

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-482
DA Number	DA-2025.11
LGA	Bega Valley Shire
Proposed Development	Alterations and Additions to existing Environmental Facility (Partial reconstruction of the existing boardwalk and water recreation structures including jetties, viewing platforms, pathways, signage, parking and landscaping works)
Street Address	Lot 7032 DP 1047318, Lot 1 DP 109636, Lot E DP 355155, Lot 98 DP 747323, Lot 202 DP 793447, Lot 36 DP 208862 - Imlay Street, 1A Market Street, 10 Short Street, Kiama Place, 21 Tern Close, Market Street and Lakewood Drive, Merimbula
Applicant/Owner	Applicant: Jessica Crawford c/ Bega Valley Shire Council Owners: Bega Valley Shire Council, RSL Lifecare Ltd and Department of Planning, Housing and Infrastructure (Crown Lands)
Date of DA lodgement	24 January 2025
Number of Unique Objections	3 Submissions
Recommendation	Approval Subject to Conditions of Consent
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	The proposed development is specified as “regionally significant development” under Clause 2 of Schedule 6 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> as it is a Council related development over \$5 million. For this reason, the Southern Regional Planning Panel (SRPP) is the consent authority under Section 4.5 of the <i>Environmental Planning and Assessment Act 1979</i> .
CIV	\$15,539,044.40 (Inc GST)
List of all relevant s4.15(1)(a) matters	<i>Environmental Planning and Assessment Act 1979</i> <i>Environmental Planning and Assessment Regulation 2021</i> <i>Relevant Environmental Planning Instruments</i> <i>State Environmental Planning Policies (SEPPs)</i> <ul style="list-style-type: none"> • <i>SEPP (Planning Systems) 2021</i> • <i>SEPP (Biodiversity and Conservation) 2021</i> • <i>SEPP (Industry and Employment) 2021</i> • <i>SEPP (Resilience and Hazards) 2021</i> • <i>SEPP (Transport and Infrastructure) 2021</i>

	<ul style="list-style-type: none"> • <i>SEPP (Resources and Energy) 2021</i> • <i>SEPP (Primary Production) 2021</i> <p><i>Local Environmental Plan</i></p> <ul style="list-style-type: none"> • <i>Bega Valley Local Environmental Plan 2013</i> <p><i>Draft Environmental Planning Instruments</i></p> <p><i>Draft Remediation of Land</i></p> <p><i>Planning Agreements (existing/draft)</i></p> <ul style="list-style-type: none"> • <i>Nil</i> <p><i>Relevant Council Policy</i></p> <ul style="list-style-type: none"> • <i>Bega Valley Development Control Plan 2013.</i> • <i>Local Infrastructure Contribution Plan</i>
List all documents submitted with this report for the Panel's consideration	<p>Attachment 1: Architectural and Design Plans</p> <p>Attachment 2: Statement of Environmental Effects</p> <p>Attachment 3: Biodiversity Assessment Report (BDAR)</p> <p>Attachment 4: Aquatic Ecology Assessment Report</p> <p>Attachment 5: Acid Sulphate Soils Management Plan</p> <p>Attachment 6: Heritage Advice and Heritage Due Diligence</p> <p>Attachment 7: Submissions Response</p> <p>Attachment 8: Owner's Consent</p> <p>Attachment 9: Cost Estimate Report</p> <p>Attachment 10: Site Inspection and Photos</p> <p>Attachment 11: Geotechnical Report</p> <p>Attachment 12: Draft Consent</p>
Clause 4.6 requests	<i>NIL</i>
Summary of key submissions	<ul style="list-style-type: none"> • Additional width • The need for lighting • Choice of materials • Existing tree maintenance • Impact of Increased Visitation • Management of dogs • Illegal harvesting of Samphire • Control of weeds • Impact of motorised watercraft • Proposed new lookout • Closing of unnecessary shortcuts • Sighting of Osprey
Report prepared by	Robert Quick, Senior Town Planner, Bega Valley Shire Council - Reviewed by Mark Fowler, Planning Services Coordinator, Bega Valley Shire Council
Report date	19 June 2025

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	No
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

1 EXECUTIVE SUMMARY

This report considers Development Application 2025.11 for Alterations and Additions to existing Environmental Facility (Partial reconstruction of boardwalk and water recreation structures including jetties, viewing platforms, pathways, signage, parking and landscaping works). The proposal is defined as regionally significant development and involves alterations and additions that are not considered to be designated development. The existing boardwalk is popular with tourists and locals as it provides a walkable space and access to coastal environments around the northern edge of Merimbula Lake connecting an area known as 'Top Lake' with the Merimbula CBD. The boardwalk is now 30 years old and there are sections that are in urgent need of upgrading. The primary purpose of this development application is to replace and improve these sections of the existing boardwalk and structures with more resilient materials and improve the user experience by increasing the width to 2.5 meters. The construction works would need to be undertaken in stages for both water and land based sections of the development.

The development has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* and the relevant sections of relevant *State Environmental Planning Policies (SEPPs)*, *Bega Valley Local Environmental Plan 2013 (BVLEP 2013)* and *Development Control Plan 2013 (BVDCP 2013)*. The environmental impacts within this existing coastal environment, flora and fauna impacts, and Aboriginal Archaeology have been detailed in supplementary reports that include an Aquatic Ecology Assessment Report, Biodiversity Development Assessment Report (BDAR), Aboriginal Due Diligence and Heritage Advice and Acid Sulphate Soils Management Plan and a Geotechnical Report. Mitigation measures to reduce the potential impacts have been identified within the submitted application and the proposal has been notified with submissions incorporated into this assessment.

The alterations and additions have been considered within the context of the *South-East and Tablelands Regional Plan 2036*, *Draft South-East and Tablelands Regional Plan 2041*, *Bega Valley Community Strategic Plan 2040* and *Local Strategic Planning Statement (LSPS)*.

The proposal is consistent with the coastal bushland setting and landmark features of Merimbula Lake and the surrounding urban catchment. The proposed works will improve the existing user experience by maintaining connectivity in terms of pedestrian access and result in a facility that is resilient to natural hazards and the sensitive coastal environment it is situated within, in terms of flora and fauna management and the broad range of recreational and commercial users that operate within this estuarine environment. The development is recommended for approval subject to the draft conditions of consent attached to this report.

2 INTRODUCTION

Council is in receipt of a Development Application for Alterations and Additions to an existing Environmental Facility (Partial reconstruction of existing boardwalk and water recreation structures including Jetties, Viewing Platforms, Pathways, Signage, Parking and Landscaping). The proposed development is defined as regionally significant development under *SEPP (Planning Systems) 2021* and consent is being sought under *Part 4 of the EP&A Act 1979*. The development has a Capital Investment Value of \$15,539,044.40 (including GST) and the Southern Regional Planning Panel (SRPP) is the determining authority. Council has determined that the applicant has adequately assessed the potential environmental impact of the proposed works and adequate mitigation measures have been provided in the DA to determine that the proposed development is not designated development pursuant to *Section 48 of Schedule 3 of the EP&A Regulation 2021*.

A chronological summary of the application background to date is outlined below in **Table 1**.

Table 1: Application Timeline

Date(s)	Action(s)
24/1/2025	Lodgement of Development Application.
25/3/2025	Internal Referrals Environmental Services Water and Sewer Services Property Services Assets and Strategy External Referrals DPIRD Fisheries Heritage NSW Aboriginal Land Council Department of Lands (Nowra) Essential Energy Merimbula Oyster Growers
7/4/2025 – 12/5/2025	Exhibition

	The Council notified members of the public of the DA and invited submissions. The Council received 3 submissions during the exhibition period.
19/5/2025	Advice provided to the applicant that submissions have been received about the proposed development and available under GIPA.
23/5/2025	Response to the submissions received from the applicant.
5/6/2025	Panel Briefing Meeting
11/6/2025	Advice received from Council's Environmental Services Team about the biodiversity assessments
25/6/2025	Panel Determination Meeting

3 SITE DESCRIPTION AND LOCAL CONTEXT

The Site incorporates the existing Merimbula Boardwalk that extends for a length of approximately 1.7km along the northern edge of Merimbula Lake, between the Market Street bridge to the east to the Lakewood Drive Top Lake carpark to the west (see Attachment 10 – Site Inspection and Photos). The existing and proposed structures would be located on land described as Lot 7032 DP 1047318, Lot 36 DP 208862, Lot 1 DP 109636, Lot E DP 355155, Lot 98 DP 747323 and Lot 202 DP 793447.

