



REQUEST TO MODIFY A CONCEPT PLAN APPROVAL FOR A RESIDENTIAL SUBDIVISION AT ROSEDALE

Submissions Report (MP05_0199_MOD 2)

Bevian Road, Rosedale

April 2025



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We acknowledge the Traditional owners of the many lands on which we live and work. We pay respect to First Nations Elders past and present and thank them for their continuing care of country, culture and community.

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1.0 INTRODUCTION

Preamble

- 1.1 **This submissions report** is the Proponent's response to the request for information issued by the Department of Planning, Housing and Infrastructure ("DPHI") officers. It incorporates responses to the issues raised by the public and State agency submissions and documents some refinements made to the project. Additional consultation with agencies has been undertaken since the issue of the Request for Further Information ("RFI"), and revisions to the Concept Plans for the residential subdivision and updated specialist reports (where warranted) are appended to this Report. This Report was prepared having regard to the *State Significant Development Guidelines Preparing a Submissions Report (2022)*.

Project Background

- 1.2 On **2 October 2008**, the Minister for Planning approved a Concept Plan (MP05_0199) under Part 3A of the *Environmental Planning & Assessment Act* 1979 ("EP & A Act 1979") for the following development:
- Community Title Subdivision for Residential Development and ancillary commercial and community facilities comprising six (6) Ecological Protection Lots, one (1) Community lot and thirteen (13) Neighbourhood Precincts (which will yield a total of 792 residential lots).*
- 1.3 No physical works were approved in conjunction with that Concept Plan, which is therefore reliant on future Development Applications to authorise physical works.
- 1.4 On **30 April 2013**, Modification 1 to MP05_0199 was approved, which extended the lapsing date of MP05_0199 by a further 3 years to change the lapsing date of the approval to 2 October 2016.
- 1.5 On **6 October 2016**, the Eurobodalla Shire Council confirmed in writing that the approved Concept Plan MP05_0199 had been physically commenced, and therefore, the Concept Plan approval has no lapsing date.
- 1.6 On **18 August 2023**, the Proponent (Walker Rosedale Pty Ltd) issued a Scoping Report for a proposed modification to the DPHI and requested the preparation of the Planning Secretary's Environmental Assessment Requirements.
- 1.7 On **18 September 2023**, the Planning Secretary issued their Environmental Assessment Requirements ("SEARs"). Certain SEARs were subject to requests for clarification, and on 1 October, 2023, a revised (final) version of the SEARs was issued by DPHI.
- 1.8 On **26 September 2024**, the proponent submitted a modification request pursuant to section 75W of the EP & A Act, inclusive of a proposed modified subdivision concept plan, an Environmental Assessment Report supported by 28 Appendices containing specialist reports, and the modified Concept Plans to illustrate the Concept Plan as modified.

- 1.9 On **5 November 2024**, the Department of Planning issued a RFI & invited the proponent to prepare a Submissions Report to address issues and contentions raised by public agencies.
- 1.10 Since that time, a number of changes have been made to the modified Concept Plans in response to issues raised in submissions, reducing the development's environmental impacts. A comparison between the originally approved 2008 Concept Plan and the proposed modification (as amended by the most recent plans and this Report) is summarised in the following table:

Table 1: Comparison between the existing Concept Plan (November 2008) and the revised, modified plans.

Element	MP05_0199	MP05_0199_MOD 2 (Apr 2025)
PROJECT AREA		
Concept Plan Site Area	173.35 Ha	166.82 Ha
Developable Footprint (Residential and Infrastructure)	128.59 Ha (74.01% of the site)	102.17 Ha (61.25% of the site)
USES		
Concept Plan Development Scope	Community Title Subdivision for Residential Development and ancillary commercial and community facilities comprising six (6) Ecological Protection Lots, one (1) Community lot and thirteen (13) Neighbourhood Precincts (which will yield a total of 792 residential lots).	Subdivision for Residential Development, ancillary commercial facilities developed in thirteen (13) Stages (which will yield a total of 741 residential lots), ancillary recreation open space areas, and retained managed bushland and riparian zones.
Residential Lots	792 lots, ranging from 450m ² – 4,000m ²	741 lots, ranging from 450m ² – 10,000m ²
Dwelling density (lots/ha)	4.47/Ha (gross)	4.1/Ha (gross)
Commercial Floorspace	1,100m ²	Local-scale facilities, subject to detailed design
Non-developable land	38.92ha	56.73 Ha

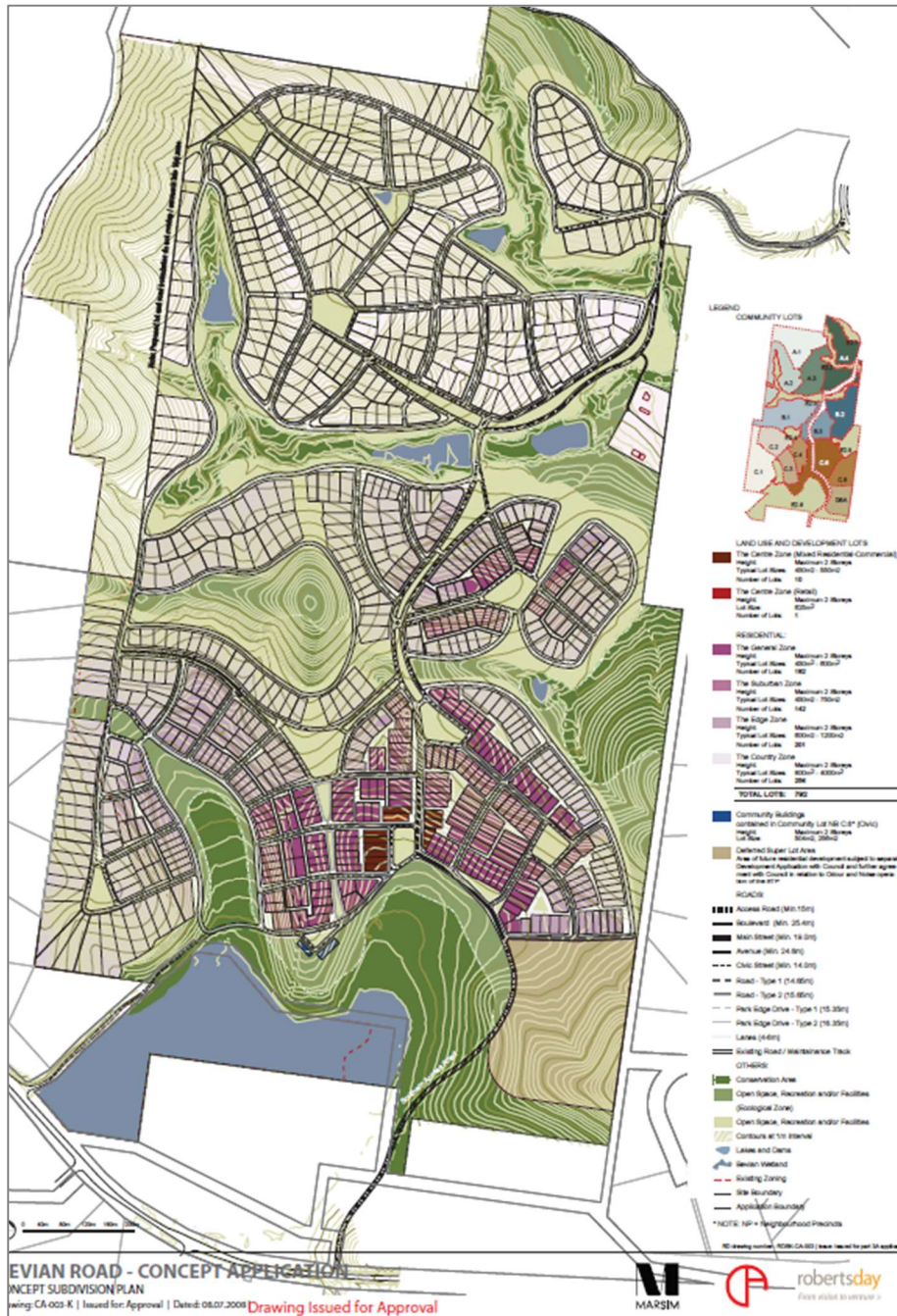


Figure 1: Concept subdivision layout approved in 2008 (MP_05_0199).

2.0 ANALYSIS OF SUBMISSIONS

The Submitters

- 2.1 The proposed modification was exhibited by DPHI for a fourteen (14) day period between 10 to 23 October 2024, by letter to registered landowners, as well as publication on the major projects planning portal.
- 2.2 A total of eighteen (18) submissions and agency responses were received during the exhibition period.
- 2.3 The majority (13) of submissions were from NSW State Agencies, with the Eurobodalla Shire Council also submitting. In addition, there were four (4) submissions received from the general public.
- 2.4 This relatively low number of submissions allows the complete response matrix to be prepared—a matrix of issues and responses is contained in **Appendix 1** of this Report.

Key Issues

- 2.5 The following key issues were identified from the submissions and have been addressed in detail in this Report.

Table 2: Key issues.

No.	Agency	The issue to be addressed
1.	BCS ¹ , ESC ² .	Biodiversity Values. Compliance with <i>Biodiversity Conservation Act 2016</i> .
2.	ESC ² .	Maintenance and APZ obligations for Open Spaces.
3.	ESC ² .	Sewer and water Infrastructure capacities.
4.	ESC ² .	Infrastructure Buffer
5.	ESC ² , TfNSW ³ .	Traffic Impacts
6.	ESC ² , BCS ¹ .	Retirement of Biodiversity credits
7.	NSW F&R ⁴ , ESC ² .	Bushfire Risks (Compliance with PBP 2019) APZ obligations for Open Spaces
8.	BCS ¹ .	Compliance with SEPP R & H Coastal Zone
9.	BCS ¹ .	Floodplain Risk Management
10.	BCS ¹ .	Water Quality Impacts
11.	BCS ¹ .	Consistency with Due Diligence requirements
12.	DCCEE ⁵ .	Groundwater
13.	Crown Lands	Purchase of Crown Roads

1. BCS – Biodiversity and Conservation Science

2. ESC - Eurobodalla Shire Council

3. TfNSW – Transport for New South Wales

4. NSW F & R – NSW Fire and Rescue

5. DCCEE – Department of Climate Change, Energy, the Environment & Water.

Appendices to this Submission

- 2.6 The following reports and documentation have been appended to this submission, which will (where relevant and applicable) replace the comparable specialist documentation lodged in September 2024 as part of MP05_0199_MOD 2.

Table 3: Appendices

No.	Report/Documentation	Consultant
Appendix 1	Open space submission	Walker Rosedale Pty Ltd
Appendix 2	Submissions Register & Matrix of Responses	Walker Rosedale Pty Ltd
Appendix 3	2025 Revised BDAR and Credit Summary	Ecological Australia Pty Ltd
Appendix 4	2025 Revised Flood Impact Assessment Report	Torrent Consulting Pty Ltd
Appendix 5	2025 Revised and updated plans	Walker Corporation Pty Ltd
Appendix 6	2025 Revised Integrated Water Management Strategy	Civille Pty Ltd
Appendix 7	2025 Revised Bushfire Impact Assessment Report	BCBHS
Appendix 8	2025 Revised Civil Design Plans	Enspire Engineering Solutions
Appendix 9	2025 Revised Transport Impact Assessment	Ptc consultants
Appendix 10	2025 Revised ACHAR	Navin Officer Heritage consultants
Appendix 11	2025 Revised Riparian and Aquatic Assessment	Ecological Australia Pty Ltd

3.0 ACTIONS TAKEN SINCE EXHIBITION

Further Engagement

- 3.1 In the time since 5 November 2024, the applicant and their consultants have been in regular contact with submitting agencies to formulate and refine the responses to their issues and also to prepare updated reports to align with revisions with the Concept Plan and/or to refine responses to the matters raised in submissions. Meetings were held with the following key agencies:
- **Eurobodalla Shire Council** staff on 28 November 2024, followed up with a further meeting on 18 March 2025 (with DPHI Regional Assessments).
 - **DPHI Regional Assessments** on 12 December 2024 and 18 March 2025 (the latter also attended by Council representatives)
 - **BCS** on 5 March 2025 (also attended by DPHI Regional Assessments)

Further Site Fieldwork

- 3.2 Ecological Australia Pty Ltd ("**ELA**") revisited the site during the week of 13-17 January 2025 to reconfirm the extent of the Threatened Ecological Species "Southern Estuarine Swamp Paperbark Creekflat Scrub" (Plant Community Type #4056) ("**PCT 4056**"). The January 2025 site visit by ELA and remapping incorporated into the revised BDAR (attached in **Appendix 3**) notably led to the following:
- The area occupied by PCT 4056 increased from 21.13 Ha to 24.8 Hectares
 - Updated and revised site vegetation mapping was produced.
 - The targetted survey failed to locate any *Persicaria elatior* (Tall Knotweed) and was unable to confirm the presence of the Southern Myotis within the developable area.
- 3.3 On 5 March 2025, the proponent met with Biodiversity and Conservation Science ("**BCS**") and DPHI to present the results of the amended vegetation mapping as a consequence of the January 2025 site revisit and to take those authorities through the suggested approvals' strategy to ensure that biodiversity credits impacted by the Concept Plan would be retired.
- 3.4 On 18 March 2025, the proponent met with Council officers (planning and environmental) and DPHI to brief and update attendees about progress towards the response to submissions. The preferred approvals strategy will feature a vegetation clearing DA, inclusive of staged retirement of biodiversity credits to be implemented via the determination of the vegetation clearing DA.

