

**PRELIMINARY ENVIRONMENTAL ASSESSMENT FOR A MAJOR PROJECT
APPLICATION PURSUANT TO
PART 3A—MAJOR INFRASTRUCTURE AND OTHER PROJECTS OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**



**71 LOT RESIDENTIAL SUBDIVISION OF
LOT 682 DP 568678, Lot 705 DP 613881 and Lot 810 DP 247285,
Manyana Drive
MANYANA**

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PRELIMINARY ASSESSMENT UNDER PART 3A— MAJOR PROJECT

PROPOSED 71 LOT RESIDENTIAL SUBDIVISION

LOT 682 DP 568678, LOT 705 DP 613881 and Lot 810 DP 247285
Manyana Drive. MANYANA

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Date: 28/08/06

This report has been prepared for Vacenta Pty Ltd, the landowners, of Lot 682 DP 568678, Lot 701 DP 613881 and Lot 810 DP 247285 Manyana Drive, Manyana, in accordance with the scope of services required by Vacenta Pty Ltd to comply with the EP & A Act.

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1.0 INTRODUCTION

Watkinson Apperley Pty Ltd on behalf of Vacenta Pty Ltd submitted a request for the Department of Planning to confirm whether our client's project (a seventy one (71) Residential Lot subdivision at Manyana) is a Major Project to which Part 3A of the Environmental Planning & Assessment Act, 1979 (the Act) applies.

The letter from the Department of Planning dated 7 July, 2006, confirms our client's intention stating:-

'...that the Director General, as a delegate of the Minister, formed the opinion on 26 June 2006 that your proposal is a Project and that Part 3A of the Act applies. Consequently, you may now apply for the approval of the Minister to carry out this project'

The documentation contained and listed below is to affect the formal lodgment of the application for the Project with the Director General (**Section 75E**) in seeking the Minister's determination of the Project;

- completed Application Form
- Preliminary Assessment in fulfillment of the '*Schedule – information required at lodgment*'.
- Initial application fee of \$1,000

The nature of the proposed subdivision is that of small scale residential infill. It is situated immediately adjacent to existing residential development in the village area of Manyana. The proposed layout is dictated by and utilises the existing road network, creating extensions and linkages to complete the street network. There are no alternate subdivision patterns that would be feasible in this situation. The proposed layout facilitates utilisation of the existing infrastructure, with no impact on current services to the local area.

The extent of the proposed subdivision is such that only the 2(a1)Residential zoned portion of the land will be developed. Current planning controls that apply to the site are also considered adequate to ensure the proper management and development of the site. The proposal will be subject to the objectives and guidelines outlined in the Shoalhaven LEP 1985 and DCP 100 (Subdivision Code), which are considered adequate controls to facilitate an assessment under Part 3A of the Act.

1.1 Outline of Proposal

Vacenta Pty Ltd proposes to develop a seventy one (71) lot residential subdivision in the Manyana (see **Figure 1**).



Figure 1: Subject Site

The subject lots to be developed are residue lots from previous subdivisions of the area that has been progressively developed in stages over a period of 45 years. This proposal forms infill development of the residue lots to complete development in this area. Proposed lots 101-151 will be Torrens Title lots, while proposed Lots 2-22 will be Neighbourhood Lots under the Community Land Development Act. Proposed Lot 1 will form Association Property in favour of the Neighbourhood Lots (**Attachment 1**). Proposed Lot 1 has an area of 3.07ha. abutting the coastal dune along the eastern boundary, and remains 'deferred' in its zoning within Shoalhaven LEP 1985 (Amendment No. 62), thus retaining the former 2(e) Village zone.

1.2 Background

- The subject land was previously zoned 'village' (2e) in the Shoalhaven LEP 1985. In 1987 Council resolved to prepare a draft LEP over this and other land in the area to place a more detailed and specific zoning on the land.

