



Narrawallee Residential Subdivision Modification

*Part 3A Modification
Assessment
(MP 06_0276 MOD 3)*

February 2019

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
Council	Shoalhaven City Council
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RFS	Rural Fire Services
RTS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy



Executive Summary

This report is an assessment of a section 75W modification request seeking to amend the Project Approval for the Narrawallee residential subdivision (MP 06_0276 MOD 3). The site is located at Narrawallee, approximately one-kilometre (km) north of the township of Mollymook, three km east of Milton, and 5.7 km north of Ulladulla in the Shoalhaven local government area.

The Project Approval permits the subdivision of the site into 166 residential lots, one open space reserve and two bushland reserves. In addition, it requires the construction of traffic calming devices, upgrades to existing drainage infrastructure, and the construction of a sewerage pumping station within Stage 4.

The modification request originally sought approval to:

- convert the southern open space reserve and portions of the central and northern bushland reserves into 22 residential lots (increasing the number of residential lots from 166 to 188)
- amend the staging plan to permit the creation of lots in any order
- amend Condition B10 to remove the requirement to provide a second traffic calming device along Leo Drive
- delete Condition B12 to remove the requirement to prepare and implement vegetation management plans for the central and northern bushland reserves
- delete Condition B23 to remove the requirement to provide a sewerage pumping station prior to the completion of Stage 4 of the project
- undertake administrative changes to the conditions of approval to reflect the above.

The request has been lodged by GA Beasley Pty Limited, on behalf of Hazcorp Pty Ltd (the Proponent), pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Engagement

The proposal was notified between 25 September and 9 October 2017. The Department of Planning and Environment (the Department) received a total of 41 submissions, comprising three submissions from public authorities, two submissions from local community groups objecting to the proposal and 36 individual public submissions (including 34 objections).

Council supports the conversion of the open space reserve into six residential lots. However, it did not support the proposed modifications to the central and northern bushland reserves as these changes would remove habitat for significant flora and fauna. In addition, Council recommended an alternate location for the second traffic calming device required along Leo Drive, and requested additional information to determine the suitability of the temporary fire trail south of the site.

The Rural Fire Service requested additional information to demonstrate that suitable APZs and perimeter roads would be provided in accordance with *Planning for Bushfire Protection 2006*.

Key issues raised in public submissions included the environmental and visual impacts of reducing the size of the bushland reserves, reducing the open space, the suitability of existing open space in the locality, removing the traffic calming device from Leo Drive, potential flooding/stormwater management issues, potential bushfire risks and Aboriginal cultural heritage impacts.

Response to Submissions

The Department requested the Proponent to address the issues raised in public and agency submissions. The Proponent submitted a Response to Submissions (RTS) and additional supplementary information which amended the proposal to:

- reduce the number of additional lots from 22 to 6
- retain the northern and central bushland reserves in accordance with the terms of the Project Approval
- identify an alternate location for the traffic calming devices within Leo Drive
- clarify the APZ requirements and staging arrangements for the proposal.

Assessment

The Department considers the amended proposal is acceptable as the northern and central bushland reserves will now be retained, providing habitat for significant flora and fauna and protecting significant views and vistas to the north-south ridgeline running through the site.

The Department considers converting the southern open space reserve into six residential lots is acceptable as it would not result in any adverse traffic, amenity, biodiversity, bushfire or Aboriginal cultural heritage impacts. Further the Department notes the open space is surplus to Council's requirements and the existing park directly to the south of the site would meet the needs of existing and future residents. However, to compensate for the overall loss of open space, the Department has recommended a modified condition requiring the provision of new/upgraded play equipment within the existing park, or in an alternate location agreed with Council.

The Department notes the Proponent has relocated the traffic calming device on Leo Drive in consultation with Council. This would ensure a second traffic calming device is provided along Leo Drive between Aries Place and Scorpio Grove, consistent with the intent of Condition B10 of the Project Approval.

The Department has also developed conditions in consultation with Council and the Rural Fire Service to ensure the proposal complies with the requirements of *Planning for Bushfire Protection 2006*. The Department has also recommended a condition of approval requiring the Proponent to verify the capacity of the catchment to manage stormwater and to undertake additional upgrades if required.

Conclusion

The Department has carefully assessed the merits of the proposal as well as the issues raised in submissions. The Department is satisfied the revised proposal is acceptable as it would only result in the provision of six additional lots and the central bushland reserves would be retained, as approved. The Department has also recommended a suite of conditions to:

- provide new/upgraded play equipment in the pocket park on the southern boundary of the site
- manage any additional stormwater and flooding impacts
- relocate a traffic calming device on Leo Drive
- manage the potential bushfire risks associated with the proposal.

Subject to those conditions, the Department's assessment concludes the proposal is approvable. The modification request is referred to the Independent Planning Commission (the Commission) for determination as more than 25 public objections were received.



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1. Introduction

1.1 Introduction

This report provides an assessment of a section 75W modification request to amend the Project Approval for a 166 lot residential subdivision at Narrawallee (MP 06_0276 MOD 3) in the Shoalhaven local government area (LGA).

The proposed modification, as amended by the Proponent's Response to Submissions (RTS) seeks approval to:

- convert the southern open space reserve to six residential lots (increasing the total number of residential lots from 166 to 172)
- clarify the location of the second traffic management device required within Leo Drive
- delete the requirement to provide a sewerage pumping station within Stage 4
- undertake administrative modifications to the conditions of approval to reflect the changes outlined above.

The request has been lodged by GA Beasley Pty Limited, on behalf of Hazcorp Pty Ltd (the Proponent), pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.2 The Site and Surrounds

The site is located on the western edge of the coastal town of Narrawallee on the NSW South Coast, approximately one kilometre (km) north of the township of Mollymook, three km east of Milton and 5.7 km north of Ulladulla (see **Figure 1**).

The site is approximately 21.43 hectares (ha) in area and comprises two parcels of land (Lot 1 in DP 1087105 and Lot 4 in DP 1087106). To date, construction certificates have been issued for stages 1 to 6 of the project and 68 lots have been created along the eastern boundary of the site (see **Figure 2**).

Land uses within the vicinity of the site include:

- low density residential development immediately east and south of the site
- Gerrad Reserve adjoins the northern and western boundaries of the site, with the Narrawallee Inlet, wetlands and Narrawallee Creek Nature Reserve located further north.



Figure 1 | Regional Context



Figure 2 | Site Location and Surrounding Local Context

1.3 Approval History

Milton Ulladulla Structure Plan and Site Rezoning

In 1996 Council adopted the Milton Ulladulla Structure Plan (Structure Plan) to provide the strategic framework for expanding the coastal towns of Milton, Narrawallee, Mollymook, Ulladulla, Kings Point, Burrill Lake and Dolphin Point. The Structure Plan recommended the western expansion of Narrawallee to accommodate approximately 170 new homes, as well as the creation of a bushland conservation area adjacent to the western edge of the urban expansion zone to retain habitat connectivity and protect the visual character of the area.

