

ANNEXURE 1 – PROPOSED CHANGES TO THE INSTRUMENT OF APPROVAL 05_0199_MOD1

DA 05_0199 – CONCEPT APPROVAL

SCHEDULE 1	
Application No	05_0199_MOD2
Proponent	Marsim (trading as Nature Coast Pty Ltd) Walker Rosedale Pty Ltd
Approval Authority	Minister for Planning
Land	Bevian Rd, Rosedale comprising Lots 11, 29, part 3272, 102, 118, 119 and part 213 in DP755902, Lot 2 DP 627 and Lot 2 623340 Bevian Road, Rosedale comprising Lots 11, 29, part 32, 72, 102, 119, and part 213, in DP 755902; Lot 2 DP 627034, Lot 2 DP623340 and Lot 52 DP1293369
Local Government Authority	Eurobodalla Shire Council
Project	Community title subdivision for residential development and ancillary commercial and community facilities, comprising six (6) Ecological Protection lots, one (1) Community Lot and thirteen (13) neighbourhood precincts (which yield a total of 792 residential lots)
Modified Project	<i>Subdivision for residential development, with ancillary commercial and community facilities upon the Modified Concept Plan area (to be carried out in twelve (12) stages) generally in accordance with the plans specified in A3 (which yield a total of 741 residential lots). Each stage will incorporate a vegetation management plan which will detail required works to protect, rehabilitate, and conserve retained bushland, with replanting of areas of existing or future biodiversity and/or riparian value, construction and dedication of new public roads and open space areas. Construction of water supply infrastructure, embellishment and landscaping of Public Domain areas (open space and street verges).</i>
Reasons for change	Rationalise the descriptions of the approved Concept Plan to be consistent across the instrument of approval, incorporate reference to approved plans, and the maximum site yield of 741 residential lots.
Estimated Cost of Works	\$41.5 million
Estimated Development Cost	\$86.4 million
Reason for change	Update estimate value of works to 2024 costs, and conform with the DPIE's Guidelines for "Estimated Development Cost"
Date Approval is Liable to Lapse	5 years the date of determination unless specified action has been taken in accordance with Section 75Y of the Act

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Date Modified Approval is Liable to Lapse	Delete condition
Reason for change	No lapse date is warranted given physical commencement of the development occurred in 2016, therefore the approval has no lapse date.
Act	<i>Environmental Planning and Assessment Act 1979.</i>
Concept Plan	
2008 Concept Plan	<i>The approved Concept Plan for a proposed residential subdivision at Rosedale, depicted generally on Dwg No. CA-003-K prepared by Roberts Day and described and described in the Environmental Assessment in support of the Concept Plan application for the proposal, prepared by kass + hermes on behalf Marsim (trading as Nature Coast Pty Ltd), dated February 2008, and the Preferred Project Report, dated July 2008, and the Instrument of Approval endorsed by the Minister for Planning, dated 2 October 2008, comprising Schedules 1 and 2, and detailed conditions set out in Part B of Schedule 2, inclusive of plans referenced in Condition A3 (Part A of Schedule 2), and the approved documentation listed in Condition A2 (Part A of Schedule 2),</i>
Modified Concept Plan	<p><i>Concept Plan for a proposed residential subdivision at Rosedale, depicted generally on Dwg No. AA_01 prepared by Walker Corporation, dated June 2024 prepared by Walker and described in the Environmental Assessment Report in support of the titled Modification of a Concept Plan Approval for a Residential Subdivision at Rosedale, prepared by Walker Corporation Pty Ltd on behalf of Walker Rosedale Pty Ltd (dated XX July 2024).</i></p> <p>The Department application number is MP05_0199_MOD2</p>
Council	Eurobodalla Shire Council
DA	Development Application
Day	7:00 – 18:00
DECC	Department of Conservation and Climate Change
BCD	Biodiversity and Conservation Division (part of DCCEEW)
DCCEEW	Department of Climate Change, Energy, the Environment and Water
Department	Department of Planning
Department	Department of Planning, Housing and Infrastructure
DWE	Department of Water and Energy
DPE – Water	Department of Planning and Environment – Water
Evening	18:00 - 22:00

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HWM	High Water Mark
Regulation	Environmental Planning and Assessment Regulation 2021
MP 05-0199	Refer to 2008 Concept Plan Approval .
MP 05-0199_MOD_2	request to modify the 2008 Concept Plan approval, as described in the Modification Report.
Night	22:00 – 7:00
Modification Report	Parts one (planning report) and Part two (plans, background material and specialist reports) describing the scope of the requested modifications
Proponent	Marsim (trading as Nature Coast Pty Ltd) Walker Rosedale Pty Ltd or any party acting upon this approval
RFS	Rural Fire Service
RTA TfNSW	Roads and Traffic Authority Transport for New South Wales
Site	Land to which application applies (see Schedule 1)
Statement of Commitments	Statement of Commitments provided in Schedule 4 – (May not be required depending on DPE requirements)
VMP	Vegetation Management Plan
SWC	Subdivision Works Certificate(s)
SCHEDULE 2	
PART A – TERMS OF CONCEPT APPROVAL	
<i>Existing Condition:</i>	<p>A1 Development Description</p> <p>Concept Approval is granted only to carrying out the development solely within the concept plan area as described in the Environmental Assessment Report titled “Bevian Road Concept Application” prepared by Kass-Hermes Urban Planning + Development (dated November 2007), including:</p> <ul style="list-style-type: none"> (1) Extent of environmental constraints (2) Extent of developable area (3) Subdivision of the site for residential development and ancillary commercial and community facilities, under the Community Land Development Act 1989, into six (6) Ecological Protection Lots; one (1) Community Lot and thirteen (13) Neighbourhood Precinct Lots (which will yield a maximum of 792 residential allotments) (4) Concept Road Hierarchy Plan & Sections (5) Landscape Concept Plan
<i>Proposed Condition:</i>	A1 Development Description

