated curtilage.



As previously stated, the effective slope has been conservatively estimated for the purposes of this advice, and a more detailed assessment of effective slope for each individual allotment may conclude a lesser grade of the effective slope specific to the proposed / future building siting. In this regard, it may be reasonable to suggest the estimated area of developable land within each proposed / revised allotment could increase.

Therefore, it is reasonable to conclude that;

- The estimated APZ areas available for potential building sites within the subject development is in accordance with the relevant tables / figures in Appendix 2 of PBP,
- the minimum specified APZ areas will be wholly contained within the boundaries of the subject development site, &
- the minimum specified APZ areas will not affect land with a slope greater than 18 degrees.

In this regard, the revised plan would facilitate APZ compliance.

The above letter report has been prepared by:

Matt Jones

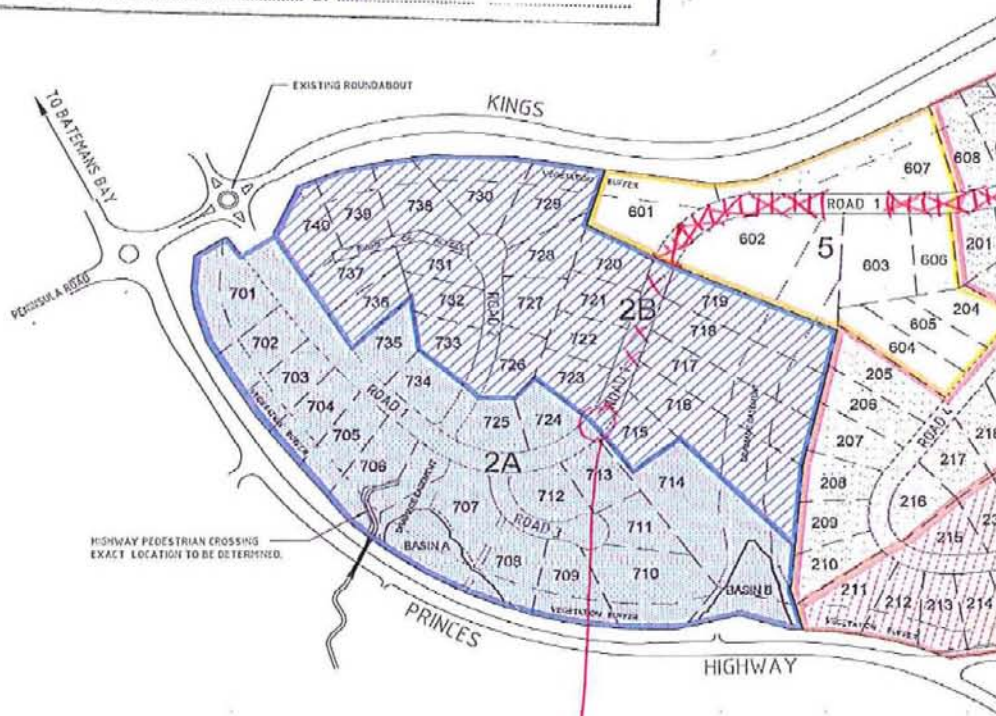
BAppSc Environmental Health
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Bushfire Protection Planning & Assessment Services Pty Ltd
BPAD-A Certified Business BPD-BA-09336
Corporate Member No. 14598 Fire Protection Association Australia



