

Ordinary Meeting

Meeting Date: Monday, 13 February, 2023

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

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Public Access to Council Information

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Amendment Date:	24/10/2006, 27/03/2007, 25/08/2009, 26/06/2012, 24/09/2013, 28/06/2018
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Public Access to Council Information

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Public Access to Council Information

1. Purpose

To articulate Shoalhaven City Council's policy and principles in relation to public access to Council's documents, files and information and the process of managing requests for such access.

2. Statement

The Council authorises the release of information under routine business arrangements. The Council also is authorised, or in some cases is required to, release information under legislation such as the Environmental Planning & Assessment Act 1979 and the Government Information (Public Access) Act 2009 (GIPAA). GIPAA gives all members of the public a legally enforceable right of access to information created, received and held by Government, including Councils. Shoalhaven City Council aims to be an open and accessible organisation by providing appropriate levels of public access to information and documents it holds. Council is committed to complying with the requirements of the Government Information (Public Access) Act 2009 (GIPAA), and to handling personal and health information in a fair and reasonable manner. Council will endeavour to deal with requests for access to information promptly.

2.1. Accessing Information

Any member of the public has a legal right to make application to Council for access to information that the Council holds. The Council also publishes a wide range of information on its website and makes much information available to members of the public on request. The Council will provide copies of requested information in digital form wherever possible. Where copies cannot be made available in digital form, information may be available for viewing in the Nowra Council Administration Building.

There are various avenues for obtaining information from Council. Some information such as advice, opinions, guidance on Council processes and procedures and some documents can be obtained by verbal enquiry over the telephone or counter. Council publishes a significant amount of information on its Website at www.shoalhaven.nsw.gov.au

This policy sets out the documents and types of information that are available to members of the public as a matter of routine, and how to access Council records.

Council will deal with requests for Access to Information in accordance with the GIPAA. Where practicable, documents will be made available free of charge, however a reasonable photocopying or scanning fee may apply. All charges are detailed in Council's Fees and Charges.

There is a right of access under GIPAA to documents held by Council unless there is an overriding public interest not to do so. Any applications under GIPAA will be processed in accordance with the Act's requirements and a determination made to release the documents or refuse access on the basis of the relevant considerations under that Act.

Shoalhaven City Council , in providing the public with access to information it holds, is guided by the following principles:

- open and transparent government
- a presumption in favour of disclosure unless there is an overriding public interest against disclosure
- equitable access to information, including for people with a disability
- a proactive approach to disclosure and dissemination of information
- timely, equitable and impartial processing of reasonable requests for information within relevant legislative and business frameworks, at the lowest reasonable cost

Public Access to Council Information

- respect for the privacy of individuals.

The majority of access requests have no associated costs. All charges that may be incurred are listed in within Council's Fees and Charges, available on our website. is committed to the following principles for public access to documents and information:

Open and transparent Government
Consideration of the overriding public interest in relation to access requests
Proactive disclosure and dissemination of information
Respect for the privacy of individuals

2.2. Related Documents and Relevant Legislation

- Government Information (Public Access) Act 2009 (GIPAA)
- Government Information (Public Access) Regulation 2009
- Privacy and Personal Information Protection Act 1998 (PPIPA)
- NSW Privacy Code of Practice (Local Government)
- Health Records and Information Privacy Act 2002 (HRIPA)
- State Records Act 1998 (SRA)
- Local Government Act 1993
- Environmental Planning and Assessment Act, 1979
- Australian Copyright Act 1968
- Companion Animals Act 1998
- Shoalhaven City Council Code of Conduct
- Shoalhaven City Council Privacy Management Plan

PROVISIONS

3. Information Available (No application)

3.1. Open Access information

The Council publishes open access (or mandatory release) information on its website unless there is an overriding public interest against disclosure or to do so would impose an unreasonable additional cost on to Council. If the open access information is not published on the website, Council will make it available for viewing at the Council Administration Office.

The open access information as defined in Section 18 of GIPAA is:

- Council's Policy documents;
- Council's Information Guide with information about the Council's structure and functions, and listing the type of information that is publicly available;
- Disclosure log of formal access applications where in Council's opinion the information released may be of interest to other members of the public
- Register of Contracts worth more than \$150,000 between Council and private sector bodies
- Record of open access information that Council does not make publicly available on the basis of an overriding public interest against disclosure

In addition, Schedule 1 of GIPA Regulations 2009 requires that certain other documents held by Council are to be made publicly available for inspection, free of charge. (See Appendix 1)

The public is entitled to inspect these documents either on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the offices

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of the Council during ordinary office hours. Any current and previous documents of this type may be inspected by the public free of charge. Copies of these documents can be supplied for reasonable copying charges.

3.2. Open Access information and Copyright

Whilst Council endeavours to make its open access information available to the public on its website, and make information available for viewing at Council's Administration buildings, ~~copyright laws still apply-~~ the intellectual property of a large amount of City information available for public access belongs to third parties and is the subject of copyright. Plans and reports submitted with development applications are an example. Access to this information is provided to members of the public in accordance with the GIPAA and other relevant legislation, such as the Environmental Planning and Assessment Act 1979. Copyright laws apply to this information and applicants are advised to seek the consent of the copyright owner before reproducing the information in any way

"VIEW ONLY" access will be permitted for copyrighted information. Material such as architectural plans and other Development Application (DA) material can be protected by copyright regardless of whether they are marked as copyrighted. The presence of the notice only highlights the fact that the material is protected by copyright and acts as a reminder.

The copyright owners consent is required for any other purpose other than viewing. Obtaining permission from the copyright owner to make copies is the responsibility of the applicant.

~~Council will provide the applicant with the contact details (where able) and the applicant will need to get written authority from the copyright owner to provide to Council.~~ Upon receiving the copyright owner's consent, Council will then copy or email provide the document as requested for reasonable copying or scanning charges.

In addition, by agreeing to the Terms and Conditions of Council's DA Tracking Website you are agreeing to not modify, copy, reproduce, republish, upload to a third party, transmit or distribute in any way the content of that website except as permitted by the Copyright Act 1968.

For more information, the Australian Copyright Council publishes a series of information bulletins on their website at www.copyright.org.au

3.3. Advice/Opinion from Council Officials

Often information in the form of advice, opinion or knowledge is sought from Council officials rather than inspection or acquisition of documents.

Rather than making an application under the GIPA-Act for this type of information it is recommended to make enquiries directly with Council officials. In some cases, the officer may need to research files or other data sources and information may not be available immediately. Depending on the nature of the enquiry, information might be given immediately in response to a casual phone or counter enquiry, or in a more formal manner at a scheduled meeting in writing.

~~In appropriate circumstances, this approach to seeking information is encouraged in preference to 'piecing together' the required information which is often the case when making application for related documents.~~

4. Accessing Council's Other Information (application required)

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4.1. Building Plans and other Property Development Information

Building and Development application information lodged after 18 September 2006 may be viewed on the "DA Tracking" page by following the prompts on Council's Website.

Where access to the website is unavailable and for those documents lodged prior to September 2006 members of the public can lodge an 'Application for Records Search' to request specific documents including Development Approvals, Building Plans and Occupation Certificates. This application form can be used for access to property files for conveyance purposes by solicitors or conveyancers. It is advantageous for the applicant, if not the current owner of the subject property, to obtain the written consent of the current owner prior to lodgement of the application.

There is no application fee for inspection of documents, ~~but Council may recover its reasonable costs in making copies of documents available however, an hourly processing fee for the provision of information under informal GIPA application where the information requested is Development information from 2010 and prior, and is charged at \$30 per hour.~~ It should be noted that Council will not make copies of copyrighted information without the copyright owners consent. See Section 3.2

The application form can also be used for other purposes including establishing existing use rights, outstanding conditions of development consent, development rights and subdivision potential (rural).

The current Application for Records Search Form is available on Council's Website. ~~An example application form is available at Appendix 3 of this policy.~~

4.2. CCTV Footage

Access to and use of recorded material will be facilitated by Council and will only take place:

- i. In compliance with the needs of the police in connection with their law enforcement functions; or
- ii. If necessary for the purposes of legal proceedings; or
- iii. Other lawful requirement

Recorded material will not be sold or used for commercial purposes or the provision of entertainment.

Access to footage by NSW Police is to be in accordance with the Code of Practice CCTV and the Standard operating Procedures CCTV

Any person applying for access to CCTV footage will be required to specify the following details in their application:

- (a) Approximate location footage was taken from; and
- (b) Approximate date and time footage was taken

Council may be limited in providing access to footage to applicants other than the NSW Police due to privacy considerations.

Further information can be obtained ~~in the Code of Practice CCTV—Nowra CBD and the Standard operating Procedures CCTV—Nowra CBD~~ at <https://www.shoalhaven.nsw.gov.au/For-Residents/Community-Safety/CCTV-Safety-Cameras>

4.3. Informal Release of Council Information

Section 8 of the GIPAA provides that:

- (1) Council is authorised to release government information held by it to a person in response to an informal request by the person (that is, a request that is not a Formal [Access](#)

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aApplication) unless there is an overriding public interest against disclosure of the information.

- (2) Council can release government information in response to an informal request subject to any reasonable conditions that it thinks fit to impose.
- (3) Council cannot be required to disclose government information pursuant to an informal request and cannot be required to consider an informal request for government information.
- (4) Council can decide by what means information is to be released in response to an informal request.
- (5) Council can facilitate public access to government information contained in a record by deleting matter from a copy of the record to be released in response to an informal request if inclusion of the matter would otherwise result in there being an overriding public interest against disclosure of the record.

Council retains the discretion to require a formal application to be lodged in appropriate circumstances. Some examples may include where:

- searching for and retrieving the information sought would require a significant diversion of resources
- the material contains information about a third party that cannot be deleted easily or without rendering the information useless, and consultation would need to occur, or
- the material is sensitive in nature and requires careful balancing of public interests.

4.4. Requesting Information Informally

There is no application fee for an Informal Access Application ~~however, an hourly processing fee for the provision of information under informal GIPA application where the information requested is Development information from 2010 and prior, and is charged at \$30 per hour. Council however there may be charge~~ a fee for providing copies of documentation made available under GIPAA. Charges are listed in Council's adopted Fees and Charges and are GST inclusive.

Council provides a current Informal Access Application form on its Website. ~~An example application form is available at Appendix 5 of this policy.~~

Whilst it is preferred that the application form be submitted, Council will also accept requests by mail or email. Applicants are to describe the requested information in enough detail to allow the Information and Privacy Officer to identify it, and where required provide written authorisations.

Response to informal applications is within 28 days of receipt by Council. If it takes longer than the 28 days, Council staff will provide a reason for the delay and estimate a time for a response.

An applicant who is not given information in response to an Informal Access Application will be informed of their right to make a Formal Access Application under GIPAA.

4.5. Formal Access Applications

If information cannot be accessed through any other ways, a ~~f~~Formal aAccess aApplication may be necessary. This should be a last resort under the GIPAA, and only necessary if you are asking for a large volume of information, if providing access would involve an extensive search, or if the information you seek involves personal or business information about third parties who must be consulted before the information can be released.

Applications must be in writing, and accompanied by a \$30 fee. Processing charges of \$30 per hour may also be levied, depending on the type and amount of information sought.

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Council charges an hourly processing fee for the provision of information under informal GIPA application where the information requested is Development information from 2010 and prior, and is charged at \$30 per hour.

The current Formal Access Application form is available on Council's Website. ~~An example application form is available at Appendix 6 of this policy.~~

Council will notify applicants of the decision on a Formal application within 20 Council working days, unless the applicant agrees to extend the time. Council may also extend the time by up to 15 working days where consultation with a third party is required or if Council needs to retrieve records from archives.

4.6. Rights of Review and Appeal for Formal Applications

Where a member of the public is refused access under a Formal Application under GIPAA, the ~~Information Officer~~ Information & Privacy Officer will provide the applicant with written details of the reasons for refusal. An applicant who has been refused access by Council to information sought under a formal application has three options of review:

1. Applicants can apply to Council for an internal review. This is a review by someone more senior than the original decision maker and there is a \$40 fee. Applicants have 20 working days from receiving notice of a decision to ask for an internal review.
2. If an applicant is not satisfied with the internal review, or does not want one, they can ask for a review by the Information Commissioner. Applicants have 40 days from being notified of a decision to ask for this review. Further information on external reviews by the Information Commissioner can be found at the Information and Privacy Commission's website located at www.ipc.nsw.gov.au
3. If an applicant is not satisfied with the decision of the Information Commissioner or the internal reviewer or if they do not want to take these options they can apply to the NSW Civil and Administrative Tribunal (NCAT). If the decision is the subject of review by the Information Commissioner they have 20 working days from notification of the completion of the review of the Information Commissioner. If an applicant hasn't request a review by the Information Commissioner they have 40 working days from being notified of the decision to request a review by NCAT.

Third parties have the right to seek an internal review of the decision by the agency to release information despite their objections.

An internal review of a decision cannot be applied for more than 20 working days after the decision is made or after a deemed refusal. An agency can agree to accept an application for internal review out of time.

The agency must make a decision on an internal review within 15 working days (the review period) after receiving the application for internal review.

The review period can be extended by up to 10 working days if consultation is required with another person with whom the agency has not previously consulted in relation to the application. The review period can also be extended by agreement with the applicant for review

4.7. Personal and Health Information

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An individual has rights to access and amend the personal and health information held by Council about him or her under the NSW Privacy and Personal Information Protection Act (PPIPA) 1998 and the NSW Health Records and Information Privacy Act (HRIPA) 2002.

Applications will be dealt with without excessive delay with charges and any applicable reductions, being the same as those for personal applications under GIPAA. In determining access to information under the PPIPA & the HRIPA, the exemptions of GIPAA apply in full. Additionally, the conditions and limitations of GIPAA apply to access requests concerning Health Privacy Principles 6, 7, and 8.

4.8. Information from Public Registers

Council holds and maintains many public registers which are accessible on request and these are listed in Appendix 2. However, PPIPA requires stringent controls over the disclosure of any personal information from these registers. A person wishing to access their own personal information needs ~~only to prove their identity~~ ~~however, access will be provided to another person's personal information where a particular use is known to be legitimate. Some examples of legitimate and inappropriate uses are provided below.~~

~~Legitimate public uses could generally include:~~

- ~~• issues concerning dividing fences or overhanging trees and vegetation~~
- ~~• conveyancing matters~~
- ~~• proposals for use of land eg. agistment, parking~~
- ~~• issues concerning kerb or guttering of properties~~
- ~~• matters where it is considered the person named on the register would generally wish to be contacted~~

~~Inappropriate uses would normally include:~~

- ~~• possible (private) purchase of a property eg. prospective purchasers including seeking property ownership records to approach owner with request to sell their property~~
- ~~• marketing & canvassing~~
- ~~• business use (private sector)~~
- ~~• debt recovery~~
- ~~• situations where there is a reasonable likelihood the applicant is contemplating a violent act against the person named on the register or other identified safety risks~~
- ~~• where the person named on the register is unlikely to agree to the release of the information~~

~~If there is any doubt as to the appropriateness of use, an applicant will be required to complete a Public Register Statutory Declaration (Appendix 4) prior to any decision being made in regard to access. The declaration will be treated as if it were an information application and if necessary, will be determined by Council's Information Officer. Statutory declarations can be obtained from Counter Services staff at Nowra and Ulladulla offices, Council's website or by contacting the Information Officer.~~

Council's public registers will be made available for public inspection on request. Copies of multiple entries from those registers may not be provided unless the Council has determined the proposed use of the copied information is consistent with the reason the register is kept.

Not all of Council's registers are public registers. More information about Council's registers can be found in Councils Privacy Management Plan

We only release property owner details if they are a business, corporation or Government Agency. In compliance with privacy laws, we do not release individual ownership details. You can apply for

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~~individual property ownership information. You can also apply for individual property ownership information at NSW Land Registry Services or via their website <http://www.nswlrs.com.au/>~~

4.9. Subpoenas and other Legal Discovery

Council has a legal obligation to comply with legal orders such as subpoenas, notices and other directions issued in respect of proceedings in courts and tribunals. A limited number of exemptions or privileges apply to the production of documents.

All legal orders should be referred to Council's ~~Information Officer~~ Information & Privacy Officer who has responsibility to receive and co-ordinate the gathering and production of documents required for the purposes of discovery or for production to courts and tribunals.

4.10. Public submissions on development applications

Council publishes submissions it receives on any development application lodged on or after 18 September 2006 on its website. This includes subdivision applications and applications to modify existing consents made under section 4.55 of the NSW Environmental Planning and Assessment Act.

The Council has resolved that submissions in response to Development Applications are published in their entirety and may be viewed on the "DA Tracking" weblink by following the prompts. However, there may be circumstances where Council has acceded to a request to suppress publication of a submission or made a decision not to publish a particular submission in full or part for another reason.

4.11. Identity of Complainants

Complaints provide a valuable source of information to Council and allow staff to perform their regulatory and enforcement roles more effectively. In accordance with decisions of the Administrative Decisions Tribunal, Council will not compromise the position of trust it holds with the local community or reveal personal information by divulging the identity of complainants without their permission, unless required to do so under law. Council will however reveal the substance of a complaint to the person being complained about in accordance with the principles of natural justice.

Applications for the name of a complainant will only be considered under a Formal Access Application. Whilst GIPAA provides a right of access to Council's documents, Council will consult with complainants and where an objection to the disclosure of identifying information is received, Council will not disclose that information unless it is believed that lawful obligation exists for such disclosure.

4.12. Public Register Access by Fire Service Brigades and Other Community Groups

Community groups are to submit their request access to registers using the Access to Public Registers ~~a~~Application form.

Fees and Charges associated with the provision of this information shall be determined by the ~~General Manager~~ CEO having regard to Council's adopted fees and charges.

In granting access to information, Council must be satisfied that:

- The personal information (if requested) is reasonably necessary for the exercise of the particular organisation's essential functions; and
- The personal information will only be used by the organisation in the exercise of their essential functions; and

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- c) Disclosure would not be contrary to the public interest or legislative requirements.

Council will also provide information to the Rural Fire Service in accordance with the current Service Agreement.

4.13. Disclosure of Information to the Media

~~In accordance with the Council's Code of Conduct and having regard to the nature of their duties, the Chief Executive Officer General Manager has authorised certain position holders to make official public comment on behalf of Council. Holders of such positions may only make official public comment on behalf of Council where such comments particularly relate to the responsibilities of their position and this is generally limited to providing information, including public relations statements.~~

~~Where the issue involves:~~

- ~~• high profile sensitive matters,~~
- ~~• the expression of opinions, especially where there is no guiding Council policy on the issue, or~~
- ~~• the defending of Council's actions~~

~~it will be referred to either the Mayor, Chief Executive Officer, Executive General Manager or Group Director for authorisation to make such comments on behalf of Council. The Mayor, Chief Executive Officer, Executive General Manager or Group Director may elect to personally deal with the issue.~~

~~Council also engages an Executive Manager – Media & Communications to provide the media with information about its activities in the form of media releases.~~

Other than information gained through authorised official public comment, media releases and those documents listed as Open Access Information, the Media may only obtain information by GIPAA application ~~the same means as any member of the public would be entitled to use.~~

4.14. Disclosure of Information to Police and Law Enforcement Agencies

Council will cooperate with law enforcement agencies and will respond to any legal requirement or obligation to provide information or documents in a timely manner.

4.15. Disclosure of Information to Other Government Agencies

Council will cooperate with other government agencies in providing access to information where required or permitted by law. If the request is for access to personal information held by Council the requesting agency may be required to provide details of its powers to seek the information.

Council may provide information to another government agency or public utility where requested in writing and where it is satisfied that the information is reasonably necessary for the other agency's functions. Such agencies are normally subject to the same obligations under Privacy and Personal Information Protection Act 1998 or Health Records and Information Privacy Act 2002 in relation to that information as is Council.

4.16. Personal Information about Council Employees

Personal information about employees of Council is not available to the general public.

4.17. Information about Tenders and Contracts

Public Access to Council Information

Information about the name and price of a successful tenderer is publicly available on the finalisation of the tender and contract.

Under GIPAA Council is required to keep a register of contracts (Contracts Register) that records information about each contract to which Council is a party that has (or is likely to have) a value of \$150,000 or more. Council's Contracts Register is available on the Website <https://www.shoalhaven.nsw.gov.au/Council/Access-to-Information/Contracts-Register>.

Any request for additional information or access to other documents concerning tenders and contracts will be processed on receipt of a Formal Access Application. Information provided by the tenderer may be commercially sensitive and will be treated accordingly by Council.

4.18. Information About Insurance Claims

Information about insurance claims is not publicly available. Any request for information about insurance related matters will require the lodgment of a Formal Access Application form.

4.19. Information about Animals and Animal Ownership

Information held by the Council concerning companion animals must be handled in accordance with the Companion Animals Act, 1998 and cannot otherwise be disclosed to the public.

Section 89 (7) of the Act provides that the name of a registered owner can be disclosed to a person bringing legal action against the owner in respect of the animal's behaviour in limited circumstances. This is considered a lawful function of this Act.

5. Additional Notes

5.1. Council Staff Responsibility

- a) ~~Council's Management representatives are accountable for implementing this policy within their areas of responsibility.~~
- b) ~~Implementation of this policy includes ensuring that where a document has been identified as Open Access information and is sought for access purposes, it is to be available on the website or provided with minimum delay. Undue delays in providing documents will reflect poorly on Council and can result in involvement by the NSW Information Commissioner. All Council staff are responsible for providing open access documents to the website and making sure they are current.~~
- c) ~~Supervisors must ensure all staff under their supervision are aware of this policy and that it applies when dealing with requests from the public for access to Council documents. Supervisors must ensure they provide staff with advice and support to help them comply with this policy.~~
- d) ~~Staff will receive access requests in person or over the phone. Staff should generally encourage applicants to view Council's website. An Informal Access Application form should be provided if documents are not available on the website, the customer does not have access to the website or the request cannot be immediately made available.~~
- e) ~~Staff are not to release Council documents that have the personal information of someone other than the applicant or makes reference in any way to a third party. If there is any question as to the release of a document, staff should consult the Information Officer.~~

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- f) ~~Applications will be referred to the Information Officer for determination on whether the document can be made available. The Information Officer will make a final determination on the release of any document not listed under Open Access and advise the applicant accordingly.~~
- g) ~~Staff will be requested by the Information Officer to provide them with information relevant to an Access Application. When requested, staff are required to provide all relevant information and provide supporting evidence as to reasons for non disclosure. The Information Officer will consider all reasonable representations from staff before making a determination.~~

~~Note: Council officials should not provide advice, opinion or other information relating to Council matters which is beyond the scope of their knowledge and experience. Enquiries should be redirected to Council officials who are competent to give an informed response. If any uncertainty exists about conveying information, the matter should be discussed with your supervisor or manager, or in the case of Councillors, with the relevant Group Director or the Chief Executive Officer/General Manager.~~

5.2.4.20. Council's Information and Privacy Officer

The ~~Information Officer~~ Information & Privacy Officer is available for consultation about any matter relating to access to documents and all Council staff are encouraged to consult with the ~~Information Officer~~ Information & Privacy Officer on access issues.

Under this policy, where there is any doubt about providing access to documents, the Information Officer's advice must be sought before access is granted.

Each section of the Council, with consultation with the Information and Officer, has a responsibility to ensure that documentation as identified under Open Access is available on Council's website unless to do so would interfere unreasonably with the operations of Council, would result in Council incurring unreasonable costs, would be detrimental to the proper preservation of the record, or would involve an infringement of copyright.

The ~~Information & Privacy Officer~~ Information Officer will make a final determination on the release of any document not listed under Open Access and advise the applicant accordingly. If the ~~Information Officer~~ Information & Privacy Officer determines that the document is not available informally and that access is to be denied, the ~~Information & Privacy Officer~~ Information Officer will advise the applicant in writing of the reasons for refusal and that if they wish, they can seek to obtain access to the specified document(s) under the provisions of a Formal Access Application.

The Information & Privacy Officer will deal with any request resulting from the above, made under GIPAA. In cases where the ~~Information & Privacy Officer~~ Information Officer is not available enquiries may be directed to the Governance Coordinator or the Public Officer.

Contact Details

Shoalhaven City Council
Information & Privacy Officer
PO Box 42
NOWRA NSW 2541

Telephone: [\(02\) 4429 3114](tel:(02)44293114) [1300 293 111](tel:1300293111)
Email: council@shoalhaven.nsw.gov.au

5.3.4.21. Find out more about rights to information

Public Access to Council Information

Information & Privacy Commission NSW

- Go to www.ipc.nsw.gov.au
- Email ipcinfo@oic.nsw.gov.au
- Mail GPO Box 7011, Sydney NSW 2001
- Call 1800 472 679 between 9am to 5pm, Monday to Friday (excluding public holidays).

6.5. Implementation

The ~~Finance Corporate & Community Services Group~~ [Business Assurance & Risk Department](#) has the principal responsibility to implement this policy and associated procedures. All Council officials who provide or are required to provide Council information to the public also have a responsibility to implement the provisions of the policy.

7.6. Review

When information practices are reviewed from time to time, the Public Access to Council Information Policy will also be reviewed to ensure that the Policy is up to date.

8. Appendices and Application Forms

- ~~Appendix 1 – Additional Open Access Information~~
- ~~Appendix 2 – List of Council's Public Registers~~

~~Current application forms should be downloaded from Council's website at www.shoalhaven.nsw.gov.au – See Quick Links – Forms for Download~~

~~Examples of Application Forms are attached to this Policy~~

- ~~Appendix 3 – Application for Record Search~~
- ~~Appendix 4 – Statutory Declaration Access to Public Register~~
- ~~Appendix 5 – Informal Access Application~~
- ~~Appendix 6 – Formal Access Application~~
- ~~Appendix 7 – Internal Review Application~~

*Shoalhaven City Council - Public Access to Council Information***Appendix 1 – Additional Open Access Information**

Information which is available in accordance with Schedule 1 of Government Information (Public Access) Regulations 2009.

1. Information about Council:

- The model code of conduct prescribed under section 440(1) of the Local Government Act
- Council's adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- EEO Management Plan
- Policy concerning the Payment of Expenses and Provision of Facilities to the Mayor and Councillors
- Annual Reports of Bodies Exercising Functions Delegated by Council (e.g. Section 355/377 Committees)
- Any Codes referred to in the Local Government Act
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Agendas, Business Papers and Minutes of Council/Committee meetings (except meetings that are closed to the public)
- Office of Local Government, NSW Department of Premier and Cabinet
- Representative Reports presented at a meeting of Council
- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti removal works
- Register of current Declarations of Disclosures of Political donations
- Register of Voting on Planning Matters

2. Plans and Policies

- Local Policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contribution Plans

3. Information about Development Applications

Development Applications and any associated documents received in relation to a proposed development, e.g.:

- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Submissions received on Development Applications
- Heritage Consultant Reports
- Tree Inspections Consultant Reports
- Acoustic Consultant Reports
- Land Contamination Consultant Reports

Shoalhaven City Council - Public Access to Council Information

- Records of decisions made on or after 1 July 2010 on Development Applications including decisions on appeals
- Records describing the general nature of documents that Council decides to exclude from public view after application of public interest test considerations

However, this clause does not apply to so much of the information referred to, as consists of—
(a) the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or
(b) commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret, or
(c) development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application.

- *(3) A local authority must keep the record*

4. Approvals, Orders and Other Documents

- Applications for approvals under part 7 of the Local Government Act in relation to such an application
- Applications for approvals under any other Act and any associated documents received in relation to such an application
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the Local Government Act
- Orders given under the Authority of any other Act
- Records of Building Certificates under the *Environmental Planning and Assessment Act 1979*
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community Land
- Performance improvement orders issued to a council under Part 6 of Chapter 13 of the Local Government Act.

Shoalhaven City Council - Public Access to Council Information

Appendix 2 – List of Council's Public Registers

A public register is defined in section 3 of the PPIPA as

"a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee)".

~~Council holds public registers under the following Acts~~ The public registers required to be held under the following Acts are:

Local Government Act:

- ~~Section 53 - Land Register~~
- ~~Section 113 - Records of Approvals;~~
- ~~Section 449-450A~~ Schedule 3 (6) - Register of Pecuniary Interests;
- Section 328A - Register of current Declarations of Disclosures of Political donations
- ~~Section 602 - Rates Record.~~

Environmental Planning and Assessment Act 1979 [EPA]:

- ~~Section 4.58 – Register of consents~~ and approvals and certificates
- ~~Section 6.265 – Record of building certificates~~

Protection of the Environment Operations Act 1997 [POEO]:

- ~~Section 308 – Public register of licences held~~

Impounding Act 1993 [IA]:

- ~~Section 30 & 31 – Record of impounding~~

Government Information (Public Access) Act 2009

- Disclosure Log of Access Applications
- Contracts Register for Contracts \$150,000 and above

Government Information (Public Access) Regulation 2009

- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti removal works
- Register of current Declarations of Disclosures of Political donations
- Register of Voting on Planning Matters – Shoalhaven City Council exceeds the requirement to hold a register for voting on planning matters it records voting both for and against each item resolved by Council.

These registers can be found at the following at the following link:
<https://www.shoalhaven.nsw.gov.au/Council/Access-to-Information>

*Note — this is purely indicative. Council may, by virtue of its own practice, hold other public registers, to which PPIPA applies.

Members of the public may enquire only in accordance with the primary purpose of any of these registers. The primary purpose for each of these public registers is set out in Council's Privacy Management Plan.

Shoalhaven City Council - Public Access to Council Information


CL23.23 - Attachment 1



Monthly Investment Report

December 2022

CL23.26 - Attachment 1

 IMPERIUM MARKETS	<p>Imperium Markets Pty Ltd ABN: 87 616 579 527 Authorised Representative of Libertas Financial Planning Pty Ltd AFSL 429 718 Phone: +61 2 9053 2987 Email: michael.chandra@imperium.markets Level 9 Suite 06, 70 Phillip Street, Sydney NSW 2000</p>

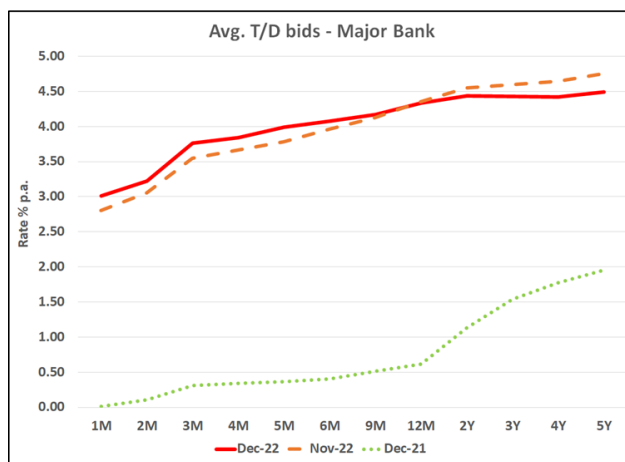


Market Update Summary

Recession fears gathered pace across financial markets in December after hawkish messaging by various global central banks. Hopes for a gentler US Federal Reserve faded amid stubbornly hot inflation with the central bank raising its forecast of how long interest rates have to stay elevated to cool inflation.

Domestically, The RBA's December Board Meeting Minutes contained a mixture of positive and negative developments. On the less hawkish side, the RBA is growing more confident about easing global growth and lower goods price inflation as supply chain disruptions resolve, but on the more hawkish side, the Board notes the balance of risks on Australian wages growth had shifted to the upside. Importantly and perhaps because of these mixed signals - the Board considered a wider range of options for policy at this meeting, including for the first time since interest rates were first increased in May, a pause in the rate rise cycle.

Outside of the NSW TCorp Long-Term Growth Fund, which Council only began investing in mid-July 2021, the largest impact to Council's investment portfolio is with regards to its largest exposure being assets held in bank term deposits (fixed and floating), which accounts for around ~57% of Council's total portfolio. Despite more rate rises on the horizon, given an upward sloping deposit curve, maintaining a slightly longer duration position will continue to outperform (averaging) shorter durations. The deposit market has largely already factored in the current rate hike cycle, reflected by the flattening of the curve demonstrated by the longer-term tenors (+2yrs) over the past few months (the market is also factoring in a recession over coming years).



Source: Imperium Markets

'New' investments above 4%-4½% p.a. now appears likely if Council can continue to place the majority of its surplus funds for terms of 12 months to 2 years. *With recessionary fears being priced in coming years, investors may take an insurance policy by investing across 3-5 year fixed deposits and locking in rates above 4½% p.a. (small allocation only).*

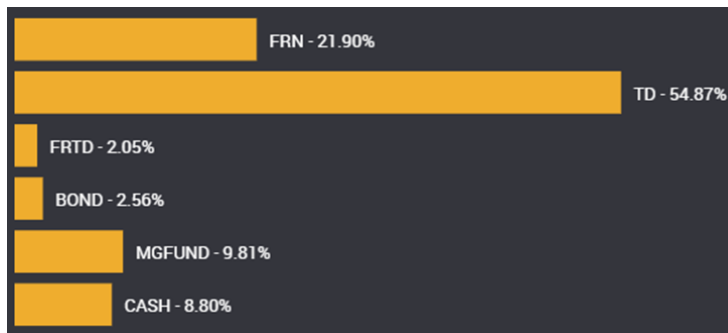


Council's Portfolio & Compliance

Asset Allocation

The majority of the portfolio is directed to fixed and floating rate term deposits, followed by liquid senior FRNs. The remainder of the portfolio is directed to the managed with TCorp, the introduction of fixed bonds with Northern Territory, as well as cash accounts.

Senior FRNs are now becoming more attractive as spreads have widened in 2022 – new issuances should now be considered again on a case by case scenario. In the interim, fixed deposits for 12 months to 3 years appear quite appealing following the spike in medium-to longer-term yields this calendar year. With recessionary fears being priced in coming years, those investors that can allocate longer-term surplus funds may take an insurance policy by investing across 3-5 year fixed deposits and locking in rates above 4½% p.a.



CL23.26 - Attachment 1



Term to Maturity

All maturity limits (minimum and maximum) comply with the Investment Policy. Short-Medium Term (1-2 years) assets account for around 14% of the total investment portfolio, with capacity of ~\$109m remaining.

We recommend surplus funds be allocated to 1-3 year fixed rate term deposits in combination with any attractive new FRNs as they come to market (refer to respective sections below).

Compliant	Horizon	Invested (\$)	Invested (%)	Min. Limit (%)	Max. Limit (%)	Available (\$)
✓	0 - 90 days	\$38,661,161	19.83%	0%	100%	\$156,345,158
✓	91 - 365 days	\$71,000,000	36.41%	0%	100%	\$124,006,319
✓	1 - 2 years	\$27,483,424	14.09%	0%	70%	\$109,020,999
✓	2 - 5 years	\$38,728,408	19.86%	0%	50%	\$58,774,752
✓	5 - 10 years	\$19,133,326	9.81%	0%	25%	\$29,618,253
		\$195,006,319	100.00%			



Individual Counterparty Limits

As at the end of December 2022, all counterparty exposures comply within the Policy limits. We note the AMP Business Saver and AMP 31 Day Notice Account are now sub-optimal investments given the rise in deposit yields in recent months. We recommend switching into their fixed deposits yielding a considerably higher rate of return.

Capacity limits are also dependent on the movement in the cash balances. Overall, the portfolio is well diversified across the entire credit spectrum, including some exposure to the regional bank (lower rated) ADIs.

Compliant	Issuer	Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	Bendigo Covered	AAA	\$4,005,787	2.05%	100.00%	\$191,000,532
✓	ING Covered	AAA	\$2,202,092	1.13%	100.00%	\$192,804,227
✓	ANZ	AA-	\$3,226,839	1.65%	100.00%	\$191,779,480
✓	CBA	AA-	\$28,593,813	14.66%	100.00%	\$166,412,506
✓	NAB	AA-	\$47,189,213	24.20%	100.00%	\$147,817,106
✓	Northern Terr.	AA-	\$5,000,000	2.56%	100.00%	\$190,006,319
✓	NSW (SIRA)	AA+	\$3,077,000	1.58%	100.00%	\$191,929,319
✓	Westpac	AA-	\$20,003,435	10.26%	100.00%	\$175,002,883
✓	Citibank	A+	\$998,992	0.51%	100.00%	\$194,007,327
✓	Macquarie	A+	\$5,934,280	3.04%	100.00%	\$189,072,039
✓	Rabobank	A+	\$5,977,020	3.07%	100.00%	\$189,029,299
✓	Suncorp	A+	\$6,729,806	3.45%	100.00%	\$188,276,513
✓	Bank of China	A	\$2,480,997	1.27%	100.00%	\$192,525,322
✓	ING Bank	A	\$18,000,000	9.23%	100.00%	\$177,006,319
✓	BoQ	BBB+	\$5,000,000	2.56%	10.00%	\$14,500,632
✓	Bendigo	BBB+	\$1,648,437	0.85%	10.00%	\$17,852,195
✓	AMP Bank	BBB	\$9,211,454	4.72%	5.00%	\$538,862
✓	Auswide Bank	BBB	\$1,499,386	0.77%	5.00%	\$8,250,930
✓	MyState Bank	BBB	\$3,000,000	1.54%	5.00%	\$6,750,316
✓	Newcastle PBS	BBB	\$2,094,441	1.07%	5.00%	\$7,655,875
✓	NSW TCorp LTG	Unrated	\$19,133,326	9.81%	100.00%	\$175,872,992
			\$195,006,319	100.00%		

In late June 2022, Standard & Poor's downgraded Suncorp-Metway from AA- to A+ (negative watch). Suncorp recently announced that it is undertaking a strategic review of its banking operations. The downgrade reflects S&P's view that the Suncorp Group's likelihood of support for the bank had "slightly" diminished and that it was no longer a core part of the Group. In July 2022, ANZ (AA-) announced it was putting a bid to buy Suncorp's banking division for ~\$3.9bn. Should that takeover be formalised, Suncorp-Metway's (A+) current credit rating is likely to be upgraded to ANZ's (AA-).

We remain supportive of the regional and unrated ADI sector (and have been even throughout the post-GFC period). They continue to remain solid, incorporate strong balance sheets, while exhibiting

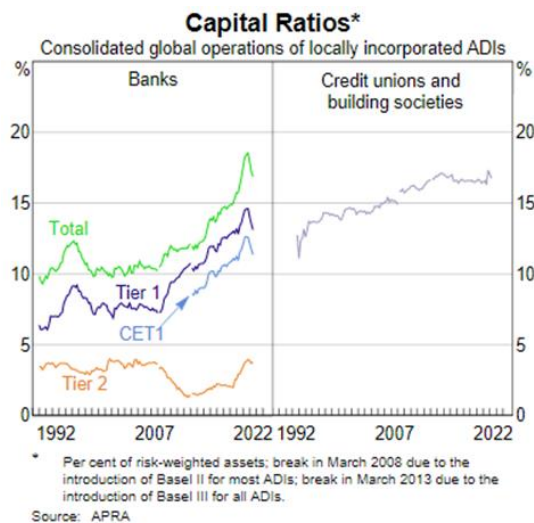


high levels of capital – typically, much higher compared to the higher rated ADIs. Some unrated ADIs have up to 25-40% more capital than the domestic major banks, and well above the Basel III requirements.

Overall, the lower rated ADIs (BBB and unrated) are generally now in a better financial position than they have been historically (see the Capital Ratio figure below). APRA's outgoing Chair Wayne Byres recently noted that the Common Equity Tier 1 capital of Australian banks now exceeds a quarter of a trillion dollars. It has increased by \$110 billion, or more than 70%, over the past eight years. Over the same time, banks' assets have grown by 44%. Some of the extra capital is supporting growth in the banking system itself but clearly, there has been a strengthening in overall resilience and leverage in the system is lower.

We believe that deposit investments with the lower rated ADIs should be considered going forward, particularly when they offer 'above market' specials. Not only would it diversify the investment portfolio and reduce credit risk, it would also improve the portfolio's overall returns. The lower rated entities are generally deemed to be the more 'ethical' ADIs compared to the higher rated ADIs.

In the current environment of high regulation and scrutiny, all domestic (and international) ADIs continue to carry high levels of capital. There is minimal (if any) probability of any ADI defaulting on their deposits going forward – this was stress tested during the GFC and the pandemic period. **APRA's mandate is to "protect depositors" and provide "financial stability".**





Overall Credit Quality Limits

The portfolio is well diversified from a credit ratings perspective. The portfolio is predominately invested amongst the investment grade ADIs (BBB- or higher). The allocation to the Unrated category reflects the investment in the TCorp Long-Term Growth Fund.

Pre-pandemic (March 2020), a 'normal' marketplace meant the lower rated ADIs (i.e. BBB category) were offering higher rates on term deposits compared to the higher rated ADIs (i.e. A or AA rated). But due to the cheap funding available provided by the RBA via their Term Funding Facility (TFF) since mid-2020¹, allowing the ADIs to borrow as low as 0.10% p.a. fixed for 3 years, those lower rated ADIs (BBB rated) did not require deposit funding from the wholesale deposit from the likes of Council. Given the higher rated banks had more capacity to lend (as they have a greater pool of mortgage borrowers), they subsequently were offering higher deposit rates. In fact, some of the lower rated banks were not even offering deposit rates at all. As a result, most investors placed a higher proportion of their deposit investments with the higher rated (A or AA) ADIs over the past two years.

Going forward, with the RBA now removing these cheap borrowing facilities, this has meant the lower rated banks (BBB rated) have started to become more competitive as the market starts to 'normalise'. Investors should have a larger opportunity to start investing a higher proportion of their surplus funds with the lower rated institutions (within Policy limits), from which the majority are considered to be the more 'ethical' ADIs as they generally do not lend to the Fossil Fuel industry.

All ratings categories are within the Policy limits:

Compliant	Credit Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	AAA Category	\$6,207,879	3%	100%	\$188,798,440
✓	AA Category	\$107,090,301	55%	100%	\$87,916,018
✓	A+ to A Category	\$40,121,094	21%	100%	\$154,885,225
✓	A- Category	\$0	0%	40%	\$78,002,528
✓	BBB+ to BBB Category	\$22,453,718	12%	30%	\$36,048,177
✓	BBB- & NR Category	\$0	0%	5%	\$9,750,316
✓	NSW TCorp LTGF	\$19,133,326	10%	100%	\$175,872,992
		\$195,006,319	100.00%		

¹ The RBA's Term Funding Facility (TFF) allowed the ADI to borrow as low as 0.10% fixed for 3 years: <https://www.rba.gov.au/mkt-operations/term-funding-facility/overview.html>



Performance

Council's performance for the month ending December 2022 (excluding cash) is summarised as follows:

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.26%	0.71%	1.18%	1.18%	1.31%
AusBond Bank Bill Index	0.25%	0.74%	1.17%	1.17%	1.25%
T/D Portfolio	0.21%	0.51%	0.83%	0.83%	1.33%
FRT/D Portfolio	0.36%	1.04%	1.93%	1.93%	3.49%
FRN Portfolio	0.35%	0.98%	2.00%	2.00%	3.91%
Bond Portfolio	0.09%	0.27%	0.55%	0.55%	1.08%
Council's Fixed Interest[^]	0.25%	0.63%	1.13%	1.13%	2.01%
TCorp LTGF	-3.06%	3.56%	3.44%	3.44%	-8.53%
TCorp Long-Term Target ^{^^}	0.50%	1.48%	2.98%	2.98%	6.00%
Council's Total Portfolio	-0.11%	0.97%	1.37%	1.37%	0.61%
Performance (to Bank Bills)	-0.36%	0.23%	0.20%	0.20%	-0.64%

[^]Council's Fixed Interest portfolio returns excludes Council's cash account holdings.

^{^^}TCorp has a target of 3.5% above inflation of ~2.5%. The long-term target is therefore 6% p.a. on an ongoing basis.

Performance (Annualised)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	3.10%	2.85%	2.35%	2.35%	1.31%
AusBond Bank Bill Index	2.98%	2.98%	2.33%	2.33%	1.25%
T/D Portfolio	2.50%	2.05%	1.66%	1.66%	1.33%
FRT/D Portfolio	4.29%	4.20%	3.86%	3.86%	3.49%
FRN Portfolio	4.19%	3.96%	4.01%	4.01%	3.91%
Bond Portfolio	1.11%	1.09%	1.09%	1.09%	1.08%
Council's Fixed Interest[^]	2.97%	2.52%	2.26%	2.26%	2.01%
TCorp LTGF	-30.64%	14.87%	6.93%	6.93%	-8.53%
TCorp Long-Term Target ^{^^}	6.00%	6.00%	6.00%	6.00%	6.00%
Council's Total Portfolio	-1.26%	3.92%	2.74%	2.74%	0.61%
Performance (to Bank Bills)	-4.24%	0.94%	0.41%	0.41%	-0.64%

[^]Council's Fixed Interest portfolio returns excludes Council's cash account holdings.

^{^^}TCorp has a target of 3.5% above inflation of ~2.5%. The long-term target is therefore 6% p.a. on an ongoing basis.

For the month of December, the total portfolio (excluding cash) provided a return of -0.11% (actual) or -1.26% p.a. (annualised), underperforming the benchmark AusBond Bank Bill Index return of +0.25% (actual) or +2.98% p.a. (annualised). Over the past year, the portfolio returned a positive return of +0.61% p.a., underperforming bank bills by 0.64% p.a.



The longer-term positive performance continues to be anchored by the handful of deposits that were originally placed for terms greater than 12 months. Going forward, despite additional rate hikes over coming months, Council's interest income can be increased significantly by undertaking a slightly longer duration position (12-24 months), with rates on offer along this part of the curve likely to be offered at over ½% higher than the rate compared to shorter tenors. However, the volatility of the TCorp Long-Term Growth Fund will also greatly impact returns on any month.

The T-CorpIM Growth Fund was the biggest detractor to performance this month, with the Fund returning -3.06% (net actual) as shares (domestic and international) were sold off. Despite the volatility in the Fund over the past few years, the Growth Fund has performed well over longer-term time periods.



