

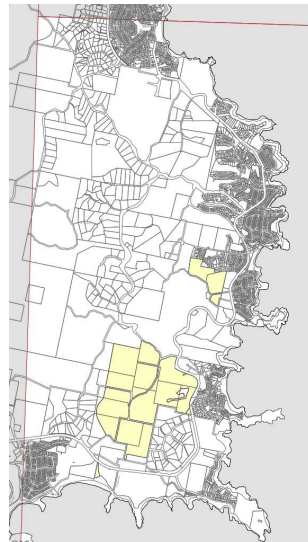
APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
<p><b>1.1 Name of Plan</b></p> <p>This Plan is <i>Eurobodalla Local Environmental Plan 2012</i>.</p>	Noted
<p><b>1.1AA Commencement</b></p> <p>This Plan commences on the day on which it is published on the NSW legislation website.</p>	Noted
<p><b>1.2 Aims of Plan</b></p>	
<p>(1) This Plan aims to make local environmental planning provisions for land in Eurobodalla in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.</p>	Noted
<p>(2) The particular aims of this Plan are as follows—</p>	
<p>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</p>	The modified concept Plan offers opportunities to host such activities, if feasible, in the modest Community/retail hub centre planned for the Bevia Road estate. Additional opportunities are presented in the public use area of the Hilltop knoll in the centre of the site if alternative locations of Bevia Road residential subdivision are not deemed appropriate.
<p>(a) to preserve the urban growth boundaries of Eurobodalla as identified in the Eurobodalla Settlement Strategy,</p>	The site is within an Urban Settlement Area identified in the <i>Eurobodalla Settlement Strategy 2006 – 2031</i> (Page 61), and as part of a “Urban Release Area” in the Eurobodalla LEP 2012.
<p>(b) to ensure development embraces the principles of ecologically sustainable development and quality urban design and encourages walking, cycling and public transport use,</p>	The proposal incorporates provision and encouragement of alternative modes of transport to connect to local attractions, such as Rosedale or Barlings Beach, publicly accessible cycling and walking trails to Coastal parkland or networks. Eurobodalla Shire, in particular Mogo Stote Forest and Tomakin locality, is home to an extensive networks of popular mountain bike trails. The development of Ocean Ridge will facilitate access to Mogo and other established trails. Where the development of the Bevia Road residential subdivision results in a change

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
	<p>of conditions, or where existing trails rely on the unsealed roads to be impacted by the development (in particular Mountainbike trails associated to the Mogo State Forest area. Some trails rely on the dit trails within the Bevia and Burri Roads and various other Crown Roads that have never been previously constructed. The developers will work with Council to maintain existing trails where possible or seek an agreeable comprise with Council and other stakeholders in the Mogo's Mountainbike sports community. Shared pathways are also intendfed to be developed within parkland planned for the residential estate. The development of certain stages in the estate will require the detailed resolution of any conflicts with existing MBK trails.</p>
<p>(c) to provide employment opportunities and strengthen the local economic base by encouraging a range of enterprises, including tourism, which respond to lifestyle choices, emerging markets and changes in technology,</p>	<p>The development of the proposed residential estate at Bevia Road will strengthen local economic activity by way of providing more than 1,000 additional local consumers of locally produced goods and services. This demand will support existing businesses in the LGA, sand during construction phases for dwellings will support heightened economic activity in the region.</p> <p>All stages of the proposed residential estate at Ocean Ridge are planned to have access to internet, which will help sustain individuals' working &amp; lifestyle choices &amp; objectives whilst living in Rosedale.</p>
<p>(d) to identify and protect the established residential neighbourhoods and ensure a sufficient supply of suitable land to meet the future residential needs of Eurobodalla,</p>	<p>The 2008 Concept Plan site and modified Concept Plan site is identified as an "Urban Release Area" for the purposes of the LEP. Pursuant to clause 6.2 of the LEP, which are reserved from development until the adoption of a Development Control Plan to implement their strategic planning purpose (for additional supply of urban land to meet the future residential needs of Eurobodalla). Section 4.23 of the <i>Environmental Planning and Assessment Act 1979</i> enables a Concept Plans to take</p>

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
	<p>the place of a DCP, where the EPI requires a DCP prior to the granting of any development consent.</p>  <p>Land Release Area MAP (ELEP 2012)</p>
(e) To restrict the development of land that is subject to flooding, coastline hazard, bush fires and land slip,	<p>This modification request is supported by bushfire, flooding, and geotechnical investigations. Warranted restrictions for natural hazards have been considered in this assessment, and applicable recommendations have been accommodated in the proposed subdivision plan. Assessed flood levels (refer Appendix T) do not present any identifiable constraints to the proposed development.</p>
(f) to ensure that resource lands, including agriculture, mineral resources and extractive materials are not rendered sterile from incompatible land use	<p>Not applicable</p>
(g) to provide measures to protect and manage the biodiversity and environmental values of the land and waterways,	<p>The modification request incorporates measures to ensure the water runoff from the site is equivalent to current volumes and cleaner than receiving waters. The modified development therefore protects the biodiversity and environmental values of the land and waterways.</p>

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
(h) to ensure that development takes into account the environmental constraints of the land and minimises any off site and on site impacts on biodiversity, water resources and natural landforms,	Refer to (e)
(i) to identify and protect the cultural and architectural heritage of Eurobodalla, including Aboriginal relics and places, and assist in its promotion as a tourism asset.	There is no recognised architectural heritage present on-site. Cultural heritage has been reconfirmed by way of the updated field visits in 2024 and updated consultation building on the 2007 investigation.
<b>1.3 Land to which Plan applies</b>	
(a) This Plan applies to the land identified on the Land Application Map.	Noted
(1A), (1B) (Repealed)	Noted
<b>1.4 Definitions</b>	
The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.	Noted
<b>1.5 Notes</b>	
Notes in this Plan are provided for guidance and do not form part of this Plan.	Noted
<b>1.6 Consent authority</b>	
The consent authority for the purposes of this Plan is (subject to the Act) the Council.	Noted
<b>1.7 Maps</b>	
(1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name—	Noted
(a) approved by the local plan-making authority when the map is adopted, and	
(b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the local plan-making authority when the instruments are made.	
(1AA) (Repealed)	
(2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan	

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
<p>to any such named map is a reference to the relevant part or aspect of the single map.</p> <p>(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.</p> <p>(4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.</p> <p>Note— The maps adopted by this Plan are to be made available on the NSW Planning Portal. Requirements relating to the maps are set out in the documents entitled <i>Standard technical requirements for LEP maps</i> and <i>Standard requirements for LEP GIS data</i> which are available on the website of the Department of Planning and Environment.</p>	
<b>1.8 Repeal of planning instruments applying to land</b>	
<p>(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.</p> <p>Note— The following local environmental plan is repealed under this provision— <i>Eurobodalla Rural Local Environmental Plan 1987</i></p>	Noted
<p>(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.</p>	Noted
<b>1.8A Savings provision relating to development applications</b>	
<p>If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.</p> <p>Note— However, under Division 3.5 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The</p>	Not applicable

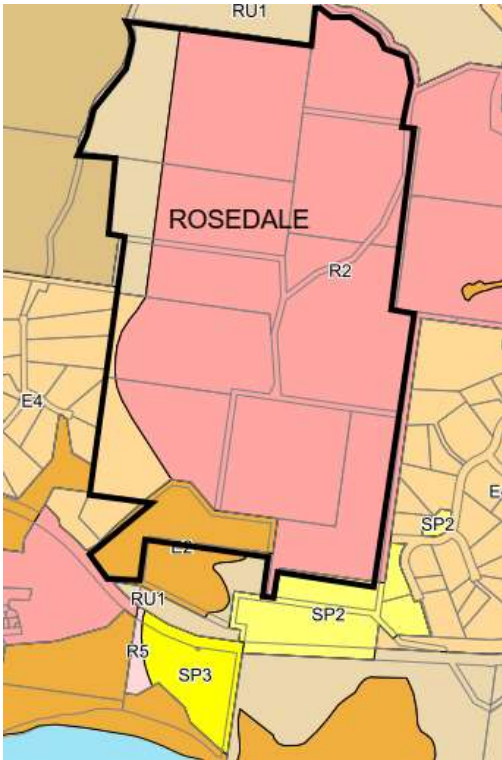
APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012		
PROVISION		ASSESSMENT
Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.		
1.9	Application of SEPPs	
(1)	This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 of the Act.	Noted
(2)	The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies—	Noted
(3)	State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 7 does not apply to certain land at Beach Road, Batemans Bay, being Lot 11, DP 870049 and Lot 11, DP 124295.	Not relevant to site
1.9A	Suspension of covenants, agreements and instruments	
(1)	For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.	Noted
(2)	This clause does not apply—	
(a)	to a covenant imposed by the Council or that the Council requires to be imposed, or	Not relevant. There are no known Council required covenants affecting the site.
(b)	to any relevant instrument within the meaning of section 13.4 of the Crown Land Management Act 2016, or	Not relevant. There are no known relevant Crown instruments affecting the site.
(c)	to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or	Not relevant. There are no known conservation agreements affecting the site.
(d)	to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or	Not relevant. There are no known trust agreements affecting the site.
(e)	to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or	Not relevant. There are no known property vegetation plans affecting the site.

