

**PRELIMINARY ENVIRONMENTAL ASSESSMENT FOR A MAJOR PROJECT  
APPLICATION PURSUANT TO  
PART 3A—MAJOR INFRASTRUCTURE AND OTHER PROJECTS OF THE  
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**



**3 LOT RESIDENTIAL SUBDIVISION OF  
LOTS 118 AND 119 DP 751258, JAMIESON RD  
NORTH NOWRA**

Prepared by:

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## **PRELIMINARY ASSESSMENT UNDER PART 3A—** **MAJOR PROJECT**

PROPOSED 33 LOT RESIDENTIAL SUBDIVISION, 1 PUBLIC RESERVE & 1  
PROPOSED LINK ROAD LOT

LOTS 118 & 119 DP 751258  
JAMIESON RD. NORTH NOWRA

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This report has been prepared for Evelution Pty Ltd, the landowners, of Lot 118 & 119 DP 751258 Jamieson Rd North Nowra, in accordance with the scope of services required by Evelution Pty Ltd to comply with the EP & A Act.

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## 1.0 INTRODUCTION

Watkinson Apperley Pty Ltd on behalf of Evelution Pty Ltd submitted a request for the Department of Planning to confirm whether our client's project ( a thirty three (33) Residential Lot subdivision at North Nowra) is a Major Project to which Part 3A of the Environmental Planning & Assessment Act, 1979 (the Act) applies.

The letter from the Department of Planning dated 4 April, 2006, confirms our client's intention stating:-

*'...that the Director General, as a delegate of the Minister, formed the opinion on 1 April 2006 that your proposal is a Project and that Part 3A of the Act applies. Consequently, you may now apply for the approval of the Minister to carry out this project'*

The documentation contained and listed below is to affect the formal lodgment of the application for the Project with the Director General (**Section 75E**) in seeking the Minister's determination of the Project;

- completed Application Form
- Preliminary Assessment in fulfillment of the '*Schedule – information required at lodgment*'.
- relevant fee of \$1,000

The Minister's approval is also being sought to **waiver** the need for a Master Plan under **SEPP No.71 of the Act**.

The nature of the proposed subdivision is that of small scale residential infill. It is situated immediately adjacent to existing residential development. The layout has been dictated by the existing road network and utilises these roads, creating extensions and linkages to complete the street network. There are no alternate subdivision patterns that would be feasible in this situation. A Master Plan is not considered necessary as the ecologically sensitive parts of the site are protected through their proposed dedication to Council as public lands. The proposed layout facilitates utilisation of the existing infrastructure, with no impact on current services to the local area.

The extent of the proposed subdivision is such that only the 2(c)Residential zoned portion of the land will be developed. Current planning controls that apply to the site are also considered adequate to ensure the proper management and development of the site. The proposal will be subject to the objectives and guidelines outlined in the Shoalhaven LEP 1985 and DCP 100 (Subdivision Code), which are considered adequate controls to facilitate an assessment under Part 3A of the Act.

## 1.1 Outline of Proposal

Evelution Pty Ltd proposes to develop a Torrens Title, thirty three (33) lot residential subdivision in the North Nowra area (see **Figure 1**). In addition it is proposed to create 1 lot to be dedicated to Council for the purposes of riparian zone, Asset Protection Zone and conservation of ecologically sensitive land adjacent to Bomaderry Creek. An additional lot will be created for the purpose of Shoalhaven Council and the proposed link road identified in the draft Nowra Bomaderry Structure Plan.

The site is impacted by significant changes in topography, flora and fauna issues, along with bushfire risks. In particular, the issue of Asset Protection Zones (APZ) presented limitations to the subdivision layout. The subdivision layout has been designed to best suit the range of natural site conditions, while accommodating the strategic needs of a future link road.

All land proposed to be developed is contained within the coastal zone. There is to be no development within sensitive coastal location.

The proposed subdivision involves a loop road which connects to the ends of two existing residential streets (Warren Avenue and Sutherland Drive) that currently terminate as dead end public roads, without the provision for vehicular turning circles. It is understood that the absence of turning circles in these locations was on the basis that eventually the roads would be extended when this last remaining vacant parcel of land is developed. All residential lots proposed as part of this application are contained wholly within the Residential 2(c) zoned land.

