



Planning &
Infrastructure

**MODIFICATION REQUEST:
Residential Subdivision
Highview Drive, Dolphin Point
05_0024 MOD 1**



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

July 2013

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1. BACKGROUND

This report is an assessment of a request to modify the project approval for Major Project 05_0024 involving a 104 lot residential subdivision, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The site is formally described as Lot 171 DP 1081810, Highview Drive, Dolphin Point, in the Shoalhaven local government area.

Project approval was granted by the then Minister for Planning on 8 August 2009 under Part 3A of the EP&A Act. Approval was granted for the carrying out of a residential subdivision in 7 stages to create 104 freehold title lots, and the creation of a 6.2 hectare Conservation Reserve.

1.1 Site Location and Surrounding Land Uses

The site is located within the coastal settlement of Dolphin Point, approximately 6km south of Ulladulla. The site is bordered to the north and east by established low density residential development and a caravan park. To the west is a parcel of land which has approval for 164 residential lots (MP 05_0016 approved in March 2008). Development of this adjoining land, however, is yet to commence and is currently vacant. Further west lies the Princes Highway, with Meroo National Park on the western side of the highway. The Barnunj State Conservation Area adjoins the site to the south. **Figure 1** below shows the site location in context to the surrounding area.



Figure 1: Site Location – Highview Drive, Dolphin Point (source: Nearmap)

1.2 Site History

The site is owned by the Ulladulla Local Aboriginal Land Council (ULALC). An Aboriginal Land Claim was lodged in 2002 over the former Crown Land and granted to the ULALC in 2004 with ownership being transferred in 2005. The site is zoned Part 2(c) Residential (Living Area) and Part 7(a) Environmental Protection (Ecology). The ULALC have entered into a joint venture with Malbec Properties Pty Ltd to develop the site.

2. PROPOSED MODIFICATION

2.1 Modification Description

On 7 January 2013, Allen, Price & Associates submitted a section 75W modification request on behalf of Malbec Properties Pty Ltd (the proponent) to the project approval of 05_0024.

Key aspects of the modification include:

- a proposed redesign of the roundabout required at the intersection of Dolphin Point Road, Seaside Parade, Highview Drive and Road One;
- deleting the requirement to construct a left-turn approach lane to the Princes Highway from the existing roundabout at the Dolphin Point Road Link;
- amending a restriction to user for each lot prohibiting cats or dogs on any allotment;
- replacing the requirement to provide a tree removal plan with a tree retention plan; and,
- several administrative amendments to various conditions of approval.

The modification request also involves necessary administrative amendments to align the approval with the latest subdivision plan, which was approved by the department on 8 July 2010 in order to satisfy the design modifications required under Condition B1.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

Major project 05_0024 was granted approval under section 75J of the EP&A Act. Section 75W of the EP&A Act provides for the modification of the Minister's approval.

Pursuant to section 75W(2) of the EP&A Act, the proponent may request the Minister to modify approval of a project. Any request is to be lodged with the Director-General. A copy of the proponent's modification request is included at **Appendix B**.

Section 75W(3) of the EP&A Act provides that the Director-General may notify the proponent of environmental assessment requirements (DGRs) with respect to the proposed modification. As the modification request does not propose significant amendments to what was originally approved, DGRs were not considered necessary.

Under section 75W(4) of the EP&A Act, the Minister may modify the approval (with or without conditions) or disapprove the modification. The following report outlines the department's assessment of the modification request.

3.2 Delegated Authority

Under the Instrument of Delegation dated 14 September 2011, the Minister has delegated his functions to determine section 75W modification requests to the Director – Metropolitan and Regional Projects North, whereby:

- the relevant local council has not made an objection to the proposal;
- a political disclosure statement has not been made; and
- there are less than 10 public submissions in the nature of objections.

Shoalhaven City Council (council) did not object to the proposed modification in principle, however, issues were raised on a number of aspects proposed as part of the modification (discussed further at **Section 4.1**). The proponent has not made a political disclosure statement. As the modification request was not required to be publicly exhibited, no submissions in the nature of objections were received. The Director, Metropolitan and Regional Projects North, is therefore delegated to determine the modification request.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75X(2)(f) of the EP&A Act, the Director-General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with clause 8G of the Environmental Planning and Assessment Regulation 2000, the request for modification was made publicly available on the department's website.

Shoalhaven City Council

The department referred the modification request to council for comment. Council raised a number of concerns in relation to the modification, particularly in regards to:

- the proposed deletion of Condition B21 requiring the provision of a left-turn approach lane to the Pacific Highway;
- the proposed amendment to Condition B19(4) involving redesign of the required roundabout; and
- the width of frontage for Lot 108 fronting Bonnie Doon Close.

Council also provided comments on a number of other conditions proposed to be modified. A copy of council's submission is provided at **Appendix D**.

Roads and Maritime Services

The department referred the modification request to Roads and Maritime Services (RMS) for advice on the request to remove the requirement to provide a left-turn approach lane to the Princes Highway. RMS advised that the additional approach lane was originally a requirement of council, and therefore, no objections are raised to the proposed modification in principle. A copy of RMS's submission is provided at **Appendix E**.

5. ASSESSMENT

The department has assessed the proposed modification involving the following:

- redesign of the roundabout required at the intersection of Dolphin Point Road, Seaside Parade, Highview Drive and Road One;
- deleting the requirement to provide a left-turn approach lane to the Princes Highway from the existing roundabout at Dolphin Point Road Link;
- amending a restriction to user for each lot prohibiting cats or dogs on any allotment;
- replacing the requirement to provide a tree removal plan with a tree retention plan;
- minor and other administrative amendments to various conditions of approval;
- administrative amendments required as a result of the latest approved subdivision plan; and
- amendments which do not form part of the application, but have been requested by council.

5.1 Redesign of the Roundabout

Condition B19(4) requires the proponent to construct a roundabout at the intersection of Dolphin Point Road, Seaside Parade, Highway Drive and Road One. All legs of the future roundabout are required to accommodate the manoeuvring of a 14.5m rigid bus. The condition specifies the dimensions of the future roundabout involving the provision of an inscribed circle 32m in diameter containing a 6m wide circulating lane, and a landscaped central island of 9m in diameter with a 5.5m wide concrete apron. Ultimately, the roundabout will need to be able to cater for future bus movements through the new and existing residential areas of Dolphin Point, as well as catering for garbage collection vehicles. **Figure 2** shows the location of the required roundabout.

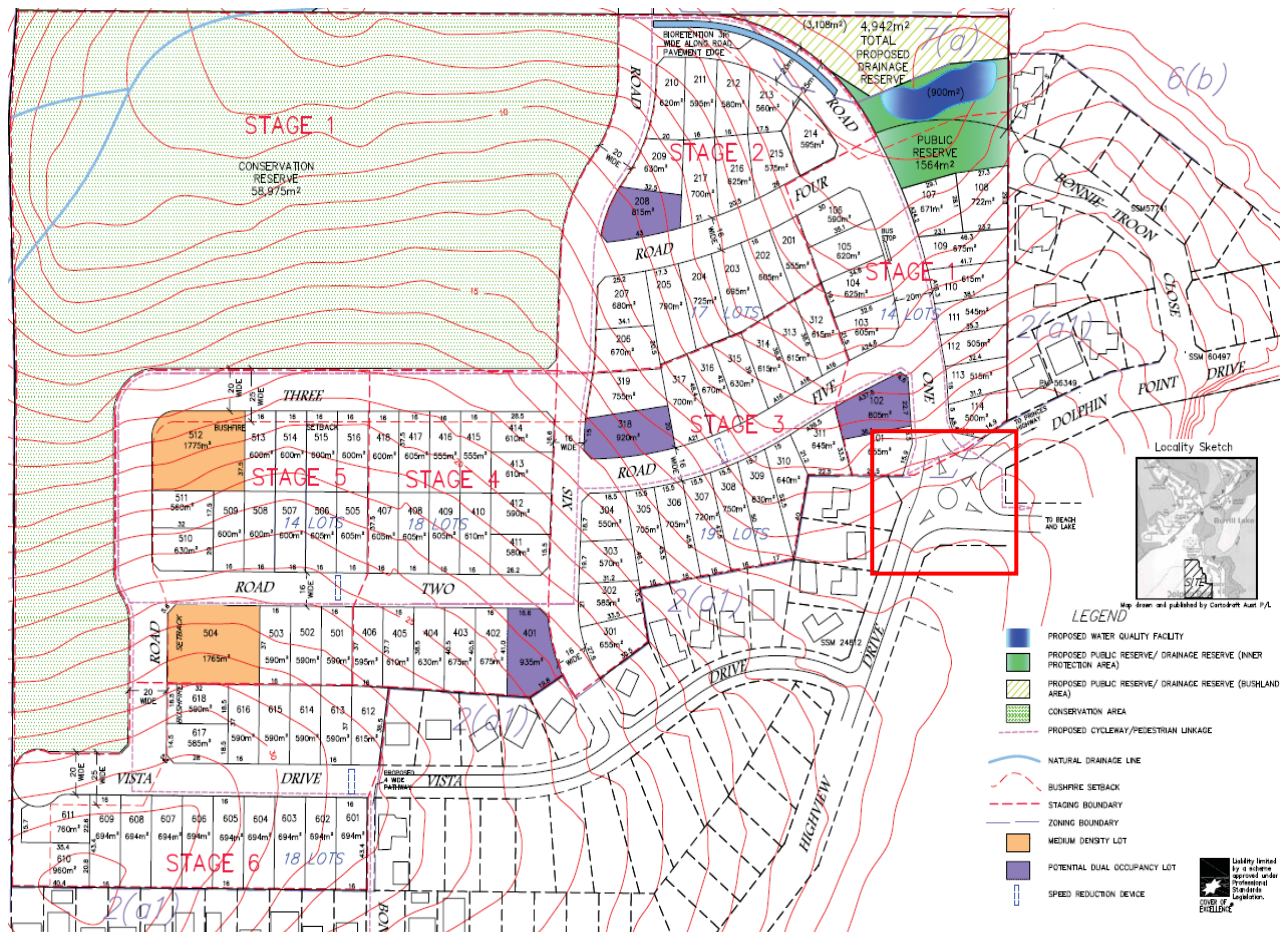


Figure 2: Proposed Roundabout Location – Dolphin Point

The proponent seeks to modify the design of the roundabout to provide a treatment which fits within the land available. A modified design incorporating a smaller inscribed circle of 22m in diameter with a mountable central island of 10m in diameter is proposed. In support of the modified design, the proponent provided advice from traffic consultants Colston Budd Hunt & Kafes Pty Ltd (CBH&K). CBH&K considered the revised roundabout dimensions were appropriate to cater for the types of vehicles which will use it, and that a larger roundabout at the location was not necessary. CBH&K provided swept path drawings for a 14.5m bus showing that a vehicle of this size will be able to use a roundabout of the size proposed (refer **Appendix C**).