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
(f) to any biobanking agreement within the meaning of Part 7A of the <i>Threatened Species Conservation Act 1995</i> , or	There are no known biodiversity banking agreements affecting the site.
(g) to any planning agreement within the meaning of Subdivision 2 of Division 7.1 of the Act.	There are no known planning agreements affecting the site.
(3) This clause does not affect the rights or interests of any public authority under any registered instrument.	Noted
(4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).	Noted
<b>Part 2 Permitted or prohibited development</b>	
<b>2.1 Land use zones</b>	
The land use zones under this Plan are as follows—	
Rural Zones	The exclusion of the land zoned RU1 <i>Primary Production</i> , reserves that land for future use consistent with the RU1 zone objectives.
RU1 Primary Production	
RU3 Forestry	
RU4 Primary Production Small Lots	
RU5 Village	
Residential Zones	The majority of the modified Concept Plan site area is zoned R2 Low Density Residential site. The proposed modified subdivision is of a type and design intended for future low density housing development, which is consistent with Zone objectives for the predominant R2 Low Density Residential zoning of the site.
R2 Low Density Residential	
R3 Medium Density Residential	
R5 Large Lot Residential	
Business Zones	Not applicable
Industrial Zones	Not applicable
Special Purpose Zones	Not applicable
Recreation Zones	Not applicable
Conservation Zones	The development is considered to be consistent with the zone objectives of the C2 - Environmental Conservation Zone because no subdivision works (civil
C1 National Parks and Nature Reserves	
C2 Environmental Conservation	

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
C4 Environmental Living	earthworks & infrastructure) are proposed that is within the C2 zoned land. It is proposed to rehabilitate and undertake environmental restoration works” (where necessary) within the immediate foreshore (including restoration of the rough dirt track within the Bevia Road reserve), in accordance with a detailed plan submitted within the appropriate Development Application.
Waterway Zones	Not applicable
2.2 Zoning of land to which Plan applies	
	<p>For the purposes of this Plan, the subject site is affected by 3 land use zones:</p> <p>R2 Low Density Residential Zone</p> <p>C4 Environmental Living Zone</p> <p>C2 Environmental Conservation Zone The relevant extract from the land zoning map applicable to the site, is reproduced below:</p>
2.3 Zone objectives and Land Use Table	
(1) The Land Use Table at the end of this Part specifies for each zone—	Noted
(a) The objectives for development, and	
(b) Development that may be carried out without development consent, and	
(c) Development that may be carried out only with development consent, and	



APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012		
PROVISION		ASSESSMENT
	(d) development that is prohibited.	
(2)	The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	Noted. An assessment against the objectives of the zone is provided below.
(3)	In the Land Use Table at the end of this Part—	Noted
	(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and	
	(b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.	
	(b) This clause is subject to the other provisions of this Plan.	Noted
Notes—		
1	Schedule 1 sets out additional permitted uses for particular land.	
2	Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act.	
3	Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).	
4	Clause 2.6 requires consent for subdivision of land.	
5	Part 5 contains other provisions which require consent for particular development.	
2.4 Unzoned land		
(1)	Development may be carried out on unzoned land only with development consent.	Not applicable - There is no unzoned land within the site.
(2)	In deciding whether to grant development consent, the consent authority—	Not applicable

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
<p>(a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and</p> <p>(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.</p>	Not applicable
2.5 Additional permitted uses for particular land	
<p>(1) Development on particular land that is described or referred to in Schedule 1 may be carried out—</p> <p>(a) with development consent, or</p> <p>(b) if the Schedule so provides—without development consent,</p> <p>in accordance with the conditions (if any) specified in that Schedule in relation to that development.</p> <p>(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.</p>	Not listed in Schedule 1. Not applicable.
2.6 Subdivision—consent requirements	
<p>(1) Land to which this Plan applies may be subdivided, but only with development consent.</p> <p>Notes—</p> <p>1 If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>, the Act enables it to be carried out without development consent.</p> <p>2 Part 6 of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> provides that the strata subdivision of a building in certain circumstances is complying development.</p>	<p>This request for modification to the Part 3A Concept Plan Approval seeks approval to modify the approved subdivision concept plan, updating its design and layout of the providing for a complementary response to the 2024 site circumstances and provision of an appropriate context for future lodgement and determination of individual DAs for subdivision(s).</p> <p>Noted</p> <p>Noted</p>

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012		
PROVISION	ASSESSMENT	
<p>(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>Note— The definition of <i>secondary dwelling</i> in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.</p> <p><b>2.7 Demolition requires development consent</b></p> <p>The demolition of a building or work may be carried out only with development consent.</p> <p>Note— If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>, as exempt development, the Act enables it to be carried out without development consent.</p> <p><b>2.8 Temporary use of land</b></p> <p>(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.</p> <p>(2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.</p> <p>(3) Development consent must not be granted unless the consent authority is satisfied that—</p> <p>(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and</p>	<p>Not applicable. Detailed development application for secondary dwellings (if made) will occur after approval for the modified Concept Plan approval.</p> <p>Not applicable. This requirement can be satisfied pursuant to a Complying Development Certificate issued pursuant to Part 7 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>Not applicable. No temporary uses proposed nor contemplated within the modified Concept Plan.</p>	

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
<p>(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and</p> <p>(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and</p> <p>(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.</p> <p>(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.</p> <p>(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).</p>	
<b>2.9 Canal Estate development prohibited</b>	N/A
<b>Land Use Table</b>	
<p>Note— State environmental planning policies, including the following, may be relevant to development on land to which this Plan applies—</p> <p><i>State Environmental Planning Policy (Housing) 2021</i></p> <p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>, Chapter 2—relating to infrastructure facilities, including air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems</p> <p><i>State Environmental Planning Policy (Resources and Energy) 2021</i>, Chapter 2</p> <p><i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>, Chapter 3</p> <p><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>, Chapter 7</p>	Noted

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
<p><i>State Environmental Planning Policy (Industry and Employment) 2021, Chapter 3</i></p> <p><i>State Environmental Planning Policy (Primary Production) 2021, Chapter 2.</i></p> <p>Zone RU1 Primary Production</p> <p>1. Objectives of zone</p> <ul style="list-style-type: none"> <li>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> <li>To encourage diversity in primary industry enterprises and systems appropriate for the area.</li> <li>To minimise the fragmentation and alienation of resource lands.</li> <li>To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>To minimise the visual impact of development on the rural landscape.</li> <li>To provide for recreational and tourist activities that support the agricultural, environmental and conservation value of the land.</li> </ul> <p>2 Permitted without consent</p> <p>Environmental protection works; Extensive agriculture; Forestry; Home occupations</p> <p>3 Permitted with consent</p> <p>Agriculture; Animal boarding or training establishments; Aquaculture; Camping grounds; Cellar door premises; Dual occupancies; Dwelling houses; Eco-tourist facilities; Extractive industries; Farm buildings; Funeral homes; Home industries; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Plant nurseries; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; Tourist and visitor accommodation; Any other development not specified in item 2 or 4</p> <p>4 Prohibited</p> <p>Advertising structures; Amusement centres; Business premises; Caravan parks; Centre-based child care facilities; Entertainment facilities; Heavy industrial storage establishments; Hotel or motel accommodation;</p>	
	<p>Consistent with the Original Concept Plan approval, several land parcels are partly situated on land zoned RU1. The modified Concept Plan, identifies this surplus land as one lot (residue lot) to facilitate that land to be used in a manner consistent with the RU1 zone objectives. Future residential and ancillary development of the adjoining R2 Low Density land in the vicinity of the RU1 zoned land is not expected to hinder future development consistent with the objectives of the RU1 zone.</p> <p>It is anticipated that future use will be made of the residue lot zoned RU1 for any of the listed permissible uses.</p> <p>Not relevant</p>

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
<p>Industrial retail outlets; Industries; Office premises; Residential accommodation; Restricted premises; Retail premises; Serviced apartments; Sex services premises; Vehicle body repair workshops; Vehicle repair stations</p> <p><b>Zone R2 Low Density Residential</b></p> <p><b>1 Objectives of zone</b></p> <ul style="list-style-type: none"> <li>• To provide for the housing needs of the community within a low density residential environment.</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>• To encourage residential development that is consistent with the character of the neighbourhood.</li> </ul> <p><b>2 Permitted without consent</b> Environmental protection works; Home occupations</p> <p><b>3 Permitted with consent</b> Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Sewerage systems; Shop top housing; Tank-based aquaculture; Water supply systems</p> <p><b>4 Prohibited</b> Any development not specified in item 2 or 3</p> <p><b>Zone C4 Environmental Living</b></p> <p><b>1 Objectives of zone</b></p> <ul style="list-style-type: none"> <li>• To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.</li> <li>• To ensure that residential development does not have an adverse effect on those values.</li> <li>• To protect the size and shape of vegetation remnants if consistent with the protection of assets from bush fire.</li> <li>• To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.</li> </ul>	<p>The proposed modified development is consistent with the R2 low density residential zone objectives in that the modified development will contribute to satisfying the housing needs of the community, is located in a regional context surrounded by ample open space and recreational facilities (beaches, walking &amp; cycling trails in Mogo State Forest) supplemented by provision of on-site commercial and recreational/open space facilities. In recognition of the unique mixed use outcome of the “Centre Zone” Precinct in Stage 3 of the Modified Concept Plan, this Concept Plan will support a variation to the standard dwelling density standard to allow dwelling densities down to 1/100m<sup>2</sup> across the Centre Zone Precinct.</p> <p>The proposed modified development is consistent with the C4 Environmental Living zone objectives in that the lots proposed in the “Outlook Zone” in Stage 7b (which substantially aligns to the C4 zoned area affecting the south-western corner of the site, contain larger than average lot sizes within the proposed subdivision plan (of 1,000m<sup>2</sup> or more) which can be anticipated to be developable for single residential dwellings inclusive of retaining substantial areas of existing vegetation or have potential to accommodate vegetated buffer to</p>

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
<ul style="list-style-type: none"> <li>To manage items, places and landscapes of Aboriginal cultural heritage significance into the future in collaboration with the local Aboriginal community.</li> </ul> <p><b>2 Permitted without consent</b> Environmental protection works; Extensive agriculture; Home occupations</p> <p><b>3 Permitted with consent</b> Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Farm buildings; Group homes; Home-based child care; Home businesses; Home industries; Horticulture; Jetties; Oyster aquaculture; Pond-based aquaculture; Roads; Roadside stalls; Secondary dwellings; Sewerage systems; Tank-based aquaculture; Tourist and visitor accommodation; Viticulture; Water supply systems</p> <p><b>4 Prohibited</b> Backpackers' accommodation; Farm stay accommodation; Hotel or motel accommodation; Industries; Local distribution premises; Service stations; Serviced apartments; Warehouse or distribution centres; Any other development not specified in item 2 or 3</p>	<p>adjoining bushland consistent with the objectives of the C4 zone, and provision for compliant Asset Protection Zones, required street setbacks, and in a density which is in effect a transition from the R2 Zone lot standard of 450m<sup>2</sup> and the C4 lot standard of 5,000m<sup>2</sup>. These lots will be subject to the provisions of the existing Eurobodalla Residential Zones DCP which require more generous landscape areas on sites zoned C4.</p>