APPENDIX 1 – Subdivision Plan Approval

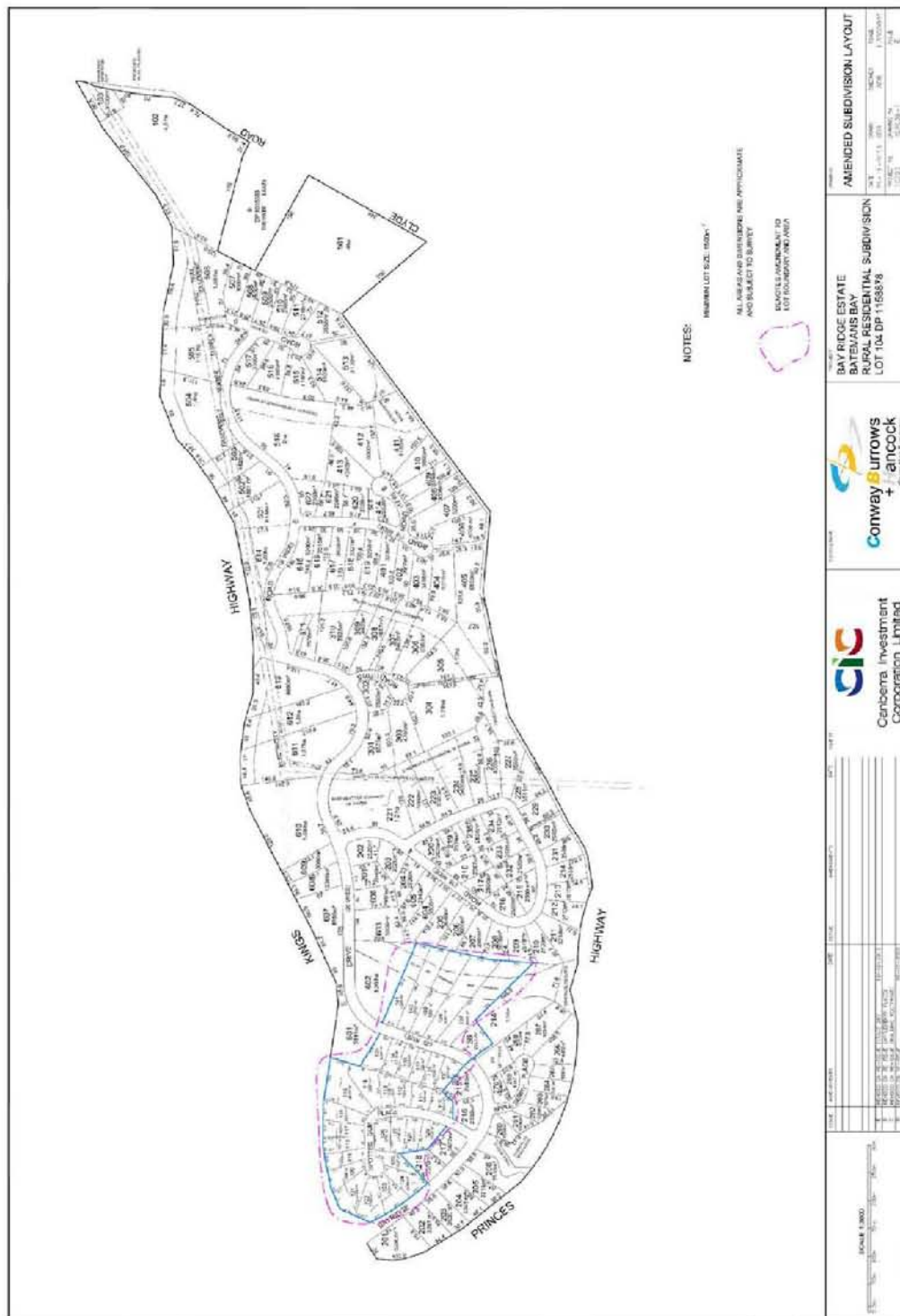

NSW GOVERNMENT
Department of Planning
Issued under the Environmental Planning and Assessment Act 1979
 Approved Section 96 (.....1A.....) modification application.
 No.16.3.2007.... granted on the25.5.06....
 in respect to DA No.172.7.2005.... subject to conditions
 contained in the notice of determination.
 Signed*[Signature]*..... Date10.7.08....
 Sheet No1 of 12.....



