

Ordinary Meeting

Meeting Date: Tuesday, 29 July, 2025

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

Attachments (Under Separate Cover)

Index

14. Reports

CL25.230	2025 CEO Organisation Performance Report	
	Attachment 1 2025 CEO Organisation Performance Report.....	2
CL25.232	Investment Report - June 2025	
	Attachment 1 Monthly Investment Review - June 2025	22
	Attachment 2 Statement of Investments as at 30 June 2025	46
CL25.234	DA24/1885 - 24 Clyde Street MOLLYMOOK BEACH NSW 2539 - Lot 351 DP 242021	
	Attachment 1 4.15 Assessment Report	52
	Attachment 2 Plans - Architectural	126
	Attachment 3 Clause 4.6 Variation	133
	Attachment 4 DRAFT Determination	149



Shoalhaven City Council

2025 CEO Organisation Performance Report

Reporting organisational performance and progress
towards Council priorities

Financial
sustainability
Our plan for the future



Contents

Contents.....	2
A message from the Acting CEO	3
Performance snapshot	5
Progress against our priorities	6
Financial Sustainability.....	6
Asset Management	7
Investment in our Assets & Asset Renewal	7
Disaster Preparedness and Recovery.....	8
Housing Affordability and DA Performance	8
Community Engagement.....	10
City Services.....	11
City Development.....	14
City Performance.....	16
Shoalhaven Water	18

A message from the Acting CEO



It is with great pride, enthusiasm and a deep sense of gratitude, being able to have led the Council for more than eight months, that I share the first CEO Organisation Performance Report with this term of Council. As we reflect on the time since the 2024 Local Government Elections, we have seen a period of resilience, financial progression and achievement across all areas of Council's services and functions. Looking back from the close of 2024 to present, I recognise not only the challenges we have collectively overcome, but the significant strides we have made as an organisation toward reinforcing our recovery towards financial sustainability. This time has been marked by unwavering dedication from staff, a focus on improvement, and above all, a commitment to continuing to provide for our community across the Shoalhaven.

We have seen significant financial success, resulting in a \$14 million reduction in projected operating deficit at the end of FY25 which far exceeds the projected reduction and achieved while maintaining a considered approach to delivering services, looking inwards to expenditure, reviewing our services, executive oversight of vacancies and recruitment, land sales, as well as looking outward to revenue needs. This reduction is a testament to the strategic progression of the Shoalhaven's Sustainable Financial Futures Plan (SFFP), a planned approach with defined actions developed and commenced in December 2024, driven by strong internal executive leadership and underpinned by the stewardship of staff right across the organisation. The ownership of our financial recovery by staff at all levels to benefit the community in which they live, work and play, has proven to be a strong foundation on which the organisation has built its road to fiscal recovery. We continue to review service offerings and focus on our core service needs to benefit the 50 towns and villages that comprise the unique and beautiful environment that is the Shoalhaven.

While the results of the SFFP are evident through the 2025-26 budget, they also reflect the many decisions that have positively impacted cashflow during the term of this Council so far. We have implemented a strong land sales strategy that has brought in \$11.3 million, ensuring we can continue to manage day-to-day cash. We have reduced grant funds paid in advance to around \$10 million - a marked reduction on previous years. We have operationally led and followed a prudent investment strategy that has seen continued returns on Council's investments, further positively impacting our overall financial position.

Our people are the driving force behind everything we have achieved, and I recognise that our workforce comprises a majority who reside within the Shoalhaven, with friends, family and networks across the Local Government Area (LGA) and greater region. They are invested in these outcomes and their ownership and drive, coupled with strong, positive leadership, has led to achieving these outstanding results.

Notwithstanding all of the above, financial sustainability continues to be at the heart of council's operating focus and will require a steadfast and considered strategic approach to ensure that operations are positioned to deliver on the expectations of the community. This journey requires a continued appraisal of both expenditure and revenue opportunities to bring the council back into a positive operating surplus.

Alongside managing finances, Council has delivered numerous actions and outcomes so far during its term. Noteworthy is the finalisation and adoption of our inaugural Reconciliation Action Plan (RAP), which has been several years in the making. This plan reinforces the organisation's commitment to reconciliation, reflecting on our past, and providing the foundations for Council to continue to build its partnership with our strong Indigenous communities. I am incredibly humbled to have been a part of this program and to see the RAP developed, adopted and now being delivered across the organisation. My hope is that as Council delivers this plan, the sentiment and outcomes permeate across the Shoalhaven to forge a more connected and stronger community based on recognition, relationships and respect.

In the midst of a Local Government election, in-depth Councillor induction program, and our financial focus, Council has developed, exhibited and adopted a new Community Strategic Plan (CSP), Delivery Program and Operational Plan (DPOP), as well as a landmark budget of \$510 million for the 2025-26 year. Not only does this ensure we are operating in line with our legislative requirements, but also the ongoing commitment of Council to the Shoalhaven community.

The delivery of a new Community Engagement Strategy and Framework is yet another milestone achievement. This strategy will help guide how council engages and consults with the community on projects of interest, as well as initiatives that are happening across the LGA. The work includes a Community Participation Plan (CPP), which outlines how council will engage on planning and development matters relevant to our locals and each of our communities.

Our targeted Service Review Program continues to uncover opportunities for financial savings and efficiency improvements across the organisation. Recent reviews have covered a diverse range of areas, including Visitor Services, Work Health & Safety, Bereavement Services, and Plant & Fleet. To support ongoing efforts, the Service Planning Framework has been reviewed and updated, providing clear guidance for the regular evaluation of our service offerings into the future.

As I depart from Council, I commend this CEO Organisation Performance Report to our community, inclusive of its content from across all of Council's directorates. I hope this report sheds light on the work that has been undertaken over the past eight and a half months, to give well earned confidence in the operations of Shoalhaven City Council. With the right blend of leadership and ownership, the future of the Shoalhaven is strong.

Sincerely,



James Ruprai

Chief Executive Officer (Acting)

Performance snapshot



General Fund Financials

	As at 1 October 2024 ¹	Current performance ²	Performance trend
Unrestricted Current Ratio (UCR) ³	1.21	1.31	▲
Financial Sustainability Reserve (FSR)	\$0	\$4.1m	▲
Operating performance ratio	-12.3%	-6.1%	▲
Debt service cover ratio	1.46	2.29	▲
Cash and investments	\$205M	\$213.1M	▲

¹Financial results from Quarterly Performance and Budget Report (July – September 2024)

²Financial results from Quarterly Performance and Budget Report (January – March 2025)

³UCR measures the ability of a council to satisfy its financial obligations in the short term. Benchmark is >1.5.



People

	As at 1 October 2024	Current performance	Performance trend
Actual full time equivalent staff (FTE) ⁴	1075.60	1032.47	▲
Turnover	16.54%	14.42%	▲
Average Employee Assistance Program (EAP) monthly hours ⁵	21.8	14.7	▲
Average WHS injury claims per month	14.3	12.8	▲

⁴Actual FTE is full time equivalent staff on Council's payroll, including Shoalhaven Water and Waste Services

⁵Council does not receive individual EAP data, but receives number of hours used for billing purposes



Customer Experience

	As at 1 October 2024	Current performance	Performance trend
CSAT	80.8%	89.4%	▲
Request completion	5 days	5 days	=
Monthly customer complaints	30	31	=
Customer Satisfaction (CSAT) ⁶	49 seconds	30 seconds	▲

⁶CSAT quantifies customer satisfaction with a specific experience (customer service interaction or request)

Progress against our priorities

Financial Sustainability

Significant strides have been made toward our financial sustainability following the introduction of the *Sustainable Financial Futures Plan (SFFP)* in December 2024. This plan, developed in response to AEC recommendations, is now well underway, with 40 of 75 key actions completed so far.

Revenue Initiatives

- Generated **\$11.3 million through the sale of operational land**, contributing to strategic financial repositioning.
- Realised **\$831,000 from plant and fleet sales**, improving cash flow and reducing depreciation costs.
- Implementation of a **12% special rate variation**, boosting revenue to support asset renewal efforts.

Cost Saving Measures

- **\$7m of operational savings** have been incorporated into FY26 budget.
- Implemented an **executive restructure in December 2024**, streamlining leadership and reducing employee costs.
- Conducted a **vacancy review in March 2025**, which will enable **\$3.5 million in employee cost savings** in FY26.
- Through the **fleet reduction efforts**, annual general fund operational savings of \$343,000 will be achieved from FY26 onwards.
- Lowered **future FBT liability** by purchasing more cost-effective fleet vehicles and increasing the employee contribution.

Commercial Service Reviews

- **Family Day Care**: In February 2025, a decision was made to close this service, resulting in projected savings of **\$90,000 per annum**. The service will be closed in early July.
- **Bereavement Services**: The service review has progressed to implementation, with actions in progress. This includes preparing an **Expression of Interest (EOI)** as recommended by the Finance Review Panel.
- **Shoalhaven Entertainment Centre (SEC)**: The current assessment of service delivery is complete. An options analysis is now in progress, aiming to inform future directions for the centre's operation.

Progress against our financial sustainability initiatives reflect a strong commitment to responsible financial management and position Shoalhaven City Council for a more sustainable future, reducing the budgeted FY25 operating deficit from **\$28 million** to a projected actual FY25 operating deficit of **\$12.8 million**.

Asset Management

The Asset Strategy team has undertaken a thorough review of Council's transport asset data through 2024-25. Starting with a comprehensive condition rating of the 1,900km road, 380 carparks and 1,061km length of kerb & gutter undertaken externally. The team then validated critical data such as asset lengths, pavement area and construction materials of over 30,000 asset records. The culmination of this effort is the comprehensive revaluation of Council's \$2 billion transport assets, which will feed directly into the audited financial statements and serve as the benchmark for Council's various sustainability ratios.

Additional achievements include the comprehensive condition inspections of some other asset types, including playground and bus shelters; defining the extents of Council's fire trail responsibilities; recording 19,000 new assets records and new mapping for 25,000 assets.

Investment in our Assets & Asset Renewal

The availability of the condition rating data for the road network is now being utilised by our recently centralised Engineering Asset Planning team to develop a significantly more sophisticated, strategic, data-driven program for road renewal investments.

In relation to capital works, the 2024-25 financial year has seen significant change to the way the organisation delivers its capital projects through the centralisation of project delivery. This operational adjustment has realised a more efficient procurement and project management framework implementation throughout delivery of Council's capital projects. It has also enabled the alignment of safety, quality and environmental aspects of projects.

With safety at the forefront of our delivery, the Contractor Safety Management Procedure for the group has been implemented to ensure best practice when managing contractors on our projects. A strong focus has also been placed on alignment of quality management of the projects we deliver. Through collaboration with our design and planning teams, detailed quality and surveillance plans being developed to ensure key quality deliverables are captured with a view to raising the bar in assuring our new assets are fit to achieve their expected life and performance at handover. Upskilling and knowledge sharing has been to great benefit in this process made more effective through the centralisation of project delivery within the organisation.

The total value of capital projects delivered for FY25 was \$65 million.

The change to centralised delivery has seen many great projects delivered for the community this year, including:

- **The Major Landslip Package** - The completion of the 38 worst landslips after the 2022/23 natural disaster events. The completion of these events marks the end of disruption for many of our community impacted by extended road closures and access limitation due to the significant damage to Council's road assets.
- **Myola Active Transport Improvement Program** - Improvement of active transport at the southern end of Myola where a ferry access links Round the Bay Walk from Huskisson to Callala Bay.
- **Material Recycling Facility** – delivery of this challenging project has continued throughout 2024/25, with a review of operating models currently underway to assist in guiding Council to the most effective method to deal with recyclable materials into the future.
- **Lake Conjola Fire Station Upgrade** - A major upgrade to Lake Conjola Fire Station has been completed five years after the Shoalhaven region was hit by the devastating Currowan bushfire.

Disaster Preparedness and Recovery

Over the past three years, Council's Natural Disaster team has managed a substantial volume of repair works stemming from multiple natural disaster events. Much of the initial emergency response was led by Council's Works and Services Department, with major follow-up repairs jointly delivered by the Natural Disaster team and Works and Services.

While there have been no new natural disasters recorded this financial year, Council has successfully completed over \$19 million in disaster repair works. An additional \$13 million in repairs is currently underway or awaiting approval and commencement. To date, the Natural Disaster Response Program has restored 50 km of roads across all districts, with approximately 40% of this work delivered in the current financial year.

Council's Works and Services team remains actively engaged with local emergency response agencies through participation in the Fire Access and Fire Trail (FAFT) Program, the Bush Fire Mitigation Committee, and the Local Emergency Management Committee.

Council's investment in a full-time Local Emergency Management Officer (LEMO) and Deputy LEMO continues to strengthen coordination with emergency agencies and enhances overall preparedness for emergency events. This commitment has led to notable improvements in the compliance of Council's Asset Protection Zones, as well as a stronger focus on prioritising bushfire trail maintenance to ensure optimal use of available budgets.

Housing Affordability and DA Performance

Housing Affordability

Council resolved to establish an Affordable Housing Action Taskforce and seek expressions of interest (EOI's) for membership and participation. EOI's were sought in March and April 2025, and the potential establishment of the Taskforce was reported to Council in June 2025. It is intended that the Taskforce will assist with the implementation of action in the Affordable Housing Strategy.

Council representatives appeared before the NSW Parliamentary inquiry into Key Worker Housing, from which a range of recommendations related to housing affordability and affordable housing resulted and are now with NSW Government for consideration.

The Draft Development Control Plan and Infrastructure Funding Options Paper for the Moss Vale Road North Urban Release Area were publicly exhibited. Following consideration of the exhibition outcomes, Council is working collaboratively with the group representing the major landowners in this area to resolve a range of matters. When ultimately released this area will contribute an additional 2000 plus residential lots to the market and assist housing affordability as a result.

In May 2025, Council was awarded \$250,000 in funding from the NSW Regional Strategic Planning Fund (Round 3) for the Nowra Estate Renewal Project in Partnership with Southern Cross Housing and Homes NSW. This project will consider opportunities for new and additional social, affordable and market housing through a broader renewal of the area.

Council continued to work with the NSW Government in regard to the announced Low & Mid Rise Housing Reforms that apply to areas of Nowra and Bomaderry and provide additional opportunities for additional low and mid-rise housing in these areas close to the centres.

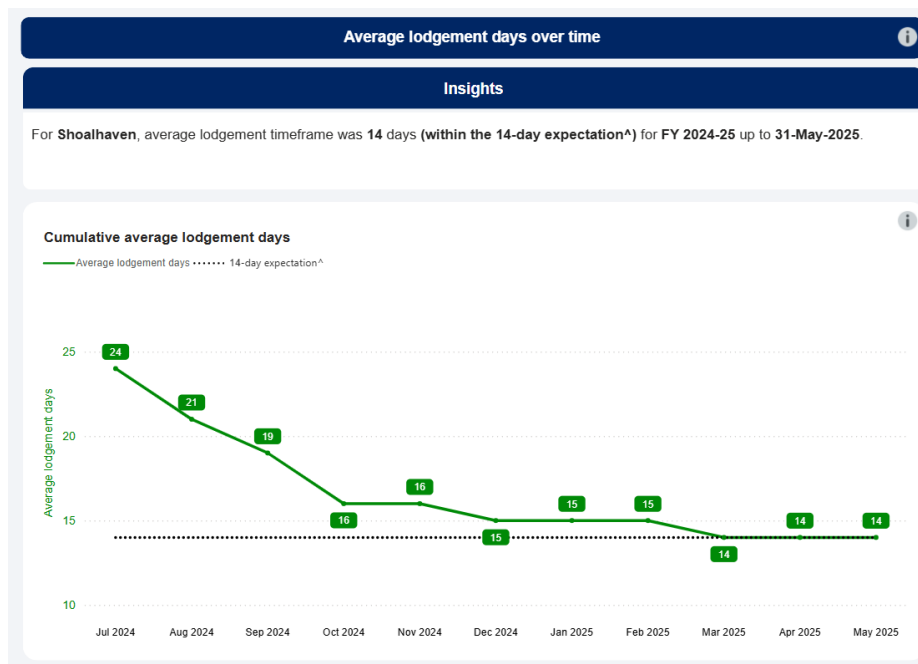
Council collaborated with the NSW Department of Planning, Housing and Infrastructure (DPHI) on a Strategic Roadmap for the Nowra City Centre that will identify a range of potential holistic actions/outcomes to increase the population and vibrancy in the centre, including addition future housing opportunities. A draft discussion paper will be released mid 2025 for community engagement.

In March 2025 the NSW Government announced two State Significant Rezoning Proposals within the broader Nowra Riverfront Precinct that have the potential to deliver additional well-located homes. Nowra Riverfront State Assessed Rezoning Project (approx. 300+ homes) and Homes NSW lead rezoning proposal for the Mandalay Avenue sub-Precinct (approx. 539 homes). Council staff are collaborating with relevant NSW Government Departments to progress these projects.

The partnership Affordable Housing Development at Coomea Street Bomaderry between Southern Cross Housing and Council is substantially progressed and close to completion. The development will provide 39 new affordable dwelling units. Council hosted a visit from Uralla Shire Council to view the project in March 2025.

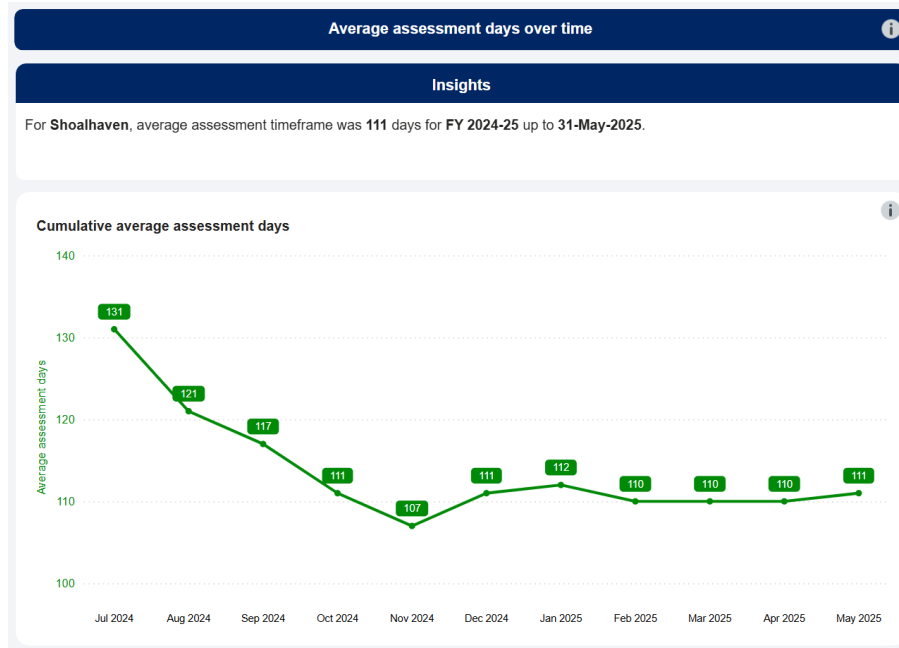
DA Performance - Lodgement Timeframes

Council has significantly reduced average Development Application lodgement average timeframes from 24 to 14 days. This result demonstrates early compliance with the Ministerial Order of Expectations for Development Application lodgement.



DA Performance - Assessment Timeframes

Council is continuing to improve its assessment timeframes in line with the Government's Statement of Expectations Order 2024. The target set by the Minister for the Shoalhaven is an average of 110 days from 1 July 2024 to 30 June 2025, which was exceeded by just one-day last month. We will be working to enhance performance and further reduce assessment timeframes over the course of the next financial year to meet the Minister's new target of 105 days for 2025-26.



Community Engagement

Standards and requirements for community consultation have been set in the Community Engagement Strategy and Framework 2025-29, drafted and adopted by Council this year. The document provides a guide as to how Council interacts with and involves communities in the decision-making process. The strategy outlines goals, principles, methods and tools for building trust and fostering participation.

Since October 2024, Council has engaged on 55 initiatives, including city-wide projects and plans such as the Community Strategic Plan, Community Infrastructure Strategic Plan, and the Coastal Management Plan. During this time there have been 7,555 responses to 89 surveys hosted on the Get Involved website, which has 319 newly registered participants, bringing the current total to 4,714.

City Services

Enterprise Project Management Office (ePMO) and Community-Led Projects

FY25 has seen the full integration of the ePMO into Council's 'business as usual' processes. The implementation of two key systems, Capital Works Budgeting and Project Life Management (PLM) has realised immediate benefits. Capital Works Budgeting now allows budgets to be managed at a works project level, which enables project managers and senior leadership to have greater visibility of the status of available project budget and current spend. The requirement to provide monthly forecast spend updates has enabled us to minimise our end of year carry forwards to a much lower value than in previous years and identify budgetary issues much earlier.

The rigour applied in the assessment of project initiatives in PLM has resulted in a much more deliverable capital works program which helps to improve the community's confidence in Council. Systems have now also been developed to support the consideration of community-led projects.

Community Infrastructure Strategic Plan (CISP)

The Open Space & Recreation Planning (OSRP) team has made great progress on our key strategic project, the CISP Review, over the past 12 months. The CISP Review project, which commenced in early 2024, is on track for endorsement in mid-2026. The project's methodology is confirmed, discrete sub-projects have been completed, including an audit of all community infrastructure assets and multiple community engagement activities, completion of a round of direct engagement with key internal stakeholders, and commencement of needs analyses by district.

Over 4,500 engagements have been registered to date through various engagement activities undertaken as part of the CISP Review, and it is expected these numbers will continue to rise through subsequent project phases.

Aquatic and Leisure Facilities

Aquatic and leisure facilities have achieved significantly better than budget revenue performance throughout the year. By the end of FY25, income-generating activities are projected to exceed budget forecasts by approximately \$600,000. Notably, strong performance has been observed in the following service areas:

- Learn to Swim programs (+10,000 enrolments)
- Health & Fitness services (4,000 Members and 800,000 patrons overall)
- Catering and Café operations

The full allocation of the \$1,200,000 Capital Budget has been successfully utilised to support infrastructure investment across aquatic and leisure facilities. Capital works delivered include:

- Facility upgrades and embellishments
- Reactive maintenance
- Minor improvement projects
- Turf maintenance and enhancement programs.

These investments have supported continued service delivery improvements and asset sustainability across the Swim Sport Fitness portfolio.

Amalgamation of Parks and Precincts (Horticultural services)

During the 2024/25 financial year, the Shoalhaven Swim Sport Fitness Department completed a strategic review of open space operations in collaboration with the Works & Services, Building Services, and Bereavement Services departments. The focus of the review was to assess the benefits of amalgamating horticultural operations across departments.

As a result of this review, it was determined that the integration of the Works & Services Parks team, Bereavement Mowing functions, and open space / grounds maintenance performed by Building Services with the Swim Sport Fitness Precinct team would yield significant operational benefits. Key outcomes of the amalgamation include:

- Increased availability of shared resources
- Improved workforce flexibility
- Expansion of mowing work crews across districts
- Reduction in travel time between sites
- Optimised use of equipment and adaptability to changing priorities
- \$260,000 in annual operational savings.

Works and Services

Across all districts, Shoalhaven achieved substantial infrastructure improvements and recovery works. A combined 60.5 km of resealing and 24.4 km of gravel road re-sheeting were completed, alongside pathway, drainage, culvert, and carpark upgrades across key urban and regional sites. Notable projects included shared user paths in Myola, Callala Bay, and Matron Porter Drive; jetty renewals in Lake Tabourie, and a fenced dog park in Bomaderry.

Extensive natural disaster response works totalled over \$6.5 million, addressing culvert failures, potholes, slope stability, headwall repairs, and multiple sinkholes.

The Basin and Southern Districts led major pavement restoration efforts, while the Roads Unit delivered \$3.05 million worth of resealing, rehabilitation, and asphalt works, supplemented by \$1.92 million in targeted capital upgrades. These efforts reflect an integrated investment in resilience, accessibility, and essential infrastructure across the Shoalhaven region.

Waste Services

The forecast to the end of financial year indicates that operational income will be 5% (\$4 million) more than FY24 and 1% (\$0.8 million) more than FY25 Budget. Operational expenditure will be 11% (\$8 million) less than FY24 and 7% (\$5 million) less than FY25 Budget. One-off items (in particular waste levy rebates) account for the majority of the positive outcome.

Increased income and reduced expenditure have been achieved in FY25 thanks to a great effort by the whole team to identify savings and maximise income.

The kerbside domestic waste collection service has operated well. The service provided 2.56 million lifts of rubbish bins (31,000 tonnes of waste to landfill) and 1.25 million lifts of recycling bins (9,700 tonnes of recycling).

The West Nowra waste and recycling facility received almost 110,000 tonnes of waste, of which over 46,000 tonnes were diverted from landfill.

Plant & Fleet Service Review

As part of the Financial Sustainability project in 2023, AEC Group (AEC) was engaged to complete a service review of Council's plant and fleet management and operations.

A project management plan was then developed and approved to support the organisation in delivering the recommendations from the plant and fleet service review.

The following table outlines the agreed project deliverables and status:

Project Deliverable	Status
Update Motor Vehicle Policy	Completed
Review leaseback contributions paid by staff	Completed
Coloured fleet (passenger vehicle) review	Completed
Establish Plant and Fleet Working Group (PFWG)	Completed
Sale of under-utilised plant and fleet	In progress
External plant hire	In progress
10-year Plant and Fleet Replacement Program	In progress
Performance reporting	In progress
Fleet system improvements	In progress
Revaluation and depreciation rates	Not started – December 2025
Adjusted hire rates	In progress
Fleet team changes	In progress

To date, total sales proceeds of \$737,924 has been reported from the sale of general fund plant and fleet assets. This reduction in Council fleet contributes to significant ongoing cost savings, with annual plant hire savings estimated at \$270,471 for the general fund, which will be realised from FY26.

City Development

Cultural and Community Services

- Council adopted and launched its first Reconciliation Action Plan (RAP) at the 'Reflect' level, which sets out 18 months of goals and 49 actions to strengthen relationships, demonstrate respect and provide opportunities for Council to work more collaboratively with Aboriginal and Torres Strait Islander communities.
- Council worked with Huskisson Chamber of Commerce to win Top Tiny Tourism Town Award for NSW for the third year running. Council also promoted Wine Whales and Foodie Trails for visitors to Shoalhaven and Go Grand which is a South Coast and Highlands campaign. Data shows occupancy down 25% in July and August so support of the industry is crucial.

Environmental Services

Coastal Management Program

- Sussex Inlet, St Georges Basin, Swan Lake and Berrara Creek CMP adopted by Council June 2025.
- Lake Conjola CMP adopted by Council June 2025.
- Lower Shoalhaven Rive CMP completed for Council determination in 2025.

Land Management

- Formation of the Shoalhaven Heads Dunecare

Floodplain Management

- Shoalhaven ICOLL Catchments Flash Flood Warning System Scoping Study completed, and NSW Government grant funding obtained to implement a Total Flood Warning System in the Lake Conjola, Burrill Lake and Tabourie Lake catchments.
- Clyde River Flood Study and Floodplain Risk Management Study and Plan completed and due for reporting to Council following Southern Floodplain Risk Management Committee endorsement.
- Willinga Lake Flood Study and Floodplain Risk Management Study and Plan completed and due for reporting to Council following Southern Floodplain Risk Management Committee endorsement.
- Lower Shoalhaven River and St Georges Basin Flood Evacuation Capability Assessment completed.

Business Support

- Developed real-time dashboards to monitor Development lodgement and approval activity across the Shoalhaven LGA.
- Reduced average Development Application lodgement timeframes from 24 to 14 days through process reengineering and system enhancements.
- Achieved early compliance with the Ministerial Order of Expectations for Development Application lodgement.
- Introduced online certificate requests, increasing revenue from Internal Drainage Diagram services.
- Enhanced Business Support service efficiency, meeting KPI targets and delivering cost savings.

Development Services

- Shoalhaven City Council is currently on target to meet the Minister's Statement of Expectation Order 2024 for the determination of development applications within 110 days (gross) from lodgement for the 2024-25 financial year.
- We are continuously reviewing our procedures and building capacity to address the lower 105-day target for DA determination for the 2025-26 financial year.

Strategic Planning

Council adopted Strategic Growth Principles in December 2024, and these were included in Shoalhaven's Local Strategic Planning Statement.

Work commenced and is well advanced on new Local Infrastructure Contributions Scheme for Shoalhaven.

Council adopted a significant Planning Proposal (zoning change) for a site at St. Vincent Street, Ulladulla (180+ dwellings) in May 2025.

Submissions were provided or advocacy occurred on behalf of Council to NSW Government regarding the following planning reforms or related matters: Proposed Cultural SEPP, Gateway process for Planning Proposals, Stricter Planning Regulation of Tobacco and Vape Stores, NSW Housing Delivery Authority, NSW Housing Targets, IPART Contributions Plan Review, NSW Homelessness Strategy, NSW Government low & Mid Rise Housing Reforms, Planning Pathway for NSW Housing Pattern Book, NSW Bushfire Risk Audit, Planning Responses to Climate Risk, Industrial Lands Action Plan, Nowra City Centre Strategic Planning Roadmap, NSW Office of Local Government: Affordable Housing Guide, Proposed Illegal Tree and vegetation clearing reforms, Codes SEPP High Priority Reforms.

Council representatives formally appeared before the NSW Parliamentary inquiries into Historic Development Consents and Key Worker Housing.

Amendment No. to Shoalhaven DCP 2014: 45 Degree Rule for Tree Clearing was finalised March 2025, and the Draft Berry DCP and associated Heritage Planning Proposal (PP) were finalised and adopted for exhibition pending a favourable Gateway determination from NSW Government (for the PP component).

In January 2025 the Australian Government announced that Council had been successfully awarded a grant of \$5 million from the Regional Precincts and Partnerships Program Grant Announcement to help progress the master planning work for the Nowra Riverfront.

The new Shoalhaven Community Participation Plan (CPP) for Planning and Development Decisions was formally exhibited and finally adopted by Council in May 2025 and the new Draft Shoalhaven Local Approvals Policy exhibited March to May 2025.

Council staff represented the Planning Institute of Australia (PIA) at the Ulladulla High School Careers Fair in June 2026 to promote urban planning as a career.

Council continued to process and issue a high volume of Planning Certificates (10.7 and dwelling entitlement) with 5,000+ certificates issued (or around 420 per month or 100 per week).

Certification & Compliance

Council's Swimming Pool Compliance Education Program launched in October 2024, promoting pool and spa safety with the slogan "*A Pool That Complies, Saves Lives*" and delivering a summer a safety message. The initiative featured a cohesive communications strategy, and an educational video designed for long-term use all completed utilising in-house resources.

Regional Illegal Dumping Officers and Ranger Services Unit secured over \$91,000 in EPA backed funding to boost Councils fight against illegal dumping through smart surveillance, bold education, and united community action.

Staff presented a detailed report to Council on 29 April 2025 recommending that Council rescind MIN19.150 and "opt-out" of the agreement 25% reduced penalty notice charges for overtime carparking, overtime street parking and not stand vehicle within marked space by as offered as an option by the State Government in 2019. This recommendation was carried and will restore more than \$160,000 to next year's budget without incurring additional costs, resources, or staffing resources.

City Performance

Assurance and Risk

- New Council onboarded, including training and induction.
- Success in Class 1 and 4 actions in the Land and Environment Court, resulting in reduced costs for Council.
- Continued excellent results achieved with respect to our audited requirements as a self-insurer for workers compensation.
- Councillor Expenses Policy adopted.
- Provision of discussion paper responses and amendments to Code of Meeting Practice.

Finance

- Successful 12% SRV application lodged 31 Jan 2025 and approved on 16 May 2025.
- Financial Sustainability reserve has grown to a balance of \$4.1m.
- Investments are on track to achieve the revised budgeted interest revenue forecast for this financial year.
- While Council will not achieve the mandated Office of Local Government (OLG) performance measures for 30 June 2025, there has been improvement in performance against the key ratios such as operating performance and unrestricted current ratio.

Customer Experience

- Decreased staff turnover rate in the Customer Experience team, resulting in more experienced Officers and improved Customer KPI results.
- Transfer of the Ulladulla Counter into Customer Experience in June 2025. This change will provide a consistent, streamlined customer service offering in Nowra and Ulladulla.
- As part of Council's continuous improvement efforts, a system change is being rolled out which gives the customer the ability to respond to system generated correspondence. This correspondence is then automatically registered and assigned to the staff member within minutes.
- Another customer-centric system change is underway, which means the corresponding customer request is automatically closed when the works team complete the job.

People & Culture

- Implementation of executive level workplace change.
- Implementation of the Vacancies and My Recruitment module in OneCouncil.
- Review of mandatory training completed.
- Diversity and Inclusion Training Package: Disability Awareness Training (released August 2024 before the new Council), Sexual Harassment Training (released October 2024), Zero Tolerance (released November 2024), Child Safety Awareness Training (released March 2025)
- Launch of Patrizia Cassiniti – Touched by Christopher presentations – Safety Talks.
- Overall Host Employer of the Year, Zeal Futures Excellence Awards 2025.

- Obtaining funding for 2 cadet positions in the Fresh Start Grant Applications Round 2.
- Implementation of new time and attendance payroll system and training is near completion.

Information Services

- Implementation of the mobility for Work Orders using OneCouncil and Worxonline for Works & Services. Implemented northern, central and southern districts.
- Implementation of Inspection Testing and Monitoring (ITM) system ITM which determines the scope and frequency for inspection testing and monitoring of plant and equipment along with health monitoring for required workers.
- Implementation of a grants preapproval process and grants register.
- Development of a portal for pilot of community-led projects capture.
- Transition from on-premises bespoke solution to OneCouncil integrated system for certificates and food shop inspections.
- IT Disaster Recovery Plan refreshed and successful walkthrough of two disaster scenarios carried out.
- Optimised the road naming and addressing process, enhance tracking, and improve customer communication for more efficiency.
- Developed Property GIS Layer, enabling the identification of all property types associated with the land, including strata, ancillary, leases, licenses, and more.

Shoalhaven Water

Development Servicing Plan (DSP) Review

A strategic update of the DSP has been completed to better align infrastructure planning with regional growth and development trends. The last update was completed 20 years ago. This ensures that water and wastewater services remain robust and future ready. The DSP's are currently on exhibition and will be reported back to Council later this year for adoption.

Section 64 Contributions Policy Reform

A significant policy shift was implemented with the revision of the Section 64 developer contributions discount policy. The changes promote fairer cost-sharing for infrastructure delivery and incentivize development in priority growth areas. The removal of the discount policy will provide additional revenue to a depleted Section 64 reserve.

Major Capital Works Projects

Shoalhaven Water has advanced several critical infrastructure projects as part of its \$56.4 million capital works program including:

- **Bamarang to Milton Stage 2 Water Pipeline Project** – Enhancing water security and supply resilience across the southern Shoalhaven.
- **Jervis Bay Territory Pipeline** – Supporting cross-jurisdictional water service reliability.
- **Culburra Wastewater Treatment Plant Upgrades** – Improving environmental outcomes and treatment capacity.
- **Moss Vale Road South Urban Release Area Infrastructure** – Completion of the project in April will facilitate new housing developments with essential water and sewer services.
- **Coonemia Sewage Treatment Plant** – Initial investigations into consolidating all REMS plants into one new treatment plant. Potential large savings in operational costs and capital expenditure.

Strategic Engagement and Planning

The team has actively engaged with DCCEEW through workshops and consultations, ensuring that planning decisions reflect community needs and long-term sustainability goals and we achieve assessment under the Regulatory and Assurance Framework.

Council has adopted to pay a dividend from the water and sewer funds in Shoalhaven Water's LTFP. Shoalhaven water is a large local government owned water utility and has the capability to fund this moving into the future.