Refinements to the Project

- 3.5 Refinements to the Project have been made in response to further consideration and the agency submissions. The refinements (a.k.a amendments) can be grouped under the following headings:
- Amendment to Plans

- Detailing of a post-Concept Plan approvals process
- Voluntary Planning Agreement

Amendments to Plans

3.6 Amended plans for the modification request are attached to the Report in **Appendix 5**. Those plans are intended to supersede the plans submitted in September 2024. Key amendments to the plans comprise:

- Minor changes to the civil design, such as refinements to road batter extents, coordination between Asset Protection Zone Planning, engineering and lot design to ensure the viability of a developable area for each lot.
- Increasing the Bevan Wetland buffer zone from 50 metres to 100 metres, identifying that buffer area as a non-developable area, wherein civil design works, watercourse realignment, and associated ground level changes will not take place, nb. *There will, however, be limited incursions into the buffer only for necessary access roads.*
- Enhancing the extent and widths of the non-developable area adjoining Bevan Wetland will protect the sensitive foreshore environment and allow more room for natural regeneration to occur and establish over time. The discharge point and extent of the realigned watercourse and reconstructed vegetation riparian zone ("VRZ" ") works that had been proposed to drain directly into the NW edge of the Wetland have now been pulled back out to the 100m wide wetland buffer zone. These changes are illustrated in the following comparison plans.

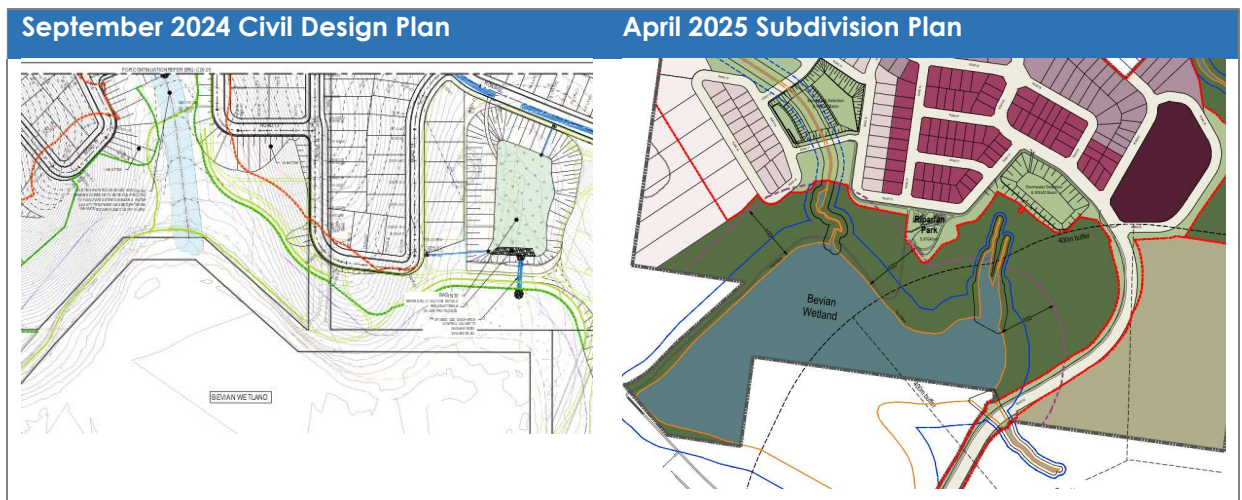


Figure 2: amendments made to southern part of the subdivision design between September 2024 to April 2025.

3.7 The 100-metre-wide wetland buffer zone that has been created and will be protected as a "non-developable area under this Concept Plan". Has been achieved by the following amendments:

- Deleting the Village Green Park,

- Pulling back the extent of watercourse (civil) realignment works to a 100m line to the northwest of the Wetland and preserving the natural alignment of the watercourse from this point to the edge of the Wetland.
 - reducing the footprint of the WSUD Basin B from 4,800m² to 3,600m²
 - redesigning Basin B to act as a landscaped interface between the street environments of Roads 02 and 13 and the wetland buffer.
 - Reducing the extent of residential land and altering the street layouts of Stages 3, 4, 5, and 7B, helping further reduce the southerly extent of the residential developable area.
- 3.8 The amended plans (dated April 2025 and attached in **Appendix 5**) have incorporated a further net reduction in developable area (including realigned watercourses and WSUD basins, batters, residential footprint, parks and roads) from 104.62 Ha to 102.17 Ha.
- 3.9 Directly impacted **native vegetation** has been **reduced** from 104.24 Ha to 98.9 ha.
- 3.10 With regard to the currently approved 2008 Concept Plan, the current revised plans have **increased** the “non-developable” areas on this site from 38.92 Hectares to 56.73 hectares,

Post Concept Plan Approvals Process

- 3.11 There will be 2 “phases” of DA approvals” to implement the approved Concept subdivision:

(i) Initial DA for Staged Vegetation Clearance Works (clearing DA)

- 3.12 This initial DA will seek consent for the removal of vegetation and existing improvements (if any) within the approved “developable area” of the approved Concept Subdivision Plan. (MP05_0199_MOD_2). Clearing works will only be carried out within the defined stages in accordance with the approved Concept Plan. Once approved, such DA consent will provide the proponent certainty to proceed to the subsequent detailed design phase of the development. Clearing and retirement of biodiversity credits will occur at a controlled rate aligning with the approved stages to mitigate environmental risks inherent in clearing works on sloping topography.
- 3.13 Additionally, clearing works will also be undertaken across natural drainage lines: 1B, 1C, 1D, 1K and 1L, and 1F and 1G (in part), (as mapped on page 19 of the *Riparian and Aquatic Assessment Report* (ELA 2024, at **Appendix 11** as justified within the submitted riparian and aquatic assessment for the site.
- 3.14 The boundaries between developable and non-developable areas will be delineated by fencing, which will be included in the scope of works for this DA.
- 3.15 Expected conditions applicable to this initial stage, “clearing” DA, will directly address the following matters:

- o Evidence of the retirement of Biodiversity credits relevant to that Stage (as nominated in Tables G2-G3 of Appendix G in the 2025 BDAR (refer to **Appendix 3**), would be required prior to the commencement of clearing works.
 - o The physical implementation of approved environmental safeguards is detailed within a future “Vegetation Clearing Environmental Management Plan (“**VCEMP**”).
- 3.16 Environmental safeguards to be addressed by the VCEMP will cover (but not necessarily be confined to) the issues listed below in (a)-(p).
- 3.17 Content to be addressed in the proposed VCEMP -
- (a) Notification of Council and neighbours regarding commencement of clearing works
 - (b) management of green waste
 - (c) the specification, location, and installation of protective fencing to delineate the boundary between approved developable and non-development areas
 - (d) installation & maintenance of erosion controls to protect against soil movements.
 - (e) protocols for neighbour and community liaison with the proponents and its contractors, specifying emergency contact procedures
 - (f) proposed working hours,
 - (g) restrictions on working hours and noise generation,
 - (h) complaint handling procedures,
 - (i) truck haulage routes,
 - (j) any other relevant environmental matters regarding the subject Stage (e.g. dilapidation surveys for any nearby property not controlled by the proponent, special safeguards when clearing is carried out on steeper slopes)
 - (k) completion of a pre-clearance fauna survey and certification that any fauna relocations and/or habitat compensation have been completed prior to clearing works commencing (i.e. - completed by an appropriately qualified and experienced consultant in the field of fauna relocation). Confirmation is provided to the Council that any occupied habitats / Hollow Bearing Trees (HBTs) / nesting have been identified, and the inhabitants have been relocated in accordance with relevant Guidelines and/or statutory provisions.
 - (l) Stabilising soils formerly override with vegetation and certification of completion of approved stabilisation works.
 - (m) Where clearing works are proposed at or below RL10mAHD, an Acid Sulfate Soils Management Plan is needed to manage any Acid Sulfate Soils encountered.
 - (n) An “unexpected finds protocol” to establish procedures in the event the works disturb previously undocumented and/or concealed archaeological artefacts or heritage relics
 - (o) stabilisation of cleared land and certification provided to the Council for such treatment prior to the commencement of clearing works in a subsequent stage in the same catchment.

- (p) Undertaking Water Quality Testing in Bevan Wetland and Saltwater Creek in accordance with Section 6, "Monitoring and Assessment" within the updated Integrated Water Management Strategy (Civille, 2025, attached in **Appendix 6**).

(ii) Detailed residential subdivision DA's

- 3.18 These DAs will seek approval for earthworks and Infrastructure works to create residential housing lots, inclusive of ancillary road and access layouts, and essential infrastructure services designs. The objective of this phase is to deliver, once completed, fully serviced benched and serviced house sites, complemented by public domain works and serviced with operational reticulated electrical, telecommunication, sewer and water services.
- 3.19 This approvals phase will feature a succession of standard subdivision DAs, each submitted under Part 4 of the E P & A Act 1979 and referencing a stage referable to the approved Concept Subdivision Plan (see stage plan in **Annexure 5**). Detailed civil and subdivision designs for each stage will be subject to standard Council approvals processes, the undertaking of works, and, ultimately, certification of completion in compliance with the relevant authority standards. Watercourse realignments and ecological rehabilitation works (a.k.a "environmental protection works") within the proposed realigned watercourses and all rehabilitated riparian vegetation areas (where applicable) will also be carried out in this approvals phase.
- 3.20 The proponent will be responsible for obtaining all detailed design approvals for civil and infrastructure works, development and embellishment of recreation parks, the undertaking of watercourse realignment works, and vegetation re-establishment works in bushland and vegetated riparian zones to be approved as part of future Subdivision Works Certificates ("**SWPs**"), Vegetation Management Plans ("**VMPs**"), and "Controlled Activity Approvals ("**CAAs**"). The culmination of this phase will be the approval of a Subdivision Certificate ("**SC**") allowing the registration of a plan of subdivision at NSW Land & Property Information for that stage of the development.
- 3.21 After undertaking the approved works and completing 5 years of maintenance of the provided open space areas on this site, being regenerated bushland and recreation parks, the proponent intends to dedicate all open space areas and any relevant infrastructure, to the Council.
- 3.22 Subject to the completion of the handover procedure agreed upon between the proponent and the Eurobodalla Shire Council, ongoing maintenance of parks, water and sewer services infrastructure, and other open spaces will thereafter revert to the Council's responsibility.

Planning Agreement

- 3.23 The proponent intends to invite the Eurobodalla Shire Council to enter into a Planning Agreement ("**PA**") to offset the costs of developing infrastructure that has demonstrated material public benefits against developer contribution obligations. The following proponent-funded facilities and infrastructure will likely be part of the negotiations to be undertaken with the Council and subsequently documented in a future draft PA:

- Detailed design and approvals of the proposed water reservoir (0.88ML capacity) to be constructed at the northern end of Barlings Drive, as well as ancillary facilities, as recommended within the NSW Public Works document “*West Rosedale Development Options Modelling* (PWA, 2022).”
- The land and embellishment costs for the recreation facilities in this estate - given the adjoining subdivision does not contain any public recreation open space.
- The land and construction costs for the proposed Southern Access Road given it will provide benefits to other property owners (not solely the subject development), in particular Lot 84 DP755902, AND provides for future potential public road access to the western boundary of the Tomakin Sewerage Treatment Plant site.

4.0 RESPONSE TO SUBMISSIONS

Biodiversity Conservation and Science

- 4.1 Three (3) principal issues were raised in the BCS submission dated 1 October 2024, and the applicant's response to each is set out in the below table:

Table 43: Summary of Issues and Responses - BCS

Issue	Response
Impacts on Biodiversity Values	Revised BDAR and Credit Assessment see below (Appendix 3)
Impact Avoidance and Credit Retirement Process	See the above explanation of the intended DA strategy to retire credits by staging (see Section 3.2 above and Appendix G of Appendix 3.)
Impacts of Coastal Wetland, Floodplain and Coast comments	Revised FIRA & Integrated Water Management Strategy (Appendices 4 & 6) (see Section 4.1.3 & 4.1.5)

Impacts on Biodiversity Values

- 4.2 BCS contended there had been an underestimation of the extent of the Threatened Ecological Community ("TEC") PCT 4056 on the site. They maintained that this TEC is more widespread than acknowledged to date and should incorporate areas subject to natural regeneration, as well as potential re-growth areas exhibiting specific topographic and ancillary site indicators symptomatic with this PCT.
- 4.3 Furthermore, BCS contend there has been some mis-classification of vegetation between the South Coast Spotted Gum Moist Forest Community (PCT 3274) and the TEC plant community (PCT 4056).
- 4.4 BCS also contended that a more generous buffer zone should be provided around the Wetland to provide a buffer to impacts of nearby urban development and enable natural re-establishment of the Wetland's ecological and biodiversity values.
- 4.5 In response, the site was revisited in January 2025—areas identified by BSC as potential TEC were investigated. The mapped land area occupied by PCT 4056 has consequently been increased from 21.13 Ha to 24.8 Hectares. (refer to Figure 4).
- 4.6 The vegetation surveyed on-site in January 2025 and targetted surveys for threatened species relevant to this site confirmed nil presence of the "Tall Knotweed" (*Persicaria elatior*) within the developable area. Further, there were no confirmed recordings of Southern Myotis (*Myotis Macropus*) - a species of vesper bats - were not recorded on the site (although the presence of the Myotis has nonetheless been

presumed in the revised BDAR given the presence of suitable habitat on site and past occurrences of that species within the region.

4.7 *Persicaria elatior* has previously been recorded near Bevia Wetland. This species is susceptible to changes in hydrology, sedimentation, and eutrophication and may be adversely affected by indirect impacts associated with nearby development activities.

4.8 With respect to impacts on the Hydrology of the Bevia Wetland, Civile (Appendix 6) concluded:

"...The proposed strategy is able to:

Match the pre-development flow hydrology and runoff volumes

Improve the water quality draining to Bevia Wetland

Hence, overall, the development is anticipated to have an overall positive impact on the receiving water of Bevia Wetland. (page 60)

4.9 Increased sedimentation is unlikely to occur given the environment management measures such as:

- use of sediment controls and maintenance of those controls throughout the clearing works (as well as subsequent civil works)
- minimising the proportion of the site area that will be exposed by controlling the rate of clearing works,
- post-clearing soil stabilisation to protect soils whilst a Stage remains undeveloped into its permanent form.