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	<p>Concept Approval is granted to carrying out the development solely within the modified concept plan area as described in the Environmental Assessment Report titled <i>Modification of a Concept Plan Approval for a Residential Subdivision at Rosedale</i>, prepared by Walker Corporation Pty Ltd (dated XX July 2024) including:</p> <ol style="list-style-type: none"> (1) <i>Extent of developable area</i> (2) <i>Multi-stage Residential subdivision of the modified concept plan area, comprising twelve (12) stages, (yielding up to 741 lots), inclusive of ancillary infrastructure, earthworks, tree removal and clearing of vegetation, landscaping of Public Domain areas (open spaces, detention basins, and street verges), restoration and regeneration of bushland in riparian and ecological areas. Civil works comprising roads, footpaths, verge and landscaping works in approved parks and detention basins.</i> (3) <i>Modified Concept Road Hierarchy Plan & Sections</i> (4) <i>Civil Design Drawings of proposed Subdivision on the modified Site Area</i> (5) <i>Modified Landscape Concept Plan.</i>
Reason(s) for Change	<ol style="list-style-type: none"> (1) Deletion of “extent of environmental constraints” given this area is principally a function of the approved “developable areas” and “Concept Subdivision” plans. This latter plan directly supersedes the current extent of environmental constraints. (2) Modified site yield nominated at 741 to be consistent with 2008 Concept Plan approval for 792 lots less the 51 lots already registered in “Stage 1”. (3) Removing specific references to: “Community Land Development Act 1989” and limiting the development description to a generic description of “<i>subdivision of the site for residential development</i>” is maintains consistency with the “modified project” described in Schedule 1 and the requested modification to the Concept Plan approval requested in MP05_0199_MOD_2.
Existing Condition:	<p>A2 Development in Accordance with Documentation</p> <ol style="list-style-type: none"> (1) <i>The following documentation (including any appendices therein) is approved as part of the Concept Plan:</i> <ol style="list-style-type: none"> a. Environmental Assessment Report Bevan Road Concept Plan as modified by the report titled <i>Modification of a Concept Plan Approval for a Residential Subdivision at Rosedale</i>, prepared by Walker Rosedale Pty Ltd (dated XX July 2024); (2) The following preferred Project Report including a revised Statement of Commitments dated XXX 2023 and any appendices therein is approved: <ol style="list-style-type: none"> a. Preferred Project Report and revised Statement of Commitments Necessity of a PPR and SoC to be confirmed, not required in SEARs, nor SSD Guidelines, the EP & Act 1979 and EP & A Regulations 2021 (3) <i>The additional documents listed below and contained in Part Two of the Modification Report:</i>

- a. **Biodiversity Development Assessment Report**, prepared by Ecological Australia, Project No. 22Sut3158, version V1, dated 14 June 2024.
- b. **Riparian and Aquatic Assessment**, prepared by Ecological Australia, Project No. 22SUT3158, version V1, dated 19 June 2024

~~prepared by Conacher Travers Environmental Consultants, dated February 2008; the **Addendum to the Ecological Review** prepared by Travers Environmental, dated 8 July 2008; and the **Ecological Assessment of Main Southern Access Road Options** prepared by Travers Environmental, dated 23 June 2008.~~
- c. ~~**Conservation and Land Use Management Plan**~~, prepared by Conacher Travers Environmental Consultants, dated September 2007.
- d. **Ecological Site Management Plan**,
- e. **Bushfire Assessment Report**, prepared by Building Code & Bushfire Hazard Solutions Pty Limited, Ref 230468B, dated 5 June 2024.

~~**Bushfire Protection Assessment**, prepared by Conacher Travers Environmental Consultants, dated September 2007; and **amendments** as detailed in correspondence and Schedule 1 – Bushfire Protection Measures prepared by Travers Environmental, dated 4 August 2008.~~

~~**Fuel Management Plan**, prepared by Conacher Travers Environmental Consultants, dated September 2007~~
- f. **Water and Wastewater Servicing Report**, prepared by Egis Consulting Pty Ref 24-000286, dated 5 July 2024. Partners Pty Ltd, Final, dated November 2007.
- g. **Integrated Water Management Plan**, prepared by Civile, dated 5 July 2024
- h. **Acid Sulfate Soils Review Report**, prepared by Civile, dated 5 July 2024
- i. **Flood Impact and Risk Assessment**, prepared by Torrent Consulting Reference R.T2535.001.01, dated June 2024
- j. **Landscape Design Report**, prepared by Patterson Design Studio, dated 02.07.2024
- k. ~~**Aboriginal Cultural Heritage Assessment Report**~~, prepared by Navin Officer, dated 3 July 2024, v.5, Project No. 220067