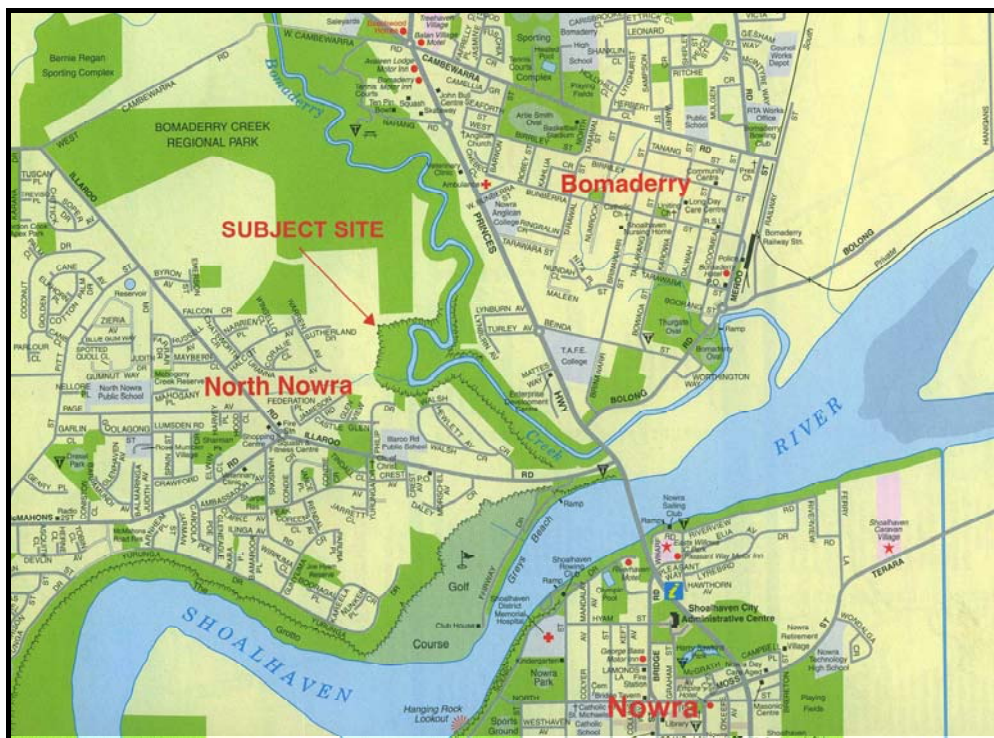


Figure 1: Location of subject site.

## 1.2 Key Issues Arising

### (a) Agency Consultation

Prior to progressing the design for the previously prepared draft Master Plan, the following agency consultation occurred:

- 8 April 2004: Meeting with Shoalhaven City Council
  - Asset Protection Zones on Community Land
  - Riparian Zones and dedications
- 23 April 2004: DIPNR (David Zerafa) & Flora & Fauna Consultant (Dimitri Young) met on-site to determine and mark with flagging tape, the riparian zone
- 9 May 2004: On-site meeting with NSW Rural Fire Service (Danielle Simpson)
  - Asset Protection Zones
- 31 May 2004: Pre-lodgement meeting with DIPNR (Lisa Pemberton)
  - Masterplan Layout
  - Asset Protection Zones
  - Riparian Zones
  - Titling of Subdivision

In addition, agency comments have been obtained by way of the contents of Attachment 8.

### (b) Planning Instruments

Our assessment of the preliminary subdivision layout and associated site analysis, indicates that the site's suitability for residential subdivision has been established by the investigations and consultations leading to the gazettal of Shoalhaven LEP 1985.

A more detailed site analysis has been prepared identifying views and vistas to and from the subject site, particularly from public areas. The project design has avoided interference with the natural areas along nearby creek lines and cliff lines, along with achieving the objectives for the 'coastal areas'.

The proposal conforms to the Shoalhaven with the LEP 1985 and Shoalhaven DCP NO.100 – Subdivisions.

### (c) Community Concerns

These are contained in Attachment 8.