Council objected to the proposed modification of Condition B19(4). Council suggested as an alternative that the final sentence of clause (4) which specifies the dimensions required of the roundabout be deleted. Council considered that the design criteria of the future roundabout will ultimately need to conform to the relevant Austroads standards, and that it is unnecessary to define the detailed roundabout dimensions as part of the condition.

The department concurs with council's advice and considers the future roundabout design and specific dimensions can be agreed upon between the proponent and council at such time the roundabout is to be constructed. This provides the proponent with a degree of flexibility as to the future design of the roundabout. Condition B19(4) is therefore amended to remove reference to the specific dimensions of the roundabout, with the future design of the roundabout to be prepared in consultation with council and in accordance with the relevant Austroads standards prior to the issue of a construction certificate.

5.2 Removal of the Requirement to Provide Additional Approach Lane to the Princes Highway

Condition B21 requires the proponent to construct a second left-turn approach lane (left-turn lane) to the Princes Highway from the exit of the adjacent roundabout at the Dolphin Point Road Link. The left-turn lane is required to be constructed either in conjunction with Stage 5, or when road widening is undertaken at Lot 6 DP 1123774 on the adjoining site, whichever is the latter. **Figures 3** and **4** below show the location of the existing roundabouts. **Figure 4** also shows the desired location of the left-turn lane at Lot 6 DP 1123774.

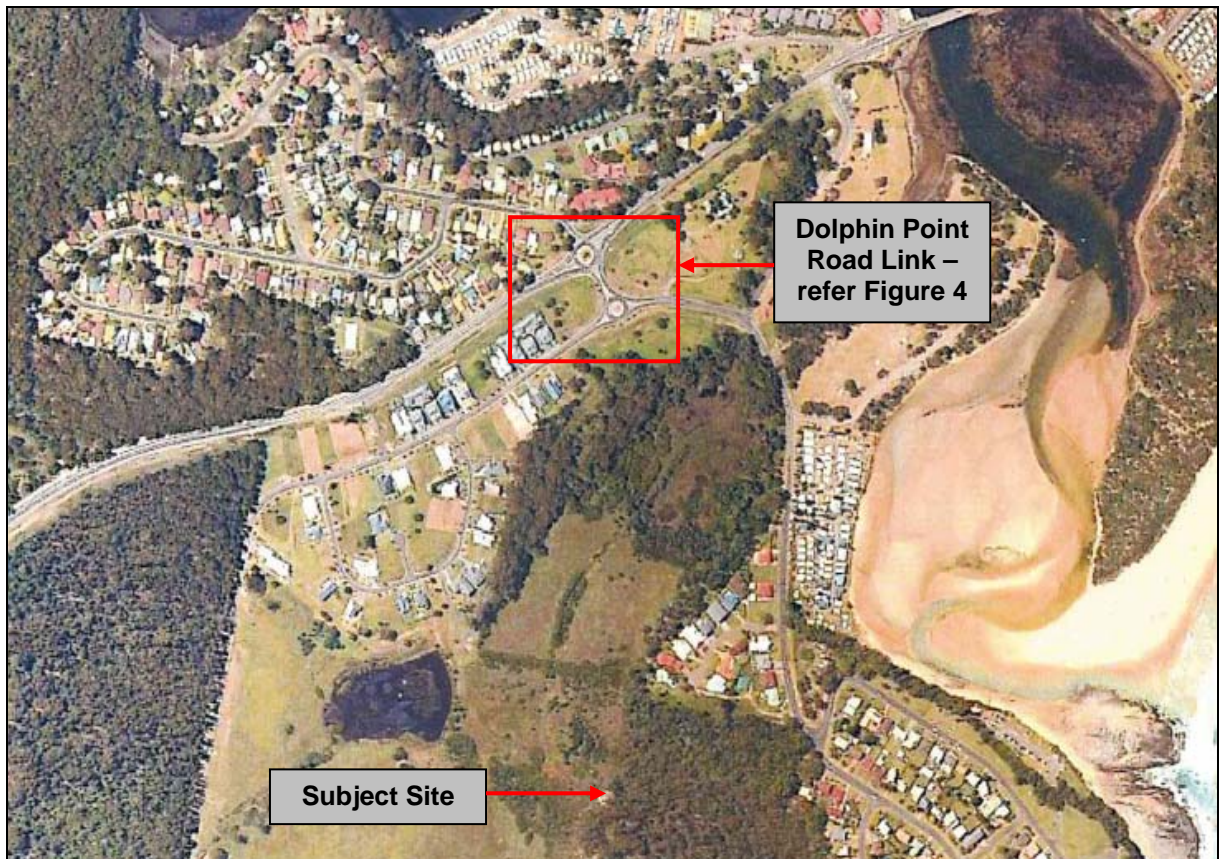


Figure 3: Dolphin Point Road Link connection to the Princes Highway (source: Nearmap)



Figure 4: Dolphin Point Road Link (source: Nearmap)

The proponent seeks to delete Condition B21 requiring the construction of the left-turn lane on the basis that there is no direct nexus between the subdivision and the works required under the condition in accordance with the Shoalhaven Contributions Plan 2010 (Contributions Plan).

Modification Referral

The modification request was referred to RMS and council for comment. RMS advised that there were no objections to the deletion of the condition in principle, and that the additional left-turn lane was originally a requirement of council.

Council objects to the deletion of the condition on the grounds that the link road between the two existing roundabouts does not provide sufficient storage for vehicles using the intersection, and that the increased traffic generation as a result of the subdivision increases the need for the left-turn lane. In particular, council notes that there is only 40m-50m of storage length (6 to 7 vehicles) between the roundabouts without obstructing the internal roundabout operation. This was the basis upon which the condition was originally recommended by council and supported by the department.

Department's Consideration

The department notes that the proponent has not presented an argument that the left-turn lane is unnecessary on the basis of predicted traffic volumes. Furthermore, no revised traffic studies or analysis beyond what was submitted as part of the original application has been submitted as part of the modification. The department's assessment of the demand to provide the left-turn lane in the first instance was adequately considered as part of the original application. The department was satisfied that there would be sufficient traffic generated by the proposal to require the left turn lane. In the absence of any revised traffic studies or analysis, the department does not support deletion of Condition B21 and considers the left-turn lane is required to be constructed as part of the development.

5.3 Prohibition of Domestic Pets

Condition E5(3)(a) requires the proponent to introduce a Section 88E instrument under the *Conveyancing Act 1919* prohibiting cats and dogs (other than guide dogs for assistance for vision impaired persons) from being kept on any allotment at any time. This is reinforced through Condition G1 which states that the prohibition of cats and dogs is to protect native fauna in the locality. The proponent requests to amend both conditions to allow cats and dogs to be kept within the curtilage of dwellings or secured on a leash.

The department's assessment of the original proposal identified potential impacts of the development on several threatened fauna species known to inhabit the site and the adjoining Barnunj State Conservation Area (Barnunj SCA). Of particular concern were impacts on the White Footed Dunnart, which was located on the site during targeted fauna surveying. The proponent's Flora and Fauna Assessment prepared by BES Environmental Services (May 2007), which formed part of the Environmental Assessment, identified the potential for predation of native fauna in the adjoining Barnunj SCA from the keeping of domestic pets by future residents of the subdivision. BES recommended domestic dogs within the subdivision be restrained wholly within the dwelling curtilage at all times, unless secured on a leash; and domestic cats not be permitted within the subdivision at all. The department subsequently recommended no cats or dogs be kept within the subdivision in order to protect threatened fauna species.

The proponent has not provided any further ecological assessment or justification as part of the modification to support the allowance of cats and dogs within the subdivision. It is noted that the department has also enforced the prohibition of cats and dogs for the adjoining 164 lot subdivision (approved in March 2008), which also adjoins the Barnunj SCA. The department's original concerns relating to potential impacts of domestic pets on threatened species populations remain. In the absence of any ecological justification from the proponent, and to avoid setting a precedent for the adjoining subdivision to also amend such restrictions, the department does not support the proposed amendments to Condition E5(3)(a) and Condition G1.

As an aside, the proponent's Statement of Commitments currently impose a restriction on the title of each lot requiring any cats or dogs to be kept within the curtilage of a dwelling house unless secured on a leash. This is inconsistent with the conditions of approval which prohibit cats and dogs begin kept on any allotment. Whilst the conditions of approval prevail to the extent of any inconsistencies, for clarity and to avoid possible confusion, the department recommends this commitment be deleted as part of the modification request.

5.4 Tree Removal Plan

Condition B4 requires the proponent to produce a Tree Removal Plan prior to the issue of a construction certificate detailing each tree to be removed for the creation of roads, drainage works, building envelopes and asset protections zones. The condition requires a qualified arborist to identify each tree by number, its species, health, and whether it is to be retained or removed.

The proponent seeks to amend the intent of the condition to instead provide a Tree Retention Plan for the site, as opposed to a Tree Removal Plan. The modification is requested as tree cover over the site is very dense (evident in **Figure 1** above), making the detailing of individual trees difficult, time consuming, and financially onerous. The proposed re-wording of Condition B4 will see the identification of each tree that is to be retained on site (excluding existing trees within the 5.9ha conservation reserve), as opposed to each tree to be removed.

Council advised that it does not object to the change of term and intent of the condition, provided the Tree Retention Plan includes the following requirements, in addition to the current requirements:

- all area of vegetation/trees to be retained are shown on the plan;
- all retained trees are marked and surrounded by temporary protective fencing;
- the parking of machinery and vehicles and the storing of building or landscaping materials, soil, spoil, or rubbish within the fenced areas around those trees to be retained is prohibited;
- fencing must be installed prior to works commencing and remain in place until works are complete;
- clearing works must be supervised by a suitably qualified environmental consultant;
- a NSW National Parks & Wildlife Service licensed handler must be on site prior to any (and during) the removal of trees and any area of potential habitat to rescue fauna;
- the environmental consultant shall provide council and the department with a report detailing any fauna detected as a result of clearing works; and,
- hollow-bearing trees must be felled carefully in sections to allow the rescue of native fauna. Hollows removed from trees must be re-used, where possible, in place of artificially created nest boxes.

