

PLANNING AND ENVIRONMENTAL EFFECTS REPORT

MP05_0029

PROPOSED MODIFICATION TO LOT LAYOUT AND ADDITIONAL LOTS

LOT 406 DP 1061103, FREYCINET DRIVE, SUNSHINE BAY, NSW

Prepared for:

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November 2018

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1 INTRODUCTION

urPlan Consulting on behalf of the land owner Telmen Holdings Pty Limited, is requesting consideration of a modification to the original approval MP05_0029 dated 06 June 2010 and to conditions as described within schedule 2 of the project consent.

This application is submitted to the Secretary, Department of Planning under Part 4 of the Environmental Planning and Assessment Act, 1979 (the Act). The original sub-division approval was granted under Part 3A of the Act (now repealed), however the Department has advised that the project and any subsequent modification applications should remain with DPE determination.

The submission will in the first part request an amendment to the general project layout plan as defined within approval and in the second part, to record amendments to site water management, bushfire and environmental assessments (development conditions) due to the effect of the proposed modified allotment layout. The modification applies to a small area within the existing approved development area footprint with the intent to remove a small section of drainage gully reserve and replace with a further 5 residential allotments (proposed lots 701 – 705) and to reconfigure existing lots 184 and 192 for new smaller allotments (proposed lots 706 – 710). These smaller allotments will be made possible due to the removal of reserve vegetation setbacks and bushfire APZ buffers.

This Environmental Impact Assessment describes the consent proposed to be modified, the scope of the modification, the basis of the modification and relevant statutory considerations. The following documents are included as Annexures to this report:

- Appendix A – Original approved sub-division layout plan;
- Appendix B – Proposed sub-division layout plan;
- Appendix C – Council E-mail, summary of consultation discussions;
- Appendix D – Revised gully area land-form and contours;
- Appendix E – Existing gully aerial photo and proposed allotment layout overlay.
- Appendix F – Biodiversity assessment report

2 MODIFICATION DESCRIPTION

2.1 Modification Overview

This modification request seeks to modify the original 138 lot residential sub-division consent (refer appendix A) for land located adjacent to Freycinet Drive, Sunshine Bay, NSW. In particular the modification will directly affect the defined lot described as reserve land for public recreation. It is intended to decrease the area of described open space reserve and replace that area with 5 No additional residential allotments, (proposed lots 701 – 705). Refer Appendix B, revised layout plan. As a consequence of the removal of the reserve land and the adjoining buffers, the larger allotments to the south will be re-defined and the 2 large lots converted to 5 regular residential lots (proposed lots 706 – 710). An increase of 8 additional lots to the proposal.

The proposed changes will result in an increase to the allotment capacity of the original development area with an additional eight allotments replacing (in part) the existing drainage reserve as defined under the approved plan. The original approved 138 residential lots will increase to 146 lots plus drainage lot, public reserve lot and sewer pump lot. The modification being in part initiated by local Council not wishing to take control (and ownership) of land which is not required for area specific utility function, or is inconsistent with Councils Open Space and Recreational Strategy.

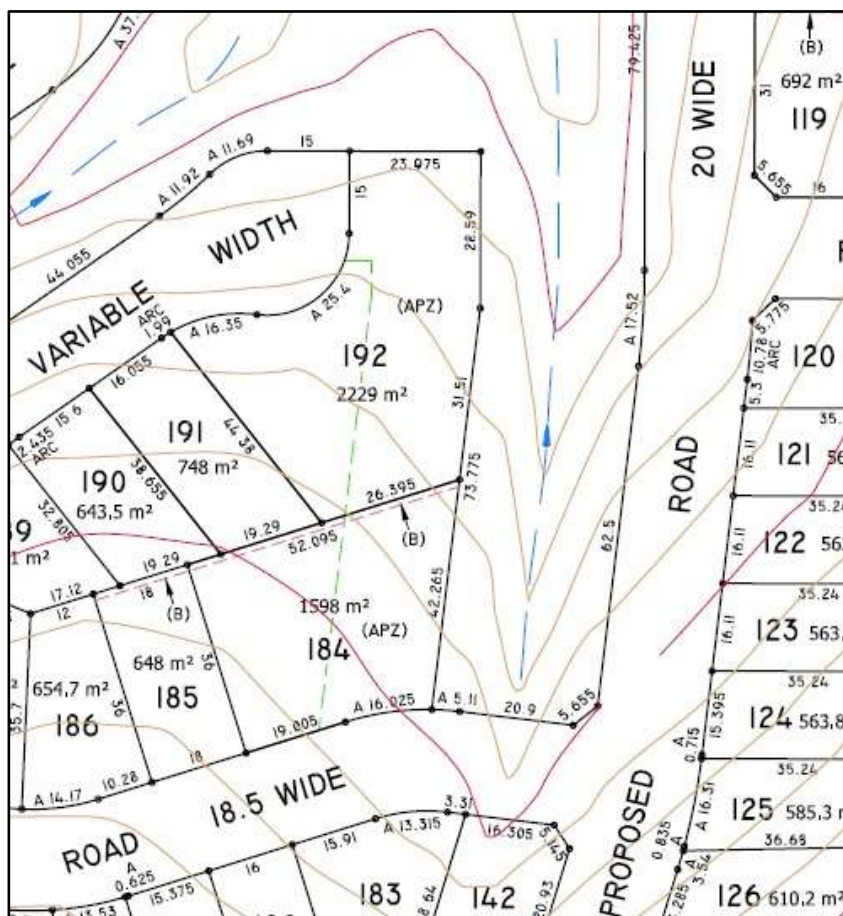


Figure 2.1 A & B proposed modification area – original layout and proposed layout.

