

Michelle Niles

From: Elizabeth Downing <Elizabeth.Downing@shoalhaven.nsw.gov.au>
Sent: Friday, 2 March 2018 11:09 AM
To: Michelle Niles
Cc: Natasha Harras; Anthony Witherdin
Subject: RE: Notification of Modification Request - MP 05_0024 MOD 4, Dolphin Point (3A07/1004)

Follow Up Flag: Follow up
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Dear Michelle,

The following comments are offered in reply to your email of 23 January 2018.

In particular with regard to:

- deletion of the requirement for a left turn slip lane onto the Princes Highway;
- creation of four additional lots resulting in a total of 106 residential lots; and
- changes to commitments relating to biodiversity, building finishes and traffic management.

Contributions to be charged as per the Shoalhaven Contributions Plan 2010.

CONDITION B21

This condition concerns the left turn onto the Princes Highway required and comment is being provided by Council's Traffic and Transport Unit. It should be noted that the MP 05_0024 also has access via this intersection and no condition was placed on this development in this regard. There is no nexus to put the full works onto this one development, the deletion is supported.

Traffic and Transport Unit comments

Road Works Design modification to part 7, page 5-6.

~~7) LATM treatments are to be provided in accordance with AS1742.13 and RTA TDT2001/04 along Road One and Road Two and on Vista Drive south of Bonito Street.~~

LATM treatments are to be provided in accordance with AS 1742.13 and RTA TDT 2001/04 along Road One.

Council's traffic unit partly support the revision noting the changes between revision 02 and revision 09 in road layout. However the condition for providing an appropriate LATM treatment on Vista Drive south of Bonito Street should remain to discourage through traffic and maintain a low speed environment.

deletion of condition B21

Traffic Unit support the deletion of condition B21, noting the issues surrounding the condition, its delivery and noting the recent changes to highway access following the RMS Burrill Lake Bridge project with construction of the roundabout (Balmoral Road / Princes Highway / Dolphin Point Road) having opened a second right turn (northbound) access opportunity for the subdivision and surround.

With regards to the proposed amendments to the roads section the Statement of Commitments outlined within the table:

Page 25:

Amend:

~~The developer will construct footpaths as shown on Drawing 24163-21 Rev 2 prepared by Allen Price and Associates.~~
The developer will construct footpaths as generally shown on drawings 24163-21 Revision 09 dated 20/07/17 prepared by Allen Price and Scarratts and approved Construction Certificate Drawings.

Traffic unit support the amendment

With regards to the proposed amendments to the traffic calming section the Statement of Commitments outlined within the table:

Page 26:

Delete:

~~The developer will construct raised thresholds within the road connecting Bonnie Troon Close to other public roads in the subdivision in order to discourage through traffic and reduce traffic speeds. Such works shall be in accordance with plans approved by Shoalhaven City Council with the Construction Certificate.~~

Traffic unit support the deletion.

Amend:

~~The developer will construct traffic calming facilities in the locations shown on drawing 24163-21 Revision 2 prepared by Allen Price and Associates.~~
The developer will construct traffic calming facilities in the locations shown on drawing 24163-21 Revision 09 dated 20/07/17 prepared by Allen Price and Scarratts.

Traffic unit partly support the amendment, however the LATM device on Vista Drive south of Bonito Street should remain, as referred to previously.

Amend statement of commitments schedule 3 (several TS issues)

Council supports the amended changes to impose restrictions on the title of each allotment regarding cats and dogs.

Council does not support other changes proposed under the ecological item in relation to Leafless Tongue Orchid *Cryptostylis hunteriana* and White-footed Dunnart *Sminthopsis leucopus*. The reasoning provided for these changes were not considered by a qualified ecologist and are not sound. The request to remove these requirements is rejected under the following reasons.

Leafless Tongue Orchid

Areas where the Leafless tongue orchid have been located will reside on the edge of the cleared lands once development is completed. Edge effects to this population will occur as a result of this.

The boundary for the conservation area will be directly adjacent to the mapped population of Leafless Tongue Orchid. Clearing in this area will involve the removal of habitat for this species.

As stated by AP&S in their response to OEH's comments regarding changes to Archaeological excavations, the locations of the orchids are not considered accurate (AP&S 2017). The potential loss of individual plants during clearing works is high as a result of this.

As such, Council can see no valid reason why the provisions for the species or the Statement of Commitments outlined within the table under Schedule 3 should be modified as requested.

White-footed Dunnart

As the boundary for the conservation area will be directly adjacent to the recorded locations for this species, there will be breeding, foraging and sheltering habitat and associated resources for White-

footed Dunnart removed by the clearing works that will occur. White-footed dunnart is known to have a home range of approximately 80 metres for females and 100 metres for males (OEH 2017), while males are also known to make exploratory movements up to 1 km (OEH 2017).

Appendix C of the Flora and fauna report prepared by BES considers the White-footed Dunnart under Part 3A of the *NSW Environmental Planning and Assessment Act 1979* (EP&A Act). Within this consideration the following points were highlighted regarding the White-footed Dunnart:

- One female individual was trapped at each of the two locations and it is possible that the same individual was captured on each occasion.
- Disturbance to the white-footed Dunnart may be avoided and mitigated by retaining vegetation within a proximity of 80 – 100 metre wide radius of the two locations where the species was recorded.

These two statements conflict slightly and if there is potential for BES to have captured the same individual at two locations separated by over 150 metres, it is highly unlikely that the recorded locations for White-footed Dunnart represent the extent of home range and used habitat on site.

As such, Council can see no valid reason why the provisions for the species or the Statement of Commitments outlined within the table under Schedule 3 should be modified as requested.

If you require clarification of the above, please do not hesitate to contact me.
Please direct future communication to council@shoalhaven.nsw.gov.au.

Kind regards,

Elizabeth Downing
Development Coordinator - Subdivisions
Shoalhaven City Council

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From: Michelle Niles [mailto:Michelle.Niles@planning.nsw.gov.au]
Sent: Tuesday, 23 January 2018 9:42 AM
To: Council Email <Council@shoalhaven.nsw.gov.au>
Cc: Natasha Harras <Natasha.Harras@planning.nsw.gov.au>
Subject: Notification of Modification Request - MP 05_0024 MOD 4, Dolphin Point



**Planning &
Environment**

Attention: Russ Pigg
General Manager
Shoalhaven City Council
council@shoalhaven.nsw.gov.au

To whom it may concern,

Please be advised that Allen Price & Scarratts Pty Ltd on behalf of Malbec Dolphin Point Pty Ltd (the Proponent) has submitted a Modification Request to modify MP 05_0024 MOD 4 for a residential subdivision at Lots 117 and 118 DP 1226471, Highview Drive, Dolphin Point.

Shoalhaven City Council (Council) is invited to comment on the Modification Request and provide any recommended conditions.

The Modification Request seeks approval for:

- deletion of the requirement for a left turn slip lane onto the Princes Highway;
- creation of four additional lots resulting in a total of 106 residential lots; and
- changes to commitments relating to biodiversity, building finishes and traffic management.

The proposed modification is available on the Department's website at the below link:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8878

Should the Council wish to make a submission, it should be made to the Department no later than **Tuesday 6 February 2018**.

It would be appreciated if you could submit your submission electronically via the Department's website at the above link.

Should you wish to discuss any of the above, please contact me on (02) 9274 6272.

Kind Regards,

Michelle Niles

Senior Planner

Modification Assessments

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