

**PREFERRED PROJECT REPORT FOR MAJOR PROJECT 05_0024
IN ACCORDANCE WITH S75H OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**LOT 171 DP 1081810
HIGHVIEW DRIVE, DOLPHIN POINT**

**FOR
ULLADULLA LOCAL ABORIGINAL LAND COUNCIL
AND
MALBEC PROPERTIES PTY LTD**

31 OCTOBER 2008



1. INTRODUCTION

This Preferred Project Report is prepared in relation to the Major Project Application 05_0024 which is seeking consent to the subdivision of the subject property (Lot 171 DP1081810). The report has been prepared pursuant to Section 75H of the Environmental Planning and Assessment Act 1979 in response to government agency submissions, public comments and the Department of Planning comments.

Furthermore, a number of meetings were held with the Department of Planning, with a final meeting held on 10 September 2007 where it was agreed that a Preferred Project Plan was to be submitted by the proponent based on a plan tabled at that meeting (refer Appendix O) and discussions held at that meeting..

The original application sought consent for 142 residential allotments on the subject land with associated public roads, public open space, water quality facilities and various other aspects of the development.

The Preferred Project Report describes the Preferred Project, and provides the necessary reports and studies to demonstrate the suitability of the proposal. The report also provides a response to submissions from the government agencies and the public. The proposal has been modified to address the comments raised by the agencies and public and to detail the manner in which these are mitigated in the revised proposal.

This report includes a revised subdivision layout, revised Statement of Commitments, a response to the issues raised during the exhibition period and various matters raised by the Department of Planning during the assessment process and the following revised consultant reports that accompany the Preferred Project Report:

- An updated Bushfire Assessment prepared by Bushfire and Environmental Services dated 30/9/08;
- An updated water Cycle Management Report prepared by Storm Consulting dated October 2008;
- A number of Flora and Fauna Report reports prepared by Whelans Insites dated April 2008 and September 2008;
- An updated Traffic Impact Assessment prepared by Colston Budd Hunt Kafes dated 15/10/08.

The purpose of this report is to identify the modifications to the proposal and detail the manner in which these further mitigate the impact of the development as raised by various agencies and the public.

2. PREFERRED PROJECT DESCRIPTION

The proposal has been modified as follows:-

- A reduction in the development footprint through the exclusion of 2.5 ha of land from the application (ie the area which was the subject of the discussions related to the White-footed Dunnart);

- Reduction of the total allotment yield to 130 residential lots + 2 medium density lots (142 lots previously);
- Revised subdivision layout to account for the reduction in development area, allow for the revised location of the collector road in the neighbouring development and to address various comments related to traffic and urban design issues;
- Modifications to the Collector Road Road Reserve to 20m width;
- Inclusion of a 'bus stop' along the Collector Road;
- Inclusion of speed control devices in accordance with the requirements of the Shoalhaven Traffic Committee;
- Provision of Open Space for a children's play area; and,
- Provision of proposed landscaping details.

To demonstrate the suitability of the Preferred Project, a suite of documents has been provided as follows;.

- Appendix A – Preferred Project Plan - APA Drawing 24163-21 Rev 2;
- Appendix B - revised Statement of Commitments;
- Appendix C - response to Government Agency Submissions;
- Appendix D - response to Public Submissions;
- Appendix E - proposed landscaping details – Hans Smit drawing no 2819/LD.1
- Appendix F - proposed vegetation removal plan – Whelans Insites drawing No. D798EV-M–008D
- Appendix G – concept road engineering drawing – APA drawing 24163-23 Rev 0
- Appendix H - public transport plan – APA drawing 24163-24 Rev 0
- Appendix I - Review of DCP100 Objectives against the proposal
- Appendix J - Report by Keystone Ecological – March 2008 – White Footed Dunnart Survey
- Appendix K - Report by Whelans Insites - April 2008 – Response to DECC Submissions on Part 3A Application
- Appendix L - Report by Whelans Insites – September 2008 – Preferred Project Report
- Appendix M - Report by Storm Consulting – Water Cycle Management Report – October 2008

- Appendix N - Letter by BES dated 30/9/08 updating the APZ and Construction Standard Requirements for the new layout
- Appendix O – APA drawing 24163-21 Rev 0 which was tabled at meeting with Department of Planning Representatives on 10 September 2008
- Appendix P – Letter from CBHK dated 15/10/2008 responding to matters raised by Shoalhaven Traffic Committee

3. JUSTIFICATION OF THE PREFERRED PROJECT

Justification for the suitability of the Preferred Project Plan is summarised as follows:

