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18 March 2020

General Manager  
Eurobodalla Shire Council  
PO Box 99  
Moruya NSW 2537

**SUBMISSION BY THE ROSEDALE ASSOCIATION INCORPORATED (RAI)  
SUBDIVISION, DEMOLITION AND INFRASTRUCTURE WORKS – DA0358//20**

**1. GENERAL COMMENTS**

The Rosedale Association Incorporated represents Rosedale residents and ratepayers. Our aim is to assist in the orderly development and progress of the area, working in consultation with Council and other bodies and individuals. We ask Council to consider the Stage 2 plans in conjunction with Stage 1 plans and in the context of the Marsim Master Plan 2008.

We note that this latest Development Application for the Rosedale Farm site (DA0358/20) again fails to clarify key areas of concern to our Association, particularly in relation to environmental issues and the movement of vehicles into and through the development. There also remains a high risk of ending up with a piecemeal development, due to the failure of Council to ensure developers update the Master Plan for the Rosedale Urban Expansion Zone (UEZ).

As with material lodged by the developer in relation to Stage 1 of the development (DA305/18), not all information is accessible on Council's website for DA0358/20. For example, with no appendix attached explanatory material, such as notes from the pre-submission meeting, are not available.

**2. MASTER PLAN**

The plans provided by the applicant in DA0358/20 again show the developer is straying from the Master Plan of 2008. Once again, we urge Council to look broadly at development across the entire Rosedale UEZ and this developer's DAs against the Master Plan. We note that the layout of the subdivision and the number and size of the lots in DA0358/20 are not consistent with the Master Plan and do not reflect the intent of the R2 Residential zoning, which is for low density residential development. We understood that Council's desire was to achieve an average lot size of 1,200 sqm within the Rosedale UEZ to ensure that the development of the land within the UEZ would be compatible with the zoning and character of the Rosedale community (*ref. Rosedale: Beviaan Rd Concept Application (MP05-0199) Response to Public Submissions*). This was strongly supported by the Rosedale Association but has not been adhered to by the developer.

The increased density of the development is also in direct contravention of the Eurobodalla Residential Zones Development Control Plan (DCP) section 3 clause 3.1. The increased lots, and subsequent reduction in lot sizes, contravenes the stated aim of the DCP (***Section 3 clause 3.1 Subdivision Pattern and Layout***). Performance Criteria 1 states "lot sizes and portions maintain a consistent pattern within the area". The pattern for the Rosedale area, and this subdivision, is for larger low density lots. The increased number of lots and smaller sizes do not meet this criteria and Council should direct the applicant to increase the average lot size and reduce the number of lots.

The increased number of lots will also increase the pressures on the surrounding environment, particularly the riparian zone for Saltwater Creek and Bevia chain of ponds, comprising of category 1 and 2 watercourses. The DCP required a 40 metre setback from the development for Category 1 and 20 metre setback for Category 2 watercourses.

The DA does nothing to clarify the road network, with the Master Plan clearly having a central boulevard running through the development. DA0358/20 has cul-de-sacs, no central boulevard and no infrastructure and services to support the resulting population growth. Either the developer adheres to the Master Plan or Council halts consideration of DA0358/20 until the Master Plan is updated.

Recommendations:

- (i) *That Council reject the DA until such time as the Master Plan has been updated.*
- (ii) *That Council direct the developer to reduce the number of lots by increasing the average lot size to ensure the development is more compatible with the zoning and character of the Rosedale area and aligns with DCP requirements.*

### **3. ROADS AND TRAFFIC**

We continue to have serious concerns about the continued lack of an integrated plan for the Rosedale UEZ. We have stated repeatedly in previous submissions, and in meetings with Council's General Manager and Executive, that Council must meet its responsibility for the combined Rosedale UEZ to have a safe and efficient road network. This road network must not pose additional risk for vehicles entering and exiting Rosedale and other road users.

The proposed road network for the development is of critical importance to the Rosedale community and was highlighted during the bushfire threat on the morning of New Year's Eve 2019, when a high volume of traffic was attempting to evacuate from Rosedale onto George Bass Drive. Serious concerns about getting out onto George Bass Drive and safely heading north or south to evacuation centres, resulted in some people making last minute decisions to remain in Rosedale and evacuate to the beach instead. This situation highlighted the critical need for a comprehensive traffic plan for all access points, into and out of the development. We again remind Council that Rosedale Parade and Yowani Road are the only means of vehicular access into and out of North and South Rosedale, so our members have no alternative or safer choice. We support the recommendation in the Bushfire Protection Assessment accompanying DA0358/20 that approval should be conditional on the construction of a compliant public through road, through either Stage 1 of the development or otherwise, prior to any construction activity for the proposed subdivision.

We have previously been assured by Council that the development site will connect to George Bass Drive via a roundabout to be installed at the intersection of Rosedale Parade. Council should require the developer to lodge a plan for the roundabout, as well as plans for the required upgrades to Bevia Road, as an immediate priority. The Rosedale Association would welcome the opportunity to view plans and provide comment before construction commences.

The Rosedale Association has strong concerns about the access road for Stage 2 that crosses the drainage line of the riparian water courses, which risks interrupting the water flows into Saltwater Creek (*see Environmental Management below*).

Recommendations:

- (iii) *That Council request the developer to lodge traffic plans for all access points, including plans for a roundabout at the George Bass Drive/Rosedale Parade intersection and upgrades to Bevia Road.*

(iv) That Council make any development approvals conditional on the construction of a compliant public through road, through either Stage 1 of the development or otherwise, prior to any construction activity.

#### 4. ENVIRONMENTAL MANAGEMENT

Concerns raised by the Rosedale Association in previous submissions for proposed developments within the Rosedale UEZ remain valid, most recently in relation to DA305/18. They include concerns about riparian management, Endangered Ecological Communities (EEC) and the potential for the development of the site to destroy the ecological habitat values of the SEPP 14 Bevia Wetland and the Saltwater Creek chain of ponds. Council has a responsibility to protect these waterbodies as an Intermittently Closed and Open Lakes and Lagoons (ICOLL). Failure to do so will have flow on effects to the Batemans Marine Park and impacts on fauna. Council is aware that these waterbodies are valuable, rare, endangered and irreplaceable and need to be protected by imposing the most stringent requirements on how their catchments are managed within the Rosedale UEZ.

DA0358/20 presents the Stage 2 development in isolation to Stage 1 of the subdivision, so understates the potential impacts of the development, particularly in regard to Bevia wetland chain of ponds and Saltwater Creek. Stage 1 and 2 of the subdivision are located in the same catchment, feeding into the same ecosystem. They must be considered in conjunction with each other and in the context of the Marsim Master Plan 2008, as previously stated by our Association.

This development must also be considered in the context of *Coastal Management Act 2016*, as the chain of ponds and Saltwater Creek form what is considered an ICOLL ecological ecosystem. These ecosystems are vitally important as a transition zone between river/creek catchments and nearshore coastal waters, which in this case include the Batemans Marine Park. In this context, clause 6.3 Stormwater Management does not provide sufficient information on treatment of stormwater prior to its discharge into the Bevia chain of ponds and Saltwater Creek “lagoon”. It risks increasing the nutrient load from roadway runoff and residential properties and gardens, and causing eutrophication of the ecosystem in the chain of ponds and Saltwater Creek. Excess nutrient loads would have a detrimental impact on the fragile saltwater habitat, which is so important to the terrestrial and aquatic biodiversity of Rosedale and the surrounding areas, including the Batemans Marine Park. The access road also crosses the drainage line of the riparian water courses, which risks an interruption to the water flows into Saltwater Creek and compounds the interruption of the water flows, where George Bass Drive cuts across the drainage lines from the Bevia chain of ponds and feeds into Saltwater Creek. This poses a threat to the health of the downstream habitat and ecology.

The Eurobodalla Local Environmental Plan 2012 (LEP 2012) sets out Council’s environmental planning conditions, a number of which are applicable to DA0358/20. We have already referenced Section 3 in regard to subdivision pattern and layout. We also point to **Section 6.6 Biodiversity**, the objective to maintain terrestrial and aquatic biodiversity, protecting native flora and fauna and ecological processes. The Rosedale Association remains concerned that whilst the area identified for the development is farming land, the impacts of development in this area will be felt downstream in the Bevia wetland chain of ponds (subject of SEPP 14), Saltwater Creek and the Batemans Marine Park, which these waters feed into. We cannot see that these factors have been duly considered by the developer.

**Section 6.7 Riparian Lands and Wetlands** has a stated objective of “maintaining the water quality, stability of the watercourses, aquatic and riparian habitats ecological processes”. In clause 2, the LEP outlines category 1, 2 and 3 watercourses and the setbacks required for these, which in this case are watercourses category 1 (40 metre setback) and watercourse category 2 (20 metre setback). These have again not been complied with by the developer in Stage 2 of the development. On this basis, the development application in its current form is non-compliant.

**Section 6.9 Stormwater Management** states as its objective minimising the impact of urban stormwater on land adjoining downstream properties, native bushland and receiving waters. There continues to be a lack of detail from this developer around the treatment of stormwater and its impacts on these areas within the development site, particularly when considered in the context of the abovementioned concerns regarding riparian land and wetlands and biodiversity. We have raised this issue in previous submissions for this subdivision site, with concerns now compounded as a result of the proposed Stage 2 development.

Recommendations:

- (v) *That Council reject DA0358/20 based on serious concerns regarding the management of sensitive environmental issues at the site.*

## **5. POLITICAL DONATIONS / GIFTS**

RAI has made no political donations or gifts that would require a disclosure under Section 147 (5) and (6) of the *Environmental Planning and Assessment Act 1979*.



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