The department considers most of council's requirements listed above are already incorporated within the condition. The detailing of fauna detected as a result of clearing works is to be included as part of the plan, as requested by council. It is also noted that the plan is required to be submitted to council for approval prior to the issue of a construction certificate for each stage. The department subsequently supports the proposed amendment to Condition B4 to provide a Tree Retention Plan in replace of a Tree Removal Plan.

5.6 Minor and Other Administrative Amendments

The modification request involves a number of minor and other administrative amendments to the conditions of approval, each of which are discussed below.

Condition B2 – Conservation Reserve

Clause (5) of Condition B2 requires a vehicle proof fence be constructed along the perimeter of the interface of the Barnunj SCA with residential areas. The fence is to be constructed progressively along with the construction of the perimeter road for each stage, or at an earlier stage if the department requests. The proponent requests deletion the words '*or at an earlier stage if the department requests*'. The department does not consider modification of the condition is necessary. Modification of Condition B2 is therefore not supported.

Condition B8 – Groundwater Interception

Condition B8 requires drainage structures and water quality control measures to be designed to prevent interception and infiltration of groundwater. The proponent originally sought to delete the condition as part of the modification. Council advised that there is a need to consider potential impacts on groundwater and advised against deletion of the condition. The proponent subsequently suggested rewording the condition to ensure that in the event of any groundwater interception during construction works that is likely to cause damage to future property owners, groundwater shall be collected through a sub-soil drainage system and directed to the piped stormwater drainage system. Council has indicated support to the proposed re-wording of the condition. No concern is raised in response to this aspect of the modification request, however, the department recommends relocating the condition from Part B – prior to the issue of a construction certificate, to Part D – during construction of Stages 1A – 6 (referred to as new Condition D13A).

Condition B9 – Provision of Bus Bays and Bus Shelters

Condition B9 requires the provision of four bus bays and four bus shelters as part of the development. The proponent advised that consultation with council's traffic unit indicated that one bus shelter constructed in the vicinity described in the condition is sufficient for the development. In addition, the proponent seeks to delete the requirement to provide indented bus bays as the 9m wide carriageway of Road Six is sufficient enough to sustain a bus shelter only.

Council does not object to the modification to provide only one bus shelter as part of the development, however, council does object to its proposed location at Road Six. Council advised that it had consulted with the Ulladulla Bus Company which provides the local bus service that will eventually be extended to the subdivision. Road One has been identified as the preferred bus route, not Road Six. In response to council's concerns, the proponent agreed to provide the bus shelter in the location indicated by council, to be constructed within Stage 2. Council did not raise any concern with the proposal to delete the requirement to construct indented bus bays as part of the development as the 9m wide carriageway of Road One provides sufficient width for a bus shelter only. The department supports the proposed amendment to Condition B9.

Condition B14 – Construction Management Plan

Condition B14 requires a Construction Management Plan (CMP) be prepared prior to the issue of a Construction Certificate for each stage. The proponent seeks to modify the condition to require the CMP to be prepared prior to the Commencement of Works for each stage. The proponent proposes the modification as the construction contract for the works will not be awarded prior to a construction certificate being issued, which creates an unreasonable time constraint.

Council objects to the proposed amendment as the CMP forms part of the considerations when determining a construction certificate. The department notes that the CMP is required to provide details including the hours of work, traffic and pedestrian management, noise and vibration management, construction waste management, flora and fauna management, and erosion and sediment control measures. The department's standard practice in issuing project approval for subdivision works requires CMPs to be approved prior to the issue of a construction certificate to ensure these particular issues are addressed. Deletion of Condition B14 is therefore not supported.

Condition B15 – Traffic & Pedestrian Management Plan

Condition B15 requires a Traffic and Pedestrian Management Plan to be prepared prior to the issue of a Construction Certificate for each stage by an RMS accredited person and in accordance with the RMS document Traffic Control at Work Sites (version 2). The proponent seeks to delete the condition as part of the modification as roads within and immediately adjacent to the subdivision are not RMS controlled. The proponent considers the requirement for compliance with an RMS publication is unwarranted given an approval under Section 138 of the *Roads Act 1993* will be required from council for works to be undertaken within a constructed and dedicated road reserve.

Council objects to the deletion of the condition and advised that it is not unusual to include reference to RMS standards for design purposes of council controlled roads. The department considers that a Traffic and Pedestrian Management Plan is required for each stage of the project to address any implications that may arise from construction works on the existing traffic and pedestrian network. Furthermore, the Traffic and Pedestrian Management Plan is required to form part of the CMP, as required under Condition B14(c). Deletion of Condition B15 is therefore not supported.

Condition B17 – Stormwater Drainage

Clause (3) of Condition B17 outlines environmental targets to be achieved in relation to stormwater drainage. The condition requires the associated MUSIC model electronic input and output files to be peer reviewed by a suitably qualified and experienced engineer. The proponent considers a peer review to be unreasonable and onerous and seeks to delete this requirement of the condition.

Council raised no objection to the proposed deletion of the peer review requirement. The department notes that Condition B17(3) specifies environmental targets for water quality including average annual reductions of 90% of gross pollutant loads, 85% reduction of total suspended solids loads, 60% reduction of total phosphorus loads, and 45% reduction of total nitrogen loads. The stormwater drainage system is required to be designed in accordance with council's stormwater systems performance criteria, and is to be submitted to the Certifying Authority for approval prior to the issue of a construction certificate for Stage 1. Given the stringent requirements listed under Condition B17, and the fact that details of the stormwater drainage system is to be reviewed and approved by the Certifying Authority, the department supports the deletion of the requirement for a peer review of the MUSIC model electronic input and output files.

Condition B20(1) – Construction of Collector Road Connection

Clause (1) of Condition B20 states that the construction of the collector road to the adjoining site to the west is to be constructed at the expense of the proponent. The proponent considers the condition does not relate directly to the land which is subject of the application and should be modified to state the collector road only be required to be constructed *to the eastern boundary of the adjoining site*.

Council does not object to the proposed amendment, however, it was advised that a connection to the land west of the site via Road One was imperative. The department also considers a connection to the adjoining subdivision west of the site is essential. Modification of the condition is therefore considered unnecessary and is not supported.

Condition D3 – Provision of Indented Bus Bays and Bus Shelters

Condition D3 outlines requirements for the indented bus bays. The proponent seeks to delete the condition as the indented bus bays are proposed to be deleted as part of the modification, and the requirement to provide a bus shelter as part of Stage 2 is adequately covered under Condition B9.

Council did not object to the deletion of the condition as there will be no requirement for indented bus bays should the proponent's request to delete them be looked upon favourably by the department. As the department has recommended the indented bus bays be deleted, Condition D3 is considered redundant. No concern is raised in response to this aspect of the modification request.

Condition D13 – Cut and Fill

Condition D13 requires cutting and filling of any residential lot to not exceed variation from 500mm of natural ground level, except for flood-affected lots requiring fill to achieve the required flood planning level. The proponent seeks to delete the condition on the basis that there may be instances where 500mm is insufficient to permit slab on ground construction for a future dwelling. The proponent notes that cut and fill of 600mm or less does not require specific development approval, and that there is legislation in place to ensure significant cut and fill works are approved by council.

Council did not object to the deletion of the condition provided a flood planning level of RL 4.01m AHD for all flood-affected lots is maintained. The department considers that council's request is adequately covered under Condition E5(3)(c) which requires a restriction to user to be included upon each lot affected by flooding, as outlined on the approved stormwater management plan, requiring a flood planning level set at a minimum of RL 4.01m AHD. No concern is raised in response to this aspect of the modification request.

Condition D16 – Water Quality Monitoring

Conditions D16 – *Water Quality Monitoring* and D10 – *Operation of Water Quality Monitoring Strategy* contain duplicated water quality monitoring requirements. Condition D16 further requires details of the water quality monitoring to be submitted to the Certifying Authority. Condition D16 is proposed to be deleted.

Council supports the deletion of the condition, however, requested additional wording within Condition D10 making it clear that the water quality testing, monitoring and maintenance is to be carried out by the proponent. The department considers the requirements of Condition D16 are adequately covered under Condition D10, including water quality target levels and raises no concern in response to the deletion of the condition. The requirement to provide details of the water quality monitoring to be submitted to the Certifying Authority (required under Condition D16) is recommended to be incorporated as part of Condition D10. The department does not consider council's suggested wording as part of Condition D10 is necessary, as it is clear the requirements of the condition are to be carried out by the proponent.

Condition D18(6) – Dust Control Measures

Clause (6) of Condition D18 requires all construction equipment wheels to be washed before exiting the site using manual or automated sprayers and drive-through washing bays. The proponent seeks to replace this requirement with a simpler and more effective mechanism including shaker pads or rumble grills at the work site construction entry to remove dust from vehicle wheels before exiting the site.

Council does not object to the proposed amendment and requested additional requirements including assurance that the works contractor maintain the device, and that the contractor regularly clean the road of materials dropped on roadways during construction and at times of wet weather. Council's requirements are subsequently recommended to be incorporated as part of the condition. No concern is raised in response to this aspect of the modification request.

Condition D20(2) – Hours of Work

Clause (2) of Condition D20 restricts the hours of construction of the development to between 8:00am and 1:00pm on Saturdays. The proponent has requested that this be extended to 3:00pm on Saturdays to increase the time available to complete the project.

Condition D20(2) currently complies with the Office of Environment and Heritage's (OEH) Interim Construction Noise Guideline 2009 (ICNG) which recommends standard hours for construction work be restricted to between 8:00am and 1:00pm on Saturdays. The ICNG does allow for the relevant authority to impose more or less stringent hours of construction, should the works fall within one of the following categories:

- the delivery of oversized plant or structures that require special arrangements to transport along public roads;
- emergency work to avoid a loss of life or damage to property or the environment;
- works on public infrastructure where disruption to essential services do not allow work within standard hours;
- public infrastructure works that shorten the length of the project and are supported by the affected community; or
- works where the proponent demonstrates a need to operate outside the recommended standard hours, including clear justification for reasons other than convenience.

Council did not object to the proposed time extension. The department, however, does not consider the proponent's justification to extend the standard hours of construction work falls within any of the ICNG categories listed above. It is noted that Condition D20(7) allows the proponent to undertake works outside the specified hours, provided that residents likely to be affected by the works are notified 48 hours in advance of the timing and during of the extra works. The department considers that should the proponent seek to undertake works beyond 1:00pm on Saturdays, then this should occur in accordance with Condition D20(7). Modification of Condition D20(2) is therefore not supported.

