

Response to Public Submissions

Matters of National Environmental Significance

'Controlled Action' - Grey-headed Flying Fox
'Possible Controlled Action' - Swift Parrot
and Greater Glider

Vegetation clearing works
associated with approved
residential subdivision –
182 lots in 6 stages



'Manyana Beach Estate'
Cunjurong Point Road, Manyana
(Lot 172 DP 755923 and Lot 823 DP 247285)

FILE: P100087
November 2023



Planning | Development | Management

This Response to Public Submissions (RtPS) has been prepared exclusively for submission to the Commonwealth Minister for the Environment in accordance with s 95B(1)(a) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) following exhibition of draft Preliminary Documentation relating to an approved 182 lot residential subdivision in 6 stages at Cunjurong Point Road Manyana (Lot 172 DP 755923 and Lot 823 DP 247285).

The information contained in this Report has been obtained from updated or additional specialist reports and statistical data derived from public submissions received during the exhibition period.

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EXECUTIVE SUMMARY

This document is a Response to Public Submissions (RtPS), relating to a proposed subdivision of land in Manyana, NSW, into 182 allotments, for which development approval was granted by the NSW Minister for Planning on 8 July 2008.

The land to which the proposed subdivision relates is legally described as Lot 172 DP 755923 and Lot 823 DP 247285 (subject land), being bounded by Berringer Road, Cunjurong Point Road and Sunset Strip, Manyana, New South Wales.

The *proponent* for the proposed subdivision is Manyana Coast Pty Ltd.

This RtPS has been prepared as soon as reasonably practicable after the exhibition period having regard to the large number of submissions received, an additional report being obtained to respond to submissions received, as well as interruptions caused by the pandemic and associated lock downs.

The RtPS, as required by s 95B(1)(a) Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), sets out information given to the Minister previously in relation to the action, explains changes taking into account comments, and summarises the comments received and how they are addressed. It provides an overview of the public comments made in response to the draft Preliminary Documentation placed on exhibition to address potential Matters of National Environmental Significance (MNES) under the Commonwealth's EPBC Act. This RtPS becomes part of the final Preliminary Documentation, to be submitted to the Commonwealth Minister for the Environment (the Minister). This RtPS provides a detailed analysis of submissions made in response to the public exhibition process, as well as the proponent's response(s) to the main issues raised. Additions and amendments made to the Preliminary Documentation, in response to the public submissions, have informed the Final Preliminary Documentation and are included in the RtPS.

Structure of this Report

The structure of this RtPS report conforms with s 95B(1)(a) of the EPBC Act.

The RtPS report structure is also generally aligned to the outline provided in the document entitled '*Preparing a Submissions Report – State Significant Development Guide*', prepared by the NSW Department of Planning Industry & Environment, as no similar Guide exists from the Commonwealth.

Main report

- Executive Summary
- Section 1 – Introduction
- Section 2 – Analysis of Submissions
- Section 3 – Actions taken since exhibition

- Section 4 – Response to Submissions
- Section 5 – References

Appendices

- 'A' – Submissions register summary
- 'B' – Supporting documents and information
- 'B.1' – Stage 1 SWC documents approved by SCC
- 'B.2' – University of Technology Sydney Socioeconomic report
- 'B.3' – Development Consent

Public exhibition and submissions process

The proposed action to construct a residential subdivision at the subject land was referred by the proponent to the Commonwealth Department of Agriculture, Water and the Environment (the Department) under s 68 of the EPBC Act on 24 June 2020 (ref: 2020/8704). On 16 August 2020, under the provisions of s 18 and s 18A EPBC Act, the Commonwealth Minister for the Environment (the Minister) determined the proposed action to be a 'controlled action' for the Grey-headed Flying Fox and *may be* a 'controlled action' for the Swift Parrot and Greater Glider. The Minister determined, under s 87 of the EPBC Act, that the appropriate assessment approach was to be Preliminary Documentation (s 87(1)(b) and s 87(5) EPBC Act).

In response to the Minister's decision, the proponent prepared draft Preliminary Documentation, which was placed on public exhibition for a period of 26 days, commencing on 21 June 2021 and closing on 16 July 2021. The list of documents comprising the draft Preliminary Documentation is tabulated in Table 1, section 1.4 of this RtPS. The public was notified of the exhibition of the draft Public Documentation by advertising in the Sydney Morning Herald and South Coast Register, as well as on the Department's website. The advertisements directed the public where to find the documentation, as well as how to make a submission. The documentation was exhibited on a purpose-built website (manyanaestate.com), as well as the Ecoplanning website (ecoplanning.com.au). Hard copies of the draft Public Documentation were also placed at the State Library of New South Wales and Nowra Library. Submissions were able to be made electronically by way of email to a dedicated email address (contact@manyanaestate.com), with the closing time and date for submissions, 5pm AEST 16 July 2021.

The only submissions received were on the manyanaestate.com website. All submitters to the manyanaestate.com website received an auto response, acknowledging receipt of the email. Each submission was assigned a sequential number (ID) (see Appendix 'A'), based on the date and time of receipt. Where a submission is specifically referred to in this RtPS, the submission number is used for ease of reference.

This RtPS includes a detailed data analysis of submissions received (see Section 2) and also contains a submissions register (Appendix 'A'), which identifies, for each submission:

- Submission ID number
- Date received
- Submitter location category (local, regional, national, international or unspecified)
- Stance (opposed, supportive or neutral)
- Subcategories (Project, Ecology, Economy, Social)
- Main issues
- EPBC relevance
- Notes

An explanation of each of the above, as well as a detailed analysis of the submissions, is provided in Part 2 of this RtPS.

1 INTRODUCTION

On 8 July 2008, the (then) NSW Minister for Planning granted development consent to Major Project No 05-0059 (File No 9040674), pursuant to Part 3A of the *Environmental Planning & Assessment Act 1979* (NSW) (EPA Act).

The land to which the development consent relates is legally described as Lot 172 DP 755923 and Lot 823 DP 247285 (subject land), being bounded by Berringer Road, Cunjurong Point Road and Sunset Strip, Manyana.

1.1 The Approved Development

The approved development is described on the development consent as follows:

182 LOT RESIDENTIAL SUBDIVISION OF LOT 172 DP 755923 & LOT 823 DP 247285 BERRINGER ROAD, CUNJURONG POINT ROAD AND SUNSET STRIP, MANYANA

In PART A – ADMINISTRATIVE CONDITIONS, Condition A1 provides the following Development Description:

- (1) *The staged subdivision of Lot 172 DP 755923 and Lot 823 DP 247285 into 182 residential lots, 1 playground space and playground area, 1 open space area including the Endangered Ecological Community and its associated buffer zones, new roads and associated drainage and subdivision works;*
- (2) *Construction of physical infrastructure and services, including interallotment drainage, pedestrian/cycle pathways, bus stop and bus bay, safety control measures within the development and on Sunset Strip and a fully channelized left turn lane on Berringer Road;*
- (3) *Construction of water sensitive urban design measures, including a stormwater quality system incorporating on-site detention and infiltration, 3 water quality control ponds, grassed road side swales and biofiltration trenches and a gross pollutant trap;*
- (4) *Landscaping, vegetation management and associated works of the playground area, the Endangered Ecological Community and associated bushland reserve and public spaces along streets;*
- (5) *Removal of trees within the residential lots (except the 10m buffer to rear of lots along proposed Road No 4 and 6 which back onto existing residential properties) and subject to (7), the timing of removal of the trees shall be commensurate with development at each stage of the project;*
- (6) *Removal of trees for the purposes of construction of civil and infrastructure works (as per Condition B7) and subject to (7), the timing of removal of the trees shall be commensurate with development of each stage of the project;*
- (7) *Removal of trees and vegetation identified on Drawing No 24256-07 – Tree Details within the buffer referred to in (5) for the purpose of construction of infrastructure and services is permitted only with the consent of Council;*
- (8) *Removal of trees within reserves for the construction of 3 water quality control ponds and commensurate with the respective stage of the development; and*
- (9) *Revegetation of the Endangered Ecological Community and associated maintenance as specified in Condition E17.*

In PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE, Condition B1 identifies the development, as approved, in six (6) stages, as follows:

Stage 1

Subdivision and creation of 30 residential lots and passive open space.

Infrastructure works: earthworks, removal of trees, roads, stormwater and drainage, services, civil works, water sensitive urban design measures including a water quality control pond; pedestrian/cycle pathways and link to pedestrian/cycle safety measures on Sunset Strip.

Construction of traffic safety measures within Stage 1 and pedestrian/cycle safety measures and two (2) speed control facilities on Sunset Strip.

Vegetation management and rehabilitation of the Endangered Ecological Community and associated buffer zone, involving removal of weeds, erection of appropriate fencing and undertaking landscape measures within the buffer area in accordance with the requirements of Conditions B8 and B9.

Stage 2

Subdivision and creation of 32 residential lots.

Infrastructure works: earthworks, removal of trees, roads, stormwater and drainage, services; civil works; pedestrian/cycle pathways.

Stage 3

Subdivision and creation of 29 residential lots.

Infrastructure works: earthworks, removal of trees; roads, traffic calming device on Road 4, stormwater and drainage, services; civil works; water sensitive urban design measures; pedestrian/cycle pathways.

Stage 4

Subdivision and creation of 31 residential lots and passive open space.

Infrastructure works: earthworks, removal of trees; roads, stormwater and drainage, services, a water quality control pond; civil works; traffic calming devices on Road 3, pedestrian/cycle pathways.

Embellishment of playground area with enhanced landscaping, play equipment, drainage; walking paths and signage.

Construction of a left turn lane (Type A) along Berringer Road at the Berringer Road – Inyadda Drive – Curver Drive intersection.

Stage 5

Subdivision and creation of 33 residential lots and passive open space.

Infrastructure works: earthworks, removal of trees; roads, stormwater and drainage, services; civil works; a water quality control pond, traffic calming device on Road 2, pedestrian/cycle pathways.

Construction of bus stop, bus bay and signage on Berringer Road.

Stage 6

Subdivision and creation of 27 residential lots.

Infrastructure works: earthworks, removal of trees; roads, stormwater and drainage, services; civil works.

A copy of the Development Consent is included in this RtPS at Appendix B.3.

1.2 Subdivision Works Certificate – Stage 1

An application was submitted to Shoalhaven City Council (SCC) in late 2017 for a Subdivision Works Certificate (SWC) relating to Stage 1 of the approved development. The SWC for Stage 1 was issued by SCC on 19 November 2019.

A Table listing the specific documents approved under the Stage 1 SWC is contained in Appendix 'B.1' of this document.

1.3 2019/20 Currowan Fire event

Following the issuing of the SWC by SCC on 19 November 2019, the Currowan fire (the fire) ignited on 26 November 2019 and burned continuously and out-of-control for 74 days. The fire spanned just under 500,000 hectares of land, across the Shoalhaven, Eurobodalla, Wingecarribee and Queanbeyan-Palerang Local Government Areas. A total of 312 homes were destroyed and 173 homes were damaged.

The village of Manyana was saved from the fire through the heroic efforts of firefighters. The subject land, although bushland, was also saved, as shown on Figure 1.