2.2 Relevant conditions

It is proposed to modify original consent condition A1

Condition A1(1) to be amended as shown:

- 1) subdivision of Lot 406 DP 1061103 into ~~438~~ **146** residential allotments in six stages

It is proposed to modify original consent condition A2

Condition A2(2) to be amended as shown:

Stage 2 comprises:

- 2) ~~28~~ **33** residential lots, roads, under-scrubbing of stage 5, clearing of trees for the APZs and roads, servicing of proposed lots and landscaping works.

Condition A2(3) to be amended as shown:

Stage 3 comprises

- 3) ~~47~~ **20** residential lots, roads, under-scrubbing of stage 4, clearing of trees for the APZs and roads, servicing of proposed lots and landscaping works.

It is proposed to modify original consent condition A3

It is proposed to amend sections of the detail drawing list at condition A3 as shown below (part only):

Drawing section to be deleted:

Subdivision layout Drawings prepared by Rygate & West			
Drawing No	Revision	Name of Plan	Date
U12993_DA.DWG	B	Showing Indicative Lots Layout of Proposed Subdivision of Lot 406 DP1061103	24/03/10 amended 12/04/10
U12993E_STAGES.DWG	A	Showing Indicative Staging of Proposed Subdivision of Lot 406 DP1061103	24/03/10 amended 12/04/10

To be amended and replaced by the following drawings:

Subdivision layout Drawings prepared by Rygate & West			
Drawing No	Revision	Name of Plan	Date
U12993_DA.DWG		Showing Indicative Lots Layout of Proposed Subdivision of Lot 406 DP1061103	
U12993E_STAGES.DWG		Showing Indicative Staging of Proposed Subdivision of Lot 406 DP1061103	

It is proposed to modify original consent condition A4.

It is proposed to include an additional note to the end of condition A4:

“As amended by the Modification report and amendment details (including attachments) prepared by urPlan Consulting dated February 2018 and by the conditions of the modification approval”.

3 BACKGROUND

Under the then Part 3A provisions of the Environmental Planning and Assessment Act 1979, a Major Projects approval was granted for the proposed development MP05_0029, June 2010. The proposal included residential sub-division comprising 138 lots, a stormwater drainage lot, a lot encompassing the public reserve and sewer pump lot. As a condition of the consent under Schedule 2 of the approval, the drainage reserve and recreation reserve lands were to be dedicated to Eurobodalla Council for on-going management and maintenance of the non-development areas, (refer to Appendix A for original approved plan)

*“The proponent shall make necessary arrangements for the dedication of the drainage reserve and recreation reserve open space areas within the subdivision to Council prior to release of the Subdivision Certificate for **Stage 5**. The dedication shall occur at the time of registration of the linen plan”.*

Subsequent discussions with Eurobodalla Council and a re-assessment of part of the drainage reserve (refer Appendix B, revised subdivision layout plan), have indicated that the full quantum of reserve area is not required and would be beneficial to incorporate within the greater residential development area. (Refer Appendix C, Council letter).

The incorporation of the defined reserve land within the development area will assist in better mitigation measures for natural hazard, such as bushfire attack.

4 MODIFICATION SITE

The modification site is a small plenary gully forming part of the natural drainage system within the development area. Together with the main drainage line, this gully formed a small part of the identified drainage and recreation reserve. The modification (gully area) has a longitudinal length of 102.36m with an approximate width of 30m (varying). The natural gully commences and terminates within the overall development footprint area.



Figure 4 local gully with retained vegetation (existing conditions)

The proposed modification objective is to fill the gully line and raise the terrain surface level to create additional residential allotments, (refer Appendix D revised allotment layout (gully area) and proposed land contours). The described drainage gully and retained vegetation had development implications outside the immediate ecological gully environment. The retained vegetation imposed significant bushfire hazard setback buffers to the surrounding allotments. It is also reasonable to predict that these setback buffers and adjacent road infrastructure, would afford insufficient long-term protection for the very restrained gully bio-diversity.

5 STATUTORY CONTEXT AND LEGISLATION

5.1 Modification of consent

The original concept Approval MP05_0029 was granted approval on 06 June 2010 with consent effective under the then Part 3A, section 75J of the EP&A Act, (since repealed). This application is submitted under S4.55 (2) of the EP&A Act (as amended 2017).

This environmental assessment of the proposed modification does not materially vary the assessment contained in the original Statement of Environmental Effects and Supplementary Reports prepared by Planning Initiatives that accompanied the development application for the Sunshine Bay Estate – Final Stage master plan. Therefore, it is considered that the proposed modification can be described as being of minor environmental impact and will result in a development that is substantially the same as the development for which consent was originally granted.