### (d) Potential Impacts Associated with Construction and Operation

- i. Protection of vegetation to be retained within lots adjoining APZs

- ii. Protection of Mahogany Creek during construction
- iii. Ongoing management of Bomaderry Creek reserve
- iv. Maintenance of APZs on publicly and privately owned land.

#### **(e) Environmental Risks**

- i. Protection of Mahogany Creek and Bomaderry Creek reserve, and associated riparian areas.
- ii. Management of native flora to be retained.

#### **(f) Constraints Arising Due to Peculiarities of Project Site**

- i. Last minute notification that Shoalhaven Council propose a link road across the northern boundary of the site.
- ii. Design of Asset Protection Zones

### **1.3 Request for Environmental Assessment Requirements**

We formally request the Director General to issue environmental assessment requirements (**Section 75 (2)**) for the project. This matter was previously the subject of an application for draft Master plan approval lodged with the Department of Infrastructure Planning and Natural Resources under SEPP 71 in April 2005 after consultation with Shoalhaven City Council and relevant agencies. The draft Master plan included significant supporting technical reports describing the proposal and setting out the planning provisions for the site. The current proposal includes amendments to the initial design that formed the basis of the draft Master plan application, accommodating the request by Shoalhaven Council for a strategic road link reservation and reflects layout changes resulting from issues raised by NPWS and the Department of Natural Resources.

We submit that the Director General's requirements need only extend to an embellishment of the heads of consideration of the previously submitted draft Master Plan, addressing those matters raised by the relevant government agencies at that time.

## **2.0 PRELIMINARY ASSESSMENT OF PROPOSAL**

### **(a) Project Description**

The site is described as Lots 118 and 119 DP. 751258 and is located at the eastern extension of Warren Avenue and Sutherland Drive, North Nowra as defined in **Figure 1** above. Lot 118 has an area of 5.01ha and Lot 119 is 6.07ha, totalling 11.08ha. The area proposed to be developed as residential lots and roads amounts to **3.96ha**, being **35.7%** of the total site area.

The subject land is bound to the east by residential housing off Sutherland Drive and Warren Avenue. To the south is Mahogany Creek which connects with Bomaderry Creek further east, and is adjacent to Jamieson Road and associated residential housing. The northern boundary abuts Council managed Crown Land and the Bomaderry Creek Regional Park. The eastern boundary of the site abuts a section of Proposed Open Space – Recreation, which runs adjacent to Bomaderry Creek.

#### **Attachment 1**

The property consists of unmanaged bushland and has not experienced any prior development, although Lot 118 and a section of Lot 119 are zoned 2(c) Residential. The vegetation on Lot 119 is associated with Bomaderry Creek, along the eastern boundary of the site.

This project involves a 35 lot subdivision in the North Nowra area. The proposal will create 33 residential lots, 1 lot (riparian zone, asset protection zone and ecologically sensitive land) for dedication to Council, and 1 lot for proposed road link, as identified in the draft Nowra Bomaderry Structure Plan. The site is impacted by significant changes in topography, flora and fauna issues, along with bushfire risks. In particular, the issue of Asset Protection Zones (APZ) for bushfire protection presented limitations to the extent of lots achievable within the subdivision. Subsequently, the subdivision layout has been designed to best suit the range of natural site conditions and constraints.

All land proposed to be developed is contained within the coastal zone. There is to be no development within the '*sensitive coastal location*'.

All 33 lots proposed have frontage to the proposed internal street or the perimeter road with orientation either east-west or north-south. The lots have areas ranging in size from 560m<sup>2</sup> to 1133m<sup>2</sup> with one additional lot noticeably larger in area (1.4ha) which includes Asset Protection Zone.

The perimeter road is in accordance with the requirements outlined in the Planning for Bushfire Protection Guidelines. In addition, it provides a safe local street network, with two access points connecting with existing roads at both the north and south ends of the site. This layout provides good permeability and access throughout the site.

The two points of entry to the project will be via Warren Avenue and Sutherland Drive where traffic calming will be introduced by way of road design and landscape treatments.