- The final gazettal rezoned the subject lots to Residential 2(a1) with the exception of a section of the subject land that was exhibited as 7(d2), which was deferred subject to the outcome of a local environmental study. Since that meeting of December 1991, Council have not progressed the local environmental study and the 3.07 ha parcel retains the ‘deferred’ zoning status.
- Discussions with officers at Shoalhaven City Council indicate that the local environmental study for this area is not a priority with Council. However, given the significance of the coastal protection legislation, the owners have resolved to retain the lot that is ‘deferred’ for incorporation within the proposed development as a Neighbourhood lot.
- Shoalhaven Water for a period of time, have been planning and designing the sewerage scheme for this catchment of the Manyana area. Shoalhaven Water has acquired land from our client, Vacenta Pty Ltd, for the purpose of a pumping station, which is currently under construction. The design also involves a sewer line, which will run across the rear boundary of the lots 101, 2-11, 113 and 114 (**Attachment 2**). This matter does not appear to form part of the considerations by the government agencies in the comments contained in **1.3** below.

1.3 Key Issues Arising

(a) Agency Consultation

The following comments were provided by the following agencies in response to the Master plan waiver application:

Department of Planning :

- Potential subdivision layout restricted due to existing village street pattern
- Proposal is infill, and integrates with existing village.
- Subdivision appears to restrict rather than enhance public access to foreshore.
- Edge road should be considered for fire and natural resource management ie. layout may need to be revised

Department of Natural Resources

Riparian Zones / Watercourses

- The watercourse contained within the site would classify as a Category 2 stream as outlined in the Landcom, “Blue Book”.
- Requires a protected core riparian zone of 20 metre with an additional 10 metre buffer i.e 30 meters on both sides of the creek.
- Therefore the proposed lot layout in the vicinity of the watercourse should be reviewed.
- Community Title lots 2—15 and their APZs may conflict with riparian mangement objectives.

Acid Sulphate Soils.

- The former DLAWC, Acid Sulphate Soils Risk maps indicate potential for ASS.
- Clearing for APZs and proposed stormwater detention basin may be within the potential ASS areas.
- (Response: Shoalhaven City Council have completed the design for a Sewerage Pumping Station and sewer lines in this location. Construction has commenced. Their investigations revealed no evidence of Acid Sulphate Soils.)

EEC and Vegetation Management

- Residential and Village Zones are excluded from the operations of the Native Vegetation Conservation Act 1997 so consent is not required from the department for the clearing of native vegetation.
- Department questions the ability of the Community Title system having the ability to achieve the desired vegetation management outcomes required to maintain the integrity of the EEC.

Lot Layout

- Concerns with proposed lots 2—22 (Community Title Neighbourhood Lots) and their associated APZ.
- Concerns about APZs / perimeter fire trail, stormwater detention basin in relation to lots 101, 113-116 and 117-119.

Coastal Estuaries

- coastal processes and features of the area
- demarcation and conservation of the dune system
- public access, aesthetics, cultural heritage, native vegetation, stormwater management, water quality.

Floodplain Risk Management

- site is in the locality, adjacent to the catchment of Lake Conjola, neither drain to or are subject to inundation from the lake.
- Community Titling scheme needs to make provisions for drainage easements or other legal mechanisms to provide unhindered flows to or from the detention basin.
- Preparation of a flood impact assessment

Department of the Environment and Heritage

The department notified the land owner directly regarding the fact that the subject site may include a nationally listed threatened species i.e. the Giant Burrowing Frog (*Heleioporus australiacus*). Any proposal for development of the site may be required to be referred to the department for assessment and approval under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*

Comment

This matter will be addressed as part any review required to be undertaken of the existing flora and fauna report for the site.

(b) Planning Instruments

Our assessment of the preliminary subdivision layout and associated site analysis, indicates that the site's suitability for residential subdivision has been established by the investigations and consultations leading to the gazettal of Shoalhaven LEP 1985 (Amendment No. 62).

A more detailed site analysis has been prepared identifying further site specific constraints applicable to the subject site. The project design has been required to address the issue of that part of the site which retains the former 2(e) village zoning, from the SLEP 1985. Our review of constraints resolved that the 'deferred' or 'village' zoned portion of the site is not suitable for development, however there is a need to address future ownership and management of this land as Shoalhaven Council have indicated no intent to acquire for public purposes.

