



NSW GOVERNMENT
Department of Planning

***MAJOR PROJECT ASSESSMENT:
164 LOT RESIDENTIAL SUBDIVISION
LOT 11 , DP1104789 AND PART LOT 72,
DP 1073600, DOLPHIN POINT ROAD AND
WURU ROAD, DOLPHIN POINT/
BURRILL LAKE
Proposed by ELDERSLIE PROPERTY
INVESTMENTS PTY LTD***

Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

February 2008

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1 EXECUTIVE SUMMARY

This is a report on a concept plan and project application by Elderslie Property Investments Pty Ltd to carryout a residential subdivision at Dolphin Point Road and Wuru Road, Dolphin Point/Burrill Lake (Lot 11, DP 1104789 and Part Lot 72, DP 1073600) ("the proposal").

Stage 1 of this subdivision contains 71 residential allotments and was previously granted approval by Shoalhaven Council having been constructed and the majority of the allotments sold. Some of the allotments have recently been developed with detached dwelling houses and duplexes.

Stage 4 of the subdivision is zoned for commercial purposes and an application was approved by the Council on 21st February 2008 for a 99 lot community title subdivision for tourist, residential and commercial use and for a 7 lot subdivision, part of which is to create the super-lots to be re-subdivided under this major project.

The proposal seeks approval for Stages 2 and 3, containing a total of 164 residential allotments and one neighbourhood park allotment and for Stage 5, which is to be partially revegetated and dedicated to Council, together with the riparian zones contained in Stages 2 and 3.

During the exhibition period, the Department received a total of 8 submissions from public authorities and 11 submissions from the public. Key issues considered in the Department's assessment included:

- Provision of riparian zones;
- Zoning issues, as part of the site was subject to a draft LEP, now gazetted;
- Connection of subdivision with existing and future subdivisions;
- Traffic impacts;
- Visual impact;
- Impact on flora and fauna;
- Subdivision layout and design;
- Aboriginal archaeology;
- Contamination and acid sulfate soils;
- Bushfire risk; and
- Stormwater treatment and water quality.

The Department has assessed the merits of the project and is satisfied that the impacts of the proposed development as modified by the Preferred Project Report have been addressed via the Proponent's Statement of Commitments and the Department's recommended conditions of approval, and can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance. On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region. All statutory requirements have been met.

The Department recommends that the project be approved, subject to modifications/conditions.

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2 BACKGROUND

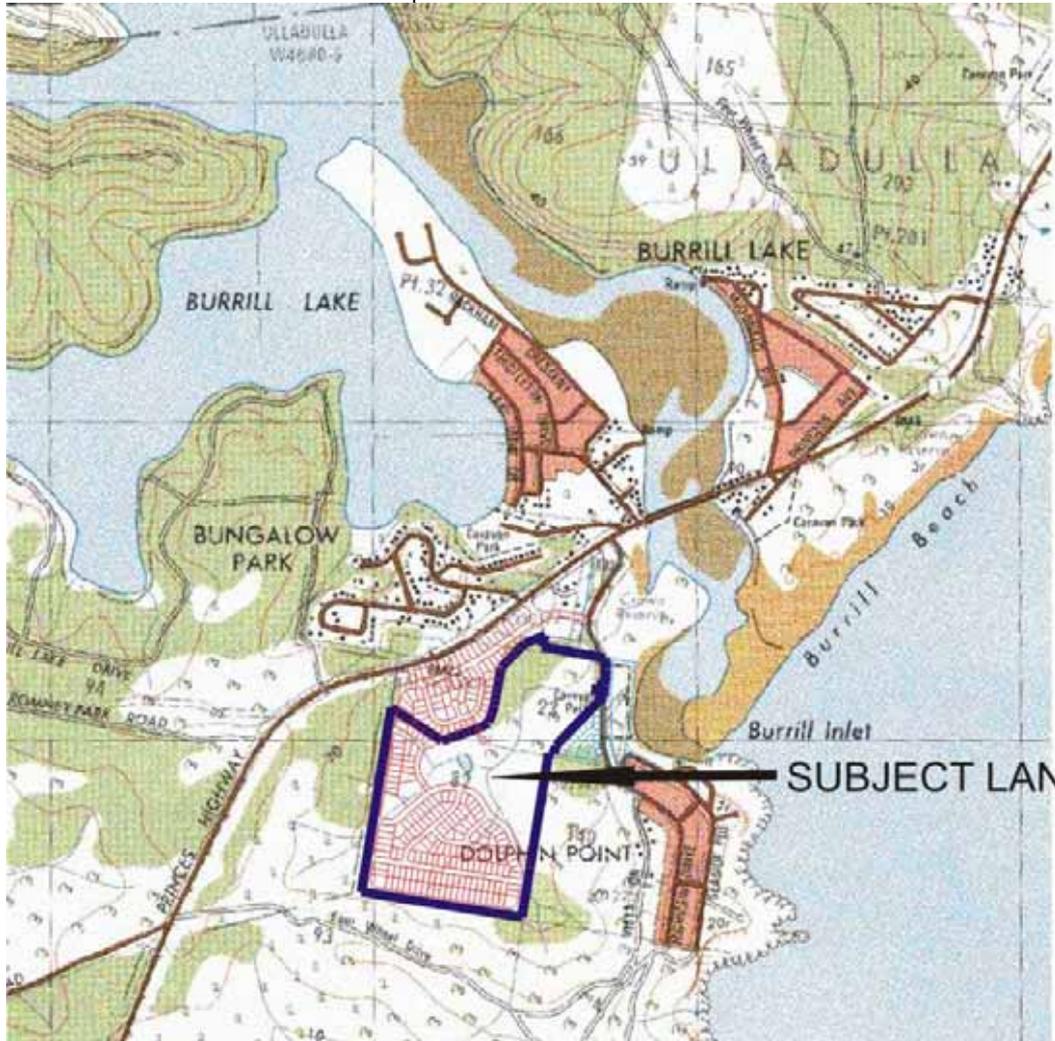
2.1 THE SITE

2.1.1 Site context and location

The site, at Dolphin Point Road and Wuru Road, Dolphin Point/Burrill Lake, (Lot 11 in DP 1104789 and a portion of Part Lot 72 in DP 1073600), is located within the local government area of Shoalhaven and is owned by Dolphins Point Development Pty Ltd and John McLeod Thomson.

The site is located on the border between Burrill Lake and Dolphin Point. Lot 11 in DP 1104789 currently has a small frontage to the dead-end of Wuru Road, created in Stage 1 of this release area and is a large irregular shaped lot having an area of 35.2ha. The portion of Part Lot 72 in DP 1073600 within the site is an irregular shaped portion located on the south side of Dolphin Point Road and with frontage to that road. The entirety of Part Lot 72 in DP 1073600 has an area of 1.323ha, with the portion of that lot contained within the site being approximately half that size.

The site, together with the already constructed Stage 1, is located on the Princes Highway, the major road accessing the south coast of NSW, and will comprise part of the southern boundary of the Burrill Lake/Dolphin Point residential area. Burrill Lake/Dolphin Point is located 5km south of the centre of Ulladulla.



2.1.2

Figure 1 – Site Location

2.1.3 Existing site features

The site is currently vacant and has previously been used as a dairy farm and for some cropping. The site contains a number of dams (generally along the creeklines), with the largest dam located near the north-western boundary, behind the Stage 1 residential subdivision. Given its past agricultural uses, the central, southern and western portions of the site are generally pasture areas, with very few trees, generally along the creeklines. The north-eastern portion of the site contains remnant wetland vegetation, including the endangered ecological community of Swamp Sclerophyll Forest. The site slopes down from the south and west to a creekline running from south-west to the north-east and a second creek running south-east to north-west, which converge upon a low lying wetland area in the north-eastern portion of the site.

2.1.4 Surrounding development

The site is bordered to the south and west by Barnunj State Recreation Area. To the north-west of the site is Stage 1 within the subdivision and comprises a recent residential land subdivision of 71 lots, some of which have newly constructed dwellings or duplexes on them. To the north-east of the site is undeveloped land and a caravan park. To the east of the site is a small area of low density residential development and forested land zoned for residential development (known as Highview Drive Dolphin Point) which is currently the subject of a major project application (MP 05_0024) by Malbec Properties for subdivision which was exhibited at the same time.



Figure 2 - Subject site looking from southern boundary towards dam, western riparian corridor and Stage 1



Figure 3 – Aerial photograph of subject site (outlined in red) taken before construction of Stage 1 and the adjoining Major Project Application (MP 05_0024) (outlined in blue)

2.2 SITE HISTORY

2.2.1 Previous applications

Stage 1 of the subdivision contains 71 residential allotments and was previously granted approval by Shoalhaven Council, having been constructed and the majority of the allotments sold. Some of the allotments have recently been developed with detached dwelling houses and duplexes.

Recent Council approval

Stage 4 of the development was granted approval by the Council on 21st February 2008 for a 7 lot subdivision that created the super-lots for each of the stages of the development and a 99 lot community title subdivision for tourist, residential and commercial use. A subdivision certificate has been issued for the 7 lot subdivision, but has not yet been registered. The DA created new lots that follow the boundaries of the stages that are the subject of this major project. The super-lot for Stage 3 and Stage 2, and the residue lot known as Stage 5 (to be dedicated to Council) were approved through the Council's subdivision approval.

3 THE PROPOSED DEVELOPMENT

3.1 PROJECT DESCRIPTION

The proposal comprises a concept application for the entire proposal together with a project application for Stages 2 & 3 and certain works in the Stage 5 precinct. (Refer to Figure 4 for the 3 stages).

Concept Application

The concept application is for the development of the site in 3 stages (with the subdivision of Stages 2 and 3 and certain works within Stage 5 being a project application as outlined below) and the identification within the Stage 5 land of three potential areas where development may be allowed (in accordance with the zone provisions). The proponent has identified these three areas as being suitable for possible tourism type uses.

3.1.1 Project Application

The project application is for development in the Stages 2, 3 and 5 lands as follows:

"Stage 2"

Stage 2 of the development involves the subdivision of the southern portion of the site into 141 Torrens title residential allotments with a perimeter road and four other roads. Other works involved in Stage 2 include provision of infrastructure to the proposed lots, construction of the collector road through Stage 3, to connect Stage 2 to the existing collector road in Stage 1, together with drainage works to be carried out in the Stage 5 land to service the proposed lots. The proposed drainage works on the Stage 5 land include use of an existing dam as a water quality control pond and provision of a bio-retention basin. A fire trail is also proposed within the Stage 5 land to provide an alternative means of access/egress in the case of a bushfire. A neighbourhood park with child play equipment is also proposed within Stage 2 of the development.

It is proposed to carry out the development within Stage 2 in a series of five stages as the market demands. The stages move eastward and then southward from the extended collector road through Stage 3, which would be constructed in the first of the stages within Stage 2. Prior to the completion of Stage 2 it is proposed to construct a pedestrian/cycle path system within the Stage 5 land to provide connection to Dolphin Point Road and thence the beach.

"Stage 3"

Stage 3 of the development involves the subdivision of the north-western portion of the site into 23 residential allotments, with a single access road (with the collector road running through Stage 3 being constructed as part of Stage 2). Other works involved in Stage 3 includes revegetation of riparian corridors and provision of infrastructure to the proposed lots.

"Stage 5"

Drainage works, a bio-retention basin, fire trail, cycleway/pathway and revegetation works are proposed as part of the project application and required as a consequence of the subdivision of Stages 2 and 3. It is intended to dedicate the Stage 5 land to Shoalhaven Council.

Stage 4 of the development does not form part of the site, being zoned for commercial purposes and Stage 1 has been completed under a separate approval, by the Council.

3.2 PROJECT CHRONOLOGY

- 5/9/05 – request for cl 6 opinion lodged with the Department
- 9/11/05 – Director-General, as delegate for the Minister formed the opinion that the proposal was a Project and that Part 3A of the Act applies
- 24/11/05 – Preliminary Assessment lodged with the Department
- 25/01/2006 – Minister authorised submission of a concept plan for a 130 lot residential subdivision (Stage 2).
- 18/02/2006 - Original Director-General's Environmental Assessment Requirements (DGRs) were issued for a 130 lot residential subdivision (Stage 2 of a 5 stage development).
- 5/06/2006 – Proponent requests that the application be modified to seek authorisation for a Concept Plan for Stage 2, 3 and 5 and a Project Application for Stages 2 and 3.
- 30/06/2006 - Minister formed the opinion that the amended proposal (stage 2, 3 and 5) is a Project and that Part 3A of the Act applies and authorised the lodgement of a Concept Plan for Stage 2, 3 and 5.
- 6/7/06 – Amended Director- General's Environmental Assessment Requirements (DGRs) signed by the Director- General's Delegate and provided to the proponent, together with authorisation for lodgement of a concept plan for Stages 2, 3 and 5.
- 6/11/06- Environmental Assessment lodged with the Department. Assessment deemed inadequate. Proponent advised on 29/11/2006.
- 21/9/07 - Revised Environmental Assessment (EA) lodged with the Department. Assessment deemed adequate.
- 11/10/07 – EA placed on public exhibition
- 8/1/08 – Summary of submissions provided to proponent and issues from the Department
- 14/1/08 - Meeting with proponent etc
- 18/2/08– preferred project report submitted
- 22/2/08 – Amendment to Shoalhaven LEP 1985 (amendment 232) gazetted.

3.3 PROJECT AMENDMENTS

The project application has been amended in response to issues raised in submissions and by the Department as follows:

- 5/9/05 – request for cl 6 opinion lodged with the Department
- 9/11/05 – Director-General, as delegate for the Minister formed the opinion that the proposal was a Project and that Part 3A of the Act applies
- 24/11/05 – Preliminary Assessment lodged with the Department
- 25/01/2006 – Minister authorised the submission of a concept plan for a 130 lot residential subdivision (Stage 2).
- 18/02/2006 - Original Director-General's Environmental Assessment Requirements (DGRs) were issued for a 130 lot residential subdivision (Stage 2 of a 5 stage development).
- 5/06/2006 – Proponent requests that the application be modified to seek authorisation for a Concept Plan for Stage 2, 3 and 5 and a Project Application for Stages 2 and 3.
- 30/06/2006 - Minister formed the opinion that the amended proposal (stage 2, 3 and 5) is a Project and that Part 3A of the Act applies and authorised lodgement of a Concept Plan for Stage 2, 3 and 5.
- 6/7/06 – Amended Director- General's Environmental Assessment Requirements (DGRs) signed by the Director- General's Delegate and provided to the proponent, together with authorisation for lodgement of a concept plan for Stages 2, 3 and 5.

- 6/11/06- Environmental Assessment lodged with the Department. Assessment deemed inadequate. Proponent advised on 29/11/2006.
- 21/9/07 - Revised Environmental Assessment (EA) lodged with the Department. Assessment deemed adequate.
- 11/10/07 – EA placed on public exhibition
- 8/1/08 – Summary of submissions provided to proponent and issues from the Department
- 14/1/08 - Meeting with proponent etc
- 18/2/08– preferred project report submitted

A preferred project report was submitted on 18 February 2008 incorporating the above amendments. This was not advertised due to the changes relating to internal redesign and the distance of the changes from potentially affected properties, with the changes resulting in less impacts but was placed on the web site on 18 February 2008.



Figure 4: Proposed subdivision layout – area of application within red border – stages identified in legend

4 STATUTORY CONTEXT

4.1 MAJOR PROJECT DECLARATION

The project is a Major Project under *State Environmental Planning Policy (Major Projects) 2005* being subdivision of residential land containing more than 25 lots. The Minister formed the opinion that the proposal (stage 2, 3 and 5) is a Project and that Part 3A of the Act applies on 30 June 2006.

4.2 PERMISSIBILITY

Under the Shoalhaven Local Environmental Plan 1985 (SHLEP), as amended on 22nd February 2008, the site is zoned part 2(c) Residential (Living Areas), part 6(b) Recreation (Private), part 7(a) Environmental Protection (Ecology), and part 7(d2) Environment Protection (Special Scenic). Residential subdivision is permitted in the 2(c) zoned land, roads in the 6(b) zone, drainage infrastructure in the 6(b) zone and pathways in the 6(b) and 7(a) zones and roads are permitted in the 7(d2) zone.

The application was lodged when the Stage 3 land was zoned wholly as 6(b) Recreation (Private). The application was predicated on the fact the Stage 3 land would be rezoned (prior to determination) to part 2(c) Residential (Living Areas) to allow subdivision, which has now occurred. A riparian corridor on the Stage 3 land was rezoned to 7(d2) Environmental Protection (Special Scenic).

Clause 26 of SHLEP requires that prior to consent, water supply, facilities for the removal of sewage, and for the drainage of stormwater and other surface water from the land are satisfactory, which has been met.



Figure 5: Zoning of subject site prior to 22nd February 2008 – the 3(g) land is Stage 4 (not part of this application), the northern 2(c) land is Stage 1 (not part of this application), the southern 2(c) land is Stage 3, the 6(b) land to the west of the dam is Stage 2 and the remainder is Stage 5.



Figure 6: New zoning as of 22nd February 2008 over Stage 3 of proposal. The 6(b) zoning on Stage 3 was changed to part 2(c) and part 7(d2) Environment Protection.

4.3 EXHIBITION AND NOTIFICATION

The major project application and Environmental Assessment were placed on public exhibition from 11 October 2007 to 12 November 2007 and submissions were invited in accordance with section 75(H) of the Act. The exhibition period for this application and the application for the adjoining site to the east were extended until 30 November 2007. Notification of the exhibition was given in an advertisement in the Milton Ulladulla Times on 10 October 2007.

Exhibition locations were at:

- Department of Planning Head Office, Bridge Street Sydney;
- Shoalhaven Council (Nowra and Ulladulla offices); and
- Department of Planning (Wollongong Office)

The Environmental Assessment (EA) was also provided for download on the Department's website. The Department has exhibited the EA in accordance with section 75H(3) of the Act. Letters were sent to 211 adjoining owners and 8 government bodies notifying of the Exhibition and inviting a submission.

4.4 MINISTER'S POWER TO APPROVE

The purpose of this submission is for the Director General to provide a report on the project to the Minister for the purposes of deciding whether or not to grant approval to the project pursuant to Section 75O of the Act.

Section 75I(2) sets out the scope of the Director General's report to the Minister. Each of the criteria set out therein have been addressed below, as follows:

(a) a copy of the proponent's environmental assessment and any preferred project report; and

The proponent's EA is included at Appendix F whilst the preferred project report is set out for the Minister's consideration at Appendix G.

(b) any advice provided by public authorities on the project; and

All advice provided by public authorities on the project for the Minister's consideration is set out at Appendix D and is discussed in detail in section 4.3 below.

(c) a copy of any report of a panel constituted under Section 75G in respect of the project; and

No independent hearing and assessment panel was undertaken in respect of this project.

(d) a copy of or reference to the provisions of any State Environmental Planning Policy (SEPP) that substantially govern the carrying out of the project; and

An assessment of each relevant State Environmental Planning Policies that substantially govern the carrying out of the project is set in Appendix B.

(e) except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division; and

An assessment of the development relative to the prevailing EPI's is provided in Appendix B.

(f) any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.

The environmental assessment of the project is this report in its entirety.

(g) a statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.

The **Director-General's Environmental Assessment Requirements (DGRs)** issued on 6 July 2006 required the following issues to be addressed:

- Rezoning and Proposed Development Mix
- Potential Development on Adjoining Site
- Staging of the Development
- Public Open Space
- Traffic impacts
- Urban Design, Visual Impact and Sustainability
- Impact on Infrastructure
- Bushfire
- Drainage, Hydrological Regime and Flooding
- Impact on Water Quality and Sedimentation Control
- Impact on Waterways and Estuary Management
- Impact on Threatened Species and Corridors
- Contaminated Land and Acid Sulfate Soils
- Aboriginal Cultural Heritage Values

The EA lodged by the proponent on 21 September 2007 was accepted as adequate.

An assessment of compliance with the environmental assessment requirements with respect to the project is included at Section 5 of this report.

4.5 ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS) State Environmental Planning Policies

The SEPPS that apply to the project are:

- State Environmental Planning Policy Major Projects 2005 (MP SEPP)
- State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The SEPPS that substantially govern the carrying out of the proposal are discussed as follows:

State Environmental Planning Policy Major Projects 2005

The MP SEPP applies to the project as discussed in section 3.1 above.

State Environmental Planning Policy No. 71 – Coastal Protection

SEPP 71 applies to the site as the site is contained within the coastal zone. The requirements of SEPP 71 are addressed in Appendix B and the proposal is consistent with those requirements.

Illawarra Regional Environmental Plan No 1 (IREP 1)

IREP 1 applies to the site as it is located in the Illawarra Region. The requirements of IREP 1 are addressed in Appendix B and the proposal is consistent with those requirements.

Shoalhaven Local Environmental Plan 1985 (SLEP)

The proposal is now wholly permissible (as a result of a recent amendment to the SLEP (Amendment 232)). The proposal is consistent with the provisions of SLEP 1985 (as it is to be amended) with the exception of the minimum subdivision area for the 7(a) and proposed 7(d2) land, which is 40ha. All of the 7(a) land is retained within a larger allotment, which was created through the Council's recently approved subdivision development Application (Reference no: SF9957). The 7(d2) land is retained in one allotment, which matches the extent of the riparian corridor and the zone boundary. The remaining 6(b) land remains as a one allotment, as approved in the subdivision approved by the Council.

Other Plans and Policies

To satisfy the requirements of section 75(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project. A summary of compliance with the relevant EPIs is in Appendix B.

