

## **ANNEXURE 1**

### **Correspondence in Respect to the Rezoning of Stage 3**



# THE TURNBULL GROUP

Town Planners

COPY

24 October, 2005

The General Manager  
Shoalhaven City Council  
PO Box 42  
NOWRA NSW 2541

Attention: Cinnamon Dunsford/Ernie Royston

Dear General Manager,

**DOLPHIN POINT RESIDENTIAL DEVELOPMENT  
DEFERRED MATTER LP(362) PART LOT 1 DP 1045990 DOLPHIN POINT ROAD  
DOLPHIN POINT  
YOUR REFERENCE: 29171**

As you are already aware we act on behalf of Elderslie Property Investments Pty Limited.

We refer to our letters dated 1<sup>st</sup> and 30<sup>th</sup> September 2005 in response to your letter dated 17 February 2005.

### Traffic Impacts

Enclosed please find a draft traffic impact assessment as prepared by Colston Budd Hunt & Kafes Pty Limited dated October 2005 (refer Annexure A). You will see from consideration of this report that, inter alia, the road network will be able to cater for the additional traffic from the proposed development and future development, proposed access arrangements satisfy the intent of DCP No 52 and internal roads as proposed will be provided in accordance with Councils Subdivision code and AMCORD.

### Golf Course

This proposal is no longer being pursued. The land is now proposed to be used for passive recreational activities only.

### Aboriginal Cultural Heritage

We have sent to you a copy of the archaeological report under cover of our letter dated 30 September 2005. As indicated by Mr Kuskie in his report, rezoning of the land will itself create no direct impacts to the identified and potential Aboriginal resources on the property. Hence there are no Aboriginal heritage constraints in respect of the proposed rezoning. I have enclosed two further documents for your consideration. One indicates progress with applications under s87 and s90 and confirms the approach being adopted

by South East Archaeology Pty Limited. The other document is a summary report and speaks for itself (refer Annexures B and C).

#### Bushfire Prone Land – Flora and Fauna

Areas of remnant native vegetation along drainage lines are to be retained. Asset protection zones have been established and the pattern of future subdivision will reflect the desire to create appropriate APZ's. These matters should not impede progress with the rezoning proposal.

#### Contaminated Land

The land was previously used as a dairy and is unlikely to be contaminated. Contact has been made with a Richard King of Network Geotechnics to obtain a preliminary assessment. This will be provided to Council in the near future.

#### Water Issues

A report is being prepared by Richard Baker from Patterson Britton in this regard. We expect to have the report in the next few days. At that time we will forward the report to you.

#### Part 3A

We have sought from the NSW Department of Planning authorisation to the submission of a concept plan approval under the new Part 3A, over all of the land in which our clients have an interest, including the land that is the subject of the rezoning request.

#### Conclusion

We note that you do not wish to meet with us to discuss progress at this time. Given the satisfaction of the critical matters relevant to exhibition of this Plan, we would be grateful if a report could now be prepared, recommending that a request be made to the Director - General for a Certificate under s65 of the *Environmental Planning & Assessment Act 1979*, to permit the DLEP to be exhibited.

Yours faithfully,  
**THE TURNBULL GROUP PTY LIMITED**



Peter A Le Bas  
BA LLB (Hons) MTCP MPIA  
**Director & Legal Counsel**  
peter@turnbullgroup.com.au  
dol1d7

encl.

ANNEXURE "A"

ELDERSLIE PROPERTY INVESTMENTS PTY  
LIMITED

TRANSPORT REPORT FOR  
PROPOSED RESIDENTIAL  
SUBDIVISION, DOLPHIN POINT

OCTOBER 2005

COLSTON BUDD HUNT & KAFES PTY LTD  
ACN 002 334 296  
Level 18 Tower A  
Zenith Centre  
821 Pacific Highway  
CHATSWOOD NSW 2067

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REF: 5787

Colston Budd Hunt & Kafes Pty Ltd

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## Colston Budd Hunt &amp; Kafes Pty Ltd

## CHAPTER I

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**I. INTRODUCTION**

- I.1. Colston Budd Hunt & Kafes Pty Ltd has been commissioned by Elderslie Property Investments Pty Limited to prepare a report examining the transport implications of a proposed 180 lot residential subdivision at Dolphin Point on the New South Wales south coast. The site is located south east of the Princes Highway, south of Burrill Lake, as shown in Figure 1.**
- I.2. The findings of our assessment of the proposed residential subdivision are set down through the following chapters:**
- Chapter 2 - describing the existing conditions; and**
  - Chapter 3 - assessing the transport implications of the proposed development.**
-

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## CHAPTER 2

## 2. EXISTING CONDITIONS

### Site Location and Road Network

- 2.1 The site of the proposed residential subdivision is south east of the Princes Highway, south of Ulladulla and Burrill Lake as shown in Figure 1. It is currently vacant. East of the site there are residential properties in Dolphin Point. Between the site and these properties there is land zoned for future residential development. South and west of the site there is state owned land. To the north there is a subdivision comprising 80 residential lots. Dwellings in the subdivision are not yet constructed.
- 2.2 The road network in the vicinity of the site includes the Princes Highway, Dolphin Point Road and Link Road. The Princes Highway is the major transport route along the NSW South Coast. It passes through Ulladulla and Burrill Lake to the north and Lake Tabourie to the south. Through these towns it generally has one parking and one traffic lane in each direction with a 50 to 60 kilometre per hour speed limit. Outside the towns, the Princes Highway has one traffic lane in each direction with unsealed shoulders, and an 80 to 100 kilometre per hour speed limit.
- 2.3 Dolphin Point Road runs east from Princes Highway, south of the bridge over Burrill Lake. The intersection of Dolphin Point Road with Princes Highway is an unsignalised t-intersection controlled by give way signs. All turns are permitted at the intersection. Left turn deceleration and acceleration lanes are provided on the Princes Highway for traffic turning to and from Princes Highway. Dolphin Point Road provides access to tourist accommodation and open space and recreational areas adjacent to Burrill Lake. It connects to Highview Drive which provides access to residential properties in Dolphin Point.