The subject site and 63 ha of land immediately north and west of the site were subsequently rezoned Residential 2(c) and 7(a) and 7(d2) Environmental Protection in June 2003, consistent with the recommendations of the Structure Plan. As a condition of the rezoning, the Proponent was required to dedicate the environmental protection lands to Council free of cost to offset the clearing of land on the subject site and facilitate the long-term protection of endangered species and ecological communities located immediately south of Narrawallee Creek (see **Figure 3**).

Council registered the environmental protection lands as a Biobank Site in June 2013, and all credits created within the Biobanking Site were retired to ensure the biodiversity impacts of redeveloping the subject site were offset.

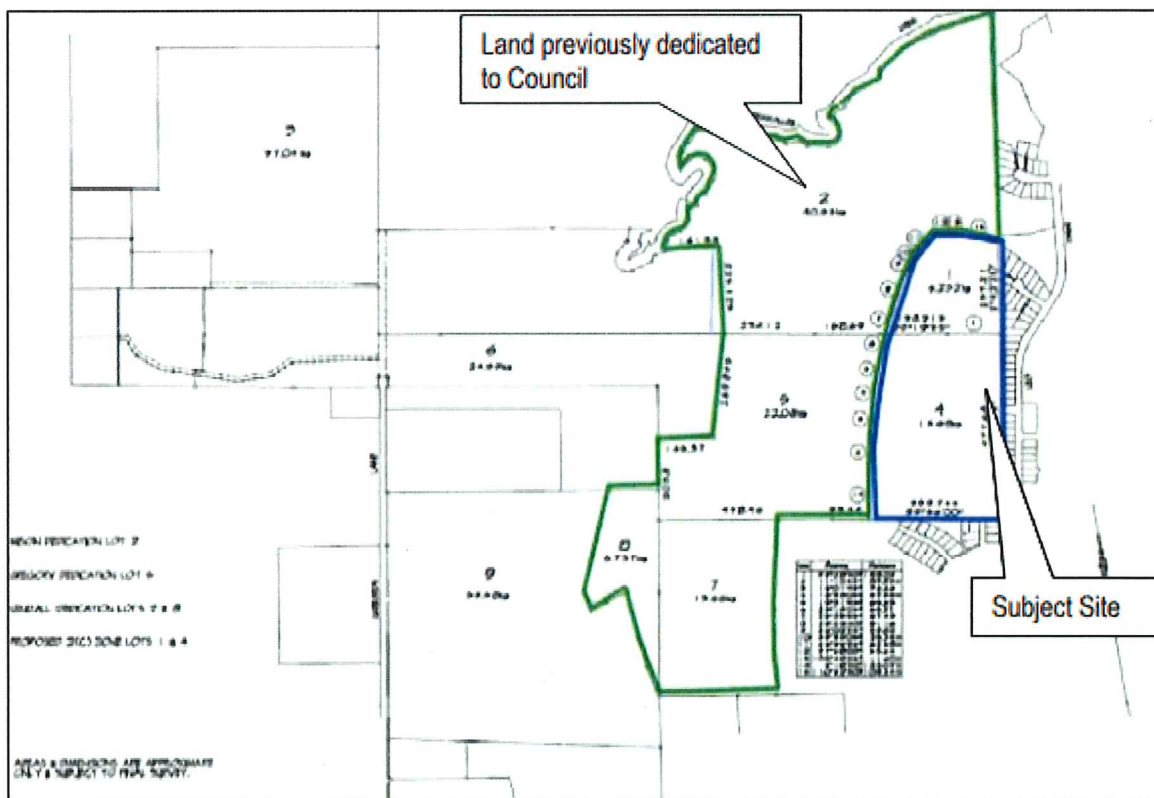


Figure 3 | Site Context

Narrawallee Master Plan

In August 2006, the then Minister for Planning approved a Master Plan (Master Plan 11-5-2003) for a 163 lot residential subdivision on the site subject to 17 variations (see **Figure 4**). In summary, the variations required the following changes to the indicative subdivision layout:

- reducing the number of residential lots from 193 to 163
- the provision of a central and northern bushland reserve and associated asset protection zones (APZs)
- the provision of play equipment within the southern open space reserve and the northern bushland reserve

- the provision of roundabouts, local area traffic management (LATM) devices and pedestrian and cycle paths within and adjacent to the site.

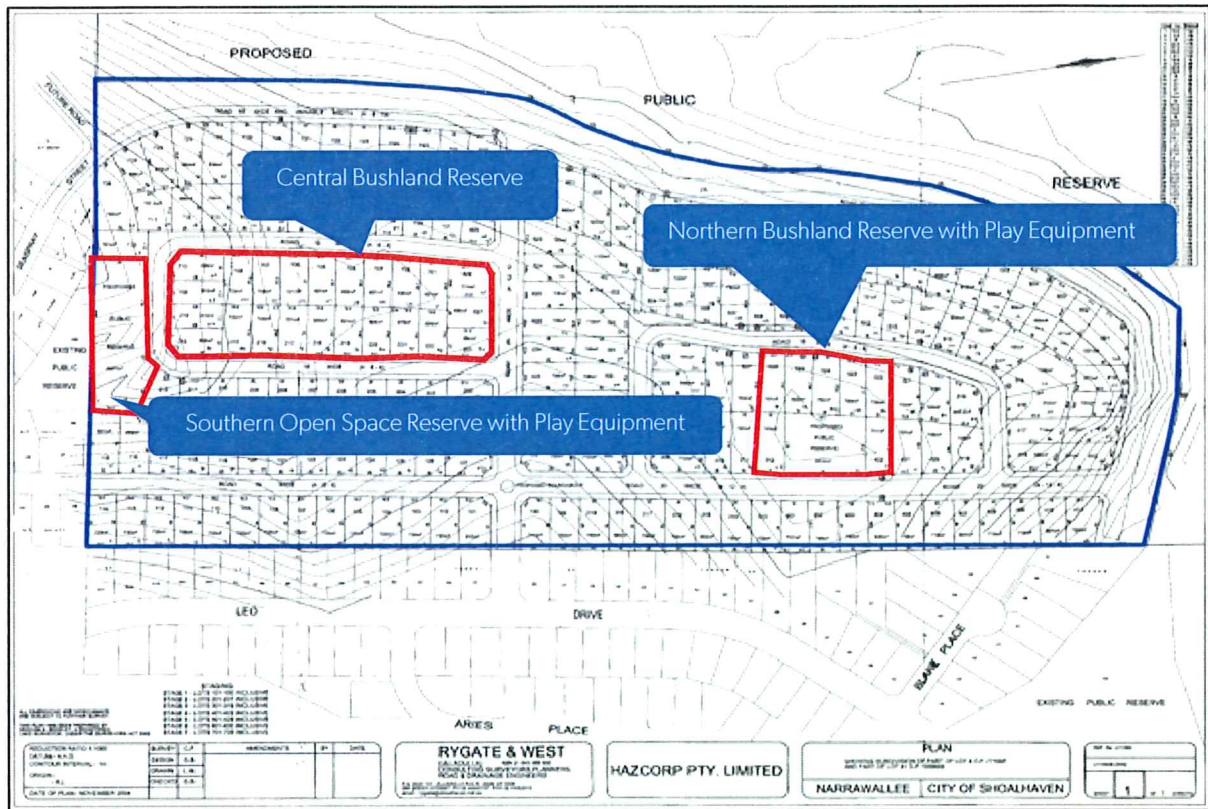


Figure 4 | Adopted Master Plan MP 11-5-2003

Narrawallee Residential Subdivision Project Approval

On 15 June 2008, the then Minister for Planning granted Project Approval (MP 06_0276) for the subdivision of the site into 166 residential lots, one open space reserve of 4,051 m² and two bushland reserves of 7,445 m² and 1.58 hectares, and the construction of associated services and infrastructure.

