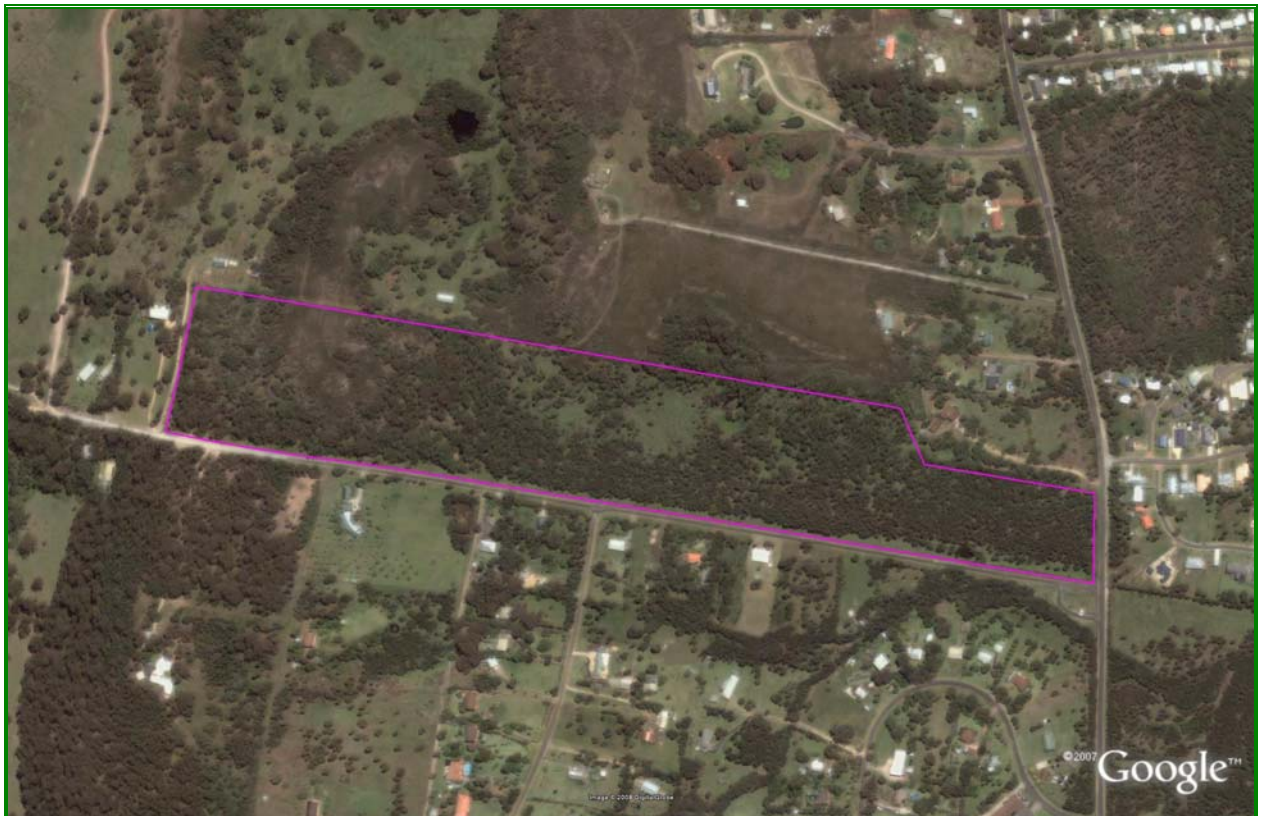


PRELIMINARY ASSESSMENT MP 06_003 RESIDENTIAL & RURAL SUBDIVISION



LOTS 1 – 4 DP 730025 MURRAMARANG RD &
FOSTER DR BAWLEY POINT

PROPONENT: RYGATE & WEST (ULLADULLA)

OWNERS: F & C VELLA & F & P VELLA

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SUBMISSION OF PRELIMINARY ASSESSMENT

Prepared under the Environmental Planning and Assessment Act 1979

Preliminary Assessment prepared by	
Name	PLANSCAPES Town Planning Consultancy
Qualifications	Bachelor of Arts, Diploma of Urban & Regional Planning (UNE); MPIA – Certified Practising Planner; Graduate Diploma in Design for Bushfire Prone Areas
Address	P O Box 1258 Nowra NSW 2541
Part 3A Activity	
Proponent Name	RYGATE & WEST (ULLDULLA)
Proponent Address	P O Box 107 Ulladulla NSW 2539
Land on which activity to be carried out	Lots 1 – 4 DP 730025 Forster Drive & Murramarang Road Bawley Point
Project	28 Lot Subdivision including construction of associated public roads within property boundaries.
Environmental Assessment	TO BE PREPARED UPON ISSUE OF DGR's
Declaration	I declare that I have prepared this Preliminary Assessment to the best of my knowledge: <ul style="list-style-type: none">▪ It has been prepared in accordance with the relevant provisions of the Environmental Planning and Assessment Regulation 2000;▪ The information which it contains is neither false nor misleading information.
Signature	
Name	Kerry Rourke
Date	January 2009

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PRELIMINARY ASSESSMENT — MAJOR PROJECT 06_003

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1.0 Executive Summary

Introduction

A submission was made to the Department of Planning – Urban Assessments Branch in January 2006 to ascertain the Minister's Opinion as to whether a subdivision of the subject land into more than twenty five lots in the coastal zone, where the future dwellings would not be connected to a reticulated sewage scheme constituted a Part 3A Major Project. The Minister's Opinion confirming that this proposal constituted a Major Project was received in March 2006.

At that time that the Minister's Opinion was sought, the proposal was to include Lot 5 DP 243451 Murramarang Road. That landowner is no longer proceeding with the subdivision of their land as part of this project and a separate application will be made in the future if they wish to proceed. Allowance has been made for connectivity with this subdivision to provide a full perimeter fire trail when Lot 5 is developed.

Subject Land

The subject land consists of Lots 1 – 4 DP 730025 located off Forster Drive and Murramarang Road, Bawley Point in the City of Shoalhaven. The land is located within the Bawley Point Village boundary and has a total area of 16.8 hectares. However, the land has two zonings – Rural 1(d) and Residential 2(c) (Low Density) where the residential allotments are proposed to be created within the Residential 2(c) zoned land with a dwelling house proposed on the 7.25ha rural residue.



Figure 1 -Site Locality within Bawley Point Village

The zone boundary dividing the land does not follow a cadastral boundary and that part of the land zoned residential has an area of approximately 9ha.



Figure 2 - Site with location of zone boundary

The land slopes up from Murramarang Road and Forster Drive to the north western corner, where the highest point in the locality is within the adjacent Lot 5 DP 243451 at approximately 50m AHD. The western rural part of the subject land would be within the catchment of Willinga Lake and the associated SEPP 14 Coastal Wetlands; however the residential allotments drain towards the east to wetlands behind Murramarang Beach though these are not identified as SEPP 14 Coastal Wetlands.

The subject land does not benefit from a reticulated water supply or reticulated sewage services, and both are unlikely to be provided by Shoalhaven City Council in the future. Electricity and telephone services are available to the subject land.

The site has a frontage to Forster Drive of approximately 1.5km, of which 735m is within the residential zone, and the frontage to Murramarang Road is approximately 110m.

Proposal

This proposal is for the creation of twenty seven (27) residential allotments and one rural allotment for a dwelling house.

The residential allotments are expected to have a minimum area of 2713m², with the average lot size being 3194m². It is proposed to construct public roads connecting Forster Drive through the site, where this also provides a bushfire perimeter road for offensive / defensive bush fire suppression activities between the bushland on the rural residue and the residential allotments and the adjacent land to the north.

All lots are proposed to be rectilinear so that all dwellings are able to maximum solar access to achieve BASIX compliance.

Constraints

The majority of the subject land is vegetated (see Figure 2 - aerial photograph) mainly with Forest Red Gum and Casuarina forest.

Other than the vegetation, the physical constraints associated with developing the land include:

- There is potential for acid sulfate soils as mapped, being found on site between 1 & 3 metres of ground surface in the southern part of the subject land adjacent to Forster Drive (noted as Lap2 on Dept LWC plans). This is likely associated with the creek opposite the subject land which flows into the adjacent wetlands behind Murramarang Beach;
- The whole of the land is mapped by Council as being bush fire prone land – either Category 1 vegetation or buffer to Category 1 vegetation;
- The land does not benefit from the provision of a reticulated sewage scheme; therefore all domestic wastewater disposal must be managed on site. The land is characterised by shallow soils with an underlying rock strata of Termeil Essexite.
- The land does not benefit from the provision of a reticulated water supply, therefore all water for both potable and fire fighting compliance purposes must be stored on each site.
- There are known Aboriginal Archaeological sites within the subject land, where preliminary assessment has indicated that the residential subdivision is not likely to result in the disturbance of any of these artefact scatters as they are not in close proximity to the residentially zoned land.
- Potential exists for threatened species or endangered ecological to be impacted by the proposed residential subdivision, however, the extent to any impact is not yet known as studies are not complete. Preliminary assessment indicates that there are no threatened species located within the subject land, though there was one Rare or Threatened Australian Plant (RoTAP) has been found within the subject land.

