

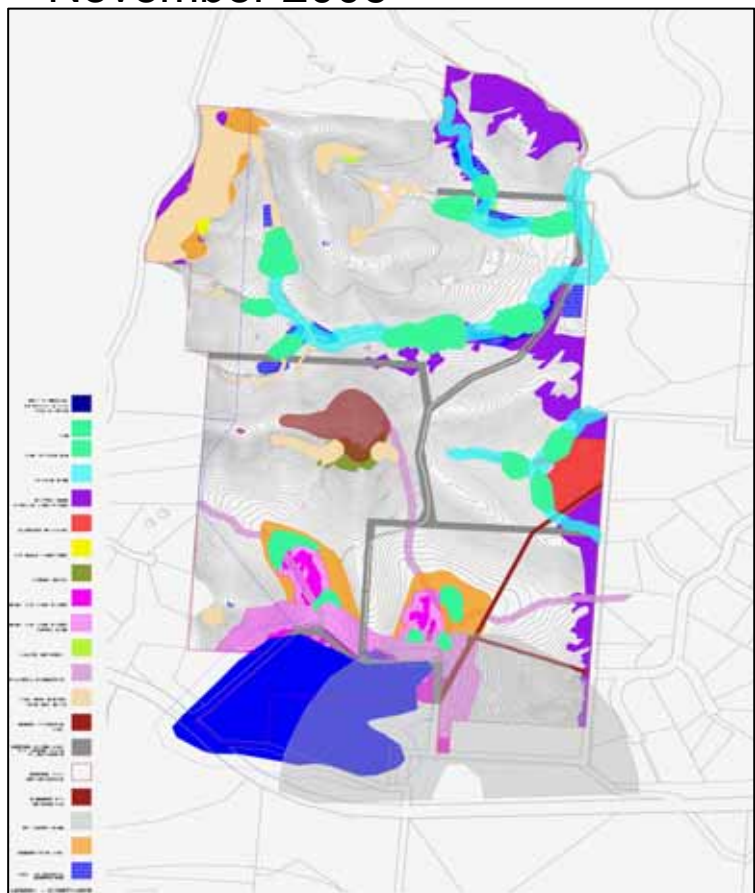


Marsim site at Rosedale

Application for a
Major Project
Under Part 3A of the
Environmental Planning
and Assessment Act

Department of Planning

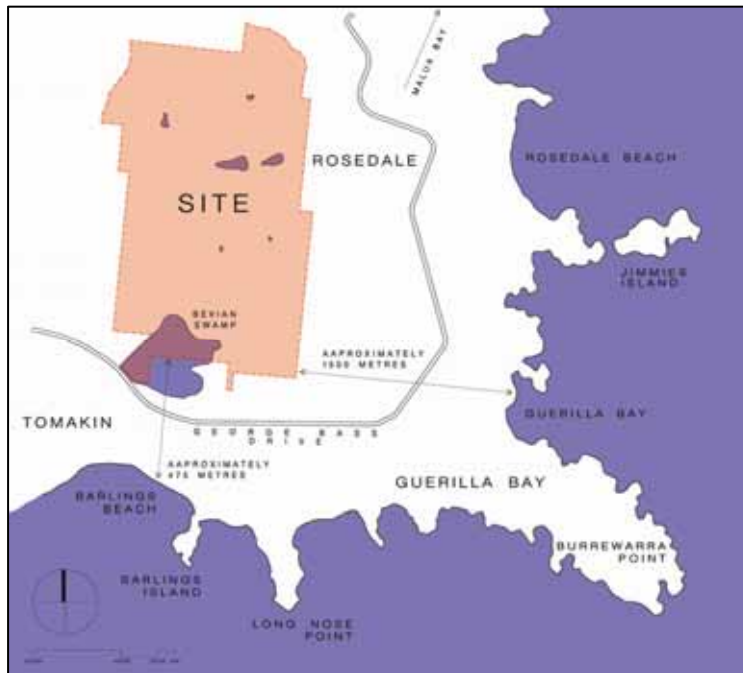
November 2006



Executive Summary

Marsim is the owner of a site, of approx 187.62 ha, at Rosedale in the Eurobodalla Shire. It is approximately 16 km south of Bateman's Bay and 18km north of Moruya.

The site is bounded by predominantly native vegetation, with fragmented areas of cleared vegetation for agriculture purposes.



Marsim site at Rosedale – Location Map



Aerial Photo showing subject site

Marsim wishes to subdivide the land for residential development.

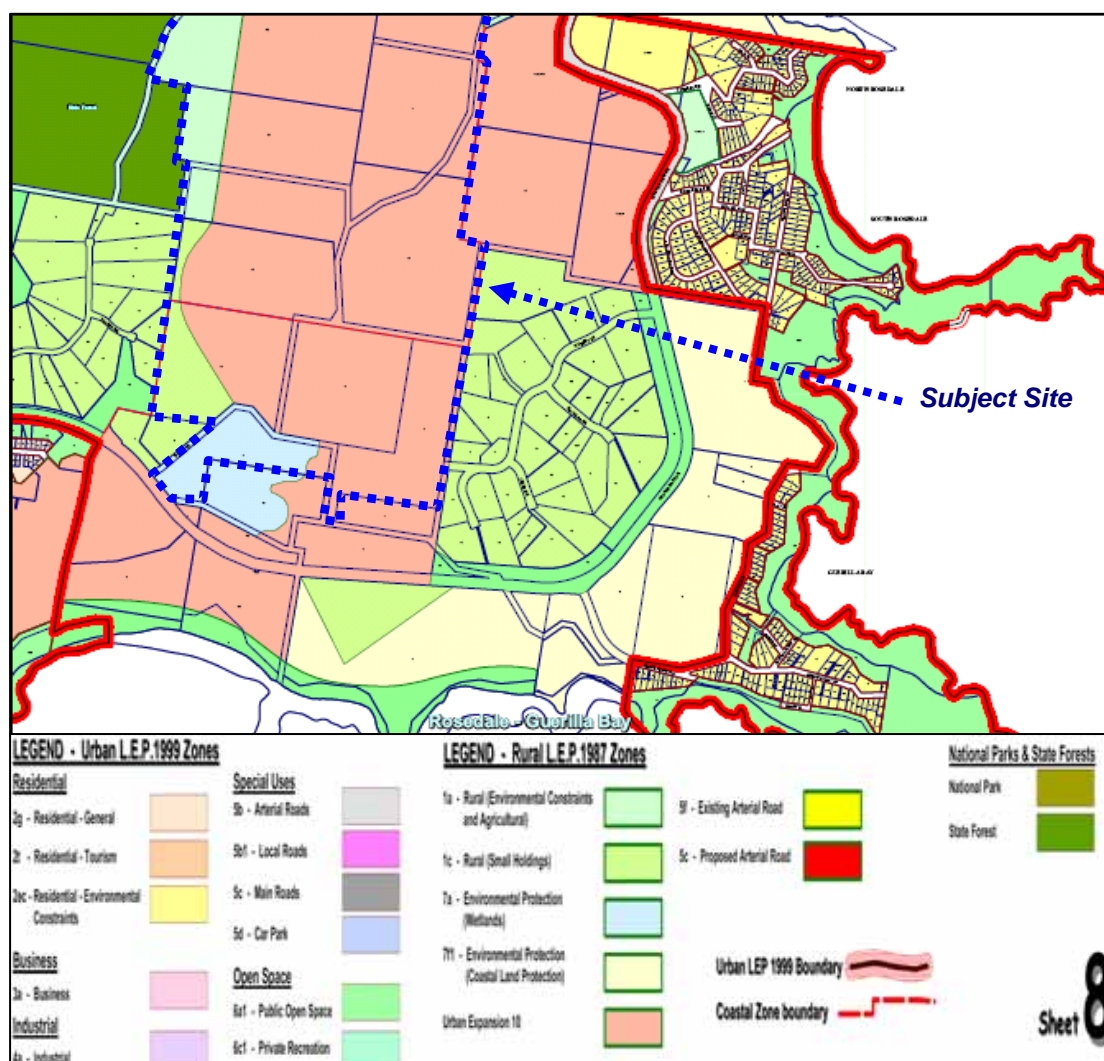
The Director General of the Department of Planning, as delegate for the Minister, by letter dated 12 January 2006, formed a view that the proposed subdivision of Rosedale is a Project, as defined in s75A of the Environmental Planning and Assessment Act, and that Part 3A of the Act applies. As a consequence approval of the Minister may be sought for the development.

Proposed Development

Marsim seeks a Concept Approval under section 75O of the Environmental Planning and Assessment Act for:

- (i) Earthworks involving excavation and filling of portions of the site to form roads and residential lots;
- (ii) The construction of roads
- (iii) The provision of services and infrastructure;
- (iv) Landscaping;
- (v) The subdivision of the site for residential development under the Community Land Development Act with management arrangements in accordance with the provisions of Community Land Management Act 1989; and
- (vi) The staging of the development.

Zoning



Zoning Map

The majority of the Rosedale site is zoned 10 Urban Expansion under the Eurobodalla Shire Rural LEP 1987. The land at the north-west of the site is zoned 1(a) Rural (Environmental Constraints) and land to the south-west is zoned 1(c)

Rural Small Holdings. The Bevia Wetland, within the southern portion of the site is zoned 7(a) Environmental Protection.

Comment:

The portion of the proposal within the Urban Expansion area (Zone 10) is consistent with the zoning objectives and zoning provisions do not give rise to any issues as to the permissibility of the proposed development.

Similarly the portions of the proposal within land zoned 1(a) Rural (Environmental Constraints) and 1(c) Rural Small Holdings are consistent with the objectives of the relevant zones and do not give rise to any issues as to permissibility of use.

Access to the site is to be via the existing Bevia Rd (at the southern portion of the site) which is partly on Council land and partly within the subject site. The road is within land zoned 7(a) Environmental Protection. The road will need upgrading to accommodate the anticipated population of the site. The construction of roads is permissible within the 7(a) zone.