The provisions, including development standards of local environmental plans, and development control plans are not required to be strictly applied in the assessment and determination of major projects under Part 3A of the Act. Notwithstanding, these standards and provisions are relevant considerations as the DGRs require the proponent to address such standards and provisions. Accordingly the objectives of a number of EPIs and the development standards therein and other plans and policies that substantially govern the carrying out of the project are appropriate for consideration in this assessment and have been addressed in detail in Appendices B & C. A summary of the most significant numerical controls in Shoalhaven LEP 1985 (as amended) (SLEP 1985), Shoalhaven DCP 100 (SDCP 100) and Shoalhaven Planning Policy No. 1 (SPP No. 1) is provided as follows:

Table 1 – Development Data

	Proposed	Planning Control (SLEP 1985, SDCP 100, SPP No.1)	Compliance
Minimum subdivision size (SLEP 1985)	16.87ha	40ha for 7(a) and 7(d2) land	No (see comments above, the zoned land not divided, only the 6(b) land area is divided)
Carriageway width (SDCP 100)			
Local Street	7-9m	7-9m	Yes (to be conditioned)
Collector	9m	7-9m	
Intersection separations (SDCP 100)			
Same side of street	Minimum 75m	60m	Yes
Opposite side of street	Minimum 60m	40m	
Distance to bus stop (SDCP 100)	All lots within 500m of bus route (stop locations not known as yet)	85% lots within 500m	Yes

Minimum lot dimensions (SDCP 100)	16m wide, 30 m deep			Yes, with the exception of 4 lots , all of which are irregular in shape, but provide for adequate building area
Rectangular lot	20m wide, 30m deep			
Corner rectangular lot	16m wide at blg line,			
Irregular lot	18m mean width, 30m deep			
Riparian Zone (SDCP 100/SPP No. 1)	20m-30m each side of creek	20m each side of creek		Yes
Minimum lot size (SPP No. 1)	593 m ² -1,213.8 m ²	500m ² (range is to be 500 m ² - 749 m ²)		Yes, with the exception of 19 lots (11.5%), all of which exceed the maximum lot size. However the lots that exceed are generally identified for medium density or include APZs.
Minimum medium density provision (SPP No. 1)	10-20% of residential land	3.12%		No. The provision of less medium density is supported given that the site is within a village with little services and should be more concentrated in towns, such as is occurring in nearby Ulladulla.

Variations to the controls are addressed in Appendix C and are considered acceptable.

The Proposal has been considered against the following non-statutory documents:

Shoalhaven DCP 100 – Subdivision Code (DCP 100)

The requirements of DCP 100 are addressed in Appendix C. The proposal is generally consistent with the requirements and where the proposal is inconsistent with those requirements, it is considered acceptable.

All of the proposed lots comply with the minimum lot size (500m²). Almost all of the proposed lots comply with the specified minimum dimensions. However, a number of the lots have minor variations to minimum dimensions, but are considered acceptable given the adequacy of the area and shape of the allotments for development. All lots are capable of providing a 15m x 15m building platform, or an alternatively dimensioned, but appropriately sized, building platform area.

Shoalhaven DCP 52 - Dolphin Point (DCP 52)

The requirements of DCP 52 are addressed in Appendix C. The proposal is generally consistent with the requirements and where the proposal is inconsistent with those requirements.

This applies to the proposed access to adjoining 'state land'. Access is provided to the adjoining State land (Barnunj State Conservation Area) by the proposed collector road, which is to run along the northern most road bounding the 6(b) land to be dedicated to Council. The access is not fully in accordance with the development control map provided in DCP 52 , however is considered appropriate and has the concurrence of Council.

Shoalhaven Planning Policy No. 1 – Development of Certain Residential 2(c) Land Milton Ulladulla SPP 1)

The requirements of SPP 1 are addressed in Appendix C. The proposal is generally consistent with the requirements and where the proposal is inconsistent with those requirements, it is considered acceptable..

The proposal is inconsistent with item 5.7.2 of the SPP 1 which requires an appropriate level of medium density development for the area of between 10% and 20% of total area of land (residential). It is considered that an appropriate level of medium density land is provided in the proposal, which though constituting only 3.12% of the land (6332m²) rather than between 10% and 20%, is considered appropriate given the lack of services in the nearby Burrill Lake village. The area of medium density land is located adjoining the neighbourhood park, is bounded by roads and is in close proximity to the collector road and future bus route. In addition, when the other stages of the larger site developed by this proponent are considered, 8% of the potential dwelling sites are for medium density (being 23 lots in Stage 1 directly to the north of the subject site).

NSW Coastal Policy 1997 and NSW Coastal Design Guidelines

The requirements of the Coastal Policy and Design Guidelines are addressed in Appendix C. The proposal is consistent with the requirements.

4.6 ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD) PRINCIPLES

There are five accepted ESD principles:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);
- (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and
- (e) improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).

The Department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

Integration Principle - The Integration Principle has been considered with the design providing appropriately for both the short and long term protection of sensitive environments, allowing for appropriate connections with the existing residential community and ensuring an equity of access throughout the subdivision.

Precautionary Principle - The precautionary principle has been used in consideration of the potential effects of climate change on the bushfire and flooding hazards on the site.

Inter-Generational Principle - The Intergeneration Principle has been considered, with the long term revegetation and protection of important areas of the site, including riparian corridors and Endangered Ecological Communities (EECs) ensuring the protection of these natural resources for the future. The use of appropriate design to minimise the impact of stormwater runoff and minimise water and energy use through stormwater harvesting and appropriate orientation of lots will also ensure future generations are not unnecessarily burdened.

Biodiversity Principle - The Biodiversity Principle has been considered in the protection of and revegetation of EECs and riparian zones on the site, ensuring an appropriate connection between these areas on the site, the adjoining nature reserve to the west and south and the important habitat areas and riparian zones on the adjoining site to the east.

Valuation Principle - The Valuation Principle has been considered with the siting of lots and water sensitive design providing pricing incentives for provision of rainwater tanks and passive solar designed dwellings.

The proponent is committed to ESD principles and has reinforced this through the Statement of Commitments and the EA which explores key ESD opportunities, including appropriate water sensitive design, recreation of riparian corridors along creeklines, revegetation and protection of EECs on the site and appropriate subdivision layout with regard to orientation to allow passive solar design (given constraints of the topography of the site).

4.7 OBJECTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The objects of any statute provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The Minister's consideration and determination of a project application under Part 3A must be informed by the relevant provisions of the Act, consistent with the backdrops of the objects of the Act.

The objects of the Act in section 5 are as follows:

- (a) to encourage:
 - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
 - (iii) the protection, provision and co-ordination of communication and utility services,
 - (iv) the provision of land for public purposes,
 - (v) the provision and co-ordination of community services and facilities, and
 - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
 - (vii) ecologically sustainable development, and
 - (viii) the provision and maintenance of affordable housing, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

Of particular relevance to the assessment of the subject application is consideration of the Objects under section 5(a). Relevantly, the Objects stipulated under section 5(a) (i), (ii), (iii), (v), (vi) and (vii) are significant factors informing the determination of the application. The project does not raise significant issues with regards to (i), (ii), (iii), (v), (vi) and (vii).

With respect to ESD, the Act adopts the definition in the *Protection of the Environment Administration Act 1991* including the precautionary principle, the principle of inter-generational equity, the principle of conservation of biological diversity and ecological integrity, and the principle of improved valuation, pricing and incentive mechanisms.

The Department has considered the Objects of the Act, including the encouragement of ESD in the assessment of the project application. The balancing of the project in relation to the Objects is provided in sections 5 and 3.7.

5 CONSULTATION AND ISSUES RAISED

5.1 PUBLIC EXHIBITION DETAILS

The major project application was exhibited from 11 October 2007 to 12 November 2007 for 30 days, and the exhibition was extended until 30 November 2007 to allow for an increase in the area notified. A Preferred Project Report was lodged on 18 February 2008 and as the changes to the nature of the project were not significant, it was not re-exhibited but was placed on the Department's website.

A total of nineteen submissions were received, comprising eight submissions from the public and eleven submissions from public authorities.

The nine submissions from the public included six letters of objection from residents from Dolphin Point, Ulladulla and Burrill Lake and three letters of support from Stage 1 within the subject site. Of the public authority submissions, three of the eleven submissions raised concerns, however these have been addressed in the Preferred Project Report or by conditions of the recommendation.

5.2 SUBMISSIONS FROM THE PUBLIC

5.2.1 Summary of issues raised in public submissions

The following issues were raised in the public submissions:

- Lack of provision for bicycles/paths and public transport;
- Housing styles in Stage 1 of development are inappropriate;
- Rezoning of the site should not occur;
- All of the Stage 5 land should be protected;
- The stormwater design should be water sensitive;
- The site is in Burrill Lake not Dolphin Point; and
- The site will be too overcrowded.

Discussion on the key issues from the above is in Appendix D of this report.

A summary of all submissions received can be found in Appendix D. The proponent responded to these submissions on 18 February 2008 and the proponent's response to submission is in Appendix E.

5.3 SUBMISSIONS FROM PUBLIC AUTHORITIES

The following submissions were received from public authorities:

Shoalhaven City Council

Council's submission, dated 4 February 2008, raised a concern that the site contained no specified areas for medium density and Council's SSP1 indicates that provision should be made for 10-20% medium density, which is supported by the Settlement Planning Guidelines which support a target of 30% medium density across the LGA. Whilst the proposal provides for a reduced level of medium density (3.12%), the area of medium density is well situated and is considered adequate given the village's lack of services and facilities. Higher levels of medium density development are better located in the coastal towns and cities as is happening in Ulladulla to the north.

The Council advised that the collector road should only be provided with a 9m wide carriageway as it only has housing on one side and the parking demand from the adjoining reserves will be minimal. This width will still cater appropriately for use as a bus route. A condition to this effect is recommended.

Council requested a condition that all roundabouts to be designed to make provision for pedestrians to cross the road at all splitter islands in accordance with the Austroads guidelines. A condition to this effect is recommended.

Council raised concern with the assessment of significance conclusions in relation to flora and fauna provided in the advertised Environmental Assessment as the amelioration impacts were not considered adequate. Concern was raised that the proposal would result in the degradation of an Endangered Ecological Community (EEC), identified as the *Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions*, due to insufficient buffers. Further concern was raised that the plans did not show the development area in relation to the EEC locations. It was recommended by Council that the proposal be redesigned to retain the EEC and provide a minimum 20m vegetated buffer to the areas, with the APZs located outside of the buffer. The 'Swamp Sclerophyll' EEC is located in a number of locations on the subject site including:

- North- east corner of Stage 2
- South portion of Stage 3
- Northern and Southern portions of Stage 5

The Preferred Project Report states that 0.95Ha of the EEC will be removed 1.10Ha is to be retained is now 1.10Ha. The area of EEC within Stage 5 is 8.23 Ha is to remain intact and is to remain intact.

It is noted that comments raised by Council were based on the original flora and fauna report. Council did not provide amended comments in relation to the new plans contained within the Preferred Project Report, which provide APZs within road reserves and which provides for offset revegetation of riparian and other areas and dedication of the EEC and riparian areas (together with other land) to Council to ensure its long term protection. It is noted that DECC raised no concerns with the impact on flora and fauna, being satisfied with the offsets proposed.

Council provided information on the potential impacts of flooding, indicating that the lower part of the property is classified as high hazard flood storage and should not be subdivided unless sufficient flood free land can be provided on each lot. In this regard the 1% AEP flood level is 2.6m AHD and the planning flood level is 3.1m AHD. A condition of approval is recommended requiring all low lying lots to have a freeboard level of RL 3.25m AHD (also providing sufficient allowance for climate change considerations, which have minimal effect on the site due to its distance from the foreshore and other waterways).

Council also provided details of the s94 contributions applicable to the site, which have been applied to the recommended conditioning as is discussed in relation to section 5.15 of this report.

Rural Fire Service

The submission, dated 15 October 2007, raised no objection to the proposal subject to conditions, including a condition requiring the provision of an alternative means of egress/access in the case of a bushfire. In response to this concern the proponent supplied a sketch of the proposed alternative egress/access route and the RFS indicated that the route was acceptable.

Roads and Traffic Authority

The submission, dated 4 December 2007, requested additional information in relation to the cumulative traffic impact, including the development of the adjoining undeveloped land (zoned Living Area and subject to a current project application); details of when the traffic counts occurred; and an assessment of turning paths and sight distances at intersections. After receipt of the above information the Roads and Traffic Authority indicated it had no objection to the project in principle.

NSW Health

The submission, dated 26 November 2007, indicated the development would be likely to generate a demand from approximately 39 additional hospital admissions per annum if the current level of 57% occupancy and 43% holiday rentals is maintained up to a maximum of 68 admissions assuming 100% occupancy. Given this level of demand, NSW Health has advised that the enhancements at both Milton-Ulladulla and Shoalhaven District Memorial Hospitals would more than ensure adequate services were available for the proposed development.

Shoalhaven Water

The submission, dated 22 November 2007, indicated the development could be supported by the water supply and sewerage systems and requested that any approval be conditional upon the developer obtaining a Certificate of Compliance. Such a condition is included in the recommendation.

Department of Environment and Conservation

The submission, dated 22 November 2007, indicated the proposal was generally acceptable in relation to Aboriginal archaeology. In relation to flora and fauna, confirmation was sought that a condition of any approval would require the dedication of the Stage 5 land to Shoalhaven Council and a condition to this effect is recommended. Clarification was sought as to whether a fire trail was to be constructed through the Stage 5 land and if so it was requested that an assessment of the impacts of such upon the endangered ecological communities be submitted for assessment. In this regard the applicant provided additional information to which DECC has indicated there is not objection to the location of the fire trail.

Finally, it was requested that conditions of approval ensure the development will implement water sensitive urban design, provide adequate protection of the riparian zones and be consistent with the intent of the Burrill Lake Estuary and Catchment Management Plan. Conditions addressing the stormwater design and riparian zones are included in the recommendation and the proposal satisfies the intent of the Plan.

Department of Planning – Southern Region

The submission, dated 18 January 2008, raised concerns with the timing of works within the project application, seeking for the pedestrian/cycle path and the stormwater works in Stage 5 to be part of the Project Application.

The Preferred Project Report has addressed this and the construction of the pathway will be required at the earlier stages.

Concern was raised that the stormwater works within land zoned 6(b), 7(a) and 7(d2) were prohibited. However the provisions of clause 26(3) of SLEP 1985 allows for the construction of stormwater devices which are to be used principally for the purpose of soil and water management or water pollution control despite the provisions of the plan, subject to provisos, which are satisfied, which is the case.

Concern was raised that the land in the proposed 7(d2) zone should not be subdivided for private ownership, but should be retained as one parcel in public ownership. The Preferred Project Report achieves this, with the land to be consolidated with the 6(b) and 7(a) land and dedicated to Council.

It was requested that the application be considered in the light of clause 40D of SLEP 1985 and the provisions of SPP 1, both of which are considered in Appendices B and C. Clause 40D of SLEP 1985 is a site specific clause and addresses staging, water quality, drainage and flora and fauna. It is considered that the proposal satisfies the requirements of cl 40D of SLEP 1985.

Department of Water and Energy

It was requested that the riparian zone to surround the western creek be increased in width to 30m either side of the bank and that it exclude roads (other than crossings), paths, infrastructure and Asset Protection Zones. It was recommended that the riparian zone, up to and including the banks of the dam, be revegetated and that drainage infrastructure be located outside the riparian zone. The Preferred Project Report and recommended conditions satisfies these requests and provides for only a single road crossing (with associated infrastructure) within the riparian zone.

Department of Education and Training

In its response, dated 30 November 2007, it was advised that the proposal will result in a direct additional student demand equivalent to one additional primary school class and one to two additional secondary school classes. It is noted that the major part of the site has been zoned to permit development and the most recent LEP was commenced well before consideration of the need for regional infrastructure levies.

Department of Primary Industries

In its response, dated 12 November 2007, it was requested that any creek crossings be designed to allow for the passage of fish and a condition of approval to this effect is recommended.

Department of Lands

In its response dated, 5 November 2007, no objections were raised subject to no access/activities occurring on the adjoining Crown land, located to the immediate west and south of the subject site. A perimeter road is proposed to surround the Crown land and a condition of approval requires the land to be fenced, allowing for surveillance of the adjoining Crown land and minimising opportunities for unauthorised use (eg. by annexing parts of Crown land to increase the size of a backyard).

6 ASSESSMENT OF ENVIRONMENTAL IMPACTS

Key issues considered in the Department's assessment of the Environmental Assessment and the Preferred Project Report, together with consideration of the proponent's draft Statement of Commitments are addressed following:

6.1 REZONING AND PROPOSED DEVELOPMENT MIX

The rezoning required for Stage 3 of the proposal was gazetted on 22nd February 2008 which makes Stage 3 permissible with consent.

The existing zoning over the Stage 2 portion of the site is 2(c) Living Areas and permits a range of residential uses, including the low density housing that will eventuate after the subdivision and the medium density housing that will eventuate in the areas specified in the Preferred Project Report. There are no inconsistencies between the proposal and the current zonings.

In rezoning the Stage 3 land, the Council was directed to reflect agreements in this application when preparing the Shire's comprehensive LEP. This means that the remnant 6(b) land should be eventually rezoned to as Environment Protection.

6.2 CONCEPT APPROVAL FOR DEVELOPMENT AREAS ON STAGE 5 LAND

Notwithstanding that the whole site was the subject of a concept plan authorisation, the only aspect of the application that is not covered by the project application and that has been assessed only 'in concept' is the identification of three areas where development may be able to occur in the future on the Stage 5 land. The proponent initially advised that the areas should be available for future tourism uses.

The three potential areas for development, for which concept approval is sought on the Stage 5 land, have been determined by constraints mapping after eliminating the following portions of the land as being unsuitable for development:

- Riparian corridor
- Regrowth Paperbark scrubland
- Remnant Spotted Gum forest and Bangalay-Banksia forest/woodland
- Water quality treatment pond (ie existing dam)

Given the ecological sensitivity of the development sites, it is considered that they provide limited opportunities for recreation based activities only and that uses for tourism facilities (as currently permissible in the 6(b) Private Recreation zone) are inappropriate. Accordingly, a modification to the concept plan is recommended allowing the three areas only to be used for community facilities and structures for educational and recreational purposes which assist in promoting and interpreting the area's ecological or Aboriginal heritage values. This is to be reinforced through the application of a section 88B Restriction on the title.

The potential for future development on the three parcels is limited, given that the land is zoned part 6(b) Private Recreation and part 7(a) Environment Protection, its sensitivity in terms of flora and fauna and the fact that the Stage 5 (Precinct C) area is to be dedicated to Council.

The extent of uses outside the three development areas should be limited to works for landscaping, drainage, pathways, services, bushfire trails and bushfire hazard reduction. This will also be reinforced through a modification to the concept plan and through a condition on the project application requiring a Restriction as to User s88B instrument on the title of the land.

It is noted that in rezoning the Stage 3 land, the Council was directed to zone the remaining 6(b) Recreation Private land to Environment Protection in their comprehensive LEP, which will mean that all of the Stage 5 land will eventually be zoned Environment Protection.

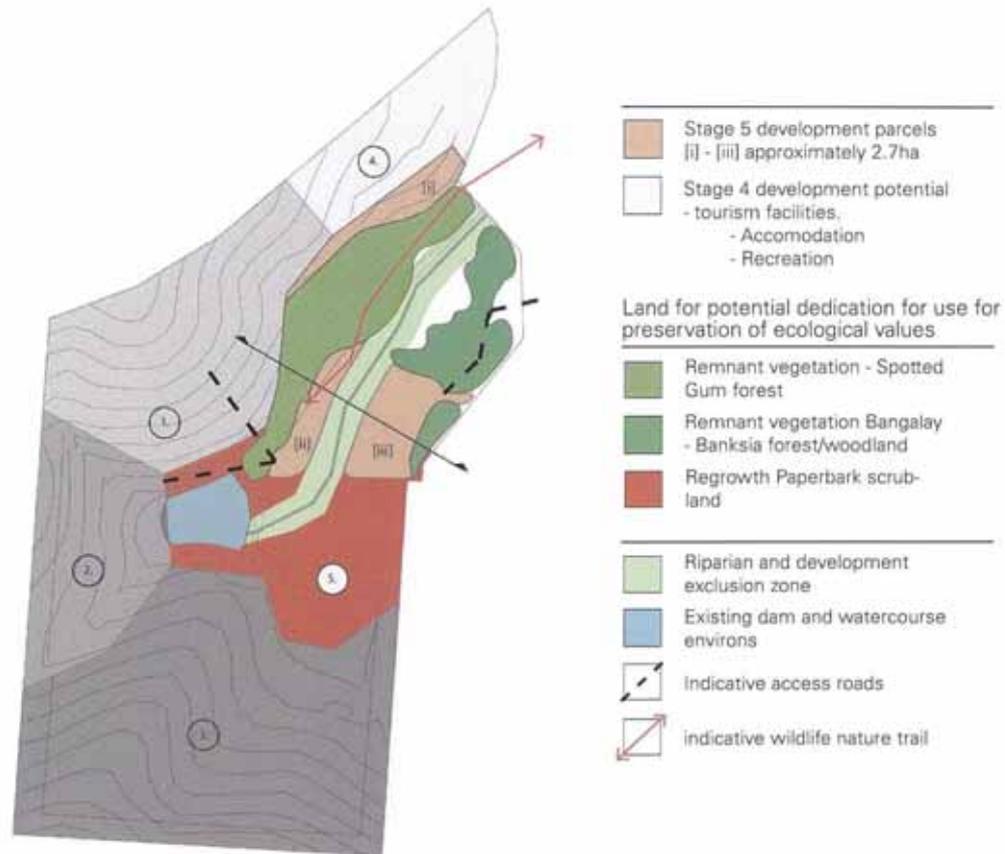


Figure 7: Plan showing location of three potential development areas in Stage 5

6.3 DEVELOPMENT ON LOT 171 DP 1081810, HIGHVIEW DRIVE, DOLPHIN POINT

6.3.1 Impact Should Adjoining Site be Developed

The site to the east is subject to a subdivision application for 142 lots (MP05_0024) by Allen Price & Associates on behalf of Malbec Properties. This application was advertised, but has been deferred at the request of the proponent, pending the submission of updated flora and fauna information.