Further, the land has not been identified by Council as being potentially contaminated by a former landuse. The land was in the early to mid 1980's completely cleared and used for grazing purposes.

Statutory constraints include:

- The land is within the NSW Coastal Zone and the site is within the coastal zone and SEPP 71 is applicable;

- The development is considered to be a Major Project under Part 3A of the Environmental Planning & Assessment Act, 1979 due to the provisions of State Environmental Planning Policy (Major Projects) 2005 – Schedule 2 Specified Sites – Coastal Areas;
- The land has multiple zonings being Rural 1(d and Residential 2(c) (Low Density) under the Shoalhaven Local Environmental Plan, 1985 – Low Density is considered to be a minimum 2000m² lot size though that is not specified as a development standard in the LEP or nominated in Council's DCP 100 – Subdivision Code;
- Land is prime crop and pasture as mapped under the Illawarra Regional Environmental Plan, 1986, it has been identified as Class 3 as illustrated on the Department of Agriculture maps, despite the land being zoned for residential purposes in 1985;
- Various Council Development Control Plans apply to the proposal, including DCP78 – On Site Sewage Management and DCP 100 – Subdivision Code.

Being within the coastal zone there are a number of other non statutory policies or guidelines which apply including the Coastal Design Guidelines for NSW and the NSW Coastal Policy.

Conclusion

The proposal generally complies with the requirements of the Shoalhaven Local Environmental Plan, 1985 and the subdivision is not likely to be out of character with the surrounding rural and urban environment, much of which was subdivided in the 1980s – 1990's with more recent subdivision activity being either SEPP 71 or Part 3A Major Project applications.

2.0 BACKGROUND

2.1 Introduction

This preliminary assessment has been prepared in response to the receipt of the Minister's Opinion that a 30 – 35 lot residential subdivision of Lots 1 – 4 DP 730025 & Lot 5 DP 243451 Forster Drive & Murramarang Road Bawley Point constitutes a Part 3A Major Project under the provisions of State Environmental Planning Policy (Major Projects) 2005. The purpose of the subdivision is to allow the construction of residential dwelling houses on the new allotments.

The Minister's Opinion was sought in January 2006, with a formal response being received in March 2006. This Preliminary Assessment provides additional information with regard to the Key Issues and Constraints for this subdivision for residential purposes with the issue of the Director – General's Environmental Assessment Requirements now requested. The original response received from the Department indicated progression of this matter via a concept plan approach, however this was subsequently revised by the Department to the submission of a Project application (November 2006).

At that time that the Minister's Opinion was sought, the proposal was to include Lot 5 DP 243451 Murramarang Road. That landowner is no longer proceeding with the subdivision of their land as part of this project and a separate application will be made in the future if they wish to proceed. Allowance has been made for connectivity with this subdivision to provide a full perimeter fire trail when Lot 5 is developed. Therefore, this project is likely to yield a maximum of 28 allotments.

2.2 Statutory Framework

State Environmental Planning Policy (Major Projects) 2005

There are two provisions contained within Schedule 2 – 1 Coastal Areas, of the State Policy which capture the proposed development, these are 1(i) and 1(j), which state:

- i) *"subdivision of land that is outside a sensitive coastal location and that will lead to development that is not connected to an approved sewage treatment work or system:*
 - (i) *into more than 5 lots, or*
 - (ii) *into 5 or fewer lots, if the land to be subdivided and adjoining or neighbouring land in the same ownership as that land could be subdivided into more than 5 lots,*
- j) *subdivision for residential purposes of land that is not in the metropolitan coastal zone (unless it is wholly or partly in a sensitive coastal location):*
 - (i) *into more than 25 lots, or*
 - (ii) *into 25 or fewer lots, if the land proposed to be subdivided and adjoining or neighbouring land in the same ownership as that land could be subdivided into more than 25 lots,"*

In this particular case, the proposal is for the creation of more than 25 allotments within the coastal zone, being that area adjacent to the NSW Coast in the vicinity of Murramarang Beach, where the future development will not be connected to an approved sewage treatment system.

Shoalhaven Local Environmental Plan, 1985 – the subject land is zoned Rural 1(d) and Residential 2(c) (Low Density) where subdivision is permissible within each zone.

There are no development standards for the creation of allotments in the Residential 2(c) zone in the current Shoalhaven Local Environmental Plan, 1985.

2.3 Consultation

Given the nature of the proposal, its general compliance with current Council policy and the LEP provisions permitting the development, there has been no consultation with either the community, Council or any other statutory body at this time.

3.0 Description of Development Proposal

3.1 Project Objectives

The objective of this project is to provide approximately 28 additional building allotments within the village boundary of Bawley Point while attaining a high degree of amenity for future residents in a pleasant coastal environment. Further, it is intended that the current lawful ability for the erection of a dwelling house on the rural portion of the subject land (which is currently the whole of a 1964 holding) be maintained through this subdivision with a dwelling entitlement on the rural residue lot.

3.2 Project Description

This purpose of this Major Project application is to create approximately 27 residential allotments and one rural allotment from Lots 1 – 4 DP 730025 Forster Drive & Murramarang Road Bawley Point, which will not be connected to an approved sewage reticulation scheme on land that is within the NSW Coastal Zone. All lots proposed have a minimum 2000m² allotment size which is suitable for a dwelling house and ancillary structures, and can accommodate on site effluent disposal.

The proposed rural lot has an area of 7.25ha and a dwelling house is sought under this proposal for that lot.

The project would involve the construction of two roads off Forster Drive which would connect along the northern boundary. The western and northern road would be the primary access to many of the proposed lots, but it would also act as a perimeter road for the subdivision during a bush fire emergency.

The proposed road would also provide access to the adjacent Lot 5 DP 243451 if they chose to subdivide in the future.

3.3 Development Options

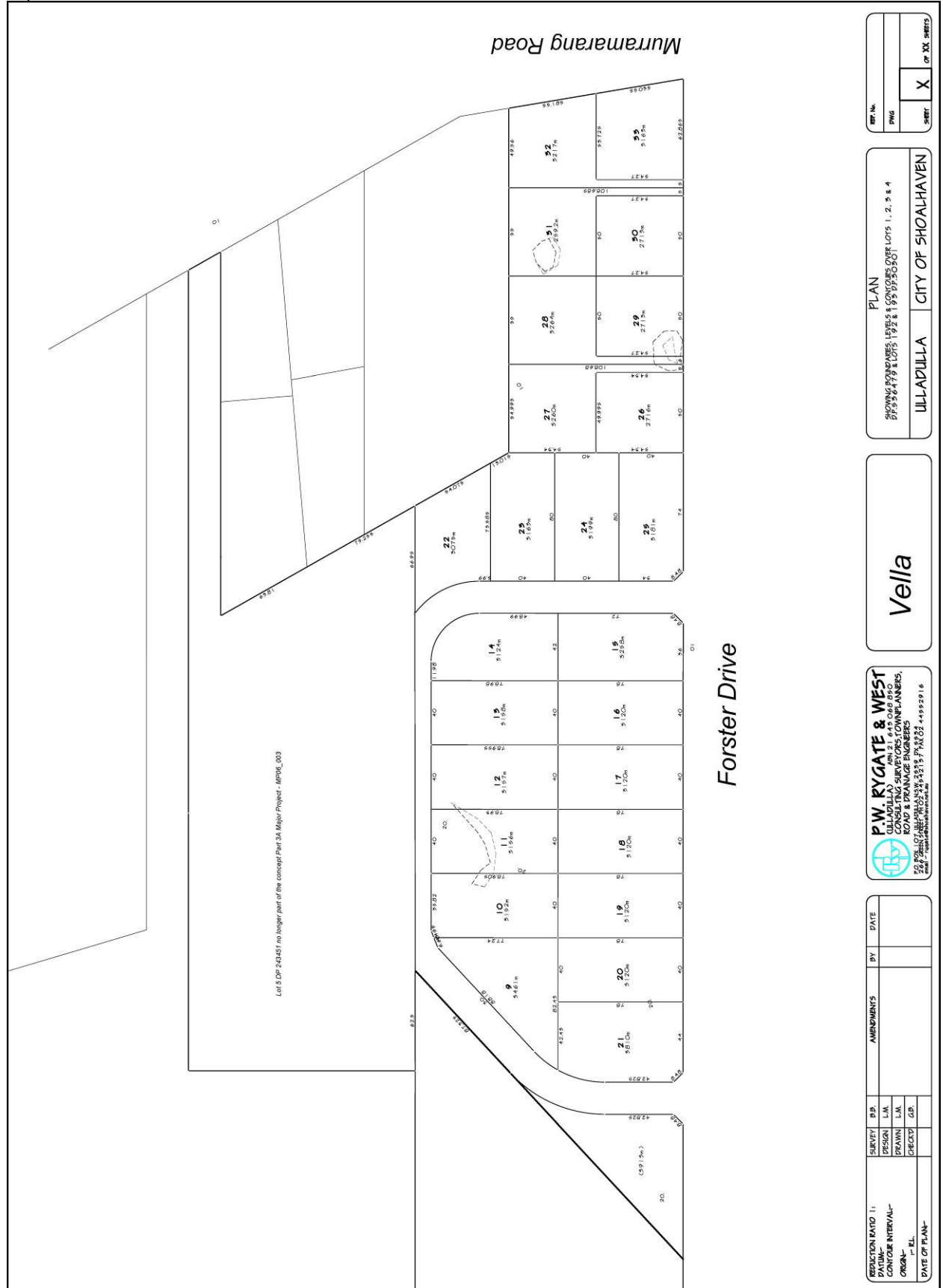
There are limited options for the development of this land as the lot sizes are generally determined by on site effluent disposal requirements and the site constraints allow little scope for lot redesign due to geological constraints, natural hazard or zoning provisions.

