

6.3.3 Rural Fire Service

The Bushfire Protection Assessment prepared by Eco Logical Australia was prepared strictly in accordance with the provisions of Planning for Bushfire Protection, prepared by the RFS. Furthermore, the RFS will be provided with formal opportunity to comment on this EA and as such, sufficient consultation has been carried out to this point.

6.3.4 NSW Office of Water – OoW (formerly Department of Water and Energy)

The NSW Office of Water (formerly the Department of Water and Energy) provided comprehensive comments to the DoP during the preparation of the DG's EARs. In this regard, the OoW advised of concerns relating to the protection and enhancement of watercourses and riparian corridors, wetlands and groundwater resources. These issues have been considered in the EA by Storm Consulting (**Annexure 7**) and SLR (**Annexure 3**).

Furthermore, the OoW will be provided with formal opportunity to comment on this EA and as such, sufficient consultation has been carried out to this point.

6.3.5 Roads and Maritime Services (formerly Roads and Traffic Authority)

In preparing the Transport Report, Colston Budd Hunt and Kafes considered the prior comments of the Department of Planning and the then Roads and Traffic Authority (now Roads and Maritime Services – RMS). In this regard, their analysis addressed:

- traffic modelling utilising the SIDRA analytical tool;
- holiday peaks;
- 10 year projected volumes;
- adequacy of intersections and performance.

The RMS will be provided with formal opportunity to comment on this EA and as such, sufficient consultation has been carried out to this point.

6.3.6 Department of Planning

The Department of Planning provided comment on the initial Environmental Assessment lodged in 2009. Formal consideration of that proposal was not possible as the provisions of Shoalhaven Draft LEP 2013 had not been certified for exhibition at that time. Notwithstanding that, informal comments were provided by way of email dated 1st April 2009, outlining various matters requiring additional consideration, assessment or attention. The contents of that email have been addressed in the EA and supporting expert reports.

6.3.7 Crown Land Division (formerly Land and Property Management Authority)

Direct consultation with the Crown Lands Division was undertaken by way of direct letter dated 7th November 2012, a copy of which is included in **Annexure 14**. The Crown Lands Division responded by letter dated 26th November 2012, a copy of which is also included in **Annexure 14**. The Crown Lands Division has raised issues in relation to the following:

- Transfer of any upgraded Crown roads to Shoalhaven Council for ongoing management as a public road,
- Ensuring that the proposal does not impact on the adjoining Crown land.

The proposal does not impact on the matters of concern raised by the Crown Lands Division.

6.3.8 NSW Police Force (formerly NSW Police) and NSW State Emergency Service

The proposal was directly referred to both the NSW Police Force and NSW State Emergency Service for comment by way of direct correspondence dated 7th November 2012, a copy of which is included in **Annexure 14**. To date, no response has been received.

Notwithstanding this, these organisations can be included in any public exhibition for a period of this Project Application by the DoP. This will enable agencies to make written submissions on the Project Application. Any submission will be considered in a Preferred Project Report, responding to each issue raised and make relevant changes to the project to minimise impacts, with a further report identifying such changes being prepared.

6.4 COMMONWEALTH AGENCIES

6.4.1 Department of Defence

The Department of Defence were consulted by SCC in the preparation of the NBSP. At that time, the Department of Defence raised no objection in relation to the Mundamia Living Area No. 5, with concerns being restricted to the Cabbage Tree Lane Living Area only.

The subject site is well clear of HMAS Albatross and lands which are identified as being subject to aircraft noise by all adopted policies and Development Control Plans. Furthermore, the proposal does not result in buildings of a height requiring further

detailed consultation with the Department of Defence. Issues relating to HMAS Albatross and noise are outlined in Sections 5.8 and 5.7 respectively of this EA.

Furthermore, the Department of Defence will be provided with formal opportunity to comment on this EA and as such, sufficient consultation has been carried out to this point.

6.4.2 Commonwealth Department of Sustainability, Environment, Water, Population and Communities

The Department of Sustainability, Environment, Water, Population and Communities (D of SEWPC) were directly consulted by SLR in the preparation of their Flora and Fauna Issues and Assessment Report (**Annexure 3**). This consultation was specifically in relation to whether the proposed subdivision constituted a “controlled action” under the provisions of the EPBC Act. Following assessment of the submission, the D of SEWPC determined that the proposal is not a controlled action and no further assessment or approval under the EPBC Act is required.