The identified collector road connection will allow for connectivity between the two residential areas. A greater level of connectivity is not appropriate given the existing creek running between the two sites, which is to be retained in a revegetated riparian corridor.

The location of the future connection of the collector road has been moved further northward in the Preferred Project Report than it was in the original proposal to allow for the resolution of the outstanding flora and fauna issue on the Malbec site. Currently, both DECC and Council have indicated the portion of the adjoining site where the connector road was originally proposed contains significant flora and fauna and is not suitable for subdivision. When the flora and fauna issue is resolved, the proponent of the adjoining site can redesign to connect at the more northerly point or seek to have the location point moved further southward through negotiation with Elderslie Property Investments Pty Ltd., The proposal will have no other significant impacts on the development of the adjoining site to the east. However, should the site to the east redevelop, the need for the fire trail through Stage 5 would be removed and it could be revegetated. It is therefore appropriate that a condition of approval require the payment of a bond to remove the fire trail and revegetate the area, should the development to the east occur. The condition requires the preparation of a Vegetation Management Plan for the works and requires the works to be costed to calculate the value of the bond. It is appropriate that the holding of this money by Council be limited to a finite time period, and as such a condition is recommended requiring

the money to be paid at the completion of the final stage of works and surrendered by Council should an approved development not commence on the adjoining site within 5 years of that time. Should the development commence within the specified timeframe, Council would use the money to have the fire trail removed and revegetated (noting that by that time the fire trail would be located on Council land, as the land would have been dedicated).

6.3.2 Impact Should Adjoining Site not be Developed

The site to the east is zoned Residential 2(c) under the SLEP 1985 and the proponent is actively pursuing finalisation of their proposal with the aim of obtaining subdivision approval. However, there are a number of environmental issues on that site, and no approval has yet been given, so consideration has been given in this application to the situation should no development occur on the adjoining site to the east. The subject development has been designed to operate appropriately without connection to the existing residential areas to the east. The design incorporates an appropriate alternative bus route along the perimeter road to allow a bus to loop through the subdivision and re-enter Dolphin Point Road.

An alternative means of access/egress through Stage 5 has been proposed for use in the case of a bushfire, which will ensure an appropriate level of accessibility should the adjoining site not be developed. Appropriate APZs are proposed for the lots within the eastern portion of the site, assuming the adjoining site is not developed. Finally, an assessment has been made of the existing road network, which was recently upgraded with the construction of Stage 1 on the subject site, and it has been found to be capable of handling all traffic from the subdivision if the connection to the east does not occur.

6.4 STAGING

The staging of the proposal as shown in the advertised EA appears to have been originally determined by the need to gain rezoning approval for the Stage 3 land and as such it was sought to develop the Stage 2 land first, despite it being further removed from the existing Stage 1 subdivision.

The staging of the approved project should be amended to allow an orderly extension of development from the existing Stage 1 subdivision. Accordingly, the proponent has agreed to a condition reversing the order of staging as shown in the Preferred Project Report (see Figure 4), requiring Stage 3 to be developed (together with the implementation of the VMP to revegetate the western creek), prior to the development of Stage 2. The proposed sub-staging of Stage 2 has also been altered as a result of the changes to the layout of this portion of the subdivision, to allow for the orderly release of the land. The Statement of Commitments, together with the recommended conditions will ensure that the appropriate facilities (eg. Park and landscaping) will occur with the staging of the development and will not be left until the end of the works.

To reduce confusion, in the recommended conditions of approval, Stage 3 will be referred to as Precinct A, Stage 2 as Precinct B and Stage 5 as Precinct C.



Figure 8 Proposed Sub-staging of Stage 2 (as amended by the Preferred Project Report, dated 18 February 2008)

6.5 PUBLIC OPEN SPACE

The proposal will result in the dedication of a significant amount of public open space to Council. The two riparian corridors (eastern and western creeks) are to be revegetated and consolidated with the remnant 6(b) and 7(a) zoned land (Stage 5), including the wetland, and are to be dedicated to Council. The Stage 5 land is to be partially revegetated (as part of proposed offset planting) and cycle/pedestrian paths are to be provided through the land as part of this project application. The cycle/pedestrian paths will provide a more direct route to Dolphin Point Road, and thence the beach, for the residents of the subdivision.

The works within the Stage 5 land are to be carried out progressively throughout the stages of the subdivision, with the drainage works first, then construction of the fire trail and cycle/pedestrian paths and then finally the revegetation work. Such a progression of work is appropriate and is a condition of this recommended approval.

Further, it is proposed to create a small neighbourhood park located roughly in the centre of Stage 2, which will also be dedicated to Council, which will be provided with child play equipment, landscaping, a shade structure and seating (at the developer's expense). The park will have excellent pedestrian/cycle access with the inclusion of two mid-block pathways. The pathways are to be 3.5m wide, allowing a 2m wide path with landscaping on either side. The pathways are to have appropriate low landscaping of one side and undercut trees on the other side, have lighting and are short and straight in order to reduce the potential for safety issues.

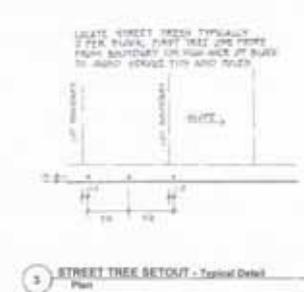
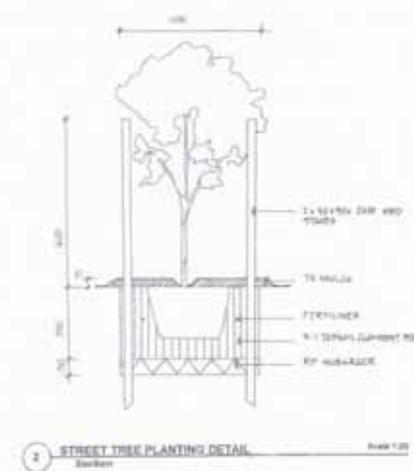
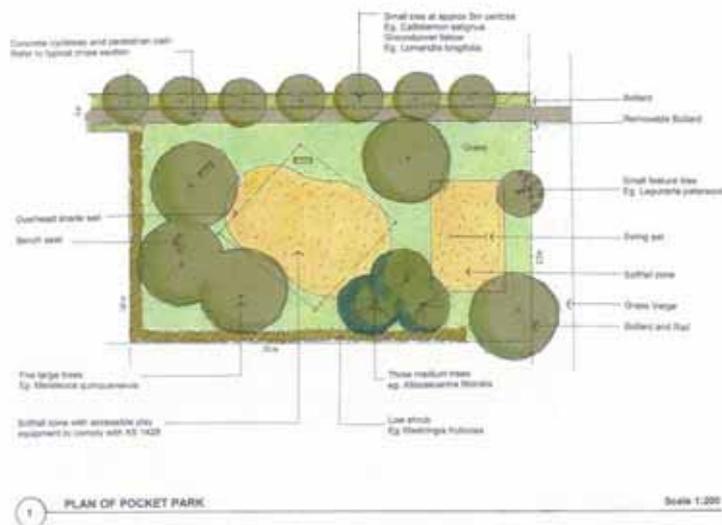


Figure 9: Proposed neighbourhood park with child play equipment

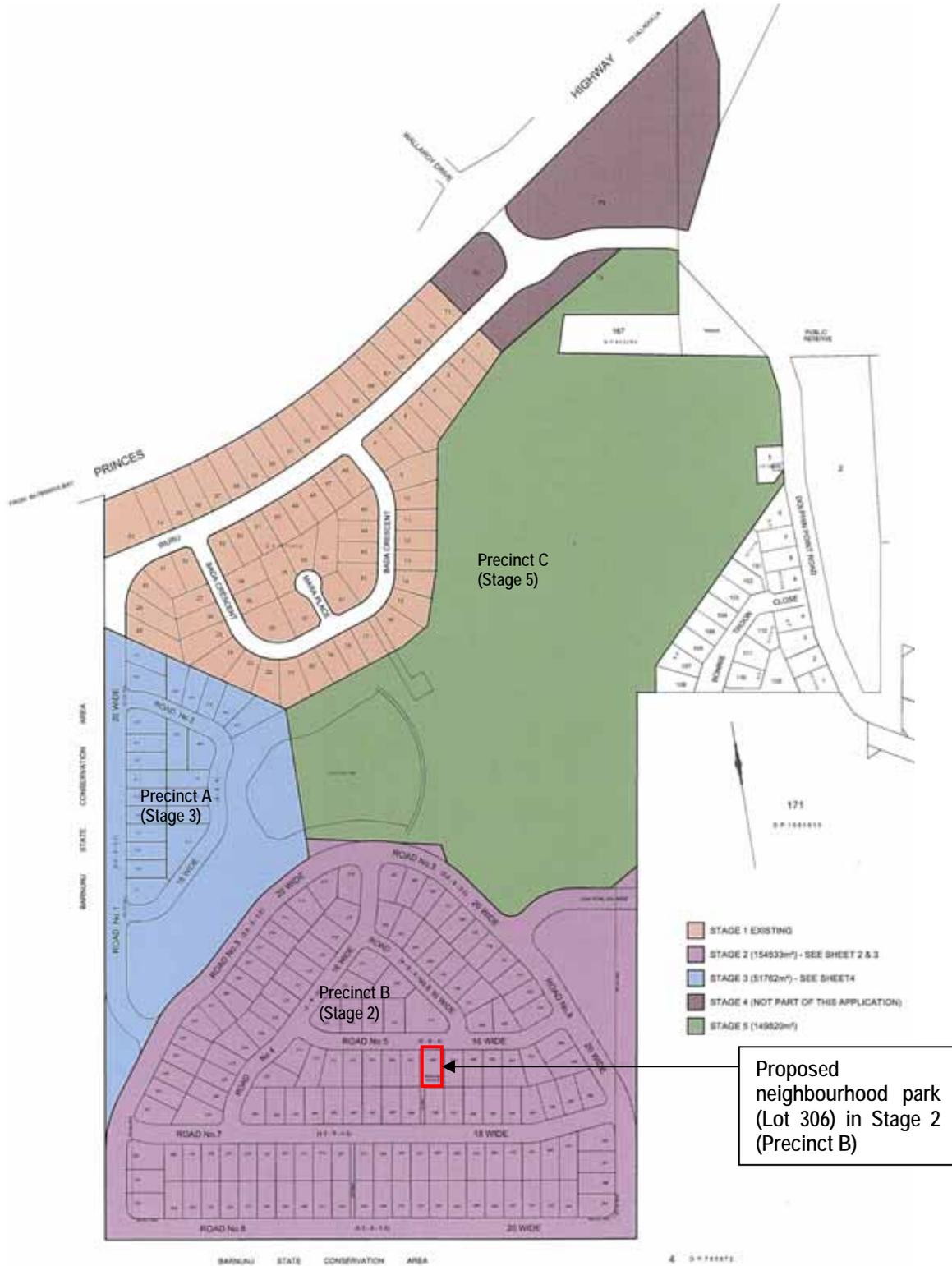


Figure 10: Proposed location of neighbourhood park in Stage 2 (Precinct B)

It is also proposed to include a condition of consent requiring the embellishment of an area between the dam, Road 2 and proposed Lot 407 within Stage 3 as an informal park. The park is to be a generally grassed area of a minimum 1000 m² and to include appropriate picnic facilities, toilets and access paths.

6.6 TRAFFIC IMPACTS

6.6.1 Operational

The original traffic impact assessment lodged was considered to be inadequate by the RTA and additional assessment of cumulative impacts (particularly in holiday periods) and intersection capacity was requested. The RTA's assessment of the submitted additional information was that it had no objection to the proposal in principle.

Comments on the proponent's street layout were provided by Council and raised concern in relation to the location of the collector road and its connection point with the proposed subdivision to the east. This concern has been addressed previously within this report and the amended plans have relocated the collector road.

Some minor modifications of the internal road layout were requested by Council and these have been satisfactorily addressed in the Preferred Project Report.

Finally, Council requested the inclusion of two mid-block pedestrian/cycle paths in the two southernmost street blocks. These paths are to improve permeability of access by pedestrians and cyclists to the neighbourhood park, bus route, dedicated open space and thence the beach via Dolphin Point Road. The Preferred Project Report provides appropriate paths, 3.5m wide, allowing a 2m wide pavement and landscaping on either side.

6.6.2 Construction

During construction, traffic will need to travel along Wuru Drive through the Stage 1 (completed) component of the subdivision and then onto Dolphin Point Road and the Princes Highway. Accordingly, residential properties passed on the route to the highway are those in Stage 1 and there are currently few dwellings constructed.

The purchasers within Stage 1 were aware of the future stages at the time of purchase (according to submissions received) and as such were aware of the need for future construction works. Given the limited number of residents to be affected and the lack of alternative access routes, the route through Wuru Drive is appropriate.

6.7 URBAN DESIGN, VISUAL IMPACT AND SUSTAINABILITY

6.7.1 Integration with adjoining site to the east

The major issue of integration with potential future development on Lot 171 DP 1081810 (the other major project application, MP05_0024, adjoining to the east of the site) is one of connectivity. Given the topography of the site and the location of the eastern creek between the two development parcels, connectivity is appropriately achieved by a single collector road connection.

The project application as advertised provided a collector road as a perimeter road along the western, then southern, then eastern boundaries of the site, allowing future connection with the site to the east about half way up the eastern boundary of Stage 2 of the proposed subdivision.

Council's DCP provided an indication of where the proposed collector road should have been located. However subsequently a need to potentially locate the connection point further northward due to flora and fauna issues on the adjoining site to the east was identified and Council's traffic engineer indicated a preference for the road to be located as a boundary road to the Stage 5 open space area. The Preferred Project Report relocates the road accordingly.

The location of the proposed collector road on the subject site has been altered such that it runs along the southern boundary of the Stage 5 land (future public open space) and accommodates the desire for flexibility of location for the connection with the adjoining site to the east.

This collector road will ultimately provide the residents of the proposed subdivision with two alternative routes for access/egress to the site and will provide the route for a bus service to the area in the future.

Until the adjoining site to the east is developed, the perimeter road around the development could be used as a bus route, with adequate road reserve widths provided.

As the portion of the site where the collector road will connect with a future development to the east is in a riparian zone and given the uncertainty of the location of the connection (due to flora and fauna issues on the

adjoining site), it is inappropriate for the portion connecting to the adjoining site to be constructed at this stage. Rather, it is appropriate to dedicate the land to Council and make provision for its construction at a future date.

It is recommended that a condition of approval require the proponent to construct the road to the crossing of the eastern creek (stopping short of the crossing) and to pay half of the cost of the crossing, with the developer of the adjoining site paying for the other half and the portion of the road between the crossing and their site.

Should the development on the adjoining site not proceed before the completion of the subdivision on the subject site, a condition of approval is recommended requiring the payment to Council of the cost of the works to be held for a maximum of 5 years. The condition requires a costing for the works to be provided by the proponent and for the purposes of a bond. . If the development on the adjoining site proceeds within the 5 year period, the money is to be used by Council for the construction works. If the subdivision has not commenced in that timeframe, the money is to be returned to the developer and the whole cost of the works is to be borne by any future developer of the adjoining site.

6.7.2 Design

The principles contained in the *Coastal Design Guidelines for NSW*, *NSW Coastal Policy* and *SEPP 71* have all been satisfied by the proposed design. The design is appropriately energy and water efficient with generally well oriented lots (where topography allows) and utilizing sensitive water design (incorporating minimization and reuse of stormwater through water tanks and water quality treatment).

The design is appropriately safe, with pathways located to allow for surveillance by future dwelling occupants, with appropriate lighting and with a neighbourhood park located to allow a good level of casual surveillance.

The relationship with the existing residential area will be formed once the site to the east is developed and the collector road will connect through that site to the existing residential area.

The site is fairly well screened from public spaces (ie beach and lake) due to retained vegetation in Stage 5 and due to the existing approved Stages 1 and Stage 4. An excellent public precinct is created in the provision and protection of the riparian zones and wetland vegetation in Stage 5. The open space is complemented by the proposed neighbourhood park and is linked by a proposed pedestrian/cycle path system to each other, the subdivision and thence the beach.

6.7.3 Visual Impact

As the proposal involves only subdivision and as such construction works are limited to the provision of roads and infrastructure, the works will not be visually prominent. Once dwellings (of up to two storey construction) are built on the site, they may be partially visible from outside the subdivision area, however they will largely be screened by existing and proposed vegetation within the Stage 5 site and by development within the Stage 1 and Stage 4 areas of the site (neither of which are part of this proposal). In order to further limit the visual impact of future dwellings on the site a condition of approval is recommended in both the concept and project approvals, requiring future buildings to be constructed predominantly using materials and colour that are muted and will blend in with the surrounding bushland.

6.8 IMPACT ON INFRASTRUCTURE

6.8.1 Sewerage

The proponent has had ongoing discussions with Shoalhaven Water in relation to the provision of sewerage facilities within the subdivision. In its letter of 22 November 2007, Shoalhaven Water indicated that the development can be supported by the sewerage system. Shoalhaven Water request the inclusion of a condition requiring the proponent to obtain a Certificate of Compliance and such a condition is recommended.

6.8.2 Water Reticulation

The proponent has had ongoing discussions with Shoalhaven Water in relation to the provision of water within the subdivision. In its letter of 22 November 2007, Shoalhaven Water indicated that the development can be supported by the water reticulation system. Shoalhaven Water request the inclusion of a condition requiring the proponent to obtain a Certificate of Compliance and such a condition is recommended.

6.9 BUSHFIRE

6.9.1 Design

Since lodgement of the project application the Planning for Bushfire Protection Guidelines 2006 have been introduced. The proponent has taken the opportunity to update the proposal in the Preferred Project Report in relation to the new guidelines. The Rural Fire Service (RFS) included a condition requiring an alternative access/egress trail in the event of bushfire. The preferred project report provided a sketch of a proposed fire trail, which is located across the Stage 5 land. The proposed trail is to follow the line of the sewer to minimize impact on the flora and fauna on the site.

The RFS has raised no objection to the proposal subject to conditions, which have been included in the recommendation.

6.9.2 Construction Requirements

The Rural Fire Service have requested a condition in relation the construction standards of future dwellings on the site. A condition of approval is proposed placing a restriction on the use of the affected properties, requiring the dwellings to be constructed in accordance with the RFS requirements.

6.9.3 Ongoing Management

The RFS has requested the inclusion of a condition in relation to management of the APZs and this condition has been included in the recommendation.

6.10 DRAINAGE, HYDROLOGICAL REGIME AND FLOODING

6.10.1 Stormwater Design

The stormwater design incorporates retention of the eastern and western creeks, but removes the centrally located overland flow path to the northern portion of the site and pipes it. This approach is supported by DECC and DWE and is considered appropriate to the site despite the inconsistency with SPP No. 1 in relation to the piping of the overland flow path. Council has not raised any objection to the variation to its policy in this regard.

6.10.2 Flood Liability

The development and its design have been assessed in relation to the potential for flooding to affect the proposed lots. However, given the relatively sloping nature of the site and its distance from Burrill Lake, the assessment has shown that none of the allotments are likely to suffer from flooding impacts in the 1:100 year event. To ensure that this is the case and to address impacts of climate change, a condition setting a minimum flooding planning level for future dwellings on the site is recommended, based on the 100 year Annual Recurrence Interval (ARI) flood level, plus a freeboard of 500mm.

6.11 IMPACT ON WATER QUALITY AND SEDIMENTATION CONTROL

The water quality control assessment prepared by Patterson Britton & Partners indicates that the water will be treated to an appropriate level. The targets set for the treatment of an 80% reduction in suspended solids, 45% reduction in Total Phosphorus and 45% reduction in Total Nitrogen were assessed as being appropriate by the Department of Primary Industries in terms of impacts upon the waterways in the area.

It is appropriate that the water quality be monitored by the developer throughout the construction phase of the development and for the first 12 months after completion of the development, to ensure the quality of water entering the wetland and thence Burrill Lake is appropriate. Conditions to this effect are recommended.

The proposed sedimentation controls during construction largely rely on the use of the existing dam as a sedimentation basin (later to be converted to a water quality control pond). Monitoring and maintenance of this basin will be required during construction, including removal of sedimentation at appropriate intervals and after significant storm events. Conditions to this effect are recommended.

6.12 IMPACT ON WATERWAYS AND ESTUARY MANAGEMENT

6.12.1 Riparian Zones

Concerns were raised with the initial project application design in that insufficient riparian zones were proposed around the eastern and western creeks that were to be retained as part of the proposal. Concern was also raised that roads, Asset Protection Zones (APZs) and subdivisions were to occur within the riparian zones and that mapping of the zones was not clear, providing no indication of the widths of the zones, nor of the encroachment by roads and APZs.

The Preferred Project Report submitted resolved these concerns by altering the interface between the riparian zones and Stages 2 and 3 of the subdivision. The Preferred Project Report provides for a 60m wide riparian zone (30m either side) for the western creek and a 40m wide riparian zone (20m either side) for the eastern creek.

The road layout has been redesigned such that only one road occurs in the riparian zone to the western and eastern creeks, being the collector road that crosses the creeks at right angles, thereby minimizing the impact on the riparian zone. The design now ensures that the APZs are all contained within the road reserves and residential lots do not impact on the riparian zones.

Finally, it is now intended to revegetate the riparian zones (under a Vegetation Management Plan) and to consolidate these areas with the 6(b) and 7(a) land (Stage 5) and to dedicate the land to Council.