NSW T-CorpIM Growth Fund

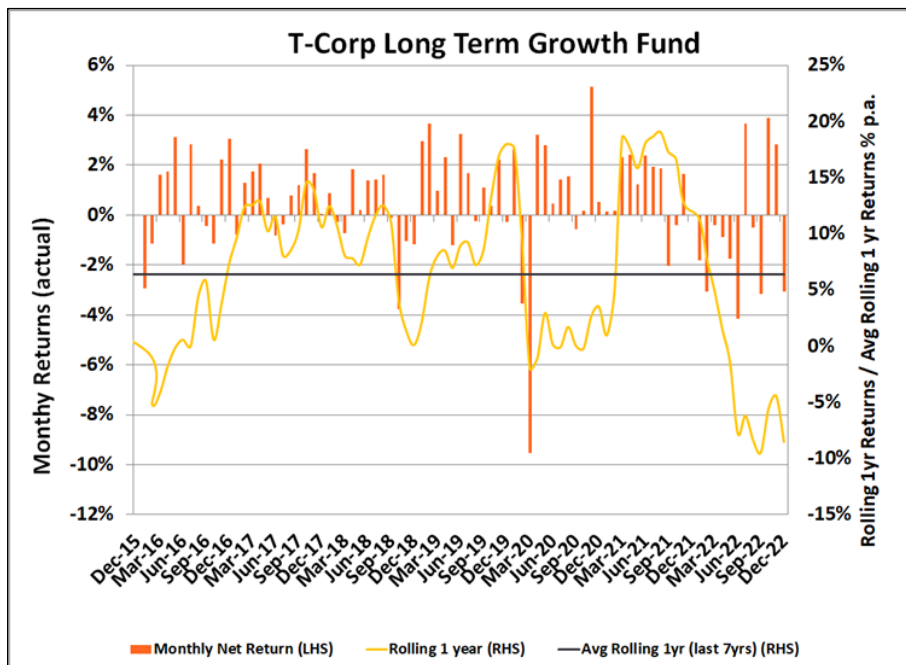
The Growth Fund returned -3.06% (actual) for the month of December. The falls this month were attributed to international shares (the MSCI World ex-Australia Index fell -4.39%) and domestic shares (the S&P ASX 200 Accumulation Index lost -3.21%). Also contributing to the losses was the exposure to fixed bonds (AusBond Composite Bond Index fell -2.06%).

The US Federal Reserve (Fed) recently raised its forecast of how long interest rates have to stay elevated to cool inflation that has been hurting businesses and threatening spending. The European Central Bank (ECB) also warned that more rate hikes are coming. Inflation is showing signs of easing, but at a relatively slow pace. The Fed's aggressive policy risks hitting the brakes on the economy too hard, while at the same time economic growth is already slowing because of pressure from inflation. That could result in a recession, which analysts expect in some form within 2023, though the severity and duration is difficult to forecast.

Overall, we remain cautious on the future performance of the T-Corp Growth Fund given the high volatility associated with a diversified growth fund, which generally allocates a range of 60%-80% in domestic and international shares. Investors are bracing for central banks to raise official rates more aggressively than previously anticipated to combat inflation driven by supply-chain bottlenecks, a global energy crunch and ongoing geopolitical risks.

The Fund should be looked at with a long-term view, with a minimum holding period of +7 years. Given the exposure to the volatile asset of shares, Council should expect to see, on average, a negative month once every 3 months over a long-term holding period.

Since Inception	T-Corp Long Term Fund
Negative Months	138 (~1 in 3 months)
Positive Months	264
Total Months	402 (33.5 yrs)
Average Monthly Return	+0.64% (actual)
Median Monthly Return	+1.02% (actual)
Lowest 1 year Rolling Return	-21.12% p.a. (Nov 2008)
Highest 1 year Rolling Return	+29.89% p.a. (Jan 1994)



CL23.26 - Attachment 1



Council's Term Deposit Portfolio & Recommendation

As at the end of December 2022, Council's deposit portfolio was yielding 2.71% p.a. (up 57bp from the previous month), with a weighted average duration of ~237 days (8 months).

Where possible, we recommend Council extends this average duration closer to a minimum of 10-12 months. With an upward sloping deposit curve, investors are rewarded if they can continue to maintain a longer average duration. As the past decade or so has highlighted (post-GFC era), we have seen too many portfolios overpay for liquidity and generally not insured themselves by diversify their funding across various tenors.

At the time of writing, we see value in:

	LT Credit Rating	Term	T/D Rate
ICBC, Sydney	A	3 years	4.95% p.a.
ICBC, Sydney	A	2 years	4.90% p.a.
P&N Bank	BBB	3 years	4.90% p.a.
P&N Bank	BBB	2 years	4.85% p.a.
CBA	AA-	2 years	4.80% p.a.
Westpac	AA-	2 years	4.78% p.a.
Suncorp	A+	2 years	4.75% p.a.
NAB	AA-	2 years	4.65% p.a.
AMP Bank	BBB	2 years	4.55% p.a.^
BoQ	BBB+	2 years	4.50% p.a.

[^]Contact us for an additional 0.20% p.a. rebated commission. Rate changes daily. Current limit of \$10m in aggregate.

The above deposits are suitable for investors looking to maintain diversification and lock-in a premium compared to purely investing short-term.



For terms under 12 months, we believe the strongest value is currently being offered by the following ADIs (dependent on daily funding requirements):

	LT Credit Rating	Term	T/D Rate
CBA	AA-	12 months	4.75% p.a.
P&N Bank	BBB	12 months	4.70% p.a.
Westpac	AA-	12 months	4.60% p.a.
AMP	BBB	12 months	4.60% p.a.^
Suncorp	A+	12 months	4.55% p.a.
BoQ	BBB+	12 months	4.55% p.a.
NAB	AA-	12 months	4.50% p.a.
BoQ	BBB+	6 months	4.40% p.a.
NAB	AA-	6 months	4.30% p.a.

^Contact us for an additional 0.20% p.a. rebated commission. Rate changes daily. Current limit of \$10m in aggregate

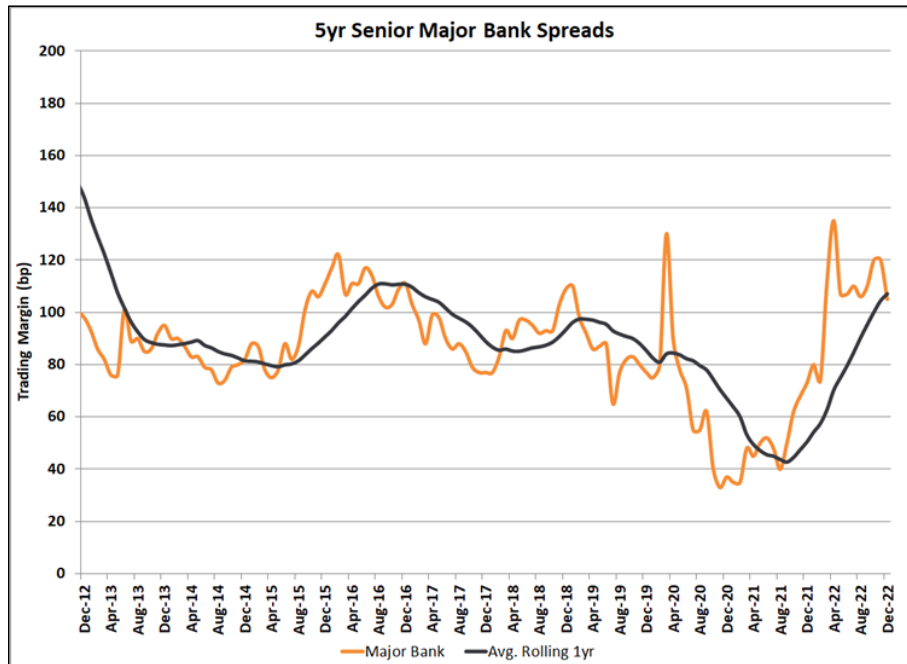
If Council does not require high levels of liquidity and can stagger its investments slightly longer-term, it will be rewarded over coming years if it can roll for an average min. term of 12 months-2 years (this is where we current value), yielding, on average, up to ½% p.a. higher compared to those investors that entirely invest in short-dated deposits (under 9 months).

With recessionary fears being priced in coming years, those investors that can allocate longer-term surplus funds may take an insurance policy by investing across 3-5 year fixed deposits and locking in rates above 4½% p.a.



Senior FRNs Review

Over December, amongst the senior major bank FRNs, physical credit securities tightened between 10-15bp at the long-end of the curve. Major bank senior securities are now looking fairly attractive again in a rising rate environment (5 year margins around the +100-105bp level):



Source: IBS Capital

During December, there were noticeable new primary issuances from:

- ING (AAA rated) covered senior security for 3 years at +98bp
- WBC (AA- rated) senior FRN for 1 year at +50bp
- Suncorp (A+) senior FRN for 3 years at +125bp

Amongst the “A” rated sector, the securities were marked up to 20bp tighter at the 3-5 year part of the curve, whilst the “BBB” rated sector was marked up to 5bp wider due to recent new issuances.

Credit securities are looking much more attractive given the widening of spreads in 2022. FRNs will continue to play a role in investor’s portfolios mainly on the basis of their liquidity and the ability to roll down the curve and gross up returns over ensuing years (in a relatively stable credit environment).



Senior FRNs (ADIs)	31/12/2022	30/11/2022
"AA" rated – 5yrs	+105bp	+120bp
"AA" rated – 3yrs	+82bp	+92bp
"A" rated – 5yrs	+125bp	+145bp
"A" rated – 3yrs	+105bp	+115bp
"BBB" rated – 3yrs	+165bp	+158bp

Source: IBS Capital

We now generally recommend switches ('benchmark' issues only) into new primary issues, out of the following senior FRNs that are maturing:

- On or before late 2024 for the "AA" rated ADIs (domestic major banks);
- On or before late 2023 for the "A" rated ADIs; and
- Within 6-9 months for the "BBB" rated ADIs (consider case by case).

Investors holding onto the above senior FRNs ('benchmark' issues only) in their last few years are now generally holding sub-optimal investments and are not maximising returns by foregoing realised capital gains. In the current challenging economic environment, any boost in overall returns should be locked in when it is advantageous to do so, particularly as switch opportunities become available.

Primary (new) FRNs are now looking more appealing and should be considered on a case by case scenario.



Council's FRN Portfolio – Sale/Switch Recommendations

During December 2022, Council sold out of the following FRN due to some slight unexpected cash flow requirements:

Issuer	Rating	Maturity Date	ISIN	Face Value	Trading Margin	Capital Price (\$)	Realised Gain (\$)
ANZ	AA-	29/08/2024	AU3FN0049730	\$3,500,000	+67.0bp	\$100.153	\$5,355

Over the next few months, we recommend Council sells out of the following FRN as it is yielding a low rate to maturity (less than 3% p.a.):

Issuer	Rating	Maturity Date	ISIN	Face Value	Trading Margin	Capital Price (\$)	Unrealised Gain (\$)
WBC	AA-	16/08/2024	AU3FN0048187	\$1,000,000	+62.0bp	\$100.344	\$3,435

A switch into a newly issued (attractive) FRN is suitable. Alternatively, a switch into a term deposit yielding above 4.50%-4.75% p.a. can be achieved with the major banks if replacing for a term between 1-3 years.

We recommend that Council retain all its FRN at this stage. We will continue to monitor them individual and advise when it is appropriate to undertake a similar strategy to boost overall returns.

Council's Senior Fixed Bonds

In September 2020, Council has invested into the following NTTC (AA-) fixed bonds:

Investment Date	Maturity Date	Principal	Rate % p.a.	Interest Paid
15/09/2021	15/12/2024	\$3,000,000	1.00%	Annually
15/09/2021	15/12/2025	\$2,000,000	1.10%	Annually
Totals / Wgt. Avg.		\$5,000,000	1.04%	

We believe this was prudent given the low rate environment and particularly after the RBA's easing decision in early November 2020 and forward guidance towards official interest rates (no rate rises "until at least 2024").

The NTTC bonds are a 'retail' offering and not 'wholesale' issuances. Given the lack of liquidity and high penalty costs if they were to be sold/redeemed prior to the maturity date, they are considered to be a hold-to-maturity investment and will be marked at par value (\$100.00) throughout the term of investment.



Senior Fixed Bonds – ADIs (Secondary Market)

As global inflationary pressures have escalated, this has seen a significant lift in longer-term bond yields (valuations fell) as markets have reacted accordingly.

This has resulted in some opportunities in the secondary market. We currently see value in the following fixed bond lines, with the majority now being marked at a significant discount to par (please note supply in the secondary market may be limited on any day):

ISIN	Issuer	Rating	Capital Structure	Maturity Date	~Remain. Term (yrs)	Fixed Coupon	Indicative Yield
AU3CB0255776	ING	AAA	Covered	07/09/2023	0.68	3.00%	4.34%
AU3CB0258465	Westpac	AA-	Senior	16/11/2023	0.89	3.25%	4.26%
AU3CB0265403	Suncorp	AA-	Senior	30/07/2024	1.59	1.85%	4.76%
AU3CB0265593	Macquarie	A+	Senior	07/08/2024	1.63	1.75%	4.84%
AU3CB0265718	ING	AAA	Covered	20/08/2024	1.63	1.45%	4.67%
AU3CB0266179	ANZ	AA-	Senior	29/08/2024	1.67	1.55%	4.54%
AU3CB0266377	Bendigo	BBB+	Senior	06/09/2024	1.70	1.70%	4.80%
AU3CB0268027	BoQ	BBB+	Senior	30/10/2024	1.84	2.00%	4.97%
AU3CB0269710	ANZ	AA-	Senior	16/01/2025	2.06	1.65%	4.62%
AU3CB0269892	NAB	AA-	Senior	21/01/2025	2.06	1.65%	4.63%
AU3CB0270387	Macquarie	A+	Senior	12/02/2025	2.13	1.70%	4.98%
AU3CB0287415	Westpac	AA-	Senior	17/03/2025	2.22	2.70%	4.57%
AU3CB0291508	Westpac	AA-	Senior	11/08/2025	2.62	3.90%	4.63%
AU3CB0291672	CBA	AA-	Senior	18/08/2025	2.64	4.20%	4.63%
AU3CB0280030	BoQ	BBB+	Senior	06/05/2026	3.34	1.40%	5.37%
AU3CB0282358	ING	AAA	Covered	19/08/2026	3.64	1.10%	4.94%
AU3CB0284149	BoQ	BBB+	Senior	27/10/2026	3.83	2.10%	5.38%
AU3CB0286037	Westpac	AA-	Senior	25/01/2027	4.08	2.40%	4.93%



Economic Commentary

International Market

Recession fears gathered pace across financial markets in December after hawkish messaging by various global central banks. Hopes for a gentler US Federal Reserve faded amid stubbornly hot inflation with the central bank raising its forecast of how long interest rates have to stay elevated to cool inflation.

Across equity markets, the S&P 500 Index fell -5.90%, while the NASDAQ lost -8.73%. Europe's main indices also fell, led by France's CAC (-3.93%), Germany's DAX (-3.29%) and UK's FTSE (-1.60%).

The US Fed lifted the funds rate by 0.50% to a range between 4.25-4.50%, a level not seen since 2007. The 50bp increase was a downshift following four consecutive hikes of 75bp. The new dot plot revealed the majority of Fed officials now expect the Funds rate to end next year at 5.125% (5% to 5.25% range), 50bp higher relative to the median projection in September. Fed Chair Powell reiterated the message that policy will need to remain tight for "some time" in order to restore price stability.

US CPI came in at +0.1% m/m for November and +7.1% y/y, two tenths below expectations and the smallest increase since August 2021. Core CPI came in at +0.2% and +6.0% y/y, one tenth below consensus.

The Bank of England hiked by 50bp to 3.50%, as expected. UK GDP for October came in at +0.5% against the +0.4% consensus.

The ECB delivered the anticipated 50bp hike in the deposit rate to 2.0%, dialled down from 75bp at each of the previous two meetings. Inflation in the eurozone in the year to November fell for the first time in 17 months, easing to +10.0% from +10.6%.

The Bank of Canada increased official rates by 50bp to 4.25%, but signalled openness to pausing in January. Canada's employment growth matched expectations with +10k job growth but the unemployment rate fell to 5.1% (expectations for a rise to 5.3%), near its lowest levels since the 1970s.

The Bank of Japan somewhat took the market by surprise by the expansion of the tolerance band around its Yield Curve Control (YCC) target to +/-0.5% from +/-0.25%, something that Governor Kuroda has been suggesting was not under consideration, since it would, he said, be equivalent to a rate rise.

China's soundings around its Covid situation also aided markets, hinting towards a pro-growth strategy instead of their ongoing strict zero-Covid strategy.

The MSCI World ex-Aus Index fell -4.39% for the month of December:

Index	1m	3m	1yr	3yr	5yr	10yr
S&P 500 Index	-5.90%	+7.08%	-19.44%	+5.92%	+7.51%	+10.41%
MSCI World ex-AUS	-4.39%	+9.30%	-19.67%	+3.41%	+4.46%	+7.09%
S&P ASX 200 Accum. Index	-3.21%	+9.40%	-1.08%	+5.55%	+7.11%	+8.66%

Source: S&P, MSCI



Domestic Market

As widely expected, the RBA raised the cash rate by 25bp for the third consecutive Board meeting in December to 3.10%. The important final paragraph again notes that “the Board expects to increase interest rates further over the period ahead”, but importantly added “it is not on a pre-set course” and concludes with the reaffirmation “the Board remains resolute in its determination to return inflation to target and will do what is necessary to achieve that”.

The RBA’s December Board Meeting Minutes contained a mixture of positive and negative developments. On the less hawkish side, the RBA is growing more confident about easing global growth and lower goods price inflation as supply chain disruptions resolve, but on the more hawkish side, the Board notes the balance of risks on Australian wages growth had shifted to the upside.

Importantly and perhaps because of these mixed signals - the Board considered a wider range of options for policy at this meeting, including for the first time since interest rates were first increased in May, a pause in the rate rise cycle.

Australia’s GDP rose by +0.6% q/q (+5.9% y/y) and continues to reflect a strong economy where GDP is now 6.5% above pre-pandemic levels – stronger than most major economies.

The unemployment rate for November was unchanged at 3.4%, as the participation rate rose 0.2% to 66.8%, returning to its record high.

October’s trade data saw the trade surplus coming in at \$12.2bn, just \$0.2bn below the previous month.

Australian dwelling prices fell -1.0% m/m in November, the seventh consecutive month of decline. The residential auction clearance rate dipped to its lowest level in almost five months as homebuyers factored in the impact of another jump in interest rates.

The Australian dollar gained +1.15%, finishing the month at US67.75 cents (from US66.98 cents the previous month).

Credit Market

The global credit indices widened over December as financial markets lost some of their recent (positive) momentum. They are now back to their levels earlier this year:

Index	December 2022	November 2022
CDX North American 5yr CDS	86bp	77bp
iTraxx Europe 5yr CDS	98bp	92bp
iTraxx Australia 5yr CDS	91bp	91bp

Source: Markit



Fixed Interest Review

Benchmark Index Returns

Index	December 2022	November 2022
Bloomberg AusBond Bank Bill Index (0+YR)	+0.25%	+0.25%
Bloomberg AusBond Composite Bond Index (0+YR)	-2.06%	+1.55%
Bloomberg AusBond Credit FRN Index (0+YR)	+0.34%	+0.42%
Bloomberg AusBond Credit Index (0+YR)	-0.62%	+1.35%
Bloomberg AusBond Treasury Index (0+YR)	-2.37%	+1.43%
Bloomberg AusBond Inflation Gov't Index (0+YR)	-2.74%	+2.48%

Source: Bloomberg

Other Key Rates

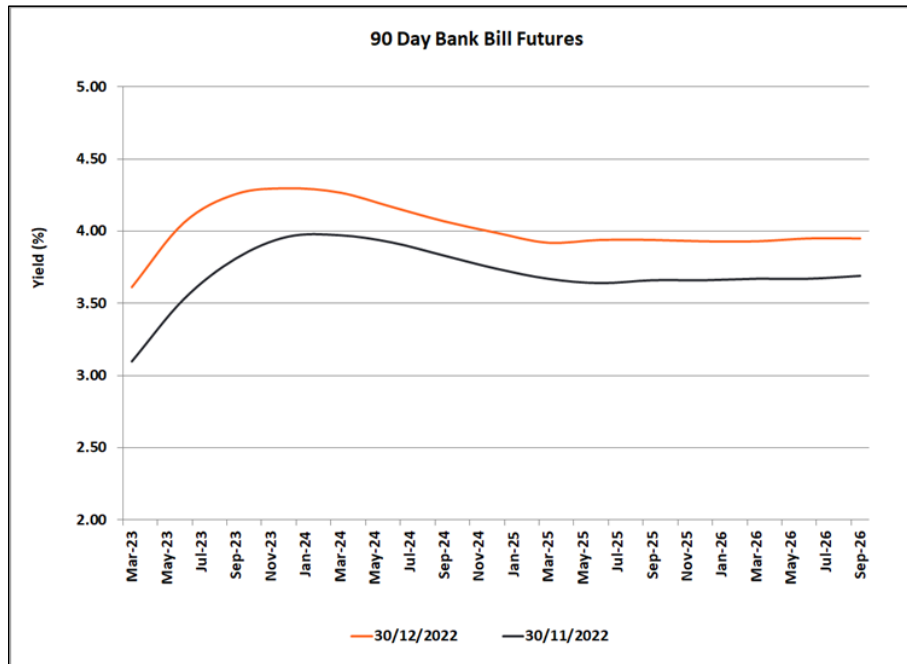
Index	December 2022	November 2022
RBA Official Cash Rate	3.10%	2.85%
90 Day (3 month) BBSW Rate	3.26%	3.09%
3yr Australian Government Bonds	3.51%	3.17%
10yr Australian Government Bonds	4.05%	3.53%
US Fed Funds Rate	4.25%-4.50%	3.75%-4.00%
3yr US Treasury Bonds	4.22%	4.13%
10yr US Treasury Bonds	3.88%	3.68%

Source: RBA, AFMA, US Department of Treasury



90 Day Bill Futures

Over December, bill futures rose across the board, with the market reacting to the US Fed's guidance about how long official rates are likely to remain elevated, erasing hopes of a potential drop in rates in 2023. The markets continue to factor in the possibility of a global recession over the next few years, highlighted by the drop in the futures pricing in early 2024:



Source: ASX



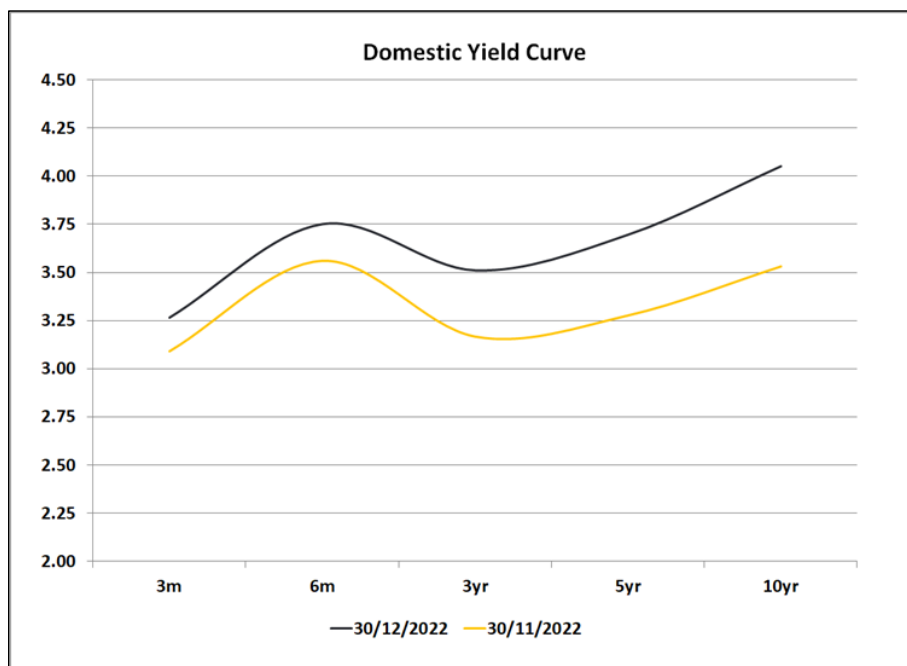
Fixed Interest Outlook

Markets have remained volatile as hopes for a gentler US Fed vanished amid stubbornly hot inflation. The central bank recently raised its forecast of how long interest rates have to stay elevated to cool inflation that has been hurting businesses and threatening spending. Markets are now factoring the peak of interest rate cycle in the US to be in the 5.25%-5.50% range (up from 5.00%-5.25%).

Domestically, the latest RBA minutes for the December meeting revealed the Board considered a wide range of options for policy, including a 50bp rate rise and, for the first time since interest rates were first increased in May, a pause in the rate rise cycle. The Board concluded that the arguments for the three different courses of action (no change, +25bp or +50bp) were strongest for increasing the Cash Rate by a further 25bp. The very fact that a pause in the rate rise cycle entered the RBA's thinking in December suggest that one may not be too far off.

The RBA continues to signal that it expects to increase interest rates further over the period ahead, with an additional two to three 25bp hikes already largely priced into the market by Q2 2023, taking the cash rate up to 3.60%-3.85%. Thereafter, noting the lags in monetary policy, a pause around the end of Q1 or in Q2 is likely whilst the RBA monitors the economic data.

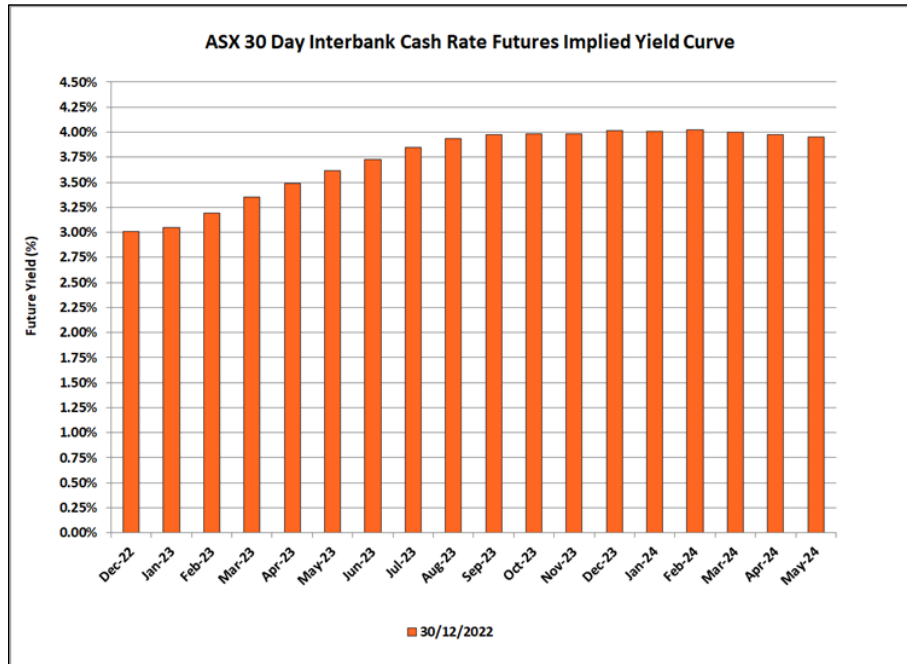
Over the month, yields rose up to 50bp at the long-end of the curve:



Source: AFMA, ASX, RBA



Markets are currently pricing in around 4 additional rate rises into 2023 (up to 4%). Fears of a looming global recession have actually seen rate cuts start to be priced in towards the start of 2024, although this seems unlikely for now.



Source: ASX

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	Section 4.15 Assessment Report <i>Environmental Planning & Assessment Act 1979</i>
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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 Manager.

Delegation Level Required	Lead - Development Assessment		
Variations Proposed	<input type="checkbox"/> Clause 4.6 exception <input checked="" type="checkbox"/> DCP departure		
Councillor Representations	Councillor	Date	TRIM Reference
Report Recommendation	Approval		

DA Number	SF10958
PAN	247177
Property Address	31 Porter Cct, MILTON - Lot 319 DP 1232292
Proposal	Two Lot Torrens Title Subdivision
Applicant(s)	Lydia Hawke
Owner(s)	T L Houston & M J Malone
Owner's consent provided?	Yes
Date Lodged	12-Aug-2022
Date of site inspection	14/12/2022
No. of submissions	Four (4)
	<i>Note: where submissions are received Council must give notice of the determination decision to all submitters.</i>

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1. Detailed Proposal

The application proposes a subdivision of the land to create two Torrens Title allotments, both fronting Porter Circuit.

Lot 319 DP 1232292 has an area of 1,002.00m² and the proposal intends to create the following allotments:

	Lot 1	Lot 2
Area	500m ²	502m ²
Width	12.8m	11.8m
Average Depth	39.6m	42.8m

The proposed subdivision can be seen below in Figure 1:

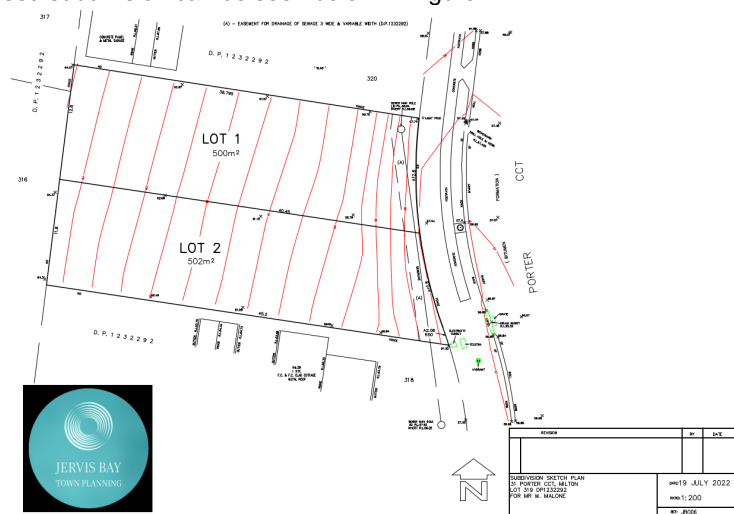


Figure 1: Proposed Development

Future Development Capability via Development Application

In terms of future residential density capacity for the lots, the sizes of the Lots being created would only permit the erection of two (2) dwellings per lot.

This would be either in the form of a *principle dwelling* and *secondary dwelling* and or an *attached dual occupancy development*.

Under the *Shoalhaven Local Environmental Plan (SLEP) 2014* cl. 4.1A(2) prescribes the minimum lot size for the erection of varying development typologies.

Despite the Lot's meeting the minimum lot size requirement to erect an *attached dual occupancy*, it is unlikely that a functional design for a dual occupancy could be achieved.

The Shoalhaven Development Control Plan (SDCP) 2014 does not prescribe a minimum width for the erection of a *dual occupancy*. However, the *Floor Space Ratio (FSR)* permits for the site would be 0.5:1 in the R1 Zone.

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In this regard, Lots one and two would only be permitted to have a maximum of 250m² and 251m² of gross floor area respectively.

Future Development Capability via Complying Development Certificate (CDC)

Please see Appendix A at the end of this report for an analysis of what development can be permitted on the lots.

2. Subject Site and Surrounds

Site Description

The site is known as Lot 319 DP 1232292 - 31 Porter Circuit, Milton.

The overall development site measures 1,002m² and is predominantly rectangular in shape.

The site is vacant and is bounded by residential development to the north, south, and east containing principally dwellings.

The site is zoned R1 General Residential under the *Shoalhaven Local Environmental Plan 2014*.

The area is largely made up of residential development including dwelling houses and dual occupancy development.

The site is cleared and slopes moderately from west to south with a fall of approximately 6.8 metres or 17%.



Figure 2: Aerial imagery of subject site

Deposited Plan and 88B Instrument

There are no identified restrictions on the use of the land that would limit or prohibit the proposed development.

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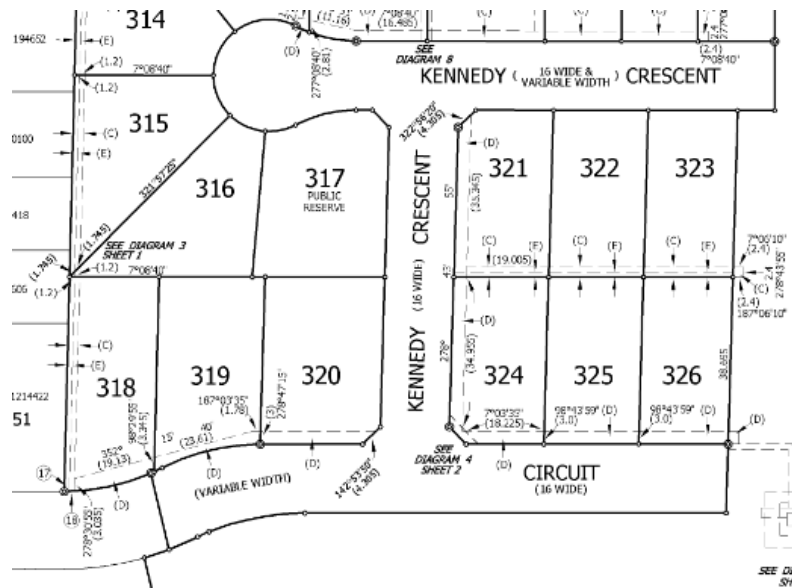


Figure 3: Deposited Plan

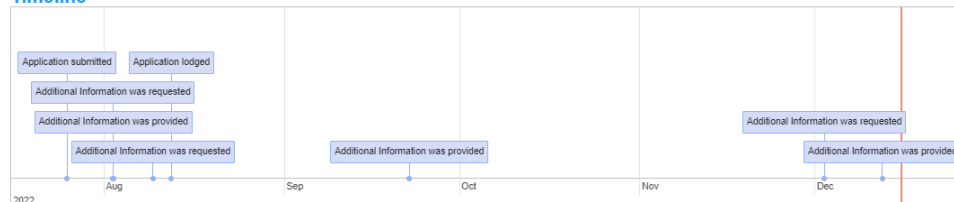
3. Background

Pre-Lodgement Information

N/A

Post-Lodgement Information

Timeline



Site History and Previous Approvals

Darts - since 1st July 2005

Application	Appl. Date	Application Type	Proposal	Status	Completed
SF10958	12/08/2022	Subdivision Application	Residential - Two Lot Residential Subdivision	Incomplete	Completed
DR21/1909	23/08/2021	Sewer Connection	Units/Flats - Multi Dwelling Development & Community Title Subdivision	Withdrawn	01/07/2022
DA21/1991	23/08/2021	Development Application	Units/Flats - Multi Dwelling Development & Community Title Subdivision	Refused	23/05/2022

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4. Consultation and Referrals

Internal Referrals	
Referral	Comments
Development Engineer	No objection subject to recommended conditions.
Shoalhaven Water Group	No objection subject to recommended conditions.
Strategic Planning	No objection

External Referrals	
Referral	Comments
Endeavour Energy	No objection.

5. Other Approvals

NIL

6. Statutory Considerations

Environmental Planning and Assessment Act 1979

Section 4.14 Consultation and development consent – certain bush fire prone land

<i>Is the development site mapped as bush fire prone land?</i>	No
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Local Government Act 1993

<i>Do the proposed works require approval under Section 68 of the Local Government Act 1993?</i>	No
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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 *Environmental Planning and Assessment Act 1979*.

(a) Any planning instrument, draft instrument, DCP and regulations that apply to the land

i) Environmental Planning Instrument

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*. The following planning instruments and controls apply to the proposed development:

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Environmental Planning Instrument
<i>Shoalhaven Local Environmental Plan 2014</i>
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

Question	Yes	No
1. Does the proposal result in a new land use being a residential, educational, recreational, hospital, childcare or other use that may result in exposure to contaminated land?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Proceed to Question 2	Assessment under SEPP 55 and DCP not required.

Shoalhaven Local Environmental Plan Local Environmental Plan 2014

Land Zoning

The land is zoned R1 General Residential under the *Shoalhaven Local Environmental Plan 2014*.

Characterisation and Permissibility

The proposal is best characterised as *subdivision* under *Shoalhaven Local Environmental Plan 2014*.
The proposal is permitted within the zone with the consent of Council.

Zone Objectives

Objective	Comment
To provide for the housing needs of the community.	The proposal is consistent with the objectives of the zone.
To provide for a variety of housing types and densities.	
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	
To identify land suitable for future urban expansion.	

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Applicable Clauses

Clause	Comments	Complies/ Consistent
Part 2 Permitted or prohibited development		
2.6 Subdivision – Consent requirements	<p>The existing lot is vacant.</p> <p>Therefore there is no opportunity for the subdivision to result in a principle dwelling and secondary dwelling being sited on different lots.</p> <p>In the event that this were the case the lots proposed to be created meet the minimum lot size requirement and would be consistent with this provision.</p>	YES
Part 4 Principal development standards		
4.1 Minimum subdivision lot size	<p>The subject site is mapped with having a minimum allotment size 'I' under the SLEP 2014.</p> <p>This correlates to a minimum lot size of 500m².</p> <p>The existing lot size is 1,002m² and the proposed subdivision seeks to create the two following lots:</p> <ul style="list-style-type: none"> • Lot 1 – 500m² • Lot 2 – 502m² <p>The proposed subdivision is compliant with the minimum lot size requirements prescribed by cl 4.1.</p> <p>It is worth noting that Commissioner Robson J in Wenli Wang v North Sydney Council [2018] NSWLEC 122 found the following:</p> <p><i>36. I agree with the position of the parties' representatives in relation to the application of the objectives. Although the maximum set by a development standard is not a right, a development is taken to comply with the objectives of a standard where compliance with the standard is achieved. This is made clear by the chapeau of cl 4.3(1) which provides that what follows are the "objectives of this clause" as opposed to the objectives of the development. The clause is the development standard set by cl 4.3(2).</i></p> <p><i>37. The objectives of the standard have relevance where an applicant seeks to vary the development standard by way of a request pursuant to cl 4.6. The consent authority must then be satisfied that</i></p>	YES

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	<p><i>the objectives of the clause are met notwithstanding the breach of the development standard. Such a request is not required in the present case as the proposed development complies with the 8.5 metre building height development standard.</i></p> <p>The proposed development satisfies the minimum lot size requirement prescribed by cl 4.1 and as such the objections of the standard have been met.</p>	
Part 7 Additional local provisions		
<p>7.1 Acid sulfate soils</p>	<p>The subject site has an acid sulphate soils classification of five (5).</p> <p>Only minor physical works are required to facilitate the proposed subdivision.</p> <p>These works involve the connection of necessary services for any future use of the land. For example, sewer, and electricity.</p>	
<p>7.2 Earthworks</p>	<p>Minor earthworks will be required for the development.</p> <p>These works are considered ancillary to the proposed subdivision pursuant to cl. 7.2(2)(b).</p> <p>Before granting development consent for earthworks, the consent authority must consider the matters listed in cl. 7.2(3)(a)-(h).</p> <p>The earthworks required for the development are the result of the connection of services for the new lot to be created.</p> <p>These works are unlikely to disrupt or have a detrimental impact on drainage patterns and soil stability with the locality of the development. Nor will these works effect the likely future use or redevelopment of the land.</p> <p>No fill is required for these earthworks and it is unlikely that any relics will be disturbed.</p> <p>On balance, the earthworks required are minimal and there will be no adverse impacts on any waterway, drinking catchment or environmentally sensitive area.</p> <p>Accordingly, it is considered that the proposed development is consistent with the relevant subclauses listed within 7.2(3)(a)-(h).</p>	
<p>7.11 Essential services</p>	<p>Development consent must not be granted for development unless the consent authority is satisfied that</p>	

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	<p>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—</p> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage <p>The necessary connections to the above utilities can be made available at the appropriate time.</p> <p>A referral to Shoalhaven Water has confirmed that the site has access to water and access to the pressure sewer network. Furthermore, Endeavour Energy has advised the site does have access to electricity.</p> <p>This requirement has been satisfactorily addressed.</p>	
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ii) Draft Environmental Planning Instrument

The proposal is not inconsistent with any [Draft Environmental Planning Instruments](#).

iii) Any Development Control Plan

Shoalhaven Development Control Plan 2014

Chapter 2 General and Environmental Considerations	
Potentially Contaminated Land	The subject site is not identified as potentially contaminated land
European Heritage	The subject site is not identified as containing any items of historical significance and is not located within a Conservation Area.
Aboriginal Cultural Heritage	The subject site is not identified as containing any items of Aboriginal heritage and is not identified as Cultural Lands.
Crime Prevention Through Environmental Design	<p>The proposed development is not considered to create a risk or increase risk of crime within the locale.</p> <p>The proposed development does not trigger a formal crime risk assessment or referral to NSW Police Local Area Command.</p>

Generic DCP Chapter
<u>G11: Subdivision of Land</u>
<p>Two Lot Subdivision</p> <p>The proposed development is for a one (1) into two (2) lot Torrens Title subdivision.</p> <p>The proposed subdivision will result in two (2) lots.</p>

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- Lot 1 – 500m² / Lot depth (Average) 39.6m and width 12.8m
- Lot 2 – 502m² / Lot depth (Average) 42.8m and width 11.8m

The widths of Lot 1 and 2 result in a departure from development control of 14.6% and 21.3% respectively. The proposed subdivision does not comply with the Acceptable Solutions under A79.2 which is as follows:

A79.2 prescribes the following lot shape requirements for rectangular non-corner lots:

- 30m minimum dept
- 16m square width minimum

The applicant has provided a variation statement to justify the provision of a performance based solution. The core justification from the applicant's request can be seen below:

How are the objectives of the DCP met?

The objectives of this control are to:

- Provide a range and mix of lot sizes to suit a variety of dwellings and household types, with areas and dimensions to meet user requirements.*
- Provide lots that are oriented to enable the application of*
- energy conservation principles.*
- Provide lots of sufficient size to protect environmental features and take into account site constraint.*
- Provide smaller lots in locations adjacent to neighbourhood centres, public transport stops and adjacent to higher amenity areas.*

Response:

- Lot sizes in the immediate are average over 1000m². The proposed subdivision offers an alternative for home owners looking for smaller property or wanting to downsize. The presence of two 500m² allotments in the area will not impact on the character of the area.*
- The proposed lots will have east-west orientation and area wide enough to accommodate north facing living and/ or dining areas.*
- The property has no special environmental features*
- The site is within reasonable proximity to the Milton Village centre which is a well serviced and high amenity area.*

How are the performance criteria of the DCP met?

The performance criteria relating to A79.2 is Performance Criteria P79:

Lots have the appropriate area and dimensions for the siting and construction of a dwelling and ancillary outbuildings, the provision of outdoor space, convenient vehicle access and parking.

Response

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Despite the width of the allotment being less than 16m, it is clear that a modern family home could be constructed on each proposed lot without complication. The width of the allotments are not unusual in the context of a contemporary subdivision.

The maximum floor space ratio applicable to the site for R1 zoned land (0.5:1) allows for a dwelling of up to 250m² + garage to be built with appropriate setbacks (front 7m, rear 3m, side 900mm) on each proposed lot. This translates to a comfortable 3-4 bedroom home + garage. Even with larger homes constructed on the site, there will be ample space available for generously proportioned private open space areas. The depth of the proposed lots ensures this.

Will the development have any additional adverse impacts as a result of the variation?

No. The proposed subdivision is consistent with all other acceptable solutions of section 5.13 of Chapter G11 as they apply to residential subdivision.

The proposed variation to the lot dimensions does not result in any unacceptable impacts on surrounding development or the public domain.

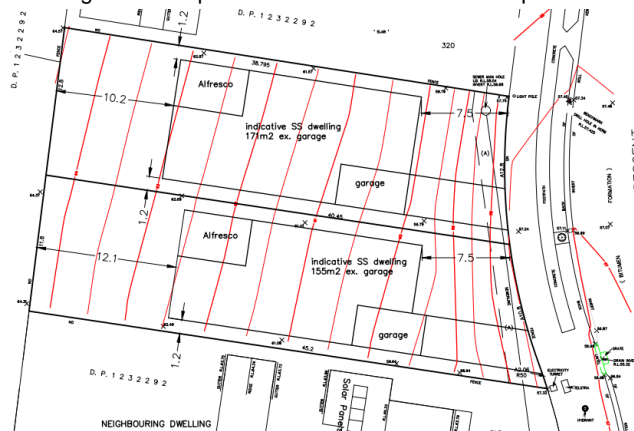
The above information and the submitted plans demonstrate that the proposal complies with the relevant acceptable solutions and performance criteria, has merit and it is worth of support.

Assessing Officer Comment

Support for the performance based solution is considered suitable under the circumstances.

The heads of consideration for the proposal is whether the Lots have appropriate area and dimensions for the siting and construction of a dwelling and ancillary outbuildings, the provision of outdoor space, convenient vehicle access and parking as per P79 of G11.

The applicant has provided an indicative building layout plan which denotes that a dwelling could be siting on the respective lots. A screenshot of this plan can be seen below:



Furthermore, there is a substantial amount of designs for dwelling houses from kit home providers for 'narrow blocks'.

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Under these circumstances, it is considered that the proposed lots can facilitate the construction of dwelling houses with ancillary outbuildings, the provision of outdoor space, convenient vehicle access and parking.

It is worth noting that in **Parrott v Kiama [2004] NSWLEC 77** Senior Commissioner Dr John Roseth created the planning principle that a subdivision application should provide constraints on future buildings when the proposed allotments are smaller than usual, or environmentally sensitive or where significant impacts on neighbours is likely and needs careful design to minimise them.

In the circumstances of this case, the lots are considerably narrower in width than the surrounding lots, and that the topography of the site is relatively steep. To reduce the likely hood of an adverse impact to the amenity and solar access on adjoining properties a restriction on the use of land will be imposed limiting any future development to that a typical single storey. This is consistent with the built form requirements of S7 for development in the Corks Lane Precinct.

