

470. Draft LEP LP 225 Seaspray Street Narrawallee

File 1787-02, 26448

RECOMMENDED that

- a) **In relation to the draft LEP for Lot 29 DP 874275 Seaspray Street Narrawallee, Council adopt the draft plan as exhibited, subject to minor wording changes required by Parliamentary Counsel and forward it (Section 68/69) to PlanningNSW for gazettal**
- b) **Council resolve to prepare an LEP over Lot 300 DP 792411 to rezone the Residential 2(c) (Living Area) land at Ross Avenue to an appropriate environmental protection zone.**
- c) **Council resolve to prepare a Deed of Agreement to ensure that the remaining 17 lot subdivision consent off Ross Avenue, Narrawallee be surrendered and dedicated to Council.**

ADDENDUM REPORT OF GENERAL MANAGER

DEVELOPMENT COMMITTEE

TUESDAY, 16 APRIL 2002

PLANNING SERVICES

1. Draft LEP LP 225 Seaspray Street Narrawallee

File 1787-02

This report summarises the submissions received during the recent exhibition of draft Local Environmental Plan No. LP225. The purpose of the draft plan is to rezone part of Lot 29 DP 874275 Seaspray Street Narrawallee from Environmental Protection 7(d2)(Special Scenic) to Residential 2(a1) under Shoalhaven Local Environmental Plan 1985. The draft plan also aims to protect various environmental attributes of the subject land.

When Council resolved to prepare the draft plan in July 1995, the preparation of the LEP was subject to the owner undertaking by appropriate means the surrender of the remaining 17 lot subdivision consent off Ross Avenue, Narrawallee (Part of lot 300 DP 792411) and the land be dedicated to Council. Should the rezoning proceed, a Deed of Agreement will be prepared which will result in the surrender of a remaining 17 lot subdivision consent for land adjacent to Garrads Lagoon, off Ross Avenue, Narrawallee and the dedication of the land to Council.

Public Exhibition

- # The draft LEP (See attachment "A") was publicly exhibited for comment from 13 December 2001 until 24 January 2002. The property owner and the adjoining landowners were notified in writing. The Department of Land and Water Conservation, Roads and Traffic Authority, NSW National Parks and Wildlife Service, Coastal Council of NSW, Rural Fire Service of NSW and Environment Protection Authority were also formally advised.

Submissions

During the exhibition period 13 submissions were received, one from Watkinson Apperley Pty Ltd acting on behalf of the applicant, six from adjoining land owners, six from Government Agencies and one from Council's City Services Division. The submissions are located in Councillors Information folders and are summarised below.

Watkinson Apperley Pty Ltd - Watkinson Apperley act on behalf of the owner and have been involved in the rezoning since 1995.

Suggested amendments to the draft plan

The submission suggests the following amendments to the plan:

- The draft plan applies to the land zoned Environmental Protection 7(d2)(Special Scenic), however the submission suggests that the draft plan should exclude land zoned Residential 2(c)(Living Area) and Residential 2(a3) and as such an amendment to the map has been suggested.

- The north-eastern corner (See attachment “B”) is degraded and devoid of vegetation and the submission suggests this area should exclude the Environment Protection 7(d2)(Special Scenic) zoning and allow more formal enhancement by plantings within the development.
- The aim regarding the powerful owl should be deleted as the issues relating to the owl have been either addressed or proven to be totally outside the influence of the subject land.
- In regard to the road along the “western edge of the subdivision within the Residential 2(a1) zone, the submission states that the zoning line is irregular and that there should be some flexibility as to the road being wholly within the residential zone.

Comment

It is conceded that the draft plan should apply to the Environmental Protection 7(d2)(Special Scenic) zoned land only. The map has been amended accordingly.

The Environmental Protection 7(d2)(Special Scenic) zone in the area identified in attachment “B” should not be removed on the basis that the zone aims to preserve and enhance scenic quality. It should be noted that two submissions were received from the adjoining property owner, who was concerned with tree retention and preservation of existing trees. The aims of the Environmental Protection 7(d2)(Special Scenic) zone should apply in this location for the preservation and enhancement of future and existing vegetation.

In regard to the Powerful Owl, an assessment of the subject land was undertaken in October 1998 by David Coombes. Whilst the species were not present at the time of the assessment the site was found to have significant importance to the owls in terms of roosting and foraging. A site inspection by all parties was carried out in relation to a nesting tree to the north west of the site and a minimum distance of 150 metres has been provided between the tree and any residential development in the area.

By providing an area of Environmental Protection 7(d2)(Special Scenic) zoned land between any residential development, the plan aims to protect the habitat of the Powerful Owl. This is consistent with the October Report and as such, the protection of the habitat of the Powerful Owl is still relevant and important and shall remain as an aim in the draft plan.

The road along the western edge of the subdivision aims to confine the impacts of the residential area and assist with bushfire protection. The road shall be located within the Residential 2(a1) zone to ensure that impacts of the development are located wholly within the Residential owned land and do not impinge in the Environmental Protection zoned land.

Explanatory Statement

The Explanatory Statement claims that in respect to the Garrads Lagoon area “a licence from the EPA under the Clean Waters Act would be required”. The submission highlights that they notified Council in correspondence dated 15 April 1997 which referred to correspondence to their client from Councils solicitors Morton and Harris dated 17 January 1992 that indicates “its clients (SCC) understanding that the lagoon is not classified water under Section 11 of The Clean Water Act and it is not considered that the provisions of Section 17 of the Clean Water Act apply”. The submission requests that the statement be deleted from the Explanatory Statement.

Comment

It is important that this statement be taken into context of the entire letter. In fact Council resolved on the 7th July 1992 that Council request the Environment Protection Authority provide a copy of the Water Quality Report for Narrawallee Inlet when it becomes available so that further consideration may be given to the effectiveness of Garrads Lagoon in its current location.

Council should also be mindful that this advice was provided 10 years ago, in 1992 and during this time further information has been obtained and legislation has been amended.

Council's concern and regard for the wetland was reinforced in 1995 when assistance to define the boundary of the wetland was obtained from the Department of Urban Affairs and Planning (PlanningNSW).

Council's report dated 4 July 1995 provides background to the wetland issue and states that subdivision works to create the lots would require filling and a licence from the EPA under the Clean Waters Act.

It should also be noted that if Council believed that the lagoon was not classified water under Section 11 of The Clean Water Act and it is not considered that the provisions of Section 17 of the Clean Water Act apply, it may still not preclude any requirements of the EPA and the Clean Waters Act.

It is for these reasons that the Explanatory Statement will not be amended.

Subdivision at Ross Avenue, Narrawallee

The submission indicates that Lot 473 DP 226125 Ross Street Narrawallee was purchased in 1985 to access Lot 300. The submission indicates that this lot is to be excluded from the land to be transferred to Council without the normal changes. The submission also reinforces the Council resolution of the 17th August 1997 also states:

- “no approval fees be applicable for the development application engineering plans etc;” and “credit be given for Section 64 and Section 94 Contributions”.
- Watkinson and Apperley indicate in the submission that their client would be prepared to enter into an agreement subject to its containing a condition that the transfer will be conditional to a satisfactory consent to subdivision being issued by Council.

Comment

It appears that Lot 473 DP 226125 has been superseded by another subdivision and as such no longer exists. Lot 300 DP 792411 includes a small parcel of land that allows access to Ross Avenue. It appears that Lot 473 is the access point from Ross Avenue is now part of Lot 300. Therefore the lot previously known as Lot 473 will be included in the transfer of Lot 300.

