

28 June 2024

Joanne Tarbit  
Griffith City Council  
1 Benerembah Street  
Griffith, NSW 2680

**Via Email**

Dear Joanne,

**Re: Development Application No. 172/2022 – Residential Subdivision  
Lot 146 DP1214737 South Lake Drive, Lake Wyangan**

Habitat Planning continues to act on behalf of LWLE Pty Ltd in relation to Development Application No. 172/2022 for a proposed 67 lot staged residential subdivision at Lot 146, DP1214737 and addressed as South Lake Drive, Lake Wyangan.

The purpose of this letter is to respond to Council's request for further information dated 4 October 2022. Accompanying this response are amended plans and relevant technical sub-consultant reports.

Below is a summary of the further information requested by Council and a response/s addressing each of these items.

**Table 1 | Further Information Response**

Council Item	Response
<b>1. All documents to reference current day legislation.</b>	All accompanying documents have been prepared in accordance with current day legislation including the <i>Biodiversity Conservation Act 2016</i> and <i>Griffith Local Environmental Plan 2014</i> .
<b>2. Flood Impact Assessment</b>	As per Council's request, please find enclosed a copy of a Flood Impact Assessment prepared by BMT. This report concludes the following:  <i>Based on the modelling results, the proposed development in Stages 4, 5 &amp; 6 areas will not cause any significant or extensive changes in flood levels, for events up to and including the Probable Maximum Flood (PMF) event. Therefore, the development will have a negligible impact on flood behaviour, and it will not result in any adverse flood impacts on adjacent private properties or public roads.</i>  <i>The calculated hazard at the Site is generally low for all events up to the 0.5% Annual Exceedance Probability (AEP) event due to the low velocities involved. A small area of high hazard exists in the low-lying area in the northwest of the Site. The hazard levels become a concern only during the PMF event, when high depths of water across the Site translate into high hazard levels.</i>

<p><b>3. Stormwater calculations</b></p>	<p>The proposed subdivision has been redesigned with the proposed allotments to be redirected to a sediment basin, before discharging into a larger constructed wetland.</p> <p>The construction of these basins will ensure that stormwater is appropriated retained and treated on-site via water sensitive urban design principles including landscaping.</p> <p>It is requested that further detailed design of the wetland be conditioned within the Development Application.</p> <p>Refer to previous DA conditions 15,16, 21 &amp; 23.</p>
<p><b>4. Ownership of 'Little Swamp'</b></p>	<p>In accordance with Council's advice, the subdivision has been redesigned and now incorporates a number of community title allotments (108-111 and 126-136).</p> <p>These allotments encircle the wetland area and Little Swamp and will form part of the community title lot that will be maintained ongoing by the Neighbourhood Association.</p> <p>As per Council's advice, the preparation of a management plan and a maintenance schedule will be provided prior to the issue of a subdivision certificate.</p>
<p><b>5. Walking Tracks</b></p>	<p>Please see the enclosed amended plans which identify the location of walking tracks.</p> <p>Details regarding their ongoing maintenance will be included as part of the management plan prepared for the site.</p> <p>Walking track details are summarised below:</p> <ul style="list-style-type: none"> <li>• 1.5m wide gravel pathway added along Road-1 to provide pedestrian link between existing drainage reserve to new body corporate drainage reserve.</li> <li>• 3.5m gravel pathway added within council reserve between Road-4 &amp; Road-2.</li> <li>• Body Corporate Wetlands gravel pathway links added to plans</li> </ul>
<p><b>6. Monitoring Bores and Groundwater Depths</b></p>	<p>Consistent with previous advice, the enclosed subdivision plans have been redesigned to avoid areas of shallow groundwater and flooding.</p> <p>Condition to be included within the Development Application that no road or related infrastructure to be constructed below RL106</p> <p>Alternatively Refer to previous DA condition 9</p> <p>See enclosed plans for further details.</p>
<p><b>7. Biodiversity</b></p>	<p>Matters regarding biodiversity have been further considered via the preparation of a Biodiversity Development Assessment Report (BDAR) prepared by Ozark Environment and Heritage.</p>

	<p>The enclosed BDAR considers development impacts on both flora and fauna consistent with the requirements of the BC Act.</p> <p>The BDAR concludes the following:</p> <p><i>Impacts to native vegetation will generate an obligation to retire a total of 90 ecosystem credits.</i></p> <p><i>In total, 17 species credit species were generated by the BAM Calculator (BAM-C). The habitat suitability of the subject land for these species was assessed. According to the BAM, if suitable habitat for these species occurs on the subject land, they must be the subject of targeted survey according to recommended guidelines, or else assumed present. After consideration of geographical and habitat constraints, five species could be discounted due to the absence of features necessary for breeding and 12 species credit species were retained in the assessment. Surveys were conducted for all 12 of these species, following relevant and approved BAM survey methodologies. These species were not detected on site.</i></p> <p><i>Consequently, the proposal will not generate a requirement to offset any species credits.</i></p> <p><i>The proponent intends to satisfy their offset obligations by buying and retiring the necessary credits from the open market or, if appropriate credits are not available, by paying directly into the Biodiversity Conservation Fund.</i></p> <p><i>The significance of the proposed impact to EPBC Act-listed threatened, migratory, wetland and marine species, populations and communities predicted to occur within a 10 km search area was assessed. No significant impact to any threatened entity likely to result in the extinction of a local population was identified. The residual ecological impacts of the proposal would be adequately mitigated and offset using the management actions recommended and the offset requirements detailed within this BDAR. Therefore, a referral of the proposal to the Australian Government Department of Climate Change, Energy, the Environment and Water (DCCEEW) for these matters is not required.</i></p> <p>See enclosed BDAR for further details.</p> <p>It is noted that the revised subdivision plan now also seeks approval for the removal of three additional trees for removal near lots 409/410. These trees are required for removal due to new road and earthworks. These trees are outside the exclusion area and best to get them approved for removal now.</p> <p>All other trees are to remain.</p>
<p><b>8. Further Biodiversity Considerations</b></p>	<p>See response to Item 7 above and attached BDAR for further details.</p>

We trust that the submission of this information will now allow Council to proceed to determining the Development Application.

Should you have any queries please contact Matt Johnson on 6021 0662 or [matt@habitatplanning.com.au](mailto:matt@habitatplanning.com.au).

Yours Faithfully



**Matt Johnson**  
Associate