

Response to AGENCY SUBMISSIONS

RESIDENTIAL SUBDIVISION
AT LOT 171 DP 1081810 HIGHVIEW DRIVE, DOLPHIN POINT

Government Agencies Response

Department of Planning (received 30/9/08)

Summary of Issue	APA Response	Amendment
<p>1.0 KEY ISSUES REQUIRING AMENDMENTS</p> <p>1.1 Medium Density Development Shoalhaven Planning Policy No.1</p>	<p>The 2(c) residential zoning is a flexible residential zone that allows for a variety of housing styles, including detached housing, dual occupancies, medium density development, child care facilities, corner stores etc.</p> <p>SPP 1 states that 10% - 20% of subdivided lots to provide for medium density development. Under the 2(c) zone, medium density development is potentially allowable on all lots.</p> <p>Two medium density lots have been provided of the following dimensions:</p> <ul style="list-style-type: none"> • 1530m² • 1620m² <p>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 standard residential lot yield within the estate.</p> <p>Both proposed medium density lots are corner lots, with good solar access and multiple street frontages, which will facilitate future medium density development.</p> <p>SPP1 does not specifically apply on a site by site basis but applies to the overall Dolphin Point area as a planning policy. The policy is only a guide and the market should dictate the medium density sites. The provision of the amount of medium density housing referred to in the SPP1 in this locality is not seen as desirable given the location of the site which is not adjacent to a neighbourhood shopping precinct. It should also be noted that Dolphin Point Residents expressed concern with excessive higher density development.</p>	<p>Two medium density lots added to proposal. Refer APA drawing 24163-21 Rev 2.</p>

		Notwithstanding, the proponent has agreed to include two medium density lots to the proposal. In addition, there are a number of 800m ² lots that will be able to accommodate dual occupancy development on the site.	
1.2	Non-compliance with lot sizes	<p>Some of the lots do not comply with some of the Acceptable Solutions in the Element RE14 of DCP100 eg rectangular non-corner lots having a minimum width of 16m.</p> <p>It must be noted that DCP100 is a performance based standard and therefore compliance with the Acceptable Solutions is only one way of meeting the performance criteria, and is not the only way.</p> <p>On the Preferred Project Layout shown on drawing 24163-21 Rev 02, approximately 10 of the lots have an average square width of less than 16m, but all lots are wider than 15m.</p> <p>The number of lots having lot width of less than 16m is minor and the lot widths adopted are acceptable in regards to the topography, orientation and ability to accommodate a practical house design. The lot widths adopted provide an appropriate lot density for an area that is close to infrastructure and facilities. Furthermore, there are many house designs available for narrower lot widths (eg Masterton's Armstrong which could be constructed on a 10.5m wide lot and the Dalton which could be constructed on a 14.5m wide lot). Copies of these floor plans area attached for the Department's information.</p>	Lot layout amended to address Acceptable Solutions contained within DCP100 Element RE14.
1.3	Solar Access	The subdivision layout has been amended and the number of lots with an alignment of approximately 20E to 30W has been increased to 93 lots out of 130, which is over 71% of the total number of allotments. In the layout submitted with the EA, only 55% of allotments had an east-west alignment. It is our opinion that the number of allotments with the east-west alignment has been maximised, whilst balancing the need for residential amenity and existing street patterns.	Lot layout amended to increase solar passivity of lots. Refer Subdivision Plan 24163-21 Rev 2
1.4	Road widths	The collector Road No. 1 connecting to the Dairy subdivision has been widened to 20m width road reserve.	Collector Road through site amended to 20m wide reserve width. Refer Subdivision Plan No. 24163-21 Rev 2
1.5	Riparian Buffers	The gully in the south-western corner of the site does not have defined banks but is a broad shallow depression that is dry except in large storm events. A buffer with an approximate width of 25m has been provided between the EEC (which encompasses the riparian zone) in the south-west and the public road. Advice from the ecological consultant provides that this is an adequate buffer to the water course.	Sufficient buffer provided to riparian zone. No change required
1.6	Filling of land for flood inundation	The proposal has been amended to exclude the allotments which required minor filling in the south-west of the site due to flood effects. The remainder of the lots are well clear of the	Water Cycle Management Report shows extent of

