

APPENDIX A. DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

The Environmental Assessment for the Concept Plan must address the following key issues:

Conceptual Layout - Address the requirements of the *Eurobodalla Rural Local Environmental Plan 1987 (as amended)* and Eurobodalla Council's *DCP No. 160 - Rosedale* and *DCP No. 157 - Rural Subdivision*. Demonstrate consistency with all relevant zone objectives and standards. Identify the extent of potential development footprints, building envelopes and built form controls, and any significant vegetation to be removed. Address safety, provision of public reserves, potential perimeter road layouts, pedestrian and bicycle movement to, within and through the site. Demonstrate a clear delineation between public and private spaces. Identify the indicative staging of the development and the future management of the land (torrens, strata and/or community title).

Visual Impact, Amenity and Scale - Demonstrate suitability of the proposal with the surrounding area in relation to potential character, bulk, scale and visual amenity of development resulting from the development having regard to the *Coastal Design Guidelines of NSW (2003)*, *NSW Coastal Policy (1997)*, *State Environmental Planning Policy No. 71 - Coastal Considerations* (specifically Clauses 2 and 8) and the *Eurobodalla Urban Settlement Strategy*. In accordance with the recommendations of the *Independent Review Panel for Sensitive Lands* demonstrate how the development will ensure the visual separation between Barlings Beach and Rosedale, and along George Bass Drive between Tomakin and Rosedale North.

Social and Community - Demonstrate that the development achieves a range of housing types to meet anticipated demographic needs. Address the social and economic context of the development in terms of infrastructure requirements, access, public transport, community services and facilities, including medical and educational needs.

Environmental Protection - Address measures for the conservation of animals and plants and their habitats within the meaning of the *Threatened Species Conservation Act 1995* having regard to the *Draft Guidelines for Threatened Species Assessment (DEC & DPI July 2005)*. Address the measures for the conservation of aquatic species within the meaning of the *Fisheries Management Act 1994*. Outline the measures for the conservation of existing wildlife corridor values and/or connective importance of vegetation on the subject land, including areas identified as being of high and/or very high ecological status. Demonstrate how the proposal will allow for the future transition of areas of high environmental conservation value to the new Environmental Conservation Zone 2 areas under the LEP template, particularly in relation to riparian corridors, wetlands, and areas containing Endangered Ecological Communities (EEC's)

Riparian Management - In accordance with the objectives of the *draft Eurobodalla Riparian Corridor Study (RCOS)* address riparian zone buffering to the wetland and drainage lines demonstrating how they will be protected and how the downstream environment will not be adversely affected by the proposed development. Outline management measures to maintain/improve the stability, water quality, habitat and natural function of the wetland. A core riparian zone extending at least 40 metres from the high water mark plus a further 10 metre buffer is required. A 10 metre riparian buffer zone extending from the 'top of the bank' is required to all drainage lines within the development area.

Water Cycle Management - Address *NSW Coastal Policy*, *Wetlands Management Policy*, *Estuary Management Policy*, *State Rivers Policy* and *Estuary Policy*. Address potential impacts on the water quality of surface and groundwater, on all water courses, and on ground water dependent ecosystems. Consideration must also be given to the protection of the Bateman's Marine Park. Address and outline measures for an Integrated Water Cycle Management Plan (including stormwater concept) based upon Water Sensitive Urban Design principles. This should include measures to ensure no net increase in nutrient/pollutant loads entering the watercourses including both construction and post construction operational management measures.

Traffic and Access - Prepare a Traffic Impact Study (TIS) in accordance with the *RTA Guide to Traffic Generation Developments*. Identify the needs to upgrade roads/junctions and improvement works to ameliorate any traffic inefficiency and safety impacts associated with the development, particularly in relation to access points from George Bass Drive. This should include identification of pedestrian movements and appropriate treatments. Consult with Eurobodalla Shire Council and the Department of Lands with regard to management and ownership of Crown roads.

Hazard Management and Mitigation - Address the requirements of *Planning for Bush Fire Protection 2001* (RFS) in particular the provision of adequate access for fighting bushfire, adequate asset protection zones and water supply for bushfire suppression operations. Prepare a plan of management for fuel management including the provision and maintenance of APZ's, natural area, buffer zones and revegetation. Address AS 3959: *Building in Bush Fire Prone Areas*. Demonstrate the use of best management sediment and erosion techniques particularly to the area immediately surrounding the SEPP 14 Bevia Wetland. Undertake a Flood Study having regard to the requirements of the *NSW Floodplain Management Manual*. Address potential impacts of flooding on the development, the impact of development on flood behaviour (including cumulative impacts), and the impact of flooding on the safety of people over a full range of possible floods up to the probable maximum flood (PMF) and mitigation measures. Address sea level rise and coastal inundation restricting where necessary development in low lying areas.

Infrastructure Provision - Address existing capacity and requirements of the development for sewerage, water and electricity in consultation with relevant agencies. Identify staging, if any, of infrastructure works. Address provision of public services and infrastructure having regard to the Council's Section 94 Contribution Plans. Prepare an Odour Management Study to address potential odour issues in conflict with provision of the *POEO Act*. (note: the cost of odour management studies and cost of design and construction of any odour control works at the STP are to be fully funded by the applicant). An appropriate buffer distance should be identified in accordance with the *Assessment and Management of Odour from Stationary Sources in NSW (Technical Framework and Supporting Technical Notes (DEC November 2006))*.

Heritage - Address the draft *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, July 2005)*. Identify whether the site has significance in relation to Aboriginal cultural heritage and identify appropriate measures to preserve any significance. Identify any other items of heritage significance and provide measures for conservation of such items.

Noise - Address potential road traffic impacts on future residents and identify appropriate mitigation measures. Address potential impacts of demolition, construction and operational noise.

Soil and Contamination - Identify the presence and extent of acid sulfate soils on the site and outline appropriate mitigation measures. Identify areas of contamination on site and appropriate mitigation measures. The level of assessment shall be consistent with the *Acid Sulfate Soil Manual* by ASSMAC.

APPENDIX B. COMPLIANCE WITH EPIs INCLUDING STATE ENVIRONMENTAL PLANNING POLICIES THAT SUBSTANTIALLY GOVERN THE CARRYING OUT OF A PROJECT

Environmental Planning Instruments considered in the assessment of the proposal:

Provisions of Environmental Planning Instrument	Consideration
State Environmental Planning Policy (Major Projects) 2005	
Schedule 2 Clause 1 (1)	
(i) subdivision of land in a residential zone into more than 25 lots or in a rural/residential zone into more than 5 lots, but in the case of the metropolitan coastal zone only if the land is wholly or partly within a sensitive coastal location.	The proposal involves subdivision into more than 25 lots and as such this identifies the site as an area to which Part 3A of the Act applies.

Provisions of EPI	Comply	Consideration
State Environmental Planning Policy No. 71 – Coastal Protection		
Clause 2: Aims of Policy		
(a) To protect and manage the natural, cultural, recreational and economic attributes of New South Wales coast, and	YES	The natural attributes of the site (NSW coast) have been largely preserved, particularly in terms of the retention of vegetation in the north eastern corner of the site; creation of vegetation and habitat corridors East – West across the site; a comprehensive water management plan which will ensure that the water quality of both the Bevia Wetland and Saltwater Creek will be maintained and improved.
(b) To protect and improve existing public access to and along coastal foreshores to the extent that it is compatible with the natural attributes of the coastal foreshore, and	N/A	The site is approximately 500m at its closest point to the coast and is separated from the coast by George Bass Drive, dwellings and a caravan park. Therefore the proposed development will not damage any existing public access to or along the coastal foreshore and cannot provide opportunity for improving such access.
(c) To ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and	N/A	Due to the site's distance from the coastal foreshore (refer to (b) above), there are no opportunities for the development to provide new public accesses.
(d) To protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and	YES	An assessment of the Aboriginal cultural heritage on the site has been made, including the digging of test pits. An Aboriginal Heritage Management Plan has been prepared, the recommendations of which have been included in the Proponent's Statement of Commitments.
(e) To ensure that the visual amenity of the coast is protected, and	YES	The site is located some distance from Barlings Beach (to the south) and Rosedale Beach (to the east) with other development located between the beaches and the site. Development on the site will not be directly visible from either Barlings Beach or Rosedale Beach.

		Distant views of the higher parts of the site may also be available from points further to the south, including Mossy Point, the southern end of Broulee Beach and Broulee Island. The impact of future development on the parts of the site that are visible from these locations is expected to be mitigated by the distance, the scale of the development (domestic scale buildings on large lots), the implementation of landscaping requirements on individual properties and planting in the public domain (street trees, open space etc).
(f) To protect and preserve beach environments and beach amenity, and	YES	The site is of sufficient distance from the beach that there will be no direct impacts such as overshadowing, although increased patronage of nearby beaches will occur as a result of the development.
(g) To protect and preserve native coastal vegetation, and	YES	The site has been extensively cleared with fragmented areas of natural and disturbed vegetation. Remnants are located in the eastern, north eastern and north western parts of the property as well as around the Bevia Wetland. Remnant vegetation will be retained, protection to the Wetland in the form of buffers will be provided, and the revegetation of riparian areas will be implemented.
(h) To protect and preserve the marine environment of New South Wales, and	YES	Appropriate stormwater control devices are proposed that will ensure the quantity and quality of stormwater is appropriate and as such no detrimental impact will occur to the marine environment.
(i) To protect and preserve rock platforms, and	N/A	The proposed development is not in close proximity to a rock platform and will not impact on a rock platform.
(j) To manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6(2) of the <i>Protection of the Environment Administration Act 1991</i>), and	YES	The design of the subdivision is appropriate having regard to the water management proposed and the layout is appropriate having regard to passive solar access. The road network provides a suitable collector road for bus travel, and the pedestrian and cycleway paths proposed will allow a reduced reliance on car usage for visits to the beach.
(k) To ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and	YES	<p>No buildings are proposed as part of this application however the subdivision layout is generally appropriate for the site having regard to the natural scenic quality of the area, together with appropriate retention of existing vegetation, revegetation of riparian corridors and provision of landscaping to soften the appearance of the proposal as viewed from the coast.</p> <p>In addition the draft Urban Design Guidelines that accompany the EA provide for built form which is predominantly domestic in scale and</p>

		does not exceed 2 storeys.
(l) To encourage a strategic approach to coastal management.	YES	The majority of the site is zoned for urban expansion and as such its development for residential purposes is generally consistent with Council's Urban Settlement Strategy and the South Coast Regional Strategy.
Clause 8: Matters for Consideration		
(a) The aims of this Policy set out in clause 2	YES	Refer to consideration above.
(b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved	N/A	The proposed development will not impact on existing public access to the foreshore, due to its distance from the beach.
(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability	N/A	Due to the site's distance from the foreshore, the site does not provide any additional opportunities for public access.
(d) The suitability of development given its type, location and design and its relationship with the surrounding area	YES	The majority of the site is zoned Urban Expansion which allows residential subdivision. The land has been identified in the South Coast Regional Strategy (and the Sensitive Lands Review Panel) as being appropriate for such purpose.
(e) Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore	YES	The distance from the foreshore is such that no shadow impact will occur and there are no public viewing positions from which views of the coastal foreshore will be lost as a result of the proposal.
(f) The scenic qualities of the New South Wales coast, and means to protect and improve these qualities	YES	The site is located approximately 500m from the foreshore at its closest point and the development will be largely screened from the coast by existing development, retained vegetation and the supplementary planting proposed as part of this development. Distant views of the higher parts of the site may also be available from points further to the south, including Mossy Point, the southern end of Broulee Beach and Broulee Island. The impact of future development on the parts of the site that are visible from these locations is expected to be mitigated by the distance, the scale of the development (domestic scale buildings on large lots), the implementation of landscaping requirements on individual properties and planting in the public domain (street trees, open space etc).
(g) Measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i>) and plants (within the meaning of that Act) and their habitats	YES	The developable area of the site has been determined following a thorough site analysis of physical constraints and opportunities. As a consequence, development is largely confined to the cleared parts of the site (former grazing land) which only includes a few scattered trees.