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## CHAPTER 2

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- 2.4 Link Road runs west from Dolphin Point Road and provides access to the existing subdivision north of the site. The intersection of Link Road with Dolphin Point Road is an unsignalised t-intersection controlled by stop signs. Inside the residential subdivision, Link Road connects to a roundabout. From the roundabout, there is a connection to the Princes Highway.
- 2.5 Shoalhaven Council has prepared Development Control Plan No. 2 Dolphin Point. DCP 52 makes provision for future vehicular access to Dolphin Point. This future access is to be via a roundabout on Princes Highway at Wallaroy Drive, which provides access to residential development, on the western side of the highway. This roundabout is currently being constructed. From this roundabout, there is a connection to the internal roundabout in the existing residential subdivision.
- 2.6 The new roundabout on Princes Highway will provide one lane on each approach. It is understood that provision has been made in the design of the roundabout for future provision of two circulating lanes on the Princes Highway approaches.
- 2.7 DCP 52 makes provision for the future closure of Dolphin Point Road at Princes Highway once the new access is constructed via the Princes Highway roundabout.

Traffic Flows

- 2.8 In order to gauge traffic conditions, counts were undertaken during weekday morning and afternoon periods at the following intersections:
- Princes Highway/Dolphin Point Road; and
  - Dolphin Point Road/Link Road.
- 2.9 The results of these counts are shown on Figure 2 and summarised in Table 2.1.
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## CHAPTER 2

Road	Location	AM peak hour	PM peak hour
Princes Highway	North of Dolphin Point Road	535	550
	South of Dolphin Point Road	480	490
Dolphin Point Road	East of Princes Highway	115	110
	North of Link Road	100	125
	South of Link Road	90	120
Link Road	West of Dolphin Point Road	15	15

- 2.10 Table 2.1 shows that the highest traffic flows occurred on the Princes Highway, which carried some 500 to 550 vehicles per hour two-way during the morning and afternoon peak periods. Dolphin Point Road, during the same peak periods, carried lower flows of some 100 to 150 vehicles per hour two-way. Link Road carried low flows of around 15 vehicles per hour two-way during the morning and afternoon peak periods.

#### Intersection Operations

- 2.11 The capacity of the road network is largely determined by the capacity of its intersections to cater for peak period traffic flows. The surveyed intersections shown in Figure 2 have been analysed using the SIDRA program.
- 2.12 SIDRA analyses isolated intersections controlled by signals, roundabouts or signs. The program produces a number of measures of intersection operations. The most useful measure provided is average delay per vehicle expressed in seconds per vehicle.
- 2.13 Based on average delay per vehicle, SIDRA estimates the following levels of service (LOS):

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## CHAPTER 2

- For traffic signals, the average delay per vehicle in seconds is calculated as delay/(all vehicles), for roundabouts the average delay per vehicle in seconds is selected for the movement with the highest average delay per vehicle, equivalent to the following level of service (LOS):

0 to 14	=	"A" Good
15 to 28	=	"B" Good with minimal delays and spare capacity
29 to 42	=	"C" Satisfactory with spare capacity
43 to 56	=	"D" Satisfactory but operating near capacity
57 to 70	=	"E" At capacity and incidents will cause excessive delays. Roundabouts require other control mode.
>70	=	"F" Unsatisfactory and requires additional capacity

- For give way and stop signs, the average delay per vehicle in seconds is selected from the movement with the highest average delay per vehicle, equivalent to following LOS:

0 to 14	=	"A" Good
15 to 28	=	"B" Acceptable delays and spare capacity
29 to 42	=	"C" Satisfactory but accident study required
43 to 56	=	"D" Near capacity and accident study required
57 to 70	=	"E" At capacity and requires other control mode
>70	=	"F" Unsatisfactory and requires other control mode

2.14 It should be noted that for roundabouts, give way and stop signs, in some circumstances, simply examining the highest individual average delay can be misleading. The size of the movement with the highest average delay per vehicle should also be taken into account. Thus, for example, an intersection where all movements are operating at a level of service A, except one which is at level of

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## CHAPTER 2

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service E, may not necessarily define the intersection level of service as E if that movement is very small. That is, longer delays to a small number of vehicles may not justify upgrading an intersection unless a safety issue was also involved.

2.15 The analysis found that:

- the unsignalised intersection of Princes Highway with Dolphin Point Road is operating with average delays of less than 20 seconds per vehicle during morning and afternoon peak periods. This represents level of service B, a reasonable level of service; and
- the unsignalised intersection of Dolphin Point Road with Link Road is operating with average delays of less than 15 seconds per vehicle during morning and afternoon peak periods. This represents level of service A/B, a good level of service.

#### Approved Development

- 2.16 As previously discussed, there is an approved 80 lot residential subdivision which has been constructed adjacent to the Princes Highway, north of the site. Based on traffic generation rates in the RTA's Guide to Traffic Generating Developments, this development would generate some 70 vehicles per hour two-way during morning and afternoon peak periods.
- 2.17 In association with the approved development, a roundabout is being constructed on Princes Highway to provide for future access to the subdivision and Dolphin Point. Council's planning for the area provides for the future closure of Dolphin Point Road at Princes Highway once the new access is constructed.

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## CHAPTER 2

2.18 Redistributed traffic flows with the new Princes Highway roundabout in place and Dolphin Point Road closed, plus traffic from the approved 80 lot residential subdivision, are shown in Figures 3 and 4, and summarised in Table 2.2.

Road	Location	AM peak hour	PM peak hour
Princes Highway	North of Link Road	585	600
	South of Link Road	465	475
Dolphin Point Road	East of Princes Highway	0	0
	North of Link Road	20	20
	South of Link Road	95	120
Link Road	East of Princes Highway	185	180
	West of Dolphin Point Road	95	120

2.19 Table 2.2 shows that with the new access arrangements to Dolphin Point and traffic from the approved residential subdivision north of the site, traffic flows on Princes Highway would be some 450 to 600 vehicles per hour two-way during peak hours.

2.20 South of Link Road, traffic flows on Dolphin Point Road would not generally change. North of Link Road, traffic flows on Dolphin Point Road would reduce. At Princes Highway, traffic flows on Dolphin Point Road would fall to zero when the road is closed. Link Road would carry some 100 to 200 vehicles per hour two-way during peak periods.

2.21 The intersections of Princes Highway with the new roundabout controlled access, and Link Road with Dolphin Point Road, have been analysed with SIDRA for the traffic flows shown in Figures 3 and 4.

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## CHAPTER 2

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- 2.22 The analysis found that the roundabout controlled intersection of Princes Highway with Link Road and Wallaroy Drive would operate with average delays of less than 15 seconds per vehicle during morning and afternoon peak periods. This represents level of service A/B, a good level of service.
- 2.23 The unsignalised intersection of Link Road with Dolphin Point Road would continue to operate with average delays of less than 15 seconds per vehicle during morning and afternoon peak periods. This represents level of service A/B, a good level of service.

Public Transport

- 2.24 Ulladulla Bus Lines operates the 740/741 bus service between Ulladulla and Burrill Lake along the Princes Highway. This service operates five times per day in each direction on weekdays and three times in each direction on Saturdays.

