

MEMORANDUM

To: Matt Philpott of Sealark Pty Limited

From: Alex Gorey

Date: 31. October 2025

Purpose: For Information

Subject: Response to Submissions on MOD BDAR

Eco Logical Australia Pty Ltd (ELA) has been engaged by Sealark Pty Limited to review the submissions on the Modification BDAR that was submitted to the Department of Planning, Housing and Infrastructure (DPHI) for the West Culburra Mixed-use development (SSD 3846).

Having completed a brief review of all submissions on the project, there were two relating to ecology, one of which has been dealt with separately between ELA and Allen Price and Scarrats. There is one remaining submission from Samuel Cooper which requires a response.

Due to the detailed nature of Samuel Cooper's submission, the items raised have been addressed here.

Comment	Section of the BAM 2020	Response	Addressed in the BDAR
Plots have not been completed across all vegetation zones in the subject land A vegetation integrity score has not been calculated for PCTs 4028 and 4091	Section 4.3.3 Section 4.4	Plots were initially completed across the subject land (as part of a larger area) in 2016 and 2017 for a previous planning proposal. This effort included plots sampling PCT 4028 and PCT 4091. Plots were repeated in 2022 and 2023 (due to 5 year survey currency limit) and completed in the vegetation zones present within the development footprint only. The two PCTs identified by Samuel are PCT 4091 and PCT 4028 which are only present in a proposed Foreshore Reserve. The Foreshore Reserve does not form part of the development footprint. No direct or indirect impacts are proposed to these PCTs. Additional management measures, such as a Construction Environmental Management Plan and a Vegetation Management Plan will be implemented during the life of the development. For this reason, plots were not repeated in these PCTs.	Table 7 shows each PCT in the subject land, and how much of the PCT is within the footprint. Section 3 describes the field survey effort and method for the collection of plots. No changes proposed.
A hollow bearing tree assessment has not been completed in PCT 4028	Section 4.3.4	Although plots were not repeated in 2022 / 2023 in this PCT, an assessment of the entire subject land was completed for hollow bearing trees. This includes PCT 4028. No hollows were identified in this PCT during survey.	All hollows in the subject land are shown on Figure 8. No changes proposed.
Plots have not been completed in each individual patch of a vegetation zone, where the vegetation zone is discontinuous.	Section 4.3.4 (subsection 6) of the BAM Stage 1 Ops Manual (DPIE 2020)	Section 4.3.4(6) of the Stage 1 ops Manual states the following: <i>When combining discontinuous areas of vegetation into a single vegetation zone, the assessor must not establish the survey plots within a single area. Survey plots should sample across the separate areas.</i> This clause does not state that every single discontinuous patch of the zone must be sampled, rather that where there are discontinuous patches, the plots should be spread throughout the zone and not concentrated in one patch. ELA notes that there are numerous other parameters for selecting appropriate plot locations, including: • Locations that are broadly representative of the zone • Contain hollow bearing trees / represent all function features of the zone	Plot locations are shown on Figure 6 in the BDAR. Table 9 shows the minimum number of plots required for each vegetation zone, and the number collected. In most cases the minimum requirement for plots was exceeded. The previous survey effort for vegetation validation and plots is described at the beginning of Section 3. No changes proposed.

Comment	Section of the BAM 2020	Response	Addressed in the BDAR
		Are not in proximity to a path, disturbance, ecotone, edge of the zone etc. Plot placement was decided in consideration with the above parameters specified in Section 4.3.4 of the Stage 1 Ops Manual and the seven plots completed for Zone 1 have been spread across the two largest patches of the zone which were considered to be representative of the zone. Where variation existed within these patches, it was captured with plot placement. The small patch along the eastern boundary was only just big enough to fit a plot. If a plot was completed in this patch, it may have captured ecotonal features of adjacent zones and would not have met the other requirements of Section 4.3.4 of the BAM (distance from vegetation zone boundaries etc). The patch of zone 1 to the south of Culburra Road was consistent in its composition, structure and function to other areas of the zone where the plots were collected. It was not deemed necessary to complete a plot in this area, to capture any potential variation across the zone.	
PCT 4028 and PCT 4091 were not entered into the BAM-C	Section 4.4	Plot data for PCTs present within the development footprint were entered in to the BAM-C to generate the list of candidate species requiring assessment. No impacts are proposed to the patches of PCT 4028, PCT 4091 or PCT 4051 within the subject land. These PCTs will form the Foreshore Reserve and be managed as part of a VMP. ELA considers that their exclusion from the BAM-C justified on this basis.	Section 4. No further changes proposed.
The definitions in Appendix A are wrong	Glossary	The word 'footprint' has been incorrectly inserted in some sections of the definitions. This has arisen from a simple word search and replace to ensure that the BDAR used consistent terminology. They were not deliberately removed.	If required this can be changed, although in its current form it does not make a material difference because 'development site' has not been used throughout the report.