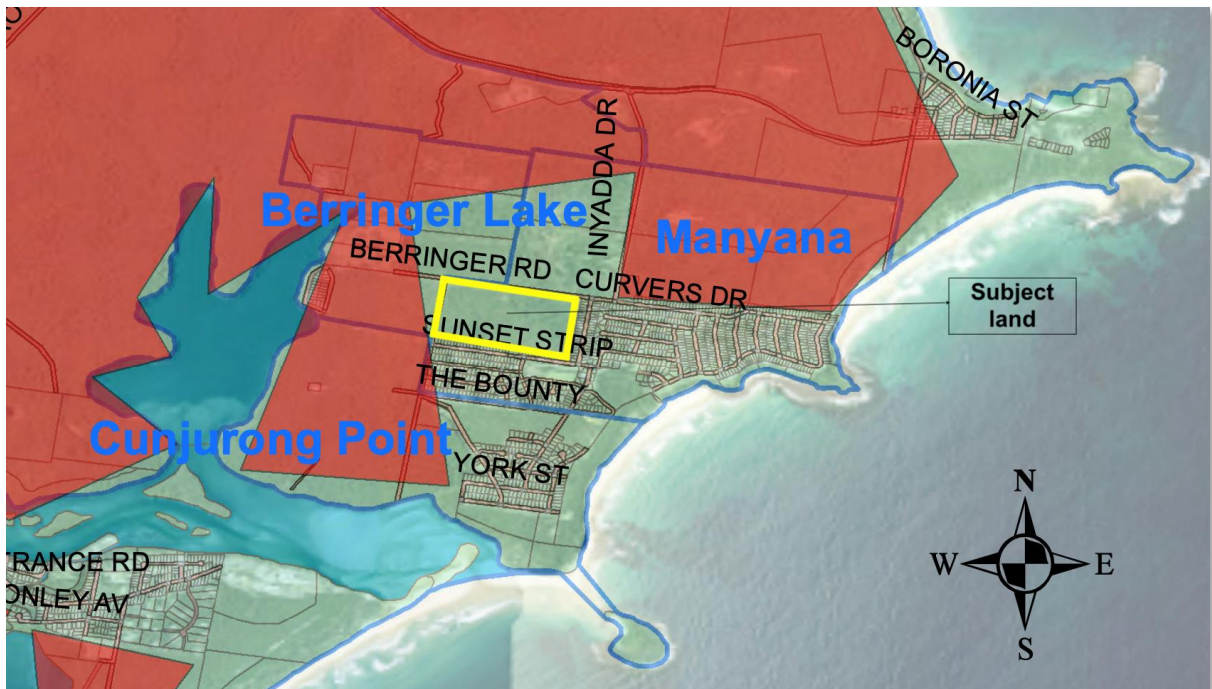


FIGURE 1 – excerpt from 'Fire Scar Map 2019/2020 – Lake Conjola to Cudmirrah (Shoalhaven City Council)

1.4 Referral under EPBC Act and public exhibition of draft Preliminary Documentation

Although the SWC had been issued, the proponent delayed the commencement of works, initially due to community representations following the fire, then to allow for the outcome of a referral of the proposal to the Commonwealth Department of Agriculture, Water and the Environment (the Department) on 24 June 2021, under the provisions of the *Environment Protection & Biodiversity Conservation Act 1999* (Cth) (EPBC Act). On 16 August 2021, the Commonwealth Minister for the Environment (the Minister) determined that the proposal is a 'controlled action', under the provisions of s 18 and s 18A of the EPBC Act (listed threatened species and communities) for the Grey-headed Flying Fox and that the proposal *may be* a 'controlled action' for the Swift Parrot and Greater Glider. The Minister determined, under s 87 of the EPBC Act, that the appropriate assessment approach was to be Preliminary Documentation (s 87(1)(b) and s 87(5) EPBC Act). As mentioned above, the draft Preliminary Documentation was prepared and then uploaded to a website, manyanaestate.com (the website). The public was notified of the public exhibition of the draft Preliminary Documentation by advertising in the Sydney Morning Herald and South Coast Register, as well as the Department's website. The advertisement directed the public where to find the documentation, as well as how to make a submission. The documentation was exhibited on a purpose-built website (manyanaestate.com), as well as the Ecoplanning website (ecoplanning.com.au). The only submissions received were through the manyanaestate.com website. Hard copies of the draft Preliminary Documentation were also placed at the State Library of New South Wales and Nowra

Library. The Preliminary Documentation was publicly exhibited for 26 days, between 21 June 2021 and 16 July 2021.

The draft Preliminary Documentation available to view on the website, which constitutes the information given to the Minister previously in relation to the action, comprised the following documents:

DOCUMENT TITLE	AUTHOR	REFERENCE / VERSION	DATE
Preliminary Documentation Submission	Ecoplanning	2020/8704; Version 2.2 – Final	2 June 2021
Addendum 1 – Table 2.1: Development Staging	Ecoplanning	Unreferenced	Undated
Attachment A – GHFF Food Bottleneck (August) Camp Occupancy	Ecoplanning	Unreferenced	Undated
Attachment B – Landscape Plans	Redacted	LD03 Issue E	22 April 2021
Attachment C – Design Guidelines	Ozy Homes	Unreferenced	Undated
Attachment D – EPBC Referral (2020/8704)	Ecoplanning	Unreferenced	Undated
Attachment E – Environmental Management Plan	Ecoplanning	Project 2017 – 144; Version 1.1 – Draft/Final	30 April 2021
Attachment F – Flora and Fauna Management Plan	Ecoplanning	Project 2017 – 044; Version 3.0 – Draft/Final	30 April 2022
Attachment G – Response to Letter from Commonwealth Department of Environment and Energy (17 April 2018)	Ecoplanning	Unreferenced	17 April 2018
Attachment H – Response to the Commonwealth Department of Environment and Energy (27 July 2018)	Ecoplanning	Unreferenced	27 July 2018
Attachment I – Matters of National Environmental Significance Assessment	Ecoplanning	Project 2019 – 237; Version 1.2 Final	23 June 2020 EPBC referral resubmission
Attachment J – Response to the Department of Agriculture, Water and the Environment Ref: 2020/8704 (28 July 2020)	Ecoplanning	Unreferenced	28 July 2020
Attachment K – Flora and Fauna Assessment	BES Bushfire and Environmental Services	Ref 04383, Version 2	19 September 2006
Attachment L – Determination of Major Project No 05-0059 (2008)	Frank Sartor MP – NSW Minister for Planning	File No 9040674, Major Project No 05-0059	8 July 2008
Attachment M – Environmental Assessment Report	Cowman Stoddart Pty Ltd	Unreferenced	28 September 2006
Attachment N – Water Cycle Management Report for Proposed Subdivision	Storm Consulting Pty Ltd	Project No 555; Version E	31 October 2007
Attachment O (1 of 3) – Construction Management Plan	Martens Consulting Engineers	Project No P1705919JR03V04; Revision 4	29 April 2019
Attachment O (2 of 3) – Construction Traffic Regional Plan	Martens Consulting Engineers	Project No P1705919; Drawing No PS02-B200; Revision B	25 March 2019

DOCUMENT TITLE	AUTHOR	REFERENCE / VERSION	DATE
Attachment O (3 of 3) – Construction and Waste Management Plan	Martens Consulting Engineers	Project No P1705919; Drawing No PS02-B210, B220, B230, B240, B250, B260; Revision C	29 April 2019
Attachment P – Socio-Economic Impact Analysis for Manyana Beach Estate	PPM Consulting	Unreferenced	17 March 2021
Attachment Q – Qualifications of Ecoplanning Staff Involved in Preliminary Documentation	Ecoplanning	Unreferenced	Undated
Attachment R – Environmental History of Designated Proponent	Ecoplanning	Unreferenced	Undated

TABLE 1 – Details of Preliminary Documentation exhibited

1.5 Public submissions

A total of 1068 submissions were received through the dedicated website during the public exhibition period. These were the only submissions received. An analysis of the submissions received is provided in section 2 of this RtPS.

2 ANALYSIS OF SUBMISSIONS

2.1 Management of exhibition and submission process

In order to manage the public exhibition process and receipt of submissions, a website was created, providing access for the general public to the Preliminary Documentation. An email address was provided for submissions to be sent and a closing date and time for receipt of submissions was provided. The website address was www.manyanaestate.com

2.2 Submissions

2.2.1 Review and categorisation of submissions

A total of 1068 submissions were received through the website during the public exhibition period.

All submissions were individually read and analysed. No attempt was made to verify the accuracy of the origin of the submissions, where a location was given. Fifty-seven (57) submissions were duplicated in identical form. Thirty-four (34) submissions were blank, except for the submitter's details. A number of submissions were form letters or contained elements of form letters. For the purposes of this analysis, each form letter submission was counted separately.

Stakeholder groups

Submitters were broadly categorised into the following stakeholder groups:

- Individuals;
- Experts;
- Associations/organisations/special interest groups.

To manage the administration and proper analysis of the submissions, each one was individually reviewed and categorised as detailed below. The submission register spreadsheet is located at Appendix 'A'.

- **Submission ID number**

The submission ID number was the sequential number assigned to each submission, as received through the dedicated email.

- **Date received**

The date that the emailed submission was received.

- **Submitter location category**

For those submissions where an address or location was provided, the following geographical categories were derived:

- *Local (<5km from the subject land);*

For the purposes of the “local” category, whilst the descriptor specifies <5km, all submissions which stated the author was from Manyana, Cunjurong Point, Bendalong, North Bendalong and Lake Berringer were categorised “local”. This was considered appropriate considering the close social association between these villages, as evidenced by the submissions received.

- *Regional (5km -100km from the subject land);*

The “regional” category generally includes most other parts of the Shoalhaven LGA, as well as the edges of some surrounding LGA’s.

- *National (>100km from the subject land, within Australia);*

The “national” category includes all other parts of Australia not included as “local” or “regional”.

- *International.*

The “international” category includes all submissions received where the author indicated they were not in Australia, or where this was obvious by the content of the submission.

- *Unspecified*

The “unspecified” category contains all submissions not included in the other categories.

- **Stance**

Whether the submission was generally opposed to the proposal, supportive of the proposal or neutral toward the proposal.

- **Subcategories**

The content of submissions was grouped under general categories, as follows:

- *Project:*

This included subjects such as:

- Project design
- Environmental assessment
- Site situation
- Bushfire
- Strategic needs (infrastructure, roads etc)
- General comments

➤ *Economy:*

This included subjects such as:

- (Contribution to) housing
- (Contribution to) local economy (incl tourism and jobs)

➤ *Ecology:*

This included subjects such as:

- Precautionary principle (incl climate change)
- Impact on vulnerable, threatened, endangered & critically endangered species
- Ecological refuge
- Long term sustainability (incl gradual habitat reduction)
- Loss of bushland

➤ *Social:*

This included subjects such as:

- Intergenerational equity
- Community impact
- Miscellaneous considerations
- Indigenous
- Public interest

● **Main issues**

Submissions were summarised according to the main issues raised.

● **EPBC relevance**

The submission was identified 'Yes' where it specifically referred to the subject matter of the 'controlled action' or 'possible controlled action' – that is, the Grey-headed Flying Fox, Swift Parrot and/or Greater glider. Where the submission refers more generally to loss of habitat, it was identified 'Indirect'. Where the submission did not refer to any relevant EPBC matter, it was identified 'No'.

- **Name**

Where the submitter's name is provided, it has been redacted in the Submissions Register spreadsheet at Appendix A.

- **Email**

Where the submitter's email address is provided, it has been redacted in the Submissions Register spreadsheet at Appendix A.

- **Notes**

Where a submission is EPBC relevant, the particular species referred to is noted. If the submitter purports to be an industry expert, or is an organisation, it is noted.

2.2.2 Detailed analysis of submissions

The following information and statistics are derived from the data contained in the submissions register at Appendix 'A'.

2.2.2.1 Statistical analysis

a) General

Of the 1068 submissions received, 977 were unique, 57 were duplicates and 34 were blank.