5.2 Biodiversity Conservation

The Biodiversity Conservation Act 2016 has established the principles and process whereby clearing of native vegetation due to proposed development is assessed and considered in respect to planning approvals under the EP&A Act. The introduction of the Biodiversity Conservation Regulations 2017 includes the Biodiversity Values Mapping which identifies land areas of high biodiversity value. All clearing of native vegetation within mapped areas that triggers the “Area Clearing Threshold” as defined under cls 7.2 of the Regulations, will activate the provisions of the Biodiversity Offset Scheme. However, if the vegetation removal does not trigger the minimum area threshold an assessment of flora impact and habitat removal will still need to be considered.

The area of vegetation to be removed is less than 0.25ha. The land constituting the current residential sub-division including the modification area is not identified on the Biodiversity Values Mapping as containing high biodiversity. The modification consideration will not be subject to the provisions of Biodiversity Offset Scheme.

A comprehensive local area bio-diversity assessment has been undertaken by Ecoplan Pty Limited to determine the likely impact of the proposed works, which has been carried out in accordance with the provisions of the Biodiversity Conservation Act 2016 and assessment methodology as prescribed by the Biodiversity Conservation Regulations 2017, (refer to Appendix F of this report). The assessment has found that the possible direct impacts are likely to be low and for the species assessed the report states:

“The proposed development modification would have minimal impact on the habitat values on the site. Within mitigation suggested for preserving and enhancing the retained vegetation over the subject land, it is considered unlikely that the proposed development modification would have notable impacts on any threatened fauna.”

In terms of indirect impact the report finds that the removal of the identified vegetation is likely to be minimal:

“Given the modified nature of the subject land, and its proximity to urban roads, the proposal is considered unlikely to reduce the viability of any adjacent native vegetation or habitat due to edge effects, noise dust or light spill, or disturbance to breeding habitats”.

Undertaking the assessment and describing the likely minimal impacts, the biodiversity analysis has included the following recommendations for inclusion in the application determination:

- Preserve where possible any trees within the subject site, in particular the large *Eucalyptus paniculata* (Grey Ironbark) adjacent to Freycinet Drive;
- Ensure the Landscape Plan makes provision for the planting of local provenance species throughout the subdivision post-construction to enhance foraging across the development area;
- Continue to maintain and preserve retained vegetation along the larger drainage reserve, following the Bush Regeneration Management Plan (a former Condition of Consent);
- Supplementary tree plantings along buffer areas of the retained vegetation to include the following local provenance species:
 - *Corymbia maculata* (Spotted Gum),
 - *Eucalyptus pilularis* (Blackbutt),
 - *Eucalyptus globoidea* (White Stringybark)
 - *Eucalyptus paniculata* (Grey Ironbark)
 - *Allocasuarina littoralis* (Black She-oak)
 - *Elaeocarpus reticulatus* (Blueberry Ash)
- Weed management - few weed species recorded, however, weed management should be implemented to prevent spread of weeds into the retained vegetation within the subject land.

5.3 Bushfire hazard

The sub-division land is identified as *bushfire prone land* as defined under the Rural Fires Act 1997. As such the purpose of sub-division would require an assessment of bushfire hazard and application under 100B of the Rural Fires Act. However, the consequences of the approved surrounding sub-division and vegetation removal will negate the original bushfire hazard. If approved, the proposed modification will remove the retained vegetation within the modification area and hazard generation will not exist. Therefore this modification application will not require a separate bushfire hazard assessment.

The proposed modification will also alter and remove some of the bushfire hazard management measures that had been a condition of the original approval.

5.4 State Environmental Planning Policy – Coastal Management

The SEPP (CM) policy aims to ensure development in the NSW coastal zone is appropriately located, a consistent approach to coastal planning and management and to provide a development assessment framework for the coastal zone. The SEPP (CM) identifies development controls to protect and manage sensitive coastal environments and risks from coastal hazards in addition to supporting appropriate development.

With the proposed development land sited just under a kilometre from the coast and outside the foot-print of the policy management areas, the development is not subject to the operation and application of control measures within the policy. However, the original development preparation and subsequent construction was prepared under the controls of the previous coastal policy regime and these will be retained.

The proposed amendment will not derogate from the previous consent conditions and this modification remains consistent with its aims. Vegetation clearing required under the proposed modification area will be conducted in accordance with the *Tree Plan of Management* required as a condition of consent B13 of DA 05_0029.

5.5 Eurobodalla Settlement Strategy

Although the Settlement Strategy pre-dates the current primary planning instrument, the ‘directions’ and ‘actions’ incorporated within the Strategy established the guiding principles for the provisions and mapping within the Eurobodalla LEP 2012. The Settlement Strategy identified the quality and community value of natural areas around and separating defined urban areas. This physical area of settlement separation was highly valued as described in many community submissions received in the consultation for the Strategy and also informing the LEP. Understanding the generally small areas of these urban settlements, these natural areas of separation operate on multiple levels, including providing a generous complement of open space and public access for the resident community.

These settlement containment boundaries provide the necessary urban relief environment that traditionally small parks and open space had provided in more traditional urban areas. These natural environment separation areas therefore reduce the need for open space and reserves allocated within individual sub-divisions.