Under these circumstances, strict adherence to the minimum lot width requirements imposed by P 79.2 in Chapter G11 is considered to be unreasonable and unnecessary in the circumstances of this particular development as a dwelling can be constructed on the resulting allotments.

It has been demonstrated, both in this report and the Statement of Environmental Effects, that the development proposal will result in an outcome that is appropriate for the locality and support of the variation will not result in any detrimental environmental or amenity impacts subject to restrictions being imposed to limit the height of any future development.

As this performance based solution has demonstrated that the objectives of the planning controls can be achieved, Council can be flexible in the application of the planning controls – as required by sub-section 4.15(3A)(b) of the EP&A Act 1979 – and allow the development proposal.

On balance it is considered that the lots can facilitate the construction of a dwelling that can have a reasonable level of impact on adjoining properties, subject to a suitable design. Any future development of the lots will need to have regard to Shoalhaven's respective development standards and controls and have an acceptable level of impact.

Note: Despite a restriction being imposed on the title to limit the height of any future development, a CDC does not have to consider restrictions on the title. This is detailed in Section 1.20 of the SEPP (Exempt and Complying Development).

Area Specific DCP Chapter

[S7: Development Guidelines for Certain Residential Land in Milton and Ulladulla](#)

The lot is located in the Emerging Residential Precinct whereby the objectives are to provide contemporary residential areas that reflect the built form scale of the broader Milton area but do not mimic the original more established areas and avoid new residential development becoming prominent from longer distance views to Milton, or from views currently enjoyed by existing urban areas of the town.

Section 7.1.2 Residential Subdivision

The traditional character of many areas away from the retail core of Milton is comprised of modest, low-key residential structures, and consistent front and side setbacks. Given the importance of heritage character to Milton, and the location of these new subdivision areas on the fringes of the

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township, this traditional character is adopted as the desired future character of the Milton area for the purposes of this chapter

The controls pertinent to the proposed subdivision under this topic are discussed below:

A4.1 Lots should be subdivided to a size applicable to 'large' urban residential, unless geotechnical and drainage advice states to the contrary. Suitability will be determined at the development assessment stage.

Large urban residential lot size is defined under Chapter S7 as follows:

Large urban residential lots are defined as having an average minimum area of 750m², with a maximum of 20% of lots between 650-750m².

The proposed subdivision will result in two (2) lots.

- Lot 1 – 500m²
- Lot 2 – 502m²

The applicant has provided the following commentary on the above:

This acceptable solution is inconsistent with the provisions of the Shoalhaven Local Environmental Plan 2014 which sets a minimum lot size of 500m² for the land. Council would know that Section 3.43 (5) of the Environmental Planning and Assessment Act 1979 (as amended) states that:

A provision of a development control plan (whenever made) has no effect to the extent that—

- a) it is the same or substantially the same as a provision of an environmental planning instrument applying to the same land, or*
- b) it is inconsistent or incompatible with a provision of any such instrument.*

In other words, where a DCP provision is inconsistent with an LEP, that provision of the DCP has no effect. The 750m² minimum lot size as set out within the DCP is a control that the Council therefore cannot reasonably require compliance with. The only appropriate mechanism to enforce a specific minimum lot size in this instance is the Shoalhaven LEP 2014.

Assessing Officer Comment

It is accepted that there is a clear inconsistency between the mapping under the Shoalhaven Local Environmental Plan (SLEP) 2014 and the desired lot sizes prescribed under Chapter S7 of the SDCP 2014 for the Cork Lane Precinct.

The minimum lot size prescribed by the SLEP 2014 is 500m² and Section 3.43(5) of the Environmental Planning and Assessment Act 1979 prescribes that a development control has no effect to the extent that it is inconsistent with an Environmental Planning Instrument.

Under these circumstances, the prescribed minimum lot size detailed in Chapter S7 Topic 7.1.2 has no weight and Council cannot require that lot meet the prescribed lot size of 750m², with a maximum of 20% of lots between 650-750m².

It is therefore considered that a performance based solution is an appropriate outcome in this instance. Compliance with the performance criteria has been demonstrated, noting that the proposed lot areas would be of an area which would sustain a suitably sized residential dwelling.

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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

There are no planning agreements applying to this application.

iv) Environmental Planning and Assessment Regulation 2000

The proposal ensures compliance with the applicable requirements within the Regulations subject to recommended conditions of consent.

Clause	Comment
Additional matters that consent authority must consider	<p>Notes:</p> <p>B) demolition of a building, the provisions of AS 2601</p> <p>C) development on land that is subject to a subdivision order made under Schedule 7 to the Act</p> <p>E) development for the purposes of a manor house or multi dwelling housing (terraces)</p> <p>The proposed does not involve demolition, or the construction of a manor house or multi dwelling housing (terraces) nor is the site subject to a subdivision order.</p>

Shoalhaven Contribution Plan 2019 & Section 64 Contributions

Is the development site an " old subdivision property " identified in Shoalhaven Contributions Plan 2019?	No
Is the proposed development considered to increase the demand for community facilities in accordance with the Shoalhaven Contributions Plan 2019 ?	Yes - s7.11 contributions are applicable.
Is the proposed development considered to increase the demand for on water and sewer services (i.e. s64 Contributions)	Yes - See Shoalhaven Water Development Application Notice.

The development is most aptly characterised as a 'Subdivision' development for the purpose of calculating contributions under the Plan.

Calculation Type:

Subdivision

Subdivision

	Existing	Proposed
Lots	1	2
Total ET		1
		0

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Project	Description	Rate	Qty	Total	GST	GST Incl
05 AREC 0005	Planning Area 5 - Active recreation facility upgrades various locations	\$1,100.93	1	\$1,100.93	\$0.00	\$1,100.93
05 CFAC 2010	Southern Shoalhaven Branch Library	\$553.98	1	\$553.98	\$0.00	\$553.98
05 ROAD 3030	Croobyar Road Upgrade - Princes Highway to Corks Lane	\$283.12	1	\$283.12	\$0.00	\$283.12
05 ROAD 3058	Corks Lane - Princes Highway Link Road and Associated Works	\$16,786.76	1	\$16,786.76	\$0.00	\$16,786.76
CW AREC 5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$1,153.01	1	\$1,153.01	\$0.00	\$1,153.01
CW CFAC 5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$871.44	1	\$871.44	\$0.00	\$871.44
CW CFAC 5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90	1	\$1,348.90	\$0.00	\$1,348.90
CW CFAC 5007	Shoalhaven Regional Gallery	\$74.05	1	\$74.05	\$0.00	\$74.05
CW FIRE 2001	Citywide Fire & Emergency services	\$145.50	1	\$145.50	\$0.00	\$145.50
CW FIRE 2002	Shoalhaven Fire Control Centre	\$212.86	1	\$212.86	\$0.00	\$212.86
CW MGMT 3001	Contributions Management & Administration	\$605.06	1	\$605.06	\$0.00	\$605.06

Sub Total: \$23,135.61

GST Total: \$0.00

Estimate Total: \$23,135.61

(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	The proposed development will not have a significant adverse impact on the natural environment.
Built Environment	The proposed development will not have a significant adverse impact on the built environment.
Social Impacts	The proposed development will not have a negative social impact in the locality.
Economic Impacts	The proposed development will not have a negative economic impact in the locality.

(c) Suitability of the site for the development

The site is suitable for the proposed development.

- The development is permissible with Council consent within the zone.
- The proposal supports the local zoning objectives.
- The proposal is consistent with the objectives and requirements of the *Shoalhaven Local Environmental Plan 2014*.
- The proposal is consistent with the objectives and requirements of the *Shoalhaven Development Control Plan 2014*.

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(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. Four (4) submissions were received by Council objecting to the proposal. The concerns raised are outlined below:

Summary of Public Submissions	
Objection Raised	Comment
Lot is smaller than surrounding Lots	The minimum lot size prescribed by the SLEP 2014 is 500m ² The lots are compliant with this requirement.
Future Development of Land	Council cannot assume the likely development anticipated for the lots. However, to reduce the likely hood of an adverse impact to the amenity and solar access on adjoining properties a restriction on the use of land will be imposed limiting any future development to that a typical single storey. This is consistent with the built form requirements of S7 for development in the Corks Lane Precinct.
Parking / Traffic Impacts	A referral was actioned to Councils engineering department and no concerns were raised in relation to the proposed development adversely impacting on traffic flows within the locality.
Overshadowing, Privacy, and Amenity Impacts	To reduce the likely hood of an adverse impact to the amenity and solar access on adjoining properties a restriction on the use of land will be imposed limiting any future development to that a typical single storey. This is consistent with the built form requirements of S7 for development in the Corks Lane Precinct.

(e) The Public Interest

The public interest has been taken into consideration, including assessment of the application with consideration of relevant policies and process. The proposal is considered to be in the public interest.

Delegations

Are any DCP performance-based solutions proposed?		Yes
Acceptable Solution	Numerical Extent of Departure	Percentage (%) Extent of Departure

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A79.2	Lot 1 – 3.2m Lot 2 – 4.2m	The widths of Lot 1 and 2 result in a departure from development control of 14.6% and 21.3% respectively.
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Guidelines for use of Delegated Authority

Level of Delegation	Assessing Officer	Senior Planner	Lead	Manager
Extent of DCP performance-based solutions	≤25%	≤50%	≤75%	100%

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.

Note from Manager, Development Services: The development application has been called in 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 SF10958 be approved subject to appropriate conditions of consent.

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Appendix A – DCP Compliance Table

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4 Objectives			
<p>The objectives are to:</p> <ul style="list-style-type: none"> i. Encourage high quality urban design and residential amenity. ii. Set appropriate environmental criteria for subdivision development. iii. Provide a comprehensive design approach for residential, rural, industrial and commercial subdivision. iv. Provide for the ecologically sustainable subdivision of land. <p>Additional specific objectives are also set out in the controls contained in Section 5 of this Chapter.</p>			
5 Controls			
5.1 Residential Neighbourhood Design			
<p>The specific objectives are to:</p> <ul style="list-style-type: none"> i. Provide a wide variety of safe, interesting and quality housing opportunities to meet the diverse and changing needs of the community. ii. Provide good internal and external vehicular access for residents and minimise through traffic. iii. Provide good quality public assets requiring minimum maintenance cost. iv. Encourage walking and cycling. 			
Performance Criteria	Acceptable Solutions	Proposed Development	Compliance
<p>P1</p> <p>To ensure the subdivision layout responds to site characteristics, setting, landmarks and views through street and open space areas.</p>	<p>A1.1</p> <p>No recommended acceptable solution. Each situation requires an individual approach.</p>	<p>One into two lots - Torrens title subdivision proposed.</p> <p>The proposed lots meet the minimum lot size requirement and as such is considered to be consistent with the desired future character of the area.</p>	<p>YES</p>

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<p>P2</p> <p>To reinforce neighbourhood identity and focus on community facilities within convenient walking distances for residents.</p>	<p>A2.1</p> <p>No recommended acceptable solution. Each situation requires an individual approach.</p> <p>A2.2</p> <p>Where pedestrian access pathways are provided in a sub-division, the minimum width of these passage ways is to be 15m to improve accessibility to the community or access to public transport or other community facilities, addressing safer by design guidelines.</p>	<p>One into two lots -Torrens title subdivision proposed.</p> <p>The proposed lots meet the minimum lot size requirement and as such is considered to be consistent with the desired future character of the area.</p>	<p>Yes</p>
<p>P3</p> <p>To provide a high level of internal access and external connections for local vehicular traffic, pedestrian and cycle movement, whilst deterring through traffic and creating safe road conditions for all users.</p>	<p>A3.1</p> <p>No recommended acceptable solution. Each situation requires an individual approach.</p>	<p>Suitable vehicular access to the lots is attainable.</p>	<p>Yes</p>
<p>P4</p> <p>To design street layouts and lot density to minimise fuel consumption, reduce travel distances, maximise public transport effectiveness and encourage walking and cycling.</p>	<p>A4.1</p> <p>No recommended acceptable solution. Each situation requires an individual approach.</p>	<p>No streets proposed.</p>	<p>Yes</p>
<p>P5</p> <p>To ensure street and lot layout enable efficient provision of physical services.</p>	<p>A5.1</p> <p>No recommended acceptable solution. Each situation requires an individual approach.</p>	<p>Lot layout is suitable and site can be serviced.</p>	<p>Yes</p>

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P6 To provide a range of lot sizes to permit a variety of housing types and compatible land uses that are consistent with Council's Housing Strategy.	A6.1 No recommended acceptable solution. Each situation requires an individual approach.	The proposed lots are smaller than that of the surrounding lots. Thus, the proposal is providing for a range of lot sizes.	Yes
P7 To provide for higher densities in areas close to the CBD, services, public transport, open space that are consistent with the zone objectives.	A7.1 Development is in accordance with Council's Housing Strategy and any relevant site specific chapters of this DCP.	n/a	Yes
P8 To distribute and locate public open space appropriately that contributes to a range of uses, stormwater management, environmental care and low maintenance costs.	A8.1 No recommended acceptable solution. Each situation requires an individual approach.	n/a	Yes
P9 To ensure lot layout retains significant vegetation and natural areas, incorporates cultural and natural features, minimises soil erosion and avoids flood prone land.	A9.1 No recommended acceptable solution. Each situation requires an individual approach.	No vegetation proposed to be removed.	Yes

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P10 To ensure integration of lot layout with the surrounding urban environment that complements existing desirable streetscapes and landscapes and promotes shared use of public facilities by adjoining communities.	A10.1 No recommended acceptable solution. Each situation requires an individual approach.	One into two lots - Torrens title subdivision proposed. The proposed lots meet the minimum lot size requirement and as such is considered to be consistent with the desired future character of the area and surrounding urban environment.	
5.13 Residential Allotment Layout			
<p><i>Note: This section is mostly aimed at lots with one dwelling house or vacant land. The section could apply to dual occupancy if the minimum lot size is met. Refer to Section 5.24 for Dual Occupancy subdivision provisions and Chapter G13: Dual Occupancy Development.</i></p> <p>The specific objectives are to:</p> <ul style="list-style-type: none"> i. Provide a range and mix of lot sizes to suit a variety of dwellings and household types, with areas and dimensions to meet user requirements. ii. Provide lots that are oriented to enable the application of energy conservation principles. iii. Provide lots of sufficient size to protect environmental features and take into account site constraint. iv. Provide smaller lots in locations adjacent to neighbourhood centres, public transport stops and adjacent to higher amenity areas. 			
Performance Criteria	Acceptable Solutions	Proposed Development	Compliance
<i>General</i>			
P79 Lots have the appropriate area and dimensions for the siting and construction of a dwelling and	A78.1 Minimum standard residential lot size in any residential subdivision is 500m2.	Lot sizes are above 500m2	Yes

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ancillary outbuildings, the provision of outdoor space, convenient vehicle access and parking.	A79.2 Lot shape and dimension: <table><tr><td>Rectangular non-corner lots</td><td>16m square width minimum 30m minimum depth</td></tr><tr><td>Rectangular corner lots</td><td>Square width 20 metres Depth 30 metres</td></tr><tr><td>Irregular shaped lots</td><td>Square width 12m Width at building line 16m Mean width 18 m Depth 30m</td></tr><tr><td>Corner Splays</td><td>4m minimum</td></tr></table>		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	Please see heading above for further discussion. Variation Requested.	No
	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											
	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.		n/a	Yes								

P80 Lot areas and dimensions take into account the site natural opportunities and constraints.	A79.1 The subdivision lot design positively responds to: <ul style="list-style-type: none">• Slope and desirability of minimising earthworks/retaining walls associated with dwelling construction.• 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.	The proposed lots meet the minimum lot size requirement and as such is considered to be consistent with items listed under this control.	Yes
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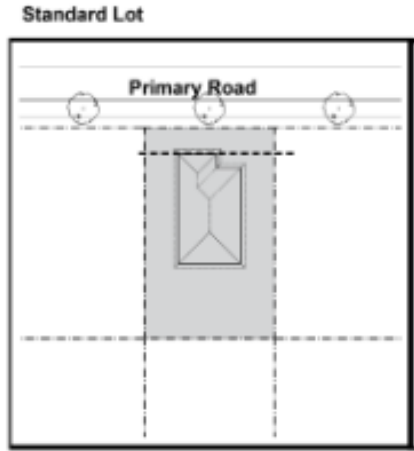
P81 Provide coincidental legal and practical access.	A80.1 Each lot is to have coincidental legal and practical access in a rural and/or residential subdivision.	Legal and practical access is achieved.	Yes
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Appendix B – CDC Assessment of Future Development Capabilities

State Environmental Planning Policy (Exempt and Complying Development)	
Housing Code	
Development Typology	Commentary
<p>The following development is complying development under this code—</p> <ul style="list-style-type: none"> (a) the erection of a new 1 or 2 storey dwelling house and any attached development, (b) the alteration of, or an addition to, a 1 or 2 storey dwelling house (including any addition that results in a 2 storey dwelling house) and any attached development, (c) the erection of detached development and the alteration of, or an addition to, any detached development. (2) For the purposes of calculating the number of storeys in a dwelling house under this code, any basement (including a garage) is to be counted as a storey. 	<p>A CDC for a dwelling would be able to be issued for the respective lots.</p>
Part 3B Low Rise Housing Diversity Code	
Development Typology	Commentary
<p>Division 1 – Requirements for Complying Development Under this Code</p> <p>The following types of development are complying development under this code—</p> <ul style="list-style-type: none"> (a) the erection or alteration of, or addition to— <ul style="list-style-type: none"> (i) any 1 or 2 storey dual occupancy, manor house or multi dwelling housing (terraces), or (ii) any attached development or detached development related to any building referred to in subparagraph (i), (b) the conversion of an existing dwelling to a dual occupancy. 	<p>The site appears to meet all the minimum requirements for a CDC to be issued for the listed development types.</p> <p>However, the development needs to meet the prescribed development standards.</p>

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<p>Division 2 – Development Standards for Certain Dual Occupancies and attached Development</p> <p>This Division sets out the development standards that apply to the following types of complying development under this code—</p> <ul style="list-style-type: none"> (a1) the conversion of an existing dwelling to a dual occupancy, (a) the erection or alteration of, or an addition to, a dual occupancy where no part of a dwelling is located above any part of another dwelling, (b) the erection or alteration of, or addition to, attached development that is related to any such dual occupancy. <p>3B.8 Lot requirements</p> <ul style="list-style-type: none"> (1) The area of the parent lot must not be less than whichever is the greater of the following— <ul style="list-style-type: none"> (a) 400m², (b) the minimum lot area specified for dual occupancies in the environmental planning instrument that applies to the land concerned. (2) The width of the parent lot must not be less than the following when measured at the building line— <ul style="list-style-type: none"> (a) if the car parking space for the parent lot is accessed only from a secondary road, parallel road or lane—12m, (b) otherwise—15m. 	<p>The Lot would be a standard lot under the Code SEPP. A figure of this can be seen below:</p> <div style="text-align: center;">  <p>The diagram illustrates a 'Standard Lot' with a 'Primary Road' at the top. A dashed line indicates the building line. A shaded rectangular area represents the lot, which is wider than the building line. The lot is divided into two sections by a vertical dashed line.</p> </div> <p>The prescribed development standards for a CDC to be issued for a dual occupancy require the parent lot width to be 15m in width.</p> <p>A CDC for a Dual Occupancy or attached development under this code would not be able to be issued for any development listed in under Division 1 section 3B.1.</p>
<p>Division 3 - Development Standards for Manor Houses, certain dual occupancies and attached development</p> <p>This Division sets out the development standards that apply to the following types of complying development under this code—</p>	

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<p>(a1) the conversion of an existing dwelling to a dual occupancy,</p> <p>(a) the erection or alteration of, or an addition to, a manor house,</p> <p>(b) the erection or alteration of, or an addition to, a dual occupancy (attached) where part of a dwelling is located above part of another dwelling,</p> <p>(c) the erection or alteration of, or addition to, attached development that is related to any such dual occupancy or manor house.</p> <p>Lot requirements</p> <p>The lot must meet the following requirements—</p> <p>(a) in the case of a manor house—the area of the lot must not be less than whichever is greater of the following—</p> <p>(i) 600m²,</p> <p>(ii) the minimum lot area specified for manor houses in the environmental planning instrument that applies to the land concerned,</p> <p>(b) in the case of a dual occupancy—the area of the lot must not be less than whichever is the greater of the following—</p> <p>(i) 400m²,</p> <p>(ii) the minimum lot area specified for dual occupancies in the environmental planning instrument that applies to the land concerned,</p> <p>(c) the width of the lot must not be less than 15m measured at the building line</p>	<p>The prescribed development standards for a CDC to be issued for a dual occupancy or manor house require the parent lot width to be 15m in width.</p> <p>A CDC under this code would not be able to be issued for any development listed in under Division 3 section 3B.1.</p>
<p>Division 4 – Development Standards for multi dwelling housing (terraces and attached development)</p> <p>This Division sets out the development standards that apply to the following types of complying development under this code—</p>	<p>A CDC under this code would not be able to be issued for any development listed in under Division 3 section 3B.1.</p>

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- (a) the erection or alteration of, or an addition to, multi dwelling housing (terraces),
- (b) the erection or alteration of, or addition to, attached development that is related to multi dwelling housing (terraces)

Lot requirements

- (1) The area of the parent lot must not be less than the following—
 - (a) the minimum lot area specified for multi dwelling housing (terraces) in the environmental planning instrument that applies to the land concerned,
 - (b) if no minimum lot area is specified for multi dwelling housing (terraces) in that environmental planning instrument—the minimum lot area specified for multi dwelling housing in the environmental planning instrument that applies to the land concerned,
 - (c) 600m², but only if—
 - (i) the minimum lot area specified in the environmental planning instrument referred to in paragraph (a) or (b) is less than 600m², or
 - (ii) no minimum lot area is specified in that environmental planning instrument.
- (2) The width of the lot must not be less than 21m measured at the building line.



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
SF10958

TO:

Jervis Bay Town Planning
PO Box 81
VINCENTIA NSW 2540

being the applicant(s) for SF10958 relating to:

31 Porter Cct, MILTON - Lot 319 - DP 1232292

APPROVED USE AND OR DEVELOPMENT:

Two Lot Torrens Title Subdivision

DETERMINATION DATE:

To Be Confirmed

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:

To Be Confirmed

CONSENT TO LAPSE ON:

To Be Confirmed

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 a one into two lot Torrens title subdivision 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
Subdivision Sketch Plan	JB006	Jervis Bay Town Planning	19/07/2022

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.

2. Prescribed Conditions

The development must comply with the [Prescribed Conditions of Development Consent](#), Division 2 Subdivision 1, Environmental Planning and Assessment Regulation 2021, as applicable.

3. Shoalhaven Water - Certificate of Compliance

A Certificate of Compliance 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 an Occupation Certificate, Subdivision Certificate or Caravan Park Approval, as the case may be.

An application for a Certificate of Compliance is to be made once the Development Consent has been granted.

PART B: INTEGRATED DEVELOPMENT AND CONCURRENCE CONDITIONS

NIL

PART C: PRIOR TO THE COMMENCEMENT OF WORKS

4. Subdivision Works Certificate

A Subdivision Works Certificate must be obtained from either Council or an accredited certifier prior to commencement of any subdivision work.

5. Appointment of Principal Certifier

Prior to the commencement of building or subdivision work, a Principal Certifier must be appointed.

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6. **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'](#)

7. **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.

8. **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.
- 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.

PART D: PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

NIL

PART E: PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

9. **Compliance with Conditions**

A Subdivision Works Certificate must not be issued until the Certifier has received evidence that all relevant conditions have been met.

10. **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.

11. **On-Site Detention – Infill Subdivision and Development**

Prior to the issue of a Subdivision Works Certificate, certified engineering design calculations must be prepared by professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

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The on-site stormwater detention (OSD) design must comply with the following:

- a) Be based on an assumed impervious area of 80% for each lot, in accordance with DCP G2.
- b) 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.
- c) Provide an OSD storage volume and permissible site discharge (PSD) for each lot, for inclusion on an 88B instrument.

12. 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.

13. Access Driveway 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 access driveway design must comply with the following:

- a) Council’s Engineering Design Standard Drawings.
- b) Driveway crossovers to be provided for each lot, constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, on a 75mm compacted fine crushed rock base with slab of 3 metres width and minimum 100mm depth.
- c) The crossover location must be selected to maximise on-street parking, taking into consideration existing driveway locations adjacent to the site.

PART F: DURING WORKS

14. 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.

15. 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.

16. Aboriginal Objects Discovered During Excavation

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- d) All excavation or disturbance of the area must stop immediately.
- e) 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.

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- f) 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).
- g) The Heritage NSW must be advised of the discovery in accordance with section 89A of the [National Parks and Wildlife Act 1974](#).

17. 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.

PART G: PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

NIL

PART H: PRIOR TO THE ISSUE OF A SUBDIVISION / STRATA CERTIFICATE

18. 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.

19. 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.

20. 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	Rate	Qty	Total	GST	GST Incl
05 AREC 0005	Planning Area 5 - Active recreation facility upgrades various locations	\$1,100.93	1	\$1,100.93	\$0.00	\$1,100.93
05 CFAC 2010	Southern Shoalhaven Branch Library	\$553.98	1	\$553.98	\$0.00	\$553.98
05 ROAD 3030	Croobyar Road Upgrade - Princes Highway to Corks Lane	\$283.12	1	\$283.12	\$0.00	\$283.12
05 ROAD 3058	Corks Lane - Princes Highway Link Road and Associated Works	\$16,786.76	1	\$16,786.76	\$0.00	\$16,786.76

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CW AREC 5005	Shoalhaven Community and Recreational Precinct SCArP Cambewarra Road Bomaderry	\$1,153.01	1	\$1,153.01	\$0.00	\$1,153.01
CW CFAC 5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$871.44	1	\$871.44	\$0.00	\$871.44
CW CFAC 5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90	1	\$1,348.90	\$0.00	\$1,348.90
CW CFAC 5007	Shoalhaven Regional Gallery	\$74.05	1	\$74.05	\$0.00	\$74.05
CW FIRE 2001	Citywide Fire & Emergency services	\$145.50	1	\$145.50	\$0.00	\$145.50
CW FIRE 2002	Shoalhaven Fire Control Centre	\$212.86	1	\$212.86	\$0.00	\$212.86
CW MGMT 3001	Contributions Management & Administration	\$605.06	1	\$605.06	\$0.00	\$605.06
					Sub Total:	\$23,135.61
					GST Total:	\$0.00
					Estimate Total:	\$23,135.61

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 Council's 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.

21. **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.

22. **Utility Services**

Prior to the issue of a Subdivision Certificate, utility services must be provided in accordance with the following:

- 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.
- 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.
- 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.

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

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information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3547.

23. Restrictions – Easements and Restrictions on Use of Land

- a) 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:
 - i) all existing easements must be acknowledged on the final subdivision plan.
 - ii) all existing restrictions on the use of land must be acknowledged on the final subdivision plan.
 - iii) A restriction is to be imposed on both Lots that limits any future development on the land to that of single storey in height.
- b) 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.
- c) The Instrument must not contain any restriction that prohibits development on the site allowed under the relevant environmental planning instruments.
- d) A draft 88B Instrument must be submitted to the Certifier for approval before a Subdivision Certificate is issued.

24. Restrictions – Easements and Restrictions on Use of Land

- a) 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:
 - i) No development on any lot unless it is provided with Onsite Stormwater Detention in accordance with a plan approved by a Subdivision Works Certificate under this Consent. The restriction is to include a detention volume and permissible site discharge rate for each lot.
 - ii) No vehicular access to any lot other than from the approved driveway location. The DP must include a restriction as to user preventing vehicular access anywhere other than the approved driveway location as shown on the approved Subdivision Works Certificate plans.
 - iii) No development on any lot unless the total driveway crossover width for the lot does not exceed 3m.
- b) 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.
- c) The Instrument must not contain any restriction that prohibits development on the site allowed under the relevant environmental planning instruments.
- d) A draft 88B Instrument must be submitted to the Certifier for approval before a Subdivision Certificate is issued.

PART I: ONGOING USE OF THE DEVELOPMENT

25. Landscaping – Noxious and Environmental Weeds

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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. No exotic perennial grasses listed on the 'Final Determination of the NSW Scientific Committee for the key threatening process Invasion of native plant communities by exotic perennial grasses' must be sown within the outer protection area or the asset protection zone for the life of the development. Native grasses must be sown in these areas, as this is the interface between disturbed areas and the remaining native vegetation for the life of the development.

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](#)

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.

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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.

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 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:

Senior Development Planner
City Development

Planning Report – S4.15 Assessment – 41 Main Rd, CAMBEWARRA - Lot 4 DP 542936, Taylors Lane, CAMBEWARRA - Lot 1 DP 1256748, 126 Taylors Lane, CAMBEWARRA - Lot 6 DP 1256748, Taylors Lane, CAMBEWARRA - Lot 2 DP 1256748, 49 Hockeys Lane, CAMBEWARRA - Lot 7 DP 1256748, Hockeys Lane, CAMBEWARRA - Lot 1191 DP 1256749, 15A Main Rd, CAMBEWARRA - Lot 1271 DP 1264383, 15 Main Rd, CAMBEWARRA - Lot 1272 DP 1264383

COUNCIL ASSESSMENT REPORT

Panel Reference	PAN-172857
DA Number	RA21/1003
LGA	Shoalhaven City Council
Proposed Development	<p>Staged residential subdivision to create 256 Torrens Title allotments and provision of associated civil infrastructure and landscaping.</p> <p>Construction of landscaped open space and associated embellishment on Council land is also proposed.</p> <p>The subject site is to be developed following construction of the developments to the east, approved under SF10804 and SF10895, with connectivity via Roads 01, 03, 14, 19 and 22.</p> <p>Development of the site has been divided into six stages.</p>
Street Address	<p>41 Main Rd, CAMBEWARRA - Lot 4 DP 542936</p> <p>Taylors Lane, CAMBEWARRA - Lot 1 DP 1256748</p> <p>126 Taylors Lane, CAMBEWARRA - Lot 6 DP 1256748</p> <p>Taylors Lane, CAMBEWARRA - Lot 2 DP 1256748</p> <p>49 Hockeys Lane, CAMBEWARRA - Lot 7 DP 1256748</p> <p>Hockeys Lane, CAMBEWARRA - Lot 1191 DP 1256749</p> <p>15A Main Rd, CAMBEWARRA - Lot 1271 DP 1264383</p> <p>15 Main Rd, CAMBEWARRA - Lot 1272 DP 1264383</p>
Applicant/Owner	<p>Applicant: Newquest Property Pty Ltd C/- Maker Eng Pty Ltd</p> <p>Owner:</p> <p>Edward William Mobbs, Emily Jane Reid and Sally Ann Hay – Lot 4 DP 542936 and Lot 1272 DP 1264383</p> <p>Shoalhaven City Council – Lot 1-2 DP 1256748, Lot 1191 DP 1256749, Lot 1271 DP 1264383</p> <p>Robert Penfold and Margaret Penfold – Lot 6 DP 1256748</p> <p>Chris Evison – Lot 7 DP 1256748</p>
Date of DA lodgement	13 December 2021
Total number of Submissions Number of Unique Objections	35 submissions with 31 unique received from residents and the Cambewarra Residents & Ratepayers Association
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021)	<p>Schedule 6 Section 3(b) – Council related development over \$5 million</p> <p>The development has a capital investment value (CIV) of more than \$5 million and includes civil infrastructure, road and landscaped open space embellishment works on Council-owned land.</p>
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021

Planning Report – S4.15 Assessment – 41 Main Rd, CAMBEWARRA - Lot 4 DP 542936, Taylors Lane, CAMBEWARRA - Lot 1 DP 1256748, 126 Taylors Lane, CAMBEWARRA - Lot 6 DP 1256748, Taylors Lane, CAMBEWARRA - Lot 2 DP 1256748, 49 Hockeys Lane, CAMBEWARRA - Lot 7 DP 1256748, Hockeys Lane, CAMBEWARRA - Lot 1191 DP 1256749, 15A Main Rd, CAMBEWARRA - Lot 1271 DP 1264383, 15 Main Rd, CAMBEWARRA - Lot 1272 DP 1264383

	<ul style="list-style-type: none"> Shoalhaven Local Environmental Plan 2014 Shoalhaven Development Control Plan 2014
List all documents submitted with this report for the Panel's consideration	Attachment 1 - Section 4.15 Assessment Report Attachment 2 - Determination Document – Approval subject to conditions Attachment 3 - Plans
Clause 4.6 requests	N/A
Summary of key submissions	<ul style="list-style-type: none"> Impact to Good Dog Creek and riparian zone; Development of viable agricultural land; Impacts to rural amenity and setting of Cambewarra village; Impacts to local wildlife and environment, noting particularly Powerful Owl, Pink Robin, Square tailed Kite or the White Throated Needle tails, Gang Gang cockatoos, Peregrine falcons, Wedge Tailed Eagles, migratory Dollarbirds all of which have frequently visit the site over the last 40 years; Lack of shared bike/footpaths and recreational areas; The majority of this development is situated in a flood zone requiring significant earthworks and remedial works to correct, altering the natural water courses and local wildlife habitats and exacerbating flooding of Main Road; Lack of existing infrastructure with increase demand on roads and facilities between Cambewarra/Bomaderry and the Nowra township; Lack of assessment and detail with regard to staging and timing in relation to adjoining developments; Inconsistency with regard to what is proposed as part of this application, as some of the documentation indicates that 290 lots are proposed; Timing for construction and completion of the proposed roundabout at Moss Vale Road associated with Stage 1 of URA and legal access for this development; Layout inconsistent with Council's masterplan for this site (i.e. ILP); Impact on 'Scenic Protection Area'.
Report prepared by	Stephanie Wu (Senior Planner) and Jack Rixon (Associate)
Report date	18 January 2023
Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Yes
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	No

Planning Report – S4.15 Assessment – 41 Main Rd, CAMBEWARRA - Lot 4 DP 542936, Taylors Lane, CAMBEWARRA - Lot 1 DP 1256748, 126 Taylors Lane, CAMBEWARRA - Lot 6 DP 1256748, Taylors Lane, CAMBEWARRA - Lot 2 DP 1256748, 49 Hockeys Lane, CAMBEWARRA - Lot 7 DP 1256748, Hockeys Lane, CAMBEWARRA - Lot 1191 DP 1256749, 15A Main Rd, CAMBEWARRA - Lot 1271 DP 1264383, 15 Main Rd, CAMBEWARRA - Lot 1272 DP 1264383

1. Executive Summary

The subject site is approximately 367m east of the edge of Cambewarra village and is within Stage 4 of the Moss Vale Road South Urban Release Area (URA). The site is predominantly cleared and contains a homestead with associated sheds, dams and a stream. Historically, the site has been used for agricultural purposes, predominantly grazing. An unnamed 1st order stream identified as "Watercourse Category 3" traverses the eastern portion of the site.

The site is located in the following land parcels:

- 41 Main Rd, Cambewarra - Lot 4 DP 542936
- Taylors Lane, Cambewarra - Lot 1 DP 1256748
- 126 Taylors Lane, Cambewarra - Lot 6 DP 1256748
- Taylors Lane, Cambewarra - Lot 2 DP 1256748
- 49 Hockeys Lane, Cambewarra - Lot 7 DP 1256748
- Hockeys Lane, Cambewarra - Lot 1191 DP 1256749
- 15A Main Rd, Cambewarra - Lot 1271 DP 1264383
- 15 Main Rd, Cambewarra - Lot 1272 DP 1264383

The site is identified as being Bush Fire Prone Land – Category 1 and 3. The application was referred to Rural Fire Service for assessment and General Terms of Approval was issued.

The site is also identified as being flood prone land and of Aboriginal cultural heritage significance.

The subject DA, Development Application No. RA21/1003, seeks approval for staged residential subdivision to create 256 Torrens Title allotments and provision of associated civil infrastructure and landscaping. Construction of landscaped open space and associated embellishment on Council land is also proposed.

The subject site is to be developed following construction of the developments to the east, approved under SF10804 and SF10895, with connectivity via Roads 01, 03, 14, 19 and 22. Development of the site has been divided into six stages.

The site is zoned part R1 General Residential, C3 Environmental Management, C2 Environmental Conservation, RU1 Primary Production and SP2 Infrastructure (Road) under the *Shoalhaven Local Environmental Plan 2014* (SLEP 2014), under which "subdivision of land" including associated "roads" and "water supply systems" are permitted with consent.

As the development includes the provision of civil infrastructure, road and landscaped open space on Council-owned land (being Lot 1 and Lot 2 DP 1256748, and part Lot 1271 DP 1264383) and the capital investment value (CIV) is more than \$5 million, in accordance with section 3(b) of Schedule 6 of SEPP (Planning Systems) 2021, the application constitutes a regional development application, and the Southern Regional Planning Panel is the determining authority for the application.

The development application has been assessed against the following relevant environmental planning instruments and demonstrates compliance with the relevant provisions:

- *Shoalhaven Local Environmental Plan 2014*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

Planning Report – S4.15 Assessment – 41 Main Rd, CAMBEWARRA - Lot 4 DP 542936, Taylors Lane, CAMBEWARRA - Lot 1 DP 1256748, 126 Taylors Lane, CAMBEWARRA - Lot 6 DP 1256748, Taylors Lane, CAMBEWARRA - Lot 2 DP 1256748, 49 Hockeys Lane, CAMBEWARRA - Lot 7 DP 1256748, Hockeys Lane, CAMBEWARRA - Lot 1191 DP 1256749, 15A Main Rd, CAMBEWARRA - Lot 1271 DP 1264383, 15 Main Rd, CAMBEWARRA - Lot 1272 DP 1264383

- *State Environmental Planning Policy (Planning Systems) 2021*

The application has been assessed against the following chapters of the Shoalhaven Development Control Plan 2014 (SDCP 2014):

- G2: Sustainable Stormwater Management and Erosion/Sediment Control
- G3: Landscaping Design Guidelines
- G4: Tree and Vegetation Management
- G5: Biodiversity Impact Assessment
- G7: Waste Minimisation and Management Controls
- G11: Subdivision of Land
- NB3: Moss Vale Road South Urban Release Area

The development demonstrates general compliance with each chapter of SDCP 2014.

The DA was notified in accordance with the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) and Council's Community Consultation Policy for Development Applications from 12 January 2022 to 11 February 2022 and renotified between 17 October 2022 and 7 November 2022 following amended documentation being provided by the Applicant.

A total of 35 submissions were received by Council (with 31 unique), objecting to or raising concerns with the proposal. Key objections relate to impact to Good Dog Creek and riparian zone, development of viable agricultural land, impacts to rural amenity and setting of Cambewarra Village, impact to local wildlife and environment, lack of shared bike/footpaths and recreational areas, development on flood prone land, lack of infrastructure with increased demand on roads and facilities, lack of assessment and detail, timing for construction, inconsistency with Council's Indicative Layout Plan, and impact on 'Scenic Protection Area'. These issues have been assessed as being either acceptable matters on their merits or matters that are capable of being resolved via conditions.

The site is suitable for the proposed development in its present form, taking into consideration the proposal before Council. Furthermore, it is considered that the proposal is in the public interest.

The proposal is considered worthy of support and this report recommends that the application be approved in accordance with the reasons for approval attached to this report.

2. Detailed Proposal

Staged residential subdivision to create 256 Torrens Title allotments, including:

- Residential lots ranging from 405m² to 1,149m², with the majority of lots oriented north-south, and only a small remainder of approximately 11 oriented east-west;
- One super lot (Lot 800) with an area of 4,795m² which is intended to facilitate any potential road alignment changes that may be required along Taylors Lane, as well as for future small lot residential use for increased yield;
- The remainder of the site is proposed to retain the existing riparian corridor and drainage basins for the subdivision;

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- The residential lot types proposed within the subdivision include medium density/integrated housing in the south-eastern extent of the site, with five (5) of these anticipated to be dual occupancy lots; standard lot residential sized lots contained within the interior in a standard grid pattern; and large lot residential placed along the northern boundary extent to offer larger lot lifestyle living.
- The road layout that services these lots has been designed to provide access to lots in line with the road layout for Stage 4 of Council's DCP Indicative Layout Plan (ILP) for traffic moving between Moss Vale Road and Taylors Lane;
- Provision of associated civil infrastructure and landscaping;
- Construction of landscaped open space and associated embellishment on Council land;
- The subject site is in the north-western portion of the Moss Vale Road South Urban Release Area (URA) and connects with the approved development to the east being DA SF10804 and SF10895; and
- The site is to be developed following construction of these developments, with connectivity via Roads 01, 03, 14, 19 and 22.
- Development of the site has been divided into six stages, as follows:
 - Stage 1 – Creation of 70 residential allotments (Lots 200-238 and Lots 300-330), provision of roads, drainage and utility infrastructure along with associated landscaping works;
 - Stage 2 – Creation of 35 residential allotments (Lots 400-434), provision of roads, drainage and utility infrastructure along with associated landscaping works;
 - Stage 3 – Creation of 56 residential allotments (Lots 500-555), provision of roads, drainage and utility infrastructure along with associated landscaping works;
 - Stage 4 – Creation of 34 residential allotments (Lots 600-633), provision of roads, drainage and utility infrastructure along with associated landscaping works;
 - Stage 5 – Creation of 56 residential allotments (Lots 700-755), provision of roads, drainage and utility infrastructure along with associated landscaping works; and
 - Stage 6 – Creation of 5 residential allotments (Lots 800-804), provision of roads, drainage and utility infrastructure along with associated landscaping works.

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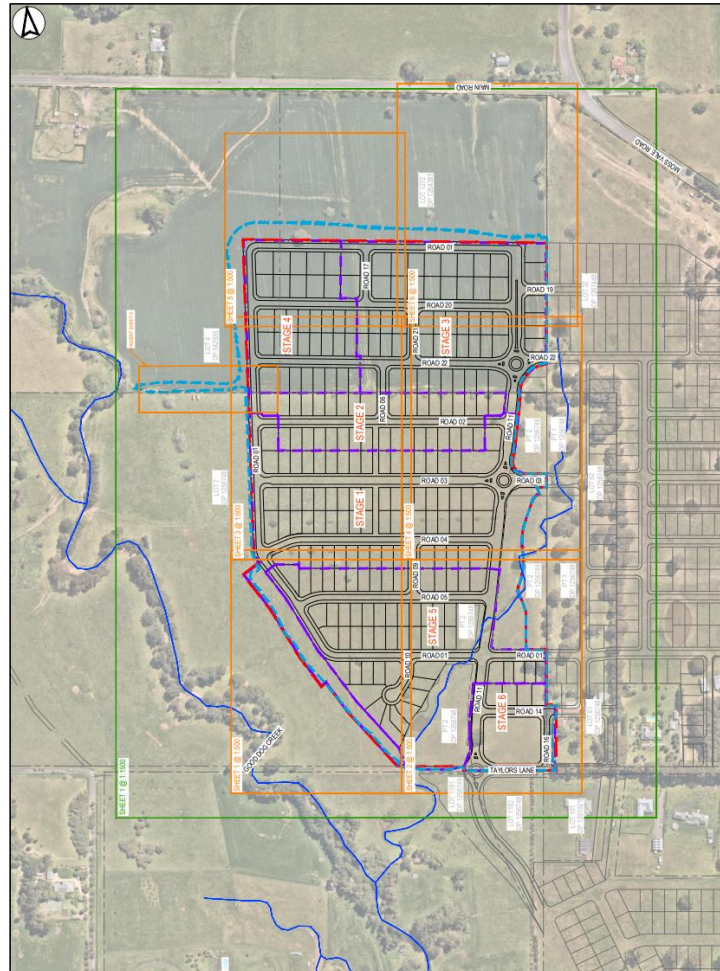


Figure 1 - Key Plan by Maker ENG (dated 16 September 2022)

CL23.35 - Attachment 1

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3. Subject Site and Surrounds

Site Description

The subject site:

- Is primarily located within Stage 4 of the Moss Vale Road South Urban Release Area (URA) and comprises vacant grassed agricultural land with the southern portion being used for cattle grazing and the northern portion being used for cropping.
- Contains an unnamed 1st order stream, identified as "Watercourse Category 3", which traverses the eastern portion of the site. Good Dog Creek, identified as "Watercourse Category 1", is located to the west of the site.
- Is zoned part C2 Environmental Conservation, part C3 Environmental Management, part RU1 Primary Production and part R1 General Residential. Only the R1 zoned portion of the site is located within the URA.
- Is identified as Bush Fire Prone Land – Category 1 and 3, Flood Prone Land and of Aboriginal cultural heritage significance.
- Has frontage to Taylors Lane to the south, however, all lots can be accessed and serviced independently of Taylors Lane via proposed connections through development to the east, with east west aligned roads proposed, in line with the Indicative Layout Plan (ILP) of the Shoalhaven Development Control Plan 2014 (SDCP 2014).
- Adjoins RU1 Primary Production zone to the west and south, C3 Environmental Management to the north and R1 General Residential to the east.