The original concept for the subject land also included Lot 5 DP 243451 which would have resulted in approximately 35 allotments, however, the landowners of Lot 5 do not wish to proceed as part of this proposal.



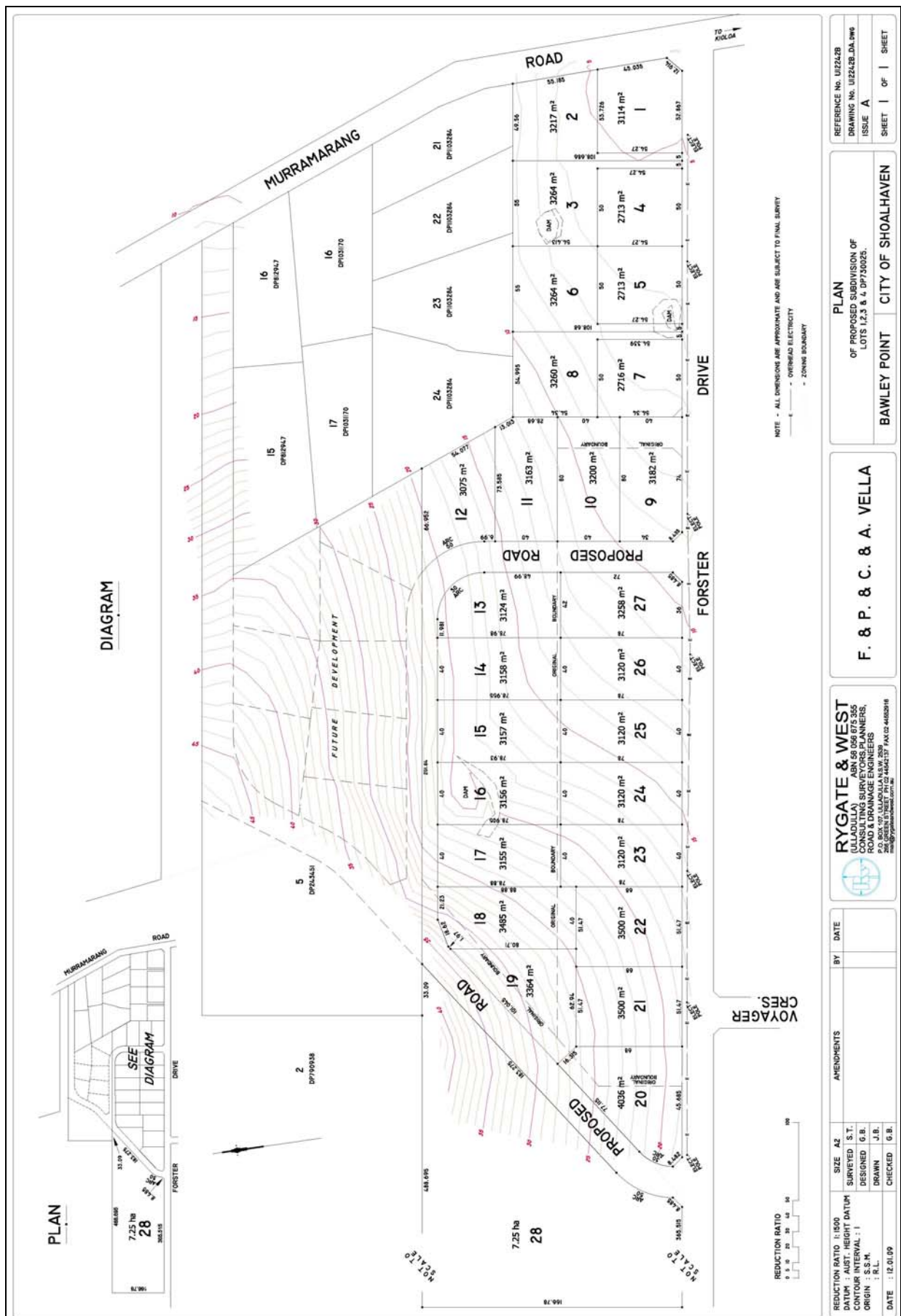
Figure 3 - original 35 lot layout for Lots 1 - 4 DP 730025 and Lot 5 DP 243451

Option 2 for the site was 26 lots as follows:



However, Option 2 resulted in a traffic conflict with Voyager Crescent as the new western intersection with Forster Drive in a manner which did not result in a safe intersection which complied with the provisions of Council's DCP 100 – Subdivision Code.

Option 3 for the site is the following plan – Figure 5, where the western road intersection within the subdivision and Forster Drive has been relocated so that it complies with the provisions of Council's DCP 100, providing safe sight distance and safe intersection design.



4.0 Site Analysis

4.1 Location

The subject land is located within the village of Bawley Point in the southern Shoalhaven, as illustrated on Figure 6:

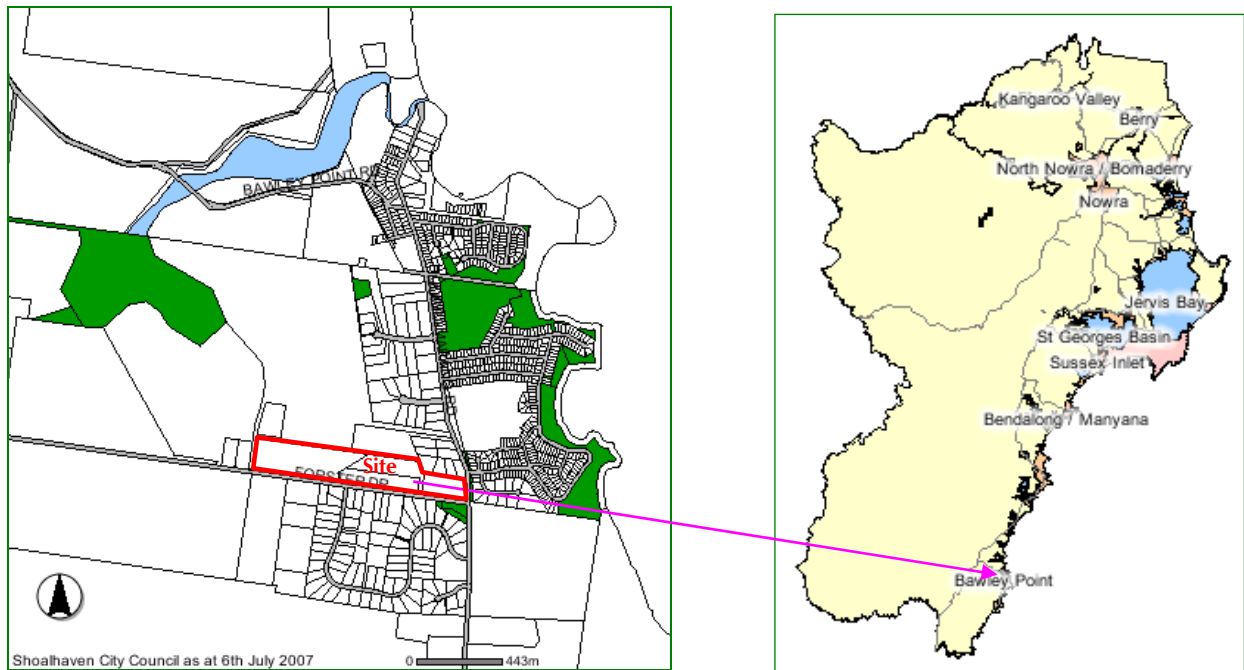


Figure 6 - SCC Internet GIS mapping extract

Bawley Point is located approximately 7 km east of the Princes Highway on the coast, and is a village containing approximately 616 dwellings (231 occupied on census night), with an approximate population of 565 at that time. The average household size is 2.3 persons (Source: ABS website, Bawley Point Quick Stats).

Several allotments in the locality have relatively recently been subject to either SEPP 71 or Part 3A Major Projects for further residential subdivision.

4.2 Site Description

The subject land consists of Lots 1 – 4 DP 730025, which are located on the corner of Forster Drive and Murramarang Road Bawley Point.

The site has a total area of 16.8 hectares where approximately 9ha of that is zoned Residential 2(c) Low Density. To the north, east and south of the site are other residential lands, mainly subdivided for housing development – with the exception of Lot 5 DP 243451 adjacent to the north.

4.3 Topography

The land slopes up from Murramarang Road and Forster Drive to the north western corner, where the highest point in the locality is within the adjacent Lot 5 DP 243451 at approximately 50m AHD (as seen on the following Figure 7). The western rural part of the subject land would be within the catchment of Willinga Lake and the associated

SEPP 14 Coastal Wetlands; however the residential allotments drain towards the east to wetlands behind Murramarang Beach though these are not identified as SEPP 14 Coastal Wetlands.