		<p>The provision of riparian zones along the creeks / drainage lines and their revegetation, together with the provision of a 50m wide buffer to the Bevia Wetland will ensure the conservation of important habitat.</p> <p>Two threatened species (Bentwing Bat and Yellow Bellied Glider) were identified on the site. The proposed retention of the existing stand of established vegetation in the north eastern corner of the site will contribute to ongoing viability of habitat for these species.</p>
(h) Measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act</i> 1994) and plants (within the meaning of that Act), and their habitats	YES	Appropriate design measures are to be provided for the four watercourse crossings (in particular the tributaries of Saltwater Creek in the northern section of the site) to ensure they are fish friendly, conditions of consent in this regard are recommended.
(i) Existing wildlife corridors and the impact of development on these corridors	YES	Conservation precincts have been identified to retain and protect remnant native vegetation whilst the proposed restoration / revegetation of riparian zones will improve connectivity between these protected remnants and areas of vegetation off-site. This will facilitate fauna movement and the genetic transfer of plant material across the site.
(j) The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	YES	<p>The site is sufficiently distant from the coastal foreshore to ensure it will not be significantly affected by coastal processes.</p> <p>Notwithstanding, the Environmental Assessment examines the potential impact of potential sea level rise and concludes that it would dissipate well before the eastern boundary of the site.</p> <p>In relation to the Bevia Wetland the report indicates that the flood levels adopted for the wetland are controlled by the level of George Bass Drive at RL 4.2m AHD. Adopting the worst case scenario (increase of 0.91m) which is considered to be highly unlikely given the volume of flood storage available in lower lying areas downstream of the site, would bring the flood level of the wetland up to RL 5.11m AHD.</p> <p>The proposed development closest to the Wetland will achieve a minimum ground level of approximately RL 7m AHD (which translates to a total freeboard in the order of 1.89m).</p>
(k) Measures to reduce the potential for conflict between land based and water based coastal activities.	YES	Due to the site's distance from coastal water bodies, there is unlikely to be any conflict between land based and water based coastal activities.
(l) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of	YES	The Proponent has included management procedures to be implemented throughout the

Aboriginals		project in its Statement of Commitments.
(m) Likely impacts of development on the water quality of coastal water bodies	YES	An appropriate water management plan is proposed to ensure an appropriate quality and quantity of stormwater leaves the site.
(n) The conservation and preservation of items of heritage, archaeological or historic significance	YES	There are no items of environmental heritage on the site. However the Proponent has determined that the former Rosedale Cheese Factory has high heritage value in a local context and as a result it will be retained and adaptively re-used as part of the proposed development.
(o) Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities	N/A	The proposal does not involve the preparation of a draft LEP.
(p) Only in cases in which a development application in relation to proposed development is determined: (i) the cumulative impacts of the proposed development on the environment, and (ii) measures to ensure that water and energy usage by the proposed development is efficient.	YES	The cumulative impacts of the development has been adequately assessed by the Proponent and documented in the EA. The proposed subdivision concept design is appropriate in relation to water management and the orientation of the majority of allotments makes adequate provision for passive solar design of future dwellings.
Clause 14: Public Access		
A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to result in the impending or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	YES	The site is located a sufficient distance from the coastal foreshore such that there will be no impact on continued public access.
Clause 15: Effluent Disposal		
The consent authority must not consent to a DA to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, coastal creek or other similar body of water, rock platform.	YES	The development will be serviced by a series of sewage pumping stations delivering raw sewage to the existing Tomakin Sewage Treatment Plant, located to the south east of the site.
Clause 16: Stormwater		
The consent authority must not consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	YES	It is proposed to manage both the quality and quantity of stormwater discharge through the use of gross pollutant traps, detention and bio-retention basins.

Provisions of EPI	Comply	Consideration
State Environmental Planning Policy No. 14 – Coastal Wetlands		
Clause 2: Aims , objectives etc		
The aim of this policy is to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State.	YES	The natural attributes of the Bevia Wetland will be largely preserved, through the creation of appropriate buffers around the perimeter of the Wetland; and the implementation of a comprehensive water management plan which will ensure that the water quality of the Bevia Wetland will be maintained and improved
Clause 7: Restriction on development of certain land		
(1) In respect of land to which this policy applies, a person shall not: (a) clear that land, (b) construct a levee on that land, (c) drain that land, or (d) fill that land, except with the consent of the council and the concurrence of the Director.	YES	Concept approval is sought for the proposed development, which includes certain works in the immediate vicinity of the Bevia Wetland. Bulk earthworks and the construction of other works in proximity to the Wetland will be the subject of separate applications.
(2) In considering whether to grant concurrence under subclause (1), the Director shall take into consideration: (a) the environmental effects of the proposed development, including the effect of the proposed development on: (i) the growth of native plant communities, (ii) the survival of native wildlife populations, (iii) the provision and quality of habitats for both indigenous and migratory species, (iv) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding area, including salinity and water quality,	YES	<p>Growth of Native Plant Communities Two endangered ecological communities have been identified on the site (Swamp Oak Floodplain Forest and Freshwater Wetlands on Coastal Floodplains), which are to be largely retained and regenerative planting will be implemented. Stormwater management measures have been identified to address the potential ingress of urban pollutants into these areas using a series of Water Sensitive Urban Design measures.</p> <p>Survival of Native Wildlife Populations A number of habitat corridors have been incorporated into the design of the development to facilitate the movement of wildlife between the local source of fresh water (Bevia Wetland) and undisturbed areas of habitat (particularly to the north west of the site in the Mogo State Forest)</p> <p>Provision and Quality of Habitats Connectivity has been provided and the Proponent has undertaken to revegetate and enhance existing riparian and vegetated areas across the site to improve the range of habitat available. This is reiterated in the Statement of Commitments that accompanies the EA.</p> <p>Surface and Groundwater Characteristics Surface water currently flows within ephemeral grass channels, some of which show signs of stream bank erosion. Some sections have been dammed to provide drinking water for livestock. Surface runoff is likely to increase in</p>

		<p>the change from pastoral to urban use. However the implementation of riparian buffer zones and open space / conservation areas, together with the installation of a water treatment train (WSUD) will ensure that current water flows are unaffected and quality is improved.</p> <p>Fully engineered design will be required to be submitted to Council as part of any subsequent applications for subdivision and built form.</p>
(b) whether adequate safeguards and rehabilitation measures have been, or will be, made to protect the environment,	YES	The Statement of Commitments confirms the Proponent's intention to undertake bush regeneration works within the identified conservation areas and ecological corridors across the site.
(c) whether carrying out the development would be consistent with the aim of this policy,	YES	<p>The proposed development seeks to protect and preserve the natural attributes of the Bevia Wetland using a variety of mechanisms including the creation of appropriate buffers around its perimeter; and the implementation of a comprehensive water management plan which will ensure that the water quality of the will be maintained and improved.</p>
(d) the objectives and major goals of the "National Conservation Strategy for Australia" (as set forth in the second edition of a paper prepared by the Commonwealth Department of Home Affairs and Environment for comment at the National Conference on Conservation held in June 1983, and published in 1984 by the Australian Government Publishing Service) in so far as they relate to wetlands and the conservation of "living resources" generally, copies of which are deposited in the office of the Department,		<p>The Strategy outlines 3 main objectives, as follows:</p> <p>1. to maintain essential ecological processes and life support systems.</p> <p>The proposal includes retention, protection and restoration of existing remnants within the site.</p> <p>2. to preserve genetic diversity</p> <p>Revegetation of drainage lines will create connectivity between existing remnants and vegetation off site and as a consequence will improve the viability of habitat.</p> <p>3. to ensure the sustainable utilisation of species and ecosystems</p> <p>The integration of conservation precincts, open space and developable areas such that the ecological functioning of the landscape is improved whilst also improving the social, visual and recreational values and opportunities of the site.</p>
(e) whether consideration has been given to establish whether any feasible alternatives exist to the carrying out of the proposed development (either on other land or by other methods) and if so, the reasons given for choosing the proposed development,	YES	In 1987 the Department published the Lower South Coast Strategy which identified the subject site as "Committed Urban Land", being <i>land zoned for urban purposes such as residential and commercial development, and areas zoned for urban expansion.</i> Eurobodalla