Presentation of 10-year Long Term Financial Plan to councillors for Both water and Sewer fund including the delivery of 2 major projects – Bamarang to Milton Stage 2 water pipeline and the Northern water recycling plant at Coonemia. The LTFP including proposed rating structure is the first time Council has had visibility of future projects against proposed rating structure. Councillors have reviewed the proposed rating structure and made changes as appropriate based on community expectations.

Following the NSW Government Announcement in March 2025 for the Homes NSW Mandalay Avenue Precinct, staff have commenced working with the proponent to investigate the infrastructure requirements to cater for the large development. The development will require significant upgrades to pumping stations and gravity sewer mains.

Increased revenue from Manildra has been realised with an additional \$1.8m in additional water usage income. An increased pricing agreement and additional water consumption has made Manildra a major customer.

Secured funding for a Cadet data analyst from OLG fresh start program

Fleet Review

A complete review of Shoalhaven Water's fleet has been undertaken including utilisation, leasebacks and plant on hire. The review highlighted that some plant that had not been returned and was being hired weekly in addition to the approved fleet. 12 items of fleet were returned at a weekly cost of \$4,970 (\$258,000 per year) plus additional capital through sales.



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Monthly Investment Review



June 2025

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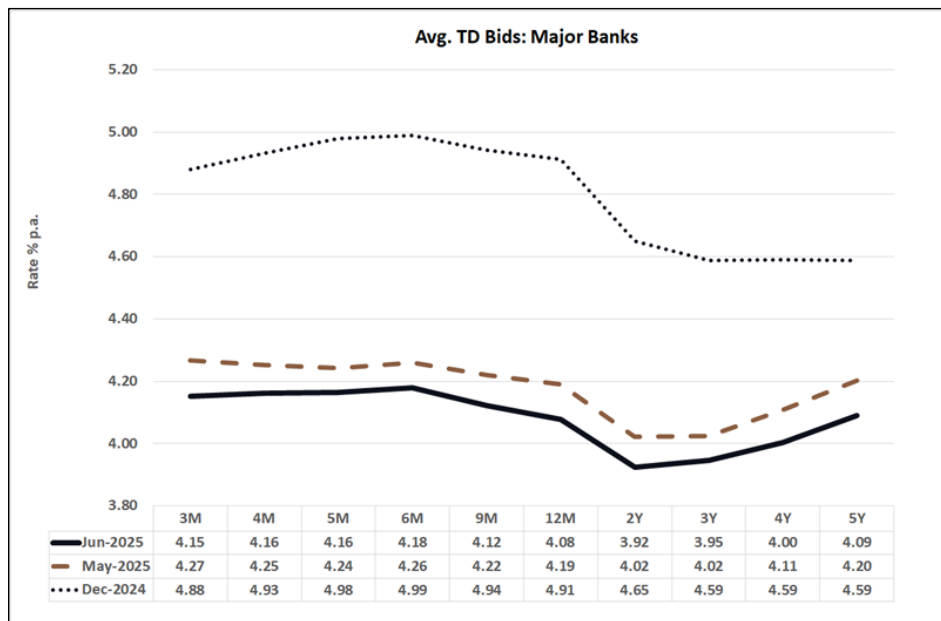
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Market Update Summary

Global equity markets set all-time highs again, despite the escalating tensions in the Middle East throughout the month. The global tariff wars seem to have taken a backburner for now, whilst market expectations are for further rate cuts to be delivered by most global central banks.

In the deposit market, over June, at the very short-end of the curve (less than 6 months), the average deposit rates offered by the domestic major banks fell between 7-10bp compared to the previous month (May). At the longer-end of the curve (1-5 years), the average rates dropped by 10-15bp compared to where they were in May, as the market continues to expect additional rate cuts over the next few months.



Source: Imperium Markets

With additional rate cuts and a global economic downturn priced in over 2025, investors should consider diversifying and taking an 'insurance policy' against a potentially lower rate environment by investing across 1-5 year fixed deposits and locking in rates close to or above 4% p.a. (small allocation only).



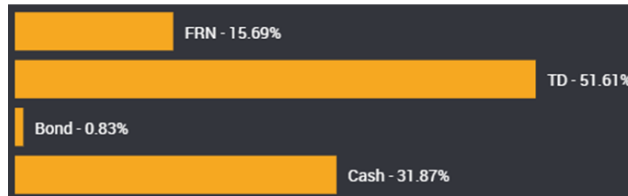
Shoalhaven City Council 's Portfolio & Compliance

Asset Allocation

The majority of the portfolio is directed to fixed term deposits and cash or cash notice accounts. The remainder of the portfolio is directed to liquid senior FRNs and fixed bonds.

Senior FRNs are now trading at a 'fair value' on a historical basis, and new issuances should be considered on a case by case scenario. For fixed interest investments, staggering a mix of fixed deposits between 12 months to 5 years remains a more optimal strategy to maximise returns over a longer-term cycle.

With additional interest rate cuts and a global economic downturn being priced in 2025, investors can choose to allocate a small proportion of longer-term funds and undertake an insurance policy against additional rate cuts by investing across 1-5 year fixed deposits, locking in and targeting yields above 4% p.a. Should inflation be within the RBA's target band of 2-3% over the longer-term, returns around 4% p.a. or higher should outperform benchmark.





Term to Maturity

All maturity limits (minimum and maximum) comply with the Investment Policy. Short-Medium Term (1-2 years) assets account for around 2% of the total investment portfolio, with capacity of ~\$163m remaining.

Any funds excess to surplus requirements should be placed in longer-dated tenors between 1-5 years across fixed term deposits along with any attractive new FRNs (3-5 years) as they come to market (refer to respective sections below).

Compliant	Horizon	Invested (\$)	Invested (%)	Min. Limit (%)	Max. Limit (%)	Available (\$)
✓	0 - 90 days	\$103,575,789	43.11%	0%	100%	\$136,690,655
✓	91 - 365 days	\$102,101,752	42.50%	0%	100%	\$138,164,692
✓	1 - 2 years	\$4,713,063	1.96%	0%	70%	\$163,473,448
✓	2 - 5 years	\$29,875,840	12.43%	0%	50%	\$90,257,381
✓	5 - 10 years	\$0	0.00%	0%	25%	\$60,066,611
		\$240,266,443	100.00%			

CL25.232 - Attachment 1



Counterparty

As at the end of June 2025, all counterparty exposures comply within the Policy limits. 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 (\$)
✓	DBS Cov	AAA	\$1,003,540	0.42%	100.00%	\$239,262,903
✓	Suncorp Cov	AAA	\$2,016,188	0.84%	100.00%	\$238,250,255
✓	NSW (SIRA)	AA+	\$6,675,000	2.78%	100.00%	\$233,591,443
✓	ANZ	AA-	\$38,990,649	16.23%	100.00%	\$201,275,794
✓	CBA	AA-	\$73,393,858	30.55%	100.00%	\$166,872,586
✓	HSBC Bank	AA-	\$2,017,066	0.84%	100.00%	\$238,249,377
✓	NAB	AA-	\$64,502,829	26.85%	100.00%	\$175,763,614
✓	Northern Terr.	AA-	\$2,000,000	0.83%	100.00%	\$238,266,443
✓	Westpac	AA-	\$4,007,928	1.67%	100.00%	\$236,258,515
✓	Macquarie Bank	A+	\$4,001,504	1.67%	100.00%	\$236,264,939
✓	Rabobank	A+	\$5,322,048	2.22%	100.00%	\$234,944,395
✓	ING Bank	A	\$20,714,159	8.62%	100.00%	\$219,552,285
✓	Bendigo	A-	\$10,601,260	4.41%	20.00%	\$37,452,029
✓	BoQ	A-	\$5,000,000	2.08%	20.00%	\$43,053,289
✓	AMP Bank	BBB+	\$20,414	0.01%	5.00%	\$11,992,908
			\$240,266,443	100.00%		

On 31st July 2024, ANZ's takeover of Suncorp Bank was formalised, and ratings agency S&P upgraded Suncorp's long-term credit rating to that of its parent company immediately (now rated AA-). Investor's exposure to Suncorp is now reflected under the parent company being ANZ.



Credit Quality

The portfolio is well diversified from a credit ratings perspective. The portfolio is entirely invested amongst the investment grade ADIs (BBB+ or higher). There is no exposure to Unrated assets now following the disposal of the TCorp Long-Term Growth Fund in Q1 2024.

All ratings categories are within the Policy limits:

Compliant	Credit Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	AAA Category	\$3,019,728	1%	100%	\$237,246,715
✓	AA Category	\$191,587,330	80%	100%	\$48,679,113
✓	A+ to A Category	\$30,037,711	13%	100%	\$210,228,733
✓	A- Category	\$15,601,260	6%	40%	\$80,505,317
✓	BBB+ to BBB Category	\$20,414	0%	30%	\$72,059,519
✓	BBB- & NR ADIs	\$0	0%	5%	\$12,013,322
✓	TCorp LTGF	\$0	0%	100%	\$240,266,443
		\$240,266,443	100.00%		

CL25.232 - Attachment 1



Performance

Council's performance for the month ending June 2025 (excluding cash) is summarised as follows:

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.31%	0.97%	1.99%	4.21%	4.21%
AusBond Bank Bill Index	0.32%	1.02%	2.10%	4.39%	4.39%
T/D Portfolio	0.40%	1.20%	2.43%	5.01%	5.01%
FRN Portfolio	0.42%	1.21%	2.35%	4.72%	4.72%
Bond Portfolio	0.10%	0.30%	0.60%	1.14%	1.14%
Council's Total Portfolio[^]	0.40%	1.19%	2.38%	4.84%	4.84%
Relative (to Bank Bills)	0.08%	0.17%	0.28%	0.45%	0.45%

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

Performance (Annualised)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	3.85%	3.93%	4.06%	4.21%	4.21%
AusBond Bank Bill Index	3.94%	4.15%	4.28%	4.39%	4.39%
T/D Portfolio	4.94%	4.90%	4.95%	5.01%	5.01%
FRN Portfolio	5.23%	4.93%	4.80%	4.72%	4.72%
Bond Portfolio	1.24%	1.21%	1.21%	1.14%	1.14%
Council's Total Portfolio[^]	4.95%	4.86%	4.86%	4.84%	4.84%
Relative (to Bank Bills)	1.01%	0.72%	0.58%	0.45%	0.45%

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

For the month of June, the total portfolio (excluding cash) provided a return of +0.40% (actual) or +4.95% p.a. (annualised), outperforming the benchmark AusBond Bank Bill Index return of +0.32% (actual) or +3.94% p.a. (annualised). The longer-term positive performance continues to be anchored by the handful of deposits that were originally placed for terms greater than 12 months.



Recommendations for Council

AMP Business Saver & Notice Account

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 short-dated fixed deposits with the major banks yielding a considerably higher rate of return, or simply just redeem to replenish capital reserves.

Term Deposits

As at the end of June 2025, Council's **deposit** portfolio was yielding 4.75% p.a. (down 9bp from the previous month), with a weighted average duration of ~187 days (~6½ months). We recommend extending the weighted average duration closer to 9-12 months to optimise returns in the long-run.

Going forward, a more optimal strategy would be staggering deposits across 1-5 year terms – this is likely to earn up to ¼-½% p.a. higher compared to shorter tenors in a normal market environment. There is growing belief that additional rate cuts and a global economic downturn is imminent and so locking in rates above 4% p.a. across 1-5 year tenors may provide some income protection against a lower rate environment.

Please refer to the section below for further details on the Term Deposit market.

Securities

Primary (new) **FRNs** (with maturities between 3-5 years) are now 'fair value' again and remain appealing (particularly for those investors with portfolios skewed towards fixed assets) and should be considered on a case by case scenario. **Fixed Bonds** may also provide attractive opportunities from new (primary) issuances.



Council's FRN Portfolio

During the month, Council sold out of the following low yielding FRN, realising capital gains of \$12,560 and boosting overall returns:

Issuer	Rating	Maturity Date	ISIN	Face Value	Trading Margin	Capital Price (\$)	Realised Gain (\$)
NAB	AA-	25/02/2027	AU3FN0066528	\$4,000,000	+52.5bp	\$100.314	\$12,560

We recommend that Council retains most its FRNs at this stage. We will continue to monitor them individually and will advise when it is appropriate to sell to boost the overall returns of the portfolio in future. (We also remind Council that FRNs can also be sold in the case of an emergency for cash flow purposes).

The following FRNs (unrealised gains of ~\$26k) are up for consideration to be sold over the next few months. We recommend switching into a new attractive FRN when available or otherwise, medium-term fixed deposits (1-5 years) yielding above 4% p.a.

Issuer	Rating	Maturity Date	ISIN	Face Value	Trading Margin	~Capital Price (\$)	~Unrealised Gain (\$)
Macq	A+	09/12/2025	AU3FN0057709	\$4,000,000	+39.0bp	\$100.038	\$1,504
Sunc	AA-	24/02/2026	AU3FN0058343	\$2,100,000	+42.0bp	\$100.012	\$248
Rabo	A+	27/01/2027	AU3FN0065710	\$2,000,000	+56.5bp	\$100.248	\$4,952
Sunc	AA-	25/01/2027	AU3FN0065994	\$2,700,000	+57.5bp	\$100.300	\$8,111
DBS	AAA	16/08/2027	AU3FN0080313	\$1,000,000	+62.5bp	\$100.354	\$3,540
CBA	AA-	17/08/2028	AU3FN0080396	\$1,000,000	+68.0bp	\$100.790	\$7,901



Council's Senior Fixed Bonds

In August 2021, Council invested into the following NTTC (AA-) fixed bond:

Investment Date	Maturity Date	Principal	Rate % p.a.	Interest Paid
27/08/2021	15/12/2025	\$2,000,000	1.20%	Annually

We believe this was prudent at the time of investment given the low rate environment and particularly after the RBA's easing decision in early November 2020 to 0.10% and their forward guidance towards official interest rates (no rate rises "until at least 2024").

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



Term Deposit Market Review

Current Term Deposits Rates

As at the end of June, we see value in the following:

ADI	LT Credit Rating	Term	Rate % p.a.
ING Bank	A	5 years	4.27%
NAB	AA-	5 years	4.15%
Westpac	AA-	5 years	4.12%
BoQ	A-	5 years	4.10%
ING Bank	A	4 years	4.12%
NAB	AA-	4 years	4.10%
Westpac	AA-	4 years	4.01%
Hume Bank	BBB+	4 years	4.00%
NAB	AA-	3 years	4.00%
ING Bank	A	3 years	3.98%
Suncorp	AA-	3 years	3.93%
Westpac	AA-	3 years	3.92%
State Bank of India	BBB-	2 years	4.00%
NAB	AA-	2 years	3.95%
ING Bank	A	2 years	3.90%
Hume Bank	BBB+	2 years	3.90%

The above deposits are suitable for investors looking to maintain diversification and lock-in a slight 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 (we stress that rates are indicative, dependent on daily funding requirements and different for industry segments):



ADI	LT Credit Rating	Term	Rate % p.a.
Bank of Sydney	Unrated	12 months	4.22%
State Bank of India	BBB-	12 months	4.15%
Suncorp	AA-	12 months	4.12%
NAB	AA-	12 months	4.10%
ICBC Sydney Branch	A	12 months	4.07%
Suncorp	AA-	9 months	4.29%
BankVIC	BBB+	9 months	4.20%
Bank of Sydney	Unrated	9 months	4.20%
NAB	AA-	9 months	4.18%
State Bank of India	BBB-	9 months	4.15%
Bank of Sydney	Unrated	6 months	4.40%
Suncorp	AA-	6 months	4.27%
State Bank of India	BBB-	6 months	4.25%
Bendigo-Adelaide	A-	6 months	4.25%
NAB	AA-	6 months	4.22%
Bank of Sydney	Unrated	3 months	4.40%
State Bank of India	BBB-	3 months	4.30%
NAB	AA-	3 months	4.25%
BankVIC	BBB+	3 months	4.20%

For those investors that do not require high levels of liquidity and can stagger their investments longer term, they will be rewarded over a longer-term cycle if they roll for an average min. term of 12 months, with a spread of investments out to 5 years (this is where we see current value). In a normal market environment (upward sloping yield curve), investors could earn over a cycle, on average, up to ¼-½% p.a. higher compared to those investors that entirely invest in short-dated deposits.

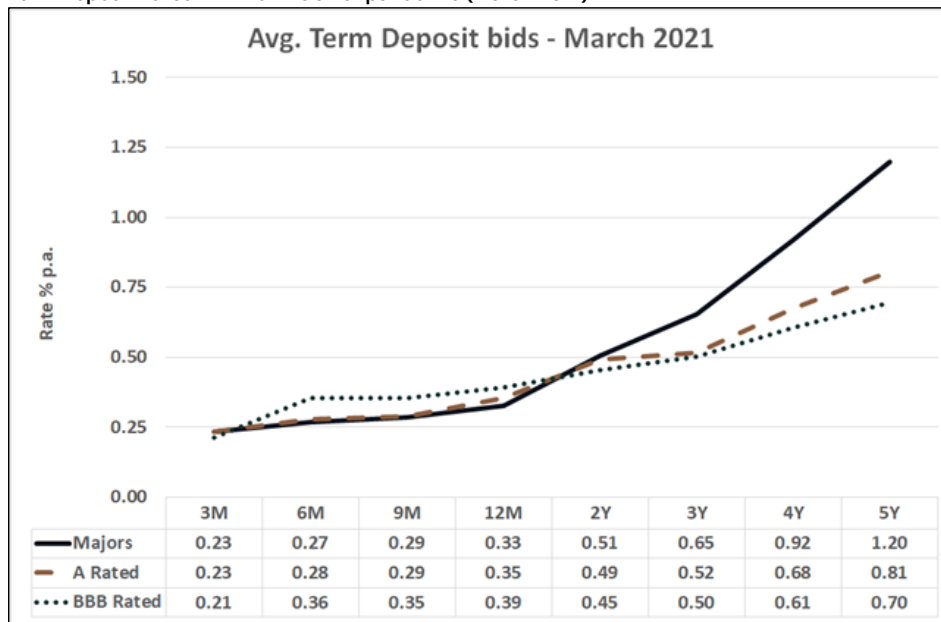
With additional rate cuts and a global economic downturn priced in over 2025, investors should consider allocating some longer-term surplus funds and undertake an insurance policy by investing across 1-5 year fixed deposits and locking in rates close to or above 4% p.a. This will provide some income protection if the RBA decides to continue cutting rates over 2025 and into 2026.



Term Deposits Analysis

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) during mid-2020, 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. 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 three years.

Term Deposit Rates – 12 months after pandemic (March 2021)



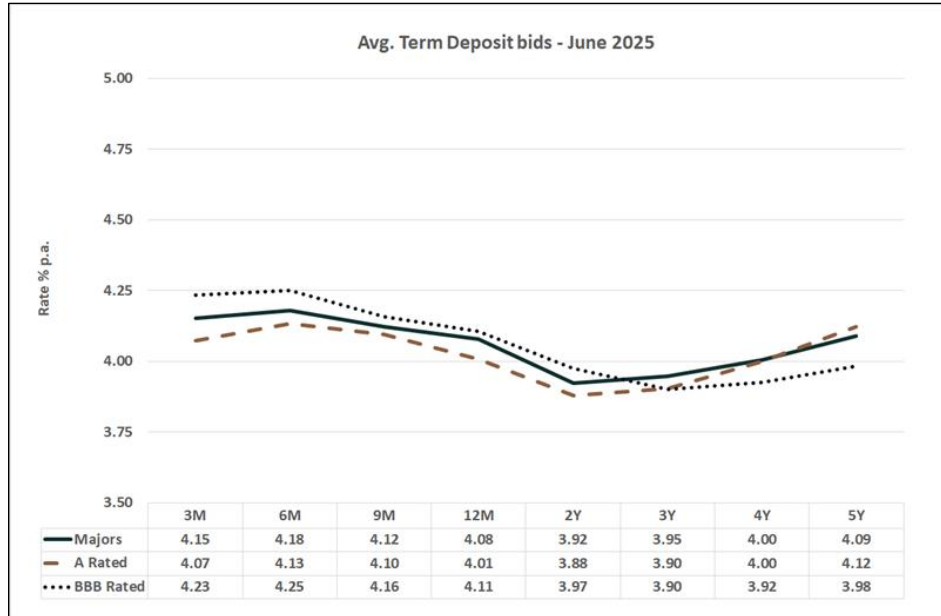
Source: Imperium Markets

The abnormal marketplace experienced during the pandemic is starting to reverse as the competition for deposits slowly increases, partially driven by the RBA's term funding facility coming to an end. In recent months, we have started to periodically see some of the lower rated ADIs ("A" and "BBB" rated) offering slightly higher rates compared to the domestic major banks ("AA" rated) on different parts of the curve (i.e. pre-pandemic environment). Some of this has been attributed to lags in adjusting their deposit rates as some banks (mainly the lower rated ADIs) simply set their rates for the week.



Going forward, investors should have a larger opportunity to invest a higher proportion of its funds with the lower rated institutions (up to Policy limits), from which the majority are not lending to the Fossil Fuel industry or considered 'ethical'. We are slowly seeing this trend emerge, although the major banks always seem to react more quickly than the rest of the market during periods of volatility:

Term Deposit Rates – Currently (June 2025)



Source: Imperium Markets

Financial Stability of the Banking (ADI) Sector

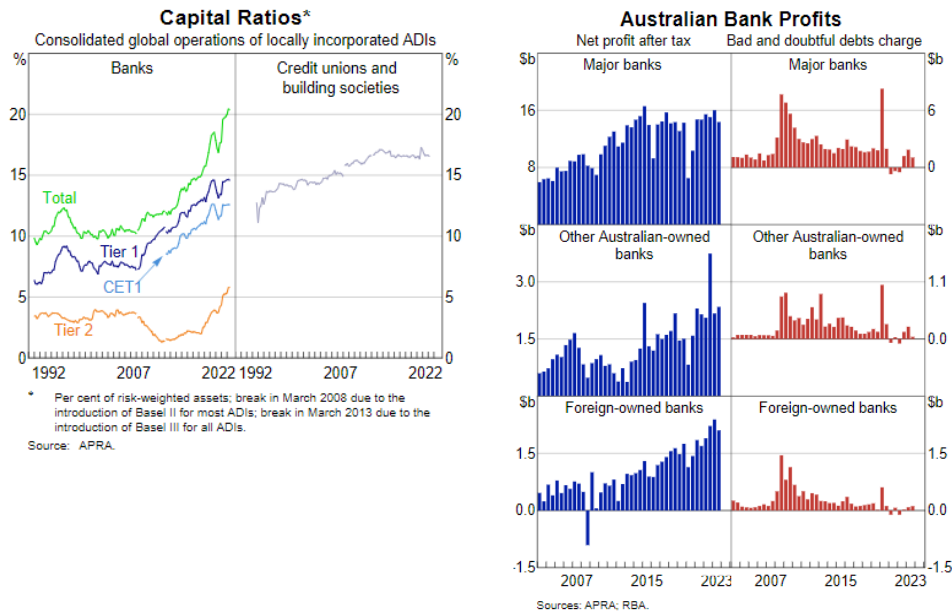
The RBA's latest Financial Stability report of 2024 reaffirms the strong balance sheet across the ADI sector. They noted that the risk of widespread financial stress remains limited due to the generally strong financial positions of most (individual) borrowers. Very few mortgage borrowers are in negative equity, limiting the impact on lenders (ADIs) in the event of default and supporting their ability to continue providing credit to the economy. Most businesses that have entered insolvency are small and have little debt, limiting the broader impact on the labour market and thus household incomes, and on the capital position of lenders (ADIs).

Australian banks (collectively the APRA regulated ADIs) have maintained prudent lending standards and are well positioned to continue supplying credit to the economy. A deterioration in economic conditions or temporary disruption to funding markets is unlikely to halt lending activity. Banks have anticipated an



increase in loan arrears and have capital and liquidity buffers well above regulatory requirements (see *Capital Ratios* chart below). APRA's mandate is to "protect depositors" and provide "financial stability".

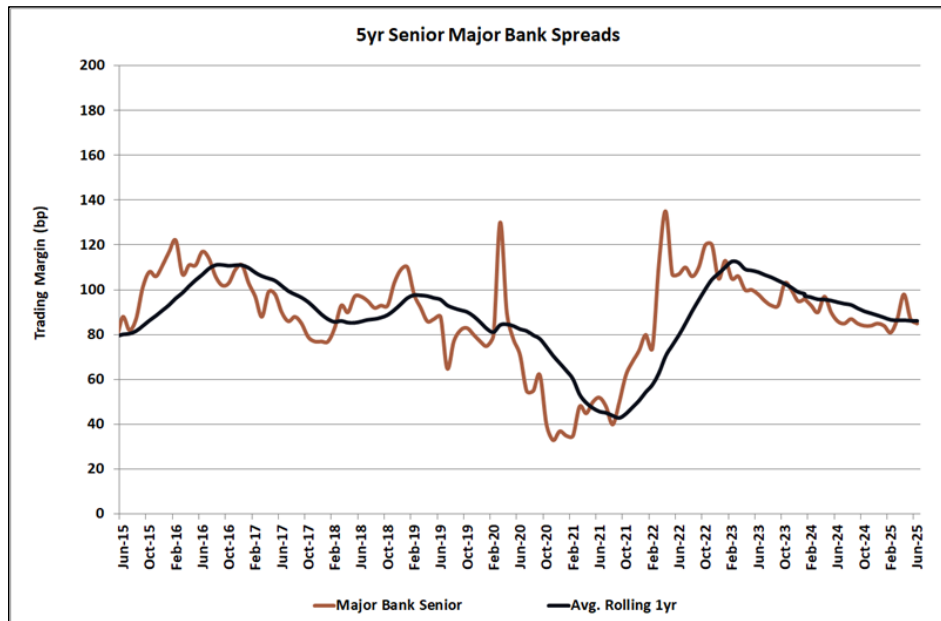
Over the past two decades, both domestic and international banks continue to operate and demonstrate high levels of profitability (see *Australian Bank Profits* chart below), which also includes two stress-test environments being the GFC (September 2008) and the COVID pandemic (March 2020):





Senior FRNs Market Review

Over June, amongst the senior major bank FRNs, physical credit securities tightened up to 2bp at the long-end of the curve. During the month, Westpac (AA-) issued a new 5 year senior security at +83bp. Long-term major bank senior securities are looking slightly expensive on a historical basis, noting the 5yr margin has averaged around the +95-100bp range over a cycle (currently around +85bp).



Source: IBS Capital

There were minimal primary issuances amongst the senior bank market this month, with the only notable lines being the small levels issued by:

- ING Bank Australia (A) 3 & 5 year senior securities at +80bp and +95bp respectively
- Judo Bank (BBB) 3 year senior FRN at +145bp
- Macquarie Bank (A+) 1 year senior FRN at +42bp
- Bank of China Australia (A) 3 year senior FRN at +75bp

Amongst the "A" and "BBB" rated sector, the securities remained relatively flat at the longer-end of the curve.



Overall, credit securities remain fair value on a historical basis. FRNs will continue to play a role in investors' portfolios mainly based on their liquidity and the ability to roll down the curve and gross up returns over ensuing years (in a relatively stable credit environment), whilst also providing some diversification to those investors skewed towards fixed assets.

Senior FRNs (ADIs)	30/06/2025	31/05/2025
"AA" rated – 5yrs	+85bp	+87bp
"AA" rated – 3yrs	+68bp	+69bp
"A" rated – 5yrs	+95bp	+97bp
"A" rated – 3yrs	+80bp	+77bp
"BBB" rated – 3yrs	+130bp	+130bp

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 early-2028 for the "AA" rated ADIs (domestic major banks);
- On or before mid-2026 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.



Senior Fixed Bonds – ADIs (Secondary Market)

With global inflation softening and official interest rates starting to drop progressively, investors may look at some opportunities in the secondary market. We currently see value in the following fixed bond lines (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
AU3CB0314763	Bendigo	A-	Senior	24/10/2028	3.33	4.79%	4.18%
AU3CB0308955	BoQ	A-	Senior	30/04/2029	3.85	5.30%	4.35%
AU3CB0319879	Nova Sco.	A-	Senior	21/03/2030	4.74	5.23%	4.80%



Economic Commentary

International Market

Global equity markets set all-time highs again, despite the escalating tensions in the Middle East throughout the month. The global tariff wars seem to have taken a backburner for now, whilst market expectations are for further rate cuts to be delivered by most global central banks.

Across equity markets, the US S&P 500 Index rose +4.96%, whilst the NASDAQ surged +6.57%. Europe's main indices bucked the trend, with slight losses in France's CAC (-1.11%), Germany's DAX (-0.37%) and UK's FTSE (-0.13%).

The US Federal Reserve kept rates unchanged at 4.25%–4.50% where it has been since December. The updated "dot plot" maintained expectations of two rate reductions later this year (though seven FOMC members now forecast no cuts at all, up from four in March) and have revised their 2026 outlook to only one 25bp rate cut.

The US unemployment rate held steady at 4.2%. US CPI report for May showed notably cooler inflation than expected, with both headline and core CPI rising just +0.1% m/m (consensus +0.2% and +0.3% respectively). Core CPI is up +1.7% in 3m annualised terms and +2.6% in 6m annualised terms.

The Bank of Canada kept rates on hold at 2.75% as fully expected, once again noting the uncertainty about the impact of tariffs on the economy. The Bank suggested a further rate cut could be required if the economy weakens and inflation remains contained.

The Bank of England kept the bank rate unchanged at 4.25%, with six members supporting the decision while three members voted for a 25bp rate cut. The UK unemployment rate rose 0.1% to 4.6%, in line with expectations. UK April GDP today was soft at -0.3% m/m vs a -0.1% consensus.

Euro area core CPI for May came in 0.1% lower than consensus at +2.3% y/y vs. +2.4% expected. The ECB cut rates by 25bp as expected to 2.00%, but the messaging was more hawkish, with President Lagarde positioning, *"I think we are getting to the end of a monetary policy cycle"*.

Both the Swiss National Bank and Norway's Central Bank cut their rates by 25bp respectively in June.

China's CPI data remained weak at -0.1% y/y (-0.2% expected) weighed by falling fuel and food prices even as broader inflation also remained subdued with the core measure at +0.6% y/y.

The MSCI World ex-Aus Index rose +3.90% for the month of June:

Index	1m	3m	1yr	3yr	5yr	10yr
S&P 500 Index	+4.96%	+10.97%	+13.63%	+17.91%	+14.89%	+11.64%
MSCI World ex-AUS	+3.90%	+9.20%	+16.00%	+17.70%	+15.50%	+11.00%
S&P ASX 200 Accum. Index	+1.41%	+9.50%	+13.81%	+13.56%	+11.85%	+8.86%

Source: S&P, MSCI



Domestic Market

Australia's monthly inflation eased faster than expected in May, with consumer prices rising +2.1% y/y (versus +2.3% expectations), which is near the bottom of the RBA's target band. Core inflation also fell from +2.8% in April to +2.4% in May (its lowest rate since November 2021). Services inflation on the monthly indicator is running at +3.3% y/y, its lowest since May 2022.

Australia's unemployment rate remained unchanged at 4.1% in May, for the fourth consecutive month. Despite a surprise fall in jobs (-2.5k in May versus +20k expectation), the unemployment rate was steady as the participation rate slightly eased to 67.0% (from 67.1%).

Q1 GDP rose just +0.2% q/q and +1.3% y/y, below consensus and the RBA's forecast of +0.4% q/q.

Dwelling prices for May rose +0.5% m/m, further sustaining the turnaround seen since February. Price growth had slowed into April (ahead of the 3 May election), but the combination of election clarity and RBA interest rate cuts were likely the drivers behind the rise seen in May.

The monthly trade surplus was lower than expected with a surplus of \$5.4bn for April vs. \$6.0bn consensus.

Retail spending was up +1.1% in May, +1.5% in 3-month average terms and +6.8% over the past 12 months.

The Australian dollar rose around +1.77%, finishing the month at US65.50 cents (from US64.36 cents the previous month).

Credit Market

The global credit indices marginally tightened in the risk-on environment. They remain near the levels seen in early-mid 2022 (prior to the rate hike cycle from most central banks):

Index	June 2025	May 2025
CDX North American 5yr CDS	54bp	56bp
iTraxx Europe 5yr CDS	57bp	58bp
iTraxx Australia 5yr CDS	76bp	75bp

Source: Markit



Fixed Interest Review

Benchmark Index Returns

Index	June 2025	May 2025
Bloomberg AusBond Bank Bill Index (0+YR)	+0.32%	+0.32%
Bloomberg AusBond Composite Bond Index (0+YR)	+0.75%	-0.40%
Bloomberg AusBond Credit FRN Index (0+YR)	+0.38%	+0.64%
Bloomberg AusBond Credit Index (0+YR)	+0.62%	+0.21%
Bloomberg AusBond Treasury Index (0+YR)	+0.77%	+0.02%
Bloomberg AusBond Inflation Gov't Index (0+YR)	+0.80%	+0.41%

Source: Bloomberg

Other Key Rates

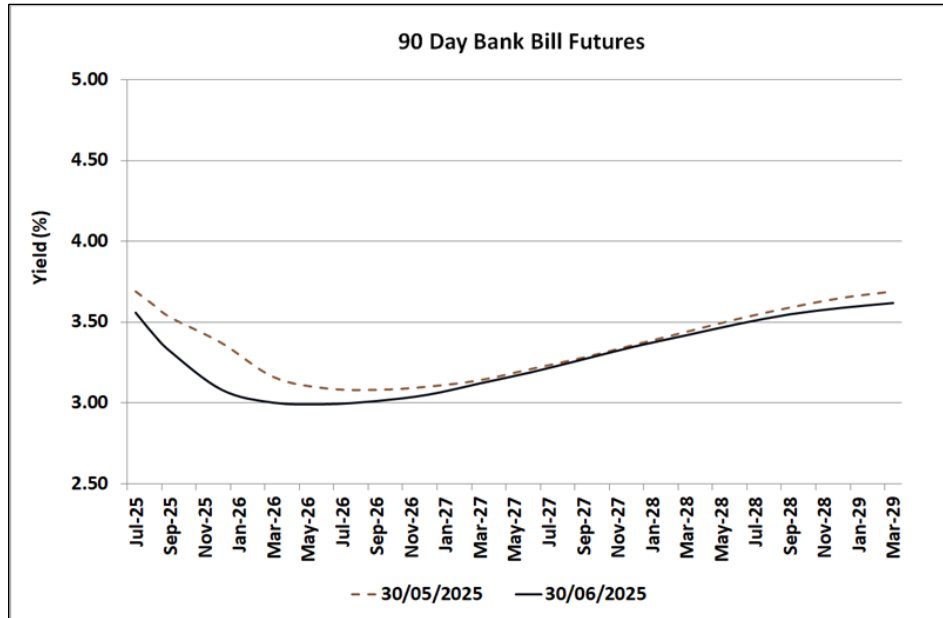
Index	June 2025	May 2025
RBA Official Cash Rate	3.85%	3.85%
90 Day (3 month) BBSW Rate	3.60%	3.73%
3yr Australian Government Bonds	3.25%	3.31%
10yr Australian Government Bonds	4.14%	4.23%
US Fed Funds Rate	4.25%-4.50%	4.25%-4.50%
2yr US Treasury Bonds	3.72%	3.89%
10yr US Treasury Bonds	4.24%	4.41%

Source: RBA, ASX, US Department of Treasury



90 Day Bill Futures

Bill futures fell across the curve this month, with expectations of further rate cuts to be delivered very shortly:



Source: ASX

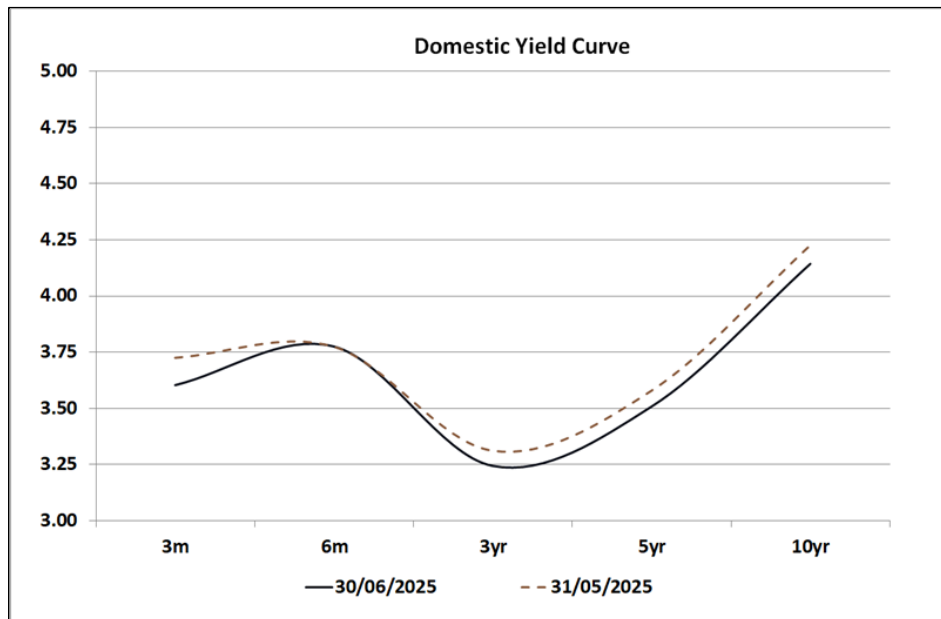


Fixed Interest Outlook

US Fed Chair Powell has recently stated that *"if inflation pressures remain contained, we'll get to a place to cut rates sooner rather than later"*. The market continues to factor up to two rate cuts by the US Fed for the remainder of 2025.

