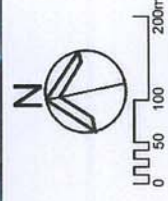




aerial photograph





### 3.2 Local and Regional Context

With an area of 48.585 hectares, the subject site is one of the largest contiguous landholdings within the Burrill Lake/Dolphin Point area. The site enjoys a gateway location on the Princes Highway and delineates the southern most extent of the Burrill Lake/Dolphin Point urban area.

Burrill Lake/Dolphin Point is a small coastal town with a current population of 1414. The township provides limited retail and commercial infrastructure.

The Princes Highway separates Dolphin Point and Burrill Lake via a narrow land bridge. The Princes Highway is the major north south route connecting Sydney and Melbourne.

Ulladulla is the nearest large town and is located approximately 5 kilometres to the north of Burrill Lake/Dolphin Point via the Princes Highway. Ulladulla is a higher order centre providing a large number of retail and commercial uses.

### 3.3 Site Description

The site is irregular in shape and comprises 4 parcels of land known as lots 1 and 2 DP1045990 and lot 20 DP867221. The total area of the subject site is 48.585 hectares. Cadastral information in respect of the subject site is provided in Annexure 2. A list of the allotments and their relevant areas is provided in Table 1.

**Table 1 Comprising Lots**

LOT	DP	AREA
1	1045990	37.01ha
2	1045990	9.961ha
20	867221	1.614ha

The site is currently owned by Dolphins Point Development Pty Limited and will be developed as a joint venture involving Elderslie Property Investments Pty Limited.

The site is generally bounded by Princes Highway, Dolphin Point Road, Barnunj State Recreation Area and additional bushland zoned Residential 2(c) under the provisions of the Shoalhaven Local Environmental Plan 1985.

### **3.4 Land Use of the Site**

The site has previously been used for agricultural activities including a dairy and from time to time crop cultivation in the lower lying areas near the wetland. A large dam is in the approximate centre of the site. Due to the previous agricultural activities presently the majority of the site has been cleared.

A single dwelling house presently exists on the site.

On the western portion of the site identified as Stage 1 on figure 1, a 71-lot subdivision has recently been constructed. As part of this subdivision development, two roundabouts and a new road have been built.

Photographs 1 to 8 graphically describe the character of the site.

### **3.5 Surrounding Land Uses**

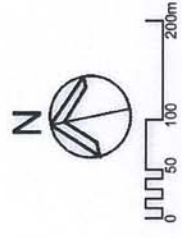
The site enjoys a gateway location on the Princes Highway and delineates the southern most extremity of the Burrill Lake / Dolphin Point urban area. As demonstrated in Figure 2 the site is also in a position to provide infill development between the urban areas of Dolphin Point and Burrill Lake.

The township of Burrill Lake is located to the immediate north of the subject site. The township of Burrill Lake is generally located between the Lake foreshores and Princes Highway and straddles the entrance channel. A small pocket of development consisting of dwellings and a caravan park is located to the east of the Princes Highway. Dolphin Point Road separates these dwellings and the Caravan Park from the subject site.

The urban area of South Burrill Lake is located to the north west of the site. As the Princes Highway separates the site and the urban area of South Burrill Lake, it does not form a cohesive urban area but a separate precinct.

To the immediate east, south and west of the site consists of an area that is undeveloped and comprises of what appears to be natural bushland. The land to the east of the site is described as lot 140 DP755972. This land is zoned Residential 2(c) under the provisions of the Shoalhaven Local Environmental Plan 1985. The remaining lands to the south and west form part of Barnunj State Recreation Area.









1 looking south through the site



2 looking south-east to wetland



3 looking north behind the dam



4 looking north through the site



5 panoramic view looking north across the site



6 looking to the forest from the southern boundary (typical boundary condition to the southern boundary)



7 looking through the site from high ground



8 looking east of the site



9 from princes highway looking to northeast over stage 4



### 3.6 Topography

A slope analysis of the site has been provided in Figure 3.