		<p>1:100 ARI flood extent, including allowances for potential climate change effects (refer attached Water Cycle Management Report by Storm Consulting for more detail).</p> <p>A number of lots at the lower end of the site in the north-west corner will require some filling for site servicing purposes to a level of RL 4.6m. This will provide sufficient freeboard to the 1:100 ARI flood level of Burrill Lake (RL 3.51 AHD) including potential effects from sea level rise and climate change (refer attached Water Cycle Management Report by Storm Consulting for more detail).</p>	<p>filling required and flood free lot and building platform. Drawing 611-P02 attached to the Revised</p>
1.7	Stormwater & Drainage Reserve and Swamp Sclerophyll EEC	<p>Based on the advice from a number of ecologists (BES (2006) and Whelans Insites (2008)) DECC has agreed that a substantial portion of the isolated EEC at the north-western corner of the site could be removed and the previous proposal only retained 2,730m² of this EEC. The balance of the area previously retained as open space in this location was utilised as drainage reserve accommodating water quality ponds and bushfire APZ. The Preferred Project Plan proposal retains the same amount of EEC as previously (2,730m²) – the reduction in open space is due to a reconfiguration of the water quality measures on the site to a more efficient scheme with no additional detriment to the ecological values of the proposal.</p> <p>Council's Section 94 plan for the provision of open space on this site requires the provision of 4,510m² of open space that Council will acquire from the developer. SPP 1 indicates the land that is proposed to be acquired as public/reserve drainage reserve and this is shown on Map 7 of SPP 1 (copy attached).</p> <p>The proposal dedicates almost 20,000m² of public reserve/drainage reserve. The adoption of the same area of open space as previously proposed is therefore not warranted.</p> <p>There is a formal playground located in Lion's Park near the Princes Highway Dolphin Point, which is approximately 600m from the site.</p> <p>There is also a child's play area proposed in Stage 3 of the Dairy, which will be located approximately 450m from the site.</p> <p>Project 05OREC00017 in Council's s94 plan proposes to acquire 4,510m² from the developer of this site for public open space. The same project is collecting funds to embellish these acquired park areas including playground equipment.</p> <p>There is no further requirement for the developer to provide additional play areas over and above the Council's requirements.</p>	<p>Area of EEC maintained from previous proposal. Refer to Subdivision Plan No. 24163-21 which shows area of retained EEC in NW corner</p>
1.8	Child's Play Area		<p>Public reserve including children's playground added. Refer Dwg No. 24163-21.</p>

		Notwithstanding the proponent has agreed to provide additional public reserve area with provision for playground equipment for use as a child's play area in a suitable location shown on the Preferred Project Plan Dwg No. 24163-21.	
1.9	Removal of vegetation	The previous flora and fauna reports have indicated the amount of vegetation to be removed for the proposal. A plan has been provided by Whelans Dwg No. D798EV-M-008D indicating the vegetation to be removed.	Whelans vegetation plan provided. Refer Plan No. D798EV-M-008D
2.0 OTHER ISSUES TO BE ADDRESSED			
2.1	Concept Landscape Plans	A landscape plan has been provided by a qualified landscape architect (refer attached Dwg No. 2819/LD.1 by Hans Smit Landscape Architect) as requested. The trees to be removed within the development area will include those required to be removed for bushfire APZ's, roads and infrastructure services as well as house allotments for practicality and safety reasons. Trees not affected by these will be endeavoured to be retained subject to safety and bushfire considerations.	Landscape Plan provided. Refer to Plan No. 2819/LD.1 attached
2.2	Road Layout and cross-sections	Cross-sections and indicative long sections have been produced for the typical roads types. Detailed design of roads will address requirements of DCP 100 and Planning for Bushfire Protection 2006 (where appropriate) and will allow movement of a 12.5m rigid vehicle where appropriate.	Cross-sections and longsections provided. Refer dwg no 24163-23
2.3	Public Transport Route	Discussions were held with Ulladulla Bus Lines (UBL) on 20 October 2008 regarding the proposed bus route through the site. David Bray, the owner of Ulladulla Bus Lines, was enthusiastic about the growth in the area and potential increase in patronage of the bus services. It was stated that the bus route would continue to operate as per the existing route until the connection was completed through both Malbec's site and The Dairy. On completion of the collector road through both of the subdivisions the bus route would be re-routed through the new development areas on the trip back to the Princes Highway. The proposed route through the Lot 171 development as agreed with UBL is shown on dwg 24163-24 rev 0 attached. It was advised that in the low traffic areas of the village, the bus stops locations are treated relatively casually with the driver dropping off and picking up as necessary. Regular stops currently occur on the corner of Highview Drive and Bonito St and Highview Drive and Vista Drive. There are no formal bus shelters or marked bus stop locations throughout the existing village.	A new bus stop has been added. Refer dwg no. 24163-24 rev 0 attached which indicates the agreed bus route, and the walking distance. .