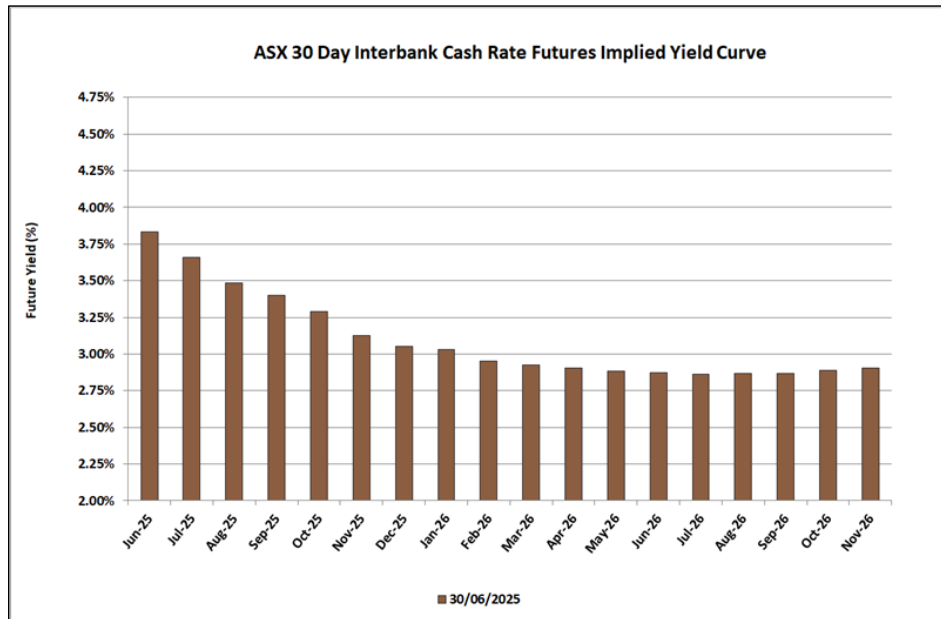
With monthly inflation prints coming in softer than the RBA's expectations in recent months, the ongoing restrictive policy stance may no longer be appropriate. With services inflation on the monthly indicator running at its lowest since May 2022, this should give the RBA greater confidence that there is further room to ease policy back to a more neutral setting.

Yields fell up to 8bp at the longer-end of the curve:



Source: ASX, RBA

Financial markets are now factoring up to four (4) additional rate cuts by early-mid 2026 after the latest monthly inflation reading. This could potentially take the official cash rate down to 2.85%, although the RBA remains cautious on the potential upside risks to inflation due to international markets, particularly surrounding the ongoing tariff wars and geopolitical tensions in the Middle East:



Source: ASX

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Statement of Investments

as at 30 June 2025

Portfolio by Asset as at 30/06/2025

Asset Type: CASH

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
State Insurance Regulatory Authority	AA+	CASH	GENERAL	Monthly	30/06/2025	30/06/2025	0.0000	6,675,000.00	6,675,000.00	-	-
AMP Bank	BBB+	CASH	GENERAL	Monthly	30/06/2025	30/06/2025	4.1000	19,558.04	19,558.04	65.67	65.67
AMP Bank	BBB+	CASH	GENERAL	Monthly	30/06/2025	30/06/2025	2.5000	856.23	856.23	1.42	1.42
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	30/06/2025	30/06/2025	3.9000	37,391,647.66	37,391,647.66	119,663.23	119,663.23
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	30/06/2025	30/06/2025	0.0000	32,488,726.64	32,488,726.64	-	-
CASH SUBTOTALS								76,575,788.57	76,575,788.57	119,730.32	119,730.32

Asset Type: TD

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	05/07/2024	09/07/2025	5.3700	2,000,000.00	2,000,000.00	106,223.01	8,827.40
NAB	AA-	TD	GENERAL	At Maturity	05/07/2024	16/07/2025	5.4500	2,000,000.00	2,000,000.00	107,805.48	8,958.90
Bendigo and Adelaide	A-	TD	GENERAL	At Maturity	30/01/2025	23/07/2025	4.8900	5,000,000.00	5,000,000.00	101,819.18	20,095.89
NAB	AA-	TD	GENERAL	At Maturity	02/04/2025	05/08/2025	4.7000	5,000,000.00	5,000,000.00	57,945.21	19,315.07
NAB	AA-	TD	GENERAL	At Maturity	02/08/2024	06/08/2025	5.2000	2,000,000.00	2,000,000.00	94,882.19	8,547.95
NAB	AA-	TD	GENERAL	At Maturity	02/08/2024	13/08/2025	5.2000	2,000,000.00	2,000,000.00	94,882.19	8,547.95
NAB	AA-	TD	GENERAL	At Maturity	26/08/2024	27/08/2025	5.0000	2,000,000.00	2,000,000.00	84,657.53	8,219.18

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
NAB	AA-	TD	GENERAL	At Maturity	02/08/2024	17/09/2025	5.1500	2,000,000.00	2,000,000.00	93,969.86	8,465.75
Bendigo and Adelaide	A-	TD	GENERAL	At Maturity	30/01/2025	24/09/2025	4.8500	5,000,000.00	5,000,000.00	100,986.30	19,931.51
NAB	AA-	TD	GENERAL	At Maturity	21/02/2025	08/10/2025	4.7000	5,000,000.00	5,000,000.00	83,698.63	19,315.07
NAB	AA-	TD	GENERAL	At Maturity	03/10/2024	08/10/2025	4.9000	5,000,000.00	5,000,000.00	181,904.11	20,136.99
Suncorp Bank	AA-	TD	GENERAL	At Maturity	28/03/2025	28/10/2025	4.7800	5,000,000.00	5,000,000.00	62,205.48	19,643.84
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	03/10/2024	05/11/2025	4.8400	5,000,000.00	5,000,000.00	179,676.71	19,890.41
NAB	AA-	TD	GENERAL	At Maturity	28/02/2025	12/11/2025	4.6800	5,000,000.00	5,000,000.00	78,854.79	19,232.88
BOQ	A-	TD	GENERAL	At Maturity	03/06/2025	03/12/2025	4.3300	5,000,000.00	5,000,000.00	16,608.22	16,608.22
NAB	AA-	TD	GENERAL	At Maturity	03/12/2024	03/12/2025	5.0500	5,000,000.00	5,000,000.00	145,273.97	20,753.42
Suncorp Bank	AA-	TD	GENERAL	At Maturity	01/03/2024	11/12/2025	4.9000	3,000,000.00	3,000,000.00	196,134.25	12,082.19
NAB	AA-	TD	GENERAL	At Maturity	19/12/2024	17/12/2025	5.0000	5,000,000.00	5,000,000.00	132,876.71	20,547.95
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	01/03/2024	17/12/2025	5.0000	3,000,000.00	3,000,000.00	200,136.99	12,328.77
NAB	AA-	TD	GENERAL	At Maturity	12/12/2024	07/01/2026	4.9300	5,000,000.00	5,000,000.00	135,743.84	20,260.27
Suncorp Bank	AA-	TD	GENERAL	At Maturity	02/04/2025	04/02/2026	4.7800	5,000,000.00	5,000,000.00	58,931.51	19,643.84
NAB	AA-	TD	GENERAL	At Maturity	21/02/2025	18/02/2026	4.6900	5,000,000.00	5,000,000.00	83,520.55	19,273.97
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	01/03/2024	04/03/2026	4.9500	3,000,000.00	3,000,000.00	198,135.62	12,205.48
Suncorp Bank	AA-	TD	GENERAL	At Maturity	12/03/2025	12/03/2026	4.5900	5,000,000.00	5,000,000.00	69,793.15	18,863.01
Suncorp Bank	AA-	TD	GENERAL	At Maturity	28/03/2025	30/03/2026	4.7000	5,000,000.00	5,000,000.00	61,164.38	19,315.07
Suncorp Bank	AA-	TD	GENERAL	At Maturity	02/04/2025	02/04/2026	4.7000	5,000,000.00	5,000,000.00	57,945.21	19,315.07

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
NAB	AA-	TD	GENERAL	At Maturity	09/05/2025	06/05/2026	4.1000	5,000,000.00	5,000,000.00	29,767.12	16,849.32
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	03/06/2025	03/06/2026	4.1300	5,000,000.00	5,000,000.00	15,841.10	15,841.10
NAB	AA-	TD	GENERAL	At Maturity	12/06/2025	12/06/2026	4.1700	5,000,000.00	5,000,000.00	10,853.42	10,853.42
NAB	AA-	TD	GENERAL	At Maturity	01/03/2024	15/12/2027	4.7000	3,000,000.00	3,000,000.00	188,128.77	11,589.04
TD SUBTOTALS								124,000,000.00	124,000,000.00	3,030,365.48	475,458.90

Asset Type: FRN

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Macquarie Bank	A+	FRN	GENERAL	Quarterly	09/12/2020	09/12/2025	4.1952	4,001,504.00	4,000,000.00	9,654.71	9,654.71
Suncorp Bank	AA-	FRN	GENERAL	Quarterly	24/02/2021	24/02/2026	4.1595	2,100,247.80	2,100,000.00	8,615.29	7,179.41
Suncorp Bank	AA-	FRN	GENERAL	Quarterly	25/01/2022	25/01/2027	4.6762	2,708,110.80	2,700,000.00	22,138.28	10,377.32
Rabobank Australia Branch	A+	FRN	GENERAL	Quarterly	27/01/2022	27/01/2027	4.6262	2,004,952.00	2,000,000.00	16,223.39	7,604.71
DBS Bank	AAA	FRN	GENERAL	Quarterly	16/08/2023	16/08/2027	4.5972	1,003,540.00	1,000,000.00	5,793.73	3,778.52
HSBC Bank, Sydney Branch	AA-	FRN	GENERAL	Quarterly	03/03/2023	03/03/2028	4.7595	2,017,066.00	2,000,000.00	7,302.25	7,302.25
Suncorp Bank	AAA	FRN	GENERAL	Quarterly	12/07/2023	12/07/2028	5.0978	2,016,188.00	2,000,000.00	21,787.86	8,379.95
Commonwealth Bank	AA-	FRN	GENERAL	Quarterly	17/08/2023	17/08/2028	4.7576	1,007,901.00	1,000,000.00	5,604.84	3,910.36
Bendigo and Adelaide	A-	FRN	GENERAL	Quarterly	24/10/2024	24/10/2028	4.8782	601,260.00	600,000.00	5,452.89	2,405.69
ANZ Bank	AA-	FRN	GENERAL	Quarterly	05/02/2024	05/02/2029	4.8100	2,518,605.00	2,500,000.00	18,778.77	9,883.56

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Rabobank Australia Branch	A+	FRN	GENERAL	Quarterly	26/02/2024	26/02/2029	4.7395	2,014,006.00	2,000,000.00	9,349.15	7,790.96
Suncorp Bank	AA-	FRN	GENERAL	Quarterly	19/03/2024	19/03/2029	4.6736	1,257,016.25	1,250,000.00	1,920.66	1,920.66
Rabobank Australia Branch	A+	FRN	GENERAL	Quarterly	17/07/2024	17/07/2029	4.9184	1,303,090.10	1,300,000.00	13,138.19	5,255.28
ING Bank (Australia) Ltd	A	FRN	GENERAL	Quarterly	20/08/2024	20/08/2029	4.8143	2,714,158.80	2,700,000.00	14,957.30	10,683.79
NAB	AA-	FRN	GENERAL	Quarterly	14/11/2024	14/11/2029	4.6138	1,502,829.00	1,500,000.00	9,101.19	5,688.25
Commonwealth Bank	AA-	FRN	GENERAL	Quarterly	09/01/2025	09/01/2030	4.9100	2,505,582.50	2,500,000.00	27,913.01	10,089.04
Suncorp Bank	AA-	FRN	GENERAL	Quarterly	21/05/2025	21/05/2030	4.6625	2,406,669.60	2,400,000.00	12,569.59	9,197.26
Westpac	AA-	FRN	GENERAL	Quarterly	19/06/2025	19/06/2030	4.5236	4,007,928.00	4,000,000.00	5,948.84	5,948.84
FRN SUBTOTALS								37,690,654.85	37,550,000.00	216,249.95	127,050.54


Asset Type: BOND

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Northern Territory Treasury	AA-	BOND	GENERAL	Semi-Annual	27/08/2021	15/12/2025	1.2000	2,000,000.00	2,000,000.00	12,953.42	1,972.60
BOND SUBTOTALS								2,000,000.00	2,000,000.00	12,953.42	1,972.60

Portfolio by Asset Totals as at 30/06/2025

Type	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
CASH	76,575,788.57	76,575,788.57	119,730.32	119,730.32
TD	124,000,000.00	124,000,000.00	3,030,365.48	475,458.90
FRN	37,690,654.85	37,550,000.00	216,249.95	127,050.54
BOND	2,000,000.00	2,000,000.00	12,953.42	1,972.60
TOTALS	240,266,443.42	240,125,788.57	3,379,299.18	724,212.37

Section 4.15 Assessment Report - DA2024/1885

		Section 4.15 Assessment Report Environmental Planning & Assessment Act 1979	
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. <i>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.</i>			
Assessing Officer		23/06/2025	
Peer Review Officer		23/06/2025	
Affiliations and Pecuniary Interests	Have any affiliations or pecuniary interests been identified by the Applicant in the Portal lodgement form? <i>Note: Where a pecuniary interest is identified ensure, appropriate actions are taken (e.g. blocking access to TRIM folder for affected staff)</i> <i>Note: For applications lodged by Council staff, Councillors and Council refer to POL22/149. A conflict of interest management statement may be required.</i>		No
Councillor Representations	Councillor	Date	TRIM Reference
Delegation Level Required	Elected Council as 4.6 variation requested exceeds numerical value of 10%		
Report Recommendation	Approval		
Development Description	Alterations and additions to existing dual occupancy and Two (2) lot Torrens Title subdivision		
Variations Proposed	<input checked="" type="checkbox"/> DCP departure – G13 - A5.1 (44% variation)		
	<input checked="" type="checkbox"/> Clause 4.6 exception		
	Clause number	4.1 – Minimum subdivision lot size	
	Percentage variation	Proposed Lot 100: 168.6 m ² (33.7%) Proposed Lot 101: 143.8 m ² (28.7%)	
	Brief justification for the variation	The consent for the underlying dual occupancy (attached) predates gazettal of Clause 4.1(A) of the SLEP (2014) Strict compliance with the development standard is "unreasonable and unnecessary"	
	Determination date		
DA Number	DA2024/1885		

Section 4.15 Assessment Report - DA2024/1885

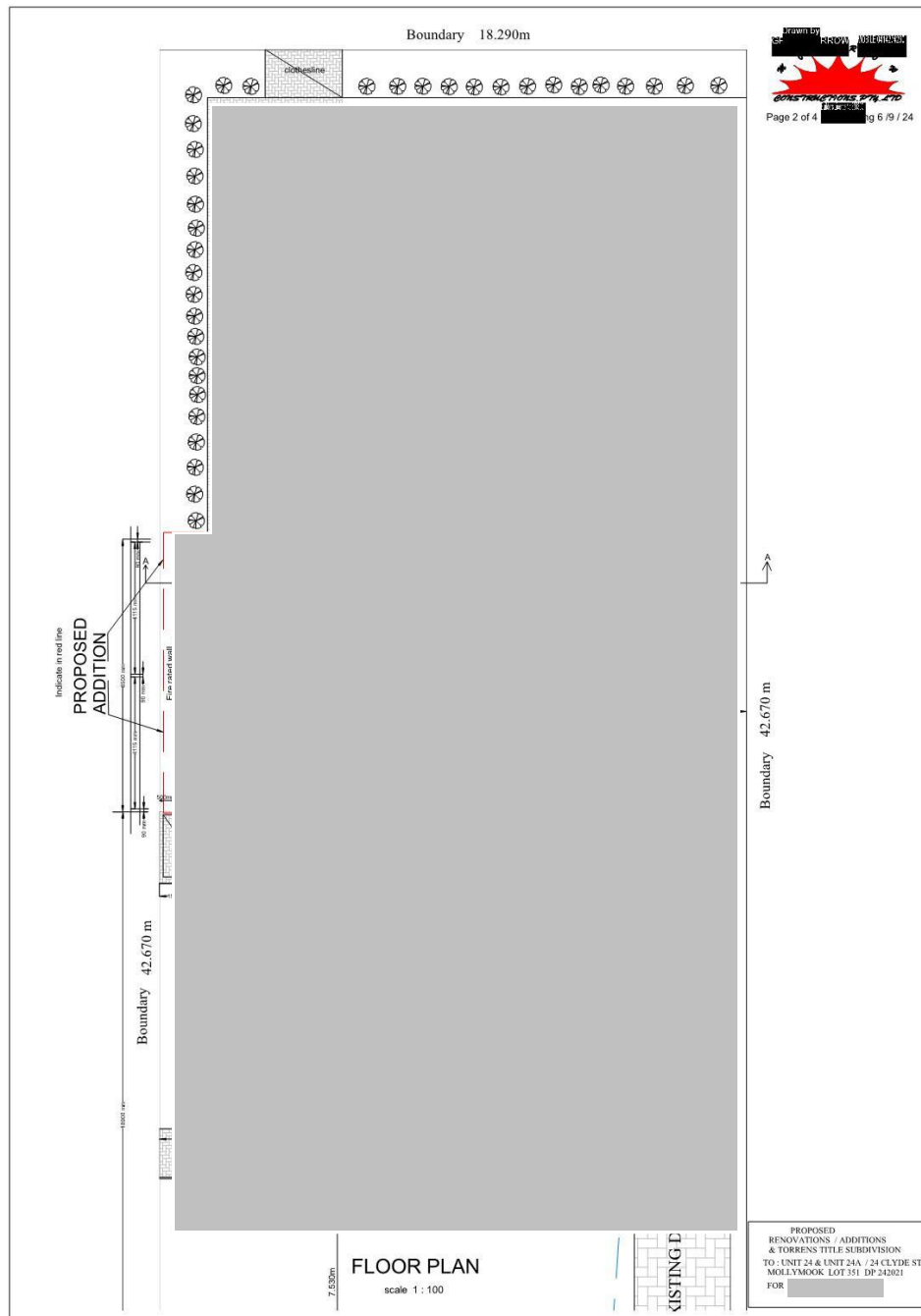
PAN	PAN-474390
Property Address	24 Clyde Street MOLLYMOOK BEACH NSW 2539 Lot 351 DP 242021
Applicant(s)	
Owner(s)	
Owner's consent provided?	Yes
Is the proposal a Crown development application under Division 4.6 of the EP&A Act 1979?	No <i>Note: A Crown development application means a development application made by or on behalf of the Crown and includes public authorities prescribed by the EP&A Regulations 2021 e.g. NSW Land & Housing Corporation, Landcom etc.</i> <i>Note: Development on Crown land does not necessarily mean it is a Crown development application. An application for an individual/private purpose and <u>not</u> made by or on behalf of the Crown is not a Crown development application.</i>
Date Lodged	4 October 2024
Date of site inspection	12/03/2025
Date clock stopped	No clock was stopped during the assessment period, however the NSW Planning Portal clock restarted
Date clock started	No clock was stopped during the assessment period, however the NSW Planning Portal clock restarted
Related Application in NSW Planning Portal?	<input type="checkbox"/> Concurrence and/or external agency referral (CNR) <input checked="" type="checkbox"/> HPC Contributions (CON-19410) <input type="checkbox"/> Planning Panel (PPSSTH) <input type="checkbox"/> Section 68 (S68)
Number of submissions	Zero (0) <i>Note: where submissions are received Council must give notice of the determination decision to all submitters.</i>

1. Detailed Proposal

The proposal includes:

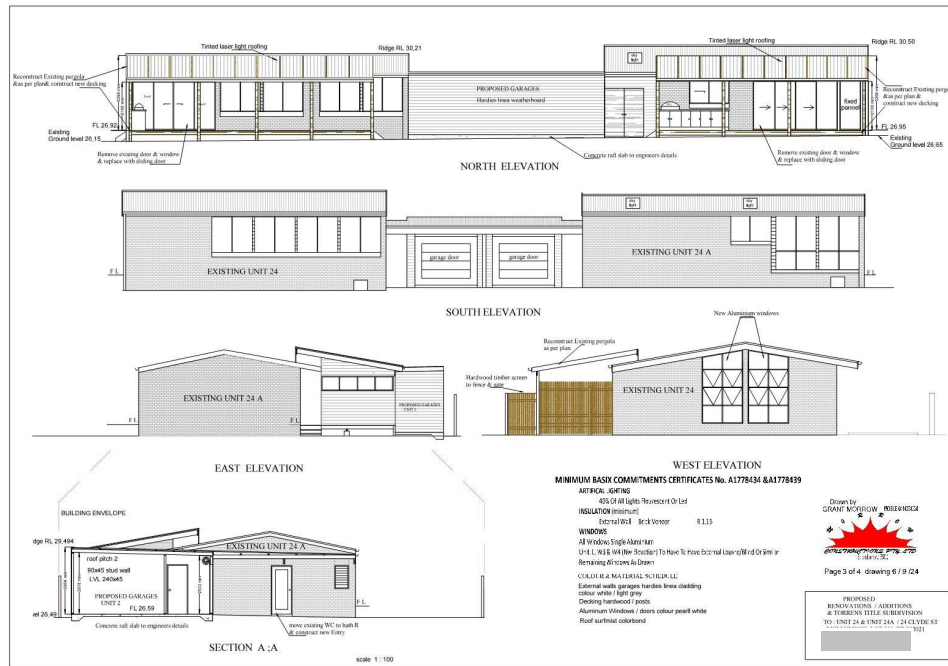
- Alterations and additions to both dwelling including reconfiguring entries and bathroom toilet areas, altering openings, reconstructing existing pergolas for proposed Lot 101
- Demolition of existing pergolas and construction of new deck for both units and attached garage for both units
- Construction of a fire rated separation wall for existing carports and new garages
- Demolition of existing attached storage rooms (detached to units)
- Torrens title subdivision of existing units

Section 4.15 Assessment Report - DA2024/1885



CL25.234 - Attachment 1

Section 4.15 Assessment Report - DA2024/1885



The plans and information referred to are as follows:

Plans				
Plan Number	Revision Number	Plan Title	Drawn by	Date of Plan
Page 1 TRIM Ref: D25/103362		Site Plan	Grant Morrow	6 September 2024
Page 2 TRIM Ref: D25/103362		Floor Plan	Grant Morrow	6 September 2024
Page 3 TRIM Ref: D25/103362		Elevations and Section	Grant Morrow	6 September 2024
Page 4 TRIM Ref: D25/103362		Sediment and Erosion Control Plan	Grant Morrow	6 September 2024
Reference: JS24058, Sheet 1 of 4 (TRIM Ref: D25/215898)	D	Proposed Subdivision Plan – Lot configuration	H&S Land Surveyors	9 May 2025

Section 4.15 Assessment Report - DA2024/1885

Reference: JS24058, Sheet 2 of 4 (TRIM Ref: D25/215898)	D	Proposed Subdivision Plan - Easements	H&S Land Surveyors	9 May 2025
Reference: JS24058, Sheet 3 of 4 (TRIM Ref: D25/215898)	D	Proposed Subdivision Plan - Internal Driveway	H&S Land Surveyors	9 May 2025
Reference: JS24058, Sheet 4 of 4 (TRIM Ref: D25/215898)	D	Proposed Subdivision Plan – Right of Carriageway detail	H&S Land Surveyors	9 May 2025

Documents			
Document title	Version number	Prepared by	Date of document
Section 4.6 Variation	TRIM Ref: D25/102750		February 2025
BASIX Certificate (Unit 1)	Certificate number: A1778434	Ian Ferguson	18 December 2024
BASIX Certificate (Unit 2)	Certificate number: A1778439	Ian Ferguson	18 December 2024

Section 4.15 Assessment Report - DA2024/1885

2. Subject Site and Surrounds

Site Description



Figure 1: Aerial imagery of subject site

Section 4.15 Assessment Report - DA2024/1885



Figure 2 - Zoomed out aerial imagery of subject site

The subject site has a frontage to Clyde Street. The site contains an existing dual occupancy development approved under **BA77/789** (currently numbered 1/24 and 2/24 Clyde St respectively). The existing dual occupancies are single storey dwellings attached by a carport and common wall between adjoining storage rooms at the centre of the site. These adjoining storage rooms will be demolished to prepare the area for single car garages plus storage areas for each dwelling, having a common adjoining wall.

The surrounding area is residential in character and the site is adjoined by detached dwelling house developments, multi-unit strata housing developments, and Mollymook golf course.

Summary of Site and Constraints

GIS Map Layer		
	Lot Area	777.76m ²
	Zone	R2 Low Density Residential
	Does the land have a dwelling entitlement? <i>Note: for rural land refer to clause 4.2D of Shoalhaven LEP 2014.</i>	Yes

Section 4.15 Assessment Report - DA2024/1885

	<p>Does the property adjoin Council, Crown, National Parks or other public reserve?</p> <p>Note: Consideration should be given to if the development requires or implies access from the adjoining land.</p>	No																		
Topographic Layer	<p>Has appropriate survey information been provided?</p> <p>Note: For residential development identified as “?” on the DA Requirements for Lodgement Checklist (DA Matrix), the following criteria should be used as a guide for when additional survey detail is required:</p> <table><tr><th>Development Type and setbacks</th><th>Required Survey Information</th></tr><tr><td>Rural sheds/garages with setbacks >10m</td><td>Builders’ dumpy levels</td></tr><tr><td>Rural sheds/garages with setbacks >5m</td><td>Spot levels and identification survey</td></tr><tr><td>Rural sheds/garages with setbacks <5m</td><td>Part survey of affected areas</td></tr><tr><td>Urban sheds with setbacks >1.2m</td><td>Spot levels</td></tr><tr><td>Urban sheds with setbacks <1.2m</td><td>Detailed / Part survey</td></tr><tr><td>Carports with setbacks <1.2m</td><td>Identification survey</td></tr><tr><td>Urban retaining walls</td><td>Detailed survey</td></tr><tr><td>Rural retaining walls</td><td>Survey information as necessary</td></tr></table>	Development Type and setbacks	Required Survey Information	Rural sheds/garages with setbacks >10m	Builders’ dumpy levels	Rural sheds/garages with setbacks >5m	Spot levels and identification survey	Rural sheds/garages with setbacks <5m	Part survey of affected areas	Urban sheds with setbacks >1.2m	Spot levels	Urban sheds with setbacks <1.2m	Detailed / Part survey	Carports with setbacks <1.2m	Identification survey	Urban retaining walls	Detailed survey	Rural retaining walls	Survey information as necessary	Yes
	Development Type and setbacks	Required Survey Information																		
	Rural sheds/garages with setbacks >10m	Builders’ dumpy levels																		
	Rural sheds/garages with setbacks >5m	Spot levels and identification survey																		
	Rural sheds/garages with setbacks <5m	Part survey of affected areas																		
Urban sheds with setbacks >1.2m	Spot levels																			
Urban sheds with setbacks <1.2m	Detailed / Part survey																			
Carports with setbacks <1.2m	Identification survey																			
Urban retaining walls	Detailed survey																			
Rural retaining walls	Survey information as necessary																			
	Fall direction of land	Flat																		
	Slope of land >20%?	No																		
Site Inspection	Works within proximity to electricity infrastructure?	No																		
	Is the development adjacent to a classified road ?	No																		
	Is the development adjacent to a rail corridor ?	No																		
Eastern Gas High Pressure Pipeline (Jemena)	<p>Site within proximity to the eastern gas high pressure pipeline?</p> <ul style="list-style-type: none">within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the Pipelines Act 1967, orwithin 20m of the centreline (measured radially) of a relevant pipeline, orwithin 20m of land the subject of an easement for a relevant pipeline.	No																		
Utilities	Access to reticulated sewer?	Yes																		

Section 4.15 Assessment Report - DA2024/1885



Figure 3 - Council reticulated Sewer and Water Services available to the subject site and both existing developments (blue representing water lines and yellow representing sewer lines)

Does the proposal require a new connection to a pressure sewer main (i.e. a new dwelling connection)?

☒ Sewer Pressure Mains >

- Rising Main
- - Surcharge Main
- Low Pressure Sewer Main
- Under Construction

No

Building over sewer policy applicable?

Note: Zones of influence can differ based on soil type (e.g., sandy soils vs clay soils). If unsure discuss with Shoalhaven Water.

No

Access to reticulated water?

Yes

Does the proposal impact on any critical water or sewer infrastructure (e.g. REMS, water, sewer layers)?

No

Does the proposal increase dwelling density and demand on water or sewer services (e.g. secondary dwelling, dual occupancy, multi dwelling housing, subdivision)?

No

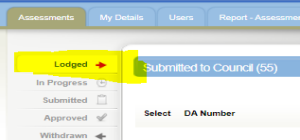
On-site sewage management (OSSM) - Is the development located suitably away from any effluent management areas (EMA) or effluent disposal areas (EDA)?

N/A

Section 4.15 Assessment Report - DA2024/1885

	Note: Ensure you have adequate information about the location of existing OSSM systems	
	<p>On-site sewage management (OSSM) - Do effluent management areas (EMA) or effluent disposal areas (EDA) adopt suitable buffers to water mains and other potable drinking water infrastructure.</p> <p>Note: EMA/EDAs should be located at least 20m away from a downstream water main and at least 10m from an upstream water main.</p>	N/A
Environmental Layers	Aboriginal Cultural Heritage	No
	Bush Fire	No
	Coastal Hazard Lines (applies to location of proposed development)	No
	Coastal Hazard Area	No
	Potentially Contaminated Land	No
	<p>Flood</p> <p>Note: There are several catchments that have not have flood studies conducted. Sites outside of the flood study area may still be subject to flooding. Refer to advisory note on p.3 of Chapter G9 of Shoalhaven DCP 2014.</p> <p><input checked="" type="checkbox"/> Flood Data</p> <p><input checked="" type="checkbox"/> Flood Studies</p>	No
	Development within 40m of a watercourse	No
Planning Layers	Development Control Plan - Area Specific Chapters	No
	Draft Exhibited Planning Proposal	Yes
	Shoalhaven LEP (Jerberra Estate) 2014	No
	Acid Sulfate Soils	Class 5
	Buffers	No
	Terrestrial Biodiversity	No
	Local Clauses	No
	Coastal Risk Planning	No
	Heritage	No
	Scenic Protection	No
	<p>Sydney Drinking Water Catchment area (e.g. NorBE)</p> <p>Note: NorBE Assessments submitted to Council can be viewed from the "Lodged" tab in the NorBE online assessment tool shown below.</p>	No

Section 4.15 Assessment Report - DA2024/1885

		
	SEPP (Resilience and Hazards) 2021 – Chapter 2 Coastal Management	No
<u>BV Map</u>	<u>Marine Park Estate</u>	No
	Biodiversity Values Map	No

Site Inspection Observations



Figure 4 - Existing front unit viewed from the dwelling

Section 4.15 Assessment Report - DA2024/1885



Figure 5 - Existing attached carport on the left and detached carport on the right (straight down the existing driveway)



Figure 6 - Existing rear unit viewed from the back side space of the proposed garage

Section 4.15 Assessment Report - DA2024/1885



Figure 7 - Rear setback space of rear unit and looking further south towards 16 Driver Avenue



Figure 8 - the private open space for existing unit closer to road, looking towards building on 22 Clyde St.

Also existing pergola which is proposed to be redone as in plans

Section 4.15 Assessment Report - DA2024/1885

For further observations, please refer to site inspection report in the file.

Deposited Plan and 88B Instrument

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

3. Background

Pre-Lodgement Information

N/A

Post-Lodgement Information

Reference number	Milestone	Date
1	Application submitted	27/09/2024
2	Additional Information was requested	02/10/2024
3	Additional Information was requested	03/10/2024
4	Application lodged	04/10/2024
5	Additional Information was requested	21/11/2024
6	Additional Information was provided	21/01/2025
7	Additional Information was requested	11/04/2025
8	Additional Information was provided	12/05/2025

Section 4.15 Assessment Report - DA2024/1885

Site History and Previous Approvals

One Council Applications							
TrimApplication	Date Lodged	Portal No	Application Type	Proposal	Decision	Status	Determined
DA2024/1885	04/10/2024	PAN-474390	Residential - New second occupancy	Alterations and additions to an existing dual occupancy including new garage, deck with roof, changes to entry doors, windows and Torrens Title subdivision	AwaitInfo	Current	
DA2024/1688		PAN-458583	Residential - New second occupancy	Alterations and additions to a dual occupancy and Torrens subdivision	Return	Past	24/09/2024
DA2024/1656		PAN-445655	Subdivision	Alterations and additions to a dual occupancy and Torrens subdivision	Return	Past	01/08/2024

Old Applications prior to 2nd Sept 1996				
Application	Proposal	Decision	Owner	
BA72/1731	Brick Flats	Cancelled	Club Pacific Co-Op Ltd	Show Properties
BA74/0065	Brick Flats (8)	Approved	Club Pacific Co-Op	Show Properties
BA77/0789	Brick Flats (2)	Approved	Club Pacific Co-Op	Show Properties
ST72/0868	Septic Tank Permit	Cancelled	Club Pacific Co-Op Ltd	Show Properties
ST77/0370	Septic Tank Permit	Approved	Club Pacific Co-Op	Show Properties

BA data prior to the 2nd Sept 1996 (bamast)				
Application	Appl. Date	Proposal	Status	Status Date
SD80538	13/05/1981			

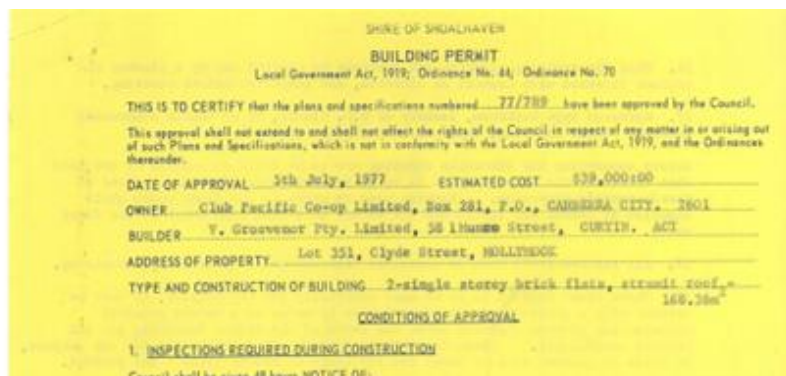
Building Certificate data prior to 1st January 1998				
Application	Appl. Date	Proposal	Status	Status Date
96/0615	09/10/96	DWG CL 1A WHOLE	Printed	22/10/96

Is the proposed development compatible with any relevant previous approvals?