~~**Addendum to Cultural Heritage Assessment** prepared by Navin Officer Heritage Consultants, dated 25 June 2008; and **Proposed Alternative Southern Access Road Aboriginal Archaeological Assessment** prepared by Navin Officer Heritage Consultants Pty Limited, dated August 2008.~~
- l. ~~**Traffic Noise and Construction Noise Assessment**~~, prepared by Heggies Australia, dated 15 August 2007.
- m. **Detailed Site Investigation**, prepared by Lanterra Consulting, Reference P23158_DSI_20240418.
- n. **Arboricultural Impact Assessment**, prepared by Arbor Express, Project AIA20240613, date Version v1, dated 14 June 2024

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	<p>o. Soil & Contamination Report – Identification and Extent of Acid Sulphate Soils, prepared by JCL Development Solutions, dated July 2007.</p> <p>p. Water Cycle Management and Civil Engineering Report, project number 210123, prepared by Enspire Solutions Pty Ltd, dated 28/06/24.</p> <p>q. Transport Impact Assessment, prepared by ptc consultants, Issue 5, dated 03/07/2024</p> <p>r. Geotechnical Investigation Report, prepared by Fortify Geotech, dated 30 April 2024, Ref EM/C14934</p> <p>s. Historic Addendum Report, prepared by Navin Officer Heritage Consultants Pty Ltd, dated May 2024</p> <p>t. Transport Impact Study, prepared by Colston Budd Hunt & Kafes Pty Limited, dated August 2007; Addendum which reviews proposed modified access arrangements, also prepared by Colston Budd Hunt and Kafes Pty Limited, dated 3 July 2008.</p> <p>(4) <i>In the event of any inconsistencies, the Preferred Project Report and revised Statement of Commitments, dated 8 August 2008 in (2), prevails to the extent of any inconsistency in the plans and documentation identified in (1) and (3). Modification Report and modified plans listed in Condition A3, and reports listed in Condition A2(3), prevails to the extent of any inconsistency in the plans and documentation identified in (1) and (3).</i></p>																				
Proposed Condition:	The condition will be modified to account for the latest specialist reports, some of which supersede comparable versions in the 2008 Concept Plan approval. <i>References to individual reports to be generally reviewed/updated, deleted or superseded as warranted and in consultation with the assessment team of the Department of Planning & Environment).</i>																				
Reason(s) for Change	References to outdated and /or superseded reports will require replacement by updated / relevant specialist documentation informed via “new” SEARS.																				
Existing Condition:	<p>A3 Development in Accordance with Plans</p> <p>(1) Development will be undertaken in accordance with the following plans:</p> <table><tr><th colspan="4">Architectural (or Design) Drawings prepared by Roberts Day and Candlepas Associates Walker Corporation</th></tr><tr><th>Drawing No.</th><th>Name of Plan</th><th>Revision</th><th>Date</th></tr><tr><td>CA-001</td><td>Bevian Road – Concept Application Constraints Map</td><td>J</td><td>08/07/08</td></tr><tr><td>CA-002</td><td>Bevian Road – Concept Application Developable Areas Map</td><td>J</td><td>08/07/08</td></tr><tr><td>CA-003</td><td>Bevian Road – Concept Subdivision Plan</td><td>K</td><td>08/07/08</td></tr></table>	Architectural (or Design) Drawings prepared by Roberts Day and Candlepas Associates Walker Corporation				Drawing No.	Name of Plan	Revision	Date	CA-001	Bevian Road – Concept Application Constraints Map	J	08/07/08	CA-002	Bevian Road – Concept Application Developable Areas Map	J	08/07/08	CA-003	Bevian Road – Concept Subdivision Plan	K	08/07/08
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CA-002	Bevian Road – Concept Application Developable Areas Map	J	08/07/08																		
CA-003	Bevian Road – Concept Subdivision Plan	K	08/07/08																		

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	CA-004	Bevian Road – Concept Application Concept Road Hierarchy and Sections	1	08/07/08
	CA-005	Bevian Road – Concept Application Landscape Masterplan	6	08/07/08

Proposed Condition:	A3 Development in Accordance with Plans			
	(1) Development will be undertaken generally in accordance with the following plans:			
	Architectural (or Design) Drawings prepared by Walker Corporation			
	Drawing No.	Name of Plan	Revision	Date
	AA_06	Bevian Road – Modified Concept Application Constraints Map		June 2024
	AA_02	Bevian Road – Modified Concept Application Developable Areas Map		June 2024
	AA_03	Bevian Road – Modified Concept Subdivision Plan		June 2024
	AA_04	Bevian Road – Modified Concept Application Road Hierarchy Plan		June 2024
	AA_05	Bevian Road – Modified Concept Application Landscape Masterplan		June 2024