4.10 Given the improvement in water quality expected to enter Bevia Wetland post-development, this will tend to mitigate the eutrophication processes already occurring within the Bevia Wetland.

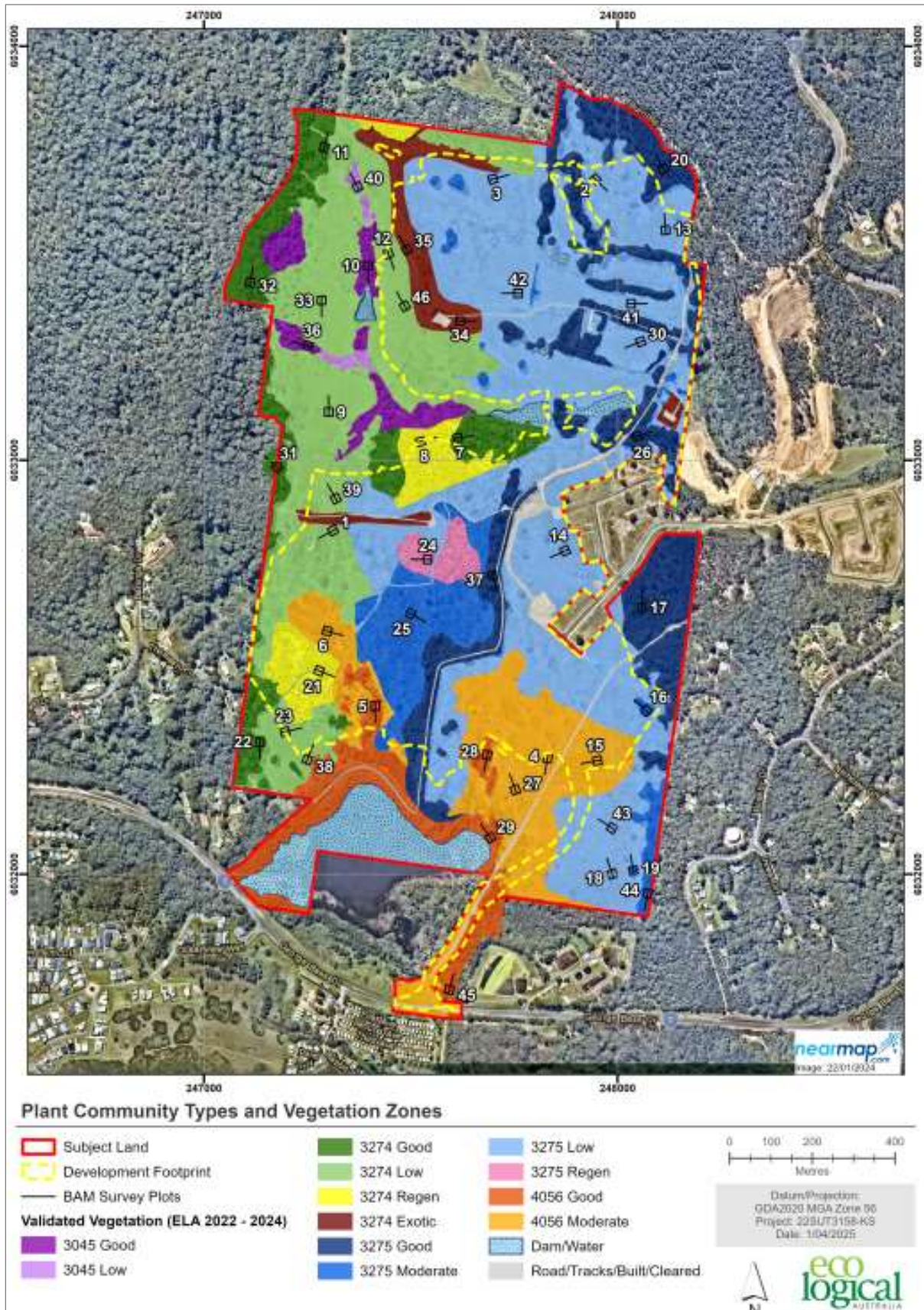


Figure 3: Revised Vegetation Mapping (April 2025)

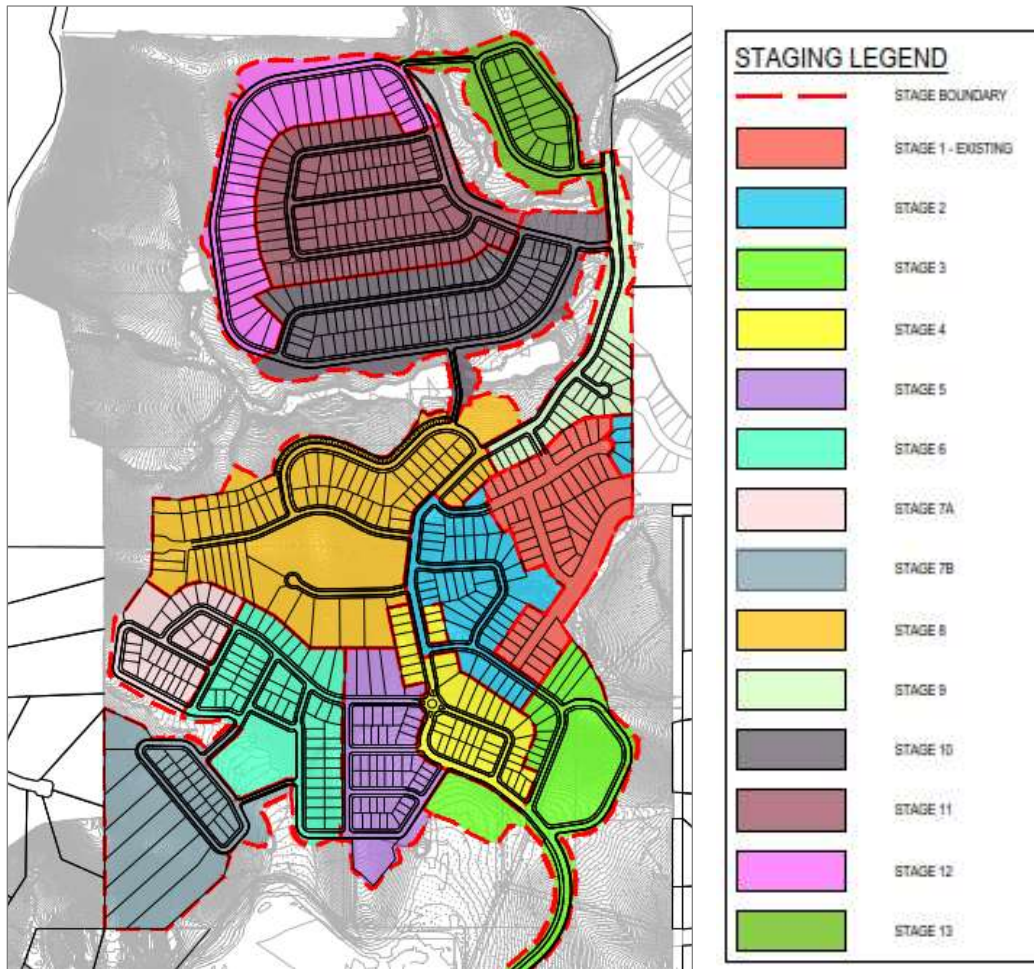


Figure 4: Revised Staging (April 2025)

- 4.11 The amendments to the subdivision layout and design have reduced impacts on biodiversity values in relation to the original Submission in September 2024, as evidenced in the following summary below:

Table 5: Comparison Biodiversity Credits, as assessed in the June 2024 BDAR and April 2025 BDAR

Plant Community ID	June 2024 BDAR (i.e., the original subdivision original veg mapping)	April 2025 BDAR (change)
3045 South Coast Temperate Gully Rainforest	0	1(+1)
3274-South Coast Spotted Gum Moist Forest	113	113 (nil)
3275-South Coast Spotted Gum Cycad Dry Forest	1,030	956 (-74)
4056-Southern Estuarine Swamp Paperbark Creekflat Scrub (TEC)	352	303 (-49)
Total	1,469	1,373 (-96)
Species Credits	June 2024 BDAR	April 2025 BDAR
Southern Myotis	1,046 (assumed)	(105)
Tall Knotweed	352 (assumed)	(-)

Total	1,398	105 (-1,293)
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- 4.12 The principal amendments to the Concept subdivision plan (refer to **Figure 4**) involved truncating the southerly extents of residential Stages 3, 5, and 7B, deletion of the Village Green recreation park (refer also to paragraphs **3.12-3.17** of this Report and **Appendix 5**), and rotating and reducing the area impacted by the proposed WSUD Basin, known as Basin B (refer to Civil design plans in **Appendix 8**). The proposed amendments to the approval process complement these physical changes by including a clear strategy to maintain the ecological values of the buffer zone by way of:
- o Preparation of a Vegetation Management Plan ("**VMP**") to detail measures to restore, rehabilitate, and maintain the buffer zone for 5 years. The VMP will be prepared for a relevant stage of the development that adjoins the wetland areas.
 - o The above procedure and VMP submission will be replicated throughout the development of the subject estate wherever the subject residential Stage(s) adjoins riparian areas that have been nominated as non-developable areas (identified on the "Developable Areas" map in **Appendix 5**) or identified as reconstructed watercourse and riparian corridors (on the amended Civil Design plans in **Appendix 8**).
- 4.13 The stormwater management strategy incorporated in the Concept Plan (refer to **Appendix 6**) guarantees that runoff quantity and runoff quality will be comparable in pre and post-development scenarios.
- 4.14 In response to the BCS' submission and the requirements of the *Biodiversity Conservation Act 2016*, its Regulations and Guidelines, the proponent maintains the proponent's response should be supported because:
- (i) The 2025 BDAR prepared by **ELA** attached to this Report (at **Appendix 3**) is the most authoritative and relevant empirical evidence of the site's biodiversity values. - *ELA has completed six surveys of the site dating back to 2022 and updated those results through an additional survey in January 2025. The updated BDAR, dated April 2025, has been prepared by an accredited and certified expert and utilises the current "Credit Calculator" to arrive at a numerical summary of Biodiversity credits impacted by the subject development.*
 - (ii) The site area to be protected from development as a "non-developable" area has increased by 45.7% from the 2008 Concept Plan approved subdivision plan (38.92 Ha) to the amended subdivision plan (dated April 2025), totalling 56.73 Ha.
 - (iii) The latest (April 2025) amendments have led to a net decrease in impacted TEC (PCT 4056), from 13.61 Hectares (September 2024) to 11.9 Hectares.
 - (iv) Biodiversity credits will be retired in a staged manner as the clearing works progress across the site. This modified Concept Plan and the proposed "Clearing DA" will provide statutory opportunities to regulate the retirement of biodiversity credits in a stage-by-stage manner in accordance with Table G2 of the BDAR (ELA, 2025 refer to **Appendix 3**) and the timing/approvals structure outlined in section 3.12 of this Report.

- (v) The most recent refinements to the Concept Subdivision Plan have widened the non-developable Wetland buffer zone from 50 metres to a much wider zone, measuring generally 100 metres from the wetland edge. This wider zone will provide abundant opportunities for natural regeneration and a longer-term increase in the abundance of TEC at the interface between the development and the Bevan Wetland.
- (vi) The proposed water cycle management strategy will result in runoff comfortably complying with the water quality standards of the Council's Infrastructure Design Standard, and it will have a beneficial effect on the water quality of receiving waters (i.e. Saltwater Creek and the Bevan Wetland). Furthermore, water quantity modelling has demonstrated no significant variance in pre-and post development runoff volumes in both catchments relevant. Modelling of runoff entering both catchments in pre- and post-development scenarios reveals an essentially neutral position with regard to water volumes leaving the site and entering both catchments as a consequence of the proposed development.
- (vii) Works on all waterfront land will be subject to future "controlled activity approvals" pursuant to the [Water Management Act 2000](#). Riparian Realignment and re-establishment of Vegetated Riparian Zones is proposed in the Riparian and Aquatic Assessment Report prepared by ELA. (ELA 2025, refer to **Appendix 11**).
- (viii) VMPs are proposed for all open space areas to formalise the re-establishment/rehabilitation of ecological values in open space, including a maintenance schedule of works that will lead to a net improvement in biodiversity values of riparian, bushland, and aquatic environments on-site. All VMPs will be oriented towards minimisation of ongoing maintenance once established.
- (ix) The opportunity to retire biodiversity credits "off-site", either directly via the purchase of appropriate credits from a registered Stewardship site OR contributing to the NSW Biodiversity Conservation Fund ("BCF"), will lead to the net improvement of Regional Biodiversity Values. The BCF is managed by the Biodiversity Conservation Trust ("BCT"), which directly funds Conservation and Rehabilitation works and programs to improve Biodiversity Values on a Regional basis. Examples include the administration of Stewardship sites, funding works, conservation of the financing studies and property acquisitions. Approval of the subject modification (MP05_0199_MOD_2), with its structured procedure of DAs and credit retirement contributing to the BCF, based on the BDAR prepared by ELA (in **Appendix 3**) supplements off-site gains in Regional Biodiversity Values, that would not otherwise be achievable if offsets were confined to the modified Concept Plan site, which is the case in the approved 2008 Concept Plan.

Impact Avoidance and Offset Credit Requirements

- 4.15 Impact avoidance (in an absolute sense) is unreasonable given this is a modification to a previously approved and valid Concept Plan which has greater biodiversity impacts than what is proposed in the recently amended Concept Subdivision Plan.
- 4.16 Eurobodalla Shire Council and BCS have requested further information as to the proponent's approvals strategy to ensure biodiversity credits are completely retired for this development.