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## CHAPTER 3

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### 3. IMPLICATIONS OF PROPOSED DEVELOPMENT

- 3.1 It is proposed to develop a residential subdivision comprising some 180 lots. Vehicular access is proposed through the existing subdivision to the north. A concept layout of the proposed subdivision is shown in Figure 5.
- 3.2 Parking provision will be provided in accordance with Council's requirements and be finalised at the time of applications for individual dwellings. This chapter examines the implications of the proposed development through the following sections:
- public transport;
  - access;
  - internal layout;
  - traffic effects; and
  - summary.

#### Public Transport

- 3.3 The proposed residential subdivision is close to bus services which operate along Princes Highway between Burrill Lake and Ulladulla. The site will therefore be accessible by existing public transport services.
- 3.4 The proposed subdivision, with its increase in residential population, will strengthen demand for public transport services in the area.
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## CHAPTER 3

Access

- 3.5 DCP 52 identifies that access to the development should be provided through the adjacent residential subdivision to the north. It also identifies that provision should be made for future access through the proposed subdivision to land to the east (to future residential development) and west and south (public access to state owned land). The proposed subdivision will make provision for these vehicular connections.
- 3.6 Vehicular access is proposed through the adjacent residential subdivision to the north.
- 3.7 TO BE COMPLETED

Internal Layout

- 3.8 The internal circulation roads within the proposed residential subdivision will be designed in accordance with the principles in Council's Subdivision Code (DCP 100).
- 3.9 TO BE COMPLETED
- 3.10 The principles in the subdivision code have been developed from AMCORD. Within residential precincts, the subdivision code/AMCORD distinguishes two levels of streets, local streets and collector streets.
- 3.11 On local streets the residential environment dominates. Traffic speeds and volumes are low and pedestrian/cycle movements encouraged. Vehicle speeds should, as far as possible, be controlled by street length, parked cars, landscaping design, built form and activity along the frontage. Bicycles are generally provided for on-street.

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## CHAPTER 3

- 3.12 Collector streets collect traffic from access streets and generally carry higher traffic flows. A good level of residential amenity and safety is maintained by restricting traffic volumes and vehicle speeds. Vehicle speeds on collector streets should be controlled by street alignment, parked cars, street length, intersection design and built form.
- 3.13 The adoption of the subdivision code/AMCORD guidelines provides an appropriate framework for the promotion of alternative travel modes to the private car, in particular, improved pedestrian and cyclist facilities.

Traffic Effects

- 3.14 Traffic generated by the proposed development will have its greatest effects during the morning and afternoon peak periods. Surveys undertaken by the RTA indicate that residential subdivisions generate 0.85 vehicles per hour per lot two-way during peak hours. Council's subdivision code indicates a traffic generation of 10 vehicles per day two-way which is equivalent to one vehicle per hour during peak hours and is slightly higher than the RTA's rate. We have adopted Council's rate in assessing the traffic effects of the proposed development.
- 3.15 The proposed subdivision will therefore generate some 180 vehicles per hour two-way during the morning and afternoon peak periods. During the morning peak hour, some 70 per cent of traffic would be outbound. The reverse would apply in the afternoon.
- 3.16 The additional traffic has been assigned to the road network. Base peak hour traffic flows (redistributed flows with new access to Dolphin Point, plus traffic from the approved 80 lot subdivision) plus development traffic is shown in Figures 3 and 4 and summarised in Table 3.1.

Figure 3.1: Base Peak Hour Traffic

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## CHAPTER 3

Road	Location	AM peak hour		PM peak hour	
		Base flow	Plus development	Base flow	Plus development
Princes Highway	North of Link Road	585	+130	600	+130
	South of Link Road	465	+40	475	+40
Dolphin Point Road	North of Link Road	20	+10	20	+10
	South of Link Road	95	-	120	-
Link Road	East of Princes Highway	185	+170	180	+170
	West of Dolphin Point Road	95	+10	120	+10

- 3.17 Table 3.1 shows that the largest increases would occur on Link Road, east of Princes Highway. Increases on Link Road in this location would be some 170 vehicles per hour two-way during peak hours.
- 3.18 Increases on other roads would be lower. Traffic increases on Princes Highway would be some 40 to 130 vehicles per hour two-way during peak hours. Increases on Princes Highway would be higher north of Link Road than south of Link Road.
- 3.19 Link Road (west of Dolphin Point Road) and Dolphin Point Road would carry low increases of some 10 vehicles per hour two-way during peak hours.
- 3.20 Roads within the subdivision would generally carry traffic flows less than 100 vehicles per hour two-way as a result of the proposed development. This level of traffic would not be unexpected for these roads.
- 3.21 The intersections previously analysed in Chapter 2 have been re-analysed with SIDRA for the additional traffic flows shown in Figures 3 and 4.

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## CHAPTER 3

3.22 To allow for the development of adjacent land, the additional development traffic flows at the Princes Highway/Link Road/Wallaroy Drive intersection were doubled. The analysis found that:

- the intersection of Princes Highway with Link Road and Wallaroy Drive would operate with average delays of less than 20 seconds per vehicle during morning and afternoon peak periods. This represents levels of service B, a good level of service; and
- the intersection of Dolphin Point Road with Link Road would continue to operate with average delays of less than 15 seconds per vehicle during morning and afternoon peak hours. This represents level of service A/B, a good level of service.

Summary

3.23 In summary, the main points relating to the proposed residential subdivision in Dolphin Point are:

- (i) the proposed development is for a residential subdivision comprising 180 lots;
- (ii) vehicular access to the proposed subdivision will be via a new roundabout on Princes Highway and the existing residential subdivision to the north;
- (iii) the proposed access arrangements satisfy the intent of DCP 52 and are considered appropriate;