Reason(s) for Change:	All drawings to be superseded to refer to preferred modified suite of plans. The word “generally “ is to be inserted to the preamble to provide internal consistency between Conditions A3 and A4 Changed and updated plan references illustrate the modified concept plan layout.
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Existing Condition:	<p>A4 Consistency of Future Development</p> <p>The Proponent shall ensure that all development is carried out generally in accordance with the:</p> <p>(a) Concept Plan;</p> <p>(b) Statement of Commitments; and</p> <p>(c) This approval.</p>
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Proposed Condition	<p>A4 Consistency of Future Development</p> <p>The Proponent shall ensure that all development is carried out generally in accordance with the:</p> <p>(a) Concept Plan;</p> <p>(b) Statement of Commitments; and</p> <p>(c) This approval.</p>
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Reason(s) for Change:	Requirement for revised Statement of Commitment (to be confirmed by DPE)
Existing Condition:	<p>A5 Lapsing of Approval</p> <p>This approval shall lapse if the Proponent does not physically commence the proposed development associated with this concept plan within 5 years of the date of this approval.</p>
Proposed Condition:	Delete.
Reason(s) for Change:	In September 2016 Eurobodalla Shire Council confirmed that the development approved in the Concept Plan had been physically commenced, therefore the Condition is expended and has no work to do and is superfluous.
Existing Condition:	<p>A6 Limits on Approval</p> <p><i>This approval does not allow any components of the Concept Plan to be carried out without further approval or consent being obtained.</i></p>
Proposed Condition:	No change required.
Reason(s) for Change:	Condition remains warranted. The proponent (for the modified approval intends to prepare and submit a series of development application(s) to obtain approval for earthworks, infrastructure and staged subdivision.
Existing Condition:	<p>A7 Determination of Future Applications</p> <p><i>The determination of future Development Applications by Council is to be generally consistent with the terms of approval of Concept Plan MP 05_0199 as described in Part A of Schedule 2 and subject to the conditions of approval and the requirements for future applications set out in Parts A and B of Schedule 2.</i></p>
Proposed Condition:	No change required,
Reason(s) for Change:	Future DAs are expected to implement and be consistent with the modified Concept Plan.
PART B – FUTURE APPLICATIONS	
Existing Condition:	<p>B1 Traffic and Access</p> <p><u>Crown Roads</u></p> <p>(1) (sic) Where Crown Roads are involved in the development and are to be amalgamated into the freehold lands, ownership of these lands may only be obtained by way of lodgement of a road closing application with the Department of Lands by the applicant (Proponent) in the first instance.</p> <p><u>Southern Access Road</u></p> <p>(1) The proposed southern access road and its intersection with George Bass Drive shall be designed in accordance with Council's requirements.</p> <p>(2) Planting of a suitable landscape screen to the Sewerage Treatment Plant using flora species known to occur in the Bangalay Sand Forest Endangered Ecological</p>

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	<p><i>Community (EEC) should occur on each side of the proposed access road to provide a formal entry to the site. In areas where the road passes through Swamp Sclerophyll Forest EEC and River Flat Eucalypt Forest EEC flora species from these communities should be used in the roadside planting treatment.</i></p> <p><u><i>Existing Southern Access Road</i></u></p> <p><i>(3) Access to the development from the existing southern access road off George Bass Drive (running along the western side of the Bevia Wetland) shall be closed off to vehicular traffic once the new southern access road (to the east of the Bevia Wetland) is constructed. Suitable treatment and potential rehabilitation of the existing road access shall be undertaken to the satisfaction of Council.</i></p> <p><u><i>Northern Access Road</i></u></p> <p><i>The proposed northern access road and its intersection with George Bass Drive shall be designed in accordance with Council's requirements.</i></p>
<i>Proposed Condition:</i>	Retain (1), (2), and (3). Delete (4).
<i>Reason(s) for Change:</i>	<p>The construction of the northern access road to George Bass Drive relies on developing a road outside the boundary of the modified Concept Plan site, and is therefore not a reasonable condition to implement in this approval. Notwithstanding the proponent agrees in that this Northern Access is an integral part of the Traffic Management for this modified Residential development. Substantial progress towards construction of this link has already been approved by Council in 2014, detailed design of that link has been approved, and certified by Eurobodalla Shire Council, and the link road has also been constructed and registered as a public road (names Bullock Way) as part of Stage 3 of the adjoining Saltwood Residential development. As constructed this northern access road runs in a westerly direction from its intersection with George Bass Drive to the northern-eastern termination of Bevia Road on the subject site.</p> <p>A condition on this approval requiring completion of the "Northern Access Road" from the entire length from the site boundary to George Bass Drive, is beyond the proponent's control.</p>
<i>Existing Condition:</i>	<p>B2 <i>Deferred Area</i></p> <p><i>No development in concept is approved in the "Deferred Area" as shown on Drawing No. CA 003-K prepared by Roberts Day and Candelapas Associates dated 8 July 2008. As shown on Drawing No. AA1, dated June 2024. If this area is to be developed in the future, a development application must demonstrate to the satisfaction of Council and the New South Wales Environment Protection Authority Department of Environment and Climate Change that any future development can satisfy the relevant odour and noise management criteria for the proposed use located in the vicinity of a sewerage treatment plant</i></p>
<i>Proposed Condition:</i>	No substantive change is proposed. The warrant for this condition remains warranted in the modified Concept development.
<i>Reason(s) for Change:</i>	Proposed amended masterplan does not indicate any proposed development within the buffer area nominated in the Eurobodalla LEP 2012. It is pertinent to include a condition nonetheless to prohibit development until such time that a development application is prepared and approved by the consent authority.