		<p>Shire Council subsequently made the Eurobodalla Rural LEP 1987 which formally rezoned the majority of the subject site for Urban Expansion.</p> <p>In 2006 the Minister for Planning established an Expert Panel to review the development potential for Sensitive Urban Lands on the South Coast. The findings of Panel confirmed that the subject site is suitable for residential development.</p>
(f) any representations made by the Director of National Parks and Wildlife in relation to the development application,	YES	<p>DECC has reviewed the Concept Plan and the accompanying EA and additional information has been prepared by the Proponent investigating the proposed new route of the southern access road and has raised no objection to the proposal, subject to the inclusion of a requirement for any future applications which seek approval for the southern entry access road from George Bass Drive (as indicated on drawing CA 003-K) to include evidence that preliminary Aboriginal archaeological testing (which may include surface and subsurface testing) has been undertaken.</p>
(g) any wetlands surrounding the land to which the development application relates and appropriateness of imposing conditions requiring the carrying out of works to preserve or enhance the value of those surrounding wetlands.	YES	<p>A significant portion of the Wetland falls within the property boundary. The implementation of the proposed water management plan which will ensure that the water quality of the Bevia Wetland will be maintained and improved</p>
(3) Pursuant to Section 29 of the Act, development for which consent is required by subclause (1) is declared to be designated development for the purposes of the Act.	N/A	<p>As indicated previously, the application is for concept approval only and consent for works specified in subclause (1) is not sought.</p>
Clause 7A: Restriction on carrying out of restoration works		
<p>(1) In respect of land to which this policy applies, a person must not carry out restoration works except with the consent of the council and the concurrence of the Director.</p> <p>(2) An application for consent to carry out restoration works must lodge with the council a restoration plan prepared in accordance with the guidelines issued by the Department of Urban Affairs and Planning.</p> <p>(3) In considering whether the grant concurrence under subclause (1), the Director must take into consideration the adequacy of the restoration plan lodged by the applicant with the council.</p>	N/A	<p>"Restoration Works" are defined as works:</p> <p>(a) that are carried out to restore or enhance the natural values of coastal wetlands in order to rectify a breach of this Policy (including works to restore or enhance plant communities, water levels, water flow and soil composition), and</p> <p>(b) that are not carried out in association with other development, and</p> <p>(c) that do not have a significant impact on the environment beyond the site of the works.</p> <p>The concept plan application does not seek approval for any restoration works.</p>

Provisions of EPI	Comply	Consideration
State Environmental Planning Policy No. 55 – Remediation of Land		
Clause 7: Contamination and Remediation to be Considered in Determining Development Application		
<p>(1) A consent authority must not consent to the carrying out of any development on land unless:</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p>	YES	<p>The EA includes a preliminary contamination assessment involving a review of historical use of the land, a groundwater bore search, review of council records and historical aerial photographs, a search of regulatory Notices or Orders and a site inspection.</p> <p>Based on this information the overall potential for contamination is considered to be low. A total of 37 sites were identified as Potential Areas of Environmental Concern, 10 of which were deemed to be Areas of Environmental Concern.</p> <p>Requirements for additional investigations being undertaken and further detailed information being prepared are recommended as part of the development assessment requirements for any subsequent project or development applications associated with the Concept Plan.</p>

Provisions of EPI	Comply	Consideration
Lower South Coast Regional Environmental Plan No 1		
Clause 4: Region to Which Plan Applies		
<p>This plan applies to the land within the Shires of Bega Valley and Eurobodalla declared by order published in Gazette No 142 of 5 October 1984, to be a region called "The Lower South Coast Region" for the purposes of the <i>Environmental Planning and Assessment Act 1979</i>.</p>	YES	<p>The subject site is located within Eurobodalla Shire and is therefore part of the Lower South Coast Region.</p>
Clause 2: Aims, Objectives		
<p>The aims, objectives, policies and strategies of this plan are, in relation to the Lower South Coast Region:</p> <p>(a) to conserve the scenic and environmental character of the Region,</p>	YES	<p>The natural attributes of the site (NSW coast) have been largely preserved, particularly in terms of the retention of vegetation in the north eastern corner of the site; creation of vegetation and habitat corridors East – West across the site; a comprehensive water management plan which will ensure that the water quality of both the Bevan Wetland and Saltwater Creek will be maintained and improved.</p>
<p>(b) to maintain the scale and character of the built environment,</p>	Noted	<p>The Concept Plan does not seek approval for built form, which will be the subject of future applications to Council. However the Proponent has submitted Draft Urban Design Guidelines which generally limits the scale of development to a maximum of two storeys. A requirement has been included in the concept application approval which requires the</p>

		Proponent to prepare a site-specific Development Control Plan setting out the design guidelines for built form, the public domain, infrastructure and streetscape and submit to Council for approval and adoption.
(c) to preserve views to and from public places,	YES	<p>The site is located some distance from Barlings Beach (to the south) and Rosedale Beach (to the east) with other development located between the beaches and the site. Development on the site will not be directly visible from either Barlings Beach or Rosedale Beach.</p> <p>Distant views of the higher parts of the site may also be available from points further to the south, including Mossy Point, the southern end of Broulee Beach and Broulee Island. The impact of future development on the parts of the site that are visible from these locations is expected to be mitigated by the distance, the scale of the development (domestic scale buildings on large lots), the implementation of landscaping requirements on individual properties and planting in the public domain (street trees, open space etc).</p>
(d) to protect public places from overshadowing,	Noted	The Concept Plan does not seek approval for built form, which will be the subject of future applications to Council.
(e) to encourage development sympathetic to the natural landform, and	Noted	As above
(f) to enable flexibility in building design consistent with the general aims and objectives of this plan.	Noted	As above
Clause 6: Height Restrictions		
<p>1) A person shall not erect a building on land to which this plan applies if the building has a height of more than 14 metres.</p> <p>(2) Nothing in subclause (1) authorises the erection of a building which does not comply with a development standard relating to height which is specified in another environmental planning instrument.</p>	Noted	As above

Provisions of EPI	Comply	Consideration
Lower South Coast Regional Environmental Plan No 2		
Clause 4: Region to Which Plan Applies		
This plan applies to the land within the Shires of Bega Valley and Eurobodalla declared by order published in Gazette No 142 of 5 October 1984, to be a region called "The Lower South Coast Region" for the purposes of the <i>Environmental Planning and Assessment Act 1979</i> .	YES	The subject site is located within Eurobodalla Shire and is therefore part of the Lower South Coast Region.

Clause 2: Aims, Objectives		
(a) to develop regional policies that protect the natural environment and promote the orderly and economic development and use of land and other resources in the region, consistent with conservation of natural and man-made features,	YES	The proposed development represents the orderly and economic use of land, by providing in the order of 792 residential allotments over a development horizon of 10-15 years which will contribute to the provision of required housing in the Lower South Coast region (as set out in the South Coast Strategy).
(b) to consolidate and amend various existing policies applying to the region, to make them more appropriate to regional needs, and to place them in the context of regional policy,	Noted	
(c) to provide a basis for the coordination of activities related to growth in the region and to encourage optimum economic and social benefit to the local community and visitors to the region, and	Noted	
(d) to establish a regional planning framework for identifying priorities for further investigation to be carried out by the Department of Planning and other agencies.	Noted	
Part 2 THE ENVIRONMENT		
Division 1 Natural Areas		
Clause 8 Objectives		
The objectives of this plan in relation to planning strategies concerning natural areas are: (a) to protect natural areas of ecological, scenic or scientific interest,	YES	Prominent features such as the Wetland and the knoll have been retained in the concept scheme and will become scenic features within the development. Substantial areas of open space will be revegetated using native species endemic to the area.
(b) to strictly control any reduction in the extent of important natural areas, and	YES	The development concept plan has generally recognised and protected significant environmental and landscape features across the site – the knoll in the centre of the site, ridgelines, drainage lines and watercourses.
(c) to protect and preserve bushland: (i) within urban areas, or (ii) which provides a natural buffer between settlements.	YES	The site has been substantially cleared of vegetation, consistent with its long term pastoral use. However there are a number of areas of bushland (regenerating) predominantly located around the site perimeter which have been identified, mapped and will largely be preserved and augmented as part of the proposed development.
Division 2 Coastal and Waterway Environments		
Clause 11 Objectives		
The objectives of this plan in relation to coastal areas and waterways are: (a) to minimise changes to natural coastal processes resulting from development,	YES	The proposed development is not expected to have any direct impact on natural coastal processes. The primary area of concern arising from urban development is the impact on water quality and the quantum of runoff associated with the introduction of impervious surfaces. In this regard the stormwater treatment flow path

		<p>for runoff comprises:</p> <ul style="list-style-type: none"> • Rainwater tanks on individual lots to collect roof water; • Surface runoff from other hard surfaces would be directed into bio-retention swales where it would be filtered and treated biologically; • Stormwater collected from impervious areas such as roads and driveways would be piped towards GPTs to remove coarse sediment and other debris; and • Stormwater discharging to open corridors would be treated in ponds in the northern part of the site or bio-retention basins in the southern part of the site.
(b) to protect water quality,	YES	<p>A comprehensive Water Management Plan has been prepared to accompany the EA, the implementation of which will ensure that the water quality of both the Bevia Wetland and Saltwater Creek will be maintained and improved.</p>
(c) to minimise risks to people and property resulting from coastal processes,	YES	<p>The site is sufficiently distant from the coastal foreshore to ensure it will not be significantly affected by coastal processes.</p> <p>Notwithstanding, the Environmental Assessment examines the potential impact of potential sea level rise and concludes that it would dissipate well before the eastern boundary of the site.</p> <p>In relation to the Bevia Wetland the report indicates that the flood levels adopted for the wetland are controlled by the level of George Bass Drive at RL 4.2m AHD. Adopting the worst case scenario (increase of 0.91m) which is considered to be highly unlikely given the volume of flood storage available in lower lying areas downstream of the site, would bring the flood level of the wetland up to RL 5.11m AHD.</p> <p>The proposed development closest to the Wetland will achieve a minimum ground level of approximately RL 7m AHD (which translates to a total freeboard in the order of 1.89m).</p>
(d) to maintain the visual quality of the coastal and waterway environments,	YES	<p>Development on the site will not be directly visible from either Barlings Beach or Rosedale Beach.</p> <p>Distant views of the higher parts of the site may also be available from points further to the south, including Mossy Point, the southern end of Broulee Beach and Broulee Island. The impact of future development on the parts of the site that are visible from these locations is expected to be mitigated by the distance, the scale of the development (domestic scale buildings on large lots), the implementation of landscaping requirements on individual properties and</p>

		planting in the public domain (street trees, open space etc).
(e) to provide for the appropriate recreational use of beaches, other coastal lands and waterways, and	YES	The proposed development is not expected to unduly compromise the recreational use of local beaches and waterways. Indeed, the natural attributes of the site and environs have been largely preserved, particularly in terms of the retention of vegetation; creation of vegetation and habitat corridors; a comprehensive water management plan which will ensure that the water quality of both the Bevia Wetland and Saltwater Creek will be maintained and improved.
(f) to maintain or enhance public access to and use of beaches, other coastal attractions and waterways in appropriate locations	N/A	The site is approximately 500m at its closest point to the coast and is separated from the coast by George Bass Drive, dwellings and a caravan park. Therefore the proposed development will not damage any existing public access to or along the coastal foreshore and cannot provide opportunity for improving such access.
Clause 13 Policies for development control		
(1) In considering any application for development in coastal areas, the council shall take into account:		
(a) the "Coastline Management Manual" published by the New South Wales Government,	YES	<p>Two areas within the site have been identified as aquatic environments with conservation value – Bevia Wetland and the drainage lines which serve it. Outside the site the Saltwater Creek ICOLL and the Bateman's Bay Marine Park have also been considered in the EA.</p> <p>The Wetland and associated drainage lines will be protected via best practice stormwater management measures in controlling and reducing urban runoff, overland flow velocities and sediment transport. The implementation of WSUD principles across the site will ensure that water leaving the site and entering Saltwater Creek ICOLL and eventually the Marine Park will also be managed.</p> <p>Open space and conservation areas across the site will be managed in perpetuity by the Community Association under a Community Management Scheme. Future zoning of these areas will provide for the E2 Conservation Zone (standard LEP template) and will allow for public access. Covenants and identified conservation areas have been developed by the Proponent to specifically protect remnant vegetation and ecologically important areas.</p> <p>Cultural heritage items composed of Aboriginal archaeological material and stone artefacts in the Bevia Wetland and riparian zones across the site will also be preserved.</p>