The Project Approval has been modified on two occasions to:

- amend conditions A7, B1 to B17 (inclusive), B19 to B23 (inclusive), B25, E1 and E16, to enable the staged issue of construction certificates (MOD 1)
- amend Condition E27a) to facilitate works-in-kind associated with the construction of Bishop Drive, the Southern Link Road and Matron Porter Drive (MOD 2).



2. Proposed Modification

2.1 Original Modification Request

On 16 June 2017, the Proponent lodged a section 75W modification request (MP 06_0276 MOD 3) seeking approval to:

- increase the number of residential lots from 166 to 188 and reconfigure the approved Plan of Subdivision to:
 - convert the southern open space reserve into six residential lots
 - reduce the size of the central bushland reserve from 1.58 ha to 7,400 m², permit active uses such as a croquet club and car parking within the bushland reserve, and convert the remainder of the reserve into 12 residential lots
 - relocate the playground area from the southern open space reserve to the northern bushland reserve, change the use of the reserve to active open space, and convert the land identified for asset protection zones (APZs) into two residential lots
- amend the staging arrangements to permit subdivision works in any sequence
- amend Condition B10 to remove the requirement to provide a second traffic calming device along Leo Drive
- delete conditions B12 to remove the requirement to prepare and implement the vegetation management plan for the central and northern bushland reserves
- delete condition B23 requiring the provision of a sewerage pumping station prior to the completion of Stage 4 of the project
- undertake administrative changes to the conditions of approval to reflect the above.

2.2 Revised Modification Request

The Proponent revised the scope of the modification request in its Response to Submissions (RTS) to reduce the number of additional residential lots and retain the central and northern bushland reserves in their approved location.

The proposal, as amended by the RTS, now seeks approval to:

- increase the number of residential lots from 166 to 172
- delete Condition B23 to remove the requirement to provide a sewerage pumping station within Stage 4
- undertake administrative changes to conditions A1 to A3, B2, D6 and E27 to reflect the proposed changes to the subdivision layout.

In addition, the Proponent provided a revised Bushfire Assessment, an amended staging plan, and revised engineering drawings to:

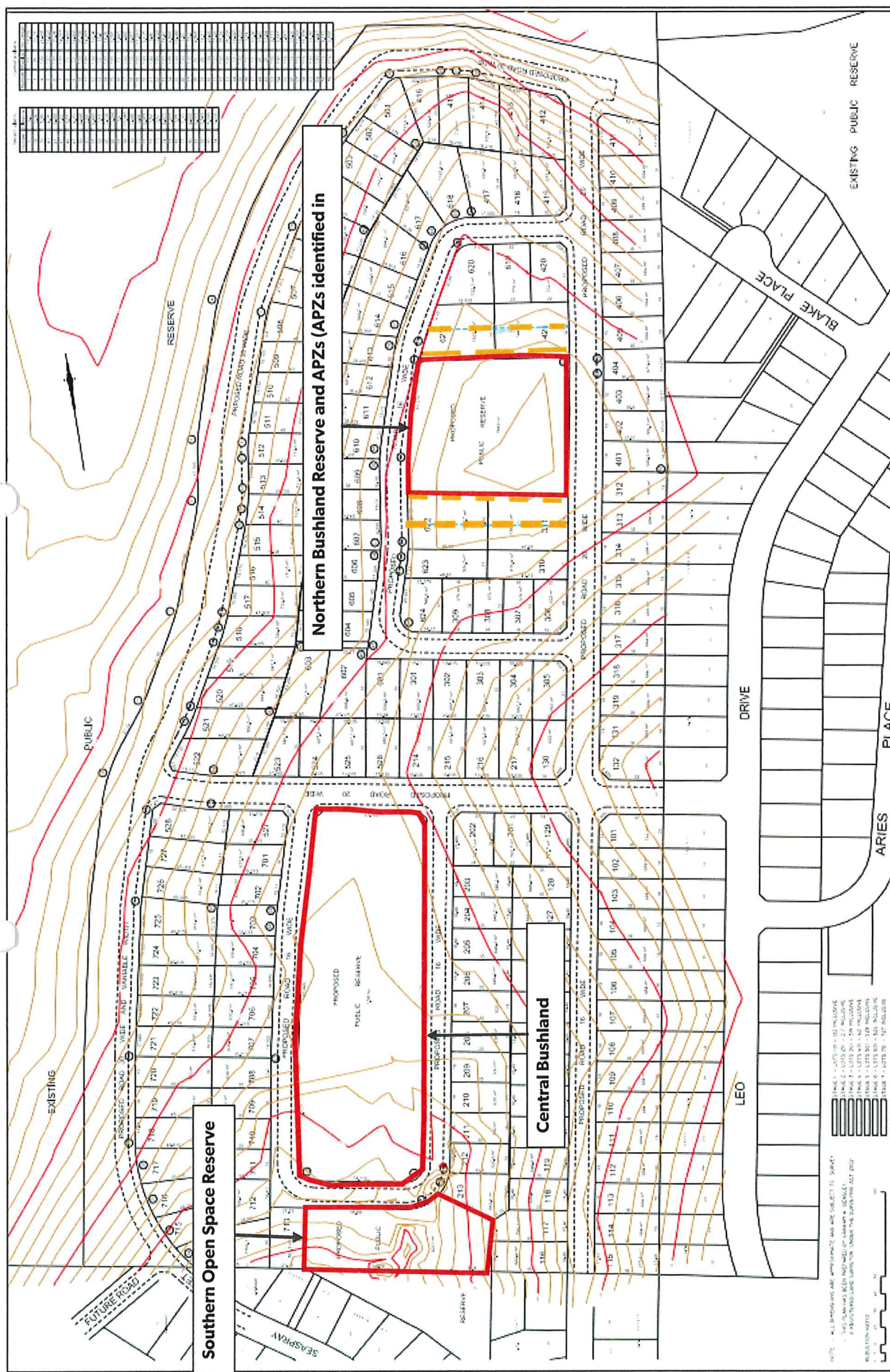
- identify the proposed lots in the southern open space reserve will be delivered in the last stage of the development (Stage 8), following the construction of the surrounding road network
- identify APZs for the six additional residential lots
- confirm the perimeter roads and APZs for stages 1 to 7 will be retained in their approved location and delivered in accordance with the staging arrangements identified in the Project Approval
- clarify the land on the northern and western boundaries will continue to be managed as a 36 m wide APZ, as per the requirements of the Project Approval

- depict the location of the second speed hump required along Leo Drive.

A summary of the proposed modification is demonstrated in **Figures 5 to 7**.