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	<p>If a future DA is prepared and lodged, the issue of odour will be considered with regard to the matters referred to in clause 6.13 of the Eurobodalla LEP 2012. The procedures and assessment criteria relevant at the time will be addressed and assessed in the context of a particular Development Application, which will need to demonstrate consistency with the approved Concept Plan and potentially even require a further modification of the Concept approval, in addition to cl 6.13 and any relevant EPA or Dept of Health (Cth) Guidelines regarding human health risk assessment of such a proposal.</p>
Existing Condition:	<p>(1) Preliminary Contamination Assessment prepared by Douglas Partners, dated October 2007, future development applications which include land identified as an "Area of Environmental Concern", shall, where necessary, be accompanied by more detailed investigations as to the extent and nature of contamination. This may include a Remedial Action Plan and a Hazardous Materials Survey. Any Remedial Action Plan that is required must be accompanied by a statement from a site auditor accredited by the NSW Environment Protection Authority to issue site audit statements.</p> <p>(2) Upon completion of the remediation works on the site, the Proponent shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Certifying Authority. The site audit must be prepared in accordance with the Contaminated Land Management Act 1997 and completed by a site auditor accredited by the NSW Environment Protection Authority to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.</p> <p>(3) The requirements of SEPP 55 and relevant Guidelines will apply to the abovementioned plans and works.</p>
Proposed Condition:	<p>B3 Remediation of Land</p> <p>(1) All recommendations contained in the Detailed Site Assessment Investigation Report prepared by Lanterra Consulting, dated April 2024 shall be implemented as appropriate to the AEC and Stage of the development concerned.</p> <p>(2) The requirements of SEPP (Hazards and Constraints) 2021 and relevant Guidelines will apply to the abovementioned plans and works</p>
Reason(s) for Change:	<p>Update planning instrument. Insert a suitable replacement in (1) and (2) in reference to the recommendations of the comprehensive 2024 Detailed Site Assessment Investigation.</p>
Existing Condition:	<p>B4 Urban Design Guidelines</p> <p>Prior to issue of a development consent related to the concept approval, site-specific development standards or urban design guidelines shall be prepared and be submitted to and approved by Council for integration into a development control plan.</p> <p>The development standards should relate to items such as built form, the public domain, infrastructure, streetscape. Where possible, the development standards should also incorporate principles to encourage building design options that can be adapted to various stages of life and consideration of lower cost accommodation.</p>
Proposed Condition:	<p>Delete..</p>
Reason(s) for Change:	<p>3 years after the issue of the original Concept Plan approval in 2008, Eurobodalla Shire Council adopted a Residential Zones DCP on 28 November 2011 (and in that decision repealed the</p>

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	<p>previous site specific DCP for the “Rosedale Urban Expansion Area” named DCP 160 originally adopted December 1989). This RZDCP has guided residential development in the Eurobodalla Shire for over a decade without major concern, and it is considered if the proponent wished to exercise control over design quality (such as the situation at Reflections at Barlings Beach) alternative means of minimum standards and aesthetic controls such as Design Quality Guidelines would complement the existing controls within the RZDCP and could be implemented via an section 88B covenant over future residential lots in stages 2-13.</p>
Existing Condition:	<p>B5 Bushfire Protection</p> <p><u>Asset Protection Zone (APZ)</u></p> <p>(1) All Asset Protection Zones (APZs) recommended in the Bushfire Report prepared by Building Code and Bushfire Hazard Solutions. Schedule 1 Bushfire Protection Measures included in the Ecological Site Management Plan prepared by must be shown on subdivision applications, together with the necessary report consistent with the NSW Rural Fire Service (RFS) Guidelines.</p> <p>(2) At the issue of subdivision certificate and in perpetuity, APZs shall be provided as detailed within the Bushfire Protection Assessment, including Schedule 1.</p> <p>APZs associated with the development must comply with the guidelines contained within Planning for Bush Fire Protection 2006 2019 and the Service’s document Standards for Asset Protection Zones.</p> <p>(3) A restriction as to user pursuant to section 88B of the Conveyancing Act 1919 shall be placed on all lots within the subdivision requiring the provision of APZs as identified within the documentation and plans specified in Conditions A2 and A3 above in accordance with the Planning for Bushfire Protection 2019 2006 and the Service’s document Standards for Asset Protection Zones.</p> <p>(4) Management of APZs throughout the subject site shall be implemented in perpetuity and shall be in accordance with the.</p> <p>(5) For APZs on slopes greater than 18 degrees, the property shall be landscaped or managed (i.e.. Terracing) with suitable access being provided to the APZ to ensure the ongoing maintenance of the area. Details of landscaping plans are to be submitted for approval to Council with the relevant DA for subdivision and / or built form and prior to issue of any Construction Certificate for subdivision works and / or dwellings.</p> <p><u>Roads</u></p> <p>(5) Public Road Access shall comply with the applicable section(s) of Planning for Bush Fire Protection 2006 2019 In this regard the applicable following design standards for public roads are to be incorporated into the development, and subject to the issue of a Bushfire Assessment Report to the satisfaction of the Commissioner of the NSW Rural Service.</p> <p>(a) .</p> <p><u>Water and Utilities</u></p> <p>(6) Water, electricity and gas are to comply with section 4.1.3 the applicable section(s) of Planning for Bush Fire Protection 2006.2019</p>
Proposed Condition:	As marked in strikethrough and new additions proposed in red.
Reason(s) for Change:	Update references to the new bushfire assessment report and current (PBP 2019) specifications for water and utilities design and identified in red. In principle the condition which addresses Bushfire restrictions remains relevant however needs revision to update and supersede Bushfire Protection references as appropriate.