		<p>It was agreed that a single bus stop would be provided within the site on Road 1 midway between Road 2 and Road 4.</p> <p>The attached drawing no. 24163-24 Rev 0 indicates the location of the bus stops and demonstrates that all lots are within the necessary 500m walking distance for the development. The site will therefore be adequately catered by bus stops for the proposed bus service.</p>	
2.4	Erosion and Sediment Control Plan	<p>The proponent commits to providing an Erosion and Sediment Control Plan (ESCP) to Council's standard requirements as part of the construction certificate application when the detailed design of the roads and subdivision works are produced. There are no extraneous factors on the site which would preclude the standard application of Erosion and Sediment Controls on the site and an ESCP is not required at this stage.</p> <p>Refer to attached detailed report regarding compliance with DCP100.</p>	<p>Proponent Commitment to provide an Erosion and Sediment Control Plan to Council's standard requirements</p> <p>Proponent commits to compliance with provisions of DCP 100 where relevant.</p>
2.5	General DCP compliance	<p>The proponent commits to the design to comply with the relevant provisions of DCP 100.</p>	
2.6	Clause 11 Minimum lot size requirements	<p>The proposal complies with Clause 11 of the Shoalhaven Local Environmental Plan 1985.</p> <p>Clause 11 (3) allows the creation of lots of less than 40 hectares in the 7(a) zone that will be used for a purpose other than agriculture, forestry, a dwelling house or dwellings, or tourist accommodation under Clause 20 before the relevant plan of subdivision is registered.</p> <p>In this instance it is proposed to utilise the subject land for environmental conservation and stormwater detention/drainage reserve purposes.</p> <p>The ratio of depth to frontage is satisfactory for the purpose of the proposed lot and only one lot is being created. The proposed lot will not have any frontage to a main or arterial road. Further, the lot will have vehicular access that is practical and lawful.</p>	
2.7	Clause 29 (Shoalhaven LEP)	<p>It is clear that the proposal complies with Clause 11(3) of the Shoalhaven LEP 1985.</p> <p>Clause 29 of Shoalhaven LEP requires Council to consider a number of matters when assessing development on flood liable land. As stated in Section 5.1 of the Water Cycle Management Report lodged with the EA, the 100 year flood level of Burrill Lake is RL2.6m AHD. As there is no development proposed on flood liable land below this level Clause 29 does not require further consideration. This was previously outlined in Section 5.4.1.2 of the EA.</p>	
2.8	Climate Change	<p>The Water Cycle Management Report has included consideration of potential Climate Change effects. We note that this was not a requirement of the DG EARS. Storm Consulting has indicated that the DECC guidelines provide potential changes in sea level and rainfall</p>	

		intensity for consideration.	
2.9	Contamination	<p>An assessment by Storm Consulting utilising these guidelines demonstrates that the proposed development area is not affected by these effects. A small amount of filling as shown on a number of lots required for site servicing purposes also serves the purpose of raising lot levels an adequate height above the effects outlined above.</p> <p>This requirement was not included in the DGEARs and has not been raised despite the application having been with the Department of Planning in for more than a year. The site has not had previous uses that would lead to a contamination risk (refer past aerial photographs attached) therefore the risk of contamination is considered negligible. A Phase 1 contamination assessment could be conditioned to be carried out prior to the issue of the Construction Certificate for Stage 1.</p>	<p>Include the requirement for a Phase 1 contamination assessment prior to issue of Stage 1 construction certificate.</p>
2.10	Pedestrian Cycleway and Open Space	<p>All cycleways are shown on public roads, therefore the ownership of these would be vested with Council as is the case for all public cycleways and footpaths elsewhere in the Council area.</p> <p>All open space is proposed to be either public reserve or drainage reserve and is to be vested in Council as is outlined in Council's Section 94 plan and SPP 1.</p>	
2.11	Accessibility	<p>This requirement was not included in the DGEARs and has not been raised previously. The proponent commits to incorporating applicable accessibility criteria into the design of the subdivision where appropriate and subject to practicality of matching existing topography.</p>	
2.12	Flora and Fauna	<p>Following ongoing discussion held with DoP regarding flora and fauna issues and particularly the White-footed Dunnart, the project plan has excluded an area of the development from the application as a result of these discussions. The proponent does not agree for this area to be dedicated to DECC or any other agency as has been suggested by DoP as there is no statutory basis for this to be a requirement under the relevant provisions of the EP&A Act.</p> <p>The Preferred Project Plan shows the revised layout and the subject area of 2.49 ha excluded from the application to be created as a residual lot and is based on the discussions from the last meeting with DoP dated 10 September 2008.</p> <p>The retention of any additional area for the White-footed Dunnart is not warranted as the numerous Flora and Fauna investigation and studies carried out by three different ecologists (including a pre-eminent expert on the White-footed Dunnart – L. Ashby) have shown that the habitat that is being removed is not suitable Dunnart habitat and will not have a "significant effect" or a significant impact imposed on any sub-population of the species.</p> <p>Any potential habitat or part-population of the White-footed Dunnart which is present on the subject site constitutes only a very minor part of any such habitat or population and exists at</p>	<p>Preferred project plan provided showing amended layout and area excluded from project application.</p>

	<p>the periphery of the habitat or population. Furthermore, retention of any additional area will only be of marginal value because the resources to be retained are not of particular significance due to their distribution through the local landscape, and as they would be surrounded by urban development on three sides.</p> <p>All other threatened species impacts have been addressed in the flora and fauna reports on the site which are attached and through discussions with DoP.</p> <p>All previous commitments stated in the proposal remain.</p>	
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Shoalhaven City Council (received 16/4/2008)