Condition D21(1) – Construction Noise Objective

Clause (1) of Condition D21 outlines appropriate noise levels during construction activities. The proponent seeks to amend the approved noise levels to reflect the requirements of the ICNG. The condition currently refers to an older guideline with more stringent noise levels which restrict background noise levels during construction activities to a maximum of 5dB. The proponent seeks to increase this to 10dB.

Council advised that the standards outlined in the ICNG are appropriate. No concern is raised in response to this aspect of the modification request.

Condition E8 – Dedication of Internal Roads

Condition E8 requires all internal roads constructed by the proponent to be dedicated to council as public roads prior to the issue of a subdivision certificate. The proponent seeks to amend the condition requiring the roads to be dedicated prior to the issue of a subdivision certificate on a stage by stage basis. No concern is raised in response to this aspect of the modification request.

Condition E10 – Construction of Collector Road Connection

Condition E10 requires the proponent to provide a bank guarantee covering the cost of the collector road to the adjoining site to the west should the road not be constructed prior to the completion of the final stage of subdivision. The proponent considers that a condition cannot be imposed requiring the construction of road works on another landowner's property and seeks to amend the condition requiring the collector road only be constructed to the eastern boundary of the adjoining site to the west.

Council considers the condition to be redundant as the requirement of a bank guarantee for the collector road is already covered under Condition B20(3). The department considers a connection to the adjoining subdivision to the west is imperative and does not support the proponent's request to only construct the collector road to the site's western boundary. The department agrees with council that the requirements of the condition are already covered under Condition B20(3), except for the final sentence of Condition E10 which requires council to release the bank guarantee should no subdivision works commence on the adjoining land within 5 years of the release of the subdivision certificate for the final stage of the subdivision. The department recommends deleting Condition E10, however, the requirements involving the release of the bank guarantee to be included as part of Condition B20(3).

Condition F2 – Registration of Easements

Condition F2 requires the proponent to provide the Principal Certifying Authority (PCA) evidence that all easements, approvals, and other consents have been, or will be, registered on the certificates of title. The proponent seeks to amend the condition requiring evidence be provided to the PCA on a stage by stage basis. No concern is raised in response to this aspect of the modification request.

5.6 Administrative Amendments Relating to Approved Subdivision Plan

In accordance with Condition B1, the proponent was required to undertake a number of design modifications to the approved subdivision layout. An amended subdivision plan incorporating the required design modifications was subsequently approved by the department on 8 July 2010 (refer **Appendix F**). Several administrative amendments are proposed as part of the modification request to align the approval with the approved subdivision plan (Plan No. 24163-21 Rev 06). As the modified design included the re-numbering of lots and revised staging, the following conditions contain references to outdated stage and lot numbers, and are therefore proposed to be modified:

- A1 – Project Description
- A2 – Staging
- A3 – Project in Accordance with Plans
- B1 – Design Modifications
- B3 – Medium Density Lot
- B13 – Formalised entry to Barnunj SCA
- B17(4) – Stormwater Drainage
- B19(1) – Road Works Design
- B20(3) – Construction of Collector Road Connection
- E11 – Section 94 Monetary Contributions

Council did not raise any objections to the proposed administrative amendments to the conditions listed above. The department supports the proposed amendments as it considered that the approval should reflect the design modifications approved under Condition B1. The recommended modifying instrument at **Appendix A** outlines the proposed modifications to the conditions listed above.

5.7 Administrative Amendments Requested by Council and the Department

As part of council's submission on the modification, administrative amendments were requested to be made to Conditions B18 and B19. Council also raised concern in regards to proposed access arrangements to Lot 108. The department also recommends a number of administrative amendments, as discussed further below.

Condition B18 – Water Quality Treatment Devices

Condition B18 requires council to approve the final choice of proprietary water quality treatment devices to ensure compatibility with council maintenance practices. Council requests deletion of the word 'proprietary' from the condition as council currently utilises a number of devices including in-house developed devices to achieve the objective of the conditions. The proponent does not object to council's request.

Condition B19 – Road Works Design

Clause (6) of Condition B19 requires a pedestrian refuge be provided where the footpath/cycleway crosses Road One at the roundabout, designed in accordance with RTA Technical Directions. Council advised that the preference for local roads is Austroads standards and requested this requirement replace the RTA Technical Directions. No concern is raised regarding council's request. The condition is therefore recommended to make reference to the applicable Austroads standards.

Condition D9 – Operation of Tree Removal Plan

Condition D9 requires all recommendations of the Tree Removal Plan be implemented during the clearance of each stage of the subdivision. The proponent has requested that the requirement to prepare a Tree Removal Plan be replaced with a Tree Retention Plan – as discussed at **Section 5.4**. The department therefore recommends updating Condition D9 to make reference to the operation of a Tree Retention Plan, in replace of the Tree Removal Plan.

Access to Lot 108

Council raised concern regarding the proposed access arrangement to Lot 108 which fronts Bonnie Troon Close and is proposed to be developed as part of Stage 1. The subdivision layout, as approved, requires Lot 108 to share the existing driveway crossing servicing Lot 109 DP 817218 (Lot 109 does not form part of major project 05_0024, but adjoins the site's northern boundary and contains an existing dwelling). **Figure 5** shows the location of Lots 108 and 109. **Figure 6** shows the existing point of access and location of the existing dwelling at Lot 109.

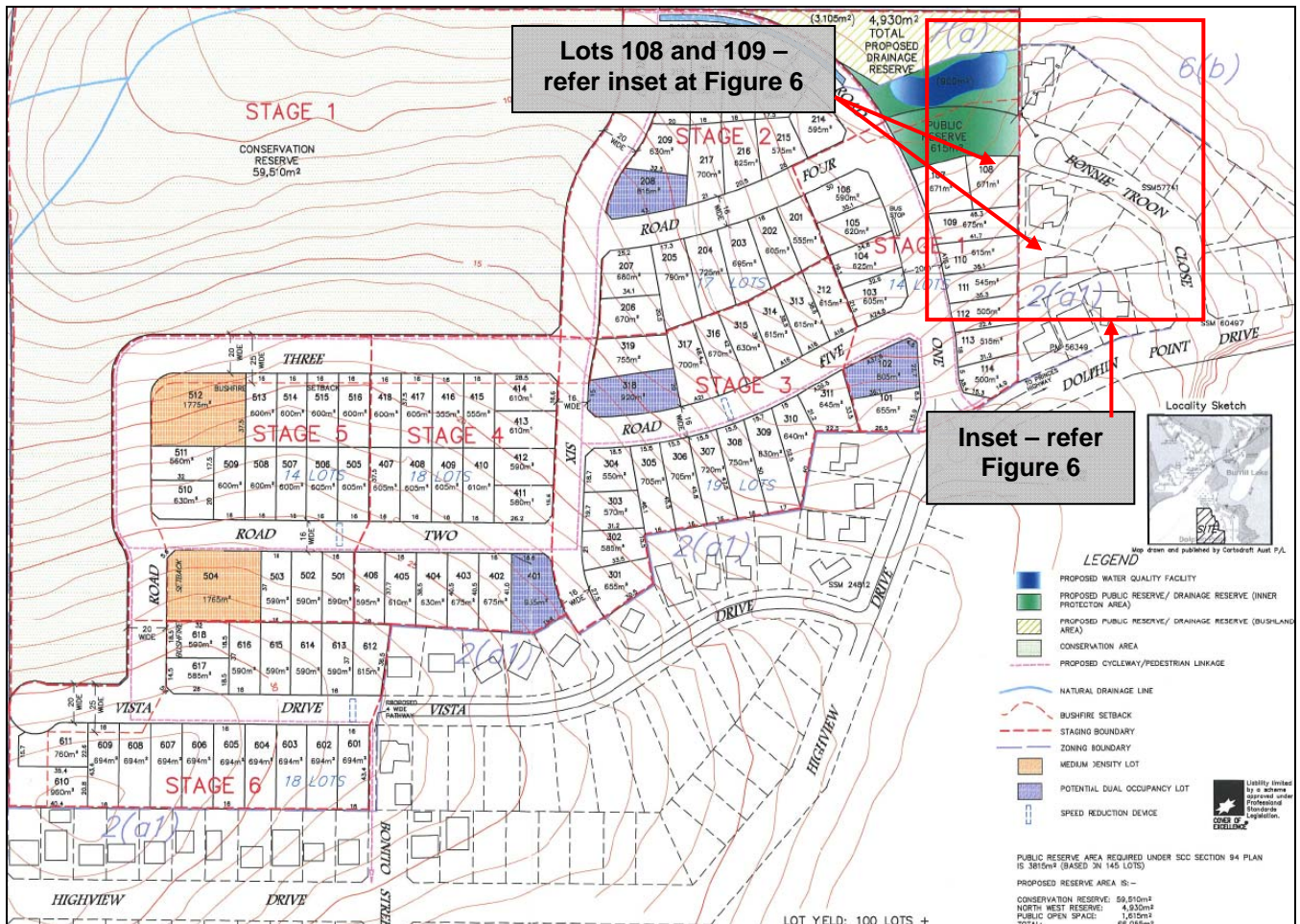


Figure 5: Lot 108 and Lot 109 – Bonnie Troon Close, Dolphin Point

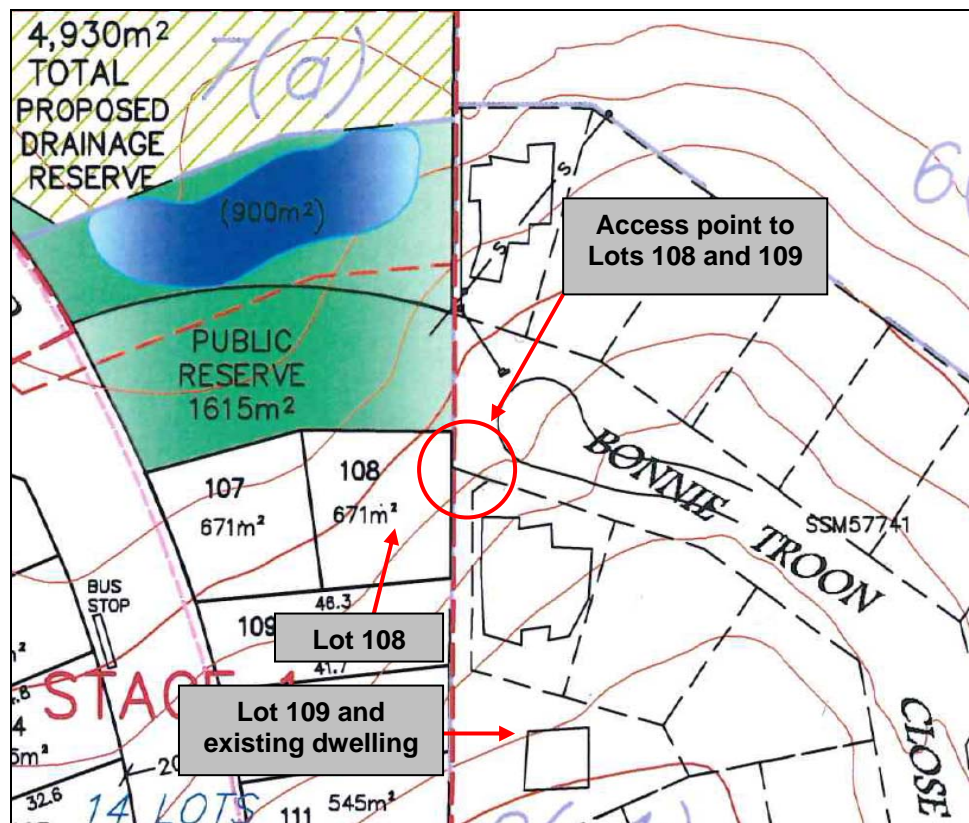


Figure 6: Proposed Access Point to Lots 108 and 109 – Bonnie Troon Close, Dolphin Point