Existing Condition:

B6 Wetland, Watercourses and Riparian Zones

- (1) All engineering, other structural works or natural landscaping proposed must be designed, constructed and operated by suitably qualified professionals, recognised in that specialist field. The designs and construction methods and activities are to result in NIL or minimal harm to aquatic and riparian environments and do not cause erosion, sedimentation, or increase flood levels of Waterfront Land (as defined in the Water Management Act 2000).
- (2) Operations shall not damage or interfere in any way with:
 - Vegetation and habitat within the riparian corridors
 - The stability of adjacent or nearby bed or banks of Waterfront land
 - The stability of Waterfront Land and their associated environments
 - The flow of watercourses within the Waterfront Land
 - The quality of water within Waterfront Land
 - Any pumps or structures in the vicinity (that are licensed under the ~~Water Act 1912~~ **2014** or the Water Management Act 2000).
- (3) Any works that involve any change (including realignment, stabilisation, naturalised enhancement etc) of any watercourse, must emulate a stable natural watercourse system that behaves as, and has the appearance of, a stable natural stream system of the area (including floodplains, terraces and other typical natural features). Part of the form of the watercourse is to create meanders, suitable pool and riffle sequences, with suitable aquatic and terrestrial habitat.
- (4) The extent of the rehabilitation / restoration of Waterfront Land are to be as indicated in the **Riparian and Aquatic Assessment-prepared by-Ecological Australia, Project No. 22SUT3158, version V1, dated 19 June 2024**
- (5) A work program for all works that involve any change (including realignment, stabilisation, naturalised enhancement etc) of a watercourse on the modified Concept Plan site shall be submitted with development applications detailing any changes to watercourses . Rehabilitation / restoration, and watercourse form must be consistent with the.Landscape Masterplan and Landscape Design Report, **prepared by Patterson Design Studio, dated 02.07.2024, and the Riparian and Aquatic Assessment-prepared by-Ecological Australia, Project No. 22SUT3158, version V1, dated 19 June 2024**
- (6) ~~updated Landscape Restoration Management Schedule prepared by Travers Environmental dated 9 July 2008 and submitted as part of the Preferred Project Report must be rehabilitated.~~ Riparian zones consisting of local native plant species shall be established and maintained in and adjacent to the watercourses within the size. The extent of the riparian zones is to be measured horizontally landward from the top of bank (top of erosion gully banks) and the widths are to be in accordance with:
 - Figure 24 – Landscape Concept Plan – Delineation between Public and Private Domain
 - ~~Figure 27a – Buffer Analysis~~
 - ~~Figure 27b – Buffer Analysis Zone 1~~
 - ~~Figure 27c – Buffer Analysis Zone 2~~
 - ~~Figure 27d – Buffer Analysis Zone 3~~
- (7) A minimum riparian zone of 50 metres consisting of local native plant species shall be established and maintained adjacent to Bevan Wetland within the site. The extent of the riparian zone is to be measured from the wetland high water mark and is to be in accordance with Figure 27a – Buffer Analysis of the Environmental Assessment.

- (8) Site rehabilitation is to be undertaken in accordance with the **Riparian and Aquatic Assessment, prepared by Ecological Australia, Project No. 22SUT3158, version V1, dated 19 June 2024** ~~Ecological Site Management Plan prepared by Conacher Travers Environmental Consultants, dated September 2007.~~ Any remnant local native riparian vegetation within the site shall be protected and any riparian zones disturbed or otherwise affected by the development shall be restored to a state that is reasonably representative of the natural ecotone of the protected waters system – to achieve sound naturalised watercourse and long term riparian area stabilisation and management by the enhancement / emulation of the native vegetation communities of the area.
- (9) A permanent physical barrier to prevent inadvertent damage to riparian zones, is to be placed at their landward extent in all locations. The barrier needs to be appropriate to the site and be designed to:
- Be suitable for any flooding issues;
 - Not impede the function of the vegetation as a corridor linkage
 - Allow for small fauna passage underneath the barrier and must be of an open (e.g. mesh or bar type) structure to allow light and air flow and to provide continuity with adjacent (buffer or non-riparian) vegetation
 - Be suitable as a maintenance edge for any open space management such as mowing / slashing etc
 - Be fire-proof, if it coincides with the boundary of an Asset Protection Zone
- (10) Seed and propagule sources are to be from local botanical provenance (regarded as from as close as possible and the from the same general habitat – same soil type, distance from watercourse, exposure etc) Any roads are to be located beyond the riparian zones with the exception of crossings.
- (11) The riparian zone (and all area and activities described in the ESMP) must be maintained for a period of at least five (5) years after final planting or where other revegetation methods are used, five years after plants are at least of tubestock size and are at densities required by these conditions and species richness **as described in future Vegetation Management Plans approved by Eurobodalla Shire Council consistent with this modified Concept Plan and with future VMPs associated with the relevant Development Application for that Stage.** ESMP, and five (5) years minimum for those area required for access and maintenance relating to any works program.
- (12) The Proponent must ensure that all works and activities within the site do not compromise the implementation of the ~~ESMP~~ in any way.
- (13) A permanent physical barrier to prevent inadvertent damage to riparian zones, is to be placed at their landward extent in all locations. The barrier needs to be appropriate to the site and be designed to:
- Be suitable for flooding issues;
 - Not impede the function of the vegetation as a corridor linkage;
 - Allow for small fauna passage underneath the barrier and must be of an open (e.g. mesh or bar type) structure to allow light and air and to provide continuity with the adjacent (buffer or non-riparian) vegetation
 - Be suitable as a maintenance edge for any open space management such as mowing/slashing etc
 - Be fire-proof, if it coincides with the boundary of an Asset Protection Zone
- (14) Any roads are to be located beyond the riparian zones with the exception of crossings
- (15) Any cycleways and pedestrian pathways are to be located beyond the riparian zones with the exception of crossings and strategic access locations. (If access is required to the wetland or watercourse it may be provided by branch paths at strategic

