



qB146473

10/11772

Department Generated Correspondence (Y)

## DEPARTMENT OF PLANNING

*Development Assessment and Systems Performance*

*For decision*

### **SUBJECT: MODIFICATION 5 - DA 77-3-2002 - GEORGE BASS DRIVE, TOMAKIN** **RESIDENTIAL SUBDIVISION "BARLINGS BEACH"**

#### **1 PURPOSE**

To determine a request to modify DA 77-3-2002. This approval granted consent to subdivided Lot 2 DP1016146, George Bass Drive, Tomakin, in the Eurobodalla Shire Council Local Government area for residential purposes.

#### **2 BACKGROUND**

On the 17 December 2005, the Minister granted approval to a 159 lot subdivision, including clearing of vegetation, filling, construction of roads and associated infrastructure, conservation zones and open space, and construction of a bridge (refer to Fig 1). The approved conservation zones include areas of archaeological and/ or natural significance. In general these areas are located around the riparian zone, the northern escarpment and dunes.

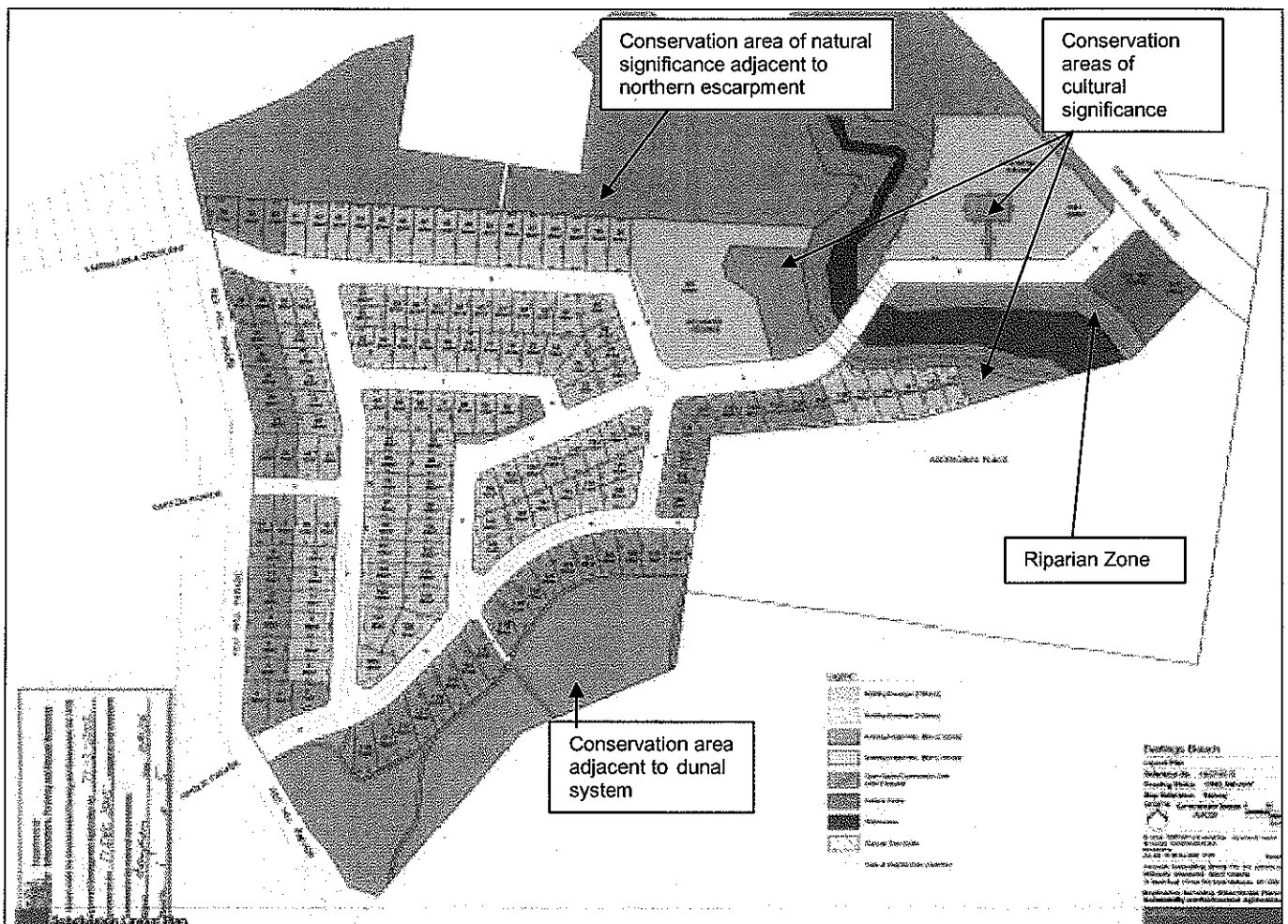


Figure 1: Original Layout - As approved on 17 December 2005

The subject site is located on the southern side of George Bass Drive, and sits to the east of an existing residential area. It is bound to the south by a dunal system and a caravan park to the east (refer Fig 2).