Council advised that Lot 109 has a private driveway crossing that is to remain untouched and therefore requested an independent vehicle crossing of at least 10m in width be provided for Lot 108. The proponent did not consider there to be any issue with two properties sharing a single access driveway. Nonetheless, the proponent advised that a 10m frontage width to Lot 108 could be achieved through a reduction of the adjoining public reserve immediately to the west. Lot 108 would need to be increased by approximately 51m² to achieve the 10m frontage, thus reducing the public reserve area from 1615m² to 1564m². Council has indicated support for the proposed increase of Lot 108. The department is also of the view that Lot 108 and Lot 109 should have independent access points. The proponent subsequently submitted a revised subdivision plan (revision 8) which reduces the approved public reserve area and provides additional land as part of Lot 108 to provide the necessary access arrangements.

Description of the Land

The department further recommends amending a misdescription within the table under Part A of Schedule 1 which makes an incorrect reference to the description of the land. The table currently references *DP 1091810*, this should read *DP 1081810*. The proponent supports amending the misdescription as part of the modification.

6. CONCLUSION

The department considers the proposal, as modified, achieves the same objectives as assessed under the original approval involving the provision of additional residential lots in Dolphin Point, and the protection of riparian corridors and threatened species habitat. It is therefore recommended that the modification request be approved, with the exception of the modifications proposed to the following conditions, for reasons outlined under **Section 5**:

- Condition E5(3)(a) and Condition G1 – amendment of cats and dogs prohibition;
- Condition B2(5) – vehicle proof fence along the interface of the conservation reserve;
- Condition B14 – relocation to Part C – prior to commencement of works;
- Condition B15 – deletion of traffic and pedestrian management plan;
- Condition B20(1) – collector road connection to the adjoining property to the west;
- Condition B21 – deletion of the requirement to construct a left-turn approach lane to the Princes Highway; and
- Condition D20(2) – extension of construction work hours on Saturdays.

7. RECOMMENDATION

It is recommended that the Director, Metropolitan and Regional Projects North, as delegate for the Minister, under section 75W of the EP&A Act approve the proposed modification to 05_0024 (MOD 1), as detailed in **Section 2** of this report; and vary the conditions of approval, as set out in the modifying instrument included at **Appendix A**.

Prepared by:



Brent Devine
A/Senior Environmental Planner
Metropolitan and Regional Projects North

Endorsed by:



Joanna Bakopanos
Team Leader
Metropolitan and Regional Projects North

APPENDIX A MODIFYING INSTRUMENT – 05_0024 MOD 1

APPENDIX B MODIFICATION REQUEST – 05_0024 MOD 1

APPENDIX C SWEPT PATH DRAWINGS

APPENDIX D SHOALHAVEN CITY COUNCIL CORRESPONDENCE

SHOALHAVEN CITY COUNCIL

SUBMISSION TO THE NSW DEPARTMENT OF PLANNING PART 3A, ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

ENVIRONMENTAL ASSESSMENT SUBMISSION

MAJOR PROJECT APPLICATION MP 05_0024 Modification No 1

PROPERTY: Lot 107 DP 1081810 Highview Drive Dolphin Point

PROPOSAL: Proposed Modification No 1 being proposed amendments to a number of conditions of approval issued 8 August 2009 with reference to an approved amended site plan (plan:24163-21-06) that satisfied Condition B1 approved by DPI 8 July 2010

APPLICANT: Alan Price and Associates on behalf of Malbec Properties P/L

OWNER: Ulladulla Local Aboriginal Land Council

DEPARTMENT OF PLANNING REFERENCE: MP05_0024 Mod 1

COUNCIL REFERENCE: 3A07/1004

TABLE OF CONTENTS

- 1.0 Preliminary Comments about the approved site plan (Plan: 24163-21-06).
 - 1.1 Changes to road layout.
 - 1.2 Public Reserve – (1615 m2 area) and adjacent proposed Lot 108.
 - 2.0 Comments about the impacts at the intersection of Dolphin Point Road and Princes Highway (known as the “link road”). Condition B21
 - 3.0 Comments on conditions not proposed to be modified.
 - 4.0 Comments about proposed modified conditions
 - 5.0 Conclusion
- Appendix 1 – Bus Route
Appendix 2 – Aerial view – criteria for access for Lot 108
Appendix 3 – Contribution Plan and Aerial view – intersection Princes Highway and Dolphin Point Road
Appendix 4 – Landscape criteria for public reserve

1.0 Preliminary Comments about the approved site plan (Plan: 24163-21-06).

1.1 Changes to road layout.

Council notes that the Department issued approval on 8 July 2010 to an amended site plan (Plan: 24163-21-06) submitted by the proponent to satisfy the intention of approval condition B1. The amended plan was not forwarded to Council for comment at the time. The subdivision must retain Road One as the collector road in the network.

The road layout reduces the effectiveness of Road One being the collector road leading to the proposed Highview Drive / Dolphin Point Road controlled intersection. This road is also part of the proposed bus route. The orientation of Road Six will appear to be the collector road function leading vehicles from the approved residential subdivision of land to the west and the lots within the subject subdivision via Vista Drive to Highview Drive. The intersections of Road 6 and Vista Drive and Vista Drive at Highview Drive have not previously been assessed with any upgrades being incorporated into conditions of approval.

The design treatments within the road reserve at the intersection of Road One and Road Six will be required to provide an offset treatment that is to be approved by Council as part of the construction plans.

The section of Road Six adjacent to the lots 301 and 401 should be treated with traffic slow down design that is to be approved by Council as part of the construction plans.

The overall result should be to favour traffic from the subdivision and from land to the west being directed towards the controlled intersection of Highview drive and Dolphin Point Road via a defined collector road. The collector road is also the planned bus route (Appendix 1).

1.2 Public Reserve – (1615 m2 area) and adjacent proposed Lot 108.

The layout concept is generally as previously discussed however it is necessary to define criteria for the lot 108 frontage width to Bonnie Doon Close. Lot 109 (DP 817218) Bonnie Doon Close has its private driveway crossing that is to remain untouched by any proposed access driveway to serve Lot 108. Therefore the width of Lot 108 fronting Bonnie Doon Close must be at least 10m so an independent vehicle crossing can be provided into Lot 108 as part of a future dwelling development. An aerial photograph of the affected lots is shown in Appendix 2.

The requirement will impact the area of the proposed Public Reserve and the adjustment to the approved site plan should be part of the determination of the Modification and any affected conditions amended appropriately.

2.0 Comments about the impacts at the intersection of Dolphin Point Road and Princes Highway (known as the “link road”). Condition B21.

Council objects to the deletion of Condition B21. The reason for the condition is to recognise the increase in traffic entering the Highway intersection that has a single lane entry into the roundabout. The short length of the link road between two roundabouts does not provide storage of vehicles using the intersection so traffic wanting to turn left heading south will be delayed until vehicles entering and turning right have done so. The subject subdivision traffic generation increases the need for the work.

The Council's Contribution Plan project 05ROAD0063 that is applied as a Contribution per lot in the stages (Condition E11) has its purpose as “recoupment of cost apportioned to future development” for the work that has been completed as evidenced in the aerial image in Appendix 3. The contribution plan does not include a project for the left hand lane stated in the condition. Council is prepared to consider an apportionment of the cost should the Department consider any modification to the condition B21

3.0 Comments on conditions not proposed to be modified.

3.1. Condition B18:

Council request the Department consider a modification of Condition B18 that impacts Council by deletion of the word “proprietary” as Council currently successfully utilises a number of devices including in-house developed devices to achieve the objective of the condition. The requirement to only consider proprietary devices is restrictive.

3.2 Condition B19 (6):

The preferred standard for a local road is Austroads rather than RTA Technical Directions. The Department is requested to amend the condition.

4.0 Comments about proposed modified conditions

4.1 Condition A1

Council has no objection to the amendment to A1

4.2 Condition A2

(a) General:

The proposed amendment also refers to a “tree retention plan” that is to be determined in Condition B4 and reference should be made to Council's comments in that condition.

The proposed amendment to each Stage 1 to 6 includes clearing to provide an “appropriate asset protection zone”. Council supports this extent of clearing for practical reasons of future housing development on the lots. The term “appropriate” may best be described as, say up to 25m beyond the limit of each stage or alternatively the proponent request a more defined description of the asset protection zone.

An example of the grey area cause can be seen on a plan submitted to Council to seek under-scrubbing on the land in advance of the current 75W application and conditions A2 and B4 being determined . Refer to Appendix 3

The proposed stages 1- 6 descriptions do not include a timeframe for inclusion of the 5.9 hectare Conservation Reserve into any stage. This was included into the Stage 1 description in the original approval. It is noted that condition B2 (1) requires approval of a Conservation Management Plan (CMP) by NSW Office of Environment & Heritage, but the condition does not provide the commencement of implementation of the CMP.

It is noted that the proponent foreshadows that the number of lots in later stages or sequence of the stages may be changed due to market forces. Council considers this to be a reasonable expectation for minor changes and requests the Department to provide appropriate measures to enable this without a formal Section 75W application.