Public Submissions

Seven submissions were received from landowners in the vicinity of the subject land. Two of these submissions were received from one resident. The following issues were raised.

Preservation of Vegetation

Generally, the trees situated along the rear of the existing blocks were most valued. A number of submissions indicated that Mr Hanson the owner of the land had indicated previously that any future development would have a natural buffer of native trees left at the rear of the existing lots.

One submission suggested that houses should be prohibited from building on the rear of the blocks backing onto the existing lots in an attempt to maintain privacy for the exiting lots.

One submission referred to the "Response to Issues" Paper by Mills 1998 which recommended that trees be retained wherever safe and possible. The submission questioned how this would be achieved.

There was concern from one resident that the changes to the water seepage to the wetland will change the ecology of the area. There was also concern for the loss of habitat for native fauna and flora.

A number of submissions expressed concern that the loss of vegetation would result in reduced protection from strong westerly winds. The change in continuity of the tree stand may reduce the longevity of the upper ridge vegetation and the tree canopy as a whole produces an aerofoil effect directly the winds up and over the ridge with marginal impact on the undergrowth and main tree trunk area. The submission highlighted that should the winds impact closer to the ground on the trees along the upper ridge, there is concern that the trees may eventually be up rooted as a result of greater wind leverage.

Comment

Tree retention on the subject land is addressed in the draft plan in a number of ways. Firstly, the western portion of the subject land and a strip backing onto the existing lots will remain zoned Environment Protection 7(d2)(Special Scenic), which aims to preserve and enhance scenic quality. In addition, the strip adjacent to the Environment Protection 7(d2)(Special Scenic) zone is identified as Scenic Preservation area, which requires Council's assessment of the siting of building, external surfaces of the buildings and vegetation removal and retention.

A Landscape Management Plan must also be submitted to the satisfaction of Council and must show how the visual quality of the land is to be protected through the retention of existing development.

Extension of Public Reserve

There was concern that there was no provision for the existing walkway between Lots 24 and 25 DP 874275 in Seascape Close and the extension of the reserve into the proposed new development area.

Comment

There is a small walkway approximately 5 metres wide and appears to provide a pedestrian link between the subject land to Seascape Close which is then linked to Seascape Reserve which links to pedestrian pathways on Leo Drive. The pathway will not be removed as part of this rezoning. The integration of a pathway into the future subdivision of the subject land will be assessed at subdivision stage.

Traffic Management – Access to the subject land

There was general concern for the access point to any future subdivision of the subject land. One submission raised concern that the extension of Seaspray Street would inconvenience residents with increased traffic flow, the submission suggested connection of Gemini and Seaspray Street. The new road would then continue to Seaspray Street, the submission argues that through elimination of the bottleneck through Seawind Parade would provide an alternative escape route in the event of emergency evacuation.

Another submission suggested access to the subdivision from Seaspray Street which would aim to keep passing traffic to a minimum and yet another submission suggested access from Leo Drive.

Comment

Although, subdivision of the subject land has not been approved on the subject land proposed subdivision layouts have used Seaspray Street as the main point of access.

Draft Local Environmental Plan No. LP199 – the Milton Ulladulla Structure Plan proposes to rezone the land to the north of the subject land from Rural 1(d) to Residential 2(c)(Living Area) directly adjacent to the subject land. Future subdivision of the Residential 2(c)(Living Area) zoned land may involve the connection of Seaspray Street and Gemini Way.

Density and Lots Size

One submission suggested that none of the lots in the proposed subdivision be less than ½ acre in size, which aims to keep motor vehicle noise down and maintain the peace and quite of the bush setting.

Comment

This submission has suggested larger lot sizes of 2000m², this lot size is traditionally occupied by the Residential 2(a2) zone and would provide for a lower density subdivision. The environmental constraints of the property have resulted in a smaller area suitable for residential development. In this regard the proposed zoning is Residential 2(a1) which will ultimately permit a higher density than 2000m². Thus the area is reduced and the lots size is increased.

Further Visual Assessment

One submission suggested additional data collection in order to ensure the accuracy of the predictions provided with each rezoning option and development scenario, given the contradictory findings.

Comment

There are a number of provisions in the plan that aim to ensure visual impact is addressed at Development Application stage. The provisions relate to tree preservation and have been highlighted elsewhere in this report. Further assessment in regard to the visual impact was undertaken by Council.

Government Agencies

Coastal Council of NSW

The Coastal Council have concern for the loss of vegetation, particularly the narrowing of a substantial patch of remnant native vegetation that extends southward from Narrawallee inlet and the effects on the visual landscape, which currently provides a significant scenic backdrop particularly when viewed from Milton. The Coastal Council is also concerned that the extent of the proposed development will detract from the natural and scenic values of the area.

The Coastal Council also expressed concern that the proposed Environmental Protection 7(d2)(Special Scenic) area west of the proposed road is within the riparian buffer zone and that it may be cleared for bushfire management purposes and construction of retention basins within the Environmental Protection Zone. The submission states that this is contrary to recommendations by Gunninah Report.

The submission indicated that the in the Lambcon Associates Report 17 March 1998 additional information was warranted to enable those consultants to a “make more definitive assessment of the potential visual effects of clearing”. The submission inquires as to whether further studies were undertaken.

Comments

As stated previously Council has provided a number of provisions that preserve vegetation and minimise visual impact.

Development within the Environmental Protection 7(d2)(Special Scenic) zone was also raised by the Department of Land and Water Conservation and has been addressed in this report below.

Department of Land and Water Conservation (DLWC)

DLWC supports Council’s objective for the Garrads Lagoon land, but also has reservations for the introduction of urban development into the sub-catchment in which the subject land is located.

DWLC supports the development limitations imposed by the draft plan, particularly the setbacks from the creek and the requirement for a perimeter road.

The Department has suggested that all works required to serve the future residential development should be located in the residential zone, including water quality controls, drainage works and bushfire hazard protection measures. The Department also suggested that larger lots would assist in achieving the objectives of the Scenic Preservation Area.

DLWC also suggested that the Schedule 9 insertion should make it clear that the environmental protection area should remain as a single parcel, attached to a residential lot. DLWC support the dedication of this area as a public reserve in order to maximise the retention of the bushland corridor, as identified in the consultants report.

Comment

Whilst provision has been made in the draft plan for a road to be located on the western edge of the subdivision within the Residential 2(a1) zone, other developments such as drainage reserves

and water quality control ponds have no provision to ensure that they are included within the Residential 2(a1) zone. As such it is proposed to insert the following clause to the draft LEP.

(f) All development including ancillary development shall be located wholly within the Residential 2(a1) zone.

The following aim will also be added to reflect the above clause.

(e) to provide building sites with sufficient area to accommodate a dwelling house, effluent disposal, vehicular access, water quality control and drainage in the Residential 2(a1) zone.

Roads and Traffic Authority (RTA) and the Environmental Protection Authority (EPA)

The RTA and EPA had no objection to the draft plan.

Rural Fires Service NSW

The Rural Fire Service of NSW in its submission states that the Shoalhaven Bush Fire Risk Management Plan identifies the development site as a high hazard, high threat and extreme risk area. The bushfire risk management strategies within the plan recommend providing Asset Protection Zone (APZ) around the perimeter of the urban development or interface. The land from the north to west presents the greater bushfire threat consequently development design should reflect the risk through significant APZs and developments which provide a break between the hazard and buildings.