Summary of Issue		Amendment
3.0 Strategic Planning Comments		
APA Response		
3.1	Insufficient medium density sites exist on the site – should be increased to 10% - 20%	Two medium density lots added. Refer Dwg No. 24163-21 Rev 2
3.2	Retention and Management of EEC	No change required.
3.3	Solar orientation of proposed lots	Solar orientation of lots has been improved with revised layout. Refer Dwg No. 24163-21 Rev 2
3.4	Bushfire Management with respect to public reserve areas	Refer Dwg No. 24163-21 for APZ locations and widths.
3.5	Burrill Lake Estuary and Catchment Management Plan	Refer Storm Consulting Water Management Report for proposed water quality measures.
3.6	Waste Management	Commitment for design to comply with DCP 100

			where appropriate
3.7	Traffic Committee Comments	See table below for detailed response to Traffic Committee Comments	Refer below.
3.8	Threatened Species Comments	See table below regarding DECC comments for Threatened Species Comments	Refer below.
3.9	Engineering Comments	The subdivision layout has been amended and therefore the intersection comments do not apply.	Refer revised subdivision layout for new intersection arrangements. Refer Dwg No. 24163-21 Rev 2.

Shoalhaven Local Traffic Committee (received 16/4/2008)

Refer to the letter from CBHK dated 15 October 2008 and advice provided below.

4.0 Council Traffic Comments (summarise main points in Traffic Report)			
Subdivision Layout and Internal Road Network			
		Noted	Note
4.1	Road layout adequate		
4.2	Remove landscaped median	Landscaped median has been removed	Median removed. Refer Dwg No. 24163-21 Rev 2
4.3	Collector road to have 20m road reserve	Layout has been amended to incorporate 20m road reserve for collector road	Collector Road reserve amended to 20m width. Refer Dwg No. 24163-21 Rev 2
4.4	Efficient connection to "The Dairy" to be provided	Connection has been provided to the approved link road from "The Dairy"	Connection point provided to new Dairy road location. Refer Dwg No. 24163-21 Rev 2.
4.5	Cost sharing with Elderslie on link road between estates	Agreement reached with Elderslie regarding road connection	Note
4.6	Cul-de-sac on Road 7	Subdivision layout has been revised and this point is no longer applicable	Layout amended. Refer Dwg No. 24163-21 Rev 2
4.7	Cul-de-sac on Road 8	Council's SPP1 identifies Bonnie Troon Close to be a through road. Traffic impacts are expected to be minimal as the link will be constructed as a raised concrete threshold to minimise through-traffic.	No change required. Refer Dwg No. 24163-21 Rev 2
4.8	Closure of 2 through routes	Subdivision layout has been revised and the proposed physical design of the link to Bonnie Troon Close has been added therefore safety concerns have been addressed.	Revised Layout. Refer Dwg No. 24163-21 Rev 2
4.9	Design of roundabout at intersection of Road 1 and Road 2 (EA plan)	Roundabout has been removed due to layout amendment	Roundabout removed due to revised layout. Refer Dwg No. 24163-21 Rev 2.
4.10	Safety of Road 2 and 3 and need for	Road 2 will carry local traffic only and will not be a high-speed route. Speeds will be	Layout revised. Refer

4.11	speed reduction devices	controlled by speed control devices. Road 3 has been amended and is no longer a long straight road, therefore the previous comments regarding this road are not applicable.	Dwg No. 24163-21 Rev 2
4.12	Roundabout at intersection of Road 2 and road 4	A roundabout is not warranted at this location as Road 4 is a very short length and low traffic volumes and speed control devices will be employed along Road 2.	Speed control devices added to Road 2. Layout revised. Refer Dwg No. 24163-21 Rev 2
4.13 4.14	Ramped threshold on Road 3 with bollards	A raised threshold has been added as a speed reduction device as suggested. Due to modification of the road layout bollards are not warranted as the crossing of Road 3 in this location will not be as critical due to redirection of the pathway to the south.	Raised threshold added on Road 3. Refer Dwg No. 24163-21.
4.15	Roundabout at intersection of Vista Drive and Road 4	A roundabout is not warranted at this location as the speed environment of this road will be low and traffic volumes very low.	No change warranted.
External Road Network Impacts			
4.16	External Connections	Noted. See comments above re Bonnie Troon Close	Noted
4.17 4.18	Design of roundabout at Road 1 and Highview Drive	The roundabout has been designed to be trafficable by a 14.5m long rigid bus.	Roundabout amended. Refer Dwg No. 24163-23 Rev 0.
4.19	Intersection of Dolphin Pt Rd and Princes Highway	This matter is noted as a responsibility of Council as the local road authority.	Noted
4.20	Use of Dolphin Pt Rd	This matter is noted.	Noted
4.21	Existing safety concerns with intersection	This matter is noted as a responsibility of Council as the local road authority. In addition, Council has recently adopted a revision to the Section 94 plan for Dolphin Point area (July 2008) to cover all necessary roadworks in the Dolphin Point area as they apply to new developments.	Noted
4.22	Intersection control at Dolphin Point Rd and Link Rd	This matter is noted as a responsibility of Council as the local road authority.	Noted
4.23	Existing condition of Dolphin Pt Rd and Link Road	This matter is noted as a responsibility of Council as the local road authority.	Noted
4.24 4.25	BAR intersection required at Dolphin Point Rd and Link Rd including widening	This matter is noted as a responsibility of Council as the local road authority. In addition, Council has recently adopted a revision to the Section 94 plan for Dolphin Point (July 2008) to cover all necessary roadworks in the Dolphin Point area as they apply to new developments.	Noted
4.26	Traffic Routes	Noted	
4.27 4.28	Traffic Numbers	Noted	
4.29 4.30	Contribution by Elderslie and Malbec to local road network	Council has recently adopted a revision to the Section 94 plan for Dolphin Point (July 2008) to cover all necessary roadworks in the Dolphin Point area as they apply to new developments which outlines the contribution rates for the various developments.	Noted. No change warranted.
4.31 – 4.34	Operation of existing roundabouts	These new roundabouts and connecting roads were constructed in 2005 to cater for the two	Noted. No change