(c) Community Concerns

The proposal has not been the subject of Community consultation at this stage. However there was community input at the time when Council were dealing with the rezonings in this area for LEP amendment No.62

(d) Potential Impacts Associated with Construction and Operation

- i. Protection of vegetation to be retained within lots
- ii. Protection of vegetation within the proposed Neighbourhood lot
- iii. Establishing APZs and Fire Trail
- iv. Protection of water course and management of stormwater
- v. Ongoing management of interface between the Neighbourhood lot and the dune system on Public land.

(e) Environmental Risks

- i. Protection and Management of native flora to be retained, and fauna.
- ii. Stormwater management and water quality to water course.
- iii. APZ impacts on vegetation

(f) Constraints Arising Due to Peculiarities of Project Site

- i. Defining an appropriate titling mechanism for the deferred land to be managed in private ownership, while ensuring the ongoing management of the vegetation within the lot.

- ii. Shoalhaven Council have commenced construction of the sewer pumping station on a portion of proposed Lot 1. Sewer lines (Shoalhaven Water) and electricity lines have also been designed for the lots, as they are shown in the proposed layout. These will need to be a consideration in the issues for this proposal.

1.3 Request for Environmental Assessment Requirements

We formally request the Director General to issue environmental assessment requirements (**Section 75 (2)**) for the project. This matter was previously the subject of an application for a Master plan waiver lodged with the Department of Infrastructure Planning and Natural Resources under SEPP 71 in July 2005 after consultation with Shoalhaven City Council and relevant agencies. The Master plan waiver included supporting technical reports describing the proposal and setting out the planning provisions for the site. As that application was withdrawn due to further legislative changes, the current proposal remains unchanged.

We submit that the Director General's requirements need only extend to an embellishment of the heads of consideration of the previously submitted Master Plan waiver, addressing those matters raised by the relevant government agencies at that time.

2.0 PRELIMINARY ASSESSMENT OF PROPOSAL

(a) Project Description

The proposal is for the 71-lot residential subdivision of the subject land. These 3 lots (Lot 682 DP 568678, Lot 705 DP 613881 and Lot 810 DP 247285) are residue lots from previous subdivisions of the area that has been progressively developed in stages over a period of 45 years. This proposal forms infill development of the residue lots to complete development in this area. Proposed lots 101-152 will be Torrens Title lots, while proposed Lots 2-22 will be Neighbourhood Lots under the Community Land Development Act. Proposed Lot 1 will form Association Property in favour of the Neighbourhood Lots (**Attachment 1**).

The adoption of the Neighbourhood Association Scheme for part of the proposed subdivision is a direct response to the need for management of Asset Protection Zones and Vegetation contained within proposed Lot 1. The Neighbourhood Lots are those sharing a common boundary with proposed Lot 1 and will all contribute to the maintenance of the Asset Protection Zones and Vegetation management on this lot. In return, these lots will benefit from having controlled access to the beach and foreshore reserve along with the assurance that this land will not be developed in the future.

The lot layout is a direct reflection of the existing development and infrastructure located in the vicinity of the subject site.

Proposed road networks within the subdivision complete linkages between existing roads and form the basis for the final lot layout. The existing road patterns dictate

this final layout to a certain degree, as it is apparent they have been built with the assumption that development of the subject land would be occurring at some stage in the future. The proposal provides important connections between the existing 'dead end' streets abutting the land to be developed.

(b) Location

Manyana is predominantly a coastal residential village, including a number of holiday homes, approximately 11km east of the Princes Highway, north of Conjola. The subject site is Lot 682 DP 568678, Lot 705 DP 613881 and Lot 810 DP 247285, Manyana Drive, Manyana (**Figure 2**). The site is located in the area bounded by Manyana Drive, Sunset Strip, The Palisade, The Barbette, The Bounty and the fore dunes of Manyana Beach.