(b) A2 (1) Stage 1: reference is made to the proposed public reserve land area and the comments in Section 1.2 above should be considered as the stated site area may be slightly reduced to provide the required lot frontage to proposed lot 108 for vehicular access.

(c) Stages 2 to 6: subject to determination of the amendment to condition B4 and 1.2, as referred to above, the proposed staging is acceptable.

4.3 Condition A3

Council has no objection to the amendment to A3

4.4 Condition B1

The Council objects to deletion of the condition.

B1 (1) requires a landscape plan for the public open space top submitted to and approved by Council. To date, there has not been an approval issued by Council. Council has provided the Department with the criteria for the landscaping of the area and a resubmission is required. (See Appendix 4)

In addition the open space lot is to be amended to achieve the required frontage of lot 108 as stated in Section 1.2 above.

It is also considered that despite the approval of plan 24163-2106, the conditions B1 (4), (6) and (7) should remain. Council has no objection to deletion of B1 (2), (3), (5) and (8).

4.5 Condition B2 (1)

Council has no objection to the amendment to B2 (1)

4.6 Condition B2 (5)

Council has no objection to the amendment to B2 (5)

4.7 Condition B3

Council has no objection to the amendment to B3

4.8 Condition B4

The Council does not object to the change of term and intent from Tree Removal to Tree Retention. The requirements for the Tree Retention Plan should include in addition to the current requirements:

- All areas of vegetation/trees to be retained must be shown.
- All trees to be retained must be clearly marked and surrounded by temporary protective fencing.
- The parking of machinery and vehicles or the storing of building or landscaping materials, soil, spoil, or rubbish, within the fenced area around trees to be retained is prohibited.
- The protective measures include a note stating the fencing is to be installed prior to works and must remain in place until all works are completed.
- All clearing works are to be supervised by a suitably qualified environmental consultant.
- A suitably qualified and NSW National Parks & Wildlife Service licensed wildlife handler must be on site prior to, and during the removal of any trees or areas of potential habitat on the property, to rescue fauna.
- The environmental consultant shall provide a written report to DPI and copy to Shoalhaven City Council (email to Council's Threatened Species Officer acceptable) detailing any fauna detected as a result of the clearing works. The report is to be submitted within fourteen (14) days of the completion of clearing.
- Hollow-bearing trees must be felled carefully in sections utilising a "cherry picker" or crane if necessary to allow the rescue of native fauna. Hollow-bearing sections must be carefully lowered to the ground so as not to injure native fauna.
Hollows removed from trees must be re-used, where possible, in the place of artificially created nest boxes as stated to be used in B4(7)

4.9 Condition B8

Dealing with Groundwater issues is problematic and the use of devices and measures can at times create opposing outcomes. There is a need

to consider groundwater impacts and Council suggest an alternate form of words be considered by the Department, as follows.

“B8 - The development is not to increase the infiltration of surface water into the existing underlying groundwater watertable by the interception of surface water due to the provision of services, general infrastructure and water quality treatment devices both during the construction stage and post development. Design details of how this will be mitigated is to be submitted to and approved by the Certifying Authority prior to the issue of the construction certificate for each stage.”

4.10 Condition B9

Council objects to the proposed amended wording. Council has consulted with the Ulladulla Bus Company that provides the local bus service that will be extended to this subdivision over time as the agreed Public transport Plan (plan: 24163-24) can be fully implemented.

The collector road (Road One) will be the bus route and not Road Six or Road Four). Council agrees that indented bus bays are not required for the 9m wide carriageway that will be provided to Road One. A single bus shelter that is located on the southern side of Road One near the Road Six intersection. The actual location for a bus shelter must be designed in conjunction with the intersection treatment outlined in Section 1.1, above, safety sight distances because of the curve, and the bus shelter is to be at least 3m setback from the kerb and have a continuous hardstand connecting the shelter to back of kerb.

The wording of the condition first sentence should be further amended as follows:

“The developer is to provide one bus shelter on the residential side of Road One in the vicinity of Road Six.”

The second sentence may remain as proposed.

4.11 Condition B13

Council has no objection to the timing for the condition to Stage 6 but requests the Department include words that require the location of the access to also be approved by Shoalhaven Council. This is to ensure there are no adverse impacts on Councils infrastructure.

4.12 Condition B14

Council objects to moving this condition from Part B to Part C as the management plan is part of considerations when determining a construction certificate.

Should the Department favour the amendment, Council requests an additional requirement that the management plan be submitted to Council at least 21 days prior to the commencement of works so there is sufficient time to assess and require amendment or discussion and

the timeframe will not delay the proponent's planned commencement of work unnecessarily.

4.13 Condition B15

Council objects to the deletion of the condition. The proponent bases their request on the basis that the road is a local road and RMS does not manage the road. However, the condition calls for the use of a design standard that is one used by Council in assessing such plans.

It is normal to include appropriate reference to the accepted standard to be used for design purposes and the condition must remain.

4.14 Condition B17

Council has no objection to the amendment to B17

4.15 Condition B19

B19 (1): Council has no objection to the amendment to B19 (1)

B19 (4): Council objects to amending B19 (4) as proposed. Council supports the retention of the approved condition first sentence with the reference to the approved plan 24163-21-06 and the second sentence to the wording "14.5m rigid bus". The remainder may be deleted as the design criteria will be required to conform with Austroads standards and it is unnecessary at this time to define the detail roundabout type in a condition of approval.

Council requests that B19 (7) be retained. The proponent may have inadvertently omitted this and has subsequently renumbers the following sub-conditions wrongly.

The proposed amendment to 19 (9) –requested as 19 (8) has now amended words and may be submitted in error.

4.16 Condition B20

Council does not object to the amendment.

However, in respect of the intention of B20 (3) Council suggests the Department consider a less complicated form of words for B20. While it is imperative that collector Road One connect with the land to the west, the layout has Road Six as being the point of direct connection. The delivery of the road network especially at the intersection of Roads One and Six and the point of connection to the land to the west is the important intent of the condition B20.

4.17 Condition B21

Council objects to deletion of the condition. Refer to Council's submission in Section 2, above.

4.18 Condition D3

Council submission to condition B9, about accepts there is no requirement for indented bus bays to Road One and provides criteria for the required bus shelter.

4.19 Condition D16

It is agreed that conditions D10 and D16 are similar with D10 being works in accordance with an approved Strategy and D16 about the monitoring process.

Council suggests the Department consider the merits of each condition in its determination. Council supports the deletion of Condition D10 but retaining and adding words to D16 as follows; "The water quality testing, monitoring and maintenance is to be carried out by the proponent at their cost".

4.20 Condition D18

The condition relates to Dust Control. However, in the development of a subdivision and related civil works, there is also problems with other materials being deposited on roads particularly in the form of solid clay soils.

Council does not object to the amendment to D18 (6) and in supporting the amendment requests an additional requirement in D18 (6) for the contractor to "maintain the device" and also an additional D18 sub-condition to require "the contractor to regularly clean the road of materials dropped on the roadways during construction and at times of wet weather".

4.21 Condition D20

Council does not object to the amendment.

4.22 Condition D21 (1) and D21 (4)

Council accepts the use of the standard (Construction Noise Guidelines 2009) in assessing the appropriate condition.

Council requests the Department to ensure the requirement for the Noise and Vibration Management identified in condition B14 is incorporated into the amended condition B21(2).

4.23 Condition E5 (3)

Council notes the amendment proposed is consistent with the approved Statement of Commitment. Council has no other comment.

4.24 Condition E8

Council does not object to the amendment.

4.25 Condition E10

Council considers the condition to be redundant. Council suggests the Department consider Condition B20 and Council's comments above about the proposed amendment to B20.

4.26 Condition E11

Council has no objection to the amendment that inserts the current Contribution Plan 2010 (2013-2014 schedules).

4.27 Condition F2

Council does not object to the amendment.

4.28 Condition G1

Council does not object to the amendment.

5.0 Conclusion

The above comments are considered appropriate to achieve an acceptable outcome for the development

For further information please contact Council's Part 3A Coordinator, John Britton.

Tim Fletcher

Director, Development and Environmental Services Group

8 February 2013



- PRINCES HIGHWAY
- PROPOSED BUS ROUTE
- PROPOSED BUS STOP
- EXISTING BUS STOP
- 500m WALKING DISTANCE FROM PROPOSED BUS STOP

Princes Highway
 (to Lake Tabourie)
 - approx 4kms

REVISION	BY	DATE

NOT TO SCALE	DATE:
	DATE OF PLAN:



REF. No.	24163-24
REVISION	

PUBLIC TRANSPORT PLAN TO SUPPORT
 SUBMISSION ON PROPOSED SUBDIVISION
 AT DOLPHIN POINT
 FOR MALBEC PTY LTD

allen, price & associates
 land and development consultants
 75 plunkett street, nowra, nsw. 2541
 phone: (02) 421 6544 fax: (02) 422 1821 dx: 5310 nowra
 consultants@allenprice.com.au www.allenprice.com.au



D.E.

DP

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APPENDIX
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BONNIE TROON CL

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APPENDIX 3
(4 pages)

shoalhaven contributions plan 2010

Code: 05ROAD0063

Category/Planning Area: Local / Area 5

Location: Dolphin Point/Burrill Lake

Description: Construction of roundabout, internal roundabout and link road at Dolphin Point (Princes Highway to Dolphin Point Road)

Strategy: To provide improved, efficient and safe public road networks for increasing traffic volumes associated with development demand.

Contribution Rate:	Financial Year	Contribution Area	Contribution Rate Type	Contribution Rate	Existing ET/M2/SP	Future ET/M2/SP	Total ET/M2/SP
	2012	01	Equivalent Tenement	\$ 3,857.82	0	499	499

Contribution map shaded areas indicate the Contribution Area(s). Red indicates Contribution Infrastructure.

Project Estimate: \$1,616,078.00 in May 2005

Indexed Estimate: \$1,925,052.18

Apportionment: Recoupment of cost apportioned to future development is 100%.

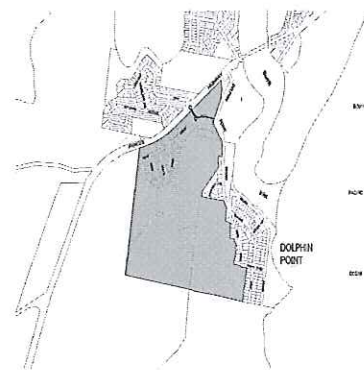
Nexus: The project ensures that new development pays an equitable apportionment of costs associated with providing a suitable road network which directly services demand created by development.

Supporting Information: [Supporting Information can be found here.](#)

Proposed Works: Not applicable. The project has been completed.