The submission recommends that the draft LEP should address the following bushfire conditions;

1. Those detailed in clause 28 of the Shoalhaven Local Environmental Plan 1985; and
2. in exercising its consideration of clause 28, the Council shall have regard to and as much as possible, be satisfied that the provisions of "Planning for Bushfire Protection", as produced by the NSW Rural Fires Service have been met.

Comment

The draft plan currently includes a clause that states Council shall not consent to a development application unless a plan of management showing how the fire management issues are conducted as a result of carrying out development in the allotment to be created by the proposed subdivision or from carrying out other development. In addition Clause 28 (Danger of Bushfire) of Shoalhaven Local Environmental Plan 1985 will apply to development of the subject land.

The document "Planning for Bushfire Protection" states that if a draft LEP effects a bushfire prone area, then there are two main options:

A. Exclusion of Development

This is an option when the development cannot be afforded appropriate setbacks, the development is likely to facilitate spread of bushfires, the development is likely to be difficult to evacuate, the development is likely to create control difficulties during bushfire, or environmental constraints cannot be overcome.

B. Planning Controls

A development in a bushfire prone area may be able to proceed if planning controls can deliver satisfactory protection of the property, its residents and fire fighting personnel during the time of an emergency.

It can be considered that the Plan of Management would address issues associated with subdivision and future development identified in items A and B and would be identified at Development Application stage.

“Planning for Bushfire Protection” also refers to statutory requirements when preparing draft LEPs including the following

- a) Consideration of Bushfire prone areas – Council has prepared a map identifying bushfire prone areas. This is an overall requirement and does not apply to the subject land.*
- b) Asset Protection Zone and access - requires that to ensure that asset production zones can be incorporated at the subdivision/development stage, the LEP should provide zoning boundaries of sufficient area and shape to allow for the establishment of Asset Production Zones and building allotments and perimeter and access roads that meet certain specifications. In this regard there has been no APZ included as it is assumed that this information would be included in the Plan of Management. A perimeter road has been provided for in the draft plan.*
- c) Minimise the perimeter of the development – It is considered that this matter would be best dealt with at Development Application stage.*
- d) Use of the land use table to avoid planning inappropriate developments in hazardous areas. This is an overall planning objective and does not apply to the draft plan.*
- e) Provide development standards that enable the control of combustible materials and inappropriate developments in bushfire-prone areas. In this regard Clause 54 H of Shoalhaven Local Environmental Plan 1985 provides provisions on bushfire hazard reduction and applies to the subject land.*
- f) Siting Guidelines – should be dealt within the Plan of Management at Development Application Stage.*
- g) Water Provisions and Access – This relates to the provision and access of water for fire fighting purposes. It is considered to be a matter best dealt with in the Bushfire Plan of Management at subdivision stage..*

National Parks and Wildlife Service

The NPWS indicate that the existing Environmental Protection zoning of the land is appropriate for its high level of ecological values.

The NPWS supports recommendations contained in the initial flora and fauna study prepared by Mills and Associates in April 1998. The study identifies measures to minimise impact on the main area and include:

- lots should be restricted to the upper part of the slope, where disturbance has been greatest;
- a road should be located on the western edge of any proposed development;
- The lower valley should retain the existing environmental protection zoning;
- A management regime should be developed for the lower valley.

The submission suggests that the need for fuel management zones and frequent hazard reduction has the potential to substantially modify the habitat values of the site for fauna, including the

nearby nest and roosts of a resident pair of Powerful Owls and their prey species present on the site.

The NPWS suggests that a detailed prescriptive management regime should be built into the provisions of the written instrument, included in this management plan should be a monitoring program to assess the longer-term impacts of disturbances on annual nesting activity and success of the Powerful Owl on or adjacent to the site.

The NPWS also identified that the Mills and Associates report (1998) identified the site as an important key link in the bushland corridor to the west of Narrawallee and suggests that this issue should be addressed in consideration to the Milton Ulladulla Structure Plan. NPWS supports recent investigation by Council into securing of the corridor of vegetation under public ownership.

The NPWS considers that the only acceptable level of development possible for the site is to confine disturbance to the upper slope on the eastern edge and enclosed a map illustrating the suggested limit.

Comment

The comments submitted by NPWS are consistent with the comments made throughout the preparation of the draft plan. Regarding the preparation of a management regime for the powerful owl, it is considered that the findings from the assessment undertaken by Davis Coombes suggest that there is no justification for a management regime. The report indicates that the quality of nesting and foraging habitat strongly supports the likelihood of the owl having nested within the adjacent study area. Whilst there was no evidence to support the species nesting at the time of the assessment future nesting activity is a possibility, therefore it is reported that efforts should be made to minimise the disturbance to the general area.

By maintaining the western portion of the site as Environment Protection 7(d2)(Special Scenic) the draft plan aims to protect the integrity of the habitat of the Powerful Owl. It is argued that this is sufficient given the findings of the report.

The Milton Ulladulla Structure Plan has designated the subject land as Bushland Conservation as it contains SEPP 14 wetlands and native vegetation. Council has had discussions with adjoining owners regarding future tenure of the adjoining lands to ensure protection of the remnant vegetation and the establishment of a habitat corridor.

As part of the preparation of this plan Council staff have discussed the possibility of dedicating the remaining Environmental Protection 7(d2)(Special Scenic) zoned land into public ownership to ensure that the its is effectively managed. The landowner has declined to dedicate the subject land at this stage.

The NPWS have provided a sketch map illustrating the extent of development. This is relatively consistent with the proposed draft map and the extent of the Residential 2(a1) zoned land.

Internal Submission

City Services Division

The submission identifies the threat from bushfire as an issue, as the subject land is northwest facing and located close to a ridge. The submission suggested that any clearing associated with construction of a firebreak should be provided on the proposed Residential 2(a1) zone, rather than the Environmental Protection 7(d2)(Special Scenic) zone.

The width of the forest corridor is the second issue identified in the submission which suggested the land to the west should be dedicated to Council and questions the way in which this land would be managed.

Comment

The issue of bushfire has been addressed above in comments received from the Rural Fire Service. The dedication of the Environmental Protection 7(d2)(Special Scenic) to public land has as stated above, been discussed with the landowner and has not been accepted.

Conclusion

As a result of the exhibition, it is recommended the draft LEP be amended to include a clause that requires all development ancillary or associated with residential development be confined to the Residential 2(a1) zone. This would ensure the protection of the land within Environmental Protection 7(d2)(Special Scenic) zone.

This report recommends the draft Local Environmental Plan be adopted and be forwarded to the Department of Urban Affairs and Planning for Gazettal.

RECOMMENDED that

- a) **In relation to the draft LEP for Lot 29 DP 874275 Seaspray Street Narrawallee, Council adopt the draft plan as exhibited, subject to minor wording changes required by Parliamentary Counsel and forward it (Section 68/69) to PlanningNSW for gazettal**
- b) **Council resolve to prepare an LEP over Lot 300 DP 792411 to rezone the Residential 2(c) (Living Area) land at Ross Avenue to an appropriate environmental protection zone.**
- c) **Council resolve to prepare a Deed of Agreement to ensure that the remaining 17 lot subdivision consent off Ross Avenue, Narrawallee be surrendered and dedicated to Council.**

E J Royston
PLANNING SERVICES MANAGER

G A Napper
GENERAL MANAGER

**DIRECTORS****T. W. WATKINSON**

Registered Surveyor NSW ACT M.I.S. AUST.