5.6 Local planning instrument

The proposed development is located on land zoned R2 – Low Density Residential under the Eurobodalla Local Environment Plan 2012 (as amended). However, the local relevant Planning Instrument at the time of approval, was the Eurobodalla Urban Local Environment Plan 1999. The use of the land and the nature of the proposed development under the original approval, is consistent with the objectives of the current zoning and with the overall aims of the principal planning instrument. As noted within the original approval instrument, the creation of any Torrens Title allotments are to be consistent with local planning Legislation and local policy development standards. The validity of standard adoption has been confirmed through the issue of local sub-division certification.

At the time of project approval (June 2010), both the local Planning Instrument and local governance policy encouraged the dedication of reserve and/or environmentally sensitive land (land not assigned for development use or development generated utility infrastructure), to transfer to Council ownership and control. At that time, most Councils were obtaining reserve and recreational space from all larger residential developments for centrally located recreation space for public use. However, in the interim, regionally located local Councils have undergone a policy shift in the provision of open space land. Eurobodalla Council, not unlike most other Councils now employ a much more structured policy for the provision of community open space. The current *Eurobodalla Recreation and Open Space Strategy* sets out a much more structured process where community open space is provided, how this land is acquired and for what purpose. The ad-hoc dedication of individual development generated open space, is no longer Council’s preferred policy position. However, individual large-scale subdivision developments will need to incorporate no-development areas where these areas include necessary infrastructure or incorporate environmental elements, such as water-shed and natural drainage, which are not suitable for or desirable to accommodate development purposes.

5.7 LEP development standards

The modification will create new allotments in replacing the reserve land. These new allotments will be required to comply with the provisions (development standards) as described within the LEP.

STANDARD OBJECTIVES	DEVELOPMENT STANDARD	COMPLIES
Minimum lot size		
a) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area; b) to ensure lot sizes and dimensions are able to accommodate development consistent with relevant development controls; c) to ensure that subdivision promotes effective land management practices and infrastructure provision; d) to protect native vegetation, natural watercourses and habitats for threatened species and populations, and endangered ecological communities.	550m ²	Yes
Maximum height of buildings		
a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality; b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.	8.5 metres	(Not relevant at sub-division stage)

5.8 DCP development controls

The following DCP development controls are applicable to the new allotments.

DESIGN CRITERIA	ACCEPTABLE SOLUTION	COMPLIES
Setbacks – street frontage		
Buildings are setback to contribute to the existing or proposed streetscape character, assist in the blending of new development into the streetscape, make efficient use of the site and provide amenity for residents.	In new subdivisions where a setback has not been established a setback of 5.5m applies. Up to 50% of the front façade of the dwelling (excluding garages or carports), may be setback 4.5m from the front boundary.	Yes. All proposed allotments have generous areas (in excess of 700m ² to allow for variation and compliance with the control.
Setback – side and rear boundaries		
Side setback - Buildings are setback to reduce overbearing and perceptions of building bulk on adjoining properties and minimises overshadowing impacts on adjoining properties. Rear setback - Buildings are setback so that they do not reduce the use and enjoyment of public, private or communal open space provided at the rear of adjoining residential development by being in close proximity, overshadowing or overlooking the open space.	Minimum side boundary setback is: – 900mm (minimum 600 at eaves); – 1.5m for build height above 4.5m, (minimum 1.2 at eaves); – 2m for build height above 7.5m. Minimum rear boundary setback of 3m, (minimum 450mm for sheds garages and non-habitable buildings).	Yes. All proposed allotments have generous areas (in excess of 700m ² to allow for variation and compliance with the control.

DESIGN CRITERIA	ACCEPTABLE SOLUTION	COMPLIES
Sub-division		
Lot sizes and proportions maintain a consistent pattern within the area.	New subdivision must not result in the creation of lots 1200m ² or less in area that have side to front boundary proportions greater than 2.5:1.	Yes. All proposed allotments have regular proportions, consistent with the primary sub-division layout.
Lots within the R2 Zone are to have primary dimensions and areas capable of accommodating a dwelling of a reasonable size.	All lots must be capable of containing a rectangular building envelope measuring 10m by 15m, with a minimum width of 15m at the building line.	Yes. All allotments will accommodate the building envelope control.

6 CONSULTATION

There has been a number of phone discussions and E-mails with Eurobodalla Council planning and engineering staff, in respect to the sub-division layout and the transfer of reserve land to residential lots. Indeed, it has been Council's initiative to ensure that the sub-division layout and any subsequent transfer of land is in accord with the current policy and Open Space Strategy. (Refer to Appendix C, Council E-mail note).

It is also to be acknowledged that since the date of the original concept approval, Council have consistently voiced their objection to accepting ongoing control (and ownership) of any reserve (park) lands not required for infrastructure or drainage measures. Although the original approval had included conditions requiring the creation of the open space reserve, the on-going care and maintenance of this small area has been an issue that Council has consistently refused to accept.

7 MODIFICATION JUSTIFICATION

7.1 Local Policy

In August 2010 the Eurobodalla Shire Council adopted the current *Recreation and Open Space Strategy* which in part sets out the future direction for the acquisition location and management of future open space within the Shire. The Council instigated a review of the Strategy in the second half of 2016 and based on that independent review (ROSS Review) has adopted the Dedication of Land to Council Policy June 2017. The purpose of the policy is to clearly distinguish the circumstances and requirements by which land is transferred to public ownership. As relevant within the Policy aims, the guidelines for dedication of land must ascribe to the tenor of the policy objectives. In part the policy states:

"In most circumstances, private ownership and management of riparian corridors, drainage land, biodiversity land and areas of cultural and heritage significance results in acceptable management outcomes and is Council's preferred outcome. Only in exceptional circumstances will Council accept public ownership of these lands."