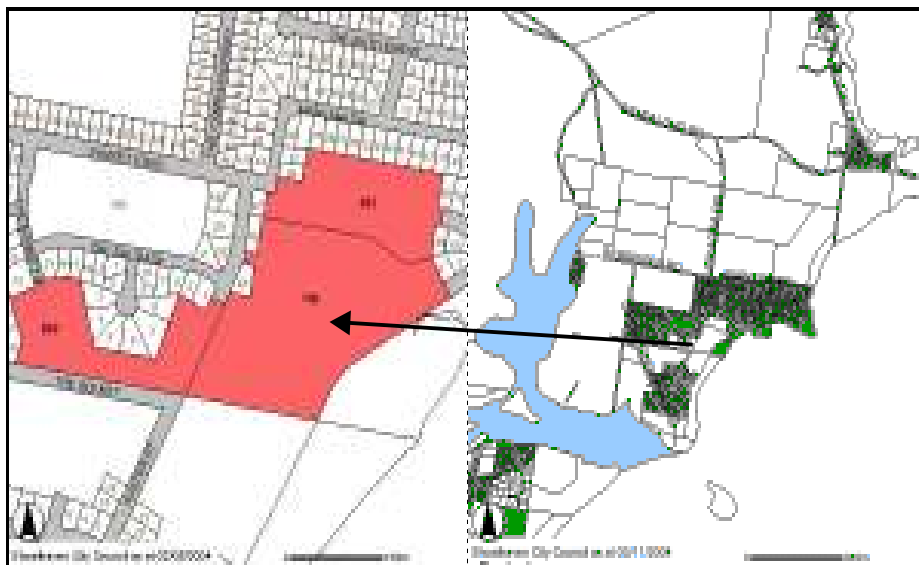


Figure 2: Subject Location

The site is located along the eastern edge of the existing developed residential area of Manyana. The land abuts the coastal dune fronting onto Manyana Beach, north of Cunjurong Point. (see **Figure 1**) The site is partly cleared and partly covered by the natural coastal vegetation. A small watercourse traverses the site, in a west to east direction generally behind the location of proposed lots 113,114, 2 to 11 & lot 101, through to Manyana beach front.

(c) Relevant Legislative & Statutory Provisions

- **Part 3A & SEPP (Major Projects) 2005**

The whole of the subject property falls within the '**coastal area**' (**SEPP (Major Projects) 2005 Schedule 2 Clause 1**) and the '**Coastal Zone**'; as defined in the **Coastal Protection Act 1979 (CP Act)** with a strip along the eastern boundary of the site classified as **Sensitive Coastal** location, within the Shoalhaven Local Government Area. There is no development proposed for the area identified as **Sensitive Coastal**.



Figure 3: Coastal (hatched) Location & Sensitive Coastal Location (double hatched) in relation to the subject site

Schedule 2, Clause 1 of SEPP (Major Projects) 2005 states that the following sites in the coastal areas are projects to which Part 3A applies:

(i) subdivision of land in a residential zone into more than 25 lots or in a rural/residential zone into more than 5 lots, but in the case of the metropolitan coastal zone only if the land is wholly or partly within a sensitive coastal location.

In summary, the proposed project falls within Schedule 2 as it involves subdivision to create greater than 25 lots in a residential zone, is located wholly within the coastal area and partially within the sensitive coastal location.

- **Illawarra Regional Environmental Plan (IREP) No. 1**

The IREP No. 1 sets out the regional planning context for the land. This plan aims to maximise the opportunities for the people of the region and the state to meet their individual and community, economic and social needs. Particular reference is paid to the way in which these needs are related to the allocation, availability, accessibility and management of the region's land resources having regard to the objectives

specified in the REP. **Part vii, Division 1—Provisions Relating To Living Areas** applies to the subject site.

The proposed development as described, satisfies the above objectives as it will not prejudice the future use of the land for urban purposes and delivers benefits to the community by way of preserving ecologically sensitive land as Association lot under the care of the Neighbourhood Association Scheme.

- **Shoalhaven Local Environmental Plan 1985**

The land is subject to the provisions of Shoalhaven Local Environmental Plan 1985 (with amendments). The land is zoned part Zone 2(a1) Residential, with a portion in the east zoned 2(e) Village, (deferred from Amendment No. 62). The objectives of zone 2(a1) is as follows:

Zone 2(a1)

- *The objectives are to provide an environment primarily for detached housing and to ensure that the range of other development permitted in a residential area is compatible with the residential environment.*

The proposal is consistent with these objectives, as it is for residential subdivision.