Figure 1: Cadastre Map

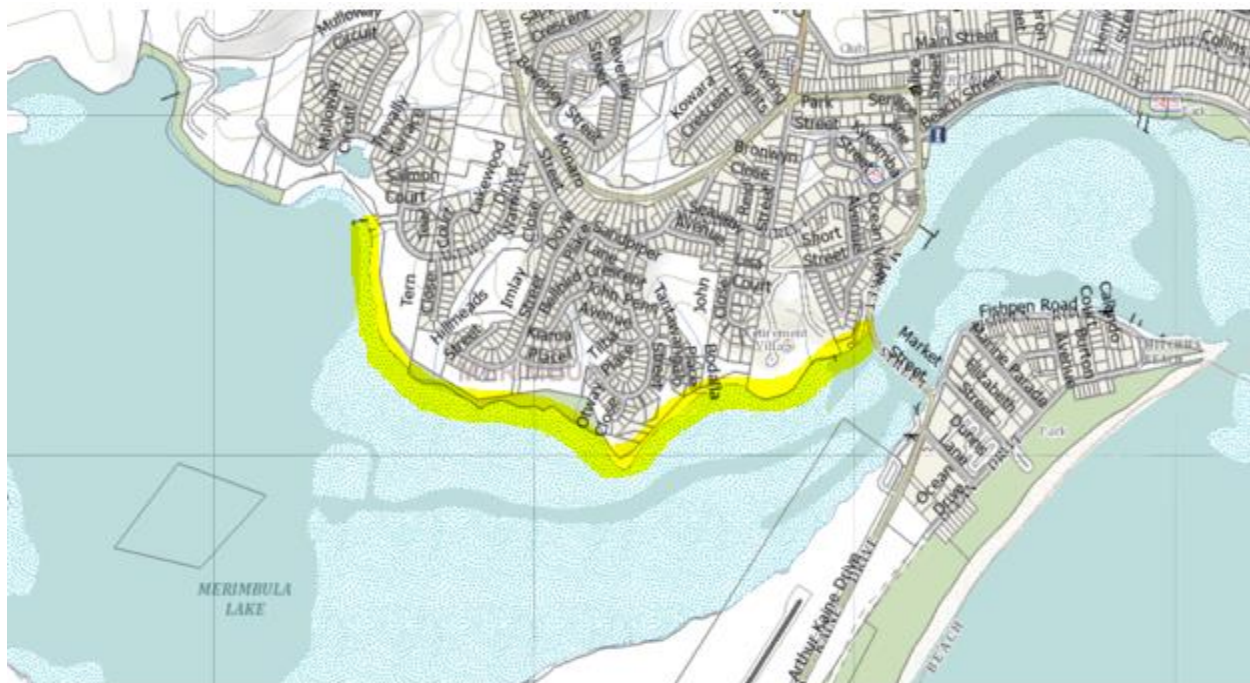


Figure 2: Aerial Map of Site

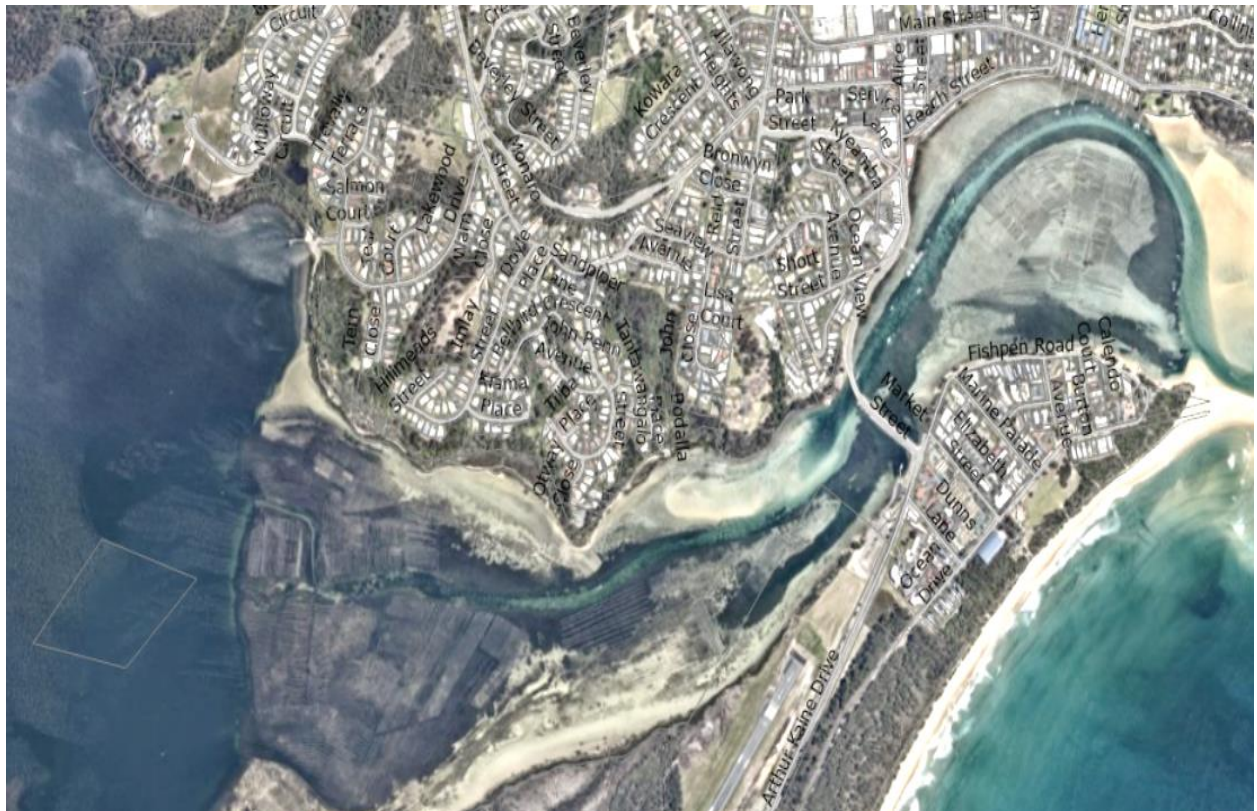
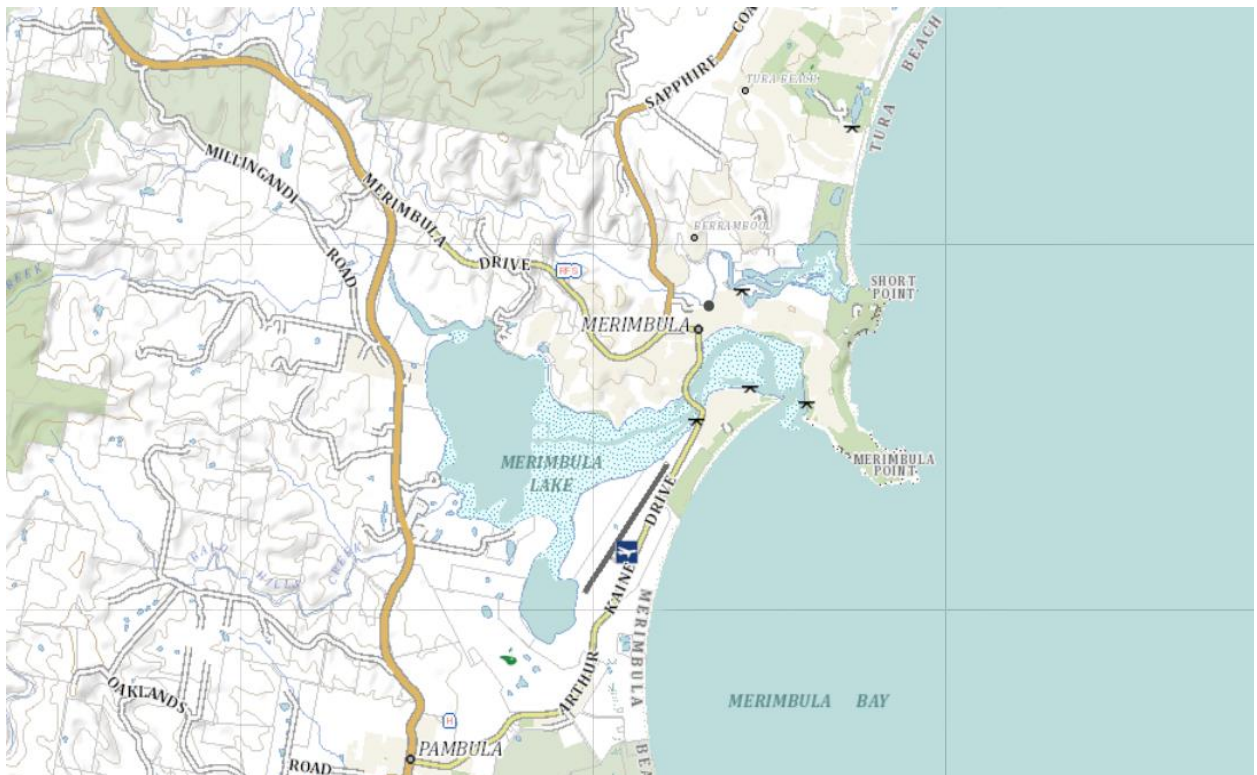


Figure 3: Site Context Map



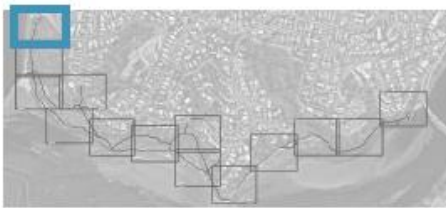
4 DESCRIPTION OF PROPOSAL

The proposed alterations and additions would generally follow the path of the existing boardwalk and include the replacement of some timber sections with more resilient materials including FRP (Fibreglass Reinforced Polymer) and an increase in the width of the boardwalk to 2.5m.

A balustrade will be incorporated over the cantilevered eastern end of the boardwalk for safety and compliance to the relevant Australian Standard. The existing path and gravel areas would be upgraded with compacted screened gravel with a timber edge. Upgraded furniture and signage would be incorporated into the design with lighting at both entry points to the boardwalk. The existing jetties and lookout platforms would be upgraded and two additional lookouts and platforms proposed. The design would need to consist of straight edges as opposed to the existing curved edge profile of the existing timber sections. The carparking areas at either end of the boardwalk and off Bodalla Place would be upgraded. The demolition and construction works would be staged within land and water space to limit the potential impacts.

The applicant has requested the additional side paths be removed from the proposal and these works deferred for future consideration. The extent of the alterations and additions have been detailed below in Figures 4 to 15.