The combination of these amendments and proposed works, together with the dedication will ensure the protection of the creeks and their riparian zones. Further, the provision of the riparian zones will ensure the connectivity of the 7(a) land in Stage 5 with the nature reserve to the west and south of the site, as well as allowing for connection to future areas of riparian vegetation and retained vegetation on the adjoining site to the east.

6.12.2 Water Sensitive Urban Design

The proposal seeks to incorporate the principles of water sensitive urban design (WSUD) by proposing to minimize runoff from the site, treat the water onsite and reuse water where possible. It is proposed that all new dwellings on the site be provided with 4,000L rainwater tanks. The Statement of Commitments includes a requirement for the creation of an 88B instrument over the lots to require the provision of a 4,000L rainwater tank with plumbing to allow its use for toilet flushing and clothes washing as well as in the garden. The provision of the rainwater tanks serves three purposes, being to reduce the amount of stormwater runoff from the site, to allow the reuse of that stormwater and to reduce the water consumption of each household.

The stormwater that is not captured in the rainwater tanks and runoff from the road system is to be piped to a gross pollutant trap and thence a bio-retention basin to allow for the removal of debris, some smaller sediments and some nutrients. After treatment in the bio-retention basin, the stormwater will then travel to the water quality control pond where further small sediments and nutrients are removed. The water from the water quality control pond will then enter the wetland area in a treated or "polished" form, ensuring retention of ecologic flows of water to the wetland and appropriately treated flows to Burrill Lake.

6.13 IMPACTS ON THREATENED SPECIES AND CORRIDORS

The flora and fauna assessment carried out for the site revealed that there is little of significance on the majority of the site outside the proposed riparian zones and 7(a) and 6(b) land to be dedicated to Council.

There is a small area of disturbed native vegetation that will be lost as a result of the proposal, containing 0.95 ha of Swamp Scelerophyll Forest (an endangered ecological community – EEC), including Disturbed Paperbark Shrubland, Regrowth Paperbark Shrubland and Bangalay Swamp Forest. The report indicates that an appropriate offset strategy for the loss of this vegetated area would be the revegetation of an equivalent area of land within the Stage 5 area of the site. The report indicated that the work should concentrate of the drainage lines and aim to extend and connect existing occurrences of the EEC. A condition to this effect is recommended, requiring the proponent to carryout 1ha of offset planting prior to the dedication of the land to Council, and the findings of the report are supported by comments received from the Department of Environment and Climate Change (DECC).

However DECC raised a concern over the potential for the provision of a fire trail within the Stage 5 land and its impact on flora and fauna.

Details of the fire trail were amended by the proponent and it is now proposed for the fire trail to follow the route of the sewer line up to Dolphin Point Road. DECC has subsequently indicated that they have no objection to the new location of the fire trail.

The flora and fauna assessment also contained recommendations to minimise impacts due to the proposal by restrictions on cats and dogs and fencing of the boundary with the Crown land to the west and south, which are included as conditions in the recommendation. The recommendation of the use of She-oaks in landscaping has been addressed by the landscape plans which show the use of Black She-oaks along the western and southern boundaries of the site and by the Statement of Commitments.

6.14 CONTAMINATED LAND AND ACID SULFATE SOILS

Preliminary investigations have been carried out by consideration of previous land uses to determine whether the site is likely to contain any areas of soil contamination. These preliminary investigations revealed it to be unlikely that the site is contaminated and soil samples taken in the Stage 2 and 3 areas were found to be below the soil investigation levels or practical qualification limits for heavy metals and pesticides.

The report found that it was likely that excavation of alluvial soils below RL3.5 would require an acid sulfate soil management plan. Further, a recommendation of the report was for additional environmental assessment of the dam (which is to be used as a sediment basin and then converted to a water quality control pond) during subdivision earthworks (including water and sediment quality) prior to onsite reuse or off site disposal. A condition to this effect is recommended, together with a requirement for the preparation of an acid sulfate soil management plan for works below RL 3.5.

6.15 ABORIGINAL CULTURAL HERITAGE VALUES

Various studies have been undertaken over several years including an archaeological test excavation (for which a permit was granted by DECC). The results of the investigations show the location of a number of middens, which largely appear to be single meal events, though one appears to be a site used for more than a single meal event.

The studies concluded that the location and/or significance of the sites are not such that they would prevent the proposal from proceeding. Comments by DECC in this regard concur with the findings of the report.

An assessment against cl. 8(l) and (n) of SEPP 71 in relation to cultural values and Aboriginal heritage has found the project to be acceptable, with an appropriate Aboriginal Heritage Management Plan provided.

6.16 SECTION 94 AND OTHER CONTRIBUTIONS

Council has provided a list of applicable s94 contributions, and it is considered appropriate to apply a condition requiring a cash contribution for all of the applicable s94 contributions, with the exception of the contribution for provision of informal recreation facilities at Dolphin Point.

Discussions with Council's planner responsible for s94 contributions revealed that a cash contribution for this category is not the preferred method of satisfying the contribution due to the need for Council to then purchase and embellish land. It was advised that it was Council's preferred position that the developer provide for this contribution with works in kind rather than a cash contribution.

The contribution required for the informal recreation facilities at Dolphin Point for the project are \$1,856.98 per allotment, equating to a total of \$302,687.74. Council has advised that this contribution is derived from a requirement for the provision of 3,950m² of usable open space (including embellishment). The Preferred Project and the recommended conditions of approval, to which the proponent has agreed, provides for the following areas of embellished open space:

- Dedication of neighbourhood park with swings and child play equipment, seating and shade structure (770m²);
- Provision of informal park with BBQs, picnic tables and chairs, toilet, bubbler, rubbish bins and grassed area suitable for informal ball sports (1000m²) to be incorporated within the dedicated nature reserve (Stage 5); and

- Dedication of nature reserve to incorporate riparian zones and wetland area and to be provided with a network of pedestrian/cycle paths providing access from the subdivision to Dolphin Point Road and thence the beach (16.87ha).

Given the proposal (as conditioned) incorporates 1,770m² of embellished informal recreation facilities and an extensive nature reserve incorporating further opportunities for passive/active activities such as walking and cycling, it is considered that the works in kind will adequately satisfy the requirement for provision of 3,950m² of usable open space. A condition requiring the provision of the works in kind as a contribution towards recreation facilities and the cash contributions is recommended, in accordance with Council's s.94 Contribution Plan.

6.17 CLIMATE CHANGE

The applicant was requested to provide a report considering the impacts of climate change upon the proposal. The report, prepared by Worley Parsons, addressed flooding, sea level rise and increased rainfall intensity and provided an amended stormwater disposal design to address the amended subdivision plan contained in the Preferred Project Report. The report found that the previously proposed flood planning level of RL3.25 AHD (which includes a 500mm freeboard on the 100 year ARI flood level) would adequately cater for the impacts of climate change upon the site. A condition of approval is recommended requiring a flood planning level of RL3.25 AHD on all low lying lots.

6.18 COMMENTS ON DRAFT STATEMENT OF COMMITMENTS

The application contains a Statement of Commitments and the Preferred Project Report contains some additional commitments. The commitments made are considered to be acceptable with the exception of the following commitments, which need to be altered or augmented by way of recommended conditions as are detailed following.

The Statement of Commitments as lodged and exhibited with the original EA (no revised Statement was lodged as part of the Preferred Project) are modified by the conditions of approval including as follows:

- Commitment No 5 is no longer necessary as a landscape plan has now been submitted and is considered acceptable.
- Commitment No. 7 in relation to speed control devices on roads is supplemented by Condition B9.
- Commitment No 8 in relation to maintenance of APZs is replaced by Condition E8.
- Commitment Nos 12, 14, 15, 22 and 23 in relation to stormwater control devices are altered by the recommended conditions to refer to the amended stormwater plans given the change to the layout.
- Commitment No. 18 is altered by the recommended Conditions D1 and D11 requiring a period of maintenance of the water quality control devices and monitoring of water quality by the developer.
- Commitment No. 30 is replaced by the requirement to dedicate the land to Council, Condition E18.
- Commitment No. 32 in relation to the revegetation of riparian corridors is supplemented by Conditions B16, E 15 and E16.
- Commitment No. 35 in relation to the provision of fencing to the adjoining nature reserve is to be supplemented by Condition C2.
- Amended Commitment Nos 2 and 4 in relation to the payment for the collector road connection with the site to the east and provision of the works within Stage 5 are replaced by Conditions B15, B17, B18, E6, E10, E13, E17 and E21.

6.19 PUBLIC INTEREST

The proposal is not contrary to the public interest. In this regard it is considered that the proposal serves the public interest by the orderly provision and release of serviced residential land that is well designed and provides appropriate linkages to facilities and services. The public interest is also served by the ongoing protection and rehabilitation of riparian and wetland environments on the site and the re-establishment of wildlife corridors between these environments and the existing nature reserve to the south and west.

7 CONCLUSION

The Department has assessed the EA and considered the submissions in response to the proposal. The key issues raised in submissions related to riparian zones, the location of the collector road, integration with existing and future subdivisions, protection of significant flora and fauna and management and mitigation of construction impacts have been addressed through either the Preferred Project Report or recommended conditions of approval to ensure the satisfactory addressing of these issues and minimal impacts as a result of the proposal.

The proposed development will allow for the provision of additional developed residential land to allow for future growth in the region and will result in the protection of the riparian and wetland environments on the site. Furthermore, concept and project applications have largely demonstrated compliance with the existing environmental planning instruments.

On these grounds, the Department considers the site to be suitable for the proposed development and that the project is in the public interest. Consequently, the Department recommends that the project be approved, subject to the recommended concept plan modification and conditions of approval.

8 RECOMMENDATION

It is recommended that the Minister:

- (A) Approve the concept plan for the project, under section 75O *Environmental Planning and Assessment Act, 1979*, subject to modifications of the concept plan; and sign the Determination of the Major Project (**tag A**).
- (B) Approve the carrying out of the project, under Section 75J *Environmental Planning and Assessment Act, 1979*, subject to modifications of the project and conditions and sign the Determination of the Major Project (**tag B**); and.
- (C) Determine that pursuant to Section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, future development on Stage 5 be subject to Part 4 of the *Environmental Planning and Assessment Act 1979*

Prepared by:
Kerry Gordon
Contracted Town Planner

Heather Warton
Director
Coastal Assessments

APPENDIX A. DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Attachment 1 Director-General's Requirements	
Section 75F of the <i>Environmental Planning and Assessment Act 1979</i>	
Application number	05_0016
Project	<p>Proposed Residential Subdivision and Passive Open Space at Princes Highway, Dolphin Point</p> <p>(1) Concept Plan Application: A concept plan approval is sought for stages 2, 3 and 5, involving approval of the following key design parameters: land use, indicative building heights, site coverage, FSR, setbacks; vehicle access, pedestrian through site linkages and public domain works.</p> <p>The application proposes the following:</p> <ul style="list-style-type: none"> • Stage 2 - residential subdivision (approx. 130 lots); • Stage 3 - residential subdivision (approx. 20 lots); and • Stage 5 - passive open space. <p>Stage 1 was approved prior to SEPP 71. Rezoning for Stage 3 is currently being processed by Shoalhaven City Council. Stage 4 requires rezoning and is excluded from the current application.</p> <p>(2) Project Application: Further approval is sought for Stages 2 and 3 by way of two additional Project Applications, for each stage, for site preparation works and subdivision of the site into residential allotments in accordance with the intended construction stages.</p>
Location	Lot 1 DP 1045990 and Lot 72 DP 1073600, Princes Hwy, Dolphin Point
Proponent	Elderslie Property Investments Pty Ltd
Date issued	July 2006
Expiry date	July 2008
General requirements	<p>The Environmental Assessment (EA) must include:</p> <ul style="list-style-type: none"> • An executive summary; • An outline of the project scope (for Stages 2, 3 and 5) and a detailed description of the project applications for (Stages 2 and 3) including:- <ul style="list-style-type: none"> (i) Any development options; (ii) Justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest; (iii) Outline of the staged implementation of the project (if applicable); • A thorough site analysis and description of existing environment; • Consideration of any relevant statutory and non-statutory requirements, in particular relevant provisions of Environmental Planning Instruments, Draft Regional Strategies and Development Control Plans as well as impacts, if any, on matters of national environmental significance under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999; • An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project; • A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor

misleading; and

- An assessment of the key issues specified below and a table outlining how these key issues have been addressed.

Part A: Key Issues to be addressed in the Concept Plan Application Environmental Assessment for Stages 2, 3 and 5

1. Rezoning and Proposed Development Mix

1.1. Rezoning is required for Stages 3. Provide justification for any required rezoning and evidence that a Section 65 Certificate has been issued. Having regard for the existing zoning, provide a description of the proposed development mix and justification of any inconsistencies to the current zoning.

2. Potential Development on Adjoining Site (Lot 171 DP 1081810, Highview Drive, Dolphin Point)

2.1. The EA should consider the implications on the project of two development options for the adjoining site (Lot 171 DP 1081810 Highview Drive, Dolphin Point i.e. whether the site is developed or remains undeveloped. The impacts of the two development scenarios on traffic, vehicular access and bushfire issues should be addressed.

3. Staging of the Development

3.1. The EA should identify how the proposal relates to the existing and proposed future stages to ensure an integrated and holistic approach to environmental management, threatened species conservation and the preservation of Aboriginal cultural heritage.

4. Public Open Space

4.1. The concept plan application must elaborate on Stage 5 of the development proposed for Public Open Space, including the provision of landscaping principles and concept plan for Stage 5.

4.2. The EA should provide a commitment to the staging and timing of development of Stage 5 to ensure its availability for use, which is to be co-ordinated with the development and occupation of the residential components of Stage 2 and 3.

4.3. Address the proposed long term ownership and management of the Stage 5 public open space, including the potential for the area to exist under a long term community title.

5. Traffic Impacts (Construction and Operational)

5.1. Demonstrate compliance with relevant Council and RTA traffic and car parking codes;

5.2. Prepare a detailed Traffic Impact Study in accordance with Table 2.1 of the *RTA Guide to Traffic Generating Developments* including intersection modelling at the junction of the Princes Highway and Wallaroy Drive and the junction of the Princes Highway and Dolphin Point Road. The aaSIDRA program must be used for the modelling and shall consider: AM and PM peak volumes; holiday peak volumes; existing traffic volumes with and without development; 10 year projected volumes with and without the development; and identify suitable treatments to ameliorate any traffic and safety impacts associated with the development, such as identification of pedestrian movements and appropriate treatments.

6. Urban Design, Visual Impact and Sustainability

6.1. The concept plan for the development shall be prepared in collaboration with an adjoining proposed subdivision at Lot 171 DP 1081810 Highview Drive, Dolphin Point. A suitable level of consultation is required and should be documented in the EA.

6.2. The concept plan should address *Coastal Design Guidelines for NSW, NSW Coastal Policy 1997* and *SEPP 71*, in particular: aesthetics; built form; energy and water efficiency; safer by design principles; relationship to surrounding areas; visual impacts from

Key issues

public locations; provision of public precinct, open space and recreational areas; pedestrian and bicycle movement to, within and through the site; and public access to the coast. Visual aids such as scale model and photomontage must be used to demonstrate visual impacts.

- 6.3. Amelioration of visual impacts through design, use of appropriate colours and building materials, landscaping and buffer areas must be addressed.
- 6.4. Provide details of future stages including conceptual design; infrastructure framework; and indicative FSR, site coverage, heights and built form.

7. Impact on Infrastructure (Sewerage and Water)

- 7.1. Demonstrate the existing sewerage system's capability to support the development taking into account Ulladulla Sewage Treatment System Environment Protection Licence (No 446) and Licensing Guidelines for Sewage Treatment Systems (EPA, 2003).
- 7.2. Demonstrate the capacity of existing sewerage and water reticulation systems to support the development. Ensure that any proposal submitted integrates with Shoalhaven City Council's Development Servicing Plan for Water Supply Services and for Sewerage Services.

8. Bushfire

- 8.1. Address the requirements of *Planning for Bush Fire Protection 2001* (RFS), including adequate egress/access to the site, and development and maintenance of asset protection zones;
- 8.2. Address the ability to site and provide for adequate future water supplies for bushfire suppression operations.
- 8.3. Address construction of assets in accordance with *Australian Standard 3959 – Building in Bushfire Prone Areas*.
- 8.4. Address future management of any areas of hazard remaining, including natural areas and buffers zones.

9. Drainage, Hydrological Regime and Flooding

- 9.1. The EA must include a Stormwater/Hydraulics report addressing drainage issues in accordance with Shoalhaven Planning Policy No.1 Development Guidelines – For Certain Residential 2c Zoned Land (Milton-Ulladulla). Consideration should be given to the natural drainage lines of the site with respect to the subdivision layout.
- 9.2. Establish if the site is flood liable. If so, establish appropriate flood planning levels for the site using update flooding data.
- 9.3. Address issues associated with changes in the hydrological regime of the catchment as a result of the development.

10. Impacts on Water Quality and Sedimentation Control

- 10.1. Address potential impacts on quality of surface and groundwater; relevant Statement of Joint Intent established by the Healthy Rivers Commission; demonstrate an acceptable level of water quality protection with respect to Water Quality and River Flow Interim Environmental Objectives detailed in Clyde River and Jervis Bay Catchments. Conduct an assessment of the accumulative impact on Burrill Lake from both a public health (impact on oyster leases) and environmental health perspective. Details of pollution controls to be provided for both during and after construction.

11. Impacts on Waterways and Estuary Management

- 11.1. Demonstrate consistency with objectives of the *Rivers and Foreshores Improvements Act 1948*, *NSW State Rivers and Estuaries Policy*, *NSW Estuary Management Policy* and the *Burrill Lake Estuary and Catchment Management Plan*. This shall include provision of native vegetation riparian zones adjacent to watercourses or wetlands; development of management strategies and actions including the use of water sensitive urban design, assessment of the capacity of the existing sediment basin to service the proposed

subdivision, implementation of best practice erosion and sedimentation controls, use of suitable stormwater management provisions to protect the Dolphin Point wetland and maintenance of vegetative buffers and sensitive habitats.

12. Impacts on Threatened Species and Corridors

12.1. Provide a Flora and Fauna study to address the indirect impacts of the development on threatened species and their habitats, such as the threatened orchid (*Cryptostylis hunteriana*).

13. Contaminated Land and Acid Sulfate Soils

13.1. Identify the presence and extent of acid sulfate soils on the site and appropriate mitigation measures, in accordance *Acid Sulfate Soil Manual* by ASSMAC. Identify any areas of contamination on the site and appropriate mitigation measures.

14. Aboriginal Cultural Heritage Values

14.1. An Independent Archaeology report must be included in the Environmental Assessment. Address and document information requirements set out in the draft *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation*.

Key Issues to be addressed in the Project Application Environmental Assessment (Stages 2 & 3 – Residential Subdivision)

15. Compliance with the Concept Plan

15.1. The EA must demonstrate consistency with all Environmental Assessment requirements as detailed above for the Concept Plan for Stages 2, 3 and 5.

Consultation

You should undertake an appropriate and justified level of consultation with relevant following parties during the preparation of the EA:

- a) Agencies or other authorities:
 - NSW Department of Planning – South Coast Regional Office;
 - Southern Rivers Catchment Management Authority;
 - NSW Department of Natural Resources;
 - NSW Roads and Traffic Authority;
 - NSW Rural Fire Service;
 - NSW Department of Environment and Conservation;
 - Shoalhaven City Council;
 - Shoalhaven Water; and
 - Local Aboriginal Land Council;
- b) Public:
 - Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy. The consultation process and the issues raised should be described in the EA.

Deemed period

refusal

Under clause 8E(2) of the Environmental Planning and Assessment Regulation 2000, the applicable deemed refusal period is **120** days from the end of the proponent’s Environment Assessment period for the project as the project involves a complex environmental assessment and approval process.

Schedule 1 Technical and Policy Guidelines

The following list provides relevant technical and Policy Guidelines which may assist in the preparation of the Environmental Assessment. It should be noted, however, that this list is not exhaustive as other documents and policies may need to be reviewed. It is also important to note that not of all of these guidelines may be relevant to your proposal.

The majority of these documents can be found on the relevant Departmental Websites, on the NSW Government's on-line bookshop at <http://www.bookshop.nsw.gov.au> or on the Commonwealth Government's publications website at <http://www.publications.gov.au>.