Key Issues

“Key Issues” associated with the development are required to be identified but should not include those aspects of the project that comply with known planning controls or where there are no community concerns or no other contentious matters. Key issues are identified below in accordance with the format outlined in the Department’s application form.

a. Issues arising from Consultation with Relevant Agencies

i. Eurobodalla Council

Senior Council officers were generally supportive of the proposed development. Their prime issues were:

- a. the necessity to provide adequate separation of residential lots from the adjacent Sewerage Treatment Plant;
- b. the importance of protecting the SEPP 14 Wetland Area (Bevia Swamp) and the requirement to maintain or enhance the quality of water entering the wetland;
- c. that Council had planned infrastructure in the area for approximately 1,100 lots and encouraged consideration of an appropriately designed subdivision of sufficient density to maximise the use of the infrastructure already provided;
- d. the provision of shops within the development for the local community; and
- e. the provision of road access from George Bass Drive to the north and south of the site.

ii. Department of Planning (South Coast Office)

Preliminary discussions were held with senior officers of the Department who reiterated the concerns raised with the previous scheme namely:

- a. The sensitivity of the Bevia Swamp and the imperative to enhance the water quality entering the wetland

- b. Asset Protection Zones should be separated from subdivided lots by roads ie no lots should back onto Asset Protections Zones
- c. The scheme would need to be referred to the expert Panel established by the Minister to assess the suitability of sensitive lands
- d. Less dense development on the northern portion of the site was considered appropriate.

iii. Department of Planning (Sydney Office)

Discussions on the proposed development were held with officers of the Department on two occasions.

Officers were generally supportive but reiterated the need to consider the reasons for refusal of the previous application as well as the findings and recommendations of the recently released South Coast Sensitive Land Review.

iv. Local Indigenous Communities

The Mogo Local Aboriginal Land Council (MLALC) was consulted on the previous application and did not raise any concerns. The current proposal is considered to have less environmental impact and is being referred to the MLALC on 14th November 2006. It is anticipated that there will be no issues arising from consideration of the proposal. Further consultation will be undertaken subsequent to the issue of the DGRs and design development to accommodate the DG's requirements and recommendations

v. Local Community

The local community will be consulted subsequent to the issue of the Director General's requirements and the development of a scheme to address those requirements.

However, public exhibition of the previous Development Application for the subject site attracted 9 submissions which raised the following issues:

- The potential to degrade the Bevan Wetland through proximity of development;
- The demands on local infrastructure, including the Sewerage Treatment Plant, water and roads;
- Impacts on the amenity and character of Rosedale and Barlings Beach;
- The magnitude of the development and the impacts on local public infrastructure and resources;
- Traffic Impacts on George Bass Drive; and
- The need to retain vegetated areas; particularly in the north-east corner.

It is anticipated that similar issue raised by local community as part of the community consultation process for the new proposal.

b. Issues arising from Environmental Planning Instruments

The relevant Environmental planning Instruments for the site are

- i. SEPP 11- Traffic Generating Developments
- ii. SEPP14 – Coastal Wetlands
- iii. SEPP 26 – Littoral Rain Forests
- iv. SEPP 55 – Remediation of Land
- v. SEP 71- Coastal Protection
- vi. Eurobodalla Rural LEP

It is not anticipated that there will be significant issues associated with the above Environmental Planning Instruments other than the environmental issues associated with water run-off and water quality entering the SEPP 14 Wetland at the southern end of the site.

c. Issues arising from Development Control Plans

In 1989, the Eurobodalla Shire Council adopted a site specific Development Control Plan for the Rosedale Urban Expansion land (DCP 160). The DCP identifies 6 precincts and takes into consideration issues of urban capability - development density, environmental protection, housing types, drainage, water quality, access, open space, pedestrian networks, buffer areas and public utilities and amenities.

The new proposal for the site will have regard to all the DCP issues.

d. Issues arising from likely Environmental Risks

The key issues arising from the likely environmental risks are considered to be associated with the manner in which the proposed development impacts, on the following:

(i) SEPP14 Bevia Wetland

The Bevia Swamp on the southern portion of the site. It is of high regional significance due to the listing as a SEPP 14 wetland and the diversity of habitat for flora and fauna present within this wetland.

Environmental risks may arise from the potential for negative impacts on the water quality and ecological values of the Bevia Wetland resulting from run-off and use of the wetland.

(ii) Banksia Scrub

This vegetation community is considered to be regionally significant and a moderately functional ecosystem potentially at risk from processes such as clearing and urban development.

(iii) Swamp Oak Open Forest

This vegetation community surrounds the Bevia Swamp and is considered to be representative of the endangered ecological community, Swamp Oak Floodplain Forest, and as such is of high regional significance. It is considered to be potentially at risk from processes such as clearing and urban development.

(iv) Fauna

Five (5) threatened species were observed utilising the site namely:

- Powerful Owl,
- Glossy Black-Cockatoo,
- Eastern Freetail-bat,
- Eastern Bentwing-bat, and
- Greater Broad-nosed Bat

There may be potential risks related to the manner in which development impacts on fauna habitat and corridors.

e. Issues arising from potential environmental impacts associated with construction, operation, or occupation of the project

The prime Issues arising from potential environmental impacts associated with construction, operation, or occupation of the project in relation to the proposed development are as follows:

- Clearing of native vegetation,
- Alteration to the natural flow regimes of rivers, streams, floodplains and wetlands,
- Erosion and water run-off together with water quality in the Bevan Wetland during the construction phase;
- The maintenance of water quality in the Bevan wetland during the occupation of the site
- Invasion of native plant communities by exotic perennial grasses,
- Habitat destruction
- The maintenance of asset protection zones during the occupation of the site.

f. Issues raised by the Department of Planning arising from assessment of previous development proposal on the subject site

The subject site has had the benefit of a comprehensive assessment by the Department as part of the assessment of the previous development proposal.

The key issues raised by the Department, which ultimately gave rise to the refusal of the previous application and which are likely to be issues against which the Department will assess any future application are:

(i) Poor Integration with the Strategic Context:

Development in the vicinity of the site is generally on the ocean side of George Bass Drive, apart from rural and small semi-rural holdings. The nearest hamlets of Rosedale and Guerilla Bay are east of George Bass Drive and the proposal does not represent a logical expansion of these hamlets nor does it connect well with either of them. With 850 dwellings and probably close to 2000 people, the proposal represents the development of a new coastal village, larger than any in the immediate vicinity, with resulting social infrastructure and other needs. The NSW Coastal Design Guidelines state that a new settlement such as proposed, should not occur outside the strategic framework articulated by a broader settlement strategy.

(ii) Non-Compliance with Coastal Design Guidelines:

The Coastal Design Guidelines sets out a number of principles where the proposal falls short, these are outlined below:

- New settlements are to be determined through the process of a settlement strategy and should be consistent with regional and state plans (p.45 of Guidelines);
- Provision of a range of open space areas, from playing fields to parks and walking connections (p.53 of Guidelines);
- Settlement to be easily navigable and logical in terms of access (p.67 of Guidelines); and,
- Edge streets fronting reserves to define boundary of settlement and also providing asset protection zones for bushfire protection.

- (iii) Poor Structure and Urban Design
The objectives of the Urban Expansion Zone (which the bulk of the site is zoned) states that urban development will not necessarily proceed over all of the land. Development outlined in the draft Master Plan is virtually continuous over the entire site. Furthermore, Council's DCP for the site shows significant areas where no development should occur, such as through the centre of the site and in the north west corner. The DCP would appear to be a more clear expression of the objectives of the Urban Expansion zone;
- (iv) Inadequate arrangements for access given the scale of the development;
The proposed southern access arrangement is unsatisfactory and has been put together as secondary solution due to the absence of owners consent to the access illustrated in the originally submitted draft Master Plan;
- (v) Non-compliance with Fire Safety Requirements;
The draft Master Plan proposes extensive use of dead end streets or cul de sacs, with many being in-excess of 200 metres in length. And at times, a convoluted road system with many loop roads, often off a loop road and a road hierarchy that is not readily identifiable or legible, apart from the main collector road running through the development. Large areas of open space to the rear of development, often vegetated gullies with poor road access. In combination, these factors result in a proposal that does not appear to satisfy the intent and often the specifics of fire safety requirements.
- (vi) Loss of Spotted Gum Forest and Inadequate Assessment of Impacts;
The loss and/or degradation of the area of Spotted Gum Forest in the north east corner of the site is not justified, with its resulting loss of habitat for two identified threatened species and resulting negative visual and aesthetic impacts;
- (vii) Inadequate Setback from Sewerage Treatment Plant (STP)
The proximity of proposed development to the STP is not justified and a more generous setback should be achieved in this vicinity. This would satisfy the DCP requirements, remove any need for remedial works to the STP and provide additional land for environmental management and conservation.
- (viii) Visual Impacts and Character of the Development;
The visual impact assessment for the proposal acknowledges that the development will be visually in contrast to the surrounding character when viewed from a distance, from Broulee Headland specifically. However, this is considered an acceptable and short term impact by the assessment document. The impacts will be longer than 'short term' and the contrast will be marked. The loss of existing vegetation in the north eastern part of the site will also contribute to this change in character.

The presence of more than 30 lots with an area of 1000m² or less (some with as little as 600m²) in the character zone known as "the farm" and having a 'rural' character is at odds with this theme and will

be visually out of character (note: this is excluding the 'transition' area which also has small lots). The closeness of the development, the repetition of built forms, roads cutting across contours and the presence of an area of integrated housing will ensure that this area does not have a rural or semi-rural character.

(ix) Potential negative impacts on Bevia Swamp.

The potential for negative impacts on the water quality and ecological values of the Bevia Wetland resulting from run-off and intended use of the wetland.

g. South Coast Sensitive Land Review

In May 2006, the NSW Government exhibited the Draft South Coast Regional Strategy for public comment. The draft strategy, amongst other things, identified 16 areas zoned for urban expansion as being environmentally sensitive and warranted review by an expert Panel to determine the suitability and scale of release of those sites.

Following the release of the draft Strategy the Minister for Planning appointed an independent Panel comprising Dr Andrew Refshauge (Chair), Dr David Robertson and Mr Vince Berkhout to investigate and report on the sensitive sites outlined in the strategy. The Independent Panel Report was released in October 2006.

In relation to Rosedale the Panel made a number of recommendations in relation to the subject site which can be summarized as follows:

1. *The western portion of the Rosedale site is considered mostly suitable for urban development*
2. *Detailed site planning should place a high priority on protection of riparian zones and SEPP 14 wetlands through best practice storm water management, and early revegetation of riparian areas for ecological and visual benefits.*
3. *Limited development could occur in the north-eastern portion of the site, outside the identified habitat corridor, provided there is early revegetation of generous corridors adjacent to previously cleared areas along creeks and other riparian areas.*
4. *Limited clearing of forest could be permitted provided early riparian revegetation and restoration occurs.*
5. *Residential development should aim to achieve a range of housing types to meet demographic change, with a higher overall yield than traditionally achieved in adjoining areas, to make better use of land resources and utility services.*
6. *Site planning should ensure visual separation between Barlings Beach and Rosedale, and along George Bass Drive between Tomakin and Rosedale North, in line with Council's objectives under the Eurobodalla Urban Settlement Strategy.*
7. *Development should be staged according to market conditions.*



Rosedale Subdivision Preliminary Assessment

1. Introduction

Marsim is the owner of a site, of approx 187.62 ha, at Rosedale in the Eurobodalla Shire. It is approximately 16 km south of Bateman's Bay and 18km north of Moruya.