The Proponent has advised the request, as amended by the RTS, is required on the basis that:

- the southern open space reserve is an irregular shape with undulating topography which limits its utility as a local open space reserve, is immediately adjacent to an existing pocket park with playground equipment, and Council has confirmed the southern open space is surplus to its requirements
- converting the open space reserve to residential lots would optimise the amount of land available for residential development within the R2 zone
- a sewer main in Blake Place which provides additional servicing capacity in the locality and a sewerage pumping station is no longer required to service the lots within stages 4 to 7 of the project.





3. Strategic Context

3.1 Illawarra Shoalhaven Regional Plan

The Illawarra Shoalhaven Regional Plan sets the planning priorities for the Kiama, Shellharbour, Shoalhaven and Wollongong local government areas and provides guidance and direction for regional and local planning decisions.

The Plan seeks to facilitate growth in the region by developing a strong, diverse and competitive economy that allows communities to adapt to changing economic, social and environmental circumstances. In addition, it seeks to ensure residents are provided with access a wide range of lifestyle choices, stunning landscapes and biodiversity, work opportunities, a network of centres, and high-quality education and health care facilities.

The Department considers the proposal is consistent with the directions and actions outlined in the Regional Plan as it would:

- facilitate the creation of six additional lots (172 total lots) within an existing master planned community to ensure the supply of new residential lots meets market demand (Goal 2, Direction 2.1)
- ensure the landscape and biodiversity values of the site are retained as per the intent of the Narrawallee Masterplan and the existing Project Approval (Goal 2, Direction 2.4).

3.2 Shoalhaven City Council Community Infrastructure Strategic Plan 2017 – 2036

Shoalhaven Council's *Community Infrastructure Strategic Plan 2017–2036* (CISP) makes recommendations for the funding and provision of community infrastructure at a local, district and regional level. The CISP concludes there is an existing surplus of approximately 81 ha of land available for local parks across the LGA, with this surplus expected to continue well beyond 2036. To reduce this surplus and ensure the efficient use of resources, the CISP seeks to rationalise the local open space network by disposing of surplus land to enable funds to be redirected toward the acquisition and improvements of district level parks.

The Department has considered the proposal against the provisions of the CISP and has concluded it is consistent with the CISP as it would assist Council reduce the amount of surplus local open space in a subdivision located adjacent to an existing pocket park. The Department is also satisfied the proposal would retain sufficient open space on-site for future residents of the subdivision.



4. Statutory Context

4.1 Scope of Modifications

The project was originally approved under Part 3A of the EP&A Act. The project is a transitional Part 3A project under Schedule 2 to the EP&A (Savings, Transitional and Other Provisions) Regulation 2017. The power to modify transitional Part 3A projects under section 75W of the EP&A Act, as in force immediately before its repeal on 1 October 2011, is being wound up – but as the request for this modification was made before the ‘cut-off date’ of 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply. Consequently, this report has been prepared in accordance with the requirements of Part 3A and the associated regulations, and the Minister (or his delegate) may approve or disapprove the carrying out of the project under section 75W of the EP&A Act.

4.2 Approval Authority

The Minister for Planning is the approval authority for the request. However, the Independent Planning Commission (the Commission) may determine the request under delegation as more than 25 public submissions of objection have been received.



5. Engagement

5.1 Department’s Engagement

Modification Request

The Department made the modification request publicly available on its website, and consulted with Shoalhaven Council (Council), the NSW Rural Fire Service (RFS), the Office of Environment and Heritage (OEH) and surrounding landowners about the proposed modification.

The Department received a total of 41 submissions, comprising three submissions from public authorities, two submissions from local community groups and 36 public submissions.

Response to Submissions

The Department made the RTS publicly available on its website and notified Council, OEH and the RFS of the revisions to the proposal. Submissions were received from each agency. No public submissions were received in relation to the RTS.

5.2 Public Authority Submissions

The issues raised by the public authorities are summarised in **Table 1** below.

Table 1 | Summary of Public Authority Submissions

Council	
Modification Request	<p>Council did not object to the modification, however it provided the following comments:</p> <ul style="list-style-type: none"> the Flora and Fauna Assessment has not been prepared in accordance with the <i>NSW Threatened Biodiversity Survey and Assessment Guidelines</i> (DEC 2004) the proposal would remove important breeding and foraging habitat for hollow dependent fauna, and the 7-Part Test does not quantify the impacts of the proposal on threatened hollow dependent fauna, or the Greater Glider the proposal would result in significant ecological impacts and as such a Species Impact Statement is required Council supports the conversion of the southern public open space reserve into 6 residential lots. However, it does not support the proposed modifications to the central and northern bushland reserves additional details are required to depict the arrangements for the temporary fire trail connecting the site to Seaspray Street a second roundabout cannot be accommodated on the southern section of Leo Drive, however a roundabout could be provided on the northern section of Leo Drive between Aries Place and Blake Place the Proponent should demonstrate that the owners of the adjoining land support the registration of an easement over their land to facilitate the extension of the sewer main to the subject site revised section 94 contribution fees were also provided for stages 2 and 3 of the project.
RTS	<ul style="list-style-type: none"> the retention of the central and northern bushland reserves addresses Council's previous concerns regarding the potential biodiversity impacts of the proposal Council supports the conversion of the southern public open space reserve into 6 residential lots drainage for the additional lots proposed in the public open space reserve can be provided within the existing drainage network and suitable on-site detention can be provided if additional capacity is required Condition B10 should be updated to reference the plan identifying the location of the second traffic calming device on Leo Drive the fire trail should link to Seaspray Street or to the proposed western extension road the western perimeter road should be constructed to the southern boundary of the site with the provision of a temporary turning area adjacent to Lot 715 the deletion of Condition B23 is supported as the sewerage pumping station is no longer required a 1.8 m high fence should be provided along the southern boundary of proposed lots 801-806 and along the public pathway proposed adjacent to lots 803 and 804 the former quarry located in the central bushland reserve should be rehabilitated in accordance with a management plan prior to dedication to Council.

OEH

Modification Request	<p>The OEH did not object to the modification, however it raised the following concerns:</p> <ul style="list-style-type: none">the bushland reserves contain hollow bearing trees providing habitat for forest owls and large cockatoos. The Proponent should retain as many hollow bearing trees as possible within the amended northern and central reservesthere are no Aboriginal cultural heritage constraints or implications from the proposed modifications. However, the Department should review the requirements of the conditions D15, D17 and D18 to confirm they are still appropriate.
RTS	<ul style="list-style-type: none">the proposed amendments will preserve the biodiversity values of existing vegetation on-site.

RFS

Modification Request	<p>The RFS did not object to the modification, however it raised the following concerns:</p> <ul style="list-style-type: none">as the proposal seeks to remove the requirement to subdivide the site in sequential stages, the Proponent should clarify how each stage of the development will be provided with temporary and permanent APZs and perimeter access roads, consistent with requirements of <i>Planning for Bushfire Protection</i> (PBP) 2006additional information should be provided to identify the vegetation management measures for the land adjacent to the northern and western property boundaries, as well as the land use and management measures for the land on the north-eastern corner of the site.
RTS	<ul style="list-style-type: none">the revised Staging Plan should include adequate perimeter roads and APZs to demonstrate all lots comply with the BAL 29 construction requirements, or demonstrate the whole site will be managed as an inner protection area (IPA)the Bushfire Assessment requires a performance-based solution to demonstrate some of the proposed lots can comply with the BAL 29 construction requirements. Where a performance-based solution is required, a Section 88B Instrument should be registered on the title of the affected lotsvegetation management plans are required for all public land identified as an APZ to ensure these lands are managed as an inner protection area (IPA) for the life of the developmentall APZs should be registered on the title of the affected lots to ensure they are managed in accordance with the requirements of PBP 2006 over the life of the development.