<p>(b) the "South Coast Design Guidelines" issued by the Department of Planning,</p>	<p>YES</p>	<p>The EA has satisfactorily addressed each of the five principles contained in the Guidelines, as summarised below:</p> <p>1. Defining the footprint and boundary of the settlement to establish its outer limits to protect the important visual and natural setting.</p> <p>The developable area identified in the EA is based on a detailed analysis of the ecological, topographical and other natural opportunities and constraints. It preserves view corridors and natural vegetation which creates a high degree of visual amenity. Conservation areas, regenerated and revegetated riparian zones and areas of open space are provided to create amenity and improve the ecological function.</p> <p>2. Connecting open spaces to create recreation, conservation, public access, cultural and heritage opportunities in and around the settlement.</p> <p>The developable area has been defined by the physical constraints imposed by vegetation, drainage and topography which results in 3 discrete neighbourhoods. Two east – west corridors which comprise riparian zones and the central ridgeline incorporating the Knoll will be linked by a north-south open space corridor which will incorporate walking trails.</p> <p>The open space network will also provide the basis for a water sensitive urban design system designed to maintain water flows and maintain or improve water quality across the site.</p> <p>3. Protecting the natural edges of the settlement in recognition that the coast edge is protected as a public place, with public access and ecological values including mitigating the impacts of natural hazards.</p> <p>The proposed development does not interface directly with the coast. Notwithstanding, the protection of the coastal environment has been factored into the WSUD system – ensuring that runoff from the site is of adequate quality to protect aquatic ecosystems (particularly the ICOLL and Bevan Wetland).</p> <p>4. Reinforcing the street pattern to highlight how streets enliven centres, connect important places within and around</p>
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		<p><i>the settlement, allow for improved choice when moving from place to place and provide commercial and social benefits.</i></p> <p>The Concept Plan has been based on the principles of traditional neighbourhood design and will be serviced by a spine road which provides a north-south connection through the site. The road network has been designed to be "public transport ready" through a neighbourhood structure that supports the provision of a public bus service.</p> <p>The subdivision concept is designed in accordance with "walkable neighbourhood" principles and an extensive network of pedestrian / cycle paths will facilitate alternative means of transport to private cars.</p> <p><i>5. Appropriate buildings in a coastal context shows how specific development relates to the site's natural features and to its location within the settlement.</i></p> <p>The application does not seek approval for built form, however the proponent has included a set of draft Urban Design Guidelines which will be used to guide future development on the site. It is anticipated that a revised form of the Guidelines may ultimately be adopted by Council as a site specific DCP. This will be the subject of a separate application to Council.</p>
(c) any other guidelines issued by the Department of Planning in relation to development in coastal areas,	Noted	
(d) the "Estuarine Habitat Management Guidelines" or "Freshwater Habitat Management Guidelines" issued by NSW Fisheries, or both, and	YES	<p>The DPI has examined the proposal in the context of its possible impacts on water quality in both Bevia Wetland and the ICOLL (Saltwater Creek) and has raised no objections, subject to various additional requirements being incorporated in any Concept Approval as follows:</p> <ul style="list-style-type: none"> • All proposed safeguards and measures to minimise environmental impacts detailed in the EA are fully implemented; • All the recommendations and proposed stormwater and water management measures and erosion and sediment controls detailed in the Water Management Report that accompanies the EA are fully implemented and must be included in the final subdivision layout; • Development is to proceed in accordance with the recommendations of the Conservation and Land Use Management

		<p>Plan and the Ecological Site Management Plan and included as part of the EA;</p> <ul style="list-style-type: none"> • The design and construction of the watercourse crossings are to be undertaken in accordance with the DPI's Policy and Guidelines; • No structures or encroachments into the core riparian buffer zone of the Bevia Wetland are permitted except for the timber boardwalk (as depicted in the landscape concept plan). <u>Note:</u> the boardwalk has been deleted under the PPR; • An independent audit is conducted of erosion and sediment controls used during construction of the subdivision road network; and • Water quality monitoring is undertaken as described in the Water Management Report that accompanies the EA to ensure that the predicted water quality objectives are met.
(e) the "Crown Lands Coastal Policy" issued by the Department of Conservation and Land Management, where relevant.	N/A	
(2) In considering any application for development, including land/water based development, on land in the vicinity of waterways, the council shall take into account:		
(a) whether the development will cause pollution or siltation of the waterway and measures to minimise any adverse impacts,	YES	<p>A Water Management Strategy forms part of the EA documentation and employs a system based on Water Sensitive Urban Design.</p> <p>Fully engineered designs will be required to be submitted to Council as part of any subsequent applications for subdivision and built form.</p>
(b) whether the development will have adverse effects on terrestrial or aquatic fauna, flora or their habitats,	YES	
(c) the need to maintain or improve the water quality of the waterway,	YES	<p>The implementation of riparian buffer zones and open space / conservation areas, together with the installation of a water treatment train (WSUD) will ensure that current water flows are unaffected and quality is improved.</p>
(d) whether the development will have an adverse effect on drainage patterns or cause shoreline erosion,	YES	<p>Surface water across the site currently flows within ephemeral grass channels, some of which show signs of stream bank erosion. Some sections have been dammed to provide drinking water for livestock.</p> <p>Surface runoff is likely to increase in the change from pastoral to urban use. However the implementation of the measures detailed in the Water Management Strategy will maintain and improve drainage across the site.</p>
(e) the appearance of the development from the waterway and its foreshores,	YES	<p>The edge of the Wetland is largely fringed by trees and other vegetation which will be supplemented and enhanced by additional planting undertaken by the Proponent as part of</p>

		the development. This arrangement will ensure that views of the development from the Wetland itself and its foreshores will be filtered.
(f) the desirability of requiring the dedication of appropriate land for open space or waterway access purposes for the purpose of ensuring public access to the waterway and its foreshores,	Noted	The Proponent does not propose to dedicate any lands for public open space or waterway access purposes. However, these areas of the site will be zoned (as appropriate) for conservation purposes or will be subdivided as community lots for use as open space and / or recreation. Any access to the waterway under the Concept Plan is limited to pedestrian paths to various vantage points along the edge of the Wetland and the detail of which will be the subject of future applications to be determined by Council.
(g) whether the development will cause excessive congestion of, or generate conflicts between, people using the waterway or nearby land, and	YES	The Wetland is not used (nor is it proposed to be used) for recreational purposes.
(h) the noise likely to be generated by the development and the effect that any such noise would have on existing beneficial uses of the waterway or nearby land.	YES	The noise generated by the proposal has three typologies – construction, traffic and ongoing (post development) noise. The Acoustic Report which accompanies the EA recommends the submission of more detailed noise investigations in order to determine appropriate noise mitigation measures to be implemented as part of any future applications to Council.
(3) An application for consent to carry out development for the purpose of heavy mineral sand mining on land comprising a beach or incipient dune shall be referred by the council to the Director of Planning for concurrence prior to the determination of the application.	N/A	
(4) In deciding whether to grant concurrence under this clause, the Director shall take into account the extent of previous and existing disturbances and modifications to the land and whether the development is likely to adversely affect any significant scientific, cultural or environmental aspects of the land and its environs.	Noted	The land has been substantially cleared as a result of its previous agricultural use. The 2006 Independent Panel into Sensitive Urban Lands examined the capacity of the site for urban development and found it to be appropriate. Further detailed investigations and survey work has been carried out by the Proponent in an effort to identify the extent of developable (ie. relatively unconstrained) land upon which urban development can occur.
Part 5 URBAN LAND		
Division 1 Strategic Planning		
Clause 32 Objectives		
The objectives of this plan in relation to urban development are: (a) to facilitate the orderly and economic provision and development of land,	YES	The site has been identified by Council for Urban Expansion and is recognised in its Urban Settlement Strategy as being a logical area for growth.
(b) to facilitate the economic provision and use of utility services,	YES	An Infrastructure Services Report accompanies the EA and details the nature of augmentation works required to service the proposed development and summarises the extent of

		consultation undertaken between the Proponent and the various utility authorities.
(c) to facilitate the economic provision of community and welfare services,	YES	<p>The site has access to adequate physical infrastructure. Furthermore it will contribute to the provision and augmentation of community infrastructure and facilities by virtue of its section 94 contributions.</p> <p>Access throughout the development is provided via a network of roads, pedestrian and cycle paths. The road network has been designed to be "public transport ready" by providing a catchment of population within walking distance of potential bus stops.</p> <p>The site has ready access to a range of district and regional shopping facilities, education, health and aged care services.</p>
(d) to minimise the impact of development on the natural environmental quality of the region, and	YES	<p>The Proponent has incorporated a range of design features and mitigative measures to protect the natural environmental quality of the area including the establishment of conservation areas and riparian zones which will be revegetated and protected in perpetuity. A comprehensive WSUD system to ensure that the quality of urban run off from the site does not adversely affect the Wetland, the ICOLL or ultimately the waters of the Batemans Bay Marine Park.</p>
(e) to encourage a diversity of urban roles, functions and character.	YES	<p>The proposed development will contribute to the project dwelling requirements for Eurobodalla as set out in the South Coast Regional Strategy. The concept also makes provision for a limited amount of retail / commercial floor space to service the daily needs of the new community.</p>
Division 2 Residential Development		
Clause 34 Objective		
The objective of this plan in relation to residential development is to promote the provision of a range of adequate, affordable and suitable housing to meet the needs of the region's population.	YES	<p>As indicated previously in this report the subdivision concept makes provision for a range of lot sizes across the site which will facilitate the future development of a residential community comprising a range of housing types, including affordable housing to meet the needs of the regional population.</p>