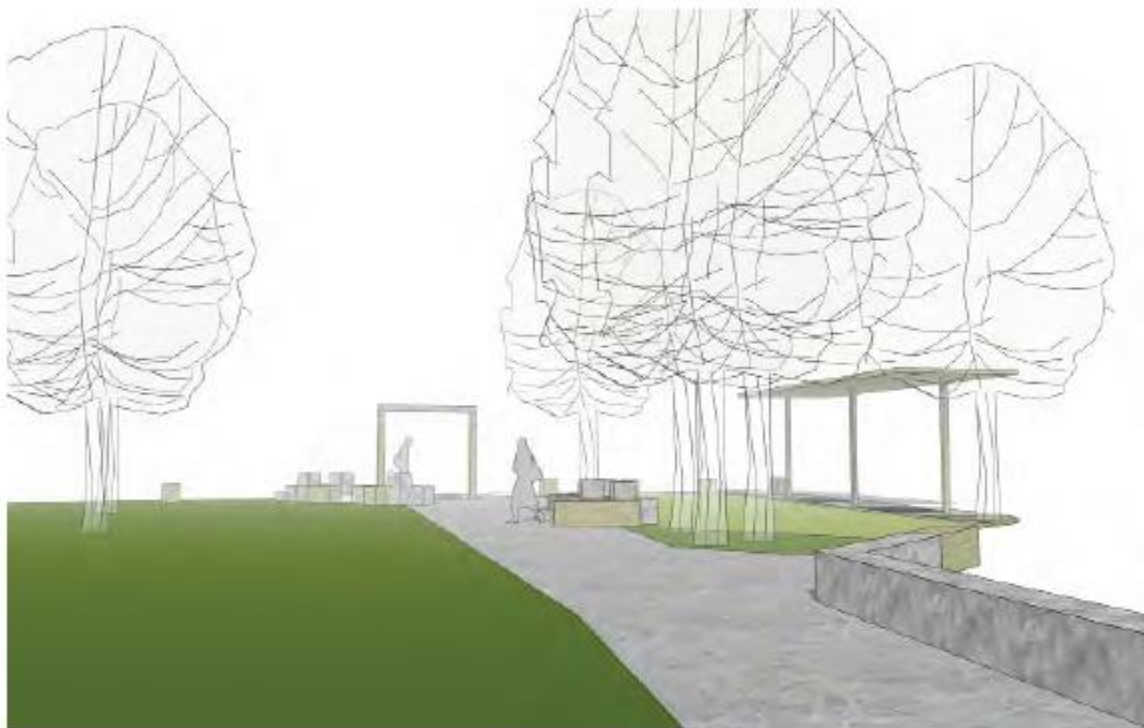
Figure 4 - Western Entry



Figures 5 and 6 – Western Entry Concept Structures



WESTERN ENTRY - Showing 'Parklet' entry artistic interpretative structures and existing gate portal retained.



WESTERN ENTRY - Showing 'Parklet' entry artistic interpretative structures, entry sign and new shade structure.

Figure 7 - Jetty 03



Figure 8 – Jetty 02 and Other Structures

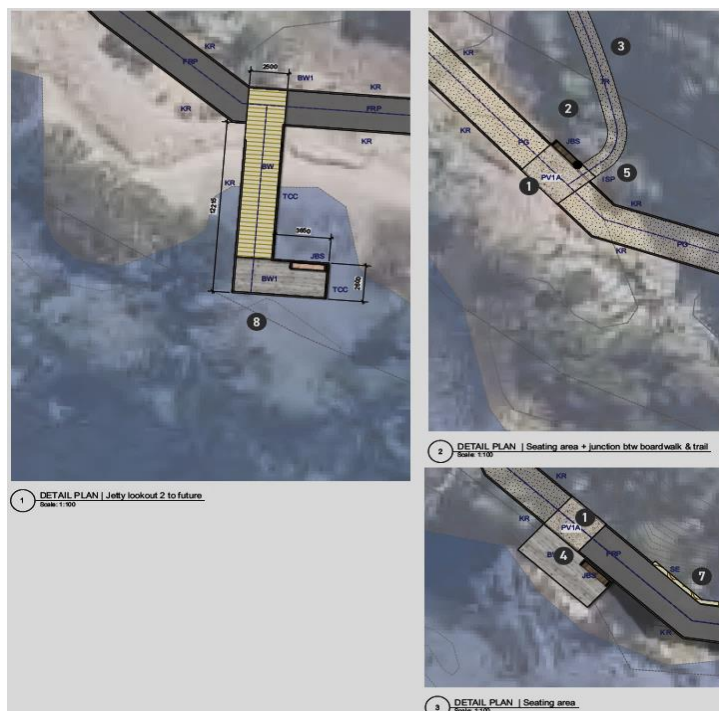


Figure 9 – Viewing Platforms and Seating

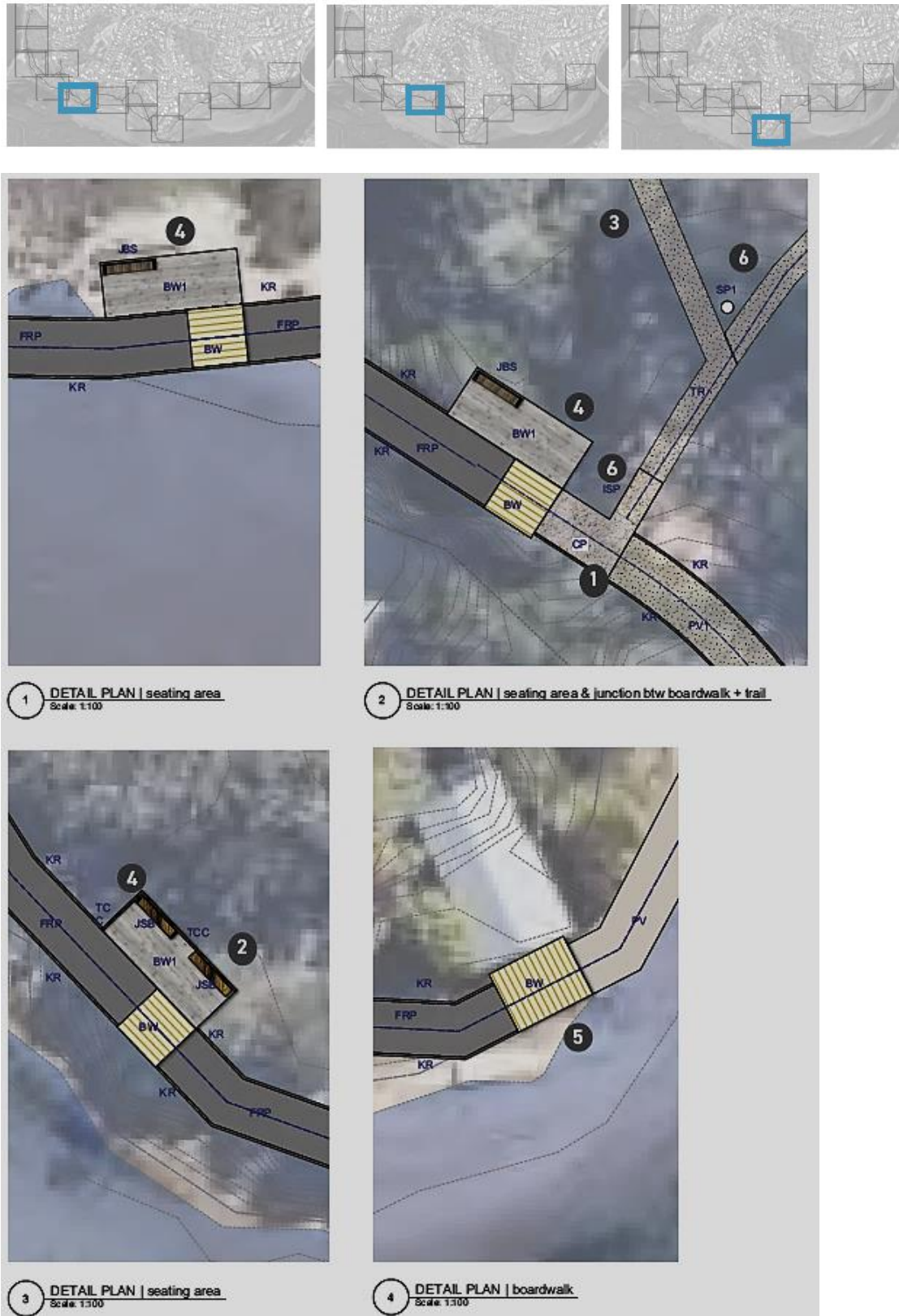


Figure 10 – Entry from Bodalla Place

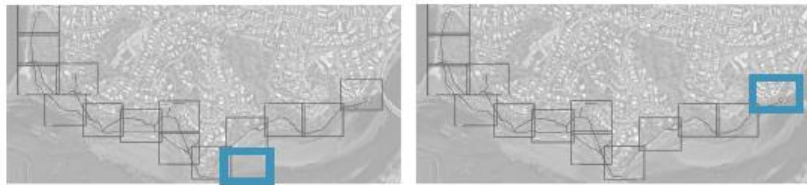
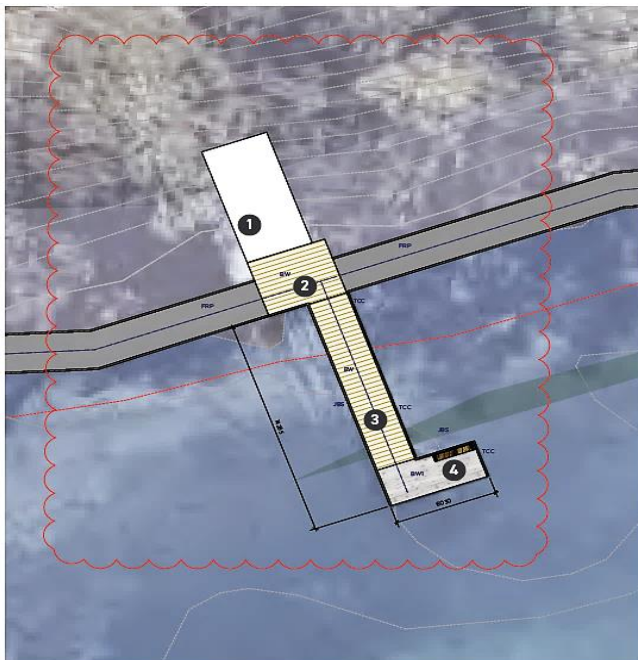
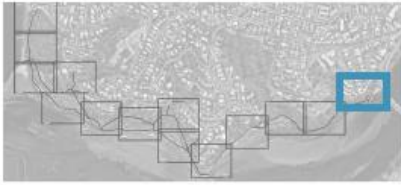


Figure 11 – Jetty 1



Figures 12 and 13 – Eastern Entry



Figures 14 and 15 – Eastern Entry Structures



EASTERN ENTRY - Showing reclaimed 'Parklet' entry artistic interpretative structures and new carpark configuration.



EASTERN ENTRY - Showing 'Parklet' entry artistic interpretative structures, entry sign and signature boardwalk statement.

5 STATUTORY PLANNING FRAMEWORK

5.1.1 Integrated Development

The proposed development is integrated development and requires approval from DPIRD Fisheries under the *Fisheries Management Act 1994* and Heritage NSW under the *National Parks & Wildlife Act 1974*.

General Terms of Approval have been issued by both state agencies.

6 Environmental Planning and Assessment Act 1979

The following matters pursuant to the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act), have been taken into consideration:

Section 1.3 Objects of Act

The proposal is considered satisfactory regarding the objectives of the *EP&A Act 1979* as outlined in the following assessment of the application under the provisions of Section 4.15 of the *EP&A Act 1979*.

Section 1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

The proposal is considered satisfactory regarding the additional assessment requirements as outlined in Section 1.7 of the *EP&A Act 1979* and addressed in the assessment of the relevant Acts applying to the development.

The proposed development is integrated development and requires approval from DPIRD Fisheries under the Fisheries Management Act 1994

The application has provided a Biodiversity Development Assessment Report that has assessed the impacts on Flora and Fauna under the provisions of the *Biodiversity Conservation Act 2016*. The assessment has detailed the extent of impacts of the works proposed and the extent of offsets of the impacts quantified for offsetting.

Section 4.5 Designation of consent authority

Pursuant to Clause 4.5 (b) of the *EP&A Act 1979*, as the development is declared by the *State Environmental Planning Policy (State and Regional Development) 2011* to be regionally significant development, the Southern Regional Planning Panel is the consent authority.

Section 4.10 Designated development

Clause 4.10 defines designated development as development that is declared by an environmental planning instrument or the regulations as designated development. The development is declared by *State Environmental Planning Policy (Resilience and Hazards) 2021* as designated development as works would be located within a Coastal Wetland. This application has adequately assessed the potential environmental impact of the proposed alterations and additions, and it is Council's opinion that the alterations and additions do not significantly increase the environmental impacts of the existing approved boardwalk to determine that the proposed development is not designated development pursuant to Section 48 of Schedule 3 of the *EP&A Regulation 2021*.

Section 4.12 Application

Section 4.12 (6A) states that the reference to a Council in sub-section (3) includes a reference to a Regional Planning Panel. This provision allows for certain *Local Government Act* approvals to be addressed with development consent. A Section 68 approval is required for the following:

- Works within the road reserve
- Sewer, water and stormwater works

The proposal has been assessed in accordance with the Matters for Consideration under Section 4.15 of the *EP&A Act 1979*.

6.1.1 Section 4.15(1)(a)(i) any environmental planning instrument (EPI)

A detailed assessment has been undertaken in accordance with the following EPIs:

- SEPP (Planning Systems) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Primary Production) 2021
- SEPP (Resources and Energy) 2021
- SEPP (Industry and Employment) 2021
- SEPP (Transport and Infrastructure) 2021

State Environmental Planning Policy (Planning Systems) 2021

The proposed development is specified as regionally significant development under Clause 2 of Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021* as it is a Council related development over \$5 million. For this reason, the Southern Regional Planning Panel (SRPP) is the consent authority under Section 4.5 of the *Environmental Planning and Assessment Act 1979*.

State Environmental Planning Policy (Resilience and Hazards) 2021

Division 1 Coastal Wetlands

Pursuant to Section 2.7(1) of the *Resilience and Hazards SEPP*, development consent is required for works within a coastal wetland area. Therefore, BVSC has been unable to carry out these works as development permitted without consent under Part 5 of the *EP&A Act 1979*. In accordance with Section 2.8(1) of the *Resilience and Hazards SEPP*, development consent must not be granted unless the consent authority is satisfied that the proposed development will not significantly impact on:

- a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or*
- b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.*

The development is declared by *State Environmental Planning Policy (Resilience and Hazards) 2021* as designated development as works would be located within a Coastal Wetland. This application has adequately assessed the potential environmental impact of the proposed alterations and additions, and it is Council's opinion that the alterations and additions do not significantly increase the environmental impacts of the existing approved boardwalk to

determine that the proposed development is not designated development pursuant to Section 48 of Schedule 3 of the EP&A Regulation 2021. Section 48 states:

48 Alterations or additions to existing or approved development

(1) Development involving alterations or additions to development, whether existing or approved, is not designated development if, in the consent authority's opinion, the alterations or additions do not significantly increase the environmental impacts of the existing or approved development.

(2) In forming its opinion, a consent authority must consider the following--

(a) the impact of the existing development, including the following--

(i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice,

(ii) rehabilitation or restoration of any disturbed land,

(iii) the number and nature of all past changes and their cumulative effects,

(b) the likely impact of the proposed alterations or additions, including the following--

(i) the scale, character or nature of the proposal in relation to the development,

(ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is, or will be, carried out and the surrounding locality,

(iii) the degree to which the potential environmental impacts can be predicted with adequate certainty,

(iv) the capacity of the receiving environment to accommodate changes in environmental impacts,

(c) proposals to mitigate the environmental impacts and manage residual risk,

(d) proposals to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.

The boardwalk is existing and previously approved by Council. The original application for the boardwalk was to improve environmental outcomes through the regularisation of various adhoc walking paths through sensitive coastal environments adjacent to the Merimbula Lake.

The proposed development has been considered with reference to the biophysical, hydrological and ecological impacts. The development application is supported by a Biodiversity Development Assessment Report (BDAR), Aquatic Ecology Assessment Report, Acid Sulphate Soils Assessment, Due Diligence and Heritage Advice and Geotechnical Report. Referrals have been sent internally and externally to Council's Environmental Services Section, DPIRD Fisheries and Heritage NSW with advice and General Terms of Approval received.

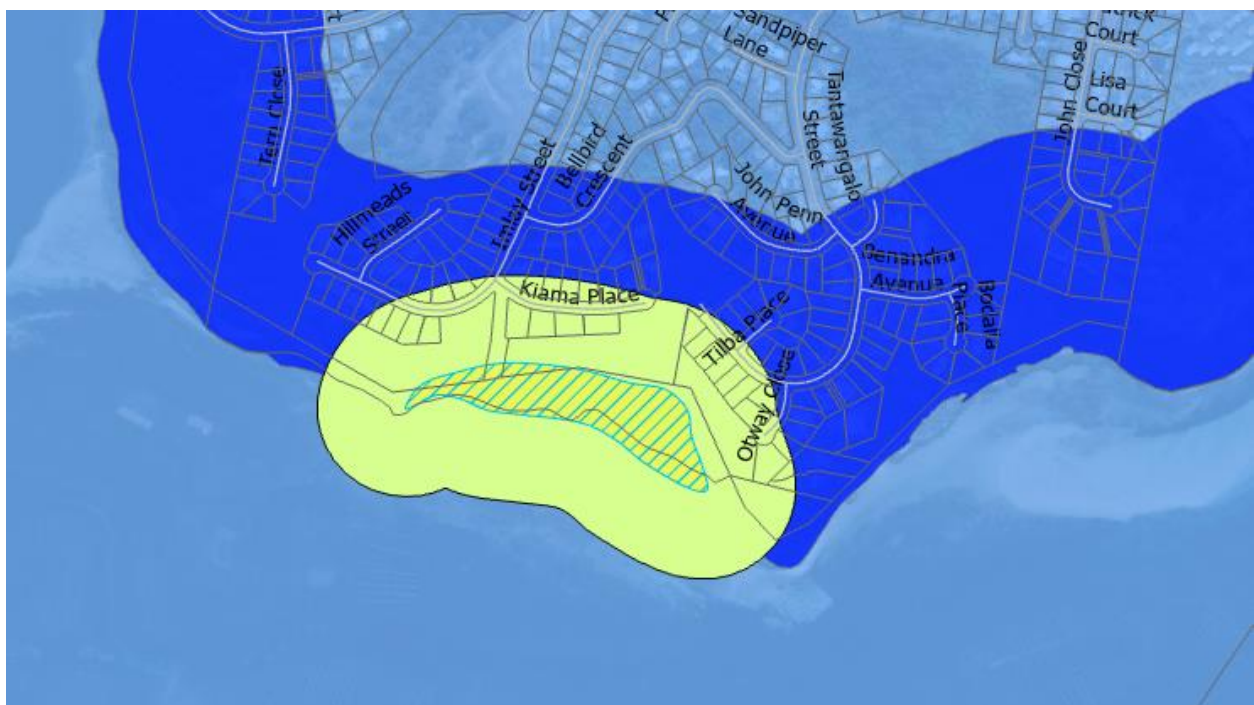
These assessments have detailed the full extent of the potential environmental impacts over the length of the existing boardwalk and in particular the coastal wetland environment including the replacement of existing structures, installation of new structures and an increase in the width of the boardwalk to 2.5m. The proposed works would generally follow the path of the existing boardwalk to minimise potential risks and impacts. The proposal involves the incorporation of more resilient materials and replacement of sections of the existing facility that are in a state of disrepair.

Mitigation measures have been identified with additional landscaping and the provision of environmental offset credits where impacts have been identified in accordance with the Part 7 of *Biodiversity Conservation Act 2016* and Part 7A of *Fisheries Management Act 1994*. The existing boardwalk showcases the environmental assets of Merimbula Lake and was originally created to improve the environmental outcomes for these foreshore areas that had been degraded through informal access and a lack of surveillance.

The existing structure has been operating in compliance with the conditions outlined on the original consent (1995.1243) and parameters of subsequent approvals (1997.1288 and 1998.1084). The existing impacts and capacity for this coastal environment to accommodate change was established through the installation and management of the existing structure. The proposed new structures are designed to withstand current and projected coastal hazards for the design life of the proposed structures and will be engineered to be more resilient and robust. The development has been designed with reference to the natural environment and coastal processes that would improve the amenity of these spaces and public access.

Improvements will be made to the choice of materials, and existing signage detailing the natural environment the boardwalk traverses will be updated. The existing facility provides an educational experience within this coastal environment in terms of cultural values and coastal processes that would be incorporated into the proposed new works. The construction methodologies have been adapted in order to minimise the potential impacts on the identified coastal wetland through its staging and the use of both land and water-based construction methodologies. In accordance with Section 2.8(1) of the *Resilience and Hazards SEPP*, it is considered that the extent of works will not significantly impact the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.

Figure 16 – Coastal SEPP Overlays



Chapter 4 Remediation of land

Clause 4.6(1)(a) of Resilience and Hazards SEPP, requires the consent authority to consider whether the land is contaminated.

The applicant has provided the following advice: *“Whilst the site is considered to comprise Acid Sulphate Soils, these would not be considered contaminated land for the purpose of the SEPP. No physical evidence of land contamination was observed as part of undertaking the environmental assessments that support this proposed development application. A search of the EPA contaminated sites register and notices under Sections 58 and 60 of the Contaminated Land Management Act was undertaken on 14 May 2024 with no sites or notices recorded.”*

The proposed development does not involve a change of use or introduction of a sensitive activity that would require a more formal contamination assessment to be undertaken. Council's records do not indicate a history nor prior land uses that would meet the potentially contaminating land uses/activities criteria of the *Contaminated Land Planning Guidelines*, whereby further investigation would be required. The proposed development involves alterations and additions to the existing boardwalk (defined as an Environmental Facility). Due consideration has been given to the provisions of Clause 4.6 in the assessment of this development application. Conditions of consent are recommended to guide the construction of the required sections of the existing boardwalk and the appropriate disposal of materials.

SEPP (Biodiversity and Conservation) 2021

The biodiversity impacts have been assessed through comprehensive mapping and assessment completed in accordance with the *Biodiversity Assessment Method* (2020). Chapter Two of the *Biodiversity and Conservation SEPP (B&C SEPP)* applies to the development pursuant to Clause 2.3 and aims to protect the biodiversity and amenity values of trees within non-rural areas of the State. The development has been assessed against the requirements of Chapter Two and it has been determined that the development would meet the requirements and objectives of the *Biodiversity and Conservation SEPP 2021*. The proposal has been supported by a Biodiversity Development Assessment Report (BDAR) and this has been reviewed. The development application has also been referred to DPIRD (Fisheries) who have provided their General Terms of Approval.

Biodiversity Values mapped land occurs in the subject land and thus the proposal triggers the Biodiversity Offset Scheme as specified by the *Biodiversity Conservation Act 2016* and the *Biodiversity Conservation Regulation 2017*. This BDAR includes an assessment of impacts to protected matters listed under the federal *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

To avoid and minimise impact to biodiversity the applicant has provide the following advice:

- Located the upgrade over the existing footprint.
- Reduced planned lookouts/platforms.
- Reduced planned lighting along the boardwalk to carparks only.
- Minimised clearing width to one metre either side of the existing footprint in most areas.
- Accessing sensitive aquatic areas during construction using barge rather than across land.

The existing and proposed development footprint has the potential to impact on 7 plant community types including 4 threatened ecological communities:

- Brogo Vine Forest of the south-east corner bioregion (endangered EPBC Act)
- Bangalay Sand Forest of the south-east corner bioregion (endangered BC Act)
- Coastal Saltmarsh of the south-east corner bioregion (endangered BC Act)
- Subtropical and Temperate Coastal Saltmarsh (endangered EPBC Act).

The subject land intersects important habitat areas for migratory shorebirds and Swift Parrot. Numerous fauna species were recorded during surveys and opportunistically including 5 threatened species:

- Grey-headed Flying Fox *Pteropus poliocephalus* – foraging in forest
- Pied Oystercatcher *Haematopus longirostris* – foraging in intertidal zone
- Eastern Curlew *Numenius madagascariensis* – foraging on oyster leases
- Yellow-bellied Shearwater *Scolopax flaviventris* – Anabat recording
- Eastern Coastal Free-tailed Bat *Micronomus norfolkensis* – Anabat recording.

Although total direct impact (clearing) area is relatively low (0.39 ha), credits have been generated for 6 Plant Community Types (PCTs), 4 Threatened and Endangered Species (TECs) and 5 Threatened Species. Total credit liability is 12 ecosystem credits and 68 species credits including 3 Serious and Irreversible Impact (SAIL) species: Curlew Sandpiper, Swift Parrot, Eastern Curlew.

The development includes the following scope of works with the potential to impact:

- The establishment of laydown areas and site preparation works including the installation of environmental controls and minor vegetation clearing and trimming
- Removal of existing boardwalk decking and timber pylons
- Installation of new pylons in differing positions to old pylons due to spacing change
- Installation of new boardwalk structure using timber or fiberglass reinforced polymer constructed wider than old structure from 1.5m to 2.5m wide, with some alterations and additions to fishing/seating/viewing platforms and water access areas (e.g. jetties)
- Upgrade path and gravel areas to 2.5m wide as needed using local materials where possible
- Install local Merimbula Split Stone Mine and Nullica Rock walls
- Access, drainage and surface improvements to the existing car park at the eastern end and carpark reconfiguration at the midway point near the sewer pump station
- Installation of furniture, lighting and Interpretative signage
- Revegetation where required and removal of environmental controls.

The site includes the following key features:

- Pre-existing boardwalk
- Pre-existing hardstand (footpaths and carparks)
- Aquatic habitat
- Areas of exotic plants/lawn
- Saltmarsh
- Mangroves
- Forested wetland
- Dry sclerophyll forest

Figure 16 – Biodiversity Values Mapping



Biodiversity Assessment Report (BDAR)

- 13 threatened species identified in Biodiversity Assessment Method (BAM-C)
- 8 excluded with targeted surveys, absence of micro habitat requirements or vagrancy
- Total direct impact is low (0.39ha), credits have been generated for 6 plant community types, four TECs and 5 threatened species.
- Total credit liability is 12 ecosystem credits and 68 species credits including 3 serious and irreversible impacts (SAIL) species.

Aquatic Ecology Assessment

- Follow recommendations as outlined in Section 5 to mitigate impacts to aquatic flora and fauna and ensure all contractors are briefed on precautions.
- Have an offset plan approved by DPIRD - Fisheries prior to commencement of works detailing approach for on ground offsets to the Key Fish Habitat (KFH) area of 1,156.54m² outlined in the SEE offset at 2:1 this would be equal to 2315m². The on-ground offset will need to target the KFH vegetation types such as saltmarsh or mangroves affected by the works.
- A Part 7 *Fisheries Management Act* Permit is required for harming marine vegetation.
- Mangroves and saltmarsh impacts are addressed in BDAR.
- Boardwalk upgrade is unlikely to significantly affect threatened species, populations or ecological communities and is not carried out in critical habitat.
- Impact due to widening of the boardwalk is 1,156.54m² (new area included as existing area is under the boardwalk).
- Seagrass not included as impacts are mitigated.

Statement of Environmental Effects (SEE)

- Identifies minor impacts and mitigation measures for impacts to soils, air quality, noise, access and traffic, and waste with impacts expected to be minimal.
- Duplicates mitigation measures detailed in the BDAR and Aquatic Ecology Assessment.

The following assessment reports have been reviewed and the recommendations and mitigation measures are supported subject to conditions of consent.

- Merimbula Boardwalk SA-BDAR Final V3.0, NGH Consulting, June 2025
- Merimbula Aquatic Ecology Assessment Report Final V1.3, NGH Consulting, November 2024

SEPP (Primary Production) 2021

Division 4 requires the consideration of effects of proposed development on oyster aquaculture. The existing boardwalk and proposed alterations and additions would be located near existing oyster lease areas and require careful management in terms of the demolition and installation works. The construction works are proposed to be staged and access obtained from both land and water to reduce potential impacts associated with these works. The proposed development was notified to the Merimbula Oyster Growers with no response received during notification and pre-lodgment consultation undertaken by the applicant. The proposed methodology in construction works is considered appropriate to mitigate any impacts on Merimbula Lake. The impacts of the development have also been considered by DPIRD (Fisheries) who have provided their general terms of approval.

SEPP (Resources and Energy) 2021

Clauses 2.19 of the policy requires the determining authority to consider the compatibility of proposed development with mining, petroleum production or extractive industries. A review of Council and government databases indicate there are no mining, petroleum production or extractive industries or known resources located in the vicinity of the site. It has therefore been determined that the proposed alteration and additions are appropriate for the site.

SEPP (Industry and Employment) 2021

The proposal involves the replacement and installation of additional signage to enhance the experience of the boardwalk. The signage is consistent with the requirements of the SEPP in terms of their design, scale and location.

SEPP (Transport and Infrastructure) 2021

A request for advice was sent to Essential Energy in accordance with Clause 2.48 of *State Environmental Planning Policy (Transport and Infrastructure 2021)*. No concerns were raised in regard to safety considerations with the development. Their advisory comments have been included as notations in the recommended draft consent conditions.

Bega Valley Local Environmental Plan 2013

The following provisions are discussed below:

- Clause 1.2 Aims of Plan
- Clause 2.3 Zone objectives and Land Use Table

- Clause 5.10 Heritage conservation
- Clause 6.2 Earthworks
- Clause 6.4 Coastal risk planning
- Clause 6.5 Terrestrial biodiversity
- Clause 6.6 Riparian land and watercourses

Clause 1.2 Aims of Plan

Under Clause 1.2 of the Bega Valley Local Environmental Plan 2013 (BVLEP), the aims of the Plan are:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to protect and improve the economic, natural and social resources of Bega Valley through the principles of ecologically sustainable development, including conservation of biodiversity, energy efficiency and taking into account projected changes as a result of climate change,*
- (b) to provide employment opportunities and strengthen the local economic base by encouraging a range of enterprises, including tourism, that respond to lifestyle choices, emerging markets and changes in technology,*
- (c) to conserve and enhance environmental assets, including estuaries, rivers, wetlands, remnant native vegetation, soils and wildlife corridors,*
- (d) to encourage compact and efficient urban settlement,*
- (e) to ensure that development contributes to the natural landscape and built form environments that make up the character of Bega Valley,*
- (f) to provide opportunities for a range of housing choice in locations that have good access to public transport, community facilities and services, retail and commercial services and employment opportunities,*
- (g) to protect agricultural lands by preventing land fragmentation and adverse impacts from non-agricultural land uses,*
- (h) to identify and conserve the Aboriginal and European cultural heritage of Bega Valley,*
- (i) to restrict development on land that is subject to natural hazards,*
- (j) to ensure that development has minimal impact on water quality and environmental flows of receiving waters.*

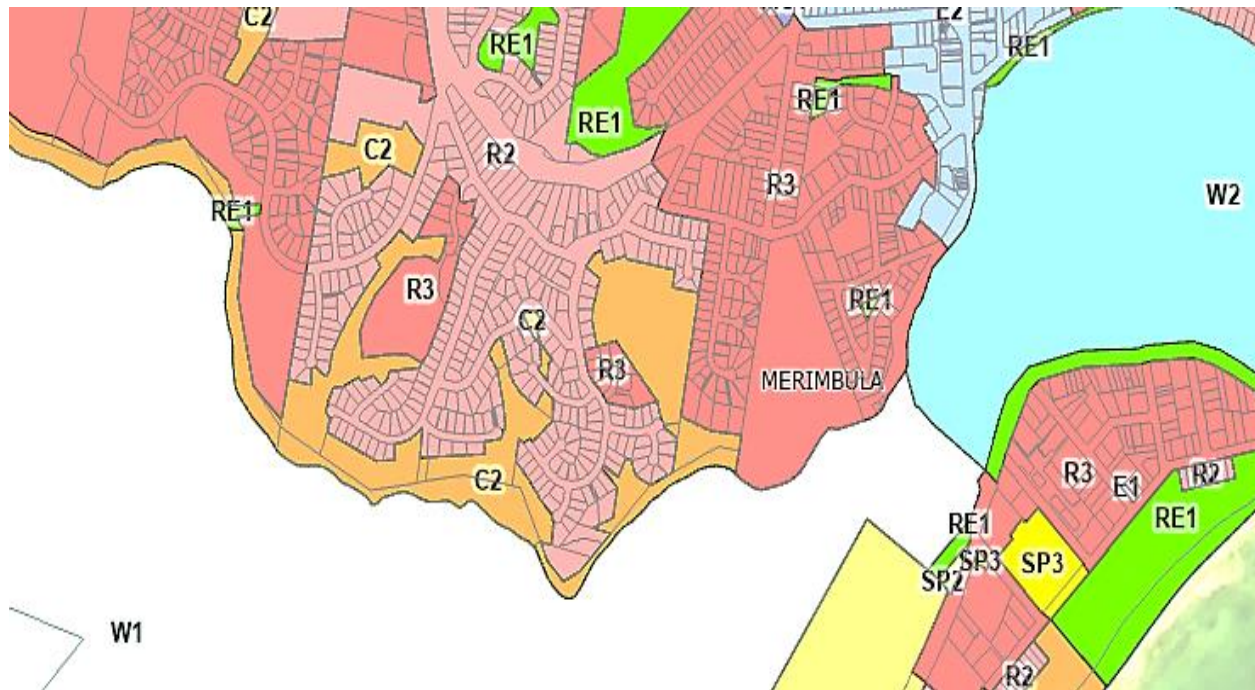
The proposed works have considered the coastal environment in terms of the footprint and choice of resilient materials. The environmental impacts have been addressed in supplementary reports and the advice of relevant agencies that formed part of this assessment.

The boardwalk is existing and the amendments to the existing structures would not detract from the existing coastal setting around the northern foreshore of Merimbula Lake and the existing hinterland backdrop. The proposed development has been supported by a Due Diligence Assessment and Heritage Advice and operates under an existing Aboriginal Heritage Impact Permit (AHIP). These matters have been considered by Heritage NSW and general terms of approval issued. The existing structure and proposed works would be subject to tidal variation and the choice of materials for the proposed works has been considered to ensure they are resilient to exposure to coastal processes. The development will improve upon the current condition of the boardwalk and replace areas that are in a state of disrepair that currently pose a risk to the public, particularly at the eastern end of the proposed site.

The proposed demolition work and construction process will need to be staged and soil and water management controls implemented as part of conditions of consent. The proposed works would employ a range of people through the demolition and construction process. The boardwalk itself contributes to the public and showcases the environmental values of the Merimbula Lake and contributes to the existing tourism industry of the far south coast.

Clause 2.3 Zone objectives and Land Use Table

Figure 17 - Zoning Map



The length of the existing boardwalk and proposed alterations and additions would encompass three different land use zones being C2 – Environmental Conservation, R3 – Medium Density Residential Zone and W1 – Natural Waterways.

The existing and proposed work is consistent with the objectives of each zone. The proposed development would improve the amenity and resilience of the existing boardwalk structures through the choice of materials and the width of construction. The proposed new work would not have a detrimental impact on the visual amenity of Merimbula Lake and is consistent with the desired future character of Merimbula.

Permissibility

The proposed development is defined as an Environmental Facility and ancillary Water Recreation Structures. The proposed land uses are both permitted land uses subject to development consent.

Clause 5.10 – Heritage conservation

The proposed works would generally align with the footprint of the existing structures. A Due Diligence Assessment and Heritage Advice has been provided with the proposed development application and the area of the proposed works is covered by an Aboriginal Heritage Impact

Permit (AHIP), noting that the existing ancillary footpaths have been excluded from the scope of the proposed works. A referral has also been sent to Heritage NSW and general terms of approval have been issued.

The proposed works would not impact on any heritage listed items with the closest item being Courunga House and Grounds (Munns Tower).

Figure 18 – Heritage Item



Clause 6.2 – Earthworks

The proposed development would include minor earthworks as part of the demolition of existing structures and installation of replacement and new structures around the perimeter of Merimbula Lake and the car parking areas. These works would be staged and undertaken with due consideration for the marine environment in terms of access and the timing of demolition and construction works with tidal variation.

These considerations are detailed in the Statement of Environmental Effects (SEE) and would be reinforced as conditions of consent.

Clause 6.4 – Coastal risk planning

The proposed works would be located within the coastal zone below the 3m Australian Height Datum (AHD) contour and located on land that is at or below the level of a 1:100 ARI (Average Recurrent Interval) coastal inundation or erosion event. The development has been designed to generally follow the alignment of the existing structures within an already disturbed corridor. The works would not alter or introduce additional land uses that would impact on or be impacted by coastal processes. More resilient materials have been chosen to withstand coastal processes and the construction methodologies have been modified to minimise the impacts during the construction process.

Figure 19 - Climate Change Risk Overlay



Clause 6.5 – Terrestrial biodiversity

The proposed development has been supported by a Biodiversity Assessment Report (BDAR) and an Aquatic Ecology Assessment Report that have been reviewed and have formed part of this assessment. The footprint has been generally maintained with an increase in the width of the existing structure to 2.5m and the incorporation of additional seating and platforms. Mitigation measures outlined in the Statement of Environmental Effects and supporting environmental assessments have been incorporated into the draft conditions of consent.

Figure 20 - Terrestrial Biodiversity Overlay



Clause 6.6 – Riparian land and watercourses

The potential impact on water quality, aquatic and riparian habitats has been assessed as part of the proposed development. This has included supplementary assessments including the Biodiversity Assessment Report, (BDAR), Due Diligence Assessment, Heritage Advice, Acid Sulphate Soils Management Plan and Geotechnical Report. Advice and general terms of approval have been received and are included in the draft conditions of consent.

Soil and water management controls would be required and reinforced as part of the identified need for a Construction Environmental Management Plan (CEMP).

Figure 21 - Riparian land and watercourses



6.1.2 Section 4.15 (1) (a) (ii) the provisions of any draft EPI

Draft Remediation of Land SEPP

The proposed development does not involve a change of use or introduction of a more sensitive activity. The proposed development involves upgrades to the existing boardwalk (defined as an Environmental Facility and Water Recreation Structures).

Council's records do not indicate a history nor prior land uses that would meet the potentially contaminating land uses/activities criteria of the *Contaminated Land Planning Guidelines*, whereby further investigation would be required. The proposed development involves alterations and additions to the existing boardwalk (defined as an Environmental Facility and Water Recreation Structures). Due consideration has been given to the provisions of Clause 4.6 in the assessment of this development application. Conditions of consent are recommended to guide the removal of the required sections of the existing boardwalk and the appropriate disposal of materials from the site. No additional matters were identified as needing to be addressed in the draft instrument.

6.1.3 Section 4.15 (1)(a)(iii) development control plans

Bega Valley Development Control Plan 2013

The proposed development is subject to *Bega Valley Development Control Plan 2013 (BVDCP)*. The proposal has been assessed in accordance with the general provisions that relate to Aboriginal heritage, tree and vegetation preservation, social and economic impacts, signage and advertising, together with planning for hazards.

Aboriginal heritage

The footprint of the proposed alterations and additions would generally align with the existing boardwalk, noting that the existing footpaths to the boardwalk have been deferred from consideration under this proposal.

The area of additional disturbance is therefore limited. An Aboriginal Heritage Impact Permit (AHIP Number C0003582) has been issued pursuant to *Section 90C (4) of the National Parks and Wildlife Act 1974*. The AHIP was issued on 1 June 2018 for a duration of 20 years.