The following observations have been made in regard to the topography of the subject site:

- (i) Much of the subject site comprises of a natural amphitheatre with the wetland environment adjacent to Dolphin Point Road being the lowest point at 1 metre AHD and the southwest corner of the site rising to a maximum of 24 metres AHD.
- (ii) There is a significant amount of low lying land with a slope of less than 1% generally extending southward in a band from the existing wetland environment towards the centre of the site. This area is generally located below the 2-metre contour.
- (iii) From the low-lying area of land identified on the site, the land has a relatively consistent slope toward each boundary of between about 5 and 10%.
- (iv) A ledge with rock outcrop runs adjacent and to the northwest of the low-lying land associated with the wetland environment. This ledge has a slope of over 20% and is relatively low (approximately 1-3 metres).
- (v) The Princes Highway forms a ridge between drainage catchments separating urban development to the west of the highway from the drainage catchment of the subject site.

The residential development as illustrated in the concept plan in stages 2 and 3 are confined to those lands with an average slope of between 3 to 10%. A report prepared by Don Fox Planning Pty Ltd entitled *Environmental Study of Land in the Vicinity of Dolphin Point Road and Princes Highway, Dolphin Point* revealed that Council has previously adopted a flood level of 2 metres AHD. As the residential land is located above the 2-metre contour it would not be subject to flooding. The commercial component of the development in Stage 4 is proposed in the slope category of 3 to 5% and is located adjacent to the ridgeline along Princes Highway. The development as proposed is appropriate in respect of the slope category.

### 3.7 Hydrology

The drainage catchment in the vicinity of the site is generally bounded by the Princes Highway in the west, Dolphin Point Road in the north extending onto Highview Drive in the east and generally following an informal track through bushland to the south.







The majority of the land uses within this catchment consist of land zoned for Residential purposes and bushland identified as State Recreational Area.

All of the drainage catchment drains to the wetland area on the subject site. This wetland area is located in that part of the site zoned 7(a).

Future development of the subject site will be subject to controls which will ensure that stormwater run-off does not adversely impact on the wetland environment. Any development on the subject site will need to ensure:

- (i) Detailed stormwater management measures are implemented which will ensure polluted waters do not discharge into the wetlands;
- (ii) Erosion and sedimentation control works are implemented during road construction and site works;
- (iii) That the potential entry of pollutants and exotic plant species in the drainage network to the wetlands be minimised.

A detailed water management strategy has been prepared by Patterson Britton and submitted under separate cover. This report demonstrates that it is possible to develop the site and achieve the above objectives.

### **3.8 Fauna and Flora**

Much of the site has previously been used for the agistment of dairy cattle and horses. Accordingly, the predominant type of vegetation consists of grasses including native as well as introduced species across Stages 2, 3, 4 and the area zoned 6(b) open space. Wetland vegetation including Melaleuca, Casuarinas, Banksias, Bracken and grass is located around the wetland area in that part of the site zoned 7(a). The site also contains minor remnant dry sclerophyll eucalypt forest within Stage 5 adjacent to Stages 1 and 4.

Due to the minimal vegetation on the site, the site does not contain any wildlife corridors that link the wetland area with the natural bushland located in the Barnunj State Recreation Area. For this reason the most important faunal habitat that the wetlands and dam provide is for birdlife.

### **3.9 Climate**

Climatic data was recorded from a weather station at Ulladulla as this was the closest recording station relative to the site. The



climatic data does not represent a major constraint to future development. It is however important in terms of bushfires and drainage. The following provides a summary of the rainfall, temperature and surface wind analysis.

The area has a total annual rainfall of over 1292mm with a maximum average rainfall of approximately 148mm during the month of June and a minimum average rainfall of approximately 68mm occurring in the month of July. The wettest period generally corresponds with the summer months.