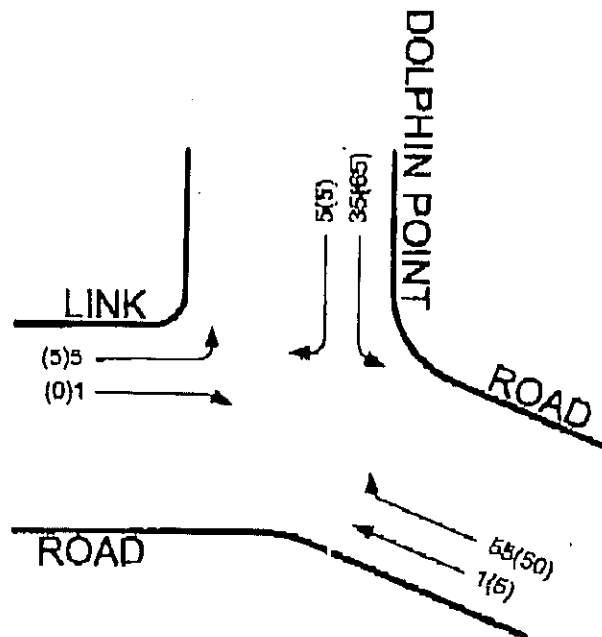
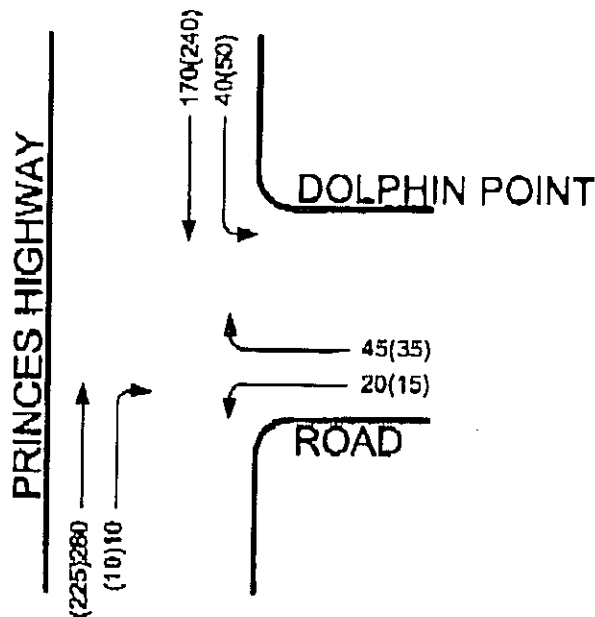
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CHAPTER 3

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- (iv) internal roads will be provided in accordance with the principles in Council's Subdivision Code and AMCORN;
- (v) the proposed development would have a peak period traffic generation of some 180 vehicles per hour two-way during peak hours; and
- (vi) the road network will be able to cater for the additional traffic from the proposed development and future development.

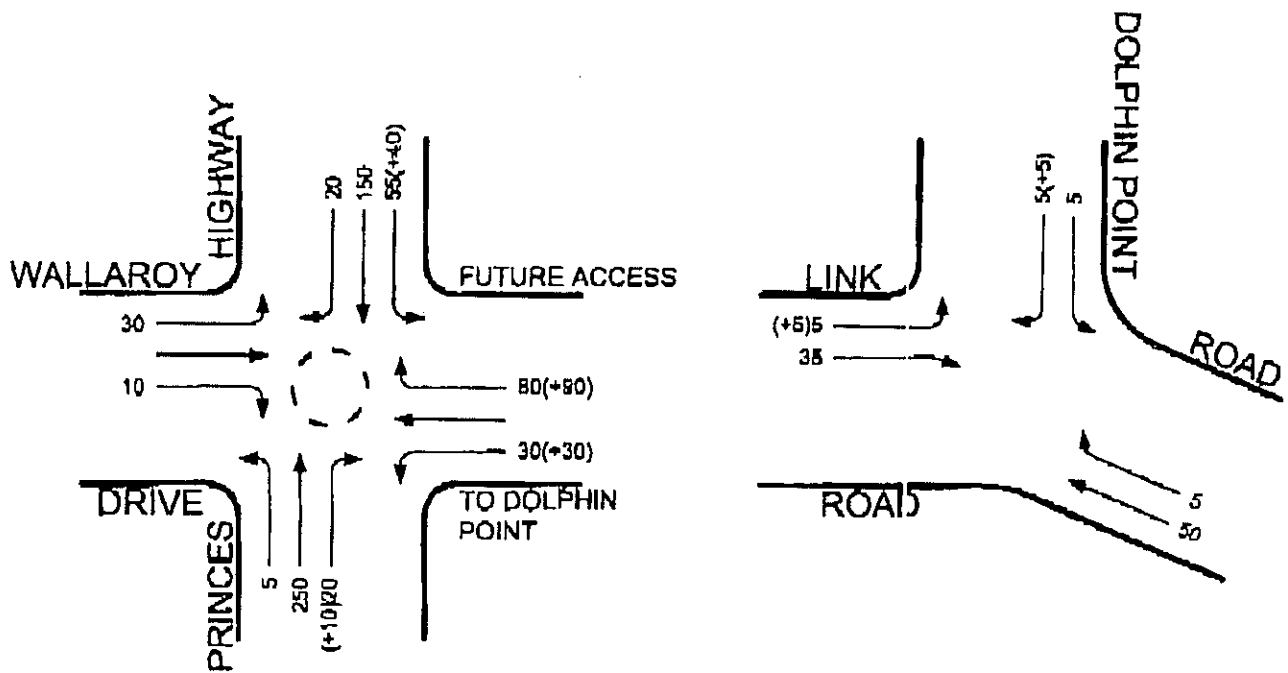




**LEGEND:**

- 100 - Morning Peak Hour Traffic Flows
- (110) - Afternoon Peak Hour Traffic Flows