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012		
PROVISION		ASSESSMENT
Zone R3	Medium Density Residential	Not applicable
Zone R5	Large Lot Residential	Not applicable
Zone B1	Neighbourhood Centre	Not applicable
Zone B2	Local Centre	Not applicable
Zone B4	Mixed Use	Not applicable
Zone B5	Business Development	Not applicable
Zone IN1	General Industrial	Not applicable
Zone SP1	Special Activities	Not applicable
Zone SP2	Infrastructure	Not applicable
Zone SP3	Tourist	Not applicable
Zone RE1	Public Recreation	Not applicable
Zone RE2	Private Recreation	Not applicable
Zone C1	Nat Parks & Nature Reserves	Not applicable
1	Objectives of zone	
	<ul style="list-style-type: none"> <li>To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.</li> <li>To prevent development that could destroy, damage or otherwise have an adverse effect on those values.</li> <li>To identify sensitive coastal lakes, estuaries, wetlands, overland flow paths and riparian zones and those areas at risk from coastline hazards, including sea level rise.</li> <li>To protect and improve water quality.</li> <li>To protect and enhance the natural environment for recreation purposes.</li> <li>To manage items, places and landscapes of Aboriginal cultural heritage significance into the future in collaboration with the local Aboriginal community.</li> </ul>	The Modified Concept Plan is consistent with the objectives of the C2 zone (the Bevia Wetland) as it this area will be generally avoided and preserved in situ. It is intended that the Bevia Wetland and its immediate proximity area which will be subject to a proposal to Restore, regenerate and subject to future management actions to further conservation of ecological values in the C2 zone. The plan to preserve and promote those values will be subject to a proposed VMP to be detailed with relevant future DAs affecting by the C2 Zoned land. The proposed modified Concept Plan will be consistent with the objectives of the Zone C2 Zone objectives.
2	Permitted without consent	
	Environmental protection works	The scope and detail of restoration and protection works or any other ancillary development (eg. walking trails) will be subject of a future application under Part 4 or 5 of the EP & A Act 1979.
3	Permitted with consent	
	Boat sheds; Camping grounds; Environmental facilities; Oyster aquaculture Roads; Sewerage systems; Water recreation structures; Water supply systems	The Modified Concept Plan does not propose or seek consent for any of the listed development under section 3.



APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012		
PROVISION		ASSESSMENT
4	Prohibited	
	Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3	The Modified Concept Plan does not propose or seek consent for any of the listed development under section 4 within land zoned C2.
Zone W1	Natural Waterways	Not applicable
Zone W2	Recreational Waterways	Not applicable
<b>Part 3 Exempt and complying development</b>		
<b>3.1 Exempt development</b>		
(1)	The objective of this clause is to identify development of minimal environmental impact as exempt development.	Noted
(2)	Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.	No development listed in Schedule 2 is contemplated as part of the modified Part 3A Concept Plan.
(3)	To be exempt development, the development— (a) must meet the relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i> or, if there are no such relevant provisions, must be structurally adequate, and (b) must not, if it relates to an existing building, cause the building to contravene the <i>Building Code of Australia</i> , and (c) must not be designated development, and (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the <i>Heritage Act 1977</i> or that is subject to an interim heritage order under the <i>Heritage Act 1977</i> .	Not applicable
(4)	Development that relates to an existing building that is classified under the <i>Building Code of Australia</i> as class 1b or class 2–9 is exempt development only if—	

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
<p>a) the building has a current fire safety certificate or fire safety statement, or</p> <p>b) no fire safety measures are currently implemented, required or proposed for the building.</p> <p>(5) To be exempt development, the development must—</p> <p>(a) be installed in accordance with the manufacturer’s specifications, if applicable, and</p> <p>(b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.</p> <p>Note— See <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>, Chapter 2 and the <i>Local Land Services Act 2013</i>, Part 5A.</p> <p>(c) A heading to an item in Schedule 2 is part of that Schedule.</p>	
<b>3.2 Complying development</b>	
<p>(1) The objective of this clause is to identify development as complying development.</p>	Not applicable - No additional development is specified in Part 1 of Schedule 3.
<p>(2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with—</p> <p>(a) the development standards specified in relation to that development, and</p> <p>(b) the requirements of this Part, is complying development.</p> <p>Note— See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.</p>	
<p>(3) To be complying development, the development must—</p> <p>(a) be permissible, with development consent, in the zone in which it is carried out, and</p> <p>(b) meet the relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i>, and</p>	

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
<p>(c) have an approval, if required by the <i>Local Government Act 1993</i>, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.</p> <p>(4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.</p> <p>(5) A heading to an item in Schedule 3 is part of that Schedule.</p> <p><b>3.3 Environmentally sensitive areas excluded</b></p> <p>(1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.</p> <p>(d) For the purposes of this clause— <i>environmentally sensitive area for exempt or complying development</i> means any of the following—</p> <p>(a) the coastal waters of the State,</p> <p>(b) a coastal lake,</p> <p>(c) land within the coastal wetlands and littoral rainforests area (within the meaning of the <i>Coastal Management Act 2016</i>),</p> <p>(d) land reserved as an aquatic reserve under the <i>Fisheries Management Act 1994</i> or as a marine park under the <i>Marine Parks Act 1997</i>,</p> <p>(e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,</p> <p>(f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,</p> <p>(g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,</p> <p>(h) land reserved under the <i>National Parks and Wildlife Act 1974</i> or land acquired under Part 11 of that Act,</p>	<p>Not applicable. Approval is not sought for any development which qualifies as Complying Development.</p>

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012		
PROVISION	ASSESSMENT	
<p>(i) land reserved or dedicated under the <i>Crown Land Management Act 2016</i> for the preservation of flora, fauna, geological formations or for other environmental protection purposes,</p> <p>(j) land that is a declared area of outstanding biodiversity value under the <i>Biodiversity Conservation Act 2016</i> or declared critical habitat under Part 7A of the <i>Fisheries Management Act 1994</i>,</p> <p>(ja) (Repealed)</p> <p>(jb) land identified as “Class 1” or “Class 2” on the Acid Sulfate Soils Map.</p>		
Part 4 Principal development standards		
4.1 Minimum subdivision lot size		
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,</p> <p>(b) to ensure lot sizes and dimensions are able to accommodate development consistent with relevant development controls,</p> <p>(c) to ensure that subdivision promotes effective land management practices and infrastructure provision,</p> <p>(d) to protect native vegetation, natural watercourses and habitats for threatened species and populations, and endangered ecological communities.</p>	<p>The modified Concept Plan is in accordance with minimum lot sizes applicable to R2 Low Density Residential Land.</p> <p>Specific lot sizing, levels, access and lot dimensions will be subject to further detail and design at Development Application (DA) stage and/or Subdivision Works Certificate (SWC) stage.</p>	
<p>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</p>	Noted	
<p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p>	Noted	
<p>(3A) For the purpose of calculating the size of a battle-axe lot, the area of the access handle is excluded.</p>	Noted	

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012		
PROVISION	ASSESSMENT	
(4) This clause does not apply in relation to the subdivision of any land—	Noted	
(a) by the registration of a strata plan or strata plan of subdivision under the <i>Strata Schemes Development Act 2015</i> , or		
(b) by any kind of subdivision under the <i>Community Land Development Act 2021</i> .		
4.1AA Minimum subdivision lot size for community title schemes	Not applicable to modified Concept Plan	
4.1A Minimum subdivision lot size for strata plan schemes in certain rural, residential and environmental zones	Not applicable to modified Concept Plan	
4.1B Subdivision in Zone RU5 Village	Not applicable	
4.1C Exceptions to minimum lot sizes for certain residential development		
(1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.	A range of lot sizes are included in the modified Concept Plan.	
(2) This clause applies to development on land in the following zones—	Site is substantially within Zone R2.	
(a) Zone R2 Low Density Residential,		
(b) Zone R3 Medium Density Residential.		
(3) Development consent may be granted to a single development application for the following development on land to which this clause applies—	A range of lot sizes (450 to 10,000m <sup>2</sup> ) are included in the modified Concept Plan, providing for a diverse range of households, and opportunities for multi-unit housing, subject to future DAs. The modified Concept Plan provides future opportunities, subject to development consent, to additional housing opportunities in residentially zoned land.	
(a) the subdivision of land into 3 or more lots,		
(b) the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 300 square metres.		
(4) Despite subclause (3), development consent must not be granted under this clause unless the consent authority is satisfied that each lot will be adequately serviced with reticulated water and sewerage.	Noted	
4.1D Subdivision in environmentally sensitive areas		

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012		
PROVISION	ASSESSMENT	
(1) The objective of this clause is to enable subdivision for certain purposes on land within environmentally sensitive areas.	The site is partly within an environmentally sensitive area (coastal wetland).	
(2) This clause applies to land within an environmentally sensitive area.	Modification to the approved Concept Plan substantially addresses the issues and merits of subdivision in environmentally sensitive areas	
(3) Despite any other provision of this Plan, development consent may be granted for the subdivision of land to which this clause applies for the purposes of any one or more of the following to create lots of any size—	Noted.	
(a) widening a public road,		
(b) a minor realignment of boundaries—		
(i) that will not create additional lots or the opportunity for additional dwellings, and		
(ii) that will not adversely affect the provision of existing services on a lot, and		
(iii) that will not result in any increased bush fire risk to existing buildings,		
(c) rectifying an encroachment on a lot,		
(d) creating a public reserve,		
(e) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.		
(4) In this clause, <i>environmentally sensitive area</i> has the same meaning as in <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> .		
4.1E Lot averaging subdivision in certain zones		
(1) The objective of this clause is to ensure that lot sizes and subdivision patterns for residential accommodation conserve and provide protection	The average residential lot size in the Modified Concept Plan is approximately 600m <sup>2</sup> . This average lot exceeds the minimum lot permissible in the R2 Low Density Zone, and where environmental	