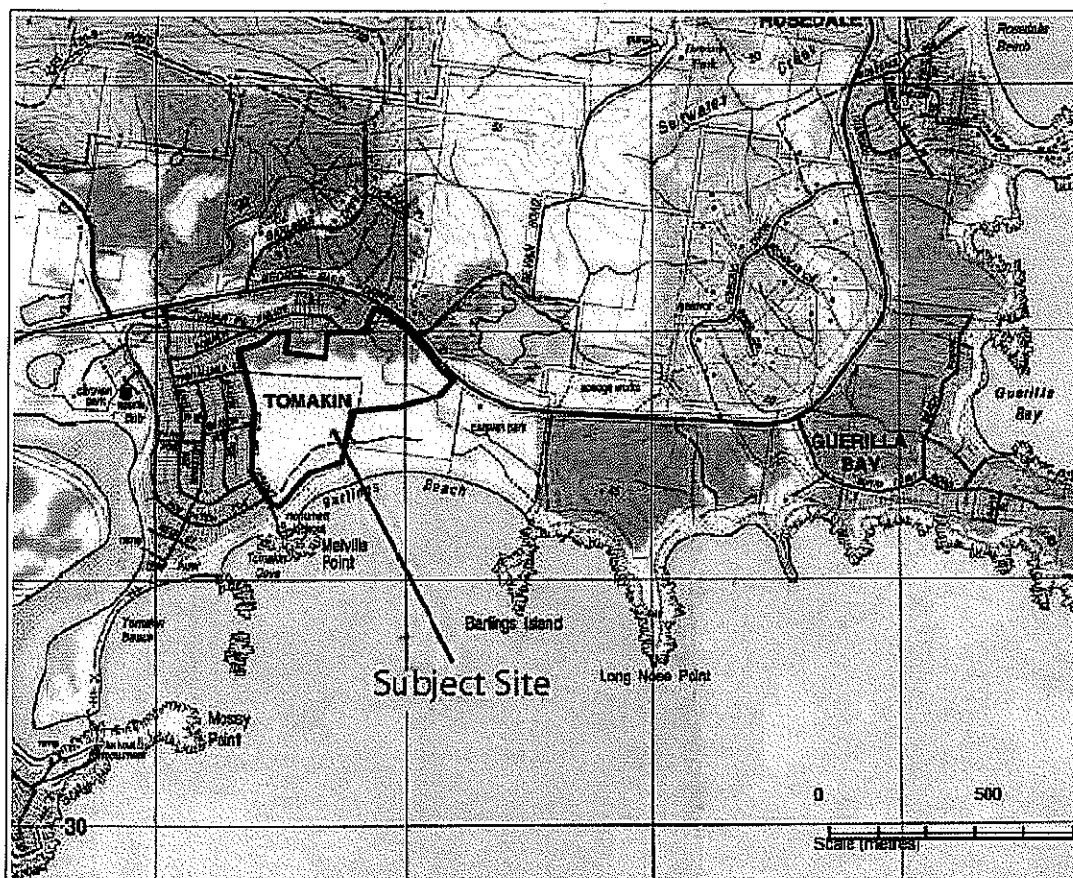


Figure 2: Location of the site.

### 3 PREVIOUS MODIFICATIONS

1) MOD 49-5-2007 approved 2 August 2007:

- Amend condition B9 – Security Bond Protection of Works to provide that the bond requirement is of no effect should a bond be paid as part of a Part 3A Permit under the *Rivers and Foreshores Improvement Act 1948*.

2) MOD 82-10-2007 approved on 10 December 2007:

- Modify wording of conditions E1(b) and (f), E2, E5, E6, E8 and E9.

3) DA 77-3-2002 Modification 3 approved on 12 August 2009

- Realign boundaries in Stage one to create three new allotments;
- Change side setback for four corner allotments from 3m to 2m

4) DA 77-3-2002 Modification 4 - Withdrawn

- Modification 4 was submitted on the 6 November 2009 and withdrawn on the 13 April 2010.

### 4 PROPOSED MODIFICATION

The subject modification was lodged on 9 April 2010 and proposes:

- To increase the number of lots by 15. The increase is achieved by reducing the widths of the approved lots;
- To realign John Penn Drive (near the corner of Red Hill Parade) to allow services to be accommodated in the road reserve;
- To change the lot numbers so that they run sequentially and reflect project staging;
- To reduce the side setback requirement for corner allotments from 3m to 2m for 12 lots; and,
- To increase the depth of lots 45 - 55, 86 - 90 and 130 - 135 and integrate Asset Protection zones into these lots.

The applicant submitted an amended Coastal Hazard Report which addresses sea level rise impacts upon the site.

The amended plan of subdivision as submitted (later modified) can be seen below in Figure 3.

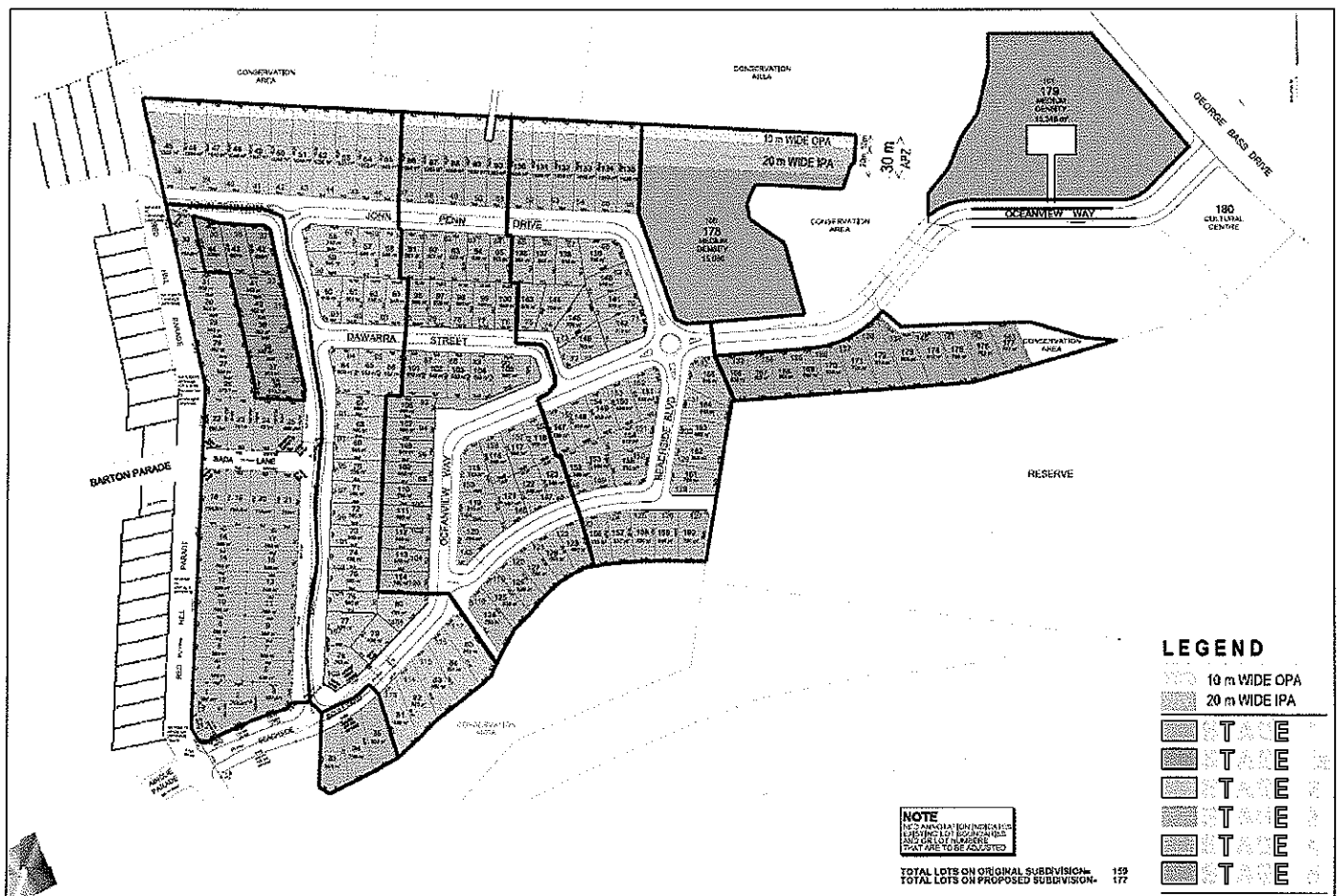


Figure 3 Amended Plan of Subdivision (as lodged on 9 April 2010)

