



28 August, 2018

Our Ref: 24163 KW

Your Ref: MP\_0024\_MOD4

Department of Planning and Environment  
PO Box 5475  
WOLLONGONG NSW 2520

Attention: Michelle Niles

Dear Michelle,

**RE: Consolidated Response to Submissions on s75W Modification  
(MP\_0024\_MOD4) Highview Drive, Dolphin Point**

I refer to the s75 W application to modify the existing subdivision approval currently being assessed by the NSW Department of Planning and Environment (DPE) and the DPE's request for a consolidated response to submissions received.

It is understood that the only two outstanding matters identified in submissions from Shoalhaven City Council (SCC) and NSW Office of Environment and Heritage (OEH) relate to the initial proposal to delete the following provisions from the Statement of Commitments:

<b>Original DA approval commitment</b>	<b>Proposed modification by AP&amp;S</b>	<b>Council response</b>	<b>OEH</b>
The proponent will fund \$15,000 for the preparation and implementation of an appropriate Management Plan for the Leafless Tongue Orchid in the Barnunj State Conservation Area to enhance the known population and increase its long term security. Implementation of the plan will include but not be limited to:  a) additional targeted field surveys for the species within 800 m of the known population  b) light ripping of existing tracks identified for closure in the vicinity of the know population c) revegetation of lightly ripped tracks  d) construction of additional barriers and promotion of revegetation at	Delete commitment	Not supportive without a replacement commitment.	Not supportive, objects to removal of management commitment.



**allen price & scarratts pty ltd**  
land and development consultants

Original DA approval commitment	Proposed modification by AP&S	Council response	OEH
<p>points where tracks to be ripped adjoin tracts to be retained for access</p> <p>e) provision of fencing around sub populations under immediate threat from ongoing use of the conversation area</p> <p>f) monitoring of the known orchid population, revegetation works and barriers for a period of up to three years</p> <p>g) research on the species within the locality by university graduates on projects identified by the plan and agreed between Malbec Properties and the Department of Environmental and Conservation.</p>			
<p>The proponent will fund the attempted translocation of the Leafless Tongue orchid individuals from Lot 171 into suitable habitat in Barnunj State Conservation Area following the preparation and approval of an orchid translocation plan.</p>	<p>Delete commitment.</p>	<p>Supportive.</p>	<p>No objection to relocation argument but requires retention of management commitments.</p>



Original DA approval commitment	Proposed modification by AP&S	Council response	OEH
<p>The proponent will fund \$15,000 for the development and implementation of an appropriate management plan for the White-footed Dunnart in Barnunj State Conservation Area. The implementation of such a plan will include but not be limited to:</p> <ul style="list-style-type: none"> <li>a) targeted field surveys for the species in preferred habitat</li> <li>b) mapping of anticipated home ranges for the species</li> <li>c) fire management of known and/or preferred habitat</li> <li>d) predator control within known and/or preferred habitat via capture and baiting</li> <li>e) research on the species by university graduates on projects identified by the plan and agreed between Malbec Properties and the Department of Environment and Conservation</li> <li>f) translocation of White-footed Dunnart individuals from Lot 171 to vacant home ranges within Barnunj State Conservation Area</li> <li>g) monitoring of any identified White- footed Dunnart population for a period of three years.</li> </ul>	Delete commitment.	Not supportive without a replacement commitment.	Objects to removal of management commitment.

Original DA approval commitment	Proposed modification by AP&S	Council response	OEH
The developer will impose a restriction on the title of each allotment requiring that any dogs and cats are kept only within the curtilage of a dwelling house, unless secured on a leash.	The developer will impose a restriction on the title of each allotment requiring that: (i) no cats be kept on any allotment at any time (ii) all dogs must be kept within the confines of a residential allotment, or kept on a leash at all other times.	Supportive.	No objection.