Marsim wishes to subdivide the land for residential development.

The Director General of the Department of Planning, as delegate for the Minister, by letter dated 12 January 2006, formed a view that the proposed subdivision of Rosedale is a Project, as defined in s75A of the Environmental Planning and Assessment Act, and that Part 3A of the Act applies. As a consequence approval of the Minister may be sought for the development.

Under the provisions of Section 75E of the Act, an application for the project is required to be lodged with the Director General.

This application provides the preliminary assessment of the proposal for a Concept Approval for:

- (i) Excavation and filling to form roads and residential lots;
- (ii) The provision of services and infrastructure;
- (iii) Landscaping; and
- (iv) The subdivision of the site for residential development under the Community Land Development Act.

This submission has been prepared by Kass-Hermes, planning consultants, on behalf of Marsim.

2. Background

Previous Masterplan Application

The site has been the subject of a Masterplan Application, MP - 4 -12 -2002, lodged with the Department of Planning in December 2002. The application sought to subdivide the site into 445 residential lots yielding 850 dwellings.

An Assessment Report of the proposed development, prepared by officers of the then Department of Planning and Infrastructure, recommended that the Masterplan not be adopted for 9 key reasons, namely:

- (i) Poor Integration with the Strategic Context;
- (ii) Non-Compliance with Coastal Design Guidelines;
- (iii) Poor Structure and Urban Design
- (iv) Inadequate arrangements for access given the scale of the development;
- (v) Non-compliance with Fire Safety Requirements;
- (vi) Loss of Spotted Gum Forest and Inadequate Assessment of Impacts;
- (vii) Inadequate Setback from Sewerage Treatment Plant
- (viii) Visual Impacts and Character of the Development;
- (ix) Potential negative impacts on Bevia Swamp.

The above matters are comprehensively addressed in the new proposal for the subject site.

3. The site

The subject site at Rosedale is within the Eurobodalla Shire. It has an area of 187.62 hectares and is approximately 16km south of Batemans Bay and 18km north of Moruya. It is 1.5 km to the west of the existing Rosedale settlement and 1.5 km to the north-east of Tomakin.



Figure 1. - Aerial Photo showing location of subject site

The site contains 10 lots comprised of Lots 11, 29, 32, 72, 102, 118, 119, and 213 in DP755902; Lot 2 DP627034 and Lot 2 DP623340.

The site is bounded by predominantly native vegetation, with fragmented areas of cleared vegetation for agriculture purposes.

Topography and Drainage

The subject site is situated on gently undulating to steep land and contains a network of drainage lines. The northern section of the subject site contains the upper tributaries of Saltwater Creek which discharge over Barlings Beach into the South Pacific Ocean. The catchment drains from several small drainage lines which flows generally to the south east to Saltwater Creek. There are two farm dams located on this drainage line in the north of the subject site. To the south of the old nursery there is another tributary of Saltwater Creek which initially flows in a southerly direction and contains one farm dam in the upper reaches of this tributary. The creek then turns to the east in which two more farm dams have been constructed. To the south another tributary of Saltwater Creek flows in an easterly direction from Bevia Road into a small farm dam. From this farm dam two smaller drainage lines, which were dry at the time of the survey, flow in different directions one to the north east and one to the south east into Saltwater Creek.

The catchment of the southern section of the subject site flows into the Bevia Swamp. One drainage corridor is located to the north west of the Bevia Swamp and contains a small farm dam after which the drainage line is not defined and the topography flattens out and becomes a floodplain. The south eastern section of the subject site contains a floodplain of the Bevia Swamp with no defined drainage corridor located in this area.

Gradients of the subject site range from steep 20 degrees in the upper drainage lines to less than 5 degrees within floodplain of the Bevia Swamp. The approximate elevation ranges from less than 10m AHD within the Bevia Swamp to 100 m (AHD) on the ridge within the north-western section of the subject site.

Vegetation

The majority of the subject site has been cleared for agricultural purposes. Native open forest forms the eastern, north eastern and north western sections of the property. Native vegetation is also present around the Bevia Swamp in the southern section of the subject site. Two areas of remanent Swamp Oak Open Forest exist within the floodplain to the north and north-west of the Bevia Swamp. A remanent patch of Banksia Scrub vegetation exists upon a hill known locally as "The Knoll", located in the central section of the property.

Surrounding lands contain native vegetation, with the property adjoining Mogo State Forest along the north western boundary. Lands to the north, east and south west contain native vegetation and are currently used for rural residential purposes. To the south east there is cleared land which is currently a sewage treatment plant. To the south across George Bass Drive is Barlings Beach Caravan Park and native vegetation adjoins the Caravan Park to the east.

Conservation Reserves

The nearest conservation reserves are Illawong and Broulee Island Nature Reserves located approximately 5 km to the south. Murramarang National Park is located approximately 15 km to the north of the subject site.

Mogo State Forest is located adjoining the subject site in the north-west and covers an area of approximately 15,500 ha.

Existing Land Use

• Improvements:

Two existing residences are located in the north east of the subject site adjoining Bevia Road. A nursery which is no longer operational is located to the north west of the residences. Cattle yards and sheds have been erected to the south west of the nursery. A pump station is located in a drainage line to the south of the nursery.

• Clearing:

The subject site has been subjected to extensive clearing, with most of the natural vegetation being removed. The majority of the subject site consists of pasture with fragmented areas of natural and disturbed vegetation throughout the subject site.

• Bushfire:

There are no signs of recent bushfire.

• Agriculture:

The cleared areas of the subject site are currently being used for cattle grazing. The remaining areas of natural vegetation within the subject site are currently being subjected to grazing by cattle.

• Earthworks:

Ten (10) dams have been constructed throughout the subject site. Four dams are located in the northern drainage line which flows to the east. Three dams are located in the drainage line to the south of the nursery. One dam is located to the east below the Banksia Scrub vegetation ("The Knoll"). One dam is located within the Swamp Oak Open Forest to the west of Bevia Road. The remaining dam is located to the west of the Blackbutt Woodland vegetation community.

• Contextual Relationship to Neighbouring Settlements

The subject site is a former dairy farm and largely cleared. It has been earmarked as land suitable for the expansion of the existing coastal settlements in the area since

1987 when the Eurobodalla Rural LEP was gazetted identifying Rosedale as an urban expansion zone and Council resolved to prepare a site specific DCP for the Rosedale urban expansion areas.

The existing settlements of Guerrilla Bay and Rosedale (Population: 197 (2001 census: ABS)) are to the east of the subject site and are comprised primarily of single occupancy dwellings.

To the west of the site is State Forest area and adjacent to the south-eastern and south-western boundaries of the site are residential lots on small rural landholdings

To the north is Malua Bay (Population: 1676)

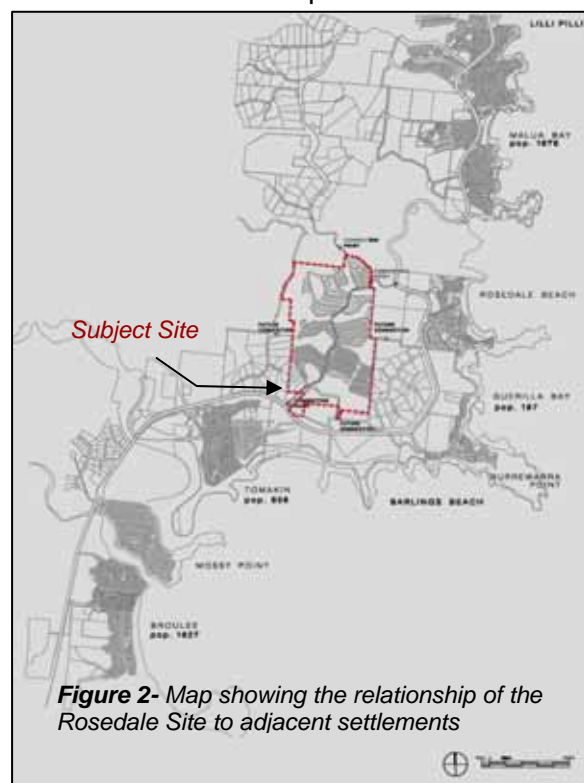


Figure 2- Map showing the relationship of the Rosedale Site to adjacent settlements

To the south is the existing caravan park at Barlings Beach and a site which has recently been approved for subdivision of approximately 160 residential lots including integrated housing.

Further to the south along the coastline are Tomakin (Population: 761) and Broulee (Population: 1627).

To the immediate east of the site is the north-easternmost portion of the Rosedale urban expansion area. It has recently been identified in the South Coast Sensitive Land Review as being able to accommodate limited development but in those areas where development is possible a higher overall yield than traditionally achieved in adjoining areas is sought in order to make better use of land resources and utility services.

Contextually, the Rosedale expansion area is considered suitably located for urban development and a logical expansion of existing coastal settlements.

The adjacent landuses are compatible with residential development proposed on the subject site. The site is located in proximity to the coast and provides the potential for a high level of residential amenity. Adjacent settlements are able to provide all the necessary facilities and services for residents and their families. Roads and infrastructure have already been provided in anticipation of development in the area.

The manner in the land it is developed will need to take into consideration the various physical and environmental constraints of the site together with appropriate distribution of development densities through the site in order to promote contextual compatibility with adjacent land uses.

In this regard it is considered that northern portion of the site is more suitable to larger lots because of its contextual relationship with the open space zone and State Forest areas adjacent to the site in that area. More dense development is considered appropriate in the mid to southern portions of the site.