## 5 PLANNING CONTROLS

### Statement of permissibility

The site is zoned Urban Expansion Zone 10 under *Eurobodalla Rural Local Environmental Plan 1987*. Subdivision for residential purposes is permissible with consent. The zone objectives provide for the identification of areas suitable for urban development subject to impacts and servicing.

The site is zoned part R2 Low Density Residential and part R3 Medium Density Residential under the *Draft Eurobodalla Comprehensive Local Environmental Plan 2009* which permits the proposal, and requires a minimum 450m<sup>2</sup> lot size.

### Legislative context

#### *Native Conservation Act 1997 (subsequently repealed by Native Vegetation Act 2003)*

The applicant obtained approval under the *Native Conservation Act 1997* for clearing of the land. Condition B11 of the consent required a Vegetation Management plan (VMP) to be prepared and approved by Council. A VMP has been prepared and the proposed modifications are generally consistent with it. To ensure that the VMP correlates with changes to the lots adjacent to the northern conservation area, a new condition of consent will be inserted to ensure that the VMP is modified.

#### *National Parks and Wildlife Act 1974*

The Act concerns the management and protection of the State's Aboriginal cultural heritage. The site has considerable Aboriginal cultural significance due to the presence of stone artefacts, middens and other artefacts, and

has been recognised as likely to contain Aboriginal burials. The lots identified in the application are not located near the Aboriginal Place identified in the consent, which is on the opposite side of the site, to the north east.

An Aboriginal Heritage Impact Permit (AHIP) Number 2602 was issued on the 22 December 2006 and subsequently amended on 17 December 2007. The AHIP applies to the entire development including both the natural and archaeological conservation areas. Any amendments proposed and associated construction/ excavation works are covered by this AHIP. See further discussion below in Section 7 below.

*State Environmental Planning Policy No. 26 – Littoral Rainforest (SEPP 26)*

A SEPP 26 rainforest is located near to the northern boundary of the site. Parts of the proposed modifications are within the required 100m buffer to this rainforest. The Department required changes to be made to ameliorate impacts upon this rainforest. This issue is discussed in Section 6.1 below.

*State Environmental Planning Policy No. 71 – Coastal Protection*

The proposed modification is not likely to have an impact on the amenity of the coastal zone, and is consistent with the aims of the policy and the matters for consideration.

*Lower South Coast Regional Environmental Plan No. 2*

Natural environment and regional issues have been considered as part of this proposal and any impacts are considered to be minimal as a result of the proposed changes, see Section 6.1 below.

*Rural Fires Act 1997*

The original application was not subject to this Act, nonetheless, the proponent consulted with the RFS at the time and a 30m APZ was identified adjacent to the littoral rainforest at the northern edge of the site. It is now proposed to modify the APZ. The NSW RFS has reviewed the application and advised they are satisfied with a 20m APZ to be incorporated into individual allotments.

**Other statutory provisions**

*Barlings Beachside Development Control Plan October 2007*

The DCP applies to the site (superseding DCP No. 183). Section 10.0 of the DCP provides controls for the Redhill Parade Precinct (which includes the subject lots) and requires a minimum 3m side setback for Lot No's 42, 60, 64, 78, 85, 115, 120, 124, 142, 146, 155, 161 where the side boundary has a road frontage, a walkway or access road. The proposed modification requests a reduction in that setback to 2m for the corner lots. This issue is discussed in Section 6.3 of this report.

*NSW Coastal Policy*

The site has the potential to be impacted upon by sea level rise. In light of recent projections of sea level for the year 2100, the applicant has undertaken a detailed and thorough assessment of impacts from sea level rise. The site is unlikely to be impacted upon by this coastal process, see further discussion below in Section 6.6.

*Draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise*

Investigations have been undertaken regarding impacts of sea level rise upon the site. See further discussions in Section 6.6 below.

*Eurobodalla Shire Council's Interim Sea Level Rise Adaptation Policy*

Council's Interim Policy refers to the projected sea level rise benchmarks as per the *Draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise*. For further discussion see Section 6.6 below.

**CONSIDERATION**

*Section 96*

The application is assessed under section 96(1A) of the *Environmental Planning and Assessment Act 1979* (the Act) as:

- The modification is of minimal environmental impact;
- The development as proposed is substantially the same as that to which consent was originally granted, being generally of the same nature and level of impact.
- Adjoining and affected landowners and relevant government agencies were notified of the development.
- The submissions received have been considered, as is discussed later in this report.

Section 96(3) of the Act states that consideration must be given to the provisions of Section 79C (1) that are of relevance to the application. Section's 5 & 6 of this report consider the potential environmental impacts and relevant planning controls.