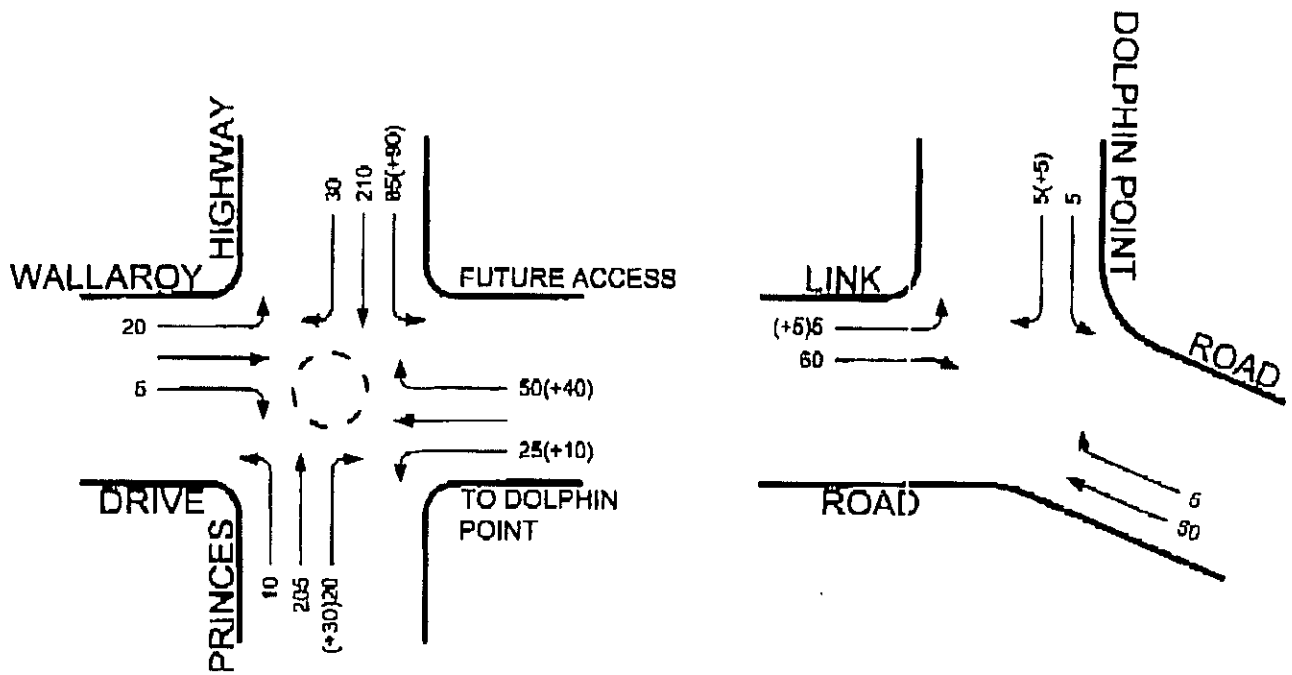
**EXISTING MORNING AND AFTERNOON PEAK HOUR TRAFFIC FLOWS**



**LEGEND:**

- 100 - Redistributed Peak Hour Flows with New Access Arrangements and Approved Development
- (+10) - Additional Development Traffic
- Roundabout Under Construction

REDISTRIBUTED MORNING PEAK HOUR TRAFFIC FLOWS WITH APPROVED DEVELOPMENT, PLUS DEVELOPMENT TRAFFIC



**LEGEND:**

- 100 - Redistributed Peak Hour Flows with New Access Arrangements and Approved Development
- (+10) - Additional Development Traffic
- - Roundabout Under Construction

REDISTRIBUTED AFTERNOON PEAK HOUR TRAFFIC: FLOWS WITH APPROVED DEVELOPMENT, PLUS DEVELOPMENT TRAFFIC

## FACSIMILE

TO:	Mr David Bowman	COMPANY:	Elderslie Property Inv.
FAX # :	9224 0949	# PAGES:	2
CC:	Mr Peter Le Bas	COMPANY:	The Turnbull Group
FROM :	Peter Kuskie	DATE:	25 October 2005
SUBJECT:	The Dairy Stages 2-5 - Aboriginal Heritage Assessment		

Dear David,

To confirm progress to date, we have:

- Obtained a Section 87 permit for Stages 2-5 from the Department of Environment and Conservation (DEC);
- Undertaken all Aboriginal heritage assessment works required under that Permit; and
- Submitted reports for review and approval to DEC (after supporting correspondence had been obtained from the Ulladulla Local Aboriginal Land Council).

Copies of these reports have been forwarded to yourself and as you have advised, Shoalhaven City Council.

We can confirm that in relation to obtaining further approvals to permit development impacts to Aboriginal heritage, DEC are the authority that will issue a Section 90 Consent under the *National Parks and Wildlife Act 1974*. The issuing of a Section 90 Consent and associated terms and conditions will rely on the review by DEC's qualified archaeologist and Aboriginal heritage officer of our Section 87 report and application for Section 90 Consent. This application is currently being prepared for the entire Stage 2-5 area based on the most current development concept plans.

As previously advised in the summary report presented for the Stage 3 rezoning (20 June 2005, attached) rezoning of the land will in itself create no direct impacts to the identified and potential Aboriginal heritage resources of the property. Hence, there are no Aboriginal heritage constraints to the proposed rezoning.

A combination of strategies of salvage, conservation, monitoring and unmitigated impact will be implemented for Stages 2-5, as to be outlined in detail in the Section 90 Consent application and consistent with those specified in the heritage report, including:

- Retrieval of samples obtained on a broad scale (through surface scrapes) from within the area of proposed impact in environmental/cultural contexts 4A, 4B, 5A, 5B and 7A, prior to construction, to inspect for and identify if any unexpected or unusual features are present and to permit their salvage (by localised hand excavation);

- Where development impacts will occur to more than 20% of each context, retrieval of a sample of evidence by controlled broad area hand excavation from within the area of proposed impact in environmental/cultural contexts 5A, 6A, 7A, 8A and 9A to permit a range of research hypotheses to be examined to complement and enhance the program of salvage conducted in Stage 1 and program of testing in Stages 2-4, thereby mitigating the impacts of development on the scientific values;
- Retrieval of samples of the identified heritage evidence (ie. from the known site loci by systematic surface collection) to assist in mitigating the impacts of development on the cultural values of the evidence;
- Where development impacts can be avoided to the identified Aboriginal heritage evidence, a set of guidelines will be prepared for these areas specifying policies and actions relating to the ongoing protection of the identified and potential Aboriginal heritage evidence during and after the Stage 2-4 development;
- Full consideration to any request by the local Aboriginal community for representatives to be engaged to monitor the initial stages of development in order to inspect for and identify if any unexpected or unusual features are present, and to permit their salvage; and
- Any evidence not directly conserved or salvaged will consequently be subject to unmitigated impact, permissible under a Section 90 Permit (and intending to include all evidence within the areas of proposed development impact in environmental/cultural contexts 1A, 2A, 3A and 3B).

Please do not hesitate to contact me should you wish to discuss this matter further.

Yours faithfully,



Peter J. Kuskie,  
Managing Director,  
South East Archaeology Pty Ltd.

## Sub-Surface Archaeological Investigation of Stages 2-4 of "The Dairy", a Proposed Residential Development at Dolphin Point, Near Burrill Lake, on the South Coast of New South Wales: Summary Report in Relation to Stage 3

Prepared by Peter Kuskie, South East Archaeology Pty Limited: 20 June 2005

South East Archaeology was commissioned by Elderslie Property Investments Pty Ltd, on behalf of Dolphins Point Developments Pty Ltd, Dolphin Point Properties Pty Ltd and Mr John Thomson, to undertake an Aboriginal heritage impact assessment of land subject to residential development at Dolphin Point, near Burrill Lake on the South Coast of New South Wales.

The land comprises Stages 2, 3 and 4 and associated open space of "The Dairy", a proposed residential subdivision, of which the adjacent Stage 1 is under construction. The study area measures approximately 36.5 hectares in area.