S. H. APPERLEY

R.F.D., B. SURV. Registered Surveyor NSW M.I.S. AUST.

WATKINSON APPERLEY PTY. LIMITED

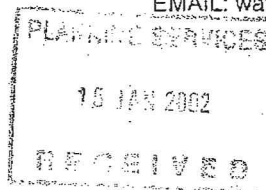
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11 January 2002

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

Shoalhaven City Council
Received

15 JAN 2002^{SP}

File No

1787-02

Referred to:

ER

Our Ref: HANS 01
Your Ref: SF1787

Attention: Mr E Royston

Dear Sir

RE: DRAFT LOCAL ENVIRONMENTAL PLAN No. LP225
LOT 29 DP 874275 SEASPRAY STREET, NARRAWALLEE FOR HANSON
(SOUTH COAST) PTY LTD

We acknowledge receipt of correspondence from Council dated 12 December 2001 notifying that the abovementioned draft LEP would be placed on public exhibition until 18 January 2002 and that if we wished to make comment, that such comment should be submitted prior to that date.

It is noted that the rezoning consists of a 7(d2) zone 20 metres wide adjacent to the existing subdivided land to the east being: Lots 24-28 DP 874275, Lots 29 & 30 DP 871790 and Lots 1-3 DP 841139; and between lots 24 & 25 DP 874275. A 2(a1) zone approximately 100 metres west of the 7(d2) zone extending to Lot 11 DP 862491 and then a further 7(d2) zone to the western boundary of the subject land.

We submit that the land which is the subject of this draft LEP is the land presently zoned 7(d2) which excludes the land north west of Lot 3 DP 841139 and Lot 11 DP 863491 which is presently zoned 2(c) and excludes the land between Lots 24 and 25 DP 872475 which is presently zoned 2(a3).

Thus the plan should be amended to delete draft zonings where not to be included.

We acknowledge that the 7(d2) zoning is to enhance and preserve the scenic quality of the area, however we submit the area adjoining Lot 24 and Lots 1 to 3 is at present degraded and devoid of vegetation.

We submit that a more beneficial approach would be to limit the 7(d2) zoning to the line of the pathway at the southern boundary of Lot 24 and allow more formal enhancement of the un-zoned area by plantings within the development.

We note in the Explanatory Statement issued by Council in respect of the draft LEP that the aims of the plan are in part "to ensure that the habitat of the Powerful Owl is protected, ensure that the risk to the life and property from bushfire is minimised." These issues have already been addressed and the matter of the habitat of the Powerful Owl proven to be totally outside the influence of the subject land.

There should be no mention of the Powerful Owl in the context of the subject land.

In respect of bushfire we have previously submitted an assessment by an expert consultant in which was detailed the guidelines by which the subject land can be developed.

We trust that this report will be sufficient when the DA for consent to subdivision is submitted.

We note also in the Explanatory Statement that a claim is made by Council that "a licence from the EPA under The Clean Water Act would be required" (in respect of the Garrads Lagoon area).

We refer to our correspondence to Council dated 15 April 1997 paragraph 7 in which we referred to correspondence to our client from Council's solicitors, Morton & Harris dated 17 January 1992 which states

"that it is our clients' (Shoalhaven City Council) understanding is that the lagoon is not classified water under Section 11 of The Clean Water Act and it is not considered that the provisions of Section 17 of The Clean Water Act apply."

We request Council withdraw the Explanatory Statement and delete such statement there from.

In respect of Lot 300 DP 792411 it will be acknowledged that our client in 1985 actually purchased Lot 473 DP 226125 Ross Street Narrawallee as access to lot 300.

This lot is to be excluded from the land to be transferred to Council without the normal charges.

Further, we remind Council of the resolution made on the 17th August 1997 that:-

"no approval fees be applicable for the development application engineering plans etc...;" and "credit be given for Section 64 and Section 94 Contributions".

We trust that the contents of this resolution will be included in the rezoning.

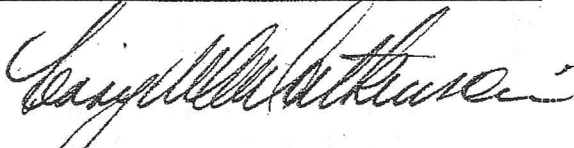
In respect of Clause (2)(e) of the draft LEP regarding the road along the "western edge of the subdivision within the Residential 2(a1) zone", we submit that as this zoning line is irregular, there should be some flexibility as to the road being wholly within the Zone.

Our clients are prepared to enter in such agreement for the transfer of the Garrads Lagoon land as specified in the Explanatory Statement subject to its containing a condition that the transfer will be conditional to a satisfactory consent to subdivision being issued by Council.

We trust that the comments will be acceptable to Council and look forward to the rezoning process proceeding as soon as possible.

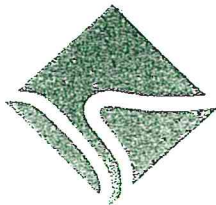
Yours faithfully

WATKINSON APPERLEY PTY LIMITED



TW Watkinson

Enc



Coastal Council of NSW

83341 ✓

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Our Reference: S01/117/006

11 February 2002

Mr G A Napper
General Manager
Shoalhaven City Council
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Nowra NSW 2541

Shoalhaven City Council
Received

14 FEB 2002

File No 1787-02

Referred to: Joanne Gould

Dear Mr Napper

Shoalhaven draft LEP No LP 225 – Lot 29 DP 874275 Seaspray Street, Narrawallee

I refer to your letter of 12 December 2001 requesting comment on the above rezoning proposal. The following advice is given as to the proposal's consistency with the 1997 NSW Coastal Policy.

In previous correspondence to your council (July 2001) and to the proponents (copied to your Council), Coastal Council raised particular concerns regarding the loss of vegetation should the proposal continue. These concerns related to the narrowing of a "substantial patch of remnant native vegetation that extends southward from Narrawallee Inlet" (NPWS 30 3.98) and the effects on the visual landscape, which currently provides a significant scenic backdrop particularly when viewed from the Milton area

Whilst recognising recent changes to the original proposal, including a western road boundary, Coastal Council is still concerned that the extent of the proposed development will detract from the natural and scenic values of the area, as indicated previously.

Our concerns are reinforced by requirements now to clear part of the proposed 7(d2) area west of the proposed road, within the riparian buffer zone, for bushfire management purposes and construction of retention basin/s within that environment protection zone, the latter being contrary to Mills' (1998) recommendations (p4 Gunninah Report 5.4.2000).

We also note from Lambcon Associates' letter of 17 March 1998 that additional information was warranted to enable those consultants to "make more definitive assessment of the potential visual effects of clearing". However, we are unsure from the documentation submitted to Coastal Council, whether such information was provided and analysed.

We trust the above information is of assistance. Should the draft plan proceed we look forward to viewing the draft s68/69 report in accordance with the dLEP Protocols. Please contact Julie Conlon on 9762 8185 should you wish to discuss this matter.

As a number of the supporting documents were previously forwarded to Coastal Council, please find enclosed the duplicate copies which are surplus to our needs.