## 6 ASSESSMENT

### 6.1 Incorporation of Asset Protection Zones from the Northern Conservation Area into adjacent allotments

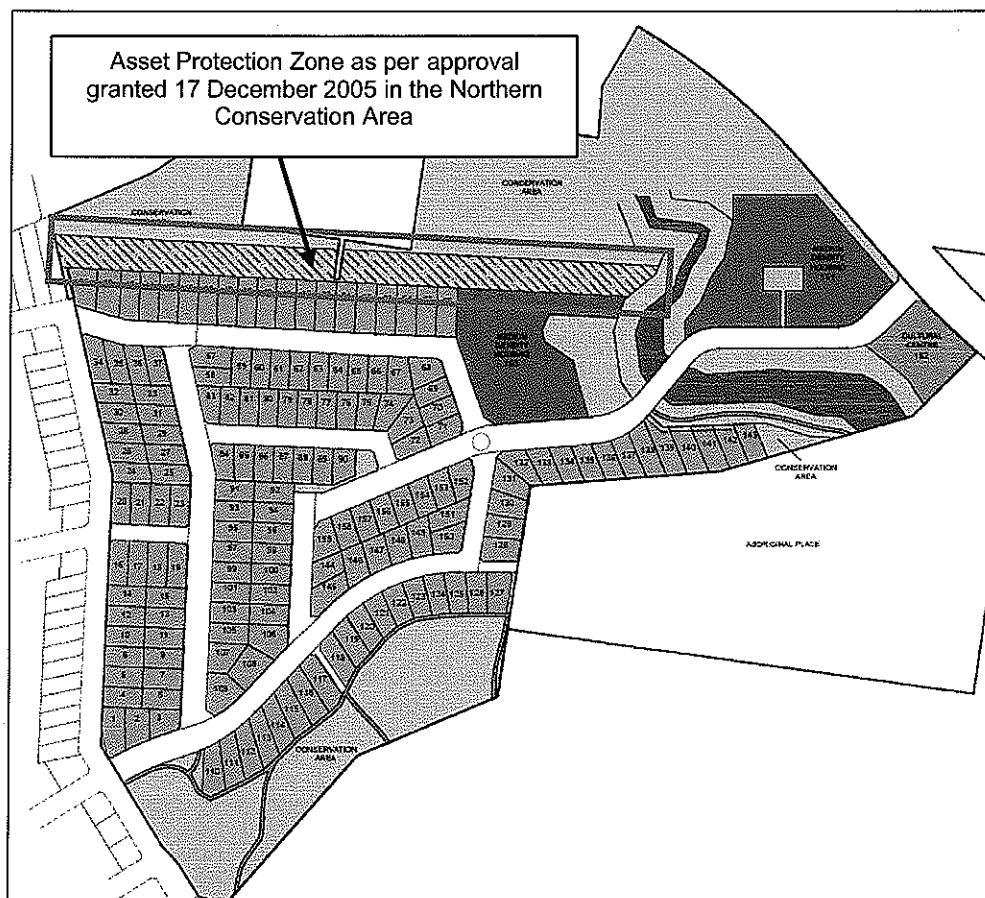


Figure 4: Approved Asset Protection zone, as per consent granted on 17 December 2005

The original approval incorporated a 30m deep Asset Protection Zone (APZ) (refer to Fig 4) within the northern conservation area. The application (as submitted) proposed to increase the depths of the lots adjoining the northern conservation area to incorporate the APZ.

The lots proposed to be modified are in the vicinity of a rainforest identified by *State Environmental Planning Policy 26 – Littoral Rainforest* (Rainforest) (refer Fig 5). The vegetation at the base of the escarpment provides a buffer, protecting the rainforest from onshore winds, which enables this community to maintain certain moisture levels, and its species composition.

The Department was concerned that the clearing of the individual allotments beyond the minimum clearing requirements for the APZs, could remove the 'protective' barrier of vegetation for the rainforest and requested that the applicant increase the buffer to the rainforest. The applicant responded by decreasing the depths of the affected lots (refer to Fig 6).

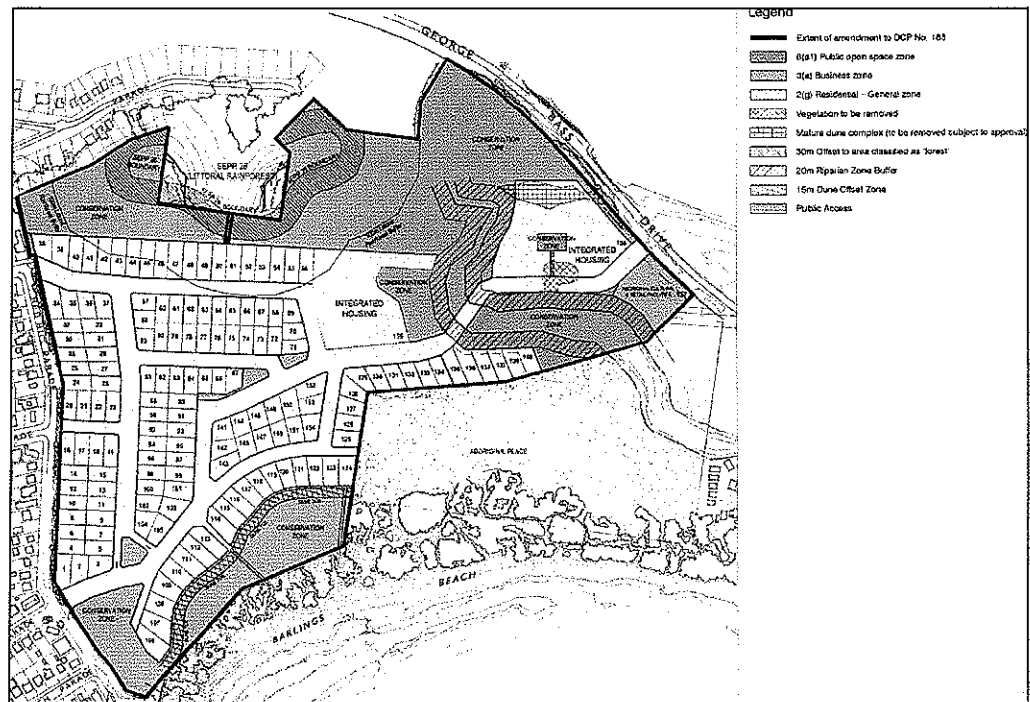


Figure 5 – Location of the SEPP 26 – Littoral Rainforest (overlaid on original plan of approval)