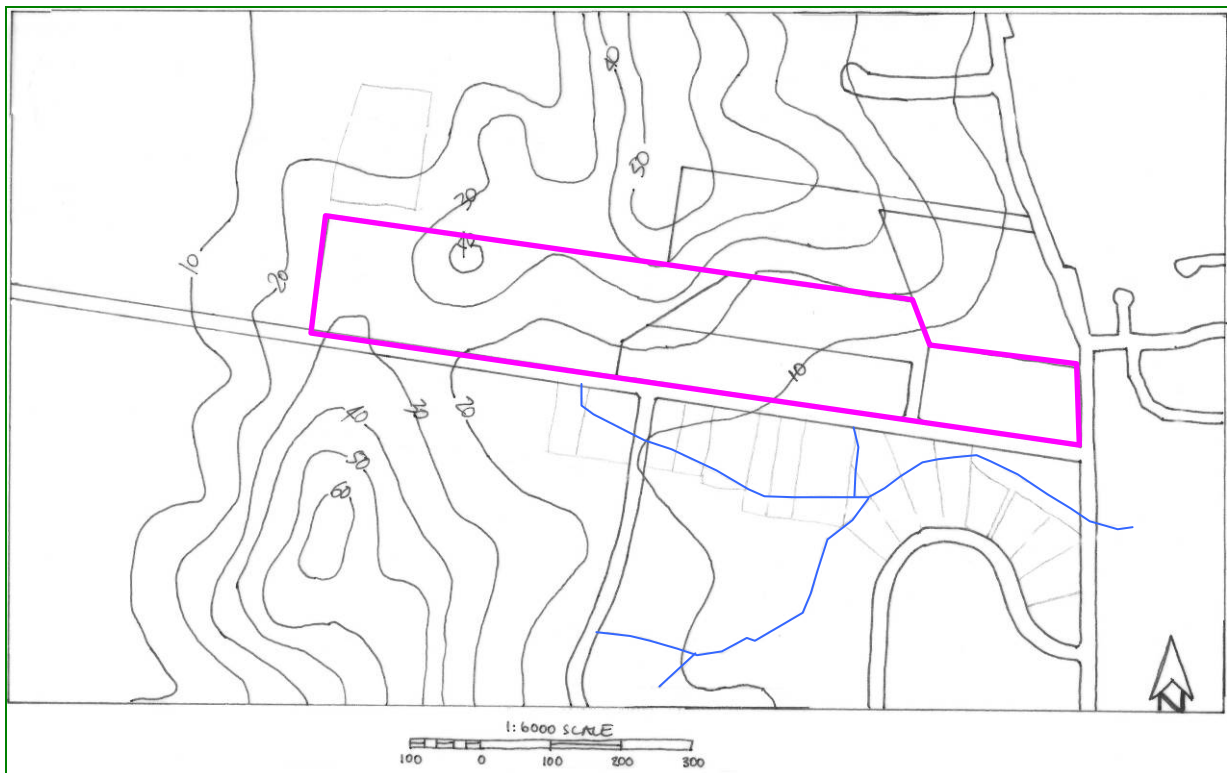
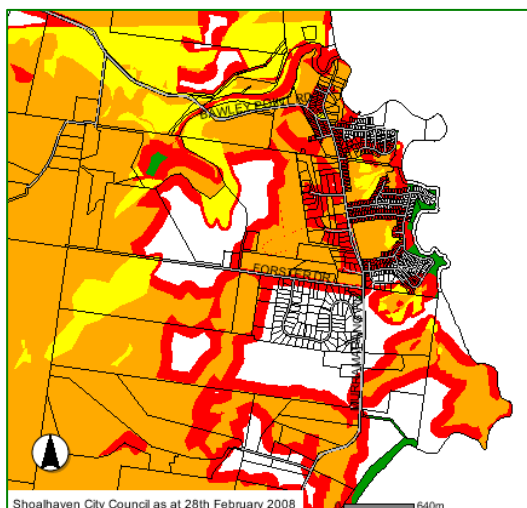


Figure 7 - - site contours – 10m intervals

The land is not known to be affected by flooding caused by the creek located south of Forster Drive which flows into the wetland to the east (blue line on the above figure 7). The lands adjacent to the creek, including a small portion of the subject land are mapped as potentially affected by acid sulfate soils site between 1 & 3 metres of ground surface.

4.4 Site Constraints

The main physical constraints which impact upon the development of the subject land are described as follows, where legislative constraints will be discussed in Section 5.0:



Bush Fire Prone Land: Council has mapped the land as bushfire prone land. This is illustrated below on Figure 8, an extract of Council's map, which clearly indicates that the land is mapped as Category 1 vegetation, with an associated 100m buffer to the south and north east.

Lands to the south and northwest are not mapped as bush fire prone land as they are generally cleared urban or rural lands.

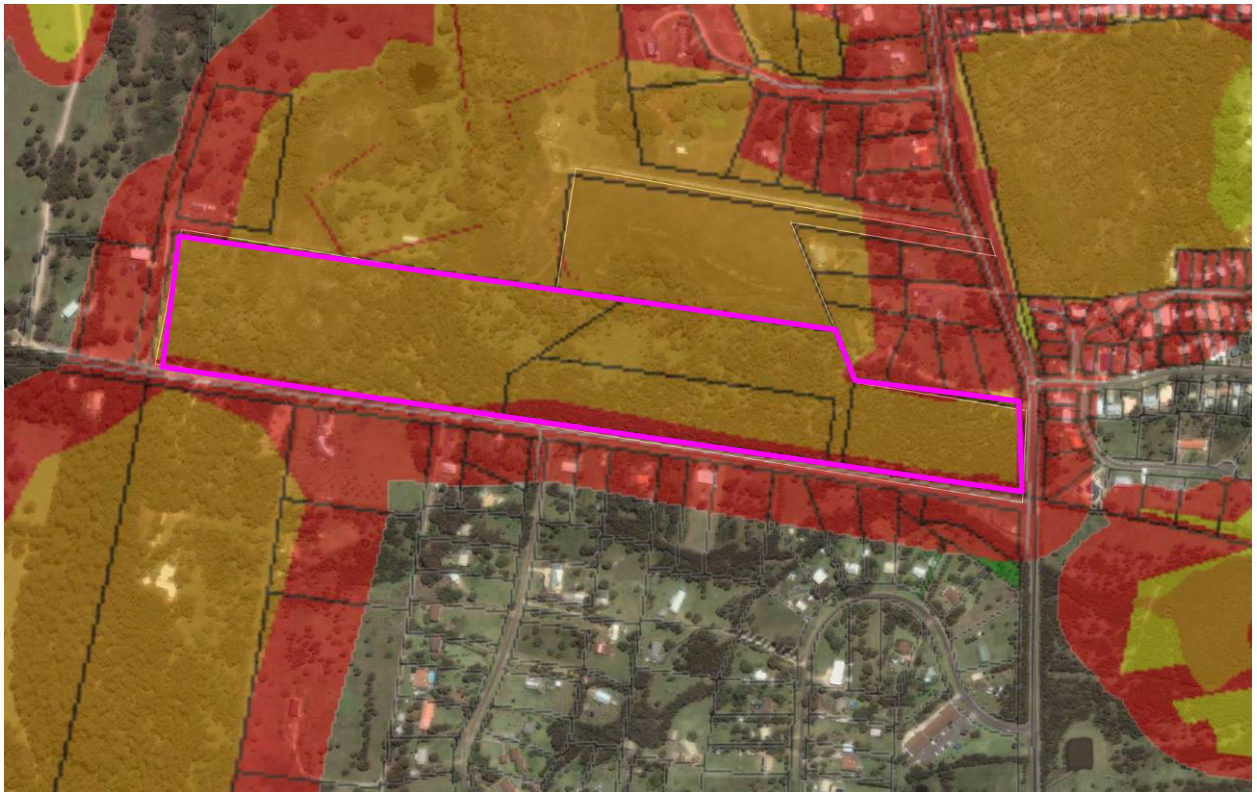
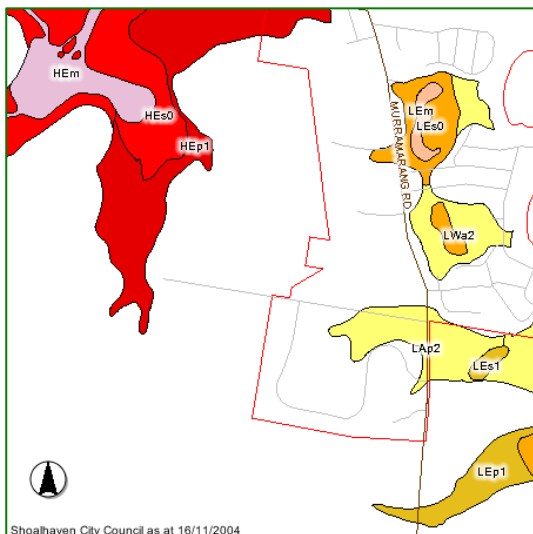


Figure 8 - Bushfire Prone Land Map – SCC internet GIS

Bush fire constraints for the subdivision have been determined by Planscapes Town Planning Consultancy, as the bush fire prone land mapping is a trigger to require consideration by the NSW Rural Fire Service. A full assessment and protection report will be submitted with the Environmental Assessment, however in terms of Planning for Bushfire Protection 2006 the development can comply with the deemed to satisfy requirement of that document, particularly with asset protection zones, wholly contained within each allotment, and a perimeter road. An assessment has also been made for each lot in terms of AS3959 – Construction of Buildings in Bushfire Prone Areas, and no future dwelling will be located within the flame zone of the bush fire hazard vegetation (which is located largely within the subject land in any case).