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Figure 2 - Subject Site and Lots

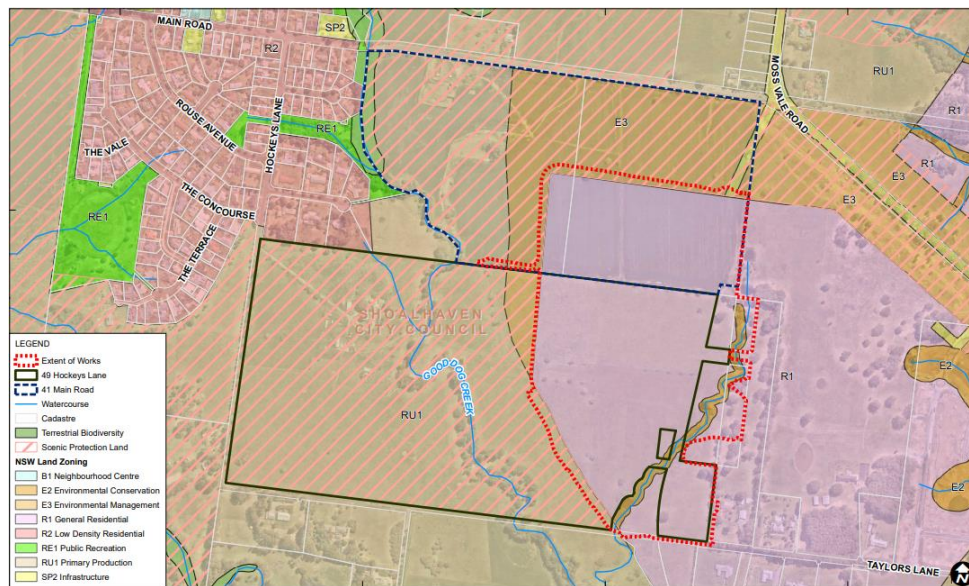


Figure 3 - Zoning Map

CL23.35 - Attachment 1

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4. Previous Approvals

Reference number	Date of Determination	Description
41 Main Road		
DA15/1981	24/09/2015	Development Consent for a roadside stall – horticultural and agricultural produce
SF10887	30/09/2022	Development Consent for a four lot paper subdivision at 41 and 15 Main Road, Cambewarra
49 Hockeys Lane		
SF8405	22/09/1997	Development Consent for Torrens Title Subdivision and associated subdivision works
DS19/1353	31/03/2020	Section 4.55(1A) consent for modifying layout of approved concessional allotments subdivision SF 8405
SF10888	30/09/2022	Development Consent for Three Lot Paper Subdivision
SF10895	22/12/2022	Development Consent for staged residential subdivision to create 30 Torrens Title allotments and provision of associated civil infrastructure and landscaping at 104 and 126 Taylors Lane, Taylors Lane, 49 Hockeys Lane and 15-15A Main Road

5. Background

Date(s)	Action(s)
13/12/2021	Development Application lodged by Applicant.
17/12/2021	Additional Information Requested: <ul style="list-style-type: none"> Clarification whether approval is sought under section 90 of the National Parks and Wildlife Act 1974 Landscape strategy Detailed cost report
20/12/2021	Response provided by Applicant. Aboriginal Cultural Heritage Assessment to be provided by 28 February 2022.

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Date(s)	Action(s)
23/12/2021	<p>Referral to concurrence and integrated approval bodies</p> <p>Council referred the DA to:</p> <ul style="list-style-type: none"> ▪ Development Engineer ▪ Environmental Health Officer ▪ Threatened Species Officer ▪ Natural Resources & Floodplain ▪ Shoalhaven Water: Development Unit ▪ City Services & Operations ▪ Strategic Planning Group: Infrastructure Planning Manager ▪ Endeavour Energy ▪ Heritage NSW ▪ Transport for NSW ▪ Department of Planning and Environment – Water ▪ Rural Fire Service
12/01/2022 11/02/2022	<p>–</p> <p>The DA was advertised on Council's DA Tracking website in accordance with Council policy.</p> <p>The DA was advertised in the Press.</p> <p>Affected owners were notified.</p>

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Date(s)	Action(s)
01/02/2022	<p>Additional Information Requested:</p> <ul style="list-style-type: none"> Information required by Heritage NSW Information required by Transport for NSW Revised plans addressing road layout and surrounding road network Detailed Site Investigation (DSI) Remedial Action Plan and Validation Report if required Flood Compliance Report Information regarding Water Sensitive Urban Design (WSUD) strategy and an Integrated Water Cycle Management System (IWCMS) report based on referral comments by the Floodplain Unit
21/02/2022	<p>Response provided by Applicant.</p> <p>ACHA expected to be submitted by 28/03/2022</p> <p>Updated Civil Plans and MUSIC Model submitted addressing road layout issues</p> <p>DSI expected to be submitted by 11/03/2022</p> <p>Flood Compliance Report submitted</p> <p>IWCMS Report submitted</p> <p>Electrical Method of Supply expected to be submitted by 11/03/2022</p>
25/02/2022	<p>Revised Response provided by Applicant.</p> <p>Draft ACHA expected to be submitted by 28/02/2022</p>

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Date(s)	Action(s)
03/03/2022	<p>Additional Information Requested:</p> <ul style="list-style-type: none"> Written response and revised plans addressing Development Engineer referral comments (D21/552219) Written response addressing City Futures referral comments (D21/552226) Revised plans addressing Environmental Assessment Officer referral comments (D21/552222) Flora and Fauna Assessment Written confirmation that there will be additional land above Lot 1271 DP 1264383 to be dedicated to Council as Open Space Written confirmation of the portion of land to be acquired as Open Space from Lot 3 DP 851823, consistent with SF10804 (as modified) Response to submissions
09/03/2022	<p>Briefing with the Southern Regional Planning Panel</p> <p>A number of issues were discussed, including the details of the development, submissions received, status of referrals and outstanding information.</p>
14/03/2022	DSI submitted by the Applicant.
17/03/2022	<p>Response provided by Applicant in relation to Additional Information Request dated 01/02/2022.</p> <p>ACHA expected to be submitted by 07/04/2022.</p> <p>The Applicant received the Design Brief from Endeavour Energy which determine the method of supply requirements.</p>
24/03/2022	Response to Submission provided by the Applicant.
30/03/2022	General Terms of Approval received from Rural Fire Service
13/04/2022	<p>Additional Information Requested:</p> <ul style="list-style-type: none"> Revised bush fire assessment and plans with the proposed asset protection zone to be amended to avoid encroaching onto Council-owned land

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Date(s)	Action(s)
14/04/2022	<p>Response provided by Applicant in relation to Additional Information Requests dated 17/12/2021 and 01/02/2022.</p> <p>Draft ACHA submitted by the Applicant.</p> <p>Final ACHA expected to be submitted by 19/04/2022.</p>
21/04/2022	<p>Response provided by Applicant in relation to Additional Information Request dated 13/04/2022.</p> <ul style="list-style-type: none"> Revised Figure 08 of the Bush Fire Assessment indicating the revised APZ submitted.
29/04/2022	<p>Additional Information Requested:</p> <ul style="list-style-type: none"> Further details to be provided on the plans Arborist Assessment prepared by an AQF level 5 qualified arborist Further comments on Gross Pollutant Traps, open space provision and dog park
24/05/2022	<p>Response provided by Applicant in relation to Additional Information Request dated 29/04/2022.</p> <p>Revised Civil Plans illustrating the complete water cycle management design submitted.</p> <p>Arborist Assessment expected to be submitted by 16/06/2022.</p> <p>Revised Civil Plans addressing City Futures and Development Engineer referral comments expected to be submitted by 03/06/2022.</p>
09/06/2022	<p>Response provided by Applicant in relation to Additional Information Request dated 03/03/2022.</p> <p>Revised Civil Plans, Landscape Plans, IWCMS Report and Flood Compliance Report submitted.</p> <p>Biodiversity Development Assessment Report (BDAR) for the subject DA and SF10895 expected to be submitted by 01/07/2022.</p>
15/06/2022	<p>Additional Information Requested:</p> <ul style="list-style-type: none"> Clarification of the subject land Payment of neighbour notification fee \$217.00 for the amended application
30/08/2022	<p>Additional Information Requested within Council's email advice</p>

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Date(s)	Action(s)
02/09/2022	Additional Information Requested: <ul style="list-style-type: none"> Information requested by Heritage NSW
12/09/2022	Additional Information Requested: <ul style="list-style-type: none"> Documentation addressing Council's Environmental Assessment Officer referral comments (D22/253861)
20/09/2022	Response provided by Applicant in relation to Environmental Assessment Officer referral comments dated 20/06/2022 (D22/253861). Revised BDAR and Final ACHA submitted.
14/10/2022	Two responses provided by Applicant in relation to Additional Information Requests dated 12/09/2022, email advice dated 30/08/2022 and Council's Floodplain Engineer referral comments dated 20/06/2022. Revised Civil Plans, Landscape Plans, IWCMS Report, On Site Detention Memo, Flood Compliance Report and BDAR provided.
17/10/2022 – 07/11/2022	The DA was renotified to the affected owners following amended documentation submitted by the Applicant.

6. Consultation and Referrals

Internal Referrals

Internal referrals were provided in response to the development application as described below.

Internal Referrals		
Referral	Recommendation Summary	Comment
Development Engineer	Concerns raised and additional information requested (dated 01/02/2022, 03/03/2022 and 29/04/2022).	Conditions to be imposed to address matters relating to stormwater drainage, road layout, shared user paths and footpaths. It is noted that any Construction Traffic Management Plan will need to include evidence that an agreement has been reached with the adjacent landowners to provide construction access through the land

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		<p>subject of SF10804 and SF10895 if direct public road access is not available at the time of commencement of works. In this regard, access is to be via Road 22, or an alternative road as agreed by Council.</p> <p>Further, no direct construction access is to be permitted from the bounds of this subdivision to Moss Vale Road.</p>
Floodplain Unit	Concerns raised and additional information requested (dated 01/02/2022).	Conditions to be imposed.
City Futures	Concerns raised and additional information requested (dated 23/12/2021 and 17/10/2022).	<p>Conditions to be imposed.</p> <p>It is noted that no access to and no construction within Taylors Lane is permitted at this time given Council's resolution at its Ordinary Meeting on 5 December 2022 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 (MIN22.933).</p> <p>This matter has been deferred to a Councillor briefing to consider options raised by the deputy.</p>
City Lifestyles	No objections subject to standard landscape conditions of consent to be aligned with comments from the City Design Manager of Council's City Futures referral (dated 16/11/2022).	Conditions as recommended by Council's City Futures to be imposed.
City Services	Concerns raised in relation to submitted documentation (dated 19/12/2022).	Condition to be imposed in relation to the Detailed Engineering Survey Plan.

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	<p>Council's City Futures has advised that it is understood that it is proposed to deliver drainage and open space embellishments relating to contributions projects 01DRAI5006 and 01OREC6015 as part of a Works-in-Kind Agreement (WIKa).</p> <p>There are some variations between the proposed drainage layout to what is shown in 01DRAI5006, which can be dealt with in the WIKa.</p> <p>The open spaces shown on the plans align with the open space lots that are already in Council ownership. It is understood that the embellishment of the open space will be delivered to Council via the proposed WIKa in lieu of monetary 7.11s.</p> <p>No specific condition is required to facilitate the WIKa. The text in Council's standard 7.11 condition references ability to enter into WIKa arrangement in lieu of paying monetary 7.11s.</p>	The recommended condition requiring confirmation of the boundary alignment is not to be imposed noting Council's City Futures advice.
Environmental Assessment Officer	Concerns raised and additional information requested (dated 12/09/2022).	Conditions to be imposed.
Environmental Health Officer	Concerns raised and additional information requested (dated 01/02/2022).	Conditions to be imposed.
Natural Resources & Flooding	Concerns raised and additional information requested (dated 01/02/2022, 03/03/2022 and 29/04/2022).	Conditions to be imposed.
Shoalhaven Water	No objections subject to recommended conditions of consent (dated 07/02/2022).	Conditions to be imposed.

Internal referral comments are referred to as required in the s4.15 assessment throughout this report.

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External Referrals

External Referrals		
Agency	Recommendation	Comment
Transport for NSW	<p>Concerns raised and additional information requested (dated 14/01/2022, 13/09/2022 and 23/11/2022)</p> <p>The main concerns relate to:</p> <ul style="list-style-type: none"> ▪ The location of secondary access/connection with Moss Vale Road and how it will link with the subdivision collector roads as proposed in the application; and ▪ The suitability of the collector road network to cater for public transport/buses. 	<p>Regarding the secondary access, Council's internal stakeholders have agreed that the secondary internal link to Moss Vale Road does not need to be provided at this stage. Council is satisfied that the second access can be provided when required. This is further discussed under the Transport and Infrastructure SEPP.</p> <p>Regarding provisions for buses, Council's Development Engineer indicated that Council would take responsibility for providing dedicated bus stops and assumingly associated infrastructure such as bus bays at a future date upon completion of the development. It is therefore considered unreasonable for the applicant to comply with a document that is not adequately referenced.</p> <p>Council have only recently been made aware of the TfNSW Guidelines for Public Transport Capable Infrastructure in Greenfield Sites and therefore it is not referenced in Council's DCP. In relation to bus routes, Council is exploring options to purchase land to provide the future bus route as shown in Figure 15 of DCP Chapter NB3.</p> <p>Unfortunately, the progression of the development and the Council review of the design for Taylors Lane alignment has not allowed the interim bus route to be realised and therefore the future bus route needs to be provided. Given this process is out of the developer's control, it would not be reasonable to delay this development while the investigations and negotiations are undertaken.</p>

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Endeavour Energy	No objections subject to recommendations and comments (dated 24/12/2021)	Conditions and advisory note to be imposed.
DPE	The Illawarra Shoalhaven SIC is applicable to the site. 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. The wording of the condition is in the <i>Ministerial Direction</i> .	Condition to be imposed.
Nowra Local Aboriginal Land Council	No response.	Noted.

7. Other Approvals

Integrated Approvals and Concurrences		
Agency	Recommendation	Comment
NSW Rural Fire Service	General Terms of Approval issued (dated 11/11/2022).	Conditions to be imposed.
Heritage NSW	General Terms of Approval issued (dated 12/10/2022).	Conditions to be imposed.
Department of Planning and Environment – Water	General Terms of Approval issued (dated 25/11/2022).	Conditions to be imposed.

8. Statutory Considerations

This report assesses the proposed development/use against relevant Commonwealth, 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:

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- Shoalhaven Local Environmental Plan 2014
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Planning Systems) 2021

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.

9. 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

i) Environmental Planning and Assessment Act 1979

Section 1.7 - 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 1.91ha which exceeds the clearing threshold.

Minimum associated lot with the property	size the	Threshold for clearing, above which the BAM and offsets scheme apply
Less than 1 ha		0.25ha or more
1ha to less than 40 ha		0.5ha or more
40ha to less than 1000ha		1ha or more
1000ha or more		2ha or more

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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.

The development involves the clearing of native vegetation on Council owned land and the residential allotments. The latest additional information response letter indicates the removal of 27 trees and retention of 29 trees, including the potential retention of two Forest red gum trees (being Tree 29 and 30). The BDAR assesses the removal of native vegetation within the site, which has been calculated to be 1.91ha. This has been identified to be Plant Community Type (PCT) 1212 – Spotted Gum – Grey Ironbark – Woollybutt grassy open forest on coastal flats, which represents the Threatened Ecological Community (TEC) River-Flat Eucalypt Forest on Coastal Floodplains for the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.

The revised BDAR V5 prepared by Lodge Environmental, has provided an amended assessment on the presence of the TEC River-flat Eucalypt Forest on Coastal Floodplains (section 3.2.1). Lodge Environmental have identified the vegetation on site as representative of River-flat Eucalypt Forest due to the low elevation and presence of characteristic species *Eucalyptus tereticornis*. Council's biodiversity officer concurs with the assessment and conclusion of this community presence.

The BDAR assesses the PCT 1212 within the site to be in poor condition due to a long history of farming practices. The patches of this PCT were represented by small clumps of predominately *Corymbia maculata* (Spotted Gum) and a few sparse *Eucalyptus paniculata* (Grey Ironbark).

In accordance with section 7.1 of the Biodiversity Conservation Regulation, if proposed development is or involves the subdivision of land, the subdivision is taken to involve the clearing of native vegetation that, in the opinion of the relevant consent authority or other planning approval body, is required or likely to be required for the purposes for which the land is to be subdivided.

The assessment for this subdivision is to take into account impacts that would result from the construction of dwellings within the lots as well as works proposed by this application.

With regards to impacts, it was confirmed in the BDAR that the proposal involving removal of man-made structures such as sheds, established house and associated garages will result in a loss of habitat for threatened species. These species include Southern Myotis (*Myotis Macropus*), Eastern Coastal Free-tailed Bat (*Micronomus norfolkensis*), Eastern False Pipistrelle (*Flasistrullus tasmaniensis*), Greater Broad-nosed Bat (*Scoteanax rueppellii*), Large Bentwinged Bat (*Miniopterus orianae oceansis*) and the Yellow-bellied Sheath-tail-bat (*Saccolaimus flaviventris*).

The proposed development including the diversion and piping will result in the prescribed impact-impacts on water quality, water bodies and hydrological processes that sustain threatened species and threatened ecological communities. The waterway is potential foraging habitat (pools <3m wide) for the Southern Myotis that has been recorded onsite.

The latest plans illustrate that the low flow piping does not encroach into the 50m riparian zone of Good Dog Creek, however the excavation for the bypass channel does. The latest response letter states that there will be a 4m encroachment into the 20m inner riparian zone, which is necessary to effectively direct the water flow from the pipe into Good Dog Creek. Section 5.1 of the BDAR briefly describes the mitigation measures to manage the impacts to the waterway and habitat, including the provision of replacement habitat within the wetlands. While there will be temporary loss of habitat while the wetlands are being constructed, there will still be habitat available in the locality during this time. Given that replacement habitat will be provided, the Environmental Assessment Officer

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considers this prescribed impact to the Southern Myotis to be minimal and additional credits are not recommended.

The Applicant's response dated 14/10/2022 states that an additional tree, Tree 28 (Arboricultural Development Assessment Report, Moore Trees) will be retained within the northern section of the Council reserve as a result of proposed retaining walls that are designed to mitigate impacts from the fill. The Environmental Assessment Officer has recommended Tree 29 and 30 to be retained in a similar manner.

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. The BDAR identifies the occurrence of PCT 1212 on the site to represent the TEC River-flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions under the BC Act. The PCT 1212 within the site has a vegetation integrity score of greater than 15 and hence is required to be offset. A total of 1.91ha of 1212 - Spotted Gum - Grey Ironbark - Woollybutt grassy open forest on coastal flats, southern Sydney Basin Bioregion and South East Corner Bioregion will be offset, which require 34 ecosystem credits. The proposal also requires 296 species credits for *Callocephalon fimbriatum* (Gang-gang Cockatoo), *Calyptorhynchus lathamii* (Glossy Black-Cockatoo), *Chalinolobus dwyeri* (Large-eared Pied Bat), *Myotis macropus* (Southern Myotis), *Ninox strenua* (Powerful Owl) and *Tyto novaehollandiae* (Masked Owl).

As the development will be staged, the clearing and offset of Biodiversity credits will be conducted in a staged approach as follows:

	Ecosystem credit	Species credit
Stage 1	27	234
Stage 2	5	45
Stage 3	2	17
Total	34	296

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 (MMP), Vegetation Management Plan (VMP), felling supervision of the habitat bearing trees, installation of compensatory nest boxes and a native species landscaping plan. A Construction and Environmental Management Plan (CEMP) will also be prepared to ensure no further impact during the construction phase."

No concerns or objections were raised by Council's Environmental Assessment Officer with the submitted BDAR subject to recommended conditions of consent being imposed (if approved), as detailed under the 'Referrals' section of this report.

Section 1.7 – Fisheries Management Act 1994

The proposed development would not have a significant impact on the matters for consideration under Part 7A of the *Fisheries Management Act 1994*.

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Section 4.46 – Integrated Development

The subject development is considered integrated development as separate approvals are required to undertake the subject development as outlined below.

Act	Provision	Approval	Determination details
Rural Fires Act 1997	S100B	authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	General Terms of Approval issued (dated 11/11/2022).
Water Management Act 2000	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3	General Terms of Approval issued (dated 25/11/2022).
National Parks and Wildlife Act 1974	s90	Grant of Aboriginal heritage impact permit	General Terms of Approval issued (dated 12/10/2022).

Section 7.11 – Developer Contributions: 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.

The number of proposed lots for this calculation is 256.

The proposed stages for creation of the residential allotments are indicated below.

It is noted that Stages 1, 2, 5 and 6 are contained within proposed Lot 2 in the subdivision approved by Development Consent SF10888 (Three (3) Lot Paper Subdivision) of Lot 7 DP 1256748 (known as 49 Hockeys Lane, Cambewarra).

Stages 3 and 4 are contained within proposed Lot 1 in the subdivision approved by Development Consent SF10887 (Four (4) Lot Paper Subdivision) of Lot 4 DP 542936 (known as 41 Main Road, Cambewarra) and Lot 1272 DP 1264383 (known as 15 Main Road, Cambewarra).

Stage 1: 70 residential allotments (with one (1) lot credit (proposed Lot 2 in the subdivision approved by Development Consent SF10888) applied)

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Subdivision

	Existing	Proposed
Lots	1	70
Total ET		69
		0

Project	Description	Rate	Qty	Total	GST	GST Incl
01AREC5006	Northern Shoalhaven Sports Stadium	\$737.62	69	\$50,895.78	\$0.00	\$50,895.78
01AREC5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$572.04	69	\$39,470.76	\$0.00	\$39,470.76
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	\$772.15	69	\$53,278.35	\$0.00	\$53,278.35
01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghorn & Plunkett Streets)	\$31.58	69	\$2,179.02	\$0.00	\$2,179.02
01DRAI5006	Moss Vale Road South URA Drainage	\$3,434.50	69	\$236,980.50	\$0.00	\$236,980.50
01OREC6015	Moss Vale Road South URA Passive Recreation	\$11,058.94	69	\$763,066.86	\$0.00	\$763,066.86
01ROAD5154	Moss Vale Road South URA Roads	\$5,834.29	69	\$402,566.01	\$0.00	\$402,566.01
CWAREC5005	Shoalhaven Community and Recreational Precinct SCArP Cambewarra Road Bomaderry	\$2,035.08	69	\$140,420.52	\$0.00	\$140,420.52
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,538.08	69	\$106,127.52	\$0.00	\$106,127.52
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90	69	\$93,074.10	\$0.00	\$93,074.10
CWCFAC5007	Shoalhaven Regional Gallery	\$74.05	69	\$5,109.45	\$0.00	\$5,109.45
CWFIRE2001	Citywide Fire & Emergency services	\$145.50	69	\$10,039.50	\$0.00	\$10,039.50
CWFIRE2002	Shoalhaven Fire Control Centre	\$212.86	69	\$14,687.34	\$0.00	\$14,687.34
CWMGMT3001	Contributions Management & Administration	\$605.06	69	\$41,749.14	\$0.00	\$41,749.14
				Sub Total:		\$1,959,644.85
				GST Total:		\$0.00
				Estimate Total:		\$1,959,644.85

Stage 2: 35 residential allotments

Subdivision

	Existing	Proposed
Lots	0	35
Total ET		35
		0

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Project	Description	Rate	Qty	Total	GST	GST Incl
01 AREC 5006	Northern Shoalhaven Sports Stadium	\$737.62	35	\$25,816.70	\$0.00	\$25,816.70
01 AREC 5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$572.04	35	\$20,021.40	\$0.00	\$20,021.40
01 AREC 5009	Planning Area 1 recreational facilities upgrades (various locations)	\$772.15	35	\$27,025.25	\$0.00	\$27,025.25
01 CFAC 5012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	\$31.58	35	\$1,105.30	\$0.00	\$1,105.30
01 DRAI 5006	Moss Vale Road South URA Drainage	\$3,434.50	35	\$120,207.50	\$0.00	\$120,207.50
01 OREC 6015	Moss Vale Road South URA Passive Recreation	\$11,058.94	35	\$387,062.90	\$0.00	\$387,062.90
01 ROAD 5154	Moss Vale Road South URA Roads	\$5,834.29	35	\$204,200.15	\$0.00	\$204,200.15
CW AREC 5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$2,035.08	35	\$71,227.80	\$0.00	\$71,227.80
CW CFAC 5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,538.08	35	\$53,832.80	\$0.00	\$53,832.80
CW CFAC 5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90	35	\$47,211.50	\$0.00	\$47,211.50
CW CFAC 5007	Shoalhaven Regional Gallery	\$74.05	35	\$2,591.75	\$0.00	\$2,591.75
CW FIRE 2001	Citywide Fire & Emergency services	\$145.50	35	\$5,092.50	\$0.00	\$5,092.50
CW FIRE 2002	Shoalhaven Fire Control Centre	\$212.86	35	\$7,450.10	\$0.00	\$7,450.10
CW MGMT 3001	Contributions Management & Administration	\$605.06	35	\$21,177.10	\$0.00	\$21,177.10
				Sub Total:		\$994,022.75
				GST Total:		\$0.00
				Estimate Total:		\$994,022.75

Stage 3: 56 residential allotments (with one (1) lot credit (proposed Lot 1 in the subdivision approved by Development Consent SF10887) applied)

Subdivision

	Existing	Proposed
Lots	1	56
Total ET		55
		0

Project	Description	Rate	Qty	Total	GST	GST Incl
01 AREC 5006	Northern Shoalhaven Sports Stadium	\$737.62	55	\$40,569.10	\$0.00	\$40,569.10
01 AREC 5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$572.04	55	\$31,462.20	\$0.00	\$31,462.20
01 AREC 5009	Planning Area 1 recreational facilities upgrades (various locations)	\$772.15	55	\$42,468.25	\$0.00	\$42,468.25
01 CFAC 5012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	\$31.58	55	\$1,736.90	\$0.00	\$1,736.90
01 DRAI 5006	Moss Vale Road South URA Drainage	\$3,434.50	55	\$188,897.50	\$0.00	\$188,897.50
01 OREC 6015	Moss Vale Road South URA Passive Recreation	\$11,058.94	55	\$608,241.70	\$0.00	\$608,241.70
01 ROAD 5154	Moss Vale Road South URA Roads	\$5,834.29	55	\$320,885.95	\$0.00	\$320,885.95
CW AREC 5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$2,035.08	55	\$111,929.40	\$0.00	\$111,929.40
CW CFAC 5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,538.08	55	\$84,594.40	\$0.00	\$84,594.40
CW CFAC 5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90	55	\$74,189.50	\$0.00	\$74,189.50
CW CFAC 5007	Shoalhaven Regional Gallery	\$74.05	55	\$4,072.75	\$0.00	\$4,072.75

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CW FIRE 2001	Citywide Fire & Emergency services	\$145.50	55	\$8,002.50	\$0.00	\$8,002.50
CW FIRE 2002	Shoalhaven Fire Control Centre	\$212.86	55	\$11,707.30	\$0.00	\$11,707.30
CW MGMT 3001	Contributions Management & Administration	\$605.06	55	\$33,278.30	\$0.00	\$33,278.30
Sub Total:						\$1,562,035.75
GST Total:						\$0.00
Estimate Total:						\$1,562,035.75

Stage 4: 34 residential allotments

Subdivision

	Existing	Proposed
Lots	0	34
Total ET		34
		0

Project	Description	Rate	Qty	Total	GST	GST Incl
01 AREC 5006	Northern Shoalhaven Sports Stadium	\$737.62	34	\$25,079.08	\$0.00	\$25,079.08
01 AREC 5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$572.04	34	\$19,449.36	\$0.00	\$19,449.36
01 AREC 5009	Planning Area 1 recreational facilities upgrades (various locations)	\$772.15	34	\$26,253.10	\$0.00	\$26,253.10
01 CFAC 5012	Nowra Integrated Youth Services Centre (Cnr Kinghome & Plunkett Streets)	\$31.58	34	\$1,073.72	\$0.00	\$1,073.72
01 DRAI 5006	Moss Vale Road South URA Drainage	\$3,434.50	34	\$116,773.00	\$0.00	\$116,773.00
01 OREC 6015	Moss Vale Road South URA Passive Recreation	\$11,058.94	34	\$376,003.96	\$0.00	\$376,003.96
01 ROAD 5154	Moss Vale Road South URA Roads	\$5,834.29	34	\$198,365.86	\$0.00	\$198,365.86
CW AREC 5005	Shoalhaven Community and Recreational Precinct SCArP Cambewarra Road Bomaderry	\$2,035.08	34	\$69,192.72	\$0.00	\$69,192.72
CW CFAC 5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,538.08	34	\$52,294.72	\$0.00	\$52,294.72
CW CFAC 5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90	34	\$45,862.60	\$0.00	\$45,862.60
CW CFAC 5007	Shoalhaven Regional Gallery	\$74.05	34	\$2,517.70	\$0.00	\$2,517.70
CW FIRE 2001	Citywide Fire & Emergency services	\$145.50	34	\$4,947.00	\$0.00	\$4,947.00
CW FIRE 2002	Shoalhaven Fire Control Centre	\$212.86	34	\$7,237.24	\$0.00	\$7,237.24
CW MGMT 3001	Contributions Management & Administration	\$605.06	34	\$20,572.04	\$0.00	\$20,572.04
Sub Total:						\$965,622.10
GST Total:						\$0.00
Estimate Total:						\$965,622.10

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Stage 5: 56 residential allotments

Subdivision

	Existing	Proposed
Lots	0	56
Total ET		56
		0

Project	Description	Rate	Qty	Total	GST	GST Incl
01 AREC 5006	Northern Shoalhaven Sports Stadium	\$737.62	56	\$41,306.72	\$0.00	\$41,306.72
01 AREC 5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$572.04	56	\$32,034.24	\$0.00	\$32,034.24
01 AREC 5009	Planning Area 1 recreational facilities upgrades (various locations)	\$772.15	56	\$43,240.40	\$0.00	\$43,240.40
01 CFAC 5012	Nowra Integrated Youth Services Centre (Cnr Kinghorn & Plunkett Streets)	\$31.58	56	\$1,768.48	\$0.00	\$1,768.48
01 DRAI 5006	Moss Vale Road South URA Drainage	\$3,434.50	56	\$192,332.00	\$0.00	\$192,332.00
01 OREC 6015	Moss Vale Road South URA Passive Recreation	\$11,058.94	56	\$619,300.64	\$0.00	\$619,300.64
01 ROAD 5154	Moss Vale Road South URA Roads	\$5,834.29	56	\$326,720.24	\$0.00	\$326,720.24
CW AREC 5005	Shoalhaven Community and Recreational Precinct SCArP Cambewarra Road Bomaderry	\$2,035.08	56	\$113,964.48	\$0.00	\$113,964.48
CW CFAC 5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,538.08	56	\$86,132.48	\$0.00	\$86,132.48
CW CFAC 5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90	56	\$75,538.40	\$0.00	\$75,538.40
CW CFAC 5007	Shoalhaven Regional Gallery	\$74.05	56	\$4,146.80	\$0.00	\$4,146.80
CW FIRE 2001	Citywide Fire & Emergency services	\$145.50	56	\$8,148.00	\$0.00	\$8,148.00
CW FIRE 2002	Shoalhaven Fire Control Centre	\$212.86	56	\$11,920.16	\$0.00	\$11,920.16
CW MGMT 3001	Contributions Management & Administration	\$605.06	56	\$33,883.36	\$0.00	\$33,883.36
Sub Total:						\$1,590,436.40
GST Total:						\$0.00
Estimate Total:						\$1,590,436.40

Stage 6: Five residential allotments

Subdivision

	Existing	Proposed
Lots	0	5
Total ET		5
		0

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Project	Description	Rate	Qty	Total	GST	GST Incl
01 AREC 5006	Northern Shoalhaven Sports Stadium	\$737.62	5	\$3,688.10	\$0.00	\$3,688.10
01 AREC 5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$572.04	5	\$2,860.20	\$0.00	\$2,860.20
01 AREC 5009	Planning Area 1 recreational facilities upgrades (various locations)	\$772.15	5	\$3,860.75	\$0.00	\$3,860.75
01 CFAC 5012	Nowra Integrated Youth Services Centre (Cnr Kinghorn & Plunkett Streets)	\$31.58	5	\$157.90	\$0.00	\$157.90
01 DRAI 5006	Moss Vale Road South URA Drainage	\$3,434.50	5	\$17,172.50	\$0.00	\$17,172.50
01 OREC 6015	Moss Vale Road South URA Passive Recreation	\$11,058.94	5	\$55,294.70	\$0.00	\$55,294.70
01 ROAD 5154	Moss Vale Road South URA Roads	\$5,834.29	5	\$29,171.45	\$0.00	\$29,171.45
CW AREC 5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$2,035.08	5	\$10,175.40	\$0.00	\$10,175.40
CW CFAC 5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,538.08	5	\$7,690.40	\$0.00	\$7,690.40
CW CFAC 5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90	5	\$6,744.50	\$0.00	\$6,744.50
CW CFAC 5007	Shoalhaven Regional Gallery	\$74.05	5	\$370.25	\$0.00	\$370.25
CW FIRE 2001	Citywide Fire & Emergency services	\$145.50	5	\$727.50	\$0.00	\$727.50
CW FIRE 2002	Shoalhaven Fire Control Centre	\$212.86	5	\$1,064.30	\$0.00	\$1,064.30
CW MGMT 3001	Contributions Management & Administration	\$605.06	5	\$3,025.30	\$0.00	\$3,025.30
Sub Total:						\$142,003.25
GST Total:						\$0.00
Estimate Total:						\$142,003.25

ii) Environmental Planning Instruments

The following Environmental Planning Instruments apply to the assessment of the subject DA:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Shoalhaven Local Environmental Plan 2014*

State Environmental Planning Policy (Planning Systems) 2021

The proposal is regionally significant development as the capital investment value (CIV) is more than \$5 million and the DA involves works on Council owned land. The applicant submitted a detailed cost report prepared by a registered quantity surveyor that verified the cost of the development.

The proposal includes construction of civil infrastructure, road and landscaped open space on Council-owned land (being Lot 1 and Lot 2 DP1256748, and part Lot 1271 DP1264383). This is considered acceptable by Council from both an owner's consent perspective, with owners' consent obtained, and from an engineering/design perspective as assessed throughout this report.

As the proposal involves Council-owned land, the provisions of this Policy have been considered, having regard to section 3(b) of Schedule 6.

State Environmental Planning Policy (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 considered ancillary to this development and is subject to any controls contained within Chapters G4 and G5, Shoalhaven DCP 2014, addressed later in this report.

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State Environmental Planning Policy (Resilience and Hazards) 2021

The requirements of this SEPP apply to the subject site. In accordance with Section 4.6(1), the consent authority must consider if the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out; and if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose. The following table outlines the assessment of these requirements:

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 3	to 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	to 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 to 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	to Proposal satisfactory under SEPP and DCP.
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	to Proposal satisfactory under SEPP and DCP.

Council's Environmental Health Officer has reviewed the Stage 2 Detailed Site Investigation prepared by Environment and Natural Resource Solutions dated March 2022, reference ENR1800.

The DSI identified that the site has an extended history of agricultural land use with records indicating potential herbicide application to portions of the site. The results of the DSI indicated that the preliminary Areas of Environmental Concern (AECs) identified within the site were as suitable for the proposed residential development and removed from the Conceptual Site Model (CSM). The DSI states that groundwater was not encountered and no further assessment was triggered based on the shallow nature of AECs in soil and associated surface water not in hydraulic connection with the deep underlying fracture rock aquifers.

Based on the information and site-specific data and with the inclusion of the recommendations outlined in 13.2 of the report, the Environmental Services team is satisfied that the site is suitable for the proposed development in accordance with this SEPP and SDCP2014, subject to recommended conditions of consent being imposed.

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State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 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 23/12/2021 as required for comment. A response was provided (as detailed under the 'Referrals' section of this report) and has been considered.

Schedule 3 of this SEPP specifies traffic-generating development to be referred to TfNSW. As the proposal involves the subdivision of land for 200 or more allotments and includes the opening of a public road, the application was referred to TfNSW under Section 2.122 of this SEPP for comment.

The Traffic Impact Assessment prepared by Bitzios indicates that the roundabout being delivered under SF10632 further to the east on Moss Vale Road (MVR) has capacity to service all Moss Vale Road South URA traffic at year 2041. Therefore, the development does not propose to deliver the 2nd URA access road or its planned connection (roundabout) with MVR / Main Road.

TfNSW indicates that it is not supportive of the planned roundabout at MVR / Main Road shown in DCP Chapter NB3 and has instead suggested that the 2nd access road should connect with Main Road further to the west.

The Applicant does not seek to propose a secondary internal link to MVR. Council's Development Engineer stated that the various internal Council stakeholders have agreed that the secondary internal link to MVR does not need to be provided at this stage.

Council's Development Engineer explains: *"there is no approved intersection proposed with MVR and Council's draft plans for this intersection have not been endorsed by TfNSW (and require further work), there is also no funding mechanism for this intersection given that Council could not lobby the funds through a contribution plan due to MVR being a state road, there is also no other requirement for the road for bushfire evacuation, bus servicing or for road/intersection capacity purposes".* However, *"Council does have the advantage of being able to build the link road at a future stage through the contribution project once a design for an intersection at either MVR or Main Road can be designed and if required, accepted by TfNSW".*

Council is therefore satisfied that a suitable connection can be provided when needed in the future as a contribution project.

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Shoalhaven LEP 2014

Land Zoning

The site is zoned R1 General Residential, C3 Environmental Management, C2 Environmental Conservation, RU1 Primary Production and SP2 Infrastructure (Road) under the LEP as shown below.

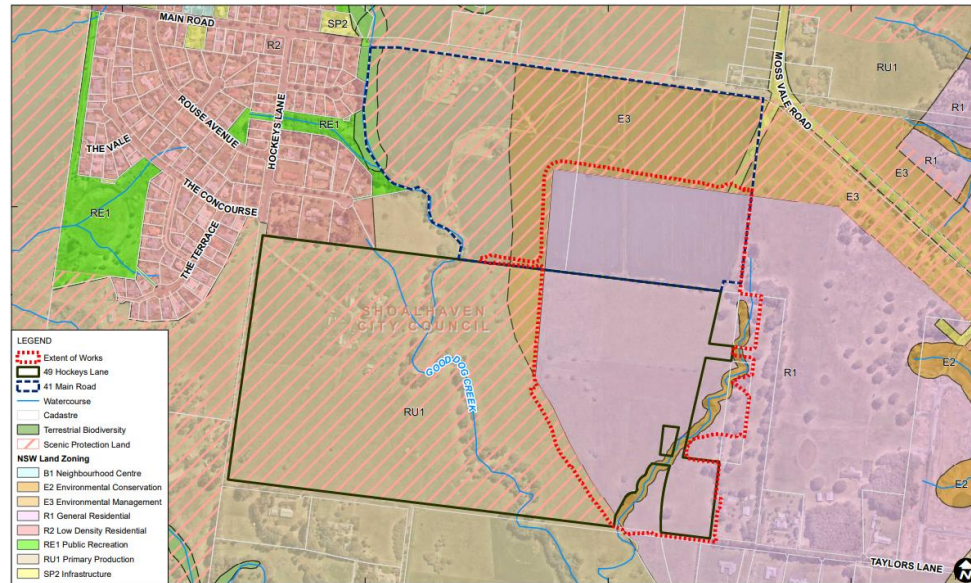


Figure 4 - Shoalhaven LEP 2014 zoning map excerpt

Characterisation and Permissibility

The permissibility of the proposal within the corresponding zone is summarised in the following table:

Zone	Proposal	Permissibility
R1 General Residential	Subdivision, construction of roads, and associated works for residential purposes.	<i>Subdivision of land, roads and water supply systems permitted with consent.</i>
C3 Environmental Management	No works are proposed within the C3 zone.	-
C2 Environmental Conservation	Construction of Road 1 and 11 and associated civil infrastructure across the existing unnamed 1 st order stream.	<i>Roads and water supply systems permitted with consent.</i>
RU1 Primary Production	Drainage reserve in Lot 301 and a bypass channel with low	<i>Water supply systems permitted with consent.</i>

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	flow pipe in the western portion.	
SP2 Infrastructure (Road)	No works proposed.	-

Section 2.3 - Zone objectives

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the R1 General Residential zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To identify land suitable for future urban expansion.*

The proposed residential subdivision and associated works will provide for the housing needs and facilitate future residential development. The proposal is considered to be consistent with the R1 zone objectives.

The objectives of the C3 Environmental Management zone are:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To protect the natural and cultural features of the landscape, including coastal and foreshore areas, that contribute to scenic value and visual amenity.*
- *To maintain the stability of coastal land forms and protect the water quality and ecological values of estuaries and coastal streams.*

The proposal does not impact on the C3 Environmental Management zone.

The objectives of the C2 Environmental Conservation zone are:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- *To protect water quality and the ecological integrity of water supply catchments and other catchments and natural waterways.*
- *To protect the scenic, ecological, educational and recreational values of wetlands, rainforests, escarpment areas and fauna habitat linkages.*
- *To conserve and, where appropriate, restore natural vegetation in order to protect the erosion and slippage of steep slopes.*

The BDAR indicates land surrounding the unnamed creek is retained, with impacts restricted to the basin extent and surrounding footpath. The BDAR also recommends a Vegetation Management Plan

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to be prepared which will aim to improve the surrounding habitat of the proposed water basins. Therefore, the proposal is considered to be consistent with the C2 zone objectives.

The objectives of the RU1 Primary Production zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To conserve and maintain productive prime crop and pasture land.*
- *To conserve and maintain the economic potential of the land within this zone for extractive industries.*

The proposal for drainage reserve and bypass channel does not conflict with the land uses in the adjoining R1 and C3 zones.

SLEP 2014 Sections

Section	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 residential allotments except for Lot 752-755 (as subject to the provisions of section 4.1H) meet the minimum lot size of 500sqm.	Yes
4.1E Minimum lot size for certain split zone lots	While there are split zone lot/s, the proposal is not reliant on this section - refer to section 6.5 below.	N/A
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>This section applies as part of the subject land is identified as "Clause 4.1H" on the Lot Size Map.</p> <p>Despite the provisions of section 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 subsection (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 752-755 are applicable and less than 500sqm in area. They meet the criteria of subsection (2)</p>	Yes

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	as they each have primary street frontage and exceed 300sqm in area (i.e. ranging from 405-450sqm).	
4.2C Subdivision of land fronting a watercourse	Lot 7/DP1256748 and Lot 2/1256748 includes land zoned RU1 which fronts a watercourse, however. Council is satisfied that the proposal does not create any additional rural lots or enable any additional entitlements to take water from the unnamed creek as a result of the subdivision.	Yes
4.2E Exceptions to minimum subdivision lot sizes for certain rural and environment protection zones	The proposal does not seek subdivision of land within the specified zones of section 4.2E(2). These zones will form part of the proposed residual lots. As such, this section does not apply. Further, section 6.5 (see below) provides exceptions for the proposed residual lot sizes.	N/A
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	<p>A local heritage item being 153 – Evison’s dairy farm complex is located in the southern portion of the site (being Lot 7 DP 1256748 and Lot 2 DP 1256748).</p> <p>The SEE states that the heritage item is located on the western side of Good Dog Creek and will not be impacted by the proposed subdivision. The SEE also indicates that the heritage item is anticipated to be separated from the site of the subdivision prior to commencement of the civil works.</p> <p>The assessment provided in the SEE is considered satisfactory.</p> <p>The ACHA prepared by Austral Archaeology identified 11 Aboriginal archaeological sites within the site, including five artefact scatters, 49 Hockeys Lane AS1 through to AS4 and 41 Main Road AS5 and AS6. There are also five isolated artefacts present across the site.</p> <p>The ACHA indicated that all identified Aboriginal sites will be impacted and recommended archaeological salvage excavation of two sites (52-51037 (49 Hockeys Lane AS 1) and 52-5-1039 (49 Hockeys Lane AS 2) and reburial of objects in a location that will be free from future disturbance as mitigation against harm from the proposal.</p> <p>No objections were raised by Heritage NSW, subject to implementation of the General Terms of Approval.</p>	Yes
5.16 Subdivision of, or dwellings on, land in certain rural,	The site contains land in the RU1, C2 and C3 zones. However, such land will not be used for residential purposes.	N/A

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residential environment protection zones	or		
5.21 Flood planning		<p>Council's Floodplain & Stormwater Quality Engineer found the development to be satisfactory subject to recommended conditions of consent (dated 17/10/2022).</p> <p>Council's Flood Engineer identifies the site to comprise mainly of Low Hazard Flood Fringe areas and some Low Hazard Flood Storage areas during a 1% AEP event. High Hazard Floodway and Low Hazard Flood way have been mapped within the minor tributary to Good Dog Creek draining through the proposed development.</p> <p>The latest IWCMS Report (October 2022) includes precinct wide on-site detention and additional detention on residential lots through larger rainwater tanks. As a result, the 1% AEP inundation extent within the proposed development has reduced compared to what was reported in the IWCMS Report in September.</p> <p>The Flood Impact Assessment states that overtopping of the roadway from the wetland occurs for all events due to minimal depth available within the wetland.</p> <p>Council's Flood Engineer states:</p> <p><i>As the stormwater pipes from the wetlands should be designed to cater for a 1% AEP storm event (being a major drainage system) and the additional detention capacity across the site should be able to adequately attenuate the flow to prevent overtopping of the roads for the design event, it should be possible to mitigate the current inundation extent to acceptable levels. Furthermore, Council requires all new roads in a subdivision to be flood free during a 1% AEP event.</i></p> <p>No concerns or objections were raised by Council's Flood Engineer, subject to recommended conditions of consent.</p> <p>The provisions of subsection (2) have been satisfied and the provisions of subsection (3) have been considered.</p>	Yes
Part 6 Urban release areas			
6.1 Arrangements for designated State public infrastructure		<p>Subsection (4) specifies that this section 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 proposal is located in the Nowra Bomaderry Growth Area and the Illawarra Shoalhaven SIC is applicable.</p>	Yes

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	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. The wording of the condition is in the <i>Ministerial Direction</i> .	
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 approved land use zones	This section applies as the original lot (subject site) is in an urban release area and comprises land in the approved land use zones, being the RU1, C2 and C3 zones. Development consent may 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. The proposal results in residual lots in RU1, C2 and C3 zones which are less than the minimum lot size. An exception to the minimum lot size is supported in this instance in accordance with section 6.5 of the SLEP 2014.	Yes
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 is not required.	N/A
7.2 Earthworks	The provisions of subsection (3) have been considered. 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.	Yes
7.6 Riparian land and watercourses	An unnamed creek, identified as "Watercourse Category 3", traverses the eastern section of the site. Good Dog Creek, identified as "Watercourse Category 1", is located within 50m of the proposed bypass channel in the western portion of the site.	Yes

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	<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>	
<p>7.8 Scenic protection</p>	<p>Land along the northern, western and southern site boundaries is identified as "Scenic Protection".</p> <p>The proposed development will not result in any detrimental visual impact. The proposal has been designed to retain the existing trees where appropriate and provide landscaping within the site. The proposed subdivision will ensure the appropriate siting of the future residential dwellings.</p>	Yes
<p>7.11 Essential services</p>	Services are available.	Yes

iii) Draft Environmental Planning Instrument

Not applicable.

iv) Any Development Control Plan

Shoalhaven DCP 2014

The following chapters of Shoalhaven Development Control Plan 2014 apply to the subject development application assessment:

Generic Chapters
<p>G2: Sustainable Stormwater Management and Erosion/Sediment Control</p> <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> <p>The submitted IWMCS Report is acceptable and would be conditioned with any consent granted.</p>
<p>G3: Landscaping Design Guidelines</p> <p>Council's City Lifestyles Officer have raised no concerns or objections in relation to the proposed landscape design, subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report). The works are to be in accordance with the Shoalhaven City Council Community Infrastructure Strategic Plan 2017-2036, Appendix E (local recreation park).</p> <p>Detailed Landscape Plan(s) to be submitted to Council for review and approval prior to works commencing.</p>
<p>G4: Tree and Vegetation Management</p>

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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 conditions of consent.