Yours sincerely

Bruce Thom
Chair

managing the coast for an ecologically sustainable future

404.5314-13 (01/3211)

Wayne Green -42 212475



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Receiv *SR*

12 FEB 2002

File *1787-02*

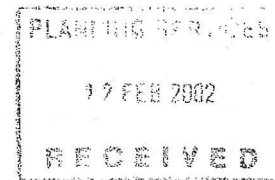
Referred to: *SR*

ATTENTION:

Mr Steve Robertson *Jo Gould*

**SHOALHAVEN CITY COUNCIL. PROPOSED DRAFT LOCAL ENVIRONMENTAL
PLAN NO. LP225 LOT 29 DP874275 SEASPRAY STREET, NARRAWALLE.**

Dear Sir



I refer to the Council's letter dated 12 December 2001 concerning the subject development proposal. The following comments are forwarded for councils advice:

- 1 The RTA has no current proposals requiring any part of the subject land.
2. As there are no apparent impacts on the Milton/Ulladulla Bypass Route, or other related traffic matters, the RTA has no objections in principle to this proposal.

Yours faithfully

AV *Andrew Vasiliou*

Andrew Vasiliou
Road Safety & Traffic Manager

11/02/02



**NSW
NATIONAL
PARKS AND
WILDLIFE
SERVICE**

ABN 30 841 387 271



8 February 2002

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

Shoalhaven City Council

Our reference:
Your reference: ZF/0792

Received *SR*

14 FEB 2002

File No 1787-02

Dear Sir,

Referred to: Joanne Gould

**RE: DRAFT LOCAL ENVIRONMENTAL PLAN NO. LP225, LOT 29
DP874275 SEASPRAY STREET, NARRAWALLEE**

I write in response to your letter of 12 December 2001 in which you seek comment on the above draft LEP. The NPWS appreciates the opportunity to comment on this proposal once again. It should be noted that this advice to Council is consistent with previous written advice provided on this issue.

The NPWS believes that the existing Environmental Protection zoning of the land is appropriate for its ecological values. Numerous studies and reports have documented that the site contains high quality mature coastal forest which provides habitat for a diverse range of flora and fauna, including important breeding habitat for the threatened Powerful Owl. In short, the site has a high level of ecological integrity, and the following comments relate to measures which aim to protect the values of the site for fauna and flora should any proposed development proceed.

The NPWS supports recommendations contained in the initial flora and fauna study prepared by Kevin Mills and Associates in April 1998. This study identified measures to minimise impact on the main area of importance of the site, the lower part of the valley on the western side of the lot. These include:

- Lots should be restricted to the upper part of the slope, where disturbance has been greatest;
- A road should be located on the western edge of any proposed development;
- The lower valley should retain the existing environmental protection zoning;
- A management regime should be developed for the lower valley.

The NPWS notes that advice provided to Council by the Shoalhaven Fire Control Officer has significant implications for the management of any retained areas in the vicinity of future development. The need for fuel management zones and frequent

Conservation
Programs &
Planning Division
Southern Directorate
6 Rutledge Street
PO Box 2115
Queanbeyan
NSW 2620
Australia
Tel: (02) 6298 9700
Fax: (02) 6299 4281

Head Office
43 Bridge Street
PO Box 1967
Hurstville NSW
2220 Australia
Tel: (02) 9585 6444
Fax: (02) 9585 6555

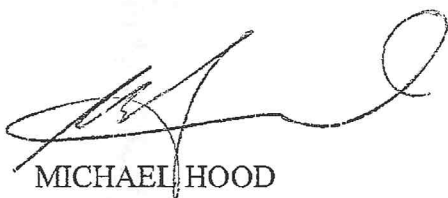
hazard reduction has the potential to substantially modify the habitat values of the site for fauna, including the nearby nest and roosts of a resident pair of Powerful Owls, and their prey species present on the site. As such management of the lower slope and gully vegetation is an issue that requires careful consideration. The NPWS suggests that a detailed prescriptive management regime should be built into the provisions of the written instrument. Included in this management plan should be a monitoring program to assess the longer-term impacts of disturbance on annual nesting activity and success of the Powerful Owl on or adjacent to the site.

The initial fauna and flora study prepared by Mills and Associates (1998) also identified the site as important as a key link in the bushland corridor to the west of Narrawallee. This issue needs to be considered in conjunction with wider planning issues raised in the Milton-Ulladulla Structure Plan, which the NPWS has commented on previously. The NPWS acknowledges and strongly supports recent investigations by Council into the securing of a corridor of vegetation under public ownership in this area. It is crucial to its integrity and ongoing viability that a system of vegetation linkages and habitats must be maintained. While vegetation throughout this area is being increasingly fragmented as result of development there still exists a number of remnants, such as this site, which contain high quality habitats and significant vegetation communities.

Taking all the above legitimate environmental constraints into consideration, the NPWS considers that the only acceptable level of development possible for the site is to confine disturbance to the upper slope on the eastern edge. A map showing the suggested limit of disturbance is attached (Figure A).

If you would like to discuss this issue further, please contact Miles Boak, Conservation Planning Officer, on 6298 9708.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael Hood', with a long, sweeping horizontal line extending to the right.

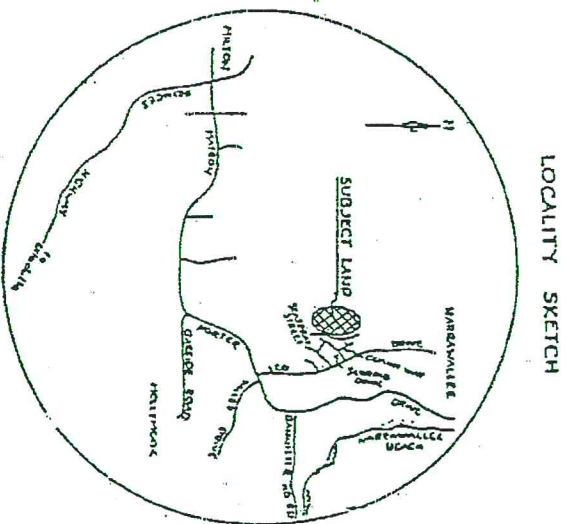
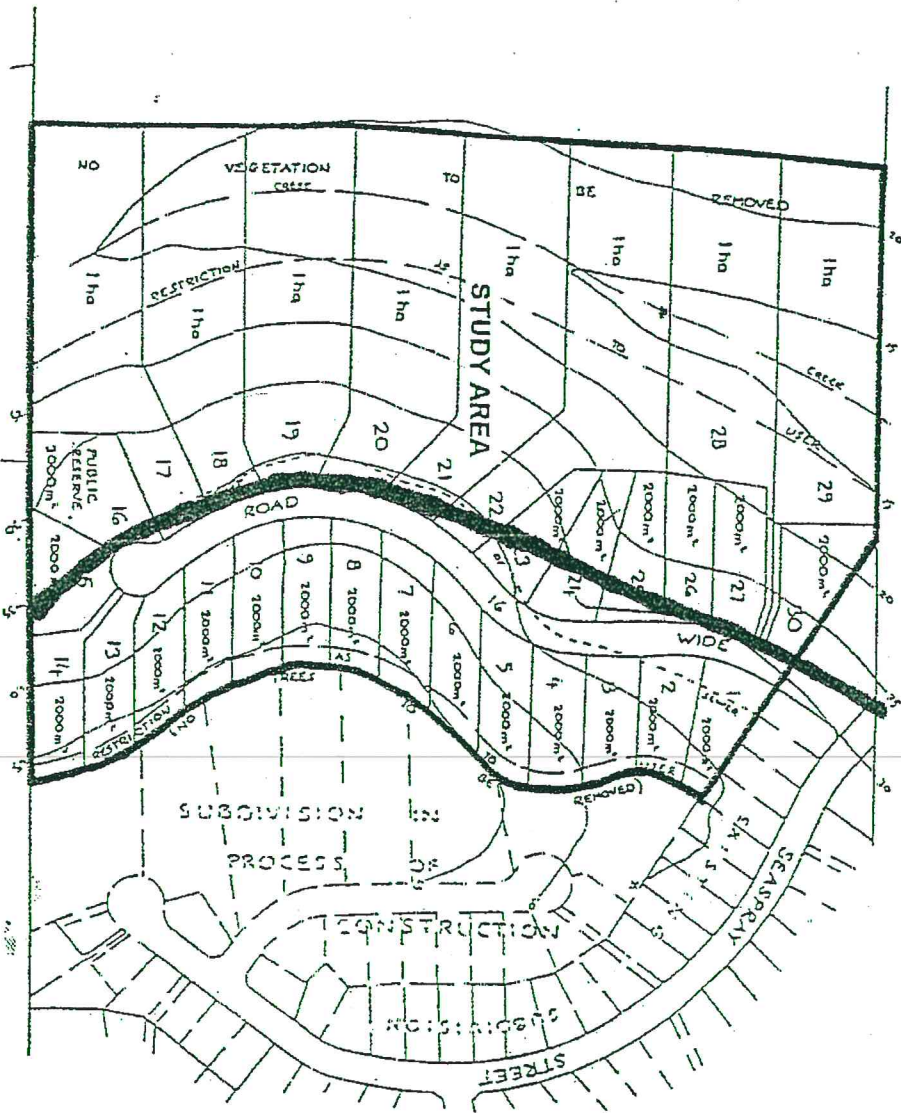
MICHAEL HOOD