6.5 WOLLONGONG UNIVERSITY

The University of Wollongong and TAFE have been involved in discussions with SCC and the former developer (Malbec Mundamia Pty Ltd) having regard to the development of the Mundamia Living Area and the Masterplan, and included a meeting between the relevant stakeholders on 11 June 2008, the results of which were reported to SCC Property Steering Committee on 10th July 2008. Of particular note in relation to the development of the subject site is that the TAFE and University of Wollongong:

- did not desire the provision of commercial facilities within walking distance of the Shoalhaven Campus;
- did not desire university student accommodation within the Mundamia Living Area.

The proposal is consistent with these matters and sufficient consultation has been undertaken.

6.6 NOWRA LOCAL ABORIGINAL LAND COUNCIL AND OTHER ABORIGINAL COMMUNITY GROUPS

In preparing the Aboriginal Heritage assessment, SEA undertook extensive consultation in accordance with the DECC requirements entitled *Interim Community Consultation Requirements for Applicants* and this is detailed in **Annexure 8**.

Consultation undertaken included written correspondence with the Nowra Local Aboriginal Land Council, as well as the Jerrinja, Merrimans and Ulladulla Local

Aboriginal Land Councils after receiving advice from DECC, Registrar of Aboriginal Owners and SCC as to relevant stakeholders. Following this, various telephone conversations and meetings were held to discuss the proposal and proposed fieldwork methodology with the Nowra LALC who were the only group requesting further involvement.

It is considered that the consultation undertaken is appropriate, and justified given compliance with the *Interim Community Consultation Requirements for Applicants* requirements imposed by DECC.

6.7 RELEVANT INFRASTRUCTURE SERVICE PROVIDERS

Shoalhaven Water

Direct consultation with Shoalhaven Water has occurred through APA and is outlined in the Utilities Investigations Report (**Annexure 9**). This is in relation to both water and sewer services.

In addition, Shoalhaven Water has provided input into the NBSP throughout the development of this Strategy. Furthermore, it is expected that Shoalhaven Water will provide input into the Draft LEP 2013 process currently being undertaken by SCC.

Endeavour Energy

Consultation with Endeavour Energy has been undertaken directly by APA and is outlined within the Utilities Investigations Report.

Telstra

Consultation with Telstra has been undertaken directly by APA and is outlined within the Utilities Investigations Report. Furthermore, the project has been registered in order that the pre-provisioning of services can be undertaken.

In addition, the project will be NBN Co ready in the event that relevant infrastructure is ultimately provided by that authority.

Jemena Pty Ltd

Jemena Pty Ltd are involved on the provision of reticulated gas supply and direct consultation has been undertaken directly by APA and is outlined within the Utilities Investigations Report. Jemena Pty Ltd has concluded that reticulated gas services will not be provided.

6.8 CONCLUDING COMMENTS

In conclusion, it is considered that consultation undertaken with regard to this EA is justified and appropriate under the circumstances and builds upon that undertaken by SCC in the preparation of the NBSP, and being undertaken in the preparation of Draft Shoalhaven LEP 2013. The consultation has:

- been considerate of the relevant key issues requiring resolution;
- provided opportunities for feedback and consideration in final design of the subdivision and other ameliorative and mitigating measures; and
- resulted in the provision of information allowing consideration and analysis of the key issues.

7.0 STATEMENT OF COMMITMENTS

The commitments listed below have been compiled based on the EA and separate specialist assessments which have been undertaken and the constraints and opportunities available at the site. They provide a commitment from the developer indicating their responsibilities in developing the site as proposed to ensure that the development is environmentally, socially, and economically sustainable. In developing the subdivision, the developer gives the following commitments in order to minimise the impact on the environment:

| Item | Commitment | Timing |
|-----------------------------------|---|--------------------------------------|
| General | 1. The developer will carry out the development in accordance with this Environmental Assessment (EA), prepared by Cowman Stoddart dated January 2009, plans prepared by Allen Price & Associates and supporting reports. | For the duration of the subdivision. |
| Legislative Controls/Requirements | 2. The developer will obtain and maintain the following licences, permits and approvals for the residential subdivision: <ul style="list-style-type: none"> • Shoalhaven City Council - Construction Certificates for engineering works for each stage of the subdivision. The application for Construction Certificates will contain Design Drawings submitted containing, where relevant, detailed designs relating to earthworks, drainage, Soil erosion and Sediment Control and site rehabilitation, tree clearing and site stability, roadworks, footpaths/cycleways, water supply (both potable and use of reclaimed water) and sewerage works, and landscaping. • Shoalhaven City Council - Road Opening Permit from Shoalhaven City Council as required; • Shoalhaven City Council - Section 138 Consent for roadworks (Roads Act 1993); • Endeavour Energy - Design Certification; • Endeavour Energy - Notification of Arrangement; • Telstra/NBN - Compliance Certificate; • Shoalhaven Water - Certificate of Compliance; • Shoalhaven City Council – Subdivision Certificates for each stage; • Department of Land and Property Information - registration of the subdivision. | For the duration of the subdivision. |