The ROSS Review clearly identified that strategic placement and structured management of open space in accord with community leisure activities returns a greater benefit to the community than random open land that dissipates scarce resources in maintenance.

To that end, the inclusion of the small area of land constituting this modification in addition to the other reserves and open space within the proposed sub-division, does not provide a discernible quantum of benefit to local Council or the community.

7.2 Regional planning

The provision and location of recreation and open space planning has evolved markedly over the last few years, this has in part, been driven by efficiencies in public resource returns. The benefits of recreational lands consolidation has been almost a universal trend through-out Local Government. The change in community use of public open space is also reflected within the South East and Tablelands Regional Plan. Direction 22 of the Plan states:

“The design and location of recreation facilities, sporting infrastructure, parks and public buildings should encourage people to be physically active where they work and in their neighbourhoods. Neighbourhood communities will reconnect with the surrounding landscape via walkways, cycleways and public transport. These networks will be considered for extension as part of planning for residential release areas and renewal sites.”

Certainly the emphasis on provision of recreational lands and facilities at both a local and State planning level is to consolidate resources such that the offer of facilities both in terms of scale and diversity, can be optimised. The provision of small areas of unmanaged open space is no longer a preferred option.

7.3 Local sub-division outcomes

The overall layout of the development will remain intact and much of the allotment arrangement will remain unchanged. The existing allotment arrangement will not be altered and there is not the intention to alter the vegetation regime or to activate further clearing in areas unaffected by the modification. The fundamental proposal objectives as provided through the original approval, such as allotment infrastructure provision, sealed roads, bushfire mitigation measures and access, and allotment size mixing will be retained.

The area of the sub-division subject to the modification is 3515m², this represents approximately 13% of the open space and reserve area as per the original approval. The proposed sub-division has a total development area of 94,626m². The approved open space and reserve land is a total of 23,707m² which represents a development area to open space area ratio of just under 4 : 1. The transfer of the modification area to development area, still generates a ratio of 4.8 : 1 (development area to open area), this is still a very generous provision of open space within a residential accommodation sub-division. All allotments within the sub-division will be within easy walking distance of the main public open space and bush reserve. Also the, the sub-division is located just 3.4km from the main regional sporting fields and recreation facilities (Hanging Rock Reserve) and less than 1km from the local beach reserve and ocean access.

8 CONCLUSION

This Modification application is submitted under Part 4 of the Environmental planning and Assessment Act 1979 post-consent provisions, to modify the consent granted by the Minister to DA MP05_0029 in accordance with Section 4.55(2) of the Act.

It is submitted that the development as proposed to be modified, will be substantially the same as the approved development and the modification will result in the removal of a small area of open space (reserve land) and the replacement on that land of 5 additional residential lots. This will amend the sub-division yield to 143 residential development lots, recreational land lots, stormwater areas and sewerage infrastructure lot. The overall layout of the development will essentially remain intact and the majority of the allotment arrangement will remain un-changed. The proposal is consistent with the aims, objectives and provisions of the Eurobodalla Local Environmental Plan 2012. The proposed allotments will also align with the Eurobodalla Residential Zones DCP controls where they apply to R2 – Low Density residential lots.

The proposal and its scale of modification, along with the precautionary measures outlined in this submission will not adversely affect the existing environment, vegetation and water quality. The fundamental proposal objectives as provided through the original approval, such as; allotment infrastructure provision, sealed roads, bushfire mitigation measures, vegetation road noise buffer and access will remain as per the original consent. This modification does not propose major change to the main open space areas, reserve lands, intra-development vegetation corridors, dwelling frontage set-backs and vegetation off-set buffers. The modification and inclusion of additional lots will have no impact on views to and from the site. The majority of views available to proposed sub-division lots are internal development views and therefore local.

This modification proposal is seeking authority support on the grounds that the proposal:

- Is consistent with State and local Planning Legislation/provisions;
- Is consistent and supports the controls as described within the Eurobodalla Residential Zones DCP;
- Has been designed with due regard to environmental considerations;
- Will not adversely impact on the broader environment, scenic quality, nor adjacent development;
- Will not adversely impact on the amenity of future development or views;
- Has taken into consideration potential risks such as bushfire, geology and overland storm watershed;
- Will not disrupt the design integrity of the original approved development.

We therefore request that the Secretary approve this application to modify DA MP05_0029 by amending the approved layout and consent conditions as earlier described in order to include the additional allotments for the reasons outlined in this statement. We trust that this statement and accompanying documentation provides sufficient information to enable considered assessment of the proposed modification.