- the development is a complying use and the site has been zoned residential for 30 years;
- the development complies with the statutory controls and policies for the site and is in accordance with strategic planning for the area;
- the site is an infill site located close to existing services and infrastructure (e.g. sewer and water) which will complete the planned growth of the Dolphin Point Village;
- the development will provide a boost to the local economy through increased employment and other related resources (e.g. trades, building products, local quarries etc);
- the development of the site will improve the bushfire protection measures for existing residents and will provide a more logical and easier maintainable edge to Barnunj SCA;
- the land is a valuable resource for housing that is close to existing infrastructure and services being on the outskirts of Ulladulla which is a major town identified in South Coast Regional Strategy as being suitable to assist in accommodating the proposed growth targets of 26,000 new dwelling by 2026. The site is part of the regional land release strategy and Council's planned expansion of the Dolphin Point village which is critical to the availability of land and greater housing affordability in the area;
- the development will bring benefits to the local community through employment generation opportunities;
- the development will provide an opportunity for housing for 'first home buyers' and more affordable housing, which is currently being advocated by the government to foster the economy;
- the extensive ecological investigations carried out on the site, have shown that the development will not have a significant impact on threatened biota or ecological values of the site;
- the project is a Joint Venture with the Ulladulla Local Aboriginal Land Council who own the land and its development will promote employment, skills training (building, trades etc.), housing, a community bus and

provide a source of income through investment to the local indigenous community to allow them to be more self-sufficient in operating and funding their local Land Council;

- the development will promote the orderly expansion of the Dolphin Point Village through good urban design, more efficient utilisation of existing resources and infrastructure, allowing alternate emergency access to neighbouring properties and enhancement of the traffic network through the local area and additional open space for community use;
- the development will promote sustainable housing design through application of coastal design guidelines and BASIX;
- the development will provide funding to increase the knowledge base about certain flora and fauna species in the area and will assist NPWS in the management of these species

4. IMPACT MITIGATION

The Preferred Project has been formulated to address issues which have been identified during the exhibition period, and from comments made by the Department of Planning and to detail how these have been mitigated through the proposal.

The details of the response to the issues raised during the exhibition period are provided in two attached documents titled:

- Response to Government Agency Submissions; and
- Response to Public Submissions

The key issues that have been addressed in the modifications to the original proposal are outlined below.

Threatened Species Impacts

The Preferred Project Plan is the culmination of three years of investigations and discussions regarding flora and fauna issues on the site.

The subject site and its environs have been the subject of three different ecological consultancies since 2005 including four separate reports as part of the Part 3A application:

- Bushfire and Environmental Services (BES) in 2006 - *Letter to DEC. Proposed Residential Subdivision Lot 171 DP 1081810 Highview Drive, Dolphin Point.*

- BES in 2007 – *Flora and Fauna Assessment. Proposed Residential Subdivision. Lot 171 DP 1081810 Highview Drive, Dolphin Point.*
- Keystone Ecological (Dr E Ashby) - March 2008 – *White-Footed Dunnart Survey. Dolphin Point;* and
- Whelans Insites in 2008 – *Proposed Residential Subdivision. Part 3A Concept Plan. Response to DECC submissions.*

The total survey effort for the site and its surrounds encompasses that outlined in the following table.

Technique	Date	Survey Effort	Location	Documented in
Flora Survey (BES)	October 2005 to December 2006	92.75 person hours	Development Area	BES 2007 report lodged with EA
Fauna Survey (BES)	October 2005 to June 2006	68 person hours 106 Anabat Detector Hrs 150 hair funnel nights 410 Elliot trap nights 210 small cage trap nights 64 pitfall traps	Development Area	BES 2007 report lodged with EA
Targeted Orchid Surveys (BES)	December 2005 and December 2006	12 person hours	Development Area and Barnunj SCA	BES 2007 report lodged with EA
Pitfall and Elliott Traps (BES)	September 2007	144 pitfall trap nights 700 Elliott trap nights	Barnunj SCA	Whelans April 2008 Report (Appendix A – Part 2)
Targeted Orchid Surveys (BES)	December 2007 and January 2008	Targeted surveys in appropriate habitat 88 person hours	Development Area and Barnunj SCA	Whelans April 2008 Report (Appendix A – Part 2)
Hair funnels (Keystone)	December 2007 and January 2008	2,500 hair funnel trap nights	Development Area and Barnunj SCA	Whelans April 2008 Report (Appendix A – Part 2)

The cost of these surveys and reports has amounted to approximately \$150,000 to the proponent, and comprises 3,754 trap nights and over 260 total survey hours.

As part of the preparation of the submission, meetings were initiated with DECC in May 2006 with a further three meetings having been held with DECC since that time in regards to resolving the flora and fauna issues.