Potential for Acid Sulfate Soils: Figure 9 below taken from Shoalhaven City Council's State of the Environment Report illustrates those parts of the subject land which have been mapped by the former Department of Land & Conservation as being at risk of containing acid sulfate soils. The yellow area across the south eastern corner of the site continuing to the south east is of low risk, within 1 – 3 metres of ground surface (mapped as LAP2). Some soil testing will need to be undertaken to determine if the mapping is accurate.

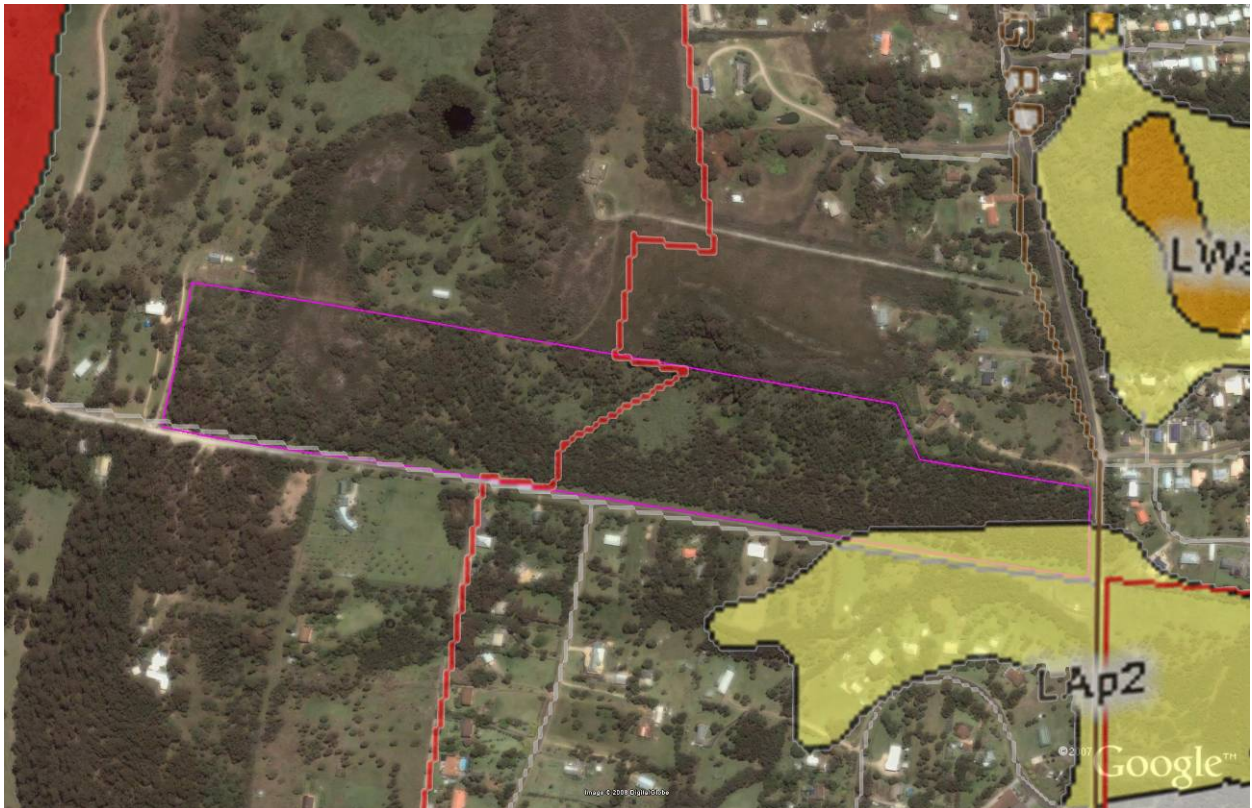


Figure 9 - Acid Sulfate Soil Risk Map (SCC State of Environment Report) Yellow – Low, Red – High

Water Courses: there are no perennial or ephemeral water courses indicated within the subject land on the Department of Lands 1:25 000 topographic map for the locality – Kioloa 8926-1N. As indicated on Figure 7 above, the watercourse is in land opposite the site.

Flood Liable Land: the land is not mapped by Council as being liable to periodic inundation by flood waters.

Water & Effluent Disposal: The land does not benefit from the provision of a reticulated sewage scheme; therefore all domestic wastewater disposal must be managed on site. The land is characterised by shallow soils with an underlying rock strata of Termeil Essexite.

Further, the land does not benefit from the provision of a reticulated water supply, therefore all water for both potable and fire fighting compliance purposes much be stored on each site.

Aboriginal Archaeology: There are known Aboriginal Archaeological sites within the subject land, where preliminary assessment has indicated that the residential subdivision is not likely to result in the disturbance of any of these artefact scatters as they are not in close proximity to the residentially zoned land.

Flora and Fauna: Potential exists for threatened species or endangered ecological to be impacted by the proposed residential subdivision, however, the extent if any impact is not yet known as studies are not complete. Preliminary assessment indicates that there are no threatened species located within the subject land, though there was one Rare or Threatened Australian Plant (RoTAP) has been found within the subject land.

5.0 Statutory & Non Statutory Framework

The extent of legislation that covers this proposal is quite broad and will be addressed in detail in the Environmental Assessment; however for the purposes of this Preliminary Assessment the pertinent statutory legislation and non statutory documents will be addressed.

5.1 Environmental Planning & Assessment Act, 1979

The proposal constitutes a Major Project under part 3A of the EP&A Act and is therefore lodged with the Department of Planning as the consent authority, for the issue of the Director – General’s Environmental Assessment Requirements.

5.2 Rural Fires Act, 1997

Council have mapped the subject land as bush fire prone land therefore the potential threat of bush fire must be taken into consideration in this project and the hazard mitigated if it is warranted.

However, with regard to Part 3A Major Projects, Section 75U of the Environmental Planning & Assessment Act, 1979 states:

“(g) a bush fire safety authority under section 100B of the *Rural Fires Act 1997*,”

While a S100B Bush Fire Safety Authority is not required for the subdivision, bush fire is a potential hazard that must be addressed in this project. Therefore, it has been determined that 20m asset protection zones in association with Level 3 construction standards under AS3959-1999 and other measures such as a perimeter road will result in this subdivision meeting the deemed to satisfy provisions of Planning for Bush Fire Protection 2006. A full assessment report will be submitted with the Environmental Assessment addressing the Director – General’s Requirements.

5.3 Native Vegetation Act, 2003

With regard to Part 3A Major Projects, Section 75U (Approvals etc legislation that does not apply) of the Environmental Planning & Assessment Act, 1979 states:

“e) an authorisation referred to in section 12 of the *Native Vegetation Act 2003* (or under any Act to be repealed by that Act) to clear native vegetation or State protected land,”

Further, Schedule 1 Excludes certain land from the operation of this Act. Clause 14 of that Schedule states that the Act does not apply where:

“Land within a zone designated “residential” (but not “rural-residential”), “village”, “township”, “industrial” or “business” under an environmental planning instrument or, having regard to the purpose of the zone, having the substantial character of a zone so designated, not being land to which a property vegetation plan applies.”

5.4 National Parks & Wildlife Act, 1974

An archaeological survey of the site was undertaken to ascertain the likelihood of the proposed development adversely impacting upon the conservation of objects, places or features of cultural value, particularly those of high significance to Aboriginal peoples.

A site survey was conducted by South East Archaeological Pty Ltd in 2003 as there is a known archaeological site in the vicinity of the subject land. Artefacts were found on site but they are located within the land to be retained as rural and are not likely to be disturbed or destroyed in the carrying out of civil works associated with this subdivision.

5.5 Threatened Species Conservation Act, 1995

Preliminary site survey work has been carried out by Kevin Mills and Associates, to determine if there are any threatened species found on site or if there is any core Koala habitat as described under SEPP 44 – Koala Habitat.

While further work is being undertaken, there have been no threatened species found on site during past surveys.

5.6 State Environmental Planning Policy No 71 - Coastal Protection

The subject land is wholly located within the coastal zone, being that area adjacent to the NSW Coast (in the vicinity of Murramarang Beach) or within 1km of a coastal lake (Willinga Lake).