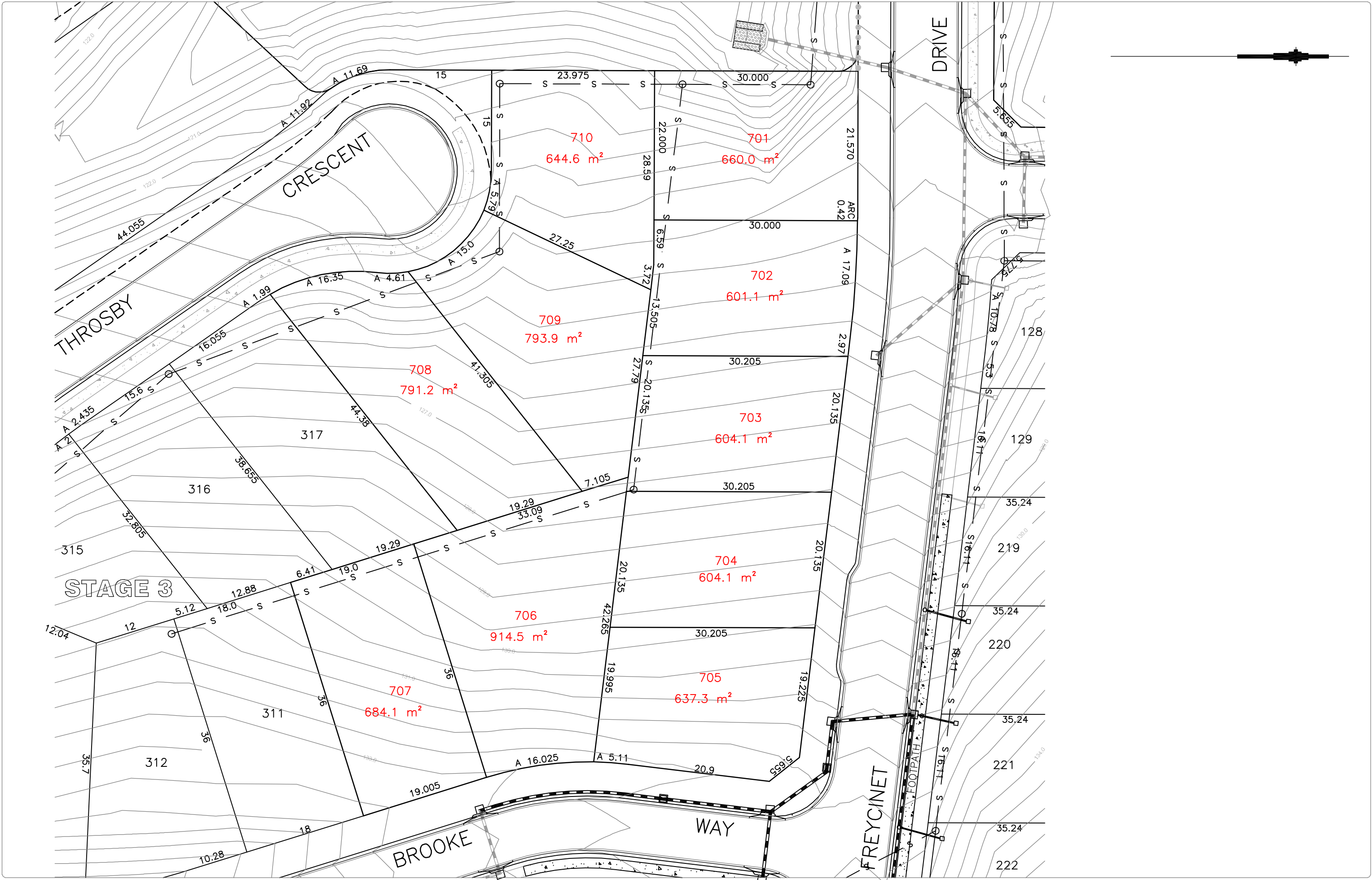
David Seymour RPIA (Fellow)
BSc (Melb), BU&R Plan (Hons) UNE
Principal Planner

APPENDIX A

Original approved sub-division layout plan (MP05_0029)

APPENDIX B

Proposed (modified) sub-division layout plan



RED'N. RATIO 1:500 AT A3 DATUM : A.H.D. CONTOUR INTERVAL : 0.5 ORIGIN OF LEVELS : RL	AMENDMENTS		BY	DATE
	SURVEYED	B.B.		
	DESIGNED			
	DRAWN	R.V.		
DATE : JAN 2018	CHECKED	G.B.		



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TELMEN HOLDINGS P/L

PLAN	
SHOWING INDICATIVE LOT LAYOUT OF PROPOSED LOTS 701 - 710 SUBDIVISION OF LOT 138 DP1234380.	
SUNSHINE BAY	SHIRE OF EUROBODALLA

REFERENCE No. U12993
DRAW. No. U12993-2 DA.dwg
ISSUE A
SHEET 1 OF 1 SHEET

APPENDIX C

Council advice (E-mail) summary of consultation discussion

E-mail correspondence from Mike McIlveen (ESC) 19 December 2017

Subject: NSW Planning MP 05_0029 | Residential Subdivision Freycinet Drive Sunshine Bay

Dear Sir

I am providing this letter to support the applicant's modification to convert a small area of land that was defined on the approved plan to be dedicated as drainage reserve. The area as defined on the enclosed plan is a steep sided gully with the natural waterway topography disappearing as the water shed is approached to the east. Due to clearing being carried out within this area for road construction and creating an APZ for the adjoining future lot release some trees within this precinct have now been cleared (refer attached photos "A", "B" & "C").

