

RESPONSE TO AGENCY AND COUNCIL SUBMISSIONS – MODIFICATION, SUNSHINE BAY ESTATE MP05_0029

AGENCY/ISSUE	RESPONSE
EUROBODALLA SHIRE COUNCIL Inclusion of Modification conditions. Position of possible driveway entry to service proposed lot 701. Restriction on title for proposed lots 701 and 705	The proponent has no issue with the draft conditions as suggested by Council for inclusion with any Modification consent. The proposed layout plan will be amended to incorporate an allotment entry point that adheres to AS/NZS 2890.1. As suggested the entry to lot 701 will be reconfigured to provide access from Throsby Crescent. Upon creation of certificate of title, S88b restrictions will be applied to affected titles.
RURAL FIRE SERVICE NSW Proposed amendments to bush fire protection	Advice from RFS has been noted, (no project specific issues raised or conditions requested).
OFFICE OF ENVIRONMENT AND HERITAGE Biodiversity assessment in accordance with Biodiversity Conservation Act 2016 (BC Act). The proposed actions as described by the modification will require a Biodiversity Development Assessment Report, (BDAR).	A BAM certified Ecologist has been engaged to review the proposed modification and has provided a BDAR report including Off-set requirements, (see attached document). In terms of direct impact on vegetation, habitat, TEC's and threatened species, the BDAR report acknowledges that all gully vegetation will be removed. The extent of removal has been factored into the BAM methodology. The clearing will also remove the identified hollow bearing tree. The report recommends: <i>“It is recommended that the hollow bearing tree be salvaged as part of the project and utilised to create a standing hollow-bearing snag or used to increase fallen woody debris with other retained woodland areas within the sub-division site”.</i> In terms of indirect impacts, the report assessment states: <i>“Given the location of the DMA site adjacent to existing road infrastructure and cleared land for development, it is considered unlikely that the proposal would have inadvertent impacts which would reduce viability of any adjacent native vegetation or habitat due to edge effects, noise, dust or light spill, or disturbance to breeding habitats”.</i>

Loss of vegetation and hollow bearing tree. Possible effects on Aboriginal Heritage and implications for the Aboriginal Heritage Conservation Management Plan (AHCMP).	In conclusion, the report states: <i>“In accordance with Appendix 2 of the BAM, impacts to threatened flora and fauna species, including their habitats, have been considered and assessed. One fauna species, the Southern Myotis, was retained as a candidate species as habitat constraints for this species are present within the DMA site. One additional threatened microbat species, the Eastern Freetail Bat, was recorded utilising the site following analysis of acoustic recordings (anabat)”.</i> The report also identifies that both ecosystem and species credits will apply in association with the proposed clearing activity if approval is granted for the modification as described. Refer to included BDAR report for recommended action. The existing AHCMP will be amended in relation to the modification (if required) upon outcome of the modification assessment and determination.
DEPARTMENT OF PLANNING & ENVIRONMENT Details of proposed fill.	As described in the report appended to the modification application, the gully will be filled following the vegetation removal such that the proposed allotments can be created within and adjacent to the proposal area. The fill process will incorporate the following activities: – Following vegetation clearing the topsoil will be stripped and stockpiled for later dispersal; – Fill material (development site sourced) will be placed in layers and compacted to Level 1 compaction standards (under Geotech Engineers supervision); – Following fill operation the area will be graded and shaped to approved design specifications; – All disturbed areas will be overlain with topsoil and mulch. Existing batters to upper levels of the gully area and down-slope of roadways will be mulched or stabilised with turf membrane; – Disturbed areas will be maintained, including exclusion fencing, until completion of adjacent sub-division works.

	As identified within the BDAR report, the proposed modification area should be included in the existing CEMP or that an area CEMP be prepared for the management of the proposed works.
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