Following further consultation with Council and NSW OEH we suggest the following modifications to the commitments relating to the implementation and management of the Leafless Tongue Orchid and White-footed Dunnart in the Barnunj Reserve. Essentially, we are now proposing retention of the commitments but rather than managing the process (on a location which is off site and out of our ownership/control), that the funding specified be provided to OEH in order to prepare an implement the relevant plans. Accordingly, the following amended provisions are now proposed (instead of deletion as originally proposed):

Statement of Commitment	Proposed Amendment 28/8/2018 to Statement of Commitment	Reason
<i>The proponent will fund \$15,000 for the preparation and implementation of an appropriate Management Plan for the Leafless Tongue Orchid in the Barnunj State Conservation Area to enhance the known population and increase its long-term security. Implementation of the plan will include but not be limited to:</i>	<p>The proponent will fund \$15,000 for the preparation and implementation of an appropriate Management Plan for the Leafless Tongue Orchid in the Barnunj State Conservation Area to enhance the known population and increase its long-term security.</p> <p><b><i>Funding to be provided prior to the issue of a subdivision certificate for Stage 6 to NSW National Parks and Wildlife or NSW Office of</i></b></p>	This statement of commitment relates to the Barnunj State Conservation Area which is located outside of the subject property. Whilst the intentions of this statement are supported, the planning and implementation for works off site are difficult to achieve without significant ongoing input from the State and OEH/NPWS. The proponent does not have the authority to undertake these works

<ul style="list-style-type: none"> <li>a) <i>Additional targeted field surveys for the species within 800 m of the known population;</i></li> <li>b) <i>Light ripping of existing tracks identified for closure in the vicinity of the know population;</i></li> <li>c) <i>Revegetation of lightly ripped tracks;</i></li> <li>d) <i>Construction of additional barriers and promotion of revegetation at points where tracks to be ripped adjoin tracts to be retained for access;</i></li> <li>e) <i>Provision of fencing around sub-populations under immediate threat from ongoing use of the conversation area;</i></li> <li>f) <i>Monitoring of the known orchid population, revegetation works and barriers for a period of up to three years; and</i></li> <li>g) <i>Research on the species within the locality by university graduates on projects identified by the plan and agreed between Malbec Properties and the Department of Environmental and Conservation.</i></li> </ul>	<p><b><i>Environment and Heritage for plan preparation and implementation.</i></b></p> <p>Implementation of the plan will include but not be limited to:</p> <ul style="list-style-type: none"> <li>a) Additional targeted field surveys for the species within 800 m of the known population;</li> <li>b) Light ripping of existing tracks identified for closure in the vicinity of the know population;</li> <li>c) Revegetation of lightly ripped tracks;</li> <li>d) Construction of additional barriers and promotion of revegetation at points where tracks to be ripped adjoin tracts to be retained for access;</li> <li>e) Provision of fencing around sub-populations under immediate threat from ongoing use of the conversation area;</li> <li>f) Monitoring of the known orchid population, revegetation works and barriers for a period of up to three years; and</li> <li>g) Research on the species within the locality by university graduates on projects identified by the plan and agreed between Malbec Properties and the Department of Environmental and Conservation.</li> </ul>	<p>off site and it would appear that this work would be better undertaken by the relevant managing authority for the State Conservation Area.</p> <p>It is suggested that a more practical approach to this matter would be for the developer to supply funding to the relevant authorities to pursue the management plan and implementation. Therefore, it is proposed that \$15,000.00 be paid to the relevant authority to undertake this work.</p> <p>The proponent has already increased the buffer area to the Barnunj State Conservation Area within the development site and has existing management conditions applying to the conservation area within the subject site.</p> <p>The Statement of Commitments also contains provisions for a vegetation management plan which are already in place. The development site has ongoing monitoring by Lesryk under this VMP.</p> <p>It is considered that the provision of funds for this work to the relevant authorities/landowners will be a more beneficial exercise as it will allow for a more streamlined approach to the control of the site and cut out costly consultation with the</p>
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		developer during the preparation and implementation phases.
<p><i>The proponent will fund \$15,000 for the development and implementation of an appropriate management plan for the White-footed Dunnart in Barnunj State Conservation Area. The implementation of such a plan will include but not be limited to:</i></p> <ul style="list-style-type: none"> <li><i>a) Targeted field surveys for the species in preferred habitat;</i></li> <li><i>b) Mapping of anticipated home ranges for the species;</i></li> <li><i>c) Fire management of known and/or preferred habitat;</i></li> <li><i>d) Predator control within known and/or preferred habitat via capture and baiting;</i></li> <li><i>e) Research on the species by university graduates on projects identified by the plan and agreed between Malbec Properties and the Department of Environment and Conservation;</i></li> <li><i>f) Translocation of White-footed Dunnart individuals from Lot 171 to vacant home ranges within Barnunj State Conservation Area; and</i></li> <li><i>g) Monitoring of any identified White-footed Dunnart population for a period of three years</i></li> </ul>	<p><i>The proponent will fund \$15,000 for the development and implementation of an appropriate management plan for the White-footed Dunnart in Barnunj State Conservation Area.</i></p> <p><b><i>Funding to be provided prior to the issue of the subdivision certificate for Stage 6 to NSW National Parks and Wildlife or NSW Office of Environment and Heritage for plan preparation and implementation.</i></b></p> <p><i>The implementation of such a plan will include but not be limited to:</i></p> <ul style="list-style-type: none"> <li><i>a) Targeted field surveys for the species in preferred habitat;</i></li> <li><i>b) Mapping of anticipated home ranges for the species;</i></li> <li><i>c) Fire management of known and/or preferred habitat;</i></li> <li><i>d) Predator control within known and/or preferred habitat via capture and baiting;</i></li> <li><i>e) Research on the species by university graduates on projects identified by the plan and agreed between Malbec Properties and the Department of Environment and Conservation;</i></li> </ul>	<p>This statement of commitment relates to the Barnunj State Conservation Area which is located outside of the subject property. Whilst the intentions of this statement are supported, the planning and implementation for works off site are difficult to achieve without significant ongoing input from the State and OEH/NPWS. The proponent does not have the authority to undertake these works off site and it would appear that this work would be better undertaken by the relevant managing authority for the State Conservation Area.</p> <p>It is suggested that a more practical approach to this matter would be for the developer to supply funding to the relevant authorities to pursue the management plan and implementation. Therefore, it is proposed that \$15,000.00 be paid to the relevant authority to undertake this work.</p> <p>The proponent has already increased the buffer area to the Barnunj State Conservation Area within the development site and has existing management conditions applying to the conservation area within the subject site.</p> <p>As advised by Lesryk the Dunnart population is not located within Lot 171, therefore, translocation of White -footed Dunnart</p>