Provisions of EPI	Comply	Consideration
Eurobodalla Rural Local Environmental Plan 1987		
(a) to encourage orderly and proper development within the Shire of Eurobodalla;	Yes	The site has been identified by Council for Urban Expansion and is recognised in its Urban Settlement Strategy as being a logical area for growth.
(b) to identify zones where particular classes of development are most likely to be	Yes	In addition to the above, the Department's South Coast Strategy and the Independent

appropriate, having regard to the environmental characteristics of the area, servicing and access requirements and constraints, and the characteristics of the development;		Panel Review of Sensitive Urban Lands acknowledge the environmental constraints relevant to future development of the site and the site has been found to be suitable for urban development.
(c) to optimise the use of existing services and infrastructure and promote the efficient provision of any services and infrastructure in future in accordance with the intensity and type of development proposed for the area;	Yes	An Infrastructure Services Report accompanies the EA and details the nature of augmentation works required to service the proposed development and summarises the extent of consultation undertaken between the Proponent and the various utility authorities.
(d) to ensure that provision is made for public amenities, public services and community facilities early in the process of development;	Yes	The Proponent has acknowledged that the proposed development will attract contributions under Section 94 of the Act. Council has confirmed in writing (9 October 2007) that the details of the contributions will be determined as part of its assessment of any future development applications.
(e) to ensure that no development on any land is likely to jeopardise the future orderly and economical development of the land or land in its vicinity;	Yes	This site has long been identified for urban development and is acknowledged in various strategic planning documents including the Department's South Coast Regional Strategy and Council's Urban Settlement Plan.
(f) to provide a broad, long-term framework of planning controls based on a strong emphasis on general, particular and zone specific statements of objectives and strategies in concert with development control plans giving expression to detailed planning provisions.	Noted	
Clause 11: Zone objectives and development control table		
Zone No 10 (Urban Expansion Zone) 1 Objectives of zone (a) to identify areas within which urban development may be accommodated, (b) to ensure that consideration is given by the Council to: (i) the impact of urban development on the physical environment, (ii) the social and economic impact of urban development, (iii) the range and pattern of land uses appropriate to the land, (iv) the limits of urban development within the urban expansion zone in view of the fact that urban development will not necessarily proceed over all of the land within this zone, (v) the extent, range and capacity of services to be provided to the land and the economic, social and environmental cost of providing those services, (c) to ensure that adequate services and community facilities are provided with development especially but not exclusively within residential areas within this zone, (d) to ensure that no development is permitted within this zone which would, in the view of the	YES	<p>The subject site has been identified as being appropriate for urban expansion.</p> <p>The Environmental Assessment includes a comprehensive analysis of the opportunities and constraints relevant to the site, which has determined the developable area for which Concept Approval is sought.</p> <p>The EA acknowledges that the proposed development will generate demand for additional infrastructure and services, some of which will be provided by the proponent as part of the proposed development, some of which will be addressed via Section 94 Contributions.</p> <p>The developable area identified in the application and the subdivision proposal seeks to preserve the sensitive environmental features, such as the Bevia Wetland in the southern part of the site, various archaeological sites and areas of high scenic or scientific value.</p>

<p>Council, jeopardise the future use of any of the land within this zone for urban purposes, and (e) to ensure that sensitive environmental features, including wetlands, archaeological sites and areas of high scenic or scientific value, are identified and permanently conserved.</p> <p>2 Without development consent Agriculture (other than animal boarding, breeding or training establishments, building structures ancillary to agriculture, feed lot establishments, activities involving land clearing, pig keeping establishments and poultry farming establishments).</p> <p>3 Only with development consent Any purpose other than a purpose permitted without development consent.</p> <p>4 Prohibited Nil.</p>		<p>The majority of the proposed residential subdivision and the areas identified for commercial uses and open space are located in the portion of the site zoned Urban Expansion. The subdivision of land and subsequent erection of dwelling houses is permissible with consent.</p> <p>The proposed development would satisfy the objective of providing for new residential areas, and provides for an appropriate range of housing due to the variety of lot sizes.</p>
<p>Zone No. 1(c) Rural Small Holdings 1. Objectives of the Zone</p> <p>The objectives of this zone are:</p> <ul style="list-style-type: none"> (a) to provide opportunities for small scale agricultural activity; (b) to provide residential opportunities while retaining the scenic quality and overall character of the land and the environmental quality of any adjoining waterways, wetlands, rainforest or other environmentally sensitive areas; (c) to ensure that environmental impacts of development and the impact of development on land or activity in surrounding zones are fully considered in advance of any significant development; (d) to ensure that development is compatible in scale and density with the level of essential public services and facilities to be provided; (e) to permit a variety of uses where these are compatible with small scale rural activity or require a location outside urban areas or villages; and (f) to permit the provision, expansion or maintenance of utility services within this zone. <p>2. Without development consent Agriculture (other than animal boarding, breeding or training establishments, building structures ancillary to agriculture, feed lot establishments, activities involving land clearing, pig keeping establishments or poultry farming establishments), forestry (only on Crown timber land as defined in the Forestry Act 1916).</p> <p>3. Only with development consent Any purpose other than a purpose permitted</p>	<p>YES</p>	<p>The proposed development provides residential opportunities while retaining the scenic quality and overall character of the land and the environmental quality of the area, which has been achieved through a thorough site analysis and identification of a net developable area.</p> <p>Subdivision constitutes a permissible use in the zone. Whilst approval is not sought at this stage for built form, dwelling houses too are permissible with consent in the Rural 1(c) zone.</p>

without development consent or a purpose which is prohibited.		
<p>4. Prohibited</p> <p>Boarding houses, bulk stores, car repair stations; commercial premises; hotels; industries (other than extractive industries or rural industries); junk yards; liquid fuel depots; motor showrooms; residential flat buildings; service stations; shops (other than general stores); tourist accommodation (other than in conjunction with a recreation establishment or tourist recreation facilities); warehouses; waste management facilities.</p>		
<p>Zone No. 7(a) Environmental Protection (Wetlands)</p> <p>1. Objectives of the Zone</p> <p>The objectives are:</p> <p>(a) to protect freshwater and estuarine wetlands and enable them to continue to function and breeding and feeding areas for birdlife, fish and shellfish,</p> <p>(b) to ensure the ecological, scenic and environmental attributes of functioning wetlands are not altered,</p> <p>(c) to encourage and promote rehabilitation of previously disturbed wetlands, and</p> <p>(d) to contribute to the implementation of SEPP 14 – Coastal Wetlands.</p> <p>2. Without development consent</p> <p>Nil</p> <p>3. Only with development consent</p> <p>Agriculture, public utility installations, recreation areas; roads; telecommunications facilities, utility installations.</p> <p>4. Prohibited</p> <p>Any purpose other than a purpose permitted without development consent or a purpose which is permitted only with development consent.</p>	YES	<p>Within the 7(a) zone it is proposed to carry out landscape works and a pedestrian pathway to provide access to various vantage points to view the Wetland. Such works are permissible as they constitute structures for recreation purposes. Subject to appropriate location, the works can be consistent with the objectives of the zone. Such works will be the subject of separate applications to be submitted to Council for consideration.</p>
Clause 12: Subdivision generally		
Land to which this plan applies shall not be subdivided except with the consent of Council	YES	The Proponent has submitted a Concept Plan application for approval to subdivide the site however subsequent development applications will be required to be submitted to Eurobodalla Shire Council for detailed subdivision and subsequent development of the land.
Clause 17: Subdivision of Land within Zone 1(c)		
<p>(1) This clause applies to land within Zone No. 1(c).</p> <p>(2) Before determining a development application for the subdivision of land to which this clause applies, the Council shall examine:</p> <p>(a) the consequences of carrying out that development on the pattern of land use</p>	YES	<p>The land use pattern has been designed to accommodate smaller lots than traditionally achieved in the area (ranging in size between 558 and 3,665sqm). The larger lots are located adjacent to the property boundary where they interface with similarly zoned land in the Barlings Drive subdivision.</p> <p>The topography of the land has been a</p>

<p>within the zone;</p> <p>(b) the topography of the land with regard to:</p> <p>(i) the siting of dwelling-houses; and</p> <p>(ii) the relationship of those dwelling-houses to one another and the topography of the land;</p> <p>(c) the risk of bushfires;</p> <p>(d) the risk of flooding; and</p> <p>(e) the likely impact of the proposed development on any wetland, waterway, forest or significant natural or cultural environmental feature or values.</p> <p>(3) The Council shall not consent to the subdivision of land to which this clause applies unless it is satisfied that each lot to be created by the subdivision will have an adequate area, having regard to –</p> <p>(a) the means available to provide water reticulation, and if unavailable, the capacity of the land to provide an adequate domestic water supply, including a firefighting capacity;</p> <p>(b) the ability of the land to accommodate septic disposal of household waste;</p> <p>(c) the standard and capacity of public roads serving the land relative to the likely volume of traffic to be generated as a consequence of development within the subdivision, and the means available to improve roads to a standard appropriate to the level of traffic likely to be generated;</p> <p>(d) the availability of other utility services and social services relative to the likely demand for those services and the cost of their provision;</p> <p>(e) the nature and topography of the land as related to the density of subdivision;</p> <p>(f) the desirability of maintaining a low density of development in the primary catchments of wetlands or other areas where intensive subdivision may create a significant risk of soil erosion or pollution of the environment;</p> <p>(g) the desirability of providing a range and mix of allotment sizes;</p> <p>(h) the need to maintain a semi-rural character in the area;</p> <p>(i) the purpose for which the land is proposed to be used after subdivision; and</p> <p>(j) any other matter identified by the Council consistent with the objectives of this plan.</p>		<p>determining factor in the subdivision design. However further detailed analysis of the topography, siting of future dwellings and the relationship between dwellings will be provided as part of any future applications to Council.</p> <p>A Bushfire Protection Assessment has been submitted as part of the EA documentation, the recommendations of which have been reviewed by the Rural Bushfire Service and found to be satisfactory.</p> <p>A Flood Study forms part of the EA documentation and the concept subdivision has been designed to address flood behaviour and the requirements of flood risk management detailed in the Floodplain Development Manual.</p> <p>The likely impact on the Bevia Wetland has been assessed and it is considered that such impacts will be within reasonable limits and that the environmental integrity of the Wetland will be largely preserved, through the creation of appropriate buffers around the perimeter; and the implementation of a comprehensive water management plan which will ensure that the water quality of the Bevia Wetland will be maintained and improved.</p> <p>A Services and Infrastructure report accompanies the EA and addresses the capacity and requirements of the development for sewage, water and electricity.</p> <p>Requirements for further detailed information are recommended as part of the development assessment requirements for any subsequent project or development applications associated with the Concept Plan.</p> <p>A Traffic Report accompanies the EA and concludes that the proposed development will have no significant adverse impact on the operation of the local road network.</p>
<p>Clause 18: Dwelling Houses within Zone 1(c)</p>		
<p>(1) This clause applies to land within Zone No. 1(c).</p>	<p>Noted</p>	<p>The Concept Application does not seek approval for built form. The Proponent will be</p>