The mean daily temperature was highest for January and February with a maximum of approximately 24.3°C and a minimum in July of approximately 7.2°C.

The main characteristic wind evident is the northeasterly onshore wind that develops around 3pm throughout the year.

### **3.10 Bushfire**

Bushfire and Environmental Services Pty Ltd have completed a detailed bushfire assessment for the site. This report has been provided under separate cover.

The bushfire assessment has concluded that there are several bushfire related constraints. These include the following:

- (i) The neighbouring properties to the west, south and east have unmanaged vegetation adjoining the common boundaries. An asset protection zone (APZ) of 30 metres will be required from the adjoining vegetation to the edge of future dwellings.
- (ii) A perimeter road or trail will be required between all development and vegetation that is considered bushfire prone. The perimeter road will be required to have a minimum reserve width of 20 metres.
- (iii) A vegetated gully runs down to the existing dam from the western boundary. For the purposes of the bushfire assessment this vegetation has been described as remnant vegetation. A 20 metre APZ will be required from the edge of the remnant vegetation within the gully to the edge of future dwellings..
- (iv) An area of vegetation remains on the property southeast of the existing dam. A 30 metre APZ will be required from the edge of this vegetation to the edge of future dwellings.

The above constraints have been identified on figure 4. These constraints do not prevent the proposed development. The constraints do however have implications for the subdivision



layout. The subdivision layout has incorporated all of the above findings.