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	<p>locations where the ecological integrity of any existing riparian vegetation and the bio-physical functions of the riparian corridor, stream bed and bank stability will not be compromised). The paths are to be designed and constructed in accordance with the DWE draft Guideline: Design and Construction of Paths, Cycleways and Accessways along Watercourses and Riparian Area Guidelines (Version 3, April 2007).</p> <p>(16) Any pipeline and their associated disturbed areas are not to be located in any riparian area with the exception of crossings. If any pipeline is required to be located in a riparian area the watercourse and riparian area functions are not to be compromised and:</p> <ul style="list-style-type: none"> • in these areas, pipelines or cables must be “seamless”, very durable and reliable; • not require to have access /inspection points or maintenance access tracks for maintenance or other purposes within any riparian zone; • minimise disturbance within the riparian zone and bed and bank of any watercourse; • not disturb existing vegetation; • not restrict the establishment of trees in any way within a riparian zone; • minimise disturbance of any existing local vegetation community. <p>(17) Any pipeline crossings of watercourses must always be directionally drilled or constructed within crossing structures, such as bridges to avoid direct impacts on the aquatic and terrestrial ecology. The underground boring should commence from the outer edge of the riparian zone and be bored for the full width of the watercourses and riparian zone.</p> <p>(18) Any watercourse crossing structures must be located, designed and constructed consistent with the DPE DWE Guidelines for Controlled Activities (2022) (February 2008) Watercourse Crossings.</p> <p>(19) Only those requirements for bushfire asset protection zones and as shown on the approved plans will be allowed. No further compromise in any way to the extent, form or function of the function of the riparian zones is to occur.</p> <p>Existing farm dams located on-line or in any riparian area are not to be used as water quality control ponds. Any new permanent constructed water quality basin / wetlands/flood compensatory area and their associated disturbed areas are not to be located in any riparian areas in or on-line.</p>
Proposed Condition:	Replace outdated references to policies, departments, Policies, Guidelines, updated reports as relevant and applicable.
Reason(s) for Change:	Opportunity to “update” references to refer to latest Guidelines and updated public authorities, and references to latest reports and strategy documents, as appropriate,
Existing Condition:	<p>B7 Water Quality</p> <p>All the recommendations and proposed stormwater and water management measures and erosion and sediment controls detailed in the in the Water Management Report, prepared by Patterson Britton & Partners, dated November 2007, and attached Figures Water Cycle Management and Civil Engineering Report, project number 210123, prepared by Enspire Solutions Pty Ltd, dated 28/06/24, and the Integrated Water Management Plan, prepared by Civile, dated 5 July 2024 are fully implemented and must be included in any application submitted to Council for subdivision..</p>