Manager

Conservation Planning Unit

Southern Directorate

FIGURE A
Suggested fruit of development.



9595

The General Manager
Shoalhaven City Council
(Attention: Steve Robertson)
PO Box 42
NOWRA NSW 2541



WO298/42:WOF6895 & WOF7039:AHC
1787

Shoalhaven City Council
Received *SR*

Contact: Anne Clarke (02) 4226 8100

20 FEB 2002

File No 1787-02

Dear Sir

Referred to: *SR*
Jo Gould

DRAFT LEP NO LP 225 - LOT 29 DP874275 SEASPRAY STREET, NARRAWALLEE

The Environment Protection Authority (EPA) refers to Council's letters of 12 December 2001 and 21 January 2002 and thanks Council for referring this matter to us for consideration. The EPA has discussed the proposal with planningNSW and as advised by telephone on 31 January 2002, the EPA has no objection to the proposal.

Please accept our apologies for the delay in our response.

Yours faithfully

Trevor Jones 18/2/02
TREVOR JONES
Regional Manager South Coast

(N:\AC\2002\letter\WOF7039 & 6895 Narrawallee.DOC)

All communications to be addressed to:

Head Office
NSW Rural Fire Service
Locked Mail Bag 17
Granville NSW 2142

Telephone: (02) 9684 4411

e-mail: firstname.lastname@bushfire.nsw.gov.au

Head Office
NSW Rural Fire Service
Unit 3, 175-179 James Ruse Drive
Rosehill NSW 2142

Facsimile: (02) 9638 7956



Gordon Clark - Senior Strategic Planner
Shoalhaven City Council
PO Box 42,
NOWRA NSW 2541

Your Ref: 1787
Our Ref: PLA 110

April 9, 2002

I refer to the s62 consultation in relation to the proposed Draft Local Environmental Plan No LP 225 for Shoalhaven City Council.

In our conversation of 8/4/02, I advised that the NSW Rural Fire Service has detailed its comments for residential development within *Planning For Bushfire Protection*. Copies of *Planning for Bushfire Protection* are available through the PlanningNSW website (www.planning.nsw.gov.au) under "What's new".

The Shoalhaven Bush Fire Risk Management Plan identifies the development site as a high hazard, high threat and extreme risk area. The bushfire risk management strategies within the plan recommend providing Asset Protection Zones (APZ) about the perimeter of the urban development or interface. The land from the north to west presents the greater bushfire threat consequently development design should reflect the risk through significant APZs and developments which provide a break between the hazard and buildings.

The Draft LEP No LP 225 should address the following bushfire conditions:

1. Those detailed in clause 28 of the Shoalhaven Local Environmental Plan; and
2. In exercising its consideration of clause 28, the Council shall have regard to, and as much as possible, be satisfied that the provisions of *Planning for Bushfire protection*, as produced by the NSW Rural Fire Service have been met.

Should wish to discuss these further, please contact
Terence O'Toole
Rural Fire Service - Planning & Environment
8845 3574
email: Terence.O'Toole@rfs.nsw.gov.au

Yours sincerely,



Grahame Douglas
Acting Manager, Planning & Environment Services

470. Draft LEP LP 225 Seaspray Street Narrawallee

26448

File 1787-02

RECOMMENDED that

- a) In relation to the draft LEP for Lot 29 DP 874275 Seaspray Street Narrawallee, Council adopt the draft plan as exhibited, subject to minor wording changes required by Parliamentary Counsel and forward it (Section 68/69) to PlanningNSW for gazettal
- b) Council resolve to prepare an LEP over Lot 300 DP 792411 to rezone the Residential 2(c) (Living Area) land at Ross Avenue to an appropriate environmental protection zone.
- c) Council resolve to prepare a Deed of Agreement to ensure that the remaining 17 lot subdivision consent off Ross Avenue, Narrawallee be surrendered and dedicated to Council.

d)

e) --o0o--

f)

FAX
ORIGINAL

Our Ref. WERM01/00526
Council Ref: 1787 - Joanne Gould

24th January 2002

The General Manager
Shoalhaven City Council
P.O. Box 42
NOWRA NSW 2541

Shoalhaven City Council

Received SR

23 JAN 2002

File No. 1787-02

Referred to: Joanne Gould

PLANNING SERVICES

23 JAN 2002

RECEIVED

Dear Sir

Draft LEP No. LP 225 - Lot 29 DP874275, Seaspray Street, Narrawallee

Reference is made to your letter of 12th December 2001 to the Wollongong office seeking comments from the Department of Land and Water Conservation (DLWC) in relation to this draft local environmental plan.

The intention to achieve the reciprocal dedication to Council of land adjacent to Garrads Lagoon, currently subject to a 17 lot subdivision consent, is noted. DLWC supports Council's objective for the Garrads Lagoon land, but also shares the reservations expressed in the consultant's reports about introduction of urban development into the sub-catchment in which the subject land is located.

DLWC supports the development limitations imposed by the draft plan, particularly the set back from the creek and the requirement for a perimeter road. The Department considers that all works required to serve future residential development should be located in the residential zone, including water quality controls, drainage works and bushfire hazard protection measures. In this location the use of sub-surface bio-ribbons as water quality measures adjacent to the perimeter road would minimise impact on the environmental protection zone. It is also suggested that larger lots would assist in achieving the objectives of the Scenic Preservation Area.

The schedule 9 insertion should make it clear that the environmental protection area should remain as a single parcel, attached to a residential lot. DLWC would support the dedication of this area as a public reserve in order to maximise the retention of the bushland corridor, as identified in the consultant's report.