- 4.17 The initial DA (refer to paragraphs **3.12-3.17** above) will incorporate the staged retirement of all biodiversity credit obligations based on this development based on the 2025 BDAR results attached to this Submissions Report in Appendix 3). The BDAR complies with the contemporary requirements of the *Biodiversity Conservation Act 2016*, and it will streamline future assessments of DAs for individual stages of development in the future.
- 4.18 The resolution issues of impact avoidance and biodiversity offset credits will be settled in the initial DA process (with reference to this Concept Plan (as modified)). Subsequent DAs for detailed designs for Stages 2-13 are envisaged, to follow a relatively uniform course of events; however still subject to the Integrated referral provisions of the EP & A Act due to issues of development of a residential subdivision on Bushfire prone land and requirements for "Activity Approvals" to conduct works within watercourses and on "waterfront Land" to the [Water Management Act 2000](#).
- 4.19 Assessment of these future DAs for individual stages would be predominantly concerned with compliance with the Council's Infrastructure Design Guide and the Council's Residential Zones DCP, as well as determination of consistency with the "parent" Concept Plan approval, including this submission. Where DAs are approved, they would be subject to appropriate conditions to mitigate any residual environmental impacts. Prospectively, future DA approvals for detailed designs in each stage would be approved subject to a condition to submit and obtain Council approval for Vegetation Management Plan(s) or draft Plan of Management relevant to the respective open space (bushland or Park) included in the Stage, and that Management Plan would assign responsibility for the embellishment and/or rehabilitation of non-developable areas to the proponent, as well set out the handover procedure for to Council, after the completion of the 5-year "proponent obligation".
- 4.20 It is expected that final approval of the Vegetation Management Plan, will be required prior to the release of the Subdivision Works Certificate of the relevant Stage.

[Impacts on the Coastal Wetland](#)

- 4.21 The hydrology and ecology of the Bevan Wetland are principally controlled by its current reliance on surface runoff (i.e. freshwater) with no identified contribution from groundwater or from saline groundwater sourced from the ocean, which is downhill and over 500 metres distance from the shoreline of the Bevan Wetland (**Appendix 6**, Cville, 2025).
- 4.22 The Water Management Strategy proposed for this development is made up of the following components, illustrated in diagrammatic form below:

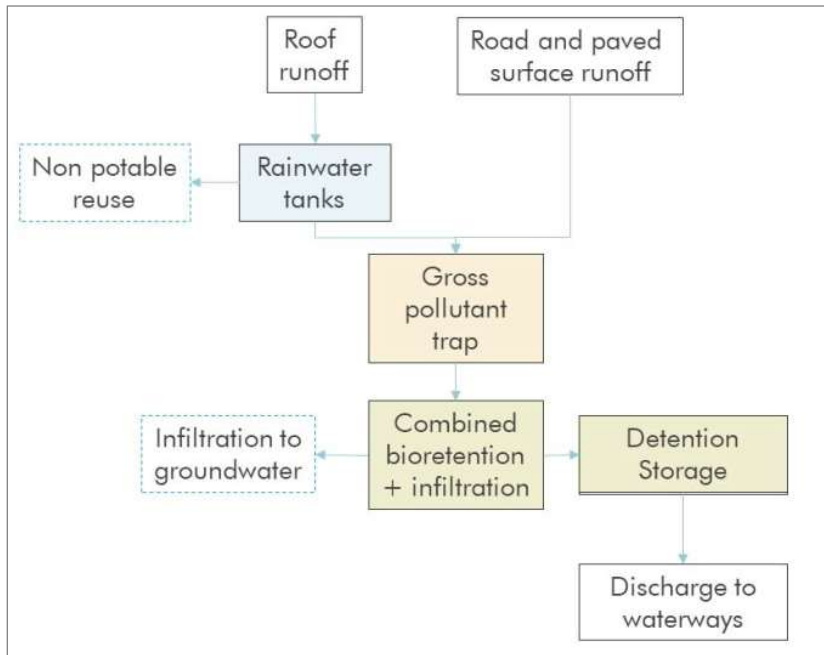


Figure 5: Water Management Strategy (from: Civile 2025).

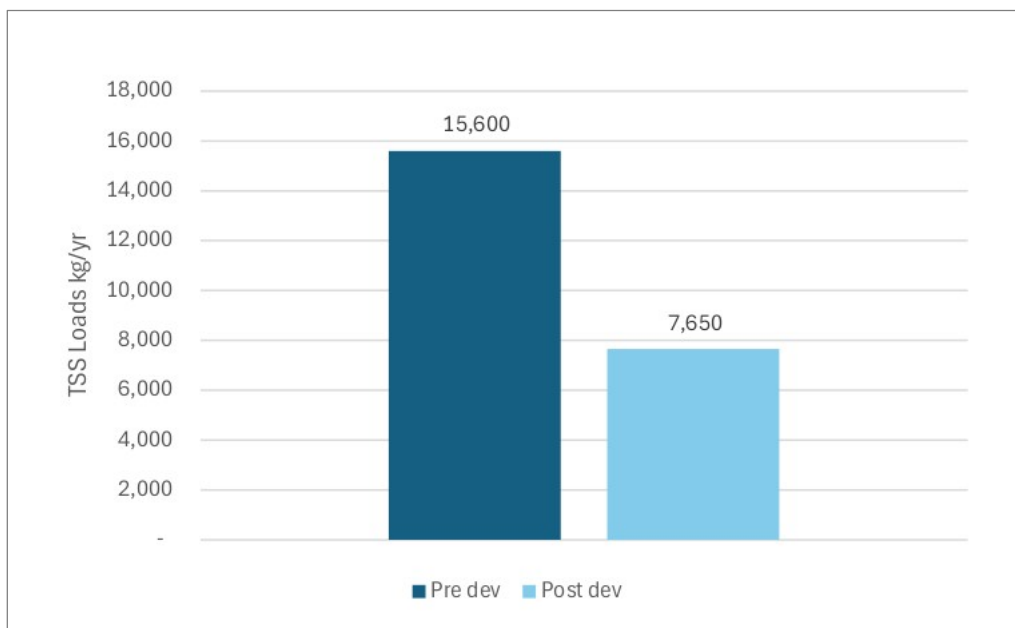


Figure 6: Bevia Wetland Pre and post-development TSS loads (from Civile, 2025)

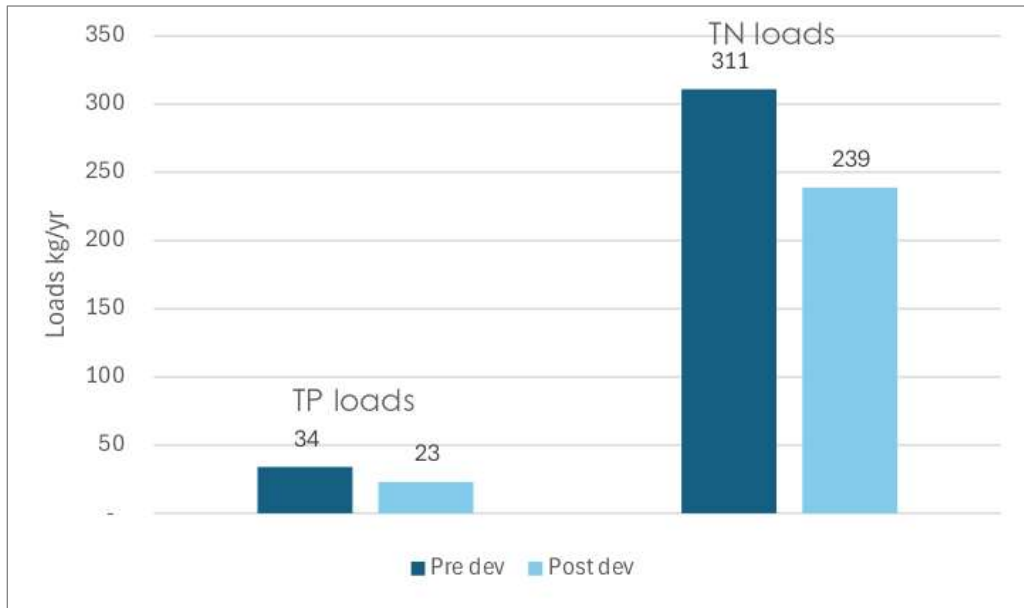


Figure 7: Bevian Wetland pre and post-development Total Phosphorus and Total Nitrogen loads (from Cville, 2025)

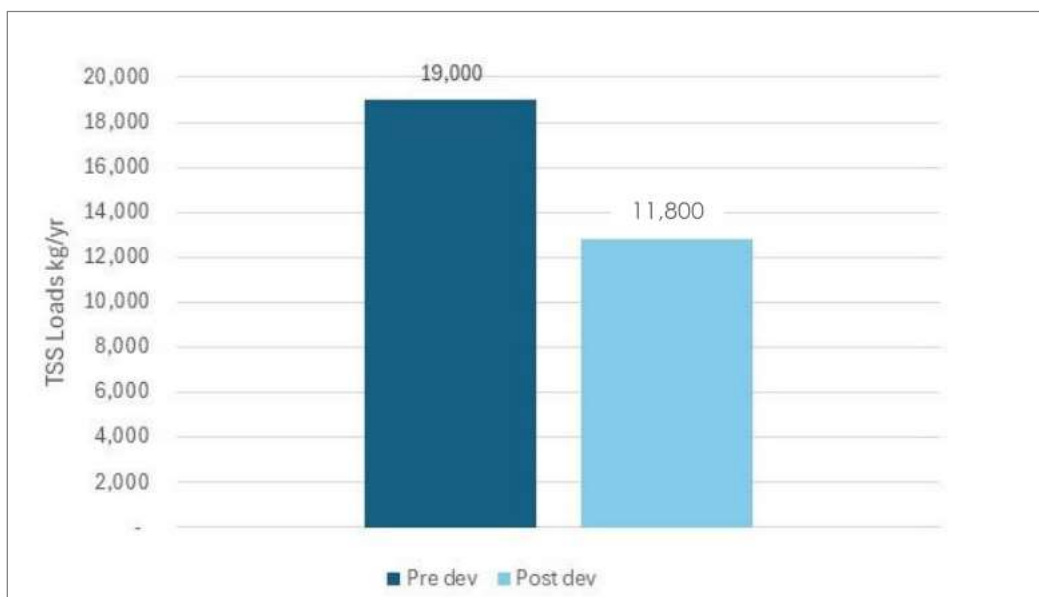


Figure 8: Saltwater Creek Pre and post-development TSS loads (from Cville, 2025).

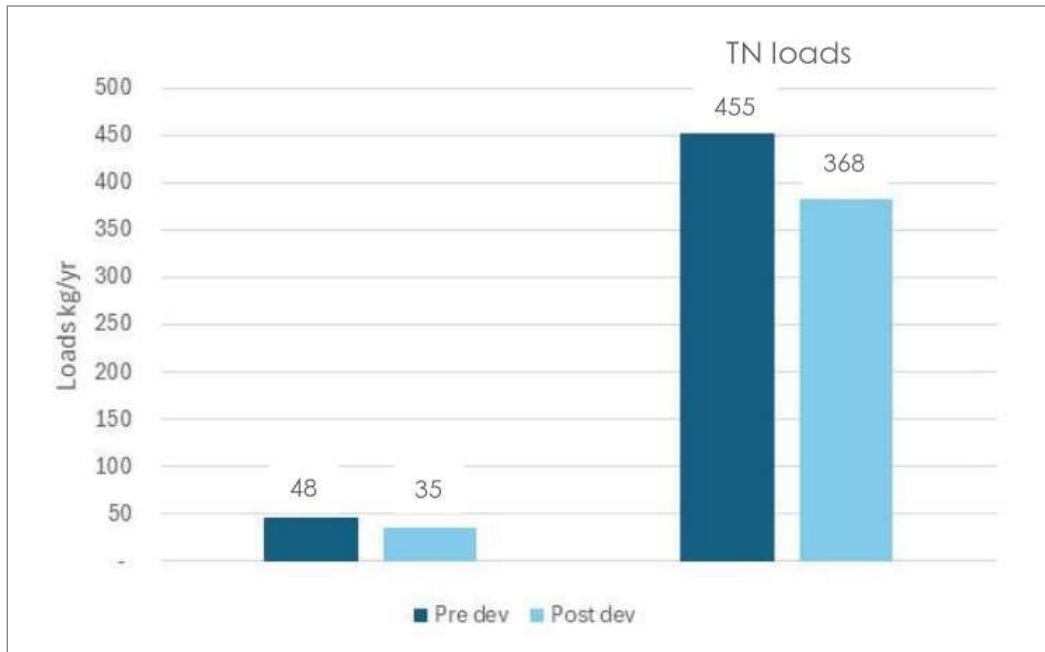


Figure 9: Saltwater Creek Pre and post-development loads Total Phosphorus and Total Nitrogen (from Cville, 2025).

- 4.23 To ensure water quality outcomes for this strategy are achieved, the following water management components shall be implemented at all relevant stages in the future development of this estate:
- Rainwater tanks for non-potable reuses to reduce runoff and conserve potable water - Gross pollutant traps and bioretention systems to remove pollutants
 - Infiltration to the base of the bioretention systems to infiltrate treated stormwater into the groundwater and reduce surface runoff
 - Detention basins to reduce peak flow discharges from the development and protect receiving water bodies

Coastal Zone Planning

- 4.24 BCS' submission contends that the environmental assessment has not adequately had regard to the site's location within the coastal zone and the provisions of the *State Environment Planning Policy (Resilience and Hazards) 2021*. ("**SEPP Resilience and Hazards**").
- 4.25 This SEPP establishes state-level planning priorities and targeted controls to help protect and manage sensitive coastal environments and achieve the objectives of the *Coastal Management Act 2016* ("**CMA**").
- 4.26 The Bevan Wetland has been identified as a "Coastal Wetland" for the purposes of the CMA as well as Chapter 2 of the **SEPP Resilience and Hazards**. The stated aim of Chapter 2 of the SEPP Resilience and Hazards is as follows:

*This Chapter aims to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objectives of the *Coastal Management Act 2016*, including the management objectives for each coastal management area, by—*

(a) managing development in the coastal zone and protecting the environmental assets of the coast, and...