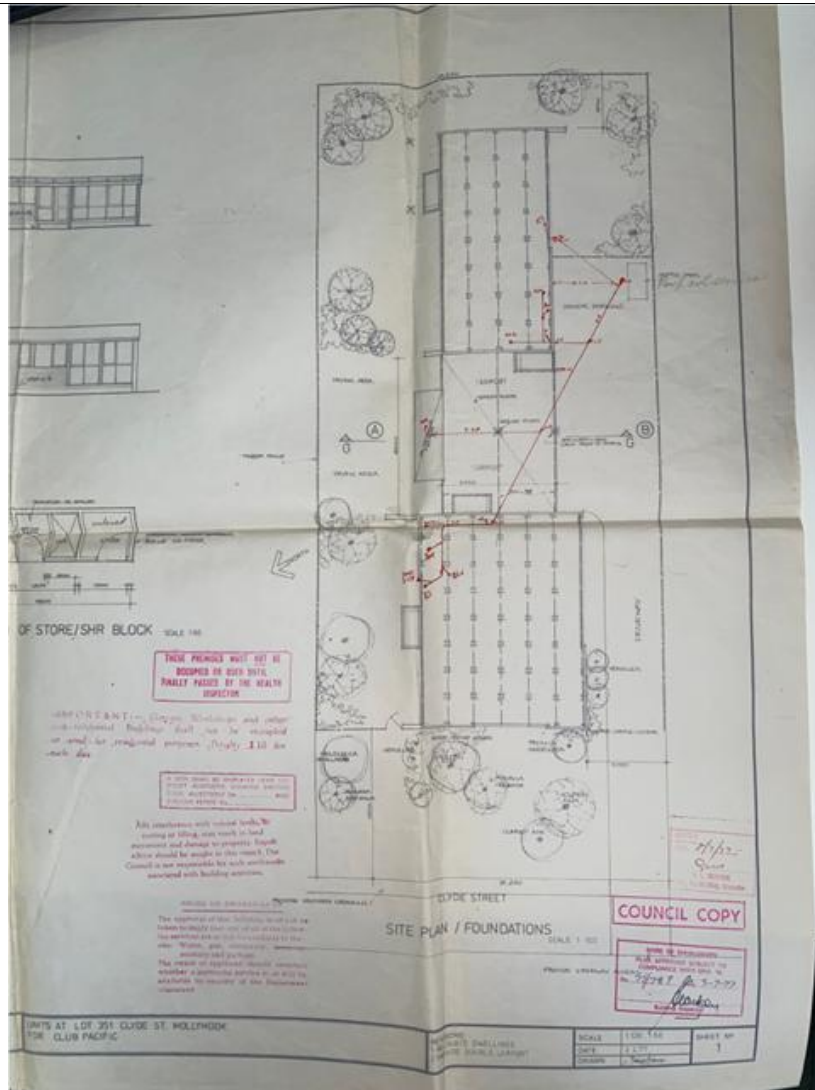
Yes

There were multiple approvals on the subject site for different forms of developments.

The existing dual occupancy was originally approved under BA77/0789 in 1977 as '2-single storey brick flats' and then built accordingly.



Section 4.15 Assessment Report - DA2024/1885



The terminology here is little different to today's interpretation of 'flats', where it is a class 2 structure and is explained in the NCC as:

— A6G3 Class 2 buildings

- (1) A Class 2 building is a building containing two or more sole-occupancy units.
- (2) Each sole-occupancy unit in a Class 2 building must be a separate dwelling.

Section 4.15 Assessment Report - DA2024/1885

Figure A6G3a (explanatory) Section showing a typical configuration of Class 1 and Class 2 buildings (with non-combustible roof coverings)

Figure 9 - Source - <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-one/a-governing-requirements/part-a6-building-classification>

Hence considering the detached nature of the approved single storey 'flats', they are not relevant as a Class 2 structure as both are not located one above the another, and hence a dual occupancy is a better contemporary planning term to define this existing approved development, both being class 1 structures.

<p>Are there any orders applying to the property?</p> <p><i>Note: Orders are viewable under the Development – Orders tab in the property details.</i></p> <div> <div>Development</div> <div>Contributions</div> <div>Drawings/Images</div> <div>Notes</div> <div>Recurring</div> <div>Orders</div> </div>	No
<p>Does the proposal appear to include/relate to any unauthorised building work?</p> <p><i>Note: A DA can only approve prospective works and uses. Any unauthorised or retrospective works must be dealt with under a separate Building Information Certificate process.</i></p>	No

4. Consultation and Referrals

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

Section 4.15 Assessment Report - DA2024/1885

External Referrals
No external referrals were sought for the proposed development

5. Other Approvals

Integrated Development
No other approvals were sought for the proposed development

6. Statutory Considerations

Environmental Planning and Assessment Act 1979

Consultation and development consent – certain bush fire prone land

Is the development site mapped as bush fire prone land?	No
Is there vegetation within 100m of the proposed development that would form a bush fire hazard as identified in Planning for Bush Fire Protection? <i>Note: The bush fire mapping cannot be relied upon solely for identifying bush fire hazards.</i>	No Please refer below sections from PBP 2019 for further classification of golf courses and their managed lands, how it relates to the vegetation risk classification.
<p>Grasslands</p> <p>Grassed areas capable of sustaining a fire. Under AS 3959, this is identified as low open shrubland, hummock grassland, closed tussock grassland, tussock grassland, open tussock, sparse open tussock, dense sown pasture, sown pasture, open herbfield, and sparse open herb field.</p> <p>Grass, whether exotic or native, which is regularly maintained at or below 10cm in height (including maintained lawns, golf courses, maintained public reserves, parklands, nature strips and commercial nurseries) is regarded as managed land.</p> <p>Managed land</p> <p>Land that has vegetation removed or maintained to a level that limits the spread and impact of bush fire. This may include developed land (residential, commercial or industrial), roads, golf course fairways, playgrounds, sports fields, vineyards, orchards, cultivated ornamental gardens and commercial nurseries. Most common will be gardens and lawns within curtilage of buildings. These areas are managed to meet the requirements of an APZ.</p>	

Section 4.15 Assessment Report - DA2024/1885

- Vegetation regarded as low threat due to factors such as flammability, moisture content or fuel load, including grassland managed in a minimal fuel condition, mangroves and other saline wetlands, maintained lawns, golf courses such as playing areas and fairways, maintained public reserves and parklands, sporting fields, vineyards, orchards, banana plantations, market gardens and other non-curing crops, cultivated gardens, arboretums, commercial nurseries, nature strips and windbreaks.

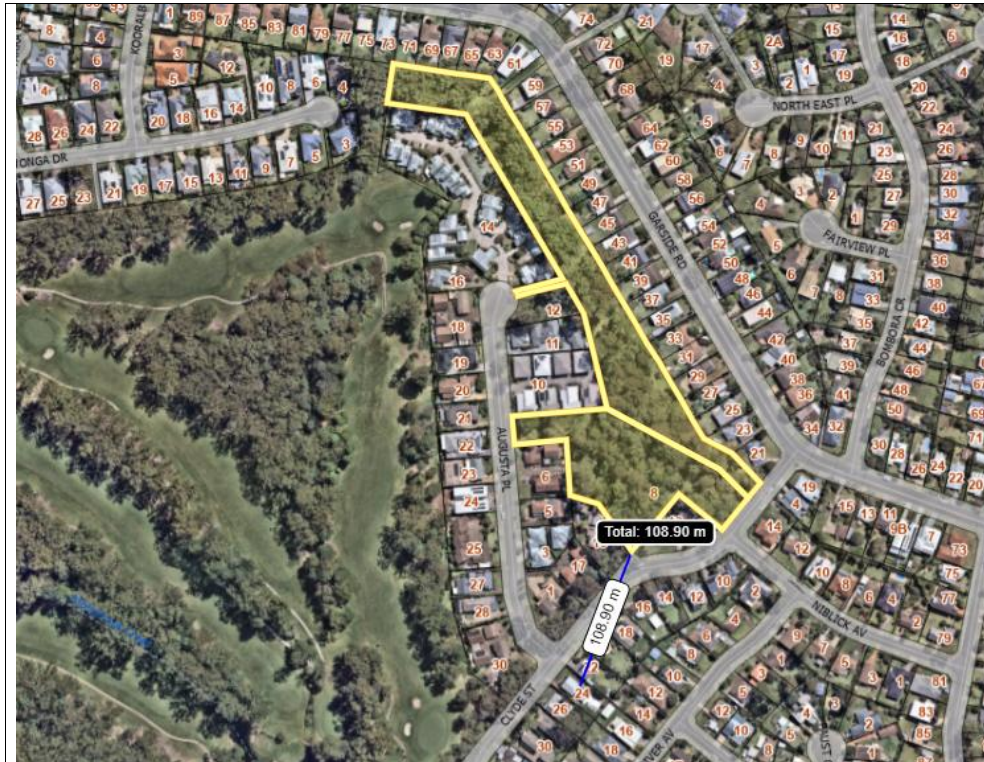
Note: 1. Minimal fuel condition means there is insufficient fuel available to significantly increase the severity of the bush fire attack (recognizable as short cropped grass for example, to a nominal height of 100 mm). 2. A windbreak is considered a single row of planted trees located on a boundary and used as a screen or to reduce the effect of wind on the leeward side of the trees.

For the purposes of Planning for Bushfire Protection 2019, the grassland areas of the golf course are always managed (mown regularly to keep it at a fair playing height) and therefore deemed managed land for the purpose of our assessment.

This managed land (fairways and playing areas) can be further considered low threat and hence can be excluded for the consideration of bushfire risk. Given the site is not bushfire prone and not directly adjacent to the golf course playing area, the site and existing and proposed development is not required to further have Bushfire Requirements under the PBP 2019.

Additionally, there is vegetation West and North of subject site. Properties at 1 Augusta Pl, 17 and 15 Clyde St are developed residential land for the purposes of PBP 2019 ('Managed Lands' section). The property 8 Augusta Pl is not developed and has vegetation cover of Dry Sclerophyll Forests over it that can form part of potential bush fire threat to the proposed development.

Section 4.15 Assessment Report - DA2024/1885



Given the distance to this vegetation is more than 100m, for a land upslope than subject site, a BAL-Low is deemed suitable for the proposed development and hence no further construction requirements are warranted in AS 3959:2018.

AS 3959:2018

42

SECTION 4 BUSHFIRE ATTACK LEVEL LOW
(BAL—LOW)

This Standard does not provide construction requirements for buildings assessed in bushfire-prone areas in accordance with Section 2 as being BAL—LOW.

The Bushfire Attack Level BAL—LOW is based on insufficient risk to warrant specific bushfire construction requirements. It is predicated on low threat vegetation and non-vegetated areas (see Clause 2.2.3.2).

Section 4.15 Assessment Report - DA2024/1885

KEITH VEGETATION FORMATION		BUSH FIRE ATTACK LEVEL (BAL)				
		BAL-FZ	BAL-40	BAL-29	BAL-19	BAL-12.5
		Distance (m) asset to predominant vegetation class				
ALL UPSLOPE AND FLATLAND	Rainforest	< 8	8 -< 11	11 -< 16	16 -< 23	23 -< 100
	Forest (wet and dry sclerophyll) including Coastal Swamp Forest, Pine Plantations and Sub-Alpine Woodland	< 18	18 -< 24	24 -< 33	33 -< 45	45 -< 100
	Grassy and Semi-Arid Woodland (including Mallee)	< 9	9 -< 12	12 -< 18	18 -< 26	26 -< 100
	Forested Wetland (excluding Coastal Swamp Forest)	< 7	7 -< 10	10 -< 14	14 -< 21	21 -< 100
	Tall Heath	< 12	12 -< 16	16 -< 23	23 -< 32	32 -< 100
	Short Heath	< 7	7 -< 9	9 -< 14	14 -< 20	20 -< 100
	Arid-Shrublands (acacia and chenopod)	< 5	5 -< 6	6 -< 9	9 -< 14	14 -< 100
	Freshwater Wetlands	< 4	4 -< 5	5 -< 7	7 -< 11	11 -< 100
	Grassland	< 8	8 -< 10	10 -< 15	15 -< 22	22 -< 50
Is the development subject to a performance based solution or a BAL-FZ?		No				
<p>Note: As per Appendix 2 of PBP 2019, performance based solutions should be undertaken and fully justified by a qualified consultant BPAD practitioner.</p> <p>Note: The NSW variation of H7D4 in NCC 2022 Volume 2 specifies that AS3959 and the NASH Standard can only be used as a deemed-to-satisfy provision where an appropriate condition of consent has been imposed <u>in consultation with NSW RFS</u>.</p>						

Division 4.6 Crown Development

Is the proposal a Crown development application under Division 4.6 of the EP&A Act 1979?	No
<p>Note: A Crown development application means a development application made by or on behalf of the Crown and includes public authorities prescribed by the EP&A Regulations 2021 e.g. NSW Land & Housing Corporation, Landcom etc.</p>	

Biodiversity Conservation Act 1979

Does the application include works or vegetation removal within the Biodiversity Values mapped area ?	No										
Does the application involve clearing of native vegetation above the area clearing threshold?	No										
<div> <p>Area clearing threshold</p> <p>The area threshold varies depending on the minimum lot size (shown in the Lot Size Maps made under the relevant Local Environmental Plan (LEP)), or actual lot size (where there is no minimum lot size provided for the relevant land under the LEP).</p> <table> <tr> <th>Minimum lot size associated with the property</th><th>Threshold for clearing, above which the BAM and offsets scheme apply</th></tr> <tr> <td>Less than 1 ha</td><td>0.25 ha or more</td></tr> <tr> <td>1 ha to less than 40 ha</td><td>0.5 ha or more</td></tr> <tr> <td>40 ha to less than 1000 ha</td><td>1 ha or more</td></tr> <tr> <td>1000 ha or more</td><td>2 ha or more</td></tr> </table> <p>The area threshold applies to all proposed native vegetation clearing associated with a proposal, regardless of whether this clearing is across multiple lots. In the case of a subdivision, the proposed clearing must include all future clearing likely to be required for the intended use of the land after it is subdivided.</p> <p>If the land on which the proposed development is located has different minimum lot sizes the smaller or smallest of those minimum lot sizes is used to determine the area clearing threshold.</p> </div>		Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply	Less than 1 ha	0.25 ha or more	1 ha to less than 40 ha	0.5 ha or more	40 ha to less than 1000 ha	1 ha or more	1000 ha or more	2 ha or more
Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply										
Less than 1 ha	0.25 ha or more										
1 ha to less than 40 ha	0.5 ha or more										
40 ha to less than 1000 ha	1 ha or more										
1000 ha or more	2 ha or more										

Section 4.15 Assessment Report - DA2024/1885

Will the proposed development have a significant impact on threatened species or ecological communities, or their habitats, according to the test in section 7.3 of the Biodiversity Conservation Act 2016 (i.e. 'test of significance')? <i>Note: Consideration should be given to the site's proximity to NPWS land (see guidelines) and other natural areas, as well as any area that may contain threatened species, vulnerable or endangered ecological communities or other vulnerable habitats.</i>	No
If the application exceeds the Biodiversity Offsets Scheme Threshold (i.e. if yes to any of the above), has the application been supported by a Biodiversity Development Assessment Report (BDAR)?	No

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](#).

Local Government Act 1993

Do the proposed works require approval under Section 68 of the Local Government Act 1993?	Yes - see s68 type nominated below.
<input checked="" type="checkbox"/> Water supply, sewerage and/or stormwater works <input type="checkbox"/> Operation of a system of sewage management (i.e. on-site sewage management system) <input type="checkbox"/> Installation of a manufactured home <input type="checkbox"/> Installation of a domestic oil or solid fuel heating appliance, other than a portable appliance (i.e. a fire place)?	

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:

Section 4.15 Assessment Report - DA2024/1885

Environmental Planning Instrument
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 (Sustainable Buildings) 2022

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3 Koala habitat protection 2020

Question	Yes	No
1. Does the subject site have a site area >1ha or does the site form part of a landholding >1ha in area?	<input type="checkbox"/> Proceed to Question 2	<input checked="" type="checkbox"/> Assessment under SEPP not required.

Chapter 4 Koala habitat protection 2021

Question	Yes	No
1. Is there an approved koala plan of management for the subject land?	<input type="checkbox"/> Proceed to Question 2	<input checked="" type="checkbox"/> Proceed to Question 3
2. Is the proposed development likely to have an impact on koalas or koala habitat?	<input type="checkbox"/> Proceed to Question 5	<input checked="" type="checkbox"/> Proposal satisfactory under SEPP.

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"/> Proceed to Question 2	<input checked="" type="checkbox"/> Assessment under SEPP and DCP not required.

The Mollymook Golf Course west of the subject site is mapped as being potentially contaminated land (PCL130) that relates to former fuel tanks and bowzers that were located at the greenkeepers workshop adjoining the Club house in Clifford Close. Such potential land contamination is unlikely to have any impact on the portion of land that is the subject of this DA.

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 Standards for residential development — BASIX

BASIX Certificate

Section 4.15 Assessment Report - DA2024/1885

<p><i>Has the application been supported by an appropriate BASIX Certificate?</i></p> <p><i>Note: Residential development BASIX Certificates are required for:</i></p> <ul style="list-style-type: none"> all new residential dwellings. alterations and additions to dwellings that cost \$50,000 or more. swimming pools of 40,000 litres or more. 	<p>Yes</p> <p>Certificate number: A1778434 – Unit 1</p> <p>Certificate number: A1778439 – Unit 2</p>
<p><i>Is the BASIX Certificate valid and has the DA been submitted within 3 months of date of issue of the BASIX Certificate?</i></p>	<p>Yes</p>
<p><i>Have BASIX commitments identified to be shown in the DA been shown on the DA plans?</i></p>	<p>Yes</p>

Shoalhaven Local Environmental Plan Local Environmental Plan 2014

Land Zoning

The land is zoned R2 Low Density Residential under the *Shoalhaven Local Environmental Plan 2014*.

Characterisation and Permissibility

The proposal is best characterised as alterations and additions to existing dual occupancy and subdivision under *Shoalhaven Local Environmental Plan 2014*. The proposal is permitted within the zone with the consent of Council.

The proposal includes (Torrens Title) subdivision of this existing dual occupancy which is permitted with consent in the zone given it meets applicable principal development standards in the LEP instrument. The applicable standard in this instance is the clause 4.1 which states minimum lot size requirements for subdivision.

The subject site (Lot 351 DP 242021) is approximately 777.76m². The minimum lot size applicable to the subject site within the LEP's [Lot Size Map](#) is 500m². The resultant lots from the proposed subdivision (excluding the access handle) are proposed to be 331.4m² and 356.2m² respectively.

There are no further clauses in the principal development standards that are applicable to the subject site and proposed subdivision of development approved before their gazettal. Hence only clause 4.1 applies to this proposed subdivision.

None of the resultant lots will meet with this minimum lot size requirements of 500m² each and hence a variation to the development standard for clause 4.1 under clause 4.6 is required in this instance.

Zone objectives

Objective	Comment
To provide for the housing needs of the community within a low density residential environment.	The proposal is consistent with the objectives of the zone because it will create separately entitled lots for enabling individual housing

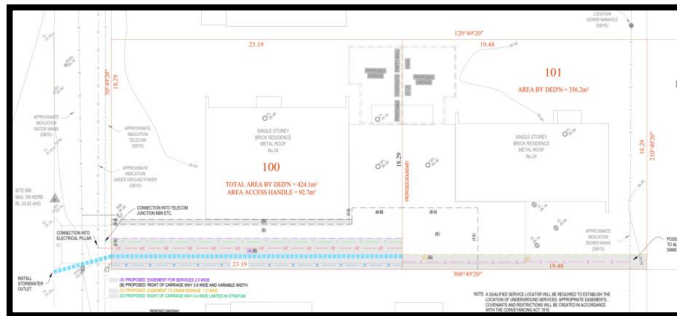
Section 4.15 Assessment Report - DA2024/1885

To enable other land uses that provide facilities or services to meet the day to day needs of residents.	ownership in the locality. The existing detached dual occupancy will maintain their contribution to the built environment in the locality and hence continue to fulfill the objectives of the zone.
To provide an environment primarily for detached housing and to ensure that other development is compatible with that environment.	

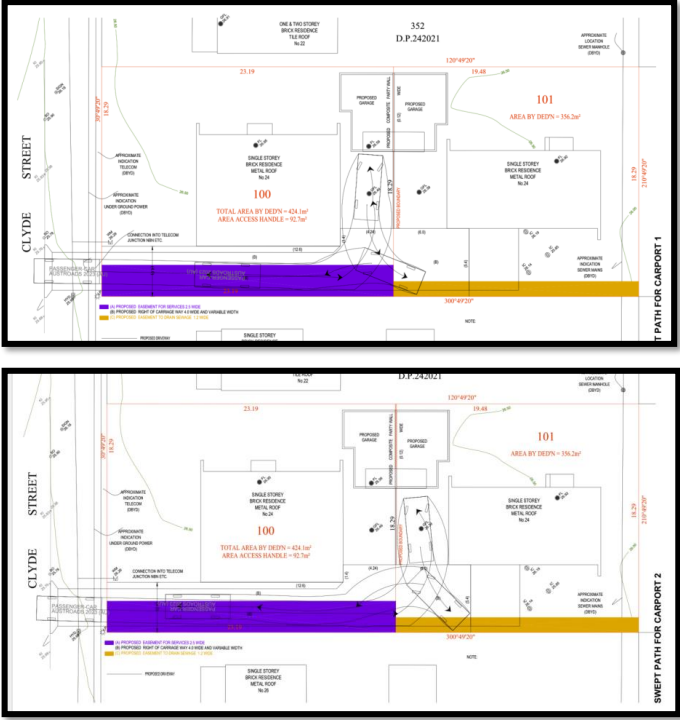
Applicable Clauses

Clause	Comments	Complies/ Consistent
Part 2 Permitted or prohibited development		
1.8A	Savings provision relating to development applications. 1.8A(2) requires the application to be determined as if amendment number 35 to SLEP 2014 had not commenced. This forces assessment for subdivision to be addressed under clause 4.1 of the LEP.	Complies
2.6	Subdivision is permitted but only with development consent.	Complies
2.7	Demolition is permitted but only with development consent.	Complies
Part 4 Principal development standards		
4.1	The proposal includes subdivision of land pursuant to clause 4.1. The minimum lot size set by the Lot Size Map for the land is 500 m ² . The proposed subdivision will create lots with the following sizes: <ul style="list-style-type: none"> Lot 100 (facing the road) = 331.4m² (excluding access handle area) Lot 101 (farther from the road) = 356.2m² Both proposed lots have a site area below the minimum lot size set by the Lot Size Map and therefore the proposal does not achieve compliance with the requirements of clause 4.1. As the consent for the underlying dual occupancy (attached) (BA77/0789 approved 5 July 1977) predates the gazettal of Clause 4.1(A) of SLEP (2014), a Cl 4.6 exception to seek approval for departure from a development standard (Cl 4.1 (3) (minimum lot size) is required. See Appendix for detailed consideration of Clause 4.6 variation.	Does not comply
4.3	The height set by the Height of Buildings Map is 8.5m The proposed development will be in line with existing development on the lot which is below 8.5m and hence does not exceed the building height limit.	Complies
4.6	Clause 4.6 is used to seek an exception to development standard set out in the SLEP 2014 clause 4.1. <i>Note: where a clause 4.6 exception is proposed the application must be supported by a clause 4.6 variation statement prepared by the Applicant. All</i>	Complies

Section 4.15 Assessment Report - DA2024/1885

	clause 4.6 variations need to be reported to the NSW government; ensure appropriate reporting spreadsheets are completed.					
Part 7 Additional local provision						
7.1	<p>The subject land is mapped as acid sulfate soils:</p> <table><tr><th>Class</th><th>Commentary</th></tr><tr><td>Class 5</td><td>The proposal does not involve work within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the water table is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land.</td></tr></table>	Class	Commentary	Class 5	The proposal does not involve work within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the water table is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land.	Complies
Class	Commentary					
Class 5	The proposal does not involve work within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the water table is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land.					
7.2	<p>Consideration has been given to the matters outlined in clause 7.2. The nature of earthworks required are considered suitable and no excess earthworks or disturbance of site is required in this development and it is therefore considered that the proposed earthworks are suitable and can be managed appropriately.</p>	Complies				
7.11	<p>All relevant services are available to the site and serving the existing dual occupancy development.</p> <p>Electricity is being provided to existing dwellings which can be conditioned to be separately metered (if not already) as a standard condition of consent.</p> <p>New arrangements (separate connections for water and sewer) will be made available under the Water Development Notice, regulated by Shoalhaven Water.</p> <p>There is a suitable vehicular access from the Street to both the dwellings. A right of carriageway is proposed on the subject site to enable the proposed lot 101 to take a form of a battle-axe type lot with right of carriageway easement over lot 100.</p> 	Complies				

Section 4.15 Assessment Report - DA2024/1885



Hence it is considered that suitable vehicular access is available to the site. Further during the subdivision certificate stage, the proposed service easements and right of carriageway will have to be registered to ensure the Lot 101 has vehicular access to the site.

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](#)

Generic DCP Chapter	
G1: Site Analysis, Sustainable Design and Building Materials	
Has the application been supported by a suitable site / site analysis plan?	Yes
Have appropriate details of colours and materials been submitted with the application?	Yes

Section 4.15 Assessment Report - DA2024/1885

G2: Sustainable Stormwater Management and Erosion/Sediment Control	
<i>Has the application been supported by appropriate erosion and sediment control details?</i>	Yes
<p><i>Does the development require on site detention (OSD) to be provided?</i></p> <p><i>Note: OSD may not be suitable in instances where a development appropriately relies on a charged drainage line to the street as it may compromise the effectiveness of the drainage system.</i></p>	<p>No – the net addition to each proposed lot will be about 20 m² each for the attached garage structure. Hence no OSD tanks required for the proposed development.</p>
<p>Amended Stormwater Plans have been provided (D25/215899) that were post request from Development Engineers. Accordingly, conditions of consent have been provided to upgrade the existing infrastructure.</p>	
<i>Has the application been supported appropriate stormwater drainage details?</i>	Yes - See commentary below

Section 4.15 Assessment Report - DA2024/1885

Question	Yes		No	
1. Is the application for alterations and additions attached to an existing building?	<input checked="" type="checkbox"/>	Complies - Recommended conditions will require stormwater be directed into the existing stormwater system.	<input type="checkbox"/>	Proceed to Question 2
2. Is the proposed development on a large rural allotment where it is appropriate to disperse stormwater on site?	<input type="checkbox"/>	Complies - Recommended conditions will require stormwater be directed to a level spreader.	<input checked="" type="checkbox"/>	Proceed to Question 3
3. Can stormwater be drained to the street via gravity?	<input checked="" type="checkbox"/>	Complies - Recommended conditions will require stormwater be directed to street.	<input type="checkbox"/>	Proceed to Question 4
4. Can stormwater be drained to an existing inter-allotment drainage easement?	<input type="checkbox"/>	Complies - Recommended conditions will require stormwater be directed to existing drainage easement.	<input checked="" type="checkbox"/>	Proceed to Question 5
5. Does the application include the creation of a proposed inter-allotment drainage easement?	<input type="checkbox"/>	Referral required to development engineers.	<input checked="" type="checkbox"/>	Proceed to Question 6
6. Is a charged stormwater drainage system proposed?	<input type="checkbox"/>	Proceed to Question 7	<input checked="" type="checkbox"/>	Proceed to Question 8

CL25.234 - Attachment 1

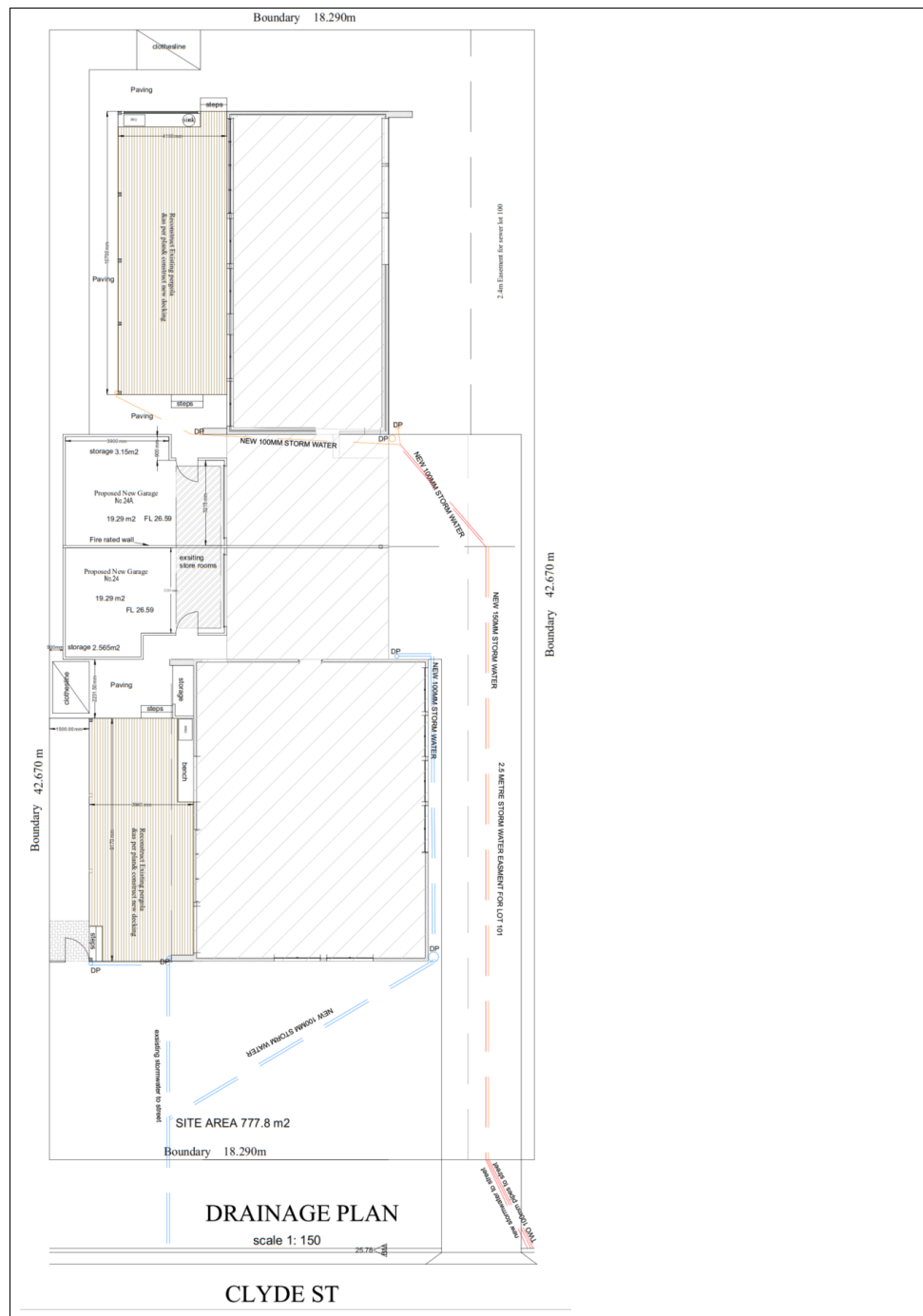
Section 4.15 Assessment Report - DA2024/1885

<p>7. If charged stormwater drainage is proposed, have suitable efforts been made to demonstrate that drainage to the street via gravity or creation of a drainage easement is not possible.</p> <p><i>Note: A2.1 of Chapter G2 of Shoalhaven DCP 2014 outlines the necessary steps to be satisfied that stormwater drainage via gravity or creation of a inter-allotment drainage easement is not possible. An easement request letter is available on Council's website.</i></p>	<input checked="" type="checkbox"/>	Discuss with supervisor or development engineer	<input type="checkbox"/>	Applicant must submit information demonstrating how proposed development complies with A2.1 in Chapter G2.
<p>8. Is on-site stormwater absorption trench proposed and is Council satisfied that all other avenues of stormwater disposal have been exhausted?</p> <p><i>Note: As outlined in Chapter G2 of Shoalhaven DCP 2014 absorption trenches should only be utilised as a last resort.</i></p>	<input type="checkbox"/>	Proceed to Question 9	<input type="checkbox"/>	Does not comply – Insufficient stormwater details have been provided.
<p>9. Have absorption trenches been shown on the plans and has the application been supported by a suitable geotechnical report for the absorption trenches?</p>	<input type="checkbox"/>	Discuss with supervisor or development engineer	<input type="checkbox"/>	Does not comply – additional stormwater drainage details and a geotechnical report for the absorption trenches is required as per Chapter G2 of Shoalhaven DCP 2014

The proposed development and existing stormwater disposal pipes to the street were inspected by a Plumber (D25/215899) and has provided their recommendation for new stormwater pipe to be run from the rear unit to the kerb. Also, another pipe to capture runoff from the driveway side of the forward unit, to dispose water into existing pipe to kerb.

As existing arrangements for drainage to street can be maintained, no drainage easement or on-site disposal options for stormwater disposal are required.

Section 4.15 Assessment Report - DA2024/1885



Section 4.15 Assessment Report - DA2024/1885

<u>G3:</u> Landscaping Design Guidelines	
<i>Is existing/proposed landscaping appropriate?</i> <i>Note: The planting of weed species listed in the South East Regional Strategic Weed Management Plan 2023 – 2027 is not supported.</i>	Yes

Section 4.15 Assessment Report - DA2024/1885

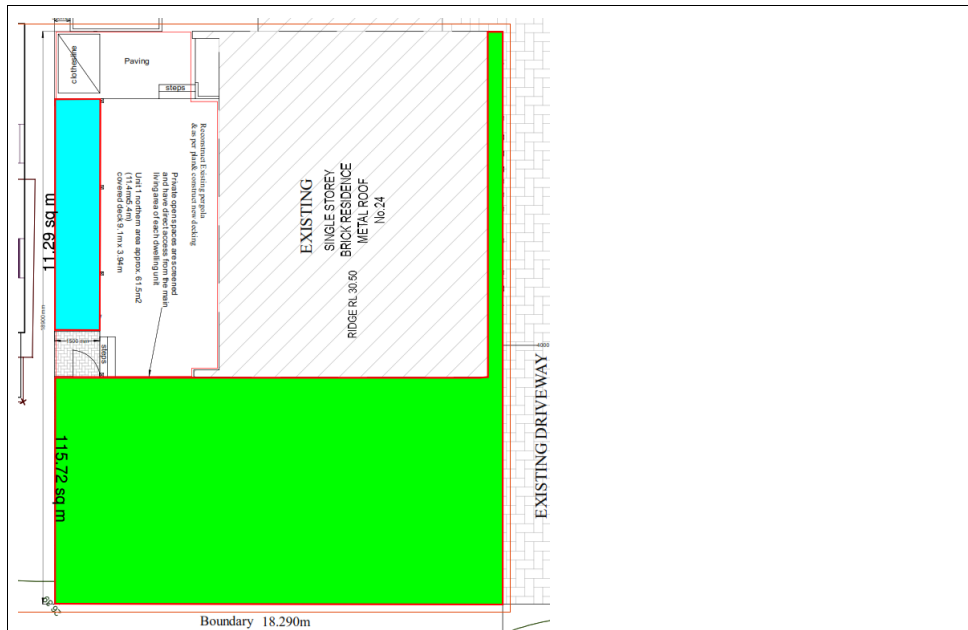


Figure 10 - Existing landscape area on proposed lot 100 – 115 + 11 sq.m approximately

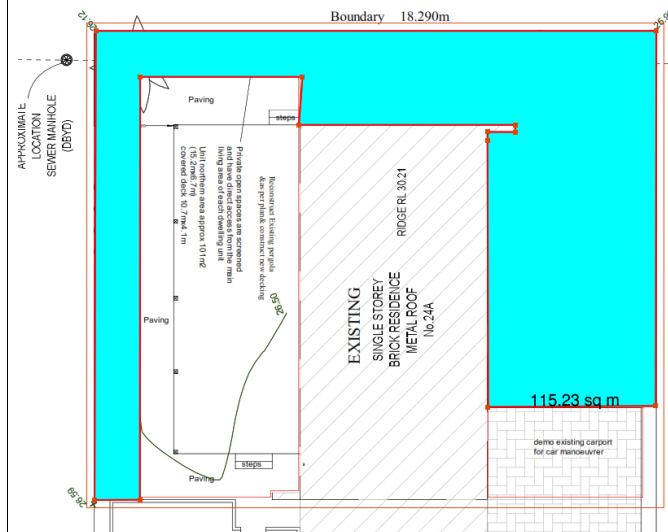
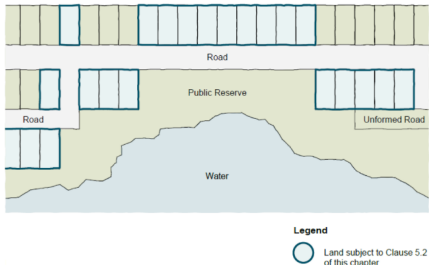


Figure 11 - Existing landscape area on proposed lot 101 – 115 sq.m approximately

Does the proposal impact on any street trees?