Should you wish to discuss the matter, please contact the co-ordinating Natural Resource Project Officer (Planning), Tony Towers, at the Penrith Office on 4722 1122. Please continue to direct any written correspondence or documents to the Region's Environmental Review Co-ordinator, Mr Noel Christensen, in the Wollongong office (P.O. Box 867 Wollongong, 2520).

Yours sincerely,

for
Chris Page
Manager, Landscape Planning
Sydney/South Coast Region

FAX
ORIGINAL

Shoalhaven City Council

Received *SR*

25 JUN 2002

File No.

26448

Referred to:

Jo Gould24th June 2002

The General Manager
Shoalhaven City Council
P.O. Box 42
NOWRA NSW 2541

Our Ref: ERM 2002/1261

Your Ref: 26448
Joanne Gould

Dear Mr Napper,

Draft LEP No. LP 225 - Lot 29 DP874275, Seaspray Street, Narrawallee

Reference is made to your letter of 24th May 2002s requesting comments in relation to this draft local environmental plan.

The Department generally agrees with the proposal. However, it is not clear whether Council's decision includes the conclusion of the report to the Development Committee (16/4/02) that the draft LEP *"include a clause that requires all development ancillary or associated with residential development to be confined to the Residential 2(a1) zone"*. DLWC supports that conclusion.

Should you wish to discuss the matter, please contact the co-ordinating Natural Resource Project Officer (Planning), Tony Towers, at the Penrith Office on 4722 1122. Please continue to direct any written correspondence or documents to the Region's Environmental Review Co-ordinator, Mr Noel Christensen, in the Wollongong office (P.O. Box 867 Wollongong, 2520).

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Chris Page".

for Chris Page
Manager, Landscape Planning
Sydney/South Coast Region

13 Seascape Close
NARRAWALLEE NSW 2539

(02) 4454 5969
0408 545 969

Shoalhaven City Council

Re:

22 December 2001

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

28 DEC 2001^{SR}

1787-02
Joanne Gould
Jo Gould

Dear Sir/Madam,

**Draft Local Environment Plan No. LP225
Lot 29 DP874275 Seaspray Street, Narrawallee**

I refer to your letter reference 1787 of 12 December 2001 dealing with the above draft LEP.

After having reviewed documents made available at Council's office at Deering Street Ulladulla, I would be grateful if you would consider and respond to the following comments on this proposal.

1. In the "Response to Issues" covering document for the proposed rezoning, the visual impacts issue is dealt with by a reference to a Mills 1998 recommendation; "... trees will be retained wherever safe and possible". I was unable to find any other reference to or basis for this recommendation in the exhibited documents.
Presumably the objective of such a retention of trees would be to achieve screening of existing ridge top and proposed new development to the west.

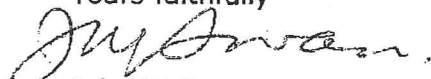
What criteria would be adopted in the selection of individual trees for removal as unsafe and/or impossible to retain to ensure achievement of this objective?

2. Your letter of 12 December has as an attachment a copy of the map identifying the subject land. The identified land includes the existing walkway reserve between Lots 24 and 25 DP874275 in Seascape Close. The proposed subdivision plan included in the "Response to Issues" covering document as exhibited provides no provision for an extension of this reserve into the proposed new development area.

In the event of the existing walkway reserve being no longer required, what course of action is proposed to secure and maintain this vacant space?

Thank you for providing the opportunity to review your proposals in this important matter.

Yours faithfully


John W Swan

02 4454 1116

kncathy@telstra.easymail.com.au

23 Seaspray St

Narrawallee NSW 2539

Shoalhaven City Council
Received

The General Manager

PO Box 42

Nowra NSW 2541

10 JAN 2002

File No. 1787-02

Referred to Joanne Gough



**PROPOSAL TO CHANGE LEP NO LP225
LOT 29 DP 874275 SEASPRAY ST NARRAWALLEE**

In your 1787 of 12 Dec 01 you propose an alteration to Local Environmental Plan LP225 to allow the development of further housing blocks to the west of Seascape Close behind the present 1 acre blocks. To enable this change there will have to be some reduction in the stand of trees in the area and a new road will be required on the western side of the new development.

The road can in fact come only from one of 3 sources - directly from Leo Dr, or as an extension north and then west of either Gemini Way or Seaspray St, if it is accepted that no direct access is possible from Matron Porter Dr.

I realise that no development application has yet been made and that consequently it may appear premature to be considering road access. However it would appear from the centre heading of your letter, reproduced above, that you already consider that access should be achieved by an extension of Seaspray St.

Any extension of Seaspray must involve Seawind Parade (a short but quite steep road) and to extend Seaspray alone would cause maximum inconvenience to the most residents through the necessarily increased traffic flow of the construction and later periods. The number of people affected is considerably less by choice of the Leo or Gemini alternatives. However the fairest way for all concerned would be to connect Gemini and Seaspray, with or without direct access from Leo. The new road could then continue as Seaspray.

Another and very topical benefit through elimination of the bottleneck through Seawind would be the availability of an alternative escape route in the event of emergency evacuation!!

I would therefore urge that, should the further development be given permission to proceed, access should not be contemplated by way of extension to Seaspray St only but rather by the linking of Gemini and Seaspray.

Yours cordially,

Kerth Stevens
(K.V.N.STEVENS)

2904
✓

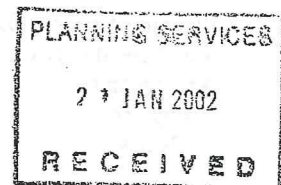
P O Box 177
ULLADULLA NSW 2539
17th January 2002

Shoalhaven City Council
Received *SR*

Shoalhaven City Council
The General Manager
P O Box 42
NOWRA NSW 2541

21 JAN 2002
File No. 1787-02
Referred to: ER
Jo Gould

Ref: Draft local Environmental Plan No. LP225



Dear Sir,

My wife and I own 7 Seascape Close Narrawallee and we have received your letter re the above proposed development plan. We have read the environmental plan and have the following comments:

1. Protection of the natural trees situated along the rear (Western) of all blocks of Land on Seascape Close including our own block Lot 27. I would like to see a 10 metre wide band of natural trees left as a buffer zone. Mr Hanson the original owners of our land at Lot 27 personally informed us that any future development would have a natural buffer zone of native trees left at the rear of our lot
2. None of the lots in the proposed subdivision be less than ½ acre in size, this is for general living and motor vehicle noise to be held at a minimum to maintain the peace and quite of the bushland setting that we love.
3. None of the blocks on the eastern side of the subdivision be allowed to have houses built on the rear of those blocks in an attempt to get views of the ocean this is also to maintain our privacy in our rear yard
4. That the access road onto the subdivision be on Seaspray Ave, as I understand the plan, this would keep to a minimum the passing traffic noise and thus preserve the natural bird life in the area.
5. Could you please provide a full explanation in regard to the developer's submission of a parcel of land at Ross Avenue to Council

Yours faithfully

Per:
Barry Neems

Barry Neems

Y & J Dwyer
9 Seaspray St
NARRAWALLEE 2539

(02) 4455 1147
yjdwyer@bigpond.com

Shoalhaven City Council
Receiver *SK*

23 JAN 2002



19th January 2002

Planning Services Division
Shoalhaven City Council
Administration Centre
Bridge Rd
NOWRA 2541

File No 1787-02
Referred to: Joanne Gould
"

SUBJECT: OBJECTION TO DRAFT LOCAL ENVIRONMENTAL PLAN NO. LP225
"Seaspray Street, Narrawallee"

It is with some disappointment that we have read of the proposed changes to Lot 29 DP874275 Seaspray St Narrawallee. We attended a public meeting last year where council's proposed future planning was discussed. At the time, there was some discussion about future residential areas being created north of Gemini and west of Leo Drive but not Seaspray Street.