4. Site Constraints

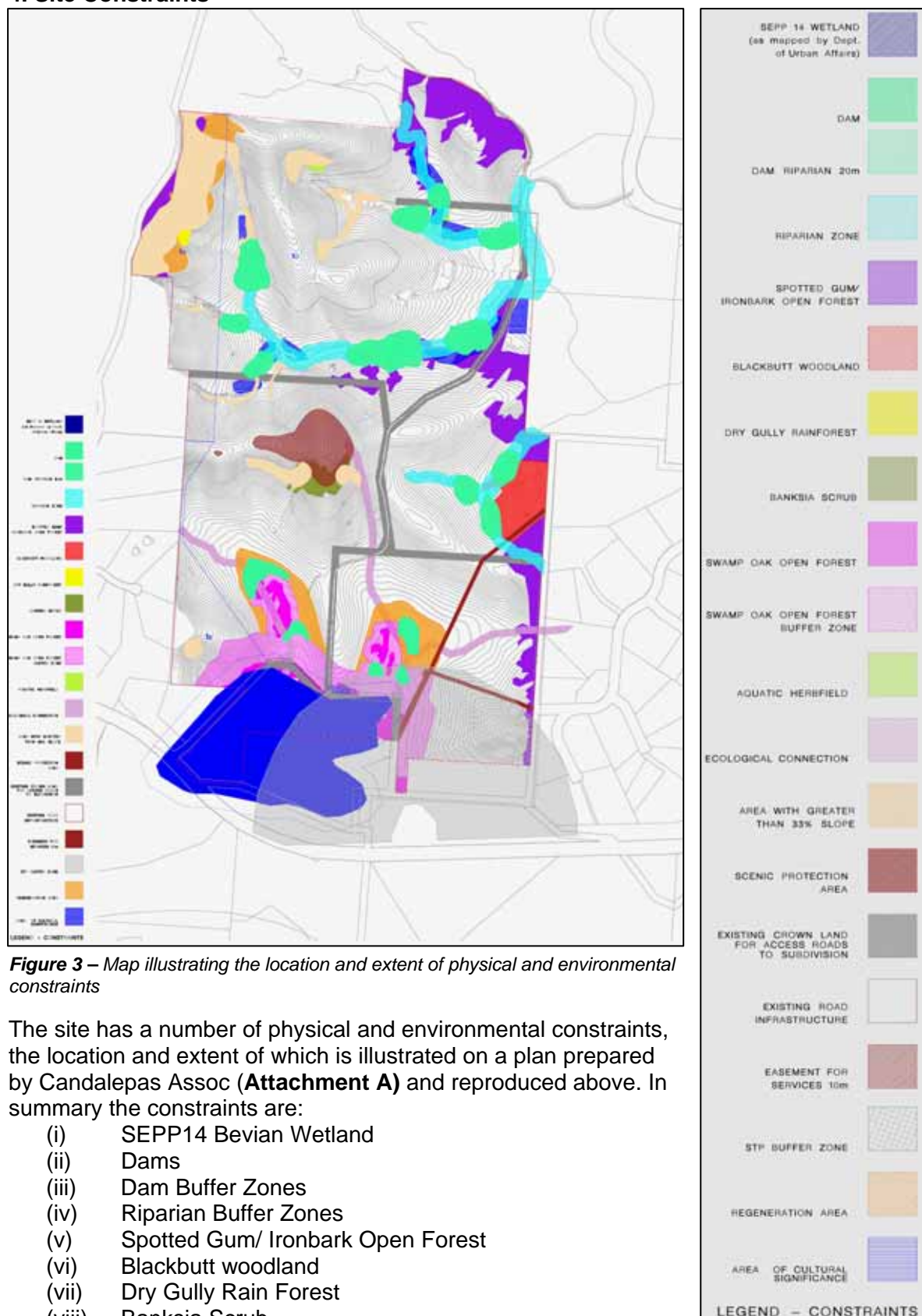


Figure 3 – Map illustrating the location and extent of physical and environmental constraints

The site has a number of physical and environmental constraints, the location and extent of which is illustrated on a plan prepared by Candalepas Assoc (**Attachment A**) and reproduced above. In summary the constraints are:

- (i) SEPP14 Bevan Wetland
- (ii) Dams
- (iii) Dam Buffer Zones
- (iv) Riparian Buffer Zones
- (v) Spotted Gum/ Ironbark Open Forest
- (vi) Blackbutt woodland
- (vii) Dry Gully Rain Forest
- (viii) Banksia Scrub
- (ix) Swamp Oak Open Forest
- (x) Swamp Oak Open Forest Buffer Zone
- (xi) Aquatic Herbfield

- (xii) Ecological Connection
- (xiii) Area with slope greater than 33%
- (xiv) Scenic Protection Area
- (xv) Existing Road Infrastructure
- (xvi) Easement for Services
- (xvii) Sewerage Treatment Buffer Zone
- (xviii) Archaeological Zone
- (xix) Native Fauna

Five (5) threatened fauna species were recorded within or in close proximity to the subject site. These species included,

- Powerful Owl (*Ninox strenua*),
- Glossy Black-Cockatoo (*Calyptorhynchus lathami*),
- Eastern Freetail-bat (*Mormopterus norfolkensis*),
- Greater Broad-nosed Bat (*Scoteanax rueppellii*),
- Eastern Bentwing-bat (*Miniopterus schreibersii oceanensis*,

Any subdivision proposal will need to take into consideration the above constraints.

The potential key environmental issues arising from the above constraints are discussed in Section 7(f) of this report.

5. Proposed Development

Marsim seeks a Concept Approval under section 75O of the Environmental Planning and Assessment Act for:

- (i) Earthworks involving excavation and filling of portions of the site to form roads and residential lots;
- (ii) The construction of roads
- (iii) The provision of services and infrastructure;
- (iv) Landscaping;
- (v) The subdivision of the site for residential development under the Community Land Development Act with management arrangements in accordance with the provisions of Community Land Management Act 1989
- (vi) The staging of the development.

6. Zoning

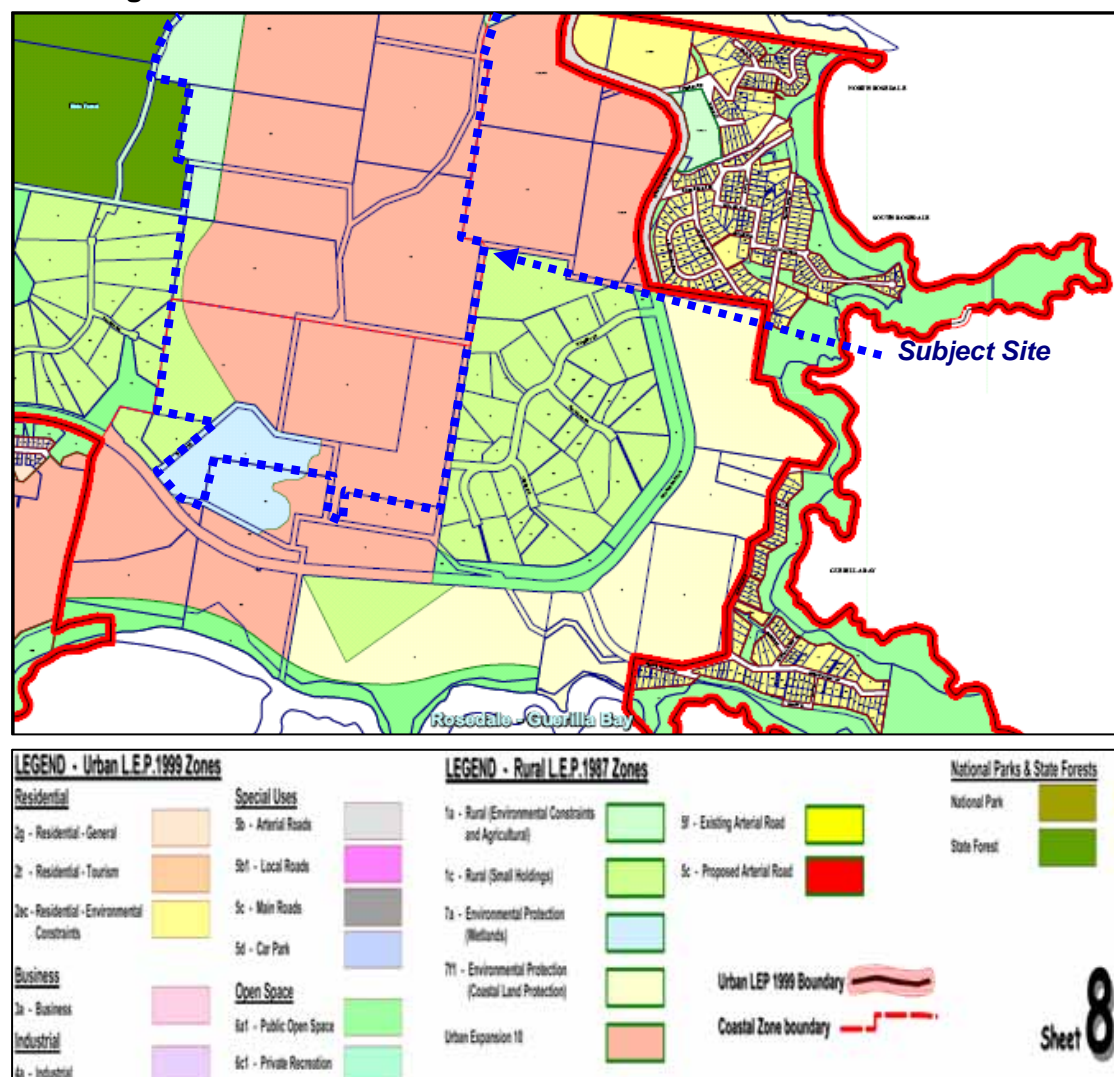


Figure 4 – Zoning Map

The majority of the Rosedale site is zoned 10 Urban Expansion under the Eurobodalla Shire Rural LEP 1987.

The specific provisions of this zone are:-

1. Objective 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; and*
 - (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 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.*

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).

3. Only with development consent

Any purpose other than a purpose permitted without development consent.

4. Prohibited

Nil.

The land at the north-west of the site is zoned 1(a) Rural (Environmental Constraints) and land to the south-west is zoned 1(c) Rural Small Holdings. The Bevia Wetland, within the southern portion of the site is zoned 7(a) Environmental Protection.

Comment:

The portion of the proposal within the Urban Expansion area (Zone 10) is consistent with the zoning objectives and zoning provisions do not give rise to any issues as to the permissibility of the proposed development.

Similarly the portions of the proposal within land zoned 1(a) Rural (Environmental Constraints) and 1(c) Rural Small Holdings are consistent with the objectives of the relevant zones and do not give rise to any issues as to permissibility of use.

Access to the site is to be via the existing Bevia Rd (at the southern portion of the site) which is partly on Council land and partly within the subject site. The road is within land zoned 7(a) Environmental Protection. The road will need upgrading to accommodate the anticipated population of the site. The construction of roads is permissible within the 7(a) zone.