**Attachment 2** is a copy of the original subdivision layout proposed in the previously submitted draft Master Plan application. Since that time, the following design matters have come to our attention, resulting in a revised design that forms the current proposal as shown in **Attachment 3**:

- i. Shoalhaven City Council requested that provision be made for a potential link road across part of the northern boundary of the subject site. This has been the



- subject of a report to Council and a Deed of Agreement between our clients and Shoalhaven City Council, which is currently being prepared. **Attachment 4**
- ii. Dept. of Environment & Conservation (National Parks and Wildlife Service) raised issues in relation flora and fauna, Aboriginal Heritage and management of the land that is to be dedicated, that adjoins the Bomaderry Regional Park.
  - iii. Dept. of Infrastructure Planning and Natural Resources required an extension of the riparian zone along Mahogany Creek.
  - iv. NSW Rural Fire Service requested the ongoing management of the APZs to be clarified.

## (b) Location

**Attachment 5** identifies the site within the local suburb of North Nowra. The site is located in natural bushland and the proposal is designed to be compatible with the local context, and compliment the natural setting. North Nowra is predominantly a residential suburb, approximately 2.5km from the Nowra town centre, on the northern side of the Shoalhaven River and west of the Princes Highway. The suburb has been developed over a number of years, between 1975 and 2000.

This parcel of land represents what is essentially the residue from the earlier stages, which form the area generally known as North Nowra.

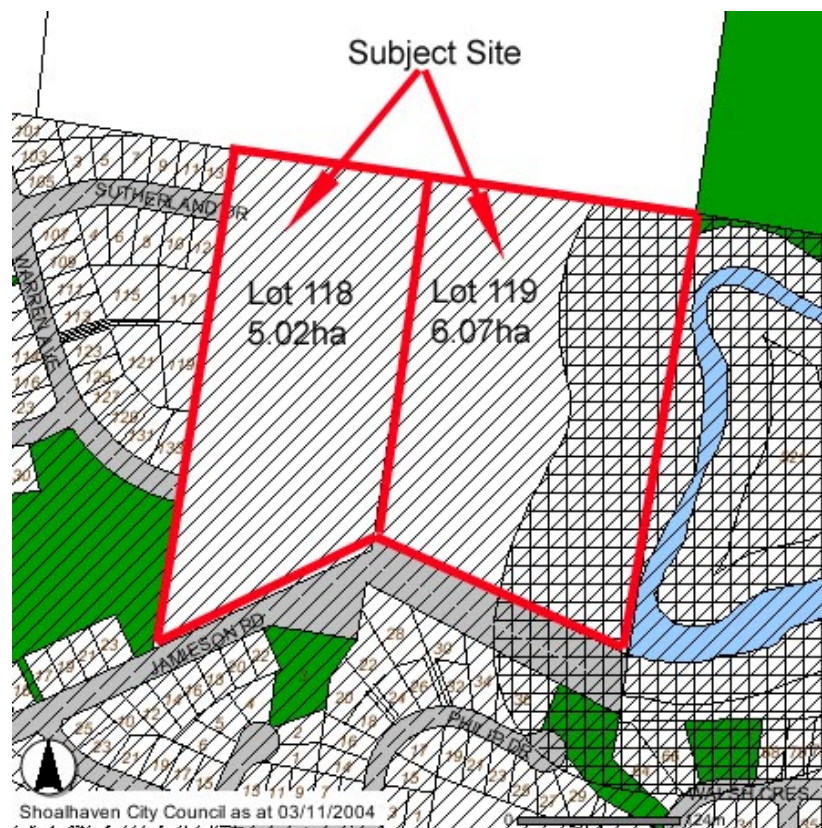


Figure 2: Coastal Location & Sensitive Coastal Location  
in relation to the subject site

The aerial photo (**Attachment 6**) provides the topographical detail, contours and subject land boundaries to enable a more thorough understanding of the site.

Lot 118 and a section of Lot 119 are zoned 2(c) Residential. There is a cliff line traversing Lot 119, in generally a north-east direction which represents the line between the 2(c) Residential zone and 7(d1) Environment Protection. It is understood that despite being in private ownership, the 7(d1) land below the cliff line, is used for recreational purposes, such as abseiling and bushwalking.

Currently there are limited access opportunities through the site to Bomaderry Creek.