- 4.27 The SEPP includes targeted development controls in coastal management areas, such as coastal wetlands and littoral rainforests, vulnerability areas, environment areas and coastal use areas. These controls are contained in Part 2.2 of the **SEPP Resilience and Hazards**.
- 4.28 An assessment of the provisions of this Part reveals:
- o No works are, in fact, proposed within the area of the Wetland itself (clause 2.7).
 - o With regard to clause 2.8(2) of the **SEPP Resilience and Hazards**, Civile (2025) has concluded there will be no adverse impacts on the quantity and quality of surface water and groundwater flows into the Bevan Wetland.
 - o With regard to clauses 2.12 & 2.13, the Integrated Water Management Strategy included in **Appendix 6** (Civile, (2025) concludes that the site is immune to the coastal hazards identified in the *Eurobodalla Open Coastline Management Program 2022*. Additionally the lowest residential FFL expected in this development (at RL 9m AHD) will be approximately 5 metres **above** the Flood Planning Level forecast by 2100 and adopted in the *Eurobodalla Coastal Hazards Code*.
- 4.29 The objectives of Part 2 of the **SEPP Resilience and Hazards** have been addressed, and the development is considered to satisfy the applicable considerations because it:
- o Will not be impacted by current and projected future coastal hazards
 - o protects and enhances the environmental values and ecology of the coastal area,
- 4.30 All relevant requirements from Part 2.2 of the **Resilience and Hazards SEPP** have therefore been considered; this contention of BCS is deemed to have been satisfied.



Figure 5: Aquatic environment and vegetation in the Bevan Wetland (Source: Integrated Water Management Strategy, Civile 2025).

Flooding

- 4.31 BCS' submission restates the SEARs requirement requesting a study that complies with the NSW Government's Flood Prone Land Policy as set out in the *Flood Risk Management Manual 2023*, with particular regard to an isolation risk assessment, and more detail in relation to accessibility to the site in extreme flood events and an isolation risk assessment.

- 4.32 Torrent Consulting Pty Ltd have revised its submitted Flood Impact and Risk Assessment ("FIRA") (refer to **Appendix 4**) in Response to BCS' concerns and with regard to the *NSW Flood Risk Management Manual 2023*. Section 6 of the FIRA concludes there is no direct inundation risk for future properties up to the PMF event. Modelling of flood events beyond the 1% AEP, up to the PMF, reveals some short-duration overtopping of local access roads (less than 60 minutes duration), which will be a temporary obstruction to escape during extreme storm events (greater than the 1% AEP).
- 4.33 The flooding consultants consider that the flooding risk posed to this estate is not unacceptable nor presents significant dangers for isolation of the residential estate posed by extreme rainfall events. Flood modelling undertaken by Torrent reveals Emergency flood-free evacuation routes will remain accessible in extreme flood events allowing evacuation to the north along Burri Road & Ridge Road to join the Princes Highway closer to Batemans Bay.



Figure 6: Foreshore of Bevan Wetland (Source: Integrated Water Management Strategy, Civile, 2025).

Eurobodalla Shire Council

Maintenance and APZ obligations for Open Spaces

- 4.34 The Council's submission acknowledges support for the modification of the estate title format from Community Title to Torrens Title in a manner consistent with Stage 1 and the adjoining Saltwood estate. However, the Council has questioned the quantum of open space proposed in this Concept Subdivision Plan and requested more detail as to the proponent's intention with regard to future financial burdens imposed by future maintenance of these spaces as a consequence of presumed dedication to the Council.
- 4.35 The *Recreation and Open Space Strategy 2018* ("**ROSS**") is the Council's 10-year strategy to assist in guiding Eurobodalla Shire Council as the leader in open space and recreation planning in the community. Council adopted this document on 27 February 2018.
- 4.36 The ROSS observes (page 1):
- Eurobodalla Shire Council has an enviable record of open space availability, and provided open spaces are frequently used. The recent ROSS strategy surveyed the community and revealed*
- » 80% of respondents visit the open space network at least twice a week
- » 72% of respondents participate in physical activity 30 minutes or more at least three times a week
- » 70% are satisfied with what is available
- The vision of the Council's adopted strategy is as follows:*
- ...Eurobodalla has an open space network that provides safe and connected places and spaces that build on our sense of community and offer an excellent quality of life for all ages...(page 2, ROSS).*

Provision, Maintenance and Design of Public Open Spaces

- 4.37 In their submission dated 23 October 2024, the Council queried how the development will not result in an unreasonable financial burden to the Council and the broader community with regard to future maintenance of open space and given the implication of a change from community title to a Torrens title format for the subdivision, further Council were seeking more information about future maintenance obligations in Asset Protection Zones ("**APZ**") required to comply with the standards of *Planning for Bushfire Protection 2019* ("**PBP 2019**")
- 4.38 APZs determined in accordance with PBP 2019 (with reference to severity of slope, bushfire fuel loads and hazard), extend between 25-45 metres from the hazard interface towards proposed residential lots. This replanning has been coordinated with the estate's civil design, and the Asset Protection Zone design (refer to BCBHS, 2025, in **Appendix 7**) was amended to avoid imposing unreasonable additional maintenance burdens upon proposed Council owned land. APZs will typically apply to the widths of road reserves, inclusive of road pavement, grassed verges, footpaths, and rock batters (managing cut and fill adjoining road reserves), standard road verges, as well recreation open spaces (which are considered as "maintained land in any event"), extending to the street front (i.e. front yard) areas of lots. Under this APZ design strategy, the Council will not be expected to bear additional financial burdens to keep vegetation

in this APZ in accordance with the standards of an Inner Protection Zone ("IPZ") pursuant to the PBP 2019. Appropriate covenants will be necessary upon relevant residential lots to ensure their private gardens are maintained to an IPA standard.

Council's Current Open Space Strategy

- 4.39 Under the webpage "Managing Community Land", it is recognised that part of the role of the Eurobodalla Shire Council is to manage the recreation and open space network in the Eurobodalla area. To guide and direct future open space planning, particularly in the context of anticipated future population growth, the Council has adopted the Recreational and Open Space Strategy ("ROSS").
- 4.40 The importance of open space to the Community is acknowledged on page 1 in the ROSS as follows:
- ...Open space plays a major role in improving community health, both physical and mental, stimulating economic growth and influencing property values. Recreation can also establish a sense of ownership and belonging to local communities, with these attributes being known to improve the well-being of individuals and communities alike...*
- 4.41 The **ROSS** categorises public open spaces in the Shire into two typologies: "recreation" and "Bushland". The **ROSS** incorporates a precinct analysis of the provision and objectives for open space provided in the Shire. The subject Rosedale site sits within the **Malua Bay-Lilli Pilli-Rosedale-Guerilla Bay** precinct.
- 4.42 An analysis of the standards of open space in that Precinct with regard to the proposed Concept Plan residential subdivision is attached in **Appendix 1** to this Report. Open space planning in this Concept Subdivision Plan modification is based on the following premises:
- o The co-existence of bushland and riparian corridors on the site are local opportunities to host low or minimal-impact recreational uses that are popular within the existing Eurobodalla community, such as bushwalking, walking trails or cycling trails
 - o Recreational open spaces have also been provided to cater for "active" users, especially young families with children

Recreational Open Space

- 4.43 Applying the ROSS' "desired standard of service" (for recreation open space @3.9Ha/1,000 persons - p44 **ROSS**) yields a notional development requirement of 6.49 Hectares for the subject development. The modified Concept Plan, however, provides for a total of only 4.88 hectares of formal recreational open space on the site, comprising:
- o The "Hilltop Park" (28,464m²)
 - o "Riparian Park", (5,970m²)
 - o 3 "pocket" parks (total 14,396m²)
- 4.44 This shortfall is considered satisfactory for the following reasons:

- (i) There is a range of recreation open spaces opportunities in this subdivision, which will be subject to a post-DA approval process, wherein the specific facilities and design for parks will be subject to design and agreement with the Council to satisfy the following objective outlined on page 109 of the ROSS. *“parks should include a range of experiences and facilities to cater for people of all ages and abilities.”*
- (ii) The proponent will be responsible for designing and embellishing all recreational spaces proposed in this development and be accountable for direct maintenance for a five (5) year period after the completion of an open space facility.
- (iii) The site is no more than 10 minutes travel to several regional recreation facilities (e.g. public beachfront areas) as well as other formalised open spaces in the Rosedale, Tomakin, Broulee, and Barlings precinct),
- (iv) The site is conveniently positioned between Moruya and Batemans Bay to provide convenient access for residents to an extensive array of commercial and public recreational facilities in those centres,
- (v) There is an additional 67.1 Hectares of informal/bushland open space on the site, comprising retained bushland, vegetated areas associated with retained as well as realigned watercourses, and 7 x WSUD basins - the latter of which will appear at most times as *“dry” landscaped basins*. In addition, there is extensive bushland comprising the Mogo State Forest, the Burrewarra Point Reserve, and Beachfront reserves at Burri Point and Barlings Beach.
- (vi) The ROSS (page 12) only recommended the provision of a single local park (a.k.a. a small, multi-functional open space) to cater for the incoming residents of the entire West Rosedale Urban Release Area (which has a planned dwelling yield of 929 dwellings which is forecast to accommodate an extra 1,900 residents).

4.45 The key proposed recreation area in the subject development (Hilltop Park) is of a size (>2.5 hectares) that can accommodate a range of open space and recreational experiences, thus can easily cater to a diversity of age groups (from young families to mature household without children) and is therefore consistent with the expected need generated by the incoming future residents who are anticipated to move to the **Malua Bay-Lilli Pilli-Rosedale-Guerilla Bay** area.

4.46 The Hilltop Park will fulfil much of the open space needs for the subject residential estate in a single centrally located position. Its location atop a local rise provides it a local landmark prominence and its size (over 2.5 hectares) aligns more with an identification as a “district recreation park” in the terminology of the **ROSS**. District recreation open spaces are described in the **ROSS** as follows:

“....larger sized parks providing a range of opportunities and activity spaces for recreation. These parks have facilities to cater for large groups and are appealing to a wide range of users. District recreation parks can service several suburbs depending on population density, and are well known destinations for those people living within their catchment. Ideally, district recreation parks are located near social infrastructure such as schools, community centres and halls.

4.47 The proponent's landscape design consultants (Paterson Design Studio) have developed the following design statement for the proposed Hilltop Park.

The hilltop precinct acts as the focal point of the development as it sits at the highest knoll of the central ridgeline of the site, ensuring its visibility within the site is uninterrupted and, in turn, allows residents to access views of the iconic South Coast forests to the West and the iconic coastline from Rosedale to Broulee and beyond to Mt Dromedary. The multi-functional community / commercial precinct will give residents a chance to meet and create a sense of community while accessing views that few may be able to from their respective lots. The surrounding level grounds create a central lawn and picnic areas where people can gather, hang out and take in the powerful landscape vistas.

- 4.48 The Hilltop Park is large enough to be designed to meet a variety of open space uses, meeting the expectations of the local community, which is forecast to attract younger families with children and older empty-nester retirees. The Hilltop Park occupies a prominent location in the local area and if designed with a "district" catchment in mind, can even attract patronage and use by residents outside the subject residential estate whilst fulfilling needs arising from the proposed residential estate.
- 4.49 A Hilltop Park principles plan (PDS, Drawing LA-13, dated 24.02.25) has been produced below to illustrate a prospective future park design.



Figure 7: Landscape Design Principles, Proposed Hilltop Park, (source: PDS, Drawing LA-13, dated 24.02.2025).

4.50 The proponent will prepare the design and will construct the Hilltop Park. In addition, the proponent will maintain this Park for 5 years post-completion, which ensures the Council is vested with an established and well-maintained open space facility of significant value, with its generous area providing a range of recreational opportunities. Park design will take advantage of superior views of the Tomakin to Broulee Island coastline. This Park will be designed for maximum accessibility, with formed pathways and opportunities for relaxation or active play, and can therefore be enjoyed by the broadest practicable cross-section of the incoming community and also act as a destination within the local area, developed for the enjoyment by the whole community - residents and nearby visitors alike.

Bushland Open Space

- 4.51 The ROSS identifies that the overwhelming majority (148 hectares or 88.1%) of managed open space in the **Malua Bay-Lilli Pilli-Rosedale-Guerilla Bay** precinct is “bushland reserves”.
- 4.52 Assuming the current pro-rata provision of bushland in the **Malua Bay-Lilli Pilli-Rosedale-Guerilla Bay** precinct is a planning goal with regard to bushland provision in this estate, that calculation yields a notional requirement of 96.8 Hectares of bushland open space to be provided by the subject Residential Subdivision. The amended Concept Plan Subdivision Plan, however, incorporates only 67.1 hectares of bushland and retained or re-established riparian open space outside of the exclusion area of the Tomakin STP buffer.
- 4.53 Notwithstanding, the proponent contends that the proposed provision of recreation open space in the Rosedale residential subdivision should be supported for the following reasons:
- Accepting a deficiency of 20 hectares minimises future obligations for the Council to maintain bushland, of which there is no shortage in the local area, for residents' use and enjoyment.
 - The site is situated within a region offering an abundance of alternative bushland experiences, including forests, coastal and riverfront open spaces, in places identified as Mogo State Forest, Burrewarra Point Headland, Tomakin Beach, Barlings Beach, Broulee Beach, and Broulee Island, all situated within 5 minutes drive of the proposed George Bass Drive / Southern Access Road entry to the estate.
 - The proponent is committed to the establishment, design & delivery of all open spaces in partnership with Council. The proponent will develop the open spaces to the Council's design standard, including the provision of lower maintenance and bushfire resistant facilities and low maintenance vegetation, and the proponent will maintain bushland and riparian vegetation zones for a whole 5-year period after the issue of the relevant subdivision certificate.