Council's Environmental Assessment Officer recommended the retention of T29 and T30 where possible. These trees are both indicated as hollow bearing trees within the BDAR.

G5: Biodiversity Impact Assessment

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).

The Plans illustrate that the excavation for the bypass channel will encroach into the 50m riparian zone of Good Dog Creek. To comply with the NRAR guidelines for controlled activity approval, the works should not occur within the inner riparian zone. This is to be addressed with the detailed plans prior to subdivision works certificate.

A Vegetation Management Plan (VMP) will also be required for works within 40m of Good Dog Creek as part of a controlled activity approval.

G7: Waste Minimisation and Management Controls

A Waste Management Plan (WMP) was provided by the Applicant. All waste is to be removed to an authorized waste disposal facility. conditions of consent being imposed.

G9: Development on Flood Prone Land

The provisions of this chapter have been considered and Council's Flood Engineers have raised no objections in relation to flooding and Water Sensitive Urban Design (WSUD), subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report).

G11: Subdivision of Land

The development generally complies with the provisions of this chapter (refer to Appendix A).

NB3: Moss Vale Road South Urban Release Area

The development generally complies with the provisions of this chapter (refer to Appendix B) with the exception of the following non-compliances.

There is a **non-compliance with Mandatory Control (3) of Section 7.3 Subdivision Design** and the lot widths. Irregular shaped lots with a size of 500sqm or more are to have the following shape and dimension in accordance with Chapter G11: Subdivision of Land:

- Square width 12m
- Width at building line 16m
- Mean width 18m
- Depth 30m

Some irregular shaped lots have been identified to exhibit a mean width of less than 18m.

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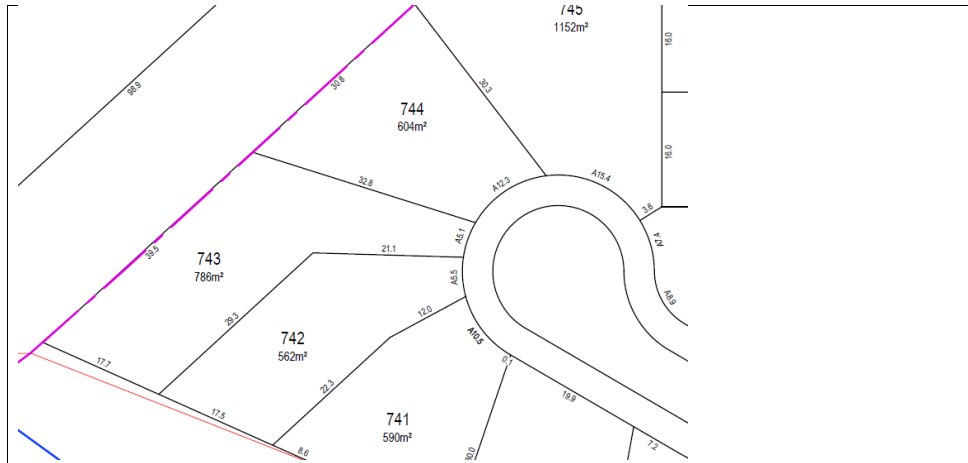


Figure 5 – Excerpt from Lot Layout Plan by Maker ENG (dated 16/09/2022)

No justification was provided for the variation. Notwithstanding, it is considered that the variation to the DCP control is acceptable in this instance given the minor nature of the non-compliance. The subdivision lot dimensions remain consistent with the objectives of this Chapter and control. The integrity of the outcomes envisaged are still maintained. No concerns or objections were raised by the Development Engineer.

Accordingly, this variation can be supported by Council.

There is a **non-compliance** with **Mandatory Control (4) of Section 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 length encompassing Lots 715-737 and Part Lot 2 DP 1256748 is approximately 237m long (as indicated by the applicant).

No justification was provided by the Applicant. However, the variation is considered acceptable. The block excluding land in Lot 2 DP 1256748 would exhibit a length of approximately 207m fronting Road 05 and approximately 178m fronting Road 01. The variation of the block occurs as a result of the irregular shape of the URA boundary. On balance, the lot generally complies with this control and is acceptable.

The street block width encompassing Lots 210-322 fronting Road 01 is approximately 81m (including corner splays) (as indicated by the applicant). The width of the southern block boundary is 62.5m, which is compliant with the control. On balance, the lot generally complies with this control. The variation is considered minor and acceptable as the variation occurs as a result of the road layout and URA boundary.

The street block encompassing Lots 738-750 are irregularly shaped. The Applicant provided the following justification in the Design Verification Statement:

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The irregular triangle shape of the medium density residential area in the south also requires a cul-de-sac to access and utilise the space most effectively. Multi-dwelling lots have been designed to allow access from the local street to reduce congestion in the cul-de-sac. The irregular shape is necessary due to the proposed road alignment and the angle of the URA boundary, with a medium density product considered the optimum outcome in this area, due to the flexibility in layout it provides.

Similar to the above, the proposed variation is considered acceptable due to the shape of the road layout and the URA boundary. The provision of an irregular shaped block with a cul-de-sac would maintain efficiency of subdivision layout. The cul-de-sac is deemed acceptable by Council's Development Engineer as the DCP only requires the minimisation of cul-de-sacs and there is only one cul-de-sac in the proposal.

Accordingly, the variations to Control (4) of Section 7.3 can be supported by Council.

The proposal includes a **variation to Mandatory Control (1) of Section 7.4 Street Network and Hierarchy** and the road layout. The Civil Plans includes a perimeter road in the northern portion which is not shown in Figure 9 – Street Hierarchy and Network Plan in this Chapter. The intersections and roads to the north and south of Proposed Road 03 (Tree Lined Boulevard) have been also removed and replaced with footpaths.

Council's Development Engineers have reviewed and accepted the proposed street network and road alignment, subject to recommended conditions of consent being imposed (as detailed under the 'Referrals' section of this report).

Accordingly, this variation to Control (1) of Section 7.4 can be supported by Council.

TfNSW raised concerns regarding the width of Road 11/Collector Road as shown in the cross sections (i.e. Drawing No. MK00145-100C047, Sheet 2 of 3, Revision 006 dated 16.09.22) will not allow a bus service to operate safely and efficiently. TfNSW stated:

A 2m wide parking lane as is shown in the above cross-section is insufficient to allow for bus stops and allow the bus to move out of the through traffic lane noting a bus has a width of 2.5m and requires a minimum width to be provided of 3m where a kerb side lane operates as a parking lane as well as a bus stop (as is proposed under the current RA).

TfNSW also advised that the road design must demonstrate compliance with the TfNSW Guidelines for Public Transport Capable Infrastructure in Greenfield Sites, particularly in relation to the bus stop locations (for both the interim and long-term routes) and the lane widths provided at the bus stop.

Council's Development Engineer stated:

Council would take responsibility for providing dedicated bus stops and assumingly associated infrastructure such as bus bays at a future date upon completion of the development. The reasoning behind this was that the DCP showed a future and interim bus route but did not propose locations or indeed require for bus stops. The document which TfNSW have referenced in their referral (TfNSW Guidelines for Public Transport Capable Infrastructure in Greenfield Sites), Council have only recently been made aware of and is therefore not referenced in various development guiding documents such as Council's DCP. It is therefore considered unreasonable for the applicant to comply with a document that is not adequately referenced. In regard to the bus route, Council is exploring

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options to purchase land to provide the future bus route as shown on Figure 15 of DCP NB3. Unfortunately, the progression of the development and the Council review of the design for Taylors Lane alignment has not allowed the interim bus route to be realised and therefore the future bus route needs to be provided. Given this process is out of the developer's control, it would not be reasonable to delay this development while the investigations and negotiations are undertaken.

Accordingly, the proposed cross section for the Collector Road 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

No

iv) Environmental Planning and Assessment Regulation 2021

It is noted per Schedule 6 of the EP&A Regs 2021 that “the 2000 Regulation continues to apply instead of this Regulation to a development application and an application for a complying development made but not finally determined before 1 March 2022.”

No specific parts of the EP&A Regulation 2021 are specifically applicable to the proposed subdivision. No areas of concern are raised as a result of a review of the Regs.

v) 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. 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. The proposal facilitates further residential development in a region with significant housing pressures. The proposal will have positive

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Head of Consideration	Comment
	economic impacts with regard to construction and economic development.

(c) Suitability of the site for the development

The proposal is for residential subdivision in a URA area which has been subject to extensive strategic review of its design and location. With regard to site suitability the DA is compliant with the relevant site analysis and location requirements of Shoalhaven DCP 2014. 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 first notified in accordance with the *Environmental Planning & Assessment Regulation 2000* (the EP&A Regs) and Council's Community Consultation Policy for Development Applications on 12/01/2022 – 11/02/2022.

Following amended documentation being provided by the Applicant, the application was renotified between 17/10/2022 – 07/11/2022. A total of 35 submissions were received either objecting to or raising concerns with the proposal. The concerns raised are outlined below:

Summary of Public Submissions	
Objection Raised	Comment
Impact to Good Dog Creek and riparian zone	<p>The latest plans illustrate the low flow piping will not encroach into the 50m riparian zone of Good Dog Creek. However, the excavation for the bypass channel will involve a 4m encroachment into the 20m inner riparian zone, which is necessary to effectively direct the water flow from the pipe into Good Dog Creek.</p> <p>To comply with the NRAR guidelines for controlled activity approval, the works should not occur within the inner riparian zone. This will be addressed with the detailed plans prior to subdivision works certificate and imposed as part of conditions of consent. As stated in the BDAR any encroachment in the riparian zone must also be compensated in accordance with the averaging rule (<i>Guidelines for Controlled Activities on Waterfront Land: Riparian Corridors</i>).</p> <p>The BDAR also states that land surrounding the unnamed creek which traverses the eastern portion of the site will be retained, with impacts restricted to the basin extent and surrounding footpath. A Vegetation Management Plan will be prepared to manage the retained area.</p>
Development of viable agricultural land	The site is located within the Nowra-Bomaderry Growth Area, which is identified under the NSW Government's Illawarra Shoalhaven Regional Plan 2041 as offering long-term capacity of 9,600 new dwellings with the current focus on the Moss Vale Road precincts.

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	Council's Local Strategic Planning Statement (LSPS) also states that Council are investigating opportunities to increase dwelling supply to take advantage of existing and planned infrastructure and reduce development pressure on sensitive land in the area.
Impacts to rural amenity and setting of Cambewarra Village	<p>Under Council's DCP Chapter NB3, the Moss Vale Road South Urban Release Area is envisaged to <i>"become an urban area that complements its natural environment by building on significant assets including riparian corridors and elaborate views of natural features including creeks, sylvan backdrops and pastoral landscapes"</i>.</p> <p>While Cambewarra Village will remain a low density residential village, the URA is zoned to provide for a variety of housing types and densities. The rural pastoral landscapes surrounding Good Dog Creek and natural topography will be retained to the west of the site, which will preserve the scenic value of the land when viewed from the Cambewarra Village.</p>
Impacts to local wildlife and environment, noting particularly Powerful Owl, Pink Robin, Square tailed Kite or the White Throated Needle tails, Gang Gang cockatoos, Peregrine falcons, Wedge Tailed Eagles, migratory Dollarbirds all of which have frequently visit the site over the last 40 years	The BDAR identified the site to be a suitable habitat for species including Glossy Black-Cockatoo, Gang-gang Cockatoo, Large-eared Pied Bat, Southern Myotis, Powerful Owl and Masked Owl. A number of mitigation measures have been recommended in the BDAR to manage the impact, including a site ecologist pre-clearance survey, Micro-bat Management Plan, Vegetation 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.
Lack of shared bike/footpaths and recreational areas	Shared paths will be provided on Road 11 / Collector Road in accordance with the DCP Chapter NB3.
The majority of this development is situated in a flood zone requiring significant earthworks and remedial works to correct, altering the natural water courses and local wildlife habitats and exacerbating flooding of Main Road	<p>The stormwater pipes from the wetlands will be designed to cater for a 1% AEP storm event (being a major drainage system) and the additional detention capacity across the site will be required to be able to adequately attenuate the flow to prevent overtopping of the roads for the design event.</p> <p>All new roads are also required to be flood free during a 1% AEP event. This will be imposed as part of the conditions of consent.</p> <p>Council's Flood Engineer considers the proposed development to be compliant with the DCP Chapter G9: Development on Flood Prone Land, subject to recommended conditions of consent being imposed.</p> <p>Council's Environmental Health Officer indicated that the proposed diversion and piping of natural waterway on the site</p>

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	will result in the prescribed impact - <i>impacts on water quality, water bodies and hydrological processes that sustain threatened species and threatened ecological communities</i> . The BDAR included measures to mitigate the waterway and habitats, including the provision of replacement habitat within the wetlands. While there will be temporary loss habitat during construction, there will still be habitat available in the locality. The prescribed impact is therefore considered minimal and additional credits for offset are not required.
Lack of existing infrastructure with increase demand on roads and facilities between Cambewarra/Bomaderry and the Nowra township	The Traffic Impact Assessment prepared by Bitzios indicates that the roundabout being delivered with stage 1 (SF 10632) further to the east on Moss Vale Road has capacity to service all Moss Vale Road South URA traffic at year 2041. Requirements for a State Infrastructure Contribution and Section 7.11 Development Contribution will be imposed as part of the conditions of consent to fund the future provision of planned infrastructure in the area.
Lack of assessment and detail with regard to staging and timing in relation to adjoining developments	The proposed development constitutes Stage 4 and represents the last stage of the URA as shown in the DCP Chapter NB3. The proposal will utilise the access point to Moss Vale Road / Main Road roundabout through the subdivision development to the east approved under SF 10804. The adjoining land at 126 Taylors Lane was approved under SF 10895 for a staged 30-lot Torrens title subdivision and provision of associated civil infrastructure and landscaping.
Inconsistency with regard to what is proposed as part of this application, as some of the documentation indicates that 290 lots are proposed	The latest plans show that the proposal involves the creation of 256 Torrens title allotments and provision of associated civil infrastructure and landscaping.
Timing for construction and completion of the proposed roundabout at Moss Vale Road associated with Stage 1 of URA and legal access for this development	Council do not have information on the timing for the delivery of the proposed roundabout at Moss Vale Road associated with Stage 1 of URA. Notwithstanding, the Applicant has negotiated with the developer of 104 Taylors Lane to allow access around the northern perimeter road from Stage 1 of the URA in the east to the northern roundabout of Road 11. The route utilises the existing connection point between Stage 1 of the URA and Moss Vale Road, with no additional connections proposed.
Layout inconsistent with Council's masterplan for this site (i.e. ILP)	Council have reviewed the proposed subdivision layout and considers the proposal to be generally consistent with the ILP for URA under the DCP. As previously discussed in this report,

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	the variations are considered to be acceptable subject to recommended conditions of consent being imposed.
Impact on 'Scenic Protection Area'	<p>The proposed subdivision layout and residential densities are generally consistent with the ILP which enable view lines to be established to escarpment and pastoral landscapes beyond the URA.</p> <p>Assessment of the proposal also identifies the natural environmental and scenic amenity of the surrounding Scenic Protection Area will be protected, subject to recommended conditions of consent being imposed.</p>

(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 minor variations to some development controls under Section 7.3 and 7.4 of Chapter NB3). Subject to 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.

The proposal will provide additional housing supply and variety of housing.

10. 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 proposal is regionally significant development as satisfying the criteria of section 3(b) of Schedule 6 of SEPP (Planning Systems) 2021, the application must be determined by the Regional Planning Panel.

11. Recommendation

This application has been assessed having regard for Section 4.15 (Matters for consideration) under the Environmental Planning and Assessment Act 1979.

This application has been subjected to detailed analysis of the main issues identified in this report. These issues have been resolved during and in assessment of the application including the submission of amended documentation by the applicant.

Council is satisfied that the current proposal meets the provisions of relevant state environmental planning policies and the relevant provisions and objectives under SLEP 2014 and SDCP 2014 applying to the site. Any potential impacts can be adequately addressed via conditions of consent.

The application is considered capable of support as there are no substantive planning reasons to warrant refusal. As such, it is recommended that Development Application No. RA21/1003 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. The proposed subdivision will be delivered in line with the staging anticipated under Chapter NB3 of the DCP.

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;

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- An agreed area of land for pumping stations;
- Easements or land for access to pumping stations;

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: Satisfied subject to condition of consent.

No concerns or objections raised by Council's Development Engineer, subject to recommended conditions of consent being imposed.

A69.1 Provide an overland flow path capable of containing the 1% AEP rainfall event and/or provide adequate detention storage.

Comment: All new roads will be required to be constructed to be flood free during a 1% AEP event. The piped network as part of the major drainage system will also have capacity to cater for the 1% AEP event.

No concerns or objections raised by Council's Development Engineer, subject to recommended conditions of consent being imposed.

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.

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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.

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.

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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*.

Comment: Subject to recommended conditions of consent.

5.11 – Stormwater Quality Management

Comment: The proposal is considered to satisfy the requirements of Chapter G2, with Council's Development Engineers and Senior Floodplain Engineer supportive of the stormwater quality management systems proposed subject to recommended conditions of consent.

5.12 – Residential Streetscape

Comment: A set of landscape plans has been provided and no concerns or objections were raised 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 752-755, which meet the criteria of subsection (2) of section 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

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Corner Splays 4m minimum

Comment: Satisfied, except of certain irregular shaped lots which exhibit minor variations to the dimension requirements. The variations are considered acceptable as assessed earlier in this 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.
- 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: Not applicable.

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: Not applicable.

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.

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Comment: Not applicable.

A83.1 Rectangular building envelope with minimum dimensions of 15m x 15m is available.

Comment: Not applicable.

A84.1 Side boundary building setbacks of 5m to adjoining property boundaries, except where a lesser dimension is provided.

Comment: Not applicable.

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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

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.

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: The proposed subdivision will create approximately 22 dwellings per hectare.

Notwithstanding, Council is supportive of the applicant's justification in the submitted Design Verification Statement (dated 26/11/2021):

"The layout provides lots as small as 405 m² where possible based on the criteria within the LEP, duplex lots, and large lot residential lots of between 700 to 750 m² in the northern area of the site which provide a range of price points and land requirements for future purchasers. The lot sizes reflect the LEP controls, with specific reference to Clause 4.1H.

The layout accords with the LEP requirements including minimum lot size and zone objectives. Specifically, the R1 zone objectives include providing for "a variety of housing types and densities", as opposed to the medium density R3 zone, which specifically identifies "a variety of housing types within a medium density residential environment". The largest lot identified as lot 1 is intended as a super lot to facilitate any potential road alignment changes that may be required along Taylors Lane, as well as accommodation small lot residential development of an approximate 10 to 16 dwellings in the future.

A total of 272 dwellings are proposed across the development site, with lots 11 and 19 to 22 intended as duplex lots, and the large majority of lots sized to provide standard lot residential at an average of 500 m²."

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.

Comment: Satisfied. The subject site lies within Stage 4 of the URA, and the proposed development has been designed to occur following construction of that approved as part of

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Development Consent SF10804 at 104 Taylors Lane and then Development Consent SF10895 at 126 Taylors Lane.

The development is reliant on access being provided as part of Development Consent SF10804, as shown at Figure 7 below. The Applicant has negotiated with the developer of 104 Taylors Lane to allow access around the northern perimeter road from Stage 1 of the URA in the east to the northern roundabout of Road 11. The route utilises the existing connection point between Stage 1 of the URA and Moss Vale Road.



Figure 6 – Excerpts from Additional Information Response Letter by Maker ENG (dated 21/02/2022)

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.

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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: Some irregular shaped lots have been identified to exhibit minor variations to the dimension requirements as demonstrated the DCP section of the Development Assessment Report. These were found to be acceptable by Council.

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 in DCP Section of the Development Assessment Report. The proposed variation is supported on its merits.

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 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.

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. No lots less than 400m² are proposed.

Planning Report – S4.15 Assessment – 41 Main Rd, CAMBEWARRA - Lot 4 DP 542936, Taylors Lane, CAMBEWARRA - Lot 1 DP 1256748, 126 Taylors Lane, CAMBEWARRA - Lot 6 DP 1256748, Taylors Lane, CAMBEWARRA - Lot 2 DP 1256748, 49 Hockeys Lane, CAMBEWARRA - Lot 7 DP 1256748, Hockeys Lane, CAMBEWARRA - Lot 1191 DP 1256749, 15A Main Rd, CAMBEWARRA - Lot 1271 DP 1264383, 15 Main Rd, CAMBEWARRA - Lot 1272 DP 1264383

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 lots are less than 400m².

8) Battle-axe lots are avoided unless the access handle provides rear access to small lots.

Comment: Not applicable.

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 has not raised any concern or objection subject to recommended conditions of consent being imposed.

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.

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,

Planning Report – S4.15 Assessment – 41 Main Rd, CAMBEWARRA - Lot 4 DP 542936, Taylors Lane, CAMBEWARRA - Lot 1 DP 1256748, 126 Taylors Lane, CAMBEWARRA - Lot 6 DP 1256748, Taylors Lane, CAMBEWARRA - Lot 2 DP 1256748, 49 Hockeys Lane, CAMBEWARRA - Lot 7 DP 1256748, Hockeys Lane, CAMBEWARRA - Lot 1191 DP 1256749, 15A Main Rd, CAMBEWARRA - Lot 1271 DP 1264383, 15 Main Rd, CAMBEWARRA - Lot 1272 DP 1264383

- 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 additional perimeter to the north of the proposed large lot residential lots and the location of the local streets as indicated in the plans. Council's Development Engineer has reviewed and accepted the proposed road layout.

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. No objections raised by Council's Development Engineer. As indicated earlier in the report, Council would take responsibility for providing dedicated bus stops and bus bays at a future date upon completion of the development.

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. As indicated earlier in the report, Council is exploring options to purchase land to provide the future bus route as per Figure 15. Given this process is out of the developer's control, it would not be reasonable to delay this development while the investigations and negotiations are undertaken.

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. No concerns raised by the Development Engineer, subject to conditions of consent being imposed.

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.

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Comment: Satisfied, 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 City Futures' Officer 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, subject to conditions of consent.

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, subject to conditions of consent.

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: Not applicable.

A9.4 Shared user paths are constructed as per Chapter G11: Subdivision of Land.

Comment: Satisfied, subject to conditions of consent.

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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. Open space areas identified in the landscape plans are in accordance with the ILP.

A10.2 Open space areas incorporate facilities such as seating, playgrounds, BBQs, paved areas and landscape planting.

Comment: Satisfied. A condition of consent is to be imposed which will require detailed landscape plans to be provided identifying the location of these facilities.

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;
- 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: Detailed landscape plans to be provided prior to subdivision works certificate. Refer to Condition 45.

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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.

A13.2 Flora and fauna assessment considers any trees for removal for risk and safe useful life expectancy (SULE).

Comment: Satisfied. The submitted Aboricultural Development Assessment Report 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 expectancy.

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 (MMP), Vegetation Management Plan (VMP), felling supervision of the habitat bearing trees, installation of compensatory nest boxes and a native species landscaping plan. A Construction and Environmental Management Plan (CEMP) 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.

A14.2 Identify impact mitigation and management measures to protect threatened species including but not limited to bats.

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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

The proposal is considered to satisfy the requirements of Chapter NB3, with Council's Development Engineers and Senior Floodplain Engineer supportive of the stormwater management and floodplain management proposed subject to recommended conditions of consent.

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, subject to conditions of consent.

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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, subject to conditions of consent.

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, subject to conditions of consent.

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 filling 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, subject to conditions of consent.

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, subject to conditions of consent.

A19.1 Stormwater outlets include an appropriate flow spreader/energy dissipater to replicate pre development flow conditions.

Comment: Satisfied, subject to conditions of consent.

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A20.1 Stormwater discharge is designed to achieve targeted reductions as per Chapter G2: Sustainable Stormwater Management and Erosion and Sediment Control.

Comment: Satisfied, subject to conditions of consent.

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
RA21/1003

TO:

Newquest Property Pty Ltd
C/- Maker Eng Pty Ltd
Level 4, 25 Atchison Street

being the applicant(s) for RA21/1003 relating to:

41 Main Rd, CAMBEWARRA - Lot 4 DP 542936
Taylors Lane, CAMBEWARRA - Lot 1 DP 1256748
126 Taylors Lane, CAMBEWARRA - Lot 6 DP 1256748
Taylors Lane, CAMBEWARRA - Lot 2 DP 1256748
49 Hockeys Lane, CAMBEWARRA - Lot 7 DP 1256748
Hockeys Lane, CAMBEWARRA - Lot 1191 DP 1256749
15A Main Rd, CAMBEWARRA - Lot 1271 DP 1264383
15 Main Rd, CAMBEWARRA - Lot 1272 DP 1264383

APPROVED USE AND OR DEVELOPMENT:

Staged residential subdivision to create 256 Torrens Title allotments and provision of associated civil infrastructure and landscaping

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 **Staged residential subdivision to create 256 Torrens Title allotments and provision of associated civil infrastructure and landscaping** 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
Key Plan	Drawing No. MKR00145-10-C003	Maker ENG	16/09/2022 (Revision 6)
Lot Layout Plans	Drawing No. MKR00145-10-C005 to C010	Maker ENG	16/09/2022 (Revision 6)
General Arrangement Plans	Drawing No. MKR00145-10-C015 to C020	Maker ENG	16/09/2022 (Revision 6) 13/10/2022 (Revision 7)
Bulk Earthworks Plan	Drawing No. MKR00145-10-C025	Maker ENG	13/10/2022 (Revision 7)
Stormwater Layout Plans	Drawing No. MKR00145-10-C115 to C120	Maker ENG	16/09/2022 (Revision 6) 13/10/2022 (Revision 7)
On-Site Detention Memo	-	Maker ENG	13/10/2022
Integrated Water Cycle Management Strategy	Project No. MKR00145	Maker ENG	09/09/2022 (Version 4)
Landscape Plans	Project No. AD2102 Drawing No. DA-01 to DA-10	Ayling & Drury	13/09/2022 (Revision F)
Bushfire Assessment Report	Reference No. 220551B	Bushfire Hazard Solutions	23/06/2022 (Version 3)
Biodiversity Development Assessment Report	Project No. LE1264	Lodge Environmental	20/09/2022 (Revision 5)
Arboricultural Development Assessment Report	-	Moore Trees	24/06/2022
Aboriginal Cultural Heritage Assessment Report	Project No. 21105	Austral Archaeology Pty Ltd	15/08/2022 (Version 2)

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Waste Management Plan	-	SLR Consulting	07/12/2021
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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.

2. Staged Development

Consent is given for the approved development in the following stages:

- Stage 1 – Creation of 70 residential allotments (Lots 200-238 and Lots 300-330), provision of roads, drainage and utility infrastructure along with associated landscaping works;
- Stage 2 – Creation of 35 residential allotments (Lots 400-434), provision of roads, drainage and utility infrastructure along with associated landscaping works;
- Stage 3 – Creation of 56 residential allotments (Lots 500-555), provision of roads, drainage and utility infrastructure along with associated landscaping works;
- Stage 4 – Creation of 34 residential allotments (Lots 600-633), provision of roads, drainage and utility infrastructure along with associated landscaping works;
- Stage 5 – Creation of 56 residential allotments (Lots 700-755), provision of roads, drainage and utility infrastructure along with associated landscaping works; and
- Stage 6 – Creation of 5 residential allotments (Lots 800-804), provision of roads, drainage and utility infrastructure along with associated landscaping works.

Note: *The conditions of this consent apply to all stages unless specified.*

3. Prescribed Conditions

The development must comply with the [Prescribed Conditions of Development Consent](#), Division 2 Subdivision 1, Environmental Planning and Assessment Regulation 2021, as applicable.

4. 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.

5. Shoalhaven Water - Certificate of Compliance

A Certificate of Compliance 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 an Occupation Certificate, Subdivision Certificate or Caravan Park Approval, as the case may be.

An application for a Certificate of Compliance is to be made once the Development Consent has been granted.

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6. **Taylors Lane**

No access to and no construction within Taylors Lane is permitted at this time given Council's resolution (MIN22.933) 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. **Department of Planning and Environment – Water (formerly NRAR)**

The conditions of the General Terms of Approval issued by the Department of Planning and Environment – Water, Reference No. IDAS-2022-10012, dated 25 November 2022, are included as conditions of this consent (as attached) and must be complied with.

8. **Heritage NSW**

The conditions of the General Terms of Approval issued by Heritage NSW, Reference No. DOC22/510638-27, dated 12 October 2022, are included as conditions of this consent (as attached) and must be complied with.

9. **NSW Rural Fire Service**

The conditions of the General Terms of Approval issued by NSW Rural Fire Service, Reference No. DA20220116000374-CL55-1, dated 11 November 2022, are included as conditions of this consent (as attached) and must be complied with.

PART C: PRIOR TO THE COMMENCEMENT OF WORKS

10. **Subdivision Works Certificate**

A Subdivision Works Certificate must be obtained from either Council or an accredited certifier prior to commencement of any subdivision work.

11. **Appointment of Principal Certifier**

Prior to the commencement of building or subdivision work, a Principal Certifier must be appointed.

12. **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](#)'

13. **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.

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14. 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.

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 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.

17. 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.
- 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.

18. 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) Evidence that an agreement has been reached with the adjacent landowners to provide construction access through the land subject of SF10804 and SF10895 if direct public road access is not available at the time of commencement of works. In this regard, access is to be via Road 22 or an alternative road as agreed by Council.
- b) No direct construction access is permitted from the bounds of this subdivision to Moss Vale Road.

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- c) Stabilised site construction access location
- d) Proposed haulage routes for delivery of materials to the site
- e) Proposed haulage routes for spoil disposal from the site
- f) Traffic control planning for each of the various phases of construction and/or vehicle movements associated with construction
- g) Parking arrangements for construction employees and contractors
- h) Proposed maintenance of the haulage routes and the name of the person responsible for such maintenance
- i) Loading / unloading areas
- j) Requirements for construction or work zones
- k) Pedestrian and cyclist safety
- l) Speed zone restrictions.

19. 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.
- b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties.
- c) preventing the tracking of sediment by vehicles onto roads.
- d) stockpiling topsoil, excavated materials, construction and landscaping supplies and debris within the lot.

20. 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.

21. Clearing of Vegetation - 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

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protection of environmental features on the site. Evidence of engagement must be submitted to Council.

22. Fauna Boxes

Prior to the commencement of any clearing work, a total of nine 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. The nest boxes are to be installed within retained trees onsite or along Good Dog Creek. Shoalhaven City Council must inspect and certify in writing the nest boxes are in place prior to works commence.

23. Tree and Vegetation Protection

Prior to the commencement of any clearing works the following requirements must be met to the satisfaction of the Certifier:

- a) The developer must identify the extent of clearing work as shown on the approved plans. A temporary protective barrier or similar visible material must be installed in accordance with the approved plans and retained until all work are complete.
- b) The dripline of trees to be retained must be clearly identified and protected with temporary barrier fencing in accordance with *AS 4970: Protection of trees on development sites*.
- c) Shoalhaven City Council must inspect and certify in writing that vegetation and tree protection measures are in place prior to the commencement of works.

24. Erosion and sediment control

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 PCA 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.

25. Timing of Native Vegetation Removal

Native vegetation approved for removal must not be impacted prior to the issue of the Subdivision Works Certificate and before the biodiversity offset obligations specified in this approval and Stage 1 of the approval for SF10895 have been met.

PART D: PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

NIL

PART E: PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

26. Compliance with Conditions

A Subdivision Works Certificate must not be issued until the Certifier has received evidence that all relevant conditions have been met.

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27. 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.

The Subdivision Works Certificate may be staged in accordance with the stages shown on the approved staging plan unless overridden by conditions of consent. All conditions relevant to that stage are required to be addressed prior to issue of 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 existing public 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 the 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 (Drawing No. MKR00145-10-C025, Revision 7, dated 13/10/2022) 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.

32. 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.

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All implemented measures must:

- a) ensure to not cause water pollution as defined by the [Protection of the Environment Operations Act](#) (POEO).
- b) be maintained at all times.
- c) not be decommissioned until at least 70% revegetation cover has been established and permanent water quality measures are implemented.
- d) the proposed sediment basins must be maintained and managed until such time that the permanent devices have been constructed and embellished.

33. 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.

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.
- b) AUSTROADS Design Requirements and Specifications.
- c) In accordance with concept general arrangement plans prepared by Maker ENG (Drawing No. MKR00145-10-C015 (Revision 6), MKR00145-10-C016 (Revision 7), MKR00145-10-C017 (Revision 6), MKR00145-10-C018 (Revision 7), MKR00145-10-C019 (Revision 6) and MKR00145-10-C020 (Revision 6)) except that the following must be amended:
 - i. The median proposed on Road 11 north of the Road 11 / Road 22 intersection must be terminated at prior to the Road 20 intersection (at approximately the 90m chainage marker as shown on the above referenced plans).
 - ii. The westbound lane of the section of Taylors Lane within the development footprint must be re-constructed/upgraded to Council's rural road standard, provide a lane width of 3 metres and have a temporary seal.
- d) Design Vehicles – 14.5m rigid bus for all temporary and permanent bus routes (as identified under Council's DCP Chapter NB3) and 8.8m service vehicle for all other roads.
- e) Road 01 in the vicinity of the 90-degree bend within the north-west corner of the site is to be widened to accommodate the design vehicle within the travel lanes.
- f) The intersection of Road 11 and Road 01 is to be treated as a priority-controlled intersection. Priority is to be given to Road 11.
- g) A compliant driveway access is to be demonstrated for Lot 238.
- h) 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

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Guidelines and/or AS1742.13. All LATM devices require a specialised pavement design for the approaches.

- i) Integral kerb and gutter / layback kerb and gutter in accordance with Council's Standard Drawings.
- j) Frontages of all open space lots to be constructed with upright kerb and gutter.
- k) 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.
- l) 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. All terminations at intersections are to be terminated by concrete barriers and D4-4A signage to prevent unauthorised access.
- m) 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. 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.
- b) Locations shown on the concept general arrangement plans by Maker ENG (Drawing No. MKR00145-10-C015 (Revision 6), MKR00145-10-C016 (Revision 7), MKR00145-10-C017 (Revision 6), MKR00145-10-C018 (Revision 7), MKR00145-10-C019 (Revision 6) and MKR00145-10-C020 (Revision 6)) with:
 - i. An additional 2.0m wide pathway to be provided through the open space lots generally in accordance with the locations shown on Council's DCP Chapter NB3.
 - ii. 3% cross fall from the boundary to top of kerb.
 - iii. match existing footpath levels of adjoining footpaths and be a uniform grade or where this cannot be achieved, a longitudinal section must be designed.
 - iv. kerb ramps at intersections in accordance with Council's Engineering Design Specifications.
 - v. A safe crossing point for the shared user path on Road 07 to cross to the western side of Road 11 such as a wombat crossing or alternative as agreed by Council.
 - vi. Constructed on a 75mm compacted fine crushed rock base with minimum 100mm thick 25MPa concrete and SL72 steel reinforcement mesh.
- c) Cross section design to be provided from road centreline to the boundary at each driveway access point.

36. 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).

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37. Structural Design – Major Structures

Prior to the issue of a Subdivision Works Certificate, a detailed structural design for the following works must be certified 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.

38. 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.
- b) The minor and major systems must be designed for a 20% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively.
- c) Generally, in accordance with concept stormwater layout plans by Maker ENG (Drawing No. MKR00145-10-C115 (Revision 6), MKR00145-10-C116 (Revision 7), MKR00145-10-C117 (Revision 6), MKR00145-10-C118 (Revision 7), MKR00145-10-C119 (Revision 6) and MKR00145-10-C120 (Revision 6)) except where specified by relevant conditions of consent.
- 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) Inter-allotment drainage is to be provided for all lots within the subdivision which do not achieve fall to the street.
- f) Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site.

39. 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 DCP Chapters NB3 (including the supporting Integrated Water Cycle Management Plan) and G2.
- b) Generally in accordance with the On-Site Detention Memo by Maker ENG (dated 13/10/2022).

40. 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

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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.

41. Amended Landscape Design Plans

Prior to the issue of a Subdivision Works Certificate, amended landscaping design plans and specifications must be prepared by a suitably qualified person and approved by Council.

The landscape design plans must:

- a) Substitute *Corymbia maculata* with *Corymbia maculata* 'Lowana' a denser more dwarf tree more suitable for roadside planting.
- b) For street tree planting along Collector Roads, Local Streets and Tree Lined Boulevard, ensure centre of trunk is placed no less than 700mm from back of kerb. Further to this, for all street tree planting, ensure either root barrier or tree management systems designed to protect built assets and services are installed.
- c) Include details of furniture and picnic shelters with reference to Council's Schedule of Finishes for Moss Vale Road South – Local Parks.

42. 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 2100 scenario 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.
- b) All new lots are constructed at or above the 2100 scenario 1% AEP event flood level as documented on a Flood Certificate obtained from Council that is based on the latest flooding information held.
- c) Flood-free emergency vehicle access is provided to the subdivision for ambulance, SES, fire brigade, police and other emergency services during a 2100 scenario 1% AEP flood event.
- d) Flood-free pedestrian access is provided during a 2100 scenario 1% AEP flood event.
- 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 2100 scenario 1% AEP Flood Level.
- g) The realigned unnamed waterway and proposed cut-off drains must have a 2100 scenario 1% AEP capacity and a velocity-depth product that does not exceed 0.3m²/s.
- h) All fences must be designed with openings below the Flood Planning Level to allow free flow of floodwater.

43. 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

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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 stormwater treatment, retention and reuse design must comply with the following:

- a) The proposed WSUD strategy must comprise of two CDS style GPTs or approved equivalent, rainwater tanks in accordance with BASIX requirements, two constructed wetlands, one end-of-line bioretention basin, two grassed swales and one trash rack.
- b) Rainwater tanks in accordance with BASIX requirements. All rainwater tanks must have a 10kL volume, with a minimum of 6kL dedicated to detention and a minimum of 80% of roof areas contributing to the rainwater tank.
- c) The WSUD strategy must be able to achieve the treatment train effectiveness as reported in the Integrated Water Cycle Management Strategy by Maker ENG (Project No. MKR00145, Version 4, dated 09/09/2022) for the total site area as demonstrated using MUSIC software. The detailed MUSIC model must be provided to Council for approval.
- d) The 50% AEP pre-development peak discharge must be maintained.
- e) The post-development duration of stream forming flows must be no greater than a stream erosion index of 2.
- f) 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. If a proprietary trash rack is proposed, then Council approval is required.

44. **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 a 4 Exceedances per Year (EY) event to bypass the sediment basin.
- b) For proprietary treatment devices, documentation from the supplier providing evidence that the proposed device has been appropriately sized for the contributing catchment must be submitted. Documentation from the supplier confirming the recommended MUSIC pollutant reduction targets must also be provided. The proprietary treatment device must as a minimum have a storage capacity to store 12-month of litter/sediment from the contributing catchment. The invert level of all proprietary treatment devices must be constructed at or above the extended detention depth of the downstream constructed wetland.
- c) 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.
- d) The constructed wetland must have a maximum extended detention depth (EDD) of 500mm and a notional detention time between 48 and 72-hour.
- e) All inflows 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

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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.

- f) The GPTs are not to be considered in operational stage before at least 90% of upstream catchment is fully developed and disturbed land has been stabilised.
- g) The constructed wetland must be established offline from inflows until it is fully established and not before at least 90% of upstream catchment is fully developed and disturbed land has been stabilised.
- h) Land must be retained around the stormwater system to allow Council to access stormwater infrastructure and conduct maintenance activities. A minimum 3m 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 constructed wetland that are steeper than 1V:6H, including vertical retaining walls, are not permitted unless approved by Council.
- j) A vehicle access ramp must be provided to all trash rack, GPTs 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:8H for trucks and 1V:5H for excavators and other maintenance vehicles. Access turning 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.
- l) Stormwater detention is to be provided above the constructed wetland footprints. The maximum permitted depth of stormwater detention (EDD and OSD) is 1200mm. The DRAINS model (or approved alternative software accepted by Council) must be provided to Council for acceptance of the OSD modelling.
- m) Councils Engineering Design Specification where relevant.

45. **WSUD Measures – Bioretention Basins**

Prior to the issue of a Subdivision Works Certificate, a detailed design of bioretention basin 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. Specification can be found on Council's website.

The bioretention basin design must comply with the following:

- a) The bioretention basin must be located in a treatment train configuration immediately downstream of a trash rack and sediment forebay and GPT that is offline from the stormwater network to allow flows exceeding a 4 exceedance per year (EY) event to bypass the sediment basin.
- b) For proprietary treatment devices, documentation from the supplier providing evidence that the proposed device has been appropriately sized for the contributing catchment must be submitted. Documentation from the supplier confirming the recommended MUSIC pollutant reduction targets must also be provided. The proprietary treatment device must as a minimum have a storage capacity to store 12-month of litter/sediment from the contributing catchment. The invert level of all proprietary treatment devices must be constructed at or above the extended detention depth of the downstream bioretention basin.

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- c) The bioretention basin must have a 300mm maximum extended detention depth (EDD). The saturated hydraulic conductivity must be between 100 and 300mm/hour, with a 100mm/hour value adopted for design in MUSIC.
- d) Erosion protection must be provided in the sediment basin / forebay and bioretention basin inlet and outlets locations, in accordance with Council's Engineering Design Specification.
- e) The bioretention basin must be designed in accordance with the latest version of the Adoption Guidelines for Stormwater Biofiltration Systems (CRC for Water Sensitive Cities) or a demonstrated equivalent approved by Council.
- f) The bioretention basin must be established offline from inflows until it is fully established and not before at least 90% of upstream catchment is fully developed and disturbed land has been stabilised.
- g) Land must be retained around the stormwater system to allow Council to access stormwater infrastructure and conduct maintenance activities. A minimum 3m 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.
- h) Batter slopes for the sediment basin / forebay and bioretention basin that are steeper than 1V:4H, including vertical retaining walls, are not permitted unless approved by Council.
- i) A vehicle access ramp must be provided to all trash rack, GPT, sediment basin / forebay and bioretention basin 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:8H 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).
- j) Landscape details for the bioretention basin and surrounds are to be included on the Landscape Plan and submitted to Council for approval.
- k) Councils Engineering Design Specification where relevant.

46. WSUD Measures – Vegetated Swales

Prior to the issue of a Subdivision Works Certificate, a detailed design of vegetated swale 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. Specification can be found on Council's website.

The vegetated swale design must comply with the following:

- a) Side slopes of 1:8 is recommended with a 1:5 maximum side slope permitted.
- b) Absolute minimum longitudinal grade of 1% but ideally 2% minimum grade.
- c) Maximum longitudinal grade of 5% unless a steeper grade is approved by Council.
- d) Maximum Velocity x Depth product of 0.3 m²/s. Calculations are to be provided to Council.
- e) Where vegetated swales are provided beside roadways, property access must traverse the swale e.g., culvert, bridge or dish crossing (depending on depth of swale).
- f) Councils Engineering Design Specification where relevant.

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47. 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 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. 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 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.

49. Biodiversity Requirements for Subdivision Works Certificate Plans

Prior to the issue of the Subdivision Works Certificate plans must be provided that demonstrate the following to the satisfaction of Shoalhaven City Council

- a) Exclusion fencing such as parra-webbing or similar surrounding the drip line of all trees and adjacent areas of native vegetation to be retained.
- b) The design of the low flow pipe and bypass channel is to minimise excavation and other works within the riparian zone of Good Dog Creek, where possible. Works within the 20m inner riparian zone are not permitted, unless approved by Council. Any works within the riparian zone of Good Dog Creek must be compensated in accordance with the averring rule specified in the *NRAR Guidelines for Controlled Activities on Waterfront Land: Riparian Corridors*.
- c) The retention of trees 29 and 30, identified in the Arboricultural Development Assessment Report by Moore Trees (dated 24/06/2022), where possible.

50. Vegetation Management Plan (VMP)

Prior to the issue of a Subdivision Works Certificate, a Vegetation Management Plan (VMP) is to be prepared by a suitably qualified ecologist with experience preparing restoration or vegetation management plans.

The VMP must address the following

- Restoration or revegetation of the riparian corridor along Good Dog Creek including additional areas requiring revegetation in accordance with the averaging rule.
- Restoration and enhancement of the E3 zoned land
- Planting within and around the wetlands on the Council reserve.

