



NSW GOVERNMENT
Department of Planning

NSW GOVERNMENT
Department of Natural Resources

10 October 2005



E-MAILED

Denise Robertson
11/10/05

Director
Urban Assessments
GPO Box 39
SYDNEY NSW 2001

Our ref: ERM 2005/4037
Your ref: MP 28-7-2005

Attention: Mr Robert Black

Dear Robert

Re: 72 lot subdivision – Manyana Drive Manyana

The above proposal has been reviewed by both the Department of Planning as well as the Department of Natural Resources, South Coast regions and the following comments are provided.

Comments from Planning

Potential subdivision layouts are very restricted by the street layout in the existing village which will connect to the proposed subdivision. The proposal is essentially infill development which integrates with the existing village despite the large number of lots proposed;

The site is not visible from the coast and houses in the subdivision are not expected to be visually prominent such that site specific design guidelines and controls would be necessary;

The development of the area adjacent to the deferred land raises a host of natural resources and bushfire management issues as outlined in the comments from the Department of Natural Resources. In addition, the subdivision design appears to restrict rather than enhance opportunities for public access to foreshore areas. An edge road as suggested for fire and natural resource management would also assist in improving public access. It is likely that the subdivision layout in this area will need to be revised, however this could be done through a development application when detailed information on the relevant environmental constraints is available.

Based on the above, I consider that a Master Plan would not add significant value to the planning process in this instance.

If you wish to discuss, please contact Matthew Andrews on (02) 4224 9453.

Comments from Natural Resources

Riparian objectives for watercourses.

**URBAN ASSESSMENTS
RECEIVED**

17 OCT 2005

South Coast Region
Phone: (02) 4224 9600 Fax: (02) 4224 9650 www.dipnr.nsw.gov.au

Level 3 84 Crown Street Wollongong NSW
PO Box 867 Wollongong NSW 2520

The site contains a watercourse as indicated on the Cunjurong Point (9027-3-N) 1:25000 mapsheet and which is referred to in the waiver application. Given the proximity of the EEC and Manyana beach, it is suggested that the watercourse would classify as a Category 2 stream as outlined in the Landcom, Soils and Construction, Managing Urban Stormwater 2004, commonly referred to as the "Blue Book".

This objectives of this category are to maintain as much as possible the natural functions of the stream to:

- i) maintain the viability of native riparian vegetation
- ii) provide suitable habitat for terrestrial and aquatic fauna
- iii) provide bank stability
- iv) protect water quality.

Among other criteria, a protected core riparian zone of ^{range of} 20 metres with an additional 10 metre buffer (ie 30 metres on both sides of the watercourse) is recommended to achieve these objectives.

As a result of the above categorisation, the lots proposed in the vicinity of the watercourse should be reviewed to ensure that riparian management outcomes are achieved. It appears that the Community Title Lots (2-15 particularly) and their associated APZ's may conflict with these recommended riparian management objectives. ^{resulting in}

The Department would further apply these criteria to any activities which were proposed within 40 metres of the subject watercourse that would require authorisation by way of a Part 3A Permit under the Rivers and Foreshores improvement Act 1948.

Acid Sulfate Soils

The former Department of Land and Water Conservation (DLWC) Acid Sulfate Soils (ASS) Risk Maps indicate that a part of the site is classed as an estuarine plain landscape and probably underlain by ASS materials within 1 metre of the landform surface. The exposure of ASS can result in substantial environmental harm and long term degradation.

It appears that clearing for APZs and the proposed stormwater detention basin may be within or in proximity of potential ASS areas. Any future land use should give appropriate consideration to the identification and management of ASS.

EEC and Vegetation Management

The site is zoned Residential 2(a1) with the exception of a section of the land which was exhibited as 7 (d2) but deferred subject to the outcomes of a local environmental study. This deferred area therefore presumably maintains its original zoning as village. 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.

The applicant has identified the presence of "Swamp Sclerophyll Forest on Coastal Floodplains" Endangered Ecological Community. The applicant proposes that the proposed community title lots will be responsible for implementing and maintaining necessary APZ requirements as well as implementing a vegetation management plan for the EEC.

The Department questions the ability of this approach to achieve desired vegetation management outcomes required to maintain the integrity of the EEC and is not supported.

Zone issues.