VMPs and Plans of Management for Open Spaces

- 4.54 The content of the VMPs and Plans of Management (“**POMs**”) applying to Recreation Open Spaces, will follow a standardised template, providing certainty, predictability and efficiency in the post-DA design approvals process for the Council and the proponent as well as establishing benchmarks for these spaces to guide future obligations. Each POM/VMP will require the following:
- Detailed design specifications, including park plans and documentation illustrating landscaping, park facilities, infrastructure servicing (in the case of Hilltop Park), wayfinding and signage, park furniture, lighting, and a maintenance schedule.
 - The developer will be required to prepare and deliver the approved design for each recreation or bushland open space area, including carrying out initial replanting or rehabilitation works (weeding and re-planting), which will be undertaken at no cost to Council and maintenance of that open space for the initial 5-year period post completion in accordance with the approved design and maintenance schedule.

- o Audit reporting, funded by the proponent at the 5th anniversary of the completion of the open space, which must be reviewed and approved by the Council prior to the formal handover of the asset to the Council,
- o Upon completion of a satisfactory handover procedure, it is expected Council will accept freehold title to the public open space asset to be retained in perpetuity by the Council and in accordance Council's Policy for dedications of developer-provided open space.

Potable Water Supply

- 4.55 The 2008 Concept Plan approval relied on a single point of potable water supply drawn from the existing 5.0ML Burri Point Reservoir. A 2022 dated report prepared by NSW Public Works Advisory ("**PWA**") titled *Eurobodalla Water Supply System - West Rosedale Development Options Modelling (PWA, 2022)*, however, concludes that the Burri Point Reservoir was unable to supply the Concept Plan site alone and recommended that further water supply be developed by way of an additional (i.e. new) water reservoir designed to supply lots on the subject development above RL 44M AHD with potable water. A number of options were considered in that Report, which ultimately recommended the siting of a new reservoir at the northern end of Barlings Drive, where Council currently owns a small property (identified as Lot 100 DP DP707321). Lot 100 is currently occupied by two small water reservoirs (@0.09ML ea.) which are currently unused, and in any event do not have the capacity nor elevation to supply potable water to the subject subdivision.
- 4.56 PWA (2022) recommended the redevelopment of Lot 100 to contain a new 0.88ML reservoir to supply the site and its lots above RL44M AHD, and the removal of the two small (unused) water reservoirs.
- 4.57 PWA recommendations include additional capacity for this reservoir, to provide surplus capacity to supply incremental growth in nearby localities.
- 4.58 Subject to the development of this new reservoir – which will be transferred to Council ownership upon completion and will be sited on Council-owned land, the future supply of potable water is guaranteed to the entire residential estate.
- 4.59 Upgrading of the current water supply to Lot 100 and development of a new distribution main will be required to service the subject development, in particular lots above the RL44m AHD contour. A new distribution main will be required to convey potable water under pressure for a distance of approximately 250 metres in an easterly direction within the Crown Road reserve, which terminates at the site's western boundary. The shortest and most logical alignment for that is shown in Figure 13.
- 4.60 This particular Crown "paper" Road reservation has been physically managed as part of the adjoining Mogo State Forest for several decades and currently has no evidence of regular maintenance or use as a thoroughfare or use by the public. Therefore, laying a water supply pipeline will most likely require formal closure of the unused Crown Road through Crown Lands NSW, purchase of the reservation, laying the pipeline and gifting that reservation back to the Forestry Commission subject to an easement (in favour of Council) to permit future maintenance access to the pipeline from Lot 100. Use of that reservation for

this purpose will require agreement with the current manager of this land (most likely NSW Forestry Commission as well as Crown Lands NSW).

- 4.61 The proponent intends to enter into a Planning Agreement with Eurobodalla Shire Council to enable the development of this reservoir, ancillary pumps and pipework on Council-owned land, and future transfer of that reservoir to Council with renewed inlet supply via the existing 2 kilometres of 150mm pipe as indicated below in Figure 14.



Figure 8: Concept Water Reservoir position in relation to the subject site. (source: SIX Maps).

- 4.62 The Concept Plan Subdivision amended in the subject submission would, therefore, be reliant on potable water supplied to either of the two water supply “zones” on the site. An indicative location of the two supply “zones” has been reproduced below (in Figure 14). Detailed Infrastructure Design to deliver trunk water supplies into and throughout the Stages of the subject residential estate will be developed with detailed Stage Designs and subject to future DAs to be lodged with the Eurobodalla Shire Council.

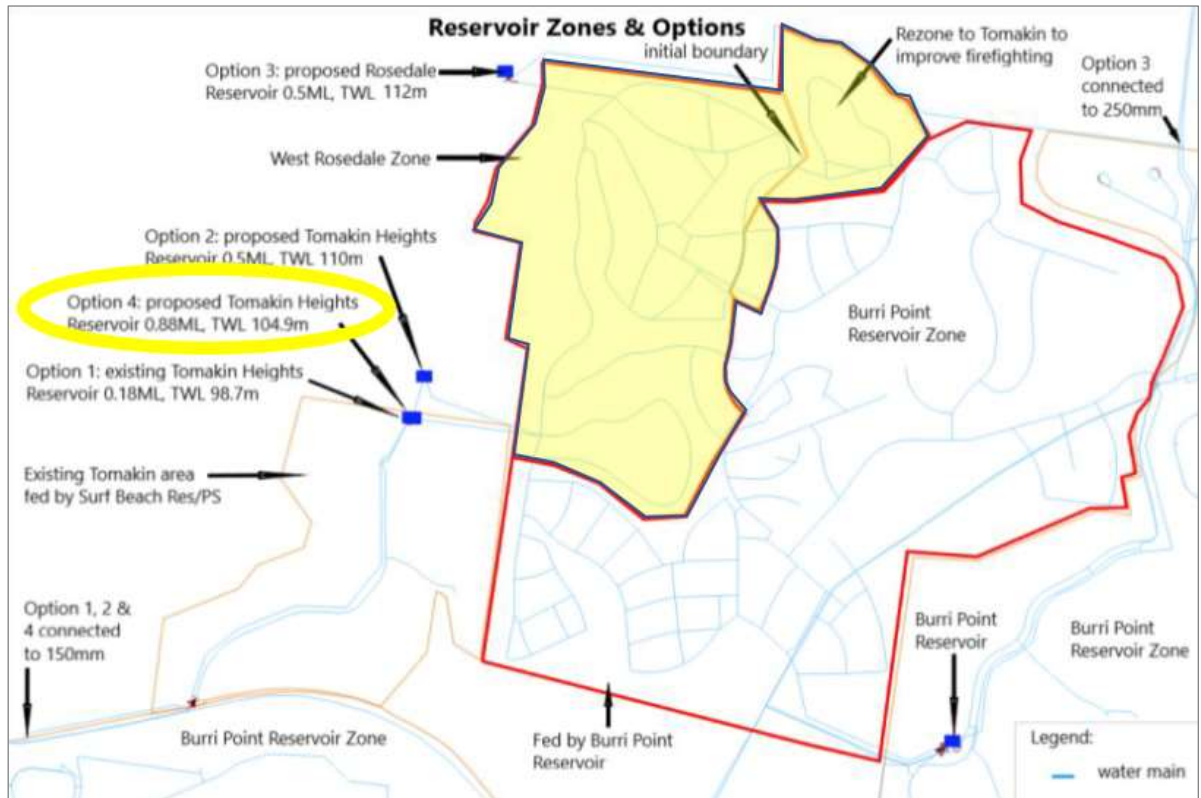


Figure 9: Water supply zoning diagram overlaid on the approved 2008 street layout.

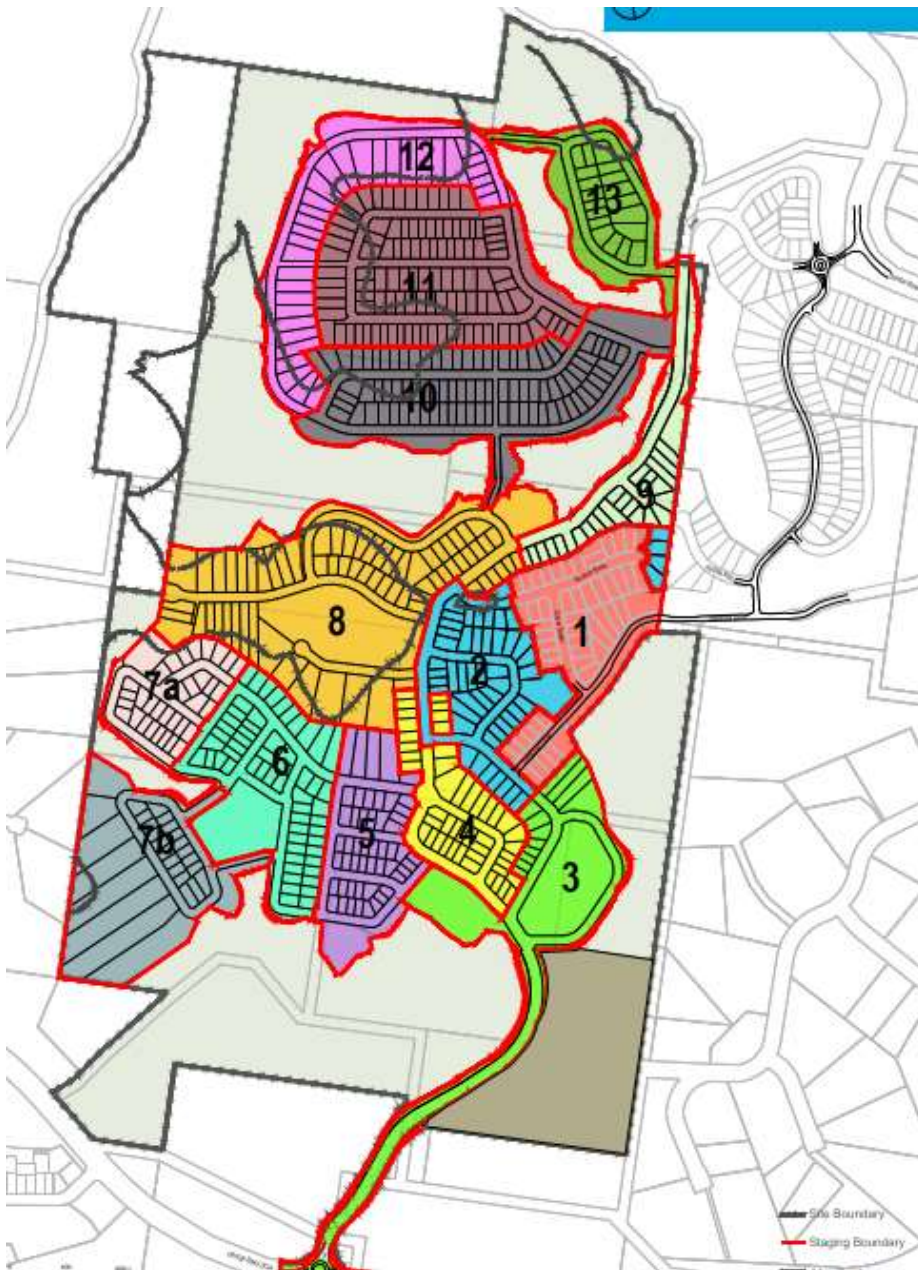


Figure 10: Location of RL44AHD contour upon proposed Subdivision Plan.

Development within the Infrastructure Buffer

- 4.63 The Eurobodalla LEP 2012 ("**ELEP 2012**") identifies a radial zone extending out to 400 metres from the adjoining Tomakin Sewer Treatment Plant ("**STP**"). It identifies that land within the "Infrastructure Buffer" is subject to specific additional considerations under clause 6.13 of the ELEP 2012.
- 4.64 Clause 6.13(3) of the ELEP prohibits granting consent to development, which is considered incompatible with the STP's operations. Eurobodalla Shire Council own and operates the Tomakin STP. The Council's planning and environment team have consistently advised the proponent of their opposition to any residential development within that buffer zone.

- 4.65 The amended Concept Subdivision Plan contains no residential uses proposed within the Infrastructure Buffer Zone. No further assessment of clause 6.13 is therefore warranted.
- 4.66 Ancillary development is necessary and foreshadowed to occur within the Infrastructure buffer zone; however, such as the development and future use of the Southern Access Road as one of 3 entry and exit routes to the future residential estate from George Bass Drive, Infrastructure alterations to relocate or renew or place underground the current overhead Electricity lines - and protection of Council's existing water supply main. Future use of the proposed southern access road as a public road is comparable to existing usage of George Bass Drive and the Barlings Beach Access Track, both of which are well within the ELEP's Infrastructure Buffer zone. On the above basis Council's concerns with regard to the Infrastructure buffer have been satisfied.

Stormwater Management Strategy / WSUD Basin Designs

- 4.67 Updating of the Civil Design accompanying the Concept Plan modification was required to present a coordinated plan for the latest set of amendments.
- 4.68 The proposed revised Civil Design (in **Appendix 8**) now matches the recent refinements to the Subdivision Plans (in **Appendix 5**).
- 4.69 The civil design report and Water Cycle Management and Civil Engineering Report have also been revised. The refined design included in this submission maintains all compliant water quality and quantity outcomes, which support the position that the proposed modified Concept Plan will have a neutral or beneficial impact on both the Bevia Wetland (Coastal Wetland) of Saltwater Creek (ICOLL) catchments.