7. Key Issues

“Key Issues” associated with the development are required to be identified but should not include those aspects of the project that comply with known planning controls or where there are no community concerns or no other contentious matters. Key issues are identified below in accordance with the format outlined in the Department's application form.

h. Issues arising from Consultation with Relevant Agencies

i. Eurobodalla Council

Senior Council officers were generally supportive of the proposed development. Their prime issues were:

- a. the necessity to provide adequate separation of residential lots from the adjacent Sewerage Treatment Plant;
- b. the importance of protecting the SEPP 14 Wetland Area (Bevian Swamp) and the requirement to maintain or enhance the quality of water entering the wetland;
- c. that Council had planned infrastructure in the area for approximately 1,100 lots and encouraged consideration of an appropriately designed subdivision of sufficient density to maximise the use of the infrastructure already provided;
- d. the provision of shops within the development for the local community; and
- e. the provision of road access from George Bass Drive to the north and south of the site.

ii. Department of Planning (South Coast Office)

Preliminary discussions were held with senior officers of the Department who reiterated the concerns raised with the previous scheme namely:

- a. The sensitivity of the Bevian Swamp and the imperative to enhance the water quality entering the wetland
- b. Asset Protection Zones should be separated from subdivided lots by roads ie no lots should back onto Asset Protections Zones
- c. The scheme would need to be referred to the expert Panel established by the Minister to assess the suitability of sensitive lands
- d. Less dense development on the northern portion of the site was considered appropriate.

iii. Department of Planning (Sydney Office)

Discussions on the proposed development were held with officers of the Department on two occasions.

Officers were generally supportive but reiterated the need to consider the reasons for refusal of the previous application as well as the findings and recommendations of the recently released South Coast Sensitive Land Review.

iv. Local Indigenous Communities

The Mogo Local Aboriginal Land Council (MLALC) was consulted on the previous application and did not raise any concerns. The current proposal is considered to have less environmental impact and is being referred to the MLALC on 14th November 2006. It is anticipated that there will be no issues arising from consideration of the proposal. Further consultation will be undertaken subsequent to the issue of the DGRs and design development to accommodate the DG's requirements and recommendations

v. Local Community

The local community will be consulted subsequent to the issue of the Director General's requirements and the development of a scheme to address those requirements.

However, public exhibition of the previous Development Application for the subject site attracted 9 submissions which raised the following issues:

- The potential to degrade the Bevan Wetland through proximity of development;
- The demands on local infrastructure, including the Sewerage Treatment Plant, water and roads;
- Impacts on the amenity and character of Rosedale and Barlings Beach;
- The magnitude of the development and the impacts on local public infrastructure and resources;
- Traffic Impacts on George Bass Drive; and
- The need to retain vegetated areas; particularly in the north-east corner.

It is anticipated that similar issue raised by local community as part of the community consultation process for the new proposal.

i. Issues arising from Environmental Planning Instruments

The relevant Environmental planning Instruments for the site are

- i. SEPP 11- Traffic Generating Developments
- ii. SEPP14 – Coastal Wetlands
- iii. SEPP 26 – Littoral Rain Forests
- iv. SEPP 55 – Remediation of Land
- v. SEP 71- Coastal Protection
- vi. Eurobodalla Rural LEP

It is not anticipated that there will be significant issues associated with the above Environmental Planning Instruments other than the environmental issues associated with water run-off and water quality entering the SEPP 14 Wetland at the southern end of the site.

j. Issues arising from Development Control Plans

In 1989, the Eurobodalla Shire Council adopted a site specific Development Control Plan for the Rosedale Urban Expansion land (DCP 160). The DCP identifies 6 precincts and takes into consideration issues of urban capability - development density, environmental protection, housing types, drainage, water quality, access, open space, pedestrian networks, buffer areas and public utilities and amenities.

The new proposal for the site will have regard to all the DCP issues.

k. Issues arising from likely Environmental Risks

The key issues arising from the likely environmental risks are considered to be associated with the manner in which the proposed development impacts, on the following:

(v) SEPP14 Bevia Wetland

The Bevia Swamp on the southern portion of the site is a freshwater wetland and is identified under State Environmental Planning Policy 14 – Coastal Wetlands (SEPP 14) as Wetland No. 197, and corresponds with the endangered ecological community, Freshwater Wetlands on Coastal Floodplains, as listed under the *Threatened Species Conservation (TSC) Act* (1995). The Bevia Swamp is mapped by NPWS (2000) as Map Unit 188 – Sand Dune Wetlands. This map unit corresponds to the Bevia Swamp as it is situated on hind dunes. This map unit is not considered to be a vulnerable ecosystem by either NPWS (2000) or EcoGIS (2001).

However, Gaia Research Pty Ltd (2001) has listed the Bevia Swamp as a significant coastal freshwater wetlands in the Eurobodalla LGA. **It is therefore concluded that the Bevia Swamp is of high regional significance due the listing as a SEPP 14 wetland and the diversity of habitat for flora and fauna present within this wetland.**

Environmental risks may arise from the potential for negative impacts on the water quality and ecological values of the Bevia Wetland resulting from run-off and use of the wetland.

The ‘*South Coast Sensitive Urban Lands Review*’ (October 2006) recommends that any future development within the Rosedale site applies setbacks and best practice stormwater management measures to protect the ecologically significant features of the site including the riparian areas, the Bevia Swamp and associated endangered ecological communities.

The new Rosedale Masterplan has addressed the adverse impacts on Bevia Swamp and the associated endangered ecological communities. The Bevia Wetland is to be protected through the identification of a building setback (80m) and its water quality will be improved through a range of stormwater filtration measures to ensure the post development quality is better than the current landscape runoff. In addition, the two (2) endangered ecological communities associated with the Bevia Swamp, Swamp Oak Floodplain Forest and Freshwater Wetlands on Coastal Floodplains will also be protected with 20m building setbacks.

The main access for the southern portion of the development will be partially within these buffers. The existing access forms an unsealed single lane trail that borders the existing wetland and currently impacts on drainage lines feeding into the wetland. Being unsealed sediments from the trail are delivered into the wetland.

An alternative alignment will assist in reducing the negative influence of the existing fire trail. The new proposed access road improves protection for the wetland by the installation of a stormwater treatment bio-swale that delivers runoff after filtration.

The proposed access road design has been located by defining the outer edge of the wetland based on vegetation and site topography. The road is a raised split level/single level design that minimises impacts on the wetland. Consequently, cut and fill has been minimised to reduce the impact on surrounding terrestrial vegetation. Raising the level of the existing road provides an opportunity to install stormwater drainage structures that would otherwise be affected by the water tables surrounding the wetland. In addition, the proposed road has been aligned to retain identified habitat trees, with the highest habitat value.

(vi) Spotted Gum/ Ironbark Open Forest

This vegetation community within the subject site corresponds to Map Unit - 9 Coastal Lowlands Cycad Dry Shrub Forest – *Corymbia maculata* / *Macrozamia communis* as described and mapped by NPWS (2000). Variations from the NPWS (2000) description include, *Eucalyptus fibrosa* occurred as the dominant ironbark along the eastern boundary of the subject site and *Eucalyptus muelleriana* occurred throughout the vegetation community.

Occurrence - This vegetation community occurs in the northern-eastern corner, along the eastern boundary and within the north-western sections of the subject site and covers approximately 10 % of the subject site.

Structure - Open Forest to Woodland with a canopy cover ranging from 20% to 40% and height of approximately 15-20 metres. The understorey consists of a sparse, to moderate, to dense shrublayer to 3 metres high and sparse, to moderate, to dense groundcover of herbs and grasses.

Disturbances - This vegetation community has been disturbed by partial clearing, under-scrubbing and incursions of weeds.

Common Species

Trees: *Corymbia maculata* (Spotted Gum), *Eucalyptus fibrosa* (Broad-leaved Ironbark), *Eucalyptus muelleriana* (Yellow Stringybark) and *Eucalyptus globoidea* (White Stringybark), *Eucalyptus paniculata* subsp. *paniculata* (Grey Ironbark) and *Allocasuarina littoralis* (Black She-oak).

Shrubs: *Acacia irrorata* subsp. *irrorata* (Blueskin), *Acacia floribunda* (Sally Wattle), *Acacia longifolia* (Sydney Golden Wattle), *Acacia longissima*, *Acacia melanoxylon* (Blackwood), *Acacia paradoxa* (Kangaroo Thorn), *Breynia oblongifolia* (Coffee Bush), *Bursaria spinosa* (Blackthorn), *Exocarpos cupressiformis* (Native Cherry), *Goodenia ovata*, *Indigophora australis*, *Ozothamnus diosmifolius* (Ball Everlasting), *Pultenaea villosa* and *Phyllanthus hirtellus* (Thyme Spurge).

Groundcovers: *Aristida vagans* (Wire Grass), *Dianella caerulea* (Flax Lily), *Dichondra repens* (Kidney Weed), *Entolasia stricta* (Wiry Panic), *Glycine tabacina* (Variable Glycine), *Gonocarpus teuroides*, *Hardenbergia violacea* (False Sarsparilla), *Imperata cylindrica* (Blady Grass), *Lepidosperma laterale* (Variable Sword-sedge), *Lepidosperma urophorum*, *Lomandra longifolia* (Spiky-headed Mat-rush), *Macrozamia communis* (Burrawang), *Poa labillardieri*, *Pratia purpurascens* (Whiteroot), *Pteridium esculentum* (Bracken Fern), *Themeda australis* (Kangaroo Grass) and *Veronica plebeia* (Creeping Speedwell).

Weeds: *Centaureum erythraea* (Pink Stars), *Chrysanthemoides monilifera* (Bitou Bush), *Cirsium vulgare* (Spear Thistle), *Conyza albida* (Tall Fleabane), *Conyza bonariensis* (Flaxleaf Fleabane), *Pennisetum clandestinum* (Kikuyu), *Plantago lanceolata* (Ribwort) and *Rubus anglocandicans* (Blackberries).

The Spotted Gum/Ironbark Open Forest vegetation community which is similar to Map Unit 9 – Coastal Lowlands Spotted Gum – Cycad Dry Shrub Forest is not considered to be a vulnerable ecosystem by NPWS (2000) or EcoGIS (2001). EcoGIS (2001) found over 38,819 ha of this community within the Eurobodalla LGA. **Therefore, the Spotted Gum/Ironbark Open Forest is not considered to be regionally significant.**

The Spotted Gum Ironbark Forest within the north eastern portion of the site will now be protected within the development layout by a combination of reserves, ecological corridors and low density rural style lots with protective covenants on remnant vegetation.

(vii) Blackbutt Woodland

This vegetation community is a variation on Map Unit 9 – Coastal Lowlands Cycad Dry Shrub Dry Forest mapped by NPWS (2000). The shrub layer and understorey are similar to the Spotted Gum/Ironbark Open Forest. However, the dominant canopy species was *Eucalyptus pilularis* rather than *Corymbia maculata* in comparison to the Spotted Gum/Ironbark Open Forest.

Occurrence - This vegetation community occurs in the eastern section of the subject site and covers <5% of the subject site.