The heritage investigation proceeded in several phases. Initial surface surveys were conducted in 2003 and 2004, but assessment of the potential impacts of the proposal on Aboriginal heritage was constrained by low conditions of surface visibility. Hence, sub-surface test excavations were conducted. Section 87 Permit #1952 was issued by the Department of Environment and Conservation (DEC) for this purpose.

The study area was divided into a number of different 'environmental/cultural contexts'. The test excavations were undertaken within sixteen separate areas and involved a sample from each identified context within the study area. In total, 347 test units each measuring 0.25 m<sup>2</sup> in area were excavated, resulting in a total excavation area of 86.75 m<sup>2</sup>.

Detailed analysis of the data has been undertaken, examining issues such as the integrity of the evidence, nature of stone materials and artefact types, nature of Aboriginal activities, spatial distribution of the evidence and age of the evidence.

The nature of the evidence was compared with other sites in the region and a number of similarities and differences identified. There is a high degree of similarity between the evidence in Stage 1 and Stages 2-4. No specific aspects of The Dairy Stages 2-4 evidence appear to be rare or unusual or not replicated elsewhere within the region.

Sites Dolphin Point 1, 2 and 4 are assessed as being of moderate scientific significance within a local context and low scientific significance within a regional context. Site Dolphin Point 3 is assessed as being of low scientific significance within both local and regional contexts.

Development of the "The Dairy" Stages 2-4 may cause impacts to the identified Aboriginal heritage sites Dolphin Point 1, 2, 3 and 4. The primary recommendations arising from the investigation are that the proponent should seek and obtain from DEC a Section 90 Consent with Salvage permit for the development impact area, inclusive of all identified Aboriginal heritage evidence within this area, in consultation with the local Aboriginal community. A combination of strategies of salvage, conservation, monitoring and unmitigated impact should be implemented.

Specifically in relation to Stage 3, it is recommended that:

- Rezoning of the land will in itself create no direct impacts to the identified and potential Aboriginal heritage resources of the property. Hence, there are no Aboriginal heritage constraints to the proposed rezoning; and
- Subsequent to rezoning and development approval, the above recommendations relating to the whole property can be implemented stage by stage, to ensure effective management of the identified and potential heritage resources.



# THE TURNBULL GROUP

Town Planners

# COPY

1 September, 2005

The General Manager  
Shoalhaven City Council  
PO Box 42  
**NOWRA NSW 2541**

Attention: Cinnamon Dunsford

Dear General Manager,

**DOLPHIN POINT RESIDENTIAL DEVELOPMENT  
DEFERRED MATTER LP(362) PART LOT 1 DP 1045990 DOLPHON POINT ROAD  
DOLPHIN POINT  
YOUR REFERENCE: 29171**

We act on behalf of Elderslie Property Investments Pty Limited.

We have for reply your letter dated 17 February 2005.

As you are no doubt aware the NSW government has brought into effect planning reforms which seek to achieve, inter alia, one assessment process for all major developments. Currently residential development over part of the subject land is prohibited under the provisions of the Shoalhaven Local Environmental Plan 1985 and a rezoning request was submitted to Council last year.

You have outlined a number of issues that need to be further addressed prior to the rezoning taking place. The issues relate to traffic, viability of the golf course component, aboriginal cultural heritage, flora and fauna, contaminated land, sewage management and water issues. Prior to the commencement of the new Part 3A, our clients were well under way with studies/reports seeking to deal with each of the issues raised in Councils letter.

We have sought from the NSW Department of Planning authorisation to the submission of a concept plan approval under the new Part 3A, over all of the land in which our clients have an interest, including the land that is the subject of the rezoning request.

We now seek to meet with you to discuss the future direction of the matter.

Yours faithfully,  
**THE TURNBULL GROUP PTY LIMITED**

Peter A Le Bas  
BA LLB (Hons) MTCP MPIA  
**Director & Legal Counsel**  
peter@turnbullgroup.com.au  
dol1d2



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Phone: (02) 4429 3111 • Fax: (02) 4422 1816 • DX 5323 Nowra  
Address all correspondence to  
The General Manager, PO Box 42, Nowra NSW Australia 2541

COUNCIL REFERENCE: 29171 pp  
CONTACT PERSON: Phillip Pitt  
YOUR REF: U. 11840/3

17th February, 2005

Mr Graham Beasley  
Rygate and West  
PO Box 107  
ULLADULLA NSW 2539

RECEIVED  
28 FEB 2005

BY: .....

Dear Mr Beasley

Deferred Matter Draft LEP No. LP 362  
Lot 1 DP 1045990, Dolphin Point Road, Dolphin Point

Reference is made to our previous correspondence regarding this matter. As identified in previous correspondence Council has liaised with the Department of Infrastructure, Planning and Natural Resources (DIPNR), who have subsequently indicated:

*"The Milton Ulladulla Structure Plan indicates this land falls within an area identified for 'active recreation'. The Council would need to justify the variation from the Structure Plan."*

Council has now provided DIPNR with justification for variation from the recommendations of the Structure Plan and is awaiting its approval before proceeding further.

Concurrently and in accordance with Section 62 of the *Environmental Planning and Assessment Act, 1979*, Council has consulted with relevant State Government Agencies considered to have an interest in the proposal. Copies of their responses are attached for your information. These consultations have raised a number of issues that need to be addressed as part of any rezoning, as detailed below:

1. Traffic Impacts

A traffic impact assessment will be required to support a residential rezoning and this will need to address traffic generation, proposed access point to the highway and other traffic related issues as specified in the correspondence received from the Roads and Traffic Authority (RTA).

In addition, you are referred to the response provided by the Department of Environment and Conservation (DEC), which emphasises the principles of alternate means of transport (eg. pedestrian infrastructure, cycle paths) to minimise use of the motor vehicle.

2. Viability of the Golf Course

If the deferred area is rezoned for residential development the land available for a golf course on land currently zoned 6(b) (Open Space - Recreation "b" (Private) zone) is considerably reduced. Identification of your intentions for this remaining land is necessary at this stage.

DEC has also provided comment on the management of the golf course in relation to any future residential development.

### 3. Aboriginal Cultural Heritage

In reference to the issues raised by DEC and previous letters sent from Council (dated 16<sup>th</sup> September 2004, 12<sup>th</sup> November 2004 and 30<sup>th</sup> November 2004), we again request a copy of archaeological investigations undertaken by South East Archaeology.

### 4. Flora and Fauna

Areas of remnant native vegetation are to be retained along drainage lines. In addition it is required by DEC that Asset Protection Zones, as required under 'Planning for Bushfire Protection' Guidelines be provided on the subject land, and that areas of vegetated Crown land adjacent to the site not be utilised for the purposes of an Asset Protection Zone.