The scope of the AHIP includes the maintenance and upgrade of existing recreational areas including the Merimbula Lake Boardwalk. This includes asset renewal, upgrade and/or maintenance work to the existing boardwalk and pathway, associated carpark upgrade at the eastern end and installation of recreation facilities at the western end.

A referral was submitted to Heritage NSW who have issued their general terms of approval on 19 March 2025, and these are included in the draft conditions of consent. A referral was also sent to the Bega Local Aboriginal Land Council (BLALC) who have not provided comment about the proposed development.

Tree and vegetation preservation

The potential impact on vegetation communities has been assessed within a Biodiversity Assessment Report (BDAR) and Aquatic Ecology Assessment Report and these recommendations have been included in the draft conditions of consent. The proposed development generally aligns with the existing footprint with an increase to the width to parts of the existing structure and minimal new structures proposed. This reduces the potential for additional impact on existing trees or marine vegetation.

Social and economic impacts

The existing and proposed boardwalk provides a community asset that showcases the natural environment around the curtilage of Merimbula Lake and contributes towards the tourism industry and sense of place.

Signage and advertising

The proposed development would include the renewal of existing signage. The existing and proposed signage is designed to enhance the visitor experience through educational information about the cultural and coastal environment. This includes some safety information and regulations associated with the use of the boardwalk.

Planning for hazards

The proposed development has been supported by a detailed Statement of Environmental Effects (SEE) and supporting documentation that assesses the potential impacts of flooding, contamination, bushfire impacts, coastal processes and climate change. The existing boardwalk and the proposed alterations and additions are exposed to natural hazards, and this is reflected in the proposed design and choice of materials. The proposed development has been engineered to withstand natural hazards to ensure the facility and associated structures are more resilient with a Geotechnical Report submitted and included in the draft conditions of consent.

6.1.4 Section 4.15 (1)(a)(iia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There are no planning agreements entered into or any draft agreements which have relevance to the assessment and determination of the current application.

6.1.5 Section 4.15 (1)(a)(iv) The regulations

Owner's consent

Owner's consent authorisation was provided by Bega Valley Shire Council Chief Executive Officer, Anthony McMahon on 19 December 2024, RSL Lifecare on 23 January 2025 and an exemption was provided by the Department of Housing and Infrastructure (Crown Lands) on 10 September 2024.

6.1.6 Section 4.15 (b) Likely impacts of development

Environmental assessments have been undertaken and mitigation measures identified that would guide any demolition and construction works to be undertaken within this estuarine environment. The general footprint and scope of the proposed new work is comparable to existing facility and ancillary structures. Environmental assessments have been undertaken where these impacts are unable to be avoided and this is detailed in a Biodiversity Assessment Report (BDAR), Aquatic Ecology Assessment Report and Due Diligence Assessment and Heritage Advice, Acid Sulphate Soils Management Plan and Geotechnical Report with advice received from relevant state agencies. The demolition and future construction works would be staged and undertaken from the water and land to reduce the potential impacts on this sensitive coastal environment.


6.1.7 Section 4.15 (c) Suitability of the site for development

The existing boardwalk and proposed works are located around the northern perimeter of Merimbula Lake. The potential impacts on marine vegetation and wildlife have been documented in the Aquatic Ecology Assessment Report and Biodiversity Assessment Report (BDAR) with the provision of environmental offsets and credits identified and reinforced the draft conditions of consent. The management of future demolition and construction works has been documented in the detailed Statement of Environmental Effects (SEE) and is reinforced in the draft conditions of consent. The existing environmental facility and water recreation structures and the proposed alterations and additions would have a minimal further impact on the coastal setting of Merimbula Lake through the location and choice of colours and materials.

The boardwalk has a demonstrated public interest and benefit. The primary intent of the proposed alterations and additions is to improve this experience through the renewal of the existing facility and structures.

6.1.8 Section 4.15 (d) Submissions

The application was notified in accordance with Council's *Community Engagement Strategy* for a minimum period of 28 days. The DA attracted 3 submissions with the following issues raised.

Issue	Staff Response
<p>Concern about Large Gum Tree</p> <p>I am writing this concerning a large gum tree (900 D) on page 7 of the proposal. This tree is adjacent to the gravel walking path and is overhanging it and our property. My wife, Pat, and I have only lived here since 2021. There has been a significant increase in this tree's height and reach in the four years we have lived here. We are now finding that in very windy conditions, the tree is causing us concern - that it will endanger our home and occupants, if it or its long heavy branches fall. Branches of various sizes have randomly fallen onto our property and the gravel walking path that provides access to the boardwalk. An increasing number of walkers from Tern Close, Sunny's Kiosk and the boardwalk from Merimbula bridge, are using the gravel walking path that offers two accesses to the boardwalk and another to Tern Close. Walkers from Imlay Street are also taking advantage of the gravel path accesses to the boardwalk.</p> 	<p>The owner has been contacted and the condition of the tree will be assessed by Council's Vegetation Management Team to determine an appropriate course of action to improve the safety objectives for the residents and users of the walking track, noting the location of the tree is outside the Merimbula Boardwalk footprint detailed in the DA.</p>

I have lived on the boardwalk for almost 4 years now & I walk it 2 times a day with my dogs, I also work in the real estate industry and get to speak a lot to tourists and clients who have brought property or are looking to buy property in Top lake because they like the idea of walking on the boardwalk.

Width of the Boardwalk

A common discussion is the lack of space - width especially if you have people with a double pram etc... coming one way and a family of little children coming the opposite way.

I feel 1.5 metres is still on the narrow side for public safety is 2 metres out of the question?

Lighting

A lot of people walk in the dark, which is quite dangerous, will there be any solar lighting as winter time it becomes dark around 4.30pm.

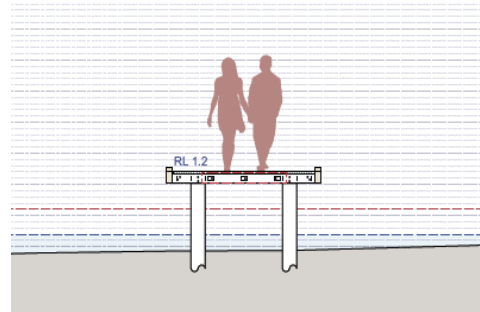
Slipperiness of the timbers

lastly just the slipperiness of the timbers in winter and sometimes with the high tides the slime is dangerous. Is the flooring still going to be timber or will it be more like the bar beach boardwalk which is much safer.

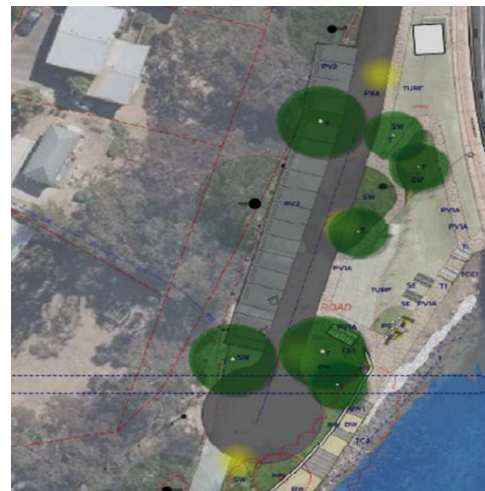


The majority of the existing boardwalk is going to be increased to 2.5m to improve access and safety and therefore addressing this concern.

Width of Construction


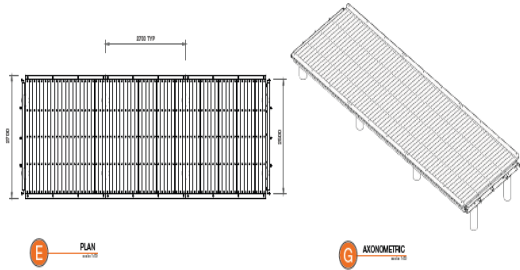


Eastern Entry



Western Entry



	<p>Additional lighting is to be provided at the bridge car park (Detail Plan 07) and (General Arrangement 14) and at the western entry (Detail Plan 01 – Western Entry). Further lighting throughout the boardwalk is limited by DPIRD Fisheries requirements that relate to the impact on marine life and navigation.</p> <p>Proposed Material</p>  <p>Detail – FRP Decking</p>  <p>The majority of the existing timber is to be replaced with FRP decking which will be more slip resistant and durable. New and recycled timber will be used as a feature throughout the proposed design. The submitter has been contacted to provide this additional advice.</p>
<p>The impact of increased visitation</p> <p>The Statement of Environmental Factors (2.4) identifies that the BVSC Business case for the upgraded boardwalk suggested that the upgrade works would increase visitation by 17,222 over a 5-year period following completion That equates to a mere extra 9.4 people per day over the next 5 years!</p> <p>Personally we have been amazed by the large numbers of people that flock to the attraction and feel the increase will be much greater.</p> <p>While the improved facility will potentially assist the environment cope with increased numbers there needs</p>	<p>The applicant has provided the following responses that have been conveyed to the submitter.</p> <p>The impact of increased visitation</p> <p>It is difficult to get an accurate gauge on visitor increase and the predictive model provides what we understand to be a conservative estimate that we can report on. Once the upgrade is complete we will be looking to capture more user information.</p> <p>Increasing the width of the Boardwalk to 2.5m wide, upgrading the pathways,</p>

to be a focus on keeping people ON the boardwalk, restricting use of sensitive adjoining areas for damaging recreation activities by encouraging movement THROUGH the site rather than within it and promoting / educating/ managing/ enforcing appropriate behaviours to protect the environment.

Dogs

During our 18 month survey period we have noticed regular human activities that can cause damage:

- dogs off leash. We did see one instance of a resident walking a cat off leash. Lol!
- dog owners not picking up their dog's waste.
- mudflats and other areas being used as off-leash dog exercise areas when birds like pied oystercatchers were present.
- dogs off leash and running with owners on the boardwalk causing risk of injury to other users
- dogs off leash running up to other dogs, occasionally leading to dog-on-dog violence and owner-on-owner conflict.