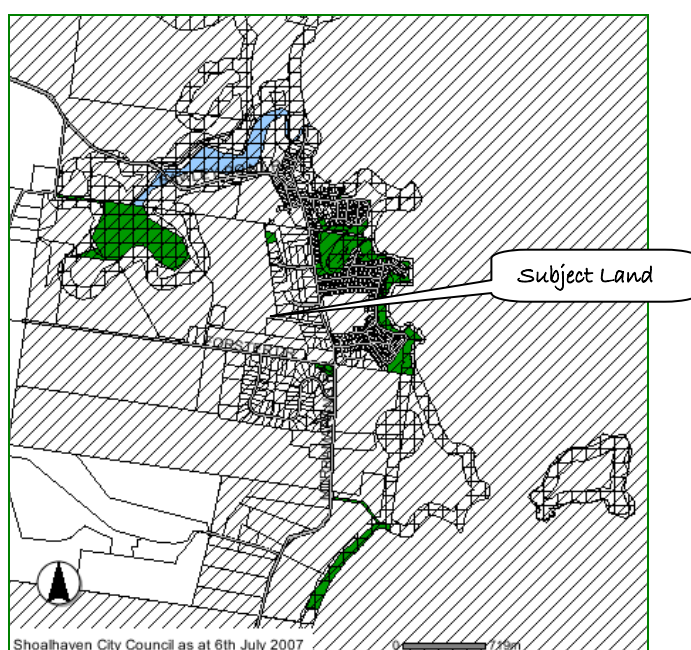


Figure 10 - SEPP 71 Coastal Zone – Shoalhaven City Council

The provisions of SEPP71 therefore will be considered in detail in the Environmental Assessment however, the aims of the policy are met in this proposal as demonstrated:

SEPP No. 71 Aims	Comment on this proposal
1. To protect and manage the	This subdivision proposal will have no adverse impacts

SEPP No. 71 Aims	Comment on this proposal
<i>natural, cultural, recreational and economic attributes of the NSW Coast, and</i>	upon the natural, cultural, recreational or economic values of the coast.
<i>2. To protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and</i>	The proposal has no adverse impact upon public access to the foreshore.
<i>3. To ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and</i>	The site does on adjoin the coastline and there is no opportunity to provide additional foreshore access.
<i>4. To protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and</i>	There are known archaeological sites or artefact scatters within the site, these are not likely to be disturbed during the subdivision works as they are no in the vicinity of the residentially zoned land, but are within the residue predominately rural lot.
<i>5. To ensure that the visual amenity of the coast is protected, and</i>	The visual amenity of the coast is not likely to be impacted – there is limited view towards the site from the water and similarly from the site to the water due to intervening coastal dunes and vegetation.
<i>6. To protect and preserve beach environments and beach amenity, and</i>	Beach environments and amenity will not be impacted in any way by the proposed subdivision as it is not in close proximity to the foreshore.
<i>7. To protect and preserve native coastal vegetation, and</i>	This proposal will not impact upon vegetation which is poorly represented within the Shoalhaven or South Coast region which is otherwise represented in conservation areas or national parks. The vegetation within the site can not be seen from the coast line in the vicinity to the site.
<i>8. To protect and preserve the marine environment of NSW, and</i>	It is unlikely that there will be any impact on the marine environment – the new lots are located more than 800 metres to the coast and while domestic wastewater is to be disposed on site, it is to be treated to minimise adverse impacts.
<i>9. To protect and preserve rock platforms, and</i>	The proposal will have no impact on rock platforms – there are none in the immediate vicinity of the subject land.
<i>To manage the coastal zone in accordance with the principles of ecologically sustainable</i>	The principles of ecologically sustainable development are not able to be determined at this time until all associated studies are complete.

SEPP No. 71 Aims	Comment on this proposal
<i>development, and</i>	
<i>10.To ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and</i>	The scale of this development is commensurate with development in the adjacent area, where the larger 4000m ² lots have now been further subdivided due to changes in effluent disposal technologies. The smaller residential allotments in the locality are largely developed for housing and this subdivision would provide an increased range of choice in the local housing market, which is a sought after locale.
<i>11.To encourage a strategic approach to coastal management.</i>	This proposal does not adversely impact upon either the Council or the Department of Planning's strategic approaches to coastal management.

5.7 SEPP (Major Projects) 2005

The provisions of this SEPP apply to the land as the land is a specified site, being within the coastal zone where it is partly located within a sensitive coastal location. This triggers the requirement for the major project through Schedule 2 - 1 Coastal (1) (h) (i) which states: Schedule 2 – 1 Coastal Areas, of the State Policy which capture the proposed development, these are 1(i) and 1(j), which state:

- i) "subdivision of land that is outside a sensitive coastal location and that will lead to development that is not connected to an approved sewage treatment work or system:*
 - (i) into more than 5 lots, or*
 - (ii) into 5 or fewer lots, if the land to be subdivided and adjoining or neighbouring land in the same ownership as that land could be subdivided into more than 5 lots,*
- j) subdivision for residential purposes of land that is not in the metropolitan coastal zone (unless it is wholly or partly in a sensitive coastal location):*
 - (i) into more than 25 lots, or*
 - (ii) into 25 or fewer lots, if the land proposed to be subdivided and adjoining or neighbouring land in the same ownership as that land could be subdivided into more than 25 lots,"*

The subject land is proposed to be subdivided into approximately 26 lots and therefore the provisions of (j) above are considered to the applicable Part 3A requirements.

5.8 SEPP (Rural Lands) 2008

The rural land contained within the subject site is not being subdivided; therefore the provisions of this SEPP are not addressed at this time, but will be in the Environmental Assessment if necessary.

5.9 Illawarra Regional Environmental Plan, 1986

The land is subject to the provisions of the Illawarra Regional Environmental Plan, 1986 and in that regard the land is mapped as prime crop and pasture land under that plan – see Figure 11.

The rural land section of the property is not being subdivided, and due to the vegetation regrowth since the land was mapped as Class 3 in the mid 1980's it will not have any impact upon agriculture. The land to be subdivided in this proposal is within the urban zone, therefore the living area provisions of this REP apply to the land.

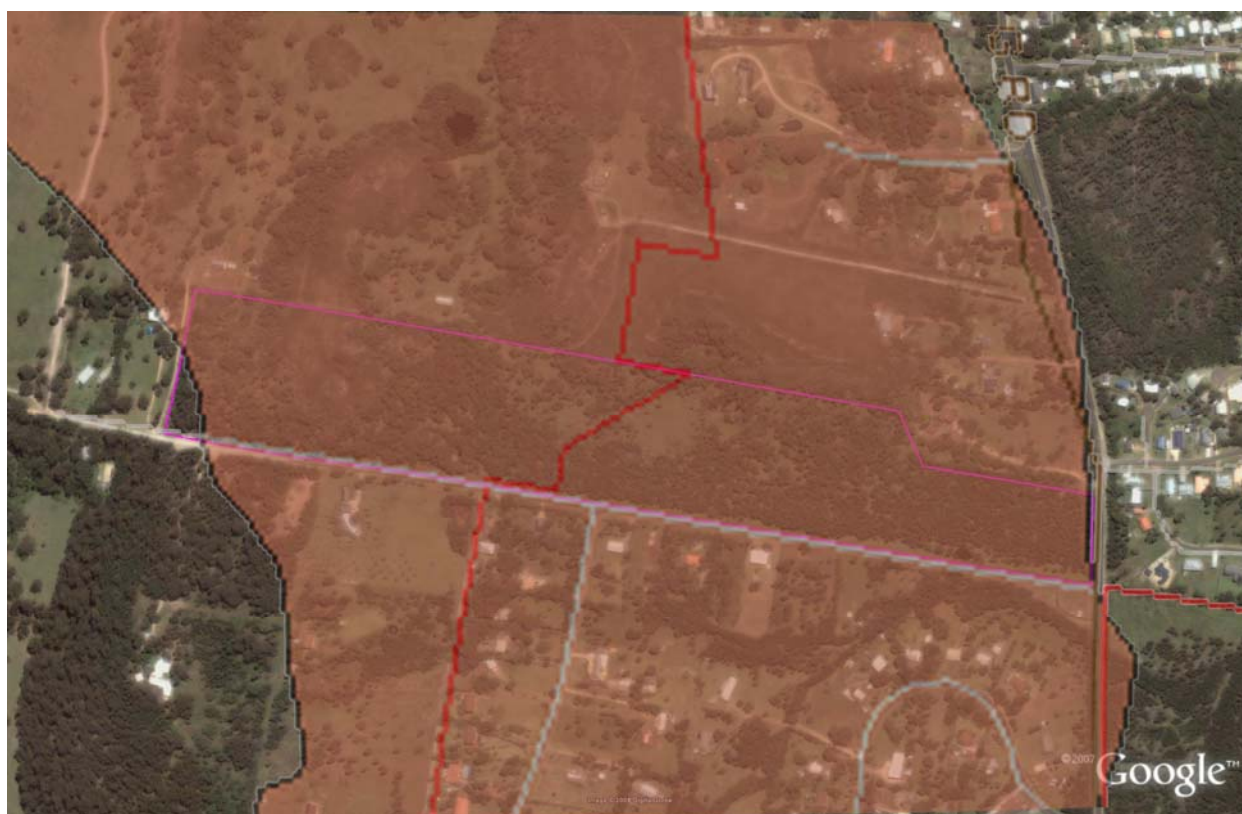


Figure 11 -- Prime Crop & Pasture Land - Class 3 Agricultural Map (SCC State of Environment Report)

Objectives relating to living areas	Comments relating to this proposal
(a) to ensure that urban expansion is orderly and efficient having regard to the constraints of the natural environment and that sufficient land is available to prevent price rises resulting from scarcity of land,	The development is located within the bounds of the existing village and the land is currently zoned residential. The natural site constraints have been taken into consideration in the design of the subdivision and in the size of the lots.
(b) to ensure that new residential land or land for higher density development is only developed where there are adequate utility and community services available or there is a commitment from the relevant authorities or developer to provide those services,	While the land is not being rezoned to accommodate this subdivision, there are adequate facilities in the local area to accommodate the development. Many dwellings in the locality are second / holiday homes as evidenced by the census figures, and it is likely that that trend will continue

Objectives relating to living areas	Comments relating to this proposal
	within this subdivision.
(c) to provide for a range of lot sizes, dwelling types and tenure forms to cater for varying household needs in all local government areas,	The majority of lots in Bawley Point are below 1000m ² , however, those in the vicinity of the subject land are between 2000m ² - 4000m ² , and this development is commensurate with that.
(d) to ensure that residential development does not take place on hazard-prone lands, and	While the land is bush fire prone, the hazard is in the main within the subject land and not those surrounding. Notwithstanding, bush fire as the main natural hazard can be mitigated through the provision of asset protection zones, construction standards and a perimeter road surrounding the subdivision.
(e) to minimise bush fire risks to urban development.	As above, the development can comply with the deemed to satisfy provisions of planning for Bush Fire Protection.