Aspect	Policy /Methodology
Biodiversity	
Flora and Fauna	Draft Guidelines for Threatened Species Assessment (DEC, 2004)
	Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities (DEC, Dec, 2004) <i>Draft</i>
	Guidelines for Development Adjoining Department of Environment and Conservation Land (DEC)
	National Parks and Wildlife Service Atlas of NSW Wildlife Data, GIPSICAM
Bushfire	
	Planning for Bushfire Protection 2001 (NSW Rural Fire Service)
	<i>Australian Standard 3959 – Building in Bushfire Prone Areas</i>
Coastal Planning & Water bodies	
	NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast (Department of Urban Affairs & Planning, 1997)
	Integrated Water cycle Management Guidelines for NSW Local Utilities, Oct 2004
	Water Sensitive Planning Guide - for Sydney Region, WSUD, 2003
	Coastal Design Guidelines for NSW, Coastal Council, March 2003
	Coastal Dune Management (DLWC, 2001)
	Rehabilitation Manual for Australian Streams (Land and Water Australia (Aust Govt) - Land and Water Resources Research and Development Corporation,, May 2000)
	NSW Wetlands Management Policy (DLWC, March 1996)
	NSW State Rivers Policy
	NSW Estuary Management Manual (DLWC, 1992)
	Constructed Wetlands Manual (DLWC, 1998)
Community Consultation	
	Community Involvement Practice Notes and Resource Manual (RTA, 1998)
	Best Practice Community Consultation and Involvement (Commonwealth Department of Environment and Heritage, 1995)
Heritage	
	Draft guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, July 2005)
	NPWS Aboriginal Cultural Heritage Standards and Guidelines Kit -

Aspect	Policy /Methodology
	Working Draft (NPWS, September 1997)
	Protecting Aboriginal Objects and Places - Interim Guidelines for Community Consultation (DEC 2005)
Noise & Vibration	
	Environmental Noise Control Manual (EPA, January 2000)
Safety, Security & Risk Assessment	
	Crime Prevention and the Assessment of Development Applications (PlanningNSW, April 2001)
	Multi-Level Risk Assessment Guidelines (Department of Urban Affairs & Planning, 1999)
	Best Practice in Environmental Risk Management (Commonwealth Department of Environment & heritage, 1999)
	Guideline for Application for Subsidence Management Approvals (DPI)
Soils & Contamination	
	Acid Sulfate Soil Manual (Acid Sulfate Soils Management & Advisory Committee [ASSMAC], 1998; published by DUAP)
	Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land, Department of Urban Affairs & Planning and the Environment Protection Authority 1998.
	Contaminated Land: Planning Guidelines for Contaminated Land, Department of Urban Affairs and Planning and the NSW EPA, October 1995.
Traffic, Transport & Pedestrian & Cyclist Facilities	
	Guide to Traffic Generating Developments (RTA, 1993)
	RTA Road Design Guide (RTA, 1996)
	Planning Guidelines for Walking and Cycling (DIPNR & RTA, December 2004)
Waste	
	Environmental Guidelines: Use of Effluent by irrigation (DEC, October 2004)
Water	
Water Quality	Australian & New Zealand Guidelines for Fresh & Marine Water Quality (Australian & New Zealand Environment & Conservation Council (ANZECC), October 2000)
	Coastal Lakes: Independent Inquiry into Coastal Lakes (Healthy Rivers Commission, April 2002)
	Various inquiries and Statements of Intent for Coastal Lakes (Healthy Rivers Commission, 200- 2002)
	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
	Marine Water Quality Objectives for NSW Ocean Waters (DEC, 1999)
	Water Quality and River flow Objectives (DEC, 2000)
	Licensing Guidelines for Sewerage Treatment Systems (EPA, July 2003)
	Water Quality Guidelines for the protection of Aquatic Ecosystems for Upland Rivers (ANZECC, 2000)
Flooding & the	NSW Government Floodplain Development Manual - the Management

Aspect	Policy /Methodology
Floodplain	of Flood Liable Land (DIPNR, 2005)
	Restoring the Balance: Guidelines for Managing Floodgates and Drainage Systems on Coastal Floodplains (DPI, 2003)
Groundwater	NSW Groundwater Policy Framework Document – General (DLWC, 1997)
	NSW State Groundwater Quality Protection Policy (DLWC, 1998)
	NSW State Groundwater Dependent Ecosystems Policy (DLWC, 2002)
Stormwater	Managing Urban Stormwater: Construction Activities (EPA, 1988)
	Water Sensitive Planning Guide - for Sydney Region, WSUD, 2003
	Managing Urban Stormwater: Source Control (DEC, 1998)
	Managing Urban Stormwater: Treatment Techniques (DEC, 1998)
	Australian Rainfall and Runoff (Institution of Engineers, revised edition 1997)
	Draft Australian Runoff Quality (Institution of Engineers, 2003)
	Better Drainage: Guidelines for the Multiple Use of Drainage System (PlanningNSW, 1993)
Water Management	National Water Initiative (Council of Australian Governments, June 2004)
	Best Practice in Water Management (Commonwealth Department of Environment and Heritage, 1999)

Schedule 2

Plans and Documents to accompany the Application

The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for the Concept Plan application for Stages 2,3 and 5:

Plans and Documents of the development

1. **The existing site survey plan is to be drawn to 1:500 scale (or other appropriate scale) and show:**
 - the location of the land, the measurements of the boundaries of the land, the size of the land and north point;
 - the existing levels of the land in relation to buildings and roads;
 - location and height of existing structures on the site; and
 - location and height of adjacent buildings and private open space.
2. **A Site Analysis Plan must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, property dimensions, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, natural features such as watercourses, rock outcrops, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways etc.**
3. **A locality/context plan drawn to 1:500 scale (or other appropriate scale) should be submitted indicating:**
 - significant local features such as parks, community facilities and open space, water courses and heritage items;
 - the location and uses of existing buildings, shopping and employment areas;
 - traffic and road patterns, pedestrian routes and public transport nodes
 - The existing site plan and locality plan should be supported by a written explanation of the local and site constraints and opportunities revealed through the above documentation.
4. **The Environmental Assessment in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1.**
5. **The Subdivision Concept plans are to show the following:-**
 - **General dimensions of proposed and/or existing allotments;**
 - **Location of all structures proposed and retained on site;**
 - **North point;**
 - **Name of the road fronting the site;**
 - **Vegetation retention;**
 - **Approximate access points;**
 - **Type of subdivision proposed (Torrens, strata and/or community title).**
6. **Stormwater Concept Plan - illustrating the overall concept for stormwater management from the site;**
7. **Infrastructure Plan – illustrating the overall concept for infrastructure provision on the site primarily sewerage and water supply.**

The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for the Project Application for Stage 1:

1. **The Environmental Assessment in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1.**
2. **Detailed Subdivision layout plans to illustrate the following:-**
 - **All measurements of proposed and existing allotments;**
 - **Location of all structures both proposed and retained on site;**
 - **North point;**
 - **Name of the road fronting the site and other surrounding major roads;**
 - **Title showing the description of the land with lot and DP numbers etc;**
 - **Vegetation retention;**
 - **Access points;**
 - **Any easements, covenants or other restrictions either existing or proposed on the site;**
 - **Type of subdivision proposed (Torrens, strata and/or community title).**
3. **Stormwater Plan - illustrating the concept for stormwater management of the site and must include details of any major overland flow paths through the site and any discharge points to the street drainage system. Where an on-site detention system is required, the type and location must be shown and must be integrated with the proposed landscape design. Site discharge calculations should be provided. This Plan must demonstrate the 5% Annual Exceedance Probability (AEP) (20yr) and 20% AEP (5yr) storm events for the developed site are restricted to pre-developed flows.**
4. **Erosion and Sediment Control Plan – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site;**
5. **Landscaping Plan – plan or drawing that shows the basic detail of planting design and plant species to be used, listing botanical and common names, mature height and spread, number of plants to be utilised and surface treatments (i.e. pavers, lawn etc);**
6. **Waste Management Plan – where demolition is proposed, a plan which addresses demolition and construction wastes that may be generated including likely quantities, proposed disposal destinations and best practices for safe handling and disposal in accordance with WorkCover's Occupational Health and Safety requirements must be provided;**
7. **Construction Management Plan – a plan which outlines traffic and pedestrian management during construction**

Specialist advice

Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practising consultants in relation to issues including, but not limited to, the following:

- Flora and Fauna;
- Bushfire;

	<ul style="list-style-type: none"> • Traffic; • Landscaping; • Geotechnical and/or hydrogeological (groundwater); • stormwater/drainage; • Urban Design/Architectural; • Contamination in accordance with the requirements of SEPP 55; • Acid Sulphate Soil Management Plan; • On-site effluent disposal; • BCA compliance.
Documents to be submitted	<ul style="list-style-type: none"> • 10 hard copies of the Environmental Assessment; • 3 sets of architectural and landscape plans (full size and to scale); • 10 sets of architectural and landscape plans at A3 size (to scale) to be included in the Environmental Assessment document; and • 1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below).
Electronic Documents	<p>Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:-</p> <ul style="list-style-type: none"> • Adobe Acrobat PDF files and Microsoft Word documents must be no bigger than 1.5 Mb. Large files of more than 1.5 Mb will need to be broken down and supplied as different files. • File names will need to be logical so that the Department can publish them in the correct order. Avoid sending documents that are broken down in more than 10 files. • Image files should not be bigger than 2Mb. The file names will need to be clear and logical so the Department can publish them in the correct order. • Graphic images will need to be provided as [.gif] files. • Photographic images should be provided as [.jpg] files. • Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. • Images inserted into the document will need to be calibrated to produce files smaller than 1.5Mb. Large images will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. The file names will need to be clear and logical so the Department can publish them in the correct order. <p>Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.</p>

APPENDIX B. COMPLIANCE WITH EPIS INCLUDING STATE ENVIRONMENTAL PLANNING POLICIES THAT SUBSTANTIALLY GOVERN THE CARRYING OUT OF A PROJECT

Environmental Planning Instruments considered in the assessment of the proposal:

Provisions of Environmental Planning Instrument	Consideration
State Environmental Planning Policy (Major Projects) 2005	
Schedule 2 Clause 1 (1)	
(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.	The proposal involves subdivision into more than 25 lots and as such this identifies the site as an area to which Part 3A of the Act applies.

Provisions of Environmental Planning Instrument	Comply	Consideration
State Environmental Planning Policy No. 71 – Coastal Protection		
Clause 2: Aims of Policy		
(a) To protect and manage the natural, cultural, recreational and economic attributes of New South Wales coast, and	YES	The proposed development would result in the satisfactory management of the natural, cultural, recreational and economic attributes of the NSW coast.
(b) To protect and improve existing public access to and along coastal foreshores to the extent that it is compatible with the natural attributes of the coastal foreshore, and	N/A	The site is approximately 400m at its closest point to the coast and is separated from the coast by Dolphin Point Road, dwellings and a caravan park. Therefore the site will not damage any existing public access to or along the coastal foreshore and cannot provide opportunity for improving such access.
(c) To ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and	N/A	Due to the site's distance from the coastal foreshore (refer to (b) above), there are no opportunities for the development to provide new public accesses.
(d) To protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and	YES	An assessment of the Aboriginal cultural heritage on the site has been made, including the digging of test pits. An Aboriginal Heritage Management Plan has been prepared that ensures an appropriate level of protection. DECC's assessment confirms this.
(e) To ensure that the visual amenity of the coast is protected, and	YES	The site is located some distance from the beach with other development located between the beach and the site. As such the resultant 1-2 storey dwellings on the site will not have a significant visual impact.

		The impact will also be ameliorated by retained and proposed vegetation in the Stage 5 area of the site.
(f) To protect and preserve beach environments and beach amenity, and	YES	The site is of sufficient distance from the beach that there will be no direct impacts such as by overshadowing.
(g) To protect and preserve native coastal vegetation, and	YES	The proposal involves limited loss of swamp sclerophyll forest, but offset plantings are proposed which will result in no net loss. Conditions are recommended addressing the offset plantings. DECC has raised not objections to the loss of vegetation.
(h) To protect and preserve the marine environment of New South Wales, and	YES	Appropriate stormwater devices are proposed that will ensure the quantity and quality of stormwater is appropriate and as such no detrimental impact will occur to the marine environment.
(i) To protect and preserve rock platforms, and	N/A	The proposed development is not in close proximity to a rock platform and will not impact on a rock platform.
(j) To manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6(2) of the <i>Protection of the Environment Administration Act 1991</i>), and	YES	The design of the subdivision is appropriate having regard to the water management proposed and the layout is appropriate having regard to passive solar access. Changes to the layout (as requested) reduce the impact on the riparian zone of the western creekline to an appropriate level. Changes to the road network provide a suitable collector road for bus travel, and the pedestrian and cycleway paths proposed will allow a reduced reliance on car usage for visits to the beach.
(k) To ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and	YES	No buildings are proposed, however the design of the subdivision is appropriate for the site having regard to the natural scenic quality of the area, with appropriate retention/provision of landscaping to soften the appearance of the proposal as viewed from the coast.
(l) To encourage a strategic approach to coastal management.	YES	The site is zoned for residential development (with part of the 6(b) land on the site being subject to a draft LEP to rezone the land partially to 2(C) Living Areas and partially to 7(d2) Environmental Protection (Special Scenic), which is to be considered in conjunction with this report) and as such its development will be consistent with the residential strategy of Council, subject to gazettal of the draft LEP.
Clause 8: Matters for Consideration		
(a) The aims of this Policy set out in clause 2		Refer to consideration above.

(b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved	YES	The proposed development will not impact on existing public access to the foreshore, due to its distance from the foreshore area.
(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability	YES	Due to the site's distance from the foreshore, the site does not provide any additional opportunities for public access.
(d) The suitability of development given its type, location and design and its relationship with the surrounding area	YES	The site is zoned to allow residential subdivision to allow for the future expansion of Burrill Lakes/Dolphin Point and the design will provide appropriate connections with the residential areas upon redevelopment of the adjoining site to the east (a project application for which is currently being considered by the Department).
(e) Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore	YES	The distance from the foreshore is such that no shadow impact will occur and there are no public viewing positions from which views of the coastal foreshore will be lost as a result of the proposal.
(f) The scenic qualities of the New South Wales coast, and means to protect and improve these qualities	YES	The development is distant from the foreshore and will be partially screened by existing development and retained/proposed vegetation.
(g) Measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i>) and plants (within the meaning of that Act) and their habitats	YES	The component of the site being redeveloped largely comprises of grazing land with a few scattered trees. The provision of riparian zones along the creeks and their revegetation, together with the dedication of the riparian areas and land zoned 6(b) and 7(a) to Council will ensure the conservation of important habitat.
(h) Measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i>) and plants (within the meaning of that Act), and their habitats	YES	Appropriate design measures are to be provided for the culvert crossing of the creek to ensure it is fish friendly, conditions of consent in this regard are recommended.
(i) Existing wildlife corridors and the impact of development on these corridors	YES	The revegetation and dedication of riparian zones along the creeks will provide connectivity from the reserve areas to the south and west and the remnant native vegetation on the 6(b) and 7(a) land to be dedicated to Council.
(j) The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	YES	The site is sufficiently distant from the coastal foreshore to ensure it will not be significantly affected by coastal processes.
(k) Measures to reduce the potential for conflict between land based and water based coastal activities.	YES	Due to the site's distance from coastal water bodies, there is unlikely to be any conflict between land based and water based coastal activities.

(l) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals	YES	An appropriate Aboriginal Heritage Management Plan has been prepared to adequately protect cultural sites.
(m) Likely impacts of development on the water quality of coastal water bodies	YES	An appropriate water management plan is proposed to ensure an appropriate quality and quantity of stormwater leaves the site.
(n) The conservation and preservation of items of heritage, archaeological or historic significance	YES	See response to (l) above.
(o) Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities	N/A	The proposal does not involve the preparation of a draft LEP.
(p) Only in cases in which a development application in relation to proposed development is determined: (i) the cumulative impacts of the proposed development on the environment, and (ii) measures to ensure that water and energy usage by the proposed development is efficient.		An assessment of the cumulative impacts of traffic was requested from the proponent and in response a report was prepared and provided to the RTA, who indicated that there were no objections to the proposal in principle.. An appropriate design in relation to water management and orientation for passive solar design is proposed.
Clause 14: Public Access		
A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impending or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	YES	The site is located a sufficient distance from the coastal foreshore such that there will be no impact to public access.
Clause 15: Effluent Disposal		
The consent authority must not consent to a DA to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, coastal creek or other similar body of water, rock platform.	YES	The effluent created by the proposed development would be disposed of via the existing reticulated sewer.
Clause 16: Stormwater		
The consent authority must not consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	YES	It is proposed to manage both the quality and quantity of stormwater discharge through the use of gross pollutant traps, detention and bio-retention basins.

Provisions of Environmental Planning Instrument	Comply	Consideration
State Environmental Planning Policy No. 55 – Remediation of Land		
Clause 7: Contamination and Remediation to be Considered in Determining Development Application		
<p>(1) A consent authority must not consent to the carrying out of any development on land unless:</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p>	YES	<p>The EA included a preliminary contamination assessment involving a site inspection, review of historical site use, review of geology and drilling of 10 boreholes. All results from laboratory testing were found to be below laboratory detection limits or health based investigation levels.</p> <p>Soil sampling revealed that there are no potential or actual acid sulphate soils likely in the stages 2 and 3 area, however if any excavation is proposed below RL 3.5 AHD, an acid sulphate soils management plan would need to be developed and implemented.</p> <p>Finally, the report recommended that further investigation occur of the small dam during the subdivision earthworks, to include water and sediment quality sampling prior to offsite discharge of retained water and/or removal or onsite use of sediments from the dam.</p> <p>Conditions to this effect are recommended.</p>

Provisions of Environmental Planning Instrument	Comply	Consideration
Illawarra Regional Environmental Plan No 1		
Clause 4: Region to Which Plan Applies		
<p>This plan applies to the land, declared to be a region by the Minister under section 4(6) of the Act, being all land within the Cities of Shoalhaven and Wollongong, the Municipalities of Kiama and Shellharbour and the Shire of Wingecarribee. This plan does not apply to the land to which the <u>Jervis Bay Regional Environmental Plan 1996</u> applies.</p>	YES	<p>The subject site is located within the City of Shoalhaven and is therefore part of the Illawarra Region.</p>
Part 7 Division 1: Objectives Related to Living Areas		
Clause 58: Objectives		
<p>The objectives relating to living areas are:</p> <p>(a) to ensure that urban expansion is orderly and efficient having regard to the constraints of the natural environment and that sufficient land is available to prevent price rises resulting from scarcity of land,</p>	YES	<p>The site is zoned to allow for residential subdivision and as such the development of the site for such a use provides for orderly and efficient urban expansion.</p>
<p>(b) to ensure that new residential land or land for higher density development is only</p>	YES	<p>Appropriate services are available, with water, stormwater, sewerage, electricity and</p>

developed where there are adequate utility and community services available or there is a commitment from the relevant authorities or developer to provide those services,		telecommunication services to be provided. Community services are available in Ulladulla.
(c) to provide for a range of lot sizes, dwelling types and tenure forms to cater for varying household needs in all local government areas,	YES	The application indicated that no medium density lots would be identified, however it was requested that such lots be identified and provided for at subdivision stage. In response to this request the applicant has identified one street block as being for medium density housing. The block fronts the proposed collector road, is adjacent to the proposed neighbourhood park and is bounded on all sides by roads and as such is considered suitable.
(d) to ensure that residential development does not take place on hazard-prone lands, and,	YES	The proposal defines adequately land liable to flooding and bushfire hazard and each allotment has adequate capacity outside these hazard areas to provide a suitable building footprint.
(e) to minimise bush fire risks to urban development.	YES	Appropriate Asset Protection Zones (APZs) are proposed to ensure adequate protection, when appropriately designed dwellings are constructed on the lots. Conditions of approval are recommended in relation to maintenance of the APZs and construction requirements.
Division 4: Principles – living areas		
Clause 71: Identification of Requirements for Community Services and Facilities		
The consent authority, in consultation with the Department of Youth and Community Services, should determine the range, scale, and staging for community services and facilities required in new residential subdivisions.	YES	Appropriate s94 contributions will be conditioned to address community services and facilities provided by Council.
Clause 72: Underground Utility Services		
The consent authority is encourages to require undergrounding of all utility services in new residential subdivisions, wherever appropriate and practical.	YES	The Statement of Commitments requires undergrounding of utility services is recommended.
Clause 73: Bushfire Management		
Subdivision design for land adjacent to bush areas should facilitate bush fire management.	YES	See comments in relation to 58(e) above.