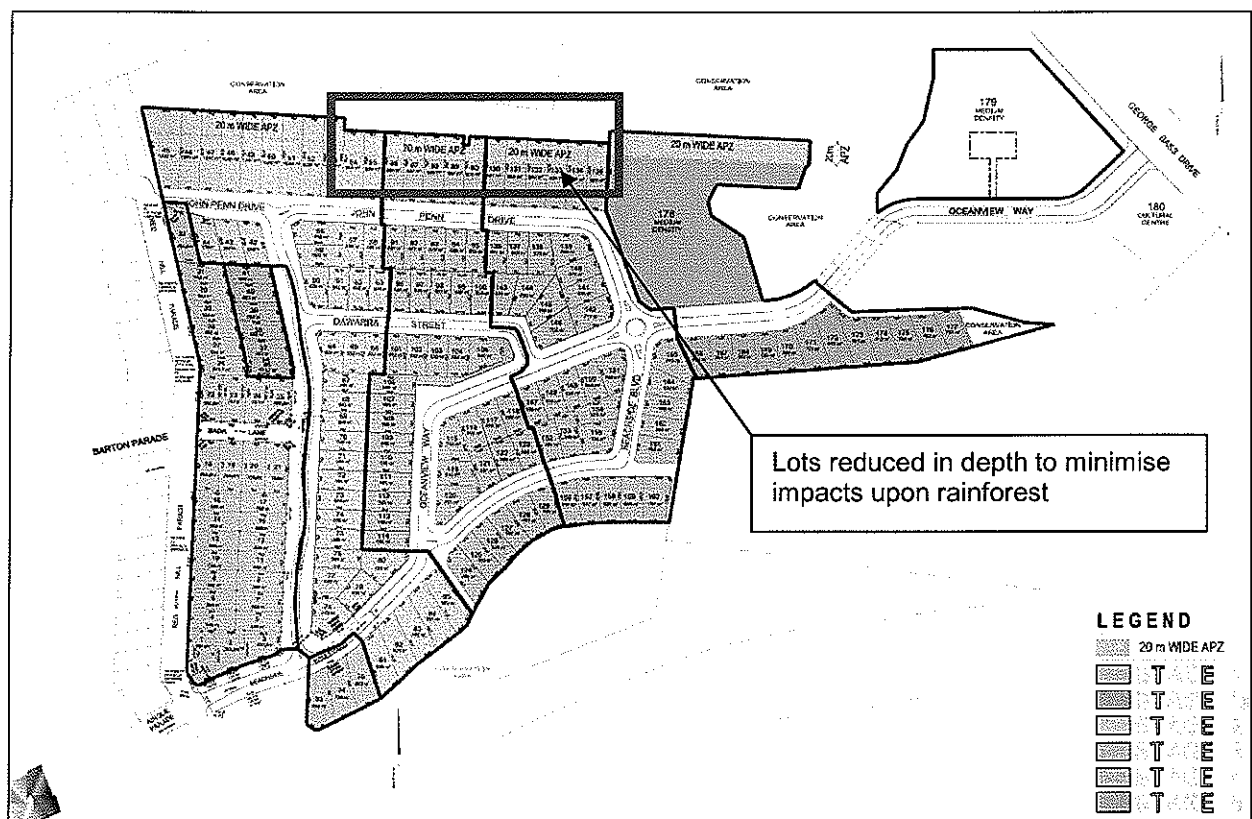


Figure 6 – Final Plan of amended subdivision with lot changes along the northern boundary to the northern conservation area

The proposed modification to contain the APZs within individual allotments has resulted in an additional 5697m<sup>2</sup> (approximately) of northern conservation area now remaining unaffected by clearing for APZ purposes.

The applicant has discussed the management of the APZ area with Council, who have indicated that they do not object to the incorporation of the APZ into the individual allotments.

It is also noted that these proposed changes are considered satisfactory in relation to Aboriginal Cultural Heritage (ACH). These allotments have been investigated for ACH significance as part of the assessment for the original development application (DA), and this area to the north of the site has a low level of significance for ACH artefacts and cultural significance. Further the former NPWS have issued an AHIP to the landowner and a Permit to the Mogo Local Aboriginal Land Council for Care and Control relating to ACH issues associated with the development. See Section 7 below for further discussion on this matter.

Given that the subdivision layout has been further amended to address the Department's concerns regarding the Rainforest, and that the location of the APZs will result in less vegetation clearing, and that the land owner has an AHIP applying to the site for management of ACH, it is considered that the incorporation of the APZ into private allotments is acceptable.

#### *6.2 Additional Allotments*

The modification proposes an increase in the total number of allotments by 15 by reducing the sizes of currently approved allotments. The applicant has advised that they have sought this change as there is a market demand for smaller allotments.

The proposed changes to lot size/ number complies with Council's (Draft LEP) 450m<sup>2</sup> minimum lot size. The DCP does not have a minimum lot size requirement.

The site can be adequately serviced to accommodate the proposed new allotments. The Department supports the additional allotments given that there is no change to road layout, or development footprint.

#### *6.3 Changes to Side Setbacks of Corner Allotments*

The proponent proposes to reduce the side setback for 12 corner allotments from 3m to 2m and argues states that potential purchasers have been advising that the 3m setback results in a restriction on dwelling design and configuration.

Council do not support the reduction in side setback as a 3m setback is required by DCP 2009 (which will come into effect on 30 August 2010). Council have advised that any variations to the 3m side setback control should be considered on merit at DA stage for individual dwellings.

The proposed setback is supported as it will retain adequate width for landscaping, and satisfies the objectives of the current DCP control.

#### *6.4 Road Realignment*

The proposed new road running east west, known as John Penn Drive, will be realigned near the corner of Red Hill Parade. Council has advised the applicant that 3 main trunk infrastructure items being a 200mm and 250mm water main and a 450mm sewer rising main, are located under the approved road (refer to Fig 7). The applicant proposes to realign the road, so that the services are not underneath the carriageway, in order to avoid future road closures to John Penn Drive when maintenance of these essential services is required.

The applicant has investigated the potential to move the services, instead of realigning the road, however they have advised that *"45° and 90° bends would be required as part of the design. This would impact on the integrity of the pipes due to their age and the fact that new bends could create weak spots which would result in possible leaks and breakages of the pipe system"*. As a result it is considered that the best solution would be to realign the road.

Council has not raised any concerns regarding the realignment.

The Department supports the change in road alignment so as to ensure orderly development of the site, and for ease of future maintenance of services to and within the site.

Figure's 7 and 8 below show the approved road alignment and the proposed road alignment respectively.