5.10 Shoalhaven Local Environmental Plan, 1985

The subject land has multiple zones, being Rural 1(d) and Residential 2(c) Low Density

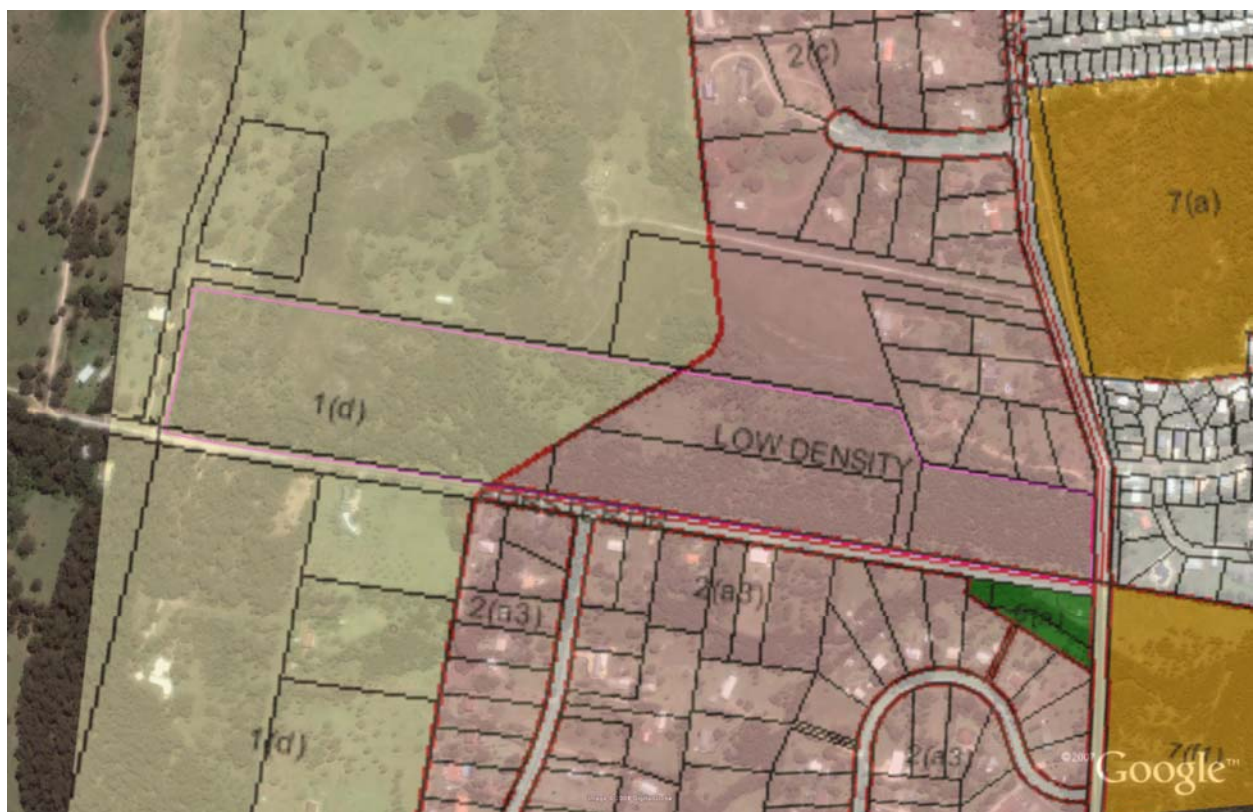


Figure 12 - Zoning overlay from SCC internet GIS

The objectives of the zones are addressed as follows:

SLEP85 Zone Objective	Comments for this proposal
Rural 1(d)	
(a) to provide opportunities for a	There is no proposal to utilise the rural zoned land within the

range of rural land uses and other development, including those which by virtue of their character require siting away from urban areas,	subject site.
(b) to recognise the potential for high intensity bush fire over wide areas of the zone and to ensure that development does not lead to significant risks to life or property from bush fire or to the implementation of bush fire mitigation measures which will have a significant environmental impact, and	Bush fire impacts will be mitigated within the subdivision through the provision of a perimeter road between the bush land and the residential subdivision. Within the residential subdivision asset protection zones and other mitigation measures will be able to be employed throughout the life of the development in order to comply with Planning for Bush Fire Protection.
(c) to ensure that wherever possible the location, design and management of development is consistent with:	
(i) the protection of important natural and cultural environments,	The site contains known Aboriginal Archaeological artefacts within the rural land, and these will be preserved in this development as they will not be affected by the proposed subdivision.
(ii) the conservation of renewable natural resources such as forests and prime crop and pasture land,	The site does not contain any forestry resources, and the land mapped as prime crop and pasture land has regrown with Casuarina forest and Forest Red Gum forest.
(iii) the maintenance of opportunities for economic development of important extractive resources,	There are no extractive resources of commercial value within the site.
(iv) minimising conflict between land uses, and	The retention of the rural portion of the land with one of the 2(c) lots will act as a buffer between the residential subdivision and the rural lands to the west and south west.
(v) any plans for public infrastructure provision or management.	There are no plans by Council or the State Government for any public infrastructure within this locality.
Residential 2(c) Zone	
The objectives are to provide for new residential areas with a range of housing types with provision for urban facilities to serve the local community.	The proposal does not compromise this objective as the lots are of sufficient size to provide for a variety of residential dwelling styles and housing choice. If a future owner chose to use a lot for tourist or other permissible uses.

Clause 11(2)(a) of the LEP requires a minimum 40ha for a rural allotment and consequently **Clause 14(2)(a)** requires a minimum 40ha for the erection of a dwelling house on land zoned Rural 1(d). This project would be subject to the provisions of SEPP1 Development Standards to vary the minimum allotment size if the rural residue is not considered to be the whole of an existing holding.

Clauses 21 – 29 of the SLEP85 - The following comments are provided in relation to the applicable clauses of Division 5 – Environmental Management of the Shoalhaven Local Environmental Plan, 1985, relevant to the subject land.

LEP Clause	Comments on this proposal
Clause 21 – Land of Ecological Sensitivity	This land is not mapped under the SLEP85 as being of ecological sensitivity.
Clause 21A – Vegetation Linkage	The land is not mapped as being within a designated vegetation linkage area.
Clause 22 – Activities in Zone No. 1(c), 7(a), 7(c), 7(d2), 7(e), 7(f1), 7(f2) and 7(f3)	This clause relates to tree clearing in these zones only and is therefore not applicable to the subject land.
Clause 23 – Protection of Streams	This clause applies to perennial watercourses in rural zoned lands, indicated by continuous blue lines on a topographic map. The topographic map indicates there are drainage in the locality but not within the subject land, therefore this clause does not apply to this development.
Clause 24 – Water Catchment Areas	The subject land is not located within a water catchment area.
Clause 25 – Steep lands The objectives of this clause are: a. to protect soils from erosion; b. to protect the water quality of surface waters; and c. to protect visual amenity	This clause applies to land with slopes in excess of 20%, zoned Rural 1(a), 1(b), 1(c), 1(d) or 1(e), however, no part of the subject land has gradients of that degree.
Clause 26 – Soil, Water and Effluent Management	A consultants report has been prepared addressing the capability of the new lots to absorb treated effluent without any adverse environmental impact. This report will be submitted with the Environmental Assessment.
Clause 27 – Acid Sulfate Soils	The subject land is mapped as being within an area likely to contain acid sulfate soils, a geotechnical assessment of those lots affected in the south eastern corner of the land will be submitted with the Environmental Assessment if there is likely to be any excavation into that area as a result of subdivision engineering works.
Clause 28 – Danger of Bushfire	The property has been mapped by Shoalhaven City Council as being bush fire prone land; therefore an assessment has been made of the development in accordance with the provisions of Planning for Bush Fire Protection and Clause 44 of the Rural Fires Regulations 2002. Bush fire Protection measures for future residential premises will comply with the provisions of Planning for Bush Fire Protection 2006.
Clause 29 – Development on Flood Liable Land	The proposed new lots are not located on land that is mapped by Council as being flood liable.