Provisions of Environmental Planning Instrument	Comply	Consideration
Shoalhaven Local Environmental Plan 1985		
Clause 9: Zone objectives and development control table		
<p>Zone No. Residential 2(c) (Living Areas)</p> <p>Zone No. 2(c) (Living Areas)</p> <p>1. Objectives of the Zone</p> <p>The objectives are to provide for new residential areas with a range of housing types with provision for urban facilities to serve the local community.</p> <p>2. Without development consent</p> <p>Nil</p> <p>3. Only with development consent</p> <p>Any purpose other than a purpose for which development is prohibited.</p> <p>4. Prohibited</p> <p>Advertising structures, amusement parks, animal boarding establishments, bulk stores; bulky goods retailing, car repair stations, caravan parks; drive-in theatres, industries (other than those specified in Schedule 6), intensive animal husbandry; junk yards; liquid fuel depots; motor showrooms; retail plant nurseries; road transport depots; roadside stalls; sawmills; sexual services premises, timber yards; transport terminals; turf farms, warehouses.</p> <p>Zone No. 7(d2) Environmental Protection (Special Scenic)</p> <p>1. Objectives of the Zone</p> <p>The objective is to preserve and enhance scenic quality.</p> <p>2. Without development consent</p> <p>Nil</p> <p>3. Only with development consent</p> <p>Agriculture; dams; land clearing and cultivation; roads; utility installations (other than gas holders or generating works).</p> <p>4. Prohibited</p> <p>Any purpose other than a purpose for which development may be carried out only with development consent.</p>	YES	<p>The majority of the proposed residential subdivision (ie most of Stage 2) is located in the portion of the site zoned living areas. The subdivision of land and subsequent erection of dwelling houses is permissible with consent.</p> <p>It is noted, however, that parts of the Stage 2 subdivision fall outside this zoning and the permissibility of those sections is dealt with following in relation to the zonings in which they fall.</p> <p>Stage 3 of the residential subdivision is to largely fall within the proposed 2(c) zone under the draft LEP. Subject to the gazettal of that draft LEP, the subdivision within Stage 3 will be a permissible use with consent.</p> <p>The proposed development would satisfy the objective of providing for new residential areas, and provides for an appropriate range of housing due to the delineation of the proposed medium density area.</p> <p>The components of the Stage 3 development that falls outside the proposed 2(c) zone will fall within the proposed 7(d2) Environmental Protection (Special Scenic). This component is part of the Wuru Drive extension. The provision of roads in this zone is permissible with consent.</p> <p>The provision of only one crossing, designed at right angle to the creek and revegetation of the riparian area minimises the impact of the road on the riparian zone and as such preserves the scenic quality of the area.</p>

<p>Zone No. Open Space – Recreation 6(b) (Private)</p> <p>1. Objectives of the Zone</p> <p>The objectives are to identify land where private recreation facilities are and may be developed.</p> <p>2. Without development consent</p> <p>Nil</p> <p>3. Only with development consent</p> <p>Buildings for the purpose of landscaping, gardening or bushfire hazard reduction, caravan park, clubs, community facilities, public utility installations (other than gas holders or installation works), roads, tourist facilities.</p> <p>4. Prohibited</p> <p>Any purpose other than a purpose for which development may be carried out only with consent.</p>		<p>Limited works in relation to Stages 2 and 5 are proposed in the 6(b) zone, with part of an access road (to Stage 2 allotments), drainage works, landscape works, and a cycle way/pedestrian path proposed. All of these uses are permissible with consent under the zoning table or by virtue of clause 26. The 6(b) land is also identified as containing 3 “development sites”, which could in the future be used for community facilities. Clubs, tourist facilities or a caravan park. Approval is not sought to any specific proposal and inadequate information is provided to assess the suitability of the sites for any future use. Any such future use should be considered under a separate application.</p> <p>The proposed works do not prevent the land from being used for private recreation facilities and as such the use is consistent with the objectives of the zone.</p> <p>The Stage 3 component of the subdivision is currently within the 6(b) zone and the proposed subdivision for residential purposes is not permitted in the zone, therefore requiring gazettal of the draft LEP for the proposal to be permissible.</p>
<p>Zone No. Environmental Protection 7(a) (Ecology)</p> <p>1. Objectives of the Zone</p> <p>The objective are:</p> <p>(a) to protect and conserve important elements of the natural environment, including wetland and rainforest environments,</p> <p>(b) to maintain the intrinsic scientific, scenic, habitat and educational values of natural environments,</p> <p>(c) to protect threatened species and habitats of endangered species,</p> <p>(d) to protect areas of high biodiversity value, and</p> <p>(e) to protect and enhance water quality in the catchment.</p> <p>2. Without development consent</p> <p>Nil</p>		<p>Within the 7(a) zone it is proposed to carryout landscape works and a cycle way/pedestrian pathway. Such works are permissible as they constitute structures for recreation purposes. Subject to appropriate location, the works can be consistent with the objectives of the zone. Conditions of consent will ensure the suitability of the location of the cycle way/pedestrian pathway.</p>

<p>3. Only with development consent</p> <p>Agriculture, aquaculture (other than development above high water mark), bed and breakfast accommodation, dwelling houses, roads, structures for educational and recreational purposes which assist in promoting and interpreting the area's ecological values, public utility installations (other than gas holders or installation works).</p> <p>4. Prohibited</p> <p>Any purpose other than a purpose for which development may be carried out only with consent.</p>		
<p>Clause 10: Subdivision generally</p>		
<p>Land to which this plan applies shall not be subdivided except with the consent of Council</p>	<p>YES</p>	<p>The proponent has submitted a major project application for approval to subdivide the site.</p>
<p>Clause 11: Subdivision Zones 1(a), 1(b), 1(d), 1(e), 1(g), 7(a), 7(c), 7(d1), 7(d2), 7(e), 7(f1), 7(f2) and 7(f3)</p>		
<p>(1) This clause applies to land within zones 1(a), 1(b), 1(d), 1(e), 1(g), 7(a), 7(c), 7(d1), 7(d2), 7(e), 7(f1), 7(f2) and 7(f3):</p> <p>(2) The Council may consent to a subdivision of land to which this clause applies if each separate allotment of land that will be created by the subdivision:</p> <p>(a) will have an area of not less than 40 hectares;</p> <p>(b) in the opinion of the Council, will allow the objectives of the zone applying to the land to be met;</p> <p>(c) will have a ratio of depth to frontage satisfactory to Council, having regard to the purpose for which the allotment is or is intended to be used;</p> <p>(d) where the allotment has a frontage to a main or arterial road, will have a frontage to that road of not less than 400m, and</p> <p>(e) will have a vehicular access that is practical and lawful.</p>	<p>YES</p>	<p>Stage 3 of the proposal contains land that is proposed to be rezoned to Environmental Protection 7(d2) (Special Scenic). Part of this land was proposed to be subdivided into two allotments (Lots 418 - 420), which were to also include land zoned Residential 2(c) (Living Area). The proposed allotments were to have areas of 4,446m² (Lot 418), 4,850m² (Lot 419) and 886m² (Lot 420), with a small portion included in 202, which has an area of 1,988m² and as such none of the lots comply with the 40 hectare minimum area requirement</p> <p>The applicant was advised that subdivision of land which was to be in the 7(d2) zone for inclusion in privately owned lots and for the creation of roads would be inconsistent with the objectives of the zone. Accordingly, the applicant was requested to redesign to create the 7(d2) land in one allotment to also include the remnant 6(b) and 7(a) land and for that land to be dedicated to a public authority. It was also indicated that provision of multiple roads within this zone was inconsistent with the objectives. It was therefore requested that the collector road to the north of Stage 2 be redesigned to be wholly within the Living Area and for the two creek crossings in the 7(d2) zone to be reduced to one collector road crossing at a narrow and appropriately located position to minimise impacts on the creek riparian zone.</p>

		The applicant responded by making the above described amendments in the Preferred Project Report. As such the proposed allotment that contains the 7(a) and 7(d2) land is as large as is possible given it contains all the land so zoned, with the exception of one road crossing. Given this and the fact that the whole site is currently not 40 ha in area, the variation proposed is considered appropriate and reasonable in this case.
Clause 13B: Subdivision for a Public Utility Undertaking		
<p>(1) This clause applies to land within zones 1(a), 1(b), 1(c), 1(d), 1(e), 1(f), 1 (g), 2(a2), 2(a3), 7(a), 7(c), 7(d1), 7(d2), 7(e), 7(f1), 7(f2) and 7(f3):</p> <p>(2) Despite the provisions of Division 1, the Council may consent to a subdivision of land to which this clause applies if the purpose of the subdivision is:</p> <p>(a) to open or widen a public road, or</p> <p>(b) to provide an allotment for a public utility undertaking.</p> <p>(3) the residue of land remaining after the creation of an allotment under subclause (2) may be less than 40 hectares</p>	YES	<p>Part of the area proposed to be zoned 7(d2) is to be subdivided to create a proposed public road, which would allow the remainder of the land in that zone to be included in an allotment of less than 40 hectares. As is discussed above, this approach is considered acceptable.</p> <p>In order to satisfy the requirements of this clause and to better protect the land in the 7(d2) zone the applicant was asked to amend the design of the subdivision to include all remnant 7(d2) land after the construction of the roads in one part allotment, forming part of the land to be dedicated to Council, the other part allotment of which would include the land zoned 7(a) and 6(b) that was being dedicated to Council. The applicant has made the changes discussed above in the Preferred Project Report.</p>
Clause 22: Activities in Zone No. 1(c), 7(a), 7(c), 7(d1), 7(d2), 7(e), 7(f1), 7(f2) and 7(f3)		
<p>(1) A person must not, without the consent of Council, ringbark, cut down, top, lop or otherwise destroy any tree having a height of 3m or more on land within Zone No. 1(c), 7(a), 7(c), 7(d1), 7(d2), 7(e), 7(f1), 7(f2) and 7(f3).</p> <p>(2) A person must not, without the consent of Council, on land within Zone No. 7(a):</p> <p>(a) clear the land of trees;</p> <p>(b) place fill upon such land;</p> <p>(c) alter the level of the surface of such land; and</p> <p>(d) clear or remove vegetation from such land.</p>	YES	The proponent has submitted a major project application for approval, which also seeks approval for removal of trees and a concept proposal for works with the 7(a) zone.
Clause 26: Soil, Water and Effluent Management		
<p>(1) A person must not carryout development that relates to the habitation by humans unless and until arrangements satisfactory to the Council have been made by the applicant (and if the applicant is not the owner, the owner also) for the provision of a water supply, facilities for the</p>	YES	Adequate arrangements are proposed to service the sites with water, sewerage disposal, drainage, electricity and telecommunications infrastructure.

<p>removal of sewerage, and for the drainage of stormwater and other surface water from the land.</p> <p>(2) In deciding whether arrangements for drainage of stormwater and other surface water, and the treatment and disposal of effluent are satisfactory, the Council must take into account whether the proposed systems can be accomplished in a manner which meets the following objectives:</p> <p>(a).economical feasibility and practicality in terms of design, installation and maintenance,</p> <p>(b) protection of public health,</p> <p>(c) protection of surface water,</p> <p>(d) protection of groundwater,</p> <p>(e) encouragement of the utilisation of wastewaters as a resource rather than a waste for disposal, and</p> <p>(f) protection of community amenity.</p>		<p>The proposal identifies the reuse of stormwater as appropriate and BASIX requires all dwellings erected to be installed with a 4,000L rainwater tank plumbed for use in the garden, for washing clothes and for toilet flushing as recommended in the water management strategy. The water management system also appropriately deals with water quality and quantity.</p>
<p>Clause 28: Danger of Bushfire</p>		
<p>(1) The Council must not grant consent to the carrying out of development on bushfire prone land if it is of the opinion that:</p> <p>(a) the development may have a significant adverse impact on the implementation of:</p> <p>(i) any strategies for bushfire hazard reduction or risk management adopted by the Council, or</p> <p>(ii) any relevant provisions of the Act or the <i>Rural Fires Act 1997</i>, and</p> <p>(b) the development, including the arrangements for access to and from the development, may constitute a significant threat to the lives of residents, visitors or emergency services personnel, and</p> <p>(c) the development may give rise to an increased demand for emergency services during bushfire events that will result in a significant decrease in the ability of the emergency services to effectively control major bushfires.</p> <p>(2).The Council must not grant consent to the carrying out of development on bushfire prone land unless it is satisfied that adequate measures are proposed to avoid or mitigate the threat from bushfire, having regard to:</p> <p>(a) the siting of the development, and</p> <p>(b) the design of, and the materials used in, any structures involved in the development, and</p>	<p>YES</p>	<p>The proposal includes provision for an APZ adjoining the bushfire danger sources which has been assessed by the NSW Rural Fire Services as being acceptable.</p> <p>The Statement of Commitments requires appropriate provision for water supply and appropriate construction materials to be used in the erection of any structure.</p> <p>The application proposed only one exit road from the development, relying on the construction of the continuation of the second exit road as part of the adjoining subdivision to the east of the site. The proponent was advised that a second access track was required and in response provided a plan and statement from their bushfire consultant indicating the proposed location of the second access track.</p> <p>NSW Rural Fire Services response to this by indicating that the proposed location of the access track within the Stage 5 land was acceptable.</p>

<p>(c) the clearing of vegetation, and</p> <p>(d) the provision of asset protection zones, landscaping and fire control aids (such as roads and water supplies).</p> <p>(3) Before deciding to grant consent to any development on bushfire prone land, the Council:</p> <p>(a) must have regard to the requirements set out in <i>Planning for Bushfire Protection (ISBN 0 9585987 8 9)</i>, prepared by Planning and Environment Services, NSW Rural Fire Service in co-operation with the Department of Planning (as it then was) and published in December 2001, and</p> <p>(b) must be satisfied that those requirements will be met as far as is practicable in the circumstances.</p>		
<p>Clause 40D: Development of Certain Land – Princes Highway and Dolphin Point Road, Dolphin Point</p>		
<p>(1) This clause applies to part of Lots 1 and 2, DP 330177, part of Lot 100, DP 817218, Lot 9, DP 807320, part of Part Portion 82, part of R 25300 for water supply and part of R 68058 for public recreation and resting place, Parish of Woodburn, Dolphin Point, as shown edged heavy black on the plan marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 66)."</p> <p>(2) Council shall not consent to an application to subdivide land to which this clause applies unless plans and documentation have been submitted to the Council showing:</p> <p>(a) the intended staging of the proposed development, the relationship of that staging to the capacity of the sewerage system to adequately cope with the proposed development and the measures proposed to overcome any inadequacies; and</p> <p>(b) the measures proposed for ongoing soil and water management, including sedimentation, erosion and pollution control, to ensure maintenance of water quality in the wetland and Burrill Lake and including rehabilitation of existing drains to and through the wetland, and</p> <p>(c) designs of surface drainage works and proposals for isolation of potential contaminants and sedimentation during the construction phase, and</p>	<p>YES</p>	<p>This clause applies to the subject site (it being noted that the site has been re-subdivided since the clause was gazetted and accordingly has a different legal description).</p> <p>Plans have been provided showing the proposed staging of the development and arrangements in relation to sewerage provision have been made with the appropriate authorities.</p> <p>The proposal involves a temporary sedimentation basin within the proposed dam during the construction works and the sedimentation basin is to be decommissioned and converted into a stormwater treatment/detention basin to be used in conjunction with a proposed bioretention basin for stormwater treatment. These measures will ensure appropriate water quality and control the quantity of flow to the wetland.</p> <p>The proposal incorporates additional planting for riparian corridors and some offset planting, which will appropriately improve water quality and enhance the role of streams as habitat corridors.</p>

<p>(d) existing vegetation and proposed additional planting which will enhance the value of the wetland and any artificial wetlands proposed, assist in maintaining water quality and enhance the role of streams as habitat corridors.</p>		
<p>Clause 51: Development within Open Space Zones and on Public Reserves or Other Public Land</p>		
<p>The Council must not consent to the carrying out of development on land within Zone No. 6(a), 6(b), 6(c) or 6(d), or on public reserves or on land owned or controlled by the Council, unless it has considered:</p> <p>(a) The need for the proposed development on the land,</p> <p>(b) the impact of the proposed development on the land, and</p> <p>(c) the need to retain the land for its existing or likely future use.</p>	<p>YES</p>	<p>The proposed works in the 6(b) land that is proposed to be rezoned do not satisfy this clause, however upon gazettal of the draft LEP, this clause would no longer apply to those works.</p> <p>The other proposed works in the 6(b) zone comprise part of a road, landscaping, drainage works and a cycle way/pedestrian path. The drainage works need to be located in this zone to be downstream of the development. The road services the proposed subdivision and also provides access to the drainage structures for maintenance and to any future use of the 6(b) land and as such is considered necessary. The cycle way/pedestrian path provides connection of the subdivision with the existing community. The works will have limited impact upon the ability of the land to be used for future recreational uses and therefore are acceptable.</p>

APPENDIX C. COMPLIANCE WITH DCPS AND OTHER PLANS AND POLICIES

Environmental Planning Instruments considered in the assessment of the proposal:

Provisions of Environmental Planning Instrument	Comply	Consideration
Coastal Design Guidelines of NSW 2003		
Part 1 Determining a hierarchy of settlements		
Coastal Village	YES	Burrill Lake/Dolphin Lake is likely to be classified as a Coastal Village, when considered together and in the context of the 2(c) zoned land which effectively joins the two areas into one village.
<u>Desired Future Character</u> <i>Relationship to Environment</i> - is enforced by protecting ecological systems, sensitive water design, maintaining a clearly defined edge with the natural environment, ensuring bushfire protection measures don't destroy the ecology of the area, designing in relation to natural hazards and protecting Archaeological sites.	YES	<p>The 7(a) and 7(d2) zoned land is proposed to be appropriately protected by dedication to a public authority and by limiting works in the area and ensuring appropriate stormwater treatment. Appropriate sensitive stormwater design is proposed, using a system of detention, rainwater tanks, treatment ponds, gross pollutant traps and bioretention basins.</p> <p>A clearly defined edge is proposed, with streets bounding the two forest reserve areas to the west and south and to the 6(b) land to the north.</p> <p>The bushfire protection measures are all located within the subdivision area of the site and will not affect the forest reserves to the west and south.</p> <p>The proposal will not unacceptably affect any natural areas of archaeological sites of significance.</p>
<i>Visual Sensitivity</i> – design responds to the character of the village in terms of form and design.	YES	The proposed subdivision is of a simple grid (and modified grid) pattern and the lots are of appropriate size to suit the character of the area.
<i>Edges to the Water and Other Natural Areas</i> – are accessible, with defined pathways.	YES	Roads provide defined edges to the natural areas.
<i>Streets</i> – a range of street types corresponding to the character of the village and the topographical features of the site. Streets are interconnecting throughout the village, safe and walkable and have pedestrian/cycle paths.	YES	A hierarchy of streets is provided that is appropriate to the topography and the character of the area. Streets are interconnected, using a simple and modified grid pattern and are safe and walkable. Pedestrian paths and cycle ways are provided to appropriate destinations.
Part 2 Design Principles for Coastal Settlements		
<u>Defining the Footprint and Boundary</u> Settlements are to have clearly defined footprints and boundaries with separation from other settlements by bushland, aquatic and coastal ecosystems	YES	The boundary of the settlement is clearly defined by the extent of the 2(c) zoning.

<p><u>Connecting Open Spaces</u></p> <p>Open spaces are connected to form ecological corridors, are to cater for a variety of uses including ecological, sporting, playgrounds, are to be of a variety of sizes according to the use and are to incorporate stormwater and water quality control devices.</p>	<p>YES</p>	<p>The two proposed riparian corridors (given the requested design changes to the western corridor) will provide appropriate ecological corridors. Appropriate provision is made for stormwater control and quality devices</p> <p>A small neighbourhood park is being provided that will incorporate child play equipment and a large area of open space will be dedicated to Council, incorporating important habitat areas.</p>
<p><u>Protecting the Natural Edges</u></p> <p>Setbacks should be provided in public property to protect the foreshore and foreshore systems, including wetlands.</p>	<p>YES</p>	<p>The proposal is not located on the coastal foreshore, but does proposed an appropriate setback of development from the wetland on the site, which is to be dedicated to Council.</p>
<p><u>Reinforcing the Street Pattern</u></p> <p>Edge streets should define boundary with bushland and provide APZ, residential streets should have limited traffic and all streets should have footpaths and cycle paths.</p> <p>Continue pattern from existing urban area and connect to existing streets, minimise crossings over waterways, consider topography and ensure streets are logical, encourage grass swales and pervious structures, limit fast moving traffic and reinforce street character with appropriate street planting.</p>	<p>YES</p>	<p>Edge streets are proposed adjacent to the bushland and to the west and south of the site and form part of the APZs.</p> <p>Residential streets are designed so that they won't be used for through traffic (given the collector road is the most efficient road to travel upon) and streets are all proposed to have footpaths/cycle ways.</p> <p>The subdivision is removed from the existing street pattern, but provides an appropriate layout and with the proposed design changes will minimise crossings of waterways.</p> <p>The road design responds appropriately to the topography of the site.</p>

Provisions of Environmental Planning Instrument	Comply	Consideration
NSW Coastal Policy 1997		
Protecting, rehabilitating and improving the natural environment of the coastal zone.	YES	The proposed stormwater quality works will protect the natural environment as will the dedication of the environmentally sensitive 7(a) and 7(d2) land.
Recognising and accommodating the natural processes of the coastal zone.	YES	The site is adequately removed from the coastline so as not to be affected by coastal processes.
Protecting and enhancing the aesthetic qualities of the coastal zone.	YES	The retention of the riparian corridors and 7(a) and 6(b) zoned land in public ownership will ensure appropriate visual buffering is provided to the development.
Protecting and conserving the cultural heritage of the coastal zone.	YES	The proposal will not unacceptably impact upon any significant cultural heritage resource.

Providing for ecologically sustainable development and use of resources.	YES	The design of the subdivision incorporates water sensitive design and the proposed lots are appropriately orientated for passive solar access.
Providing for ecologically sustainable human settlement in the coastal zone.	YES	See above comment
Providing for appropriate public access and use.	YES	The site is not located on the foreshore, but provides a cycle way/pedestrian path to improve access to the foreshore.
Providing information to enable effective management of the coastal zone.	YES	Adequate information is provided to assess the application.
Providing for integrated planning & management of coastal zone.	YES	The subdivision appropriately responds to the planning for the area.