Road Network Impacts

- 4.70 Eurobodalla Shire Council have also raised the following issues relevant to the local road network:
- The proposed Southern Access Road/George Bass Drive Roundabout creates a traffic conflict between vehicles using the proposed roundabout and vehicles attempting to access the Barlings Beach Access Track
 - The proposed Southern Access Road provides a bypass route to avoid George Bass Drive to get to Batemans Bay

Siting of the Southern Access Roundabout and Use of the Barlings Beach Access Track

- 4.71 Evidence over several years of Nearmap aerial photography reveals a very low rate of usage of the Barlings Beach Access Track, which is, in fact, a Crown Road reservation seemingly maintained by the Council and which only serves a very low number of vehicles wanting to park near the eastern end of Barlings Beach.
- 4.72 The location circumstances of the proposed roundabout and the George Bass Drive intersection with the Barlings Beach Access Track are illustrated below:

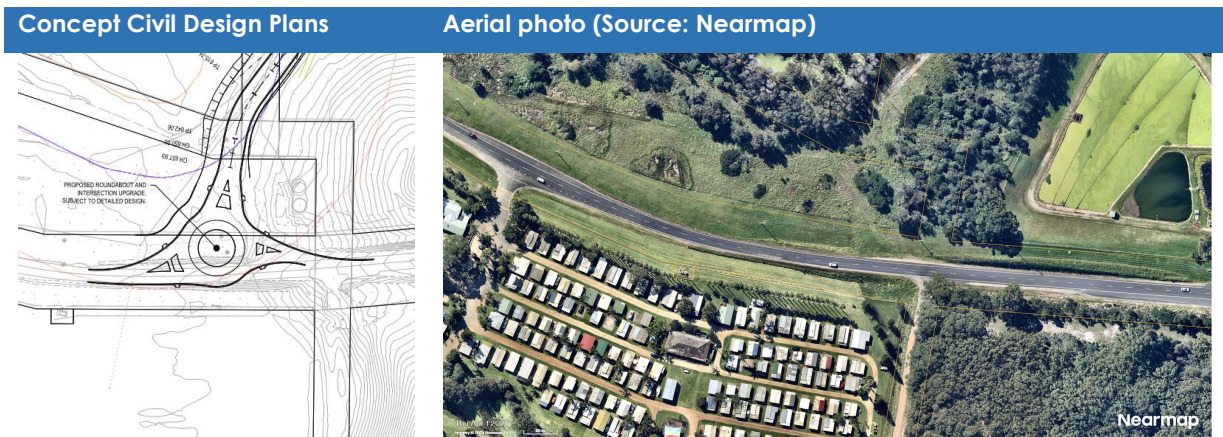


Figure 11: Proposed Intersection of Southern Access Road and George Bass Drive (Source: Enspire & Nearmap)

- 4.73 The Council has raised specific concerns that the siting and required design for the proposed roundabout will create traffic conflicts with vehicles attempting to access the Balrings Beach Access Track. The apparent very low usage of the Barlings Beach Access Track appears to be relevant to only a handful of vehicles at any one point. In that respect, it seems similar to movements associated with a single residential driveway.
- 4.74 The proponent has explored three options to reposition the proposed roundabout:
- (1) **Moving the roundabout position to the east** - to create a 4-way roundabout with the Barlings Beach Access Track is **not recommended** for the following reasons:
 - additional vegetation clearance requirements to create safe lines of sight when driving through this intersection
 - excavation requirements in proximity to the western edges of a settling pond of the Tomakin STP
 - (2) **Moving the roundabout to the West** by 100 metres or more will also lead to a greater environmental footprint than the at-grade alternative currently proposed, given the necessity to relocate the intersecting southern access road “leg” to have an exaggerated loop or require excessive vegetation removal to ensure the approach of the proposed southern access road approaching its north side is close to the ideal 90 degrees or thereabouts.
 - (3) **“As designed”** appears to be the optimum solution, subject to local widening of the bitumen seal at the northern edge of the pavement can maintain a free flow of eastbound traffic on George Bass Drive past any cars waiting to turn right. A short right turn bay adjoining the east side of the roundabout will enable a protected right turn pocket to allow safe access to the Barling Beach Access Track with a limited capacity of 1-2 cars (only). *The westerly approach to this future intersection could be further improved by the creation of a short left-turn deceleration lane to enable left-turning movements from George Bass Drive directly onto the proposed southern Access Road.*
- 4.75 The proposed location of the roundabout is therefore considered the optimum planning location because:

- o Minimising vegetation clearance as well as land level changes for the proposed road corridor
- o Minimising level differences between the proposed road and any requirement to cut and/or fill upon approach to George Bass Drive
- o Alternatives have been considered and have been found to require a substantial amount of vegetation and needless earthworks to achieve compliant sightlines when travelling south on the proposed Southern Access Road.
- o Usage of the Barlings Beach Access Track is very low, and right-turn movements from George Bass Drive into the Track will, therefore, be even lower. In this infrequent situation, and with good sight lines, there is a reasonable solution to the Council's traffic safety concerns without moving the proposed roundabout location.

Local Traffic Impacts – Discouraging Through Movements Through the Estate

- 4.76 The Council's Submission contends that additional traffic calming measures are warranted to discourage traffic movements that seek to bypass George Bass Drive to gain access to the Princes Highway and Batemans Bay. Whilst not clear from the Council's Submission, it is inferred that the feared bypass is with regard to a potential route to Batemans Bay via Burri Road (unsealed) to the north of the estate connecting to Ridge Road (also unsealed) & eventually joining the Princes Highway at the southern approach to Batemans Bay.
- 4.77 Where the Council maintains there remains a warrant for additional traffic calming measures to discourage shortcuts through the estate, this issue could be revisited via a future requirement for a Local Area Traffic Management Scheme ("LATM"). Traffic calming measures can be retrofitted to key intersection within the estate could be considered on the basis as measured responses to evidence of such traffic behaviours.

Transport for NSW

Impacts on State Road Network

- 4.78 Transport for NSW ("TfNSW") requested additional modelling be undertaken for the Tomakin Rd/Princes Hwy intersection be undertaken. The proponent's response included a new peak hour survey collected in December 2024 and the adoption of a 2% growth rate in background traffic volumes over the period 2023-2033 in accordance with TfNSW requirements.
- 4.79 Performance results for this intersection are contained in Chapter 5 of the Revised Transport Impact Assessment ("TIA") (which is included as **Attachment 9** to this Submission. The SIDRA analysis contained in the TIA reveals that this intersection will continue to operate with an acceptable level of service rated as "A" or "B" in 2033 – under the most conservative assumptions of existing traffic + development traffic + 10 years of background growth.

- 4.80 The traffic impacts on the state road network have been assessed, and it concluded that there are no adverse impacts on the operation of the State Road network **without any upgrades to the Tomakin Road/Princes Highway intersection.**

NSW Rural Fire Service

Required Perimeter Roads

- 4.81 RFS' submission observes that the original design does not provide adequate perimeter roads between the residential lots and the bushfire hazards.
- 4.82 Refinements to this subdivision plan have resulted in a substantial reduction from 65 to 23 in the number of lots without perimeter access. Of that 23, a majority (18) that will abut the fire hazard (i.e. 8 in Stage 7B and 10 in Stage 8) are each significantly larger in area than the 450m² minimum lot area and will be capable to accommodate a presumed dwelling-house footprint of 10 x15m anticipated in the R2 Low-Density Zone by the Residential Zones DCP), in addition to accommodating their APZ requirements entirely within the boundaries of those lots. The subject changes have been incorporated into the latest Concept Subdivision Plans (included in **Appendix 5**).

Required Road Widths to Facilitate Safe Access & Egress in Evacuations Situations

- 4.83 RFS further did not support the applicant's proposition that parking restrictions of section 5.3.2 of PBP 2019 in roads ought not apply to roads that are >100 metres from the fire hazard. RFS has further confirmed that this proposed subdivision can comply where unobstructed carriageway widths are compliant with the standards of section 5.3.2 of PBP 2019, and this does not prevent road design from making provision for parking outside of that critical width requirement. Compliance with this standard and future detailed road design that protects the unhindered movement of emergency vehicles can be closely assessed in the detailed DA design for each stage.

RFS - Additional Matters

- 4.84 RFS made the following additional points in their submission
- any future development of the site that may be defined as a Special Fire Protection Purpose Facility will be required to comply with Tables 6.8a and 6.8b of PBP 2019.
 - Servicing and infrastructure delivery for the proposal should include the consideration of operational response for emergency services. In considering future operational firefighting infrastructure, the proponents should;
 - identify what proposed servicing arrangements are required for the future development;
 - identify whether proposed servicing arrangements for the development are practical and
 - discuss any issues that may result from the interplay of service delivery options.
- 4.85 These additional matters are all capable of being satisfied as a part of future detailed Bushfire Impact Assessment Reports submitted with detailed future DAs for individual stages of this development.

NSW Department of Climate Change, Energy, the Environment and Water – Water Group

Groundwater and Development on Waterfront Land Guidelines

- 4.86 DCCEEW contend that insufficient information has been presented to support the claims that intercepted groundwater will be less than 3KI/year.
- 4.87 DCCEEW does not, however, maintain that this issue needs to prevent determination of the Concept Plan modification at this Stage. DCCEEW notes that the proponent should ensure a "Water Access Licence" is obtained to account for the maximum predicted water take for construction and operation activities. This requirement is a post-consent requirement that could be subject to a DA condition enacted only in the event that groundwater is encountered on-site.
- 4.88 Approval of the modified Concept Plan does not negate or is inconsistent with the statutory requirement for a water access licence where groundwater >3 KI / year is intercepted. If decided warranted, the modified Concept Plan can re-iterate this statutory approval requirement prior to works commencing. Post-consent approval (for aquifer interference) is not a fundamental obstruction to the determination of the requested modification to MP05_0199.
- 4.89 Compliance with the [Water Management Act](#) and the Waterfront Land Guidelines will be assessed at the detailed DA stage and in the post-consent Controlled Activity Approval Process.

NSW Environment Protection Authority

Sewage Management and Odour

- 4.90 To ensure adequate protection of future residents of the subject estate, the amended plans position all residential development outside the 400m wide Infrastructure Buffer established under the EEP 2012. The current amendment to the Concept Subdivision Plan, attached to this submission response, is no closer to the STP than was approved in 2008.
- 4.91 The applicant is of the understanding (from previous liaison with Mr Brent Parker, Council's Acting Divisional Manager of Water and Sewer) that the project scope for the mooted STP upgrade is yet to be finalised. Detailed design is as yet incomplete, and delivery of the upgrade is yet to be programmed. Therefore, its Environmental Assessment by NSW Public Works Advisory cannot be finalised until this design is finalised.
- 4.92 In the absence of that assessment, compliance with the LEP's 400-metre Infrastructure LEP Buffer establishes an appropriate buffer between the STP and the modified Residential Subdivision.

Contaminated Land

- 4.93 The requirements of section 4.6 of the SEPP (Resilience and Hazards) 2021 and the SEARs have been comprehensively satisfied by the Detailed Site Investigation ("DSI") prepared by Lanterra Consulting Pty

Ltd (contained in **Appendix K** to the September 2024 submission). This DSI provides a comprehensive and exhaustive record of previous investigations and new investigations and analysis of the site's surface, sub-surface, and surface water, which informs their opinion that “...the site is considered suitable for the proposed residential subdivision in accordance with the Secretary's Environmental Assessment Requirements (SEARS) MP 05_0199.identification of the nomination of prepared in accordance with all relevant and contemporary Guidelines..” Their recommendation is that local targetted remediation is limited to a “cleanup” of Asbestos containing materials (ACM) observed on the surface of the site within AEC3 (former dairy) and AEC4 (identified asbestos scatter), nb—situated in Stages 9 and 10 respectively. In addition they recommend adding a standard “unexpected find protocol” to manage unidentified contamination (if any) within the site's Vegetation Clearing Works Environmental Management Plan to be implemented at the relevant DA stage. This aspect has been inserted as a pertinent issue in the specification of the proposed VCWEMP in paragraph 3.17 of this Submissions Report.

Department of Primary Industries and Regional Development – Fisheries

Protection of Key Fish Habitats

4.94 DPI-Fisheries have questioned why the proponent's consultants relied on 2001 Moruya Airport rainfall data.

4.95 DPI Fisheries' Policy and Guidelines for Fish Habitat Conservation and Management (Fairfull 2013) outline requirements for assessing the impact of waterfront development to ensure the sustainable management and “no net loss” of Key Fish Habitats (“KFH”) in NSW. With regard to the site and the proposed riparian works, ELA (**Appendix 11**) has summarised the site's existing fish habitats and the impacts of proposed riparian works as follows:

...Key fish habitat is located on two 3rd order streams in the centre of the study area and at the Bevia Rd coastal wetland. Instream works on the 3rd-order streams are for minor realignment where online dams and road crossings occur. Works are to improve fish passage where barriers are removed and new crossings installed...

4.96 The works include realignment of those watercourses integrated with proposed road crossings and replacement of dam wall barriers with Box culverts enabling “fish friendly” passage of water subject to detailed design appropriate to the particular Classification of the waterways on-site, assessed on a case-by-case basis. This matter will be addressed by compliance with consideration of relevant Guidelines for watercourse crossings within future Controlled Activity Approval(s), where development of the proposed watercourse crossings is required.

4.97 The Moruya Airport 2001 rainfall data was relied upon in the MUSIC modelling for the following reasons:

MUSIC modelling for water quality and flow management data requires the use of 6 min rainfall, pluviograph, and data. As outlined in Enspire's (2025) Water Cycle Management and Civil Engineering Report for the development in section 7.3.1, rainfall data was selected from station 69148 Moruya as it was the closest 6-minute rainfall station to the site. However, data collected at this site is limited to 1 year of suitable available data, as outlined by Enspire (2025).

A comparison of rainfall of the 2001 data to the mean long-term rainfall at Moruya Station 69148 shows that the rainfall was approximately 90% of the long-term mean rainfall at the station...with noticeably wetter months in July and August and noticeably drier months in April, May and June.