	and connecting roads at Link Rd/Wuru Drive and Link Rd/Princes Highway	developments in Dolphin Point (ie Lot 171 and The Dairy). At the time, they were approved by Council and the RTA as being adequate to service all new development in the residentially-zoned areas within Dolphin Point. The cost of this work to be borne by the developer of Lot 171 as a contribution was included in a revision to the Section 94 plan recently adopted by Council (2008) for roadworks in the Dolphin Point area. No additional works are applicable.	warranted.
4.35 – 4.36	Holiday traffic flows should be doubled from existing traffic flows	Based on RTA published data, the traffic consultant has advised that a 50% increase in peak hour flow rates is a reasonable and appropriate increase to cater for additional holiday traffic in peak hour.	No change warranted.
4.37 – 4.44	Additional lane between roundabouts at Link Rd/Wuru Drive and Link Rd/Princes Highway	Council's traffic modelling results in 20 vehicles queuing to enter the Link Rd roundabout which is overly conservative and is highly unlikely to occur. CBHK's traffic analysis indicates that a conservative traffic queue of 8 vehicles which may in an extremely low probability event occur for 3 minutes in an afternoon peak hour in holiday times. An additional lane to cater for this eventuality is therefore not warranted. In addition, Council has recently adopted a revision to the Section 94 plan for Dolphin Point (July 2008) to cover all necessary roadworks in the Dolphin Point area as they apply to new developments which outlines the contribution rates for the various developments.	No change warranted.
Public Transport Requirements			
4.45-4.46	Dedicated bus route	Agreed. The collector road through the site will be a dedicated bus route and will be designed to accommodate a 14.5m long rigid bus.	Road amended to accommodate a 14.5 rigid bus as a dedicated bus route.
4.47-4.48	Width of bus route	The collector road through the site has been designed with 9m wide carriageway in accordance with by DCP100. The new bus route through the new developments is located along the collector road through both the Lot 171 and Dairy subdivisions. The bus route will be located west along Highway Drive, left into the Malbec collector road, right into the Dairy Collector road and connect to the existing Wuru Drive in Stage 1 of the Dairy. Highview Drive and Wuru Drive in Stage 1 of the Dairy currently have a 9m wide carriageway. The carriageway width of the collector road through The Dairy subdivision has recently been approved as 9m by DoP.	A 9m road width has been adopted for the collector road through the site. Refer Dwg No. 24163-23.
4.49	Roundabout design	A 9m carriageway width for the collector road is appropriate as it complies with DCP100 and also matches the approved road width through the Dairy and existing road widths at either end. See comments relating to 4.17 and 4.18 above and proposed concept design of roundabout	Roundabout design

			provided. Refer Dwg No. 24163-23
4.50	Roundabout design	This roundabout is no longer required due to layout modifications.	Not applicable due to new layout.
Pedestrian and Cyclist Provision			
4.51	Good provision for pedestrians and cyclists	Noted	Noted.
4.52-4.53	Pathway between Roads 2 & 3	<p>This pathway between Road 2 and 3 has been removed due to layout modifications, however there is still a 4m wide pathway between Road 3 and the unformed section of Bonito St.</p> <p>Council's 'Safer By Design' document does not mandate requirements but provides suggestions for ways in which to consider safer design aspects, which will deter crime, when designing development. This document does not outline minimum widths for pathways. The document provides performance criteria rather than prescriptive standards. It is considered that the proposed pathways are consistent with the criteria established in Council's Safer by Design Guidelines and the broader crime prevention goals given:-</p> <ul style="list-style-type: none"> • The layout of the pathway is such that it is straight with reasonable grades that will provide unrestricted view from end to end, • The pathways increase connectivity between the site and surrounding areas, including future desired destination points, • The pathways are sited immediately adjoining dwellings, where passive surveillance is provided, • Adequate illumination can be provided by appropriately positioning street lighting within pathways, • The guidelines discourage alleyways and access paths in areas that will attract little traffic however in this instance, reasonable levels of pedestrian traffic are anticipated. • The permeable nature of the proposed road network is such that the pathways do not provide access to areas that can not be followed by vehicles, and therefore, a low-risk escape option is not provided for criminal or unruly behaviour. <p>Note 8 accompanying Table 3 in Council's DCP100 states that a pathway width of 4m is suitable.</p> <p>In light of the above comments, no modifications to the layout are proposed.</p>	No change required.