The draft plan LP225 refers to a beautiful and peaceful bushland and we believe it should not be rezoned from rural to residential not only because of the great loss of fauna and flora but because we also believe that changes to the water seepage to the wetlands will change the ecology of the area.

It would be appreciated if you would advise us whether an environmental impact study has been carried out.

Should this draft rezoning plan go ahead we have the following concerns:

1. The loss of habitat for native fauna (owls, frogs, black cockatoos, echidna, wonderful birdlife) and native flora.
2. The size of the proposed residential area and its impact on our community in regard to road access. It appears from the notice in the local paper it will be an extension of Seaspray St with the consequence that all access will be from Leo Drive via Seawind Pde which is a short, steep and narrow street. We feel that this could be a serious (perhaps dangerous) problem in case of any need for emergency vehicles. The recent bushfires would be an example of such an emergency. It would also mean that heavy vehicles used for the development and for all subsequent building would only have access via Leo/Scorpio/Gemini/Seawind at great inconvenience to local residents.
3. Council should consider access, subject to environmental concerns, from Leo Drive between 107 and 109 where at present there is a wide dead end street instead of extending a single access estate.
4. How will Council monitor the scenic preservation area 2(a1). The trees in that area 2(a1) currently afford some protection from strong winds to properties in Seascape Close and Seaspray Street. The retention of as many trees as possible would retain that protection.
5. Will residents/ratepayers have an opportunity to view the actual plan submitted by the developer and be then able to make comment.

We are pleased to see that the 30 metres of trees on the eastern side of the proposed rezoning has been retained as Zone 7(d2) as promised by the developers when selling land in estates adjoining.

Should this development be approved we urge that environmental protection be maintained, street access and the retention of trees for protection of properties be carefully considered.

Yours sincerely


Y. & J. Dwyer

THE MANAGER,
SHOALHAVEN CITY COUNCIL
DEERING ST,
ULLADULLA.

Shoalhaven City Council

Received

8

PLANNING SERVICES

11 FEB 2002

RECEIVED

- 8 FEB 2002

File No

1787-02

Referred to

Joanne Gould

ATTN: JOANNE GOULD.

We would like to take this opportunity to express our opinion regarding the proposed re-zoning and development of lot 29 DP 874275 SEASPRAY STREET, NARRAWALLEE.

Our primary concern is the degree of intended vegetation removal from the area immediately adjoining the western boundaries of the adjacent one acre allotments running from the south-western (cul-de-sac) end of Seaspray Street and continuing along Seascapes Close (western side) Narrawallee.

We are presently the owners of No 5 (lot 30) Seaspray Street Narrawallee. We purchased this allotment from the land developer (MR. ALAN HANSON) prior to the last stage of the existing sub-division being finalised.

During the period of deliberations regarding the merits of purchasing our one acre block and prior to finalising the contracts, we were assured by both the sales agent and S.C.C. that an existing vegetation preservation zone was in place, which would ensure that an area of land (approx. fifteen metres wide) running along the western boundary of all seven, one acre allotments would be forever maintained. (This was the case with other original purchasers of these blocks).

This vegetation buffer was a major enticement to our decision to purchase the land as it was a guarantee that our property would be substantially sheltered to the west. This vegetation has resulted in the property being significantly sheltered from the brunt of the westerly winds. These winds at their peak can be very disruptive and damaging, preventing establishment and maintenance of many popular landscaping flora species.

We feel that our landscaping plans along with the high premium that we paid to secure this land would be significantly compromised should we now suffer from the direct impact of strong winds from the west.

Given the frequency and intensity of the westerly winds experienced through-out the Shoalhaven, we also wonder about the immediate and interim effects that the part clearing of the lower sections of the western slope, i.e. west of our boundary (eastern side of proposed re-zoning) will have upon the upper ridge vegetation.

The tree canopy is presently congruous, with a relatively smooth transition from the valley to the ridge. Once the continuity is disturbed we question the potential longevity of the upper (ridge) vegetation, as these trees in particular have never had to bear the full brunt of westerly winds which would be encountered should the protection which they currently enjoy, be interfered with.

That is, the tree canopy as a whole at present produces a sort of aero-foil effect, directing the winds up and over the ridge with marginal impact on the under-growth and main trunk area. Should the winds impact closer to the ground on the trees along the upper ridge, we feel they may eventually be up-rooted as a result of greater wind leverage.

Additionally, a report was compiled by Lambson Associates (17th March, 1998) on behalf of S.C.C. This assessment report was carried out with consideration given to information provided with the various re-zoning and development proposals.

This report suggests numerous inconsistencies in the data provided with these re-zoning studies, such as tree canopy heights and potential visual impacts. It would seem further accurate data collection may be prudent in order to ensure

the accuracy of predictions provided with each re-zoning and development scenario, given the contradictory findings.

We have found this to be a very difficult situation to comprehensively appraise because of the ambiguity associated with each re-zoning and development scenario.

Lastly, the S.C.C. saw fit to zone this area 7d2 during previous assessment of the area in earlier times, we wonder what has changed to make those earlier findings and requirements now seem redundant.

We thank you for the opportunity to voice our opinion and look forward to the enactment of a suitable outcome for all concerned.

Yours Sincerely,

Mrs. J. A. GUNTON

J. A. Gunton.

STEPHEN W. GUNTON.

S. W. Gunton.

POSTAL ADDRESS

P.O. Box 208

MILTON. 2538.

13 Seascape Close
NARRAWALLEE NSW 2539

(02) 4454 5969
0408 429 102

11 June 2001

23109
PL
1787-02
The General Manager
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Shoalhaven City Council

Received

13 JUN 2001

File No

3447-02 NAWRA

Referred to:

SR



S. Gray

Attention: Mr Steve Robertson

Dear Sir,

Re: Draft Local Environment Plans LP 221 and LP 255

We refer to the Draft LEP currently on display at your Nowra and Ulladulla offices and the resolution adopted at Council meeting on 27 February 2001 to proceed with negotiations for the exhibition of a separate Draft LEP dealing with the matter referred to as "Seaspray Street/Garrads Lagoon, Narrawallee (File 1787)" based on rezoning part of Lot 7 DP 841139 from 7(d2) (special scenic) to 2(c) (residential) as a concession to the developer in exchange for the transfer to Council of part of Lot 300 DP 792411 currently zoned 2(c) (residential).

It is noted that Lot 7 DP 841139 has been zoned 7(d2) for very sound environmental reasons and that any rezoning to 2(c) is opposed by a substantial body of expert opinion. Further to this it is our view that the expedient of creating a new problem to solve an old one contradicts the very high standard of environmental responsibility adopted in the preparation of the overall Draft LEP now on display.

The underlying issue is compensating the developer for the loss of 17 lots at the Ross Avenue site. This should be capable of being addressed directly and not via a device which creates 32 new residential lots in an important environmental protection zone.

Yours faithfully,

John and Margaret Swan