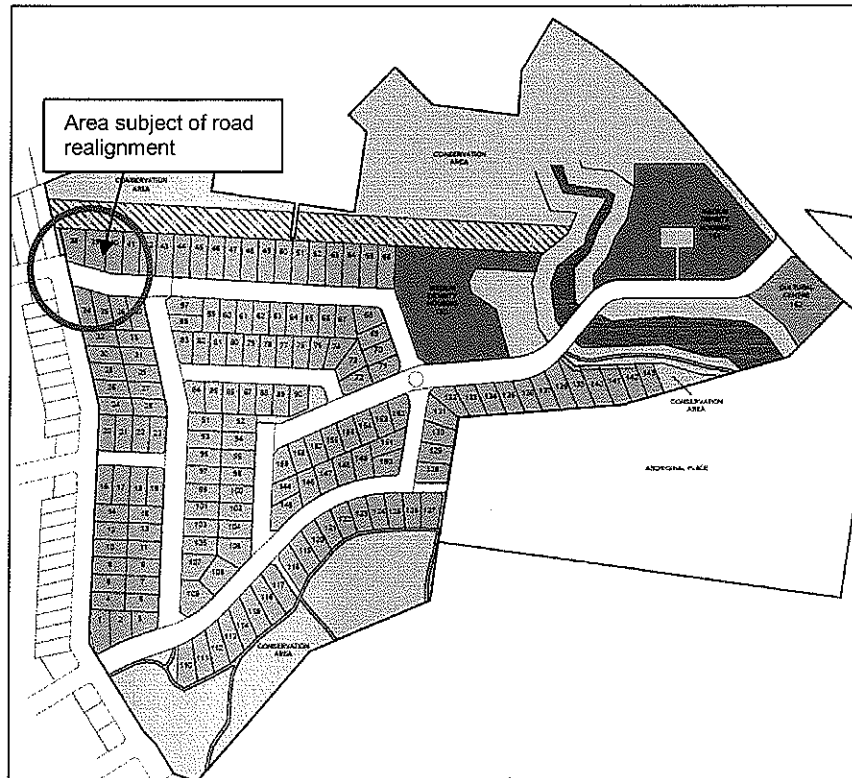


Figure 7: Road alignment of John Penn Drive as per original approval

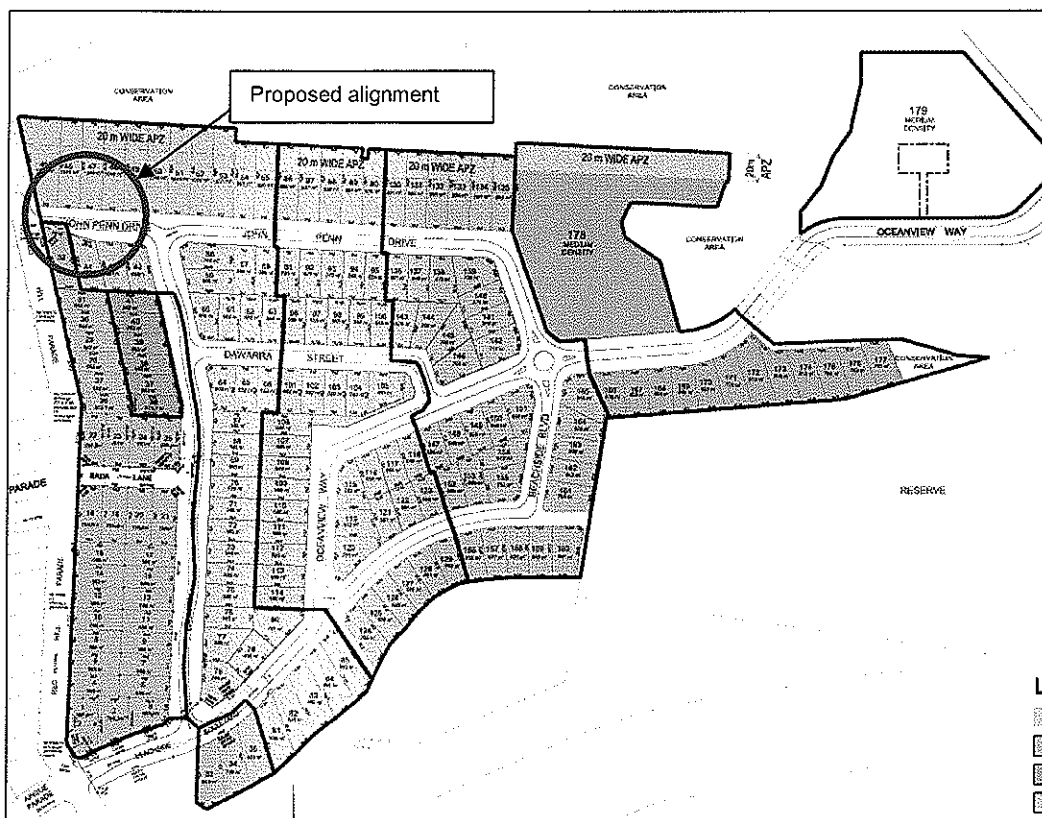


Figure 8: Proposed alignment of John Penn Drive

### 6.5 Changes to Lot Numbering

As a result of the increase in lot numbers the proponent proposes to change lot numbers so that they are sequential across the stages. This is a minor change and no impacts are considered to arise from the lot number changes.

### 6.6 Coastal Hazard Assessment Report

An original Coastline Hazard Assessment Report was lodged and supported as part of the original DA. As a result the applicant has submitted an amended report by Coastal Engineering Solutions (November 2009) and an addendum to that report by GBA Coastal P/L – Consulting Engineers (March 2010), to determine the impacts of projected sea level rise to 2100, in accordance with *Draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise* (Draft NSW Guideline).

Council have advised they are satisfied with the research undertaken and associated outcomes of the amended Coastline Hazard Report and its addendum. Since then Council has adopted an *Interim Sea Level Rise Adaptation Policy*, which takes into account figures as per the Draft NSW Guideline. Generally the subject site satisfies Council's interim policy, as the development footprint will not be affected by sea level rise projections for 2100.

The Department has undertaken a review of both reports as part of its assessment of these proposed modifications. The report was referred to two environmental specialists one within the Department and one from the NSW Office of Water (NOW) branch of DECCW. It should be noted that the specialist from the NOW also provided advice on the Coastline Hazard Assessment Report (2005) lodged with the original DA.

Both specialists, advised that the addendum was very thorough and has taken into full account sea level rise to 2100, including potential impacts upon footings, and further that the research undertaken development footprint is unlikely to be affected by sea level rise based on current projections.

### 6.7 Section 94

Council advised that the proposed increase in the number of lots will require a corresponding payment of Section 64 and 94 contributions. This does not require modification because Conditions E13 and E14 require payment per additional lot at the rate current at the time of payment.

## 7 CONSULTATION

The application was notified to adjacent land owners and the modification was made available on the Department's website. One submission was received.

A summary of the submission and the applicant's response can be reviewed in Tag A. The Department is satisfied that the proposed modification is acceptable, and that the increase in number of allotments by 15 is not an over development of the site, as the development footprint and road layout will not be affected by the increase. The site is adequately serviced to accommodate the extra allotments. As discussed above the Department is satisfied that the change to the lots sizes along the northern conservation area to accommodate APZ.