<p>(2) A dwelling-house shall not be erected on land to which this clause applies, except with the consent of the Council given in accordance with this clause.</p> <p>(3) The Council may consent to the erection of one or more dwelling-houses on land to which this clause applies which comprises an allotment or portion.</p> <p>(4) When considering any application for the erection of a dwelling-house on land to which this clause applies, the Council shall consider the consequences of carrying out that development on the pattern of land use within the zone.</p> <p>(5) The Council shall not consent to the erection of more than one dwelling-house on an allotment or portion pursuant to subclause (3) unless it has examined the matters set out in clause 17(2).</p>		<p>required to submit development applications for detailed development of the site including the built form on each allotment.</p>
<p>Clause 23: Development within Zone 10</p>		
<p>(1) This clause applies to land within Zone No 10.</p> <p>(2) Before determining an application for development on land to which this clause applies, the Council shall consider the consequences of carrying out that development on the pattern of land use within the zone.</p> <p>(3) Any development application for consent to subdivision of land to which this clause applies shall be accompanied by a statement relating to the likely impact of that development on the environment and any steps proposed to be taken to mitigate any likely adverse environmental impact, with particular emphasis on the following matters:</p> <ul style="list-style-type: none"> (a) the relationship of the development to the pattern of land use of the surrounding land, (b) proposed arrangements for the provision of sewerage and water supply to the land, (c) the nature and topography of the land, (d) the social and economic effects of the development, particularly with regard to the cost of the provision of services, (e) the likely impact on local and major roads of traffic likely to be generated by the development, (f) an assessment of the likely bushfire and flooding risks and any other risk likely to be encountered on the land. 	<p>YES</p>	<p>The pattern of land use of adjoining lands has been considered in the concept plan design. The EA is accompanied by a Services Infrastructure Report which details the consultation conducted to date with utility service authorities and confirms the extent of works required to accommodate a development of this scale. Further detailed information will be required as part of any future application to Council for infrastructure works and development of the site.</p> <p>The concept plan has been designed in an effort to minimise the extent of cut and fill required. Notwithstanding, detailed information about the quantum of cut and fill will be required to accompany future applications for development on the site.</p> <p>The proposed development can reasonably be expected to result in a number of positive social and economic impacts:</p> <ul style="list-style-type: none"> • Provision of future infrastructure in the area (S94 contributions) • Provision of additional housing stock which will assist in meeting current targets (DoP South Coast Regional Strategy) • Providing employment during the construction phase as well as permanent employment in the maintenance of on-site facilities • Creating critical mass for public transport and the provision of other goods and

		<p>services required by a permanent residential population.</p> <p>The traffic impact report that accompanies the EA concludes that the proposed development will not have any substantive impact on the operation of the existing road network. Furthermore Council has raised no objection to the proposal on the grounds of traffic generation.</p> <p>A Bushfire Risk Assessment has been prepared and the Rural Fire Service has raised no objection.</p>
Clause 24: Development on Major Roads		
<ul style="list-style-type: none"> • In this clause - "major road" means any main road or arterial road or any other road which in the opinion of the Council carries or is likely to carry a significant volume of vehicular traffic. <p>(2) This clause applies to land –</p> <ul style="list-style-type: none"> (a) having a frontage to a major road; (b) which relies on a major road for sole direct means of access; or (c) which has direct access to another road at a point less than 90 metres from that road's junction with a major road; <p>(3) The Council shall not consent to development on land to which this clause applies unless it is satisfied that –</p> <ul style="list-style-type: none"> (a) the development, by its nature, intensity or the volume and type of traffic likely to be generated, is unlikely to constitute a traffic hazard or to materially reduce the capacity and efficiency of the major road; (b) the development is of a type, whether or not related to the characteristics of the land on which it is proposed to be carried out, that justifies a location in proximity to a major road; (c) the location, standard and design of access points, and on-site arrangements for vehicle movement and parking, ensure that through traffic movements on the major road are not impeded; (d) the development will not prejudice future improvements or realignment to a major road as may be indicated to the Council from time to time by the Commissioner for Main Roads, or any associated intention to declare part of a road as a State highway or freeway, within the meaning of the State Roads Act 1986; 	<p>YES</p>	<p>George Bass Drive is an unclassified regional road.</p> <p>The proposed Concept Plan seeks approval for two (2) access roads to service the site, known as the northern and southern access roads. In response to issues raised by both the community and Council during the consultation process, the Proponent has relocated the southern access road into the site from the western side of the Bevan Wetland, to the eastern side of the Wetland, immediately adjacent to the Tomakin STP. Council has endorsed the amended route and DECC and DWE have raised no objection, subject to a range of modifications which have been incorporated, as appropriate in the Concept Approval.</p> <p>The detailed design of both the proposed intersections with George Bass Drive will be the subject of future applications and constructed to satisfy Council's requirements.</p>

<p>(e) the development will not prejudice future improvements or realignment to a major road, particularly with regard to the number of access points to main roads; and</p> <p>(f) the views of the local traffic committee or Regional Advisory Committee (as appropriate) have been obtained and considered by the Council.</p>		
<p>Clause 25: Conservation of items of environmental heritage</p>		
<p>The objectives of this plan in relation to heritage are:</p> <p>(a) to conserve the environmental heritage of Eurobodalla Shire, and</p> <p>(b) to conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items and heritage conservation areas, and</p> <p>(c) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and</p> <p>(d) to ensure that the heritage conservation areas throughout Eurobodalla Shire retain their heritage significance.</p>	<p>Noted</p>	<p>The LEP does not identify any items of environmental heritage on the subject site.</p> <p>Notwithstanding the above, the Proponent has submitted an assessment of the likely impact of the proposed development on both European and Aboriginal heritage.</p> <p>The report makes a number of recommendations for the management of items of cultural heritage which may be revealed during the course of development. The Proponent has incorporated these in the Statement of Commitments.</p>
<p>Clause 28A: Development affecting places or sites of known or potential Aboriginal heritage significance</p>		
<p>Before granting consent for development that is likely to have an impact on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance, the consent authority must:</p> <p>(a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and</p> <p>(b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such way as it thinks appropriate) and the Director-General of National Parks and Wildlife of its intention to do so and take into consideration any comments received in response within 28 days after the relevant notice is sent.</p>	<p>YES</p>	<p>As indicated above, a Cultural Heritage Assessment report accompanies the EA. Three (3) surface Aboriginal archaeological sites and 8 subsurface deposits were identified.</p> <p>Based on an analysis of the types of artefacts recovered from the site, the consultants conclude that the site does not appear to have been a major focal point for Aboriginal occupation. It appears to relate to mobile hunting and foraging and short-term logistical camping activities.</p> <p>The Proponent has also consulted with the local Aboriginal stakeholder groups in accordance with the DECC draft Guidelines for Aboriginal Cultural Impact Assessment and Community Consultation.</p>

APPENDIX C

COMPLIANCE WITH DCPS AND OTHER PLANS AND POLICIES

Development Control Plan 160 – Rosedale Urban Expansion Zone		Comply	Consideration
Clause 6 Objectives and Strategies			
General			
(i)	to encourage the orderly and economic development of the land, taking into account all relevant physical, social and economic considerations.	Yes	The site has been investigated by both the Department and Council for its suitability to accommodate urban development and has been subsequently zoned for such purpose. The proposed concept layout responds to the opportunities and constraints applicable to the site and identifies a development horizon of 10-15 years for the completion of the project, which will contribute to the 10,700 new dwellings forecast for the Eurobodalla LGA over the next 25 years (South Coast Strategy 2007).
(ii)	to provide the basis for integrated land use patterns, both between individual precincts of the site and adjoining lands.	Yes	The pattern of land use across the site reflects the physical constraints and the environment capacity of the land – more dense housing is proposed at the southern end of the site, graduating to a medium density across the centre, with the lowest density (more rural in character) at the northern end. A spine road connects the various precincts and provides connectivity to the surrounding areas external to the site.
(iii)	to provide guidelines to developers as to the features to be embodied in any development of the site.	Yes	A set of draft Urban Design Guidelines has been submitted as part of the EA documentation which provides guiding principles for the development in both the public and private domain. It is anticipated that the final Urban Design Guidelines will be refined and will ultimately be adopted by Council as a site specific Development Control Plan.
Urban Capability – Development Density			
(i)	to ensure that development is cognisant of the urban capability constraints inherent in the site.	Yes	The site has been subject to detailed site analysis which has determined the extent of developable land.
(ii)	To prevent development in areas required for drainage purposes and other hazardous areas.	Yes	Drainage corridors and riparian zones have been mapped and have been identified as constraints to development.
(iii)	to allocate densities of development that recognise the abovementioned urban capability constraints.	Yes	The cumulative environmental, physical and ecological constraints on the site result in a total yield of 792 residential lots. The DCP provides for a minimum lot size of 4000sqm for larger lots and 600sqm for the remainder. The concept proposal seeks approval for lots as small as 450sqm in certain areas, up to more

than 8,000sqm in more sensitive locations. This non-compliance with the numerical controls set out in the DCP is discussed in Section 3.8.4 of the DG's assessment report.

