

Ordinary Meeting

Meeting Date: Monday, 11 April, 2022

Location: Council Chambers, City Administrative Building, Bridge Road, Nowra

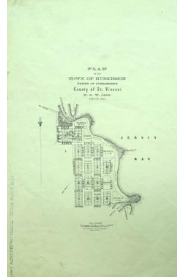
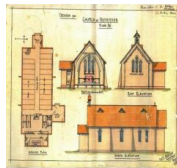
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Lot 7 and Lot 8, Sec. 3 DP758530 Huskisson NSW

Heritage Assessment and Historical Archaeological Research Design

Report prepared for Shoalhaven City Council

Final

November 2021



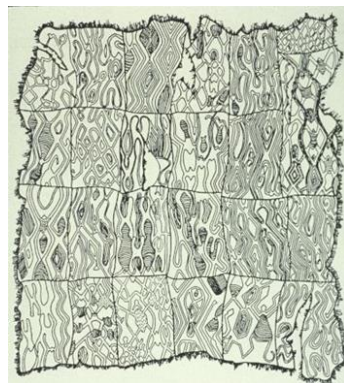
**Navin
Officer**

*heritage
consultants Pty Ltd*
acn: 092 901 605

Number 4
Kingston Warehouse
71 Leichhardt St.
Kingston ACT 2604
www.nohc.com.au

ph 02 6282 9415
fx 02 6282 9416

CL22.174 - Attachment 1



NOHC acknowledges Australia's Aboriginal and Torres Strait Islander people, their many diverse communities across our nation and their rich culture. We pay respect to their Elders past and present. We acknowledge Aboriginal and Torres Strait Islander peoples as Australia's first peoples and as the Traditional Owners and custodians of the land and water across the Australian landscape and seascape. We recognise and value the ongoing contribution of Aboriginal people to Australian life and how their contribution continues to enrich our society. In our daily work we recognise, cherish, celebrate and defend the evidence of Aboriginal and Torres Strait Islander peoples rich and complex history and prehistory which extends back from the present day into a deep and distant past. We understand that this archaeological evidence has meaning to the descendants of those who created it. Through our research and conservation efforts we strive to unlock hidden meanings from these traces of the past and to make that knowledge available to current and future generations of Aboriginal and Torres Strait Islander people.



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Project Manager: Susan McIntyre-Tamwoy

Authors: Susan McIntyre-Tamwoy, Ngaire Richards, Liz Gorman, Meg Walker,

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Cover photographs: Huskisson Anglican Church: Rectory, June 1875 Crown Plan of the Section 3 land reserved for church use LRS; Cyril Blacket's 1930s plan for church, Aerial photo 1957; Laying the foundation stone of the 1931 church in Huskisson Parish archives cited in GBA2018; the 1868 'Plan of the town of Huskisson' SLNSW. **Previous page:** Aboriginal possum skin rug collected 1839-1840 from the Hunter River region, eastern NSW (Smithsonian Inst. Washington D.C. Cat. no. E5803)



EXECUTIVE SUMMARY

This report has been prepared by Navin Officer Heritage Consultants Pty Ltd (NOHC) to guide the further archaeological investigation at Lot 7 and Lot 8, Sec. 3 DP758530, Huskisson NSW.

Following a review of previous archaeological assessments, an analysis of historical maps and plans, and the results of a recent GPR survey, various areas across the subject land have been identified as having buried anomalies generally consistent with the dimensions of European-style coffin graves.

Following an analysis of the historical information relating to Lots 7 and 8 Section 3 DP758530, Huskisson NSW, it appears highly unlikely that the number of identified anomalies is an accurate representation of the number of actual graves. Historical research revealed that:

- The subject land was never an official cemetery
- There is no verifiable evidence that the property was an accepted unofficial cemetery.

However, despite this:

- One grave (Niclasson) is likely to be on the property, although the location is vague 'behind the Union Church' and is possibly under the extensions to the current rectory.
- There is no direct evidence of other graves on the site although, given the lack of precision in the recording of burial places on some death certificates, at least 3 others, while unlikely, cannot be discounted.

Given the lack of precision in some of the death certificates, the way 'place of burial' has been recorded, the various findings of the GPR surveys, and to ensure that if graves are present that they can be considered within future land use decisions, it is necessary to carry out archaeological investigations. Heritage NSW has indicated that a permit under s140 of the Heritage Act is required. This report has been prepared to support a permit application for such an investigation.

The investigation would involve test excavation, comprising shallow surface scrapes, conducted with the aim of locating and exposing grave cuts so that these could be accurately surveyed and considered in any future use proposals for the site. The test excavations would focus on the clusters of subsurface anomalies identified in various GPR reports and involve shallow mechanical excavations to expose the natural soil, thereby revealing areas of grave site backfill if such exists. The investigation would follow the methodology and address the various research questions presented in this report.



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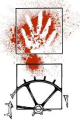
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Abbreviations

HARD	Historical Archaeological Research Design
CMP	Conservation Management Plan
DPIE	Department of Planning, Industry and Environment (NSW)
HAA	Historical Archaeological Assessment
HARD	Historical Archaeological Research Design
HIS	Heritage Impact
IDA	Integrated Development Application
ICOMOS	International Council on Monuments and Sites
LALC	Local Aboriginal Land Council
LEP	Local Environmental Plan
NOHC	Navin Officer Heritage Consultants Pty Ltd
NSW	New South Wales
OEH	Office of Environment and Heritage (NSW) (former) now Heritage NSW
SHR	State Heritage Register
SHI	State Heritage Inventory

CL22.174 - Attachment 1



1. INTRODUCTION

1.1 Project background

Navin Officer Heritage Consultants Pty Ltd (NOHC) has been engaged by Shoalhaven City Council to prepare a Heritage Assessment and Historical Archaeological Research Design (HARD) to guide an archaeological investigation Lot 7 and Lot 8, Sec. 3 DP758530, Huskisson NSW which is currently the site of the Anglican Church and rectory (hereafter the 'subject area') (Figure 1-1). The Anglican Church deemed the property surplus to their needs and sold it to a private developer. Due to the ongoing growth and changing needs of the village of Huskisson, the property has been identified as a potential future commercial development area and there is currently a proposal to rezone it.

A Proponent-Initiated Planning Proposal (Rezoning) Application received by Shoalhaven City Council seeks to rezone the former Anglican Church site from SP2 – Place of Public Worship to B4 – Mixed Use Business and increase the building height controls on 17 Hawke Street. The purpose of the proposed rezoning is to enable a mixed-use development comprising a residential apartment building, tourist and visitor accommodation (hotel and serviced apartments), and retail premises (including food and beverage). The church and cemetery are not listed as a heritage item on the local environmental plan (LEP), the State Heritage Register (SHR) or on a s170 Register.

Shoalhaven City Council resolved to progress the rezoning application and submitted a Planning Proposal (PP050) to the NSW Department of Planning, Industry & Environment. A Gateway Determination was received dated 30 April 2020, allowing the proposal to progress subject to a range of conditions. Section 10 of the Gateway Determination contains the following conditions in relation to heritage (p.16):

2. Council shall prepare the following assessments prior to public exhibition:

- a. A new independent Ground Penetrating Radar (GPR) survey over the entire site to which the Planning Proposal applies by a grave detection specialist using best practice methodology.*
- b. An independent assessment by an appropriately qualified historical archaeologist of the entire area to which the Planning Proposal applies that must determine the status of the graves and if they are "relics" under the NSW Heritage Act 1977 in compliance with Heritage Council of NSW Guidelines including "Assessing Significance for Historical Archaeological Sites and Relics, 2009".*
- c. A full Aboriginal Cultural Heritage Assessment Report of the entire area to which the Planning Proposal applies prepared in accordance with the "Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW" (Office of Environment and Heritage, April 2011) that includes Aboriginal community consultation and archaeological survey and reporting in accordance with the "Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010" (DECCW, April 2010) and the "Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW" (DECCW September 2010).*

In response to these conditions, Shoalhaven City Council commissioned Navin Officer Heritage Consultants (NOHC) to prepare an Aboriginal Cultural Heritage Assessment Report (pending) and a Heritage Assessment and Archaeological Research Design (this current report). NOHC commissioned an independent GPR survey from Hunter Geophysics to inform these assessments. The GPR results along with several others that were previously commissioned for parts of the subject land have been used to inform both the Aboriginal heritage and historic heritage reports. The following report has been prepared to address Gateway Determination condition 2b and to apply for a s140 excavation permit.

The subject area is located in the coastal town of Huskisson, NSW, situated south of Currambene creek, and approximately 100 meters west of Jervis Bay at the north-eastern corner of the site. The property is in the Shoalhaven Local Government Area. For the purposes of this assessment and HARD, the study area includes the following allotments located between Hawke Street (eastern boundary), Bowen Street (southern boundary), and Currambene Street (western boundary), and the section of



Hawke Street adjacent to Lot 7 Sec. 3 DP758530, and an unnamed laneway to the north. Figure 1-2 shows the allotments:

- Lots 7, Sec. 3 DP758530
- Lot 8, Sec. 3 DP758530

Existing site features include the former Anglican church building, designed by Cyril Blacket, and the rectory, a single-storey gabled brick structure, both located on Lot 7 Sec. 3, DP758530, while Lot 8 is vacant. The adjoining Lot 9, Sec. 3, DP758530 is owned by Jerrinja Local Aboriginal Land Council and was included in the GPR survey coverage of the site which in part informs this assessment but is not identified as part of the subject area for the purposes of the proposed archaeological investigation.

1.2 Heritage status

Huskisson Anglican Church is not listed on The State Heritage Register (SHR), or the State Heritage Inventory (SHI) or Shoalhaven Local Environmental Plan 2014 (LEP). We note there has been a previous nomination to include it on the LEP that was unsuccessful although it is unclear whether this was due to its threshold of significance or other reasons. Huskisson Anglican Church has not been listed by the National Trust NSW who maintain a non-statutory list of items considered to be of heritage value.

1.3 Aims and scope

The following report has been prepared to fulfil Condition 2b in Section 10 of the Gateway Determination and to support the s. 140 permit application to carry out further investigation to verify the location of any grave cuts, should they exist. The report follows the guideline for Research Designs included in the *Archaeological Assessment Guidelines*¹ and includes a significance assessment for potential archaeological relics prepared in accordance with *Assessing Significance of Historical Archaeological Sites and Relics 2009*². The process followed is consistent with the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance³.

Preparation of this report involved the following tasks:

1. review of previous heritage reports prepared for the Anglican Church and cemetery at Huskisson, and others in the Huskisson area (see Section 5 for the reports reviewed)
2. preparation of the overlay of historical maps and plans on the current site plan to confirm the location and extent of areas of archaeological potential
3. preparation of an Historical Archaeological Research Design (HARD) which includes a research framework, research questions and a methodology for further archaeological investigation to mitigate the impact of the works on potential archaeological relics.

¹ Heritage Office, Department of Urban Affairs and Planning, 1996

² Heritage Branch Department of Planning NSW, 2009

³ Australia ICOMOS (International Council on Monuments and Sites) 2013, *The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter)*. Burwood Victoria.



1.4 Report outline

This report includes

- the statutory and policy context for this assessment (Section 2)
- the ethnographic context of the subject land (Section 3)
- the historical context of the land (Section 4)
- review of previous heritage, archaeological and GPR assessments of the site (Section 5)
- discussion of the evidence for graves on the subject land (Section 6)
- an HARD including research questions and a methodology to guide archaeological investigation of the school site (Section 8); and
- conclusions and recommendations (Section 9).

1.5 Authorship and acknowledgements

This report has been prepared by Susan McIntyre-Tamwoy and Ngaire Richards and with assistance from Meg Walker. Liz Gorman of Sue Rosen and Associates carried out targeted archival research to inform the findings. Nicola Hayes and Kelvin Officer undertook the internal review

CL22.174 - Attachment 1

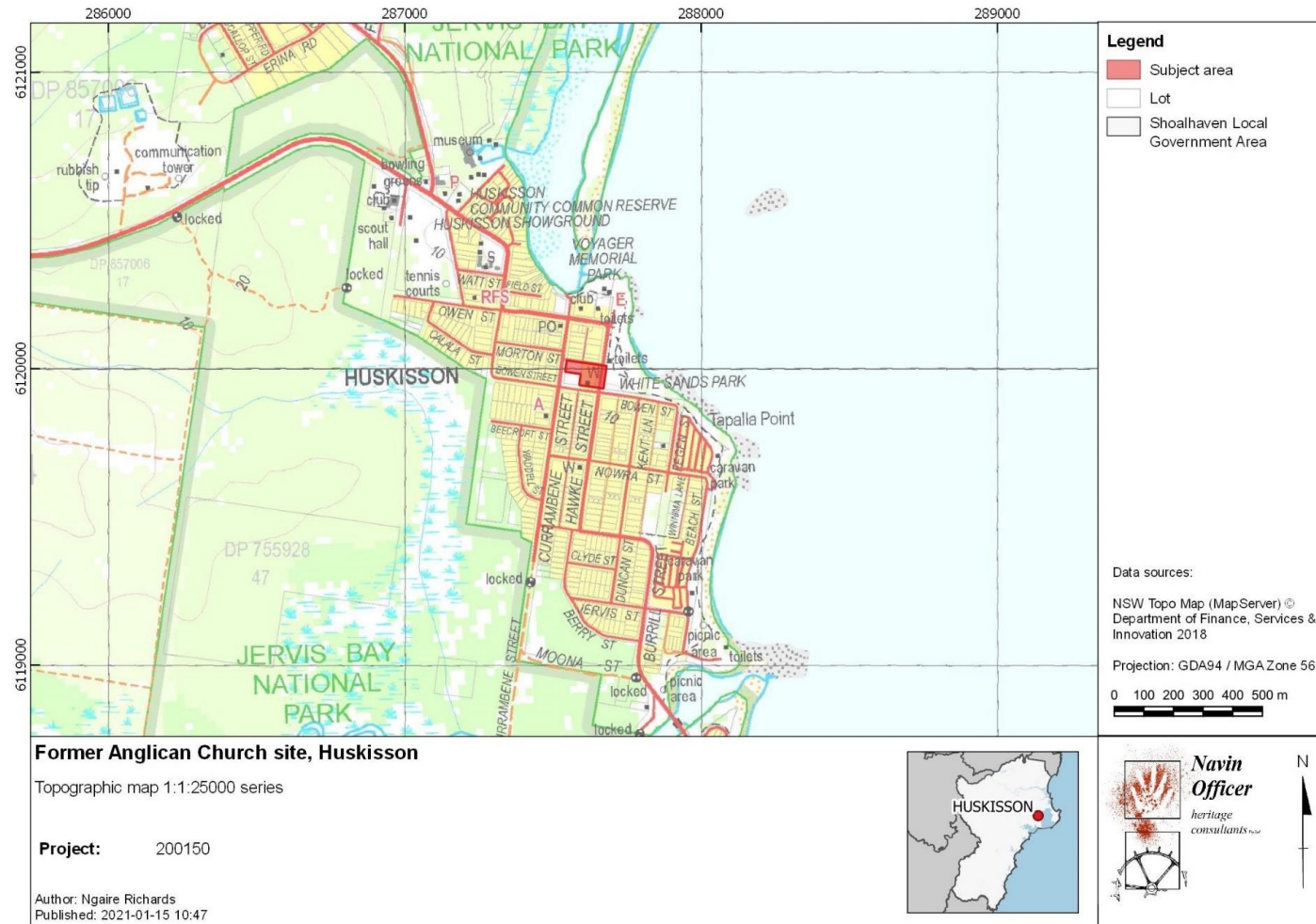


Figure 1-1 - Topographic map showing the location of the Anglican Church and rectory (subject area).

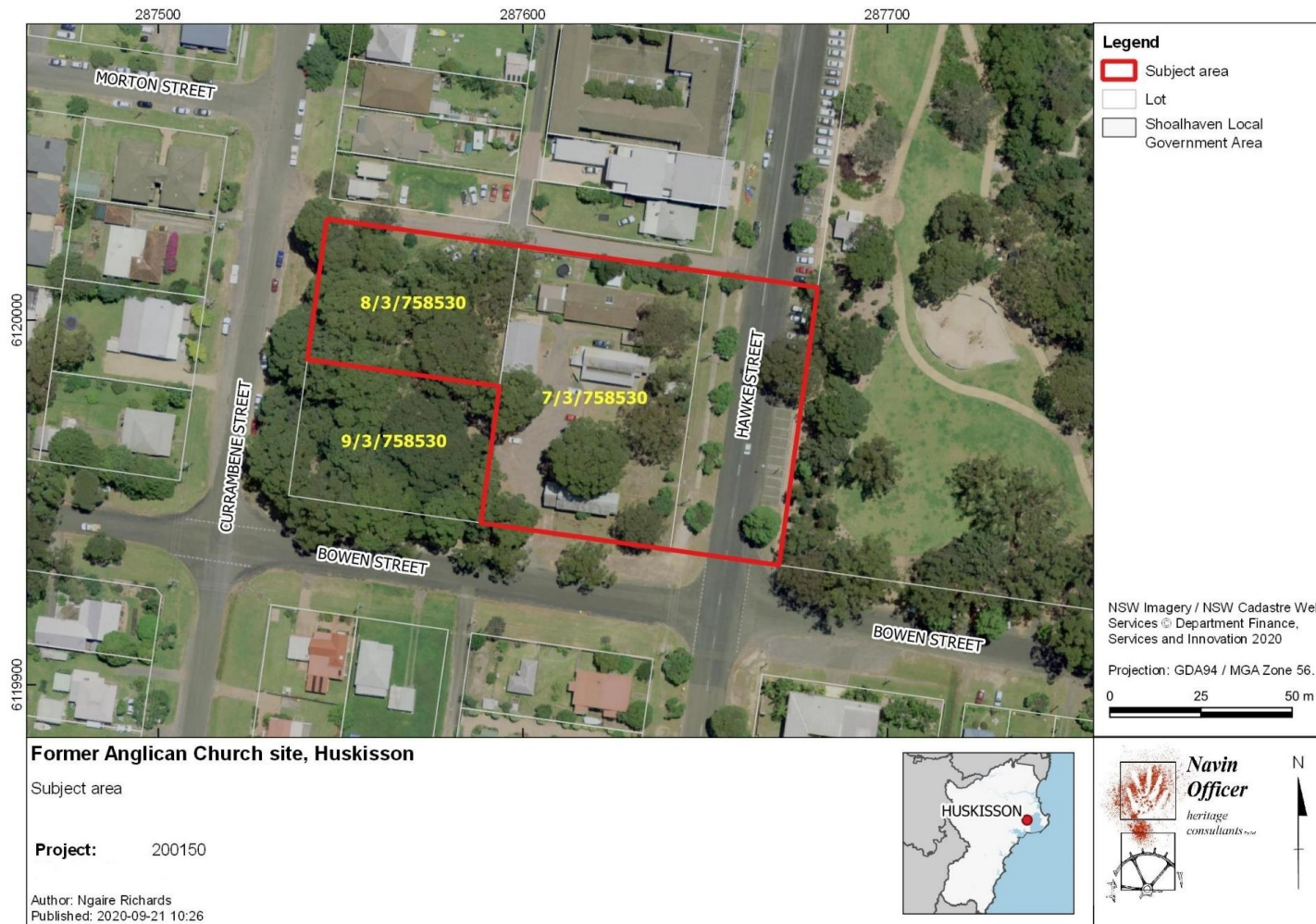


Figure 1-2 – 2010 aerial photograph of the subject area. Lots are labelled in yellow



2. STATUTORY AND POLICY CONTEXT

Heritage items and historical archaeology in New South Wales are protected by commonwealth and state legislation, and associated regulations and guidelines. The following are relevant to the subject area:

- *Heritage Act 1977* (NSW)
- *Environmental Planning and Assessment Act 1979* (NSW)
 - Shoalhaven Local Environmental Plan 2014

2.1 Heritage Act 1977 (NSW)

The *Heritage Act 1977* (Heritage Act) is intended to promote understanding and conservation of the State's heritage and provides for identifying and registering items of State heritage significance. It protects items of environmental heritage which are defined as '*those places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance*'.

Items that have been identified by the Heritage Council of NSW as being of significance to the State are listed on the State Heritage Register (SHR). In addition, the Heritage Act also requires government instrumentalities (NSW government agencies and State-owned corporations) to establish and maintain a register of their heritage assets, known as a Section 170 Heritage and Conservation Register.

The subject area *is not* listed on the SHR or on a S170 Heritage and Conservation Register.

The Act also protects archaeological relics. A 'relic' is defined as:

any deposit, artefact, object or material evidence that:

(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) is of State or local heritage significance.

Under Section 139 of the Heritage Act, a person must not disturb or excavate any land that may result in a relic being discovered, exposed, moved, damaged or destroyed; unless the works are carried in accordance with an excavation permit or approval issued by the Heritage Council of NSW.

Excavation permits are issued under Sections 140 and 141 of the Act. For works within the curtilage of an item listed on the SHR, approvals are issued under Sections 60 and 63 of the Act. If the works are minor in nature and will have minimal impact on the heritage significance of a place, an application may be made for a Section 139(4) exception from the need for an excavation permit, or a Section 57(2) exemption for certain activities carried out on an SHR item which would otherwise require approval under the Heritage Act.

2.2 Environmental Planning and Assessment Act 1979 (NSW)

The *Environmental Planning and Assessment Act 1979* (EP&A Act) requires that environmental impacts are considered in land-use planning and development approval processes. One of the objectives of the Act is to promote the sustainable management of cultural heritage.

The EP&A Act contains provisions enabling the making of environmental planning instruments. These include State environmental planning policies (SEPPs), which deal with matters of State or regional environmental planning significance within NSW; and Local Environmental Plans (LEPs), which guide planning decisions for local government areas (LGAs).

The relevant environmental planning instrument is the Shoalhaven Local Environment Plan 2014 (Shoalhaven LEP). The proposed development is classed as a planning proposal (rezoning application). Land can only be rezoned through changing the Shoalhaven LEP (planning rules).

Proposed Rezoning of the Former Anglican Church site, Huskisson, Shoalhaven LGA: Heritage Assessment and Historical Archaeological Research Design

Navin Officer Heritage Consultants Pty Ltd

November 2021

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2.2.1 Shoalhaven LEP 2014

Clause 5.10 of the Shoalhaven LEP provides for the conservation and management of the environmental heritage of Shoalhaven. Development consent is required for demolishing, moving or altering a heritage item, or disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed. The consent authority must, before granting consent, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area.

Items of environmental heritage, which can include buildings, works, places, relics, trees, objects or archaeological sites, are listed and described in Schedule 5 of the Shoalhaven LEP.

The subject area *is not* listed on Schedule 5 of the Shoalhaven LEP.

The subject area *is adjacent* to the following heritage item with local significance (Figure 2-1):

- Tapalla Point geological rock platform, Beach Street (Lot 7012, DP 1021163; Lot 7044, DP 1117433) (Item no. 201).



Figure 2-1 Location of the subject area in relation to heritage items on the Shoalhaven LEP



3. ETHNOGRAPHIC CONTEXT

3.1 Introduction

This section summarises the Aboriginal ethnographic context of the subject area. A review of historical and ethnohistorical records, and the findings of previous archaeological investigations, has been undertaken in order to place Aboriginal occupation of the landscape in a local and regional context.

3.2 Language groups and tribal boundaries

Wilhelm Schmidt published the first large-scale map of the native languages of Australia in 1919, based in part on the maps published by explorer Alfred William Howitt in 1904 showing the boundaries of Aboriginal language groups in south-east Australia⁴. The Dhurga and Dharawal languages form part of the Yuin linguistic group, which is shown extending southward from Sydney to Cape Howe⁵.

There have been a number of attempts to identify historical boundaries between Aboriginal language groups and local tribes. According to some records, the Dhurga language (or Thurumba, as it was called on the "sea-coast") was spoken on the Shoalhaven River, including the subject area⁶. *Thurumba* is thought to be a northern dialect of Dhurga, which was spoken from the Nowra–Jervis Bay area in the north to Wallaga Lake in the south⁷. This boundary can also be inferred from Mathews⁸ and Morton⁹, who note Jervis Bay as the southern extent of the Dharawal (Thurawal) language, situating the subject area near the Dhurga-Thurawal linguistic boundary.

The anthropologist and linguist Norman Tindale places the subject area within the territory of the Wandandian 'tribe'. Tindale's map of tribal boundaries attempts to reconstruct the distribution of Aboriginal language groups at the time of European contact, prior to the onset of the major disruptions and displacements that followed in the 19th and early 20th Centuries¹⁰. The map shows Wandandian territory extending from Ulladulla to the Shoalhaven River and Nowra. It is based on historical sources published between 1873 to 1907, as well as ethnographic field research undertaken by Tindale during his time as the Curator of Anthropology at the South Australian Museum¹¹. It broadly concurs with the distribution of language groups above; however, Tindale places the tribal boundary corresponding to the Dhurga-Dharawal division, along the Shoalhaven River further to the north.

Wandandian is a place name, which appears to have been conflated by later researchers with the name of the tribe or language (Dixon 1979:261). This may be the result of a publication by W. Ridley in 1875 which stated that "*Tharumba is spoken on the Shoalhaven River, in the south-eastern part of this Colony, by the Wandandian Tribe*"¹². In a compilation of more recent (mid-20th Century) oral traditions of the Aboriginal people of the south coast by J.E. Mathews¹³, there is no recollection of 'Wandandian' as a tribal name. Locations of different local tribal groups are remembered as: the

4 Briggs, Ronald. 2018. 'European Mapping and Documentation of Indigenous Languages'. State Library of NSW (blog). 9 August 2018. <https://www.sl.nsw.gov.au/blogs/european-mapping-and-documentation-indigenous-languages/>

Howitt, A. W. 1996 [1904]. *The Native Tribes of South-East Australia*. Facsimile. ed. Canberra: Aboriginal Studies Press. Howitt 1996:823

5 Schmidt, Wilhelm. 1919. *Die gliederung der australischen sprachen: geographische, bibliographische, linguistische grundzüge der erforschung der australischen sprachen*. Wien: Druck und Verlag der Mechitharisten-buchdruckerei.

6 Mackenzie, Andrew. 1874. 'Specimens of Native Australian Languages'. *The Journal of the Anthropological Institute of Great Britain and Ireland* 3::252-255;

Ridley, William. 1875. *Kāmilārōi and Other Australian Languages*. Sydney: Thomas Richards, Government Printer. 1873:289; 1875:143

7 Eades, Diana Kelloway. 1976. *The Dharawal and Dhurga Languages of the New South Wales South Coast*. Canberra: Australian Institute of Aboriginal Studies p5.

8 1901:127

9 Trove: *Sydney Morning Herald*, 16 February 1929, p.16

10 Tindale, Norman B. 1974. *Aboriginal Tribes of Australia: Their Terrain, Environmental Controls, Distribution, Limits and Proper Names*. Canberra: Australian National University Press.p5

11 Tindale 1974:199-200

12 Ridley 1875:155

13 Australian Institute of Aboriginal Studies, Canberra: J.E Mathews, Unpublished Manuscript c1960, pMs 85



Coolangatta, the south bank of the Shoalhaven River, Huskisson (Bilong), Wreck Bay, and St Georges Basin. These appear to be analogous to the locations of later, post-contact Aboriginal camps¹⁴.

3.3 Living as Australia's earliest inhabitants

From the time of early European contact in the late 18th Century, the east coast of NSW was known as an already inhabited landscape. References to Aboriginal people in the Shoalhaven region are found in the written descriptions (journals, reports, and letters) of European explorers, naval officers, settlers and missionaries including naval agent Lieutenant Bowen, naval officer Lieutenant James Grant¹⁵, French explorer Jules Dumont d'Urville¹⁶, and missionaries John Harper and James Backhouse¹⁷. Their observations of Aboriginal life provide some useful information regarding the social organisation and material culture of the local inhabitants.

Lieutenant Richard Bowen was a naval agent commanding three transport ships of the Third Fleet, sent from England in 1791 to resupply the settlement at Port Jackson, New South Wales. On 25 August 1791, he was aboard the *Atlantic* when it took shelter in a harbour, "between Van Diemen's land [Tasmania] and Port Jackson [Sydney]" which Bowen later named Port Jervis [Jervis Bay]. Although there were no direct encounters with local Aboriginal people during the short time the ship was anchored, Bowen reported seeing "two kangaroos [sic], and many traces of inhabitants"¹⁸. His observations were recorded by Collins¹⁹:

Lieutenant Richard Bowen, the naval agent on board, who landed, described the soil to be sandy, and the country thickly covered with timber. He did not see any natives, but found a canoe upon the beach, whose owners perhaps were not far off. This canoe, by Lieutenant Bowen's account, appeared to be on a somewhat stronger construction than the canoes of Port Jackson.

Mathew Weatherhead, captain of the *Matilda*, visited Jervis Bay in November 1791 while whaling in the area. His plan of soundings taken in Jervis Bay was copied and published by Alexander Dalrymple in March 1794.²⁰ A notation on the 1794 plan reads:

In the Matilda many Natives were seen, and Canoes on the Beach; the Natives were armed with spears; but they could have no communications with them.

In December 1797, George Bass landed at Jervis Bay and spent nearly four days exploring the general area. Following Bass' descriptions, the Bay became a regular shelter and supply stop for the large whaling fleet that were operating along the coast. Consistent contact between Europeans and the local

¹⁴ Navin Officer Archaeological Resource Management. 1991. 'Archaeological Investigation of Proposed Currumbene Creek Crossing and Associated Road Routes from Woollamia to Callala Beach, Jervis Bay, NSW'. Mitchell McCotter & Associates Pty Ltd, p9

¹⁵ Grant, James. 1896 [1801]. '[Enclosure No. 1.] Remarks, &c. on Board His Majesty's Armed Surveying Vessel, Lady Nelson, on a Voyage to Explore Basses Straits, 1801'. In Historical Records of New South Wales. Vol IV. – Hunter and King. 1800, 1801, 1802, edited by F.M. Bladen, 477–88. Sydney: Charles Potter, Government Printer.

¹⁶ Grant, James. 1803. The Narrative of a Voyage of Discovery, Performed in His Majesty's Vessel the Lady Nelson... in the Years 1800, 1801, and 1802, to New South Wales. London: C. Roworth

¹⁷ Dumont d'Urville, Jules-Sébastien-César. 2014. 'Extracts: Two Voyages to the South Seas Volume 1: Astrolabe 1826-1829'. translated by Helen Rosenman. Dumont d'Urville : The Astrolabe at Jervis Bay, 1826.

https://www.surfresearch.com.au/1826_dUrville_Astrolabe.html

¹⁸ Backhouse, J., 1843. A narrative of a visit to the Australian colonies.

¹⁹ Tench, Watkin. 1961. 'Sydney's First Four Years: Being a Reprint of A Narrative of the Expedition to Botany Bay and A Complete Account of the Settlement at Port Jackson'. Sydney: Angus and Robertson, in association with the Royal Australian Historical Society; p242

²⁰ Collins (2003 [1798]) Collins, D., 2003. An Account of the English Colony in New South Wales from Its First Settlement, in January 1788, to August 1801 [Volume 2]. University of Sydney Library, Sydney.

²¹ National Library of Australia: Weatherhead, Mathew, Dalrymple, Alexander and Harrison, William, *Plan of Jervis Bay on the east coast of New Holland Lat. 35°6'S. Long 150°52'E. from Greenwich about 25 leagues to the southward of Port Jackson* [London]: Publish'd according to Act of Parliament by A. Dalrymple, 1794. Web. 5 October 2021 <<http://nla.gov.au/nla.obj-230692652>>



inhabitants would have begun from this period, providing direct contact with European goods and diseases²¹.

Lieutenant James Grant was a naval officer on the *Lady Nelson*, which was sent on a voyage of discovery to search for, and make passage through, Bass Strait in 1800-1802 (Grant 1803:52). The vessel anchored in "Jarvis's Bay" in March 1801, and during the four-day visit the crew had numerous cordial encounters with the local Aboriginal people. Grant noted they were familiar with the meaning of the words 'blanket' and 'woman' in the context of trade and exchange, seemed "to know the use of the musquet [sic]", and together with a general lack of fear, suggested that it showed "frequent communications with our countrymen before"²².

Grant made observations regarding the type of shelter used by Aboriginal people, describing habitations called gunnies that were "... constructed with a few boughs stuck up to skreen [sic] them from the wind: several bones of beasts, birds and fish were lying about them"²³. He also described the design and skilled use of canoes (Grant 1803:107):

In the management of their canoes, and some things belonging to them, they differed much from whatever I had seen elsewhere, particularly in paddling, sometimes making use of an oval piece of bark, and at others of their hands, making the canoe go very swiftly by either means. When paddling with the hand they were apt, from its being immersed in the water, to throw more or less water into the canoe, which with a small calibash they dexterously threw out by a backward motion of the other hand without turning their heads. At the heads of their canoes, I observed two or three wooden pins, which I supposed were designed to steady their fish-gigs [multipronged spears], or to receive the heads of their spears when they carry them from one place to another, or to serve in the same manner as a crutch for a harpoon or lance in one of our whale-boats.

Although Grant referred to 'great numbers of natives' and the people as 'very numerous', introduced diseases are likely to have had an effect on the local Aboriginal population. Many of the men and women were marked with what appeared to be scars from smallpox, which they indicated were the result of sickness; although at the time Grant did not see anyone that was afflicted with the disease²⁴.

Governor Lachlan Macquarie stopped in at Jervis Bay on the 5th and 6th of November 1811 on his way to Tasmania aboard the *Lady Nelson*. Strong head winds saw Captain Bryan Overland anchor the ship on the lee side of Bowen Island on the morning of the 5th November. Macquarie recorded his observations and impressions of the area, as well as meetings with local Aboriginals in his journal.

While waiting for more favourable winds to continue their journey south, the party explored Bowen Island, and later went ashore to the southern shore of the mainland (now-Jervis Bay Territory):

Here we saw nothing like runs or Springs of Fresh Water, altho' we conclude there must be some further inland, as a great number of Natives inhabit this part of the Bay -- having seen many of them at a distance in the course of the day. ---The first we saw were three men on Bowen Island as we were passing in through the Entrance into the Bay; they then Holloed to us, and afterwards, when anchored, came off to us in their Canoes with Fish, which they willingly bartered for Biscuit and Tobacco. ---They were very stout well-made good-looking men and seemed perfectly at their ease and void of fear.²⁵

The following day, local Aboriginal people once again visited the *Lady Nelson*:

²¹ Navin, Kerry. 1990. 'Proposed Currumbene Creek Crossing Feasibility Study: Archaeological Component'. Shoalhaven City Council.p9.

²² Grant 1803:105; 1896:478

²³ Grant 1803:111

²⁴ Grant 1803:119; 1896:478

²⁵ Macquarie University: Macquarie, Lachlan & Macquarie, Elizabeth Henrietta, 1777-1835 & Macquarie University & State Library of New South Wales (1998). *Journeys in time, 1809-1822: the journals of Lachlan & Elizabeth Macquarie*, Lachlan Macquarie journal entry for Tuesday 5th November 1811, web <<https://www.mq.edu.au/macquarie-archive/journeys/1811/1811.html>>



...Several Natives came off to us in their Canoes, and remained alongside for some time, speaking to us in their gibberish, and trying to repeat our names and other English words. --- One of them came on board and got himself shaved... At ¹/₂ past 5 p.m. we went to take a walk on shore at the Head of the Bay on the South Shore. ---M^{rs}. M. [Elizabeth Macquarie] and myself went to see two Native Huts close to the Beach, constructed in a very superior manner to any we had seen before in the Colony, being larger and better secured from the effects of the weather. ---We expected to have seen a great number of the Natives here, but were disappointed, not one having appeared during this Excursion.²⁶

Upon his return to Sydney from his tour, Governor Macquarie issued a General Order, in which he referred to Jervis Bay and his impression of its potential as a new harbour for the Colony:

...[Macquarie] had the Satisfaction to find a safe and very extensive Harbour, not less than twenty miles in circumference which promised fairly at some future period to be of some importance to the Colony...²⁷

From this point on, more serious attempts to further explore and settle the area increased, with small craft visiting the harbour as early as 1813 in search of cedar.²⁸ The timber resources in Jervis Bay had also been noted by several early European explorers including Lieutenant Richard Bowen (1791) and Lieutenant James Grant (1801). Of particular economic interest was the red cedar (*Toona ciliata*) which reportedly grew in patches of thick brush along streams and gullies. A precious timber in high demand, over 625,000 feet of timber would be cut and cleared from the Shoalhaven region by 1826²⁹.

3.4 Displacing Indigenous people

In early 1822, Governor Brisbane began allowing applications for land grants in the vicinity of Jervis Bay, which marked the beginning of the alienation of the local Aboriginal people from their traditional lands and natural resources.

The first permanent European settlement in the region was the Coolangatta Estate, established in 1822 by Alexander Berry on the Shoalhaven River, approximately 21km northeast of the subject area³⁰. Several weeks after Berry's arrival a party of twenty Aboriginal people camped near his settlement. Berry met with two chiefs: Wagin, chief of Shoal Haven and Yager, chief of Jervis Bay³¹.

Jules Dumont d'Urville was a French explorer and naval officer on board the *Astrolabe*, which was dispatched on a scientific expedition to the south seas in the early 19th Century. On 27 November 1826, Dumont d'Urville observed a small number of Aboriginal people while ashore at Jervis Bay, several with traditional scarification (likely initiation marks) and adornment including hair decorations made of kangaroo teeth or paws, and nose piercings³².

Our relations with the natives here continue friendly. However, we have only seen some men of this tribe, seven in number, and two children eight to ten years old; the women have remained out of sight. These Australians obviously belong to the same type as the Port

²⁶ Macquarie University: *Journeys in time, 1809-1822: the journals of Lachlan & Elizabeth Macquarie*, Lachlan Macquarie journal entry for Wednesday 6th November 1811, web <<https://www.mq.edu.au/macquarie-archive/journeys/1811/1811.html>>

²⁷ NLA: James Jervis, 'Jervis Bay: Its Discovery and Settlement' in the Royal Australian Historical Society *Journal and proceedings* Sydney: The Society, 1918, p.122, Web <<http://nla.gov.au/nla.obj-608930418>>

²⁸ NLA: James Jervis, 'Jervis Bay', 1918, p.122

²⁹ Navin Officer Heritage Consultants (NOHC). 1997. 'Preliminary Overview Route Selection Study Currambene Creek Crossing Jervis Bay, NSW'. Preliminary Overview. Navin Officer Heritage Consultants. Jervis Bay, NSW: Connell Wagner Pty Ltd.p8. 30 Navin, Kerry. 1990. 'Proposed Currambene Creek Crossing Feasibility Study: Archaeological Component'. Shoalhaven City Council. p12

³¹ Bayley 1975; Bennett, Michael. 2003. 'For a Labourer Worthy of His Hire: Aboriginal Economic Responses to Colonisation in the Illawarra and Shoalhaven, 1770-1900 Volume'. PhD, University of Canberra. p67

³² Dumont d'Urville, Jules-Sébastien-César. 2014. 'Extracts: Two Voyages to the South Seas Volume 1: *Astrolabe* 1826-1829'. translated by Helen Rosenman. Dumont d'Urville: The *Astrolabe* at Jervis Bay, 1826.



Jackson natives, but they are better looking, stronger and, in particular, better proportioned, due probably to a greater abundance of food.

Several of them have a tattoo of scars on their backs, the cartilage of the nose pierced, and their hair parted into strands decorated with kangaroo teeth or paws.

In his journal, Dumont d'Urville's described two "native huts" built on the southern shore of the bay near the French observatory³³ (Figure 3-1):

In form they were like an oblong beehive about six or seven feet high, built of wide strips of eucalyptus bark, set upright and brought together at the top, covered with grass and marine plants. Clean and spacious inside, each of them could easily house a family of eight to ten individuals, and evidence a degree of intelligence on the part of these savages superior to any I had so far encountered.

Traditional economic activities continued in the 1820s and 1830s, as recorded by missionaries John Harper and James Backhouse. Harper was a Wesleyan missionary who visited Bowen Island in 1826. Over several days he recorded 96 people gathered at Jervis Bay. He describes them as 'vagrant tribes ... They are idle and but seldom employed; except in fishing and hunting the kangaroo and opossum. Their weapons are spears and clubs³⁴.' Backhouse was a Quaker missionary and naturalist who toured the colony and observed Aboriginal people fishing at Jervis Bay in 1837. He noted that while shell fishhooks were still used, English ones of made steel were preferred. His description of the construction of a shelter indicates they were made of natural materials and were of comparatively sturdy construction³⁵:

...In the evening, one of them commenced making a shelter for the night, of slabs of bark set up against sticks in the form of a pyramid, such as is represented in the accompanying cut. Shelters of this kind, or of bark, raised in the form of a roof, are amongst the best habitations of these people, in this part of Australia; most commonly, they only prop up a large sheet or two of bark, with sticks, and thus make a shelter to windward, with a fire in front."

The accompanying illustration show a shelter similar in form to those described by Dumont d'Urville (Figure 3-2).

³³ Dumont d'Urville 1989:86

³⁴ Harper, cited in Bayley 1975:27

³⁵ Backhouse 1843:468-469



Figure 3-1 An Aboriginal camp at Jervis Bay³⁶



Figure 3-2 Illustration of a bark shelter (Backhouse 1843:469)

From 1833, the Colonial Secretary required annual returns to be kept for all adult male Aboriginal people to whom blankets had been distributed, together with their probable age, number of wives and

³⁶ Australian National Maritime Museum: Dumont d'Urville, 'Voyage pittoresque autour du monde', Plate XXXVI 'Village a la Baie Jervis / Aldea en la Bahia de Jervis', 1834, Object No: 00017947.



children, tribe and usual place of residence³⁷. There were difficulties collecting accurate information, and even at the time the total returns were considered an unreliable record³⁸ (Reece 1967:198-199). However, based on these records there appears to have been a general decline in the Aboriginal population of the Shoalhaven in the 19th Century. For example, 1838 records from Berry's estate identified 62 individuals from the Jervis Bay tribe³⁹. By 1890, only 133 Aboriginal people were recorded from the Shoalhaven region, and of these between 20 and 30 were employed on the Coolangatta estate⁴⁰.

There are few references to the local Aboriginal people through the 1840s and 1850s; however, it can be assumed that their displacement from traditional lands and resulting economic dependence on Europeans continued, resulting in the establishment of semi-permanent fringe camps adjacent to townships and homesteads⁴¹.

A couple of sources from the 1870s refer to boat-related economic activities, indicating local Aboriginal people were familiar with and skilled at handling European vessels. An example of the Thurumba language recorded in 1872 relates a dialogue which takes place at Currumbene Creek. It describes whaling activity off the coast, with the Aboriginal king or chief borrowing a boat from 'the white people' to meet the whaling vessel and do some fishing⁴² :

7. We'll ask for the boat; to walk along the beach will make us tired.
8. This westerly wind will make it go quick.
9. Let our king ask for the boat; he is a good man, a favourite, the chief; the white people like him.
10. Our chief is calling; he has got it, the white man has given it.
11. Come on quick, let us make haste. Now then, jump in.
12. How many are going to pull? There are four to pull and one to steer.
13. When we get out of the creek, we'll put up the mast, and hoist the sail.
14. Fetch the fish spears, we'll spear some fish....

In 1879, a newspaper article described a surf boat owned by Aboriginal people which could be chartered by fishing parties, and was used to ferry people up Currumbene Creek:

The next [ship building] yard is about a mile, or perhaps a little farther up the creek [from the Macauley's yard, next to that of the Messrs. Dent at the mouth of Currumbene Creek, North Huskisson]; and as the scrub is not very safe to travel on foot, owing to snakes, &c., I am advised to seek the services of the aboriginals in charge of a well-built surf boat, supplied to them gratuitously by a number of gentlemen in Sydney, who also supply them with provisions, &c. The boat was moored hard by, and after attending to the wants of a fishing party, who had first sought the use of it, the old salt temporarily in charge, in the absence of Captain Bobby, whose name is on the boat, was an intelligent aboriginal, about 60 years of age, by the name of "Captain Edward Watson Tādāmagal." Mr. "Neddy," as he preferred to be called, is quite an expert with a pair of oars, and we were not long getting to Mr. Coloun's yard ...⁴³

The supply of the surf boat was likely through the efforts of George Thornton, who from 1854 was one of the key members of the Sydney Aborigines Committee. The committee was a private organisation formed to raise funds for the 'Sydney tribe'. Thornton had camped out with Aboriginal people at Jervis Bay in the 1840s and believed that the charitable activities of the committee (which include the annual

³⁷Reece, R. H. W. 1967. 'Feasts and Blankets: The History of Some Early Attempts to Establish Relations with the Aborigines of New South Wales, 1814-1846'. *Archaeology & Physical Anthropology in Oceania* 2 (3): 190-206. Reece p197

³⁸ Reece 1967:198-199

³⁹ Maunsell Australia Pty Ltd and Navin Officer Heritage Consultants Pty Ltd. 2007. 'Gerringong to Bomaderry Princes Highway Upgrade: Preliminary Indigenous and Non-Indigenous Assessment'. The Roads and Traffic Authority NSW p12

⁴⁰ Navin Officer Heritage Consultants (NOHC). 1997. 'Preliminary Overview Route Selection Study Currumbene Creek Crossing Jervis Bay, NSW'. Preliminary Overview. Navin Officer Heritage Consultants. Jervis Bay, NSW: Connell Wagner Pty Ltd.p.8

⁴¹ Navin 1997:7

⁴² Mackenzie, Andrew. 1874. 'Specimens of Native Australian Languages'. *The Journal of the Anthropological Institute of Great Britain and Ireland* 3: 247-64; Mackenzie 1874:254

⁴³ *The Telegraph and Shoalhaven Advertiser*, 16 October 1879, p.2



distribution of blankets in Sydney) should be extended to Aboriginal people in their home districts. In the 1860s, Thornton actively assisted Aboriginal people around Jervis Bay to obtain fishing boats and supplies⁴⁴.

However, the same newspaper article noted that although most of the land along the coastline around Jervis Bay had been alienated (granted, selected or purchased), much of the property was still "in a state of nature" and thickly timbered, and was used by Aboriginal people for hunting and camping.⁴⁵

In 1882 the Office of Protector of Aborigines was created, allocating provisions to Aboriginal people at Jervis Bay and they received a fishing boat in 1883⁴⁶. The Board for the Protection of Aborigines (later known as the Aborigines Welfare Board) was formed in 1883, and was the responsible for making recommendations concerning the Aboriginal population of New South Wales and for the distribution of rations, clothing and huts for accommodation.⁴⁷ In 1883, the provision of government aid to Aboriginal people living at Jervis Bay included the supply of rations and distribution of clothing, sail, oars, rope, paint, fishing-lines and hooks.⁴⁸ Similar supplies and assistance were provided to other coastal groups (for example, at Shoalhaven and Terrara), and it was considered that the boats and gear could be used to earn a sufficient livelihood.⁴⁹ The 1885 Annual Report recorded that 12 adults and 6 children in Jervis Bay were provided with "rations, clothing and stationery".⁵⁰

3.4.1 Bilong

The economic focus provided by the town at Huskisson (proclaimed in 1885), and the availability of fresh water and traditional food resources associated with Currumbene Creek, made this area an attractive locality for a camp⁵¹. The location of the historical Aboriginal camp site known as Bilong, on the eastern bank of Currumbene Creek opposite Huskisson, is described as being within and around the present Myola township, on Portion 36 of the Parish (Figure 3-3). The camp was on 'level ground adjacent to the creek' and consisting of '10-15 Aboriginal cottages made from timber from the local sawmill (possibly at Huskisson) with bark roofs'⁵².

⁴⁴ Irish, Paul. 2017. *Hidden in Plain View: The Aboriginal People of Coastal Sydney*. Sydney: NewSouth Publishing 62, 102-104

⁴⁵ Trove: *The Telegraph and Shoalhaven Advertiser*, 16 October 1879, p.2

⁴⁶ Feary, S. 2018 *Proposed Sale and Redevelopment of Anglican Church Grounds, Huskisson*. Aboriginal Cultural Heritage Due Diligence Assessment'. Bartlett and Associates Pty Ltd.: 17

⁴⁷ SARANSW: 'Aboriginal Resources: An Overview of Records, Aborigines Welfare Board, 1883-1969', web, <https://www.records.nsw.gov.au/archives/collections-and-research/guides-and-indexes/aboriginal-resources-overview-records>

⁴⁸ AIATSIS Library: Legislative Assembly of New South Wales, 'Protection of the Aborigines (Report of the Board)' 1883-4, p.6

⁴⁹ AIATSIS Library: Legislative Assembly of New South Wales, 'Protection of the Aborigines (Report of the Board)' 1883-4, p.3

⁵⁰ AIATSIS Library: Legislative Assembly of New South Wales, 'Protection of the Aborigines (Report of the Board)' 1885, p.3

⁵¹ Navin, Kerry. 1990. 'Proposed Currumbene Creek Crossing Feasibility Study: Archaeological Component'. Shoalhaven City Council. p13

⁵² Cane, S. 1987. 'An Archaeological and Anthropological Investigation of the Armament Depot Complex in Jervis Bay, NSW'. Department of Housing and Construction. p.43

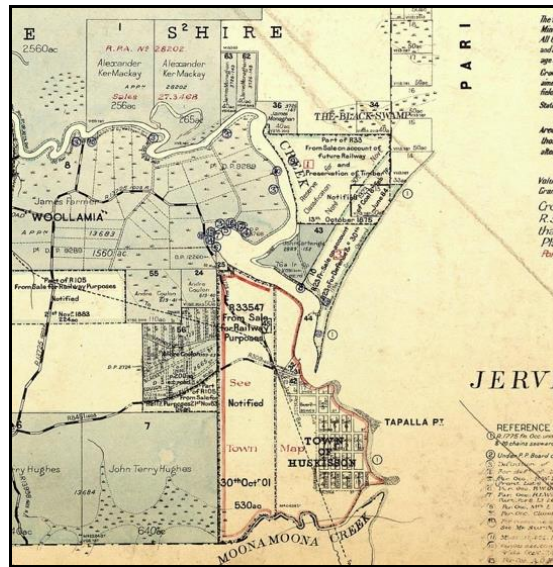


Figure 3-3 1928 map of the Parish of Currambene, showing the relative location of Portion 36 – 40 acres indicated as being owned by Jimmy Monaghan. This is the location of the Bilong camp. (NSW Land Registry Services, Historical Lands Records Viewer, AO Map 44631, Map File: 13832501.jp2)

Bilong was regarded by authorities as an unofficial and 'unmanaged' camp. The date for the beginning of historic occupation at Bilong is conventionally given as between 1895 and 1900, following the relocation of some families from the reserve at Roseby Park, after the Beecroft Peninsula began to be used as a bombing range⁵³. It has been suggested that an Aboriginal camp on Currambene Creek may have existed prior to this⁵⁴. In 1885, a number of Aboriginal children appear to have been attending the public school at Huskisson North (reported variously as 12 Aboriginal children or '22 half-castes and aboriginals'). Although some of them came from a distance to go to school, it suggests that others were living in the vicinity of the town.⁵⁵

Members of the 'Jervis Bay tribe' at the turn of the 20th Century included "Buddbilly" (also known as Budd Billy II, King of Jervis Bay, King Billy, Jimmy Golden, James Golding, Monaghans Jimmy, William Bothong) and his wife Mary Golding (Figure 3-4), Jimmy Dann (Carpenter Dan) and family, and Mickey Bell, originally from New England.

In common with the experience of Australian blacks elsewhere, the Jervis Bay tribe has dwindled down to a very small number. Conspicuous is the portly form of "Buddbilly," who proudly wears the brass insignia of his rank as "King of Jervis Bay." When his majesty is in full rig—glazed helmet, steel watchchain with four medals of various values, etc. he acts the parts to perfection, not forgetting to collect the royal tax of sixpence from the visitor. Buddbilly is not the only representative of royalty who expects his subjects to toe the mark in the matter of taxes. Jimmy Dann, or "Boree," and his family, and Mickey Bell, a New England native stranded at the bay, comprise the bulk of the dark-skinned original owners of the soil. Civilization and education does not seem to have done much for them, although "Fanny,"

⁵³ Navin 1990:17; Cane 1987:43; AHIMS Site Card #58-2-0256

⁵⁴ Egloff, B.J. 1981. *Wreck Bay: An Aboriginal Fishing Community*. Canberra, ACT: Australian Institute of Aboriginal Studies. p.18

⁵⁵ Trove: *The Protestant Standard*, 1 August 1885, p.5; AIATSIS Library: Legislative Assembly of New South Wales, 'Protection of the Aborigines (Report of the Board)' 1885. p.2



*whom we noticed contentedly toasting her black toes and shins at the camp fire and smoking well coloured clay, whilst she eagerly followed the fortunes of the persecuted heiress and bad minded marquis in a penny novelette, seemed to have reached the ideal of "jolly and fat."*⁵⁶

The camp at Bilong was occupied for around thirty years at least until the late 1920s, possibly longer. The 1901 Census lists the following Aboriginal people in North Huskisson:⁵⁷ Other people who lived at Bilong over time included Jack Campbell, Charlie Roberts, Jimmy Johnson, Pegg Carpenter, Dave Carpenter, Lucy Dan, Jimmy Bell, Suzy McDonald and Sandy Glass⁵⁸.

Table 3-1 1901 Census list of Aboriginal people in North Huskisson

Locality	No. of Householders Schedule	Name of Householder	Number of males (Aboriginal)	Number of females (Aboriginal)
N. Huskisson	99	Abraham Woods	2	1
N. Huskisson	100	Jimmy Dan	4	2
N. Huskisson	105	James Golden	2	1
N. Huskisson	106	Scotch Maclean	1	3
N. Huskisson	115	Kate Golden	2	2

In 1882 the large number of Aboriginal people in the town of Huskisson was causing unease among the non-Aboriginal inhabitants, prompting the Aborigines Protection Board (APB) to establish an Aboriginal reserve at Long Beach on the Beecroft Peninsula, but the Long Beach Reserve remained largely uninhabited given the opening of the artillery range there in 1895⁵⁹ ().

*A portion of the Beecroft Peninsula was leased as a bombing range and naval gun target practice which commenced in 1895. According to local folklore a white child was killed during one of the bombardments and Queen Mary also known as Grannie Goulding decided to have a peaceful old age and moved there more or less permanently to Bilong where she lived with Jimmy. From time to time she would row across the bay from Huskisson and revisit her old home*⁶⁰.

A 1927 newspaper article suggests that Mary Golding lived at Bilong, with her daughter Rebecca Carpenter (Golding) and possibly others. The 1935 electoral roll records Rebecca Carpenter as living at 'Curumbene Creek, Huskisson'⁶¹

*Notwithstanding the old woman's great age she is not yet beyond caring for the sick. Mr. Moss recently paid the "Royal Family" a visitation, and inquired how they all were? Mary replied that she was alone, except for a young male adult who was sick, and she was looking after him; that Becky had gone away to the Lake fishing, with the others. They had left the sick man with Mary to tend.*⁶²

⁵⁶ Trove: *Goulburn Evening Penny Post*, 2 April 1904, p.5

⁵⁷ SARANSW: *New South Wales, 1901 Census*, Shoalhaven / St Vincent / D Tomerong / Household Schedule Nos 89-124, Series NRS 685, fiche 43.

⁵⁸ (pers. comm. Elaine Sturgeon 1990, cited in Navin 1990:17)

⁵⁹ Feary 2018: 17

⁶⁰ Egloff 1981 *Wreck Bay: An Aboriginal Fishing Community*. Canberra, ACT: Australian Institute of Aboriginal Studies.

⁶¹ Ancestry.com.au: AEC, *Australia Electoral Rolls 1903-1980*, NSW/1935/Eden Monaro/Nowra

⁶² Trove: *Nowra Leader*, 6 May 1927, p.3



Figure 3-4 “Royalty at Ease” Budd Billy II, King of Jervis Bay and his wife Mary, Nowra, New South Wales, approximately 1905 (National Library of Australia, Call No. PIC Album 1197/1 #PIC/15675/63)

3.4.2 King Budd Billy II: Jimmy Golding

Jimmy Golding was an Aboriginal Elder who lived in the Nowra/Jervis Bay region during the 19th and early 20th Centuries.⁶³ He was also known by the names of James Golding, James Golden, Monaghans Jimmy, William Bothong. He was the owner of the breastplate that declared him 'BUDD BILLY II KING OF JARVIS BAY'. The name 'Budd Billy' is an Anglicisation of *madbili* meaning 'possum-skin rug'. The breastplate is held in the collection of the National Museum of Australia.⁶⁴

Jimmy was married to Mary Carpenter, and together they had 5 children; daughters Rebecca Golding and (Josephine) Kate Speechley were named on Mary's death certificate.⁶⁵ Another snapshot of their familial relationship captured in Kate's marriage register record.⁶⁶

An 1892 photograph documents Jimmy as working as a Police Tracker, attached to Nowra Police Station.

⁶³ ANU Library: Cook, Kevin, and Heather Goodall, *Making Change Happen: Black and White Activists Talk to Kevin Cook about Aboriginal, Union and Liberation Politics*, ANU Press, 2013, p.9, web, <http://www.jstor.org/stable/j.ctt4cg5r4>.

⁶⁴ NMA: 'Aboriginal Breastplates: New South Wales Budd Billy II - King of Jarvis Bay', web, <https://www.nma.gov.au/explore/features/aboriginal-breastplates/list/new-south-wales/budd-billy>

⁶⁵ NSW BDM: *Death Certificate* Mary Golding, 25 February 1928, Registration No. 4225/1928

⁶⁶ Ancestry.com.au: Sydney Diocesan Archives, Anglican Church Diocese of Sydney, *Sydney Anglican Parish Registers, 1814-2011*, Nowra All Saints Marriage Register, 20 September 1904 – 3 March 1909, Record No. 47, 20 March 1908, #A.96265

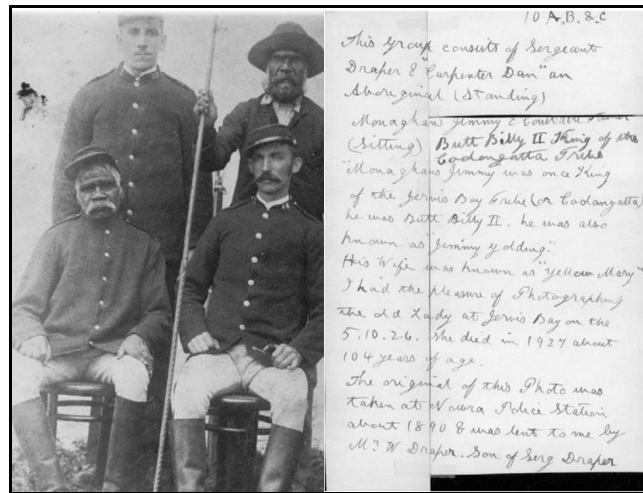


Figure 3-5 Right: Photograph of Jimmy Golding and Carpenter Dan as police trackers, taken at Nowra in 1892. Back row: Arthur Draper, Carpenter Dan. Front row: James Golding (King Billy), John Fowler. (Nelson 2008)

A well-known character, Jimmy Golding had a reasonably high profile in both the European-settler and Aboriginal communities in the Shoalhaven. In the late 1890s, he featured in a corroboree at Huskisson.

In the evening the aboriginals assembled in front of the Jervis Bay Hotel to corroboree. They met about eight o'clock and continued their grotesque movements for more than an-hour. King Jimmy figured very prominently [sic], and old Mickey made himself very amusing with feeble attempts at funny gags and witticisms. In conclusion King Jimmy delivered what he considered a great oration and informed those present (whom he insisted on addressing as gentlemen and ladies) that they intend having a big event in Nowra at Easter.⁶⁷

An article from 1896 recalls King Budd Billy II and King Micky Johnson attending the celebration of the centenary of Kiama,

...That the celebration might not be wanting in historic interest, the aboriginal worthies, "Budd Billy II., King of Jervis Bay," and "Micky Johnson" came into town with a retinue of native followers.

Both wore dressed in state regalia. King Billy had his half-moon brass plate, bearing his name and title, a brass star on which was embossed a crown, and a nickel medal awarded to somebody by the Agricultural Society for the best Durham bull. King Micky wore a blue sash, a colored rosette, and a similar brass plate bearing the legend "Micky Johnson, King." There was something pathetic in the spectacle of these poor blacks taking part in the celebration of an event which brought with it their own overthrow and decay. Yet it was noticed that during the day they held aloof from the great body of their white neighbours and huddled together in a corner of a paddock, where someone was kind enough to provide them with homely and substantial refreshment. At night, however, they threw off their reserve and took part in a corroboree.⁶⁸

⁶⁷ Trove: Shoalhaven Telegraph, 26 March 1898, p.2

⁶⁸ Trove: Australian Town and Country Journal, 11 April 1896, p.10

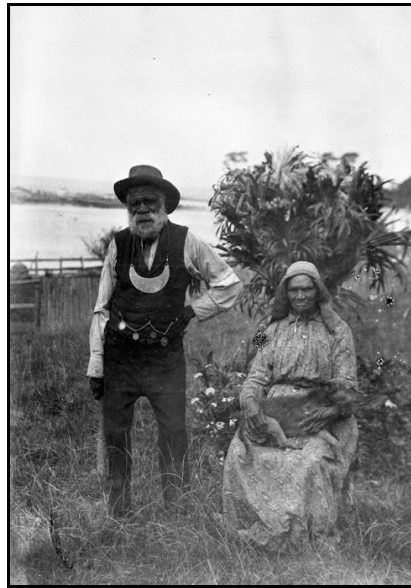


Figure 3-6 Photograph of Jimmy and Mary Golding which was labelled 'Budd Billy and his Wangan/Last King and Queen of Jervis Bay 1904'. (National Museum of Australia, EO Milne, Edmund O Milne's photograph album, Milne Library item No. 11, n.d.)

Despite his local notoriety, little was made of King Budd Billy II's passing in 1905. The Shoalhaven News reported that he had been seriously ill, and judging from relative newspaper dates, passed away between 3rd June and 7th June 1905. (See section 4.5.2 for a discussion of evidence relating to his burial location).

*Budd Billy, aboriginal king, is seriously ill. The poor old fellow is being well attended to by the white inhabitants.*⁶⁹

*"Budd Billy" King of the Jervis Bay aboriginal died on Wednesday last. The old fellow was a character in his way.*⁷⁰

Oddly, the most effusive of the newspaper reports eulogising Budd Billy II was published in a south coast news column of Lismore's *Northern Star*:

*Poor old King Budd Billy III [sic] has passed over to the great majority. King Budd Billy (otherwise known as Jimmy Golden) was known to almost every Shoalhavenite, and be it said, there were white men worse than 'Jimmy.' Certainly, he was possessed of most of the characteristic of all aboriginals, yet he could be thoroughly trusted. An excellent photo of King Budd Billy and his gin is the subject of a pictorial post-card issued by Mr. C. S. Moss.*⁷¹

3.4.3 Queen Mary Golding

Jimmy Golding's wife, Dharawal woman Mary Golding/Mary Carpenter was a personality in her own right.⁷² The content and tone of newspaper articles certainly evoke the sense that she was well-

⁶⁹ Trove: Shoalhaven News and South Coast Districts Advertiser, 3 June 1905, p.4

⁷⁰ Trove: Shoalhaven Telegraph, 7 June 1905, p.6

⁷¹ Trove: Northern Star, 19 June 1905, p.4

⁷² ANU Library: Cook, Kevin, and Heather Goodall, *Making Change Happen: Black and White Activists Talk to Kevin Cook about Aboriginal, Union and Liberation Politics*, ANU Press, 2013, p.9, web, <http://www.jstor.org/stable/j.ctt4cg5r4>

Proposed Rezoning of the Former Anglican Church site, Huskisson, Shoalhaven LGA: Heritage Assessment and Historical Archaeological Research Design

Navin Officer Heritage Consultants Pty Ltd

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respected and cared for by the Huskisson community after Jimmy's passing. She continued to live at her hut at Bilong, with her daughter Rebecca 'Becky' Carpenter.⁷³

Since Billy's death a few years later, she presided over the destinies of her waning race at Jervis Bay, provided for to the day of her death by a beneficent Government. On holidays and other days she held court to the numerous visitors from Huskisson, whose stay was not considered complete till homage was paid to the venerable matriarch across the water.⁷⁴

She became somewhat of a celebrity due to her longevity, thought to be at least 105 years of age when she passed away on the 25th February 1928.⁷⁵

Poor old Mary is held in high regard by generations of the Dent families who all remember her since their childhood days. In fact, they look to Mary's interests, seeing to it that she never wants for the necessities of life, often providing her with little comforts to make her heart glad in the long evening of her days, on the banks of the Currumbene. Hats off to Mary!⁷⁶

Reportedly it was the custom to always take an offering of some sort when visiting her and, when asked by Mr C.S. Moss how she existed:

...Mary casually replies "Well, I get money givin' to me, and I make them pay a shillin' when they want to take my photo". Mary proffered the information that she would not come outside the hut until she had received the shilling, being wise to the fact that the photographer could not operate satisfactorily whilst his subject was under cover.⁷⁷



Figure 3-7 Photo of Mary Golding, taken on the 5th October 1926. The photo label reads "Queen Mary Wife of Jimmy Golding known to the Aboriginal[...] as King Butt Billy II of the Jervis Bay Tribe Coolangatta Tribe. She claims to be 100 years of age She was known as yellow Mary. Died 1927" (Nelson: 2008)

⁷³ Trove: *Nowra Leader*, 6 May 1927, p.3

⁷⁴ Trove: *Nowra Leader*, 2 March 1928, p.3

⁷⁵ NSW BDM: Death Certificate Mary Golding, 25 February 1928, Registration No. 4225/1928

⁷⁶ Trove: *Nowra Leader*, 6 May 1927, p.3

⁷⁷ Trove: *Nowra Leader*, 6 May 1927, p.3



Figure 3-8 Mary Golding outside her hut in October 1926. Photo is labelled: "Home of Queen Mary of the Jervis Bay Tribe She claims to be 100 years old Wife of King Jimmy Golding known to the Aborigines as King Butt Billy II 5.10.26." (Nelson: 2008)



Figure 3-9 Left: Mary Golding receiving a gift from visitors. The other woman pictured could be her daughter Rebecca. Right: Mary featured as the oldest person of the South Coast. (Daily Telegraph, 29 November 1927, p.12)



4. HISTORICAL CONTEXT

4.1 Exploring the Bay

Jervis Bay had been visited and mapped by Europeans from the early years of the Colony. Following his visit to the bay in November 1811, Governor Lachlan Macquarie became interested in the potential of Jervis Bay, and from then on made efforts to facilitate settlement in its vicinity.⁷⁸

In the case of land laying between these two places should be found to be good quality and fit for pasturage and agriculture, it would in my opinion be highly advisable to for a settlement at Port Jarvis as soon as possible.

Port Jarvis is by far the finest and safest harbour in the whole coast between this and Bass's Straights to the southward. Port Jarvis also affords plenty of coal which I understand could be easily wrought...I am of the opinion that it would be good policy and add greatly to the improvement and resources of the Colony if a settlement were formed at Port Jarvis and the country in its vicinity occupied by Industrious new settlers.⁷⁹

A coastal survey of Jervis Bay was undertaken by the surveyor-general John Oxley and James Meehan in September-December 1819. Oxley was not of the same enthusiastic opinion as Macquarie, stating

...We saw no place on which even a Cabbage might be planted with a prospect of success...perhaps a more miserable sterile country was never traversed by a man...

...The country in the neighbourhood of Jervis Bay does not offer the smallest inducement for the foundation of a settlement on its shores being as before state for the most part barren and generally deficient in Water...⁸⁰

Macquarie had high hopes for the establishment of a port and settlement at the Bay but fears of placing the large number of convicts needed in a situation where only a limited military force would be available to manage them stayed Macquarie's hand. Despite rumours of the creation of a settlement in late 1826, and again in 1832, no action had been taken to create a township and port at the Bay and would not until 1840.⁸¹

4.2 The development of Huskisson

Active steps had not been taken to set out a port and settlement at Jervis Bay, but the granting of land in its vicinity had begun in the 1820s. Between 1827 and 1840 over 11,000 acres of land had been granted to settlers at Moona Moona Creek, Callala, Currumbene Creek and Wollamia.

In March 1828, Rev. Thomas Kendall applied for a grant of 1280 acres at the mouth of the stream "called by the natives Kurrumbun" (Currumbene Creek). His application was refused, being informed that

...The spot is one which has been thought eligible for the Site of a Town – being situated at the mouth of the principal river...⁸²

In the meantime, graziers on the Southern Tablelands and Shoalhaven were looking for a way to shorten their long overland trips to markets in Sydney. In the 1830s, investigations were undertaken to

⁷⁸ NLA: Weatherhead, Mathew, Dalrymple, Alexander and Harrison, William. Plan of Jervis Bay on the east coast of New Holland Lat. 35°6'S. Long 150°52'E. from Greenwich about 25 leagues to the southward of Port Jackson [London]: Publish'd according to Act of Parliament by A. Dalrymple, 1794. Web, 5 October 2021 <http://nla.gov.au/nla.obj-230692652>; James Jervis, "Jervis Bay: Its Discovery and Settlement." in the Royal Australian Historical Society Journal and proceedings Sydney: The Society, 1918, p.122, Web <<http://nla.gov.au/nla.obj-608930418>>

⁷⁹ James Jervis, Jervis Bay, RAHS, 1918, p.122

⁸⁰ NLA: Lachlan Macquarie correspondence to Earl Bathurst, 12 December 1817, in James Jervis, Jervis Bay, RAHS, 1918, p.123

⁸¹ NLA: James Jervis, Jervis Bay, RAHS, 1918, p.126-7

⁸² NLA: James Jervis, Jervis Bay, RAHS, 1918, p.127



find an overland route from Nerriga, east to Jervis Bay. Here the journey could be completed by sea. A suitable route being discovered, in May 1840, the Colonial Secretary requested that the Surveyor General assign someone to survey the road. The Wool Road as it became known, was in operation by mid-late 1841.

Since there was no township in existence the Jervis Bay terminus of the Wool Road, it became necessary to plan one. Acting Surveyor General Captain Perry attended the Bay and was dismayed to find that the perfect land for an adequately sheltered port and township – on the southern side of Moona Moona Creek (now-Vincentia) had already been alienated in private ownership. Perry fell back on the government reserve of land at the mouth of Currumbene Creek, from which Kendall had been discouraged. Assistant Surveyor Burnett was instructed to draw up a township for the site, which he forwarded to the Governor for approval in November 1840. On the 3rd of December 1840, advice was received that His Excellency "...approved of the design of the Township of 'Huskisson'"⁸³

The original town featured Lots in 24 sections laid out in a grid pattern. The government offered 15 lots up for sale in 1841 near the waterfront at Currumbene Creek.⁸⁴ By way of competition, the owner of the private land at the end of the Wool Road, set out the township of South Huskisson (now Vincentia), and offered 100 Lots for sale in June 1841 (Figure 4-2)

The optimism and prosperity offered by the Wool Road was somewhat short lived. Severe economic downturn and the rise of Nowra to become the trading centre for the region saw the little development present at South and 'North' Huskisson almost completely abandoned toward the end of the 1840s.⁸⁵



Figure 4-1 Locality sketch taken from the c.1840 *Plan of sixteen agricultural farms, St George's Basin contiguous to the township of Huskisson, Jervis Bay*. The area set aside for the government town of Huskisson is seen on the left-hand side of Currumbene Creek. (NLA: Ferguson rare map collection, MAP F 85, Bib ID 2629481)

⁸³ GBA Heritage Pty Ltd, Heritage Assessment: 17 Hawke Street, Huskisson for Bartlett & Associates Pty Ltd, 2018, p.6;

NLA: James Jervis, Jervis Bay, RAHS, 1918, p.126-7

⁸⁴ Trove: NSW Government Gazette, 26 October 1841, Issue No. 88, p.1470

⁸⁵ GBA Heritage 2018: 6

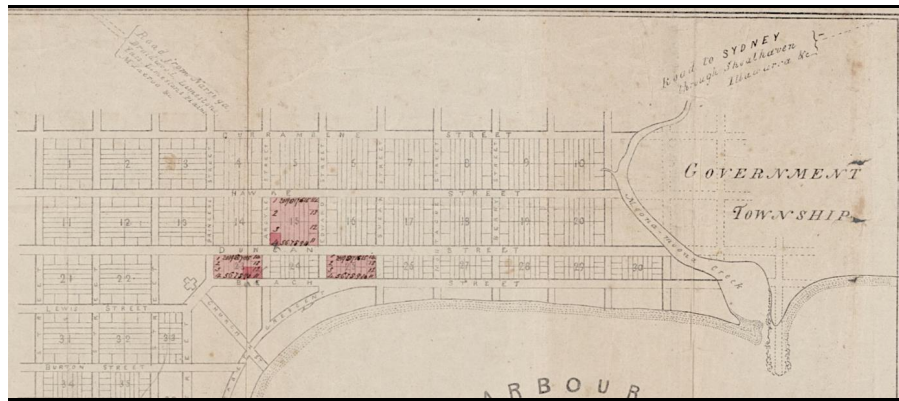


Figure 4-2 An extract from the c1841-1843 plan, *Sketch of the township of South Huskisson*. Assistant Surveyor Burnett had made his plan of the government township of (North) Huskisson by 1840. An indication of a grid pattern of blocks is made on the right-hand bank of Moona Moona Creek, and the street names and siting of Currambene, Hawke, Duncan and Beach relatively echo the pattern observed in the 1868 Huskisson Town Plan [Figure 4-4]. (NLA: Ferguson rare map collection, MAP 57 & 58, Bib ID 2627764)



Figure 4-3 View of 'Jarvis Bay', c.1848(?) with Point Perpendicular in the middle distance. The print is labelled "Drawn from Nature by Capn. Westmacott, On Stone by W. Sprent" (SLV: Pl. no. 16, Sketches in Australia, Accession no: 30328102131702/18)

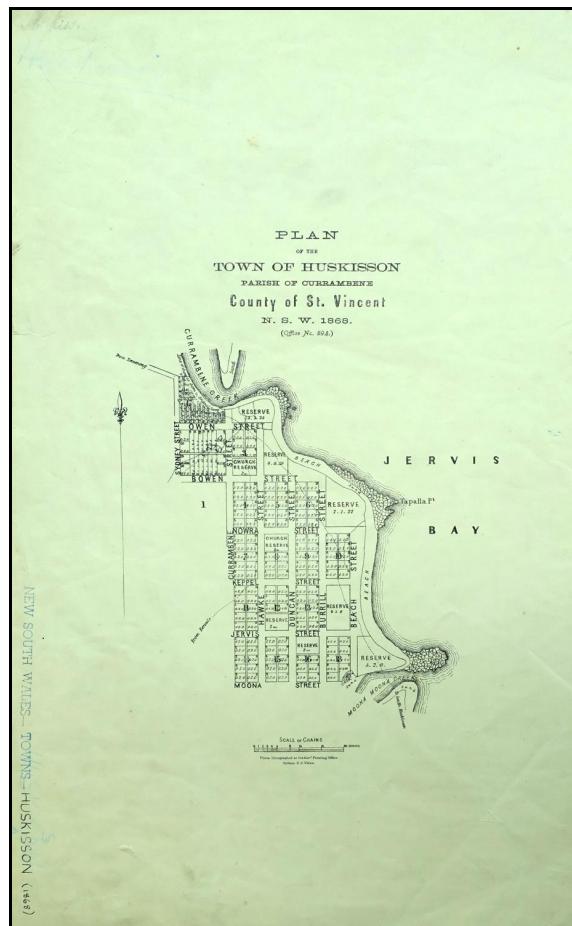


Figure 4-4 The 1868 'Plan of the town of Huskisson' published by the Department of Lands. The subject area is indicated as 'Church Reserve' north of Bowen Street. (SLNSW, ML Call No. Town map - Huskisson (1868), ID 74Vv82JRG270)

Huskisson received a new lease on life when it became a shipbuilding centre in the 1860s. George Dent (Senior) was a timber getter on the Georges River in Sydney, who arrived in Huskisson in 1861. He established a shipbuilding operation with two adjacent sawmills on the lower reaches of Currambene Creek⁸⁶. Two of Dent's sons, George (Junior) and Joseph became boat builders, establishing their own yards in the 1880s. Two other sons, James and William, worked finding and felling timber for boatbuilding. The Dents were joined by, among others, Andre Coulon - another successful independent shipwright working out of Huskisson⁸⁷.

By 1879, the population of Jervis Bay (including the village of North Huskisson), comprised about 100 people "scattered around the bay". At that time, the village of consisted of five residences (of James,

⁸⁶ Navin 1991. 'Archaeological Investigation of Proposed Currambene Creek Crossing and Associated Road Routes from Woollamia to Callala Beach, Jervis Bay, NSW'. Mitchell McCotter & Associates Pty Ltd.:11; Peter Freeman Architects, 2003. Shoalhaven City Council Heritage Study 1995-1998 (Heritage Study) update. Planning services Division, Shoalhaven City Council, Nowra NSW:28-29, 34

⁸⁷ Jervis Bay Maritime Museum 2014



William and George Dent, ship builders; Mr. Thomas Macauley, a shipwright; and the domicile of the postmistress) and the school-building, which operated as a half-time Provisional School.⁸⁸

4.3 The Section 3 Church Reserve

The town of Huskisson was laid out in 24 sections. The subject area is within Section 3.

In the 1868 plan of the town of Huskisson, the Section 3 site set aside for a Church comprised one 2-acre lot bound by Bowen, Hawke and Currumbene Streets. Another identical lot was set aside for a second church at the northern end of the Section 8, bound by Nowra, Hawke and Duncan Streets.⁸⁹

In correspondence dated 26th April 1875, approval was sought from the Minister for Lands for the use of the Section 3 reserve for 'as sites for Church of England Church, Churchyard and Parsonage.'⁹⁰ The intended division of the 2-acre portion in April 1875 is per the plan attached to the approval letter, reproduced here as Figure 4-7. Surveyor C.H. Dale was then assigned 'for report and measurement if unobjectionable 1 acre for Church of England Church site, ½ acre for Parsonage site' on the 25th May 1875.⁹¹ This amounted to 1 ½ acres in total; not the full 2 acres of the reserve.

Dale surveyed the Section 3 reserve on June 14th 1875, and the resulting Crown Plan indicates that the 2 acre site had been divided into 3 distinct lots; 1 acre given to Lot 7 for the erection of a church, and a ½ acre each to Lot 8 as the site of a parsonage, and Lot 9 as a burial ground (see Figure 4-8).

Dale submitted his Crown Plan survey for the site on the 30th June 1875, along with a letter addressed to the Surveyor General;

Sir,
I have the honour herewith to transmit the plan of one portion of land containing two acres Town of Huskisson County of St. Vincent measured by me on the 14th of June 1875 as a reserve for the Church of England in accordance with your instruction...No 75/35 of the 25th May
1875.

*The original Church Reserve as measured when the Township was laid out was 2 acres, and as instructed I have measured one acre for the Church, ½ acre for the Parsonage, and as there is already a grave in the remaining portion, I considered that I ought to reserve that as a burial ground.'*⁹²

The Crown Plan indicates that the land Dale refers to as already containing a grave is now-Lot 9, at the corner of Bowen and Currumbene Streets.

A memo dated 6 October 1875 was made in the margin of Dale's letter to the Surveyor General:

*Submitted. The instructions were for measurement of Church and Parsonage sites only. Mr Dale has measured a Ch of Eng Cemetery Site as well. Probably this last measurement should be cancelled, it being objectionable to have a Cemetery in a Town.*⁹³

In the colony of NSW, the rules on the location of burial grounds was formalised with legislation enacted in 1825 ruling that no burials could take place within the walls of a church and that all burial grounds

⁸⁸ *The Telegraph and Shoalhaven Advertiser*, 16 October 1879, p.2

⁸⁹ SLNSW: Department of Lands, *Plan of the town of Huskisson: Parish of Currumbene, county of St. Vincent N.S.W.* 1868, Government Printing Office, ML Call No. Town map - Huskisson (1868), ID 74Vv82JRG270

⁹⁰ SARANSW: Miscellaneous Branch of NSW Lands Department, correspondence document no. 75/3018 in File No 77/8470, at Box 2/1136

⁹¹ SARANSW: Miscellaneous Branch of NSW Lands Department, correspondence no. 77/35, annotated on document no. 75/3018 (29 April 1875), filed under no. 77/8470, at Box 2/1136

⁹² SARANSW: Miscellaneous Branch of NSW Lands Department, correspondence no. 75/4623 (1 July 1875), filed under no. 77/8470, at Box 2/1136

⁹³ SARANSW: Miscellaneous Branch of NSW Lands Department, correspondence no. 75/63, annotated on document no. 75/4623 (1 July 1875), filed under no. 77/8470, at Box 2/1136



should be located at least one mile outside the town.⁹⁴ This emerged in part from a review of burial practices in England by Edwin Chadwick⁹⁵ who recommended that internments within towns were to be 'entirely prohibited' because he maintained that

*...the emanations from human remains are of a nature to produce fatal disease, and to depress the general health of whosoever is exposed to them; and ... interments in the vaults of churches, or in grave-yards surrounded by inhabited houses, contribute to the mass of atmospheric and other impurities by which the general health and average duration of life of the inhabitants is diminished*⁹⁶

Therefore, by the time that the town of Huskisson was surveyed the position that cemeteries should not be located within towns was by this time entrenched in town planning practice.

A red ink amendment was made to the Crown Plan with a strikethrough cross over Lot 9 as a burial ground, with the notation "*Cancelled by memo on papers*".⁹⁷ The suggestion of the burial ground was crossed out as advised by the 8th October 1875, (see Figure 4-8) with the memo noting that only the site for 'Church of England Church and Parsonage' had been submitted for approval by the Minister for Lands.⁹⁸

On the 4th February 1876, the NSW Government Gazette notice was published dedicating Lot 7 & 8 Section 3 of Huskisson for public use as a "*Church of England Church and Parsonage*".⁹⁹

⁹⁴ George IV no.21 (1 November 1825). *An Act for better regulating and preserving parish and other registers of births, baptisms, marriages and burials in New South Wales and its Dependencies, including Van Diemen's Land*. 10th Clause: 1-mile burial law. Cited in Murray, L 2001 p66

⁹⁵ Chadwick, Edwin 1843 *On the Results of a Special Inquiry into the Practice of Interment in Towns*.

⁹⁶ Chadwick 1843 in Murray, L.A., 2001. *Cemeteries in the Nineteenth-Century New South Wales: Landscapes of Memory and Identity* (Doctor of Philosophy). University of Sydney, Department of History p37

⁹⁷ LRS: CP 486-1984

⁹⁸ SARANSW: Miscellaneous Branch of NSW Lands Department, correspondence no. 75/4623 (1 July 1875), filed under no. 77/8470, at Box 2/1136

⁹⁹ NSW Government Gazette, 4 February 1876 (Issue No.380), p.510

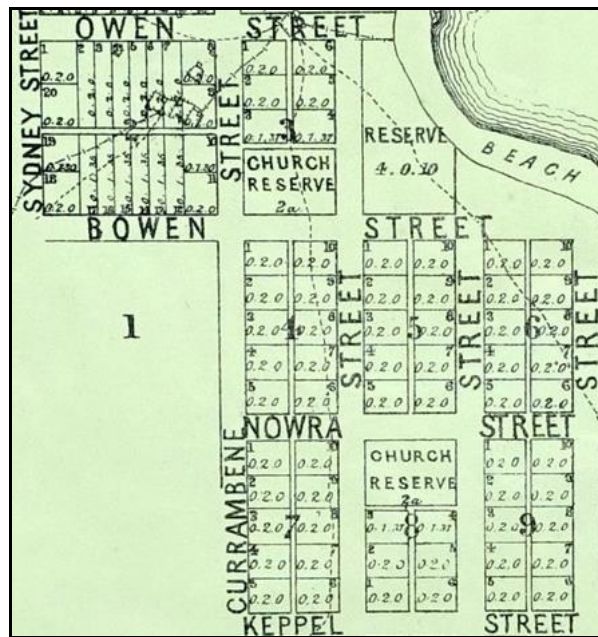


Figure 4-5 Extract from the 1868 plan of the town of Huskisson. Section 3 contains the reserve for a church (subject area), with another identical lot set aside for a second church in Section 8. (SLNSW, ML Call No. Town map - Huskisson (1868), ID 74Vv82JRG270)



Figure 4-6 The subject land in red overlying the 1868 Plan of the Town of Huskisson.

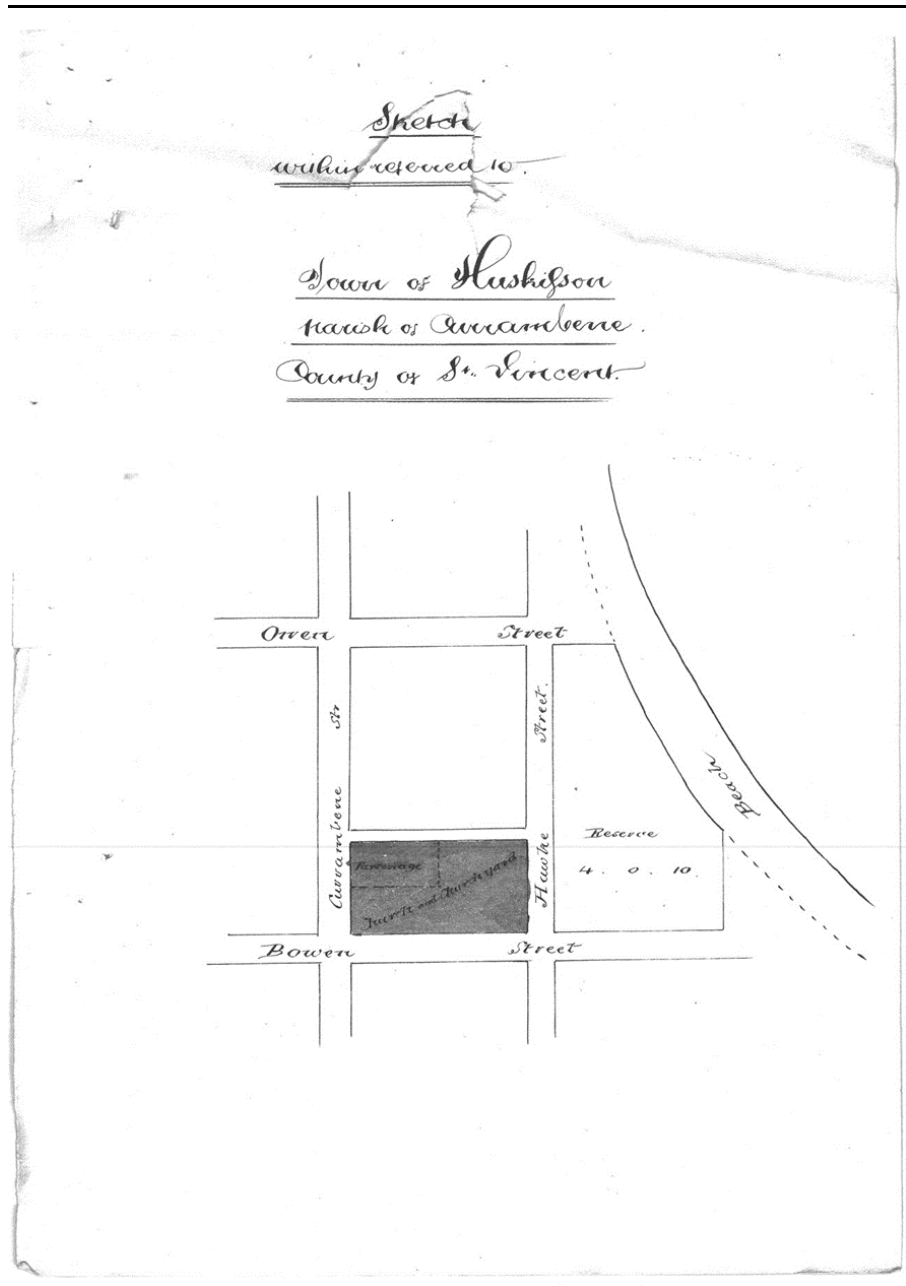


Figure 4-7 April 1875 sketch plan of the intended division/allocation of land within the 2-acre church reserve. This plan indicates that 1.5 acres (Lot 7 and 9) be the 'Church and Churchyard' with Lot 8 as the Parsonage. (SARANSW: Miscellaneous Branch of NSW Lands Department, correspondence document no. 75/3018 in File No 77/8470, at Box 2/1136)

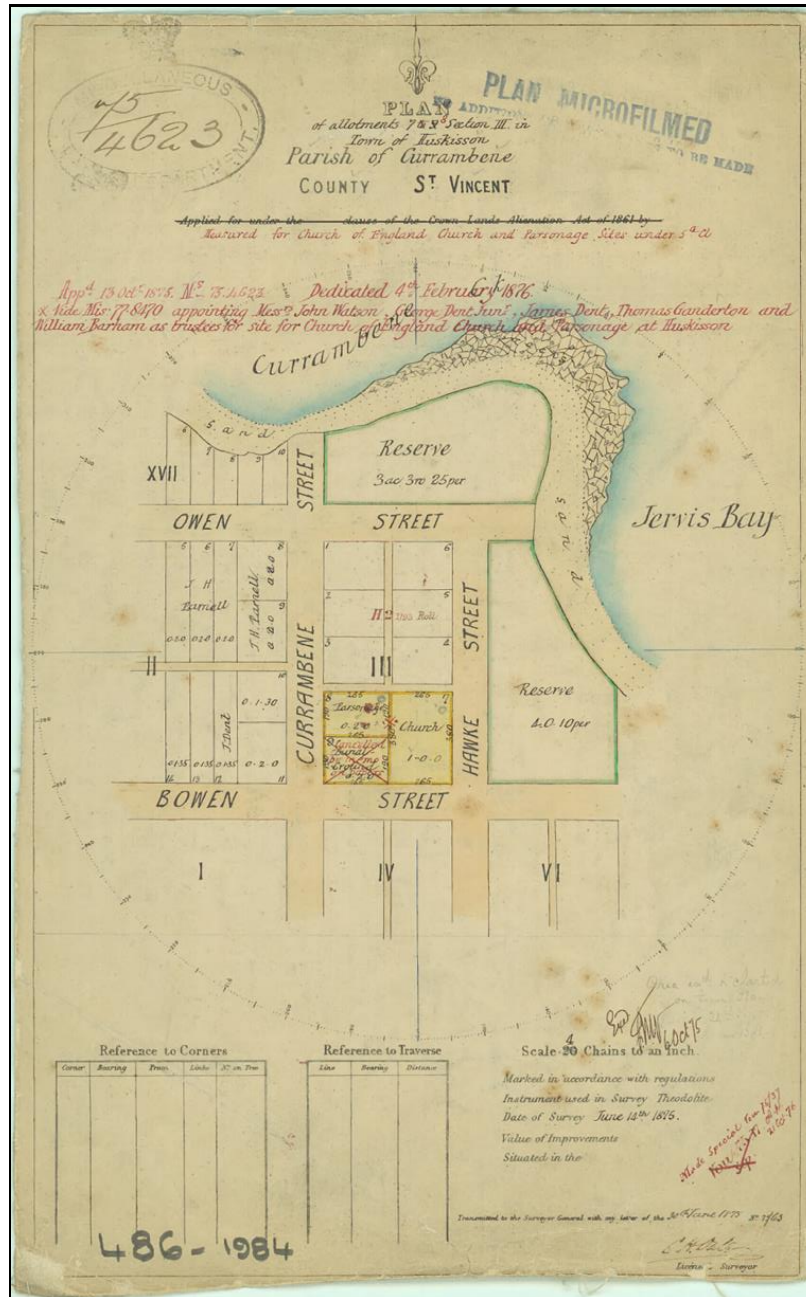


Figure 4-8 June 1875 Crown Plan of the Section 3 land reserved for church use. Red ink indicated a later amendment or note added to the plan. The reserve of Lot 9 Section 3 for the church had been cancelled before February 1876, as only Lots 7 & 8 were dedicated to the Church of England. (LRS: CP 486-1984)



By the time an updated town survey plan was completed in July 1884 (see Figure 4-9), Lot 9 Section 3 allotment and the Section 8 church reserve were recorded as general public reserves; shaded in green, as per the rest of the crown-owned public reserves in the town.¹⁰⁰ Crown Plan 2-1193, of 153 allotments of the Town of Huskisson (n.d., but early enough to indicate location of houses and fence lines pre-dating the formalise adoption of the town grid), notes that Lot 9 Section 3 is reserved for public buildings.^{101 102}

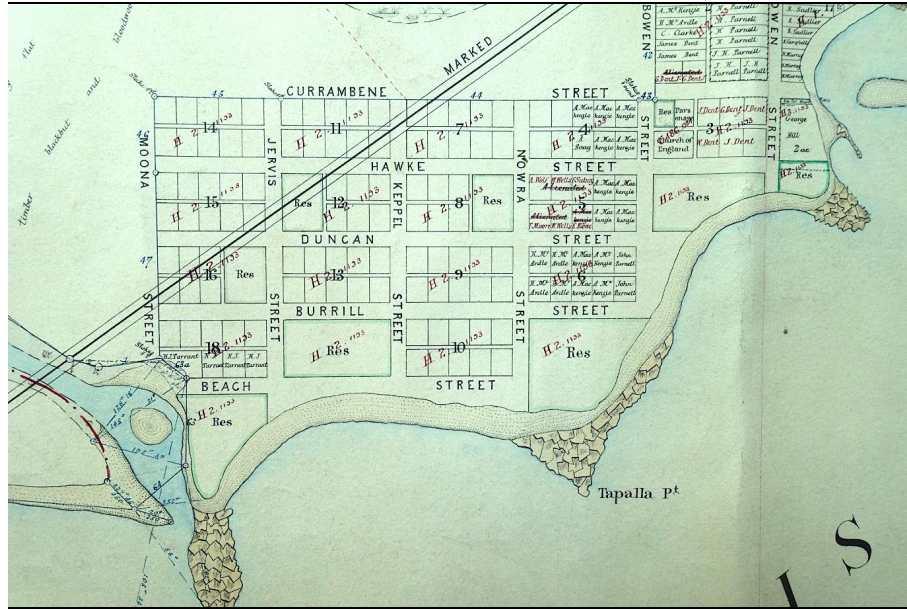


Figure 4-9 Extract from the 1884 Huskisson Town Plan published by the Surveyor General's office. Crown land that has been designated as a public reserve are shaded green. (SLNSW: G H Sheaffe & S R Dobbie, *Plan of survey of features to design, Town of Huskisson County of St Vincent: Parish of Currambene*, Surveyor General, ML Call No. M3 811.329/HUSKISSON/1884/1, ID 74VKv5pNPJqA)

John Watson, George Dent (Junior), James Dent, Thomas Ganderton and William Barham were appointed "as trustees for site for Church of England and Parsonage at Huskisson" in July 1877.¹⁰³ However, it was not until the early 20th Century that a church was built on the site. In the meantime, services were held at an indeterminate location in "Huskisson" and rites such as weddings were held at private residences, as evidenced by the October 1901 wedding of Louisa Coloun to Walter Smith; officiated by Rev. W. Newby-Fraser, "married in the residence of Mr Andre Coulon Huskisson N.S.W".¹⁰⁴

It was not until 1903 that efforts to build a church began in earnest, when a Church of England Parochial Council approved the request of Miss Wood of Jervis Bay to begin fundraising for that purpose:

¹⁰⁰ SLNSW: G H Sheaffe & S R Dobbie, *Plan of survey of features to design, Town of Huskisson County of St Vincent: Parish of Currambene*, Surveyor General, ML Call No. M3 811.329/HUSKISSON/1884/1, ID 74VKv5pNPJqA

¹⁰¹ LRS: CP 2-1193

¹⁰² At the time of writing, the corresponding memo to this notation on Lot 9 Sec 3 on CP 2-1193 was unable to be obtained from NSW State Records due COVID closure.

¹⁰³ LRS: CP 486-1984

¹⁰⁴ Trove: *Shoalhaven Telegraph*, 5 February 1885, p.2; Ancestry.com.au: Sydney Diocesan Archives, Anglican Church Diocese of Sydney, *Sydney Anglican Parish Registers, 1814-2011*, Nowra All Saints Marriage Register, 11 May 1900 – 21 September 1904, Record No. 23, 8th October 1901, p.11



At the Church of England Parochial Council meeting, on Friday evening last, Rev. W. Newby-Fraser reported that Miss Wood, of Jervis Bay, desired permission to raise funds for the erection of a place of worship at Huskisson. It was stated that a site was available that was vested in trustees for Church of England purposes, but it was desired that the building should be placed at the disposal of the Presbyterian Church people when required. The Council expressed entire approval of the proposal.¹⁰⁵

A church had been erected on the site by the 4th of September 1905 when a wedding was performed there:

A very pretty wedding was celebrated at the Church of England, Huskisson Bay, on Monday last, when Miss Edith Johns and Mr. Dudley Barnett Wiltshire were united in the bonds of matrimony. The ceremony was performed by the Rev. W. Newby-Fraser...As the bridal party left the church to the strains of the 'Wedding March,' which was skilfully played by Mr. J. M. Innes, they were treated to the usual showers of confetti, rose leaves, rice, etc...¹⁰⁶

An early photograph shows that the church was a modest weatherboard timber structure with a gabled roof. A later photo (Figure 4-10) shows that it was sited near the northern boundary of Lot 7 and addressed Hawke Street. The church was often referred to as the "Union Church" in newspaper reports, given that the space was shared by at least the Presbyterians for their church services.¹⁰⁷

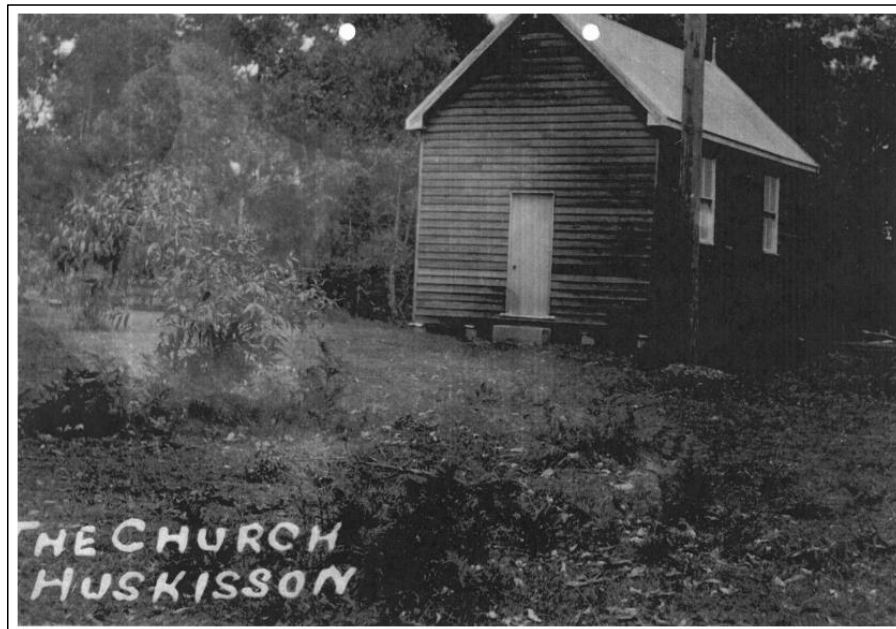


Figure 4-10 Undated photograph of the c.1905 church, Huskisson. Looking southwest from Hawke Street. Vegetation behind and beside the church is apparent. (Reproduced from GBA Heritage 2018:9).

¹⁰⁵ Trove: *Shoalhaven Telegraph*, 25 March 1903, p.6

¹⁰⁶ Trove: *Shoalhaven News and South Coast Districts Advertiser*, 9 September 1905, p.8

¹⁰⁷ Trove: *Nowra Leader*, 4 January 1929, p.2



4.4 The Holy Trinity Church, Huskisson

Having outgrown the c1905 church building, the Huskisson congregation began raising funds to build a new church on the site in the late 1920s.¹⁰⁸ They were aided in their quest by the Reverend Thomas Terry, "...who when in charge of the Shoalhaven parish largely interested himself in the raising of money towards meeting the cost of the building."¹⁰⁹

They approached architect Cyril Blacket¹¹⁰ a local landowner in the region, to design the church. Due to the cost, the design was revised from being constructed in brick to timber weatherboard instead. The Holy Trinity Church was finished in a matter of months; the foundation stone was laid by Archbishop of Sydney, Right Reverend Dr John Wright (Figure 4-12) on 24 January 1931, and the consecration service of the finished church was officiated by the Rural Dean of Wollongong, Rev E Walker on Saturday 4th April 1931.¹¹¹

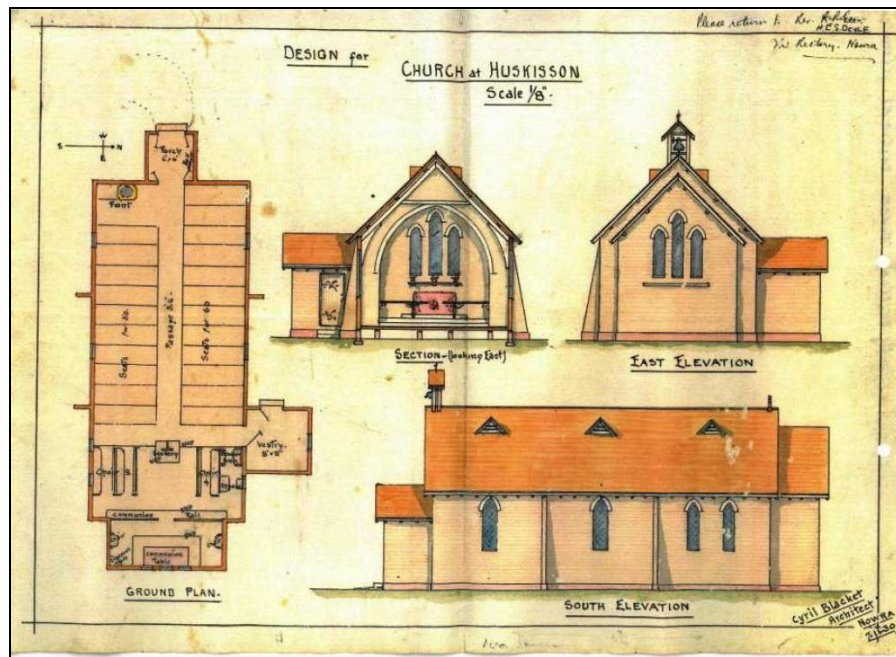


Figure 4-11 Cyril Blacket's November 1930 design of the new church at Huskisson. (Source parish archives cited in GBA2018)

¹⁰⁸ Trove: *Shoalhaven Telegraph*, 12 June 1929, p.2; *Shoalhaven News and South Coast Districts Advertiser*, 21 April 1928, p.3

¹⁰⁹ Trove: *Shoalhaven Telegraph*, 28 January 1931, p.1

¹¹⁰ Cyril Blacket (1857-1937) was a prominent landowner in St Georges Basin. He was the son of Edmund Blacket, the well-known Colonial Architect Edmund Blacket.

¹¹¹ Trove: *Shoalhaven Telegraph*, 28 January 1931, p.1; *Shoalhaven Telegraph*, 8 April 1931, p.4



Figure 4-12 Laying the foundation stone of the 1931 church in Huskisson. The original church building is observed facing Hawke Street near the northeast corner of Lot 7. A couple of isolated trees can be seen in the vicinity; however, most of the vegetation has been cleared from this area since earlier photos. (Parish archives cited in GBA Heritage 2018:11).

In 1979 the original church building was relocated to the south. The structure was lifted by a crane and two girders placed underneath, before being relocated further south on Lot 7 by two large trucks. Site preparation works for the rectory included manual "digging, levelling, filling etc." by a team of volunteers before a concrete slab was poured. Construction of the single storey, brick rectory was completed in September 1980.¹¹² There are no records indicating any historical graves were identified during the building works. A number of modifications were made to the property during the 20th and 21st Centuries.¹¹³ Table 4-2 Historical timeline highlighting key dates in the development and use of the subject area.

4.5 Burials at Huskisson

While the reservation of the Section 3 site for a church had notionally been in place since at least 1868, by 1876, when the land was dedicated for use as a Church of England Church and parsonage, the southwestern corner (Lot 9) had been excluded from church use. Lot 9 had previously been marked by Surveyor Dale on the 1875 Crown Plan as being set aside for a burial ground despite his brief being to survey for a church and parsonage only, as he indicated that he found there was a grave already on that lot. However, his recommendation to allocate the area he notionally measured for a church burial ground was not supported by the authorities and was not submitted for approval as the Miscellaneous Branch of the Lands Department considered that it was objectionable to situate a cemetery inside a township. Instead, Lot 9 was left as a reserve for public buildings.¹¹⁴

There is not now, nor was there ever a cemetery designated in Huskisson. By and large, locals were buried in at Nowra Cemetery. Other cemeteries such as Yalwal, Jerry Bailey (Shoalhaven Heads), Cambewarra, Worrigee, Sussex Inlet and "Burrier Private Cemetery" were also found variously noted against entries in the Anglican Parish Register of burials for the area.¹¹⁵ A burial ground for Aboriginals

¹¹² n.d. Unpublished notes on the Holy Trinity Anglican Church Huskisson from the files of the Huskisson Heritage Association, compiled by Helen Ruttle. Anecdotal sources.

¹¹³ See GBA Heritage 2018:10, 18

¹¹⁴ LRS: CP 486-1984

¹¹⁵ Ancestry.com.au: Sydney Diocesan Archives, Anglican Church Diocese of Sydney, *Sydney Anglican Parish Registers, 1814-2011*, Nowra All Saints Composite Register 15 April 1855 – 11 September 1926, Burials 1936



from the Huskisson area was already in place at the time of European settlement near the camp at Bilong¹¹⁶ and continued to be used into the historic period.

It is of note that George Dent Jnr and James Dent, both of whom were trustees for the Church of England land in Huskisson, are not buried at the church site but rather at Nowra.¹¹⁷ Buried in the Church of England portion of the 'Public Cemetery, Nowra' is James Dent (1910), his wife Mary Ann Dent (1903), son Richard Dent (1939), niece Madeline (Doris) Dent (1906), George Jnr (1935) and his wife Elizabeth (1902), among others.¹¹⁸ As Trustees of the church one would assume that if there was a cemetery associated with the Church then they would have been given the honour of burial there.

This indicates that even though a pre-1875 burial had been undertaken at Lot 9, that the Huskisson community did not ordinarily use it in an unofficial capacity for burials; given the regular pattern of the town's most prominent and abundant extended family making arrangements to be interred at the Church of England section of Nowra Cemetery.

Another indication that the grounds of the Union Church / Holy Trinity Church was not a standard well known if unofficial burial place in the community, is the lone grave of Robert Johnson at Tapalla Point/Sailors Point Huskisson; approximately 600m to the southeast of the subject area. HMS Orlando sailor Robert Johnson (19 years) was first buried in the sand above the high-tide line of now-Sailors Grave Beach, following his death by accidental drowning in 1892. In 1900 his body was exhumed from the beach and re-interred at the top of the point, "*which overlooks the anchorage of the man-o-war*" and a headstone erected there in his memory.¹¹⁹



Figure 4-13 Grave of Robert Johnson (Waymarking.com: 'Out of Place Grave – Huskisson, NSW', posted 19/07/2012, web, https://www.waymarking.com/waymarks/WMEV2_Out_of_Place_Grave_Huskisson_NSW)

¹¹⁶ NSWBDM: Death Certificate of Mary Golding, 25 February 1928, Registration number 4225/1928; Death Certificate of James Dan, 9 December 1913, Registration number 1913/17066

¹¹⁷ Trove: *Shoalhaven News and South Coast Districts Advertiser*, 29 October 1910, p.4; *Nowra Leader*, 27 September 1935, p.6

¹¹⁸ Trove: *Shoalhaven News and South Coast Districts Advertiser*, 1 August 1903, p.3; *Nowra Leader*, 1 December 1939, p.6; NSWBDM: *Death Certificate* Madeline Doris Dent, 11 September 1908, Registration No. 9860/1906; Ancestry.com.au: Sydney Diocesan Archives, Anglican Church Diocese of Sydney, *Sydney Anglican Parish Registers, 1814-2011*, Nowra All Saints Composite Register 15 April 1855 – 11 September 1926, Burials, Elizabeth Harriette Dent, 13 November 1902

¹¹⁹ Trove: *Sydney Morning Herald*, 19 October 1900, p.5



Scant or vague records for people who died in the town during the 19th Century further obscure an understanding of the customary procedure/arrangements made for their burial in the absence of a traditional cemetery closer than the town of Nowra.

Mariner John Lucy is one such example. He died on the 18th October 1873 by sudden and accidental “dislocation of neck” at Currumbene Creek. He was buried on the 20th October by George Dent Jnr, at simply “Currumbene”.¹²⁰ William Dent who passed away at only 1 day old, is another. Son of Richard and Amy Dent, his death certificate says that he was buried the next day by his uncle Frederick Dent, in “Huskisson NSWales”. It was not uncommon for infants to be buried on the family property in circumstances where the nearest cemetery was only reached by a long or rough journey. In the absence of other substantiating information, the location of these burial location is, as yet, unable to be determined.

4.5.1 Burials at the subject area

Despite it not being an official cemetery, there is a widely held conviction in the community that there are graves present at the Holy Trinity Church grounds (Lot 7 & 8) and/or the immediate vicinity; most notably of King Budd Billy II (Jimmy Golding). The following discussion is an attempt to use documentary evidence to substantiate if/who, when, and if possible, where they are buried on the site.

We have attempted where possible to substantiate claims through official records. It should be noted that newspapers, while useful and full of fascinating details and ‘texture’ of the past, need to be carefully considered before being used as historical source evidence. Just as today, articles can be written for a particular audience/purpose, have an agenda or bias, lack context, be an opinion piece/advertorial, or make liberal use of ‘poetic licence’ to make a story more interesting and relatable. They may also contain factual errors resulting from editorial or typesetting mistakes. These issues may not be readily evident and ‘facts’ gleaned from the page at face value, may not be true, or provide only a partial account of an event. As such, additional primary source material is recommended to corroborate interpretation and findings. In this study we have attempted to substantiate claims with two or more sources, such as a death certificate or other official register, in so far as records exist, were discoverable, and accessible at the time.

The list of people that have variously been claimed by the community to have been buried on the church site is recorded in Table 4-1 along with the outcomes of investigation into their burial locations.

Lands Department records indicate that there was a pre-June 1875 grave extant on Lot 9 when the reserve was surveyed for the Crown Plan.

4.5.2 King Budd Billy II (1905) and Mary Golding

Jimmy Golding passed away at the end of May/early June 1905. Unfortunately, no registration was made with the New South Wales Registrar of Births, Deaths and Marriages, so there is no certificate available. Neither was a burial service recorded in the Anglican Parish Register for Nowra All Saints.¹²¹ That he may be buried on the subject land (Lot 7 & 8) comes from a single newspaper article. Just as easily, a suggestion that he is buried at Bilong alongside Mary comes from another.

The following excerpt from 22nd July 1905 (i.e over a month after his death) article in the *Evening News*, suggests that Jimmy Golding ‘...had a Christian burial, with a minister, in the churchyard...’

*‘Royalty at ease’, shows Jimmy, the old King of Jervis Bay, who only a few weeks ago died, and his queen, indulging in an imported pleasure, that of a smoking pipe, which did not prevent their ripe old age. The poor old widow was very proud that her man “had a Christian burial, with a minister, in the churchyard; whilst (and her satisfaction was accentuated thereby) Jacky, another black-fellow, only got buried like a dog out in the bush yonder”.*¹²²

¹²⁰ NSWBDM: Death Certificate John Lucy, 18 October 1873, Registration No. 6774/1873

¹²¹ Ancestry.com.au: Sydney Diocesan Archives, Anglican Church Diocese of Sydney, Sydney Anglican Parish Registers, 1814-2011, Nowra All Saints Composite Register 15 April 1855 – 11 September 1926, Burials 1905

¹²² Trove: *Evening News*, 22 July 1905, p.8. Note this Newspaper was Sydney based.



Given that there was no other church in Huskisson at the time, if the detail of the 'churchyard' is correct then it may be presumed to be that of the Union Church formerly located where the current parsonage is situated. However, while the general gist of the report is based on fact, the veracity of specific details is questionable and may be regarded as anecdotal.

As some context, Mary Salmon, author of the story, contributed articles to *The Evening News* and *Australian Town and Country Journal*, but was not a local of the district, and there is no indication in the full article text that she visited the Bay for the purposes of the story. Described as "a writer of old-time things", the impression formed from running an eye over her body of work is a discernible trend toward a 'feature'; generally, of various districts/city elements in which she relates aspects of their development, or otherwise, a profile of a 'way of life', such as 'The City Working Woman. How She lives' and 'Dwellers in the City...With Sydney's Poor'.¹²³ Her style lent to 'illustrative'; a narrative woven with little era-relevant observances and commentary, rather than being a direct knowledge exchange of fact.

The article entitled 'In the Shoalhaven District...Jervis Bay', from which the above excerpt comes, was also run that year in *Australian Town and Country Journal*, however the photograph 'Royalty at Ease' and the paragraph concerning King Budd Billy II and Mary was omitted.¹²⁴

Another suggestion as to King Budd Billy II's burial place is found in a 1928 *Nowra Leader* article reporting on Mary's own funeral and burial:

*Last Sunday, in the Sabbath calm of a perfect afternoon, on the quiet banks of Currambene Creek, was enacted a scene which will live long in the memory of those who were privileged to witness it. It was the laying to rest of the century- old remains of Queen Mary, head of the Jervis Bay blacks— an incident unique in the annals of the district and State... Prior to the funeral procession, her assembled subjects filed past the bier for a last look at the placid, wrinkled face of their dead Queen, heaping their tribute of bush flowers at her feet. Forming in procession they marched two-by-two along the sandy bush track to the tiny tree-girt cemetery a mile away, for the final obsequies. By the side of her Royal Consort she was reverently laid, the Rev. Terry kindly officiating.*¹²⁵

The *Evening News* related that Mary was

*...laid to rest in the quiet little burying ground far up Currambene Creek... A great number of people gathered in that lonely bush burying ground to pay respect to such an aged Australian, and the service at the graveside was particularly solemn and impressive, the shadows of the densely growing trees falling sombrely across the grave*¹²⁶

¹²³ Trove: *Windsor and Richmond Gazette*, 16 September 1905, p.6; *Evening News*, 16 May 1905; *Evening News*, 21 October 1905

¹²⁴ Trove: *Australian Town and Country Journal*, 27 September 1905, p.35

¹²⁵ Trove: *Nowra Leader*, 2 March 1928, p.3

¹²⁶ *Evening News*, 22 July 1905, p.8



Figure 4-14 Sydney Morning Herald Monday 27th February 1928 p11

Mary Golding's burial place is listed on her death certificate as "*Aborigines Burying Ground Currumbene Creek near Huskisson*".¹²⁷ The newspaper articles above describe, with due respect, her funeral procession along the bank of the creek to that burial place near Bilong, and that the Church of England Reverend, Thomas Terry, performed a graveside service at that site.

The *Nowra Leader* article notes that "*By the side of her Royal Consort she was reverently laid...*" This suggests that Jimmy Golding, Kind Budd Billy II, was also buried at the Currumbene Creek burial ground where Mary was laid to rest.

An established custom and practice of burials near Bilong is evidenced by the burial of other Golding family members there. Thomas Speechley, who was King Budd Billy II and Mary's grandson, is buried in a marked grave near Bilong. The eldest of ten children of their daughter (Josephine) Kate Golden and Englishman William Speechley, 6-year-old Thomas was tragically killed in November 1904 when a live artillery shell that had washed up on the beach unexpectedly detonated.¹²⁸

¹²⁷ NSWBDM: Death Certificate of Mary Golding, 25 February 1928, Registration number 4225/1928

¹²⁸ ANU Library: Cook, Kevin, and Heather Goodall, *Making Change Happen: Black and White Activists Talk to Kevin Cook about Aboriginal, Union and Liberation Politics*, ANU Press, 2013, p.9, web, <http://www.jstor.org/stable/j.ctt4cq5r4>; Trove: *The Daily Telegraph*, 17 November 1904, p.5



Figure 4-15 Grave of Thomas Speechley near Bilong. Thomas was grandson to King Budd Billy II. Photo by Rob Slater, 8 November 2017. (Jervis Bay Maritime Museum Blog: 'Young Thomas Speechley', 14 November 2017, web <http://jervisbaymaritimemuseum.blogspot.com/2017/11/young-thomas-speechley.html>)

Fellow Bilong resident, James Dan/Carpenter Dan, is also buried near there; his 1913 death certificate records his burial place as "Currambene Creek Graveyard, Huskisson".¹²⁹

However, with no visible marked grave for King Budd Billy II either on the subject land (Lots 7 and 8) or at Bilong, and no official record found of his place of burial (to date), there is no way to conclusively determine at which of the two possible sites he is buried.

4.5.3 Carl Niclasson (1912)

At the end of November 1912, Swedish sailor Carl Niclasson passed away suddenly while returning from Huskisson to the whaling vessel *Loch Tay*, which was anchored in the Bay. The details of the incident were reported the following week in the *Shoalhaven Telegraph*:

On Saturday last, a seaman names Carl Niclasson, aged 32 years, employed in the whaling factory ship Loch Tay at Jervis Bay died suddenly. On Monday Mr Watson, district coroner, held an inquiry at Huskisson, when the following facts were elicited: Hans Egeness, captain of the Loch Tay, deposed that deceased was a native of Gothberg Sweden...he was generally in good health, never being ill, but he was evidently suffering heart disease, to which he [the Loch Tay's doctor] attributed deceased's death...

*...The body was buried at the rear of the union church at Huskisson, alongside the grave of a sailor interred there some 42 years ago. The service was conducted by the Rev. A.G. Perkins, but this was followed by an impressive service in Norwegian, in which the officers and men of the Loch Tay took part.*¹³⁰

Niclasson's death certificate corroborates several details offered in the newspaper article: that he passed away on Saturday 23rd November 1912, that the cause of death was heart disease, that it underwent a coronial inquest by Mr Watson, and that a burial service was performed by Alfred G. Perkins of the Church of England.¹³¹ There is no explanation given as to why a Swedish man was

¹²⁹ NSWBDM: Death Certificate of James Dan, 9 December 1913, Registration number 1913/17066

¹³⁰ Trove: *The Shoalhaven Telegraph*, 27 November 1912, p.5

¹³¹ NSWBDM: Death Certificate of Carl Niclasson, 23 November 1912, Registration number 17227/1912



given an 'impressive service in Norwegian' although as the languages are very similar this may be a mistake on the part of the reporter.

While the burial location recorded on the death certificate is no more specific than "*Huskisson NSWales*", given the veracity of key pieces of information stated by the *Shoalhaven Telegraph* account, there is a possibility that the article can be taken at face value and that he was buried at an unspecified distance from the rear of the original location of the c1905 Union Church (see Figure 4-18 and Figure 4-19 for location of the old c1905 church in relation to the 1931 church). This would place his grave in the general location of the current rectory, in the north-western part of Lot 7 or northern end of Lot 8 (but see discussion below 4.5.4). The most recent GPR survey identified two anomalies consistent in size and depth with graves (although oriented north- south rather than east west), behind the current rectory in Lot 8 (see Figure Figure 5-8).

4.5.4 The unknown sailor

The newspaper article about the death of Niclasson also makes note that he was buried "*alongside the grave of a sailor interred there some 42 years ago*". 42 years is an oddly specific number that puts the death of the nameless sailor around 1870. If the body were buried on the site; it was at a time before the church existed and before the Block 3 (the subject land) had been surveyed and set aside for a future church and parsonage. That first burial occurred when the subject land was vacant Crown Land; on land that would not be surveyed or officially dedicated for use by the church of England for another 5 – 6 years.¹³² Attempts to discover the name and circumstances this individual's death have so far been fruitless and therefore, it is not possible to substantiate his alleged burial on either the subject land (Lost 7, and 8) or the neighbouring Lot 9. It seems likely that this was the lone grave that surveyor Dale observed in 1875 when he conducted his survey (see 4.3) because after only 5 years it would still have been visible, and he only mentions a single grave. However, if this is the case then it gives rise to an uncertainty about the location of his and Niclasson's grave as the lone grave observed by Dale was in Lot 9 (see 4.3).

4.5.5 Rebecca Golding (1935)

Rebecca Golding (also known as Rebecca Carpenter) is the elder of King Budd Billy II and Mary Golding's two daughters. She lived at Bilong with her mother Mary and appears to have remained there beyond her mother's passing. Rebecca Carpenter is recorded on the 1935 electoral roll record as living at 'Currambene Creek, Huskisson'¹³³

Just as there is little documentary evidence to illustrate Rebecca's life, there is little to illuminate the end of it. She passed away, aged 90 years, at St Georges Basin on the 4th February 1935. Her death certificate notes the cause of death to be "*senile decay*" and that a coronial inquest was dispensed with. She was buried the following day, at "*Huskisson Cemetery*" by Nowra undertaker R.H. Benny. A burial service was given by H. Conolly of "*Church of Christ*" religion.¹³⁴

Again, the exact location of '*Huskisson Cemetery*' is ambiguous as there was no official cemetery in the town. It is possible that it refers to the burial ground near Bilong, which is has been an established place of internment for the local Aboriginal community; including, at least, her mother and nephew.¹³⁵

In the absence of further substantiating source material, the location of Rebecca Golding's burial place is not able to be determined.

¹³² SLNSW: Department of Lands, *Plan of the town of Huskisson: Parish of Curranbene, county of St. Vincent N.S.W.* 1868, Government Printing Office, ML Call No. Town map - Huskisson (1868), ID 74Vv82JRG27O; LRS: CP 486-1984; NSW Government Gazette, 4 February 1876 (Issue No.380), p.510

¹³³ Ancestry.com.au: AEC, *Australia Electoral Rolls 1903-1980*, NSW/1935/Eden Monaro/Nowra

¹³⁴ NSWBDM: Death Certificate of Rebecca Golding, 4 February 1935, Registration number 1613/1935

¹³⁵ NSWBDM: Death Certificate of Mary Golding, 25 February 1928, Registration number 4225/1928; Jervis Bay Maritime Museum Blog: 'Young Thomas Speechley', 14 November 2017, web <http://jervisbaymaritimemuseum.blogspot.com/2017/11/young-thomas-speechley.html>



4.5.6 Summary of Burial Discussion

Drawing together the available historical information this section considers the following questions.

- Was there ever a sanctioned burial ground associated with the former Anglican Church at Huskisson, also known as the Union Church?
- Are there likely to be burials at the site of the Huskisson Holy Trinity Church (specifically on Lots 7 and 8)? and if so,
- How many are likely and whose burials are they?
- Where are the likely to be on the property?

4.5.6.1 Was there ever a sanctioned burial ground?

There has been community speculation led by the Huskisson Heritage Association Inc., (see Table 4-1 List of people claimed to have been buried at the site and the outcome of investigation) that there are numerous individuals buried on the subject land. This seems to be based on an assumption that the property once had a cemetery approved and attached that was later revoked; and/or was likely to have operated as an unofficial community burial ground servicing the town for many years. The latter assumption has perhaps been reinforced by the GBA report¹³⁶ which made several assumptions that we know to be untrue such as *it is likely that the Church of England was granted land here because it was associated with an existing burial ground and ...it may be that this graveyard was in use after the establishment of the township and was occasionally used during the many years when the Jervis Bay area was largely dormant*. The correspondence between the surveyor Dale and the Surveyor General in 1875 make it clear that neither of these assumptions is correct. Motivation for the allocation of land for a church and parsonage was *not* based on knowledge of a pre-existing burial ground and furthermore a burial ground within the township was *not* permitted by the authorities on health grounds.

We now know that at the time that Surveyor Dale first surveyed the allotments there was a grave that he observed on Lot 9 which is why he stepped outside his brief to suggest on his map that Lot 9 be set aside as a church cemetery. This recommendation was not accepted and rather than redraw the map it was merely edited by crossing out the proposal and the land marked 'for future public use'. The date fits with the report in a 1912 newspaper report of a burial of an unknown sailor (some 42 years prior) however if this is the case it also highlights the problems inherent in relying on newspaper reports as this location is not 'behind the union church' which did not exist at this time but was built much later. While the GBA report suggests that this could be rationalised by assuming that the Union Church once occupied the general location of the current church (which would mean it had been moved twice) there is no documentary evidence of this. The only documented location known for that building was in the northern part of Lot 7 until it was moved south many decades later to make room for the current rectory.

4.5.6.2 Are there likely to be graves?

We now know that there was one grave on Lot 9 prior to the subject land (Lots 7 and 8) being surveyed and allocated to the church and parsonage. This grave was noted by Surveyor Dale and reported to the Surveyor General in his correspondence. This grave is possibly the one referred to as the unknown sailor buried 42 years prior to Niclasson (i.e around 1870) although this is unconfirmed.

For each of the individuals claimed by the Huskisson Heritage Association Inc to have been buried on the subject land we have considered the available death certificates and less reliable historical information such as contemporary news reports where available.

Of all of those listed, most are unequivocally buried elsewhere. The place of burial for only two (William Dent and Carl Niclasson) is listed simply as 'Huskisson NSW' which is vague enough to possibly refer to the subject land although noting that there was no official cemetery at Huskisson. As regards the

¹³⁶ GBA December 18 p15



grave of Carl Niclasson, there is also a contemporary news report that specifies "at the rear of the Union Church" which would suggest that the grave was in the north-western section of Lot 7 or north-eastern part of Lot 8. However, that same report says *alongside the grave of a sailor buried some 42 years before* and if that is the same grave as noted by Dale then Niclasson is also on Lot 9 and the newspaper's reference to 'behind the union church must be taken to be inaccurate. The GBA report speculates that because of the anomalies in the reports it is most likely that the graves occur in the area behind the current church location and that the old Union Church must once have been located there. However, there is no documentary evidence that the old church was moved twice, so this seems to be unfounded speculation.

If Niclasson's grave was behind the Union Church, it is possible that it is underneath the extended current parsonage, but the Hunter Geophysics survey did identify 2 grave sized anomalies in Lot 8 (although these are on a North-South alignment rather than the standard East -West alignment of Christian graves.

Looking at the evidence for a pre-1875 grave found by Dale on Lot 9, the grave of an unknown sailor from around 1870 referred in in a 1912 newspaper and the grave of Carl Niclasson buried in 1912 there are several possible implications:

- The unknown sailor is the grave found by surveyor Dale in 1875, in which case the 1912 newspaper is incorrect, and it was in Lot 9 and not behind the Union Church. Carl Niclasson's grave is not 'alongside it' but behind the Union Church; or
- The unknown sailor is the grave found by surveyor Dale in 1875 in Lot 9 and the newspaper was correct that Carl Niclasson's grave is alongside it in Lot 9. In which case the 1912 newspaper is incorrect about the location being 'behind the Union Church'. This would mean that there are no confirmed graves on Lot 7 or 8; or
- The unknown sailor is the grave found by surveyor Dale, but it was not in Lot 9 but rather either side of the boundary between Lots 7 and 8 and alongside where Carl Niclasson was buried behind the Union Church. This option is extremely *unlikely* since Dale was a surveyor and can reasonably be expected to know which Lot he was in when he found the grave; or the final possible interpretation of the data, which is
- The grave found by surveyor Dale in Lot 9 was not that of the unknown sailor but another unrelated grave. The unknown sailor's grave referred to in the 1912 report as having dated to 1870 was located in near the border of Lots 7 and 8, in a location that many years later could be referred to as 'behind the Union church' and alongside Niclasson's. This would mean that surveyor Dale missed seeing this grave when he surveyed the property. While this is possible it is *unlikely*. Given the relatively small area and what would have been the relative recent ground disturbance (max 5 years since burial) and the fact that it was close to the boundary between two Lots he was surveying, one would expect the surveyor to have noted it.

The place of burial for a third person, Rebecca Golding is officially recorded on her Death Certificate as "Huskisson Cemetery" again despite the fact that there was no legal cemetery. This may relate to the subject land, if the person recording the death considered that the church grounds constituted a 'cemetery' although given the legal notification it would have been more accurate to note 'Church yard'. Given that Rebecca Goulding lived at Bilong at the time of her death, and that her mother and siblings were all buried at the well-known although ungazetted Aboriginal burial ground at Currumbene creek it would seem more likely that the reference 'cemetery' was to the Aboriginal burial ground. However, at best, the information remains ambiguous.

Unfortunately, there is no death certificate for King Budd Billy/Jimmy Golding. There are two anecdotal reports mentioning his burial place from newspapers; one from approximately a month after his death although reported by someone who did not attend (see 4.5.2) which references the churchyard and another from the time of his wife's death which references the Currumbene Creek burial ground. These references render the location of his burial site ambiguous. It should be noted that burial at Currumbene Creek burial ground did not preclude a 'Christian burial' performed by a minister, of which there have been several.



4.5.6.3 How many are likely and whose burials are they?

It follows from the discussion above that the most likely number of graves on the subject land is one (Carl Niclasson), with another now known to be located on Jerrinja land Lot 9 (possibly the un-named sailor).

The unlikely but maximum number of graves which can be expected, taking into account all ambiguities, appears to be five. These are Carl Niclasson, possibly Jimmy Golding/ King Budd Billy, possibly but even less likely Rebecca Golding, possibly but unlikely William Dent, and possibly the un-named sailor.

4.5.6.4 Where are they likely to be on the property?

This question is impossible to answer with any confidence from the documentary evidence. The most detailed information is that a grave is located somewhere in Lot 9 and Carl Niclasson was buried 'behind the Union Church' which we suggest means he is possibly buried towards the northwest edge of Lot 7, or the eastern end of Lot 8, or under the extension of the current rectory.

Table 4-1 List of people claimed to have been buried at the site and the outcome of investigations¹³⁷

Buried	Name	Place of burial	Burial location on subject land	Notes
1865	John House	Currambene	No	Death Certificate reg # 5906/1865
1865	Arthur Steel	Jervis Bay	No	Death Certificate reg # 5917/1865
c1870	Unnamed Sailor/ Anecdotal mention	Only reference is anecdotal from 42 years later when Niclasson was buried '...at the rear of the union church at Huskisson...'	Unlikely	Anecdotal 'Rear of original church' however this death was at least 35 years before any church existed. No death certificate. No direct evidence of grave unless it is the grave referred to by the surveyor Dale in 1875 in which case the grave is not behind the union church but on Lot 9.
1873	John Lucy	'Currambene'	No	Death Certificate reg # 6774/1873

¹³⁷ These names are listed as the "Current HHA list of burials in the Holy Trinity Churchyard and Burial Ground at Huskisson" <https://huskissonheritage.com.au/the-site/> retrieved 19/10/2021



Buried	Name	Place of burial	Burial location on subject land	Notes
1884	Edward Will Honor	<i>Jervis Bay</i>	No	Death Certificate reg # 13360/1884
1885	Florence Bailey	<i>Jervis Bay</i>	No	Death Certificate reg #14337/1885
1892	Robert Johnson	Tapalla Point, Huskisson	No	Headstone & geolocated see Figure 4-13
1899	William Dent	<i>'Huskisson NSWales'</i>	Possible but could be on family property.	Death Certificate reg #10339/1899
1904	Thomas Speechley	Bilong, Currambene Creek (now-Myola)	No	Headstone & Geolocated -see Figure 4-15
1905	King Budd Billy II / Jimmy Golding	<i>"had a Christian burial, with a minister, in the churchyard" = possibly Union Church Huskisson</i> <i>OR</i> <i>By the side of her Royal Consort she [Mary Golding] was reverently laid' at the "Aborigines Burying Ground Currambene Creek near Huskisson"</i>	Unknown Possible more likely Currambene Creek	Neither location has been able to be confirmed.
1905	Mickey Bell	<i>Currambene Creek</i>	No	Death Certificate reg # 6134/1905
1906	(Madeline) Doris Dent	<i>Nowra Cemetery</i> <i>'Church of England Portion Public Cemetery Nowra'</i>	No	Death Certificate reg #9860/1906
1907	Mary Anne Coulon (Cameron)	<i>'Church of England Portion Public Cemetery Nowra'</i>	No	Death Certificate reg # 14960/1907

CL22.174 - Attachment 1



Buried	Name	Place of burial	Burial location on subject land	Notes
1912	Carl Niclasson	<i>...at the rear of the union church at Huskisson, alongside the grave of a sailor interred there some 42 years ago¹³⁸.</i> <i>'Huskisson NSWales'</i>	Yes	Based on original position of Union Church, north-western section of Lot 7 or north-eastern part of Lot 8 Death Certificate reg #17227/1912
1913	James Dan	<i>'Currambene Creek Graveyard, Huskisson'</i>	No	Death Certificate reg # 1913/17066
1918	Edward Cooper	<i>Crown land Currambene Creek Huskisson</i>	No	Death Certificate reg #11277/1918
1926	Adam McLean	<i>Was living at Forbes NSW at time of death, buried in the New Presbyterian Portion, Sec. 2, Lot 10 at Forbes Cemetery</i>	No	Headstone & Geolocated ¹³⁹ Shoalhaven Telegraph Wednesday 26th 1926 p5
1928	Mary Golding	<i>'Aborigines Burying Ground Currambene Creek near Huskisson'</i>	No	Death Certificate reg #4225/1928
1935	Rebecca Golding	<i>'Huskisson Cemetery'</i>	Possibly, but possibly Currambene Creek	Death certificate #1613

¹³⁸ Ref News report

¹³⁹ <https://www.findagrave.com/memorial/152945962/allan-mclean>



4.6 Timeline

The subject area is located in the town of Huskisson, within the Parish of Currumbene, County of St. Vincent. The following timeline outlines key dates and events in relation to the historical development of Huskisson and the subject area:

Table 4-2 Historical timeline highlighting key dates in the development and use of the subject area.

Date	Event
c.1870	Burial of unknown seaman somewhere in the vicinity. Possibly the grave noted by Survey dale on what is now Lot 9 or another grave on the north-western part of Lot 7 at the rear of the union church at Huskisson...
1875	A surveyor is instructed to survey 2 lots in section 3; one for a future parsonage and one for a future church. (Lots 7 and 8) trustee
	Surveyor Dale suggests land be set aside for a cemetery (Lot 9) but this suggestion is rejected due to health reasons.
1877	Two parcels of land on the southern side of Huskisson, consisting of Allotment 8, Section 3 (facing Currumbene Street) and Allotment 7, Section 3 (facing Hawke St), were transferred to trustees for the Church of England, Huskisson.
1885 20 March	Huskisson proclaimed a town
c.1905	A small timber union church was erected (apparently) on Lot 7. Figure 4-10 shows this small building set against a heavily wooded backdrop.
1931	Erection of a new Anglican church (the Holy Trinity Church) at the southern end of Lot 7. Main gate on Hawke Street (see Figure 4-18)
1938	A large number of trees were planted by parishioners to mark the 3rd anniversary of the consecration of the church.
1940s	The original, heavily deteriorated, timber shingle roof was replaced by a galvanised roof. It is believed that the roofing shingles had not been properly seasoned before they were installed.
Unknown between 1905 and 1961	Referring to the 1961 aerial (see Figure 4-20) it is clear that the original church was extended from the small church circa 1905 (see Figure 4-17).
1979	The original church building was relocated further south on Lot 7, towards the 1931 church. Modifications made to the original building including a large addition to the west, doubling the length of the original building, a further addition to the west for a kitchen, an addition to the east for additional hall space, and an external toilet block to the west. At this stage, the Hall was not fitted with a verandah.
1980	A new, free standing, single storey, face brick cottage was erected at the northern end of Lot 7 as a rectory.
c.1994	works undertaken for a car park to the west of the 1930s church. Two rectangular shaped soil disturbances were identified, which were interpreted as possible grave sites ¹⁴⁰
Late 20th century	The small entry porch at the western end of the 1931 church building was replaced with a much larger porch. This porch is now accessed by an external ramp system for the mobility impaired.

¹⁴⁰ GBA 2018 p15 anecdotal report



Date	Event
c.2005-2006	Addition of garage to rectory
Early 21st century	Addition of large verandah to the former church building (hall)
Early 21st century	A large single storey prefabricated meeting room building was erected to the west of the main Hall.
2014	Numbers at 10am family service had outgrown the capacity of the available buildings and church services were moved to rented premises at Vincentia Primary School.
31 January 2017	Lot 9 transferred to Jerrinja Local Aboriginal Land Council following a successful Aboriginal Land Claim (Claim No.40448).
September 2019	Church hall and meeting rooms demolished, and several trees removed Lot 7

4.6.1 Pictorial timeline

The following series of photos record the changes to the subject land over time from 1875-2010. The Crown Plan from 1875 notes that part of the site (i.e Lot 9) was excluded from the land allocated to the church. Figure 4-16 shows the detail from that plan with labels 'Church' (Allotment 7), 'Parsonage' (Allotment 8), and 'Burial Ground', crossed out with later annotation 'Cancelled by memo on papers' (Allotment 9). Documentary evidence associated with this plan (see Section 4.3) unequivocally proves that there was never an allocation for a burial ground on Lot 9.



Figure 4-16 Detail from 'Plan of allotments 7 to 9 Section III in Town of Huskisson Parish of Currumbene', 14 June 1875 (Crown Plan).

Figure 4-10 is an undated photo of the church, possibly from the early 1900s, probably taken from Hawke Street with the photographer facing west southwest. Vegetation in Allotment 8 is visible in the background behind the church.

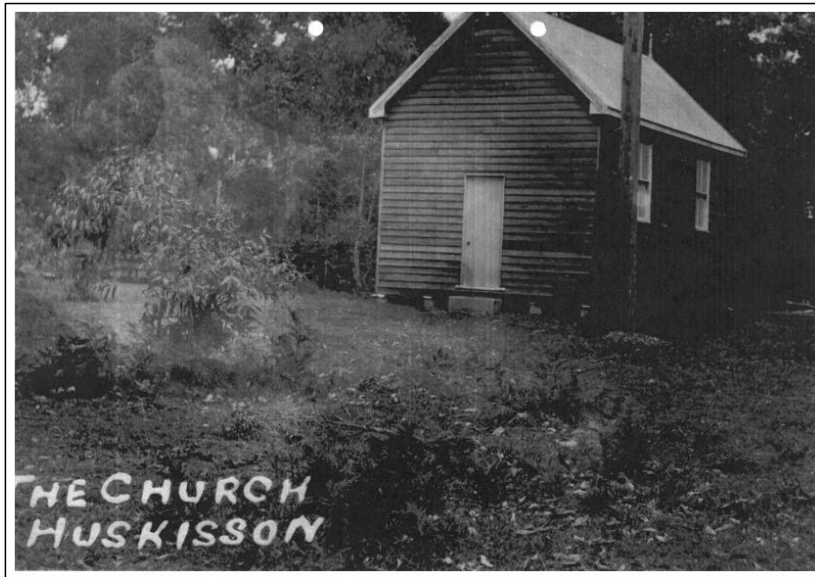


Figure 4-17 Undated photograph possible early 1900s of the then church, Huskisson (reproduced from GBA Heritage 2018:9).

Figure 4-18 is a photo taken in 1931 at the laying of the foundation stone for the current church. The original church building is still visible in the background in the north of Lot 7. A couple of isolated trees can be seen in the vicinity; however, most of the vegetation has been cleared from this area.



Figure 4-18 Laying the foundation stone of the 1931 Anglican Church in Huskisson (reproduced from GBA Heritage 2018:11).

In Figure 4-15 which was taken in 1957, the original church building, and 1931 church building are on Lot 8. Lots 7 and 9 are characterised by remnant open forest with a path through it.



Figure 4-19 1957 oblique aerial photograph of Huskisson¹⁴¹ (note damage to the photo in mid bottom of image)

Figure 4-20 is an oblique angle aerial from the diagonally opposite corner of the subject land to that in the preceding photo. It provides a view of the cleared lands around the church. There is no visible grave like features. However, if one zooms in on the old church/ church hall there is something visible, although it is not possible to determine what the features are, they appear as two rectangular features, angled NNE-SSW (see Figure 4-21). They are unlikely to be graves as not only do they not follow the expected east-west alignment and are not situated side by side, they also appear to have substantial height which would imply some type of funerary monument such as a raised concrete superstructure/cover and headstones and one would assume that if the graves had such monuments they would have still be visible on the current surface. Although scale of small items on an oblique angled photo is difficult to assess with accuracy, they also appear too long to be graves.

¹⁴¹ Huskisson Heritage Association Inc: 'Historic Aerial Photos of Huskisson', 1957, web, accessed 21 April 2021.
<https://huskissonheritage.com.au/historic-photos-of-huskisson/>



Figure 4-20 1961 oblique aerial photograph of Huskisson¹⁴²



Figure 4-21 Extracted, magnified section of the 1961 image above. Two rectangular features (circled) can be seen behind the old church /church hall at the top of the photo.

¹⁴² *Ibid*, 1961



Figure 4-22 is another aerial dated to 1961 albeit of lower resolution, showing the location of the 1931 church building can be seen in relation to the original church building.



Figure 4-22 1961 aerial image, showing the subject land outlined in red.

The 1967 map of the town of Huskisson (see Figure 4-23) continues to record in the notations 'Church of England. Dedd. 4th February, 1876' (Allotment 7), 'Parsonage Dedd. 4th February, 1876' (Allotment 8), and 'Reserve for Public Buildings' (Allotment 9).



Figure 4-23 Detail from 1967 map of the 'Town of Huskisson and adjoining lands', 2nd Ed. Sheet 1 (NSW Land Registry Services, Historical Lands Records Viewer, File: 10331001.jp2)

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The aerial photograph from 1979 Figure 4-24 shows the former church building still in its original location in the north of Lot 7.



Figure 4-24 1979 aerial imagery

By 1987 (Figure 4-25), the original church building has been moved to the south and the rectory has been constructed and this configuration remains in the 1993 aerial (Figure 4-26).



Figure 4-25 1987 aerial imagery

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Figure 4-26 1993 aerial imagery

By the time that the 2010 aerial (Figure 4-27) was taken new structures including a meeting room, a shed adjoining the rectory (to the west) and car port (south) have been added.

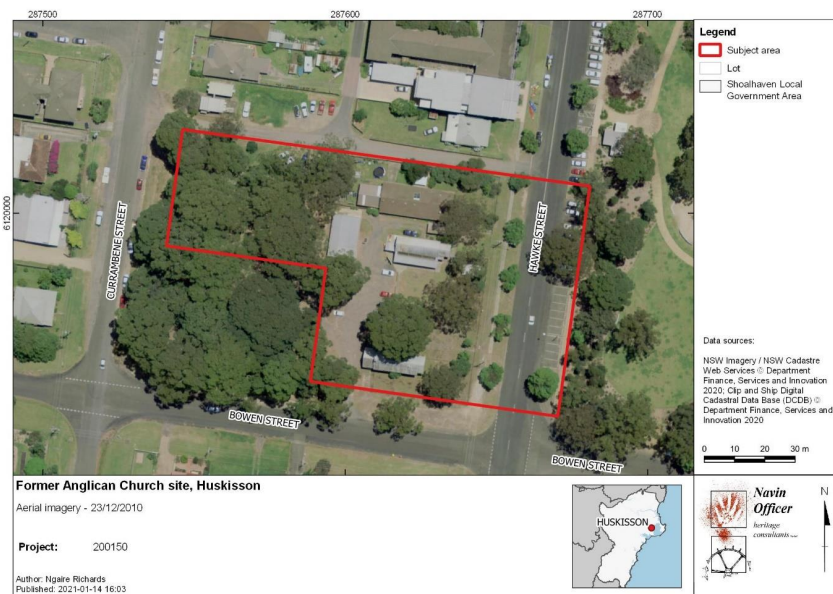


Figure 4-27 2010 aerial imagery showing the location of the former Anglican Church and rectory, and church hall and meeting room (now demolished)



An undated, anonymous photo is provided by the Huskisson Heritage Association on their website (Figure 4-28 top right). Taken from near the boundary of Lots 7 and 9, looking towards Bowen Street and facing southeast, the edge of the roof of the current church is just visible far left of frame. The date attributed to the photos is c1980. There is also a handwritten note on the website dated 1994 which refers to the location of two graves. On the 3 April 2021 NOHC recaptured this view in the image below (see Figure 4-28 bottom - within yellow boundary and two grave-like mounds are still faintly visible. Using the measurement on the hand drawn plan places these possible graves in Lot 9, outside the subject land and within the land owned by Jerrinja LALC. One of these corresponds to the anomaly identified as a possible grave mound by two of the GPR surveys¹⁴³ previously undertaken while the other was not identified in any of the GPR surveys.



Figure 4-28 Wooden crosses in vicinity of 1931 church building.¹⁴⁴ Note the crosses in the top image are not positioned at the 'head' (short end) of the visible mounds in the bottom photo. Rather they appear positioned in the middle of one of long ends, which suggests they may have been added later that the mounds were formed. This location is in Lot 9 not the subject land.

¹⁴³ See Figure 5-8 orange anomaly identified as suspected grave mound by Hunter Geophysics and grave by GBA

¹⁴⁴ Huskisson Heritage Association Inc: 'Burial Grounds' n.d. web, accessed 21 April 2021.
<https://huskissonheritage.com.au/the-site/>.



5. PREVIOUS HERITAGE, ARCHAEOLOGICAL AND GPR INVESTIGATIONS

The following subsections present information relevant to potential historical archaeology at the former Huskisson Anglican Church and cemetery. To explore this potential, a range of reports are explored to highlight the presence and preservation of archaeological materials and burials. Few historical archaeological investigations have been undertaken in the region as focus has been on Aboriginal heritage. Each report is addressed below includes information on historical archaeological in the Huskisson area, local historical graves (both Aboriginal and non-Aboriginal), any report addressing the archaeological potential in the subject area, and then the results of the Ground Penetrating Radar (GPR) surveys.

The following reports have been developed to assess the heritage values of the subject area:

- Ground Penetrating Radar Survey report 31/3/2021 (Hunter Geophysics)
- Ground Penetrating Radar Survey report 13/4/2015 (GBG Australia)
- Heritage Assessment 17 Hawke St, Huskisson (GBA Heritage 2018)
- Ground Penetrating Radar Survey report 11/2018 (Peter Ellsmore & Associates)
- Heritage Management Strategy 12/8/2018 (GBA Heritage)
- Heritage Assessment 12/2018 (GBA Heritage)
- Aboriginal Due Diligence Assessment report 12/2018 (Sue Feary)
- Ground Penetrating Radar Survey Map 18/4/19 (GBG Australia)
- Ground Penetrating Radar Survey report 30/4/19 (GBG Australia)
- Ground Penetrating Radar Survey report 1/10/19 (GBG Australia)
- Heritage NSW Letter - Opinion on scarred tree 8/10/19
- Aboriginal and non-Aboriginal Archaeological Assessment 23/4/2020 (Onsite Cultural Heritage Management)

The following review will not address all reports listed above but instead focuses on those which contain information on the subsurface archaeological potential of the site. Information on the surrounding environments and general geology of the area can be attained in the ACHAR produced by NOHC (2021) for the study area.

5.1 Huskisson archaeological assessments

Few historical archaeological reports have been identified in the Huskisson area. Only a single excavation report within the Huskisson town area was identified in this review. The archaeological monitoring project at Lot 20 Tomerong Street Huskisson, New South Wales by Dominic Steele Consulting Archaeology (DSCA 1999) aimed to investigate possible archaeologically sensitive areas associated with the historical landscaping conducted by the Dent family, owners of the Stromness Guesthouse. The nearby former Jetty was also identified as valuable but not explored in the archaeological monitoring.

The Stromness Guesthouse was built around 1915 on the northern tip of the town, adjacent to Currambene Creek, and burnt down in 1984. The site was impacted through various phases of site use, and much of the historical archaeology was disturbed from the removal of the burnt building rubble (post-fire) and installation of utilities infrastructure. Limited materials were visible above ground including a masonry plinth and building materials along the creek beds. Sewage infrastructure was installed through the property where bulbs and other fill were unearthed.

Lot 20 is located on a two acre block adjacent to the tidal Currambene Creek. From the southern boundary the site slopes north and declines ten-meter in elevation. In the northern region of the site,



approximately 40 meters from the creek line, a two-meter sloping terrace ran east to west, segmented by steps running north to south through the terrace. Known garden beds, and possible garden beds were situated on the site, and it was proposed that mounded features and the terrace were a product of historical landscaping by the Dent family.

A range of features were likely subsurface. Postholes from the former structure were likely present however as graphic and photographic materials were available, excavation of these were deemed to provide insignificant information. Residential structures and features were present on site not associated with the 'Stromness period', these were considered low significance. Early Twentieth Century historical landscaping and garden features (earthworks and plants) associated with the Dent family were assessed as valuable. The aim of the subsurface testing was to confirm the presence of the landscaping structures, retrieve historical bulbs for replanting, and identify the provenance of any historical materials.

Excavation of the site explored natural and archaeologically modified soil profiles. No culturally modified soil structures were identified related to the 'Stromness period' however a portion of the sewage pipe structure was exposed during excavations (Figure 5-1). The natural soil profile consisted of humic dark-brown loam topsoil followed by orange-yellow basal clay C horizon. Underlying this profile was a sandstone bedrock. Despite change in elevation across the block, the natural soil profile was consistent but variation in topsoil changed and increased downslope. Topsoil across the site varied between 300mm and 1200mm. The terrace observed in the northern portion of the site was not a modified landscape feature, as indicated by shallow loam topsoil mixed with alluvium overlying the sandstone bedrock. Instead, it was observed to be a natural topographic feature associated with the creek system. No archaeological materials or bulbs were retrieved from the subsurface testing.

Being situated next to the creek and on a slope, the landscape of Lot 20 Tomerong is different to the current study area. Although soil profiles are likely to vary, it is possible that the study area comprises a similar soil profile with a shallower humic topsoil based on the consistency and patterns in soil profiles across the Lot 20 Tomerong site, and proximity of the study area to the bay.



Figure 5-1 Northern section of TT8 with natural soil profile on the left and disturbance from sewerage pipe on the right.



5.2 Archaeology at Bilong

Bilong, a permanent historical Aboriginal camp, was established around 1895 to 1900 and was located on the northern side of Currumbene Creek north of Myola Village. Evidence suggests the presence of Aboriginal camps prior to this date, likely fringe camps associated with early European settlement¹⁴⁵. Oral histories suggest that Bilong was used until the mid-1920's and possibly up into the 1940s¹⁴⁶. The historic camp was located on 'level ground adjacent to the creek' and comprised '10-15 Aboriginal cottages on the site made from timber from the local sawmill (possibly at Huskisson) with bark roofs¹⁴⁷'. Features of the camp, then visible, included remnants of a narrow jetty and base of a small wharf¹⁴⁸.