No

Section 4.15 Assessment Report - DA2024/1885

G4: Tree and Vegetation Management	
Have any trees proposed to be removed been clearly shown on the site plan (where required)?	N/A
Does the development encroach into the Tree Preservation Zone (TPZ) or Structural Root Zone (SRZ) of any trees to be retained (including trees on adjoining properties and within the road reserve)? Note: TPZ and SRZ encroachments can be calculated using the AS4970-2009 calculator . Note: Australian Standard AS4970 – 2009 sets out the methodology for calculating TPZ and SRZ. Note: Where there are major encroachments into the TPZ or the SRZ an arborist report (prepared by a level 5 consulting arborist) demonstrating that the development will ensure that the tree remains viable.	No
G5: Biodiversity Impact Assessment	
Is the proposal satisfactory with regard to biodiversity impacts?	Yes
G6: Coastal Management Areas	
Is the subject site identified as “Coastal Risk Planning Area” on the Coastal Risk Planning Map (Clause 7.4 of LEP)?	No
Is the development site located forward of the coastal hazard?	No
Is the development site mapped in a coastal hazard area?	No
Does the development appropriately consider and respond to coastal hazards?	N/A
Is the subject site located in a foreshore area? 	N/A
Are proposed colours and materials sympathetic to the coastal environment?	N/A
Is any proposed landscaping appropriate for the coastal environment?	N/A
G7: Waste Minimisation and Management Controls	
Has the application been supported by an appropriate waste minimisation and management plan?	Yes

Section 4.15 Assessment Report - DA2024/1885

G11: Subdivision of Land

The proposal includes Torrens Title subdivision of the proposed dual occupancy pursuant to clause 4.1 of *Shoalhaven LEP 2014*.

As the application is for a small scale Torrens subdivision of an existing dual occupancy, only relevant aspects of the chapter are discussed and assessed below.

Acceptable solution	Discussion and comments																		
<p>5.2.3 Common Driveways and Accessways</p> <table> <tr> <th>Performance Criteria</th><th>Acceptable Solutions</th></tr> <tr> <td>P33.1 Pavement surfaces are well designed and durable enough to:</td><td>A33.1 Flexible pavement is constructed in accordance with Council's Engineering Design Specifications.</td></tr> <tr> <td> <ul style="list-style-type: none"> Carry wheel loads of travelling and parked vehicles. </td><td></td></tr> </table> <table> <tr> <th>Performance Criteria</th><th>Acceptable Solutions</th></tr> <tr> <td> <ul style="list-style-type: none"> Ensure safe passage of users. Manage runoff and preserve all-weather access. Allow for reasonable travel comfort. </td><td>A33.2 Driveways to battle-axe lots are constructed:</td></tr> <tr> <td>P33.2 Driveways and access handles accommodate services, as required.</td><td> <ul style="list-style-type: none"> In accordance with Section 3.4 of Supporting Document 1. From the roadway to the extent of the access handle/s. With sufficient width to permit the provision of services beside the constructed access at a sufficient depth to avoid risk of damage. </td></tr> </table> <p>Table 7: Construction of battle axe/right of way driveways to the extent of the right of way or access handle</p> <table> <tr> <th>For</th><th>Specifications</th></tr> <tr> <td>1-2 Lots</td><td>Reinforced concrete pavement minimum 3m wide 125mm thick on 75mm FCR, SL72 Fabric with 35mm topcover 20MPa concrete.</td></tr> <tr> <td>3-4 Lots</td><td>Reinforced concrete pavement minimum 5.5m wide 125mm thick on 75mm FCR, SL72 Fabric with 35mm topcover 20MPa concrete.</td></tr> </table>	Performance Criteria	Acceptable Solutions	P33.1 Pavement surfaces are well designed and durable enough to:	A33.1 Flexible pavement is constructed in accordance with Council's Engineering Design Specifications.	<ul style="list-style-type: none"> Carry wheel loads of travelling and parked vehicles. 		Performance Criteria	Acceptable Solutions	<ul style="list-style-type: none"> Ensure safe passage of users. Manage runoff and preserve all-weather access. Allow for reasonable travel comfort. 	A33.2 Driveways to battle-axe lots are constructed:	P33.2 Driveways and access handles accommodate services, as required.	<ul style="list-style-type: none"> In accordance with Section 3.4 of Supporting Document 1. From the roadway to the extent of the access handle/s. With sufficient width to permit the provision of services beside the constructed access at a sufficient depth to avoid risk of damage. 	For	Specifications	1-2 Lots	Reinforced concrete pavement minimum 3m wide 125mm thick on 75mm FCR, SL72 Fabric with 35mm topcover 20MPa concrete.	3-4 Lots	Reinforced concrete pavement minimum 5.5m wide 125mm thick on 75mm FCR, SL72 Fabric with 35mm topcover 20MPa concrete.	<p>A33.2 – Driveway to battle axe lot is to be constructed (upgraded if not already) to meet with the requirements in the Section 3.4 of the Supporting Document 1, to the chapter G11.</p> <p>The existing services are within the proposed easement area for services marked 'A' on the survey plan.</p>
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Figure 12 - Section 3.4, Table 7 of Supporting Document 1 to G11

Section 4.15 Assessment Report - DA2024/1885

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<table> <tr> <th>Performance Criteria</th><th>Acceptable Solutions</th></tr> <tr> <td>P38.1 The subdivision and lot design takes into consideration the site's natural opportunities and constraints.</td><td rowspan="9"> <p>A38.1 The subdivision lot design positively responds to:</p> <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, including identification of mature stands of trees to be retained and supplementary planting and shade trees. Views and visual impact. Prevailing winds, including the retention of natural features that assist in providing wind protection. <p>Note: Council may condition the use of Section 88B restrictions to define (not exclusively) appropriate building envelopes, landscaping, building materials, colours and regulate the number of storeys of buildings in sensitive locations.</p> <p>Subdivision design should avoid locating lots in areas with slope stability problems unless suitable advice from a practicing certified geotechnical engineer is provided.</p> </td></tr> <tr> <td>P38.2 The subdivision and lot design considers water sensitive urban design principles associated with infrastructure, riparian areas and watercourses relating to the drainage and open space network.</td></tr> <tr> <td>P38.3 Subdivisions located in flood prone land are designed to enable flood evacuation.</td></tr> <tr> <td>P38.4 The lot layout retains significant vegetation and natural areas and minimises soil erosion.</td></tr> <tr> <td>P38.5 The subdivision layout responds to site characteristics, setting, landmarks and views through street and open space areas.</td></tr> <tr> <td>P38.6 The subdivision design provides safe building conditions for development.</td></tr> <tr> <td>P38.7 The subdivision design has minimal geotechnical impact on adjoining properties</td></tr> <tr> <td>P38.8 The subdivision avoids high risk slip areas.</td></tr> <tr> <td>P38.9 Asset protection zones are:</td></tr> </table>	Performance Criteria	Acceptable Solutions	P38.1 The subdivision and lot design takes into consideration the site's natural opportunities and constraints.	<p>A38.1 The subdivision lot design positively responds to:</p> <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, including identification of mature stands of trees to be retained and supplementary planting and shade trees. Views and visual impact. Prevailing winds, including the retention of natural features that assist in providing wind protection. <p>Note: Council may condition the use of Section 88B restrictions to define (not exclusively) appropriate building envelopes, landscaping, building materials, colours and regulate the number of storeys of buildings in sensitive locations.</p> <p>Subdivision design should avoid locating lots in areas with slope stability problems unless suitable advice from a practicing certified geotechnical engineer is provided.</p>	P38.2 The subdivision and lot design considers water sensitive urban design principles associated with infrastructure, riparian areas and watercourses relating to the drainage and open space network.	P38.3 Subdivisions located in flood prone land are designed to enable flood evacuation.	P38.4 The lot layout retains significant vegetation and natural areas and minimises soil erosion.	P38.5 The subdivision layout responds to site characteristics, setting, landmarks and views through street and open space areas.	P38.6 The subdivision design provides safe building conditions for development.	P38.7 The subdivision design has minimal geotechnical impact on adjoining properties	P38.8 The subdivision avoids high risk slip areas.	P38.9 Asset protection zones are:	<p>A38.1 - Existing dwellings and lot layouts are to follow the existing boundaries and practical separation points between both dwellings. Hence no further consideration is required in this direction.</p>
Performance Criteria	Acceptable Solutions												
P38.1 The subdivision and lot design takes into consideration the site's natural opportunities and constraints.	<p>A38.1 The subdivision lot design positively responds to:</p> <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, including identification of mature stands of trees to be retained and supplementary planting and shade trees. Views and visual impact. Prevailing winds, including the retention of natural features that assist in providing wind protection. <p>Note: Council may condition the use of Section 88B restrictions to define (not exclusively) appropriate building envelopes, landscaping, building materials, colours and regulate the number of storeys of buildings in sensitive locations.</p> <p>Subdivision design should avoid locating lots in areas with slope stability problems unless suitable advice from a practicing certified geotechnical engineer is provided.</p>												
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<table> <tr> <th>Performance Criteria</th><th>Acceptable Solutions</th></tr> <tr> <td>P45 The subdivision conforms to the provisions under which the medium density dwellings were approved or are to be approved.</td><td rowspan="2"> <p>A45.1 The subdivision of a proposed or approved medium density development must ensure that the following is complied with for each dwelling and resulting lot:</p> <ul style="list-style-type: none"> Relevant development consent conditions. Development controls for medium density dwellings (e.g., siting, density, car parking, open space, landscaping, fencing, services, facilities and the like) applicable to the development. <p>Note: To ensure the dwelling on each proposed resulting lot has appropriate amenity, landscaping, density and the like, it is important that the proposal is consistent with the provisions of Chapter G13: Medium Density and Other Residential Development of this Development Control Plan.</p> </td></tr> <tr> <td>P46 The subdivision and dwellings conform to the provisions in this Development Control Plan.</td></tr> </table>	Performance Criteria	Acceptable Solutions	P45 The subdivision conforms to the provisions under which the medium density dwellings were approved or are to be approved.	<p>A45.1 The subdivision of a proposed or approved medium density development must ensure that the following is complied with for each dwelling and resulting lot:</p> <ul style="list-style-type: none"> Relevant development consent conditions. Development controls for medium density dwellings (e.g., siting, density, car parking, open space, landscaping, fencing, services, facilities and the like) applicable to the development. <p>Note: To ensure the dwelling on each proposed resulting lot has appropriate amenity, landscaping, density and the like, it is important that the proposal is consistent with the provisions of Chapter G13: Medium Density and Other Residential Development of this Development Control Plan.</p>	P46 The subdivision and dwellings conform to the provisions in this Development Control Plan.	<p>A45.1 & A46.1 – Proposed development to be assessed in line with Chapter G13 of the DCP.</p> <p>Please refer Appendix A at the end of the report.</p>							
Performance Criteria	Acceptable Solutions												
P45 The subdivision conforms to the provisions under which the medium density dwellings were approved or are to be approved.	<p>A45.1 The subdivision of a proposed or approved medium density development must ensure that the following is complied with for each dwelling and resulting lot:</p> <ul style="list-style-type: none"> Relevant development consent conditions. Development controls for medium density dwellings (e.g., siting, density, car parking, open space, landscaping, fencing, services, facilities and the like) applicable to the development. <p>Note: To ensure the dwelling on each proposed resulting lot has appropriate amenity, landscaping, density and the like, it is important that the proposal is consistent with the provisions of Chapter G13: Medium Density and Other Residential Development of this Development Control Plan.</p>												
P46 The subdivision and dwellings conform to the provisions in this Development Control Plan.													

Section 4.15 Assessment Report - DA2024/1885

5.3.10 Access

Performance Criteria	Acceptable Solutions									
P53 Coincidental legal and practical access is provided for each lot.	A53.1 Each lot shall have coincidental legal and practical access.									
P54 Lot design makes adequate provision for access to the property.	<p>A54.1 Single use access corridors for residential battle-axe lots shall be a minimum of 4m in width with a 3m pavement width.</p> <p>A54.2 Multiple use access corridors for residential battle-axe lots shall comply with the following:</p> <table border="1"> <thead> <tr> <th>Number of Lots or Potential Future Dwellings (1)</th><th>Access Minimum</th><th>Pavement Width</th></tr> </thead> <tbody> <tr> <td>1 to 2</td><td>4m</td><td>3m</td></tr> <tr> <td>3 to 4</td><td>6m</td><td>5m</td></tr> </tbody> </table> <p>Note (1): Where lots are of a minimum lot size capable of supporting dual occupancy development (500m²), each lot will be assumed to support two dwellings.</p> <p>A54.3 All residential/urban right of way pavement is to be designed to comply with Supporting Document 1.</p>	Number of Lots or Potential Future Dwellings (1)	Access Minimum	Pavement Width	1 to 2	4m	3m	3 to 4	6m	5m
Number of Lots or Potential Future Dwellings (1)	Access Minimum	Pavement Width								
1 to 2	4m	3m								
3 to 4	6m	5m								

A53.1 – A54.3 – The lot has a coincidental legal and practical access existing.

The multiple use access corridor will be used by occupants of both the proposed lots, hence in accordance with A54.2, the access width minimum required is 4m and the pavement width will be minimum 3m (which is currently not achieved). Hence the pavement width will need to be increased to comply with this requirement.

Performance Criteria	Acceptable Solutions
P55.1 The street network provides for the cost-effective provision of utilities that are designed and provided to:	A55.1 Water, sewer, electricity, telecommunications and gas must be accommodated within the street network, with appropriate offsets to support Safety in Design principles.
<ul style="list-style-type: none"> Be cost effective over the life cycle. Minimise short and long term adverse environmental, amenity and visual impacts. Available and accessible. 	A55.2 Each stage of a subdivision must be fully serviced before a new area is released.
P55.2 Each lot in a subdivision is adequately serviced.	<p>A55.3 The design and provision of utility services must conform to the requirements of the relevant service authorities.</p> <p>A55.4 Water supply systems and sewerage networks/effluent management systems are accessible, easy to maintain and cost effective based on whole of life cycle costs.</p> <p>A55.5 Underground electricity supply is provided to residential areas.</p> <p>Note: Aboveground servicing will only be considered where major technical difficulties are encountered (e.g. the presence of significant rock), where also supported by the relevant service authority.</p> <p>A55.6 Adequate water for domestic and fire-fighting purposes is available.</p> <p>A55.7 Services (except for water and sewer) shall be located in common trenching, where compatible and approved by the service provider.</p> <p>A55.8 Adequate buffers between utility services and dwellings must be provided.</p>

The existing dwellings are receiving services.

Easements where necessary to be established have been identified by the Council Engineers and Water Division.

Accordingly, conditions of consent will be inserted to ensure reticulated service (sewer and water) easements are created and appropriately conditioned to be managed.

External services (electricity, gas etc) will also be suitably located within these created easements to ensure each lot is serviced well and adequate buffers are maintained to nearby structures.

Council is satisfied that the subdivision and proposed lot size and layout is appropriate, and that the proposal is consistent with the development controls and performance criteria set out in Chapter G11 of *Shoalhaven DCP 2014*.

The proposed Torrens Title subdivision is suitable with regard to the considerations of Chapter G11.

G13: Medium Density and Other Residential Development

See Appendix A.

G21: Car Parking and Traffic

Council is satisfied that the subdivision and proposed lot size and layout is appropriate, and that the proposal is consistent with the development controls and performance criteria set out in Chapter G11 of *Shoalhaven DCP 2014*.

The proposed Torrens Title subdivision is suitable with regard to the considerations of Chapter G11.

G13: Medium Density and Other Residential Development

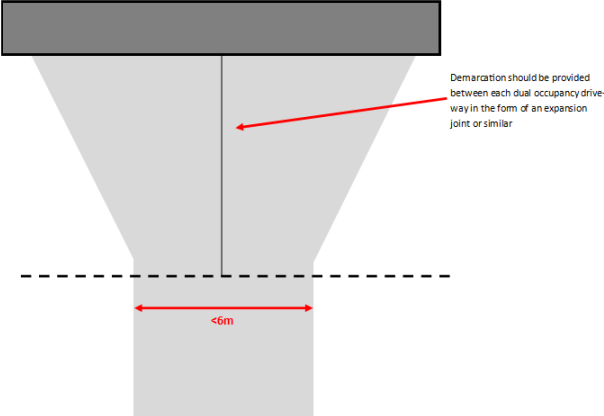
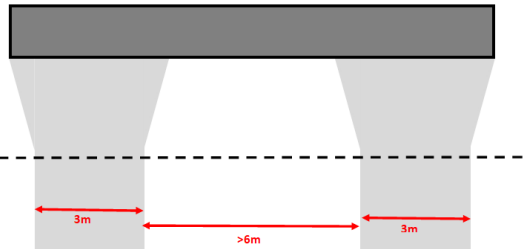
See Appendix A.

G21: Car Parking and Traffic

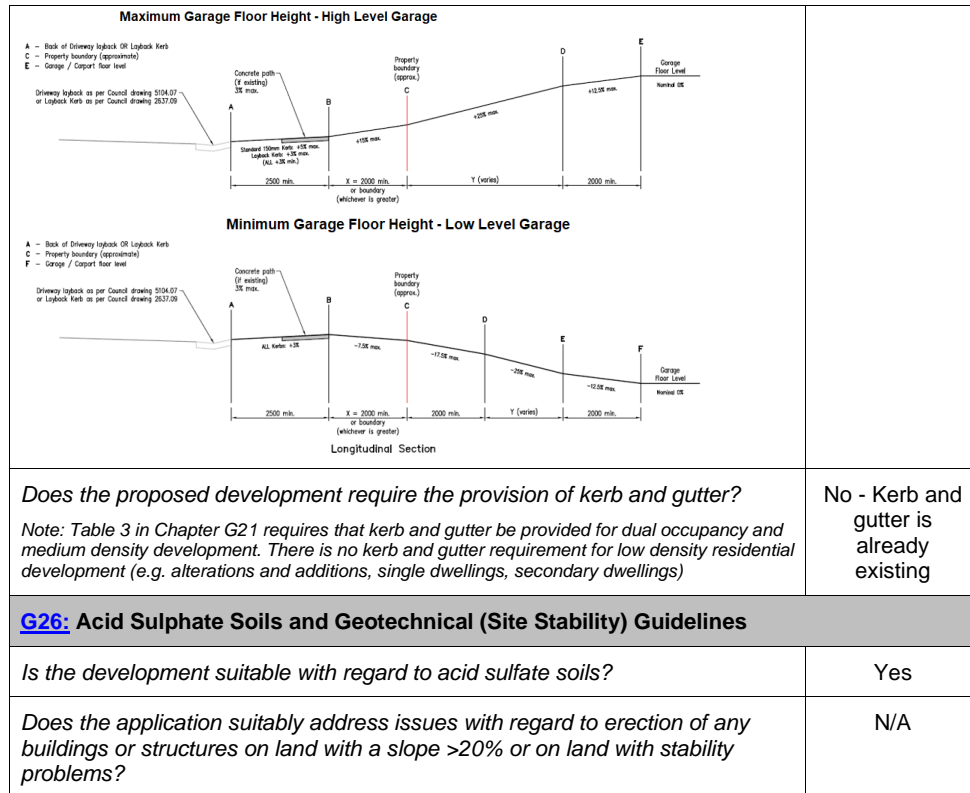
Section 4.15 Assessment Report - DA2024/1885

Existing vehicle parking and vehicle manoeuvring areas are maintained on site. Additional parking spaces are provided within the proposed garage.	
Number of on-site car parking spaces required by Section 5.1 of Chapter G21	Number of car parking spaces provided
<p>Attached dwellings (fronting a public road)</p> <p>Dual occupancy</p> <p>Semi-detached dwelling</p> <p>1 space per one bedroom dwelling.</p> <p>1.5 spaces per two bedroom dwelling.</p> <p>2 spaces per dwelling containing three or more bedrooms.</p>	<p>Existing parking space of 1 each dwelling is existing beneath the carport.</p> <p>Additional 1 parking space each is proposed within the proposed garage structures.</p> <p>The existing dwelling on proposed lot 100 is a 3 bedroom and lot 101 is a 2 bedroom.</p> <p>Both dwellings will have resultant parking spaces for 2 cars.</p> <p>Hence the proposed development will meet with the minimum required car parking space.</p>
Have car parking spaces been clearly shown on the site plan?	Yes
<p>Are parking spaces and garage dimensions sufficient?</p> <p>Note: AS2890.1 requires 3m x 5.4m for a single garage and 5.4m x 5.4m for a double garage.</p> <p>Note: Where tandem / stacked parking is proposed, a front setback of 5.4m must be provided to accommodate the vehicle wholly within the site.</p>	<p>Yes</p> <p>Suitable and meets the minimum internal dimensions</p>
<p>Is the slope of any tandem / stacked parking spaces suitable?</p> <p>Note: Tandem / stacked parking spaces should have a maximum longitudinal grade of 5% and a maximum crossfall of 6.25%.</p>	Yes
Is vehicle manoeuvring for the site adequate?	Yes
Is a new driveway access required?	Yes – works to existing driveway and crossover as identified in the Engineering Referral will be required.
<p>Is the total vehicle crossover width for the site <6m?</p> <p>Note: A11.3 in Chapter G12 and A13.1 in Chapter G13 provide controls for maximum driveway widths.</p> <p>Note: Multiple driveways (including horseshoe driveways) to single dwellings are not generally supported.</p>	Yes
Are proposed driveways appropriately located to avoid conflicts with street infrastructure?	Yes

Section 4.15 Assessment Report - DA2024/1885

<p><i>Note: Driveways should access the street without conflict to street infrastructure (e.g. speed bumps, chicanes, pedestrian islands/crossings) and have a minimum separation to infrastructure (e.g. electricity power poles, drainage pits) of at least 0.5m.</i></p> <p><i>Note: Where a driveway intersects a footpath, it is important to ensure appropriate driveway gradients can be achieved without impacting on the footpath gradient and crossfall.</i></p>	
<p><i>Where a dual occupancy shares a common driveway there should be appropriate demarcation between the driveways in the form of an expansion joint or similar.</i></p> 	N/A
<p><i>Does the location of proposed new driveways facilitate appropriate on street parking opportunities?</i></p> <p><i>Note: At least 6m of uninterrupted street frontage is required for an on-street parking space.</i></p> <p><i>Note: Where the proposed development is a dual occupancy, driveway access should either be through a centrally located shared driveway allowing on street parking either side, or where individual driveway access is proposed, these should be separated to allow for a 6m on street parking space between them.</i></p> 	Yes
<p><i>Is the slope of any driveway access suitable?</i></p> <p><i>Note: The Maximum and Minimum Garage Floor Levels tool (D20/329669) can be used to calculate if the slope of a driveway access is suitable. The calculator will only calculate the required minimum and maximum garage floor levels. Driveway slope to be as per the gradients shown on the longitudinal section diagrams.</i></p>	Yes – the site is relatively flat.

Section 4.15 Assessment Report - DA2024/1885



Area Specific DCP Chapter

No area specific chapter applies to the proposed development site

iii) 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 2021

<u>Clause 62</u>	<i>Does the application result in a change of use of an existing building but does not propose any building works?</i>	No
<u>Clause 64</u> <i>Partial Upgrade</i>	<i>Does the application involve alterations or additions to an existing building?</i>	Yes - The proposed works do not warrant a partial upgrade to the existing building.

Section 4.15 Assessment Report - DA2024/1885

Clause 64 Total Upgrade	Does the application involve building works and result in conversion of a building or part of a building from non-habitable to a habitable use?	No
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The proposal ensures compliance with the applicable requirements within the Regulations subject to recommended conditions of consent.

Any coastal zone management plan

The proposed development is consistent with the applicable [coastal zone management plans / coastal management programs](#).

Other Shoalhaven Council Policies

Shoalhaven City Council's Community Consultation Policy for Development Applications (Including Subdivision) POL22/8 applies to the subject development.
Hence the application was notified in accordance with the policy hence compliance to this Council Policy was achieved.

State and Local Infrastructure Contributions

State Contributions

Does the proposed development trigger the Housing and Productivity Contribution (HPC)?

Note: If the development triggers an HPC, then a corresponding Contribution (CON) case is created as a related case in the Portal. The calculation needs to be reviewed and confirmed in the Portal.

Note: HPC is implemented via Ministerial planning orders. Different Orders apply for development lodged before 1/7/2024. See the [NSW Government webpage](#) for further information.

Note: The [Housing and Productivity Contributions Guide to the Ministerial Planning Order](#) provides examples and guidance for calculating HPC.

Central Coast, Illawarra Shoalhaven and Lower Hunter

Development class	Amount	Unit
Residential subdivision	\$8,000	new dwelling lot
Medium or high-density residential development	\$6,000	new dwelling
Manufactured home estate	\$6,000	new dwelling site
Commercial development	\$30	square metre of new GFA
Industrial development	\$15	square metre of new GFA

Note: The Ministerial planning orders provide excluded lots and credits in some instances. When calculating HPC ensure that these are considered.

Yes - Residential Development

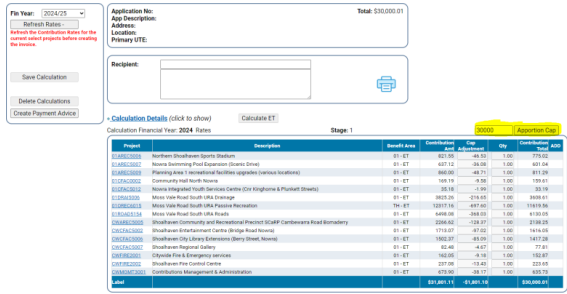
There are no contributions applicable to the existing dual occupancy proposed to take form of low-density development post subdivision.

However, the creation of additional dwelling lot attracts a contribution and hence HPC accordingly is applicable.

The HPC Ministerial Order 2024, Part 2, section 12 details further on this.

Clause 3(d) and Clause 4 states that any existing medium or high-density development on lot proposed lot (regardless if post subdivision will no longer be medium or high density development) would be considered as excluded lots.

Section 4.15 Assessment Report - DA2024/1885

	Hence, the HPCs are not applicable in this instance.								
Local 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 ?	No								
Where s7.11 contributions are raised for residential development, have they been capped (where required) as per the Ministerial Direction ?	N/A								
<table border="1"> <thead> <tr> <th></th><th>Capped Rate (per dwelling/lot)</th></tr> </thead> <tbody> <tr> <td>Infill residential development (Section 6 of Direction)</td><td>\$20,000.00</td></tr> <tr> <td> Greenfield residential development (Schedule 2 of Direction) Note: The Direction Amendment dated 7/12/2021 incorporates the Moss Vale Road North and South Urban Release Areas (i.e. Badagarang) into Schedule 2. A \$30,000.00 cap is applicable to these URAs.. </td><td>\$30,000.00</td></tr> <tr> <td>Land where there is no cap (Schedule 1 of Direction)</td><td>No Cap</td></tr> </tbody> </table> <p>Note: Section 6 of the Environmental Planning and Assessment (Local Infrastructure) Direction 2012 (most recent consolidated version of Direction is available here – noting that this does not consolidate subsequent or future amendments to the Direction) sets the capped rate for residential development.</p> <p>Note: Where s7.11s are capped, the 'Apportion Cap' rate must be updated to the correct amount and selected.</p> <p>Developer Contributions - Calculation: 6340</p> 		Capped Rate (per dwelling/lot)	Infill residential development (Section 6 of Direction)	\$20,000.00	Greenfield residential development (Schedule 2 of Direction) Note: The Direction Amendment dated 7/12/2021 incorporates the Moss Vale Road North and South Urban Release Areas (i.e. Badagarang) into Schedule 2. A \$30,000.00 cap is applicable to these URAs..	\$30,000.00	Land where there is no cap (Schedule 1 of Direction)	No Cap	<p>The existing dual occupancy does not attract a charge for subdivision as section 3.7 of the Contributions Plan.</p> <p>Please refer D25/278570 for email from Strategic Planning Team confirming the same.</p>
	Capped Rate (per dwelling/lot)								
Infill residential development (Section 6 of Direction)	\$20,000.00								
Greenfield residential development (Schedule 2 of Direction) Note: The Direction Amendment dated 7/12/2021 incorporates the Moss Vale Road North and South Urban Release Areas (i.e. Badagarang) into Schedule 2. A \$30,000.00 cap is applicable to these URAs..	\$30,000.00								
Land where there is no cap (Schedule 1 of Direction)	No Cap								
Is the proposed development considered to increase the demand for on water and sewer services (i.e. s64 Contributions)	May apply - Shoalhaven Water Development								

CL25.234 - Attachment 1

Section 4.15 Assessment Report - DA2024/1885

	Applicaiton Notice yet to be issued.
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(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 as it will not modify any existing significant vegetation. The existing vegetation cover and landscaping will be maintained and hence the natural environment on the site is preserved and maintained.
Built Environment	The proposed development will not have a significant adverse impact on the built environment as the dual occupancy development is existing, the proposal is only for minor internal alterations and external additions of pergola and garage structure that are behind the building line. No major impact is created from these proposed alterations and the built environment is expected to be similar to existing.
Social Impacts	The proposed development will not have a negative social impact in the locality as it will promote housing space formally for a new family who will add to the social fabric and community values hence creating a positive impact.
Economic Impacts	The proposed development will have a positive economic impact in the locality as it will provide jobs to local trades and also provide an opportunity for a new family to buy into 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*.
- The intended use is compatible with surrounding/adjoining land uses

(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. No submissions were received by Council during the notification period.

Section 4.15 Assessment Report - DA2024/1885

(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

<i>Are any clause 4.6 exceptions proposed?</i>		Yes
<i>Development Standard</i>	<i>Numerical Extent of Departure</i>	<i>Percentage (%) Extent of Departure</i>
4.1 – Minimum Subdivision Lot Size	Proposed Lot 100 – 168.6 m ²	33.7%
	Proposed Lot 101 – 143.8 m ²	28.7%
<i>Are any DCP performance-based solutions proposed?</i>		Yes
<i>Development Standard</i>	<i>Numerical Extent of Departure</i>	<i>Percentage (%) Extent of Departure</i>
A35.2 - Setbacks	Proposed Lot 100 – 0.4m	44%
	Proposed Lot 101 – 0.4m	44%

Guidelines for use of Delegated Authority

Note: Ensure that all delegations in D21/472049 and officer's instrument of delegation are complied with.

<i>Variations to Development Standards</i>					
<i>Level of Delegation</i>	<i>Assessing Officer</i>	<i>Senior Planner</i>	<i>Lead</i>	<i>Manager/ Director</i>	<i>Elected Council</i>
<i>Extent of clause 4.6 exception</i>	Nil	<2%	<5%	<10%	>10% OR non-numerical development standard
<i>DCP Performance Based Solutions</i>					

Section 4.15 Assessment Report - DA2024/1885

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

Cost Limits for use of Delegated Authority

Level of Delegation	Assessing Officer	Lead	Manager	Director
Cost of Development / Works Proposed	≤\$1.5 million	≤\$7.5 million	≤\$10 million	≤\$30 million

The Guidelines for use of Delegated Authority have been reviewed and the assessing officer does not have the Delegated Authority to determine the Development Application.

Given the Development Standard clause 4.1 Variation for more than 10%, the application must be determined by the Elected Council.

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 the application be approved subject to appropriate conditions of consent for the following reasons:

Reasons for Grant of Consent	
1)	The proposed development is consistent with the objects of the Environmental Planning and Assessment Act 1979.
2)	The proposed development is considered acceptable and with regard to the applied exception to the development standards set out in clause 4.1 of Shoalhaven Local Environmental Plan 2014. The proposed development complies with all other development standards and is consistent with the aims, objectives and provisions of the applicable environmental planning instruments.
3)	The proposed development complies with the performance criteria and is consistent with the aims, objectives and provisions of Shoalhaven Development Control Plan 2014.
4)	The proposed development is consistent with the aims, objectives and provisions of relevant Council policies.
5)	The likely impacts of the proposed development are considered acceptable.
6)	The site is suitable for the proposed development.

Section 4.15 Assessment Report - DA2024/1885

7)	Any submissions received during the public notification period have been considered and issues and concerns raised by the community in submissions have been addressed in the assessment.
8)	The proposed development does not conflict with the public interest.



Development Planner
City Development
26/06/2025

Reviewers Comments

The application has been reviewed and the recommendations of the report are concurred with. Section 7.11 contributions (where applicable) have been reviewed and agreed to.



Lead - City Development
City Development
[Click here to enter a date.](#)

CL25.234 - Attachment 1

Section 4.15 Assessment Report

Appendix A – Assessment Checklist: Chapter G13: Medium Density and Other Residential Development

Objectives of Chapter G13

The objectives of are to:

- i. Ensure a comprehensive design-oriented approach to housing resulting in high quality urban design, development and residential amenity.
- ii. Set appropriate environmental criteria for energy efficiency, solar access, light spill, privacy, noise, vehicular access, parking and open space.
- iii. Allow for efficient use of existing services and facilities, including utility services, transport systems and community facilities.
- iv. Maintain and enhance the amenity of existing and future residential areas.
- v. Promote wider and more affordable housing choice in Shoalhaven.
- vi. Allow opportunities for home owners to receive rental income or provide relatives with self-contained accommodation.
- vii. Implement agreed strategic directions and respond to demographic needs (e.g. the ageing population).

