

23 July 2025

2240898

Peter McManus
 Team Leader – Social and Diverse Housing Assessments
 Department of Planning, Housing and Infrastructure
 Level 17, 4PSQ, 12 Darcy Street
 Parramatta, NSW 2150

Dear Peter

RE: Seniors Housing Development, Moruya (SSD-81932463)

I write on behalf of Illawarra Retirement Trust (IRT) relating to the forthcoming application for a new seniors housing development (SSD-81932463) at 11 Spencer Street, Moruya (the site).

The purpose of this letter is to seek confirmation from the Department of the intended approach by IRT, following the meeting held on 7 May 2025, regarding the riparian and Asset Protection Zone (APZ) constraints on the site, to ensure that a feasible seniors housing community can be developed on this well-located land, within the urban parameters of Moruya.

This letter is to be read in conjunction with the following documentation:

- Riparian advice letter prepared by Biosis (**Attachment A**);
- Bushfire advice letter prepared by Blackash (**Attachment B**); and
- Riparian and APZ Overlay options (**Attachment C**).

1.0 The Site and Environmental Context

The site is located to the south of Spencer Street, Moruya, within the Eurobodalla Shire Council Local Government Area (LGA). The site is legally described as Lot 11 DP 1008755 and has an area of approximately 18.26 hectares (**Figure 1**).

The site is defined by a narrow band of remnant mature trees along the site's northern and eastern boundaries, with vegetation sparsely dispersed throughout the site.



The Site

NOT TO SCALE

Figure 1 Site Aerial

Source: Nearmap, edits by Ethos Urban

1.1 Zoning

Under Eurobodalla LEP 2012 the site has a split zoning of R2 Low Density Residential (R2 zone) and R3 Medium Density Residential (R3 zone) (**Figure 2**). Permissible residential uses in both the R2 zone and R3 zone include dwellings, dual occupancies, multi-dwelling housing, **shop-top housing** and **seniors housing**. Whilst **residential flat buildings** are additionally permitted in the R3 zone (**emphasis added**).

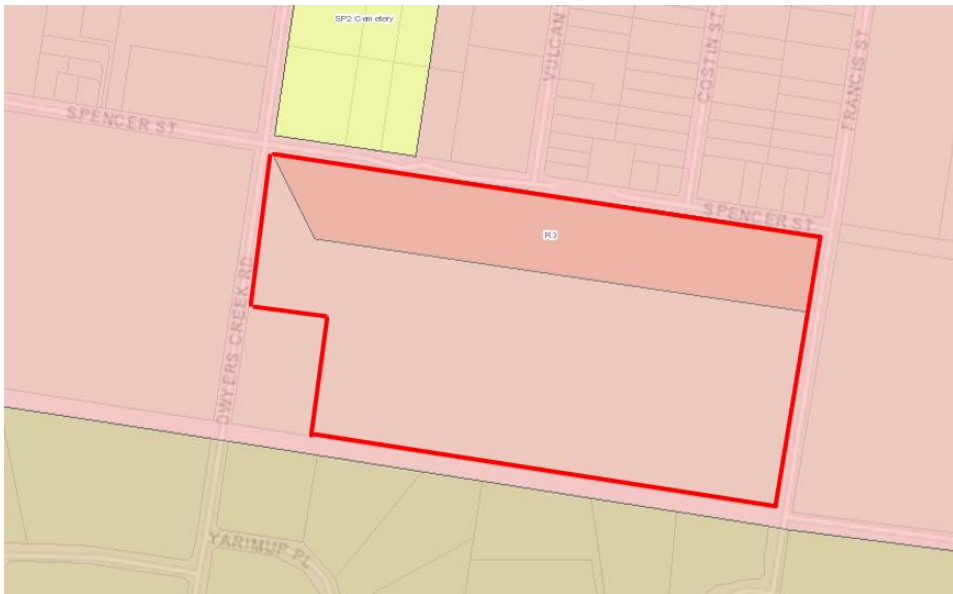


Figure 2 Zoning Map

Source: NSW Spatial Viewer

1.2 Creeks

There are two waterways located within the site, with one creek traversing the site from the northwestern corner, across the western portion of the site (western creek), which is identified as a third-order non-perennial tributary and another creek situated across the north-eastern corner of the site (north-eastern creek), which is identified as a first-order non-perennial tributary of Racecourse Creek, under the Strahler method which is used by the *Water Management (General) Regulation 2018* (refer to **Attachment A** for further information).

The vegetation within the riparian corridor consists of remnant canopy, shrub and grass species consistent with South Coast Lowland Woollybutt Grassy Forest on the northern side of the north-eastern creek (**Figure 4**). Whilst the western creek has been heavily cleared with a high degree of weed ingress and disturbance (**Figure 5**).

Under the Eurobodalla LEP 2012, the north-eastern creek is categorised as a 'Riparian Corridor Category 3 Watercourse', whilst the western creek is categorised as a 'Riparian Corridor Category 2 Watercourse'. (**Figure 3**)



Figure 3 Riparian Lands and watercourses

Source: NSW Spatial Viewer



Figure 4 north-eastern creek

Source: Biosis



Figure 5 western creek

Source: Biosis

1.2 Bushfire

The site is designated as low risk Category 3 Bushfire Prone Land. This triggers the bushfire planning and building requirements. The development will result in much of the site being developed and managed land. However, the site will provide retained vegetation within the riparian areas and the width of the retained and revegetated areas has significant consequence for the requirement to provide separation through asset protection zones which has the potential to significantly impact site availability.

A balanced risk-proportionate and context-sensitive approach is therefore essential. While bushfire protection remains a critical consideration, it must be weighed against the broader strategic planning goals for the site and broader precinct as it develops and removes the Bushfire Prone Land over time.

2.0 The Planning Purpose

There has been a long-standing planning intent for the site to provide an urban expansion to the town of Moruya. In 2006, the NSW State Government required all councils to prepare a comprehensive LEP for their LGA by 2011. Part of the LEP had been prepared by translating, where appropriate, the zones and provisions of the Urban LEP 1999 and Rural LEP 1987, into the required format of the *Standard Instrument (Local Environmental Plans) Order 2006* (Standard Instrument). Most zonings were transferred into like-for-like zones, including the

site, which was zoned Urban Expansion 10, to its current zoning, which is part R2 zone, and part R3 zone under the Eurobodalla LEP 2012, to identify where urban development could be provided. Land to immediate east and west of the site were also rezoned to R2 as part of this process, reinforcing the planning intent of Eurobodalla Shire Council to expand the urban footprint of Moruya further to the south and away from flood prone land near the Moruya River.

The site is well-located to deliver much-needed seniors housing development in the area, particularly with the Eurobodalla Regional Hospital under construction and the healthcare services and employment alignment this creates. IRT are a trusted provider for seniors housing across NSW, with existing premises in Moruya and a higher demand to service the growing seniors community.

2.1 The Challenge – ‘Maximalist Option’

IRT are currently developing a masterplan to deliver seniors housing on site, guided by the environmental constraints of the site, as advised by technical consultants for ecology (refer to **Attachment A**) and bushfire matters (refer to **Attachment B**).

A “Maximalist Option” (**Attachment C**) was developed to comply with all legislative guidelines for the riparian corridors within the study area, with respect to ecology and bushfire. The concern with this approach is that most of the site is sterilised for urban development due to the creation of onerous APZs, contrary to the planning purpose of its rezoning with Eurobodalla LEP 2012. This is discussed below:

Legislative Requirements

Under the *Water Management Act 2000* (WM Act), as per the Strahler method, the north-eastern waterway and western waterway require a vegetated riparian zone (VRZ) width of 10 metres and 30 metres from the ‘top of bank’ on either side, respectively.

Under the Eurobodalla LEP 2012, the north-eastern waterway is categorised as a ‘Riparian Corridor Category 3 Watercourse’, which has a riparian corridor width of 10 metres on either side of the top of the bank. The western waterway is categorised as a ‘Riparian Corridor Category 2 Watercourse’, which requires a riparian corridor width of 20 meters on either side of the top of the bank.

Internal Context

This option adopts a maximalist position where 10m VRZ width on either side of the western creek and a 30m VRZ width on either side of the western creek (from top of bank). In this option, the riparian corridors would be fully revegetated to ecological conditions prior to any clearing/disturbance occurring (ie prior to European settlement and farming) and would be treated as ‘unmanaged forest vegetation’.

If the riparian areas are treated as unmanaged forest vegetation, the Asset Protection Zones (APZs) widths required would be a minimum of up to 79 metres adjacent to the VRZ, as per the *Planning for Bushfire Protection 2019* (PBP).

Based on the above, the Maximalist Option has adopted the 30m riparian corridor width as per the WM Act, together with the additional 79m APZ width required as per the PBP, which results in a 109m buffer on either side of the western creek.

The north-eastern waterway adopts the 10m riparian corridor width as per the WM Act and Eurobodalla LEP 2012, together with the 79m APZ width as per the PBP, which results in an 89m buffer on either side of the creek (as summarised in **Table 1**).

Table 1 Maximalist Option

Maximalist Option	VRZ	APZ	Total Buffer (VRZ + APZ)
North eastern creek	10	79	89
Western creek	30	79	109

Surrounding Context

The Maximalist Option has also adopted a more conservative approach in the context of the surrounding vegetation, by treating the off-site vegetation as unmanaged.

The Maximalist Option is illustrated in **Figure 6** below.



Figure 6 *Maximalist Option*

Source: Ethos Urban

It is evident that through the adoption of the ‘Maximalist Option’, the developable area of the site is reduced significant to approximately 31% of the site which drastically restricts the delivery of housing on the site as intended by the R2 and R3 zoning of the site under Eurobodalla LEP 2012, and effectively makes developing the site for urban development as intended by the zoning, unfeasible.

2.2 Recommended Solution – ‘Realistic and Feasible Option’

In order to ensure the site retains its potential to be developed in accordance with its planning purpose, a ‘Realistic and Feasible Option’ has been developed in close consultation with IRT’s consultant ecologists, Biosis and bushfire consultant, Blackash. The approach is based on protecting and improving the ecological and water quality condition of the creeks by creating VRZ but to a managed state with native vegetation plantings, rather than to an unmanaged forest state for the western creek. This more flexible approach drastically reduces the extent of the APZs required, whilst simultaneously significantly improving the environmental condition of the creeks.

Internal Context

The north-eastern creek has existing 5m wide forest vegetation along its northern portion, which would be retained as part of the proposed development. A 5m VRZ would then be adopted on the southern side and revegetated with native species to exist as unmanaged ‘Grassy Woodlands’. As the VRZ is less than 1 hectare in size, an APZ of 38m is required.

For the western waterway, a VRZ of 15m on either side, to be revegetated with native species and function as an APZ. As the channel of the waterway is less than 20m in width, and will be revegetated with native aquatic flora, and thereby act as an APZ, with no additional APZ is required outside of the VRZ. The Realistic and Feasible Option results in 76% of the site being developable land, ensuring the site can deliver a viable development and realise the planning purpose of the land for appropriate residential development consistent with its zoning (**Attachment C**).

Table 2 *The Realistic and Feasible Option*

Maximalist Option	VRZ	APZ	Total Buffer (VRZ + APZ)
North eastern creek	5	38	43
Western creek	15	-	15

Surrounding Context

For the Realistic and Feasible Option, the cemetery to the north is treated as 'managed land', which would not present a bushfire risk. The remnant vegetation along the northern boundary of the site is highly fragmented, which reduces the risk of bushfire sustaining itself.

The Realistic and Feasible Option is illustrated in **Figure 7** below.



Figure 7 Realistic and Feasible Option

Source: Ethos Urban

Supporting this alternative recommended option would allow the opportunity for this site to deliver much-needed seniors housing, on a well-located parcel of land that has been identified for urban expansion for decades in local and government policy and objectives and subsequently rezoning in Eurobodalla LEP 2012, while protecting and enhancing the ecological conditions of the creeks on the site.

3.0 Conclusion

The proposed IRT Moruya development is a significant project for Moruya and Eurobodalla Shire generally, with natural alignment with the nearby Eurobodalla Regional Hospital that is currently under construction. The Realistic and Feasible Option adopts a balanced approach that supports the intended redevelopment of the site for housing whilst also improving the environmental and water quality of the creeks on the site without creating additional bushfire hazards that result in onerous APZ creation.

It is noted that IRT has met with Eurobodalla Shire Council and we understand they have provided its in-principle support for adopting the Realistic and Feasible Option.

IRT is moving forward rapidly with the preparation of the SSDA aligning with the Realistic and Feasible Option and would welcome any feedback from DPHI on the proposed approach prior to lodgement.

Should you have any questions, or if there is anything else that you require, please do not hesitate to contact Ethos Urban on the details below.

Yours sincerely

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