Environmental Assessment

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| Item | Commitment | Timing |
|-----------------------------------|--|---|
| Final Plan of Subdivision | 3. The developer will prepare a final plan of subdivision for each stage of the development in accordance with the recommendations of the Environmental Assessment, as amended by the Preferred Project Report and requirements of Shoalhaven City Council. | Prior to the release of Subdivision Certificates. |
| Ecological | 4. The proponent will develop a management regime for peripheral Asset Protection Zones (APZs) and proposed E2 - Environmental Conservation Zone around the development to ensure that maintenance is undertaken in an environmentally sensitive manner and that habitat and resources for, and individuals of, threatened species are protected; | Prior to release of certificate for subdivision for each stage/s containing public reserve. |
| Public Open Space | 5. The developer will prepare a Vegetation Management and Habitat Restoration Plan (VMHRP) and embellish public reserves in accordance with the approved VMHRP and detailed landscape design plans to be approved by Shoalhaven Council as part of the Construction Certificate. | Prior to release of certificate for subdivision for each stage/s containing public reserve. |
| | 6. The developer will dedicate all public/drainage reserves to Shoalhaven City Council. | Prior to release of Subdivision Certificate and dedicated upon registration. |
| Waste Minimisation and Management | 7. The developer will prepare a Waste Minimisation and Management Plan for subdivision construction works in accordance with Development Control Plan No. 93 for approval by Shoalhaven City Council for implementation. | Prior to the release of the Construction Certificate for each stage. |
| Construction | 8. The developer will prepare a detailed Construction Management Plan for approval by Shoalhaven Council including education of workers in the approvals and conditions requiring compliance (including soil erosion and sediment controls, flora and fauna and aboriginal archaeological issues), details of the environmental management procedures during the development and measures relating to waste minimisation and management. | Prior to the commencement of construction and for the duration of the development. |
| | 9. The CMP shall include a management regime for the construction process to ensure that no other wastes (including building rubble, garbage, contaminants, fuels, oils, paints or other chemicals) are discharged from the construction area, and that all such wastes and contaminants are contained within the construction footprint and are appropriately managed; | Prior to the commencement of construction and for the duration of the development |

Environmental Assessment

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| Item | Commitment | Timing |
|---|---|---|
| <i>Construction continued</i> | 10. The use of sediment fences and other appropriate control measures during construction activities to manage and/or avoid erosion and sediment discharge or the discharge of other contaminants. | Prior to the commencement of construction and for the duration of the development |
| Bushfire Management | Provision of Asset Protection Zones | |
| | 11. The developer will establish and maintain Asset Protection Zones (APZs) in accordance with Figure 3 of the Bushfire Assessment, prepared by Eco Logical Australia. | Prior to the release of the Subdivision Certificate for each stage. |
| | 12. The developer will install relevant infrastructure as required, including fire hydrants. | Prior to the release of the Subdivision Certificate for each stage. |
| Water Quality Management and Soil Control | 13. The management of stormwater discharge volumes and water quality from the development area, both during construction activities and following completion and occupation of the site, according to current 'best practice' principles and as outlined in the <i>Water Cycle Management Report</i> of Storm Consulting (2012). | Prior to the release of the Subdivision Certificate for each stage. |
| | 14. Detailed design of the peripheral bioretention swale system to maintain soil moisture and groundwater regimes. | Prior to the release of the Subdivision Certificate for each stage. |
| | 15. The developer will design, install and maintain water quality control measures in accordance with the Construction Certificate Plans approved by Shoalhaven City Council. | Prior to the release of the Subdivision Certificate for each stage. |
| | 16. The developer will prepare a soil and water management plan to control run off during construction in accordance with the principles of the Landcom publication Managing Urban Stormwater (MUS): Soils and Construction Volume 1, 4 th Edition and Construction Certificate Plans approved by Shoalhaven City Council and DCP 100. | Prior to release of the Construction Certificate for each stage. |
| Site Contamination | 17. The developer will remediate the site in accordance with the recommendations of the Remedial Action Plan prepared by Martens Consulting Engineers. A Site Validation Report shall be prepared at the completion of the remediation works. | Prior to the release of the Subdivision Certificate for Stage 1 of the development. |