Following the public exhibition of the Part 3A application and the receipt of agency and public comments in November 2007, numerous meetings have been held with the Department of Planning to resolve the flora and fauna issues. These culminated in a meeting held on 10 September 2008 with DoP (including C. Wilson and H. Warton), where agreement was reached with DoP for Malbec to prepare a Preferred Project Report based on the development extent line tabled at that meeting (refer Figure 24152-21 Rev 0 attached). Since that time DoP has provided correspondence dated 26 September 2008 which contradicts the agreed position at that meeting.

The discussions and investigations have primarily focussed on two threatened species being:

- The White-footed Dunnart *Sminthopsis leucopus*:
- The Leafless Tongue Orchid *Cryptostylis hunteriana*

The outcomes of the studies and meetings are outlined below.

White-Footed Dunnart

The basis for agreement at the 10 September 2008 meeting for the preparation of the Preferred Project Report was the extent of development shown on the Preferred Project Plan, with the status of the 2.48ha of area in question (i.e. the area the White-footed Dunnart was located in 2005) to be deferred pending further investigation beyond the scope of the current application. This was an acceptable solution to the proponent.

The DoP's suggestion in their letter dated 30 September 2008 that the portion of land in question be dedicated to DECC is unacceptable to the proponent and the landowner. There is no justification for the tenure of this land to be transferred to DECC (the land is zoned residential and is in the ownership of the ULALC) nor to be put under permanent conservation.

In the interests of progressing the project, the proponent has agreed to limit the extent of development under the current application to that tabled at the meeting (the Preferred Project Plan) and to exclude the subject portion of land from the application pursuant to this Preferred Project Report. This effectively precludes development on that portion of land at this time.

Notwithstanding the above, the development footprint shown on the Preferred Project Plan has been justified through extensive surveys and assessments which have been carried out on the site and its environs (incl. Barnunj State Conservation Area and adjoining State Forest) for the White-footed Dunnart which failed to locate any further individuals of the species since the only capture in April 2005 (i.e. over the ensuing 2 years). The ecologist's recommendation that the development of the site as shown in the current Proposal '*would not involve the imposition of a significant effect on the White-footed Dunnart given the size of the area to be affected, the extent of the suitable habitat in the vicinity, and the nature and habits of the species*' is supported by an assessment based on extensive survey and advice from the pre-eminent expert on White-footed Dunnarts (L. Ashby 2008) on the site and surrounds.

This assessment indicated that the habitat on the subject site is not particularly suitable to the White-footed Dunnart at the current time and that there is significantly more area of a suitable habitat in adjoining Barnunj SCA, Meroo National Park and adjacent State Forest to the west (particularly in areas of heath or dry open forest). Further, the expert ecologists advise that the White-footed Dunnart is a highly mobile and nomadic species, which moves between areas of suitable habitat, particularly following fire. This is based on research carried out on this species

on the South Coast in similar terrain over a number of years (no other studies of the species have been as extensive or have been carried out over such a long period of time).

Furthermore, there has been no scientific justification nor rationale based on any substantive survey of the area provided by the Department or the agencies to counter this opinion and to support the development line proposed by DoP in its latest correspondence as suggested by DECC originally. Furthermore, the retention of any further land for this species would be somewhat problematic and unsustainable in the longer term given the proximity of residential development and that the area will be surrounded on all three sides by residential development.

The proponent has maintained the commitment to provide funding up to \$15,000 to be contributed to the formulation of a management plan for the management of the species in Barnunj SCA. This is in addition to the \$76,000 already spent on the research of this species in the locality by the proponent.

Leafless Tongue Orchid

Based on extensive additional orchid survey carried out by BES in 2007 and 2008 on both the site and adjoining Barnunj SCA there has been agreement reached, that the individuals on the subject site (12 of the 138 located on the site and in the adjacent Barnunj SCA or 1.5%) represent an 'outlier' of the local population of the Leafless Tongue Orchid, and are not regarded as of significance for the survival of that population.

The proponent has maintained the commitment to provide funding up to \$15,000 to be contributed to the formulation of a management plan for the management of the species in Barnunj SCA, and the translocation of the known individuals on the site to Barnunj. This is in addition to the \$45,000 already spent on the research of this species in the locality by the proponent.

Other Threatened Biota

With respect to other threatened biota:

- The areas of habitat and resources present on the subject site at Dolphin Point represent only a small portion of suitable habitat and resources for those species known or likely to occur (particularly the Glossy Black Cockatoo and microchiropteran bats);
- The subject site is located at the periphery of extensive areas of suitable habitat and resources for such biota, and is surrounded on three sides by existing or approved residential development; and
- The loss of the habitat or resources for those species from the subject site would not significantly adversely affect those species with respect to their survival in this locality.