Environmental Protection		
(i)	to ensure the recognition and protection of significant environmental features, primarily those related to the landscape, vegetation and wetland areas.	Yes The development concept plan has generally recognised and protected significant environmental and landscape features across the site – the knoll in the centre of the site, ridgelines, drainage lines and watercourses.
(ii)	to ensure that development strategies consider the landscape impact of development from both external and internal viewpoints.	Yes Notwithstanding the size of the site, the visual impact of the future residential development will be naturally mitigated by virtue of the: <ul style="list-style-type: none"> • Topography • Existing vegetation • Proposed revegetation works to be undertaken by the Proponent • Scale of future development (2 storey, domestic scale) • Landscaped area controls embodied in the draft Urban Design Guidelines which it is anticipated will ultimately be adopted by Council as a DCP to guide ongoing development of the site.
(iii)	to retain prominent landscape features in as near as possible to their natural state, and where appropriate to encourage natural regeneration of indigenous species.	Yes Prominent features such as the Wetland and the knoll have been retained in the concept scheme and will become scenic features within the development. Substantial areas of open space will be revegetated using native species endemic to the area.
(iv)	to create visually "self contained" precincts with a tangible identity imparted by the undeveloped ridgelines surrounding each.	Yes A combination of undulating topography and vegetation (largely external to the site) creates a series of viewsheds across the site within which the proposed development will occur.
Housing		
(i)	in the context of identified urban capability constraints and environmental protection considerations, to provide for a variety of housing choice (generally via allotment size, orientation and location) whilst retaining the overall flexibility of the development plan.	Yes A variety of lot sizes is proposed, ranging between 450 – 1600sqm in the southern (most densely developed precinct); 450 – 1700sqm through the central part of the site; and 750 – 8,550sqm in the northern area which has the most "rural" character.
Access		
(i)	to ensure that safe and convenient vehicular access is provided to the site from the adjoining road hierarchy.	Yes The proposed location of the southern access road has been adjusted from the western side of the Wetland to the eastern side (adjacent to the STP), following concerns raised by Council in relation to the safety of creating a new intersection at Bevan Road / George Bass Drive. The new location adjacent to the STP has a number of advantages including improved sightlines (and therefore traffic safety) as well as rationalising the number of

		intersections in this section of George Bass Drive. Council has confirmed that the new location is preferred.
(ii)	to encourage internal traffic circulation that will discourage through traffic, minimise vehicle speeds within the estate and provide for safe and convenient movement throughout by residents and visitors.	Yes The concept plan adopts a central spine road which provides a through connection to George Bass Drive at the southern end (adjacent to the Wetland) and northern end of the site. Various mechanisms are proposed to be incorporated in the road design to control traffic movement – lane widths, spatial arrangements of intersections, on street parking, etc. Detailed road design will be the subject of subsequent development applications submitted to Council.
(iii)	to minimise the impact of roads upon significant landscape features throughout the site and avoid any hazardous (eg. steep / erodible) areas.	Yes Where possible the road layout follows site contours. Detailed road design will be the subject of subsequent development applications submitted to Council and will be required to satisfy relevant standards.
(iv)	to integrate minor roads in the estate with the proposed pedestrian network and to encourage provision of cycleways within the development.	Yes Minor roads will carry low traffic volumes and as such it is considered appropriate that a shared vehicle / cycleway arrangement is appropriate. Formal cycle paths will be incorporated into the pedestrian network to minimise potential for vehicle conflict.
(v)	to consider improvements to the existing road hierarchy that can be facilitated as a result of development of the subject land.	Yes The Preferred Project Report submitted by the Proponent reflects the outcomes of discussions with Council (resulting in a resolution of Council to dedicate a 20m wide strip of Council owned land, currently part of the Tomakin STP) relocating the proposed southern access road to the site to the eastern side of the Bevia Wetland. This arrangement results in the rationalisation of the number of intersections in this section of George Bass Drive and represents the optimal location in terms of sightlines and traffic safety. The proposed northern access road to / from the site will intersect with George Bass Drive at Bevia Road. This arrangement also enables a future connection from the site along Burri Road to connect to Malua Bay Road.
Open Space – Pedestrian Networks		
(i)	to provide for the permanent protection of significant landscape features by the designation and dedication of such areas as public open space.	Yes Significant landscape features / areas of open space on the site will be protected by community title.
(ii)	to provide opportunities for public and private active recreation within the subject land, and to ensure that such areas are readily accessible to the community.	Yes The concept design incorporates two large areas of open space and a series of smaller areas of common open space which are generally centrally located within the residential precincts, all of which will be readily available to the wider community.

- (iii) to ensure that major open space areas are interconnected with a system of pedestrian routes along drainage reserves, minor roads and other areas of open space, to provide safe and contiguous access to ridgelines, active open space areas, beach areas (via the existing settlement) and recreational facilities.

Yes

Open space across the site is linked via the road / footpath network as well as dedicated pedestrian paths across the site.

Buffer Areas

- (i) to protect visual amenity for the users of George Bass Drive.

Yes

The proposed development is not expected to be highly visible from George Bass Drive because of:

- physical separation imposed by the Wetland and the required buffer thereto; and
- existing vegetation.

- (ii) to provide visual screening from George Bass Drive for residents.

Yes

George Bass Drive is not directly visible from the site. Notwithstanding supplementary planting will be implemented as part of the vegetation regeneration works around the wetland, thereby eliminating any possibility of George Bass Drive adversely impacting on the visual amenity of future residents.

An acoustic study has been prepared as part of the EA documentation which examines the potential impact of traffic noise within the development and indicates that an appropriate means of mitigating such impacts is via internal design of dwelling layouts and / or other architectural treatments.

- (iii) to minimise the effect of road noise on residents.

Yes

The consultant's report notes that additional analysis of existing and future (ie. with development) noise levels will be required in relation to existing residences on George Bass Drive and on Bevan Road close to George Bass Drive. This requires classified traffic counts on George Bass Drive (15 hours daytime + 9 hours night time). The Proponent has indicated that this work will be undertaken to accompany development applications for earthworks and built form which will be submitted to Council for assessment of appropriate mitigation measures.

A requirement to provide further detailed information is recommended as part of the development assessment requirements for any subsequent project or development applications associated with the Concept Plan.

Drainage		
(i)	to encourage the recognition that drainage lines are potentially hazardous from an erosion and flooding point of view and that development must be carefully controlled in such areas.	Yes A Water Management strategy accompanies the EA which is based on a Water Sensitive Urban Design approach. Drainage lines have been mapped and identified as constraints to development.
(ii)	to ensure that as a result of development, there is minimal adverse impact in terms of the water volume, velocity and quality downstream.	Yes The Water Management Strategy makes provision for storage and promotes infiltration to runoff to balance the surface / subsurface flows and slow down flows to closely mimic (or improve on) existing conditions.
(iii)	to give particular emphasis to consideration of the potential impact on Saltwater Creek and Bevia Swamp for reasons of the protection of the recreational and ecological resources respectively.	Yes Implementation of the Water Management Strategy is expected to improve the stability, natural function and water quality within both Saltwater Creek and the Bevia Wetland.
(iv)	to encourage the joint use of drainage reserves as integral parts of the open space and pedestrian network within the estate.	Yes Riparian corridors will be rehabilitated and revegetated and where appropriate will be integrated into the open space network across the site.
(v)	to cater for runoff from private and public land efficiently and economically in terms of both construction and maintenance.	Yes Rainwater tanks will be used to collect runoff on individual dwelling lots, together with bio-retention rain gardens on selected lots to facilitate infiltration, treat and slow down runoff from paved areas.
Public Utilities and Amenities		
(i)	to encourage the economic and efficient use of available public utilities.	Yes Urban development has been contemplated on the subject site for a number of years and Council's infrastructure program reflects this.
(ii)	to recognise the limits imposed by the existing water supply system.	Yes The Water Management Strategy has been designed in cognisance of constraints imposed by the existing water supply and therefore proposes to use rainwater collection tanks for each dwelling and rain gardens on selected lots.
(iii)	to consider and provide for the needs of the community in terms of the commercial and community facilities and amenities that may be required in the future. It should be noted that such needs will change over time and need to be continually monitored.	Yes The Concept Plan makes provision for a limited amount of commercial / retail floor space. This is provided in a small area at the southern end of the site (comprising some 11 lots). It is noted that in the first phase of development on the site the retail component is limited to a single general store (approx. 100sqm) to cater for the daily convenience shopping needs of the new community. However, as development continues and the population expands it is anticipated that a small cluster of neighbourhood shops could be developed in this location, none of which are intended to exceed 100sqm. This will be the subject of separate development applications to Council.

9.2 Uses

Council views the Rosedale village as essentially providing a residential function, comprised of both permanent and "weekend" residents. As such, it does not favour the establishment of any industrial or major commercial areas on the subject land. However it is envisaged that a neighbourhood shopping centre, with a maximum gross floor area of 1500sqm could be accommodated.

Yes As above.

In determining the location of such a neighbourhood commercial centre the following criteria are applicable:

- (i) commercial activity will only be permitted in one location;
- (ii) if a centre is proposed it needs to be centrally located to serve the whole of the land affected by this Plan. Therefore a location near an estate collector road is desirable; and
- (iii) a commercial centre on George Bass Drive will not be permitted.

Yes As above.

9.3 Access

- (i) direct private access from individual properties to George Bass Drive will not be permitted.

Yes

No direct access from individual properties within the development is proposed.

- (ii) a collector road will serve the site, generally in the location shown on the attached plan (east of the Bevan Wetland). Council may approve variations to the road position without the necessity of amending the Plan, where such road designs are to the satisfaction of Council and consistent with the aims and objectives of the Plan. This collector road must be capable of providing a future link via Burri Road to Old Malua Bay Road.

Yes

Council, at its meeting of 24 June 2008 resolved to dedicate a 20 metre wide strip of land within Lot 5 DP 264630 (Council's STP) to facilitate the construction of the primary southern access road to / from the proposed development.

The collector road through the site is capable of providing a connection to Burri Road / Malua Bay Road.

- (iii) intersections with George Bass Drive shall be to the satisfaction of the Shire Engineer. The developer will be responsible for the construction of these intersections.

Noted

The detailed intersection designs will be the subject of future applications submitted to Council for determination.

- (iv) all subdivisional roads shall be to standards detailed in Development Manual 1 – Subdivision Guidelines.

Noted

As above.

- (v) any existing superfluous road reserves shall be closed and consolidated within allotments or open space areas.

Yes

There are a number of Crown and Council road reserves located within the site boundaries. Both Council and the Department of Lands have agreed in principle to the reconfiguration of the main collector road through the site and the subsequent closure and sale / transfer of these portions of defunct road reserves to the Proponent.

(vi) the land lends itself to access for cyclists, and cycleways should be provided on- or off-road, with links across George Bass Drive to the destinations of Rosedale Beach, Barlings Beach and via Council's land to Tomakin and Tomakin Beach.	Yes	Cycle planning has been incorporated into the subdivision design and is integral to both the road and pedestrian networks.
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9.4 Limits to Development

(i) the major areas of open space that should be dedicated to Council upon development are shown on the attached plan.	Noted	All areas of open space within the development site will be community titled.
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(ii) development plans for each precinct must incorporate areas for local open space. Drainage lines should be included as open space but not to the exclusion of other areas. It is emphasised that such open space is to be usable by the public and consideration should be given to the setting aside of areas for playground, playing fields and the like.	Yes	The Concept Plan makes provision for a series of local open spaces associated with each of the residential neighbourhoods. Areas of open space have also been incorporated adjacent to the riparian zones associated with the natural drainage lines across the site. These areas also take in a number of significant landscape features including the central "knoll" and other high points.
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Drainage Lines

DAs for subdivision shall be accompanied by a drainage study prepared by a suitably qualified engineer approved by Council to determine the measures necessary to protect development and adjoining land from flooding hazards. These measures shall be in accordance with Council's standards.	Yes	A Flood Impact Assessment and Water Management Report form part of the EA documentation. The Flood Assessment concludes that the Concept Plan has been designed to address flood behaviour and the requirements of flood risk management in the Floodplain Development Manual (2005). As such the report concludes that none of the proposed lots would be subject to inundation.
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Further specialist advice would be required to be submitted to Council as part of any subsequent development applications for development on the site.