Provisions of Environmental Planning Instrument	Comply	Consideration
Shoalhaven Development Control Plan 100 – Subdivision Code		
Design Elements		
<p><u>RE2 – Residential Neighbourhood Design</u></p> <p>The design is to :</p> <ul style="list-style-type: none"> a) respond to site characteristics, views; b) street network is to be accessible for pedestrians and cyclists and traffic is to be managed to control speed; c) layout to maximise public transport effectiveness and encourage walking and cycling; d) layout to enable efficient provision of services; e) streets and lots orientated for energy efficiency; f) provide a variety of sizes and enable variety of housing types; g) provide higher densities near public transport, services and open space; h) provide public open space that provides a range of uses, is cost effective to maintain, manages stormwater; i) retain significant vegetation and habitat., minimised soil erosion and avoids flood prone land; j) provide riparian buffer zone of 20m from edge of waterway or centreline when banks are not defined k) integrate layout with surrounding urban area; l) enhance personal safety; m) pedestrian network to be safe and run largely along public areas fronted by houses; n) address bushfire protection. 	YES	<p>Lots on the higher slopes will have some views of the coast and other lots will have views of bushland and other natural areas.</p> <p>The streets design is appropriately accessible and interconnected and traffic speed is appropriately controlled (with speed control devices proposed where required due to the length of roads).</p> <p>The relocated collector road will provide an appropriate public transport route that can operate independent of the proposed adjoining subdivision or in conjunction with it.</p> <p>The modified grid layout provides appropriately for efficient service provision. The streets and lot layout is appropriately designed to maximise passive solar design for the subsequent dwellings.</p> <p>A range of lot sizes are provided for and medium density housing lots have been identified. The medium density lots are located along the identified bus route.</p> <p>A neighbourhood park is proposed to contain child play equipment.</p> <p>Appropriate measures are proposed to address soil erosion during an after construction. No lots are proposed upon flood prone land. Significant areas of vegetation and habitat are retained.</p> <p>The flora and fauna report recommends the revegetation of 1ha of land to compensate for the loss of a small area of poor quality native</p>

		<p>vegetation on the site. A condition to this effect is recommended.</p> <p>A 30m riparian buffer is proposed along the western creekline and a 20m riparian buffer is proposed along the eastern creekline.</p> <p>The subdivision layout is designed to connect to the residential land (undeveloped) to the east.</p> <p>The modified grid pattern layout maximises surveillance in the streets and enhances personnel safety. The pedestrian network (other than the connection through the 6(b) and 7(a) land runs along the public road system or between lots, allowing for appropriate casual surveillance.</p> <p>Appropriate APZs are provided for bushfire protection.</p> <p>An alternative egress/access route in the event of a bushfire is now proposed across the Stage 5 land and has been assessed as acceptable by RFS.</p>
<p><u>Element RE3 – Major Street Networks</u></p> <p>a) Ensure the street network can accommodate the traffic volumes generated,</p> <p>b) Connect the street network with external traffic routes in an efficient manner,</p> <p>c) Design to provide routes for through traffic external to the residential street network,</p> <p>d) Emergency connections provided into residential areas with only one road access and > 30 lots,</p> <p>e) Safe and convenient links for pedestrians and cyclists across transport corridors,</p> <p>f) Junctions between external and internal roads located to minimise impact on traffic movement on external roads and avoid traffic in excess of 3000vpd on local collector roads,</p> <p>g) Housing provision along arterial roads does not impede traffic flow.</p>	<p>YES</p>	<p>The streets are appropriately designed to cater for the generated traffic and connect with the external traffic network in an appropriate manner.</p> <p>The collector road provides a logical through route for traffic and no cul-de-sacs are proposed.</p> <p>Safe and convenient cycle way/pedestrian routes are proposed that connect to the foreshore.</p> <p>The junction with the external road network was constructed as part of an earlier stage and will appropriately cater for the traffic generated by the proposal.</p> <p>No housing is proposed along arterial roads.</p>
<p><u>Element RE4 – Local Street Networks</u></p> <p>a) Streets link with other streets that are no more than two levels higher /lower in hierarchy,</p> <p>b) Different level of streets physically distinguishable, as follows:</p> <p>i) Access Place maximum length 100m, <150 AADT, 15km/h, 3.5m-3.7m carriageway width</p> <p>ii) Access Street <500 AADT, 30km/h, 5m-6m carriageway width</p> <p>iii) Local Street <2000 AADT, 40km/h, 7m-9m carriageway width</p>	<p>YES</p>	<p>The street hierarchy proposed does not result in any street linking with another street that is more than 2 levels higher or lower in the hierarchy.</p> <p>The proposed collector street will have a carriageway width of 9m, compliant with the recommended 7m-9m.</p> <p>The proposed local streets have carriageways of 7m-9m, in compliance with the recommended 7m-9m.</p> <p>The street design is considered appropriate, ensuring an appropriate width for the category of street and providing for safe intersections. The</p>

<p>iv) Collector Street <3000 AADT, 50km/h, 7m-9m carriageway width (may need indented bus bay if 7m wide)</p> <p>v) Local Distributor Road 3000 - 6000 AADT, 60km/h, 7m-9m carriageway width</p> <p>Note: traffic figures based on 10vpd from single dwellings and 6vpd from multi-unit dwellings</p> <p>c) Design features of streets encourage appropriate driver behaviour for that street, by use of limiting street length, introducing bends or introducing slow points,</p> <p>d) Junctions along residential streets should be at least 60m (same side of street) or 40m (opposite side of street) apart for access/collector street intersections and be at least 100m (same side of street) or 60m (opposite side of street) apart for trunk collector streets,</p> <p>e) Roundabouts should generally be no closer than 70m apart where there are 3 or more in proximity,</p> <p>f) Wheelchair/pram ramps are to be provided at intersections where paths are provided/likely,</p> <p>g) Provision for efficient bus route accessible by foot from all dwellings and with appropriate street design,</p> <p>h) Street network to facilitate walking and cycling to local activity centres,</p> <p>i) Street network addresses topography/vegetation and views,</p> <p>j) Street network orientated to promote solar access to dwellings (ie are aligned east-west or north-south) and take account of natural drainage and open space systems,</p> <p>k) Most dwellings to front low traffic roads,</p> <p>l) Major collectors are < 1200m long,</p> <p>m) Intersections should be either T-junctions or roundabouts,.</p>		<p>design is a legible design.</p> <p>All proposed junctions between local streets and collectors are a minimum of 60m apart, complying with the control.</p> <p>Three roundabouts are proposed along the collector road, with the closest two roundabouts being approximately 140m apart.</p> <p>Wheelchair ramps are to be provided at the crossing of all streets.</p> <p>The provision of a pedestrian connection between the southern most east-west street and the 2nd southern most east-west street and between the 2nd and 3rd southern most residential streets will provide improved access to the northernmost street, which is the bus route street.</p> <p>The proposed cycle way/pedestrian network will appropriately facilitate walking and cycling to local activities.</p> <p>The street network allows vistas to bushland from the perimeter road and from the majority of other roads.</p> <p>The north-south and east-west streets provide appropriately for solar access to future dwellings. The change to one crossing of the riparian corridor of each creek is appropriate and takes into account the habitat importance of the riparian zones.</p> <p>Of the proposed 155 lots, 121 lot front low traffic roads and as such most lots front low traffic roads.</p> <p>The collector complies with the control.</p> <p>The proposed intersections are all "T" intersections or have roundabouts.</p>
<p><u>Element RE5 – Pedestrian and Cyclist Facilities</u></p> <p>a) A network of pedestrian/cycle routes provided with connection to open space and other appropriate destinations such as schools/shops (should comply with Shoalhaven Bicycle Strategy where relevant),</p> <p>b) Network to be appropriately designed for cyclists, parents with prams, persons with disabilities, commuters and recreational users,</p> <p>c) Footpaths should be provided on one side of streets with traffic >2000vpd,</p> <p>d) Paths varied to preserve trees,</p> <p>e) Footpaths and cycleways are well lit and located for casual surveillance,</p>	<p>YES</p>	<p>A network of cycle ways/pedestrian paths is proposed that provides access to the beach.</p> <p>Pram ramps are to be provided at intersections. A condition is recommended requiring the paths to be designed to meet the requirements of AS 1428 to provide an appropriate level of accessibility on all parts of the site where this can be achieved having regard to the topography. The paths will be required to be 1.2m wide, widening to 2m wide for shared pedestrian/cycleways.</p> <p>Footpaths or combined cycle way/pedestrian paths are provided on at least one side of all</p>

<p>f) Pedestrian only footpaths are to be 1.2m wide and have a maximum grade of 15% widening to 1,4m near meeting points,</p> <p>g) Dedicated cycle path considered where traffic >5,000vpd,</p> <p>h) Safe crossings provided where speeds >50kpm or traffic > 3000vpd.</p>		<p>streets.</p> <p>Other than in the land to be dedicated to Council, there are very limited occurrences of trees on the site due to previous farming activities. A condition of consent is recommended requiring that the paths through the 6(b) and 7(a) land be designed to minimise loss of any significant vegetation, including trees.</p> <p>The Statement of Commitments require that streets be provided with an appropriate level of street lighting to meet Australian Standards. Given the off-street path travels through a sensitive area that provides wildlife habitat, it is not appropriate that this path be provided with lighting.</p> <p>The traffic through the subdivision is not expected to exceed 3000 vpd and as such there is no need for dedicated cycle paths or safe crossings.</p>
<p><u>Element RE6 – Public Transport</u></p> <p>a) Neighbourhood densities to encourage public transport provision,</p> <p>b) Public transport route to take into account demand, characteristics of travellers, cost of service,</p> <p>c) At least 85% of dwellings within 500m walking distance from bus route, with bus stops at 400m spacing,</p> <p>d) Routes for regular bus services to have 9m wide pavements,</p> <p>e) Siting of bus stops to relate to pedestrian path network,</p> <p>f) Bus stops are provided with shelter, seats, adequate lighting, timetable information and are overlooked by nearby buildings, whilst minimising impacts on the amenity of dwellings.</p>	<p>YES</p>	<p>The proposed density is consistent with the recommended density for the area by Council.</p> <p>The public transport route is appropriately efficient to provide access to the maximum number of people whilst travelling the least distance. All of the proposed dwellings will be within 500m walk of a bus stop and an appropriate road pavement width of 9m is to be provided.</p> <p>A condition of consent is recommended requiring the developer to pay for the installation of seating and a shelter with lighting.</p>
<p><u>Element RE7 – Public open Space</u></p> <p>a) Multi-functional role of public open space is encouraged,</p> <p>b) Public reserves provided in accordance with DCP, approved strategy or Contribution Plan,</p> <p>c) Public reserves provide a range of recreational settings, community paths, accessibility, incorporation of natural features, linkages to other areas of public open space and are safe,</p> <p>d) Parks should provide lighting and be fronted by a public street,</p> <p>e) Plans should be provided of adjoining streets (parking bays, lighting, cycleways and paths), existing and proposed vegetation, important</p>	<p>YES</p>	<p>Given the number of lots proposed and their isolation from any existing child play areas, it is appropriate that an open space area be dedicated to Council with child play equipment. The design of the subdivision is such that all allotments would be within an approximate 500m walk form such child play equipment if it were provided in the vicinity of the water quality pond, allowing it to be accessed by the proposed cycle way/pedestrian path. In this regard the applicant has been requested to provide a conceptual plan identifying appropriate equipment, seating, appropriate planting and shade devices, together with fencing as necessary. In response the</p>

<p>features/habitats, general arrangement of hard landscaping and major earthworks, treatment of drainage systems, proposed recreation facilities.</p> <p>f) Public reserves should be provided in a condition that is capable of regular and efficient maintenance (ie grassed, free from weeds, containing remnant vegetation, provided with a water services and dedicated vehicular access point – concrete crossing and lockable gate, road frontages to have timber vehicle barriers),</p> <p>g) Minimise number of lots backing onto open space to improve surveillance.</p>		<p>applicant has proposed a small neighbourhood park with child play equipment adjoining a pedestrian pathway, centrally to all proposed lots. This approach is satisfactory.</p> <p>Other levels of open space are appropriately provided for by way of s94 contributions.</p> <p>The design of the subdivision provides edge streets running adjacent to the proposed park, with the exception of one small portion, where one allotment has a side boundary to the park.</p>
<p><u>Element RE8 –Street Design</u></p> <p>a) Streets should satisfy the following design criteria:</p> <p><i>Access Place:</i> 4m verge width, 13m street reserve, layback flush kerb, 17% maximum grade, AC, paving block or stamped/patterned concrete, no footpath, 1 intended parking bay per 2 lots, 5m entrance kerb return radius,</p> <p><i>Access Street:</i> 4m verge width, 16m street reserve, layback kerb, 16% maximum grade, AC, paving block or stamped/patterned concrete, no footpath, carriageway parking, 5m entrance kerb return radius, street leg length 45m between intersections/slow points</p> <p><i>Local Street:</i> 4.5m verge width, 18m street reserve, layback kerb, 16% maximum grade, AC, 1.2m footpath, carriageway parking, 6m entrance kerb return radius, street leg length 100m between intersections/slow points</p> <p><i>Collector:</i> 4.5m verge width, 20m street reserve, barrier kerb, 16% maximum grade, AC, 1.2m footpath, carriageway parking, 8m entrance kerb return radius, street leg length 140m between intersections/slow points</p> <p><i>Local Distributor:</i> 22m street reserve, barrier kerb, 10% maximum grade, AC, 1.2m footpath or 2m cycle path, no parking, 8m entrance</p>	<p>YES</p>	<p>The Statement of Commitments requires compliance with Element RE8 for the construction certificate plans, in relation to kerb type, verge width, construction materials, footpath widths and entrance kerb return radius.</p>

<p>kerb return radius, street leg length 165m between intersections/slow points</p> <p>b) Parking is to be provided at a rate of one space per two dwellings for lots having a frontage of 12m or more,</p>		
<p><u>Element RE10 – Utility Services</u></p> <p>a) Design and provision in accordance with the relevant service provider's requirements,</p> <p>b) If development is staged, each stage is to be fully serviced prior to release</p>	YES	Appropriate layouts have been submitted for the provision of sewerage, stormwater drainage and water supply. A condition of approval would require all services to be provided to each lot prior to them being released.
<p><u>Element RE11 – Stormwater Drainage</u></p> <p>a) Major system will provide an overland flow path capable of containing the 1 in 100 year event and/or provide detention storage,</p> <p>b) Ground floor levels of all buildings are to be located above the design flood level (0.5m above 1 in 100 year ARI event in floodways and 0.3m in flood storage and flood fringe areas,</p> <p>c) Retain natural streams and vegetation and incorporate riparian/wetland vegetation,</p> <p>d) Minor systems have capacity to control stormwater flows under normal operating conditions for 1 in 5 year ARI,</p> <p>e) Low flow pipes in public reserves are to contain 25% of 1 year ARI,</p> <p>f) Where topography prevents direct discharge to a street or a piped system, inter-allotment drainage is to be provided,</p>	YES	The proposed water management system caters for both low and high flow events up to the 1 in 100 ARI event, providing a system of pipes (for frequent events) and overland flow paths (for low frequency events). The system is appropriately designed to cater for the predicted flow levels and will not result in any flood impacts upon future dwellings. The water control and quality systems will ensure impacts are acceptable to riparian and wetland systems on the site and in the vicinity of the site and the proposal retains the riparian system to the east and west of the site.
<p><u>Element RE12 – Stormwater Quality Management</u></p> <p>a) An erosion and sediment management plan is to be prepared,</p> <p>b) The system is to minimise environmental impact of urban runoff on surface receiving water quality.</p>	YES	An erosion and sediment control plan has been prepared that utilises the existing dam for sediment control during construction activities. The system has been assessed as being of appropriate design.
<p><u>Element RE13 – Streetscape</u></p> <p>a) A landscape plan is to be submitted showing the street reserve and indicative locations of the carriageway, parking bays, footpaths, cycleway system, speed control devices, bus stops, street lighting and substations, location of existing vegetation, location, species and general character of tree planting and hard and soft landscape treatment and indicative location of buildings,</p> <p>b) Streetscape treatment should define a theme for new developments or complement existing character,</p> <p>c) Footpaths trees are to have a maximum spacing of 10m, minimum of 2 trees per lot, minimum 10m distance from intersections and</p>	YES	The landscape plan shows proposed street trees and footpaths but does not delineate lighting, speed control devices or bus stops. These details are to be addressed by conditions of consent, as are street signs.

<p>6 month maintenance period d) Street signs at all intersections,</p>		
<p><u>Element RE14 – Allotment Layout</u></p> <p>a) Lots are to satisfy the following minimum dimensions and all lots are to have a minimum area of 500m²:</p> <p>i) Rectangular non-corner lot square width 16m, depth 30m, ii) Rectangular corner lot square width 20m, depth 30m, iii) Irregular shaped lot square width 12m, width at building line 16m, mean width 18m,depth 30m, iv) Corner splays are to be a minimum of 4m,</p> <p>b) Lot size and dimension is also to consider site conditions such as special features and bushfire APZs,</p> <p>c) Battleaxe lots are to have a minimum area of 650m² and ROW widths of 3m (up to 2 lots), 3.5m (3-4 lots) and 5m (5-6 lots),</p> <p>d) Each lot is to have a rectangular building envelope available of at least 15m x 15m,</p> <p>e) Stands of mature trees that can be retained are to be identified,</p> <p>f) 5m side boundary building setbacks to adjoining properties,</p> <p>g) 80% of lots are to have 5 star solar access and the remainder either 3 or 4 star,</p> <p>h) Lots should be orientated so that one axis is within 30° east and 20° west of true solar north,</p> <p>i) North-facing slopes maximise opportunities for solar access and small lots should be located there, south facing slopes should contain larger lots,</p> <p>k) Sloping sites are suitable for medium to large lots only</p> <p>l) Narrower lots can be provided where north is to the rear, with wider lots where north is to the side or front.</p>	<p>YES</p>	<p>Almost all of the proposed lots comply with the specified minimum dimensions and all comply with the minimum lot size. The minor variations to the dimensions are acceptable, given the adequacy of the area and shape of the allotments for development.</p> <p>All corner splays have a minimum dimension of 4m, compliant with the control.</p> <p>The lots that incorporate APZs have increased depth and lot size and can still provide for an appropriate building platform and area of private open space.</p> <p>There are no proposed battleaxe allotments.</p> <p>All lots are capable of providing a 15m x 15m building platform, or an alternatively dimensioned, but appropriately sized, building platform area.</p> <p>The area of the site to be subdivided is largely devoid of trees, with the exception of the north-east corner of Stage 2. The statement of commitments requires healthy trees located within road reserves to be retained and protected, with details provided prior to the release of the construction certificate.</p> <p>The subdivision layout provides largely for north-south orientation, with end blocks being east-west and some blocks along the boundaries of the riparian zones being oriented less appropriately. Given the topographical constraints, the orientation is appropriate</p>
<p><u>Element RE15 – Bushfire Mitigation</u></p> <p>a) A public perimeter road is provided around the subdivisions,</p> <p>b) Subdivision is to provide for a fuel reduced buffer area,</p> <p>c) The design and road layout is to take into account the needs of emergency vehicles and possible evacuation.</p>	<p>YES</p>	<p>The design provides for a perimeter road and a fuel reduced zone in the APZs identified on the plans.</p> <p>An alternate access route in the case of bushfire is proposed through the Stage 5 land.</p>

<p><u>Element RE16 – Geotechnical</u></p> <p>a) Subdivision is prevented in high risk slip areas, b) All lots are to be above flood level, c) Minimum surface grade 1% falling to a road or drainage system.</p>	<p>YES</p>	<p>The site is not overly steep and no identified areas of high slip risk occur on the site.</p> <p>All lots have a building platform above the 1 in 100 year ARI flood level.</p> <p>All lots will have a minimum 1% fall to a road or drainage system.</p>
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Provisions of Environmental Planning Instrument	Comply	Consideration
Shoalhaven Development Control Plan 52 – Dolphin Point		
6.1 Princes Highway Intersection		
<p>Only one point of vehicular access from the Princes Highway to the subject site will be permitted, to comprise of a roundabout, with provision for widening to a two-lane structure. Pedestrian refuges must be incorporated into the roundabout splitter islands to accommodate future desire lines from the proposed new primary school,.</p>	<p>YES</p>	<p>The roundabout was approved and constructed as part of Stage 1 of the development.</p>
6.3 Access to Adjoining State Land		
<p>Subdivision of the site is to make provision for vehicular access to the adjoining state land to the west and south-west, generally in accordance with the development control map</p>	<p>YES</p>	<p>Access is provided to the state land by the proposed collector road, which is to run along the northern most road bounding the 6(b) land to be dedicated to Council. The access is not fully in accordance with the development control map, however is appropriate and has the concurrence of Council.</p>
7.2 Water Management and Erosion Controls		
<p>Prior to granting consent to any significant development on the site a comprehensive water management and erosion control plan is to be lodged detailing:</p> <p>(a) measures to prevent nutrients and sediment from entering the wetland, (b) the size and extent of detention areas and discharge devices and allow for the diversion of run-off from the upper catchment directly into the wetland.</p>	<p>YES</p>	<p>A water management strategy has been prepared for both the construction and occupation phases of the development incorporating appropriate soil control and nutrient control measures.</p> <p>The system provides diversion of upper catchment flows to flow directly to the wetland.</p>
7.3 Water Quality		
<p>The erosion control and water management plan is to make provision for monitoring the quality of water entering the wetland. Water quality testing is to be carried out immediately after each significant phase of construction or at 3 monthly intervals, whichever is lesser until all major earthworks and development is completed.</p> <ul style="list-style-type: none"> • Testing is to be done for the following: 	<p>YES</p>	<p>A condition of consent will require appropriate monitoring.</p>

<ul style="list-style-type: none"> • Turbidity • Dissolved oxygen • Total phosphorous • pH • coliforms <p>Results are to be lodged with Council within 14 days of the results being received by the proponent.</p>		
7.4 Archaeology		
Any application for development in the vicinity of Aboriginal artefact scatters or possible ceremonial ground identified by the NPWS and as shown in the DCP map shall be accompanied by an archaeological report, together with evidence of approval to destroy where relevant.	YES	An archaeological study and management plan has been prepared for the site appropriately detailing how known sites will be dealt with.
7.5 Bush Fire Hazard		
Where an external boundary abuts native forest, a 10, wide clearing within the property is to be made to provide access for fire fighting vehicles and a fuel free zone. The design of the subdivision roads shall provide for effective evacuation routes in the event of a bushfire.	YES	These controls have been superseded by the <i>Planning for Bushfire Protection</i> controls. The design of the subdivision has been assessed by the NSW Rural Fire Service under these controls, refer to their comments, and they are satisfied with the measures proposed to protect against bushfire damage and threat to life.