5.3 Public Submissions

The Department received 38 public submissions in response to the modification request, including submissions from the National Parks Association of NSW and the Ulladulla Districts and Community Forum, and 36 individual submissions. The majority of submissions (97.5%) were in the nature of an objection. Key concerns raised in the public submissions included:

- adverse biodiversity/ecological impacts associated with reducing the size of the bushland reserves
- reduction in the open space requirements for the project
- adverse amenity and traffic impacts of increasing the lot yield
- removing the traffic calming device from Leo Drive
- the proposal is inconsistent with the Project Approval
- visual impacts of reducing the size of the bushland reserves
- bushfire impacts
- notification timeframes and planning processes
- lack of services, amenities and infrastructure to support additional lots

- Aboriginal cultural heritage

The submission of support identified the proposal would improve housing affordability by increasing the supply of residential lots, improve public safety by removing large trees, and reduce local rates by reducing open space in accordance with Council's policy.

Figure 8 summarises the issues raised in the public submissions, presented in the order of frequency they were raised (most to least).

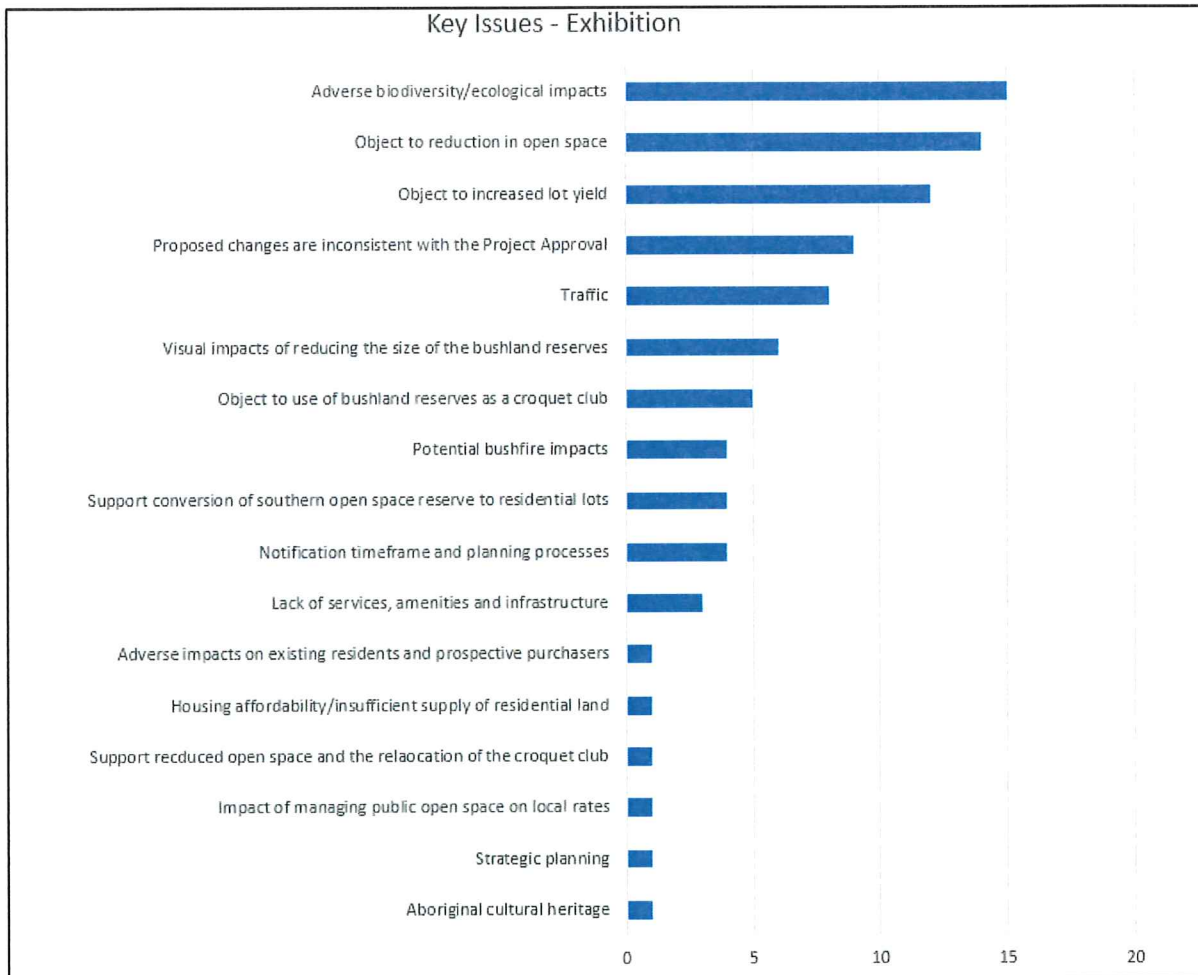


Figure 8 | Public submissions ranked in order of the number of submissions received per issue

In response to the issues raised during the exhibition period, the Proponent amended the scope of the proposal by reducing the number of additional lots from 22 to 6 and retaining the bushland reserves as per the requirements of the Project Approval. In addition, the Proponent provided amended engineering plans identifying the location of a new speed hump to the west of the site along Leo Drive to reduce traffic speeds in the area.



6. Assessment

In assessing the merits of the modification request, the Department has considered:

- the modification request and associated documents
- the Environmental Assessment and conditions of approval for the original project
- all submissions received on the proposal
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department considers the key issues with the modification request are changes to the subdivision layout, traffic, and stormwater management. All other issues are discussed in **Table 2** below.

6.1 Changes to the Subdivision Layout

The Project Approval permits the development of 166 residential lots, two bushland reserves and one open space reserve. The modification request originally sought to create 22 additional residential lots (a total of 188 residential lots) by converting the southern public open space reserve and sections of the central and northern bushland reserves to residential lots.

The Proponent subsequently amended the proposal to retain the bushland reserves in their existing location, thereby reducing number of additional residential lots from 22 to 6. A summary of the changes to the approved lot yield is provided in **Table 2** below.

Table 2 | Comparison of Approval and Proposed Lot Yield

Location	Project Approval	Modification Request	RTS
Southern Open Space Reserve	Nil	6	6
Central Bushland Reserve	Nil	12	Nil
Northern Bushland Reserve	Nil	4	Nil
TOTAL	166	188	172

The Department notes Council supports the additional residential lots on the basis that the southern open space reserve is surplus to its requirements and is suitable for residential development. Council also advised the additional lots can be serviced by existing infrastructure.