Bilong / Myola is a registered AHIMS site (#58-2-0256) recorded as a burial ground, open campsite and open midden. A discontinuous midden extends 2 kilometres along the creek shore, 100 metres in width, and connects the burial ground with a historic campsite. This campsite is recorded as a 200 metre by 500 metre area used between the 1900's and 1920's. In a feasibility study of the area the locally elevated ground immediately adjacent to the Currumbene Creek has been assessed as having high archaeological potential¹⁴⁹.

The burial ground recorded as a 100 metre by 100 metre area located on the northern banks of Currumbene Creek, approximately one kilometre north of Myola. No formal burial ground has been identified and the only grave marker is that of a young Aboriginal child, Thomas Speechley who died in 1904 on the Beecroft peninsula during a Naval artillery exercise. The Navy provided the headstone for his grave which is listed on the Shoalhaven Local Environmental Plan (Figure 4-15). It is likely that there are other burials in the areas as Aboriginal knowledge holders also tell of a burial ground, not associated with Thomas Speechley's grave, that contains ancestral remains (Navin 1991). Ancestral remains were also identified under a house near Myola¹⁵⁰.

It is understood that many unmarked, or previously marked, graves are located in the Bilong / Myola area. It is told Queen Rosie (wife to James Goulding/King Budd Billy), Granny Goulding and Aunty Peggy are buried near Thomas Speechley¹⁵¹ whilst other Jerringa / Wreck Bay ancestors were buried upstream. Informants have advised that the following ancestral burials are located upstream from Thomas Speechley and away from the creek banks: Hannah and Rick Ardler¹⁵², and members of the Bundle, Carriage, Penrith, and Carpenter families¹⁵³. Twelve burials along Currumbene Creek have been identified by an informant, some interred in the 1930s¹⁵⁴. The informant also reported a burial in the area, possibly a member of the Carberry family, was shown to him he described it as a burial plot delineated by bottles that had been buried neck first. Again, the location of this burial plot is unknown, however it is said to be on higher ground, away from the creek, and in the area of the old sawmill.

Archaeological investigations and desktop studies have been carried out on the northern side of Currumbene Creek associated with Bilong. Most of the investigations only involved surveys, with the only subsurface investigation carried out by Navin¹⁵⁵ (1991). In the same study, across the northern banks of Currumbene Creek scarred trees, artefact scatters, and a site complex were identified. The site complex included middens, a historic aboriginal campsite (Carpenter's campsite), historic

¹⁴⁵ Egloff 1981

¹⁴⁶ Navin 1991

¹⁴⁷ Cane 1987 p43

¹⁴⁸ NOHC 1990

¹⁴⁹ Navin Officer Heritage Consultants (NOHC). 1997. 'Preliminary Overview Route Selection Study Currumbene Creek Crossing Jervis Bay, NSW'. Preliminary Overview. Navin Officer Heritage Consultants. Jervis Bay, NSW: Connell Wagner Pty Ltd.

¹⁵⁰ Navin 1991

¹⁵¹ Dick Henry pers comm cited in Navin 1991

¹⁵² Elaine Sturgeon pers comm cited in Navin 1991

¹⁵³ Jerringa Knowledge Holders pers comm cited in Navin 1991

¹⁵⁴ Dick Henry pers comm cited in Navin 1991

¹⁵⁵ Navin 1991



European artefacts (glass, crockery, clay pipe, machinery), and a possible burial site approximately 450 metres north of the Speechly grave and burial ground.

The aforementioned subsurface investigation of the area was approached using spade probes. Soil profiles were consistent across the soil probes with a dark brown sandy loam at the surface that gradually transitions to a dark crumble loam with increasing compact brown, grey soil, and then to a mottled brown and grey loamy clay. Towards the creek banks, the soil profiles were similar to those across the area, with an increasing portion of the upper loam and soil horizons as elevations decreased.

Both Aboriginal and European artefacts were recovered in the spade probes. Lithic artefacts were recorded close to the creek banks but not in spade probes located more than 100 metres away from the banks. The few European artefacts included small fragments of broken glass in the top 15cm of two spade probes. Some of this glass is possible nineteenth century and is likely associated with the historic campsite.

Other historical sites on Currumbene Creek have been identified during a survey to assess the cultural heritage of a proposed creek crossing¹⁵⁶. The number of historical investigations in this area is limited as also observed for the broader Huskisson region. On the northern banks of Currumbene Creek three built features were identified: the remnants of a small wooden bridge over a narrow artificial drainage channel, the remains of a 20th century concrete weir, and the remains of a 19th century stone and rubble weir¹⁵⁷. Archaeological materials were not observed in other investigations at the southern end of Myola village, however these only involved monitoring of few boreholes and drilling sites¹⁵⁸.

Archaeological monitoring was required at the southern end of the village of Myola on a project that involved directional drilling to lay a sewage pipeline. The soils consisted sterile light grey sands. No Aboriginal or historical relics or other archaeological materials were identified in the ground survey or monitoring program¹⁵⁹. Similarly, no Aboriginal or European sites were identified during later surveys conducted around the Myola area¹⁶⁰.

¹⁵⁶ NOHC. 1998. 'Archaeological Assessment of a Proposed Cycleway Collingwood Beach, Vincentia, NSW'. Maunsell Pty Ltd.

¹⁵⁷ NOHC 1998 op cit.,

¹⁵⁸ NOHC. 2000. 'Moona Moona Creek Reclaimed Water Pipeline Crossing, Huskisson, NSW: Archaeological Assessment'. Connell Wagner Pty Ltd on behalf of Shoalhaven City Council and the Department of Land and Water Conservation. NOHC. 2004. 'Proposed 11kV Underground Cable from Myola to Woolamia, South Coast NSW: Cultural Heritage Assessment'. Integral Energy.

¹⁵⁹ NOHC 2000 op cit.,

¹⁶⁰ NOHC 2004 op cit.,



Figure 5-2 Grave of Thomas Speechely at Bilong (Navin 1991:68)

5.3 Past assessments within the subject area (non GPR)

The following reports address the archaeological potential in the subject area. Feary¹⁶¹ previously concluded that there is low potential for Aboriginal objects at this site and the GBA Heritage¹⁶² assessment concluded that the “Anglican Church property in Huskisson, including the 1930’s church and churchyard does not meet the threshold for listing in the Shoalhaven LEP or in the State Heritage Register”.

5.3.1 GBA heritage (2018), Heritage Assessment :17 Hawke St, Huskisson

This assessment was commissioned by Bartlett and Associates Pty Ltd in response to a proposed imposition of an Interim Heritage Order on the property. The objective of this report was to assess the heritage value of the property and structures and that is peripheral to the current investigation. While the report focus was not on the question of whether graves were present or not and it specifically excluded archaeological assessment; nevertheless, it did make several statements regarding the likelihood of graves, and these are discussed below.

The author of the report speculates on the annotation on Lot 9 of the words ‘Burial Ground’ on the 1875 plan as have others, speculating that:

This demonstrates that an unofficial graveyard almost certainly existed there by that time and that the church was probably granted land here to be next to it. (GBA 2018:7)

However, our research has proven that this speculation is misguided (see Section 4) and the allocation of the land for future church and parsonage had nothing to do with a burial ground.

The report also assumes that the original small gabled church was located on or near the locations of the current Church building¹⁶³ and was moved twice. Once to the northern part of Lot 7 to allow for the construction of the 1931 church, and again in 1979 to allow for the construction of the rectory. The assumption that the original church was built on the southern part of Lot 7 comes not from documentary

161 Feary, S. 2018. ‘Proposed Sale and Redevelopment of Anglican Church Grounds, Huskisson. Aboriginal Cultural Heritage Due Diligence Assessment’. Bartlett and Associates Pty Ltd.

162 GBA Heritage 2018 p27

163 GBA 2018:7

Proposed Rezoning of the Former Anglican Church site, Huskisson, Shoalhaven LGA: Heritage Assessment and Historical Archaeological Research Design

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evidence but from the acceptance by the author that the anomalies identified to the west of the current church in the 2015 GPR survey¹⁶⁴ are true burials and that at least one of them is Carl Niclasson¹⁶⁵. The contemporary newspaper article noting that Niclasson was buried at the rear of the Union Church is then used to conclude that the church was once at this location. While there is independent archival evidence of the location of the original church on the northern part of the property in the 1930s (see Figure 4-12) no evidence was cited and so far, none has been found to support an even earlier location at the southern end of the site. No reason was proffered in the GBA report as to why this speculated earlier move would have occurred.

The GBA report includes a quote from an authority on the history of NSW cemeteries to inform an understanding of what it refers to as the Huskisson 'graveyard'. It is repeated here because rather than demonstrate the likelihood of a cemetery at the site, in fact it reinforces our finding that there was never a cemetery at Huskisson.

Cemetery design and the burial of the dead are bound by regulations, religious and cultural values. The government established the majority of cemeteries in New South Wales through a grant of crown land. A surveyor mapped and laid out the cemetery after the government approved a request for a burial ground, or when a new town was being planned. After the land was set aside, trustees were appointed, the cemetery was fenced, cleared and made ready for burials, and regulations, fees and charges were gazetted. The cemetery was subsequently consecrated; although there were no hard and fast rules about when this might take place. Many parishes waited years for a visit from the church hierarchy. The dead, however, did not wait and burials occurred as soon as the cemetery was ready. The same basic process was followed for denominational burial grounds donated by individual parishioners, but with less official intervention.¹⁶⁶

Although the GBA report notes that there is no record of the consecration of cemetery and that 'if there were more burials on the site then there would be published references to them'¹⁶⁷ it makes a fundamental mistake in interpreting the notations on the 1875 crown plan and claims that the government 'considered but did not officially locate a graveyard here' and assumes that an existing burial ground was the impetus for the allocation of land to the church. New evidence discussed in Section 4.3 reveals that the government never considered locating a burial ground in the township of Huskisson and the annotation burial ground on the crown plan arose because the surveyor surveyed it in contrary to his brief as a suggestion which was unequivocally refused.

5.3.2 On Site Cultural Heritage Management (2020) Aboriginal and non-Aboriginal Archaeological Assessment

A previous archaeological assessment in the subject area (Lot 7) was conducted by On Site Cultural Heritage Management (OSCHM) who was contracted by the Shoalhaven City Council (SCC) to explore two anomalies identified in a prior GPR survey¹⁶⁸. That GPR survey interpreted the anomalies as possible burial sites although alternatively suggested they might be possible rubbish dumpsites. Concerns were raised by the SCC that these possible dumpsites, which would be an unauthorised activity under the Development Consent, impacted the archaeology and graves within the subject area.

To address the concerns of the SCC, OSCHM was required to locate the anomalies ('Dump site 1' and 'Dump site 2'), and examine the soil removed from any unauthorised excavations, and provide details on disturbance, if any, of human remains and artefacts. A field survey was conducted and limited to the areas around the two anomalies. Field excavation works were then undertaken to scrape the topsoil back and expose any anomalies. These actions were undertaken under a Compliance Order

¹⁶⁴ GBG Australia 2015

¹⁶⁵ GBA 2018 p15

¹⁶⁶ Murray, Lisa, 2016 Sydney cemeteries: A Field Guide p7-8 cited in GBA 2018 p15

¹⁶⁷ GBA 2018p16

¹⁶⁸ GBG Australia 2019, see below



(ON2019/7343) issued by the SCC; no S139 Excavation Permit Exception Notification was sought from the then Heritage Office of NSW.

No dump sites or graves were identified through the excavations. Instead, features that likely linked to the current and former buildings in the subject were unearthed. A solid light brown clay base was exposed at 100 millimetres below surface at Dump site 1 (Figure 5-3 A). In the centre of the scrape was a circular feature proposed to be the remnants of a post hole, 300 millimetres in diameter, comprising broken wood and concrete building rubble (Figure 5-3 B). The solid light brown clay was exposed at 150 millimetres below the surface at Dump site 2 (Figure 5-3 C). Three groups of archaeological materials were exposed in the scrape at Dump site 2, all approximately 300 millimetres in diameter:

- Group 1: broken timber pieces and mid-late twentieth century ceramic tiles
- Group 2: Broken timber and concrete rubble dating to mid-late twentieth century
- Group 3: three in situ bricks possibly associated with the church hall which sat on brick piers when it was moved here in the 1970s (Figure 5-3 D).

Materials identified through these investigations were not considered a relic under the NSW Heritage Act 1977 based on the age, density and assessed significance of the materials. Maps of the scrapes in the landscape, and plans identifying the material in the scrapes were not provided.

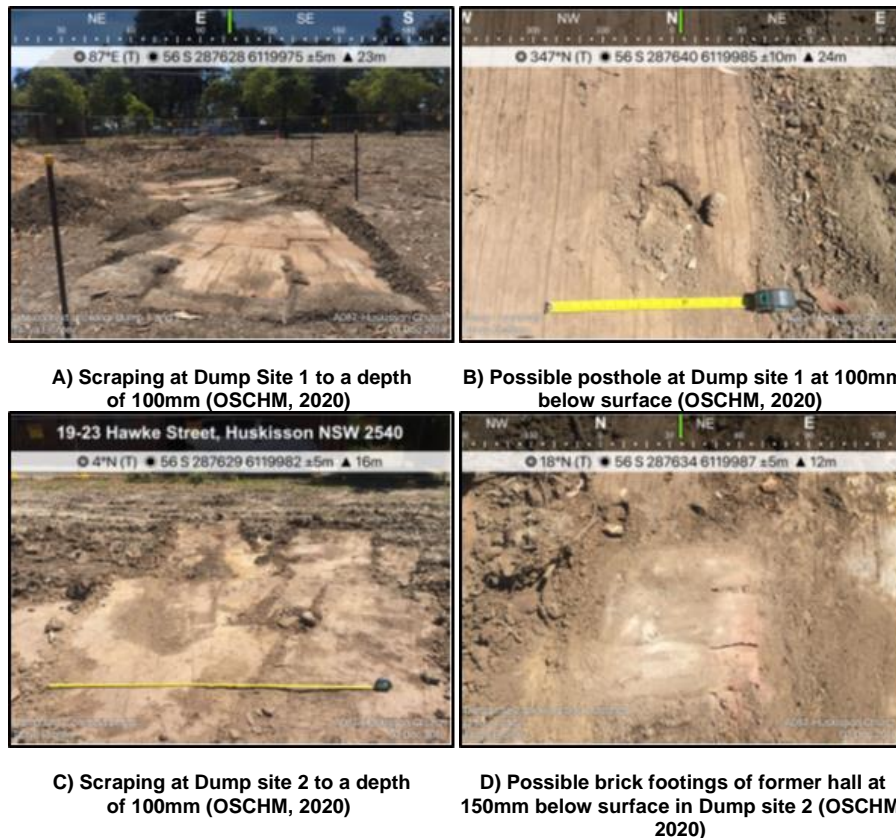


Figure 5-3 images of the results of OSCHM 2020 subsurface investigations



5.3.3 Able Ecology (2019)

This investigation addressed the ecological impact of the proposed development and documented the results of a flora and fauna survey. Although not specifically addressing the archaeological potential or heritage of the subject area, this report provides the only attempt at a soil assessment¹⁶⁹. Using a hand auger to 45 centimetres subsurface, the soil characteristics were investigated (i.e. colour, texture and other visible features). Only an image of the soil profile was provided (see Figure 5-4) with no additional details or location of the sample site. Limited information can be attained from this assessment, but it is possible that the A1 topsoil horizon extends through the top 10 centimetres of the soil profile. Further investigation is required to provide any reliable information on soil morphology.



Figure 5-4 Soil profile provided by Able Ecology (2019)

5.4 Past GPR Surveys

Various non-destructive Ground Penetrating Radar (GPR) surveys have been undertaken to assess the presence of unmarked graves in the subject area. Ground-penetrating radar is a geophysical method that uses radar pulses to image the subsurface. It is a non-intrusive method of surveying the sub-surface. It is most often used to investigate underground utilities such as concrete, asphalt, metals, pipes, cables or masonry.

There are a number of limitations with the technique including performance limitations in high-conductivity materials such as clay soils and soils that are salt contaminated. Performance is also limited by signal scattering in heterogeneous conditions (e.g. rocky soils). Hunter Geophysics noted the presence of rabbit burrows and extensive tree root disturbance both of which can result in false positive identifications as the result in readings that can be similar to graves.

Prior to the current investigation, three GPR surveys had been conducted across Lots 7,8, and 9 but had not comprehensively analysed the full extent of the subject area in a single assessment. During these surveys, nine unmarked burials were identified to varying levels of confidence. To inform the current investigation, Hunter Geophysics provided a new GPR survey to address the entirety of the subject area. They state that it is important to note the following limitation with GPR surveys:

Geophysical techniques can only confirm the presence of a buried object/feature. They are not capable of proving the absence of a particular buried object/feature. For example,

¹⁶⁹ Able Ecology 2019:48



Hunter Geophysics can't say with 100% certainty that an area in a cemetery is empty of unmarked graves... No geophysicist can. (Hunter Geophysics 2021:4)

Similarly, while the anomalies identified as possible graves met certain criteria which was selected to match the likely form of European burials the results cannot be conclusive as to the existence of graves. In modern cemeteries burials are now usually marked by a small metal marker that is attached to the coffin which ensures that the coffin can be accurately relocated. As this was not the practice in the past criteria were adopted to identify anomalies that confirmed with the disturbance in the subsurface landform caused by a burial. When a result is reported as 'high confidence' it means that the anomaly is a close match with the criteria, conversely a low confidence result is one that does not match all of the criteria but may match some. Unfortunately, not all of the studies specified the criteria they used. The only way to ascertain for sure if graves are present is to excavate the anomalies.

The results and interpretation of the geophysical surveys described herein should not be considered an absolute representation of the underlying soil or archaeological features, but instead as a hypothesis yet to be verified. Confirmation of geophysical interpretations is only possible through careful (preferably archaeological) excavation.¹⁷⁰

Several anomalies have been excavated on the subject land (see Section 5.3.1) however none of these have turned out to be graves. There is a less invasive method of test excavation than those that have been conducted on the subject land in the past. This involves shallow surface scrapes to reveal the natural soil surface by removing the humic layer. If graves are present, then the cut and fill outline is revealed without damaging the grave itself.

The following subsections outline the outcomes of the GPR surveys that have been conducted within the subject area to address the likelihood of unmarked graves. Figure 5-5 illustrates the areas covered by GPR survey conducted between 2015 and 2019. From these surveys, nine possible burials were identified.

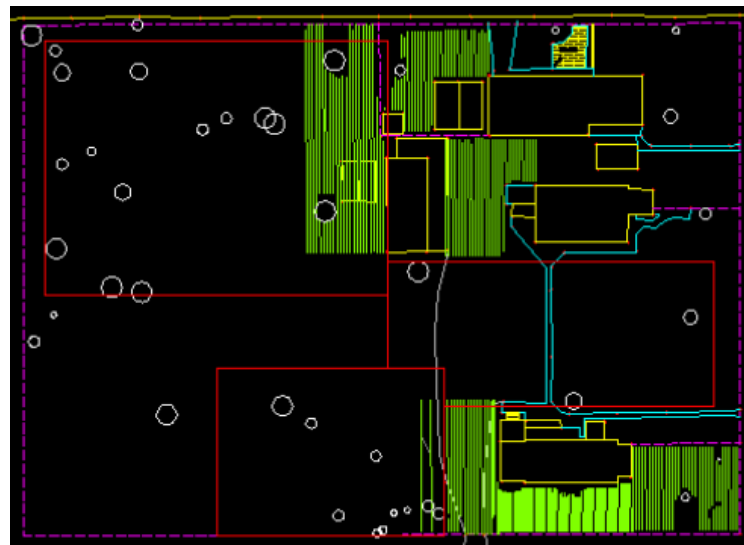


Figure 5-5 Areas surveyed by GBG Australia (2015) and PEA (2018) marked in red, and additional works conducted by GBG Australia (2019) are marked in green.

¹⁷⁰ Hunter Geophysics 2021 p 3



5.4.1 GBG Australia 2015

In 2015 the first GPR survey was conducted by GBG Australia. An investigation was carried out in the western section of the church grounds along a series of longitudinal parallel profiles in approximately a north-south direction; it was estimated that graves would lie on an east to west axis. Using a 400 MHz centre-frequency antenna, information was collected at close line spacing, typically at 0.25 metre intervals, to provide a higher degree of subsurface target resolution. Trees and other obstacles hindered the survey. Seven possible unmarked graves were identified during this investigation, represented by *'higher amplitude rectangular responses approximately 2.0m long, orientated in a predominately east-west direction'* ¹⁷¹. Depths of these possible graves vary marginally and are located between 0.3 to 1.8 metres in depth. These graves are grouped together at the rear (west) of the 1931 church towards Bowen Street. Six of the graves are clustered on Lot 7 and one is located slightly to the west on Lot 9. All but one of the graves are aligned east to west with the other diagonally to these (Figure 5-6).

Based on oral histories and newspaper sources cited, it was suggested¹⁷² that the graves possibly belong to the following persons:

- An unknown sailor buried c. 1870.
- Scandinavian sailor Carl Niclasson, buried 1912.
- Aboriginal man Jimmy Goulding, buried 1904.
- Unknown male timber worker, undated
- Two little girls, unnamed and undated.

Since these GPR surveys have been completed several other named individuals have been put forward by the community as being buried on the subject land (see Table 4-1).

¹⁷¹ GBG Australia, 2015. RE: Non-Destructive Subsurface Investigation Using Ground Penetrating Radar to Locate Unmarked Grave Sites at The Huskisson Anglican Church Ground, Huskisson, New South Wales. Shoalhaven City Council. p6

¹⁷² GBA 2018 heritage assessment

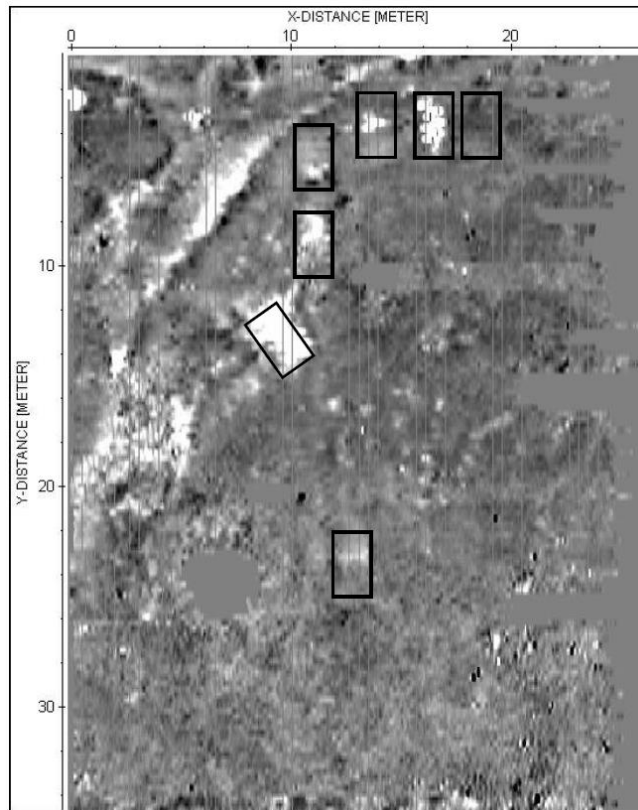


Figure 5-6 Seven possible grave locations at 700mm 3D depth slice (GBG Australia, 2015)

5.4.2 Peter Ellsmore and Associates 2018

Peter Ellsmore and Associates Pty Ltd (PEA) was contracted in 2018 to investigate two additional areas within the church ground to identify possible unmarked graves¹⁷³. These included 'the front grass section between the Church and the Hall [Area 1], the area currently used as a carpark including the section south of the shed / office [Area 1], and the region from the shed / office, west to Currumbene Street [Area 2]' (p.8). A grid system running east to west, and north to south was followed at 400 millimetre spacing with additional diagonal scans across the area. Obstacles including buildings, containers / sheds, stockpiles, and trees hindered visibility. Anomalies in Area one likely reflects root systems, former building footing and foundations, and some irrigation systems. Very few anomalies were observed in Area 2 other than tree roots and evidence to suggest that this is a timbered area. No possible unmarked graves were identified in this survey.

¹⁷³ Peter Ellsmore & Associates Pty Ltd, 2018. Huskisson Anglican Church, Street Boundaries – Hawke, Bowen & Currumbene St's, LOT 7 & 8 Section 3, D.P 758530: GPR Non-Destructive Testing. Steven Bartlett.

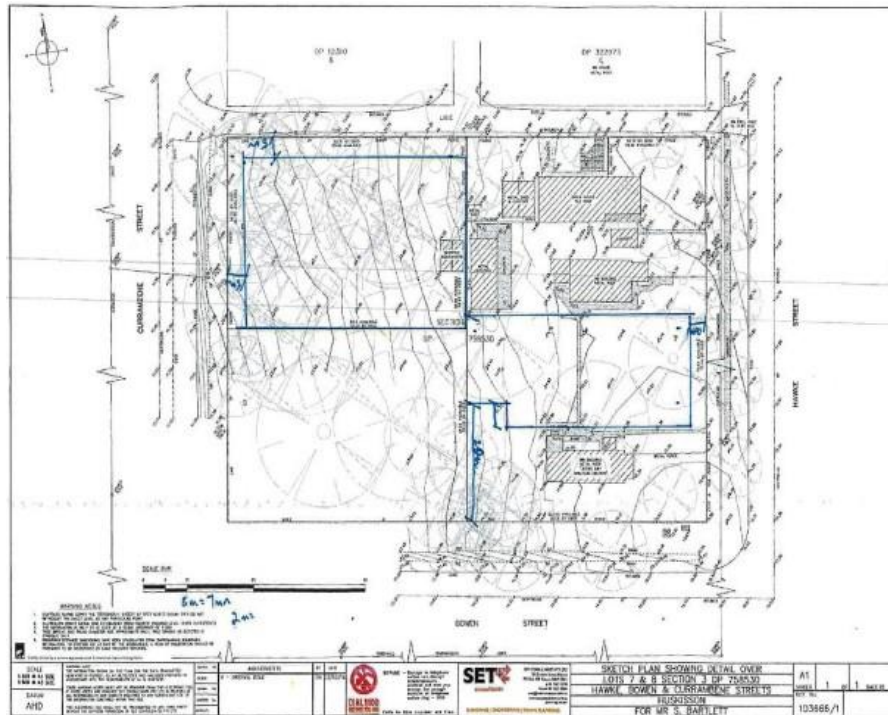


Figure 5-7 Areas subject to GPR survey by Peter Ellsmore in 2018

5.4.3 GBG Australia 2019

To address the areas that could not be surveyed by PEA, GBG Australia¹⁷⁴ was engaged to carry out further surveys in 2019. The latter work used a 400 MHz antennae, a series of parallel longitudinal profiles, at 0.5-metre intervals, and on an approximately north to south axis to record features up to 2.3 meters in depth across four areas (Figure 5-5). These four areas included:

- the areas previously obstructed during the PEA (2018) survey;
- backyard of the rectory;
- driveway area between the rectory, church hall and metal building; and
- area surrounding the church.

Across these areas, only three possible graves were identified surrounding the church: “*The area surrounding the church showed some evidence of one grave being present, and the possibility of another two next to it*” (p. 9). One grave was identified with a high level of confidence based on soil surface depressions and a strong subsurface anomaly. The surrounding anomalies were identified as possible graves with a low level of confidence as they did not correspond to surface depressions that are typical of graves, and one was located near a tree root system. Other anomalies around the rectory

¹⁷⁴ GBG Australia 2019 Huskisson Anglican Church - GPR Investigation. Steve Bartlett of Bartlett & Associates Pty Limited.



in the data were observed, however further investigation through church knowledge and excavations on the 29th of April 2019 identified these as service infrastructure and an old tree stump.¹⁷⁵

5.4.4 Hunter Geophysics for Navin Officer Heritage Consultants 2021

Navin Officer Heritage Consultants was engaged to investigate the likelihood of graves across the subject land and assess the significance of any remains identified. A GPR survey was specified as one of the tools to be used to investigate the site despite the previous studies. Hunter Geophysics was engaged to conduct a GPR survey across the subject land including Lots 7, 8 and 9. Field work was completed in late 2020 and the analysis completed in 2021. Ground penetrating radar data was collected using a transmitting frequency of 250MHz. Each survey was staked out at 25 centimetre intervals with data collected every 5-centimetres.

The criteria used to identify grave like anomalies in this study were:

For adult graves, an anomaly must be no larger than 1.3m wide by 2.4m long (the standard grave shaft dimensions in Victorian cemeteries is 0.65m x 2.1m, so this gives a little extra buffer around a burial in case of cave-ins of the graveshaft wall during excavation). These anomalies should start within the upper 50cm of the soil profile and should extend down at least 1.2m deep, but confidence increases the closer the disturbance is to 1.7m deep (the standard burial depth for a single person in one burial plot).

For infant graves, an anomaly would have to be larger than 50cm long by 40cm wide. These anomalies should start within the upper 50cm of the soil profile and should extend down at least 0.7m deep, but confidence increases the closer the disturbance is to at least 2.4m deep (the standard burial depth)¹⁷⁶.

Results of the Hunter Geophysics survey identified 58 anomalies which met the criteria selected as representative of possible unmarked graves across the area. (Figure 5-8). An additional 15 anomalies met some of the criteria and so were identified as possible unmarked graves. These are irregularly shaped and therefore there was a lower correlation with the selected criteria. The anomalies were aligned in all directions including some on an east-west axis, north-south axis and even or diagonally.

The anomalies were not clustered in a specific location and instead found across the subject area, Lot 9 and the area between the church and fences along Hawke and Bowen Streets. Some of the anomalies picked up by the GPR surveys and identified as graves were located near trees and may instead represent tree roots. No anomaly consistent with a grave was located in the mound located in the southwest corner of the site, however the GPR consultant was unable to rule out the possibility that one occurred there. Disturbance from rabbit burrows and tree roots were noted in the report as types of disturbances that can present as anomalies similar to graves.

Other possible site features were identified during this survey including seven areas of soil disturbance, two walking tracks, postholes/foundations, features associated with the buildings, possible utility services, and several unidentified features (Figure 5-8). Trackways through the western section of the site were clearly defined. Another track associated with a former cement pathway was identified along the edge of the gravel driveway. Possible postholes associated with the original structure were identified in the northwest corner of the gravel driveway, these are too small to be graves. Other anomalies likely represent the former flagpole (see PEA 2018), foundations of a former structure, remnants of shrubs, and buried utilities. These features should be considered in further investigations and determinations of archaeological sensitivity.

Anomalies which are currently not identifiable as any feature were observed in the data. Four square anomalies are located beneath the gravel driveway west of the church, the southern pair of these are

¹⁷⁵ GBG 2019 p7

¹⁷⁶ Email from David Hunter (Hunter Geophysics) to Ngaire Richards (NOHC) dated Monday, 24 May 2021 11:26:50 AM outlining criteria used.



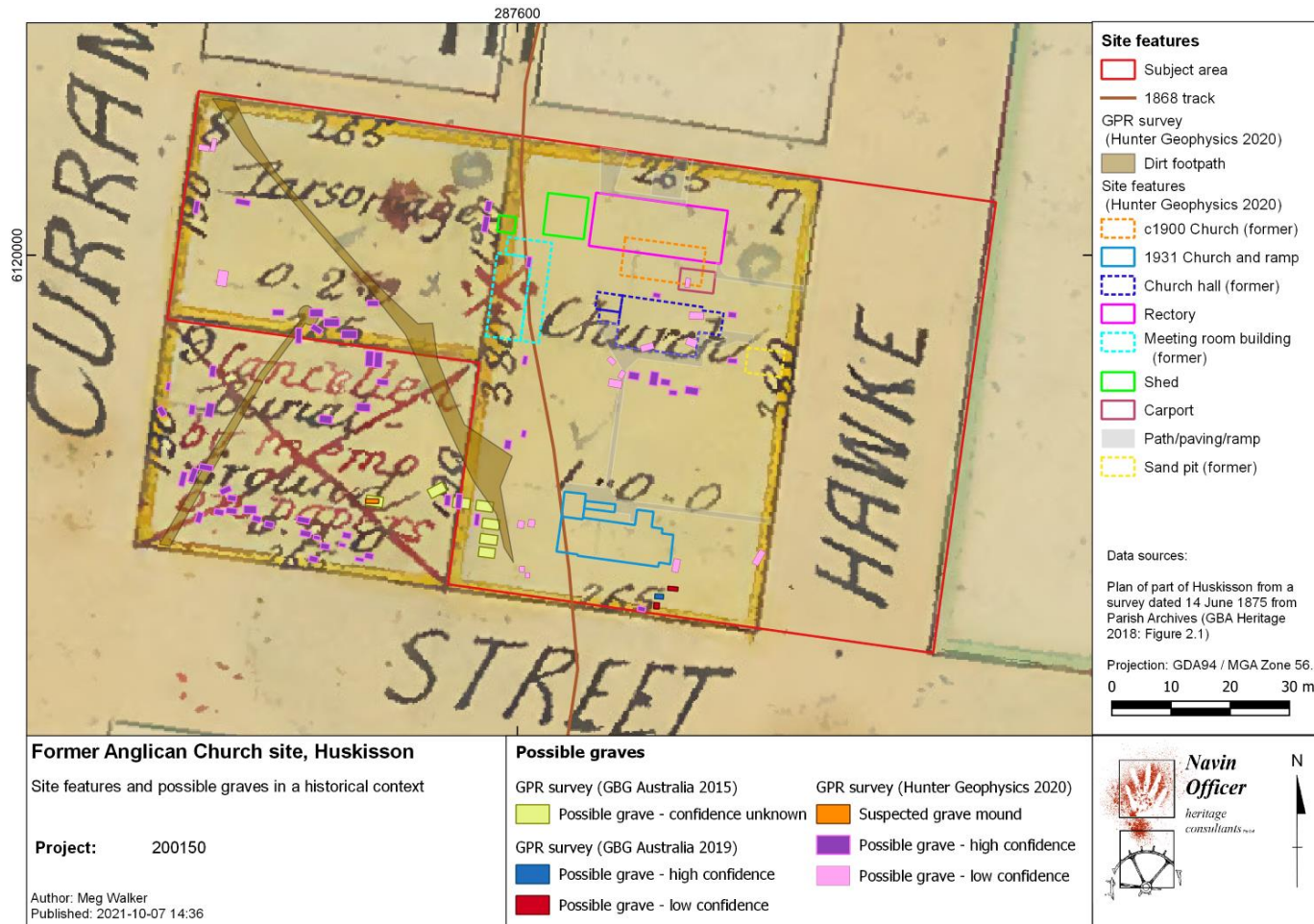
one metre deep and the northern pair 50 centimetres deep. An anomaly in the sand pit on Hawke Street extends between ground surface to 1.2 meter deep. One anomaly in the carport was irregular shaped and extended between 0.4 to 2.5 meters below ground surface. Although this is not typical of a grave, the reinforcing bars within the cement may have interfered with results.

Hunter Geophysics reports points out that there is no way of determining whether these anomalies are in fact graves without subsurface testing.

CL22.174 - Attachment 1



Figure 5-8 Results from the GPR survey conducted by Hunter Geophysics (2021:26) at the Former Anglican Church site in Huskisson. Purple units are anomalies that met the criteria selected to match possible graves and light pink units represent anomalies that met some but not all of the criteria selected.



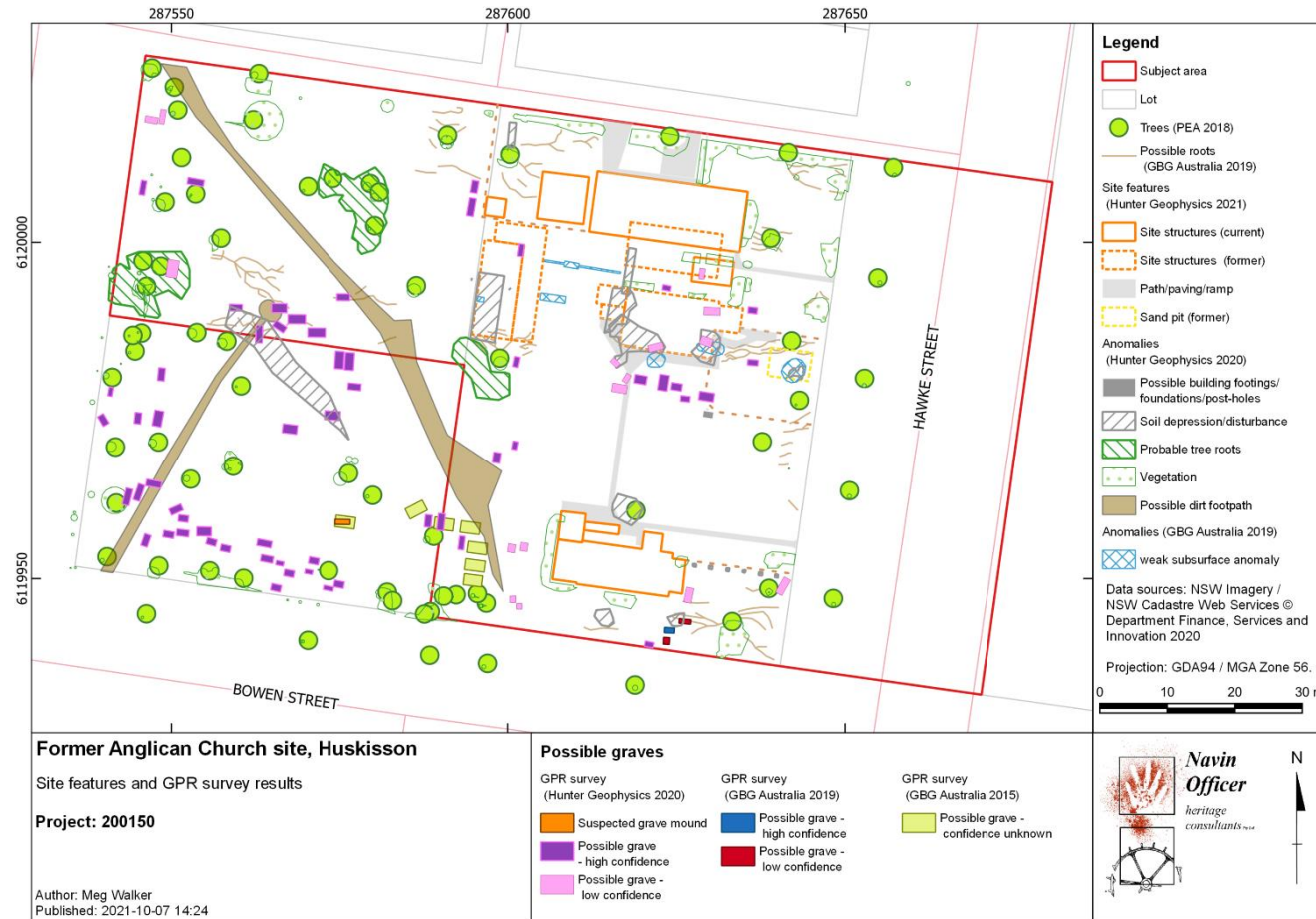


Figure 5-10 Locations of possible unmarked graves associated with site features, vegetation and other GPR anomalies



6. DISCUSSION OF THE EVIDENCE

It is clear from the historical record that there was never an operational cemetery on the subject land. The 1868 Town Plan (see Figure 4-5) shows the subject land as one 2-acre allotment set aside for a church. By 1875 the new Crown Plan (see Figure 4-8) shows the subject land surveyed and divided into 3 distinct lots:

- Lot 7 Church
- Lot 8 Parsonage
- Lot 9 Burial Ground.

On that plan, the reserve of land for a burial ground is crossed out and we now know that it was never supposed to be surveyed, the recommendation to the Surveyor General was to delete it and it was never submitted to the Minister for Lands for approval (see Section 4.3). We do know however, that the surveyor Mr Dale noted a pre-existing grave at the time of his survey and that grave was not located on the subject land but rather on what is now Lot 9. This burial which is dated to before 1875 when he carried out the survey, is possibly the pre-existing burial attributed to an unknown sailor that was referred to in the newspaper article reporting Carl Niclasson's burial some 42 years later.

In 1884 when a new Town Plan (see Figure 4-9) was prepared there was no allocation for a burial ground and the reference to one in the earlier plan had been removed.

Indeed, the only burial records that reference the church specifically is that of Niclasson (1912) which refers to a location behind the Union Church, which based on its probable location at this time would place his grave at north-western part of Lot 7 or possibly the boundary between Lot 7 and 8. There is anecdotal reference to an earlier unknown sailor but this reference was made at the time of Niclasson's death 42 years later and if true would have occurred 35 years before a church existed on the subject land. No definitive contemporaneous account of the alleged earlier burial has so far been located; however, it is possible that it was the grave noted by surveyor Mr Dale at the time that the subject land was originally surveyed and if so, this raises some uncertainty about the location of Niclasson's grave as the one noted by Dale was outside the subject land, on Lot 9.

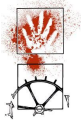
Although Lots 7 and 8 were held in trust for the Anglican Church from 1877, a church was not built on the subject land until the early twentieth century. Fund raising for the same began in 1903.

In 1892 when a mariner, Mr Robert Johnson died by drowning, he was buried at Tapalla Point/Sailors Point, Huskisson, presumably if there had been an official cemetery he would have been interred there. If the subject land was widely regarded as an unofficial cemetery, then one would also have expected him to be buried there. The fact that he was not, discounts the speculation¹⁷⁷ that there was an 'unofficial' but accepted burial ground at Huskisson for non - Indigenous people.

6.1 Graves known to be buried on the subject land

Of all the people who have been anecdotally claimed to have been buried on the subject land only Mr Carl Niclasson can be said with any degree of certainty to be buried there. The burial place of most others has been identified as the Aboriginal cemetery at Bilong/ Currumbene Creek, Nowra and Forbes.

¹⁷⁷ GBA 2018



6.2 Possible graves on the subject land

Mr Jimmy Golding: Unfortunately, there is no death certificate for Jimmy Golding who died in 1905. There is some uncertainty about where he is buried due to conflicting reports of where he was buried. It is tempting to prioritise the more contemporaneous of the two newspaper reports, however there is no evidence that the author of the article ever visited Huskisson and she was known to write regional 'interest pieces' from anecdotal accounts. It is possible that hearing that a minister officiated the author assumed the burial was in a church yard. The Union Church is likely to have existed in its original location at this time, although there was no cemetery associated with it. It should be noted that there are several accounts of ministers officiating at burials at the Currumbene Creek burial ground.

Ms Rebecca Golding: The only information regarding Rebecca Goldings final resting place is her death certificate from 1935 which simply states she was buried at Huskisson cemetery. However, while the Blacket church existed, at this time Huskisson had no official cemetery and one would have thought that the death certificate would have mentioned the churchyard if she had been buried on the subject land. There was no coroner's report relating to her death and it was noted that she was living at Currumbene Creek at the time of her demise. Given the latter it seems unlikely that she would not have been buried at Bilong where she lived and where there was a well-known Aboriginal burial ground, and where her mother and siblings were buried. We note that the Currumbene Creek is sometimes also noted as 'Huskisson'.

Master William Dent: William was a newborn baby, 1 day old, and his death certificate from 1899 merely gives the place of burial as Huskisson NSW. At that time the only known burial ground in the area was the well-known Aboriginal burial ground at Currumbene Creek. There was not yet a church at Huskisson and there was no land set aside for a burial ground. It was not uncommon for infants to be buried on their family property in circumstances where cemeteries were a long way from the place of death and/or travel to such cemeteries was not feasible due to lack of transport and/or unfavourable weather conditions. The reference to Huskisson is ambiguous and may or may not relate to the subject land but could also be on the family's property.

6.3 What does the GPR tells us about the likelihood of the possible burials?

All GPR surveys undertaken on the subject land have identified subsurface anomalies that are consistent with European coffin style burials in size and depth, although not always in the same location. Several of these anomalies have previously been excavated and found to be related to building footing/rubble and tree roots. However, many other anomalies remain untested.

The anomalies identified in the GPR reports have not, until now been filtered by any consideration of burial practices and customs. In particular, the traditional Christian method of positioning the coffin or shroud covered body in a grave was to have the body with the head to the west, feet to the east. Although Jewish burials are unlikely given the time period in Huskisson these would also likely appear as similar anomalies as the Christian graves as the body was buried facing west. This means that in general one would expect graves (especially those where a minister officiated) to appear on an east west axis. This filter alone would have eliminated 21 of the anomalies referred to as 'high confidence' in the Hunter Geophysics survey form the total survey area (which included Lot 9) and 10 from the subject land.

6.4 Summary

In summary, the burial place of most of the people that have been suggested as buried on the subject land have either been shown to be unambiguously buried elsewhere such as Nowra (the closest official cemetery), or Bilong/ Currumbene Creek the known Aboriginal burial ground. The burial location of several have been referred to in ambiguous or general terms such as "Huskisson" at a time when Huskisson had no official cemetery.



There is only one person (Carl Niclasson) who it seems clear was buried on the subject land, given the specific reference to the 'rear of the Union Church in the NSW paper report, although why this would have occurred is unclear as there was no official burial ground at Huskisson on Lot 7 or 8 which is the reported location of the grave. His death certificate is unhelpful stating only 'Huskisson NSWales' as his place of burial.

Other potential historical archaeological relics within the study area may include isolated domestic items relating to the occupation of the subject land for a rectory, and /or related to church and Sunday school use. It is considered that there is relatively low risk of Aboriginal traditional burials dating to a period before European occupation of the area, due to the landscape setting of the subject land. Past excavations of anomalies on the subject land reveal a shallow loam topsoil over clay deposits. Generally, in this area Aboriginal ancestral remains were interred in beach dunes and along water ways and there is a known Aboriginal burial ground on Currumbene Creek at Bilong which was established prior to European occupation, and which continued to be used by the local Aboriginal community long after that time.



7. IMPACT ASSESSMENT

7.1 The proposal

The current proposal is for rezoning only and so would have no physical impact on relics. However, the purpose of the rezoning would be to facilitate future change of use/ development of the site and therefore it is desirable to resolve the question of whether any of the anomalies detected during the GPR are in fact burials. This would allow them to be mapped and managed.

7.2 Potential impact on relics

No impact to relics is posed directly by the rezoning application however to avoid any impact arising from future development it is necessary to understand whether the identified anomalies represent graves. To this end controlled archaeological investigation of the anomalies is required.

7.3 Statutory considerations

The *Heritage Act 1977* (Heritage Act) is a statutory tool designed to conserve environmental heritage in NSW. It is used to regulate development impacts on the State's historical heritage assets. The Act defines a heritage item as 'a place, building, work, relic, moveable object or precinct'.

To assist management of the State's heritage assets, the Act distinguishes between items of Local and State heritage significance.

'Local heritage significance', in relation to a place, building, work, relic, moveable object or precinct means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item'

'State heritage significance', in relation to a place, building, work, relic, moveable object or precinct means significance to the State in relation to the historical scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item'.

Under Part 3A of the Heritage Act, the NSW Heritage Council is required to maintain a State Heritage Register (SHR). This register lists items of State heritage significance, as determined by the Heritage Council and/or the Minister. To list an item on the SHR, the Heritage Council must consider that the item satisfies more than one of the heritage assessment criteria in Section 4A of the Act.

Listing on the SHR controls activities such as alteration, damage, demolition and development. However, the site is not listed on the SHR and therefore these provisions do not apply.

Other provisions of the Heritage Act provide protection for archaeological relics (whether or not they have been identified, had their significance assessed and or listed on statutory registers.

Archaeological relics are defined by the Heritage Act as:

any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

Relics are protected under Section 57 of the Act. If works have the potential to expose, move, damage or destroy archaeological relics a permit must be obtained from the NSW Heritage Council to undertake the work, with conditions for archaeological investigation. Minor disturbances may qualify as exceptions to these provisions. Heritage NSW has advised Shoalhaven Council that although the



proposed investigation measures are consistent with the definition of minor works, which can occur as an exception to the archaeological provisions of the Act, in this case they will require a permit for this investigation.

The following HARD provides a methodology to guide this investigation.



8. ARCHAEOLOGICAL RESEARCH DESIGN

The following Historical Archaeological Research Design (HARD) identifies the appropriate research questions, which would guide the strategy and methods employed during the proposed archaeological investigation at the subject land being Lots 7 and 8, Section 3 DP758530, Huskisson NSW.

8.1 Research framework

The main aim of the archaeological investigation area as follows:

- To establish whether any of the anomalies noted in the various reports are actually graves through exposing the surface of the grave cuts
- To accurately mark any verified grave locations so that they can be considered in the future management of the site
- On the basis of the findings, revise/ make informed predictions of any residual archaeological potential on the subject land; and
- Understanding that the local Aboriginal community is concerned that some graves may exist on the subject land that belong to Aboriginal ancestors i.e., Mr Jimmy Golding and Ms Rebecca Golding the outcomes of this archaeological investigation will inform the Aboriginal Cultural Heritage Assessment Report that is currently in preparation.

The following research questions are relevant to the proposed investigation areas and would guide the strategy and archaeological methods employed during the investigation:

- Is it likely that any of the clusters of anomalies noted by the GPR are grave sites?
- What is the natural soil/geological profile on the subject land?
- Can evidence of grave cuts be observed and if so, does the size or orientation of the grave cuts provide any information on the denomination of the deceased persons or the size of a coffin?
- Have any other unexpected archaeological features and deposits been identified within the proposed excavation area? Do they provide any detail about the former layout or landscaping on the subject land that might suggest graves and or memorials or plantings?

8.2 General strategy and approach

The general approach is to expose the natural soil below the active humic soil layer, and this will reveal any cut and fill evidence relating to graves. If located graves will be accurately mapped so that they can be considered in any future land management decisions relating to the subject land.

Figure 8-1 shows the five main clusters of anomalies reported as possible graves from the various GPR surveys that have been undertaken. It can be seen that while some of these appear to be oriented east-west as would be expected in Christian graves in Australia, many are not. Our aim is to test most of these regardless of orientation to allay further speculation.



Figure 8-1 Proposed archaeological investigation areas



8.2.1 Shallow mechanised test excavations

Within each of these clusters we propose a minimum of 2 machine scrapes at right angles to each other and in most cases where space allows extending outside the cluster (see Figure 8-2). The machine proposed is a 5.5 tonne excavator with a 1200mm mud bucket with a flat blade and a 300mm gummy bucket also with a flat blade for use in areas physically restricted such as near trees etc. An experienced machine operator will be used, preferably with experience in archaeological excavation.

The precise location and length of the scrapes 1-7 may be varied in the field be subject to conditions within the field such as tree locations and or obvious intrusive tree roots. Each scrape will be made with a machine with a flat blade bucket approximately 1.5m wide (1200mm blade scrape plus potential edge wear) and the length of each will be as indicated in Figure 8-2. The depth of the soil removed will vary across the property depending on disturbance conditions encountered. For example, in areas with imported fill or where building demolition has previously occurred deeper/ repeated scrapes may be required to reach a natural surface. Generally, over most of the area it is expected that the scrapes will result in an excavation of up to 300mm; however, this will be informed by the information on the natural soil profile observed in the geomorphological test pit.

Should suspected grave cuts be revealed additional scrapes may be used to identify the size and orientation of the grave so that it can be mapped. Surfaces and sections will be hand cleaned by trowel as necessary to provide a clear surface.

8.2.2 Geomorphology test pit

In addition to the 7 controlled scrapes a test pit will be excavated in an area where no anomalies have been reported by any of the GPR studies (See Figure 8-2). The purpose of this test pit is to characterise, describe and record the natural soil profile so that it can inform the implementation of the controlled excavation, the context of any findings and future management of the site should grave cuts be revealed during the project.

8.2.3 Mapping results

A suitably qualified surveyor will map in the alignment of the excavations. Should grave cuts be revealed then the grave will be mapped to inform future management of the subject land.

8.2.4 Management of archaeological relics

While the purpose of the investigation is to reveal/confirm the location of graves should they exist on the subject land and to avoid direct impact on archaeological deposits, it is always possible that isolated relics may be encountered. Despite no visible or historical evidence of funerary furniture or monuments it remains possible that if there were graves on the subject land that broken or fragmented items may be encountered. Any such items will be carefully mapped, collected, catalogued and described and their significance assessed.

8.3 Management of unexpected finds/Aboriginal objects

If Aboriginal sites or objects were unexpectedly found during archaeological test excavation and monitoring, works would stop in that area, and consultation with Heritage NSW and the Local Aboriginal Land Council (LALC) would be undertaken to determine appropriate protection measures.



Figure 8-2 Location of proposed controlled archaeological grade scrapes



8.4 Excavation and recording methods

Standard archaeological excavation and recording methods would be adopted during all stages of the archaeological investigation. These include undertaking the following tasks.

- A survey datum would be established by the site planner to record the levels of extant deposits and features.
- Scaled site plans and profile drawings showing the location of all archaeological deposits and features revealed during test excavation and monitoring would be prepared, as required. These would be keyed to the site datum.
- Photographic recording of all phases of the work on site would be undertaken. This would involve recording archaeological features using an appropriate photographic scale.
- A standard context recording system would be employed, namely the location, dimensions and characteristics of all archaeological features and deposits would be recorded on sequentially numbered proforma context recording sheets.

As noted in section 8.2.4 historical artefacts are not anticipated but are possible. They will be retained for analysis and would be cleaned off site, sorted according to their fabric classes, bagged and boxed with reference to the context from which they were recovered.

Additional transects would be conducted until site clearance/ investigation of anomalies was achieved to the satisfaction of the Excavation Director. Additional and /or shorter transects may be required due to soil disturbance or obstructions such as trees and/or tree roots.

8.5 Post-excavation analysis

The purpose of the excavation is not to excavate graves but rather to reveal their presence and accurately record them. As such only shallow scrapes across the current land surface are proposed. However, it remains possible that some artefacts may be recovered in this surface layer and if so, the following steps will be followed.

Historical artefacts recovered during archaeological test excavation and monitoring would be catalogued and analysed for presentation and inclusion in an excavation report. Artefact processing would be undertaken off-site, complying with the following the procedure.

- Artefacts would be cleaned and dried.
- Items would then be divided into categories according to their type and fabric and, in the case of glass and ceramics, by colour. These would be further divided into diagnostic and non-diagnostic artefacts (with further consideration given to the diagnostic artefacts).
- Bulk-find items such as non-diagnostic glass, shells, wooden fragments, non-diagnostic metal etc. would be weighed and recorded and retained for future research purposes.
- The remaining items would be retained for further analysis and research.
- Post-excavation analysis of materials recovered during excavation would be undertaken in a suitable secure location by NOHC under the supervision of the Excavation Director.

8.6 Excavation personnel

It is proposed that the excavation be undertaken by NOHC with Ngaire Richards as the Excavation Director.



Ms Richards fulfils the requirements of the Heritage Council's Criteria for the Assessment of Excavation Director's (Heritage Council of NSW, 2011). She has 13 years' experience in historical archaeology and has recently supervised the excavation of historical archaeological sites of local heritage significance. She would be assisted by a small team of archaeologists, including, Jasmine Fenyvasi and Joel Mason.

8.7 Reporting

A succinct summary report on the results of the archaeological test excavation would be prepared by NOHC immediately after completing the archaeological test excavation. A more detailed excavation report would then be prepared by NOHC documenting both stages of the investigation. This report would provide a detailed description of the results of the test excavation and accurate locations for any graves identified, the results of any artefact analysis, a response to research questions, and significance assessment of any. This will assist the future management of archaeological remains at the site.



9. CONCLUSIONS AND RECOMMENDATIONS

9.1 Conclusions

Following an analysis of the historical information relating to Lots 7 and 8 Section 3 DP758530, Huskisson NSW the following conclusions are reached:

- The subject land was never an official cemetery
- There is no verifiable evidence that the property was an accepted unofficial cemetery.

However, despite this:

- One grave (Niclasson) is likely to be on the property, although the location is vague 'behind the Union Church' and is possibly under extensions to the current rectory.
- There is no direct evidence of other graves on the site although, given the lack of precision in the recording of burial places on some death certificates 3 others, while unlikely, cannot be discounted.
- While not within the subject land, our research revealed that one grave occurs in an unknown location within Lot 9 (owned by Jerrinja LALC). This grave was noted by the original surveyor C.H. Dale in 1875 (Section 4.3). The date range suggests that there is a possibility that this is the un-named sailor referred to in the newspaper account of Niclasson's death.

Consideration of the various GPR results and comparison with the historical data (including aerial photos, and the location of former buildings), demonstrates the inconclusive nature of GPR investigation results in areas which have also been subject to tree root, rabbit activity and undocumented building histories. They provide a precautionary indication of possible graves that cannot be verified without the conduct of archaeological excavation. In the case of the subject land, it is clear that the number of anomalies substantially exceeds the likely number of graves on the property.

9.2 Recommendations

Based on the results of this assessment, it is recommended that:

1. a copy of this report be submitted to the NSW Heritage Council to support an Excavation Permit Application (s140 Heritage Act NSW)
2. archaeological test excavation involving targeted machine scapes be conducted under the direction and supervision of the nominated Excavation Director in accordance with the HARD presented in Section 8 of this report
3. the results of the archaeological investigation be documented in an Excavation Report prepared in accordance with archaeological best practice in NSW.

Given the findings regarding a burial on Lot 9, it is recommended that a copy of this report be provided to the Jerrinja LALC who own that property.



APPENDIX A DEATH CERTIFICATES AND RELATED DOCUMENTS

CL22.174 - Attachment 1

NEW SOUTH WALES

REGISTRATION NUMBER

5906/1865

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1995

DEATH CERTIFICATE

Date and place of death	Name and occupation	Sex and age	Cause of Death Duration of last illness; medical attendant; when he last saw deceased	Name and occupation of father. Name and maiden surname of mother	Informant
3 rd February 1865	John House	Male	(1) Acute Bronchitis (2) Pericarditis (3) Coronary (4)	Charles House	By Certificate from St. M. Richard Coroner Shoalhaven
22, Servis Bay Shoalhaven		4 Years		(3) Charlotte	

Particulars of Registration	When and where buried; name of undertaker	Name and religion of Minister and names of witnesses of burial	Where born and how long in the Australasian Colonies or States	Place of marriage, age, and to whom	Children of marriage
James Aldcorn	5 th Feb 1865		Sydney	(1)	
6 th February 1865				(2)	
Shoalhaven	Curraukens	Mr. Hood John Nelson		(3)	
	John Peattie				



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DEATHS AND MARRIAGES

SYDNEY 26 October 2021

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NEW SOUTH WALES

REGISTRATION NUMBER

5917/1865

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1995

DEATH CERTIFICATE

Date and place of death	Name and occupation	Sex and age	Cause of Death Duration of last illness; medical attendant; when he last saw deceased	Name and occupation of father. Name and maiden surname of mother	Informant
13 th August 1865 40 Lervis Bay Shoalhaven	Arthur Steel	Male 2 Years	(1) Inflammation of the Lungs (2) a week (3) _____ (4) _____	(1) Thos Steel by Certificate from (2) Fisherman Isaac Lee (3) Kathy Steel (no relation) Cape St. George	

Particulars of Registration	When and where buried; name of undertaker	Name and religion of Minister and names of witnesses of burial	Where born and how long in the Australasian Colonies or States	Place of marriage, age, and to whom	Children of marriage
Isaac Lee 3 4 th August 1865 Shoalhaven	14 th August 1865 Lervis Bay	Isaac Lee John Leahy	Lervis Bay	(1) (2) (3)	



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NEW SOUTH WALES

REGISTRATION NUMBER

6774/1873

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1995

DEATH CERTIFICATE

Date and place of death	Name and occupation	Sex and age	Cause of Death Duration of last illness; medical attendant; when he last saw deceased	Name and occupation of father. Name and maiden surname of mother	Informant
18 October 1873	John Lucy Mariner	Male 63 years	(1) Dislocation of neck (2) Sudden (3) none (4) —	(1) — (2) — (3) —	Morton Richard Coroner Cambewarra

Particulars of Registration	When and where buried; name of undertaker	Name and religion of Minister and names of witnesses of burial	Where born and how long in the Australasian Colonies or States	Place of marriage, age, and to whom	Children of marriage
Morton Richard	20 October 1873	—	England	(1) not known	
25 October 1873	Currambene	Henry Parks	—	(2) —	
Shoalhaven	George Hunt	Andrew Henry	not known	(3) —	



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NEW SOUTH WALES

REGISTRATION NUMBER

13360/1884

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1995

DEATH CERTIFICATE

Date and place of death	Name and occupation	Sex and age	Cause of Death Duration of last illness; medical attendant; when he last saw deceased	Name and occupation of father. Name and maiden surname of mother	Informant
13 November 1884 Joris Day Shoalhaven	Edward William Honnet fisherman	Male 58 yrs	(1) Diphtheria (2) 6 months (3) Dr Matthews (4) 5 months before	(1) Edward Honnet (2) Surgeon (3) Mrs Clarke	Esther Honnet a daughter of deceased Honnet

Particulars of Registration	When and where buried; name of undertaker	Name and religion of Minister and names of witnesses of burial	Where born and how long in the Australasian Colonies or States	Place of marriage, age, and to whom	Children of marriage
(1) M. O'Connell (2) 26 November 1884 (3) Shoalhaven	16 November 1884 Joris Day Anton Wolf	— Henry Lamb Henry Gibson	Ireland 42 years in the Colony	(1) Mayfield (2) J.S. (3) Fanny Kemp	Esther 18 Alexander 16 Edward 14 Seth 12 Olive 7 Louisa 5



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NEW SOUTH WALES

REGISTRATION NUMBER

14337/1885

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1995

DEATH CERTIFICATE

Date and place of death	Name and occupation	Sex and age	Cause of Death Duration of last illness; medical attendant; when he last saw deceased	Name and occupation of father. Name and maiden surname of mother	Informant
5 July 1885 Jervis Bay Shoalhaven	Horace Bailey	Female 11 years	(1) Typhus fever (2) 9 days (3) 5 Waverley (4) 2 July	(1) Edward Bailey (2) Light keeper (3) Hon. Andrew	By certificate of Edward Bailey the father Cape St George

Particulars of Registration	When and where buried; name of undertaker	Name and religion of Minister and names of witnesses of burial	Where born and how long in the Australasian Colonies or States	Place of marriage, age, and to whom	Children of marriage
(1) M. Mcgregor (2) 20 July 1885 (3) Shoalhaven	6 July 1885 Jervis Bay McGregor	— Mary Elizabeth Wilson Annie Parker	Salisbury	(1) — (2) — (3) —	



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NEW SOUTH WALES

REGISTRATION NUMBER

10339/1899

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1995

DEATH CERTIFICATE

Date and place of death	Name and occupation	Sex and age	Cause of Death Duration of last illness; medical attendant; when he last saw deceased	Name and occupation of father. Name and maiden surname of mother	Informant
1899. 13 th May Jervis Bay NSW	William Bent	Male 1 day	(1) Mictasias (2) 24 hours (3) A.R.B. Stoney Registered (4) 13 th May 1899	(1) Richard Bent (2) Shipwright (3) Amy Rebecca Wood	Amy R Bent Mother of Deceased Jervis Bay NSW

Particulars of Registration	When and where buried; name of undertaker	Name and religion of Minister and names of witnesses of burial	Where born and how long in the Australasian Colonies or States	Place of marriage, age, and to whom	Children of marriage
W J Marks 11 July 1899 Houma	(1) 14 May 1899 (2) Huskinson NSW (3) Frederick Bent	(1) None (2) (3) V B Howe R Lamb	Jervis Bay NSW	(1) (2) (3)	years.



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NEW SOUTH WALES

REGISTRATION NUMBER

6134/1905

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1995

DEATH CERTIFICATE

Date and place of death	Name and occupation	Sex and age	Cause of Death Duration of last illness; medical attendant; when he last saw deceased	Name and occupation of father. Name and maiden surname of mother	Informant
24 th May 1905 254 Jannet Bay N.S.W.	Mickey Bell	Male 65 Years	(1) Bronchitis (2) 6 weeks (3) Dr. H. M. Smith (4) 12 th May 1905	(1) Not Known (2) — (3) —	Notified by M. J. O'Donnell Police Officer Known N.S.W.

Particulars of Registration	When and where buried; name of undertaker	Name and religion of Minister and names of witnesses of burial	Where born and how long in the Australasian Colonies or States	Place of marriage, age, and to whom	Children of marriage
25 th May 1905 30 th May 1905 N.S.W.	(1) 25 th May 1905 (2) Jannet Bay (3) William Bathurst	(1) None (2) (3) Michael J. O'Donnell only one witness present at burial	Queensland Unknown how long in A.S. 18.	(1) Not Known (2) — (3) —	Not Known



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NEW SOUTH WALES

REGISTRATION NUMBER

9860/1906

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1995

DEATH CERTIFICATE

Date and place of death	Name and occupation	Sex and age	Cause of Death Duration of last illness; medical attendant; when he last saw deceased	Name and occupation of father. Name and maiden surname of mother	Informant
1906 11 th September Nowra NSW	Madeline Doris Dent	Female 13 Years	(1) Peritonitis (2) 5 days (3) Dr Walter Hull (4) 11 th September 1906	(1) Richard Dent (2) Shipwright's Father of Rebecca (3) Amy Rebecca Wood	Richard Dent Muskisson NSW

Particulars of Registration	When and where buried; name of undertaker	Name and religion of Minister and names of witnesses of burial	Where born and how long in the Australasian Colonies or States	Place of marriage, age, and to whom	Children of marriage
(1) 12 th March (2) 12 th September 1906 (3) Nowra	(1) 12 th September 1906 (2) Church of England (3) Mortuary Nowra (4) William Braithwaite	(1) Newby Evans (2) Church of England (3) James Bennett (4) J. M. Monson	Muskisson NSW	(1) _____ (2) _____ (3) _____	years. /



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NEW SOUTH WALES

REGISTRATION NUMBER

14960/1907

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1995

DEATH CERTIFICATE

Date and place of death	Name and occupation	Sex and age	Cause of Death Duration of last illness; medical attendant; when he last saw deceased	Name and occupation of father. Name and maiden surname of mother	Informant
1907 30 th October Lussafra	Mary Anne Coulon	Female 33 Years	(1) Pulmonary Tuberculosis (2) 2 Years (3) Dr. Th. Matthews (4) 2 nd October 1907	(1) Andre Coulon (2) Shipbuilder (3) Jemima McBeth	Brother of Deceased Jervis Bay

Particulars of Registration	When and where buried; name of undertaker	Name and religion of Minister and names of witnesses of burial	Where born and how long in the Australasian Colonies or States	Place of marriage, age, and to whom	Children of marriage
(1) W. J. Marks (2) 31 st October 1907 (3) M. W. W. W.	(1) 31 st October 1907 (2) Church of England (3) Public Cemetery (4) George Moore	(1) Donald J. Cameron (2) Church of England (3) Chas. Brown (4) Peter Walsh	Jervis Bay N.S.W.	(1) Not married (2) _____ (3) _____	years.



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NEW SOUTH WALES

REGISTRATION NUMBER

17227/1912

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1995

DEATH CERTIFICATE

Date and place of death	Name and occupation	Sex and age	Cause of Death Duration of last illness; medical attendant; when he last saw deceased	Name and occupation of father. Name and maiden surname of mother	Informant
1912 23 rd November 81 Jarvis Bay Busskisson Hyde Street	Carl Nelson Seaman	Male 37 Years	Natural causes (1) heart disease (2) (3) Verbal attack (4) high fever (5) Bay Busskisson (6) on 25 November (7) by J.P. Nelson (8) coroner Newra	(1) Not known (2) Not known (3) Not known	Verified by J.P. Nelson Coroner Newra

Particulars of Registration	When and where buried; name of undertaker	Name and religion of Minister and names of witnesses of burial	Where born and how long in the Australasian Colonies or States	Place of marriage, age, and to whom	Children of marriage
(1) 1912 23 rd November (2) 23 rd November 1912 (3) Newra	(1) 25 th November 1912 (2) Busskisson Newra (3) J.P. Nelson	(1) Alfred Nelson (2) Church of Sweden England (3) J. Hambour Newra	Lindholm Goldberg Sweden 14 months in Newra	(1) Not known (2) Not known (3) Not known	Not known Not known Not known



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REGISTRY OF BIRTHS
DEATHS AND MARRIAGES

SYDNEY 22 September 2021

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NSW DEATH REGISTRATION TRANSCRIPTION		REF NO 1913/17066
NAME	JAMES DAN (ABORIGINAL)	
DATE OF DEATH	9 DEC 1913	
PLACE	HUSKISSON, CLYDE SHIRE	
OCCUPATION	LABOURER	
SEX	MALE	
AGE	65 YEARS (ABOUT)	
CONJUGAL STATUS		
PLACE OF BIRTH	HUSKISSON, CO ST VINCENT NSW	
TIME IN AUST COLONIES		
FATHER	DICK DAN	
OCCUPATION	LABOURER	
MOTHER	MARY ANN McLEAN	
PLACE OF MARRIAGE	NOT KNOWN	
AGE AT MARRIAGE	NOT KNOWN	
NAME OF SPOUSE	NOT KNOWN	
CHILDREN OF MARRIAGE	NOT KNOWN	
INFORMANT	G DAN, SON, CURRAMBENE CREEK, HUSKISSON	
CAUSE OF DEATH	1. INFLUENZA	2. PNEUMONIA
LENGTH OF ILLNESS	1. -	2. 1 WEEK
MEDICAL ATTENDANT	F A RODWAY	
DATE LAST SEEN	4 DEC 1913	
DATE OF BURIAL	10 DEC 1913	
PLACE OF BURIAL	CURRAMBENE CREEK GRAVEYARD, HUSKISSON NSW	
MINISTER & RELIGION	ERNEST C DAWES, READ SERVICE (ALTERED FROM LAYMAN) (RELIGION NOT STATED)	
UNDERTAKER	J W HINDS, CONSTABLE (ACTING)	
WITNESSES	HENRY POLL, JOSEPH KENNEDY	
CREMATION DATE		
CREMATION PLACE		
CREMATION INFORMANT		
CREMATION RELIGION		
CREMATION WITNESSES		
REGISTERED	13 DEC 1913 - NOWRA	
NOTES		
Ref No 9598393		Printed 3 August 2019

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ADDRESS P O Box 52 Camden 2570
EMAIL info@nswtranscriptions.com.au

PHONE (02) 4658 1206
WEBSITE nswtranscriptions.com.au

FAX (02) 4658 1296
ABN 14 163 961 233

NEW SOUTH WALES

REGISTRATION NUMBER

11277/1918

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1995

DEATH CERTIFICATE

Date and place of death	Name and occupation	Sex and age	Cause of Death Duration of last illness; medical attendant; when he last saw deceased	Name and occupation of father. Name and maiden surname of mother	Informant
19/8. 8th September	Edward Cooper	Male 80 years	(a) Senile decay (1) chronic broncho-pneumonia (2) ——— (3) P.A. Rodway M.B. B.S. Reg. (4) 25th March 1918	(1) John Cooper (2) Labourer (3) unknown	Certified by Charles Cooper Son Thos Kisson Witness: J.W. Hinds
Thos Kisson Clyde Shire	Labourer				

Particulars of Registration	When and where buried; name of undertaker	Name and religion of Minister and names of witnesses of burial	Where born and how long in the Australasian Colonies or States	Place of marriage, age, and to whom	Children of marriage
(1) 27 Nov 1918	(1) 10th September 1918	(1) (none)		(1) Goulburn N.S. Wales	Charles 40 years. Living
(2) 7 September 1918	(2) Brown, Lanks Currenham Creek Thos Kisson	(2) ———	Goulburn N.S. Wales	(2) unknown	
(3) NOWRA	(3) Alfred Ernest George	(3) J.W. Hinds.		(3) Mary Davis	2 males 3 females deceased



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REGISTRY OF BIRTHS
DEATHS AND MARRIAGES

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NEW SOUTH WALES

REGISTRATION NUMBER

8438/1926

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1995

DEATH CERTIFICATE

Date and place of death	Name and occupation	Sex and age	Cause of Death Duration of last illness; medical attendant; when he last saw deceased	Name and occupation of father. Name and maiden surname of mother	Informant
1926. 22 nd May	Allan McLean	Male 67 years	Hemiplegia (1) 7 days (2) Percy L. Broadbent (3) (Registered) (4) 22 nd May 1926	Alexander McLean (1) Farmer. (2) Anne Robertson (3)	J. A. McLean Son Harold Street Forbes
395 Kerriwood Forbes Municipality	School Teacher				

Particulars of Registration	When and where buried; name of undertaker	Name and religion of Minister and names of witnesses of burial	Where born and how long in the Australasian Colonies or States	Place of marriage, age, and to whom	Children of marriage
(1) J. P. Bell (2) 24 th May 1926 (3) Forbes	(1) 23 rd May 1926 Presbyterian Cemetery (2) Forbes (3) Thos. Pearley	(1) R. J. Cruikshank (2) Presbyterian (3) Jas. D. Low L. Clemens	Pyrie Nowra N. P. Male	Berry N. P. Male (1) 35 years (2) Elvira Flannery (3)	Ivan. A. 28 th living 1 male deceased



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REGISTRY OF BIRTHS
DEATHS AND MARRIAGES

SYDNEY 26 October 2021

I hereby certify that this is a true copy of particulars recorded in a
Register in the State of New South Wales, in the Commonwealth of Australia

[Signature]

Registrar

CL22.174 - Attachment 1

18/10/2021, 16:56

Shoalhaven Telegraph (NSW : 1881 - 1937), Wednesday 26 May 1926, page 5

Shoalhaven Telegraph (NSW : 1881 - 1937), Wednesday 26 May 1926, page 5

DEATH OF MR. ALLAN McLEAN.

THE PASSING OF A FINE MAN.

The sad news reached Nowra on Saturday afternoon that Mr. Allan McLean had died that day at Forbes in a private hospital. The deceased gentleman attended the bowling green in that town on Saturday afternoon, 15th instant, leaving home in apparently good health, having felt the better of his recent trip to his old home at Pyree. After playing a short time he complained of a dizzy turn, and sat down for awhile, when it passed off. He then continued his play, and while in the act of playing a shot exclaimed "my back!" and fell. His son, Dr. Ivan McLean, was summoned, and had his father removed to a private hospital, where he remained until he passed away the following Saturday, never gaining consciousness. The late Mr. McLean retired from the teaching staff of the Education Department four years ago, after a long and honorable record. He went in company with his wife to New Zealand for six months. Upon his return his only son, Dr. McLean, bought a practice at Forbes, and to be near his son in his early start in life he and Mrs. McLean went to Forbes to reside. But it was evident that the climate was too severe for him, and it was his intention to come back to the coast again. Deceased was a native of this district, being a son of one of the earliest pioneers, Mr. Alexander McLean. He was a most successful teacher, getting the best out of the children by love, not fear; and on each occasion that he left a school the send-off he re-

he left a school the send-off he received bore testimony of the respect in which he was held by the parents, citizens, and children. He led an exemplary life, and was a pattern for the young folk whom he taught. In his younger days he was an oarsman of no mean merit, and with his brother Alec (now in Alaska) won the double scull championship of N.S.W. at the Anniversary regatta in Sydney, beating the then unbeatable Lyon and Lynch. He was a man of reserved but kindly disposition, and wherever he went made many friends. The loss of his eldest son in the Great War was a heavy blow to him, and much of the sunshine of life was robbed from him. The deceased gentleman was 68 years of age, and leaves a widow and one son, three brothers, Alec (Alaska), Robert (Pyree), and John (New Zealand); and three sisters (Janet, Annie, and Mrs. E. Kennedy, Huskisson), who will have the sympathy of the whole community in their sudden and sad bereavement.

National Library of Australia

<http://nla.gov.au/nla.news-article135359406>

NEW SOUTH WALES

REGISTRATION NUMBER

4225/1928

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1995

DEATH CERTIFICATE

Date and place of death	Name and occupation	Sex and age	Cause of Death Duration of last illness; medical attendant; when he last saw deceased	Name and occupation of father. Name and maiden surname of mother	Informant
1928. 25 th February 255 Hickinson Clyde Shire late of Hickinson	Mary Golding	Female about 105 years	(1) Senility (2) Gradual onset (3) I.R. Rodway registered (4) Various dates during the last few years	(1) John Carpenter (2) Labourer (3) Not known	Certified by L. Speckley Daughter Kearna N.N. Witness Samuel Crouch

Particulars of Registration	When and where buried; name of undertaker	Name and religion of Minister and names of witnesses of burial	Where born and how long in the Australasian Colonies or States	Place of marriage, age, and to whom	Children of marriage
(1) J. R. Hamman (2) 29 th February 1928 (3) Moirines (4) Robinson (5) near (6) Hickinson (7) Samuel (8) Crouch	26 th February 1928 Moirines Robinson Crescent near Hickinson Samuel Crouch	(1) Thomas Terry (2) Church of England (3) Reginald Harris (4) George Doubt	Kearna N.N.	(1) Kearna N.N. (2) Not known (3) James Golding	years. Rebecca 61 Kate 55 Living 2 Males 1 Female deceased



Before accepting copies, sight unaltered original. The original has a coloured background.

REGISTRY OF BIRTHS
DEATHS AND MARRIAGES

SYDNEY 15 January 2020

I hereby certify that this is a true copy of particulars recorded in a
Register in the State of New South Wales, in the Commonwealth of Australia

[Signature]

Registrar

CL22.174 - Attachment 1



DEATH REGISTERED IN NEW SOUTH WALES, AUSTRALIA.

CERTIFIED COPY FURNISHED UNDER PART 8 OF THE
REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT, 1995.

No.	Date and place of death	Name and occupation	Sex and age	Cause of death Duration of last illness; medical attendant; when the last saw deceased	Name and occupation of father Name and maiden surname of mother	Informant	Particulars of registration	When and where buried: name of undertaker	Name and religion of Minister and names of witnesses of burial	Where born and how long in the Australasian Colonies or States	Place of marriage, age, and to whom	Children of marriage
1613	19 th February 1961 St George's Barr	Rebecca Golding	Female 90	Senile decay (1) Inquest (2) disposition (3) not known (4) Rebecca King Baroness 19 th February 1961	(1) Jimmy Golding (2) Labadie (3) Not known (4) Not known	Verified by Rebecca King	(1) Patterson (2) Robinson (3) Not known	(1) 19 th February 1961 (2) Jackson (3) Not known	(1) Roman Catholic (2) Church of Christ (3) Not known	(1) Not known (2) Not known (3) Not known	(1) Not known (2) Not known (3) Not known	years

I, TREVOR STACEY HEREBY CERTIFY THAT THE ABOVE IS A TRUE COPY OF PARTICULARS RECORDED IN A REGISTER KEPT BY ME.

ISSUED AT SYDNEY 18TH OCTOBER, 1999

[Signature]
REGISTRAR





Summary of Submissions

Coastal Hazards Review PP026 (revised version)

Public Exhibition: 17 November to 17 December 2021

No.	Submitter	Summary of Submission	Comments
1-12	12 Individuals	<p>Form letter</p> <p>1.1 The purpose of the four maps presented in the PP is unclear, clarification required.</p> <p>1.2 Objects to proposed CRP Map. The new CRP map indicates that the entirety of every property along Quay Rd will now be designated in bright orange as "Beach Erosion Hazard". This is misleading and inflammatory. The existing SLEP2014 maps clearly and adequately articulate the extent of perceived hazard, which is assumed to be seaward of ZRFC 2030. The rationale for this change is not clear. This map is requested to be removed, it serves no useful purpose, it is incorrect and poorly reasoned. It is also highly prejudicial to the legitimate and reasonable interests of all Quay Rd Callala Beach frontage residents.</p>	<p>No change recommended.</p> <p>1.1 The subject land map and aerial photo map simply show the land to which the PP applies. The existing CRP Map and proposed CRP Map help illustrate the mapping amendment. Proposed CRP Map is an amendment not an addition. Subject land and aerial photo maps are presented in PP for illustrative purposes only.</p> <p>1.2 The CRP Maps identify land to which clause 7.4 of SLEP 2014 applies. The CRP map is a trigger only (to require consideration of coastal risk under clause 7.4 of SLEP) – it is not the source of precise delineation. Details of identified hazards, and extent of coastal hazard lines, is found in Shoalhaven Coastal Hazard Mapping. Replication of detailed coastal hazard lines is unnecessary. This data has been adopted by Council and is publicly available. Development controls are found in Shoalhaven DCP Chapter G6. Beach Erosion Hazard is the proposed category or type of <i>existing</i> coastal hazard/s that applies to the land.</p> <p>1.3 The current CRP Mapping in the Quay Road, Callala Beach area is not correct as it is inconsistent with Council's adopted coastal hazard risk for the area. This is a good example of why a whole lot mapping approach is beneficial and manages risk. The CRP Map is currently applied to the entire relevant lot in many other localities in Shoalhaven, even where the coastal hazard lines affect a small part of the lot.</p>

13	Consultant on behalf of landowner	13.1 Seeking extension to engage consultants and provide response.	Noted. 13.1 Extension granted. No submission made.
14	Individual	<p>14.1 Respondent's property is affected by existing and proposed CRP Map but neighbours are not. Asks for confirmation that this is due to the encroachment of the 50 year 5% Cliff Recession Line.</p> <p>14.2 Suggests Council "identify properties 'of concern and purple' in instances where mapping lines encroach a reasonable percentage of land size, rather than determining an entire block's classification based on a marginal encroachment."</p> <p>14.3 Asks Council to consider whether "2014 Coastal Mapping Project and corresponding data remain an appropriate basis for the proposals."</p>	<p>No change recommended.</p> <p>14.1 Confirmed that existing CRP Map and proposed CRP Map apply to the subject property due to encroachment of the 50 year 5% Cliff Recession Line. Spoke to landowner about the changes before the submission was made.</p> <p>14.2 Suggestions noted. The current basic mapping approach has significant merit in terms of administration and risk management. The whole mapping approach predominately acts as a trigger and the planning policy in place surrounding risk affectation differentiates between part and whole lot affectation.</p> <p>14.3 Submitter has been advised to contact Council's Coastal Team or visit the 'get involved' page for Coastal Management Program (CMP) work to confirm whether existing coastal hazards data is expected to be reviewed as part of CMP work.</p>
15	Individual	15.1 Asks that the map be "deleted". Does not understand or support decision to extend CRP overlay across entire lot and to identify this land as "Beach Erosion Hazard". Considers existing CRP Map to be sufficient. Asserts the CRP Map serves no purpose and is grossly inaccurate. Notification letter from Council refers to "administrative change" in how mapping is presented. Considers this misleading and claims there will be negative consequences for landowners.	<p>No change recommended.</p> <p>15.1 See response 1.2. Purpose is to identify land to which cl7.4 applies - map is accurate given its purpose.</p>
16	Individual	<p>16.1 Callala Beach is NOT a <i>Beach Erosion Hazard</i> but a <i>Possible Beach Erosion Hazard</i></p> <p>16.2 Concerned about "loss of data" in new CRP Maps.</p> <p>16.3 Mapping information would be better described in writing, with a list of lots affected. The existing maps show both the lots affected and the extent they are affected. Proposed maps should not be suggesting entire lot is affected by beach erosion. Insufficient evidence and rationale for changes in exhibition materials.</p>	<p>No change recommended.</p> <p>16.1 CRP Maps help identify risk and enable planning/development to respond to risk. In this case, there is a risk of beach erosion and oceanic inundation.</p> <p>16.2 The underlying coastal hazards data (lines etc) are not altered by PP026. These will remain available via Council's Online Coastal Hazard Mapping.</p>

		<p>16.4 Data and surveys mentioned are not specifically cited, quoted or made available to the public and these presumably are the basis for most of SCC's decisions.</p> <p>16.5 Needs to be cooperation between residents, broader community and the council having a common goal to culture dunes resilient to beach erosion. Provides further commentary on sea level rise, coastal risk management, movement of sand in Jervis Bay, beach access, existing coastal hazards data and development controls.</p>	<p>16.3 The map is required to remain in SLEP 2014 as instructed by the NSW Government. See also response at 1.2 above.</p> <p>16.4 PP026 responds to data already adopted by Council, it does not introduce new coastal hazards data. CZMP 2018 contains discussion and references as to studies undertaken to date and is cited several times in the exhibition documents.</p> <p>16.5 Noted. Generally, these comments go beyond the scope of PP026 but relate to matters that are of interest to and best dealt with by the Coastal Team at Council.</p>
17	Individual	<p>17.1 Proposed CRP Map is misleading in its content and highly prejudicial to property owners because it indicates (bright orange) that the entirety of all subject property is now completely at risk of <i>Beach Erosion Hazard</i>. This is completely incorrect. The existing CRP Map is in fact far more accurate in conveying the risk.</p> <p>17.2 There is anecdotal evidence that this proposal is affecting property values along Quay Rd.</p> <p>17.3 Alternatively a clear, simple general note could be added to the Subject Land Map that explains the purpose of the Map.</p> <p>17.4 If the map is required by the Dept "for consistency", then a map that is more similar to the existing 2014 CRP Map (ie. identifying the actual coastal risk zone only) should be used. Together with a general explanatory note, this would also resolve the need to update the map with changing coastal data.</p> <p>17.5 There appear to be mapping inconsistencies in other coastal areas across the Shoalhaven. For example, why is Callala Bay excluded when it is subject to significant regular foreshore erosion? Why have some properties that were designated at risk in 2014 been de-classified – eg Mollymook Map 29 and 30, or Culburra Beach Maps 3 and 4? Where is the data that explains these anomalies, and is it available to the public?</p> <p>17.6 Also please advise who is responsible for making these decisions – is it Council, DPIE or a private consultant?</p>	<p>No change recommended.</p> <p>17.1 See response 1.2 above.</p> <p>17.2 PP026 introduces no change to existing coastal hazards affectation or ability to develop along Quay Road. The PP seeks to reflect coastal hazards information that has already been adopted.</p> <p>17.3 The suggestion to replace the CRP Map overlay with textual information cannot supported as the NSW Government has determined that the CRP Map is required to remain in SLEP 2014 and support clause 7.4. The PP seeks to apply a consistent approach to the presentation and application of the CRP Map across Shoalhaven. The updated CRP Map overlay applied to the entirety of each affected lot is already the approach for SEPP mapping and existing CRP Maps throughout much of Shoalhaven. This approach minimises future amendments to the LEP if the adoption of new data causes the hazard lines shift within property boundaries.</p> <p>17.4 Council's up to date coastal hazards data does not cover all coastal localities. As such, not all properties are mapped in the proposed CRP Maps. Council's up to date and adopted coastal hazards data is reflected in Shoalhaven Coastal Hazard Mapping. Various studies and reports that inform coastal hazards data are referenced in CZMP 2018. This information is available to the public.</p>

			<p>17.5 Council resolved to amend the existing CRP Maps to reflect current data that has been adopted by Council, including specifying the type of coastal risk associated with the land (MIN20.715). Updated CRP Maps were prepared by Council staff.</p> <p>17.6 DPE approved the PP and issued a favourable Gateway determination allowing PP026 to proceed. DPE determined that the CRP mapping is to remain in the SLEP 2014.</p>
18	Individual	<p>18.1 Not enough time provided. Not all owners can access online or visit LGA. Council attempting to push through without proper engagement? Many owners do not live in LGA and are not well represented by Callala Beach Progress Association. Requests further time for consultation and direct community engagement.</p> <p>18.2 Letter is confusing and misleading, the documents use technical language. Cannot find map with summary of changes that is mentioned in PP.</p> <p>18.3 Council assured us nothing materially changes but neighbours say otherwise. Letter says “not introducing new information” but what about impacts on insurance and property prices?</p> <p>18.4 Proposal regarding access also instigated by Council this year at a time when it is difficult for the community to engage.</p>	<p>No change recommended.</p> <p>18.1 Public exhibition was required for at least 28 days as per the Gateway determination and legislative requirements (EP&A Regulation 2000). Exhibition was online only, and in the context of the pandemic, limited opportunities were available to meet members of the public in person, however staff were available throughout the exhibition period (and beyond) to answer queries that landowners may have had. Extensions to the deadline for submissions was granted upon request.</p> <p>18.2 Feedback is noted. The FAQs and Explanatory Document supporting the exhibited PP were presented in plain English for wider readability. Whilst all attempts were made to limit technical language and jargon, some technical terms are required due to the nature of the amendment. Maps at Attachment C plus a table at Attachment A in the PP summarises the change for each affected property. Staff are able to, and have, assisted callers in locating this information.</p> <p>18.3 See response at 17.2</p> <p>18.4 Council initiatives regarding foreshore access are not related to this amendment, however concern is noted.</p>
19	Individual	19.1 Request for extension.	<p>No change recommended.</p> <p>19.1 Extension was granted, submission received was a form letter (submission 1-12).</p>

20	Individual	<p>20.1 The existing SLEP2014 CRP map is completely adequate and more accurate, why does a new map need to be introduced?</p> <p>20.2 The documents and FAQs repeat that there are “no changes”, not and “no new information” introduced. This is at the least, very misleading to ratepayers and the wider community.</p>	<p>20.1 The existing CRP Maps are inaccurate in a number of locations across the City and the main purpose of this PP it to ensure that that SLEP 2014 mapping is as accurate as possible.</p> <p>20.2 The amendments to the CRP Maps respond to existing, adopted coastal hazards data. The changes are clearly described and do not involve the introduction of new coastal hazards information.</p>
21	Individual	<p>21.1 Respondent’s property was for sale, offers were received, but those offers were withdrawn ‘due to PP026’. As a result of this the property was withdrawn from sale.</p>	<p>No change recommended.</p> <p>21.1 PP026 does not impact upon the ability to development land nor does the amendment introduce changes to the adopted coastal hazards data. This data is publicly available and s10.7 planning certificates indicate whether or not a property is affected by coastal hazards.</p> <p>21.2 Council is not aware of any calls received from potential purchasers, real estate agents or the submitter expressing concern or seeking clarification of impacts/intent of PP026 with regard to this property.</p>
22	Individual	<p>22.1 Seeking confirmation that PP026 does not affect respondent’s land in Greenwell Point.</p>	<p>No change recommended.</p> <p>22.1 Confirmed.</p>
23	Individual	<p>23.1 Requests deadline for submissions to be extended.</p> <p>23.2 Concerned about possible impact of zoning change from partial ‘Coastal Risk Planning Area’ to wholly ‘Beach Erosion Hazard’. Concerned about ability to obtain insurance, property value, ability to get finance, potential for additional engineering or other requirements, impact on future sale of property, and ability to enjoy and access property as it currently stands. Asks whether Council has liaised with financial or insurance institutions.</p>	<p>No change recommended.</p> <p>23.1 Extension granted.</p> <p>23.2 See responses 1.2 and 17.2. The proposed amendments are publicly exhibited to enable land owners to undertake their due diligence and discuss matters with relevant authorities and other institutions as considered necessary.</p>
24	Individual	<p>24.1 Council claims the CRP Maps in the SLEP are required to convey information through ‘polygons’ but no explanation is provided. It is inferred that the mapping of entire lots derives from this requirement. This requirement needs to be explained given that the maps will display that the whole of a lot is subject to coastal hazard.</p>	<p>No change recommended.</p> <p>24.1 This requirement is set out in the Department’s <i>Standard Technical Requirements for Spatial Datasets and Maps</i>. The requirement to use polygons (i.e. a filled shape) means that the detailed coastal hazard lines cannot be replicated in the CRP Maps. However, the CRP map is a trigger only – it is not the source of precise delineation. Replication of</p>

		<p>24.2 If the stated intention of the proposed changes is to simplify the identification of land subject to coastal hazard risk , but not to suggest the whole of that land is the subject of that risk, then this distinction needs to be made clear.</p> <p>24.3 Suggests amending the Legend Box in the proposed CRP Maps by replacing the words “Beach Erosion Hazard” with the words “Beach Erosion Hazard over all or part of the land”.</p>	<p>detailed coastal hazard lines is unnecessary. This data is presented on Council’s online mapping. Mapping entire lots is already the approach for many other parts of Shoalhaven for lots which may be only part affected by coastal hazards.</p> <p>24.2 See response 1.2.</p> <p>24.3 Not considered necessary, see the response above.</p>
25	Individual	25.1 Objects in principle, requests further time.	<p>No change recommended.</p> <p>25.1 Extension granted, no submission received.</p>
26	Individual	26.1 Request for extension.	<p>No change recommended.</p> <p>26.1 Extension was granted, a further submission has been received (see submission 45 below).</p>
27	Individual	<p>27.1 Many people didn’t receive letter, considers Council’s behaviour to be by ‘stealth’ and an ‘ambush’</p> <p>27.2 Does not deny the “erosion problem”, but objects to the entire lot being mapped with ‘Beach Erosion Hazard’</p> <p>27.3 Concerned about the value of our properties, amenity, insurance coverage, financing, what controls apply. Asks if Council will guarantee property prices will not be affected.</p> <p>27.4 Requests further time to consider amendment, consult experts, undertake due diligence</p>	<p>27.1 Notification letter was sent to all affected landowners prior to start of public exhibition. Public exhibition was undertaken in accordance with Gateway determination and legislative requirements.</p> <p>27.2 Noted. See response 1.2.</p> <p>27.3 See response 17.2.</p> <p>27.4 Extension was granted.</p>
28	Individual	<p>28.1 Proposal has not been explained anywhere near enough to foster confidence & is thus unacceptable.</p> <p>28.2 Despite the location of coastal hazard lines, proposal will place the entire property all the way to the street boundary in the coastal erosion risk category. This will affect property values, insurance, financing.</p> <p>28.3 Believes updated CRP Maps to be inaccurate. Refers to Beecroft Peninsula and Collingwood Beach as examples.</p> <p>28.4 Challenges claim in section 4.3.3 of the PP that the PP will have positive social and economic effects. Refers to potential impact on property prices. Asks what research has been done into possible ramifications.</p>	<p>No change recommended.</p> <p>28.1 A detailed FAQ Document and Explanatory Document were prepared to give a helpful plain English overview of the proposal, to be read in conjunction with the PP during public exhibition. Staff were available throughout the exhibition period (and remain so) to assist with any questions or concern from landowners.</p> <p>28.2 See response 17.2.</p> <p>28.3 The proposed CRP Maps, having regard to the purpose of these maps and the intent of the amendment, are accurate. See response 17.4.</p>

		<p>28.5 We accept that the seaward portion of our properties are at risk in the future and ask that the existing coastal hazard lines remain in place and be updated if new data comes to hand.</p> <p>28.6 Requests that Council puts forth a strategy for working with the beachfront property owners on proven methods to effectively manage impacts on dune structure and indigenous flora/fauna whilst preserving existing beach access rights & views.</p>	<p>28.4 As per section 4.3.3 of PP026: <i>The PP is likely to have positive social and economic effects as it will remove uncertainty resulting from the differences between the CRP Maps and the adopted coastal hazard data.</i> No changes to existing coastal hazards affectation or ability to develop are proposed with this amendment. The proposed amendments are publicly exhibited to enable landowners to undertake their due diligence and discuss matters with relevant authorities and other institutions.</p> <p>28.5 No changes to the existing coastal hazard lines are proposed with this amendment.</p> <p>28.6 Noted. This comment is beyond the scope of this amendment.</p>
29	Individual	<p>29.1 Became aware of the PP near the end of exhibition period and disappointed that nothing was available to view in Council's offices. Advised by counter staff to look online – very dissatisfied with that response.</p> <p>29.2 Requests further time and hard copies of documentation.</p>	<p>No change recommended.</p> <p>29.1 Noted. Exhibition was online only (as enabled by legislation, and appropriate in the pandemic context) and notification letters were sent to all affected landowners prior to exhibition. Whilst the documentation was available online, the documentation could have been viewed by the submitter at the Nowra or Ulladulla Council offices. This is a common service that Council offers.</p> <p>29.2 Extension was granted. No hard copies were made available during exhibition which is considered appropriate in the context of the pandemic at the time. Electronic copies of some documents were sent to respondent via email.</p>
30	Individual	<p>30.1 The documents and Maps are generally not very clear.</p> <p>30.2 Proposed CRP Map classified "Beach Erosion Hazard" is totally unacceptable, unjustified and should be withdrawn. Asks what has changed in recent years to contemplate such a classification on our properties. Presumes classification also applies to all even numbered properties in Quay Rd and beyond.</p> <p>30.3 Has owned property 50 years, provides some commentary on history of erosion and experience with development.</p> <p>30.4 Disputes claim that PP will have positive social and economic effects.</p>	<p>No change recommended.</p> <p>30.1 Noted. See response 28.1</p> <p>30.2 See response 1.2. The land is currently identified as beach erosion hazard in the relevant adopted study. The affectation generally is located seaward of Quay Road. Refer to Council's online mapping for specific delineation.</p> <p>30.3 Comments are noted but relate to the underlying coastal hazards data (unchanged with this amendment) and the DA process (unchanged with this amendment).</p> <p>30.4 Noted. See response 28.4.</p>

31	Individual	<p>31.1 Found the documents hard to follow</p> <p>31.2 Proposed CRP Map will adversely affect property. What is the reasoning? No change made to 2030 hazard lines yet this change will override them all! Cannot see justification for proposed CRP changes.</p> <p>31.3 Over many years there has only been minor disruption by storms followed by restoration – won't this pattern continue?</p>	<p>No change recommended.</p> <p>31.1 See response 28.1</p> <p>31.2 See response 1.2 and 17.2</p> <p>31.3 Comments are noted but relate to adopted coastal hazards data or associated studies.</p>
32	Individual	<p>32.1 Concerned about mapping entire lot and designation as 'Beach Erosion Hazard'. This map has the potential to harm the beachfront rate payers in terms of its impact on property values and the ability to secure affordable insurance coverage.</p>	<p>No change recommended.</p> <p>32.1 See responses 1.2 and 17.2</p>
33	Individual	<p>33.1 Objects to proposal. Has observed movement of beach dunes over time but sand is in good shape now. Shocked to see property labelled 'Beach Erosion hazard'. Is aware of coastal hazard lines and built home in compliance with the restrictions imposed by these lines. Concerned that Council is "proposing to disregard these agreed risk lines and classify my entire property as hazardous without providing any reason or research data to support such a change". Concerned about effect on property values. Asks if Council has done any research as to the economic effects the change will have on affected residents.</p>	<p>No change recommended.</p> <p>33.1 The adopted coastal hazard lines are not being disregarded. See responses 1.2 and 17.2</p>
34	Individual	<p>34.1 Concerned about proposed CRP Map applying to entire property. Not satisfied with evidence or reasoning given to support change in mapping methodology. The existing CRP Map extent was arrived at with scientific and considered evidence and criteria.</p> <p>34.2 Unclear how Council has given consideration to social and economic effects</p>	<p>No change recommended.</p> <p>34.1 See response 1.2 and 28.1.</p> <p>34.2 See response 28.4.</p>
35	Individual	<p>35.1 Objects to planning proposal. Objects to Beach Erosion Hazard classification over entire lot.</p> <p>35.2 Doesn't understand how the PP could have positive social and economic effects.</p> <p>35.3 Recently built home on property, understood coastal risk and adhered to relevant controls. "There should be no change to the current rules."</p>	<p>No change recommended.</p> <p>35.1 Noted. See response 1.2</p> <p>35.2 See response 28.4</p> <p>35.3 See response 17.2</p> <p>35.4 Noted.</p>

		35.4	Provides commentary on research into sea level rise, observations over time, makes an assessment of likely future impact and questions value of planning interventions to deal with coastal risk.	
36	Individual	36.1	Did not receive notification letter – can you please investigate as to why?	No change recommended. 36.1 See response 27.1. Council's records indicate that notification letters were sent to all affected landowners. A number of landowners in Callala Beach did receive the notification letter within the exhibitions period. It is not clear why others had difficulty. 36.2 The notification letter met all of these requirements. 36.3 The LEP and DCP complement each other. Provisions in the LEP require a consent authority to be satisfied with certain matters regarding coastal risk. Development controls provided in the DCP are supplementary to clause 7.4 and the extent to which these development controls apply depends on type of risk identified and location of hazard lines. PP026 does not propose changes to development controls nor underlying coastal hazards data. 36.4 The CRP Mapping acts as a trigger for coastal consideration, that is informed in greater detail by the online coastal hazard mapping and the provisions in the DCP. 36.5 There is no section 4.5 in the Guide, so the particulars of this submission point is unclear, however, Shoalhaven Coastal Hazards Mapping reflects the latest adopted data. The various studies and reports from which this data is derived are included and/or cited in DCP Chapter G6 and CZMP 2018, and these documents are referred to in the PP. 36.6 No changes to the coastal hazard lines or other coastal hazards data that informs the CRP Map or DCP are made without public exhibition. The Coastal Amendment to the DCP was on exhibition at the same time as PP026. 36.7 Clause 7.4 is supplemented by development controls in DCP Chapter G6. Development controls apply depending
		36.2	A copy of the notification a neighbour forwarded to me fails to address some of the mandatory requirements within A Guide to Preparing Local Environmental Plans. These requirements being: stating where and when the planning proposal can be inspected, giving names and address of relevant planning authority for the receipt of submissions, and indicate last date for submissions.	
		36.3	Uncertainty arises where SLEP and SDCP address requirements for development assessment differently. Clause 7.4 applies to land identified in CRP Map ,whereas SDCP Chapter G6 applies to areas defined by coastal hazard lines. Increasing CRP area to entire lot will require all development proposed on an affected lot to be assessed under clause 7.4. There is no provision in clause 7.4 to consider the requirements from the DCP.	
		36.4	DCP utilises detailed Shoalhaven Coastal Hazards Mapping. A proposed development might be outside of a coastal hazard area which eliminates or reduces the need to assess under cl 7.4. Both LEP and DCP / Shoalhaven Coastal Hazards Mapping utilise same data so it is unrealistic that SLEP and DCP can be applied to the same lot differently.	
		36.5	The data referred to in PP026 is not referenced by name or included as part of the PP as required under section 4.5 of A Guide to Preparing Local Environmental Plans	
		36.6	It is of concern that a DCP map may not receive the same review or opportunity for public comment as an LEP does. As such a slight change might go unnoticed by community or landowner but might have significant impact	
		36.7	Can you please examine whether section 7.4 of SLEP needs to be updated to address the difference between a Lot being designated a Coastal Risk Planning Area and the portion of the land within the Lot being affected by a coastal hazard line.	

		36.8 PP026 creates uncertainty between the CRP Maps and Shoalhaven Coastal Hazards Mapping. As it is written the inclusion of the entire lot in the CRP Maps has negative social and economic effects for landowners as any development proposed on an affected lot needs to comply with SLEP section 7.4. thus a minor modification outside the coastal hazard lines will now require extensive studies to allow assessment under s7.4(3)	<p>on the type and location of coastal hazards/lines. No change to clause 7.4 in this regard is considered necessary.</p> <p>36.8 PP026 does not result in changes to existing coastal hazards affectation or ability to develop or development stream (i.e. DA required in current and proposed scenarios). Clause 7.4 requires coastal risk to be considered in assessment, supported by development controls set out in DCP Chapter G6. No change to these development controls is proposed by PP026.</p>
37	Individual	<p>37.1 Proposed changes would have significant negative economic impact due to: Impacts on insurance; decline in property values; reduced investment and job creation in the region due to a reduction in redevelopment and construction activity. The uncertainty created by the whole process amplifies the impact of the proposed changes and causes inequity. People have made investment decisions under current planning controls which are now at risk.</p> <p>37.2 Council should abandon PP and focus instead on issues of interest to respondent</p>	<p>No change recommended.</p> <p>37.1 See response 17.2.</p> <p>37.2 Noted</p>
38	Individual	<p>38.1 Assumes proposed CRP Map is intended to replace the existing CRP Map although this needs to be further clarified by Council.</p> <p>38.2 Existing CRP Map clearly and adequately articulates the extent of the perceived hazard. Proposed CRP Map is clear but results in overly simplified diagram that inaccurately exaggerates the hazard. The Coastal Hazard data is quite complex and requires clear accurate communication, which the proposed CRP Map fails to achieve. Applying the map to the entire lot and classifying as "Beach Erosion Hazard" is misleading and confusing.</p> <p>38.3 Are there similar maps that demonstrate the objectives of the updated coastal hazard details and other type of associated coastal risks? What is the rationale or justification for the proposed CRP Map approach and how is it useful?</p> <p>38.4 The table at Attachment A of the PP is better, could this table replace the maps?</p>	<p>No change recommended.</p> <p>38.1 PP026 proposes an <u>amendment</u> to the CRP Maps. As a result, the proposed CRP Map will replace the existing CRP Map.</p> <p>38.2 See response 1.2.</p> <p>38.3 See response 1.2. Similar maps include the maps in Schedule 5 of Codes SEPP (which apply to the entire lot and restrict complying development meaning assessment is through the DA process), the existing CRP Maps in many other parts of Shoalhaven (which apply to the entire lot), and other coastal councils in NSW which have a comparable mapping approach and specify risk (see Pittwater LEP 2014 and Port Macquarie Hasting LEP 2011).</p> <p>38.4 The table cannot replace the CRP Map. DPE have directed that CRP maps must remain in SLEP 2014.</p>

39	Individual	39.1 CRP Map changes show in orange every seaward property on Quay Road orange and designated 'beach erosion hazard', this change is unnecessary. Proposal to deem properties beach erosion hazard will damage property values and affect finance, insurance.	No change recommended. 39.1 See response 1.2 and 17.2.
40	Individual	<p>40.1 Acknowledges land is affected by coastal hazards but questions application of Beach Erosion Hazard classification to entire lot.</p> <p>40.2 Comments on precedents set by recent developments Seaward of 2030 ZRFC where and a "loophole" in the current policy that allows for this. "On the other hand, all the properties on Quay Road beachside are now to be deemed high risk. Why?"</p> <p>40.3 Disputes that PP will have positive social & economic effects when, should this proposal be adopted, land prices will dramatically fall, insurance costs will dramatically rise, saleability becomes virtually non existent & the ability to raise finance highly questionable.</p> <p>40.4 Considers the current policy of Coastal Hazards to be more than adequate for the present & there is no need or justification to amending this policy with such onerous conditions imposed on those impacted properties in Quay Road, Callala Beach.</p>	<p>No change recommended.</p> <p>40.1 See response 1.2</p> <p>40.2 Noted. However, these comments are beyond the scope of PP026 and relate to existing controls and development assessment. Unclear what is meant by all properties "deemed high risk". PP026 does not change the level of risk or coastal hazards affectation.</p> <p>40.3 See response 17.2 and 28.4</p> <p>40.4 Unclear what is meant by the "current policy of coastal hazards" and "onerous conditions imposed on those impacted properties". There is no consequential policy change for properties along Quay Road following this amendment. The amendment relates to the presentation of the CRP Maps and is administrative in nature.</p>
41	Individual	41.1 Comments and photos showing historic potential for beach erosion and subsequent restoration of dunes. "I hope that due consideration is given to not proceeding with this proposed proposal, which has no rationality attached, & continue with the existing hazard lines."	No change recommended. 41.1 Noted. Comments relate to underlying coastal hazards data and controls, which are not altered by this amendment. The existing coastal hazard lines are not impacted by PP026 and controls in DCP will continue to be used in the development application process.
42	Individual	<p>42.1 Opposes amendment. Asks that proposed CRP Map be removed because it is inaccurate and insufficient justification as to why the entirety of these properties would be classified as a "Beach Erosion Hazard". Asserts that changes are more than administrative.</p> <p>42.2 Over the years erosion has occurred but dunes have regenerated. Cannot see how this proposal and the expanded "Beach Erosion Hazard" zone will improve or change the erosion of the sand dune.</p>	<p>No change recommended.</p> <p>42.1 See response 1.2</p> <p>42.2 Noted. CRP Maps ensure that coastal risk is a consideration in planning and development of the land. The maps do not assert that the entire lot is affected by the hazard.</p> <p>42.3 As during the public exhibition period, Council staff remain available to discuss the proposal with interested parties.</p>

		42.3	Asks that additional consultation with property owners take place.	
43	Individual	43.1	Respondent and neighbours were not informed of PP, Council trying to push changes through without proper notification.	No change recommended. 43.1 See response 27.1 43.2 See response 17.2. 43.3 Noted.
		43.2	Concerned about effect on land values, insurance and finance.	
		43.3	Comments on previous planning initiatives by Council and issues around sea level rise and coastal hazards but does not provide details.	
44	Callala Foreshore Alliance	44.1	Objects to the amendments proposed.	No change recommended. 44.1 See response 1.2. Proposed CRP Maps are not inaccurate and are not a vast departure from the existing CRP Maps. The whole lot mapping approach is consistent with most other parts of Shoalhaven currently. The CRP Map promotes regulatory clarity. 44.2 PP026 proposes an amendment to mapping that is administrative in intent and effect. See response 17.2. 44.3 Reference to options B, C and D is presumed to be a reference to page 3 of Development & Environment Committee report to Council on 6 October 2020, which is Attachment B to the PP. Council has considered these options and the exhibited PP reflects Council's resolved position. 44.4 There is no departure from the way development is assessed currently. See response 1.2 and 36.3. PP026 does not change existing requirements for coastal hazard studies / geotechnical reports. 44.5 Generally, maps under Schedule 5 of Codes SEPP currently restrict complying development on the land that is mapped. In the case of Shoalhaven, the SEPP mapping is a whole lot approach meaning that generally no complying development can be undertaken anywhere on the lots currently. As such, the SEPP mapping currently excludes the entirety of each affected lot along Quay Road from most forms of complying development. Existing CRP Maps and adopted coastal hazards data also currently restrict complying development. To summarise, development
		44.2	Proposed CPR Maps are inaccurate: The proposed CRP Map indicates that the entirety of each property along Quay Road would be designated as "Beach Erosion Hazard" under SLEP2014. This represents a vast departure from the CRP Maps currently in force, which clearly identify the extent of the coastal hazard.	
		44.3	Council has not undertaken appropriate studies on all the land that will be impacted. There has been no scientific rigour that has been applied to identifying the land; and it will have significant implications on properties within the Coastal Hazard Line and is highly prejudicial to the legitimate and reasonable interests of all Quay Road frontage residents.	
		44.4	If the Council does update SLEP2014, it should proceed only with minor amendments to the CRP Maps, rather than the broad approach it has adopted. We note that Council contemplates such a course in Options B, C and D on page 3 of the Planning Proposal.	
		44.5	The amendment represents a departure from the way in which development is assessed for coastal hazard risk. Applying the CRP Map to the entire lot will result in onerous assessment requirements to satisfy the numerous matters set out in clause 7.4(3)(a)-(g). It is anticipated that this would extend to obtaining of expert advice and reports (eg, a site specific coastal hazard study and/or geotechnical assessment). This would be required in circumstances where Council's detailed online mapping tool indicates that large portions of the land are not impacted by coastal hazards.	

		44.6 As complying development cannot be carried out on land identified in the CRP Maps, the proposed amendment to the Codes SEPP would make such development subject to clause 7.4 of SLEP2014. The proposed amendment has not adequately considered the consequences of extending the CRP Maps and has been blind to the unintended consequences, such as its interaction with the Codes SEPP. The broad approach taken by Council unfairly restricts landowners of Quay Road in how they can deal with their property and, in turn, will create further work for Council to assess development applications that could otherwise use the Codes SEPP.	pathways in Callala Beach remain the same before and after adoption of PP026 (i.e. DA process in both existing and proposed scenarios).
45	Individual	45.1 Various consultants reviewed the exhibited materials but no specific comment provided regarding PP026.	No change recommended. 45.1 Noted.

Fireworks Policy

Adoption Date:	
Amendment Date:	
Minute Number:	
Review Date:	
Directorate:	City Development
Record Number:	POL21/26

Fireworks Policy

1. PURPOSE

This policy has been prepared to provide guidance on fireworks displays permitted across the Shoalhaven City Council Local Government Area.

Only licensed pyrotechnicians may conduct fireworks displays in NSW and are regulated under legislation and Australian standards and codes as follows:

- *Explosives Act 2003*,
- *Explosives Regulation 2013*
- AS2187: *Explosives – storage, transport and use*
- Australian Explosives Code.

A Pyrotechnician's or Fireworks licence is issued by SafeWork NSW under the *Explosives Regulation 2013*. The *Explosives Regulation 2013* requires that the licensee must notify SafeWork NSW and local authorities, of any fireworks display at least seven business days prior to the fireworks event.

Councils do not approve the use of a fireworks, however, may object to or impose conditions on an applicant's use of fireworks. Council is committed to ensuring that licensed pyrotechnicians exhibit an appropriate level of due diligence and compliance with relevant environmental legislation for fireworks proposals.

Council will object to all fireworks displays, except for organised public displays.

2. STATEMENT

This Policy aims to provide a consistent approach to the provision of fireworks across the Shoalhaven City Council Local Government Area. Council is committed to ensuring that all approved fireworks events are safe, well planned and minimise the potential impacts on the community, aboriginal cultural values, native fauna and flora, domestic animals and livestock, as well as the amenity of the surrounding area.

3. PROVISIONS

To allow sufficient time to review public fireworks displays, notifications must be submitted to Council for consideration **at least 30 days prior** to the event and must include the following documents –

- 1) A copy of the Safework NSW application
- 2) A copy of the SafeWork Fireworks Display Checklist (Attachment #1)
- 3) A completed [Shoalhaven City Council Event Application](#)
- 4) Confirmation that surrounding residents and any sensitive receivers are notified between 14 days to a month prior to the event
- 5) Statement of environmental considerations including documented consultation undertaken with relevant agencies.
- 6) Completion of any additional information requested by Council to protect sensitive cultural heritage sites and environmental values such as threatened nesting and migratory shorebirds.

Applications lodged less than 30 days prior to the event will not be considered as they do not permit enough review time for Council.

4. EVENTS ON COUNCIL LAND

Fireworks Policy

Registering an event is designed to assist event organisers with the regulations and processes associated with holding an event on all public land under the ownership and/or control of Shoalhaven City Council (Council).

This also ensures that two events are not proposed for the same time and location or that they complement each other if they are.

Council is committed to ensuring that your event is sustainable, meaning your event is: economically beneficial to the community; socially and culturally responsible; and, environmentally well managed.

5. COMMUNITY NOTIFICATION

Fireworks can also affect nearby residents including their pets or livestock. It is important to assess the firing location for sensitive receivers such as hospitals, retirement villages, farms and local stables. Giving advance notification allows such receivers to be prepared or make alternative arrangements.

Surrounding residents shall be notified between 14 days to a month prior to the event as follows:

1. minimum 1km radius in residential areas; and
2. minimum 2km radius in rural areas.

This notification must include:

- a) Date, time and location of the proposed fireworks display
- b) Tips and links to resources for protection of pets and livestock during fireworks displays
- c) Contact details for South Coast Wildlife Rescue and local veterinary clinics in the event that a residents find injured or disorientated wildlife following a fireworks display.
- d) the Pyrotechnician's details, including a phone number to make representations.
- e) State that any concerns about the display may be raised with Shoalhaven City Council if they are unable to be resolved with the Pyrotechnician.

6. ENVIRONMENTAL CONSIDERATIONS

Fireworks displays can have detrimental impacts on biodiversity and wildlife if an appropriate level of environmental due diligence is not carried out in the planning phase and also if it is not conducted responsibly. The instinct of most animals faced with unexpected loud noises and bright lights is to flee. This can result in injury from flying or running into objects, buildings, trees or fences, as well as separation from family units. Other impacts to wildlife, pets and livestock from fireworks may include loss of hearing, death by fright, significantly elevated heart rate, and long term increased panic reactions to future loud noises such as thunder. Plants and ecological communities can also be impacted by trampling from bystanders.

The following actions may mitigate these impacts:

- Consultation with Council's Environment Services Department at least 30 business days before the event. The following issues will be considered in their assessment:
 - Liaison with relevant agencies, such as NSW National Parks and Wildlife Service, Biodiversity and Conservation at Department of Planning and Environment and, as required, Local Aboriginal Lands Council.

Fireworks Policy

- Database search for threatened flora and fauna species and endangered ecological communities likely to be affected by the proposed fireworks display.
- Inspection of the proposed site (where required)
- Appropriate mitigation measures.
- Recommended mitigation measures (to be confirmed through consultation undertaken by licensed pyrotechnician with relevant State Government Agencies)
- Minimum 500m (or suitable) buffer between the fireworks display and threatened species breeding/nesting sites.
- Temporary fencing of exclusion zones to ensure sensitive areas such as beach nesting and roosting areas area, natural vegetation and any culturally sensitive sites are not impacted or trampled by bystanders.
- Amending proposed displays to minimise impacts, such as lowering noise levels and shortening the display.
- Relocation or postponement based on location of sensitive sites.
- Circumstances under which fireworks displays may be considered inappropriate:
 - Total fire bans
 - If impacts to threatened species or sensitive sites are unavoidable and cannot be adequately mitigated

7. IMPLEMENTATION

The City Development Directorate's Environmental Health Unit will administer and enforce the policy. City Future's Tourism Unit will assist in the implementation of the policy through advice, information sharing and event bookings.

8. RELEVANT LEGISLATION STANDARDS AND CODE OF PRACTICE

- *NSW Explosives Act 2003*
- *NSW Explosives Regulation 2013*
- *Environmental Planning and Assessment Act 1979*
- *Rural fires Act 1997*
- *Biodiversity and Conservations Act 2016*
- *National Parks and wildlife Act 1974*
- *Australian Standard AS 2187.4 Storage, transport, and use – Pyrotechnics – Outdoor displays*
- *Australian Explosives Code*
- *Operational conditions for pyrotechnician's and single use fireworks licences.*

9. REVIEW

The Policy will be reviewed within one year of the election of every new Council.

10. APPLICATION OF ESD PRINCIPLES

- To ensure consistency with Council's economic, social and environmental objectives and that due consideration be given in relation to the community's best interest.
- Defining permissible fireworks displays will assist in balancing the community's enjoyment of fireworks with limiting the impact of fireworks displays on our local environment.

Fireworks Policy

11. GLOSSARY

Public fireworks display – held on behalf of a public organisation, in a public space and is open to be enjoyed by the greater community. Examples include community events held on New Year's Eve, Australia Day, Queen's Birthday Celebrations and at Agricultural Society Shows etc.

Public organisation - any municipal government, public authority, state agency, other governmental unit, or non-profit organisation that sponsors or supports the public needs.

Fireworks Policy

12. APPENDICES

9.1 ATTACHMENT A - SAFEWORK FIREWORKS DISPLAY CHECKLIST



SafeWork NSW

NSW Explosives Act -
NSW Explosives Regulation

FIREWORKS DISPLAY CHECKLIST

The checklist is a guidance document only and may be used to identify areas of potential risk for fireworks displays and to assist licence holders when developing a written risk assessment required by SafeWork NSW. Some of the content may not be applicable to fireworks (single use) licence holders, particularly in relation to the use of aerial display shells and aerial salutes. Authorities when notified of a fireworks display

may also request the completed checklist and/or the separate risk assessment. More information about fireworks display requirements is contained in *Australian Standard AS 2187.4 Storage, transport and use - Pyrotechnics - Outdoor displays* and the *Operational conditions for pyrotechnician's and single use fireworks licences*.

SECTION 1. SITE/LOCATION

SECTION 1.1 Type of firing site

Mark one box only.

- | | | | | |
|--------------------------------------|---------------------------------|-----------------------------------|---|---|
| <input type="checkbox"/> Public park | <input type="checkbox"/> School | <input type="checkbox"/> Barge | <input type="checkbox"/> Sports oval | <input type="checkbox"/> Entertainment centre |
| <input type="checkbox"/> Pontoon | <input type="checkbox"/> Arena | <input type="checkbox"/> Theatre | <input type="checkbox"/> Building roof | <input type="checkbox"/> Reception centre |
| <input type="checkbox"/> Show ground | <input type="checkbox"/> Jetty | <input type="checkbox"/> Film set | <input type="checkbox"/> Private property | <input type="checkbox"/> Exhibition centre |
| <input type="checkbox"/> TV studio | <input type="checkbox"/> Other | <input type="text"/> | | |

SECTION 1.2 Name of the owner of the firing site

SECTION 1.3 Address of the firing site

SECTION 1.4 Phone number of the owner of the firing site

If you answer YES to either of the following questions the fireworks display **MUST NOT** proceed.

SECTION 1.5 Has the owner refused permission for the site to be used for a fireworks display?

☐ Yes ☐ No

SECTION 1.6 Is the firing point less than 250 metres from a dangerous goods store, such as an explosives magazine, petrol station, LPG storage or other fuel storage facility?

☐ Yes ☐ No

Refer to section 3 AS 2187.4

If you answer YES to the following questions your proposed fireworks display has a high level of risk. Use the hints to reduce the risk.

SECTION 1.7 What are the dimensions of the firing site?

m X m

SECTION 1.8 Is the firing site too small to comply with the minimum clearance distance required in section 3 AS 2187.4?

☐ Yes ☐ No

Hint: Reduce the size/calibre of the aerial shells to be used.

SECTION 1.9 Are powerlines or a telecommunications installation (FOR EXAMPLE mobile phone tower) likely to interfere with the fireworks display?

☐ Yes ☐ No

Hint: Use ground display fireworks with effects that are limited to a safe height.

SECTION 1.10 Is there inadequate water (FOR EXAMPLE no tap or fire hose) on the site?

☐ Yes ☐ No

Hint: Develop a written plan to provide adequate water for fire fighting in consultation with the local fire service.

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CL22.179 - Attachment 1

Fireworks Policy

FIREWORKS DISPLAY CHECKLIST

SECTION 1.11 Is there any combustible material (FOR EXAMPLE dry grass, dead undergrowth, fuels, or a temporary structure such as a marquee) on the site or in the drop zone?

☐ Yes ☐ No

Hint: Remove or wet down combustible materials prior to the display. Consult with the local fire service.

SECTION 1.12 Is the firing site difficult to access for emergency services, such as the fire brigade or ambulance?

☐ Yes ☐ No

Hint: Develop a written plan to provide adequate water for fire fighting in consultation with the local fire service and ambulance service.

Allow them seven days to comment.

SECTION 1.13 Are neighbouring buildings likely to be affected by smoke from the fireworks display and therefore have their fire alarms activated?

☐ Yes ☐ No

Hint: Provide a copy of this completed checklist and the completed fireworks notification form to building owners so that they can make an informed decision about how to respond.

SECTION 1.14 Is the firing site poorly lit?

☐ Yes ☐ No

Hint: Consider directional floodlights that can be fixed to a vehicle and provide staff with torches for searching the site during clean-up.

SECTION 2. NEIGHBOURS

SECTION 2.1 Description of the firing site

Mark one box only.

☐ Residential area ☐ Rural area
☐ Industrial area ☐ Indoor

If you answer **YES** to any of the following questions, refer to the hints given below, consider **STARTING THE DISPLAY EARLIER AND/OR REDUCING NOISE DURING THE DISPLAY** (for example do not use salutes or fireworks that produce loud reports or ear-piercing screeches).

Note: If you change the start time you will need to amend your notification to the authorities and those likely to be affected (for example stables, kennels and veterinary clinics).

SECTION 2.2 Are neighbours likely to be disturbed by the noise from the fireworks?

☐ Yes ☐ No

Hint: Notify those likely to be affected by advertising in the local paper and dropping leaflets in letterboxes, outlining display times and vantage points. There are those who like and those who dislike firework displays. Most children will be keen to watch and take the best vantage points. Others may take the opportunity to get away and avoid the spectacle. Forewarned is forearmed.

SECTION 2.3 Is there a hospital within 250 metres of the firing site? (250 metres is the minimum distance as outlined in AS 2187.4)

☐ Yes ☐ No

Hint: You must obtain the written approval the manager of the hospital (they may request that noise be minimised after 9pm).

Always consider weather conditions and noise.

SECTION 2.4 Is there a nursing home or aged-care facility within 250 metres of the firing site?

☐ Yes ☐ No

Hint: You must obtain the written approval of the manager of the nursing home or aged-care facility (they may request that noise be minimised after 9pm). The manager may wish to inform their residents about the display and about best vantage points and proposed times.

SECTION 2.5 Is there a racetrack or other public assembly within 250 metres of the firing site?

☐ Yes ☐ No

Hint: Consult those likely to be affected. Coordinate your display times to avoid race days or other public assemblies.

Fireworks Policy

FIREWORKS DISPLAY CHECKLIST

SECTION 2.6 Are there stables, kennels, or veterinary clinics within 500 metres of the firing site?

☐ Yes ☐ No

Hint: You must obtain the written approval of those likely to be affected within the 500 metres. Depending on the site and the surrounding landforms, owners of animal and bird sanctuaries, horses and dogs, beyond 500 metres and up to 1,000 metres of the firing site, should also be notified of the event.

SECTION 2.7 Who has the responsibility to notify or consult with those living near the firing site?

Mark one box only.

☐ Event organiser ☐ Client
☐ Venue manager ☐ Pyrotechnician

Note: The pyrotechnician is ultimately responsible for notification in accordance with the NSW Explosives Regulation.

Hint: If you give this responsibility to someone else you should obtain written confirmation that it has been done prior to the display.

SECTION 2.8 How will the neighbours be notified of the display?

Tick appropriate boxes

☐ Letterbox drop ☐ Door knock
☐ Newspaper ☐ TV
☐ Radio

SECTION 3. NOTIFICATION DETAILS

SECTION 3.1 Is the site on water?

☐ Yes ☐ No

If **YES**, apply to NSW Roads and Maritime Services (RMS) for an aquatic licence. NSW Water Police may also need to be notified.

SECTION 3.2 Is the firing site within three nautical miles (6km) of an airport?

☐ Yes ☐ No

SECTION 3.3 Will the highest aerial shell rise more than 400 feet (122 metres) above the ground?

If firing from a roof top add the height of the building.

☐ Yes ☐ No

SECTION 3.4 Is the firing site under a regular flight path?

☐ Yes ☐ No

If you answered **YES** to 3.2, 3.3 or 3.4 notify the Civil Aviation Safety Authority (CASA) and Air Services Australia. See Part 101.500 of the Civil Aviation Safety Regulation 1998. If the firing site is near an airbase the RAAF should also be informed

SECTION 3.5 Is the fireworks display occurring between October and March?

☐ Yes ☐ No

If **YES**, notify the local Rural Fire Service or local NSW Fire and Rescue.

SECTION 3.6 Is there a total fire ban in place?

☐ Yes ☐ No

If **YES**, notify the local Rural Fire Service Control Centre or local NSW Fire and Rescue.

SECTION 3.7 What is the local council area covering the firing site?

Fireworks Policy

FIREWORKS DISPLAY CHECKLIST

SECTION 4. AUTHORITIES TO BE NOTIFIED

<input type="checkbox"/> SafeWork NSW	<input type="checkbox"/> Council	<input type="checkbox"/> NSW Police	<input type="checkbox"/> NSW Fire and Rescue
<input type="checkbox"/> NSW Rural Fire Service	<input type="checkbox"/> NSW Water Police	<input type="checkbox"/> NSW RMS	<input type="checkbox"/> CASA
<input type="checkbox"/> Air Services Australia	<input type="checkbox"/> Other (please provide details) <input type="text"/>		

SECTION 5. INSURANCE DETAILS

SECTION 5.1 Does the pyrotechnician have public liability insurance?

☐ Yes ☐ No

Condition 4.6 of the Operational conditions for pyrotechnicians and single use fireworks licences requires the licence holder to obtain liability insurance, even if the event is for charity.

SECTION 5.2 Is a certificate of currency available?

☐ Yes ☐ No

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ISBN 9781 74341 356 2 © Copyright SafeWork NSW 0816
SafeWork NSW, 92-100 Donnison Street, Gosford, NSW 2250

Locked Bag 2906, Lisarow, NSW 2252 | Customer Service Centre 13 10 50
Website www.safework.nsw.gov.au

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Fireworks Policy

9.2 ATTACHMENT B - COUNCIL'S EVENT APPLICATION



Event Application

Tourism

Please return 90 days in advance of your event, marked to the attention of:
Events Liaison Officer at council@shoalhaven.nsw.gov.au or PO Box 42, Nowra, NSW, Australia, 2541

Event Name:	Is this a pre-approved event? Yes <input type="checkbox"/> No <input type="checkbox"/>
Event Location:	If Yes, please clearly state in the Event Details (Section 2 of this form) what has changed and provide relevant attachments.
Event Address:	Has Council (Development Services Section ph. 4429 3486) reviewed your event to ascertain if your activity requires a Development Application? Yes <input type="checkbox"/> No <input type="checkbox"/>
Event Day/s & Date:	
Set Up Date: Pull Down Date:	

1 Applicant Details

Name of Event Organiser:

Organisation: ABN:

Address:

Suburb: Postcode:

Daytime phone: Mobile:

Email: Website:

Is this organisation a registered charity? Yes ☐ No ☐ If yes, please quote registered charity number

I declare that all the information in the application is to the best of my knowledge, true and correct.
I also understand that if the information is incomplete, processing of the application may be delayed or more information may be requested.

Signature of Event Manager: Date:

2 Event Details

Set up Start Time:	Number of Staff/ Volunteers
Set Up Finish Time:	Is this event:
Pull Down Start Time:	<input type="checkbox"/> Community (Free)
Pull Down Finish Time:	<input type="checkbox"/> Commercial (for Profit)
Daily Event Start Time:	<input type="checkbox"/> Other
Daily Event Finish Time:	Is this an annual event? Yes <input type="checkbox"/> No <input type="checkbox"/>
Estimated Daily Attendance:	If Yes, please quote next year's proposed date/s and location:
Target Audience:	
Aim of Event:	

Privacy Notification: The information on this form is being collected by Council for administrative and assessment purposes. It will be used by Council staff and other organisations for the purpose mentioned and may be included on a public register. Personal information contained on this form will be displayed on Council's website as required by the GIPA Act 2009. Persons identified on this form may at any time, apply to Council for access or amendment of the information.

This form may be displayed on Council's website in accordance with Government Information (Public Access) Act 2009

OFFICE USE ONLY	
Form Number: 862	Issue Date: 06/2018
Version Number 5	Next Review date: 12/2020



Fireworks Policy

2 Event Details Cont'd

If public land (such as car parks, public roads, showgrounds, halls, beaches etc) other than the event address included at the start of this application form is required for the event please include details below

Address:

Set up Start Time: Set Up Finish Time:

Pull Down Start Time: Pull Down Finish Time:

Address:

Set up Start Time: Set Up Finish Time:

Pull Down Start Time: Pull Down Finish Time:

Address:

Set up Start Time: Set Up Finish Time:

Pull Down Start Time: Pull Down Finish Time:

Address:

Set up Start Time: Set Up Finish Time:

Pull Down Start Time: Pull Down Finish Time:

3 Event Site Plan

Please attach a site plan (to scale) of your entire event, clearly indicating (where applicable):

- | | | |
|--|---|---|
| <input type="checkbox"/> Entry/ Exit Points | <input type="checkbox"/> Food & Drink Counters (incl. alcohol sales where applicable) | <input type="checkbox"/> Wide Entry/ Exit Points for Accessibility Guests |
| <input type="checkbox"/> Food & Drink Counters for Accessibility Guests | <input type="checkbox"/> Emergency Evacuation Points | <input type="checkbox"/> Stallholder Locations |
| <input type="checkbox"/> Emergency Vehicle Entry/ Exit Points | <input type="checkbox"/> Marquees & Other Temporary Structures | <input type="checkbox"/> Internal Pedestrian Flow Paths |
| <input type="checkbox"/> Additional Lighting/ PA or Other Sound Systems | <input type="checkbox"/> Designated Parking Areas | <input type="checkbox"/> Additional Bins/ Waste Management Measures |
| <input type="checkbox"/> Parking Areas for Accessibility Guests | <input type="checkbox"/> Toilets | <input type="checkbox"/> Traffic Management Measures |
| <input type="checkbox"/> Toilets for Accessibility Guests | <input type="checkbox"/> First Aid Stations | <input type="checkbox"/> Amusement Rides |
| <input type="checkbox"/> Designated Viewing Areas for Accessibility Guests | <input type="checkbox"/> Fireworks/ Pyrotechnics | <input type="checkbox"/> Security Personnel Locations |
| <input type="checkbox"/> Barricades/ Temporary Fencing | <input type="checkbox"/> Location of Activities | <input type="checkbox"/> Stage/Platform size: m ² |
| | <input type="checkbox"/> Other Infrastructure | |

4 Event insurance

Insurance Company (must be APRA approved):

Insurance Policy No.: Expiry Date:

Please attach a **current copy** of your APRA Approved Insurance Certificate of Currency for Public Liability to the amount of a minimum of \$20million, with the following sentence included: "Shoalhaven City Council and the Minister administering the Crown Lands Act are noted as interested parties for their respective rights and interests". Note: this will only require a phone call to your insurance company and they will be able to email the amended Certificate directly to you.

Fireworks Policy

5 Public Safety Information

Police

Have the Police been notified of the event? Yes ☐ No ☐

If Yes, please provide the following:

A copy of the Police notification: _____ Name of Officer Notified: _____

If No, please advise why Police notification is not required:

Security

Will there be security personnel at the event? Yes ☐ No ☐

If Yes, how will they be identified?:

If No, please advise why security personnel are not required:

Risk Assessment

Have you undertaken a Risk Assessment of your event? Yes ☐ No ☐

Have you undertaken the Crowded Places Self Assessment? Visit www.nationalsecurity.gov.au Yes ☐ No ☐

Fireworks/ Pyrotechnics

Will there be fireworks at the event? Yes ☐ No ☐

If Yes, please provide the following:

Company: _____ Start Time: _____ Finish Time: _____

Please attach a current copy of the company's

☐ WorkCover certificate,

☐ public liability insurance

☐ risk assessment for the use of fireworks at the event, and

☐ Fireworks site plan clearly indicating exclusion zones.

Amusement Rides

Will there be amusement rides at the event? Yes ☐ No ☐

If Yes, please provide the following:

Company: _____ Start Time: _____ Finish Time: _____

Please confirm that you have sighted the Amusement Device Operator's current WorkCover certificate, public liability insurance (including the exact name of each of the rides that will be provided at your event) and Council Permit. Yes ☐ No ☐

Medical Assistance

Will there be medical/ ambulance assistance at the event? Yes ☐ No ☐

If Yes, please confirm that you have sighted the certification of the medical/ ambulance assistance. Yes ☐ No ☐

Animals

Will there be live animals at the event? Yes ☐ No ☐

If Yes, please confirm that you have sighted the provider's current WorkCover certificate and public liability insurance. Yes ☐ No ☐

Communication / Stakeholder Notification

Have residents and businesses in the immediate vicinity been notified (in writing) of your event? Yes ☐ No ☐

Fireworks Policy

6 Event Stallholders

Number of Stalls: Will you be serving alcohol at your event? Yes ☐ No ☐

If Yes, please provide Liquor Licence No.:

Types of Stalls:

Please confirm that you have sighted relevant insurance details of all Food Vendors and Stallholders. Food Vendors are required to hold a Temporary Food Licence issued by Council. Yes ☐ No ☐

7 Event Operations

Traffic

Will your event impact on or create:

Public roads: Yes ☐ No ☐

Existing Parking: Yes ☐ No ☐

Road Closures: Yes ☐ No ☐

Pedestrian Traffic: Yes ☐ No ☐

If Yes (to any of the above), please prepare and attach a Traffic Management Plan (TMP) for your event. The requirements of a TMP are included in the [Event Policy](#).

Waste

Number of bins on site: Number of Bins Required: General Waste Recycle

If the number of bins required is greater than the number of bins on site please prepare and attach a Waste Management Plan (WMP) for your event. The requirements of a WMP are included in the [Event Policy](#).

Toilets

Number of Toilets on site (including toilets for accessibility guests):

Number of Toilets Required (including toilets for accessibility guests):

Toilet requirements are included in the [Event Policy](#) If the number of toilets required is greater than the number of toilets on site you are required to provide the additional toilets for your event.

Noise & Lighting

Will you require Council Power and/or Lighting?: Yes ☐ No ☐

Please specify locations of power and/ or lighting on the event site:

Will P.A. systems or amplified music be operating during the event? Yes ☐ No ☐

If Yes, please specify times and source of noise at locations shown on site plan:

Fireworks Policy

8 Disability Inclusion and Accessibility

Consideration must be given to disability inclusion and accessibility, as per the NSW Family & Community Services Disability Inclusion Plan 2015. In the case of a community event an "accessibility guest" includes: a person with mobility needs (eg. wheelchair user), a person with sensory considerations, older people, a person with a temporary injury or illness and parents with prams.

To supplement the information shown on your site plan, please attach written evidence to show how you have addressed the following in the context of your event.

- various forms of accessible communication including up to date access information, signage and websites that comply with the International Web Content Accessibility Guidelines 2.0;
- public and/or private transport options to and from your event (door to door accessibility);
- safety considerations/ risk management for accessibility guests, including controlling of crowd numbers, security, evacuation procedures and guide dogs;
- holistic sensory considerations; and,
- staff/ volunteer disability awareness training.

9 Event Sustainability

Council encourages the consideration and implementation of sustainability measures that can reduce the environmental impact of your event. Please prepare and attach a Sustainable Event Management Plan for your event. Further information (including a Sustainable Event Management Plan template) is included in the [Event Policy](#).

10 Council's Calendar of Events

Shoalhaven Tourism has an events calendar where you can list your event for free. Visit www.shoalhaven.com/events/add


11 What happens from here?

Please return 90 days in advance of your event, marked to the attention of:

Events Liaison Officer at council@shoalhaven.nsw.gov.au or PO Box 42, Nowra, NSW, Australia, 2541

Your completed application will be considered by Council and a member of the Events Liaison Team will be in touch with you soon.

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

	Planning Report S4.15 Environmental Planning & Assessment Act 1979
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DA Number	DA20/1068
Property	189-197 Princes Hwy & 2A Parson Street, ULLADULLA - Lots 1-5 DP 21356, Lot 23 DP 1082957 External Civil works - Part road reserve DP1105304 (Property ID 81934 St Vincent Street), (Property IDs 90315, 90245, 90316, 89674 & 92447 Princes Highway) & (Property ID 89672 Dowling Street)
Applicant(s)	Philip Drew – Development Approvals Manager Bunnings Group Limited.
Owner(s)	ET & ME Oberg, Etmo Pty Ltd & Hogg Property Pty Ltd, Shoalhaven City Council

Conflict of interest declaration

I have considered the potential for a conflict of interest under the [Code of Conduct](#) and to the best of my knowledge no pecuniary and/or significant non-pecuniary conflict of interest exists.

NOTE: If you determine that a non-pecuniary conflict of interest is less than significant and does not require further action, you must provide a written explanation of why you consider that the conflict does not require further action in the circumstances. This statement should then be countersigned by the section manager.

Name

Choose an item.

10/09/2021

1. Detailed Proposal

Integrated Development (Water Management Act) comprising simultaneous consolidation of Lots 1-5 DP 21356 and subdivision of the consolidated land and Lot 23 DP 1082957 into 2 lots. Proposed Lot 1 (2.239Ha) for the new Bunnings development and proposed Lot 2 (2991m2) containing Project Lighting.

Demolition of existing structures over proposed Lot 1, and construction of a new hardware, building supplies and garden centre including car parking and signage.

Draft Voluntary Planning Agreement & Explanatory Note (Refer **Attachment 4** to the Council report) for associated civil works including road upgrade portion of St Vincent Street and new roundabout/median works on the Princes Highway & Dowling Street Ulladulla.

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla



Figure 1 – Locality Plan

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

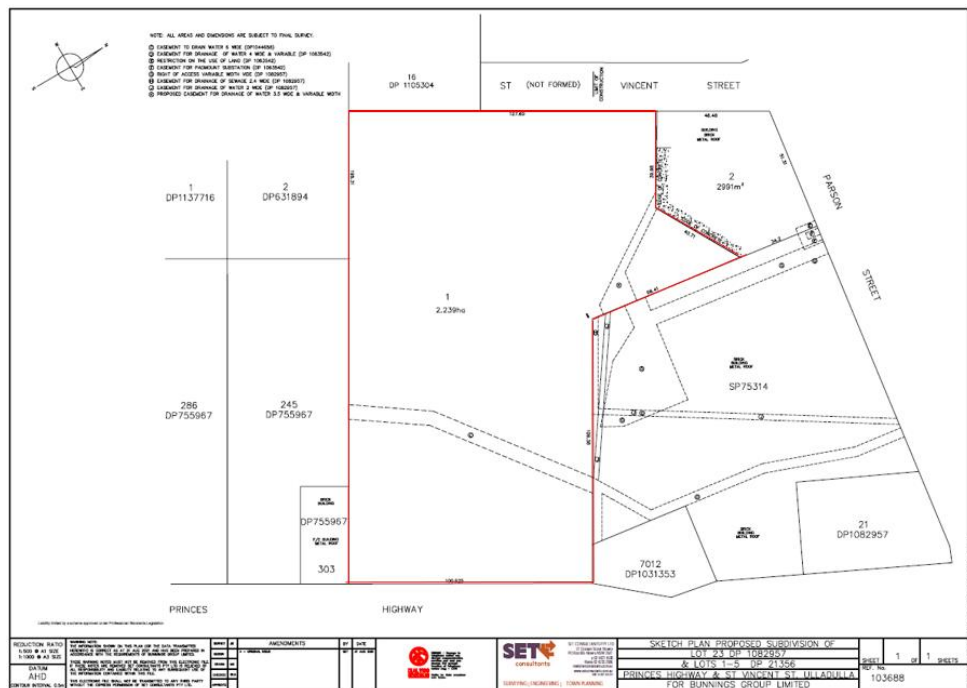
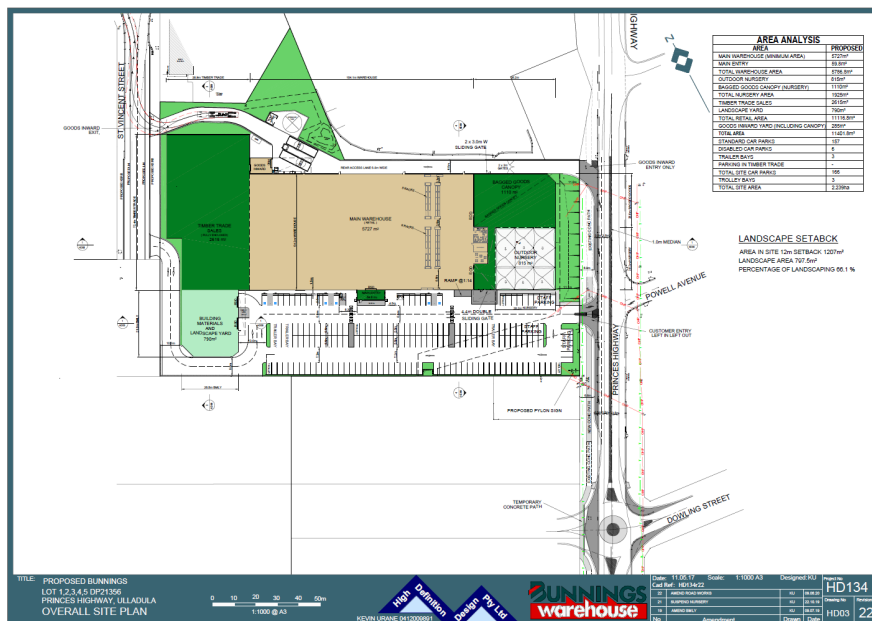


Figure 2 - Subdivision Plan



Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

Figure 3 – Overall Site Plan and associated civil works on St Vincent Street, Dowling Street and Princes Highway

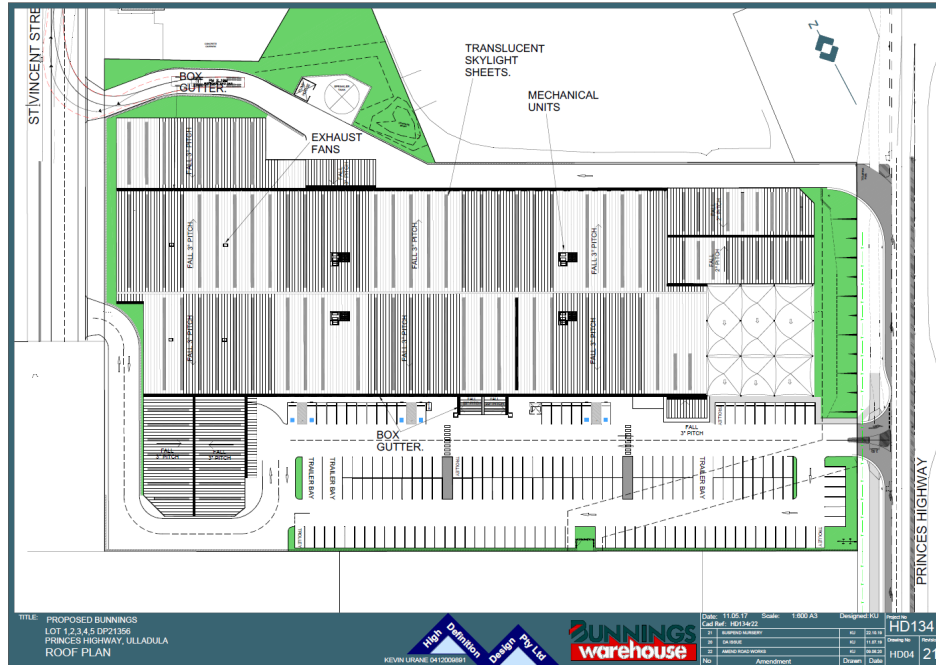
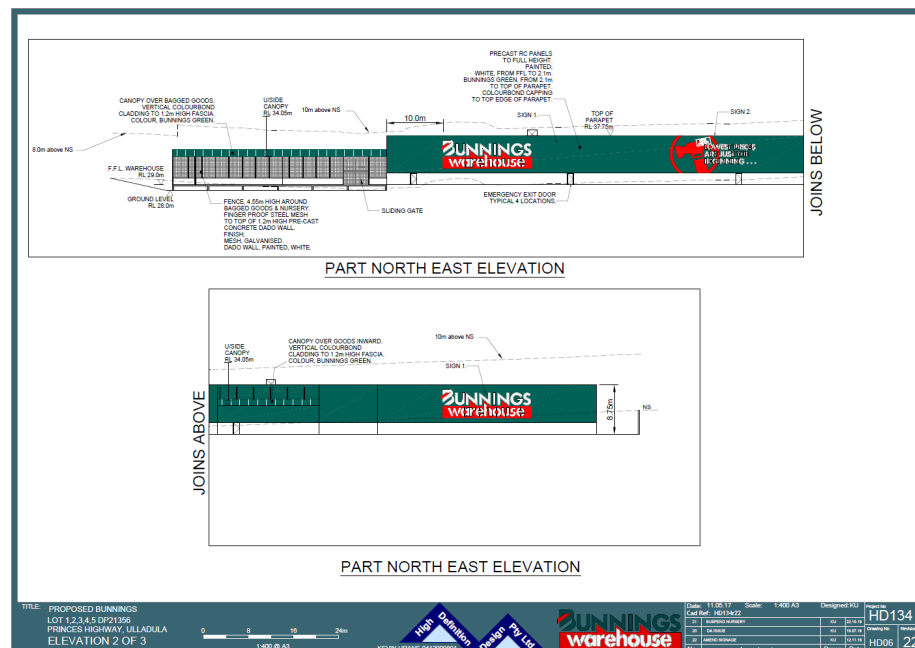
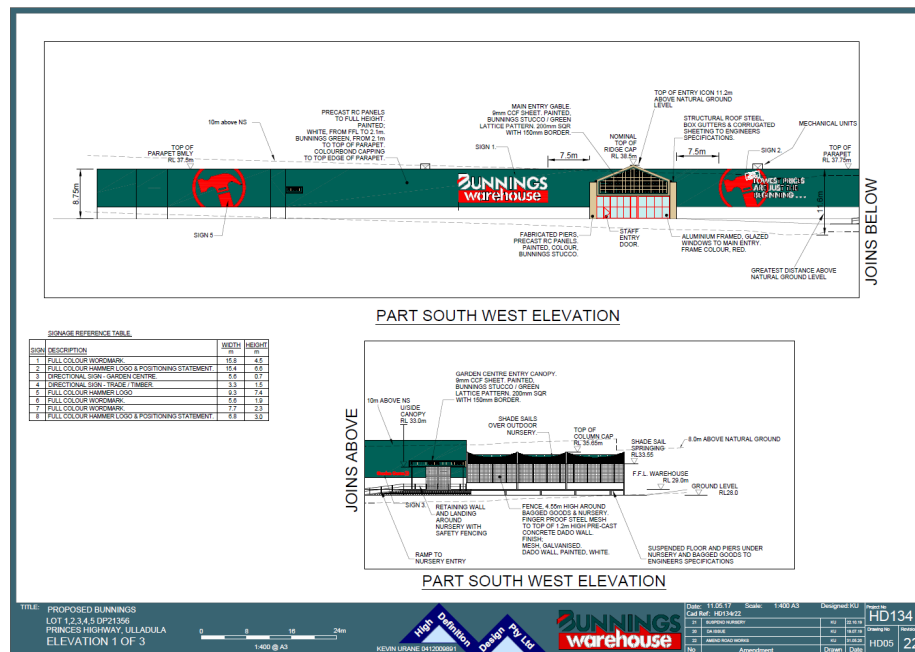


Figure 4 - Roof Plan

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla



Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

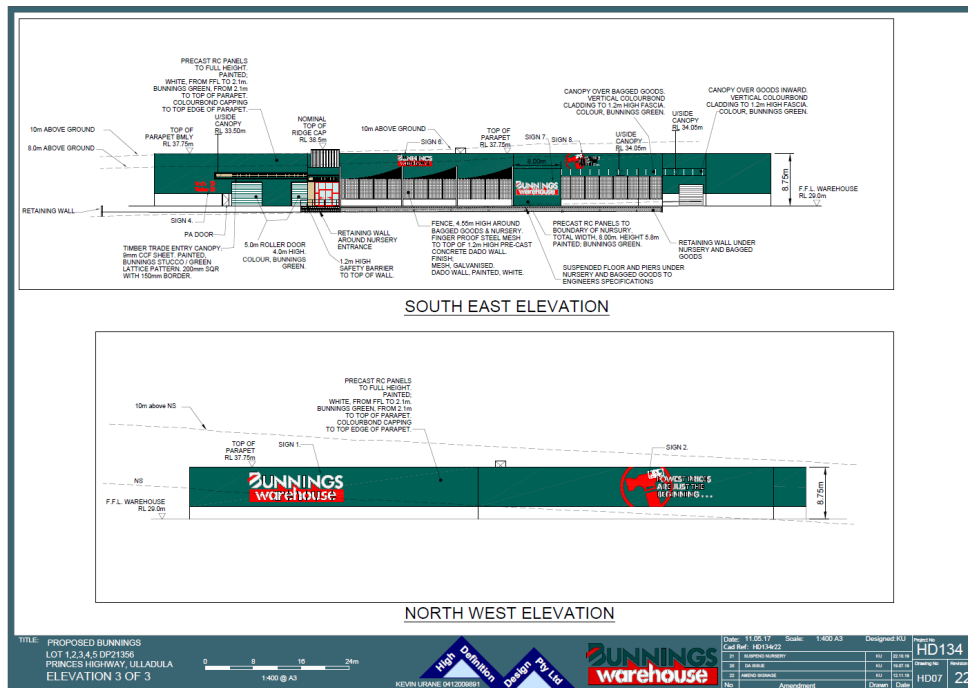


Figure 7 - Elevation 3 of 3

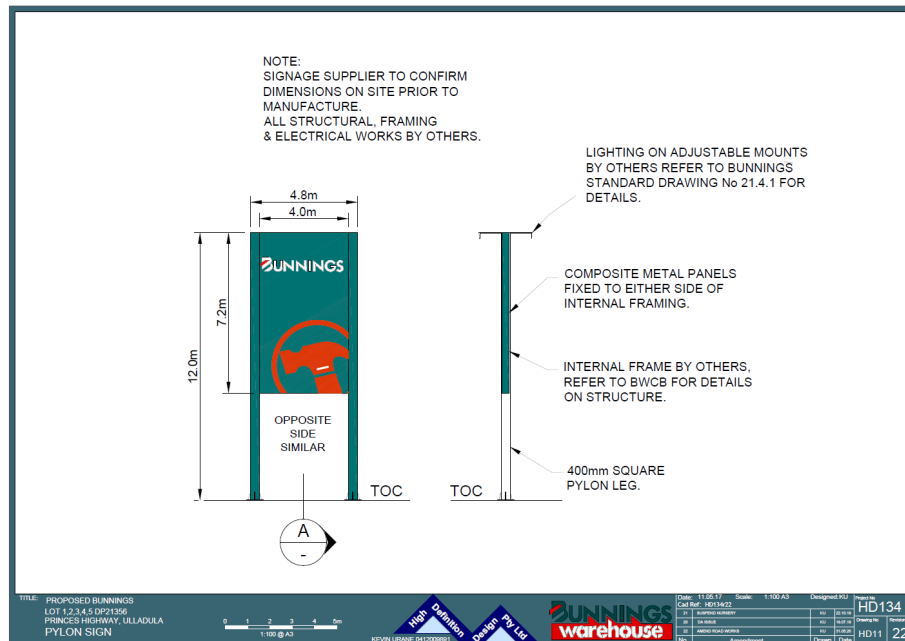


Figure 8 - Pylon Sign

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

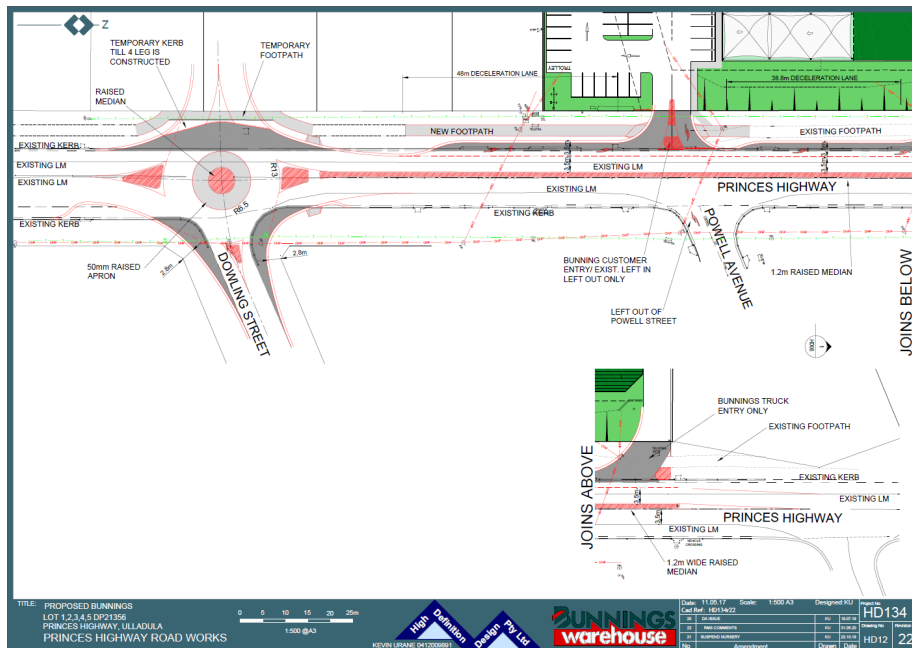


Figure 9 – Princes Highway roadworks (initial)



Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

Figure 10 - Princes Highway Road Works (Ultimate) once Council completes St Vincent Street Link Road

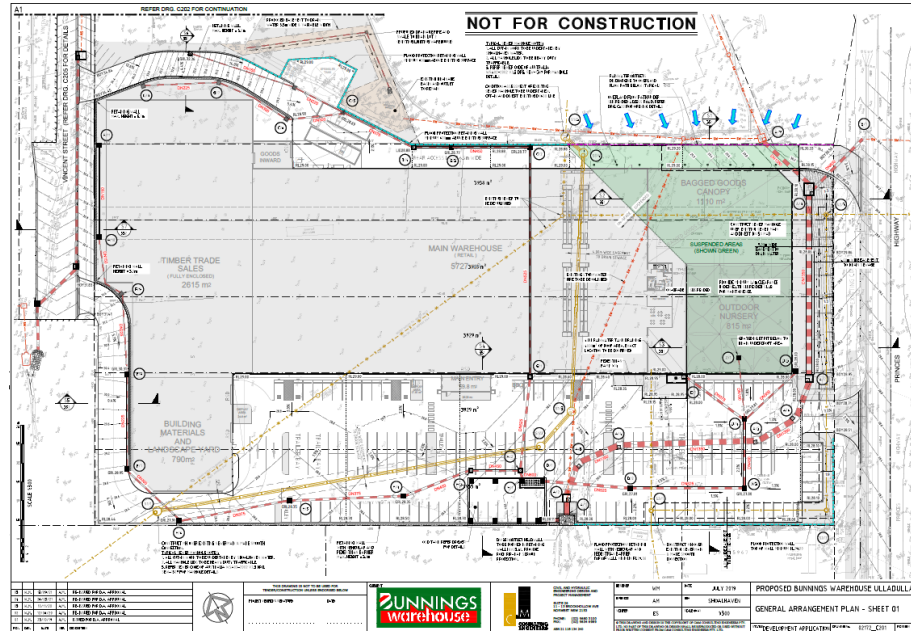


Figure 11 - Internal Civil Design Plan



Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

Figure 12 - Landscape Plan

2. Subject Site and Surrounds

Site Description

The subject site is located approx. 950m south of the Ulladulla Post Office adjacent to the western side of the Princes Highway.