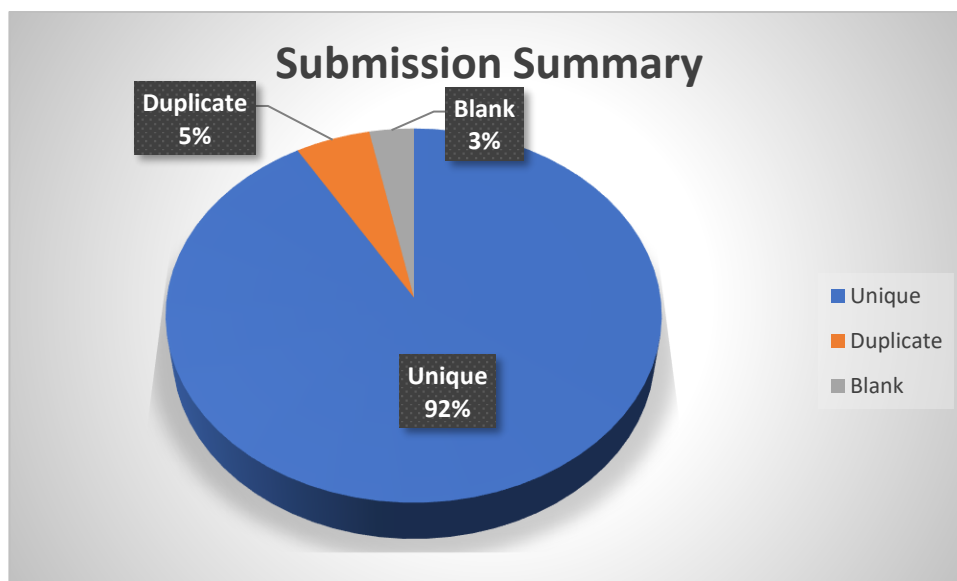


FIGURE 2 – Overall submission summary

A number of submitters lodged multiple submissions. Where the multiple submissions were identical, they were counted as duplicates. However, where the submissions were different, these were counted as unique.

b) Submitter location

Of the 1068 submissions received, 129 were categorised as 'local'; 67 were 'regional'; 182 were 'national'; 22 were 'international'; 603 were 'unspecified'; 57 were duplicate submissions and 8 were 'other' for various reasons.

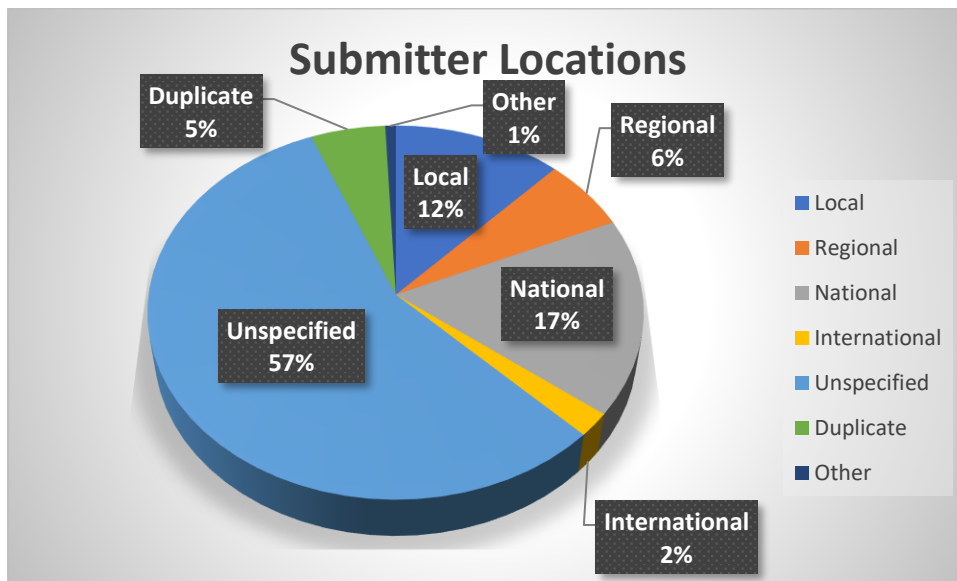


FIGURE 3 – Submitter location breakdown

c) Stance

Of the 1068 submissions received, 977 were categorised as 'opposed'; 1 in 'support'; 1 'unspecified' with the remainder being blank submissions, duplicate submissions, or 'other'.¹

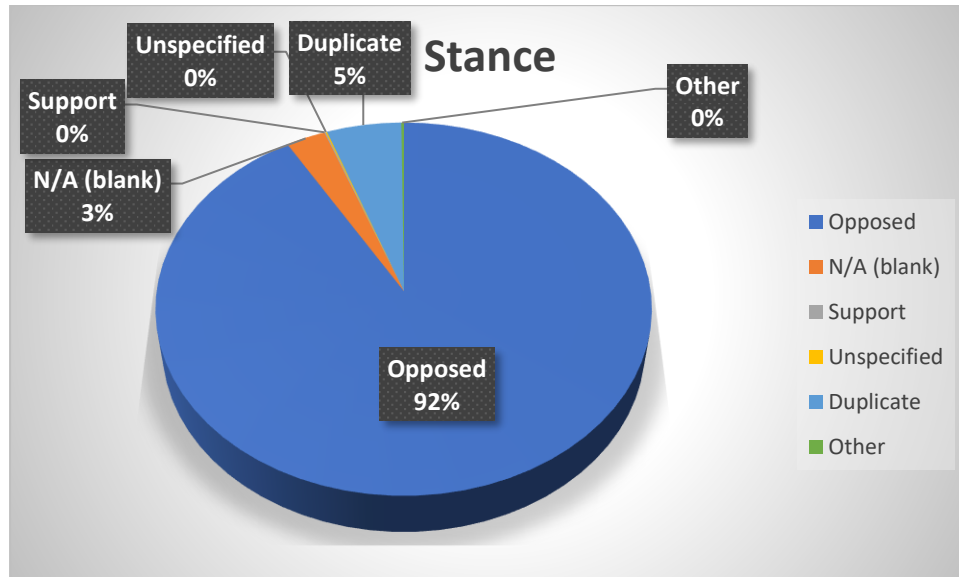


FIGURE 4 – Stance breakdown

d) Subcategories

A number of submissions covered more than one subcategory. As a result, the total number for each subcategory exceeds the number of submissions received. Of the 1068 submissions received, 213 mentioned key words or themes within the subcategory 'project'; 940 mentioned 'ecology'; 78 mentioned 'economy' and 332 mentioned social issues.

¹ In Figure 4, percentages are rounded down to the nearest whole number, hence the reason the 'support' and 'unspecified' categories show 0%.

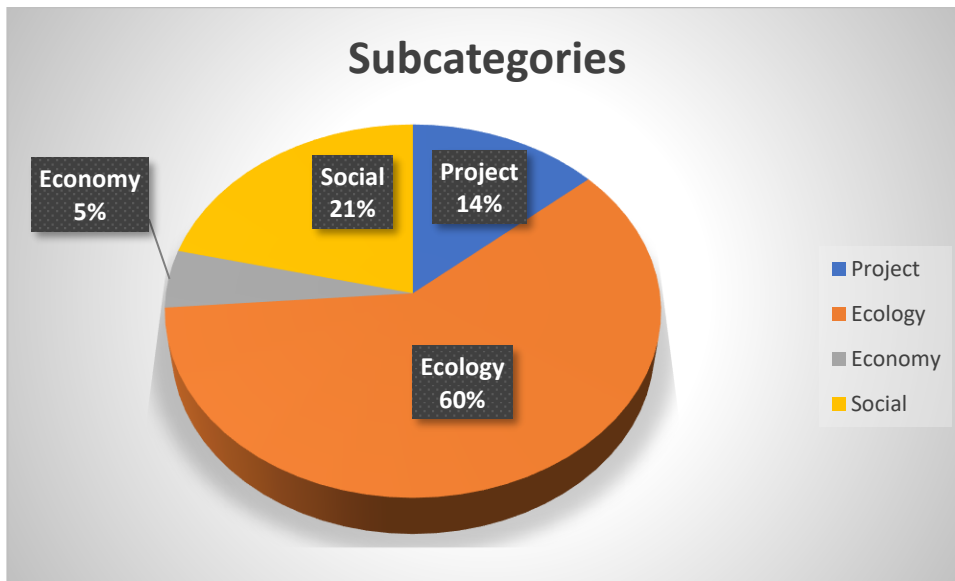


FIGURE 5 – Subcategory reference breakdown

e) Main issues

Most submissions raised common issues, which are set out in Table 2 below. The common issues have been broadly allocated into themes. The numerical count for each theme should be considered approximate only, however it is sufficient to depict the level of concern of the submitters.

Almost all submissions raised the issue of the 2019/20 bushfires. In most cases, the context of raising the bushfire event was in relation to a more specific impact. Consequently, the theme of the 2019/20 bushfires was considered to be an over-generalised theme. Therefore, the common themes identified in Table 2 should be read in the context of the cumulative or ongoing impacts of the bushfire event.

Other issues or themes may have been raised by individual submissions, which are not included in the common themes list. Nevertheless, the common themes identified in Table 2 broadly covers the issues raised.

No	Common theme	Notes	Frequency
1	Impacts (generally)	This is a broad theme and captures a range of different impacts, including environmental, social, economic	528
2	Preservation of bushland	The importance of preserving the remaining bushland, particularly since the 2019/20 bushfires. This also includes references to the importance of the bushland for the character of the Manyana village and the solace it brings to locals and visitors	408

No	Common theme	Notes	Frequency
3	Community impact	This theme mainly centres around a community which has suffered through the 2019/20 bushfires and is now fighting to preserve the bushland. It also includes comments relating to community resistance to the proposed development	312
4	Refuge for wildlife	The bushland on the subject land was saved from the 2019/20 bushfires and now acts as a refuge for displaced wildlife	295
5	Intergenerational impact	This theme includes submissions that specifically mention the term 'intergenerational equity', or otherwise refer to the importance of retaining the bush for future generations	194
6	Impact on endangered species	This theme includes submissions that specifically raise the issue of endangered species, whether those listed as endangered, or critically endangered, or otherwise just as a general descriptive term.	178
7	Loss of habitat	This theme is closely related to impact on endangered species. However, it was counted separately. The reference to habitat is typically related to loss of habitat of endangered species.	136
8	Importance for regeneration	Generally, this theme relates to the importance of the unburnt bushland providing an opportunity for regeneration and a seed bank for propagation.	108
9	Environmental impacts (generally)	This theme picks up on references to environmental impact which are not more specifically referenced in the other themes	91
10	Housing	This theme covers a range of concerns, including no demonstrated need for additional housing, the current vacancy rate in Manyana and over-use of existing housing stock for holiday homes, resulting in the development not contributing year-round to the life and vibrancy of the village.	55
11	Climate change	This theme refers predominantly to cause and effect between land clearing and climate change	49
12	Mental health impacts	Submissions expressing concern for the impact of the proposal on the mental health and emotional state of locals, particularly in the context of the impact of the 2019/20 bushfire	41
13	Insult to firefighters	Following the heroic efforts of firefighters during the 2019/20 bushfire, resulting in the bushland on this site being preserved, the removal of the vegetation for the proposed development would be considered insulting to firefighters	29
14	Development out-of-character	This theme refers to the scale of the proposed development in the context of Manyana village. It also includes comments critical of the style of housing that is proposed for the estate	24
15	Rate of land clearing	The high rate of land clearing in NSW	24
16	Special conservation area	This theme suggested the land be purchased by the government and proclaimed a Special Conservation Area	22
17	Lack of infrastructure	This theme includes reference to the road network (one way in and one way out), sewerage, public transport, shops, schools, medical facilities and the like	20
18	Impact on tourism	This theme predominantly conveyed the message that tourists do not visit Manyana because of a housing development, rather because of its village charm and natural beauty. If its village charm and natural beauty of the locality are diminished by a housing development, tourists will no longer come.	19
19	Symbol of hope	In the aftermath of the 2019/20 bushfires, the preservation of this bushland is portrayed as a symbol of hope for the future for the local community	12

No	Common theme	Notes	Frequency
20	Inadequate preliminary documentation	This theme picked up on inadequate preliminary documentation, perceived errors and omissions in the ecological report and the socioeconomic report	10
21	Inappropriate location	A number of submissions indicated that the location of the proposed development was inappropriate and was more suited to the larger suburban areas of the Shoalhaven, or else land already cleared, or areas that were burnt out.	10

TABLE 2 – Details of common submission themes, including heat map

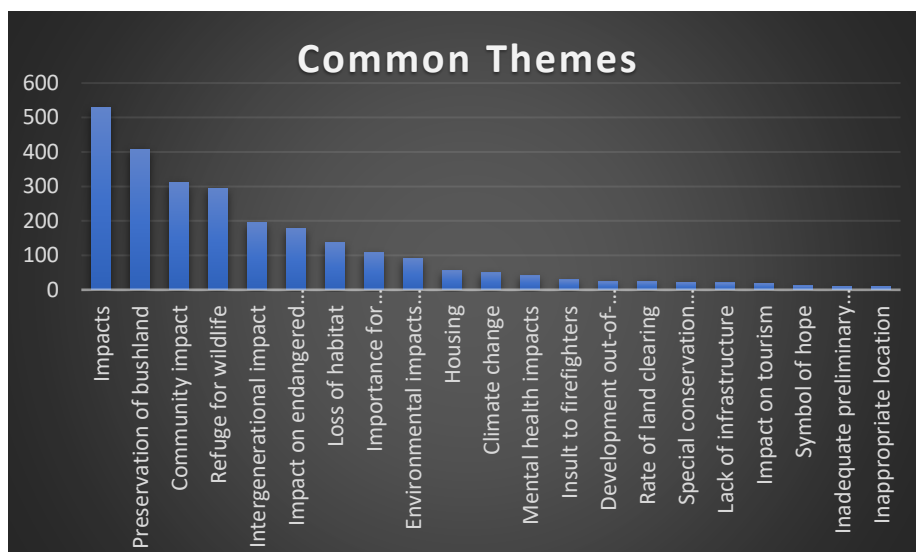


FIGURE 6 – Common submission themes

f) EPBC relevance

The draft Preliminary Documentation and related public submission process was triggered because the Minister determined the proposed action to be a ‘controlled action’ for the Grey-headed Flying Fox and *may be* a ‘controlled action’ for the Swift Parrot and Greater Glider. Of the 1068 submissions received, 205 specifically mentioned one or more of the abovenamed species; 207 made indirect reference, such as ‘loss of habitat of endangered species’, 565 submissions made no reference at all to the abovenamed species or loss of habitat of endangered species 57 were duplicates and 34 were blank.

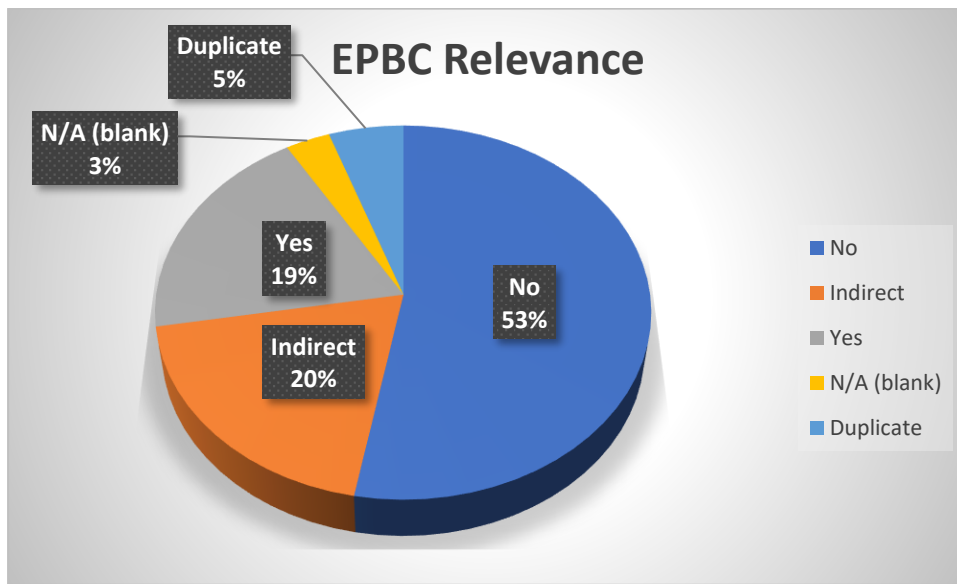


FIGURE 7 – EPBC relevance breakdown

Of the 205 submissions that specifically referred to the abovenamed species, 139 mentioned the Greater Glider; 50 mentioned the Swift Parrot and 54 mentioned the Grey-headed Flying Fox.

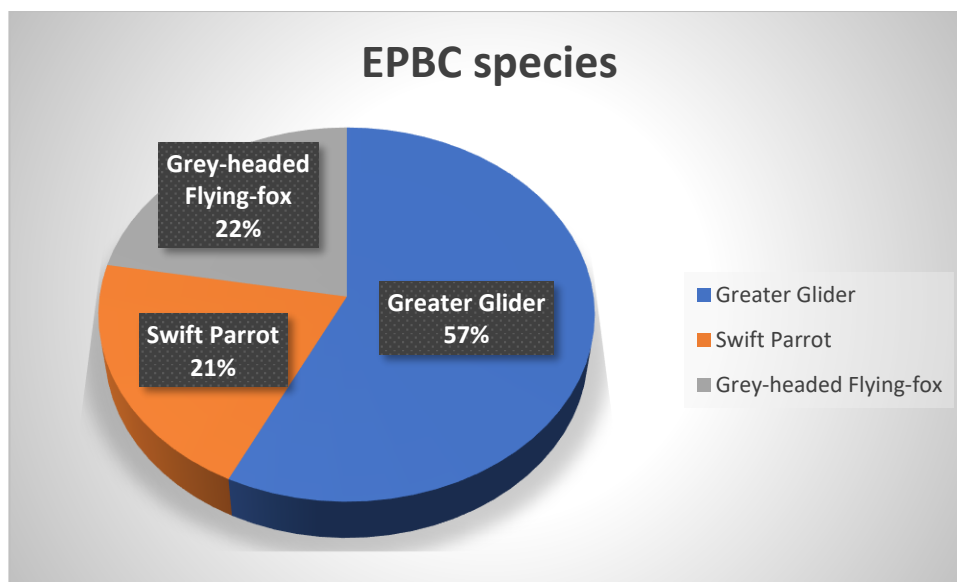


FIGURE 8 – EPBC species breakdown

g) Notes

Experts

A number of submissions included titles or academic qualifications. However, some were not relevant to the subject matter or were non-specific. Therefore, only those experts where their expertise and qualifications were being relied on to make comment or claims in the submission were counted in the 'expert' category.

Association/organisation/special interest group

Submissions that were purported as being on behalf of an organisation or special interest group were categorised 'association/organisation'.

Individuals

Where submissions were categorised as neither 'expert' nor 'association/organisation', there were categorised as 'individual', except for duplicates and blanks.

Using the thresholds above, of the 1068 submissions received, 947 were categorised as 'individual'; 14 were categorised 'expert', 16 were from associations or organisations; 57 were duplicates and 34 were blank.

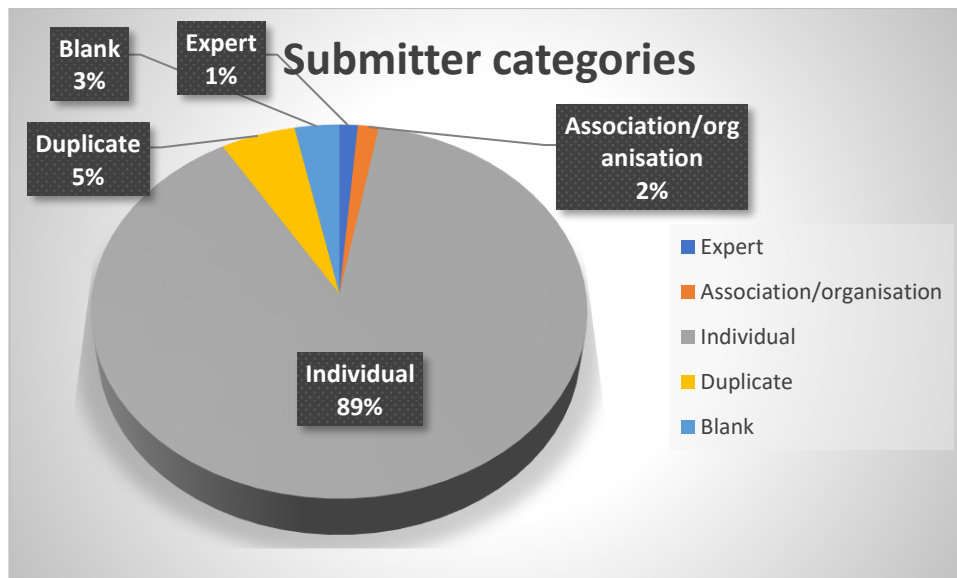


FIGURE 9 – Submitter categories breakdown

2.2.2.2 General conclusions and observations

Based on an analysis of the data derived from the submissions, the following general conclusions and observations, in no particular order, can be made:

- Overwhelmingly, those who made submissions were generally opposed to the proposal.
- Most submitters were concerned about ecological impacts, then social impacts. They were less concerned about economic impacts, housing affordability, or aspects of the proposal itself.
- Most submitters made no direct or indirect reference to the controlled action or possible controlled action under the EPBC Act, which suggests many submitters may not have been aware of the status of the proposed development, the jurisdiction of the Commonwealth and viewed the public exhibition process as an opportunity to make objections in very general terms.
- The impacts of the bushfire on the local community created a focus on the proposed development. A very significant number of submissions (almost all) stated that the proposed development should not proceed because of the impacts of the bushfires on the environment and, to a lesser extent, the wellbeing of the community.
- The retention of the vegetation on the subject land is seen by many submitters as a symbol of the heroic efforts of firefighters, community resilience and an important refuge for displaced wildlife that survived the bushfire. Many submissions expressed the view that the environment needed time to recover.
- Issues related to potential impacts on vulnerable, threatened or endangered species, loss of biodiversity and the gradual loss of habitat for native fauna are of significant concern to the community and are valued more highly than any potential economic benefits.
- The social welfare of the local community is perceived as being interwoven with the retention of the bushland on the subject land. Many submissions expressed the view that the bushland setting is part of what makes Manyana attractive, either to live or as a holiday destination.
- A number of submitters appeared not to realise that the development received approval by the NSW Government in 2008.
- A number of submitters noted that consent was issued in 2008, but suggested the bushfires “changed everything” and authorities should find some way to revoke the consent.
- A number of submitters urged government to purchase the land from the proponent and retain it as a Special Conservation Reserve.

- A number of submitters believe that the proposed development would have adverse economic and social impacts and were critical of the expert reports provided with the initial Preliminary Documentation.
- A number of submitters were critical of the architectural style of future dwellings that may be built on the subdivision, suggesting that an additional 182 dwellings would substantially alter the village character of Manyana.
- A number of submitters noted that many of the existing dwellings in Manyana are used for holiday letting and are vacant most of the year. These submitters suggest that the proposed housing development will result in many more empty houses for use for holiday lettings and will not provide affordable housing as claimed.
- A significant number of submissions contained derogatory personal criticisms of the proponent.
- Submission 1044 (association/organisation) was concerned about the adequacy of the Preliminary Documentation, impacts on threatened species and endangered ecological communities, proposed minimisation/mitigation/abatement/offset measures, social and economic impacts, ecologically sustainable development principles, selective use of Shoalhaven Council's 'Local Strategic Planning Statement', the 'halo' effects of the proposed development, specifically in relation to increased traffic on roads, increased traffic on beaches, increased runoff, pet cats, artificial lights, more paths (which will be used by dog walkers by day and foxes by night) and more human disturbance, potential for increased demand for commercial premises creating increased competition for existing business-owners, potential change in the character on Manyana, the design guidelines for future dwellings creating a suburb with no integration with the current village and the age of the development consent.
- Submission 1042 (expert) was critical of certain assumptions made in the Potential Economic Impacts report contained in the Preliminary Documentation, namely:
 - That spending on development and construction is a net addition to economic activity; and
 - That this addition is "multiplied" up to have even larger effects.
- Submission 1052 (expert) was critical of the social impact assessment contained in the Preliminary Documentation, namely:
 - It had not considered the social impacts of the risk of bushfire in Manyana either adequately, or with regard to some likely aspects, at all.
 - The claims made regarding the impact of the development on house prices and on local jobs are unsubstantiated and unlikely.
 - It does not conform to well accepted standards for social impact assessment.

- Expert submissions relating to ecology and biodiversity raised the following issues:
 - The Preliminary Documentation has only assessed 3 species and only 6 species are considered in detail in the referral (the MNES assessment). The Preliminary Documentation has not considered impacts to all threatened species potentially occurring within the subject land. The Preliminary Documentation has not considered the broader biodiversity impacts on the proposed action in the context of the 2019/2020 bushfires.
 - The Referral and Preliminary Documentation have not considered all potential impacts to the Grey-headed Flying Fox, which the Minister considered likely to be significantly impacted by the proposed action and for which the controlled action determination was made.
 - Previous documentation prepared for the subject land has recorded Greater Gliders, or has stated that the site could provide foraging or breeding habitat for Greater Gliders.
 - The subject land provides a seedbank for surrounding bushland to regenerate and recover.
 - Vegetation mapping of Lot 823 DP 247285 shows this area as 'cleared'.
 - Consultation has not been undertaken with the Local Aboriginal Land Council.

3 ACTIONS TAKEN AND HOW COMMENTS HAVE BEEN ADDRESSED SINCE EXHIBITION

3.1 Ecological impact documentation

Impacts on ecology and biodiversity were the most commonly occurring themes of the submissions, including from experts in the field.

In response, Ecoplaning has taken the following actions:

- Updated the main document with new figures and minor changes to the text
- Updated the main document to include summer-autumn foraging habitat in the assessment for Grey-headed Flying-fox in response to the expansion of critical habitat listed in the Final Recovery Plan for GHFF (DAWE 2021)
- Updated Attachment F 'Flora and Fauna Management Plan', with minor changes to the text
- New Attachment S 'Response to submissions', which is a direct response to the most frequent/ most relevant submission received from the public
- New Attachment T 'Likelihood table', which addresses the only direct request from the Commonwealth, which was that a new brief assessment should be undertaken of all threatened species potentially occurring on the subject land
- New Attachment U 'PMST', an up to date database search using the Commonwealth Protected Matters Search Tool

Attachments A – E and G – R of the original Preliminary Documentation remain unchanged.

New Attachment T – Likelihood Table

If a species has been assessed as 'present' or 'likely to occur' on the subject land, it does not have any legal implications for the approval of the proposed action under the EPBC Act. The brief assessment in Attachment T has been undertaken, and whilst many species appear in database searches as being 'likely to occur', many of these species (for example the Blue Whale) would not be impacted in any way by the proposed action. The database searches return 184 species as having potential to occur on the subject land, and Attachment T contains a brief assessment of every species.

Also, eight species and one ecological community have been listed under the EPBC Act since the time of the controlled action decision and therefore appear on database searches for the subject land. No formal assessment of these species is required, as per Section 158A of the EPBC Act, because a Section 75 decision (the Minister's controlled action decision) was made prior to the listing of these entities. For reference, the newly listed entities are:

- Greater Glider – up-listed from Vulnerable to Endangered on 5 July 2022

- Glossy Black-cockatoo – currently under listing assessment (it is being considered for listing as threatened under the EPBC Act. A decision was due on 30 April 2022 but hasn't been formally announced.)
- Gang-gang Cockatoo – listed Vulnerable on 2 March 2022
- Pilotbird – listed Vulnerable on 2 March 2022
- Yellow-bellied Glider – listed Vulnerable on 2 March 2022
- *Litoria watsoni* (a new species of frog) – listed Endangered on 18 February 2022
- Koala – up-listed from Vulnerable to Endangered on 12 February 2022
- Coastal Swamp Sclerophyll Forest – listed Endangered on 8 December 2021
- Scrub Turpentine – listed Critically Endangered on 11 December 2020

Of the above, the project ecologists have seen Gang-gang Cockatoos on the subject land, Glossy Black-cockatoos may be seen on the subject land occasionally, Yellow-bellied Glider could possibly be found on the subject land (but were not found, despite doing sufficient survey for it), and Scrub Turpentine does occur on the subject land, in the vicinity of Stage 3. The remainder are unlikely to occur or else definitely do not occur (nevertheless they appear on database searches for the area).

Flora and fauna management plan (FFMP) addition

The following text has been included in the updated Flora and Fauna Management Plan (FFMP): *'The proponent is to contact the Botanic Gardens, Booderee National Park prior to vegetation clearing and notify botanic gardens staff of the presence of EPBC Act listed Critically Endangered Rhodamnia rubescens (Scrub Turpentine). The proponent will allow botanic gardens staff to access the site to collect specimens for ex-situ conservation, if requested.'*

Scrub Turpentine is the only EPBC Act listed species which definitely occurs on the subject land (note: this is a different tree species to Turpentine, which is the GHFF food tree). It was listed under the EPBC Act as Critically Endangered on 11 December 2020. Consequently, it **does not** require formal assessment and approval from the Commonwealth, as it was listed **after** the date of the Minister's 'Controlled Action' and 'possible Controlled Action' decision, dated 21 August 2020. This obligation placed on the proponent by the updated FFMP, whilst not a statutory obligation, is to provide the opportunity for the appropriate management of EPBC Act listed Matters of Environmental Significance (MNES).

3.2 Social and economic impact assessment documentation

In response to issues raised in submissions regarding the socioeconomic report submitted with the Preliminary Documentation, the proponent commissioned the University of Technology Sydney (UTS) to prepare a new report².

² Ge, X.J., Zhou, J., Chen, F., and Baddeley, M (2022). 'Social and economic impact assessment for a development project'. Report prepared for the Deep River Group Pty Ltd t/a Precise Planning by the University of Technology Sydney

The new report prepared by UTS academics addresses the main issues and criticisms raised in the submissions and its aim is to objectively respond to the following questions arising from some of the submissions:

- To what extent will the development generate economic activity and tourism and enhance existing residential dwelling values in the local area, and
- To what extent will the development create social impacts (positive and negative)? What is the extent of the impact and who is affected? How are the social impacts qualified/quantified?

The overall findings from the new socio-economic report can be observed from the benefit-cost analysis: *It is projected that the demand for housing in Manyana will increase. However, this will create a housing supply shortage in the long term as environmental constraints and concerns by residents reduce the number of new developments in the locality*³.

The new report also notes that *(T)he development will not only create jobs for the local areas of Shoalhaven, but also create jobs for the up- or down- stream development-related industries, i.e., building material and services industries. The developed housing will also increase domestic visitors, daily travellers and tourism due to the improved built environment after the development and pull from the active economic activities*⁴.

The social impact analysis of the new report concludes that *the development will not only increase the local population and the number of households, but also improve cultural and ethnic diversity, as well as enhance cohesiveness in the community. In particular, intergenerational equity is the main issue that exists in the community. Without the development, intergenerational inequity costs will be borne by the current younger generation in terms of housing supply*⁵.

3.3 Response to public submissions (RtPS)

This document is a Response to Public Submissions (RtPS), providing a detailed analysis of comments made in the public submissions, as well as the proponent's response(s) to the issues raised. Additions and amendments made to the Preliminary Documentation, in response to the public submissions, are summarised in this document.

³ Ge, X.J., Zhou, J., Chen, F., and Baddeley, M (2022). 'Social and economic impact assessment for a development project'. Report prepared for the Deep River Group Pty Ltd t/a Precise Planning by the University of Technology Sydney, p49.

⁴ Ibid.

⁵ Ge, X.J., Zhou, J., Chen, F., and Baddeley, M (2022). 'Social and economic impact assessment for a development project'. Report prepared for the Deep River Group Pty Ltd t/a Precise Planning by the University of Technology Sydney, p50.

4 RESPONSES TO SUBMISSIONS

The following lists the main themes raised in the public submission process and provides a response from the proponent.

Whilst we have attempted to genuinely engage with each theme, it is important to note that many of the submissions raise issues that fall outside the remit of the EPBC Act and comprise issues squarely addressed through the NSW planning system. The Commonwealth process is not intended to duplicate the assessment process undertaken under NSW law, and nor is it a parallel form of development assessment. It instead addresses activities that impact on matters of national environmental significance. Many of the submissions digress into local planning issues addressed by the NSW planning system at rezoning or development application stage.

The submissions require careful consideration since the logical extension of many of them call for retrospectively preventing an approved development from proceeding based on localised and at times somewhat parochial concerns. Following that course would have significant sovereign risk implications for the investment in much needed residential subdivision projects across Australia and in NSW. Retrospectivity in government action runs counter to the common law tradition. It also undermines the regime for NSW statutory land use planning, and the effect of a Local Environmental Plan (a statutory instrument of the NSW Government), as well as the community consultation underpinning that process. It would also diminish the value of a development consent, which in NSW planning law sit *in rem* and 'runs with the land'. The calls in the submissions to sterilise the land from the residential development that is permitted would unfairly impose a burden on the proponent that other landowners are not subject to - one landowner internalising a cost for the benefit of others.

In that light, the proponent has met the cost of engaging Ecoplaning to update their work and assist Precise Planning ('PP') in responding to ecological aspects of the submissions, given the link with ecology to the MNES falling within the Commonwealth's jurisdiction. Whilst not related to a MNES, the proponent acknowledges the contentious nature of the development, and to that end also engaged academics from the UTS to prepare a socioeconomic report to assist PP's response to some of the submissions. However, the proponent has not commissioned other reports responding to other more localised submissions and uses and relies on this RtPS for that purpose.

4.1 Individual submissions

1. Impacts (generally)

Summary of theme:

This is a broad theme and captures a range of different impacts, including environmental, social, economic.

Proponent response:

The proposed development is a significant development for the village of Manyana and will have positive social and economic impacts, with manageable ecological impacts. This independent and professional view has been formed based on PP's over 25 years of experience with land subdivisions in NSW and is supported by the expert research undertaken by Ecoplanning (ecology) and University of Technology Sydney (social and economic), which together inform this RtPS. This is discussed in greater detail below.

As with any new subdivision development, there will be a range of positive and negative impacts, but in this case those impacts have been weighed and assessed under the NSW planning regime as being acceptable. In this regard, the proposed development was subject to a rigorous assessment process by the NSW Department of Planning as a State Significant Development in 2008 and was approved by the [then] Planning Minister. Neither PP nor the proponent was involved with the subject land at the time of the assessment of the development application (DA), the proponent having purchased the subject land some years after the development consent was issued and commenced. The consent authority, which in this case was the Planning Minister, was mandatorily required, under s 79C (now s 4.15(1)) *Environmental Planning & Assessment Act 1979* (EPA Act), to consider a range of matters when determining a DA. S 79C(1)(b) (now s 4.15(1)(b)) required the consent authority to take into consideration '*the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*'. It also included the mandatory consideration of the 'public interest'.

It is reasonable for the proponent to rely on the rigour of the assessment of likely impacts that was undertaken by the consent authority at the time the DA was under consideration, leading to the granting of a development consent, with conditions imposed to mitigate potential impacts. The consent was never challenged and remains valid. This process is not unique to the subject land, nor this DA. It is a **mandatory obligation** for a consent authority, applying to each and every DA assessed in NSW. All DAs are subject to the statutory impact assessment regime in place at the time the assessment is being undertaken by the relevant consent authority. It is unreasonable and unrealistic for an approved development to be subject to continually evolving impact criteria.

The more recent 2019 Subdivision Works Certificate ('SWC') application process and more detailed documentation submitted as part of that, at Appendix B.1, in any case, also highlights that a significant amount of further assessment and work has occurred since the initial approval, so that the development is ready for construction. This ensures the impacts are appropriately managed under the development consent. The development will be regulated by a number of plans: a construction management plan, a flora and fauna management plan, a bushfire management plan, a noise and vibration management plan, a construction waste management plan, a cultural heritage management plan, a sediment and erosion control and clearing plan, and a landscape plan. The recent preparation of these plans and certification by Council provided under the SWC militates against the general criticisms and imputations in the submissions that the approval is 'stale'. Non-compliance with these plans and the conditions of the development consent would enable third parties, Council and the NSW Department of Planning to undertake enforcement action, including potential criminal proceedings.

The proponent has complied with all conditions of the development consent for stage 1, enabling Shoalhaven City Council to issue a SWC. Whilst the impacts of the 2019/20 bushfire in the local area

are acknowledged, the consideration of a proposed development's impacts under NSW law, for good reason, is confined to the period of time before development consent is granted. The Commonwealth Preliminary Documentation process has in any case enabled considerable post bushfire assessment of a number of the impacts raised in submissions and the conclusions in the expert reports that comprise the Final Preliminary Documentation continue to support the development proceeding.

2. Preservation of bushland

Summary of theme:

The importance of preserving the remaining bushland, particularly since the 2019/20 bushfires. This also includes references to the importance of the bushland for the character of the Manyana village and the solace it brings to locals and visitors.

Proponent response:

The extent of vegetation clearing required for this development has not increased since the original development was granted development consent. The focus of attention on the subject land has been heightened due to the impact of the 2019/20 bushfire. However, the bushland that was burnt in 2019/20 has begun to regenerate with the subsequent La Nina wet years and is expected to continue to do so over the period of the next few years.

Many of the submissions assume the site to be pristine untouched virgin bushland. However, as the history of the site recorded in the Preliminary Documentation shows, the site has been the subject of past uses and associated clearing activities.

The submissions also evidence a misapprehension of how the subdivision is to unfold under the development consent, as the submissions emotively expect the broadacre clearance once construction begins. However, the development consent does not permit the wholesale clearance of the site.

The subdivision is to occur in stages, and it is intended to construct stage 1 of the proposed development, with subsequent stages being constructed as each previous stage is completed. The project may take up to seven (7) years to complete depending on housing demand and market conditions. The development consent specifies that vegetation clearing only relevant to each stage is permitted, meaning that vegetation clearance will be responsibly and methodically staged over time, with the removal of some vegetation being counterbalanced by the considerable landscaping that occurs under each stage and the protective works that will come about through the conservation area to be conserved as part of the development. Even at stage 7, not all the site will have been cleared since the conservation area within the site will be established protecting that native vegetation in a better fashion than that which exists today.

Notably, the landscaping provisions include the retention of 15 remnant hollow bearing trees within the subdivision, and in accordance with the consent condition for the NSW approval, 108 nest boxes

have been installed of a variety of sizes, to cater for various arboreal species, avifauna and microbats, based on the dimensions of the hollows being removed. These will be monitored for the duration of construction, and monitoring will continue for three years following the dedication of the land to Council after construction. This will include the replacement of nest boxes, where damage or substantial deterioration has occurred and monitored for a period of over 3 years (see Attachment F – Section 5, FFMP v3.1, Ecoplaning 2023).

The importance of the preservation of bushland must be balanced with the provision of housing and the realities of economic growth and activity. In many development sites across NSW, vegetation is removed to make way for housing. It is not unique to the subject land. The staged removal of vegetation will be carried out in accordance with the development consent and management plans that sit under it. Further, the proposed subdivision is unique in that it is surrounded by >4,000 ha of vegetated native bushland, including >3,000 ha of in Reserve State (National Parks Estate, State Forest and Council Reserve).

Finally, the calls for the preservation of the site as 'bushland' would undermine the statutory planning for the area, undertaken by Council under the provisions of the NSW planning system. The land has been zoned residential for almost 50 years, and there has been no attempt to rezone the land by Council in that time. Calls to preserve the site involve a de facto down zoning being imposed on the applicant without the usual process that would be afforded to the landowner. Preservation would also create sovereign risk in that a valid development consent would be undermined and unable to be relied on, diminishing investor confidence in new housing development within Australia, at a time when it is much needed. Just as other landowners are entitled to benefit from the zoning of their land and any development consents that run with that land, without the imposition of an expectation that their land be preserved or rehabilitated as bushland, it is unreasonable to expect this land remain in its present form, denying the owner the benefit of the development consent.

3. Community impact

Summary of theme:

This theme mainly centres around a community which has suffered through the 2019/20 bushfires and is now fighting to preserve the bushland. It also includes comments relating to community resistance to the proposed development.

Proponent response:

As with many of the other themes, the theme of "community impact" running through many of the submissions involves a focus on matters outside the remit of the EPBC Act, and instead focuses on matters that are considered at development application stage under the jurisdiction of the NSW Government

Nevertheless, the proponent is fully aware that many within the local community have suffered trauma as a result of the 2019/20 bushfire. The proponent sympathetically made a decision in response to the local community's requests to delay the commencement of construction of stage 1, in part to allow time for a 'healing' process to occur. The Preliminary Documentation process has extended that time to over three years.

The subject land has been zoned to permit residential subdivision since the 1960s and, during that time, Shoalhaven Council has had many opportunities to change the zone if, based on community sentiment or other reasons, it did not consider the subdivision of the subject land to be appropriate. As noted previously, development consent for this subdivision was issued in 2008, reflecting and giving effect to the residential zone objectives, and following a public consultation process. The proponent did not receive any negative community feedback during the process of purchasing the subject land, or the process of obtaining the SWC from Shoalhaven Council, despite many in the community being aware of the existence of the 2008 development consent for the subdivision. As a result, the opposition to this development comes at the 'heel of the hunt'. The community opposition to the development, expressed in many of the public submissions, has arisen late, following the 2019/20 bushfire.

The impacts on the community have been impartially considered in the UTS report appended to this RtPS.

4. Refuge for wildlife

Summary of theme:

The bushland on the subject land was saved from the 2019/20 bushfires and now acts as a refuge for displaced wildlife.

Proponent response:

Impacts to relevant species (in the context of the EPBC Act) have been considered in the PD and Attachment T.

5. Intergenerational impacts

Summary of theme:

This theme includes submissions that specifically mention the term 'intergenerational equity', or otherwise refer to the importance of retaining the bush for future generations.

Proponent response:

Intergenerational impact involves the concept of fairness amongst all generations in the use and conservation of the environment and its natural resources. 'Intergenerational Equity' is one of the fundamental principles of 'Ecologically Sustainable Development' (ESD) and is defined as 'meeting the needs of the present without compromising the ability of future generations to meet their needs'.

Many submissions referred to retaining the bushland for the enjoyment of future generations. Whilst the 2019/20 bushfire burnt a significant amount of bushland in the locality, the vegetation is recovering, including the nearby Conjola National Park, which is set aside for conservation.

The subject land is a privately-owned 20ha site, which has been zoned by Shoalhaven Council as part of the urban village area of Manyana for nearly 60 years. The 'benefit to future generations' of this piece of land must be balanced and kept in perspective in light of the significantly larger and publicly-owned bushland of the Conjola National Park nearby, as well as the benefit of development for additional housing stock for the current (and future) generation. As the vegetation in the vast expanse of nearby National Park and other surrounding areas regrows, flowers and seeds the perceived intergenerational impact of developing the subject site recedes.

The UTS socioeconomic report also addresses intergenerational equity in relation to social and economic impacts⁶, noting that 'if the development does not proceed and the bushland is kept as it is, this will carry the cost of fire-related damage to younger generations'. The UTS report also notes that, whilst environmental sustainability is an important pillar of ecologically sustainable development, social and economic sustainability is of equal importance, perhaps even more critical in this circumstance, given the ecological investigations undertaken conclude that the development will not have a significant impact on threatened species or their habitats.

6. Impact on endangered species

Summary of theme:

This theme includes submissions that specifically raise the issue of endangered species, whether those listed as endangered, or critically endangered, or otherwise just as a general descriptive term.

Proponent response:

The endangered species relevant to the EPBC Act and the draft Preliminary Documentation process are the Grey-headed Flying Fox, Greater Glider and Swift Parrot. No other EPBC-listed species or communities are likely to be impacted by the proposed action as detailed in Attachment T.

Following a comprehensive study, the project ecologists have concluded as follows:

The potential impacts to the subject species of this assessment are negligible, and summarised as follows:

⁶ Ge, X.J., Zhou, J., Chen, F., and Baddeley, M (2022). 'Social and economic impact assessment for a development project'. Report prepared for the Deep River Group Pty Ltd t/a Precise Planning by the University of Technology Sydney, pp 37, 47, 50.

- *Grey-headed Flying-fox*
 - *Clearing 1.25 hectares of winter-spring foraging habitat potentially productive during the months of June-November. Range-wide foraging habitat available during these months is between 2,000,000 and 5,850,000 hectares, with an estimated 17% overlap of the 2019-2020 bushfires over this foraging habitat.*
 - *Clearing 5.93 hectares of summer-autumn foraging habitat.*
 - *The foraging habitat on site is likely to be infrequently utilised given the species' rare occurrence in the South Coast during these months.*

- *Greater Glider*
 - *Greater Gliders do not occur on site. Extensive survey both within the site and in the surrounding region has detected Greater Gliders at only one location, which is 10 kilometres from the site.*
 - *Greater Gliders do not disperse great distances. Greater Gliders could not possibly disperse into the site from areas of known occupation for many years, possibly decades (Gaia Research 2021; Daly 2023).*

- *Swift Parrot*
 - *Important areas within this species' non-breeding range on the Australian mainland are relatively well understood. The site is not an important area for Swift Parrots as per the NSW Government BAM Important Area map (available within the Biodiversity Values Map dataset (DPE 2023)). See Section 4.4 of the Preliminary Documentation report for more information.*
 - *The site does not contain important food trees for Swift Parrots. Important food trees on the South Coast include Spotted Gum, Forest Red Gum, or Swamp Mahogany (Saunders and Tzaros 2011).*
 - *The primary threats to Swift Parrots are within their breeding range in Tasmania and not on the Australian mainland (Saunders and Tzaros 2011).*

For the above reasons, we conclude that the proposed action does not represent a significant impact to the Grey-headed Flying-fox, Greater Glider or Swift Parrot.

The extensive ecological reports and studies included with the final Preliminary Documentation demonstrate that the project is acceptable in terms of impacts on the endangered species.

7. Loss of habitat

Summary of theme:

This theme is closely related to impact on endangered species. However, it was counted separately. The reference to habitat is typically related to loss of habitat of endangered species.

Proponent response:

The project ecologists have addressed the project's acceptability in terms of loss of habitat of endangered species.

8. Importance for regeneration

Summary of theme:

Generally, this theme relates to the importance of the unburnt bushland providing an opportunity for regeneration and a seed bank for propagation.

Proponent response:

Based on the proponent's expert ecological advice, the subject land may only provide a source of regeneration for some plant species which are not adapted to fire. Most plant species found in dry sclerophyll forests, such as occur at the subject land, are adapted to fire and would have survived in the fire grounds through seeds or vegetative material (Bradstock, A. et al., 2012). For a few species, for example some orchids and some species adapted to wetter microhabitats, the subject land could potentially be a source for recolonisation of the surrounding bushland. Many such species would be common in the surrounding area and throughout their range, with only a few, such as Scrub Turpentine, having been recorded within the subject land. It is noted that Scrub Turpentine is capable of surviving fire, however, and resprouting from rootstock (Benson and McDougall 1998).

9. Environmental impacts (generally)

Summary of theme:

This theme picks up on references to environmental impact which are not more specifically referenced in the other themes.

Proponent response:

In addition to the matters already discussed above, the general environmental impacts of the development have been considered in the original assessment of the DA in 2008 by the NSW Planning Minister. The impacts were found to be acceptable and a development consent was issued on that basis. The EPBC Act Preliminary Documentation process does not require the reassessment of these matters.

10. Housing

Summary of theme:

This theme covers a range of concerns, including claims of no demonstrated need for additional housing, the current high vacancy rate in Manyana and over-use of existing housing stock for holiday homes, resulting in the development not contributing year-round to the life and vibrancy of the village.

Proponent response:

The types of future housing to be erected at the subject site will be regulated by the NSW planning system through the development application or complying development processes, ensuring houses and associated development are of the quality expected by the NSW Government and local Council.

As with any subdivision occurring within an existing suburb, the form of housing will be more contemporary than the existing housing stock in Manyana and will provide better quality and more environmentally sustainable homes to the area. The subdivision will provide opportunities for first and second home buyers, as well as investors providing rental accommodation to the area.

The proponent is unable to control whether purchasers become permanent residents or lease their property for long-term or short-term tenancies. However, we note that Shoalhaven Council's document entitled 'Shoalhaven 2040 Our LSPS⁷ – September 2020' as follows:

*'The number of people living in Shoalhaven is expected to grow by over 23,000 people by 2041. Shoalhaven's communities are also ageing, and the average household or family size is predicted to get smaller. There is continued demand for short-term tourist accommodation and holiday homes. These matters all contribute in some way to the demand for new homes, resulting in the need to deliver over 14,600 new dwellings by 2041.'*⁸

It further notes that Council's current work includes '(A)dministering planning and development controls to deliver residential subdivisions of existing zoned land in Culburra Beach, Vincentia, Sussex Inlet, **Manyana**, Milton and Ulladulla to provide a choice of residential locations.'⁹ (bold emphasis added).

The subject land is part of the 'existing zoned land' referred to above, having been zoned for residential purposes since the 1960s. The proposed subdivision is consistent with current strategic direction for the region, set by Shoalhaven Council, and enshrined in the Local Environmental Plan.

11. Climate change

Summary of theme:

This theme refers predominantly to cause and effect between land clearing and climate change.

⁷ Local Strategic Planning Statement.

⁸ Shoalhaven City Council – 'Shoalhaven 2040 Our LSPS – September 2020' p 24.

⁹ Shoalhaven City Council – 'Shoalhaven 2040 Our LSPS – September 2020' p 25.

Proponent response:

The regulation of climate change is dealt with under Australian law in a more nuanced, targeted and effective way than retrospectively preventing the subdivision of land that is zoned and approved for residential subdivision, which many of the submissions call for. The development itself is not an intensive fossil fuel generating development and future housing development of the site will be regulated under any applicable climate change laws as that development is proposed.

Ultimately the approved use of the subject land for residential purposes cannot be achieved without clearing vegetation. We also note that a significant part of the subject land will be retained for native vegetation and the subdivision itself will be extensively landscaped, offsetting some of the vegetation clearance that is to occur in the staged manner required by the development consent.

12. Mental health impacts

Summary of theme:

Submissions expressing concern for the impact of the proposal on the mental health and emotional state of locals, particularly in the context of the impact of the 2019/20 bushfire.

Proponent response:

The proponent has delayed commencement of the subdivision, in part to allow time for renewal and restoration, and 'healing'.

Mental health issues arise from multiple causes, and future mental health issues cannot reasonably be attributed to the carrying out of an approved residential subdivision.

The mental health of the local community is not a relevant matter for the EPBC Act and the Preliminary Documentation process.

13. Insult to firefighters

Summary of theme:

Following the heroic efforts of firefighters during the 2019/20 bushfire, resulting in the bushland on the subject land being preserved, the removal of the vegetation for the proposed development would be considered insulting to firefighters.

Proponent response:

The proponent respects the firefighting effort in response to the 2019/20 bushfires. The carrying out of this approved subdivision is not an insult to their efforts in the same way that other recent development within Manyana by existing landowners cannot be said to insult their efforts. New housing has the potential to benefit new essential services workers coming into the area, by increasing supply to an area with housing demand.

14. Development out-of-character with the village

Summary of theme:

This theme refers to the scale of the proposed development in the context of Manyana village. It also includes comments critical of the style of housing that is proposed for the estate.

Proponent response:

This issue is assessed through the development assessment process in the NSW planning system. It is reiterated that the subject land has been zoned to encourage new residential homes since the 1960s and the development was approved in 2008 by the Planning Minister. It fulfils the long-held strategic intent for the subject land. It is reiterated that Council's current strategic direction is to facilitate the development of existing residentially zoned land in Manyana, as referred to in the LSPS, thereby reinforcing the intention of the Council for the subject land.

15. Rate of land clearing

Summary of theme:

The high rate of land clearing in NSW.

Proponent response:

The high rate of land clearing in NSW was raised a number of times in submissions. The main driver of clearing in NSW is agriculture¹⁰, not land development for housing. In NSW, land clearing for agriculture is generally controlled by different statutory instruments than land clearing for housing. Land clearing for housing is generally scrutinised to a greater degree. Nevertheless, the removal of the vegetation at the subject land would have been a consideration as part of the original assessment of the DA and determined to be acceptable. The subject land cannot achieve its strategic highest and best use without the clearance of vegetation.

¹⁰ NSW EPA, 'NSW State of the Environment 2021, Native Vegetation', <https://www.soe.epa.nsw.gov.au/all-themes/land/native-vegetation-2021>

16. Special conservation area

Summary of theme:

This theme suggested the land be purchased by the government and proclaimed a Special Conservation Area.

Proponent response:

A number of submissions suggested that the land be acquired by local/state/federal government and then be designated as a special conservation area. However, like many of the themes, this is not a relevant matter for the EPBC Act and the Preliminary Documentation process.

The proponent has not received any offers from any level of government, formally or informally, to acquire the site, and the prioritisation of public moneys for the acquisition of land is a matter for the NSW or Commonwealth Government. These are matters outside of the proponent's control.

In any case, as the subject land forms only a very small part of the total area of bushland in the vicinity and the public benefit in terms of additional quality housing stock and economic activity are greater than the marginal benefit of retaining and conserving the bushland on the subject land, particularly given the large state-owned landholdings already in the immediate vicinity, such as the Conjola National Park. The sentimental views regarding the site need to give way to the more rigorous objective scientific assessment of the site's ecological characteristics that has taken place since the fires.

Properly evaluated, the site does not have the characteristics that would warrant Government acquiring the site for ecological reasons. It would set an unusual precedent if the site were to be acquired given the limited ecological value recorded compared to other sites within NSW that have been acquired for environmental reasons.

17. Lack of infrastructure

Summary of theme:

This theme includes reference to the road network (one way in and one way out), sewerage, public transport, shops, schools, medical facilities and the like.

Proponent response:

The availability and/or provision of adequate infrastructure would have been a matter for consideration at the time the original DA was assessed and SWC issued. It is not a relevant matter for the EPBC Act and the Preliminary Documentation process. Nevertheless, it is noted that the

proponent has entered into an agreement with Shoalhaven Council, as it was required to do by condition B28 of the development consent, to make monetary contributions for the following works:

- a) Extension of the community hall, Yulunga Reserve
- b) Upgrade Foreshore Facilities, including the provision of car parking
- c) Upgrade works to Bendalong Road and Inyadda Drive
- d) Construction of a rural road Type B intersection, Bendalong Road and Inyadda Drive

In addition to the above, condition E8 of the development consent requires monetary contributions targeted at the following infrastructure projects:

- a) Tennis, football, cricket and netball (Area 5)
- b) Leisure centre heated indoor swimming pool
- c) Southern Shoalhaven Branch Library
- d) Bendalong Road and Inyadda Drive
- e) Hockey facilities
- f) Stage 1 Shoalhaven City Library extensions
- g) Stage 2 Shoalhaven City Arts Centre
- h) Stage 3 Shoalhaven Mobile Children's Services
- i) Shoalhaven Multi-purpose Cultural & Convention Centre
- j) Citywide Fire and Emergency Services
- k) Shoalhaven Fire Control Centre
- l) Embellishment of Icon and District parks and walking tracks

In terms of water and sewerage infrastructure, in addition to funding the mains extensions to service each proposed lot (at no cost to the public), condition E9 requires substantial monetary contributions for headworks charges and lot connections.

Whilst the subdivision will create a significant number of lots, it also triggers specific obligations to help fund targeted infrastructure works that have been identified as necessary by the Shoalhaven Council. This contribution process is the appropriate and endorsed method of funding infrastructure projects and will ensure that this project results in a net benefit to the community, rather than a burden on existing infrastructure.

18. Impact on tourism

Summary of theme:

This theme predominantly conveyed the message that tourists do not visit Manyana because of a housing development, rather because of its village charm and natural beauty. If the village charm and natural beauty of the locality are diminished by a housing development, tourists will no longer come.

Proponent response:

This is not a relevant matter for the EPBC Act and the Preliminary Documentation process.

However, it is noted that the staged construction of the subdivision over a timeframe of around 7 years will result in positive economic impacts, including tourism. This subject land is not a tourist attraction. Tourists come to Manyana and surrounding areas to enjoy the 'traditional beach holidays of sand, surf and relaxation'¹¹, as well as sheltered swimming for families, snorkelling and fishing, and other nearby attractions. In addition to providing in-demand long-term diverse housing for existing and/or new residents, the development will provide new and modern accommodation for tourists, which the LSPS identifies as being in demand in Shoalhaven. The development of the subject land will not in any way detract from the surrounding beaches, national parks and other nearby attractions, nor will it diminish the village charm and natural beauty of Manyana.

The impact is also addressed by the UTS socioeconomic report.

19. Symbol of hope

Summary of theme:

In the aftermath of the 2019/20 bushfires, the preservation of this bushland is portrayed as a symbol of hope for the future for the local community.

Proponent response:

This is not a relevant matter for the EPBC Act and the Preliminary Documentation process.

20. Inadequate preliminary documentation

Summary of theme:

This theme picked up on claims of inadequate Preliminary Documentation, perceived errors and omissions in the ecological report and the socioeconomic report.

Proponent response:

The Preliminary Documentation includes both contemporary (2020 to 2022) and historical survey work for EPBC Act listed species both within the subject land and in the surrounding area. An extensive literature review was undertaken, both to understand the broader impacts of bushfires to these threatened species and to understand the impacts of the development within the subject land. The referral and the preliminary documents have been reviewed by at least four species experts.

¹¹ Destination NSW (2023), 'Manyana overview', <https://www.visitnsw.com/destinations/south-coast/jervis-bay-and-shoalhaven/lake-conjola/destination-information/manyana>

These experts raised a number of concerns which were addressed in the current version of the documents. It is noted that while these species experts provided detailed reviews of earlier drafts of the referral documents and the preliminary documents report, no new submissions were received from these same experts during the time when the preliminary documents were made available for public submission. The ecologists have reviewed their work in light of the criticisms and have made a number of relevant updates.

An additional update has been made to the Preliminary Documentation, as requested by DEECCW, to include an impact assessment of additional productive foraging habitat. In particular, the removal of *Eucalyptus pilularis* (Blackbutt) and *Corymbia gummifera* (Red Bloodwood).

In response to specific criticisms of the original socioeconomic report, UTS was commissioned to undertake research and prepare a new report, which is based on alternate methodology in order to address the specific criticisms raised in the public submission process.

21. Inappropriate location

Summary of theme:

A number of submissions indicated that the location of the proposed development was inappropriate and was more suited to the larger suburban areas of the Shoalhaven, or else land already cleared, or areas that were burnt out.

Proponent response:

The subject land is located within the village area of Manyana and has been appropriately zoned for residential development since the 1960's. Both local and State governments have had numerous opportunities since the 1960's to rezone the subject land, if it was considered inappropriate for residential development. The location is appropriate for the proposal and is a fulfilment of the long held strategic planning intentions for the subject land.

The development application was approved in 2008 by the Planning Minister. The suitability of the site for the proposed development would have been part of the original assessment of that application and was determined to be satisfactory.

5 REFERENCES

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Ecoplanning 2020a, Matters of National Environmental Significance Assessment – Lot 172 // DP 755923 & Lot 823 DP // 247285, Manyana, NSW.

Ecoplanning 2020b, Draft Preliminary Documents Submission provided prior to the Species Workshop in December 2020, Lot 172 // DP 755923 & Lot 823 DP // 247285, Manyana, NSW.

Ecoplanning 2020c, EPBC Act referral, 2020/8704 - Lot 172 DP 755923 Lot 823 DP247285, Manyana, NSW.

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Ge, X.J., Zhou, J., Chen, F., and Baddeley, M (2022). 'Social and economic impact assessment for a development project'. Report prepared for the Deep River Group Pty Ltd t/a Precise Planning by the University of Technology Sydney.