The Department has reviewed the agency and public submissions and notes the proposal has been revised to reduce the number of additional residential lots from 22 to 6. The Department also notes that Council consider the southern open space reserve is surplus to its needs due to its proximity to the local park adjacent to the southern boundary of the site. In addition, Council also confirmed suitable infrastructure is available to service the proposal.

The Department is satisfied the proposed modifications to the subdivision layout would be acceptable for the following reasons:

- the creation of additional residential lots would ensure the supply of residential land keeps pace with demand, as per the goals and directions of the Illawarra Shoalhaven Regional Plan

- the additional residential lots would not result in any adverse traffic, stormwater or biodiversity impacts (see **Sections 6.2** and **6.3** of this report)
- the conversion of the southern open space reserve into six residential lots would be consistent with Council's Community Infrastructure Strategic Plan (CISP) as:
 - the CISP identifies an existing surplus of 12.22 ha of local open space in the subject planning area (Planning Area 5), with this surplus anticipated to be 10 ha by 2036
 - it recommends the disposal of surplus local open space to reduce maintenance costs and facilitate the acquisition of district level open space
 - all lots within the subdivision are located within a five minute walk from a park on the southern boundary of the site, as per the intent of the CISP
- the conversion of the southern open space reserve would not result in any adverse biodiversity impacts as the current conditions of approval require this area of the site to be cleared and regraded to make it suitable for public use
- the central and northern bushland reserves will be retained as per the requirements of the Project Approval to mitigate the visual impacts of redeveloping the site for residential use
- Council has provided revised infrastructure contributions to ensure the Proponent contributes toward upgrades to local services and infrastructure, as per the Shoalhaven Contributions Plan 2010.

Notwithstanding the above, the Department notes public submissions raised concern that the existing pocket park to the south of the site does not provide suitable children's play equipment or shade structures to service the needs of the locality. The Department has reviewed the Director-General's Assessment Report and notes the Project Approval includes condition B8 requiring the Proponent to provide new child play facilities that integrate with the existing play equipment in the pocket park to the south of the site (see **Figures 9** and **10**).

Given the proposal will increase the number of residential lots and decrease public open space, the Department considers new/upgraded child play facilities should be provided within the exiting pocket park adjacent to the site. This would help compensate for the loss of open space and improve the quality of the existing park to meet the needs of existing and future residents. To ensure this occurs, the Department has recommended modifications to condition B8 of the Project Approval requiring the Proponent to provide new child play equipment and landscaping in the pocket park to the south of the site, or in an alternate location agreed with Council.

Accordingly, the Department supports the creation of the six additional residential lots proposed under the modification request, subject to conditions of approval requiring the provision of new children's play facilities and landscaping within the pocket park adjacent to the subject site.



Figure 9 | Location of existing local open space reserve

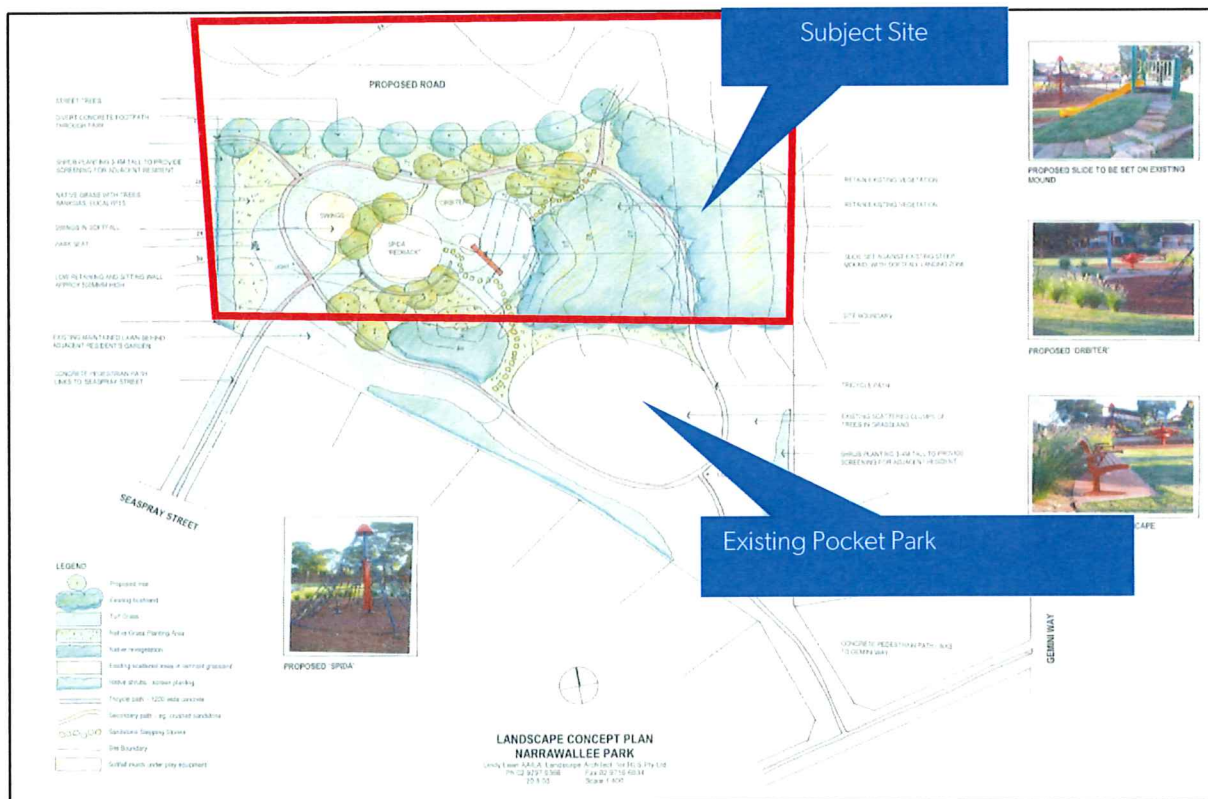


Figure 10 | New Children's Play Equipment Required Under Existing Project Approval

6.2 Traffic

The proposal originally sought approval to amend Condition B10 to remove the requirement to provide a second traffic calming device (speed hump) along Leo Drive between Sagittarius Way and Aries Place (see **Figure 11**). The Proponent advised it cannot comply with the requirements of Condition B10 as there is insufficient room between the existing speed humps on the subject section of Leo Drive to facilitate the installation of an additional traffic calming device.

The Department notes Council's traffic engineer confirmed there is insufficient room along the subject section of Leo Drive to accommodate the installation of an additional speed hump as per the requirements of Condition B10 of the Project Approval. Notwithstanding, Council advised an additional speed hump could be provided on Leo Drive north of Aries Place to further reduce vehicle speeds along Leo Drive, as per the intent of the Project Approval. The Department also notes significant concern was raised in the public submissions regarding the road safety impacts associated with removing the second speed hump required on Leo Drive.

In response, the Proponent amended the proposal to provide a second speed hump along Leo Drive between Aries Place and Scorpio Grove (see **Figure 11**).

The Department has reviewed the amended proposal in consultation with Council and agrees the installation of a speed hump between Aries Place and Scorpio Grove would reduce vehicle speeds and road related noise, as per the intent of Condition B10. Accordingly, the Department has recommended minor modifications to Condition B10 to identify the revised location of the second speed hump along Leo Drive.