Figure 13 – Combined development site

- The subject site is zoned B5 Business Development.
- A riparian corridor is identified within the southern half of the site that follows the stormwater flow path through the site.
- The subject site is identified as being part flood and bush fire prone land and the 2 southern most lots potentially contaminated (service station use).
- The site has multiple existing access points to the Princes Highway.

The site comprises six allotments and is legally described as Lots 1-5 in DP 21356 and part of Lot 23 DP 1082957 and is known as 189 - 197 Princes Highway, Ulladulla and 2A Parson Street, Ulladulla. The site is of an irregular shape and has a total area of 25,381 m². The lots which comprise 189-197 Princes Highway (Lots 1- 5 DP 21356) are rectangular in shape, each with an area of around 3,930 m² and the total site area of 189-197 Princes Highway is 19,657 m².

2A Parson Street (Lot 23 DP 1082957) is located on the southeast corner of the intersection of Parson Street and St Vincent Street and has an area of 5,724 m².

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

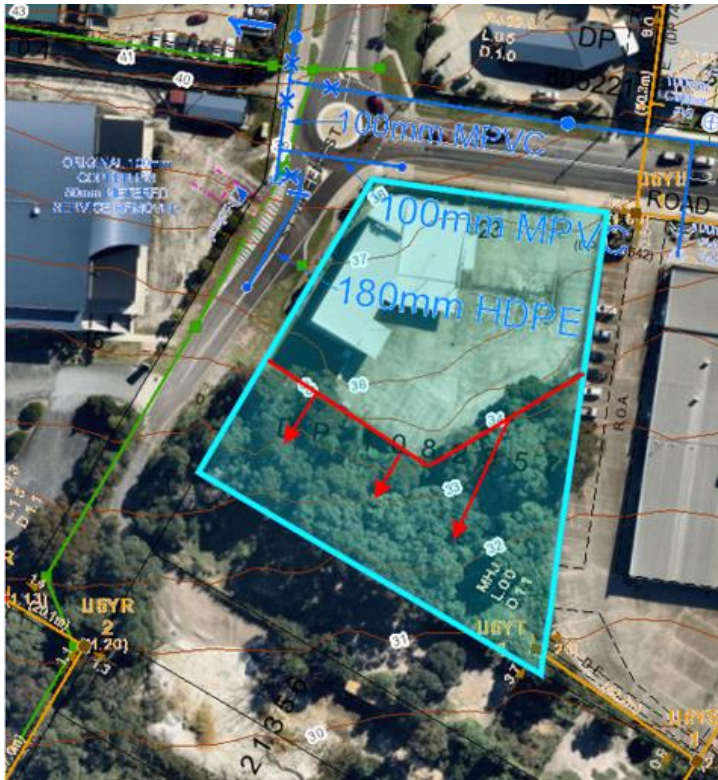


Figure 14 - 2A Parson Street (Project lighting)

Lot 23 DP 1082957 known as 2A Parson Street, Ulladulla is occupied by a commercial building (Project Lighting) and at grade parking on the northern portion of the site. Land identified south of the red line is proposed to be consolidated with proposed Lot 1 (Bunnings Site) with the residue (proposed Lot 2) left for Project Lighting. This portion of the site is undeveloped and vegetated.



Figure 15 - 189 Princes Highway

Lot 1 DP 21356 - 189 Princes Highway is improved by a single storey fibre cement clad dwelling with a metal roof. Two detached sheds are located to the rear of the site. The lot is burdened by a stormwater easement and sewer main that both traverse the lot from north to south.

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla



Figure 16 - 191 Princes Highway

Lot 2 DP 21356 - 191 Princes Highway is improved by a single storey fibre cement clad dwelling and a detached Colourbond shed trading as an automotive radiator mechanical workshop (DA92/1748) that are separated by a central, open car parking area. The lot is burdened by a stormwater easement and sewer main that both traverse the lot from north to south.



Figure 17 - 193 Princes Highway

Lot 3 DP 21356 - 193 Princes Highway is currently vacant as former dwelling was demolished under (DA17/1623).



Figure 18 - 195 Princes Highway

Lot 4 DP 21356 - 195 Princes Highway is improved by a single storey fibre cement clad dwelling and hard stand area ancillary to adjacent service station. The lot is burdened by a stormwater easement and (2) sewer mains that traverse the lot from north to south.

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla



Figure 19 - 197 Princes Highway

Lot 5 DP 21356 - 197 Princes Highway is improved by a service station (DA84/2766 & DA88/1687) & ancillary infrastructure with an awning and signage extending over the front setback. The lot is burdened by a stormwater easement and (2) sewer mains that traverse the lot from north to south.

Deposited Plan and 88B Instrument

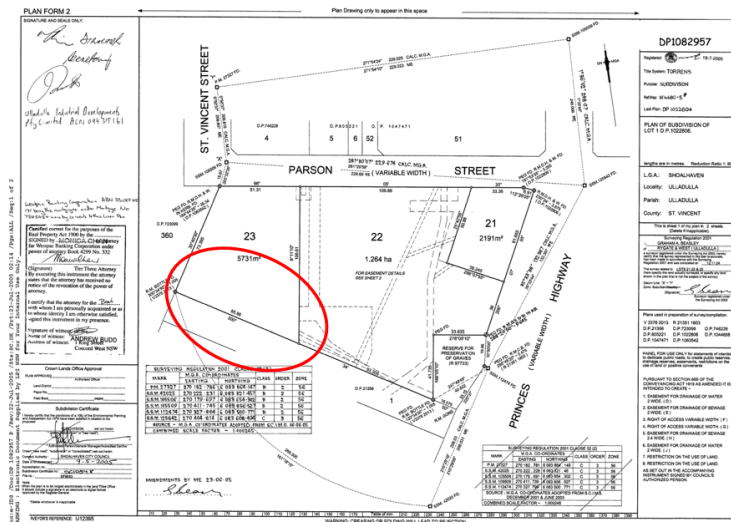


Figure 20 – Linen Plan 2A Parson Street

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

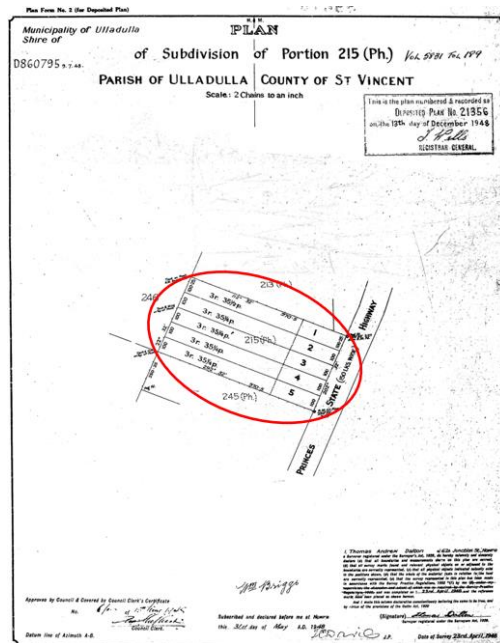


Figure 21 – Linen Plan 189-197 Princes Highway

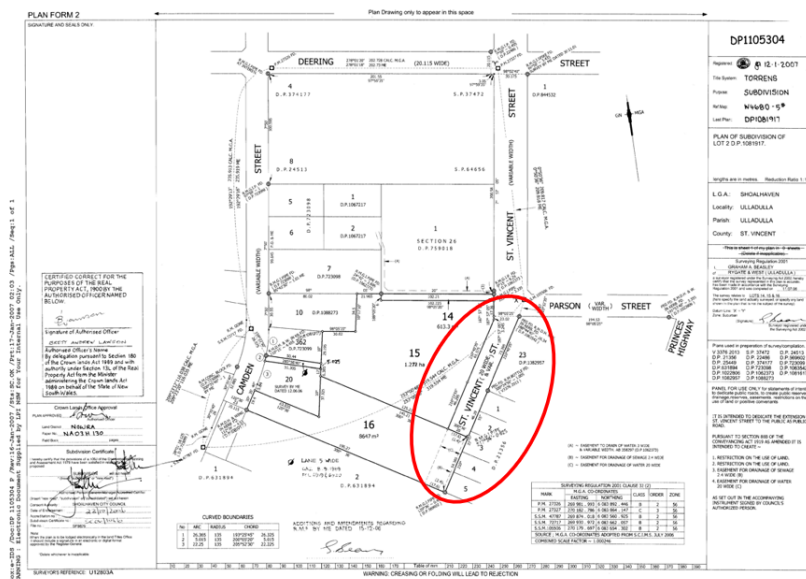


Figure 22 – Linen Plan DP1105304

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

History and Previous Approvals

2A Parson Street – Lot 23 DP 1082957

CC08/1188	18/02/2008	Construction Certificate	New Commercial - 'Project Lighting Warehouse'	Approved
DS08/1022	22/01/2008	Section 96 Amendment	New Commercial - Sec 96 - Clearing Part of Site before April 08	Approved
DA07/1039	11/01/2007	Development Application	New Commercial	Approved

189 Princes Highway – Lot 1 DP 21356

RW19/1168	22/03/2019	S138 Approval	Miscellaneous - Stockpile of excavation material. Section 138	Approved	30/04/2019
DR17/1911	24/08/2017	Sewer Connection	New Commercial - Demolition of Dwelling at 193 Princes Hwy, Ulladulla and Construction of Storage Facilities on 189,191 and 193 Princes Hwy, Ulladulla.	Incomplete	
DA17/2061	24/08/2017	Development Application	Self storage facility to be constructed in 2 stages	Incomplete	

Plain Sailing - since 2nd September 1996

Application	Appl. Date	Proposal	Status	Status Date
DR03-2370	04/11/2003	Sewer Application	Lapsed (P)	21/05/2008
DA01-3051	31/10/2003	Industrial Building	Approved (T)	15/01/2004
DA01-3051	31/10/2003	Industrial Building	Approved (T)	15/03/2007
DS03-1521	31/10/2003	Section 96 Amendment	Approved (O)	15/01/2004
DS03-1521	31/10/2003	Section 96 Amendment	Approved (O)	24/02/2004
SF9212	19/08/2002	SCC Easement (S)	Approved (S)	19/08/2002
DA01-3051	12/09/2001	Industrial Building	Approved (T)	15/02/2002

DA2017/2061	24/08/2017	Commercial/retail/office development	Self storage facility to be constructed in 2 C stages
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191 Princes Highway – Lot 2 DP 21356

DA19/1189	27/02/2019	Development Application	Miscellaneous - Temporary Stockpile of excavation material	Approved	30/04/2019
DA17/2061	24/08/2017	Development Application	Self storage facility to be constructed in 2 stages	Incomplete	

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

Plain Sailing - since 2nd September 1996

Application	Appl. Date	Proposal	Status	Status Date
DA02-1679	31/10/2003	Industrial Building	Expired (T)	15/01/2004
DS03-1519	31/10/2003	Section 96 Amendment	Approved (O)	15/01/2004
DS03-1519	31/10/2003	Section 96 Amendment	Approved (O)	23/03/2004
DA02-1679	14/11/2002	Industrial Building	Expired (T)	28/06/2004
DR02-2625	14/11/2002	Sewer Application	No Permit Issued (P)	28/06/2004
DS02-1526	14/11/2002	Section 96 Amendment	Approved (O)	17/11/2002
SF9212	19/08/2002	SCC Easement (S)	Approved (S)	19/08/2002
DA02-1679	21/03/2002	Industrial Building	Expired (T)	28/06/2002
DA96-3585	22/10/1996	Advertising Sign/Structure	Approved (T)	14/11/1996

Old Applications prior to 2nd Sept 1996

Application	Proposal	Decision	Owner	Original Lot
BA76/0324	Dwelling Additions	Approved	Gumley LG	
BA78/0039	Factory Additions	Approved	Bailey GR&GM	
BA78/1119	Dwelling Additions	Approved	Bailey GR&GM	
SD9206		Approved	Bailey GR&GM	

DA data prior to the 2nd Sept 1996

Application	Appl. Date	Proposal	Status	Status Date
DA94/1150	17/02/1994	Trade N.E.C.	Approved	7/04/1994
DA92/1748	22/05/1992	Trade N.E.C.	Approved	22/07/1992

193 Princes Highway – Lot 3 DP 21356

DA17/2061	24/08/2017	Development Application	Self storage facility to be constructed in 2 stages	Incomplete	
DA17/1623	29/05/2017	Development Application	Demolition of Existing Dwelling	Approved	29/06/2017

Plain Sailing - since 2nd September 1996

Application	Appl. Date	Proposal	Status	Status Date
BC03-1289	24/07/2003	Building Certificate	Abandoned (C)	24/07/2004
SF9212	19/08/2002	SCC Easement (S)	Approved (S)	19/08/2002

Old Applications prior to 2nd Sept 1996

Application	Proposal	Decision	Owner	Original Lot
BA76/1055	Dwelling Additions	Approved	Gumley MF	
SD8871		Approved	Gumley MF	

195 Princes Highway – Lot 4 DP 21356

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

Plain Sailing - since 2nd September 1996

Application	Appl. Date	Proposal	Status	Status Date
DA05-2117	15/06/2005	Miscellaneous	Approved (T)	25/08/2005
DA05-2117	15/06/2005	Miscellaneous	Approved (T)	07/08/2007
BC03-1284	24/07/2003	Building Certificate	Certificate Issued (C)	05/08/2003
SF9212	19/08/2002	SCC Easement (S)	Approved (S)	19/08/2002
DA97-476	02/12/1997	Other Storage & Goods Handling N.E.C.	Approved (T)	03/02/1998

Old Applications prior to 2nd Sept 1996

Application	Proposal	Decision	Owner	Original Lot
SD8264		Approved	Dixon R	

DA data prior to the 2nd Sept 1996

Application	Appl. Date	Proposal	Status	Status Date
DA88/2876	9/11/1988	Service Station	Approved	10/01/1989
DA88/1687	28/04/1988	Service Station	Approved	6/06/1988
DA85/2443	20/08/1985	Trade N.E.C.	Approved	8/10/1985

BA data prior to the 2nd Sept 1996

Application	Appl. Date	Proposal	Status	Status Date
BA96/0429	29/02/1996	COMMERCIAL ADDITIONS	Approved	19/03/1996
BA88/1897	05/07/1988	COMMERCIAL ADDITIONS	Approved	14/09/1988

197 Princes Highway – Lot 5 DP 12356

CC09/1814	22/07/2009	Construction Certificate	Industrial Additions - Install 3 Flood lights	Withdrawn	08/03/2010
DA09/1929	22/07/2009	Development Application	Industrial Additions - Install 3 Flood lights	Withdrawn	08/03/2010

Plain Sailing - since 2nd September 1996

Application	Appl. Date	Proposal	Status	Status Date
SF9212	19/08/2002	SCC Easement (S)	Approved (S)	19/08/2002

DA data prior to the 2nd Sept 1996

Application	Appl. Date	Proposal	Status	Status Date
DA88/1687	28/04/1988	Service Station	Approved	6/06/1988
DA84/2766	18/10/1984	Service Station	Approved	5/11/1984

BA data prior to the 2nd Sept 1996

Application	Appl. Date	Proposal	Status	Status Date
BA85/2359	30/10/1985	COMMERCIAL ADDITIONS	Approved	11/11/1985
SD96/1116	27/05/1996			
SD03/1722	30/10/1985			

Draft Subdivision of Lot 16 DP 1105304

Crown Lands is currently finalising a Land Claim over Lot 16 DP1105304 at Ulladulla. This will identify the land to be transferred to the Ulladulla LALC (see attached draft subdivision plan area marked proposed lot 50). The residual land identified as proposed lot 51 has been earmarked for the essential public purpose of road and has been refused as part of the claims assessed.

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

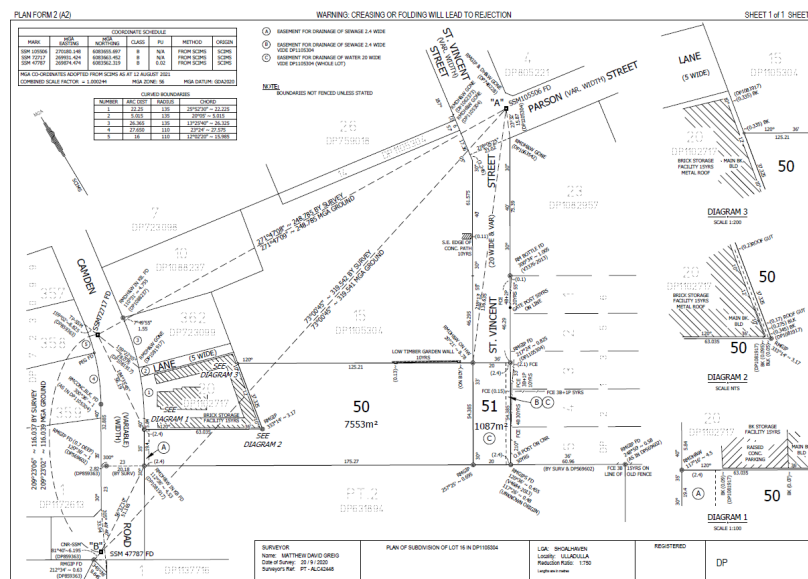


Figure 23 – Draft Subdivision of Lot 16 DP 1105304 provides for an extension of St Vincent Street to come under council ownership

3. Post-Lodgement

- | | |
|------------|---|
| 20/02/2020 | Requested landowners consent from property unit for proposed civil works on St Vincent Street and the Princes Highway. |
| 20/02/2020 | Council property Unit Manager provided council owners consent for civil works over council land (D20/59214). |
| 24/02/2020 | Internal & external referrals (1 st) issued |
| 2/03/2020 | Council issued stop the clock letter for integrated fees for Natural Resource Access regulator (NRAR). |
| 20/03/2020 | Council acknowledged receipt of integrated referral fees from the applicant |
| 23/03/2020 | Council issued RFI letter to applicant seeking more detailed information regarding the TIA, proposed civil works and stormwater design. |
| 30/03/2020 | Revised BDAR submitted. |
| 2/04/2020 | RFS issued recommended conditions of consent. |
| 6/04/2020 | TfNSW requested an updated Traffic Impact Study, SIDRA Modelling, for the intersection of Dowling Street and the Princes Highway, a more detailed concept design for the proposed civil works within the Princes Highway road reserve, revision to internal parking design, pedestrian refuge to the highway, swept path analysis for service vehicles into, through and out of the site and street lighting. |
| 4/06/2020 | NRAR General Terms of Approval received. |
| 17/06/2020 | Bunnings responded to RFI dated 23/03/20 and submitted revised stormwater and traffic reports and plans. |
| 2/07/2020 | 2 nd referrals issued to TfNSW, City Services & Development Engineer. |

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

- 13/07/2020 Concern was expressed about the location of the sewer and water drainage. The relocation of the stormwater water (substantial pipe system) and design of the system, having regard to the angles / noting also the proximity to Shoalhaven Water assets. The location of the pipe in a car park was mentioned and that it may be better to place the building over the pipe / easement. The advice prior to the DA (prelodgement) was to avoid building over easements and the stormwater be re-routed.
- 6/08/2020 TfNSW requested additional civil design information.
- 28/08/2020 Civil Design Issues Meeting held between Bunnings reps and council staff.
- 25/09/2020 Bunnings provided 3 concept civil design options in attempt to address council engineers concerns related to stormwater and sewer infrastructure.
- 29/09/2020 Civil Design Issues Meeting held between Bunnings reps and council staff.
- 30/09/2020 Bunnings provided updated civil design concept (Option 4) in attempt to address council engineers concerns related to stormwater and sewer infrastructure that burdens the site.
- 15/10/2020 Works and Services and Shoalwater provided feedback to Bunnings on concept civil design option 4 that addressed proximity of stormwater and sewer mains and the proposed development.
- 19/10/2020 Bunnings responded confirming intent to amend civil plans and corresponding architectural and landscape plans (latter only is required) to correlate with the civil concept outcome and need to clarify the proposed easement relocation on the uphill property being delivered by Council separate to the DA.
- 27/10/2020, 24/11/2020, 2/02/2021, 2/03/2021, 18/05/2021, 1/06/2021 - Meetings held between Bunnings and council staff to progress civil design issues.
- 6/11/2020 Letter to Bunnings from Asset and Works detailing offer to relocate existing stormwater easement to the adjoining land to the north.
- 8/12/2020 Bunnings provides letter (D20/544974) agreeing to support Council with the process for the proposed stormwater pipe relocation and relocation of existing easement, situated on the land known at 2B Parson Street, Ulladulla.
- 17/05/2021 Bunnings provided concept stormwater diversion sketches provided for discussion.
- 26/05/2021 Bunnings provided revised concept stormwater diversion sketches for review.
- 8/06/2021 Owners consent from the strata manager for 2B Parson Street Ulladulla provided to enable council to undertake works in private property outside the DA to undertake stormwater works in accordance with Sections 59A & 191A Local Government Act to divert the existing stormwater main and easement north of the Bunnings proposal to better align with the revised Bunnings internal civil concept design.
- 10/09/2021 3rd referrals issued to Shoalhaven Water, Development Engineer and Asset and Works.
- 13/09/2021 Bunnings submitted revised civil design plans, subdivision plan, stormwater and flood management plans.
- 3/11/2021 A&W provided comment on civil issues to be conditioned.
- 30/11/2021 Meeting between assessment planner and engineering staff to work through conditioning the development.
- 19/01/2022 Bunnings confirmed acceptance of minimum setback and height conditions for the proposed pylon sign.
- 2/02/2020 Bunnings advised - that they would agree to a condition for a new stormwater easement through the site to align with the upstream diversion works and the

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

approved stormwater plans for the development, details on delivery hours, amenity lighting provisions and accepted an additional provision containing an acknowledgement by the developer that Council may, in its absolute discretion, make a notation under Section 10.7(5) of the EP&A Act about the VPA on any certificate issued under section 10.7 of the EP&A Act relating to the land the subject of the VPA.

4. Consultation and Referrals

Internal Referrals

Referral	Recommendation	Comment
Development Engineer	<ul style="list-style-type: none"> •The western access point from St Vincent Street is to be formalised into a turning head rather than a terminating road – conditioned •Internal delineation in the form of hold lines and give way signage is to be implemented at the buildings and materials landscape yard with an aim to reduce drive confusion – conditioned •The display area will need to be minimised or removed to ensure no obstructions to sight distance or vehicle manoeuvring within the carpark area. – conditioned •All proposed retaining walls, especially those adjacent to lot boundaries must be maintained in a good condition by the landholder/benefitting party in perpetuity or an alternative solution must be provided. Use of retaining walls to hold up the road reserve is typically not accepted without significant assurances prior to determination. – conditioned •Guard rail is to be provided on public roads with adjacent retaining walls. The location must be offset in accordance with AUSTROADS and the sight distance implications at the proposed access points must be considered. – conditioned 	Conditions included in draft determination

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	<ul style="list-style-type: none"> •Lane width, and shoulder width on the proposed St Vincent Street extension must be provided – not required – conditioned. •Swept path circulation internal to the building has not been provided – conditioned 	
Works and Services		
Road Assets Unit	<ul style="list-style-type: none"> •Assessment of impacts to the access for the neighbouring lot to the south of the site, based on the concepts the driveway for the property will be sitting within the taper for the proposed left turn lane. •The left turn lane for customer access into the proposed development (off the Princes Highway) is, in Council's perspective, reasonable as "short term" solution. •Prior to the issue of a construction certificate, design plans must be done showing access to the site in conjunction with Council's Contributions Plan and current planning outcomes in consultation with Council. •The ultimate proposal does not take the potential on street parking allotments into account (see DCP S10) both in the Princes Highway corridor or the internal proposed road corridor. •It is noted that public transport will not be an item that is further explored as per the Traffic Impact Assessment (TIA). Council advises that this is not accepted and that consultation with TfNSW and Public Transport operators is to be undertaken as it is likely that this location will be a 	Conditions prepared by development engineer in consultation with City Services.

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	<p>prime candidate for additional bus stop infrastructure – comments from the initial referral: “It is advised that the developer consult with local bus companies to identify bus routes and bus stops and to determine what connectivity requirement is required for bus services in this location. Confirmation of this consultation is to be submitted to Council and should further modification be required relating to the servicing of public transport, it is to be compliant with the DSAPT.”</p>	
Natural Resource & Floodplain Section	<p><u>Flooding:</u></p> <p>The site is not impacted by 1% AEP event riverine flooding and is not mapped as being in a Flood Planning Area. The site does however comprise a stormwater overland flow path and drainage easement that passes through the site. This overland flow path comprises an unnamed Category 2 watercourse that is within 40m of the site. This overland flow path discharges into Racecourse Creek.</p> <p>The proposed flooding strategy comprises diversion of the existing 1,200mm diameter stormwater pipe around the proposed building (as shown on the concept civil engineering drawings), a minimum Finished Floor Level 500mm above the 1% AEP event flood level and providing an overland flow path beneath a suspended structure.</p> <p>The proposed development complies with Chapter G9 – Guidelines for Development on flood Prone Land of the Shoalhaven DCP.</p> <p><u>Stormwater:</u></p> <p>Refer to stormwater referral comments from Councils Development Engineer. A full list of stormwater conditions of consent shall be provided by the Development Engineer, including for the proposed rainwater tank and Soil & Water Management Plan.</p> <p><u>Water Sensitive Urban Design:</u></p> <p>The proposed development is a large lot development in accordance with Chapter G2 of the Shoalhaven DCP.</p> <p>The Stormwater & Flood Report (D20/50880) and Civil Package Plans (D20/50906) propose a WSUD strategy that comprises a below ground OSD tank for all events up to the 1% AEP event, a 40 kL rainwater harvesting tank with irrigation and toilet flushing reuse, EnviroPod devices in nominated inlet pits and 23 x 690mm PSORB StormFilter cartridges available from Ocean Protect that are fitted in a StormFilter chamber within the OSD tank to treat the water prior to it leaving the site.</p> <p>The proposed WSUD strategy includes a below ground OSD tank to achieve the 1% AEP event OSD requirements in DCP Chapter G2. The</p>	

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	<p>proposed proprietary stormwater treatment devices achieve the pollutant reduction targets in DCP Chapter G2. Whilst EnviroPod and StormFilter proprietary treatment devices are not accepted in public land, these devices are permitted in private property. EnviroPod devices must not be included in stormwater pits on the upgraded section of St Vincent Street. Limited calculations have been provided to demonstrate compliance with the stormwater retention and stream erosion index requirements in DCP Chapter G2, so these items have been conditioned.</p> <p>The proposed development complies with Chapter G2 – Sustainable Stormwater Management and Erosion / Sediment Control of the Shoalhaven DCP.</p> <p>Conditions included in draft determination.</p>	
Strategic Planning	<p>Draft VPA:</p> <p>Generally, no objection to the terms of the draft VPA. The following more minor comments are provided for consideration in finalising the agreement.</p> <p><i>15.14 Expenses and stamp duty</i> - It is noted that costs of dispute resolution are dealt with separately in section 10. Does subclause 15.14(b) adequately cover any other costs to Council that may arise in administering, implementing and monitoring the VPA? Yes</p> <p><i>Note on 10.7 Certificates</i> - Request that consideration be given to inserting an additional provision containing an acknowledgement by the developer that Council may, in its absolute discretion, make a notation under Section 10.7(5) of the EP&A Act about the VPA on any certificate issued under section 10.7 of the EP&A Act relating to the land the subject of the VPA. This is a provision in Council's existing policy on Planning Agreements and the draft new policy replacing it. Condition as per acceptance by Bunnings.</p> <p>Compliance with DCP Chapter S10 South Ulladulla:</p> <p>It is however noted that Figure 3 of Chapter S10 indicates a 'shared cycleway/footpath' along the western side of the Princes Highway / frontage of the subject land. The DA plans appear to only propose a footpath. Suggest that this be widened to be a shared cycleway/footpath as envisioned in the DCP. This work should be conditioned in the consent or included in the VPA.</p>	
Threatened Species	<p>Refer to comments under the Biodiversity Conservation Act below.</p> <p>Conditions included in draft determination.</p>	
Waste	Conditions provided	Conditions included in draft determination
Shoalhaven Water	Shoalhaven Water shall prepare a Notice of requirements for the proposed development based on the latest plans submitted by the applicant.	Conditions included in draft determination

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Environmental Health Officer	Environmental Services has reviewed 195-197 Princes Highway, Ulladulla NSW – Detailed Site Investigation – Ref:P1640-R-003-DSI-Rev0 – Bunnings Group Ltd prepared by Valley Civilab – 8/8/2019 for DA20/1068. Conditions provided	Conditions included in draft determination
Building Surveyor	The application does not comply with the deemed to satisfy requirements of the BCA with regards to egress and facilities, however the application may be subject to an alternate solution. Council is not the certifying authority. Recommend approval	Conditions included in draft determination
Landscape Architect	No response	Conditions included in draft determination
Property Services	Council property Unit Manager provided council owners consent for civil works over council land (D20/59214) on 20/02/2020.	

External Referrals

Agency	Recommendation	Comment
Rural Fire Service	Recommended conditions provided (D20/116687)	Conditions included in draft determination and copy of RFS response provided in Appendix 2 to the draft conditions
TfNSW	Concurrence and recommended conditions of consent provided on 22/09/2020	Conditions included in draft determination at Appendix 2
Endeavour Energy	Given the large size of the proposed development it is unlikely that the existing local network will have sufficient spare capacity available to facilitate the proposed development. As well as the capacity of distribution substations, other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. need to be assessed.	

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	<p>An extension and/or augmentation of the existing local network will be required. However the extent of the works required will not be determined until a detailed assessment is undertaken.</p> <p>Energy's preference is to alert proponents / applicants (and Council) of the potential matters that may arise as further development of areas continues to occur.</p> <p>In due course the applicant for the proposed development of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined.</p> <p>Depending on the outcome of the assessment, any required padmount substation/s will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy.</p> <p>Endeavour Energy referral response provided in draft determination at Appendix 2.</p>
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5. Statutory Considerations

Environmental Planning and Assessment Act 1979

Section 4.46 – Integrated Development

Act	Provision	Approval
Water Management Act 2000	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3

Agency	Recommendation	Comment
Water NSW	Approval	GTAs provided – refer Appendix 2 to the draft conditions

Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017

The purpose of the Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development (described in section 6 (2) of the Protection of the Environment Administration Act 1991).

Part 6 of the Act provides tools to avoid, minimise and offset biodiversity impacts from development and clearing through the Biodiversity Offsets Scheme (BOS). The BOS applies to development and clearing when;

- The thresholds under s.7.1 of the Regulation are exceeded;
 - The clearing of native vegetation of an area declared by cl. 7.2
 - The clearing of native vegetation on land included on the Biodiversity Values Map (BV map)

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The total area of the 6 lots combined is approximately 2.5ha. The subject site is all zoned B5 Business Development. No minimum lot size is assigned for this zoning therefore the smallest lot size (0.39ha) applies for the purpose of determining the area clearing threshold for entry into the Biodiversity Offset Scheme (BOS).

EcoLogocal Australia (ELA) provided a bushfire constraints assessment (August 2019) (TRIM 50898). This states the proposed landuse, being industrial, does not require an APZ however RFS PBP2019 requires a 'defendable space'. As such an APZ of; West > 9m, South > 8m and South East > 37. ELA state this can be achieved without any fuel reduction outside the property boundaries for the subject site.

Area of native vegetation to be cleared or modified

The total area to be cleared and/or modified is 0.95ha;

- 0.48ha + 0.33ha of native vegetation representative of PCT 1082
- 0.14 ha of native vegetation representative of PCT 659

This area of proposed native vegetation removal is shown in Figure 13 of the Biodiversity Development Assessment Report (BDAR) prepared by Narla Environmental dated March 2020.



Figure 24 – Extract of BDAR – Native vegetation that will require offsetting

Evaluation of proposal against Triggers into the Biodiversity Offset Scheme

The area clearing threshold for entry into the BOS is 0.25 ha as the smallest Lot within the subject Site is <1 hectare. The proposed 0.95ha of native vegetation removal triggers entry into the BOS.

The proposal will not impact any areas mapped on the Biodiversity Values Map.

Review of provided Biodiversity Development Assessment Report

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The applicant submitted a *Biodiversity Development Assessment Report* (BDAR) by (Narla Environmental dated March 2020)

Narla (2020) described the proposal, development footprint, biodiversity and other environmental features of the site and provided site maps, native vegetation map and 1500m buffer vegetation cover map as required by the *Biodiversity Assessment Method* BAM.

Fauna/Flora Survey - Narla (2020) undertook field surveys for 10 Fauna and 14 Flora Species as detailed in Section 4 of the BDAR.

The BDAR states; *targeted flora surveys were conducted over four sampling sessions (each of one day duration), in July 2019, October 2019, November 2019 and March 2020 by Narla Environmental Ecologists. Targeted surveys were undertaken in accordance with the 'NSW Guide to Surveying Threatened Plants' (OEH 2016b) with maximum effort directed toward the suitable habitats located within the proposed development site.*

No threatened flora species were recorded or are considered likely to occur. One *Syzygium paniculatum* occurring was assessed as a garden planting was not considered further.

Narla (2020) determined and mapped (figure 10) the following PCTs (Plant Community Types) as being present on site/within the development footprint:

- Condition 1 PCT 1084: Red Bloodwood - Silvertop Ash - White Stringybark heathy open forest on coastal foothills, southern South East Corner Bioregion
- Condition 2 PCT 1084
- Condition 1 PCT 659: Bangalay - Old-man Banksia open forest on coastal sands, Sydney Basin Bioregion and South East Corner Bioregion
- Condition 2 PCT 659

Narla (2020) calculated Vegetation Integrity (V.I.) as follows:

Vegetation Zone	Current V.I.	Future V.I.
Condition 1 PCT 1084	66.7	0
Condition 2 PCT 1084	22.3	0
Condition 1 PCT 659	51.8	0
Condition 2 PCT 659	0	0

Narla (2020) determined and mapped (figure 10) 0.14ha of Condition 1 PCT 659 which equates to Bangalay Sand Forest endangered ecological community (EEC) as being impacted by the proposed development.

The BDAR identifies 4 vegetation condition zone(s) and undertook 1 survey plot in each in accordance with the BAM requirements (e.g one plot for vegetation zone of <2ha). The plot location is shown in Figure 10.

Twenty six ecosystem credit species were identified by the BAM calculator as potentially associated with native vegetation occurring on the subject land. BioNet records and habitat suitability were assessed for predicted species. One species (Yellow-bellied Glider) was excluded from the list of predicted ecosystem species due to the following reasons:

- (no hollow bearing trees present);

The remaining (25) ecosystem credit species were included in the BAM Predicted Species Report.

One species credit species (Southern Myotis) was determined as potentially associated with native vegetation occurring on the subject site. The BDAR states; *One (1) fauna Species Credit species was detected within the Subject Land, and will require offsetting as per the BAMC. Potential partial calls from Myotis macropus (Southern Myotis) were identified by an independent bat expert (Pearson*

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2019), and following the precautionary principle, we must assume this species utilises the associated PCT within the Subject Land. Therefore, 0.16ha of PCT659 must be offset.

The species polygon for *Myotis macropus* (Southern Myotis) was formed by mapping all of vegetation condition 1 of PCT 659.

Table 13 of the BDAR gives justification for excluding credit species predicted by the BAM calculator, based on habitat features present and results of targeted survey.

No expert reports were used for the assessment.

Mitigating and Managing Impacts on Biodiversity Values

Section 5 addresses the requirement of Chapter 8 of the BAM to avoid and minimise impacts. The BDAR refers to the disturbed condition of the site with regard to avoiding and minimising impact. Given the nature of the proposed development there is limited opportunity to redesign to avoid and minimise. Given the disturbed condition of the site and limited connectivity to better condition areas the subject site is considered suitable for the proposed development. Mitigation measures to minimise and mitigate impacts are detailed in Table 21 are comprehensive and will be incorporated into recommended conditions of consent.

Prescribed impacts are assessed in Table 23 of the BDAR. The proposal is not considered to equate to any prescribed impact as described in the BAM.

Potential Serious and Irreversible Impacts

No SAIL entities were identified within the subject land.

Biodiversity Credit Obligations

The direct impacts of the development on native vegetation and habitat have been assessed and a credit obligation has been calculated as follows:

The BAM Credit Summary Report

Biodiversity credit obligation options are shown in the table below. The BDAR includes the like for like credit retirement options which details the PCT's and regions that can be used as offsets. This is included within the recommended conditions.

Summary of credits required

Ecosystem Credits	<ul style="list-style-type: none"> - 15 credits for 0.8 ha of 1082 and, - 4 credits for 0.8 ha of PCT 659
Species Credits	<ul style="list-style-type: none"> - 4 Southern Myotis credits for 0.8 ha of vegetation impacted within 200m buffer

Site Assessment

A site visit was conducted on Monday 11th May. The purpose of the this was to assess vegetation communities against the mapping provided in the revised BDAR and become familiar with the site. Plant communities observed generally comply with the PCT vegetation communities described and mapped within the BDAR. No hollow bearing trees were observed, the condition of the vegetation zones was assessed and levels of disturbance was noted. Much of the native vegetation is regrowth dominated by coloniser species including Acacias and woody weeds. Better condition areas include a native canopy with predominately weedy understorey. Trees are within 20 years old and are not of sufficient age to produce hollows. The observations align with the findings of the BDAR.

Coastal Zone Management Plan 2018

Not applicable.

Illawarra Shoalhaven Regional Plan 2041 (ISRP)

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There are no site specific objectives in the ISRP that apply to the development. Strategy 27.1: Optimise the efficiency and effectiveness of freight handling and logistics network was considered and approved by TfNSW in their assessment of the heavy vehicle access from the highway and the provision of a new roundabout and median to the Princes Highway.

Council Policies

Voluntary Planning Agreements – POL19/78 applies to the development. Refer to Voluntary Planning Agreement discussion under part iiii Any Planning Agreement heading below.

6. 4.15 Assessment

The following provides an assessment of the submitted application against the matters for consideration under section 4.15 of the EP&A Act.

(a) Any planning instrument, draft instrument, DCP and regulations that apply to the land

i) Environmental Planning Instruments

Instrument
Shoalhaven LEP 2014
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy No 55—Remediation of Land
State Environmental Planning Policy No 64—Advertising and Signage

SEPP (Coastal Management) 2018

Not applicable

SEPP (Infrastructure) 2007

Considerations	Comments
Classified Roads	
<p>2. Development consent must not be granted unless:</p> <p>(a) Where practicable, vehicular access to the land is provided by a road other than the classified road,</p> <p>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:</p> <p>(i) the design of the vehicle access to the land, or</p> <p>(ii) the emission of smoke or dust from the development, or</p>	<p>TfNSW have provided conditions of consent and concurrence for the proposed works on and fronting the Princes Highway.</p>

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(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land.	
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SEPP 55 Remediation of Land

Question	Yes	No
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?	Proceed to Question 3	● Proceed to Question 2
2. Does the proposal result in a change of use (that is the establishment of a new use)?	● Proceed to Question 3	Assessment under SEPP 55 and DCP not required.
3. Does the application proposed a new: <ul style="list-style-type: none"> Child care facility Educational use Recreational use Health care use Place of public worship Residential use in a commercial or industrial zone 	Proceed to Question 5	● Proceed to Question 4
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land has been used for a listed purpose?	● Proceed to Question 5	Proposal satisfactory under SEPP 55 and DCP.
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?	● Request contaminated site assessment	Proposal satisfactory under SEPP 55 and DCP.

Council's Environmental Health Officer reviewed the submitted contamination report – *Detailed Site Investigation* (D20/50885) prepared by Valley Civilab Geotech and Environmental Services dated, 7 August 2019 and concurred with the findings and recommendations.

There are no concerns from a contaminated land perspective and it is considered that the proposal is satisfactory under SEPP No 55 and SDCP 2014, subject to recommended conditions of consent being imposed. Conditions have been incorporated into the recommended consent.

SEPP 64 – Advertising and Signage

SEPP 64 – Schedule 1	Comment
1 Character of the Area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage would be compatible with the character of the area.

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Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no identifiable theme for advertising in the locality.
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	no
3 Views and vistas	
Does the proposal obscure or compromise important views?	no
Does the proposal dominate the skyline and reduce the quality of vistas?	no
Does the proposal respect the viewing rights of other advertisers?	yes
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	yes
Does the proposal screen unsightliness?	Not applicable
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed free standing pylon sign with a signage display area of 4m x 7.2m (28.8m ²) double sided will be conditioned for a maximum height of 8m tall - no
Does the proposal require ongoing vegetation management?	yes
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes. The proposed signage is appropriate with respect to the scale of the building and incorporate a colour and theme consistent with the overall proposed development of the site for a Bunnings Warehouse.

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Does the proposal respect important features of the site or building, or both?	yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	No – not relevant
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	External lighting is proposed though no related platform is required to be fixed to the signage.
7 Illumination	
Would illumination result in unacceptable glare?	No. The proposed signage will involve small downlights on adjustable fittings which are mounted to the top of each sign pointed down.
Would illumination affect safety for pedestrians, vehicles or aircraft?	No
Would illumination detract from the amenity of any residence or other form of accommodation?	No
Can the intensity of the illumination be adjusted, if necessary?	Yes. The downward direction and intensity of the lighting is adjustable if required.
Is the illumination subject to a curfew?	Lighting is proposed between the hours of 6.00am and 10.00pm, every day.
8 Safety	
Would the proposal reduce the safety for any public road?	No
Would the proposal reduce the safety for pedestrians or bicyclists?	No
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No

Shoalhaven LEP 2014 (SLEP 14)

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Land Zoning

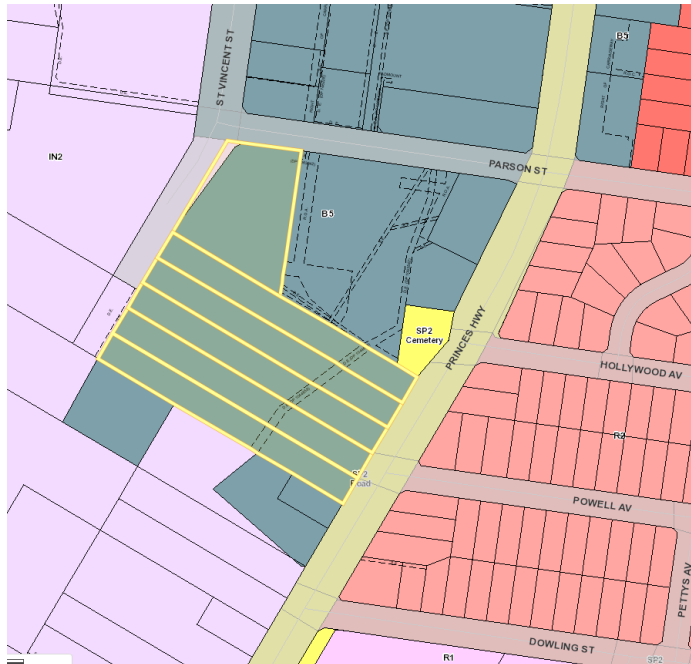


Figure 25 – Zoning Map SLEP 14

The land is zoned B5 Business Development and under the SLEP 14.

Characterisation and Permissibility

The proposal is best characterised as *hardware and building supplies* and *garden centre* under the SLEP 14. The proposal is permitted within the zone with the consent of Council.

Zone objectives

Objective	Comment
To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.	Satisfies the nominated objective.
To allow a diversity of activities that do not significantly conflict with the operation of existing or proposed development.	Satisfies the nominated objective.



SLEP 14 Clauses

Clause	Comments	Complies/ Consistent
Part 2 Permitted or prohibited development		


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2.6 Subdivision – Consent requirements	The application includes subdivision of 2A Parson Street (Lot 23 DP 1082957) into 2 lots with the southern portion to be amalgamated into the Bunnings consolidated site. No minimum site areas apply.	yes
2.7 Demolition requires development consent	Demolition works are proposed, and consent has been sought for these works as part of this application.	yes
Part 4 Principal development standards		
4.1 Minimum subdivision lot size	Not applicable	NA
4.1G Minimum subdivision lot size for boundary adjustments	Not applicable	NA
4.3 Height of buildings	This is the 'Height of Buildings' Clause in the Council's LEP.	No - refer to comments in section following table and clause 4.6.
4.4 Floor Space Ratio	There is no Floor Space Ratio Map that applies to the site.	NA
4.6 Exceptions to development standards	This is the 'Exceptions to Development Standards' Clause in the LEP – the mechanism through which variation can be sought to standards such as building height.	A CI 4.6 request has been submitted in relation to the building height breach - refer to comments in section following table.
Part 5 Miscellaneous provisions		

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<p>5.10 Heritage conservation</p>	 <p>Heritage item 490 (Old Ulladulla cemetery) abuts the northern boundary of 189 Princes Highway and is an important site associated with the prominent nineteenth century Millard family.</p>  <p>The cemetery also known as 'Racecourse', 'Boat Harbour', 'Burrill' and 'Ulladulla' was first used for burials from 1858.</p> <p>The site comprises Lot 7012 DP 1031353 and adjacent road reserve. It is a small private cemetery surrounded by trees and vegetation. The site consists of three marked graves with sandstone headstones and inscriptions set in a pebbled, chained off area with over 70 burials located with at least 13 Aboriginal burials. Two thirds of the cemetery was lost under roadworks when the Princes Highway was diverted.</p> <p>Clause 5.10(4) requires council to consider the effect of the proposed development on the heritage significance of the item or area concerned.</p> <ul style="list-style-type: none"> • The marked grave sites are located approximately 30m north of the Bunnings development site and 14m south of Ulladulla Toyota. • No works are proposed within the heritage site. 	<p>Yes</p>
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	<ul style="list-style-type: none"> Vegetated perimeter surrounding the cemetery will remain as is. The proposed development incorporates a 6.5m wide driveway adjoining the boundary with the cemetery lot and an 11m vegetated landscaping setback to the highway that aligns with the southern boundary of the cemetery lot. It is considered that the development maintains the landscaped open setting surrounding the cemetery and will not result in any adverse impact to the heritage significance of the cemetery. 	
Part 7 Additional local provisions		
7.1 Acid sulfate soils	Not applicable. Acid sulfate soils management plan not required.	Yes
7.2 Earthworks	<p>The provisions of subclause (3) have been considered.</p> <p>The proposed earthworks will have no detrimental effect on use of the subject site or the existing and likely amenity of adjoining properties.</p>	Yes
7.3 Flood planning	<p>Council's Flood Engineer confirmed that there is no objection to the development subject to recommended conditions of consent being imposed.</p> <p>Therefore, the requirements of this clause and particularly the provisions of subclause (3) are satisfied.</p> <p>The proposal is compatible with the flood hazard of the site and will not adversely affect the environment, nor is it likely to result in unsustainable social and economic costs to the community or affect the safe occupation or evacuation of the site.</p>	Yes
7.5 Terrestrial biodiversity	Refer to assessment under the Biodiversity Conservation Act. Complies with conditions	Yes
7.6 Riparian land and watercourses	 <p>A category (2) watercourse extends into the site as shown on the Riparian Lands and Watercourses Map above. The</p>	Yes

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	<p>flora and fauna assessment prepared by Ecological found no evidence of the natural watercourse in the subject land when inspected. The report notes that a stormwater drainage system is on the land and with the outlet pipe near the Southwestern boundary draining into an open channel to the southwest.</p> <p>The natural resource access regulator NRAR has provided general terms of approval appropriate (GTAs) to address issues identified under clause 7.6(3) and 7.6(4) of the SLEP 14.</p>	
7.11 Essential services	Services are available.	Yes
7.12 Council infrastructure development	The proposed development includes the provision of council infrastructure in the form of associated civil works comprising small extension to St Vincent Street and roundabout and median works to the Princes Highway under a Voluntary Planning Agreement (VPA).	Yes

Part 4 Principal development standards discussion

Clause 4.3 Height of Buildings

The objectives of this clause are:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality;
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development; and
- (c) to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.

The Shoalhaven LEP includes a Height of Buildings Map, which overlays different maximum building heights for land throughout the LGA.

Two (2) maximum building heights apply to the subject development. A maximum building height of 8m (I1) applies to a narrow strip parallel and adjacent to the Princes Highway frontage and the remainder of the site has a maximum building height of 10m (K).

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Figure 26 – Building Height Map SLEP 14

After discussion and agreement with the applicant the height of the pylon sign will be conditioned and reduced in height to comply with the 8m building height limit (I1). (Note – the sign is not considered a building / structure for the purposes of height, however the scale and size of the Pylon sign is more appropriate with a reduced height matching the limitation.)

The height of the warehouse building exceeds the 10m height limit.

Clause 4.6 (Exceptions to development standards)

Development consent may, subject to clause 4.6, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

The development standard is not excluded from the operation of clause 4.6 as it is not listed within 4.6(8) of SLEP 14.

Development Standard to be Varied

The application seeks a variation to Clause 4.3 Height of Buildings in accordance with Clause 4.6 of SLEP 14.

Clause 4.3 (2) states:

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map;

Subclause (2) of Clause 4.3 establishes the building height of 10m for the warehouse building

Extent of the Variation

The development does not comply with this development standard as it will have a maximum height of 11.6m for a portion of the parapet and 11.2m for the main entry gable. This represents a minor variation to the numerical standard of 16% for the parapet and 12% for the main entry gable.

The extent of the height breach is demonstrated in the two elevation plans below Figures 27 and 28.

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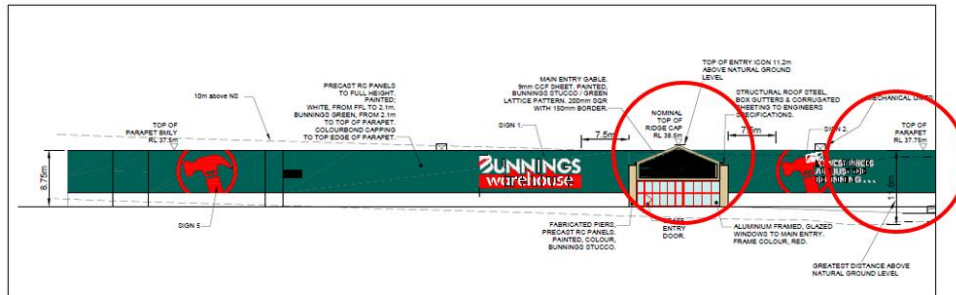


Figure 27 – Part Southwest elevation height breaches

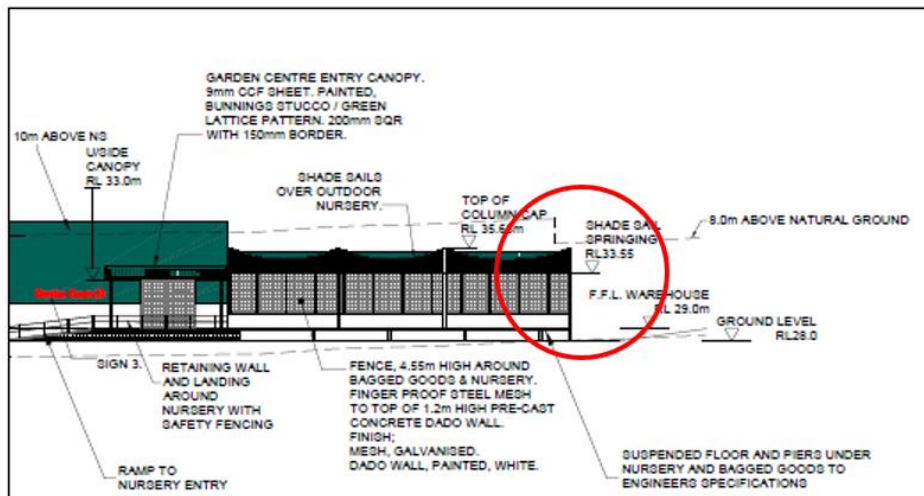


Figure 28 – Part Southwest elevation (eastern end) height breaches

Written Request provided by the Applicant

The applicant has submitted a written request to justify the contravention of the development standard. Council is required to consider subclauses (3), (4) and (5) of Clause 4.6. Clause 4.6(3)-(5) are extracted from SLEP 14 below:

(3) Development consent must not be granted for development that contravenes a development

standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) Development consent must not be granted for development that contravenes a development standard unless:

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- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Secretary has been obtained.*
- (5) In deciding whether to grant concurrence, the Secretary must consider:*
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Council must be satisfied that clause 4.6(4)(a)(i) and (ii) have been addressed prior to the grant of development consent.

The applicant's written request seeking to justify the contravention of the development standard must adequately address the matters required to be demonstrated by clause 4.6(3). Subclause (3) requires the following two matters to be addressed:

1. That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (cl 4.6(3)(a)); and
2. That there are sufficient environmental planning grounds to justify contravening the development standard (cl 4.6(3)(b)). The written request needs to demonstrate both of these matters.

Clause 4.6(3)(a) – Compliance with the Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case

To assess whether compliance with a development standard is unreasonable or unnecessary the Courts have provided guidance in the required assessment, with particular reference to the accepted "5 Part Test" for the assessment established by the NSW Land and Environment Court (L&EC) in *Wehbe v Pittwater Council* [2007] NSWLEC 827 the principles outlined in *Winten Developments Pty Ltd v North Sydney Council* [2001] NSWLEC 46 and further clarified by *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118. The "5-part Test" is outlined as follows:

- 1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard.*
- 2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*
- 3. The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*
- 4. The development standard has been virtually abandoned or destroyed by the Council's own decisions in granting development consents that depart from the standard and hence compliance with the standard is unnecessary and unreasonable.*
- 5. The zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that*

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land and that compliance with the standard in the circumstances of the case would also be unreasonable or unnecessary.

The applicant, in the Clause 4.6 report prepared for the proposal, does not rely on part 4 of the '5 Part Test' as it is not considered applicable. The argument put forward is focussed on parts 1 – 3.

The objectives of Clause 4.3 are repeated below:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality;*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development; and*
- (c) to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.*

The following is an extract from the applicant's request (italicised font). Evaluation of reasoning is in the following section.

The proposal is consistent with the above objectives for the following reasons:

1 the objectives of the standard are achieved notwithstanding non-compliance with the standard;

- a) Careful consideration has been given to the location, size and design of the proposed development to ensure that a high-quality outcome will be achieved which will sit comfortably within the streetscape. The property's presentation in a streetscape context will be enhanced as a consequence of the proposed development given the setbacks and extensive landscaping across a large proportion of the frontage to the Princes Highway. The proposed height is generally consistent with that which is anticipated by the height control and will not result in an incompatible relationship with the context surrounding the site.*
- b) The proposal presents as an appropriate scale to the condition of the site and its context and does not result in any unreasonable visual impact, disruption of views, loss of privacy and loss of solar access to existing development surrounding the site. The visual impact of the development has been successfully mitigated by setbacks which provide opportunity for landscaping along the boundaries of the site and in particular the front setback to Princes Highway.*
- c) The site is not identified as a heritage item nor is it located in a heritage conservation area pursuant to clause 5.10 and Schedule 5 of the SLEP 14. The site is in the vicinity of the former Ulladulla Cemetery to the north which is identified as a local heritage item in Schedule 5 of the LEP (Item No. 490). The heritage inventory for the item describes the statement of significance for the item as follows:*

Important site associated with the prominent nineteenth century Millard family. Good examples of the stonemasons art. Historic, social and scientific values. Local significance (Shoalhaven).

The development proposes a driveway along the northern boundary of the site which adjoins the former Ulladulla Cemetery. The proposed 11 metre landscaped setback to the front of the building generally aligns with the length of the cemetery boundary. The development complies with the 8-metre height limit that applies to the site, adjacent to the cemetery. The non-complying element of the building is setback 50 metres from the front (south-east) boundary, behind the cemetery. The noncomplying element of the building also relates to the south-west side of the building. For these reasons the non-complying element of the building will not impact on the heritage significance of the heritage item as the open setting of the cemetery will be maintained.

2 the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

The underlying objectives and purpose of the height control are relevant to the proposed development. However, the proposed development is consistent with those objectives on the

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basis that the proposed height is compatible with the existing and future scale of the surrounding buildings and will sit comfortably with the context of the site with no significant adverse impacts to adjacent properties.

3 the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

The underlying objectives and purpose of the standard is relevant to the proposed development. However, the proposed development is consistent with the objectives on the basis that the proposed development achieves an appropriate height on the site which is compatible with the context of the site and results in minimal difference to views across the site when compared with a compliant height, provides a transition to adjacent properties and does not negatively impact on the amenity of adjacent properties. Strict compliance with the height control would not meaningfully reduce the impact of the development on the streetscape or neighbouring properties but would result in significantly reduced efficiencies in terms of the ongoing operation of the warehouse. Accordingly, it is considered that strict compliance would likely result in the defeat of the underlying object and purpose of the height control because it would encourage a less desirable outcome for the site.

Clause 4.6(3)(a) Evaluation of the written request relating to Clause 4.6(3)(a)- Compliance with the development standard is unreasonable or unnecessary.

The consent authority, must form the positive opinion of satisfaction that the applicant's written request(s) have adequately addressed those matters required to be demonstrated by clause 4.6(3)(a). The applicant has applied the first test established in *Wehbe v Pittwater Council* to argue that the development standard is unreasonable or unnecessary in the circumstances of the case because the objectives of the development standard are achieved notwithstanding non-compliance with the standard. The following justifications are made by the applicant:

Strict compliance with the 10m height of buildings development standard is considered to be unnecessary and unreasonable in the circumstance of this site as discussed below:

- The noncomplying element of the building does not result in any adverse visual impact on the public domain or the adjoining properties given the non-complying element of the building is setback 50 metres from the Princes Highway frontage of the site and 40 metres from the south-west boundary. The building elements within the 50-metre setback of the building fully complies with the 8 and 10 metre height limits.
- The visual impact of the building is also significantly ameliorated with regard to the Princes Highway given the development provides a generous landscaped setback of 11 metres. The development provides over 60% of the front setback as landscaped space where the DCP only requires 5% of the setback to be landscaped.
- The proposed variation will have no impact on the heritage significance of the adjoining heritage term as detailed above.
- The proposed variation of the height control is required to maintain the necessary internal specifications for the proper and efficient functioning of the Bunnings model and any reduction to the ceiling height will have a significant detrimental operational impact.
- The variation to the height of buildings control does not result in any privacy, solar or view loss impacts on the adjoining properties.
- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.

Comment: The justifications are accepted.

Clause 4.6(3)(b) Evaluation - There are sufficient environmental planning grounds to justify contravening the development standard

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The consent authority, must form the positive opinion that the applicant's written request has adequately addressed those matters required to be demonstrated by clause 4.6(3)(b).

To demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, held that the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.

The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient" (*Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 at [24]). In [24] of the judgment, Preston CJ outlined the two methods for demonstrating that a Clause 4.6 is "sufficient at paragraph [24] of case as follows:

First, the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 at [15].

Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [31].

The applicant's clause 4.6 variation request must provide a written justification that there are sufficient environmental planning grounds to justify contravening the development standard.

Applicant response

The objects specified in section 5(a)(i) and (ii) of the EP&A Act are:

'to encourage:

- i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- ii) the promotion and co-ordination of the orderly and economic use and development of land...*

The proposed development is consistent with the aims of the Policy and the objects of the EP&A Act in that:

- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.*
- The proposed variation allows for the most efficient and economic use of the land.*

The height of the building only represents a relatively minimal breach of the height control which does not result in any adverse impact and still achieves a similar scale to that which is anticipated by the height control for the site. Whilst the height of the entry feature is marginally higher than the parapet, this feature in fact serves to modulate the architectural form and create visual interest for the building and is considered a positive attribute.

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On the basis of the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the proposed height non-compliance in this instance.

Comment: The justifications are accepted.

Clause 4.6(4) (a)(i) Have the matters set out in section 4.6(3) been adequately addressed?

Comment: Yes

Clause 4.6(4)(a)(ii) Evaluation – Public Interest

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Pursuant to the provisions of the SLEP 14 the land is zoned B5 Business Development, the objectives of which are:

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To allow a diversity of activities that do not significantly conflict with the operation of existing or proposed development.

The proposal being a Bunnings Warehouse with nursery and cafe is not inconsistent with the B5 zone or the relevant objectives of the particular standard. Consequently, the proposed development is in the public interest.

Clause 4.6 (b) – Concurrence of the Secretary

The Council assumes the concurrence of the Secretary in this instance, when considering the application.

Clause 4.6(5)(a) - Matters of Significance for State or Regional Planning

The non-compliance with the maximum building height development standard will not raise any matter of significance for State or regional planning.

Clause 4.6(5)(b) - Public Benefit of Maintaining the Planning Control Standard

In the judgement of *Ex Gratia P/L v Dungog Council* [2015] (NSWLEC 148), Commissioner Brown of the NSW LEC outlined that the question that needs to be answered in relation to the application of clause 4.6(5)(b) is "whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development".

Comment: The applicant has demonstrated that the proposal's breach of the building height will provide a better planning outcome as opposed to strict compliance with the development standard or amending the application to reduce or remove the extent of the variation.

Clause 4.6(5)(c) - Other matters

No other matters need to be taken into consideration by the Secretary.

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Summary

The clause 4.6 Request adequately address the requirements of the clause and provides relevant justifications for numerous statements made in support of the exceedance of the building height standard. The clause 4.6 exception can be justified because:

- The applicant has demonstrated how the proposal is compatible with the height, bulk and scale of the existing and desired future character of the locality and therefore meets the objective 1(a) of Clause 4.3;
- The applicant has demonstrated how the proposal minimises visual impact to existing development and therefore meets the objective 1(b) of clause 4.3;
- The applicant has demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard;
- Because the proposal has been demonstrated to be consistent with the objectives of the standard, the proposed development is in the public interest; and
- The Clause 4.6 variation request is therefore supported.

Draft Environmental Planning Instrument

Nil relevant to subject proposal

ii) Any Development Control Plan

Shoalhaven DCP 2014

Generic Chapters
G2: Sustainable Stormwater Management and Erosion/Sediment Control
5.1 Stormwater
5.1.1 Minor and Major Systems Design
<u>Comment:</u> Subject to Council's Development Engineer recommended conditions of consent.
5.1.3 Climate Change Controls
<u>Comment:</u> Noted. No concerns raised by Council's Development Engineer.
5.1.4 Onsite Stormwater Detention (OSD)
<u>Comment:</u> Subject to Council's Development Engineer recommended conditions of consent.
5.2.1 Erosion and Sediment Control
<u>Comment:</u> Subject to Council's Development Engineer recommended conditions of consent.
5.2.2 Stormwater Retention – General
<u>Comment:</u> Subject to Council's Development Engineer recommended conditions of consent.

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<p>5.2.4 Large scale development</p> <p><u>Comment:</u> Subject to Council's Development Engineer recommended conditions of consent.</p>
<p>G3: Landscaping Design Guidelines</p>
<p>5 Controls</p> <p>A1.1 Existing trees and landscape elements which make a positive contribution to the character of the area should be retained and integrated into the redevelopment of the land. Proposals to remove existing trees and landscape elements must propose suitable landscaping to retain streetscape character.</p> <p><u>Comment:</u> Landscaping is proposed and subject to recommended conditions of consent.</p> <p>A1.2 Proposals to remove existing trees and landscape elements must propose suitable landscaping to retain streetscape character.</p> <p><u>Comment:</u> Proposed landscaping will retain streetscape character.</p> <p>A2.1 For development other than a new dwelling house, alterations and additions to a dwelling house or a dual occupancy, landscaping must be in accordance with an approved landscape plan for the site, prepared by a qualified landscape architect or designer. The plans should meet the performance criteria and show:</p> <ul style="list-style-type: none"> ▪ The street reserve, carriageway, parking bays, footpaths, cycleway systems, street lighting and driveways; ▪ Existing vegetation and proposed general character of tree planting and landscape treatment (including proposed species); ▪ Existing trees and significant vegetation on the site and identify those to be retained and those proposed to be removed; ▪ General arrangement of hard landscaping elements and major earth cuts, fills and mounding; ▪ Indicative treatment of any floodway and drainage lines; and ▪ General information on fencing, access points furniture, pavement materials and on-going maintenance requirements. <p><u>Comment:</u> The submitted plan is generally satisfactory in this regard.</p> <p>P4 Street trees are included and retained/replaced where appropriate, including in car parks, to provide shade and improve streetscape amenity.</p> <p><u>Comment:</u> The submitted plan is generally satisfactory in this regard.</p>
<p>G4: Removal and Amenity of Trees</p>
<p>Not applicable as proposed vegetation removal addressed under BDAR. Refer to Biodiversity Conservation Act Assessment of the submitted BDAR.</p>
<p>G5: Biodiversity Impact Assessment</p>
<p>Refer to Biodiversity Conservation Act Assessment of the submitted BDAR.</p>
<p>G6: Coastal Management Areas</p>

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NA
G7: Waste Minimisation and Management Controls
<p>A1.1.1 A Waste Management Plan is submitted with the development application in accordance with the Waste Minimisation and Management Guidelines.</p> <p><u>Comment:</u> A Waste Management Plan was submitted by SITA environmental solutions (D20/50868) which is considered acceptable to councils waste management section. Conditions of consent have been provided.</p>
G11: Subdivision of Land
<p>The provisions of 5.22 commercial subdivision are applicable.</p> <p>P108 Create a pleasant comfortable shopping an commercial environment that leads to attractive integrated development with adequate provision for safe access and parking.</p> <p><u>Comment:</u> Satisfied.</p> <p>P109 The major and minor stormwater drainage system has the capacity to safely convey stormwater flows resulting from the relevant design storm under normal operating conditions.</p> <p>Comment: Satisfied. Appropriate conditions are included in the draft consent.</p> <p>A109.1 The design and provision of utility services conforms to the requirements of the relevant service provider and councils engineering design specification.</p> <p><u>Comment:</u> Satisfied.</p>
G17: Business, Commercial and Retail Activities
<p>The provisions of 5.1.1 shopping trolleys are applicable.</p> <p>P10 Substantial retail outlets to include a Plan of Management for shopping trolleys.</p> <p>The applicant has contended that this is not necessary for the following reasons:</p> <ul style="list-style-type: none"> • The subject site is located a considerable distance from any residential uses and combined with the large size of the Bunnings trolleys the relocation of trolleys offsite to residential areas on foot is impractical to the extent that this behaviour is unlikely to ever occur. • Bunnings' retails "discretionary goods" not essential items one might find in a supermarket and people who are without private transport due to their economic circumstances, and far less likely to be shopping at Bunnings as opposed to shopping for essentials at a supermarket. • The proposal includes generous on-site car parking so that customers will not need to take trolleys offsite to access their car. • In the unlikely event that any Bunnings trolleys have been moved off-site, Bunnings has a policy of immediately retrieving any reported trolleys due to the considerable expense of the trolleys. • The use of shopping trolleys will be managed in the proposed new generation Bunnings warehouse in a similar fashion to the existing Bunnings Warehouse. Shopping trolleys will be available for customers to use throughout the warehouse complex and will be used to by customers to transport goods to their vehicles. Trolleys will then be placed in a trolley bay within the carpark and will then be collected by staff as required and returned to the warehouse.

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<ul style="list-style-type: none"> The existing Bunnings Warehouse has operated in the absence of a coin/token operated or like system without issue and it is not expected that the proposed redevelopment of the site would introduce any issues in relation to the management of trolleys. <p>Accordingly, the provision of a Plan of Management for the use of shopping trolleys is not warranted in the circumstances."</p> <p><u>Comment:</u> The justification provided by the applicant is considered reasonable and it is considered that a Plan of Management is not warranted for the proposed development.</p>
<p>G18: Streetscape Design for Town and Village Centres</p>
<p>A1.1 Streetscape works are provided in accordance with the Streetscape technical manual.</p> <p>Comment: Satisfied - submit landscape plan addresses the relevant requirements.</p>
<p>G20: Industrial Development</p>
<p>NA</p>
<p>G21: Car Parking and Traffic</p>
<p>5.1 Car Parking Schedule specifies</p> <p>RETAIL</p> <p>Bulky goods premises - 1 space per 50m² gross floor area.</p> <p>INDUSTRIAL</p> <p>Warehouses or distribution centre (used solely for the storage of goods) - 1 space per 300m² gross floor area.</p> <p>Special industrial - 1 space per 50m² gross floor area.</p> <p>Plant Nurseries - 1 Space per 50m² of site display area with a minimum of 15 spaces. This does not include CBD areas when parking is calculated on the standard retail rate.</p> <p>COMMERCIAL AND INDUSTRIAL</p> <p>Commercial and Industrial - For car parks associated with the regular use by long and heavy vehicles, an appropriate number of spaces are required (e.g. regional shopping complexes, industrial development, public car parks).</p> <p>The proposed Bunnings development scheme comprises:</p> <p style="padding-left: 40px;">Warehouse 5,786.8m²</p> <p style="padding-left: 40px;">Timber Trade 2,615m²</p> <p style="padding-left: 40px;">Nursery/Bagged Goods 1,925m²</p> <p style="padding-left: 40px;">Total: 10,326.8m²</p> <p style="padding-left: 40px;">Landscape Yard 790m²</p> <p><u>Comment:</u> Satisfied. The submitted Assessment of Parking and Traffic Implications prepared by TTPA provided an analysis of the peak parking demands specifically for Bunnings and applied the above rates to the proposed development. The proposed 182 parking spaces is considered adequate however no spaces are to be identified specifically for staff parking as the traffic assessment is a performance solution less than the acceptable solutions. Condition.</p>

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5.3 Parking Layout and Dimensions

Comment: Satisfactory subject to Council's Transport Engineer and Development Engineer recommended conditions of consent.

5.4 Car Park Landscape Design

Comment: Satisfactory subject to Council's Transport Engineer and Development Engineer recommended conditions of consent.

6.1 Traffic

A9.1 A traffic study to be provided as required in accordance with the Transport for NSW Guidelines.

Comment: A Traffic and Parking Assessment report prepared by TTPA (D20/50883) dated, November 2019 was submitted and reviewed by council engineers. Satisfied.

It is proposed to provide 164/5 parking spaces with staged vehicle access arrangements and 18 spaces in the Timber Trade area (i.e. total 182 spaces). This provision will include 6 accessible spaces and 3 trailer bays.

6.2 Access

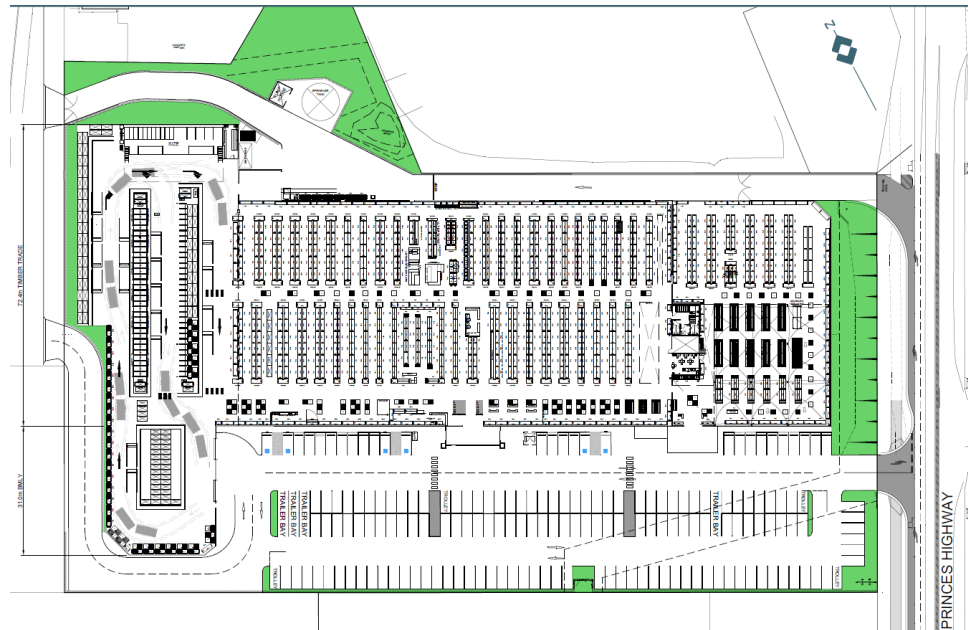


Figure 29 - Interim Access

- St Vincent Street extended southerly to accommodate separate car park (ingress/egress) and truck (egress) driveways
- A roundabout constructed at the Princes Highway Dowling Street intersection

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- Separate carpark access (left turn IN/OUT only) and truck ingress (left turn only) with left turn deceleration lanes on the highway frontage

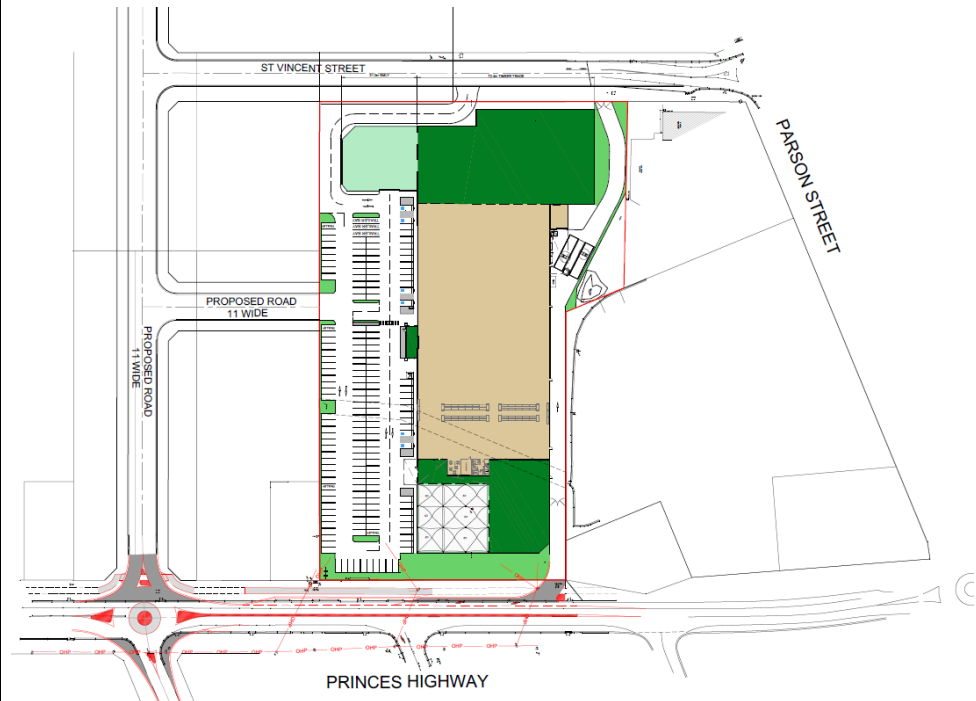


Figure 30 - Ultimate Access

- New access roadway constructed connecting into the Princes Highway/Dowling Street roundabout and a further extension of St Vincent Street.
- Closure of the temporary carpark access connection on the highway frontage.

Comment: Satisfactory subject to Council's Transport Engineer and Development Engineer recommended conditions of consent.

6.3 Manoeuvrability

Comment: Satisfactory subject to Council's Transport Engineer and Development Engineer and TfNSW recommended conditions of consent.

6.4 Service Areas

Comment: Satisfactory subject to Council's Transport Engineer and Development Engineer recommended conditions of consent.

6.5 Design of Driveways

Comment: Satisfactory subject to Council's Transport Engineer and Development Engineer recommended conditions of consent.

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G22: Advertising Signs and Structures

A1.2 Maximum sign face area of any (1) sign is not to exceed 8m².

Comment: Non-compliance refer consolidated comments below.

A1.3 Maximum sign face area should not exceed 1.5 metres squared of sign face area per metre of building width which is measured parallel to the front property boundary.

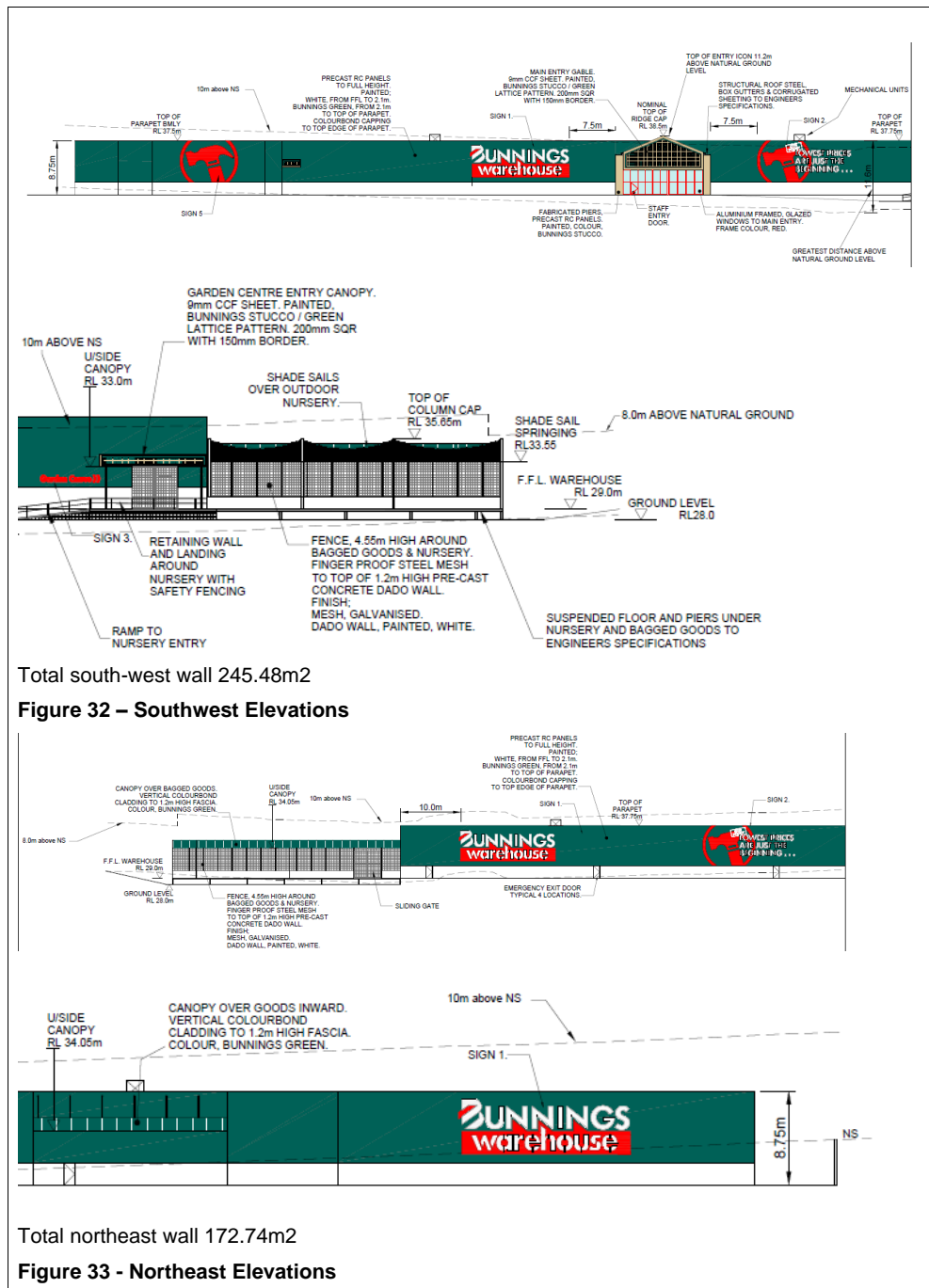
Comment: Non-compliance refer consolidated comments below.

On-Building Signage is proposed as follows:

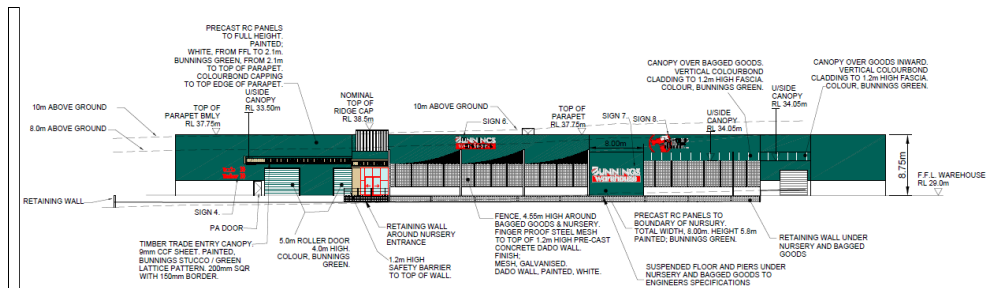
Sign Type	Sign Type and Dimensions (Refer to Drawing HD05 prepared by High Definition Design)
South-west elevation	
1 x 'Bunnings Warehouse' signs	Sign 1 – 15.8 x 4.5 metres (71.1sqm)
1 'Hammer' logo	Sign 2 – 15.4 x 6.6 metres (101.64 sqm)
1 'Hammer' logo	Sign 5 – 9.3 x 7.4 metres (68.82sqm)
1 x 'Garden Centre' sign	Sign 3 – 5.6 x 0.7 metres (3.92 sqm)
North-east elevation	
2 x 'Bunnings Warehouse' signs	Sign 1 - 14 x 4.5 metres (71.1sqm)
1 'Hammer' logo	Sign 2 - 15.4 x 6.6 metres (101.64 sqm)
South-east elevation	
1 x 'Bunnings Warehouse' sign	Sign 6 – 5.6 x 1.9 metres (10.64 sqm)
1 x 'Bunnings Warehouse' sign	Sign 7 - 7.7 x 2.3 metres (17.71 sqm)
1 'Hammer' logo	Sign 8 – 6.8 x 3 metres (20.4 sqm)
1 x Trade' sign	Sign 4 – 3.3 x 1.5 metres (4.95 sqm)
1 x Timber sign	Sign 4 - 3.3 x 1.5 metres (4.95 sqm)
North-west elevation	
1 x 'Bunnings Warehouse' sign	Sign 1- 15.8 x 4.5 metres (71.1 sqm)
1 'Hammer' logo	Sign 2 – 15.4 x 6.6 metres (101.64 sqm)

Figure 31 – Proposed signage table

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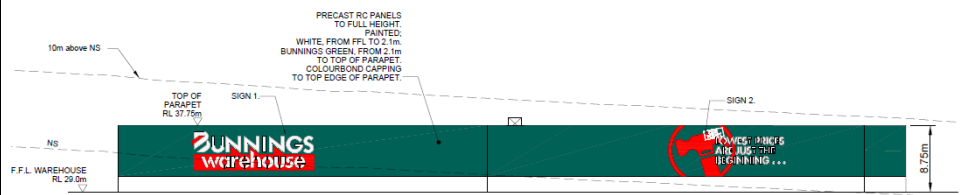


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Total southeast wall 58.65m²

Figure 34 - South-east Elevation



Total northwest wall 172.74m²

Figure 35 - Northwest Elevation

A1.4 Maximum sign face area should not exceed 0.35 m² of sign face area per lineal metre of road frontage. Road frontage to Princes Highway = 100.53m. Road frontage to St Vincent Street = 46.1m.

Comment: Non-compliance refer consolidated comments below.

A1.5 Maximum sign face area of any one sign is not to exceed 8 m².

Comment: Non-compliance refer consolidated comments below.

The applicant has provided the following justification for the proposed variation:

"The controls contained within the DCP in relation to signage in business and industrial zones suggest a limit on wall signage to a maximum of 8 square metres per sign and a maximum total sign face area of 1.5 square metres per metres of maximum building width measured parallel to the front property boundary. The DCP does not appear to contemplate signage on side and rear elevations.

The majority of individual signs exceed 8m² in area however due to the scale of the building it is unreasonable to strictly comply with the eightm² maximum control per sign as the proposed signage only occupies a relatively limited proportion of the area of each facade of the building and is considered to be an appropriate response to the building into the scale of the facades.

Based on the formula of 1.5 square metres of signage area per 1 lineal metre of building elevation, this would allow approximately 127.5m² of signage area on the front elevation (south-east) and 155.1m² on the rear elevation (north-west).

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

The cumulative total of signage on the south-east elevation is less than that which is contemplated by the 1.5:1 ratio in the DCP (58.65m²) and therefore the quantum of signage area relative to each facade size is considered to be proportionally acceptable.

The area of signage on the north-west elevation is only marginally more than the area specified in the DCP (172.74m²). Notwithstanding this, the sign area on the northwest elevation is acceptable for the following reasons:

- *The sign dimensions are based on the maximum width and height of the sign. As such the majority of the sign area incorporates the background green colour. Each sign does not therefore have the same visual impact as a sign with the same area that does not blend into the background colour.*
- *the signs are predominantly natural, recessive colours (white and green) and only include a limited amount of red, consistent with the branding of the store. As such the area of the signs does not result in an adverse impact on the South Ulladulla bulky goods precinct.*

All signage is located on the building facades and significant features of the warehouse such as architectural detailing and not obscured by signage. The placement of signage will not impact upon the residential amenity due to the location of the site within a commercial and industrial context. The signage is integrated with the building and achieves coherence and an appropriate visual impact.

The proposed signs are considered to be appropriate having regard to the context of the site and are consistent with bulky goods and commercial character within the area.

Comment: The signage relates well to and integrates with the proposed elevations of the building. Accordingly, the variation can be supported by Council.

A1.6 Maximum height should not exceed 10m as road frontage exceeds 100m.

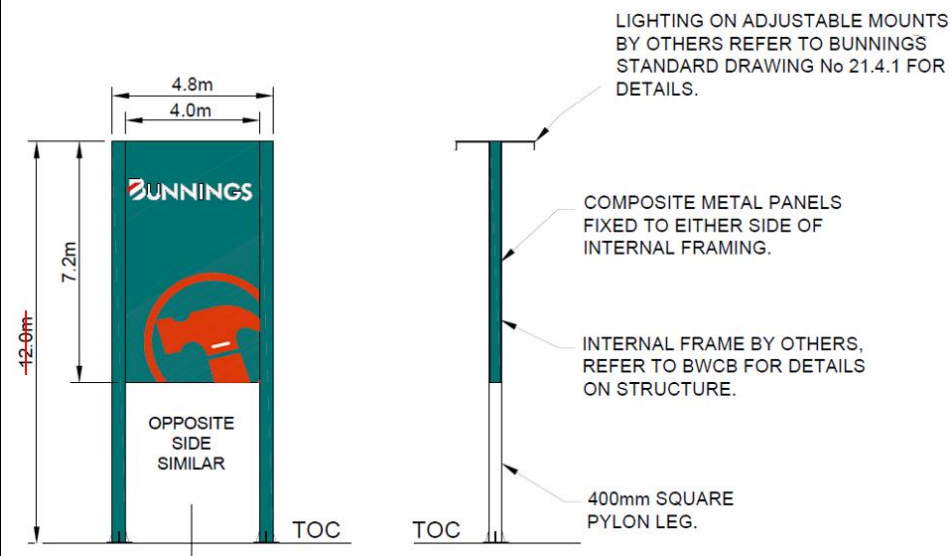


Figure 36 – Pylon Sign

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Comment: Non-compliance with maximum height of building limit which is 8.0m in the proposed location of the sign. Bunnings acknowledged the noncompliant height for the submitted pylon sign on 19/01/22 and advised that they would accept a condition for the sign to have a maximum height of 8.0m.

A1.7 Minimum side boundary setback is 3m.

The proposal externally illuminated pylon sign to be located in the southeast corner of the site with a display area of 4 metres by 7.2 metres double sided. (57.6m² display area).

Comment: Bunnings have advised that they would accept a condition for the sign to have a minimum 4.0m setback from the southern boundary. Condition.

G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines

Not applicable.

Area specific Chapters – South Shoalhaven

S10: South Ulladulla

5.2 Building form height and setback

Applicant

The proposed use of the building for hardware and building supplies is consistent with council's intention to create a bulky goods precinct for the Milton Ulladulla area that supplements the Ulladulla retail centre

The proposal includes the consolidation of 5 lots and one newly created lot to create sufficient area for the Bunnings warehouse and car parking area.

Comment: The proposed Bunnings warehouse is considered to provide appropriate setbacks and scale of development that is in keeping with the desired future character of the area, will provide for suitable landscaping, parking and safe access and egress to the Princes Highway. The design incorporates appropriate features that address the potential for flooding and bushfire impact.

5.2.2 Height of buildings

Comment: Refer to clause 4.6 variation. The building does not exceed 2 storeys.

5.2.3 Setbacks

Applicant

The DCP suggests that development is to have a front setback of a minimum 18m as measured from the front boundary of the property adjacent to the Princes Highway (west side). This setback may be reduced to 12.5m where it can be demonstrated that the building mass and bulk of the main structure will be reduced through the addition of a lightweight structure e.g. showroom or office. The bagged goods canopy and the covered outdoor nursery are to be setback around 11 metres from the front boundary. The minor variation to the 12.5 metre setback is reasonable an appropriate having regard to the following:

- More than 60% of the front setback area is landscaped whereas the DCP only requires 5% of this area to be landscaped. As such the development provides significantly more landscaping in the front setback than envisaged by Council despite the variation to the setback requirement.*

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- *The structures within the 18-metre setback (to which an 8-metre height applies) comply with the 8 metre height limit.*
- *The main warehouse building is setback approximately 50 metres from the boundary to ensure the scale of the building is minimised when viewed from the Princes Highway.*
- *The variation only relates to approximately 54% of the site's frontage.*
- *The majority of the area within 12.5 metres is an outdoor nursery with covered shade sails. The remainder of the variation is a bagged goods area with a low-profile canopy. The elements that encroach the 12.5 metre setback do not therefore result in an adverse visual impact, particularly given an 11 metre wide landscaped buffer is provided between the structures and the boundary.*

Comment: Setbacks for the proposed Bunnings warehouse are considered acceptable for a large consolidated site of this nature.

5.3 Architectural design

Applicant

The proposed facades of the development include an appropriate level of articulation and modulation having regard to the bulky goods character of the precinct. The building will be predominantly green with accents of red to reflect the business branding. The use of green is compatible with the surrounding natural environment and the character of development in the South Ulladulla precinct.

The materials include rendered precast panels and 4.55-metre high finger proof steel mesh fences around the bagged goods canopy area and nursery.

The parapet of the building relates to the design of the building and is not for decorative purposes. A pitched roof with a gable end is proposed over the main pedestrian entrance to the building to enable the entry to be clearly identified from the car park.

The structures within the 18-metre building line include shade sails over the outdoor nursery and a canopy over the bagged goods area.

Comment: The submitted architectural design is compatible with the South Ulladulla Industrial precinct.

5.4 Vehicle access, servicing and car parking

Applicant

The DCP requires bulky goods retailing and fringe commercial development to have adequate and visible car parking from any public street. Service vehicles are to be able to enter and leave the site in a forward direction. The Assessment of Traffic and Parking Implications prepared by TIPA addresses the provisions of Chapter 21 of the DCP related to the adequacy of car parking provided for the proposed use, delivery arrangements, access arrangements from St Vincent Street and the Princes Highway and manoeuvring on the site.

Comment: Refer to comments under Chapter G21.

5.5 Stormwater management

Applicant

The DCP requires On Site Detention for all new development and states that detailed drainage plans are to be submitted. The SFMP and civil engineering details prepared by C&M Consulting Engineers provide details of the OSD that is to be provided on the site.

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

Comment: Stormwater design for the development underwent a number of revisions during the assessment to resolve issues raised by Assets and Works and Shoalhaven Water in relation to their stormwater and sewer assets.

In addition, the stormwater easement upstream of the development site is being realigned at Bunnings cost enable stormwater to be redirected around the eastern end of the development and to provide adequate clearance to Shoalwater infrastructure.

5.8 Open space and landscaping

Applicant

Landscaping provided within the road reserve, including any street tree planting, is to be undertaken in accordance with Council's landscape master plan. All landscaping in the road reserve will be undertaken in accordance with Council's master plan.

Part 5.8.2 of the DCP provides that any landscaping that is forward of the front building line is to be an average width of three metres, of which one metre of the public footpath area may be utilised in achieving total requirements. The majority of landscaping in the front setback has a width of 11 metres.

Pursuant to part 5.8 of the DCP landscaping is to be provided to 5% of the area between the building line and the front property boundary. The required building line is 12.5 metres from the front boundary. This equates to an area of 1,257.81 square metres and therefore 62 square metres of landscaping is required. Despite the proposed variation to the 12.5 metre setback requirement the proposed development provides 797.5 square metres of landscaped area in the front setback which is 12.8 x the required area.

Comment: Complies

iiia) 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

The applicant has requested a Voluntary Planning Agreement (VPA) under s7.4 of the EPA Act which will require the Developer to provide road infrastructure. Specifically, the Developer has offered to make the following contributions of material public benefit:

- (a) Bring forward the construction of a roundabout and associated civil infrastructure at the intersection of Princes Highway and Dowling Street;
- (b) Bring forward the construction of approximately 170m of median and associated civil infrastructure within the Princes Highway road reserve from the northern alignment of the development site to the intersection of Dowling Street; and
- (c) Bring forward the construction of approximately 75m extension of St Vincent Street and associated civil infrastructure across the western boundary of the Development Land.

Contributions Project 05ROAD4008 (CP) requires the provision of internal access roads connecting a new roundabout at the intersection of Dowling Street and the Princes Highway to Camden Street and St Vincent Street. **Figure 37** shows the proposed internal access roads and roundabout (red lines & circle).

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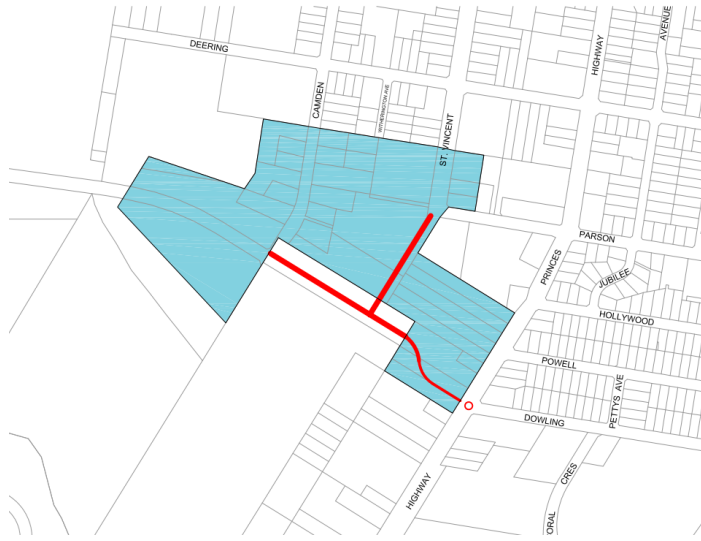


Figure 37 – Extract from SCC Contributions Plan 2019 - 05ROAD4008 Map

The roundabout and median works on the Princes Highway and the extension of St Vincent Street **Figure 38** (red bordered areas) form part of contribution item 05ROAD4008 in the Council's Contributions Plan that is addressed by the VPA.

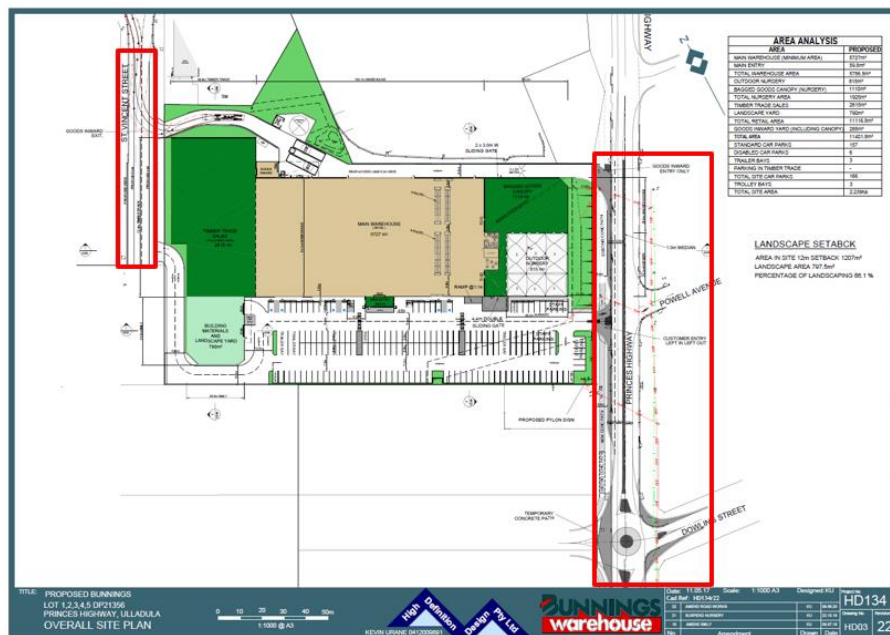


Figure 38 – Proposed roadwork infrastructure covered by proposed VPA identified by red borders.

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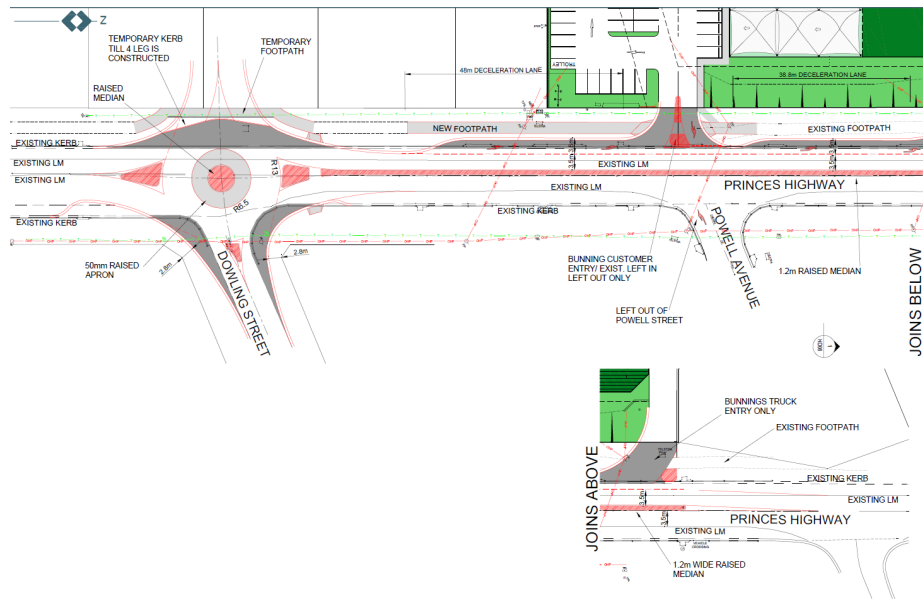


Figure 39 – Detailed Concept Plan for Princes Highway VPA roadworks (roundabout, median and associated infrastructure)

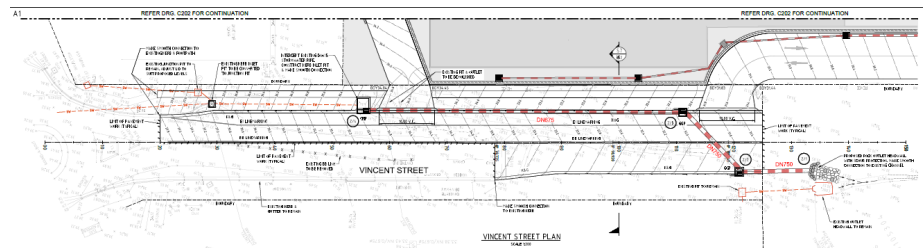


Figure 40 – Detailed Concept Plan for St Vincent Street VPA roadworks and associated infrastructure

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Shoalhaven Contributions Plan

Supporting Information

Project Code	05ROAD4008
Project Name	St Vincent Street Extensions to Princes Highway and Roundabout – South Ulladulla
Project Status	Project not completed

Estimated Project Cost Breakdown as at July 2018

Element	Length	Width	Quantity	Rate	Total
Highway roundabout			1 item	\$500,000	\$500,000
Highway roundabout: drainage			1 item	\$180,000	\$180,000
Highway Roundabout: adjustment of services and driveways			1 item	\$90,000	\$90,000
St Vincent Street extension	200m	13m	2,600m ²	\$171.15	\$445,000
St Vincent Street extension – kerb and gutter			400m	\$312.50	\$125,000
Connector road	440m	14m	6,160m ²	\$171.27	\$1,055,000
Connector road – kerb and gutter			880m	\$318.18	\$280,000
Sub Total					\$2,675,000
Design, field investigations and testing			1 item	\$190,000	\$190,000
Project management and site supervision			1 item	\$350,000	\$350,000
Administration and on-costs			1 item	\$240,000	\$240,000
Contingency			1 item	\$545,000	\$545,000
Estimated Project Cost					\$4,000,000

Apportionment Assumptions

Benefit Area 05ROAD3008	Estimated Equivalent Tenements (lots / dwellings)			Estimated Apportionment			2018 Contribution Rate per ET
	Existing	Potential	Total	Vehicles per day	% Traffic generation	Area cost	
1	107	642	749	N/A	90%	\$3,600,000	\$4,806.41
Assumed Through Traffic				N/A	10%	\$400,000	
				N/A	100%	\$4,000,000	

Figure 41 – Extract from SCC Contributions Plan 2019 - 05ROAD4008 Table

VPA Acceptability Test

When considering entering into a Planning Agreement, Council will apply the following test in order to assess the desirability of the possible outcome of a proposed Planning Agreement:

Criteria	Comment
Is the proposed Planning Agreement directed towards a proper and legitimate planning purpose having regard to its statutory planning controls and other adopted planning policies and the circumstances of the case?	<p>Yes - The Draft Planning Agreement:</p> <ul style="list-style-type: none"> promotes and co-ordinates the orderly and economic use and development of the Land to which the Agreement applies, allows for the delivery and co-ordination of roads and traffic facilities for the area surrounding the development, provides and co-ordinates roads and traffic facilities in connection with the Development. <p>It brings forward roadworks required under Council's Contribution Plan 05ROAD4008 and future roadworks identified under Chapter S10 South Ulladulla of Council's DCP</p>

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Does the Planning Agreement result in a public benefit?	<p>The Draft Planning Agreement promotes the public interest by:</p> <ul style="list-style-type: none"> • promoting the objects of the EPA Act set out in sections 1.3(a), (c) and (j); and • delivering road infrastructure and facilities which benefit the local and wider community.
Does the Planning Agreement provide for a reasonable means of achieving the relevant purpose?	The Draft Planning Agreement provides a reasonable means of achieving these planning purposes by requiring the Developer to carry out and complete road works for the Council, to facilitate the development of the Land in connection with the provision of necessary infrastructure and community facilities.
Can the Planning Agreement be taken into consideration in the assessment of the relevant development application?	Yes - The Draft Planning Agreement conforms with the Council's capital works program, Shoalhaven Contributions Plan 2019 and Chapter S10 South Ulladulla of Council's DCP to provide community infrastructure as a component of the DA.
Will the Planning Agreement produce outcomes that meet the general values and expectations of the community and protect the overall public interest?	<p>The Draft Planning Agreement promotes the elements of the Council's charter by:</p> <ul style="list-style-type: none"> • enabling Council to work with others to secure appropriate services for local community needs, namely working with the Developer to secure the provision of roads infrastructure and facilities, • enabling Council to manage lands and assets so that current and future local community needs can be met in affordable ways, namely by requiring the Developer to carry out the road works which will become assets of the relevant roads authority, • enabling Council to actively engage with its local community through the public exhibition of this planning agreement.
Does the Planning Agreement promote Council's strategic objectives in relation to the use of Planning Agreements?	Yes
Does the Planning Agreement conform to the fundamental principles governing the Councils use of Planning Agreements?	Yes the Planning Agreement consists of road work listed in Shoalhaven Contributions Plan 2019 and s7.11 is excluded, but only in relation to s7.11 which are for the same category of infrastructure as the works and land to be provided under the Planning Agreement.

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

Are there any relevant circumstances that may operate to preclude Council from entering into the proposed Planning Agreement?	No
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Public Exhibition of VPA

The draft VPA and Explanatory Note (Attachment 4) were exhibited with DA20/1068 from 26/02/2020 to 28/03/2020 and 11/03/2020 to 1/05/2020 in accordance with the EP & A Act.

No submissions were received during exhibition that related to the draft VPA and Explanatory Note.

Whether the Draft Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

Yes. This Draft Planning Agreement requires:

- (a) the Practical Completion of the works, obtaining of a Certificate of Practical Completion from a roads authority, and the provision of that Certificate of Practical Completion to the Council before the first Occupation Certificate is issued for the Development (clause 6.5), and
- (b) the provision of the required bank guarantee prior to the issuing of the first Construction Certificate for the Development (clause 9.2(a)), and
- (c) the registration of the Planning Agreement on the whole of the Development Land prior to the issuing of any Construction Certificate for any building in the Development (clause 8.1(g)), and
- (d) the submission of detailed design of the works to the Council and roads authority, obtaining their written approval to the detailed design and, if required by a roads authority, the entering into a works authorisation deed for the works, prior to the issuing of any Construction Certificate for any building in the Development (clause 6.1(b)).

Financial Implications

The Draft Planning Agreement is prepared on the basis that:

- (a) no s7.11 contributions will be imposed on the Development in respect of contribution item 05ROAD4008, and only up to the estimated costs of constructing the roundabout at the intersection of Princes Highway and Dowling Street and the extension of St Vincent Street as determined by an independent quantity surveyor,
- (b) if the estimated costs for those works exceed the s7.11 contributions for 05ROAD4008 that would otherwise have been required to be paid, Council will, after receiving a request from the Developer, pay the Developer the difference from funds collected by the Council from other developers for contributions item 05ROAD4008. This payment is only required after the road works are completed and any rectification notices are complied with, and
- (c) Council is not required to make any payment to the Developer after 31 December 2039.

Conclusion of VPA

Due to the material public benefit that would be realised from the ultimate construction of the road infrastructure, it is in Council's interest to support the proposal as recommended and proceed to enter into and register the Planning Agreement consistent with the detailed key terms. Refer **Attachment 4** to the Council Report.

iii) Environmental Planning and Assessment Regulation 2000

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Clause	Comment
cl.92 Additional matters that consent authority must consider b) demolition of a building, the provisions of AS 2601 c) development on land that is subject to a subdivision order made under Schedule 7 to the Act	(b) considered (c) Not applicable
cl.95 Deferred commencement consent	The draft conditions include deferred commencement conditions in accordance with cl95 of the regulations to address execution of the VPA, payment of council's legal costs for the preparation of the VPA and stormwater diversion works occurring on adjoining land upstream of the Bunnings development site.
cl.96 Imposition of conditions—ancillary aspects of development	Not applicable

Shoalhaven Contribution Plan 2019

The proposed development is considered to increase the demand for community facilities in accordance with the Shoalhaven Contributions Plan 2019 (the Plan). The development is most aptly characterised as an Retail development for the purpose of calculating contributions under the Plan.

AREA ANALYSIS	
AREA	PROPOSED
MAIN WAREHOUSE (MINIMUM AREA)	5727m ²
MAIN ENTRY	59.8m ²
TOTAL WAREHOUSE AREA	5786.8m ²
OUTDOOR NURSERY	815m ²
BAGGED GOODS CANOPY (NURSERY)	1110m ²
TOTAL NURSERY AREA	1925m ²
TIMBER TRADE SALES	2615m ²
LANDSCAPE YARD	790m ²
TOTAL RETAIL AREA	11116.8m ²
GOODS INWARD YARD (INCLUDING CANOPY)	285m ²
TOTAL AREA	11401.8m²
STANDARD CAR PARKS	161
DISABLED CAR PARKS	6
TRAILER BAYS	4
PARKING IN TIMBER TRADE	-
TOTAL SITE CAR PARKS	171
TROLLEY BAYS	3
TOTAL SITE AREA	2.239ha

Figure 39 – Extract from SEE Area Analysis

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Note: Given that there is a Voluntary Planning Agreement in play that brings forward part of the construction of St Vincent Street and the new roundabout/median works on the Princes Highway, contributions under s7.11 05Road4008 and s7.12 of the EP & Assessment Act do not apply to this development in accordance with Schedule 1 of the VPA.

Section 7.11 ET Calculations - DA20/1068 (UPN: 16498)

Close
Reset
Print
Return Calc

☐ Residential
☒ Non-Residential

Non Residential

Note: enter area in m2 and calculator will convert area to ETs.

	Existing	Proposed
Retail (Gross Floor Area m2)	200	11116.8
Commercial Office (Gross Floor Area m2)	0	160
Hotel / Restaurant (Gross Floor Area m2)	0	0
Bulky Goods (Gross Floor Area m2)	0	0
Industrial (Gross m2, include parking/landscape)	2511	0
Total ET		1080.72
Management Project ETs		42.82

Figure 40 – Extract from SCC Contributions Plan 2019 – ET Calculation

Project	Description	Rate	Qty	Total	GST	GST-Incl
CW-FIRE-2001	Citywide Fire & Emergency services	\$135.42	42.82	\$5,798.68	\$0.00	\$5,798.68
CW-FIRE-2002	Shoalhaven Fire Control Centre	\$198.11	42.82	\$8,483.07	\$0.00	\$8,483.07
CW-MGMT-3001	Contributions Management & Administration	\$563.13	42.82	\$1,428.18	\$0.00	\$1,428.18
Sub-Total:						\$15,709.93
GST-Total:						\$0.00
Estimate-Total:						\$15,709.93

Figure 41 – Extract from SCC Contributions Plan 2019 – Contribution Calculation

iv) REPEALED

(b) The Likely impacts of that development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality

Head of Consideration	Comment
Natural Environment	Subject to recommended conditions of consent as detailed in this report, it is considered that there will be no adverse impacts upon the natural environment.
Built Environment	Subject to conditions of consent as recommended, it is considered that there will be no adverse impacts upon the built environment.
Social Impacts	It is considered that there will be minimal social impacts.
Economic Impacts	It is considered that there will be no adverse economic impacts. The proposed Bunnings warehouse is a significant generator of employment opportunities and will result in jobs during the construction process and 125 (full-time, part-time and casual)

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Head of Consideration	Comment
	ongoing operations jobs once the building is complete (55 more positions than the existing Bunnings) that will provide positive multiplier effects to the local economy.

(c) Suitability of the site for the development

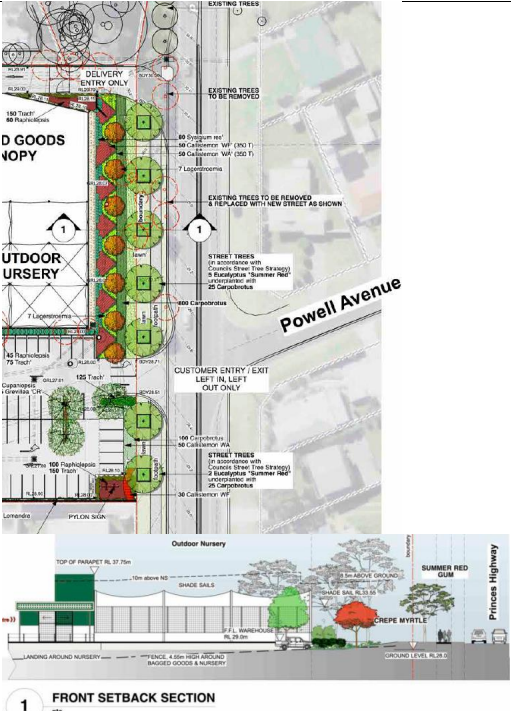
Subject to recommended conditions of consent, it is considered that the site will be suitable for the development.

(d) Submissions made in accordance with the Act or the regulations

The DA was notified in accordance with Council's Community Consultation Policy for Development Applications. One (1) Submission in the form of a petition was received by Council objecting to the proposal. The concerns raised are outlined below:

Summary of Public Submissions	
Objection Raised	Comment
Traffic and safety impacts to the Princes Highway during construction and operation particularly for periods of school drop off and pickup and holiday periods.	TfNSW as the roads authority for the classified road (Princes Highway) and council engineers for St Vincent Street have reviewed the potential impacts and safety of the proposed design on the operation of the Highway and St Vincent street and have provided their conditions of consent.
Suggestion that all heavy vehicle access/egress to be conducted off St Vincent Street	Not accepted by TfNSW as impactable. The supported design provides for semitrailer vehicle queueing within the site east of the unloading area that is efficient and safe.
If highway access points are approved as submitted would request a solid wall and hedge screening to stop noise and lights	The submitted landscape plan provides for significant screening along the road frontages that will minimise light spill impacts from car headlights. Given the existing background noise on the highway there is no evidence justifying the need of an acoustic barrier wall along the highway frontage and such a wall would be ineffective with breaks for vehicle entry/exits.

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	 <p>Figure 42 – Extracts from Landscape Plan</p>
<p>Requested site access locations to the be defined for construction</p>	<p>Traffic Control Plans are required for the development under the s138 applications to be obtained from TfNSW (Princes Highway) and SCC (St Vincent street).</p>
<p>Light spill from afterhours security lighting</p>	<p><i>Applicant response</i></p> <p><i>We can accept a DA condition that any lighting of signage be turned off outside of store operating hours. Our car park lighting however ought to remain on to minimise anti-social activity in our car park outside of trading hours, eg. late at night. Our standard car park lights are hooded to reduce glare and light spill. The impacts of light spill can be addressed in a DA condition which requires a design certificate be provided to the PCA from a qualified and experienced lighting designer that all external lighting shall comply with AS4282-1997 Control of Obtrusive effects of outdoor lighting.</i></p> <p><u>Comment:</u> Condition provided to the draft consent addressing the above comments.</p>
<p>Request lowering of the pylon sign to 6.0m</p>	<p>Sign conditioned to be lowered from 12.0m to 8.0m in line with the building height limit for the sign</p>

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

	location in accordance with agreement of the applicant.
Heritage grave	Addressed under cl5.10 of SLEP 14 above
Flora and fauna impacts	Addressed under Biodiversity Conservation Act comments above
Concern if impacting aboriginal heritage	The site is not identified as containing Aboriginal Cultural Heritage. A standard condition protecting the discovery of any aboriginal relics is included in the draft conditions.
Site contamination and verification of clean-up	A Detailed Site Investigation accompanies the application. The report recommends a Remediation Action Plan be prepared for the site outlining UPSS removal requirements and procedures in conjunction with a soil remediation plan. Council's environmental health officers have reviewed the Site investigation report and provided conditions of consent.
Negative impact on land value as a result of the development	Not a relevant matter for consideration under a DA
Trading hours to be notified	Proposed hours of operation are detailed on pg16 of the SEE which states - 6.00am to 10.00pm Monday to Friday and 6.00am to 7.00pm Saturdays, Sundays and Public Holidays. Internal activities outside of these hours, such as restocking are proposed.
Delivery hours for bunnings stock and construction materials need to be notified	<p><i>Applicant response</i></p> <p><i>Delivery hours will align with store operating hours and will normally occur on weekdays only during store trading times (ie. between 6am-10pm Monday to Friday). Any noisy activities associated with unloading have been confined to the far western end of the site away from the Princes Highway frontage. We consider that at this distance there will be no audible noise impacting nearby residents' created by Bunnings' trucks (above existing traffic noise on the Highway), or from unloading activities associated with the proposed store.</i></p> <p><u>Comment:</u> Traffic movements associated with demolition and construction will be addressed under the TCPs for the two s138 approvals required for the development of the site.</p> <p>Delivery hours for stock to be conditioned.</p>

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(e) The Public Interest

The public interest has been taken into consideration, including assessment of the application with consideration of relevant policies and process.

Delegations

Guidelines for use of Delegated Authority

The Guidelines for use of Delegated Authority have been reviewed and the assessing officer does not have the Delegated Authority to determine the Development Application given:

- The development estimated construction cost of \$16,950,000
- Clause 4.6 height variation exceeding 10% of the building height standard
- The development includes a VPA that requires council resolution to delegate authority to the CEO or his delegate to enter into and register the Planning Agreement consistent with the detailed key terms.

Recommendation

This application has been assessed having regard for Section 4.15 (Matters for consideration) under the Environmental Planning and Assessment Act 1979. As such, it is recommended that Development Application No. DA20/1068 be approved subject to appropriate conditions of consent.

Peter Johnston

Lead Development Services South
City Development
1/02/2022

Reviewers Comments:

Section 7.11 contributions have been reviewed and are agreed to
Draft Conditions of Consent have been reviewed and agreed to.

Calculation peer reviewed by staff

Choose an item.

Development Planner
City Development
3/02/2022

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

Appendix A – Assessment Checklist: Chapter G11 Subdivision of Land

5.22 – Commercial Subdivision

A108.1 The design and construction of the minor storm drainage system is capable of accommodating the 5% AEP flow and meet the requirements of Council's Engineering Design Specifications Chapter D5.

Comment: Complies

A109.1 The design and provision of utility services conforms to the requirements of the relevant service provider and Council's Engineering Design Specification.

Comment: Complies

Appendix B – Assessment Checklist: Chapter G17 Business, Commercial & Retail Activities

Performance Criteria	Acceptable Solutions	Compliance
5.1 Business, Commercial and Retail Development		
P1 Buildings provide legibility and definition to the streetscape.	A1.2 When a setback is applied, the area forward of the building line integrates the desired streetscape design and materials in line with the Chapter G18 Streetscape technical manual	Complies
P2 Building exteriors, structures, awnings and fences are robust, complementary of the existing character and make a positive contribution to the streetscape, especially pedestrian thoroughfares and public spaces.		Complies
P4 Amenity and safety of existing streets, lanes, paths and through-site links is enhanced.		Complies
P5 The proposed development and/or use does not generate emissions that could adversely affect the amenity of neighbouring premises.		Complies
P6 The development and/or use does not discharge any unregulated waste that may damage the environment or adversely affect the amenity of the area.		Complies
P7 The development and/or use provides adequate provision for on-site collection, storage and disposal of waste products in a way that does not adversely affect neighbouring premises or the environment.		Complies
P8 The hours of operation: • Do not have an unreasonable adverse impact on any neighbouring premises.		The proposed hours of operation are appropriate for a Bunnings Warehouse style development in the B5 Business Zone.

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

<ul style="list-style-type: none">• Encourage employment and street activation outside of standard business hours, in appropriate locations.	Appropriate design and conditions are incorporated into the development to prevent any unreasonable adverse impact to surrounding properties.
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Bridge Rd, Nowra NSW 2541 | 02 4429 3111
Deering St, Ulladulla NSW 2539 | 02 4429 8999

Address all correspondence to

The Chief Executive Officer, PO Box 42, Nowra NSW 2541 Australia
council@shoalhaven.nsw.gov.au | DX5323 Nowra | Fax 02 4422 1816

shoalhaven.nsw.gov.au     

NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION DEVELOPMENT CONSENT

Environmental Planning and Assessment Act, 1979
DA20/1068

TO:

Philip Drew
Development Approvals Manager
Bunnings Group Limited
Locked Bag 3277
Rhodes NSW 2138

being the applicant(s) for **DA20/1068** relating to:

189 Princes Hwy, ULLADULLA - Lot 1 DP 21356
191 Princes Hwy, ULLADULLA - Lot 2 DP 21356
193 Princes Hwy, ULLADULLA - Lot 3 DP 21356
195 Princes Hwy, ULLADULLA - Lot 4 DP 21356
197 Princes Hwy, ULLADULLA - Lot 5 DP 21356
2A Parson St, ULLADULLA - Lot 23 DP 1082957

APPROVED USE AND OR DEVELOPMENT:

Integrated Development (Water Management Act 2000) - comprising simultaneous consolidation of Lots 1-5 DP 21356 and subdivision of the consolidated land and Lot 23 DP 1082957 into 2 lots. Proposed Lot 1 (2.239Ha) for the new Bunnings development and proposed Lot 2 (2991m2) containing Project Lighting.

Demolition of existing structures and removal of existing vegetation over proposed Lot 1, and construction of a new hardware, building supplies and garden centre including car parking and signage.

Realignment of water, sewer and stormwater infrastructure within the subject site.

Draft Voluntary Planning Agreement & Explanatory Note for associated civil works including road upgrade portion of St Vincent Street and new roundabout/median works on the Princes Highway & Dowling Street Ulladulla.

Interim public vehicular access to and from the Princes Highway that is to be closed and replaced by an access road entry/exit to be provided via the St Vincent Street to Dowling Street road extension when completed by Council.

DETERMINATION DATE:

Pursuant to the Section 4.18 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

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CONSENT TO OPERATE FROM:

CONSENT TO LAPSE ON:

This consent is valid for five years from the date hereon.

In accordance with Section 4.53 of the Act, development consent for the use of the land or the erection of a building does not lapse if building, engineering or construction work relating to the building or work or the use is physically commenced on the land to which the consent applies before the lapse date.

DEFERRED COMMENCEMENT

DEFERRED COMMENCEMENT

Pursuant to s 4.16(3) of the *Environmental Planning and Assessment Act 1979*, the applicant must satisfy the following deferred commencement condition of consent prior to this development consent becoming operative:

- a) Pursuant to section 7.7(3) of the *Environmental Planning and Assessment Act 1979*, the applicant is required to enter into the Planning Agreement (D20/71712) between Shoalhaven City Council and Bunnings Properties Pty Ltd (draft dated 31/01/2020 Exhibited Version) with an additional provision containing an acknowledgement by the developer that Council may, in its absolute discretion, make a notation under section 10.7(5) of the EP&A Act about the VPA on any certificate issued under section 10.7 of the EP&A Act relating to the land the subject of the VPA.
- b) The Developer must pay the Council's reasonable legal costs, valuation costs and disbursements in connection with the negotiation, preparation, execution and carrying into effect of the Voluntary Planning Agreement Deed, as per 15.14(b) of the Planning Agreement.
- c) Completion of Part 5 stormwater diversion works under the *Environmental Planning and Assessment Act 1979* and registration of new stormwater easement on the adjoining land upstream (Lot CP75314) in accordance with an executed works agreement between Shoalhaven City Council and Bunnings Properties Pty Ltd.

Evidence that will sufficiently enable Council to be satisfied as to the compliance of these matters must be submitted to Council within two (2) years of the date of determination of this deferred commencement consent, failing which, this deferred development consent will lapse pursuant to s4.53(6), of the *Environmental Planning and Assessment Act 1979*.

This development consent will not become operative until such time that the Council notifies the applicant in writing that the requirements of deferred commencement have been satisfied.

DETAILS OF CONDITIONS:

The conditions of consent and reasons for such conditions are set out as follows:

PART A
CONDITIONS OF A GENERAL NATURE, INCLUDING A DESCRIPTION OF THE
PROPOSED DEVELOPMENT

1. **General**

This consent relates to Integrated Development (Water Management Act) comprising simultaneous consolidation of Lots 1-5 DP 21356 and subdivision of the consolidated land and Lot 23 DP 1082957 into 2 lots. Proposed Lot 1 (2.239Ha) for the new Bunnings development and proposed Lot 2 (2991m2) containing Project Lighting.

Demolition of existing structures and removal of existing vegetation over proposed Lot 1, and construction of a new hardware, building supplies and garden centre including car parking and signage.

Realignment of water, sewer and stormwater infrastructure within the subject site.

Draft Voluntary Planning Agreement & Explanatory Note for associated civil works including road upgrade portion of St Vincent Street and new roundabout/median works on the Princes Highway & Dowling Street Ulladulla.

Interim public vehicular access to and from the Princes Highway that is to be closed and replaced by an access road entry/exit to be provided via the St Vincent Street to Dowling Street road extension when completed by Council as illustrated on the plans (referenced in the table below), specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development must be carried out in accordance with this consent.

Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions prevail to the extent of that inconsistency.

STAMPED DOCUMENTS/PLANS	REF/SHEET NO.	PREPARED BY	DATED
Architectural Plans - Cover Sheet – HD134	HD00 R-22 D20/239543	High Definition Design P/L	9/06/2020
Context Plan – HD134	HD02 R22 D20/239543	High Definition Design P/L	9/06/2020
Existing Survey Plan – HD134	HD02 R-22 D20/239543	High Definition Design P/L	31/05/2020
Overall Site Plan – HD134	HD03 R-22 D20/239543	High Definition Design P/L	9/06/2020
Architectural Plans – Roof plan – HD134	HD04 R-21 D20/239543	High Definition Design P/L	9/06/2020
Architectural Plans – Elevation 1 of 3 – HD134	HD05 R22 D20/239543	High Definition Design P/L	31/05/2020
Architectural Plans - Elevation 2 of 3– HD134	HD06 R-22 D20/239543	High Definition Design P/L	12/11/2019
Architectural Plans - Elevation 3 of 3– HD134	HD07 R-22 D20/239543	High Definition Design P/L	12/11/2019
Architectural Plans – Section 1 of 2 – HD134	HD08 R-22 D20/239543	High Definition Design P/L	12/11/2019
Architectural Plans - Section 2 of 2 – HD134	HD09 R-22 D20/239543	High Definition Design P/L	12/11/2019

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Architectural Plans – Racking Plan – HD134	HD10 R-21 D20/239543	High Definition Design P/L	9/06/2020
Proposed Racking Plan – Proposed Office and Café Layout Plans	RPO_01 RB D22/16741	Bunnings P/L	15/12/2021
Architectural Plans – Pylon Sign – HD134	HD11 R-22 D20/239543	High Definition Design P/L	31/05/2020
Princes Highway Roadworks – HD134	HD12 R-22 D20/239543	High Definition Design P/L	31/05/2020
Princes Highway Roadworks – HD134 – Sheet 1 of 3	HD13 R22 D20/239543	High Definition Design P/L	22/04/2020
Princes Highway Roadworks – HD134 – Sheet 2 of 3	HD14 R-22 D20/239543	High Definition Design P/L	9/04/2020
Princes Highway Roadworks – HD134 - Sheet 3 of 3	HD15 R-22 D20/239543	High Definition Design P/L	9/04/2020
Princes Highway Typical Cross Sections – HD134 - Sheet 1 of 2	HD16 R-22 D20/239543	High Definition Design P/L	9/04/2020
Princes Highway Typical Cross Sections – HD134 - Sheet 2 of 2	HD17 R22 D20/239543	High Definition Design P/L	9/04/2020
Ultimate Princes Highway Road Works – HD134	HD18 R-22 D20/239543	High Definition Design P/L	31/05/2020
Roundabout Turning Movements – HD134 – Sheet 1 of 5	HD19 R-22 D20/239543	High Definition Design P/L	22/04/2020
Roundabout Turning Movements – HD134 – Sheet 2 of 5	HD20 R-22 D20/239543	High Definition Design P/L	22/04/2020
Roundabout Turning Movements – HD134 – Sheet 3 of 5	HD21 R-22 D20/239543	High Definition Design P/L	22/04/2020
Roundabout Turning Movements – HD134 – Sheet 4 of 5	HD22 R-22 D20/239543	High Definition Design P/L	22/04/2020
Roundabout Turning Movements – HD134 – Sheet 4 of 5 – St Vincent Street / Parson Street	HD23 R22 D20/239543	High Definition Design P/L	9/06/2020
Roundabout Deflection – HD134	HD24 R-22 D20/239543	High Definition Design P/L	22/04/2020
Landscape Plan	2607 LP-01 R-B D20/50919	John Lock & Associates Landscape Architecture	25/10/2019
Landscape Details	2607 LP-02 R-B D20/50919	John Lock & Associates Landscape Architecture	25/10/2019

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Sketch Plan of Proposed Subdivision of Lot 23 DP 1082957 & Lots 1-5 DP 21356 Princes Highway & St Vincent Street Ulladulla	103688 A D21/394371	SET Consultants P/L	31/08/2021
Sketch Plan showing levels, contours & Detail Survey over Lots 1-5 DP 21356 & Lots 245, 286, 287 & 303 DP 755967 at Princes Highway & St Vincent Street – Sheets 1-7	103688 R-D D20/50927	SET Consultants P/L	6/06/2019
Proposed Bunnings Warehouse Ulladulla – Civil engineering works for DA – Cover Sheet, drawing index, general notes & locality sketch	02172_C100 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – Site Layout Plan & Legend	02172_C120 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – General Arrangement Plan 1	02172_C201 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – General Arrangement Plan 2	02172_C202 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – Bulk Earthworks Cut & Fill Plan	02172_C231 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – Typical Sections – Sheet 01	02172_C351 R-P1 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – Typical Sections – Sheet 02	02172_C352 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – Catchment Plan	02172_C601 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – OSD Tank Details	02172_C621 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – Overland Flow Opening Detail	02172_C622 R-01 D20/50906	C & M Consulting Engineers	23/10/19

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Proposed Bunnings Warehouse Ulladulla – Overland Flow Opening Sections	02172_C622 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – Sediment & Erosion Control Plan	02172_C701 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – Sediment & Erosion Control - Details	02172_C702 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Bushfire Constraints Advice	Ref/Job No: 18HNG_11896 D20/50898	Eco Logical Australia P/L	7/08/2019
Aboriginal Due Diligence Assessment	11928 V1c D20/50896	Eco Logical Australia P/L	10/07/2019
Biodiversity Development Assessment Report	bunn1 V2.0 D20/110667	Narla Environmental P/L	March 2020
Flora and Fauna Constraints Assessment	Ref/Job No: 18HNG_11898 D20/50888	Eco Logical Australia P/L	29/07/2019
Detailed Site Investigation	Ref: P1640-R-003-DSI-Rev0 D20/50885	Valley Civilab P/L	7/08/2019
Assessment of Traffic and Parking Implications	Ref: 18252 D20/239517	Transport and Traffic Planning Associates	June 2020
Tree Assessment & Inventory	D20/50881	David Potts Consultant Arborist	July 2019
Stormwater & Flood Management Plan	R02172-SMP Revision B D21/394375	C&M Consulting Engineers Pty Ltd	June 2020
Statement of Environmental Effects	D20/50871	Sutherland & Associates Planning	Nov 2019
Waste Management Plan	D20/50868	Bunnings and SITA Environmental Solutions	Received 31/01/2020
Draft Voluntary Planning Agreement & Explanatory Note for associated civil works including road upgrade portion of St Vincent Street and new roundabout/median works on the Princes Highway & Dowling Street Ulladulla	(D20/71712 & D20/71719)	Allens Linklaters LLP	31/01/2020

Note: Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent

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under Section 4.55 of the Act, or a fresh development application. No works, other than those approved under this consent, must be carried out without the prior approval of Council.

2. **Prescribed Conditions**

The development must comply with relevant prescribed conditions of consent as detailed in the *Environmental Planning and Assessment Regulation 2000*. (See Division 8A.)

3. The approved development must not be occupied or the use must not commence until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with Council (i.e. a security).

4. **Occupation Certificate**

An Occupation Certificate must be issued by the Principal Certifier (PC) before any of the approved development can be used or occupied.

5. **Transport for NSW**

The conditions of Transport for NSW(Reference No. TH19/00074/07, dated 22 September 2020) are included as conditions of this consent. Refer to **Attachment 2** to this development consent.

6. **Access to Development Site Staging**

Initial access

Initial access to the development from the Princes Highway to be provided in accordance with Attachment 1 of the conditions of Transport for NSW(Reference No. TH19/00074/07, dated 22 September 2020). This arrangement is permitted until such time that the alternative road is completed.

Ultimate Access

Upon the construction of the new link road between St Vincent Street and the new roundabout at the junction of the Princes Highway and Dowling Street, the left in/left out for light vehicles on the highway provided for under the initial access must be closed with kerb and gutter reinstated, line marking updated and landscaping extended to fill the gap of the former entry to the highway.

The primary light vehicle access will then need to be provided from the new link road in accordance with the Ultimate Princes Highway Road Works Plan HD18 Rev 22 dated 31/05/2020 (Trim Ref: D20/251755) with the internal carpark revised to suit the new entry.

PART B
INTEGRATED DEVELOPMENT CONDITIONS

7. **Natural Resource Access Regulator – Integrated Development Conditions**

The conditions of the General Terms of Approval issued by **Natural Resource Access Regulator (NRAR)**(Reference No. IDAS1123081, dated 04 June 2020) are included as conditions of this consent. Refer to **Attachment 1** to this development consent.

PART C
CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE

8. Subdivision Certificate

A Subdivision Certificate is required to consolidate and subdivide (Lots 1-5 DP 21356) and the relevant portion of Lot 23 DP 1082957 into a single lot comprising the (Bunnings) development land and a residual lot comprising the part of Lot 23 in DP 1082957 that will not form part of the development land (Project Lighting) and be issued to confirm completion of the subdivision development. All relevant conditions of development consent must be met or unless other satisfactory arrangements have been made with Council (i.e. a security). The applicant will be required to demonstrate compliance with this consent with application for a Subdivision Certificate.

9. Shoalhaven Water – Prior to the Commencement of Demolition Works

Prior to the Commencement of Demolition Works, all conditions listed on the Shoalhaven Water Notice of Requirements under the heading "Prior to the Commencement of Demolition Works" must be complied with. Written notification must be issued by Shoalhaven Water and provided to the Certifier.

10. Shoalhaven Water – Prior to the Commencement of Any Works

Prior to the Commencement of any works, all conditions listed on the Shoalhaven Water Notice of Requirements under the heading "Prior to the Commencement of Any Works" must be complied with. Written notification must be issued by Shoalhaven Water and provided to the Certifier.

11. Remediation Action Plan

- a) Prior to the commencement of works a Remediation Action Plan (RAP) is to be prepared for the Site outlining UPSS removal requirements and procedures in conjunction with a soil remediation plan in accordance with recommendations of *195-197 Princes Highway, Ulladulla NSW – Detailed Site Investigation* – Ref:P1640-R-003-DSI-Rev0 – Bunnings Group Ltd prepared by Valley Civilab – 8/8/2019.
- b) After completion of the remedial works (i.e. those works required by the RAP), a validation report for the development site must be prepared by a suitably qualified person in accordance with the *NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites*. This report must be prepared with reference to the *Environment Protection Authority Guidelines – Consultants Reporting on Contaminated Sites* and must:
 - i. Describe and document all works performed;
 - ii. Include results of validation testing and monitoring;
 - iii. Include validation results of any fill imported on to the site;
 - iv. Show how all agreed clean-up criteria and relevant regulations have been complied with;
 - v. Include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
 - vi.

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12. Ecosystem Credit Retirement

Prior to any works being conducted onsite, including any vegetation removal, the class and number of ecosystem credits in Table 1 must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits shown in Table 1, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the Council prior to any works being conducted onsite. A private certifier cannot assume the role of the consent authority in confirming compliance with offset conditions.

Table 1 Ecosystem credits required to be retired – like for like

Impacted plant community type	Number of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development	Trading Group	HBT
1082 – Red Bloodwood – Hard Leaved Scribbly Gum - Silver Top Ash Heathy Open Forest on Sandstone Plateaux of the lower Shoalhaven valleys, Sydney Basin Bioregion	15 credits	Jervis, Bateman, Ettrema, Illawarra and Jervis. Or Any IBRA subregion from a location within 100km of the impact site.	South East Dry Sclerophyll Forests This includes PCT's: 716, 879, 891, 892, 901, 932, 946, 1082, 1084, 1146, 1147, 1148, 1149, 1150, 1151, 1154, 1155, 1157, 1158, 1160, 1161, 1322, 1338, 1339, 1340	South East Dry Sclerophyll Forest <50%	No
659 – Bangalay – Old-man Banksia Open Forest on Coastal Sands, Sydney Basin Bioregion and South East Corner Bioregion	4 credits	Jervis, Bateman, Ettrema, Illawarra and Jervis. or Any IBRA subregion that is within 100 kilometers of the impacted site.	Bangalay Sand Forest of the Sydney Basin and South East Corner Bioregions this includes PCT's: 659, 1793	Bangalay Sand Forest of the Sydney Basin and South East Corner Bioregions	No

13.

Species credit retirement

Prior to any works being conducted onsite, including any vegetation removal, the class and number of species credits in Table 2 must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 2 requirements must be provided to Council prior to any works being conducted onsite. A private certifier cannot assume the role of the consent authority in confirming compliance with offset conditions.

Table 2 Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA sub-region
Myotis macropus / Southern Myotis	4 species credit	Anywhere in NSW

14.

Tree Barrier Fencing Identification

Trees and native vegetation to be retained within the consolidated site and along the Princes Highway frontage, as shown in the approved Landscape Plan (D20/50919) as well as trees within properties adjoining the subject site including the drip-line of trees must be clearly marked on the ground with temporary barrier fencing or similar visible material to avoid impacts during vegetation removal and construction. Temporary fencing must remain in place until all works are completed.

15. **Supervising Ecologist**

Prior to commencement of work on site, the applicant must commission the services of a qualified and experienced Ecologist Consultant. The Ecologist will be commissioned to undertake an extensive pre-clearing survey, identifying the presence of nests habitat-bearing trees and shrubs and other significant habitat features to be removed; and, supervise the clearance of trees and shrubs (native and exotic) in order to capture, treat and/or relocate any displaced fauna.

16. **Waste Minimisation and Management – Demolition and Construction**

A detailed Demolition and Construction Waste Minimisation and Management Plan (WMMP) must be prepared in accordance with Chapter G7, Shoalhaven Development Control Plan 2014. The WMMP must be approved by Council or an accredited certifier prior to work commencing.

Note: “Waste” has the same meaning as the definition of “Waste” in the Protection of the Environment Operations Act 1997.

17. **Principal Certifier, Construction Certificate and Notice of Commencement**

The following must be undertaken prior to the commencement of any physical activity:

- A Principal Certifier (PC) must be appointed. For subdivision works in existing public roads, only Council can be appointed as the PC;
- A Construction Certificate for any building works must be obtained from either Council or an accredited certifier before civil works of any kind (internal or external) can commence;
- A Subdivision Works Certificate must be obtained from either Council or an accredited certifier prior to any physical activity authorised to be carried out in connection with a subdivision under the conditions of a development consent for the subdivision of land

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- d) Notice must be given to Council at least two (2) days prior to the commencement of any works;
- e) Council must be advised in writing of the name and 24hr contact number of the designated person/company nominated by the developer or their agent to be responsible for construction of all engineering works including erosion and sediment control measures and their maintenance; and
- f) Any clearing of vegetation approved under this consent is not permitted unless:
 - i) The erosion and sediment control measures required by this consent have been implemented and inspected by Council;
 - ii) Evidence of an application for a Construction Certificate is provided to Council; and
 - iii) The clearing is carried out in accordance with the relevant conditions of this consent and the approved Waste Minimisation and Management Plans.

18. Builders' Toilet

Before commencing building operations, a builder's water closet accommodation must be provided to Council's satisfaction.

A chemical toilet may be used on the site or alternatively the site may be provided with temporary closet accommodation connected to Council's sewer where sewer is available and operational. Under no circumstances will pit toilets or similar be accepted by Council.

19. Existing Services/Damage to Public Assets (Dilapidation Report)

Prior to the commencement of any work(s) associated with this development, the person benefitting from this consent must:

- a) Check that the proposed works are not affected by any Council, electricity, telecommunications, gas or other services. All services, existing and proposed, above or below ground are to be shown accurately on the engineering plans including longitudinal sections with clearances to proposed infrastructure clearly labelled. Any required alterations to services as a consequence of undertaking works under this consent or any repair to services will be at the expense of the person benefitting from this consent; and
- b) Undertake a site inspection and document any evidence of damage to the public assets prior to commencement of work. Any damage to the adjacent kerbs, gutters, footpaths (formed or unformed), walkways (formed or unformed), carriageway, reserves and the like, that occurs during development works must be repaired by the person benefitting from this consent. Failure to adequately identify existing damage will result in all damage detected by Council after completion of the building work being repaired at the expense of the person benefitting from this consent. A copy of the inspection documentation is to be submitted to Council prior to the commencement of works.

A copy of the inspection documentation is to be submitted to Council prior to the commencement of works.

20. Works within the Road Reserve

Prior to undertaking any works within an existing road reserve (excluding works under TfNSW approval), the developer must obtain the consent of Council under section 138 of the Roads Act, 1993.

Development Consent - Page 12 of 61 **DA20/1068**

The following details must be submitted to Council as part of the application:

- a) Any civil works design required by this consent.
- b) Evidence of the contractor's Public Liability Insurance to an amount of \$20 million.
- c) Name and contact information of the person responsible for all relevant works.
- d) A Traffic Control Plan prepared, signed and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation.
- e) Where the Traffic Control Plan requires a reduction of the speed limit, a 'Application for Speed Zone Authorisation' must be obtained from the relevant road authority.

21. **Construction Management Plan (Traffic & Parking)**

Details of the proposed method of dealing with construction traffic are to be submitted to Council for approval by Council's Development Engineer or Delegate. The details must include but are not limited to the following:

- a) Stabilised site construction access location.
- b) Proposed haulage routes for delivery of materials to the site and spoil disposal from the site.
- c) Estimated timing of construction works in the form of a Gant chart or similar.
- d) Parking arrangements for construction employees and contractors.
- e) Proposed maintenance of the haulage routes and the name of the person responsible for such maintenance. The approved haulage route may require upgrading and/or maintenance prior to the commencement of any works and maintenance during the construction period for public safety.

22. **Erosion and Sediment Control**

Prior to the commencement of works, a Soil and Water Management Plan (SWMP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified and experienced person and based on the Landcom manual - *Soils and Construction, Managing Urban Stormwater*, Vol 1, 4th Edition, March 2004", must be submitted to the Principal Certifier (for works within the development lot) and Council (for works within the road reserve) for approval.

23. Prior to the commencement of any works, the approved erosion and sediment control measures must be implemented by the contractor, and inspected and approved by the Principal Certifier prior to the commencement of any other site works. The erosion and sediment measures must be maintained for the life of the construction period and until runoff catchments are stabilised.

24. **Sign – Supervisor Contact Details**

A sign must be erected in a prominent position on any site where any building, subdivision or demolition work is being carried out:

- a) Showing the name, address and telephone number of the PC for the work;
- b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c) Stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the work is being carried out.

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25. **Public Safety and Protection of Public Property**

The site/area where works are being undertaken is to be fenced in accordance with Safework NSW requirements prior to the commencement of works, suitable for keeping members of the public and unauthorised people out.

26. **Asbestos – Notification of Neighbours**

Fourteen (14) days prior to the commencement of any demolition works involving asbestos, all immediate neighbours must be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and submitted to Council.

27. **Asbestos – Statement**

No later than seven (7) days prior to the demolition of any building or structure, a written statement must be submitted to Council indicating whether the building or structure contains asbestos or material containing asbestos and, if so, the following must also be submitted:

- a) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with *Australian Standard AS2601 - 2001: The demolition of structures*; and
- b) A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with *Australian Standard AS2601 - 2001: The demolition of structures*.

PART D
CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A CONSTRUCTION
CERTIFICATE CAN BE ISSUED

28. **Contributions for Additional Services and/or Facilities**

Note: No s7.11 monetary contribution is imposed on the development in respect of contribution item 05ROAD4008 as this matter is addressed in a Voluntary Planning Agreement.

This development will generate a need for additional services and/or facilities as described in Council's *Contributions Plan 2019*, as itemised in the following table:

Project	Description	Rate	Qty	Total	GST	GST-Incl
CW-FIRE-2001	Citywide-Fire-&Emergency-services	\$135.42	42.82	\$5,798.68	\$0.00	\$5,798.68
CW-FIRE-2002	Shoalhaven-Fire-Control-Centres	\$198.11	42.82	\$8,483.07	\$0.00	\$8,483.07
CW-MGMT-3001	Contributions-Management-&Administration	\$563.13	42.82	\$1,428.18	\$0.00	\$1,428.18
				Sub-Total:		\$15,709.93
				GST-Total:		\$0.00
				Estimate-Total:		\$15,709.93

Contribution rates are adjusted annual on 1st July in accordance with the indexation formula indicated in the Contributions Plan (currently the implicit price deflator) and the total contribution levied will be adjusted accordingly at the time of payment. (i.e. contributions are calculated on the rate applicable at the date of payment, not the date of development consent.)

A total contribution, currently assessed as per the table above or as indexed in future years must be paid to Council before the issue of a Construction Certificate.