The application was also referred to Council, DECCW, RFS and the Mogo Local Aboriginal Land Council (LALC). The LALC did not provide comment.

DECCW originally had concerns that the AHIP did not cover the area of the Northern Conservation Reserve and therefore they did not support the extension of the lots into this area as any impacts upon Aboriginal Cultural Heritage had not been assessed in the past.

It is noted that several supporting ACH reports were submitted with the original DA. The areas to the rear of the lots to be extended into the Northern Conservation area have been investigated for the occurrence of ACH artefacts and significance. A report by Southern Cross Heritage Surveys (Matthew Barber, May 2003), indicates that the subject areas affected by this current modification have been investigated and have a low area of significance in terms of ACH. See Figure 9 below.

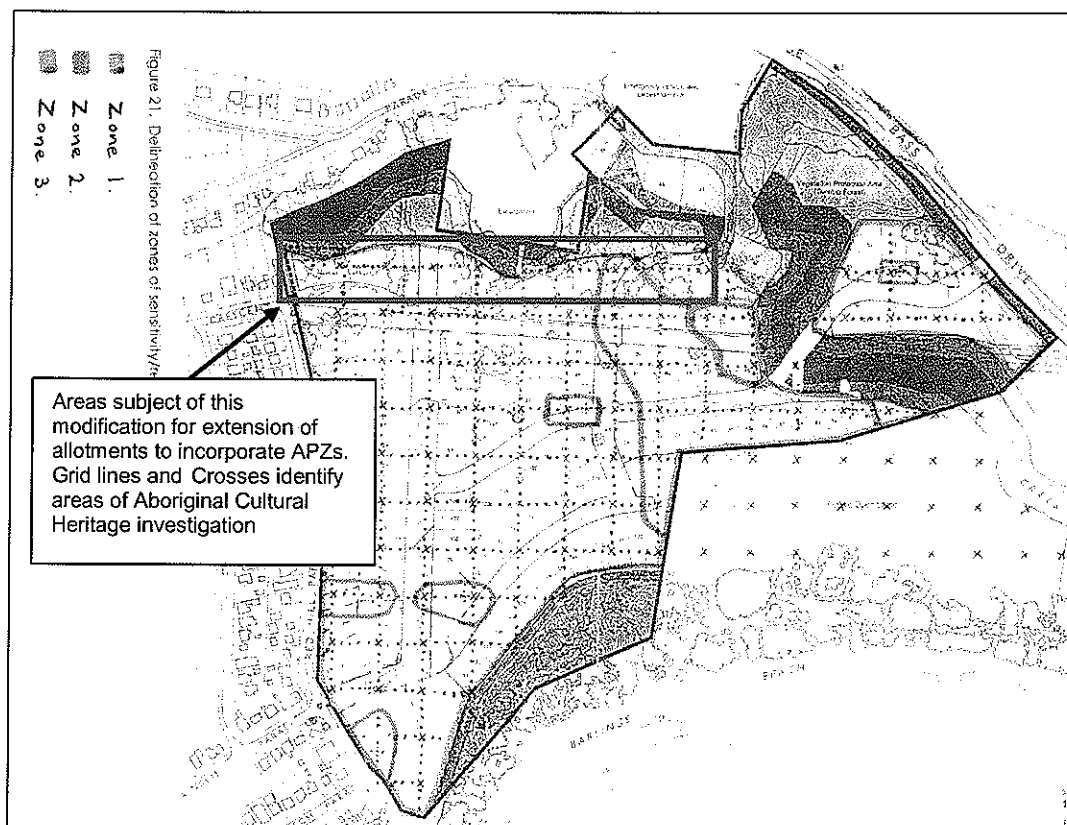


Figure 9: Area of Aboriginal Cultural Heritage investigation with "Zones of significance"  
(Source Matthew Barber May 2003)

The lots proposed to be extended to incorporate APZs are in Zone 1 (see Figure 9 above), which has a "low" potential for archaeological significance and, where Zone 3 has a "high" potential. Table 1 below describes the ACH potential; this should be read in conjunction with Figure 9.

| Zone | Archaeological character                                                                                                                                                                                                                                                                                                                                                                                                       | Location                                                                                                                                                                                                                                   | Archaeological research potential |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| 1    | <ul style="list-style-type: none"> <li>Dispersed midden material with no obvious concentrations or lenses.</li> <li>Low density scatter of stone artefacts</li> </ul>                                                                                                                                                                                                                                                          | Most of the central and north western portions of the proposed development area                                                                                                                                                            | Low                               |
| 2    | <ul style="list-style-type: none"> <li>Isolated concentrations of moderate to high density middens.</li> <li>Moderate to high concentrations of stone artefacts.</li> <li>Midden and artefacts can be associated or separate occurrences.</li> </ul>                                                                                                                                                                           | Area of midden in the central portion of the area, as well as three areas in the south western quadrant and adjoining the Aboriginal Place. Generally higher concentrations of artefacts in north eastern section.                         | Moderate to high                  |
| 3    | <ul style="list-style-type: none"> <li>Areas of large and dense shell midden, usually with a range of shell types and bone.</li> <li>Areas containing high artefact densities with a range of artefact types and evidence of manufacturing and utilisation.</li> <li>Areas where dense midden and high artefact numbers overlap.</li> <li>Apparent antiquity of occupation in relation to other sites in the region</li> </ul> | The extreme south western corner: a band about 50m wide on the western bank of the creek: the area between the southern bank of the creek and the AP and the central area of the eastern portion of the development area across the creek. | High                              |

Table 1: Summary of Zones of Sensitivity (Source Matthew Barber May 2003)

The Department is satisfied that based on a review of previously submitted reports and a review of the AHIP that the extension of the lots is acceptable, and that adequate assessment of the impacts of the development upon ACH has been completed.

It should be noted though that after further liaison between the Department and DECCW, DECCW have advised that they have undertaken further investigation into the bounds of the AHIP, and that they consider that the AHIP applies to the entire site, including the northern conservation area, and that they no longer have concerns regarding ACH.

DECCW have also advised that they have concerns regarding loss of vegetation relating to APZ management by individual owners. They are concerned that excessive clearing on individual allotments will impact upon the SEPP 26 Littoral Rainforest, including reducing existing buffers to this vegetation. The Department has undertaken an assessment of the impacts of the incorporation of the APZ into individual allotments see Section 6.1 above. It is considered that the vegetation clearing will be reduced when compared to the clearing required as part of the original approval. Further the applicant has amended the depth of several allotments thus increasing the buffer to the Rainforest vegetation.