Provisions of Environmental Planning Instrument	Comply	Consideration
Shoalhaven Planning Policy No. 1 Development Guidelines for Certain Residential 2(c) Zoned Land – Milton-Ulladulla		
GENERAL URBAN FORM REQUIREMENTS		
4.1 Access Network		
<p>Provide a network of streets with a clear and logical hierarchy that disperses traffic, provide a safe, convenient and pleasant pedestrian/cycle network and ensure that boundaries separating residential/public open space are clearly defined and publicly accessible.</p> <p><u>Collector Roads</u> – the in-principle alignments are shown on the map and are to facilitate movement through the site and to other areas and to provide for the operation of public transport. Collector Roads are to be designed for access by buses, including provision of indented bus bays and bus friendly intersection design.</p> <p><u>Perimeter Roads</u> – are to provide a clear delineation between residential and public open space areas and residential areas should be framed by perimeter roads. Perimeter roads are also to provide effective access for bushfire</p>	YES	<p>The amended subdivision layout provides a street network with a clear and logical hierarchy and provides a safe and convenient cycle way/pedestrian network. The boundaries with bushland and open space are created by roads.</p> <p>The amended subdivision layout provides a collector road that is more consistent with the in-principle alignment of the plan and is appropriate. It is appropriately designed for access by buses.</p> <p>A perimeter road is provided adjacent to the areas of public open space and will provide appropriate access for bushfire fighting.</p> <p>The existing “dead-end” road at the southern end of stage 1 is to be continued into the subdivision of stages 3 and 2 as the collector road.</p>

<p>fighting, are to prevent semi-privatisation of public open space by providing backyards onto public space, and are to ensure surveillance of public open space.</p> <p><u>Intended Local Access</u> – where existing ‘dead-end’ local streets extend to or near the boundary of any area it is expected that any proposal will include the extension of that street.</p> <p><u>Co-ordinated Access</u> – designs must demonstrate how co-ordinated access with adjoining large scale lots (zoned 2(c)) is achieved to avoid physically fragmented neighbourhoods.</p> <p><u>Pedestrian/Bicycle Paths</u> – in-principle shared pathway alignments are identified for provision to promote and establish safe pedestrian/bicycle movement</p>		<p>The amended layout co-ordinates access with the adjoining large development lot to the east of the site, having regard to that site’s attributes and proposed subdivision layout.</p> <p>An appropriately located cycle way/pedestrian pathway network is proposed.</p>
<p>4.2 Form of Residential Subdivision/Development</p>		
<p>The site is identified as providing for standard urban residential lot size development, with lots varying between 500m² and 749m².</p>	<p>YES</p>	<p>The allotments sizes proposed vary from 593m²-1,213.8m², with the larger allotments reflecting the need for APZs and allowing for medium density development.</p>
<p>4.3 Public Open Space</p>		
<p>Provide linkages and pockets of public open space in new neighbourhoods and ensure open space linkages perform an ecological function and use natural drainage lines.</p> <p>Drainage reserves are to have a minimum 20m buffer from the centreline of the creek and are to have riparian vegetation and where appropriate area to extend passive open space linkages.</p>	<p>YES</p>	<p>The subdivision layout provides for a large area of open space to be dedicated to Council in the northern part of the site, with a riparian corridor linkage, providing opportunities for ecological functions and retention of natural drainage lines. The western creekline has a 30m riparian buffer either side of it and the eastern creekline a 20m buffer.</p> <p>The amended plans make provision for a child play area, which is appropriately located centrally within the subdivision.</p>
<p>4.4 Water Supply</p>		
<p>A water supply strategy is to be developed that includes consideration of supply to the whole area. Water supply is to cater for the capacity necessary for the whole area, with the potential to negotiate costs with Council, or if developed out of sequence with the potential for some reimbursement of costs for upsizing of the system. The system is to incorporate best practice design and is to minimise dead ends, provide components (stop valves, hydrants, etc) to allow flexible operation, ensure sizing to allow for possible future expansion and to minimise pressure loss and minimise long term operational costs.</p>	<p>YES</p>	<p>The water supply strategy proposed has been developed in conjunction with the local authority and provides appropriate capacity for future development.</p>

4.5 Sewerage		
<p>A sewerage strategy is to be developed that includes consideration of service to the whole area. The sewerage system is to cater for the capacity necessary for the whole area, with the potential to negotiate costs with Council, or if developed out of sequence with the potential for some reimbursement of costs for upsizing of the system. The system is to incorporate best practice design and is to minimise the lengths of sewers, be above the minimum design limitations to provide for tolerances, ensure sizing allows for possible future expansion, provide components to ensure minimal operational cost and minimise infiltration and inflow to the system and the sewerage system must be integrated to service the whole catchment.</p>	YES	<p>The sewerage system proposed has been developed in conjunction with the local authority and provides appropriate capacity for future development.</p>
4.6 Stormwater		
<p>Water runoff from the site is to be minimised by adoption of water sensitive urban design principles including:</p> <ul style="list-style-type: none"> • Limiting impervious areas directly connected to the drainage system • Maximise the reuse of stormwater (ie rainwater tanks) • Maximise the use of vegetated flow paths • Use stormwater infiltration at source where appropriate <p>Stormwater designs should be in the context of a water cycle strategy adopting low impact street drainage design, low impact trunk drainage, infiltration and retention basins.</p>	YES	<p>The stormwater system is appropriate, proposing the incorporation of rainwater tanks in new dwellings (as required by BASIX), using riparian corridors for water flows and providing a bio retention basin and water quality pond for treatment of the runoff.</p>
AREA SPECIFIC URBAN FORM REQUIREMENTS		
5.7 Burrill Lake/Dolphin Point		
<p><u>5.7.1 Access Network</u></p> <p>A perimeter road is to be provided along the southern and western boundary of the site and along the northern boundary with the open space zoned land.</p> <p>A collector road is to run down the western boundary of the open space land (part of western boundary of site) and then to run roughly centrally through the 2(c) land to connect roughly centrally along the eastern boundary with the adjoining site and thence to connect up with Dolphin Point Road.</p>	YES	<p>A perimeter road is provided along the southern and western boundary and along the northern boundary with the 6(b) zoned land.</p> <p>The collector road runs down the western boundary where the site used to be zoned 6(b) (recently rezoned 7(d2) and then runs along the northern road to connect with the adjoining site to the east. Once the adjoining site to the east is redeveloped, the road will connect with Dolphin Point Road.</p>
<p><u>5.7.2 Residential Subdivision</u></p> <p>To be consistent with the existing character of</p>	YES/NO	<p>Other than the proposed medium density area, the subdivision and lot sizes are consistent with the existing character of the areas to the north</p>

<p>areas to the north and east and is to be of standard urban residential subdivision density (ie 500m² to 749m²).</p> <p>An appropriate level of medium density development for the area is identified at between 10% and 20% of total area of land (residential) and such land should front the collector road or another road capable of accommodating the traffic generated.</p>		<p>and east and lots generally fall between 500m² to 749m².</p> <p>An appropriate level of medium density land is provided, which though constituting only 3.12% of the land (6332m²) rather than between 10% and 20% is considered appropriate given the lack of services in the village. The area of medium density land is located adjoining the neighbourhood park, is bounded by roads and is in close proximity to the collector road and future bus route.</p>
<p><u>5.7.3 Open Space Network</u></p> <p>Two public open space linkages are identified centred on the natural drainage lines. The linkages will contribute towards and open space connection between the wooded area south of the Dolphin Point precinct to the Burrill Lake outlet.</p> <p>The two identified drainage reserves run roughly north south, with one located roughly centrally on the subject site and one running along the northern half of the eastern boundary of the subject site.</p>	<p>IN PART</p>	<p>The western drainage line is to be retained and incorporated into a 60m wide riparian zone. The central drainage line is an overland flow path and it is proposed to pipe this drainage line. Given the drainage line is not a creek, DECC, DWE and Council support its piping.</p>

APPENDIX D. SUMMARY OF SUBMISSIONS

Residential Subdivision MP 05_0016

Summary of all submissions received for this application

NB. Because of the varying degree of detail provided in public authority submissions from DGRs stage to exhibition stage (ie. some agencies submitted detailed comments at DGRs stage yet did not respond during exhibition), this summary seeks to record all matters raised by agencies as well as provides a Departmental response.

Date	Stage of process	Agency comment	Department's response
Roads and Traffic Authority			
	Response to exhibition	Request additional information as follows: <ul style="list-style-type: none"> • The cumulative impact of the traffic generated from both development applications on the Princes Highway should be considered in the SIDRA analysis. The analysis should consider 10 year projected volumes and include holiday volumes (usual practice is to double volumes for holiday traffic). • The details of the traffic counts should be provided (ie date, day of week, etc). • Turning paths should be provided to ensure service/delivery vehicles (12.5m large rigid vehicles) can make all turns at roundabouts and intersections. • Sight distance should be confirmed at all intersections. • 	<ul style="list-style-type: none"> • Additional information was sought and forwarded to the RTA.
	Response to additional information	No objection to proposal in principle	<ul style="list-style-type: none"> • Noted
NSW Health			
	Response to exhibition	<ul style="list-style-type: none"> • Given the current overnight stay rates for Shoalhaven LGA, it is estimated that there will be an increase in demand for overnight hospital stays by around 68 given full occupation. However, if occupancy rates stay as existing (57% of which 43% are holiday rentals), then the demand generated could be as little as 39 hospital admissions per annum. 	<ul style="list-style-type: none"> • Noted

		Considerable enhancement to the clinical services, including both Milton-Ulladulla and Shoalhaven District Memorial Hospital and as such the small increase in demand should be more than adequately catered for.	
Shoalhaven Water			
	Response to exhibition	<ul style="list-style-type: none"> The proposed development can be supported by the water supply and sewerage systems, however it will be necessary for the operational consent to include a standard condition requiring the water authority's issuing of a Certificate of Compliance. 	<ul style="list-style-type: none"> Condition of consent included in recommendation
Department of Planning – Southern Region			
	Response to exhibition	<ul style="list-style-type: none"> The plan should be amended to include the drainage infrastructure works in Stage 5, within the project application for Stages 2 and 3. The community recreational facilities should be provided within the subdivision not at the end of the subdivision. Concern is raised that the stormwater control works are not permissible in zones 6(b), 7(a) and 7(d2) as they are not public utility instalments. Concern is raised in relation to the number of substandard sized lots proposed in the 7(d2) zone and in relation to the proposed private ownership of those properties. 	<ul style="list-style-type: none"> The proposed infrastructure works, whilst in the Stage 5 land, are proposed throughout Stages 2 and 3 and form part of the project application. The amended proposal provides for a constructed child play area in a neighbourhood park located centrally in Stage 2. Clause 26 of SLEP 1985 allows for the construction of such works regardless of the zoning of the land as long as they are not located in sensitive lands. The amended proposal removes the proposed roads (except one collector road crossing) from the proposed 7(d2) zone and seeks to consolidate the 7(d2) land with the 7(a) and 6(b) land into one parcel for dedication to Council. Whilst still substandard to the 40ha control, the lot size is considered acceptable as it comprises all of the 7(a), 7(d2) and 6(b) land and is to be dedicated to Council. The application is assessed as satisfactory in relation to cl. 40D.

		<ul style="list-style-type: none"> • Seeks an assessment in relation to cl. 40D of SLEP 1985. • Seeks for the intent of SPP No. 1 to be applied to Stage 3. • Seeks appropriate riparian zone on either side of the western creek, to exclude APZs and to be contained in one lot to be dedicated to Council. • Dedication of the drainage reserves should occur at registration of the linen plan. • Implementation of the Vegetation Management Plan should occur with the subdivision works. • Advice from DECC should be sought on the suitability of the stormwater system and water quality controls. 	<ul style="list-style-type: none"> • The intent of SPP No. 1 has been considered in the assessment of the whole application. • The amended proposal achieves this with a 30m riparian zone either side of the creek. • A condition to this effect is recommended • A condition to this effect is recommended • Advice from DECC has been sought and is summarised in this table.
Department of Environment and Conservation			
	Response to exhibition	<ul style="list-style-type: none"> • Clarification is required that the Stage 5 land will be dedicated to Council. • If the fire trail is to be provided through Stage 5 lands, an environmental assessment of impacts is to be provided. • Conditions should require implementation of water sensitive urban design and adequate riparian zones. 	<ul style="list-style-type: none"> • The proposal included dedication of the land to Council. • Amended plans proposed to include a fire trail through the Stage 5 land, following the course of the sewer line. An assessment was submitted and referred to DECC for comment. • The amended proposal provides 30m riparian zones either side of the western creek and 20m either side of the eastern creek. The stormwater proposal incorporates water sensitive design.
	Response to amended plans	<ul style="list-style-type: none"> • DECC advised that they have no objection to the amended location of the fire trail 	<ul style="list-style-type: none"> • Noted

Department of Water and Energy			
	Response to exhibition	<ul style="list-style-type: none"> • The western creek should have a 30m riparian zone to either side , with a core area of 20m and a buffer area of 10m. • All roads/paths (except crossings), basins, wetlands, services and APZs should be outside the riparian corridor. • It is recommended that the riparian corridor should be excluded from private ownership and included in a single parcel under public ownership. • The 20m riparian corridor on either side of the eastern creek is supported. • The Vegetation Management Plan should cover Stage 5 and the riparian corridors. • Amended plans should be provided that clearly identify the layout and the location of watercourses, wetlands, dams, tops of banks, riparian corridors, APZs, existing vegetation (showing endangered ecological communities (EECs) and non-EECs), areas to be revegetated, 1:100 year flood levels, boundaries of roads/paths and infrastructure. • It is recommended that the riparian corridor be rezoned to E2 – Environmental Conservation due to the limited permissible works in the zone. • Bike paths should not be located in the riparian corridor and preferably should not be located in the buffer area. • The number of road crossings of the western creek should be minimised. • The water quality ponds should be outside the riparian corridor. 	<ul style="list-style-type: none"> • The amended plans achieve this. • The amended plans have only one road crossing in the corridor. • The amended plans include the riparian corridor in the Stage 5 allotment to be dedicated to Council. • The amended plans achieve this. • This is to be conditioned. • An appropriate level of plans has been provided in the Preferred Project Report. • The rezoning of the corridor is beyond the scope of the application. It is noted that the land cannot be zoned E2 until council has prepared its new LEP under the DoP template. • The bike paths are not located in the riparian corridor other than crossings. • The amended plans reduce the road crossings to one. • A condition of consent will require this.
Department of Education and Training			
	Response to exhibition	<ul style="list-style-type: none"> • The proposal is likely to generate additional student demand for one additional class at primary school and one to tow classes at secondary school. Ulladulla High School is currently being upgraded due to the surrounding development and Ulladulla Public School is currently using demountables to cater for current enrolments. 	<ul style="list-style-type: none"> • Noted

Shoalhaven City Council		
	Response to exhibition	<ul style="list-style-type: none"> • Concern was raised that the site contained no specified areas for medium density and Council's SSP1 indicates that provision should be made for 10-20% medium density, which is supported by the Settlement Planning Guidelines which support a target of 30% medium density across the LGA. • The collector road should only be provided with a 9m wide carriageway as it only has housing on one side and the parking demand from the adjoining reserves will be minimal. This width will still cater appropriately for use as a bus route • Council requested a condition required all roundabouts to be designed to make provision for pedestrians to cross the road at all splitter islands in accordance with the Austroads guidelines. • Council does not concur with the assessment of significance conclusions in relation to flora and fauna as the amelioration impacts are not adequate and the proposal will result in the degradation of EEC due to insufficient buffers. Further the plans do not show the development area in relation to the EEC locations. It is recommended that the proposal be redesigned to retain EEC and provide a minimum 20m vegetated buffer to the areas, with the APZs located outside of the buffer. • Council provided information on the potential impacts of flooding, indicating that the lower part of the property is classified as high hazard flood storage and should not be subdivided unless sufficient flood free land can be provided on each lot. In this regard the 1% AEP flood level is 2.6m AHD and the planning flood level is 3.1m AHD.
		<ul style="list-style-type: none"> • Whilst the Preferred Project Report provides for a reduced level of medium density (3.12%), the area is well located and is considered adequate given the village's lack of services and facilities. More appropriate locations for medium density are in the towns. • A condition to this effect is recommended • A condition to this effect is recommended. • It is noted that this comment is based on the original flora and fauna report and does not take into consideration the new plans which provide APZs within road reserves and which provides for offset revegetation of riparian and other areas and dedication of the EEC and riparian (together with other land) to Council to ensure its long term protection. • A condition of consent is recommended requiring all low lying lots to have a freeboard level of RL 3.25m AHD (providing sufficient allowance for climate change considerations).

Department of Primary Industries		
Response to exhibition	<ul style="list-style-type: none"> • Concurs with the proposed retention of the riparian zones. • Soil and sedimentation measures will need to be in place during construction to ameliorate impacts on water quality in Burrill Lake. • The stormwater measures proposed are supported and should be a mandatory component of any approval. • The design of the watercourse crossing of the western creek should be in accordance with the Department's <i>Policy and Guidelines for Fish Friendly Waterway crossings (2004)</i> and <i>Why Do Fish Need to cross the Road? Fish Passage Requirements for Waterway Crossings (2004)</i>. • No objections subject to the above and conditions requiring an acid supphate soil management plan to be developed prior to any earthwork in Stage 5, an independent audit of erosion and sediment controls used during construction of the road network and water quality monitoring to be undertaken downstream of the site (Stage 5) to ensure that the predicted water quality objectives in the EA are met. 	<ul style="list-style-type: none"> • Noted • This is to be conditioned • All works covered in the EA become mandatory with approval. • This is to be conditioned • This is to be conditioned
Rural Fire Service		
Response to exhibition	<ul style="list-style-type: none"> • No objections were raised to the proposal subject to the inclusion of a number of conditions related to construction and maintenance of appropriate access and APZs. • One of the conditions required the provision of a second access road that could not be impacted by fire at the same time as the existing collector road through Stage 1. 	<ul style="list-style-type: none"> • Conditions to be included in approval • The amended plans make provision for a second access route (fire trail) through the Stage 5 land along the route of the sewer line.
Department of Lands		
Response to exhibition	<ul style="list-style-type: none"> • No objection to the application. • The applicant should be advised that no unauthorised use of Crown land is permitted and no activities associated with the subdivision should be allowed to impact the Crown land. 	<ul style="list-style-type: none"> • Noted • A condition to this effect is recommended.
David & Barbara Stone – 2 Highview Drive, Dolphin Point		
Response to exhibition	<ul style="list-style-type: none"> • There is a lack of footpaths/cycle paths, particularly on Link Road near Dolphin Point Road. 	<ul style="list-style-type: none"> • Footpaths/cycleways are provided throughout Stages 2 and 3 and connect to Dolphin Point Road through proposed pathways in Stage 5 land, which is to be dedicated to Council.

		<ul style="list-style-type: none"> The style of houses built in Stage 1 is inappropriate. 	<ul style="list-style-type: none"> The house styles on the proposed lots will reflect the Council's DCP controls.
BMF Developments – Owners of 1 lot in Stage 1			
	Response to exhibition	<ul style="list-style-type: none"> No objection 	<ul style="list-style-type: none"> Noted
K D Morgan Marketing Pty Ltd – Owners of 3 lots in Stage 1			
	Response to exhibition	<ul style="list-style-type: none"> No objection 	<ul style="list-style-type: none"> Noted
Masalo Pty Ltd – Owners of 3 lots in Stage 1			
	Response to exhibition	<ul style="list-style-type: none"> No objection 	<ul style="list-style-type: none"> Noted
Nature Conservation Council of NSW			
	Response to exhibition	<ul style="list-style-type: none"> Rezoning the Stage 3 6(b) land will isolate the 6(b) and 7(a) land in Stage 5 from the adjoining nature reserves and will severely reduce its ecological value. At worst the southern section of Stage 3 should be widened to provide a wildlife corridor and the paperbark shrubland should be rehabilitated. The whole of the Stage 5 land should be protected. There is no plan for public transport or cyclists. The stormwater design should be more water sensitive as there are not guarantees that rainwater tanks will be installed under BASIX and should include grass swales for more infiltration. 	<ul style="list-style-type: none"> The rezoning is beyond the scope of the application, however the redesign incorporates a 60m wide riparian zone around the western creek and as such will retain connectivity between the Stage 5 lands and the adjoining nature reserve. The land is to be dedicated to Council. The proposal provides an appropriately designed route for buses and incorporates a cycleway network, including a path through the Stage 5 land towards the beach. The stormwater design is appropriate and it is considered that BASIX appropriately ensures water tanks will be installed in new dwellings.

Dennis Diehm –PO Box 4031, BurrillLake		
Response to exhibition	<ul style="list-style-type: none"> The site is contained within Burrill Lake, not Dolphin Point 	<ul style="list-style-type: none"> The applicant has investigated the claim and has determined by reference to Council documents that the site is partially located within Burrill Lakes and partially within Dolphin Point.
Allen, Price & Associates – on behalf of Ulladulla Local aboriginal Land Council and Malbec Properties Pty Ltd owners of Adjoining Site to the East		
Response to exhibition	<ul style="list-style-type: none"> Request the component of the eastern creek downstream of our property to be classified as a drainage reserve or similar to ensure the ability to discharge water from our site to the creek An agreement has been reached between the developers that the connector road will be funded 50:50 by the developers. Agreement has been reached between the developers to allow access to the subject site for connections to water and sewer. If any further resolution of works within Stage 5 occurs during the process, it is requested that the adjoining owners be notified. Agreed that any impact on upstream flood levels (ie on adjoining site to the east) will be consideration in the design for the road connection/watercourse crossing of the eastern creek. 	<ul style="list-style-type: none"> It is not possible to classify the creek as such without a rezoning. However, the creek and land downstream of it (Stage 5 land) is to be dedicated to Council and upstream flows to it (subject to appropriate treatment) should not be prevented in the future. Noted. The connection is not required as part of this application, but provision has been made for the future connection by way of appropriate width of reserve (to accommodate a roundabout) and dedication of the land to Council. Noted Noted Noted
Gary Smith - Nurrawallee Street, Ulladulla		
Response to exhibition	<ul style="list-style-type: none"> Object as the development will be overcrowded, unsightly and ugly. 	<ul style="list-style-type: none"> The proposed subdivision is consistent with the density requirements of Council's DCPs and will be largely screened by the retained vegetation in Stage 5 of the site.

John Bradford - 43 Wyoming Avenue, Burrill Lake		
	Response to exhibition	<ul style="list-style-type: none">• Object as the development will be overcrowded.• The proposed subdivision is consistent with the density requirements of Council's DCPs.

APPENDIX E. RESPONSE TO SUBMISSIONS

APPENDIX F. ENVIRONMENTAL ASSESSMENT

To be provided on disk.

APPENDIX G. PREFERRED PROJECT REPORT