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Contributions Plan 2019 can be accessed on Councils website www.shoalhaven.nsw.gov.au or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

29. **Pylon Sign**

The site and elevation plans for the pylon sign are to be modified to show a maximum sign height of 8.0m from finished ground level with a minimum 4.0m setback to the southern boundary of the consolidated site. Details of the modified sign, must be shown on Construction Certificate drawings for approval of the Principal Certifier.

30. **Design Standards – Works Within Road Reserve**

Prior to the issue of a Construction Certificate, all civil works proposed within road reserves not under control of TfNSW must be approved by Council. Note, certain works / activities in the Road Reserve require approval under s138 of the Roads Act 1993.

31. **Native Vegetation Protective Measures – Adjoining Land**

Where engineering works are proposed near retained native vegetation on adjoining properties the applicant must provide dimensioned engineering plans that show all areas of vegetation / trees to be retained surrounded by temporary protective fencing.

No plans are to be approved unless these protective measures are shown and contain a note stating the fencing is to be installed prior to works and must remain in place until all works are completed. No services (water sewer etc) are to be approved within areas of vegetation to be retained or under the "drip line" of trees to be retained.

32. **Retaining Walls - Design**

Prior to the issue of a Construction Certificate for approved retaining walls exceeding 0.6m in height above ground level (existing) and/or within 1m of a property boundary, detailed design plans must be prepared and submitted to the Certifier for approval. The retaining walls must satisfy the following:

- a) For retaining walls exceeding 0.6m in height above natural ground level (existing) a professional engineer has certified the retaining walls as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load as well as any other forces required by AS1170; and
- b) For retaining walls less than 0.6m in height above natural ground level (existing) the Certifier must be satisfied that the retaining walls are structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load as well as any other forces required by AS1170.
- c) Retaining walls, footings and drainage must be contained wholly within the development site.
- d) Construction within a registered easement is strictly prohibited.

Retaining walls not shown on the approved plan must meet the criteria for Exempt retaining walls and comply with the relevant criteria listed in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, or be approved by way of Complying Development prior to construction and comply with the relevant criteria listed in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Development Consent - Page 15 of 61 **DA20/1068****33. Existing Infrastructure**

Prior to the issue of a Construction Certificate, all infrastructure, existing and proposed, is to be shown accurately on the engineering plans including longitudinal sections with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure. Any required alterations to infrastructure will be at the developer's expense.

34. Construction Environmental Management Plan (CEMP)

A Construction Environmental Management Plan (CEMP) must be submitted prior to the issue of a Construction Certificate and must include measures to manage sediment and erosion, dust, pollutants, noise and stormwater leaving the site. The proposed mitigation measures would include environmental safeguards for protection of retained native vegetation on properties neighbouring the subject site.

Note: the soil and water management plan required by this consent can be incorporated into the CEMP.

35. Road Design Standards (Urban) – St Vincent Street

Prior to the issue of a Construction Certificate, certified road design engineering plans for the extension of St Vincent Street must be prepared by a suitably qualified engineer or surveyor and approved by Council. The road design must comply with the following:

- a) Councils Engineering Design Specifications Sections D1 – Geometric Road Design and D2 – Flexible Pavement Design.
- b) AUSTRROADS Design Requirements and Specifications.
- c) Concept Civil Design Drawings, Ref. No: 02172_C205, Revision 02 by C&M Consulting Engineers, Dated 10/11/2020 except:
 - i) Pavement width is to remain consistent at 12m for the full alignment of the extension of St Vincent St.
 - ii) The termination of St Vincent Street is to be a cul-de-sac with minimum radius 9.5m or an alternative design as agreed by Council.
 - iii) Guard rail is to be provided adjacent to the proposed retaining walls fronting St Vincent Street. The location must be offset in accordance with AUSTRROADS and designed with acceptable sight distance at the proposed access points as per relevant Australian Standards.

36. Design Standards – Traffic Committee Referral

Prior to the issue of a Subdivision Works Certificate details of proposed traffic management and traffic control devices must be submitted to the satisfaction of Council for referral and endorsement of the Shoalhaven Traffic Committee.

Note: This process can take six to eight weeks.

37. Access Driveway Design Standards - Urban

Prior to the issue of a Construction Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The access driveway and footpath crossing designs must comply with the following:

- a) Council's Engineering Design Standard Drawings.

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- b) Constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, on a 150mm DGB20 base with centrally placed slab of minimum 3 metres width and minimum 150mm concrete depth.
 - c) To be of a suitable width to accommodate the largest vehicle expected to use that particular entry/exit point of the site.
 - d) Removal of sufficient width of existing road seal and pavement to allow placing of formwork and laying/compaction of suitable pavement material for the driveway layback with a minimum 300mm offset to the kerb lip line.
38. **Cycleway and Footpath Design Standards**
- Prior to the issue of a Construction Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by Council. The cycleway and footpath design must comply with the following:
- a) Councils Engineering Design Specifications Section D8 – Cycleway and Footpath Design.
 - b) A 2.5 metre-wide concrete shared user path is to be designed for the full Princes Highway frontage of the development with:
 - i) cross section design provided from road centreline to the carpark floor level at each driveway access point.
 - ii) 3% cross fall from the boundary to top of kerb.
 - iii) match existing footpath levels of adjoining property frontages and be a uniform grade over the length of the development site frontage, or where this cannot be achieved, a longitudinal section must be designed.
 - iv) kerb ramps at intersections and driveways in accordance with Council's Engineering Design Specifications.
 - v) Where these requirements are unable to be met, an alternative design may be accepted by Council.
 - vi) Warning linemarking and signage to be provided either side of driveway locations and any other identified pedestrian hazard location.
39. **Lighting Design - Internal Driveway and Carparking**
- Prior to the issue of a Construction Certificate, lighting design plans are to be submitted to Council for approval. Lighting is to be provided to the internal driveway and car parking area in accordance with *AS/NZS 1158.3.1 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements*.
40. **Control of Obtrusive effects of outdoor lighting**
- Prior to the issue of a Construction Certificate, a design certificate must be provided to the PCA from a qualified and experienced lighting designer that all external lighting complies with AS4282-1997 Control of Obtrusive effects of outdoor lighting.
41. **Lighting Design – Street Lighting on Public Roads**
- Prior to the issue of a Construction Certificate, the developer must request a Public Lighting Design Brief from Council as per the requirements of the authority (Endeavour Energy).
42. **Structural Design – Major Structures**
- Prior to the issue of a Construction Certificate, a detailed structural design for the following works must be certified by a professional engineer, (as defined in the National Construction Code) and approved by Council.
- a) Bridges and other major drainage structures, including pre-cast concrete culverts, headwalls, wing walls and stormwater pits / structures that require steel reinforcement.

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- b) Retaining walls exceeding 1m in height
- c) The structural design must comply with the Council's Engineering Design Specification – Chapter 3 – Structures/Bridge Design and relevant Australian Standards.

43. **Structural Design – Zone of Influence**

Prior to the issue of a Construction Certificate, a detailed design for the following works must be certified by a professional engineer, (as defined in the National Construction Code) and approved by Council:

- a) Pier and beam footings must be provided to at least the depth of the invert level of the pipe or solid rock where works are proposed adjacent to any proposed/existing structures to prevent differential settlement.
- b) All other foundations must be located so that buildings are founded below the zone of influence of the drainage line within the easement.
- c) The drainage line must be able to be repaired or replaced at any time without affecting the stability of the building.

44. **Stormwater Drainage Design Standards (Urban)**

Prior to the issue of a Construction Certificate, certified engineering design plans, specifications, and DRAINS model (or approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The stormwater drainage design must comply with the following:

- a) Major and minor drainage systems in accordance with Council's Engineering Design Specifications - Section D5 - Stormwater Drainage Design and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines.
- b) The minor and major systems must be designed for a 10% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively.
- c) Generally, in accordance with:
 - i) Concept General Arrangement Plan Sheet 01 - Ref. No: 02172_C201, Revision 05 by C&M Consulting Engineers, Dated 13/09/2021,
 - ii) Concept General Arrangement Plan Sheet 02 - Ref. No: 02172_C202, Revision 04 by C&M Consulting Engineers, Dated 26/05/2020 and
 - iii) Concept Stormwater & Flood Management Plan, Ref. No: R02172-SMP, Revision B by C&M Consulting Engineers, Dated June 2020.
- d) Where a pipe drains a public road through land adjoining the road, the pipe is to be designed to cater for the 1% AEP event with an overland flow path to provide for bypass/surcharge in the event of the pipe or pit inlet being 50% blocked.
- e) The existing stormwater drainage system is to be adjusted to suit the new works. In this regard the following is required:
 - i) Existing drainage systems through lots draining public roads are to be upgraded where necessary to contain flows in accordance with Council's Engineering Design Specifications - Section D5.04.
 - ii) All relevant calculations are to be noted on the drainage plans to confirm the adequacy of the existing system, or the upgraded design.
- f) Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site.
- g) Erosion protection must be provided at all stormwater outlets locations, in accordance with Council's Engineering Design Specification.

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45. Stormwater Drainage Design – Trunk Drainage and Water Quality

Prior to the issue of a Construction Certificate, a detailed design including certified engineering plans, specifications and DRAINS model (or an approved alternative) for major trunk drainage (diversion of existing 1,200mm diameter stormwater pipe) must be certified by a professional engineer, (as defined in the National Construction Code) demonstrating the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines and approved by Council Specifications can be found on Council's web site.

The proposed stormwater diversion pipe must be sized to convey the upstream catchment area with a minimum 10% AEP event capacity but be no smaller than is shown in concept stormwater drainage plan 02172_C201 prepared by C&M Consulting Engineers in July 2019.

46. WSUD Devices – Private Property

Prior to the issue of a Construction Certificate, detailed design of permanent stormwater quality improvement devices must be certified by a professional engineer, (as defined in the National Construction Code) demonstrating the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and approved by the Certifier.

The design of the WSUD devices is to comply with the Concept Stormwater & Flood Management Plan, Ref. No: R02172-SMP, Revision B by C&M Consulting Engineers, Dated June 2020.

Specifications can be found on Council's web site.

The drainage design must also not include any uncoated metal (i.e. Copper etc.) surfaces such as roofs, facades and/or downpipes.

47. Water Sensitive Urban Design Operation and Maintenance Manual

Adopted WSUD Management, Operation, Maintenance and Monitoring Manual/s for the proposed water quality facilities must be submitted to the Certifier prior to issue of the Construction Certificate. The manuals must be prepared by a suitably qualified professional in accordance with the objectives and criteria identified in the approved Integrated Water Cycle Management Plan.

48. Stormwater Drainage Design – Car Park and Driveway

Prior to the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The stormwater drainage design must comply with the following:

- a) Major and minor drainage systems in accordance with Council's Engineering Design Specifications - Section D5 - Stormwater Drainage Design.
- b) The minor and major systems must be designed for a 10% AEP and 1% AEP rainfall events, respectively.
- c) Generally, in accordance with:
 - i) Concept General Arrangement Plan Sheet 01 - Ref. No: 02172_C201, Revision 05 by C&M Consulting Engineers, Dated 13/09/2021,

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- ii) Concept General Arrangement Plan Sheet 02 - Ref. No: 02172_C202, Revision 04 by C&M Consulting Engineers, Dated 26/05/2020 and
- iii) Concept Stormwater & Flood Management Plan, Ref. No: R02172-SMP, Revision B by C&M Consulting Engineers, Dated June 2020.

49. **Car Parking Design Standards**

Prior to the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The car parking and access design must comply with the following:

- a) Comply with all relevant aspects of AS2890.
- b) Generally, in accordance with the following plans:
 - i) Concept General Arrangement Plan Sheet 01 - Plan, Ref. No: 02172_C201, Revision 05 by C&M Consulting Engineers, Dated 13/09/2021,
 - ii) Concept General Arrangement Plan Sheet 02 - Ref. No: 02172_C202, Revision 04 by C&M Consulting Engineers, Dated 26/05/2020
- c) Constructed in accordance with the following:
 - i) for light vehicular loading, with a flexible pavement, surfaced with 40mm of AC10 asphaltic concrete (for passenger vehicle usage areas only).
 - ii) with a concrete pavement designed and constructed for a minimum traffic loading of 1 x 10⁶ ESA (for heavy vehicle usage areas).
 - iii) with an asphaltic concrete (AC) flexible pavement designed and constructed for a minimum traffic loading of 1 x 10⁶ ESA (for heavy vehicle usage areas). Where asphaltic concrete surfaced pavements are likely to be subject to bogie-axle vehicles turning tightly, the asphaltic concrete is to include a rubber base to improve durability and manufacturer's product details.
- d) Additional delineation in the form of hold lines and give way signage is to be implemented at the buildings and materials landscape yard with an aim to reduce drive confusion.
- e) The display area adjacent to the building and materials landscape yard is not to encroach on to the lane width of the manoeuvrability aisle of the carpark. The extent of the lane is to be marked with line marking to delineate the hazard.
- f) Swept vehicle paths are to be provided to the satisfaction of the Certifier for each aspect of the development internally (inside the building/s) and externally (car park area and entry/exit) and are to be based on the largest vehicle expected to use that part of the site. Swept vehicle paths are to comply with AS2890 or an alternative standard deemed acceptable by the Certifier.
- g) Bordered in accordance with Council's Standard Drawings by:
 - i) concrete kerbing, except where surface runoff is concentrated, in which case concrete integral kerb and gutter must be constructed.

50. **Site Filling Design Standards**

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The site filling design must comply with the following:

- a) The lot/site must be filled to having an absolute minimum grade of 0.5%.
- b) The filling specification must be approved by Council and require all allotment filling to be placed in accordance with *AS 3798 Guidelines on earthworks for commercial and*

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residential developments and compacted at least to the minimum relative compaction listed in the standard applicable to the type of development / subdivision.

51. On-Site Detention – Infill Subdivision and Development

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans and specifications must be prepared by professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The on-site stormwater detention (OSD) design must comply with the following:

- a) Designed such that stormwater runoff from the site for design storm events up to and including the 1% AEP does not exceed the pre-developed conditions.
- b) Generally, in accordance with Concept Stormwater & Flood Management Plan, Ref. No: R02172-SMP, Revision B by C&M Consulting Engineers, Dated June 2020.

52. Shoalhaven Water – Prior to the Issue of a Construction Certificate

Prior to the issue of a Construction Certificate, all conditions listed on the Shoalhaven Water Notice of Requirements under the heading "Prior to the Issue of a Construction Certificate" must be complied with and accepted by Shoalhaven Water. Written notification must be issued by Shoalhaven Water and provided to the Certifier.

53. Flooding

Prior to the issue of a Construction Certificate, a professional engineer, (as defined in the National Construction Code) must submit to the satisfaction of the Certifier, certification that the following items have been detailed on the construction drawings:

- b) All habitable floor levels must be constructed at or above the Flood Planning Level (FPL) (1% Annual Exceedance Probability (AEP) flood level plus 500mm freeboard) (RL29.0) as documented on the flood report R02172-SMP Revision B prepared by C & M Consulting dated June 2020.
- c) All fences must be designed with openings below the Flood Planning Level (FPL) to allow free flow of floodwater.
- d) Any proportion of the structure below the Flood Planning Level (FPL) must be built from flood compatible materials.
- e) All electrical installations must be constructed above the Flood Planning Level (FPL) or be able to be isolated prior to a flood event.
- f) The location of all hazardous substances are located at or above the 1% Annual Exceedance Probability (AEP) Flood Level.
- g) The car park area to be graded to divert overland flow back to the existing low lying area downstream of the subject site (as shown on the concept civil engineering drawings).
- h) A flood protection wall on the southern boundary with minimum top of wall level RL29.0 (as shown on the concept civil engineering drawings) to protect the neighbouring building to the south from overland flow.
- i) A flood protection wall on the northern boundary with minimum top of wall level +600mm above natural ground surface (as shown on the concept civil engineering drawings) to divert overland flow to the proposed area with suspended structure over.
- j) A flood evacuation plan must be prepared to ensure permanent, fail-safe, maintenance-free measures are incorporated in the development to ensure that the timely, orderly and safe evacuation of people is possible from the area and that it will not add significant cost and disruption to the community or the SES. This plan is to consider for pre-flood event planning the use of Flood Warning Products available from the Bureau of Meteorology.

54. Flooding – Construction Certificate Structural Soundness Requirements within Flood Prone Land

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Prior to the issue of a Construction Certificate, a professional engineer, (as defined in the National Construction Code) must submit to the satisfaction of the Certifier, certification that the building and associated structure(s):

- a) Can withstand forces of floodwaters including debris and buoyancy forces up to a 1% Annual Exceedance Probability (AEP) flood event.
- b) No items of the proposed building will become floating debris during a 1% AEP flood event.

55. Satisfactory Arrangements – Electricity

Prior to the issue of any Construction Certificate for the development and commencement of any associated works, documentary evidence is to be provided by Endeavour Energy, confirming that satisfactory arrangements have been made for the connection of electricity to service the development.

Refer to **Attachment 4** of the conditions of consent.

56. Local Government Act 1993 – Section 68 Approval

Approval for water, sewer and drainage works is required to be obtained under Section 68 of the Local Government Act prior to the issue of a Construction Certificate.

57. Remediation Action Plan (RAP) Validation Report

Prior to the issue of a Construction Certificate, the certifier must obtain written approval from Council advising that the submitted validation report is satisfactory.

Please Note - Council reserves the right to call for a Site Audit Statement in accordance with the NSW Environment Protection Authority Auditor in accordance with the NSW Environment Protection Authority's *Guidelines for the NSW Site Auditor Scheme*.

58. Asbestos – Clearance Certificate (Friable Asbestos)

Following the removal of all friable asbestos and prior to further works being carried out on the site, a clearance certificate from an independent occupational hygienist in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.

59. Asbestos – Clearance Certificate (Bonded Asbestos)

Following the removal of all bonded asbestos and prior to further works being carried out on the site, a clearance certificate from an independent competent person current Safework (formerly WorkCover) Class 2 (Restricted) Asbestos Licence in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.

**PART E
CONDITIONS RELATING TO THE APPROVED WORK AND SITE
MANAGEMENT**

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60. **Building Code of Australia**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

Note: This condition is prescribed under the Environmental Planning and Assessment Regulation 2000. (Note the commencement of the Regulation 2021, on 1 March 2022.)

61. **Access for People with Disabilities**

Access for people with disabilities must be provided to the building in conformity with Part D3.2 of the Building Code of Australia and Australian Standard AS1428.1-2009 "Design for access and mobility Part 1: General requirements for access, AS1428 Part 4 1992 and AS/NZS 1428.4.1:2009 "Design for access and mobility Part 4.1".

62. **Survey Certificate**

A survey must be undertaken by a Registered Surveyor and a copy submitted to Council at the following stages:

- a) Formwork in place and prior to the pouring of concrete;
- b) Each floor slab level;
- c) Completion of the building and pylon sign certifying that the building and sign are correctly located in relation to the boundaries of the site and the approved heights.

63. **Colours and Materials**

The development must be constructed in accordance with the schedule of colours and building materials and finishes submitted with this application.

64. **Work Hours and Noise**

The following must be complied with during demolition and construction works:

- a) To limit the impact of the development on adjoining owners, all demolition and construction work must be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 3.00pm Saturdays. No work is to take place on Sundays or Public Holidays. Any proposed change to hours must be approved by Council in writing; and
- b) The noise from all activities associated with any demolition works and construction of the approved development must comply with the work practices as outlined in the NSW Department of Environment & Climate Change *Interim Construction Noise Guideline*. The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.

65. **Bushfire Conditions - Emergency and Evacuation Planning**

The intent of measures is to provide suitable emergency evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.

A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning - A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

Refer to **Attachment 3** to the conditions of consent.

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66. Bushfire Conditions - Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

From the start of building works, the entire property must be managed as an inner protection area (IPA). The IPA must comprise:

- Minimal fine fuel at ground level;
- Grass mowed or grazed;
- Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
- Trees and shrubs located far enough from buildings so that they will not ignite the building;
- Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
- Minimal plant species that keep dead material or drop large quantities of ground fuel;
- Tree canopy cover not more than 15%;
- Tree canopies not located within 2 metres of the building;
- Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,
- Lower limbs of trees removed up to a height of 2 metres above the ground.

The following ember protection measures are to be incorporated into the building design and are to be installed and maintained for the life of the development:

- a) The roof/wall junctions are to be sealed/screened with aluminium, steel or bronze mesh with a minimum aperture size of 2 mm;
- b) The base of side-hung external doors must be fitted with draught excluders/weather strips;
- c) Gutters must be fitted with metal gutter guard to prevent the build-up of combustible material;
- d) The rollers doors must be tight fitting to door frames/jambes with gaps no greater than 5 mm when closed; and
- e) Where a roller shutter door is installed, it must be provided with an ember protection device at the top of the shutter that captures any embers where a gap of 2.0 mm on the external surface exists

Refer to **Attachment 3** to the conditions of consent.

67. Bushfire Conditions - Construction Standards

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

All new construction shall comply with Sections 3 and 9 (BAL FZ) of Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate. Except for windows, flaming of the specimen is not permitted and there shall be no exposed timber.

Or

To the satisfaction of the consent authority, a suitably qualified consultant can provide a performance-based assessment report. This report should clearly demonstrate how the

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proposed development can provide appropriate separation between the adjoining hazard and the proposed building which, in combination with other measures, prevent the likely fire spread to buildings. This should include, but not be limited to, compliance with AS 3959 and/or conformity with AS1530.8.2.

Refer to **Attachment 3** to the conditions of consent.

68. **Bushfire Conditions - Access - Internal Roads**

The intent of measures is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

The proposed access arrangements for the site shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Refer to **Attachment 3** to the conditions of consent.

69. **Bushfire Conditions - Water and Utility Services**

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

The provision of all new and the modification of any existing water, electricity, and gas services shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Refer to **Attachment 3** to the conditions of consent.

70. **Bushfire Conditions - Landscaping Assessment**

The intent of measures is for landscaping. To achieve this, the following conditions shall apply:

Landscaping of the site should comply with following principles of Appendix 5 of 'Planning for Bush Fire Protection 2006':

- Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
- Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building.
- Planting is limited in the immediate vicinity of the building.
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
- Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
- Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
- Smooth bark species of tree are chosen which generally do not carry fire up the bark into the crown.
- Planting of deciduous species is avoided which may increase fuel at surface/ ground level (i.e. leaf litter).
- Climbing species are avoided to walls and pergolas.
- Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
- Combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located way from the building.
- Low flammability vegetation species are used.

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Refer to **Attachment 3** to the conditions of consent.

71. **Signage**

The signage approved as part of this development proposal must be maintained in good condition at all times to the satisfaction of Council.

72. No signage other than that which has been approved as part of this development consent or is exempt from requiring development consent (e.g. under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008) may be erected on the subject site without prior approval of Council.

73. External, illuminated signage must be fitted with a mechanism to adjust the level of illumination should it result in an unacceptable level of glare that would affect safety for pedestrians, cyclists, vehicles or aircraft, or detract from the amenity of any neighbouring property. Illumination must comply with the relevant controls contained in the NSW Department of Planning 'Transport Corridor Outdoor Advertising and Signage Guidelines' (November 2017).

74. All lighting of signage must be turned off outside of store operating hours.

75. No flashing, intermittent or moving lights are to be displayed from signage.

76. No signage is to detract from or resemble any road traffic advisory signs (e.g. Variable Message Signage).

77. **Street Signs**

Prior to completion of works, the developer must ensure that street name signs and posts are erected at all street intersections in accordance with Council approved street names as detailed in [Council's standard drawings](#) and the requirements of Council's [Development Construction Specifications C262 Signposting](#).

78. **Lighting**

Lighting must not result in any unacceptable level of glare or illumination for surrounding properties or road users (including pedestrians and cyclists). In this regard, the person benefitting from this development consent will be required to make adjustments to any lighting (e.g. by way of a mechanism adjusting the level of illumination) that Council deems is a nuisance or hazard.

79. **Landscaping**

The planting of plant species listed on Council's weeds list (<https://shoalhaven.nsw.gov.au/Environment/Weed-management>) is prohibited for the life of the development.

80. **Impact of Works on Others**

The following general conditions must be adhered to;

- a) Runoff currently entering the site from uphill properties must not be obstructed nor redirected from entering the site, other than by works in accordance with a plan approved

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by Council, to increase the quantity or concentration of surface runoff entering adjoining properties.

- b) Any damage to the existing kerb & gutter, footpaths, pathways, road pavements, reserves or any other public infrastructure that occurs during development works must be repaired by the developer. Restoration must be to the satisfaction of Council.
- c) Existing roads, footpaths and reserves adjacent to and nearby the site must be kept clear of soil, debris, materials and equipment except in accordance with the Traffic Control Plan or as otherwise approved in writing by Council.
- d) All vehicles associated with the construction works as conditioned in this consent must not block or hinder access to or from adjoining lots or through traffic movements without traffic control in accordance with the Roads and Maritime Services Traffic Control at Worksite Manual prepared, installed and controlled by personnel holding relevant qualifications. All signage must comply with AS 1742.3.
- e) All construction work is to be carried out so that at any time adjoining property owners are not deprived of an all-weather access or subjected to additional storm water runoff during the period of construction.

81. **Earthworks**

Documentation from the supplier that certifies that imported fill material is not contaminated based on analyses of the material is to be provided to Council during the works. Sampling and analysis of the imported fill material must be conducted in accordance with the EPA Sampling Design Guidelines.

82. **Lot Filling**

Prior to completion of works, the developer must ensure that the following requirements are met in relation to lot filling:

- a) The site supervisor must ensure that all fill outside the allotment areas must be placed in accordance with Council's Engineering Construction Specification.
- b) Performed under Level 1 supervision by a professional engineer, (as defined in the National Construction Code).
- c) A Level 1 Supervision Report is to be approved by Council prior to the release of the Subdivision Certificate.
- d) Any fill must:
 - i) have a maximum batter of 25% (1v:4h) at any location.
 - ii) not encroach onto adjoining land.
 - iii) not cause the diversion or concentration of natural overland stormwater runoff onto adjoining property.
 - iv) be protected against erosion, with measures incorporated in the erosion and sediment control plan.
 - v) include adjustment of services (manholes, inter-allotment drainage, etc.) in the scope of works.

83. **Earthworks Cut, Fill and Grading**

The maximum grading of cut or fill must be 2H:1V where there is no retaining wall or no other method of stabilising cut or fill during construction. The maximum depth of fill on any portion of

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the allotment must be 6.0 metres. The maximum depth of cut on any portion of the allotment must be 5.0 metres.

84. CCTV Inspection of Stormwater Pipes

Prior to the completion of works, all stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council must be inspected by CCTV and submitted to the Certifier for approval. The CCTV must be carried out in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia Version 3.1 after all earthworks and adjacent road pavement works have been completed.

Damaged pipes must either be replaced or repaired to the satisfaction of the Certifier prior to the issue of a Subdivision Certificate.

85. Stormwater Connections in Road Reserve

Prior to completion of works, the site supervisor must ensure that stormwater connections between the property boundary and the new kerb and gutter are inspected and approved by Council and backfilled as soon as possible. Kerb connections are only to be made using adaptors/convertors approved by Council.

Note: A section 138 approval under the Roads Act 1993 will be required for any works within the road reserve.

86. Tree Removal

- a) The removal and/or disturbance of indigenous vegetation on the property, including canopy trees, understorey and groundcover vegetation, is restricted to boundaries of the subject site as shown on Figure 13 of the revised BDAR (MARCH 2020) (D20/110667).
- b) Trees to be cleared must be felled into the development area carefully so as not to damage trees to be retained in or beyond the development footprint.
- c) Fenced/delineated areas of retained native trees and native vegetation must be managed as an exclusion zone throughout the construction phase of the proposal.
- d) Sediment erosion controls must be in place immediately following clearing and on the same day as clearing works commence.
- e) Trees and native vegetation to be retained including the drip-line of trees (outer edge of the leaf canopy) within and adjoining the subject site must be marked on the ground with temporary barrier fencing or similar visible material and managed as an exclusion zone for the duration of the construction phase of the proposal.
- f) The exclusion zone must be maintained throughout the construction phase of the proposal. The parking of machinery and vehicles, storing of building or landscaping materials, fuels, chemicals, soil, spoil, or rubbish, within these is prohibited.
- g) The environmental consultant must provide a written report to Shoalhaven City Council (email to Council's Threatened Species Officer acceptable) detailing any fauna detected as a result of the clearing works within ten days of clearing works being undertaken.
- h) Wildlife protection measures must include:
 - I. All vegetation to be removed must be inspected for wildlife prior to removal
 - II. Works must cease until any wildlife present has relocated
 - III. All vehicles and mechanical plant must be inspected for wildlife prior to operation
 - IV. All trenches must be inspected for wildlife prior to backfilling
 - V. Any injured wildlife must be referred to Wildlife Rescue South Coast 0418 427 214
- i) Landscaping must be installed according to the planting schedule and details as listed in the approved landscape plan (D20/50919).

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87. Contamination - Unexpected Finds

If unexpected contaminated soil and/or groundwater is encountered during any works:

- a) all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant.
- b) the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.

If unexpected contaminated soil or groundwater is treated and/or managed on-site; an appropriately qualified environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines prior to recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Shoalhaven City Council prior to the recommencement of any works.

If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014).

Note: An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner or 'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA).

88. Food Requirements for Café

- a) All food premises within the Shoalhaven Local Government Area are required to be registered with the Shoalhaven City Council as part of the NSW Food Partnership and for the purposes of regular food hygiene inspection. Accordingly prior to the commencement of the food business, a food shop registration form will need to be completed and submitted to Council.
- b) Any premises used for the preparation and storage of food for sale to the general public shall comply with all or part of the following:
 - I. Shoalhaven City Council's Food Premises Policy;
 - II. Chapter 3 of the Australia/New Zealand Food Standards Code;
 - III. Food Act 2003 (NSW);
 - IV. Food Regulation 2015.
- c) All refrigeration units storing potentially hazardous foods shall be capable of storing such foods at less than 5°C at all times. They shall also be provided with a numerically scaled thermometer accurate to 1°C.
- d) Any hot holding food storage units such as pie warmers or bain-maries shall be capable of storing potentially hazardous foods at or above 60°C at all times. They shall also be provided with a numerically scaled thermometer accurate to 1°C.
- e) The floors, walls, and ceiling within the food preparation area are to be constructed of a rigid, smooth-faced, impervious material and kept in good repair.
- f) All fixtures, fittings and appliances within the food preparation area must be capable of being easily cleaned and constructed so as not to harbour vermin. They must also be elevated 150mm above the floor level and/or fitted with wheels/castors to facilitate effective cleaning of the floor.

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- g) All wall shelving shall be kept 25mm off the vertical wall face to facilitate effective cleaning of the wall surfaces.
 - h) A hand wash station fitted with both hot and cold water mixed through a common spout is required to both the kitchen area and the toilet facility dedicated to persons handling food. Additionally, each station shall also be provided with hand soap and single use paper towel dispensers.
 - i) A mechanical exhaust ventilation system will need to be installed within the food preparation area in accordance with the Australian Standard AS1668.2-2002 to ensure that all heat, vapour and/or any objectionable odours generated are adequately exhausted from the premises.
 - j)
89. **Archaeology Discovered During Excavation**
- If any object having interest due to its age or association with the past is uncovered during the course of the work:
- a) All work must stop immediately in that area.
 - b) Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).
- In accordance with the *Heritage Act 1997*, the Heritage NSW must be advised of the discovery.
90. **Aboriginal Objects Discovered During Excavation**
- If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:
- a) All excavation or disturbance of the area must stop immediately.
 - b) Additional assessment and approval pursuant to the National Parks and Wildlife Act 1974 may be required prior to works continuing the affected area(s) based on the nature of the discovery.
- Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).
- The Heritage NSW must be advised of the discovery in accordance with section 89A of the [National Parks and Wildlife Act 1974](#).
91. **Waste Minimisation and Management Plan**
- All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorised waste disposal facility. No waste must be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.
- Compliance with the WMMP must be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request.

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Note: "Waste" has the same meaning as the definition of "Waste" in the *Protection of the Environment Operations Act 1997*.

92. **Waste Services General Conditions**

- a) Requirements of the Waste Management Plan and Statement of Environmental Effects shall be complied with during all site preparation works, demolition and throughout the ongoing use of the development.
- b) When implementing the Waste Management Plan the developer is to ensure:
 - i. The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*.
 - ii. All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the *Protection of Environment Operations Act 1997*.
 - iii. Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW.
 - iv. All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it.
 - v. Records are retained regarding the details and location of the disposal of all demolition and construction waste (including excavated material) and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal and confirmation of the waste disposal facility.
 - vi. All materials and resources that are to be stored on site during construction works are contained on the site. The provisions of the *Protection of Environment Operations Act 1997* must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses.
 - vii. The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works.
- c) Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin.
 - d) No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.

93. **Asbestos – Tip Receipts**

Documentary evidence in the form of tip receipts from an approved Waste Management Facility must be obtained demonstrating the appropriate disposal of the asbestos waste. Tip receipts must be provided to Council at the completion of demolition works and prior to any further works on the site.

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94. **Asbestos – Licensed Contractors**

Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos Removal Licence or a current WorkCover Class 2 (Restricted) Asbestos Licence.

95. **Demolition – Work Cover**

Precautions must be taken in accordance with the requirements of the SafeWork NSW in respect of:

- a) Protection of site workers and the public;
- b) Asbestos handling and disposal where applicable.

96. **Demolition – Adverse Effects to Adjoining Owners**

Suitable measures must be taken to ensure that there is no adverse effect to occupants of adjoining buildings and the public by the generation of dust and/or noise during demolition.

97. **Demolition**

Demolition work must be carried out in accordance with *Australian Standard AS2601-2001: The Demolition of Structures*.

PART G
CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A SUBDIVISION
CERTIFICATE CAN BE ISSUED

98. **Subdivision Certificate**

The person benefiting from this consent must submit two (2) hard copies of the plan of survey to Council for their record prior to the issue of a Subdivision Certificate.

99. A Subdivision Certificate must be issued prior to lodgement of the Final Plan of Survey with the NSW Land Registry Services. Council must issue a Subdivision Certificate except where an environmental planning instrument provides that a Subdivision Certificate may be issued by an accredited certifier for a specified subdivision.

100. **Provision of Works**

Provision of all works in accordance with relevant conditions of consent prior to the issue of a Subdivision Certificate.

101. **Schedule of Compliance**

With application for a Subdivision Certificate, a schedule of compliance with this consent must be provided demonstrating how relevant conditions of consent have been resolved and complied with. This may be in the form of a spreadsheet or similar.

102. **Shoalhaven Water – Prior to the Issue of a Subdivision Works Certificate**

Prior to the issue of a Subdivision Works Certificate, all conditions listed on the Shoalhaven Water Notice of Requirements under the heading "Prior to the Issue of a Subdivision Works Certificate" must be complied with and accepted by Shoalhaven Water. Written notification must be issued by Shoalhaven Water and provided to the Certifier.

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103. Shoalhaven Water – Prior to the Issue of a Subdivision

A Certificate of Compliance under Section 307 of Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance must be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Notice of Requirements and prior to the issue of a Subdivision Certificate, as the case may be.

If development is to be completed in approved stages or application is subsequently made for staging of the development, separate Compliance Certificates must be obtained for each stage of the development.

104. Verification of Works

The person or company nominated by the applicant to be responsible for construction of all engineering works is to verify in writing that all works have been constructed in accordance with the approved plans and construction specifications.

105. Certification must be obtained from Council to verify that all works in the road reserve have been completed in accordance with the approved plans and construction specifications.

106. Certification must be obtained from council or an accredited certifier to verify that all inspections required by the PC have been completed in accordance with the approved plans and construction specifications.

107. 'Work As Executed' (WAE) plans – one full set of work-as-executed plans and drawings in electronic CAD format (such as dwg,dxf) is to be certified by a consulting engineer or registered surveyor and must be submitted to Council for review and records upon completion of the works. The certification must state "the information shown on the plans is a true and accurate record of the constructed works". The WAE information for all works including subsoil drainage location is to be marked in red and be provided on a copy of the Council approved plans. Where works are not within the tolerances specified in Council's Development Construction Specifications, the certifying engineer / surveyor must confirm, in writing, the works comply with the intent of the original design, specifications and relevant Australian Standards.

Drainage WAE plans are to show subsoil drainage lines and flushing cap locations.

**PART I
CONDITIONS THAT MUST BE COMPLIED WITH BEFORE AN OCCUPATION
CERTIFICATE CAN BE ISSUED**

108. Shoalhaven Water – Certificate of Compliance

Prior to the issue of any Occupation Certificate, a Certificate of Compliance under section 307 of the *Water Management Act 2000* must be obtained from Shoalhaven Water to verify satisfactory compliance with all conditions for the supply of water and sewerage, as listed on the Notice of Requirements.

If the development is to be completed in approved stages, or application is subsequently made for staging of the development, separate Compliance Certificates must be obtained for each stage of the development.

109. Fire Safety

The owner is to supply Council with a Final Safety Certificate for the fire safety measures specified in the Fire Safety Schedule. The fire safety measures must be implemented or installed in the building prior to its occupation. The building must not be occupied without a

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final Fire Safety Certificate being issued and a Final or Interim Occupation Certificate being issued.

110. Subdivision/Consolidation

Prior to the issue of the Occupation Certificate, Lot 23 DP 1082957 must be subdivided into two allotments, and the newly created southern allotment and Lots 1-5 in DP 1082957 must be consolidated into one (1) allotment and written notification as to the registration of such consolidation at NSW Land Registry Services must be submitted to the PCA.

As a component of the consolidation plan a stormwater easement shall be created to replace Easement "C" which contains all relevant infrastructure which conveys stormwater across the site, in favour of Shoalhaven City Council. This easement shall be registered and align with the upstream diversion works and the approved stormwater plans for the development.

111. Redundant Driveways and Crossings

Prior to the issue of an Occupation Certificate all redundant vehicle crossings and lay backs rendered unnecessary by this development must be reconstructed to match the existing the kerb and gutter. The verge must be appropriately graded, top soiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.

112. Works as Executed Plans

Prior to the issue of an Occupation Certificate, Works as Executed Plans must be prepared by a registered surveyor / professional engineer, (as defined in the National Construction Code) and be submitted to Council (for works in road reserves and drainage easements) and the Certifier demonstrating compliance with the approved design plans.

The Works as Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans and comply with the following requirements:

- a) Council's Development Engineering Construction Specification.
- b) Show compliance with the approved design plans of all road and drainage works
- c) Certify that all storm water pipes, and other services are wholly within an appropriate easement.
- d) Show the extent, depth and final levels of filling.
- e) Show any retaining walls including footings and agricultural drainage lines.
- f) Show the location of all underground service conduits.
- g) Include all deviations from the approved Civil Engineering Plans.

113. Works in the Road Reserve - Evidence of Completion

Prior to the issue of an Occupation Certificate, the developer must provide the Certifier with a Completion of Works in Road Reserve Letter provided by Council, confirming compliance with the requirements of section 138 of the *Roads Act 1993*.

114. On-site Detention System

Prior to the issue of the **Occupation** Certificate, the developer must:

- a) create a restriction on use under the *Conveyancing Act 1919* over the on-site detention system and provide it to the Certifier as follows:
 - i) The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression 'on-site stormwater detention system' must include all ancillary gutters, pipes, drains,

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walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures. Name of the authority having the power to release, vary or modify the restriction referred to is Shoalhaven City Council.

- b) create a positive covenant under the *Conveyancing Act 1919*, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Stormwater Detention System and Maintenance Schedule
 - c) provide a certificate from a professional engineer, (as defined in the National Construction Code) to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.
 - d)
115. **Water Sensitive Urban Design Elements**

The registered proprietor must not make or permit or suffer the making of any alterations to any stormwater treatment measures/ water sensitive urban design (WSUD) elements which is, or must be, constructed on the lot(s) burdened without the prior consent in writing of Shoalhaven City Council.

The expression "stormwater treatment measures/ water sensitive urban design elements" means the infiltration systems, porous pavement, sediment basins, bio-retention swales, bioretention basins, rain gardens, landscaped or vegetated swales, vegetated buffers, swale/ buffer systems, sand filter, wetlands, ponds, retarding basins, aquifer storage and recovery, rainwater reuse tanks, stormwater reuse tanks, gross pollutant traps, pit inserts, silt/ oil arrestors or other proprietary products including all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins or surfaces graded to direct stormwater to the stormwater treatment measures/ water sensitive urban design elements.

116. **Landscaping**

Prior to the issue of an Occupation Certificate, landscaping is to be installed in accordance with the approved plan. The landscaping must be maintained in accordance with the details provided on that plan at all times.

When landscaping the site, use of the following plants is prohibited for the life of the development:

- Plant species listed as weeds by NSW Department of Primary Industries
<https://weeds.dpi.nsw.gov.au/>
- Plant species listed on the Shoalhaven City Council's weeds lists.
<https://shoalhaven.nsw.gov.au/Environment/Weed-management>

117. **Waste Contractor**

Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with a licenced private waste contractor to service the development. The contract is to ensure the removal of all waste from the development site.

Prior to entering into an agreement for a private waste collection service, the developer is to ensure that:

- a) The service is functional and meets the operational needs of the development.
- b) The service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public.
- c) Council has been provided with indemnity against claims for loss or damage, should they take over the service at some point in the future.

A copy of the contract is to be forwarded to Council prior to the issue of any Occupation Certificate.

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PART J STATEMENT OF REASONS

Reasons for approval

1. The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, notably the Shoalhaven Local Environmental Plan 2014 (SLEP 2014).
2. The proposed development is, subject to the recommended conditions, consistent with the objectives of the Shoalhaven Development Control Plan 2014 (SDCP 2014).
3. The proposed development is considered to be suitable for the site.
4. The proposed development, subject to the recommended conditions will not result in unacceptable adverse impacts on the natural and built environments.
5. Any issues raised in submissions have been considered in the assessment of the application and where appropriate conditions have been included in the determination.

Conditions of consent have been imposed to:

1. Ensure the proposed development:
 - a) achieves the objects of the *Environmental Planning and Assessment Act, 1979*;
 - b) complies with the provisions of all relevant environmental planning instruments;
 - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 7.11 of the *Environmental Planning and Assessment Act, 1979*.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

PART K ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL

Determination under Environmental Planning and Assessment Act, 1979

Division 8.2 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination a right to request the council to review its determination. The request must be

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made **within three (3) months** of the date of the receipt of the determination to allow Council time to undertake the review within the prescribed period of six (6) months and be accompanied by the prescribed fee.

Division 8.3 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised within 6 months after the applicant has been notified of the decision.

An appeal under Division 8.3 of the EP&A Act, 1979 by an objector may be made only within 28 days after the date the objector is notified of the decision.

Review of Modification Decision

An application for a review under section 8.3 of the Act is to be made no later than 28 days after the date on which the modification of the development consent was determined.

Approvals under Local Government Act, 1993

Section 100 of the Local Government Act, 1993 provides that an applicant may request Council to review its determination of an application.

Section 176 of the Local Government Act, 1993 provides that an applicant who is dissatisfied with the determination of the Council may appeal to the Land and Environment Court. The appeal must be made within **twelve (12) months** of the date of determination.

**PART L
GENERAL ADVICE TO APPLICANT**

Private Use of Public Parking Spaces

If the temporary use of public parking spaces (either on street or off street) for private purposes is proposed to be undertaken during development construction and/or for maintenance purposes, a formal request for use of public parking must be submitted to Council, in accordance with Council's Policy – *"Private use of public parking, policy No. POL08/408"*. Such request must be submitted to Strategic Planning and Infrastructure Group of Council, with the relevant application fee.

Privacy Notification

Personal information contained on this Development Consent and any associated documents will be published on Council's website as required by the *Government Information (Public Access) Act 2009* (GIPAA).

Trees Located on Public Land

Please note that any works carried out on the subject property or within the road reserve, such as construction of a driveway, that damages or otherwise detrimentally impacts on the health or safety of any tree located on public land may result in the applicant incurring the costs of any remedial action or removal of the tree(s). If you are proposing to carry out any works that may impact on any tree on public land, it is recommended that you contact Council for advice before carrying out those works.

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Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on

- a) A matter of national environmental significance (NES) matter; or
- b) Commonwealth land

without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation.

It is the proponent's responsibility to consult the Department of the Environment and Energy to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent as notification to you that the Commonwealth Act does not have application.

The Commonwealth Act may have application and you should obtain advice about this matter.

There are severe penalties for non-compliance with the Commonwealth legislation.

Disability Discrimination Act 1992

This application has been assessed in accordance with the *Environmental Planning & Assessment Act, 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *Australian Standard AS1428.1 - "Design for Access and Mobility"*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

Disclaimer – Conveyancing Act 1919 – Division 4 – Restrictions on the Use of Land

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under Clause 1.9A of *Shoalhaven Local Environmental Plan 2014* agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

DBYD Enquiry - 'Dial Before You Dig'

In order to avoid risk to life and property it is advisable that an enquiry be made with "Dial Before You Dig" on 1100 or www.dialbeforeyoudig.com.au prior to any excavation works taking place

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to ascertain the location of underground services. You must also contact your Local Authority for locations of Water and Sewer Mains.

Inspections

If Council is appointed Principal Certifier for this project, a minimum twenty-four (24) hours notice must be given to Council to make an inspection of the work.

SIGNED on behalf of Shoalhaven City Council:

Choose an item.
Choose an item.
City Development

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Attachment 1 – Natural Resource Access Regulator (NRAR) GTAs

CL22.180 - Attachment 2

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Natural Resources
Access Regulator

General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1123081
Issue date of GTA:	04 June 2020
Type of Approval:	Controlled Activity
Description:	Demolition of existing structures and construction of a new Bunnings Warehouse
Location of work/activity:	189, 191, 193, 195, 197 PRINCES HIGHWAY ULLADULLA 2539
DA Number:	da20/1068
LGA:	Shoalhaven City Council
Water Sharing Plan Area:	Clyde River Unregulated and Alluvial Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
	Design of works and structures
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
	Erosion and sediment controls
GT0006-00001	The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0021-00001	The proposed erosion and sediment control works must be inspected and maintained throughout the carried out, construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
	Plans, standards and guidelines
GT0002-00680	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity(s) described in the plans and associated documents found in Schedule 1, relating to Development Application as provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity(s) may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0003-00108	The application for a controlled activity approval must include the following document(s): - structural design and specifications; outlet structures; Erosion and Sediment Control Plan; in-stream works.
GT0010-00006	All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
GT0012-00004	Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.

Ground Floor, 5 O'Keefe Avenue, Nowra, NSW 2541 | PO BOX 309, Nowra, NSW 2541
water.enquiries@dpi.nsw.gov.au | www.water.nsw.gov.au

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Natural Resources
Access Regulator

General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1123081
Issue date of GTA:	04 June 2020
Type of Approval:	Controlled Activity
Description:	Demolition of existing structures and construction of a new Bunnings Warehouse
Location of work/activity:	189, 191, 193, 195, 197 PRINCES HIGHWAY ULLADULLA 2539
DA Number:	da20/1068
LGA:	Shoalhaven City Council
Water Sharing Plan Area:	Clyde River Unregulated and Alluvial Water Sources
GT0030-00004	The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity .

Reporting requirements

GT0020-00004	The consent holder must inform Natural Resources Access Regulator in writing when the proposed construction of the controlled activity has been completed.
--------------	--

Ground Floor, 5 O'keefe Avenue, Nowra, NSW 2541 | PO BOX 300, Nowra, NSW 2541
water.enquiries@dpi.nsw.gov.au | www.water.nsw.gov.au

Template Ref: WLS 004A, Version 1.0 – May 2016

Page 2

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with da20/1068 as provided by Council:

- Civil Plans
- - stormwater exist point to be scour protected from erosion downstream. Should show a reduction in velocity strategy. Permission to be sought from Crown Lands for this outflow area.

Template Ref: WLS 004A, Version 1.0 – May 2016

Page 3

CL22.180 - Attachment 2

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Attachment 2 – Transport for NSW (TfNSW) Conditions



Transport
for NSW

Our ref: STH19/00074/07
Contact: Andrew Lissenden 0418 962 703
Your ref: DA20/1068 (CNR-5280)

22 September 2020

Peter Johnston
Shoalhaven City Council
BY EMAIL: council@shoalhaven.nsw.gov.au

DEVELOPMENT APPLICATION 20/1068 (CNR-5280) – LOTS 1 TO 5 DP 213546 (NO. 189-197) PRINCES HIGHWAY AND LOT 23 DP 1082957 (NO. 2A) PARSON STREET, ULLADULLA – DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A BUNNINGS WAREHOUSE

Dear Peter,

Transport for NSW (TfNSW, formerly Roads and Maritime Services) refers to the email from High Definition Design Pty Ltd dated 2 September 2020 regarding the above development application (DA).

TfNSW has reviewed the additional information provided while focussing on the impact to the state road network. TfNSW notes:

- The key state road is the Princes Highway;
- Council is seeking advice to assist in its assessment under Clause 104 of *State Environmental Planning Policy (Infrastructure) 2007*. The DA was also referred for concurrence under Clause 18 of *State Environmental Planning Policy No.64 (Advertising and Signage)*. As the signage located adjacent to the Princes Highway is a 'business identification sign' which is not affected by Clause 18, concurrence is not required from TfNSW; and
- The DA is proposing works within the Princes Highway road reserve (i.e. a new roundabout at the intersection of the Princes Highway/Dowling Street, a median, etc. – refer to **Attachment 1**). Concurrence from TfNSW is required under Section 138 of the *Roads Act 1993* for this work.

Having regard for the above, TfNSW will not object to the DA subject to the conditions outlined in **Attachment 2** being included as conditions in any development consent issued.

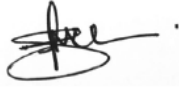
TfNSW highlights that in determining the DA under Part 4 of the *Environmental Planning and Assessment Act 1979*, it is the consent authority's responsibility to consider the environmental impacts of any road works which are ancillary to the development. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of development consent. Depending on the level of environmental assessment undertaken to date and nature of the works, the consent authority may require the developer to undertake further environmental assessment for any ancillary road works.

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Upon determination of this matter, it would be appreciated if the Council could send a copy of the Notice of Determination to development.southern@rms.nsw.gov.au.

If you have any questions, please contact Andrew Lissenden on 0418 962 703. Please ensure that any further email correspondence is sent to development.southern@rms.nsw.gov.au.

Yours faithfully

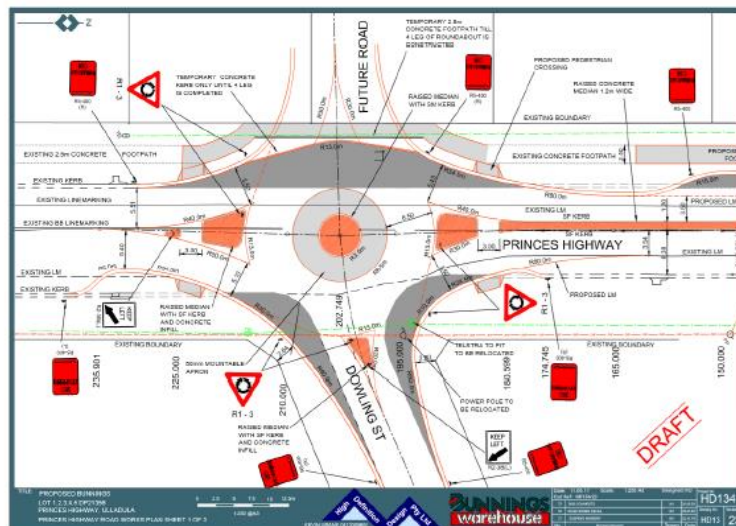
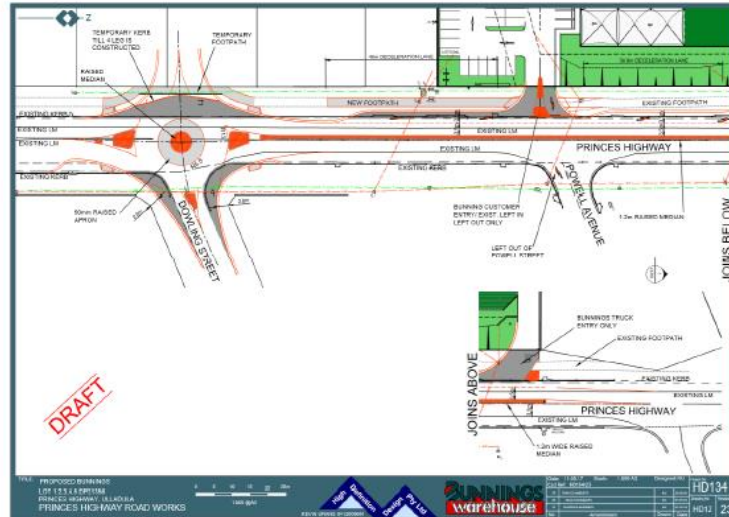


Fiona McLauchlan
A/Senior Manager, Regional Customer Services
Community and Place | South Region

Cc: Peter.Johnston@shoalhaven.nsw.gov.au

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Attachment 1



CL22.180 - Attachment 2

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Attachment 2

1. Before the issuing of the Construction Certificate, the developer must:

- a) Enter into a Works Authorisation Deed (WAD) with TfNSW for all works within the Princes Highway road reserve (i.e. the works as generally shown in Attachment 1).

Notes:

- A WAD is a legally binding contract between TfNSW and the developer, authorising the developer to undertake works on a state road.
- To progress the WAD, the developer needs to email a copy of the conditions of development consent to development.southern@rms.nsw.gov.au.
- All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the TfNSW website at: <http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.htm>
- Any new services or modifications to existing services associated with this development application that involve works on, over or under the Princes Highway (as defined the area from kerb to kerb) must be incorporated into, and managed under, the Works Authorisation Deed for the project. Note: It is the developer's responsibility to identify these works to TfNSW project manager.
- More information on WADs can be found at: www.rms.nsw.gov.au/documents/projects/factsheet-development-process.pdf

- b) Demonstrate to the satisfaction of Council that the post-development stormwater discharge from the subject site, if entering the Princes Highway drainage system, does not exceed the pre-development application discharge.
- c) Provide detailed design plans for all works within the Princes Highway road reserve to TfNSW. The updated designs provided should include, but not limited to:
- i) Increasing the central island radii for the roundabout from 6.5m to 7m to improve the deflection for northbound vehicles;
 - ii) Update drawing with reference HD134 Drawing No. HD16 Revision 23 dated 20.08.20 to show a median width of 1.2m;
 - iii) Demonstrate compliance with the applicable requirements of *Austroads Guide to Road Design* and other relevant standards (e.g. RTA Roundabouts – Geometric Design Method);
 - iv) Show the vertical plane, street lighting in accordance with AS1158, drainage details, details on new pavement design in accordance with Austroad standards (e.g. kerbside lanes that are being impacted by the works); and
 - v) Provide a detailed pavement marking and signposting plan.
- d) Amend the planning agreement prepared by Allens with reference 'Planning Agreement – Bunnings South Ulladulla dated 31/1/2020 Exhibition version' to reflect the following:
- i) Replace any reference to RMS with TfNSW; and
 - ii) Update the preliminary design documents shown in Annexure A of the planning agreement that relates to works within the Princes Highway, so they include the latest design documents that contain the changes as detailed above and that have been lodged as part of the WAD.

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Attachment 2

2. Before the commencing works within the Princes Highway road reserve, the developer must:

- a) Obtain Section 138 consent under the *Roads Act 1993* for the works associated with the WAD from TfNSW.

Note:

- TfNSW will be exercising its powers under Section 64 of the *Roads Act, 1993* to become the roads authority for works associated with the WAD and therefore responsible for issuing the Section 138 consent for those specific works.

- b) Develop and implement a community information strategy in relation to the works, in consultation with, and to the satisfaction of TfNSW.

- c) Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW Traffic Operations Unit (TOU) prior to commencing roadworks on a state road or any other works that impact a travel lane of a state road.

Notes:

- For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon
- The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.
- An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by TfNSW Project Manager.

3. Before the issuing of an Occupation Certificate (interim or final), the developer must:

- a) Upgrade the Princes Highway to the satisfaction of TfNSW, generally in accordance with Attachment 1, Austroads Guide to Road Design and other relevant standards. Written confirmation must be provided from TfNSW that the works have been completed in accordance with the approvals issued.

Notes:

- The pavement design on Princes Highway must be in accordance with Austroads standards.
- The drainage design on Princes Highway must be in accordance with Austroads standards.
- Where required, the developer must upgrade/provide lighting in accordance with Australian Standard AS/NZS1158.
- All works need to be completed at no cost to TfNSW.

- b) Physically close any other existing access points along the development site's frontage to the Princes Highway by reinstating kerb and gutter to TfNSW' satisfaction.

4. Ongoing access to the development to/from the Princes Highway shall be provided as follows:

- a) Initially via a left in and left out for light vehicles and left in only for service vehicles; and

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- b) Upon the construction of the new access roadway connecting the development site with the Princes Highway/Dowling Street roundabout, the left in left out light vehicle access in Point a) above must be closed with kerb and gutter reinstated, line marking updated, etc. Prior to undertaking these works within the Princes Highway road reserve the site owner must:
- i) apply for, and obtain Section 138 consent under the *Roads Act 1993* from Council; and
 - ii) Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW Traffic Operations Unit (TOU) prior to commencing roadworks on a state road or any other works that impact a travel lane of a state road

Notes:

- *Provided Council is satisfied the works have been designed in accordance with the relevant Council standard, TfNSW issues its concurrence under Section 138 of the Roads Act, 1993.*
- *For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>*
- *The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.*
- *An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by TfNSW Project Manager.*

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Attachment 3 – NSW Rural Fire Service Conditions



NSW RURAL FIRE SERVICE

Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Your reference: (CNR-5280) DA20/1068
Our reference: DA20200228000785-Original-1

ATTENTION: Melodee Hill

Date: Wednesday 1 April 2020

Dear Sir/Madam,

Development Application
s4.14 – Infill – Commercial Premises
189 Princes Hwy Ulladulla NSW 2539 AUS, 1//DP21356

I refer to your correspondence dated 26/02/2020 seeking advice regarding bush fire protection for the above Development Application in accordance with section 4.14 of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:

General Conditions

Emergency and Evacuation Planning The intent of measures is to provide suitable emergency evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.

[E&E 1.0]

A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning - A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

[APZ 1.0]

From the start of building works, the entire property must be managed as an inner protection area (IPA). The IPA must comprise:

- Minimal fine fuel at ground level;

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

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- Grass mowed or grazed;
- Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
- Trees and shrubs located far enough from buildings so that they will not ignite the building;
- Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
- Minimal plant species that keep dead material or drop large quantities of ground fuel;
- Tree canopy cover not more than 15%;
- Tree canopies not located within 2 metres of the building;
- Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building;
- and,
- Lower limbs of trees removed up to a height of 2 metres above the ground.

Construction Standards

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

[D&C 1.4]

All new construction shall comply with Sections 3 and 9 (BAL FZ) of Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate. Except for windows, flaming of the specimen is not permitted and there shall be no exposed timber.

Or

To the satisfaction of the consent authority, a suitably qualified consultant can provide a performance-based assessment report. This report should clearly demonstrate how the proposed development can provide appropriate separation between the adjoining hazard and the proposed building which, in combination with other measures, prevent the likely fire spread to buildings. This should include, but not be limited to, compliance with AS 3959 and/or conformity with AS1530.8.2.

Access - Internal Roads

The intent of measures is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

[ACC 2.0]

The proposed access arrangements for the site shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'

Water and Utility Services

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

[W&U 2.0]

The provision of all new and the modification of any existing water, electricity, and gas services shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Landscaping Assessment

The intent of measures is for landscaping. To achieve this, the following conditions shall apply:

[L 1.0]

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Landscaping of the site should comply with following principles of Appendix 5 of 'Planning for Bush Fire Protection 2006':

- Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
- Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building.
- Planting is limited in the immediate vicinity of the building.
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
- Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
- Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
- Smooth bark species of tree are chosen which generally do not carry fire up the bark into the crown.
- Planting of deciduous species is avoided which may increase fuel at surface/ ground level (i.e. leaf litter).
- Climbing species are avoided to walls and pergolas.
- Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
- Combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located way from the building.
- Low flammability vegetation species are used.

For any queries regarding this correspondence, please contact Bradley Bourke on 1300 NSW RFS.

Yours sincerely,

Martha Dotter
Team Leader, Dev. Assessment & Planning
Planning and Environment Services

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Attachment 4 – Endeavour Energy Advice



The General Manager
Shoalhaven City Council


28 February 2020

ATTENTION: Melodee Hill

Dear Sir or Madam

I refer to the below email of 26 February 2020 from NSW Planning & Environment regarding NSW Government concurrence and referral request CNR-5280 for Shoalhaven City Council's development application DA20/1068 at 189 - 197 PRINCES HIGHWAY & 2A PARSON STREET ULLADULLA 2539 (Lots 1 - 5 DP 21356, Lot 23 DP 1082957) for 'Demolition of existing structures and construction of a new Bunnings Warehouse'. Submissions need to be made to Council by 18 March 2020.

As shown in the below site plans from Endeavour Energy's G/Net master facility model (and extracts from Google Maps Street View) there is:

- A restriction for fire rating benefitting Endeavour Energy (indicated by red hatching) over Lot 23 DP 1082957 for the easement for padmount substation no. 23649 (indicated by the symbol ) located on the eastern adjoining SP 75314.
- Low voltage and 11,000 volt / 11 kilovolt (kV) high voltage underground cables and underground earth cables to the Parson Street road verge / roadway.
- Low voltage underground service conductor coming from the low voltage pillar on the Parson Street road verge to the customer connection point for the existing structures on Lot 23 DP 1082957
- Low voltage overhead power lines coming from the opposite side of the Princes Highway to poles on the road verge from which there are low voltage overhead service conductors (which will become redundant assets if the proposed development proceeds) going to the existing structures on Lots 1 - 5 DP 21356.

Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts / 132 kV) by red lines (these lines can appear as solid or dashed and where there are multiple lines / cables only the higher voltage may be shown). This plan only shows the Endeavour Energy network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point / point of supply to the property. This plan is not a 'Dial Before You Dig' plan under the provisions of Part 5E 'Protection of underground electricity power lines' of the Electricity Supply Act 1995 (NSW).

51 Huntingwood Drive, Huntingwood, NSW 2148
PO Box 811, Seven Hills, NSW 1730
T: 133 718

endeavourenergy.com.au
ABN 11 247 365 823

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Subject to the following recommendations and comments Endeavour Energy has no objection to the Development Application.

- Network Capacity / Connection

Endeavour Energy has noted that the Statement of Environmental Effects does not appear to address in detail the suitability of the site for the development in regard to whether electricity services are available and adequate for the development.

5.2.4 Shoalhaven Local Environmental Plan 2014

Essential services

Clause 7.11(1) stipulates that before granting development consent for earthworks, the consent authority is to be satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.


Water, electricity and sewage services are available to the subject site.

5.3 Shoalhaven Development Control Plan 2014

Control	Comment
5.7 Utility Services	All required utility services are available to the site.

Applicants should not automatically assume that the presence of electricity infrastructure in the locality and/or similar nearby development means that adequate supply is immediately available to facilitate their proposed development.

The availability of electricity supply to a site is based on a wide range of factors eg. the age and design of the network; other development in the locality utilising previously spare capacity within the local network; the progress of nearby / surrounding sites including electricity infrastructure works eg. a smaller and isolated development that may not of its own accord require a distribution substation may require a substation to facilitate the development and from which the spare capacity is made available to subsequent nearby development.

Older / above ground areas of the network utilising pole mounted substations (indicated by the symbol  on the site plan from Endeavour Energy's G/Net master facility model) have comparatively limited capacity of 25 kilovolt amperes (kVA) up to a maximum of 400 kVA. Newer parts of the network where a padmount substation are used can accommodate loads from 315 kVA up to 1,500 kVA (typically 500 kVA) ie. there is a significant variation in the number and type of premises able to be connected to a substation. The two closest distribution substations to the site are:

- Pole mounted substation no. 72296 located approximately 110 metres to the south east in Dowling Street currently has 69 customer connection points servicing 90 premises ie. it predominantly services the residential area to the eastern side of the Princes Highway.
- Padmount substation no. 23649 located on the eastern adjoining SP 75314 (The Home Maker Centre) currently has 9 customer connection point servicing 22 premises ie. it already services other premises not located on the site.

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Given the large size of the proposed development it is unlikely that the existing local network will have sufficient spare capacity available to facilitate the proposed development. As well as the capacity of distribution substations, other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. need to be assessed. An extension and/or augmentation of the existing local network will be required. However the extent of the works required will not be determined until a detailed assessment is undertaken. Endeavour Energy's preference is to alert proponents / applicants (and Council) of the potential matters that may arise as further development of areas continues to occur.

In due course the applicant for the proposed development of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount substation/s will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to the attached copy of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.

Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>.

Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively the applicant should engage a Level 3 Accredited Service Provider (ASP) approved to design distribution network assets, including underground or overhead. The ASP scheme is administered by Energy NSW and details are available on their website via the following link or telephone 13 77 88:

<https://energy.nsw.gov.au/government-and-regulation/legislative-and-regulatory-requirements/asp-scheme-and-contestable-works>.

Endeavour Energy is urging applicants /customers to engage with an Electrical Consultant prior to finalising plans to in order to assess and incorporate any required electricity infrastructure. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application eg. similar to the situation with Shoalhaven City Council Development Application DS20/1043 at 159 Princes Highway SOUTH NOWRA (Lot 1 DP 1258579) for demolition of the existing and construction of the new Bunnings Warehouse which required amendments of the padmount substation design due to issues with fire rating and flooding.

- Subdivision of Easements

Where a subdivision results in the incorporation of Endeavour Energy's easement into a new or multiple lots, the easements, rights and restrictions, covenants etc. must be retained over the effected lots and in accordance with the requirements of NSW Land Registry Services.

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- Network Asset Design

Endeavour Energy's Company Policy 9.2.5 'Network Asset Design', includes the following updated requirements for electricity connections to new urban subdivision / development:

5.11 Reticulation policy

5.11.1 Distribution reticulation

In order to improve the reliability performance of and to reduce the operating expenditure on the network over the long term the company has adopted the strategy of requiring new lines to be either underground cables or where overhead is permitted, to be predominantly of covered or insulated construction. Notwithstanding this strategy, bare wire overhead construction is appropriate and permitted in some situations as detailed below.

In areas with the potential for significant overhanging foliage, CCT is used to provide increased reliability as it is less susceptible to outages from wind-blown branches and debris than bare conductors. CCT must only be used in treed² areas as the probability of a direct lightning strike is low. In open areas where the line is not shielded from a direct lightning strike, bare conductors must generally be used for 11kV and 22kV reticulation.

Non-metallic Screened High Voltage Aerial Bundled Cable (NMSHVABC) must be used in areas which are heavily treed and where it is not practicable to maintain a tree clearing envelope around the conductors.

² A 'treed' area is one with a substantial number of trees adjacent to the line, in each span. In these situations CCT is used to provide increased reliability as it is less susceptible to outages from wind-blown

5.11.1.1 Urban areas

Reticulation of new residential subdivisions will be underground. In areas of low bushfire consequence, new lines within existing overhead areas can be overhead, unless underground lines are cost justified or required by either environmental or local council requirements.

Where underground reticulation is required on a feeder that supplies a mixture of industrial, commercial and/or residential loads, the standard of underground construction will apply to all types of load within that development.

Where ducting is used, adequate spare ducts and easements must be provided at the outset to cover the final load requirements of the entire development plan.

Extensions to the existing overhead 11kV/22kV network must generally be underground. Bare wire will be used for conductor replacements and augmentations except in treed areas where CCT or NMSHVABC must be used.

Extensions to the existing overhead LV network and augmentations must either be underground or ABC. Conductor replacements greater than 100m in route length must utilise aerial bundled cable.

- Streetlighting

With the significant increase in both vehicular and pedestrian traffic, the streetlighting for the proposed development should be reviewed and if necessary upgraded to comply with the series of standards applying to the lighting of roads and public spaces set out in with Australian/New Zealand Standard AS/NZS 1158: 2010 'Lighting for roads and public spaces' as updated from time to time.

Whilst the determination of the appropriate lighting rests with the road controlling authority, Endeavour Energy as a Public Lighting Service Provider is responsible for operating and maintaining the streetlights on behalf of local councils, Roads and Maritime Services and other utilities in accordance with the NSW Public Lighting Code 2019 (Code) as updated from time to time. Endeavour Energy recognises that well designed, maintained and managed Public Lighting offers a safe, secure and attractive visual environment for pedestrians and drivers during times of inadequate natural light.

For any Code implementation and administration / technical matters please contact Endeavour Energy's Substation Mains Assets Section via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or email mainsenquiry@endeavourenergy.com.au.

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- Bushfire

Endeavour Energy has noted that the Statement of Environmental Effects indicates that 'The land is identified as bushfire prone land pursuant to the Shoalhaven Bushfire Prone Land Map'. The accompanying Bushfire Constraints Advice which provides an assessment of the site having regards to NSW Rural Fire Service 'Planning for Bush Fire Protection 2006' includes the following advice:

6. Gas and Electrical Services

In accordance with PBP, electricity should be underground wherever practicable. Where overhead electrical transmission lines are installed:

- Lines are to be installed with short pole spacing, unless crossing gullies; and
- No part of a tree should be closer to a powerline than the distance specified 'ISSC 3 Guideline for the Management of Vegetation in the Vicinity of Electricity Assets' (Industry Safety Steering Committee 2016).

The following is an extract of Endeavour Energy's Company Policy 9.1.1 Bushfire Risk Management:

9.1.1 BUSHFIRE RISK MANAGEMENT

1.0 POLICY STATEMENT

The company is committed to the application of prudent asset management strategies to reduce the risk of bushfires caused by network assets and aerial consumer mains to as low as reasonably practicable (ALARP) level. The company is also committed to mitigating the associated risk to network assets and customer supply reliability during times of bushfire whilst achieving practical safety, reliability, quality of supply, efficient investment and environmental outcomes. The company is committed to compliance with relevant acts, regulations and codes.

Accordingly the electricity network required to service the proposed development must be fit for purpose and meet the technical specifications, design, construction and commissioning standards based on Endeavour Energy's risk assessment associated with the implementation and use of the network connection / infrastructure for a bushfire prone site. In assessing bushfire risk, Endeavour Energy has traditionally focused on the likelihood of its network starting a bushfire, which is a function of the condition of the network. Risk control has focused on reducing the likelihood of fire ignition by implementing good design and maintenance practices. However the potential impact of a bushfire on its electricity infrastructure and the safety risks associated with the loss of electricity supply are also considered.

- Flooding and Drainage

Endeavour Energy has noted that the Statement of Environmental Effects indicates that 'whilst the site is not subject to mainstream flooding, there is potential for overland flow through the site'.

The electrical network required to service an area / development must be fit for purpose and meet the technical specifications, design, construction and commissioning standards based on Endeavour Energy's risk assessment associated with the implementation and use of the network connection / infrastructure for a flood prone site. Risk control has focused typically on avoiding the threat, but where this is not possible, reducing the negative effect or probability of flood damage to assets by implementing good design and maintenance practices.

Distribution substations should not be subject to flood inundation or stormwater runoff ie. the padmount substation cubicles are weatherproof not flood proof and the cable pits whilst designed to be self-draining should not be subject to excessive ingress of water. Section 7 'Substation and switching stations' of Endeavour Energy's Mains Construction Instruction MCI 0006 'Underground distribution construction standards manual' provides the following details of the requirements for flooding and drainage in new padmount substation locations.

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7.1.6 Flooding and drainage

Substations are to be located such that the risk of flooding or stormwater damage is minimal.

As a minimum the level at the top of the transformer footing, HV and LV switchgear, shall not be lower than the 1:100 year flood level.

All drains within the substation site area or in the vicinity shall be properly maintained to avoid the possibility of water damage to Endeavour Energy's equipment.

In areas where, as determined by the Network Substation Manager, there is a high water table or a heightened risk of flooding, indoor substations will not be permitted.

All materials used in the construction below the substation (ground level) shall be capable of withstanding prolonged immersion in water without swelling or deterioration.



Figure 51 - Example substation raised above 1:100 flood level

- Earthing

The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. Inadequate connection to the earth to allow a leaking/fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury.

- Easement Management / Network Access

The following is a summary of the usual / main terms of Endeavour Energy's electrical easements requiring that the landowner:

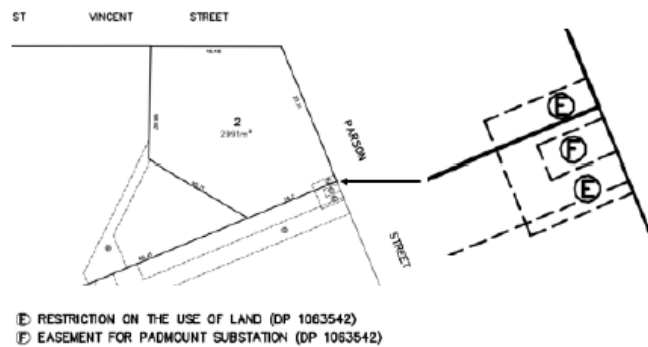
- Not install or permit to be installed any services or structures within the easement site.
- Not alter the surface level of the easement site.
- Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose.

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Endeavour Energy's preference is for no activities or encroachments to occur within its easement areas. Most activities are prohibited within the padmount substation easement. However, if any proposed works (other than those approved / certified by Endeavour Energy's Network Connections Branch as part of an enquiry / application for load or asset relocation project) will encroach/affect Endeavour Energy's easements, contact must first be made with the Endeavour Energy's Easements Officer, Jennie Saban, on mobile 0417484402 or alternately via email Jennie.Saban@endeavourenergy.com.au or Easements@endeavourenergy.com.au.

For further information please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Please also find attached for the applicant's reference a copy of Endeavour Energy's 'Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations' (which will also be applicable to the padmount substation likely to be required to facilitate the proposed development).

Endeavour Energy has noted that the Statement of Environmental Effects indicates 'The subdivision of Lot 23 in DP 1082957 will allow for the existing building, vehicular access and car parking at 2A Parson Street, Ulladulla to be retained and the newly created southern allotment to form part of the Bunnings site' which is shown in the following extract of Sketch Plan Proposed Subdivision. Accordingly there are no issues likely to occur in regard to the restriction for fire rating for padmount substation no. 23649



It is imperative that the access to the existing electrical infrastructure on and in proximity of the site be maintained at all times. To ensure that supply electricity is available to the community, access to the electricity infrastructure may be required at any time. Restricted access to electricity infrastructure by maintenance workers causes delays in power restoration and may have severe consequences in the event of an emergency.

- Vegetation Management

The planting of large trees near electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure (including any new electricity infrastructure required to facilitate the proposed development). Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant.

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Landscaping that interferes with electricity infrastructure may become a potential safety risk, cause of bush fire, restrict access, reduce light levels from streetlights or result in the interruption of supply. Such landscaping may be subject to Endeavour Energy's Vegetation Management program and/or the provisions of the Electricity Supply Act 1995 (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

- Prudent Avoidance

The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise which generally increase the higher the voltage ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV).

In practical terms this means that when designing new transmission and distribution facilities, consideration is given to reducing exposure and increasing separation distances to more sensitive uses such as residential or schools, pre-schools, day care centres or where potentially a greater number of people are regularly exposed for extended periods of time.

These emissions are usually not an issue but with Council's permitting or encouraging development with higher density, reduced setbacks and increased building heights, but as the electricity network operates 24/7/365 (all day, every day of the year), the level of exposure can increase.

Endeavour Energy believes that irrespective of the zoning or land use, applicants (and Council) should also adopt a policy of prudent avoidance by the siting of more sensitive uses eg. the office component of an industrial building, away from and less susceptible uses such as garages, non-habitable or rooms not regularly occupied eg. storage areas in a commercial building, towards any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

Where development is proposed near electricity infrastructure, Endeavour Energy is not responsible for any amelioration measures for such emissions that may impact on the nearby proposed development.

Please find attached a copy of Energy Networks Association's 'Electric & Magnetic Fields – What We Know' which can also be accessed via their website at <https://www.energynetworks.com.au/electric-and-magnetic-fields> and provides the following advice:

Electric fields are strongest closest to their source, and their strength diminishes rapidly as we move away from the source.

The level of a magnetic field depends on the amount of the current (measured in amps), and decreases rapidly once we move away from the source.

Typical magnetic field measurements associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances etc. and having a maximum voltage of 132,000 volt / 132 kV, will with the observance of these separation distances not exceed the recommended magnetic field public exposure limits.

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- Dial Before You Dig

Before commencing any underground activity the applicant is required to obtain advice from the *Dial Before You Dig* 1100 service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

- Removal of Electricity Supply

Approval for the permanent disconnection and removal of supply must be obtained from Endeavour Energy's Network Connections Branch (contact via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm) by Accredited Service Providers (ASP) with the relevant class of Authorisation for the type of work being carried out. The work could involve:

- The disconnection and removal of an underground service cable or overhead service line,
- Removal of metering equipment.

The written request must be submitted to Endeavour Energy using Form FPJ4603 'Permission to Remove Service / Metering by Authorised Level 2 Accredited Service Provider' which must be accompanied by Notification of Service Works (NOSW) forms provided as a result of service work activity performed by a Level 2 ASP. The retailer must also provide written agreement for the permanent removal of supply.

For details of the ASP scheme please refer to the above point 'Network Capacity / Connection'.

- Demolition

Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001: 'The demolition of structures' as updated from time to time. All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. streetlight columns, power poles, overhead power lines and underground cables etc.

- Public Safety

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures> .

If the applicant has any concerns over the proposed works in proximity of the Endeavour Energy's electricity infrastructure within the road verge / roadway, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of multiple stakeholders across the company in order to provide more effective lines of communication with the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is Construction.Works@endeavourenergy.com.au .

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- Emergency Contact

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days. Endeavour Energy's contact details should be included in any relevant risk and safety management plan.

I appreciate that not all the foregoing issues may be directly relevant or significant to the Development Application. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or proposed electricity infrastructure required to facilitate the proposed development on or in the vicinity of the site occur.

Could you please pass on a copy of this submission and the attached resources to the applicant? Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above or in the attachment in relation to the various matters. Due to the high number of development application / planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to property.development@endeavourenergy.com.au is preferred.

Yours faithfully
Cornelis Duba
Development Application Specialist
Network Environment & Assessment
T: 9853 7896
E: cornelis.duba@endeavourenergy.com.au
51 Huntingwood Drive, Huntingwood NSW 2148
www.endeavourenergy.com.au



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CL22.180 - Attachment 2

FORM No. DS1/6B

**THIS NOTICE ONLY APPLIES WHERE AN OPERATIONAL
DEVELOPMENT CONSENT HAS BEEN GRANTED**

SHOALHAVEN WATER

(A Directorate of Shoalhaven City Council)

WATER DEVELOPMENT NOTICE

(This Notice is given under Section 306 of the Water Management Act 2000)

Applicant's Name	Philip Drew Bunnings Group Limited					
Applicant's Address	Locked Bag 3277, Rhodes NSW 2138					
Development Type	<ul style="list-style-type: none"> - Demolition of Existing Structures - Subdivision of Lot 23 DP1082957 into two lots - Lot Consolidation - Construction of new Hardware & Building Supplies & Garden Centre including Car Parking and Signage 					
Stage	-					
House No.	189	191	193	195	197	2A
LOT No.	1	2	3	4	5	23
DP	21356					1082957
Street	Princes Highway					Parson St
Location/Town	Ulladulla					
File No.	DA20/1068					
Date Completed	28/04/2020			20/12/2021		

- The notes, conditions/requirements (including fees/charges) listed on subsequent page/s are based on the Development Application referral or written application for a Certificate of Compliance, submitted to Shoalhaven Water on: **24-04-2020, 02-07-2020 & 10-09-2021**.

Please note:- Contributions/fees/charges payable will be those applicable at the time of payment and in accordance with Council's then current Management Plan (List of Council's Fees of Charges and Rentals).

- Any alterations whatsoever to the development will require review of the conditions/requirements listed and may require subsequent amendment.
- If staging of the development is to occur application for amended conditions/requirements will be required in writing to Shoalhaven Water.
- Where conditions stated on this NOTICE under "PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE" are required to be complied with no construction works are to commence without written consent from Shoalhaven Water.
- The applicant must certify the completion of all the following conditions/requirements prior to the granting of a Certificate of Compliance under Section 307 of the Water Management Act 2000.
- For further information please contact Shoalhaven Water.

FORM No. DS1/6B

How the Water Development Notice Works

The Notice is made up of different parts and will need to be submitted as the development progresses, generally the parts are:

- Prior to demolition,
- Prior to issue of Construction Certificate,
- Prior to commencement of construction works,
- During construction of works,
- Prior to:
 - issue of Occupation Certificate, or
 - release of Subdivision Certificate, or
 - issue of licence to operate, or
 - approval to Operate under the Local Government Act (eg, Caravan Parks, Manufactured Housing Estates and Camping Grounds), or
 - undertaking operational use (for Crown developments).

As you complete each condition you initial and date the 'Applicant Certification' column for each part. You must keep all relevant documentation together with the Notice. This may include:

- Receipts of payments (eg, Section 64 Charges, contribution to meter fees, pressure sewer unit fees, building over sewer checking fee, etc),
- Documents and infrastructure plans approved by Shoalhaven Water (eg, Pressure Sewer Site Plan, Water and/or Sewer Main Plans, etc),
- Documents (eg, water meter sizing calculations, sewer sizing calculations, etc).

The relevant information must accompany the Notice when submitted for sign off by Shoalhaven Water.

You must submit the Notice to Shoalhaven Water when:

- You require a Construction Certificate or a Subdivision Works Certificate,
- Specified by the Notice to do so,
- You require:
 - an Occupation Certificate,
 - Subdivision Certificate or
 - issue of licence to operate, or
 - approval to Operate under the Local Government Act (eg, Caravan Parks, Manufactured Housing Estates and Camping Grounds), or
 - undertaking operational use (for Crown developments).

Shoalhaven Water shall process those conditions under the heading "PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE" or "PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE" for the granting of a Construction Certificate or Subdivision Works Certificate and notify the authority issuing the Construction Certificate or Subdivision Works Certificate.

Where a "CONSTRUCTION CERTIFICATE" or "SUBDIVISION WORKS CERTIFICATE" is NOT required then all conditions that may be listed under "PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE" or "PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE" shall be completed prior to granting a Certificate of Compliance. The attainment of a Certificate of Compliance must occur prior to:

- issue of Occupation Certificate or
- issue of a Subdivision Certificate, or
- Issue of License to Operate, or

FORM No. DS1/6B

- approval to Operate under the Local Government Act (eg, Caravan Parks, Manufactured Housing Estates and Camping Grounds), or
- undertaking operational use (for Crown developments).

Under Section 307 of the Water Management Act 2000, Shoalhaven Water must grant Certificate of Compliance once it is satisfied that all requirements as listed on the Water Development Notice have been complied with. Where the development is staged then a separate Certificate of Compliance shall be issued for each stage.

Should there be any further information or clarification required please contact Shoalhaven Water as follow:

Phone: 02 4429 3547

Email: swdevelopment@shoalhaven.nsw.gov.au

FORM No. DS1/6B

No	Conditions/Requirements	(Please Initial)	
		Applicant's Certification	S/Water's Confirmation
Part A: The following conditions are required to be adhered to in relation to demolition of existing structures and buildings.			

PRIOR TO COMMENCEMENT OF DEMOLITION WORKS			
A1	<p>a) Internal water lines on the properties are to be disconnected from the existing 20mm water meters currently serving the lots.</p> <p>b) All existing internal sewer drainage pipe work is to be flushed, disconnected from the existing sewer junctions and the sewer junction is to be temporarily capped off.</p> <p>c) All works to be undertaken by a licensed plumber in accordance with Shoalhaven Water's requirements. Arrangements are to be made for the capped off sewer junction and disconnected water lines to be inspected by Shoalhaven Water's water and sewerage inspector at the developer's cost. A minimum 48 hours' notice is to be given. Cost for inspection/s is \$95.00 per hour (2021/22) (incl. travelling time) plus \$0.81 per kilometre for inspector's vehicle costs. Arrangements for the inspections of the disconnected water and sewer can be made by contacting Shoalhaven Water, Planning and Development Unit (4429 3547).</p>		

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No.	Conditions/Requirements	(Please Initial)		
		Applicant's Certification	S/Water's Confirmation	
Part B: The following conditions are required to be complied with for the creation of proposed Lots 1 and 2.				
PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE When all conditions under this heading have been completed and signed off under the column headed "Applicant's Certification" please submit the Notice to Shoalhaven Water via the following email address to be processed: swdevelopment@shoalhaven.nsw.gov.au When accepted & signed off by Shoalhaven Water then the Certifier issuing the Subdivision Works Certificate will be notified that a Subdivision Works Certificate may be granted.				
B1	Applicant shall submit in writing to Shoalhaven Water the name and contact details of the certifying authority for matters relating to the issue of a Construction Certificate. Name of Certifier: _____ Contact Person: _____ Contact Email: _____ Contact Phone: _____			
B2	Existing Sewer main to be extended to proposed lot 2. For gravity designs all plans and specifications for proposed sewerage works are to be submitted to and approved by Shoalhaven Water. Works are to be designed in accordance with: - Water Services Association of Australia - Sewerage Code of Australia – WSA 02-2002 Version 2.3 and - Supplement to the Water Services Association of Australia - Sewerage Code of Australia (WSA 02-2002 Version 2.3) Version 2. <i>You can lodge your designs with Shoalhaven Water via the following email address:</i> swdevelopment@shoalhaven.nsw.gov.au			
B3	Written approval shall be obtained from all landowners who are impacted/affected by proposed water supply and/or sewerage infrastructure and/or landowners who are impacted/affected by alteration/s to existing water supply and/or sewerage infrastructure.			

CL22.180 - Attachment 3

FORM No. DS1/6B

PRIOR TO RELEASE OF PLAN OF SURVEY/SUBDIVISION

When all conditions under this heading have been completed and signed off under the column headed “Applicant’s Certification” please submit the Notice to Shoalhaven Water via the following email address to be processed:

swdevelopment@shoalhaven.nsw.gov.au

Sewerage Services

B4	Existing Sewer main to be extended to proposed lot 2. Approved gravity sewerage works are to be constructed in accordance with: - Water Services Association of Australia - Sewerage Code of Australia – WSA 02-2002 Version 2.3 and - Supplement to the Water Services Association of Australia - Sewerage Code of Australia (WSA 02-2002 Version 2.3) Version 2, and - Shoalhaven Water Design Approval documents. <i>You can lodge your request for inspections with Shoalhaven Water via the following email address:</i> swdevelopment@shoalhaven.nsw.gov.au		
B5	An 'Easement for Drainage of Sewage' shall be created over all lots which have Council's sewer running through them. The easement shall: - be located centrally over the sewer pipes (unless approved otherwise by Shoalhaven Water in writing), - be in favour of Shoalhaven City Council, - have the minimum easement widths as follows: • Sewer depth to invert is less than 2.50m - easement 2.40m wide • Sewer depth to invert is greater than 2.50m - easement 4.00m wide		

General

B6	Water and sewerage infrastructure shall be constructed, including land matters and easements throughout the subdivision/development to ensure that the orderly development of the adjoining lands can be undertaken as development of the area progress.		
B7	Water and sewerage infrastructure shall be constructed, including land matters and easements outside of the subdivision/development to ensure that the subdivision/development can be granted a Certificate of Compliance.		
B8	Prior to granting of release of plan of survey/subdivision, satisfy all conditions, complete this Notice and submit (including lodgement of all documentation/receipts etc) to Shoalhaven Water.		

CL22.180 - Attachment 3

FORM No. DS1/6B

ADVICE TO APPLICANT

- **Note:- GST is not applicable to Developer Contributions.**
- All non-strata and non-residential properties (**incl. dual occupancies**) will be levied water and wastewater availability charges (where applicable) based on the size of the water meter service connection/s. For further information regarding water and wastewater availability charges please contact Shoalhaven Water on 4429 3547.
- The connection fee for a single 20mm metered service is paid by the person making application for connection. Amount applicable is subject to time of payment (refer to Council's Fees and Charges). **Note:- GST is not applicable to the provision of meters water services.**
- It is the responsibility of the owner/developer to ensure that all existing internal water lines being retained are contained wholly within the respective lot being served.
- Where direct payment into Council's banking account has been made by the applicant, appropriate details must be provided (eg. DA No., stage, what type of payment, etc) in order for the payment to be processed. **A hard copy of the receipt (payment details) MUST be provided by the applicant to Shoalhaven Water where a Subdivision Works Certificate and/or Certificate of Compliance is requested.**
- Properties are categorised and charges levied for water and sewerage services based on a number of factors including the nature and use of premises to which the services are provided. A change of category may cause different water/sewerage/trade waste charges to be levied as a consequence of this approved development. Applicants are advised to contact Shoalhaven Water for further details of the ongoing fees and charges.
- **Shoalhaven Water undertakes the installation, modification and maintenance of all metered or unmetered services which are connected directly to the mains within the Shoalhaven Local Government area. Unless approved in writing by Shoalhaven Water it is an offence under the Local Government Act to tamper with any metered service or fittings owned and operated by Shoalhaven Water.**
- All works are to be at the developer's expense

This completed Notice is hereby submitted for the granting of a Certificate of Compliance under Section 307 of the Water Management Act 2000. **All documentation/receipts/etc supporting my claim against the above requirements is attached.**

Applicant's
Name
(Please Print)

Applicant's
Signature

Date

 / /

Shoalhaven Water acknowledges all conditions/requirements as set out in this Notice have been satisfied.

Council Officer

Date

 / /

CL22.180 - Attachment 3

FORM No. DS1/6B

No	Conditions/Requirements	(Please Initial)	
		Applicant's Certification	S/Water's Confirmation

Part C:

The following conditions are required to be complied with in relation to:

- building over Council's DN600 gravity sewer trunk main. These works are to be carried out prior to the commencement of any building works.
- diverting the DN150 gravity sewer main and removing abandoned DN150 AC and VC gravity sewer mains.
- upgrading DN100 AC & DN150 AC Water mains along the Princes Hwy where the new driveways are to be located and removing the DN100 and DN150 AC mains.

- i) Part of the proposed development (Bunnings hardware and building supplies store) is located over and/or within the Zone of Influence of Council's sewer asset/s. Wherever this is the case, Shoalhaven Water requires protection of the sewer main in accordance with Council's Policy For Building Over Sewers, and in accordance with the sequence per the following conditions C2, C14, C15 and C18.
- ii) In addition to concerns in respect of part of the proposed development being constructed over the sewer main, it is also necessary to maintain satisfactory cover over the main in both trafficable and non-trafficable areas. Refer following condition C3.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE for the Bunnings hardware and building supplies store

When all conditions under this heading have been completed and signed off under the column headed "Applicant's Certification" please submit the Notice to Shoalhaven Water via the following email address to be processed:

swdevelopment@shoalhaven.nsw.gov.au

When accepted & signed off by Shoalhaven Water then the Certifier issuing the Construction Certificate will be notified that a Construction Certificate may be granted.

C1	Applicant shall submit in writing to Shoalhaven Water the name and contact details of the certifying authority for matters relating to the issue of a Construction Certificate.		
	Name of Certifier: _____		
	Contact Person: _____		
	Contact Email: _____		
	Contact Phone: _____		

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C2	<p>Part of the development is located over and/or within the zone of influence of Council's sewer assets. As such design plans are to be submitted showing the position (vertical and horizontal) of the sewer main (not line between MH lids) to the proposed building additions, position of existing sewer junction/s and other sewer assets, together with Engineer's details, verifying site soil conditions and showing proposed sewer junction relocation proposal/s, proposed sewer main concrete encasement and protection arrangements in accordance with Council's Policy For Building Over Sewers, are to be submitted to, and approved by, Shoalhaven Water.</p> <p>Unobstructed access to all manholes/lampholes/junctions must be maintained at all times.</p> <ul style="list-style-type: none"> <i>Council's initial fee for checking Engineer's "Building Over Sewers" details is \$198.00 (2021/22). Time spent checking plans in excess of 2.5 hours will be charged at the rate of \$95.00/hr (2021/22).</i> <p>Please send all forward all correspondence to: SWDevelopment@shoalhaven.nsw.gov.au or for large files to Council's generic address: Council@shoalhaven.nsw.gov.au</p> <p>Works and Services provided by Shoalhaven Water will be billed directly to you. Follow the link to New Works & Services Customer to provide your billing details.</p> <p>Please note that no works and services request will proceed until billing details are confirmed.</p>		
C3	<p>Engineer's details for proposed "cut" and "fill" in the vicinity of the existing sewer main, showing proposed finished surface levels and clearances to the existing sewer main (long section), are to be submitted to Shoalhaven Water for approval of the proposed cover over the main.</p> <p><i>You can lodge your detailed design with Shoalhaven Water via the following email address:</i> swdevelopment@shoalhaven.nsw.gov.au</p>		
C4	<p>The existing DN100 AC and DN150 AC water mains along the Princes Hwy which are under the new driveways shall be replaced with equivalent sized water mains in HDPE pipe. Any fittings (such as hydrants, etc) shall be relocated clear of the new driveways.</p> <p>All plans and specifications for proposed water supply works are to be submitted to and approved by Shoalhaven Water.</p>		

FORM No. DS1/6B

	<p>Works are to be designed in accordance with:</p> <ul style="list-style-type: none"> - Water Services Association of Australia – Water Code of Australia – WSA 03-2011 Version 3.1, and - Shoalhaven Water's Supplement to the code. <p>The supplement document is available via Shoalhaven Water's web site under Publications & Forms.</p> <p><i>You can lodge your design plan with Shoalhaven Water via the following email address:</i> swdevelopment@shoalhaven.nsw.gov.au</p>								
C5	<p>Written approval shall be obtained from all landowners who are impacted/affected by proposed water supply and/or sewerage infrastructure and/or landowners who are impacted/affected by alteration/s to existing water supply and/or sewerage infrastructure.</p> <p><i>You can lodge your written approvals from affected landowners with Shoalhaven Water via the following email address:</i> swdevelopment@shoalhaven.nsw.gov.au</p> <p>If no landowner is affected please place N/A in the adjacent column and date it.</p>								
C6	<p>Water Supply Infrastructure Development Servicing (Section 64) charge – (44WATR0003) of \$92,644.55 (2021/22) is payable for this application and is based on 14.084 ETs.</p> <p>However, Council resolved on 3-9-2013 to allow concession to the calculated loading for all types of developments (MIN13.864).</p> <p>Therefore, a concessional Water Supply Infrastructure Development Servicing (Section 64) charge – (44WATR0003) of \$43,033.28 (2021/22) is payable for this application.</p> <p><i>The applicant is advised that after the 30 June 2022 the Council resolution (MIN13.864) may NOT apply. As such the overall applicable charge may be significantly greater than the discounted amount.</i></p> <p><i>Applicant/developer shall email Shoalhaven Water requesting an invoice be prepared and issued for payment of Section 64 Charges (when payment is to be made) via:</i> swdevelopment@shoalhaven.nsw.gov.au</p> <table border="1"> <tr> <td>Amount</td><td>Date</td><td>Receipt No.</td></tr> <tr> <td></td><td></td><td></td></tr> </table>	Amount	Date	Receipt No.					
Amount	Date	Receipt No.							

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C7	<p>Sewer Service Infrastructure Development Servicing (Section 64) charge – (80SEWR0003) of \$117,446.48 (2021/22) is payable for this application and is based on 14.084 ETs.</p> <p>However, Council resolved on 3-9-2013 to allow concession to the payable amount for all types of developments (MIN13.864).</p> <p>Therefore, a concessional Sewer Service Infrastructure Development Servicing (Section 64) charge – (80SEWR0003) of \$54,553.74 (2021/22) is payable for this application.</p> <p><i>The applicant is advised that after the 30 June 2022 the Council resolution (MIN13.864) may NOT apply. As such the overall applicable charge may be significantly greater than the discounted amount.</i></p> <p>Applicant/developer shall email Shoalhaven Water requesting an invoice be prepared and issued for payment of Section 64 Charges (when payment is to be made) via:</p> <p>swdevelopment@shoalhaven.nsw.gov.au</p> <table border="1" data-bbox="403 943 1038 996"> <thead> <tr> <th>Amount</th> <th>Date</th> <th>Receipt No.</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Amount	Date	Receipt No.					
Amount	Date	Receipt No.							
C8	<p>The water service and meter for the development shall be sized by a suitably qualified person and is subject to application. Copies of sizing calculations are to be submitted to Shoalhaven Water for assessment & determination.</p> <p>In addition, the applicant/developer shall provide a detailed plan showing the location of the new metered service/s and to which main they will be connected to.</p> <p><i>You can lodge your calculations & plan to Shoalhaven Water via the following email address:</i></p> <p>swdevelopment@shoalhaven.nsw.gov.au</p>								
C9	<p>A qualified and certified person shall undertake a survey for a backflow device for site containment and the results of the survey shall be lodged with Shoalhaven Water. Please contact Shoalhaven Water Regulatory Unit, (02) 4429 3125, for further information.</p> <p><i>You can lodge your backflow survey to Shoalhaven Water via the following email address:</i></p> <p>swregulatory@shoalhaven.nsw.gov.au</p>								

CL22.180 - Attachment 3

FORM No. DS1/6B

C10	<p>The applicant/developer/property owner shall make application under Section 68 of the Local Government Act 1993 for Approval To Discharge Liquid Trade Waste To Sewer. The application shall include an internal drainage diagram and other supporting documentation as required and listed on the form and shall be lodged with Shoalhaven Water.</p> <p>Please contact Shoalhaven Water Regulatory Unit, (02) 4429 3125, for further information.</p> <p><i>You can lodge your trade waste application to Shoalhaven Water via the following email address:</i> swregulatory@shoalhaven.nsw.gov.au</p>		
C11	<p>Written approval shall be obtained from all landowners who are impacted/affected by proposed water supply and/or sewerage infrastructure and/or landowners who are impacted/affected by alteration/s to existing water supply and/or sewerage infrastructure.</p> <p>Such approval/s shall be submitted to Shoalhaven Water for our record.</p> <p><i>You can lodge the approval with Shoalhaven Water via the following email address:</i> swdevelopment@shoalhaven.nsw.gov.au</p> <p><i>Where there is no impact the applicant shall place their initials and date and note "N/A" in the adjacent cell.</i></p>		
C12	<p>A sewerage deviation is required so that the existing DN150 gravity sewer main (U6Y/10 to U6Y/11) and DN600 gravity sewer main (U6YS/1 to U6Y/9) is not located under the new building.</p> <p>The deviation of the DN150 main is to take place from near manhole U6Y/11 to near manhole U6X/7. The deviation of the DN600 main is to take place from manhole U6YS/1 to near manhole U6Y/9.</p> <p>For gravity designs all plans and specifications for proposed sewerage works are to be submitted to and approved by Shoalhaven Water. Works are to be designed in accordance with:</p> <ul style="list-style-type: none"> - Water Services Association of Australia - Sewerage Code of Australia – WSA 02-2002 Version 2.3, and - Supplement to the Water Services Association of Australia - Sewerage Code of Australia (WSA 02-2002 Version 2.3) Version 2. <p><i>You can lodge your designs with Shoalhaven Water via the following email address:</i> swdevelopment@shoalhaven.nsw.gov.au</p>		

FORM No. DS1/6B

C13	<p>A manhole sewer junction(s) is to be provided for the overall development. The developer shall submit a plan showing the location of the junction.</p> <p><i>You can lodge your sewer junction with Shoalhaven Water via the following email address:</i> swdevelopment@shoalhaven.nsw.gov.au</p>		
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PRIOR TO COMMENCEMENT OF ANY BUILDING WORKS &/OR RETAINING WALLS &/OR DRIVEWAYS

All conditions listed under this heading are to be completed prior to any works commencing. Please sign off each condition under the column headed "Applicant's Certification" and submit to Shoalhaven Water for processing via the following email address:

swdevelopment@shoalhaven.nsw.gov.au

C14	<p>(a) Following C2 and C12, above, Shoalhaven Water requires that all necessary concrete encasement of the sewer main (and relocation of affected sewer junction) is carried out per approved Engineer's details and in accordance with Council's Policy For Building Over Sewers. Concrete encasement and sewer junction relocation must be inspected by Shoalhaven Water's inspector, at the developer's cost.</p> <p><i>You can lodge inspection request/s with Shoalhaven Water via the following email address:</i> swdevelopment@shoalhaven.nsw.gov.au</p> <p>Please Note: Council's Policy For Building Over Sewers does not allow for concrete encasement of existing A.C. sewer mains or existing sewer mains that are constructed with mortar jointed VC pipe. Where these types of pipe exist, and the Policy requires concrete encasement of the sewer main, approval may be given for the developer to have the affected section of sewer main replaced with uPVC pipe.</p>		
C15	<p>In order to satisfy Shoalhaven Water's requirements per requirement (ii) and depending on the cover over the sewer main being provided by the proposal (details provided per condition C3), it may be necessary to provide additional protection of the sewer main (concrete encasement, per condition C14) and/or it may be necessary to alter the proposed surface levels.</p> <p>The applicant/developer shall advise Shoalhaven Water in writing of what action is planned to be undertaken prior to carrying it out.</p> <p><i>You can lodge the information on the course of action to be taken with Shoalhaven Water via the following email address:</i> swdevelopment@shoalhaven.nsw.gov.au</p>		

FORM No. DS1/6B

C16	<p>Approved gravity sewerage works are to be constructed in accordance with:</p> <ul style="list-style-type: none"> - Water Services Association of Australia - Sewerage Code of Australia – WSA 02-2002 Version 2.3 and - Supplement to the Water Services Association of Australia - Sewerage Code of Australia (WSA 02-2002 Version 2.3) Version 2, and - Shoalhaven Water Design Approval documents. <p><i>You can lodge your request for inspections with Shoalhaven Water via the following email address:</i> swdevelopment@shoalhaven.nsw.gov.au</p>		
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DURING CONSTRUCTION OF BUILDING WORKS &/OR RETAINING WALLS &/OR DRIVEWAYS

All conditions listed under this heading are to be completed as works progresses and is required to be undertaken. Please sign off each condition under the column headed “Applicant’s Certification” as each condition is completed.

C17	<p>Approved water reticulation works are to be constructed in accordance with:</p> <ul style="list-style-type: none"> - Water Services Association of Australia – Water Code of Australia – WSA 03-2011 Version 3.1, and - Shoalhaven Water’s Supplement to the code, and - Shoalhaven Water Approval documents. <p>The supplement document is available via Shoalhaven Water’s web site under Publications & Forms.</p> <p><i>You can lodge your request for an inspection with Shoalhaven Water via the following email address:</i> swdevelopment@shoalhaven.nsw.gov.au</p>		
C18	<p>Shoalhaven Water requires protection (piers and beams per approved Engineer’s details) of the sewer main in accordance with Council’s Policy For Building Over Sewers.</p> <p>Where the approved design shows concrete encasement of the sewer main the sewer main shall be concrete encased.</p> <p>Shoalhaven Water will require that inspections (and certification) are carried out of the:</p> <ul style="list-style-type: none"> - concrete encasement of the sewer main, and/or - pier and beam arrangements to ensure that they have been constructed to design, that piers are to the required depths and that the required pier and beam clearances to the sewer main have been achieved. <p>Certifications by Council’s Building Surveyor (where Council is the Principal Certifying Authority) or by a Practising Structural Engineer (Private Certifier) are to be submitted to Shoalhaven Water for review.</p>		

FORM No. DS1/6B

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE			
All conditions listed under this heading are to be completed prior to lodging the completed Notice for the processing and granting of a Certificate of Compliance. Please sign off each condition under the column headed "Applicant's Certification".			
C19	<p>If required per the accepted backflow survey an approved backflow prevention device (as approved by Shoalhaven Water) shall be fitted by the developer, tested, and registered with Shoalhaven Water.</p> <p>Please contact Shoalhaven Water Regulatory Unit via: (02) 4429 3125 OR swregulatory@shoalhaven.nsw.gov.au for further information and to organise an inspection (where necessary).</p> <p>Please note that inspection fee/s will apply. For further information on fees please refer to Council's Fees and Charges via: www.shoalhaven.nsw.gov.au</p>		
C20	<p>The developer shall enter into an agreement with Shoalhaven Water and abide by all conditions that may be imposed of any trade waste approval granted in respect of the application.</p> <p>Please contact Shoalhaven Water Regulatory Unit via (02) 4429 3125, OR swregulatory@shoalhaven.nsw.gov.au</p> <p>for further information and to organise an inspection/s (where necessary).</p> <p>Please note that an application fee will apply to developments that discharge trade waste to the sewer. For further information on fees please refer to Council's Fees and Charges via: www.shoalhaven.nsw.gov.au</p>		
C21	<p>The applicant shall provide written confirmation that all metered services have been installed and connected. Evidence in the form of a plan and/or photos can be requested by Shoalhaven Water.</p> <p><i>You can lodge the confirmation of metered services with Shoalhaven Water via the following email address:</i> swdevelopment@shoalhaven.nsw.gov.au</p>		
C22	<p>The applicant shall provide written confirmation that all sewer connections have been made to the sewer junction/s serving the property. Evidence in the form of a plan and/or photos can be requested by Shoalhaven Water.</p> <p><i>You can lodge the confirmation of sewer connections with Shoalhaven Water via the following email address:</i> swdevelopment@shoalhaven.nsw.gov.au</p>		

CL22.180 - Attachment 3

FORM No. DS1/6B

C23	An 'Easement for Drainage of Sewage' shall be created over all lots which have Council's sewer running through them. The easement shall: <ul style="list-style-type: none"> - be located centrally over the sewer pipes (unless approved otherwise by Shoalhaven Water in writing), - be in favour of Shoalhaven City Council, - have the minimum easement widths as follows: <ul style="list-style-type: none"> • Sewer depth to invert is less than 2.50m - easement 2.40m wide, • Sewer depth to invert is greater than 2.50m - easement 4.00m wide. 		
C24	Water and sewerage infrastructure shall be constructed, including land matters and easements throughout the subdivision/development to ensure that the orderly development of the adjoining lands can be undertaken as development of the area progress.		
C25	Water and sewerage infrastructure shall be constructed, including land matters and easements outside of the subdivision/development to ensure that the subdivision/development can be granted a Certificate of Compliance.		
C26	Satisfy all conditions, complete this Notice and submit (including lodgement of all documentation/receipts etc) to Shoalhaven Water. <i>You can lodge your completed Notice to Shoalhaven Water via the following email address:</i> swdevelopment@shoalhaven.nsw.gov.au		

FORM No. DS1/6B

ADVICE TO APPLICANT

- **Note:- GST is not applicable to Developer Contributions and the provision of metered water services.**
- All non-strata and non-residential properties (**incl. dual occupancies**) will be levied water and wastewater availability charges (where applicable) based on the size of the water meter service connection/s. For further information regarding water and wastewater availability charges please contact Shoalhaven Water on 4429 3547.
- Where direct payment into Council's banking account has been made by the applicant, appropriate details must be provided (eg. DA No., stage, what type of payment, etc) in order for the payment to be processed. **A hard copy of the receipt (payment details) MUST be provided by the applicant to Shoalhaven Water where a Construction Certificate and/or Certificate of Compliance is requested.**
- Properties are categorised and charges levied for water and sewerage services based on a number of factors including the nature and use of premises to which the services are provided. A change of category may cause different water/sewerage/trade waste charges to be levied as a consequence of this approved development. Applicants are advised to contact Shoalhaven Water for further details of the ongoing fees and charges.
- **Shoalhaven Water undertakes the installation, modification and maintenance of all metered or unmetered services which are connected directly to the mains within the Shoalhaven Local Government area. Unless approved in writing by Shoalhaven Water it is an offence under the Local Government Act to tamper with any metered service or fittings owned and operated by Shoalhaven Water.**
- All works are to be at the developer's expense.

This completed Notice is hereby submitted for the granting of a Certificate of Compliance under Section 307 of the Water Management Act 2000. **All documentation/receipts/etc supporting my claim against the above requirements is attached.**

Applicant's Name (Please Print) Applicant's Signature Date / /

Shoalhaven Water acknowledges all conditions/requirements as set out in this Notice have been satisfied.

Council Officer Date / /

CL22.180 - Attachment 3

Planning Agreement - Bunnings South Ulladulla

Planning Agreement under section 7.4 of the
Environmental Planning and Assessment Act 1979 (NSW)

189 – 197 Princes Highway and Part of 2A Parsons Street, South Ulladulla

Shoalhaven City Council
ABN 59 855 182 344

Bunnings Properties Pty Limited
ABN 46 008 557 622

The Allens contacts for this document are Felicity Rourke (Partner) and Rebecca Fleming (Managing Associate).

Draft 31/1/2020 | Exhibition version

Instructions for Execution:

- 1 Print document black and white and single sided.
- 2 Replace this page with completed 11R Request form.
- 3 Each Party's signatories to **sign** the following pages:
 - (a) Page 2 (in execution blocks);
 - (b) Page 3 (bottom right hand corner of page)
 - (c) Page 6 (bottom right hand corner of page)
 - (d) Page 28 (in execution blocks).
 - (e) Page 29 (bottom right hand corner of page);
 - (f) Page end of Annexure A (bottom right hand corner of page).

Page 1 of 29

Allens is an independent partnership operating in alliance with Linklaters LLP.

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Annexure A to Request

Parties: Shoalhaven City Council (in its capacity as the planning authority), Bunnings Properties Pty Limited (as registered proprietor).

Dated:

[Allens Note: Prior to execution, Allens will run a title search to confirm whether there are any additional entities who will need to sign or consent to the Request.]

Execution by Shoalhaven City Council

I certify that I am an eligible witness and that an authorised officer of the applicant signed this dealing in my presence.

Signature of witness:

Name of witness:

Address of witness:

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of authorised officer:

Authorised officer's name:

Authority of officer:

Signing on behalf of:

Execution by Bunnings Properties Pty Limited

Certified correct for the purposes of the Real Property Act 1900 and executed on behalf of the company named below by the authorised person(s) whose signature(s) appear(s) below pursuant to s127 of the Corporations Act 2001

Company: Bunnings Properties Pty Limited (ACN 46 008 557 622).

Signature of authorised person

Name of authorised person

Office held

Signature of authorised person

Name of authorised person

Office held

**Annexure B to Request**

Parties: Shoalhaven City Council (in its capacity as the planning authority), Bunnings Properties Pty Limited (as registered proprietor).

Dated:

Planning Agreement - Bunnings South Ulladulla

Planning Agreement under section 7.4 of the
Environmental Planning and Assessment Act 1979 (NSW)

189 – 197 Princes Highway and Part of 2A Parsons Street, South Ulladulla

Shoalhaven City Council

ABN 59 855 182 344

Bunnings Properties Pty Limited

ABN 46 008 557 622

The Allens contacts for this document are Felicity Rourke (Partner) and Rebecca Fleming (Managing Associate).

Deutsche Bank Place
Corner Hunter and Phillip Streets
Sydney NSW 2000 Australia
T +61 2 9230 4000
F +61 2 9230 5333
www.allens.com.au

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Planning Agreement - Bunnings South Ulladulla

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Planning Agreement - Bunnings South Ulladulla

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This Deed is made on

Parties

- 1 **Shoalhaven City Council** (ABN 59 855 182 344) of 36 Bridge Rd, Nowra NSW 2541 (the **Council**).
- 2 **Bunnings Properties Pty Limited** (ABN 46 008 557 622) of Level 8, 5 Rider Boulevard, Rhodes NSW 2138 (the **Developer**).

Recitals

- A On 28 January 2020, the Developer made the Development Application to Council.
- B On 6 August 2019, the Developer made an offer to Council to enter into a planning agreement on the terms of this Deed in connection with the Development Application.
- C This Deed requires the Developer to carry out the Works, components of which are identified within the Shoalhaven Contributions Plan. The Parties agree that the Works constitute a material public benefit to be used for or applied towards a public purpose, namely the provision of transport and other infrastructure relating to land.
- D The Works will be carried out pursuant to any Development Consent granted to the Development Application, and on land that already comprises Public Roads under the *Roads Act 1993* (NSW).
- E The parties agree that if Development Consent is granted to the Development Application, it will be granted subject to a condition that the consent is not to operate until all parties have executed this Deed.

It is agreed as follows.

1 Definitions and Interpretation

1.1 Definitions

The following definitions apply unless the context requires otherwise.

Approval includes approval, consent, licence, permission or the like.

Bank Guarantee means an irrevocable and unconditional undertaking by an Australian bank which is an eligible financial institution for the purposes of Treasury Circular NSW TC14/01 dated 24 January 2014 as amended, supplemented or substituted from time to time to pay the face value of that undertaking (being such amount as is required under this Deed) on demand.

Building Work has the meaning given to that term in the EPA Act.

Business Day means a day which is not a Saturday, Sunday or a public holiday in Sydney.

Certificate of Practical Completion has the meaning given to that term in clause 6.5(a)(ii).

Claim includes a claim, demand, remedy, suit, injury, damage, loss, Cost, liability, action, proceeding or right of action.

Construction Certificate has the meaning given to that term in the EPA Act.

Contributions Plan means the Shoalhaven Contributions Plan 2019 as amended, supplemented or substituted from time to time.

Contributions Plan Amount means the monetary contribution towards item 05ROAD4008 (or any contribution item that replaces 05ROAD4008) that would otherwise be payable by the Developer in respect of the Development pursuant to s7.11 of the EPA Act, had the parties not

entered into this Deed.

Contributions Plan Works means the part of the Works described in paragraphs (a) and (c) of the definition of 'Works' being works that form part of item 05ROAD4008 in the Contributions Plan.

CoRD Holder Consent means the electronic document lodged through an ELNO that provides consent to the registration of instruments and plans.

Cost means a cost, charge, expense, outgoing, payment, fee and other expenditure of any nature.

Council Contributions Payment Amount means the amount by which the Estimated Costs exceeds the Contribution Plan Amount calculated as at the time payment is made in accordance with clause 7(d)(ii).

Deed means this document.

Defect means anything that adversely affects, or is likely to adversely affect, the appearance, structural integrity, functionality or use or enjoyment of the Works or any part of a Works.

Defects Liability Period in relation to a Stage of the Works means the period of 1 year commencing on the day immediately after a Certificate of Practical Completion is obtained for the Stage of the Works under clause 6.5(a)(ii).

Development means the development of the Development Land, the subject of a Development Consent, for the purposes of a Bunnings warehouse, including:

- (a) consolidation and subdivision of Lots 1-5 in DP 21356 and Lot 23 in DP 1082957 into:
 - (i) a single lot comprising the Development Land; and
 - (ii) a residual lot comprising the part of Lot 23 in DP 1082957 that will not form part of the Development Land;
- (b) demolition of existing structures on the Development Land;
- (c) clearing and earthworks on the Development Land;
- (d) construction of a new building on the Development Land to be used for the purposes of 'hardware and building supplies' and 'garden centre'; and
- (e) the road upgrades which comprise the Works as generally shown in the preliminary designs in Annexure A.

Development Application means development application number DA20/1068 made by the Developer to Council on 28 January 2020 seeking development consent for the Development.

Development Consent means a development consent granted under the EPA Act in respect of the Development Application as modified from time to time.

Development Land means the land comprised in Lots 1 – 5 in Deposited Plan 21356 and part of Lot 23 in DP 1082957 as shown in Schedule 2, as consolidated or subdivided from time to time.

Dispute has the meaning given to that term in clause 10.

ELNO has the same meaning as in the *Electronic Conveyancing National Law* (NSW).

Emergency means an emergency due to an actual or imminent occurrence (such as but not limited to fire, flood, storm, earthquake, explosion, terrorist act, accident, epidemic or warlike action) which:

- (a) endangers, or threatens to endanger, the safety or health of persons or animals;
- (b) destroys or damages, or threatens to destroy or damage, property; or

Planning Agreement - Bunnings South Ulladulla

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(c) causes a failure of, or a significant disruption to, an essential service or infrastructure.

EPA Act means the *Environmental Planning and Assessment Act 1979* (NSW)

Estimated Costs means the estimated costs for constructing the Contributions Plan Works determined by the Independent Quantity Surveyor in accordance with clause 6.3(a).

Financial Year means a 12 month period commencing on 1 July and ending on 30 June.

Independent Quantity Surveyor means a suitably qualified and experienced quantity surveyor who is independent of the parties.

Index Number means the quarterly Consumer Price Index for Sydney (All Groups) published by the Australian Bureau of Statistics.

Occupation Certificate has the meaning given to that term in the EPA Act.

Practical Completion, in respect of a Work or a Stage of the Works means when the Work or Stage is complete except for minor defects:

- (a) which do not prevent the Works from being reasonably capable of being used for their stated purpose;
- (b) which the Roads Authority determines the Developer has reasonable grounds for not promptly rectifying; and
- (c) the rectification of which will not prejudice the convenient use of the Works.

Public Road has the meaning given to that term in the *Roads Act 1993* (NSW).

Rectification Notice means a notice in writing:

- (a) identifying the nature and extent of a Defect,
- (b) specifying the works or actions that are required to Rectify the Defect,
- (c) specifying the date by which or the period within which the Defect is to be rectified.

Rectify means rectify, remedy or correct.

Register means the register maintained under the *Real Property Act 1900* (NSW).

Registrar General has the same meaning given to that term under the *Real Property Act 1900* (NSW).

Regulation means the *Environmental Planning and Assessment Regulation 2000* (NSW).

Roads Authority has the same meaning given to that term under the *Roads Act 1993* (NSW) in respect of any Public Road in, on or over which the Works, or part of the Works, will be carried out and includes RMS when exercising the functions of a roads authority under section 64 of the *Roads Act 1993* (NSW).

Road Works Account has the meaning given to that term in clause 7(b).

Road Work Funds has the meaning given to that term in clause 7(a).

S138 Consent means a consent referred to in s138 of the *Roads Act 1993* (NSW).

Security Amount means the estimated costs for constructing the Works determined by the Independent Quantity Surveyor in accordance with clause 6.3(a).

Stage means a component of the Works comprising all or part of the Works, at the Developer's discretion.

Tax includes any tax, levy, impost, deduction, charge, rate, duty, compulsory loan or withholding that is levied or imposed by a Governmental Agency, and any related interest, penalty, charge, fee or other amount.

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Works means all works required to design and construct the following road upgrades as generally shown in the preliminary designs in Annexure A:

- (a) a roundabout at the intersection of Princes Highway and Dowling Street;
- (b) a median within the Princes Highway road reserve; and
- (c) the extension of St Vincent Street across the western boundary of the Development Land.

Works Authorisation Deed means an agreement between the Developer and a Roads Authority in relation to the carrying out one or more Stages of the Works in, on or over a Public Road.

1.2 Interpretation

- (a) Headings are for convenience only and do not affect interpretation.
- (b) Mentioning anything after includes, including, for example, or similar expressions, does not limit what else might be included.
- (c) Nothing in this Deed is to be interpreted against a party solely on the ground that the party put forward this Deed or a relevant part of it.
- (d) The following rules apply unless the context requires otherwise.
 - (i) The singular includes the plural, and the converse also applies.
 - (ii) A gender includes all genders.
 - (iii) If a word or phrase is defined, its other grammatical forms have a corresponding meaning.
 - (iv) A reference to a person includes a corporation, trust, partnership, unincorporated body or other entity, whether or not it comprises a separate legal entity.
 - (v) A reference to a clause, Schedule or Annexure is a reference to a clause of, or Schedule or Annexure to, this Deed.
 - (vi) A reference to an agreement or document (including a reference to this Deed or this Planning Agreement) is to the agreement or document as amended, supplemented, novated or replaced, except to the extent prohibited by this Deed or that other agreement or document, and includes the recitals, to that agreement or document.
 - (vii) A reference to writing includes any method of representing or reproducing words, figures, drawings or symbols in a visible and tangible form.
 - (viii) A reference to a party to this Deed or another agreement or document includes the party's successors, permitted substitutes and permitted assigns (and, where applicable, the party's legal personal representatives).
 - (ix) A reference to legislation or to a provision of legislation includes a modification or re-enactment of it, a legislative provision substituted for it and a regulation or statutory instrument issued under it.
 - (x) A reference to conduct includes an omission, statement or undertaking, whether or not in writing.
 - (xi) A reference to an *agreement* includes any undertaking, deed, agreement and legally enforceable arrangement, whether or not in writing, and a reference to a *document* includes an agreement (as so defined) in writing and any certificate, notice, instrument and document of any kind.
 - (xii) A reference to *dollars* or \$ is to Australian currency.

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- (xiii) A reference to a *right* or *obligation* of any two or more people comprising a single party confers that right, or imposes that obligation, as the case may be, on each of them severally and each two or more of them jointly. A reference to that party is a reference to each of those people separately (so that, for example, a representation or warranty by that party is given by each of them separately).
- (xiv) A reference to time is to Sydney time.
- (xv) A reference to an amount for which a person is contingently liable includes an amount that that person may become actually or contingently liable to pay if a contingency occurs, whether or not that liability actually arises.
- (xvi) A *month* means a calendar month.
- (xvii) A reference to year is a reference to each successive period of 12 months, commencing on the date this Deed comes into operation in accordance with clause 4.

2 Planning Agreement under the EPA Act

- (a) The parties agree that this Deed is a planning agreement within the meaning of section 7.4 of the EPA Act.
- (b) Schedule 1 of this Deed summarises the requirements for planning agreements under section 7.4 of the EPA Act and the way this Deed addresses those requirements.

3 Application of this Agreement

This Deed applies to:

- (a) the Development,
- (b) the Development Land, and
- (c) the Public Roads in, on or over which the Works will be carried out.

4 Operation of this Deed

This Deed commences on and from the date that it is duly executed by all parties.

5 Application of sections 7.11, 7.12 and 7.24 of the EPA Act

The application of sections 7.11, 7.12 and 7.24 of the EPA Act are excluded to the extent stated in Schedule 1.

6 Contributions to be made under this Deed

6.1 Provision of the Works

- (a) The Developer is to carry out and complete the Works in accordance with this Deed and pursuant to any Development Consent authorising the Works.
- (b) Prior to the issue of any Construction Certificate for any Building Work as part of the Development, and prior to commencing the Works, the Developer must:
 - (i) submit to Council and the relevant Roads Authority detailed design plans for the Works that are designed to meet the relevant Roads Authority's requirements and AUSTROADS and other relevant standards, and be endorsed by a suitably qualified practitioner; and
 - (ii) obtain the Council's and the relevant Roads Authority's written approval of the detailed design plans for the Works; and

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- (iii) if required by any relevant Roads Authority, enter into a Works Authorisation Deed for the Works, on such terms and conditions as are consistent with the requirements of this Deed.
- (c) The parties agree and acknowledge that the Works serve the public purpose by the provision of transport or other infrastructure relating to land in accordance with s7.2(2)(c) of the EPA Act.
- (d) The Works will be carried out and completed by the Developer at no cost to Council or the relevant Roads Authority.
- (e) The Parties agree that each of the requirements of clause 6.1(b) is a restriction on the issue of a Construction Certificate for the purposes of clause 146A of the Regulation.

6.2 Prior to commencing the Works

Prior to commencing the Works, the Developer must:

- (a) obtain any approvals required under section 138 of the *Roads Act 1993* for the carrying out of the Works; and
- (b) pay to Council and the relevant Roads Authority any fees charged by them associated with the review of the detailed design plans and specifications for the Works.

6.3 Determination of Estimated Costs and Security Amount

- (a) Within 20 Business Days following the date on which the Council and the relevant Roads Authority provides its written approval of the detailed design plans for the Works in accordance with clause 6.1(b)(ii), the Parties must appoint an Independent Quantity Surveyor by agreement to determine:
 - (i) the reasonable estimated cost of constructing the Contributions Plan Works to the approved detail design plans for those works. (**Estimated Costs**); and
 - (ii) the reasonable estimated cost of constructing the Works to the approved detail design plans for those works (**Security Amount**).
- (b) If the parties do not agree within 20 Business Days after the date on which the written approval to the detailed design plans for the Works is provided under clause 6.1(b)(ii) (or any further period agreed in writing by the parties) as to:
 - (i) the selection and compensation of an Independent Quantity Surveyor; and
 - (ii) the process and timetable to be adopted by the Independent Quantity Surveyor in determining the Estimated Costs and Security Amount;

the parties must request the President of the Australian Institute of Quantity Surveyors to select the Independent Quantity Surveyor and determine the Independent Quantity Surveyor's remuneration.
- (c) The Developer must pay any costs associated with engaging an Independent Quantity Surveyor in accordance with this clause 6.3.
- (d) The parties must procure that the Independent Quantity Surveyor will determine the Estimated Costs and the Security Amount within 20 Business Days of being requested to do so.
- (e) The Developer is not entitled to any payment in accordance with clause 7 until an Independent Quantity Surveyor appointed under this clause has determined the Estimated Costs.

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- (f) The Independent Quantity Surveyor's determination of the Estimated Costs and the Security Amount is final and binding on the parties and clause 10 does not apply to that determination.
- (g) The Parties agree that:
 - (i) the determination of the Estimated Costs in accordance with this clause 6.3 is not a restriction on the issue of a Construction Certificate for the purposes of clause 146A of the Regulation; and
 - (ii) the Developer can commence the Works prior to the determination of the Estimated Costs.

6.4 Repair of damage

- (a) This clause 6.4 does not apply to any part of the Works in respect of which a Works Authorisation Deed or a S138 Consent contains provisions dealing with maintenance of that part of the Works prior to Practical Completion.
- (b) The Developer is to maintain the Works required to be carried out by the Developer under this Deed until a Certificate of Practical Completion is obtained for the Works under clause 6.5(a)(ii) or such later time as agreed between the parties.
- (c) The Developer is to carry out its obligation under clause 6.4(b) at its own cost and to the satisfaction of the Council.

6.5 Completion of the Works

- (a) Prior to the issue of the first Occupation Certificate for the Development, the Developer must:
 - (i) achieve Practical Completion of the Works;
 - (ii) in respect of all Stages of the Works, obtain written confirmation from the Roads Authority for each Stage of the Works that Practical Completion of that Stage of the Works has been achieved (**Certificate of Practical Completion**); and
 - (iii) provide a copy of each Certificate of Practical Completion to Council.
- (b) The Parties agree that each of the requirements of clause 6.5(a) is a restriction on the issue of an Occupation Certificate for the purposes of cl154E of the Regulation.

6.6 Rectification of Defects

- (a) This clause 6.6 does not apply to any part of the Works in respect of which a Works Authorisation Deed or a S138 Consent contains provisions dealing with rectification of Defects for that part of the Works.
- (b) The Council may give the Developer a Rectification Notice during the Defects Liability Period in respect of the Works.
- (c) The Developer, at its own cost, is to comply with a Rectification Notice according to its terms and to the reasonable satisfaction of the Council and the relevant Roads Authority.

6.7 Release

- (a) This clause 6.7 does not apply to any part of the Works in respect of which a Works Authorisation Deed or a S138 Consent contains provisions dealing with release of the Council from any Claim relating to that part of the Works.
- (b) The Developer releases the Council from any Claim it may have against the Council arising in connection with the performance of the Developer's obligations under this Deed

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except if, and to the extent that, the Claim arises because of the Council's negligence or default.

6.8 Indemnity

- (a) This clause 6.8 does not apply to any part of the Works in respect of which a Works Authorisation Deed or a S138 Consent contains provisions dealing with indemnity by the Developer in favour of the Council relating to that part of the Works.
- (b) The Developer indemnifies the Council from and against all Claims that may be sustained, suffered, recovered or made against the Council arising in connection with the performance of the Developer's obligations under this Deed except if, and to the extent that, the Claim arises because of the Council's negligence or default.

6.9 Insurance

- (a) This clause 6.9 does not apply to any part of the Works in respect of which a Works Authorisation Deed or a S138 Consent contains provisions dealing with the taking out of insurances referred to in this clause by the Developer for that part of the Works.
- (b) The Developer is to take out and keep current to the satisfaction of the Council the following insurances in relation to the Works required to be carried out by the Developer under this Deed up until the Works are taken to have been completed in accordance with this Deed:
 - (i) contract works insurance, noting the Council as an interested party, for the full replacement value of the Works (including the cost of demolition and removal of debris, consultants' fees and authorities' fees), to cover the Developer's liability in respect of damage to or destruction of the Works,
 - (ii) public liability insurance for at least \$20,000,000.00 for a single occurrence, which covers the Council, the Developer and any subcontractor of the Developer, for liability to any third party,
 - (iii) workers compensation insurance as required by law, and
 - (iv) any other insurance required by law.
- (c) If the Developer fails to comply with clause 6.9(b), the Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due from the Developer to the Council and may be recovered by the Council as it deems appropriate including:
 - (i) by calling upon any Bank Guarantee provided by the Developer to the Council under this Deed, or
 - (ii) recovery as a debt due in a court of competent jurisdiction.
- (d) The Developer is not to commence to carry out any part of the Works unless it has first provided to the Council satisfactory written evidence of all of the insurances specified in clause 6.9(b).

7 Contribution by Council

- (a) The Council agrees to deposit into its consolidated fund all monetary contributions received by the Council towards contribution item 05ROAD4008 in the Contributions Plan (the **Road Works Funds**) that are received pursuant to a condition of a development consent under s7.11 of the EPA Act or a planning agreement under s7.4 of the EPA Act.

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- (b) The Road Works Funds will be held in the Council's consolidated fund and separately accounted for in accordance with s409(3) and (4) of the *Local Government Act 1993* (NSW) (the **Road Works Account**) and applied subject to this clause 7 in accordance with s7.3 of the EPA Act.
- (c) The Developer may request payment of the Road Works Funds from the Road Works Account:
 - (i) within 20 Business Days of the date on which the Developer satisfies all of the requirements of clause 6.5(a) in respect of the whole of the Works; and
 - (ii) within 20 Business Days of 1 July each year following the date on which the Developer satisfies all of the requirements of clause 6.5(a) in respect of the whole of the Works.
- (d) Within 15 Business Days of receiving a request by the Developer issued in accordance with clause 7(c), the Council must provide the Developer with:
 - (i) a statement of the Road Works Funds deposited into the Council's consolidated fund and accounted for as the Road Works Account during the financial year immediately preceding that request; and
 - (ii) subject to the provisions of this clause 7, payment of the Road Works Funds from the Road Works Account, by cheque payable to the Developer in the amount requested or, if the amount requested is more than the amount held in the Road Works Account at the time, the amount equivalent to the balance of the Road Works Funds in the Road Works Account.
- (e) Despite clause 7(d) the Council is only required to make a payment of the Road Works Funds from the Road Works Account if all the following matters are satisfied:
 - (i) the Developer has satisfied all of the requirements of clause 6.5(a) in respect of the whole of the Works;
 - (ii) all Rectification Notices that have been issued in respect of the Works have been complied with to the reasonable satisfaction of the Council and the relevant Roads Authority; ;
 - (iii) there are sufficient Road Works Funds in the Road Works Account to pay the amount (or part thereof) sought by the Developer; and
 - (iv) the payment, along with all previous payments made under this clause 7, does not exceed the Council Contributions Payment Amount.
- (f) If the whole of an amount sought to be paid by the Developer is not paid because there are insufficient Road Works Funds in the Road Works Account, the Developer will be entitled to make a further request for payment under clause 7(c) for any outstanding amount.
- (g) Nothing in this Deed requires the Council to make any payment towards the Works after 31 December 2039.
- (h) For the avoidance of doubt, nothing in this Deed:
 - (i) requires the Council to make a payment towards the Works otherwise than from the Road Works Funds in the Road Works Account in accordance with this clause 7; or
 - (ii) requires the Council to procure the entering into of any planning agreement under s7.4 of the EPA Act or impose a condition of development consent under s7.11 of

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the EPA Act, requiring monetary contributions towards the Contributions Plan Works; or

- (iii) requires the Council to pay interest on any amount required to be paid under this Deed.

8 Registration

8.1 Registration of Deed

- (a) The Parties agree to register this Deed for the purposes of s7.6(1) of the Act progressively over the Development Land as and when the Developer becomes registered proprietor of any part of the Development Land.
- (b) Upon the commencement of this Deed, the Developer, at its own expense, is to deliver to the Council in registrable form in respect of any part of the Development Land which the Developer owns as at the commencement of this Deed:
 - (i) an instrument requesting the registration of this Deed on the title to that part of the Development Land duly executed by the registered proprietor of that land, and
 - (ii) the written irrevocable consent of each person, as required by the Registrar-General, who has an estate or interest in that part of the Development Land to the registration of this Deed on the title to that part of the Development Land and to the terms of this Deed;
 - (iii) the relevant certificates of title of that part of the Development Land, or evidence of manual production of the certificates of title at the NSW Land Registry Services or electronic lodgement of the relevant CoRD Holder Consents through an ELNO for the purposes of registering this Deed.
- (c) After the commencement of this Deed and within 7 Business Days of the date the Developer becoming registered proprietor of any other part of the Development Land, the Developer, at its own expense, is to deliver to the Council in registrable form the documents referred to in clause 8(b)(i) – (iii) in respect of that part of the Development Land.
- (d) Within 15 Business Days of the date on which the Developer delivers the documents referred to in clauses clause 8(b)(i) – (iii) in respect of any part of the Development Land and the Council signing those documents, the Council must lodge those documents for registration at NSW Land Registry Services.
- (e) The Council must promptly provide the Developer with copies of any requisitions made by the Registrar-General in respect of this Deed.
- (f) The Developer is to do such other things as are reasonably necessary to enable registration of this Deed to occur including, without limitation, promptly responding to any requisitions made by the Registrar-General in respect of this Deed and/or any ancillary documents.
- (g) Without limiting clause 8.1(a) this Deed is to be registered on the whole of the Development Land prior to the issue of any Construction Certificate for any Building Work in the Development.
- (h) The Developer is to pay the Council's costs incurred in relation to the registration of this Deed.

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- (i) The parties agree that each of the requirements of clause 8.1(g) is a restriction on the issue of a Construction Certificate for the purposes of clause 146A of the Regulation.

8.2 Release and discharge of Deed

- (a) The Council agrees to, at the cost of the Developer, do all things reasonably required by the Developer to promptly release and discharge this Deed with respect to any part of the Development Land upon the Developer satisfying all of its obligations under this Deed in respect of that part of the Development Land, and so that this Deed may be removed from the folios of the Register for the Development Land.

9 Enforcement

9.1 Default

- (a) In the event a party considers another party has failed to perform and fulfil an obligation under this Deed, it may give notice in writing to the other party (**Default Notice**) giving all particulars of the matters in respect of which it considers default has occurred and by such notice require the default to be remedied within a reasonable time not being less than 21 days (except in the case of Emergency).
- (b) In determining a reasonable time, regard must be had to both the nature of the default and the work or other action required to remedy it and whether or not the continuation of the default constitutes a public nuisance or raises other circumstances of urgency or Emergency.
- (c) If a party disputes the Default Notice, it may refer the dispute to dispute resolution under clause 10 of this Deed.
- (d) If the Developer fails to comply with a notice given under clause 9.1 relating to the carrying out of the Works under this Deed, the Council may step-in and remedy the breach and may use any equipment on the land on which the Works are being carried out for that purpose.

9.2 Developer to provide Security

- (a) The Developer must provide a Bank Guarantee to the Council prior to the issue of the first Construction Certificate for the Development.
- (b) The Bank Guarantee must:
 - (i) name the Council as the relevant beneficiary;
 - (ii) have a face value equal to the Security Amount;
 - (iii) be held as security for the Developer's obligations under this Deed; and
 - (iv) not have an expiry date.
- (c) The Parties agree that the requirement of clause 9.2(a) is a restriction on the issue of a Construction Certificate for the purposes of clause 146A of the Regulation.
- (d) If the Developer:
 - (i) enters into a Works Authorisation Deed or obtains a S138 Consent in relation to the Works; and
 - (ii) provides security to a Roads Authority under that Works Authorisation Deed or S138 Consent which meets the definition of a Bank Guarantee in clause 1.1 of this deed,

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then the face value of the Bank Guarantee required to be provided under this clause 9.2 will be reduced by the amount of the security provided under that Works Authorisation Deed or S138 Consent.

9.3 Claims under Bank Guarantees

- (a) The Council may:
 - (i) call upon the Bank Guarantee provided by the Developer where the Developer has failed to rectify a breach within the period of time specified in a Default Notice under clause 9.1; and
 - (ii) retain and apply such monies towards any costs and expenses incurred by the Council in rectifying any default by the Developer under this Deed.
- (b) The Council may call-up and apply the Bank Guarantee in accordance with this clause 9 to remedy any breach of this Deed notwithstanding any other remedy it may have under this Deed, under any Act or otherwise at law or in equity.
- (c) If the Council calls-up the Bank Guarantee or any portion of it, it may, by written notice to the Developer, require the Developer to provide a further or replacement or top-up Bank Guarantee to ensure that the amount of Bank Guarantee held by the Council equals the amount it is entitled to hold under this Deed.
- (d) Any costs incurred by the Council in remedying a breach in accordance with this clause 9 that are not met by calling up of a Bank Guarantee may be recovered by the Council as a debt due in a court of competent jurisdiction.

9.4 Release of Security

The Council will promptly return the Bank Guarantee or any unused part of it to the Developer upon:

- (a) a written request from the Developer; and
- (b) the Developer satisfying all of its obligations under this Deed.

10 Dispute Resolution

10.1 Negotiation

If there is a dispute or difference (**Dispute**) between the parties arising out of or in connection with this Deed, then within ten Business Days of a party notifying the other party in writing of the Dispute, a senior representative from each party must meet and use all reasonable endeavours acting in good faith to resolve the Dispute by joint discussions.

10.2 Mediation

- (a) If the Dispute is not settled within ten Business Days of notification under clause 10.1, the parties will, if mutually agreed, submit the Dispute to mediation administered by the Australian Disputes Centre (**ADC**).
- (b) The mediator will be an independent person agreed between the parties from a panel suggested by the President of the ADC or, failing agreement, a mediator will be appointed by the President of the ADC.
- (c) All communications during the mediation are confidential and must be treated as made in the course of compromise and settlement negotiations for the purposes of the applicable rules of evidence and any professional secrecy protections provided by applicable law.

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- (d) Each party will bear its own costs in connection with the mediation and will share equally the mediator's fees and costs.

10.3 Expert determination

If the Dispute is not settled within ten Business Days of notification under clause 10.1 and one of the following applies:

- (a) the Dispute is not submitted to mediation under clause 10.2 within a further 10 Business Days, or
- (b) the Dispute is submitted to mediation under clause 10.2 within a further 10 Business Days but is not resolved within 10 Business Days of submission to mediation, or
- (c) the parties otherwise agree that the dispute may be resolved by expert determination, then the parties may refer the Dispute to an expert, in which event:
 - (d) the Dispute must be determined by an independent expert in the relevant field:
 - (i) agreed upon and appointed jointly by the parties; and
 - (ii) in the event that no agreement is reached or no appointment is made within 20 Business Days of the agreement to refer the Dispute to an expert, appointed on application of a party by the then President of the Law Society of New South Wales;
 - (e) the expert must be appointed in writing and the terms of the appointment must not be inconsistent with this clause;
 - (f) the determination of the Dispute by such an expert will be made as an expert and not as an arbitrator and will be in writing and contain the reasons for the determination;
 - (g) the expert will determine the rules for the conduct of the process but must conduct the process in accordance with the rules of natural justice;
 - (h) each party will bear its own costs in connection with the process and the determination by the expert and will share equally the expert's fees and costs; and
 - (i) any determination made by an expert pursuant to this clause is final and bindings upon the parties except unless:
 - (i) within 20 Business Days of receiving the determination, a party gives written notice to the other party that it does not agree with the determination and commences litigation; or
 - (ii) the determination is in respect of, or relates to, termination or purported termination of this Deed by any party, in which event the expert is deemed to be giving a non-binding appraisal.

10.4 Court proceedings and other relief

- (a) A party may only start court proceedings in relation to a Dispute if the Dispute has not been resolved within 2 months of the notification under clause 10.1.
- (b) Clause 10.4(a) does not apply to a party seeking injunctive or other interlocutory relief.

10.5 Continuation of rights and obligations

Despite the existence of a dispute or difference each party must continue to perform this Deed.

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11 Indexation of Amounts

On 1 July of each year, the Estimated Costs will be varied in accordance with the following formula.

$$P = \frac{A \times B}{C}$$

where:

P is the Estimated Costs that will apply for the following Year;

A is the Estimated Costs as determined in accordance with clause 6.3(a).

B is the Index Number last published before 1 July in the relevant Financial Year .

C is the Index Number last published before 1 July in the Financial Year in which the Estimated Costs were determined in accordance with clause 6.3(a).

12 GST

12.1 Definitions

Words used in this clause that are defined in the GST Legislation have the meaning given in that legislation.

12.2 Intention of the parties

The parties intend that:

- (a) Divisions 81 and 82 of the GST Legislation apply to the supplies made under and in respect of this Deed; and
- (b) no additional amounts will be payable on account of GST and no tax invoices will be exchanged between the parties.

12.3 Reimbursement

Any payment or reimbursement required to be made under this Deed that is calculated by reference to a cost, expense, or other amount paid or incurred must be limited to the total cost, expense or amount less the amount of any input tax credit to which any entity is entitled for the acquisition to which the cost, expense or amount relates.

12.4 Consideration GST exclusive

Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this Deed are exclusive of GST. Any consideration that is specified to be inclusive of GST must not be taken into account in calculating the GST payable in relation to a supply for the purposes of this clause 12.4.

12.5 Additional Amounts for GST

To the extent an amount of GST is payable on a supply made by a party (**Supplier**) under or in connection with this Deed (the **GST Amount**), the recipient must pay to the Supplier the GST Amount. However, where a GST Amount is payable by the Council as recipient of the supply, the Developer must ensure that:

- (a) the Developer makes payment of the GST Amount on behalf of the Council, including any gross up that may be required; and
- (b) the Developer provides a tax invoice to the Council.

12.6 Non monetary consideration

Clause 12.5 applies to non-monetary consideration.

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12.7 Assumptions

The Developer acknowledges and agrees that in calculating any amounts payable under clause 12.5 the Developer must assume the Council is not entitled to any input tax credit.

13 Assignment and transfer

13.1 Right to assign or novate

- (a) Prior to a proposed assignment or novation of its rights or obligations under this Deed, the Developer seeking to assign its rights or novate its obligations (**Assigning Party**) must seek the consent of the Council which must not be unreasonably withheld where:
 - (i) the Council is satisfied (acting reasonably) that the person to whom the Assigning Party's rights or obligations are to be assigned or novated (**Incoming Party**) is financially capable of complying with this Deed and performing the Assigning Party's obligations under this Deed insofar as those obligations are to be novated to the Incoming Party;
 - (ii) the Assigning Party procures the execution of a deed by the Incoming Party with the Council on terms satisfactory to the Council (acting reasonably) under which the Incoming Party agrees to comply with the terms and conditions of this Deed as though the Incoming Party were the Assigning Party; and
 - (iii) the Council is satisfied, acting reasonably, that the Developer is not in breach of its obligations under this Deed.
- (b) The Assigning Party must pay the Council's reasonable legal costs and expenses incurred under this clause 13.1.

13.2 Right to transfer Land

- (a) Subject to clause 13.2(b), the Developer must not sell or transfer to another person (**Transferee**) the whole or part of any part of the Development Land.
- (b) The Developer may sell or transfer the whole or any part of the Development Land to a Transferee if prior to the proposed sale or transfer the Developer obtains the written consent of Council (which must not be unreasonably withheld or delayed) where:
 - (i) Council is satisfied, acting reasonably, that the proposed Transferee is financially capable of performing any of the remaining obligations of the Developer under this Deed or satisfies the Council, acting reasonably, that the Developer will continue to be bound by the terms of this Deed after the transfer has been effected;
 - (ii) the Assigning Party procures the execution of a deed by the Transferee with the Council on terms satisfactory to the Council, acting reasonably, under which the Transferee agrees to comply with the terms and conditions of this Deed as though the Transferee were the Developer; and
 - (iii) the Council is satisfied, acting reasonably, that the Developer is not in material breach of its obligations under this Deed.
- (c) The Developer must pay the Council's reasonable legal costs and expenses incurred under this clause 13.2.

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14 Capacity

14.1 General warranties

Each party warrants to each other party that:

- (a) this Deed creates legal, valid and binding obligations, enforceable against the relevant party in accordance with its terms; and
- (b) unless otherwise stated, it has not entered into this Deed in the capacity of trustee of any trust, and
- (c) they have full capacity to enter into this Deed and are able to fully comply with their obligations under this Deed.

14.2 Power of attorney

If an attorney executes this Deed on behalf of any party, the attorney declares that it has no notice of the revocation of that power of attorney.

15 General Provisions

15.1 Surrender of right of appeal, etc.

The Developer is not to commence or maintain, or to cause or procure the commencement or maintenance, of any proceedings in any court or tribunal or similar body appealing against, or questioning the validity of this Deed, or an Approval relating to the Development in so far as the subject-matter of the proceedings relates to the terms of this Deed.

For the avoidance of doubt, nothing in this clause prevents the Developer from appealing against or seeking to modify conditions of the consent which do not relate to the terms of this Deed.

15.2 Entire Agreement

This Deed contains the entire agreement between the parties with respect to its subject matter. It sets out the only conduct, representations, warranties, covenants, conditions, agreements or understandings (collectively **Conduct**) relied on by the parties and supersedes all earlier Conduct by or between the parties in connection with its subject matter. Neither party has relied on or is relying on any other Conduct in entering into this Deed and completing the transactions contemplated by it.

15.3 Amendment

This Deed may be amended only by another Deed executed by all the parties in accordance with clause 25C and 25D of the Regulation.

15.4 No Waiver

A failure to exercise or a delay in exercising any right, power or remedy under this Deed does not operate as a waiver. A single or partial exercise or waiver of the exercise of any right, power or remedy does not preclude any other or further exercise of that or any other right, power or remedy. A waiver is not valid or binding on the party granting that waiver unless made in writing.

15.5 Further Assurances

Each party must do anything necessary or desirable (including executing agreements and documents) to give full effect to this Deed and the transactions contemplated by it.

15.6 Time for doing acts

- (a) If:

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- (i) the time for doing any act or thing required to be done; or
- (ii) a notice period specified in this Deed;

expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.

- (b) If any act or thing required to be done is done after 5 pm on the specified day, it is taken to have been done on the following Business Day.

15.7 Severability of Provisions

Any provision of this Deed that is prohibited or unenforceable in any jurisdiction is ineffective as to that jurisdiction to the extent of the prohibition or unenforceability. That does not invalidate the remaining provisions of this Deed nor affect the validity or enforceability of that provision in any other jurisdiction.

15.8 Termination

Termination of this Deed does not affect any accrued rights or remedies of either party.

15.9 No Merger

The rights and obligations of the parties will not merge on the completion of any transaction contemplated by this Deed. They will survive the execution and delivery of any assignment or other document entered into for the purpose of implementing a transaction.

15.10 No Agency or Partnership

Nothing in this Deed is to be construed as constituting an agency, partnership, joint venture, or any other form of association between the parties in which one party may be liable for the acts or omissions of any other party. No party has the authority to incur any obligation or make any representation or warranty on behalf of, or to pledge the credit of, any other party.

15.11 Good faith

Each party must act in good faith towards all other parties and use its best endeavours to comply with the spirit and intention of this Deed.

15.12 No fetter

Nothing in this Deed is to be construed as requiring the Council to do anything that would cause the Council to breach any of the Council's obligations at law and without limitation, nothing in this Deed shall be construed as limiting or fettering in any way the discretion of the Council in exercising any of the Council's statutory functions, powers, authorities or duties.

15.13 Explanatory note

The Explanatory Note must not be used to assist in construing this Deed.

15.14 Expenses and stamp duty

- (a) The Developer must pay its own costs.
- (b) The Developer must pay the Council's reasonable legal costs, valuation costs and disbursements in connection with the negotiation, preparation, execution and carrying into effect of this Deed, to a maximum value of \$20,000 plus GST.
- (c) The Developer must pay all Tax assessed on or in respect of this Deed and any instrument or transaction required or contemplated by or necessary to give effect to this Deed (including stamp duty and registration fees, if applicable).

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- (d) In circumstances where:
- (i) the Council has issued a Default Notice; or
 - (ii) the Council obtains injunctive relief in the NSW Land and Environment Court for an actual, threatened or apprehended breach of this Deed by the Developer,
- the Developer must pay the Council's reasonable legal costs of enforcing this Deed.

15.15 Notices

Any notice, demand, consent or other communication (a **Notice**) given or made under this Deed:

- (a) must be in writing and signed by the sender or a person duly authorised by the sender (or in the case of email, set out the full name and position or title of the sender or person duly authorised by the sender);
- (b) must be delivered to the intended recipient by prepaid post (if posted to an address in another country, by registered airmail) or by hand, fax or email to the address, fax number or email address below or the address, fax number or email address last notified by the intended recipient to the sender:
 - (i) to the Developer: Address: Level 8, 5 Rider Boulevard,
Rhodes NSW 2138
Fax No: (02) 9846 - 7530
Email: pdrew@bunnings.com.au and
TWilkinson@bunnings.com.au
Attention: Philip Drew and Tim Wilkinson
 - (ii) to the Council: Address: 36 Bridge Rd, Nowra NSW
2541
Fax No: (02) 4422 1816
Email:
bryan.netzler@shoalhaven.nsw.gov.au
Attention: Bryan Netzler
- (c) will be conclusively taken to be duly given or made and received:
 - (i) in the case of delivery in person, when delivered;
 - (ii) in the case of delivery by express post, to an address in the same country, two Business Days after the date of posting;
 - (iii) in the case of delivery by any other method of post, six Business Days after the date of posting (if posted to an address in the same country) or 10 Business Days after the date of posting (if posted to an address in another country);
 - (iv) in the case of fax, on receipt by the sender of a transmission control report from the despatching machine showing the relevant number of pages and the correct destination fax number or name of recipient and indicating that the transmission has been made without error; and
 - (v) in the case of email, at the earliest of:
 - (A) the time that the sender receives an automated message from the intended recipient's information system confirming delivery of the email;

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- (B) the time that the intended recipient confirms receipt of the email by reply email; and
- (C) three hours after the time the email is sent (as recorded on the device from which the sender sent the email) unless the sender receives, within that three hour period, an automated message that the email has not been delivered,

but if the result is that a Notice would be taken to be given or made and received:

- (vi) in the case of delivery by hand, post or fax, at a time that is later than 5pm;
- (vii) in the case of delivery by email, at a time that is later than 7pm; or
- (viii) on a day that is not a Business Day,

in the place specified by the intended recipient as its postal address under clause 15.15(b), it will be conclusively taken to have been duly given or made and received at the start of business on the next Business Day in that place.