### **(c) Relevant Legislative & Statutory Provisions**

- **Part 3A & SEPP (Major Projects) 2005**

The whole of the subject property falls within the *‘coastal area’ (SEPP (Major Projects) 2005 Schedule 2 Clause 1)* and the *‘Coastal Zone;’* as defined in the *Coastal Protection Act 1979 (CP Act)* with the exception of a small portion of the eastern section positioned within the *Sensitive Coastal* locations, within the Shoalhaven Local Government Area.

Schedule 2, Clause 1 of SEPP (Major Projects) 2005 states that the following sites in the coastal areas are projects to which Part 3A applies:

*(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.*

In summary, the proposed project falls within Schedule 2 as it involves subdivision to create greater than 25 lots in a residential zone, is located wholly within the coastal area and partially within the sensitive coastal location.

- **Illawarra Regional Environmental Plan (IREP) No. 1**

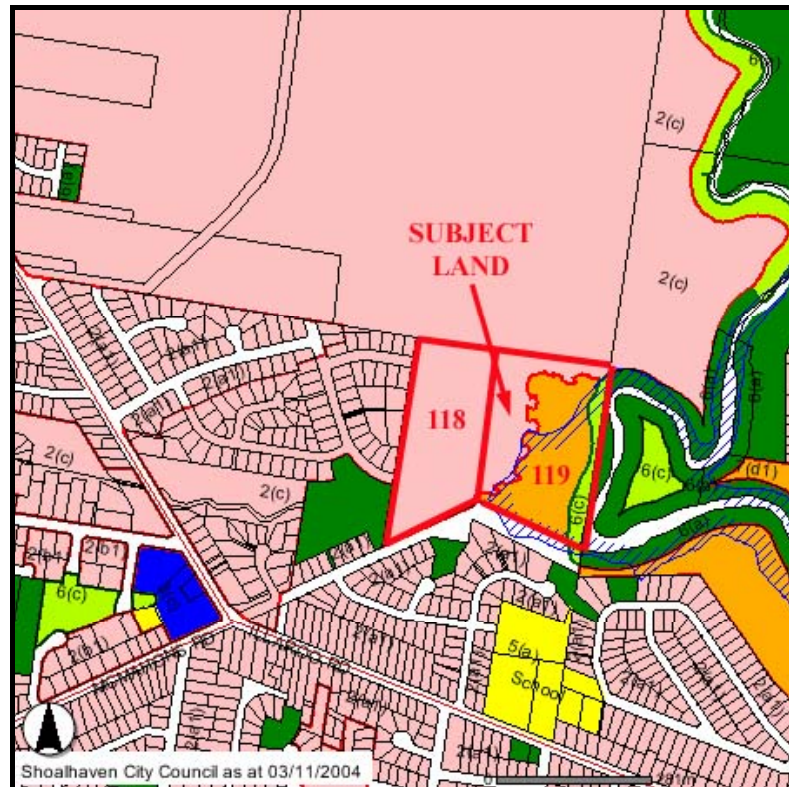
The IREP No. 1 sets out the regional planning context for the land. This plan aims to maximise the opportunities for the people of the region and the state to meet their individual and community, economic and social needs. Particular reference is paid to the way in which these needs are related to the allocation, availability, accessibility and management of the region’s land resources having regard to the objectives specified in the REP. **Part vii, Division 1—Provisions Relating To Living Areas** applies to the subject site.

The proposed development as described, satisfies the above objectives as it will not

prejudice the future use of the land for urban purposes and delivers benefits to the community by way of dedicating ecologically sensitive land for public benefit.

- **Shoalhaven Local Environmental Plan 1985**

The land is subject to the provisions of Shoalhaven Local Environmental Plan 1985 (with amendments). The land is zoned part Residential Living Zone 2(c), part Environment Protection (Scenic) 7(d1) and part Open Space –Recreation “C” (proposed) 6(c) (**Figure 3**).