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
for the environmental values of the land by encouraging buildings to be appropriately sited.	values are proposed to be incorporated in lots, e.g. lots proposed at the south-western corner of the site and northern and western fringes, they are designed to allow flexibility to site dwellings as well as conserve and existing trees and vegetation, where warranted.. is considered to allow sufficient space to site future dwellings to conserve and provide protection for the the environmental values of that land.
(2) This clause applies to land within the following zones—  (aa) Zone RU4 Primary Production Small Lots, (a) Zone R5 Large Lot Residential, (b) Zone E4 Environmental Living.	Not applicable
(3) Despite clauses 4.1 and 4.1AA, development consent may be granted to the subdivision of land to which this clause applies that requires development consent (whether or not the subdivision is under the <i>Community Land Development Act 1989</i> ) to create lots of any size if—  (a) the consent authority is satisfied that the land to be subdivided is proposed to be used for the purpose of residential accommodation, and  (b) the total number of lots resulting from the subdivision will not exceed the number of lots that could be created by a subdivision of the same land under clause 4.1 (3) or 4.1AA (3), and  (c) the consent authority is satisfied that the development retains, and is complementary to, the environmental attributes of the land and its surrounds.	Not applicable to the Modified Concept Plan.
(4) Despite any other provision of this Plan, development consent must not be granted to the subdivision of a lot created under this clause unless the consent authority is satisfied that—  (aa) None of the lots resulting from the subdivision that are wholly or partly within	

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012		
PROVISION	ASSESSMENT	
<p>Zone RU4 Primary Production Small Lots will have an area of less than 2 hectares, and</p> <p>(a) the lots resulting from the subdivision will not be used for the purpose of residential accommodation, and</p> <p>(b) the subdivision will not result in any significant adverse environmental impacts on the land being subdivided.</p>		
<b>4.1F</b>	<b>Minimum lot sizes for certain split zones</b>	
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,</p> <p>(b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.</p>	<p>The overwhelming majority of future lots within the Modified Concept Plan Site will be solely within the R2 -Low Density Residential Zone.</p>	
<p>(2) This clause applies to each lot (an <i>original lot</i>) that contains—</p> <p>(a) land in a residential, business or industrial zone or in Zone E4 Environmental Living, and</p> <p>(b) land in a rural zone or Zone E2 Environmental Conservation.</p>	<p>Given part of the Modified Concept Plan Site area does contain land zoned E2, the potential use of clause 4.1F is noted.</p>	
<p>(3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the <i>resulting lots</i>) if—</p> <p>(a) one of the resulting lots will contain—</p> <p>(i) land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and</p> <p>(ii) all of the land in a rural zone or Zone E2 Environmental Conservation that was in the original lot, and</p> <p>(b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.</p>	<p>Noted.</p>	



APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
<p>4.2 Rural subdivision</p> <p>(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.</p> <p>(2) This clause applies to the following rural zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(baa) Zone RU3 Forestry,</p> <p>(c) Zone RU4 Primary Production Small Lots,</p> <p>(d) RU6 Transition.</p> <p>Note— When this Plan was made it did not include Zone RU2 Rural Landscape or Zone RU6 Transition.</p>	<p>Not relevant.</p> <p>The residual land at the site’s western interface with Mogo State Forest will be consolidated to achieve a viable lot size with respect to the RU1 zone objectives.</p>
<p>(3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.</p>	<p>Not applicable</p>
<p>(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.</p>	<p>Noted – residual land will be c</p>
<p>(5) A dwelling cannot be erected on such a lot.</p> <p>Note— A dwelling includes a rural worker’s dwelling (see definition of that term in the Dictionary).</p>	<p>Not applicable</p>

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
4.2A Erection of dwelling houses or dual occupancies on land in Zone RU1 Primary Production	Not applicable – Modification of Part 3A concept Plan approval does not seek consent for building form
4.2B Dual occupancies on land in rural zones	Modification of Part 3A concept Plan approval does not seek consent for building form
4.3 Height of buildings	Modification of Part 3A concept Plan approval does not seek consent for building form
4.4 Floor space ratio	Modification of Part 3A concept Plan approval does not seek consent for building form
4.5 Calculation of floor space ratio and site area	Modification of Part 3A concept Plan approval does not seek consent for building form
4.6 Exceptions to development standards	Modification of Part 3A concept Plan approval does not seek consent for building form
<b>Part 5 Miscellaneous Provisions</b>	
5.1 Relevant Acquisition Authority	
(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> (the owner-initiated acquisition provisions).	Not applicable – None of site has been identified for acquisition by the authority of the state, in whole or part
Note— If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> requires the authority to acquire the land.	Not applicable – None of site has been identified for acquisition by the authority of the state, in whole or part
(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).	Not applicable – None of site has been identified for acquisition by the authority of the state, in whole or part

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012		
PROVISION		ASSESSMENT
Type of land shown on Map	Authority of the State	Not applicable – None of site has been identified for acquisition by the authority of the state, in whole or part
Zone RE1 Public Recreation and marked “Local open space”	Council	
Zone RE1 Public Recreation and marked “Regional open space”	The corporation constituted under section 2.5 of the Act	
Zone SP2 Infrastructure and marked “Classified road”	Transport for NSW	
Zone C1 National Parks and Nature Reserves and marked “National Park”	Minister administering the <i>National Parks and Wildlife Act 1974</i>	
Zone SP2 Infrastructure and marked “Car park”	Council	
Zone SP2 Infrastructure and marked “Local Road Widening”	Council	
Zone E2 Environmental Conservation and marked “Coastal Lands Acquisition”	The corporation constituted under section 8 of the Act.	
<p>(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.</p> <p>5.1A Development on land intended to be acquired for public purposes</p> <p>(1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.</p>		
		Not applicable – None of site has been identified for acquisition by the authority of the state, in whole or part

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012									
PROVISION	ASSESSMENT								
<p>(2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the Table to this clause and that has not been acquired by the relevant authority of the State specified for the land in clause 5.1.</p> <p>(3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of that Table.</p> <table border="1"> <tr> <th>Column 1</th><th>Column 2</th></tr> <tr> <td>Land</td><td>Development</td></tr> <tr> <td>Zone RE1 Public Recreation and marked "Local open space"</td><td>Recreation areas</td></tr> <tr> <td>Zone RE1 Public Recreation and marked "Regional open space"</td><td>Recreation areas</td></tr> </table>	Column 1	Column 2	Land	Development	Zone RE1 Public Recreation and marked "Local open space"	Recreation areas	Zone RE1 Public Recreation and marked "Regional open space"	Recreation areas	<p>Not applicable – None of site has been identified for acquisition by the authority of the state, in whole or part</p> <p>Not applicable – None of site has been identified for acquisition by the authority of the state, in whole or part</p> <p>Not applicable – None of site has been identified for acquisition by the authority of the state, in whole or part</p>
Column 1	Column 2								
Land	Development								
Zone RE1 Public Recreation and marked "Local open space"	Recreation areas								
Zone RE1 Public Recreation and marked "Regional open space"	Recreation areas								
<p>5.2 Classification and reclassification of public land</p>	<p>Not inconsistent – future land to be dedicated will be classified in accordance with Council's standard land management policy.</p>								
<p>5.3 Development near zone boundaries</p> <p>(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.</p> <p>(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.</p> <p>(3) This clause does not apply to—</p>	<p>Not relevant – Proposed Modified Concept Plan has been assessed with regard to environmental issues in and around any zone boundary on the or adjoining the Modified Concept Plan site.</p> <p>Given the majority of the site is zoned R2 Low Density already with a minimum lot size of 450m<sup>2</sup>. All adjoining zones to the site are considered more restrictive or non-beneficial for implementation of the Modified Concept Plan.</p> <p>Noted</p>								

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012		
PROVISION	ASSESSMENT	
<p>(a) land in Zone RE1 Public Recreation, Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone W1 Natural Waterways, or</p> <p>(b) land within the coastal zone, or</p> <p>(c) land proposed to be developed for the purpose of sex services or restricted premises.</p> <p>Note— When this Plan was made, it did not include Zone E3 Environmental Management.</p>		
<p>(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—</p> <p>(a) the development is not inconsistent with the objectives for development in both zones, and</p> <p>(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.</p>	<p>Given the majority of the site is zoned R2 Low Density with a minimum lot size of 450m<sup>2</sup>, under the ELEP a range of residential development (up to 3 dwellings) and neighbourhood scale retail are already permissible with Council's consent. All adjoining zones to the site are considered more restrictive or non-beneficial for implementation of the Modified Concept Plan.</p>	
<p>(5) This clause does not prescribe a development standard that may be varied under this Plan.</p>	Noted	
<p>5.4 Controls relating to miscellaneous permissible uses</p>	Not applicable	
<p>5.5 Controls relating to secondary dwellings on land in a rural zone</p>	Not applicable	
<p>5.6 Architectural roof features</p>	Not applicable	
<p>5.7 Development below mean high water mark</p>		
<p>(1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.</p>	Not applicable	
<p>(2) Development consent is required to carry out development on any land below the mean high</p>	Not applicable	

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
water mark of any body of water subject to tidal influence (including the bed of any such water).	
5.8 Conversion of fire alarms	Not applicable
5.9 Dwelling house or secondary dwelling affected by a natural disaster	Not applicable
5.9AA (Repealed)	Not applicable
5.10 Heritage conservation	
<p>Note—</p> <p>Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being represented in Schedule 5.</p>	<p>There are no environmental heritage items identified in Schedule 5 of the ELEP on the modified Concept Plan site, or adjoining sites. area present Cultural Heritage Consultants Navin Officer (Appendix M) have overlaid the PAD sites identified in field surveys and made recommendations where PAD sites in accordance with current Guidelines for investigation, reporting, and community consultations. The need for subsequent AHIP approvals will be addressed in relevant detailed DAs.</p>
(1) Objectives	
The objectives of this clause are as follows—	
(a) to conserve the environmental heritage of Eurobodalla,	Heritage Values on this site have been subject to field investigation and reporting (see Appendix V). No constraints to development were identified from that investigation.
(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	Not applicable
(c) to conserve archaeological sites,	Not applicable
(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	Aboriginal archeological Deposits and areas of cultural significance were identified by Heritage consultants Navin Officer. Subject to adherence to any statutory requirements (eg AHIP approval), and recommended supervision of removal of artefacts by properly authorised member of local community groups, there are no residual values that would pose a constraint to the development proceeding..

