From:	Michelle Niles
To:	David Way
Cc:	Anthony Witherdin
Subject:	RE: Dolphin Point
Date:	Thursday, 9 May 2019 9:29:59 AM
Attachments:	image003.png image004.png image005.png Consolidated_Instrument_MP_05_0024_MOD_4_keyland.docx Draft_Modifying_Instrument_MP_05_0024_MOD_4_v3.docx annexure_1_subdivision_plan.pdf

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Hi David,

Please see responses to the further questions raised at the IPC meeting this morning:

1. **Council's comments on the Proponent's response for removal of traffic calming at Vista Drive**
   Response: The Department forwarded a copy of the Response to Submissions (RtS) to Council on 8 May 2018 for review. Council did not provide any comment on the Proponent's response about the removal of the traffic calming measures at Vista Drive. Council's response can be viewed on the Department's website.

2. **Any additional traffic calming measures required for the site**
   Response: The Project Approval requires local area traffic management be provided on Road One in accordance with the relevant Australian Standard and RMS requirements.

3. **Future ownership of the conservation reserve**
   Response: The Conservation Management Plan (CMP) requires the conservation reserve be maintained by the Proponent for a period of three years after which it will be handed over the local Aboriginal Land Council for management in perpetuity in accordance with the CMP. The Department notes that in 2013, OEH declined an offer to include the conservation reserve within the adjoining Meroo National Park (previously called the Barnunj State Conservation Area)

4. **Clarify the location of the urban design restriction to user Statement of Commitment.**
   Response: The Department notes that this commitment was put forward by the Proponent with the original subdivision layout submitted (see Figure 4 of the Department's Assessment Report for MP 05_0024 and attached original subdivision layout). This subdivision layout included allotments which directly adjoined the Meroo National Park and lots identified as future public reserves (including at the location of the current conservation area). The original subdivision layout was amended through assessment of the Project Approval with the Department recommending condition E5(3)(f) requiring a restriction to user on all lots in all stages that future buildings use materials and colours which are muted and blend with the surrounding bushland.

   The Department notes that the original statement of commitments (SoC) was not updated to reflect the revised subdivision layout. Nevertheless, it is noted that there continues to be one allotment which directly adjoins Meroo National Park in Stage 6 and a number of allotments which adjoin or are opposite lots identified as public reserves in Stages 1 and 2. However, noting that condition E5(3)(f) requires all future building be sympathetic to the surrounding bushland and these buildings will also be subject to further development

consent, the Department raises no concerns with amending the SoC.

5. **Clarify whether regional strategic plans require the provision of medium density housing.** There are no regional plans which specially require the provision of medium density housing as a component of the development.

   The Illawarra-Shoalhaven Regional Plan (the Plan) set the planning priorities for the region and provides guidance and direction for regional and local planning decisions. As well as facilitating growth in the region by developing a strong, diverse and competitive economy, the Plan seeks to ensure residents are provided with access to a wide variety of lifestyle choices. The Department considers that the modification is consistent with the Plan as it provides single lot housing which is aligned to the demand generated by the community for housing in the area. The Department also notes the subject site does not have frequent public transport services and the closest town centre is located over 4km away. As such is less suited to medium density housing.

   The subject site is zoned R1 General Residential under provisions of the *Shoalhaven Local Environmental Plan 2014*. The R1 zone includes the objectives of providing "for the housing needs of the community" and providing "a variety of housing types and densities". The Department considers the modification satisfies these objectives, noting that the modification has arisen due to increased market demand for single lot housing and as there continues to be opportunity for future dual occupancy development to occur on four lots on the site.

Please find attached the consolidated consent for the Project Approval and a word version of the modification instrument clearly identifying that the SoCs has been updated. Please note that I have updated conditions B17 and B19 as they contained outdated references to the updated subdivision plan and added condition (see item J) to clearly identify that the statement of commitments are being updated.

If you have any questions, please feel free to give me a call.

Kind regards,

Michelle Niles
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NSW GOVERNMENT | Planning & Environment

From: David Way
Sent: Tuesday, 7 May 2019 11:07 AM
To: Michelle Niles <Michelle.Niles@planning.nsw.gov.au>
Cc: Anthony Witherdin <Anthony.Witherdin@planning.nsw.gov.au>
Subject: RE: Dolphin Point

Hi Michelle

Thanks again for the information on the zoning of the conservation area.

As a quick follow-up, there were a couple of actions from the briefing the Commission had with the Department last week, I just wanted to check on how these were going.

Cheers,

David

From: Michelle Niles
Sent: Thursday, 2 May 2019 4:58 PM
To: David Way <David.Way@ipcn.nsw.gov.au>
Cc: Anthony Witherdin <Anthony.Witherdin@planning.nsw.gov.au>
Subject: RE: Dolphin Point

Hi David,

The conservation reserve is zoned R1 General Residential under provisions of the Shoalhaven Local Environmental Plan 2014 (see https://www.planningportal.nsw.gov.au/find-a-property/3987614_Vista_Drive_118_Dolphin_Point_DP1226471) . Condition B2 of the Project Approval requires that no development occur within the conservation reserve and it be managed as per a Conservation Management Plan required to be approved by the Department prior to issue of the Stage 1 construction certificate.

Kind regards,

Michelle Niles
Senior Planner
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From: David Way
Sent: Wednesday, 1 May 2019 11:32 AM
To: Michelle Niles <Michelle.Niles@planning.nsw.gov.au>
Subject: Dolphin Point

Good Morning Michelle

I just quickly wanted to touch base regarding Dolphin Point MOD 4.

As a hopefully easy question, does the Department have handy the Zoning for the Conservation area and/or any information regarding what the current future tenure for this land is?

Kind Regards,

David

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