15.16 Governing Law and Jurisdiction

This Deed is governed by the laws applicable in New South Wales. In relation to it and related non-contractual matters each party irrevocably submits to the non-exclusive jurisdiction of courts with jurisdiction there.

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Schedule 1

Table 1 - Requirements under section 7.4 of the EPA Act (clause 2(b))

The parties acknowledge and agree that the table set out below provides for certain terms, conditions and procedures for the purpose of the Deed complying with the EPA Act.

Requirement under the Act	This Agreement
Planning instrument and/or development application – (section 7.4(2)) The Developer has: <ul style="list-style-type: none"> (a) sought a change to an environmental planning instrument. (b) made, or proposes to make, a Development Application. (c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies. 	<ul style="list-style-type: none"> (a) No (b) Yes (c) No
Description of land to which this Agreement applies – (section 7.4(3)(a))	See definition of Development land in clause 1.1.
Description of development to which this Agreement applies – (section 7.4(3)(b))	See definition of Development in clause 1.1.
Description of change to the environmental planning instrument to which this Agreement applies – (section 7.4(3)(b))	N/A
The scope, timing and manner of delivery of contribution required by this Agreement – (section 7.4(3)(c))	See definition of Works in clause 1.1, clause 6 and Annexure A
Applicability of sections 7.11 and 7.12 of the EPA Act – (section 7.4(3)(d))	<p>The application of section 7.11 of the EPA Act is excluded in respect of the Development to the extent it enables the Council to impose contributions in respect of the works which are the subject of contribution item 05ROAD4008 in the Contributions Plan, and only to the extent of the amount of the Estimated Costs.</p> <p>The application of section 7.11 of the EPA Act is otherwise not excluded in respect of the Development.</p> <p>The application of section 7.12 of the EPA Act is excluded in respect of the Development.</p>

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Requirement under the Act	This Agreement
Applicability of section 7.24 of the EPA Act – (section 7.4(3)(d))	The application of section 7.24 of the EPA Act is not excluded in respect of the Development.
Consideration of benefits under this Agreement if section 7.11 applies – (section 7.4(3)(e))	N/A
Mechanism for Dispute Resolution – (section 7.4(3)(f))	See clause 10
Enforcement of this Agreement – (section 7.4(3)(g))	See clause 9
No obligation to grant consent or exercise functions – (section 7.4(10))	See clause 15.12

Table 2 – Other matters

Requirement under the Act	This Agreement
Registration of the Planning Agreement – (section 7.6 of the Act)	Yes (see clause 7)
Whether the Planning Agreement specifies that certain requirements of the Agreement must be complied with before a construction certificate is issued – (clause 25E(2)(g) of the Regulation)	Yes (see clause 6.1(c))
Whether the Planning Agreement specifies that certain requirements of the Agreement must be complied with before an occupation certificate is issued – (clause 25E(2)(g) of the Regulation)	Yes (see clause 6.5(a))
Whether the Planning Agreement specifies that certain requirements of the Agreement must be complied with before a subdivision certificate is issued – (clause 25E(2)(g) of the Regulation)	No

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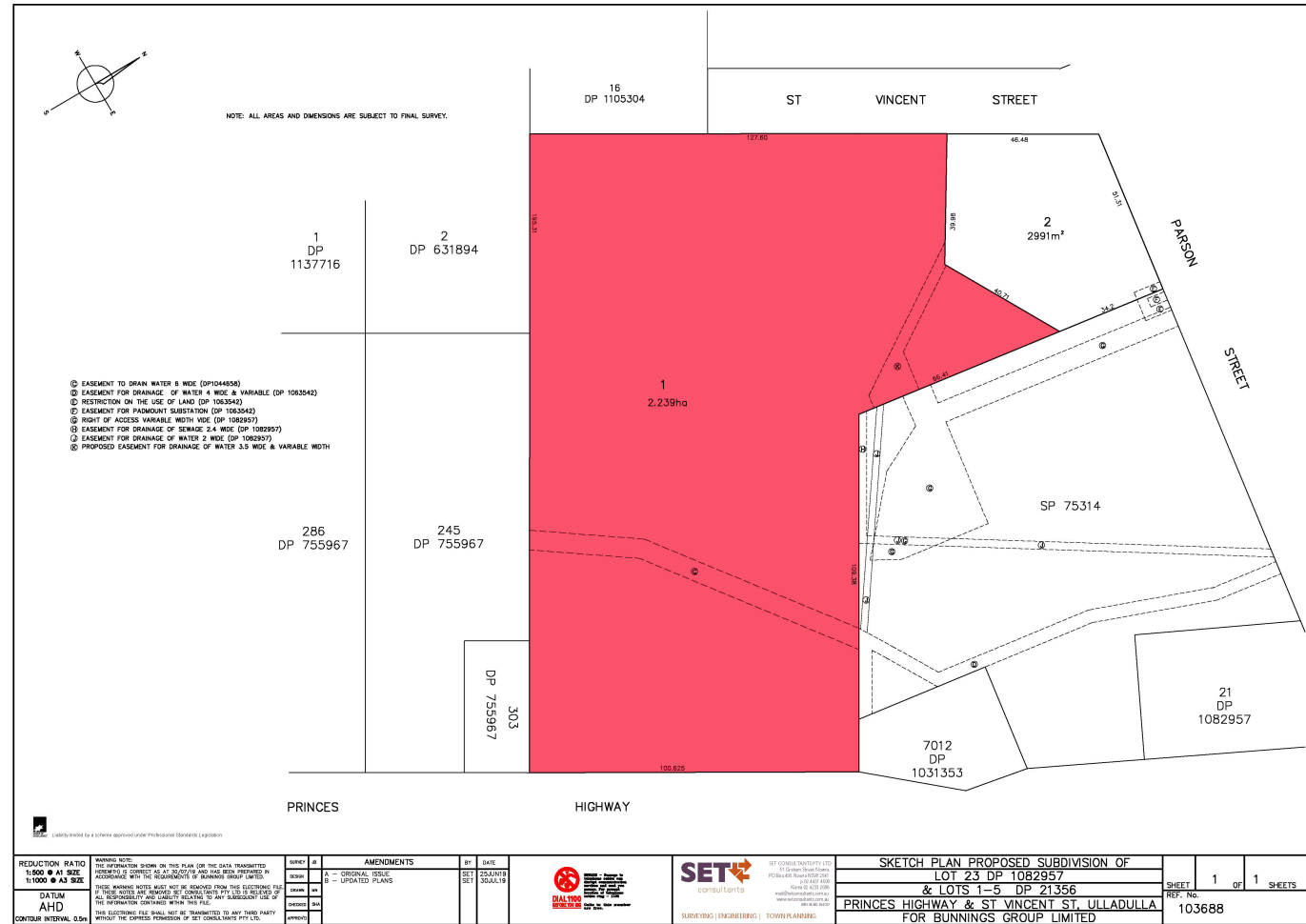
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Schedule 2

Development Land

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Each attorney executing this Deed states that he or she has no notice of the revocation or suspension of his or her power of attorney.

Executed and delivered as a Deed in Sydney.

Executed as a deed by **Shoalhaven City Council** (ABN 59 855 182 344) under seal in accordance with a resolution of the Council on [date]:

Signature of

Print Name

Signature of

Print Name

Executed as a deed in accordance with section 127 of the *Corporations Act 2001* by **Bunnings Properties Pty Limited** (ACN 46 008 557 622):

Director Signature

Print Name

Director/Secretary Signature

Print Name

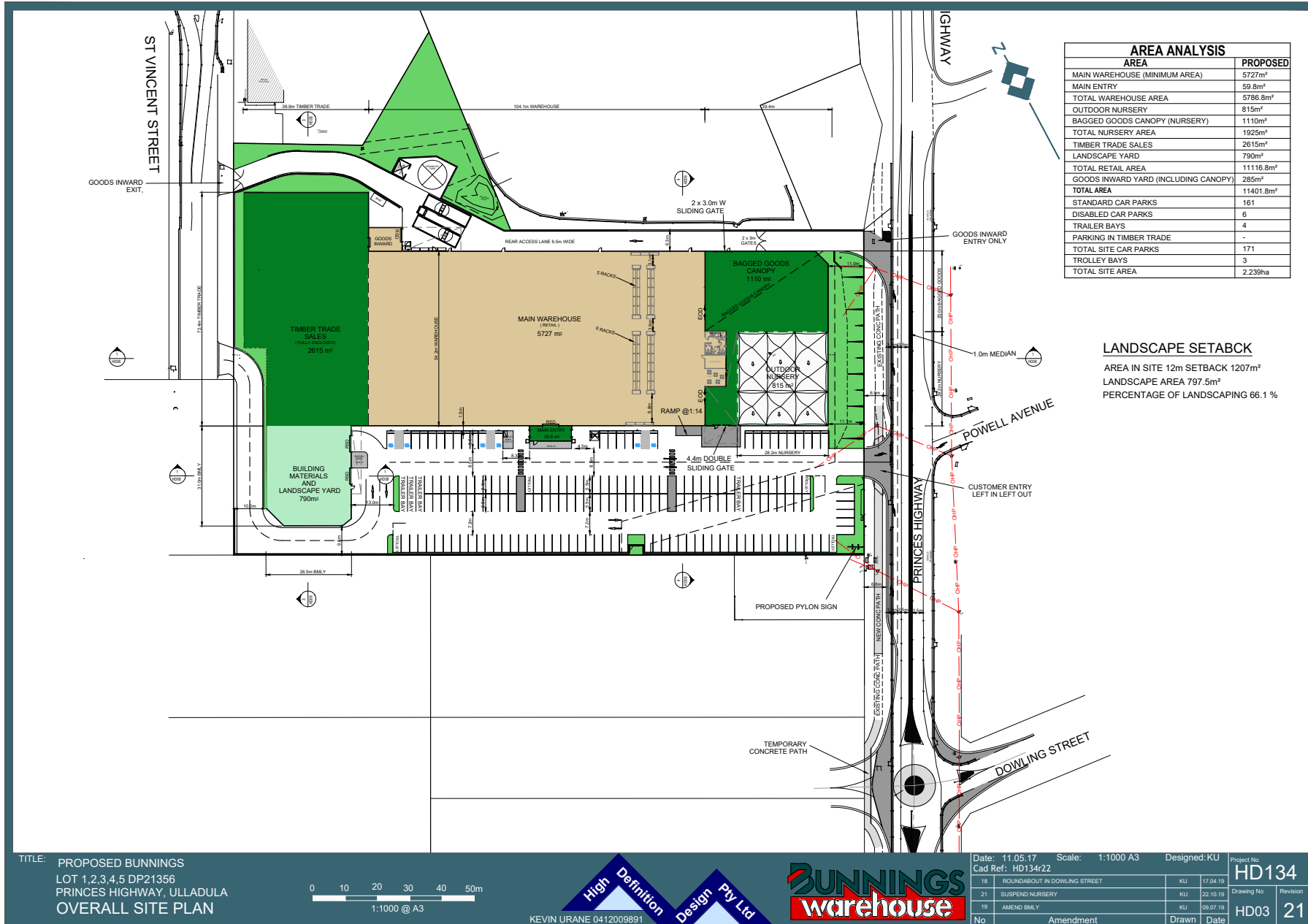
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Annexure A to Planning Agreement

Preliminary Design Documents

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Bunnings South Ulladulla Planning Agreement
Shoalhaven City Council
Bunnings Properties Pty Limited

Explanatory Note

Draft Planning Agreement

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

Parties

Shoalhaven City Council ABN 59 855 182 344 of PO Box 42 NOWRA NSW 2541
(Council)

Bunnings Properties Pty Limited ABN 46 008 557 622 of Level 8, 5 Rider Boulevard
RHODES NSW 2138 (Developer)

Description of the Land to which the Draft Planning Agreement Applies

The Development Land is land comprised in Lots 1 – 5 in Deposited Plan 21356 and part of Lot 23 in DP 1082957, as consolidated or subdivided from time to time

Description of Proposed Development

The development of the Development Land, the subject of a Development Consent, for the purposes of a Bunnings warehouse, including:

- (a) consolidation and subdivision of Lots 1-5 in DP 21356 and Lot 23 in DP 1082957 into:
 - (i) a single lot comprising the Development Land; and
 - (ii) a residual lot comprising the part of Lot 23 in DP 1082957 that will not form part of the Development Land;
- (b) demolition of existing structures on the Development Land;
- (c) clearing and earthworks on the Development Land;
- (d) construction of a new building on the Development Land to be used for the purposes of 'hardware and building supplies' and 'garden centre'; and

Bunnings South Ulladulla Planning Agreement
Shoalhaven City Council
Bunnings Properties Pty Limited

- (e) the road upgrades which comprise the Works as generally shown in the preliminary designs in Annexure A.

Summary of Objectives, Nature and Effect of the Draft Planning Agreement

Objectives of Draft Planning Agreement

The objective of the Draft Planning Agreement is to require the Developer to provide road infrastructure. Specifically, the Developer will make the following contributions:

- (a) a roundabout at the intersection of Princes Highway and Dowling Street;
- (b) a median within the Princes Highway road reserve; and
- (c) the extension of St Vincent Street across the western boundary of the Development Land.

The roundabout at the intersection of Princes Highway and Dowling Street and the extension of St Vincent Street are works which form part of contribution item 05ROAD4008 in the Council's contributions plan. Accordingly, the Draft Planning Agreement is prepared on the basis that:

- (a) no s7.11 contributions will be imposed on the Development in respect of contribution item 05ROAD4008, and only up to the estimated costs of constructing the roundabout at the intersection of Princes Highway and Dowling Street and the extension of St Vincent Street as determined by an independent quantity surveyor,
- (b) if the estimated costs for those works exceed the s7.11 contributions for 05ROAD4008 that would otherwise have been required to be paid, Council will, after receiving a request from the Developer, pay the Developer the difference from funds collected by the Council from other developers for contributions item 05ROAD4008. This payment is only required after the road works are completed and any rectification notices are complied with, and
- (c) Council is not required to make any payment to the Developer after 31 December 2039.

Nature of Draft Planning Agreement

The Draft Planning Agreement is a planning agreement under s7.4 of the EPA Act. It is a voluntary agreement under which the Developer makes Development Contributions (as defined in clause 1.1 of the Draft Planning Agreement) for various public purposes (as defined in s 7.4(2) of the EPA Act).

Effect of the Draft Planning Agreement

The Draft Planning Agreement:

- relates to the carrying out by the Developer of the Development,

Bunnings South Ulladulla Planning Agreement**Shoalhaven City Council****Bunnings Properties Pty Limited**

-
- excludes the application of s 7.11 of the EPA Act to the Development but only in respect of the works which are the subject of contribution item 05ROAD4008 in the Contributions Plan, and only to the extent of the amount of the estimated costs of the roundabout at the intersection of Princes Highway and Dowling Street and the extension of St Vincent Street as determined by an independent quantity surveyor,
 - excludes the application of s 7.12 of the EPA Act to the Development,
 - does not exclude the application of s 7.24 of the EPA Act to the Development,
 - requires carrying out of road works,
 - if the estimated costs of constructing the roundabout at the intersection of Princes Highway and Dowling Street and the extension of St Vincent Street exceeds the amount of s7.11 contributions for the contribution item 05ROAD4008 that would have been required to be paid, the Council is required to, after receiving a request from the Developer, pay the Developer the difference. Such payment is to be made from funds collected by the Council from other developers for contributions item 05ROAD4008 and payment is only required after the road works are completed and any rectification notices are complied with,
 - requires the Developer to provide a bank guarantee for the works to be carried out by the Developer prior to the issue of the Construction Certificate for the Development,
 - is to be registered on the title to the development land,
 - imposes restrictions on the Developer transferring the Land or part of the Land or assigning an interest under the Planning Agreement,
 - provides a dispute resolution method where a dispute arises under the agreement, being mediation and expert determination,
 - provides that the agreement is governed by the law of New South Wales,
 - provides that the A New Tax System (Goods and Services Tax) Act 1999 (Cth) applies to the agreement.

Assessment of the Merits of the Draft Planning Agreement**The Planning Purposes Served by the Draft Planning Agreement**

The Draft Planning Agreement:

- promotes and co-ordinates the orderly and economic use and development of the Land to which the Agreement applies,
- allows for the delivery and co-ordination of roads and traffic facilities for the area surrounding the development,
- provides and co-ordinates roads and traffic facilities in connection with the Development.

The Draft Planning Agreement provides a reasonable means of achieving these planning purposes by requiring the Developer to carry out and complete road works

Bunnings South Ulladulla Planning Agreement
Shoalhaven City Council
Bunnings Properties Pty Limited

to the Council, to facilitate the development of the Land in connection with the provision of necessary infrastructure and community facilities.

How the Draft Planning Agreement Promotes the Public Interest

The Draft Planning Agreement promotes the public interest by:

- promoting the objects of the EPA Act set out in sections 1.3(a), (c) and (j); and
- delivering road infrastructure and facilities which benefit the local and wider community.

For Planning Authorities:

Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities

N/A

Other Public Authorities – How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted

N/A

Councils – How the Draft Planning Agreement Promotes the Guiding Principles for Councils in s8A of the LG Act (Previously the Elements of the Council's Charter)

The Draft Planning Agreement promotes the elements of the Council's charter by:

- enabling Council to work with others to secure appropriate services for local community needs, namely working with the Developer to secure the provision of the roads infrastructure and facilities,
- enabling Council to manage lands and assets so that current and future local community needs can be met in an affordable ways, namely by requiring the Developer to carry out the road works which will become assets of the relevant roads authority,
- enabling Council to actively engage with its local community through the public exhibition of this planning agreement.

All Planning Authorities – Whether the Draft Planning Agreement Conforms with the Authority's Capital Works Program

Yes. The Draft Planning Agreement conforms with the Council's capital works program.

All Planning Authorities – Whether the Draft Planning Agreement specifies that certain requirements must be complied with before a

Bunnings South Ulladulla Planning Agreement
Shoalhaven City Council
Bunnings Properties Pty Limited

***construction certificate, occupation certificate or subdivision
certificate is issued***

Yes. This Draft Planning Agreement requires:

- (a) the Practical Completion of the works, obtaining of a Certificate of Practical Completion from a roads authority, and the provision of that Certificate of Practical Completion to the Council before the first Occupation Certificate is issued for the Development (clause 6.5), and
- (b) the provision of the required bank guarantee prior to the issuing of the first Construction Certificate for the Development (clause 9.2(a)), and
- (c) the registration of the Planning Agreement on the whole of the Development Land prior to the issuing of any Construction Certificate for any building in the Development (clause 8.1(g)), and
- (d) the submission of detailed design of the works to the Council and roads authority, obtaining their written approval to the detailed design and, if required by a roads authority, the entering into a works authorisation deed for the works, prior to the issuing of any Construction Certificate for any building in the Development (clause 6.1(b)).

ttpa TRANSPORT AND TRAFFIC PLANNING ASSOCIATES
Established 1994

Suite 502, Level 5, 282 Victoria Avenue
Chatswood NSW 2067
T (02) 9411 5660 | F (02) 9904 6622
E info@tpa.com.au | tpa.com.au



Proposed Bunnings Development Princes Highway, Ulladulla

Traffic and Parking Assessment

Ref: 18252
Date: June 2020
Issue: F

CL22.180 - Attachment 6

Transport and Traffic Planning Associates

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1.0 Introduction

This updated report has been prepared to accompany revised plans for a Development Application (DA 20/1068) submitted to Shoalhaven City Council for a proposed new Bunnings Warehouse on a site with frontage to the Princes Highway at Ulladulla (Figure 1).

Bunnings have an existing warehouse on a nearby site in St. Vincent Street, however, this is only a “small format” store which is unable to display a full range of goods. This existing store trades well above the Bunnings “trend line” and Bunnings have been looking for some time for an opportunity to replace the existing store with a new contemporary mid-format warehouse.

The proposed Bunnings development scheme comprises:

Warehouse	5,786.8m ²
Timber Trade	2,615m ²
Nursery/Bagged Goods	1,925m ²
Total:	10,326.8m²
Landscape Yard	790m ²

It is proposed to provide 171 parking spaces with staged vehicle access arrangements as follows:

Interim Access

- St Vincent Street extended southerly to accommodate separate car park (ingress/egress) and truck (egress) driveways
- A roundabout constructed at the Princes Highway Dowling Street intersection
- Separate carpark access (left turn IN/OUT only) and truck ingress (left turn only) with left turn deceleration lanes on the highway frontage

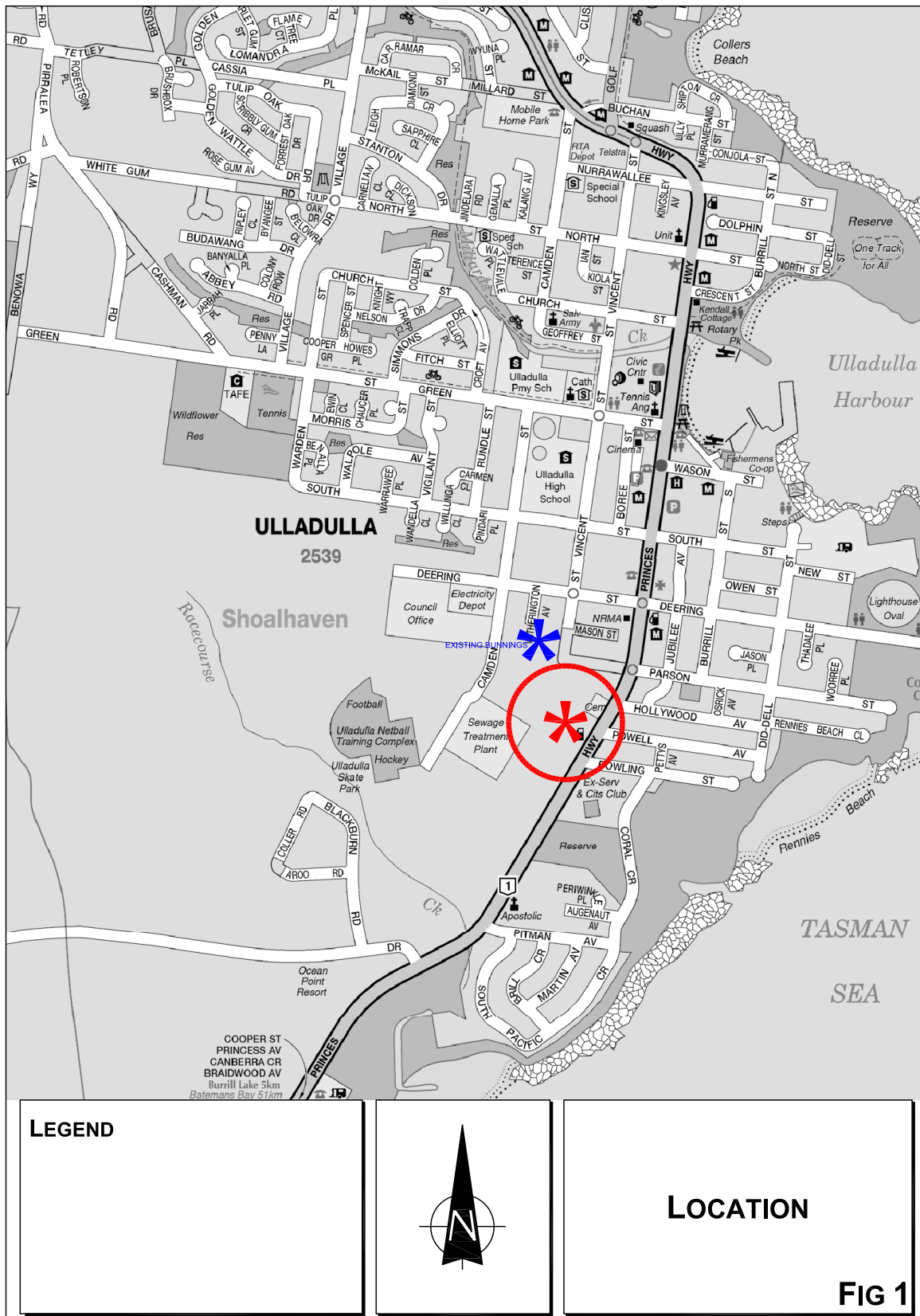
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Ultimate Access

- New access roadway constructed connecting into the Princes Highway/Dowling Street roundabout and a further extension of St Vincent Street.
- Closure of the temporary carpark access connection on the highway frontage.

The purpose of this report is to:

- ❖ describe the site, its context and the proposed development scheme
- ❖ describe the road network serving the site and the traffic conditions on that network
- ❖ describe the proposed vehicle access arrangements (interim and ultimate)
- ❖ assess the potential traffic implications
- ❖ assess the adequacy of the proposed parking provision
- ❖ assess the proposed internal circulation and servicing arrangements



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2.0 Proposed Development Scheme

2.1 Site, Context and Existing Circumstances

The site (Figure 2) is a consolidation of a number of lots with frontage to the western side of Princes Highway between Powell Avenue and Dowling Street just to the south of Ulladulla township. The site occupies a total area of 22,390m² and has a number of access driveways on the highway frontage while the unconstructed road reserve of St Vincent Street adjoins to the west.

The nearby uses comprise:

- a small cemetery and Bulky Goods complex which adjoin to the north
- an Auto electrician and other automotive services which adjoins to the south
- a Bowling Alley and bushland which adjoin to the west

The existing Bunnings is located immediately to the northwest while there are commercial uses extending along the highway to the north and residential development extending to the east of the highway.

The existing uses on the site comprise:

- BP Service Station and Convenience Store
- various automotive related uses
- a residential dwelling
- a vacant lot



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2.2 Existing Bunnings

Details of the existing Bunnings at Ulladulla are provided in Appendix A and this comprises:

Total Floorspace	4,580m ²
Carpark	117 spaces

The vehicle access arrangements include carpark access on Vincent Street with truck ingress on Witherington Avenue and egress to Vincent Street.

2.3 Proposed Development

It is proposed to demolish the existing buildings and clear the site to provide level platforms for the new building and hardstand areas.

The Bunnings building will extend along the northern part of the site with Nursery and the eastern end, Timber Trade on the western end and parking along the southern part.

The proposed development comprises:

Warehouse	5,786.8m ²
Nursery / Bagged Goods	1,925m ²
TTS / BM & LY	2,615m ²
Total	10,326.8m²
BM & LY	790m ²
Goods Inward Yard	285m ²

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Parking would be provided for a total of 166 cars with the vehicle access provisions being staged as the road system develops as follows:

Interim Access

- St Vincent Street extended southerly to accommodate separate car park (ingress/egress) and truck (egress) driveways
- A roundabout constructed at the Princes Highway Dowling Street intersection
- Separate carpark access (left turn IN/OUT only) and truck ingress (left turn only) with left turn deceleration lanes on the highway frontage.

Ultimate Access

- New access roadway constructed connecting into the Princes Highway/Dowling Street roundabout and a further extension of St Vincent Street to connect with the new road.
- Closure of the temporary carpark access connection on the highway frontage.

Details of the proposed development are provided on the plans (Interim and Ultimate) which accompany the Development Application and are reproduced in part in Appendix B.

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3.0 Existing Road Network and Traffic Conditions

3.1 Road Network

The road network servicing Ulladulla (Figure 3) comprises:

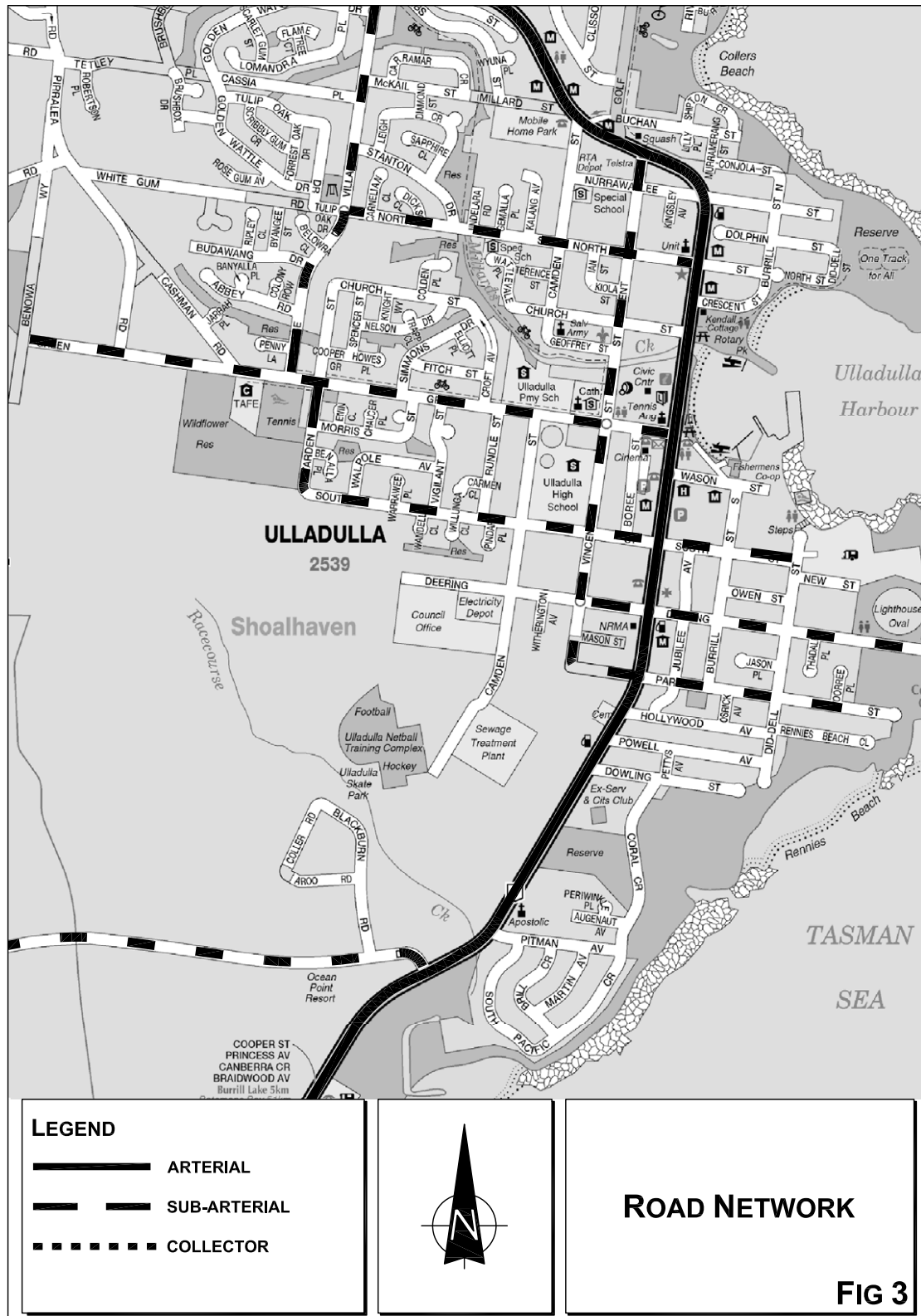
- ❖ *Princes Highway* – a State Road and arterial route being the principal coastal route connecting between Sydney and Melbourne
- ❖ *St Vincent Street* – a collector road route running parallel and to the west of the highway
- ❖ *North Street, Green Street and South Street* – east west collector routes
- ❖ *Deering Street and Parson Street* – minor collector routes crossing the highway
- ❖ *Hollywood Avenue, Dowling Street and Powell Street* – local access roads to the east of the highway

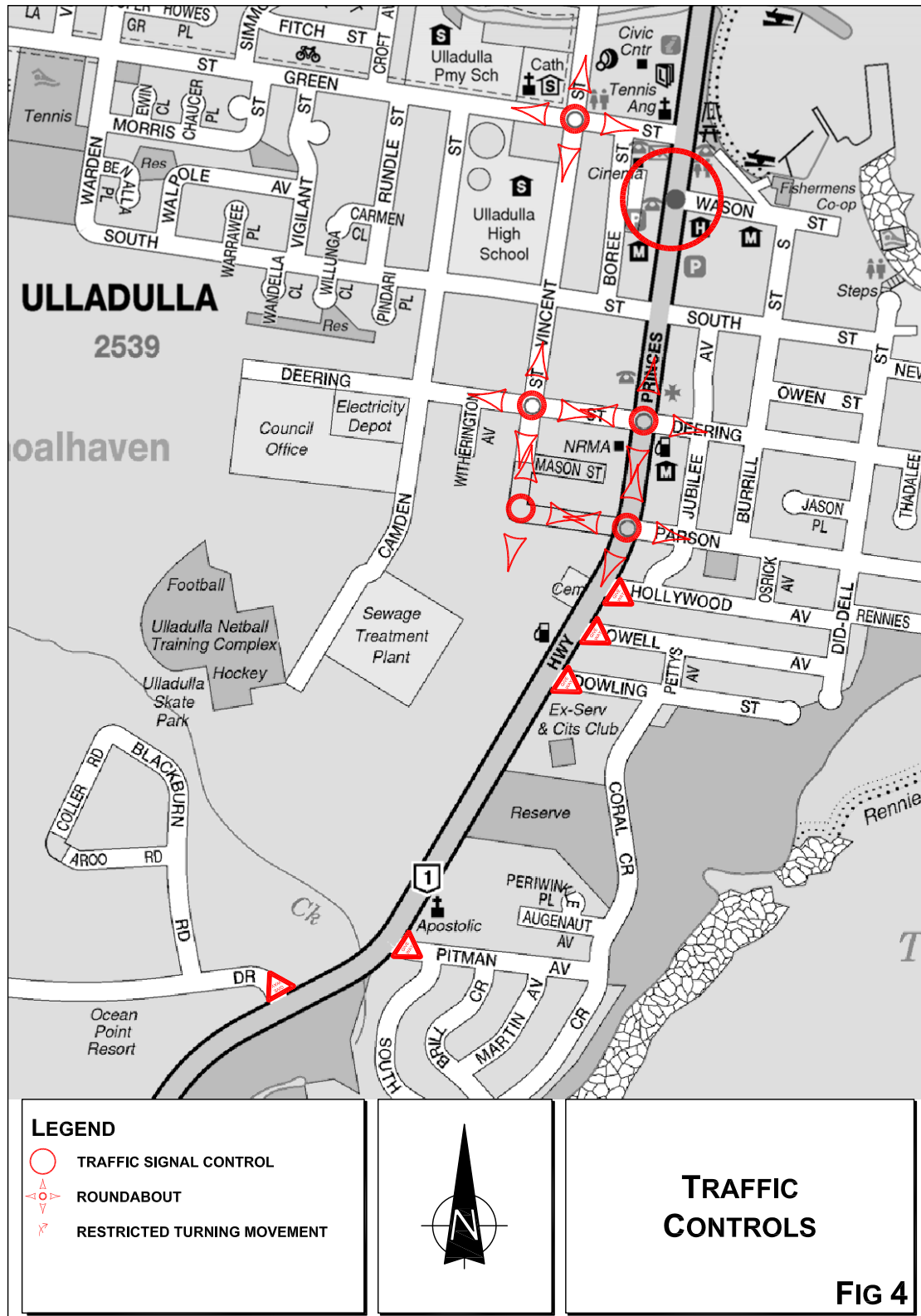
The highway in the vicinity of the site is relatively straight and level and generally has one traffic lane in each direction. The southern section of St Vincent is only constructed for a short distance south of Parson Street.

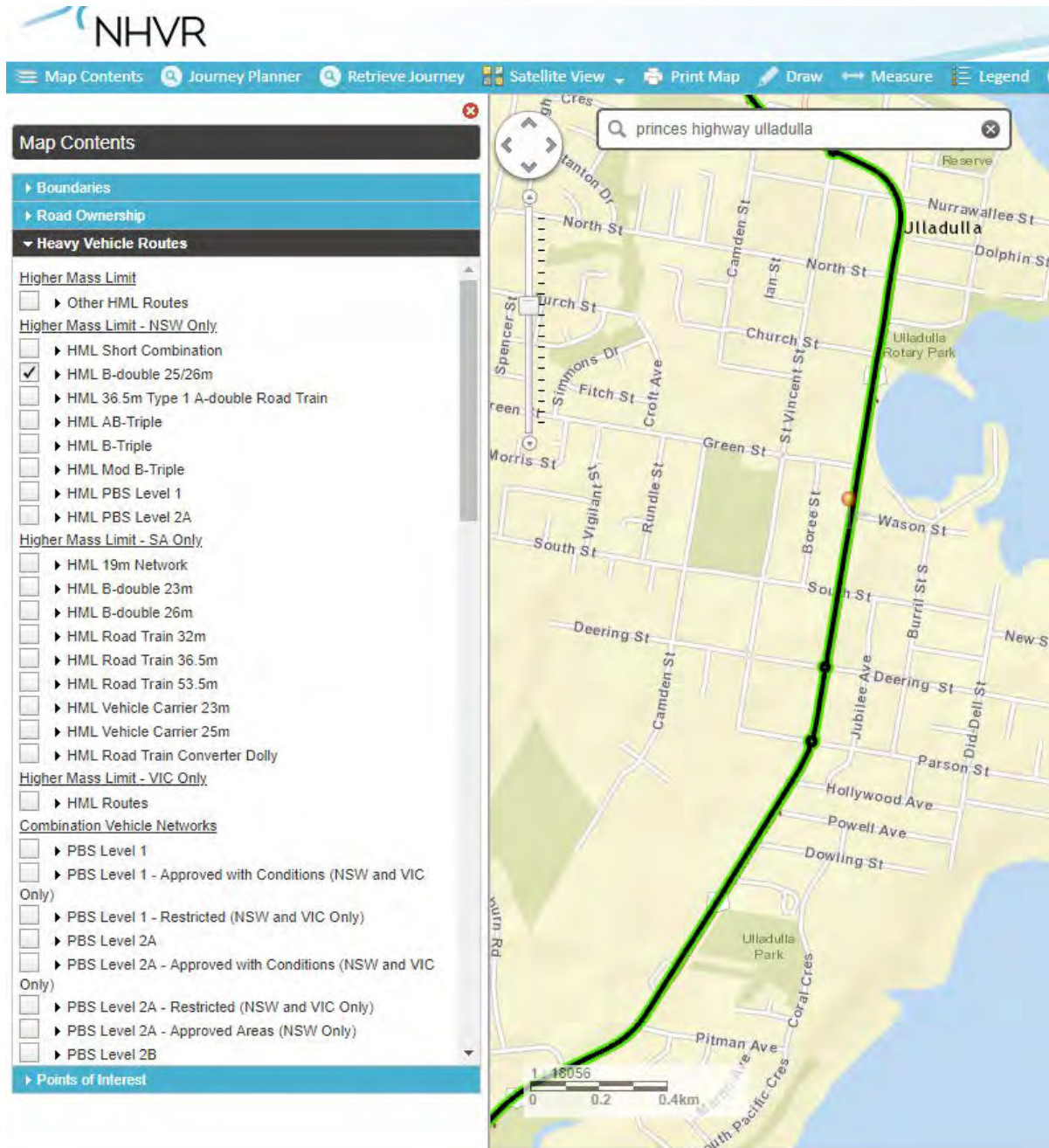
3.2 Traffic Controls

The existing traffic controls on the road network (Figure 4) comprise:

- ❖ the NHRV approved B Double route along the highway (see details overleaf)
- ❖ the 60 kmph restriction on the highway in the vicinity of the site
- ❖ the roundabouts on the highway at the Parson Street and Deering Street intersections
- ❖ the GIVE WAY sign control on Powell Street and Dowling Street at the highway intersections







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- ❖ the roundabout at the St. Vincent Street and Parson Street intersection
- ❖ the broken centre line along the highway with painted parking lanes at the site frontage widening to the south with the provision of a central “shared right turn lane”

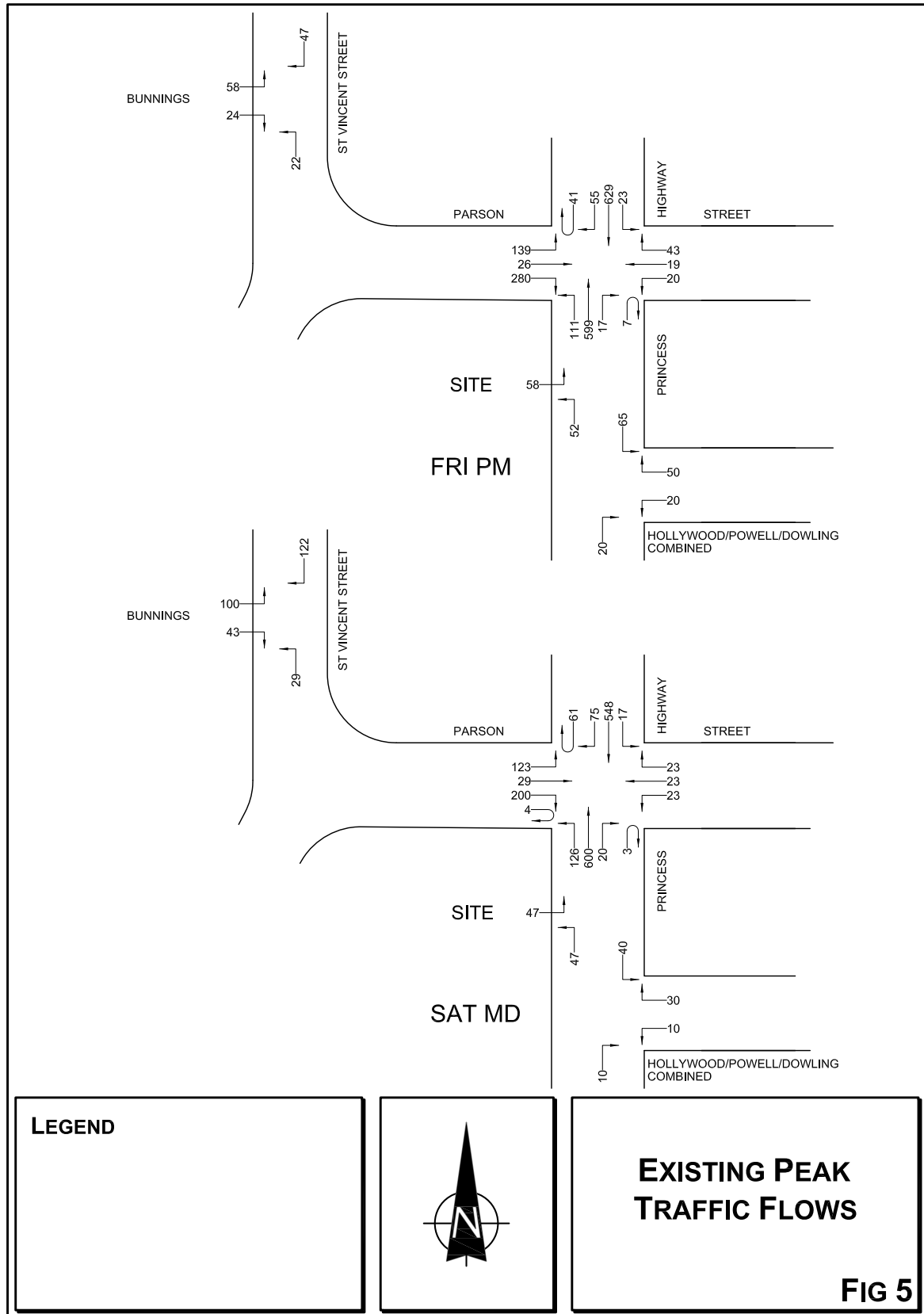
3.3 Traffic Conditions

Traffic surveys have been undertaken at the Princes Highway and Parson Street intersection and at the existing Bunnings access during the weekday afternoon and Saturday midday periods. The results of these surveys are provided in Appendix C and summarised in Figure 5 and the operational performance of the Princes Highway and Parson Street intersection has been assessed using SIDRA.

The results of that assessment are provided in Appendix D and summarised in the following while the criteria for interpreting SIDRA results is reproduced overleaf.

PM		SAT	
LOS	AVD	LOS	AVD
B	15.1	A	10.7

The results indicate that the intersection operates quite satisfactorily at the present time.



Criteria for Interpreting Results of SIDRA Analysis

1. Level of Service (LOS)

LOS	Traffic Signals and Roundabouts	Give Way and Stop Signs
'A'	Good	Good
'B'	Good with acceptable delays and spare capacity	Acceptable delays and spare capacity
'C'	Satisfactory	Satisfactory but accident study required
'D'	Operating near capacity	Near capacity and Accident Study required
'E'	At capacity; at signals incidents will cause excessive delays. Roundabouts require other control mode	At capacity and requires other control mode
'F'	Unsatisfactory and requires additional capacity	Unsatisfactory and requires other control mode

2. Average Vehicle Delay (AVD)

The AVD provides a measure of the operational performance of an intersection as indicated on the table below, which relates AVD to LOS. The AVD's listed in the table should be taken as a guide only as longer delays could be tolerated in some locations (ie inner city conditions) and on some roads (ie minor side street intersecting with a major arterial route).

Level of Service	Average Delay per Vehicle (secs/veh)	Traffic Signals, Roundabouts	Give Way and Stop Signs
A	Less than 14	Good operation	Good operation
B	15 to 28	Good with acceptable delays and spare capacity	Acceptable delays and spare capacity
C	29 to 42	Satisfactory	Satisfactory but accident study required
D	43 to 56	Operating near capacity	Near capacity and accident study required
E	57 to 70	At capacity; at signals incidents will cause excessive delays. Roundabouts require other control mode	At capacity and requires other control mode

3. Degree of Saturation (DS)

The DS is another measure of the operational performance of individual intersections.

For intersections controlled by **traffic signals**¹ both queue length and delay increase rapidly as DS approaches 1, and it is usual to attempt to keep DS to less than 0.9. Values of DS in the order of 0.7 generally represent satisfactory intersection operation. When DS exceeds 0.9 queues can be anticipated.

For intersections controlled by a **roundabout or GIVE WAY or STOP signs**, satisfactory intersection operation is indicated by a DS of 0.8 or less.

¹ the values of DS for intersections under traffic signal control are only valid for cycle length of 120 secs

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4.0 Future Road Circumstances

The Federal Government has announced a proposed \$3.8 billion Infrastructure Program and this announcement included confirmation that construction of the long awaited Ulladulla-Milton Bypass will be funded under this program. This bypass road will connect to the highway to the south of the Bunnings development site and as a result, the traffic flow along the highway past the site will be significantly reduced.

Shoalhaven DCP 2014 Chapter S10 applies to the South Ulladulla Precinct extending between Parson Street and Kings Point Drive as indicated in the extracts reproduced in Appendix E.

The objectives of this document which are to encourage development include:

- ❖ maintain the efficiency of the highway by reducing the number of access driveways
- ❖ allow traffic movements to and from the highway that are safe and convenient
- ❖ create a Bulky Goods Precinct and a Fringe Commercial Industrial Precinct.

The Figure 3 diagram from the DCP which is reproduced in Appendix E provides details of:

- ❖ a new access road connecting between to the highway opposite Dowling Street
- ❖ roundabout control at the intersection
- ❖ extension of St Vincent Street to connect with the new access road
- ❖ a cul-de-sac road providing central access in to the precinct connecting to the new road connecting between the highway and St. Vincent Street

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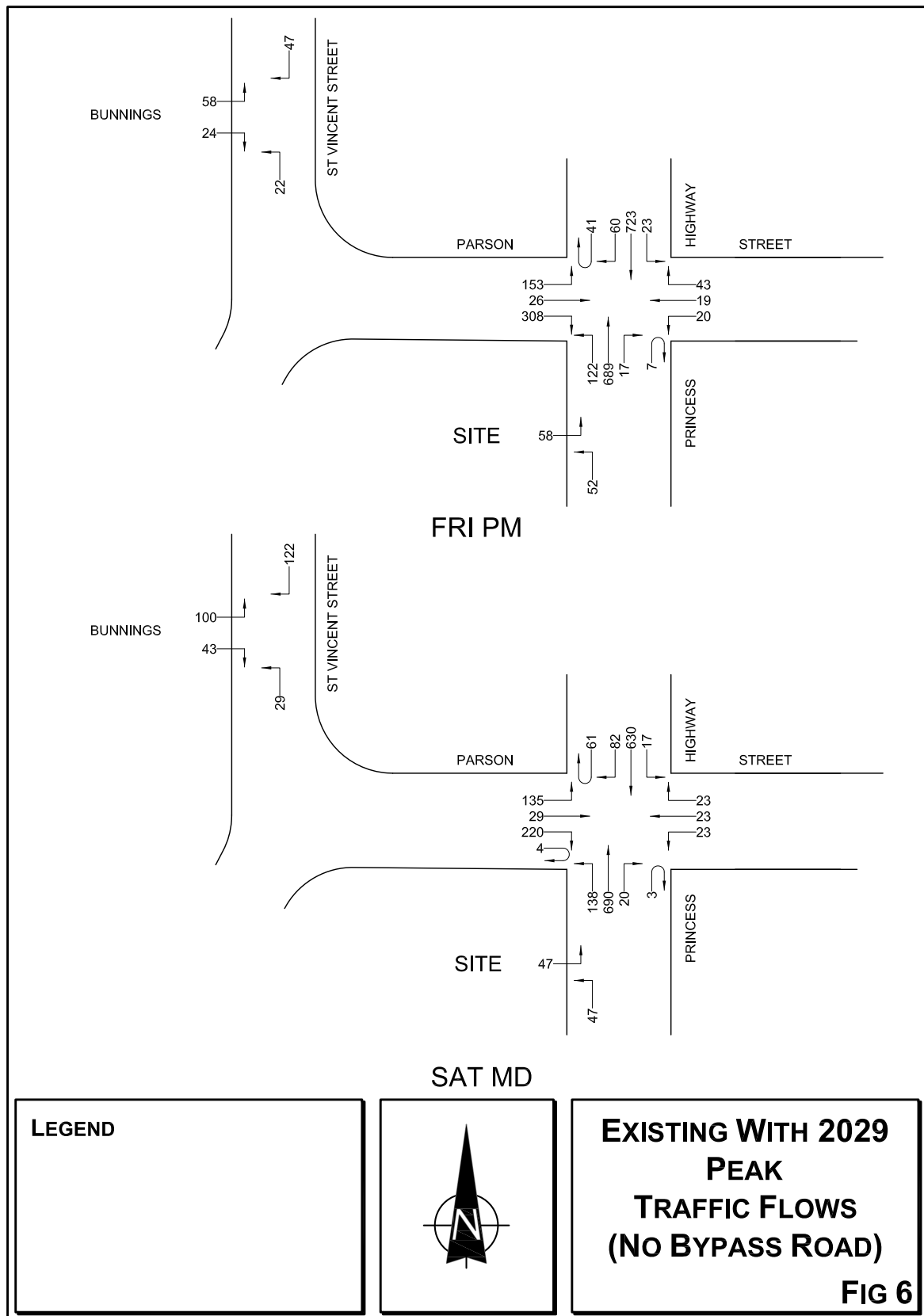
The NSW Government document Princes Highway Corridor Strategy (Aug 2016) provides an insight into the changes to traffic activity on numerous sections of the highway. The extract overleaf indicates an average AADT growth on the highway at a counting station south of Lake Burrill of 1.1% pa.

Council officers often take the view that seasonal / holiday variations in traffic flow need to be accounted for in regard to traffic assessment and quote an Austroads criteria in relation to a certain “highest hour”. However the 2nd extract from the Princes Highway Corridor Study shows that while these variations are relatively significant in sections of the highway which have high concentrated flows (e.g. at Bombo), the variations at Burrill Lake / Ulladulla are far more muted and of limited frequency / duration whilst further to the south (e.g. Bega, Eden) they are almost imperceptible.

It is standard practice to identify and assess a “10 year design horizon” in relation to development assessment and for the purposes of establishing the 2029 design horizon the volumes of the through movements were increased by 15% for the Friday PM and Saturday midday peak periods and the major right/left turn movements to/from the highway at the Parsons Street intersection increased by 10%. This is an increased ‘sensitivity’ provision over that specified by TfNSW (Andrew Lissenden email of 28.04.2020) of + 10% and the peak traffic outcome for the Friday PM and Saturday midday peaks are provided in Figure 6.

The operational performance of the roundabout controlled intersection was assessed using SIDRA and the results are provided in Appendix D and summarised in the following:

	Friday PM		Saturday MD	
	LOS	AVD	LOS	AVD
North	D	53.2	B	14.8
South	A	7.3	A	9.5
East	B	19.9	B	14.8
West	F	87.7	C	36.3
Total:	C		B	16.6



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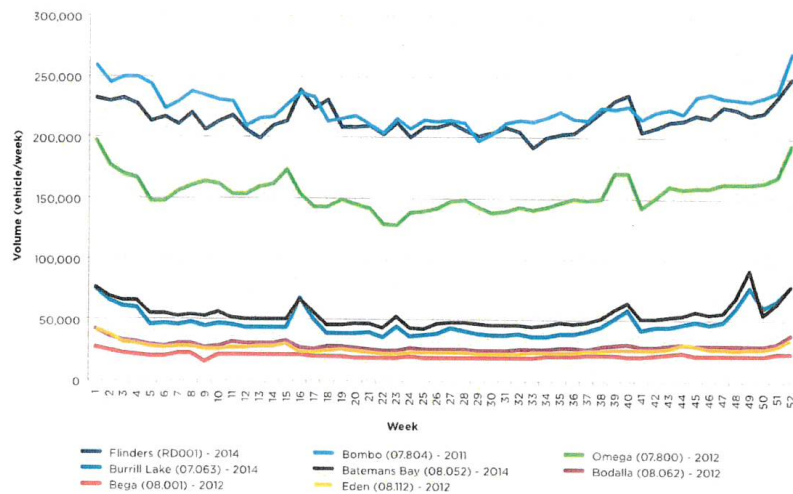
The operation of the intersection for this future circumstance is relatively unsatisfactory, however, a potential limited upgrade is possible with 50m lane 2 lane approaches on the highway arms. The results of a SIDRA assessment with this upgrade arrangement are provided in Appendix D and summarised in the following:

	Friday PM		Saturday MD	
	LOS	AVD	LOS	AVD
North	A	9.8	A	7.7
South	A	5.9	A	6.2
East	B	20.5	A	14.8
West	D	45.1	B	25.1
Total:	B	16.41	A	10.5

It is apparent that the operation of the modified roundabout with the projected 2029 volumes will be satisfactory.

PRINCES HIGHWAY CORRIDOR STRATEGY
AUGUST 2016

Figure 5-10 Seasonal variations in traffic on the Princes Highway



Growth rates and trends

Measuring the volumes of traffic travelling along a route through time can be used to determine a growth rate and forecast a future traffic volume. Vehicle growth rates along a corridor are generally linear unless they are impacted by a significant change in adjacent land use, such as an airport, a freight terminal or a new residential subdivision or regulatory changes such as a gazettal allowing access to new higher productivity vehicles.

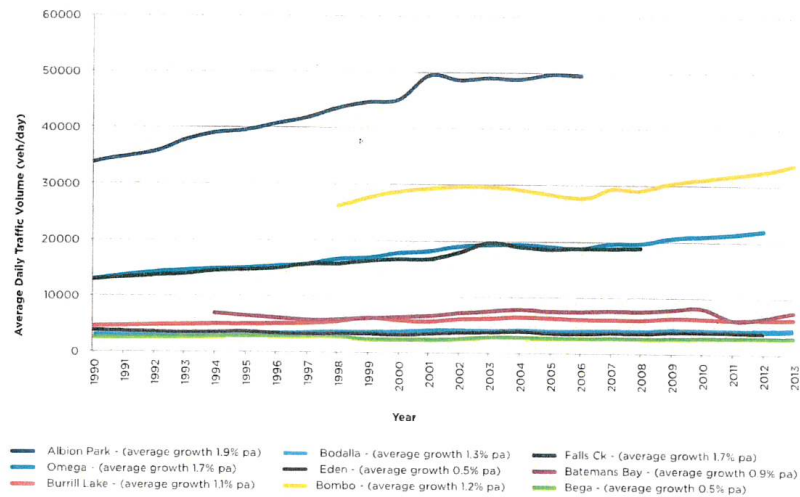
The annual traffic growth rate along the Princes Highway ranges from nearly 2.0% in the northern section of the corridor, down to 0.5% at the southern end near Bega and Eden. Areas of the highway near Flinders and Shell Cove, just south of Albion Park Rail, have shown high growth rates and a significant increase in traffic volumes which is reflective of the new housing developments in this area. These growth rates would not be representative of long term sustainable growth rates and have not been included in the analysis. Traffic growth rates for the Princes Highway Corridor are shown in Figure 5-11.

CURRENT CORRIDOR PERFORMANCE

PRINCES HIGHWAY CORRIDOR STRATEGY
AUGUST 2016

Figure 5-11 Traffic growth along the Princes Highway - 1990 to 2013

CURRENT CORRIDOR PERFORMANCE



Number of lanes and level of service

The number of through lanes along a route is a function of either the demand along the route, or a specific commitment to provide a particular standard of route generally between interregional or interstate locations. Rural class 5R roads typically have 2 or more lanes with frequent overtaking opportunities. Rural class 4R roads are generally two lane rural roads, with overtaking lanes spaced to reflect their traffic volumes and the types of vehicles using the route. Rural Class 3R roads typically have two lanes.

The number of through lanes on a class 4R road can be calculated using the level of service rating method. The level of service of highways is used to determine if the capacity of the highway is adequate and is influenced by the number of lanes in each direction on a road and the number and length of overtaking lanes provided.

The Princes Highway corridor between Yallah and Gerringong has two lanes in each direction and between Gerringong and Bomaderry it generally has one lane in each direction. However current and planned projects will provide two lanes in each direction from Waterfall to Jarvis Bay Road. From Bomaderry, through Nowra to Jarvis Bay Road, the highway generally has two lanes in each direction and from Jarvis Bay Road to the Victorian border, the highway generally has one lane in each direction. The Roads and Maritime Network Performance Measures and Network Planning Targets¹² have a target for the number of through lanes on the Princes Highway. The target for the 5R class road, between Yallah and Jarvis Bay Road is four lanes on divided carriageway and on 4R and 3R class roads it is two lanes and increased to four if required to provide Level of Service C. If the travel demand for any particular road is such that the target level of service C is forecast to be exceeded within the planning horizon, an assessment should be made as to the viability of increasing the number of lanes available. However, there are several treatments (such as Intelligent

¹² NSW Centre for Road Safety 2011, *NSW Speed Zoning Guidelines*, RMS, Sydney

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5.0 Access and Traffic

5.1 Access

The Figure 2 and 3 diagrams from DCP Chapter 10 document (Appendix E) show “Short Term Shared Driveways” being permitted along the highway frontage (i.e. until the future access road and alternative site accesses are available). TfNSW and SEPP Infrastructure would prefer no access on the highway when alternative access is available, however the development will generate somewhat more traffic than the existing Bunnings and it is essential that two separate accesses are provided.

It is proposed (as shown on the Appendix B plans) to undertake the following interim works as part of the development:

- construct a roundabout at the Princes Highway / Dowling Street intersection as identified in the DCP which would accommodate the future access road connecting to St Vincent Street
- widen the highway carriageway along the western side to provide a central median island between the new roundabout and the northern site boundary
- construct access driveways for the carpark (ingress/egress) and loading area (ingress) with left turn deceleration lanes
- install NO STOPPING restrictions along the western side of the highway at the site frontage
- construct an extension of St Vincent Street and provide an access driveway for the carpark (ingress and egress) and loading area (egress).

The access driveway for the carpark on the highway would be removed when the new access road is provided (as identified in the DCP) and a new access cul-de-sac provided connecting to the new road. The proposed accesses (interim and ultimate) will be located where good sight distances are available and will comply with the design requirements of AS2890.1 and 2.

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5.2 Traffic

The existing uses on the site comprise:

- a BP Service Station with convenience store
- 2 automotive related uses
- a vacant Lot
- a residential dwelling

The service station is the only refueling location on the western side of the highway approaching Ulladulla and is therefore well patronised. The assessed traffic generation of these existing uses during the weekday PM and Saturday midday periods is as follows:

	PM		Sat MD	
	IN	OUT	IN	OUT
Service Station	50	50	45	45
Other	2	8	2	2
Total:	110 vtp		94 vtp	

The majority of the service station movements would be “passing trade” and accordingly the assessed site generated movements (i.e. discount to the proposed Bunnings traffic) is as follows:

PM	Sat MD
40	34

It is not known what use will replace the existing Bunnings however the most likely “high order” use would be bulky goods (i.e. 4,580m² – 376m² BMLY = 4,204m²).

Surveys of the existing Bunnings revealed the following peak traffic generation rates:

AM	120 vtp	2.6 vtp/100m ²
PM	145 vtp	3.2 vtp/100m ²
Sat MD	294 vtp	6.4 vtp/100m ²

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These generation rates are relatively high and reflect the limited existing floor area and strong patronage being the principal reason that Bunnings wish to develop a larger warehouse at Ulladulla. Reference to the Bunnings Traffic Generation Characteristics (Appendix F) reveals 4 existing sites with similar floor area to the proposed new Bunnings (i.e. 10,600 to 11,900m²) and are comparable because the traffic generation rate of Bunnings decreases significantly per 100m² as the floor area increases.

The Minchinbury site, however, is an “outlier” because it was significantly overtrading at the time of survey and has since been redeveloped to a “large format” store. The average peak traffic generation rates of the other 3 sites Wollongong, Chatswood and Noarlunga (which do not have BMLY) provide indicative rates for the new Bunnings at Ulladulla are as follows:

	vtph/100m ²	
	WDPM	Sat MD
Average	2.53	5.37
Adopted	2.60	5.50

Application of the adopted criteria to the proposed floor area less BMLY (i.e. 10,327m²) would indicate the following peak traffic generation:

WDPM	Sat MD
268 vtph	566 vtph

The traffic surveys of the existing Bunnings reveal that some 70% of access movements were to/from the north along St Vincent Street and some 30% to/from the east along Parson Street. Thus, it is apparent that some 80% of traffic is from the north and some 20% from the south in general terms. However, there is also a significant element of “passing trade” (i.e. vehicles already travelling along the highway).

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The ARRB extract in Appendix F indicates a passing trade element of some 28%, however, it is considered that the more appropriate rate for the Ulladulla site would be some 16%. In relation to a potential future use on the existing Bunnings site, reference to the RMS Bulky Goods Analysis Report indicates the following average traffic generation per 100m² (network peak) for the “regional” sites.

AM Peak	Outside operating hours
PM Peak	1.5 vtp/h
Sat MD	2.7 vtp/h

Application of these factors to the floor area of 4,204m² would indicate the following generation for bulky goods use and this would also have a “passing trade” element.

PM	Sat MD
63 vtp/h	114 vtp/h

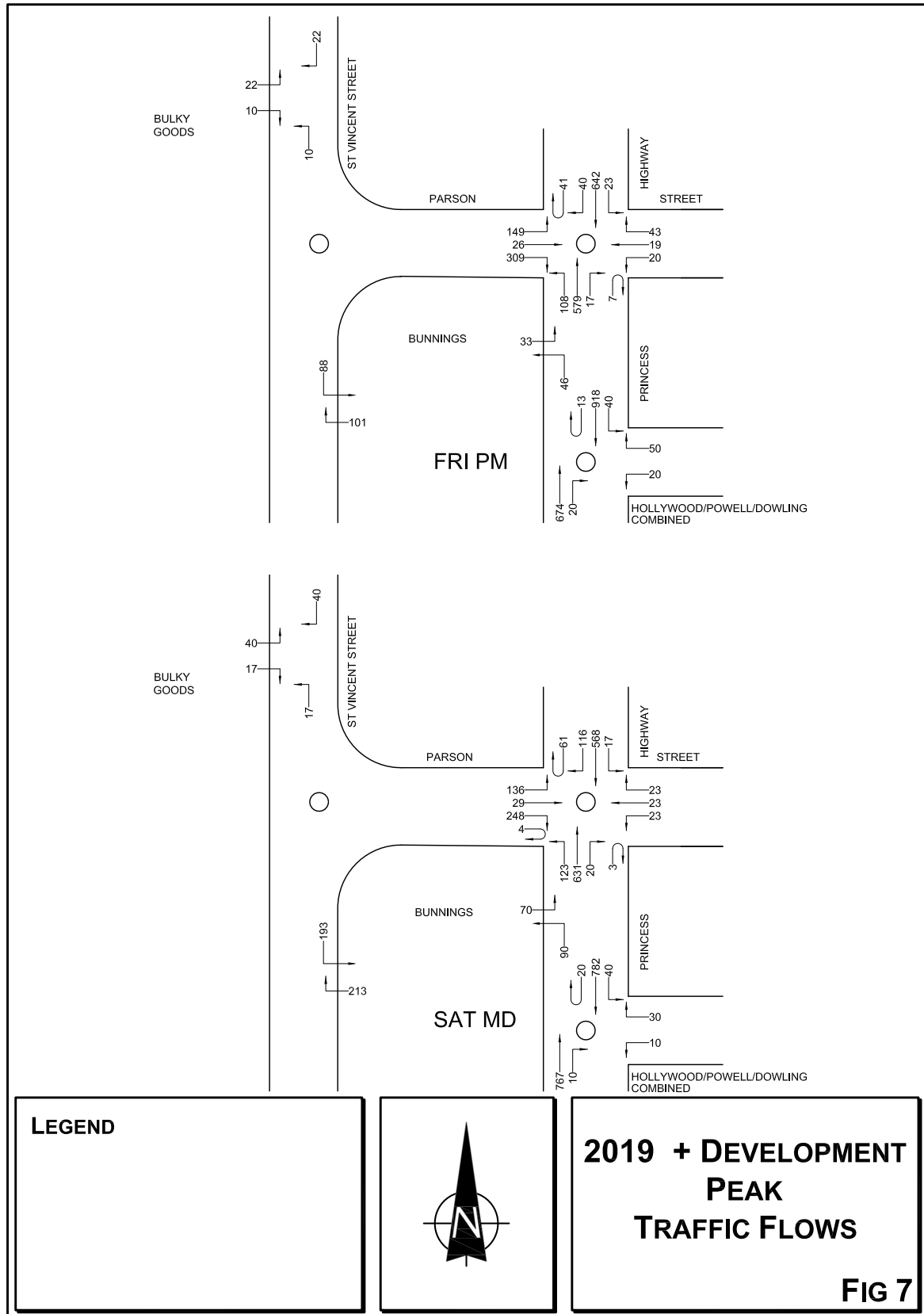
The process undertaken to assess the detailed projected peak traffic generation of the proposed Bunnings involved:

- identifying and subtracting the traffic movements of the existing Bunnings and site use generations having regard for the “passing trade” factor
- adding the traffic movements generated by the new Bunnings
- adding the traffic generation of a bulky goods use on the existing Bunnings site.

Note: The principal intersection movements were not increased by 15%

There would be some “dual visitation” between the Bunnings and Bulky Goods, however, no discount has been applied in relation to this factor which could be in the range of 10 – 20%.

The resultant 2019 plus development traffic flows for the Friday PM and Saturday midday peaks are shown on Figure 7 and the operational performance of the Princes Highway/Parson Street and Princes Highway/Dowling Street intersections has been assessed with SIDRA. The results of this assessment are provided in Appendix D and summarised in the following:



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	Weekday PM		Saturday MD	
	LOS	AVD	LOS	AVD
Parson Street	B	17.3	B	16.5
Dowling Street	A	5.0	A	4.7

The results indicate that a satisfactory operational performance will be maintained while it is apparent that:

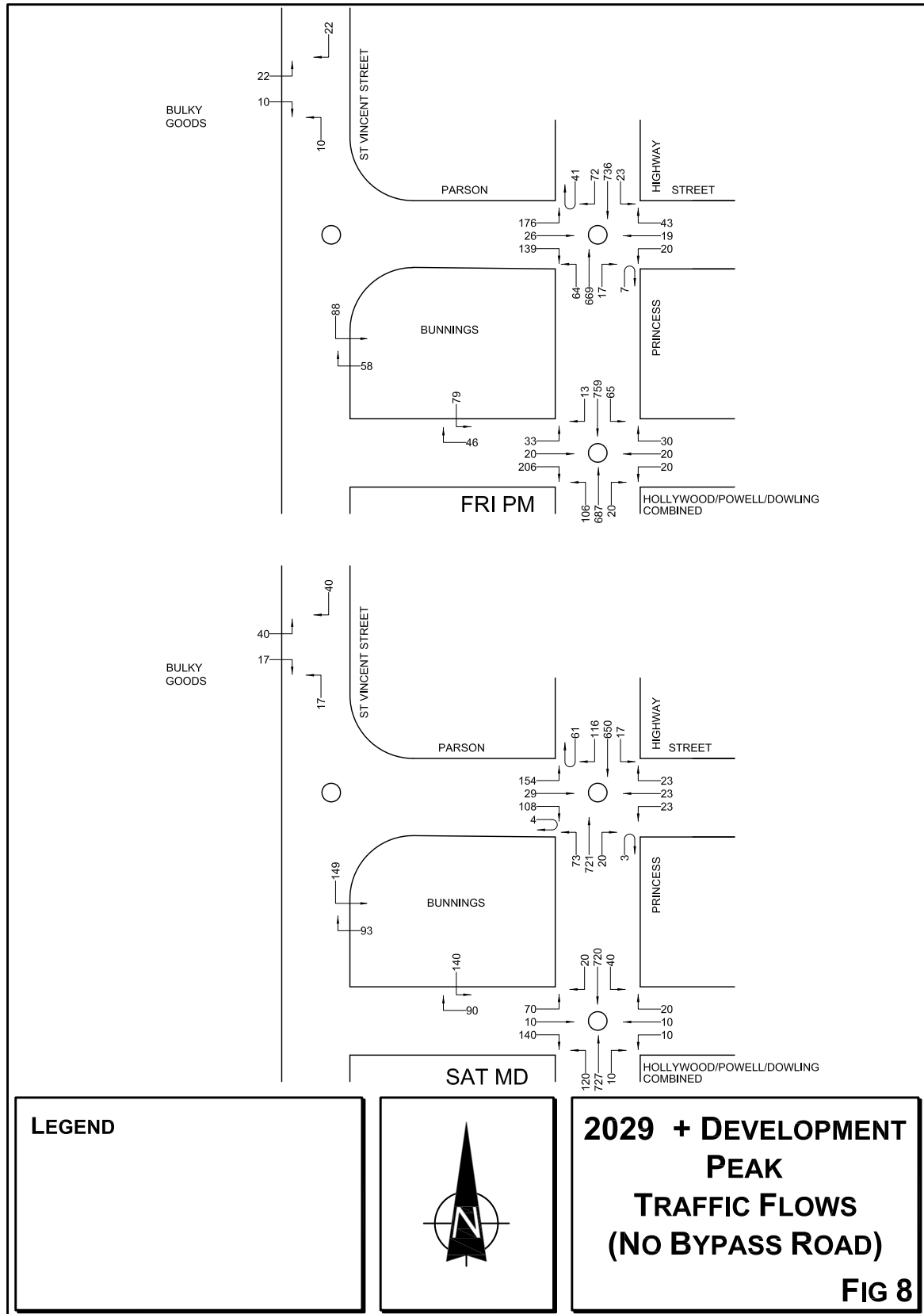
- the traffic movements on the Bunnings interim access will be very little different to that of the existing uses (but without the right turn movements)
- the operational performance of the Princes Highway/Powell Street and St Vincent Street/Parson Street intersections will be satisfactory given the relevant peak vehicle flows

As a final assessment process, the “post development” traffic flows were added to the 2029 design horizon traffic flows (Figure 8) with the future access road connection into the Dowling Street intersection. The SIDRA results for the circumstance are provided in Appendix D and summarised in the following:

	Friday PM		Saturday MD	
	LOS	AVD	LOS	AVD
Parson Street	B	11.1	B	11.7
Dowling Street	A	8.7	A	6.3

Thus, it is apparent that the intersections will operate satisfactorily with the proposed Bunnings development for the circumstances of:

- 2019 with existing Parson Street roundabout and proposed Dowling Street roundabout
- 2029 with existing Parson Street roundabout and proposed Dowling Street roundabout with extension of St Vincent Street to form a 4th leg. This circumstance will have the added benefit of avoiding the need to upgrade the Parson Street roundabout capacity.



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6.0 Parking

Council's DCP specifies a parking provision for Bulky Goods use of 1 space per 50m² GFA.

It is proposed to provide 166 parking spaces in the at-grade carpark and 15 spaces in the Timber Trade area (i.e. total 181 spaces). The Building Materials and Landscape Yard is not an element which generates a parking demand apart from customers who may park in this area.

Thus, the parking provision rate proposed is 1 space per 57m² (11,117m² – 790m² ÷ 181) and it is the Bunnings experience that this provision will be quite appropriate to even satisfy peak seasonal demands. This provision will include 6 accessible spaces and 3 trailer bays.

CL22.180 - Attachment 6

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7.0 Internal Circulation and Servicing

7.1 Internal Circulation

The design of the car park including access driveways, aisles, bays and grades etc. will comply with the requirements of AS2890.1 and 6, and there will be quite generous manoeuvring available. Details of the turning path assessment are provided in Appendix G.

7.2 Servicing

Delivery trucks (semi-trailer maximum) will ingress from the highway (left turn only) travel along the northern boundary to the unloading area and exit to St. Vincent Street. There will be a very substantial queuing area and a turning path assessment for trucks is provided in Appendix G indicating that quite adequate provision will be available for trucks to access and manoeuvre.

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8.0 Issues

Separate responses were provided by TfNSW and Council in relation to the traffic and parking issues of the proposed development in regard to the submitted DA and those issues are addressed in the following while responses to the road design issues will be provided separately:

TfNSW Issues

❖ Updated Traffic Impact Assessment

Provide a revised assessment including:

- New traffic surveys with light / heavy vehicles separate, vehicle movements for Hollywood Avenue, Powell Avenue and Dowling Street
- Traffic movement diagrams for the 10 year future growth scenario and future development in the adjoining commercial / industrial / bulky goods precinct

It has not been possible to undertake additional traffic surveys due to the COVID 19 circumstances and the indications are that traffic conditions may not return to normal for some 6 months.

Heavy vehicles – a 4% HV was applied to all movements in the SIDRA assessment however, this has been adjusted to 8% along the highway (as documented in the Princes Highway Corridor Strategy document) and appropriate other levels on the other vehicle movements.

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❖ Side Street Movements

A traffic survey of the Princes Highway and Pittman Avenue intersection is now provided in Appendix C and it is considered that this closed precinct (Coral Crescent is not a road connection) provides an indication of the traffic generation of the Hollywood/ Powell / Dowling “enclave”. Although it is apparent that at least the Hollywood Avenue generated movements would already egress to the north and west via the Parson Street roundabout which facilitates these movements.

Traffic movements have been assessed and added indicatively to the “Existing and Future Peaks Traffic flow” diagrams and incorporated into the SIDRA modelling.

❖ Fringe Commercial/Industrial and Bulky Goods Precincts

In regard to the request for assessment of other potential development this is considered to be an unduly onerous and unreasonable request. The Bulky Goods Precinct in particular is extensive and extends a significant distance to the south and includes a proposed roundabout access at the Pittman Avenue intersection.

Development in the Commercial/Industrial Precinct includes the area on the northern side of the proposed Bunnings site already developed (with its traffic included in the existing recorded movements) and 2 small sites adjoining to the south.

It is understood that the former RTA gave concurrence to the DCP and the proposed treatment of the frontage section of the highway and the proposed access intersections, however it is not known what traffic assessment was undertaken in relation to the DCP.

The proposed Bunnings is a use as permitted by the DCP and particularly as it is a proposed relocation of an existing adjacent site the traffic outcome does not represent anything additional to what is permitted by the DCP.

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Electronic copies of the SIDRA files (which have no default alterations) will be provided.

❖ **Projected distribution of generated traffic to / from the north**

This has had regard for:

- the traffic surveys of the existing Bunnings access movements (see overleaf)
- the fact that traffic to / from the north currently use and will use St Vincent Street rather than the highway (with site delays) through the township as indicated on the diagram overleaf

❖ **Conflicts at Carpark Entry**

The parking spaces in the vicinity of the ingress are now designated “STAFF” and the southern aisle connection changed to one way south.

Council Issues

❖ **Friday Peak**

Transaction (sales) data for the existing Bunnings at Ulladulla has been assessed and while there is some fluctuation, the Friday PM peak has consistently higher sales recorded than on Thursday. This may be a consequence of “weekender people” making purchases as part of their arrival trip.

❖ **10 Year Design Horizon**

TfNSW (Andrew Lissenden) has specified a 10% growth for assessment however a 15% growth has been applied for greater sensitivity.

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Because of the nature of goods sold there are negligible customer movements by walking or cycling. The plans have been modified to provide greater clarity in relation to provision for pedestrians and cyclists responding to the specifics required by TfNSW.

❖ **Bus Stops**

The existing bus routes (740B & 741) have very limited services with times that do not suit Bunnings team members. Travel by bus for Bunnings customers is negligible due to the nature of the goods sold. The new Bunnings will be adjacent to the existing Bunnings and therefore it does not introduce a different consideration in relation to the bus servicing.

❖ **Swept Paths**

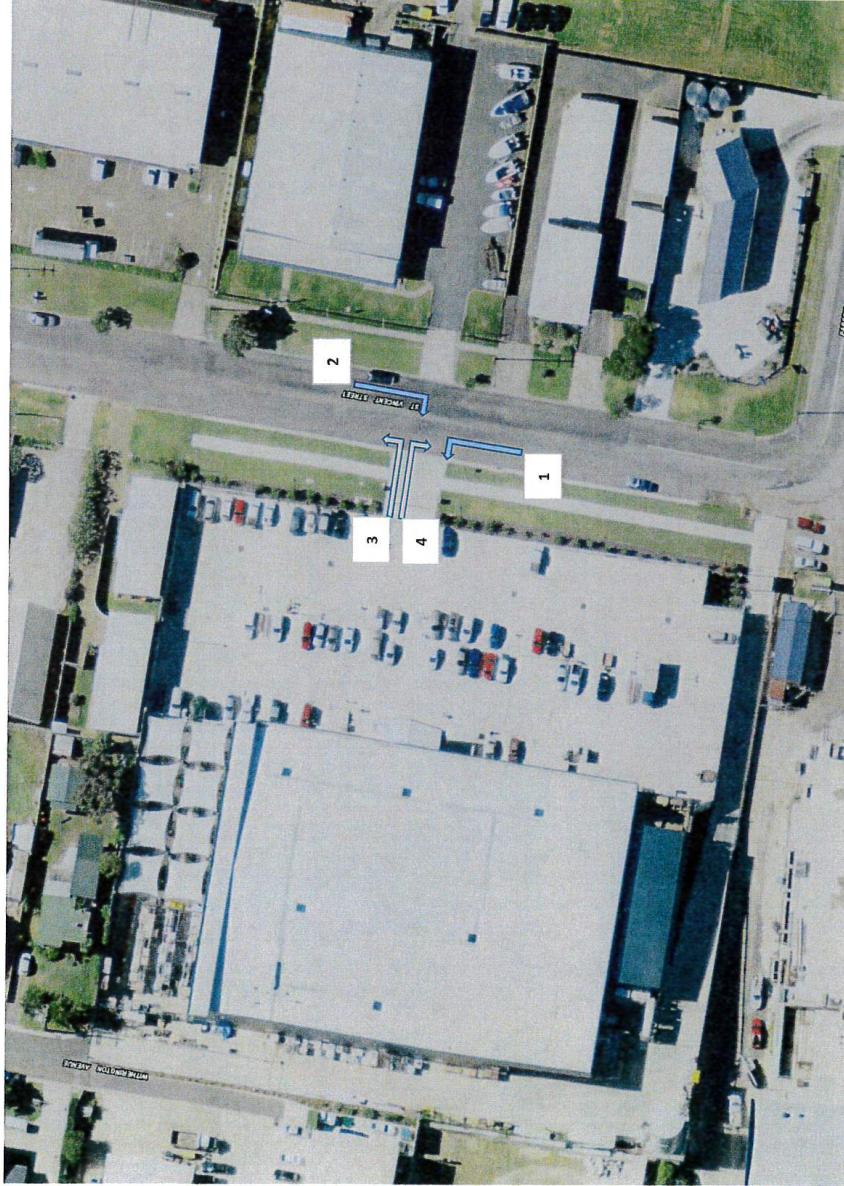
Additional swept paths are provided in Appendix G.

❖ **LATM Measures**

No additional LATM measures are proposed.



tis Traffic
Information
Specialist



Traffic Information Specialists
ABN 43 653 389 932
Email: info@trafficspecialists.com.au

CL22.180 - Attachment 6

LOCATION NORTH St Vincent Street 1100 - 1400
EAST -
SOUTH St Vincent Street
WEST Bunnings Access
DATE Friday, 30 November 2018
SUBURB ULLADULLA

51 VINCENT STREET

Vehicle ENTERING		Vehicle LEAVING			
MOVEMENTS Time Per HOUR		1	2	3	4
		ENTERING	ENTERING	LEAVING	LEAVING
11:00	- 12:00	30	116	98	146
11:15	- 12:15	29	117	95	146
11:30	- 12:30	29	108	99	137
11:45	- 12:45	33	95	97	128
12:00	- 13:00	35	90	96	125
12:15	- 13:15	37	83	94	120
12:30	- 13:30	40	90	91	130
12:45	- 13:45	38	92	90	130
13:00	- 14:00	43	93	89	136
Period End		314	884	849	1198
		Total		ENTERING	LEAVING
				146	138
				146	138
				137	141
				128	139
				125	134
				120	129
				130	126
				130	127
				136	134
				1198	1206
				284	284
				278	278
				267	267
				259	259
				249	249
				256	256
				257	257
				270	270
				2404	2404

Traffic Information Specialists

ABN: 42 613 389 923
Email info@trafficinfospecialist.com.au

CL22.180 - Attachment 6

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9.0 Conclusion

Assessment of the potential traffic and parking implications of the proposed new Bunnings at Ulladulla has concluded that:

- ❖ There will be no unsatisfactory traffic implications provided that the proposed associated road works are undertaken
- ❖ The proposed parking provision will be adequate and appropriate
- ❖ The proposed vehicle access, internal circulation and servicing provisions (interim and ultimate) will be suitable and appropriate for the circumstances

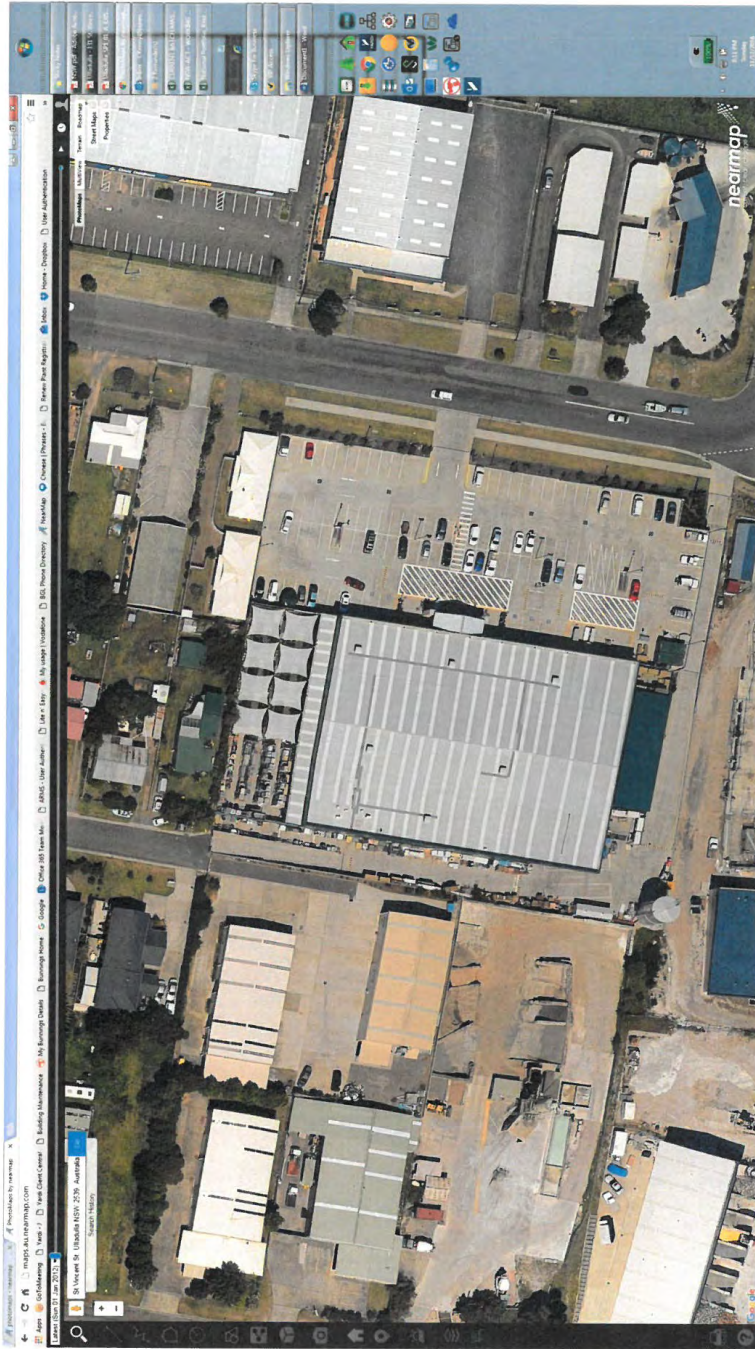
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Appendix A

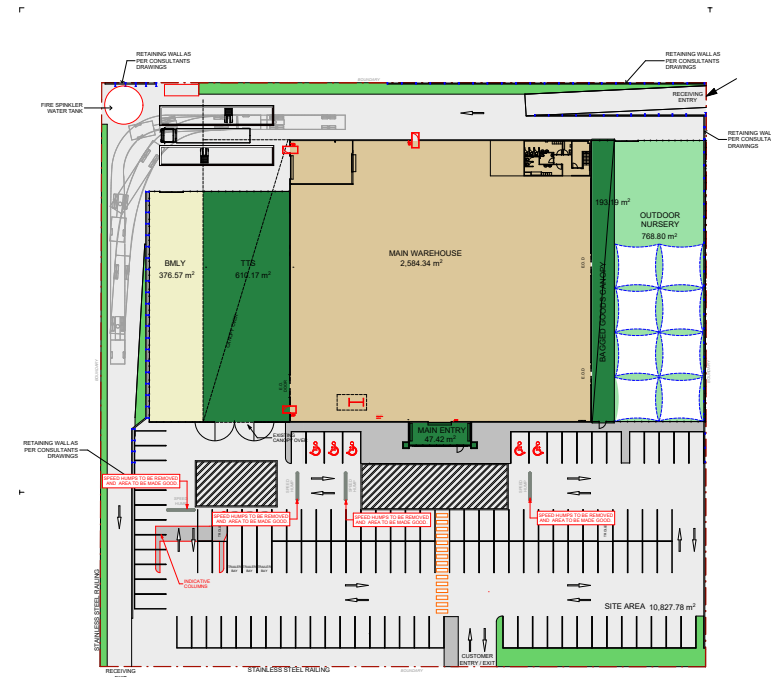
Details of Existing Bunnings

ttpa

CL22.180 - Attachment 6



CL22.180 - Attachment 6



Existing Site Plan
SCALE: 1:300 @ A1

Ulladulla Area Analysis		Existing
Main Warehouse		2,084
Main Entry		47
Warehouse Area		2,631
Outdoor Nursery		168
Planted Goods Canopy (Nursery)		793
Nursery Area		961
Timber Trade Sales		610
Building Materials & Landscape Yard		276
Timber Trade Area		366
Total Retail Area		4,680
Goods Inward Yard (Including Canopy if applicable)		4,680
Total Area		4,680
Standard Carparks		
Disabled Carparks		
Trolley Stairs		
Trolley Sits Carparks		1
Trolley Bays		
Land Size	Bunnings (m ²)	
	Balance Bunnings Land (m ²)	
Total Land	(m ²)	1.


ALL DIMENSIONS ARE TO BE CONFIRMED ON SITE
PRIOR TO MANUFACTURE AND CONSTRUCTION

STORE TYPE SFS

FOR COMMENT

01/10/2012	A	REMOVED SPEED HUMPS	GS
01/10/2012	I	REMOVED SITE PLAN	

DATE	REV	AMENDMENT	DRAWN
AUTORISATION			
CHIEF OPERATING OFFICER:		DATE:	
GM/MARKETING & MERCH:		DATE:	
NATIONAL MERCHANDISE MANAGER:		DATE:	
VISUAL MERCH MANAGER:		DATE:	
STORE PLANNING MANAGER:		DATE:	



1000 Springvale Rd
Springvale VIC 3173
Tel: 03 9489 2200
Fax: 03 9489 2201
Email: store@bunnings.com.au

PSO APPROVED

DRAWING NO: **0000** DATE OF PSO: **0000**

CAPEX APPROVED

DRAWING NO: **0000** CAPEX NO: **0000**

DATE ISSUED: **0000**

ISSUED FOR CAPEX FEASIBILITY

DATE ISSUED: **0000** DRAWING NO: **0000**

PROJECT NAME	SERIES SIZE
ULLADULLA	SFS
PROJECT ADDRESS	
94 Vincent Street	
ULLADULLA NSW 2539	
STORE NUMBER	STORE TYPE
7217	SFS

DRAWING STATUS:


EXISTING

DRAWING TITLE:

EXISTING SITE PLAN

PLOT DATE: **00/01/2016 1:26 PM**

CHECKED BY:

DRAWN: DB	PROJECT NUMBER:	REVISED NO:	REVISION:
SCALE: AS SHOWN		SP1_01	A
DATE: 16/12/2012			

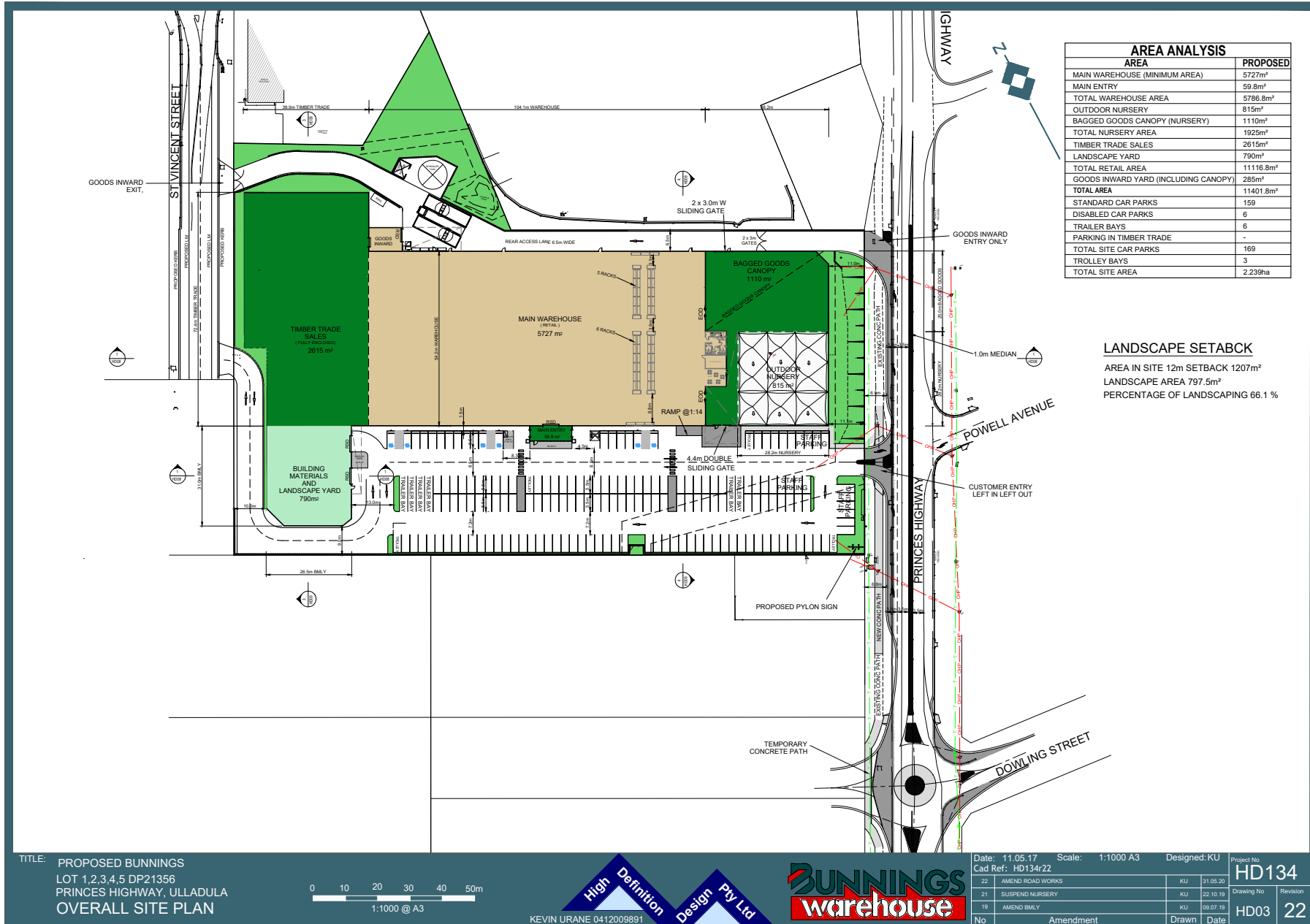
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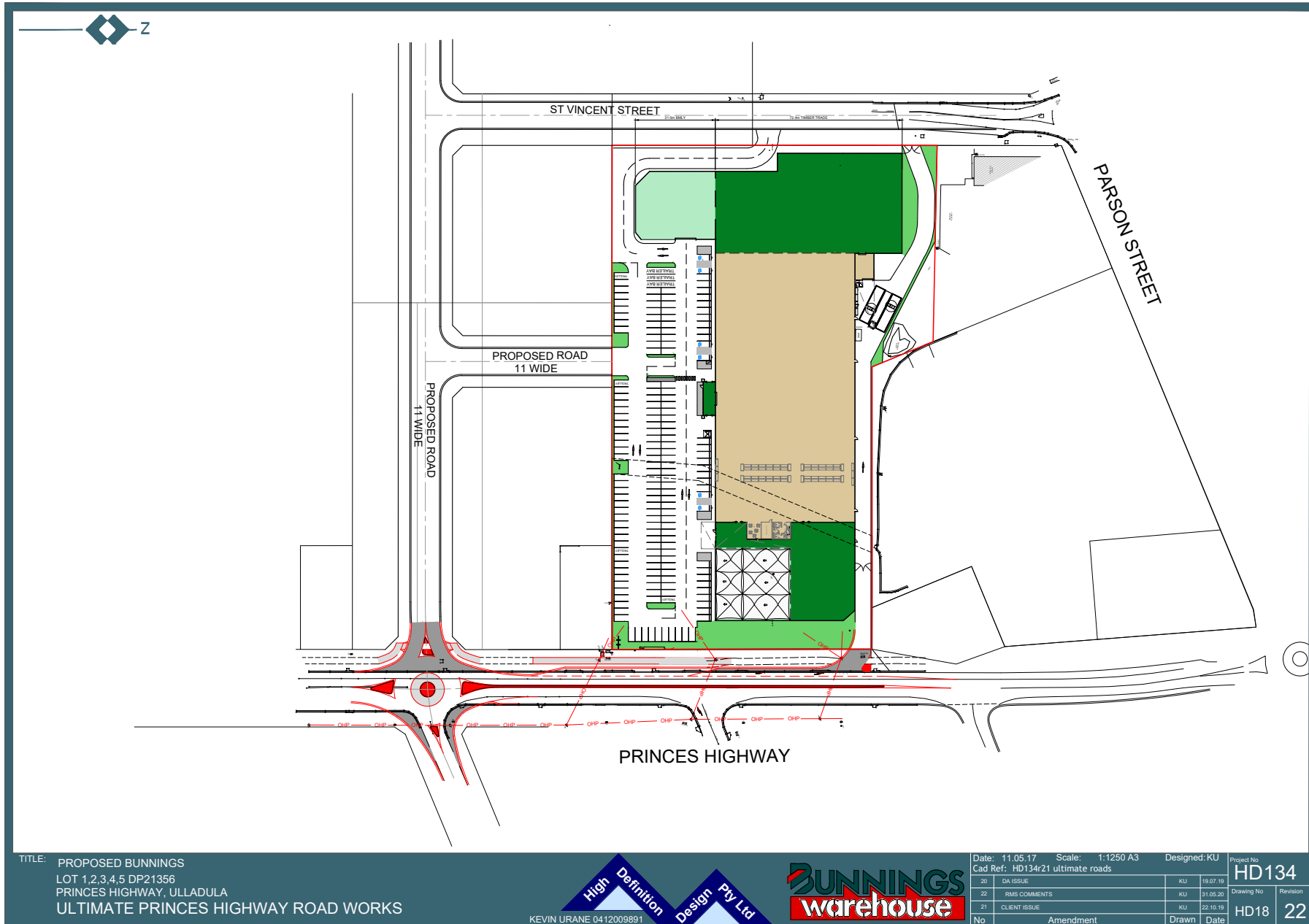
Appendix B

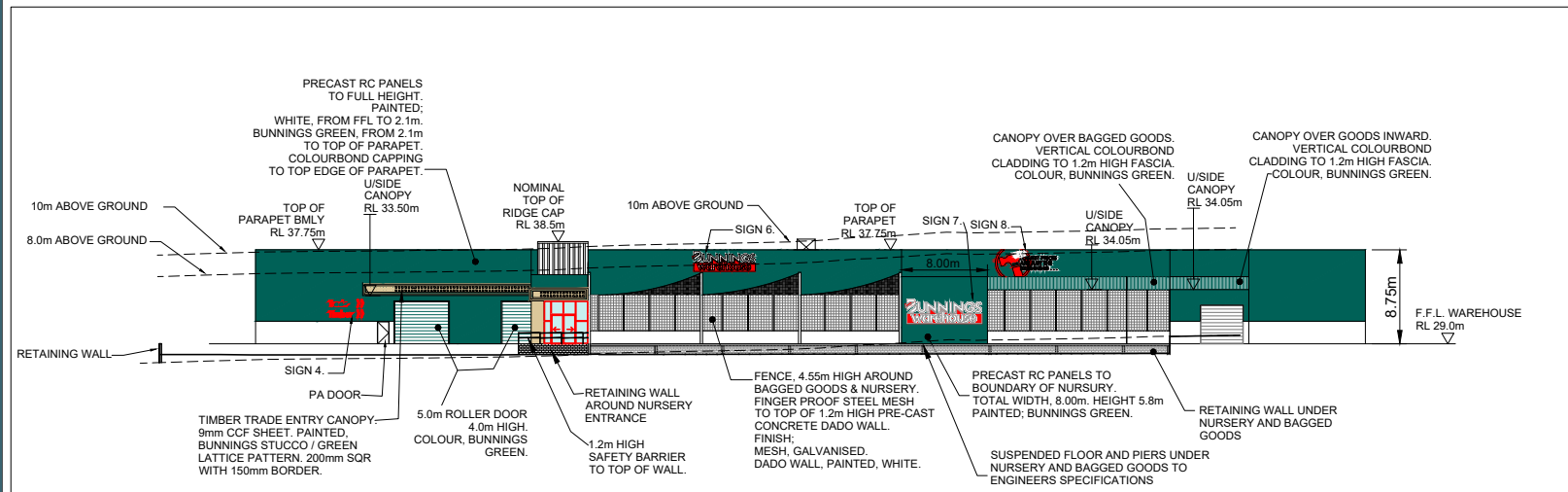
Development Plans (Interim and Ultimate)

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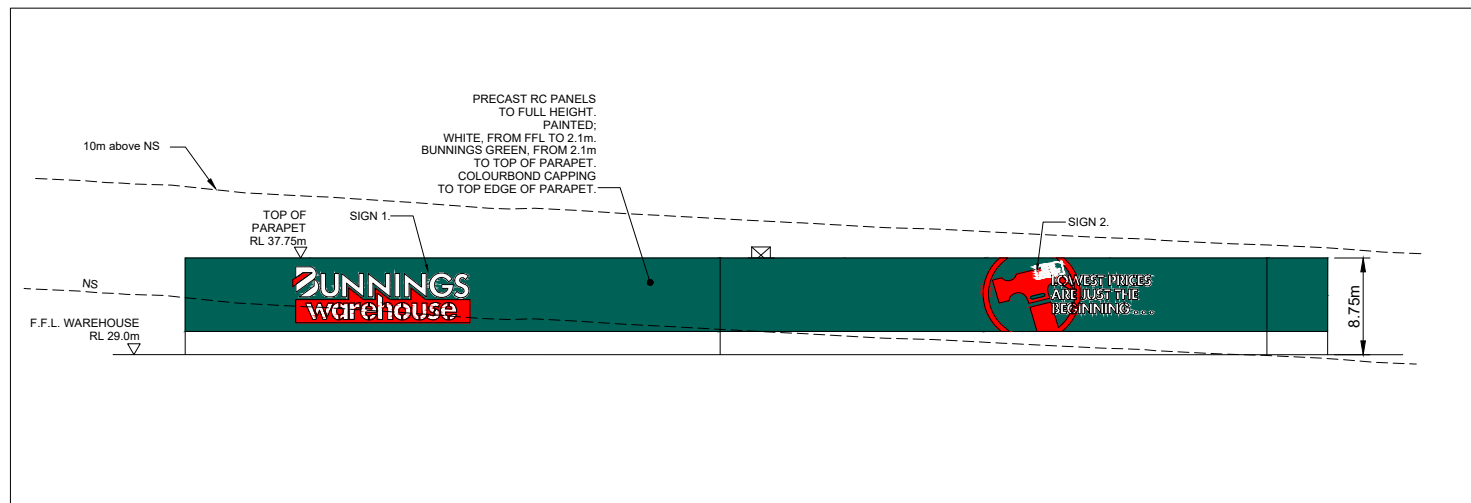
CL22.180 - Attachment 6







SOUTH EAST ELEVATION



NORTH WEST ELEVATION

TITLE: PROPOSED BUNNINGS
LOT 1,2,3,4,5 DP21356
PRINCES HIGHWAY, ULLADULA
ELEVATION 3 OF 3

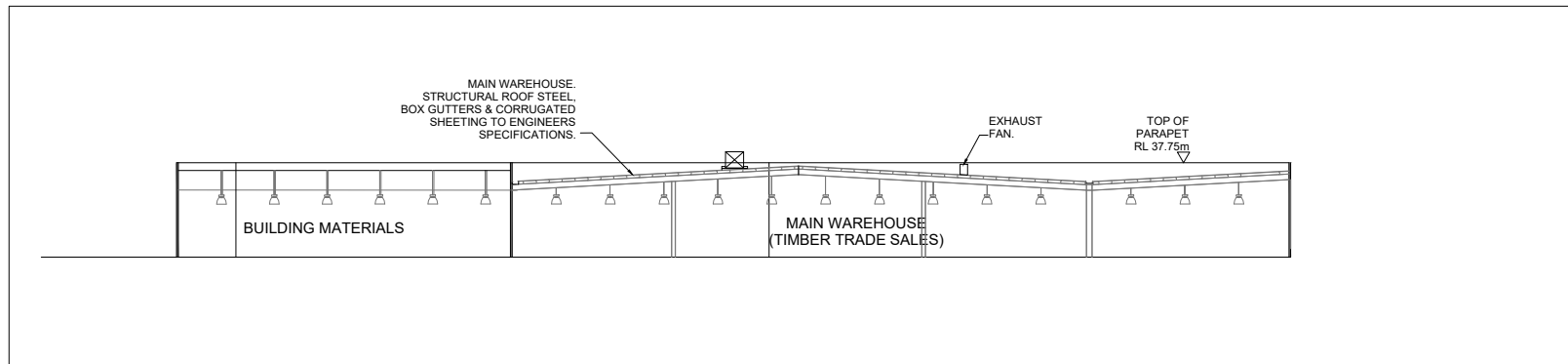


KEVIN URANE 0412009891

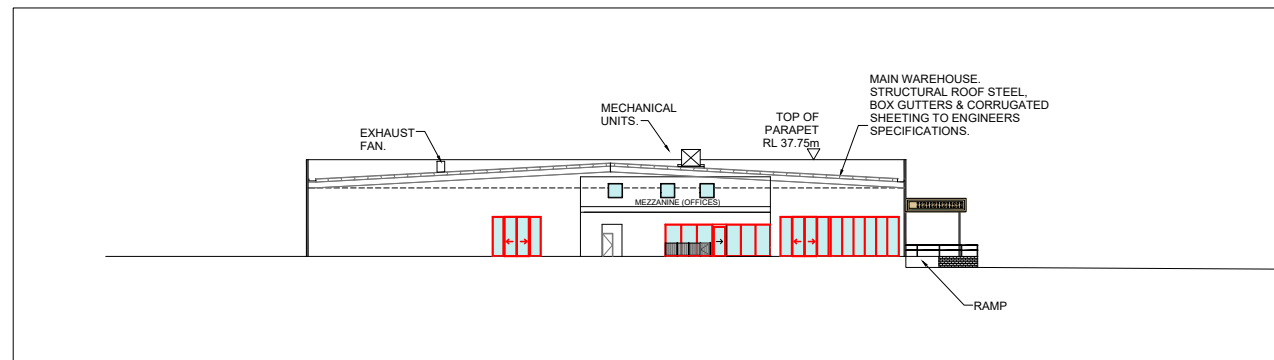
High Definition Design Pty Ltd
URANE 0412009891



Date: 11.05.17		Scale: 1:400 A3		Designed: KU		Project No	
Cad Ref: HD134r22						HD134	
21	SUSPEND NURSERY	KU	22.10.19			Drawing No	Revision
20	DA ISSUE	KU	19.07.19				
22	AMEND SIGNAGE	KU	12.11.19				
No	Amendment	Drawn	Date			HD07	22



SECTION 3



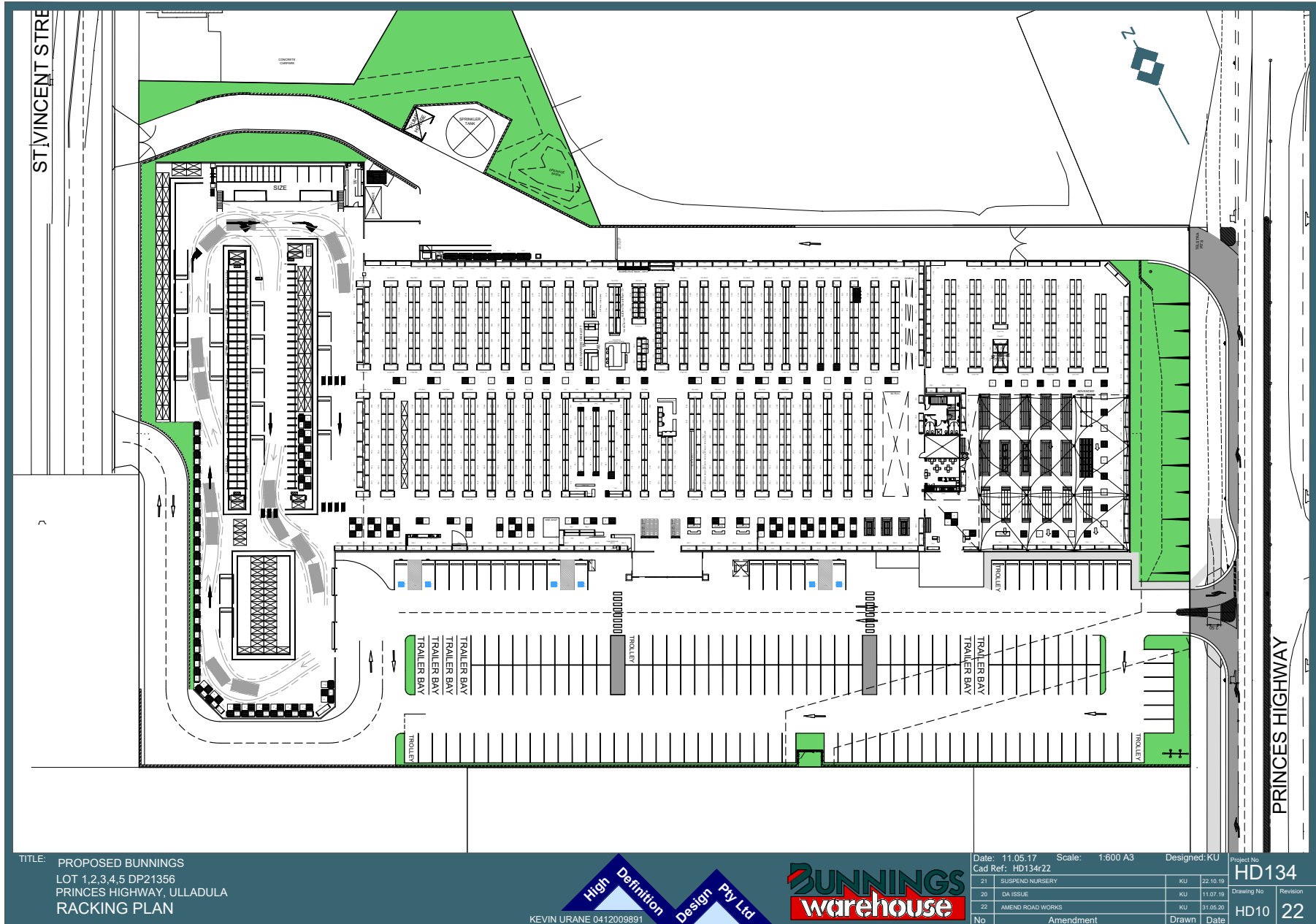
SECTION 4

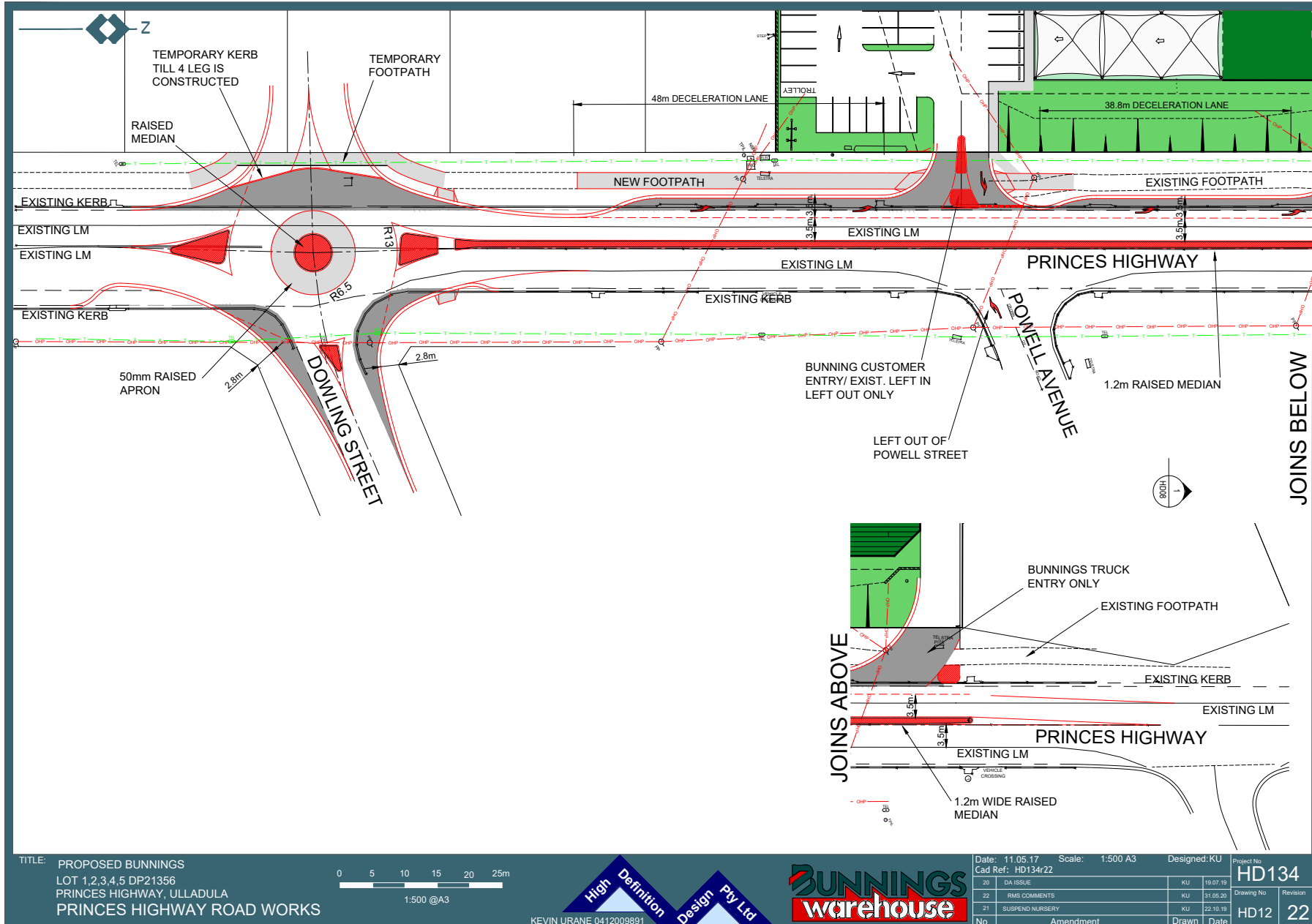
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LOT 1,2,3,4,5 DP21356
PRINCES HIGHWAY, ULLADULA
SECTION 2 OF 2

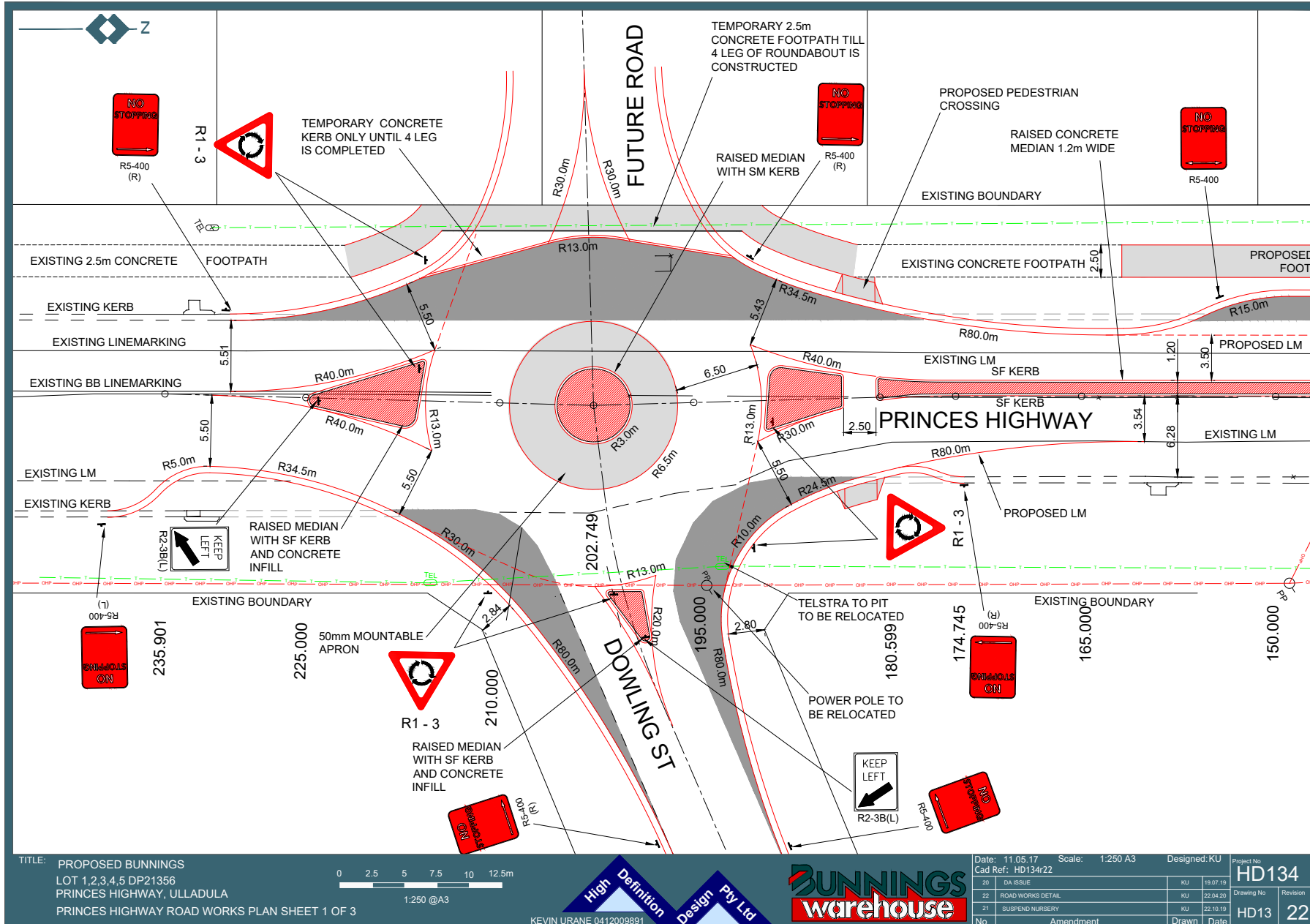
High Definition
Design Pty Ltd
KEVIN URANE 0412009891

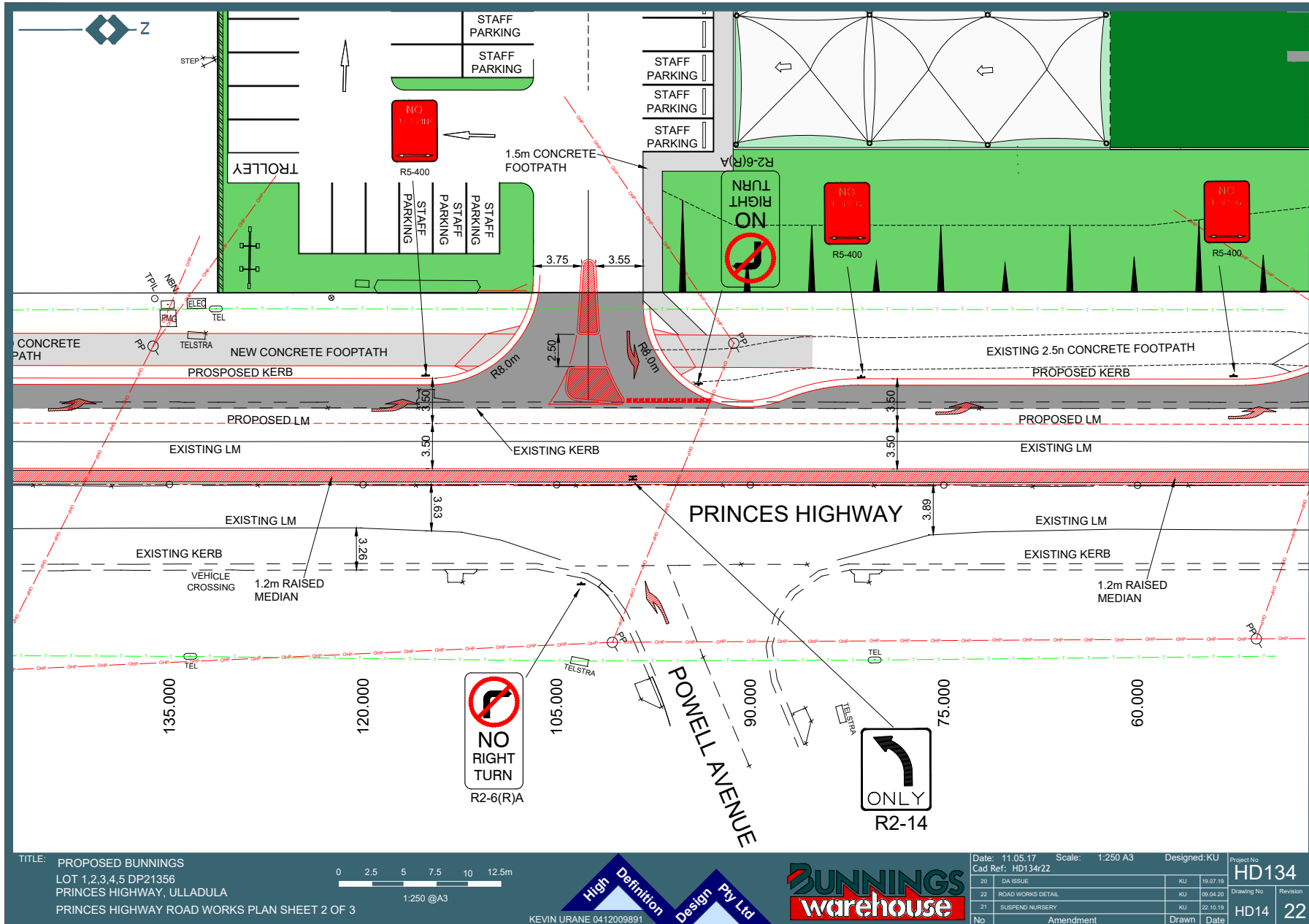
BUNNINGS
warehouse

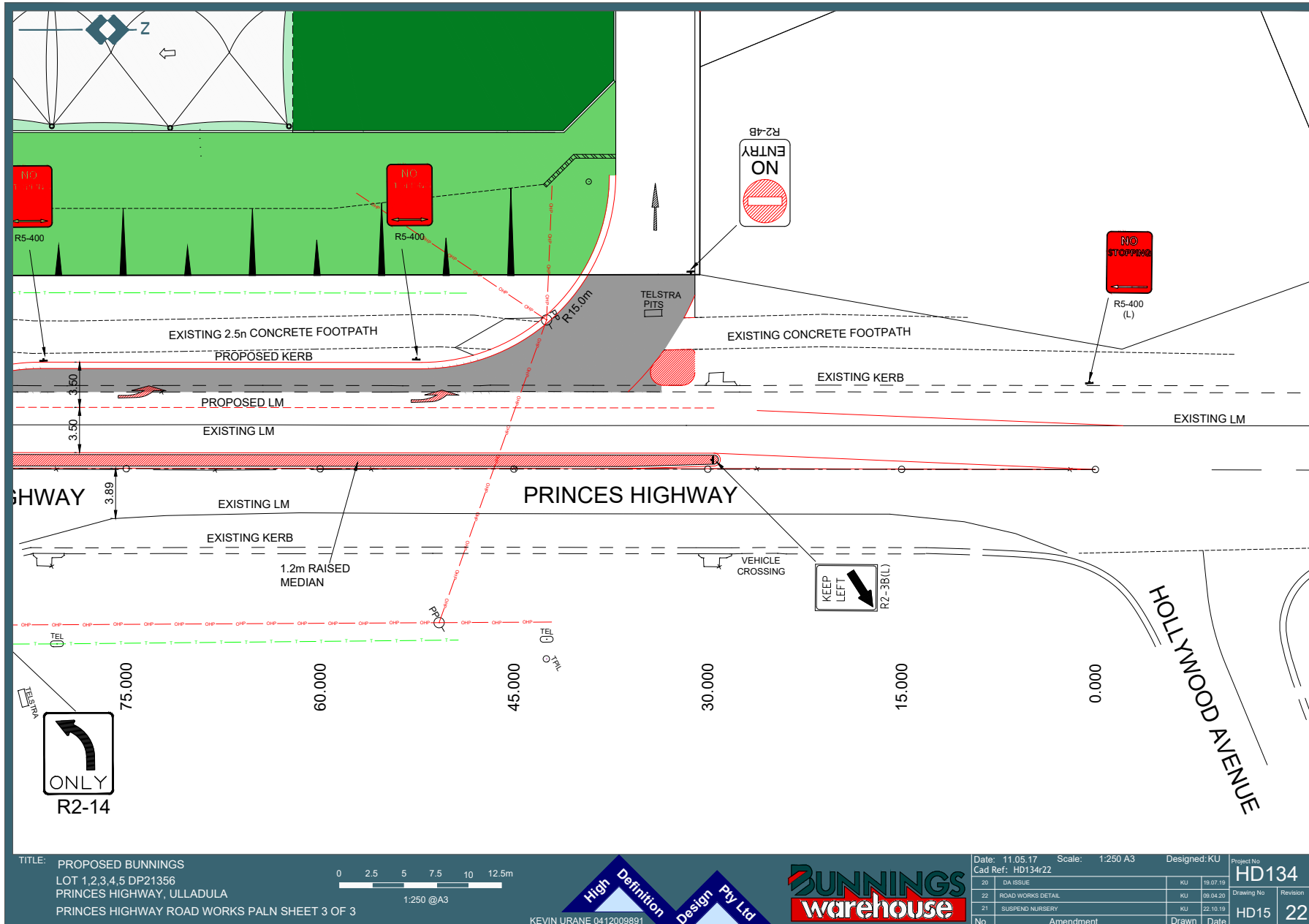
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Cad Ref: HD134/22			
21 SUSPEND NURSERY	KU	22.10.19	
20 DA ISSUE	KU	19.07.19	
22 AMEND SIGNAGE	KU	12.11.19	
No	Amendment	Drawn	Date
		HD09	22











Transport and Traffic Planning Associates

Appendix C

Traffic Volume Data

ttpa

CL22.180 - Attachment 6



Location	Princes Highway	Duration	0700 - 0900
	Parson Street		1500 - 1800
	Princes Highway		-
	Parson Street	Day/Date	Friday, November 30, 2018
Suburb	ULLADULLA	Weather	-

All Vehicles Time Per Hour	NORTH Princes Highway					EAST Parson Street					SOUTH Princes Highway					WEST Parson Street					TOTAL
	L	T	R	U	TOTAL	L	T	R	U	TOTAL	L	T	R	U	TOTAL	L	T	R	U	TOTAL	
7:00 - 8:00	14	360	64	23	461	11	20	18	0	49	60	341	10	1	412	57	7	81	0	145	1067
7:15 - 8:15	14	366	67	26	473	12	19	18	0	49	76	372	11	1	460	54	9	91	0	154	1136
7:30 - 8:30	13	353	67	31	464	12	18	18	0	48	108	437	15	1	561	63	11	104	0	178	1251
7:45 - 8:45	17	356	63	43	479	13	19	31	0	63	136	498	15	1	650	67	15	107	0	189	1381
8:00 - 9:00	13	385	62	46	506	16	19	39	0	74	171	586	19	1	777	80	16	136	0	232	1589
Period End	71	1820	323	169	2383	64	95	124	0	283	551	2234	70	5	2860	321	58	519	0	898	6424
15:00 - 16:00	19	585	58	38	700	17	28	35	0	80	107	608	14	5	734	115	28	278	2	336	1850
15:15 - 16:15	21	595	57	42	715	22	25	40	0	87	108	599	13	6	726	114	24	286	1	335	1863
15:30 - 16:30	23	629	55	41	748	20	19	43	0	82	111	599	17	7	734	113	26	279	1	332	1896
15:45 - 16:45	22	598	45	39	704	19	19	44	0	82	104	603	14	11	732	112	23	254	2	302	1820
16:00 - 17:00	22	580	43	39	684	22	15	41	0	78	109	572	15	9	705	110	18	217	3	256	1723
16:15 - 17:15	18	563	47	46	674	20	10	40	0	70	95	556	15	9	675	108	18	204	3	243	1662
16:30 - 17:30	17	557	43	43	660	17	8	37	0	62	76	520	9	8	613	87	16	212	3	254	1589
16:45 - 17:45	19	578	48	39	684	19	9	30	0	58	70	520	13	4	607	73	21	209	1	263	1612
17:00 - 18:00	22	564	45	35	666	14	9	33	0	56	69	506	15	4	594	58	23	212	1	278	1594
Period End	183	5249	441	362	6235	170	142	343	0	655	849	5083	125	63	6120	890	197	2151	17	2599	15609

Traffic Information Specialists

ABN: 42 613 389 923

Email info@trafficinfospecialist.com.au



Location Princes Highway Duration 1100 - 1400
Parson Street 1500 - 1800
Princes Highway -
Parson Street Day/Date Saturday, December 1, 2018
Suburb ULLADULLA Weather -

All Vehicles Time Per Hour	NORTH Princes Highway					EAST Parson Street					SOUTH Princes Highway					WEST Parson Street					TOTAL
	L	I	R	U	TOTAL	L	I	R	U	TOTAL	L	I	R	U	TOTAL	L	I	R	U	TOTAL	
11:00 - 12:00	21	535	76	62	694	26	23	37	0	86	126	584	21	2	733	128	24	179	2	333	1846
11:15 - 12:15	17	548	75	61	701	23	23	23	0	69	126	600	20	3	749	123	29	200	4	356	1875
11:30 - 12:30	17	546	77	56	696	23	23	22	0	68	123	564	20	3	710	118	35	214	3	370	1844
11:45 - 12:45	16	542	86	58	702	14	21	18	0	53	105	537	23	3	668	129	33	227	2	391	1814
12:00 - 13:00	17	529	82	72	700	13	19	20	0	52	100	500	23	1	624	116	29	217	3	365	1741
12:15 - 13:15	22	510	86	72	690	14	21	27	0	62	93	463	28	0	584	118	27	212	1	358	1694
12:30 - 13:30	24	516	77	76	693	11	18	25	0	54	85	472	27	1	585	113	19	204	2	338	1670
12:45 - 13:45	27	488	64	88	667	10	20	24	0	54	85	449	24	3	561	93	22	188	2	305	1587
13:00 - 14:00	28	476	57	86	647	13	23	27	0	63	88	454	20	3	565	96	19	189	1	305	1580
Period End	189	4690	680	631	6190	147	191	223	0	561	931	4623	206	19	5779	1034	237	1830	20	3121	15651

Traffic Information Specialists

ABN: 42 613 389 923

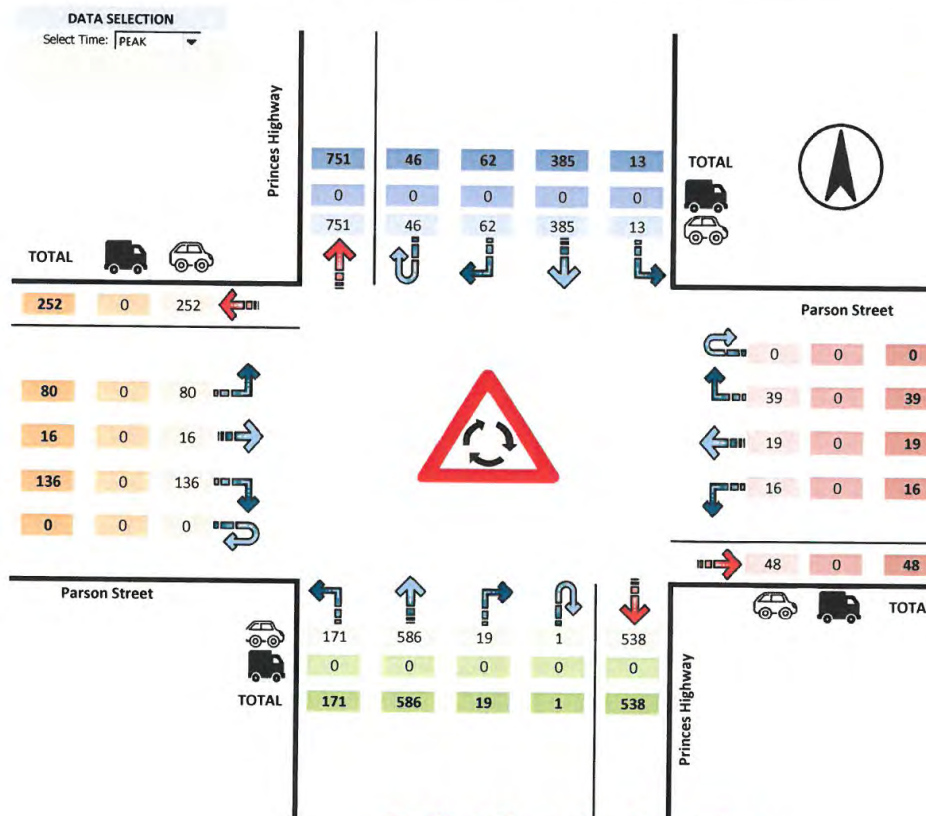
Email info@trafficinfospecialist.com.au



Location Princes Highway
Parson Street
Princes Highway
Parson Street
 Suburb ULLADULLA

Duration 0700 - 0900
1500 - 1800
-

Day/Date Friday, November 30, 2018
 Weather -



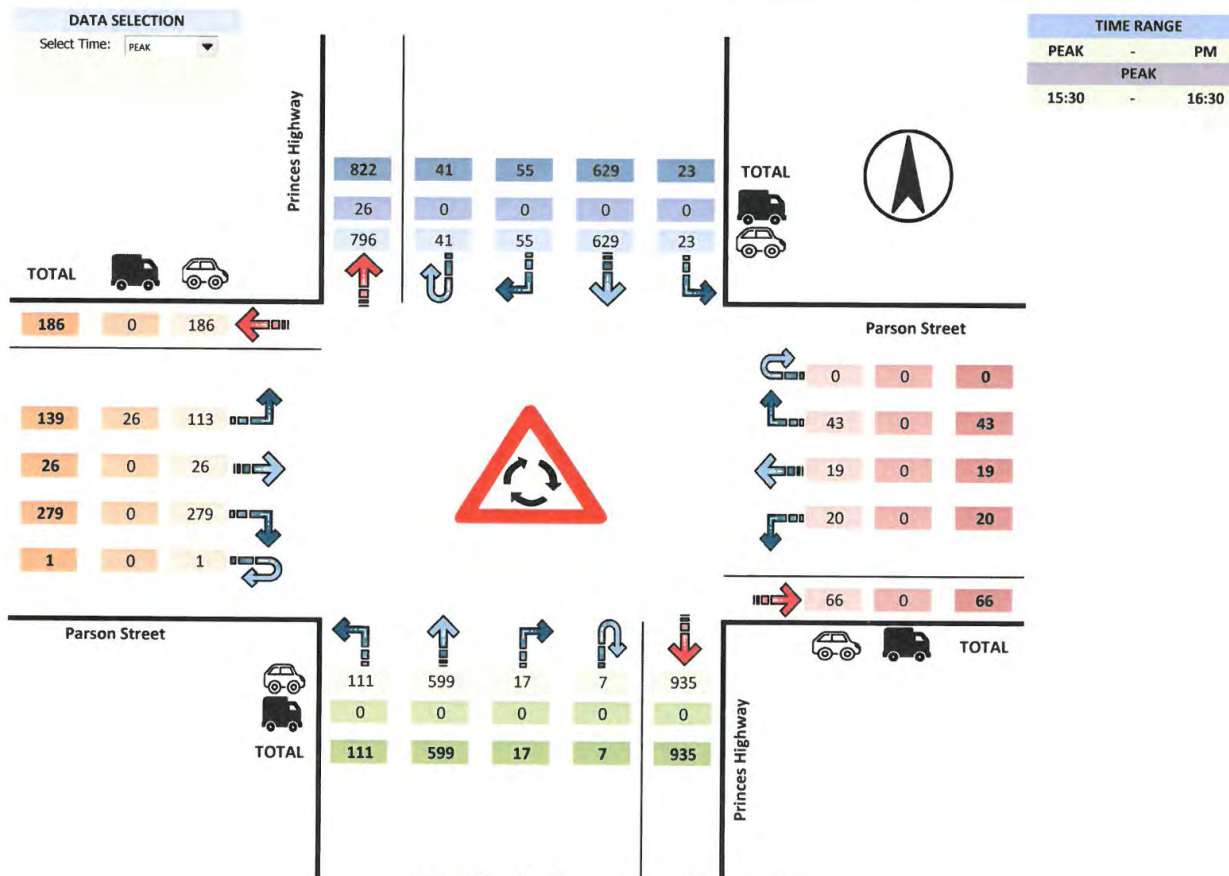
Traffic Information Specialists
 ABN: 42 613 389 923
 Email info@trafficinfospecialist.com.au



Location Princes Highway
Parson Street
Princes Highway
Parson Street
 Suburb ULLADULLA

Duration 0700 - 0900
1500 - 1800
-

Day/Date Friday, November 30, 2018
 Weather -



Traffic Information Specialists

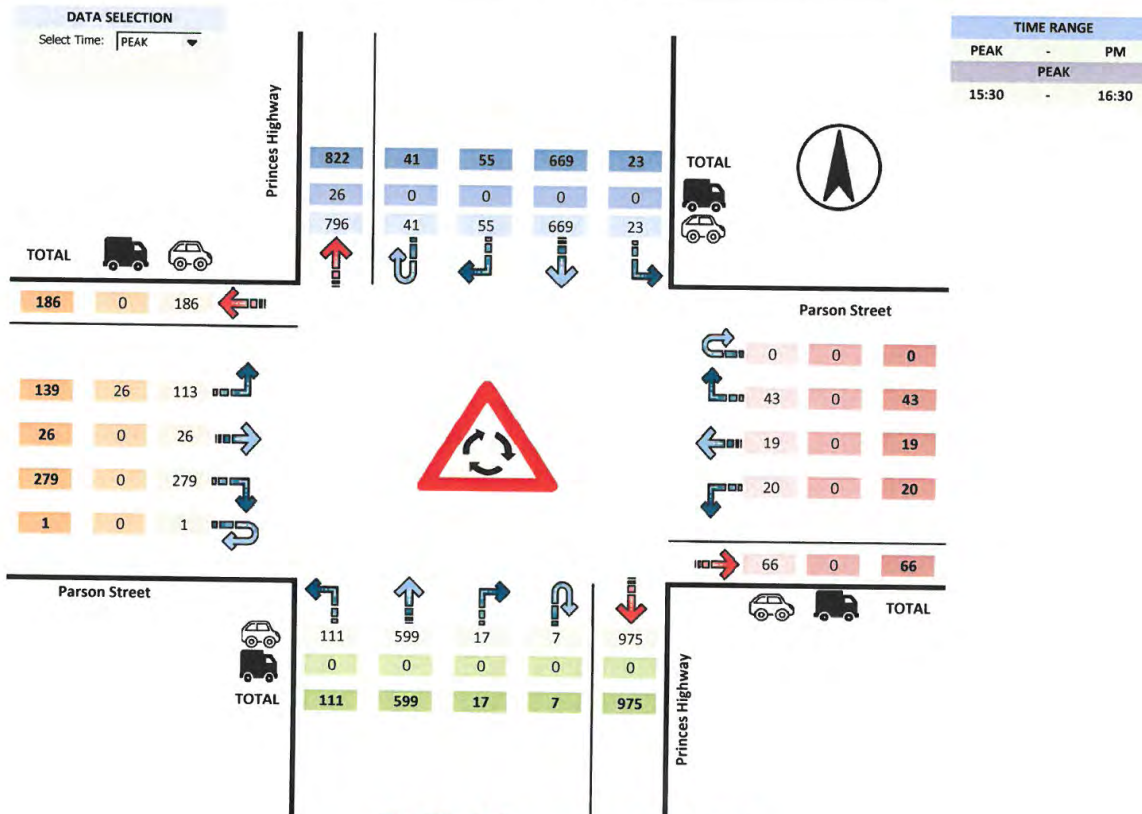
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 Email info@trafficinfospecialist.com.au



Location Princes Highway
Parson Street
Princes Highway
Parson Street
 Suburb ULLADULLA

Duration 0700 - 0900
1500 - 1800
-

Day/Date Friday, November 30, 2018
 Weather -



Traffic Information Specialists
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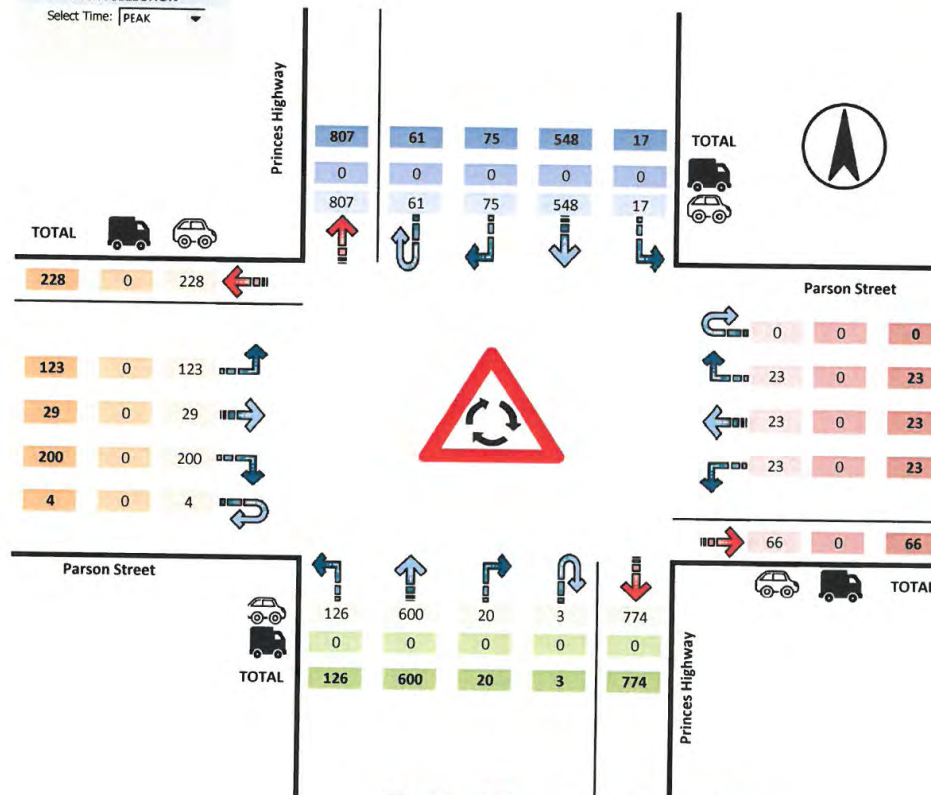
Location Princes Highway
Parson Street
Princes Highway
Parson Street
 Suburb ULLADULLA

Duration 1100 - 1400
1500 - 1800
-

Day/Date Saturday, December 1, 2018
 Weather -

DATA SELECTION
Select Time: PEAK

TIME RANGE		
PEAK	-	AM
PEAK		
11:15	-	12:15



Traffic Information Specialists

ABN: 42 613 389 923
Email info@trafficinfospecialist.com.au





LOCATION NORTH St Vincent Street
EAST -
SOUTH St Vincent Street
WEST Bunnings Access
SUBURB ULLADULLA

TIME PERIOD 0700 - 0900
1500 - 1800
DATE Friday, 30 November 2018
WEATHER -

Vehicle ENTERING

Vehicle LEAVING

MOVEMENTS			1	2	3	4	Total		
Time Per HOUR			ENTERING		LEAVING		ENTERING	LEAVING	
7:00	-	8:00	23	33	27	20	56	47	103
7:15	-	8:15	25	41	27	20	66	47	113
7:30	-	8:30	25	40	28	28	65	56	121
7:45	-	8:45	22	42	30	26	64	56	120
8:00	-	9:00	21	43	29	26	64	55	119
Period End			116	199	141	120	315	261	576
15:00	-	16:00	22	45	49	20	67	69	136
15:15	-	16:15	23	48	49	21	71	70	141
15:30	-	16:30	22	48	49	21	70	70	140
15:45	-	16:45	20	48	48	26	68	74	142
16:00	-	17:00	22	47	45	25	69	70	139
16:15	-	17:15	24	44	45	23	68	68	136
16:30	-	17:30	23	42	43	21	65	64	129
16:45	-	17:45	21	35	41	18	56	59	115
17:00	-	18:00	17	34	41	17	51	58	109
Period End			194	391	410	192	585	602	1187

Traffic Information Specialists

ABN: 42 613 389 923

Email info@trafficinfospecialist.com.au



LOCATION	NORTH	St Vincent Street	TIME PERIOD	1100 - 1400
	EAST	-		-
	SOUTH	St Vincent Street		-
	WEST	Bunnings Access	DATE	Friday, 30 November 2018
SUBURB		ULLADULLA	WEATHER	-

 Vehicle ENTERING

 Vehicle LEAVING

MOVEMENTS			1	2	3	4	Total		
Time Per HOUR			ENTERING		LEAVING		ENTERING	LEAVING	
11:00	-	12:00	30	116	98	40	146	138	284
11:15	-	12:15	29	117	95	43	146	138	284
11:30	-	12:30	29	108	99	42	137	141	278
11:45	-	12:45	33	95	97	42	128	139	267
12:00	-	13:00	35	90	96	38	125	134	259
12:15	-	13:15	37	83	94	35	120	129	249
12:30	-	13:30	40	90	91	35	130	126	256
12:45	-	13:45	38	92	90	37	130	127	257
13:00	-	14:00	43	93	89	45	136	134	270
Period End			314	884	849	357	1198	1206	2404

Traffic Information Specialists

ABN: 42 613 389 923

Email info@trafficinfospecialist.com.au

Joray Enterprises Pty Ltd

ABN 80 061 513 933

Telephone and Fax (02) : 9624 5472
1 Ajax Place Blacktown, NSW 2148

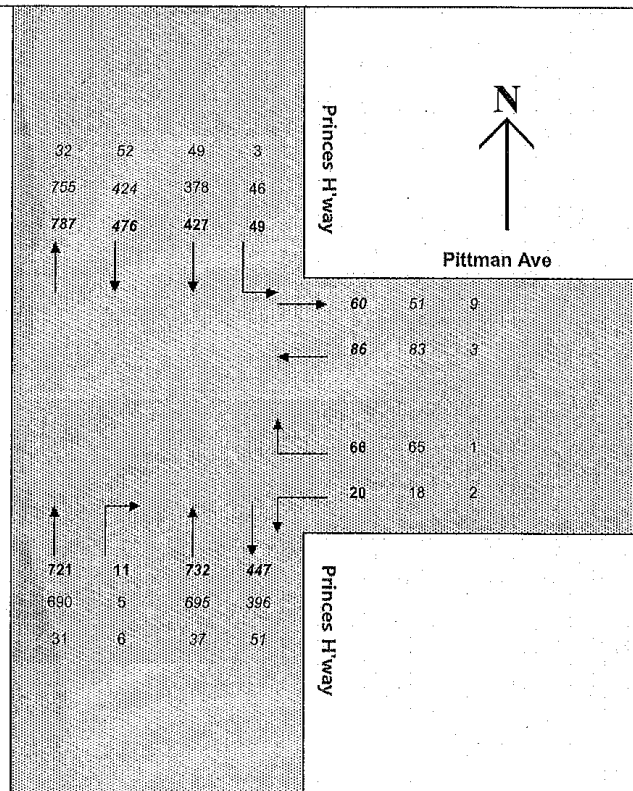
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Location	PRINCES H'WAY / PITTMAN AVE			Suburb	ULLADULLA
Weather	Cloudy			Job Number	16011

Comments

	Princes H'way		Pittman Ave		Princes H'way		
VEHICLES	L	T	L	R	T	R	Total
Lights	46	378	18	65	690	5	1202
Heavy	3	49	2	1	31	6	92
Total	49	427	20	66	721	11	1294

PEDESTRIAN	Princes H'way	Pittman Ave	Princes H'way	Total
All Pedestrians	0	0	0	0
Total	0	0	0	0

Peak Hour 8:45 - 9:45



Joray Enterprises Pty Ltd

ABN 80 061 513 933

Telephone and Fax (02) : 9624 5472

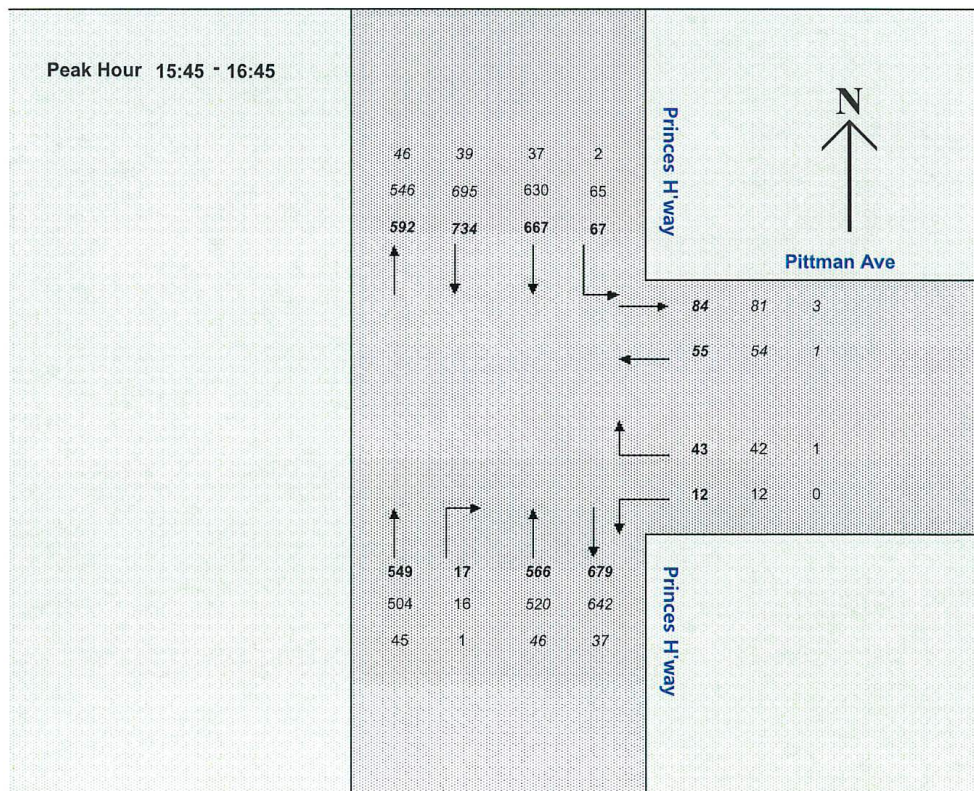
1 Ajax Place Blacktown, NSW 2148

Count Number	JE16-269	Client	TRANSPORT & TRAFFIC PLANNING ASS	Count Date	Tuesday 22 March 2016
Location	PRINCES H'WAY / PITTMAN AVE			Suburb	ULLADULLA
Weather	Cloudy			Job Number	16011

Comments

	Princes H'way		Pittman Ave		Princes H'way		
VEHICLES	L	T	L	R	T	R	Total
Lights	65	630	12	42	504	16	1269
Heavy	2	37	0	1	45	1	86
Total	67	667	12	43	549	17	1355

PEDESTRIAN	Princes H'way	Pittman Ave	Princes H'way	Total
All Pedestrians	2	2	0	4
Total	2	2	0	4