The VMP is to include the following at a minimum,

- a) Describes the composition and condition of the existing vegetation and habitat on the subject land.
- b) Identifies proposed management zones on the subject site (where applicable).
- c) Determines performance criteria and quantifiable objectives and activities to meet these objectives. Activities may include, but are not limited to, weed control, fencing, exclusion of stock, planting and maintenance of habitat including nest boxes.

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- d) A project schedule or works that includes identified performance objectives
- e) A budget.
- f) Monitoring and reporting methods for the proposed management zones.

The VMP is to be approved by Shoalhaven City Council prior to the issue of a Subdivision Works Certificate. VMP works must commence at the approval of the document.

51. 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.

Ecosystem Credits

Credit classes for PCT 1212 Number of credits required to be retired: 1	Like-for-like options		
	Offset Trading Group	Containing HBT	In the below IBRA subregions
	River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and Southern East Corner Bioregions including PCTs 686, 828, 835, 941, 1108, 1109, 1212, 1228, 1293, 1318, 1326, 1386, 1504, 1556, 1594, 1618, 1720, 1794.	Yes	Illawarra, Ettremie, Jervis, Moss Vale, Sydney Cataract and Northern Basalts. Or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.
	Variation options		
	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) in a Tier 3 of higher threat status.	Yes (including artificial)	IBRA Region: Sydney Basin, or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.

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Biodiversity credit obligation options

Species Credits

Species	Number of Credits to be retired	Like for Like options	Variation options
Gang-gang Cockatoo <i>Callocephalon fimbriatum</i>	1	Any Gang-gang Cockatoo in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale, Sydney Cataract and Northern Basalts or any IBRA subregion that is within 100km of the outer edge of the impacted site.
Glossy-black Cockatoo <i>Calyptorhynchus lathamii</i>	1	Any Glossy-black Cockatoo in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Northern Basalts or any IBRA subregion that is within 100km of the outer edge of the impacted site.
Large-eared Pied Bat <i>Chalinolobus dwyeri</i>	1	Any Large-eared Pied Bat in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Northern Basalts or any IBRA subregion that is within 100km of the outer edge of the impacted site.
Southern Myotis <i>Myotis Macropus</i>	1	Any Southern Myotis in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Northern Basalts or any IBRA subregion that is within 100km of the outer edge of the impacted site
Powerful Owl <i>Ninox strenua</i>	1	Any Powerful Owl in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Northern Basalts or any IBRA subregion that is within 100km of the outer edge of the impacted site.
Masked Owl <i>Tyto novaehollandiae</i>	1	Any Masked Owl in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Northern Basalts or any 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.

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- 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>).

52. Construction Environment Management Plan

Prior to 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 and fauna, during construction. The CEMP is to include relevant measures prescribed by these consent conditions and the recommendations outlined in the approved Biodiversity Development Assessment Report by Lodge Environmental (Project No. LE1264, Revision 5, dated 20/09/2022) including but not limited to

- Nest box installation and maintenance
- Protection of retained trees and vegetation
- Vegetation removal protocols including hollow-bearing tree removal protocols
- Protocols to protect fauna during works within the existing waterway including the rescue and relocation of native fauna inhabiting the waterway.

The CEMP is to be approved by Shoalhaven City Council prior to the issue of a Subdivision Works Certificate and the start of any works, including clearing works.

53. Microbat Management Plan

Prior to 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 Shoalhaven City Council prior to the commencement of any works.

54. 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.

55. Evidence of Registration of Land

Prior to the issue of a Subdivision Works Certificate, evidence must be submitted to Council that approved Lot 1 the subject of Development Consent SF10887 and approved Lot 2 the subject of Development Consent SF10888 have been registered by NSW Land Registry Services.

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PART F: DURING WORKS**56. 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.

57. 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.

58. 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](#).

59. 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

60. 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.

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- 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.

61. 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.

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. In the event that material is required to be disposed offsite, materials must be accompanied by a Waste Classification Certificate in accordance with the NSW EPA Waste Classification Guidelines (2016) prepared by a suitably licenced environmental professional.

Should any change in site conditions or incident occur which causes a potential environmental impact, a suitable environmental professional should be engaged to further assess the site and consider requirements for any additional assessment.

64. 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 (Drawing No. MKR00145-10-C025, Revision 7, dated 13/10/2022)

65. 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

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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.

66. 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.

67. 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) 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.
- e) 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.

68. 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.

69. Hollow bearing tree removal and pre-clearance protocols

All hollow bearing trees and trees containing nests are to be removed in accordance with the following protocols.

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- 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 nesting or breeding fauna are present within trees to be removed, works must stop and cannot commence again until the supervising ecologist has confirmed that breeding or nesting is no longer occurring.
- 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 onsite, 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.

70. Pruning or Trimming

Pruning or trimming of any trees to be retained must be undertaken in accordance with AS 4373 *Pruning of amenity trees*.

71. 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.

72. Construction Environmental Management Plan

Works must be undertaken in accordance with the approved Construction Environmental Management Plan.

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73. Timing of works

To protect hollow-nesting fauna, the removal of hollow-bearing trees must be undertaken outside of spring and summer months

74. 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 Shoalhaven City 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).

PART G: PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

NIL

PART H: PRIOR TO THE ISSUE OF A SUBDIVISION / STRATA CERTIFICATE

75. 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.

76. 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.

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77. 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.

78. 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:

Stage 1:

Project	Description	Calculation	Amount
01AREC5006	Northern Shoalhaven Sports Stadium	\$737.62 * 69	\$50,895.78
01AREC5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$572.04 * 69	\$39,470.76
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	\$772.15 * 69	\$53,278.35
01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	\$31.58 * 69	\$2,179.02
01DRAI5006	Moss Vale Road South URA Drainage	\$3,434.50 * 69	\$236,980.50
01OREC6015	Moss Vale Road South URA Passive Recreation	\$11,058.94 * 69	\$763,066.86
01ROAD5154	Moss Vale Road South URA Roads	\$5,834.29 * 69	\$402,566.01

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CWAREC5005	Shoalhaven Community and Recreational Precinct SCArP Cambewarra Road Bomaderry	\$2,035.08 * 69	\$140,420.52
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,538.08 * 69	\$106,127.52
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90 * 69	\$93,074.10
CWCFAC5007	Shoalhaven Regional Gallery	\$74.05 * 69	\$5,109.45
CWFIRE2001	Citywide Fire & Emergency services	\$145.50 * 69	\$10,039.50
CWFIRE2002	Shoalhaven Fire Control Centre	\$212.86 * 69	\$14,687.34
CWMGMT3001	Contributions Management & Administration	\$605.06 * 69	\$41,749.14
			\$1,959,644.85

Stage 2:

Project	Description	Calculation	Amount
01AREC5006	Northern Shoalhaven Sports Stadium	\$737.62 * 35	\$25,816.70
01AREC5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$572.04 * 35	\$20,021.40
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	\$772.15 * 35	\$27,025.25
01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	\$31.58 * 35	\$1,105.30
01DRAI5006	Moss Vale Road South URA Drainage	\$3,434.50 * 35	\$120,207.50
01OREC6015	Moss Vale Road South URA Passive Recreation	\$11,058.94 * 35	\$387,062.90
01ROAD5154	Moss Vale Road South URA Roads	\$5,834.29 * 35	\$204,200.15

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CWAREC5005	Shoalhaven Community and Recreational Precinct SCArP Cambewarra Road Bomaderry	\$2,035.08 * 35	\$71,227.80
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,538.08 * 35	\$53,832.80
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90 * 35	\$47,211.50
CWCFAC5007	Shoalhaven Regional Gallery	\$74.05 * 35	\$2,591.75
CWFIRE2001	Citywide Fire & Emergency services	\$145.50 * 35	\$5,092.50
CWFIRE2002	Shoalhaven Fire Control Centre	\$212.86 * 35	\$7,450.10
CWMGMT3001	Contributions Management & Administration	\$605.06 * 35	\$21,177.10
			\$994,022.75

Stage 3:

Project	Description	Calculation	Amount
01AREC5006	Northern Shoalhaven Sports Stadium	\$737.62 * 55	\$40,569.10
01AREC5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$572.04 * 55	\$31,462.20
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	\$772.15 * 55	\$42,468.25
01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	\$31.58 * 55	\$1,736.90
01DRAI5006	Moss Vale Road South URA Drainage	\$3,434.50 * 55	\$188,897.50
01OREC6015	Moss Vale Road South URA Passive Recreation	\$11,058.94 * 55	\$608,241.70
01ROAD5154	Moss Vale Road South URA Roads	\$5,834.29 * 55	\$320,885.95

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CWAREC5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$2,035.08 * 55	\$111,929.40
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,538.08 * 55	\$84,594.40
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90 * 55	\$74,189.50
CWCFAC5007	Shoalhaven Regional Gallery	\$74.05 * 55	\$4,072.75
CWFIRE2001	Citywide Fire & Emergency services	\$145.50 * 55	\$8,002.50
CWFIRE2002	Shoalhaven Fire Control Centre	\$212.86 * 55	\$11,707.30
CWMGMT3001	Contributions Management & Administration	\$605.06 * 55	\$33,278.30
			\$1,562,035.75

Stage 4:

Project	Description	Calculation	Amount
01AREC5006	Northern Shoalhaven Sports Stadium	\$737.62 * 34	\$25,079.08
01AREC5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$572.04 * 34	\$19,449.36
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	\$772.15 * 34	\$26,253.10
01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	\$31.58 * 34	\$1,073.72
01DRAI5006	Moss Vale Road South URA Drainage	\$3,434.50 * 34	\$116,773.00
01OREC6015	Moss Vale Road South URA Passive Recreation	\$11,058.94 * 34	\$376,003.96
01ROAD5154	Moss Vale Road South URA Roads	\$5,834.29 * 34	\$198,365.86

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CWAREC5005	Shoalhaven Community and Recreational Precinct SCArP Cambewarra Road Bomaderry	\$2,035.08 * 34	\$69,192.72
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,538.08 * 34	\$52,294.72
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90 * 34	\$45,862.60
CWCFAC5007	Shoalhaven Regional Gallery	\$74.05 * 34	\$2,517.70
CWFIRE2001	Citywide Fire & Emergency services	\$145.50 * 34	\$4,947.00
CWFIRE2002	Shoalhaven Fire Control Centre	\$212.86 * 34	\$7,237.24
CWMGMT3001	Contributions Management & Administration	\$605.06 * 34	\$20,572.04
			\$965,622.10

Stage 5:

Project	Description	Calculation	Amount
01AREC5006	Northern Shoalhaven Sports Stadium	\$737.62 * 56	\$41,306.72
01AREC5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$572.04 * 56	\$32,034.24
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	\$772.15 * 56	\$43,240.40
01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	\$31.58 * 56	\$1,768.48
01DRAI5006	Moss Vale Road South URA Drainage	\$3,434.50 * 56	\$192,332.00
01OREC6015	Moss Vale Road South URA Passive Recreation	\$11,058.94 * 56	\$619,300.64
01ROAD5154	Moss Vale Road South URA Roads	\$5,834.29 * 56	\$326,720.24

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CWAREC5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$2,035.08 * 56	\$113,964.48
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,538.08 * 56	\$86,132.48
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90 * 56	\$75,538.40
CWCFAC5007	Shoalhaven Regional Gallery	\$74.05 * 56	\$4,146.80
CWFIRE2001	Citywide Fire & Emergency services	\$145.50 * 56	\$8,148.00
CWFIRE2002	Shoalhaven Fire Control Centre	\$212.86 * 56	\$11,920.16
CWMGMT3001	Contributions Management & Administration	\$605.06 * 56	\$33,883.36
			\$1,590,436.40

Stage 6:

Project	Description	Calculation	Amount
01AREC5006	Northern Shoalhaven Sports Stadium	\$737.62 * 5	\$3,688.10
01AREC5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$572.04 * 5	\$2,860.20
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	\$772.15 * 5	\$3,860.75
01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	\$31.58 * 5	\$157.90
01DRAI5006	Moss Vale Road South URA Drainage	\$3,434.50 * 5	\$17,172.50
01OREC6015	Moss Vale Road South URA Passive Recreation	\$11,058.94 * 5	\$55,294.70
01ROAD5154	Moss Vale Road South URA Roads	\$5,834.29 * 5	\$29,171.45

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CWAREC5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$2,035.08 * 5	\$10,175.40
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,538.08 * 5	\$7,690.40
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90 * 5	\$6,744.50
CWCFAC5007	Shoalhaven Regional Gallery	\$74.05 * 5	\$370.25
CWFIRE2001	Citywide Fire & Emergency services	\$145.50 * 5	\$727.50
CWFIRE2002	Shoalhaven Fire Control Centre	\$212.86 * 5	\$1,064.30
CWMGMT3001	Contributions Management & Administration	\$605.06 * 5	\$3,025.30
			\$142,003.25

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.

79. Verification of Works

Prior to issue of a Subdivision Certificate, the developer is to provide the following documentation to the Certifier for approval:

- Notification from the developer verifying that all subdivisions works have been constructed in accordance with the approved plans and construction specifications.
- Written evidence from a suitably qualified landscape professional that all landscape works have been completed in accordance with the approved landscape plans.
- Completion of Works within the Road Reserve notification letter from Council.
- 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.
- 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.
- Level 1 Supervision Report and Lot Classification Report.
- Final pavement tests to confirm material depth and compaction complies with the pavement design.

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80. Rainwater Tanks

Prior to the issue of the Subdivision Certificate, the developer must:

- a) Create a restriction on use of land over each lot stating no building or dwelling is to be erected on any lot unless it is provided with a rainwater tank in accordance with a plan approved under a Subdivision Works Certificate as required by this consent and comply with the following:
 - i. Install a 10kL minimum rainwater tank on the lot(s) in accordance with BASIX which captures at least 80% of roof areas from the habitable dwelling with a minimum of 6kL dedicated to detention.
 - ii. Provide a certificate from a professional engineer, (as defined in the National Construction Code) to verify that the rainwater tank has been constructed in accordance with the approved Construction Certificate plans.

81. 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.

82. 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.

83. 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 not limiting, the removal of all sediment

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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 the bioretention basin.
- 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 developer's cost.
- f) Work As Executed (WAE) drawings have been provided to and accepted by Council.

84. WSUD Measures – Timing and Security

Prior to the issue of the Subdivision Certificate for any stage of the development, the developer is to construct and maintain temporary sediment basins in accordance with the approved Soil Water Management Plans (SWMP) until such time that all WSUD measures as reported in the Integrated Water Cycle Management Strategy by Maker ENG (Project No. MKR00145, Version 4, dated 09/09/2022) have been completed.

The developer is also required to lodge a bond to the satisfaction of Shoalhaven City Council to ensure the embellishment of all WSUD works in accordance with the approved WSUD strategy. This bond must be in the form of an irrevocable bank guarantee and made out in favour of Shoalhaven City Council and operate as follows:

- a) The bond must be submitted to Council prior to the release of the Subdivision Certificate for any stage of the development.
- b) The bond must be held by Council until the expiration of the defects liability period as outlined in Part H.
- c) If Council is to advise the developer that maintenance work is required on the WSUD measures, remedial work must be substantially commenced within forty-eight (48) hours from the time of advice. Failure to comply with this direction will give Council the right to employ an appropriate contractor, to undertake such measures as deemed necessary and fund these works from the bank guarantee.

85. Vegetation Management Plan Works

Initial vegetation management works as specified in the approved Vegetation Management Plan must be completed prior to the issue of a Subdivision Certificate.

86. Evidence of Compliance with Bushfire Measures

Prior to the issue of a Subdivision Certificate, certification must be provided by a BPAD Level 3 accredited consultant to the satisfaction of the Certifier, that the bushfire measures required by the approval have been installed to their satisfaction.

87. 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 (subject of SF10804 and SF10895) to the subdivision within this approval have been constructed in accordance with the conditions of the consent.

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88. 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 DCP Chapter NB3 and Contribution Plan 01DRAI0006.

89. 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.
- 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.

90. 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) 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 where this has not been maintained.

91. 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 Councils satisfaction.

92. 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) All corner lots which have access to Road 11 and a minor road to have access prohibited to Road 11.

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.

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A draft 88B Instrument must be submitted to the Certifier for approval before a Subdivision Certificate is issued.

93. 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.

94. 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.

95. 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 all Council owned land and any land being transferred to Council as open space.

96. 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

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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 12 months.

PART I: ONGOING USE OF THE DEVELOPMENT

97. **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.

98. **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.

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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.

SIGNED on behalf of Shoalhaven City Council:

Bay & Basin Leisure Centre Extension and Sporting Precinct

Concept Options Report

Revision A - 5 May 2022

MELBOURNE
L7/176 Wellington Parade
East Melbourne, VIC 3002
Australia

SYDNEY
406/46 Kippax Street
Surry Hills, NSW 2010
Australia

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This is a summary of the information developed during the Concept Design Phase. Please refer to the Functional & Technical Design Brief for further details.

Limitations of this report:

This document has been prepared for use by Shoalhaven City Council in accordance with the agreement between the Shoalhaven City Council and CO-OP Studio for architectural services associated with the Bay and Basin Leisure Centre. This agreement includes constraints on the scope, budget and time available for the services. The consulting services and this document have been completed with the degree of skill, care and diligence normally exercised by members of design consultancy professions performing services of a similar nature.

CO-OP Studio prepared this report primarily from information available to CO-OP Studio. Preparation and completion of this report is an iterative process and this report will evolve during the course of the project.

CO-OP Studio takes no responsibility for the completeness or form of any subsequent copies of this document. Copying this document without the permission of Shoalhaven City Council or CO-OP Studio is not permitted.

1. Introduction



1. Introduction

1.1 Introduction

The Bay and Basin Leisure Centre will be a refurbishment and extension of the existing aquatic centre located in Vincentia, Jervis Bay. It includes fitness facilities and swimwear shops to support the active lifestyle of the local community. Community expectations with regards to community aquatic facilities, such as The Bay and Basin Leisure Centre, have however changed significantly in the last 10-15 years, therefore with the existing facility nearing end of life, it's appropriate that Council seeks to replace this facility with a more contemporary proposal.

Incorporating indoor pools, dry fitness and wellness spaces, along with community and allied health facilities, BBLC will facilitate community engagement and participation in physical activity, and become a hub for social engagement, wellness and connectivity for the people of Shoalhaven and beyond. This will be in alignment with the Shoalhaven City Council Aquatic strategy. The existing Bay and Basin Leisure Centre will be decommissioned until the refurbishment and extension is complete.

CO-OP Studio was engaged in April 2022 by Shoalhaven City Council to provide architectural services and engineering design services through its sub-consultants for the development of the BBLC. The following report identifies the strategic and geographic context of the project, the key finding of stakeholder engagement to date and the consultant teams conceptual design response.

1.2 Project Team

Client	Shoalhaven City Council
Architect	CO-OP Studio
Landscape Architect	Sturt Noble
Structural & Civil Engineer	Adams Consulting Engineers
Aquatic Engineer	Aquatic One
Building Services Engineer	Integral Group
ESD Consultant	Integral Group
Land Surveyor	Shoalhaven City Council
Planning Consultant	Urbis
Arborist	Sturt Noble
Traffic Engineer	GTA Stantec
BCA Consultant	Design Confidence
Access Consultant	Design Confidence
Fire Engineering	Design Confidence
Aboriginal Heritage	Urbis
Geotechnical Investigations	Douglas Partners
Bushfire	Ecological Australia
Waste Management	Elephants Foot



1. Introduction

1.3 Brief & Objectives

Shoalhaven City Council is seeking to refurbish the Bay and Basin Leisure Centre (BBLC), located at the existing site. BBLC has been a key component of Shoalhaven community fabric in its provision of fitness facilities. In order to complement the existing centre the proposed refurbishment seeks to provide additional facilities to accommodate growing community expectations. The proposal preserves aspects of the centre which successfully fulfills its functionality, while providing an extension to encourage further community engagement.

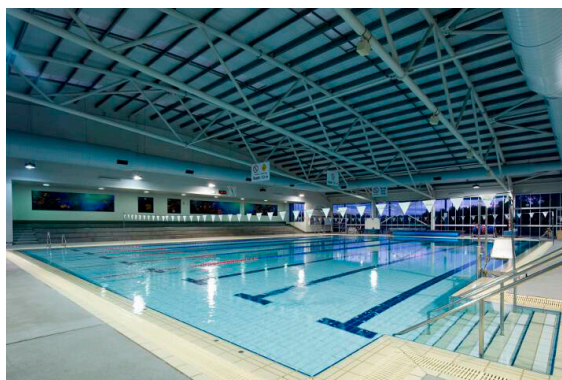
The Bay and Basin Leisure Centre will be a benchmark facility in the Australian community aquatic facility landscape; providing expanded health and wellbeing related facilities and services, incorporating a unique offering that will encourage participation, social inclusion and community wellbeing. An aim for the Bay and Basin Leisure Centre is to reposition the traditional Australian aquatic and leisure centre to a 'next generation' facility with a focus on preserving the health of the older local population while becoming an attraction for the younger population and potential tourists.

To encourage broad community participation, BBLC must offer a 'soft' experience and reduce intimidation and barriers to encourage the older population in the Shoalhaven community to participate. Based on the data from the 2016 census, the Shoalhaven City Council area has a population with a median age of 49 and approximately 42% between the age of 50 and 80 years, highlighting the importance of equal access considerations in its approach to facility provision. BBLC seeks to enhance health outcomes for the whole community including people traditionally less likely to use such facilities.

Hence the design solution needs to be customised and with consideration of the local community and the substantial opportunities that exist. These opportunities involve the delivery of integrated and targeted services, initiatives, interventions and programs that maximise health and wellbeing, educational, economic and social outcomes in a more disadvantaged environment of NSW. To deliver these outcomes BBLC will have a range of unique elements including an unprecedented amount of warm water, a range of allied health services, four program rooms and the provision of community spaces.

The existing centre is home to 'The Whale Tail Café', swimwear shops, fitness classes and gymnasium. We recognise that some areas of the existing building will need to be demolished to allow the development of the new BBLC Centre, the extent of this work is to be discussed and developed with Council as part of the concept design process. Consideration will also be given to the staging of the proposed works as part of this project, we understand that Council would like to maintain operations in the existing facility as far as possible throughout the construction phase of the project and this discussion will help to inform the preferred option for the expanded facility.

To summarise, the Bay and Basin Leisure Centre is to be a multi-purpose facility offering all year-round services with a focus on: allied health, passive activity, education, fitness and wellness and in particular for special needs and targeted groups. It will offer all year-round services to a community which is made up of residents and holiday makers generating seasonal population fluctuation with a focus on leisure, recreation and fitness, sport-based usage (e.g. swim club competitions and school carnivals) and summer activities.



2. Project Overview



2. Project Overview

2.1 Strategic Context



2. Project Overview

2.2 Facility Components

Entry & Administration

- Air-Lock
- Lobby/Foyer
- Reception
- Administration
- Creche
- Cafe
- Cafe Seating
- Community Room
- Consulting Suites

Health & Wellness Facilities

- Gymnasium
- Gym Office/ Assessment
- Gym Store
- Group Fitness Room
- Group Fitness Room Store
- Spin Room
- Members' Wet Change Facilities: Female, Male, Family, Accessible
- Members' Change Facilities: Female, Male, Accessible

External Areas

- Facility Forecourt
- Outdoor Cafe Seating
- Creche Outdoor Play
- Outdoor Netball Courts
- Synthetic Cricket Nets
- Works Compound

Aquatic Facilities

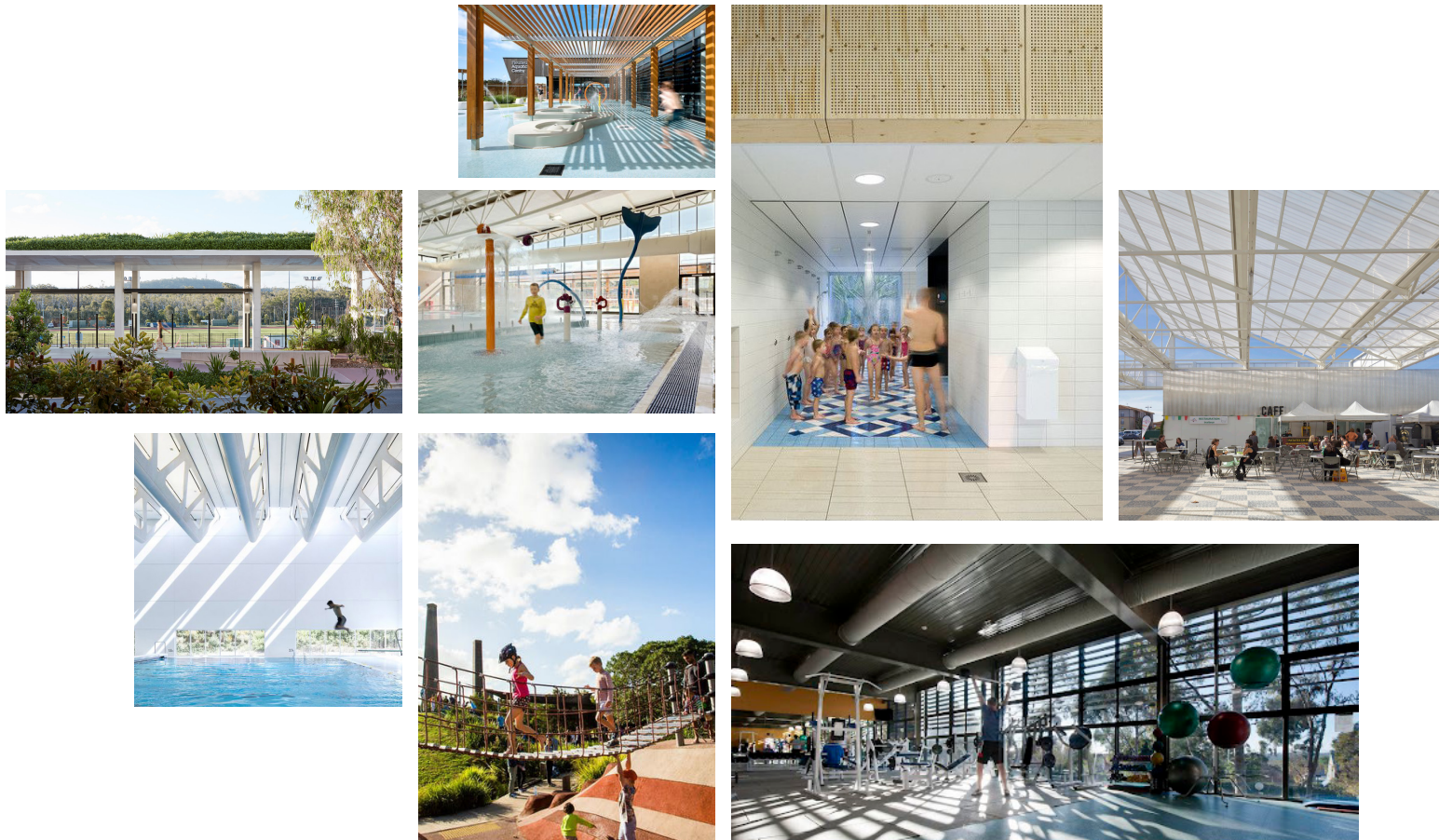
- Indoor 25m, Leisure & LTS Pool Hall
- Spectator Seating (25m Pool)
- New 25m LTS Pool
- Waterslide(s)
- First Aid Room
- Lifeguard Station
- Store Room (LTS)
- Store Room (25m)
- Store Room (new waterslides/LTS)

Building Services

- Plant Room
- Pool Plant expansion
- Staff Room + Amenities
- Roof Top Plant
- Main Switchboard
- Comms Room
- Cleaners Store

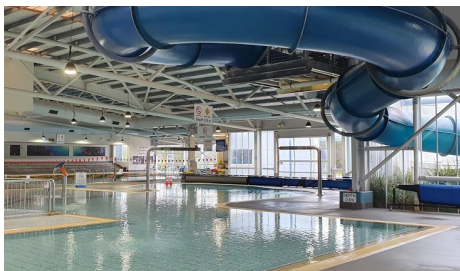
2. Project Overview

2.3 Proposed Development Atmosphere



2. Project Overview

2.4 Community Context



Context

Local Appreciation – appreciation of heritage and place.

Bespoke Offering – uses tailored for the community.

Community Value – a utilitarian approach – waste not/want not.

Environment

Siting & Orientation – taking advantage of solar and shading opportunities.

Unique Climate – utilising the comfortable weather in any season.

Sustainable Integration – reduction in power and water usage.

Use

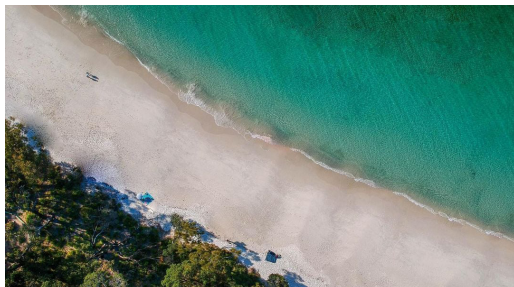
Flexible Spaces – adaptable envelopes that can be reconfigured.

Multiple Usage – providing for a variety of stakeholders.

Future needs – designing for a whole building life cycle.

2.4 Community Context

Beach



Suburbs



Bush



2. Project Overview

2.4 Community Context

- Local community driven
- Max utilisation of local assets
- Tourist destination



2. Project Overview

2.5 Urban Context

Bay & Basin Leisure Centre is located south-west of Collingwood Beach, and approximately 12km from the Vincentia town centre, turning off from the Wool Rd.

The site is also approximately 0.5km east of the Vincential Mall and residential zone. The Vincentia High School is across Wool Rd from the site, its proximity provides opportunities for programs which interlink the centre and the school, improving its use and accessibility.

Services within the local area include:

- Jervis Bay Veterinary Clinic: provides vet services and rescue as well as pet schools.
- Art House Accommodation: provides variety of holiday accommodation
- Schools: both Vincentia High School and Vincentia Public School are within the general vicinity
- Vincentia Medical Center: provides affordable, accessible and equitable health care toward preventative health, diagnosis and management of illness.



① Jervis Bay Veterinary Clinic

③ Vincential Mall

⑤ Vincentia High School

⑦ Vincentia Public Hall

② Art House Accommodation

④ Vincential Medical Centre

⑥ Vincentia Public School

⑧ Vincentia Shopping Village

2. Project Overview

2.6 Site Conditions

Bay and Basin Leisure Centre is accessed via two entrances on Wool Rd, it is surrounded by the national park, with a large oval to the north of the centre. The centre currently includes a large playing field, an amenity block, a main carpark and small carpark to the east of the centre, the RFB firestation to the north-west of the centre, and potential for expansion to the south and west faces.

The site is surrounded by national parkland, relatively isolated from town services. Collingwood Beach is 1.3km away, where the Vincentia Town Centre is located. There is however Vincentia mall within walking distance of 500m towards the west of the site.

More sport facilities are also nearby at Vincentia High School, offering tennis and basketball courts. The largest unprogrammed open space is north to the centre, and can be optimised for community use with further development.

The RFB retains an unbuildable zone to its south-east, limiting expansion of the centre.

Town Planning Considerations

Bay and Basin Leisure Centre is currently zoned at SP2 Infrastructure surrounded largely by the National Parks and Nature Reserves (C1) and Environment Conservation (C2) zones with a small pocket of Low Density Residential (R2) along Naval Colledge Rd. This zoning supports the development of a new aquatics facility on the reserve, with consideration of surrounding bushland.



- ① Bay and Basin Leisure Centre
- ② Crossroads RFB
- ③ Unprogrammed open space
- ④ Amenities
- ⑤ Gravel carpark, undefined spaces
- ⑥ Vehicle Entry Point
- ⑦ Carpark with 98 spaces
- ⑧ Unprogrammed open space
- ⑨ Tennis and Basketball courts
- ⑩ Vincentia High School
- ⑪ School Carpark
- ⑫ Unprogrammed open space
- ⑬ Dirt track
- ⑭ Alternate vehicle access to centre

Ⓐ - Ⓕ See section 2.9 Site Features

2. Project Overview

2.7 Site Features



(A) View from vehicle access to centre



(B) View of entrance of Bay & Basin Centre



(C) View from south end of carpark



(D) View of existing field and amenities building from north-east end



(E) View of north outdoor seating



(F) External view of centre from eastern side

2. Project Overview

2.8 Area Schedule

Project: 100304 Bay + Basin Leisure Centre
Issue: 01
Date: 06/04/2022

CO-OP

Area Schedule										
ID	Room	Existing				Notes	Brief			Comments
		Area	Qty	Total	Area		Qty	Total		
FLOOR LEVEL										
ENTRY / ADMINISTRATION										
	Air-Lock	31.0	1	31.0		15.0	1	15.0		
	Lobby / Foyer	36.0	1	36.0		200.0	1	200.0		Includes allocation for merchandise / display.
	Reception	15.0	1	15.0		20.0	1	20.0		
	Administration	45.0	1	45.0		60.0	1	60.0		
	Creche	75.0	1	75.0	Adjacent gym.	90.0	1	90.0		
	Café	36.0	1	36.0		40.0	1	40.0		
	Café Seating	80.0	1	80.0		80.0	1	80.0		
	Community Room					120.0	1	120.0		
	Consulting Suites					60.0	1	60.0		
	Sub-total:			318.0				685.0		
INDOOR AQUATIC FACILITIES										
	Indoor 25m, Leisure & LTS Pool Hall	1,610.0	1	1,610.0	Includes slide + Toddler Pool.	1,610.0	1	1,610.0		
	Spectator Seating (25m Pool)	79.0	1	79.0		79.0	1	79.0		
	New 25m LTS Pool					640.0	1	640.0		25m x 4 (2.5m) lane + ramp.
	Waterslide(s)			included above		120.0	1	120.0		
	First Aid Room	26.0	1	26.0		26.0	1	26.0		
	Lifeguard Station	12.0	1	12.0		12.0	1	12.0		
	Store Room (LTS)	49.0	1	49.0		49.0	1	49.0		possible pool plant expansion zone.
	Store Room (25m)	23.0	1	23.0		23.0	1	23.0		
	Store Room (new waterslides / LTS)					40.0	1	40.0		
	Sub-total:			1,799.0				2,599.0		
WET CHANGE ROOMS										
	Change - Female	114.0	1	114.0		105.0	1	105.0		Consider part allocation for gender-neutral provision.
	Change - Male	114.0	1	114.0		105.0	1	105.0		Consider part allocation for gender-neutral provision.
	Change - Family Change Village					40.0	1	40.0		Adjacent new LTS Pool and existing Leisure / Toddler Pool.
	Change - Accessible	9.0	1	9.0	Accessed dry side.	9.0	2	18.0		
	Sub-total:			237.0				268.0		
HEALTH & FITNESS										
	Gymnasium	210.0	1	210.0		400.0	1	400.0		
	Gym Office / Assessment	9.0	1	9.0		9.0	2	18.0		
	Gym Store					20.0	1	20.0		
	Group Fitness Room	115.0	1	115.0		180.0	1	180.0		
	Group Fitness Room Store	11.0	1	11.0		20.0	1	20.0		
	Spin Room	61.0	1	61.0	Converted corridor.	70.0	1	70.0		
	Sub-total:			406.0					708.0	

2. Project Overview

2.8 Area Schedule

HEALTH & FITNESS CHANGE							
Change - Female				40.0	1	40.0	Locate for 24/7 access.
Change - Male				40.0	1	40.0	Locate for 24/7 access.
Change - Accessible				9.0	1	9.0	Locate for 24/7 access.
Sub-total:		0.0				89.0	
SUPPORT							
Pool Plant Room	166.0	1	166.0		180.0	1	180.0
Pool Plant expansion					60.0	1	60.0
Staff Room + Amenities	27.0	1	27.0	Access via Spin Room (corridor).	40.0	1	40.0
Roof Top Plant	155.0		0.0		250.0	1	250.0
Main Switchboard	12.0	1	12.0		20.0	1	20.0
Comms Room					12.0	1	12.0
Cleaners Store					6.0	2	12.0
Sub-total:		205.0				574.0	
Ground Level Total:		2,965.0				4,923.0	
Measure Circulation		186.0					
NETT AREA:		3,151.0				4,923.0	
Circulation / Plant allowance (10%):		0.0				492.3	
PROPOSED AREA:		3,151.0				5,415.3	
GROSS FLOOR AREA:						5,415.3	
EXTERNAL SPACES							
Facility Forecourt		0.0			200.0	1	200.0
Outdoor Café seating	81.0	1	81.0		80.0	1	80.0
Creche Outdoor Play	90.0	1	90.0		50.0	1	50.0
Outdoor Netball Courts					900.0	4	3,600.0
Synthetic Cricket Nets					150.0	2	300.0
Works Compound					200.0	1	200.0
Sub-total:		171.0				4,430.0	Area requirement to be confirmed.
GENERAL NOTES							
ID	Note						
1/	Existing areas measured from Group GSA masterplan drawings.						
2/	New pool areas assume RLS GSPO compliant concourses, etc.						

2. Project Overview

2.9 Precedent Programs

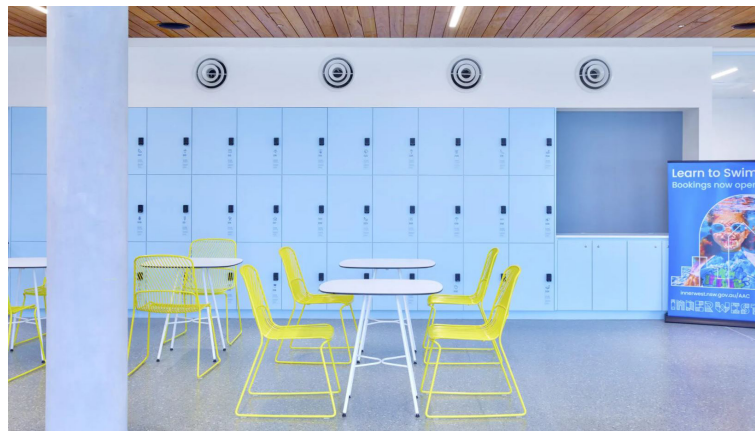


ENTRY/ADMINISTRATION



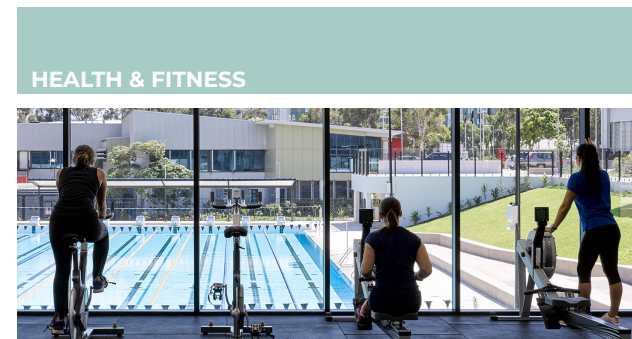
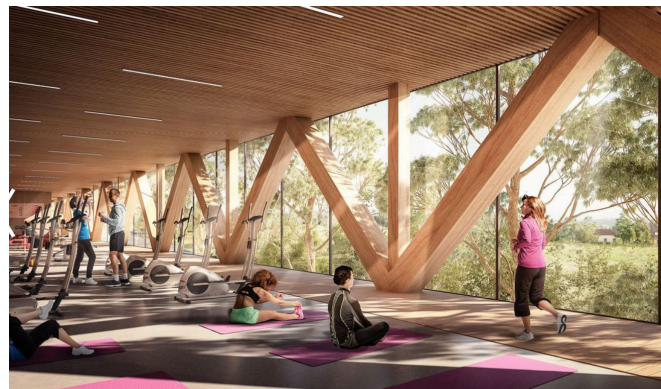
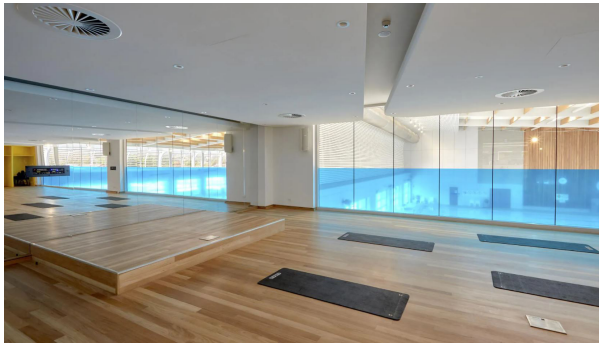
2. Project Overview

2.9 Precedent Programs



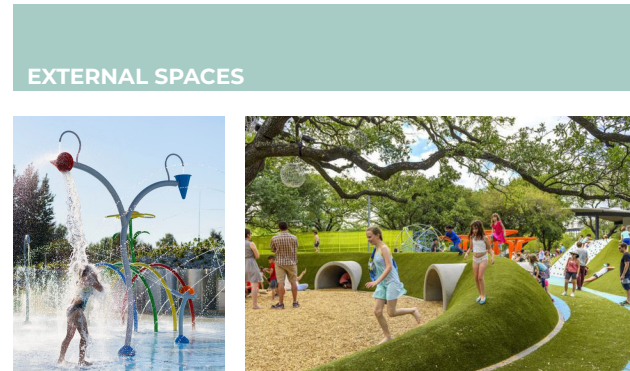
2. Project Overview

2.9 Precedent Programs



2. Project Overview

2.9 Precedent Programs






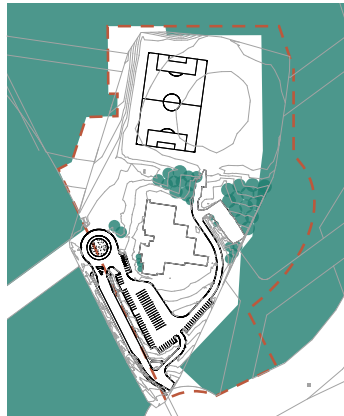
2. Project Overview

2.10 Environment



Key

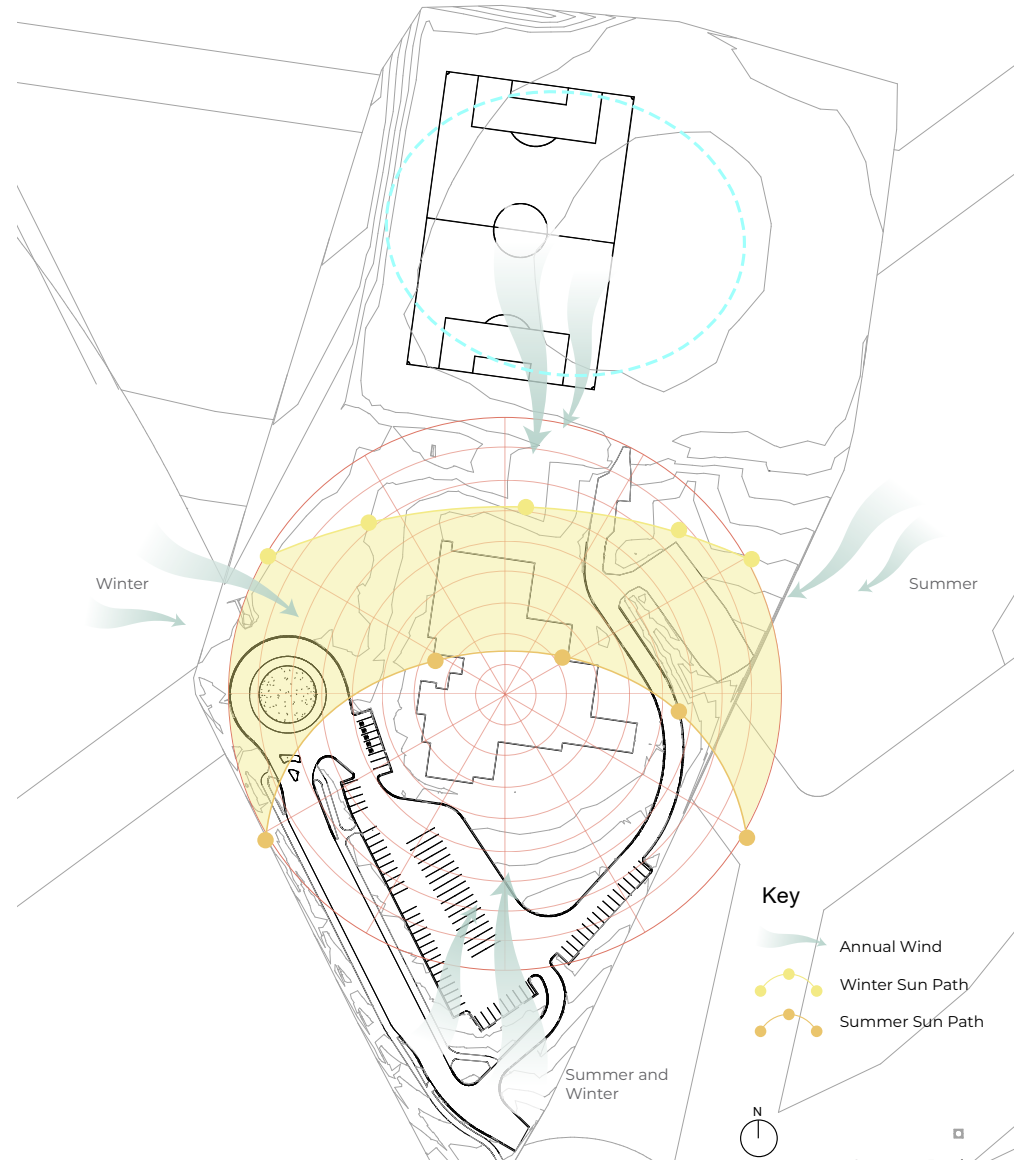
-  Topography
-  Building
-  Built Environment