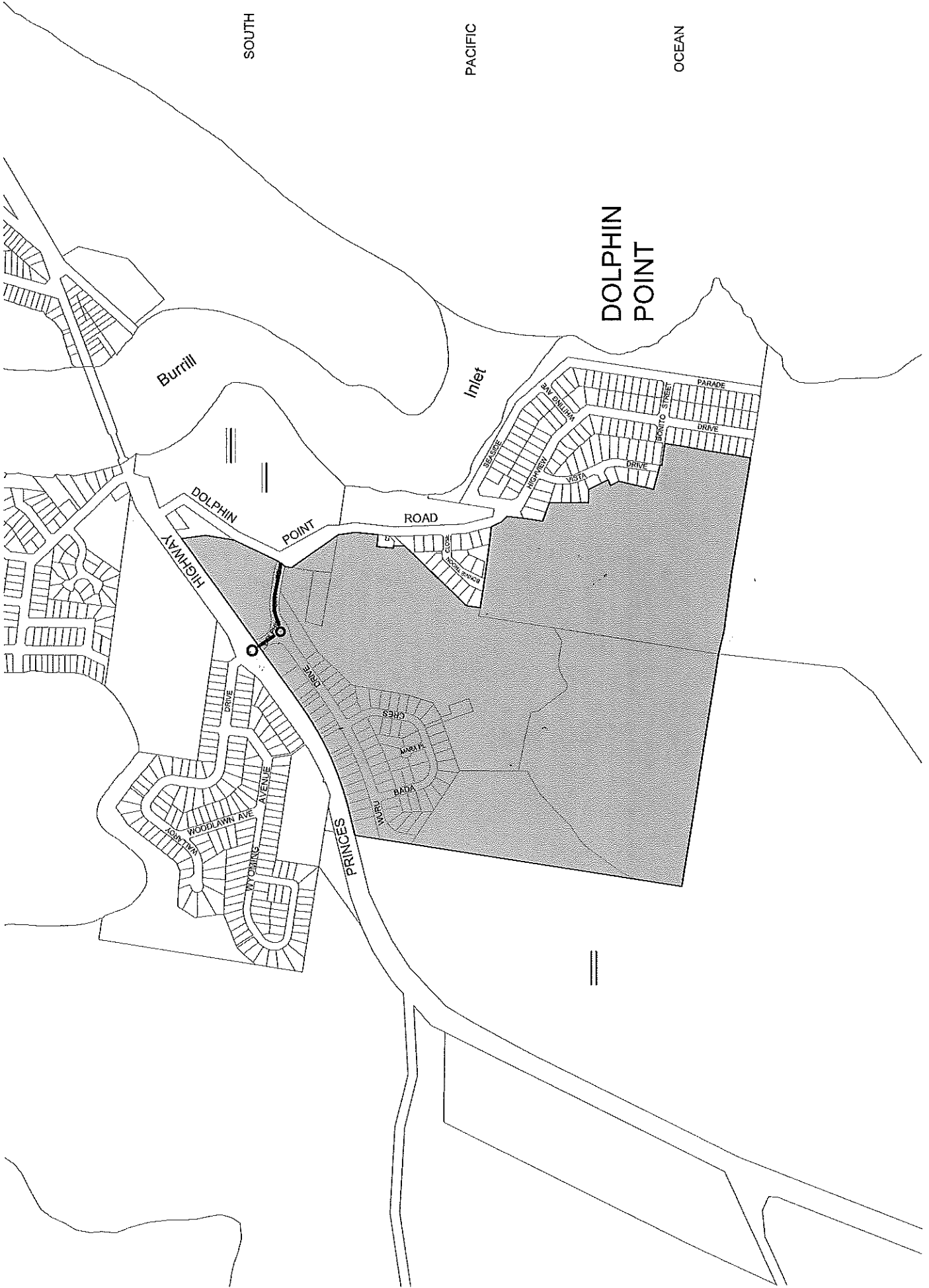
Land Acquisition Estimate: \$0.00

Timing: Not applicable. The project has been completed.

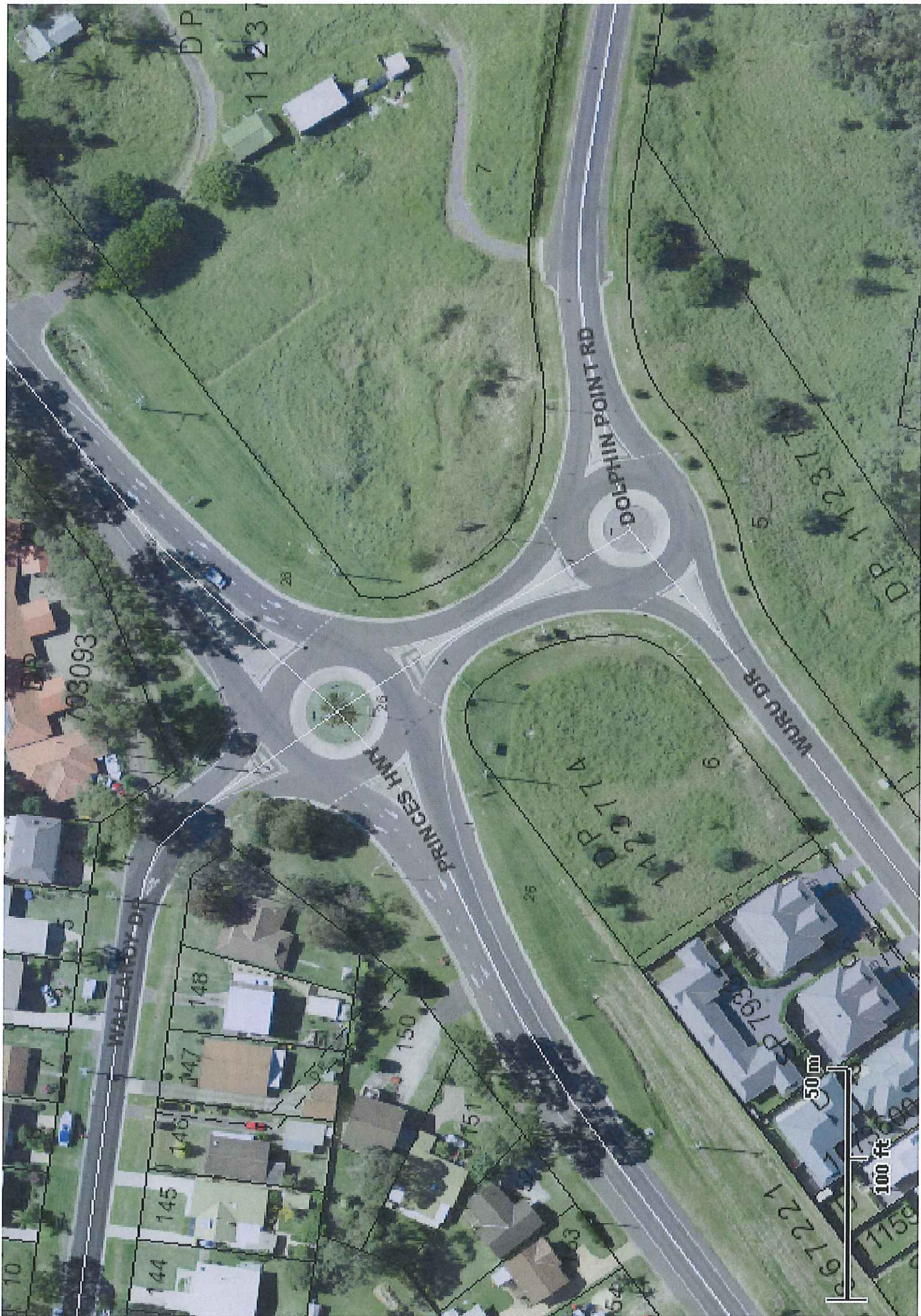


[View Larger Map \(PDF\)](#)

Plan Effective: 23 Mar 2011 - Amendment 1 (November 2012)







APPENDIX 4
(4 pages)

COUNCIL REFERENCE:
CONTACT PERSON:
YOUR REF:

3A07/1004 (D10/62217)
John Britton

1 April 2010

Department of Planning
GPO Box 39
SYDNEY PO BOXES NSW 2001

Attention: Stuart Withington

Dear Sir

**MP05_0024 Residential Subdivision
Lot 171 DP 1081810 Highway Drive, Dolphin Point**

The applicant has submitted two plans to satisfy approval conditions and the Department has sought Councils comments.

- a. Condition B1 – Project Approval Plan, prepared by Allen Price and Associates (Plan 24163-21/Rev05)
- b. Condition B1 (1) – Landscape Design Plan, prepared by WH&G Smit Landscape Architects (Plan LD1 dated 12/2/10) design and configuration of a public open space between Bonnie Troon Close and new Road No.1.

The proposal has been examined and Council makes the following comments and request that the applicant be required to amend and re-submit the design plans.

There are also consequential amendments required to approval condition E11 that is mentioned below.

Firstly in seeking to satisfy Condition B1 (1–8) it is noted that;

- i. There are proposed lots that do not comply with DCP 100 (Element RE14) in that some lots are shown less than 16m wide along Road No.5. This is unacceptable and DCP 100 standard should be satisfied.
- ii. The proposed medium density (MD) lots are now shown in Stage 5, whereas, the original plan had one MD lot in Stage 1 and the condition, due to the required enlargement of the Conservation Reserve required the second MD lot to be in Stage 4. This is also in Condition B4.

It is noted that the stages have also been re-configured, placing both MD

a. Appropriate tree list for street trees within proposed subdivision

Choose two trees from either native or exotic selection below:
(selection attention to be paid to above and below ground services, which are not indicated on this plan).