The Department also notes public submissions raised concerns with the traffic impacts associated with increasing the approved lot yield from 166 to 172 lots. The Department has reviewed the Traffic Study prepared to support the original Project Application and notes it assessed the impacts of a 192 lot residential subdivision on the subject site. This Study concluded the proposal would not create any adverse traffic impacts subject to the Proponent undertaking the recommended road upgrade works.

As the Project Approval requires the Proponent to undertake the road upgrade works outlined in the Traffic Study, and the proposal would retain the requirement to provide an additional speed hump on Leo Drive and would not increase the approved yield beyond 192 lots, the Department's assessment concludes the proposal would not generate any unacceptable traffic impacts beyond those assessed in the original Project Application.



Figure 12 | Comparison of approved and proposed location of the second speed hump required along Leo Drive

6.3 Stormwater Management

The request seeks approval for six additional residential lots that will drain and/or discharge to Leo Drive and Aries Place (see **Figure 12**). Public submissions raised concern with the capacity of the existing drainage infrastructure in Leo Drive and Aries Place due to existing flooding problems.

The Department notes that the existing Project Approval includes a condition (Condition B15) requiring the Proponent to verify the stormwater management system would not result in any adverse flooding impacts downstream of the development prior to the issue of the Construction Certificate for Stage 1 of the development. Further, where adverse impacts are identified, Condition B15 requires the Proponent to undertake augmentation works prior to the release of the Subdivision Certificate for Stage 1 of the project.

The Department notes the Proponent confirmed additional augmentation works were completed prior to the release of the Subdivision Certificate for the lots within Stage 1 of the project, as per the requirements of Condition B15 of the Project Approval. In addition, the Department notes Council reviewed the proposal and advised there is sufficient capacity within the existing drainage system to accommodate six additional lots, and additional on-site detention could be provided at a later date, if required.

To confirm Council's drainage infrastructure can support the additional lots, the Department has recommended modifications to Condition B15 to require the Proponent to lodge a revised drainage assessment prior to the issue

of a Construction Certificate for works within proposed Stage 8. Should this assessment find there is insufficient capacity to service the proposed lots, additional agumentation works will be required prior to the release of the Subdivision Certificate for Stage 8 of the project.

The Department is satisfied that any potential stormwater impacts generated by the proposal can be managed and/or mitigated via the recommended conditions of approval.

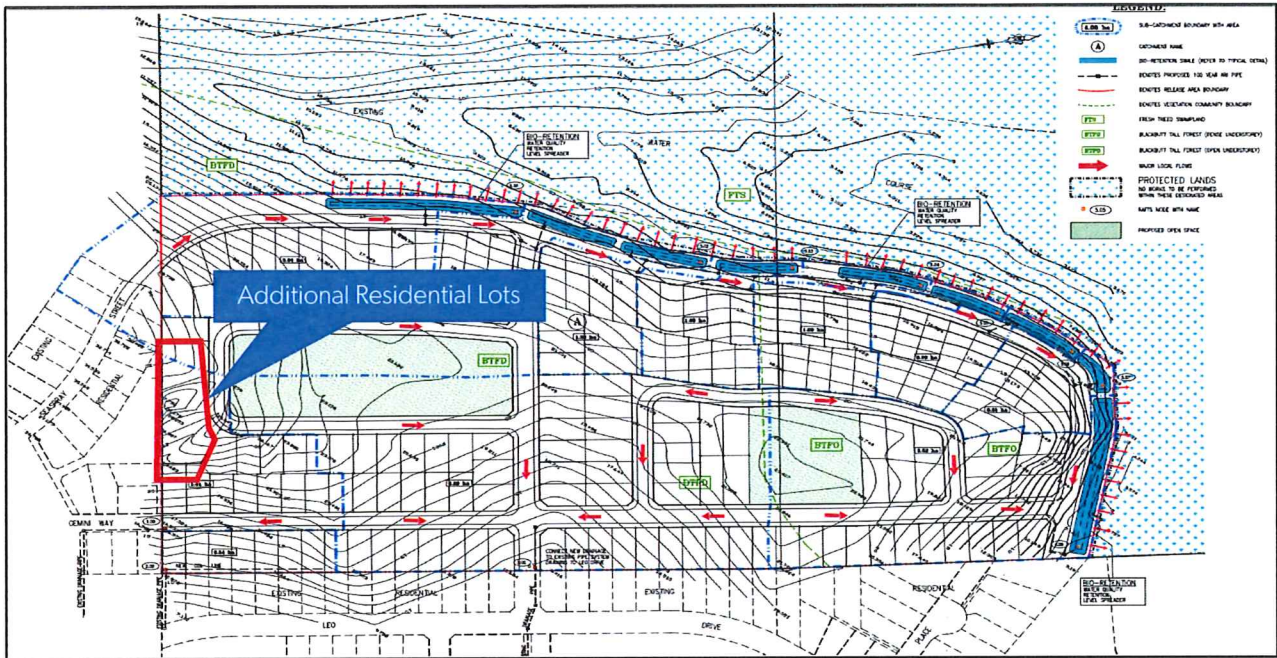


Figure 11 | Location of existing stormwater catchments

6.4 Other Issues

The Department has assessed all other issues associated with the proposal in **Table 2** below.

Table 2 | Summary of other issues raised

Issue	Findings	Recommended Condition
Bushfire	<ul style="list-style-type: none"> The RFS and public submissions raised concern with the potential bushfire impacts of the proposal. The RFS and Council also requested the Proponent provide supplementary information to: <ul style="list-style-type: none"> identify the location and construction specifications for the fire trail proposed through lots 712 to 715; clarify how each stage of the development will be provided with temporary and permanent APZs and perimeter access roads, consistent with requirements of Planning for Bushfire Protection (PBP) 2006; and identify the vegetation management measures for the land adjacent to the northern and western property boundaries, as well as the land use and management measures for the land on the north-eastern corner of the site. The Proponent provided a supplementary bushfire assessment following the lodgement of the RTS. The revised assessment clarified the staging arrangements for the proposal and the revised APZ requirements for the new lots proposed adjacent to the southern boundary of the site. Specifically, the revised assessment confirmed that with the exception of the new lots proposed within the southern open space reserve, the staging arrangements and 	New conditions of approval have been recommended to ensure the new lots in proposed Stage 8 are provided with suitable bushfire management measures.

APZ requirements will remain as per the requirements of the Project Approval.

- The RFS reviewed the revised proposal and advised:
 - the revised Staging Plan should include adequate perimeter roads and APZs to demonstrate all lots comply with the BAL 29 construction requirements, or demonstrate the whole site will be managed as an inner protection area (IPA);
 - as a performance-based solution is required to demonstrate the proposed lots can comply with the BAL 29 construction requirement, a Section 88B Instrument should be registered on the title of the affected lots;
 - vegetation management plans are required for all public land identified as an APZ to ensure these lands are managed as an inner protection area (IPA) for the life of the development; and
 - all APZs should be registered on the title of the affected lots to ensure they are managed in accordance with the requirements of PBP 2006 over the life of the development.
- The Department undertook additional consultation with the RFS to develop conditions of approval to ensure the lots within the converted open space (Stage 8) can comply with the requirements of PBP 2006. The Department has recommended a new condition of approval (Condition B21A) to incorporate the changes recommended by the RFS.
- In terms of the fire trail issues raised by Council, the Department notes Condition B2 of the Project Approval requires lots 712 to 715 to be created as a superlot until the western perimeter road is connected to Seaspray Street, with a temporary fire trail required through the superlot to provide alternate egress from the site until Seaspray Street is extended (see **Figure 13**).