Structure - Woodland with a canopy cover of approximately 20-25% and height of approximately 18-20 metres. The understorey consists of a sparse shrub-layer to 2 metres high and moderate to dense groundcover of herbs and grasses.

Disturbances - This vegetation community has been disturbed by under-scrubbing and cattle grazing.

Common Species

Trees: *Eucalyptus pilularis* (Blackbutt), *Corymbia maculata* (Spotted Gum), *Eucalyptus fibrosa* (Broad-leaved Ironbark), *Eucalyptus muelleriana* (Yellow Stringybark) and *Eucalyptus globoidea* (White Stringybark).

Shrubs: *Acacia longifolia* (Sydney Golden Wattle), *Acacia terminalis* (Sunshine Wattle), *Acacia ulicifolia* (Prickly Moses), *Allocasuarina littoralis* (Black She-oak), *Daviesia ulicifolia* (Gorse Bitter-pea), *Hibbertia aspera*, *Persoonia linearis* (Narrow-leaved Geebung), and *Pultenaea villosa*.

Groundcovers: *Cassytha glabella* (Devil's Twine), *Centella asiatica*, *Cynodon dactylon* (Common Couch), *Entolasia stricta* (Wiry Panic), *Glycine tabacina* (Variable Glycine), *Gonocarpus teuroides*, *Hardenbergia violacea*, *Imperata cylindrica* (Blady Grass), *Joycea pallida* (Silver-top Wallaby Grass), *Lepidosperma laterale* (Variable Sword-sedge), *Lomandra longifolia* (Spiky-headed Mat-rush), *Lomandra*

multiflora subsp. *multiflora* (Many-flowered Mat Rush), *Panicum simile* (Two Colour Panic), *Poa labillardieri* (Tussock Grass), *Themeda australis* (Kangaroo Grass).

Weeds: *Anagallis arvensis* (Pimpernel), *Ehrharta erecta* (Panic Veldtgrass), *Hypochaeris radicata* (Flatweed), *Plantago lanceolata* (Ribwort), *Rubus ulmifolius* (Blackberries), *Paspalum dilatatum* (Paspalum), and *Pennisetum clandestinum* (Kikuyu).

The Blackbutt Woodland is a variation of Map Unit 9 – Coastal Lowlands Spotted Gum – Cycad Dry Shrub Forest and is not considered to be a vulnerable ecosystem by NPWS (2000) or EcoGIS (2001). **Therefore the Blackbutt Woodland is not considered to be of regional significance.**

(viii) Dry Gully Rain Forest

The areas of rainforest gully forest were mapped as Map Unit 9 – Coastal Lowlands Cycad Dry Shrub Dry Forest by NPWS (2000). The gullies within Mogo State Forest to the west of the subject site have been mapped as Map Unit 2c Moist Eucalypt Forest which includes Map Unit 20 – Coastal Hinterland Ecotonal Gully Rainforest. This vegetation community is most similar to Map Unit 20 – Coastal Hinterland Ecotonal Gully Forest as described by NPWS (2000).

Occurrence - This vegetation community occurs within two gullies in the north western section of the subject site and covers approximately 1% of the subject site.

Structure - Open Forest with a canopy cover of approximately 50% and height of approximately 10-12 metres. The understorey consists of a sparse to moderate shrub-layer to 3 metres high and sparse groundcover of herbs, vines and grasses.

Disturbances - This vegetation community is generally undisturbed apart from small weed incursions.

Common Species

Trees: *Alphitonia excelsa* (Red Ash), *Claoxylon australe* (Brittlewood), *Cassine australis*, *Acmena smithii* (Lilly Pilly) and *Glochidion ferdinandi* (Cheese Tree).

Shrubs: *Elaeocarpus reticulatus* (Blueberry Ash), *Ficus coronata* (Sandpaper Fig), *Pomaderris aspera* (Hazel Pomaderris), *Breynia oblongifolia*, *Melicope micrococca* (White Euodia), *Notelaea longifolia* (Mock Olive) and *Synoum glandulosum* (Scentless Rosewood).

Groundcovers: *Adiantum aethiopicum* (Common Maidenhair), *Blechnum cartilagineum* (Gristle Fern), *Carex appressa* (Tussock Sedge), *Centella asiatica* (Swamp Pennywort), *Cissus hypoglauca* (Water Vine), *Dichondra repens* (Kidney Weed), *Doodia aspera* (Rasp Fern), *Entolasia marginata* (Bordered Panic), *Eustrephus latifolius* (Wombat Berry), *Gahnia melanocarpa* (Black-fruit Saw-sedge), *Geitonoplesium cymosum* (Scrambling Lily), *Hydrocotyle peduncularis* (Pennywort), *Oplismenus aemulus* (Basket Grass), and *Pellaea falcata* (Sickle Fern), *Smilax australis* (Lawyer Vine) and *Veronica plebeia*.

Weeds: *Cirsium vulgare* (Spear Thistle), *Hypochaeris radicata* (Flatweed), *Pennisetum clandestinum* (Kikuyu), *Plantago lanceolata* (Ribwort) and *Trifolium repens* (White Clover).

The Dry Rainforest Gully Open Forest which is similar to Map Unit 20 – Coastal Hinterland Ecotonal Gully Rainforest is not considered to be a vulnerable ecosystem by NPWS (2000) or EcoGIS (2001). There is currently 99 ha of this community mapped within the Eurobodalla LGA (EcoGIS 2001). In addition, extensive areas of this community have been mapped by NPWS (2000) as occurring within the Mogo State Forest adjoining the subject site. **The study by EcoGIS (2001) described this vegetation community as being functional within the region, therefore this vegetation community is not considered to be regionally significant.**

(ix) Banksia Scrub

This area known locally as “The Knoll” was mapped as cleared land by NPWS (2000). This vegetation community is most similar to Map Unit – 28 Coastal Sands Blackbutt – Old Man Banksia Scrub Fern Forest. Variations to the Map Unit – 28 (NPWS 2000) description included; the absence of eucalypt species and *Banksia serrata*, whilst the dominant banksia was *Banksia integrifolia*. The understorey has a similar species composition to that described by NPWS (2000).

Occurrence - This vegetation community occurs on the top of a hill located in the Central section of the subject site and covers <5 % of the subject site.

Structure - Open forest with a canopy cover of approximately 40-45% and height of approximately 10-15 metres. The understorey consists of a sparse to moderate shrub-layer to 1-3 metres high and moderate to dense groundcover of herbs, ferns and grasses.

Disturbances - This vegetation community has been disturbed by the construction of an informal vehicular track through its centre. This track is currently unused and regrowth of the vegetation is occurring.

Trees: *Acacia irrorata* subsp. *irrorata* (Blueskin), *Acacia longifolia* (Sydney Golden Wattle), *Acacia melanoxylon* (Blackwood), *Allocasuarina littoralis* (Black She-oak) and *Banksia integrifolia* (Coast Banksia).

Shrubs: *Breynia oblongifolia* (Coffee Bush), *Exocarpos cupressiformis* (Native Cherry), *Hibbertia aspera*, *Leucopogon lanceolatus* (Lance-leaf Beard-heath), *Notelaea longifolia* (Mock Olive), *Ozothamnus diosmifolius* (Ball Everlasting), *Persoonia linearis* (Narrow-leaved Geebung), *Phyllanthus hirtellus* (Thyme Spurge), *Pittosporum undulatum* (Sweet Pittosporum) and *Platysace lanceolata* (Lance-leaved Platysace).

Groundcovers: *Adiantum aethiopicum* (Common Maidenhair), *Aristida vagans* (Wire Grass), *Cassytha pubescens* (Devil's Twine), *Centella asiatica* (Swamp Pennywort), *Dianella caerulea* (Flax Lily), *Dichondra repens* (Kidney Weed), *Doodia aspera* (Rasp Fern), *Entolasia marginata* (Bordered Panic), *Geitonoplesium cymosum* (Scrambling Lily), *Glycine tabacina* (Variable Glycine), *Gonocarpus teuroides*, *Goodenia hederacea*, *Hibbertia scandens* (Climbing Guinea Flower), *Lomandra longifolia* (Spiky-headed Mat-rush), *Macrozamia communis* (Burrawang), *Pratia purpurascens* (Whiteroot), *Pteridium esculentum* (Bracken Fern),

Smilax australis (Lawyer Vine), and *Solanum pungetium* (Forest Nightshade).

Weeds: *Cerastium glomeratum* (Mouse-ear Chickweed), *Chrysanthemoides monilifera* (Bitou Bush), *Cirsium vulgare* (Spear Thistle), *Conyza albida* (Tall Fleabane), *Conyza bonariensis* (Flaxleaf Fleabane), *Hypochaeris radicata* (Flatweed), *Modiola caroliniana* (Red-flowered Mallow), *Myrsiphyllum asparagoides* (Bridal Creeper), *Oxalis corniculata* (Creeping Oxalis) and *Plantago lanceolata* (Ribwort).

The Banksia Scrub vegetation community is considered to be vulnerable by EcoGIS (2001). Whilst the vegetation community within the subject site varies slightly from Map Unit 28 – Coastal Sands Blackbutt – Old Man Banksia Shrub – Fern Forest, it is still considered to be representative of the vegetation community described by NPWS (2000). EcoGIS (2001) considers this vegetation community to be a moderately functional ecosystem **potentially at risk from processes such as clearing and urban development. Therefore this vegetation community is considered to be regionally significant.**

The Banksia Scrub vegetation will be retained as a managed ecological zone including passive recreational facilities ('Hilltop Reserve'). Lands to the east and west of the knoll will form part of the central east-west corridor linking lands to the east with Mogo State Forest to the west. This corridor will form an important strategic ridge top habitat for species that prefer open ridgelines for movement.

(x) Swamp Oak Open Forest

This vegetation community was mapped as Map Unit – 25 South Coast Swamp Forest Complex however, it is most similar to Map Unit 27 – Ecotonal Coastal Swamp Forest as described by NPWS (2000). Variations of this community to the community described by NPWS (2000) include; only a small percentage (<5%) of *Eucalyptus botryoides* surrounding the wetland and the dominance of *Casuarina glauca*. Two areas of this vegetation community within the floodplain have a high level of disturbance due to cattle grazing hence the dominance of the coloniser species, *Casuarina glauca*. In contrast, the area surrounding the Bevia Swamp has a moderate level of disturbance with a diverse composition of species in both the shrublayer and groundlayer, more representative of Map Unit 27 – Ecotonal Coastal Swamp Forest as described by NPWS (2000).

Occurrence - This vegetation community occurs within the floodplains and along the edge of the Bevia Swamp in the south eastern section of the subject site and covers approximately 15 % of the subject site. Two fragmented areas of this community exist within the floodplain of the Bevia Swamp.