- 4.98 On 12 November 2024, confirmation was received from Michael Doyle (DPHI) that NSW DPI- Fisheries had accepted the Riparian Corridor Width Strategy on this site. Therefore, no further comment about impacts on Key Fish Habitats is warranted here. Road crossing designs can comply with applicable guidelines. This matter will be further addressed and satisfied within Controlled Activity Approval applications for works within "Waterfront Land" for the [Water Management Act 2000](#).

Crown Lands

Closing Crown Roads and Purchase

- 4.99 In their submission dated 23 October 2025, Crown Lands specified that Crown roads within the site must be closed & purchased by the proponent (if not being constructed as roads) or transferred to Council prior to Construction Certificate ("CC").
- 4.100 NSW Crown Lands currently control more than 5 hectares of land within multiple Crown Road reservations on and adjoining the site, with many dating from the pre-1900 period. Many of those reservations exist in "paper" form only or, at best, are trafficable but presently unmaintained and unsealed dirt tracks. To implement the development subject of MP05_0199_MOD_2, all Crown Roads currently remaining on the site must be closed and transferred to the proponent and reallocated in accordance with the approved Concept Subdivision Plan (at **Annexure 5**, no. AA_01, dated April 2025.) within the proposed north-south collector road (AA_06 dated April 2025)
- 4.101 To facilitate future works and registration of lots, the proponent intends to acquire all Crown Roads on the site, including the current unsealed Bevia Road. The majority of the existing Crown Road (Bevia Road) will be closed and purchased and then recreated as a proposed public road reserve under the management of Council which is the only means of legal access from George Bass Drive to a single occupied dwelling situated to the north of Stage 1.
- 4.102 Crown Lands has already issued their owners' consent to submit the subject modification to the Concept Plan. They are expected to be supportive of the closure and disposal of other unused and unmade Crown Road reserves on this site. On 23 March 2023, Crown Lands offered the (then) site owner, Barlings Beach P/L, the right to purchase all Crown Roads affecting the site (Crown Lands *Disposal* CL reference 22/07276 Account No: W637802). This offer was not taken up and it has subsequently expired, warranting in the future, a new application to close and purchase Crown Roads on the site.
- 4.103 The proponent had previously received a letter of offer from Crown Lands dated 23 March 2023 to acquire all Crown Roads on the site as a single transaction (CL reference 22/07276 Account No: W637802). This offer was not acted upon, and Crown Lands deemed that the offer to acquire all Crown Roads to have lapsed as of 19 May 2023.

- 4.104 The proponent is aware that implementing the development requires closure and acquisition of all Crown Roads on the site to enable registration of plans of subdivision to complete development; therefore, the proponent intends to resubmit their expression of interest to NSW Crown Lands to acquire all remaining Crown Roads on the subject site subsequent to approval of the Concept Plan modification.

Heritage NSW

Compliance with the Code of Practice

- 4.105 In their submission dated 4 November 2024, Heritage NSW has requested additional information to assess compliance with the Consultation Code of Practice relevant to the submitted ACHAR and further specific queries with regard to the noted subject matter.
- 4.106 In response an updated ACHAR (v6, dated 10 April 2025) has been prepared (and included in the Submission at **Appendix 10**). The following responses are noted in reply to relevant comments and requests made by Heritage NSW, as follows:

Table 6: Cultural Heritage Issues and Responses - Summary

Issue	Response
Continuity of Consultation with RAPs	Appendix 1 of the revised ACHAR itemises each consultation since 2024 and includes copies of correspondence with RAPs.
Mapping of Soil Landscapes and Geology, discussion of how landforms and topography and hydrology influence the potential for Aboriginal cultural heritage at the site	See the above explanation of the intended DA strategy to retire credits by staging (Refer to section 3 of the revised ACHAR. (Appendix 10.) A Predictive model to guide investigations is included in section 4.5
Clarification of Legend of Figure 4.1	Additional detail has been added to Section 4.3.2 clarifying the 'areas of archaeological salvage'.
Consideration of PAD on land, not on vehicle tracks	Further detail was added to Section 6.2, noting that subsurface potential was assessed for all surface sites including in undisturbed areas and upslope of sites. Additional detail was added to Section 5.2, noting that all landforms were inspected for subsurface archaeological potential.
Further information about 2004 test excavations, including mapping	Additional detail and mapping have been added to Sections 4.3.1 and 6.4 in order to satisfy the criteria (a-d) outlined in the advice document from Heritage NSW. AHIMS site cards were submitted for all subsurface artefact occurrences, and impacts to these sites have been assessed throughout the Report.
Mapping of impact areas arising from the current modification plans	Refer to Figure 6-18, which provides an overlay of the current Subdivision Concept Plan modification in relation to 2004 excavation results. Mapping of recovery sites is included in Figures 8-1 to 8-3 (Navin Officer, 2025 in Appendix 10).
Please clarify and justify the level of harm proposed for the sites in Table 8.1 of the ACHA.	Table 8.1 has been updated to reflect the impacts of the latest development plan.

5.0 CONCLUSION & UPDATED PROJECT JUSTIFICATION

This Report Responds to all Submissions

- 5.1 This Report has documented responses to all public and agency submissions received in the statutory exhibition period, which were communicated to the proponent as a “Request for Further Information” by the Department on 5 November 2024. Revised plans and specialist reports accompany this Submission Report. The Report and appendices document responses to all agency submissions and submissions from the public, make minor refinements to the project to improve compliance and merit within the design of this proposed subdivision and resolve agency concerns – refer to Appendices 1-11. The Submissions Report conforms with the relevant Guidelines published by the Department.

The Revised BDAR has clarified Biodiversity Impacts On-Site and Regionally.

- 5.2 The site's vegetation values have been reanalysed and impacts on Biodiversity Values have been re-calculated with regard to simultaneous reduction in developable footprint. Effects on Biodiversity Values (& Credit obligations) have consequently been reduced from 1,469 credits (September 2024 submission) to 1,373 (this submission).
- 5.3 Approval of this modification to MP05_0199 will ensure that Biodiversity Credits will be retired “off-site” and on-site bushland will be protected and enhanced via respective Vegetation Management Plans. This modification, therefore, creates a net positive impact on regional biodiversity values by investing either directly or indirectly in the creation and/or protection of regional biodiversity values, which will not occur subject to the self-contained offsetting embedded within the current Concept Approval in MP05_0199.

The recent refinements propose a significantly lessened impact on the site and protection of sensitive wetland values.

- 5.4 Mitigating the development's impacts on biodiversity values has been the most significant matter addressed in this Response to Submissions and was the catalyst for amendments to the subdivision plans. The current amended design increases the 50-metre wetland buffer approved in 2008 (and adopted in the September 2024 submission) to a 100-metre-wide wetland buffer.
- 5.5 The current amended design achieves an 18.6% (23.42 Hectares) reduction in developable footprint and a 45.8% (17.81 hectares) increase in protected “non-developable” area in relation to the current (2008) approved scheme.

The proponent will deliver and maintain more Community Infrastructure

- 5.6 The proponent offers to design and provide all infrastructure required to service this development and commits to the maintenance of all open space (recreation area and bushland) areas on the site for 5 years post-completion.

- 5.7 Subject to the negotiation of an agreement between the Proponent and Council and a fair apportionment of costs, the proponent will construct and vest in the Council a new potable water reservoir which will service the subject site and provide future supply for additional residential development that will occur within the Precinct.

Economic Activity and Housing Supply Benefits are Maintained

- 5.8 This response and minor refinements enclosed with this Submissions Report do not detract from or diminish the significant contribution of the subject Residential Subdivision to satisfying the LGA's housing needs as well as enhancing local economic activity and sustaining direct and indirect job creation for many years to come.
- 5.9 Eurobodalla Shire Council have consistently maintained since 2022 that they will not support the development of any further residential stages on this site unless the approved master plan (in MP05_0199) has been comprehensively revised. In conjunction with the Original Submission in September 2024, this requested modification to MP05_0199 has satisfied the Council officer's requirements, and the stalled development of this site can re-commence with appropriate confidence and support from Eurobodalla Shire Council.

Decomplicating Future Approval Processes

- 5.10 The Response to Submissions considers current standards and, therefore, provides a high degree of confidence that current biodiversity issues have been adequately addressed and are resolvable under 2025 statutory conditions. There will be no need to rely on complicated savings provisions to resurrect Flora and Funa studies prepared in 2007.
- 5.11 The proposed 2 stage approvals process includes the complete retirement of biodiversity obligations in the first stage, thereby leaving the second stage DAs – the detailed subdivision design stage, to focus on routine civil and subdivision assessment design and detail without triggering the need for a future procession of BDARs, or the uncertainty of species and community vulnerability status changing in the future.

Public Interest and Strategic Vision

- 5.12 The public interest is significantly advanced by approving this modification. The project supports the long-term strategic housing direction of Eurobodalla Shire and the NSW State Government. The housing demands for Eurobodalla Shire have been reconfirmed through the Eurobodalla Shire's Local Strategic Planning Strategy 2020, and the modified Concept Plan supports the realisation of the ELEG 2012 with regard to the development of the West Rosedale Urban Release Area. It brings a long-delayed development back on track, ending years of speculation and enabling the completion of the long-planned urban expansion in West Rosedale in a manner consistent and compliant with, contemporary planning standards and expectations, as well as statutory requirements.

Legal and Procedural Compliance

- 5.13 The proposed modification remains legally permissible under the EP & Act and the *Environmental Planning & Assessment Regulation (Savings, Transitional and Other Provisions) Regulations 2017* ("**STOP Regulations 2017**"). The submission has complied with all relevant statutory provisions, and the detailed environmental assessment has addressed all agency requirements. The modification request is therefore not only justified but also essential for updating an outdated approval to meet current needs and standards.
- 5.14 Schedule 2 of the *STOP Regulations 2017* provides the Minister for Planning the power to approve the requested modification in the terms set out in this Modification Report. In particular, there are valid and compelling grounds available to justify the Minister's satisfaction of the following matters:
- With regard to **section 3BA(5)(c)**, The Modified Concept Plan is "Substantially the same" as the approved Concept Plan, with particular regard to the reasoning and considerations included in section 4 of this Report).
 - With regard to **section 3BA(5)(b)**, The Modified Concept Plan has a "minimal environment impact" relative to the approved Concept Plan, principally in that:
 - The modified Subdivision Plan incorporates a reduction in development footprint (Residential and Infrastructure) relative to the 2008 Concept Plan approval. Developable land was 128.59Ha compared to 102.17Ha in the latest (April 2025) in **Appendix 3** to the Submission.
 - The modified Concept Plan incorporates an **excess of land reserved as Vegetated Riparian Areas** (VRA) with regard to the numeric requirements of the *Guidelines for Controlled Activities on Waterfront Land – Riparian Corridors* (DPE 2022).
 - The BDAR (revised in **Appendix 3** of this Submissions Report) observes the following:
 - a) Whilst some of the 2008 conservation area is impacted with the modified Concept Subdivision Plan, the **overall extent of native vegetation impacts has been reduced**
 - b) Swift Parrot Important Habitat, which was to be impacted by way of implementing the 2008 Concept Plan layout, has been **avoided and retained on-site** in the modified Concept Subdivision Plan (in **Appendix 5**)
 - The Minister can validly take into consideration the public interest in his determination. It is considered that the public interest is advanced by modifying MP05_0199 because it updates an outdated approval and provides a contemporary and implementable Concept Approval relevant to 2025, facilitates the achievement of long-standing outcomes of the Council's strategic housing directions, which has been endorsed and re-endorsed for the past 40 years by the NSW State Government and re-invigorates realisation of a Concept Plan approval that has market potential to provide housing supply that is needed.
- 5.15 Integral to the proposed development scheme is a water management strategy, that ensures the hydrology of local receiving water systems, being both a recognised "coastal wetland" (Bevia Wetland) and a coastal ICOLL (Saltwater Creek), will be benefitted by the development of the subject site.

- 5.16 Concurrently with the revisions to amend the subdivision layout, the impacts on receiving waters have been thoroughly re-assessed. No detrimental impacts are expected upon the hydrology and ecological conditions in the Bevan Wetland and Saltwater Creek and the development presents no unreasonable maintenance or liability burdens left to Council.
- 5.17 The amendment to the project further details the proponents' expected procedure to mitigate impacts on the natural environment and deliver much-needed housing sites to the Eurobodalla Shire. The amended Concept Plans, together with this submission, provide further justification to support the proponent's request to modify MP05_0199. Particular note is made of:
- o The Net reduction in direct impacts on a TEC (PCT 4056) from 13.61 Hectares (September 2024 submission) to 11.9 Hectares (April 2025).
 - o Reductions in the developable area footprint from 128.59 Ha (2008 approved) down to 109.46 Ha (2024 submission) and further reduced to 102.17 Ha (April 2025 amendments).
- 5.18 The recent amendments have also led to an Increase in the width of the wetland buffer zone (a.k.a a non-developable area) from 50 metres (2008 approved and 2024 submission) to generally 100 metres (April 2025 amendments) due to the following project refinements made in this Submission:
- o Reduction in the developable area of Stages 3, 5, 6 and 7B
 - o Reduction in the area of WSUD basin B (southern edge of the residential developable area from 4,800m² to 3,600m²)
 - o Relocation of the proposed wetland pocket park from Stage 6 to the south of the end of Stage 5, replacing the former residential lot situated on the spur line looking out over Bevan Wetland at the southern end of Stage 5
 - o Deletion of the proposed recreation sports field ("Village Green"),
- 5.19 Approval of this modification will conserve and allow the preservation and conservation of a wider ecological wetland buffer zone far wider than the 2008 Concept Plan, and which will actively increase and lead to increased Biodiversity Values for the Wetland Buffer Zone, by way of a implementation of a future Vegetation Management Plan (to be implemented and maintained for 5 years by the proponent).

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