4.54	Raised threshold	See comments regarding items 4.13 and 4.14 above	Refer Dwg No. 24163-21 Rev 2
4.55 – 4.56	Footpath in Bonito Street	Currently there are no footpaths in Dolphin Point. Due to the very low nature of traffic volumes and speeds, pedestrians utilise the road network when moving around the village or on the grassed verges. The suggestion that pedestrians would be “stranded” is non-sensical as they would still be able to utilise the road and the verge. Pedestrians utilising the pathway to Bonito St will be able to rejoin the road network at Highview Drive to continue moving around the village as is currently the practice. There is no warrant to extend the footpath and this is not a responsibility of the proponent. As volumes of pedestrians using this link will be low and traffic volumes on Highview Drive are also low, there is no warrant to construct a pedestrian crossing facility in this location.	No change warranted.

Department of Environment and Climate Change – Threatened Species Issues (received 12/12/07)

Since the lodgement of the EA, numerous additional ecological studies have been undertaken to address submissions made by DECC, other government agencies and the public with respect to flora and fauna impacts on the site. The additional studies have particularly targeted the White-Footed Dunnart and the Leafless Tongue Orchid.

The additional studies are outlined in the following reports (attached):

- Keystone Ecological – March 2008 – White Footed Dunnart Survey
- Whelans Insites - April 2008 – Response to DECC Submissions on Part 3A Application
- Whelans Insites – September 2008 – Preferred Project Report

5.0 DECC Comments - Refer attached reports which address in detail the response to the various issues raised by Agencies and the Public	
Amelioration of Impacts on Barnunj SCA	
5.1	<p>The development will lead to unacceptable impacts on the adjoining Barnunj SCA from increased visitor and resident pressures.</p> <p>The detailed response to these issues is outlined in the Whelans Insites April 2008 report but are summarised below:</p> <p>The majority of disturbance being incurred at Barnunj Conservation Area due to visitor and resident pressure is from access points along Princes Highway and not from the existing residential areas of Dolphin Point. Currently there are only a few low impact pedestrian tracks from the residential area which have very localised impacts.</p> <p>Malbec has committed to contribute funding to a management plan for the White-Footed Dunnart and Leafless Tongue Orchid in Barnunj SCA.</p> <p>Access from the road and pedestrian system in the development will be controlled through</p>

		<p>the provision of appropriate barriers to protect Barnunj SCA.</p> <p>Signage will be provided to educate residents and visitors of the ecological value of Barnunj SCA and the potential for adverse impacts.</p> <p>It should be noted that it is the responsibility of DECC to control access and make adequate provision for public use within DECC estate.</p>
<p>Mitigation of Impacts on Biodiversity on Lot 171</p>		
<p>5.2</p>	<p>General</p>	<p>The detailed response to these issues is outlined in the Whelans Insites April 2008 report but are summarised below:</p> <p>There will not be a “significant effect” or a significant impact imposed on any threatened biota as a consequence of the proposed development.</p> <p>The measures proposed to mitigate perceived impacts provide an appropriate balance to development on the subject site.</p> <p>The retention of part of the site (in addition to the EEC areas) for conservation purposes would be only of limited value because the resources to be retained are not of particular significance due to their distribution through the local landscape, and as they would be surrounded by urban development on three sides.</p> <p>Barnunj SCA and Meroo National Park which about the subject site include a total of 3,731Ha of conservation reserves. Plus there are a further 12,000Ha of national park to the south and several thousand hectares of national park to the north. These areas contain substantial areas of suitable habitat for both the white-footed dunnart and the leafless tongue orchid, as well as for other threatened species found on the site.</p>
<p>5.3</p>	<p>White Footed Dunnart</p>	<p>The detailed response to these issues is outlined in the Whelans Insites April 2008 report but are summarised below:</p> <p>The subject site does not represent suitable habitat for the species and there are substantial areas of more suitable habitat for this species within Barnunj SCA and Meroo National Park in the immediate vicinity of the site.</p> <p>Any potential habitat or part-population which is present on the subject site constitutes only a very minor part of any such habitat or population and exists at the periphery of the habitat or population.</p>