	<p><i>f) — Translocation of White-footed Dunnart individuals from Lot 171 to vacant home ranges within Barnunj State Conservation Area; and</i></p> <p><i>g) Monitoring of any identified White-footed Dunnart population for a period of three years</i></p>	<p>individuals referred to in (f) is not required. Therefore part (f) of the commitment is proposed to be deleted.</p> <p>It is considered that the provision of funds for this work to the relevant authorities/landowners will be a more beneficial exercise as it will allow for a more streamlined approach to the control of the site and cut out costly consultation with the developer during the preparation and implementation phases.</p>
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The background to the commitments for the orchid should be considered in light of the history of this subdivision. Originally the application proposed translocation of orchids as the orchids were within the proposed residential portion. This was subsequently changed when the consent plans included the broader reserve area. The monitoring and implementation of plans relating to monitoring largely related to the relocation proposal. Regardless of this we are seeking approval to provide funding only for these monitoring and implementation plans so that the relevant management authority for the Barnunj Reserve can undertake the management.

It is understood that all other matters have now been resolved and we would therefore request that should NSW DPE approve this application that a consolidated approval be issued.

We trust this response provides NSW DPE with the required information it needs to finalise its assessment of this application. Should you require any further information, please do not hesitate to contact me.

Yours Faithfully,



Kate Wooll  
 Town Planner  
 ALLEN PRICE & SCARRATTS PTY LTD