**Figure 3: Zoning Plan**

The objectives of these zones are as follows:

**Zone 2(c)**

- *To provide for new residential areas with a range of housing types with provision for urban facilities to serve the local community.*

The proposed development utilises a range of lot sizes, from 560m<sup>2</sup> to 1133m<sup>2</sup>. One additional lot significantly larger in area is also proposed. The variety in lot sizes proposed offers the opportunity for a diverse range of housing styles and sizes to be developed. The topography and setting of the site have been utilised in the design to ensure all future dwellings have a pleasant outlook to the surrounding bushland.

The subject site is the eastern-most extent of residential development within this area of

North Nowra, as it adjoins the 7(d1) zoned land to the east. As such, it will function simply as an extension of the existing residential area. The subject site has good access to public facilities (schools, transport, shops, etc) and infrastructure.

### Zone 7(d1)

- *To preserve and enhance scenic quality;*
- *To protect natural and cultural features of the landscape which contribute to scenic value; and*
- *To ensure that development is integrated with the landscape values of the area.*

The 7(d1) zoned land associated with the subject site is currently in private ownership. The entire area zoned 7(d1) is proposed for dedication to Council for the purposes of riparian corridor, asset protection zone and inclusion in the Bomaderry Creek Regional Park. The intent of the entire 7(d1) and 6(c) zoned land dedication was to ensure the protection of the scenic, cultural, and natural features of this area through public ownership. This proposed dedication is the subject of a Deed of Agreement currently being negotiated between Council and Evelution Pty Ltd, relating to the dedication of proposed lot 34 for a future road link.

Public ownership of this portion of land would provide the opportunity for rehabilitation programs by community groups, which may lead to an improvement in the scenic and natural attributes associated with the area. In addition, the social values of the land as a recreational asset may be better managed if in public ownership.

The proposed development is contained wholly within the 2(c) zoned land and will not jeopardise the objectives of the adjoining 7(d1) zoned land.

### Zone 6(c)

- *To identify land that will be required to be dedicated as public open space when the land is subdivided to provide for recreation for the general use of the community. The exact boundaries will be fixed at the time of subdivision.*

See comments above, in 7(d1).

**Division 5 – Environmental Management (Clause 28: Danger of Bushfire)** The subject site has been identified on the maps at Shoalhaven City Council as Bushfire Prone. A Bushfire Protection Assessment has been undertaken by Bushfire and Environmental Services. The requirements outlined in this report have been incorporated into the project design.

- **Development Control Plan 100 – Subdivision Code**

Development Control Plan No. 100- Subdivision Code applies to the subject site. Overall, the proposal generally complies with DCP 100- Subdivision Code.

- **Draft Nowra Bomaderry Structure Plan**

The subject site is identified within the Draft Nowra Bomaderry Structure Plan as existing urban area and therefore presents no specific limitations to the ability to develop the land for urban purposes. However, Council have acknowledged the need for a Nowra Bomaderry link road and the land the subject of this development has been identified as one potential option for a connecting route. In an effort to accommodate the link road, our clients have agreed to enter into a Deed of Agreement with Council, to facilitate the reservation of land (proposed lot 34) along the northern boundary of the site if required.

**Attachment 4** is a copy of Council resolution.

#### **(d) Views of Relevant Agencies and the Community**

This proposal was previously submitted to the Department as a draft Master Plan. The application was subsequently referred to the relevant government agencies and exhibited for public comment. **Attachment 7** forms a summary table of issues raised by government agencies and the community in response to the original proposal.

**Response:**

Subsequent to these issues being raised, the proposal has been modified to address the agency issues as explained in **Attachment 8**.

## 3.0 CONCLUSION

Watkinson Apperley Pty Ltd, on behalf of our clients, Evelution Pty Ltd, seek the requirements of an environmental assessment, to enable an application to be submitted under Part 3A of the EP & A Act.

Based on the technical investigations completed during the design of the project we consider that the environmental assessment report should address the key issues set out in section 1.2 of this request. We intend to update the existing reports and submit them as part of the Part 3A application.

We consider that as the relevant government departments, agencies and the community have had the opportunity to consider the scope of issues through exhibition process for the draft Master Plan, the environmental assessment requirements can be prepared without the need for a planning focus meeting.

We request that should you have any queries or require further clarification that you contact Bronwyn Seiden or David Cannon on 44 214500.

Yours Faithfully



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Bronwyn Seiden  
*Urban Planner*