### 5. Contaminated Land

You are referred to the response by DEC in this regard. A Preliminary Contaminated Land Assessment may be required to confirm the suitability of the site for residential purposes.

### 6. Sewage Management

Shoalhaven Water has identified that their policy for rezoning outside the rateable area will apply in this case. A copy of these requirements is attached for your information. It is likely that a Strategy Report for water and sewerage will be required at cost to your client, in addition to other factors identified in this policy.

DEC has also provided comments in regard to sewerage management.

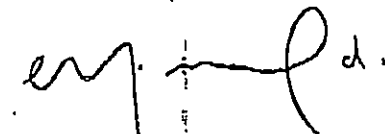
### 7. Water Issues

DEC has indicated that a Water Cycle Management Study should be undertaken and a Stormwater Management Plan will be required to address Stormwater Management.

Your comments on the points raised in this letter would now be appreciated. It may also be desirable to meet in the near future to discuss the future direction of this matter.

Please contact Phillip Pitt, Strategic Planner on (02) 4429 3320. Please quote Council's reference 29171 in any correspondence.

Yours faithfully



Cinnamon Dunsford  
Senior Strategic Planner



Department of  
Environment and Conservation (NSW)

Your reference : 30152 SC  
Our reference : 05/00024  
Contact : Miles Boak 02 62989708  
Date : 4 February 2005

The General Manager  
Shoalhaven City Council  
PO Box 42  
NOWRA NSW 2541

Shoalhaven City Council

Received: *SR*

11 0 FEB 2005

File No. 29171 (512)

Referred to: SC

Dear Sir

Re: DEFERRED MATTER LP(362) PART Lot 1 1045990, DOLPHIN POINT ROAD, DOLPHIN POINT MILTON/ULLADULLA AMENDMENTS TO SHOALHAVEN LEP 1985

1. Background

We understand that the LEP amendment involves reducing the area of the golf course to provide additional development area for residential and medium density development. In addition the provision of an alternate connection to the Princess Highway.

2. Aboriginal Cultural Heritage

Given the location of the proposed development with recorded Aboriginal objects present onsite cultural heritage matters should be resolved at this rezoning stage. This should avoid the issues that arose with the Stage 1 development with Aboriginal sites being uncovered during construction phase. DEC supports the applicant's decision in this regard to undertake further archaeological survey of the property at this time.

DEC issued a s87 permit under the *National Park and Wildlife Act 1974* to South East Archaeology to excavate for Aboriginal Objects onsite in 2004 which was subject to a number of conditions. The final report has yet to be received. DEC comments on the suitability of the proposed zoning from Aboriginal Cultural Heritage viewpoint would await this assessment.

A decision to proceed with the rezoning should also await the outcomes of the report, as it likely that some sections of the site will be highly significant and a conservation oriented zone should be pursued for these areas. It noted that the Ulladulla Local Aboriginal Council has been consulted on the work undertaken to date. Their views should also be sought on the final report.

3. Fauna and Flora

It is noted that site has largely been cleared for the former landuse as a dairy. There would be minimal direct clearing of habitat associated with the rezoning for residential development. The small areas of remnant native vegetation along the drainage lines should be retained and clause included LEP written instrument to this effect.

The APZ requirements of the Planning for Bushfire Guidelines should be contained on the subject land and not rely on measures in the heavily vegetated adjoining crown land for fire suppression.

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#### 4. Contaminated Land

Any potential land contamination as a result of past and current activities needs to be assessed and considered in terms of determining future land use. Without these studies, a full appreciation of the implications of developing these lands and specifying a suitable land use cannot be determined. This also has implications in terms of whether there are any other possible offsite impacts caused as a result of these activities. Under the Contaminated Land and Management Act it is also the responsibility of the property owner to ensure they advise the DEC if the site assessment reveals the site is a significant risk of harm.

The following documents should form the basis for the contaminated land assessment for the proposed development:

- *Managing Land Contamination: Planning Guidelines - SEPP55 - Remediation of Land*, Department of Urban Affairs and Planning and NSW Environment Protection Authority (EPA), 1998;
- *Contaminated Sites - Guidelines for Consultants Reporting on Contaminated Sites* (EPA 1997);
- *Contaminated Sites - Guidelines on Significant Risk of Harm and Duty to Report* (EPA, 1999).

#### 5. Sewage Management

DEC recommends that any consideration of developing the land for any residential purposes should not occur until provision of reticulated sewage (if not already available) is provided to the area. If reticulated sewage is proposed then details should also be provided on the ability of the existing reticulation system to cater for additional load. The existing capacity of Sewage Treatment Plants and associated infrastructure and their ability to take increased capacity. If augmentation is required details on the timeframes for upgrade should be included, as this will significantly influence residential release patterns and staging. In addition, the proposed amendment should be assessed against the requirements of Councils Integrated Water Cycle Management Strategy.

For new systems, the Department believes that a combination of design, construction, contingency planning and long term maintenance should result in a system from which overflows occur only due to reasonably unavoidable events or exceptional circumstances. The Department therefore, expects that a new reticulation system should be designed and constructed so that:

- overflows from the reticulation system do not occur as a failure to operate and maintain any part of the system in a proper and efficient manner;
- there is no pollution of waters as a result of sewage overflows from new sewage pumping stations in dry weather;
- wet weather overflows from the reticulation system are minimised and the expected average annual recurrence interval of such overflows is clearly identified in the design; and
- any extension to the reticulation system is planned, designed and constructed and installed to prevent as far as practicable overflows from the existing sewage treatment system.

Further information on managing sewer overflows, including new systems, can be found in the EPA *"Licensing Guidelines for Sewage Treatment Systems (2003)"*. This document can be accessed via our website at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

We also recommend that a Level One odour assessment be undertaken in accordance with the EPA's *"Draft Policy for Assessment and Management of Odour from Stationary Sources in NSW, January 2001"*, in the instance any pumping stations area proposed to determine if there would be any odour impact on the proposed development.

## 6. Water Issues

### 6.1 Healthy Rivers Commission Reports

Various Statements of Intent (SOI) from the NSW Government in relation to the relevant reports from the Healthy Rivers Commission (HRC), including the Coastal Lakes report needs to be considered. These SOI contain specific issues, objectives and targets that may be relevant to the establishment of planning objectives, opportunities and constraints for the area.