Transport and Traffic Planning Associates

Appendix D

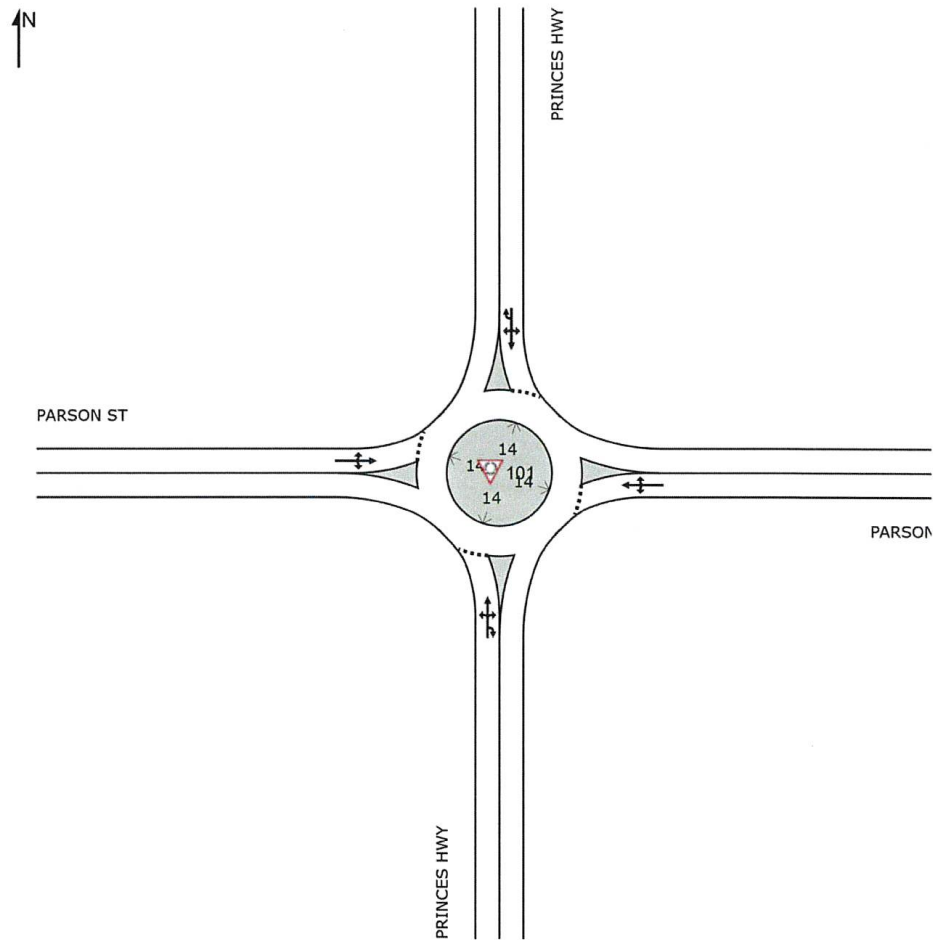
SIDRA Results



SITE LAYOUT

 **Site: 101 [EX PARSON ST - PRINCES HWY]**

Bunnings Ulladulla
Site Category: (None)
Roundabout



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Organisation: TRANSPORT AND TRAFFIC PLANNING ASSOCIATES | Created: Thursday, 21 May 2020 10:11:07 AM
Project: T:\WORK\1818252 - BUNNINGS PRINCES HIGHWAY ULLADULLA - See also 18038\MODELLING\Ulladulla 21052020.sip8

MOVEMENT SUMMARY

 **Site: 101 [EX FRI PM PARSON ST - PRINCES HWY]**

Bunnings Ulladulla
Site Category: (None)
Roundabout

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: PRINCES HWY												
1	L2	117	6.0	0.666	6.0	LOS A	6.9	51.5	0.68	0.60	0.68	49.1
2	T1	631	8.0	0.666	6.2	LOS A	6.9	51.5	0.68	0.60	0.68	46.6
3	R2	18	2.0	0.666	9.9	LOS A	6.9	51.5	0.68	0.60	0.68	51.2
3u	U	7	2.0	0.666	11.8	LOS A	6.9	51.5	0.68	0.60	0.68	49.6
Approach		773	7.5	0.666	6.3	LOS A	6.9	51.5	0.68	0.60	0.68	47.2
East: PARSON ST												
4	L2	21	2.0	0.237	14.0	LOS A	1.7	12.0	0.97	0.95	0.97	39.1
5	T1	20	2.0	0.237	14.0	LOS A	1.7	12.0	0.97	0.95	0.97	40.7
6	R2	45	2.0	0.237	17.8	LOS B	1.7	12.0	0.97	0.95	0.97	38.6
Approach		86	2.0	0.237	16.0	LOS B	1.7	12.0	0.97	0.95	0.97	39.3
North: PRINCES HWY												
7	L2	24	2.0	0.871	16.5	LOS B	17.5	130.1	1.00	1.13	1.54	41.5
8	T1	662	8.0	0.871	17.0	LOS B	17.5	130.1	1.00	1.13	1.54	38.0
9	R2	58	6.0	0.871	20.8	LOS B	17.5	130.1	1.00	1.13	1.54	40.1
9u	U	43	2.0	0.871	22.4	LOS B	17.5	130.1	1.00	1.13	1.54	35.1
Approach		787	7.3	0.871	17.6	LOS B	17.5	130.1	1.00	1.13	1.54	38.1
West: PARSON ST												
10	L2	146	6.0	0.792	22.8	LOS B	11.0	80.6	1.00	1.35	1.77	31.6
11	T1	27	2.0	0.792	22.6	LOS B	11.0	80.6	1.00	1.35	1.77	36.6
12	R2	295	6.0	0.792	26.6	LOS B	11.0	80.6	1.00	1.35	1.77	34.1
Approach		468	5.8	0.792	25.2	LOS B	11.0	80.6	1.00	1.35	1.77	33.5
All Vehicles		2115	6.8	0.871	15.1	LOS B	17.5	130.1	0.88	0.98	1.25	39.4

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
Vehicle movement LOS values are based on average delay per movement.
Intersection and Approach LOS values are based on average delay for all vehicle movements.
Roundabout Capacity Model: SIDRA Standard.
SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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Organisation: TRANSPORT AND TRAFFIC PLANNING ASSOCIATES | Processed: Thursday, 21 May 2020 9:56:58 AM
Project: T:\WORK\18\18252 - BUNNINGS PRINCES HIGHWAY ULLADULLA - See also 18038\MODELLING\Ulladulla 21052020.sip8

MOVEMENT SUMMARY

 **Site: 101 [EX SAT MD PARSON ST - PRINCES HWY]**

Bunnings Ulladulla
Site Category: (None)
Roundabout

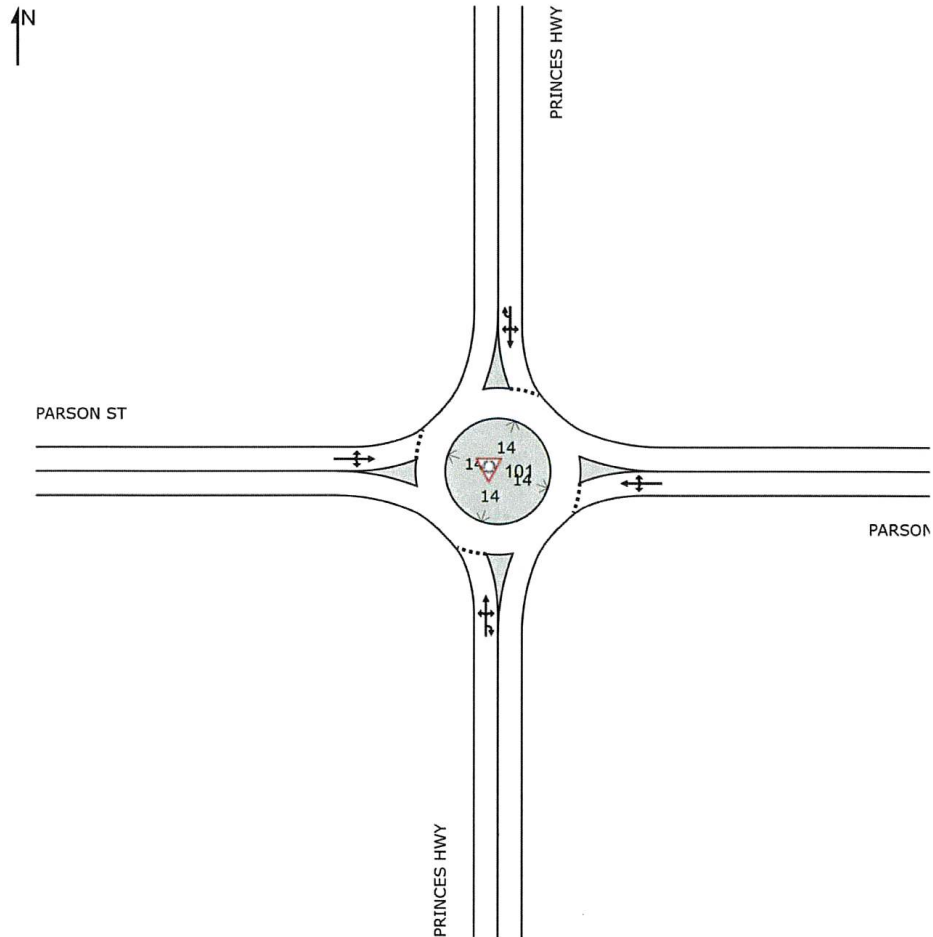
Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back Vehicles veh	of Queue Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: PRINCES HWY												
1	L2	133	6.0	0.707	7.0	LOS A	8.3	61.5	0.76	0.67	0.79	48.7
2	T1	632	8.0	0.707	7.2	LOS A	8.3	61.5	0.76	0.67	0.79	46.1
3	R2	21	2.0	0.707	10.9	LOS A	8.3	61.5	0.76	0.67	0.79	50.9
3u	U	3	2.0	0.707	12.7	LOS A	8.3	61.5	0.76	0.67	0.79	49.1
Approach		788	7.5	0.707	7.3	LOS A	8.3	61.5	0.76	0.67	0.79	46.8
East: PARSON ST												
4	L2	24	2.0	0.160	11.1	LOS A	1.1	7.7	0.90	0.87	0.90	41.0
5	T1	24	2.0	0.160	11.1	LOS A	1.1	7.7	0.90	0.87	0.90	42.6
6	R2	24	2.0	0.160	14.9	LOS B	1.1	7.7	0.90	0.87	0.90	40.7
Approach		73	2.0	0.160	12.4	LOS A	1.1	7.7	0.90	0.87	0.90	41.5
North: PRINCES HWY												
7	L2	18	2.0	0.740	9.2	LOS A	10.0	74.1	0.89	0.84	1.03	46.9
8	T1	577	8.0	0.740	9.6	LOS A	10.0	74.1	0.89	0.84	1.03	44.4
9	R2	79	6.0	0.740	13.4	LOS A	10.0	74.1	0.89	0.84	1.03	46.0
9u	U	64	2.0	0.740	15.0	LOS B	10.0	74.1	0.89	0.84	1.03	42.3
Approach		738	7.1	0.740	10.5	LOS A	10.0	74.1	0.89	0.84	1.03	44.5
West: PARSON ST												
10	L2	129	6.0	0.648	15.7	LOS B	6.7	49.0	0.98	1.16	1.36	35.3
11	T1	31	2.0	0.648	15.5	LOS B	6.7	49.0	0.98	1.16	1.36	39.9
12	R2	211	6.0	0.648	19.5	LOS B	6.7	49.0	0.98	1.16	1.36	37.7
12u	U	4	2.0	0.648	22.3	LOS B	6.7	49.0	0.98	1.16	1.36	41.2
Approach		375	5.6	0.648	17.9	LOS B	6.7	49.0	0.98	1.16	1.36	37.2
All Vehicles		1974	6.8	0.740	10.7	LOS A	10.0	74.1	0.86	0.83	0.99	43.2

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
Vehicle movement LOS values are based on average delay per movement.
Intersection and Approach LOS values are based on average delay for all vehicle movements.
Roundabout Capacity Model: SIDRA Standard.
SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

SITE LAYOUT

 Site: 101 [2029 BACKGROUND TRAFFIC PARSON ST - PRINCES HWY (NO BYPASS)]

Bunnings Ulladulla
Site Category: (None)
Roundabout



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Organisation: TRANSPORT AND TRAFFIC PLANNING ASSOCIATES | Created: Thursday, 21 May 2020 10:11:38 AM
Project: T:\WORK\18\18252 - BUNNINGS PRINCES HIGHWAY ULLADULLA - See also 18038\MODELLING\Ulladulla 21052020.sip8

MOVEMENT SUMMARY

 Site: 101 [2029 BACKGROUND TRAFFIC FRI PM PARSON ST - PRINCES HWY (NO BYPASS)]

Bunnings Ulladulla
Site Category: (None)
Roundabout

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Queue Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: PRINCES HWY												
1	L2	128	8.0	0.757	7.0	LOS A	10.0	74.8	0.79	0.65	0.82	48.4
2	T1	725	8.0	0.757	7.2	LOS A	10.0	74.8	0.79	0.65	0.82	45.9
3	R2	18	2.0	0.757	10.9	LOS A	10.0	74.8	0.79	0.65	0.82	50.7
3u	U	7	2.0	0.757	12.7	LOS A	10.0	74.8	0.79	0.65	0.82	48.9
Approach		879	7.8	0.757	7.3	LOS A	10.0	74.8	0.79	0.65	0.82	46.5
East: PARSON ST												
4	L2	21	2.0	0.296	18.0	LOS B	2.2	15.4	1.00	1.00	1.00	37.1
5	T1	20	2.0	0.296	18.0	LOS B	2.2	15.4	1.00	1.00	1.00	38.9
6	R2	45	2.0	0.296	21.8	LOS B	2.2	15.4	1.00	1.00	1.00	36.4
Approach		86	2.0	0.296	19.9	LOS B	2.2	15.4	1.00	1.00	1.00	37.2
North: PRINCES HWY												
7	L2	24	2.0	1.012	52.1	LOS D	45.7	340.5	1.00	1.97	3.28	26.4
8	T1	761	8.0	1.012	52.7	LOS D	45.7	340.5	1.00	1.97	3.28	22.0
9	R2	63	6.0	1.012	56.4	LOS D	45.7	340.5	1.00	1.97	3.28	24.4
9u	U	43	2.0	1.012	58.0	LOS E	45.7	340.5	1.00	1.97	3.28	18.9
Approach		892	7.4	1.012	53.2	LOS D	45.7	340.5	1.00	1.97	3.28	22.1
West: PARSON ST												
10	L2	161	6.0	1.019	85.4	LOS F	34.0	249.6	1.00	2.44	4.25	16.7
11	T1	27	2.0	1.019	85.1	LOS F	34.0	249.6	1.00	2.44	4.25	21.7
12	R2	324	6.0	1.019	89.2	LOS F	34.0	249.6	1.00	2.44	4.25	18.8
Approach		513	5.8	1.019	87.7	LOS F	34.0	249.6	1.00	2.44	4.25	18.3
All Vehicles		2369	7.0	1.019	42.4	LOS C	45.7	340.5	0.92	1.55	2.49	26.0

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
Vehicle movement LOS values are based on average delay per movement.
Intersection and Approach LOS values are based on average delay for all vehicle movements.
Roundabout Capacity Model: SIDRA Standard.
SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

MOVEMENT SUMMARY

 **Site: 101 [2029 BACKGROUND TRAFFIC SAT MD PARSON ST - PRINCES HWY (NO BYPASS)]**

Bunnings Ulladulla
Site Category: (None)
Roundabout

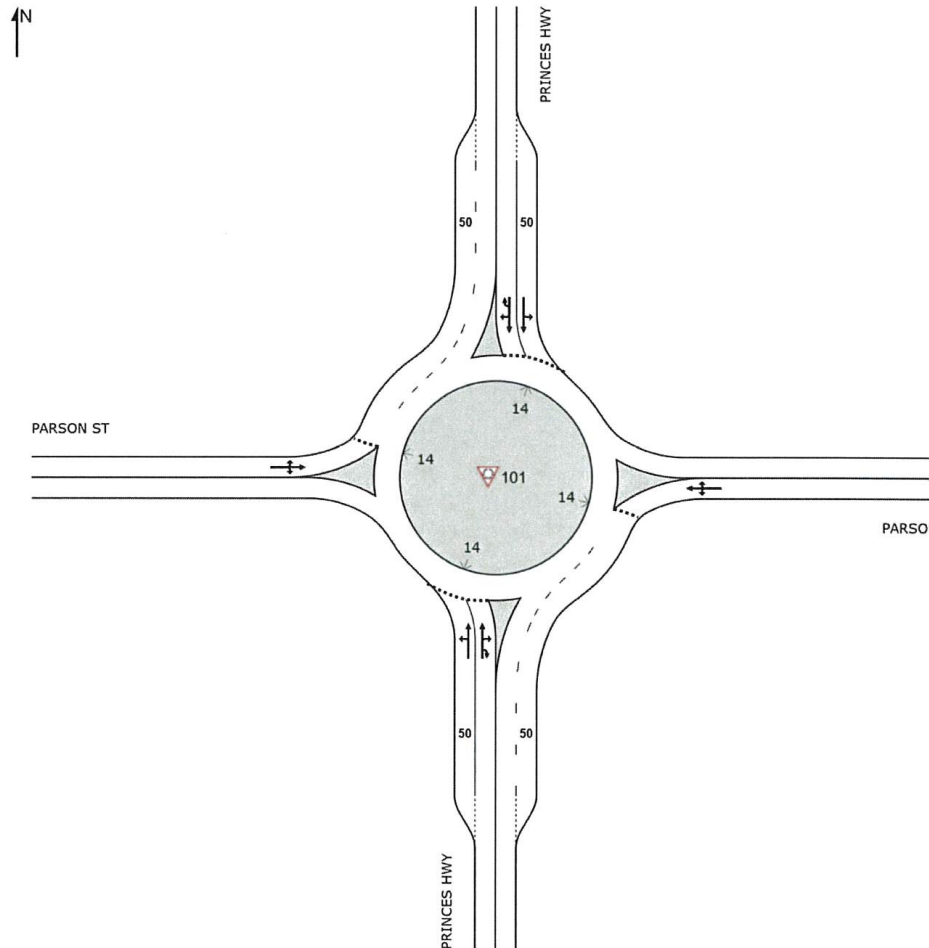
Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: PRINCES HWY												
1	L2	145	6.0	0.809	9.1	LOS A	13.3	99.0	0.92	0.77	1.04	47.7
2	T1	726	8.0	0.809	9.4	LOS A	13.3	99.0	0.92	0.77	1.04	44.8
3	R2	21	2.0	0.809	13.1	LOS A	13.3	99.0	0.92	0.77	1.04	49.9
3u	U	3	2.0	0.809	14.9	LOS B	13.3	99.0	0.92	0.77	1.04	48.0
Approach		896	7.5	0.809	9.5	LOS A	13.3	99.0	0.92	0.77	1.04	45.6
East: PARSON ST												
4	L2	24	2.0	0.202	13.6	LOS A	1.4	10.2	0.96	0.94	0.96	39.6
5	T1	24	2.0	0.202	13.6	LOS A	1.4	10.2	0.96	0.94	0.96	41.3
6	R2	24	2.0	0.202	17.4	LOS B	1.4	10.2	0.96	0.94	0.96	39.2
Approach		73	2.0	0.202	14.8	LOS B	1.4	10.2	0.96	0.94	0.96	40.1
North: PRINCES HWY												
7	L2	18	2.0	0.852	13.5	LOS A	16.4	121.5	1.00	1.00	1.36	43.5
8	T1	663	8.0	0.852	14.0	LOS A	16.4	121.5	1.00	1.00	1.36	40.3
9	R2	86	6.0	0.852	17.7	LOS B	16.4	121.5	1.00	1.00	1.36	42.3
9u	U	64	2.0	0.852	19.4	LOS B	16.4	121.5	1.00	1.00	1.36	37.6
Approach		832	7.2	0.852	14.8	LOS B	16.4	121.5	1.00	1.00	1.36	40.4
West: PARSON ST												
10	L2	142	6.0	0.853	34.1	LOS C	13.2	97.1	1.00	1.47	2.07	27.3
11	T1	31	2.0	0.853	33.8	LOS C	13.2	97.1	1.00	1.47	2.07	32.7
12	R2	232	6.0	0.853	37.9	LOS C	13.2	97.1	1.00	1.47	2.07	29.8
12u	U	4	2.0	0.853	40.7	LOS C	13.2	97.1	1.00	1.47	2.07	32.8
Approach		408	5.7	0.853	36.3	LOS C	13.2	97.1	1.00	1.47	2.07	29.2
All Vehicles		2208	6.9	0.853	16.6	LOS B	16.4	121.5	0.97	0.99	1.35	38.8

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
Vehicle movement LOS values are based on average delay per movement.
Intersection and Approach LOS values are based on average delay for all vehicle movements.
Roundabout Capacity Model: SIDRA Standard.
SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

SITE LAYOUT

 Site: 101 [2029 BACKGROUND TRAFFIC PARSON ST - PRINCES HWY (NO BYPASS) + MOD]

Bunnings Ulladulla
Site Category: (None)
Roundabout



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MOVEMENT SUMMARY

 **Site: 101 [2029 BACKGROUND TRAFFIC FRI PM PARSON ST - PRINCES HWY (NO BYPASS) + MOD]**

Bunnings Ulladulla
Site Category: (None)
Roundabout

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back Vehicles veh	Queue Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: PRINCES HWY												
1	L2	128	8.0	0.196	6.3	LOS A	1.1	8.2	0.45	0.59	0.45	50.0
2	T1	725	8.0	0.545	5.7	LOS A	4.8	35.9	0.54	0.56	0.54	47.2
3	R2	18	2.0	0.545	9.4	LOS A	4.8	35.9	0.55	0.56	0.55	51.7
3u	U	7	2.0	0.545	11.2	LOS A	4.8	35.9	0.55	0.56	0.55	50.1
Approach		879	7.8	0.545	5.9	LOS A	4.8	35.9	0.53	0.56	0.53	47.9
East: PARSON ST												
4	L2	21	2.0	0.261	18.5	LOS B	1.8	13.1	0.98	0.99	0.98	36.9
5	T1	20	2.0	0.261	18.5	LOS B	1.8	13.1	0.98	0.99	0.98	38.6
6	R2	45	2.0	0.261	22.3	LOS B	1.8	13.1	0.98	0.99	0.98	36.2
Approach		86	2.0	0.261	20.5	LOS B	1.8	13.1	0.98	0.99	0.98	37.0
North: PRINCES HWY												
7	L2	24	2.0	0.252	8.0	LOS A	1.5	11.1	0.67	0.73	0.67	48.7
8	T1	761	8.0	0.702	9.3	LOS A	8.8	65.8	0.86	0.85	0.99	45.1
9	R2	63	6.0	0.702	13.3	LOS A	8.8	65.8	0.90	0.88	1.06	46.3
9u	U	43	2.0	0.702	15.0	LOS B	8.8	65.8	0.90	0.88	1.06	42.6
Approach		892	7.4	0.702	9.8	LOS A	8.8	65.8	0.86	0.85	0.99	45.2
West: PARSON ST												
10	L2	161	6.0	0.906	42.8	LOS D	18.9	138.6	1.00	1.77	2.73	24.6
11	T1	27	2.0	0.906	42.5	LOS C	18.9	138.6	1.00	1.77	2.73	30.1
12	R2	324	6.0	0.906	46.6	LOS D	18.9	138.6	1.00	1.77	2.73	27.0
Approach		513	5.8	0.906	45.1	LOS D	18.9	138.6	1.00	1.77	2.73	26.5
All Vehicles		2369	7.0	0.906	16.4	LOS B	18.9	138.6	0.77	0.95	1.20	38.5

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
Vehicle movement LOS values are based on average delay per movement.
Intersection and Approach LOS values are based on average delay for all vehicle movements.
Roundabout Capacity Model: SIDRA Standard.
SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

MOVEMENT SUMMARY

 **Site: 101 [2029 BACKGROUND TRAFFIC SAT MD PARSON ST - PRINCES HWY (NO BYPASS) + MOD]**

Bunnings Ulladulla
Site Category: (None)
Roundabout

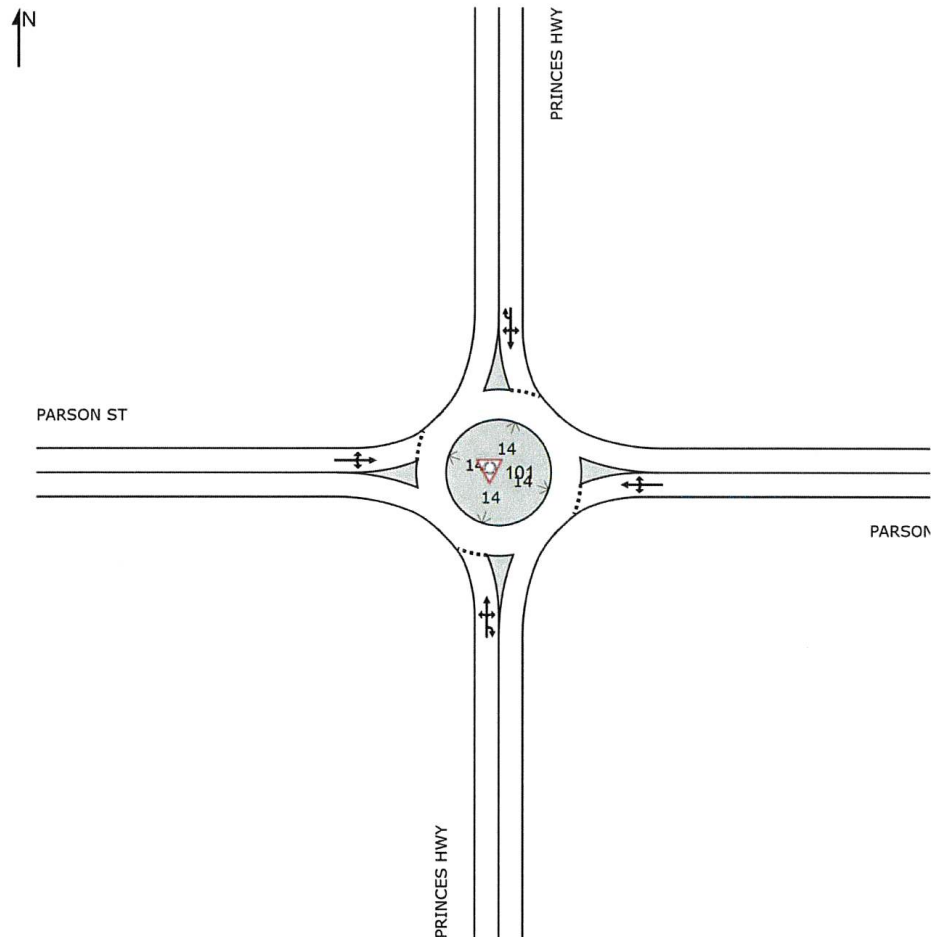
Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back Vehicles veh	Queue Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: PRINCES HWY												
1	L2	145	6.0	0.205	6.6	LOS A	1.2	8.5	0.48	0.62	0.48	49.9
2	T1	726	8.0	0.572	6.0	LOS A	5.1	38.3	0.60	0.59	0.60	46.9
3	R2	21	2.0	0.572	9.7	LOS A	5.1	38.3	0.61	0.59	0.61	51.4
3u	U	3	2.0	0.572	11.5	LOS A	5.1	38.3	0.61	0.59	0.61	49.8
Approach		896	7.5	0.572	6.2	LOS A	5.1	38.3	0.58	0.59	0.58	47.6
East: PARSON ST												
4	L2	24	2.0	0.166	13.6	LOS A	1.1	7.9	0.90	0.89	0.90	39.6
5	T1	24	2.0	0.166	13.6	LOS A	1.1	7.9	0.90	0.89	0.90	41.3
6	R2	24	2.0	0.166	17.4	LOS B	1.1	7.9	0.90	0.89	0.90	39.2
Approach		73	2.0	0.166	14.8	LOS B	1.1	7.9	0.90	0.89	0.90	40.1
North: PRINCES HWY												
7	L2	18	2.0	0.214	7.2	LOS A	1.3	9.3	0.59	0.66	0.59	49.2
8	T1	663	8.0	0.596	6.9	LOS A	5.7	42.7	0.72	0.70	0.73	46.3
9	R2	86	6.0	0.596	10.6	LOS A	5.7	42.7	0.75	0.71	0.77	47.4
9u	U	64	2.0	0.596	12.3	LOS A	5.7	42.7	0.75	0.71	0.77	44.0
Approach		832	7.2	0.596	7.7	LOS A	5.7	42.7	0.72	0.70	0.73	46.3
West: PARSON ST												
10	L2	142	6.0	0.740	22.9	LOS B	9.2	67.2	1.00	1.31	1.69	31.6
11	T1	31	2.0	0.740	22.7	LOS B	9.2	67.2	1.00	1.31	1.69	36.7
12	R2	232	6.0	0.740	26.7	LOS B	9.2	67.2	1.00	1.31	1.69	34.1
12u	U	4	2.0	0.740	29.5	LOS C	9.2	67.2	1.00	1.31	1.69	37.5
Approach		408	5.7	0.740	25.1	LOS B	9.2	67.2	1.00	1.31	1.69	33.6
All Vehicles		2208	6.9	0.740	10.5	LOS A	9.2	67.2	0.72	0.77	0.86	42.8

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
Vehicle movement LOS values are based on average delay per movement.
Intersection and Approach LOS values are based on average delay for all vehicle movements.
Roundabout Capacity Model: SIDRA Standard.
SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

SITE LAYOUT

 **Site: 101 [EX + DEV TRAFFIC PARSON ST - PRINCES HWY]**

Bunnings Ulladulla
Site Category: (None)
Roundabout



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MOVEMENT SUMMARY

Site: 101 [EX + DEV TRAFFIC FRI PM PARSON ST - PRINCES HWY]

Network: N101 [2019 + DEV FRI PM]

Bunnings Ulladulla
Site Category: (None)
Roundabout

Movement Performance - Vehicles													
Mov ID	Turn	Demand Flows		Arrival Flows		Deg. Satn	Average Delay	Level of Service	Aver. Back of Queue	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
		Total veh/h	HV %	Total veh/h	HV %	v/c	sec		Vehicles	Distance m			km/h
South: PRINCES HWY													
1	L2	114	6.0	114	6.0	0.631	5.7	LOS A	2.5	18.8	0.61	0.58	49.3
2	T1	609	8.0	609	8.0	0.631	6.0	LOS A	2.5	18.8	0.61	0.58	47.0
3	R2	18	2.0	18	2.0	0.631	9.7	LOS A	2.5	18.8	0.61	0.58	51.5
3u	U	7	2.0	7	2.0	0.631	11.5	LOS B	2.5	18.8	0.61	0.58	43.1
Approach		748	7.5	748	7.5	0.631	6.1	LOS A	2.5	18.8	0.61	0.58	47.5
East: PARSON ST													
4	L2	21	2.0	21	2.0	0.246	14.8	LOS B	0.7	5.0	0.97	0.96	34.7
5	T1	20	2.0	20	2.0	0.246	14.8	LOS B	0.7	5.0	0.97	0.96	40.3
6	R2	45	2.0	45	2.0	0.246	18.6	LOS B	0.7	5.0	0.97	0.96	38.1
Approach		86	2.0	86	2.0	0.246	16.8	LOS B	0.7	5.0	0.97	0.96	38.1
North: PRINCES HWY													
7	L2	24	2.0	24	2.0	0.903	20.7	LOS C	8.3	61.7	1.00	1.25	38.9
8	T1	676	8.0	676	8.0	0.903	21.2	LOS C	8.3	61.7	1.00	1.25	22.5
9	R2	42	6.0	42	6.0	0.903	24.9	LOS C	8.3	61.7	1.00	1.25	37.3
9u	U	43	2.0	43	2.0	0.903	26.5	LOS C	8.3	61.7	1.00	1.25	31.9
Approach		785	7.4	785	7.4	0.903	21.7	LOS C	8.3	61.7	1.00	1.25	25.3
West: PARSON ST													
10	L2	157	6.0	157	6.0	0.826	24.8	LOS C	5.1	37.6	1.00	1.41	30.7
11	T1	27	2.0	27	2.0	0.826	24.6	LOS C	5.1	37.6	1.00	1.41	35.9
12	R2	325	6.0	325	6.0	0.826	28.6	LOS C	5.1	37.6	1.00	1.41	26.6
Approach		509	5.8	509	5.8	0.826	27.2	LOS C	5.1	37.6	1.00	1.41	28.7
All Vehicles		2129	6.8	2129	6.8	0.903	17.3	LOS B	8.3	61.7	0.86	1.04	34.2

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Network Data dialog (Network tab).
Roundabout LOS Method: SIDRA Roundabout LOS.
Vehicle movement LOS values are based on average delay per movement.
Intersection and Approach LOS values are based on average delay for all vehicle movements.
Roundabout Capacity Model: SIDRA Standard.
SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
Gap-Acceptance Capacity: SIDRA Standard (Akcelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

MOVEMENT SUMMARY

Site: 101 [EX + DEV TRAFFIC SAT MD PARSON ST - PRINCES HWY]

Network: N101 [2019 + DEV SAT MD]

Bunnings Ulladulla
Site Category: (None)
Roundabout

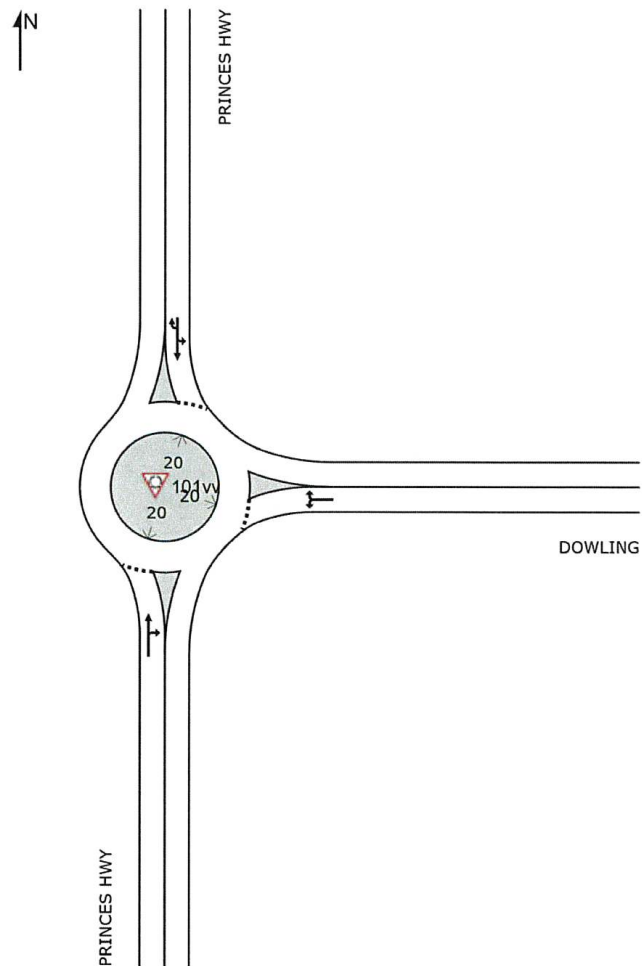
Movement Performance - Vehicles													
Mov ID	Turn	Demand Flows		Arrival Flows		Deg. Satn	Average Delay	Level of Service	Aver. Back of Queue	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
		Total veh/h	HV %	Total veh/h	HV %	v/c	sec		Vehicles	Distance m			km/h
South: PRINCES HWY													
1	L2	129	6.0	129	6.0	0.779	9.5	LOS A	4.7	35.0	0.91	0.82	47.4
2	T1	664	8.0	664	8.0	0.779	9.7	LOS A	4.7	35.0	0.91	0.82	44.5
3	R2	21	2.0	21	2.0	0.779	13.4	LOS B	4.7	35.0	0.91	0.82	49.6
3u	U	3	2.0	3	2.0	0.779	15.2	LOS B	4.7	35.0	0.91	0.82	39.9
Approach		818	7.5	818	7.5	0.779	9.8	LOS A	4.7	35.0	0.91	0.82	45.2
East: PARSON ST													
4	L2	24	2.0	24	2.0	0.198	13.5	LOS B	0.6	4.0	0.96	0.93	35.9
5	T1	24	2.0	24	2.0	0.198	13.5	LOS B	0.6	4.0	0.96	0.93	41.3
6	R2	24	2.0	24	2.0	0.198	17.3	LOS B	0.6	4.0	0.96	0.93	39.2
Approach		73	2.0	73	2.0	0.198	14.8	LOS B	0.6	4.0	0.96	0.93	39.2
North: PRINCES HWY													
7	L2	18	2.0	18	2.0	0.855	14.5	LOS B	6.6	48.8	1.00	1.05	42.6
8	T1	598	8.0	598	8.0	0.855	15.0	LOS B	6.6	48.8	1.00	1.05	27.0
9	R2	122	6.0	122	6.0	0.855	18.8	LOS B	6.6	48.8	1.00	1.05	41.3
9u	U	64	2.0	64	2.0	0.855	20.4	LOS C	6.6	48.8	1.00	1.05	36.5
Approach		802	7.1	802	7.1	0.855	16.0	LOS B	6.6	48.8	1.00	1.05	31.9
West: PARSON ST													
10	L2	143	6.0	143	6.0	0.830	27.7	LOS C	4.9	36.3	1.00	1.41	29.6
11	T1	31	2.0	31	2.0	0.830	27.5	LOS C	4.9	36.3	1.00	1.41	34.8
12	R2	261	6.0	261	6.0	0.830	31.5	LOS C	4.9	36.3	1.00	1.41	25.3
12u	U	4	2.0	4	2.0	0.830	34.3	LOS C	4.9	36.3	1.00	1.41	35.3
Approach		439	5.7	439	5.7	0.830	30.1	LOS C	4.9	36.3	1.00	1.41	27.9
All Vehicles		2132	6.8	2132	6.8	0.855	16.5	LOS B	6.6	48.8	0.96	1.03	35.9

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Network Data dialog (Network tab).
Roundabout LOS Method: SIDRA Roundabout LOS.
Vehicle movement LOS values are based on average delay per movement.
Intersection and Approach LOS values are based on average delay for all vehicle movements.
Roundabout Capacity Model: SIDRA Standard.
SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

SITE LAYOUT

 **Site: 101vv [EX + DEV DOWLING - PRINCES HWY]**

Bunnings Ulladulla
Site Category: (None)
Roundabout



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Project: T:\WORK\18118252 - BUNNINGS PRINCES HIGHWAY ULLADULLA - See also 18038\MODELLING\Ulladulla 21052020.sip8

MOVEMENT SUMMARY

Site: 101vv [EX + DEV FRI PM DOWLING - PRINCES HWY] Network: N101 [2019 + DEV FRI PM]

Bunnings Ulladulla
Site Category: (None)
Roundabout

Movement Performance - Vehicles													
Mov ID	Turn	Demand	Flows	Arrival	Flows	Deg. Satn	Average Delay	Level of Service	Aver. Back of Queue	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
		Total veh/h	HV %	Total veh/h	HV %	v/c	sec		Vehicles	Distance m			km/h
South: PRINCES HWY													
2	T1	709	8.0	709	8.0	0.517	4.7	LOS A	2.0	14.7	0.36	0.43	50.1
3	R2	21	2.0	21	2.0	0.517	9.2	LOS A	2.0	14.7	0.36	0.43	54.9
Approach		731	7.8	731	7.8	0.517	4.8	LOS A	2.0	14.7	0.36	0.43	50.3
East: DOWLING													
4	L2	21	2.0	21	2.0	0.127	10.9	LOS B	0.3	2.3	0.83	0.83	42.1
6	R2	53	2.0	53	2.0	0.127	15.4	LOS B	0.3	2.3	0.83	0.83	36.7
Approach		74	2.0	74	2.0	0.127	14.1	LOS B	0.3	2.3	0.83	0.83	38.9
North: PRINCES HWY													
7	L2	42	2.0	42	2.0	0.642	4.1	LOS A	3.0	22.3	0.21	0.39	53.2
8	T1	966	8.0	966	8.0	0.642	4.4	LOS A	3.0	22.3	0.21	0.39	54.7
9u	U	14	2.0	14	2.0	0.642	11.0	LOS B	3.0	22.3	0.21	0.39	47.2
Approach		1022	7.7	1022	7.7	0.642	4.4	LOS A	3.0	22.3	0.21	0.39	54.5
All Vehicles		1826	7.5	1826	7.5	0.642	5.0	LOS A	3.0	22.3	0.30	0.42	52.4

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Network Data dialog (Network tab).

Roundabout LOS Method: SIDRA Roundabout LOS.

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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Project: T:\WORK\18\18252 - BUNNINGS PRINCES HIGHWAY ULLADULLA - See also 18038\MODELLING\Ulladulla 21052020.sip8

MOVEMENT SUMMARY

Site: 101vv [EX + DEV SAT MD DOWLING - PRINCES HWY] ## Network: N101 [2019 + DEV SAT MD]

Bunnings Ulladulla
Site Category: (None)
Roundabout

Movement Performance - Vehicles													
Mov ID	Turn	Demand Flows	Arrival Flows	Deg. Sat'n	Average Delay	Level of Service	Aver. Back of Queue	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed		
		Total veh/h	HV %	Total % veh/h	HV %	v/c	sec	Vehicles	Distance m				
South: PRINCES HWY													
2	T1	807	8.0	807	8.0	0.558	4.6	LOS A	2.2	16.3	0.32	0.41	50.5
3	R2	11	2.0	11	2.0	0.558	9.1	LOS A	2.2	16.3	0.32	0.41	55.2
Approach		818	7.9	818	7.9	0.558	4.6	LOS A	2.2	16.3	0.32	0.41	50.6
East: DOWLING													
4	L2	11	2.0	11	2.0	0.060	8.6	LOS A	0.1	1.0	0.73	0.74	43.2
6	R2	32	2.0	32	2.0	0.060	13.0	LOS B	0.1	1.0	0.73	0.74	38.3
Approach		42	2.0	42	2.0	0.060	11.9	LOS B	0.1	1.0	0.73	0.74	40.1
North: PRINCES HWY													
7	L2	42	2.0	42	2.0	0.542	4.0	LOS A	2.1	15.4	0.12	0.40	53.7
8	T1	823	8.0	823	8.0	0.542	4.2	LOS A	2.1	15.4	0.12	0.40	55.2
9u	U	21	2.0	21	2.0	0.542	10.9	LOS B	2.1	15.4	0.12	0.40	48.2
Approach		886	7.6	886	7.6	0.542	4.4	LOS A	2.1	15.4	0.12	0.40	55.0
All Vehicles		1746	7.6	1746	7.6	0.558	4.7	LOS A	2.2	16.3	0.22	0.41	52.8

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Network Data dialog (Network tab).

Roundabout LOS Method: SIDRA Roundabout LOS.

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

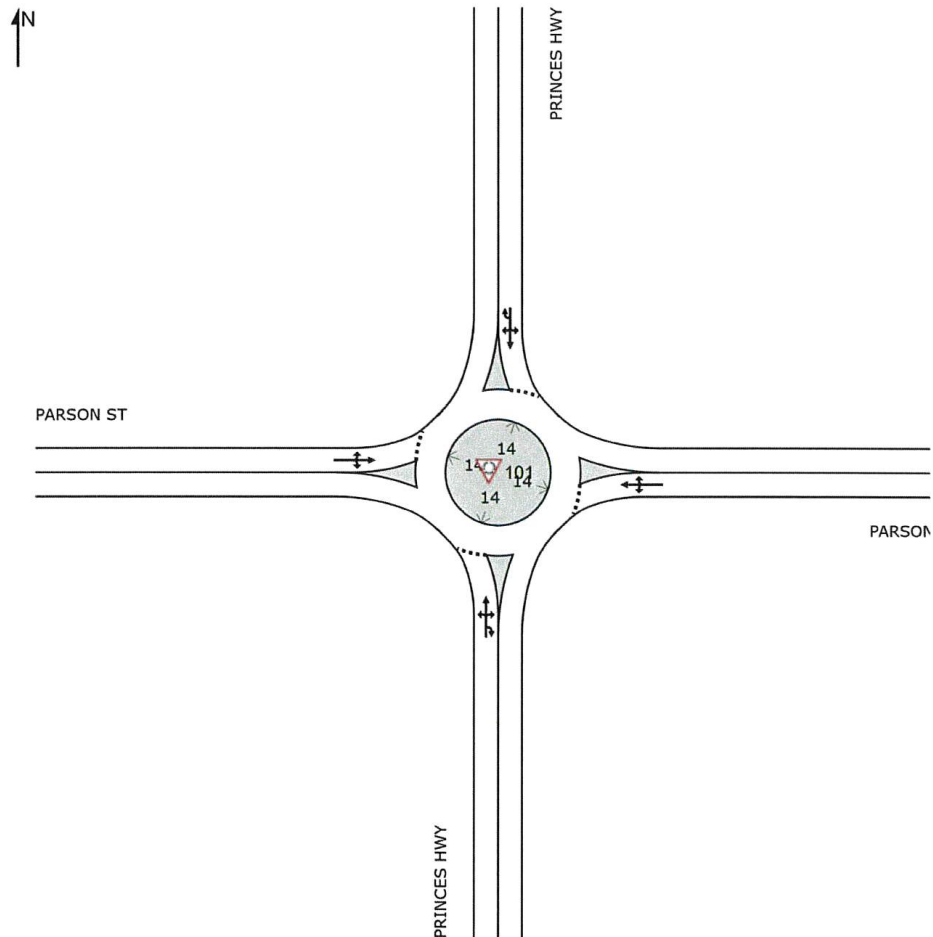
Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

SITE LAYOUT

 Site: 101 [2029 BACKGROUND + DEV TRAFFIC PARSON ST - PRINCES HWY]

Bunnings Ulladulla
Site Category: (None)
Roundabout



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Project: T:\WORK\18\18252 - BUNNINGS PRINCES HIGHWAY ULLADULLA - See also 18038\MODELLING\Ulladulla 21052020.sip8

MOVEMENT SUMMARY

Site: 101 [2029 BACKGROUND + DEV TRAFFIC FRI PM **## Network: N101 [2029 + DEV**
PARSON ST - PRINCES HWY] **FRI PM (NO BYPASS)]**

Bunnings Ulladulla
Site Category: (None)
Roundabout

Movement Performance - Vehicles													
Mov ID	Turn	Demand Flows		Arrival Flows		Deg. Satn	Average Delay	Level of Service	Aver. Back of Queue	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
		Total veh/h	HV %	Total veh/h	HV %	v/c	sec		Vehicles	Distance m			km/h
South: PRINCES HWY													
1	L2	67	6.0	67	6.0	0.703	6.6	LOS A	3.2	23.9	0.74	0.64	48.7
2	T1	704	8.0	704	8.0	0.703	6.9	LOS A	3.2	23.9	0.74	0.64	46.1
3	R2	18	2.0	18	2.0	0.703	10.5	LOS B	3.2	23.9	0.74	0.64	50.8
3u	U	7	2.0	7	2.0	0.703	12.4	LOS B	3.2	23.9	0.74	0.64	42.0
Approach		797	7.6	797	7.6	0.703	7.0	LOS A	3.2	23.9	0.74	0.64	46.5
East: PARSON ST													
4	L2	21	2.0	21	2.0	0.246	13.6	LOS B	0.7	5.1	0.98	0.98	35.4
5	T1	20	2.0	20	2.0	0.246	13.6	LOS B	0.7	5.1	0.98	0.98	40.9
6	R2	45	2.0	45	2.0	0.246	17.4	LOS B	0.7	5.1	0.98	0.98	38.8
Approach		86	2.0	86	2.0	0.246	15.6	LOS B	0.7	5.1	0.98	0.98	38.8
North: PRINCES HWY													
7	L2	24	2.0	24	2.0	0.830	9.5	LOS A	6.0	44.5	0.97	0.79	46.9
8	T1	775	8.0	775	8.0	0.830	9.9	LOS A	6.0	44.5	0.97	0.79	33.3
9	R2	76	6.0	76	6.0	0.830	13.7	LOS B	6.0	44.5	0.97	0.79	46.0
9u	U	43	2.0	43	2.0	0.830	15.4	LOS B	6.0	44.5	0.97	0.79	42.2
Approach		918	7.4	918	7.4	0.830	10.5	LOS B	6.0	44.5	0.97	0.79	36.4
West: PARSON ST													
10	L2	185	6.0	185	6.0	0.682	19.1	LOS B	3.0	21.8	1.00	1.22	33.7
11	T1	27	2.0	27	2.0	0.682	18.9	LOS B	3.0	21.8	1.00	1.22	38.5
12	R2	146	6.0	146	6.0	0.682	22.9	LOS C	3.0	21.8	1.00	1.22	29.8
Approach		359	5.7	359	5.7	0.682	20.7	LOS C	3.0	21.8	1.00	1.22	32.9
All Vehicles		2160	7.0	2160	7.0	0.830	11.1	LOS B	6.0	44.5	0.89	0.81	39.6

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Network Data dialog (Network tab).
Roundabout LOS Method: SIDRA Roundabout LOS.
Vehicle movement LOS values are based on average delay per movement.
Intersection and Approach LOS values are based on average delay for all vehicle movements.
Roundabout Capacity Model: SIDRA Standard.
SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

MOVEMENT SUMMARY

Site: 101 [2029 BACKGROUND + DEV TRAFFIC SAT MD PARSON ST - PRINCES HWY] **Network: N101 [2029 + DEV SAT MD (NO BYPASS)]**

Bunnings Ulladulla
Site Category: (None)
Roundabout

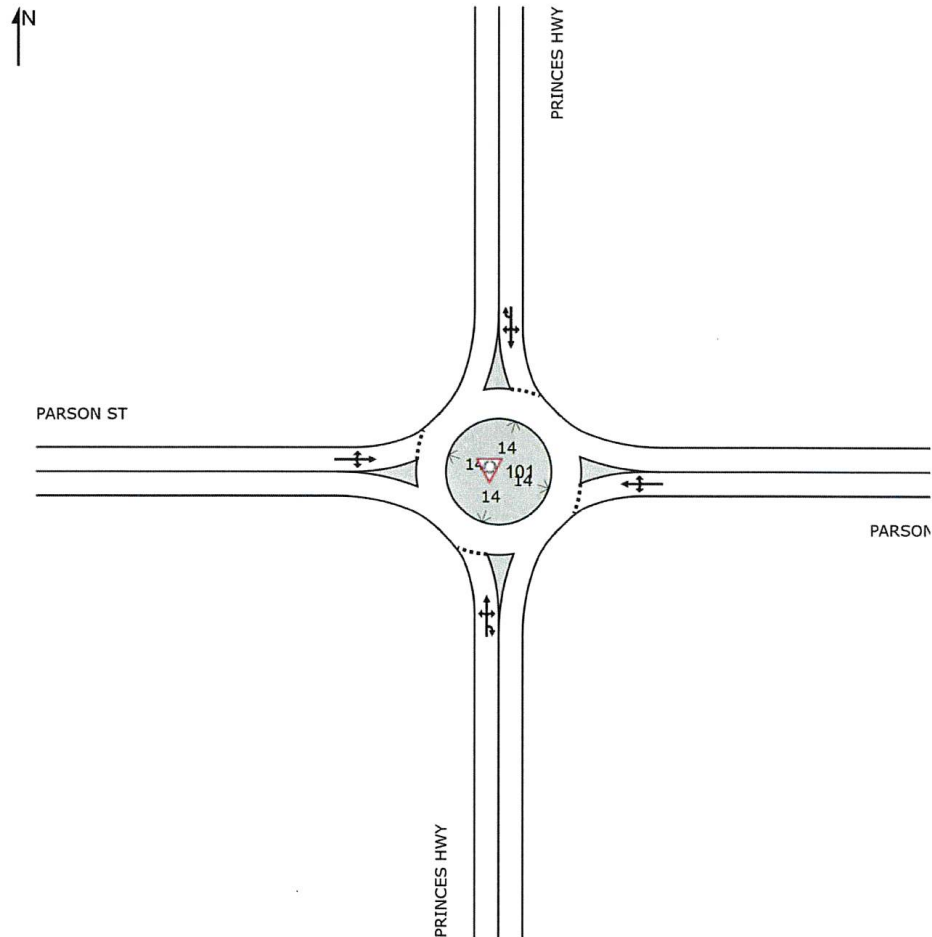
Movement Performance - Vehicles														
Mov ID	Turn	Demand Flows		Arrival Flows		Deg. Satn	Average Delay	Level of Service	Aver. Back of Queue	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed	
		Total veh/h	HV %	Total veh/h	HV %	v/c	sec		Vehicles veh	Distance m			km/h	
South: PRINCES HWY														
1	L2	77	6.0	77	6.0	0.811	10.4	LOS B	5.4	40.3	0.94	0.85	1.13	46.6
2	T1	759	8.0	759	8.0	0.811	10.7	LOS B	5.4	40.3	0.94	0.85	1.13	43.5
3	R2	21	2.0	21	2.0	0.811	14.3	LOS B	5.4	40.3	0.94	0.85	1.13	48.8
3u	U	3	2.0	3	2.0	0.811	16.1	LOS B	5.4	40.3	0.94	0.85	1.13	38.7
Approach		860	7.7	860	7.7	0.811	10.8	LOS B	5.4	40.3	0.94	0.85	1.13	44.0
East: PARSON ST														
4	L2	24	2.0	24	2.0	0.180	12.2	LOS B	0.5	3.6	0.93	0.90	0.93	36.9
5	T1	24	2.0	24	2.0	0.180	12.2	LOS B	0.5	3.6	0.93	0.90	0.93	42.0
6	R2	24	2.0	24	2.0	0.180	16.0	LOS B	0.5	3.6	0.93	0.90	0.93	40.1
Approach		73	2.0	73	2.0	0.180	13.5	LOS B	0.5	3.6	0.93	0.90	0.93	40.0
North: PRINCES HWY														
7	L2	18	2.0	18	2.0	0.774	7.2	LOS A	4.5	33.5	0.85	0.68	0.90	47.7
8	T1	684	8.0	684	8.0	0.774	7.6	LOS A	4.5	33.5	0.85	0.68	0.90	34.7
9	R2	122	6.0	122	6.0	0.774	11.4	LOS B	4.5	33.5	0.85	0.68	0.90	46.9
9u	U	64	2.0	64	2.0	0.774	13.1	LOS B	4.5	33.5	0.85	0.68	0.90	43.4
Approach		888	7.2	888	7.2	0.774	8.5	LOS A	4.5	33.5	0.85	0.68	0.90	38.9
West: PARSON ST														
10	L2	162	6.0	162	6.0	0.688	21.4	LOS C	3.0	21.8	1.00	1.21	1.49	32.6
11	T1	31	2.0	31	2.0	0.688	21.1	LOS C	3.0	21.8	1.00	1.21	1.49	37.6
12	R2	114	6.0	114	6.0	0.688	25.2	LOS C	3.0	21.8	1.00	1.21	1.49	28.6
12u	U	4	2.0	4	2.0	0.688	28.0	LOS C	3.0	21.8	1.00	1.21	1.49	38.5
Approach		311	5.6	311	5.6	0.688	22.9	LOS C	3.0	21.8	1.00	1.21	1.49	32.2
All Vehicles		2132	7.0	2132	7.0	0.811	11.7	LOS B	5.4	40.3	0.91	0.84	1.08	39.6

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Network Data dialog (Network tab).
Roundabout LOS Method: SIDRA Roundabout LOS.
Vehicle movement LOS values are based on average delay per movement.
Intersection and Approach LOS values are based on average delay for all vehicle movements.
Roundabout Capacity Model: SIDRA Standard.
SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

SITE LAYOUT

 **Site: 101 [2029 BACKGROUND + DEV TRAFFIC PARSON ST - PRINCES HWY]**

Bunnings Ulladulla
Site Category: (None)
Roundabout



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MOVEMENT SUMMARY

Site: 101vv [2029 BACKGROUND + DEV FRI PM DOWLING - ## Network: N101 [2029 + DEV PRINCES HWY]

Bunnings Ulladulla
Site Category: (None)
Roundabout

Movement Performance - Vehicles													
Mov ID	Turn	Demand Flows		Arrival Flows		Deg Satn	Average Delay	Level of Service	Aver. Back of Queue	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
		Total veh/h	HV %	Total veh/h	HV %	v/c	sec		Vehicles	Distance m			km/h
South: PRINCES HWY													
1	L2	112	6.0	112	6.0	0.601	4.5	LOS A	2.7	20.1	0.42	0.44	50.0
2	T1	723	8.0	723	8.0	0.601	4.7	LOS A	2.7	20.1	0.42	0.44	49.8
3	R2	21	2.0	21	2.0	0.601	9.3	LOS A	2.7	20.1	0.42	0.44	54.8
Approach		856	7.6	856	7.6	0.601	4.8	LOS A	2.7	20.1	0.42	0.44	50.0
East: DOWLING													
4	L2	21	2.0	21	2.0	0.177	11.9	LOS B	0.5	3.7	0.96	0.96	42.9
5	T1	21	2.0	21	2.0	0.177	13.2	LOS B	0.5	3.7	0.96	0.96	34.6
6	R2	32	2.0	32	2.0	0.177	16.4	LOS B	0.5	3.7	0.96	0.96	37.9
Approach		74	2.0	74	2.0	0.177	14.2	LOS B	0.5	3.7	0.96	0.96	38.8
North: PRINCES HWY													
7	L2	68	2.0	68	2.0	0.808	9.8	LOS A	5.4	40.0	0.95	0.86	49.1
8	T1	799	8.0	799	8.0	0.808	10.2	LOS B	5.4	40.0	0.95	0.86	50.3
9	R2	14	2.0	14	2.0	0.808	14.6	LOS B	5.4	40.0	0.95	0.86	30.1
Approach		881	7.4	881	7.4	0.808	10.2	LOS B	5.4	40.0	0.95	0.86	49.9
West: SITE ACCESS													
10	L2	35	2.0	35	2.0	0.410	10.4	LOS B	1.2	8.7	0.86	0.93	22.6
11	T1	21	2.0	21	2.0	0.410	10.6	LOS B	1.2	8.7	0.86	0.93	44.3
12	R2	217	6.0	217	6.0	0.410	15.4	LOS B	1.2	8.7	0.86	0.93	44.1
Approach		273	5.2	273	5.2	0.410	14.4	LOS B	1.2	8.7	0.86	0.93	42.8
All Vehicles		2083	7.0	2083	7.0	0.808	8.7	LOS A	5.4	40.0	0.72	0.70	48.5

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Network Data dialog (Network tab).
Roundabout LOS Method: SIDRA Roundabout LOS.
Vehicle movement LOS values are based on average delay per movement.
Intersection and Approach LOS values are based on average delay for all vehicle movements.
Roundabout Capacity Model: SIDRA Standard.
SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
Gap-Acceptance Capacity: SIDRA Standard (Akelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

MOVEMENT SUMMARY

Site: 101vv [2029 BACKGROUND + DEV SAT MD DOWLING - PRINCES HWY] **Network: N101 [2029 + DEV SAT MD (NO BYPASS)]**

Bunnings Ulladulla
Site Category: (None)
Roundabout

Movement Performance - Vehicles													
Mov ID	Turn	Demand veh/h	Flows HV %	Arrival Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	Aver. Back of Queue Vehicles	Prop. Queued Distance m	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: PRINCES HWY													
1	L2	126	6.0	126	6.0	0.613	4.4	LOS A	2.7	20.1	0.35	0.42	50.4
2	T1	765	8.0	765	8.0	0.613	4.6	LOS A	2.7	20.1	0.35	0.42	50.3
3	R2	11	2.0	11	2.0	0.613	9.2	LOS A	2.7	20.1	0.35	0.42	55.1
Approach		902	7.6	902	7.6	0.613	4.7	LOS A	2.7	20.1	0.35	0.42	50.4
East: DOWLING													
4	L2	11	2.0	11	2.0	0.080	9.7	LOS A	0.2	1.5	0.86	0.79	43.8
5	T1	11	2.0	11	2.0	0.080	11.0	LOS B	0.2	1.5	0.86	0.79	35.6
6	R2	21	2.0	21	2.0	0.080	14.2	LOS B	0.2	1.5	0.86	0.79	39.2
Approach		42	2.0	42	2.0	0.080	12.3	LOS B	0.2	1.5	0.86	0.79	39.8
North: PRINCES HWY													
7	L2	42	2.0	42	2.0	0.677	5.5	LOS A	3.0	22.3	0.70	0.58	50.7
8	T1	758	8.0	758	8.0	0.677	5.8	LOS A	3.0	22.3	0.70	0.58	52.0
9	R2	21	2.0	21	2.0	0.677	10.3	LOS B	3.0	22.3	0.70	0.58	31.3
Approach		821	7.5	821	7.5	0.677	5.9	LOS A	3.0	22.3	0.70	0.58	51.4
West: SITE ACCESS													
10	L2	74	2.0	74	2.0	0.349	10.0	LOS B	0.9	6.9	0.84	0.89	23.2
11	T1	11	2.0	11	2.0	0.349	10.3	LOS B	0.9	6.9	0.84	0.89	45.3
12	R2	147	6.0	147	6.0	0.349	15.1	LOS B	0.9	6.9	0.84	0.89	45.0
Approach		232	4.5	232	4.5	0.349	13.3	LOS B	0.9	6.9	0.84	0.89	41.4
All Vehicles		1997	7.1	1997	7.1	0.677	6.3	LOS A	3.0	22.3	0.56	0.55	49.7

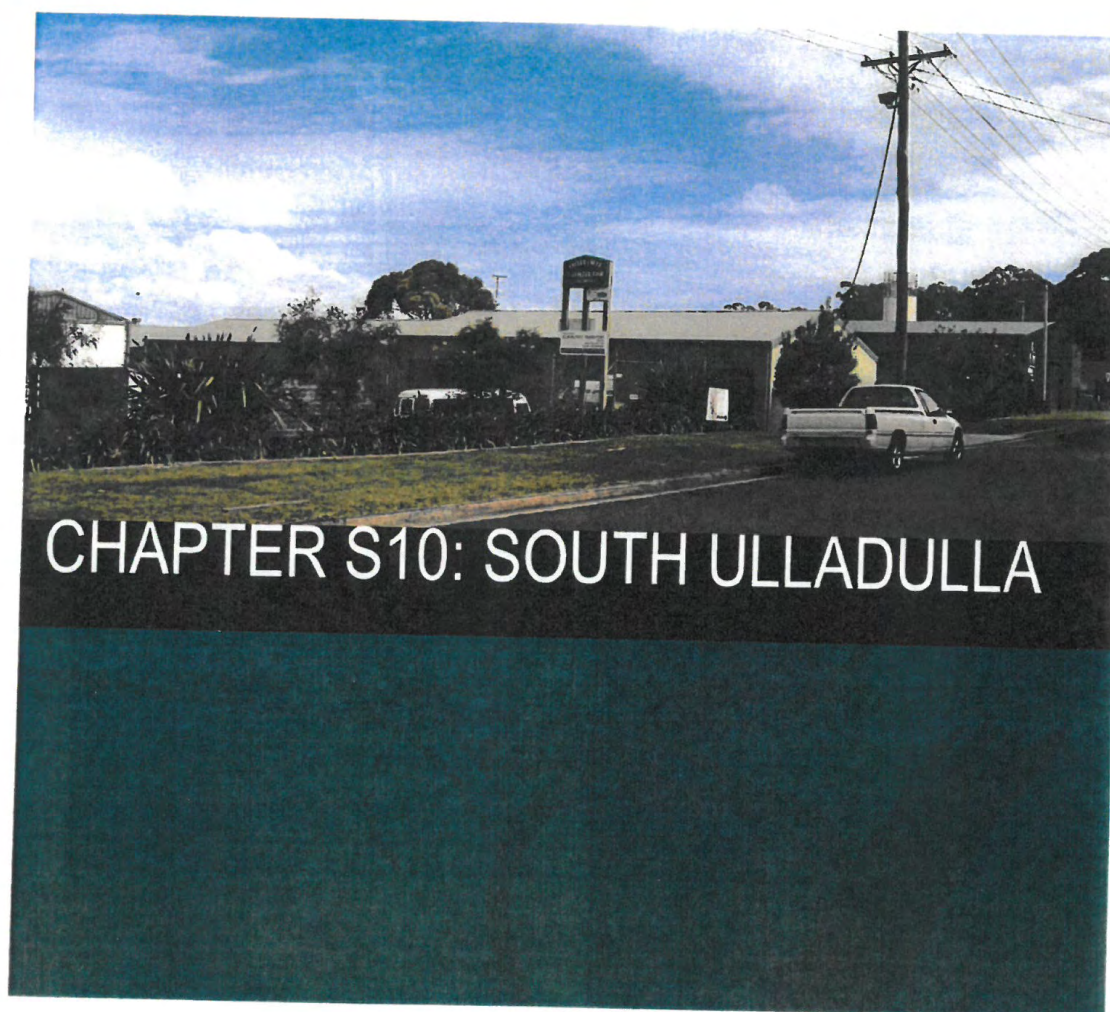
Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Network Data dialog (Network tab).
Roundabout LOS Method: SIDRA Roundabout LOS.
Vehicle movement LOS values are based on average delay per movement.
Intersection and Approach LOS values are based on average delay for all vehicle movements.
Roundabout Capacity Model: SIDRA Standard.
SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
Gap-Acceptance Capacity: SIDRA Standard (Akcelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Transport and Traffic Planning Associates

Appendix E

DCP Extracts

 ttpa



CL22.180 - Attachment 6

Shoalhaven Development Control Plan 2014

Chapter S10: South Ulladulla

1 Purpose

The purpose of this chapter is to:

- Ensure that development is designed to effectively use limited industrial land;
- Enhance the southern entrance to the Ulladulla central business district; and
- Ensure that development does not conflict with the Ulladulla retail centre

2 Application

This chapter applies to land adjoining the Princes Highway between Kings Point Road and Parson Street between Racecourse Creek and Parson Street as shown in Figure 1 below.



Figure 1: Subject Land Map

Shoalhaven Development Control Plan 2014

Chapter S10: South Ulladulla

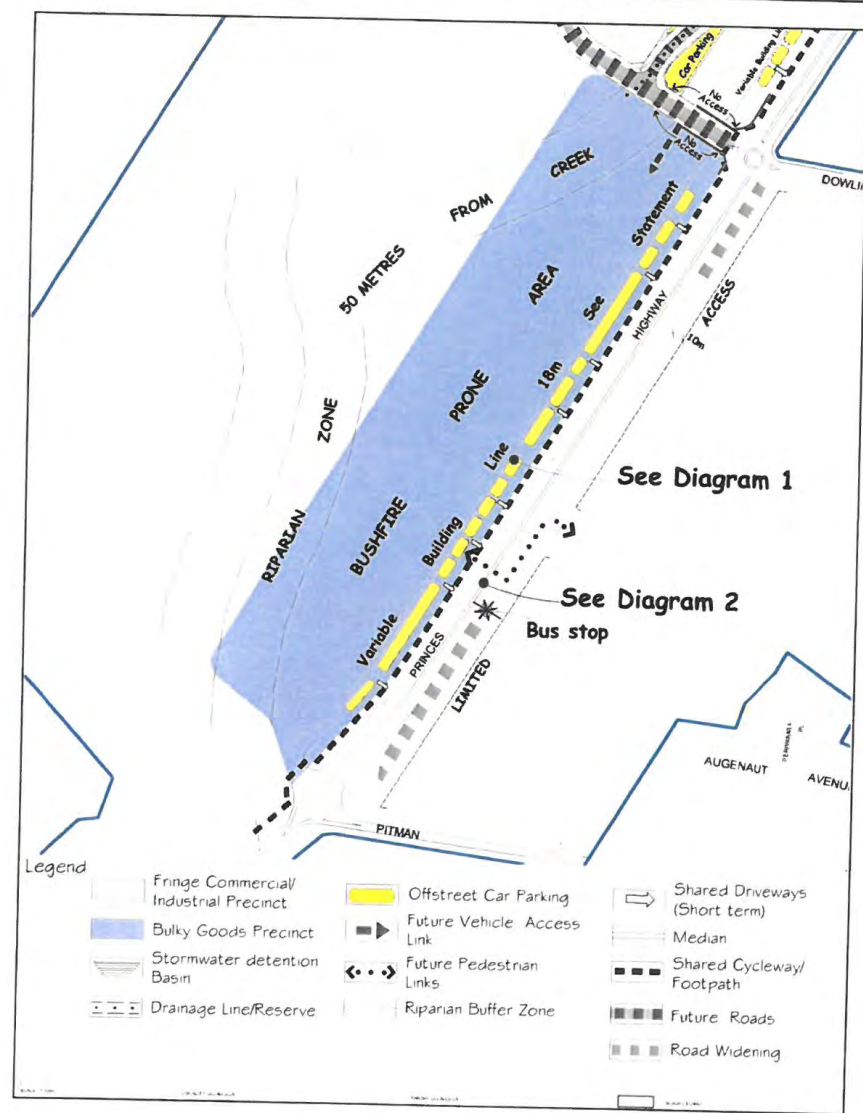


Figure 2: Bulky Goods Precinct

Shoalhaven Development Control Plan 2014
Chapter S10: South Ulladulla

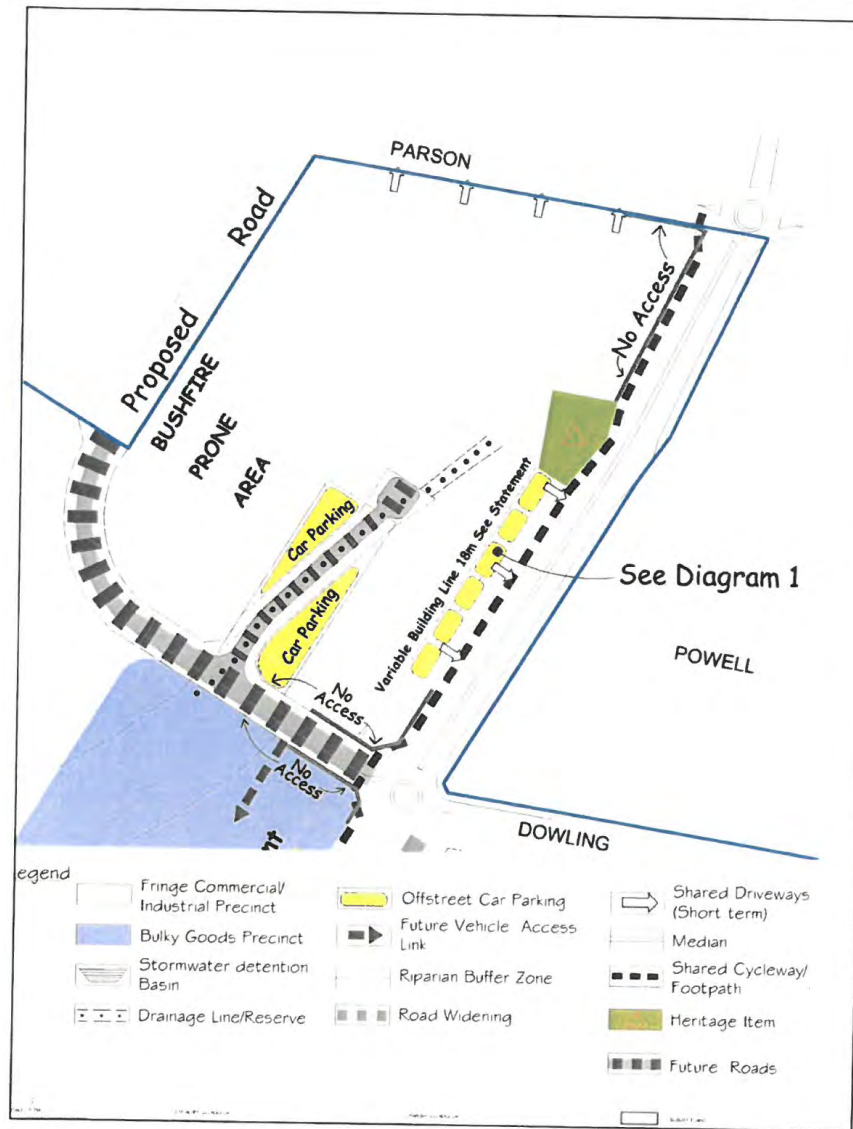
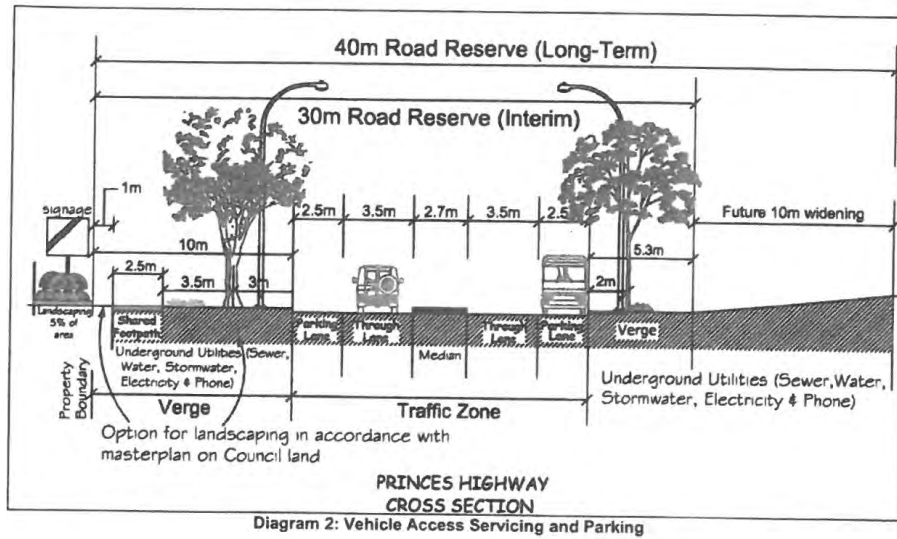


Figure 3: Fringe Commercial Industrial Precinct

Shoalhaven Development Control Plan 2014

Chapter S10: South Ulladulla



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Appendix F

Bunnings Traffic and Parking Characteristics

ttpa



TRANSPORT AND TRAFFIC PLANNING ASSOCIATES

Suite 502, Level 5, 282 Victoria Avenue, Chatswood NSW 2067
P (02) 9411 5660 F (02) 9904 6622 W ttpa.com.au E ross@ttpa.com.au

August 2019 (Issue J)
Ref: 120/2013

BUNNINGS TRAFFIC GENERATION

ROAR Data was engaged to undertake traffic generation surveys at a number of recently constructed large format Bunnings sites in the Sydney Metropolitan Area. These surveys were completed in August 2013 in unusually sunny and warm weather essentially representing an "early spring" seasonal circumstance. ROAR Data has also undertook similar surveys at Parramatta, Wollongong and Rydalmere in NSW as well as Oxenford in Queensland.

Other survey data for existing Bunnings is provided by the results of the RMS Hardware Study, RMS SCATS data, a study by the Traffix Group (Mornington and Thomastown in Victoria) and surveys by Austraffic in S.A. These examples provide an escalating scale of floor areas as indicated in the following together with the "peak traffic generation" and "generation rate per 100m²" for each of the locations.

		Thursday		Saturday		BMSLY [#]
		vtph	vtph/100m ²	vtph	vtph/100m ²	
Balgowlah	8,106m ²	237	2.92	444	5.48	No
Ashfield	8,920m ²	244	2.73	628	7.00	1,453m ²
Parramatta (RMS)	9,800m ²	247	2.52	514	5.24	738m ²
Nowra (RMS)	9,948m ²	198	1.99	447	4.49	766m ²
Wollongong	10,619m ²	260	2.45	550	5.18	No
Noarlunga (SA)	11,365m ²	321	2.82	643	5.66	No
Chatswood	11,443m ²	267	2.33	605	5.28	No
Minchinbury (RMS)	11,915m ²	338	2.84	754	6.33	No
Mornington (VIC)	13,369m ²	248	1.86	682	5.10	695m ²
Bankstown (RMS)	*15,734m ²	289	1.82	805	5.08	No
Thomastown (VIC)	15,851m ²	282	1.78	778	4.91	No
Woodville (SA)	16,364m ²	333	2.03	800	4.89	No
Rydalmere	16,732m ²	281	1.68	569	3.40	751m ²
Oxenford (QLD)	16,763m ²	302	1.80	819	4.89	1,426m ²
Huntingwood	16,804m ²	294	1.75	805	4.79	1,636m ²
Castle Hill	18,860m ²	314	1.66	900	4.77	No
Alexandra	21,037m ²	320	1.52	808	3.84	582m ²

☐ Variation to 'trend' (outlying) * RMS incorrectly adopts 14,111m²

Traffic Engineering | Traffic Signal Design | Road Safety Audit

A Division of Monvale Pty Ltd ACN 060 653 125 ABN: 44 060 653 125

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Bunnings Traffic Generation – Aug 2019 Issue J

Page 2 of 2

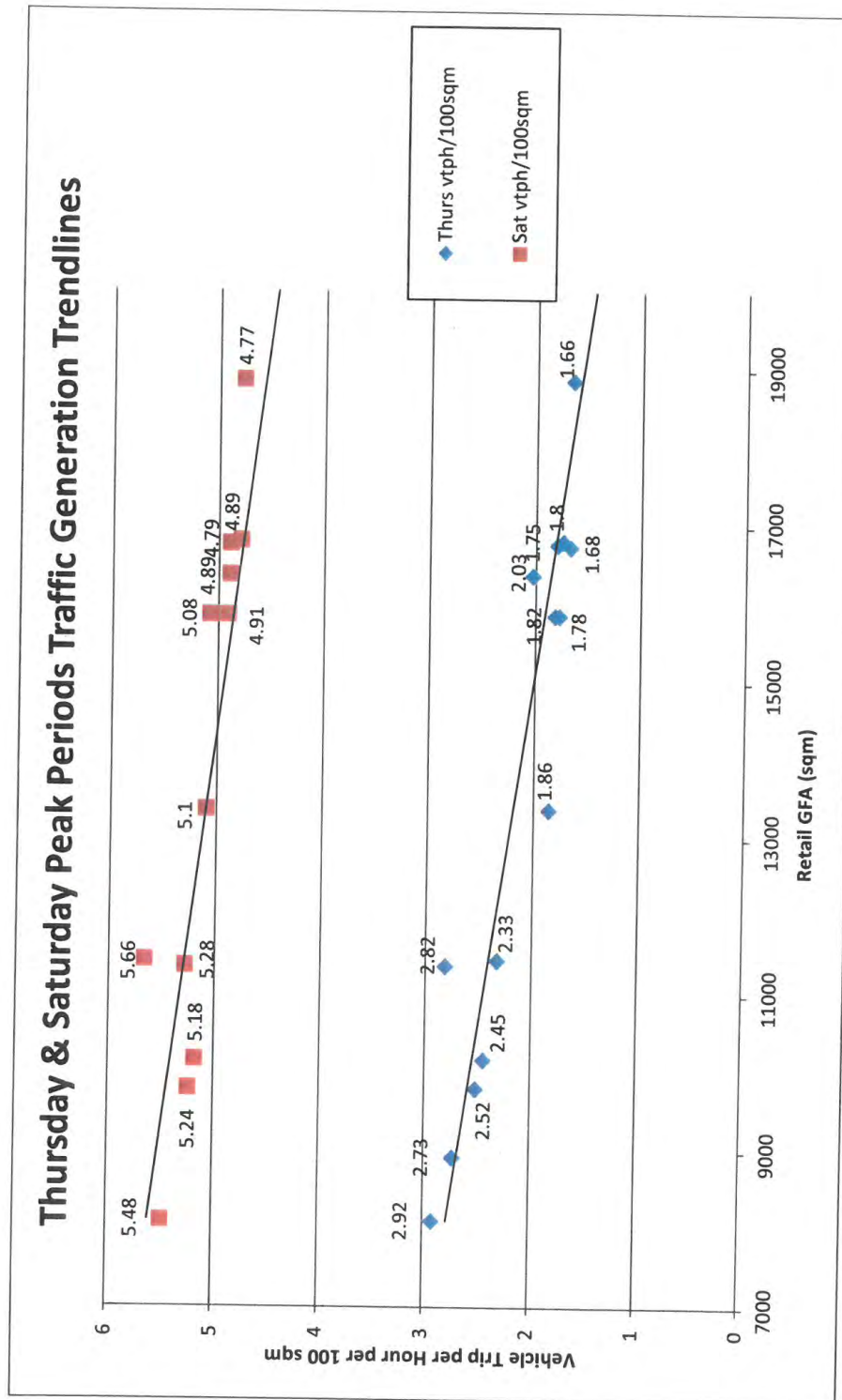
These results (see attached graph deleting the 'outlying' results) evidences the very clear characteristic that the traffic generation rate per 100m² reduces as the floor area increases and the 'consistency' of the results, particularly being from a number of sources, gives a high level of confidence to this traffic generation characteristic. The RMS Minchinbury site was surveyed in 2009 and it is stated in the RMS study that it overtraded significantly due to absence of any competition in its catchment. The RMS Bankstown site stated an incorrect floorspace (14,111m²) which has been revised in this document. The evidence is that the BM&LSY elements do not perceptibly generate traffic and are ancillary to the warehouse, TT and Nursery elements.

ARRB has published the results of a study which established "drop in trips" (passing trade) for large format hardware outlet indicating 27% on a weekday afternoon and 28% for Saturday. An extract from this paper is appended.

Yours faithfully



Ross Nettle
Director
Transport and Traffic Planning Associates



Transport and Traffic Planning Associates
Bunnings Traffic Generation (Rev I)

ARRB EXTRACT

Transportation, Traffic and Design Consultants

Suite 502 Level 5 282 Victoria Avenue PO Box 1160 Chatswood NSW 2067 ph (02) 9411 5660 Fax (02) 9904 6622
Email ross@tpa.com.au

CL22.180 - Attachment 6

25th ARRB Conference – Shaping the future: Linking policy, research and outcomes, Perth, Australia 2012

SUPERMARKET AND HOME IMPROVEMENT RESULTS COMPARED

The lack of data pertaining to the trip type proportion estimates for non-supermarket large-format retail developments has meant that it is common practice to apply supermarket trip type proportions to other forms of large-format retail.

The surveys undertaken at the supermarket and home improvement warehouse reveal similar proportions for primary, pass-by and link diverted trips as can be seen in Figure 10. However, despite this similarity, there is not enough evidence to confidently say that these activities should be treated as one general large-format retail activity.

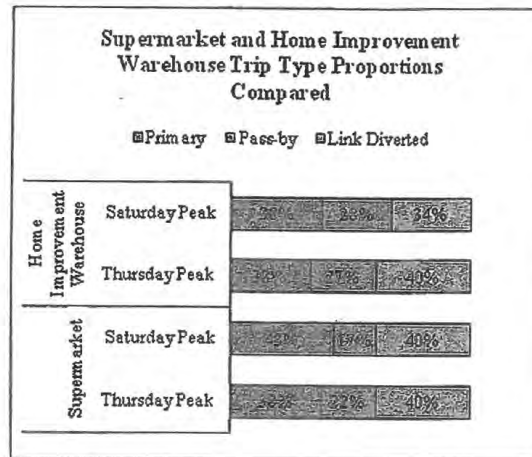


Figure 10: Surveyed trip type proportions for the supermarket and home improvement warehouse compared

CONCLUSIONS AND RECOMMENDATIONS

Given the results of the surveys, it is concluded that a higher proportion of pass-by and link diverted trips are generated by supermarket and home improvement warehouse developments than previously assumed in industry. This means that the effect of the developments surveyed on the surrounding road network is likely to be less than was estimated in the individual traffic impact assessments.

It is also concluded that through the comparison of the measured data to the international trip type proportion data, it is inappropriate to apply the supermarket proportion estimates of ITE (1991, 2008) and TRICS (1995) to a New Zealand based supermarket development. This would likely lead to an overestimate of primary trips.

25th ARRB Conference – Shaping the future: Linking policy, research and outcomes, Perth, Australia 2012

The recommended trip type proportions for future supermarket developments in urban New Zealand for the Thursday evening and Saturday midday peak hour periods are outlined in Table 8 below.

Table 8: Recommended trip type proportions for supermarket developments

	Primary	Pass-by	Link diverted
Thursday PM Peak	35-45%	20-25%	40%
Saturday Midday Peak	40-50%	10-20%	40%

The recommended trip type proportion estimates to apply to future home improvement warehouse developments are outlined in Table 9 below.

Table 9: Recommended trip type proportions for home improvement warehouse developments

	Primary	Pass-by	Link diverted
Thursday PM Peak	30-35%	25-30%	40%
Saturday Midday Peak	35-40%	25-30%	30-35%

More research needs to be carried out in this area in order to make these estimates with higher confidence.

Despite the similarities in the trip results obtained at the two different developments surveyed here, it is not recommended that supermarket trip type proportions are applied to non-supermarket large-format retail. At this stage, there is not enough data to support this claim.

ACKNOWLEDGEMENTS

The authors wish to acknowledge the significant support of 'Traffic Design Group Ltd' staff which ensured this project was successful. This research was undertaken as part of the first two authors for their BE(Civil) Hons degrees.

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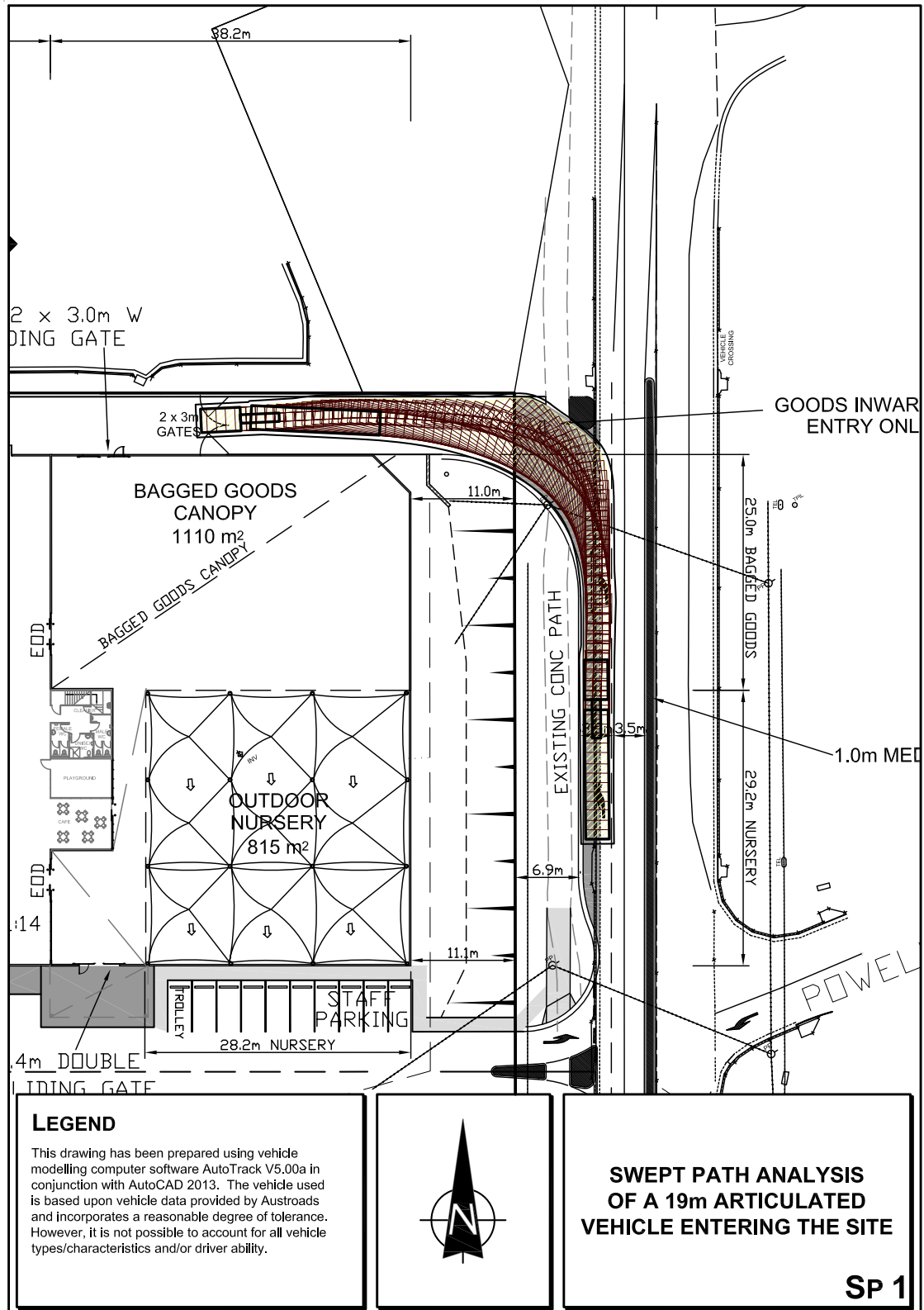
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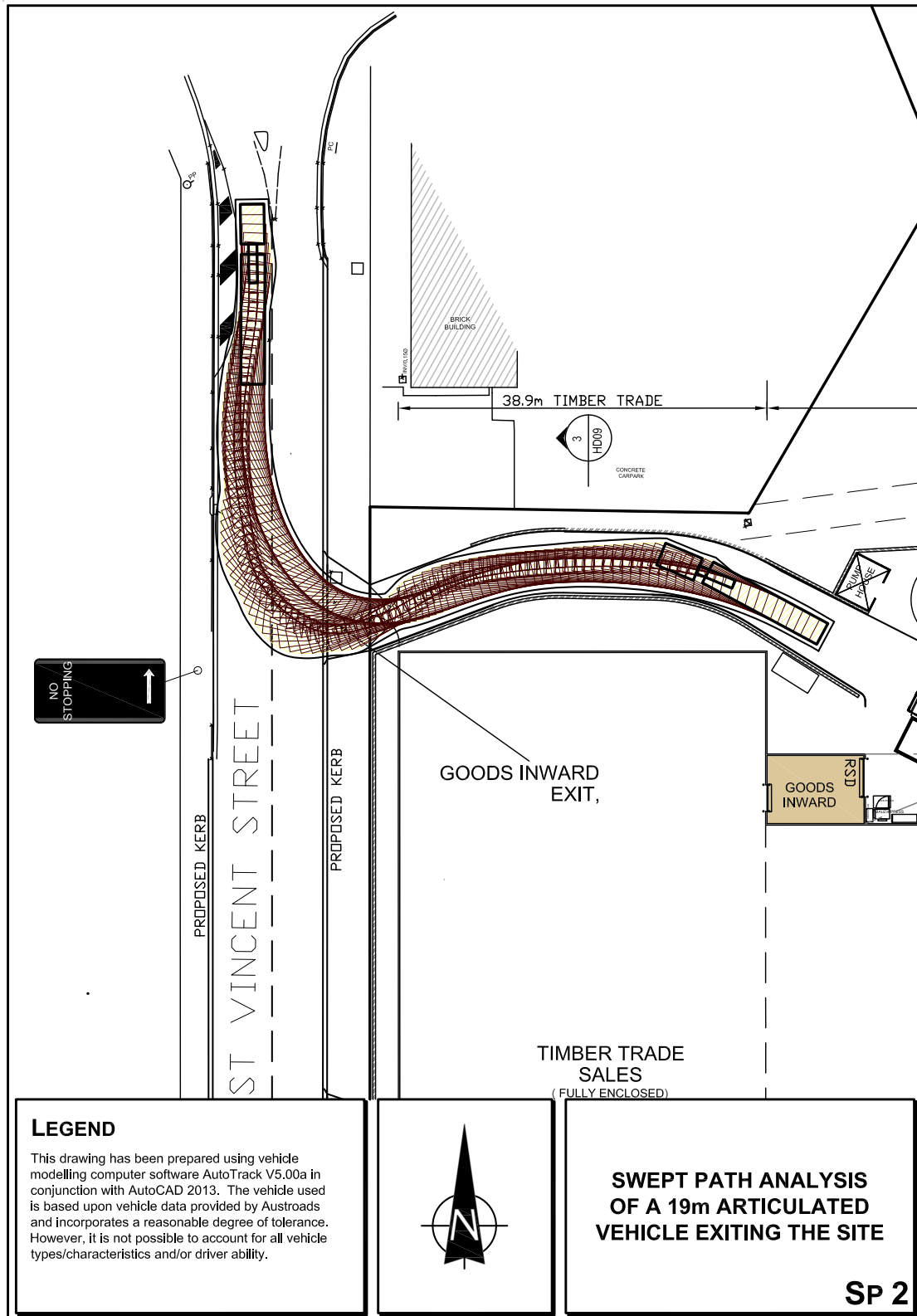
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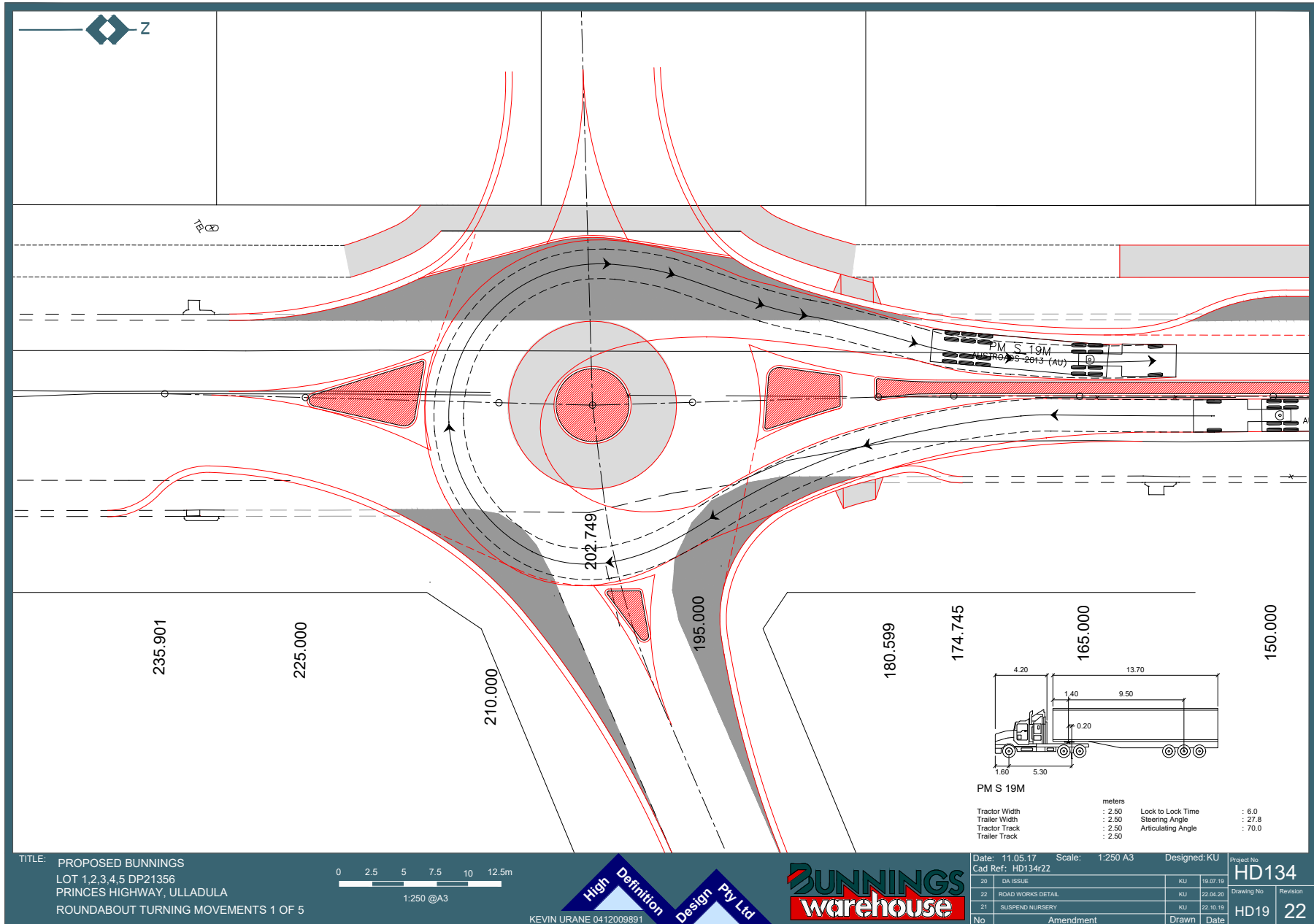
Appendix G

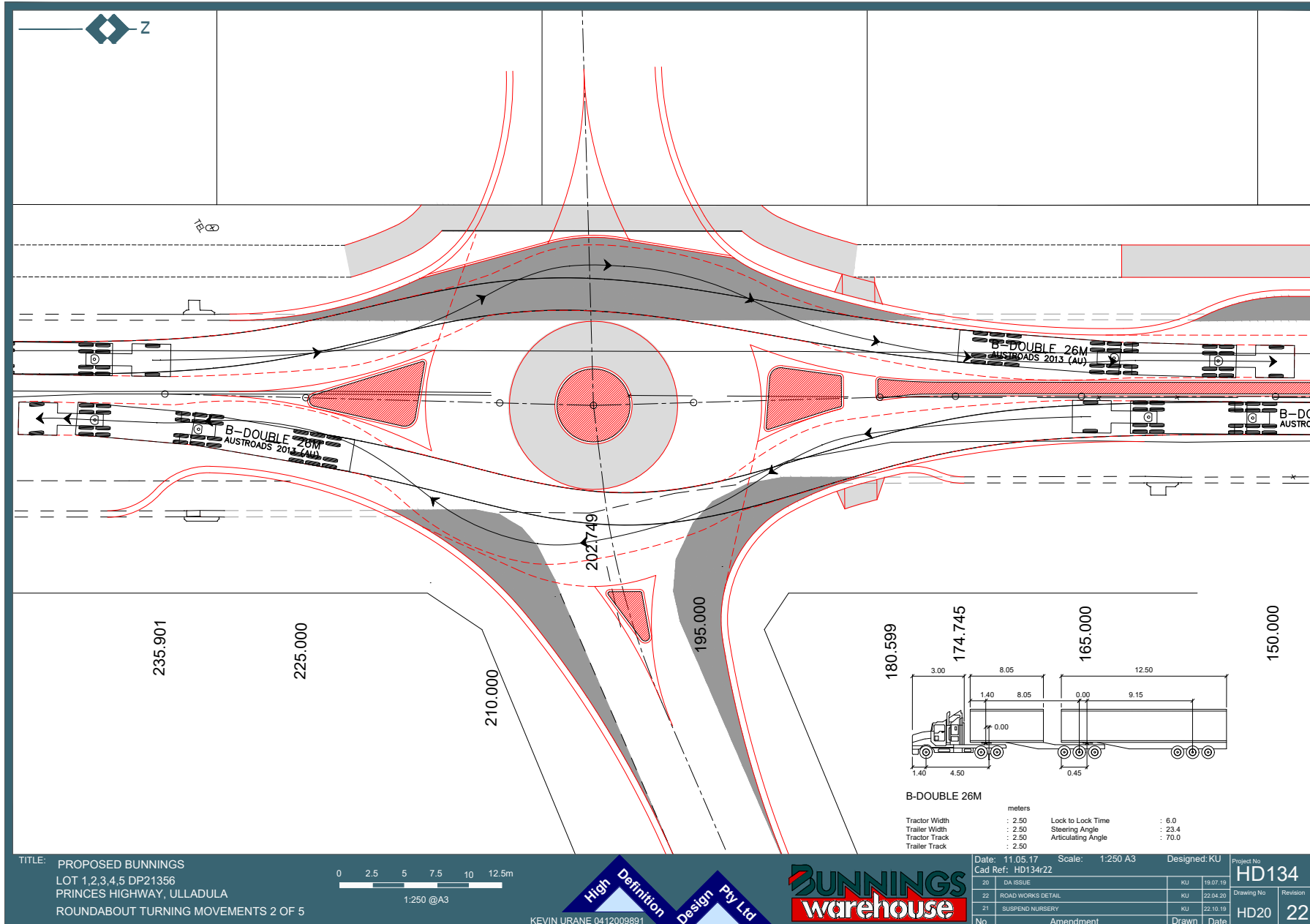
Turning Path Assessment

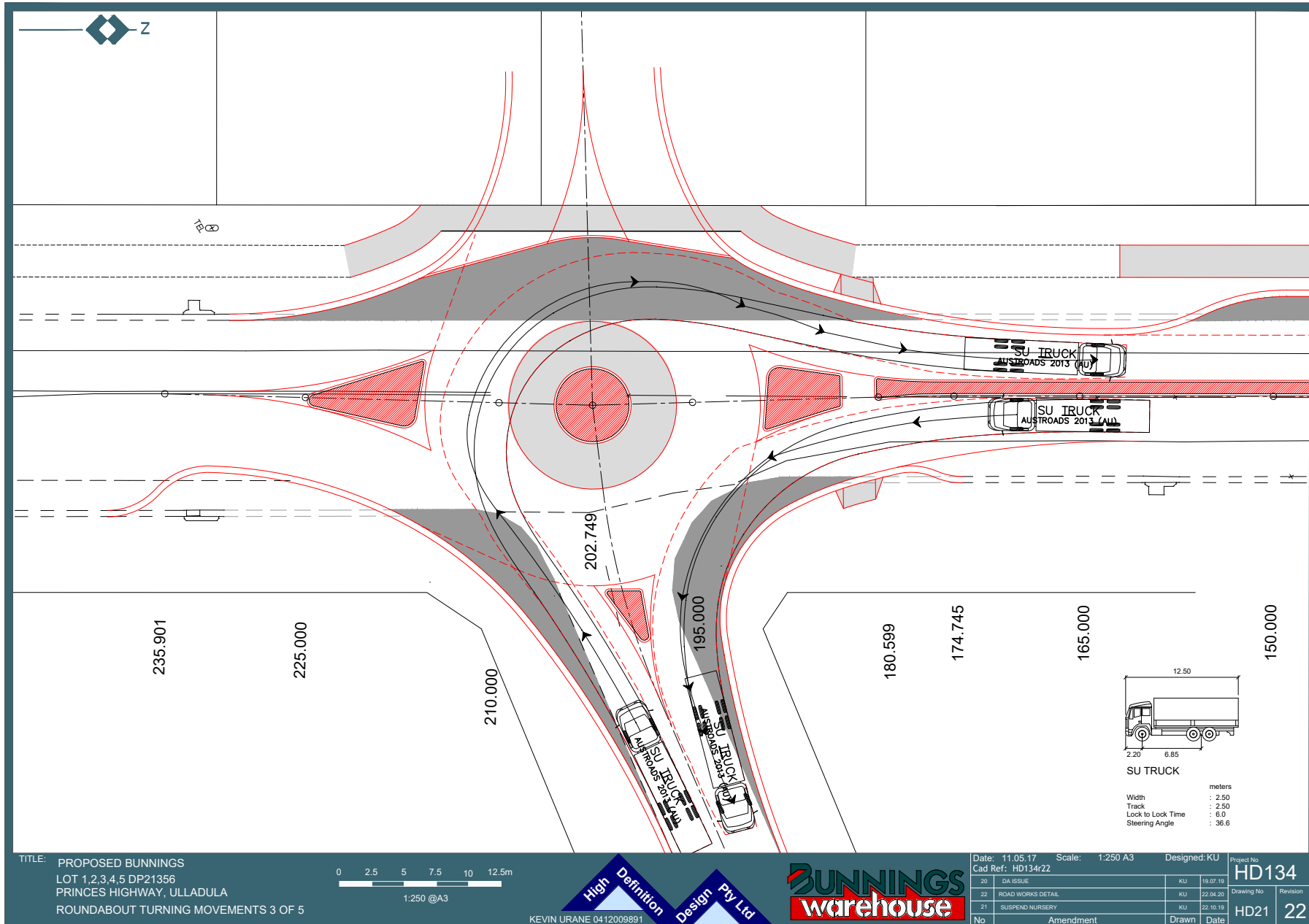


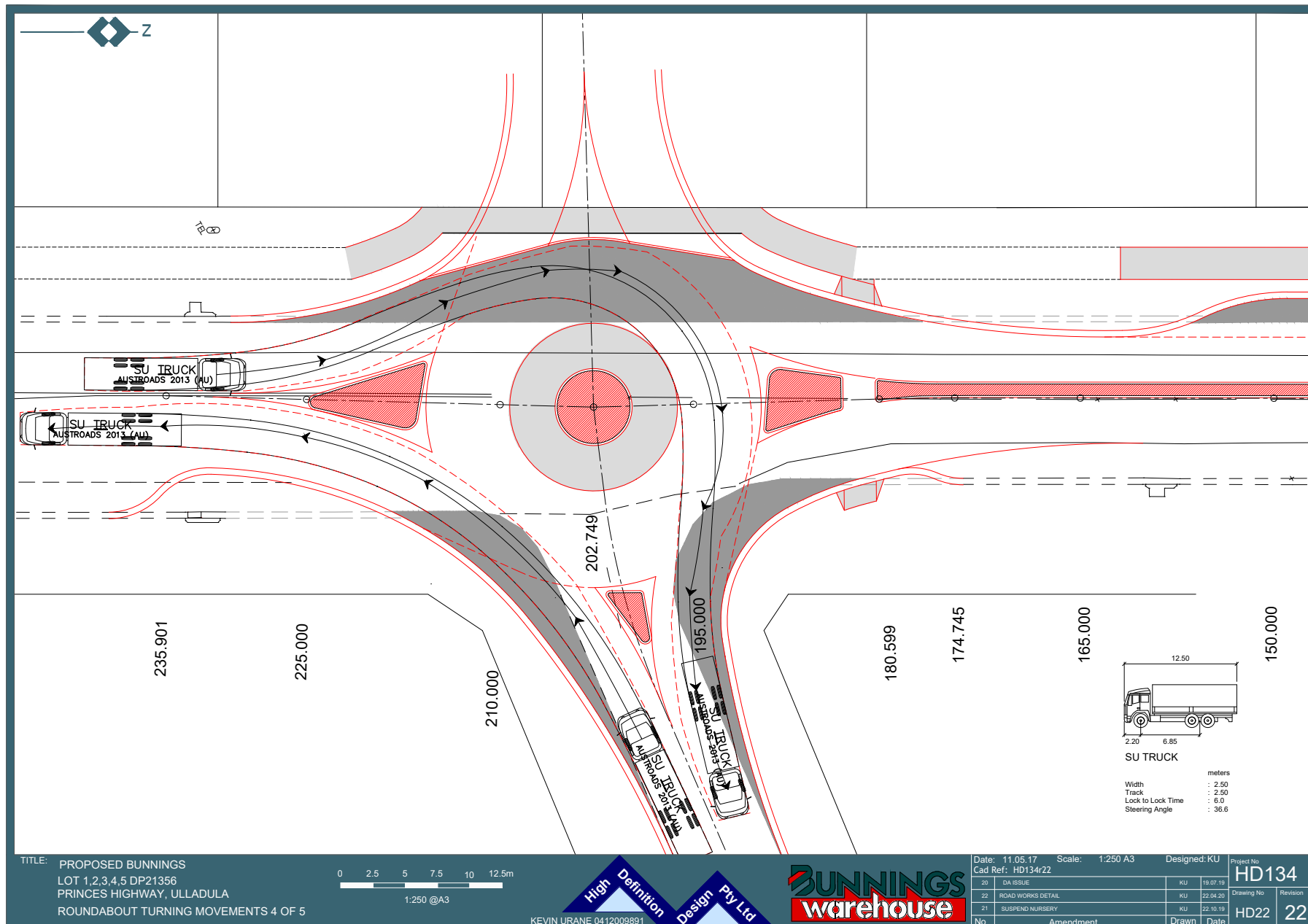














169 Princes Highway Ulladulla

Traffic Impact Assessment

Brown Commercial Building

24 November 2021



CL22.180 - Attachment 7

Gold Coast

Suite 26, 58 Riverwalk Avenue
Robina QLD 4226
P: (07) 5562 5377

W: www.bitziosconsulting.com.au

Brisbane

Level 2, 428 Upper Edward Street
Spring Hill QLD 4000
P: (07) 3831 4442

E: admin@bitziosconsulting.com.au

Sydney

Studio 203, 3 Gladstone Street
Newtown NSW 2042
P: (02) 9557 6202

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169 Princes Highway Ulladulla
Traffic Impact Assessment
Project: P5403 Version: 001



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Appendices

Appendix A:	Development Plans
Appendix B:	Swept Paths

1. INTRODUCTION

1.1 Background

Bitzios Consulting Pty Ltd (Bitzios) has been engaged by Brown Commercial Building (the applicant) to prepare a Traffic Impact Assessment (TIA) for a proposed commercial use subdivision located at 169 Princes Highway, Ulladulla (subject site).

The location of the subject site is shown in Figure 1.1.



Source: NSW Globe

Figure 1.1: Subject Site Location

1.2 Scope

The scope of this assessment included:

- A pre-lodgement meeting between the Principal Engineer and with Transport for NSW (TfNSW) prior to commencement of the scope of works
- Design advice review to include reviewing site access arrangement against relevant standards and guidelines
- Reviewing the proposed right turn access into the site from Parson Street westbound
- Swept path analysis for service vehicles and tight parking manoeuvres
- Reviewing of traffic generation (excluding SIDRA), parking provisions, and pedestrian desire lines with infrastructure provisions
- Estimation of potential peak hour traffic demands generated by the development and undertaking qualitative assessment of potential development-related traffic impacts
- Documenting key findings from Design Advice (i.e., access, servicing)
- Preparation of a concise TIA report suitable for lodgement with the Council.

2. EXISTING CONDITIONS

2.1 Existing Site

The subject site is currently under commercial use as a car dealership. The subject site is formally known as Lot 51 on DP1047471. The current layout provides direct lot access to Parson Street, with the eastern side of the building facing Princes Highway.

2.2 Road Network

Details of the road network surrounding the subject site are presented in Table 2.1

Table 2.1: Surrounding Road Network Hierarchy

Road Name	Jurisdiction	Hierarchy	No. of Lanes (each direction)	Speed Limit
Parson Street	Shoalhaven City Council	Local Access Road	2	50km/h
St Vincent Street	Shoalhaven City Council	Local Access Road	2	50km/h
Deering Street	Shoalhaven City Council	Local Access Road	2	50km/h
Princes Highway	Transport for NSW	State Road	2	60km/h
Jubilee Avenue	Shoalhaven City Council	Local Access Road	2	50km/h
Hollywood Avenue	Shoalhaven City Council	Local Access Road	2	50km/h

2.2.1 Parson Street

Parson Street is a two-way two-lane road which runs along the frontage to the proposed subject site location. Parson Street provides a connection to vehicles travelling through Parson Street and Princes Highway roundabout (east) and Parson Street and St Vincent Street roundabout (west). Parson Street extends for 1 km and provides access to Jubilee Avenue. The posted speed limit is 50 km/h and it is classified as a local access road. A footpath is available on the southern side of the road.

2.2.2 St Vincent Street

St Vincent Street is a two-way two-lane road which connects vehicles travelling along Deering Street and St Vincent Street roundabout to Parson Street and St Vincent Streets roundabout. It is classified as a local access road and extends for 1.7 km in North-South orientation. St Vincent Street provides a key access to the subject site for vehicles travelling eastbound. It is observed that the posted speed limit is 50 km/h. A footpath is available on the western side of the road.

2.2.3 Deering Street

Deering Street is a two-way two-lane road which extends for 2.5 km in West to East orientation. It is classified as a local access road and provides connection to the roundabouts' access from the northern boundary of the subject site. Footpaths are available on both sides of Deering Street.

2.2.4 Princes Highway

Princes Highway is a two-way two-lane road which provides main access for light and heavy vehicles into the subject site. Princes Highway is classified as a state road which provides a connection between Deering Street and Princes Highway roundabout and Parson Street and Princes Highway roundabout. It is observed that the posted speed limit is 60 km/h. A footpath is available on the western

side of the road. Princes Highway is a key access to the subject site which may affect the majority of traffic generation to nearby roads and links.

2.2.5 Jubilee Avenue

Jubilee Avenue is a two-way two-lane road which extends 600 m in North-South orientation. It provides connection to Parson Street and Deering Street to westbound travelling vehicles. A speed limit of 50km/h is observed, and Jubilee Avenue is also classified as a local access road.

2.3 Parking

Street parking is available to the public with no time restrictions along Parson Street and St Vincent Street. Parking is also available on Princes Highway on both sides of the road. It is noted that a time restriction of 1 hour parking is applied to the northbound travel lane and a 45-degree rear to kerb parking with no time limit is located on the southbound travel lane as shown in Figure 2.1.

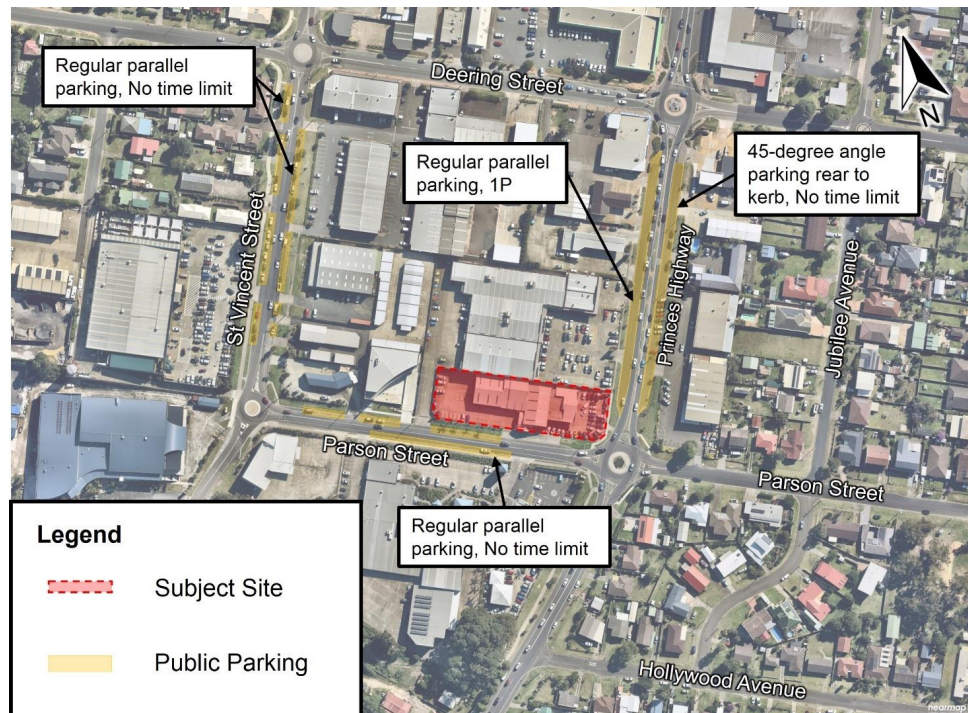


Figure 2.1 Existing Conditions – Public parking near subject Site

3. ALTERNATIVE TRANSPORT

3.1 Public Transport

3.1.1 Bus Services

It is observed that the nearest available bus stops to travel to the subject site are located along Princes Highway. The approximate distance measured is 630 meters away which is an unrealistic distance to consider using public buses as a travel option, as shown in Figure 3.1.



Figure 3.1 Public Transport – Bus stops near subject site

3.1.2 Railway Services

There are no rail services within the proximity of the site.

3.2 Active Transport

There are pedestrian facilities surrounding the subject site. As shown in Figure 3.2, pedestrian paths are provided only on one side of Princes Highway, Parson Street, and St Vincent Street.

3.2.1 Pedestrian Facilities



Figure 3.2 Active Transport – Pedestrian facility near subject site

3.2.2 Cycle Facilities

There are no formal cycle routes near the subject site.

4. PROPOSED DEVELOPMENT

4.1 Proposed Development

The proposal is for re-development of the subject site, with the following key development details:

- Zambreo (Restaurant) – T2 Food Premises – 100 m²
- Oporto (Restaurant) – T3 Food Premises – 160 m²
- BCF Store (Bulky goods) – Retail Premises – 700 m²
- Two loading zones for loading vehicles:
 - One to service BCF Retail Premises
 - One to service Zambrero T2 Food Premises and Oporto T3 Food Premises.
- 47 light vehicle parking spaces
- 2 PWD parking spaces with specified shared spaces.

The development plans are provided in **Appendix A**.

5. TRAFFIC ASSESSMENT

5.1 Overview

Traffic generation was undertaken for the subject site using Transport for NSW's *Guide to Traffic Generating Developments (RMS Guide)*. The expected traffic generation for the development is shown in Table 5.1.

Table 5.1: Development Traffic Generation

Land Use	Supply (m ²)	Traffic Generation Rate (per 100m ² GFA)				Traffic (veh/h)			
		Peak Weekday Hour	Weekday Daily	Peak Weekend Hour	Weekend Daily	WD Hour	WD Daily	WE Hour	WE Daily
Car Sales (Existing)	3316	0.7	7	-	-	23	232	-	-
Retail Premises	595	2.7	17	3.9	19	17	102	24	114
T2 Food	100	5	60	-	-	5	60	5	60
T3 Food	160	5	60	-	-	8	96	8	96
Total (Proposed Development)						30	258	37	270
Net (Proposed – Existing)						7	21	-	-

The existing site is expected to generate 23 peak trips per hour. The RMS Guide only stipulates peak evening rate, so an assumption of PM daily trips of *PM hourly peak x 10* is used. This results in an estimated 232 existing daily vehicle trips.

It is expected that peak trips of 30 per hour on a weekday and 258 daily trips per weekday are expected to be generated from the proposal.

The net estimation of the traffic impacts are 7 peak hourly trips, and 21 daily trips. As this is a minor increase of traffic volumes, further impact analysis is deemed not necessary.

6. PARKING ASSESSMENT

6.1 Overview

The Shoalhaven City Council Development Control Plan (DCP) 2014 outlines a range of vehicle parking provisions. The development's car parking design layout was also assessed against AS2890.1, AS2890.2 and AS2890.6. The parking layout is provided in **Appendix A**.

6.2 Parking Requirements and Provisions

6.2.1 Parking Space Provision

The Shoalhaven City Council DCP 2014 has been utilised for compliance check of the subject site's parking requirements and assessments. The proposed development includes 47 light vehicle parking spaces (two of which are PWD spaces), and 2 loading zone/service bay areas. The wheel stops are present to protect pedestrian areas and adjacent spaces from vehicle intrusions.

The parking space requirement dimensions, total amount of parking spaces required, and the number of parking spaces proposed in the development are shown in Table 6.1.

Table 6.1: Parking Space Assessment

Type	Rate	Quantity	Requirement	Proposed Spaces
Drive-in (take away food and drink premises) – with on-site seating and no drive through facilities	<ul style="list-style-type: none"> 12 spaces/100 m² GFA Plus 1 space/2 seats of on-site seating 	100 m ²	<ul style="list-style-type: none"> 22 parking spaces 	<ul style="list-style-type: none"> 47 parking spaces 10 vehicle queuing spaces for drive through facilities
Drive-in (take away food and drink premises) – with on-site seating and drive through facilities	<ul style="list-style-type: none"> 1 space/2 seats Queueing area of 10-24 cars within drive through from pickup point 	160 m ²	<ul style="list-style-type: none"> 15 parking spaces Minimum of 10 vehicle spaces for queueing area for drive through 	
Designated storage (retail) area	<ul style="list-style-type: none"> 1 space/50 m² 	595 m ²	<ul style="list-style-type: none"> 12 parking spaces 	
Total			49 spaces required 10-24 vehicle queuing spaces for drive through	47 parking spaces 10 vehicle queuing spaces for drive through

The proposed parking supply indicates a shortfall of two parking spaces from required supply. This is considered a negligible issue, as there is likely some level of overlap of patrons who would attend both the BCF retail premises as well as either of the food venues on the same trip. Furthermore, the peak activity time of the BCF retail premises is unlikely to overlap with the food venues, reducing the likelihood of the number of vehicle queuing spaces for drive through facility to comply with the Shoalhaven DCP 2014.

6.3 Temporal Parking Assessment

A first principles temporal parking assessment was undertaken to assess the cumulative hourly parking demand of each premises. This involved reviewing similar facilities' operating hours and estimating the demand of each venue. The expected occupancy per hour is shown in Table 6.2 and Table 6.3, and Figure 6.1 and Figure 6.2.

Table 6.2: Temporal Parking Demand (Weekday) (Time of Day)

Land Use	6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM	11:00 PM	12:00 AM
Parking Demand (Percentage)																			
Restaurant (Zambrero)	0%	0%	0%	0%	5%	60%	100%	80%	60%	30%	40%	70%	100%	70%	5%	0%	0%	0%	0%
Restaurant (Oporto)	0%	0%	5%	20%	30%	60%	100%	80%	60%	40%	40%	60%	100%	70%	60%	30%	5%	0%	0%
Retail (BCF)	5%	20%	20%	40%	50%	50%	75%	100%	60%	30%	30%	40%	50%	5%	0%	0%	0%	0%	0%
Parking Demand (Spaces)																			
Restaurant (Zambrero)	0	0	0	0	2	14	22	18	14	7	9	16	22	16	2	0	0	0	0
Restaurant (Oporto)	0	0	1	3	5	9	15	12	9	6	6	9	15	11	9	5	1	0	0
Retail (BCF)	1	3	3	5	6	6	9	12	8	4	4	5	6	1	0	0	0	0	0
Total Parking Demand¹	1	3	4	8	13	29	46	42	31	17	19	30	43	28	11	5	1	0	0
Parking Supply¹	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47
Proportion	2%	6%	9%	17%	28%	62%	98%	89%	66%	36%	40%	64%	91%	60%	23%	11%	2%	0%	0%

Table 6.3: Temporal Parking Demand (Weekend) (Time of Day)

Land Use	6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM	11:00 PM	12:00 AM
Parking Demand (Percentage)																			
Restaurant (Zambrero)	0%	0%	0%	0%	5%	80%	100%	100%	80%	40%	40%	70%	100%	70%	5%	0%	0%	0%	0%
Restaurant (Oporto)	0%	0%	5%	30%	50%	80%	100%	100%	80%	40%	40%	70%	100%	80%	70%	40%	5%	0%	0%
Retail (BCF)	5%	20%	40%	60%	80%	100%	50%	80%	100%	80%	60%	30%	5%	0%	0%	0%	0%	0%	0%
Parking Demand (Spaces)																			
Restaurant (Zambrero)	0	0	0	0	2	18	22	22	18	9	9	16	22	16	2	0	0	0	0
Restaurant (Oporto)	0	0	1	5	8	12	15	15	12	6	6	11	15	12	11	6	1	0	0
Retail (BCF)	1	3	5	8	10	12	9	6	10	12	10	8	4	1	0	0	0	0	0
Total Parking Demand¹	1	3	6	13	20	42	46	43	40	27	25	35	41	29	13	6	1	0	0
Parking Supply¹	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47
Proportion	2%	6%	13%	28%	43%	89%	98%	91%	85%	57%	53%	74%	87%	62%	28%	13%	2%	0%	0%

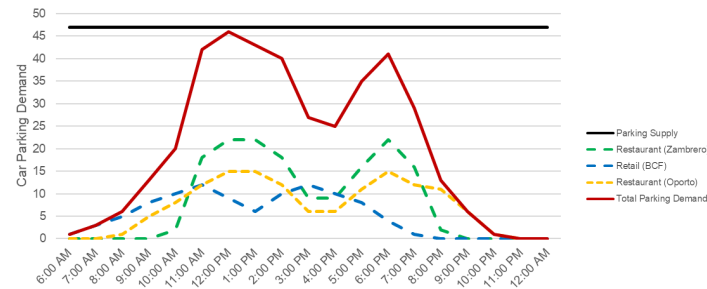


Figure 6.1: Temporal Parking Analysis – Weekday

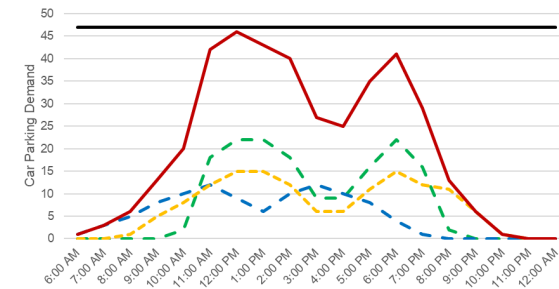


Figure 6.2 Temporal Parking Analysis – Weekend

The analysis indicates that there are similar weekday profiles of each facility during a weekday, with people mostly visiting the food premises during lunchtime and dinner, and BCF during lunch breaks. The parking demand did not exceed supply.

The weekend demand is expected to be more consistent for BCF, while the food premises experience similar demand profiles, peaking at lunch and dinner.

It should be noted that this analysis did not consider any trips that would visit both the retail premises as well as either of the food premises. It is likely that some patrons would visit both, further reducing the parking demand on the site.

6.3.1 Pedestrian and Cyclist Requirements

The Shoalhaven Council DCP 2014 does not have specific bicycle parking provisions required. No bicycle provisions are provided on-site.

As a car park is effectively a shared zone, pedestrians do not have dedicated paths through the car parking area.

6.4 Parking Design Compliance

The following components were checked against AS2890 series design criteria including:

- Parking dimensions
- Aisle widths
- Wheel stops.

The proposed development indicates the classification, User Class 3, as defined by AS2890.1: "Full opening, all doors. Minimum for single manoeuvre entry and exit".

Table 6.4: Parking Compliance Assessment

Item	Space Type / Number	Minimum Requirement (AS2890)	Provision	Compliance
Parking Dimensions				
Space Dimensions	Car Park Spaces (North)	2600 x 5400 mm	2600 x 5500 mm	Compliant
	Car Park Spaces (South)	2600 x 5400 mm	2600 x 5500 mm	Compliant
	Car Park Spaces (East)	2600 x 5400 mm	2600 x 5500 mm	Compliant
	Car Park Spaces (West)	2600 x 5400 mm	2600 x 5500 mm	Compliant
	PWD & Shared Area	2400 x 5400 mm	2400 x 5500 mm	Compliant
	Loading Zone (MRV) (West)	3500 x 8800 mm	4000 x 8800 mm	Compliant
	Loading Zone (MRV) (East)	3500 x 8800 mm	4000 x 8800 mm	Compliant
Aisle Width				
Parking Aisle	North	5800 mm	6700 mm	Compliant
	South	5800 mm	7050 mm	Compliant
	East	5800 mm	7431 mm	Compliant
	West	5800 mm	7000 mm	Compliant
Barriers, including Bollards and Wheel Stops				
Bollard	PWD Shared Zone Space	800±50 from front of space	800mm from front of space	Compliant
Wheel Stops	Car Park Spaces (North) Rear-in	900 or 910 mm from end of space	540 mm from front of space	Can Comply (see Note 1)
Wheel Stops	Car Park Spaces (South) Rear-in	900 or 910 mm from end of space	540 mm from front of space	Can Comply (see Note 1)
Wheel Stops	Car Park Spaces (East) Rear-in	900 or 910 mm from end of space	520 mm from front of space	Can Comply (see Note 1)
Wheel Stops	Car Park Spaces (West) Rear-in	900 or 910 mm from end of space	540 mm from front of space	Can Comply (see Note 1)

Dimensions are in millimetres

Compliance Notes

1. It is understood that the wheel stop locations are indicative. The specific positioning of these can be updated in a later stage.

7. ACCESS AND SERVICING ASSESSMENT

7.1 Vehicular Access

Vehicular access to the site is proposed via one combined entry exit driveway along the Parson Street frontage. It is also understood that the driveway will be 8.0m wide. This is compliant with AS2890.1 Table 3.2, which requires a single combined driveway between 6.0 and 9.0m in width.

7.2 Servicing Access

The design vehicles likely to access the site for parking include the following:

- 8.8m Medium Rigid Vehicle (MRV)
- 6.4m Service Rigid Vehicle (SRV)
- 5.2m B99
- 4.91m B85.

It is noted that DCP Clause G21 requires 12.5m Heavy Rigid Vehicle access for sites which have premises of GFA greater than 500 m². An 8.8m MRV is expected to be of sufficient size for the nature of the retail premises that will operate at this facility.

7.3 Pedestrian Access and Connectivity

The low 'walkability' of the surrounding area makes it unlikely that pedestrians will visit the subject site. It is expected that the vast majority of travel to the site will be vehicle trips.

No separate pedestrian access point to the site has been provided.

8. SUMMARY AND CONCLUSION

The findings of the traffic impact assessment for the proposed development located at 169 Princes Highway, Ulladulla are summarised as follows:

- The proposed development includes two food premises (160 m² and 100 m² GFA), and one retail premises of 595 m² GFA.
- The subject site has limited public transport and active transport infrastructure nearby
- The development is estimated to generate in the order of 30 vehicle trips in weekday peak hour, 258 daily weekday trips, 37 weekend peak hour trips, and 270 weekend daily trips
- The relatively low traffic volumes generated by this development did not warrant more detailed analysis
- The proposed development provides a total of 49 car parking spaces which is a shortfall of two spaces, compared to the requirement outlined in Council's code
- Temporal parking analysis indicated that the parking demand is not expected to exceed supply
- There is likely to be some patrons who visit both the retail and food premises, reducing the effective traffic and parking demand of the site
- The site is generally compliant to AS2890.1, AS2890.2, and AS2890.5, with a few minor issues to be addressed in the Construction Design phase. These minor items are not considered significant enough to withhold DA approval
- The site is expected to be serviced by an 8.8m medium rigid vehicle and 6.4m service rigid vehicle. The Shoalhaven City Council requires access for a 12.5m heavy rigid vehicle but this is considered excessive for the retail nature of the site
- Vehicular access to the site is proposed by one combined 8.0m wide driveway, which is compliant to AS2890.1 requirements.

Based on the above assessment, it is concluded that there are no significant traffic or transport impacts associated with the proposed development to preclude its approval and relevant conditioning on transport planning grounds.



Appendix A: Development Plans

INDUSTRIAL

COMMERCIAL

PROJECT MANAGEMENT

DEVELOPMENT APPLICATION

Project:	RETAIL & FOOD PREMISES
Client:	Mc CURRY
Lot:	51
No:	169
Street:	PRINCESS HIGHWAY
Suburb:	ULLADULLA
DP:	1047471
Drawn by:	BSIVA
Rev No:	4
Job No:	BC0304

GENERAL NOTES:

1. BUILDING SHELL DESIGN INTENT SHOWN. CONTRACTOR TO PROPOSE DETAILED DESIGN FOR CONSTRUCTION, INCLUDING ALL SITE RELATED WORKS, STRUCTURAL, CIVIL WORKS & BUILDING SERVICES.
2. THE CONTRACTOR SHALL VERIFY ALL EXISTING IN-GROUND AND ABOVE-GROUND SERVICES WITHIN THE SCOPE OF WORKS BEFORE COMMENCING CONSTRUCTION/DEMOLITION.
3. ANY 3D DRAWINGS ARE INDICATIVE ONLY, AND ARE TO BE READ IN CONJUNCTION WITH OTHER RELEVANT DRAWINGS.
4. ALL ACCESSIBILITY AND MOBILITY DESIGN (DDA) ITEMS TO COMPLY WITH A.S. 1428.3 2009
5. THIS DRAWINGS SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, SCHEDULES AND DRAWINGS INCLUDING CIVIL, STRUCTURAL, HYDRAULIC
6. DIMENSIONS:
CONTRACTOR AND SUB-CONTRACTOR SHALL VERIFY ALL DIMENSIONS OF THIS DRAWING AND SITE CONDITIONS PRIOR TO ANY WORK COMMENCING.
FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS (UNLESS NOTED OTHERWISE).
FIGURED DIMENSIONS ARE:
 - WALL / PARTITIONS SETOUT TO CENTRE LINE WHERE NOTED
 - ALL OTHER WALL/PARTITION DIMENSIONS ARE TO FINISHED FACE OF PARTITION.
 - CEILINGS: FINISHED UNDERSIDE OF CEILINGS - CEILING HEIGHT IS MEASURED FROM FINISH FLOOR LEVEL
 - FITTINGS AND FIXTURES: - DIMENSIONS TO FIXTURES AND FITTINGS ARE SETOUT FROM "FINISH" WALL FACE / FINISH FLOOR LEVEL.

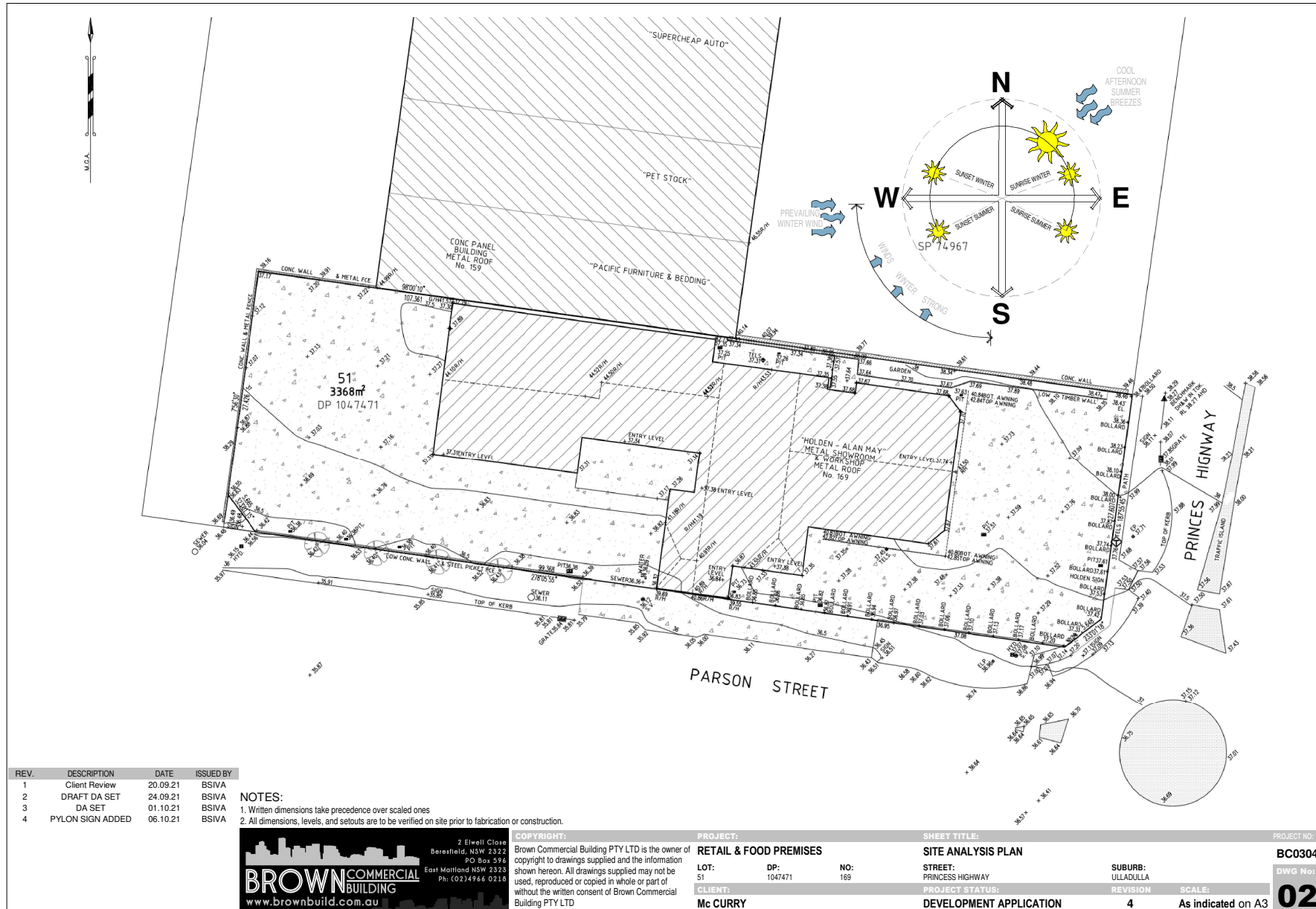
PLANS TO BE READ IN CONJUNCTION WITH:

- BUILDING CODE OF AUSTRALIA
- RELEVANT AUSTRALIAN STANDARDS
- HYDRAULIC DRAWING SET
- CIVIL DRAWING SET
- STRUCTURAL DRAWING SET
- LANDSCAPE DRAWING SET

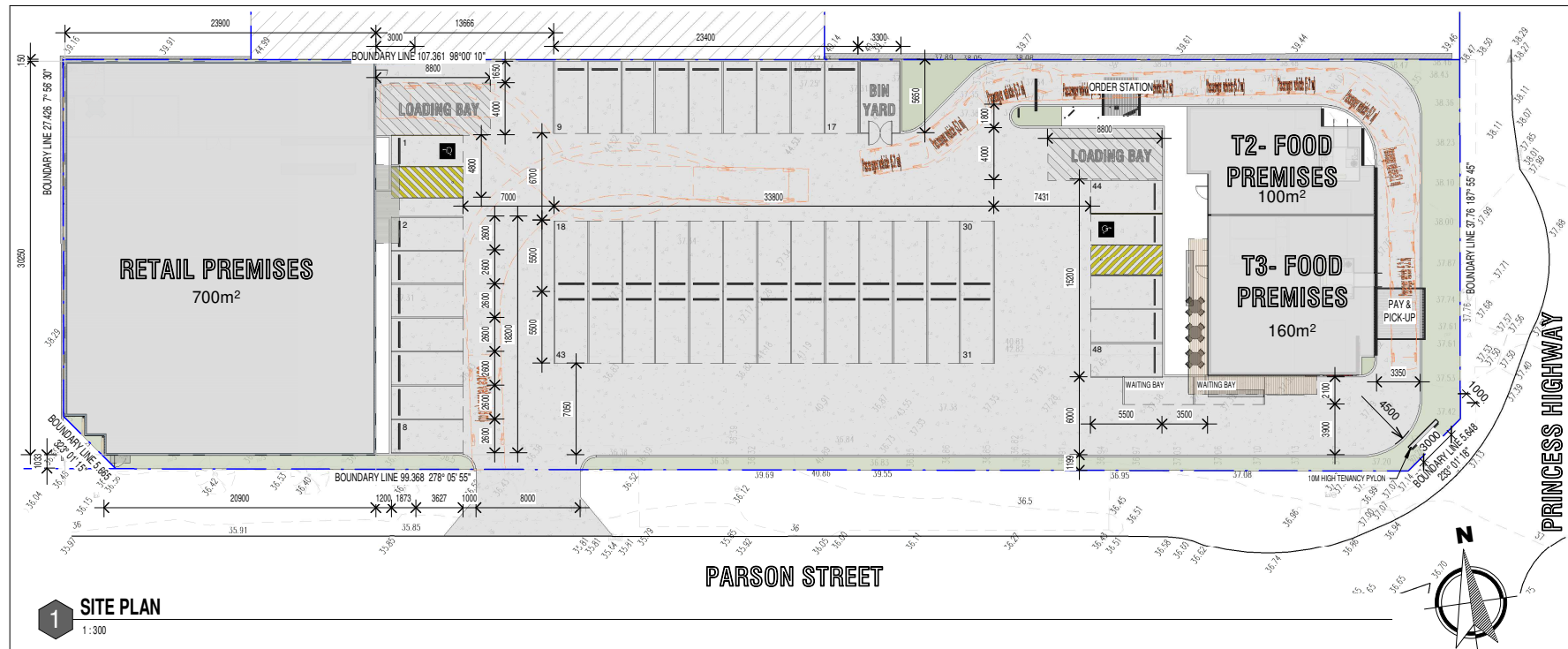
IF NO INTERNAL FITOUT FINISHES & PLANS ARE PRESENT, CLIENT SELECTIONS & DETAILS ARE TO TAKE PRECEDENCE.

PLEASE NOTE:
DETAILS SHOWN ON THIS PLAN ARE INTENDED TO BE ACCURATE. HOWEVER INFORMATION WRITTEN INTO INDIVIDUAL CONTRACTS AND DRAWINGS WILL TAKE PRECEDENCE OVER THIS SET.

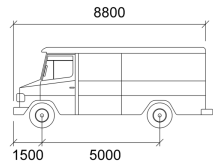








1 SITE PLAN

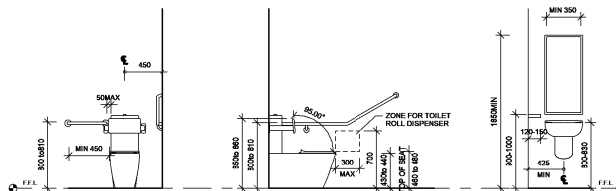


SERVICE VEHICLE

Width : 2500mm
Track : 2500
Lock to Lock Time : 6.0
Steering Angle : 38.7

REV.	DESCRIPTION	DATE	ISSUED BY
1	Client Review	20.09.21	BSIVA
2	DRAFT DA SET	24.09.21	BSIVA
3	DA SET	01.10.21	BSIVA
4	PYLON SIGN ADDED	06.10.21	BSIVA

ACCESS AND MOBILITY

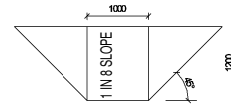


DISABLED BATHROOM TYPICAL DIMENSIONS

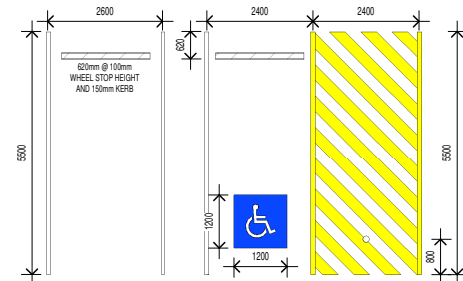
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DIMENSIONS FROM WALLS ARE TAKE FROM THE FINISHED FACE
INFORMATION SHOWN IS INDICATIVE ONLY AND TO BE READ IN CONJUNCTION WITH AS 1428.1 - 2009

KERB RAMP TYPICAL DIMENSIONS

SCALE - 1:25
REFER TO AS 1428.1 - 2009 FOR FURTHER INFORMATION



PARKING DETAILS



ALL PARKING TO COMPLY WITH:
AS/NZ 2890.1:2004 PART 1 OFF STREET PARKING
AS/NZ 2890.6:2009 PART 6 OFF-STREET PARKING FOR PEOPLE WITH DISABILITIES

NOTES:

- NOTES:
1. Written dimensions take precedence over scaled ones
 2. All dimensions, levels, and setouts are to be verified on site prior to fabrication or construction.