On the basis of the above the ecologist has determined that the *'Preferred Project Plan addresses the issues which have been raised (on the basis of the considerations outlined above), and provides an appropriate balance between sensible urban development and reasonable biodiversity outcomes'*.

Based on the above advice from expert ecologists the proponent maintains that there is neither justification nor statutory basis for offsetting required for the current Proposal under the current planning regulations.

Furthermore Barnunj SCA and Meroo NP, which abut the subject site and occupy substantial lands to the south and west, include a total of 3,731ha of conservation reserves. In addition, there are a further 12,000ha of National Park to the south (Murramarang NP and NR and several additional small reserves) and several thousand hectares of reserves to the north (including Conjola NP and Narrawallee Creek Nature Reserve). There is a total of approximately 150,000ha of National Parks in the LGA. These reserves contain substantial areas of potentially suitable habitat for both the White-footed Dunnart and the Leafless Tongue Orchid, as well as for the other relevant threatened species considered in this Report.

Subdivision Layout Redesign

The subdivision layout has been amended to account for the reduction in development area from the exclusion of 2.5 ha adjacent to Barnunj SCA, to allow for the revised location of the connection to the collector road and to address various traffic and planning issues.

The Department of Planning recently approved the layout of the neighbouring subdivision to the west of the site (MP05_0016), with a revised connection point location for the Collector Rd through the subject site. This necessitated a redesign of the street layout for the development.

The redesign of the allotment layout also addressed Council comments regarding the solar orientation of lots and increased the number of east-west facing allotments which gain improved solar access.

Medium Density Sites

An additional dedicated medium density sites has been included in the proposal to address the SPP1 requirement as raised by DoP to total two medium density sites. The medium density sites on the site have the following lot areas:

- 1,620m²
- 1,530m²

The medium density sites are located on corner lots, with good solar access and multiple street frontages, which will facilitate future medium density development.

Based on Shoalhaven City Council's DCP71 – Medium Density Housing, these sites could support a yield of 13 x 2 bedroom medium density units, which comprises 10% of the residential housing yield within the estate.

A number of other allotments on the site are suitable for dual occupancy and together with medium density development that naturally occurs through amalgamation with other lots, the final yield from "medium density development" will be above the minimum 10% requirement.

Traffic Management

Following extensive comments from the Shoalhaven Traffic Committee and Council, a number of measures have been added to the proposed subdivision layout including:

- Modifications to the reserve width of the Collector Road to 20m;
- Inclusion of a 'bus stop' along the Collector Road;
- Inclusion of speed control devices in various locations throughout the development; and,
- Compliance of intersection with minimum turning circles as specified by Council.

In addition to the above, various other plans have been produced showing additional detail of the proposed roadways including typical long-sections and cross-sections and detail of the proposed entry roundabout at the intersection of the Collector Rd with Highview Drive.

Provision of Open Space for children's play area

A dedicated public reserve area of 500m² has been provided at the north-eastern corner of the estate, which can be embellished with a children's play area. This is in addition to Council requirements and the levying of s94 funds from the developer to embellish local parks with children's play equipment and other features.

Provision of Landscaping Details

As requested by the Department of Planning, landscape plans have been prepared by a qualified landscape architect outlining proposed planting and species selection of street trees and other planting in the public reserve areas.

4. CONCLUSION

The various agency and public comments have been addressed in the response to submissions contained in this Preferred Project Report. The proposal has been modified to address the comments raised by the agencies, public and discussions held with the Department of Planning.

The Preferred Project Plan is based on the discussions and directions given by the Department at a meeting with the proponent dated 10 September 2008. The reports and studies used to demonstrate the suitability of the Preferred Project Report are appended to the report.

In summary the proposal has been modified in the following manner:-

- A reduction in the development footprint through the exclusion of 2.5 ha of land from the application (subject of the discussions related to the White-footed Dunnart);
- A Reduction in total allotment yield to 130 residential lots + 2 medium density lots (previously 142 lots);
- Revision to the subdivision layout to account for the reduction in development area, allow for the revised location of the collector road in the neighbouring development and to address various comments related to traffic and urban design issues;
- Modifications to the Collector Road Reserve to 20m width;
- Inclusion of a 'bus stop' along the Collector Road;
- Inclusion of speed control devices in accordance with the requirements of the Shoalhaven Traffic Committee;
- Provision of Open Space for a children's play area; and,
- Provision of proposed landscaping details.

These modifications as supported by the appended reports are considered to satisfactorily mitigate impacts as raised by the various agencies and the public and the Preferred Project is forwarded to the Department of Planning for final approval by the Minister.

Prepared on behalf of:

ALLEN, PRICE AND ASSOCIATES



Matt Philpott

Principal