		<p>The White-footed Dunnart is highly mobile and nomadic and moves between areas of suitable habitat, particularly following bushfire activity;</p> <p>Management of additional conservation area preserved on the site in the long term would be problematic given the proximity of residential development.</p>	
5.3	Leafless Tongue Orchid	<p>The detailed response to these issues is outlined in the Whelans Insites April 2008 report but are summarised below:</p> <p>The subject site represents only a very small area of habitat for the species, compared to the extent of suitable known or potential habitat for the species in the immediate vicinity.</p> <p>The 12 orchids found on the subject site represent an 'outlier' of the local population and are not regarded as significant for the survival of the population and comprise only 1.5% of the total no. of orchids found in Barnunj BCA and the site (168 total plants found in Barnunj SCA and the site). Removal of the orchids on the site will not put the local population at risk of extinction or have a significant impact on the population.</p> <p>Appropriate management of Barnunj SCA would maintain a large majority of the local population and provide suitable habitat for this species. The proponent has committed to funding of a management plan for this species for Barnunj SCA.</p>	
5.4	Other Threatened Biota	<p>The detailed response to these issues is outlined in the Whelans Insites April 2008 report but are summarised below:</p> <p>The areas of habitat and resources present on the site represent only a small proportion of suitable habitat and resources for those species known or likely to occur in the locality, namely the Glossy Black Cockatoo and microchiropteran bats.</p> <p>The subject site is located at the periphery of extensive areas of suitable habitat and resources for such biota, and is surrounded by three sides by existing or approved residential development.</p> <p>The loss of habitat or resources for those species from the site would not significantly adversely impact on those species with respect to their survival in the locality.</p>	

Department of Environment and Climate Change – Coastal, Estuary and Floodplain Issues (received 12/12/07)

Summary of Issue		APA Response	Amendment
6.0 DECC Comments – Coastal, Estuary and Floodplain issues			
6.1	DECC recommends that if consent is issued, the conditions should ensure the development plan and the design of stormwater infrastructure, will implement water sensitive urban design, adequate protection of riparian zones (including along ephemeral drainage lines) and is consistent with the intent of Burrill Lake Estuary and Catchment Management Plan.	<p>Noted. The Statement of Commitments includes commitments to:</p> <ul style="list-style-type: none"> - The implementation of water sensitive urban design principles as outlined in the Water Cycle Management Report; - The protection of riparian zones in the south-west and north-west of the site as indicated on the preferred project plan; - Protect water quality in Burrill Lake catchment in accordance with the proposed WSUD measures. 	Noted. Statement of Commitments includes WSUD measures.

Department of Environment and Climate Change – Aboriginal Cultural Heritage Issues (received 12/12/07)

Summary of Issue		APA Response	Amendment
7.0 DECC Comments – Aboriginal Cultural Heritage issues			
7.1	DECC considers the assessment of these matters to be adequate.	Noted.	Noted.

Department of Water and Energy (received on 3/12/2007)

Summary of Issue		APA Response	Amendment
8.0 Department of Water and Energy			
8.1	Demonstrate how the NSW Government's strategy for protecting the biodiversity of NSW and for maintaining ecological processes and systems will be met.	<p>For detailed response to this matter, refer to Section 5 of the Whelans Insites September 2008 report attached with a summary provided below.</p> <p>Whilst the NSW Government has a strategy for protecting the native biodiversity of NSW and for maintaining ecological processes and systems, there is no expectation that this strategy will override the strategy to provide for suitable residential development on land zoned for that purpose. Clearing of native vegetation is also not precluded.</p> <p>The biodiversity issue is also covered extensively in the response to issues raised by DECC above and Whelans Insites other reports.</p>	Has been addressed in Whelans Insites Report 2008.
8.2	Section 5.9 F&F Assessment refers to retention of a 20m wide vegetation buffer	For detailed response to this matter, refer to Section 5 of the Whelans Insites September 2008 report attached with a summary provided below.	Adequate buffer provided to the watercourse and

	<p>along the southern drainage line (p.44). The Department recommends that the figures in the EA and supporting documentation clearly show the demarcation of the proposed riparian corridor footprint as measured from top of bank.</p>	<p>The gully in the south-western portion of the site does not have defined banks and is a broad shallow depression that is dry except in large storm events. A buffer with an approximate width of 25m has been provided between the EEC in the south-west (which encompasses the riparian zone) and the public road. This is deemed to be an adequate buffer to the water course.</p>	EEC.
8.3	<p>Development should be excluded from the riparian zone and DWE recommends that residential development, associated infrastructure and the Inner Protection Area are located beyond the riparian corridor.</p>	<p>It is demonstrated on the proposed layout that residential development, associated infrastructure and the Inner Protection Area are located beyond the riparian corridor.</p> <p>For additional information on this matter, refer to Section 5 of the Whelans Insites September 2008 report attached.</p>	Refer Dwg No. 24163-21 Rev 2
8.4	<p>The riparian corridors on the site should be established for the protection and enhancement of riparian vegetation and vegetated with local native tree, shrub and groundcover species at a density that would occur naturally.</p>	<p>Noted. The riparian corridor is protected as part of the conservation of the EEC.</p>	Implement in Landscape Plan.