The RFS have advised that they require an APZ of 20m for the allotments adjacent to the Northern Conservation Reserve. The applicant has changed their plans accordingly to reflect this.

Council has advised that there are additional Section 94 contributions and Section 64 contributions for the additional allotments. Further they have advised that they do not support the proposed side set back reduction to 2m for corner allotments as it is inconsistent with current and draft development controls. They have advised that they will assess any reduction to side setback on a case – by – case basis, when a DA is lodged for an individual allotment.

#### **DELEGATED AUTHORITY**

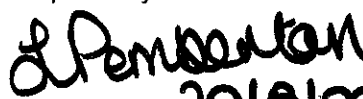
On 25 January 2010, the Minister delegated his powers and functions under section 96 of the EP&A Act to Directors in the Major Projects Assessment Division in cases where there are less than 10 public submissions (not including submissions from public authorities) in the nature of objections in respect of the modification request. As no public submissions were received, the Director may determine the modification request under delegated authority.

#### **RECOMMENDATION**

It is RECOMMENDED that the Acting Director:

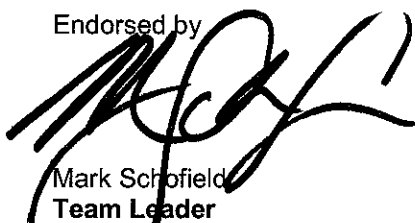
- note the information provided in this briefing;
- approve the modification request, subject to conditions; and
- sign the attached modifying instrument (Tag A).

Prepared by:

  
2018/2010

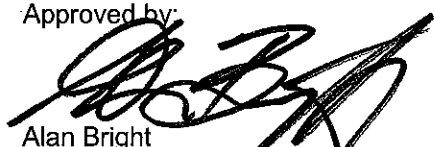
Lisa Pemberton  
Planner

Endorsed by



Mark Schofield  
Team Leader

Approved by:



Alan Bright  
Acting Director  
Regional Projects

**Barlings Beach – PPG response to submissions in response to Stage 2 Section 96 Application Amendment 5**

| Eurobodalla Shire Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | PPG Response                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Side Setbacks</b><br/>Proposed side setbacks should be consistent with Council's Current Development Control Plan and Draft DCP - being 3 metres. Council has advised that if the setback is required to be varied, then it should be done so at with a Development Application. Any development application seeking to vary the side setback to 2 metres, should demonstrate severe site constraints which would compromise the proposed development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Noted. Will advise applicants and purchasers accordingly.                                                                                                                                                              |
| <p><b>Section 94 Contributions (subdivision)</b><br/>At the time of issue of a Subdivision Certificate the applicant shall pay Council contributions per additional lot at the rate current at the time of payment under Section 94 of the Environmental Planning and Assessment Act 1979, applies to this subdivision in relation to the following:<br/>           * Open Space and Recreation \$339.15<br/>           * Waste Facilities \$107.75<br/>           * Cycleway and Pedestrian Facilities \$29.25<br/>           * Administration \$87.65<br/>           * Arterial Roads \$2422.25<br/>           Note: The above contributions are reviewed at least annually and may be subject to increases as a result of indexation or other forces.</p> <p><b>Water and Sewer Headworks</b><br/>Pursuant to Section 64 of the Local Government Act 1993 payment to Council of headworks charges per additional allotment as follows:<br/>           Sewer Headworks \$8865.00<br/>           Water Headworks \$10185.00</p> <p>Note: The above contribution rates are applicable for a period of 3 months from the date of this notice. If not paid within this time contributions are to be paid at the time of issue of subdivision or occupation certificate at the rates applicable at that time.</p> | Noted.                                                                                                                                                                                                                 |
| <b>Resident Objection</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                        |
| Objection to increase in lots for Stage 2. Queries how many additional lots will be proposed in subsequent stages.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Appears to have misunderstood the application. The application includes stages 1a to 5 and no additional lots area contemplated within these stages.                                                                   |
| Objection to decrease in side setbacks                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Noted. See comments above.                                                                                                                                                                                             |
| Objection to encroachment into Conservation Area by 10m.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Appears to have misunderstood the proposal. The affectation of the extent of the approved APZ is proposed to be reduced by 10m. The application is returning 10m of land affected by clearing requirements of the APZ. |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Department of Planning</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>There is some concern regarding the viability of the SEPP 26 Littoral Rainforest, given that the vegetation at the base of the escarpment (currently approved to form part of the northern conservation area), which includes coastal Banksia/Eucalypt forest— provides protection to the rainforest from onshore winds.</p> <p>Removal of vegetation at the base of the escarpment for APZ purposes has the potential to remove the "protective" function of the vegetation, and may lead to changes to the composition and quality of the SEPP 26 Littoral Rainforest. A drier type of vegetation on the slope would be more susceptible to fire, endangering the houses on the top of the escarpment.</p> <p>It is considered that to provide an adequate buffer to the SEPP 26 vegetation, that "new" allotments 54 to 135 be reduced in length by a further 10 metres. Please submit amended plans identifying this.</p> | <p>The land has an approval for a 30m APZ within the northern conservation area. The submitted application reduces the land affected by the approved APZ by 10m and thereby increases the extent of undisturbed flora in the northern Conservation Area.</p> <p>In addition, following discussion with the Department of Planning, the proposal has been amended to further reduce the land affected by the proposed APZ proposed within the proposed 'new' allotments 54 to 135 by an additional 10m.</p> <p>Further, in response to the matters raised in relation to clearing arising from land designated as an APZ, and following further discussion with the RFS and PPG's bushfire consultant Matt Jones, the extent of the APZ within the allotments has been reduced to 15m. See enclosed amended drawings and letter dated 21 June 2010 from Matt Jones.</p> |
| Request a copy of the Vegetation Management Plan required as a Condition of Consent for the original application.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Provided on 7 June 2010.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Request a plan with the SEPP 26 Littoral rainforest overlaid on the plan of subdivision                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Provided 9 June 2010                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Rural Fire Services</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| RFS Satisfied with proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Noted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>DECCW</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| DECCW (Coastal Unit) Supportive of conclusions, satisfied with report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Noted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| DECCW – (Ecology and Aboriginal Cultural Heritage)<br>Yet to comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Mogo LALC<br>Yet to comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |