

Our Ref:CC180099

22 March 2025

CEO  
Central Coast Council  
91-99 Mann Street  
GOSFORD NSW 2250

Attention: Nathan Burr

Dear Sir,

**Lakes Ridge – Submission in response to Council Assessment Report to the Central Coast RPP dated 18 March 2025**  
**Ref: PPSHCC-281 & – Central Coast – DA/161/2024 – 305 Pacific Highway, Lake Munmorah NSW 22592589**

This submission has been prepared in response to the Council Assessment Report (Report) for PPSHCC-281 & – Central Coast – DA/161/2024.

The Report stated that Council had assessed that there were:

- a number of statutory barriers impacting the granting of consent; and
- other matters existed where a full assessment of the potential impacts of the development were thought to be not possible based on the information in the development application.

Council recommended that the determination of the application **be deferred pending the submission of additional information** to address the following matters:

- (a) *State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP RH) Chapter 2 (Coastal Management)* - submission of information with respect to works proposed within a coastal wetland, and hydrological impacts associated with groundwater impacts associated with the engineering design and construction of the proposed subdivision works.
- (b) *Central Coast Local Environmental Plan 2022* – Information to demonstrate compliance with the provisions of clause 4.1G(4)(a).
- (c) *Central Coast Local Environmental Plan 2022* – Information to demonstrate the satisfactory provision of sewer services clauses 6.2 and 7.6, and stormwater drainage details demonstrating adequate stormwater drainage clause 7.6.
- (d) *Central Coast Local Environmental Plan 2022* – Information to address the impacts of the development with respect to flooding in satisfaction of clause 5.21(2).
- (e) *Biodiversity Conservation Act 2016* – Information to demonstrate works do not trigger the Biodiversity Offset Scheme.
- (f) A concept Construction Traffic Management Plan addressing the construction impacts associated with the construction phase of the development.

This submission comprehensively addresses these matters.

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#	Policy	CCC assessment Key issues	Applicant's response In summary	Applicant's supporting documentation (Attachment #)
a	State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP RH) Chapter 2 (Coastal Management)	<p>Part 1</p> <p>Proposed sewer main connection to the existing sewer within the mapped wetland.</p> <p>Proposed sewer works are considered to be designated development. The development application has not been lodged as designated development with the appropriate supporting documents under Section 4.12(8) of the Act.</p>	<p>The mains sewer connection was proposed adjacent to existing disturbed land and corridor of infrastructure including an established fire trail and transmission easement. It is acknowledged that this disturbed area is technically mapped as coastal wetland and should be avoided.</p> <p>The proposed new route runs parallel with the Chisholm Avenue extension and connects to a new SMH in the proposed northern road reserve.</p> <p>Model results confirm that the existing DN150 pipe has suitable capacity to convey existing and proposed catchment flow. Upgrade to the DN150 sewer is not required.</p> <p>All works will be located within the approved BCAR footprint and no additional vegetation removal is required.</p> <p>Capacity and performance have been demonstrated, including benefits of encasement and compatibility to surrounding works demonstrated (<b>Attachment 1</b>).</p>	<ol style="list-style-type: none"> <li>1. DA/161/2024 - Lakes Ridge Development at Lake Munmorah Response to Council DA Assessment Report – Sewer (21 March 2025)</li> </ol>
		<p>Part 2</p> <p>Council not satisfied that the quality and quantity of the groundwater flows to coastal wetland will be maintained such that there will be no likely significant impact to the integrity of the coastal wetland.</p>	<p>A detailed report on Groundwater &amp; Surface Water was previously prepared by Stantec.</p> <p>Stantec's detailed assessment included:</p> <ul style="list-style-type: none"> <li>• 20 year analysis of wet and dry cycles</li> <li>• Installation of groundwater wells and assessment to determine depths and flow directions</li> <li>• Collection and testing of surface water samples</li> </ul> <p>The analysis confirmed that the stormwater management and civil design includes "adequate measures - for ensuring the chemistry and quantity of groundwater and</p>	

#	Policy	CCC assessment Key issues	Applicant's response In summary	Applicant's supporting documentation (Attachment #)
			<p>surface flows offsite to the wetlands are not altered. These measures include GPTs, bioretention basins, infiltration areas and residential infiltration areas.</p> <p>It is important to note that bulk earthworks can be managed to avoid interaction with groundwater and the Stantec report only recommends management techniques in the event of possible groundwater interactions.</p> <p>The concept engineering design specifically detailed how the quality and quantity of the groundwater flows to coastal wetland should be maintained.</p> <p>Firstly, where possible avoid drawdown of groundwater. Secondly, if ground water is encountered in the construction process, Stantec detail the procedures to implement so as to maintain quality and quantity of the groundwater flows to coastal wetland</p> <p>The procedures detailed in the Stantec report include:</p> <ul style="list-style-type: none"> <li>• de-watering requirements comprising groundwater spears or continuous sump and pump techniques.</li> <li>• Required pump configuration and flow rates to be designed by a suitable contractor.</li> </ul> <p>The listed requirements are standard practice in construction sites where groundwater levels vary considerably subject to prevailing rainfall prior to works.</p> <p>The consent authority can be satisfied that subject to compliance with the concept engineering design and procedures at Appendix J the applicant will maintain quality and quantity of the groundwater flows to coastal wetland using accepted practices.</p> <p>Subject to the methodologies recommended by Stantec being included in the SWC/CC application Council and the Panel can be satisfied that the requirements of Section</p>	

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			<p>2.8 – Development on land in proximity to coastal wetlands or littoral rainforest have been met.</p> <p>Stantec are providing additional clarification (under separate cover) and can be available to address the panel directly if needed.</p>	
(b)	Central Coast Local Environmental Plan 2022	<p>The proposed subdivision has not considered how to facilitate the management and protection of the environmental lands beyond the initial 10-year period and therefore does not satisfy the precursor requirement contained with clause 4.1G(4)(a).</p> <p>Provide some costings based on compliance with the BMP in Years 11 and on, for each of proposed Lots 1 and 70. Clearly identify what works will be required to be carried out and when / how often, and cost of such works in today's terms.</p> <p>Include costings of works required if an event considered in Section 3.6 of the BMP occurs.</p> <p>Consider funding of the same.</p>	<p>A Biodiversity Certification Agreement for the land has been signed by the Minister administering the Biodiversity Conservation Act 2016 and all landowners, including Central Coast Council on 1 March 2023.</p> <p>An Order conferring Biodiversity Certification was issued 26 March 2024. The Order included a requirement to obtain approval from BCD for a Biodiversity Management Plan (BMP).</p> <p>The NSW BCD approved the BMP on 7 November 2024.</p> <p>Notwithstanding the above, CCC is questioning whether the approved BCAR, BMP, BCA and BCO adequately address clause 4.1G(4)(a) which requires the consent authority to be satisfied that "the subdivision will facilitate the management and protection of the environmental values of the land".</p> <p>In response, the applicant has provided emails comprehensively addressing these matters as follows:</p> <p>11 March 2025 from Corrs and 21 March 2025 from PJ Francis (<b>Attachment 2</b>) and 21 March 2025 from Wedgetail (<b>Attachment 3</b>).</p> <p>In summary</p> <ol style="list-style-type: none"> <li>1. Clause 3.3.1 of the BMP deals with this matter.</li> <li>2. The proponent must ensure Performance Targets are met. When (and only when) Performance Targets are met a Final Report will be prepared detailing long-term</li> </ol>	<ol style="list-style-type: none"> <li>2. Email 11 March 2025 from Corrs to CCC and Email 21 March 2025 from PJ Francis to CCC</li> <li>3. Email 21 March 2025 from Wedgetail</li> </ol>

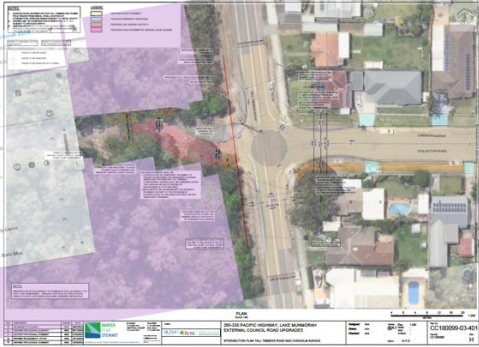
#	Policy	CCC assessment Key issues	Applicant's response In summary	Applicant's supporting documentation (Attachment #)
			<p>management practices in perpetuity. The Final Report must be approved by the Department.</p> <p>3. The Final report signals an end of capital expenditure requirements - Any further capital expenditure during the maintenance phase (Year 11 onwards) is expected to be limited, as all management actions will have been implemented under the BMP by the applicant.</p> <p>4. Clause 3.3.1 of the BMP highlights a practical, enforceable, and effective process.</p> <p>5. Assuming confirmation of Performance Targets having been achieved, from Year 11 onwards the in perpetuity long term management practices will be governed by Biodiversity Conservation Act 2016 (BC Act) and the Biosecurity Act 2015 (weed management). The objective tasks are achieved by not doing any development on the land, maintaining fencing and weed management is a low-cost activity.</p> <p>6. In regard to fire, flood, drought etc these are dealt with in BMP at Section 3.6 - Risk Assessment and Contingency which deals with consequences of events beyond mitigation measures. The Final Report referred to above will confirm or update Section 3.6 relevant to the long-term management practices in perpetuity.</p> <p>Furthermore, without prejudicing the department from its rights and responsibilities in year 10 Wedgetail have provided likely content of the Final Report to give Council the comfort it seeks.</p> <p>Ongoing management beyond 10 years is likely to include minimal weed control (maintenance) and maintenance of fencing.</p> <ul style="list-style-type: none"> <li>• \$1,600 every 2 years</li> <li>• \$3,200 every 5 years</li> </ul> <p>In regard to unexpected events (fire, flood, and drought) beyond the implementation period, we anticipate that the vegetation within the site would have met the required</p>	

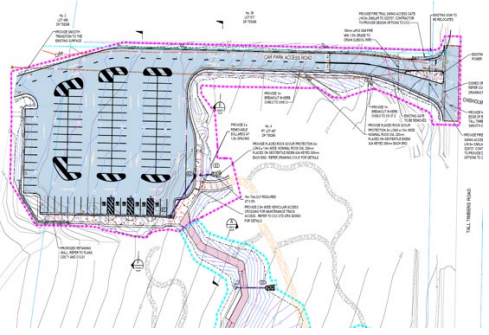
#	Policy	CCC assessment Key issues	Applicant's response In summary	Applicant's supporting documentation (Attachment #)
			<p>"maintenance" benchmarks and be in a relatively resilient and stable state. As such, any impacts to the vegetation would likely require minimal intervention, perhaps minimal weed control, removal of rubbish, or maintenance of boundary fencing. Wedgetail recommend that an additional site inspection (1 day, two land management professionals) be completed within 6 months of the event to manage minor weed incursions, and detail any additional maintenance requirements</p> <p>The establishment of a Biodiversity Stewardship Site was considered. Wedgetail Project Consulting and the BCD decided that the establishment of the stewardship site was not appropriate for such a small conservation area.</p> <p>Instead of establishing a stewardship site within the conservation area the proponent selected to avoid impacts to the vegetation, management of the retained area for a 10 year period and offset their residual impacts to biodiversity values resulting from the development through the purchase and retirement of credits which are generated on external stewardship sites. The proponent will be paying ~ \$1.9m to the fund payable at the commencement of site construction.</p> <p>In conclusion Clause 3.3.1 of the BMP highlights a practical, enforceable, and effective process that does facilitate the management and protection of the environmental lands beyond the initial 10-year period and therefore satisfies the precursor requirement contained with clause 4.1G(4)(a).</p>	
(c)	Central Coast Local Environmental Plan 2022	<p>Part 1 Information to demonstrate the satisfactory provision of sewer services clauses 6.2 and 7.6</p> <p>the western catchment cannot be connected to the sewer in the</p>	Addressed at (a) Part 1	Refer to Attachment 1

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		manner proposed due to ecological constraints associated with avoidance area and the crossing of the mapped wetland		
		<p>and stormwater drainage details demonstrating adequate stormwater drainage clause 7.6.</p> <p>The Pacific Highway directs road runoff through the subject site. The application does not provide sufficient detail to demonstrate that the major event (i.e. 1% AEP) has been catered for in piped drainage system and appropriate easement created. Information is required to demonstrate that the drainage structures can provide the required inlet capacity for the major event (including allocation for blockages). The energy dissipation/scour protection works at the headwall outlet details have not been provided to demonstrate the extent of works to be carried out and are not within the avoidance area.</p>	<p>Detailed response to Councils concerns have been extracted from the application and are detailed on Page 2 of <b>Attachment 4</b> which demonstrates that adequate stormwater drainage arrangements are proposed.</p> <p>The development does have satisfactory arrangements for stormwater drainage.</p>	<p>4. DA/161/2024 - Lakes Ridge Development at Lake Munmorah Response to Council DA Assessment Report – Management of Pacific Highway Stormwater (21 March 2025)</p>
(d)	Central Coast Local Environmental Plan 2022	Information to address the impacts of the development with respect to flooding in satisfaction of clause 5.21 (2).	<p>A comprehensive response to this important issue is detailed in <b>Attachment 5</b>.</p> <p><u>Table 1</u> comprehensively demonstrates that proposal meets the requirements of each of the CCCLEP clauses at 5.21 and 5.22.</p> <p><u>Table 2</u> comprehensively provides responses to Councils specific concerns raised in the Assessment Report at page 52 and 53.</p>	<p>5. DA/161/2024 - Lakes Ridge Development at Lake Munmorah Response to Council DA Assessment Report – Flooding (21 March 2025)</p>

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			<p>In summary the following points are notable:</p> <ul style="list-style-type: none"> <li>• The flooding plan has remained essentially unchanged since December 2022 when approved as part of the planning proposal.</li> <li>• Flood levels are generally the same as existing background flood levels pre-development. Impacts are confirmed in backyards as identified previously.</li> <li>• The proposal will not increase flood affectation of neighbouring properties in the 1% AEP flood event and it is acknowledged in the Council Assessment Report that in some locations flood affectation will be improved.</li> <li>• No additional flood risk to people or property. The attached report confirms that flood levels adjacent to existing houses will be reduced during the PMF.</li> <li>• Minor changes in some backyards in PMF events.</li> <li>• No people will be in backyards during PMF event.</li> <li>• Escape route remains open via front door and road network.</li> <li>• Notwithstanding, because dwellings will be above the 1% AEP and PMF, flood evacuation is unlikely to be required.</li> </ul>	
(e)	Biodiversity Conservation Act 2016 –	<p>Information to demonstrate works do not trigger the Biodiversity Offset Scheme.</p> <p>The works associated with the Tall Timbers Road and Chisholm Ave roundabout require the removal of trees.</p> <p>Information is required to demonstrate that the trees to be removed are not within the biodiversity values mapped area which would trigger requirement for</p>	<p>The trees referred to in the Council Assessment Report page 66 are located on Gumbuyah Oval Reserve, which is Crown Land managed by Council.</p> <p>Following consultation with CCC in December 2024, it was agreed that CCC Parks &amp; Recreation will construct all works within Gumbuyah Oval and obtain requisite approvals via Part 5 REF process. Accordingly, the proposed development does not extend into Gumbuyah Oval and the requirement to consider/justify tree removal in this location is not relevant to this DA.</p>	



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		a BDAR under the <i>Biodiversity Conservation Act</i> (BC Act).	<p>Notwithstanding, the Applicant can confirm that the identified trees are NOT located in the biodiversity values mapped area. See overlay below.</p>  <p>Council and the Panel ought to be aware that Council's Project Team 1 has confirmed that construction of the 4<sup>th</sup> leg of the roundabout from the Crown Land boundary westward is due for completion in April 2025. The applicant and this DA are responsible for delivering the roundabout works east of the Crown lands boundary only.</p> <p>For the council and panels information, the applicant Local Planning Agreement contributions will fund any shortfall in Council's variation works to connect the Gumbayah oval to 4<sup>th</sup> leg of the roundabout vs the originally scoped northern driveway "T" intersection at Tall Timbers as detailed in Figure 11 on page 11 of the assessment report and attached below.</p>	

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(f)	A concept Construction Traffic Management Plan addressing the construction impacts associated with the construction phase of the development.	<p>The application lacks sufficient information regarding the impact the construction traffic will have on the condition of the surrounding local road network.</p> <p>No right turn in and out of the development site is available.</p> <p>A detailed concept Construction Traffic Management Plan (CTMP/CEMP) outlining construction traffic movements and environmental impacts through the existing residential area is required.</p>	<p>There has been no request for preparation of a CTMP prior to release of the Council Assessment Report on 18 March 2025.</p> <p>Typically, CTMP's are required at the detailed SWC stage and are prepared by the civil contractor following review of the approved DA documentation, conditions of consent and consideration of operational matters such as staging and project timing.</p> <p>Approval of a CTMP at the DA stage may result in inconsistencies with the construction methodology of the yet to be appointed civil contractor and may result in future section 4.55 modification requests.</p> <p>Notwithstanding, we have reviewed the issues raised by CCC and will include <b>(under separate cover)</b> a preliminary CTMP layout for information purposes, confirming:</p> <ul style="list-style-type: none"> <li>• Stage 1 set-up works (e.g. silt fencing and survey) will be limited to smaller vehicles, via existing left/right turn arrangements at Kangaroo Avenue.</li> <li>• Stage 2 works will include the extension of Chisolm Avenue to enable trucks to turn left/right via Tall Timbers Road and left only via Kangaroo Avenue.</li> <li>• No trucks will be permitted by the CTMP to turn right at Kangaroo Avenue.</li> </ul> <p>The CTMP can only meaningfully be provided post DA approval, post the applicants securing finance to proceed, and post engaging with construction</p>	

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			<p>contractors to undertake the most efficient least disruptive and most environmentally acceptable way to construct the proposed subdivision.</p> <p>Council and the Panel should be relying upon the CTMP/CEMP and other related construction plans being prepared and provided and assessed during the SWC application process by the relevant qualified Council officers.</p>	

**Note:** In addition to the reasons for deferral listed in Executive Summary of Councils report, we note the body of the report claims that the public submissions have not been previously addressed. These matters were addressed previously and are included as **Attachment 6**.

The Applicant asserts that following the assessment of the information above Council should now confirm that:

- there are no statutory barriers impacting the granting of consent; and
- the assessment of the potential impacts of the development has been comprehensively completed; and
- based on the information in the development application it is recommended that the determination of the application be Approved.

Council is asked to issue immediately Conditions of Consent.

The Applicant asks that the RPP approve the Development with Conditions of Consent immediately.

Regards,



Ian Stewart | Director  
Barker Ryan Stewart Pty Ltd

**Attachment 1 – DA/161/2024 - Lakes Ridge Development at Lake  
Munmorah Response to Council DA Assessment Report – Sewer (21 March  
2025)**

Our Ref: CC180099



ENGINEERING  
PLANNING  
SURVEYING  
CERTIFICATION  
PROJECT MANAGEMENT

ABN 26 134 067 842

21 March 2025

General Manager  
Central Coast Council  
91-99 Mann Street  
GOSFORD NSW 2250

Attn: Nathan Burr

**DA/161/2024 - Lakes Ridge Development at Lake Munmorah  
Response to Council DA Assessment Report - Sewer**

I refer to Council's draft DA Assessment report for the above project, received via email on 20 March 2025.

In response to the sewer matters raised we enclose for your consideration an alternative concept sewer layout and design commentary for Council's assessment.

We consider that the application has now been satisfactorily documented to address the sewer concerns raised by Council. We would appreciate your timely review of the submitted documentation.

Please do not hesitate to contact our office to discuss any of the above further, and we look forward to a positive resolution of this application in due course.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Scott Brisbin', is written over a faint, stylized graphic of a tree or plant.

Scott Brisbin | Design Manager  
**Barker Ryan Stewart Pty Ltd**

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## Summary of Council's Comments/Concerns

*Extract from page 28 of Council's DA Assessment*

The proposed development includes the construction of a sewer main connection to the existing sewer system adjacent to 24 Kemira road across the northern boundary of the Council reserve 6W Kemira Road which is works within the mapped wetland. The aerial photograph below depicts the extent of the mapped wetland and the location of the sewer.

*Extract from page 29 and 30 of Council's DA Assessment*

The proposed sewer works are considered to be designated development. The development application does not address the presence of designated development and has not been lodged as designated development with the appropriate supporting documents under Section 4.12(8) of the Act. And consent can not be granted to the proposed sewer works.

## Response to Council's Comments/Concerns

We acknowledge importance of avoiding impact to the wetland and have considered alternative options that achieve the requirements of the sewer without impacting the wetland.

### [Previous Investigations](#)

A Sewer Capacity Assessment was undertaken by Barker Ryan Stewart and presented in the Sewer Capacity Report at 285-335 Pacific Highway, Lake Munmorah, Revision 2, dated 29/7/2022.

The proposed development has an eastern catchment and a western catchment.

The western catchment is proposed to discharge to the existing Council gravity sewer Line BM. The proposed connection point was SMH BM/10.

### [Alternative Options Review](#)

To connect the western catchment of the site to Line BM but avoid works within the wetland, alternative options were considered.

#### Option A

Option A broadly considered:

- a. Discharging the proposed internal developed sewer network west, parallel with the road extension from Chisolm Avenue.
- b. Proposed sewer to pass under the proposed road box culvert set.
- c. Proposed sewer to connect to existing SMH BM/13.
- d. All works within the approved BDAR footprint for the project.

A review of Council supplied work-as-executed (WAE) data confirmed that the sewer invert levels at SMH BM/13 are too high to accept discharge from the proposed sewer that passes under the road box culvert set.

#### Option B

Option B broadly considered:

- a. Discharging the proposed internal developed sewer network west, parallel with the road extension from Chisolm Avenue.
- b. Proposed sewer to pass under the proposed road box culvert set.

- c. Proposed sewer to connect to new SMH within the proposed northern road reserve.
- d. New SMH approximately 15m downstream of existing SMH BM/13.
- e. All works within the approved BDAR footprint for the project.

A review of Council supplied work-as-executed (WAE) data confirmed that the sewer invert levels at the proposed SMH location, downstream of existing SMH BM/13, are suitable to accept discharge from the proposed sewer that passes under the road box culvert set.

### Preferred Arrangement

With consideration to the above, Arrangement B is preferred.

### Considerations

With consideration to Arrangement B above, the following considerations apply:

1. Capacity of downstream network
  - a. The existing DN150 pipe downstream of the proposed SMH between existing SMH BM/13 and existing BM/12) is laid at 1.13% grade.
  - b. Modifications were made to the existing sewer hydraulic model prepared as part of the BRS Sewer Assessment (2022) to assess the proposed Option B arrangement.
  - c. Model results confirm that the existing DN150 pipe has suitable capacity to convey existing and proposed catchment flow. Upgrade to the DN150 sewer is not required.
2. Encasement of sewer under stormwater culverts
  - a. The proposed sewer pipe will be located under the stormwater box culvert base slab.
  - b. Concrete encasement of the sewer pipe will be provided to ensure the sewer is 'maintenance-free' under the culverts.
  - c. Encasement to be provided to the satisfaction of Central Coast Council.
  - d. Encasement to be designed in conjunction with the culvert base slab.
3. Piering of culverts adjoining sewer
  - a. The proposed sewer pipe will be located under the stormwater box culvert base slab.
  - b. Piering of the stormwater culvert will be provided to ensure the loads from the culvert are transferred below the sewer.
  - c. Culvert piering will be provided to the satisfaction of Central Coast Council.
4. Coordination of Utilities in Verge
  - a. The allocation of utilities within the northern and southern verge will be undertaken as part of the next stage of design.

### Preliminary Arrangement

The preliminary arrangement of the proposed sewer is presented below and is subject to further design development as part of the next stage of the design.



Figure 1: Sewer Plan



Figure 2: Proposed Sewer Longsection

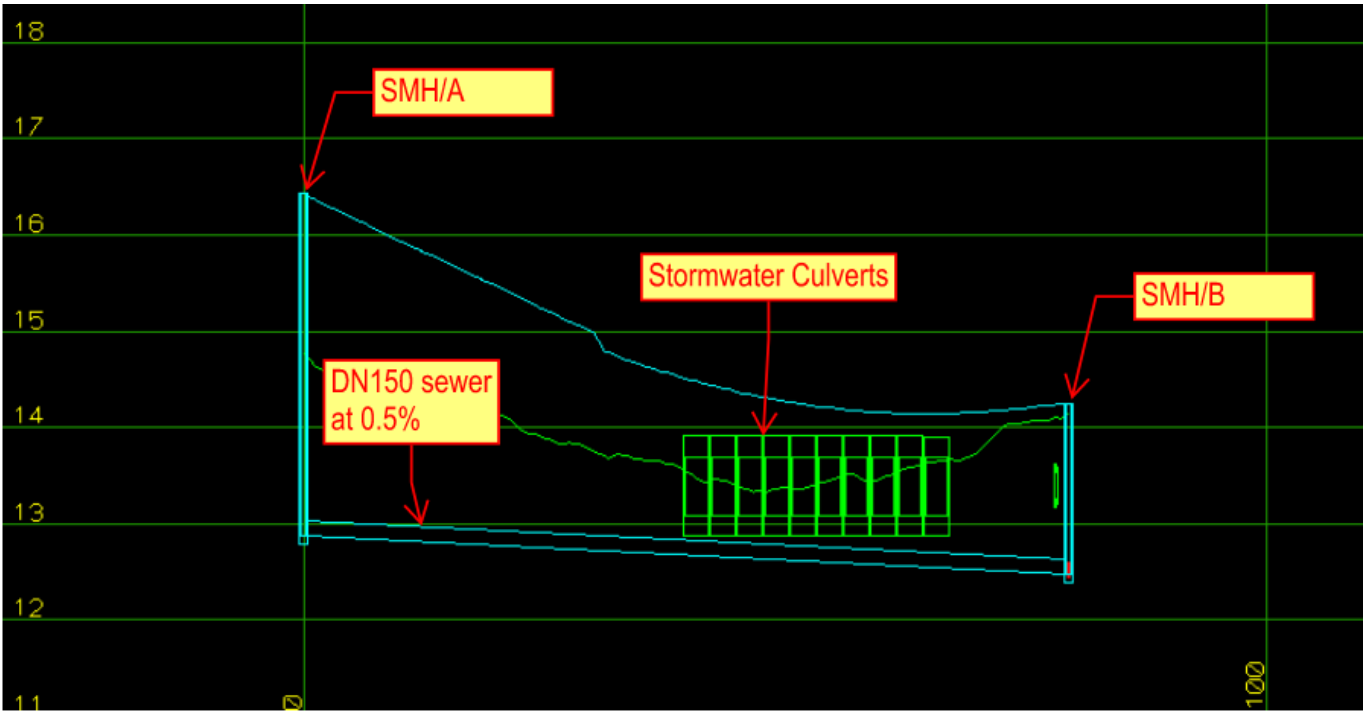
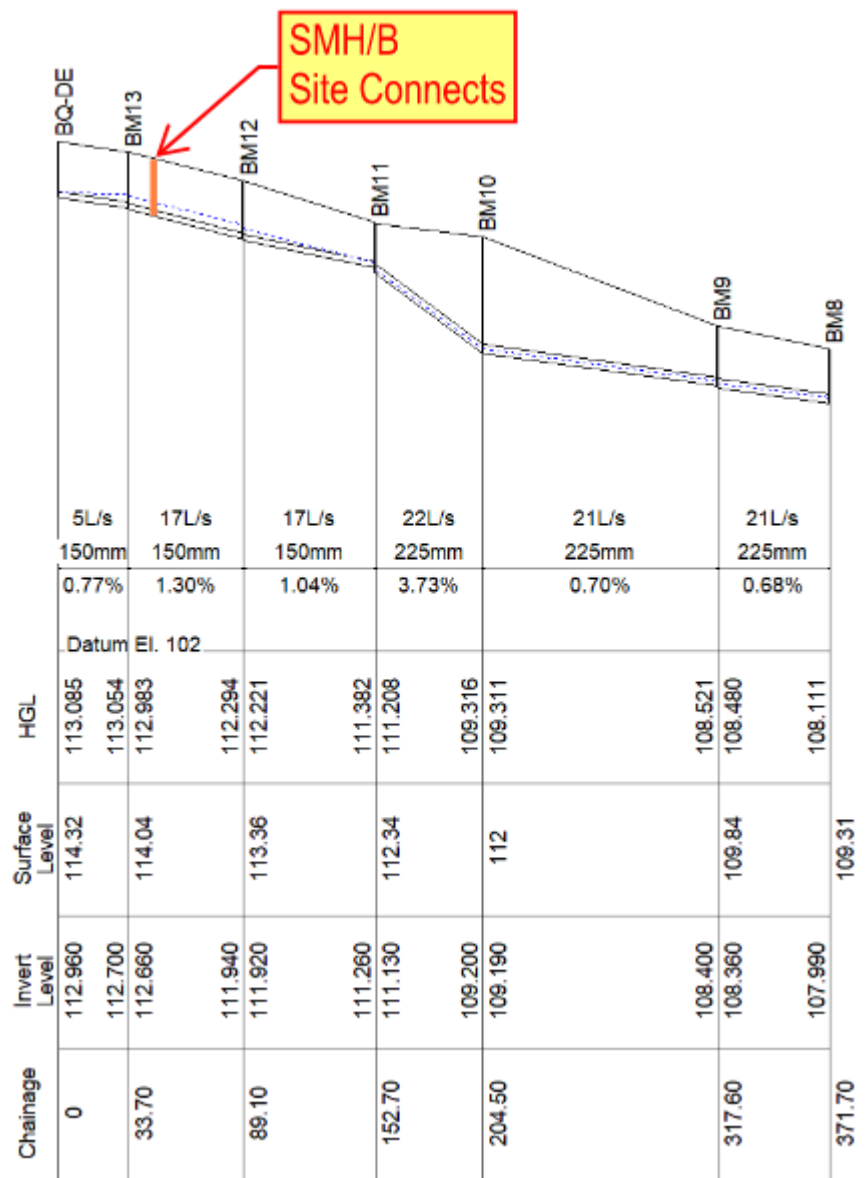




Figure 3: Existing Sewer Long-section with HGL



### Summary

The above demonstrates the feasibility of the Arrangement B sewer.

Further details are to be developed in conjunction with Council as part of the next stage of the design.

**Attachment 2 – Email 11 March 2025 from Corrs to CCC; and  
Email 21 March 2025 from PJ Francis to CCC**

**From:** Peter Francis - PJ Francis  
**To:** Ivan Brdic; Martin Ball; Nathan Burr; Emily Goodworth  
**Cc:** [ian@brs.com.au](mailto:ian@brs.com.au); Louise Camenouli; William Clark  
**Subject:** Re: Lake Munmorah DA/161/2024 - Draft letter to Council  
**Date:** Friday, 21 March 2025 11:27:38 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image009.png](#)  
**Importance:** High

Hi Martin, Nathan and Emily

We ask that you please review again CCC position as presented in the Assessment Report 18 March 2025

The CCC assessment fails to describe the rigour behind the BMP management Process at year 10

In summary

- Clause 3.3.1 deals with this matter
- The proponent must ensure Performance Targets are met (when and only when Performance Targets are met)
- Thereafter a Final Report is prepared detailing long-term management practices in perpetuity and must be approved by the Department
- The Final report signals end of capital expenditure requirements - Any further capital expenditure during the Post Performance Targets having been achieved maintenance phase (Year 11 onwards) is expected to be limited as all management actions will have been implemented under the BMP by the applicant.
- Clause 3.3.1 of the BMP highlights a practical, enforceable, and effective process.
- Assuming confirmation of Performance Targets having been achieved from Year 11 onwards the in perpetuity long term management practices will be governed by Biodiversity Conservation Act 2016 (BC Act) (threatened species protection) and the Biosecurity Act 2015 (weed management). The objective tasks are achieved by not doing any development on the land, maintaining fencing and weed management is a low-cost activity.
- In regard to fire, flood, drought etc these are dealt with in BMP at Section 3.6 - Risk Assessment and Contingency which deals with consequences of events beyond mitigation measures. The Final Report will confirm or update Section 3.6 relevant to the long-term management practices in perpetuity.

We propose the following inclusions/edits in the assessment report

At page 13-14

A First Draft Biodiversity Management Plan was prepared by Wedgetail Project Consulting dated 9 December 2022, to support the biodiversity certification of the subject land as part of the Planning Proposal process.

The BMP identified a total of four (4) Management Zones within the site based on current condition/status, management requirements, and proposed future land use. The management zones are described as:

- Management Zone 1: Development Site
- Management Zone 2: Eastern Conservation Area (Detention Basin – Constructed Wetland)
- Management Zone 3: Eastern Conservation Area
- Management Zone 4: North-western Conservation Area

The Approved BMP dated 7 November 2024, was approved by the BCD to be implemented over a 10-year period. Page 17 of the Approved BMP outlines the implementation period and management stage, with management to occur between the "Pre-clearing / Preconstruction phase" and Year 10 (and / or until performance targets are met, whichever is greater). Relevant extracts are reproduced below:

Beyond this, the site goes into "maintenance", which carries with it the requirement for the lands owner to comply with all restrictions and requirements of owning C2 Land on the Central Coast.

Implementation and management Period – 10years

**3.2 MANAGEMENT STAGES**

The BMP will be implemented over a 10-year period. The BMP will apply to the Certified Land (i.e. Management Zone 1) throughout construction, and will apply to the Conservation Land in perpetuity.

The timing of management tasks and performance criteria are based on Management Stages defined by the progress of the proposed development. These include the following:

- Pre-clearing / Pre-construction
- Clearing / construction
- Pre-certification - Prior to issue of the first subdivision works certificate
- Early Management - In place - within 12 - 24 months from issue of the subdivision works certificate (and / or until targets met, whichever is the greater)
- Management - Years 2 – 10 (and / or until targets met, whichever is the greater)
- Maintenance in perpetuity

Key milestones for the BMP were developed in consultation with the BCS and are summarized below for Management Zone 1 (Impact Area) (Table 5) and Management Zones 2-4 (Conservation Areas) (Table 4).

At Year 10 a Final Summary Report is to be provided and detail long-term maintenance of the site in perpetuity

**3.3.1 Completion of Adaptive Management Phase**

Performance targets are to be met by the end of the implementation period (10 years) and summarized within the Final Summary Report (detailed in Section 3.5.2). If performance targets are not met by the conclusion of the initial implementation period, monitoring will continue in accordance with this plan until met. Once the Performance Targets are met, the Final Summary Report will detail the long-term maintenance of the site in perpetuity.

The Biodiversity Conservation Agreement (BCA) and the Order (BCO) conferring Biodiversity Certification have been issued. Ministerial review of the BCA/BCO has been completed and the Biocertification was gazetted on 5 April 2024 (NSW Government Gazette No 117 of 5 April 2024).

At page 50+

In broad terms the biodiversity certification framework seeks to prevent certain activities that might otherwise be deleterious to the ecological value of the conservation land while also requiring the augmentation and ongoing maintenance of the ecological values of the conservation land. To this end the developer anticipates there will be an initial establishment period of approximately 5 years then a post establishment period of another 5 years in which the developer will retain proposed lots 1 and 70. Upon completion of the Adaptive Management Phase 3.3.1. of the BMP (all performance targets having been achieved) it is anticipated the lots will be on sold. By virtue of the biodiversity conservation framework applying to the land the obligations under the framework will be attached to the title of the land and it will be the responsibility of the landowner to meet these obligations which will be detailed in the Final Summary Report detailing long-term maintenance in perpetuity will become the responsibility of a new and successive owner.

The applicant has supplied details of the anticipated works and costings associated with the initial phases of the conservation works. It is anticipated that these works would easily fall within the capabilities of the developer. Any further capital expenditure during the Post Performance Targets having been achieved maintenance phase (Year 11 onwards) is expected to be limited as all management actions will have been implemented under the BMP by the applicant.

The R2 portion of the proposed lots 1 and 70 would enjoy dwelling rights and would foreseeably be developed for residential purposes. In this regard the ongoing in perpetuity management of the conservation land would be the responsibility of the owner of the dwelling(s). The applicant submits that by virtue of the biodiversity conservation obligations being attached to the title of the land the future landowner will be aware and ergo capable of satisfying the ongoing obligations as detailed the Final Summary Report detailing long-term maintenance in perpetuity. The BCA is enforceable by the Minister administering the Biodiversity Conservation Act 2016 in the event of a default by an owner of its obligations under the BCA.

The BMP stipulates that the proponent will be the proprietor of the conservation land during the implementation phase and into perpetuity but moreover the BMP requires at the establishment of management goals to be achieved in perpetuity at the end of the initial 10-year period via the Final Summary Report detailing long-term maintenance in perpetuity.

At Year 10 a Final Summary Report is to be provided and detail long-term maintenance of the site in perpetuity per clause 3.3.1 of the BMP

#### 3.3.1 Completion of Adaptive Management Phase

Performance targets are to be met by the end of the implementation period (10 years) and summarized within the Final Summary Report (detailed in Section 3.5.2). If performance targets are not met by the conclusion of the initial implementation period, monitoring will continue in accordance with this plan until met. Once the Performance Targets are met, the Final Summary Report will detail the long-term maintenance of the site in perpetuity.

**The Department of Climate Change, Energy, the Environment and Water will evaluate the Final Summary Report and can enforce continued implementation and monitoring until Performance Targets are met. Once The Department of Climate Change, Energy, the Environment and Water deems that Performance Targets are met the Final Summary Report will be approved detailing the long-term maintenance of the site in perpetuity.**

**Clause 3.3.1 of the BMP highlights a practical, enforceable, and effective process. The applicant anticipates that the ongoing obligations will be minimal upon the Performance Targets having been achieved as assessed by the relevant authority being The Department of Climate Change, Energy, the Environment and Water.**

**The Final Summary Report as approved will detail the long-term maintenance of the site in perpetuity which will be the responsibility of the owner(s) of lot(s) 1 and 70.**

Additionally, the proponent notes that the C2 zoned portions of the lot(s) 1 and 70 will be maintained in accordance with recommendations from the Final Report, its zoning under the Central Coast LEP see below, and obligations under the Biodiversity Conservation Act 2016 (BC Act) (threatened species protection) and the Biosecurity Act 2015 (weed management)

The proposed subdivision's BMP specifically contemplates and facilitates the management and protection of the environmental lands beyond the initial 10-year period and therefore does satisfy the precursor requirement contained with clause 4.1G(4)(a).

Dwellings are not permitted within the C2 zone under CCLEP 2022 and the provisions of clause 4.1G(4)(b) are taken to have been satisfied by the development.

We ask that CCC reconsider its position and recommended that the determination of the development application be approved.

This correspondence is entered into based on all recipient's acceptance that this matter has and continues to be COMMERCIALLY SENSITIVE and CONFIDENTIAL.

Kind regards

Peter



M: +61 (0) 417 194 561  
E: [peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au)  
W: <https://www.pjfrancis.com.au/>

---

**From:** Ivan Brcic <[ivan.brcic@corrs.com.au](mailto:ivan.brcic@corrs.com.au)>

**Date:** Thursday, 20 March 2025 at 2:24 pm

**To:** Martin Ball <[martin.ball@centralcoast.nsw.gov.au](mailto:martin.ball@centralcoast.nsw.gov.au)>, Nathan Burr <[nathan.burr@centralcoast.nsw.gov.au](mailto:nathan.burr@centralcoast.nsw.gov.au)>

**Cc:** Peter Francis - PJ Francis <[peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au)>, ian@brs.com.au <[ian@brs.com.au](mailto:ian@brs.com.au)>, Louise Camenzuli <[Louise.Camenzuli@corrs.com.au](mailto:Louise.Camenzuli@corrs.com.au)>, Emily.Goodworth@centralcoast.nsw.gov.au <[Emily.Goodworth@centralcoast.nsw.gov.au](mailto:Emily.Goodworth@centralcoast.nsw.gov.au)>, William Clark <[will@brs.com.au](mailto:will@brs.com.au)>

**Subject:** RE: Lake Munmorah DA/161/2024 - Draft letter to Council

Dear Martin

We understand from our client's discussions with Council that Council may have some residual concerns regarding the ongoing management of the conservation land.

We would be happy to arrange a short conference with Council to address any outstanding matters.

Kind regards

Ivan Brcic | Associate  
Corrs Chambers Westgarth  
t +61 2 9210 6095 e [ivan.brcic@corrs.com.au](mailto:ivan.brcic@corrs.com.au)  
[corrs.com.au](https://www.corrs.com.au)

---

**From:** Ivan Brcic

**Sent:** Friday, 14 March 2025 1:34 PM

**To:** Martin Ball <[martin.ball@centralcoast.nsw.gov.au](mailto:martin.ball@centralcoast.nsw.gov.au)>

**Cc:** peter@pjfrancis.com.au; ian@brs.com.au; Louise Camenzuli <[Louise.Camenzuli@corrs.com.au](mailto:Louise.Camenzuli@corrs.com.au)>; Emily.Goodworth@centralcoast.nsw.gov.au; William Clark <[will@brs.com.au](mailto:will@brs.com.au)>

**Subject:** RE: Lake Munmorah DA/161/2024 - Draft letter to Council

Dear Martin and Nathan

Just a note to follow-up on the below and confirm that our letter has been received by Council.

We trust that the letter addresses Council's outstanding queries and is sufficient to enable Council to finalise its assessment report.

We would be happy to discuss if you have any further queries.

Kind regards

Ivan Brcic | Associate  
Corrs Chambers Westgarth  
t +61 2 9210 6095 e [ivan.brcic@corrs.com.au](mailto:ivan.brcic@corrs.com.au)  
[corrs.com.au](https://www.corrs.com.au)

---

**From:** Ivan Brcic <[ivan.brcic@corrs.com.au](mailto:ivan.brcic@corrs.com.au)>

**Date:** Tuesday, 11 March 2025 at 12:41 pm

**To:** Martin Ball <[Martin.Ball@centralcoast.nsw.gov.au](mailto:Martin.Ball@centralcoast.nsw.gov.au)>, Nathan Burr <[nathan.burr@centralcoast.nsw.gov.au](mailto:nathan.burr@centralcoast.nsw.gov.au)>

**Cc:** Peter Francis - PJ Francis <[peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au)>, Ian Stewart <[ian@brs.com.au](mailto:ian@brs.com.au)>, Louise Camenzuli <[Louise.Camenzuli@corrs.com.au](mailto:Louise.Camenzuli@corrs.com.au)>, Emily Goodworth <[Emily.Goodworth@centralcoast.nsw.gov.au](mailto:Emily.Goodworth@centralcoast.nsw.gov.au)>, William Clark <[will@brs.com.au](mailto:will@brs.com.au)>

**Subject:** RE: Lake Munmorah DA/161/2024 - Draft letter to Council

Dear Martin and Nathan

Please see **attached** Corrs' final letter to Council taking into consideration your comments below.

For completeness, we respond to your comments using the same numbering:

1. Respectfully, this is not correct. The management and protection of the environmental values of the C2 zoned land (required under cl 4.1G(4)(a)) will be achieved via the registration of the BCA on title **and** the implementation of a site-specific Biodiversity Management Plan (BMP) as required under clause 6.1 of the BCA. The BMP, which must be approved by the Minister under clause 5.2(a) of the BCA, will set out the specific requirements for the maintenance of the vegetation and fauna habitat within the C2 zoned land, including long term weed management.

There was some confusion during the meeting as to the financial arrangements for the management of the C2 zoned land. We are instructed that Rose and Alda have procured from their retained

environmental consultants, Wedgetail Project Consulting (**Wedgetail**), a detailed scope of works and budget for Wedgetail's field management team to undertake the BMP works (see table below). The scope and budget include initial establishment works and annual works for the first 5 years and 6 months following the determination of the Proposed Development. All requirements of the BMP applicable during the 'Development Phase' of the Proposed Development (forecast to be 5 years 6 months) will be implemented and funded by the current landowners at their cost (see cl 5.1 of the BCA).

Biodiversity Management Plan Scope of works	Total	Period	Establishment	Year 1	Year 2	Year 3	Year 4	Year 5
Project Management	\$ 9,000.00		\$ 9,000.00					
Nest Boxes - Plastic	\$ 39,042.00		\$ 19,521.00					
Nest Box install	\$ 29,540.00		\$ 14,770.00					
Monitoring baseline	\$ 9,370.00		\$ 9,370.00					
Monitoring annual and report	\$ 9,673.00	annual	\$ 9,673.00	\$ 9,673.00	\$ 9,673.00	\$ 9,673.00	\$ 9,673.00	\$ 9,673.00
Clearance - Pre-clearance surveys 22hrs	\$ 3,745.00		\$ 3,745.00					
Clearance - reporting	\$ 1,115.00		\$ 1,115.00					
Weed management - initial	\$ 3,180.00		\$ 3,180.00					
Weed management - annual	\$ 1,590.00	annual	\$ 1,590.00	\$ 1,590.00	\$ 1,590.00	\$ 1,590.00	\$ 1,590.00	\$ 1,590.00
Planting - site preparation	\$ 3,180.00		\$ 3,180.00					
Planting - stock	\$ 6,110.00		\$ 6,110.00					
Planting - Planting	\$ 3,180.00		\$ 3,180.00					
Planting - watering	\$ 13,920.00	2 months	\$ 13,920.00					
Planting - maintenance 2x p.a	\$ 13,920.00	2x p.a	\$ 13,920.00	\$ 13,920.00	\$ 13,920.00	\$ 13,920.00	\$ 13,920.00	\$ 13,920.00

- For the reasons set out in paragraph 3.9 of the letter, the BCA cannot be removed from title of proposed Lots 1 and 70.
- We are instructed that the landowners / developers (Rose and Alda) expect to maintain ownership of the land for up to 5 years post the 'Development Phase' of the proposed Development. We are also instructed that the landowners / developers (Rose and Alda) do not intend to retain ownership of proposed Lots 1 and 70 in perpetuity. The BCA and BMP will be binding on all future landowner(s) of Lots 1 and 70 in accordance with section 8.17(1) of the *Biodiversity Conservation Act 2016*.
- For the reasons set out in paragraph 3.10 of the letter, proposed Lots 1 and 70 cannot be further subdivided. This is addressed by clause 6.2(a) of the BCA.

Kind regards

Ivan Brcic | Associate  
Corrs Chambers Westgarth  
t +61 2 9210 8095 e [ivan.brcic@corrs.com.au](mailto:ivan.brcic@corrs.com.au)  
[corrs.com.au](http://corrs.com.au)

**From:** Martin Ball <[Martin.Ball@centralcoast.nsw.gov.au](mailto:Martin.Ball@centralcoast.nsw.gov.au)>

**Sent:** Wednesday, 5 March 2025 8:35 PM

**To:** Ivan Brcic <[ivan.brcic@corrs.com.au](mailto:ivan.brcic@corrs.com.au)>

**Cc:** Nathan Burr <[Nathan.Burr@centralcoast.nsw.gov.au](mailto:Nathan.Burr@centralcoast.nsw.gov.au)>; Peter Francis - PJ Francis <[peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au)>; Ian Stewart <[ian@hrs.com.au](mailto:ian@hrs.com.au)>; Louise Camenzuli <[Louise.Camenzuli@corrs.com.au](mailto:Louise.Camenzuli@corrs.com.au)>; Emily Goodworth <[Emily.Goodworth@centralcoast.nsw.gov.au](mailto:Emily.Goodworth@centralcoast.nsw.gov.au)>

**Subject:** [External] RE: Lake Munmorah DA/161/2024 - Draft letter to Council

Dear Ivan

I have now reviewed your draft letter and attachments provided with your email of 28 February 2025, and discussed same with my instructing officers.

The council makes the following comments:

The draft letter provides a reasonable argument to establish that the proposed subdivision satisfies cl 4.1G(1), (2) and (3) of CCLEP 2022.

However the draft letter does not provide a sufficient basis for the consent authority to be satisfied that "the subdivision will facilitate the management and protection of the environmental values of the land ..." as required by cl 4.1G(4)(a).

In this regard the following points are noted:

The draft letter relies solely upon the Biodiversity Certification Agreement and its registration on title to satisfy cl 4.1G(a).

At the recent meeting it was indicated by the applicant that there would be a future income stream coming to the registered proprietors of proposed lots 1 and 70 which would enable them to meet obligations under the BCA in perpetuity. The draft letter does not mention this future income stream or provide any details of such a future income stream. Without such information the consent authority will find it difficult to understand how the simple registration on title of the BCA will facilitate the management and protection of environmental values.

The BCA itself does not seem to align with the proposed subdivision at least as regards proposed Lots 1 and 70. The BCA includes all the residentially zoned land in the Certified Land, including the residentially zoned areas proposed to be included in Lots 1 and 70. As such it is arguable that proposed Lots 1 and 70 will constitute a Subsequent Lot in relation to Certified Land and the BCA will be removed from title to those lots under cl 6.3(c). In other words, the BCA does not provide appropriately for (did not contemplate) the creation by the subdivision of lots containing both Avoided Land and Certified Land. This could potentially be remedied by an amendment to the BCA which makes clear that where a lot comprises both Avoided Land and Certified Land, the BCA will remain registered on title in perpetuity.

Alternatively it was indicated at the recent meeting that the developer, with its financial and technical resources, could retain ownership (at least of the environmentally zoned part of proposed Lot 70) and thus enable the consent authority to be satisfied as required by cl 4.1G(4)(a). This is also not mentioned in the draft letter and the council would like to understand if it is proposed or not as a means of addressing cl 4.1G(4)(a).

The draft letter should also address how future subdivision of proposed Lots 1 and 70 will be prevented. That is, how can the consent authority be satisfied that a future owner of those lots will not seek to subdivide off the environmentally zoned land, relying on cl 4.1G and the precedent that the current proposed subdivision will set as regards the meaning of "Original Lot" (being any lot within the relevant area from time to time, and not the lots in it when the clause was enacted). While the consent authority could refuse any such application on the basis of cl 4.1G(4), it would be preferable if the further subdivision of those lots was precluded at this stage.

You are invited to take the above comments into consideration when finalising the letter.



**Martin Ball**  
Solicitor on Secondment  
Legal  
Central Coast Council

☎ 0400 875 182  
✉ [Martin.Ball@centralcoast.nsw.gov.au](mailto:Martin.Ball@centralcoast.nsw.gov.au)  
📍 PO Box 20 Wyong, NSW 2259  
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**From:** Martin Ball <[Martin.Ball@centralcoast.nsw.gov.au](mailto:Martin.Ball@centralcoast.nsw.gov.au)>

**Sent:** Tuesday, 4 March 2025 5:27 PM

**To:** Ivan Brcic <[ivan.brcic@corrs.com.au](mailto:ivan.brcic@corrs.com.au)>

**Cc:** Nathan Burr <[Nathan.Burr@centralcoast.nsw.gov.au](mailto:Nathan.Burr@centralcoast.nsw.gov.au)>; Peter Francis - PJ Francis <[peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au)>; Ian Stewart <[ian@hrs.com.au](mailto:ian@hrs.com.au)>; Louise Camenzuli <[Louise.Camenzuli@corrs.com.au](mailto:Louise.Camenzuli@corrs.com.au)>

**Subject:** RE: Lake Munmorah DA/161/2024 - Draft letter to Council

Dear Ivan, yes I have received and my apologies I have not reviewed as yet. I hope to do so tomorrow.

**Martin Ball**

Solicitor on Secondment

Legal

Central Coast Council

0400 875 182

 [Martin.Ball@centralcoast.nsw.gov.au](mailto:Martin.Ball@centralcoast.nsw.gov.au)

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**From:** Ivan Brcic <[ivan.brcic@corrs.com.au](mailto:ivan.brcic@corrs.com.au)>

**Sent:** Tuesday, 4 March 2025 5:23 PM

**To:** Martin Ball <[Martin.Ball@centralcoast.nsw.gov.au](mailto:Martin.Ball@centralcoast.nsw.gov.au)>

**Cc:** Nathan Burr <[Nathan.Burr@centralcoast.nsw.gov.au](mailto:Nathan.Burr@centralcoast.nsw.gov.au)>; Peter Francis - PJ Francis <[peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au)>; Ian Stewart <[ian@brs.com.au](mailto:ian@brs.com.au)>; Louise Camenzuli <[Louise.Camenzuli@corrs.com.au](mailto:Louise.Camenzuli@corrs.com.au)>

**Subject:** RE: Lake Munmorah DA/161/2024 - Draft letter to Council

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Dear Martin

We would be grateful if you could confirm receipt of our below email.

We look forward to receiving your comments.

Kind regards

Ivan Brcic | Associate  
Corrs Chambers Westgarth  
t +61 2 9210 6095 e [ivan.brcic@corrs.com.au](mailto:ivan.brcic@corrs.com.au)  
[corrs.com.au](http://corrs.com.au)

---

**From:** Ivan Brcic

**Sent:** Friday, 28 February 2025 4:00 PM

**To:** [martin.ball@centralcoast.nsw.gov.au](mailto:martin.ball@centralcoast.nsw.gov.au)

**Cc:** [nathan.burr@centralcoast.nsw.gov.au](mailto:nathan.burr@centralcoast.nsw.gov.au); Peter Francis - PJ Francis <[peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au)>; Ian Stewart <[ian@brs.com.au](mailto:ian@brs.com.au)>; Louise Camenzuli <[Louise.Camenzuli@corrs.com.au](mailto:Louise.Camenzuli@corrs.com.au)>

**Subject:** Lake Munmorah DA/161/2024 - Draft letter to Council

Dear Martin

As discussed in conference last week, please see **attached** Corrs' draft letter to Council for your review. Each of the annexures are **attached** for your reference.

We would be grateful if you could provide us with your comments before we finalise the letter.

Kind regards

Ivan Brcic | Associate  
Corrs Chambers Westgarth  
t +61 2 9210 6095 e [ivan.brcic@corrs.com.au](mailto:ivan.brcic@corrs.com.au)  
[corrs.com.au](http://corrs.com.au)

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## Attachment 3 – Email 21 March 2025 from Wedgetail

**From:** David Martin  
**To:** Peter Francis - PJ Francis  
**Subject:** RE: Lake Munmorah DA/161/2024 - Draft letter to Council  
**Date:** Friday, 21 March 2025 4:12:02 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image007.png](#)

Hi Peter,

Thank you for sending this through.

The performance criteria set out in the BMP ensure that clear vegetation condition benchmarks are not only achieved before the end of the implementation period, but require the "achievement of in place targets and management at performance target level for minimum 3 years". If these performance targets are not shown to be met and maintained the BMP implementation period is ongoing until this benchmark can be met.

This is not only a high performance criterion to meet, but also ensures that once the BMP implementation period ends and the property goes into "maintenance", the vegetation is high condition, relatively stable, and requires minimal ongoing maintenance. Currently, these areas have very low to no weeds or management issues. It was therefore considered appropriate to plan ongoing "maintenance" requirements and costs closer to the end of the implementation period, within the Final Monitoring Report. As described in the BMP.

Ongoing management beyond 10 years is likely to include minimal weed control (maintenance) and maintenance of fencing.

- Early Maintenance Period (year 11 – year 20) – One (1) day biennial site inspection (every 2 years) with two (2) land management professionals (\$100/hr inc. equipment/supplies), checking fencing and completing spot weed control = \$1,600 (per event)
- Ongoing Maintenance Period (year 20 – ongoing) – Two (2) day site visit (every 5 years) with two (2) land management professionals (\$100/hr inc. equipment/supplies), checking fencing and completing spot weed control = \$3,200 (per event)

In regards to unexpected events (fire, flood, and drought) beyond the implementation period, we anticipate that the vegetation within the site would have met the required "maintenance" benchmarks and be in a relatively resilient and stable state. As such, any impacts to the vegetation would likely require minimal intervention, perhaps minimal weed control, removal of rubbish, or maintenance of boundary fencing. I would recommend that an additional site inspection (1 day, two land management professionals) be completed within 6 months of the event to manage minor weed incursions, and detail any additional maintenance requirements, the cost of which would be the responsibility of the land holder (i.e. fence maintenance).

The establishment of a Biodiversity Stewardship Site was considered in consultation with the BCS during the Biodiversity Certification Assessment Report process. Having extensive experience in the establishment and maintenance of BSA Sites across NSW, Wedgetail Project Consulting and the BCS decided that the establishment of the BSA Site was not appropriate for such a small conservation area. Instead of establishing a BSA site within the conservation area the proponent selected to avoid impacts to the vegetation, provision management of the retained area for a 10 year period, and offset their residual impacts to biodiversity values resulting from the development through the purchase and retirement of credits which are generated on external BSA Sites.

Please don't hesitate to give me a call if you have any questions at all.

Cheers,  
David

**David Martin**  
Senior Ecologist  
Accredited BAM Assessor  
M: 0425 318 679  
E: [dmartin@wedgetail.com.au](mailto:dmartin@wedgetail.com.au)  
W: [www.wedgetail.com.au](http://www.wedgetail.com.au)



Wedgetail Project Consulting Pty Ltd  
ABN: 53 645 385 683

'I acknowledge Aboriginal people as the traditional custodians of the land on which I work and pay my respects to Elders past, present and emerging.'

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---

**From:** Peter Francis - PJ Francis <[peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au)>  
**Sent:** Friday, 21 March 2025 2:41 PM  
**To:** David Martin <[DMartin@wedgetail.com.au](mailto:DMartin@wedgetail.com.au)>  
**Subject:** Fwd: Lake Munmorah DA/161/2024 - Draft letter to Council

Kind regards  
Peter



M: +61 (0) 417 194 561  
E: [peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au)  
W: <https://www.pjfrancis.com.au/>

Begin forwarded message:

**From:** Martin Ball <[Martin.Ball@centralcoast.nsw.gov.au](mailto:Martin.Ball@centralcoast.nsw.gov.au)>  
**Date:** 21 March 2025 at 12:07:20 pm AEDT  
**To:** Peter Francis - PJ Francis <[peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au)>, Ivan Brdic <[ivan.brdic@corrs.com.au](mailto:ivan.brdic@corrs.com.au)>, Nathan Burr <[Nathan.Burr@centralcoast.nsw.gov.au](mailto:Nathan.Burr@centralcoast.nsw.gov.au)>, Emily Goodworth <[Emily.Goodworth@centralcoast.nsw.gov.au](mailto:Emily.Goodworth@centralcoast.nsw.gov.au)>  
**Cc:** [ian@brs.com.au](mailto:ian@brs.com.au), Louise Camenzuli <[Louise.Camenzuli@corrs.com.au](mailto:Louise.Camenzuli@corrs.com.au)>, William Clark <[will@brs.com.au](mailto:will@brs.com.au)>  
**Subject:** RE: Lake Munmorah DA/161/2024 - Draft letter to Council

Dear Peter, thank you for your call this morning and your emails below. I am instructed that council officers (or at least Mr Burr) can participate in a Teams meeting at 12 noon on Monday to further discuss your emails. I will send a Teams invite shortly to all persons receiving this email.

In this regard you are invited to bring to the meeting or to provide in advance of it some costings which are properly based of compliance with the BMP in Years 11 and on, for each of proposed Lots 1 and 70. These should clearly identify what works will be required to be carried out and when / how often, and cost of such works in today's terms. It should also need to include costings of works required if an event considered in Section 3.6 of the BMP occurs.

You are also invited to indicate whether any mechanism is proposed or can be made available to make the required funds (whether that be \$1,000, \$10,000, or more per annum) available in perpetuity for the landowner after Year 10. For example has the possibility of a Biodiversity Stewardship Agreement been looked at? Are there other mechanisms which the proponent could suggest?



These matters go to ability of the consent authority to achieve the necessary satisfaction required under cl 4.1G(4).



## Martin Ball

Solicitor on Secondment  
Legal  
Central Coast Council

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✉ [Martin.Ball@centralcoast.nsw.gov.au](mailto:Martin.Ball@centralcoast.nsw.gov.au)  
📍 PO Box 20 Wyong, NSW 2259  
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"We acknowledge the Traditional Custodians of the land on which we live, work and play. We pay our respects to Darkinjung country, and Elders past and present. We recognise the continued connection to these lands and waterways and extend this acknowledgement to the homelands and stories of those who also call this place home. We recognise our future leaders and the shared responsibility to care for and protect our place and people."



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**From:** Peter Francis - PJ Francis <[peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au)>

**Sent:** Friday, 21 March 2025 11:30 AM

**To:** Ivan Brcic <[ivan.brcic@ccrs.com.au](mailto:ivan.brcic@ccrs.com.au)>; Martin Ball <[Martin.Ball@centralcoast.nsw.gov.au](mailto:Martin.Ball@centralcoast.nsw.gov.au)>; Nathan Burr <[Nathan.Burr@centralcoast.nsw.gov.au](mailto:Nathan.Burr@centralcoast.nsw.gov.au)>; Emily Goodworth <[Emily.Goodworth@centralcoast.nsw.gov.au](mailto:Emily.Goodworth@centralcoast.nsw.gov.au)>

**Cc:** [ian@brs.com.au](mailto:ian@brs.com.au); Louise Camenzuli <[Louise.Camenzuli@ccrs.com.au](mailto:Louise.Camenzuli@ccrs.com.au)>; William Clark <[will@brs.com.au](mailto:will@brs.com.au)>

**Subject:** Re: Lake Munmorah DA/161/2024 - Draft letter to Council

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In addition

Keen to meet to discuss today

Kind regards

Peter



M: +61 (0) 417 194 561

E: [peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au)

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**From:** Peter Francis - PJ Francis <[peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au)>

**Date:** Friday, 21 March 2025 at 11:27 am

**To:** Ivan Brcic <[ivan.brcic@ccrs.com.au](mailto:ivan.brcic@ccrs.com.au)>; Martin Ball <[martin.ball@centralcoast.nsw.gov.au](mailto:martin.ball@centralcoast.nsw.gov.au)>; Nathan Burr <[nathan.burr@centralcoast.nsw.gov.au](mailto:nathan.burr@centralcoast.nsw.gov.au)>; Emily Goodworth <[emily.goodworth@centralcoast.nsw.gov.au](mailto:emily.goodworth@centralcoast.nsw.gov.au)>

**Cc:** [ian@brs.com.au](mailto:ian@brs.com.au) <[ian@brs.com.au](mailto:ian@brs.com.au)>; Louise Camenzuli <[Louise.Camenzuli@ccrs.com.au](mailto:Louise.Camenzuli@ccrs.com.au)>; William Clark <[will@brs.com.au](mailto:will@brs.com.au)>

**Subject:** Re: Lake Munmorah DA/161/2024 - Draft letter to Council

Hi Martin, Nathan and Emily

We ask that you please review again CCC position as presented in the Assessment Report 18 March 2025

The CCC assessment fails to describe the rigour behind the BMP management Process at year 10

#### In summary

1. Clause 3.3.1 deals with this matter
2. The proponent must ensure Performance Targets are met (when and only when Performance Targets are met)
3. Thereafter a Final Report is prepared *detailed long-term management practices in perpetuity* and must be approved by the Department
4. The Final report signals end of capital expenditure requirements - *Any further capital expenditure during the Post Performance Targets having been achieved maintenance phase (Year 11 onwards) is expected to be limited as all management actions will have been implemented under the BMP by the applicant.*
5. Clause 3.3.1 of the BMP highlights a practical, enforceable, and effective process.
6. Assuming confirmation of Performance Targets having been achieved from Year 11 onwards the in perpetuity long term management practices will be governed by Biodiversity Conservation Act 2016 (BC Act) (threatened species protection) and the Biosecurity Act 2015 (weed management). *The objective tasks are achieved by not doing any development on the land, maintaining fencing and weed management is a low-cost activity.*
7. In regard to fire, flood, drought etc these are dealt with in BMP at Section 3.6 - Risk Assessment and Contingency which deals with consequences of events beyond mitigation measures. *The Final Report will confirm or update Section 3.6 relevant to the long-term management practices in perpetuity.*

**We propose the following inclusions/edits in the assessment report**

#### At page 13-14

*A First Draft Biodiversity Management Plan was prepared by Wedgetail Project Consulting dated 9 December 2022, to support the biodiversity certification of the subject land as part of the Planning Proposal process.*

*The BMP identified a total of four (4) Management Zones within the site based on current condition/status, management requirements, and proposed future land use. The management zones are described as:*

- Management Zone 1: Development Site
- Management Zone 2: Eastern Conservation Area (Detention Basin – Constructed Wetland)
- Management Zone 3: Eastern Conservation Area
- Management Zone 4: North-western Conservation Area

The Approved BMP dated 7 November 2024, was approved by the BCD to be implemented over a 10-year period. Page 17 of the Approved BMP outlines the implementation period and management stage, with management to occur between the "Pre-clearing / Preconstruction phase" and Year 10 (and / or until performance targets are met, whichever is greater). Relevant extracts are reproduced below:

Beyond this, the site goes into "maintenance", which carries with it the requirement for the lands owner to comply with all restrictions and requirements of owning C2 Land on the Central Coast.

#### Implementation and management Period – 10years

### 3.2 MANAGEMENT STAGES

The BMP will be implemented over a 10-year period. The BMP will apply to the Certified Land (i.e. Management Zone 1) throughout construction, and will apply to the Conservation Land in perpetuity.

The timing of management tasks and performance criteria are based on Management Stages defined by the progress of the proposed development. These include the following:

- Pre-clearing / Pre-construction
- Clearing / construction
- Pre-certification - Prior to issue of the first subdivision works certificate
- Early Management - In place - within 12 - 24 months from issue of the subdivision works certificate (and / or until targets met, whichever is the greater)
- Management - Years 2 – 10 (and / or until targets met, whichever is the greater)
- Maintenance In perpetuity

Key milestones for the BMP were developed in consultation with the BCS and are summarized below for Management Zone 1 (Impact Area) (Table 5) and Management Zones 2-4 (Conservation Areas) (Table 4).

At Year 10 a Final Summary Report is to be provided and detail long-term maintenance of the site in perpetuity

### 3.3.1 Completion of Adaptive Management Phase

Performance targets are to be met by the end of the implementation period (10 years) and summarized within the Final Summary Report (detailed in Section 3.5.2). If performance targets are not met by the conclusion of the initial implementation period, monitoring will continue in accordance with this plan until met. Once the Performance Targets are met, the Final Summary Report will detail the long-term maintenance of the site in perpetuity.

The Biodiversity Conservation Agreement (BCA) and the Order (BCO) conferring Biodiversity Certification have been issued. Ministerial review of the BCA/BCO has been completed and the Biocertification was gazetted on 5 April 2024 (NSW Government Gazette No 117 of 5 April 2024).

At page 50+

In broad terms the biodiversity certification framework seeks to prevent certain activities that might otherwise be deleterious to the ecological value of the conservation land while also requiring the augmentation and ongoing maintenance of the ecological values of the conservation land. To this end the developer anticipates there will be an initial establishment period of approximately 5 years then a post establishment period of another 5 years in which the developer will retain proposed lots 1 and 70. Upon completion of the Adaptive Management Phase 3.3.1. of the BMP (all performance targets having been achieved) it is anticipated the lots will be on sold. By virtue of the biodiversity conservation framework applying to the land the obligations under the framework will be attached to the title of the land and it will be the responsibility of the landowner to meet these obligations which will be detailed in the Final Summary Report detailing long-term maintenance in perpetuity will become the responsibility of a new and successive owner.

The applicant has supplied details of the anticipated works and costings associated with the initial phases of the conservation works. It is anticipated that these works would easily fall within the capabilities of the developer. Any further capital expenditure during the Post Performance Targets having been achieved maintenance phase (Year 11 onwards) is expected to be limited as all management actions will have been implemented under the BMP by the applicant.

The R2 portion of the proposed lots 1 and 70 would enjoy dwelling rights and would foreseeably be developed for residential purposes. In this regard the ongoing in perpetuity management of the conservation land would be the responsibility of the owner of the dwelling(s). The applicant submits that by virtue of the biodiversity conservation obligations being attached to the title of the land the future landowner will be aware and ergo capable of satisfying the ongoing obligations as detailed the Final Summary Report detailing long-term maintenance in perpetuity. The BCA is enforceable by the Minister administering the Biodiversity Conservation Act 2016 in the event of a default by an owner of its obligations under the BCA.

The BMP stipulates that the proponent will be the proprietor of the conservation land during the implementation phase and into perpetuity but moreover the BMP requires at the establishment of management goals to be achieved in perpetuity at the end of the initial 10-year period via the Final Summary Report detailing long-term maintenance in perpetuity.

At Year 10 a Final Summary Report is to be provided and detail long-term maintenance of the site in perpetuity per clause 3.3.1 of the BMP

<image011.jpg>

The Department of Climate Change, Energy, the Environment and Water will evaluate the Final Summary Report and can enforce continued implementation and monitoring until Performance Targets are met. Once The Department of Climate Change, Energy, the Environment and Water deems that Performance Targets are met the Final Summary Report will be approved detailing the long-term maintenance of the site in perpetuity.

Clause 3.3.1 of the BMP highlights a practical, enforceable, and effective process. The applicant anticipates that the ongoing obligations will be minimal upon the Performance Targets having been achieved as assessed by the relevant authority being The Department of Climate Change, Energy, the Environment and Water.

The Final Summary Report as approved will detail the long-term maintenance of the site in perpetuity which will be the responsibility of the owner(s) of lot(s) 1 and 70.

Additionally, the proponent notes that the C2 zoned portions of the lot(s) 1 and 70 will be maintained in accordance with recommendations from the Final Report, its zoning under the Central Coast LEP see below, and obligations under the Biodiversity Conservation Act 2016 (BC Act) (threatened species protection) and the Biosecurity Act 2015 (weed management)

The proposed subdivision's BMP specifically contemplates and facilitates the management and protection of the environmental lands beyond the initial 10-year period and therefore does satisfy the precursor requirement contained with clause 4.1G(4)(a).

Dwellings are not permitted within the C2 zone under CCLEP 2022 and the provisions of clause 4.1G(4)(b) are taken to have been satisfied by the development.

We ask that CCC reconsider its position and recommended that the determination of the development application be approved.

This correspondence is entered into based on all recipient's acceptance that this matter has and continues to be COMMERCIALY SENSITIVE and CONFIDENTIAL.

Kind regards

Peter

<image009.png>

M: +61 (0) 417 194 561  
E: [peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au)  
W: <https://www.pjfrancis.com.au/>

From: Ivan Brcic <[ivan.brcic@corrs.com.au](mailto:ivan.brcic@corrs.com.au)>

**Date:** Thursday, 20 March 2025 at 2:24 pm

**To:** Martin Ball <[martin.ball@centralcoast.nsw.gov.au](mailto:martin.ball@centralcoast.nsw.gov.au)>, Nathan Burr <[nathan.burr@centralcoast.nsw.gov.au](mailto:nathan.burr@centralcoast.nsw.gov.au)>

**Cc:** Peter Francis - PJ Francis <[peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au)>, [ian@brs.com.au](mailto:ian@brs.com.au) <[ian@brs.com.au](mailto:ian@brs.com.au)>, Louise Camenzuli <[Louise.Camenzuli@corr.com.au](mailto:Louise.Camenzuli@corr.com.au)>, [Emily.Goodworth@centralcoast.nsw.gov.au](mailto:Emily.Goodworth@centralcoast.nsw.gov.au) <[Emily.Goodworth@centralcoast.nsw.gov.au](mailto:Emily.Goodworth@centralcoast.nsw.gov.au)>, William Clark <[will@brs.com.au](mailto:will@brs.com.au)>

**Subject:** RE: Lake Munmorah DA/161/2024 - Draft letter to Council

Dear Martin

We understand from our client's discussions with Council that Council may have some residual concerns regarding the ongoing management of the conservation land.

We would be happy to arrange a short conference with Council to address any outstanding matters.

Kind regards

Ivan Brcic | Associate  
Corrs Chambers Westgarth  
t +61 2 9210 6095 e [ivan.brcic@corr.com.au](mailto:ivan.brcic@corr.com.au)  
[corr.com.au](http://corr.com.au)

**From:** Ivan Brcic

**Sent:** Friday, 14 March 2025 1:34 PM

**To:** Martin Ball <[martin.ball@centralcoast.nsw.gov.au](mailto:martin.ball@centralcoast.nsw.gov.au)>

**Cc:** [peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au); [ian@brs.com.au](mailto:ian@brs.com.au); Louise Camenzuli <[Louise.Camenzuli@corr.com.au](mailto:Louise.Camenzuli@corr.com.au)>; [Emily.Goodworth@centralcoast.nsw.gov.au](mailto:Emily.Goodworth@centralcoast.nsw.gov.au); William Clark <[will@brs.com.au](mailto:will@brs.com.au)>

**Subject:** RE: Lake Munmorah DA/161/2024 - Draft letter to Council

Dear Martin and Nathan

Just a note to follow-up on the below and confirm that our letter has been received by Council.

We trust that the letter addresses Council's outstanding queries and is sufficient to enable Council to finalise its assessment report.

We would be happy to discuss if you have any further queries.

Kind regards

Ivan Brcic | Associate  
Corrs Chambers Westgarth  
t +61 2 9210 6095 e [ivan.brcic@corr.com.au](mailto:ivan.brcic@corr.com.au)  
[corr.com.au](http://corr.com.au)

**From:** Ivan Brcic <[ivan.brcic@corr.com.au](mailto:ivan.brcic@corr.com.au)>

**Date:** Tuesday, 11 March 2025 at 12:41 pm

**To:** Martin Ball <[Martin.Ball@centralcoast.nsw.gov.au](mailto:Martin.Ball@centralcoast.nsw.gov.au)>, Nathan Burr <[nathan.burr@centralcoast.nsw.gov.au](mailto:nathan.burr@centralcoast.nsw.gov.au)>

**Cc:** Peter Francis - PJ Francis <[peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au)>, Ian Stewart <[ian@brs.com.au](mailto:ian@brs.com.au)>, Louise Camenzuli <[Louise.Camenzuli@corr.com.au](mailto:Louise.Camenzuli@corr.com.au)>, Emily Goodworth <[Emily.Goodworth@centralcoast.nsw.gov.au](mailto:Emily.Goodworth@centralcoast.nsw.gov.au)>, William Clark <[will@brs.com.au](mailto:will@brs.com.au)>

**Subject:** RE: Lake Munmorah DA/161/2024 - Draft letter to Council

Dear Martin and Nathan

Please see **attached** Corrs' final letter to Council taking into consideration your comments below.

For completeness, we respond to your comments using the same numbering:

1. Respectfully, this is not correct. The management and protection of the environmental values of the C2 zoned land (required under cl 4.1G(4)(a)) will be achieved via the registration of the BCA on title **and** the implementation of a site-specific Biodiversity Management Plan (**BMP**) as required under clause 6.1 of the BCA. The BMP, which must be approved by the Minister under clause 5.2(a) of the BCA, will set out the specific requirements for the maintenance of the vegetation and fauna habitat within the C2 zoned land, including long term weed management.

There was some confusion during the meeting as to the financial arrangements for the management of the C2 zoned land. We are instructed that Rose and Alda have procured from their retained environmental consultants, Wedgetail Project Consulting (**Wedgetail**), a detailed scope of works and budget for Wedgetail's field management team to undertake the BMP works (see table below). The scope and budget include initial establishment works and annual works for the first 5 years and 6 months following the determination of the Proposed Development. All requirements of the BMP applicable during the 'Development Phase' of the Proposed Development (forecast to be 5 years 6 months) will be implemented and funded by the current landowners at their cost (see cl 5.1 of the BCA).

Biodiversity Management Plan Scope of works	Total	Period	Establishment	Year 1	Year 2	Year 3	Year 4	Year 5
Project Management	\$ 9,000.00		\$ 9,000.00					
Nest Boxes - Plastic	\$ 39,042.00		\$ 19,521.00					
Nest Box install	\$ 29,540.00		\$ 14,770.00					
Monitoring baseline	\$ 9,370.00		\$ 9,370.00					
Monitoring annual and report	\$ 9,673.00	annual	\$ 9,673.00	\$ 9,673.00	\$ 9,673.00	\$ 9,673.00	\$ 9,673.00	\$ 9,673.00
Clearance - Pre-clearance surveys 22hrs	\$ 3,745.00		\$ 3,745.00					
Clearance - reporting	\$ 1,115.00		\$ 1,115.00					
Weed management - initial	\$ 3,180.00		\$ 3,180.00					
Weed management - annual	\$ 1,590.00	annual	\$ 1,590.00	\$ 1,590.00	\$ 1,590.00	\$ 1,590.00	\$ 1,590.00	\$ 1,590.00
Planting - site preparation	\$ 3,180.00		\$ 3,180.00					
Planting - stock	\$ 6,110.00		\$ 6,110.00					
Planting - Planting	\$ 3,180.00		\$ 3,180.00					
Planting - watering	\$ 13,920.00	2 months	\$ 13,920.00					
Planting - maintenance 2x p.a	\$ 13,920.00	2x p.a	\$ 13,920.00	\$ 13,920.00	\$ 13,920.00	\$ 13,920.00	\$ 13,920.00	\$ 13,920.00

1. For the reasons set out in paragraph 3.9 of the letter, the BCA cannot be removed from title of proposed Lots 1 and 70.

1. We are instructed that the landowners / developers (Rose and Alda) expect to maintain ownership of the land for up to 5 years post the 'Development Phase' of the proposed Development. We are also instructed that the landowners / developers (Rose and Alda) do not intend to retain ownership of proposed Lots 1 and 70 in perpetuity. The BCA and BMP will be binding on all future landowner(s) of Lots 1 and 70 in accordance with section 8.17(1) of the *Biodiversity Conservation Act 2016*.

1. For the reasons set out in paragraph 3.10 of the letter, proposed Lots 1 and 70 cannot be further subdivided. This is addressed by clause 6.2(a) of the BCA.

Kind regards

Ivan Brcic | Associate  
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[corr.com.au](http://corr.com.au)

**From:** Martin Ball <[Martin.Ball@centralcoast.nsw.gov.au](mailto:Martin.Ball@centralcoast.nsw.gov.au)>

**Sent:** Wednesday, 5 March 2025 8:35 PM

**To:** Ivan Brcic <[ivan.brcic@corr.com.au](mailto:ivan.brcic@corr.com.au)>

**Cc:** Nathan Burr <[Nathan.Burr@centralcoast.nsw.gov.au](mailto:Nathan.Burr@centralcoast.nsw.gov.au)>; Peter Francis - PJ Francis <[peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au)>; Ian Stewart <[ian@brs.com.au](mailto:ian@brs.com.au)>; Louise Camenzuli <[Louise.Camenzuli@corr.com.au](mailto:Louise.Camenzuli@corr.com.au)>; Emily Goodworth <[Emily.Goodworth@centralcoast.nsw.gov.au](mailto:Emily.Goodworth@centralcoast.nsw.gov.au)>

**Subject:** [External] RE: Lake Munmorah DA/161/2024 - Draft letter to Council

Dear Ivan

I have now reviewed your draft letter and attachments provided with your email of 28 February 2025, and discussed same with my instructing officers.

The council makes the following comments:

The draft letter provides a reasonable argument to establish that the proposed subdivision satisfies cl 4.1G(1), (2) and (3) of CCLEP 2022.

However the draft letter does not provide a sufficient basis for the consent authority to be satisfied that "the subdivision will facilitate the management and protection of the environmental values of the land ..." as required by cl 4.1G(4)(a).

In this regard the following points are noted:

The draft letter relies solely upon the Biodiversity Certification Agreement and its registration on title to satisfy cl 4.1G(a).

At the recent meeting it was indicated by the applicant that there would be a future income stream coming to the registered proprietors of proposed lots 1 and 70 which would enable them to meet obligations under the BCA in perpetuity. The draft letter does not mention this future income stream or provide any details of such a future income stream. Without such information the consent

authority will find it difficult to understand how the simple registration on title of the BCA will facilitate the management and protection of environmental values.

The BCA itself does not seem to align with the proposed subdivision at least as regards proposed Lots 1 and 70. The BCA includes all the residentially zoned land in the Certified Land, including the residentially zoned areas proposed to be included in Lots 1 and 70. As such it is arguable that proposed Lots 1 and 70 will constitute a Subsequent Lot in relation to Certified Land and the BCA will be removed from title to those lots under cl 6.3(c). In other words, the BCA does not provide appropriately for (did not contemplate) the creation by the subdivision of lots containing both Avoided Land and Certified Land. This could potentially be remedied by an amendment to the BCA which makes clear that where a lot comprises both Avoided Land and Certified Land, the BCA will remain registered on title in perpetuity.

Alternatively it was indicated at the recent meeting that the developer, with its financial and technical resources, could retain ownership (at least of the environmentally zoned part of proposed Lot 70) and thus enable the consent authority to be satisfied as required by cl 4.1G(4)(a). This is also not mentioned in the draft letter and the council would like to understand if it is proposed or not as a means of addressing cl 4.1G(4)(a).

The draft letter should also address how future subdivision of proposed Lots 1 and 70 will be prevented. That is, how can the consent authority be satisfied that a future owner of those lots will not seek to subdivide off the environmentally zoned land, relying on cl 4.1G and the precedent that the current proposed subdivision will set as regards the meaning of "Original Lot" (being any lot within the relevant area from time to time, and not the lots in it when the clause was enacted). While the consent authority could refuse any such application on the basis of cl 4.1G(4), it would be preferable if the further subdivision of those lots was precluded at this stage.

You are invited to take the above comments into consideration when finalising the letter.



**Martin Ball**  
Solicitor on Secondment  
Legal  
Central Coast Council

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*"We acknowledge the Traditional Custodians of the land on which we live, work and play. We pay our respects to Darkinjung country, and Elders past and present. We recognise the continued connection to these lands and waterways and extend this acknowledgement to the homelands and stories of those who also call this place home. We recognise our future leaders and the shared responsibility to care for and protect our place and people."*



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**From:** Martin Ball <[Martin.Ball@centralcoast.nsw.gov.au](mailto:Martin.Ball@centralcoast.nsw.gov.au)>  
**Sent:** Tuesday, 4 March 2025 5:27 PM  
**To:** Ivan Brcic <[ivan.brcic@corrs.com.au](mailto:ivan.brcic@corrs.com.au)>  
**Cc:** Nathan Burr <[Nathan.Burr@centralcoast.nsw.gov.au](mailto:Nathan.Burr@centralcoast.nsw.gov.au)>; Peter Francis - PJ Francis <[peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au)>; Ian Stewart <[ian@brs.com.au](mailto:ian@brs.com.au)>; Louise Camenzuli <[Louise.Camenzuli@corrs.com.au](mailto:Louise.Camenzuli@corrs.com.au)>  
**Subject:** RE: Lake Munmorah DA/161/2024 - Draft letter to Council

Dear Ivan, yes I have received and my apologies I have not reviewed as yet. I hope to do so tomorrow.

**Martin Ball**  
Solicitor on Secondment  
Legal  
Central Coast Council  
<image013.png>  
0400 875 182  
<image014.png>  
[Martin.Ball@centralcoast.nsw.gov.au](mailto:Martin.Ball@centralcoast.nsw.gov.au)  
<image017.jpg>

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**From:** Ivan Brcic <[ivan.brcic@corrs.com.au](mailto:ivan.brcic@corrs.com.au)>  
**Sent:** Tuesday, 4 March 2025 5:23 PM  
**To:** Martin Ball <[Martin.Ball@centralcoast.nsw.gov.au](mailto:Martin.Ball@centralcoast.nsw.gov.au)>  
**Cc:** Nathan Burr <[Nathan.Burr@centralcoast.nsw.gov.au](mailto:Nathan.Burr@centralcoast.nsw.gov.au)>; Peter Francis - PJ Francis <[peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au)>; Ian Stewart <[ian@brs.com.au](mailto:ian@brs.com.au)>; Louise Camenzuli <[Louise.Camenzuli@corrs.com.au](mailto:Louise.Camenzuli@corrs.com.au)>  
**Subject:** RE: Lake Munmorah DA/161/2024 - Draft letter to Council

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Dear Martin

We would be grateful if you could confirm receipt of our below email.

We look forward to receiving your comments.

Kind regards

Ivan Brcic | Associate  
Corrs Chambers Westgarth  
t +61 2 9210 6095 e [ivan.brcic@corrs.com.au](mailto:ivan.brcic@corrs.com.au)  
[corrs.com.au](http://corrs.com.au)

**From:** Ivan Brcic  
**Sent:** Friday, 28 February 2025 4:00 PM  
**To:** [martin.ball@centralcoast.nsw.gov.au](mailto:martin.ball@centralcoast.nsw.gov.au)  
**Cc:** [nathan.burr@centralcoast.nsw.gov.au](mailto:nathan.burr@centralcoast.nsw.gov.au); Peter Francis - PJ Francis <[peter@pjfrancis.com.au](mailto:peter@pjfrancis.com.au)>; Ian Stewart <[ian@brs.com.au](mailto:ian@brs.com.au)>; Louise Camenzuli <[Louise.Camenzuli@corrs.com.au](mailto:Louise.Camenzuli@corrs.com.au)>  
**Subject:** Lake Munmorah DA/161/2024 - Draft letter to Council

Dear Martin

As discussed in conference last week, please see **attached** Corrs' draft letter to Council for your review. Each of the annexures are **attached** for your reference.

We would be grateful if you could provide us with your comments before we finalise the letter.

Kind regards

Ivan Brcic | Associate  
Corrs Chambers Westgarth  
t +61 2 9210 6095 e [ivan.brcic@corrs.com.au](mailto:ivan.brcic@corrs.com.au)  
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**Attachment 4 – DA/161/2024 - Lakes Ridge Development at Lake  
Munmorah Response to Council DA Assessment Report – Management of  
Pacific Highway Stormwater (21 March 2025)**

Our Ref: CC180099



ENGINEERING  
PLANNING  
SURVEYING  
CERTIFICATION  
PROJECT MANAGEMENT

ABN 26 134 067 842

21 March 2025

General Manager  
Central Coast Council  
91-99 Mann Street  
GOSFORD NSW 2250

Attn: Nathan Burr

**DA/161/2024 - Lakes Ridge Development at Lake Munmorah  
Response to Council DA Assessment Report – Management of Pacific Highway Stormwater**

I refer to Council's draft DA Assessment report for the above project, received via email on 20 March 2025.

In response to the management of Pacific Highway stormwater matters raised we enclose for your consideration additional details outlining the approach of the proposed stormwater from the Pacific Highway.

We consider that the application has now been satisfactorily documented to address the Pacific Highway stormwater concerns raised by Council. We would appreciate your timely review of the submitted documentation.

Please do not hesitate to contact our office to discuss any of the above further, and we look forward to a positive resolution of this application in due course.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Scott Brisbin', is written over a series of horizontal lines.

Scott Brisbin | Design Manager  
**Barker Ryan Stewart Pty Ltd**

Attachment: Barker Ryan Stewart Drawing: CC180099-07-702 Rev D

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**SOUTHEAST QLD**

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E [seqld@brs.com.au](mailto:seqld@brs.com.au)

**Summary of Council's Comments/Concerns**

*Extract from page 55 and 56 of Council's DA Assessment*

*(d) stormwater drainage or on-site conservation,*

The Pacific Highway directs road runoff through the subject site. The application does not provide sufficient detail to demonstrate that the major event (i.e. 1% AEP) has been catered for in piped drainage system and appropriate easement created. Information is required to demonstrate that the drainage structures can provide the required inlet capacity for the major event (including allocation for blockages). The energy dissipation/scour protection works at the headwall outlet is expected to be extensive and details have not been provided to demonstrate the extent of works to be carried out are not within the avoidance area.

The development is not considered to have satisfactory arrangements for storm water drainage and it is recommended that determination be deferred pending further details being provided demonstrating adequate storm water drainage arrangements.

**Response to Council's Comments/Concerns**

The Pacific Highway catchment upstream of the site is approximately 2.58 Ha in area with an estimated 1% AEP flow of 1.72m<sup>3</sup>/s. The catchment currently drains as sheet flow through the rear of proposed Lots 192 to 212.

To manage this sheet flow it is proposed to construct an earth bund along the rear of the lots to direct flows to the existing low point at the rear of proposed Lot 200. The proposed earth bund will be located within an easement/restriction to user.

The Pacific Highway flows are directed to and collected in a large, grated surface inlet pit. The pit discharges via 2x DN675 diameter stormwater pipes that connect to the proposed drainage network at proposed Road 2.

Assuming no pit blockage, the proposed 2x DN675mm stormwater pipes have capacity to convey the full 1% AEP flows of 1.72m<sup>3</sup>/s.

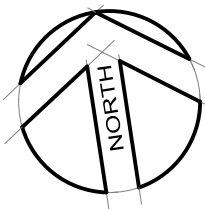
In the event of a pit blockage, assumed to be 50% per Council's comments, an overflow weir and channel are proposed to convey any overland flows that cannot be accommodated within the pipe network.

A 3.5m wide easement for drainage is proposed over Lot 200 to house the 2x DN675mm stormwater pipes and the overland flow path.

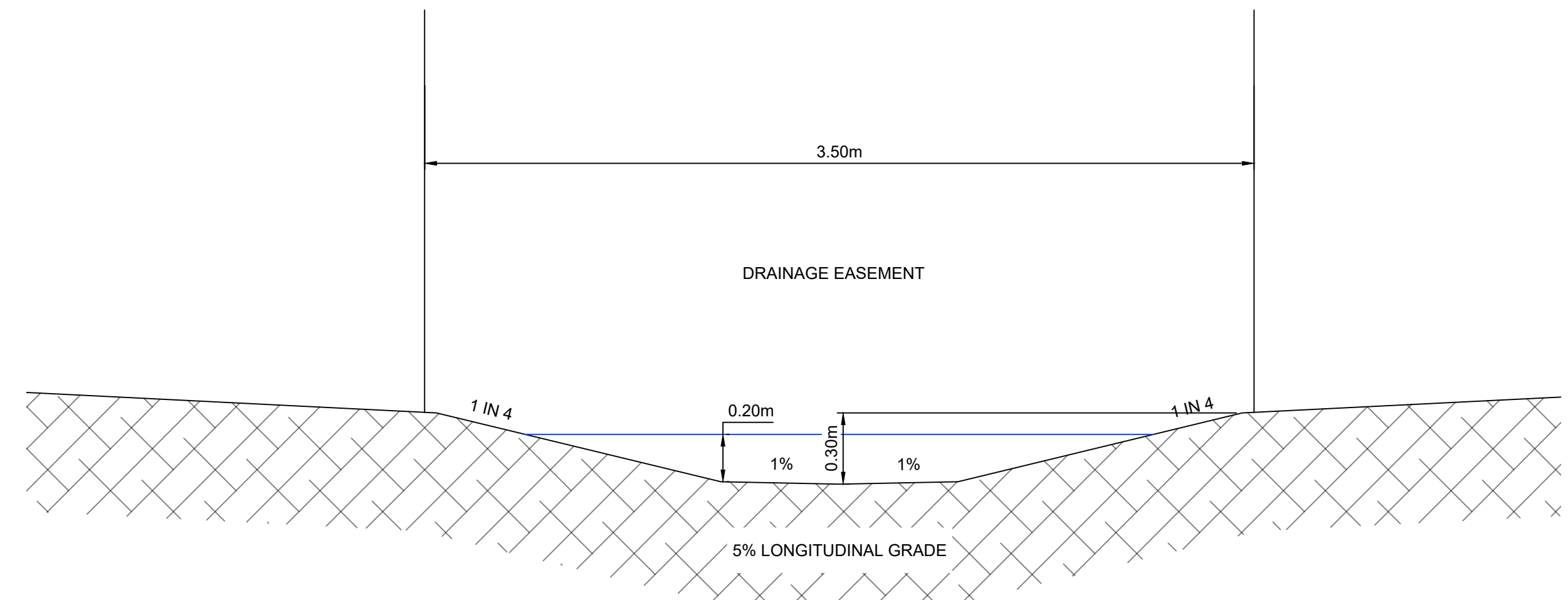
Conceptual details are presented on the attached drawing CC180099-07-702 Rev D.

The above arrangement is subject to refinement and design development as part of the next stage of the design.

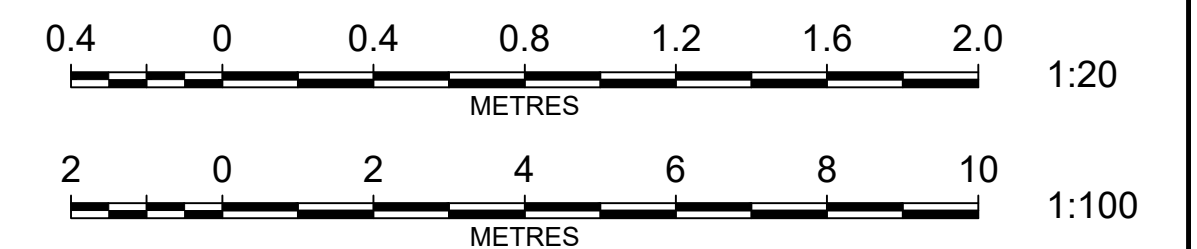




Q100 = 1.72m<sup>3</sup>/s  
PIPE FLOW WITH 50% PIT BLOCKAGE = 1.5m<sup>3</sup>/s  
OVERLAND FLOWPATH Q100 = 0.22m<sup>3</sup>/s  
OVERLAND FLOWPATH CAPACITY AT 100mm FREEBOARD = 0.53m<sup>3</sup>/s



## OVERLAND FLOWPATH TYPICAL SECTION



REV	AMENDMENT	ISSUED	DATE
A	ISSUED FOR D.A.	SGB	03/11/2023
B	UPDATE FOR DA228/2024 NEAR POSSUM ST	SGB	20/05/2024
C	REVISED FOR COUNCIL RFI	JT	11/03/2025
D	REVISED FOR COUNCIL RFI	JT	21/03/2025



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**HUNTER**  
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ABN: 26 134 067 842  
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Client:



URBAN LAND  
REDEVELOPMENT

285-325 PACIFIC HIGHWAY, LAKE MUNMORAH  
PROPOSED RESIDENTIAL SUBDIVISION

TYPICAL DETAILS SHEET 2

Designed:	JT
Drawn:	DKH
Checked:	SGB

Scales: Plan 1:100  
 @A1 Horiz. -  
 Vert. -  
 X-Sect. 1:20

Datum: A.H.D.

Plan No.  
**CC180099-07-702**

File Ref.  
CC180099

EV.

## **Attachment 5 – DA/161/2024 - Lakes Ridge Development at Lake Munmorah Response to Council DA Assessment Report – Flooding (21 March 2025)**

Our Ref: CC180099



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PROJECT MANAGEMENT

ABN 26 134 067 842

21 March 2025

General Manager  
Central Coast Council  
91-99 Mann Street  
GOSFORD NSW 2250

Attn: Nathan Burr

**DA/161/2024 - Lakes Ridge Development at Lake Munmorah  
Response to Council DA Assessment Report - Flooding**

I refer to Council's draft DA Assessment report for the above project, received via email on 20 March 2025.

In response to the flooding matters raised we enclose for your consideration at Table 1 and Table 2 a detailed summary of documentation and comments provided for Council's assessment.

We consider that the application has now been satisfactorily documented to address the flooding concerns raised by Council. We would appreciate your timely review of the submitted documentation.

Please do not hesitate to contact our office to discuss any of the above further, and we look forward to a positive resolution of this application in due course.

Yours faithfully

A handwritten signature in black ink, appearing to read "Scott Brisbin", written over a series of horizontal lines.

Scott Brisbin | Design Manager  
**Barker Ryan Stewart Pty Ltd**

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## Summary of Council's Comments/Concerns

*Extract from page 52 of Council's DA Assessment*

The submitted flood modelling reveals that during the PMF event there are impacts to adjoining residential properties located at 2-10 Kemira Road and 15 Wallaby Road. These impacts are generally associated with infrastructure proposed as part of the development which alter the existing flood characteristics. The changes to flood behaviour experienced at the subject residential properties result in additional flooding greater than or equal to 200mm within the residential property and in some cases an increase in the hazard category experienced on the land to H3.

*Extract from page 53 of Council's DA Assessment*

The impacts to the residential properties are not considered to be acceptable in the context of the NSW Flood Planning Guidelines and therefore the Panel may not be satisfied as to the matters specified in clause 5.21 (2) of CCLEP2022 and consent may not be granted.

It is considered that through further flood investigation and the refinement of the design the identified flood impacts could be addressed and therefore it is recommended that the determination be deferred pending the application demonstrating an accepting flood impact.

## Response to Council's Comments/Concerns

We present below a summary of the requirements of Clause 5.21 (2) and Clause 5.22 of CCCLEP2022 and a summary of how the proposed development meets the requirements of each Clause.

*Table 1 – Assessment of CCCLEP Clauses*

CCCLEP2022 Clause	Commentary on Proposal's Compliance
<u>Clause 5.21</u> <u>Flood Planning</u>	
(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development:	- Noted
a) is compatible with the flood function and behaviour on the land, and	<ul style="list-style-type: none"> <li>- Compatibility with the flood function and behaviour of the land has been demonstrated via a variety of flood maps included within the project's Flood Impact Assessment Report, prepared by Barker Ryan Stewart, Nov 2023 (known as the BRS FIA).</li> <li>- Compatibility has been demonstrated for the 1% AEP as required for works within the 'flood planning area', defined as the 1% AEP plus 0.5m freeboard (per Flood Risk Management Manual, 2023).</li> <li>- Council's DA assessment report states on page 51 and 52 that: <b>'...the development in the 1% AEP event will improve drainage in some adjoining areas and increases are attributable to the construction of infrastructure and in general are not considered to be either hazardous or avoidable for the type of development being carried out.'</b></li> </ul>

CCCLEP2022 Clause	Commentary on Proposal's Compliance
b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and	<ul style="list-style-type: none"> <li>- The proposed development works have been demonstrated not to adversely affect flood behaviour on other development or properties via difference maps included within the BRS FIA.</li> <li>- No adverse impacts have been demonstrated for the 1% AEP as required for works within the off-site 'flood planning area', defined as the 1% AEP plus 0.5m freeboard (per Flood Risk Management Manual, 2023).</li> <li>- Council's DA assessment report states on page 51 and 52 that: <i>'...the development in the 1% AEP event will improve drainage in some adjoining areas and increases are attributable to the construction of infrastructure and in general are not considered to be either hazardous or avoidable for the type of development being carried out.'</i></li> </ul>
c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and	<ul style="list-style-type: none"> <li>- The proposed development works have been demonstrated not to adversely affect the safe occupation and efficient evacuation of people via difference maps and flood hazard maps included within the BRS FIA.</li> <li>- No adverse impacts have been demonstrated for the 1% AEP as required for works within the off-site 'flood planning area', defined as the 1% AEP plus 0.5m freeboard (per Flood Risk Management Manual, 2023).</li> <li>- Council's DA assessment report states on page 51 and 52 that: <i>'...the development in the 1% AEP event will improve drainage in some adjoining areas and increases within the are attributable to the construction of infrastructure and in general are not considered to be either hazardous or avoidable for the type of development being carried out.'</i></li> </ul>
d) incorporates appropriate measures to manage risk to life in the event of a flood, and	<ul style="list-style-type: none"> <li>- The proposed development works have demonstrated the inclusion of appropriate measures to manage risk to life via flood hazard maps included within the BRS FIA.</li> <li>- No adverse impacts have been demonstrated for the 1% AEP as required for works within the off-site 'flood planning area', defined as the 1% AEP plus 0.5m freeboard (per Flood Risk Management Manual, 2023).</li> <li>- Council's DA assessment report states on page 51 and 52 that: <i>'...the development in the 1% AEP event will improve drainage in some adjoining areas and increases within the are attributable to the construction of infrastructure and in general are not considered to be either hazardous or avoidable for the type of development being carried out.'</i></li> </ul>
e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.	<ul style="list-style-type: none"> <li>- The proposed development works have been demonstrated not to adversely affect the environment with the inclusion of appropriate measures including retention of vegetation in C2 land and the provision of scour protection as required to manage local velocity increases. Flood velocity and hazard maps are included within the BRS FIA.</li> <li>- No adverse impacts have been demonstrated for the 1% AEP as required for works within the off-site 'flood planning area', defined as the 1% AEP plus 0.5m freeboard (per Flood Risk Management Manual, 2023).</li> <li>- Council's DA assessment report states on page 51 and 52 that:</li> </ul>

CCCLEP2022 Clause	Commentary on Proposal's Compliance
	<i>'...the development in the 1% AEP event will improve drainage in some adjoining areas and increases within the are attributable to the construction of infrastructure and in general are not considered to be either hazardous or avoidable for the type of development being carried out.'</i>
<u>Clause 5.22</u> <u>Special Flood</u> <u>Considerations</u>	
(2) This clause applies to:	
a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and	The development is not considered sensitive or hazardous as defined under CCCLEP2022 Clause 5.22(5).
b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—	The development is not considered sensitive or hazardous as defined under CCCLEP2022 Clause 5.22(5).
(i) cause a particular risk to life, and	The development is not considered to cause a particular risk to life, during a 1% AEP storm event or a PMF storm event. This applies to proposed residential lots as part of this development, and existing residential lots adjoining the development. This is evidenced by flood hazard mapping included in the BRS FIA.
(ii) require the evacuation of people or other safety considerations.	<p>Residential lots proposed as part of this development are not expected to require evacuation during a 1% AEP or PMF storm event. If evacuation is required, flood hazard over proposed roads does not exceed H1 during the 1% AEP storm event.</p> <p>The requirement for residents of existing residential lots adjoining the development to evacuate during a 1% AEP or PMF storm event is not increased as a result of the development. If evacuation is required, evacuation routes available under existing conditions remain available.</p> <p>Specifically:</p> <p><u>2 Kemira Road</u> Estimated dwelling FFL15.80 Highest PMF level adjoining the dwelling:</p> <ul style="list-style-type: none"> <li>- Existing condition RL15.76</li> <li>- Developed condition RL15.76</li> </ul> <p>Thus, no change to PMF level due to development works. Dwelling not inundated during existing or developed condition PMF. Thus no increased requirement to evacuate during a PMF.</p>

CCCLEP2022 Clause	Commentary on Proposal's Compliance
	<p><u>4 Kemira Road</u>  Estimated dwelling FFL15.70  Highest PMF level adjoining the dwelling:</p> <ul style="list-style-type: none"> <li>- Existing condition RL15.66</li> <li>- Developed condition RL15.66</li> </ul> <p>Thus, no change to PMF level due to development works.  Dwelling not inundated during existing or developed condition PMF.  Thus no increased requirement to evacuate during a PMF.</p> <p><u>6 Kemira Road</u>  Estimated dwelling FFL15.15  Highest PMF level adjoining the dwelling:</p> <ul style="list-style-type: none"> <li>- Existing condition RL15.11</li> <li>- Developed condition RL15.10</li> </ul> <p>Thus, minor <u>reduction</u> in PMF level due to development works.  Dwelling not inundated during existing or developed condition PMF.  Thus a minor <u>decrease</u> in requirement to evacuate during a PMF.</p> <p><u>8 Kemira Road</u>  Estimated dwelling FFL15.26  Highest PMF level adjoining the dwelling:</p> <ul style="list-style-type: none"> <li>- Existing condition RL15.15</li> <li>- Developed condition RL15.03</li> </ul> <p>Thus, minor <u>reduction</u> in PMF level due to development works.  Dwelling not inundated during existing or developed condition PMF.  Thus a minor <u>decrease</u> in requirement to evacuate during a PMF.</p> <p><u>10 Kemira Road</u>  Estimated dwelling FFL15.20  Highest PMF level adjoining the dwelling:</p> <ul style="list-style-type: none"> <li>- Existing condition RL15.14</li> <li>- Developed condition RL15.07</li> </ul> <p>Thus, minor <u>reduction</u> in PMF level due to development works.  Dwelling not inundated during existing or developed condition PMF.  Thus a minor <u>decrease</u> in requirement to evacuate during a PMF.</p> <p><u>15 Wallaby Road</u>  Estimated dwelling FFL11.15  Highest PMF level adjoining the dwelling:</p> <ul style="list-style-type: none"> <li>- Existing condition RL11.01</li> <li>- Developed condition RL10.99</li> </ul> <p>Thus, minor <u>reduction</u> in PMF level due to development works.  Dwelling not inundated during existing or developed condition PMF.  Thus a minor <u>decrease</u> in requirement to evacuate during a PMF.</p>
(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—	



CCCLEP2022 Clause	Commentary on Proposal's Compliance
a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and	Refer to Clause 5.21(2)c comments.
b) incorporates appropriate measures to manage risk to life in the event of a flood, and	Refer to Clause 5.21(2)d comments.
c) will adversely affect the environment in the event of a flood.	Refer to Clause 5.21(2)e comments.

### Response to Specific Council Concerns

Table 2 presents responses to specific Council concerns.

*Table 2 – Response to Council Specific Concerns*

Council Concern	Applicant Response
The submitted flood modelling reveals that during the PMF event there are impacts to adjoining residential properties located at 2-10 Kemira Road and 15 Wallaby Road.	- It is acknowledged that during a PMF event, local increases in flood water levels are experienced at the nominated residential properties.
These impacts are generally associated with infrastructure proposed as part of the development which alter the existing flood characteristics.	- It is acknowledged the impacts above are generally associated with infrastructure proposed as part of the development.
The changes to flood behaviour experienced at the subject residential properties result in additional flooding greater than or equal to 200mm within the residential property and in some cases an increase in the hazard category experienced on the land to H3.	<ul style="list-style-type: none"> <li>- It is acknowledged that flood level increases during a PMF event of up to 200mm are experienced in the backyard of 6 Kemira Road. Lower increases are experienced in the backyards of other nominated properties.</li> <li>- It is acknowledged that up to H3 hazard category is experienced in some of the backyards of the nominated properties.</li> <li>- With reference to Australian Rainfall and Runoff 2019, H3 Hazard Vulnerability Classification is described as being: Unsafe for vehicles, children and the elderly.</li> <li>- The H3 hazard is experienced in selected backyards only. It is considered: Unlikely that a vehicle would be present in the rear of the backyard;</li> </ul>



Council Concern	Applicant Response
	<p>Children would not be playing in the backyard during a PMF event;</p> <p>Elderly or other vulnerable users would not be in the backyard during a PMF event.</p> <ul style="list-style-type: none"><li>- As outlined in Table 1, the flood level increases in the backyards during a PMF do not result in increased flood levels adjoining the residential buildings.</li><li>- Thus, while flood level increases are acknowledged, they are not considered to present an increased risk to people or to increase the requirement for evacuation.</li></ul>

## **Attachment 6 – DA/161/2024 - Lakes Ridge Development at Lake Munmorah Response to Public Submissions Letter (26 June 2024)**

Our Ref: CC180099

26 June 2024

Central Coast Council  
PO Box 20  
Wyong NSW 2259

Attn: Jenny Tattam, Alexandra Hafner



ENGINEERING  
PLANNING  
SURVEYING  
CERTIFICATION  
PROJECT MANAGEMENT  
ABN 26 134 067 842

Dear Jenny,

### DA/161/2024 – 285–325 Pacific Highway, Lake Munmorah | 288 Lot Subdivision

I refer to Council's email dated 19 June 2024 in relation to the abovementioned development application (DA) and the 19 June 2024 briefing of the Hunter and Central Coast Regional Planning Panel ('Planning Panel').

The subject DA was first exhibited by Central Coast Council from 15 March to 16 April 2024. BRS provided a letter on 3 May 2024 responding to received submissions and Planning Panel queries, at Council's request.

Central Coast Council advised that the DA would be re-exhibited with an expanded catchment, over a second period from 17 May to 17 June 2024.

It is understood that in addition to the eleven (11) submissions objecting and one (1) submission in support received during the first exhibition, an additional nine (9) unique submissions and a petition have been received during Council's second exhibition of the subject DA.

As encouraged by the Planning Panel, in response to the matters raised by these additional submissions we enclose our comments for your consideration at **Table 1**.

We consider that the application has been satisfactorily documented to address the comments which have been raised. We would appreciate your timely review of the submitted documentation and will be in touch to discuss your assessment.

Please do not hesitate to contact our office to discuss any of the above further, and we look forward to a favourable determination of this application.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Stewart'.

Ian Stewart | Director  
**Barker Ryan Stewart Pty Ltd**

Enclosed: Table 1 – DA Submissions and Applicants' Response

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E [sydney@brs.com.au](mailto:sydney@brs.com.au)

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## Table 1 – DA Submissions and Applicants' Response

Table 1 – DA Submissions and Applicants' Response

#	Submission Issues	Action / Response
1	<p>Objection.</p> <ul style="list-style-type: none"> <li>Traffic congestion and inconvenience of traffic for existing residents and their visitors.</li> <li>Financial/amenity impacts for residents owing to left-in/left-out intersection at Kangaroo Ave.</li> <li>Objection to period of traffic assessment.</li> <li>Querying outcome for southbound traffic.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed Pacific Highway-Kangaroo Avenue roadworks were considered at the Planning Proposal (PP) stage by Transport for NSW (TfNSW), subsequent meetings and the draft SVPA. The DA was referred to TfNSW for integrated approval and TfNSW has confirmed the proposed intersection works are generally satisfactory and a signalised intersection is not required in this location.</li> <li>TfNSW has not requested an updated Traffic Impact Assessment (TIA) and associated traffic counts have been accepted by TfNSW.</li> </ul>
2	<p>Objection.</p> <ul style="list-style-type: none"> <li>Concerns about increased traffic and queuing on Tall Timbers Road.</li> <li>Lack of consultation with residents within 30m of the roundabout.</li> <li>No changes or plans relating to entry/exit of Lake Munmorah shopping centre.</li> <li>Advocating for an exit from the development directly onto the Pacific Highway.</li> <li>Reference to a community petition (see Item 10 of this table).</li> </ul>	<ul style="list-style-type: none"> <li>The proposed Tall Timbers/Chisholm Avenue local roadworks have been prepared in accordance with Central Coast Council requirements.</li> <li>The PP, DCP, BCAR and DA have all been publicly notified in accordance with statutory guidelines and Central Coast Council (CCC) policies.</li> <li>The community petition is addressed as Item 10 of this table.</li> </ul>
3	<p>Objection.</p> <ul style="list-style-type: none"> <li>Traffic management and access roads.</li> <li>Chisholm Ave is not a suitable access road.</li> <li>Pacific Highway requires a major intersection or intersection upgrade, including traffic lights, such as for Kangaroo Ave to provide a sole point of access.</li> <li>A recreation precinct adjacent to the football oval is proposed on Tall Timbers Road which will be accessed via Chisholm Ave-Tall Timbers Road. The traffic assessment does not consider this and its traffic impacts.</li> </ul>	<ul style="list-style-type: none"> <li>The external roadworks have been designed to meet the requirements of both TfNSW and CCC following ongoing consultation with those agencies.</li> <li>TfNSW has not requested a signalised intersection.</li> <li>TfNSW has not requested an updated Traffic Impact Assessment (TIA).</li> <li>TfNSW have confirmed in email correspondence dated 24/06/2024 that updated plans for the Pacific Highway works are not required and appropriate conditions of consent will be applied in relation to the roadworks.</li> </ul>
4	<p>Objection.</p> <ul style="list-style-type: none"> <li>Addressed to Yasmin Catley MP.</li> <li>Numerous accidents occur on Colongra Bay Road-Pacific Highway intersection.</li> <li>Petition suggested that an exit from the subdivision be placed at this intersection and that the intersection be signalised.</li> <li>Concerns about traffic flow and sightlines over the hill from Swansea.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed roadworks were considered at the Planning Proposal (PP) stage by Transport for NSW (TfNSW), subsequent meetings, DCP and the draft SVPA.</li> <li>The external roadworks have been designed to meet the requirements of both TfNSW and CCC.</li> <li>TfNSW has rejected direct access from the proposed subdivision onto the Pacific</li> </ul>

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	<ul style="list-style-type: none"> <li>Concerns over traffic speeds/speeding along the Pacific Highway.</li> </ul>	<p>Highway and have instructed the applicant to design roadworks which include the proposed left in / left out arrangement at Kangaroo Avenue.</p> <ul style="list-style-type: none"> <li>Road safety improvements will be achieved through the implementation of the left in / left out arrangement at Kangaroo Avenue.</li> </ul>
5	<p>Objection.</p> <ul style="list-style-type: none"> <li>No further comments.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
6	<p>Objection.</p> <ul style="list-style-type: none"> <li>No further comments.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
7	<p>Objection.</p> <ul style="list-style-type: none"> <li>No further comments.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
8	<p>Objection.</p> <ul style="list-style-type: none"> <li>No further comments.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
9	<p>Objection.</p> <ul style="list-style-type: none"> <li>Chain Valley Bay Progress Association</li> <li>The petition (see Item 10) shows that there are other options for the development to access the Pacific Highway, rather than Chisholm Ave/Tall Timbers Road which is considered dangerous and impactful to approx. 1000 homes.</li> <li>Additional housing will cause a roadblock between Chisholm Ave and the Lake Munmorah Shopping Centre.</li> <li>Concerned that there will be insufficient access for emergency vehicles or for evacuation.</li> <li>No evacuation plans.</li> <li>Perhaps Council could consider putting in a road through the fire trail at the rear of the site.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed roadworks were considered at the Planning Proposal (PP) and DCP stages by CCC and TfNSW, subsequent meetings and the draft SVPA.</li> <li>The external roadworks have been designed to meet the requirements of both TfNSW and CCC.</li> <li>An initial iteration proposed by the applicant for direct access to and from the site via the Pacific Highway was rejected by TfNSW.</li> <li>The ultimate design is entirely consistent with the requirements of TfNSW and CCC.</li> </ul>
10	<p>Objection.</p> <ul style="list-style-type: none"> <li>Petition with 309 signatures.</li> <li>Not opposed to subdivision, only entry and exits for safety reasons.</li> <li>Objection to traffic survey undertaken during COVID pandemic period.</li> <li>Traffic assessments requested to be carried out again during holiday times and long weekends.</li> <li>Concerns about difficulties of traversing Tall Timbers Road worsened by traffic increases and only single right-turn exit via Chisholm Ave.</li> <li>Concerns about left-in/left-out intersection at Kangaroo Road. Desire for right turn onto Pacific Highway when exiting Kangaroo Ave.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed roadworks were considered at the Planning Proposal (PP) and DCP stages by CCC and TfNSW, subsequent meetings and the draft SVPA.</li> <li>The proposed entry/exit to the subdivision via Chisholm Avenue-Tall Timbers Road and left-in/left-out via Kangaroo Ave-Pacific Highway was required by TfNSW.</li> <li>The proposed external roadworks have been prepared in accordance with TfNSW requirements to restrict right turn movements.</li> <li>TfNSW has rejected direct access from the proposed subdivision onto the Pacific Highway.</li> <li>TfNSW has not requested a signalised intersection.</li> <li>TfNSW has reviewed the Traffic Impact</li> </ul>

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	<ul style="list-style-type: none"><li>• Request for signalised intersection at Kangaroo Ave-Pacific Highway.</li><li>• Concerns about evacuation during emergencies, such as bushfires, owing to limited road access.</li><li>• Requests for entry/exit onto Pacific Highway.</li><li>• Concern over impacts of construction vehicles on condition of existing roads.</li></ul>	<p>Assessment (TIA), traffic counts and SIDRA intersection analysis and is satisfied with the data provided.</p> <ul style="list-style-type: none"><li>• Accordingly, TfNSW has indicated imminent issue of conditions of consent for the proposed road works.</li></ul>