Structure – Open Forest with a canopy cover of approximately 40% and height of approximately 15-20 metres. The understorey consists of a sparse to dense groundcover of herbs and grasses.

Disturbances – Two areas of this community within the floodplain are highly disturbed with no shrub layer and a sparse groundcover due to cattle grazing. Vegetation surrounding the Bevia Swamp has been disturbed by the construction of Bevia Road along its western and part of its northern boundaries. Along the edges of Bevia Road a moderate incursion of

pasture weeds exists. Regrowth of this community is occurring within a disused road along the northern boundary of the subject site.

Common Species

Trees: *Casuarina glauca* (Swamp Oak), and *Eucalyptus botryoides* (Bangalay).

Shrubs: *Acacia longifolia* (Sydney Golden Wattle), *Acacia maidenii* (Maidens Wattle), *Banksia integrifolia* (Coast Banksia), *Leptospermum polygalifolium* (Yellow Tea Tree), and *Melaleuca ericifolia*.

Groundcovers: *Dichondra repens* (Kidney Weed), *Entolasia marginata* (Panic), *Gahnia aspera* (Rough Saw-sedge), *Gahnia clarkei* (Tall Saw-sedge), *Gahnia melanocarpa* (Blackfruit Saw-sedge), *Goodenia hederacea* var. *hederacea* (Violet-leaved Goodenia), *Glycine tabacina* (Variable Glycine), *Hydrocotyle peduncularis* (Pennywort), *Juncus continuous*, *Oplismenus imbecillis* (Basket Grass), *Parsonsia straminea*, *Persicaria decipiens*, *Persicaria lapathifolia*, and *Viola hederacea*.

Weeds: *Juncus acutus*, *Modiola caroliniana* (Red-flowered Mallow), *Oxalis corniculata* (Creeping Oxalis), *Paspalum dilatatum* (Paspalum), *Pennisetum clandestinum* (Kikuyu), *Phalaris aquatica* (Phalaris), *Plantago lanceolata* (Ribwort) and *Trifolium repens* (White Clover)

The Swamp Oak Open Forest vegetation community within the subject site is a transition between two map units (25 & 27) mapped by NPWS (2000), both are considered to be vulnerable (NPWS 2000). It is considered due to the small number of Bangalays present within this community, it is most similar to Map Unit 27 Ecotonal Coastal Swamp Oak – Bangalay Swamp Forest. EcoGIS (2001) has described Map Unit 27 Ecotonal Coastal Swamp Oak – Bangalay Swamp Forest as highly dysfunctional and requiring immediate protection and or restoration. **This vegetation community surrounds the Bevia Swamp and is considered to be representative of the endangered ecological community, Swamp Oak Floodplain Forest, and as such is of high regional significance.**

It is considered to be potentially at risk from processes such as clearing and urban development.

In the proposed development, the Swamp Oak Forest is to be retained.

(xi) Aquatic Herbfield

This vegetation community has been mapped as cleared land by NPWS (2000) and consists of farm dams and does not correspond to any of the map units described by NPWS (2000).

Occurrence - This vegetation community occurs in eight (8) farm dams located throughout the subject site and covers approximately 5% of the subject site.

Structure – Sparse, to moderate. to dense herbfield to a height of approximately 1-2 metres.

Disturbances – Cattle are currently trampling the edge of these dams and weed inclusions of Kikuyu are extensive along the edges of all farm dams.

Common Species

Groundcovers: *Blechnum cartilagineum* (Gristle Fern), *Centella asiatica* (Swamp Pennywort), *Eleocharis sphacelata* (Tall-spike Rush) *Juncus usitatus* (Common Rush), *Ottelia ovalifolia* (Swamp Lily), *Paspalum distichum* (Water Couch), *Persicaria decipiens*, *Persicaria lapathifolia*, *Philydrum lanuginosum* (Woolly Frogmouth), *Schoenoplectus validus* (River Club-rush), *Sparganium subglobosum* (Floating Burr Weed), *Typha domingensis* (Cumbungi) and *Typha orientalis* (Cumbungi).

Weeds: *Cyperus eragrostis* (Umbrella Sedge), *Hydrocotyle bonariensis* (Pennywort) and *Juncus acutus* subsp. *acutus* (Sharp Rush).

The Aquatic Herbfield and Grassland with Scattered Trees vegetation communities are highly disturbed and as such do not correspond to any vegetation community described by NPWS (2000) and are not considered to be of regional significance.

(xii) Fauna

An extensive survey was undertaken between 14-22 March 2006, which comprised of 80 arboreal trap nights, 200 terrestrial trap nights, 40 hours diurnal bird survey, 2.25 hours of nocturnal bird survey, 8.5 hours of bat survey, 46 hours of reptile survey and 12 hours of amphibian survey.

A total of one hundred and twenty one (121) species were observed within or adjacent to the subject site during the survey. This number comprised eighty (86) bird, five (5) reptile, seven (7) amphibian, twenty two (22) mammal species and one (1) fish species.

Birds

Eighty six (86) birds were identified within the subject site. This included two (2) threatened species, Glossy Black-Cockatoo and Powerful Owl. All other species are considered to be common within the local area. Sixteen (16) threatened bird species are considered to have potential to utilise the subject site.

Mammals

Twenty two (22) species of mammal were recorded to be utilising the subject site. This included eight (8) terrestrial species, five (5) common arboreal species and nine (9) bats.

Bats

Three (3) bats species identified within the subject site are listed as threatened species. Fourteen (14) threatened mammal species, are considered to have potential habitat within the subject site.

Reptiles

Five (5) common species of reptile were recorded within the subject site. No threatened species of reptile are considered to have potential to utilise the subject site. Seven (7) amphibians were heard calling within the wetland, creek lines and dams throughout the site. Two (2) threatened species of amphibian are considered to have potential to utilise the subject site.

In summary five (5) threatened species were observed utilising the site namely:

- Powerful Owl (*Ninox strenua*),
- Glossy Black-Cockatoo (*Calyptorhynchus lathamii*),
- Eastern Freetail-bat (*Mormopterus norfolkensis*),

- Eastern Bentwing-bat (*Miniopterus schreibersii oceansis*), and
- Greater Broad-nosed Bat (*Scoteanax rueppellii*)

There may be potential risks related to the manner in which development impacts on fauna habitat and corridors.

l. Issues arising from potential environmental impacts associated with construction, operation, or occupation of the project

The prime Issues arising from potential environmental impacts associated with construction, operation, or occupation of the project in relation to the proposed development are as follows:

- Clearing of native vegetation,
- Alteration to the natural flow regimes of rivers, streams, floodplains and wetlands,
- Erosion and water run-off together with water quality in the Beviaan Wetland during the construction phase;
- The maintenance of water quality in the Beviaan wetland during the occupation of the site
- Invasion of native plant communities by exotic perennial grasses,
- Habitat destruction
- The maintenance of asset protection zones during the occupation of the site.

m. Issues raised by the Department of Planning arising from assessment of previous development proposal on the subject site

The subject site has had the benefit of a comprehensive assessment by the Department as part of the assessment of the previous development proposal.

The key issues raised by the Department, which ultimately gave rise to the refusal of the subject application and which are likely to be issues against which the Department will assess any future application are:

- (x) Poor Integration with the Strategic Context:
Development in the vicinity of the site is generally on the ocean side of George Bass Drive, apart from rural and small semi-rural holdings. The nearest hamlets of Rosedale and Guerilla Bay are east of George Bass Drive and the proposal does not represent a logical expansion of these hamlets nor does it connect well with either of them. With 850 dwellings and probably close to 2000 people, the proposal represents the development of a new coastal village, larger than any in the immediate vicinity, with resulting social infrastructure and other needs. The NSW Coastal Design Guidelines state that a new settlement such as proposed, should not occur outside the strategic framework articulated by a broader settlement strategy.

Comment:

The proposed subdivision of the subject site will be consistent with the current strategic framework as articulated by the Minister's Independent Review Panel in their report on the South Coast Sensitive Urban Land Review released in October 2006.

In relation to the subject site the Panel made the following recommendations:

The western portion of the Rosedale site is considered mostly suitable for urban development in view of the past land clearing and farming activities. Detailed site planning should place a high priority on protection of riparian zones and SEPP 14 wetlands through best practice storm water management, and early revegetation of riparian areas for ecological and visual benefits.

Limited development could occur in the north-eastern portion of the site, outside the identified habitat corridor, provided there is early revegetation of generous corridors adjacent to previously cleared areas along creeks and other riparian areas. Limited clearing of forest could be permitted provided early riparian revegetation and restoration occurs.

Detailed site planning should place a high priority on protection of riparian zones and SEPP 14 wetlands, through best practice storm water management, and early revegetation of riparian areas for ecological and visual benefits.

Residential development should aim to achieve a range of housing types to meet demographic change, with a higher overall yield than traditionally achieved in adjoining areas, to make better use of land resources and utility services.

Site planning should ensure visual separation between Barlings Beach and Rosedale, and along George Bass Drive between Tomakin and Rosedale North, in line with Council's objectives under the Eurobodalla Urban Settlement Strategy.

(xi) Non-Compliance with Coastal Design Guidelines:

The Coastal Design Guidelines sets out a number of principles where the proposal falls short, these are outlined below:

- New settlements are to be determined through the process of a settlement strategy and should be consistent with regional and state plans (p.45 of Guidelines);
- Provision of a range of open space areas, from playing fields to parks and walking connections (p.53 of Guidelines);
- Settlement to be easily navigable and logical in terms of access (p.67 of Guidelines); and,
- Edge streets fronting reserves to define boundary of settlement and also providing asset protection zones for bushfire protection.

Comment:

The new proposal will have regard to the deficiencies in the previous scheme and the provisions of the Coastal Design Guidelines.

(xii) Poor Structure and Urban Design

The objectives of the Urban Expansion Zone (which the bulk of the site is zoned) states that urban development will not necessarily proceed over all of the land. Development outlined in the draft Master Plan is virtually continuous over the entire site. Furthermore, Council's DCP for the site shows significant areas where no development should occur, such as through the centre of the site and in the north west corner. The DCP would appear to be a more clear expression of the objectives of the Urban Expansion zone;

Comment:

The new proposal will address this issue

(xiii) Inadequate arrangements for access given the scale of the development:

The proposed southern access arrangement is unsatisfactory and has been put together as secondary solution due to the absence of owners consent to the access illustrated in the originally submitted draft Master Plan;

Comment:

Access to the site is to be provided at its southern end from George Bass Drive via the existing Council road. A second access is to be provided to George Bass drive at the northern end of the site.