2 Elwell Close
Beresfield, NSW 2322
PO Box 596
East Maitland NSW 2323
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PROJECT:of **RETAIL & FOOD PREMISES**

LOT:

DP:

NO:

51

CLIENT:
Mc CURRY

SHEET TITLE:

SITE PLAN

STREET:
PRINCESS HIGHWAY

PROJECT STATUS:
DEVELOPMENT APPLICATION

SUBURB:

ULLADULLA

REVISION

4

SCALE:

As indicated on A3

PROJECT NO:

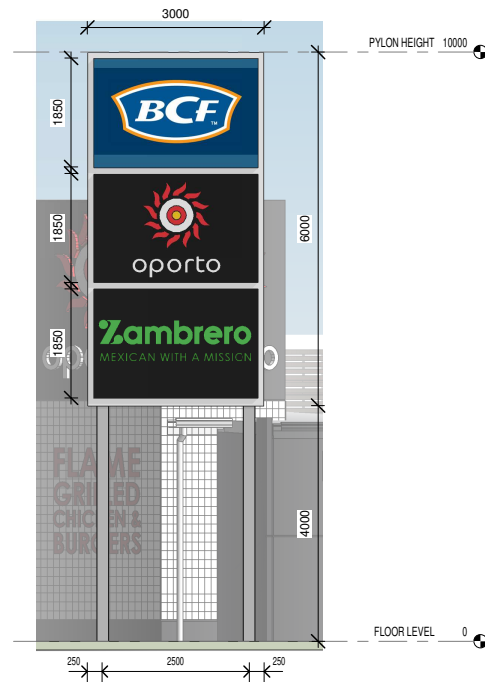
BC0304

DOC N°

DWG No:

04

04



1 PYLON ELEVATION
1:75

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PROJECT:

RETAIL & FOOD PREMISES

LOT: 51 DP: 1047471 NO: 169

CLIENT:

Mc CURRY

SHEET TITLE:

PYLON ELEVATION

STREET: PRINCESS HIGHWAY

PROJECT STATUS:

DEVELOPMENT APPLICATION

SUBURB: ULLADULLA

REVISION

4

SCALE:

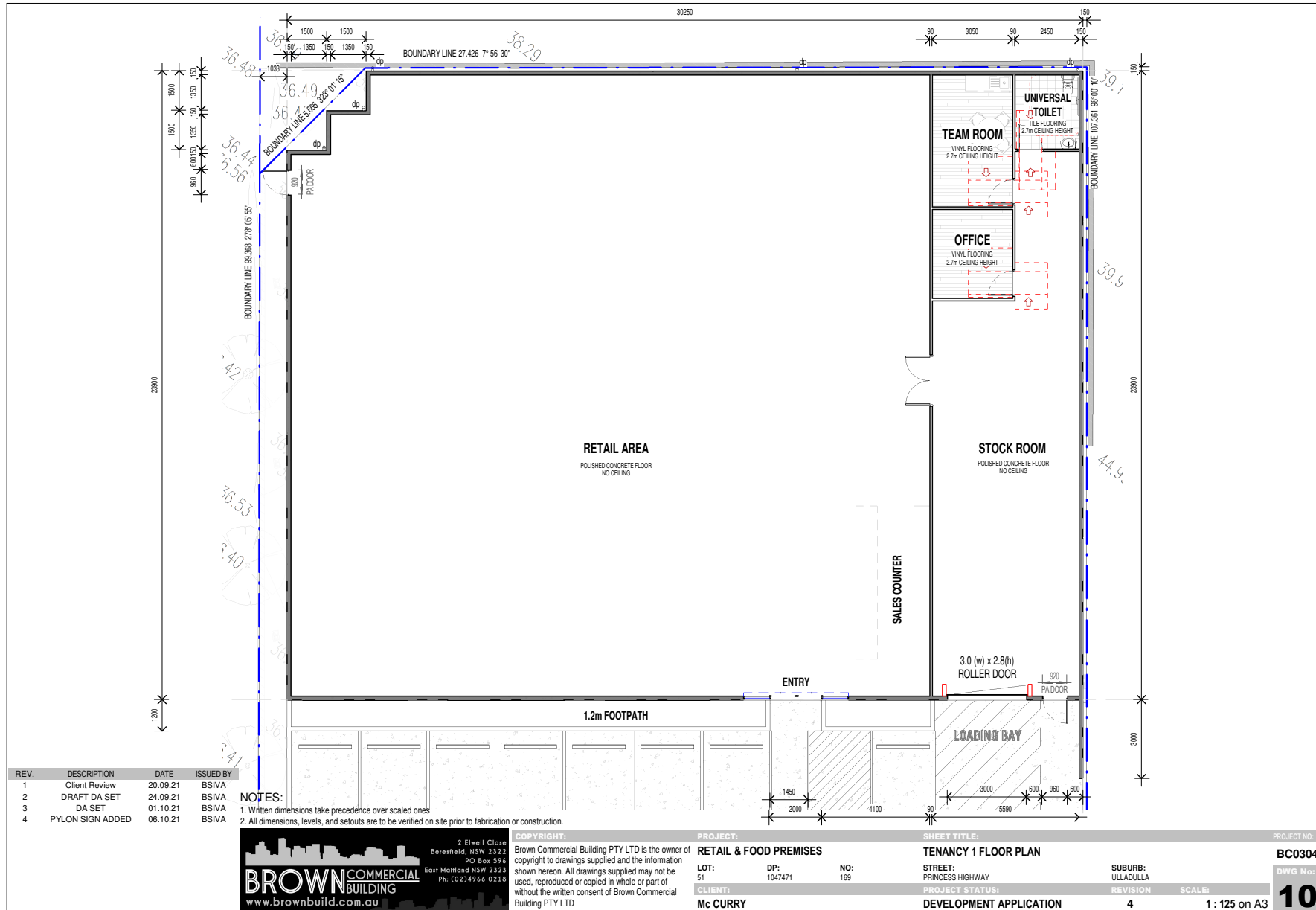
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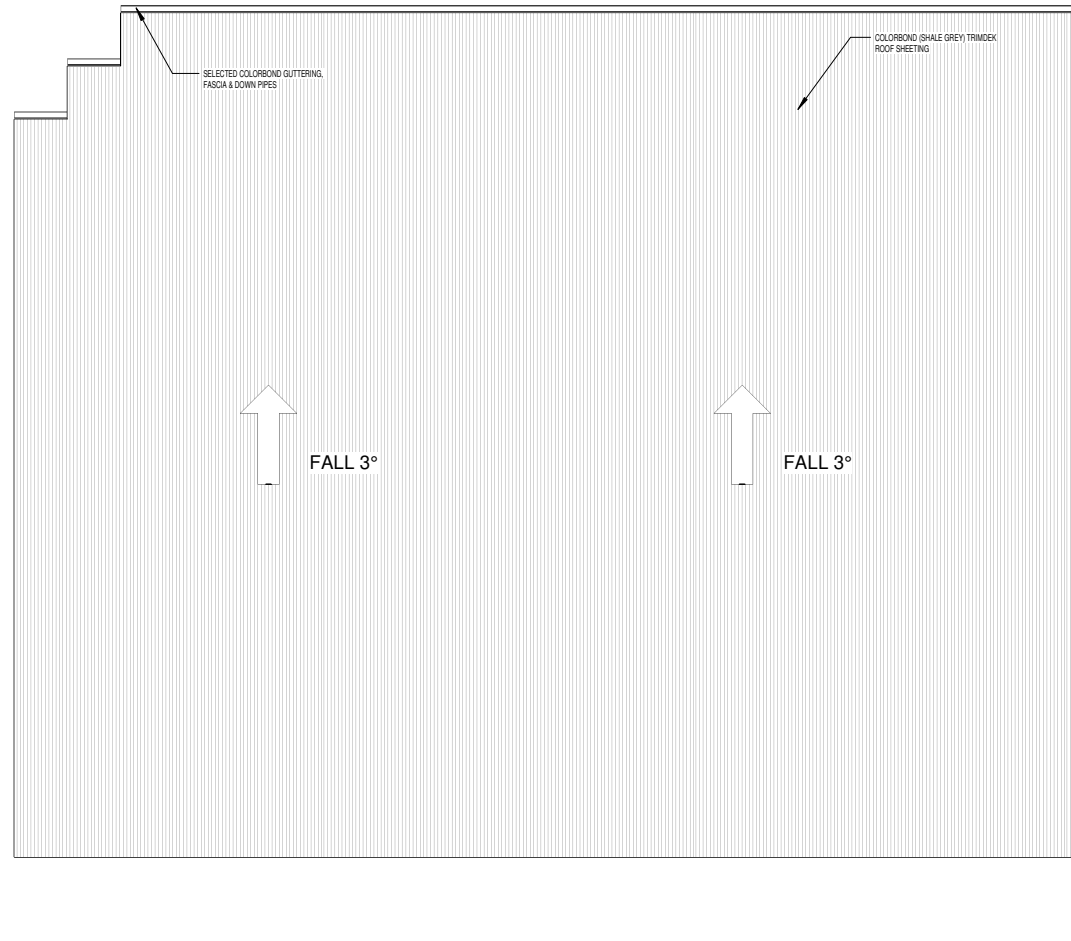
PROJECT NO:

BC0304

DWG No:

05





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PROJECT:

RETAIL & FOOD PREMISES

LOT: 51 DP: 1047471 NO: 169

CLIENT:

Mc CURRY

SHEET TITLE:

TENANCY 1 ROOF PLAN

STREET: PRINCESS HIGHWAY

PROJECT STATUS:

DEVELOPMENT APPLICATION

SUBURB: ULLADULLA

REVISION

4

SCALE:

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PROJECT NO:

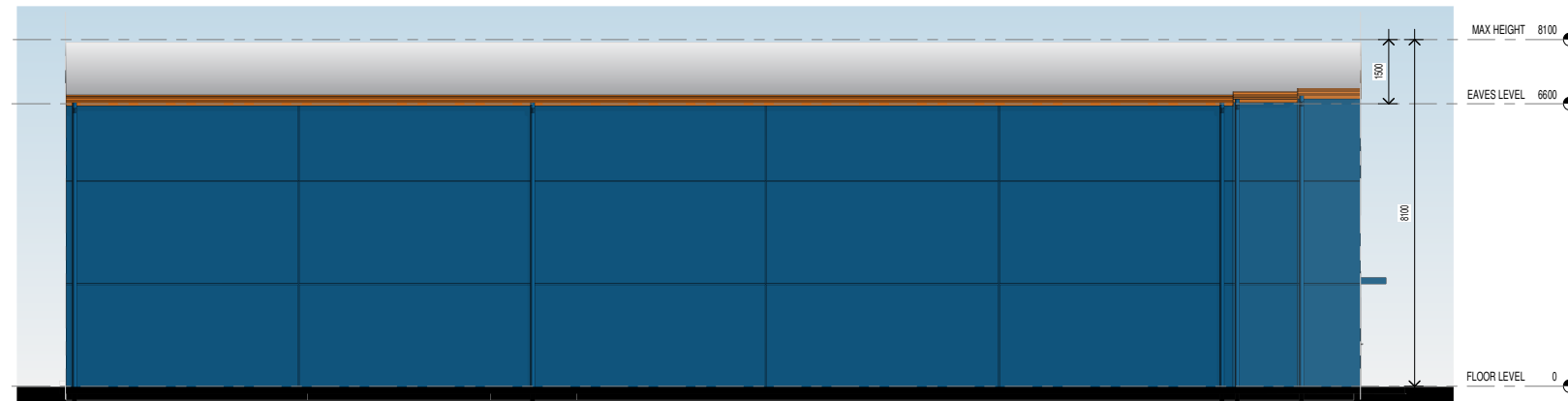
BC0304

DWG No:

11



1 TENANCY 1-EAST Elevation
1:100



2 TENANCY 1-WEST Elevation
1:100

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PROJECT:
RETAIL & FOOD PREMISES

LOT: 51 **DP:** 1047471 **NO:** 169
CLIENT: Mc CURRY

SHEET TITLE:
TENANCY 1 EAST AND WEST ELEVATIONS

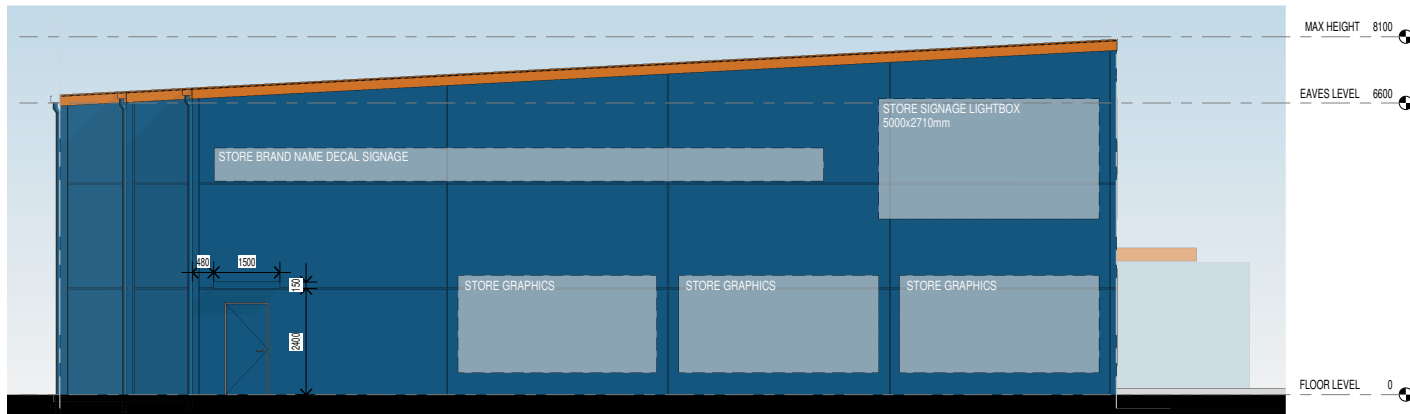
STREET: PRINCESS HIGHWAY
PROJECT STATUS: DEVELOPMENT APPLICATION

SUBURB: ULLADULLA

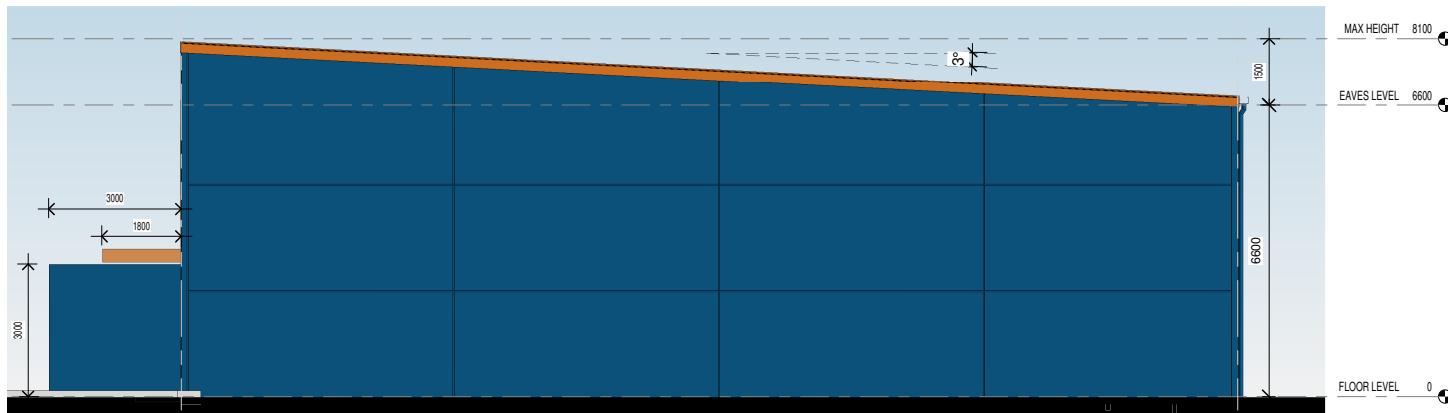
REVISION 4 **SCALE:** 1:100 on A3

PROJECT NO: BC0304

DWG No: 12



1 TENANCY 1-NORTH Elevation
1:100



2 TENANCY 1-SOUTH Elevation
1:100

REV.	DESCRIPTION	DATE	ISSUED BY
2	DRAFT DA SET	24.09.21	BSIVA
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RETAIL & FOOD PREMISES

LOT: 51 **DP:** 1047471 **NO:** 169
CLIENT: Mc CURRY

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STREET: PRINCESS HIGHWAY
PROJECT STATUS: DEVELOPMENT APPLICATION

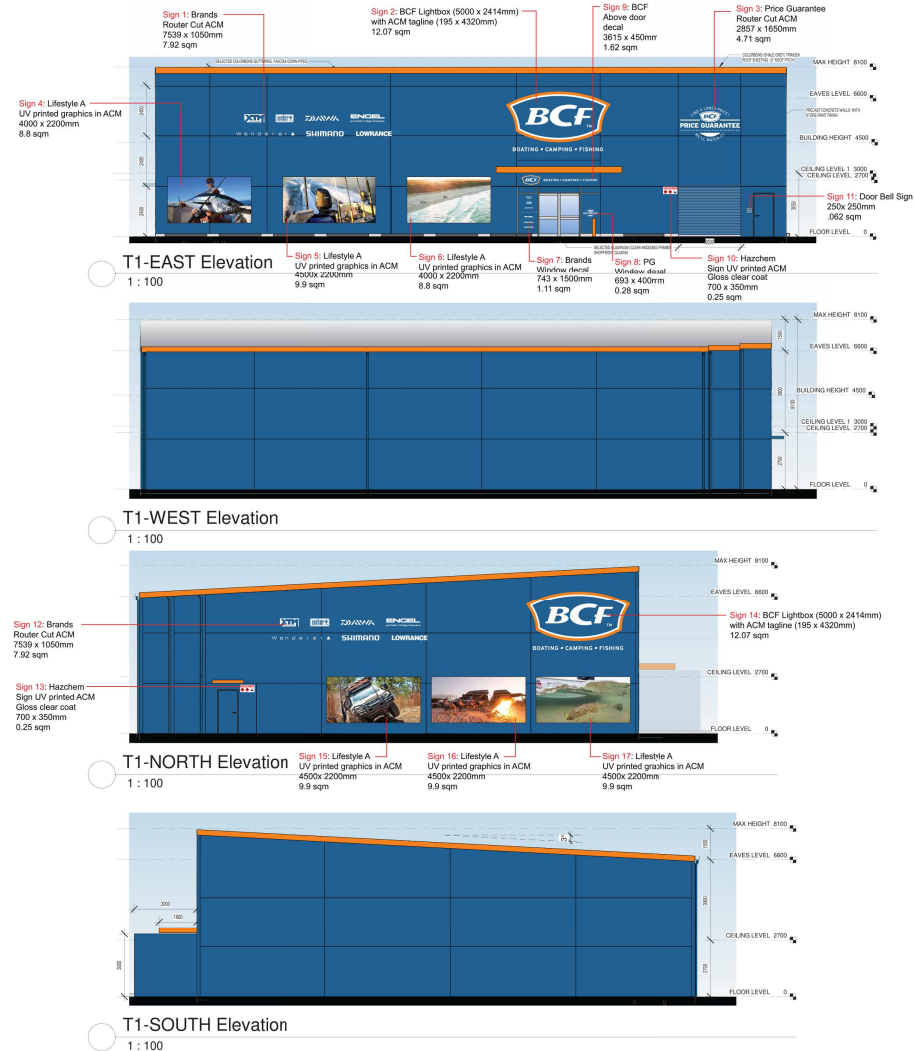
SUBURB: ULLADULLA

REVISION 4 **SCALE:** 1:100 on A3

PROJECT NO: BC0304

DWG No:

13



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PROJECT:
RETAIL & FOOD PREMISES

LOT: 51
DP: 1047471
NO: 169

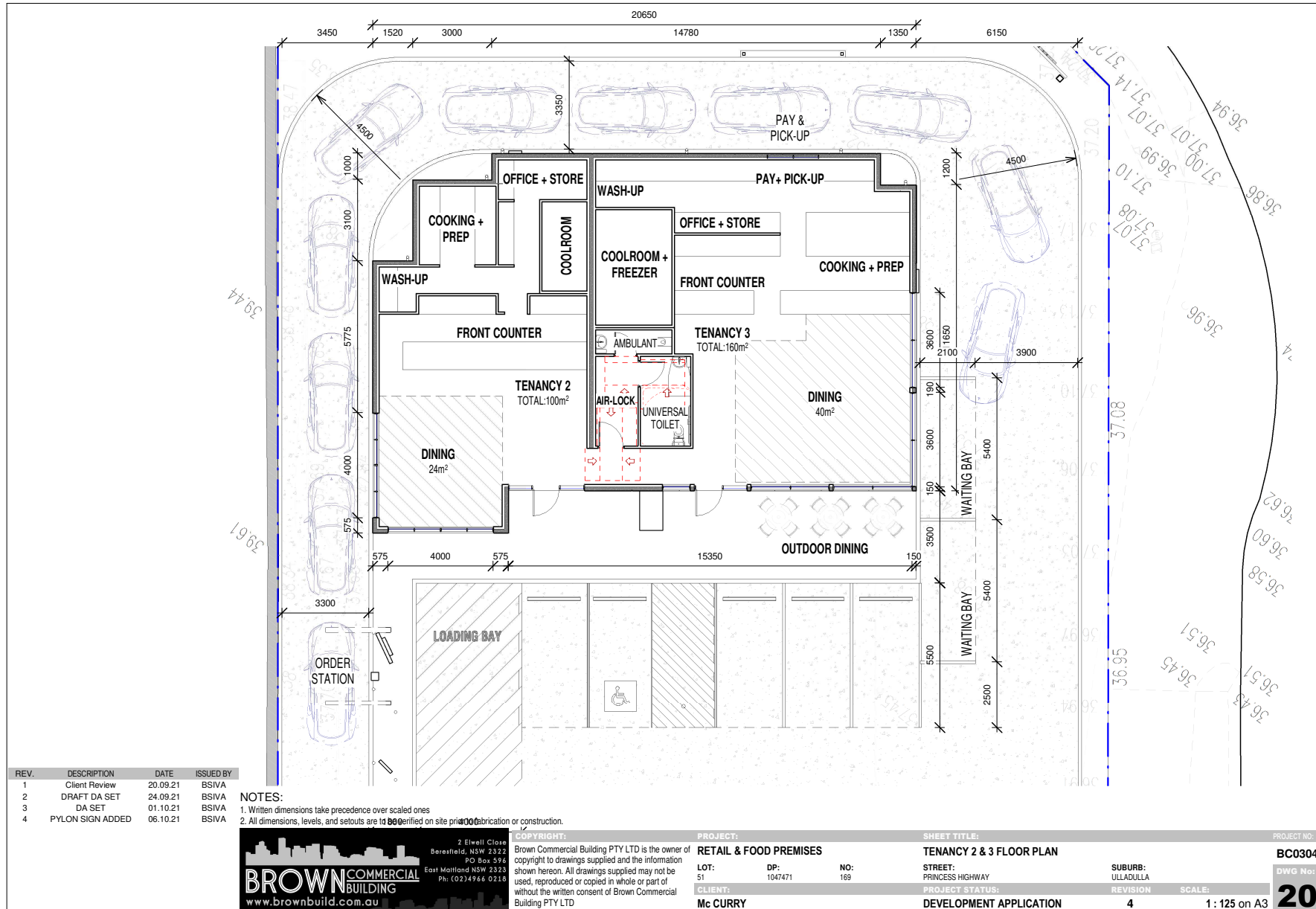
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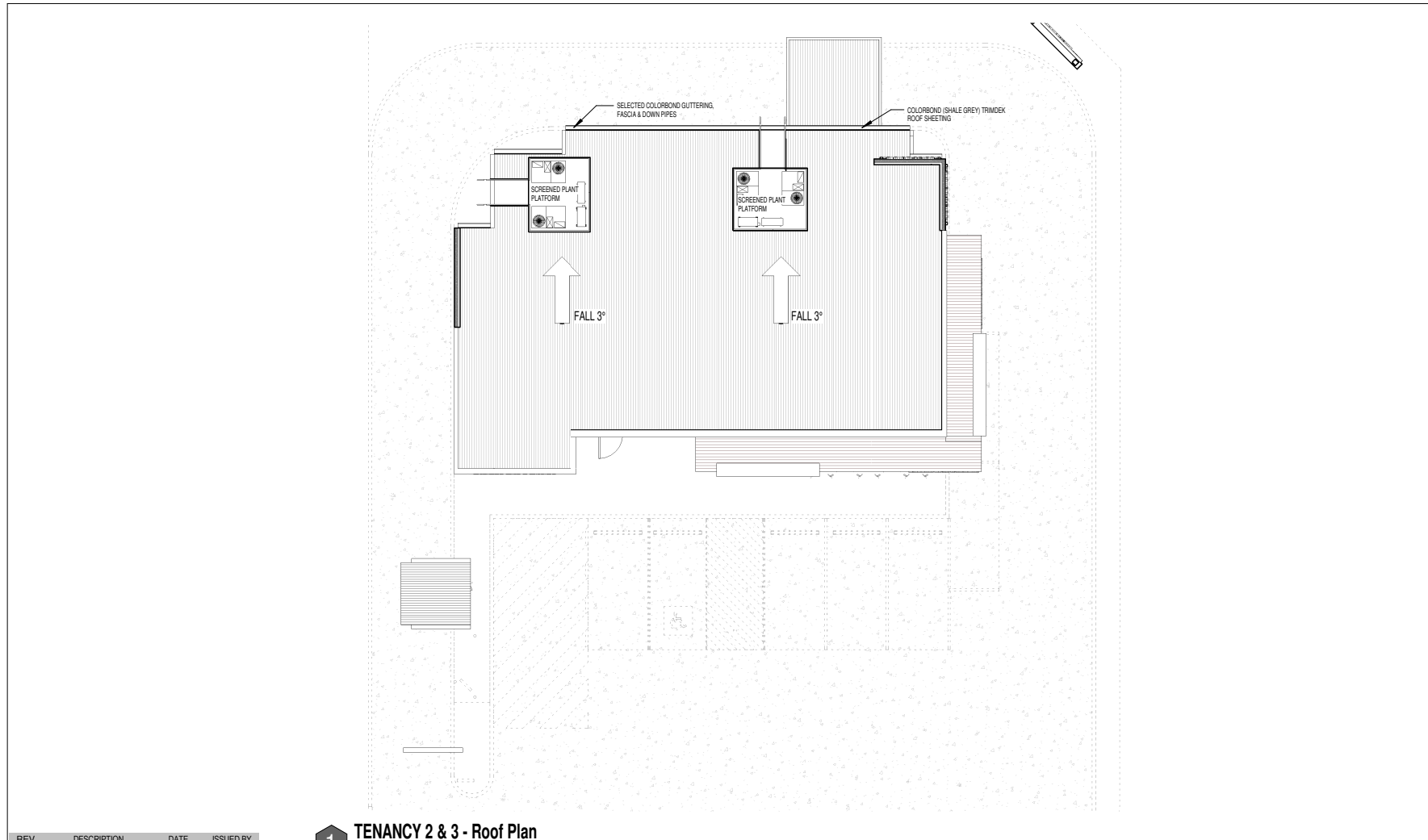
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TENANCY 1 EXTERNAL SIGNAGE ELEVATIONS

STREET: PRINCESS HIGHWAY
SUBURB: ULLADULLA

PROJECT STATUS: DEVELOPMENT APPLICATION
REVISION: 4
SCALE: 1 : 53 on A3

PROJECT NO: BC0304
DWG No: 14





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1 **TENANCY 2 & 3 - Roof Plan**
1:150

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RETAIL & FOOD PREMISES

LOT: 51 **DP:** 1047471 **NO:** 169

CLIENT:
Mc CURRY

SHEET TITLE:
TENANCY 2 & 3 ROOF PLAN

STREET: PRINCESS HIGHWAY

PROJECT STATUS:
DEVELOPMENT APPLICATION

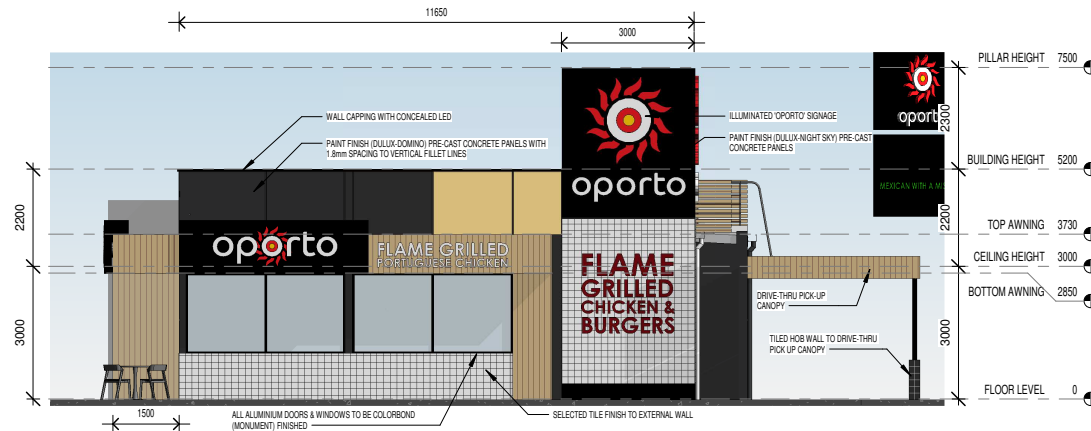
SUBURB: ULLADULLA

REVISION 4 **SCALE:** 1:150 on A3

PROJECT NO: BC0304
DWG No: 21



1 TENANCY 2 & 3 - WEST Elevation
1 : 100



2 TENANCY 2 & 3 - SOUTH Elevation - PARSON STREET Elevation
1 : 100

REV.	DESCRIPTION	DATE	ISSUED BY
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PROJECT:
RETAIL & FOOD PREMISES

LOT: 51
DP: 1047471
NO: 169
CLIENT: Mc CURRY

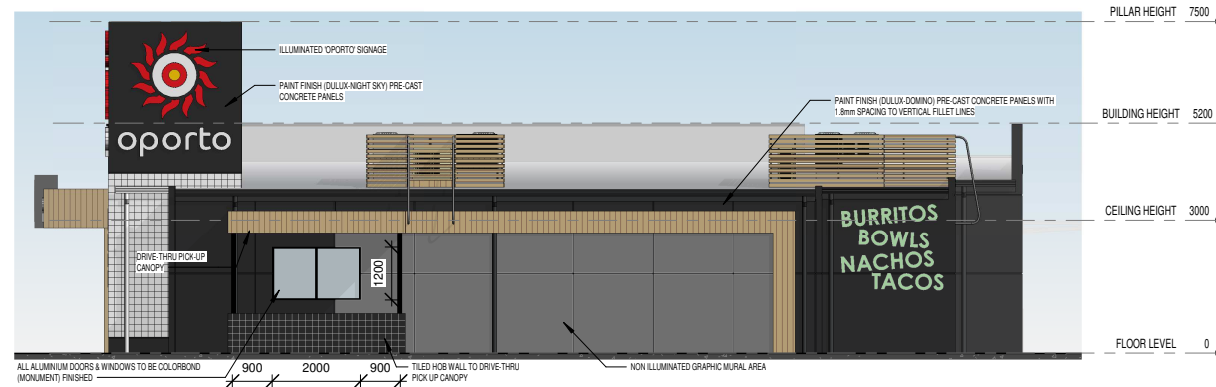
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TENANCY 2 & 3 WEST AND SOUTH ELEVATIONS

STREET: PRINCESS HIGHWAY
SUBURB: ULLADULLA
PROJECT STATUS: DEVELOPMENT APPLICATION
REVISION: 4
SCALE: 1 : 100 on A3

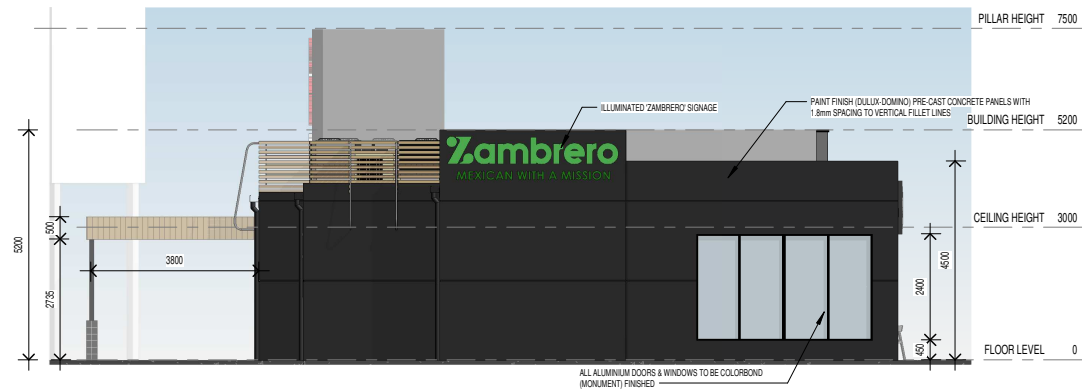
PROJECT NO: BC0304

DWG No:

22



1 TENANCY 2 & 3 - EAST Elevation - PRINCESS HIGHWAY Elevation
1 : 100



2 TENANCY 2 & 3 - NORTH Elevation
1 : 100

REV.	DESCRIPTION	DATE	ISSUED BY
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PROJECT:
RETAIL & FOOD PREMISES

LOT: 51 **DP:** 1047471 **NO:** 169
CLIENT: Mc CURRY

SHEET TITLE:
TENANCY 2 & 3 EAST AND NORTH ELEVATIONS

STREET: PRINCESS HIGHWAY
PROJECT STATUS: DEVELOPMENT APPLICATION

SUBURB: ULLADULLA

REVISION 4 **SCALE:** 1 : 100 on A3

PROJECT NO: BC0304

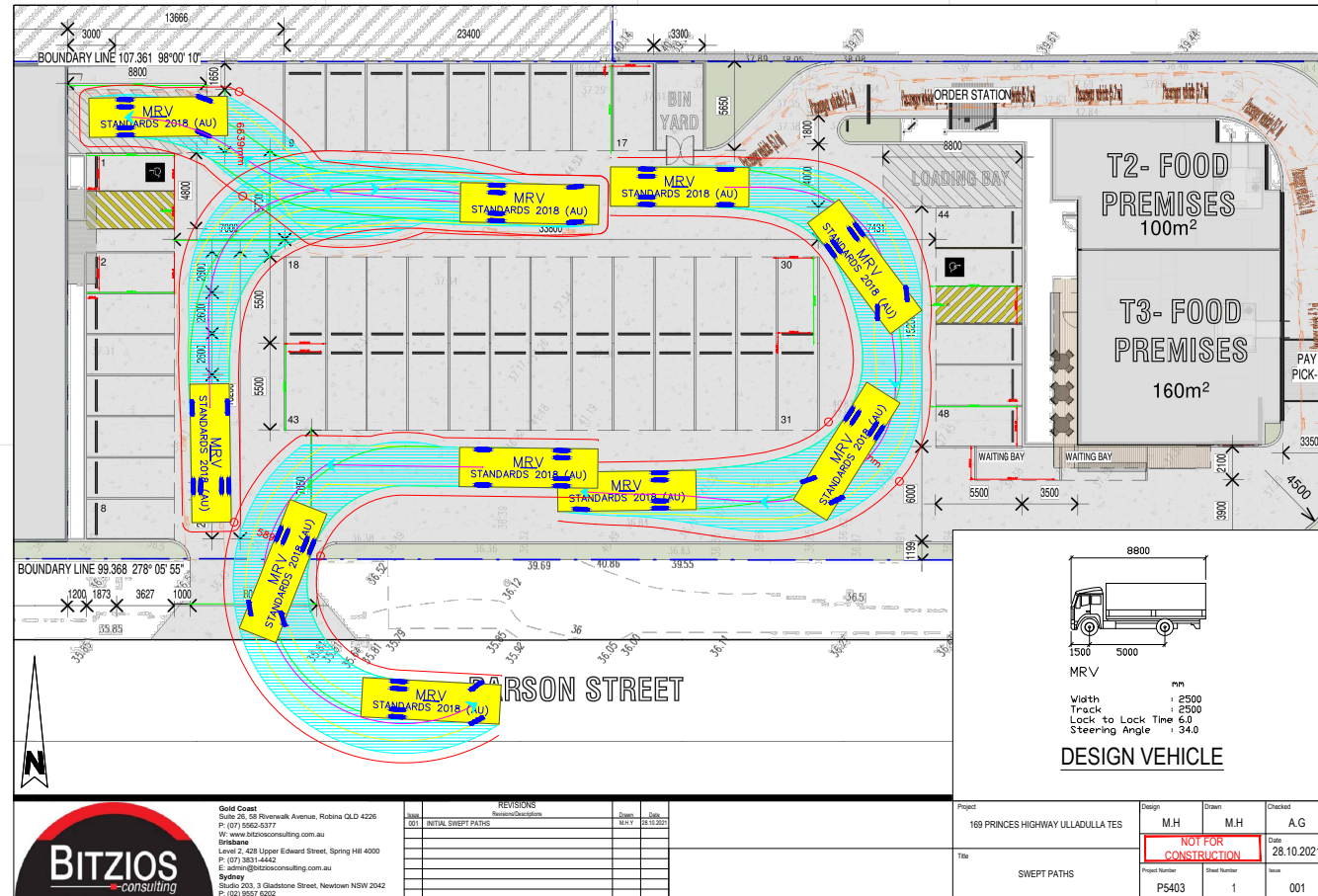
DWG No:

23




Appendix B: Swept Paths

CL22.180 - Attachment 7



Planning Report – S4.15 Assessment – Taylors Lane, CAMBEWARRA - Lot 8 DP 1256748, Taylors Lane, CAMBEWARRA - Lot 3 DP 1256748, 169 Hockeys Lane, CAMBEWARRA - Lot 10 DP 1256748, 121 Taylors Lane, CAMBEWARRA - Lot 2 DP 1281124 & 371 Illaroo Road, BANGALEE - Lot 2 DP 848630

		Planning Report S4.15 Environmental Planning & Assessment Act 1979
DA Number	SF10656	
Property	Taylors Lane, CAMBEWARRA - Lot 8 DP 1256748 Taylors Lane, CAMBEWARRA - Lot 3 DP 1256748 169 Hockeys Lane, CAMBEWARRA - Lot 1 DP 1281124 121 Taylors Lane, CAMBEWARRA - Lot 2 DP 1281124 371 Illaroo Road, BANGALEE - Lot 2 DP 848630	
Applicant(s)	Makereng P/L	
Owner(s)	John W Evison Pty Ltd (Lots 2 & 8) Shoalhaven City Council (Lot 3) Q & J Brown (Lot 1 & 2 DP 1281124)	

1. Detailed Proposal

The DA seeks approval for residential subdivision to create 59 Torrens Title allotments, including:

- 57 residential allotments;
- One (1) drainage reserve;
- One (1) residue lot; and
- Provision of roads, drainage and utility infrastructure along with associated landscaping works.

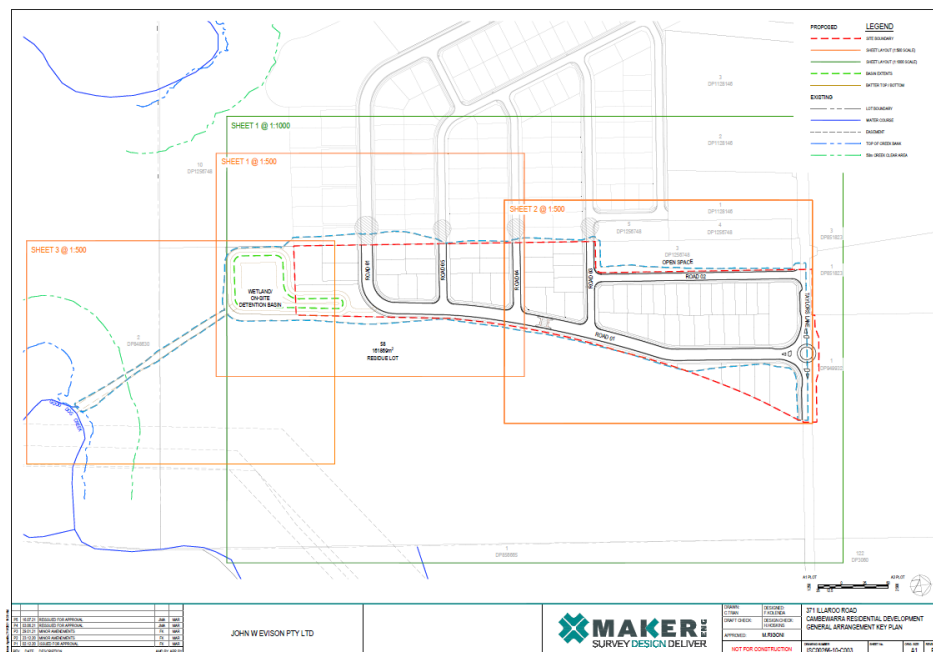


Figure 1 – General Arrangement Key Plan by Maker ENG (dated 25/11/2021)

Planning Report – S4.15 Assessment – Taylors Lane, CAMBEWARRA - Lot 8 DP 1256748, Taylors Lane, CAMBEWARRA - Lot 3 DP 1256748, 169 Hockeys Lane, CAMBEWARRA - Lot 10 DP 1256748, 121 Taylors Lane, CAMBEWARRA - Lot 2 DP 1281124 & 371 Illaroo Road, BANGALEE - Lot 2 DP 848630

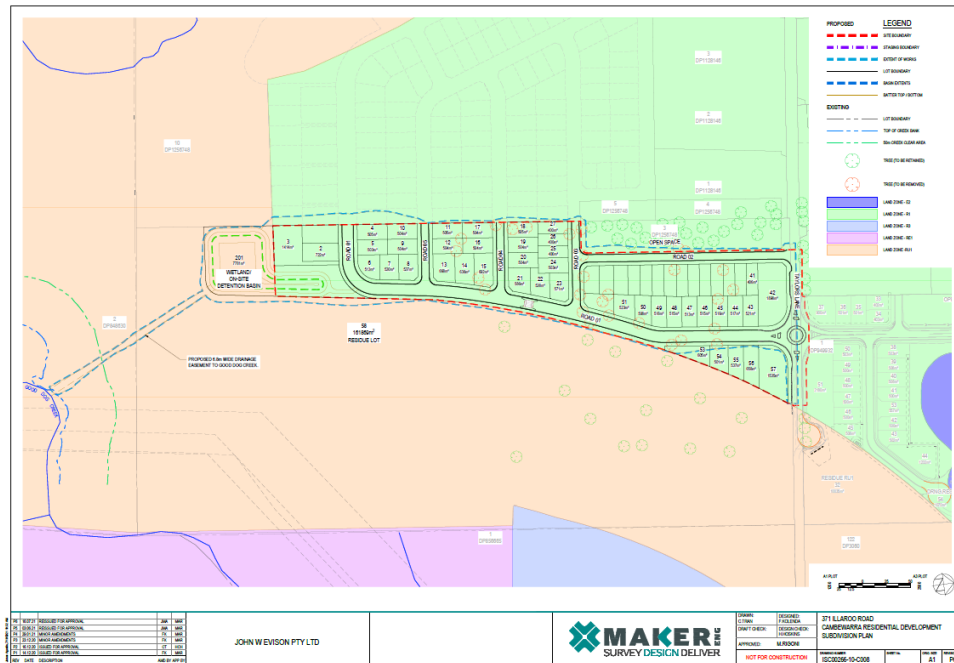


Figure 2 – Subdivision Plan (with zoning overlay) by Maker ENG (dated 25/11/2021)

2. Subject Site and Surrounds

The subject site:

- Is within Stage 3 of the Moss Vale Road South Urban Release Area (URA) and contains scattered trees and vegetation. Historically, the site has been used for agricultural purposes, predominantly grazing. Good Dog Creek, identified as "Watercourse Category 1", traverses the southern section of the site.
- Is zoned R1 General Residential and RU1 Primary Production (some of which being land in the vicinity of the proposed Western Bypass Corridor). Only the R1 zoned portion of the site is within the Urban Release Area.
- Is identified as bush fire prone land. However, this follows a recent change to mapping. The current mapping is to only be used in the assessment of applications lodged on or after 14 October 2021. As this application was lodged prior to this date, the old mapping applies, on which the site was not identified as bush fire prone land.
- Is also identified as being flood prone land and of aboriginal cultural heritage significance.
- Has frontage to Taylors Lane.
- Adjoins land zoned R1 General Residential, R3 Medium Density Residential, RU1 Primary Production and RE1 Public Recreation.
- To the west of the site is a proposed subdivision Development Application SF10633 which is still under assessment and seeks approval for "Staged residential subdivision to create 126 Torrens Title allotments, including 124 residential allotments, one (1) drainage reserve, one (1) residue lot and provision of roads, drainage and utility infrastructure along with associated landscaping works". Access to this subdivision will be entirely through the roads sought for approval under this subject subdivision to Taylors Lane.

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Figure 3 – Location Map

3. Background

Post-Lodgement

- This application was lodged on 23 February 2018.

It is noted that the following plans were adopted by Council post-lodgement, on 28 August 2018 and commenced on 26 September 2018:

- Amendment No. 19 to Shoalhaven Development Control Plan 2014 (SDCP 2014) (*Chapter NB3: Moss Vale Road South Urban Release Area*)
- Amendment No. 9 to Shoalhaven Contributions Plan 2010 (SCP 2010)

The development proposed at lodgement was non-compliant with these plans.

Accordingly, the below actions reflect Council's requests for general compliance with Chapter NB3, SDCP 2014 and SCP 2010, and the reason for such a protracted assessment.

- Council amended the property description of this application on 15 June 2018 to include Lot 102 DP 1201921 (known as 169 Hockeys Lane, Cambewarra) as per the applicant's requests dated 7 June 2018. The description of the application at lodgement was as follows:

"Residential subdivision to create 82 Torrens Title allotments, including:

- *80 residential allotments;*
- *One (1) residue lot;*
- *One (1) open space lot; and*
- *Provision of roads, drainage and utility infrastructure along with associated landscaping works."*

The property description was Lot 116 DP 3060 (known as Taylors Lane Cambewarra).

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- On 23 June 2020, Council resolved to defer a decision on the upgrade of Taylors Lane as part of the Far North Collector Road project and undertake a review of the zoning and planning controls applicable to land around Taylors Lane (MIN20.419). The review that is currently underway will consider options for how the existing trees along Taylors Lane could be retained and integrated into future urban development. At this stage the outcomes of the review are unknown. It is acknowledged that the proposed layout plan has been prepared generally on the basis of the indicative layout plan for Moss Vale Road South URA and may or may not be consistent with the outcomes of the review.
- Council amended the applicant for this application from Cardno Pty Ltd to Indesco Southcoast Pty Ltd on 12 August 2020 as per the applicant's request dated 11 August 2020.

It was noted that Lot 116 DP 3060 (known as Taylors Lane Cambewarra) no longer existed and that since lodgement of this application, it had been subdivided to create Lots 3 and 8 of DP 1256748 (known as Taylors Lane Cambewarra).

Note: The applicant has provided confirmation (with official documentation) of a change in company name to Maker Eng Pty Ltd.

- Council amended the description of this application again on 4 March 2021 to the following as per the applicant's request dated 26 February 2021.

"Residential subdivision to create 64 Torrens Title allotments, including:

- 63 residential allotments;
- One (1) residue lot; and
- Provision of roads, drainage and utility infrastructure along with associated landscaping works."

The property description of this application was also amended to include Lot 2 DP 848630 (known as 371 Illaroo Road, Bangalee) and Lot 10 DP 1256748 (known as 169 Hockeys Lane, Cambewarra).

- On 11 May 2021, Council resolved to approve Development Application SF10804 for residential subdivision and associated works at Lot 3 DP 851823 (known as 104 Taylors Lane, Cambewarra) within Stage 2 of the URA but that:

"No access is to be permitted to Taylors Lane at this time and that a suitable turning head is to be submitted to and approved by Council prior to the issue of a Subdivision Works Certificate for all road termination points." (MIN21.245)

- Council amended the description of this application again on 19 January 2022 to the following as per the applicant's requests dated 20 July 2021 and 23 September 2021.

"Residential subdivision to create 59 Torrens Title allotments, including:

- 57 residential allotments;
- One (1) drainage reserve;
- One (1) residue lot; and
- Provision of roads, drainage and utility infrastructure along with associated landscaping works."

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The property description of this application was also amended to include Lot 3 DP 1256748 (known as Taylors Lane, Cambewarra).

- Draft conditions of consent were forwarded to the applicant for comment on 28 February 2022.
- The applicant provided comments on the draft conditions of consent by email dated 7 March 2022.
- Council reviewed these comments and amended the draft conditions (where considered necessary) and description of this application again on 17 March 2022 to the following as per the applicant's request dated 9 March 2022.

"Residential subdivision to create 59 Torrens Title allotments, including 57 residential allotments, one (1) drainage reserve, one (1) residue lot, and provision of roads, drainage and utility infrastructure along with associated landscaping works"

The property description of this application was also amended to include Lot 8 DP 1256748 (known as Taylors Lane, Cambewarra), Lot 3 DP 1256748 (known as Taylors Lane, Cambewarra), Lot 2 DP 848630 (known as 371 Illaroo Rd, Bangalee), Lot 1 DP 1281124 (known as 169 Hockeys Lane, Cambewarra) and Lot 2 DP 1281124 (known as 121 Taylors Lane, Cambewarra).

4. Consultation and Referrals

Internal Referrals			
Referral	Required	Recommendation	Comment
Development Engineer	<input checked="" type="checkbox"/>	No objections subject to recommended conditions of consent (dated 04/02/2022).	Conditions to be imposed.
Road Asset Manager	<input checked="" type="checkbox"/>	Concerns raised and additional information requested (dated 10/07/2018).	Conditions to be imposed, as recommended by Council's Development Engineer.
Traffic & Transport Unit	<input checked="" type="checkbox"/>	Concerns raised and additional information requested (dated 09/07/2018).	Conditions to be imposed, as recommended by Council's Development Engineer.
Drainage Engineer	<input checked="" type="checkbox"/>	Concerns raised and additional information requested (dated 12/07/2018).	Conditions to be imposed, as recommended by Council's Development Engineer.
Floodplain & Stormwater Quality Engineer	<input checked="" type="checkbox"/>	No objections subject to recommended conditions of consent (dated 24/04/2021).	Conditions to be imposed only in relation to flooding.
Environmental Assessment Officer	<input checked="" type="checkbox"/>	No objections subject to recommended conditions of consent (dated 19/11/2021).	Conditions to be imposed.

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Waste	<input checked="" type="checkbox"/>	No objections subject to recommended conditions of consent (dated 19/06/2018).	Conditions to be imposed, only in relation to the requirement for a WMP.
Shoalhaven Water	<input checked="" type="checkbox"/>	Notice provided (dated 19/05/2021).	Conditions to be imposed.
Environmental Health Officer	<input checked="" type="checkbox"/>	No objections subject to recommended conditions of consent (dated 19/07/2018).	Conditions to be imposed.
Landscape Architect	<input checked="" type="checkbox"/>	No objections subject to recommendations (dated 30/07/2018).	Conditions to be imposed, with the requirement for a landscape strategy.
Property Unit	<input checked="" type="checkbox"/>	No objections subject to recommended conditions of consent (dated 20/08/2021).	Conditions to be imposed.
Community & Recreation	<input checked="" type="checkbox"/>	No objections subject to recommendations (dated 03/07/2018).	Conditions to be imposed.

External Referrals			
Agency	Required	Recommendation	Comment
Transport for NSW (formerly Roads & Maritime Services)	<input checked="" type="checkbox"/>	No objections subject to recommended conditions of consent (dated 01/08/2021).	Conditions to be imposed.
Endeavour Energy	<input checked="" type="checkbox"/>	No objections subject to recommendations and comments (dated 31/03/2021).	Conditions and advisory note to be imposed.
NRAR (formerly DPI - Water)	<input checked="" type="checkbox"/>	General Terms of Approval issued (dated 13/01/2022).	Conditions to be imposed.
Heritage NSW (formerly NSW OEH)	<input checked="" type="checkbox"/>	General Terms of Approval issued (dated 21/01/2022).	Conditions to be imposed.
NSW Police	<input checked="" type="checkbox"/>	No objections (dated 19/06/2018).	Noted.
DPIE (formerly DOP)	<input checked="" type="checkbox"/>	Illawarra Shoalhaven SIC has been finalised. Accordingly, Council is required to place a condition of consent on any determination to require payment of the SIC to the	Condition to be imposed.

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		Department. This would be the mechanism for the Department to collect State contributions in this case. The wording of the condition is in the <i>Ministerial Direction</i> .	
Nowra Local Aboriginal Land Council	<input checked="" type="checkbox"/>	No response.	Noted.

5. Other Approvals

Integrated Approvals and Concurrences			
Agency	Required	Recommendation	Comment
NRAR (formerly DPI - Water)	<input checked="" type="checkbox"/>	General Terms of Approval issued (dated 05/10/2018).	Conditions to be imposed.
Heritage NSW (formerly NSW OEH)	<input checked="" type="checkbox"/>	General Terms of Approval issued (dated 21/01/2022).	Conditions to be imposed.

6. Statutory Considerations

This report assesses the proposed development/use against relevant State, Regional and Local Environmental Planning Instruments and policies in accordance with Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 (EP&A Act). The following planning instruments and controls apply to the proposed development:

Instrument	Relevant	Instrument	Relevant
Shoalhaven LEP 2014	<input checked="" type="checkbox"/>	State Environmental Planning Policy (Resilience and Hazards) 2021	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Biodiversity and Conservation) 2021	<input checked="" type="checkbox"/>	State Environmental Planning Policy (Transport and Infrastructure) 2021	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Planning Systems) 2021	<input checked="" type="checkbox"/>		

Additional information on the proposal's compliance with the above planning instruments is detailed below in Section 7 (Statement of Compliance/Assessment) of this report.

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7. Statement of Compliance/Assessment

The following provides an assessment of the submitted application against the matters for consideration under Section 4.15 of the EP&A Act.

(a) Any planning instrument, draft instrument, DCP and regulations that apply to the land

Environmental Planning and Assessment Act 1979

Section 4.46 – Integrated Development			
Act	Provision	Approval	Relevant
Water Management Act 2000	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3	<input checked="" type="checkbox"/>
National Parks and Wildlife Act 1974	s90	Grant of Aboriginal heritage impact permit	<input checked="" type="checkbox"/>

Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017

The purpose of the Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development (described in section 6 (2) of the Protection of the Environment Administration Act 1991).

Part 6 of the Act provides tools to avoid, minimise and offset biodiversity impacts from development and clearing through the Biodiversity Offsets Scheme (BOS). The BOS applies to development and clearing when:

- The thresholds under s.7.1 of the Regulation are exceeded;
 - The clearing of native vegetation of an area declared by cl. 7.2
 - The clearing of native vegetation on land included on the Biodiversity Values Map (BV map)
- A proposed development is likely to significantly affect threatened species based on the Test of Significance in section 7.3 of the Act
 - Area of clearing;
 - Biodiversity Values Map and Threshold Tool; and
 - Test of significance.

The proposed area of clearing is based off the minimum lot size. The minimum lot size for the subject site is 500m². Reference to the clearing thresholds provided under s.7.1 of the Regulation the clearing threshold is 0.25ha. The clearing required for the proposed development is 0.646ha which is over the clearing threshold.

Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply
Less than 1 ha	0.25ha or more

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1ha to less than 40 ha	0.5ha or more
40ha to less than 1000ha	1ha or more
1000ha or more	2ha or more

A Biodiversity Development Assessment Report (BDAR) has been submitted as part of this application and reviewed by Council's Environmental Assessment Officer. As part of this review a site inspection has been undertaken.

It was confirmed that the proposal will impact vegetation consistent with Plant Community Type (PCT) 1212 – Spotted Gum – Grey Ironbark – Woollybutt grassy open forest on coastal flats, southern Sydney Basin Bioregion and South East Corner Bioregion. The PCT with the subject site does not conform with any associated Threatened Ecological Communities.

Biodiversity Assessment Method (BAM) plots were completed to assess the vegetation and habitat values affected by the proposal. The data gathered was input into the BAM Credit Calculator by an accredited assessor, with a total of 13 Ecosystem Credits for PCT 1212 required.

Habitat survey was undertaken for a number of potentially occurring Species Credit Species. Targeted survey was not undertaken for some candidate species of concern, due to a high likelihood of occurrence and seasonal or budgetary restrictions as indicated in the BDAR. These species were therefore assumed to be present. The results require 127 Species Credits inclusive of Glossy Black-cockatoo, Gang-gang Cockatoo, Large-eared Pied Bat, Southern Myotis, Barking Owl, Powerful Owl and Masked Owl habitat. No threatened flora species were recorded as part of this assessment.

As stated in the BDAR:

"While it has been assessed that the Subject Land will be cleared in its entirety, additional avoidance and mitigation measures will be undertaken to reduce the severity of these impacts on the local biodiversity. These measures include a site ecologist pre-clearance survey, micro-bat management plan, felling supervision of the habitat bearing trees, installation of compensatory nest boxes and a native species landscaping plan. A Construction and Environmental Management Plan will also be prepared to ensure no further impact during the construction phase."

No concerns or objections were raised by Council's Environmental Assessment Team with the submitted BDAR subject to recommended conditions of consent being imposed (if approved), as detailed under the 'Referrals' section of this report.

i) Environmental planning instrument

SEPP (Planning Systems) 2021

As the proposal involves Council-owned land (being Lot 3 DP 1256748, known as Taylors Lane, Cambewarra), the provisions of this Policy have been considered, having regard to clause 3(b) of Schedule 6.

The applicant submitted a detailed cost report prepared by a registered quantity surveyor that verified the cost of the development.

As the capital investment value (CIV) is less than \$5 million, this proposal is not considered regionally significant, and Council is the relevant consent authority for the DA.

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SEPP (Transport and Infrastructure) 2021

Clause 2.48(1)(b)(iii) (formerly clause 45(1)(b)(iii) of SEPP (Infrastructure) 2007) is applicable and the application referred to the *electricity supply authority for the area* (Endeavour Energy) on 11/03/2021 as required for comment. A response was provided (as detailed under the 'Referrals' section of this report) and has been considered.

SEPP (Biodiversity and Conservation) 2021

The SEPP contains the mechanism for the removal of vegetation in a non-rural area. Council may issue a permit for the clearing of vegetation within the subject zone under Part 2.3 of the SEPP. In this instance, vegetation to be removed is being considered ancillary to this development proposal and is subject to any controls contained within Chapters G4 and G5, Shoalhaven DCP 2014, addressed later in this report.

SEPP (Resilience and Hazards) 2021

Question	Yes	No
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?	X	Proceed to Question 2
2. Does the proposal result in a change of use (that is the establishment of a new use)?	Proceed to Question 3	Assessment under SEPP and DCP not required.
3. Does the application proposed a new: <ul style="list-style-type: none"> Child care facility Educational use Recreational use Health care use Place of public worship Residential use in a commercial or industrial zone 	Proceed to Question 5	X Proceed to Question 4
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land has been used for a listed purpose?	X	Proceed to Question 5
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?	X	Request contaminated site assessment
		Proposal satisfactory under SEPP and DCP.
		Proposal satisfactory under SEPP and DCP.

The site was inspected on 2 July 2018, with there being no evidence of obvious contamination. However, it is apparent that there is potential for contamination from agricultural uses on this site (predominantly grazing).

Council's Environmental Health Officer reviewed the submitted Environmental Risk and Planning Report and Statement of Environmental Effects in relation to assessment for contaminated land. Assessment found there is evidence of imported fill at the driveway consisting of coal wash and concrete and an electricity pole. Recommendations have been made for the need to provide mitigation measures for the potential areas of concern.

Accordingly, no objections were raised subject to the Environmental Health Officer's recommended conditions of consent (dated 19/07/2018) with amendments to reflect updated standard conditions

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being imposed with any consent granted. It is considered that the proposal is satisfactory under this SEPP and SDCP 2014.

Shoalhaven LEP 2014

Land Zoning

The land is zoned R1 General Residential and RU1 Primary Production under the SLEP 2014.

Characterisation and Permissibility

The proposal is best characterised as *Subdivision of land* including associated *Roads* and *Water supply systems* under the SLEP 2014.

The subdivision is proposed predominantly within the R1 zoned portion of the subject land (being the extent of the URA) with the residue lot to be split between this zone and the RU1 zoned portion.

Roads (including temporary turning heads and associated earthworks) are proposed within the R1 zoned portion of the land.

The water supply system (being the proposed wetland/on-site detention basin and associated drainage works) is proposed predominantly within the RU1 zoned portion of the land, however, is also located within the R1 zoned portion.

Overall, the proposal is permitted within both zones with the consent of Council.

R1 Zone objectives

Objective	Comment
• <i>To provide for the housing needs of the community.</i>	Satisfies the nominated objective as new residential lots will be created.
• <i>To provide for a variety of housing types and densities.</i>	Satisfies the nominated objective. The zone and design of the subdivision will influence the housing types.
• <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	Satisfies the nominated objective. The zone will influence land uses.
• <i>To identify land suitable for future urban expansion.</i>	Satisfies the nominated objective through delivering residential development in line with the strategic intent for the URA.

RU1 Zone objectives

Objective	Comment
• <i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i>	Satisfies the nominated objective. Work within the RU1 zone is limited to the proposed wetland/on-site detention basin and associated drainage works, with the remainder of land within the zone to remain as primary agricultural

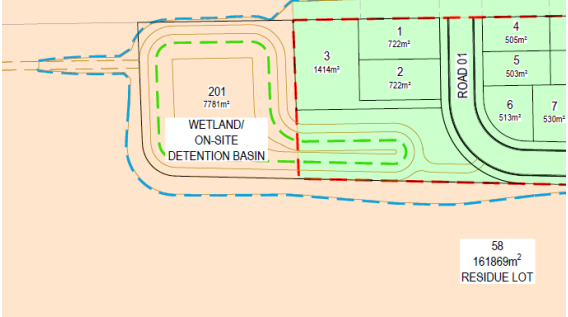
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	land as anticipated by Chapter NB3 of the DCP and the URA.
• <i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i>	Not applicable.
• <i>To minimise the fragmentation and alienation of resource lands.</i>	Satisfies the nominated objective. The proposed subdivision minimises fragmentation through minimising land subdivision within the RU1 zoned land to limit it to excising the URA R1 zoned land.
• <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>	Satisfies the nominated objective though proposing residential subdivision of adjoining R1 zoned land to the intended staging and residential lot layouts as envisaged by the DCP.
• <i>To conserve and maintain productive prime crop and pasture land.</i>	Satisfies the nominated objective through conserving the residue lot as RU1 zoned land.
• <i>To conserve and maintain the economic potential of the land within this zone for extractive industries.</i>	Satisfies the nominated objective. The residue RU1 lot is of suitable size and orientation to facilitate the continued agricultural uses of this land.

SLEP 2014 Clauses

Clause	Comments	Complies/ Consistent
Part 2 Permitted or prohibited development		
2.6 Subdivision – Consent requirements	Consent sought as part of this application. Torrens Title subdivision proposed.	Yes
Part 4 Principal development standards		
4.1 Minimum subdivision lot size	All proposed allotments except for Lots 58 and 201 (as containing land outside of the URA and not meeting the relevant minimum lot size of 40ha) and Lots 25-41 (as subject to the provisions of clause 4.1H) meet the minimum lot size of 500sqm.	Yes
4.1E Minimum lot size for certain split zone lots	Proposed Lot 201 is to contain land in an urban zone that has an area that is not less than the relevant minimum lot size of 500sqm, however, is not containing all of the land in the RU1 zone that was in the original lot (the subject site) as shown in Figure 4 below.	Yes, subject to condition being imposed with any consent granted.

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	 <p><i>Figure 4 – Excerpt from Subdivision Plan (with zoning overlay) by Maker ENG (dated 25/11/2021)</i></p> <p>Therefore, it does not currently meet the relevant criteria of subclause (3).</p> <p>The recommended conditions of consent require an amended subdivision plan prior to the issue of a Subdivision Works Certificate with the following:</p> <ul style="list-style-type: none"> Consolidation of proposed Lots 201 and 58 so as to contain all of the land in the RU1 zone that was in the original lot. <p>The 'wetland/on-site detention basin' and any associated infrastructure would then subsequently be located within a dedicated drainage reserve.</p>	
<p>4.1H Exceptions to minimum subdivision lot sizes for dual occupancies and dwelling houses on certain land in Moss Vale Road South urban release area</p>	<p>This clause applies as part of the subject land is identified as "Clause 4.1H" on the Lot Size Map.</p> <p>Despite the provisions of clause 4.1(3) of this Plan, subdivision within this area is permitted to result in lots less than 500sqm in area, provided they meet the following requirements under subclause (2):</p> <p>(a) the lot has a primary street frontage, (b) the size of the lot is at least 300 square metres, (c) if the size of the lot is less than 400 square metres—the lot is accessed by vehicle using a rear lane or shared driveway.</p> <p>Proposed Lots 25-41 are applicable and less than 500sqm in area. They meet the criteria of subclause (2) as they each have primary street frontage and exceed 300sqm in area (i.e. ranging from 400-465sqm).</p>	<p>Yes</p>
<p>Part 5 Miscellaneous provisions</p>		
<p>5.16</p>	<p>Satisfied. The existing and approved uses of land in the vicinity of the development have been considered and the</p>	<p>Yes</p>

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Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	development is unlikely to have a significant impact nor be incompatible with the proposed subdivision of land and future erection of dwellings, subject to recommended conditions of consent.	
5.21 Flood planning	<p>Council's Floodplain & Stormwater Quality Engineer found the development to be satisfactory subject to recommended conditions of consent (dated 24/04/2021).</p> <p>Flood modelling for the existing and proposed scenario has been undertaken using the TUFLOW hydraulic model developed for the Bomaderry Creek FRMS&P. The proposed development extent appears to be outside the 1% AEP flood extent. The hydraulic modelling also demonstrates that flood impacts in a 1% AEP event are relatively minor and localised.</p> <p>The provisions of subclause (2) have been satisfied and the provisions of subclause (3) have been considered.</p>	Yes
Part 6 Urban release areas		
6.1 Arrangements for designated State public infrastructure	<p>Subclause (4) specifies that this clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area, as is the case for this application.</p> <p>The Department of Planning, Industry and Environment confirmed that the Illawarra Shoalhaven SIC has been finalised.</p> <p>Accordingly, Council is required to place a condition of consent on any determination to require payment of the SIC to the Department. This would be the mechanism for the Department to collect State contributions in this case.</p> <p>The wording of the condition is in the <i>Ministerial Direction</i>.</p>	Yes
6.2 Public utility infrastructure	Satisfied. Public utility infrastructure essential for the development is either available or adequate arrangements have been made to make that infrastructure available when required.	Yes
6.3 Development control plan	Satisfied. Chapter NB3 of SDCP 2014 has been prepared.	Yes
6.5 Exceptions to minimum lot size—subdivision of land in	This clause applies as the original lot (subject site) is in an urban release area and in an approved land use zone, being the RU1 zone.	Yes

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approved land use zones	<p>Development consent is able to be granted to create a residual lot of a size that is less than the minimum lot size shown on the Lot Size Map in relation to the land comprising the residual lot if the residual lot is wholly within an approved land use zone.</p> <p>This applies to proposed Lot 58, nominated as the residue lot.</p> <p>Lot 58 complies as it is wholly within the RU1 zoned portion of the site.</p>	
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Part 7 Additional local provision

7.1 Acid sulfate soils	The subject site is identified as Class 5 land and the works proposed to facilitate the development are not likely to lower the watertable. Accordingly an acid sulfate soils management plan not required.	N/A
7.2 Earthworks	<p>The provisions of subclause (3) have been considered.</p> <p>The proposed earthworks will have no detrimental effect on use of the subject site or the existing and likely amenity of adjoining properties, subject to recommended conditions of consent.</p>	Yes
7.5 Terrestrial biodiversity	<p>The subject site is identified as "Biodiversity – habitat corridor" and "Biodiversity – significant vegetation" on the Terrestrial Biodiversity Map, and situated within 40m of the bank of Good Dog Creek.</p> <p>Following consideration of the provisions of subclause (3), the proposal is unlikely to have any adverse impact, subject to recommended conditions of consent.</p> <p>Accordingly, the proposal is designed, sited and will be managed to avoid any significant adverse environmental impact.</p>	Yes
7.6 Riparian land and watercourses	<p>Good Dog Creek, identified as "Watercourse Category 1", traverses the southern section of the site.</p> <p>The subject site is not identified as "Riparian Land".</p> <p>The development is to be sited and will be managed to avoid any significant adverse environmental impact on this watercourse.</p>	Yes
7.11 Essential services	Services are available.	Yes

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7.21 Development on land in the vicinity of the Western Bypass Corridor	<p>The impact of noise, vibrations and other emissions from any future construction and ongoing use of the Western Bypass Corridor as a road has been considered.</p> <p>It is considered that the development would not prejudice or otherwise restrict the future construction (including the provision of any public utility infrastructure) and operation of the future road.</p>	Yes
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ii) Draft Environmental Planning Instrument

None relevant.

iii) Any Development Control Plan

Shoalhaven DCP 2014

Generic Chapters	Relevant
<u>G2:</u> Sustainable Stormwater Management and Erosion/Sediment Control	<input checked="" type="checkbox"/>
<p>The provisions of this chapter have been considered and Council's Engineers have raised no objections in relation to the proposed stormwater management, ongoing and construction erosion and sediment control measures, subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report).</p>	
<u>G3:</u> Landscaping Design Guidelines	<input checked="" type="checkbox"/>
<p>In accordance with the provisions of Chapter NB3 of this Plan, a landscape strategy, prepared by a suitably qualified person, is required. The strategy is to include as a minimum a landscape plan as per the requirements of this chapter. The recommended draft conditions of consent include a requirement for this to occur prior to the issue of a Subdivision Works Certificate.</p>	
<u>G4:</u> Removal and Amenity of Trees	<input checked="" type="checkbox"/>
<p>The provisions of this chapter have been considered and Council's Environmental Assessment Officer has raised no objections subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report) and as shown in the recommended draft conditions of consent.</p>	
<u>G5:</u> Threatened Species Impact Assessment	<input checked="" type="checkbox"/>
<p>The provisions of this chapter have been considered and Council's Environmental Assessment Officer has raised no objections subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report).</p>	
<u>G7:</u> Waste Minimisation and Management Controls	<input checked="" type="checkbox"/>
<p>No Waste Management Plan (WMP) was provided with this application.</p> <p>A formal WMP is to be submitted regarding the waste management of the development and ongoing waste collection and subject to a condition of consent being imposed. The conditions</p>	

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included in the recommended draft consent, require this prior to the issue of a Subdivision Works Certificate.	
G11: Subdivision of Land	<input checked="" type="checkbox"/>
<p>The development generally complies with the provisions of this chapter (refer to Appendix A) with the exception of the noncompliance outlined below:</p> <p>There is a non-compliance with A79.2 of Control 5.13 Residential Allotment Layout and the allotment depths. Rectangular non-corner lots, rectangular corner lots and irregular shaped lots are required to <u>have a minimum 30m depth. (i.e. any depth less than 30m will not meet the acceptable solution)</u></p> <p>11 lots are proposed with depths less than the minimum required. These are:</p> <p><i>Rectangular non-corner lots:</i> Proposed Lots 7 (26.9m), 22 (28.2m), 50 (26.7m), 51 (26.7m) & 54 (22m)</p> <p><i>Rectangular corner lots:</i> Proposed Lots 6 (26.1m), 8 (26.9m), 21 (28.2m), 23 (26.6m) & 52 (21m)</p> <p><i>Irregular shaped lots:</i> Proposed Lot 53 (22m)</p> <p>The variation statement submitted with the DA by the applicant outlines that the proposed allotments will be able to accommodate residential development that is able to comply with the requirements of Chapters G12, G13 and NB3 of this Plan and has also provided the below sketch to further support the proposed dimensions, which shows 15x10m building envelopes with setbacks in accordance with this chapter.</p>	

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Figure 5 – Non-Compliant Lot Building Envelope Layout Plan by Maker ENG within Design Verification Statement (dated 19/07/2021)

It is considered that the variation proposed to the allotment depths is still consistent with the objectives of this chapter and the relevant performance criteria. The proposed subdivision reflects the subdivision layout envisaged by the DCP and the unique curved nature of the URA boundary, leading to allotment depths that respond to the site constraints of the site. Each lot has the appropriate area and dimensions for the siting and construction of a dwelling and that are capable of delivering housing types that can be designed to meet the minimum required area for private open space, vehicle access and parking, and any ancillary outbuildings, as required by Chapters G12, G13 and NB3 of this Plan.

Accordingly, the variation can be supported by Council.

NB3: Moss Vale Road South Urban Release Area



The development generally complies with the provisions of this chapter (refer to Appendix B). However, there are two (2) of non-compliances relating to subdivision design – lot size and dimensions and block length and width.

There is a **non-compliance with Mandatory Control (2) of Control 7.3 Subdivision Design** and the allotment widths. Lots 400-499sqm in area are to have a minimum width equal to or greater than

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12m and less than 15m. The minimum widths of lots greater than 500sqm in area are to be in accordance with the requirements of Chapter G11 of this Plan.

There are three (3) non-compliant lots (being 400-499sqm in area). These are Lots **28** (16.2m), **29** (15m) & **30** (15m).

The submitted variation statement outlines that the proposed allotments will be able to accommodate future residential development that is capable of complying with the requirements of Chapters G12 and NB3 of this Plan.

It is considered that the variation proposed to the allotment widths is still consistent with the objectives of this chapter. Each lot has the appropriate area and dimensions for the siting and construction of a dwelling and minimum required area for private open space, vehicle access and parking, and any ancillary outbuildings, as required by Chapters G12 and NB3 of this Plan.

Accordingly, this variation can be supported by Council.

The second **non-compliance** is with **Mandatory Control (4) of Control 7.3 Subdivision Design** and the design of the street blocks. The blocks are to be rectangular in shape with the length and width (excluding road verges) to be a maximum of 100m x 70m in areas where small lots are proposed and rear lane access or shared driveways are located; and 200m x 70m in all other areas.

The street block encompassing Lots 28-42 is approximately 212m long (as indicated by the applicant).

The applicant has provided the following justification in the submitted Design Verification Statement (dated 19/07/2021) for the proposed variation:

"This is the most appropriate design adjacent to the open space, when considering the fixed design of the Tree Line Boulevard, the Collector Road, and the intersection into DA SF10632."

It is considered that the variation proposed to the design of the street blocks is consistent with the objectives of this chapter despite not meeting the numerical requirements of the DCP as the street blocks will still contribute to an attractive urban environment that meets the changing needs of the community and offers a wide choice in good quality housing.

The integrity of the outcome envisaged is maintained. Council's Development Engineer has raised no concerns in relation to this matter.

Accordingly, this variation can be supported by Council.

iiia) 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

Nil

iv) Environmental Planning and Assessment Regulation 2021

This application does not propose development requiring consideration under section 61 of the Regulation.

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v) Any coastal zone management plan

Not applicable.

Shoalhaven Contribution Plan 2019

The proposed development is considered to increase the demand for community facilities in accordance with the Shoalhaven Contributions Plan 2019 (the Plan). The development is most aptly characterised as a Subdivision development for the purpose of calculating contributions under the Plan. Contributions are to be subject to a recommended condition of consent and payment required prior to the issue of a Subdivision Certificate.

Whilst the subject site is made up of multiple lots, Lot 8 is the main development lot, and the other lots are only included due to associated works being proposed that impact that land. Therefore, only one (1) existing lot is to be included in the contributions calculation.

Further to this, it is noted that an amended subdivision plan is required prior to the issue of a Subdivision Works Certificate to consolidate proposed Lots 58 and 201 to achieve compliance with the provisions of clause 4.1E, SLEP 2014.

Accordingly, the number of proposed lots for this calculation is 58.

Subdivision

	Existing	Proposed
Lots	1	58
Total ET		57
		0

Project	Description	Rate	Qty	Total	GST	GST Incl
01 AREC 5006	Northern Shoalhaven Sports Stadium	\$706.53	57	\$40,272.21	\$0.00	\$40,272.21
01 AREC 5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$547.93	57	\$31,232.01	\$0.00	\$31,232.01
01 AREC 5009	Planning Area 1 recreational facilities upgrades (various locations)	\$739.61	57	\$42,157.77	\$0.00	\$42,157.77
01 CFAC 0002	Community Hall North Nowra	\$145.51	57	\$8,294.07	\$0.00	\$8,294.07
01 CFAC 5012	Nowra Integrated Youth Services Centre (Cnr Kinghorn & Plunkett Streets)	\$30.25	57	\$1,724.25	\$0.00	\$1,724.25
01 ROAD 2101	Nth Nowra Link Rd-Construct Rd, Bridge & Traffic Facilities	\$6,944.54	57	\$395,838.78	\$0.00	\$395,838.78
CW AREC 5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$1,949.31	57	\$111,110.67	\$0.00	\$111,110.67
CW CFAC 5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,473.26	57	\$83,975.82	\$0.00	\$83,975.82
CW CFAC 5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,292.05	57	\$73,646.85	\$0.00	\$73,646.85
CW CFAC 5007	Shoalhaven Regional Gallery	\$70.93	57	\$4,043.01	\$0.00	\$4,043.01
CW FIRE 2001	Citywide Fire & Emergency services	\$139.37	57	\$7,944.09	\$0.00	\$7,944.09
CW FIRE 2002	Shoalhaven Fire Control Centre	\$203.89	57	\$11,621.73	\$0.00	\$11,621.73
CW MGMT 3001	Contributions Management & Administration	\$579.56	57	\$33,034.92	\$0.00	\$33,034.92
				Sub Total:		\$844,896.18

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GST Total: \$0.00
Estimate Total: \$844,896.18

(b) The Likely impacts of that development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality

Head of Consideration	Comment
Natural Environment	Subject to recommended conditions of consent as detailed in this report, it is considered that there will be no adverse impacts upon the natural environment. The proposal will have a balanced and acceptable impact on the natural environment as outlined in the submitted BDAR and to satisfy the relevant biodiversity legislative requirements.
Built Environment	Subject to recommended conditions of consent as detailed in this report, it is considered that there will be no adverse impacts upon the built environment.
Social Impacts	It is considered that there will be minimal social impacts. The proposal delivers much needed land release for future housing within the Shoalhaven LGA as envisaged by the URA.
Economic Impacts	It is considered that there will be no adverse economic impacts.

(c) Suitability of the site for the development

Subject to recommended conditions of consent, it is considered that the site will be suitable for the development.

(d) Submissions made in accordance with the Act or the regulations

The DA was notified in accordance with Council's Community Consultation Policy for Development Applications. Two (2) submissions were received by Council either objecting to or raising concerns with the proposal. The concerns raised are outlined below:

Summary of Public Submissions	
Objection Raised	Comment
The objector had understood that farmland could no longer be subdivided.	<ul style="list-style-type: none"> The subject site is within the Moss Vale Road South Urban Release Area (URA), which was rezoned in 2014 when SLEP 2014 was finalised, and subdivision of the R1 zoned land for residential purposes is permissible with consent from Council. The subdivision reflects the proposed land release under SDCP 2014 and the strategic intent of the LEP. It is noted that this objection was raised in a submission made on 14 June 2018 in

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	relation to the original application. This objection was not raised when the amended application was exhibited.
Concern that Council appears to be willing to allow departures from their own mandatory controls per clause 7.3.2 of Chapter NB3, SDCP 2014, in respect of the location of small lots relative to primary roads, open spaces, and laneways. The departures are relatively minor in this DA, being mainly small lots 51-62 having same block widths.	<ul style="list-style-type: none"> ▪ The design of the subdivision as lodged had numerous departures to Chapter NB3, particularly the road layout as identified in the ILP. This was amended through the assessment of the DA to reduce the extent of non-compliances. ▪ The development as proposed for approval now generally complies with the provisions of Chapter NB3, SDCP 2014. As detailed in this report, Council is satisfied with the variations to SDCP 2014 and believes the integrity of the outcome envisaged is maintained. ▪ It is noted that this objection was raised in a submission made on 17 July 2018 in relation to the original application. This objection was not raised when the amended application was exhibited.
Access should not be permitted off Taylors Lane in its present form but should be directed via the proposed roundabout on Moss Vale Road, through SF10632.	<ul style="list-style-type: none"> ▪ Access is required via the approved roundabout at Moss Vale Road. As the determination of this DA is to be reported to Council on this matter, two options will be presented to the Council in relation to access via Taylors Lane to ensure any policy decision in relation to the access and design of Taylors Lane is appropriately considered. ▪ It is noted that this objection was raised in a submission made on 17 July 2018 in relation to the original application. This objection was not raised when the amended application was exhibited.

(e) The Public Interest

The proposed development generally complies with the provisions of SLEP 2014 and is broadly consistent with the SDCP 2014 (albeit for the variation to minimum lot depths under A79.2 of Control 5.13 *Residential Allotment Layout*, Chapter G11, minimum lot widths under Mandatory Control (2) of Control 7.3 *Subdivision Design*, Chapter NB3, and design of street blocks under Mandatory Control (4) of Control 7.3 *Subdivision Design*, Chapter NB3). The subdivision will deliver land for future residential development in line with the strategic intent of the URA and SDCP 2014. Subject to the recommended draft conditions of consent, the development is not expected to have any unacceptable negative impacts on the environment, or the amenity of the locality as detailed in this report warranting refusal of the development.

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The proposal will provide additional housing supply and variety of housing.

Delegations

Guidelines for use of Delegated Authority

The Guidelines for use of Delegated Authority have been reviewed and the assessing officer does not have the Delegated Authority to determine the Development Application.

Given Council's previous resolutions in relation to access from Taylors Lane (i.e. MIN20.419 and MIN21.245), it is considered that the application should be referred to the elected Council for determination:

Recommendation

This application has been assessed having regard for Section 4.15 (Matters for consideration) under the Environmental Planning and Assessment Act 1979. As such, it is recommended that Development Application No. SF10656 be approved subject to appropriate conditions of consent.

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Appendix A – Assessment Checklist: Chapter G11 - Subdivision of Land

5.9 – Utility Services

A66.1 Design and provision of utility services, including broadband, conforms to the requirements of the relevant service authorities.

Comment: Subject to recommended conditions of consent.

A67.2 Compatible services are located in common trenching.

Comment: Noted.

A67.3 Subdivisions are located where there is adequate water for domestic and fire-fighting purposes.

Comment: Satisfied.

A67.4 Subdivision is staged to ensure that each stage is fully serviced before a new area is released.

Comment: Noted.

A67.5 Water supply and sewerage networks are accessible, easy to maintain and cost effective based on life cycle costs.

Comment: Satisfied.

A67.6 Adequate buffers between utilities and houses are provided, to protect residential amenity and health.

Comment: Satisfied.

A67.7 Underground electricity supply is provided to residential areas, except where major technical difficulties are encountered, such as the presence of significant rock.

Comment: Satisfied.

A67.8 Provision of reticulated gas is subject to requirements of the service provider.

Comment: Noted. This matter would be determined through discussions between the developer and service provider.

A67.9 Underground telecommunications service, including NBN, is to be installed where underground electricity is to be provided.

Comment: Noted.

A67.1 Where required, the subdivider is to provide, at no cost to Council:

- Suitable easements for water and sewer rising main;
- An agreed area of land for pumping stations;
- Easements or land for access to pumping stations;

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Comment: Subject to the requirements of Shoalhaven Water and their Notice.

5.10 – Stormwater Drainage

A68.1 Design and construction of systems is in accordance with the requirements of this Section and Council's *Engineering Design Specifications - D5 Stormwater Drainage Design*.

Comment: Subject to recommended conditions of consent.

A69.2 Detention basins may be considered/required where downstream systems are inadequate. Design is to be based on the 1% AEP storm event.

Comment: Not applicable.

A69.1 Provide an overland flow path capable of containing the 1% AEP rainfall event and/or provide adequate detention storage.

Comment: Not applicable.

A70.2 Connection of a new system to an existing system with capacity less than 1% AEP:

- Satisfies the requirement of the 1% AEP event; and
- Provides a suitable transition between the systems.

Comment: Not applicable.

A70.1 Habitable floor levels are consistent with the requirement in Chapter G9: Development on Flood Prone Land of this DCP.

Comment: Not applicable.

A71.2 Subdivision and engineering plans show minimum floor levels adjacent to drainage paths, including roads where they are used as overland flow paths in the design concept.

Comment: Not applicable. No buildings are proposed as part of this application.

A71.1 Waterways and riparian/wetland vegetation, where they exist, are incorporated into the drainage design, with respect to threatened species and their habitats.

Comment: Satisfied in relation to Good Dog Creek, subject to compliance with the General Terms of Approval issued by NRAR.

A72.2 Sports grounds and other less flood sensitive land uses are incorporated into the local drainage corridor.

Comment: Not applicable.

A72.3 Detention basins, where necessary, are located to control stormwater subject to preserving and/or enhancing the natural integrity of the stream.

Comment: Satisfied.

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A72.4 System design ensures there are no flow paths that increase the risk to public safety and property.

Comment: Satisfied following consideration by Council's Development Engineer.

A72.1 Design and construction of minor storm drainage systems is in accordance with this Section and *Engineering Design Specifications Section D5 Stormwater Drainage Design*.

Comment: Subject to Council's Development Engineer recommended conditions of consent.

A73.2 Drainage networks are well defined to ensure there are no hidden flow paths that could reduce their capacity to convey design flows.

Comment: Satisfied following consideration by Council's Development Engineer.

A73.3 Design of minor systems takes full account of existing downstream systems.

Comment: Satisfied following consideration by Council's Development Engineer.

A73.1 Minor road drainage systems are designed for the 20% AEP event.

Comment: Satisfied following consideration by Council's Development Engineer.

A74.2 Low flow pipes within public reserves contain 25% of the 10% AEP flow.

Comment: Satisfied following consideration by Council's Development Engineer.

A74.1 Design and construction of minor storm drainage systems is in accordance with this Section and *Engineering Design Specifications Section D5 Stormwater Drainage Design*.

Comment: Subject to recommended conditions of consent.

A75.2 Access for maintenance is available where a portion of the minor system lies within a site.

Comment: Satisfied.

A75.3 Selection of materials is based on their suitability, durability, maintainability and cost effectiveness.

Comment: Noted.

A76.1 Where site topography prevents the discharge of stormwater directly to the street gutter or a Council controlled piped system, inter-allotment drainage is provided to accept runoff from all existing or future impervious areas that are likely to be directly connected.

Comment: Subject to recommended conditions of consent.

A77.2 Easements favouring the benefiting allotments are created over inter-allotment drainage.

Comment: Subject to recommended conditions of consent.

A77.3 Stormwater discharge from a development site, including inter-allotment drainage, is in accordance with *Engineering Design Specifications Section D5 Stormwater Drainage Design*.

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Comment: Subject to recommended conditions of consent.

5.11 – Stormwater Quality Management

Comment: The proposal is considered to satisfy the requirements of Chapter G2.

5.12 – Residential Streetscape

Comment: A revised landscape plan is required and subject to recommended condition of consent.

5.13 – Residential Allotment Layout

General

A78.1 Minimum standard residential lot size in any residential subdivision is 500m².

Comment: Satisfied, except for proposed Lots 25-41, which meet the criteria of subclause (2) of clause 4.1H of SLEP 2014, relating to an exception to minimum subdivision lot sizes for dwelling houses to be constructed on certain land in urban release areas.

A79.2 Lot shape and dimension:

Rectangular non-corner lots

16m square width minimum
30m minimum depth

Rectangular corner lots

Square width 20 metres
Depth 30 metres

Irregular shaped lots

Square width 12m
Width at building line 16m
Mean width 18 m
Depth 30m

Corner Splays 4m minimum

Comment: **Non-compliance.** Discussed earlier in the report.

A79.3 Small scale infill subdivision on flood prone land – For small scale infill subdivisions a nominal building envelope of approximately 15m wide and 21m deep, sited in accordance with the requirements of Chapter G12: Dwelling Houses, Rural Worker's Dwellings, Additions and Ancillary Structures be provided above the 1% flood level on each proposed lot in the subdivision.

Comment: Not applicable.

A79.1 The subdivision lot design positively responds to:

- Slope and desirability of minimising earthworks/retaining walls associated with dwelling construction.

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- Natural or cultural features;
- Soil erosion and bushfire risk;
- Special features such as trees and views, including identification of mature stands of trees to be retained and supplementary planting.

Comment: Satisfied. The proposed lot areas and dimensions have taken into account the subject site's natural opportunities and constraints.

A80.1 Each lot is to have coincidental legal and practical access in a rural and/or residential subdivision.

Comment: Satisfied.

Battle-axe lots

A81.1 Battle-axe lots to have a minimum lot size of 650m², excluding access handle.

Comment: Satisfied in relation to proposed Lot 3.

A82.1 Multiple use access corridor as follows:

Access Minimum	No. of Lots	Pavement Width
4.0m	1 to 2	3.0m
6.0m	3 to 6	5.0m

Comment: Subject to recommended conditions of consent.

A83.2 The right of way pavement to be of reinforced concrete for 3 or more lots as detailed in Council's *Engineering Design Specification*, chapter D1.

Comment: Not applicable.

A83.1 Rectangular building envelope with minimum dimensions of 15m x 15m is available.

Comment: Suitable building area is available on this allotment.

A84.1 Side boundary building setbacks of 5m to adjoining property boundaries, except where a lesser dimension is provided.

Comment: Noted.

Appendix B – Assessment Checklist: Chapter NB3 - Moss Vale Road South Urban Release Area

7.1 – Indicative Layout Plan

7.1.2 Performance Criteria and Acceptable Solutions

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A1.1 Development within the URA is in accordance with the ILP (Figure 2).

Note: Variations to the ILP may be considered where the applicant provides sound justification and can demonstrate that the proposed development meets Sections 5, 6 and 7 of this Chapter.

Comment: Satisfied. The subdivision is generally in accordance with the ILP.

Further to this, the applicant's following justification for the layout in the submitted Design Verification Statement (dated 19/07/2021) is noted and supported:

"The collector road ties into Taylors Lane slightly towards the west, subsequently no cross street running east to west in the location. The collector road is designed to tie-in to the intersection of the approved DA SF10632. This will be a Roundabout on Taylors Lane. As such the road layout has been reconfigured to best suit the available space.

The nominated open space is shown in accordance with the DCP. The space has been purchased by Council and is registered as Lot 3 DP 1256748. Council will be responsible for the open space works."

A1.2 Subdivision must demonstrate consistency with the following of the below residential density targets in relation to the ILP:

- Large Lot Residential: 10-14 dwellings per hectare.
- Standard Lot Residential: 15-20 dwellings per hectare.
- Small Lot Residential and Medium Density/Integrated Housing: 21-35 dwellings per hectare.

Comment: Satisfied.

Council is supportive of the applicant's justification in the submitted Design Verification Statement (dated 19/07/2021):

"The lot layout provides 17 x 400m2 medium density lots fronting open space to the north western portion of the site.

Two superlots are provided which can accommodate integrated product (Lots 42 and 57). The superlots can provide approximately 13 lots (based on 250m2 per dwelling, which is large for integrated product and therefore has potential for a number of additional dwellings).

The majority of lots are standard lot residential 500m2 in size, while to the south of the collector road are large lot residential (722-1220m2).

*17 lots = medium density
35 lots = standard lot residential
3 lots = large lot residential
2 Super lots = likely 13 integrated housing residential"*

7.2 – Staging

7.2.2 Performance criteria and acceptable solutions

A2.1 The staging of the URA is undertaken in accordance with Figure 3.

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Comment: Satisfied. The subject site lies within Stage 3 of the URA, and the proposed development has been designed to occur following construction of that approved as part of Development Consent SF10632 (as modified).

A2.2 Sub-stages within the stages identified in Figure 3 is acceptable where infrastructure delivery has not been compromised.

Comment: Noted.

7.3 – Subdivision Design

7.3.2 Mandatory Controls

1) Subdivision applications require the lodgement of a Design Verification Statement in support of the application.

Note: See Section 8.1 of this Chapter for guidelines to preparing a Design Verification Statement.

Comment: Satisfied. A Design Verification Statement has been submitted with the DA that suitably addresses the requirements of the DCP.

2) Lot widths are to be relative to the lot area as per Table 1 below:

Table 1 - Lot width requirements

Lot size (m ²)	Minimum Width (m)
300 – 399	>8 and <12
400 - 499	Equal to or >12 and <15
500+	In accordance with Chapter G11: Subdivision of Land

Comment: **Non-compliance.** Discussed earlier in the report.

3) Subdivision of small lots must have varying lot widths. No more than three consecutive lots shall have the same lot width. A minimum variation of 10% of the adjacent lot width is required.

Comment: Satisfied.

4) Street blocks are designed to be rectangular in shape to enable permeability. The length and width of street blocks (excluding road verges) are a maximum of:

- 100m x 70m in areas where small lots are proposed and rear lane access or shared driveways are located.
- 200m x 70m in all other areas.

Comment: **Non-compliance.** Discussed earlier in the report.

5) The subdivision layout is designed to maximise the number of north facing dwellings as per the indicative subdivision patterns demonstrated in Figures 4 to 6. In the case of certain forms of

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medium density housing and zero-allotments, preference will be given to an east-west orientation in order to maximise solar access along the longest dwelling elevation.

Comment: Satisfied. The narrow allotment of the existing lot has resulted in the northern portion of the subdivision having a north-south orientation however the southern portion of the site integrates with the future adjoining subdivision to deliver more east-west oriented blocks.

6) Subdivision of small lots in accordance with Shoalhaven LEP 2014 must:

- Have a primary street frontage;
- Adjoin land reserved for public open space (either directly or separated by a road) or be located along a tree-lined boulevard; and
- Access is provided via a rear laneway or shared driveway arrangement, except for lots equal to or greater than 400m².

Comment: Satisfied. There are several small lots facing Road 2 and Road 3 with lots facing Road 2 opposite land identified for a future public open space, while Road 3 has lots that are equal to or greater than 400sqm.

7) Lots less than 400m² include a restriction as to user via a Section 88B instrument that restricts vehicular access from the primary road frontage.

Comment: Not applicable. No >400sqm lots.

8) Battle-axe lots are avoided unless the access handle provides rear access to small lots.

Comment: Not applicable. No battle-axe lots proposed.

7.3.3 Performance criteria and acceptable solutions

A3.1 The location of zero lot lines are based on orientation and topography. The zero lot line should be located on the most southern side of the lot (refer to Figure 7) to maximise solar access.

Comment: Not applicable.

A3.2 The location of proposed zero lot lines must be demonstrated on the subdivision plan.

Comment: Not applicable.

A4.1 Corner lots shall allow for a minimum splay of 2m x 2m to allow for pedestrian and vehicular sight distance.

Comment: Satisfied. Council's Development Engineer have not raised any concern with regard to this control.

A5.1 Where residential development adjoins public spaces (excluding laneways) the subdivision design enables the configuration of dwellings or other residential accommodation uses to front the public space.

Comment: Satisfied.

A6.1 The street layout enables view lines to be established to open space areas within the URA, and to escarpment and pastoral landscapes beyond the URA as per Figure 8.

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Comment: Satisfied.

A6.2 The subdivision layout considers views into the URA from Moss Vale Road, Main Road, Taylors Lane and North Nowra.

Comment: Satisfied.

7.4 – Street Network and Hierarchy

7.4.2 Mandatory Controls

1) The street network is to be provided in accordance with Figure 2 and Figure 9. Where a variation to the residential street network is proposed, achievement of the following principles must be demonstrated:

- Establish a defined street hierarchy and permeable street network as per the key development outcomes,
- Encourage walking and cycling by ensuring allotments are within 400m walking distance from the Collector Road,
- Maximise connectivity between residential areas and open space,
- Take account of topography and improve connectivity between significant and remnant vegetation through revegetation,
- Optimise solar access opportunities for dwellings,
- Provide frontage to and maximise surveillance of open space and riparian corridors,
- Provide views and vistas to key landscape features,
- Maximise the use of water sensitive urban design measures,
- Minimise the use of four-way intersections, and
- Minimise the use of cul-de-sacs.

Comment: Satisfied, although variation to the residential street network is proposed, noting the omission of the roundabout on the Collector Road (approximate chainage 900 as indicated by the applicant). The applicant removed the roundabout from the design, as confirmed with Council in a meeting dated 12 August 2020. Council's Development Engineer has raised no concerns in relation to this matter.

2) Streets are designed in accordance with Tables 2 to 6 and Figures 10 to 14. Carriageway widths are measured from lip to lip. Where roads are adjacent to a public open space area, the verge widths may be reduced to a minimum of 1.5m subject to adequate provision of footpaths, utilities, fencing, required Asset Protection Zones or buffers to riparian corridors.

Comment: Satisfied.

3) No direct vehicular access or waste collection is permitted on Tree-lined Boulevards, except for the area to the far-west of the western Collector Road (as illustrated by the dashed line in Figure 9).

Comment: Satisfied.

4) The Collector Road is designed to allow for a future public transport route as per Figure 15.

Comment: Satisfied.

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5) All streets must be designed to produce a low speed environment primarily governed by the road geometry, traffic management and calming devices may be considered if required. Such traffic management devices are to be identified at subdivision DA stage.

Comment: Satisfied.

6) Street trees are required on all streets and are to be placed within the verge as per Figures 10 to 14, and Tables 2 to 6. Placement of street trees will consider underground services, driveways and easements in accordance with Figure 16. Street tree species are to be selected from the Moss Vale Road South Species List in order to establish a distinct identity for the URA. Street trees are planted with appropriate root guards to protect underground infrastructure, pathways, kerb and gutters. Street tree planting is alternated with street lighting.

Comment: Subject to condition of consent.

7) Construction of verges provide adequate space for underground service allocation and street trees as per Figure 16.

Comment: Noted.

8) All construction access is to be provided via Moss Vale Road. Taylors Lane will be suitable for use after the completion of the Far North Collector Road project.

Comment: Noted and subject to Transport for NSW recommended conditions of consent.

7.5 – Laneways

Comment: Not applicable. No laneways proposed.

7.6 – Shared Driveways

Comment: Not applicable. No shared driveways proposed.

7.7 – Pedestrian and Cycle Routes

7.7.2 Performance criteria and acceptable solutions

A9.1 Shared user paths are located within the verge except for where located within the open space areas as per Figure 18.

Note: The location of shared user paths in the verge is to avoid any water supply mains.

Comment: Satisfied.

A9.2 The location of shared user paths in open space areas avoid any existing, established vegetation to ensure retention.

Note: The location of shared user paths within open space areas in Figure 18 are indicative only.

Comment: Satisfied.

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A9.3 Shared user paths are 2m wide except for the shared path parallel to Moss Vale Road which is to be 2.5m wide.

Note: Refer to Section 7.4 of this Chapter for locations and minimum widths.

Comment: Satisfied.

A9.4 Shared user paths are constructed as per Chapter G11: Subdivision of Land.

Comment: Satisfied.

7.8 – Open Space System

7.8.2 Performance criteria and acceptable solutions

A10.1 Open spaces areas are located in accordance with the ILP at Figure 2.

Comment: Satisfied.

A10.2 Open space areas incorporate facilities such as seating, playgrounds, BBQs, paved areas and landscape planting.

Comment: Embellishment of open space areas is not proposed as part of this application.

A10.3 The open spaces act as gateways marking connections and transitions to adjoining areas.

Comment: Noted.

A10.4 Open space areas are provided in accordance with Chapter G11: Subdivision of Land.

Comment: Satisfied.

A11.1 Significant areas of natural and environmental value are retained, enhanced and incorporated into the open space network.

Comment: Satisfied.

7.9 – Landscape Strategy

A12.1 A landscape strategy, prepared by a suitably qualified person, is submitted at the subdivision DA stage. The landscape strategy is to include as a minimum:

- Landscape Plan as per Chapter G3: Landscaping Design Guidelines;
- Entry treatment (only for stages that include entry from Moss Vale Road and Taylors Lane);
- Extensive landscaping and street tree planting that incorporates deep rooted canopy trees as per the Moss Vale Road South Species List;
- Protection of remnant vegetation and established trees primarily in the public domain (as per Figure 19);
- Protection of riparian corridors (See P15 and A15.1 below);
- Provision of landmark tree planting along the two tree-lined boulevards;
- Establishment of a street lighting and furniture palette;
- Inclusion of any relevant signage detailing local history, Aboriginal cultural values, environmental education themes and the like;

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- Deep soil planting to enable a substantial tree cover to be created over time;
- Removal of existing noxious and environmental weed species; and
- Rehabilitation of E3 Environmental Management zones.

Comment: Subject to a condition of consent, as only a landscape plan has been provided with this application. It is noted that this plan was provided with the original application and has not been revised to reflect the latest design.

A12.2 Provision of landscaping does not impact sight distances for traffic and pedestrians. Minimum safe sight distances must be maintained.

Comment: Noted.

A13.1 Landscaping is designed in consideration of existing established trees through their retention in the public domain, including road reserves and open spaces. Sufficient space around existing established trees is provided to minimise potential hazards to structures.

Comment: Noted. However, as detailed earlier in this report, the subject site will be cleared in its entirety. Any established trees within the site are unable to be retained.

A13.2 Flora and fauna assessment considers any trees for removal for risk and safe useful life expectance (SULE).

Comment: Satisfied. The submitted BDAR has considered this matter.

7.10 – Environment

7.10.2 Performance criteria and acceptable solutions

A14.1 Significant and remnant vegetation (including native vegetation) within the public domain, including in open space areas, is retained and opportunities for enhancement are included.

Note: Threatened species have been identified in this URA. A comprehensive Flora & Fauna assessment is to be prepared by a suitably qualified and experienced person and is to include an analysis of constraints and opportunities, identify/map areas for rehabilitation and assessment to consider any trees for removal for risk and safe useful life expectance.

Comment: Satisfied, subject to recommended conditions of consent.

It is noted that the provisions of this solution (and other solutions within this section) have been appropriately addressed. As detailed earlier in this report, a BDAR has been submitted as part of this application.

As stated in the BDAR:

“While it has been assessed that the Subject Land will be cleared in its entirety, additional avoidance and mitigation measures will be undertaken to reduce the severity of these impacts on the local biodiversity. These measures include a site ecologist pre-clearance survey, micro-bat management plan, felling supervision of the habitat bearing trees, installation of compensatory nest boxes and a native species landscaping plan. A Construction and Environmental Management Plan will also be prepared to ensure no further impact during the construction phase.”

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No concerns or objections were raised by Council's Environmental Assessment Team with the submitted BDAR subject to recommended conditions of consent being imposed (if approved), as detailed under the 'Referrals' section of this report.

A14.2 Identify impact mitigation and management measures to protect threatened species including but not limited to bats.

Comment: Satisfied (as above).

A15.1 Continuous riparian zones are provided along Bomaderry Creek, Good Dog Creek and unnamed creek.

Comment: Satisfied, subject to recommended conditions of consent.

A15.2 Riparian zones and associated buffers are to be retained and enhanced using local native species to improve the ecological functions of the watercourses.

Comment: Satisfied, subject to recommended conditions of consent.

A15.3 Buffers are vegetated to protect the integrity of the riparian zone from weed invasion, littering, sedimentation, erosion control pollution and impacts of climate change.

Comment: Satisfied, subject to recommended conditions of consent.

A15.4 Fencing within riparian corridors are minimised and across watercourses is not permitted. Where fencing is required for safety purposes, the design must allow terrestrial and aquatic fauna to pass through.

Comment: Satisfied, subject to recommended conditions of consent.

A16.1 An Aboriginal Cultural Heritage Assessment is submitted at the subdivision DA stage.

Comment: Satisfied.

A16.2 Where culturally appropriate and acceptable any Aboriginal cultural heritage identified through the Aboriginal Cultural Heritage Assessment is used to develop interpretive signage to be located in the public spaces of the URA.

Comment: Not applicable.

7.11 – Stormwater Management and Flood Minimisation

7.11.2 Performance criteria and acceptable solutions

A17.1 Development Applications must be supported by a Concept Stormwater Plan. The Concept Stormwater Plan must demonstrate:

- WSUD principles (including on-site stormwater detention/retention) as per Chapter G2: Sustainable Stormwater Management and Erosion and Sediment Control.
- Stormwater management primarily within the street network.

Comment: Satisfied.

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It is noted that the provisions of this solution (and other solutions within this section) have been appropriately addressed.

No concerns or objections were raised by Council's Development Engineer with the submitted stormwater management details subject to recommended conditions of consent being imposed (if approved), as detailed under the 'Referrals' section of this report.

A17.2 Stormwater management is to be designed and implemented within the URA boundaries unless the following can be demonstrated:

- suitable topography;
- good access to the WSUD/drainage infrastructure;
- ability to be combined with an adjacent WSUD element;
- ensure that flow rates and water quality do not adversely impact the waterway reach from the site to the offsite WSUD element; and
- WSUD element is increased in size to cater for the additional catchment.

Comment: Satisfied.

A17.3 WSUD measures are operational no earlier than 90% completion to avoid any bio-retention/filtration basins or wetlands being compromised.

Comment: Satisfied.

A18.1 'Minor' flows are managed using piped systems for the 18.13% Annual Exceedance Probability (AEP) (5 year Average Recurrence Interval) (residential accommodation) and 10% AEP (10 year Average Recurrence Interval) (mixed use development/commercial premises). Management measures shall be designed to:

- control stormwater to minimise localised flooding and reduce nuisance flows;
- provide sufficient on-site storage to match pre peak flow rates for the 50% AEP (1.5 year), 18.13% AEP (5 year) and 5% AEP (20 year) rain events;
- ensure that the duration of stream forming flows are no greater than 2 times the pre-development duration of stream forming flows at the site discharge point;
- encourage the installation of rainwater tanks for residential accommodation that meet a portion of supply such as outdoor use, toilets, laundry;
- capture and retain a high level of urban water run-off pollutants to protect local watercourses;
- include sufficient WSUD elements to achieve the water quality targets listed in the table below.

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Pollutant	Reduction
Gross pollutants	90%
Total Suspended Solids	85%
Total Phosphorus	65%
Total Nitrogen	45%
Total Hydrocarbons	0%

Comment: Satisfied.

A18.2 Major 'flows' are managed using dedicated overland flow paths such as open space areas, roads and riparian corridors for all flows in excess of the pipe drainage system capacity and above the 18.13% AEP (5 year Average Recurrence Interval). Management measures shall be designed to:

- prevent both short term and long term inundation of habitable dwellings;
- control localised flooding from storm events to maintain access to lots, maintain the stability of the land form and to control erosion;
- habitable floor levels to have a minimum of 0.5m freeboard above the 1% AEP (100 year) flood level;
- ensure that any proposed filing does not cause unacceptable afflux to adjacent properties for all events up to and including the probable maximum flood;
- provide for the orderly and safe evacuation of people away from rising floodwaters by providing reliable access ensuring that the water depth – velocity product is no greater than 0.3m²/s for events up to 1% AEP (100 year) storm;
- provide sufficient on-site storage to match pre development peak flow rates for the 1% AEP (100 year) rain event. This will be achieved using detention storage within water quality features and detention basins.

Comment: Satisfied.

A18.3 Management measures for minor and major flows (including WSUD elements) must not result in obstruction/redirection of flood waters as per Chapter G9: Development on Flood Prone Land.

Comment: Satisfied.

A19.1 Stormwater outlets include an appropriate flow spreader/energy dissipater to replicate pre development flow conditions.

Comment: Satisfied.

A20.1 Stormwater discharge is designed to achieve targeted reductions as per Chapter G2: Sustainable Stormwater Management and Erosion and Sediment Control.

Comment: Satisfied.

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7.12 – Residential Development

Comment: Not applicable. Only subdivision proposed.

7.13 – Fencing

Comment: Not applicable. No fencing proposed.

8.1 – Information required with subdivision applications

Subdivision Plans

Must demonstrate the location of proposed or potential zero-allotments.

Comment: Not applicable.

Staging Plans

All subdivision applications must demonstrate consistency with the indicative staging plan at Figure 3 in this DCP Chapter. Staging plans must identify the indicative dwelling yield and provision of infrastructure to be delivered for that stage of the development.

Comment: Satisfied.

Design Verification Statement (DVS)

A DVS is a document that provides clear and sound reasoning on how the proposed development meets the relevant objectives, performance criteria and acceptable solutions of this Chapter. A DVS is required to support a subdivision DA which includes small lots as per Shoalhaven LEP 2014. The DVS must include but is not limited to:

- A description of the proposed development (except for where the DVS is contained within a Statement of Environmental Effects).
- A robust explanation of the design of the subdivision and how it meets the individual key development outcomes (refer to Section 6 of this Chapter).
- Identify and justify any variations to the ILP.

Comment: Satisfied.



Address all correspondence to: The Chief Executive Officer,
PO Box 42, Nowra NSW 2541 Australia
shoalhaven.nsw.gov.au/contact | 1300 293 111
shoalhaven.nsw.gov.au     

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
DEVELOPMENT CONSENT**

Environmental Planning and Assessment Act, 1979
SF10656

TO:

Maker Eng Pty Ltd
Level 4, 25 Atchison Street
WOLLONGONG NSW 2500

being the applicant(s) for SF10656 relating to:

371 Illaroo Rd, BANGALEE - Lot 2 DP 848630
Taylors Lane, CAMBEWARRA - Lot 3 DP 1256748
Taylors Lane, CAMBEWARRA - Lot 8 DP 1256748
169 Hockeys Lane, CAMBEWARRA - Lot 1 DP 1281124
121 Taylors Lane, CAMBEWARRA - Lot 2 DP 1281124

APPROVED USE AND OR DEVELOPMENT:

Residential subdivision to create 57 Torrens Title allotments, including 55 residential allotments, one (1) drainage reserve, one (1) residue lot, and provision of roads, drainage and utility infrastructure along with associated landscaping works

DETERMINATION DATE:

Pursuant to the Section 4.18 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

CONSENT TO OPERATE FROM:

CONSENT TO LAPSE ON:

This consent is valid for five years from the date hereon.

In accordance with Section 4.53 of the Act, development consent for the use of the land or the erection of a building does not lapse if building, engineering or construction work relating to the building or work or the use is physically commenced on the land to which the consent applies before the lapse date.

DETAILS OF CONDITIONS:

The conditions of consent and reasons for such conditions are set out as follows:

PART A: GENERAL CONDITIONS

1. General

The consent relates to **Residential subdivision to create 57 Torrens Title allotments, including 55 residential allotments, one (1) drainage reserve, one (1) residue lot, and provision of roads, drainage and utility infrastructure along with associated landscaping works** as documented on the stamped plans/documentation, or as modified by the conditions of this consent. The development must be carried out in accordance with this consent. If there is inconsistency between the stamped plans/documentation and the conditions of consent, the conditions prevail to the extent of that inconsistency.

Stamped plans/documents	Ref/sheet no.	Prepared by	Dated
Lot Layout Plans (as amended in red)	Reference No. ISC00266-10-C005 & ISC00266-10-C006 Sheet No. 1 & 2	Maker ENG	25/11/2021 (Revision P5 & P6)
Subdivision Plan (as amended in red)	Reference No. ISC00266-10-C008	Maker ENG	11/11/2021 (Revision P9)
Bulk Earthworks Plan (as amended in red)	Reference No. ISC00266-10-C020	Maker ENG	25/11/2021 (Revision P6)
Stormwater Layout Plans (as amended in red)	Reference No. ISC00266-10-C110 to C112 Sheet No. 1-3	Maker ENG	25/11/2021 (Revision P5, 6 & 7)
Water Cycle Management Strategy	Reference No. ISC00266	Maker ENG	20/07/2021 (Version 2)
Biodiversity Development Assessment Report	Reference No. LE1316	Lodge Environmental	25/10/2021 (Revision 3)
Aboriginal Cultural Heritage Assessment Report	Reference No. 1919	Austral Archaeology	13/05/2021 (Version 3)
Addendum Aboriginal Cultural Heritage Assessment Report	Reference No. 21150	Austral Archaeology	14/12/2021 (Version 3)
Statement of Environmental Effects	Reference No. 8141800401/Report 001	Cardno	22/02/2018 (Version 1)

Note: Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under section 4.55 of the Environmental Planning and Assessment Act, or a new development application.

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2. **Prescribed Conditions**

The development must comply with the [Prescribed Conditions of Development Consent](#), Division 8A, *Environmental Planning and Assessment Regulation 2000*, as applicable.

3. **Native Vegetation and Habitat**

The removal and/or disturbance of native vegetation and habitat on the property, including canopy trees, understorey and groundcover vegetation, is restricted to that required to construct and maintain the development in accordance with the approved plans.

4. **Contamination – Mitigation Measures**

Mitigation measures as outlined in Section 5.6.4 of the Statement of Environmental Effects by Cardno (Reference No. 8141800401/Report 001, Version 1, dated 22/02/2018) must be implemented prior to construction/earthworks by an appropriately qualified and experienced environmental consultant.

5. **"Partial" Consent**

This is a "partial" consent for development as specified under Condition 1 of this consent and granted in accordance with the provisions of Section 4.16(4)(c) of the Act.

Development consent for Lots 42 and 57 and any construction within the Taylors Lane road reserve must be granted by Council within 12 months of the date of this consent.

6. **Taylors Lane**

No access is permitted to Taylors Lane, with the exception of access across Road 01, at this time given Council's resolution to defer a decision on the upgrade of Taylors Lane as part of the Far North Collector Road project and undertake a review of the zoning and planning controls applicable to land around Taylors Lane.

PART B: INTEGRATED DEVELOPMENT AND CONCURRENCE CONDITIONS

7. **Natural Resources Access Regulator**

The conditions of the General Terms of Approval issued by Natural Resources Access Regulator, Reference No. IDAS-2021-10145, dated 13 January 2022, are included as conditions of this consent and must be complied with.

8. **Heritage NSW**

The conditions of the General Terms of Approval issued by Heritage NSW, Reference No. DOC22/43120, dated 21 January 2022, are included as conditions of this consent and must be complied with.

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PART C: PRIOR TO THE COMMENCEMENT OF WORKS**9. Subdivision Works Certificate**

A Subdivision Works Certificate must be obtained from either Council or an accredited certifier prior to commencement of any subdivision work.

10. Appointment of Principal Certifier

Prior to the commencement of building or subdivision work, a Principal Certifier must be appointed.

11. Notice of Commencement

Notice must be given to Council at least two (2) days prior to the commencement of building or subdivision work by completing and returning the form '[Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority](#)'

12. Notice of Commencement – Responsible Person Subdivision

Prior to the commencement of works, written notice must be given to Council (at least two days prior) that includes the name and contact number of a professional engineer, (as defined in the National Construction Code) / surveyor responsible for all subdivision works.

13. Controlled Activity Approval Required

Where required by a concurrence authority listed in Part B of this determination, a Controlled Activity Approval (CAA) is to be obtained from that authority prior to those works commencing.

14. Waste Management Plan

A Waste Management Plan (WMP) must be prepared in accordance with Chapter G7 of Shoalhaven Development Control Plan 2014. The WMP must be approved by Council or the Certifier prior to the commencement of any works.

15. Toilet Facilities - Temporary

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- c) be a temporary chemical closet approved under the *Local Government Act 1993*.

16. Public Safety and Protection of Public Property - Hoarding

Prior to the commencement of works a Class A temporary hoarding must be approved under section 138 and erected between the work site and adjoining lands in accordance with SafeWork NSW guidelines and AS 2601 *Demolition of structures*. The hoarding must be kept in place until completion of the works.

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17. Construction Traffic Management Plan

Prior to the commencement of works, a Construction Traffic Management Plan detailing the proposed method of dealing with construction traffic and parking must be approved by Council.

Details must include, but are not limited to:

- a) Avoid direct construction access to the intersection of Taylors Lane / Moss Vale Road.
- b) Stabilised site construction access location
 - i) Proposed haulage routes for delivery of materials to the site
 - ii) Proposed haulage routes for spoil disposal from the site
 - iii) Traffic control planning for each of the various phases of construction and/or vehicle movements associated with construction
 - iv) Parking arrangements for construction employees and contractors
 - v) Proposed maintenance of the haulage routes and the name of the person responsible for such maintenance
 - vi) Loading / unloading areas
 - vii) Requirements for construction or work zones
 - viii) Pedestrian and cyclist safety
 - ix) Speed zone restrictions.

18. Runoff and Erosion Controls

Prior to the commencement of site works, runoff and erosion controls must be implemented and maintained during construction to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- a) diverting uncontaminated runoff around cleared or disturbed areas.
 - i) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties.
 - ii) preventing the tracking of sediment by vehicles onto roads.
 - iii) stockpiling topsoil, excavated materials, construction and landscaping supplies and debris within the lot.

19. Dilapidation Report

The developer must engage a competent person to prepare a dilapidation report in respect of the neighbouring premises and adjacent public infrastructure, including adjacent kerbs, gutters, footpaths (formed or unformed), driveways (formed or unformed), carriageway, reserves and the like to document evidence of any existing damage.

The dilapidation report must consider the impact of any excavation work that extends below the level of the base of the footings of any structure within 0.9 metres of the shared boundary.

Before works commence, a copy of the dilapidation report must be provided to the Certifier and Council. The dilapidation report will be the benchmark for necessary repairs to damage caused during the development works. The repairs must be completed by the developer at the developer's cost.

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Not less than seven (7) days before works commence, the developer must notify the owner of any affected property of the intention to carry out approved works. The developer must also furnish the owner with details of the approved work.

20. Works within the Road Reserve

Prior to undertaking any works within an existing road reserve, the developer must obtain the consent of Council under *section 138 of the Roads Act, 1993*.

The following details must be submitted to Council as part of the application:

- a) Any civil works design required by this consent.
 - i) Evidence of the contractor's Public Liability Insurance to an amount of \$20 million.
 - ii) Name and contact information of the person responsible for all relevant works.
 - iii) A Traffic Control Plan prepared, signed and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation.
 - iv) Where the Traffic Control Plan requires a reduction of the speed limit, a 'Application for Speed Zone Authorisation' must be obtained from the relevant road authority.

21. Fauna Boxes

Prior to the commencement of any clearing work, a total of 12 fauna nest boxes must be installed as directed by a suitably qualified ecological consultant. The nest boxes are to be appropriate size to provide suitable replacement habitat for the hollows that are to be removed. Installation of the nest boxes is to be incorporated in the Construction Environment Management Plan (CEMP). Shoalhaven City Council must inspect and certify in writing the nest boxes are in place prior to works commencing.

22. Clearing of Hollow Bearing Trees - Supervision

Prior to the commencement of work, a suitably qualified and licensed ecological consultant with wildlife handling experience must be engaged to guide and supervise the clearing work and protection of environmental features on the site. Evidence of engagement must be submitted to Council.

23. Identification of Vegetation to be Retained

Prior to the commencement of work, the developer must identify the boundary between the extent of the works and the trees and vegetation to be retained. To protect vegetation within the reserve, a temporary protective barrier or similar visible material must be installed in accordance with the survey identification and retained until all work are complete.

PART D: PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

NIL

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PART E: PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE**24. Compliance with Conditions**

A Subdivision Works Certificate must not be issued until the Certifier has received evidence that all relevant conditions have been met.

25. Amended Subdivision Plan

Prior to the issue of a Subdivision Works Certificate, an amended subdivision plan is to be submitted to Council for approval. The amended plan is to include the following amendments:

- a) The consolidation of Lots 58 and 201 to achieve compliance with the provisions of clause 4.1E, Shoalhaven Local Environmental Plan 2014.

26. Design Standards - Subdivision Works

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor in accordance with Council's Engineering Design and Construction Specifications and approved by the Certifier. Specifications can be found on Council's web site.

27. Soil and Water Management Plans (SWMP)

Prior to the issue of a Subdivision Works Certificate, a Soil and Water Management Plan must be prepared by a Professional Engineer, (as defined in the National Construction Code) in accordance with the Landcom Manual – Soils and Construction, Managing Urban Stormwater, Vol 1, 4th Edition March 2004 to the satisfaction of the Certifier.

All implemented measures must:

- a) ensure to not cause water pollution as defined by the [Protection of the Environment Operations Act](#) (POEO).
 - i) be maintained at all times.
 - ii) not be decommissioned until at least 70% revegetation cover has been established and permanent water quality measures are implemented.

28. Landscape Design Plan

A landscape strategy, prepared by a suitably qualified person, must be submitted to Council for approval prior to the issue of a Subdivision Works Certificate. The landscape strategy is to include as a minimum:

- a) A landscape plan as per Chapter G3, Shoalhaven Development Control Plan 2014;
- b) Entry treatment (including entry from Taylors Lane);
- c) Extensive landscaping and street tree planting that incorporates deep rooted canopy trees as per the Moss Vale Road South Species List;
- d) Provision of landmark tree planting along the tree-lined boulevard (Taylors Lane);
- e) Establishment of a street lighting and furniture palette;

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- f) Inclusion of any relevant signage detailing local history, Aboriginal cultural values, environmental education themes and the like;
 - g) Deep soil planting to enable a substantial tree cover to be created over time; and
 - h) Removal of existing noxious and environmental weed species.
29. The required landscape plan prepared by a suitably qualified landscape professional must be submitted to Council for approval prior to the issue of a Subdivision Works Certificate. The plan must be consistent with the approved Landscape Strategy and meet the objectives and performance criteria of Chapter G3, Shoalhaven Development Control Plan 2014 and include:
- a) All existing and proposed infrastructure including underground services;
 - b) Existing site conditions (contours, vegetation, drainage, etc.);
 - c) Botanic and common names of plantings (and cultivar name if applicable);
 - d) Type of grass seed or turf to be used;
 - e) The planting of street trees provided at the rate of one (1) tree located within the public road reserve centrally to each lot;
 - f) All trees are to have a minimum 75 litre pot size with a clear trunk of 1.2m. Details of the mature height and spread along with years to maturity is to be included (to determine possible restriction to sight distance at intersections and other locations as necessary);
 - g) Each tree is to be protected by a braced structure comprising 4 timber posts with 75mm x 75mm minimum dimensions;
 - h) Root barriers are to be placed between the trees and above or below ground civil infrastructure to a minimum depth of 1m, at least twice the pot size away from the tree and extend along the service for a minimum length of half the mature drip line; and
 - i) Maintenance requirements.
- The street trees must be shown on the engineering plans for approval by Council with the Subdivision Works Certificate.
30. **Design Standards – Works Within Road Reserve**
- Prior to the issue of a Subdivision Works Certificate, all subdivision works proposed within road reserves must be approved by Council.
31. **Subdivision Entry and Signage**
- Prior to the issue of a Subdivision Works Certificate, details of approved signs, fencing, and landscaping must be shown on the Subdivision Works Certificate plans and approved by Council or an accredited certifier.
32. **Existing Services**
- Prior to the issue of a Subdivision Works Certificate, the developer must check that the proposed works are not affected by or do not affect any Council electricity, telecommunications, gas, or other service. All services existing and proposed, above or below ground are to be shown accurately on the engineering plans including longitudinal sections with clearances to proposed infrastructure clearly labelled. Any required alterations to services will be at the developer's expense.

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33. Site Filling Design Standards - Subdivision

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The site filling design must comply with the following:

- a) The must be regraded generally in accordance with the concept bulk earthworks plan by Maker ENG (Reference No. ISC00266-10-C020, Revision P6, dated 25/11/2021) having an absolute minimum grade of 0.5%.
- b) The filling specification must be approved by Council and require all allotment filling to be placed in accordance with AS 3798 Guidelines on earthworks for commercial and residential developments and compacted at least to the minimum relative compaction listed in the standard applicable to the type of development / subdivision.

34. Design Standards – Traffic Committee Referral

Prior to the issue of a Subdivision Works Certificate details of proposed traffic management and traffic control devices must be submitted to the satisfaction of Council for referral and endorsement of the Shoalhaven Traffic Committee.

Note: This process can take six to eight weeks.

35. Construction Access

Prior to the issue of a Subdivision Works Certificate, the developer must ensure access to the development site is available for all construction vehicles via the approved central roundabout at Moss Vale Road.

36. Road Design Standards (Urban) – Greenfield Subdivision

Prior to the issue of a Subdivision Works Certificate, certified road design engineering plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The road design must comply with the following:

- a) Council's Engineering Design Specifications sections D1 – Geometric Road Design and D2 – Flexible Pavement Design.
 - i) AUSTROADS Design Requirements and Specifications.
 - ii) In accordance with the concept lot layout plans by Maker ENG (Reference No. ISC00266-10-C005 (Revision P6) & ISC00266-10-C006 (Revision P5), Sheet No. 1 & 2, dated 25/11/2021) except where specified by relevant conditions of consent.
 - iii) Design Vehicles – 14.5m rigid bus for all temporary and permanent bus routes. All other roads to be 8.8m service vehicle.
 - iv) Local Area Traffic Management (LATM) devices to be provided on all roads that exceed the maximum street leg lengths outlined within Council's DCP Chapter G11. All LATM devices must be designed with consideration of the road's status as a bus route where relevant, and be in accordance with Chapter G11, Shoalhaven Development Control Plan 2014, Austroads Guidelines and/or AS1742.13.
 - v) Integral kerb and gutter / layback kerb and gutter in accordance with Council's Standard Drawings.
 - vi) Frontages of all open space lots to be constructed with upright kerb and gutter.
 - vii) Subsoil drainage behind the kerb line on the high side of the road or both side if the cross fall is neutral or the road is in cut.

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viii) A temporary vehicle turning area must be provided at the end of Road 02. The turning area must be designed to have a 9.5m radius and a minimum pavement thickness of 200mm. The turning area is to be delineated by the use of guide posts at maximum 5m spacing with a D4-4A sight board at the end on the centreline.

ix) Property boundaries at road intersections must have minimum 2m x 2m corner splays. The dimensions of splays on local access roads and other roads of a higher hierarchy must be based on the size of kerb returns needed to cater for the appropriate design vehicle.

37. Right of Way Design Standards – Urban

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The right of way design must comply with the following:

- a) Council's Engineering Design Standard Drawings.
 - i) Centrally placed and constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, on a 75mm compacted fine crushed rock base with minimum:
 - ii) 3 metre width for access to 1-2 lots,
 - iii) 3.5 metres with for access to 3-4 lots, and
 - iv) 5 metres width for access to 5-6 lots.
 - v) Installation of conduits for services for the full length of the driveway.
 - vi) Ensure stormwater runoff is not concentrated on to adjoining lots.
 - vii) Provision of a turning facility suitable for manoeuvring of the Australian Standard 99% design vehicle located at the furthest end of the driveway from the public road.

38. Cycleway and Footpath Design Standards

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The cycleway and footpath design must comply with the following:

- a) Councils Engineering Design Specifications Section D8 – Cycleway and Footpath Design.
 - i) Locations shown on the concept lot layout plans by Maker ENG (Reference No. ISC00266-10-C005 (Revision P6) & ISC00266-10-C006 (Revision P5), Sheet No. 1 & 2, dated 25/11/2021) with:
 - ii) A 2.0m width on the eastern side and southern side of Road 01 and 1.5m width elsewhere.
 - iii) 3% cross fall from the boundary to top of kerb.
 - iv) match existing footpath levels of adjoining footpaths and be a uniform grade or where this cannot be achieved, a longitudinal section must be designed.
 - v) kerb ramps at intersections in accordance with Council's Engineering Design Specifications.
 - vi) Constructed on a 75mm compacted fine crushed rock base with minimum 100mm thick 25MPa concrete and SL72 steel reinforcement mesh.
 - vii) Cross section design to be provided from road centreline to the boundary at each driveway access point.

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39. Lighting Design – Street Lighting on Public Roads

Prior to the issue of a Subdivision Works Certificate, the developer must request a Public Lighting Design Brief from Council as per the requirements of the authority (Endeavour Energy).

40. Structural Design – Major Structures

Prior to the issue of a Subdivision Works Certificate, a detailed structural design for the following works must be certified by a professional engineer, (as defined in the National Construction Code) and approved by Council.

- a) Bridges and other major drainage structures, including pre-cast concrete culverts, headwalls, wing walls and stormwater pits / structures that require steel reinforcement.

The structural design must comply with the Council's Engineering Design Specification – Chapter 3 – Structures/Bridge Design and relevant Australian Standards.

41. Stormwater Drainage Design Standards (Urban)

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans, specifications, and DRAINS model (or approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The stormwater drainage design must comply with the following:

- a) Major and minor drainage systems in accordance with Council's Engineering Design Specifications - Section D5 - Stormwater Drainage Design and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines.
 - i) The minor and major systems must be designed for a 20% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively.
 - ii) Generally, in accordance with concept stormwater layout plans by Maker ENG (Reference No. ISC00266-10-C110 (Revision P7), ISC00266-10-C111 (Revision P6) & ISC00266-10-C112 (Revision P5), Sheet No. 1-3, dated 25/11/2021) except where specified by relevant conditions of consent.
 - iii) Where a pipe drains a public road through land adjoining the road, the pipe is to be designed to cater for the 1% AEP event with an overland flow path to provide for bypass/surcharge in the event of the pipe or pit inlet being 50% blocked.
 - iv) Inter-allotment drainage is to be provided for all lots within the subdivision which do not achieve fall to the street.
 - v) Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site.

42. On-Site Detention – Greenfield Subdivision

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The on-site stormwater detention (OSD) design must comply with the following:

- a) Demonstrate compliance with Chapters NB3 (including the supporting Integrated Water Cycle Management Plan) and G2, Shoalhaven Development Control Plan 2014.

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43. Stormwater Drainage Design – Trunk Drainage

Prior to the issue of a Subdivision Works Certificate, a detailed design including certified engineering plans, specifications and DRAINS model (or an approved alternative) for any major trunk drainage must be certified by a professional engineer, (as defined in the National Construction Code) demonstrating the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines and approved by Council Specifications can be found on Council's web site.

44. WSUD Measures – Water Quality, Retention and Reuse

Prior to the issue of a Subdivision Works Certificate, a detailed design of permanent water quality, retention and reuse devices must be certified by a professional engineer, (as defined in the National Construction Code) who can demonstrate the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and is to be approved by Council. Specifications can be found on Council's website.

The stormwater treatment, retention and reuse design must comply with the following:

- a) The design must comprise of rainwater tanks in accordance with BASIX requirements and an end-of-line stormwater facility that comprises a trash rack, sediment basin and constructed wetland and generally comply with concept stormwater layout plans by Maker ENG (Reference No. ISC00266-10-C110 (Revision P7), ISC00266-10-C111 (Revision P6) & ISC00266-10-C112 (Revision P5), Sheet No. 1-3, dated 25/11/2021) and the concept Water Cycle Management Strategy by Maker ENG (Reference No. ISC00266, Version 2, dated 20/07/2021).
- b) No additional stormwater infrastructure is permitted within the rural zoned land above what is shown on the approved plans. Any additional area required for stormwater infrastructure must be accommodated within the residential zoned land.
- c) Rainwater tanks in accordance with BASIX requirements.
- d) The WSUD strategy must be able to remove 80% of Total Suspended Solids (TSS), 45% of Total Nitrogen (TN) and 45% of Total Phosphorus (TP) for the total site area as demonstrated using MUSIC software. The detailed MUSIC model must be provided to Council for acceptance. These pollutant reduction targets must be met using the stormwater treatment measures listed in a) above and not rely on any other measures including but not limited to buffer strips
- e) The WSUD strategy must have appropriate stormwater retention storage that is equal to or greater than 10mm for increases in all impervious surfaces compared to the pre-development condition.
- f) The 50% AEP pre-development peak discharge must be maintained.

45. WSUD Measures – Constructed Wetlands

Prior to the issue of a Subdivision Works Certificate, a detailed design of constructed wetland stormwater quality improvement devices must be certified by a professional engineer, (as defined in the National Construction Code) who can demonstrate the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications is to be approved by Council. Specifications can be found on Council's website.

The constructed wetland design must comply with the following:

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- a) The constructed wetland must be located in a treatment train configuration immediately downstream of a trash rack / GPT and sediment basin that is offline from the stormwater network to allow flows exceeding an approximately 1 exceedances per year (EY) event to bypass the trash rack / GPT and sediment basin, but not the wetland.
- b) A graduated trash rack configuration is required to prevent litter overtopping the trash rack if it becomes fully blocked. The trash rack must be designed to retain litter greater than 40mm for flows up to the 4 EY event. The invert of the trash rack must be located above the permanent water level of the sediment basin.
- c) The sediment basin must be designed to capture "coarse" sediment prior to entering the constructed wetland. All stormwater outlets proposed to be treated by the device must be diverted upstream of the sediment basin.
- d) The constructed wetland must be designed in accordance with the latest version of the Melbourne Water Wetland Design Manual or a demonstrated equivalent approved by Council and be sized for the entire contributing catchment, whether part of the subdivision or not.
- e) The constructed wetland must have a maximum extended detention depth (EDD) of 500mm and a 72 hour notional detention time.
- f) All inflows (via the sediment basin) must enter the upstream end of the constructed wetland to ensure flows pass through the full length of the treatment device without any dead spots or the ability for flows to short-circuit the constructed wetland. A deeper pool is required in the location of both inflow and outflow pipes. A length to width ratio of approximately 8:1 is required.
- g) The constructed wetland must be established offline from inflows until it is fully established.
- h) Land must be retained around the stormwater system to allow Council to access stormwater infrastructure and conduct maintenance activities. A minimum 5m average width buffer around the stormwater devices (measured from the top of batter) are required for access, landscaping and safety requirements unless an alternative setback is approved by Council. All surfaces with a grade steeper than 1V:4H must be planted.
- i) Batter slopes for the sediment basin and constructed wetland that are steeper than 1V:4H, including vertical retaining walls, are not permitted unless approved by Council.
- j) A vehicle access ramp must be provided to all trash rack, sediment basin and constructed wetland treatment devices for maintenance and operation requirements, such as debris, litter and sediment removal and vegetation reinstatement. Access slopes for maintenance vehicles should not exceed 1V:12H for trucks and 1V:5H for excavators and other maintenance vehicles. Access turnings paths must be demonstrated to comply with AS2890.2 for a medium rigid vehicle (MRV).
- k) Landscape details for the constructed wetland and surrounds are to be included on the Landscape Plan and submitted to Council for approval.
 - i) Stormwater detention is to be provided above the constructed wetland footprint. The maximum permitted depth of stormwater detention above the treatment EDD is 500mm. Stormwater flows exceeding the 1 EY event entering the wetland must have adequate energy dissipation to avoid damage to the wetland and its vegetation. The DRAINS model (or approved alternative software accepted by Council) must be provided to Council for acceptance of the OSD modelling.
 - ii) Councils Engineering Design Specification where relevant.

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46. Water Sensitive Urban Design Operation and Maintenance Manual

Adopted WSUD Management, Operation, Maintenance and Monitoring Manual/s for the permanent water quality facilities must be submitted to Council prior to issue of the Subdivision Works Certificate. The manuals must be prepared by a suitably qualified professional in accordance with the objectives and criteria identified in the approved Integrated Water Cycle Management Plan.

47. Water Sensitive Urban Design Checklists

Compliance checklists are to be prepared by the WSUD Designers and submitted to Council prior to issue of the relevant Subdivision Works Certificate. The checklists must incorporate all checks and certifications that are required to be carried out during the civil construction phase, asset protection phase, landscape practical completion phase and final compliance inspection prior to final handover.

48. Exclusion fencing map

Prior to the issuing of a Subdivision Works Certificate the developer must submit a site map showing exclusion fencing such as parra-webbing or similar surrounding the drip line of all trees and adjacent areas of native vegetation to be retained including the Council reserve and trees along Taylors Lane.

49. Retirement of Biodiversity Offset Scheme Credits

The *NSW Biodiversity Conservation Act 2016* requires that a condition to retire credits is to be complied with before any development that would impact on biodiversity values is carried out (*BC Act* s7.13(5)). Evidence that credit obligations have been met must be provided to Council prior to the issue of a Subdivision Works Certificate. A private certifier cannot assume the role of the consent authority in confirming compliance with offset conditions. The following credits are required to be retired.

Biodiversity credit obligation options

Ecosystem Credits

Credit classes for PCT 1212	Like-for-like options		
	Offset Trading Group	Containing HBT	In the below IBRA subregions
	Southern Lowland Wet Sclerophyll Forest <50%	Yes	Illawarra, Ettrema, Jervis, Moss Vale, Sydney Cataract and Northern Basalt. Or Any IBRA subregion within 100km of the outer edge of the impact site.
	Variation options		
Number of credits required: 13	Any PCT in the below formation and in any of below trading groups	Containing HBT	In the below IBRA regions/subregions
	Wet Sclerophyll Forest (Grassy sub-formation) Trading group Tier 4 or higher	Yes (including artificial)	IBRA Region: Sydney Basin, or Any IBRA subregion that is within 100

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			kilometres of the outer edge of the impacted site.
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Species Credits

Species	Number of Credits	Like for options	Like	Variation options
Gang-gang Cockatoo <i>Callocephalon fimbriatum</i>	17	Any Gang-gang Cockatoo in NSW		Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Sydney Basalts or and IBRA subregion that is within 100km of the outer edge of the impacted site.
Glossy-black Cockatoo <i>Calyptrorhynchus lathamii</i>	17	Any Glossy-black Cockatoo in NSW		Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Sydney Basalts or and IBRA subregion that is within 100km of the outer edge of the impacted site.
Large-eared Pied Bat <i>Chalinolobus dwyeri</i>	25	Any Large-eared Pied Bat in NSW		Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Sydney Basalts or and IBRA subregion that is within 100km of the outer edge of the impacted site.
Southern Myotis <i>Myotis Macropus</i>	17	Any Southern Myotis in NSW		Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Sydney Basalts or and IBRA subregion that is within 100km of the outer edge of the impacted site.
Barking Owl <i>Ninox connivens</i>	17	Any Barking Owl in NSW		Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Sydney Basalts or and IBRA subregion that is within 100km of the outer edge of the impacted site.
Powerful Owl <i>Ninox strenua</i>	17	Any Powerful Owl in NSW		Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Sydney Basalts or and IBRA subregion that is within 100km of the outer edge of the impacted site.
Masked Owl <i>Tyto novaehollandiae</i>	17	Any Masked Owl in NSW		Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Sydney Basalts or and IBRA subregion that is within 100km of the outer edge of the impacted site.

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Like for like credit obligations may be achieved through either:

- The purchase and retirement of credits

Evidence must be provided in the form of a credit retirement report issued by NSW Office of Environment and Heritage (OEH) confirming credit transactions. The credit transaction must correspond to the required like for like credits from an appropriate location.

- Payment into the Biodiversity Conservation Fund (BCF) administered by the Biodiversity Conservation Trust (BCT)

Evidence must be provided in the form of a section 6.33 Statement Confirming Payment into the Biodiversity Conservation Fund issued by the Biodiversity Conservation Trust. The payment transaction must correspond to the appropriate class and number of credits required.

Note that the use of variation rules to utilise the “Variation options” under the *Biodiversity credit obligation options*, can only be approved following demonstration of reasonable steps to locate like for like offsets. Actions that constitute ‘reasonable steps’ are outlined in the ancillary rules (<https://www.environment.nsw.gov.au/resources/bcact/ancillary-rules-reasonable-steps-170498.pdf>).

50. **Construction Environment Management Plan**

Prior to the issue of a Subdivision Works Certificate, a Construction Environmental Management Plan (CEMP) is to be prepared outlining all measures to protect and minimise impacts to the natural features on the property, including native vegetation, fauna and waterways, during construction. The CEMP is to include relevant measures prescribed by these consent conditions and the recommendations outlined in the Biodiversity Development Assessment Report by Lodge Environmental (Reference No. LE1316, Revision 3, dated 25/10/2021). The CEMP is to be approved by Council prior to the issue of a Subdivision Works Certificate and the start of any works, including clearing works.

51. **Microbat Management Plan**

Prior to the issue of a Subdivision Works Certificate, a Microbat Management Plan is to be prepared by a suitably qualified ecologist that outlines how impacts to Threatened microbats are minimised during construction. The plan is to include protocols to protect and minimise harm to any roosting or breeding microbats located within trees to be removed. Replacement habitat is to be provided. The plan is to be approved by Council prior to the commencement of any works.

52. **Flooding – Subdivision Works Certificate Requirements**

Prior to the issue of a Subdivision Works Certificate, a professional engineer, (as defined in the National Construction Code) must submit to the satisfaction of the Certifier, certification that the following items have been detailed on the construction drawings:

- a) All roads will be constructed at or above the 1% Annual Exceedance Probability (AEP) event flood level as documented on a Flood Certificate obtained from Council that is based on the latest flooding information held or site specific flood modelling.
- b) All new lots are constructed at or above the 1% AEP event flood level as documented on a Flood Certificate obtained from Council that is based on the latest flooding information held or site specific flood modelling.

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PART F: DURING WORKS**53. Hours for Construction**

Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday. Proposed changes to hours of construction must be approved by Council in writing.

54. Excavation

Excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-78544-2) published by Safe Work Australia in October 2018.

55. Aboriginal Objects Discovered During Excavation

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) All excavation or disturbance of the area must stop immediately.
- b) Additional assessment and approval pursuant to the National Parks and Wildlife Act 1974 may be required prior to works continuing the affected area(s) based on the nature of the discovery.
- c) Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).
- d) The Heritage NSW must be advised of the discovery in accordance with section 89A of the [National Parks and Wildlife Act 1974](#).

56. Archaeology Discovered During Excavation

If any object having interest due to its age or association with the past is uncovered during the course of the work:

- a) All work must stop immediately in that area.
- b) Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).
- c) In accordance with the *Heritage Act 1997*, the Heritage NSW must be advised of the discovery.

57. Contamination - Unexpected Finds

a) If unexpected contaminated soil and/or groundwater is encountered during any works:

- i) all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant.
- ii) the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.

b) If unexpected contaminated soil or groundwater is treated and/or managed on-site; an appropriately qualified environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines prior to recommencement of works.

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The verification documentation must be provided to the satisfaction of the Certifier and Council prior to the recommencement of any works.

- c) If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014).

Note: An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner or 'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA).

58. Earthworks Cut, Fill and Grading

The maximum grading of cut or fill must be 2H:1V where there is no retaining wall or no other method of stabilising cut or fill during construction. The maximum depth of cut or fill on any portion of the allotment must be 2.0 metres except where identified within the concept bulk earthworks plan by Maker ENG (Reference No. ISC00266-10-C020, Revision P6, dated 25/11/2021).

59. CCTV Inspection of Stormwater Pipes

Prior to the completion of works, all stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council must be inspected by CCTV and submitted to the Certifier for approval. The CCTV must be carried out in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia Version 3.1 after all earthworks and adjacent road pavement works have been completed.

Damaged pipes must either be replaced or repaired to the satisfaction of the Certifier prior to the issue of a Subdivision Certificate.

60. Stormwater Connections in Road Reserve

Prior to completion of works, the site supervisor must ensure that stormwater connections between the property boundary and the new kerb and gutter are inspected and approved by Council and backfilled as soon as possible. Kerb connections are only to be made using adaptors/convertors approved by Council.

Note: A section 138 approval under the Roads Act 1993 will be required for any works within the road reserve.

61. Lot Filling

Prior to completion of works, the developer must ensure that the following requirements are met in relation to lot filling:

- a) The site supervisor must ensure that all fill outside the allotment areas must be placed in accordance with Council's Engineering Construction Specification.
- i) Performed under Level 1 supervision by a professional engineer, (as defined in the National Construction Code).
 - ii) A Level 1 Supervision Report is to be approved by Council prior to the release of the Subdivision Certificate.
 - iii) Obtain a lot classification, in accordance with AS 2870 Residential slabs and footings, of no worse than 'H'; a lot classification must be submitted to Council prior to the release of the Subdivision Certificate.

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- iv) Any fill must:
- v) have a maximum batter of 25% (1v:4h) at any location.
- vi) not encroach onto adjoining land.
- vii) not cause the diversion or concentration of natural overland stormwater runoff onto adjoining property.
- viii) be protected against erosion, with measures incorporated in the erosion and sediment control plan.
- ix) include adjustment of services (manholes, inter-allotment drainage, etc.) in the scope of works.

62. Waste Management Plan

All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Management Plan (WMP) or removed to an authorised waste disposal facility. Waste must not be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site. Compliance with the WMP must be demonstrated by the submission of tip receipts to the Certifier.

Note: "Waste" is defined in the Dictionary to the Protection of the Environment Operations Act 1997 (POEO Act).

63. Maintenance of Site and Surrounds

During works, the following maintenance requirements must be complied with:

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery.
- d) The developer must maintain the approved soil water management measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised.
- e) During construction:
 - i) all vehicles entering or leaving the site must have their loads covered, and
 - ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- f) At the completion of the works, the work site must be left clear of waste and debris.

64. Imported Fill - VENM or ENM Only

Where fill is imported to the site it must be characterised as virgin excavated natural material (VENM) or excavated natural material (ENM) as defined in Part 3 of schedule 1 of the *Protection of the Environment Operations Act 1997 (POEO Act)*

Documentation must be provided to the Certifier certifying that imported fill material is not contaminated and does not contain contaminants such as asbestos, chemicals or building waste.

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65. Felling of trees

Trees to be cleared must be felled into the development area carefully so as not to damage trees to be retained in or beyond the development footprint.

66. Hollow bearing tree removal protocols

All Hollow bearing trees and trees containing nests are to be removed in accordance with the following protocols.

- a) A suitably licensed ecologist (who is vaccinated for Australian Bat Lyssavirus) is to supervise the removal of the Hollow-bearing trees and any tree containing nests to minimise the chance of harm to fauna, and to rescue or relocate any fauna displaced during the clearing process.
- b) All trees and hollows are to be checked for resident fauna prior to felling by the supervising ecologist.
- c) If nests are present, they are to be carefully relocated in nearby nest boxes or as directed by the supervising ecologist.
- d) Non-hollow bearing trees are to be removed before the removal of hollow-bearing trees. Hollow-bearing trees are to be removed at least day following all other vegetation removal to allow sheltering fauna time to leave on their own.
- e) The hollow-bearing tree must be gently nudged several times with felling equipment prior to felling to encourage safe fauna evacuation.
- f) The tree must be then be felled carefully in sections to allow the rescue of native fauna. Hollow-bearing sections must be carefully lowered to the ground so as not to injure native fauna.
- g) Once the tree has been felled the hollows are to be inspected again for fauna and relocated in an appropriate location determined by the ecologist.
- h) If any wildlife is disoriented or injured during clearing works, works must stop immediately, and the consultant ecologist is to advise and responsibly rescue and relocate the animal(s). Injured animals will need to be assessed and either taken to the nearest veterinary clinic or placed into care with South Coast Wildlife Rescue.
- i) In the event that a breeding or nesting threatened species is observed in the vegetation to be removed, works must stop immediately, and the developer and consultant ecologist must consult with Council's Environmental Assessment Officer to determine what steps are to be taken to avoid harm or disruption to the nesting Threatened species.
- j) Where possible, logs from felled trees should be distributed into areas of vegetation to be retained so that they can continue to provide habitat for fauna.

67. Pruning or Trimming

Pruning or trimming of any trees to be retained must be undertaken in accordance with AS 4373 *Pruning of amenity trees*.

68. Parking and storing of building equipment and materials

The parking of machinery and vehicles or the storing of building or landscaping materials, soil, spoil, or rubbish, within the fenced area around trees and vegetation to be retained is prohibited.

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69. **Construction Environmental Management Plan**

Works must be undertaken in accordance with the approved Construction Environmental Management Plan.

70. **Timing of works**

To protect hollow-nesting fauna, the removal of hollow-bearing trees must be undertaken outside of spring and summer months.

PART G: PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

NIL

PART H: PRIOR TO THE ISSUE OF A SUBDIVISION / STRATA CERTIFICATE

71. **Subdivision Certificate**

A Subdivision Certificate must be obtained from Council or an accredited certifier prior to lodgement of the Final Plan of Survey with NSW Land Registry Services.

72. **Schedule of Compliance**

The Subdivision Certificate must not be issued until all relevant conditions of development consent have been met or other satisfactory arrangements have been made with Council (i.e. a security). A schedule of compliance in table format must be submitted with the application for a Subdivision Certificate. The schedule must provide evidence of how all relevant conditions of development consent have been fulfilled.

73. **Special Infrastructure Contribution**

A special infrastructure contribution must be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Illawarra Shoalhaven) Determination 2021 (as in force when this development consent takes effect).

A person may not apply for a Subdivision Certificate, Construction Certificate or Occupation Certificate (as the case may require, having regard to the Determination) in relation to development the subject of this development consent unless the person provides, with the application, written evidence from the Department of Planning, Industry and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

More information

A request for assessment by the Department of Planning, Industry and Environment of the amount of the contribution that is required under this condition can be made through the NSW planning portal (<https://www.planningportal.nsw.gov.au/special-infrastructure-contributions-online-service>). Please refer enquiries to SIContributions@planning.nsw.gov.au.

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74. **Local Infrastructure Contributions - Subdivision**

This development will generate a need for the additional services and/or facilities described in Shoalhaven Contributions Plan 2019 and itemised in the following table:

Project	Description	Calculation	Amount
01AREC5006	Northern Shoalhaven Sports Stadium	\$706.53 * 55	\$38,859.15
01AREC5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$547.93 * 55	\$30,136.15
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	\$739.61 * 55	\$40,678.55
01CFAC0002	Community Hall North Nowra	\$145.51 * 55	\$8,003.05
01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	\$30.25 * 55	\$1,663.75
01ROAD2101	Nth Nowra Link Rd-Construct Rd, Bridge & Traffic Facilities	\$6,944.54 * 55	\$381,949.70
CWAREC5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$1,949.31 * 55	\$107,212.05
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,473.26 * 55	\$81,029.30
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,292.05 * 55	\$71,062.75
CWCFAC5007	Shoalhaven Regional Gallery	\$70.93 * 55	\$3,901.15
CWFIRE2001	Citywide Fire & Emergency services	\$139.37 * 55	\$7,665.35
CWFIRE2002	Shoalhaven Fire Control Centre	\$203.89 * 55	\$11,213.95
CWMGMT3001	Contributions Management & Administration	\$579.56 * 55	\$31,875.80
			\$815,250.70

The total contribution, identified in the above table or as indexed in future years, must be paid to Council prior to the issue of a Subdivision Certificate. Evidence of payment must be provided to the Certifying Authority.

Contributions Plan 2019 can be accessed on Councils website www.shoalhaven.nsw.gov.au or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

75. **Road Connection to Moss Vale Road**

Prior to the issue of a Subdivision Certificate, the developer is to provide sufficient evidence to the Certifier that the public road dedication over the adjacent lots to the subdivision within this approval have been constructed in accordance with the conditions of the consent.

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76. Intersection of Taylors Lane and Moss Vale Road

Prior to the issue of a Subdivision Certificate, the developer/site owner must ensure the cul-de-sac to the east of Road 01 as shown on the concept subdivision plan by Maker ENG (Reference No. ISC00266-10-C008, Revision P9, dated 11/11/2021) or other appropriate measures have been implemented to the satisfaction of Council to ensure vehicular traffic from the development does not use the intersection of Taylors Lane and Moss Vale Road.

Note: The prevention of access to the east of the Road 01 connection with Taylors Lane is to be maintained until Taylors Lane has been upgraded as part of the Far North Collector Road upgrade and/or access to and from the development site to Moss Vale Road via Taylors Lane is no longer available.

77. Moss Vale Road Roundabout

All access to the development site for ongoing access post lot registration must be via the central roundabout in the approved location at Moss Vale Road.

78. Detailed Engineering Survey Plan

Prior to the issue of a Subdivision Certificate, the developer is to submit to Council a Detailed Engineering Survey Plan for Lot 3 DP 1256748 (known as Taylors Lane, Cambewarra).

79. Agreement for Provision of Stormwater Infrastructure

Prior to the issue of a Subdivision Certificate, the developer is to provide sufficient evidence to the Certifier that the developer has entered into a satisfactory agreement and arrangements with Council for the provision of stormwater infrastructure as required under Chapter NB3, Shoalhaven Development Control Plan 2014 and Contribution Plan 01DRAI0006.

80. Verification of Works

Prior to issue of a Subdivision Certificate, the developer is to provide the following documentation to the Certifier for approval:

- a) Notification from the developer verifying that all subdivisions works have been constructed in accordance with the approved plans and construction specifications.
 - i) Written evidence from a suitably qualified landscape professional that all landscape works have been completed in accordance with the approved landscape plans.
 - ii) Completion of Works within the Road Reserve notification letter from Council.
 - iii) Certification from Council or an accredited certifier to verify that all inspections required by the Certifier have been completed in accordance with the approved plans and construction specifications.
 - iv) A structural certificate from a professional engineer, (as defined in the National Construction Code) submitted to Council to certify that all structural elements have been constructed in accordance with the approved plans and relevant Australian Standards.
 - v) Level 1 Supervision Report and Lot Classification Report.
 - vi) Final pavement tests to confirm material depth and compaction complies with the pavement design.

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81. Works as Executed Plans

Prior to the issue of a Subdivision Certificate, Works as Executed Plans must be prepared by a registered surveyor / professional engineer, (as defined in the National Construction Code) and be submitted to council and the Certifier demonstrating compliance with the approved design plans.

The Works as Executed dimensions and levels must be shown in red on a copy of the approved Subdivision Works Certificate plans and comply with the following requirements:

- a) Council's Development Engineering Construction Specification.
 - i) Show compliance with the approved design plans of all road and drainage works.
 - ii) Certify that all storm water pipes, and other services are wholly within an appropriate easement.
 - iii) Show the extent, depth and final levels of filling.
 - iv) Show any retaining walls including footings and agricultural drainage lines.
 - v) Show the location of all underground service conduits.
 - vi) Include all deviations from the approved Civil Engineering Plans.

82. Handover of WSUD Assets to Council

The following conditions are required to be met for WSUD devices to be handed over to Council.

- a) The WSUD infrastructure has been designed and constructed in accordance with Council guidelines, the approved design drawings and specifications.
- b) All WSUD infrastructure has been maintained in accordance with the approved WSUD Operation and Maintenance Manual. This includes but is not limited to, the removal of all sediment and litter from trash racks / GPT devices, removal of any weeds and reinstatement of any dead or unhealthy plants.
- c) Any accumulated sediment has been removed to the as-built invert levels of sediment basins/forebays, constructed wetlands / water quality ponds and lakes.
- d) For bioretention and infiltration basins, an infiltration test has been undertaken to validate the saturated hydraulic conductivity is in accordance with the approved design. The infiltration test must be observed by Council's Development Engineering Coordinator or delegate.
- e) Any identified defects have been rectified to the satisfaction of Council at the developers cost.
- f) Work as executed (WAE) drawings have been provided to and accepted by Council.

83. Maintenance Bond – Subdivision Works

Prior to the issue of a Subdivision Certificate, the developer must submit a cash bond or irrevocable bank guarantee equal to 5% of the cost of the civil works (excluding water supply and sewerage) and landscaping works to Council to provide security and assurance that the developer will for a period of 12 months, repair any defective works or re-establish ground cover and landscaping where this has not become established.

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84. Maintenance Bond – Subdivision Signs

Prior to the issue of a Subdivision Certificate, the developer must submit a cash bond or irrevocable bank guarantee to Council to cover the cost of removal of any approved estate signs installed by the developer. The bond amount must also include restoration of the area to Council's satisfaction.

85. Property Addressing

Road naming and property addressing, whether for a public or private road within an urban, rural or community subdivision, must comply with the NSW Address Policy and NSW Addressing User Manual administered by the NSW Geographical Names Board and Council's Road Naming Policy and/or Property Addressing Policy.

An Application for Road Naming and/or an Application for Property Addressing must be submitted to Council and approved prior to submission of a Subdivision Certificate Application. For further information see Council's website or contact Council's GIS Group on (02) 4429 3479.

86. Utility Services

Prior to the issue of a Subdivision Certificate, utility services must be provided in accordance with the following:

- a) The provision of electricity to service allotments and street lighting in the subdivision must be in accordance with the requirements of Endeavour Energy who are to confirm in writing that conditions of supply have been met.
- b) The submission of a Telecommunications Infrastructure Provisioning Confirmation from an approved telecommunications carrier to the Certifier or Council (as applicable) confirming that satisfactory arrangements have been made for the provision of telecommunication services to all individual lots.
- c) A Certificate of Compliance under Section 307 of Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance must be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Notice of Requirements and prior to the issue of a Subdivision Certificate, as the case may be.
- d) If development is to be completed in approved stages or application is subsequently made for staging of the development, separate Compliance Certificates must be obtained for each stage of the development.

Note: Relevant details, including monetary contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water. For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3547.

87. Restrictions – Easements and Restrictions on Use of Land

An Instrument must be prepared under section 88B of the Conveyancing Act 1919 which will provide for the following Restrictions on the land when the subdivision is registered:

- a) where there is a shared access or common driveway, reciprocal rights of carriageway must be provided inclusive of any maintenance responsibilities and financial apportionments, where necessary.

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- b) where there is shared infrastructure, landscaping, structures, and the like, arrangements must be made for access and maintenance.
- c) all corner lots which have access to Road 01 and a minor road to have access prohibited to Road 01.
- d) The planting of plant species listed in the *South East Regional Strategic Weed Management Plan 2017 – 2022* is prohibited for the life of the development.
- e) The nest/microbat roost boxes must be maintained for the life of the development including repair and replacement where required, as instructed by a suitably qualified ecological consultant.

The Instrument must contain a provision that it cannot be varied, modified or released without the consent of the relevant parties as appropriate and without the consent of the Shoalhaven City Council.

The Instrument must not contain any restriction that prohibits development on the site allowed under the relevant environmental planning instruments.

A draft 88B Instrument must be submitted to the Certifier for approval before a Subdivision Certificate is issued.

88. Maintenance Period of WSUD Devices

The developer is responsible for all maintenance of the stormwater infrastructure; including trash racks, GPT devices, sediment basins / forebays, constructed wetlands, bioretention basins, water quality ponds, infiltration basins, swales etc for a period of 3 years up until Council's acceptance that the WSUD devices and associated stormwater assets are of a satisfactory condition at the end of the 3-year maintenance period.

Approaching hand over at the conclusion of the 3-year maintenance period, a site meeting with Council must be arranged by the developer. The objective of the meeting will be to identify any outstanding actions that require rectification by the developer before asset hand over. Annual reports documenting implementation measures and containing all monitoring results are to be submitted to Council during this phase.

89. Handover of WSUD Assets to Council

The following conditions are required to be met for WSUD devices to be handed over to Council.

- a) The WSUD infrastructure has been designed and constructed in accordance with Council guidelines, the approved design drawings, and specifications.
 - i) All WSUD infrastructure has been maintained in accordance with the approved WSUD Operation and Maintenance Manual. This includes but is not limited to, the removal of all sediment and litter from trash racks / GPT devices, removal of any weeds and reinstatement of any dead or unhealthy plants.
 - ii) Any accumulated sediment has been removed to the as-built invert levels of sediment basins/forebays, constructed wetlands / water quality ponds and lakes.
 - iii) Any identified defects have been rectified to the satisfaction of Council at the developers cost.
 - iv) Work as executed (WAE) drawings have been provided to and accepted by Council.