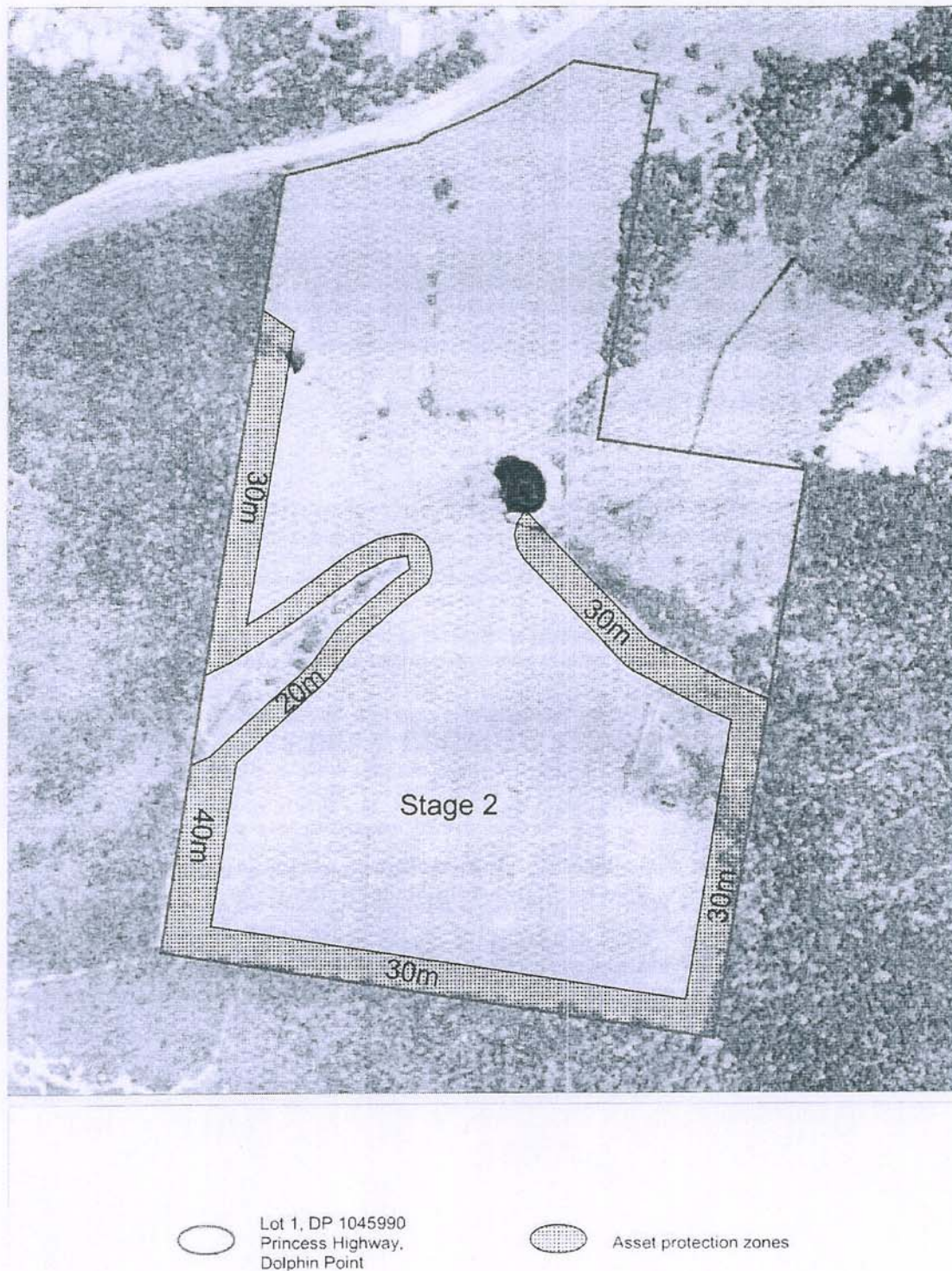


Figure 4 Bushfire Constraints



### 3.11 Traffic and Access

The road network in the vicinity of the site includes Princes Highway, Dolphin Point Road and Link Road. The Princes Highway is the major transport route connecting Sydney and Melbourne via the South Coast. Dolphin Point Road runs east from Princes Highway, south of the bridge over Burrill Lake. Dolphin Point Road provides access to tourist accommodation and open space and recreational areas adjacent to Burrill Lake. It also connects to Highview Drive, which provides access to the residential properties in Dolphin Point. Link Roads runs west from Dolphin Point Road and connects to a roundabout that accesses Stage 1. From this roundabout there is a second roundabout that connects with The Princes Highway.

Colston Budd Hunt and Kafes Pty Ltd undertook traffic counts. This demonstrated that the highest traffic flows occurred on the Princes Highway, which carried some 500 to 550 vehicles per hour two-way during the morning and afternoon peak periods. Dolphin Point Road during the same peak periods, carried lower flows of some 100 to 150 vehicles per hour two-way. These traffic volumes would be subject to seasonal variations given the number of holiday homes and tourists visiting the Shoalhaven area, particularly in the summer months.

### 3.12 Heritage and Archaeological Sites

The site does not contain any buildings, work, relic, tree or place that has been identified as an item of environmental heritage under Schedule 7 of the Shoalhaven Local Environmental Plan 1985 or Schedule 1 of the Illawarra Regional Environmental Plan No 1. The site is also not listed with the National Trust of Australia or the Heritage Office.

The NSW National Parks and Wildlife Act 1974 (as amended) provides the primary basis for the legal protection and management of Aboriginal sites within New South Wales. The rationale behind the Act is to prevent unnecessary or unwarranted destruction of Aboriginal objects and to protect and conserve objects where such action is considered warranted. Under the terms of the NSW National Parks and Wildlife Act 1974 (as amended), it is an offence for a person to :

- (i) Knowingly destroy, damage or deface an Aboriginal object or place, or knowingly cause or permit the destruction, defacement or damage to an Aboriginal object or place, without first obtaining the consent of the Director-General of the Department of Environment and Conservation (NSW).



- (ii) Disturb or excavate any land, or cause any land to be disturbed or excavated, for the purpose of discovering an object, without first obtaining the consent of the Director-General of the Department of Environment and Conservation (NSW); and
- (iii) Collect on any land an object that is the property of the Crown, other than an object under the control of the Australian Museum, without obtaining appropriate authorisation from the Director-General.