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
<p>(2) Requirement for consent</p> <p>Development consent is required for any of the following—</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land—</p>	<p>Not applicable – no heritage items on or adjoining site</p> <p>AHIP(s) will be required to disturb confirmed Archaeological Deposits (refer Appendix M).</p> <p>Not applicable – no HCAs on site</p> <p>Not applicable</p> <p>Not applicable</p> <p>AHIP(s) will be required to disturb confirmed Archaeological Deposits. Works can only proceed in accordance with issued aHIPS and recommendation of the ACHAR.</p> <p>Not applicable</p> <p>DAs will be lodged for stages of this development (including sites subject to Archaeological Deposits)</p>

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
(i) on which a heritage item is located or that is within a heritage conservation area, or	Not applicable
(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.	DAs will be lodged for stages of this development (including sites subject to Archaeological Deposits)
(3) <b>When consent not required</b> However, development consent under this clause is not required if—	N/A
(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—	
(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and	Noted – DA will be submitted for detailed subdivision and subdivision works for Ocean Ridge
(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or	Noted – DA will be submitted for detailed subdivision and subdivision works for Ocean Ridge. AHIPs will be required to disturb, remove or destroy Archaeological Deposits registered by Navin Officer.
(b) the development is in a cemetery or burial ground and the proposed development—	Not applicable
(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and	Not applicable
(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or	Noted – DA will be submitted for detailed subdivision and subdivision works for Ocean Ridge. AHIPs will be required to disturb, remove or destroy Archaeological Deposits registered on AHIMs.
(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or	Tree Removal has been assessed with regard to impacts on the site's flora and fauna (Biodiversity Values), and the site



APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
	subdivision opportunities to retain trees (assessed in future DAs for each stage)
(d) the development is exempt development.	N/A
(4) <b>Effect of proposed development on heritage significance</b> The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	N/A
(5) <b>Heritage assessment</b> The consent authority may, before granting consent to any development—	N/A
(a) on land on which a heritage item is located, or	N/A
(b) on land that is within a heritage conservation area, or	N/A
(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),	An updated cultural heritage report has been undertaken by Navin Officer (Appendix M)
(d) require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	
(6) <b>Heritage conservation management plans</b> The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.	
(7) <b>Archaeological sites</b> The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage	

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
<p>Register or to which an interim heritage order under the <i>Heritage Act 1977</i> applies)—</p> <p>(a) notify the Heritage Council of its intention to grant consent, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p> <p>(8) <b>Aboriginal places of heritage significance</b> The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—</p> <p>(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</p> <p>(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</p> <p>(9) <b>Demolition of nominated State heritage items</b> The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—</p> <p>(a) notify the Heritage Council about the application, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p> <p>(10) <b>Conservation incentives</b> The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed</p>	

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
<p>by this Plan, if the consent authority is satisfied that—</p> <p>(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</p> <p>(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</p> <p>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</p> <p>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and</p> <p>(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</p>	
<p><b>5.11 Bush fire hazard reduction</b></p> <p>Bush fire hazard reduction work authorised by the <i>Rural Fires Act 1997</i> may be carried out on any land without development consent.</p> <p>Note—</p> <p>The <i>Rural Fires Act 1997</i> also makes provision relating to the carrying out of development on bush fire prone land.</p>	<p>Noted</p> <p>Future DAs for stages of this development will be identified as “Integrated Development”.</p>
<p><b>5.12 Infrastructure development and use of existing buildings of the Crown</b></p>	Not applicable
<p><b>5.13 Eco-tourist facilities</b></p>	Not applicable
<p><b>5.14 Siding Spring Observatory—maintaining dark sky [Not adopted]</b></p>	Not applicable
<p><b>5.15 Defence communications facility [Not adopted]</b></p>	Not applicable
<p><b>5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones</b></p> <p>(1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned</p>	

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
<p>(particularly between residential land uses and other rural land uses).</p> <p>(2) This clause applies to land in the following zones—</p> <p>(e) Zone RU1 Primary Production,</p> <p>(f) Zone RU2 Rural Landscape,</p> <p>(g) Zone RU3 Forestry,</p> <p>(h) Zone RU4 Primary Production Small Lots,</p> <p>(i) Zone RU6 Transition,</p> <p>(j) Zone R5 Large Lot Residential,</p> <p>(k) Zone E2 Environmental Conservation,</p> <p>(g) Zone E3 Environmental Management,</p> <p>(h) Zone E4 Environmental Living.</p> <p>(3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—</p> <p>(a) subdivision of land proposed to be used for the purposes of a dwelling,</p> <p>(b) erection of a dwelling.</p> <p>(4) The following matters are to be taken into account—</p>	<p>Part of the legal title(s) comprising the site, is zoned RU1. This area is outside the modified concept Plan site area. This residual area (approx.. 16 hectares) can be retained in 1 title and where relevant can be considered consistent with the RU1 zone objectives.</p> <p>A small part of the site, principally the Bevia Wetland is zoned E2. No subdivision is proposed in Zone E2.</p> <p>A small part of the site, principally the Bevia Wetland is zoned E4. Subdivision proposed to land zoned E4, is generally consistent with the density and zone objective for the E4 Zone.</p>

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
<p>(a) the existing uses and approved uses of land in the vicinity of the development,</p> <p>(b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,</p> <p>(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</p> <p>(d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).</p>	
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	Not applicable
5.18 Intensive livestock agriculture	Not applicable
5.19 Pond-based, tank-based and oyster aquaculture	Not applicable
5.20 Standards that cannot be used to refuse consent—playing and performing music	Not applicable
5.21 Flood planning	
(1) The objectives of this clause are as follows—	
(a) to minimise the flood risk to life and property associated with the use of land,	(to be completed once Flood Report is issued)
(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,	Ditto
(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,	Ditto
(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.	
(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—	

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
<p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p> <p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.</p> <p>(5) In this clause—</p>	

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
<p><i>Considering Flooding in Land Use Planning Guideline</i> means the <i>Considering Flooding in Land Use Planning Guideline</i> published on the Department's website on 14 July 2021.</p>	Note
<p><i>flood planning area</i> has the same meaning as it has in the Floodplain Development Manual.</p>	Note
<p><i>Floodplain Development Manual</i> means the <i>Floodplain Development Manual</i>(ISBN 0 7347 5476 0) published by the NSW Government in April 2005.</p>	
5.22 Special flood considerations [Not adopted]	Not applicable
<b>Part 6 Additional local provisions</b>	
<b>6.1 Public utility infrastructure</b>	
<p>(1) Development consent must not be granted for development on land in a land release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</p>	
<p>(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.</p>	
<b>6.2 Development control plans for land release areas</b>	
<p>(1) The objective of this clause is to ensure that development on land in a land release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.</p>	Can be satisfied by approval of a Concept Plan in accordance with s4.23 of the EP & A Act 1979
<p>(2) Development consent must not be granted for development on land in a land release area unless a development control plan that provides for the matters specified in subclause (4) has been prepared for the land.</p>	
<p>(3) (Repealed)</p>	

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
<p>(4) The development control plan referred to in subclause (2) must provide for all of the following—</p> <p>(a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,</p> <p>(b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,</p> <p>(c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,</p> <p>(d) an overall assessment of the conservation significance of the land and proposed measures to avoid, minimise or mitigate any impact on identified areas of significance,</p> <p>(e) a network of passive and active recreational areas,</p> <p>(f) stormwater and water quality management controls,</p> <p>(g) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,</p> <p>(h) detailed urban design controls for significant development sites,</p> <p>(i) measures to encourage higher density living around transport, open space and service nodes,</p> <p>(j) measures to accommodate and control appropriate neighbourhood commercial and retail uses,</p>	<p>Staging Plan included in Appendix I.</p> <p>Road hierarchy plan for subdivision included in Appendix I</p> <p>Landscape Masterplan is included in Appendix I</p>



APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012							
PROVISION	ASSESSMENT						
(k) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.							
(5) Subclause (2) does not apply to any of the following development—	Note						
(a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,	Not applicable						
(b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,	Not applicable						
(c) a subdivision of land in a zone in which the erection of structures is prohibited,	Not applicable						
(d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.	Not applicable						
<b>6.3 Acid sulfate soils</b>							
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	This has been considered in detail via consideration of the ELP maps and a site investigation and report at Appendix W						
(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	To be considered within individual DA's for development of affected stages, ie Stges 3,5, 6, and 7b						
	Refere to Appendix W						
<table border="1"> <tr> <th>Class of land</th><th>Works</th></tr> <tr> <td>1</td><td>Any works.</td></tr> <tr> <td>2</td><td>Works below the natural ground surface.</td></tr> </table>	Class of land	Works	1	Any works.	2	Works below the natural ground surface.	
Class of land	Works						
1	Any works.						
2	Works below the natural ground surface.						

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
	Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.
(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	Suitable Management Plan provided in Appendix W
(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—	Note exceptions
(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and	Pursuant to the assessment and report contained in Appendix W , no ASSMP is warranted piro to development of Stages 2, 7a, 8, 10, 11, 12, 13 and 14 will

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.	An assessment of Acid Sulphate soils and recommended Management Plan is provided in <b>Appendix W</b> .
(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—	Not applicable
(a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,	Not applicable
(b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),	Not applicable
(c) minor work, being work that costs less than \$20,000 (other than drainage work).	Not relevant
(6) Despite subclause (2), development consent is not required under this clause to carry out any works if—	Not relevant
(a) the works involve the disturbance of less than 1 tonne of soil, and	Not relevant
(b) the works are not likely to lower the watertable.	Not relevant
<b>6.4 Earthworks</b>	
(1) The objectives of this clause are as follows—	
(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,	To be assessed at detailed development stage.