### 6.2 Interim Environmental Objectives (water quality and river flow)

The NSW Government has also established the Interim Environmental Objectives (water quality and river flow) for all waterways in NSW that have not been subject to specific (HRC) inquiries. Regional growth and development is a significant factor in generating increased stress on the region's rivers, estuaries and groundwater resources, and proposals need to assess the potential impact from increased pollution on human health, farming industries, tourism and a range of valuable natural ecosystems. Therefore the proponent must demonstrate that the proposed development will not compromise the Water Quality and River Flow Interim Environmental Objectives detailed in the Clyde River and Jervis Bay Catchments.

### 6.3 Hydrological Regime

The assessment will need to address issues associated with changes in the hydrological regime of the catchment as a result of development in the catchment especially with the proposed area changing from rural lands/bushland to developed urbanised catchment. With reducing lot sizes, the density of the dwellings is such that much of the allotment is usually taken up by a dwelling and associated landscaping which consists of hard-stand areas. With the majority of the land sealed, there would be a major hydrological change for the area, resulting in higher intensity flows within the catchment contributing to not only property damage but also considerable environmental impact. Therefore these impacts must be assessed and strategies developed and documented in the draft master plan to ensure these impacts are minimised.

The assessment should also include information to ensure the integrity and functioning of nearby natural wetlands are not compromised as a result of the proposed development.

Other issues that should be considered are:

- As part the stormwater management planning for the development the proponent should investigate and design measures that minimizes any channel erosion as a result of frequent small flood events; and

- A number of studies, which have been undertaken in Australia and North America, have indicated that where the effective impervious areas are greater than 2 – 5% than stream health starts to deteriorate.

At present DEC is investigating these issues and at the present time has no guidelines to assist the proponent. However the proponent may wish to consider these issues as part of the stormwater management planning for the development.

### 6.4 Integrated Water Cycle Management

DEC recommends that an Integrated Water Cycle Management Study, at a scale appropriate for the size of the development, should be undertaken. This may have already been undertaken as part of the original development, however this should provide the framework for integrating the planning of potable water supply, effluent and wastewater management, stormwater management, and water reuse systems. It should also address site-specific constraints and opportunities, including measures proposed to mitigate the impacts of the proposed development. In addition the assessment should document whether there is adequate supply from the town potable water supply which will address any peak demands and what reduction in potable water usage can be accommodated through water sensitive urban design. We recommend that the proponent should accompany the proposed LEP amendment with water management studies using the attached information for guidance to assist in the assessment process.

### 6.5 Stormwater Management

A comprehensive assessment should be carried out to determine whether monitoring will be required to provide adequate information for modelling of nutrient export. The objective should be that the appropriate water quality objectives for the receiving waters are not compromised.

Stormwater management should be carefully considered in relation to the proposed development. It is important that prior to, during and following construction appropriate soil and water management systems are in place. The following documents should be consulted:

- *Managing Urban Stormwater: Council Handbook, Draft (November 1997).*
- *Managing Urban Stormwater: Source Control, Draft (January 1999).*
- *NSW Department of Housing 'Managing Urban Stormwater: Soils and Construction', (4<sup>th</sup> Edition March 2004).*

### 6.6 Acid Sulfate Soils

Risk maps have been published by the Department of Infrastructure, Planning and Natural Resources, (formerly the Department of Land and Water Conservation) for areas with potential acid sulfate soils. The assessment should take into account these risk maps and the "Acid Sulfate Soil Manual" (August 1998) issued by the NSW Acid Sulphate Soil Management Advisory Committee.

### 6.7 General

Management of the current golf course needs to be considered in relation to the development. The following document written by the Australian Golf Course Superintendents Association and the DEC should be consulted, *Improving the Environmental Management of NSW Golf Courses*.

### 7. Noise

Designing the development to minimise the potential for generating land use conflict from impacts such as noise, odour, dust and vibration should be considered. The LEP should discuss surrounding land uses to place the development in a context to ensure that any land use conflicts can be minimised. One such activity is the adjoining Princess Highway and new connection roadway and whether any noise mitigation measures are required that addresses any associated road traffic noise impacts. The development will also be traffic generating, therefore issues such as road traffic noise need to be assessed. This assessment should not be limited to the footprint of the proposed development but also those roadways which will be impacted by additional traffic generated as a result of the proposed development. This may result in changes to the road design layout, building envelope locations etc. In addressing these planning principles/considerations the DEC considers that the following Noise Policies and Guidelines would form the basis for noise assessment for any proposed development:

- *Environmental Noise Management Series: Environmental Criteria for Road Traffic Noise, May 1999; and*
- *ECRTN Environmental Criteria for Road Traffic Noise New Residential Land Use Developments affected by Freeway/Arterial page 6 Table 1.*

### 8. Access and Transport Issues

*Action for Air*, the NSW Government's Air Quality Management Plan, was developed with the specific objective of clarifying air quality objectives, developing strategies to achieve improvements in air quality and improved integration between land use and transport planning. A key objective in *Action for Air* is the reduction in the anticipated growth of vehicle kilometres travelled through greater use of other transport modes such as public transport, walking and cycling. This is especially important for sites located close to major public transport systems.

Transport planning will be a significant issue for the development with potential impacts being greater commuter traffic to Nowra and larger quantities of traffic as a result of the proposed commercial centre. DEC strongly encourages planning strategies that can minimise vehicle use and dependence. Planning for efficient transport systems can have a range of environmental, economic and social benefits including:

- providing ready access to essential services (schools, hospitals, retail services, etc);
- reduced vehicle based emissions including particulate matter and greenhouse gases;
- minimise expenditure on road construction and maintenance; and
- reduce debilitating road traffic noise impacts.

Planning strategies such as higher dwelling densities (in appropriate areas), sub-division location and design and provision of well-targeted public transport services and pedestrian infrastructure can help to improve community access and also reduce vehicle use and dependence. We recommend that the proponent in its assessment refer to:


- *Draft SEPP 08- Integrated Land Use and Transport: A Planning Policy Package*

### 9. Sustainable Development

DEC considers that the development of a master plan provides an excellent opportunity to incorporate sustainable development principles. This may involve changes to subdivision layout that would provide easier solar access design for buildings, promote energy efficient housing design, the use of appliances such as solar hot water, conservation measures such as rainwater tanks and native gardens, and street design creating attractive pedestrian environments. All these features could contribute to housing options which are not only visually attractive but also financially attractive due to the long-term cost savings in energy, water and transport.

If you have any questions concerning this matter, please contact Miles Boak, Conservation Planning Officer, on (08) 298 9708.

Yours sincerely



*for* MICHAEL HOOD

Manager, Conservation Planning - South Branch  
Environment Protection and Regulation Division