Key

-  Site Boundary
-  Site Trees
-  Bushland

CO-OP|Bay and Basin Leisure Centre Extensions and Sporting Precinct



Key

-  Annual Wind
-  Winter Sun Path
-  Summer Sun Path



Concept Design Report | 22

2. Project Overview

2.10 Environment



View into site from The Wool Road



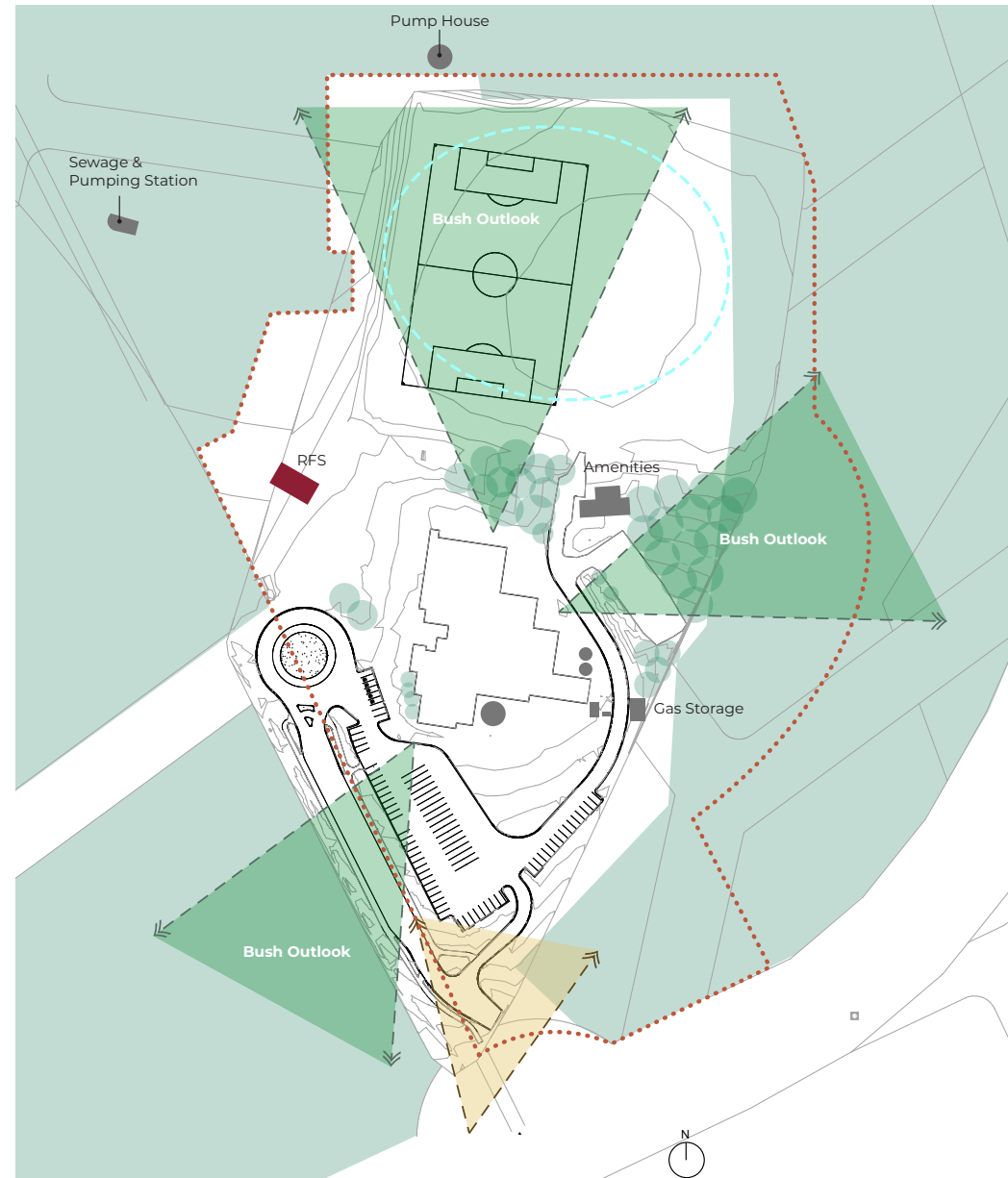
Playing fields looking north



Bushland to the north-east

Key

- National Park
- View Into Site
- Site Boundary
- Rural Fire Service



2. Project Overview

2.10 Environment



View into site upon entering



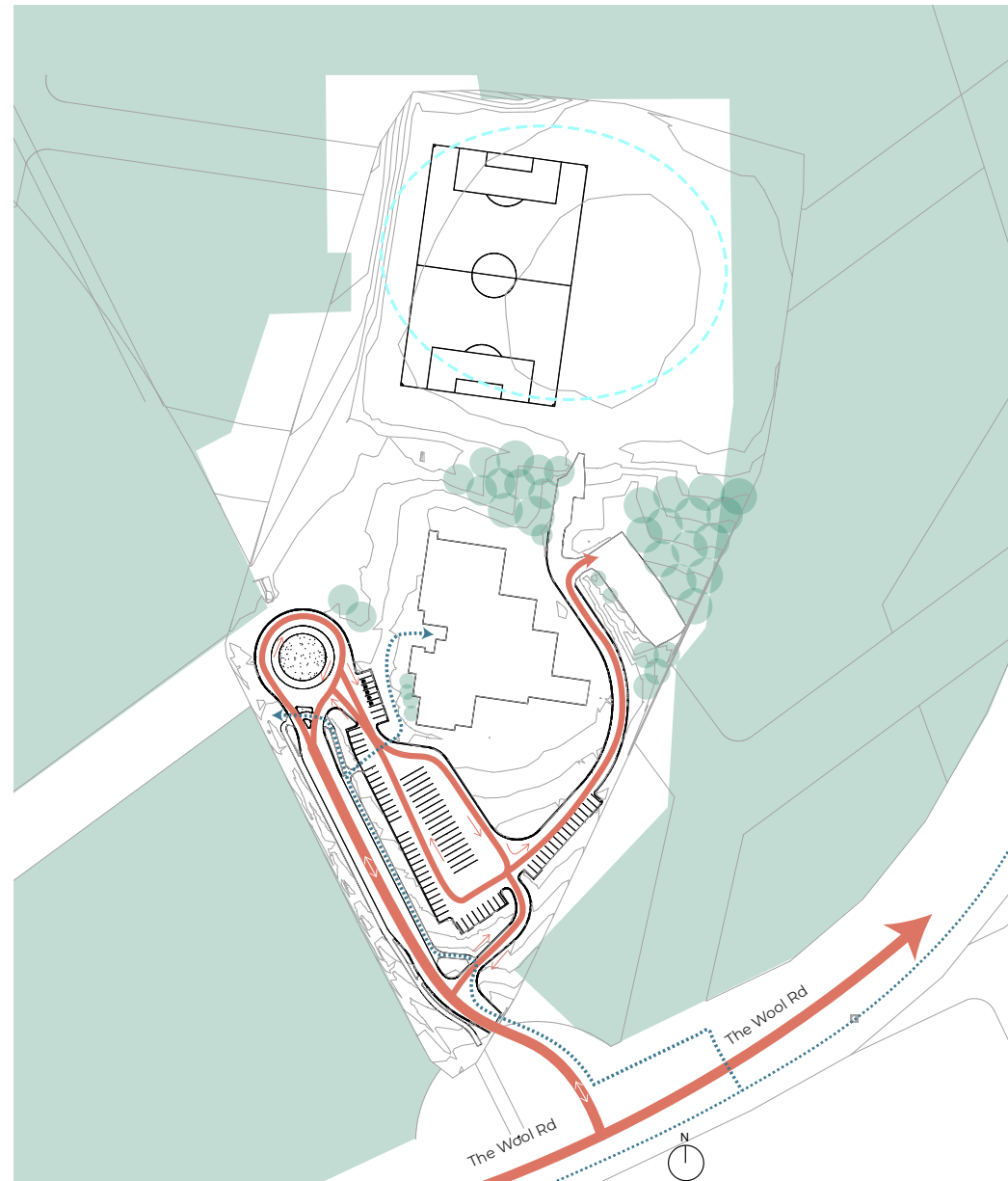
View of entrance from carpark



South facade from carpark

Key

- Vehicular Access
- ⋯→ Pedestrian Access



2. Project Overview

2.11 Site Opportunities and constraints

Opportunities

Multi-purpose sports facility integrating indoor and outdoor sports

National Park creates recreational opportunities through the bush

Could be established as a cultural facility- function as tourist attraction

Proximity to Vincentia Marketplace increases convenience

Potential partnership with nearby schools

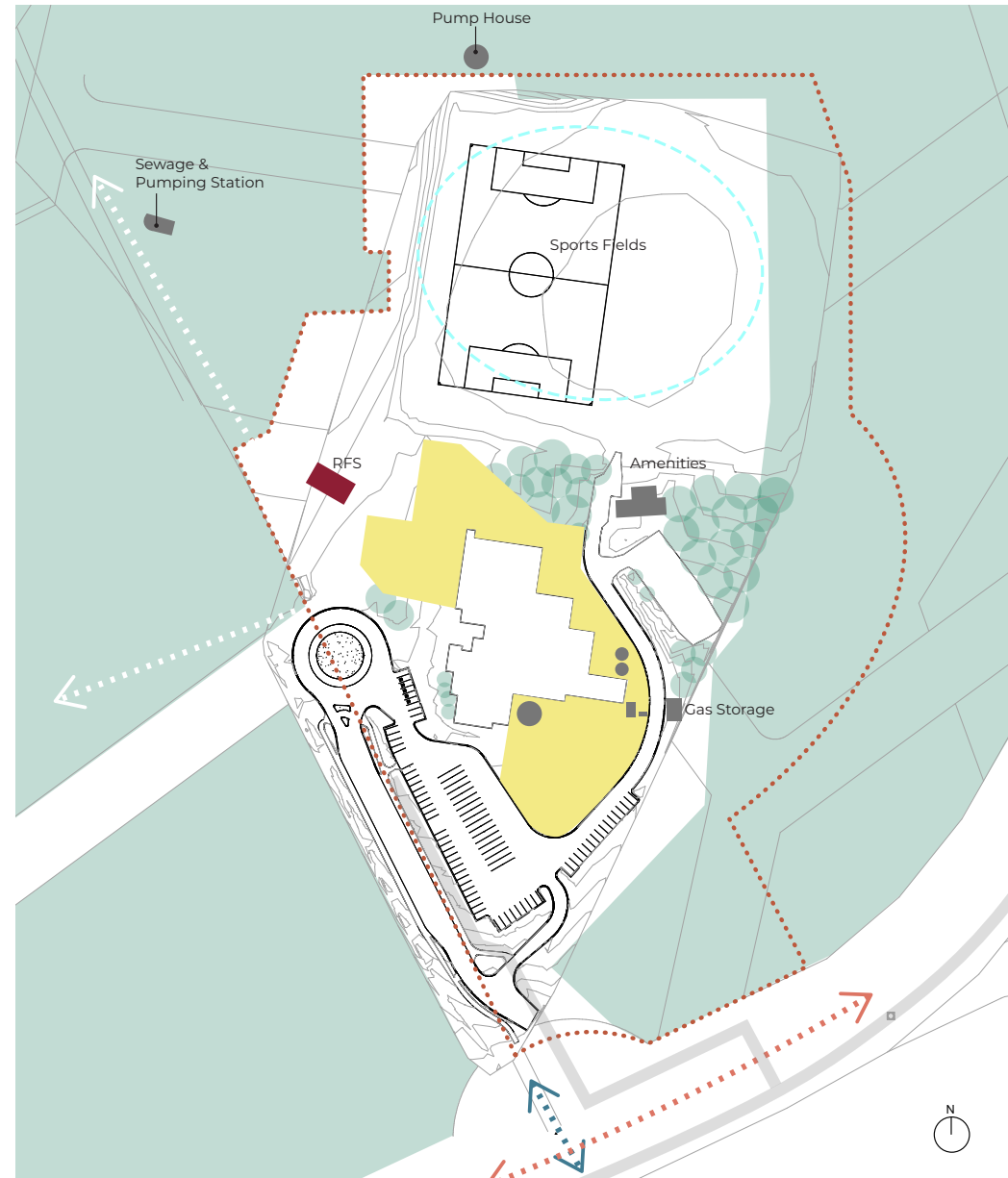
Land relatively flat and easy to develop

Opportunity for pedestrian connections to Bayswood

Reduce fencing at site

Key

- National Park
- Developable Land
- Site Boundary
- Rural Fire Service
- Connection to Centres
- Connection to School



2. Project Overview

2.11 Site Opportunities and constraints

Constraints

National Park bushfire-prone, potential fire hazard

Existing Rural Fire Services and land south of it not available for development

Poor sports field drainage inhibits use after heavy rain

Endangered tree species at close proximity to site










Lack of public transport to site

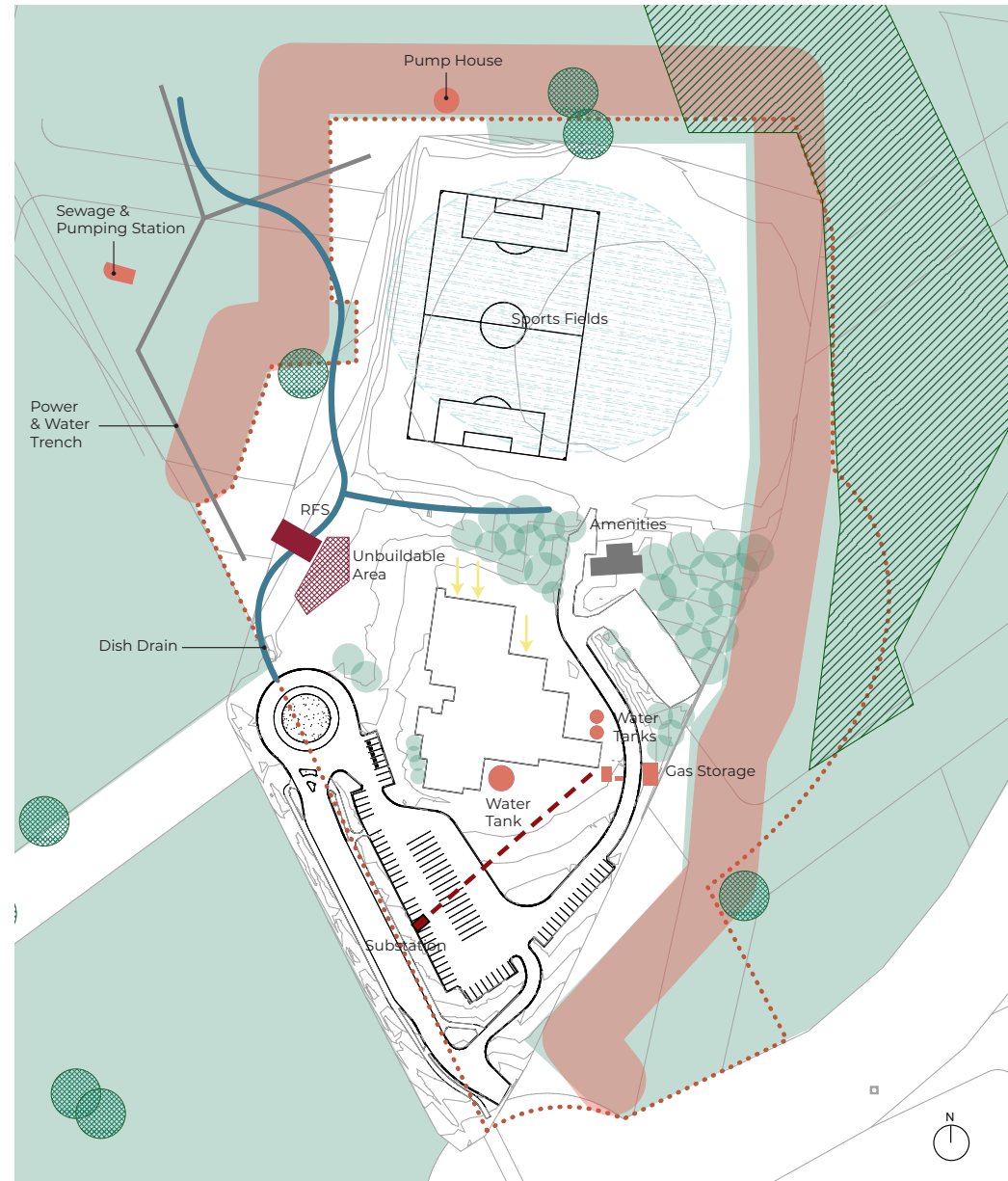
Underground services and infrastructure

Retaining north light to pool restricts development

Emergency access to Rural Fire Service

Key

-  Endangered Species
-  Biodiversity Habitat
-  Utilities
-  Unbuildable area
-  Inground Services
-  Dish Drain
-  Power & Water Trench
-  Site Boundary
-  Drainage Issue
-  Fire Hazard
-  North facing windows

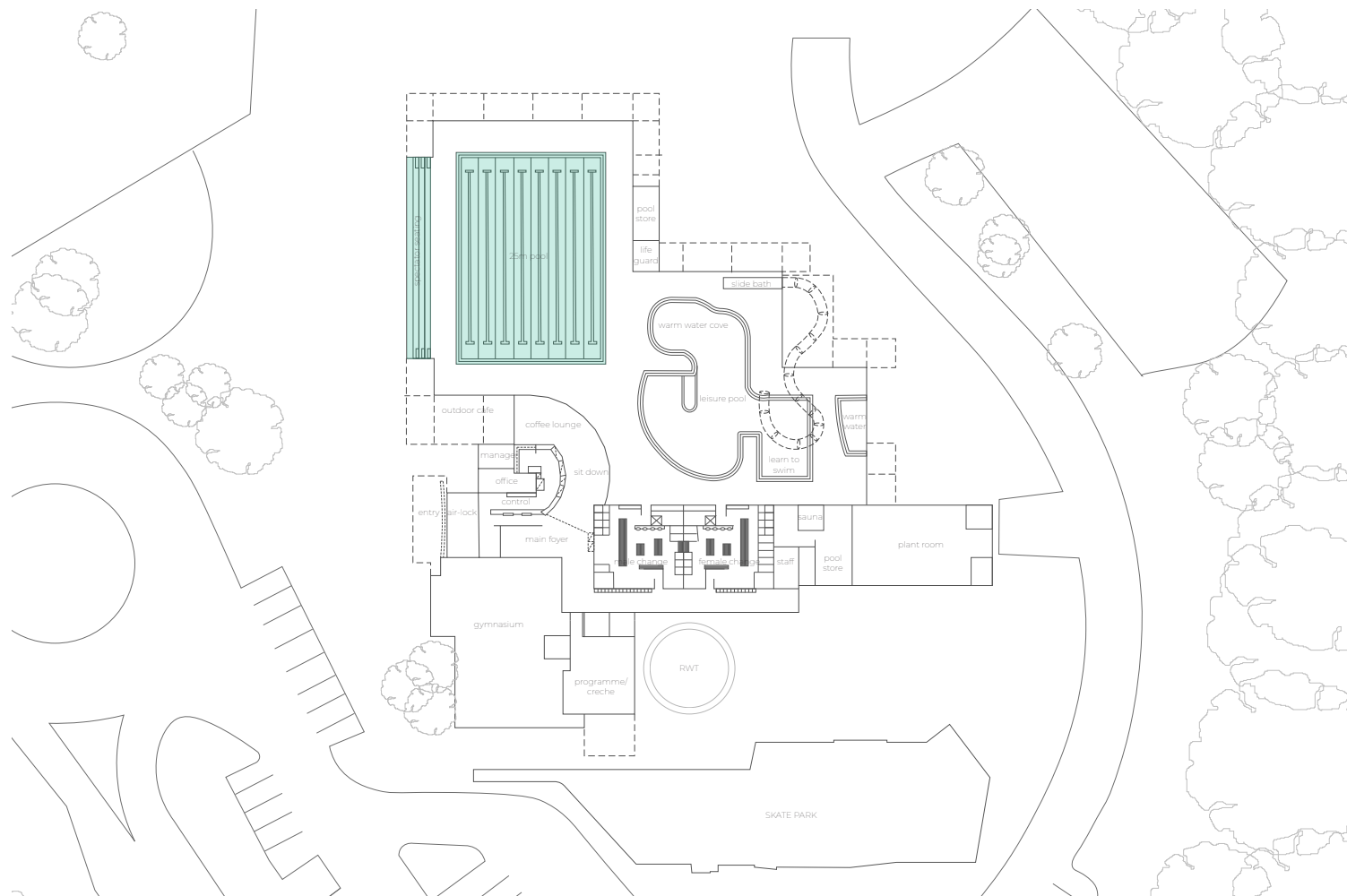


3. Architectural Design Response



3. Architectural Design Response

3.1 Retained Elements of Existing Floor Plan



3. Architectural Design Response

3.2 Spatial Arrangement Plan

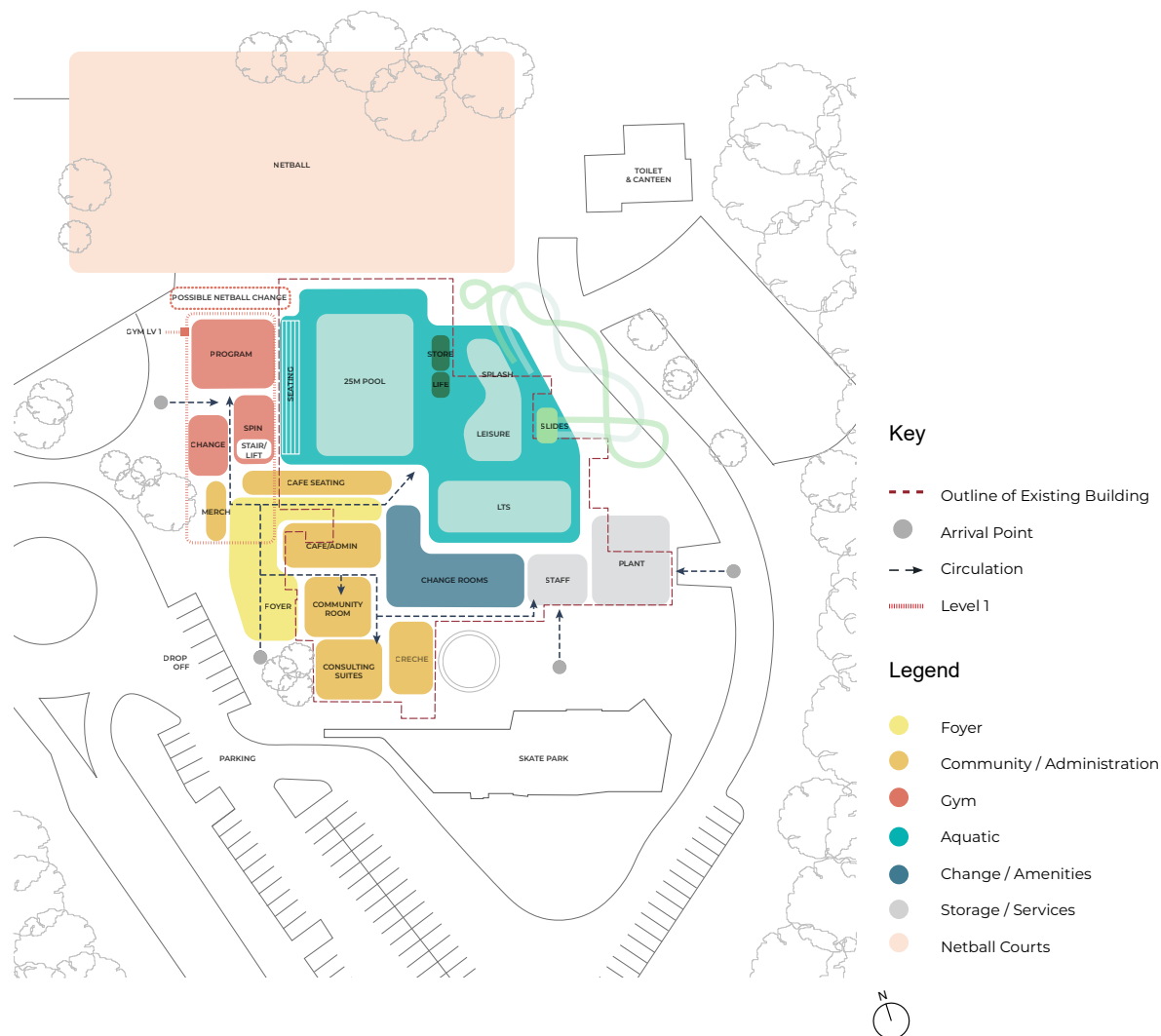
Layout Option 01

Pros

- Most key pool hall adjacencies
- Adaptive re-use of existing building footprint
- 2-storey dry fitness addition reduces building footprint affords views into pool hall from upper level
- Building new dry fitness area on new footprint allows existing dry fitness to operate with limited disruptions
- Entry has strong connection to entry driveway
- New slide tower proposed to be located clear of existing building footprint.
- Optional / possible Netball Change could be used for aquatic competition / overflow change
- Community Room access direct from entry foyer
- Reasonable staging potential.
- Staff access remote from foyer/admin

Cons

- Requires significant reconfiguration of existing pool hall which may limit service continuity.
- Pool hall and slide arrangement limits potential for outdoor recreation space.
- Cafe on either side of main circulation could cause foot traffic along path



3. Architectural Design Response

3.3 Spatial Arrangement Plan

Layout Option 02

Pros

Adaptive re-use of all existing building footprint.

New slide tower proposed to be located clear of existing building footprint.

Air lock arrangement allows good 24/7 access to gymnasium.

Option- to share dry fitness change with Netball Change, could also be used for aquatic competition / overflow change.

Building new dry fitness area on new footprint allows existing dry fitness areas to operate with limited disruption.

Reasonable staging potential.

Stronger connection to netball courts for dry fitness programming

Staff access remote from foyer/admin

Cons

Pool hall adjacencies not ideal - LTS remote from entry / café.

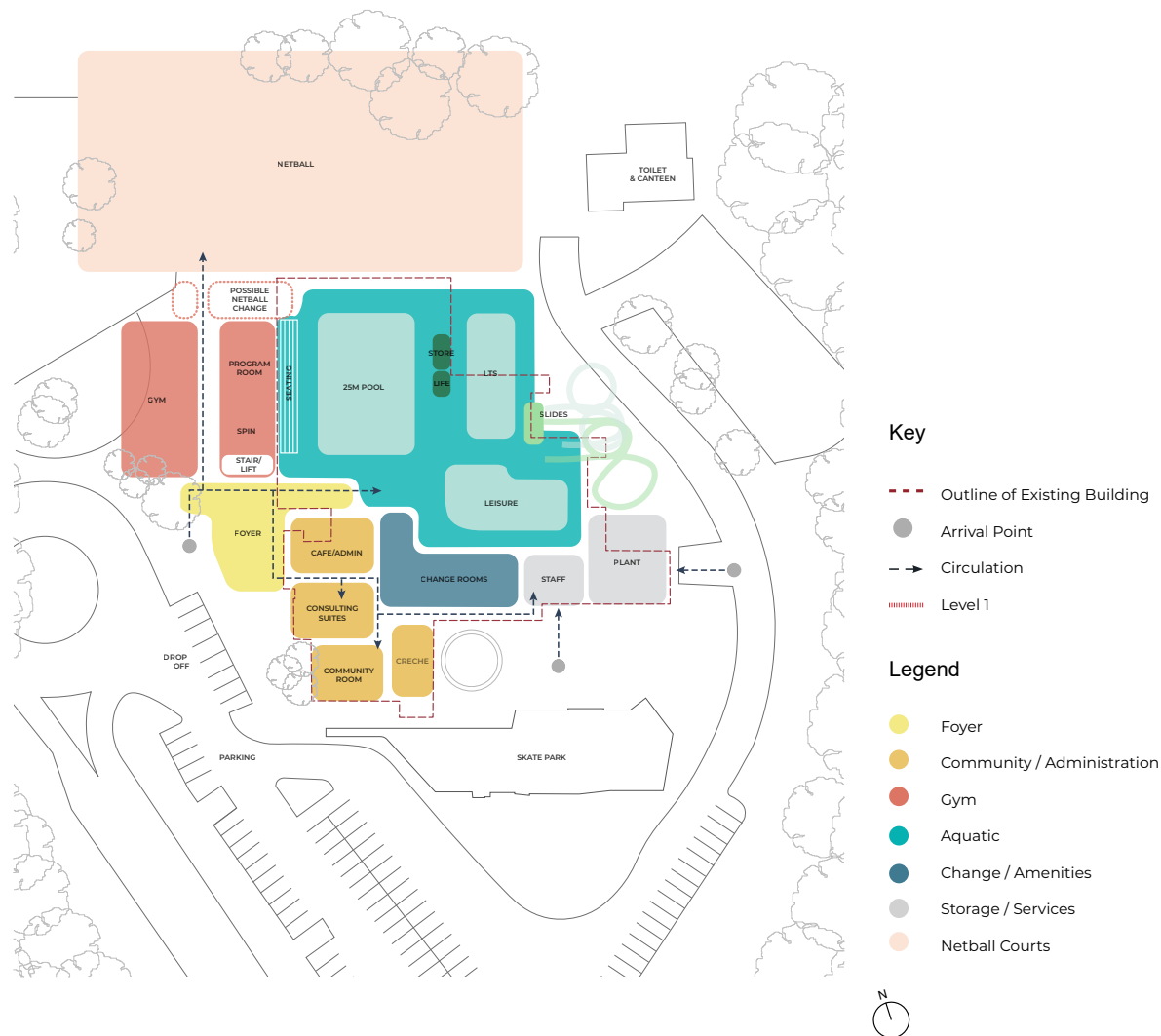
Requires some reconfiguration of existing pool hall which may limit service continuity.

Single storey dry fitness addition occupies increased site footprint.

Facility entry remote from main car park.

Pool hall and slide arrangement limits potential for outdoor recreation space.

Community room more remote from entrance/ foyer



3. Architectural Design Response

3.4 Spatial Arrangement Plan

Layout Option 03

Pros

Limited impact on existing pool hall will mean limited impact on service continuity.

New slide tower proposed to be located clear of existing building footprint.

Potential to locate LTS pool in separate pool hall enabling greater programming and management opportunities.

Community Room and Consulting Suite access direct from entry foyer.

Potential second entrance point for staff and gym for 24/7 hr access.

Staff access remote from foyer/entrance

Cons

Assumes demolition of existing gymnasium and creche, which will require disruption to service continuity.

24/7 gymnasium access challenging.

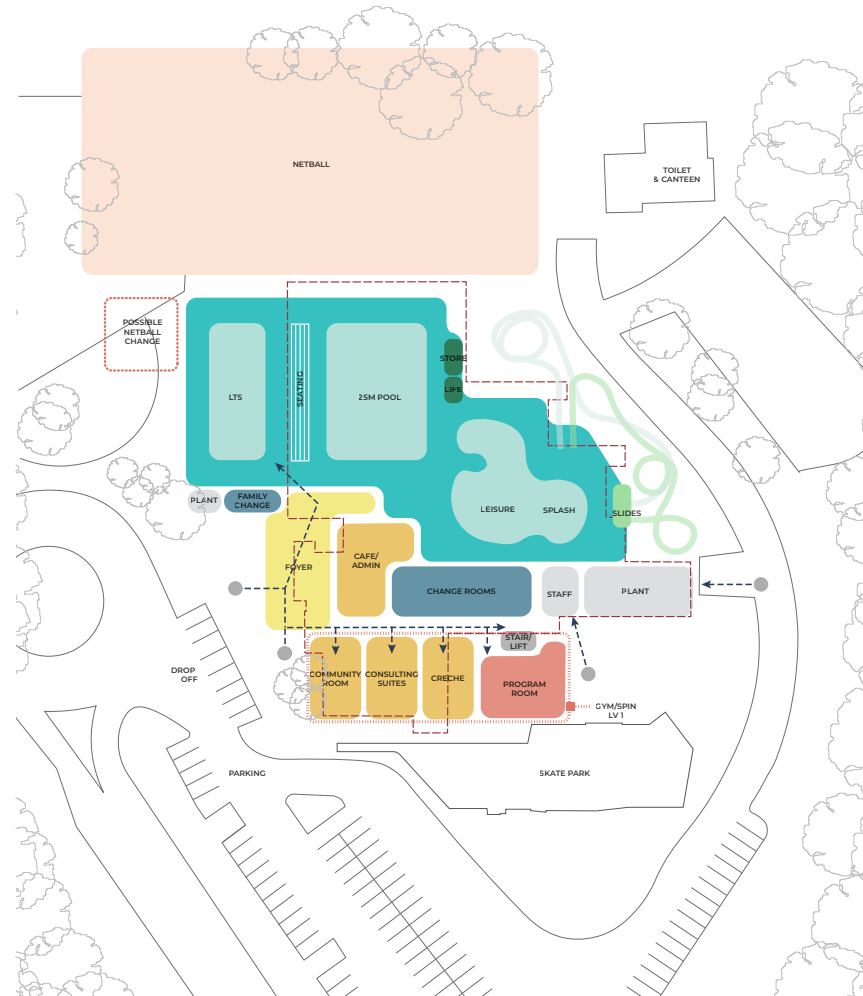
Pool hall adjacencies not ideal - LTS remote from leisure pool / café.

Limited space for Netball Change provision.

Challenging from a staging perspective.

Pool hall and slide arrangement limits potential for outdoor recreation space.

Plant split into two locations



Key

- Outline of Existing Building
- Arrival Point
- - - Circulation
- Level 1

Legend

- Foyer
- Community / Administration
- Gym
- Aquatic
- Change / Amenities
- Storage / Services
- Netball Courts



3. Architectural Design Response

3.5 Spatial Arrangement Plan

Layout Option 04

Pros

Facility entry address main car park.

Limited impact on existing pool hall will mean limited impact on service continuity.

New slide tower proposed to be located clear of existing building footprint.

Slide location allows retention of outdoor recreation space.

Potential to locate LTS pool in separate pool hall enabling greater programming and management opportunities.

Optional / possible Netball Change could be used for aquatic competition / overflow change.

Reasonable staging potential.

Greater sense of connection from community and staff room to foyer

Staff more accessible from entrance

Cafe/admin acts as as main hub without disrupting circulation

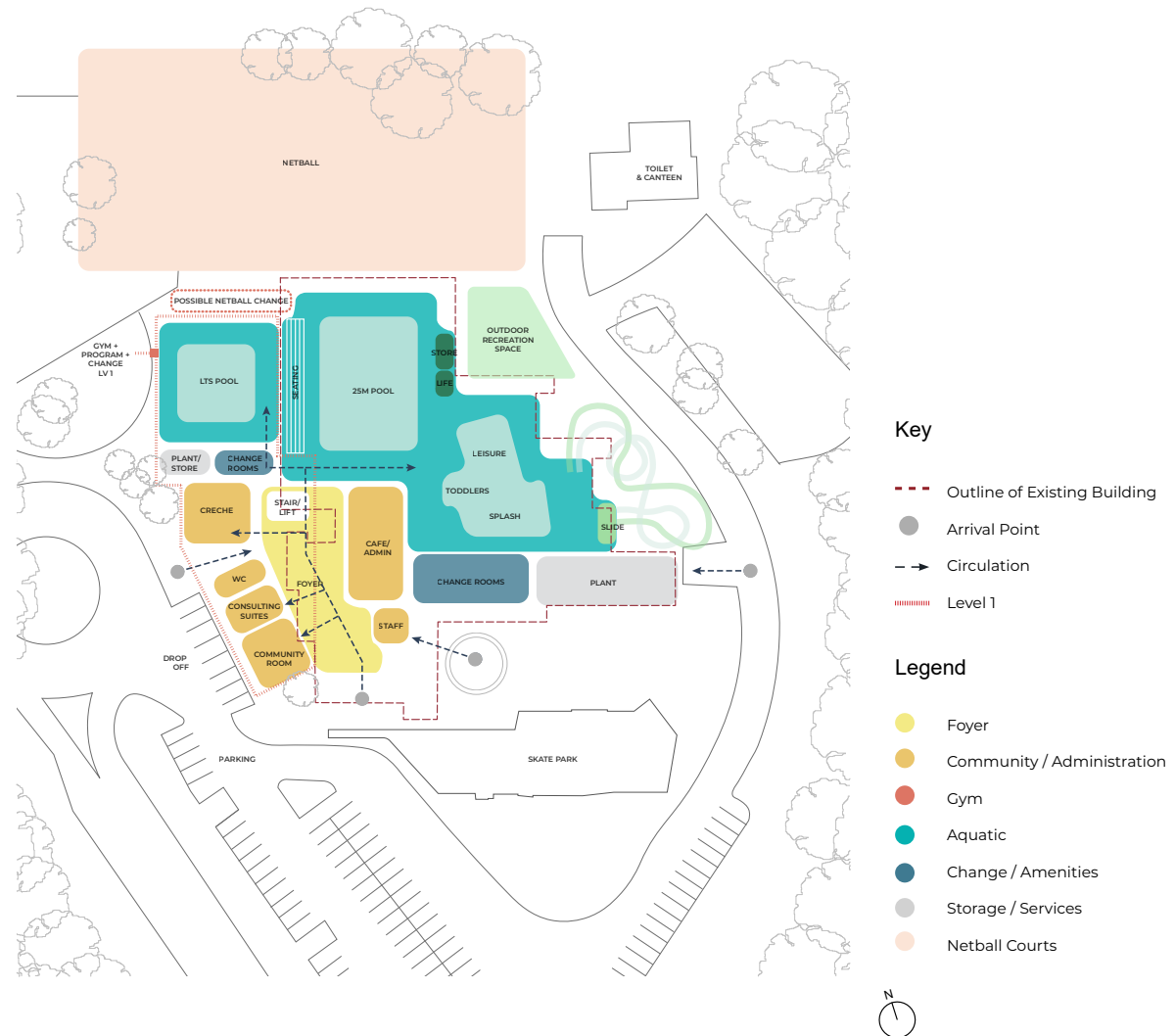
Cons

Assumes demolition of existing gymnasium and creche, which will require disruption to service continuity.

Pool hall adjacencies not ideal - LTS remote from leisure pool / café.

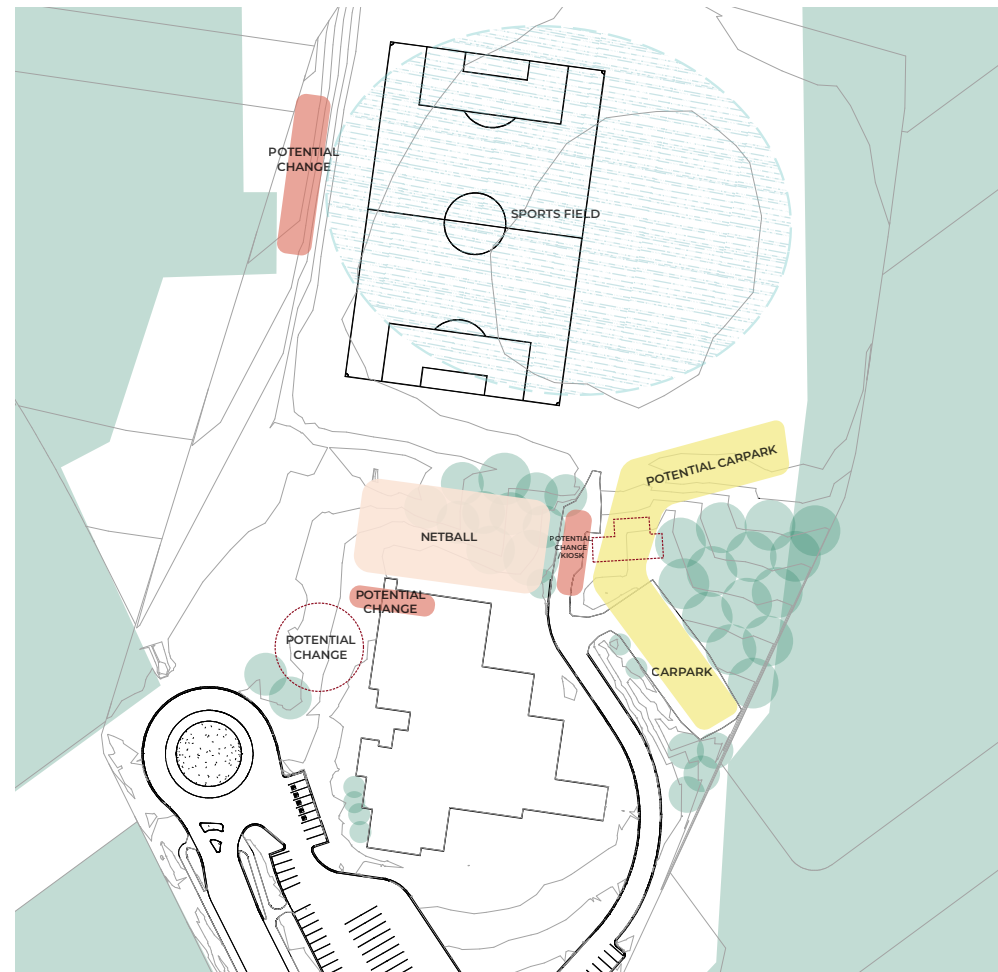
New LTS pool not 25m, which may limited programming opportunities.

Plant split into two locations



3. Architectural Design Response

3.6 Potential Expansion



Bay & Basin Leisure Centre Extension and Sporting Precinct

Councillor Briefing

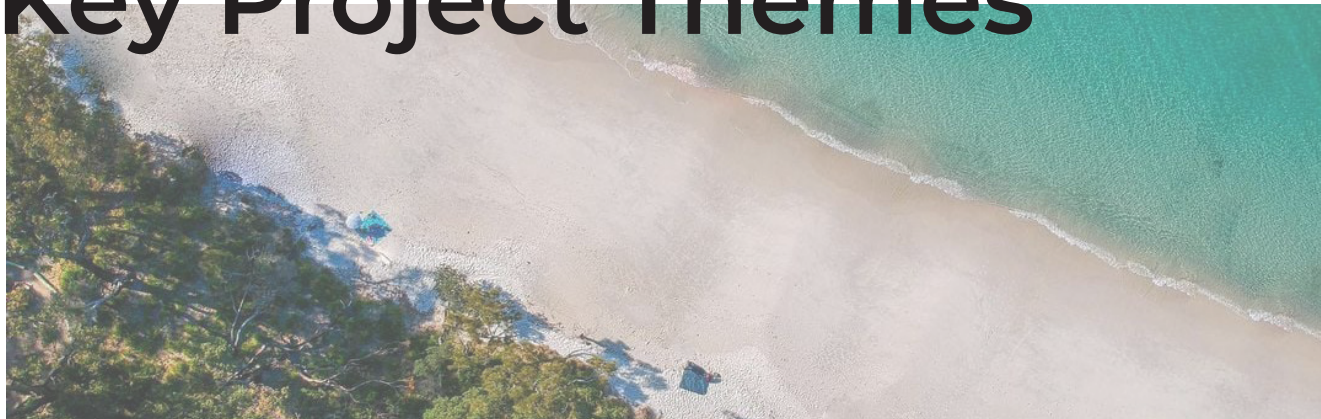
Revision A - 5th of September 2022

MELBOURNE
L7/176 Wellington Parade
East Melbourne, VIC 3002
Australia

SYDNEY
406/46 Kippax Street
Surry Hills, NSW 2010
Australia

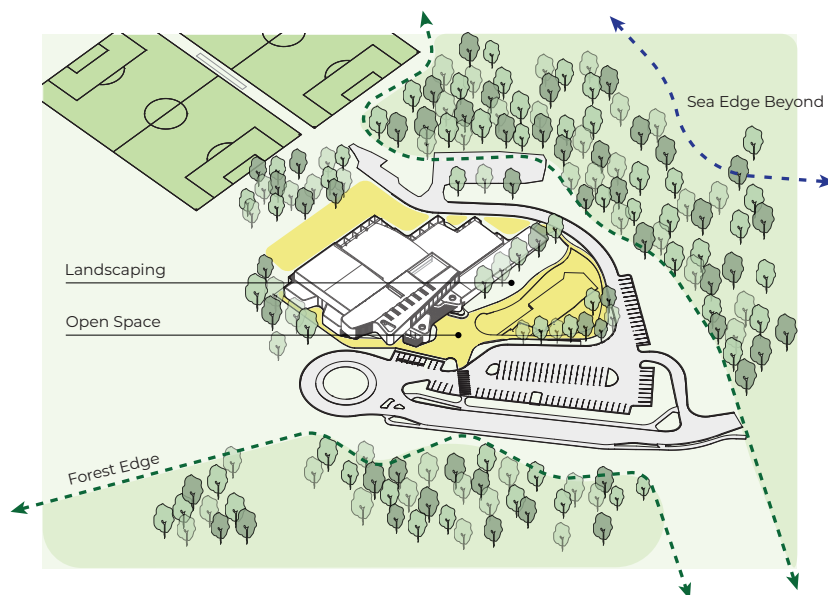
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1. Key Project Themes



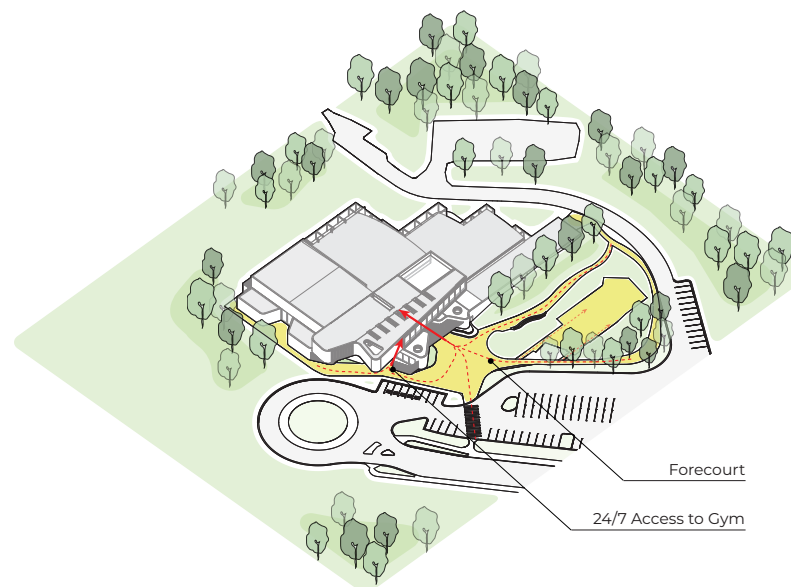
1. Key Project Themes

1.1 Key Project Principles



Landscape and Open Space Retention

- Minimising impact on National Park and ecologies
- Access to playing fields and entry plaza
- Integrated landscaping

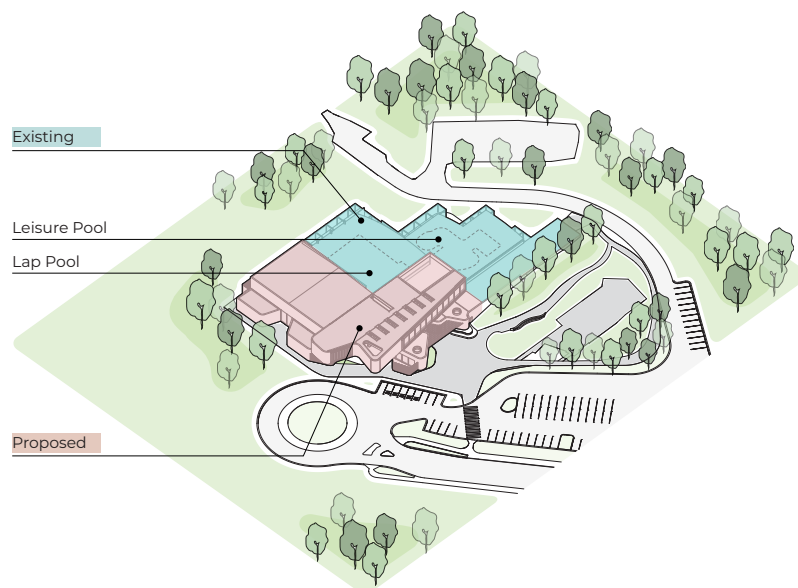


Integration with Open Space and Skatepark Facilities

- Re-orientation of entry to new carpark and skatepark
- Community precinct
- 24/7 access to gym

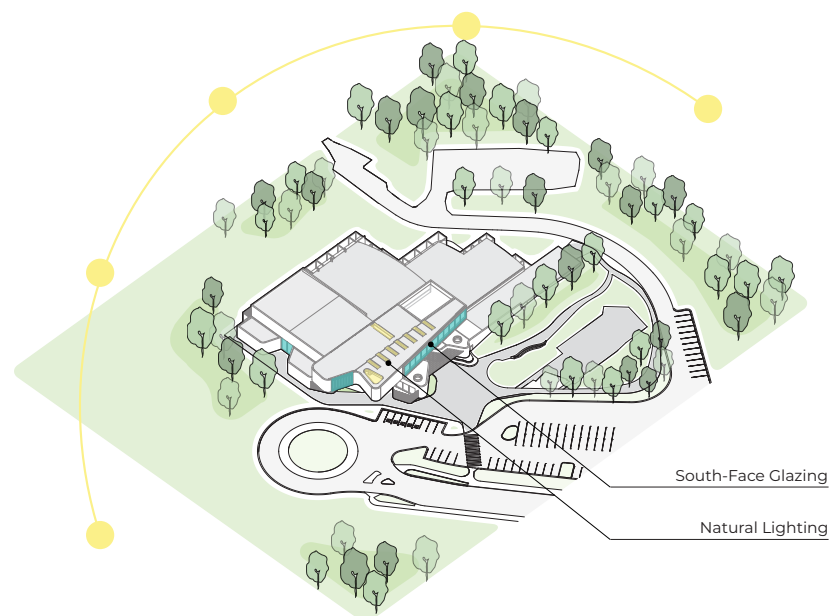
1. Key Project Themes

1.2 Key Project Principles



Ongoing Operation During Construction

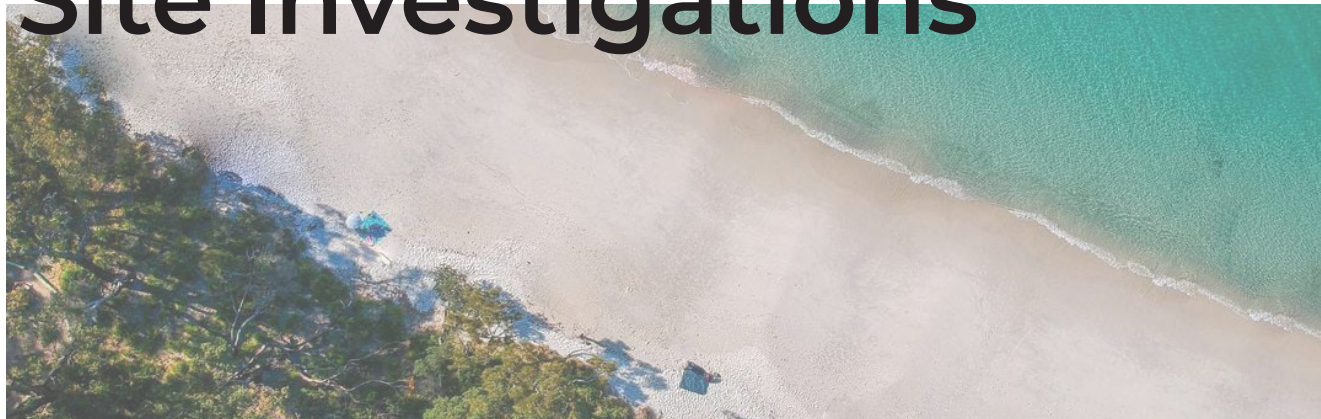
- Maintaining pool operations
- Retention of existing pools to minimise costs



ESD Strategies

- Solar Access
- High Performance Envelope
- Passive Design

2. Site Investigations



2. Site Investigations

2.1 Site Opportunities

Opportunities

Multi-purpose sports facility integrating indoor and outdoor sports

National Park creates recreational opportunities through the bush

Could be established as a cultural facility- function as tourist attraction

Proximity to Vincentia Marketplace increases convenience

Potential partnership with nearby schools

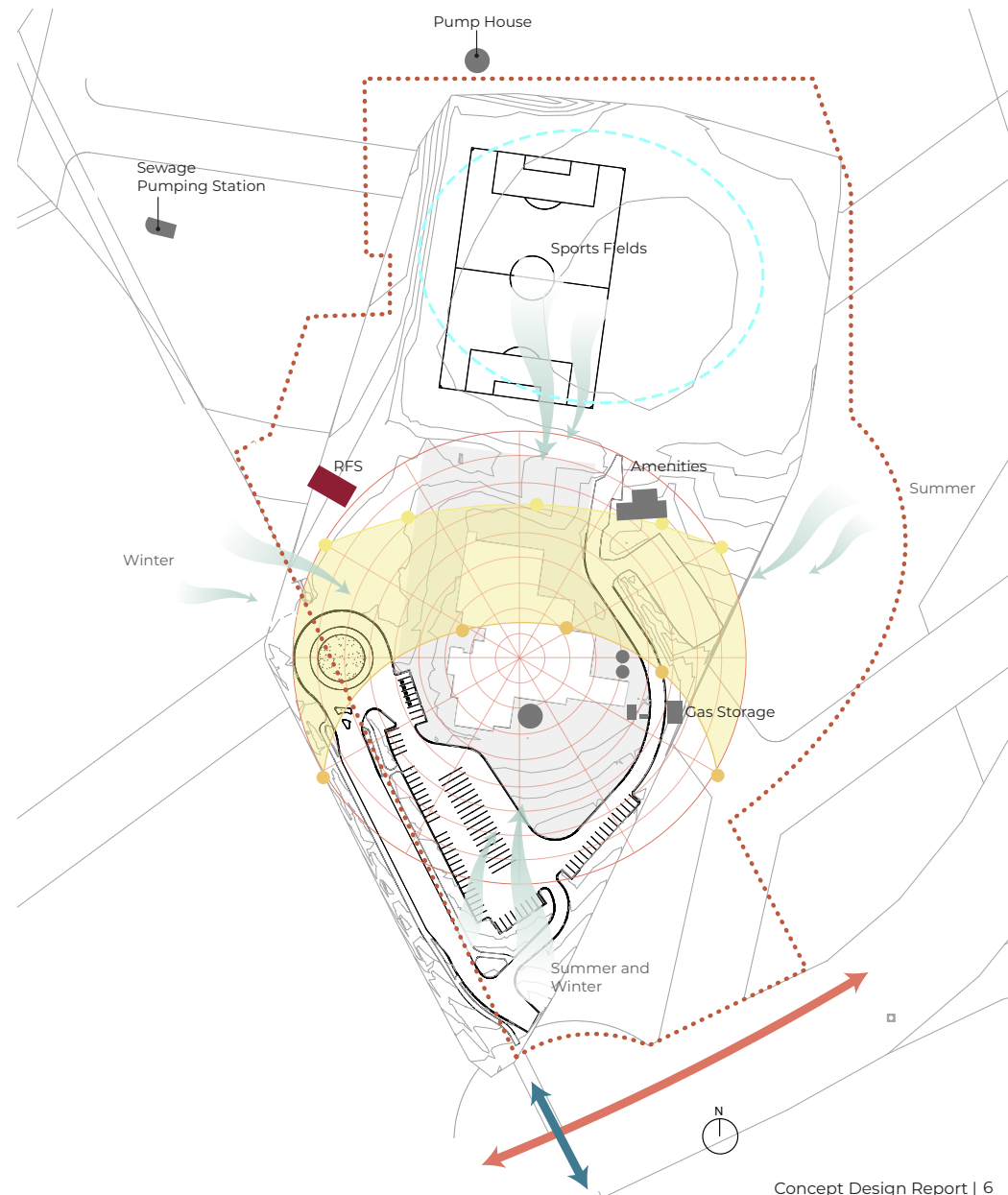
Land relatively flat and easy to develop

Opportunity for pedestrian connections to Bayswood

Reduce fencing at site

Key

- Developable Land
- Site Boundary
- Rural Fire Service
- Connection to Centres
- Connection to School
- Annual Wind
- Winter Sun Path
- Summer Sun Path



2. Site Investigations

2.2 Site Constraints

Constraints

National Park bushfire-prone, potential fire hazard

Existing Rural Fire Services and land south of it not available for development

Poor sports field drainage inhibits use after heavy rain

Endangered tree species at close proximity to site











Lack of public transport to site

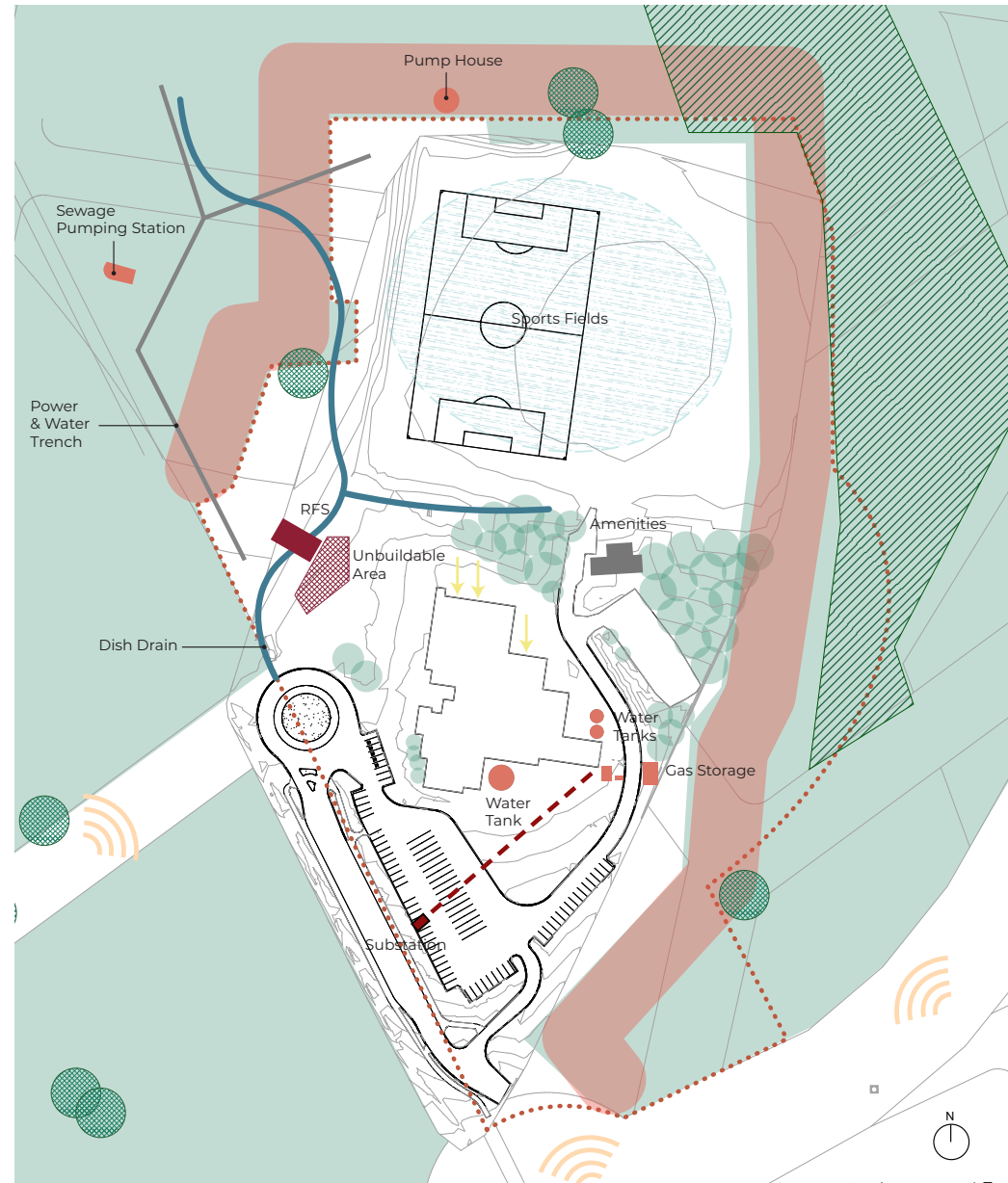
Underground services and infrastructure

Retaining north light to pool restricts development

Emergency access to Rural Fire Service

Key

-  Endangered Species
-  Biodiversity Habitat
-  Utilities
-  Unbuildable area
-  Inground Services
-  Dish Drain
-  Power & Water Trench
-  Site Boundary
-  Drainage Issue
-  Fire Hazard
-  North facing windows



3. Design Response



3. Design Response

3.1 Option 01

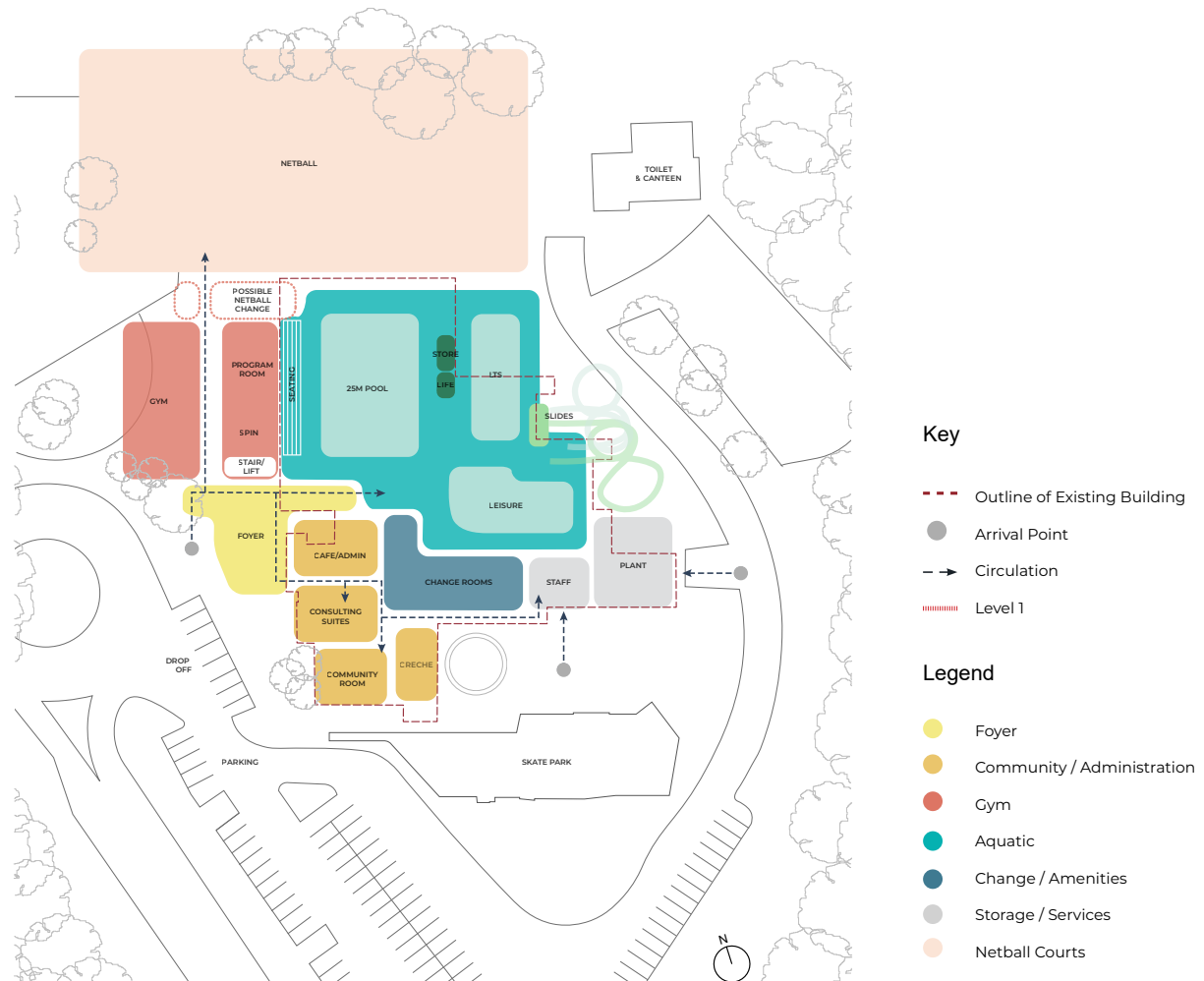
Layout Option 01

Pros

- Adaptive re-use of all existing building footprint.
- New slide tower proposed to be located clear of existing building footprint.
- Air lock arrangement allows good 24/7 access to gymnasium.
- Option- to share dry fitness change with Netball Change, could also be used for aquatic competition / overflow change.
- Building new dry fitness area on new footprint allows existing dry fitness areas to operate with limited disruption.
- Reasonable staging potential.
- Stronger connection to netball courts for dry fitness programming
- Staff access remote from foyer/admin

Cons

- Pool hall adjacencies not ideal - LTS remote from entry / café.
- Requires some reconfiguration of existing pool hall which may limit service continuity.
- Single storey dry fitness addition occupies increased site footprint.
- Facility entry remote from main car park.
- Pool hall and slide arrangement limits potential for outdoor recreation space.
- Community room more remote from entrance/ foyer



3. Design Response

3.2 Option 04

Layout Option 04

Pros

Facility entry address main car park.

Limited impact on existing pool hall will mean limited impact on service continuity.

New slide tower proposed to be located clear of existing building footprint.

Slide location allows retention of outdoor recreation space.

Potential to locate LTS pool in separate pool hall enabling greater programming and management opportunities.

Optional / possible Netball Change could be used for aquatic competition / overflow change.

Reasonable staging potential.

Greater sense of connection from community and staff room to foyer

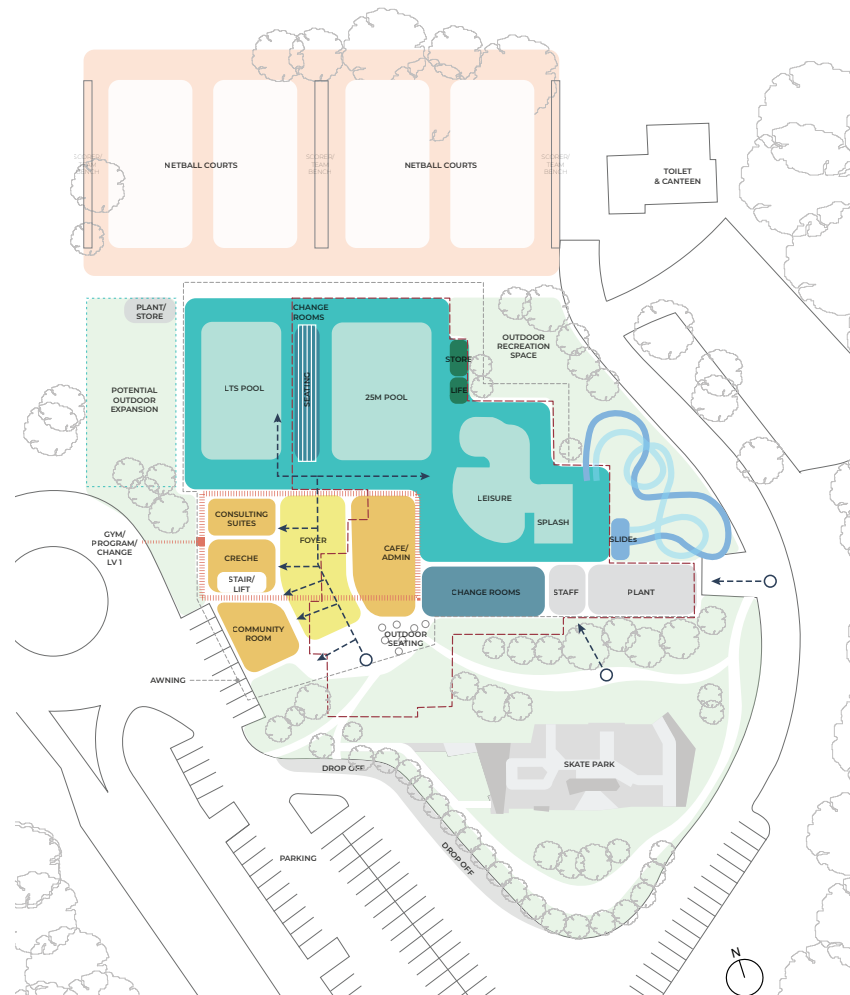
Staff more accessible from entrance

Cafe/admin acts as main hub without disrupting circulation

Cons

Assumes demolition of existing gymnasium and creche, which will require disruption to service continuity.

Pool hall adjacencies not ideal - LTS remote from leisure pool / café.



Option 04 Selected for Further Development

Opportunity for unified arrival in the public domain.

Connect skatepark precinct to leisure centre through shared landscape

Revenue opportunities in precinct

Opportunity to create new identity for the facility.

Key

--- Outline of Existing Building

● Arrival Point

- - - Circulation

..... Level 1

Legend

● Foyer

● Community / Administration

● Gym

● Aquatic

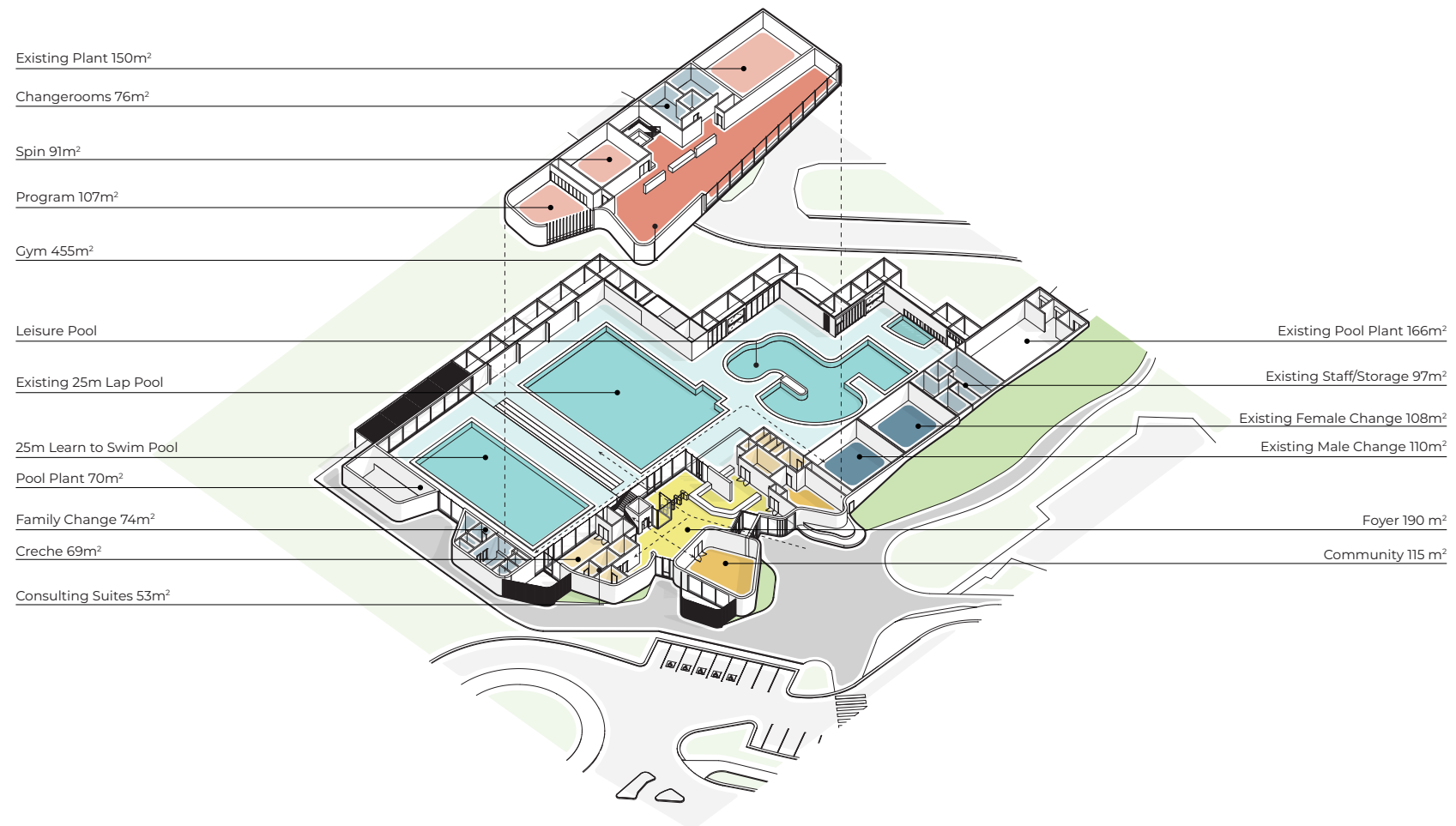
● Change / Amenities

● Storage / Services

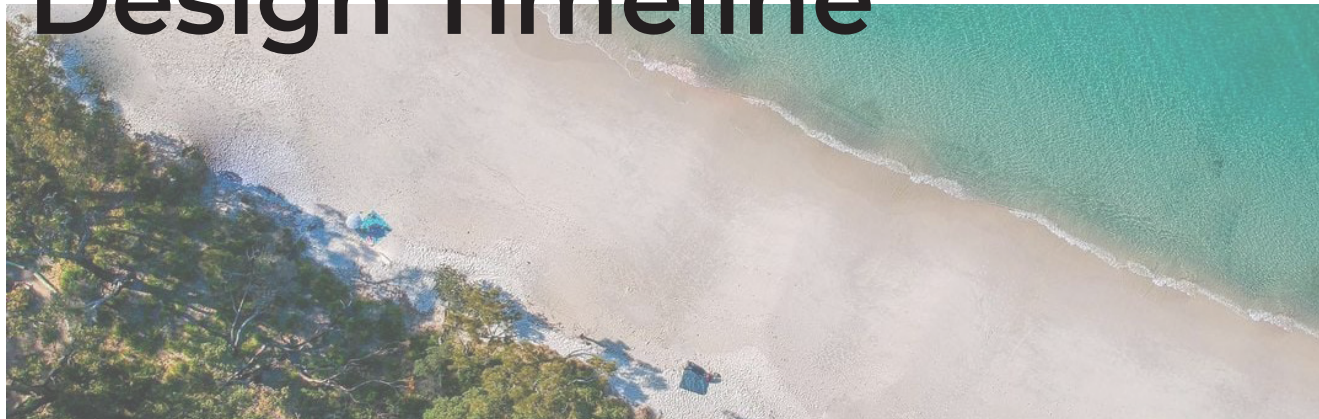
● Netball Courts

3. Design Response

3.3 Isometric Diagram: Option 04



4. Design Timeline



4. Design Timeline

4.1 High Level Timeline



Access Areas for Dogs

Adoption Date:	25/01/2005
Reaffirmed:	13/06/2017, 2/11/2021, [TBD]
Amendment Date:	27/06/2006, 26/09/2006, 30/1/2007, 27/2/2007, 22/04/2008, 27/05/2008, 10/02/2009, 21/12/2010, 21/06/2013, 9/12/2014, 17/02/2015, 19/07/2016, 9/02/2021, [TBD – draft for public exhibition: 30/1/23]
Minute Number:	MIN05.79, MIN06.870, MIN06.1286, MIN07.121, MIN07.242, MIN08.526, MIN08.711, MIN09.160, MIN10.1445, MIN13.631, D14/327993, MIN15.85, MIN16.541, MIN17.499, MIN20.916, MIN21.68, MIN21.804, [TBC]
Review Date:	[TBD]
Directorate:	City Lifestyles
Record Number:	POL22/48

Access Areas for Dogs [draft for public exhibition: 30/1/23]

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[Access Areas for Dogs \[draft for public exhibition: 30/1/23\]](#)

1. Purpose

This policy provides the basis for designating dog OFF-LEASH and dog PROHIBITED areas in the Shoalhaven local government area, in accordance with the *Companion Animals Act 1998* (NSW, herein referred to as 'the Act') and the following priorities identified in the *Shoalhaven 2023 Community Strategic Plan*:

- 1.3 Support community wellbeing through fostering active and healthy communities
- 2.3 Protect the natural environment and enhance sustainability
- 4.3 Inform and engage with the community about the decisions that affect their lives

In accordance with the Act, responsible dog ownership practices shall be supported and enforced through the establishment of appropriate 'dog off-leash' and 'dog-prohibited' areas for land and assets within the ownership, management, care and control of Shoalhaven City Council (herein 'Council').

In accordance with the Act, Council must provide at least one dog off-leash area within the Shoalhaven local government area.

All other matters relating to dog ownership (such as collars, microchipping, registration, etc.) are defined under the Act.

1.1. Definitions

The following definitions are provided to give clarity to meaning and terminology under this policy:

- a) *Companion animal* – for the purposes of this policy means 'dog'. Note: 'companion animals' are also commonly referred to as 'pets'.
- b) *Public place* – means any pathway, road, bridge, jetty, wharf, road-ferry, reserve, park, beach or garden, and any other place, that the public are entitled to use.
- c) *Dangerous or Menacing Dogs* – any dog that is declared 'Dangerous' or 'Menacing' under the Act.
- d) *Restricted breed dogs* – any dog that is declared as 'Restricted' under the Act.
- e) *Beach* – land that is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment. For the purpose of this policy the term 'waters edge' refers to a depth of 10 metres from the low tide mark.
- f) *Owner* – as defined in Section 7 of the Act.
- g) *Competent person* – in accordance with Section 13 of the Act, any person who takes a dog(s) into a public space. This person must have no more than 4 dogs under their control at any time.

All dogs under the control of the competent person must be 'under effective control' at all times (see definition at 3.1h).

h) *Under effective control* –

- When on-leash (on-lead) – dog(s) must be under the effective control of a competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the competent person. This means the dog(s)

Access Areas for Dogs [draft for public exhibition: 30/1/23]

behave appropriately and must not rush at, or provide unwanted attention to, other people or dogs.

- When off-leash (off-lead) – all dog(s) within designated off-leash areas must be under effective control at all times and be able to be recalled immediately and controlled by means other than a leash. Dogs must not rush at, or provide unwanted attention to, other people or dogs.

i) *Dog-controlled area* – any area within the Shoalhaven local government area designated as a:

- 'dog off-leash' exercise area (fenced or unfenced);
- 'dog-prohibited area, and
- all other areas where, for the purposes of this policy, dogs are required to be 'on-leash'.

2. Statement

This policy supersedes the previous *Access Areas for Dogs* policy, and was adopted by Council at its meeting of [TBD].

Dogs in public places across Shoalhaven will be managed by Council in accordance with the Act and this policy in the best interests of the community and the environment.

Council recognises companion dogs provide significant benefits for population health and wellbeing. This policy is therefore calibrated to ensure these benefits are realised and managed in a manner that protects the rights of all users to equitable access to a range of public places across Shoalhaven; recognising there are segments of the population that wish to avoid contact with dogs.

It is acknowledged dogs in public places can present a barrier to participation for some members of the community, including children, the elderly, and people living with physical and intellectual disabilities. Consideration shall therefore be given to equitable access to dog-free areas when designating dog-controlled areas.

The Shoalhaven community is custodian of nationally significant, environmentally sensitive areas across a wide array of landscapes. Thus, there is a vital need for dog exercise in public places to be conducted in a manner that minimises impacts on the environment and community.

2.1. Objectives

The principal objectives of this policy are to:

- a) Provide clear and accessible designations for 'dog off-leash' and 'dog-prohibited' areas within Shoalhaven to ensure population health and wellbeing benefits associated with dog ownership are achieved in balance with the protection of biodiversity and maintenance of ecosystem health.
- b) Protect flora and fauna from the adverse impacts of dogs and, more generally, to limit the impact of dogs on biodiversity and the natural environment.
- c) Support a risk-based approach to the designation and management of dog control areas to balance social and environmental needs in accordance with legislation.

Access Areas for Dogs [draft for public exhibition: 30/1/23]

- d) Provide clarity to all users with respect to areas where dogs are restricted or prohibited and to ensure a range of public places remain dog-free, and therefore accessible, to a wide spectrum of users across Shoalhaven.
- e) Outline expectations regarding the safe, shared-use of public places in Shoalhaven for dog owners and other users.
- f) Direct efforts to develop educational resources that promote responsible dog ownership and positive interactions with companion dogs within public places.
- g) Provide a framework for ongoing review and adaptive management (of this policy & dog-related matters in Shoalhaven).
- h) Promote compliance with all relevant legislation governing dog ownership in New South Wales.
- i) Enable effective enforcement (of this policy).

2.2. Scope

- a) This policy applies to the delivery of infrastructure and services in accordance with the *Shoalhaven 2023 Community Strategic Plan*, that support responsible dog ownership practises for dog owners and dog handlers when taking dogs into public places.
- b) All members of the public (including dog owners and competent persons), whether they be residents or visitors, must comply with the provisions of this policy when taking a dog into a public place in the Shoalhaven local government area.

3. Provisions

This policy is primarily governed by the Act and the *Local Government Act 1993* (NSW). The Act outlines legislative requirements in New South Wales relating to the identification and registration of companion animals and for the duties and responsibilities of their owners, and for other purposes.

Further to the Act, Council is obliged to manage the impacts of dogs on the natural environment through the preparation of environmental assessments in accordance with relevant legislation, such as: the *Environmental Planning and Assessment (EP&A) Act 1979* (NSW), *Biodiversity Conservation Act 2016* (NSW), the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), and the enforcement of legislative functions to ensure this outcome.

3.1. Code of Conduct

Dog owners have a responsibility to preserve and maintain the social and natural environments of the Shoalhaven local government area.

- a) Dogs must therefore be *under effective control* (ref. 3.1h for definition) at all times in public places.
- b) Dog owners who use designated off-leash areas (fenced or not fenced) must be within view of their dog/s and within close proximity of their dog/s at all times.

Dog faeces is considered an environmental risk and can contain pathogens harmful to human health and canine (dog) health.

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- c) Dog faeces must be collected and disposed of responsibly (by the relevant 'owner' or 'competent person'). This means all dog waste must be collected in a receptacle (such as a plastic or compostable bag) and disposed in a waste container (bin).

3.2. “On-Leash at all times in Public Places”

Under the Act, dogs in public places must be under the effective control of *some competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person*. This applies to all public places, EXCEPT designated 'dog-off leash' and 'dog-prohibited' areas (within the Act or within this policy).

- a) As a general rule, dogs in the Shoalhaven local government area are therefore required to be *on-leash* at all times EXCEPT when in a designated *off-leash* area (fenced or not fenced)
- b) Dogs are not permitted within 'dog-prohibited' areas.

3.3. Designated Dog-Controlled Areas

For the purposes of this policy, three categories of dog-controlled area shall apply to public places across Shoalhaven. These are:

- **GREEN** - Dog off-leash areas
- **ORANGE** - Dog on-leash areas
- **RED** - Dog prohibited areas

This traffic light classification system (green, orange, red) is utilised to differentiate between each of the three dog-controlled area categories. The traffic light classification system will be utilised in all new signage and educational material relating to dog management in the Shoalhaven local government area. Council will endeavour to update and replace all dog compliance signage and supporting information as soon as practicably possible.

Further information regarding conditions of use for each of the three dog-controlled area classifications is provided below (ref. 3.5, 3.6, 3.7).

3.4. Dog off-leash Areas – GREEN

- a) Dogs are permitted to be off-leash in designated off-leash areas (only), as indicated by Council approved on-site signage and online resources.
- b) Owners and handlers may be responsible for up to four dogs (only) at any time within a dog off-leash area.
- c) Dogs declared 'dangerous' and 'restricted' and 'menacing' dogs are prohibited in off-leash areas.
- d) All dogs must remain *under effective control* at all times within a dog off-leash area (ref. 3.1h).

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3.5. Dog On-Leash Areas – ORANGE

- a) In accordance with the Act, dogs are required to be restrained (by way of leash, cord or chain) and under effective control at all times within public areas (except as designated in dog 'off-leash' areas and/or dog 'prohibited' areas).
- b) As a rule, dogs in the Shoalhaven local government area are therefore required to be *on-leash* at all times EXCEPT when in a designated *off-leash* area (fenced or not fenced).

3.6. Dog Prohibited Areas – RED

Under the Act, all dogs are prohibited in the following public places (whether or not they are leashed or otherwise controlled):

- a) *Children's play areas*
- b) *Food preparation/consumption areas*
- c) *Recreation areas where dogs are prohibited*
- d) *Public bathing areas where dogs are prohibited*
- e) *School grounds*
- f) *Child care centres*
- g) *Shopping areas where dogs are prohibited*
- h) *Wildlife protection areas*
- i) *And, any Dog Prohibited Areas designated by Council in accordance with this policy*

(Ref. to Section 14 [Paragraph 1] of the Act for further information relating to Dog Prohibited Areas).

3.7. Designating Dog-Controlled Areas

In accordance with the Act, Council may designate 'dog-prohibited' or 'dog off-leash' areas to adequately manage social or environmental constraints at any given location under its care and control. All other areas (not designated as either 'dog-prohibited' or 'dog off-leash') shall be considered 'dog on-leash' areas.

In accordance with legislative requirements, the protection and enhancement of biodiversity, and management of heritage and recreational values, shall be given consideration when developing, implementing, and enforcing this policy – including when identifying, assessing, and designating 'dog off-leash' and 'dog-prohibited' areas.

- a) Council will delineate, foster and regulate 'dog *off-leash*' areas and 'dog-prohibited' areas on the basis of the presence of environmental sensitivities, as determined by environmental due diligence undertaken by Council in accordance with this policy and relevant legislation.
- b) Adaptive management approaches (such as temporary or partial closures of designated *off-leash* areas, or changes to the extents of *prohibited* areas) will be utilised as required to manage high-risk / high-use sites, including to protect threatened biodiversity or cultural heritage as determined by environmental due diligence undertaken by Council.

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- c) Every effort will be made to minimise any impact/s arising from temporary or partial closures of dog-controlled areas, including through offsetting (making additional contiguous areas and/or alternative areas available as close as practicably possible), where appropriate.

Dog-Prohibited Areas

- d) Dog-prohibited areas will be determined on the basis of risk associated with:
- *Environmental sensitivities* – for example, areas where dogs will have an unacceptable impact to social and environmental values as determined by environmental assessments. This may include, but is not limited to: Aboriginal cultural heritage sites, threatened species habitat such as known and probable shorebird nesting sites and migratory bird foraging sites, Endangered Ecological Communities and areas adjoining National Parks.
- and/or
- *High-Use Recreation Areas* – for example: popular beach areas, parks, sports fields, or similar.
- e) Dog-prohibited areas may be subject to change, dependent on environmental fluctuations and/or changing use patterns over time, as required and in accordance with the stated objectives of this policy (refer to Section 2.1) and priorities 1.3, 2.3, and 4.3 of the *Shoalhaven 2023 Community Strategic Plan* (or any subsequent version of that plan).

3.8. Reporting

All recommendations relating to all proposals to designate dog-controlled areas in Shoalhaven arising from Notices of Motion, community requests, strategic initiatives, and capital works planning and implementation shall be subject to a decision of the elected Council to aid in facilitating public scrutiny and transparency.

- a) A report(s) shall be placed on the agenda of an Ordinary Council Meeting in relation to all proposed new dog off-leash and dog-prohibited area designations.
- b) A report(s) shall be placed on the agenda of an Ordinary Council Meeting in relation to all proposed changes to any existing designated dog off-leash and dog-prohibited areas.
- c) Report(s) will not be required to be submitted to the elected Council in relation to temporary changes to existing designated dog-controlled areas (such as temporary closures of dog off-leash areas, or changes to the extents of dog-prohibited areas) undertaken in accordance with section 3.7 of this policy. These occurrences will be managed by Council staff in accordance with this policy.
- d) A report(s) shall be placed on the agenda of an Ordinary Council Meeting in relation to any occurrence where temporary changes to existing designated dog off-leash or dog-prohibited areas are enacted in a consistent manner across a period of at least 36 months and where these changes can reasonably be expected to be continued for a further 24 months and/or indefinitely.
- e) in accordance with Section 232(1) of the *Local Government Act 1993* (NSW) and 3.7(a) of this policy, when deliberating proposed dog off-leash and dog-prohibited designations, consideration shall be given to the outcomes of all relevant environmental due diligence investigations, including (but not limited to) the recommendations of any relevant Review of Environmental Factors.

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3.9. Mapping and Communication

To support the stated objectives of this policy, Council will develop and implement educational resources to ensure the effective and clear dissemination of information to enable dog owners, and the general public, to understand restrictions and to promote appropriate dog exercise in public places.

- a) Designated dog off-leash and dog-prohibited areas (categories GREEN & RED) will be defined using on-site signage and online resources (via Council's webpage). Council will endeavour to make this information universally accessible via other channels (such as printed information booklets, pamphlets, media advertising, and similar, as appropriate).

3.10. Exemptions

- a) This policy does not apply to police dogs, emergency service dogs or dogs used to assist people with a disability (defined as 'assistance animals' under the Act).
- b) In the event a prohibited or restricted area enforceable under this policy be hired / leased out by Council to a group / individual / organisation, the terms and conditions of that hire / lease will determine the regulatory role of this policy.

3.11. Penalties for Non-Compliance

Breaches of this policy (including legislation administered by Council on behalf of other governments) will attract a penalty (or penalties).

- a) Penalties will be levied in accordance with relevant state or commonwealth legislation (including the NSW Companion Animals Act 1998), and/or Council's Compliance and Enforcement Policy.

4. Implementation**4.1. Legislation**

This policy shall comply with relevant commonwealth and state legislation, including, but not limited to:

- *Biodiversity Conservation Act 2016*
- *Civil Liability Act 2002*
- *Coastal Management Act 2016*
- *Companion Animals Act 1998* (the Act)
- *Companion Animals Regulation 2018*
- *Crown Land Management Act 2016*
- *Environment Protection and Biodiversity Conservation Act 1999*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Fisheries Management Act 1994*
- *Local Government Act 1993*

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- *Marine Estate Management Act 2014*
- *National Parks and Wildlife Act 1974*
- *Prevention of Cruelty to Animals Act 1979*
- *Public Spaces (Public Property) Act 2021*
- *Shoalhaven Local Environmental Plan 2014*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

No part of this policy shall override any act. Any part of this policy in contravention of any act shall be considered invalid.

4.2. Council Plans and Policies

This policy has been designed and developed to align with all relevant Shoalhaven City Council plans & policies, including:

- *Shoalhaven 2023 Community Strategic Plan*
- *Companion Animals (Impacts on Native Fauna) – conditions of development consent*
- *Compliance and Enforcement Policy*
- *Foreshore Reserves Policy*
- *Community Engagement Policy*

4.3. Administration

- a) This policy (including future policy reviews) will be administered by the City Lifestyles directorate (Community Planning & Projects).

4.4. Implementation

- a) Implementation plans (including actions arising, such as any strategies or guideline documents relating to enforcement, communications & engagement, education, etc.) will be a shared responsibility of directors with accountability for asset strategic planning, asset custodianship, and enforcement matters, including the: Director – City Lifestyles; Director – City Development; and Director – City Services.
- The City Development directorate (Environmental Services) shall have responsibility for undertaking environmental due diligence investigations for designated dog off-leash and dog-prohibited areas.
 - City Lifestyles (Community Planning and Projects) shall oversee the preparation of an Implementation Plan and associated Implementation Funding Plan to ensure the policy detail is implemented across the organisation.
 - Actions (identified in the Implementation Plan) will be assigned to relevant departments for implementation in accordance with their roles and responsibilities (such as: asset strategic planning, asset custodianship, or enforcement).
- b) All Councillors are responsible for implementation of this policy, in accordance with policy detail (provisions) and related legislated obligations.

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4.5. Enforcement

- a) This policy, and related matters under the *Companion Animals Act 1998* (NSW) and other related legislation will be enforced by the City Development directorate (Ranger Services).

5. Review

The policy, in its entirety, will be reviewed within 12 months of election of a new council, or when a change of legislation affects this policy.

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CL23.37 - Attachment 2