(xiv) Non-compliance with Fire Safety Requirements:

The draft Master Plan proposes extensive use of dead end streets or cul de sacs, with many being in-excess of 200 metres in length. And at times, a convoluted road system with many loop roads, often off a loop road and a road hierarchy that is not readily identifiable or legible, apart from the main collector road running through the development. Large areas of open space to the rear of development, often vegetated gullies with poor road access. In combination, these factors result in a proposal that does not appear to satisfy the intent and often the specifics of fire safety requirements.

Comment:

The Fire Safety requirements for the site have been completely reassessed across the landscape to fully comply with the provisions in "Planning for Bushfire Protection, Rural Fire Service, 2001". Significant amendments have been made and consideration has been given to providing a practical road access network for bushfire protection and maintenance of any vegetated areas to the required fuel standards.

These changes have resulted in a revised development layout that:

- Manages vegetation to reduce potential bushfire risk in the vicinity of dwellings,
- Designing and siting of dwellings to improve serviceability of dwellings and protection of life during the passage of a fire front,
- Providing safe access and egress for emergency vehicles and residents at all times,

- Ensuring availability of water to landholders and emergency services for the defence of dwellings against bushfires, and
- Establishing a maintenance programme for fire protection of dwellings.

Roads have been redesigned to comply with RFS standard road width requirements and loop roads have been provided where practicable to reduce the risk to fire fighters and residents alike. Cul de sacs greater than 200 m have been avoided.

The new development design incorporating compliant asset protection zones, roads and fire trials presents a superior bushfire protection outcome.

- (xv) Loss of Spotted Gum Forest and Inadequate Assessment of Impacts:
The loss and/or degradation of the area of Spotted Gum Forest in the north east corner of the site is not justified, with its resulting loss of habitat for two identified threatened species and resulting negative visual and aesthetic impacts;

Comment:

The Spotted Gum forest in the north east corner of the site will be retained within the new Rosedale Masterplan by a combination of reserves, ecological corridors and low density rural style lots with protective covenants on remnant vegetation.

Whilst the outer boundary of the Spotted Gum Ironbark Forest is likely to be modified to provide practical building locations and appropriate asset protection zones, the majority of the Spotted Gum Ironbark Forest will be protected. Any impact on the Spotted Gum Ironbark Forest will be compensated by appropriate revegetation works.

- (xvi) Inadequate Setback from Sewerage Treatment Plant (STP)
The proximity of proposed development to the STP is not justified and a more generous setback should be achieved in this vicinity. This would satisfy the DCP requirements, remove any need for remedial works to the STP and provide additional land for environmental management and conservation.

Comment:

The development is to be setback 400m from the STP in accordance with the recommendations of the Department and Council.

- (xvii) Visual Impacts and Character of the Development:
The visual impact assessment for the proposal acknowledges that the development will be visually in contrast to the surrounding character when viewed from a distance, from Broulee Headland specifically. However, this is considered an acceptable and short term impact by the assessment document. The impacts will be longer than 'short term' and the contrast will be marked. The loss of existing vegetation in the north eastern part of the site will also contribute to this change in character.

The presence of more than 30 lots with an area of 1000m² or less (some with as little as 600m²) in the character zone known as "the farm" and having a 'rural' character is at odds with this theme and will

be visually out of character (note: this is excluding the 'transition' area which also has small lots). The closeness of the development, the repetition of built forms, roads cutting across contours and the presence of an area of integrated housing will ensure that this area does not have a rural or semi-rural character.

Comment:

The new proposal will be designed to minimise the visual impact of development when viewed from a distance; having particular regard to its visibility from the Broulee Headland.

The vegetation in the north-eastern portion of the site is intended to be retained and larger lots are proposed in the northern portion of the site.

Large lots will be provided in the northern portion of the site together with more dense subdivision patterns in the southern portion. The size of these lots will have regard to the comments of the Department and to the recommendations of the South Coast Independent Panel Review (October 2006) in particular with regard to the recommendation on the scale and type of land release; namely:

Residential development should aim to achieve a range of housing types to meet demographic change, with a higher overall yield than traditionally achieved in adjoining areas, to make better use of land resources and utility services.

(xviii) Potential negative impacts on Bevia Swamp.

The potential for negative impacts on the water quality and ecological values of the Bevia Wetland resulting from run-off and intended use of the wetland.

Comment:

The Bevia Wetland is to be protected and its water quality will be maintained or improved by:

- The establishment of a Stormwater Management Plan to ensure the development of the landscape does not degrade soil stability and/or add to soil movement via waterways into the wetland;
- The establishment of a Vegetation Management Plan to deal with vegetation retention and revegetation works in order to assist the prevention of further movement of soils and polluting nutrients into the wetland;
- The location of the access route from George Bass Drive in such a position as to minimise the potential impacts on the Bevia Wetland ecosystem;
- Designing the road to accommodate nutrient stripping either by bio-retention swales, the provision of rain gardens or through direct methods such as enviro-pods in drains; and
- Designing roads without kerbs and gutters in order to provide the opportunity for the provision of roadside swales throughout the project.

It is anticipated that the manner in which the new proposal addresses all the above issues will be a significant matter of consideration in the assessment of any future application.

n. South Coast Sensitive Land Review

In May 2006, the NSW Government exhibited the Draft South Coast Regional Strategy for public comment. The draft strategy, amongst other things, identified 16 areas zoned for urban expansion as being environmentally sensitive and warranted review by an expert Panel to determine the suitability and scale of release of those sites.

Following the release of the draft Strategy the Minister for Planning appointed an independent Panel comprising Dr Andrew Refshauge (Chair), Dr David Robertson and Mr Vince Berkhout to investigate and report on the sensitive sites outlined in the strategy. The Independent Panel Report was released in October 2006.

In relation to Rosedale the Panel made the following specific recommendations:

“1a. Suitability of Site

Western portion

The western portion of the Rosedale site is considered mostly suitable for urban development in view of the past land clearing and farming activities. Detailed site planning should place a high priority on protection of riparian zones and SEPP 14 wetlands through best practice storm water management, and early revegetation of riparian areas for ecological and visual benefits.

North-eastern portion

Limited development could occur in the north-eastern portion of the site, outside the identified habitat corridor, provided there is early revegetation of generous corridors adjacent to previously cleared areas along creeks and other riparian areas. Limited clearing of forest could be permitted provided early riparian revegetation and restoration occurs.

Detailed site planning should place a high priority on protection of riparian zones and SEPP 14 wetlands, through best practice storm water management, and early revegetation of riparian areas for ecological and visual benefits.

1b. Scale and type of land release

Residential development should aim to achieve a range of housing types to meet demographic change, with a higher overall yield than traditionally achieved in adjoining areas, to make better use of land resources and utility services.

Site planning should ensure visual separation between Barlings Beach and Rosedale, and along George Bass Drive between Tomakin and Rosedale North, in line with Council’s objectives under the Eurobodalla Urban Settlement Strategy.

2. Priority and timing

Development should be staged according to market conditions. Discussions should be held with the land owners about a planning agreement that guarantees the revegetation of the riparian corridors as a high priority.

3. Alternate land uses

Environmental conservation zoning using the new Zone E2 Environmental Conservation under the LEP template should be considered for riparian corridors, wetlands, and areas containing EECs.

The Panel also made other more general comments on the nature of development in the South Coast. Of particular relevance to Rosedale, the Panel made the following comment in relation to encouraging medium density housing in and around major regional centers:

The density of residential development in most settlements on the South Coast is relatively low. Each of the Councils has submitted that this is the form of development that the market demands. The Panel is concerned that low density forms of residential development are consuming scarce land resources at a rate that could be reduced with smaller lot sizes, without compromising on privacy, amenity or the opportunity for good design.

Comment:

The development of a new concept plan for Rosedale will have regard to the comments and recommendations of the Minister's Independent Review Panel.

It is not anticipated that there will be any significant issues with regard to the manner in which the new proposal for Rosedale satisfies the objectives and recommendations of the Panel's report.

o. Design Principles recommended by Urban Assessments

Subsequent to the assessment of the previous Masterplan (MP 4 -12 2002), the Director of Urban Assessments of the Department of Planning, Mr Robert Black wrote to Marsim on 29 September 2005 (**Attachment B**). He advised Marsim that the views expressed by both state and local governments in the assessment of the Masterplan "demonstrated at the very minimum an acceptance of the development potential of the site."

Further, Mr Black advised that the preparation of a Concept Plan under Part 3A of the Act would provide an opportunity to move forward. In this regard the Department developed a set of Concept Plan Principles for the site. These principles were "derived from the assessment of the proposal and, in part, seek to address the issues of concern raised with the Draft Masterplan MP4-12-2002".

These Concept Plan Principles are reproduced below:

1. Any proposal for the future development on this site is to adopt the principles and desirable examples of development contained in the NSW Coastal Design Guidelines. In this regard, any future development:
 - must not dominate existing nearby coastal communities.

- should not proceed over all of the land within the site, and
 - may contain a new distinct coastal hamlet in the area to the south of the knoll
2. That part of the site to the north and east of the knoll should be characterised by large lot rural residential development, utilising features such as:
 - lots greater than 1 hectare and with no lots less than 2000sqm²,
 - avoiding road patterns that cut across the contours.
 - Avoiding the use of dead end roads greater than 200 metres in length and cul-de-sacs generally
 - random placement of dwelling sites rather than repetitive urban forms, and
 - retention of existing vegetation.
 3. Planning for the site should be restricted to appropriately zoned land.
 4. The knoll and the adjoining lands to the east and west are to be kept clear of any development.
 5. Long term access to the site from the south needs to be fully and satisfactorily resolved. It must provide for the practicable use of future residents to access and egress from George Bass Drive.
 6. Ecological communities, wildlife corridors, riparian corridors, significant areas of regrowth and individual mature and habitat trees are to be protected and conserved. Such areas are to be identified and mapped. Existing vegetation is to be retained on the site.
 7. The Spotted Gum forest in the north east corner of the site is to be protected and not be impacted upon by asset protection zones, housing and related development.
 8. No recreational use of the Bevia Wetland or of determined buffer zones. In this regard, generous buffers zones to be set based on the principles of protection and conservation of the environmental qualities of the wetlands and on mapping of existing ecological communities.
 9. Establish buffers to the existing sewerage treatment plant. In this regard, the buffers set down in the existing DCP should be used as a guide.

All these issues are to be addressed as part of the revised application.

8. Conclusion

The above report is submitted as part of an application for a concept plan for the subdivision of Marsim's site at Rosedale, under the provisions of 75 E of the Environmental Planning and Assessment Act 1979.

John Kass
Director