Environmental Assessment

Twynam Mundamia Pty Ltd – George Evans Road and Jonsson Road, Mundamia

| Item | Commitment | Timing |
|-------------------|--|--|
| Cultural Heritage | 18. The developer will implement the management and mitigation measures recommended in the report prepared by South East Archaeology Pty Ltd. | For the duration of the development. |
| | 19. The developer will inform the Nowra Local Aboriginal Land Council of progress of the development. | Ongoing through the construction of the subdivision. |
| Infrastructure | Roads | |
| | 20. The developer will construct all roads and fire trails in accordance with DCP 100 and approved Construction Certificates. | Prior to the release of the Subdivision Certificate for each relevant stage. |
| | 21. The developer will provide a minor street drainage system to accommodate the 5 year A.R.I. storm event in accordance with plans approved by Shoalhaven City Council with the Construction Certificate. | Prior to the release of the Subdivision Certificate for each relevant stage. |
| | 22. The developer will provide a major street drainage system to accommodate the 100 year A.R.I. storm event in accordance with plans approved by Shoalhaven City Council with the Construction Certificate. | Prior to the release of the Subdivision Certificate for each relevant stage. |
| | 23. The developer will construct footpaths and cycleways as shown on the plans prepared by Allen Price and Assoc and approved Construction Certificates. | Prior to the release of the Subdivision Certificate for each relevant stage. |
| | 24. The developer will provide street signs in accordance with the requirements of Shoalhaven City Council. | Prior to the release of the Subdivision Certificate for each stage. |
| | 25. The developer will provide street lighting in accordance with the requirements of SCC and Endeavour Energy. | Prior to the release of the Subdivision Certificate for each stage. |
| | Electricity and Telecommunications | |
| | 26. The developer will provide underground power to each residential lot in the subdivision in accordance with the requirements of Endeavour Energy | Prior to the release of the Subdivision Certificate for each stage. |
| | 27. The developer will provide underground telecommunications infrastructure to each lot in the subdivision in accordance with requirements of Telstra/NBN Co. | Prior to the release of the Subdivision Certificate for each stage. |

Environmental Assessment

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| Item | Commitment | Timing |
|---------------------------------|---|---|
| <i>Infrastructure continued</i> | Drainage | |
| | 28. The developer will install street and interallotment drainage as necessary in accordance with plans approved by Shoalhaven City Council. | Prior to the release of the Subdivision Certificate for each stage as applicable. |
| | Water and Sewer Services – Residential Allotments | |
| | 29. The developer will provide reticulated water and sewerage services to each lot in the subdivision in accordance with the requirements of Shoalhaven Water | Prior to the release of the Subdivision Certificate for each stage. |
| Landscaping Plans | 30. The developer will use native species, endemic to the locality in the preparation of landscaping plans, and subsequent works undertaken in conjunction with this subdivision as shown on plans prepared by Peter Phillips Landscape Architecture. | For the duration of the subdivision |
| Geotechnical | 31. The developer will provide a lot classification geotechnical report to Shoalhaven City Council for each stage of development prior to the release of the final plan of subdivision for that stage. | Prior to the release of the Subdivision Certificate for each stage. |
| Staging | 32. The developer will construct the subdivision in accordance with the Staging details prepared by Allen Price and Associates or as otherwise approved in Construction Certificate plans approved by Shoalhaven City Council. | For the duration of the subdivision. |
| Developer Contributions | 33. The developer will pay Section 94 developer contributions in accordance with Shoalhaven City Council's Section 94 Contributions Plan on a "per ET" basis for each stage of the residential subdivision. | Prior to the release of the Subdivision Certificate for each stage. |
| | 34. The developer will pay Section 64 water and sewer developer contributions in accordance with the development servicing plan applicable at the time of payment. | Prior to the release of the Subdivision Certificate for each stage. |
| Signage | 35. The developer will provide estate marketing signs in accordance with the provisions of DCP 89 – Exempt and Complying Development or as otherwise approved by Shoalhaven City Council. | For the duration of the subdivision. |