South East Archaeology was commissioned by the owners of the site to undertake an Aboriginal heritage impact assessment of the subject site.

The heritage investigation proceeded in several phases. Initial surface surveys were conducted in 2003 and 2004, but assessment of the potential impacts of the proposal on Aboriginal heritage was constrained by low conditions of surface visibility. To excavate or disturb land for the purposes of discovering an Aboriginal object, approval to a Section 87 'Preliminary Research Permit' application is required. A Section 87 Permit #1952 was issued by the Department of Environment and Conservation (DEC) on 19 June 2004 to undertake sub-surface test excavations.

The subject site was divided into a number of different 'environmental/cultural contexts'. The test excavations were undertaken within sixteen separate areas and involved a sample from each identified context within the study area. In total, 347 test units each measuring 0.25m<sup>2</sup> in area were excavated, resulting in a total excavation area of 86.75m<sup>2</sup>.

Detailed analysis of the data was undertaken, examining issues such as the integrity of the evidence, nature of stone materials and artefact types, nature of Aboriginal activities, spatial distribution of the evidence and age of the evidence.

The nature of the evidence was compared with other sites in the region and a number of similarities and differences identified. There is a high degree of similarity between the evidence in Stage 1 and Stages 2-4. No specific aspects of Stages 2-4 evidence appear to be rare or unusual or not replicated elsewhere within the region.

Figure 5 (Courtesy South East Archaeology Pty Ltd 2005) illustrates the location of the findings of the archaeological investigation. Sites 1, 2 and 4 were assessed as being of moderate scientific significance within a local context and low scientific significance within a regional context. Site 3