The Application for draft MasterPlan waiver outlines that the current land zones for the subject land are Residential 2(a1) with the exception of a section of the land which was exhibited as 7 (d2) but deferred subject to the outcomes of a local environmental study. The objective of this 7(d2) zone is to preserve and enhance scenic quality. Several activities are proposed within this deferred area including bushfire asset protection, a bushfire access/perimeter fire trail and stormwater detention basin.

In the absence of a determination on the appropriate zone for the deferred area, such activities should be excluded from the area unless bushfire asset protection activities and the incorporation of drainage structures/water quality control ponds are considered to be permissible activities (with development consent) within this zone.

It is suggested that the appropriate zoning for the deferred area under the Shoalhaven LEP 1985 would be Zone No. 7(a) Environment Protection "A" (Ecology) zone. The objectives of this zone are:

- a) to protect and conserve important elements of the natural environment including wetland and rainforest environments;
- b) to maintain the intrinsic scientific, scenic habitat and educational values of natural environments;
- c) to protect threatened species and habitats of endangered species;
- d) to protect areas of high biodiversity value and
- e) to protect and enhance water quality in the catchment.

Lot Layout

DIPNR has specific concerns with proposed lots 2-22 (Community Title Neighbourhood Lots) and their associated APZ. The issues outlined above also have consequences for Lots 101, 113-116 and 117-119. With the exception of clearing some vegetation, all other lots appear to have minimal constraints.

Ideally the area proposed to be developed into residential lots should be flanked by perimeter roads separating lots to be developed from bushland areas and which can contribute to the bushfire asset protection requirements for the site. It is suggested that the preferred location of the perimeter road should correspond to the edge of all of the proposed Torrens title lots indicated. In this way the extent of vegetation loss and encroachments into the identified EEC for asset protection purposes can also be significantly reduced.

It is recommended that the lot layout and subdivision design be amended to reflecting the significant ecology of the EEC and the natural values of this area.

If you wish to discuss this matter please contact David Zerafa on (02) 4428 6901.

Coasts & Estuaries comments

The proposal involves 71 lot subdivisions near the shoreline of a prime coastal location. But the application provides minimum information on the coastal processes and features of the area. The fact that no building will be located on the shoreline is not enough in relation to coastal hazard consideration. Hazards like shoreline recession, storm bite, wave run-up, coastal inundation, creek instability etc are needed to be assessed for the management of the overall area. Some area of the site is quite low and coastal inundation can be a serious problem. Demarcation and conservation of the dune system are important and deserve specific attention. Other matters like public access, aesthetics, cultural heritage, native vegetation, storm water management, water quality etc, as mentioned in the application, are also required to be considered under the requirements of SEPP 71.

Based on the consideration of the extent of the proposed development, its location and the number of matters required to be addressed, it is considered that the application to waive preparation of a draft Master Plan should not be supported.

For further discussion, please contact Habib Ullah on (02) 9653.

Floodplain Risk Management Comments

The site appears to be in a locality adjacent to rather than within the catchment of Conjola Lake and to therefore neither drain to nor be subject to inundation from the Lake.

It is noted that the proposed titling scheme and lot layout contains a reference to a possible location for a detention basin but does not contain any provision for drainage easements or other legal mechanisms to provide unhindered flow paths to convey flows to or from the basin.

It is also noted from the 1:25,000 Topographic map (Cunjurong Point 9027-3-N) that the site appears to be bisected by a watercourse draining to Manyana Beach. The catchment area of the watercourse appears to drain those parts of Manyana roughly bounded by Berringer Road and Cunjurong Point Road (& be of the order of 1km²).

The documentation supplied in support of the application to waive the draft master plan makes four references to the proponent's intention to prepare a Stormwater Management Plan at the DA stage but does not provide an obvious reference to the existence of the watercourse nor any hydrologic or hydraulic analyses of flow to or in the watercourse.

While the catchment is small, it is nonetheless unclear how any informed decision on the appropriate management of potential flood impacts & risks associated with flow to, in or from the watercourse can be reached in the absence of any analysis.

The application to waive draft master plan is not supported.

Preparation of a flood impact assessment as part of a master plan for the subdivision would be essential so as to form a sound basis for informed decision making in relation to appropriate flood mitigation strategies and / or future uses and zoning of any flood prone land identified on the site.

If you wish to discuss, please contact John Murtagh on (02) 4224 9626.

Yours sincerely

MParker 13/10/2005
 Mark Parker
Local Planning Manager
South Coast Region