5.11 Shoalhaven DCP 78 – On Site Sewage Management

A report has been prepared by PMA Consulting Engineering and Environmental addressing the project's compliance with Council's Development Control Plan 78 – On Site Sewage Management and this will accompany the Environmental Assessment when submitted. That report demonstrates that future on site domestic wastewater disposal is not likely to have any adverse environmental consequences on the coastal environment.

5.12 Shoalhaven DCP 100 – Subdivision Code

The provisions of Council's DCP 100 apply to the subdivision of all land within the City, and that code has been used in the design of the proposal. The subdivision complies with the minimum road requirements, and the lot size requirements of the DCP. A full assessment of this proposal against the relevant provisions of the DCP will be provided in the Environmental Assessment.

6.0 Key Issues for Assessment

The **Key Issues** associated with this proposal are:

- *Prime Crop & Pasture Land* – the subject land is largely mapped as Class 3 Agricultural land however, there will be little conflict with agricultural activities as the land is no longer maintained in a cleared state as it was at the time of that strategic mapping.
- *Acid Sulfate Soils* – The south eastern corner of the subject land is mapped as having a low risk potential of acid sulfate soils within 1 – 3 metres of ground surface. An assessment of the likely impacts of that mapping will be made for inclusion in the Environmental Assessment.
- *Flora and Fauna* – Initial assessment indicates that there are no threatened flora or fauna found on site, and there is no suitable habitat for such. No assessment has yet been made as to whether any of the vegetation constitutes an endangered ecological community.
- *Bush Fire Prone Land* – the subject land is mapped as bush fire prone land and the development can meet the deemed to satisfy construction requirements under the provisions of Planning for Bush Fire Protection, 2006, including the provision of asset protection zones and a perimeter road.
- *Aboriginal Archaeology* - There are known Aboriginal Archaeological sites within the subject land, where preliminary assessment has indicated that the residential subdivision is not likely to result in the disturbance of any of these artefact scatters as they are not in close proximity to the residentially zoned land.
- *On site sewage management* – The subject land does not benefit from reticulated sewage infrastructure; therefore all disposal of domestic wastewater must be undertaken on site in accordance with the provisions of Council's Development Control Plan 78 – On Site Sewage Management.
- *Subdivision Code* – The land is subject to the provisions of Council's Development Control Plan 100 – Subdivision Code, the proposal will comply with the provisions of this policy.

7.0 Conclusion

The proposal generally complies with the relevant requirements of the Shoalhaven Local Environmental Plan, 1985 (except where supported with a SEPP 1 Development Standard variation) and with Council's relevant development control plans, particularly with regard to layout and lot size, where they are commensurate with surrounding development and the rural residential character of the locality.

The natural hazards known to affect the subject land are not likely to have a significant impact upon proposed lots where it is considered that bush fire impacts can be adequately mitigated within the development.

It is not likely that there will be any significant or detrimental impact upon the water quality of the near by coastal wetlands as a result of the proposal. Further it is not anticipated that there will be any adverse impact on known nearby threatened species or their habitats.

The proposal is unlikely to have an adverse impact upon the scenic quality of the coast or the visual amenity of the locality. Therefore this proposal is considered to be of minimal environmental impact, complying with the objectives of the Shoalhaven Local Environmental Plan, 1985 and State Environmental Planning Policy No 71.

Attachment One: Minister's Opinion



NSW GOVERNMENT
Department of Planning

Contact: John Arnold
Phone: (02) 9228 6398
Fax: (02) 9228 6366
Email: john.a.arnold@dipnr.nsw.gov.au

planning

1 March 2006

Our ref: 06_0034
Your ref:
File: 9041821-1

Kerry Rourke
Planscapes
PO Box 1258
NORA 2541

Dear Ms Rourke

RE: Major Project Application 06_0003 – 30-36 Lot Residential Subdivision at Murramarang Road and Forster Drive, Bawley Point

I refer to your letter dated 4 January in which you requested confirmation that your proposal is a Major Project to which Part 3A of the *Environmental Planning and Assessment Act, 1979* (the Act) applies.

I am writing to advise you that the Director-General, as a delegate of the Minister, formed the opinion on 18 January 2006 that your proposal is a Project and that Part 3A of the Act applies. Consequently, you may now apply for the approval of the Minister to carry out this Project.

In seeking the Minister's approval, Section 75E of the Act requires you to lodge an application for your Project with the Director-General. The application you lodge with the Director-General for the Project must include a completed Application Form, a Preliminary Assessment based on the information contained in this Schedule, and the correct fee. I have enclosed an Application Form with this letter, along with the Schedule that identifies what information should be addressed in the Preliminary Assessment and the fee to be paid.

The Project you described in your letter will require a Concept Plan. Please ensure that the Preliminary Assessment addresses the scope and level of assessment required of the Concept Plan and all the information concerning Concept Plan in the attached schedule. Once your application has been accepted by the Director-General, I will advise you of the Minister's decision to authorise a Concept Plan.

If you have any questions concerning any of the above matters or information required for the Preliminary Assessment, you should contact John Arnold during normal business hours on the contact numbers or via email above.

Yours sincerely

pp
G

Gordon Kirkby
Acting Director
Urban Assessments

Office of Sustainable Development Assessment and Approvals
23-33 Bridge Street Sydney NSW 2000 GPO Box 39 Sydney NSW 2001
Telephone (02) 9228 6111 Facsimile (02) 9228 6191 Website www.dipnr.nsw.gov.au

Schedule – Information required at lodgement

Application form	You must complete in full the Application for a Major Project form enclosed.
Preliminary Assessment – Purpose	The purpose of the Preliminary Assessment is to assist the preparation of the Director General's Environmental Assessment Requirements. The purpose of the Preliminary Assessment is to culminate in a summary of the "Key Issues". Key Issues are those matters that if not addressed satisfactorily may lead to refusal of the project.
Preliminary Assessment – Identifying Key Issues	<p>"Key Issues" will emerge from:</p> <ul style="list-style-type: none"> (a) the proponent's consultation with all relevant agencies and groups, and (b) from the proponent's assessment of the proposed project against applicable environmental planning instruments, policies, guidelines and other relevant planning documents. <p>"Key issues" could include, but may not be limited to:</p> <ul style="list-style-type: none"> (a) non-compliances with known relevant planning controls; (b) known community concerns about the development proposed; (c) potential environmental impacts associated with construction, operation, or occupation of a project; (d) likely environmental risks; (e) constraints arising from the peculiarities of a project site. <p>"Key Issues" should not include those aspects of a proposed project that comply with known planning controls; where there are no community concerns or where there are no other contentious matters.</p>
Preliminary Assessment – Information to be addressed	<p>The Preliminary Assessment should include:</p> <ul style="list-style-type: none"> (a) a written and graphical description of the project and any ancillary components, including relevant preliminary plans; (b) the location(s) and a map identifying the site(s)/alignment/corridor; (c) the planning provisions applying to the site and whether the project is permitted under the prevailing EPIs, DCPs, policies, etc, and if the project is inconsistent with such instruments/plans/policies; (d) the views of the other agencies, local council and/or the community if known; (e) an identification of any study or investigations undertaken for the preparation of the Metro Strategy or other regional or local strategies that may affect the Project;
Application Fee	<p>\$1000,00 based on set fee for lodgement of a MP application.</p> <p>Outstanding fees (to be determined) are to be paid at the lodgement of the Environmental Assessment.</p>
Copies of Documentation	10 copies of all documentation lodged (including plans)
Electronic Version of Documents	<p>1 CD in Rich Text Format of all documentation lodged, and 1 CD in PDF format of all documentation lodged, and All plans should be in PDF or TIFF format.</p> <p>Note: In the event that the documentation exceeds 5 Megabytes, you should contact the liaison officer prior to lodgement. Please be aware that you may be required to prepare a website for your Project.</p>
Acceptance of Application	The Director-General will not accept your application until such time as you complete all the information required by this schedule, the accompanying fee, and a completed application form

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NSW GOVERNMENT
Department of Planning

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20 November 2006

Our ref: MP 06_0003
Your ref:
File: 9041821-1

Kerry Rourke
Planscapes Town Planning Consultancy
PO Box 1258
NOWRA NSW 2541

PLANSCAPES

24 NOV 2006

RECEIVED

Dear Ms Rourke


**RE: 30-36 Lot Residential Subdivision – Murramarang Road and Forster Drive,
Bawley Point**

I write in response to your letter dated 16 November 2006 with regard to the above Major Project. I can confirm that given the nature and the scale of the development proposed the Department considers it most appropriate that this proposal be considered as a Project Application.

I understand that you will be submitting a Preliminary Assessment within the next few months. Once received, the Department will consult with relevant Agencies and Council and request key issues and assessment requirements for the formulation of the Director General's Environmental Assessment Requirements, which will then be sent to you for the preparation of the Environmental Assessment.

If you have any queries please do not hesitate to contact John Arnold on the above contact details.

Yours sincerely

 Heather Warton
**Director
Urban Assessments**

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