5 Medium Density Development

5.1 Principle Controls

Zone	R2 Low Density Residential
Lot size	777.76m ²
Is the site connected to reticulated sewer?	Yes

5.1.2 Density

Section 4.15 Assessment Report

	Acceptable Solution	Proposed								
Floor Space Ratio or Gross Floor Area										
	<table><tr><th>Lot Size</th><th>FSR or GFA</th></tr><tr><td><1000m²</td><td>FSR = 0.5:1</td></tr></table>	Lot Size	FSR or GFA	<1000m ²	FSR = 0.5:1	<table><tr><th>Lot Size</th><th>Lot Size</th></tr><tr><td><1000m²</td><td>FSR = 0.2:1</td></tr></table>	Lot Size	Lot Size	<1000m ²	FSR = 0.2:1
	Lot Size	FSR or GFA								
<1000m ²	FSR = 0.5:1									
Lot Size	Lot Size									
<1000m ²	FSR = 0.2:1									
		<div>The GFA of the proposed dual occupancy is 156m² as follows:<table><tr><td>Unit 1</td><td>91.0m²</td></tr><tr><td>Unit 2</td><td>65.6m²</td></tr><tr><td>Total</td><td>156.6m²</td></tr></table>The FSR is 0.20:1</div>	Unit 1	91.0m ²	Unit 2	65.6m ²	Total	156.6m ²		
Unit 1	91.0m ²									
Unit 2	65.6m ²									
Total	156.6m ²									

5.1.3 Building Envelope, Heights and Setbacks

Section 4.15 Assessment Report

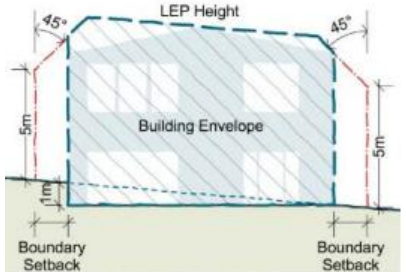
Table 2: Setbacks for dual occupancy development in the R1, R2, R3 and RU5 Zones

Front Setback Primary road frontage	Front Setback Secondary road frontage (see Figure 3)	Side Setback No road frontage and to public reserve	Side Setback Secondary road frontage	Rear setback	Rear/side setback to foreshore reserve
<p>Lots under 600m²:</p> <ul style="list-style-type: none"> 5m to dwellings. 4m to verandahs, patios and awnings. <p>Lots 600m² - 900m²:</p> <ul style="list-style-type: none"> 6m to dwellings. 5m to verandahs, patios and awnings. <p>Lots over 900m²:</p> <ul style="list-style-type: none"> 7.5m to dwellings. 6.5m to verandahs, patios and awnings. <p>Note: Reduced setbacks may be considered where the prevailing street character permits and the future desired character of the area is not prejudiced.</p>	<p>Dual occupancy (detached):</p> <ul style="list-style-type: none"> Average of the setbacks of the front and adjacent dwelling (calculation at Figure 3) or 5m, whichever is the lesser. <p>Dual occupancy (attached):</p> <ul style="list-style-type: none"> 3m to the dwelling. 5.5m to garages. 	<p>900mm to the part of the dwelling located within 20m of the front property boundary with a height less than 4.5m (refer to Figure 4).</p> <p>Where the above does not apply, 1.5m to any other part of the dwelling (refer to Figure 4).</p> <p>900mm to detached non-habitable outbuildings.</p>	<p>3m.</p>	<p>Single storey development (up to 4.5m in height):</p> <ul style="list-style-type: none"> 3 metres to dwelling. 1.5 metres for rear dwelling on a corner lot. 900mm to detached non-habitable outbuildings. <p>Multiple storey development (greater than 4.5 m in height): 6m. (Refer to Figure 4).</p> <p>1.5m to the front dwelling in a one behind the other arrangement.</p>	<p>7.5m.</p>

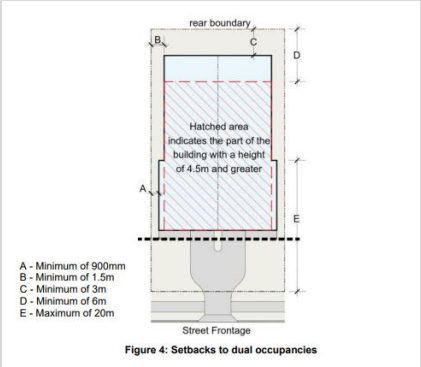
Table 3: Setbacks for dual occupancy development in the RU1, RU2, RU4, C3, C4 and R5 zones

Dual occupancy development in the RU1, RU2, RU4, E3, E4 and R5 zones	Front Setback Primary a frontage	Side Setback Secondary road frontage	Side Setback No road frontage, public reserve or right of way	Side Setback To foreshore reserve	Rear setback
For lots up to 4,000m ²	12.5m	6m	5m	7.5m	7.5m
For lots between 4,000m ² and 10,000m ²	20m	10m	7.5m		
For lots greater than 10,000m ² (1ha)	30m	15m	10m		

Section 4.15 Assessment Report

	Acceptable Solution	Proposed
Building Envelope	 <p>Figure 2: Building envelope</p>	<p>The proposed buildings include encroachments to the building envelope. These are particularly the attached garage structures proposed behind the existing outdoor storage units.</p> <p>Further discussion in the Appendix B for Variation Justification at the end of the report.</p>
Building height (peak building height)	8.5m (SLEP 2014 Height of Buildings Map)	<p>Approximately 3.7m (no changes to existing dwelling roof line).</p> <p>Hence complies.</p>


Section 4.15 Assessment Report

R1, R2, R3 & RU5 Zones Side setback(s)  <p>A - Minimum of 900mm B - Minimum of 1.5m C - Minimum of 3m D - Minimum of 6m E - Maximum of 20m</p> <p>Street Frontage</p> <p>Figure 4: Setbacks to dual occupancies</p>		Setback		Setback
	Building walls <4.5m within 20m of front property boundary	0.9m	Building walls <4.5m within 20m of front property boundary	0.5m.
	Building walls <4.5m greater than 20m of front property boundary	1.5m	Building walls <4.5m greater than 20m of front property boundary	Lot 100 – 1.5m Lot 101 > 1.5m. Hence complies.
		<p>Side setback for the proposed garage to forward dwelling is within 20m front of property.</p> <p>Further discussion in the Appendix B for Variation Justification at the end of the report.</p>		

Section 4.15 Assessment Report

Rear setback		Setback	<p>Both dwellings have building walls less than 4.5m. No changes proposed.</p> <p>Front dwelling maintains distance of more than 3 metres between the front of the rear dwelling.</p> <p>The rear dwelling maintains more than 3m required rear setback.</p> <p>Hence both comply.</p>
	Building walls <4.5m	3m	

5.1.4 Landscaping

Total landscaped area provided	<p>Approximately 320m² (41% of site area)</p> 
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Section 4.15 Assessment Report

	Acceptable Solution	Proposed
Deep soil landscaped area: <ul style="list-style-type: none">Minimum dimension of 3m in any directionIs not fragmented by sub-surface drainage infrastructureIs provided with an automated watering system	10% of site area	At least 10% of the site has been provided as deep soil landscaping. <div>Unit 1: 44.3m² (Area A) Unit 2: 38.1m² (Area E) Total: 82.4m² (10.5%)</div>
<u>Additional</u> landscaped area: <ul style="list-style-type: none">Minimum dimension of 1.5m in any directionCan include permeable surfaces, such as gravel, mulch, turf or similar. <p>Note: This <u>additional</u> landscaped area does not include any “formal landscaping” areas as identified above.</p> <p>Note: Carparking, vehicle access, storage, clothes drying and water tank areas are not to be included as landscaped areas.</p>	20% of site area	A further 20% (at least) of the site in addition to the deep soil landscaped area has been provided as additional landscaped area. <div>Unit 1: 77.2m² (Areas B + C) Unit 2: 87.8m² (Areas D + F) Total: 165.0m² (21.2%)</div>
Front setback landscaping	At least 35% of the front setback is to be landscaped.	At least 35% of the front setback is landscaped. <div>110.9 m² (Areas A + B) = 80.8% of total front setback area 137.1 m²</div>
Is proposed landscaping appropriate?	Yes	

Section 4.15 Assessment Report

5.2 Siting the Development	
5.2.1 Local Character and Context	
Is the development compatible with the neighbourhood character?	The existing dual occupancy development is compatible in the neighbourhood. There is no significant defining work along the streetscape that will alter the locality and hence the development fits well within. The major works are towards the inside of the site which are not directly visible from the streetscape (internal alterations and additions, deck and alfresco, car garage) and hence do not form a major impact to the amenities of the adjoining neighbours or locality.
Is the development sympathetic to nearby heritage items and heritage conservation areas?	
Is the development considered appropriate with regard to visual amenity and views from adjoining residences and the public domain?	
Does the development avoid clustering of dual occupancy or multi dwelling housing development?	
5.2.2 Orientation and Siting	
Does the proposal adequately respond to the constraints and opportunities of the site?	The existing dual occupancy maintains the orientation and responds to the site constraints and opportunities. The dual occupancy has road frontage to only one side.
Does the proposal provide opportunities for passive surveillance and appropriately orientate entrances and windows to the street frontage?	
Where a dual occupancy is located on a corner lot does one dwelling face the primary frontage and one dwelling face the secondary frontage?	
5.2.3 Vehicle and Pedestrian Access	
Is pedestrian access to the dwellings appropriate?	Yes
Are dual occupancies serviced by a single shared driveway access crossover?	Yes

Section 4.15 Assessment Report

<i>Is the shared driveway crossover for dual occupancy development a maximum 3m width?</i>	Yes
<i>Are driveways setback at least 0.5m from property boundaries?</i>	Yes
<i>Does the development and driveways avoid a gun-barrel effect?</i>	Yes
<i>Can an appropriate driveway grade and transitions be achieved?</i>	N/A – As existing grading will be maintained for the new internal driveway and given the site is relatively flat, appropriate transitions and grades can be achieved to drain stormwater effectively.
<i>Are driveways sited to maximise opportunities for on-street parking?</i>	Yes
<i>Are sight lines adequate?</i>	Yes
5.3 Amenity	
5.3.1 Building Separation and Visual/Acoustic Privacy	
<i>Is appropriate privacy is maintained to adjoining properties?</i>	Yes
<i>Is external plant equipment is appropriately located to minimise noise and acoustic impacts to neighbouring properties?</i>	N/A
5.3.2 Solar and Daylight Access	
<i>Does the development will maintain at least 3 hours of direct sunlight between 9am and 3pm on June 21st to at least 10m² of private open space and 50% of windows and glazed doors of north facing living areas, and also north facing roofs and existing solar collectors of adjoining dwellings?</i>	Existing openings are maintained and increased where proposed. The proposed alfresco roofs will have tinted laser light roofing to enable adequate sunlight to enter the private open space area during the day hours. No major changes to the orientations of existing openings are proposed.

Section 4.15 Assessment Report

<i>Does the development respond to solar opportunities of the site to encourage energy efficiency?</i>	Yes – Private open space areas located in the North direction.
5.3.3 Private Open Space	
<i>Are private open space areas appropriately sited?</i>	Yes
<i>Does the proposal provide adequate private open space for each dwelling?</i>	At least 50m ² of accessible and useable private open space is provided on site for each dwelling.
5.3.4 Storage and Laundry Facilities	
<i>Does the dwelling include appropriate laundry and clothes drying facilities? as well as appropriate storage areas?</i>	Yes
<i>Does the dwelling include adequate storage areas?</i>	Yes
5.3.5 Car and Bicycle Parking	
<i>Is appropriate parking provided for the development?</i>	Appropriate car parking is provided on site.
5.4 Configuration and Design	
5.4.1 Building Form, Design and Materials	
<i>Is the proposed building appropriately designed and articulated, and is it sympathetic the existing character of the area?</i>	Yes – Existing residential development in a low density residential environment.
<i>Are proposed colours and materials appropriate?</i>	Yes

Section 4.15 Assessment Report

Is the cumulative width of garage doors facing a street frontage less than 50% of the total building façade?	N/A
5.4.2 Fences and Walls	
Are front fences and fences within the secondary frontage of an appropriate height (see figures 11 & 12 below), style and material?	Yes – appropriate wooden fencing is existing on primary street frontage
	

Section 4.15 Assessment Report

6.3.5 Universal Design	
<i>Has the proposed has considered the principles of universal design?</i>	N/A
5.5 Environment	
5.5.1 Water Management and Conservation	
Stormwater from the building roof and hardstand areas, and overflow from rainwater tanks/on-site detention systems will be directed to street drainage Recommended conditions of consent will ensure stormwater is not directed onto adjoining properties.	
5.5.2 Servicing	
<i>Are all relevant services available to the development?</i>	Yes
5.5.3 Waste Management	
<i>Are appropriate bin storage and kerbside collection areas are available for each dwelling?</i>	Yes

Section 4.15 Assessment Report

Appendix B – Justification for Performance-Based Solution/s

The proposed development involves a departure from the acceptable solution/s set out in Shoalhaven DCP 2014. Consideration of the performance-based solution is provided below:

Performance-based Solution to Acceptable Solution A5.1 in Chapter G13 of Shoalhaven DCP 2014

Control being varied

Insert “snip” of acceptable solution being varied and copy and paste development control from DCP.

<p>Shoalhaven Development Control Plan 2014 Chapter G13: Medium Density and Other Residential Development</p> <p>Table 2: Setbacks for dual occupancy development in the R1, R2, R3 and RU5 Zones</p> <table> <tr> <th>Front Setback Primary road frontage</th><th>Front Setback Secondary road frontage (see Figure 3)</th><th>Side Setback No road frontage and to public reserve</th><th>Side Setback Secondary road frontage</th><th>Rear setback</th><th>Rear/side setback to foreshore reserve</th></tr> <tr> <td> <p>Lots under 600m²:</p> <ul style="list-style-type: none"> 5m to dwellings. 4m to verandahs, patios and awnings. <p>Lots 600m² - 900m²:</p> <ul style="list-style-type: none"> 6m to dwellings. 5m to verandahs, patios and awnings. <p>Lots over 900m²:</p> <ul style="list-style-type: none"> 7.5m to dwellings. 6.5m to verandahs, patios and awnings. <p>Note: Reduced setbacks may be considered where the prevailing street character permits and the future desired character of the area is not prejudiced.</p> </td><td> <p>Dual occupancy (detached):</p> <ul style="list-style-type: none"> Average of the setbacks of the front and adjacent dwelling (calculation at Figure 3) or 5m, whichever is the lesser. <p>Dual occupancy (attached):</p> <ul style="list-style-type: none"> 3m to the dwelling. 5.5m to garages. </td><td> <p>900mm to the part of the dwelling located within 20m of the front property boundary with a height less than 4.5m (refer to Figure 4).</p> <p>Where the above does not apply, 1.5m to any other part of the dwelling (refer to Figure 4).</p> <p>900mm to detached non-habitable outbuildings.</p> </td><td>3m.</td><td> <p>Single storey development (up to 4.5m in height):</p> <ul style="list-style-type: none"> 3 metres to dwelling. 1.5 metres for rear dwelling on a corner lot. 900mm to detached non-habitable outbuildings. <p>Multiple storey development (greater than 4.5 m in height): 6m. (Refer to Figure 4).</p> <p>1.5m to the front dwelling in a one behind the other arrangement.</p> </td><td>7.5m.</td></tr> </table>						Front Setback Primary road frontage	Front Setback Secondary road frontage (see Figure 3)	Side Setback No road frontage and to public reserve	Side Setback Secondary road frontage	Rear setback	Rear/side setback to foreshore reserve	<p>Lots under 600m²:</p> <ul style="list-style-type: none"> 5m to dwellings. 4m to verandahs, patios and awnings. <p>Lots 600m² - 900m²:</p> <ul style="list-style-type: none"> 6m to dwellings. 5m to verandahs, patios and awnings. <p>Lots over 900m²:</p> <ul style="list-style-type: none"> 7.5m to dwellings. 6.5m to verandahs, patios and awnings. <p>Note: Reduced setbacks may be considered where the prevailing street character permits and the future desired character of the area is not prejudiced.</p>	<p>Dual occupancy (detached):</p> <ul style="list-style-type: none"> Average of the setbacks of the front and adjacent dwelling (calculation at Figure 3) or 5m, whichever is the lesser. <p>Dual occupancy (attached):</p> <ul style="list-style-type: none"> 3m to the dwelling. 5.5m to garages. 	<p>900mm to the part of the dwelling located within 20m of the front property boundary with a height less than 4.5m (refer to Figure 4).</p> <p>Where the above does not apply, 1.5m to any other part of the dwelling (refer to Figure 4).</p> <p>900mm to detached non-habitable outbuildings.</p>	3m.	<p>Single storey development (up to 4.5m in height):</p> <ul style="list-style-type: none"> 3 metres to dwelling. 1.5 metres for rear dwelling on a corner lot. 900mm to detached non-habitable outbuildings. <p>Multiple storey development (greater than 4.5 m in height): 6m. (Refer to Figure 4).</p> <p>1.5m to the front dwelling in a one behind the other arrangement.</p>	7.5m.
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A5.1 Dual occupancy development in the R1, R2, R3 and RU5 zones shall comply with the setback provisions in Table 2, Figure 3 and Figure 4 below.

Extent of proposed departure from acceptable solution

Identify the extent of departure. If the application seeks a departure from a numerical standard specify the numerical departure (e.g. metres, m² etc.) and also the percentage (%) departure from the acceptable solution.

Section 4.15 Assessment Report

Acceptable Solution	Numerical Standard	Proposed Solution	Numerical Departure	% Departure
A5.1 (Table 2)	900mm	500mm	400mm	44%
Unique circumstances as to why a departure from the acceptable solutions is being sought <i>Describe the unique circumstances why the acceptable solution cannot be complied with and why a performance-based solution is being sought instead.</i>				
<p>The proposed garage size of 6m internal length will be able to comfortably house a car inside of it. The minimum required dimensions here are 5.4m to park a standard car in a garage however an additional 0.6m clear size is requested here to comfortably park the car inside.</p>				
Demonstrate how the relevant objectives and performance criteria are being met with the performance-based solution				
Objective <i>Insert snip of relevant objective from DCP</i>		Commentary		
5.1.3 Building Envelope, Heights and Setbacks The specific objectives are to: <ul style="list-style-type: none"> i. Provide practical building envelopes for development to ensure that the height and scale of new development is not excessive, relates well to the local context/ streetscape and is compatible with the existing or desired future environmental character within the locality. ii. Minimise the visual impacts of elements of the development that exaggerate the built form and impacts negatively on desired future streetscapes. iii. Encourage design that creates desirable living conditions and ensures that the amenity of surrounding properties is properly considered and not adversely impacted. iv. Allow adequate separation between dwellings (within the development) and adjoining properties to promote natural light, solar access, ventilation, landscaping and privacy. v. Retain the amenity of the public domain. 		<p>The proposed garages will have no adverse impact on the streetscape or public domain, as they are positioned behind the building line and are visually screened by the proposed alfresco areas.</p> <p>As single-storey structures, the garages will not compromise the site's livability features. They will not cause significant overshadowing of private open spaces, particularly considering that the existing two-storey building to the north already limits northern sunlight access to Lot 100.</p> <p>The garages will also not affect the usability of the adjoining property at 22 Clyde Street. The proposed structure is single-storey, and the adjoining site already features an outdoor area constructed up to the boundary wall, which mitigates any potential impact.</p> <p>Accordingly, the proposed performance-based solution aligns with the objectives of the applicable development controls.</p>		

Section 4.15 Assessment Report



Figure 13 - Area between the subject site and adjoining site where the proposed garage will be built. To the right is the alfresco structure built right on the wall.



Figure 14 - Proposed garage structure highlighted in dashed blue

Performance Criteria

Insert snip of relevant performance criteria from DCP

Commentary

Detail how the proposed departure from the acceptable solution will still comply with the relevant performance criteria.

Section 4.15 Assessment Report

<p>P5.4 Setbacks avoid loss of view, undue overshadowing and provide/maintain privacy (visual and acoustic) and traffic safety.</p>	<p>The proposed reduced setbacks will not result in any loss of views or cause overshadowing. Instead, they will enhance both visual and acoustic privacy for users of the subject site as well as for the adjoining property at 22 Clyde Street.</p>
<p>P5.5 Setbacks are progressively increased to reduce bulk and overshadowing while maintaining adequate daylight and sunlight.</p>	<p>The proposed garage is a single-storey structure and will not create any overshadowing impacts on the adjoining property. Although the proposed Lot 100 currently receives limited sunlight due to an existing two-storey building to the north, the addition of the garage will not significantly diminish sunlight access for its occupants.</p>
<p>P5.6 Adequate levels of light and ventilation to adjoining buildings, landscaping, services and infrastructure are protected.</p>	<p>The garage will not obstruct ventilation, and no existing services will be impacted by its construction.</p>
<p>P5.7 The proposal maintains adequate provision for on-site car parking.</p>	<p>Furthermore, the proposed garages will provide a formalized parking solution, which is essential for a dwelling house and will support the functionality of the existing development.</p> <p>Based on the above considerations, it is concluded that the proposed development complies with the relevant performance criteria applicable to the site.</p>
<p>Demonstrate how the development will not have any adverse impacts as a result of the performance-based solution <i>Provide commentary demonstrating how the proposed departure from the acceptable solution will not result in an adverse impact.</i></p>	
<p>The proposed garages are positioned behind the building line and are visually softened by adjacent alfresco areas and front garden fence, helping to maintain the character of the streetscape and public domain. Their single-storey form ensures minimal visual impact and avoids significant overshadowing of nearby private open spaces, particularly in light of existing two storey structure on 22 Clyde St that already limits sunlight access.</p> <p>The garages are designed to support the functionality of the site without compromising key livability aspects such as ventilation, sunlight, or privacy. Their placement and scale also respect the amenity of the adjoining property at 22 Clyde Street, which features built elements along the boundary that help mitigate any potential effects.</p>	

Section 4.15 Assessment Report

Importantly, the garages contribute to the practical needs of the development by formalizing parking arrangements, which are essential for residential use. Overall, the proposal remains consistent with the intent of the applicable development controls and performance criteria, offering a balanced and context-sensitive solution.

Section 4.15 Assessment Report

Appendix C – Clause 4.6 Detailed Consideration

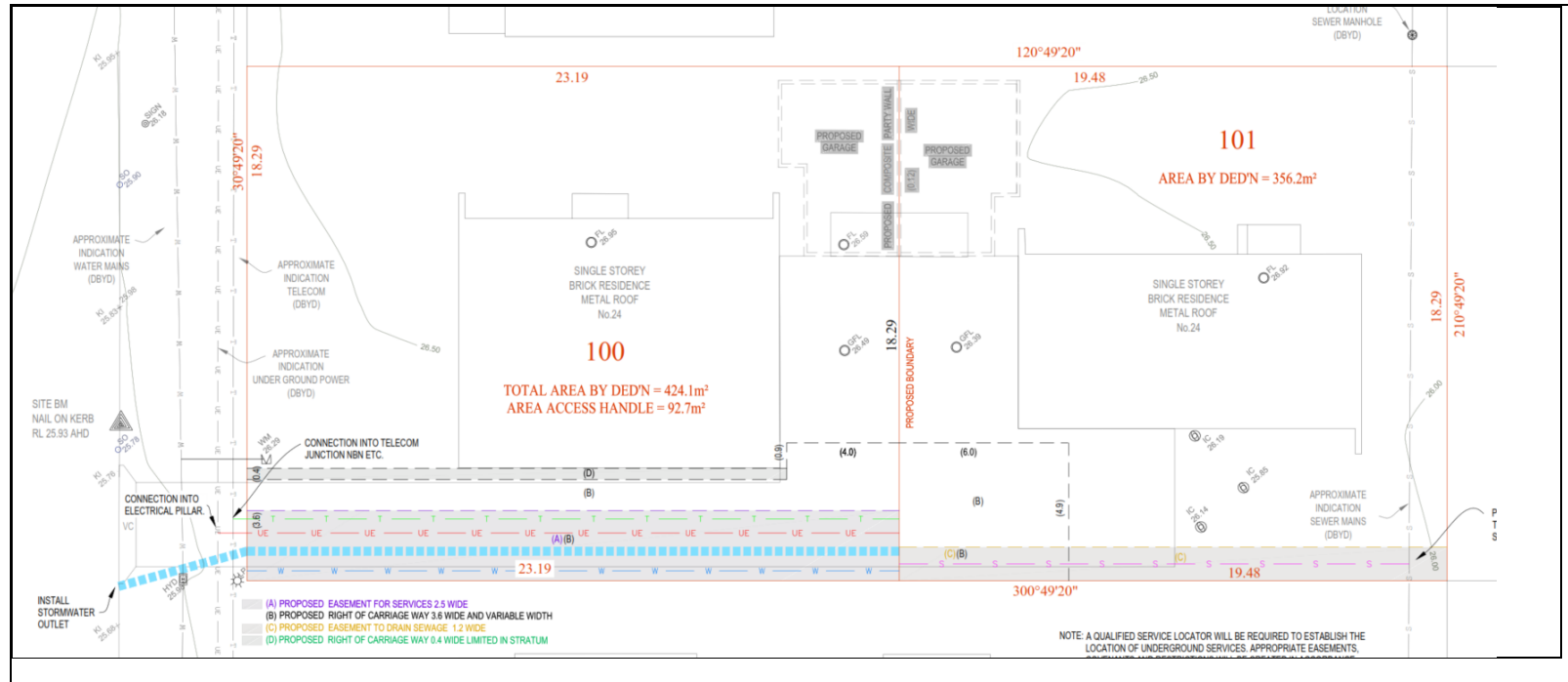
The proposed development seeks a cl4.6 exception to development standards. Consideration of the clause 4.6 exception is provided below:

Cl4.6 Exception to the Shoalhaven Local Environmental Plan 2014				
Development Standard				
<p>4.1 Minimum subdivision lot size</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that subdivision is compatible with, and reinforces the predominant or historic subdivision pattern and character of, an area,</p> <p>(b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,</p> <p>(c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.</p> <p>(2) This clause applies to a subdivision of any land shown on the <i>Lot Size Map</i> that requires development consent and that is carried out after the commencement of this Plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the <i>Lot Size Map</i> in relation to that land.</p> <p>(3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.</p> <p>(4) This clause does not apply in relation to the subdivision of any land—</p> <p>(a) by the registration of a strata plan or strata plan of subdivision under the <i>Strata Schemes Development Act 2015</i>, or</p> <p>(b) by any kind of subdivision under the <i>Community Land Development Act 2021</i>, or</p> <p>(ba) occurring as part of the closure of a public road under Part 4 of the <i>Roads Act 1993</i>.</p> <p><i>cl 4.1: Am 2019 (482), Sch 1 [4]; 2020 (502), Sch 1[2].</i></p>				
Extent of proposed departure from development standard				
LEP clause	Numerical Standard	Proposed Solution	Numerical Departure	% Departure
4.1(3)	Min Lot size = 500 m ²	Proposed Lot 100 – 331.4 m ² (excluding access handle created from proposed right of carriageway)	Proposed Lot 100 – 168.6 m ²	33.7%

Section 4.15 Assessment Report

		Proposed Lot 101 – 356.2 m ² .	Proposed Lot 101 – 143.8 m ²	28.7%
Applicant's clause 4.6 statement				
Clause 4.6 requires that Council be satisfied that the applicant's clause 4.6 statement demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. An extract from the Applicant's clause 4.6 statement is provided below:				
<i>Extract from applicant's clause 4.6 statement prepared by the applicant and dated February 2025 (TRIM Ref:D25/102750)</i>				
<p>As shown by Figure 5 below, the proposed Torrens title subdivision is to subdivide the site into two lots to enable the individual dwellings on those lots to have separate titles:</p> <ul style="list-style-type: none"> • Lot 100, the lot at the Clyde Street frontage, is proposed to have an area of 424.1m² (inclusive of an access handle of 92.7m², which will be subject to an easement for access in favour of Lot 101); and • Lot 101, the lot at the rear of the site is proposed to have an area of 356.2m². 				

Section 4.15 Assessment Report



Section 4.15 Assessment Report

5.1 Compliance is unreasonable or unnecessary (clause 4.6(3)(a))

The case of *Wehbe v Pittwater Council* [2007] NSWLEC 827 the Court has established a test (known as the '5-part test' or the 'Wehbe test') to demonstrate whether compliance with a development standard is unreasonable or unnecessary. The test may be summarised as follows:

Compliance with the development standard is unreasonable or unnecessary if the:

1. *objectives of the development standard are achieved notwithstanding the non-compliance*
2. *underlying objective or purpose is not relevant to the development*
3. *underlying objective or purpose would be defeated or thwarted if compliance was required*
4. *development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard*
5. *zoning of the land on which the development is proposed was unreasonable or inappropriate.*

The Wehbe test lists 5 ways clause 4.6(3)(a) can be addressed, but as established in *Initial Action Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, the list is not exhaustive. Additionally, an applicant only needs to satisfy at least one part of the Wehbe test, not all 5 parts.

It is submitted that compliance with minimum subdivision lot size is unreasonable or unnecessary in the circumstance of this case for the following reasons:

Section 4.15 Assessment Report

Table 2: Objectives of the clause 4.1 minimum subdivision lot size

Objective of clause 4.1	Response
<i>(a) to ensure that subdivision is compatible with, and reinforces the predominant or historic subdivision pattern and character of, an area,</i>	The area surrounding the site is primarily a low density residential area. This area is characterised by mostly detached dwellings, with the occasional dual occupancy, attached dwellings, and multi-dwelling housing (see Figure 6 below this table). The proposed development is the alteration of an existing dual occupancy and is compatible with this character. The predominant pattern of subdivision of the area is that of larger lots. The proposed subdivision of the site into two lots reflects the existing approved development of the site and will not

Section 4.15 Assessment Report

	detract from the predominant pattern of subdivision across the locality.	
<i>(b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,</i>	A statement of environmental effects (SEE) accompanies the development application and demonstrates that the proposed development and subdivision will have no adverse impacts on the amenity of neighbouring properties. The proposed development and subdivision will maintain the views, privacy, solar access and general amenity of neighbouring properties.	
<i>(c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.</i>	The accompanying SEE demonstrates that the proposed lot sizes and dimensions are able to accommodate development that is consistent with the relevant requirements of SLEP 2014 and Council's development control plan (DCP). The proposed lots will properly accommodate the existing dual occupancy and its proposed alterations and additions. Each proposed lot is able to contain an individual dwelling, together with its associated open space, access and parking, all to a high standard of amenity and in accordance with Council's DCP.	

Section 4.15 Assessment Report



Figure 6: Dual occupancy and medium density housing development in the area (red outline)
(map base: SixMaps)

Section 4.15 Assessment Report

Clause 4.1 of SLEP 2014 needs to be read in context, together with clause 4.1A. Read together clause 4.1 and 4.1A reveal an intention to facilitate the carrying out of – and the Torrens title subdivision of – certain specified forms of medium density development including dual occupancy.

The clauses operate by controlling the size of the parent lot (i.e. the lot before the subdivision has been carried out) and the “resulting lots” (i.e. the lots after the subdivision has been carried out):

- clause 4.1(3) – the development standard proposed to be varied – restricts the size of “resulting lots”
- clause 4.1A(2) fixes a “parent lot” minimum size standard
- clause 4.1A(4) removes any lot size restriction on the size of “resulting lots” for development “*for which development consent has been granted in accordance with this clause*”.

Section 4.15 Assessment Report

Clause 4.1A is a bespoke provision, which was inserted into SLEP 2014 by *Shoalhaven Local Environmental Plan 2014 (Amendment No 35)* in August 2020 (replacing a former clause 4.1A which related only to dual occupancies). The “Explanatory Statement” for the Planning Proposal for Amendment No 35 ([link here](#)), prepared by Council, provides insight to the strategic intent of clause 4.1A(4) and states in part (page 2):

“Inevitably most medium density development will be subdivided at some point and it would be unreasonable to not allow this, particularly given that the physical development exists in most cases. If there are limited restrictions for strata and community title subdivision, the inequity of not allowing Torrens subdivision is questioned. There appears to be little point in permitting medium density development in urban areas and not allowing its possible subsequent subdivision under the Torrens system, provided the relevant outcomes are met. As such, this Planning Proposal seeks to lift the restriction on the subdivision of medium density development via the Torrens system.”

(emphasis added)

The Explanatory Statement indicates that the amendment to the SLEP was made to remedy a specific problem – i.e. that subdivisions of dual occupancies were treated differently according to whether they were community title, strata title or Torrens title subdivisions. As noted above, the Explanatory Statement clearly acknowledges that:

- most medium density development such as dual occupancies are “inevitably” subdivided at some point;
- it would be unreasonable to not allow subdivision, particularly in cases where the physical development already exists; and
- where strata and community title subdivision is permitted, there is an inequity in not allowing Torrens subdivision.

The proposed subdivision clearly aligns with the strategic intent of clause 4.1A to permit, subject to the clause objectives, the Torrens title subdivision of dual occupancy development that already exists.

This further establishes that compliance with the minimum subdivision lot size in clause 4.1 is unreasonable in this case.