"No Development" Areas

(i) "No development" areas have been determined based on slope, drainage constraints and visual sensitivity. They may be included in private allotments, but should not be used for the erection of any buildings or structures, including swimming pools, tennis courts, shade houses and the like. Vehicular access through these areas may be considered.	No	Isolated parts of the site identified in the DCP as being "no development" areas are proposed to be included in the residential subdivision. In the majority, the steeper parts of the site have been incorporated in the open space network. However, in the limited instances where residential subdivision is proposed on steeper parts of the site, the lot layout and configuration generally allows for the creation of an appropriately level area for the siting of future dwellings.
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(ii) fences of an open mesh style may be erected. Solid fences or walls, including paling, metal, asbestos sheet, brick, concrete blocks and the like should not be erected in "no development" areas.	Noted	This level of detail will be addressed as part of future development applications submitted to Council.
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Visual Conservation Area

The VCA marked on the map has been determined based on significant visual amenity, elevated nature of the land and slope. The objectives of the VCA are:

- (i) to maintain and embellish the existing visual amenity of this elevated land;
- (ii) to protect the existing skyline from building intrusion;
- (iii) to preserve existing vegetation; and
- (iv) to provide opportunities for landscape planting both on private allotments and within that land designated as open space.

Yes

The opportunities and constraints associated with this site were mapped and analysed in cognisance of the DCP provisions pertaining to the preservation of the high points across the site. This is reflected in the open space provision which incorporates the knoll and other ridgelines.

Subdivision design in this area must incorporate larger allotments to reduce the effect of development on visual amenity. Lot sizes will have an area of not less than 1300sqm.

Yes

The majority of the Visual Conservation Area has been included as part of the open space network and will not include residential development.

Special consideration must be given in subdivision designs to ensure that roads are proposed that require minimum cutting and excavation. Proposed roads producing visible excavation scars on the hill slopes will not be permitted.

Noted

The road layout shown on the Concept Plan generally follows the site contours

Any proposed subdivision will need to establish, by way of identified RL, the highest point a building may reach whilst maintaining uninterrupted sightlines to the ridgeline and associated open space from surrounding land. Typical cross sections of that land being developed will need to accompany any subdivision application. Additionally a building envelope will need to be identified on the subdivision application for each lot created to allow proper assessment of the effects of building.

Noted

It is anticipated that this level of information will be submitted to Council as part of any subsequent development application which seeks approval for subdivision and built form.

Subdivision applications must demonstrate the buildings can be accommodated without jeopardising the visual amenity of the area by protruding above the ridge sightlines or by excessive excavation of the land. Buildings in the VCA should be designed so as to require minimal excavation and this should be reflected in subdivision designs.

Noted

As above.

A landscape plan is required to accompany any subdivision application. Such a plan should address landscaping along the ridges identified in the DCP as open space as well as any proposed subdivision. Landscaping of the open space may be required as a condition of subdivision consent.

Noted

A landscape concept plan has been submitted as part of the EA documentation for information only. It is anticipated that Council will require detailed landscape plans to be submitted as part of any future applications for subdivision and built form.

9.5 Density, Height and Car Parking

- (i) for detached dwellings on the majority of the land a minimum area of 600sqm / lot will apply.

No

A variety of lot sizes are proposed, ranging from 450 – 1,600sqm in the southern part of the site; 450 – 1,750sqm through the central area; and between 750 and 8,550sqm in the northern part of the site.

		Although some lot sizes are smaller than the DCP requirements, they are considered to be consistent with the recommendations of the Sensitive Urban Lands Review, the South Coast Regional Strategy and the Eurobodalla Settlement Strategy. Furthermore, Council has given in principle support to the range of lot sizes, provided the minimum is not less than 450sqm.
The plan attached hereto delineates sectors of the site where larger allotments are required. In these areas a minimum area of 4000sqm will apply. Where sewer is proposed to service lots within this area the 600sqm minimum will apply but subdivision design must take into account all constraints pertaining to the land.	Yes	As indicated above, the northern part of the site has been designed to reflect a more "rural" character and as a consequence the proposed lots are larger, ranging between 750 – 8,550sqm. All allotments within the proposed development are intended to be connected to sewer.
No building should be sited on land with slope greater than 25%.	Noted	Isolated parts of the site have been identified as having slopes in excess of 25%. For the most part these areas are included as part of the open space network or riparian zones associated with site drainage. However, in the limited instances where residential subdivision is proposed on steeper parts of the site, the lot layout and configuration generally includes an appropriately level area for the siting of future dwellings.
(ii) Medium Density Development (townhouses, villas etc)	N/A	The concept plan does not contemplate this form of development.
(iii) Height of Buildings		
All buildings in the area covered by this plan shall comply with Council's Policy on heights of dwelling houses, namely:		
(a) no building shall exceed a maximum height of 7.5m measured from highest natural ground level at the wall of the building to the top of the building (excluding chimneys, antennae and plumbing stackwork);		The Draft Urban design Guidelines submitted as part of the EA documentation restrict the height of future built form to a maximum of two storeys.
(b) no building shall exceed a maximum height of 9m measured from the lowest natural ground level at the wall of the building (excluding chimneys, antennae and plumbing stackwork);	Noted	The Proponent does not seek the Minister's approval for the Design Guidelines as part of the Concept Plan, rather it is anticipated that the Design Guidelines will be the subject of further discussion between the Proponent and the Council and will ultimately be adopted as a site specific DCP once agreement as to the detailed controls can be reached.
(c) provided that at all times a line drawn vertically through the building at any point does not intersect more than two floors. For the purpose of this clause floor includes any habitable area, car parking area, storage area or similar but does not include any areas having a vertical measurement not exceeding 1.5m between the lowest floor level and finished ground level.		

(iv) Car Parking

Any dwelling house which is sited on land fronting a road less than 20m in width shall provide a minimum of 2 parking spaces per dwelling on site.	Noted	It is anticipated that Council will assess parking requirements as part of its determination of any applications for subdivision and built form.
Other types of development shall provide parking in accordance with Council's Parking Code.	Noted	As above.

9.6 Services

(i) the following services shall be made available to all allotments: <ul style="list-style-type: none"> • mains electricity • reticulated water supply • Council's sewerage system • Telephone 	Yes	The Proponent has included a Services and Infrastructure Report as part of the EA documentation which documents the consultations to date with the utility service providers.
(ii) it is the developers responsibility to arrange for the provision of these services via the relevant authority.	Noted	
(iii) in respect of water and sewer, Council is the relevant authority, and the following must be noted:	Noted	

Water

Only limited supply is available from the Burri Point reservoir and that such supply will service land no higher than 40 m AHD (approximately).

A new reservoir will be required to service most of the estate and if dwellings are proposed above the approximate hydraulic limit shown on the attached plan it is most likely that a site higher than the existing Burri Point Reservoir will be needed.

The amplification of the water supply system will be the responsibility of the developer.

Yes

The proponent has acknowledged the constraints on the water supply to the upper parts of the site and has factored this into the Water Management Plan that forms part of the EA documentation for the Concept Plan.

It is noted that the water supply issue will be resolved in detail as part of any subsequent application for subdivision and / or built form submitted to Council for determination.

Sewer

Only limited capacity exists for receipt and treatment of effluent at the adjoining water pollution control plant.

Augmentation of the plant can be accommodated, the costs of which will be the responsibility of the developer on a contribution basis.

The Department of Health has indicated that septic tank applications will not be approved where sewerage is available and practical.

Due to the sensitive nature of both catchments (Saltwater Creek and Bevia Wetland) on site effluent disposal is not generally favoured. However, Council will give consideration to

Yes

Council has confirmed that there is capacity planned at the adjoining Tomakin STP. Council has a program of upgrades which will be implemented to accommodate future development in the area.

The proposed development will be serviced by a series of sewerage pumping stations delivering raw sewage to the STP. The provision of the sewerage reticulation, pumping stations and rising mains to the STP will be the responsibility of the developer.

alternative effluent disposal methods on land that is proposed to be subdivided into lots not less than 4000sqm. Supporting evidence will be required to demonstrate that all effluent can be effectively disposed of on site without any runoff or adverse affect on any adjoining land, watercourse or downstream area.

9.7 General

(a) Drainage co-ordination with pedestrian network

Apart from their obvious engineering function drainage lines should also form part of the open space / pedestrian network throughout the estate.

It should be noted that in achieving contiguous pedestrian routes, a combination of open space areas, drainage reserves, minor roads and pathways may be used. Subdivision schemes should endeavour to enhance the existing environment and accordingly should retain significant landscape features.

Yes

A number of drainage lines traverse the site, draining to either the ICOLL or the Wetland. Riparian zones will be implemented along all the major drainage lines, including suitable buffers which will facilitate the stabilisation of the drainage lines and create a protective corridor for ecological functions.

The drainage lines will be integrated into the open space network and where appropriate pedestrian access will be incorporated. Ecologically sensitive areas within the open space network will be fenced or otherwise protected from general public access.

(b) Open channel drains

The drainage system shall include the use of open channels where appropriate as determined by the Drainage Study.

Yes

As above.

(c) Retarding Basins

Dry retarding basins shall be constructed so as to prevent peak rates of runoff from development areas exceeding that from the unimproved catchment up to a flood frequency of 100 years.

Yes

A Water Management Strategy forms part of the EA documentation and employs a system based on Water Sensitive Urban Design. The stormwater treatment flow path for runoff comprises:

- Rainwater tanks on individual lots to collect roof water;
- Surface runoff from other hard surfaces would be directed into bio-retention swales where it would be filtered and treated biologically;
- Stormwater collected from impervious areas such as roads and driveways would be piped towards GPTs to remove coarse sediment and other debris; and
- Stormwater discharging to open corridors would be treated in ponds in the northern part of the site or bio-retention basins in the southern part of the site.

(d) Water Quality

Stormwater from urban areas shall be passed through quality control devices designed in accordance with the Pollution Control Manual for urban stormwater. Such controls shall include wet retention basins and coarse and fine sediment traps.

Yes

Surface water currently flows within ephemeral grass channels, some of which show signs of stream bank erosion. Some sections have been dammed to provide drinking water for livestock. Surface runoff is likely to increase in the change from pastoral to urban use. However the implementation of riparian buffer zones and open space / conservation areas, together with the installation of a water