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
<p>(b) to allow earthworks of a minor nature without requiring separate development consent.</p> <p>(2) Development consent is required for earthworks unless—</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to other development for which development consent has been given.</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	
<p>Note—The <i>National Parks and Wildlife Act 1974</i>, particularly section 86, deals with harming Aboriginal objects.</p>	

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
6.5 (Repealed)	Not applicable
6.6 (Repealed)	Not applicable
6.7 Riparian lands and watercourses	
(1) The objective of this clause is to protect and maintain the following—	(insert appropriate summary & conclusions based on
(a) water quality within watercourses,	(addressed in Civile report Coastal Wetland and Receiving Waters Management Strategy Appendix L)
(b) the stability of the bed and banks of watercourses,	(Slope stability addressed in ACT Geotechnics Report)
(c) aquatic and riparian habitats,	Developable area has been sited outside of riparian corridors in accordance with provisions of WMA Act 2000. Water quality is not anticipated to be adversely impacted
(d) ecological processes within, and continuity and connectivity between, waterways and riparian areas.	Continuous ecological corridors have been provided along every definable watercourse, where bridging is required or construction of stormwater outlets in riparian areas is required, designs have been proposed it is expected that best practice riparian zone and water management guidelines are included.
(2) This clause applies to land identified as follows on the Riparian Lands and Watercourses Map and situated within the distances specified below in relation to the top of the bank of the watercourse concerned—	The site is affected by watercourses identified on this LEP map.  A “ground truthing” survey of watercourses on the site has been undertaken by Eco Logical in 2023, and some watercourse categories. An updated site map aligned with this survey in contained in Appendix
(a) Riparian Category 1 watercourse—40 metres,	
(b) Riparian Category 2 watercourse—20 metres,	
(c) Riparian Category 3 watercourse—10 metres.	
(3) Before determining a development application to carry out development on land to which this	

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
<p>clause applies, the consent authority must consider whether or not the development—</p> <p>(a) will cause any adverse impact on the following—</p> <p>(i) water quality and flows within a watercourse,</p> <p>(ii) aquatic and riparian species, habitats and ecosystems,</p> <p>(iii) the stability of the bed, shore and banks of a watercourse,</p> <p>(iv) the free passage of fish and other aquatic organisms within or along a watercourse,</p> <p>(v) any future rehabilitation of the watercourse and riparian areas, and</p> <p>(b) will increase water extraction from a watercourse.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p> <p><b>6.8 Wetlands</b></p> <p>(1) The objective of this clause is to ensure that wetlands are preserved and protected from the impacts of development.</p> <p>(2) This clause applies to land identified as “Wetland” on the Wetlands Map.</p>	

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012		
PROVISION	ASSESSMENT	
<p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <p>(a) whether or not the development is likely to have any significant adverse impact on the following—</p> <p>(j) the condition and significance of the existing native fauna and flora on the land,</p> <p style="padding-left: 40px;">(ii) the provision and quality of habitats on the land for indigenous and migratory species,</p> <p style="padding-left: 40px;">(iii) the surface and groundwater characteristics of the land, including water quality, natural water flows and salinity, and</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>		
<b>6.9 Stormwater management</b>		
(1) The objective of this clause is to minimise the impact of urban stormwater on land adjoining downstream properties, native bushland and receiving waters.	Refer summarised conclusion of Civile Report.	
(2) This clause applies to all land in a residential, business or industrial zone.	Noted	

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—	
(a) is designed to maximise the use of water permeable surfaces on the site, having regard to the soil characteristics affecting on site infiltration of water, and	Subject to housing DA's, compliance with 35% (minimum) landscaping requirements of the Residential Zones DCP
(b) includes, where practical, on site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and	
(c) avoids, or where an impact cannot be avoided, minimises and mitigates, the impacts of stormwater run off on adjoining downstream properties, native bushland and receiving waters.	
6.10 Minimum street frontage of land for buildings in B4 Zones	Not applicable
6.11 Active street frontages	Not applicable
6.12 Location of sex services premises	Not applicable
6.13 Public infrastructure buffer	
(1) The objective of this clause is to provide appropriate buffers around certain public infrastructure to minimise potential land use conflict between existing and proposed development.	No development proposed within Public Infrastructure buffer – if required to be addressed at a later stage
(2) This clause applies to land identified as “Buffer” on the Public Infrastructure Buffer Map.	No development proposed within Public Infrastructure buffer – if required to be addressed at a later stage
(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered—	Subject to future development application (if proposed)
(a) whether the development has been designed, sited or managed to avoid any adverse odour, noise and visual impacts arising out of the authorised use and operation of any public infrastructure on adjoining land identified as “Public infrastructure” on the Public Infrastructure Buffer Map, and	N/A
(b) if certain adverse impacts cannot be avoided, after having taken into consideration feasible	



APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
alternatives, whether the development is designed, sited or is to be managed to mitigate those impacts.	
6.14 Design excellence in Batemans Bay	Not applicable
6.15 (Repealed)	Not applicable
6.16 Development of land at Kyla Park	Not applicable
6.17 Airspace operations	
(1) The objectives of this clause are as follows—	Not applicable to site
(a) to provide for the effective and ongoing operation of the Moruya Airport by ensuring that such operation is not compromised by proposed development that penetrates the obstacle limitation surface or PANS-OPS surface for that airport,	N/A
(b) to protect the community from undue risk from that operation.	N/A
(2) This clause applies in relation to a development application if—	N/A
(a) the proposed development is on land shown on the <i>Obstacle Limitation Surface Map</i> for which an obstacle limitation surface is identified and the consent authority is satisfied the proposed development will penetrate the obstacle limitation surface, or	N/A
(b) the proposed development is on land shown on the <i>Procedures for Air Navigation Services—Aircraft Operations Map</i> for which a PANS-OPS surface is identified and the consent authority is satisfied the proposed development will penetrate the PANS-OPS surface.	N/A
(3) Before deciding whether to grant development consent for the application, the consent authority must—	N/A
(a) consult the relevant Commonwealth body about the application, and	N/A
(b) give the relevant Commonwealth body a period of not less than 28 days within which to consider and comment on the application.	N/A

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
(4) The consent authority may grant development consent for development referred to in subclause (2)(a) if—	N/A
(a) the relevant Commonwealth body is satisfied the proposed development will not penetrate the obstacle limitation surface as shown on the <i>Obstacle Limitation Surface Map</i> , or	N/A
(b) the relevant Commonwealth body is satisfied the proposed development will penetrate the obstacle limitation surface as shown on the <i>Obstacle Limitation Surface Map</i> but—	N/A
(i) does not object to the consent authority granting development consent, or	N/A
(ii) does not object to the consent authority granting development consent subject to stated conditions.	N/A
(5) However, if the consent authority grants development consent for an application to which subclause (4)(b)(ii) applies, the consent authority must grant the development consent subject to the conditions stated by the relevant Commonwealth body as far as practicable.	N/A
(6) The consent authority must not grant development consent for development referred to in subclause (2)(a) if the relevant Commonwealth body—	N/A
(7) is satisfied the development will penetrate the obstacle limitation surface as shown on the <i>Obstacle Limitation Surface Map</i> , and	N/A
(8) objects to development consent being granted.	N/A
(7) The consent authority must not grant development consent for development referred to in subclause (2)(b) if the relevant Commonwealth body—	N/A
(9) is satisfied the development will penetrate the PANS-OPS surface as	N/A

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012		
PROVISION		ASSESSMENT
shown on the <i>Procedures for Air Navigation Services—Aircraft Operations Map</i> , and		
(10)objects to development consent being granted.		N/A
(8) In this clause—		
<i>Obstacle Limitation Surface Map</i> means the <i>Obstacle Limitation Surface Map</i> for the Moruya Airport prepared by the operators of Moruya Airport and approved by the relevant Commonwealth body or relevant Commonwealth Minister.		N/A
<i>Procedures for Air Navigation Services—Aircraft Operations Map</i> means the <i>Procedures for Air Navigation Services—Aircraft Operations Map</i> for the Moruya Airport prepared by the operators of Moruya Airport and approved by the relevant Commonwealth body or relevant Commonwealth Minister.		N/A
<i>relevant Commonwealth body</i> means the body responsible for development decisions relating to the Moruya Airport under Commonwealth legislation.		N/A
<i>relevant Commonwealth Minister</i> means the Minister responsible for development decisions relating to the Moruya Airport under Commonwealth legislation.		N/A
6.18 Certain advertising signs		
Despite any other provision of this Plan, development for the purpose of an advertisement on land within Zone RU1 Primary Production or Zone RU4 Primary Production Small Lots may be carried out with development consent, but only if the advertisement is for the specific purpose of directing persons to places of scientific, historic, scenic or tourist interest.		N/A – no signage proposed nor consent for signage sought as part of this modification application.
Schedule 1 Additional permitted uses (Clause 2.5)		
1	Use of certain land at Beach Road, Batemans Bay	Not applicable

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012		
PROVISION		ASSESSMENT
2	Use of certain land at 49 Beach Road, Batemans Bay	Not applicable
3	Use of certain land at Hanging Rock Place, Batemans Bay	Not applicable
4	Use of certain land at Old Princes Hwy & Crown St, Batemans Bay	Not applicable
5	Use of certain land at Vesper Street, Batemans Bay	Not applicable
6	Use of certain land at 11191 Princes Highway, Benandarah	Not applicable
7	Use of certain land at 1554 Princes Highway, Bimbimbie	Not applicable
8	Use of certain land at Bodalla	Not applicable
9	Use of certain land at 1166 Princes Highway, Jeremadra	Not applicable
10	Use of certain land at Princes Highway, Mogo	Not applicable
11	Use of certain land at Bruce Cameron Drive (Airport Road), Moruya	Not applicable
12	Use of certain land at 97 Campbell Street, Moruya	Not applicable
13	Use of certain land at 28A Evans Street, Moruya	Not applicable
14	Use of certain land at North Head Drive, Moruya	Not applicable
15	Use of certain land at Old Mossy Point Road, Mossy Point	Not applicable
15A	Use of certain land at Wharf Street, Nelligen	Not applicable
16	Use of certain land at Clyde Road, North Batemans Bay	Not applicable
17	(Repealed)	Not applicable
18	Use of certain land at 44 Tranquil Bay Place, Rosedale	Not applicable
19	Use of certain land at Old South Coast Road, South Narooma	Not applicable