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90. **Landscaping**

The approved landscaping works including street trees are to be installed prior to the issue of the Subdivision Certificate and must be maintained until the end of the maintenance period and the trees are established. Any tree not established upon expiry of the subdivision maintenance period is to be replaced and maintained until established. A bond must be provided for the maintenance of any replaced or non-established trees, to be held until the trees are established, or for a period of six (6) months.

PART I: ONGOING USE OF THE DEVELOPMENT

91. **Landscaping**

The planting of plant species listed in the *South East Regional Strategic Weed Management Plan 2017 – 2022* is prohibited for the life of the development.

92. **Nest Boxes**

The nest/microbat roost boxes must be maintained for the life of the development including repair and replacement where required, as instructed by a suitably qualified ecological consultant.

PART J: OTHER COUNCIL APPROVALS AND CONSENTS

NIL

PART K: REASONS FOR CONDITIONS

The application has been assessed as required by section 4.15 of the *Environmental Planning and Assessment Act 1979* and has been determined by the granting of conditional development consent.

Statutory requirements

The development proposal, subject to the recommended conditions, is consistent with:

- a) the objects of the Environmental Planning and Assessment Act, 1979.
- b) the aims, objectives and provisions of the applicable environmental planning instruments,
- c) the aims, objectives and provisions of Shoalhaven Development Control Plan 2014 (SDCP 2014).
- d) the aims, objectives and provisions of relevant Council policies.

Public notification

The application was publicly notified in accordance with the *Environmental Planning and Assessment Regulation 2000* and Council's Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies (POL 16/230).

Submissions

Any submissions received during the public notification period are available on [DA Tracking](#)

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Community views

Issues and concerns raised by the community in submissions have been considered in the assessment of the application and, where appropriate, conditions have been included in the determination to mitigate any impacts.

Suitability of the Site

The application has been approved because the development proposal is considered to be suitable for the site.

The relevant public authorities and the water supply authority have been consulted and their requirements met, or arrangements made for the provision of services to the satisfaction of those authorities.

The increased demand for public amenities and services attributable to the development has been addressed by the requirement to pay contributions in accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979* and Council's Contribution Plan 2019. Contributions under Section 307 of the Water Management Act 2000 have been applied as required.

Impacts of the Development

The application was considered to be suitable for approval. Conditions have been imposed to ensure that:

- a) the development will not result in unacceptable adverse impacts on the natural and built environments.
- b) the amenity and character of land adjoining and in the locality of the development is protected.
- c) any potential adverse environmental, social or economic impacts of the development are minimised.
- d) all traffic, car parking and access arrangements for the development will be satisfactory.
- e) the development does not conflict with the public interest.

PART L: RIGHTS OF REVIEW AND APPEAL

Determination under Environmental Planning and Assessment Act, 1979

Division 8.2 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination a right to request the council to review its determination. The request and determination of the review must be undertaken within the prescribed period.

Division 8.3 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised within the prescribed period.

An appeal under Division 8.3 of the EP&A Act, 1979 by an objector may be made only within the prescribed period.

PART M: GENERAL ADVICE

In this consent the term developer means any person or corporation who carries out the development pursuant to that consent.

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Disability Discrimination Act 1992

This application has been assessed in accordance with the *Environmental Planning & Assessment Act, 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *AS1428.1 - Design for Access and Mobility*.

Disclaimer –Conveyancing Act 1919 – Division 4 – Restrictions on the Use of Land

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under Clause 1.9A of *Shoalhaven Local Environmental Plan 2014* agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

DBYD Enquiry - 'Dial Before You Dig'

In order to avoid risk to life and property it is advisable that an enquiry be made with "Dial Before You Dig" on 1100 or www.dialbeforeyoudig.com.au prior to any excavation works taking place to ascertain the location of underground services. You must also contact your Local Authority for locations of Water and Sewer Mains.

SIGNED on behalf of Shoalhaven City Council:



Address all correspondence to: The Chief Executive Officer,
PO Box 42, Nowra NSW 2541 Australia
shoalhaven.nsw.gov.au/contact | 1300 293 111
shoalhaven.nsw.gov.au     

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
DEVELOPMENT CONSENT**

Environmental Planning and Assessment Act, 1979
SF10656

TO:

Maker Eng Pty Ltd
Level 4, 25 Atchison Street
WOLLONGONG NSW 2500

being the applicant(s) for SF10656 relating to:

371 Illaroo Rd, BANGALEE - Lot 2 DP 848630
Taylors Lane, CAMBEWARRA - Lot 3 DP 1256748
Taylors Lane, CAMBEWARRA - Lot 8 DP 1256748
169 Hockeys Lane, CAMBEWARRA - Lot 1 DP 1281124
121 Taylors Lane, CAMBEWARRA - Lot 2 DP 1281124

APPROVED USE AND OR DEVELOPMENT:

Residential subdivision to create 59 Torrens Title allotments, including 57 residential allotments, one (1) drainage reserve, one (1) residue lot, and provision of roads, drainage and utility infrastructure along with associated landscaping works

DETERMINATION DATE:

Pursuant to the Section 4.18 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

CONSENT TO OPERATE FROM:

CONSENT TO LAPSE ON:

This consent is valid for five years from the date hereon.

In accordance with Section 4.53 of the Act, development consent for the use of the land or the erection of a building does not lapse if building, engineering or construction work relating to the building or work or the use is physically commenced on the land to which the consent applies before the lapse date.

DETAILS OF CONDITIONS:

The conditions of consent and reasons for such conditions are set out as follows:

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PART A: GENERAL CONDITIONS

1. General

The consent relates to **Residential subdivision to create 59 Torrens Title allotments, including 57 residential allotments, one (1) drainage reserve, one (1) residue lot, and provision of roads, drainage and utility infrastructure along with associated landscaping works** as documented on the stamped plans/documentation, or as modified by the conditions of this consent. The development must be carried out in accordance with this consent. If there is inconsistency between the stamped plans/documentation and the conditions of consent, the conditions prevail to the extent of that inconsistency.

Stamped plans/documents	Ref/sheet no.	Prepared by	Dated
Lot Layout Plans	Reference No. ISC00266-10-C005 & ISC00266-10-C006 Sheet No. 1 & 2	Maker ENG	25/11/2021 (Revision P5 & P6)
Subdivision Plan	Reference No. ISC00266-10-C008	Maker ENG	11/11/2021 (Revision P9)
Bulk Earthworks Plan	Reference No. ISC00266-10-C020	Maker ENG	25/11/2021 (Revision P6)
Stormwater Layout Plans	Reference No. ISC00266-10-C110 to C112 Sheet No. 1-3	Maker ENG	25/11/2021 (Revision P5, 6 & 7)
Water Cycle Management Strategy	Reference No. ISC00266	Maker ENG	20/07/2021 (Version 2)
Biodiversity Development Assessment Report	Reference No. LE1316	Lodge Environmental	25/10/2021 (Revision 3)
Aboriginal Cultural Heritage Assessment Report	Reference No. 1919	Austral Archaeology	13/05/2021 (Version 3)
Addendum Aboriginal Cultural Heritage Assessment Report	Reference No. 21150	Austral Archaeology	14/12/2021 (Version 3)
Statement of Environmental Effects	Reference No. 8141800401/Report 001	Cardno	22/02/2018 (Version 1)

Note: Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under section 4.55 of the Environmental Planning and Assessment Act, or a new development application.

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2. **Prescribed Conditions**

The development must comply with the [Prescribed Conditions of Development Consent](#), Division 8A, *Environmental Planning and Assessment Regulation 2000*, as applicable.

3. **Native Vegetation and Habitat**

The removal and/or disturbance of native vegetation and habitat on the property, including canopy trees, understorey and groundcover vegetation, is restricted to that required to construct and maintain the development in accordance with the approved plans.

4. **Contamination – Mitigation Measures**

Mitigation measures as outlined in Section 5.6.4 of the Statement of Environmental Effects by Cardno (Reference No. 8141800401/Report 001, Version 1, dated 22/02/2018) must be implemented prior to construction/earthworks by an appropriately qualified and experienced environmental consultant.

PART B: INTEGRATED DEVELOPMENT AND CONCURRENCE CONDITIONS

5. **Natural Resources Access Regulator**

The conditions of the General Terms of Approval issued by Natural Resources Access Regulator, Reference No. IDAS-2021-10145, dated 13 January 2022, are included as conditions of this consent and must be complied with.

6. **Heritage NSW**

The conditions of the General Terms of Approval issued by Heritage NSW, Reference No. DOC22/43120, dated 21 January 2022, are included as conditions of this consent and must be complied with.

PART C: PRIOR TO THE COMMENCEMENT OF WORKS

7. **Subdivision Works Certificate**

A Subdivision Works Certificate must be obtained from either Council or an accredited certifier prior to commencement of any subdivision work.

8. **Appointment of Principal Certifier**

Prior to the commencement of building or subdivision work, a Principal Certifier must be appointed.

9. **Notice of Commencement**

Notice must be given to Council at least two (2) days prior to the commencement of building or subdivision work by completing and returning the form '[Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority](#)'

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10. Notice of Commencement – Responsible Person Subdivision

Prior to the commencement of works, written notice must be given to Council (at least two days prior) that includes the name and contact number of a professional engineer, (as defined in the National Construction Code) / surveyor responsible for all subdivision works.

11. Controlled Activity Approval Required

Where required by a concurrence authority listed in Part B of this determination, a Controlled Activity Approval (CAA) is to be obtained from that authority prior to those works commencing.

12. Waste Management Plan

A Waste Management Plan (WMP) must be prepared in accordance with Chapter G7 of Shoalhaven Development Control Plan 2014. The WMP must be approved by Council or the Certifier prior to the commencement of any works.

13. Toilet Facilities - Temporary

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- c) be a temporary chemical closet approved under the *Local Government Act 1993*.

14. Public Safety and Protection of Public Property - Hoarding

Prior to the commencement of works a Class A temporary hoarding must approved under section 138 and erected between the work site and adjoining lands in accordance with SafeWork NSW guidelines and AS 2601 *Demolition of structures*. The hoarding must be kept in place until completion of the works.

15. Construction Traffic Management Plan

Prior to the commencement of works, a Construction Traffic Management Plan detailing the proposed method of dealing with construction traffic and parking must be approved by Council.

Details must include, but are not limited to:

- a) Avoid direct construction access to the intersection of Taylors Lane / Moss Vale Road.
- b) Stabilised site construction access location
 - i) Proposed haulage routes for delivery of materials to the site
 - ii) Proposed haulage routes for spoil disposal from the site
 - iii) Traffic control planning for each of the various phases of construction and/or vehicle movements associated with construction
 - iv) Parking arrangements for construction employees and contractors

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- v) Proposed maintenance of the haulage routes and the name of the person responsible for such maintenance
- vi) Loading / unloading areas
- vii) Requirements for construction or work zones
- viii) Pedestrian and cyclist safety
- ix) Speed zone restrictions.

16. Runoff and Erosion Controls

Prior to the commencement of site works, runoff and erosion controls must be implemented and maintained during construction to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- a) diverting uncontaminated runoff around cleared or disturbed areas.
 - i) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties.
 - ii) preventing the tracking of sediment by vehicles onto roads.
 - iii) stockpiling topsoil, excavated materials, construction and landscaping supplies and debris within the lot.

17. Dilapidation Report

The developer must engage a competent person to prepare a dilapidation report in respect of the neighbouring premises and adjacent public infrastructure, including adjacent kerbs, gutters, footpaths (formed or unformed), driveways (formed or unformed), carriageway, reserves and the like to document evidence of any existing damage.

The dilapidation report must consider the impact of any excavation work that extends below the level of the base of the footings of any structure within 0.9 metres of the shared boundary.

Before works commence, a copy of the dilapidation report must be provided to the Certifier and Council. The dilapidation report will be the benchmark for necessary repairs to damage caused during the development works. The repairs must be completed by the developer at the developer's cost.

Not less than seven (7) days before works commence, the developer must notify the owner of any affected property of the intention to carry out approved works. The developer must also furnish the owner with details of the approved work.

18. Works within the Road Reserve

Prior to undertaking any works within an existing road reserve, the developer must obtain the consent of Council under *section 138 of the Roads Act, 1993*.

The following details must be submitted to Council as part of the application:

- a) Any civil works design required by this consent.
 - i) Evidence of the contractor's Public Liability Insurance to an amount of \$20 million.
 - ii) Name and contact information of the person responsible for all relevant works.
 - iii) A Traffic Control Plan prepared, signed and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation.

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- iv) Where the Traffic Control Plan requires a reduction of the speed limit, a 'Application for Speed Zone Authorisation' must be obtained from the relevant road authority.

19. Fauna Boxes

Prior to the commencement of any clearing work, a total of 12 fauna nest boxes must be installed as directed by a suitably qualified ecological consultant. The nest boxes are to be appropriate size to provide suitable replacement habitat for the hollows that are to be removed. Installation of the nest boxes is to be incorporated in the Construction Environment Management Plan (CEMP). Shoalhaven City Council must inspect and certify in writing the nest boxes are in place prior to works commencing.

20. Clearing of Hollow Bearing Trees - Supervision

Prior to the commencement of work, a suitably qualified and licensed ecological consultant with wildlife handling experience must be engaged to guide and supervise the clearing work and protection of environmental features on the site. Evidence of engagement must be submitted to Council.

21. Identification of Vegetation to be Retained

Prior to the commencement of work, the developer must identify the boundary between the extent of the works and the trees and vegetation to be retained. To protect vegetation within the reserve, a temporary protective barrier or similar visible material must be installed in accordance with the survey identification and retained until all work are complete.

PART D: PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

NIL

PART E: PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

22. Compliance with Conditions

A Subdivision Works Certificate must not be issued until the Certifier has received evidence that all relevant conditions have been met.

23. Amended Subdivision Plan

Prior to the issue of a Subdivision Works Certificate, an amended subdivision plan is to be submitted to Council for approval. The amended plan is to include the following amendments:

- a) The consolidation of Lots 58 and 201 to achieve compliance with the provisions of clause 4.1E, Shoalhaven Local Environmental Plan 2014.

24. Design Standards - Subdivision Works

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National

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Construction Code) or surveyor in accordance with Council's Engineering Design and Construction Specifications and approved by the Certifier. Specifications can be found on Council's web site.

25. Soil and Water Management Plans (SWMP)

Prior to the issue of a Subdivision Works Certificate, a Soil and Water Management Plan must be prepared by a Professional Engineer, (as defined in the National Construction Code) in accordance with the Landcom Manual – Soils and Construction, Managing Urban Stormwater, Vol 1, 4th Edition March 2004 to the satisfaction of the Certifier.

All implemented measures must:

- a) ensure to not cause water pollution as defined by the [Protection of the Environment Operations Act](#) (POEO).
 - i) be maintained at all times.
 - ii) not be decommissioned until at least 70% revegetation cover has been established and permanent water quality measures are implemented.

26. Landscape Design Plan

A landscape strategy, prepared by a suitably qualified person, must be submitted to Council for approval prior to the issue of a Subdivision Works Certificate. The landscape strategy is to include as a minimum:

- a) A landscape plan as per Chapter G3, Shoalhaven Development Control Plan 2014;
- b) Entry treatment (including entry from Taylors Lane);
- c) Extensive landscaping and street tree planting that incorporates deep rooted canopy trees as per the Moss Vale Road South Species List;
- d) Provision of landmark tree planting along the tree-lined boulevard (Taylors Lane);
- e) Establishment of a street lighting and furniture palette;
- f) Inclusion of any relevant signage detailing local history, Aboriginal cultural values, environmental education themes and the like;
- g) Deep soil planting to enable a substantial tree cover to be created over time; and
- h) Removal of existing noxious and environmental weed species.

27. The required landscape plan prepared by a suitably qualified landscape professional must be submitted to Council for approval prior to the issue of a Subdivision Works Certificate. The plan must be consistent with the approved Landscape Strategy and meet the objectives and performance criteria of Chapter G3, Shoalhaven Development Control Plan 2014 and include:

- a) All existing and proposed infrastructure including underground services;
- b) Existing site conditions (contours, vegetation, drainage, etc.);
- c) Botanic and common names of plantings (and cultivar name if applicable);
- d) Type of grass seed or turf to be used;
- e) The planting of street trees provided at the rate of one (1) tree located within the public road reserve centrally to each lot;

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- f) All trees are to have a minimum 75 litre pot size with a clear trunk of 1.2m. Details of the mature height and spread along with years to maturity is to be included (to determine possible restriction to sight distance at intersections and other locations as necessary);
- g) Each tree is to be protected by a braced structure comprising 4 timber posts with 75mm x 75mm minimum dimensions;
- h) Root barriers are to be placed between the trees and above or below ground civil infrastructure to a minimum depth of 1m, at least twice the pot size away from the tree and extend along the service for a minimum length of half the mature drip line; and
- i) Maintenance requirements.

The street trees must be shown on the engineering plans for approval by Council with the Subdivision Works Certificate.

28. Design Standards – Works Within Road Reserve

Prior to the issue of a Subdivision Works Certificate, all subdivision works proposed within road reserves must be approved by Council.

29. Subdivision Entry and Signage

Prior to the issue of a Subdivision Works Certificate, details of approved signs, fencing, and landscaping must be shown on the Subdivision Works Certificate plans and approved by Council or an accredited certifier.

30. Existing Services

Prior to the issue of a Subdivision Works Certificate, the developer must check that the proposed works are not affected by or do not affect any Council electricity, telecommunications, gas, or other service. All services existing and proposed, above or below ground are to be shown accurately on the engineering plans including longitudinal sections with clearances to proposed infrastructure clearly labelled. Any required alterations to services will be at the developer's expense.

31. Site Filling Design Standards - Subdivision

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.
The site filling design must comply with the following:

- a) The must be regraded generally in accordance with the concept bulk earthworks plan by Maker ENG (Reference No. ISC00266-10-C020, Revision P6, dated 25/11/2021) having an absolute minimum grade of 0.5%.
- b) The filling specification must be approved by Council and require all allotment filling to be placed in accordance with AS 3798 Guidelines on earthworks for commercial and residential developments and compacted at least to the minimum relative compaction listed in the standard applicable to the type of development / subdivision.

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32. Design Standards – Traffic Committee Referral

Prior to the issue of a Subdivision Works Certificate details of proposed traffic management and traffic control devices must be submitted to the satisfaction of Council for referral and endorsement of the Shoalhaven Traffic Committee.

Note: This process can take six to eight weeks.

33. Construction Access

Prior to the issue of a Subdivision Works Certificate, the developer must ensure access to the development site is available for all construction vehicles via the approved central roundabout at Moss Vale Road.

34. Road Design Standards (Urban) – Greenfield Subdivision

Prior to the issue of a Subdivision Works Certificate, certified road design engineering plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The road design must comply with the following:

- a) Council's Engineering Design Specifications sections D1 – Geometric Road Design and D2 – Flexible Pavement Design.
 - i) AUSTRROADS Design Requirements and Specifications.
 - ii) In accordance with the concept lot layout plans by Maker ENG (Reference No. ISC00266-10-C005 (Revision P6) & ISC00266-10-C006 (Revision P5), Sheet No. 1 & 2, dated 25/11/2021) except where specified by relevant conditions of consent.
 - iii) Design Vehicles – 14.5m rigid bus for all temporary and permanent bus routes. All other roads to be 8.8m service vehicle.
 - iv) Local Area Traffic Management (LATM) devices to be provided on all roads that exceed the maximum street leg lengths outlined within Council's DCP Chapter G11. All LATM devices must be designed with consideration of the road's status as a bus route where relevant, and be in accordance with Chapter G11, Shoalhaven Development Control Plan 2014, Austroads Guidelines and/or AS1742.13.
 - v) Integral kerb and gutter / layback kerb and gutter in accordance with Council's Standard Drawings.
 - vi) Frontages of all open space lots to be constructed with upright kerb and gutter.
 - vii) Subsoil drainage behind the kerb line on the high side of the road or both side if the cross fall is neutral or the road is in cut.
 - viii) A temporary vehicle turning area must be provided at the end of each stage. The turning area must be designed to have a 9.5m radius and a minimum pavement thickness of 200mm. The turning area is to be delineated by the use of guide posts at maximum 5m spacing with a D4-4A sight board at the end on the centreline.
 - ix) Property boundaries at road intersections must have minimum 2m x 2m corner splays. The dimensions of splays on local access roads and other roads of a higher hierarchy must be based on the size of kerb returns needed to cater for the appropriate design vehicle.

35. Right of Way Design Standards – Urban

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The right of way design must comply with the following:

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- a) Council's Engineering Design Standard Drawings.
 - i) Centrally placed and constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, on a 75mm compacted fine crushed rock base with minimum:
 - ii) 3 metre width for access to 1-2 lots,
 - iii) 3.5 metres with for access to 3-4 lots, and
 - iv) 5 metres width for access to 5-6 lots.
 - v) Installation of conduits for services for the full length of the driveway.
 - vi) Ensure stormwater runoff is not concentrated on to adjoining lots.
 - vii) Provision of a turning facility suitable for manoeuvring of the Australian Standard 99% design vehicle located at the furthest end of the driveway from the public road.

36. **Cycleway and Footpath Design Standards**

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The cycleway and footpath design must comply with the following:

- a) Councils Engineering Design Specifications Section D8 – Cycleway and Footpath Design.
 - i) Locations shown on the concept lot layout plans by Maker ENG (Reference No. ISC00266-10-C005 (Revision P6) & ISC00266-10-C006 (Revision P5), Sheet No. 1 & 2, dated 25/11/2021) with:
 - ii) A 2.0m width on the eastern side and southern side of Road 01 and 1.5m width elsewhere.
 - iii) 3% cross fall from the boundary to top of kerb.
 - iv) match existing footpath levels of adjoining footpaths and be a uniform grade or where this cannot be achieved, a longitudinal section must be designed.
 - v) kerb ramps at intersections in accordance with Council's Engineering Design Specifications.
 - vi) Constructed on a 75mm compacted fine crushed rock base with minimum 100mm thick 25MPa concrete and SL72 steel reinforcement mesh.
 - vii) Cross section design to be provided from road centreline to the boundary at each driveway access point.

37. **Lighting Design – Street Lighting on Public Roads**

Prior to the issue of a Subdivision Works Certificate, the developer must request a Public Lighting Design Brief from Council as per the requirements of the authority (Endeavour Energy).

38. **Structural Design – Major Structures**

Prior to the issue of a Subdivision Works Certificate, a detailed structural design for the following works must be certified by a professional engineer, (as defined in the National Construction Code) and approved by Council.

- a) Bridges and other major drainage structures, including pre-cast concrete culverts, headwalls, wing walls and stormwater pits / structures that require steel reinforcement.

The structural design must comply with the Council's Engineering Design Specification – Chapter 3 – Structures/Bridge Design and relevant Australian Standards.

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39. Stormwater Drainage Design Standards (Urban)

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans, specifications, and DRAINS model (or approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The stormwater drainage design must comply with the following:

- a) Major and minor drainage systems in accordance with Council's Engineering Design Specifications - Section D5 - Stormwater Drainage Design and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines.
 - i) The minor and major systems must be designed for a 20% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively.
 - ii) Generally, in accordance with concept stormwater layout plans by Maker ENG (Reference No. ISC00266-10-C110 (Revision P7), ISC00266-10-C111 (Revision P6) & ISC00266-10-C112 (Revision P5), Sheet No. 1-3, dated 25/11/2021) except where specified by relevant conditions of consent.
 - iii) Where a pipe drains a public road through land adjoining the road, the pipe is to be designed to cater for the 1% AEP event with an overland flow path to provide for bypass/surcharge in the event of the pipe or pit inlet being 50% blocked.
 - iv) Inter-allotment drainage is to be provided for all lots within the subdivision which do not achieve fall to the street.
 - v) Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site.

40. On-Site Detention – Greenfield Subdivision

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approve by the Certifier.

The on-site stormwater detention (OSD) design must comply with the following:

- a) Demonstrate compliance with Chapters NB3 (including the supporting Integrated Water Cycle Management Plan) and G2, Shoalhaven Development Control Plan 2014.

41. Stormwater Drainage Design – Trunk Drainage

Prior to the issue of a Subdivision Works Certificate, a detailed design including certified engineering plans, specifications and DRAINS model (or an approved alternative) for any major trunk drainage must be certified by a professional engineer, (as defined in the National Construction Code) demonstrating the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines and approved by Council Specifications can be found on Council's web site.

42. WSUD Measures – Water Quality, Retention and Reuse

Prior to the issue of a Subdivision Works Certificate, a detailed design of permanent water quality, retention and reuse devices must be certified by a professional engineer, (as defined in the National Construction Code) who can demonstrate the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and is to be approved by Council. Specifications can be found on Council's website.

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The stormwater treatment, retention and reuse design must comply with the following:

- a) The design must comprise of rainwater tanks in accordance with BASIX requirements and an end-of-line stormwater facility that comprises a trash rack, sediment basin and constructed wetland and generally comply with concept stormwater layout plans by Maker ENG (Reference No. ISC00266-10-C110 (Revision P7), ISC00266-10-C111 (Revision P6) & ISC00266-10-C112 (Revision P5), Sheet No. 1-3, dated 25/11/2021) and the concept Water Cycle Management Strategy by Maker ENG (Reference No. ISC00266, Version 2, dated 20/07/2021).
- b) No additional stormwater infrastructure is permitted within the rural zoned land above what is shown on the approved plans. Any additional area required for stormwater infrastructure must be accommodated within the residential zoned land.
- c) Rainwater tanks in accordance with BASIX requirements.
- d) The WSUD strategy must be able to remove 80% of Total Suspended Solids (TSS), 45% of Total Nitrogen (TN) and 45% of Total Phosphorus (TP) for the total site area as demonstrated using MUSIC software. The detailed MUSIC model must be provided to Council for acceptance. These pollutant reduction targets must be met using the stormwater treatment measures listed in a) above and not rely on any other measures including but not limited to buffer strips
- e) The WSUD strategy must have appropriate stormwater retention storage that is equal to or greater than 10mm for increases in all impervious surfaces compared to the pre-development condition.
- f) The 50% AEP pre-development peak discharge must be maintained.

43. **WSUD Measures – Constructed Wetlands**

Prior to the issue of a Subdivision Works Certificate, a detailed design of constructed wetland stormwater quality improvement devices must be certified by a professional engineer, (as defined in the National Construction Code) who can demonstrate the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications is to be approved by Council. Specifications can be found on Council's website.

The constructed wetland design must comply with the following:

- a) The constructed wetland must be located in a treatment train configuration immediately downstream of a trash rack / GPT and sediment basin that is offline from the stormwater network to allow flows exceeding an approximately 1 exceedances per year (EY) event to bypass the trash rack / GPT and sediment basin, but not the wetland.
- b) A graduated trash rack configuration is required to prevent litter overtopping the trash rack if it becomes fully blocked. The trash rack must be designed to retain litter greater than 40mm for flows up to the 4 EY event. The invert of the trash rack must be located above the permanent water level of the sediment basin.
- c) The sediment basin must be designed to capture "coarse" sediment prior to entering the constructed wetland. All stormwater outlets proposed to be treated by the device must be diverted upstream of the sediment basin.
- d) The constructed wetland must be designed in accordance with the latest version of the Melbourne Water Wetland Design Manual or a demonstrated equivalent approved by Council and be sized for the entire contributing catchment, whether part of the subdivision or not.
- e) The constructed wetland must have a maximum extended detention depth (EDD) of 500mm and a 72 hour notional detention time.

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- f) All inflows (via the sediment basin) must enter the upstream end of the constructed wetland to ensure flows pass through the full length of the treatment device without any dead spots or the ability for flows to short-circuit the constructed wetland. A deeper pool is required in the location of both inflow and outflow pipes. A length to width ratio of approximately 8:1 is required.
- g) The constructed wetland must be established offline from inflows until it is fully established.
- h) Land must be retained around the stormwater system to allow Council to access stormwater infrastructure and conduct maintenance activities. A minimum 5m average width buffer around the stormwater devices (measured from the top of batter) are required for access, landscaping and safety requirements unless an alternative setback is approved by Council. All surfaces with a grade steeper than 1V:4H must be planted.
- i) Batter slopes for the sediment basin and constructed wetland that are steeper than 1V:4H, including vertical retaining walls, are not permitted unless approved by Council.
- j) A vehicle access ramp must be provided to all trash rack, sediment basin and constructed wetland treatment devices for maintenance and operation requirements, such as debris, litter and sediment removal and vegetation reinstatement. Access slopes for maintenance vehicles should not exceed 1V:12H for trucks and 1V:5H for excavators and other maintenance vehicles. Access turnings paths must be demonstrated to comply with AS2890.2 for a medium rigid vehicle (MRV).
- k) Landscape details for the constructed wetland and surrounds are to be included on the Landscape Plan and submitted to Council for approval.
 - i) Stormwater detention is to be provided above the constructed wetland footprint. The maximum permitted depth of stormwater detention above the treatment EDD is 500mm. Stormwater flows exceeding the 1 EY event entering the wetland must have adequate energy dissipation to avoid damage to the wetland and its vegetation. The DRAINS model (or approved alternative software accepted by Council) must be provided to Council for acceptance of the OSD modelling.
 - ii) Councils Engineering Design Specification where relevant.

44. Water Sensitive Urban Design Operation and Maintenance Manual

Adopted WSUD Management, Operation, Maintenance and Monitoring Manual/s for the permanent water quality facilities must be submitted to Council prior to issue of the Subdivision Works Certificate. The manuals must be prepared by a suitably qualified professional in accordance with the objectives and criteria identified in the approved Integrated Water Cycle Management Plan.

45. Water Sensitive Urban Design Checklists

Compliance checklists are to be prepared by the WSUD Designers and submitted to Council prior to issue of the relevant Subdivision Works Certificate. The checklists must incorporate all checks and certifications that are required to be carried out during the civil construction phase, asset protection phase, landscape practical completion phase and final compliance inspection prior to final handover.

46. Exclusion fencing map

Prior to the issuing of a Subdivision Works Certificate the developer must submit a site map showing exclusion fencing such as parra-webbing or similar surrounding the drip line of all trees

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and adjacent areas of native vegetation to be retained including the Council reserve and trees along Taylors Lane.

47. Retirement of Biodiversity Offset Scheme Credits

The *NSW Biodiversity Conservation Act 2016* requires that a condition to retire credits is to be complied with before any development that would impact on biodiversity values is carried out (*BC Act* s7.13(5)). Evidence that credit obligations have been met must be provided to Council prior to the issue of a Subdivision Works Certificate. A private certifier cannot assume the role of the consent authority in confirming compliance with offset conditions. The following credits are required to be retired.

Biodiversity credit obligation options

Ecosystem Credits

Credit classes for PCT 1212	Like-for-like options		
	Offset Trading Group	Containing HBT	In the below IBRA subregions
	Southern Lowland Wet Sclerophyll Forest <50%	Yes	Illawarra, Ettrema, Jervis, Moss Vale, Sydney Cataract and Northern Basalt. Or Any IBRA subregion within 100km of the outer edge of the impact site.
Number of credits required: 13	Variation options		
	Any PCT in the below formation <u>and</u> in any of below trading groups Wet Sclerophyll Forest (Grassy sub-formation) Trading group Tier 4 or higher	Containing HBT Yes (including artificial)	In the below IBRA regions/subregions IBRA Region: Sydney Basin, or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.

Species Credits

Species	Number of Credits	Like for Like options	Variation options
Gang-gang Cockatoo <i>Callocephalon fimbriatum</i>	17	Any Gang-gang Cockatoo in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Sydney Basalts or and IBRA subregion that is within 100km of the outer edge of the impacted site.
Glossy-black Cockatoo <i>Calyptorhynchus lathami</i>	17	Any Glossy-black Cockatoo in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Sydney Basalts or and IBRA subregion that is within 100km of the outer edge of the impacted site.
Large-eared Pied Bat	25	Any Large-eared Pied Bat in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss

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<i>Chalinolobus dwyeri</i>			Vale Sydney Cataract and Sydney Basalts or and IBRA subregion that is within 100km of the outer edge of the impacted site.
Southern Myotis <i>Myotis Macropus</i>	17	Any Southern Myotis in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Sydney Basalts or and IBRA subregion that is within 100km of the outer edge of the impacted site
Barking Owl <i>Ninox connivens</i>	17	Any Barking Owl in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Sydney Basalts or and IBRA subregion that is within 100km of the outer edge of the impacted site
Powerful Owl <i>Ninox strenua</i>	17	Any Powerful Owl in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Sydney Basalts or and IBRA subregion that is within 100km of the outer edge of the impacted site
Masked Owl <i>Tyto novaehollandiae</i>	17	Any Masked Owl in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Sydney Basalts or and IBRA subregion that is within 100km of the outer edge of the impacted site

Like for like credit obligations may be achieved through either:

- The purchase and retirement of credits

Evidence must be provided in the form of a credit retirement report issued by NSW Office of Environment and Heritage (OEH) confirming credit transactions. The credit transaction must correspond to the required like for like credits from an appropriate location.

- Payment into the Biodiversity Conservation Fund (BCF) administered by the Biodiversity Conservation Trust (BCT)

Evidence must be provided in the form of a section 6.33 Statement Confirming Payment into the Biodiversity Conservation Fund issued by the Biodiversity Conservation Trust. The payment transaction must correspond to the appropriate class and number of credits required.

Note that the use of variation rules to utilise the “Variation options” under the *Biodiversity credit obligation options*, can only be approved following demonstration of reasonable steps to locate like for like offsets. Actions that constitute ‘reasonable steps’ are outlined in the ancillary rules (<https://www.environment.nsw.gov.au/resources/bcact/ancillary-rules-reasonable-steps-170498.pdf>).

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48. Construction Environment Management Plan

Prior to the issue of a Subdivision Works Certificate, a Construction Environmental Management Plan (CEMP) is to be prepared outlining all measures to protect and minimise impacts to the natural features on the property, including native vegetation, fauna and waterways, during construction. The CEMP is to include relevant measures prescribed by these consent conditions and the recommendations outlined in the Biodiversity Development Assessment Report by Lodge Environmental (Reference No. LE1316, Revision 3, dated 25/10/2021). The CEMP is to be approved by Council prior to the issue of a Subdivision Works Certificate and the start of any works, including clearing works.

49. Microbat Management Plan

Prior to the issue of a Subdivision Works Certificate, a Microbat Management Plan is to be prepared by a suitably qualified ecologist that outlines how impacts to Threatened microbats are minimised during construction. The plan is to include protocols to protect and minimise harm to any roosting or breeding microbats located within trees to be removed. Replacement habitat is to be provided. The plan is to be approved by Council prior to the commencement of any works.

50. Flooding – Subdivision Works Certificate Requirements

Prior to the issue of a Subdivision Works Certificate, a professional engineer, (as defined in the National Construction Code) must submit to the satisfaction of the Certifier, certification that the following items have been detailed on the construction drawings:

- a) All roads will be constructed at or above the 1% Annual Exceedance Probability (AEP) event flood level as documented on a Flood Certificate obtained from Council that is based on the latest flooding information held or site specific flood modelling.
- b) All new lots are constructed at or above the 1% AEP event flood level as documented on a Flood Certificate obtained from Council that is based on the latest flooding information held or site specific flood modelling.

PART F: DURING WORKS

51. Hours for Construction

Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday. Proposed changes to hours of construction must be approved by Council in writing.

52. Excavation

Excavation must be carried out in accordance with *Excavation Work: Code of Practice (ISBN 978-0-642-78544-2)* published by Safe Work Australia in October 2018.

53. Aboriginal Objects Discovered During Excavation

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) All excavation or disturbance of the area must stop immediately.

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- b) Additional assessment and approval pursuant to the National Parks and Wildlife Act 1974 may be required prior to works continuing the affected area(s) based on the nature of the discovery.
- c) Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).
- d) The Heritage NSW must be advised of the discovery in accordance with section 89A of the [National Parks and Wildlife Act 1974](#).

54. Archaeology Discovered During Excavation

If any object having interest due to its age or association with the past is uncovered during the course of the work:

- a) All work must stop immediately in that area.
- b) Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).
- c) In accordance with the *Heritage Act 1997*, the Heritage NSW must be advised of the discovery.

55. Contamination - Unexpected Finds

- a) If unexpected contaminated soil and/or groundwater is encountered during any works:
 - i) all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant.
 - ii) the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.
- b) If unexpected contaminated soil or groundwater is treated and/or managed on-site; an appropriately qualified environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines prior to recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Council prior to the recommencement of any works.
- c) If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014).

Note: An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner or 'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA).

56. Earthworks Cut, Fill and Grading

The maximum grading of cut or fill must be 2H:1V where there is no retaining wall or no other method of stabilising cut or fill during construction. The maximum depth of cut or fill on any portion of the allotment must be 2.0 metres except where identified within the concept bulk earthworks plan by Maker ENG (Reference No. ISC00266-10-C020, Revision P6, dated 25/11/2021).

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57. CCTV Inspection of Stormwater Pipes

Prior to the completion of works, all stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council must be inspected by CCTV and submitted to the Certifier for approval. The CCTV must be carried out in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia Version 3.1 after all earthworks and adjacent road pavement works have been completed.

Damaged pipes must either be replaced or repaired to the satisfaction of the Certifier prior to the issue of a Subdivision Certificate.

58. Stormwater Connections in Road Reserve

Prior to completion of works, the site supervisor must ensure that stormwater connections between the property boundary and the new kerb and gutter are inspected and approved by Council and backfilled as soon as possible. Kerb connections are only to be made using adaptors/convertors approved by Council.

Note: A section 138 approval under the Roads Act 1993 will be required for any works within the road reserve.

59. Lot Filling

Prior to completion of works, the developer must ensure that the following requirements are met in relation to lot filling:

- a) The site supervisor must ensure that all fill outside the allotment areas must be placed in accordance with Council's Engineering Construction Specification.
 - i) Performed under Level 1 supervision by a professional engineer, (as defined in the National Construction Code).
 - ii) A Level 1 Supervision Report is to be approved by Council prior to the release of the Subdivision Certificate.
 - iii) Obtain a lot classification, in accordance with *AS 2870 Residential slabs and footings*, of no worse than 'H'; a lot classification must be submitted to Council prior to the release of the Subdivision Certificate.
 - iv) Any fill must:
 - v) have a maximum batter of 25% (1v:4h) at any location.
 - vi) not encroach onto adjoining land.
 - vii) not cause the diversion or concentration of natural overland stormwater runoff onto adjoining property.
 - viii) be protected against erosion, with measures incorporated in the erosion and sediment control plan.
 - ix) include adjustment of services (manholes, inter-allotment drainage, etc.) in the scope of works.

60. Waste Management Plan

All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Management Plan (WMP) or removed to an authorised waste disposal facility. Waste must not be placed in any location or in any manner that would allow it to fall,

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descend, blow, wash, percolate or otherwise escape from the site. Compliance with the WMP must be demonstrated by the submission of tip receipts to the Certifier.

Note: "Waste" is defined in the Dictionary to the Protection of the Environment Operations Act 1997 (POEO Act).

61. Maintenance of Site and Surrounds

During works, the following maintenance requirements must be complied with:

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery.
- d) The developer must maintain the approved soil water management measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised.
- e) During construction:
 - i) all vehicles entering or leaving the site must have their loads covered, and
 - ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- f) At the completion of the works, the work site must be left clear of waste and debris.

62. Imported Fill - VENM or ENM Only

Where fill is imported to the site it must be characterised as virgin excavated natural material (VENM) or excavated natural material (ENM) as defined in Part 3 of schedule 1 of the *Protection of the Environment Operations Act 1997 (POEO Act)*

Documentation must be provided to the Certifier certifying that imported fill material is not contaminated and does not contain contaminants such as asbestos, chemicals or building waste.

63. Felling of trees

Trees to be cleared must be felled into the development area carefully so as not to damage trees to be retained in or beyond the development footprint.

64. Hollow bearing tree removal protocols

All Hollow bearing trees and trees containing nests are to be removed in accordance with the following protocols.

- a) A suitably licensed ecologist (who is vaccinated for Australian Bat Lyssavirus) is to supervise the removal of the Hollow-bearing trees and any tree containing nests to minimise the chance of harm to fauna, and to rescue or relocate any fauna displaced during the clearing process.
- b) All trees and hollows are to be checked for resident fauna prior to felling by the supervising ecologist.

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- c) If nests are present, they are to be carefully relocated in nearby nest boxes or as directed by the supervising ecologist.
- d) Non-hollow bearing trees are to be removed before the removal of hollow-bearing trees. Hollow-bearing trees are to be removed at least day following all other vegetation removal to allow sheltering fauna time to leave on their own.
- e) The hollow-bearing tree must be gently nudged several times with felling equipment prior to felling to encourage safe fauna evacuation.
- f) The tree must be then be felled carefully in sections to allow the rescue of native fauna. Hollow-bearing sections must be carefully lowered to the ground so as not to injure native fauna.
- g) Once the tree has been felled the hollows are to be inspected again for fauna and relocated in an appropriate location determined by the ecologist.
- h) If any wildlife is disoriented or injured during clearing works, works must stop immediately, and the consultant ecologist is to advise and responsibly rescue and relocate the animal(s). Injured animals will need to be assessed and either taken to the nearest veterinary clinic or placed into care with South Coast Wildlife Rescue.
- i) In the event that a breeding or nesting threatened species is observed in the vegetation to be removed, works must stop immediately, and the developer and consultant ecologist must consult with Council's Environmental Assessment Officer to determine what steps are to be taken to avoid harm or disruption to the nesting Threatened species.
- j) Where possible, logs from felled trees should be distributed into areas of vegetation to be retained so that they can continue to provide habitat for fauna.

65. Pruning or Trimming

Pruning or trimming of any trees to be retained must be undertaken in accordance with AS 4373 *Pruning of amenity trees*.

66. Parking and storing of building equipment and materials

The parking of machinery and vehicles or the storing of building or landscaping materials, soil, spoil, or rubbish, within the fenced area around trees and vegetation to be retained is prohibited.

67. Construction Environmental Management Plan

Works must be undertaken in accordance with the approved Construction Environmental Management Plan.

68. Timing of works

To protect hollow-nesting fauna, the removal of hollow-bearing trees must be undertaken outside of spring and summer months.

PART G: PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

NIL

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PART H: PRIOR TO THE ISSUE OF A SUBDIVISION / STRATA CERTIFICATE

69. Subdivision Certificate

A Subdivision Certificate must be obtained from Council or an accredited certifier prior to lodgement of the Final Plan of Survey with NSW Land Registry Services.

70. Schedule of Compliance

The Subdivision Certificate must not be issued until all relevant conditions of development consent have been met or other satisfactory arrangements have been made with Council (i.e. a security). A schedule of compliance in table format must be submitted with the application for a Subdivision Certificate. The schedule must provide evidence of how all relevant conditions of development consent have been fulfilled.

71. Special Infrastructure Contribution

A special infrastructure contribution must be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Illawarra Shoalhaven) Determination 2021 (as in force when this development consent takes effect).

A person may not apply for a Subdivision Certificate, Construction Certificate or Occupation Certificate (as the case may require, having regard to the Determination) in relation to development the subject of this development consent unless the person provides, with the application, written evidence from the Department of Planning, Industry and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

More information

A request for assessment by the Department of Planning, Industry and Environment of the amount of the contribution that is required under this condition can be made through the NSW planning portal (<https://www.planningportal.nsw.gov.au/special-infrastructure-contributions-online-service>). Please refer enquiries to SICContributions@planning.nsw.gov.au.

72. Local Infrastructure Contributions - Subdivision

This development will generate a need for the additional services and/or facilities described in Shoalhaven Contributions Plan 2019 and itemised in the following table:

Project	Description	Calculation	Amount
01AREC5006	Northern Shoalhaven Sports Stadium	\$706.53 * 57	\$40,272.21
01AREC5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$547.93 * 57	\$31,232.01
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	\$739.61 * 57	\$42,157.77
01CFAC0002	Community Hall North Nowra	\$145.51 * 57	\$8,294.07
01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	\$30.25 * 57	\$1,724.25

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01ROAD2101	Nth Nowra Link Rd-Construct Rd, Bridge & Traffic Facilities	\$6,944.54 * 57	\$395,838.78
CWAREC5005	Shoalhaven Community and Recreational Precinct SCArP Cambewarra Road Bomaderry	\$1,949.31 * 57	\$111,110.67
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,473.26 * 57	\$83,975.82
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,292.05 * 57	\$73,646.85
CWCFAC5007	Shoalhaven Regional Gallery	\$70.93 * 57	\$4,043.01
CWFIRE2001	Citywide Fire & Emergency services	\$139.37 * 57	\$7,944.09
CWFIRE2002	Shoalhaven Fire Control Centre	\$203.89 * 57	\$11,621.73
CWMGMT3001	Contributions Management & Administration	\$579.56 * 57	\$33,034.92
			\$844,896.18

The total contribution, identified in the above table or as indexed in future years, must be paid to Council prior to the issue of a Subdivision Certificate. Evidence of payment must be provided to the Certifying Authority.

Contributions Plan 2019 can be accessed on Councils website www.shoalhaven.nsw.gov.au or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

73. Road Connection to Moss Vale Road

Prior to the issue of a Subdivision Certificate, the developer is to provide sufficient evidence to the Certifier that the public road dedication over the adjacent lots to the subdivision within this approval have been constructed in accordance with the conditions of the consent.

74. Intersection of Taylors Lane and Moss Vale Road

Prior to the issue of a Subdivision Certificate, the developer/site owner must ensure the cul-de-sac to the east of Road 01 as shown on the concept subdivision plan by Maker ENG (Reference No. ISC00266-10-C008, Revision P9, dated 11/11/2021) or other appropriate measures have been implemented to the satisfaction of Council to ensure vehicular traffic from the development does not use the intersection of Taylors Lane and Moss Vale Road.

Note: The prevention of access to the east of the Road 01 connection with Taylors Lane is to be maintained until Taylors Lane has been upgraded as part of the Far North Collector Road upgrade and/or access to and from the development site to Moss Vale Road via Taylors Lane is no longer available.

75. Moss Vale Road Roundabout

All access to the development site for ongoing access post lot registration must be via the central roundabout in the approved location at Moss Vale Road.

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76. Detailed Engineering Survey Plan

Prior to the issue of a Subdivision Certificate, the developer is to submit to Council a Detailed Engineering Survey Plan for Lot 3 DP 1256748 (known as Taylors Lane, Cambewarra).

77. Agreement for Provision of Stormwater Infrastructure

Prior to the issue of a Subdivision Certificate, the developer is to provide sufficient evidence to the Certifier that the developer has entered into a satisfactory agreement and arrangements with Council for the provision of stormwater infrastructure as required under Chapter NB3, Shoalhaven Development Control Plan 2014 and Contribution Plan 01DRAI0006.

78. Verification of Works

Prior to issue of a Subdivision Certificate, the developer is to provide the following documentation to the Certifier for approval:

- a) Notification from the developer verifying that all subdivisions works have been constructed in accordance with the approved plans and construction specifications.
 - i) Written evidence from a suitably qualified landscape professional that all landscape works have been completed in accordance with the approved landscape plans.
 - ii) Completion of Works within the Road Reserve notification letter from Council.
 - iii) Certification from Council or an accredited certifier to verify that all inspections required by the Certifier have been completed in accordance with the approved plans and construction specifications.
 - iv) A structural certificate from a professional engineer, (as defined in the National Construction Code) submitted to Council to certify that all structural elements have been constructed in accordance with the approved plans and relevant Australian Standards.
 - v) Level 1 Supervision Report and Lot Classification Report.
 - vi) Final pavement tests to confirm material depth and compaction complies with the pavement design.

79. Works as Executed Plans

Prior to the issue of a Subdivision Certificate, Works as Executed Plans must be prepared by a registered surveyor / professional engineer, (as defined in the National Construction Code) and be submitted to council and the Certifier demonstrating compliance with the approved design plans.

The Works as Executed dimensions and levels must be shown in red on a copy of the approved Subdivision Works Certificate plans and comply with the following requirements:

- a) Council's Development Engineering Construction Specification.
 - i) Show compliance with the approved design plans of all road and drainage works.
 - ii) Certify that all storm water pipes, and other services are wholly within an appropriate easement.
 - iii) Show the extent, depth and final levels of filling.
 - iv) Show any retaining walls including footings and agricultural drainage lines.
 - v) Show the location of all underground service conduits.
 - vi) Include all deviations from the approved Civil Engineering Plans.

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80. Handover of WSUD Assets to Council

The following conditions are required to be met for WSUD devices to be handed over to Council.

- a) The WSUD infrastructure has been designed and constructed in accordance with Council guidelines, the approved design drawings and specifications.
- b) All WSUD infrastructure has been maintained in accordance with the approved WSUD Operation and Maintenance Manual. This includes but is not limited to, the removal of all sediment and litter from trash racks / GPT devices, removal of any weeds and reinstatement of any dead or unhealthy plants.
- c) Any accumulated sediment has been removed to the as-built invert levels of sediment basins/forebays, constructed wetlands / water quality ponds and lakes.
- d) For bioretention and infiltration basins, an infiltration test has been undertaken to validate the saturated hydraulic conductivity is in accordance with the approved design. The infiltration test must be observed by Council's Development Engineering Coordinator or delegate.
- e) Any identified defects have been rectified to the satisfaction of Council at the developers cost.
- f) Work as executed (WAE) drawings have been provided to and accepted by Council.

81. Maintenance Bond – Subdivision Works

Prior to the issue of a Subdivision Certificate, the developer must submit a cash bond or irrevocable bank guarantee equal to 5% of the cost of the civil works (excluding water supply and sewerage) and landscaping works to Council to provide security and assurance that the developer will for a period of 12 months, repair any defective works or re-establish ground cover and landscaping where this has not become established.

82. Maintenance Bond – Subdivision Signs

Prior to the issue of a Subdivision Certificate, the developer must submit a cash bond or irrevocable bank guarantee to Council to cover the cost of removal of any approved estate signs installed by the developer. The bond amount must also include restoration of the area to Council's satisfaction.

83. Property Addressing

Road naming and property addressing, whether for a public or private road within an urban, rural or community subdivision, must comply with the NSW Address Policy and NSW Addressing User Manual administered by the NSW Geographical Names Board and Council's Road Naming Policy and/or Property Addressing Policy.

An Application for Road Naming and/or an Application for Property Addressing must be submitted to Council and approved prior to submission of a Subdivision Certificate Application. For further information see Council's website or contact Council's GIS Group on (02) 4429 3479.

84. Utility Services

Prior to the issue of a Subdivision Certificate, utility services must be provided in accordance with the following:

- a) The provision of electricity to service allotments and street lighting in the subdivision must be in accordance with the requirements of Endeavour Energy who are to confirm in writing that conditions of supply have been met.

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- b) The submission of a Telecommunications Infrastructure Provisioning Confirmation from an approved telecommunications carrier to the Certifier or Council (as applicable) confirming that satisfactory arrangements have been made for the provision of telecommunication services to all individual lots.
- c) A Certificate of Compliance under Section 307 of Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance must be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Notice of Requirements and prior to the issue of a Subdivision Certificate, as the case may be.
- d) If development is to be completed in approved stages or application is subsequently made for staging of the development, separate Compliance Certificates must be obtained for each stage of the development.

Note: Relevant details, including monetary contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water. For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3547.

85. Restrictions – Easements and Restrictions on Use of Land

An Instrument must be prepared under section 88B of the Conveyancing Act 1919 which will provide for the following Restrictions on the land when the subdivision is registered:

- a) where there is a shared access or common driveway, reciprocal rights of carriageway must be provided inclusive of any maintenance responsibilities and financial apportionments, where necessary.
- b) where there is shared infrastructure, landscaping, structures, and the like, arrangements must be made for access and maintenance.
- c) all corner lots which have access to Road 01 and a minor road to have access prohibited to Road 01.
- d) The planting of plant species listed in the *South East Regional Strategic Weed Management Plan 2017 – 2022* is prohibited for the life of the development.
- e) The nest/microbat roost boxes must be maintained for the life of the development including repair and replacement where required, as instructed by a suitably qualified ecological consultant.

The Instrument must contain a provision that it cannot be varied, modified or released without the consent of the relevant parties as appropriate and without the consent of the Shoalhaven City Council.

The Instrument must not contain any restriction that prohibits development on the site allowed under the relevant environmental planning instruments.

A draft 88B Instrument must be submitted to the Certifier for approval before a Subdivision Certificate is issued.

86. Maintenance Period of WSUD Devices

The developer is responsible for all maintenance of the stormwater infrastructure; including trash racks, GPT devices, sediment basins / forebays, constructed wetlands, bioretention basins, water quality ponds, infiltration basins, swales etc for a period of 3 years up until Council's acceptance

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that the WSUD devices and associated stormwater assets are of a satisfactory condition at the end of the 3-year maintenance period.

Approaching hand over at the conclusion of the 3-year maintenance period, a site meeting with Council must be arranged by the developer. The objective of the meeting will be to identify any outstanding actions that require rectification by the developer before asset hand over. Annual reports documenting implementation measures and containing all monitoring results are to be submitted to Council during this phase.

87. Handover of WSUD Assets to Council

The following conditions are required to be met for WSUD devices to be handed over to Council.

- a) The WSUD infrastructure has been designed and constructed in accordance with Council guidelines, the approved design drawings, and specifications.
 - i) All WSUD infrastructure has been maintained in accordance with the approved WSUD Operation and Maintenance Manual. This includes but is not limited to, the removal of all sediment and litter from trash racks / GPT devices, removal of any weeds and reinstatement of any dead or unhealthy plants.
 - ii) Any accumulated sediment has been removed to the as-built invert levels of sediment basins/forebays, constructed wetlands / water quality ponds and lakes.
 - iii) Any identified defects have been rectified to the satisfaction of Council at the developers cost.
 - iv) Work as executed (WAE) drawings have been provided to and accepted by Council.

88. Landscaping

The approved landscaping works including street trees are to be installed prior to the issue of the Subdivision Certificate and must be maintained until the end of the maintenance period and the trees are established. Any tree not established upon expiry of the subdivision maintenance period is to be replaced and maintained until established. A bond must be provided for the maintenance of any replaced or non-established trees, to be held until the trees are established, or for a period of six (6) months.

PART I: ONGOING USE OF THE DEVELOPMENT

89. Landscaping

The planting of plant species listed in the *South East Regional Strategic Weed Management Plan 2017 – 2022* is prohibited for the life of the development.

90. Nest Boxes

The nest/microbat roost boxes must be maintained for the life of the development including repair and replacement where required, as instructed by a suitably qualified ecological consultant.

PART J: OTHER COUNCIL APPROVALS AND CONSENTS

NIL

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PART K: REASONS FOR CONDITIONS

The application has been assessed as required by section 4.15 of the *Environmental Planning and Assessment Act 1979* and has been determined by the granting of conditional development consent.

Statutory requirements

The development proposal, subject to the recommended conditions, is consistent with:

- a) the objects of the Environmental Planning and Assessment Act, 1979.
- b) the aims, objectives and provisions of the applicable environmental planning instruments,
- c) the aims, objectives and provisions of Shoalhaven Development Control Plan 2014 (SDCP 2014).
- d) the aims, objectives and provisions of relevant Council policies.

Public notification

The application was publicly notified in accordance with the *Environmental Planning and Assessment Regulation 2000* and Council's Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies (POL 16/230).

Submissions

Any submissions received during the public notification period are available on [DA Tracking](#)

Community views

Issues and concerns raised by the community in submissions have been considered in the assessment of the application and, where appropriate, conditions have been included in the determination to mitigate any impacts.

Suitability of the Site

The application has been approved because the development proposal is considered to be suitable for the site.

The relevant public authorities and the water supply authority have been consulted and their requirements met, or arrangements made for the provision of services to the satisfaction of those authorities.

The increased demand for public amenities and services attributable to the development has been addressed by the requirement to pay contributions in accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979* and Council's Contribution Plan 2019. Contributions under Section 307 of the Water Management Act 2000 have been applied as required.

Impacts of the Development

The application was considered to be suitable for approval. Conditions have been imposed to ensure that:

- a) the development will not result in unacceptable adverse impacts on the natural and built environments.
- b) the amenity and character of land adjoining and in the locality of the development is protected.
- c) any potential adverse environmental, social or economic impacts of the development are minimised.

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- d) all traffic, car parking and access arrangements for the development will be satisfactory.
- e) the development does not conflict with the public interest.

PART L: RIGHTS OF REVIEW AND APPEAL

Determination under Environmental Planning and Assessment Act, 1979

Division 8.2 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination a right to request the council to review its determination. The request and determination of the review must be undertaken within the prescribed period.

Division 8.3 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised within the prescribed period.

An appeal under Division 8.3 of the EP&A Act, 1979 by an objector may be made only within the prescribed period.

PART M: GENERAL ADVICE

In this consent the term developer means any person or corporation who carries out the development pursuant to that consent.

Disability Discrimination Act 1992

This application has been assessed in accordance with the *Environmental Planning & Assessment Act, 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *AS1428.1 - Design for Access and Mobility*.

Disclaimer –Conveyancing Act 1919 – Division 4 – Restrictions on the Use of Land

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under Clause 1.9A of *Shoalhaven Local Environmental Plan 2014* agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

DBYD Enquiry - 'Dial Before You Dig'

In order to avoid risk to life and property it is advisable that an enquiry be made with "Dial Before You Dig" on 1100 or www.dialbeforeyoudig.com.au prior to any excavation works taking place to ascertain the location of underground services. You must also contact your Local Authority for locations of Water and Sewer Mains.

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SIGNED on behalf of Shoalhaven City Council:

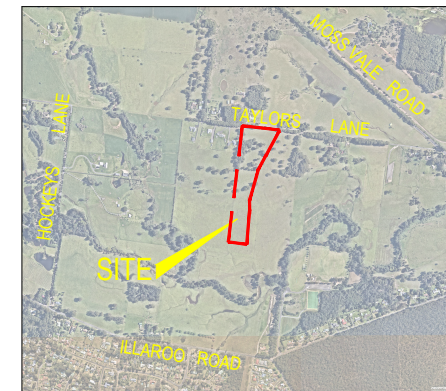
CL22.181 - Attachment 3

PROPOSED SUBDIVISION OF 371 ILLAROO ROAD, CAMBEWARRA NSW

DEVELOPMENT APPLICATION

PLAN NUMBER	DRAWING TITLE
Plan number	Drawing Title
ISC00266-10-C000	COVER SHEET AND DRAWING SCHEDULE
ISC00266-10-C001	NOTES
ISC00266-10-C003	GENERAL ARRANGEMENT KEY PLAN
ISC00266-10-C005	LOT LAYOUT PLAN SHEET 1
ISC00266-10-C006	LOT LAYOUT PLAN SHEET 2
ISC00266-10-C007	LOT LAYOUT PLAN SHEET 2
ISC00266-10-C008	SUBDIVISION PLAN
ISC00266-10-C010	GENERAL ARRANGEMENT PLAN SHEET 1
ISC00266-10-C011	GENERAL ARRANGEMENT PLAN SHEET 2
ISC00266-10-C012	GENERAL ARRANGEMENT PLAN SHEET 3
ISC00266-10-C020	BULK EARTHWORKS PLAN
ISC00266-10-C021	BULK EARTHWORKS SECTIONS SHEET 1
ISC00266-10-C022	BULK EARTHWORKS SECTIONS SHEET 2
ISC00266-10-C023	BULK EARTHWORKS SECTIONS SHEET 3
ISC00266-10-C030	TYPICAL ROAD SECTIONS PLAN
ISC00266-10-C031	TYPICAL ROAD SECTIONS SECTIONS SHEET 1
ISC00266-10-C032	TYPICAL ROAD SECTIONS SECTIONS SHEET 2
ISC00266-10-C050	ROAD LONGITUDINAL SECTIONS SHEET 1

PLAN NUMBER	DRAWING TITLE
ISC00266-10-C051	ROAD LONGITUDINAL SECTIONS SHEET 2
ISC00266-10-C052	ROAD LONGITUDINAL SECTIONS SHEET 3
ISC00266-10-C053	ROAD LONGITUDINAL SECTIONS SHEET 4
ISC00266-10-C054	ROAD LONGITUDINAL SECTIONS SHEET 5
ISC00266-10-C055	ROAD LONGITUDINAL SECTIONS SHEET 6
ISC00266-10-C110	STORMWATER LAYOUT PLAN SHEET 1
ISC00266-10-C111	STORMWATER LAYOUT PLAN SHEET 2
ISC00266-10-C112	STORMWATER LAYOUT PLAN SHEET 3
ISC00266-10-C113	DRAINAGE EASEMENT SECTION
ISC00266-10-C170	SERVICES PLAN SHEET 1
ISC00266-10-C171	SERVICES PLAN SHEET 2
ISC00266-10-C185	EROSION AND SEDIMENT CONTROL NOTES AND DETAILS
ISC00266-10-C186	EROSION AND SEDIMENT CONTROL PLAN
ISC00266-10-C205	SWEPT PATH PLAN SHEET 1
ISC00266-10-C206	SWEPT PATH PLAN SHEET 2
ISC00266-10-C207	SWEPT PATH PLAN SHEET 3



LOCALITY DIAGRAM



CLIENT:

JOHN W EVISON PTY. LTD.

CONSULTANTS:



PROJECT No.
ISC00266-10

DRAWING No.
C000

ASSET
P1

GENERAL

1. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL OTHER SPECIFICATIONS AND WITH SUCH OTHER WRITTEN INSTRUCTIONS THAT MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ANY DISCREPANCIES IN THESE DOCUMENTS SHALL BE REFERRED TO THE SUPERINTENDENT FOR A DECISION BEFORE PROCEEDING WITH THE WORK.
2. THE CONTRACTOR SHALL CHECK AND BE RESPONSIBLE FOR THE CORRECTNESS OF ALL DIMENSIONS. ANY DISCREPANCY SHALL BE REPORTED IMMEDIATELY TO THE SUPERINTENDENT. DIMENSIONS SHALL NOT BE OBTAINED BY SCALING OFF THE PLANS.
3. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CURRENT AUSTRALIAN STANDARDS, THE BY-LAWS AND ORDINANCES OF THE RELEVANT AUTHORITIES AND THE SPECIFICATIONS.
4. NO CHANGES SHALL BE MADE BY THE CONTRACTOR WITHOUT THE WRITTEN CONSENT OF THE SUPERINTENDENT. THE SUPERINTENDENT IS TO CONFIRM THE EXACT EXTENTS ON SITE PRIOR TO COMMENCEMENT OF STAGE 1.
5. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT SAFE WORK PRACTICES ARE FOLLOWED AT ALL TIMES DURING THE COURSE OF THE CONTRACT. OH&S REGULATIONS AND WORK COVER REQUIREMENTS ARE TO BE COMPLIED WITH. REFER TO THE SPECIFICATION AND CONTRACT DOCUMENTS.
6. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT ALL SURVEY MARKS ARE MAINTAINED. IF THE CONTROL MARKS ARE DESTROYED OR MOVED DURING CONSTRUCTION THE CONTRACTOR MUST SUPPLY ADEQUATE MARKS FOR RE-ESTABLISHMENT AND INFORM THE SUPERINTENDENT.
7. CHANGES, REDUCED LEVELS, CHANGES, OFFSETS AND ROAD WIDTHS ARE IN METRES UNLESS OTHERWISE SHOWN.
8. LIKESE WITH THE APPORTED SITE SUPERINTENDENT PRIOR TO COMMENCEMENT OF CONSTRUCTION.
9. ALL SITE FILLING SHALL BE COMPACTED TO 98% STANDARD COMPACTION, CONTROLLED BY THE GEOTECHNICAL ENGINEER OR AS INSTRUCTED BY THE SUPERINTENDENT.
10. SURPLUS EXCAVATED MATERIAL SHALL BE PLACED WHERE DIRECTED BY THE SUPERINTENDENT.
11. ALL NEW WORKS SHALL MAKE A SMOOTH JUNCTION WITH EXISTING CONDITIONS.
12. THE CONTRACTOR SHALL NOT ENTER UPON NOR DO ANY WORK WITHIN ADJACENT LANDS WITHOUT THE WRITTEN PERMISSION OF THE OWNERS.
13. SITE FILL AREAS: THE CONTRACTORS REGISTERED SURVEYOR SHALL TAKE LEVELS OF EXISTING SURFACE AFTER STRIPPING TOPSOIL AND PRIOR TO COMMENCING FILL OPERATIONS.
14. DRAINAGE LINES UNDER ROADS SHALL BE BACKFILLED WITH NON-COHESIVE SAND, AND THE SUBSOIL DRAIN WRAPPED IN APPROVED FILTER SOCK, DISCHARGING INTO DOWNSTREAM PITS.
15. ALL CONDUITS AND MAINS SHALL BE LAID PRIOR TO LAYING FINAL ASPHALTIC CONCRETE SEAL.
16. STREET NAME SIGNS SHALL BE ERECTED, WHERE SHOWN, IN ACCORDANCE WITH COUNCIL'S STANDARD OR AS DIRECTED BY THE SUPERINTENDENT.
17. THE CONTRACTOR SHALL MAINTAIN DUST CONTROL THROUGHOUT THE DURATION OF THE PROJECT.
18. ALL TREES WITHIN LIMIT OF WORKS TO BE REMOVED UNLESS NOTED AS PER LEGEND. TREES OUT OF LIMIT OF WORKS ZONE ARE TO BE LEFT UNTOUCHED. SHOULD THERE BE ANY IMPACTED TREES OUTSIDE OF WORKS ZONE THE SUPERINTENDENT IS TO BE INFORMED IMMEDIATELY.
19. REFER TO CITY COUNCIL'S SPECIFICATION AND STANDARD DRAWINGS OF KERB INLET PIT AND KERB AND GUTTER.
20. CONTRACTOR TO PROVIDE STORMWATER KERB DISCHARGE INCLUDING RECTANGULAR HOLLOW SECTION, ADAPTER AND PIPE EXTENDED 15m BEYOND THE PROPERTY BOUNDARY AND CAPPED OFF FOR FUTURE CONNECTION.
21. DRAINAGE AND DEBIT EXISTING DRAIN TO PREPARE FOR SITE FILLING/OTHER WORKS REFER TO THE GEOTECHNICAL REPORT.
22. PROVIDE FLOODWAY WARNING SIGNS AT APPROPRIATE LOCATIONS AND/OR AS DIRECTED BY COUNCIL'S ENGINEER.

SITE PREPARATION NOTES

1. ORIGIN OF LEVELS: AHD. COORDINATES TO MGA - MAP GRID AUSTRALIA.
2. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE SPECIFICATION AND CONTRACT DOCUMENTS.
3. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE PERIOD OF WORKS, INCLUDING REPAIR AND/OR REPLACEMENT OF DAMAGED SECTIONS. INSPECTIONS ARE TO BE MADE PERIODICALLY DURING PROLONGED RAINFALL EVENTS AND AFTER STORM EVENTS FOR DAMAGE.
4. ALL EXISTING TREES ON THE SITE ARE NOT TO BE DISTURBED OTHER THAN THOSE DESIGNATED ON THE PLANS FOR REMOVAL. THE SUPERINTENDENT IS TO APPROVE ALL TREES TO BE REMOVED. REMAINING TREES MUST BE PROTECTED IN ACCORDANCE TO THE SPECIFICATION.
5. WHERE NOTED ON THE DRAWINGS THAT WORKS ARE TO BE CARRIED OUT BY OTHERS (E.G. ADJUSTMENT OF SERVICES), COORDINATION OF THESE WORKS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.

SURVEY NOTES

1. ALL SITE SET OUT POINTS ARE TO BE CERTIFIED BY A REGISTERED SURVEYOR.
2. THE EXISTING SITE CONDITIONS SHOWN ON THE FOLLOWING DRAWINGS HAVE BEEN INVESTIGATED BY THE REGISTERED SURVEYOR. THE INFORMATION IS SHOWN AS BASIS FOR DESIGN. INESCO DOES NOT GUARANTEE THE ACCURACY OR COMPLETENESS OF THE SURVEY BASE OR ITS SUITABILITY AS A BASIS FOR CONSTRUCTION DRAWINGS.
3. CONTACT SUPERINTENDENT IF DISCREPANCIES ARE ENCOUNTERED DURING CONSTRUCTION BETWEEN THE SURVEY DATA AND FIELD DATA.
4. PROJECT COORDINATE SYSTEM USED: MGA-96 (GDA94). ALL SETOUT INFORMATION AND DATUM SHALL BE CONFIRMED BY A REGISTERED SURVEYOR PRIOR TO CONSTRUCTION.
5. DIGITAL DATA PROVIDED FOR INFORMATION ONLY AND IS NOT TO BE FOR SETOUT UNLESS NOTED OTHERWISE.
6. PLANS TAKE PRECEDENCE OVER DIGITAL DATA UNLESS NOTED OTHERWISE.

ALL NOTES ARE TO BE READ IN CONJUNCTION WITH SHOALHAVEN
CITY COUNCIL'S ENGINEERING SPECIFICATIONS

PROPOSED SERVICES

1. ALL SERVICES SHOWN ON THIS PLAN ARE APPROXIMATE ONLY AND HAVE BEEN LOCATED FROM SITE INVESTIGATION AND RELEVANT AUTHORITIES' PLANS. THESE SERVICES ARE NOT GUARANTEED CORRECT OR COMPLETE.
2. THE CONTRACTOR MUST OBTAIN UP-TO-DATE PLANS FROM DIAL BEFORE YOU DIAL BEFORE COMMENCEMENT OF WORKS. THE EXACT LOCATION OF ALL SERVICES ARE TO BE VERIFIED BY THE CONTRACTOR PRIOR TO THE COMMENCEMENT OF WORKS.
3. EXISTING SERVICES ARE TO BE MAINTAINED OR ADJUSTED AS DETAILED IN THE PLANS. ANY ADJUSTMENT OR PROTECTION MEASURES ARE TO BE CARRIED OUT BY ACCREDITED SERVICE PROVIDERS. REFER ANY CONFLICTS OR UNIDENTIFIED EXISTING SERVICES TO THE SUPERINTENDENT IMMEDIATELY.
4. ELECTRICAL CONDUITS SHOULD BE PROVIDED AND LOCATED TO THE SATISFACTION OF ENDEAVOUR ENERGY.
5. WATER CONDUITS SHOULD BE PROVIDED TO SATISFACTION OF THE RELEVANT TELECOMMUNICATIONS AUTHORITY.
6. TELSTRA AND OPTUS CONDUITS PROVIDED AND LOCATED TO THE SATISFACTION OF THE RELEVANT TELECOMMUNICATIONS AUTHORITY.
7. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH:
 - JEMENA DRAWINGS
 - ENDEAVOUR ENERGY DRAWINGS (ELEVON)
 - SYDNEY WATER DRAWINGS (SYDNEY WIDE CO-ORDINATORS)
8. ALL SERVICES PIT COVERS AND MARKERS ARE TO BE LAID ENTIRELY WITHIN OR OUTSIDE OF THE CONCRETE FOOTPATH. REFER TO INESCO SERVICE COORDINATION DRAWINGS FOR SERVICE COVER LOCATIONS. CONTACT SUPERINTENDENT SHOULD DIFFICULTIES ARISE.
9. WHERE SERVICES COVERS ARE LOCATED WITHIN THE FOOTPATH & ROADWAYS, INFILL COVERS WITH A PAVEMENT SIMILAR TO THAT OF THE FOOTPATH OR ADJACENT ROADWAY SHALL BE USED. PROVIDE CONCRETE INFILL WHERE COVERS ARE WITHIN LANDSCAPE.
10. ALL SERVICES COVERS TO BE PLACED AT FINISHED SURFACE LEVELS, ENSURE LONGITUDINAL AND CROSS FALL GRADES MATCH PROPOSED GRADES.
11. ALL WATER AND SEWER TO BE INSTALLED IN ACCORDANCE WITH THE CURRENT SYDNEY WATER STANDARDS. CARE TO BE TAKEN WHEN INSTALLING HYDRANTS AND STOP VALVES IN THE FOOTPATH.

BULK EARTHWORKS NOTES

1. STRIP ALL TOPSOIL/ORGANIC MATERIAL FROM CONSTRUCTION AREA AND REMOVE FROM SITE OR STOCKPILE AS DIRECTED BY SUPERINTENDENT.
2. COMPACTION, TESTING, FILING, STANDARD DRY DENSITIES & MOISTURE CONTENTS TO BE IN ACCORDANCE WITH SITE GEOTECHNICAL REPORT.
3. ALL FILLING WORKS TO BE CARRIED OUT UNDER LEVEL 1 GEOTECH SUPERVISION AS PER AS 3798.

TELSTRA - DUTY OF CARE NOTE

TELSTRA'S PLANS SHOW ONLY THE PRESENCE OF CABLES AND PLANT. THEY ONLY SHOW THEIR POSITION RELATIVE TO ROAD BOUNDARIES, PROPERTY FENCES ETC. AT THE TIME OF INSTALLATION AND TELSTRA DOES NOT WARRANT OR HOLD OUT THAT SUCH PLANS ARE ACCURATE THEREAFTER DUE TO CHANGES THAT MAY OCCUR OVER TIME. DO NOT ASSUME DEPTH OR ALIGNMENT OF CABLES OR PLANT AS THESE VARY SIGNIFICANTLY. THE CONTRACTOR HAS A DUTY OF CARE WHEN EXCAVATING NEAR TELSTRA CABLES AND PLANT. BEFORE USING MACHINE OPERATORS TELSTRA PLANT MUST FIRST BE PHYSICALLY EXPOSED BY SOFT DIG POT-HOLING TO IDENTIFY ITS LOCATION. TELSTRA WILL SEEK COMPENSATION FOR DAMAGES CAUSED TO ITS PROPERTY AND LOSSES CAUSED TO TELSTRA AND ITS CUSTOMERS.

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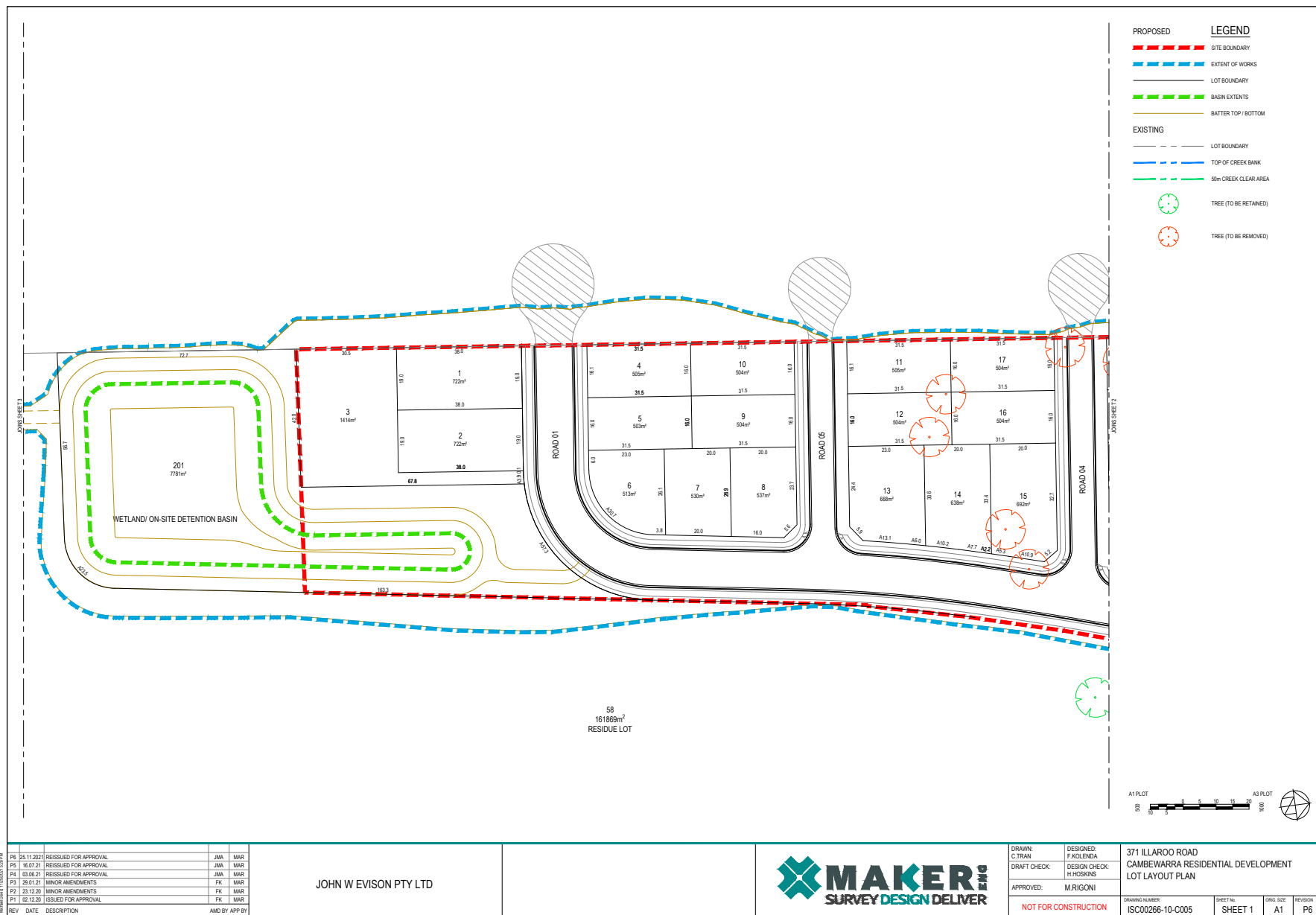
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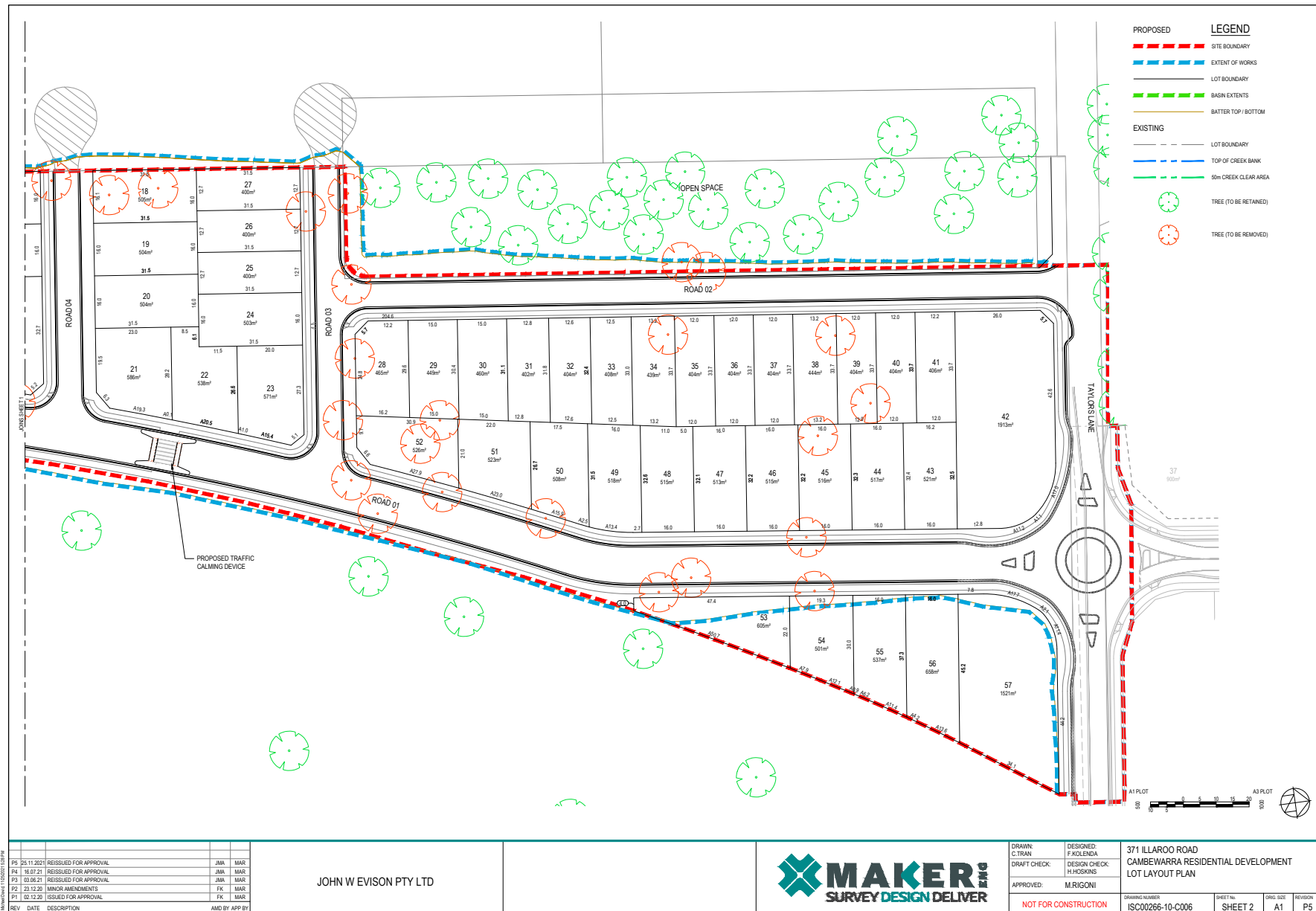
JOHN W EVISON PTY LTD



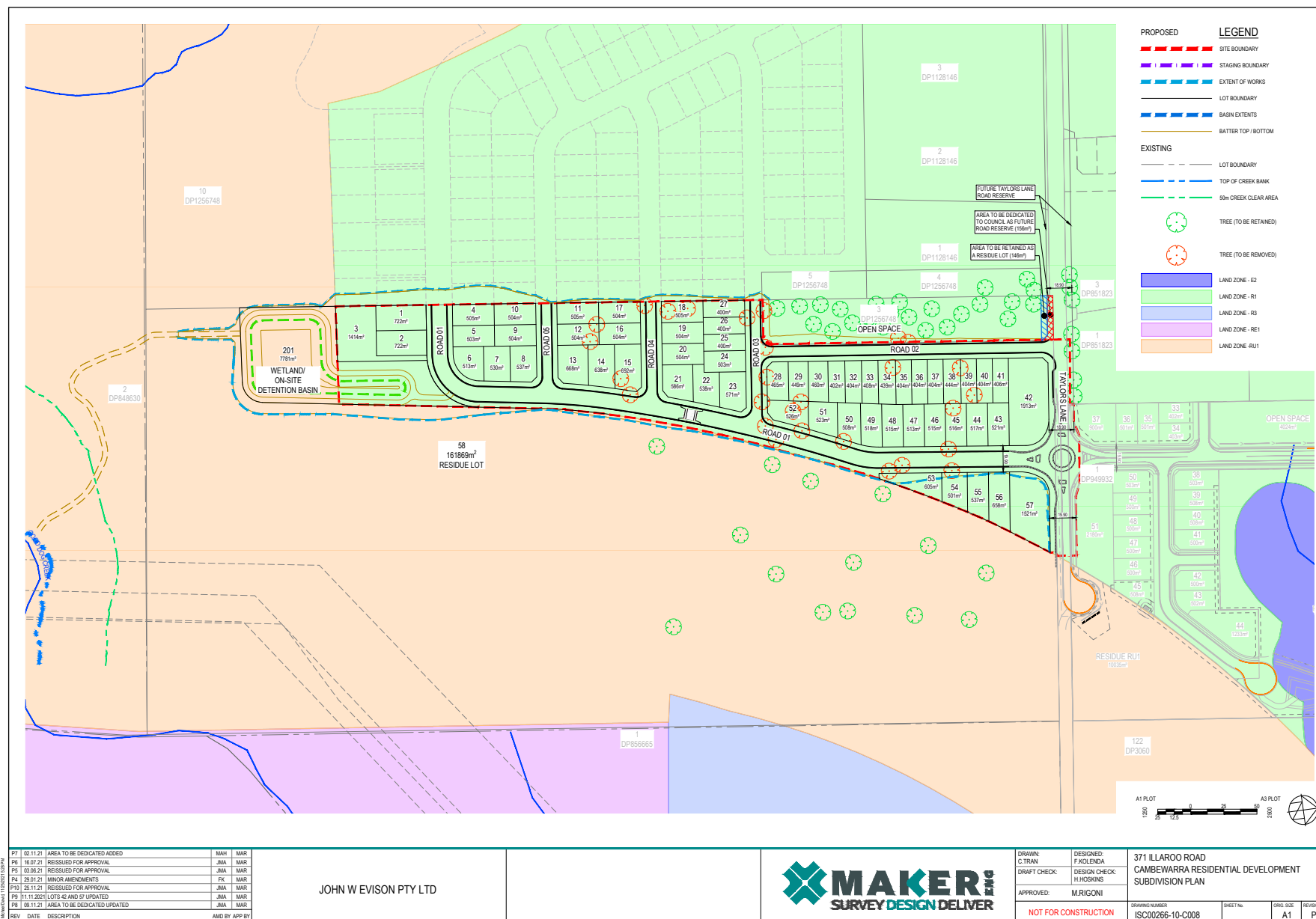
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DRAFT CHECK: H. HOSKINS	DESIGN CHECK: H. HOSKINS	
APPROVED: M. RIGONI		
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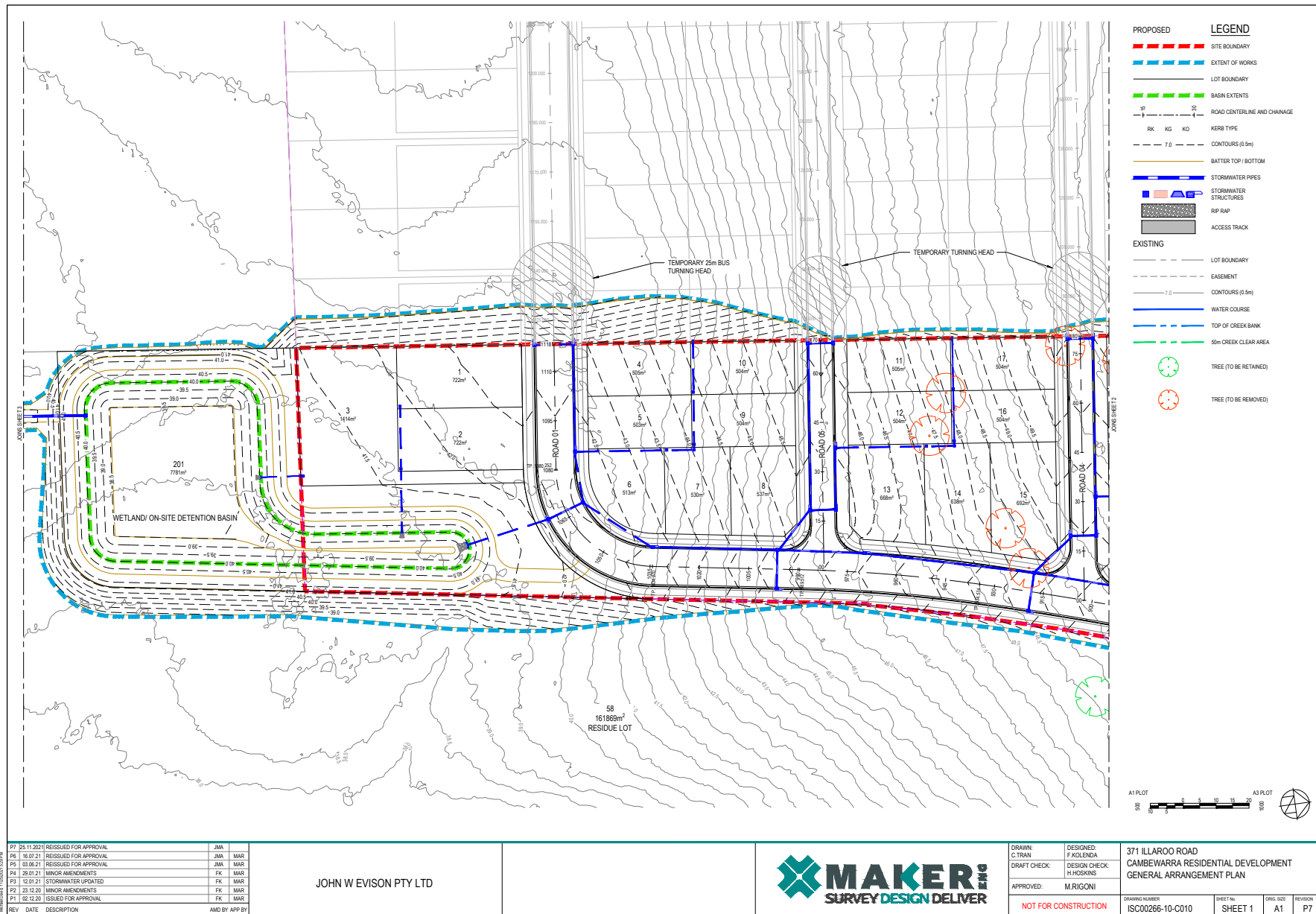


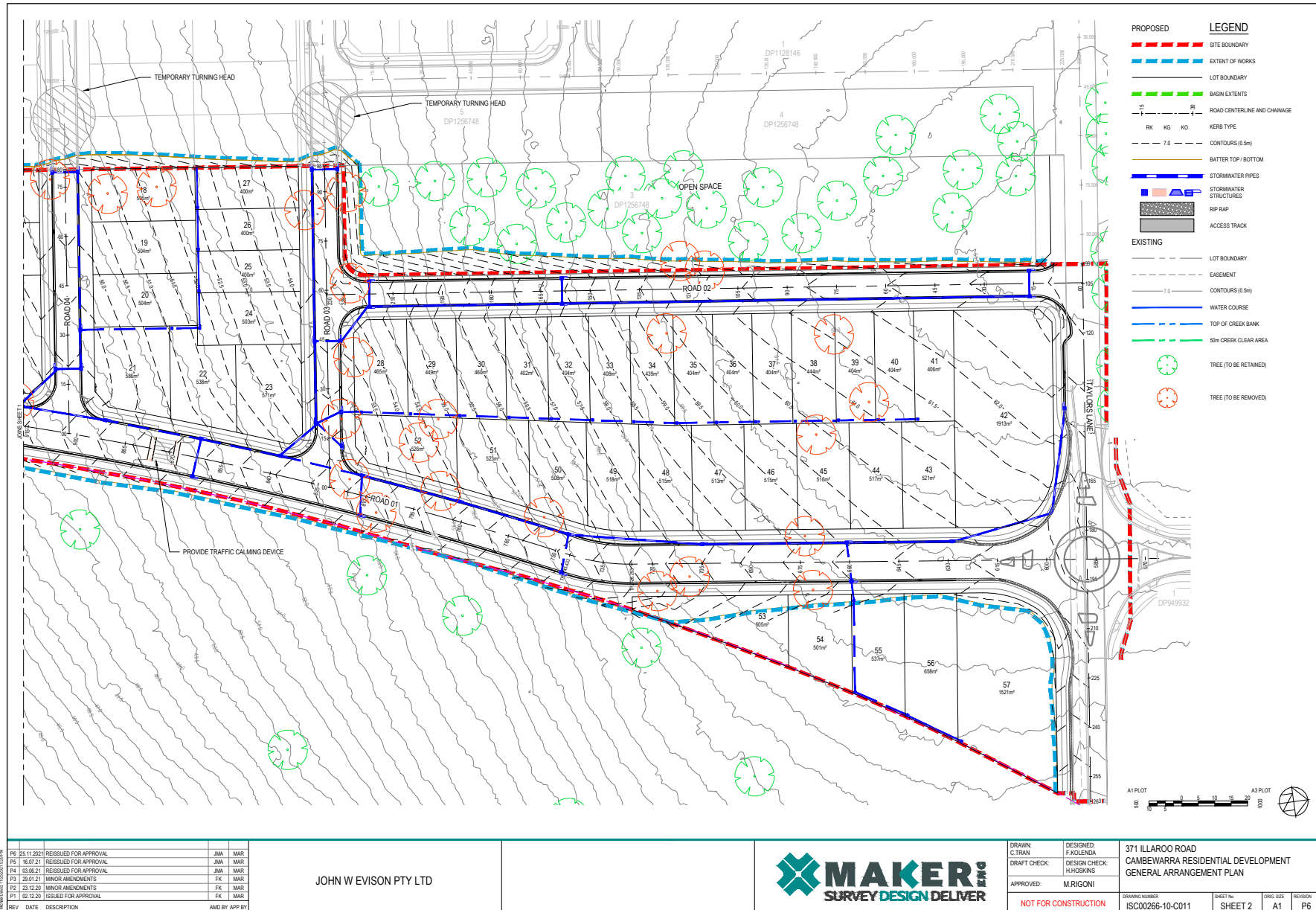


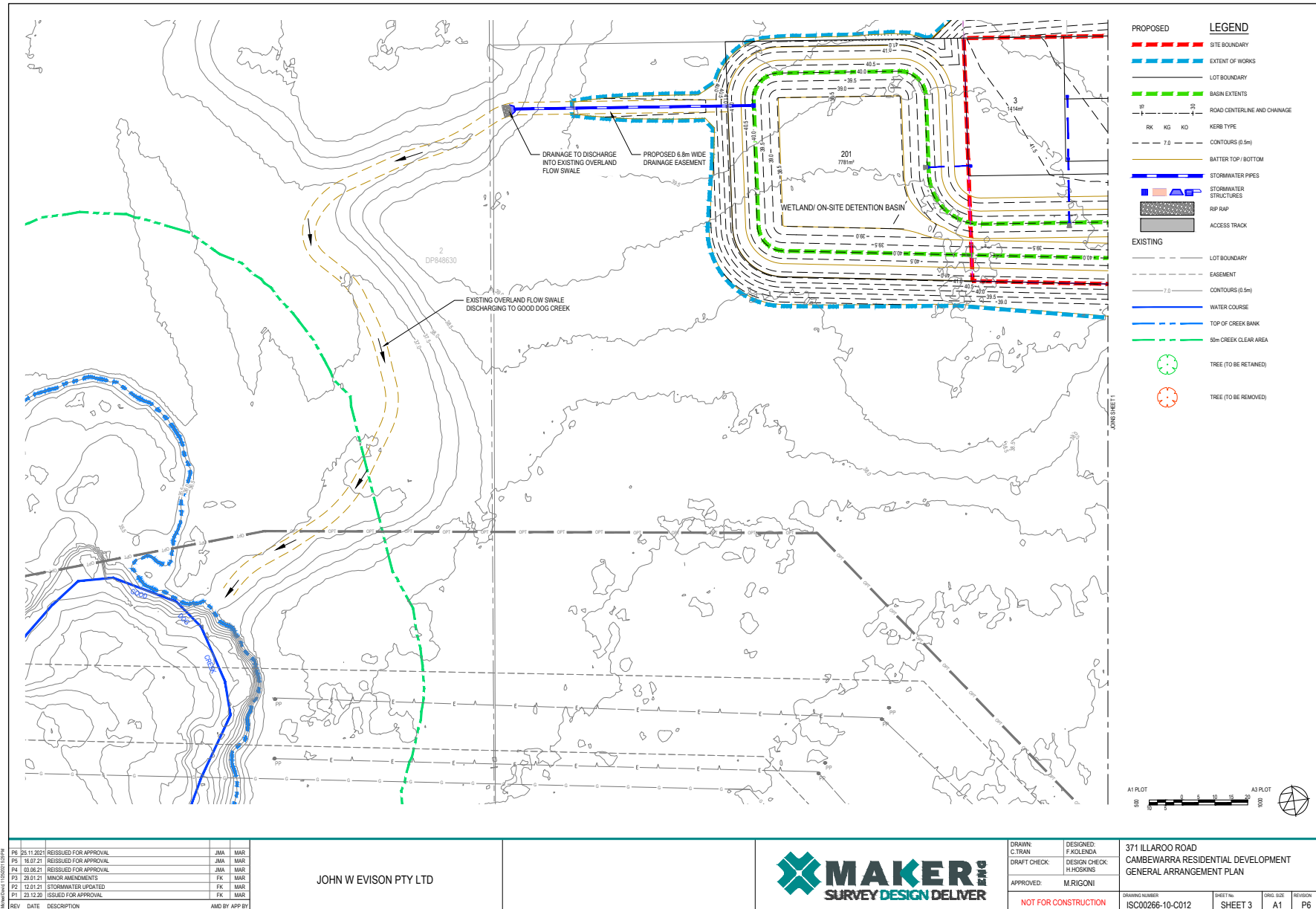


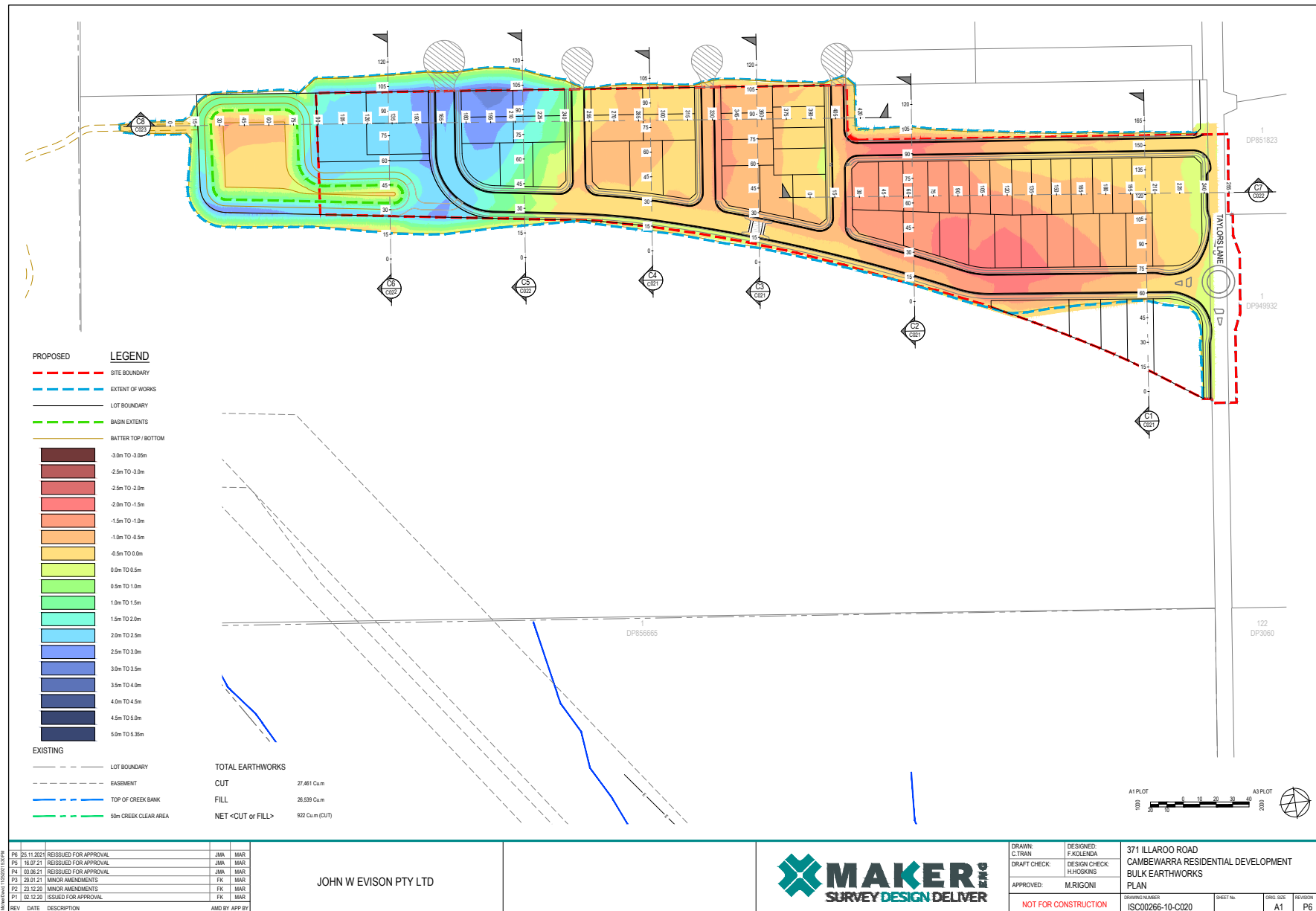


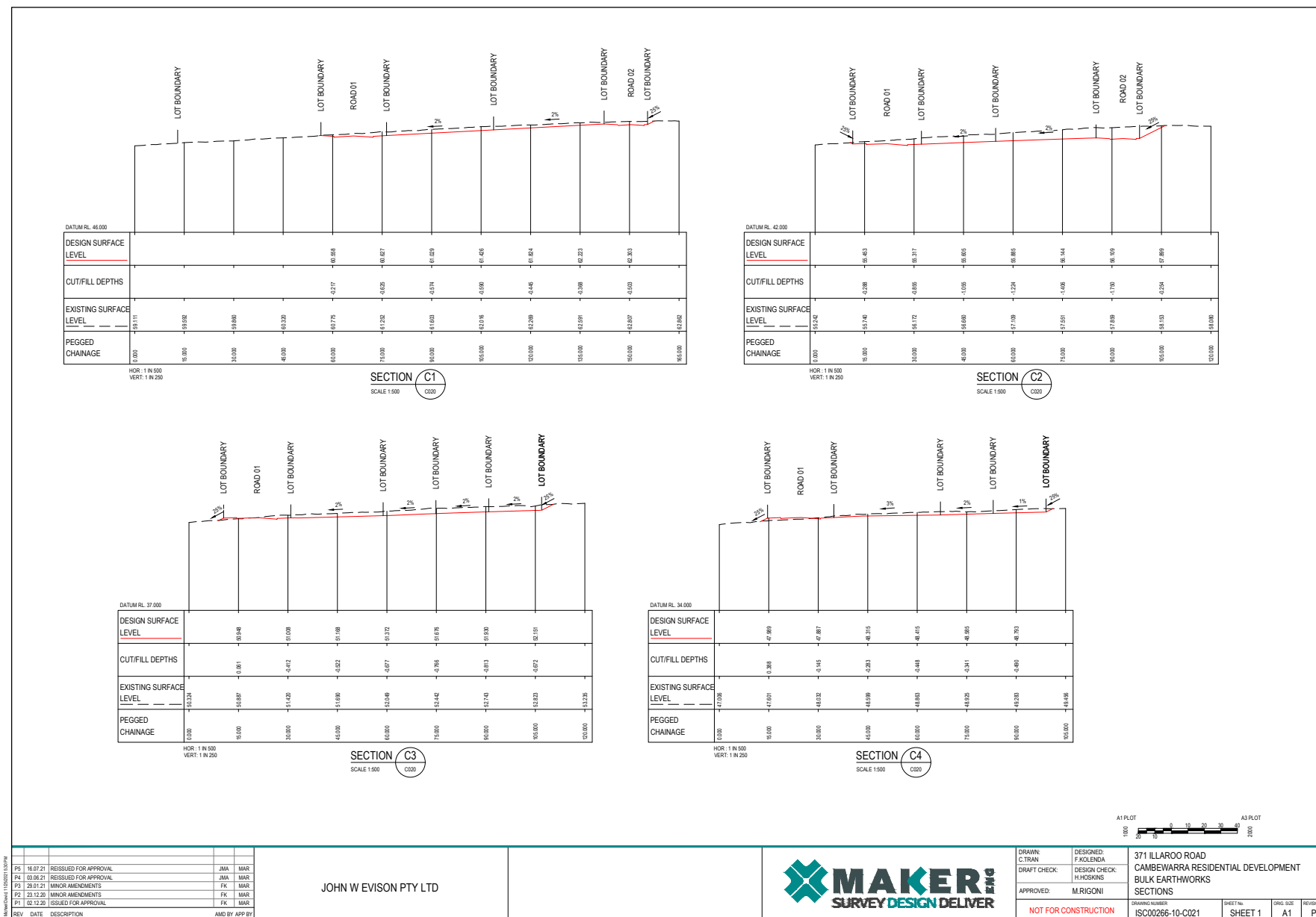


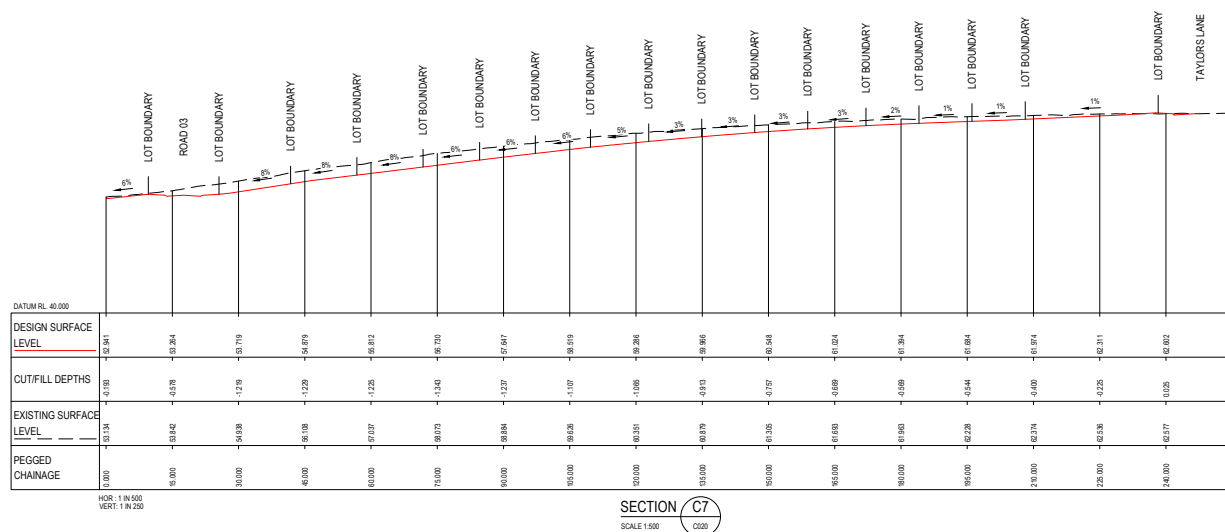
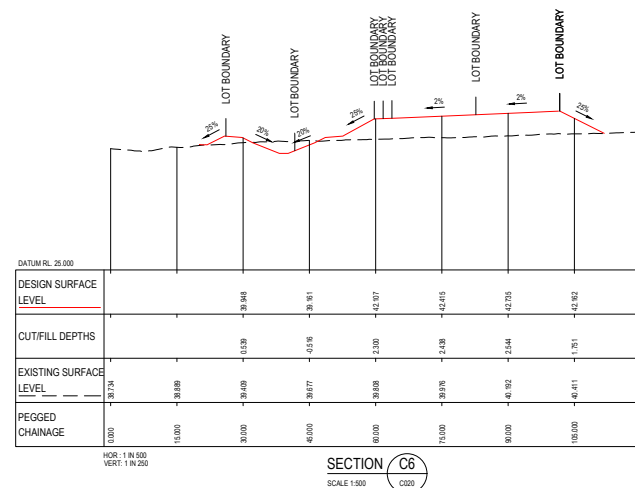
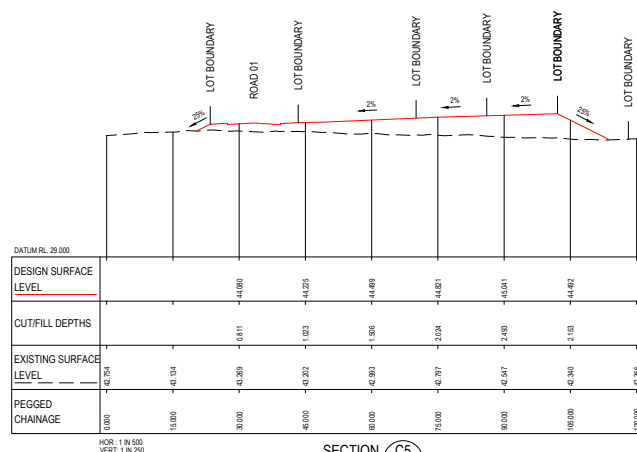










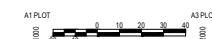
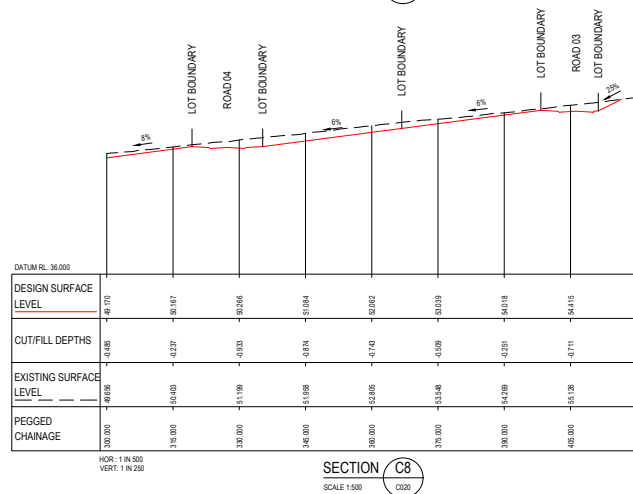
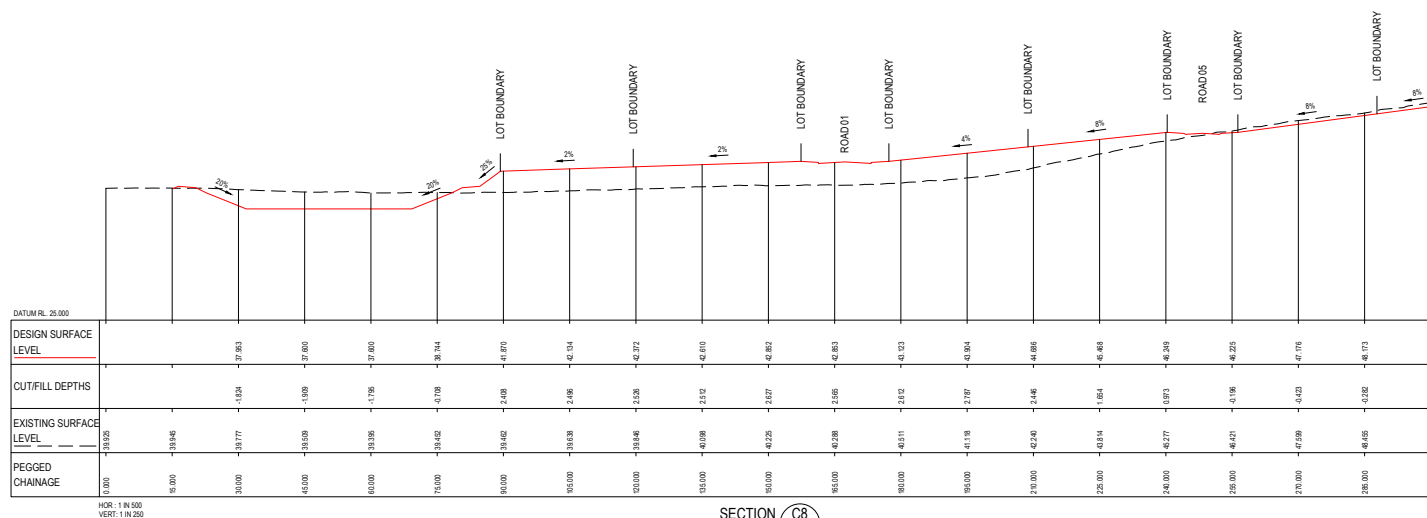


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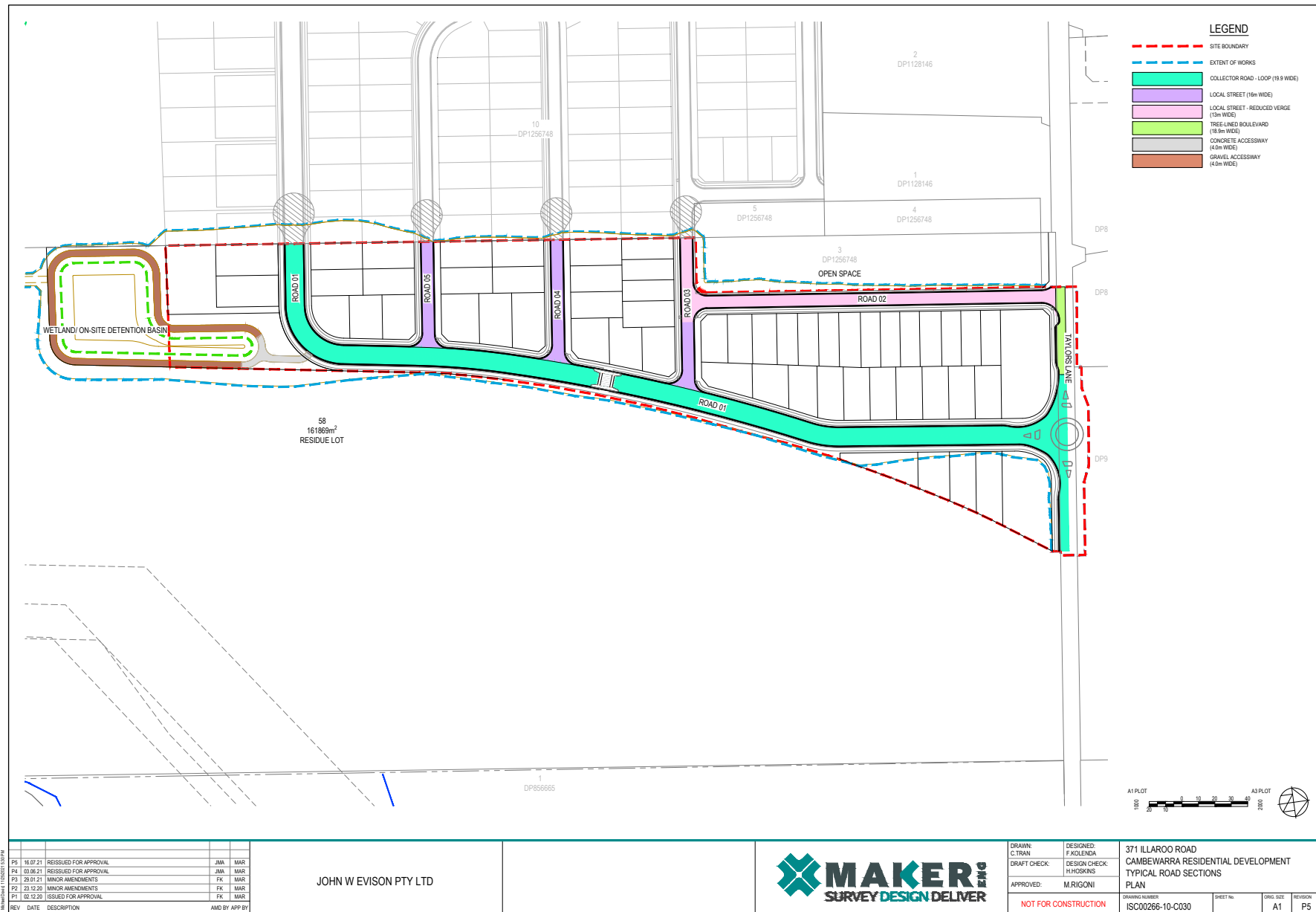
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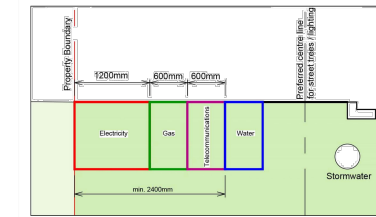
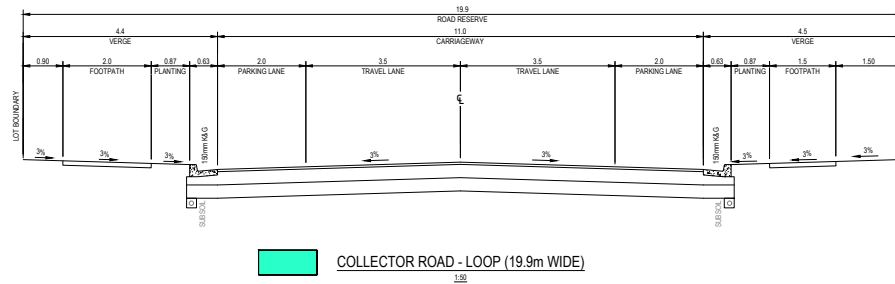


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APPROVED: M. RIGONI		BULK EARTHWORKS SECTIONS			
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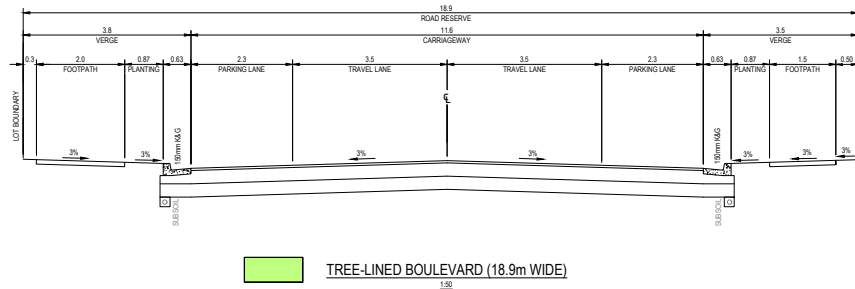


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APPROVED:		M. RIGONI		
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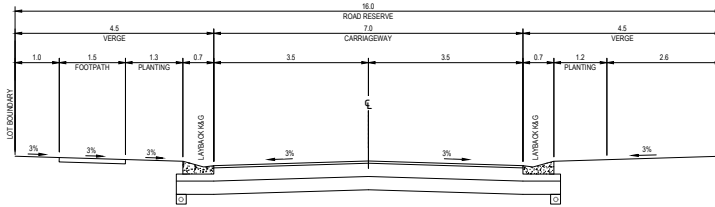
DCP UNDERGROUND SERVICE ALLOCATION

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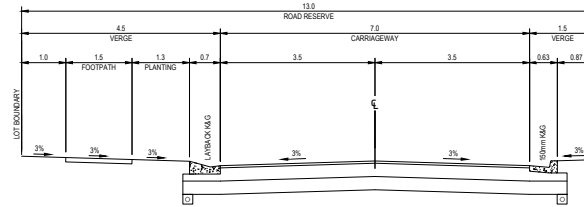
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DRAWN: C. TRAIN	DESIGNED: F. KOLENDIA	371 ILLAROO ROAD CAMBEWARRA RESIDENTIAL DEVELOPMENT TYPICAL ROAD SECTIONS SECTIONS			
DRAFT CHECK: H. HOSKINS	DESIGN CHECK: H. HOSKINS				
APPROVED: M. RIGONI					
NOT FOR CONSTRUCTION	DRAWING NUMBER	SHEET No.	ORIG. SIZE	REVISION	
	ISC00266-10-C031	SHEET 1	A1	P2	



LOCAL STREET (16m WIDE)
1:50



LOCAL STREET - REDUCED WIDTH VERGE (13m WIDE)
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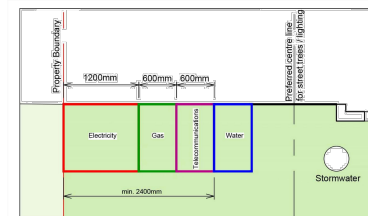


Figure 16 - Underground Service Allocation

DCP UNDERGROUND SERVICE ALLOCATION

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P1	02.12.20	ISSUED FOR APPROVAL	FK	MAR

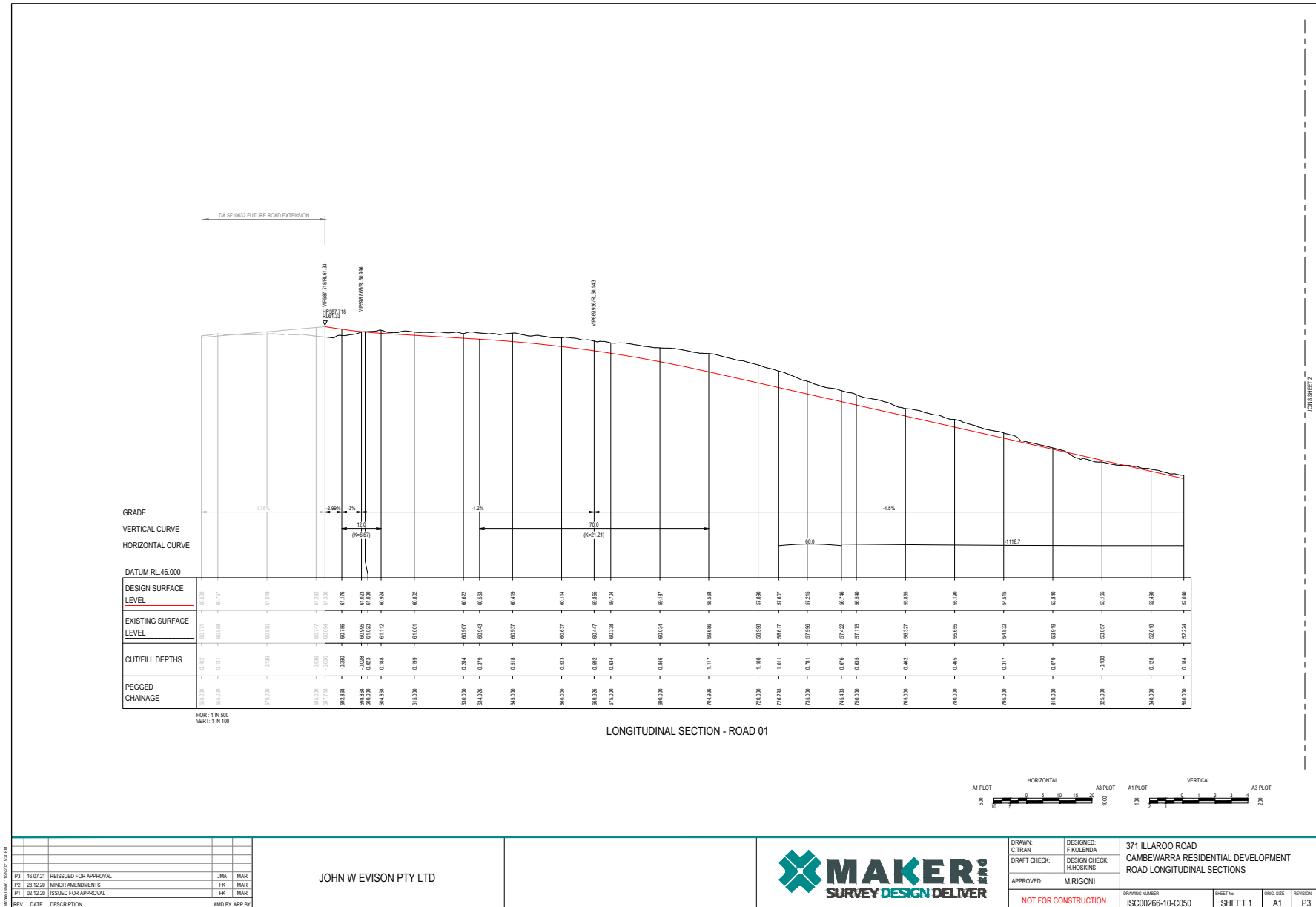
JOHN W EVISON PTY LTD

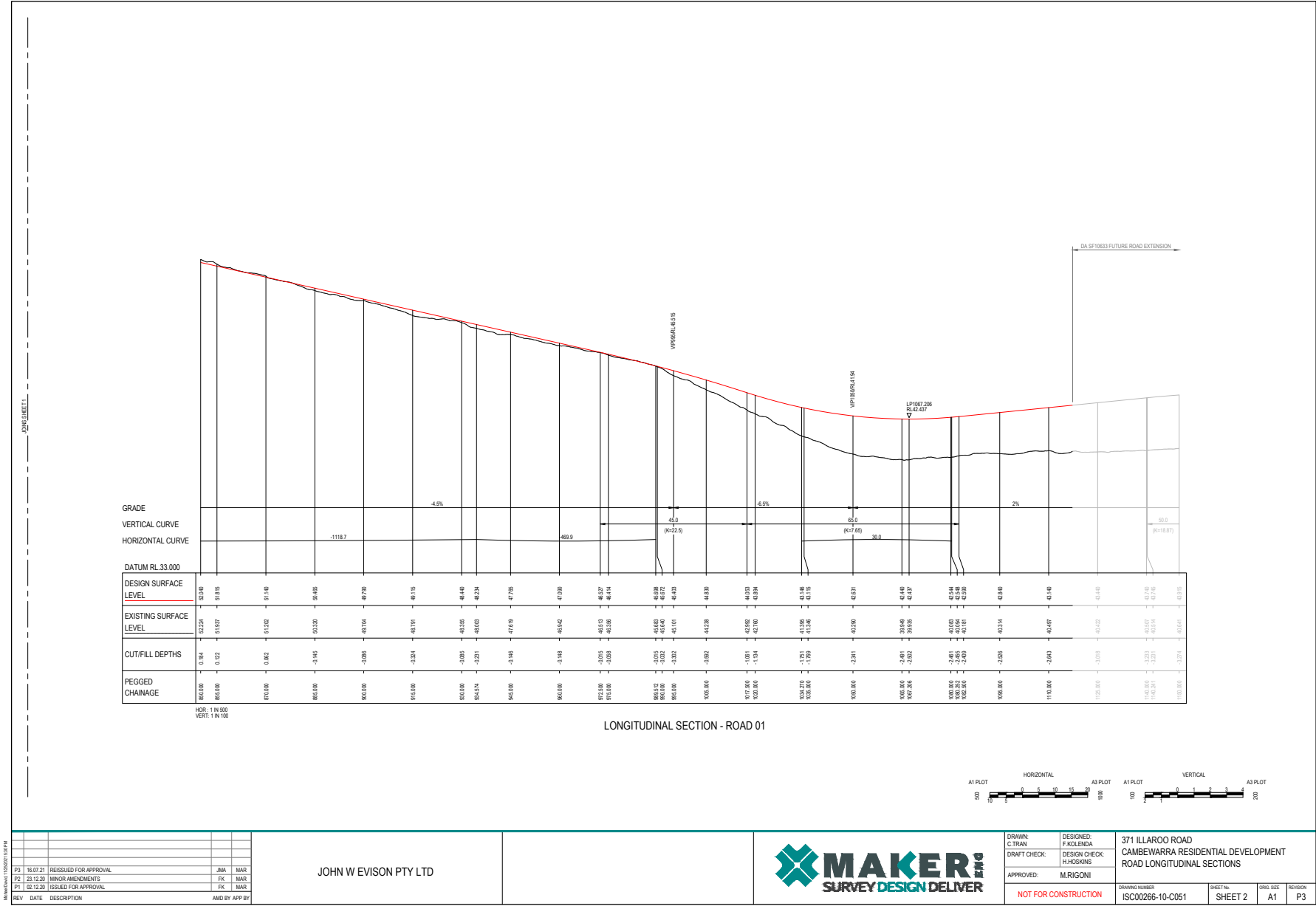


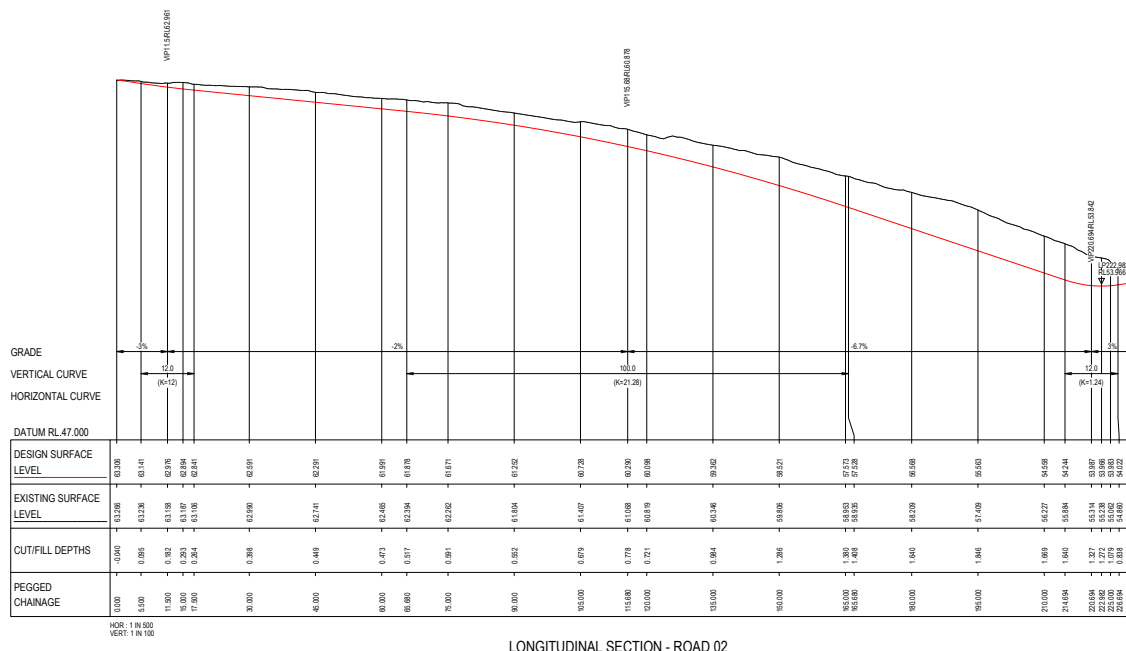
DRAWN: C. TRAN	DESIGNED: F. XOLENDA
DRAFT CHECK: H. HOSKINS	DESIGN CHECK: H. HOSKINS
APPROVED: M. RIGONI	

371 ILLAROO ROAD
CAMBEWARRA RESIDENTIAL DEVELOPMENT
TYPICAL ROAD SECTIONS
SECTIONS

DRAWING NUMBER	SHEET No.	LONG. SIZE	REVISION
ISC00266-10-C032	SHEET 2	A1	P2







LONGITUDINAL SECTION - ROAD 02

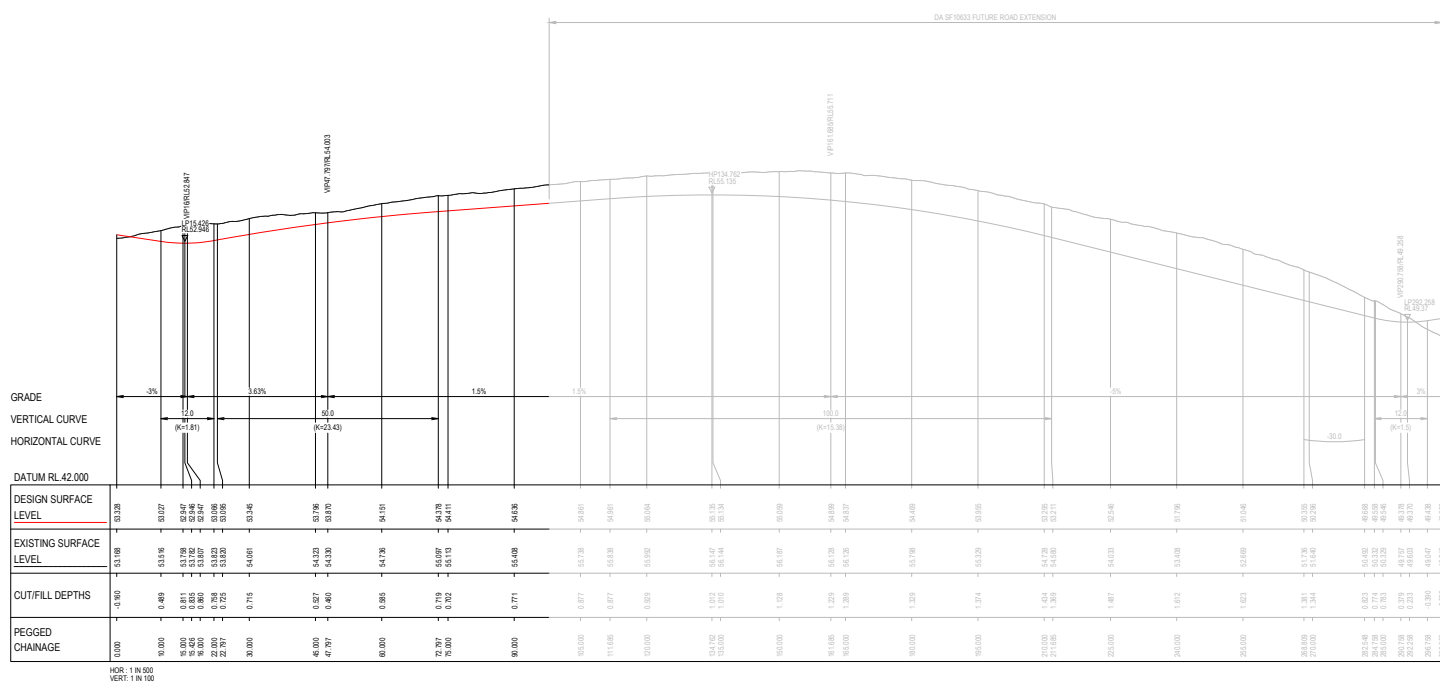


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P1	02.12.20	ISSUED FOR APPROVAL	FK	MAR
REV	DATE	DESCRIPTION	AMD BY	APP BY

JOHN W EVISON PTY LTD



DRAWN: C. TRAN	DESIGNED: F. KIZLENDI	371 ILLAROO ROAD CAMBEWARRA RESIDENTIAL DEVELOPMENT ROAD LONGITUDINAL SECTIONS			
DRAFT CHECK: H. HADSKINS	DESIGN CHECK: H. HADSKINS				
APPROVED: M. RIGONI					
NOT FOR CONSTRUCTION	DRAWING NUMBER IS000266-10-C052	SHEET No. SHEET 3	ORIG. SIZE A1	REVISION P3	



LONGITUDINAL SECTION - ROAD 03

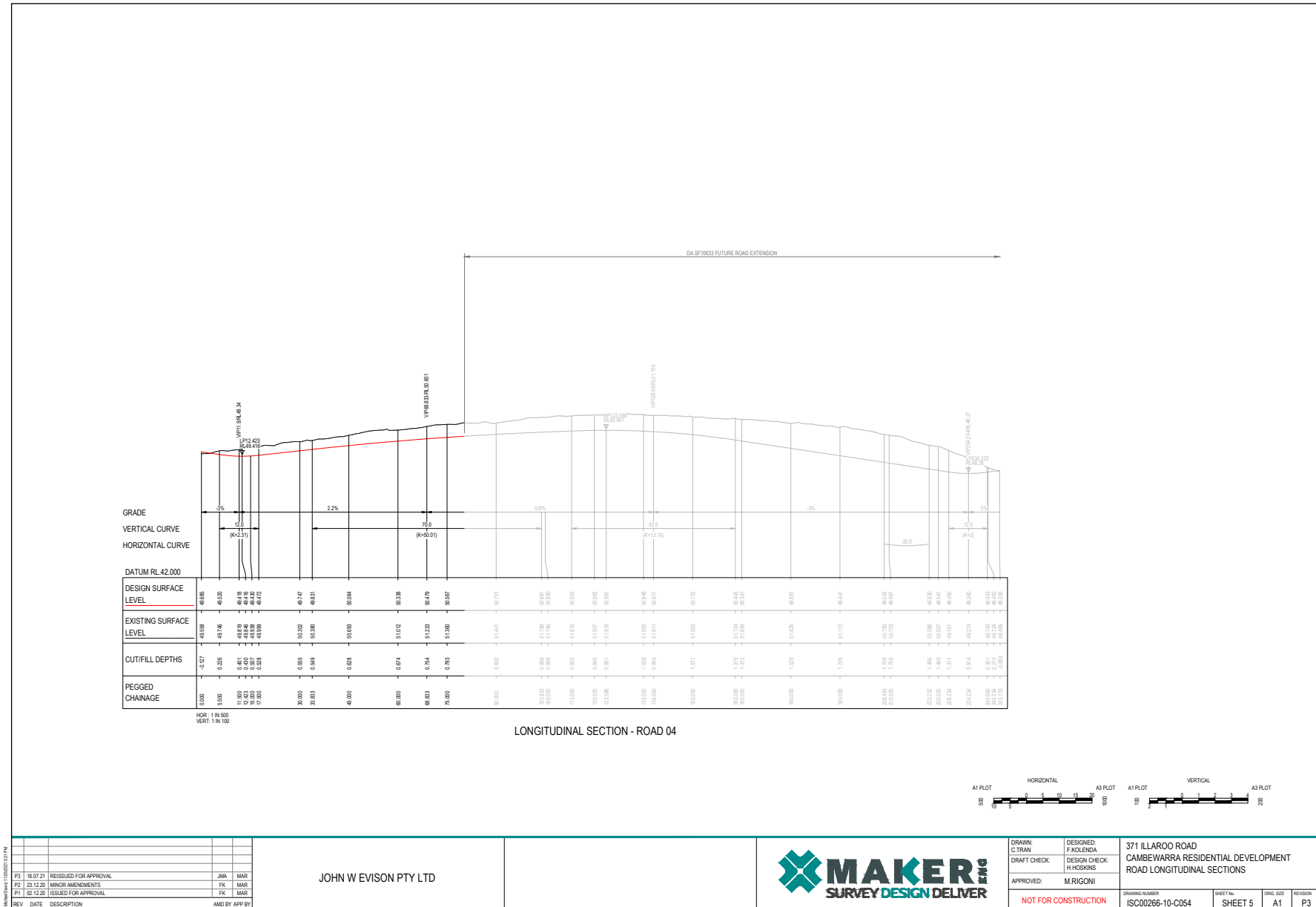


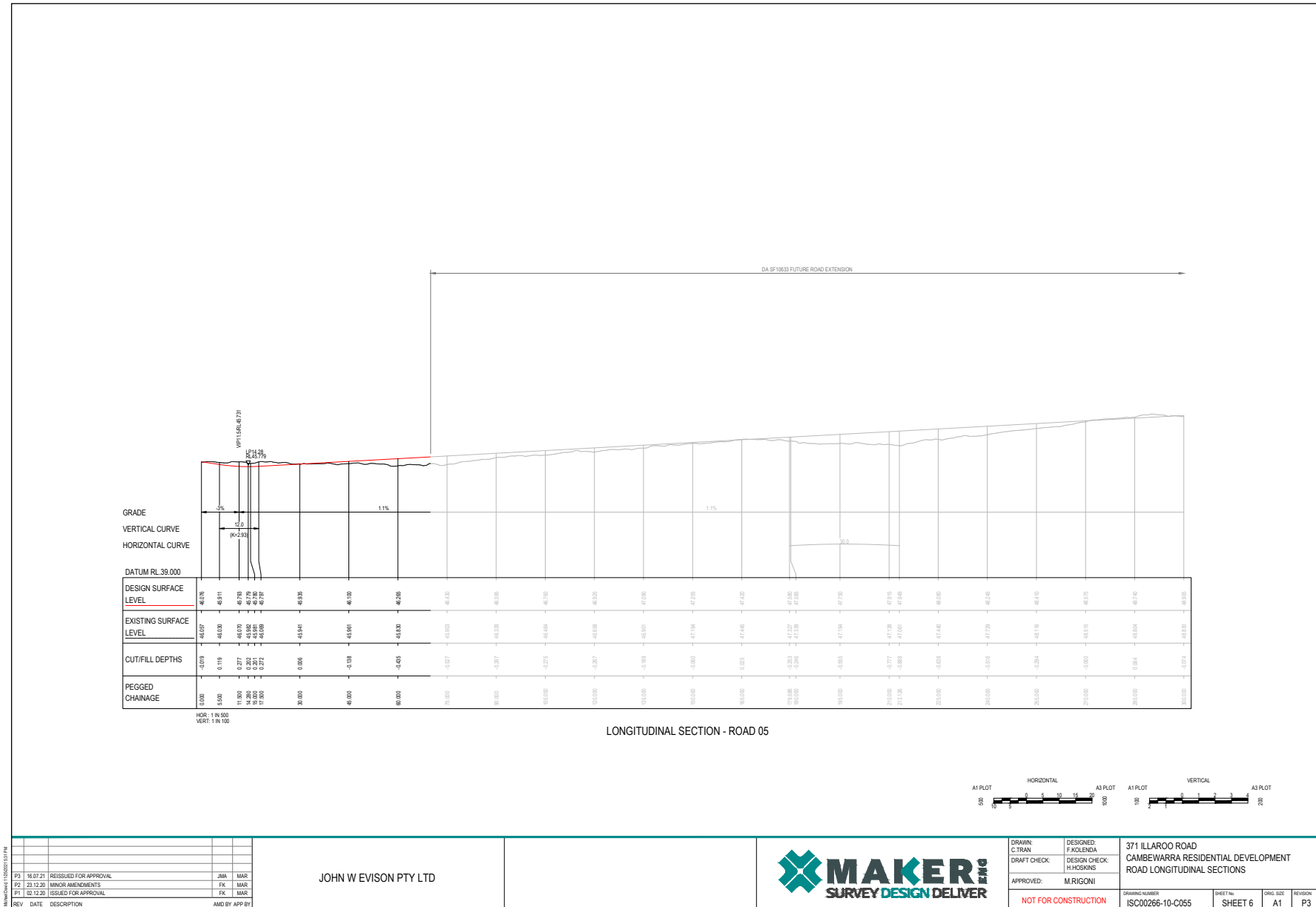
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REV	DATE	DESCRIPTION		AMD BY	APP BY

JOHN W EVISON PTY LTD

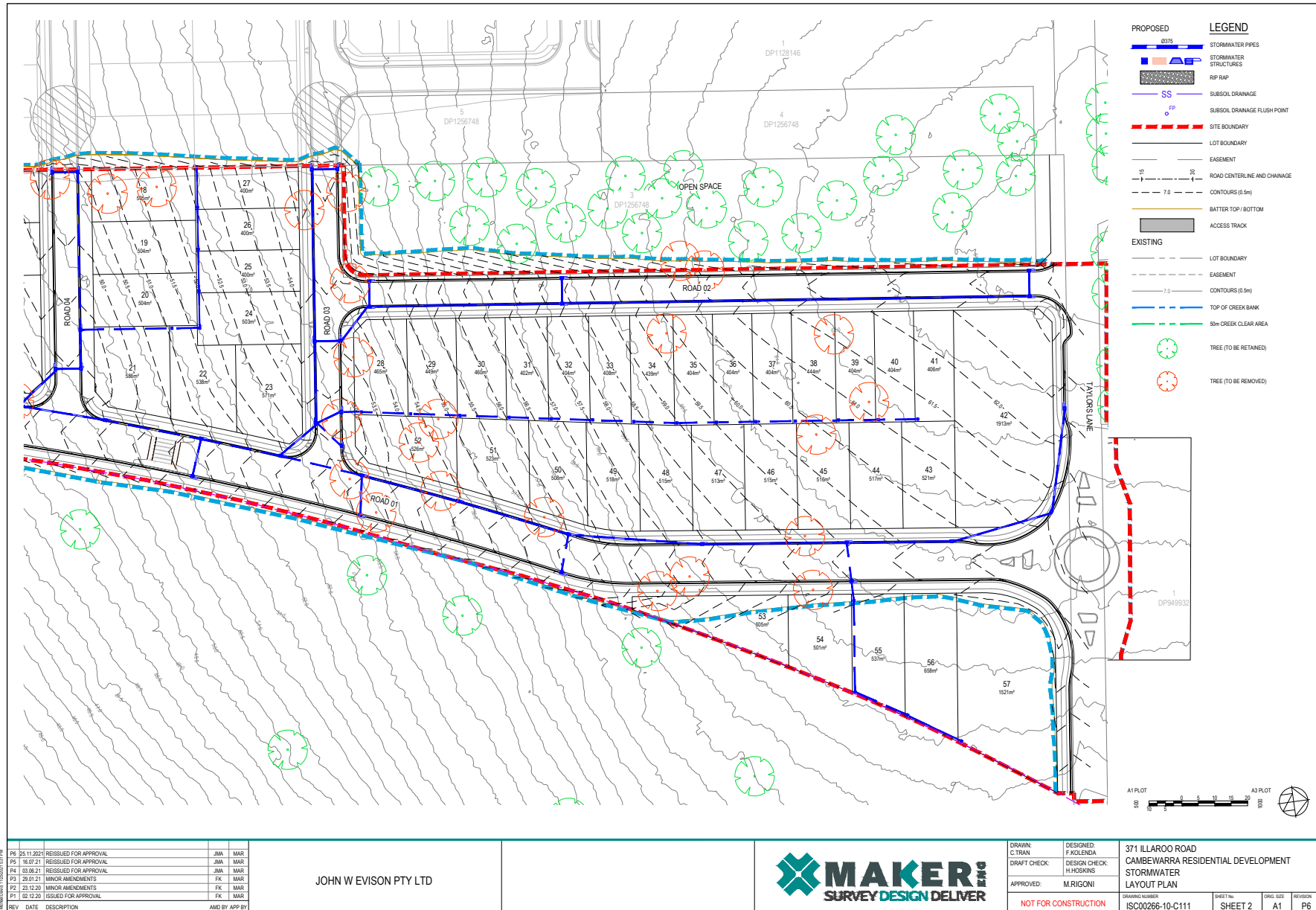


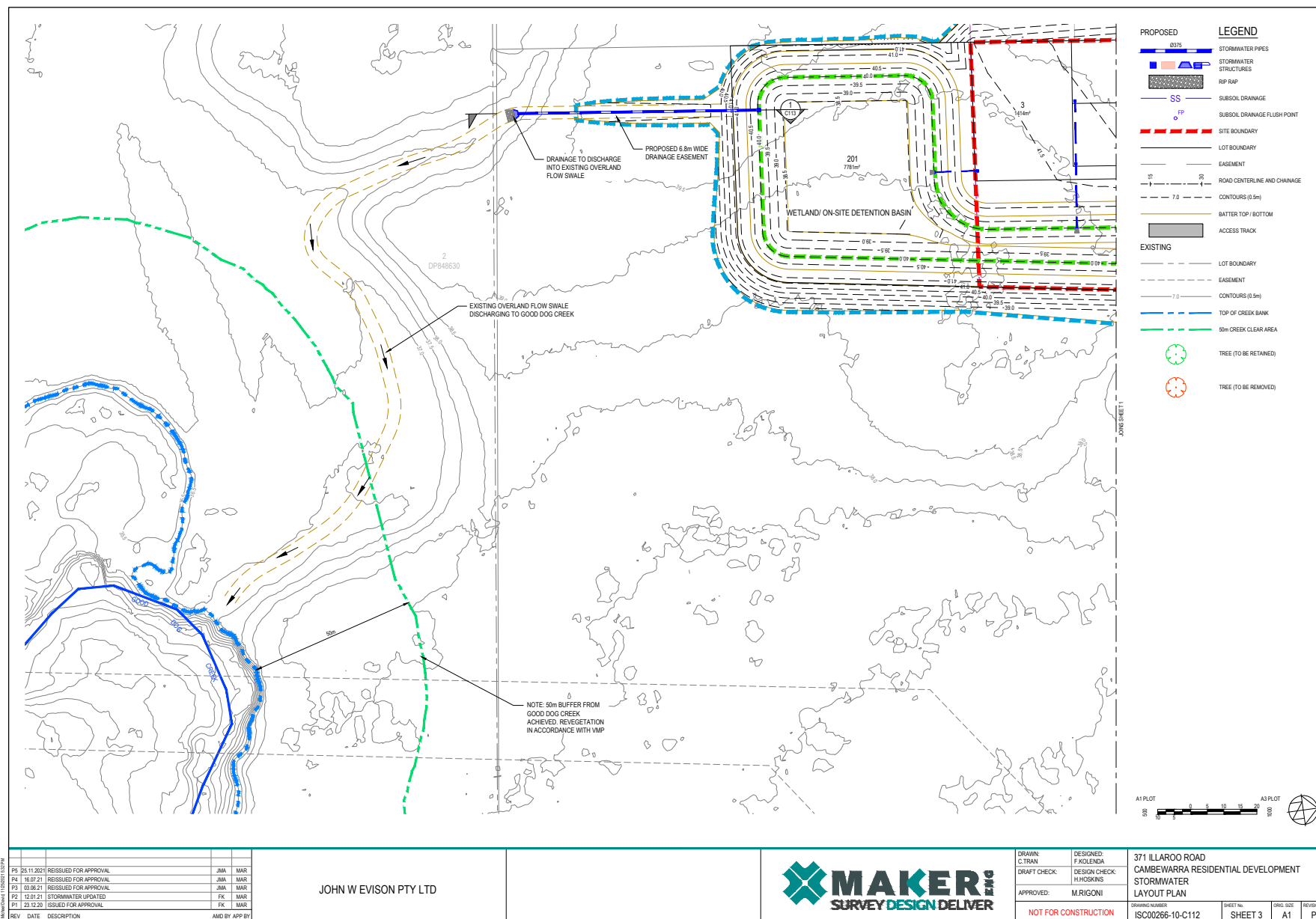
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APPROVED:	M.RIGONI			
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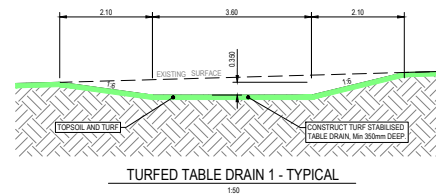
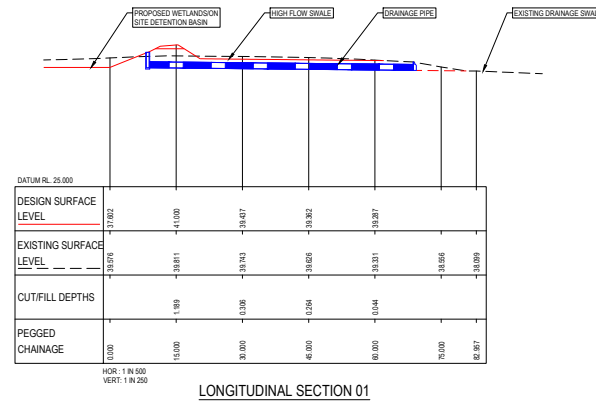












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P2	12.01.21	STORMWATER UPDATED	FK	MAR
P1	23.12.20	ISSUED FOR APPROVAL	FK	MAR
REV	DATE	DESCRIPTION	AND BY	APP BY

JOHN W EVISON PTY LTD



DRAWN:	DESIGNED:
C. TRAN	F. KOLENDA
DRAFT CHECK:	DESIGN CHECK:
	H. HOSKINS
APPROVED:	M. RIGONI

371 ILLAROO ROAD
CAMBEWARRA RESIDENTIAL DEVELOPMENT
DRAINAGE EASEMENT SECTION

DRAWING NUMBER	SHEET No.	DWG. SIZE	REVISION
ISC00266-10-C113	A1	P5	

NOT FOR CONSTRUCTION