Division 5 – Environmental Management (*Clause 28: Danger of Bushfire*) is also applicable to the subject site. A Bushfire Protection Assessment has been undertaken by PMA Consulting. The requirements outlined in this report have been incorporated into the project design, as illustrated in **Attachment 2**.

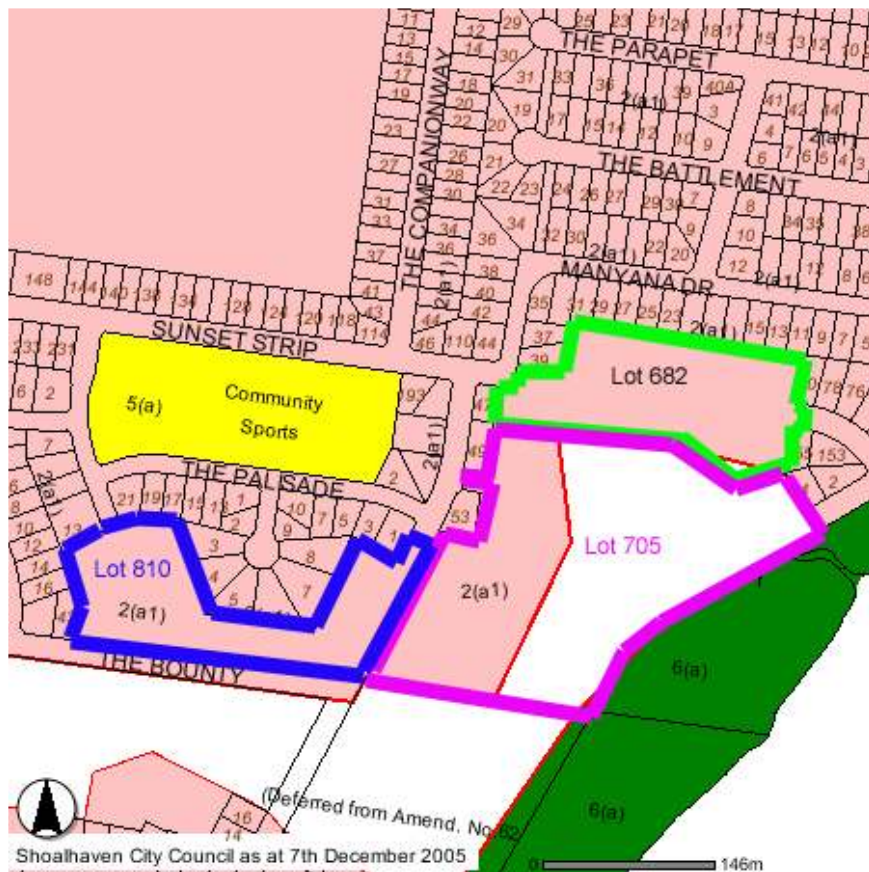


Figure 3: Zoning Plan

Division 5 – Environmental Management (*Clause 28: Danger of Bushfire*) The subject site has been identified on the maps at Shoalhaven City Council as Bushfire Prone. A Bushfire Protection Assessment has been undertaken by Bushfire and Environmental Services. The requirements outlined in this report have been incorporated into the project design.

- **Development Control Plan 100 – Subdivision Code**

Development Control Plan No. 100- Subdivision Code applies to the subject site. Overall, the proposal generally complies with DCP 100- Subdivision Code.

3.0 CONCLUSION

Watkinson Apperley Pty Ltd, on behalf of our clients, Vacenta Pty Ltd, seek the requirements of an environmental assessment, to enable an application to be submitted under Part 3A of the EP & A Act.

Based on the technical investigations completed during the design of the project we in section 1.3 of this request. We intend to update the existing reports, modify the proposal where necessary and submit them as part of the Part 3A application.

We request that should you have any queries or require further clarification that you contact Bronwyn Seiden or David Cannon on 02-44 214500.

Yours Faithfully



Bronwyn Seiden
Urban Planner