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	<p>Development of the site is to proceed in accordance with the Biodiversity Development Assessment Report, prepared by Ecological Australia, Project No. 22Sut3158, version V1, dated 14 June 2024. and the Riparian and Aquatic Assessment, prepared by Ecological Australia, Project No. 22SUT3158, version V1, dated 19 June 2024</p> <p>(1) Conservation and Land Use Management Plan and Ecological Site Management Plan, both prepared by Conacher Travers environment consultants, September 2007)</p> <p>(2) The design and construction of the proposed four watercourse crossings on site (in particular the tributaries of Saltwater Creek in the northern section of the site) are to be undertaken in accordance with the Department of Primary Industry's Policy and Guidelines for Fish Friendly Water Crossings (2004) and Why Do Fish Need to Cross the Road? Fish passage requirement for Waterway Crossings (2004)</p> <p>(3) No structures or encroachments into the core riparian buffer zone of the Beviaan Wetland are permitted.</p> <p>Prior to the release of a subdivision certificate for each stage an independent audit of erosion and sediment controls used during construction of the subdivision road network is to be conducted and submitted to Council.</p>
Proposed Condition:	Update reports to clarify compliance with revised reports detailing strategy actions. Civil Design Strategy, Water Management Strategy) based on guidelines, statutory requirements and regulations.
Reason(s) for Change:	Update reports to clarify compliance with current rules and guidelines, relevant replacement reports, statutory requirements and regulations.
Existing Condition:	<p>B8 Water Quality Monitoring Regime</p> <p>(1) Water quality monitoring is to be undertaken throughout all phases of the project as described in Section 6 of the Integrated Water Management Plan, prepared by Civile (dated 5th July 2024) Patterson, Britton and Partners (dated November 2007) and in accordance with the Monitoring Schedule included in the Ecological Site Management Plan prepared by Conacher Travers dated September 2007, to ensure that the predicted water quality objectives in the Environmental Assessment Report are met.</p> <p>(2) Monitoring and reporting shall continue for a minimum of 12 months after completion of all works associated with the development. Prior to issue of the final residential Subdivision Certificate, evidence shall be provided to Eurobodalla Shire Council of arrangements put in place to achieve this outcome, to Council's satisfaction</p> <p>Each monitoring report shall include a cumulative analysis of the results and data recorded in previous annual monitoring reports and shall be submitted to Eurobodalla Shire Council.</p>
Proposed Condition:	(3) Update reports to clarify compliance with current rules and guidelines, approved Water Management Strategy, current statutory requirements and regulations.
Reason(s) for Change:	Update reports to clarify compliance with current rules and guidelines, approved Water Management Strategy, current statutory requirements and regulations.

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Existing Condition:	<p>B9 Aboriginal Heritage Management Plan</p> <p>(1) <i>The proponent must develop a Cultural Heritage Management Plan (CHMP) for the site. The CHMP should be developed and implemented in consultation with the relevant Aboriginal stakeholders. The plan must include procedures for ongoing Aboriginal consultation and involvement, management of any recorded sites within the investigation area, details of proposed further archaeological investigation prior to impact, identification and management of previously unrecorded sites (excluding human remains), and a program of monitoring.</i></p> <p>(2) <i>If human remains are located during the project, all works must cease in the immediate area to prevent any further impacts to the find or finds. The local police, the Aboriginal community and DECC, and Eurobodalla Shire Council are to be notified. If the remains are found to be of Aboriginal origin and the police consider the site not an investigation site for criminal activities, the DECC must be contacted and notified of the situation and works are not to resume in the designated area until approval in writing is provided by the DECC. In the event that a criminal investigation ensues works are not to resume in the designated area until approval in writing from the Police and the DECC.</i></p> <p>(3) <i>If Aboriginal cultural objects are uncovered due to the development activities, all works must half cease in the immediate area to prevent any farther impacts to the find or finds. A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the find(s). The site is to be registered in the AHIMS (managed by the DECC) and the management outcome for the site included in the information provided to the AHIMS. It is recommended that the Aboriginal community representatives are consulted in developing and implementing management strategies for all sites, with all information required for informed consent being given to the representatives for this purpose.</i></p> <p>(4) <i>All reasonable efforts must be made to avoid impacts to Aboriginal Cultural Heritage values at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the Aboriginal community and DCCEW the DECC.</i></p> <p>(5) <i>The applicant must continue to consult with and involve Aboriginal representatives for the project, in the ongoing management of the Aboriginal Cultural Heritage values.</i></p> <p><i>An Aboriginal Cultural Education program must be developed for the induction of personnel and contractors involved in the construction activities on site. The program should be developed in collaboration with the Aboriginal community.</i></p>
Proposed Condition:	<p>(6) Update reports to clarify compliance with current rules and guidelines, amended ACHAR Report, statutory requirements and regulations.</p>
Reason(s) for Change:	<p>Update reports to clarify compliance with current rules and guidelines, amended ACHAR Report, statutory requirements and regulations.</p>
Existing Condition:	<p>B10 Aboriginal Archaeology for Southern Access</p> <p>Future development applications which seek approval for the southern entry access road from George Bass Drive will include evidence that preliminary Aboriginal</p>

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	archaeological testing (which may include surface and subsurface testing) has been undertaken to the satisfaction of the DECC.
<i>Proposed Condition:</i>	(1) Amendment and deletion as indicated.
<i>Reason(s) for Change:</i>	The detailed alignment for the proposed southern access road has only been decided since February 2024.
<i>Existing Condition:</i>	<p>B11 Hollow-Bearing Trees</p> <p>(1) Separate approval from Council shall be sought for the removal of hollow-bearing trees located within the developable area as defined on Drawing AA_01, dated June 2024. Dwg No. CA-002-J prepared by Roberts Day and Candlepas Associates dated 8 July 2008.</p> <p>Where possible, hollow bearing trees identified for removal should have the hollow sections collected and re-erected elsewhere on the site. Where this is not feasible (i.e. because of decaying or unstable timber) artificial nest boxes providing accommodating of similar size to the removed hollows are to be erected in suitable locations. Specifications of the artificial nest boxes are to be in accordance with the details set out in the relevant Vegetation Management Plan. Ecological Site Management Plan, prepared by Conacher Travers Environmental Consultants, dated September 2007.</p>
<i>Proposed Condition:</i>	(2) Update plan references, and updated report references as warranted.
<i>Reason(s) for Change:</i>	Update plan references, and report references as warranted.