Note that as regular dog walkers we don't have a problem with people walking dogs, just the attitude of some owners that the rules do not apply to them or their dog.

Education and enforcement need to be escalated to cope with greater use.

Thank you to Council staff for the provision of dog waste bags and bins at either end - it definitely helps.

Illegal harvesting of samphire

On a separate occasion we reported the illegal harvesting of salt-marsh vegetation to Council and received a response from Derek Van Bracht. Our correspondence suggested that environmental interpretation resources highlight that the PCT 4097 Samphire Saltmarsh and other environments along the boardwalk are protected.

Weed control

The new boardwalk will be a world-class facility and the natural environments it passes through should reflect best practice in land management. The SEF acknowledges, "the subject land is heavily weed infested and is surrounded by urban areas and gardens". We note Council efforts in this area (email correspondence to Council re: Arum lily infestations near Imlay Street) and hope that there will be a

undertaking revegetation and weed management in the area following the upgrade has been shown to reduce the 'off track' use in other areas.

Dogs

Environmental educational signage and targeted dog on leash signage are currently being developed for these areas as part of the upgrade works to try and help with these issues. However targeted enforcement and local community education would significantly reinforce this message.

Illegal harvesting of samphire

Environmental educational signage is currently being developed for these areas to educate the community and visitors of the importance of these areas to the natural systems of the lake and surrounding landscape.

Weed control

The project funding grants are very specific to upgrade construction works and budgets are very tight. In saying this our Environmental team works hard to secure grant funding to target priority areas and this project area has been identified.

Weed management is taking place along the Boardwalk and a targeted revegetation and weed management program will coincide with the completion of construction. The project team are also working closely with Council's environmental team and DPI Fisheries to develop an ongoing management plan and revegetation program for the protection of Key Fish Habitat including saltmarsh and other marine vegetation around the Boardwalk.

This will allow Council to secure the Environmental Offset required to allow the project to proceed.

Motorised watercraft

This is an ongoing compliance issue that will need to be monitored and education provided through signage and messaging to reduce the incidences of this behaviour.

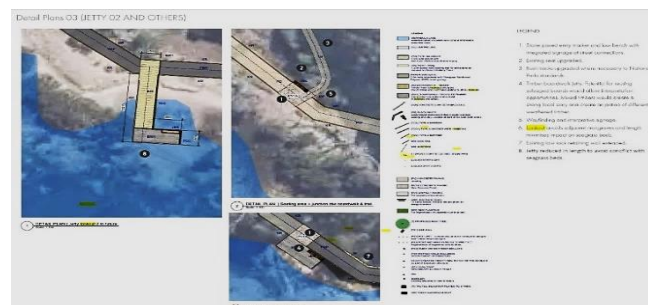
commitment to have the ecosystems that surround the boardwalk as weed free as possible

Motorised watercraft

We have also noted the use of the boat ramp at the Sunny's end of the boardwalk for the Illegal launching of motorised craft (During Easter 2025). That usage was accompanied by noise and consumption of alcohol with potential detrimental effects on safety and amenity for residents and other visitors. We hope there will be monitoring and management to limit these negative impacts.

General Arrangement 05 - Proposed new lookout

"This lookout is adjacent to the oyster leases and gives a different perspective and landscape experience with the Lake" We question whether this facility is needed. The existing jetties and lookout points are also adjacent to oyster leases and closer to parking areas. We have noticed that the northern jetty attracts some partying and becomes a focal point for recreational use that can magnify impacts especially when there is a structure extending out into the water.



Closing unnecessary shortcuts with post and wire strand fencing and re-vegetating

We request that there be some consultation with residents about this as there are access routes that have been used by older residents for a long time that need to be managed sensitively. A short cut may be important for easy access for those with mobility needs. **Osprey** - the SEF says there are no recorded sightings. We recently made one!

[Australasian Osprey \(Subspecies Pandion haliaetus cristatus\) from Merimbula Boardwalk, Merimbula, NSW, AU on December 7, 2024 at 06:04 PM by bournda · iNaturalist](#)

[FRP] BOARDWALK - 2.5m wide boardwalk with Fibreglass Reinforced Polymer (FRP) mesh grating. An AI google overview (I was short of time) says this:

General Arrangement 05 - Proposed new lookout

The design team identified this site because of the amount of disturbance and use through the mangroves in this area by users already. While not critical to the upgrade works, this was seen as an opportunity to allow another interaction point and different viewpoint over the water's edge.

If it is believed this will encourage antisocial behaviour in the area the risk may outweigh the benefit.

Closing unnecessary shortcuts with post and wire strand fencing and re-vegetating

The fencing and closing of some trails are proposed only in the areas where significant vegetation and aboriginal heritage artefacts are being impacted currently. The trail connection upgrades and any works outside of the current Aboriginal Heritage Impact Permit do not form part of this current development and require future funding and undertaking of an Aboriginal Cultural Heritage Assessment Report before any works can be designed and constructed.

Is FRP the best material for this setting?

The original Concept Plan proposed the replacement of the Boardwalk structure with timber. This was not supported by DPI Fisheries because of the impact of shade over vegetation. Mesh must be used to gain approval of the upgrade works and achieve this requirement.

FRP is the only other viable economic option for marine environments and there has been a lot of development in recent years around material stability and the resin compounds used to ensure UV stability of the products as the question of Microplastic risk was also asked by Council staff to DPI Fisheries. FRP mesh is lightweight and easy to construct similar to timber, with a considerable reduction in maintenance of requirements for the life of the structure with up 40 year warranty on products. The resin used is cures similar to concrete and although some colour may fade the product strength and bonding increases over time.

"Fiberglass, specifically in the form of glass-reinforced plastic (GRP) or composite materials like FRP, significantly contributes to microplastic pollution, particularly in marine environments. These materials shed microplastic particles, including glass fibres and associated resin and paint, when they degrade or are damaged. This contributes to the widespread presence of microplastics in marine ecosystems, potentially impacting marine life through ingestion and other negative effects."

<https://www.sciencedirect.com/science/article/abs/pii/S0025326X23004125>

Is FRP the best material for this setting?

Oyster industry plastic waste

<https://www.abc.net.au/news/2025-05-10/tonnes-oyster-farm-plastic-waste-shredded-recycling/105262362>

In our walks we frequently see chunks of oyster industry waste washed up on the foreshore. We have also seen growers looking out for and collecting the waste. We are happy to help pick up and place it in a collection spot to help them. Perhaps a theme of "Take three for the sea" could be built into the education/interps displays for the walk encouraging visitors to actively keep the boardwalk pristine. We hope that by sending these comments before midnight they will still be taken into consideration. We wish Council staff all the best for a successful project and know that staff understand the significance of this amazing place and the need to protect its unique and outstanding natural values. This is a more relevant reference to the FRP issue.

<https://library.dbca.wa.gov.au/FullTextFiles/210686.pdf>

"Plastic is becoming frequently used over traditional materials for shoreline infrastructure along the Swan Canning Riverpark often because of its expected longevity and low maintenance requirements. The use of synthetic materials such as fibre reinforced polymer / plastic (FRP) in structures exposed to harsh environmental conditions is becoming increasingly popular in WA. Like other types of plastic, FRP is commonly chosen in shoreline infrastructure due to its favourable properties including high strength to weight ratio, rust and rot resistance, incombustibility, and low thermal conductivity.

Despite the expected longevity of these plastics, early signs of degradation have been anecdotally reported by owners and users of such infrastructure. The degradation of plastic infrastructure and the resulting shedding of plastic presents a potentially significant risk of plastic pollution to sensitive environments such

Oyster industry plastic waste

Environmental educational signage is currently being developed and we are trying to get a strong emphasis on caring for and protecting the environment.

Osprey Recording

The Osprey sighting has been recorded in an updated Biodiversity Assessment Report (BDAR) that has documented the credit liability and outlined in the recommended draft conditions of consent.

as the Swan Canning Riverpark. However, there is currently limited research and knowledge regarding the amount of degradation, deterioration and plastic shedding that occurs from these structures. The degradation of plastic infrastructure and their suitability in estuarine environments has not been studied in ecologically significant locations, such as the Swan Canning Riverpark.”	
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6.1.9 Section 4.15 (e) Public interest

The proposed development involves Alterations and Additions to an existing Environmental Facility (Partial reconstruction of the existing boardwalk and water recreation structures including jetties, viewing platforms, pathways, signage, car parking and landscaping works). The existing boardwalk has become a key feature of Merimbula Lake that provides access to a pristine coastal setting characterised by marine vegetation and wildlife. It serves as a base for a broad range of recreational activities and is well patronised by locals and visitors to the area.

The boardwalk provides pedestrian access from top lake, that services a large residential catchment, to the town centre and forms part of a larger pedestrian and cycle network that includes the Lake Street shared path, the Beach Street to Fishpen Peninsula path and the Merimbula to Pambula cycle and walkway. The proposed alterations and additions have become necessary as the existing facility and structures have gradually become more degraded over time through exposure to coastal processes and foot traffic. The development application has become a priority with the impact of a recent king tide event that has caused further damage and presents an additional risk to the environment and public.

The new works has been designed to enhance the existing experience of its users and to be more resilient in terms of the choice of materials and the width of construction. The environmental impacts have been considered as part of this assessment and mitigation measures incorporated into the draft conditions of consent. The proposed development is considered to be in the public interest and is recommended for approval.

Any other relevant legislation/Matters

6.1.10 Bega Valley Local Infrastructure Contributions Plan

In accordance with Clause 1.4 of the *Bega Valley Shire Council Local Infrastructure Contributions Plan 2024 – 2036*, the Merimbula Boardwalk is identified in Appendix C of the documents and is therefore excluded from the need to pay a contribution under this plan.

6.1.11 Disclosure of Political Donations and Gifts

The applicant and notification process did not result in any disclosure of Political Donations and Gifts. No declarations have been made.