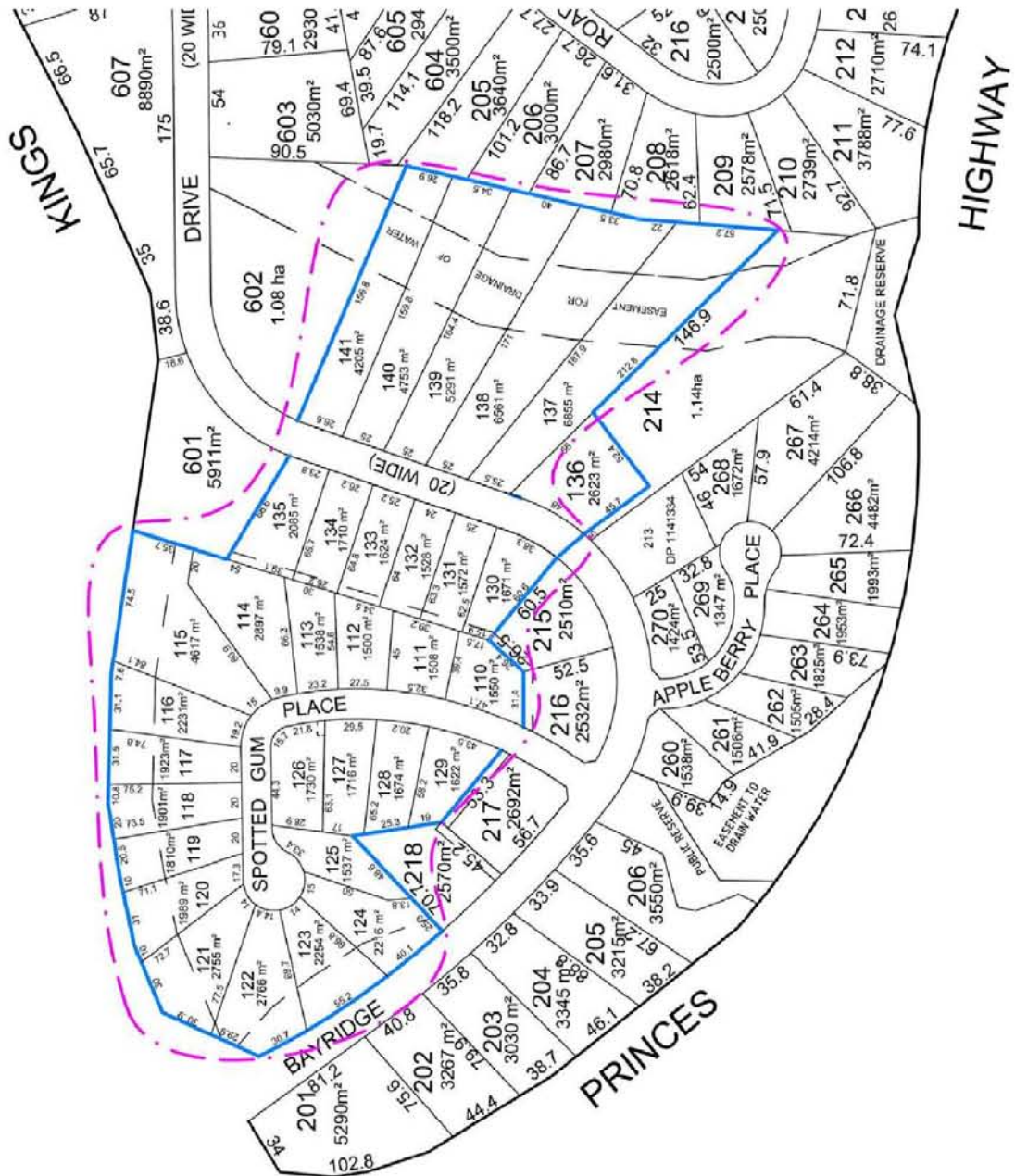
APPENDIX 2 – Approved Subdivision Plan



APPENDIX 3 – Proposed (Revised) Subdivision Plan



APPENDIX 4 – Proposed (Revised) Subdivision Plan



APPENDIX 5 – APZ (Estimated APZ & Setback Analysis / Compliance)



Map 5 Legend - Estimated APZ / Setback Compliance to Final Vegetation
(Stage 2B September 2013)

- | | | | |
|---|---|---|------------------|
|  | Subject Site - Bay Ridge Estate |  | Developable Area |
|  | Estimated APZ / Setback Area (AS3959 BAL FZ / 40) |  | Bushfire Hazard |
|  | 5m Contour Interval | | |



APPENDIX D

Letter from Eurobodalla Shire Council, no objection to modification

Letter from Catchment Management Authority on Native Vegetation clearing approval



Our Ref: 00.4763.S

16 December 2013

Mitchell Alexander
CIC Australia
mitchell.alexander@cicaustralia.com.au

**172-7-2005 for Rural Residential Subdivision at
Corner of Kings Highway and Princes Highway, Batemans Bay**

Dear Mitchell,

Reference is made to the concept layout for a proposed Modification to Stage 2B in Bay Ridge Estate.

The modified layout proposes 10 additional lots, thereby creating a total of 32 lots within Stage 2B. Council raises no objection to a proposed Modification where:

- The amended layout is located within the existing approved development footprint and does not result in any additional environmental impacts.
- The proposed lot sizes comply with the minimum for this land, being 1500sqm in accordance with the Eurobodalla Local Environmental Plan 2012.
- The amended layout complies with the Development Controls in the Residential Zones Development Control Plan.

Please note, should the modified layout incorporate overlapping Bushfire APZ's, temporary reciprocal bushfire easements will be required at the time of Subdivision Certificate.

If you require any further information, please do not hesitate to contact me on 4474-1273.