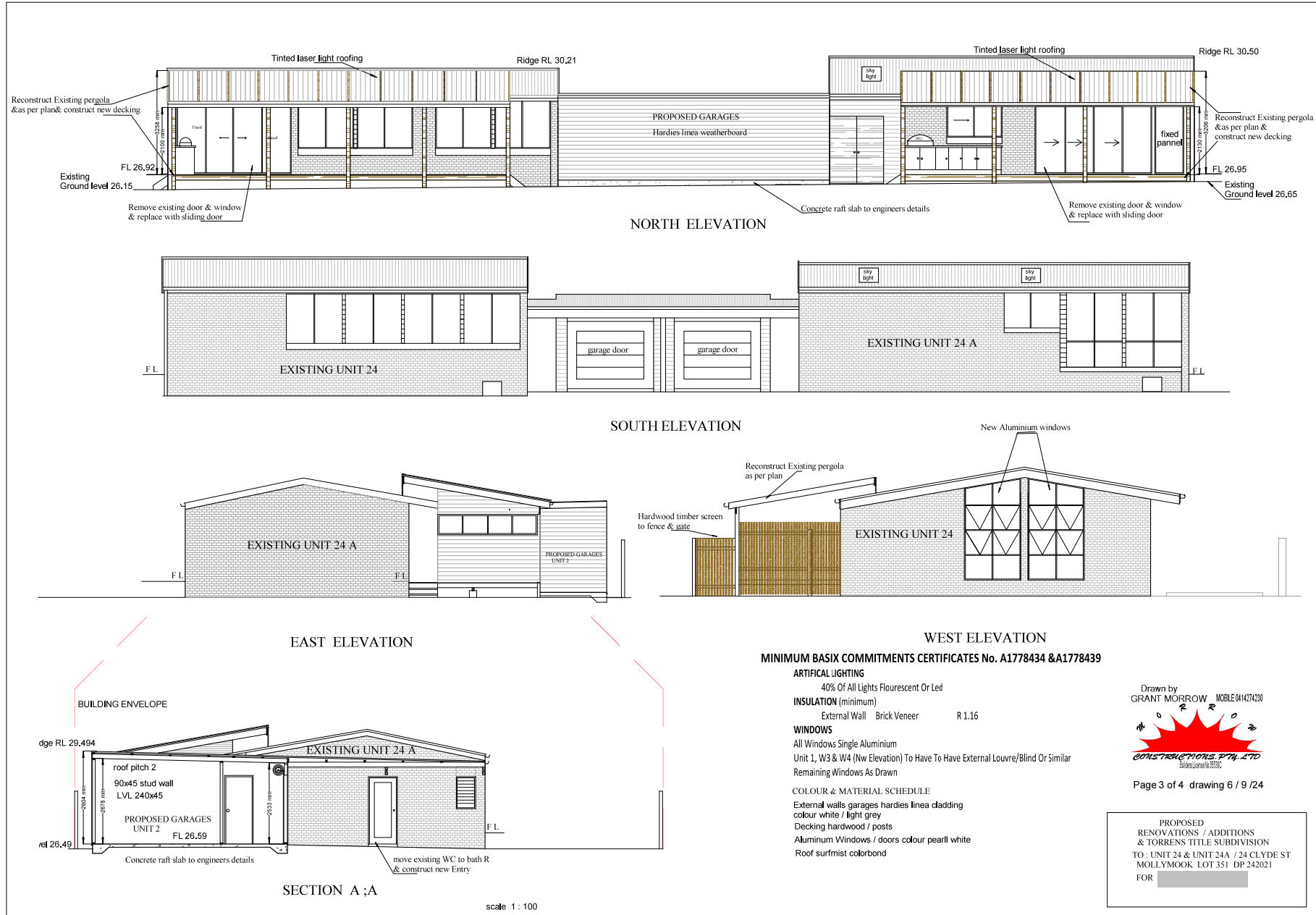
Section 4.15 Assessment Report

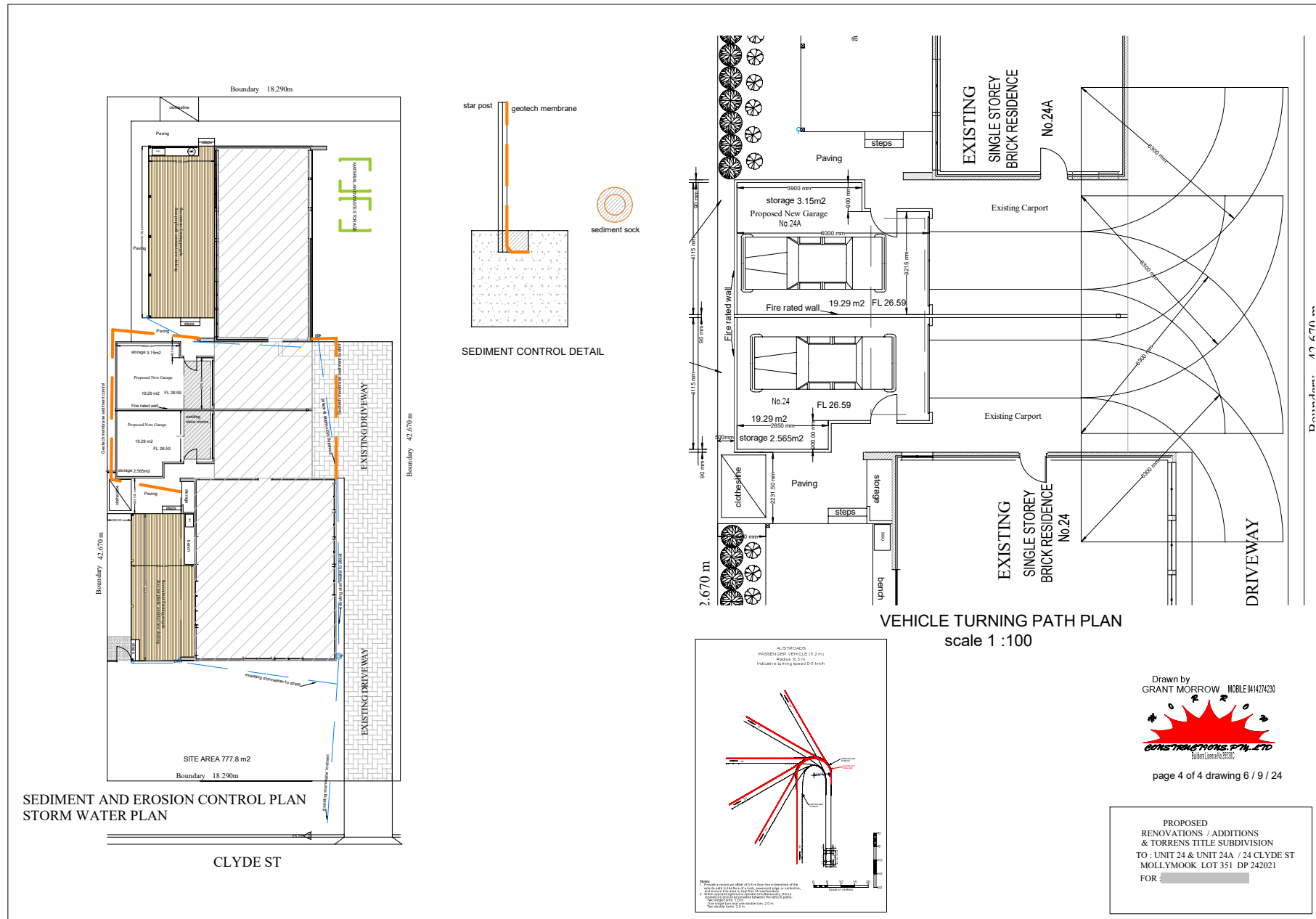
Assessing Officer Commentary	
<p><u>Unreasonable or Unnecessary</u></p> <p>The proposed Torrens Title subdivision into two lots of the existing dual occupancy at 24 Clyde Street, Mollymook Beach —approved on 5 July 1977, (BA77/0789)—predates the gazettal of Clause 4.1A(4) of the Shoalhaven Local Environmental Plan (SLEP) on 11 August 2020. As such, the proposal must be assessed under Clause 4.1(3) of the SLEP.</p> <p>Although the proposal does not comply with the development standard, it is considered to align with the objectives of that standard. The primary aim of the standard—to minimise potential impacts on local amenity—is met, as the subdivision does not require major physical alterations and does not affect the functionality of the existing dual occupancy development.</p> <p>The subdivision is not expected to result in any impacts on the surrounding area beyond those already considered during the original assessment and approval of the dual occupancy. Notably, if an identical subdivision application were submitted today for a dual occupancy constructed after the gazettal of Clause 4.1A(4), it would comply with that clause. Therefore, strict adherence to Clause 4.1(3) is considered both unreasonable and unnecessary in this instance.</p> <p><u>Sufficient Environmental Planning Grounds</u></p> <p>Council staff are of the view that there are sufficient environmental planning grounds to support a variation to the minimum lot size development standard. The proposed subdivision facilitates the orderly and efficient use and development of the land and aligns with the development potential now permitted under Clause 4.1A.</p> <p>The objectives of SLEP CI 4.1 are:</p>	
Objective	Comment
to ensure that subdivision is compatible with, and reinforces the predominant or historic subdivision pattern and character of, an area,	Given the mix of detached dwellings and medium density housing in the locality, the proposed development is compatible with the predominant subdivision pattern and with the character of the area.
to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,	The proposed development will not create any significant impacts on the amenity of surrounding properties as works proposed to the dual occupancy are minor and subdivision works are considered standard for development of these types. Necessary conditions related to

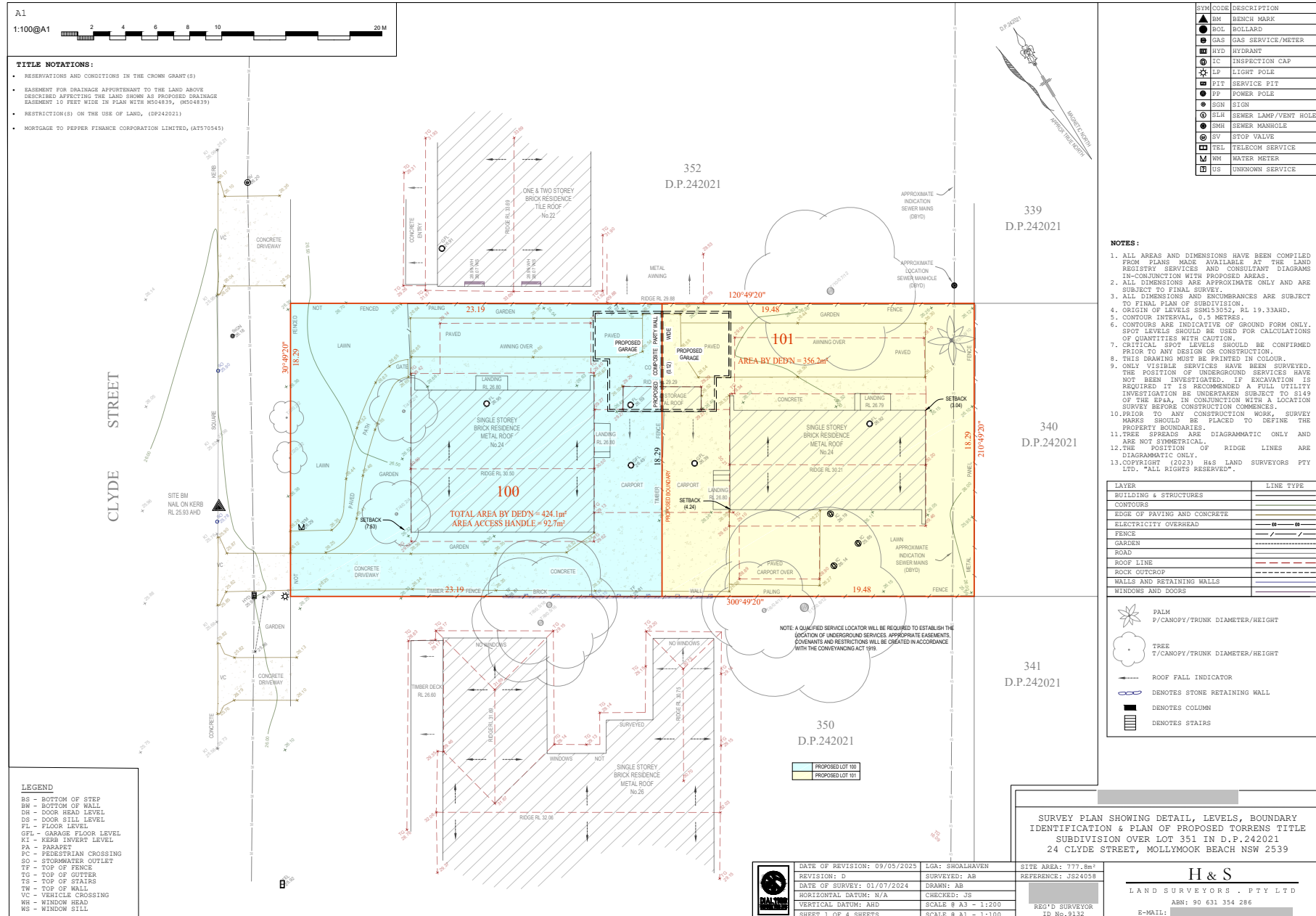
Section 4.15 Assessment Report

	management of environment during site works will be inserted to ensure compliance.
to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.	The site contains an existing dual occupancy which demonstrates that it can accommodate development consistent with relevant development controls. The lots will have sufficient space for future redevelopment on the proposed parcels of land as it would have had more than adequate lot size if a dual occupancy was proposed today and later subdivided.
The proposed development of alterations and additions to existing dual occupancy, and further Torrens title subdivision to create two individual lots is in public interest as it is consistent with the objectives of Clause 4.1 and Zone R2 in the Shoalhaven LEP 2014.	

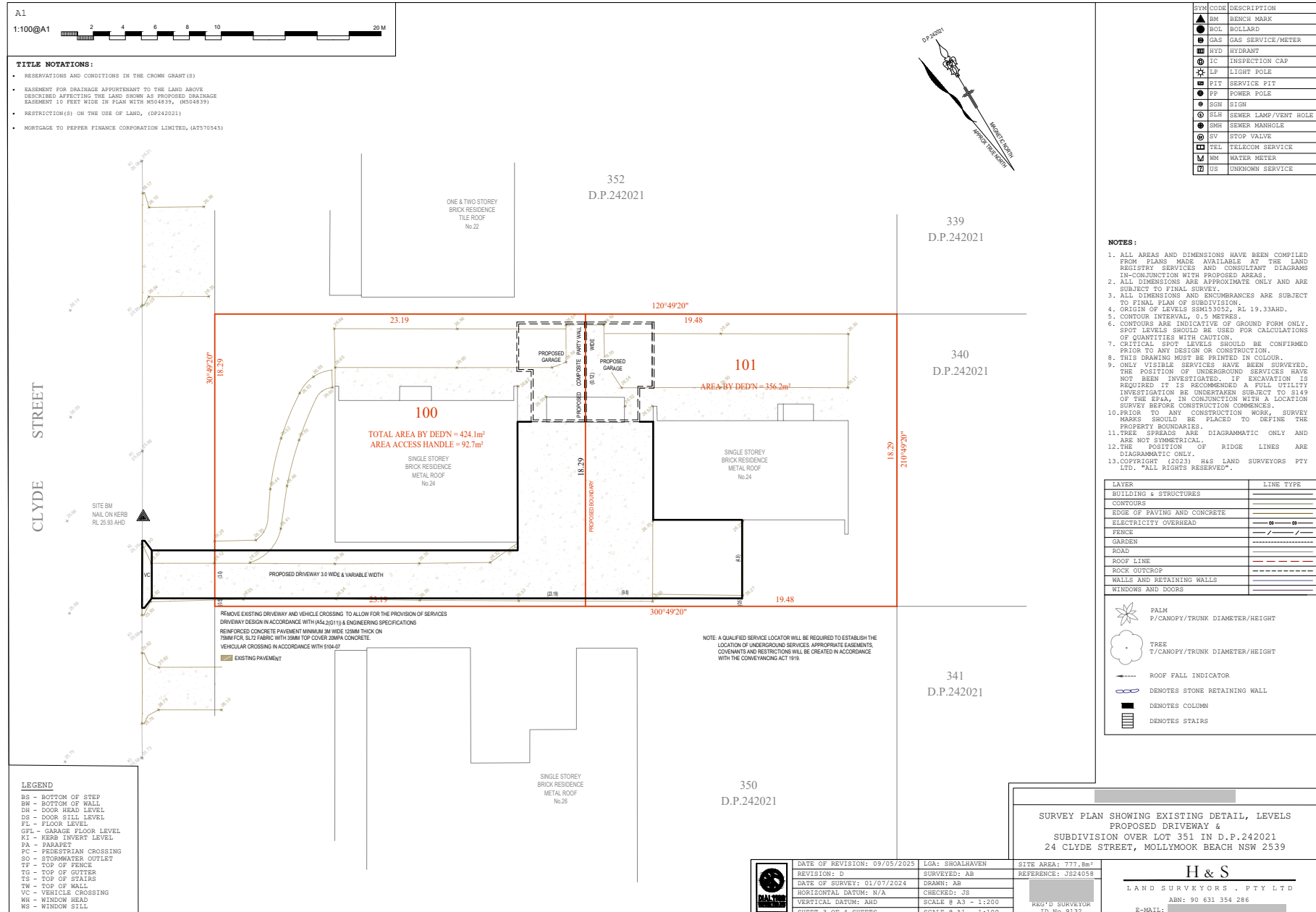
















Alterations and additions to a dual occupancy, demolition,
and subdivision

**Clause 4.6 written request
to vary clause 4.1 of Shoalhaven LEP 2014**

February 2025

Clause 4.6 written request

TABLE OF CONTENTS

1	Introduction	3
2	Site and proposed development	4
2.1	Site	4
2.2	Proposed development – DA 24/1885	4
3	Statutory framework to vary a development standard.....	6
3.1	Relevant planning instrument, zoning and permissibility	6
3.2	Meaning of 'development standard' – section 1.4 of the EPA Act	6
3.3	Varying development standards – Clause 4.6 of SLEP 2014	6
3.4	Section 35B of the EPA Regulation – requirement for a written request	6
4	Development standard to be varied (clause 4.1 of SLEP 2014)	7
4.1	Extent of proposed variation	8
5	Justification for the proposed variation	9
5.1	Compliance is unreasonable or unnecessary (clause 4.6(3)(a))	9
5.2	Environmental planning grounds (clause 4.6(3)(b))	13
6	Conclusion	16

CL25.234 - Attachment 3

Clause 4.6 written request

1 Introduction

This document is in support of development application **DA 24/1885** to Shoalhaven City Council ('Council') for alterations and additions to a dual occupancy, demolition, and a two (2) lot Torrens Title subdivision at 24 Clyde St, Mollymook Beach (Lot 351 DP242021) ('site').

This document is a written request to vary the minimum lot size development standard that applies in this case pursuant to clause 4.1 of Shoalhaven Local Environmental Plan 2014 (SLEP 2014).

This request should be read in conjunction with the Statement of Environmental Effects (SEE) and other supporting documentation submitted with the development application.

CL25.234 - Attachment 3

Clause 4.6 written request

2 Site and proposed development

2.1 Site

The site is located at 24 Clyde St, Mollymook Beach.

The site is legally described as Lot 351 DP242021 and has an area by title of 777.8m².

The site contains an existing dual occupancy development, which was the subject of a building approval under the former *Local Government Act 1919* issued in July 1977 (Approval No. 77/789).

The existing dual occupancies are single storey dwellings attached by a carport and common wall between adjoining storage rooms at the centre of the site. See Figures 1, 2 and 3 below.



Figure 1: Site location (source: Google)



Figure 2: Aerial image of the site (source: Realestate.com)

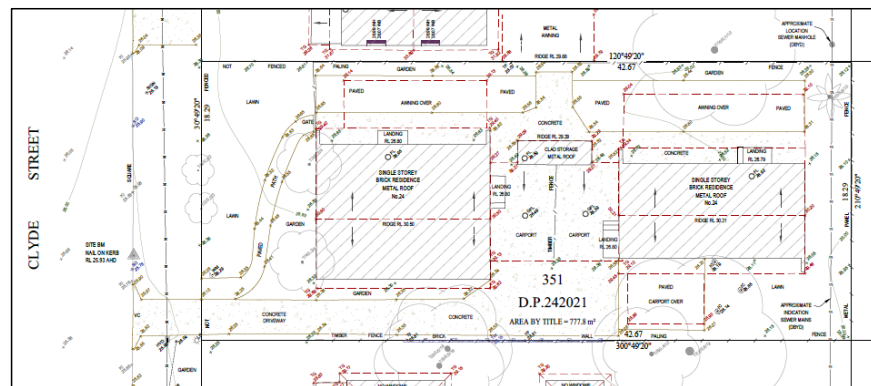


Figure 3: Extract from survey plan of the site (source: H&S Land Surveyors)

2.2 Proposed development – DA 24/1885

The proposed development is the subject of development application DA 24/1885 and is for alterations and additions to the existing dual occupancy, demolition, and a two (2) lot Torrens title subdivision of the land on which the dual occupancy is located.

Clause 4.6 written request

The proposal involves relatively minor building works to enhance the amenity of the existing dual occupancy, with the principal building work being the proposed construction of a garage behind the existing car port (involving demolition of the existing storerooms) to allow the provision of two additional car spaces together with dedicated storage (see Figure 4 below).

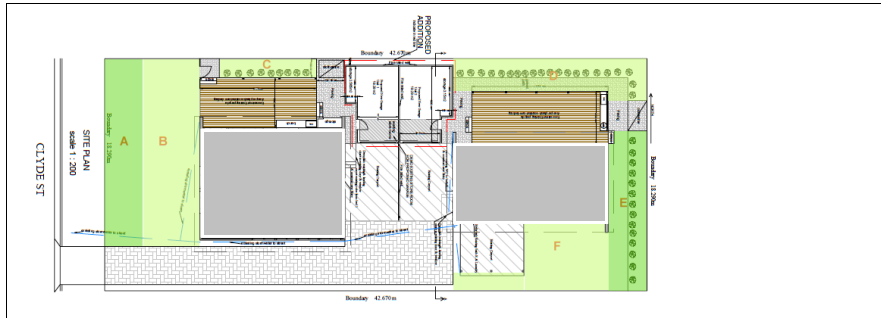


Figure 4: Site plan of the proposed development

As shown by Figure 5 below, the proposed Torrens title subdivision is to subdivide the site into two lots to enable the individual dwellings on those lots to have separate titles:

- Lot 100, the lot at the Clyde Street frontage, is proposed to have an area of 424.1m² (inclusive of an access handle of 92.7m², which will be subject to an easement for access in favour of Lot 101); and
- Lot 101, the lot at the rear of the site is proposed to have an area of 356.2m².

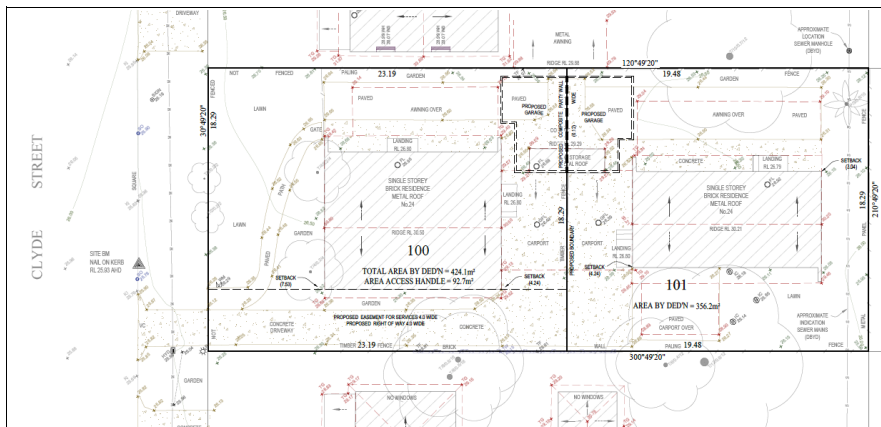


Figure 5: Extract from the proposed plan of subdivision (source: H&S Land Surveyors)

3 Statutory framework to vary a development standard

3.1 Relevant planning instrument, zoning and permissibility

The relevant planning instrument is the Shoalhaven Local Environmental Plan 2014 (SLEP 2014).

The site is zoned R2 Low Density Residential under SLEP 2014.

Dual occupancy is permissible with development consent in the R2 zone.

Subdivision is permissible with development consent pursuant to clause 2.7 of SLEP 2014.

3.2 Meaning of ‘development standard’ – section 1.4 of the EPA Act

The phrase “development standards” is defined in section 1.4(1) of the *Environmental Planning and Assessment Act 1979* (EPA Act) as follows:

“development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of—

(a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,

...

The highlighted part of paragraph (a) of the definition is particularly relevant to this matter. The development standard to be varied in this case, clause 4.1 of SLEP 2014 (see Section 4 of this document), fixes a minimum lot size for subdivision expressed numerically as an area of land, and is therefore a development standard as defined in section 1.4(1) of the EPA Act.

3.3 Varying development standards – Clause 4.6 of SLEP 2014

Clause 4.6 of SLEP 2014 is the relevant mechanism for varying development standards and aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

Clause 4.6(3) allows the consent authority to grant consent to a development that contravenes a development standard if the consent authority is satisfied that the applicant has demonstrated that:

“(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.”

3.4 Section 35B of the EPA Regulation – requirement for a written request

Section 35B of the Environmental Planning and Assessment Regulation 2021 (EPA Regulation) requires that to vary a development standard, an applicant must formally lodge a document (also known as a written request) justifying the variation. This document is a written request and forms part of the package of information lodged with a DA.

Clause 4.6 written request

4 Development standard to be varied (clause 4.1 of SLEP 2014)

The development standard sought to be varied is the minimum subdivision lot size requirement contained in clause 4.1 of SLEP 2014, which states:

- “(1) The objectives of this clause are as follows—
- (a) to ensure that subdivision is compatible with, and reinforces the predominant or historic subdivision pattern and character of, an area,
 - (b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,
 - (c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.
- (4) This clause does not apply in relation to the subdivision of any land—
- (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or
 - (b) by any kind of subdivision under the Community Land Development Act 2021, or
 - (ba) occurring as part of the closure of a public road under Part 4 of the Roads Act 1993.”

(highlight added)

The Lot Size Map forming part of SLEP 2014 shows that a minimum lot size of 500m² applies in this case (see Figure 5 below).



Figure 5: Extract from the SLEP 2014 Minimum Lot Size Map (source: Council)

Clause 4.6 written request

Accordingly, the development standard sought to be varied is the minimum subdivision lot size of 500m² as required by clause 4.1(3) of SLEP 2014

4.1 Extent of proposed variation

As shown by Table 1 below, the proposed subdivision does not meet the minimum subdivision lot size of 500m² required by clause 4.1(3) of SLEP 2014:

- Proposed Lot 100 is below the 500m² minimum, having an area (excluding access handle) of 331.4m² which is a variation of 168.6m² or 33.7%
- Proposed Lot 101 is below the 500m² minimum, having an area (excluding access handle) of 356.2m² which is a variation of 143.8m² or 28.7%

Table 1: Extent of proposed variation

	Minimum lot size required by clause 4.1 (m ²)	Proposed lot size (m ²)	Proposed variation (m ² and percentage)
Proposed Lot 100	500	331.4*	-168.6 (-33.7%)
Proposed Lot 101	500	356.2*	-143.8 (-28.7%)

* Excludes the area of the proposed access handle over Lot 100 of 92.7m²

Clause 4.6 written request

5 Justification for the proposed variation

This Section of the document provides a justification for the proposed variation in accordance with clause 4.6(3) of SLEP 2014, demonstrating that:

- compliance with the minimum subdivision lot size development standard is unreasonable or unnecessary in the circumstances (clause 4.6(3)(a))
- that there are sufficient environmental planning grounds to justify contravening the minimum subdivision lot size development standard (clause 4.6(3)(b))

5.1 Compliance is unreasonable or unnecessary (clause 4.6(3)(a))

The case of *Wehbe v Pittwater Council* [2007] NSWLEC 827 the Court has established a test (known as the '5-part test' or the 'Wehbe test') to demonstrate whether compliance with a development standard is unreasonable or unnecessary. The test may be summarised as follows:

Compliance with the development standard is unreasonable or unnecessary if the:

1. *objectives of the development standard are achieved notwithstanding the non-compliance*
2. *underlying objective or purpose is not relevant to the development*
3. *underlying objective or purpose would be defeated or thwarted if compliance was required*
4. *development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard*
5. *zoning of the land on which the development is proposed was unreasonable or inappropriate.*

The Wehbe test lists 5 ways clause 4.6(3)(a) can be addressed, but as established in *Initial Action Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, the list is not exhaustive. Additionally, an applicant only needs to satisfy at least one part of the Wehbe test, not all 5 parts.

It is submitted that compliance with minimum subdivision lot size is unreasonable or unnecessary in the circumstance of this case for the following reasons:

5.1.1 The objectives of the development standard are achieved notwithstanding the non-compliance

Table 2 below demonstrates how the proposed development achieves the objectives of clause 4.1 of SLEP 2014 despite the numerical departure from the development standard.

Table 2: Objectives of the clause 4.1 minimum subdivision lot size

Objective of clause 4.1	Response
(a) <i>to ensure that subdivision is compatible with, and reinforces the predominant or historic subdivision pattern and character of, an area,</i>	The area surrounding the site is primarily a low density residential area. This area is characterised by mostly detached dwellings, with the occasional dual occupancy, attached dwellings, and multi-dwelling housing (see Figure 6 below this table). The proposed development is the alteration of an existing dual occupancy and is compatible with this character. The predominant pattern of subdivision of the area is that of larger lots. The proposed subdivision of the site into two lots reflects the existing approved development of the site and will not

Clause 4.6 written request

	detract from the predominant pattern of subdivision across the locality.
<i>(b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,</i>	A statement of environmental effects (SEE) accompanies the development application and demonstrates that the proposed development and subdivision will have no adverse impacts on the amenity of neighbouring properties. The proposed development and subdivision will maintain the views, privacy, solar access and general amenity of neighbouring properties.
<i>(c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.</i>	The accompanying SEE demonstrates that the proposed lot sizes and dimensions are able to accommodate development that is consistent with the relevant requirements of SLEP 2014 and Council's development control plan (DCP). The proposed lots will properly accommodate the existing dual occupancy and its proposed alterations and additions. Each proposed lot is able to contain an individual dwelling, together with its associated open space, access and parking, all to a high standard of amenity and in accordance with Council's DCP.



Figure 6: Dual occupancy and medium density housing development in the area (red outline) (map base: SixMaps)

Clause 4.6 written request

5.1.2 The proposed subdivision is consistent with the strategic intent of Clause 4.1A of SLEP 2014

Clause 4.1A is relevant and states:

4.1A Minimum lot sizes for dual occupancies, manor houses, multi dwelling housing, multi dwelling housing (terraces) and residential flat buildings

“(1) The objectives of this clause are as follows—

- (a) to achieve planned residential density in certain zones,*
- (b) to ensure that the area and dimensions of a lot are able to accommodate development that is consistent with the objectives and development controls for dual occupancies, manor houses, multi dwelling housing, multi dwelling housing (terraces) and residential flat buildings,*
- (c) to minimise any likely adverse impact of development on the amenity of neighbouring properties.*

(2) Development consent must not be granted to development on a lot in a zone shown in Column 2 of the Table to this subclause for a purpose shown in Column 1 of the Table opposite that zone, unless the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table.

Column 1	Column 2	Column 3
<i>Dual occupancy (attached)</i>	<i>RU5 Village, R1 General Residential and R2 Low Density Residential</i>	<i>500 square metres</i>
<i>Dual occupancy (detached)</i>	<i>RU5 Village, R1 General Residential and R2 Low Density Residential</i>	<i>700 square metres</i>

...

(3) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.

(4) Despite any other provision of this Plan, a dual occupancy, manor house, multi dwelling housing or multi dwelling housing (terraces) for which development consent has been granted in accordance with this clause may, with development consent, be subdivided into lots of any size to enable the resulting individual dwellings on those lots to have separate titles.”

Clause 4.1 of SLEP 2014 needs to be read in context, together with clause 4.1A. Read together clause 4.1 and 4.1A reveal an intention to facilitate the carrying out of – and the Torrens title subdivision of – certain specified forms of medium density development including dual occupancy.

The clauses operate by controlling the size of the parent lot (i.e. the lot before the subdivision has been carried out) and the “resulting lots” (i.e. the lots after the subdivision has been carried out):

- clause 4.1(3) – the development standard proposed to be varied – restricts the size of “resulting lots”
- clause 4.1A(2) fixes a “parent lot” minimum size standard
- clause 4.1A(4) removes any lot size restriction on the size of “resulting lots” for development “for which development consent has been granted in accordance with this clause”.

Clause 4.6 written request

Clause 4.1A is a bespoke provision, which was inserted into SLEP 2014 by *Shoalhaven Local Environmental Plan 2014 (Amendment No 35)* in August 2020 (replacing a former clause 4.1A which related only to dual occupancies). The “Explanatory Statement” for the Planning Proposal for Amendment No 35 ([link here](#)), prepared by Council, provides insight to the strategic intent of clause 4.1A(4) and states in part (page 2):

“Inevitably most medium density development will be subdivided at some point and it would be unreasonable to not allow this, particularly given that the physical development exists in most cases. If there are limited restrictions for strata and community title subdivision, the inequity of not allowing Torrens subdivision is questioned. There appears to be little point in permitting medium density development in urban areas and not allowing its possible subsequent subdivision under the Torrens system, provided the relevant outcomes are met. As such, this Planning Proposal seeks to lift the restriction on the subdivision of medium density development via the Torrens system.”

(emphasis added)

The Explanatory Statement indicates that the amendment to the SLEP was made to remedy a specific problem – i.e. that subdivisions of dual occupancies were treated differently according to whether they were community title, strata title or Torrens title subdivisions. As noted above, the Explanatory Statement clearly acknowledges that:

- most medium density development such as dual occupancies are “inevitably” subdivided at some point;
- it would be unreasonable to not allow subdivision, particularly in cases where the physical development already exists; and
- where strata and community title subdivision is permitted, there is an inequity in not allowing Torrens subdivision.

The proposed subdivision clearly aligns with the strategic intent of clause 4.1A to permit, subject to the clause objectives, the Torrens title subdivision of dual occupancy development that already exists.

This further establishes that compliance with the minimum subdivision lot size in clause 4.1 is unreasonable in this case.

5.1.3 The proposed subdivision arguably complies with clause 4.1A(4), removing the need to comply with clause 4.1

In addition to the alignment of the proposed development with the strategic intent of clause 4.1A, the compliance of the development with the specific terms of clause 4.1A(4) also provides ground to vary the clause 4.1 development standard. This is because clause 4.1A(4) removes the need for subdivision to comply with the clause 4.1 development standard in certain circumstances.

Clause 4.1A(4) states:

(4) Despite any other provision of this Plan, a dual occupancy, manor house, multi dwelling housing or multi dwelling housing (terraces) for which development consent has been granted in accordance with this clause may, with development consent, be subdivided into lots of any size to enable the resulting individual dwellings on those lots to have separate titles.”

Council staff have indicated a view that the proposed development does not satisfy clause 4.1A(4) however it is argued here that the proposed development satisfies clause 4.1A(4):

- Clause 4.1A(4) provides a complete dispensation from lot size controls for dual occupancy (or other form of development referred to in cl. 4.1A(2)) for which development consent has been granted ‘in accordance with’ clause 4.1A. Clause 4.1A(2) provides that development

Clause 4.6 written request

consent must not be granted to attached dual occupancies in the R2 zone unless 'the area of the lot' (ie the parent lot) is at least 500m² for dual occupancy (attached) and 700m² for dual occupancy (detached). The proposed development which has a site area of some 780m² complies with this provision in either case.

- Clause 4.1A(4) allows development to be subdivided 'into lots of any size to enable the resulting individual dwellings on those lots to have separate titles'. The only restriction is that the development must be one "for which development consent has been granted in accordance with this clause".
- It is understood that Council staff have interpreted the words in clause 4.1A(4) "for which development consent has been granted in accordance with this clause" as limiting the application of clause 4.1A(4) to developments approved since August 2020, when the current form of clause 4.1A(4) was introduced. However, there is no specific provision in the clause limiting subdivisions under clause 4.1A(4) to those granted development consent after the coming into effect of the clause.
- Clause 4.1A(4) refers to development consents "granted in accordance with this clause". The Online Macquarie Dictionary defines 'accordance' as meaning 'agreement or conformity' and 'in accordance with' as meaning 'in line with'. It is relevant that clause 4.1A(4) uses the phrase 'in accordance with' rather than a phrase such as 'pursuant to', which would suggest an intention on the part of the drafter to limit the application of the clause to developments approved pursuant to that specific clause.
- The phrase 'in accordance with' may be taken to import a larger meaning, extending to those developments potentially approved under a different regime, but which nonetheless accord with the control. On this basis and having regard to both the objectives of the clause and the strategic intent (as discussed earlier), there is no reason to distinguish between approvals granted since the commencement of the clause, and those granted prior, but which nonetheless comply with the clause.
- The proposed development complies with the clause. As noted above, the site is a parent lot of sufficient size to comply with the minimum lot size for either attached or detached dual occupancies in the R2 zone under SLEP 2014. In those circumstances, there is nothing about the existing development on the site which does not accord with the requirements of cl. 4.1A(2). Nothing about the existing dual occupancy on the site is otherwise than in agreement or conformity with the requirements of the clause. Were you to make a development application for a dual occupancy on the site in exactly its current form, that application would be in complete accordance or agreement with the requirements of clause 4.1A(2).

It remains open to the consent authority to form the view that clause 4.1A(4) applies in this case and therefore there is no need to vary the minimum lot size development standard in clause 4.1.

Should the consent authority find that clause 4.1A(4) does not apply, it is still submitted that the strategic intent of clause 4.1A remains relevant and is a valid ground on which to find that compliance with the clause 4.1 development standard is unreasonable in this case.

5.2 Environmental planning grounds (clause 4.6(3)(b))

There are sufficient environmental planning grounds to justify a flexible approach to the application of the minimum lot size development standard as it applies to the site.

Clause 4.6 written request

As established in *Initial Action*, the term 'environmental planning grounds', refers to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in section 1.3 of the EPA Act.

5.2.1 Objects of the EPA Act

The objects of the EPA Act as follows:

- "(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment."*

The proposed development aligns with the objects of the EPA Act despite its non-compliance with the minimum lot size control. The proposed development will further objects (c), (d) and (g) in particular:

- Varying the minimum lot size control will allow the subdivision of an existing dual occupancy in an orderly and economic way (object (c)).
- Varying the minimum lot size control will promote the delivery of affordable housing (object (d)) by creating Torrens Title lots for two small dwellings. Council's draft Shoalhaven Affordable Housing Strategy (the draft Strategy) ([link here](#)) identifies housing affordability as a complex problem for the Shoalhaven region with significant community impacts. The draft Strategy specifically identifies *high demand for smaller dwelling sizes and limited existing supply* as a one of several key challenges and issues being faced (see page 16 of the draft Strategy). The proposed subdivision responds to the identified need for small dwelling sizes and will potentially deliver an additional two or three-bedroom dwelling to the Shoalhaven's housing market. Varying the minimum lot size control is therefore likely to have a small, yet positive impact on the delivery of affordable housing consistent with object (d) of the EPA Act
- Varying the minimum lot size facilitates the subdivision of an existing dual occupancy development that demonstrates good design and amenity (object (g)). The subdivision allows the benefits of that good design and amenity to be realised and appropriated through Torrens title.