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012		
PROVISION		ASSESSMENT
20	Use of certain land at 2–10 Ainslie Place, Tomakin	Not applicable
21	Use of certain land at George Bass Drive, Tomakin	Not applicable
22	Use of certain land at Trafalgar Street, Tuross Head	Not applicable
23	Use of certain land at Church Street and Queen Street, Moruya	Not applicable
24	Use of certain land in Zones R2, R3 and E4 at Moruya	Not applicable
25	Use of certain land in Zones R2 and R3 at Narooma	Not applicable
26	Use of certain land in Zone R3 at Narooma	Not applicable
27	Use of certain land at Bergalia, Central Tilba and Eurobodalla	Not applicable
Schedule 2: Exempt Development		
Note 1— <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.		Note
Note 2— Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.		Note
Commercial use of public land (including waterways on public land) for personal or group training, water sports, swimming or surf schools and the like or for sightseeing or recreational tours		Not applicable
Development on land within Zone E4 Environmental Living		Not applicable
Farm dams		Not applicable
Grazing of livestock		Not applicable
Outdoor lighting (excluding external lighting for sports fields, tennis courts or other sporting facilities and		Not applicable

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
detached external lighting other than low level garden lighting)	
Rural outbuildings (excluding farm buildings and garden sheds) that are ancillary to an existing dwelling on the property	Not applicable
Schedule 3 Complying Development	
<p>Note— <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.</p> <p><b>Part 1 Types of development</b></p> <p>Note— This Part refers to complying development not specified in <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p> <p><b>Part 2 Complying development certificate conditions</b></p> <p>Note— Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.</p> <p><b>General conditions</b></p> <p>Any development specified in Part 1 is subject to the same conditions as are set out in Schedule 6 to <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p>	
	N/A
	N/A

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

Eurobodalla Local Environmental Plan 2012	
PROVISION	ASSESSMENT
Schedule 4 Classification and Reclassification of Public Land	
Part 1 Land classified, or reclassified, as operational land—no interests changed	Not applicable
Part 2 Land classified, or reclassified, as operational land—interests changed	Not applicable
Part 3 Land classified, or reclassified, as community land	Not applicable
Schedule 5 Environmental Heritage	
Part 1 Heritage items	N/A - No heritage items present on site
Part 2 Archaeological Sites	
Part 3 Heritage Conservation Areas	
Schedule 6 Pond-based and tank-based aquaculture	
Part 1 Pond-based and tank-based aquaculture	Not applicable
Part 2 Extensive pond-based aquaculture	Not applicable

State Environmental Planning Policy (Resilience and Hazards) 2021	
PROVISION	ASSESSMENT
<b>Chapter 2 Coastal Management</b>	
<p><b>2.1 Aim of Chapter</b></p> <p>The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <i>Coastal Management Act 2016</i>, including the management objectives for each coastal management area, by—</p> <ol style="list-style-type: none"> <li>managing development in the coastal zone and protecting the environmental assets of the coast, and</li> <li>establishing a framework for land use planning to guide decision-making in the coastal zone, and</li> <li>mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the <i>Coastal Management Act 2016</i>.</li> </ol>	<p>The site the site is outside the “coastal zone” and outside the coastal environment area mapped under the SEPP. The Bevan Wetland has notwithstanding been mapped as a “Coastal Wetland”. Whilst labelled and mapped as a “Coastal Wetland”, the analysis of the wetland by consultants Civile (refer <b>Appendix L</b>) conclude this wetland should instead be characterized as a freshwater wetland because: surface water sampling results is slightly brackish, the water surface area is directly correlated to historical rainfall records, its topographic relationship is several metres above the levels of the coastline, nearby ground water results are not saline in character, and its predominant flora is dominated by “freshwater” wetland species.</p> <ul style="list-style-type: none"> <li>The adopted <i>Eurobodalla Coastal Management Program 2022</i>, adopted</li> </ul>

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

State Environmental Planning Policy (Resilience and Hazards) 2021	
PROVISION	ASSESSMENT
	<p>pursuant to the CMA, does not identify any direct impact to the site by tidal inundation in present day and 2050 sea level scenarios. The CMP does not identify any direct risk to the site by coastal erosion erosion, Tidal or Cliff Instability risks.</p> <ul style="list-style-type: none"> <li>• The SEPP applies only given its statutory designation of Bevan Wetland as a “Coastal Wetland”.</li> <li>• Assessment of impacts of the development upon marine and riparian environments have been undertaken Ecological (refer Appendix Z and L)</li> </ul>
<p><b>2.7 Development on certain land within coastal wetlands and littoral rainforests area</b></p> <p>(1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> only with development consent—</p> <p>(a) the clearing of native vegetation within the meaning of Part 5A of the <i>Local Land Services Act 2013</i>,</p> <p>(b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the <i>Fisheries Management Act 1994</i>,</p> <p>(c) the carrying out of any of the following—</p> <p>(i) earthworks (including the depositing of material on land),</p> <p>(ii) constructing a levee,</p> <p>(iii) draining the land,</p> <p>(iv) environmental protection works,</p> <p>(d) any other development.</p> <p><b>Note—</b> Clause 2.14 provides that, for the avoidance of doubt, nothing in this Part—</p>	<p>Noted – Detailed items in (c) are addressed in the Water Cycle Management Plan (In Appendix K) and civil design plans (to be lodged with each DA for detailed subdivision design Strategic assessment with regard to clearance of Native Vegetation has been undertaken by EcoLogical (BDAR and redit summary report contained in Appendix I);</p> <p>Impacts upon Marine Vegetation have alswo been assessed by Ecological (in Appendix Z). No significant impact was identified.</p> <p>Noted</p>



APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

State Environmental Planning Policy (Resilience and Hazards) 2021	
PROVISION	ASSESSMENT
<p>(a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or</p> <p>(b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.</p> <p>(2) Development for which consent is required by subsection (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.</p> <p>(3) Despite subsection (1), development for the purpose of environmental protection works on land identified as “coastal wetlands” or “littoral rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> may be carried out by or on behalf of a public authority without development consent if the development is identified in—</p> <p>(a) the relevant certified coastal management program, or</p> <p>(b) a plan of management prepared and adopted under Division 2 of Part 2 of Chapter 6 of the <i>Local Government Act 1993</i>, or</p> <p>(c) a plan of management under Division 3.6 of the <i>Crown Land Management Act 2016</i>.</p> <p>(4) A consent authority must not grant consent for development referred to in subsection (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and</p>	<p>Not applicable. No works are proposed that will trigger “designated development” that is within the wetland area.</p>

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

State Environmental Planning Policy (Resilience and Hazards) 2021	
PROVISION	ASSESSMENT
<p>ecological integrity of the coastal wetland or littoral rainforest.</p> <p>(5) Nothing in this section requires consent for the damage or removal of a priority weed within the meaning of clause 32 of Schedule 7 to the <i>Biosecurity Act 2015</i>.</p> <p>(6) This section does not apply to the carrying out of development on land reserved under the <i>National Parks and Wildlife Act 1974</i> if the proposed development is consistent with a plan of management prepared under that Act for the land concerned.</p>	
<p><b>Clause 2.8 Development on land in proximity to coastal wetlands</b></p> <p>(1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> unless the consent authority is satisfied that the proposed development will not significantly impact on—</p> <p>(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or</p> <p>(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.</p> <p>(2) This section does not apply to land that is identified as “coastal wetlands” or “littoral rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i>.</p>	<p>Detailed assessment is provided in the report “Riparian and Acquatic Assessment” (<b>Appendix Z</b>) wherein the following is observed; - <i>Biophysical and ecological integrity – the definitions of these attributes overlap. ‘Ecology’ or ‘biophysics’ is understanding how the biotic component (flora and fauna) interact with the abiotic component (water, fire, soil, nutrients, sunlight etc). The integrity of the biota can be protected by avoiding direct impacts (clearing) and ensuring indirect impacts are managed (e.g. weeds, erosion, and water quality), ensuring the adjacent wetland can provide functions and processes to support its ecosystem. The Integrated Water Management Plan (<b>Appendix L</b>) prepared for this development demonstrates in its Water Impact Assessment that development mitigation measure would ensure the wetland’s water quality would not be impacted beyond the adopted criteria of 80% reduction for total suspended solids, 45% reduction for total phosphorus and 45% reduction for total nitrogen. Hydrological – the development would not impede the hydrology within the wetland or obstruct connectivity with the river. Flows leaving the site and entering the wetland would likely be similar before and after development (Refer <b>Appendix X</b>). The Integrated Water Management Plan (Civille 2024) prepared for this development demonstrates in its Water Impact Assessment that the development would not interfere with the wetland’s natural wetting-drying hydrology, and mean annual</i></p>

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

State Environmental Planning Policy (Resilience and Hazards) 2021	
PROVISION	ASSESSMENT
	<p>runoff volume post development would not be greater than pre-development.</p> <p>With regard to (b) The Integrated Water Management Plan (Civille 2024) prepared for this development describes the hydrology of the wetland. There is no strong connection with groundwater due to a subsurface clay cap, and its processes are a response to local surface water flows. Civille’s assessment states the development would have:</p> <ul style="list-style-type: none"> <li>• no increase in the post development mean annual runoff volume (“MARV”) compared to the pre-development MARV</li> <li>• no increase in the post-development 90% ile flow into the wetland (to preserve the wetland dying hydrology) compared to the pre-development 90% ile flow into the wetland.</li> </ul> <p>Suitable vegetation would be assigned for open space and restored areas to slow and filter runoff, and protect the wetland’s processes, achieved by:</p> <ul style="list-style-type: none"> <li>• Implementing a Vegetation Management Plan for riparian areas.</li> <li>• Avoiding planting deciduous trees within 40 m of waterways, or in areas where excessive leaf drop cannot be contained from stormwater runoff. Seasonal leaf drop can have detrimental effects on the aquatic ecology, such as decreased dissolved oxygen due to leaf decomposition, and irregular food sources for detritivores that support the food web.</li> <li>• Avoiding planting species that may become weeds in the adjacent riparian corridor. Avoid planting species that may become weeds in the adjacent riparian corridor.</li> </ul> <p>The Water Cycle Management Plan prepared by Enspire (<b>Appendix X</b>), considers that the post development catchment will be generally consistent with the pre-development catchments.</p>