The construction of Brooke Way has further transformed the natural gully and will intercept overland flow from the watershed into the road stormwater network. This gully is further diminished in length leaving the steep denuded landscape with a lead length from Brook Way to be engineered detention/infiltration pond of less than 80.0m. This precinct will leave a legacy of high maintenance costs into the future and due to the steep topography will be an eyesore and waste urban land.

Additionally Council's Dedication of Land Policy is clear on unstructured public open space.

Item 3 – Unstructured Public Open Space in Council's Dedication of Land Policy reads;

"In case of riparian corridors, drainage land, biodiversity land and areas of cultural and heritage significance, Eurobodalla Shire Council encourages land owners and developers to find the best and most innovative use and ownership of these land having regard to the particular circumstances of each case. Public ownership of these land should as a general rule, be the last choice for ownership of these lands as in many circumstances private ownership and management of these lands can result in acceptable management outcomes".

"Where a natural open channel or similar overland flow path exists within a proposed development, a drainage easement or reserve shall be provided to accommodate the potential design flow. Drainage reserves and/or easements may be provided in conjunction with and traverse public open space or private lands."

"All works undertaken on unstructured public open space lands are to be undertaken by the developer at no cost to Council in accordance with any relevant approved Vegetation Management Plan or Conservation Management Plan."

"Council may accept these lands as public open space only where the community and environmental benefits are adequately demonstrated such as;

- Protection of significant environmental features;*
- Recognition of cultural landscapes;*
- Retention of significant views;*
- Use for an appropriate community purpose, such as a shared pathway, open space or environmental education;*
- Forming part of a broader public stormwater network;*
- Assist in adaption to inundation from flooding and ocean;*
- Assist in building resilience to climate change for built and natural environments;"*