NSW Department of Primary Industries (received on 16/11/07)

Summary of Issue		APA Response	Amendment
9.0 DPI Comments			
9.1	<p>Implementation of Best Practice Erosion and Sediment Control, incorporated into a comprehensive erosion and sediment control management plan.</p>	<p>Addressed in 2.2 above</p> <p>An Erosion and Sediment Control Plan (ESCP) will be prepared in accordance with Council requirements prior to issuing of a construction certificate for each stage and implementation of this plan during construction.</p>	<p>Proponent commits to the preparation of a ESCP prior to issue of construction certificate and implementation during construction.</p>
9.2	<p>No specific commitments by the applicant to meet the proposed water quality objectives or implement the stormwater and water cycle management recommendations</p>	<p>Statement of Commitments has been modified to include these commitments.</p>	<p>Statement of Commitments amended to include these requirements.</p>
9.3	<p>All the proposed safeguards and measures to minimise environment impacts detailed in the Environment Assessment Report by</p>	<p>Noted</p>	<p>Included in Statement of Commitments</p>

	Cowman Stoddart P/L (dated September 2007) are to be fully implemented.		
9.4	All the recommendations and proposed stormwater and water cycle management measures detailed in Appendix 6, Water Cycle Management Report by Storm Consulting P/L (dated March 2007 No. 611) and Appendices A, B, C and D of this report are fully implemented.	Noted	Included in Statement of Commitments
9.5	An independent audit is conducted of sediment and erosion controls used during construction of the subdivision road network.	Noted. Council officers will issue a Construction Certificate which includes the Erosion and Sediment Control Management Plan. Council officers also inspect the site during the construction phase of the work to ensure compliance.	Requirements to be included in Conditions of Consent.
9.6	Water quality monitoring is undertaken downstream of the site to ensure that the predicted water quality objectives in the environmental assessment report are met.	The measurement of downstream water quality is an unnecessary and impractical burden on the proponent. Water quality monitoring is undertaken downstream of the site by Council staff during their regular testing program. The water quality results are reported to Shoalhaven City Council and this can be used to monitor water quality during construction.	No change required.

Roads and Traffic Authority NSW (received on 4 December 2007)

Summary of Issue		APA Response	
10.0 RTA Comments			
10.1	The cumulative impact of the traffic generated from both development applications on the Princes Highway should be considered in the SIDRA analysis. An electronic copy of the SIDRA file should be provided. The analysis should consider 10 year projected volumes, including holiday volumes. Note the usual practice is to double volumes for holiday traffic.	Cumulative impacts of both developments have been assessed. SIDRA files were provided to RTA by CBHK. In regard to holiday volumes, refer to comments made in items 4.35 and 4.36 above.	Cumulative impact assessed and SIDRA files provided to RTA. Refer email from CBHK to RTA dated 11/1/08, which was copied to DoP.
10.2	The details of the traffic counts should be provided, i.e. Date, day of the week, etc.	Information provided to RTA by CBHK.	Traffic count information has been provided to RTA. Refer email from

			CBHK to RTA dated 11/1/08 which was copied to DoP.
10.3	Turning paths should be provided to ensure service/delivery vehicles (12.5m large rigid vehicle) can make all turns at roundabouts and intersections.	The design of the subdivision layout has been undertaken in accordance with DCP100 for local streets. The collector road has been designed to cater for 14.5m long rigid bus as per SCC Traffic Committee recommendations. The requirements of DCP100 adequately cater for the turning paths for the appropriate vehicle. The main roundabout shown on drawing 24163-23 has been designed in accordance with RTA requirements to cater for a 14.5m rigid bus. Adequate sight distances are provided at all proposed intersections.	Design layout in accordance with DCP 100. See attached drawing 24163-21 Rev 2 and 24163-23 Rev 0
10.4	Sight distance should be confirmed at all intersections.		Intersection sight distances are adequate.

Roads and Traffic Authority NSW (received on 19 February 2008)

Summary of Issue	APA Response	Amendment
10.5 RTA Comments		
10.6 No objection to the proposal in principle	Noted.	Noted.

NSW Department of Education and Training (received on 16 November 2007)

Summary of Issue	APA Response	Amendment
11.0 Department of Education and Training Comments		
11.1 There is no requirement for additional educational sites arising from this proposal.	Noted	Noted

NSW Health - South Eastern Sydney Illawarra Area Health Service (received on 16 November 2007)

Summary of Issue	APA Response	Amendment
12.0 NSW Health Issues		
12.1 Due to the small expected impact on services, other existing and planned service developments should more than ensure that health infrastructure can adequately service the proposed sub-	Noted	Noted

	division.	
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Shoalwater

Summary of Issue		APA Response	Amendment
13.0 Shoalwater Issues			
13.1	Need to obtain a Certificate of Compliance prior to release of plan of Subdivision.	Noted	Noted. To be included in Conditions of Consent.

RFS

Summary of Issue		APA Response	Amendment
14.0 RFS Issues			
14.1	Need to comply with RFS requirements as outlined in their letter dated 16/10/07.	Noted. Development complies.	Noted.