State Environmental Planning Policy (Resilience and Hazards) 2021	
PROVISION	ASSESSMENT
<b>2.9 Development on land within the coastal vulnerability area</b>	<b>Not applicable</b> - Site is not within the “coastal vulnerability area”.
<p><b>2.10 Development on land within the coastal environment area</b></p> <p>(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—</p> <ul style="list-style-type: none"> <li>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</li> <li>(b) coastal environmental values and natural coastal processes,</li> <li>(c) the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</li> <li>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</li> <li>(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</li> <li>(f) Aboriginal cultural heritage, practices and places,</li> <li>(g) the use of the surf zone.</li> </ul> <p>(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—</p> <ul style="list-style-type: none"> <li>(a) the development is designed, sited and will be managed to</li> </ul>	<p><b>Consistent.</b> The Bevia Wetland, straddling the southern site boundary, has been identified as a “coastal wetland” with regards to this SEPP. Additionally, another 100m radius has been added on the physical shorelines of the wetland to define the wetland’s “proximity area” which is close to the wetland edge.</p> <p>A “<i>Water Cycle Management Plan</i>” and a “<i>Water Management Report</i>” have been produced to address quantity and quality of surface and ground runoff and effects on receiving waters, with reference to existing conditions and modelled water quality of post-development runoff leaving the site. No likely adverse impacts have been identified to the local coastal environment. Arising from development of the proposed modified Concept Plan</p> <p>Detailed consideration has been given to the existing conditions in the two receiving water catchments applicable to this site. The ANZECC Guidelines and the NSW Water Quality Objectives have been addressed in the “<i>Integrated Water Management Report</i>”, “<i>Water Cycle Management Report</i>” associated with this Concept Plan modification and have been included in <b>Appendices L and X</b> respectively.</p>

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

State Environmental Planning Policy (Resilience and Hazards) 2021	
PROVISION	ASSESSMENT
<p>avoid an adverse impact referred to in subsection (1), or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p> <p>(3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>, Chapter 6.</p>	
Chapter 4 Remediation of Land	
PROVISION	ASSESSMENT
<p><b>4.1 . Object of this Chapter</b></p> <p>(1) The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</p> <p>(2) In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p>	<p><b>COMPLIES.</b> The site is not registered as Contaminated Land on any relevant statutory register, or any planning instrument. Since 2007 the site has been subject to field surface statutory registers, and desktop site assessment; and associated field surface survey including subsurface assessments in 2024 (refer to Lanterra Consulting Detailed Site Investigation in <b>Appendix K</b>). In summary: The contamination status of the site has been subject to 3 separate reviews, including 2 independent PSI's undertaken by experienced and qualified contamination consultants Douglas Partners in 2007, and Lanterra in 2022) and an additional Detailed Site Investigation (Lanterra) was produced in 2024 (attached at <b>Appendix K</b>). No evidence has been revealed from any of those sources that the site is not suitable for the proposed development,, subject to the following recommended actions:</p> <ul style="list-style-type: none"> <li>• preparation of a construction environmental management plan (CEMP) and unexpected finds protocol (UFP).</li> </ul>

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

State Environmental Planning Policy (Resilience and Hazards) 2021	
PROVISION	ASSESSMENT
	<ul style="list-style-type: none"> <li>any soil to be removed from site is in accordance with VENM, ENM or waste classification guidelines.</li> <li>removal of any further visible asbestos containing materials from the surface of AECs 3 and 6.</li> <li>any future abstraction of groundwater be prohibited for domestic use. Should any other uses be required a beneficial reuse assessment to be completed to determine the suitability for the proposed use.</li> <li>surface waters should not be used for recreational purposes or as a source of drinking water.</li> </ul> <p>There is no outstanding issues with regard to contamination of the site and compliance with the Chapter 4 of the SEPP (Resilience and Hazards) 2021.</p>
Section 4.2 Notes	Noted
Section 4.3 Definition	Noted
Section 4.4 Land to which this Chapter applies	Noted
Section 4.5 Maps	Not applicable
Section 4.6 Consideration of contamination and remediation in determining development application	<b>CONSISTENT.</b> The site is not registered as Contaminated Land on any relevant statutory register, or any planning instrument. Since 2007 the site has been subject to field investigations and review of previous preliminary investigations. Recently ground testing and detailed investigation of including subsurface assessments in 2024 (refer to Lanterra Consulting Detailed Site Investigation in <b>Appendix K</b> ). Refer to the requirements quoted at 4.1 above.
Section 4.7 Permissibility	Noted
Section 4.8 Category 1 remediation works	Not applicable
Section 4.9 Consent Authority	Not applicable
Section 4.10 Refusal of consent for category 1 remediation works	Not applicable
Section 4.11 Category 2 remediation works	Not applicable
Section 4.12 Remediation work ancillary to other development	Not applicable
Section 4.13 Notice of Category 3 remediation works	Not applicable

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

State Environmental Planning Policy (Resilience and Hazards) 2021	
PROVISION	ASSESSMENT
Section 4.14 Guidelines and Notices	Not relevant to Concept Plan modification
Section 4.15 Notice of Completion	Not relevant to Concept Plan modification
Section 4.16 Relationship to other EPIs	No inconsistency
Section 4.17 Barangaroo	Not applicable
Section 4.18 Clean up Notices	No clean up notices apply to this site
Section 4.19 Perpetual Care of land at Boolaroo	Not applicable

State Environmental Planning Policy (Transport and Infrastructure) 2021	
Chapter 2 Infrastructure	
PROVISION	ASSESSMENT
Division 5 Electricity Transmission or distribution	
<p><b>2.48 Determination of development applications—other development</b></p> <p>(1) This section applies to a development application (or an application for modification of consent) for a development comprising or involving any of the following—</p> <p>(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</p> <p>(b) development carried out—</p> <p>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</p> <p>(ii) immediately adjacent to an electricity substation, or</p> <p>(iii) within 5m of an exposed overhead electricity power line,</p> <p>(c) installation of a swimming pool, any part of which is—</p> <p>(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level or</p> <p>(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</p> <p>(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the</p>	<p><b>Consistent.</b> The modified masterplan lodged with this Concept Plan modification relies on relocation or undergrounding of various EE assets on the site. In effect it is not dissimilar to what was required for the 2008 Concept Plan approval. Upon lodgement of the relevant detailed development application this detailed referral process will be addressed by Council at development application stage.</p> <p>A plan of intended effects for existing Electrical infrastructure make clear which lines are proposed to be affected or relocated (refer to <b>section 5.10</b> of the Modification Report and <b>Appendix N</b>). It is presumed the modified Concept Plan will be referred to Essential Energy, and DAs that directly impact EE infrastructure would be referred to EE and their requirements addressed at DA stage.</p>



APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

<b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b>	
<p>placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</p> <p>(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—</p> <p>(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</p> <p>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</p> <p>(3) Subsection (2) does not apply to development specified in subsection (1)(b) if the development involves only one or more of the following—</p> <p>(a) internal alterations to a building,</p> <p>(b) a change of use of an existing building,</p> <p>(c) a change to the hours of operation specified in the development consent,</p> <p>(d) a subdivision that does not involve construction work.</p>	
<b>Chapter 17 Roads and Traffic</b>	
<p><b>2.122 Traffic Generating Development</b></p> <p>(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—</p> <p>(a) new premises of the relevant size or capacity, or</p> <p>(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</p> <p>(2) In this section, <b>relevant size or capacity</b> means—</p> <p>(a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or</p> <p>(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access</p>	<p><b>Consistent.</b></p> <p>The modified Concept Plan (741 lots) triggers the numeric threshold listed in Column 2 of Schedule 3 of this SEPP provides the statutory basis for referral of certain developments to Transport for NSW. It is however unlikely that individual “stages” of the Ocean Ridge development will require referral for this reason, exceeding the 200-lot threshold for subdivision of land. Given the scale of the proposed modified Concept Plan a Transport Impact Assessment has been prepared to address the Environmental Assessment Requirements of Transport for NSW, dated 6 September, 2023. This report includes up-to-date traffic surveys, background growth assumptions to a 10 year future horizon, with SIDRA modelling inclusive of level of service, delay and queue results. This TIA is included to this Modification Report at <b>Appendix O</b>.</p> <p>It is observed that the key traffic related impacts will occur at the intersection of the three access links to</p>



APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION

<b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b>	
<p>(measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.</p> <p>(3) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has—</p> <p>(a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and</p> <p>(b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.</p> <p>(4) Before determining a development application for development to which this section applies, the consent authority must—</p> <p>(a) give written notice of the application to TfNSW within seven days after the application is made, and</p> <p>(b) take into consideration—</p> <p>(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and</p> <p>(ii) the accessibility of the site concerned, including—</p> <p>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</p> <p>(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</p> <p>(iii) any potential traffic safety, road congestion or parking implications of the development.</p> <p>(5) The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.</p>	<p>the proposed residential estate, and the proposed southern access link will require the installation of a roundabout, where the existing Saltwood Drive intersection already had a roundabout in place, and the northern access (via Bullock Way is controlled by the physical construction of a “left-in and left-out” control where this road intersects with George Bass Drive. This latter treatment will be provided by the developers of Saltwood. Given 2 out of the 3 intersections have already been of are intended to be treated as part of the adjoining development. The timing of the intersection treatment for the proposed Southern Access link, will be the only intersection upgrade directly controlled by the proponents of the subject development. This can be a feature addressed at a later DA..</p>

APPENDIX D – COMPLIANCE WITH REGARD TO ENVIRONMENTAL PLANNING INSTRUMENTS  
RELEVANT TO THIS MODIFICATION