Please Note: The above advice is given without prejudice to the assessment and final decision of the Department of Planning and Infrastructure, and nothing in this advice should be interpreted to mean that consent will be given to the proposal.

Kind Regards

A handwritten signature in blue ink, appearing to read "Lauren Barnett".

Lauren Barnett
Development Pre-Assessment Coordinator

89 vulcan street moruya
po box 99 moruya nsw 2537
t 02 4474 1000 | f 02 4474 1234
council@eurocoast.nsw.gov.au | www.esc.nsw.gov.au



Catchment Management Authorities
New South Wales

Request No. 18620

Mr Michael Nolan
Development Manager
Canberra Investment Corporation
PO Box 1000
CIVIC SQUARE ACT 2608

30th August 2013

Dear Michael

Re: Native Vegetation Act enquiry, Bayridge Estate, corner Kings and Princes Highway, Batemans Bay

I am writing to respond to your enquiry regarding approval requirements for clearing native vegetation for the above development.

Background

On 18th December 2006, Canberra Investment Corporation received a development consent for clearing native vegetation under the *Native Vegetation Conservation Act 1995* (NVC Act). The NVC Act determination stated that the consent was to lapse three years from the Date of Determination, that is, the 18th December 2009. A small part of the clearing was not carried out within that time period. Additionally, Eurobodalla Council have rezoned the site to allow a smaller minimum lot size and therefore additional clearing is required to allow more lots to be developed. You have asked Southern Rivers CMA to confirm whether approval is required for carrying out this clearing under the *Native Vegetation Act 2005* (NV Act).

Advice

Southern Rivers CMA has received legal advice on this matter. Following consideration of this legal advice, the CMA's position is as follows:

- *Clearing under the NVC Act consent*

Because some clearing was carried out within the timeframe specified by the NVC Act consent, the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides that the consent does not lapse. Therefore Canberra Investment Corporation is able to clear native vegetation in accordance with the NVC Act development consent. Areas which were not approved as part of this development consent cannot be cleared without approval under the NV Act (see below).

- *Clearing of additional areas of native vegetation not covered by the NVC Act consent*

Southern Rivers CMA understands that the development was approved under clause 6 of the State Environmental Planning Policy (State Significant Development) on 6th December 2006. It is noted that this category of State Significant Development is distinct from the current category of State Significant Development. Southern Rivers

Southern Rivers Catchment Management Authority

Level 1, 84 Crown Street, Wollongong NSW 2500 | PO Box 3095, Wollongong East NSW 2520
Telephone: 02 4224 9700 | Facsimile: 02 4224 9669 | Website: www.southern.cma.nsw.gov.au



CMA also understands that you are currently seeking a modification to this development consent for the additional development. There are no legislative exclusions which apply to this type of development under the NV Act. Therefore approval is required to clear native vegetation unless the clearing to be carried out is permitted clearing (eg. clearing for a single dwelling, clearing for Routine Agricultural Management Activities, clearing of regrowth) or can be classified as some other type of excluded clearing (refer to section 25 of the NV Act- *Legislative exclusions* and also section 89J of the EP&A Act).

Clearing requiring consent under the *Native Vegetation Act 2003*:

Clearing that is not permitted or excluded clearing will require consent under the NV Act. Consent to clear is given through the negotiation of a Property Vegetation Plan (PVP). A PVP is negotiated with the landowner and the legal obligations of a PVP are the owner's commitment. The NV Act incorporates an assessment methodology which aims to improve or maintain environmental outcomes.

The environmental impact of the clearing is assessed using computerised tools. Assessment includes Biometric (vegetation and landscape), threatened species (flora and fauna), and a land and soil capability tool. The environmental impact will either be:

- Acceptable with offset areas managed in perpetuity (and registered on title) for environmental purposes therefore improving or maintaining environmental outcomes. Approval is possible in this case.
- Unable to be offset due to the presence of landforms, habitat, plant species or plant communities for which no loss is acceptable. Approval cannot be granted in this case.

It is a landholder's responsibility to ensure that compliance with the NV Act is achieved. As such, the CMA recommends that you seek your own independent legal advice on the need for NV Act consent for native vegetation clearing beyond that approved under the existing NVC Act development consent.

Can you please advise me of your intended course of action. If you wish to proceed with a NV Act assessment please let me know and I will arrange for a site visit to be undertaken. Alternatively you may contact me on 48422594

Yours sincerely,



Donna Hazell
Team leader (Native Vegetation Services)
Southern Rivers CMA- Agricultural Extension