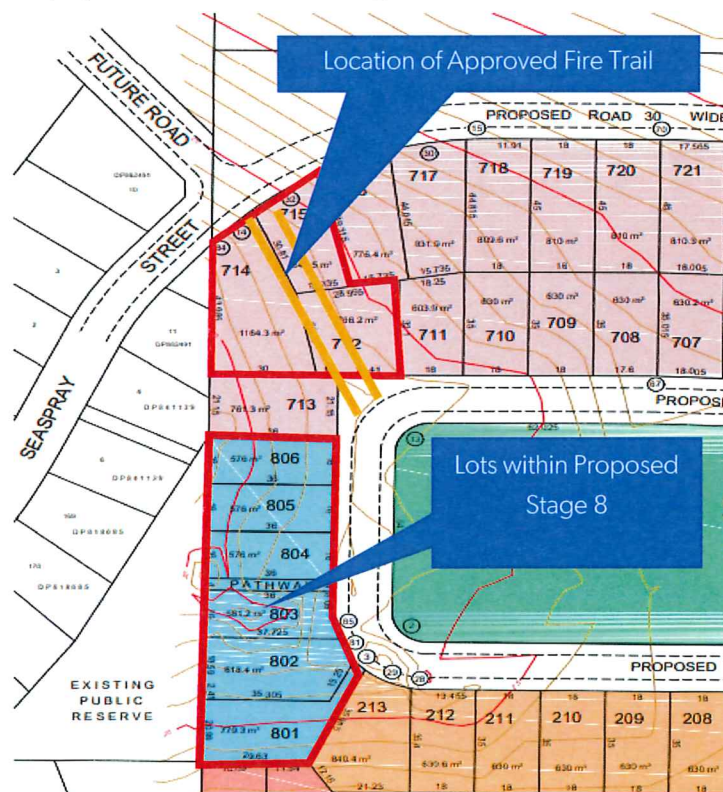


Figure 13 | Location of Approved Fire Trail

Issue	Findings	Recommended Condition
	<ul style="list-style-type: none"> As the final construction details for the fire trail are not specified in Condition B2, the Department has recommended an advice note clarifying Council's current requirements. Council has reviewed the wording of the recommended advice note and confirmed it addresses its concerns. In addition, the proposed modifications to Condition B2 will ensure Lots 712 to 715 will remain as a superlot until the western perimeter road is connected to Seaspray Street to ensure appropriate egress is provided. The Department is satisfied that subject to the recommended conditions of approval, suitable temporary egress arrangements will be provided, and the lots within proposed Stage 8 can be designed to comply with the requirements of PBP 2006. 	
Aboriginal Cultural Heritage	<ul style="list-style-type: none"> The public submissions raised concerns that the proposed modification may impact on the Aboriginal cultural heritage values of the site. The OEH advised the proposed modification would not impact the Aboriginal cultural heritage values of the site. However, the OEH recommended the Department should review the wording of Conditions D15 (Aboriginal Archaeology), D17 (Aboriginal Archaeology) and D18 (Salvage/Collection of Artefacts) to: <ul style="list-style-type: none"> correct a typographical error in Condition D15; incorporate the revised lot and deposited plan numbers for the site; and clarify whether the Ulladulla Local Aboriginal Land Council (ULDC) representative may collect or rebury Aboriginal objects at site NW4. The Department has reviewed the conditions identified by the OEH and agrees the typographical error in Condition D15 should be amended to clarify the approval does not permit the disturbance of any human remains. This change has been incorporated into the recommended approval. However, the Department has concluded the lot and deposited plan numbers referenced in Condition D17 should remain as these lots refer to the land descriptions identified in the archaeological assessment prepared to support the original Project Application. Further, the Department has concluded no additional modifications are required to Term D18, as the conditions of approval were originally drafted to ensure the Proponent obtains separate approvals to salvage/collect relics associated with NW4, as per the recommendations of the Archaeological Assessment prepared to support the original application. The Department has reviewed the proposal and concludes the existing conditions of approval are suitable to manage the potential Aboriginal cultural heritage impacts of the proposal. However, the Department has recommended a minor modification to Condition D15 to correct an existing typographical error. 	Minor modifications are recommended to Condition D15.
Quarry Rehabilitation	<ul style="list-style-type: none"> The central bushland reserve contains land associated with the former quarry site and Council advised there is a deep excavation within this reserve which should be rehabilitated/backfilled prior to dedication to Council. The Department notes that rehabilitation and/or backfilling of the quarry would be dealt with by Council and the Proponent during the dedication process in accordance with the requirements of Condition E15, which requires Council inspect and confirm that the reserve is in a suitable condition for dedication. 	The Department has recommended a new condition of approval requiring the Proponent to prepare and implement a Quarry Rehabilitation Plan.

Issue	Findings	Recommended Condition
	<ul style="list-style-type: none"> Notwithstanding, the Department considers it would be beneficial to include a new condition to provide additional clarity on the minimum quarry rehabilitation standards. As such, the Department has recommended a new condition of approval requiring the Proponent to: <ul style="list-style-type: none"> prepare a Quarry Rehabilitation Plan for Council's approval prior to dedication of the central bushland reserve; and ensure the rehabilitation works are completed in accordance with the Quarry Rehabilitation Plan prior to dedication. The Department is satisfied that the recommended condition of approval will ensure the central bushland reserve is rehabilitated to a standard to facilitate its future dedication to Council. 	



7. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department has carefully considered the issues raised in the agency and public submissions and has concluded the proposal is acceptable as:

- the northern and central bushland reserves will be retained, mitigating the biodiversity and potential visual impacts of the project
- the southern open space reserve is surplus to Council's requirements and is suitable for residential development
- the recommended conditions of approval will require the existing local open space reserve adjacent to the site to be upgraded
- the local road network can accommodate the traffic generated by the additional residential lots
- the recommended conditions of approval will require the Proponent to confirm the capacity of Council's drainage system and undertake additional upgrades if necessary
- Council and the RFS have confirmed the recommended conditions of approval will ensure the proposal incorporates the bushfire management measures required under PBP 2006

The Department's assessment therefore concludes the modification request is approvable, subject to the recommended conditions outlined in **Appendix E**. This assessment report is hereby presented to the IPC for determination.

Anthony Witherdin

Director

Regional Assessments

Anthea Sargeant 20/2/19

Executive Director

Key Sites and Industry Assessments



Appendices

Appendix A – Environmental Assessment

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8560

Appendix B – Submissions

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8560

Appendix C – Response to Submissions and Supplementary Information

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8560

Appendix D – Consolidated Approval

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8560

Appendix E – Notice of Modification

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8560