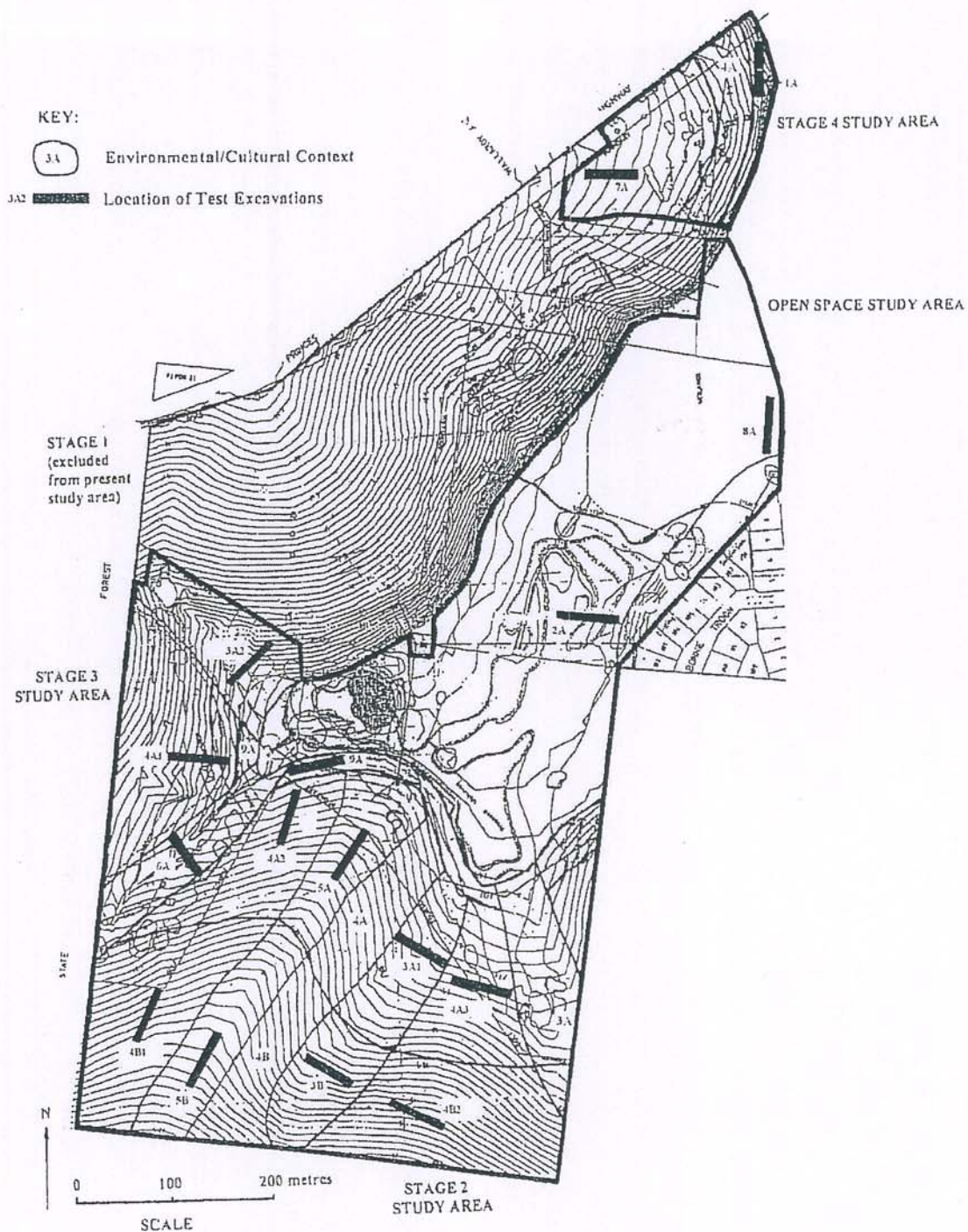


Figure 5 : Environmental/Cultural Contexts of "The Dairy" and Location of Stage 2-4 Test Excavations. Courtesy: Dolphin Point, Near Burrill Lake, on the South Coast of New South Wales: Volume B. South East Archaeology Pty Ltd 2005.



was assessed as being of low scientific significance within both local and regional contexts.

Development of the site in accordance with the proposal as described in Stages 2-4 may cause impacts to the identified Aboriginal heritage sites 1, 2, 3 and 4. South East Archaeology have recommended that the proponent should seek and obtain from DEC a Section 90 Consent with Salvage permit for the development impact area, inclusive of all identified Aboriginal heritage evidence within this area, in consultation with the local Aboriginal community. A Section 90 Consent application will be lodged in the near future.

#### **4.0 STATUTORY FRAMEWORK**

The subject site is affected by numerous statutory planning instruments as well as several strategic plans. The purpose of this section of the report is to identify the relevant planning instruments and strategic plans and demonstrate that the concept plan is consistent with these documents and will achieve the appropriate state, regional and local outcomes.

The relevant instruments for consideration in assessment of the concept plan are as follows:

1. State Environmental Planning Policy (Major Projects) 2005
2. State Environmental Planning Policy No 71 – Coastal Protection
3. State Environmental Planning Policy No 55 – Remediation of Land
4. Illawarra Regional Environmental Plan No 1
5. Shoalhaven Local Environmental Plan 1985
6. Subdivision Development Control Plan 100 – Subdivision Code
7. Shoalhaven Planning Policy No. 1 Development Guidelines For Certain Residential 2(c) Zoned Land – Milton - Ulladulla
8. NSW Coastal Policy.

#### **5.0 STATE ENVIRONMENTAL PLANNING POLICY (MAJOR PROJECTS) 2005**

The concept plan herein takes into account the provisions of State Environmental Planning Policy (Major Projects) 2005. The aims of the SEPP MP are listed following and are addressed in relation to the concept plan:

- (a) *To identify development to which the development assessment and approval process under Part 3A of the Act applies;*
- (b) *To identify any such development that is critical infrastructure project for the purposes of Part 3A of the Act;*
- (c) *To facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate*