



Island Point Road Residential Subdivision

*Modification Assessment
(DA 277-11-2004 MOD 3)*



March 2019

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Cover photo

Residential area. Port Macquarie, NSW.

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Glossary

Provide a clear and succinct list of the terms not commonly used in everyday language (below is a guide only and needs to be customised for the report).

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	Shoalhaven Council
Department	Department of Planning and Environment
DPI	Department of Primary industries
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning
Mod	Modification
OEH	Office of Environment and Heritage
RMS	Roads and Maritime 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 request to modify the Development Approval (DA 277-11-2004) for a residential subdivision at 74 and 92 Island Point Road, St Georges Basin, in the Shoalhaven local government area.

The proposal, as originally submitted, sought approval to increase the number of residential allotments from 44 to 62, modify the staging, road layout, site topography, drainage strategy and provide retaining walls.

The request has been lodged by Allen Price & Scarratts Pty Ltd (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification request was made publicly available on the Department's website and notified to Shoalhaven Council (Council), Office of Environment and Heritage (OEH) and Rural Fire Service (RFS) for comment. The key issues raised include subdivision design, stormwater and drainage management, cut and fill and road design.

In response, the Proponent revised the subdivision layout, increased the number of lots from 44 to 63, minimised cut and fill, secured an easement for drainage over the adjoining land and removed the requirement for retaining walls and on-site detention (OSD) basins.

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act and has carefully considered the issues raised in agency submissions. The Department's assessment concludes that:

- the revised subdivision layout is acceptable as it provides a logical subdivision pattern and most of the lots comply with the requirements of Council's DCP
- the proposal would result in greater amenity for adjoining properties as it would reduce the length of road directly adjoining the southern boundary of the site
- the clearing of surrounding sites has removed the bushfire threat and the need for bushfire protection measures
- the revised drainage strategy would remove the requirement for an OSD basin
- the threatened species corridor is no longer required as it has been compromised due to clearing works and the redevelopment of adjoining sites
- the access arrangements are acceptable, given the minor increase in the number of lots.

The Department, therefore considers the modification request is approvable, subject to conditions (outlined in **Appendix A**). This assessment report is hereby presented to the Independent Planning Commission (Commission) for determination, as the Proponent has made a reportable political donation.



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1. Introduction

1.1 Background

This report is an assessment of a request to modify the Development Application for a residential subdivision at 74 and 92 Island Point Road, St Georges Basin, in the Shoalhaven local government area. The request has been lodged by Allen Price & Scarratts Pty Ltd (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The request seeks approval to increase the number of residential allotments from 44 to 63, modify the road layout, and the drainage strategy. The proposal also seeks approval to remove the requirement for Asset Protection Zones (APZs) and a threatened species corridor.

1.2 The Site

The subject site is located west of Jarvis Bay on the NSW south coast (**Figure 1**). The site is approximately 4.4 hectares (ha) in area.

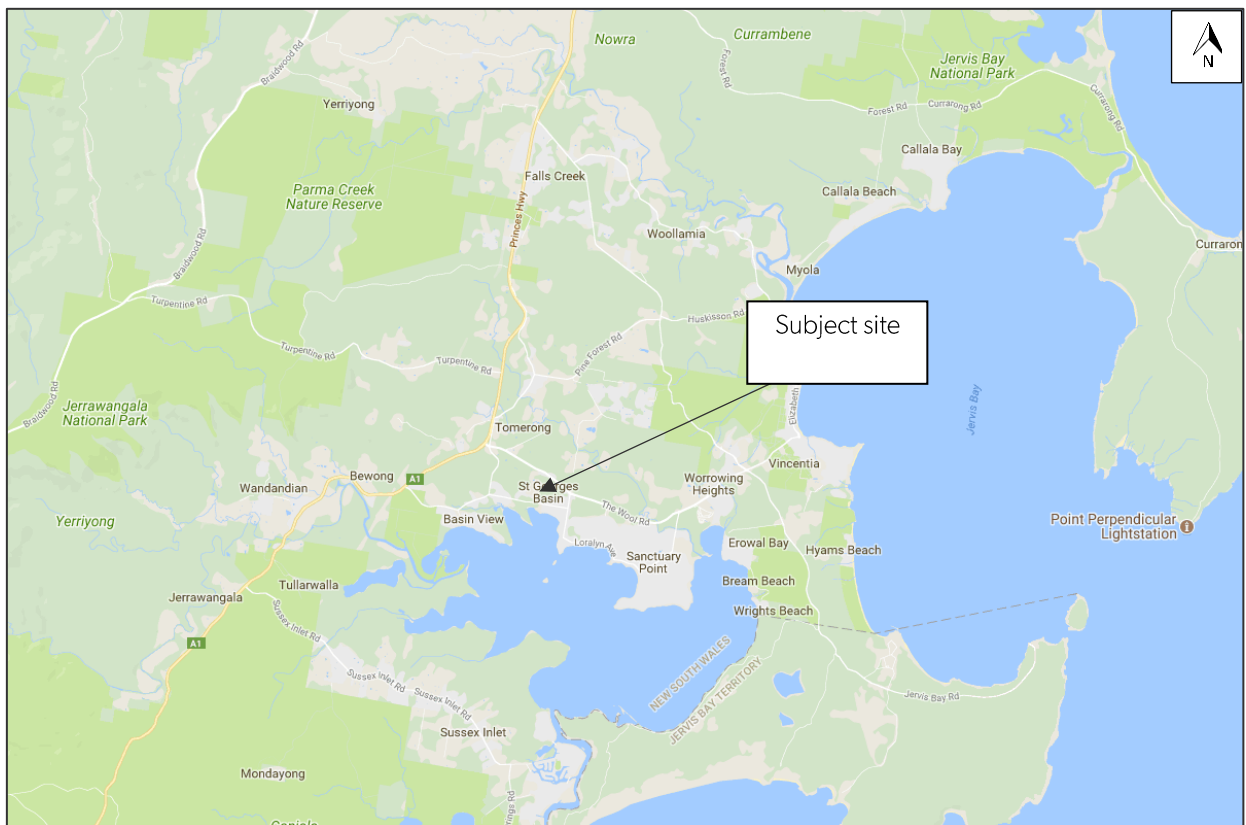


Figure 1: Site Location

Two dwellings are located on the site, and the majority of vegetation has been cleared. To the north is a relocatable home park and to the south is a residential aged care facility. To the east and west are low density dwellings (**Figure 2**).

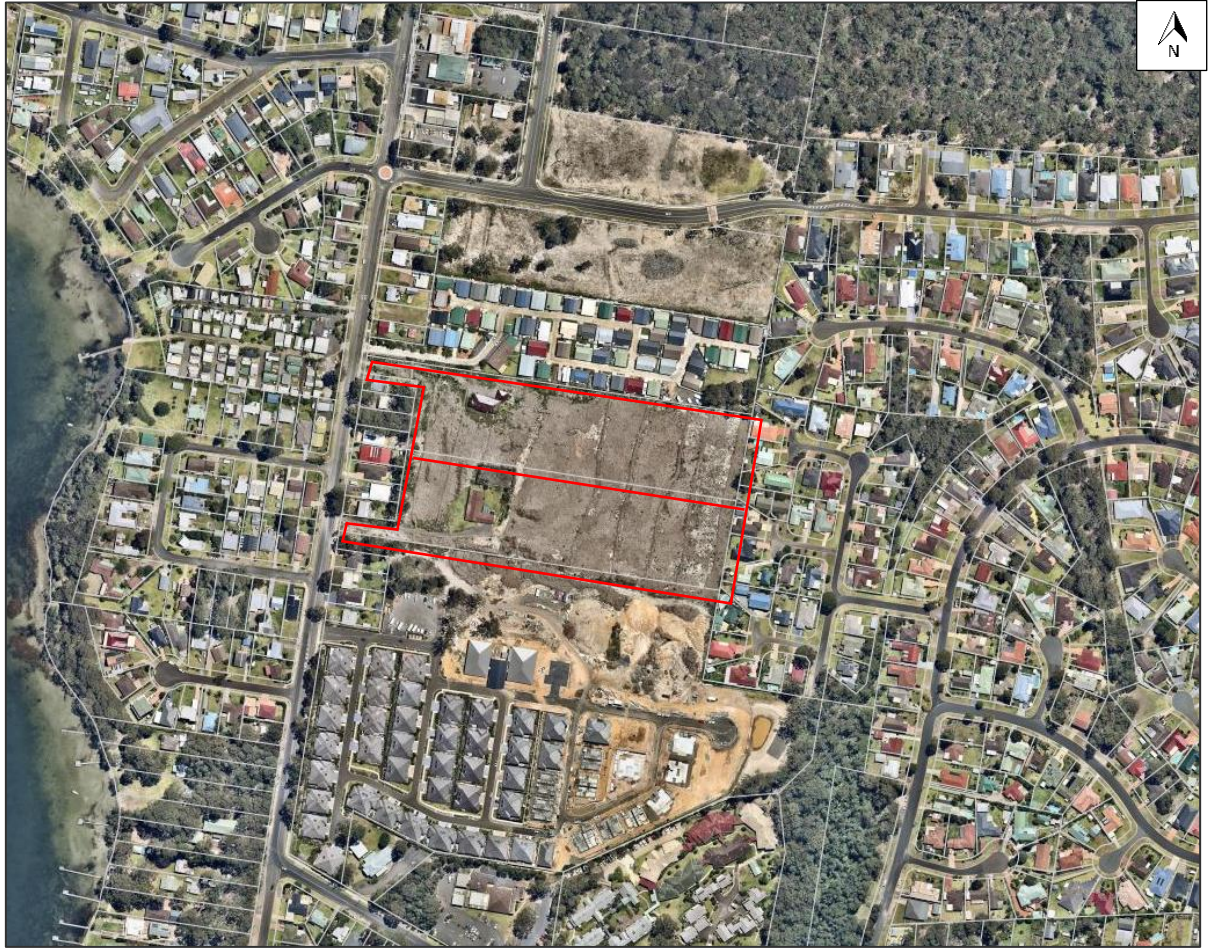


Figure 2: Subject site (outlined in red)

1.3 Approval History

On 6 November 2006, the Minister for Planning granted a deferred commencement consent for the subdivision of the site into 47 residential allotments.

The approved development included:

- the subdivision of the site into 47 residential lots;
- construction of a new loop access road
- creation of wildlife corridors
- creation of an asset protection zone.

The deferred commencement condition stated that the consent could not operate until an easement with a restriction as to user was placed on the adjoining allotment to the south to provide an asset protection zone for the proposed subdivision.

On 19 January 2009, the Executive Director, Major Project Assessments approved modification 1 for the following changes:

- deletion of deferred commencement condition
- reduction in number of lots from 47 to 44
- amendment of plans to reflect changes to lot numbers
- introduce staging (2 stage development)
- modify the on-site storm water detention requirements.

On 29 November 2012 the Director Metropolitan & Regional Projects South approved Modification 2 for the following changes:

- allow for Stage 1 to be implemented
- preserve the existing vegetation on Stage 2 until satisfactory drainage infrastructure is in place
- delete reference to the RFS from the approved Asset Protection Zones
- rename lot numbers to facilitate staging
- modify the approved vegetation preservation corridors.



2. Proposed Modification

Modification as Lodged

On 24 June 2015, the Proponent lodged a section 75W modification application (DA 277-11-2004 MOD 3) seeking approval to:

- increase in the number of residential allotments created from 44 to 62
- modify the subdivision layout including the relocation of the southern road
- increase the number of lots released in the first stage, from 24 to 49, with the remaining 13 lots in Stage 2 (otherwise being the asset protection zone for Stage 1)
- alter the road layout from a loop road to two cul-de-sacs with access from Island Point Road;
- demolish the dwelling house currently located upon Lot 15 DP 25550 (No 92) Island Point Road, previously approved Lot 115
- modify the topography of the proposed roads to improve site drainage and allow drainage to be directed to infrastructure within Island Point Road
- alter the drainage easement parallel to the eastern site boundary - this is an easement only over Lots 23 and 62 and is otherwise within the road reserve
- provide a retaining wall on the road reserve for the retention of the re-contoured site.

The modification was requested on the basis that clearing on the subject and surrounding sites has significantly reduced the bushfire hazard and removed the need for protection measures.

The alteration to the drainage strategy was requested as an alternative to the strategy requiring an easement for stormwater through the adjoining property to the south, due to difficulties obtaining permission from the adjoining land owner.

The combination of these changes provided the opportunity for the relocation of the southern road, and an increase in the number of lots.

Modification as Revised

On 21 August 2017, the Proponent provided a Response to Submissions (RtS) amending the proposal to address concerns raised in agency submissions. Additional information and changes were also submitted on 31 October 2017.

The amended proposal seeks approval for:

- an increase of residential lots from 44 to 63
- an increase of lots in stage one from 24 to 49 with the remaining 14 lots in stage two
- no existing dwellings to be retained
- part road carriageway reduction from 8 metres to 7 metres
- removal of APZ requirements
- removal of the threatened species corridor
- removal of the tree retention/planting easement
- modification of the subdivision topography to improve site drainage.

The modifications are requested on the basis that clearing of the subject site and surrounding sites has degraded the environmental value of the site and removed connectivity, therefore a threatened species corridor at this location would have little purpose. The modification to the drainage design is requested on the basis that an easement over the adjoining southern property was obtained.

The approved and proposed subdivision layout are shown in **Figures 3 and 4**.

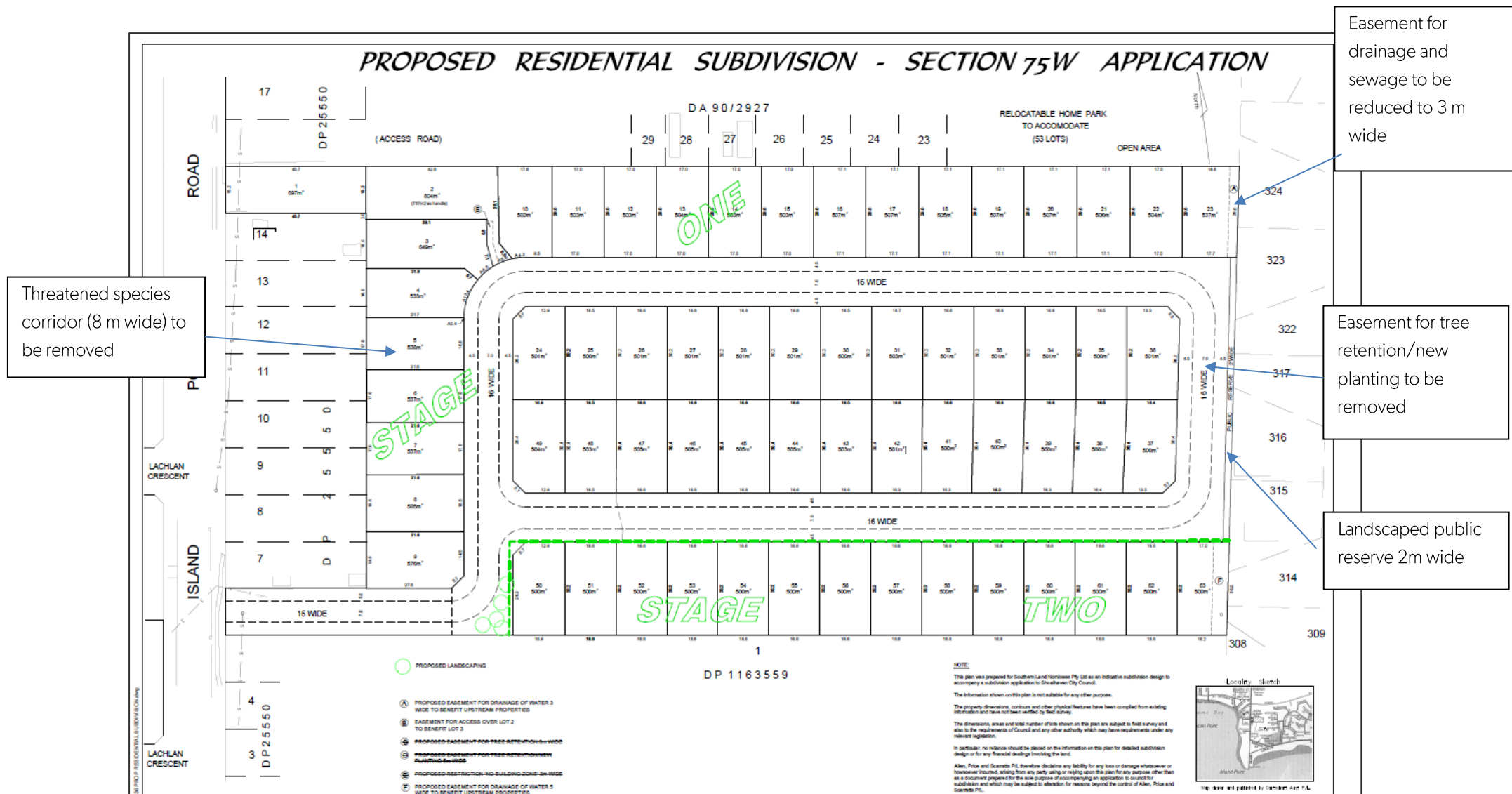


Figure 4: Proposed subdivision layout



3. Statutory Context

3.1 Section 75W and modification of a Minister's Approval

The modification request relates to a project approved under Division 4 of Part 5 of the EP&A Act before its repeal in 2005. In accordance with clause 88(3) of Schedule 1 to the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (EP&A (ST&OP) Regulations), the approval is taken to be an approval under Part 3A of the Act. Part 3A of the Act was repealed in 2011, but certain provisions, including the power to modify existing Part 3A projects under section 75W of the Act, were preserved under Schedule 2 to the EP&A (ST&OP) Regulations.

The power to modify transitional Part 3A projects under section 75W of the 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) of the EP&A (ST&OP) Regulations continue to apply. Consequently, this report has been prepared in accordance with the requirements of Part 3A and 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.

The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and the proposal does not constitute a new application.

3.2 Approval Authority

The Minister for Planning is the approval authority for the request. However, the Independent Planning Commission, may determine the request under delegation as the Proponent has made a reportable political donation.



4. Engagement

4.1 Department's Engagement

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

A summary of issues raised in the submissions for the modification request and Response to Submissions (RTS) is provided in **Table 1** below.

Table 1: Summary of public authority submissions

Shoalhaven Council (Council)	
<i>Modification Request</i>	<ul style="list-style-type: none"> • it is unclear how drainage from the northern aspect will be dealt with • the drainage basin located on lot 50 would have unacceptable visual impacts • the proposed finished levels could have impacts on privacy on properties to the east • a loop road should be provided rather than cul-de-sacs.
<i>RTS</i>	<p><u>Lot Layout</u></p> <ul style="list-style-type: none"> • Lots 2 and 3 do not have adequate road frontage for garbage collection • the proposed loop road adjoining existing properties to the east will change the amenity and could result in unauthorised rear access to these lots. • the number of lots is excessive for a single access, a second access should be provided. <p><u>Drainage</u></p> <ul style="list-style-type: none"> • various information is missing from engineering plans • it would be preferred for drainage pipes and overland paths to be contained within a reserve • Lot 63 is overly burdened with easements • it is unclear whether fill is required at the eastern end of the proposed road <p><u>Vegetation</u></p> <ul style="list-style-type: none"> • unauthorised vegetation clearing is being investigated by Council's Compliance team • a seven-part test should be applied for the removal of the threatened species corridor. <p><u>Roads</u></p> <ul style="list-style-type: none"> • the road reserve should be widened to accommodate services and trees. Roadways must be adequate for vehicles access without driving on kerbs. A cross section should be provided clarifying the location of services and trees within the road reserve • maneuvering for a medium rigid vehicle at the internal bends would result in vehicles crossing the centreline. All such maneuvering should be retained between the kerb face (invert) and the centreline • the proposal would allow vehicles (trucks) to drive on the sloped face of layback kerb. Layback kerb and gutter is designed to negate the need for upright kerb driveway laybacks and is not actually designed for longitudinal transition of vehicles. Damage particularly to drainage outlets and the kerb itself could result from trucks driving along the kerb face.
Rural Fire Service (RFS)	
<i>Modification Request</i>	<p>RFS advised the following:</p> <ul style="list-style-type: none"> • reference to the existing General Terms of Approval proposed to be modified should be included • a legal mechanism is required to ensure APZs are placed over lots within Stage 2 • it does not appear the appropriate APZ can be achieved on Lot 9.
<i>RTS</i>	<p>RFS advises the clearing of the adjoining land to the south and north has resulted in the removal of bush fire prone vegetation within 100 m of the site, therefore they do not object to the removal of conditions relating to bushfire.</p>
Office of Environment and Heritage (OEH)	
<i>RTS</i>	<p>OEH advised retaining the threatened species corridor would not enhance species movement as the intended effectiveness has been compromised by separate approvals and other clearing activity.</p>

Roads and Maritime Services (RMS)

Modification Request	RMS raised no objection to the proposal.
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Shoalhaven Water

RTS	Shoalhaven Water advised a sewer servicing strategy is required to confirm there is capacity to support the proposed increase in lots.
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The Proponent responded to Council's comments on the RTS and updated the plans to increase the frontage of Lots 2 and 3, show a building envelope on Lot 63 despite easements, and correct errors within the engineering plans. The remaining issues have been assessed by the Department, and conditions recommended to address Council's concerns where required.

No **public** submissions were received.



5. Assessment

The Department has considered the key issues associated with the proposal in **Table 2**.

Table 2: *Assessment of Other Issues*

Issue	Consideration	Recommendation
Subdivision Layout	<ul style="list-style-type: none">The proposal seeks to amend the approved subdivision and road layout to accommodate an additional 19 lots (refer to Figure 4).The Department considers the revised lot layout provides a logical subdivision pattern which better integrates with surrounding development.In particular, the Department notes the amended design would result in a better outcome, as it would remove the road directly facing the southern boundary of the site, and the landform has been amended to more closely align with the natural topography of the site.The revised lots are mainly north to south oriented, maximising solar access for dwellings and private open space. The proposed layout would also reduce the number of irregular shaped and battle-axe lots.Further, the Department notes the proposed subdivision layout is consistent with the majority of Council's controls. All lots meet the minimum lot size of 500 m² in accordance with the Shoalhaven LEP 2014.The Department notes Council's DCP requires a minimum lot width of 16 m and depth of 30 m for rectangular lots and a mean width of 18 m for irregular shaped lots. The majority of lots meet the requirement, with some minor variations, which would not affect the amenity of future dwellings on the lots.Council raised concern about the width of the frontage for Lots 2 and 3 as it may impact on serviceability. In response, the Proponent updated the subdivision design to increase the lot frontage by 1.8 m and 3.3 m respectively.Overall, the Department considers the proposed subdivision layout, is acceptable, as it forms a logical subdivision pattern providing high levels of residential amenity, reduces the length of road facing the adjoining boundary of the site and it complies with the majority of Council's subdivision controls.	No additional conditions or amendments necessary.

Issue	Consideration	Recommendation
<i>Amenity impacts - eastern boundary</i>	<ul style="list-style-type: none"> The proposed modification seeks to amend the approved road layout as shown in Figure 4. The revised proposal would remove the road directly adjoining the southern boundary of the site. It has now been replaced with a loop road which would now directly adjoin the eastern boundary of the site (as shown in Figure 4). Council raised concern about potential amenity impacts of the proposed road along the eastern boundary on five adjoining lots. To minimise potential impacts on these properties, Council recommended that an easement for a strip of land directly adjacent to the boundary be provided as either a road reserve or a public reserve (under the care of Council). This would minimise amenity impacts and prevent unauthorised access to existing properties via the rear boundary. The Department agrees with Council that this would result in a better amenity outcome for these properties, and recommends a new condition requiring the strip of land along the eastern boundary of the site to be created as a landscaped easement. Overall, the Department considers the revised road layout is acceptable as it would reduce the length of road directly adjoining the side boundary of the site. Subject to the recommended condition requiring a landscaped buffer, the Department is satisfied amenity impacts to the adjoining properties to the east will be appropriately mitigated. 	The Department has recommended a new Condition C18 requiring a 2 m wide landscaped strip along the eastern boundary to be dedicated to Council as public reserve.
<i>Stormwater Management</i>	<ul style="list-style-type: none"> Council initially raised concern about the proposed OSD basin having unacceptable visual impacts In response, the Proponent modified the proposal by altering the proposed earthworks, to match the existing site topography and reduce the reshaping of the land. The Proponent was also able to secure the easement on the adjoining land to the south (62 Island Point Road) to accommodate drainage to the east of the site. The Proponent proposed a revised drainage strategy as part of the RTS, including reduced drainage from the subdivision site being channelled to the south west corner of the site and removal of the OSD basin which was originally proposed. This change would also negate the requirement for a drainage reserve, allowing it to be turned into an additional residential lot. Council reviewed the proposed drainage strategy, and advised the information provided is sufficient, and any further issues could be resolved at the CC stage. Council noted the easement for road drainage through Lot 63 could result in a high cost to Council, and recommended conditions be imposed to manage this. Council also requested that the conditions be updated to require stormwater and drainage works to be in accordance with the DCP 2014. The Department considers the proposed drainage strategy would appropriately service the site, and the removal of the OSD basin would result in an improved amenity outcome. Subject to the updated conditions requiring compliance with the DCP 2014, the Department considers the proposed stormwater management strategy is acceptable. 	The Department has recommended amended Condition C2 and new Condition C2A and C12D to ensure stormwater management is in accordance with Council's requirements.
<i>Biodiversity</i>	<ul style="list-style-type: none"> The proposal seeks to remove the threatened species corridor along the western boundary of the site. This corridor was imposed to mitigate impacts on the Yellow-bellied Glider and retain connectivity to the adjoining bushland. However, the subject site and adjoining sites have now been cleared and developed (see Figure 2). OEHL reviewed the proposal and advised the retention of the corridor would not enhance threatened species movement due to extensive clearing that has occurred. No further assessment was recommended. Condition C11 required the threatened species corridor to be designed by a qualified environmental consultant to ensure the selection and spacing of trees is suitable for the 	The Department has recommended Condition B2 and C11 be deleted.

Issue	Consideration	Recommendation
	<p>Yellow-bellied Glider. The purpose of the Condition was to provide a wildlife corridor, rather than retain the existing trees on the site.</p> <ul style="list-style-type: none"> The Department considers the removal of the threatened species corridor is acceptable in this instance, given the adjoining sites have been cleared and redeveloped for urban purposes (see Figure 2). The site has now become isolated from adjoining bushland and a threatened species corridor at this location would have little purpose. 	
<i>Road widths</i>	<ul style="list-style-type: none"> The current approval requires an 8 m wide vehicle carriageway to be provided within a 15 m to 16 m wide road reserve. The Proponent states the approved 15 m wide road reserve does not provide adequate space for the 8 m wide carriageway, a footpath, services and street trees to be provided. The proposal therefore seeks to reduce the carriageway width from 8 m to 7 m, and provide a 0.5 m rollover curve on each road edge to facilitate a possible carriageway width of 8 m wide. Council initially raised concern that proposed reduction in width would potentially result in medium rigid vehicles crossing the centreline of the road and damage from trucks using the roll kerb. In response, the Proponent provided cross sections demonstrating the location of the services and trees to be located within the road reserve, and that the required 8 m carriageway would not fit. The Proponent also noted the entrance to the site is limited to 15 m. Council reviewed the Proponent's response and recommended that a 7 m wide carriageway with a 15 m wide road reserve for the entrance to the site, and a 16 m wide road reserve for the loop road should be provided. The Proponent provided an updated plan which adjusted the lot boundaries to accommodate the required road reserve width while maintaining a minimum lot size of 500 m². The Department considers the 7 m carriageway is acceptable given the proposed road is an access street, which requires a minimum carriageway width of 6 m in accordance with the SDCP 2014. The proposal also seeks to modify Condition C16 to clarify that a footpath is not required along the full length of the loop road. Council advised that the SDCP 2014 does not require a footpath to be provided on an access road (i.e. the loop road), and recommended a condition requiring a 2m wide footpath to be provided from Island Point Road, along the northern side of the entrance road, to the first intersection with the loop road. The Department has recommended Condition C16 be updated to require a footpath to be provided in accordance with Council's recommendation. The Department considers the road reserve width and provision of a footpath is consistent with the SDCP 2014, and is sufficient for the proposed subdivision given the loop road is an access road only. 	<p>The Department has recommended an updated Condition C9 requiring the road to be provided in accordance with Council's recommendation.</p> <p>The Department has recommended an updated Condition C16 requiring the footpath to be provided from Island Point road to the first intersection with the loop road.</p>
<i>Access</i>	<ul style="list-style-type: none"> Council advised the number of lots is excessive for the proposed single access arrangement, and a second access to the site is preferred to provide more amenity. The Department considers the existing access arrangement is acceptable as it is consistent with the current approval and the increase in the number of lots is minor (19). The Department notes Council raised no concern with the proposed single access arrangement as part of the original assessment, and the development directly to the north of the site contains 56 relocatable dwellings and has a similar single access arrangement. Further, RMS stated the original proposal would not impact on the safety or efficiency of 	<p>No additional conditions or amendments necessary.</p>

Issue	Consideration	Recommendation
	<p>the road network the proposal is not expected to result in any significant traffic impacts compared to the current approval.</p> <ul style="list-style-type: none"> The Department therefore considers the retention of the single access arrangement is acceptable, and would not result in amenity impacts. 	
<i>Cut and fill</i>	<ul style="list-style-type: none"> Council initially raised concern about the proposed cut and fill potentially resulting in privacy impacts on adjoining properties. It also raised concern that the retaining wall adjacent to the drainage easement along the eastern boundary (shown in Figure 4) may result in maintenance issues for Council. As part of the RTS, the Proponent amended the proposed cut and fill to align more closely with the natural topography of the site, removing the need for the retaining wall. Council raised no further concerns but recommended new conditions to require the filling specification to be submitted to Council and to ensure all earthworks are in accordance with the relevant Australian Standards. The Department is satisfied the revised landform is acceptable and, subject to the recommended conditions suggested by Council, the proposal would not result in any adverse privacy impacts on adjoining properties. The Department is satisfied that the proposed changes to earthworks would remove the requirement for a retaining wall, and the conditions recommended by Council would ensure cut and fill on the site is in accordance with the relevant standards. 	<p>The Department has recommended Condition C17 be deleted.</p> <p>The Department has recommended new conditions C20 and D15 to ensure the amount and type of fill on the site is in accordance with relevant standards.</p>
<i>Staging</i>	<ul style="list-style-type: none"> The proposal seeks to change the staging of the development to include all clearing and infrastructure works as a part of Stage 1, instead of splitting the works between Stage 1 and Stage 2. Council and other agencies raised no objection to the proposed change in staging and OEHL did not object to the clearing and removal of the threatened species corridor. The Department considers the proposed change would not affect the provision of infrastructure and is therefore acceptable. 	<p>The Department has recommended a modified Condition B5 to reflect the updated staging.</p>
<i>Asset Protection Zones</i>	<ul style="list-style-type: none"> The proposal seeks to remove the requirement for conditions relating to bushfire management. The Proponent notes since the original consent was granted, most of the vegetation on the site and adjoining sites has been cleared (see Figure 2). RFS advised it does not object to the removal of conditions relating to bushfire protection as outlined in the Proponent's request. The Department therefore considers the removal of these conditions is appropriate, given the extent of clearing on the site and surrounding sites has reduced the threat of bushfire. 	<p>The Department has recommended the deletion of Condition F7 and I3 relating to bushfire requirements.</p>
<i>Stormwater Easement</i>	<ul style="list-style-type: none"> The proposal seeks to alter Condition C12 to reduce the width of the stormwater easement from 7 m to 3 m. Council reviewed the proposed Condition and raised no objection as the proposed 3 m easement meets Council's specifications. Council advised the wording of the condition should be modified to state that 'all fences' not be permitted in the easement, rather than just 'side boundary fences'. The Department considers a 3 m wide stormwater easement is acceptable and recommends Condition C12 be updated accordingly. The Department has also included Council's suggested wording regarding fences in the recommended condition. 	<p>The Department has recommended a modified Condition C12 to change the width of the stormwater easement from 7 m to 3 m.</p>
<i>Water Infrastructure</i>	<ul style="list-style-type: none"> Shoalhaven Water advised a sewer servicing strategy is required to confirm there is capacity to support the proposed increase in lots. The Proponent noted a sewer servicing strategy would be undertaken as part of the future approval process. 	<p>No additional conditions or amendments necessary.</p>

Issue	Consideration	Recommendation
	<ul style="list-style-type: none"> The Department notes Shoalhaven Water advised the Proponent's response was satisfactory and did not recommend further conditions. Condition F4 requires a compliance certificate from Shoalhaven Water to be issued prior to the issue of a Subdivision Certificate, and the Department is satisfied the sewer servicing strategy would be undertaken at this stage. 	
<i>Updated Conditions</i>	<ul style="list-style-type: none"> The Proponent raised concern about the imposition of new conditions and modification of existing conditions to require compliance with Council's current controls and specifications. The Department considers the revised subdivision layout warrants the updated conditions, particularly given the drainage strategy and road layout has changed. The Department therefore recommends the following conditions are inserted or updated in accordance with Council's recommendation: <ul style="list-style-type: none"> C7- Landscape Design/Vegetation Clearing C20- Site Filling C21- Lighting Design D13- Erosion and Sediment Control D15- Earthworks E18- Impact of Works on Others E20- Stormwater Connections E18- Impact of Work on Others E21- Site Filling E22- Landscape and Street Trees F2- Services Registration of Easements / Restriction to use / Right of Carriageway F16- Verification of Works F17- Maintenance Bond 	The Department recommends updated conditions in accordance with Council's recommendations.
<i>Developer Contributions</i>	<ul style="list-style-type: none"> The Department has recommended Condition F5 be updated to require contributions to be paid for the additional lots, in accordance with Council's contributions plan. 	The Department has recommended a modified condition F5 requiring contributions for the additional lots.



6. Conclusion

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the revised subdivision layout is acceptable as it provides a logical subdivision pattern and most of the lots comply with the requirements of Council's DCP
- the proposal would result in greater amenity for adjoining properties as it would reduce the length of road directly adjoining the southern boundary of the site
- the amenity for adjoining properties to the east would be maintained through the provision of a landscaped strip along the eastern boundary of the site
- the clearing of surrounding sites has removed the bushfire threat and the need for bushfire protection
- the drainage strategy would remove the requirement for an OSD basin and utilise the existing infrastructure
- the threatened species corridor has been compromised due to the clearing and redevelopment of adjoining sites and as such is no longer required
- the access arrangements are acceptable, given the minor increase in the number of lots.

The Department is therefore satisfied the proposal would not result in any significant impacts beyond those already assessed and approved. The Department considers the proposal is approvable subject to the conditions of approval outlined within this report. The assessment report is hereby presented to the Commission for determination.

Recommended by:

Anthony Witherdin

Director

Regional Assessments

Recommended by:

Anthea Sargeant

Executive Director

Key Sites and Industry Assessments



Appendices

Appendix A- Notice of Modification

A copy of the notice of modification can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7125

Appendix B- Supporting Information

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

Modification Request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7125

Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7125

Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7125