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APPENDICES

APPENDIX 'A' – Submissions register

APPENDIX 'B' – Supporting documents and information

APPENDIX 'B.1' – Stage 1 SWC documents approved by SCC

The Stage 1 SWC approved by SCC on 19 November 2019 referenced the following documents:

DOCUMENT	REF/SHEET NO.	PREPARED BY	DATED
Cover sheet	PS03-A000 rev. K	Martens & Associates	14/10/2019
Development Overview Plan	PS03-A050 rev. H	Martens & Associates	24/09/2019
Town Planning and Subdivision Plan	PS03-A300 rev. F	Martens & Associates	24/09/2019
Staging Overview Plan	PS03-B100 rev. D	Martens & Associates	17/09/2019
Sediment and Erosion Control and Clearing Plan (as amended)	PS03-B300 rev. F	Martens & Associates	17/09/2019
Sediment and Erosion Control Details (Sheet 1)	PS03-B310 rev. B	Martens & Associates	27/07/2018
Sediment and Erosion Control Details (Sheet 2)	PS03-B311 rev. B	Martens & Associates	27/07/2018
Earthworks and Grading Plan of Stage 1	PS03-C100 rev. G	Martens & Associates	17/09/2019
Earthworks Cut-Fill Plan of Stage 1	PS03-C500 rev. G	Martens & Associates	17/09/2019
Earthworks Section D1	PS03-C600 rev. E	Martens & Associates	17/09/2019
Roadworks Plan of Stage 1	PS03-D100 rev. G	Martens & Associates	17/09/2019
Proposed Road 1 (21-MRC01) Longitudinal Section	PS03-D200 rev. E	Martens & Associates	17/09/2019
Proposed Road 1 (21-MRC01) and Fire Trail Typical Sections	PS03-D201 rev. B	Martens & Associates	27/07/2018
Proposed Road 2 (21-MRC02) and Footpath (21-MRP02) Longitudinal Sections & Typical Sections	PS03-D202 rev. C	Martens & Associates	21/05/2019
Proposed Road 4 (21-MRC03) Longitudinal & Typical Sections	PS03-D203 rev. C	Martens & Associates	21/05/2019
Proposed Road 5 (21-MRC05) Longitudinal & Typical Sections	PS03-D204 rev. C	Martens & Associates	21/05/2019
Road 1 (21-MRC01) & Sunset Strip Intersection Plan and Longitudinal Sections	PS03-D300 rev. F	Martens & Associates	17/09/2019
Road 1 (21-MRC01) & Road 4 (21-MRC03) Intersection Plan and Longitudinal Sections	PS03-D301 rev. C	Martens & Associates	21/05/2019
Road 1 (21-MRC01) & Road 2 (21-MRC02) Intersection Plan and Longitudinal Sections	PS03-D302 rev. C	Martens & Associates	21/05/2019
Road 1 (21-MRC01) & Road 5 (21-MRC05) Intersection Plan and Longitudinal Sections	PS03-D303 rev. C	Martens & Associates	21/05/2019
Kerb Return Set Out Tables	PS03-310 rev. D	Martens & Associates	17/09/2019
Proposed Road 1 (21-MRC01) Stage 1 Cross Sections (Sheet 1)	PS03-D500 rev. E	Martens & Associates	17/09/2019
Proposed Road 1 (21-MRC01) Stage 1 Cross Sections (Sheet 2)	PS03-501 rev. D	Martens & Associates	21/05/2019
Proposed Road 1 (21-MRC01) Stage 1 Cross Sections (Sheet 3)	PS03-502 rev. D	Martens & Associates	21/05/2019

DOCUMENT	REF/SHEET NO.	PREPARED BY	DATED
Proposed Road 1 (21-MRC01) Stage 1 Cross Sections (Sheet 4)	PS03-503 rev. C	Martens & Associates	21/05/2019
Proposed Road 2 (21-MRC02) Cross Sections (Sheet 1)	PS03-D504 rev. C	Martens & Associates	21/05/2019
Proposed Road 2 (21-MRC02) Cross Sections (Sheet 2)	PS03-D510 rev. C	Martens & Associates	21/05/2019
Proposed Road 4 (21-MRC03) Cross Sections (Sheet 1)	PS03-D511 rev. C	Martens & Associates	21/05/2019
Proposed Road 4 (21-MRC03) Cross Sections (Sheet 2)	PS03-D512 rev. C	Martens & Associates	21/05/2019
Proposed Road 5 (21-MRC05) Cross Sections (Sheet 1)	PS03-D520 rev. C	Martens & Associates	21/05/2019
Proposed Road 5 (21-MRC05) Cross Sections (Sheet 2)	PS03-D521 rev. C	Martens & Associates	21/05/2019
Swept Path Analysis	PS03-DZ00 rev. C	Martens & Associates	29/03/2019
Shoalhaven City Council Standard Kerb & Gutter Details	PS03-DZ10 rev. C	Martens & Associates	29/03/2019
Shoalhaven City Council Standard Kerb Ramp & Vehicular Crossing Details	PS03-DZ15 rev. B	Martens & Associates	27/07/2018
Sight Distance Assessment	PS03-DZ30 rev. A	Martens & Associates	29/03/2019
Drainage Plan of Stage 1	PS03-E100 rev. H	Martens & Associates	14/10/2019
Drainage Plan Ponding Extents (1% AEP) and Drainage Details	PS03-E101 rev. E	Martens & Associates	17/09/2019
OSD / Bioretention Basin A Plans and Details (as amended)	PS03-E200 rev. F	Martens & Associates	14/10/2019
Basin A Section A1 & A2	PS03-E201 rev. F	Martens & Associates	14/10/2019
Headwall and Reno Mattress Details Signage and Ecosol GPT Details (as amended)	PS03-E202 rev. E	Martens & Associates	14/10/2019
Custom Pit Details (Sheet 1)	PS03-E203 rev. G	Martens & Associates	14/10/2019
Custom Pit Details (Sheet 2)	PS03-E204 rev. F	Martens & Associates	14/10/2019
Drainage Longitudinal Section (Sheet 1)	PS03-E300 rev. F	Martens & Associates	17/09/2019
Drainage Longitudinal Section (Sheet 2)	PS03-E301 rev. E	Martens & Associates	17/09/2019
Drainage Longitudinal Section (Sheet 3)	PS03-E302 rev. E	Martens & Associates	17/09/2019
Drainage Longitudinal Section (Sheet 4)	PS03-E303 rev. E	Martens & Associates	17/09/2019
Drainage Longitudinal Section (Sheet 5)	PS03-E304 rev. E	Martens & Associates	17/09/2019
Drainage Longitudinal Section (Sheet 6)	PS03-E305 rev. E	Martens & Associates	17/09/2019
Drainage Longitudinal Section (Sheet 7)	PS03-E306 rev. E	Martens & Associates	17/09/2019
Drainage Catchment Plan – Off Site	PS03-E400 rev. D	Martens & Associates	17/09/2109
Drainage Catchment Plan – On Site	PS03-E401 rev. A	Martens & Associates	17/09/2019
Drainage Pit Schedule (Sheet 1)	PS03-E500 rev. F	Martens & Associates	17/09/2019
Drainage Pit Schedule (Sheet 2)	PS03-E501 ref. F	Martens & Associates	17/09/2019
5 Year Hydraulic Calculations (Sheet 1)	PS03-E502 rev. E	Martens & Associates	17/09/2019
5 Year Hydraulic Calculations (Sheet 2)	PS03-E503 rev. E	Martens & Associates	17/09/2019
5 Year Hydraulic Calculations (Sheet 3)	PS03-E504 rev. E	Martens & Associates	17/09/2019
5 Year Hydraulic Calculations (Sheet 4)	PS03-E505 rev. E	Martens & Associates	17/09/2019

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DOCUMENT	REF/SHEET NO.	PREPARED BY	DATED
5 year Hydraulic Calculations (Sheet 5)	PS03-E506 rev. E	Martens & Associates	17/09/2019
100 Year Hydraulic Calculations (Sheet 1)	PS03-E508 rev. E	Martens & Associates	17/09/2019
100 Year Hydraulic Calculations (Sheet 2)	PS03-E509 rev. E	Martens and Associates	17/09/2019
100 Year Hydraulic Calculations (Sheet 3)	PS03-E510 rev. E	Martens & Associates	17/09/2019
100 Year Hydraulic Calculations (Sheet 4)	PS03-E511 rev. E	Martens & Associates	17/09/2019
100 Year Hydraulic Calculations (Sheet 5)	PS03-E512 rev. C	Martens & Associates	17/09/2019
Pre-Development OSD Catchment Plan, Model and Results	PS03-E600 rev. C	Martens & Associates	17/09/2019
Post-Development OSD Catchment Plan, Model and Results	PS03-E601 rev. C	Martens & Associates	17/09/2019
Water Quality Catchment Plan, Model and Results	PS03-E700 rev. D	Martens & Associates	17/09/2019
Retaining Wall Plan	PS03-F200 rev. F	Martens & Associates	14/10/2019
Concrete Retaining Wall Details (Sheet 1)	PS03-G210 rev. D	Martens & Associates	14/10/2019
Concrete Retaining Wall details (Sheet 2)	PS03-G211	Martens & Associates	14/10/2019
Pavement, Signage and Line Marking (Sheet 1)	PS03-G400 rev. F	Martens & Associates	14/10/2019
Pavement, Signage and Line Marking (Sheet 2)	PS03-G410 rev. F	Martens & Associates	14/10/2019
Pavement, Signage and Line Marking (Sheet 3)	PS03-G420 rev. C	Martens & Associates	29/03/2019
Sunset Strip Pedestrian Crossing & Berringer Road Signage Plan and Details (as amended)	PS03-G430 rev. C	Martens & Associates	14/10/2019
General Notes (Sheet 1)	PS03-ZZ00 rev. C	Martens & Associates	07/11/2018
General Notes (Sheet 2)	PS03-ZZ01 rev. C	Martens & Associates	07/11/2018
General Notes (Sheet 3)	PS03-ZZ02 rev. C	Martens & Associates	07/11/2018
General Notes (Sheet 4)	PS03-ZZ03 rev. C	Martens & Associates	07/11/2018
Landscape Plan – Stage 1	LD03 issue D	HLS Pty Ltd	14/10/2018
Landscape Plan – Stage 1	LD04 issue D	HLS Pty Ltd	14/10/2018
General Notes & Drawing List	S200 rev. A	Dinzel & Associates	22/10/2019
Kerb Inlet Pit 1A101-02 Details	S201 rev. A	Dinzel & Associates	22/10/2019
Kerb Inlet Pit 1A101-03 Details	S202 rev. A	Dinzel & Associates	22/10/2019
Kerb Inlet Pit 1A101-04 Details	S203 rev. A	Dinzel & Associates	22/10/2019
Kerb Inlet Pit 1A101-05 Details	S204 rev. A	Dinzel & Associates	22/10/2019
Junction Pit 1A103-01 Details	S205 rev. A	Dinzel & Associates	22/10/2019
Junction Pit 1A103-04 Details	S206 rev. A	Dinzel & Associates	22/10/2019
Kerb Inlet Pit 1A106-02 Details	S207 rev. A	Dinzel & Associates	22/10/2019
Kerb Inlet Pit 1A106-03 Details	S208 rev. A	Dinzel & Associates	22/10/2019
Kerb Inlet Pit 1A106-04 Details	S209 rev. A	Dinzel & Associates	22/10/2019

Design Certificate – Structural Pit Design	17108	Dinzel & Associates	22/10/2019
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Design Certificate – Retaining Structures	P1705919JC09V01	Martens & Associates	15/10/2019
Design Certificate – OSD Structure	P1705919JC07V02	Martens & Associates	25/10/2019
Construction Management Plan	P1705919JR03V04	Martens & Associates	29/04/2019
Flora & Fauna Management Plan	2017-044 ver 2.2	Ecoplanning	26/07/2019
Arboricultural Development Assessment Report	-	Moore Trees	04/05/2018
Bushfire Management Plan	CR-133-2	Sydney Bushfire Consultants	11/05/2018
Noise and Vibration Management Plan	17367 version B	Wilkinson Murray	May 2018
Construction Waste Management Plan	P1705919JR02V02	Martens & Associates	23/10/2017
Cultural Heritage Management Plan	-	Southeast Archaeology	July 2018
Department of Planning Letter of Approval of CHMP	CM9 SF 18/56589	NSW Department of Planning & Environment	03/08/2018

APPENDIX 'B.2' – University of Technology Sydney Socioeconomic report

APPENDIX 'B.3' – Development Consent