Regards

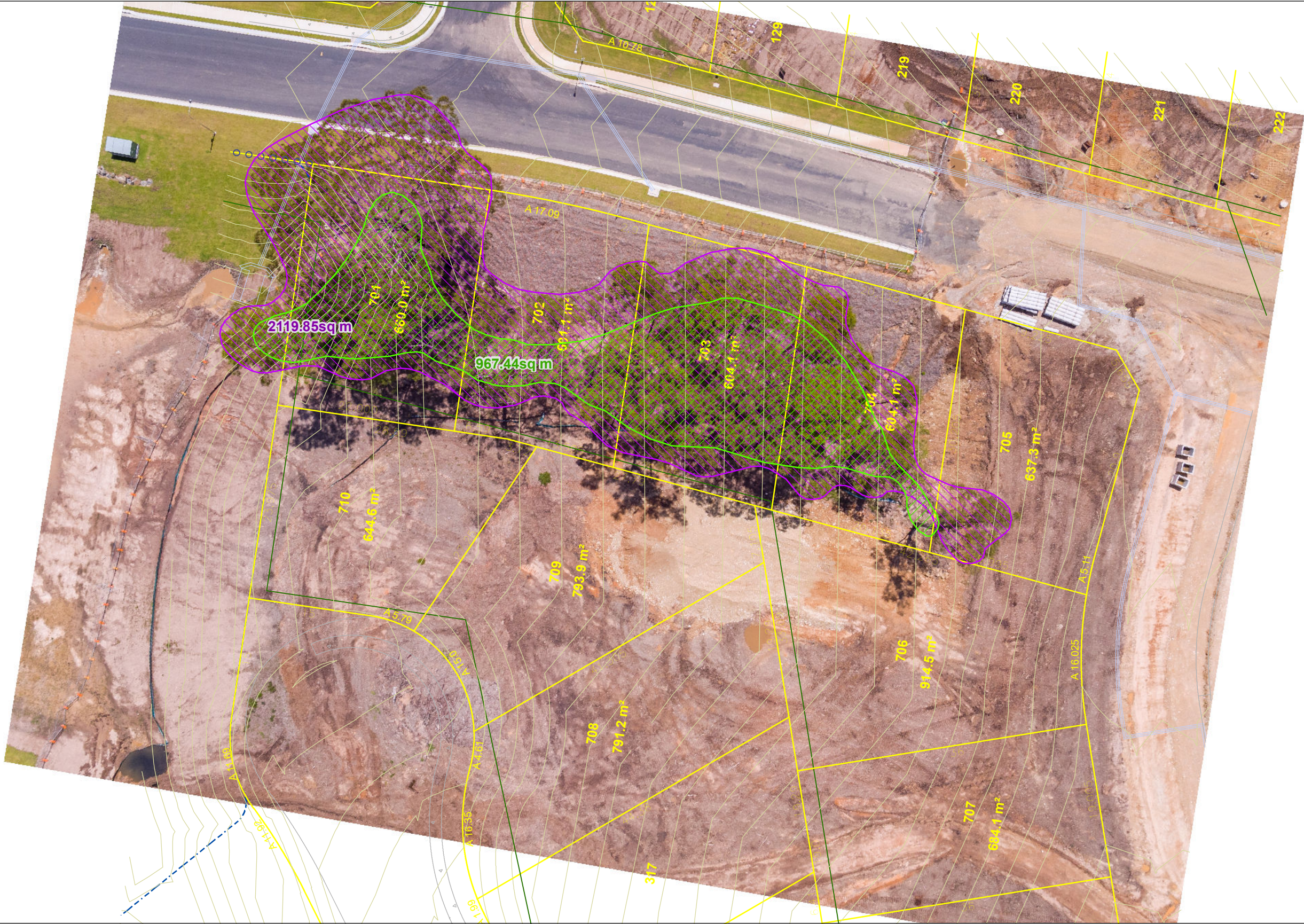
Michael McIlveen

Development Engineering Coordinator

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APPENDIX D

Revised gully area land-form and contours



PROPOSED ADDITIONAL ALLOTMENTS,
FINAL STAGE, SUNSHINE BAY SUBDIVISION
PROJECT APPROVAL MP05_0029

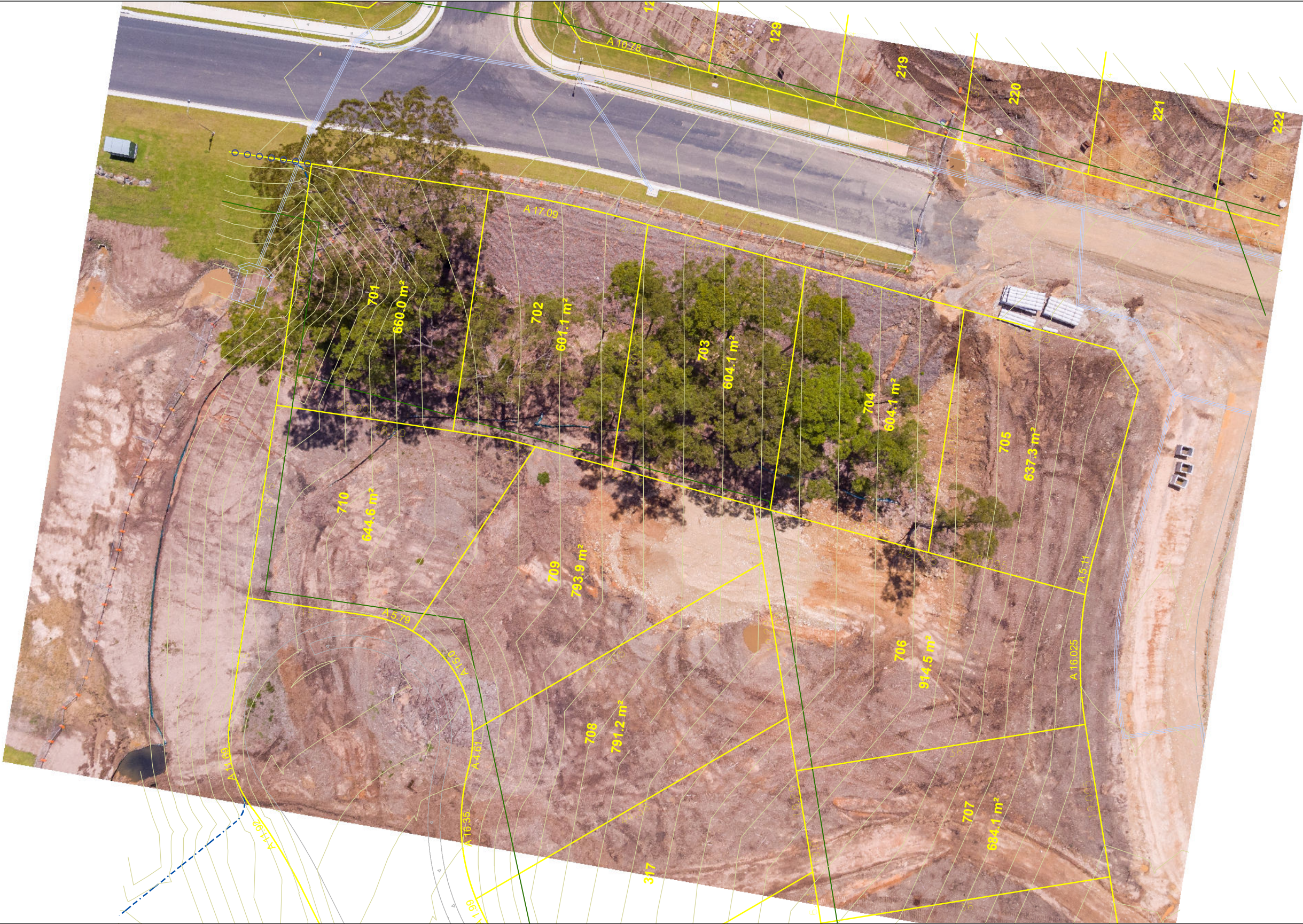
- | | | |
|---------------|------------|-------------------------------------|
| Drainage | Raingarden | Proposed Clearing |
| Contours | Sewer | Area under canopy - 2119.85 sq m |
| Pathway | Basin Top | Clearing base of tree - 967.44 sq m |
| Proposed Lots | | |

Date: 6/03/2018

Metres

APPENDIX E

Existing gully aerial photo and proposed allotment layout overlay



PROPOSED ADDITIONAL ALLOTMENTS,
FINAL STAGE, SUNSHINE BAY SUBDIVISION
PROJECT APPROVAL MP05_0029

- Drainage
- Contours
- Pathway
- Proposed Lots
- Raingarden
- Sewer
- Basin Top

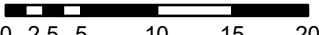


N



DKGIS

Date: 13/02/2018



0 2.5 5 10 15 20
Metres

APPENDIX F

Biodiversity assessment report