Native Trees

- *Hibiscus tiliaceus* *Rubra* 'Cotton Tree Hibiscus'
- *Elaeocarpus reticulatis* 'Blueberry Ash'
- *Acmena smithii*

Exotic Trees

- *Lagerstroemia indica* cultivars
- *Fraxinus griffithii*

Habit and form of tree

- Clear straight single trunk with no branching under 1.2m

b. Spacing and placement of trees along kerb and guttering in street

- Place trees minimum of 600mm off back of kerb
- Space trees at boundary between properties to allow driveway placement or in a manner to ensure vehicular and pedestrian sight lines are maintained free from driveways.
- Provide timber edging and tree guard as shown on plan
- Quantities and placement to be indicated on landscape plan

c. Proposed Tree List adjacent to pathway in Proposed Open Space

Choose one only species from the either the native tree or exotic selection below:

Native Trees

- *Melaleuca decora* 'Paperbark'
- *Hibiscus tiliaceus* *Rubra* 'Cotton Tree Hibiscus'
- *Callistemon salignus* 'Rubra'

Exotic Trees:

- *Ulmus parvifolia* 'Chinese Elm'
- *Fraxinus Raywoodii* 'Claret Ash'

LEGEND

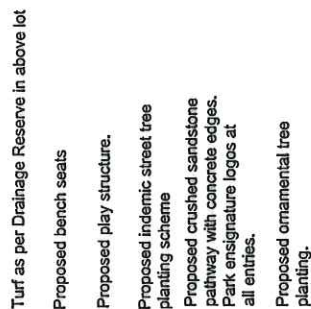
The map shows a network of roads including US-101, SR-10, SR-12, SR-14, SR-16, SR-18, SR-20, SR-22, SR-24, SR-26, SR-28, SR-30, SR-32, SR-34, SR-36, SR-38, SR-40, SR-42, SR-44, SR-46, SR-48, SR-50, SR-52, SR-54, SR-56, SR-58, SR-60, SR-62, SR-64, SR-66, SR-68, SR-70, SR-72, SR-74, SR-76, SR-78, SR-80, SR-82, SR-84, SR-86, SR-88, SR-90, SR-92, SR-94, SR-96, SR-98, and SR-100. The site is located near the intersection of SR-10 and SR-12, south of Burrill Lake and east of the Delphi River.

Map drawn and published by Cartodraft Aust P/L



BOLLARDS
Install timber
property bound-

NOTE



GENERAL NOTES:

1. All work to be constructed in accordance with Shoshone CC Landscape Guidelines
2. All plant material to be supplied by the contractor.
3. The contractor shall confirm all plant numbers prior to ordering.
4. Species substitutions to be confirmed in writing from the Superintendent.
5. All services shall be located on site prior to work commencing.
6. All areas disturbed during the works must be made good.
7. Final tree locations to be confirmed at CC stage and on plan.
8. All plant material to be procured from provenance seed.
9. Warranties must be provided by the supplier that plants are true to source.
10. All planting to be supervised by a Qualified Bush Revegetation

ALL TREE SPECIES AND LOCATIONS ARE CONCEPTUAL ONLY. LOCATIONS AND SPECIES WILL BE CONFIRMED AND VERIFIED FOR CONSTRUCTION CERTIFICATION

A	ISSUED FOR SUBMISSION
No.	AMENDMENT
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A	ISSUED FOR SUBMISSION	24.02.10
No.	AMENDMENT	DATE

PROJECT: PROPOSED PUBLIC OPEN SPACE

Stage One, Road One, LOT 171 DP 1081810 Highview Drive,
Dolphin Point

CLIENT: MAI SEC DEV I F

LANDSCAPE PLAN



W.H. & G. SMIT
LANDSCAPE
ARCHITECTS
A/N 97-343 329 321
87 Hillcrest Ave, Norw NH 2541
MOBILE : 0119 255090
E-mail: whgs@atlook.net.au

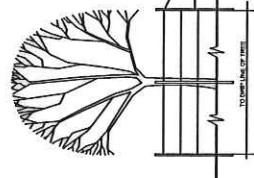
SCALE:	DRAWN:	DESIGN:	DATE:	JOB No.	SHEET No.
A1 1:1000	GS	WHS	12.02.10	2101	LD. 1



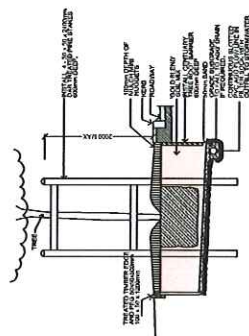
OPEN SPACE TREATMENT



PLAY STRUCTURE



VEGETATION AND TREE PROTECTION - DETAIL



STREET TREE PLANTING DETAIL

PROPOSED PLANT SCHEDULE						
KEY	GENUS	SPECIES	Height & Width	COMMON NAME	Qty	Size
	TREES					
Aa	Acrocomia	acutata	8 x 5m	Lily Pilly	1100	75L
CgR	Callistemon	salignus 'Rufus'	7 x 4m	Red Willow Bottlebrush	750	75L
Cg	Corymbia	sumatrana	8 x 5m	Red Bloodwood	1100	75L
Eb	Eucalyptus	bioparvula	10 x 6m	Manzanita	750	75L
Gf	Grevillea	veranland	8 x 4m	Cherry Tree	1100	75L
	TWIG	Manzita			750	

PLANTING SPECIFICATION:

PLANTING SPECIFICATION:
 Provide plants with the following characteristics:
 • large healthy root systems, with no evidence of root cut, resudion or damage;
 • vigorous, well established, free from disease and pests, of good form consistent with the species or variety;
 • well conditioned off, not soft or forced, and suitable for planting in the natural climatic conditions prevailing at the site.
 • Ensure all street trees have a single, solitary, straight trunk to 1200mm min) before branching occur.

APPENDIX E ROADS AND MARITIME SERVICES CORRESPONDENCE

Our Ref: STH07/00342/02
Contact: Andrea Boes 4221 2771
Your Ref: MP 05_0024 MOD 1



Transport
Roads & Maritime
Services

Department of Planning & Infrastructure
GPO Box 39
Sydney NSW 2001

Attention: Brent Devine

**SHOALHAVEN CITY COUNCIL – MODIFICATION APPLICATION MP 05_0024 MOD 1 –
102 LOT RESIDENTIAL SUBDIVISION HIGHVIEW DRIVE, DOLPHIN POINT**

Dear Sir

Reference is made to your letter dated 14 January 2013 regarding the subject project modification application forwarded to Roads and Maritime Services (RMS) for consideration.

RMS has reviewed the submitted information and notes that the additional approach lane to the Princes Highway roundabout on Link Road was a Council requirement. Given this, RMS does not object to the project modification in principle.

Yours faithfully

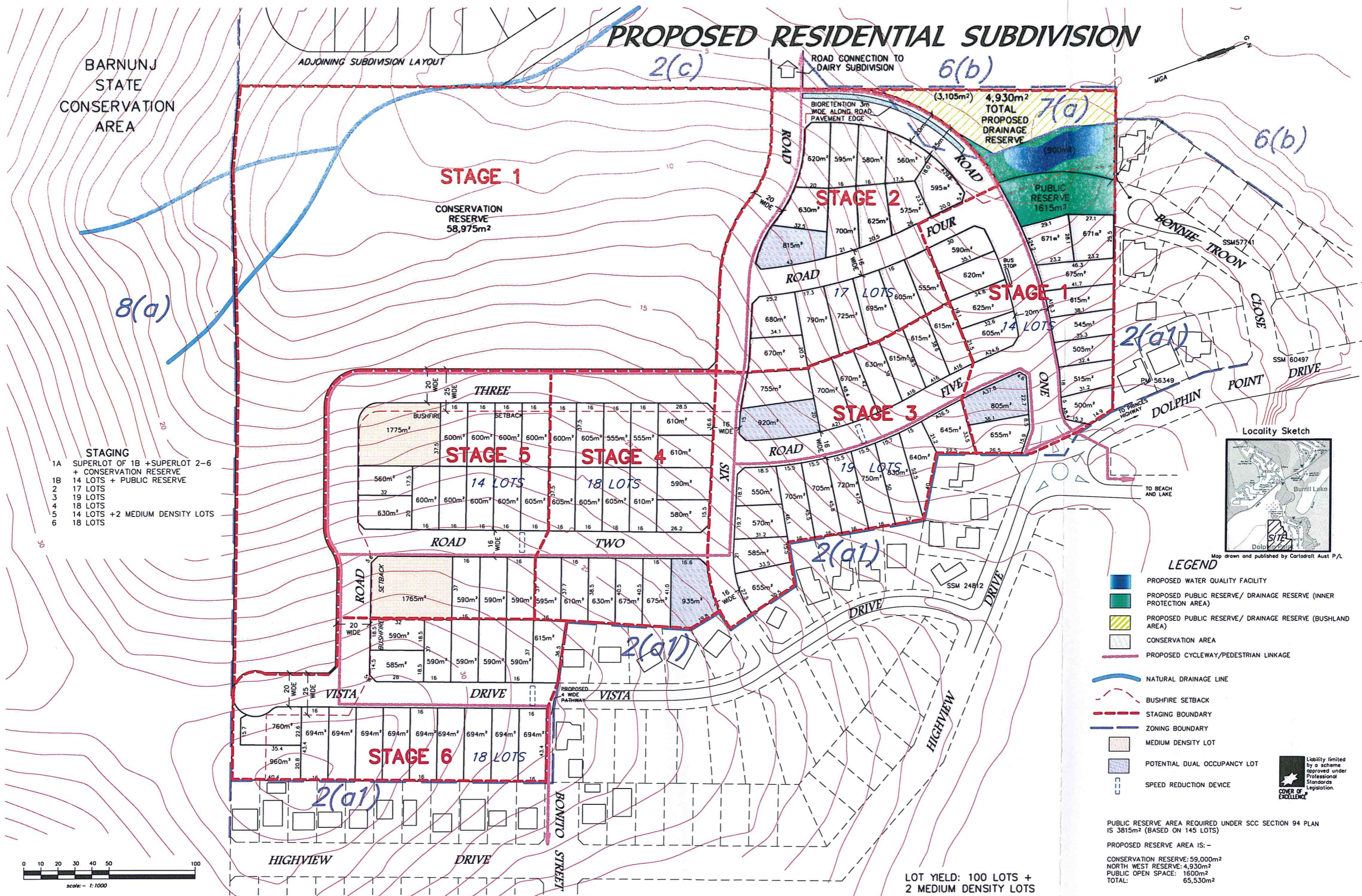
A handwritten signature in black ink, appearing to read 'Brian Lefoe', with a long horizontal flourish extending to the left.

Brian Lefoe
Road Safety and Traffic Manager
Network Management, Southern Region

1 FEB 2013

Cc – The General Manager, Shoalhaven City Council (via email)

Roads & Maritime Services



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 land and development consultants
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 consultants@allenprice.com.au www.allenprice.com.au

PLAN SHOWING PROJECT APPLICATION FOR
 PROPOSED DEVELOPMENT WITH FLORA AND FAUNA RECORDS
 OF LOT 171 DP1081810 AT HIGHVIEW DRIVE, DOLPHIN POINT
 FOR MALBEC PTY LTD

REF. No.
24163-21
 SHEET **1** OF 1 SHEETS **06**