Clause 4.6 written request

5.2.2 Zone objectives

As addressed in section 5.1.1 of this document, the proposal satisfies the objectives of the clause 4.1 development standard. In addition, the proposal relevantly meets the objectives of the R2 Low Density Residential zone as noted in Table 3 below:

Table 3: Objectives of the R2 Low Density Residential zone

Objective	Response
<i>To provide for the housing needs of the community within a low density residential environment.</i>	The proposed subdivision relates to an existing dual occupancy within a low density residential environment. Notwithstanding the technical noncompliance against clause 4.1 of SLEP 2014, the proposal will create two Torrens title lots, each containing an individual dwelling, consistent with the intent of clause 4.1A of SLEP 2014. The proposed variation of the minimum lot size will allow the proposal to provide for the housing needs of the community, delivering two smaller dwellings at a time of high demand and limited supply as identified in Council's draft Shoalhaven Affordable Housing Strategy.
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	This objective relates to non-residential land uses and is therefore not relevant in this case.
<i>To provide an environment primarily for detached housing and to ensure that other development is compatible with that environment.</i>	Although the existing dwellings are attached, they will continue to remain compatible with nearby detached housing and that local environment. The proposed development is compatible with its context through appropriate built form, open space, landscaping and an overall high standard of amenity.

5.2.3 Site specific grounds

The following site-specific environmental planning grounds justify the proposed variation to the minimum lot size standard:

- The proposed subdivision will not physically change the appearance of the development or the surrounding environment.
- The proposed lot size variation will not result in any adverse impacts on the amenity of neighbouring properties such as overshadowing, view loss or privacy impacts.
- The proposed variation will not result in a development which detracts from the character of the local area and that envisioned for the R2 Low Density Residential zone under SLEP 2014.

Clause 4.6 written request

6 Conclusion

This document has presented a written request to vary the minimum subdivision lot size development standard as it applies to a proposed development for alterations and additions to an existing dual occupancy, demolition, and a two (2) lot Torrens title subdivision of the land at 24 Clyde St, Mollymook Beach (DA24/1885).

The proposed subdivision requires a variation of the minimum subdivision lot size development standard of 500m² contained in clause 4.1 of SLEP:

- Proposed Lot 100 is below the 500m² minimum, having an area (excluding access handle) of 331.4m² which is a variation of 168.6m² or 33.7%
- Proposed Lot 101 is below the 500m² minimum, having an area (excluding access handle) of 356.2m² which is a variation of 143.8m² or 28.7%

Compliance with the minimum subdivision lot size development standard is unreasonable and unnecessary in the circumstances because:

- The objectives of the clause 4.1 development standard are achieved notwithstanding the non-compliance.
- The proposed subdivision is consistent with the strategic intent of clause 4.1A of SLEP 2014 which seeks to enable the Torrens title subdivision of dual occupancies
- The proposed subdivision complies with the minimum 'parent lot' size requirement of 500m² in clause 4.1A (2) of SLEP 2014.
- The proposed subdivision arguably complies with clause 4.1A(4) of SLEP 2014 which removes the need to comply with the clause 4.1 development standard.

Contravention of the development standard is justified on environmental planning grounds in that:

- The proposal will have a small, yet positive impact on the delivery of affordable housing by yielding two small dwellings with separate Torrens title.
- The proposal relates to an existing dual occupancy and subdivision will not change its physical appearance.
- The proposed subdivision will have no impact on the amenity and character of the area, nor will it impact neighbouring properties.

Overall, the request to vary the development standard is well founded and in that it demonstrates in accordance with clause 4.6(3) of SLEP 2014 that:

- compliance with the minimum subdivision lot size development standard is unreasonable and unnecessary in the circumstances, and
- there are sufficient environmental planning grounds to justify the contravention of the development standard.

There are no grounds that warrant maintaining and/or enforcing the numerical lot size standard in this case. Rather, there are reasonable grounds in the circumstances and clear environmental planning merits to allow the request to vary the minimum subdivision lot development standard.

DRAFT NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA2024/1885
Applicant	
Description of development	Alterations and additions to existing dual occupancy and Two (2) lot Torrens Title subdivision
Property	24 Clyde Street Mollymook Beach NSW 2539 Lot 351 DP 242021
Determination	TBA
Date of determination	TBA
Date from which the consent operates	TBA
Date on which the consent lapses	TBA

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for Grant of Consent

- a) The development proposal, subject to the recommended conditions is consistent with:
- i) the objects of the Environmental Planning and Assessment Act, 1979.
 - ii) the aims, objectives and provisions of the applicable environmental planning instruments,
 - iii) the aims, objectives and provisions of applicable development control plans
 - iv) the aims, objectives and provisions of relevant Council policies.
- b) The likely impacts of the proposed development are considered acceptable.
- c) The site is suitable for the proposed development.
- d) Any submissions received during the public notification period have been considered and issues and concerns raised by the community in submissions have been addressed in the assessment.
- e) The proposed development does not conflict with the public interest.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this consent.

Person on behalf of the consent authority

[#Contact Name#]

[#Contact Position#]

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS						
CONDITIONS					REASON	
1.	Approved plans and supporting documentation				To ensure compliance with the approved plans and documents.	
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.					
	Approved Plans					
	Plan Number	Revision Number	Plan Title	Drawn by		Date of Plan
	Page 1 TRIM Ref: D25/103362		Site Plan	Grant Morrow		6 September 2024
	Page 2 TRIM Ref: D25/103362		Floor Plan	Grant Morrow		6 September 2024
	Page 3 TRIM Ref: D25/103362		Elevations and Section	Grant Morrow		6 September 2024
	Page 4 TRIM Ref: D25/103362		Sediment and Erosion Control Plan	Grant Morrow		6 September 2024
	Reference: JS24058, Sheet 1 of 4 (TRIM Ref: D25/215898)	D	Proposed Subdivision Plan – Lot configuration	H&S Land Surveyors		9 May 2025
	Reference: JS24058, Sheet 2 of 4 (TRIM Ref: D25/215898)	D	Proposed Subdivision Plan - Easements	H&S Land Surveyors		9 May 2025
	Reference: JS24058, Sheet 3 of 4 (TRIM Ref: D25/215898)	D	Proposed Subdivision Plan - Internal Driveway	H&S Land Surveyors		9 May 2025
	Reference: JS24058,	D	Proposed Subdivision	H&S Land Surveyors		9 May 2025

Sheet 4 of 4 (TRIM Ref: D25/215898)		Plan – Right of Carriageway detail		
Approved Documents				
Document title	Version number	Prepared by	Date of document	
Section 4.6 Variation	TRIM Ref: D25/102750		February 2025	
BASIX Certificate (Unit 1)	Certificate number: A1778434	Ian Ferguson	18 December 2024	
BASIX Certificate (Unit 2)	Certificate number: A1778439	Ian Ferguson	18 December 2024	
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.				
2.	Existing Infrastructure		To ensure existing infrastructure is accounted for and any damage to infrastructure is suitably repaired.	
	Any required alterations or damage to infrastructure will be at the developer's expense.			
	<i>Note: It is recommended prior to the issue of a Construction Certificate, all infrastructure, existing and proposed, is to be shown accurately on construction plans with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure. This will reduce the potential for unexpected costs and expenses.</i>			
3.	Prescribed Conditions		To ensure compliance with prescribed conditions.	
	The development must comply with Part 4, Division 2, Subdivision 1, of the <i>Environmental Planning and Assessment Regulation 2021</i> , as applicable.			
4.	Shoalhaven Water – Compliance with Conditions		To ensure compliance with Shoalhaven Water requirements.	
	All conditions listed on the Shoalhaven Water Development Notice at each stage of work must be complied with as relevant to that stage. Written notification must be issued by Shoalhaven Water and evidence provided to the Certifier for each applicable stage.			
5.	Scope of Consent		To establish the scope of the development consent.	
	The scope of this consent is limited to only the works proposed in this application, and it does not approve or imply approval of any existing unlawful works that may be present on the site.			

DEMOLITION WORK		
Before Demolition Work Commences		
CONDITIONS		REASON
6.	<p>Demolition - Asbestos Removal</p> <p>Asbestos removal must be carried out in accordance with AS2601-2 SafeWork NSW – Code of Practice, Demolition Work [ISBN 978-0-642-78415-5] and as applicable, by a person holding the relevant licence issued by SafeWork NSW.</p> <p>A licence is not required to remove less than 10m² of non-friable asbestos, provided that the total amount of non-friable asbestos removed from the lot does not exceed 10m².</p> <p>Asbestos must be taken for disposal to the licensed Waste Management Facility identified in the approved Waste Management Plan.</p> <p>Seven days before the commencement of any demolition works involving asbestos, all immediate neighbours must be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and submitted to Council</p> <p>Post asbestos removal and before further work on the site, the following must be submitted to the Certifier:</p> <ul style="list-style-type: none"> a) A clearance certificate issued by a licensed asbestos assessor or competent person as required by the Work, Health and Safety Regulation 2017 for the specific type of asbestos removal work confirming that the area has been cleaned satisfactorily and is safe to be re-occupied for normal use. b) A clearance certificate is required if the removal work involved any quantity of friable asbestos, or if it involved removal of more than a total of 10 square metres of non-friable asbestos from the lot. c) Documentary evidence of the legitimate disposal of all asbestos in the form of tip receipts from an approved waste management facility. 	<p>To ensure demolition works are carried out appropriately.</p>
7.	<p>Demolition - Decommissioning of Services</p> <p>Before demolition work commences:</p>	<p>To ensure services are appropriately decommissioned and capped off where required.</p>

	<p>a) all existing internal sewer drainage pipework must be flushed, disconnected from the existing sewer junction and the sewer junction must be temporarily capped off.</p> <p>b) internal water lines must be disconnected from the existing water meter currently servicing the property.</p> <p>c) the capped off sewer junction and disconnected water lines must be inspected by Shoalhaven Water. For all inspections contact Shoalhaven Water on 4429 3569.</p> <p>The developer must provide the Certifier with evidence of compliance with the above requirements on completion of works.</p>	
8.	<p>Erosion and Sediment Controls – Implementation</p> <p>Before any site work commences, the Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any disturbed areas have been restabilised in accordance with Landcom’s publication Managing Urban Stormwater - Soils and Construction (2004) and approved plans (as amended from time to time).</p>	To ensure appropriate erosion and sediment control measures are in place.
9.	<p>Shoalhaven Water – Application for Certificate of Compliance</p> <p>Before commencement of any works, an application for a Certificate of Compliance must be made with Shoalhaven Water and where required a Water Development Notice is to be obtained.</p> <p>Shoalhaven Water will determine if sewerage and/or water infrastructure and/or easements will be affected by any part of your development including what charges/fees apply. Please visit https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice to make application for a Certificate of Compliance or call (02) 4429 3214 to learn more about applying.</p> <p>Upon the receipt of the application, Shoalhaven Water will assess the development and if required will issue a “Water Development Notice” document detailing all requirements which must be met.</p> <p><i>Note: As water and/or sewerage infrastructure may impact on part/s or all of the development such as building, provision of services, protection of water and/or sewer assets, etc., it is recommended that this application is made as early as possible during the development process.</i></p>	To ensure a Water Development Notice and Certificate of Compliance are obtained.

10.	Waste Management Plan – an approved document of this consent Before the commencement of any site works, a waste management plan for the development must be provided to the Certifier.	To ensure an appropriate waste management plan is provided.
DEMOLITION WORK During Demolition Work		
CONDITIONS		REASON
11.	Demolition - Completion of Works Demolition work, once commenced, must be completed within three (3) months.	To ensure demolition works are completed within an acceptable timeframe.
12.	Demolition - Standards Demolition work must be carried out in accordance with all applicable Australian Standards and SafeWork Code of Practice.	To ensure demolition works are carried out appropriately.
BUILDING WORK Before Issue of a Construction Certificate		
CONDITIONS		REASON
13.	Council Approvals - Evidence A Construction Certificate / Subdivision Works Certificate must not be issued until the Certifier has received notification from, or evidence of, any Council approval that is required before the commencement of building works.	To ensure all required approvals are obtained.
14.	Erosion and Sediment Controls - Erosion and Sediment Control Plan Before issue of a Construction Certificate / Subdivision Works Certificate, an Erosion and Sediment Control Plan (ESCP) and specifications must be prepared in accordance with Landcom's publication Managing Urban Stormwater - Soils and Construction (2004) by a suitably qualified person, (as	To ensure an appropriate Erosion and Sediment Control Plan has been prepared.

	<p>defined in the National Construction Code) to the satisfaction of the Certifier.</p> <p>All plans must include:</p> <ul style="list-style-type: none"> a) Site access location and stabilisation details and restrictions; b) Erosion control locations and types; c) Sediment control locations and types; d) Soil, water and drainage management plans; e) Site rehabilitation details; f) Inspection and maintenance details; g) Identification of existing vegetation and site revegetation to have 70% cover established before plan is decommissioned; h) Existing and final contours (clearly distinguished and adequately annotated); i) Standard construction drawings for proposed soil, water and drainage management measures. j) All implemented measures must ensure that a pollution incident must not occur as defined by the Protection of the Environment Operations Act (POEO). <p>All implemented measures must:</p> <ul style="list-style-type: none"> a) 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. 	
15.	<p>Exterior Materials</p> <p>Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Certifier before the issue of a Construction Certificate.</p>	To ensure colours and materials are appropriate.
16.	<p>Section 68 Application – Water Supply, Sewerage and Stormwater Drainage / Sewage Management Facility</p> <p>Before the issue of a Construction Certificate, an application for water supply, sewerage and stormwater drainage and/or sewage management facility must be approved under section 68 of the <i>Local Government Act 1993</i>.</p>	To ensure relevant approvals are obtained.

<p>17.</p>	<p>Stormwater - Alteration to Existing System Design Standards</p> <p>Before the issue of a Construction Certificate, stormwater plans must be prepared by a Licensed Plumber or a professional engineer, (as defined in the National Construction Code), and submitted to the Certifier.</p> <p>a) Drainage must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> i) Generally in accordance with the approved plans ii) the National Construction Code iii) Council's Engineering Design Specifications iv) Development Control Plan G2 <p>b) Design plans must demonstrate that:</p> <ul style="list-style-type: none"> i) any existing component of the stormwater system to be relied upon has been checked and certified to be in good condition and operating satisfactorily. ii) any component of the existing system not in good condition and /or not operating satisfactorily, will be upgraded and discharged as appropriate for the site conditions. <p>Stormwater from proposed new or altered roof areas may be discharged to the existing site drainage system. Disposal of stormwater from minor roof or paved areas that cannot reasonably be drained by gravity to a public road or registered drainage easement may occur on-site, subject to ensuring no concentration of flows or nuisance to other properties.</p>	<p>To ensure stormwater infrastructure is designed appropriately.</p>
<p>18.</p>	<p>Street Numbering</p> <p>Street numbering must comply with the State Governments Comprehensive Property Addressing System (CPAS), and Council's Property Address Numbering Policy.</p> <p>Street numbering for the development must be as follows:</p> <ul style="list-style-type: none"> - Proposed Lot 100 – 24 Clyde Street - Proposed Lot 101 – 24A Clyde Street <p>The allocated numbers must be shown on the engineering/construction plans with the Construction Certificate / Subdivision Works Certificate. Where plans and details are provided to service suppliers, numbers must be in accordance with the above.</p>	<p>To ensure consistent and appropriate street numbering.</p>

<p>19.</p>	<p>Right of Way - Design Standards (Urban)</p> <p>Before the issue of a Construction Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.</p> <p>The right of way design must comply with the following:</p> <ul style="list-style-type: none"> a) Council's Engineering Design Standard Drawings. b) Centrally placed and constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, 125mm thick on a 75mm compacted fine crushed rock base with minimum: <ul style="list-style-type: none"> i) 3 metre width for access to 1-2 lots, ii) 3.5 metres with for access to 3-4 lots, and iii) 5 metres width for access to 5-6 lots. c) Installation of conduits for services for the full length of the driveway. d) Ensure stormwater runoff is not concentrated on to adjoining lots. <p>Provision of a turning facility suitable for manoeuvring of the Australian Standard 99% design vehicle located at the furthest end of the driveway from the public road.</p>	<p>To ensure road and pavement infrastructure is appropriately designed.</p>
<p>20.</p>	<p>Stormwater – Development Design Standards (Urban)</p> <p>Before the issue of a Construction Certificate, certified engineering design plans, specifications, and DRAINS model (or approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.</p> <p>The stormwater drainage design must comply with the following:</p> <ul style="list-style-type: none"> 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 18.13% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively. c) Generally, in accordance with approved concept stormwater design plan 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 	<p>To ensure stormwater infrastructure is designed appropriately.</p>

	<p>bypass/surcharge in the event of the pipe or pit inlet being 50% blocked.</p> <p>e) The existing stormwater drainage system is to be adjusted to suit the new works. In this regard the following is required:</p> <ul style="list-style-type: none"> i) existing drainage systems through lots draining public roads are to be upgraded where necessary to contain flows in accordance with Council's Engineering Design Specifications - Section D5.04. ii) all relevant calculations are to be noted on the drainage plans to confirm the adequacy of the existing system, or the upgraded design. <p>f) Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site.</p>	
21.	<p>Stormwater - On-Site Detention Design Standards (Infill Subdivision)</p> <p>Before issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.</p> <p>The on-site stormwater detention (OSD) design must comply with the following:</p> <p>a) Designed such that stormwater runoff from the site for design storm events up to and including the 1% AEP does not exceed the pre-developed conditions.</p>	<p>To ensure stormwater infrastructure is designed appropriately.</p>
22.	<p>Stormwater – Internal Charged Lines Design Standards</p> <p>Before the issue of a Construction Certificate, the Certifier must be satisfied that any charged stormwater line on the design plans is to have a flush point installed at the lowest reduced level (RL) into a 450mm x 450mm pit to enable the line to be flushed and prevent blockage.</p>	<p>To ensure stormwater infrastructure is designed appropriately.</p>
<p>SUBDIVISION WORK</p> <p>Before Subdivision Work Commences</p>		
CONDITIONS		REASON
23.	<p>Subdivision Works Certificate</p>	<p>To ensure appropriate building and</p>

	A Subdivision Works Certificate must be obtained from either Council or a certifier before any subdivision work can commence.	subdivision certificates are obtained.
BUILDING WORK Before Building Work Commences		
CONDITIONS		REASON
24.	Appointment of Principal Certifier Before building/subdivision work commences a Principal Certifier must be appointed.	To ensure a Principal Certifier is appointed where required.
25.	Construction Certificate A Construction Certificate must be obtained from either Council or a certifier before any building work can commence.	To ensure a appropriate building certificates are obtained.
26.	Dilapidation Report (Minor) Before the commencement of work, 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 900mm 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. All 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. However, if the occupier or owner of any neighbouring dwelling does not permit reasonable access for the purposes for the preparation of the dilapidation report, written evidence	To ensure a suitable dilapidation report is prepared and the status of existing infrastructure and adjoining structures is recorded prior to the commencement of work.

	<p>of the efforts taken to secure access may be submitted to the Principal Certifier and the Principal Certifier may waive the requirement in relation to the relevant property.</p> <p><i>Note: A dilapidation report can comprise of video footage and photos of adjacent public infrastructure and relevant structures on adjoining properties.</i></p>	
27.	<p>Notice of Commencement</p> <p>Notice must be given to Council at least two (2) days before 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'.</p>	To ensure appropriate notice is given to Council.
28.	<p>Shoalhaven Water – Application for Certificate of Compliance</p> <p>Before commencement of works, an application for a Certificate of Compliance must be made with Shoalhaven Water and where required a Water Development Notice is to be obtained.</p> <p>Shoalhaven Water will determine if sewerage and/or water infrastructure and/or easements will be affected by any part of your development including what charges/fees apply. Please visit https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice to make application for a Certificate of Compliance or call (02) 4429 3214 to learn more about applying.</p> <p>Upon the receipt of the application, Shoalhaven Water will assess the development and if required will issue a "Water Development Notice" document detailing all requirements which must be met.</p> <p><i>Note: As water and/or sewerage infrastructure may impact on part/s or all of the development such as building, provision of services, protection of water and/or sewer assets, etc., it is recommended that this application is made as early as possible during the development process.</i></p>	To ensure a Water Development Notice and Certificate of Compliance are obtained.
29.	<p>Toilet Facilities – Temporary</p> <p>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:</p> <p>a) be a standard flushing toilet connected to a public sewer, or</p>	To ensure suitable toilet facilities are provided.

	<p>b) have an on-site effluent disposal system approved under the <i>Local Government Act 1993</i>, or</p> <p>c) be a temporary chemical closet approved under the <i>Local Government Act 1993</i>.</p>	
30.	<p>Waste Management Plan – an approved document of this consent</p> <p>Before the commencement of site works a waste management plan for the development must be provided to the Certifier for review and approval.</p>	To ensure an appropriate waste management plan is provided.
31.	<p>Works within the Road Reserve – Submissions to Council</p> <p>Before undertaking any works within an existing road reserve, the developer must obtain the consent of Council under section 138 of the <i>Roads Act, 1993</i>.</p> <p>The following details must be submitted to Council as part of the application:</p> <ul style="list-style-type: none"> 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. 	To ensure relevant approvals are obtained.
32.	<p>Driveway – Design Standards (Urban)</p> <p>Prior to the commencement of works in the road reserve, engineering design plans must be prepared by a suitably qualified person and approved by Council. The layback/footpath crossing design must comply with the following:</p> <ul style="list-style-type: none"> a) Council's Engineering Design Standard Drawings. b) Constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, on a 75mm compacted fine crushed rock base with centrally placed slab of minimum 3 metres width and minimum 125mm thick. c) Removal of sufficient width of existing road seal and pavement to allow placing of formwork and 	To ensure road and pavement infrastructure is appropriately designed.

	laying/compaction of suitable pavement material for the driveway layback with a minimum 300mm offset to the kerb lip line.	
33. Erosion and Sediment Controls – Implementation	Before any site work commences, the Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any disturbed areas have been restabilised in accordance with Landcom's publication Managing Urban Stormwater - Soils and Construction (2004) and approved plans (as amended from time to time).	To ensure appropriate erosion and sediment control measures are in place.
BUILDING WORK During Building Work		
CONDITIONS		REASON
34. Acid Sulfate Soils - Unexpected Finds	If acid sulfate soils are encountered during excavation and/or construction works, all work must cease, and Shoalhaven City Council notified immediately. The extent of acid sulfate soil must be evaluated by a qualified environmental consultant with experience in the assessment of acid sulfate soils and a preliminary assessment provided to Council. Council will determine an appropriate response, including if an Acid Sulfate Soils Management Plan is required to be prepared and implemented, before works can recommence.	To ensure acid sulfate soils are appropriately managed.
35. Discovery of relics and Aboriginal objects	<p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ul style="list-style-type: none"> a) the work in the area of the discovery must cease immediately. b) the following must be notified for a relic – the Heritage Council; or c) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. <p>Site work may recommence at a time confirmed in writing by:</p> <ul style="list-style-type: none"> a) for a relic – the Heritage Council; or for an Aboriginal object – the person who is the authority for the protection of 	To ensure the protection of objects of potential significance during works.

	Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.	
36. 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. Earthworks and retaining walls must be constructed as per the approved plans.	To ensure earthworks are appropriately retained.
37. Potentially Contaminated Land - Unexpected Finds	<p>If unexpected, contaminated soil and/or groundwater is encountered during any works:</p> <p>a) all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant.</p> <p>b) the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.</p> <p>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 before recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Shoalhaven City Council before the recommencement of any works.</p> <p>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).</p> <p><i>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).</i></p>	To ensure any detected contaminants are appropriately managed.
38. Site Management - 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.	To ensure site work occurs within appropriate

39.	<p>Proposed changes to hours of construction must be approved by Council in writing.</p> <p>Site Management - Maintenance of Site and Surrounds</p> <p>During works, the following maintenance requirements must be complied with:</p> <ul style="list-style-type: none"> a) All materials and equipment must be stored and delivered wholly within the work site unless an approval to store them elsewhere is held. b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery. d) The developer must maintain the approved soil water management / erosion and sediment control measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised. e) During construction: <ul style="list-style-type: none"> 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. 	<p>construction hours.</p> <p>To ensure the site is maintained in a safe and secure manner.</p>
40.	<p>Site Management - Noise</p> <p>The noise from all site work, demolition and construction activities associated with the approved development must comply with the work practices as outlined in the NSW Department of Environment & Climate Change Interim Construction Noise Guideline. The LAeq noise level measured over a period of not less than 15 minutes During works must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.</p>	<p>To protect the amenity of neighbouring properties.</p>
41.	<p>Stormwater - Overland Flow, Redirecting and/or Concentrating Stormwater</p>	<p>To ensure stormwater is</p>

	<p>All excavation, backfilling and landscaping works must not result in:</p> <ul style="list-style-type: none"> a) any change to the overland stormwater flow path on your property and or a neighbouring property. If any change to the overland flow path occurs on a property, the stormwater runoff must be collected and directed to a legal point of discharge. b) the redirection and/or concentration of stormwater flows onto neighbouring properties. 	appropriately managed.
42.	<p>Soil Management</p> <p>While site work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <ul style="list-style-type: none"> a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the Certifier b) All fill material imported to the site must be: <ul style="list-style-type: none"> i) Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or ii) a material identified as being subject to a resource recovery exemption by the NSW EPA, or iii) a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA. 	<p>To ensure excavated material is appropriately disposed of and all fill material is appropriate for usage on site.</p>
43.	<p>Surveys by a Registered Surveyor</p> <p>While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:</p> <ul style="list-style-type: none"> a) At other stages of construction – any marks that are required by the principal certifier. 	<p>To ensure buildings are sited and positioned in the approved location.</p>
44.	<p>Stormwater - Connections in Road Reserve</p> <p>Before the completion of works, the site supervisor must ensure that stormwater connections between the property</p>	<p>To ensure stormwater connections are</p>

	<p>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.</p> <p><i>Note: A section 138 approval under the Roads Act 1993 will be required for any works within the road reserve.</i></p>	appropriately installed.
<p>BUILDING WORK Before the Issue of an Occupation Certificate</p>		
	CONDITIONS	REASON
45.	<p>BASIX Certificate – Evidence of Completion</p> <p>Before the issue of an Occupation Certificate, documentary evidence prepared by a suitably qualified person must be submitted to the Certifier confirming that all commitments listed in the BASIX Certificate(s) are fulfilled in accordance with Clause 97A of the <i>Environmental Planning and Assessment Regulation 2021</i>.</p>	To ensure compliance with the approved BASIX Certificate.
46.	<p>Colours and Materials</p> <p>The development must be constructed in accordance with the approved schedule of colours and building materials and finishes.</p>	To ensure colours and materials are appropriate.
47.	<p>Completion of Public Utility Services</p> <p>Before the issue of the relevant Subdivision / Strata Certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.</p>	To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.
48.	<p>Dilapidation Report (Minor) – Evidence of Completion</p> <p>Before the issue of a Subdivision / Strata Certificate, the developer must provide the Certifier and Council with evidence that any damage to neighbouring premises or adjacent public infrastructure, not previously identified as</p>	To ensure any damage not previously identified in the Dilapidation

	existing damage in the Dilapidation Report, has been repaired by the developer to the satisfaction of Council.	Report is suitably repaired.
49. Driveway – Evidence of completion	Before the issue of a full Occupation Certificate, all driveway works internal to the site as shown on the approved plans must be completed.	To ensure the completion of the driveway in a timely manner.
50. Letter Boxes	A letterbox structure(s) must be provided and be designed to comply with the requirements of Australia Post, located close to the major pedestrian entry to the site, and built from materials that are non-reflective and blend in with the approved development. <i>Note: Where no roadside delivery service is provided by Australia Post these requirements may be varied subject to the approval of Council.</i>	To ensure compliance with the requirements of Australia Post.
51. Plumbing - Yard Gully	Must be installed as per AS3500.2 – Section 4. A minimum height of 150mm must be maintained between the top of the overflow yard gully riser and the lowest fixture connected to the drain. The height must be measured vertically from the overflow level of the gully riser, or from the invert level of the overflow pipe, to the appropriate point given in National Construction Code. The minimum height between the top of the overflow yard gully riser, or the invert of the overflow pipe, and the surrounding ground surface level must be 75mm, except where the gully riser is located in a path or a paved area where it must be finished at a level so as to prevent the ponding and ingress of water into the drainage system.	To ensure compliance with relevant plumbing controls.
52. Section 68 Approvals – Evidence of Completion	All the conditions under the approval of section 68 of the <i>Local Government Act 1993</i> are to be complied with before the issue of an Occupation Certificate.	To ensure compliance with section 68 approval.
53. Shoalhaven Water – Certificate of Compliance	Before the issue of any Subdivision / Strata Certificate, a Certificate of Compliance under section 307 of the <i>Water Management Act 2000</i> must be obtained from Shoalhaven Water to verify satisfactory compliance with all conditions for the supply of water and sewerage, as listed on the Water Development Notice.	To ensure compliance with Shoalhaven Water requirements.

	If the development is to be completed in approved stages, or application is subsequently made for staging of the development, separate Compliance Certificates must be obtained for each stage of the development.	
54.	Works in the Road Reserve - Evidence of Completion Before the issue of a full Occupation Certificate, the developer must provide the Certifier with a construction inspection ticket / completion of works in road reserve letter provided by Council, confirming compliance with the requirements of section 138 of the <i>Roads Act 1993</i> .	To ensure works in the road reserve are completed appropriately.
BUILDING WORK Occupation and Ongoing use		
CONDITIONS		REASON
55.	Occupation – Satisfaction of Conditions of Consent The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier. If an Occupation Certificate is not required, the use must not commence until all conditions of development consent have been met or other satisfactory agreements have been made with Council (i.e., a security).	To ensure conditions of consent are complied with or other satisfactory arrangement made.
56.	Stormwater- Maintenance of Stormwater Infrastructure The approved stormwater design and any associated on-site detention must be maintained for the life of the development in accordance with the approved documents and maintenance programs.	To ensure stormwater infrastructure is maintained for the life of the development.
SUBDIVISION WORK Before the Issue of a Subdivision Certificate		
CONDITIONS		REASON
57.	Compliance with Conditions of Consent – Approved Development Before the issue of any Subdivision / Strata Certificate, all required conditions of consent for DA2024/1885 must be satisfied and an Occupation Certificate issued for the	To ensure compliance with relevant development consent.

	development. Evidence of the Occupation Certificate must be provided to Council.	
58.	Subdivision / Strata Certificate A Subdivision / Strata Certificate must be obtained from Council or an accredited certifier prior to lodgement of the Final Plan of Survey with NSW Land Registry Services.	To ensure appropriate building and Subdivision Certificates are obtained.
59.	Subdivision - Schedule of Compliance The Subdivision / Strata 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 / Strata Certificate. The schedule must provide evidence of how all relevant conditions of development consent have been fulfilled.	To ensure conditions of consent have been satisfied or other satisfactory arrangements made.
60.	Subdivision – Provision of Utility Services Before the issue of a Subdivision / Strata Certificate, utility services must be provided in accordance with the following: <ul style="list-style-type: none"> 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 <i>Water Management Act 2000</i> 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 Water Development Notice and before 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 	To ensure utilities and services are appropriately provided.

	<p>development, separate Compliance Certificates must be obtained for each stage of the development.</p> <p><i>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 3569.</i></p>	
61.	<p>Restrictions - Existing Easements and Restrictions on Use of Land</p> <p>Before the issue of the Subdivision / Strata Certificate</p> <p>a) all existing easements must be acknowledged on the final subdivision plan.</p> <p>b) all existing restriction on the use of land must be acknowledged on the final subdivision plan.</p>	<p>To ensure easements and restrictions are noted on subdivision plans.</p>
62.	<p>Subdivision - Works as Executed</p> <p>Before the issue of the 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.</p> <p>a) The Works as Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans and comply with the following requirements:</p> <p>b) Council's Development Engineering Construction Specification.</p> <p>c) Show compliance with the approved design plans of all road and drainage works.</p> <p>d) Certify that all storm water pipes, and other services are wholly within an appropriate easement.</p> <p>e) Show the extent, depth and final levels of filling.</p> <p>f) Show any retaining walls including footings and agricultural drainage lines.</p> <p>g) Show the location of all underground service conduits.</p> <p>h) Include all deviations from the approved Civil Engineering Plans.</p>	<p>To ensure works as executed plans are prepared and provided.</p>

63.	<p>Stormwater - Works as Executed</p> <p>Before the issue of a Subdivision Certificate, a Works as Executed Plans and certification must be submitted to the Council by a licenced plumber/ registered surveyor / professional engineer (as defined in the National Construction Code) certifying compliance of all drainage works with the approved design plans and the National Construction Code.</p> <p>The Works as Executed be shown in red on a copy of the approved plans. This plan must verify fulfillment of relevant construction notes, as well as the construction locations, invert levels and sizes of all pipelines.</p> <p>Where the system includes an underground tank, a certificate of structural adequacy must be prepared and provided by a professional engineer (as defined in the National Construction Code).</p>	<p>To ensure works as executed plans are prepared and provided.</p>
64.	<p>Works in the Road Reserve - Evidence of Completion</p> <p>Before the issue of a Subdivision Certificate, the developer must provide the Certifier with a Construction Inspection Ticket / Completion of Works in Road Reserve Letter provided by Council, confirming compliance with the requirements of section 138 of the <i>Roads Act 1993</i>.</p>	<p>To ensure works in the road reserve are completed appropriately.</p>
65.	<p>Driveway - Redundant Driveways and Crossings</p> <p>Before the issue of a Subdivision Certificate all redundant vehicle crossings and lay backs rendered unnecessary by this development must be reconstructed to match the existing the <kerb and gutter / edging of carriageway treatment>. The verge must be appropriately graded, top soiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.</p>	<p>To ensure redundant vehicle crossings and laybacks are appropriately removed.</p>
66.	<p>Restrictions – Easements and Restrictions on Use of Land</p> <p>An Instrument must be prepared under section 88B of the <i>Conveyancing Act 1919</i> which will provide for the following Restrictions on the land when the subdivision is registered:</p> <p>Easements must be provided where and as required for inter-allotment services, drainage and sewerage. a minimum 1m wide easement to drain water must be created over any encroaching drainage pipes.</p>	<p>To ensure restrictions and easements are registered on the title of the land where required.</p>

	<p>a) A minimum 1m wide easement for services must be created over any encroaching utility service.</p> <p>b) where there is a shared access or common driveway, reciprocal rights of carriageway must be provided inclusive of any maintenance responsibilities and financial apportionments, where necessary.</p> <p>c) where there is shared infrastructure, landscaping, structures, and the like, arrangements must be made for access and maintenance.</p> <p>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.</p> <p>The Instrument must not contain any restriction that prohibits development on the site allowed under the relevant environmental planning instruments.</p> <p>A draft 88B Instrument must be submitted to the Certifier for approval before a Subdivision Certificate is issued.</p>	
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General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation, and other legislation. Some of these additional obligations are set out in the Conditions of development consent: advisory notes. The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a Construction Certificate or Subdivision Works Certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this consent (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction Certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means Shoalhaven City Council.

Court means the NSW Land and Environment Court.

EPA means the NSW Environment Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation Certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater
- the reuse of stormwater
- the detention of stormwater
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata Certificate means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.